

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

SENATE BILL 76

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

35 SECTION 3. Arkansas Code §19-6-301(91) is amended to reflect current
36 Special Revenues Enumerated to read as follows:



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

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

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

9
 10 SECTION 5. Arkansas Code Title 19, Chapter 6, Subchapter 3 is amended
 11 by adding the following new subsections to reflect current Special Revenues
 12 Enumerated to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

36 (218) That portion of DWI operator's driver's license reinstatement fees;

- 1 §5-65-119(4);
- 2 (219) That portion of suspended, revoked or cancelled driver's license
- 3 reinstatement fees, §§ 27-16-808(b)(2) and 27-16-508(c);
- 4 (220) That portion of driver's license special fees for duplicate and
- 5 identification licenses, as enacted by Act 311 of 1977, and all laws
- 6 amendatory thereto, §§ 27-16-801, 27-16-805, and 27-16-806(c);
- 7 (221) Civil penalties and fines collected under the Arkansas Catfish
- 8 Marketing Act of 1975, §§20-61-101, 20-61-203;
- 9 (222) That portion of penalties collected for failure to pay fees for
- 10 registration and licensing of motor vehicles, §27-14-601(e).

11

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

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

13

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

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

15

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

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

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

31

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

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

The State Highway and Transportation Department Fund shall consist of that

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

19

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

23 19-6-406. Public Service Commission Fund.

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

29

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

32 19-6-408. Plant Board Fund.

33 The Plant Board Fund shall consist of those special revenues as specified in
 34 subdivisions (46), (49), (50), (51), (52), (53), (54), (55), (122), ~~and~~
 35 (169), and (221) of § 19-6-301, thirty-one cents (31¢) of the fertilizer
 36 inspection fees set out in subdivision (48) of § 19-6-301, and all of those

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

9
 10 SECTION 12. Arkansas Code §19-6-420, concerning sources of special
 11 revenues for the Game Protection Fund, is amended to read as follows:

12 19-6-420. Game Protection Fund.

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

20
 21 SECTION 13. Arkansas Code §19-6-475, concerning sources of special
 22 revenues for the Securities Department Fund, is amended to read as follows:

23 19-6-475. Securities Department Fund.

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

33
 34 SECTION 14. Arkansas Code 19-6-478 is repealed.

35 ~~19-6-478. Voter Registration Signature Imaging System Fund.~~

36 ~~The Voter Registration Signature Imaging System Fund shall consist of those~~

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

5
 6 SECTION 15. Arkansas Code §19-6-490(b)(1), concerning sources of
 7 special revenues for the Marine Sanitation Fund, is amended to read as
 8 follows:

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

14
 15 SECTION 16. Arkansas Code §19-6-491(b)(1), concerning sources of
 16 special revenues for the Domestic Peace Fund, is amended to read as follows:

17 (b)(1)(A) The moneys collected under ~~§16-14-110~~ §16-20-407, as
 18 designated under ~~§16-14-110(b)(2)~~ §16-20-407(b)(2), shall be deposited into
 19 the State Treasury to the credit of the fund as special revenue.
 20 ~~(B) The moneys designated from §26-52-107(b)(1)(C) shall be deposited into~~
 21 ~~the fund as special revenue.~~

22
 23 SECTION 17. Arkansas Code Title 19, Chapter 6, Subchapter 4 is amended
 24 by adding the following new sections concerning the establishment of special
 25 revenue funds to read as follows:

26 19-6-494. Alternative Fuels Fund.

27
 28 The Alternative Fuels Fund shall consist of those special revenues as
 29 specified in subdivision (206) of §