

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

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

A Bill

HOUSE BILL 2617

5 By: Representative Bond
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO THE
10 ARKANSAS CODE OF 1987 ANNOTATED; AND FOR OTHER
11 PURPOSES.
12

Subtitle

14 AN ACT TO MAKE VARIOUS CORRECTIONS TO
15 THE ARKANSAS CODE OF 1987 ANNOTATED.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 2-1-202(a) is amended to read as follows to
21 correct a discrepancy in the number of members on the Arkansas Young and
22 Beginning Farmer Advisory Board:

23 (a) The Arkansas Young and Beginning Farmer Advisory Board shall
24 consist of ~~twenty-two (22) members~~ members appointed under § 2-1-203 who are
25 residents and electors of this state.
26

27 SECTION 2. Arkansas Code § 2-3-106(b)(1) is amended to read as follows
28 to delete obsolete references to chancery courts:

29 (b)(1) Upon receiving notice under subsection (a) of this section, or
30 otherwise in his or her discretion, the Attorney General shall institute an
31 action in the ~~Circuit Court or Chancery Court of Pulaski County~~ Pulaski
32 County Circuit Court or in the circuit ~~or chancery~~ court of any county in
33 which any portion of the agricultural land acquired or held in violation of §
34 2-3-103 is located.
35

36 SECTION 3. Arkansas Code § 4-57-106 is repealed due to its having been



1 held repealed by implication in Henslee v. Madison Guar. Sav. & Loan Ass'n,
 2 297 Ark. 183, 760 S.W.2d 842 (1989):

3 ~~4-57-106. Usurious bonds, bills, conveyances, etc., void.~~
 4 ~~All bonds, bills, notes, assurances, conveyances, and all other contracts or~~
 5 ~~securities whatever, whereupon there is reserved, taken, or secured, or~~
 6 ~~agreed to be taken or reserved, any greater sum or greater value for the loan~~
 7 ~~or forbearance of any money, goods, things in action, or any other valuable~~
 8 ~~thing than is prescribed in §§ 4-57-102, 4-57-104, and 4-57-105 shall be~~
 9 ~~void.~~

10
 11 SECTION 4. Arkansas Code § 4-57-107 is repealed due to its having been
 12 held repealed by implication in Henslee v. Madison Guar. Sav. & Loan Ass'n,
 13 297 Ark. 183, 760 S.W.2d 842 (1989):

14 ~~4-57-107. Usurious contracts, liens, and conveyances.~~

15 ~~(a)(1) Every lien created or arising by mortgage, deed of trust, or~~
 16 ~~otherwise on real or personal property to secure the payment of a contract~~
 17 ~~for a greater rate of interest than the applicable rate of interest~~
 18 ~~prescribed by Arkansas Constitution, Article 19, § 13, either directly or~~
 19 ~~indirectly, and every conveyance made in furtherance of any such lien, is~~
 20 ~~void.~~

21 ~~(2) Every usurious lien or conveyance may be cancelled and~~
 22 ~~annulled at the suit of the maker of the usurious contract, or his or her~~
 23 ~~vendees, assigns, or creditors.~~

24 ~~(b)(1) The maker of a usurious contract may by suit in equity against~~
 25 ~~all parties asserting rights under the usurious contract have the contract~~
 26 ~~and any mortgage, pledge, or other lien, or conveyance executed to secure the~~
 27 ~~performance of the usurious contract annulled and cancelled, and any~~
 28 ~~property, real or personal, embraced within the terms of the lien or~~
 29 ~~conveyance, delivered up if in possession of any of the defendants in the~~
 30 ~~action and, if the property is in the possession of the plaintiff, provision~~
 31 ~~shall be made in the decree in the case removing the cloud of the usurious~~
 32 ~~lien and conveyances made in furtherance thereof from the title to the~~
 33 ~~property.~~

34 ~~(2) Any person who may have acquired the title to, or an~~
 35 ~~interest in, or lien upon the property by purchase from the makers of the~~
 36 ~~usurious contract, or by assignment or by sale under judicial process,~~

1 mortgage, or otherwise, either before or after the making of the usurious
 2 contract, may bring his or her suit in equity against the parties to the
 3 usurious contract and anyone claiming title to the property by virtue of the
 4 usurious contract, or may intervene in any suit brought to enforce the lien,
 5 or to obtain possession of the property under any title growing out of the
 6 usurious contract, and shall by proper decree have the mortgage, pledge, or
 7 other lien, or conveyance made in furtherance thereof, cancelled and annulled
 8 insofar as the mortgage, pledge, or other lien, or conveyance made in
 9 furtherance thereof, is in conflict with the rights of the plaintiff in the
 10 action.

11 ~~(3) Any creditor whose debtor has given a lien by mortgage,~~
 12 ~~pledge, or otherwise on real or personal property subject to execution to~~
 13 ~~secure the payment of a usurious contract may bring his or her suit in equity~~
 14 ~~against the parties to the usurious contract and recover judgment for his or~~
 15 ~~her debt against the debtor, and a decree cancelling and annulling the~~
 16 ~~usurious lien, and directing the sale of the property to satisfy the~~
 17 ~~plaintiff's judgment and costs, and any surplus that may remain after~~
 18 ~~satisfying the plaintiff's judgment shall be paid to the debtor.~~

19 ~~(c) Neither the maker of a usurious contract nor his or her vendees,~~
 20 ~~assigns, or creditors, or any other person who may have or claim an interest~~
 21 ~~in any property embraced within the terms of the usurious contract, shall be~~
 22 ~~required to tender or pay any part of the usurious debt or interest as a~~
 23 ~~condition of having the contract, and any conveyance, mortgage, pledge, or~~
 24 ~~other lien given to secure its payments or executed in furtherance thereof,~~
 25 ~~enjoined, cancelled, and annulled, and any rule of law, equity, or practice~~
 26 ~~to the contrary is abrogated.~~

27
 28 SECTION 5. Arkansas Code § 5-14-112 is amended to read as follows to
 29 conform to Code style:

30 (a) A person commits indecent exposure if, ~~with the purpose to arouse~~
 31 ~~or gratify the sexual desire of the person or of any other person,~~ he or she
 32 exposes his or her sex organs with the purpose to arouse or gratify his or
 33 her sexual desire or the sexual desire of any other person:

- 34 (1) In a public place or in public view; or
- 35 (2) Under circumstances in which ~~the person~~ he or she knows the
- 36 conduct is likely to cause affront or alarm.

1 (b)(1) Indecent exposure is a Class A misdemeanor.

2 (2)(A) If the indecent exposure is committed against a person
 3 under the age of fifteen (15) years, a second or subsequent offense of
 4 indecent exposure against a person under the age of fifteen (15) years shall
 5 be a Class D felony.

6 (B) Subdivision (b)(2)(A) of this section shall not apply
 7 if the actor is under the age of eighteen (18) years at the time of the
 8 offense.

9
 10 SECTION 6. Arkansas Code § 5-42-201 is amended to read as follows:
 11 5-42-201. Citation.

12 This subchapter shall be known ~~and~~ as the “Arkansas Criminal Use of
 13 Property ~~and/or~~ or Laundering Criminal Proceeds Act”.

14
 15 SECTION 7. Arkansas Code § 5-42-202 is amended to read as follows:
 16 5-42-202. General legislative findings, declarations, and intent.

17 (a) The General Assembly ~~of the State of Arkansas~~ finds that the State
 18 of Arkansas is experiencing an increase in crime committed by criminal gangs,
 19 organizations, or enterprises. These criminal gangs, organizations, or
 20 enterprises support themselves by engaging in criminal activity for profit,
 21 most commonly through the distribution of controlled substances and by theft
 22 of property.

23 (b) The General Assembly ~~of the State of Arkansas~~ further finds that
 24 with increasing frequency criminals are using sophisticated means of
 25 concealing criminal proceeds and in most cases moving criminal proceeds out
 26 of Arkansas. In order to reap the rewards of their criminal conduct,
 27 criminals must conceal the source of the criminal proceeds and the identity
 28 of the individuals who work to obtain the criminal proceeds. They convert the
 29 criminal proceeds to property or assets that appear to have come from a
 30 legitimate source. Often they must maintain the property or assets in
 31 another person’s name. This also helps them to avoid detection,
 32 identification, and seizure. While individual criminals launder their
 33 criminal proceeds, this is particularly common among members and associates
 34 of criminal gangs, organizations, and enterprises. There is strong evidence
 35 that this increased sophistication is due largely to contact with other
 36 criminal gangs, organizations, or enterprises from other states.

1 (c) The General Assembly ~~of the State of Arkansas~~ further finds that
 2 we cannot afford to allow millions of dollars in untaxed criminal proceeds to
 3 be taken from the state's economy each year.

4 (d) The intent of the General Assembly ~~of the State of Arkansas~~ is to
 5 enact penalties that will ~~deter and punish the criminal use of property~~
 6 ~~and/or the laundering of criminal proceeds, and facilitate the investigation~~
 7 ~~thereof.;~~

8 (1) Deter and punish the criminal use of property or the
 9 laundering of criminal proceeds; and

10 (2) Facilitate the investigation of the criminal use of property
 11 or the laundering of criminal proceeds.

12
 13 SECTION 8. Arkansas Code § 5-42-204 is amended to read as follows:

14 5-42-204. Criminal use of property ~~and/or~~ or laundering criminal
 15 proceeds.

16 (a) A person commits the offense of criminal use of property ~~and/or~~ or
 17 laundering criminal proceeds when he or she knowingly:

18 (1) Conducts, or attempts to conduct, a transaction involving
 19 criminal proceeds which were derived from any predicate criminal offense, or
 20 which were represented to be criminal proceeds from any predicate criminal
 21 offense, with the intent to:

22 (A) Conceal the location, source, ownership, or control of
 23 the criminal proceeds; ~~or~~

24 (B) Avoid a reporting requirement under state or federal
 25 law; or

26 (C) Acquire any interest in the criminal proceeds; or

27 (2) Uses, or makes available for use, any property in which he
 28 or she has any ownership or lawful possessory interest to facilitate a
 29 predicate criminal offense.

30 (b) Any person who is guilty of criminal use of property ~~and/or~~ or
 31 laundering criminal proceeds commits a Class C felony.

32 (c)(1) Upon conviction, the prosecuting attorney may institute a civil
 33 action against any person who violates this section to obtain a judgment
 34 against all persons who violate this section, jointly and severally, for
 35 damages in an amount equal to property, funds, or monetary instruments
 36 involved in the violations as well as the proceeds acquired by all persons

1 involved in the enterprise or by reason of conduct in furtherance of the
 2 violation, together with costs incurred for resources and personnel used in
 3 the investigation and prosecution of both criminal and civil proceedings.

4 (2) The standard of proof in actions brought under this ~~section~~
 5 subsection is preponderance of the evidence.

6 (3) The procedures for forfeiture and distribution in the asset
 7 forfeiture law, § 5-64-505, shall apply.

8 (4) Defendants in civil actions brought under this subsection
 9 shall be entitled to trial by jury.

10 (d)(1) An attorney who represents a criminal defendant or person ~~whom~~
 11 who he or she reasonably believes may become a criminal defendant may not be
 12 prosecuted for receiving payment for services rendered to a person whom he or
 13 she represents in a criminal proceeding or in dealing with matters that might
 14 reasonably become the subject of a criminal proceeding.

15 (2) Should a court deny a motion to dismiss, a licensed attorney
 16 may maintain this as a defense at trial.

17 (3) ~~Furthermore, no~~ No such payments may be seized from the
 18 attorney if they were received for services rendered pursuant to prosecution
 19 under this section, unless a court of competent jurisdiction determines after
 20 a hearing that seizure of ~~said~~ the property is necessary for prosecution of
 21 any criminal matter and is not protected by any applicable privilege.

22
 23 SECTION 9. In order to correct an error, Arkansas Code § 6-13-
 24 1603(a)(2)(A) is amended to read as follows:

25 (2)(A) Any school district on the consolidation list choosing to
 26 voluntarily administratively consolidate or annex shall submit a petition for
 27 approval to the State Board of Education by April 1 immediately following
 28 publication of the list and shall set forth the terms of the administrative
 29 consolidation or annexation agreement in the ~~plan~~ petition.

30
 31 SECTION 10. In order to correct an error, Arkansas Code § 6-15-2101(c)
 32 is amended to read as follows:

33 (c) The annual report shall designate two (2) category levels for each
 34 school, one (1) for the school's improvement gains, tracked longitudinally
 35 and using value-added calculations on the criterion-referenced test as
 36 defined in § 6-15-404(g)(1), in the latest available test results, known as

1 the annual improvement category level, and one (1) based on performance from
 2 the prior year on the criterion-referenced test, as defined in § 6-15-
 3 404(g)(1), and end-of-course examinations, hereafter referred to as annual
 4 performance pursuant to § 6-15-2103. If the criterion-referenced test is not
 5 in compliance with § 6-15-404(g)(1), then the department shall rely on other
 6 assessments as defined in § 6-15-404(g)(1) ~~test~~ for the calculation of the
 7 improvement level.

8
 9 SECTION 11. In order to officially name the office, Arkansas Code § 6-
 10 17-310(a)(1) is amended to read as follows:

11 (a)(1) There is established within the Department of Education ~~an~~
 12 ~~office for the purpose of teacher recruitment~~ the Office for the Purpose of
 13 Teacher Recruitment for ensuring that the children of our state are taught by
 14 highly qualified professionals.

15
 16 SECTION 12. In order to clarify what department is meant, Arkansas
 17 Code § 6-17-811(c) is amended to read as follows:

18 (c) The ~~department~~ Department of Education shall:

19 (1) Monitor the implementation of the incentive program
 20 established by this section; and

21 (2) Collect data to be used to evaluate the incentive program's
 22 effectiveness.

23
 24 SECTION 13. In order to clarify the subdivisions, Arkansas Code § 6-
 25 25-103(a)(1)(C)-(E) are amended as follows:

26 (C) Provide learning opportunities related to new
 27 technologies, use, and production of a variety of media formats; and

28 (D)(i) Provide instruction in the use of the library media
 29 ~~center; and~~ center.

30 ~~(E)~~ (ii) Elementary class sessions for a library
 31 media specialist shall be limited as provided under subdivision (b)(1) of
 32 this section;

33
 34 SECTION 14. In order to update the subdivision, Arkansas Code § 6-51-
 35 213(c)(3) is amended to read as follows:

36 (3) The records of the director as far as they pertain to the

1 provisions of this act shall be kept in his or her office ~~in the Capitol of~~
 2 ~~the state.~~

3
 4 SECTION 15. In order to correct an error, Arkansas Code § 6-51-614(a)
 5 is amended to read as follows:

6 (a) The State Board of Private Career Education, acting by and through
 7 the director, shall have the authority to refuse to issue a school license,
 8 to place on probation, or to revoke a school license theretofore issued.

9
 10 SECTION 16. In order to update the subdivision, Arkansas Code § 6-82-
 11 401(4) is amended to read as follows:

12 (4) "~~Division~~ Department" means the Department of Workforce
 13 Education;

14
 15 SECTION 17. Arkansas Code Title 8, Chapter 6, Subchapter 5 is repealed
 16 because it consists of temporary language the effectiveness of which has
 17 expired:

18 ~~8-6-501. Title.~~
 19 ~~This subchapter shall be known and may be cited as the "Illegal Dump~~
 20 ~~Eradication and Corrective Action Program Act".~~

21
 22 ~~8-6-502. Purpose.~~
 23 ~~It is the purpose of this subchapter to set forth the policy of the state to~~
 24 ~~eliminate the illegal dumping of solid waste and to provide a means of~~
 25 ~~funding the program. This subchapter defines illegal dumps and establishes~~
 26 ~~elimination proceedings and provides a mechanism for funding.~~

27
 28 ~~8-6-503. Definitions.~~
 29 ~~As used in this subchapter, unless the context otherwise requires:~~

30 (1) ~~"Commission" means the Arkansas Pollution Control and~~
 31 ~~Ecology Commission;~~

32 (2) ~~"Department" means the Arkansas Department of Environmental~~
 33 ~~Quality;~~

34 (3) ~~"Director" means the Director of the Arkansas Department of~~
 35 ~~Environmental Quality;~~

36 (4) ~~"Illegal dump" means any place at which solid waste is~~

1 placed, deposited, abandoned, dumped, or otherwise disposed of in a manner
 2 that is prohibited by this subchapter or other statutes, rules, or
 3 regulations, and which constitute one (1) of and/or any of the following:

4 (A) An attractive nuisance;

5 (B) A fire, health, or safety hazard;

6 (C) A potential source of surface and/or groundwater
 7 contamination; or

8 (D) Other contamination that is hazardous to the public
 9 health or endangers the environment;

10 (5) "Illegal dumping of solid waste" means the illegal placing,
 11 depositing, dumping, or causing to be placed, deposited, or dumped by any
 12 person any solid waste that is prohibited by this chapter:

13 (A) In or upon any public or private highway or road,
 14 including any portion of the right of way thereof;

15 (B) In or upon any private property into or upon which the
 16 public is admitted by easement or license or any private property;

17 (C) In or upon any public park or other public property,
 18 other than the property designated or set aside for such purpose by the
 19 governing board or body having charge thereof; or

20 (D) Upon any property for which a permit has not been
 21 issued by the department;

22 (6) "Illegal dumps control officer" means an individual employed
 23 by a duly authorized regional solid waste management district within this
 24 state, a county government within this state, or a pollution control
 25 inspector or other authorized representative of the department who is
 26 empowered to ensure compliance with the provisions of this subchapter;

27 (7) "Landfill" means all landfills permitted under the Arkansas
 28 Solid Waste Management Act, § 8-6-201 et seq., except those landfills where a
 29 private industry bears the expense of operating and maintaining the landfill
 30 solely for the disposal of wastes generated by the industry or wastes of a
 31 similar kind or character;

32 (8) "Person" means any individual, corporation, company, firm,
 33 partnership, association, trust, state agency, government instrumentality or
 34 agency, institution, county, city, town, municipal authority, or trust,
 35 venture, or other legal entity, however organized; and

36 (9) "Solid waste" means any garbage or refuse, sludge from a

1 wastewater treatment plant, water supply treatment plant, or air pollution
 2 control facility, and other discarded material, including solid, liquid,
 3 semisolid, or contained gaseous material resulting from industrial,
 4 commercial, mining, and agricultural operations and from community
 5 activities, but does not include solid or dissolved materials in domestic
 6 sewage or solid or dissolved materials in irrigation return flows or
 7 industrial discharges that are point sources subject to permit under 33
 8 U.S.C. § 1342, or source, special nuclear, or by-product material as defined
 9 by the Atomic Energy Act of 1954.

10
 11 ~~8-6-504. Illegal Dump Eradication and Corrective Action Program.~~

12 ~~(a)(1) Effective July 1, 1997, and annually thereafter, and in~~
 13 ~~accordance with provisions set forth in § 8-6-1001 et seq., the Arkansas~~
 14 ~~Department of Environmental Quality shall ensure that an apportionment not to~~
 15 ~~exceed one million dollars (\$1,000,000) per fiscal year of the Landfill Post-~~
 16 ~~Closure Trust Fund shall be allocated from the moneys deposited in the fund~~
 17 ~~to be utilized by the department to administer and enforce the Illegal Dump~~
 18 ~~Eradication and Corrective Action Program, pursuant to the provisions of this~~
 19 ~~subchapter.~~

20 ~~(2)(A) The program shall be administered by the department.~~

21 ~~(B) The moneys earmarked for the program shall be used by~~
 22 ~~the department to fund specific abatement projects or cleanup actions and~~
 23 ~~activities and shall also be used by the department for administrative~~
 24 ~~activities, which shall include, but not be limited to, illegal dumping and~~
 25 ~~dumps education, enforcement actions, and the administration of the program,~~
 26 ~~pursuant to this subchapter.~~

27 ~~(b) The allocation of funding shall be used if the Director of the~~
 28 ~~Arkansas Department of Environmental Quality determines that the illegal dump~~
 29 ~~owner or operator cannot be located or the director determines that an~~
 30 ~~emergency exists necessitating immediate corrective action.~~

31 ~~(c) The allocation of funding shall not be used to compensate third~~
 32 ~~parties for damages to property caused by the contamination for the illegal~~
 33 ~~dumping of solid waste.~~

34 ~~(d) The apportionment authorized by this subsection shall terminate~~
 35 ~~five (5) years from March 31, 1997, and the program shall receive no funds~~
 36 ~~from the fund beyond that date.~~

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~~8-6-505. Proceedings generally.~~

~~(a) Any government official or employee or any person who has knowledge of or information of the illegal dumping of solid waste on any public or private property in this state may file a complaint thereof in the county court of the county in which the illegal dumping of solid waste has taken place or in the county of residence of the person who is accused of being liable for the illegal dumping of the solid waste.~~

~~(b)(1) Upon the filing of a verified complaint, noting on the complaint the person against whom the claim is filed, the county court shall enter a temporary order directing that the accused person remove from the described public or private property the solid waste that has been illegally dumped on the property and properly dispose of the solid waste within ten (10) days from the date of the order.~~

~~(2) The sheriff of the county shall serve the order.~~

~~(3) Upon the order being served, the accused party shall remove the solid waste in question from the public or private property as described in the order.~~

~~(4) If the person wishes to challenge the order, the person may file a petition challenging the order with the court within ten (10) days from the date the order is served.~~

~~(c)(1) Upon the filing of a petition challenging the order, the court shall hold a hearing on it within fourteen (14) days after the filing of the petition and shall serve notice upon the accusing party and upon the accused.~~

~~(2) At the hearing, which may be continued from time to time as determined by the county court, the court shall hear all evidence and testimony and, after hearing it, shall enter an order either dismissing the original or temporary order or making the order permanent.~~

~~(3) The parties represented at the hearing may be represented by counsel.~~

~~(d)(1) If the order is made permanent, the accused party shall, within ten (10) days thereafter, cause the solid waste which has been illegally dumped on private or public property to be removed therefrom and disposed of properly.~~

~~(2)(A) If, after ten (10) days from the date of the order, the person against whom the order is directed has not removed the solid waste~~

1 from the public or private property and properly disposed of it as noted in
2 the order, the governmental agency or the owner of the property may cause it
3 to be moved and shall file with the county court a verified statement in
4 writing of the cost of removal.

5 (B) After reviewing the statement, if the court determines
6 it to be reasonable, the court shall enter an order upon the judgment docket
7 of the county court of the amount thereof, which shall be a judgment against
8 the party against whom the judgment was issued and may be enforced as any
9 other judgment.

10 (c) Any party aggrieved by any order of the county court under this
11 subchapter may appeal therefrom to the circuit court, and the circuit court
12 shall try the cause de novo.

13
14 ~~8-6-506. Criminal, civil, and administrative penalties.~~

15 In addition to the proceedings described in § 8-6-505, every person convicted
16 of a violation of this subchapter shall be subject to the criminal, civil, or
17 administrative penalties as specified in § 8-6-204.

18
19 ~~8-6-507. Consequences of unpaid fines and costs.~~

20 (a) In all convictions for violations of the provisions of this
21 subchapter when the fine and costs are not paid, the person convicted shall
22 be subject to administrative or civil enforcement action.

23 (b) Sanctions may include administrative, civil, or criminal penalties
24 as provided in the Arkansas Solid Waste Management Act, § 8-6-201 et seq.

25
26 ~~8-6-508. Enforcement generally.~~

27 (a)(1) Illegal dumps control officers are hereby empowered to ensure
28 compliance with the provisions of this subchapter by having the right and
29 duty to:

30 (A) Inspect suspected illegal dumps;

31 (B) Collect evidence of open dumping and present the
32 evidence to the prosecuting attorney or a court of competent jurisdiction
33 where the offense was committed; and

34 (C) Issue and serve citations for violations of provisions
35 of the Arkansas Solid Waste Management Act, § 8-6-201 et seq., prohibiting
36 illegal dumping, subject to exemptions under § 8-6-205 and the agricultural

1 ~~exemptions under § 8-6-509.~~

2 ~~(2) Citations issued by illegal dumps control officers shall be~~
3 ~~filed in any court having jurisdiction in the county where the offense is~~
4 ~~committed.~~

5 ~~(3) Citations may be served in person or by mailing a copy of~~
6 ~~the citation by certified mail, restricted delivery, to either the address~~
7 ~~obtained from evidence collected from the illegal dump or to the person's~~
8 ~~last known address. Persons receiving citations shall appear before the court~~
9 ~~named within the citation at the time designation therein.~~

10 ~~(4) Courts having jurisdiction over citations issued by illegal~~
11 ~~dumps control officers may issue penalties as specified in § 8-6-204(a).~~

12 ~~(b) All illegal dumps control officers shall be licensed and certified~~
13 ~~in accordance with § 8-6-901 et seq.~~

14 ~~(c) Illegal dumps control officers shall not have powers of arrest.~~

15
16 ~~8-6-509. Agricultural operations.~~

17 ~~(a) Any place at which agricultural gleanings and crop residue~~
18 ~~resulting from operations of farms, grain elevators, cotton gins, and similar~~
19 ~~industries are being land applied according to current management practices~~
20 ~~of such industries or the agricultural community and with the consent of the~~
21 ~~landowner is not an illegal dump; and~~

22 ~~(b) Any landowner who disposes of solid waste on the property on which~~
23 ~~waste results from such agricultural or farming operations or household~~
24 ~~operations and such disposal does not constitute a fire, health, or safety~~
25 ~~hazard to the public.~~

26
27 ~~8-6-510. Effectiveness of regulations and orders.~~

28 ~~None of the provisions of this subchapter are intended to supersede any~~
29 ~~of the reuse, recycling, or fill provisions of state law of Regulation 22 of~~
30 ~~the Solid Waste Management Division of the Arkansas Department of~~
31 ~~Environmental Quality.~~

32
33 SECTION 18. Arkansas Code § 8-6-1002(a) is amended to read as follows
34 to remove from the subsection temporary language the effectiveness of which
35 has expired:

36 (a)(1) There is established on the books of the Treasurer of State,

1 the Auditor of State, and the Chief Fiscal Officer of the State a trust fund
2 to be known as the "Landfill Post-Closure Trust Fund".

3 (2) In addition to all moneys appropriated by the General
4 Assembly to the fund, there shall be deposited in the fund all landfill
5 disposal fees collected pursuant to this subchapter and any moneys received
6 by the state as a gift or donation to the fund or any federal moneys
7 designated to enter the fund and all interest earned upon moneys deposited in
8 the fund.

9 (3) Moneys received into the fund may also be used by the
10 Arkansas Department of Environmental Quality for administrative purposes at a
11 level not to exceed three hundred thousand dollars (\$300,000) annually with
12 an annual escalator not to exceed three percent (3%). In the event the total
13 amount in the fund equals or exceeds twenty-five million dollars
14 (\$25,000,000), no additional moneys shall be collected pursuant to this
15 subchapter until the total amount in the fund equals or is less than fifteen
16 million dollars (\$15,000,000), at which time the collection of moneys shall
17 resume.

18 ~~(4)(A)(i) Effective July 1, 1997, and annually thereafter, an~~
19 ~~apportionment of the moneys in the fund, not to exceed one million dollars~~
20 ~~(\$1,000,000) per fiscal year, shall be allocated from the moneys deposited~~
21 ~~into the fund to be utilized by the department to administer and enforce the~~
22 ~~Illegal Dump Eradication and Corrective Action Program in accordance with~~
23 ~~conditions set forth in § 8-6-501 et seq.~~

24 ~~(ii) No more than fifteen percent (15%) of this~~
25 ~~allocation may be used for administrative purposes by the department pursuant~~
26 ~~to the activities related to the program for the first fiscal year of the~~
27 ~~program and ten percent (10%) annually thereafter.~~

28 ~~(iii) Further, the program shall also include any~~
29 ~~moneys received by the state as a gift or donation to the program and any~~
30 ~~federal government moneys designated to enter the program.~~

31 ~~(B) The apportionment authorized by this subsection shall~~
32 ~~terminate five (5) years from March 31, 1997, and the program shall receive~~
33 ~~no funds from the fund beyond that date.~~

34 ~~(5)(A) Effective July 1, 1999, and annually thereafter, an~~
35 ~~apportionment of the interest earned on moneys in the fund, not to exceed~~
36 ~~five hundred thousand dollars (\$500,000) per fiscal year, shall be allocated~~

1 from the moneys deposited into the fund to be utilized by the department for
 2 instituting a management organization utilizing the principles of the
 3 National Environmental Performance Partnership System advocated by the
 4 Environmental Protection Agency which integrates environmental indicators,
 5 management information, and performance based budgeting and accounting to
 6 measure agency performance.

7 ~~(B) The apportionment authorized by this subsection shall~~
 8 ~~terminate five (5) years from July 1, 1999, and the agency shall use no funds~~
 9 ~~from the Landfill Post-Closure Trust Fund for the purpose of instituting a~~
 10 ~~performance partnership management organization beyond that date.~~

11
 12 SECTION 19. Arkansas Code § 9-14-107 is amended to read as follows:

13 9-14-107. Change in payor income warranting modification.

14 (a)(1) A change in gross income of the payor in an amount equal to or
 15 more than twenty percent (20%) or more than one hundred dollars (\$100) per
 16 month shall constitute a material change of circumstances sufficient to
 17 petition the court for modification of child support according to the family
 18 support chart after appropriate deductions.

19 ~~(2)(A)(i) Any time a court orders child support, the court shall~~
 20 ~~order the noncustodial parent to provide the custodial parent and, when~~
 21 ~~applicable, the Office of Child Support Enforcement of the Revenue Division~~
 22 ~~of the Department of Finance and Administration with proof of income for the~~
 23 ~~previous calendar year, and whenever requested in writing by certified mail,~~
 24 ~~but not more than once a year, by the custodial parent.~~

25 (2)(A)(i) Any time a court orders child support, the court shall
 26 order the noncustodial parent to provide proof of income for the previous
 27 calendar year to:

28 (a)(1) The custodial parent.

29 (2) The court shall also order the
 30 noncustodial parent to provide proof of income for a previous calendar year
 31 whenever requested in writing by certified mail by the custodial parent, but
 32 not more than one (1) time a year; and

33 (b) The Office of Child Support Enforcement of
 34 the Revenue Division of the Department of Finance and Administration, when
 35 applicable.

36 (ii) Whenever a custodial parent requests in writing

1 that the noncustodial parent provide proof of income, the noncustodial parent
 2 shall respond by certified mail within fifteen (15) days.

3 (B) If the noncustodial parent fails to provide proof of
 4 income as directed by the court or fails to respond to a written request for
 5 proof of income, the noncustodial parent may be subject to contempt of court.

6 (C) If a custodial parent or the office has to petition
 7 the court to obtain the information, the custodial parent or the office may
 8 be entitled to recover costs and a reasonable attorney's fee.

9 (D) Once notified of an increase, the office shall file a
 10 motion within thirty (30) days for modification of child support.

11 (E)(i) All income information received by the office shall
 12 be used only as permitted and required by law.

13 (ii) All income information received by the
 14 custodial parent shall be treated confidentially and used for child support
 15 purposes only.

16 (b)(1) A change in the noncustodial parent's health insurance status
 17 as defined in subdivision (b)(2) of this section shall constitute a material
 18 change of circumstances sufficient to petition the court for modification of
 19 child support according to the guidelines for child support and the family
 20 support chart.

21 (2)(A) For purposes of this section, ~~the term~~ "health insurance
 22 status" means that the noncustodial parent can obtain health insurance
 23 through his or her employer or other group health insurance.

24 (B) Health insurance shall be considered reasonable in
 25 cost if it is ~~employment-related~~ employment related or is other group health
 26 insurance, regardless of the service delivery mechanism.

27 (3) In no event shall eligibility for or receipt of medicaid be
 28 considered adequate provision for the child's health care needs in a child
 29 support award.

30 (c) An inconsistency between the existent child support award and the
 31 amount of child support that results from application of the family support
 32 chart shall constitute a material change of circumstances sufficient to
 33 petition the court for modification of child support according to the family
 34 support chart after appropriate deductions unless:

35 (1) The inconsistency does not meet a reasonable quantitative
 36 standard established by the ~~state~~ State of Arkansas in accordance with

1 subsection (a) of this section; or

2 (2) The inconsistency is due to the fact that the amount of the
 3 current child support award resulted from a rebuttal of the guideline amount
 4 and there has not been a change of circumstances that resulted in the
 5 rebuttal of the guideline amount.

6 (d) Any modification of a child support order that is based on a
 7 change in gross income of the noncustodial parent shall be effective as of
 8 the date of filing a motion for increase or decrease in child support, unless
 9 otherwise ordered by the court.

10 (e) When a person is ordered by a court of record to pay for the
 11 support of his or her children, the court, at the time an order of support is
 12 made or any time thereafter, upon a showing of good cause, may order periodic
 13 drafts of his or her accounts at a financial institution to deduct moneys due
 14 or payable for child support in amounts the court may find to be necessary to
 15 comply with its order for the support of the children.

16

17 SECTION 20. Arkansas Code § 9-27-336(c) is amended to read as follows
 18 to reflect the repeal of § 9-27-336(e) in 2003:

19 9-27-336:

20 (a) A juvenile who is alleged to be or who has been adjudicated either
 21 dependent-neglected or a member of a family in need of services shall not be
 22 placed or detained in a secure detention facility, in a facility utilized for
 23 the detention of alleged or adjudicated delinquent juveniles, or in a
 24 facility utilized for the detention of adults held for, charged with, or
 25 convicted of a crime except:

26 (1)(A) A juvenile may be held in a juvenile detention facility
 27 when he or she has been away from home for more than twenty-four (24) hours
 28 and when the parent, guardian, or other person contacted lives beyond a
 29 fifty-mile driving distance or out of state.

30 (B) The juvenile may be held in custody in a juvenile
 31 detention facility for purposes of identification, processing, or arranging
 32 for release or transfer to an alternative facility. The holding shall be
 33 limited to the minimum time necessary to complete these actions and shall not
 34 occur in any facility utilized for incarceration of adults.

35 (C) A juvenile held under this subdivision (a)(1) shall be
 36 separated from detained juveniles charged or held for delinquency. A juvenile

1 may not be held under this subdivision (a)(1) for more than six (6) hours if
 2 the parent, guardian, or other person contacted lives in the state or twenty-
 3 four (24) hours, excluding weekends and holidays, if the parent, guardian, or
 4 other person contacted lives out of state.

5 (2)(A) An adjudicated family in need of services juvenile may be
 6 held in a juvenile detention facility when the court finds that the juvenile
 7 violated a valid court order.

8 (B) For the purposes of this subdivision (a)(2), a valid
 9 court order shall include any order of a circuit court regarding a juvenile
 10 who has been brought before the court and made subject to a court order. The
 11 juvenile who is the subject of the order shall receive full due process
 12 rights.

13 (C) A juvenile held under this subdivision (a)(2) shall be
 14 separated from detained juveniles charged or held for delinquency. The
 15 holding shall not occur in any facility utilized for incarceration of adults.

16 (b) ~~Except pursuant to subsection (e) of this section, a~~ A juvenile
 17 shall not be placed or confined in a jail or lock-up used for the detention
 18 of adults except under the following circumstances:

19 (1) A juvenile who has been formally transferred from the
 20 juvenile division of circuit court to the criminal division of circuit court
 21 and against whom felony charges have been filed or a juvenile whom the
 22 prosecuting attorney has the discretion to charge in circuit court and to
 23 prosecute as an adult and against whom the circuit court's jurisdiction has
 24 been invoked by the filing of felony charges may be held in an adult jail or
 25 lock-up;

26 (2) A juvenile alleged to have committed a delinquent act may be
 27 held in an adult jail or lock-up for up to six (6) hours for purposes of
 28 identification, processing, or arranging for release or transfer to an
 29 alternative facility provided he or she is separated by sight and sound from
 30 adults who are pretrial detainees or convicted persons. A holding for those
 31 purposes shall be limited to the minimum time necessary and shall not include
 32 travel time for transporting the juvenile to the alternative facility; or

33 (3)(A) A juvenile alleged to have committed a delinquent act who
 34 is awaiting an initial appearance before a judge may be held in an adult jail
 35 or lock-up for up to twenty-four (24) hours, excluding weekends and holidays,
 36 provided the following conditions exist:

1 (i) The alleged act would be a misdemeanor or a
 2 felony if committed by an adult or is a violation of § 5-73-119; and

3 (ii) The geographical area having jurisdiction over
 4 the juvenile is outside a metropolitan statistical area pursuant to the
 5 current designation of the United States Bureau of the Census; and

6 (iii) No acceptable alternative placement for the
 7 juvenile exists; and

8 (iv) The juvenile is separated by sight and sound
 9 from adults who are pretrial detainees or convicted persons.

10 (B)(i) A juvenile awaiting an initial appearance and being
 11 held in an adult jail or lock-up pursuant to the twenty-four-hour exception,
 12 as provided in subdivision (b)(3)(A) of this section, may be held for an
 13 additional period not to exceed twenty-four (24) hours, provided that the
 14 following conditions exist:

15 (a) The conditions of distance to be traveled
 16 or the lack of highway, road, or other ground transportation do not allow for
 17 court appearances within twenty-four (24) hours; and

18 (b) All the conditions in subdivision
 19 (b)(3)(A) of this section exist.

20 (ii) Criteria will be adopted by the Governor or his
 21 or her designee to establish what distance, highway or road conditions, or
 22 ground transportation limitations will provide a basis for holding a juvenile
 23 in an adult jail or lock-up under this exception.

24 (c) ~~Except as provided in subsection (e) of this section, Provided~~
 25 that the facilities are designed and used in accordance with federal and
 26 state guidelines and restrictions, nothing in this subchapter is intended to
 27 prohibit the use of juvenile detention facilities that are attached to or
 28 adjacent to adult jails or lock-ups ~~provided the facilities are designed and~~
 29 ~~used in accordance with federal and state guidelines and restrictions.~~

30 (d) A detention facility shall not release a serious offender for a
 31 less serious offender except by order of the judge who committed the more
 32 serious offender.

33
 34 SECTION 21. In order to conform the text to the changed definition in
 35 Arkansas Code § 11-14-102, § 11-14-107(b) is amended to read as follows:

36 (b) A covered employer may not discharge, discipline, refuse to hire,

1 discriminate against, or request or require rehabilitation of an employee or
 2 job applicant on the sole basis of a positive test result that has not been
 3 verified by a confirmation test and by a ~~drug testing review officer~~ medical
 4 review officer.

5
 6 SECTION 22. In order to conform the text to the changed definition in
 7 Arkansas Code § 11-14-102, § 11-14-109(b) is amended to read as follows:

8 (b) Covered employers, laboratories, ~~drug testing review officers~~
 9 medical review officers, employee assistance programs, drug or alcohol
 10 rehabilitation programs, and their agents who receive or have access to
 11 information concerning drug or alcohol test results shall keep all
 12 information confidential. Release of such information under any other
 13 circumstance is authorized solely pursuant to a written consent form signed
 14 voluntarily by the person tested, unless ~~such~~ the release is compelled by a
 15 hearing officer or a court of competent jurisdiction pursuant to an appeal
 16 taken under this section relevant to a legal claim asserted by the employee
 17 or is deemed appropriate by a professional or occupational licensing board in
 18 a related disciplinary proceeding. ~~The~~ At a minimum, the consent form must
 19 contain, ~~at a minimum~~:

- 20 (1) The name of the person who is authorized to obtain the
- 21 information;
- 22 (2) The purpose of the disclosure;
- 23 (3) The precise information to be disclosed;
- 24 (4) The duration of the consent; and
- 25 (5) The signature of the person authorizing release of the
- 26 information.

27
 28 SECTION 23. Arkansas Code § 12-8-123 is amended to read as follows to
 29 correct a reference to a repealed federal law:

30 The Director of the Department of Arkansas State Police is designated
 31 as the agent of the State of Arkansas for accepting surplus or excess United
 32 States Department of Defense property for its own use or for the purpose of
 33 distributing the property to city and county law enforcement agencies that
 34 have been designated by the office of the Department of Defense Coordinator
 35 for Drug Enforcement Policy and Support of the ~~United States Department of~~
 36 ~~Defense~~ to receive property for counter-narcotics operations under the

1 provisions of ~~Section 1208 of Pub. L. No. 101-189 [repealed]~~ of fiscal year
 2 ~~1990-1991 of the National Defense Authorization Act~~ 10 U.S.C. § 2576a, as it
 3 existed on January 1, 2005.
 4

5 SECTION 24. Arkansas Code § 12-8-304 is amended to read as follows to
 6 make certain stylistic changes and to delete a reference to a repealed code
 7 section:

8 (a)(1) This subchapter shall be liberally construed to accomplish the
 9 intent and purposes ~~thereof~~ of this subchapter and shall be the sole
 10 authority required for the accomplishment of ~~such~~ these purposes.

11 ~~(2) To this end, it shall not be necessary to comply with~~
 12 ~~general provisions of other laws dealing with public commodities and public~~
 13 ~~facilities and their acquisition, construction, leasing, encumbering, or~~
 14 ~~disposition if~~ If the Arkansas State Police Commission shall comply with §§
 15 25-4-107 and 25-4-108 before acquiring any communications equipment
 16 authorized under this subchapter and if the commission submits any invitation
 17 or request for bids, quotes, or proposals, and the procedures to be used in
 18 evaluating them to the State Procurement Director for review and written
 19 approval prior to any obligation being incurred by the commission or the
 20 Department of Arkansas State Police as the obligation relates to any
 21 acquisition authorized and defined by this subchapter it shall not be
 22 necessary to comply with general provisions of other laws dealing with public
 23 commodities and public facilities and their acquisition, construction,
 24 leasing, encumbering, or disposition.

25 (b) The enumeration of any object, purpose, power, manner, method, and
 26 thing in this subchapter shall not be deemed to exclude like or similar
 27 objects, purposes, powers, manners, methods, or things.

28 ~~(c) This subchapter shall be the complete and sole authority for the~~
 29 ~~accomplishment of the purposes hereof.~~ To the extent that there is a conflict
 30 between the provisions of this subchapter and §§ 12-8-101 – 12-8-107, 12-8-
 31 110 – 12-8-112, 12-8-114 – 12-8-116, 12-8-118, 12-8-119, 12-8-201 – 12-8-205,
 32 ~~12-8-209 [repealed]~~, 12-8-213, and 12-12-103, the provisions of this
 33 subchapter shall govern.
 34

35 SECTION 25. Arkansas Code § 12-8-305(a)(3) is amended to read as
 36 follows to delete a reference to a repealed code section:

1 (a)(3) Provide for the payment of the cost of acquisition from any
 2 legally available source or sources, including, without limitation, the
 3 revenues authorized by § 12-8-307, funds appropriated and made available
 4 under §§ 12-8-101 – 12-8-107, 12-8-110 – 12-8-112, 12-8-114 – 12-8-116, 12-8-
 5 118, 12-8-119, 12-8-201 - 12-8-205, ~~12-8-209 [repealed]~~, 12-8-213, and 12-12-
 6 103, and funds, if any, appropriated for the communications equipment;

7
 8 SECTION 26. Arkansas Code § 12-8-306 is amended to read as follows to
 9 delete a reference to an abolished committee:

10 The Arkansas State Police Commission shall submit any contract,
 11 agreement, or proposal, as authorized by this subchapter, to the ~~Arkansas~~
 12 ~~Communications Study Committee~~ and to the Legislative Council prior to any
 13 obligation being incurred by the commission for ~~their~~ the Legislative
 14 Council's advice and counsel.

15
 16 SECTION 27. Arkansas Code § 12-8-404(b) is amended to read as follows
 17 to clarify an ambiguity concerning an order issued pursuant to the section:

18 (b) Any violation of the sanction ordered under subdivision (a)(2)(A)
 19 of this section by any police officer shall constitute a Class A misdemeanor
 20 for each citation or summons issued or misdemeanor arrest made in violation
 21 of the ~~director's~~ prosecuting attorney's order.

22
 23 SECTION 28. Arkansas Code § 12-9-403 is amended to read as follows to
 24 make certain stylistic changes and to delete obsolete language:

25 (a) No person shall be appointed as a police traffic radar operator or
 26 police traffic radar instructor until the minimum standards for training
 27 requirements have been completed.

28 ~~(b) All police traffic radar operators shall have one (1) year from~~
 29 ~~March 22, 1983, to have completed the required training or to have previously~~
 30 ~~met the training requirements or the training equivalent as determined by the~~
 31 ~~Arkansas Commission on Law Enforcement Standards and Training.~~

32 ~~(e)-(b)~~ The training requirements for police traffic radar operators or
 33 police traffic radar instructors shall be established by the ~~commission~~
 34 Arkansas Commission on Law Enforcement Standards and Training.

35 ~~(d)-(c)~~ The commission may issue a certificate evidencing satisfactory
 36 completion of the requirements of this subchapter when evidence is submitted

1 by the law enforcement agency director, chief, or sheriff that the police
 2 traffic radar operator has met the training requirements.

3 ~~(e)~~(d) Nothing in this section shall be construed to preclude any law
 4 enforcement agency from establishing qualifications and standards for
 5 appointing and training of police traffic radar operators and police traffic
 6 radar instructors that exceed those set by this subchapter or by the
 7 commission.

8 ~~(f)~~(e) Any police traffic radar operator or police traffic radar
 9 instructor failing to meet the training requirements as set forth in this
 10 subchapter shall lose his or her authority to operate traffic radar for
 11 enforcement purposes.

12 ~~(g)~~(f) An officer ~~must have completed~~ shall complete the commission-
 13 required training for officer certification before being eligible for
 14 certification as a police traffic radar operator.

15 ~~(h)~~(g) Only full-time, part-time I, and part-time II officers, as
 16 defined by commission regulation, will be eligible for certification as
 17 police traffic radar operators.

18

19 SECTION 29. Arkansas Code § 12-9-503 is amended to read as follows to
 20 make certain stylistic changes, clarify ambiguities concerning terms of
 21 members of the Criminal Justice Institute Advisory Board for Law Enforcement
 22 Management Training and Education, and to delete language concerning the
 23 National Center for Rural Law Enforcement Advisory Board which is to be
 24 included in a new section to the Arkansas Code:

25 (a)~~(1)~~ There is established the Criminal Justice Institute Advisory
 26 Board for Law Enforcement Management Training and Education.

27 ~~(2)~~(b)(1) The board shall have sixteen (16) members.

28 ~~(3)~~(2)(A)(i) The board shall consist of the following
 29 representatives:

30 (a) Two (2) representatives from the Arkansas
 31 Municipal Police Association;

32 (b) Two (2) representatives from the Arkansas
 33 Association of Chiefs of Police;

34 (c) Two (2) representatives from the Arkansas
 35 Sheriffs' Association; and

36 (d) Two (2) faculty members or administrators

1 from institutions of higher education.

2 (ii) The preceding eight (8) members of the board
3 shall be appointed by the Governor.

4 (iii) Terms of the eight (8) ~~association and~~
5 ~~institution representatives~~ members appointed pursuant to subdivision
6 (b)(2)(A)(ii) shall be four (4) years in length.

7 (B) Other members of the board shall be:

8 (i) The Special Agent in Charge of the Arkansas
9 office of the Federal Bureau of Investigation or his or her designee;

10 (ii) The Executive Director of the Arkansas
11 Sheriffs' Association;

12 (iii) The Executive Director of the Arkansas
13 Association of Chiefs of Police;

14 (iv) The Executive Director of the Arkansas
15 Municipal Police Association;

16 (v) The Director of the Criminal Justice Institute;

17 (vi) The Director of Legislative and Governmental
18 Affairs of the Arkansas State Police Association;

19 (vii) A citizen at large nominated by the Director
20 of the Criminal Justice Institute; and

21 (viii) The President of the University of Arkansas
22 or his or her designee.

23 (C)(i) Terms ~~of office~~ of the members serving pursuant to
24 subdivision (b)(2)(B) shall be five (5) years in length, and the terms shall
25 be staggered so that, insofar as is possible, an equal number of members
26 shall rotate each year.

27 (ii) However, terms of members who serve by virtue
28 of the office they hold shall run so long as the member holds ~~such~~ the
29 office.

30 ~~(b)(1) There is established the National Center for Rural Law~~
31 ~~Enforcement Advisory Board to address policy issues, provide guidance, and~~
32 ~~further develop national initiatives.~~

33 ~~(2) The members of the board shall be appointed by the Director~~
34 ~~of the Criminal Justice Institute and approved by the President of the~~
35 ~~University of Arkansas and shall include:~~

36 ~~(A) The President of the University of Arkansas or his or~~

1 ~~her designee;~~

2 ~~(B) The Director of the Criminal Justice Institute;~~

3 ~~(C) A member of the House of Representatives;~~

4 ~~(D) A member of the Senate;~~

5 ~~(E) Two (2) executives with law enforcement experience;~~

6 ~~(F) A national level executive with law enforcement~~
7 ~~experience;~~

8 ~~(G) A prominent academician; and~~

9 ~~(H) A nationally prominent citizen.~~

10
11 SECTION 30. Arkansas Code Title 12, Chapter 9, Subchapter 5 is amended
12 to add the following new section concerning the National Center for Rural Law
13 Enforcement Advisory Board previously created within Arkansas Code § 12-9-
14 503:

15 12-9-508. National Center for Rural Law Enforcement Advisory Board.

16 (a) There is established the National Center for Rural Law Enforcement
17 Advisory Board to address policy issues, provide guidance, and further
18 develop national initiatives.

19 (b) The members of the board shall be appointed by the Director of the
20 Criminal Justice Institute and approved by the President of the University of
21 Arkansas and shall include:

22 (1) The President of the University of Arkansas or his or her
23 designee;

24 (2) The Director of the Criminal Justice Institute;

25 (3) A member of the House of Representatives;

26 (4) A member of the Senate;

27 (5) Two (2) executives with law enforcement experience;

28 (6) A national-level executive with law enforcement experience;

29 (7) A prominent academician; and

30 (8) A nationally prominent citizen.

31
32 SECTION 31. Arkansas Code § 12-10-312 is amended to read as follows to
33 add clarifying language:

34 The telephone number 911 is restricted to emergency calls which may
35 result in dispatch of the appropriate response for fire suppression and
36 rescue, emergency medical services or ambulance, hazardous material

1 incidents, disaster or major emergency occurrences, and law enforcement
 2 activities.

3
 4 SECTION 32. Arkansas Code § 12-10-316(b) is amended to read as follows
 5 to make certain stylistic changes and to add clarifying language concerning
 6 access to files within the centralized state depository of information:

7 (b)(1) The 911 public safety communication centers are restricted in
 8 that they are authorized access to ~~these files~~ in the centralized state
 9 depository of information only for the purpose of providing ~~the~~ information
 10 to:

11 ~~and~~ (A) End users as authorized by state law; and
 12 (B) Authorized recipients of the contents of those files,
 13 in the absence of serving as an information service agency, ~~to authorized~~
 14 ~~recipients of the contents of these information systems~~ those files,
 15 ~~the center~~

16 (2) The 911 public safety communication centers ~~will~~ shall not
 17 ~~be authorized~~ have access to files available through the Arkansas Crime
 18 Information Center.

19
 20 SECTION 33. Arkansas Code § 12-12-602(a) is amended to read as follows
 21 to make certain stylistic changes and to add clarifying language concerning
 22 the reporting of knife or gunshot wounds:

23 (a) All physicians, surgeons, hospitals, ~~whether public or private,~~
 24 ~~and all druggists,~~ or other ~~persons~~ persons or entities that ~~might be called~~
 25 ~~upon to render~~ render first aid treatment shall report to the office of the
 26 sheriff of the county all cases of knife or gunshot wounds treated by them or
 27 received in the hospital, ~~which~~ when the wounds appear to have been
 28 intentionally inflicted, ~~to the office of the sheriff of the county or to one~~
 29 ~~of his or her regular commissioned deputies.~~

30
 31 SECTION 34. Arkansas Code § 12-12-906(a)(2)(B)(ii) is amended to read
 32 as follows to clarify and correct a reference to federal law:

33 (a)(2)(B)(ii) Nonresident workers or students who enter the state for
 34 fourteen (14) or more consecutive days to work or study or who enter the
 35 state for an aggregate of thirty (30) days or more a year are required to
 36 register in compliance with ~~64 Fed. Reg. 585-2nd as it existed on March 1,~~

1 ~~2003~~ 42 U.S.C. § 14071 et seq. and 64 Fed. Reg. 572 et seq., as they existed
 2 on March 1, 2003.

3
 4 SECTION 35. Arkansas Code § 12-12-913(h) is amended to read as follows
 5 to clarify an ambiguity concerning the meaning of the subsection:

6 (h) Nothing in this section shall prevent law enforcement officers
 7 from notifying members of the public about persons who may pose a danger to
 8 the public for reasons that are not enumerated in this subchapter.

9
 10 SECTION 36. Arkansas Code § 12-12-917(b)(4)(A) is amended to read as
 11 follows to clarify the ambiguous phrase "in the community":

12 (b)(4)(A) Sex offenders currently in the ~~community~~ state who have not
 13 been assessed and classified shall be identified by the ~~Arkansas Crime~~
 14 ~~Information Center~~ center.

15
 16 SECTION 37. Arkansas Code § 12-12-917(b)(4)(B)(ii)(b) is amended to
 17 read as follows to clarify the immunity granted by the subdivision:

18 (b)(4)(B)(ii)(b) A sex offender shall have immunity for ~~Statements~~
 19 statements made by a ~~sex offender~~ him or her in the course of assessment with
 20 respect to prior conduct ~~shall be deemed to have been given use immunity~~
 21 under the immunity provisions of § 16-43-601 et seq.

22
 23 SECTION 38. Arkansas Code § 12-12-921(a)(1)(A) is amended to read as
 24 follows to clarify the qualifications of the defense attorney member of the
 25 Sex Offender Assessment Committee:

26 (a)(1)(A) One (1) member who is a criminal defense attorney;

27
 28 SECTION 39. Arkansas Code § 12-12-922 is amended to read as follows to
 29 make certain stylistic changes and to delete obsolete language:

30 (a)(1) The alternative procedure under this section may be used for
 31 sexually violent predator evaluations if information that was not available
 32 to the court at the time of trial emerges in the course of a sex offender
 33 evaluation ~~that was not available to the court at the time of trial emerges~~
 34 ~~in the course of a sex offender evaluation.~~

35 (2)(A) ~~After the effective date of this section, examiners~~
 36 Examiners qualified by the Sex Offender Assessment Committee shall include in

1 the assessment of any sex offender convicted of a sex offense a review as to
 2 whether the frequency, repetition over time, severity of trauma to the
 3 victim, or established pattern of predatory behaviors suggests that the sex
 4 offender suffers from a mental abnormality or personality disorder that makes
 5 the sex offender likely to engage in future predatory sexual offenses.

6 (B) If a mental abnormality or personality disorder is
 7 suspected, a licensed psychologist or psychiatrist qualified by the committee
 8 shall conduct further assessment to determine the presence or absence of a
 9 mental abnormality or personality disorder.

10 (C) The report of the assessment shall be presented to the
 11 committee, which shall make the determination of a mental abnormality or
 12 personality disorder according to protocols established by the committee and
 13 published in the committee guidelines.

14 (b)(1)(A) A sex offender may challenge an assigned risk level by
 15 requesting an administrative review.

16 (B) As part of that request, the sex offender ~~is~~ shall be
 17 afforded the opportunity to receive copies of all documents generated by the
 18 examiners, a listing by document name and source of all documents that may be
 19 available from other agencies having custody of those documents, and a copy
 20 of the tape of the interview.

21
 22 SECTION 40. Arkansas Code § 12-12-1001 is amended to read as follows
 23 to add a new subdivision concerning the definition of "arrest tracking
 24 number" which now appears in § 12-12-1007(e):

25 (2) "Arrest tracking number" means a unique number, assigned to
 26 an arrestee at the time of each arrest, which is used to link that arrest to
 27 the final disposition of that charge;

28 ~~(2)-(3)~~ (3) "Central repository" means the Arkansas Crime Information
 29 Center, which is authorized to collect, maintain, and disseminate criminal
 30 history information;

31
 32 SECTION 41. Arkansas Code § 12-12-1007(e) is amended to read as
 33 follows to delete language concerning the definition of "arrest tracking
 34 number" which will be added as a new definition within § 12-12-1001:

35 ~~(e)(1) As used in this section, "arrest tracking number" means a~~
 36 ~~unique number, assigned to an arrestee at the time of each arrest, which is~~

1 ~~used to link that arrest to the final disposition of that charge.~~

2 ~~(2)~~(1) It shall be the duty of law enforcement officials,
 3 prosecuting attorneys, court clerks, and judges to report the arrest tracking
 4 number of each defendant in accordance with procedures established by the
 5 center.

6 ~~(3)~~(A)~~(2)~~(A) The arrest tracking number shall be filed with the
 7 court clerk at the time an indictment, information, or charge is filed.

8 (B) In cases ~~where~~ in which the defendant has not been
 9 arrested at the time of an indictment, information, or charge, the arrest
 10 tracking number shall be filed with the court clerk immediately after there
 11 is an arrest.

12 ~~(4)~~(3) The arrest tracking number shall be in the court's case
 13 file before a trial commences or a judgment is entered.

14
 15 SECTION 42. Arkansas Code § 12-12-1012 is amended to read as follows
 16 to make certain stylistic changes and to delete obsolete language concerning
 17 the State Police Equipment Fund:

18 (a)(1)(A) A fee may be charged for providing criminal history
 19 information for noncriminal justice purposes.

20 (B) However, the fee for providing information may be
 21 waived at the request of a:

22 (i) ~~A local~~ Local school district, for providing
 23 information concerning volunteers in public school programs; or

24 (ii) ~~A nonprofit~~ Nonprofit organization whose
 25 purpose is to serve juveniles, for providing information concerning
 26 volunteers to the nonprofit organization. This exemption shall not be
 27 applicable to child care facilities whose owners, operators, or employees are
 28 required under § 20-78-601 et seq. to apply to the Identification Bureau of
 29 the Department of Arkansas State Police for a criminal records check.

30 (2) The amount of ~~such~~ the fee will be determined jointly by the
 31 bureau and the central repository and shall not exceed twenty dollars
 32 (\$20.00).

33 (b)(1) ~~All fees shall be deposited immediately in the State Treasury~~
 34 ~~as special revenue to the credit of the State Police Equipment Fund, which~~
 35 There is created on the books of the Treasurer of State, the Auditor of
 36 State, and the Chief Fiscal Officer of the State a State Police Equipment

1 ~~Fund, there to be used for the acquisition of an automated fingerprint~~
 2 ~~identification system.~~

3 (2) ~~Effective July 1, 1997, such fees shall then be~~ All fees
 4 collected pursuant to this section shall be deposited in the State Treasury
 5 as special revenue and credited:

6 fifty(A) Fifty percent (50%) to the Crime Information
 7 System Fund, there to be used for the continued operation and expansion of
 8 the automated criminal history system; and

9 fifty(B) Fifty percent (50%) to the State Police Equipment
 10 Fund, there to be used for the continued operation and expansion of the
 11 automated criminal history system and for the operation and expansion of the
 12 automated fingerprint identification system, subject to
 13 legislative appropriations. Any balance in the State Police Equipment Fund on
 14 June 30, 1997, may also be used for the operation and expansion of the
 15 automated fingerprint identification system.

16 (3)(A) Special revenues deposited in the Crime Information
 17 System Fund and the State Police Equipment Fund may be used for personal
 18 services and operating expenses as provided by law, and for conducting
 19 criminal background checks for noncriminal justice purposes, ~~and such.~~

20 (B) The ~~the~~ special revenues unused at the end of any
 21 fiscal year shall be carried forward.

22
 23 SECTION 43. Arkansas Code § 12-12-1103(2) is amended to read as
 24 follows to clarify the definition of "administration of criminal justice":

25 (2)(A) "Administration of criminal justice" means:

26 (A) Performing ~~performing~~ functions of investigation,
 27 apprehension, detention, prosecution, adjudication, correctional supervision,
 28 or rehabilitation of accused persons or criminal offenders;

29 (B) Performing criminal identification activities; and

30 (C) Collecting, maintaining, and disseminating justice
 31 information.

32 (B) ~~The administration of criminal justice also includes~~
 33 ~~criminal identification activities and the collection, maintenance, and~~
 34 ~~dissemination of criminal justice information;~~

35
 36 SECTION 44. Arkansas Code § 12-12-1202 is amended to read as follows

1 to delete a reference to a repealed code section and to correct a reference
 2 to a state program:

3 (a) Victim notifications may be accomplished by means of the
 4 computerized victim notification system established under § 12-12-1201 if
 5 pursuant to:

- 6 (1) § 12-29-114, pertaining to escape;
- 7 (2) § 16-21-106, pertaining to assistance to victims and
 8 witnesses of crimes;
- 9 (3) § 16-93-204, pertaining to executive clemency;
- 10 (4) § 16-93-206, pertaining to transfer hearings;
- 11 (5) § 16-93-702, pertaining to parole; or
- 12 (6) ~~§ 16-93-707 [repealed], pertaining to future parole~~
 13 ~~hearings; or~~
- 14 ~~(7) § 16-97-102, pertaining to sentencing.~~

15 (b) The computerized victim notification system established under §
 16 12-12-1201 shall also include information about an inmate's custody status in
 17 regard to furloughs, work release, and community ~~punishment~~ correction
 18 programs.

19
 20 SECTION 45. Arkansas Code § 12-25-101(a) is amended to read as follows
 21 to add clarifying language:

22 (a) ~~In order to ensure public notice and safety no state agency,~~
 23 ~~board, commission, or the governing body of any municipality or county shall~~
 24 ~~approve the location or construction of any community based residential~~
 25 ~~facility housing persons, juveniles or adults, adjudicated or convicted of~~
 26 ~~any sexual or violent offense or any other offense that would constitute a~~
 27 ~~Class C felony or higher, even if the facility otherwise conforms to~~
 28 ~~applicable zoning ordinances, nor shall any community based residential~~
 29 ~~facility housing persons, juveniles or adults, adjudicated or convicted of~~
 30 ~~any sexual or violent offense or any other criminal offense that would~~
 31 ~~constitute a Class C felony or higher be located or constructed within any~~
 32 ~~municipality or county of this state unless and until a public hearing is~~
 33 ~~conducted in the municipality or county of the proposed location of the~~
 34 ~~facility at least thirty (30) days prior to the owner, operator, or care~~
 35 ~~provider of the proposed facility contracting for the acquisition of any~~
 36 ~~property on which to locate the proposed facility or any existing structure~~

1 ~~in which to locate the proposed facility.~~

2 (1) No state agency, board, commission, or the governing body of
3 any municipality or county shall approve the location or construction of any
4 community-based residential facility housing juveniles or adults adjudicated
5 or convicted of any sexual or violent offense or any other offense that would
6 constitute a Class C felony or higher, even if the facility otherwise
7 conforms to applicable zoning ordinances, until a public hearing is conducted
8 in the municipality or county of the proposed location of the facility at
9 least thirty (30) days prior to the owner, operator, or care provider of the
10 proposed facility contracting for the acquisition of any property on which to
11 locate the proposed facility or any existing structure in which to locate the
12 proposed facility.

13 (2) No community-based residential facility housing juveniles or
14 adults adjudicated or convicted of any sexual or violent offense or any other
15 criminal offense that would constitute a Class C felony or higher shall be
16 located or constructed within any municipality or county of this state until
17 a public hearing is conducted in the municipality or county of the proposed
18 location of the facility at least thirty (30) days prior to the owner,
19 operator, or care provider of the proposed facility contracting for the
20 acquisition of any property on which to locate the proposed facility or any
21 existing structure in which to locate the proposed facility.

22
23 SECTION 46. Arkansas Code § 12-27-120 is amended to read as follows to
24 correct references to an abolished entity and to make certain stylistic
25 changes:

26 (a) During their employment by the Department of Correction, All all
27 employees of the State Penitentiary on March 1, 1968, shall, ~~during their~~
28 ~~employment by the Department of Correction,~~ be eligible for benefits under
29 and shall participate in the ~~Arkansas State Penitentiary Employees'~~
30 ~~Retirement System [abolished]~~ Arkansas Public Employees' Retirement System.

31 (b) All employees of the department employed after March 1, 1968,
32 shall be included in the membership of the Arkansas Public Employees'
33 Retirement System and shall participate in the Arkansas Public Employees'
34 Retirement System in accordance with the laws governing the Arkansas Public
35 Employees' Retirement System.

36 (c) It is the intent of this section to: ~~continue to make available to~~

1 (1) Allow those employees of the penitentiary who have before
 2 participated in the Arkansas State Penitentiary Employees' Retirement System
 3 ~~opportunity to continue~~ to participate in and receive benefits from the
 4 ~~Arkansas State Penitentiary Employees' Retirement System~~ Arkansas Public
 5 Employees' Retirement System; ~~but~~ and

6 (2) to provide Provide that all other employees of the
 7 department shall participate in and receive the benefits of the Arkansas
 8 Public Employees' Retirement System in the manner provided by law.

9
 10 SECTION 47. Arkansas Code § 12-27-140 is amended to read as follows to
 11 delete references to the Commission on Disparity in Sentencing which was
 12 never created:

13 (a)(1) On July 31 of each year, the Department of Community Correction
 14 shall submit an annual report to the Legislative Council ~~and the Commission~~
 15 ~~on Disparity in Sentencing~~ showing the number of persons sentenced or
 16 transferred to the department during the fiscal year for each criminal
 17 offense classification.

18 (2) Persons sentenced or transferred for multiple offenses shall
 19 be noted in the report.

20 (b) The report shall include a breakdown by race of all persons
 21 charged in each criminal offense classification.

22 (c) The department shall cooperate with and upon request make
 23 presentations and provide various reports, to the extent the department's
 24 budget will allow, to the Legislative Council ~~and the commission~~ concerning
 25 department policy and criteria on discretionary offender programs and
 26 services.

27
 28 SECTION 48. Arkansas Code § 12-27-141 is amended to read as follows to
 29 delete references to the Commission on Disparity in Sentencing which was
 30 never created:

31 (a)(1) On July 31 of each year, the Department of Correction shall
 32 submit an annual report to the Legislative Council ~~and the Commission on~~
 33 ~~Disparity in Sentencing~~ showing the number of persons sentenced to the
 34 department during the fiscal year for each criminal offense classification.

35 (2) Persons sentenced for multiple offenses shall be noted in
 36 the report.

1 (b) The report shall include a breakdown by race of all persons
 2 sentenced in each criminal offense classification.

3 (c) The department shall cooperate with and upon request make
 4 presentations and provide various reports, to the extent the department's
 5 budget will allow, to the Legislative Council ~~and the commission~~ concerning
 6 department policy and criteria on discretionary offender programs and
 7 services.

8
 9 SECTION 49. Arkansas Code § 12-29-204 is amended to read as follows to
 10 delete language concerning "statutory good time" pursuant to a repealed act
 11 and a reference to Acts 1968 (1st Ex. Sess.), No. 50, § 14 which was
 12 repealed:

13 ~~Those inmates sentenced to the Department of Correction prior to April~~
 14 ~~2, 1971, shall be entitled to "statutory good time" as provided in Acts 1968~~
 15 ~~(1st Ex. Sess.), No. 50, § 14 [repealed], provided no~~ No inmate sentenced to
 16 the Department of Correction shall ever receive a reduction under this
 17 subchapter, or this subchapter and another subchapter jointly, of more than
 18 thirty (30) days for each month served.

19
 20 SECTION 50. Arkansas Code § 12-30-402 is amended to read as follows to
 21 correct a reference to a state fund:

22 ~~The Community Service Revolving Fund [abolished]~~ Community Correction
 23 Revolving Fund is authorized to borrow from the Budget Stabilization Trust
 24 Fund for the establishment of new work-release centers for the Department of
 25 Correction. The loans shall be repaid by the end of the fiscal year in which
 26 the loans are made.

27
 28 SECTION 51. Title 12, Chapter 31, of the Arkansas Code Annotated of
 29 1987 concerning the Corrections Resources Commission is repealed because the
 30 commission was created for a two-year period that has expired and the chapter
 31 is now obsolete:

32 ~~Chapter 31.~~

33 ~~Corrections Resources Commission.~~

34 ~~12-31-101. Creation.~~

35 ~~There is hereby created a commission to be known as the "Corrections~~
 36 ~~Resources Commission".~~

~~12-32-102. Members—Meetings—Report.~~

~~(a) The Corrections Resources Commission shall consist of the following seventeen (17) members:~~

- ~~(1) The President Pro Tempore of the Senate;~~
- ~~(2) The Speaker of the House of Representatives;~~
- ~~(3) The Director of the Department of Correction;~~
- ~~(4) The Lieutenant Governor, or appointed designee;~~
- ~~(5) The Attorney General, or appointed designee;~~
- ~~(6) The Chair of the Post Prison Transfer Board;~~
- ~~(7) The Director of the Arkansas Adult Probation Commission;~~
- ~~(8) The Chief Justice of the Arkansas Supreme Court, or designated Associate Justice of the Arkansas Supreme Court;~~
- ~~(9) Two (2) circuit judges to be appointed by the Governor;~~
- ~~(10) One (1) prosecuting attorney to be appointed by the Governor;~~
- ~~(11) One (1) public defender to be appointed by the Governor;~~
- ~~(12) One (1) county judge to be appointed by the Governor;~~
- ~~(13) One (1) county sheriff to be appointed by the Governor; and~~
- ~~(14) Three (3) members of the general public to be appointed by the Governor.~~

~~(b) All members shall serve for a term of two (2) years.~~

~~(c) Members of the commission shall not be entitled to compensation for their services but may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

~~(d) The commission shall hold monthly meetings.~~

~~(e) The Governor shall designate a chair of the commission from the commission membership.~~

~~(f) The commission is established for a two-year period and shall report to the General Assembly concerning the feasibility of maintaining and funding the commission beyond its initial period.~~

~~12-31-103. Duties.~~

~~(a) The Corrections Resources Commission shall have the following three (3) primary duties relating to the development of a more balanced correctional system which operates within the limits of an established institutional capacity, and emphasizes the appropriate function of community-~~

1 based punishment for certain low risk offenders;

2 (1)(A) ~~The commission shall develop guidelines for presentation~~
 3 ~~to the General Assembly for use by a sentencing court in determining the most~~
 4 ~~appropriate sanction to be imposed for all criminal offenses.~~

5 (B) ~~The guidelines shall include a determination whether~~
 6 ~~to impose probation, intensive supervision, residential confinement,~~
 7 ~~electronic monitoring, incarceration, or other available options.~~

8 (C) ~~Presumptive penalties shall be established based on~~
 9 ~~the severity of the crime in combination with key criminal history variables.~~

10 (D) ~~The sentencing policy proposed will be consistent with~~
 11 ~~the planned institutional capacity of the state.~~

12 (E) ~~In developing guidelines, the commission should be~~
 13 ~~guided by the following principles:~~

14 (i) ~~The primary purpose of a criminal sanction is to~~
 15 ~~punish the offender and enhance the public's protection;~~

16 (ii) ~~Punishment refers to a process through which~~
 17 ~~the offender makes restitution or pays back the victim or the community~~
 18 ~~monetarily or through work service or through incarceration;~~

19 (iii) ~~The offender's liberty is controlled until~~
 20 ~~restitution occurs;~~

21 (iv) ~~Determination of the sanctions should include~~
 22 ~~consideration of the seriousness of the offense, the criminal history of the~~
 23 ~~offender, and aggravating and mitigating circumstances;~~

24 (v) ~~Guidelines are intended to coordinate and~~
 25 ~~enhance, rather than diminish, judicial discretion;~~

26 (vi) ~~Efficient use of correctional resources~~
 27 ~~requires a balanced consideration of all available correction options at the~~
 28 ~~point of sentencing;~~

29 (vii) ~~A sentencing policy should be consistent with~~
 30 ~~the limited availability of institutional capacity;~~

31 (2) ~~The commission shall develop a proposed Community~~
 32 ~~Corrections Act for presentation to the General Assembly, which will~~
 33 ~~establish a formal state and local partnership in corrections through which~~
 34 ~~the state will provide monetary incentives to local governments for the~~
 35 ~~operation of local corrections programs which assist in alleviating prison~~
 36 ~~crowding. The proposed act will authorize the establishment of local boards~~

1 ~~to control the operation of programs and statewide criteria to ensure maximum~~
 2 ~~participation and compliance;~~

3 ~~(3)(A) The commission may recommend revision of existing laws~~
 4 ~~for presentation to the General Assembly which enable and define the~~
 5 ~~organizations, structures, and authorities of the Department of Correction,~~
 6 ~~the Post Prison Transfer Board, and the Adult Probation Commission, and their~~
 7 ~~relationship to each other and other state correctional units.~~

8 ~~(B) The commission is authorized to hold public hearings~~
 9 ~~and to seek the assistance and services of any state or local criminal~~
 10 ~~justice agency and to conduct, under contract with an outside organization, a~~
 11 ~~professional independent review of Arkansas probation laws and policies.~~

12 ~~(C) Based on the professional independent review, the~~
 13 ~~commission will establish a policy to redefine the structure, function, and~~
 14 ~~organizational position of Arkansas probation laws and policies in a manner~~
 15 ~~designed to ensure the maximization of community based punishment and~~
 16 ~~corrections options.~~

17 ~~(b) Where appropriate, the commission shall give due consideration to~~
 18 ~~the encouragement of rehabilitative programs for offenders.~~

19
 20 ~~12-31-104. Authority to employ staff.~~

21 ~~The commission may employ such staff and consultants as authorized by~~
 22 ~~law and fix their compensation, duties, authority, and responsibilities.~~

23
 24 SECTION 52. Arkansas Code § 12-62-405(b) is amended to read as follows
 25 to clarify the coverage of the subsection:

26 (b) Any person seeking damages ~~therefor~~ from a physician, dentist,
 27 nurse, pharmacist, paramedical, or other supporting personnel, including
 28 medical and dental technicians, nursing assistants, and therapists, of the
 29 Arkansas National Guard shall seek the remedies provided against the United
 30 States by 28 U.S.C. § 1346(b), if the cause of action arose while the member
 31 of the Arkansas National Guard was in federal service, or by filing a claim
 32 against the State of Arkansas if the alleged acts were performed by ~~members~~
 33 ~~of the Arkansas National Guard~~ the member while on official state service.

34
 35 SECTION 53. Arkansas Code § 12-75-128(d) is amended to read as follows
 36 to clarify an ambiguous reference to "the pension law":

1 (d) The provisions of this section shall not affect the right of any
 2 person to receive benefits to which he or she would otherwise be entitled
 3 under this chapter, under the Workers' Compensation Law, § 11-9-101 et seq.,
 4 or under the ~~pension law~~ retirement system laws of Arkansas, nor the right of
 5 any such person to receive any benefits or compensation under any act of
 6 Congress.

7
 8 SECTION 54. Arkansas Code § 13-8-103(b)(2) is amended to read as
 9 follows to make certain stylistic changes:

10 (2) The Advisory Council of the Arkansas Arts Council shall ~~be~~
 11 ~~charged with the responsibility of developing and implementing~~ develop and
 12 implement a comprehensive statewide program for the support of the arts in
 13 Arkansas, pursuant to this subchapter.

14 (3) The Executive Director of the Arkansas Arts Council shall ~~be~~
 15 ~~charged with the duty of administering~~ administer the provisions of this
 16 subchapter and the rules, regulations, and orders established under this
 17 subchapter.

18
 19 SECTION 55. Arkansas Code § 15-1-102 is repealed because the section
 20 consists of temporary language the effectiveness of which has expired:

21 ~~15-1-102. Arkansas Rural Development Study Commission.~~

22 ~~(a) There is created an Arkansas Rural Development Study Commission to~~
 23 ~~be composed of fifteen (15) members to be appointed by the Governor. In~~
 24 ~~making his or her appointments, the Governor shall assure that the four (4)~~
 25 ~~congressional districts, rural agencies, two (2) from the House of~~
 26 ~~Representatives and two (2) from the Senate, are represented on the~~
 27 ~~commission.~~

28 ~~(b) The commission shall study the feasibility and desirability of~~
 29 ~~forming a Rural Development Institute for Arkansas and shall investigate how~~
 30 ~~other states are focusing on rural development and coordinating efforts to~~
 31 ~~stem the loss of rural population.~~

32
 33 SECTION 56. Arkansas Code § 15-4-219(1)(A)(iii) is amended to read as
 34 follows to clarify the meaning of the subdivision:

35 (iii) What elements of ~~our~~ the department's
 36 incentive packages were used;

1
 2 SECTION 57. Arkansas Code Title 15, Chapter 4, Subchapter 11 is
 3 repealed because the original act upon which the effectiveness of the
 4 subchapter depended has expired and has not been reenacted:

5 ~~15-4-1101. Definition.~~

6 ~~For the purposes of this subchapter, the term "invested" shall include~~
 7 ~~expenditures made from the proceeds of bonds, including interim notes or~~
 8 ~~other evidence of indebtedness issued by a municipality, county, or an agency~~
 9 ~~or instrumentality of a municipality, county, or the State of Arkansas, if~~
 10 ~~the obligation to repay the bonds, including interest on the bonds, is a~~
 11 ~~legal binding obligation directly or indirectly of the taxpayer.~~

12
 13 ~~15-4-1102. Certification required.~~

14 ~~(a) To claim the benefits of this section, a taxpayer must obtain a~~
 15 ~~certification from the Director of the Department of Economic Development~~
 16 ~~certifying to the Revenue Division of the Department of Finance and~~
 17 ~~Administration that the taxpayer:~~

18 ~~(1) Operates a steel mill in Arkansas which began production~~
 19 ~~after February 16, 1987; and~~

20 ~~(2) Has invested, after February 16, 1987, in excess of one~~
 21 ~~hundred twenty million dollars (\$120,000,000) in the steel mill, which~~
 22 ~~investment expenditure is for one (1) of the following:~~

23 ~~(A) Property purchased for use in the construction of a~~
 24 ~~building or buildings or any addition or improvement thereon to house the~~
 25 ~~steel mill;~~

26 ~~(B)(i) Machinery and equipment to be located in or in~~
 27 ~~connection with the steel mill.~~

28 ~~(ii) Motor vehicles of a type subject to~~
 29 ~~registration shall not be considered as machinery and equipment; or~~

30 ~~(C) Project planning costs or construction labor costs,~~
 31 ~~including:~~

32 ~~(i) On site direct labor and supervision, whether~~
 33 ~~employed by a contractor or the project owner;~~

34 ~~(ii) Architectural fees or engineering fees, or~~
 35 ~~both;~~

36 ~~(iii) Right of way purchases;~~

- 1 ~~(iv) — Utility extensions;~~
- 2 ~~(v) — Site preparation;~~
- 3 ~~(vi) — Parking lots;~~
- 4 ~~(vii) — Disposal or containment systems;~~
- 5 ~~(viii) — Water and sewer treatment systems;~~
- 6 ~~(ix) — Rail spurs;~~
- 7 ~~(x) — Streets and roads;~~
- 8 ~~(xi) — Purchase of mineral rights;~~
- 9 ~~(xii) — Land;~~
- 10 ~~(xiii) — Buildings;~~
- 11 ~~(xiv) — Building renovation;~~
- 12 ~~(xv) — Production, processing, and testing equipment;~~
- 13 ~~(xvi) — Freight charges;~~
- 14 ~~(xvii) — Building demolition;~~
- 15 ~~(xviii) — Material handling equipment;~~
- 16 ~~(xix) — Drainage systems;~~
- 17 ~~(xx) — Water tanks and reservoirs;~~
- 18 ~~(xxi) — Storage facilities;~~
- 19 ~~(xxii) — Equipment rental;~~
- 20 ~~(xxiii) — Contractor's cost plus fees;~~
- 21 ~~(xxiv) — Builders' risk insurance;~~
- 22 ~~(xxv) — Original spare parts;~~
- 23 ~~(xxvi) — Job administrative expenses;~~
- 24 ~~(xxvii) — Office furnishings and equipment;~~
- 25 ~~(xxviii) — Rolling stock;~~
- 26 ~~(xxix) — Capitalized start-up costs as recognized by~~
- 27 ~~generally accepted accounting principles; and~~
- 28 ~~(xxx) — Other costs related to the construction.~~

29 (b) — "Production, processing, and testing equipment", as used in
 30 subdivision (a)(2)(C) of this section, includes machinery and equipment
 31 essential for the receiving, storing, processing, and testing of raw
 32 materials and the production, storage, testing, and shipping of finished
 33 products, including facilities for the production of steam, electricity,
 34 chemicals, and other materials that are essential to the manufacturing
 35 process but which are consumed in the manufacturing process and do not become
 36 essential components of the finished product.

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~~15-4-1103. Use of credit.~~

~~Taxpayers qualified under § 15-4-1102 and entitled to the Arkansas Enterprise Zone Act of 1983 income tax credit provided in subdivision 7(c) of Act 813 of 1983, may use the credit in the taxable year in which the credit arose. If the entire credit cannot be used in the year earned, the remainder may be used in the succeeding nine (9) years or until the credit is exhausted, whichever occurs first.~~

~~15-4-1104. Benefits of enterprise zone provisions.~~

~~(a) The provisions of the Arkansas Enterprise Zone Act of 1983 are adopted by this subchapter. Taxpayers qualified under § 15-4-1102 shall claim the benefits provided by the Arkansas Enterprise Zone Act of 1983 under this subchapter without regard for any amendment or repeal of the Arkansas Enterprise Zone Act of 1983, provided the taxpayer's business otherwise meets the requirements for claiming the benefits of the Arkansas Enterprise Zone Act of 1983.~~

~~(b) A taxpayer who qualifies pursuant to the certification provisions of § 26-52-902(c) shall be entitled to the benefits of this section and §§ 26-52-902 and 26-52-903 only if the certification is issued by the Director of the Department of Economic Development prior to July 1, 1989.~~

SECTION 58. Arkansas Code § 15-4-1605(1)(B) is amended to read as follows to clarify the wording of the subdivision:

(B)(i) Computer businesses primarily engaged in providing:

- (a) ~~computer~~ Computer programming services;
- (b) ~~the design~~ Design and development of prepackaged software;
- (c) ~~businesses engaged in digital~~ Digital content production and preservation;
- (d) ~~computer~~ Computer processing and data preparation services;
- (e) ~~information~~ Information retrieval services; and
- (f) ~~computer~~ Computer and data processing ~~consultants and developers~~ consulting and developing.

1 (ii) All businesses in ~~this~~ the group described in
 2 subdivision (1)(B)(i) of this section ~~must~~ shall:

3 (a) ~~employ~~ Employ twenty-five (25) or more net
 4 new full-time permanent employees;

5 (b) ~~derive~~ Derive at least seventy-five
 6 percent (75%) of their revenue from out-of-state sales; and

7 (c) ~~have~~ Have no retail sales to the general
 8 public;

9
 10 SECTION 59. Arkansas Code § 15-4-1605(1)(H) is amended to read as
 11 follows to replace an undefined term used in the subdivision with a term that
 12 is defined in the subchapter:

13 (H) A coal mining operation that employs twenty-five (25)
 14 or more net new full-time permanent ~~positions~~ employees;

15
 16 SECTION 60. Arkansas Code § 15-4-2205(g) is amended to read as follows
 17 to correct the wording of the subsection in light of an amendment to language
 18 in § 15-4-2204:

19 (g) ~~Expense reimbursement and per diem allowance~~ Compensation for the
 20 members of the executive committee shall be as provided in § 15-4-2204(e).

21
 22 SECTION 61. Arkansas Code § 15-4-2208(e) is amended to read as follows
 23 to correct an engrossment error:

24 (e) The Governor may approve a request from any unit of general local
 25 government for designation as a local area if the board, after consultation
 26 with and agreement of the local chief elected officials, recommends to the
 27 Governor that the area should be so designated. ~~Arkansas labor federations,~~
 28 ~~or other representatives of employees if no employees are represented by~~
 29 ~~labor organizations;~~

30
 31 SECTION 62. Arkansas Code § 15-4-2714(c)(2) is amended to read as
 32 follows to insert missing language essential to the meaning of the
 33 subdivision:

34 (2) It is the specific intent of this subchapter that the
 35 incentives provided by this subchapter and the incentives provided by prior
 36 laws are mutually exclusive.

1
 2 SECTION 63. Arkansas Code § 15-5-1205(d) is amended to read as follows
 3 to properly name a fund referred to in other Code sections:

4 ~~(d)(1) A debt service reserve fund~~ There is established on the books
 5 of the authority a reserve fund to be known as the "Petroleum Storage Tank
 6 Trust Fund Revenue Bonds Reserve Fund".

7 (2) The ~~fund~~ Petroleum Storage Tank Trust Fund Revenue Bonds
 8 Reserve Fund shall be funded from the proceeds of the bonds and shall be held
 9 and used to ensure prompt payment of debt service on the bonds in such a
 10 manner and pursuant to such conditions as may be specified by the authority
 11 in the resolution or trust indenture authorizing or securing the bonds.
 12

13 SECTION 64. Arkansas Code § 15-11-507(h) is repealed because the
 14 subsection consists of temporary language the effectiveness of which has
 15 expired:

16 ~~(h)(1)(A) For amusement or entertainment park tourism attraction~~
 17 ~~projects approved by the Director of the Department of Economic Development~~
 18 ~~between April 1, 1999, and September 1, 1999, the Director of the Department~~
 19 ~~of Economic Development is authorized to allow an exemption from the payment~~
 20 ~~of sales and use taxes on certain purchases of materials used in the~~
 21 ~~construction of a building or buildings for housing the tourism amusement or~~
 22 ~~entertainment park and machinery or equipment to be located in or in~~
 23 ~~connection with the approved tourism attraction project.~~

24 ~~(B) In exchange for this exemption, the sales tax credit~~
 25 ~~provided by this section shall be ratably reduced by the amount of sales and~~
 26 ~~use taxes that are not collected due to the exemption granted under this~~
 27 ~~subsection.~~

28 ~~(2) The sales tax exemption shall expire on July 1, 2001.~~

29 ~~(3)(A) The Chief Fiscal Officer of the State shall have an audit~~
 30 ~~conducted to assure compliance with the exemption and sales tax credit~~
 31 ~~exchange allowed in this subsection.~~

32 ~~(B) In the event it is found that the approved company~~
 33 ~~receiving the benefits contained in this section has failed to comply with~~
 34 ~~the conditions of this section, that company shall be disqualified from~~
 35 ~~receiving any further benefits under this subsection and shall be liable for~~
 36 ~~the payment of such sales and use taxes as may be due after the sales and use~~

1 ~~tax credits provided for in this section are disallowed, plus interest.~~

2
3 SECTION 65. Arkansas Code § 15-20-501 is amended to read as follows to
4 conform the section to Code style:

5 15-20-501. Definitions.

6 As used in this subchapter:

7 ~~(a)(1)~~ "Commission" means the Arkansas Natural Heritage
8 Commission;

9 ~~(b)(2)~~ "Director" means the Director of the Arkansas Natural
10 Heritage Commission or his or her appointed agents; and

11 ~~(c)(3)~~ "Natural area" means any real property held by the
12 commission in fee or less than fee interest, along with all appurtenances
13 thereto.
14

15 SECTION 66. Arkansas Code § 15-20-903(10) is amended to read as
16 follows to correct the wording of a definition:

17 (10)(A) "Poultry feeding operation" means any lot or facility
18 where two thousand five hundred (2,500) or more poultry are housed or
19 confined and fed or maintained on any one (1) day in the preceding twelve-
20 month period.

21 (B) Multiple poultry houses within a reasonable proximity
22 to one another under the control of one (1) owner shall be considered one (1)
23 facility; and
24

25 SECTION 67. Arkansas Code § 15-20-1103(15) is amended to read as
26 follows to correct the wording of a definition:

27 (15)(A) "Poultry feeding operation" means any lot or facility
28 where two thousand five hundred (2,500) or more poultry are housed or
29 confined and fed or maintained on any one (1) day in the preceding twelve-
30 month period.

31 (B) Multiple poultry houses within a reasonable proximity
32 to one another under the control of one (1) owner shall be considered one (1)
33 facility;
34

35 SECTION 68. Arkansas Code § 15-22-1313(a) is amended to read as
36 follows to add language essential to the meaning of the subsection:

1 (a) Should any city, town, county, or political subdivision receiving
 2 general revenue turnback funds as defined in the Revenue Stabilization Law, §
 3 19-5-101 et seq., fail, neglect, or refuse to pay any installment of
 4 principal, interest, or financing fee for a period of more than ninety (90)
 5 days past the due date in accordance with the written instrument for the
 6 repayment of its bonds, notes, or other evidences of indebtedness purchased
 7 by the Arkansas Soil and Water Conservation Commission with proceeds of the
 8 commission's bonds issued under this subchapter, after notification to the
 9 city, town, county, or political subdivision, the commission may certify to
 10 the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of
 11 the State the:

12 (1) ~~the name~~ Name of the city, town, county, or political
 13 subdivision; and

14 (2) ~~the amount~~ Amount of deficiencies ninety (90) days or more
 15 past due.

16

17 SECTION 69. Arkansas Code § 15-23-316 is repealed because the section
 18 consists of temporary language the effectiveness of which has expired, and
 19 the Arkansas Code Revision Commission is directed to place the language of
 20 the former section in a note to § 15-20-305:

21 ~~15-23-316. Arkansas Natural Heritage Commission of the Department of~~
 22 ~~Arkansas Heritage membership.~~

23 ~~In addition to the members of the Arkansas Natural Heritage Commission~~
 24 ~~of the Department of Arkansas Heritage provided for in § 15-20-305, the~~
 25 ~~person serving as Chair of the Arkansas Natural and Scenic Rivers Commission~~
 26 ~~on August 2, 1997, shall be a voting member of the Arkansas Natural Heritage~~
 27 ~~Commission of the Department of Arkansas Heritage during the remainder of the~~
 28 ~~term for which he or she was appointed to serve on the Arkansas Natural and~~
 29 ~~Scenic Rivers Commission.~~

30

31 SECTION 70. Arkansas Code § 15-23-317 is repealed because the section
 32 is obsolete, and the Arkansas Code Revision Commission is directed to place
 33 the language of the former section in a note to § 15-20-304:

34 ~~15-23-317. Transfer of powers, functions, and duties.~~

35 ~~All powers, functions, and duties of the Arkansas Natural and Scenic~~
 36 ~~Rivers Commission and all funds, equipment, and records of the Arkansas~~

1 ~~Natural and Scenic Rivers Commission are transferred to the Arkansas Natural~~
 2 ~~Heritage Commission of the Department of Arkansas Heritage.~~

3
 4 SECTION 71. Arkansas Code § 15-31-113 is amended to read as follows to
 5 clarify the language of the section:

6 15-31-113. ~~Fines to State Forestry Fund~~ Legislative findings -
 7 Purpose.

8 (a) The General Assembly finds:

9 (1) The Arkansas Forestry Commission enforces laws pertaining to
 10 wildland fires, timber theft, and unlawful dumping on forest land;

11 (2) Under current law, fines resulting from violations of the
 12 wildland fire laws are deposited with local school districts; and

13 (3) The law is silent on where to deposit fines resulting from
 14 violations of the dumping and timber theft laws.

15 (b) The purpose of this section, § 15-31-114, and § 5-38-201 is to
 16 establish that fines generated by law enforcement activities of the
 17 commission be deposited into the State Forestry Fund.

18
 19 SECTION 72. Arkansas Code § 15-46-102 is repealed because the section
 20 is obsolete and has been declared unconstitutional in part:

21 ~~15-46-102. Bounty on wolves.~~

22 ~~(a) The county court of any county of this state is authorized to pay~~
 23 ~~a bounty for each wolf killed within the county when satisfactory proof has~~
 24 ~~been made of the killing of the animals.~~

25 ~~(b) The State of Arkansas shall pay to any person killing a wolf a~~
 26 ~~bounty in the amount equal to the amount paid to the person by any county in~~
 27 ~~this state under subsection (a) of this section. Payment shall be made from~~
 28 ~~the Game Protection Fund of the Arkansas State Game and Fish Commission.~~
 29 ~~However, the bounty paid by the commission shall not exceed fifteen dollars~~
 30 ~~(\$15.00) for each old wolf and five dollars (\$5.00) for each wolf under six~~
 31 ~~(6) months of age.~~

32 ~~(c) Upon certification of the county judge certifying to the Secretary~~
 33 ~~of the Arkansas State Game and Fish Commission that a bounty has been paid~~
 34 ~~for the killing of the wolves to the persons killing the wolves, the~~
 35 ~~secretary of the commission shall approve the claim therefor and shall draw a~~
 36 ~~voucher for the amount approved. The Auditor of State shall issue a warrant~~

1 ~~for the amount to the person killing the wolves, the claim to be paid to the~~
 2 ~~persons by the county courts not to exceed the amount set out in subsection~~
 3 ~~(b) of this section.~~

4 ~~(1) However, no claim for a bounty shall be allowed or paid~~
 5 ~~either by the state or county to a nonresident of this state.~~

6 ~~(2) No payment of a bounty as provided in this section shall be~~
 7 ~~paid by either the county or state to any persons employed by the federal~~
 8 ~~government or the State of Arkansas.~~

9
 10 SECTION 73. Arkansas Code § 17-25-503(a)(2)(A) is amended to read as
 11 follows to correct the wording of the subdivision:

12 (2)(A)(i) The Governor shall appoint five (5) persons who have
 13 at least five (5) years' experience in residential construction.

14 (ii) Two (2) of the five (5) residential
 15 construction members shall be appointed from a list of at least ten (10)
 16 names submitted by the statewide trade organization or organizations that
 17 represent the residential construction industry.

18 (iii) ~~At least one (1) of the five (5) residential~~
 19 ~~construction members shall reside in each congressional district~~ Of the five
 20 (5) residential construction members, one (1) member shall be appointed from
 21 each of the four (4) congressional districts, and the remaining member shall
 22 be appointed from the state at large.

23
 24 SECTION 74. Arkansas Code § 17-48-101 is amended to read as follows to
 25 repeal language in the section that conflicts with § 14-15-701, which was
 26 derived from a later act, and to conform the section to Code style:

27 17-48-101. Definitions.

28 ~~(a) As used in this chapter, unless the context otherwise requires:~~

29 (1) "Board" means the State Board of Registration for
 30 Professional Engineers and Land Surveyors;

31 (2)(A) "Land surveying" means any service comprising the:

32 (i) ~~determination~~ Determination of the location of
 33 land boundaries and land boundary corners; and

34 (ii) ~~the preparation~~ Preparation of:

35 (a) ~~plats~~ Plats showing the shape and areas of
 36 tracts of land and their subdivision into smaller tracts;

1 ~~(b) the preparation of plats~~ Plats showing the
 2 location of streets, roads, and rights-of-way of tracts to give access to
 3 smaller tracts; and

4 ~~(c) the preparation of official~~ Official
 5 plats, or maps, of land thereof in this state.

6 (B) "Land surveying" shall not include the measure of
 7 acreage of timber, cotton, rice, or other agricultural crops; ~~and.~~

8 ~~(3) "Land surveyor" means any person engaged in the practice of~~
 9 ~~land surveying as defined in this section.~~

10 ~~(b)(C)~~ A person shall be construed to practice or offer to
 11 practice land surveying who:

12 ~~(i) engages~~ Engages in land surveying for others; or

13 ~~(ii) who by~~ By verbal claim, sign, letterhead, card,
 14 telephone listing, or in any other way represents himself or herself:

15 ~~(a) to~~ To be a land surveyor; or

16 ~~(b) who represents himself or herself as~~ As
 17 able to perform land surveying in this state; ~~and~~

18 (3) "Land surveyor" means any person engaged in the practice of
 19 land surveying.

20 ~~(e) The provisions of this chapter shall not apply to the~~
 21 ~~constitutional office of county surveyor when acting in his or her official~~
 22 ~~capacity in the county in which he or she was elected.~~

24 SECTION 75. Arkansas Code § 17-92-205(c)(1) is amended to read as
 25 follows to clarify the meaning of the subdivision:

26 ~~(c)(1) The board's inspectors or other designated agents, upon~~ Upon
 27 written authorization by the board, the board's inspectors or other
 28 designated agents shall have authority to conduct oversight activities
 29 authorized by law, including, but not limited to, audits, investigations,
 30 inspections, licensure, or disciplinary actions, civil, administrative, or
 31 criminal proceedings or actions, or other activities necessary for
 32 appropriate oversight of the regulated activities and may enter any store,
 33 business establishment, including any hospital pharmacy, or any other
 34 facility holding a license, permit, or other authority issued by the board
 35 where drugs, medicines, chemicals, pharmaceuticals, poisons, home medical
 36 equipment, or services or other objects, services, or activities regulated by

1 the board are manufactured, sold, dispensed, or conducted to enforce this
 2 subchapter, the Uniform Controlled Substances Act, § 5-64-101 et seq., or the
 3 Food, Drug, and Cosmetic Act, § 20-56-201 et seq.

4
 5 SECTION 76. Arkansas Code § 17-95-107(d)(7) is amended to read as
 6 follows to remove from the subdivision temporary language the effectiveness
 7 of which has expired:

8 (7)(A) The board may charge credentialing organizations a
 9 reasonable fee for the use of the credentialing service as established by
 10 rule and regulation.

11 (B) The fee shall be set in consultation with the advisory
 12 committee and shall be set at such a rate as will reimburse the board, when
 13 added to the credentialing assessments collected from physicians, for the
 14 cost of maintaining the credentialing information system.

15 (C) The board's costs may not exceed the fees charged by
 16 private vendors with a comparable statewide credentialing service.

17 ~~(D) Each physician licensee of the board will pay a~~
 18 ~~credentialing fee of one hundred dollars (\$100) per year at the time of the~~
 19 ~~renewal of the license for the years 2000 and 2001.~~

20 ~~(E)(D) For the year 2002 and each year thereafter, the~~ The
 21 board may assess each physician licensee an amount not to exceed one hundred
 22 dollars (\$100) per year to offset the cost ~~for~~ of providing the credentialing
 23 service.

24
 25 SECTION 77. Arkansas Code § 18-60-603(c) is amended to read as follows
 26 to correct an obsolete reference to "chancery":

27 (c) Proof of the publication of the notice shall be made in the same
 28 manner as proof of publication of notices in other ~~chancery~~ chancery circuit court
 29 causes.

30
 31 SECTION 78. Arkansas Code § 19-4-402(1) is amended to read as follows
 32 to correct an obsolete reference to "chancery":

33 (1) Circuit ~~and chancery~~ judges;

34
 35 SECTION 79. Arkansas Code § 19-4-801(1)(B) is amended to read as
 36 follows to correct an obsolete reference to chancery courts and judges:

1 (B) The term "state agency" shall not include the
 2 Governor, Secretary of State, Attorney General, Treasurer of State, Auditor
 3 of State, Commissioner of State Lands, the Supreme Court and its justices,
 4 the circuit courts and circuit judges, ~~the chancery courts and chancery~~
 5 ~~judges~~, prosecuting attorneys, the Arkansas State Game and Fish Commission,
 6 the Arkansas State Highway and Transportation Department, the General
 7 Assembly, and the respective staffs of these officers and agencies; and
 8

9 SECTION 80. Arkansas Code § 19-5-304(2)(A) is amended to read as
 10 follows to delete a reference to a repealed code section:

11 (2)(A) Department of Workforce Education Fund Account. The
 12 Department of Workforce Education Fund Account shall be used to provide
 13 support for those programs placed under the direction of the Director of the
 14 Department of Workforce Education as authorized by §§ 6-11-101, 6-11-102, 25-
 15 6-101, 25-6-102, ~~25-6-103 [repealed]~~, and Acts 1981, No. 64, § 4, and any
 16 other laws imposing functions, powers, and duties upon the State Board of
 17 Workforce Education and Career Opportunities, including, but not necessarily
 18 limited to, the following:

- 19 (i) Vocational, technical, and adult education;
 - 20 (ii) Adult basic education;
 - 21 (iii) Manpower training;
 - 22 (iv) Vocational standards;
 - 23 (v) Industry training programs; and
 - 24 (vi) Those functions, programs, and responsibilities
- 25 transferred to the Department of Workforce Education as authorized by these
 26 statutes.
 27

28 SECTION 81. Arkansas Code § 19-5-304(5)(A) is amended to read as
 29 follows to delete a reference to a superseded act and to clarify the code
 30 sections concerning the powers, functions, and duties of the Arkansas School
 31 for the Blind:

32 (5)(A) School for the Blind Fund Account. The School for the
 33 Blind Fund Account shall be used for the maintenance, operation, and
 34 improvement required by the Arkansas School for the Blind in carrying out
 35 those powers, functions, and duties as set out in ~~Acts 1879, No. 64, § 1~~
 36 ~~[superseded]~~, or other duties imposed by law upon the Arkansas School for the

1 ~~Blind, which was transferred to the Department of Education by §§ 6-11-101,~~
 2 ~~6-11-102, and 25-6-102 §§ 6-43-101 et seq. and 6-43-201 et seq.~~

3
 4 SECTION 82. Arkansas Code § 19-5-304(7)(A) is amended to read as
 5 follows to change a reference to a repealed subchapter to the subchapter
 6 which now takes its place:

7 (7)(A) Rehabilitation Services Fund Account. The Rehabilitation
 8 Services Fund Account shall be used for the maintenance, operation, and
 9 improvement required by the Arkansas Rehabilitation Services of the
 10 Department of Workforce Education in carrying out the powers, functions, and
 11 duties, as set out in § 6-52-101 et seq., § 20-79-201 et seq., and ~~§ 25-6-201~~
 12 ~~et seq. [repealed]~~ 25-30-201 et seq., and for the adult handicapped program
 13 at the Arkansas Health Center.

14
 15 SECTION 83. Arkansas Code § 19-5-1125(b)(1) is amended to read as
 16 follows to clarify the ambiguous phrase "upon passage of an act":

17 (b)(1) ~~Upon passage of an act~~ Following the enactment of an act
 18 authorizing the memorial or monument ~~by the General Assembly~~ and before
 19 beginning construction, improvement, or placement, any group or organization
 20 that sponsors and pays the cost of the construction, improvement, or
 21 placement of a memorial or monument on the State Capitol grounds shall pay
 22 into the fund a fee of ten percent (10%) of the cost of the construction,
 23 improvement, or placement of the monument or memorial.

24
 25 SECTION 84. Arkansas Code § 19-5-1222(b) is amended to read as follows
 26 to make the subsection consistent with § 6-81-1401 where the creation of the
 27 Nursing Student Loan Revolving Fund is also codified:

28 (b) ~~The fund shall consist of the current assets of the fund, there to~~
 29 ~~be used as may be provided by law~~ The fund shall consist of funds
 30 appropriated for the Nursing Student Loan Program, federal funds, gifts,
 31 grants, bequests, devises, donations, and general revenues, there to be used
 32 by the Arkansas State Board of Nursing for making loans for nursing
 33 scholarships.

34
 35 SECTION 85. Arkansas Code § 19-5-1226(b)(3)(A)(7) is amended to read
 36 as follows to clarify the ambiguous phrase "at the time of the passage of

1 this act":

2 (b)(3)(A) An amount not to exceed twenty-five million dollars
 3 (\$25,000,000) in the Federal Fiscal Relief Fund may be used to supplement
 4 general revenues if required to meet the current forecast of general revenues
 5 which is in effect at the time of the passage of this act on February 3,
 6 2004.

7
 8 SECTION 86. Arkansas Code § 19-6-491(b) is amended to read as follows
 9 to correct references to code sections and to include language from § 19-6-
 10 492 where the Domestic Peace Fund is also codified:

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

14 ~~(B)(2)~~ The moneys designated from § 26-52-107~~(b)(1)(G)~~ shall be
 15 deposited into the fund as special revenue.

16 ~~(2)(3)~~ The fund shall also consist of any:

17 (A) Moneys obtained from private grants or other sources
 18 that are designated to be credited to the fund; and

19 (B) any other Other revenues as may be authorized by law.

20
 21 SECTION 87. Arkansas Code § 19-6-492 is repealed because the Domestic
 22 Peace Fund is codified at 19-6-491 and the section is duplicative:

23 ~~19-6-492. Domestic Peace Fund—Moneys collected for additional~~
 24 ~~marriage license fee.~~

25 ~~(a) There is created on the books of the Treasurer of State, the~~
 26 ~~Auditor of State, and the Chief Fiscal Officer of the State a special revenue~~
 27 ~~fund to be known as the "Domestic Peace Fund".~~

28 ~~(b)(1) All moneys collected for the additional marriage license fee~~
 29 ~~levied to fund and to be used by the Arkansas Child Abuse/Rape/Domestic~~
 30 ~~Violence Commission as provided under § 9-4-101 et seq. shall be deposited~~
 31 ~~into the State Treasury to the credit of the fund as special revenue; and~~

32 ~~(2) The fund shall also consist of any other revenues as may be~~
 33 ~~authorized by law.~~

34 ~~(3) The fund shall also consist of any moneys obtained from~~
 35 ~~private grants or other sources that are designated to be credited to the~~
 36 ~~fund.~~

1 ~~(e) The fund shall be used exclusively by the commission as provided~~
 2 ~~under the Arkansas Domestic Peace Act, § 9-4-101 et seq.~~

3
 4 SECTION 88. Arkansas Code § 19-10-210(b)(2) is amended to read as
 5 follows to correct an obsolete reference to "chancery":

6 (2) To the extent practicable, the commission shall adopt the
 7 procedure used by the ~~Arkansas chancery~~ circuit courts, and its hearing shall
 8 be conducted in a judicial manner.

9
 10 SECTION 89. Arkansas Code § 19-10-212 is amended to read as follows to
 11 make the dollar amount recited in the section consistent with the most recent
 12 act affecting the section:

13 19-10-212. Reports of agency liability.

14 It is the intent of the General Assembly that when any state agency,
 15 board, commission, or institution of higher education admits liability to a
 16 claim filed with the Arkansas State Claims Commission and the claim involves
 17 a contract with a state agency, board, commission, or institution of higher
 18 education or the claim exceeds ~~seven thousand five hundred dollars (\$7,500)~~
 19 ten thousand dollars (\$10,000), that ~~such the~~ the agency, board, commission, or
 20 institution of higher education file a written report thereof to the
 21 Litigation Reports Oversight Subcommittee of the ~~Arkansas~~ Legislative
 22 Council. ~~Such~~ The report shall include a concise statement of facts with an
 23 explanation of the agency's liability. Provided further, ~~such the~~ the report
 24 shall be filed with the ~~Litigation Subcommittee~~ subcommittee within thirty
 25 (30) days after the claim has been adjudicated by the Arkansas State Claims
 26 Commission.

27
 28 SECTION 90. In order to correct errors, § 20-35-102 is amended to read
 29 as follows:

30 20-35-102. Definitions.

31 For purposes of this chapter, "genetic research study or studies" shall
 32 mean those genetic research studies approved by an institutional review board
 33 as defined in 21 C.F.R., ~~Act~~ Part 50, as it existed on January 1, 2001, or
 34 conducted subject to the requirements of the federal common rule at 21
 35 C.F.R., ~~Act~~ Part 50 and ~~Act~~ Part 56, and 45 C.F.R., ~~Act~~ Part 46, as existed
 36 on January 1, 2001.

1
 2 SECTION 91. Arkansas Code § 21-1-402(a)(1) is amended to read as
 3 follows to delete a reference to an abolished council:

4 (a)(1) Subject to any restrictions or conditions prescribed by the
 5 Arkansas Constitution and unless the person resigns prior to entering into
 6 the employment, no person elected to a constitutional office ~~may~~, after being
 7 elected to the constitutional office and during the term for which elected,
 8 may enter into employment with:

9 (A) Any state agency;

10 (B) Any public school district of this state in a
 11 noncertified position;

12 (C) Any vocational education school funded by the state;

13 or

14 (D) Any education service cooperative; ~~or,~~

15 ~~(E) The Cooperative Education Services Coordinating~~
 16 ~~Council [abolished].~~

17
 18 SECTION 92. Arkansas Code § 21-1-502 is amended to read as follows to
 19 delete subsection (b), a substantive provision, from a definitions section:

20 ~~(a)~~ For purposes of this subchapter:

21 (1) "Elected public official" means the Governor, Lieutenant
 22 Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney
 23 General, Commissioner of State Lands, member of the Senate, and member of the
 24 House of Representatives;

25 (2) "Public employee" means any person providing services for
 26 the State of Arkansas, counties, municipal corporations, or any other
 27 political subdivision of this state for which compensation is paid; and

28 (3) "Public employer" means the State of Arkansas and each
 29 political subdivision thereof, as defined in § 21-5-603~~(b)~~.

30 ~~(b) A public employee shall not be prohibited from communicating with~~
 31 ~~an elected public official concerning matters related to the public~~
 32 ~~employee's job, except for matters exempted under § 25-19-105.~~

33
 34 SECTION 93. Arkansas Code § 21-1-503 is amended to read as follows to
 35 add a new subsection (a) containing the language deleted from 21-1-502 by
 36 section 91 of this act:

1 (a) A public employee shall not be prohibited from communicating with
 2 an elected public official concerning matters related to the public
 3 employee's job, except for matters exempted under § 25-19-105.

4 ~~(a)(b)(1)~~ It shall be unlawful for any public employer to discipline,
 5 to threaten to discipline, to reprimand, either orally or in writing, ~~or~~ to
 6 place any notation in a public employee's personnel file disciplining or
 7 reprimanding the employee, or to otherwise ~~to~~ discriminate against a public
 8 employee because the public employee exercised the right to communicate with
 9 an elected public official as granted under this subchapter.

10 (2) A public employer shall not be prohibited from disciplining
 11 an employee who has intentionally made untrue allegations to an elected
 12 official concerning matters related to the public employee's job.

13 ~~(b)(c)~~ Any person willfully violating the provisions of this
 14 subchapter shall be deemed guilty of a Class A misdemeanor.

15 ~~(e) A public employer shall not be prohibited from disciplining an~~
 16 ~~employee who has intentionally made untrue allegations to an elected official~~
 17 ~~concerning matters related to the public employee's job.~~

18
 19 SECTION 94. Arkansas Code § 21-1-609 is repealed because it is an
 20 obsolete section:

21 ~~21-1-609. Severability of subchapter.~~
 22 ~~In the event any provision of this subchapter regarding the remedies or~~
 23 ~~damages for public employees in §§ 21-1-604, 21-1-605, or 21-1-606 is held to~~
 24 ~~be invalid, the invalidity shall not affect the other provisions of this~~
 25 ~~subchapter which offer protection to public employees from adverse actions by~~
 26 ~~public employers, and to this end the provisions of this subchapter are~~
 27 ~~declared to be severable.~~

28
 29 SECTION 95. Arkansas Code § 21-2-115(a) is amended to read as follows
 30 to delete a reference to a repealed code section:

31 (a)(1) Any person in the armed forces of the United States who has
 32 been granted leave of absence under §§ 21-4-301 — 21-4-304, ~~21-4-305~~
 33 ~~{repealed}~~, and 21-4-306 — 21-4-313 may take and subscribe the official oath
 34 of office required by the Arkansas Constitution and statutes of this state at
 35 any time after his or her election and before he or she enters upon the
 36 duties of his or her office, ~~before any.~~

1 (2) The oath may be administered by any officer of this state or
 2 of any other state or of the United States or of any foreign country who is
 3 authorized to administer oaths.

4
 5 SECTION 96. Title 21, Chapter 3, Subchapter 1 of the Arkansas Code
 6 Annotated of 1987 is amended to add a new section concerning selection
 7 service registration of state employment applicants which is also codified at
 8 § 6-80-104:

9 21-3-102. Selective Service registration.

10 (a) "Statement of selective service status" means a statement on an
 11 application for employment with the State of Arkansas or for admission to any
 12 public institution of higher education, sworn under penalty of perjury, that:

13 (1) The person filing the certificate is registered with the
 14 Selective Service System in accordance with the Military Selective Service
 15 Act; or

16 (2) The person filing the certificate is not required to
 17 register with the Selective Service System because the person is:

18 (A) Under eighteen (18) years of age;

19 (B) In the armed forces of the United States on active
 20 duty, other than in a reserve or national guard unit;

21 (C) An alien lawfully admitted to the United States as a
 22 nonimmigrant under Section 101(A)(15) of the Immigration and Nationality Act,
 23 8 U.S.C. § 1101, for so long as he or she continues to maintain a lawful
 24 nonimmigrant status in the United States;

25 (D) A permanent resident of the trust territory of the
 26 Pacific Islands or the Northern Mariana Islands; or

27 (E) Excused from registration for other reason provided by
 28 federal law and that reason is included in the certificate.

29 (b) No person who is required to register with the Selective Service
 30 System shall be eligible for employment by any agency of the State of
 31 Arkansas or for admission to any public institution of higher education
 32 unless the person has signed a statement of selective service status.

33
 34 SECTION 97. Arkansas Code § 21-4-502 is repealed because the section
 35 is obsolete:

36 ~~21-4-502. Lump sum payment for unused sick leave in 2000.~~

1 ~~(a)(1) State employees shall be entitled on March 1, 2001, to a lump~~
 2 ~~sum payment of twenty dollars (\$20.00) per day for each day of unused sick~~
 3 ~~leave which was accrued during calendar year 2000.~~

4 ~~(2)(A) All state agencies subject to this subchapter shall~~
 5 ~~report the average sick leave usage per employee for calendar year 1998 to~~
 6 ~~the Office of Personnel Management of the Division of Management Services of~~
 7 ~~the Department of Finance and Administration no later than thirty (30) days~~
 8 ~~after July 30, 1999, and shall report the average sick leave usage per~~
 9 ~~employee for calendar year 2000 to the Office of Personnel Management no~~
 10 ~~later than February 1, 2001.~~

11 ~~(B) The office shall calculate the average sick leave~~
 12 ~~usage per state employee during calendar year 2000 based on the best~~
 13 ~~available records and shall report this usage and the percentage of decrease~~
 14 ~~or increase in the average sick leave usage per state employee during~~
 15 ~~calendar year 2000 versus 1998 to the Governor and the House and Senate~~
 16 ~~Committees on State Agencies and Governmental Affairs no later than March 1,~~
 17 ~~2001.~~

18 ~~(C)(i) If the average usage for the calendar year 2000~~
 19 ~~decreases at least fifteen percent (15%) compared to calendar year 1998,~~
 20 ~~state employees shall be eligible on March 1, 2001, for a lump sum payment of~~
 21 ~~twenty dollars (\$20.00) per day for each day of unused sick leave which was~~
 22 ~~accrued during calendar year 2000.~~

23 ~~(ii) If the average sick leave usage during calendar~~
 24 ~~year 2000 decreases by at least twelve percent (12%) but less than fifteen~~
 25 ~~percent (15%) compared to calendar year 1998, the Governor may authorize a~~
 26 ~~lump sum payment of twenty dollars (\$20.00) per day for each day of unused~~
 27 ~~sick leave accrued during calendar year 2000.~~

28 ~~(iii) If the average sick leave usage did not~~
 29 ~~decrease by at least twelve percent (12%) during calendar year 2000 as~~
 30 ~~compared to calendar year 1998, the lump sum payment shall not be made for~~
 31 ~~that year.~~

32 ~~(b) Contributions of sick leave to an agency's catastrophic sick leave~~
 33 ~~program shall not reduce the lump sum payment provided by this section.~~
 34

35 SECTION 98. Arkansas Code § 21-5-207(a)(13) is repealed because the
 36 subdivision is obsolete:

1 ~~(13) To provide assistance to state agencies or institutions~~
 2 ~~covered by the merit system in the areas of recruitment, testing, and merit~~
 3 ~~placement of applicants under the rules and regulations established for the~~
 4 ~~merit system;~~

5 ~~(14)~~(13) To provide assistance to state agencies and
 6 institutions in identifying, developing, and maintaining training and
 7 resource programs; and

8 ~~(15)~~(14) To develop and implement, as needed, upon the review of
 9 the Legislative Council, rules and regulations to ensure a uniform system of
 10 personnel administration within state government.

11
 12 SECTION 99. Arkansas Code § 21-5-609(d)(2) is amended to read as
 13 follows to clarify the phrase "et cetera":

14 (2) The reimbursement of twenty-five dollars (\$25.00) or less
 15 for out-of-pocket expenses for incurred in response to an emergency situation
 16 ~~such as~~ gasoline, oil, uniforms, ~~and~~ required equipment, ~~et cetera~~ or
 17 similar expenses incurred in response to an emergency situation shall not be
 18 construed to be monetary compensation for the volunteer worker.

19
 20 SECTION 100. Arkansas Code § 21-5-703 is amended to read as follows to
 21 delete subsection (d) which is obsolete and to delete a reference in the
 22 section to subsection (d):

23 21-5-703. Procedures for filing claims.

24 (a) All claimants shall be subject to the same rules and regulations
 25 as are provided by the law governing procedure before the Arkansas State
 26 Claims Commission.

27 (b) ~~Except as provided in subsection (d) of this section, all~~ All
 28 claims asserted under this subchapter shall be filed within five (5) years of
 29 the following:

- 30 (1) The date of the covered public employee's death;
- 31 (2) The date of the incident causing the covered public
- 32 employee's total and permanent disability; or
- 33 (3) The date the covered public employee permanently leaves the
- 34 employment position covered by this subchapter.

35 (c) Unless § 6-82-504(e) is applicable, the commission shall award any
 36 scholarship benefit provided by the provisions of § 6-82-501 et seq. at the

1 same time any death benefit or total and permanent disability benefit is
2 awarded under this subchapter.

3 ~~(d) The surviving child of any Arkansas State Highway and
4 Transportation Department employee or law enforcement officer who died or
5 became totally disabled as described in § 6-82-503 prior to January 1, 1997,
6 is entitled to educational benefits under § 6-82-501, et seq., if:~~

7 ~~(1) The claim is filed prior to the child's twenty-first
8 birthday;~~

9 ~~(2) The child would have been entitled to the benefits had the
10 parent's death or disability occurred after August 1, 1997; and~~

11 ~~(3) The claim is filed within thirty (30) calendar days after
12 March 16, 1999.~~

13
14 SECTION 101. Arkansas Code § 21-5-707(d) is amended to read as follows
15 to clarify an ambiguity and make the subsection consistent with subsection
16 (c) of the section:

17 (d) In order for a stepchild nineteen (19) years of age or older to be
18 eligible to receive benefits under this subchapter:

19 (1) The stepchild must have been listed as a dependent on the
20 covered public employee's federal and state income tax returns in each of the
21 five (5) previous income years; and

22 (2) The stepchild must have received more than one-half (1/2) of
23 his or her financial support from the covered public employee in each of the
24 five (5) previous income years.

25
26 SECTION 102. Arkansas Code § 21-6-414 is repealed because the section
27 is also codified at § 21-6-413 and it is duplicative:

28 ~~21-6-414. Probate and county matters—Uniform court costs.~~

29 ~~(a) Uniform court costs are established as follows:~~

30	Dissolutions of incorporation	
31	\$25.00
32	Articles of incorporation25.00
33		
34	Amendments to articles of incorporation25.00
35		
36	Filing last will and testament for safekeeping5.00

1

2 ~~Authentication certificate5.00~~

3

4 ~~Certify and seal document5.00~~

5

6 ~~Marriage license30.00~~

7

8 ~~Certified copy of marriage license5.00~~

9

10 ~~Underage marriages — Petition and order10.00~~

11

12 ~~Small estates25.00~~

13

14 ~~Assumed names25.00~~

15

16 ~~Limited partnerships25.00~~

17

18 ~~Alcoholics and insane persons25.00~~

19

20 ~~Clerk’s tax deed5.00~~

21

22 ~~Recording doctors’ and nurses’ credentials5.00~~

23

24 ~~Recording ministers’ credentials5.00~~

25

26 ~~Filing affidavit of claim against an estate5.00~~

27

28 ~~Filing power of attorney10.00~~

29

30 ~~Filing and recording all accounts and settlements50.00~~

31

32 ~~Certified copies of all letters5.00~~

33

34 ~~Issuing subpoena or summons5.00~~

35

36 ~~Putting up advertisement of settlement of executors,~~

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~~administrators, and guardians5.00~~

~~Preparing notices of settlements to be published in
paper each month5.00~~

~~Filing exceptions5.00~~

~~(b) With respect to probate matters, this section applies to circuit clerks and any county clerk who serves as ex officio clerk of the probate division of the circuit court.~~

~~(c) Any fee not specifically provided for in subsection (a) of this section shall be set by the circuit court if it is a probate matter or by the county judge if it is a county court matter.~~

~~(d) The fee provisions provided for in this section shall be in lieu of any and all fees now established by law.~~

~~(e)(1)(A) Fees collected under this section shall be paid into the county treasury to the credit of the fund to be known as the "county clerk's cost fund".~~

~~(B) With the exception of those funds referred to in subdivision (e)(2) of this section, all funds deposited into the county clerk's cost fund are general revenues of the county and may be used for any legitimate county purpose.~~

~~(2)(A) At least thirty five percent (35%) of the moneys collected annually shall be used to purchase, maintain, and operate an automated records system.~~

~~(B) The acquisition and update of software for the automated records system shall be a permitted use of these funds.~~

~~(C) Funds set aside for automation may be allowed to accumulate from year to year or at the discretion of the clerk may be transferred to the county general fund by a budgeted appropriated transfer.~~

~~(3)(A) In those counties having combined offices of circuit clerk and county clerk, the clerk shall elect to use the automation fund authorized by this section or the automation fund allowed by the county recorder's cost fund, § 21-6-306.~~

~~(B) The clerk's election shall be made in writing and~~

1 ~~filed in the office of the circuit clerk.~~

2 ~~(C) Under no circumstances shall the clerk be allowed to~~
3 ~~utilize both the automation fund as authorized by § 21-6-306 and the county~~
4 ~~clerk's cost fund as authorized in this subchapter.~~

5
6 SECTION 103. Arkansas Code § 21-13-108(b) is amended to read as
7 follows to clarify that volunteers in state service enjoy the protection of
8 the state's sovereign immunity to the same extent as paid staff:

9 (b) Volunteers in state service ~~may~~ shall enjoy the protection of the
10 state's sovereign immunity to the same extent as paid staff.

11
12 SECTION 104. Arkansas Code § 21-14-107(b)(2) is amended to read as
13 follows to clarify the requirements for a notary public's seal:

14 (2) The seal ~~should~~ shall include:

15 (A) The notary public's name exactly as he or she writes
16 his or her official signature;

17 (B) The name of the county where the notary public's bond
18 is filed;

19 (C) The words "notary public" and "Arkansas"; and

20 (D) The date upon which the notary public's notary
21 expires.

22
23 SECTION 105. Arkansas Code § 23-18-531(c) is amended to read as
24 follows to clarify the language of the subsection:

25 (c) In the event an authority purchases or acquires all or part of an
26 existing generation facility from an entity other than another authority or a
27 municipal electric utility and the entity paid taxes or made payments in lieu
28 of taxes to a political subdivision of the state, the authority purchasing or
29 acquiring the facility shall make payments in lieu of taxes at a rate no less
30 than the rate at which the entity from which the facility is purchased or
31 acquired ~~paid taxes, or made payments in lieu of taxes,~~ would have otherwise
32 been obligated to ~~make payment~~ pay.

33
34 SECTION 106. Arkansas Code § 23-52-104 is amended to read as follows
35 to remove from the section language that was declared unconstitutional by the
36 Arkansas Supreme Court:

23-52-104. Permissible check-casher fees.

(a) A check-casher may charge a reasonable fee to defray operational costs incurred in the check-cashing business, including without limitation:

- (1) Investigating the checking account and copying required documents;
- (2) Photographing the person signing the check;
- (3) Securing check and customer records in a safe, ~~fire-proof~~ fireproof place;
- (4) Maintaining records as required by this chapter;
- (5) Maintaining required capital and liquidity; and
- (6) Processing, documenting, and closing the check-cashing or deferred-deposit transactions.

~~(b) The fee, when made and collected, shall not be deemed interest for any purpose of law, and a check-cashing transaction, including one (1) with a deferred presentment option, shall not be and shall not be deemed to be a loan, loan contract, or a contract for the payment of interest notwithstanding any disclosures required by this chapter.~~

~~(c)(b) The fees authorized by this section shall not exceed the following, unless~~ Unless otherwise authorized by this chapter, the fees authorized by this section shall not exceed the following:

(1) For the service of selling currency or check in exchange for checks, without regard to whether a deferred presentment option is involved:

(A) A fee not to exceed five percent (5%) of the face amount of the check, if ~~such~~ the check is the payment of any kind of state public assistance or federal social security benefit payable to the bearer of ~~such~~ the check or ~~such~~ the check is otherwise a check issued by a federal or state governmental entity;

(B) A fee not in excess of ten percent (10%) of the face amount of any personal check or money order; or

(C) A fee not in excess of six percent (6%) of the face amount of the check in the case of all other checks. Such a fee may be collected separately or by paying the customer an amount of money equal to the face amount of the check less the appropriate fee under this chapter;

(2) For a deferred presentment option which involves a personal check, an additional fee not to exceed ten dollars (\$10.00) may be charged by a check-casher; and

1 (3) In addition to the foregoing fees, a check-casher may charge
 2 a fee of no more than five dollars (\$5.00) to set up an initial customer
 3 account and issue an optional identification card for providing check-cashing
 4 services. A replacement optional identification card may be issued at a cost
 5 not to exceed five dollars (\$5.00).

6
 7 SECTION 107. Arkansas Code § 23-63-1606(c) is amended to read as
 8 follows to clarify the language of the subsection:

9 (c) A captive insurance company ~~may not have less than~~ shall have at
 10 least one (1) incorporator.

11
 12 SECTION 108. Arkansas Code § 23-75-111(a)(4) is amended to read as
 13 follows to clarify the wording of the subdivision:

14 (4)(A) Upon the commissioner's review of an application at any time ~~by~~
 15 ~~the commissioner of an application, if the applicant requests a hearing,~~ the
 16 commissioner shall hold a hearing, ~~if requested by the applicant before~~
 17 ~~issuing an order of disapproval, hold a hearing upon~~ The applicant shall be
 18 given not less than ten (10) days' written notice of the hearing, ~~specifying~~
 19 The notice shall specify the matters to be considered at the hearing, ~~to the~~
 20 ~~corporation which makes the application, and if,~~

21 (B) If after the hearing provided by subdivision (a)(4)(A)
 22 of this section the commissioner finds that the application or a part thereof
 23 does not meet the requirements of this code, ~~he or she~~ the commissioner shall
 24 issue an order specifying in what respects he or she finds that it so fails.
 25 Notice thereof shall immediately be served on the applicant, either
 26 personally or by mail. Within thirty (30) days ~~before~~ after the date of such
 27 a notice, the applicant may apply to the Pulaski County Circuit Court to show
 28 cause why the action of the commissioner should ~~not~~ be set aside and the
 29 application approved.

30
 31 SECTION 109. Arkansas Code § 23-79-514 is removed from the Arkansas
 32 Code because the section consists of temporary language, and the Arkansas
 33 Code Revision Commission is directed to place the language of the former
 34 section in a note to Arkansas Code Title 23, Chapter 79, Subchapter 5:

35 ~~23-79-514. Study of pool by interim committees.~~

36 ~~The Senate Interim Committee on Insurance and Commerce and the House~~

1 ~~Interim Committee on Insurance and Commerce shall conduct a study of the~~
 2 ~~Arkansas Comprehensive Health Insurance Pool for the purpose of determining~~
 3 ~~alternative permanent funding sources for the deficits incurred by the pool~~
 4 ~~in the future.~~

5
 6 SECTION 110. Arkansas Code § 23-91-221 is amended to read as follows
 7 to update the language of the section:

8 23-91-221. Professional ethics.

9 The Insurance Commissioner shall report to the Attorney General for
 10 reference to the Arkansas Supreme Court any information which the
 11 commissioner considers to be of substance and of possible violation of the
 12 ~~Code of Professional Responsibility~~ Model Rules of Professional Conduct as
 13 adopted by the Arkansas Supreme Court.
 14

15 SECTION 111. Arkansas Code 23-97-213(a) is amended to read as follows
 16 to clarify the wording of the subsection:

17 (a)(1) A long-term care insurance applicant, policyholder, or
 18 certificate holder shall have the right to return the policy or certificate
 19 within thirty (30) days of its delivery and to have the entire premium
 20 refunded if, after examination of the policy or certificate, the applicant,
 21 policyholder, or certificate holder is not satisfied for any reason.

22 (2)(A) Long-term care insurance policies and certificates shall
 23 be accompanied by a notice prominently printed on the first page or attached
 24 thereto stating in substance that the applicant, policyholder, or certificate
 25 holder shall have the right to return the policy or certificate within thirty
 26 (30) days of its delivery and to have the entire premium refunded if, after
 27 examination of the policy or certificate, other than a certificate issued
 28 pursuant to a policy issued to a group defined in § 23-97-203(4)(A), the
 29 applicant, ~~or the policyholder,~~ or certificate holder is not satisfied for
 30 any reason.

31 (B) If an application for a qualified long-term care
 32 contract is denied, the issuer shall refund to the applicant any premium and
 33 any other fee submitted by the applicant within thirty (30) days of the
 34 denial.
 35

36 SECTION 112. Arkansas Code § 24-11-212(e) is amended to read as

1 follows to clarify that the language of the subsection is to be understood as
 2 an imperative command:

3 (e) At the time that there are no longer any members covered by local
 4 police and fire pension and relief funds, any remainder of the future
 5 supplement funds ~~would~~ shall be transferred to the Arkansas Local Police and
 6 Fire Retirement System.

7
 8 SECTION 113. Arkansas Code § 25-36-104 is amended to read as follows
 9 to clarify the language of the section:

10 25-36-104. Data recording and tracking.

11 (a)(1)~~(A)~~ The State Procurement Director shall track data regarding
 12 minority participation in state contracts that exceed twenty-five thousand
 13 dollars (\$25,000).

14 ~~(B) The director shall promulgate rules.~~

15 (2) The data shall include, but not be limited to, information
 16 regarding:

17 (A) The dollar amount for each contract awarded to a
 18 minority-owned business;

19 (B) The total dollar amount spent on contracts by each
 20 state agency; and

21 (C) The number and percentage of minority-owned businesses
 22 awarded contracts by the agency.

23 (b) The director shall report the data required under subsection (a)
 24 of this section semiannually to the Governor and to the cochairs of the
 25 Legislative Council and to the Legislative Joint Auditing Committee and the
 26 Minority Business Advisory Council.

27 (c)(1) Each state agency shall include in its budget report to the
 28 Joint Budget Committee a listing of all contracts in amounts exceeding
 29 twenty-five thousand dollars (\$25,000) awarded to minority-owned businesses.

30 (2) The vice president or vice chancellor for finance of each
 31 state college and university shall include in his or her budget report to the
 32 Joint Budget Committee a listing of all contracts in amounts exceeding
 33 twenty-five thousand dollars (\$25,000) awarded to minority-owned businesses.

34 (d) The director shall promulgate rules and regulations necessary for
 35 the implementation of this chapter.

36

1 SECTION 114. Arkansas Code § 26-18-1003(a)(1) is amended to read as
 2 follows to make the subdivision consistent with the requirements of 26-18-
 3 1002(i):

4 (a)(1) If the decision of the hearing officer under § 26-18-1002 is to
 5 affirm the closure of the business, the decision shall be submitted in
 6 writing and delivered by ~~mail~~ the United States Postal Service or by hand to
 7 the noncompliant taxpayer.

8
 9 SECTION 115. Arkansas Code § 26-57-1206(d) is amended to read as
 10 follows to clarify the phrases "e.g." and "etc.":

11 (d) Any sales made by the operator of a coin-operated vending device
 12 that are made without the use of a vending device, ~~e.g.,~~ for example, office
 13 coffee service, manual hot foods lines, catering events, ~~etc.,~~ and other
 14 similar sales, shall be subject to the state and local gross receipts or
 15 sales taxes levied pursuant to the provisions of the Arkansas Gross Receipts
 16 Act of 1941, § 26-52-101 et seq., any provision of ~~Chapters 74 and 75 of~~
 17 ~~Title 26~~ § 26-74-101 et seq., 26-75-101 et seq., or any other provision of the
 18 ~~Arkansas~~ Code that provides for the levy of a local sales tax.

19
 20 SECTION 116. Arkansas Code § 28-2-206(b)(4) is amended to read as
 21 follows to add essential language that was inadvertently omitted when § 28-2-
 22 206 was enacted:

23 (4) ~~Held~~ Upon the disclaimer of a preceding interest, a future
 24 interest held by a person other than the disclaimant takes effect as if the
 25 disclaimant had died or ceased to exist immediately before the time of
 26 distribution, but a future interest held by the disclaimant is not
 27 accelerated in possession or enjoyment.

28
 29 SECTION 117. Arkansas Code § 28-65-503(b) is amended to clarify the
 30 meaning of the subsection by adding a reference that appears throughout the
 31 rest of the section:

32 (b) In the event the moneys or other property of the minor or
 33 incompetent person accumulate to a total value of five hundred dollars (\$500)
 34 or more, the suitable person shall immediately report that fact to the
 35 circuit court.

1 SECTION 118. Arkansas Code § 28-70-104(f) is amended to read as
2 follows to add essential language that was inadvertently omitted when § 28-
3 70-104 was enacted:

4 (f) Terms of a trust that limit the power of a trustee to make an
5 adjustment between principal and income do not affect the application of this
6 section unless it is clear from the terms of the trust that the terms are
7 intended to deny the trustee the power of adjustment conferred by subsection
8 (a).

9
10 SECTION 119. The enactment and adoption of this act shall not repeal,
11 expressly or impliedly, the acts passed at the regular session of the 85th
12 General Assembly. All such acts shall have full effect and, so far as those
13 acts intentionally vary from or conflict with any provision contained in this
14 Act, those acts shall have the effect of subsequent acts and as amending or
15 repealing the appropriate parts of the Arkansas Code of 1987.

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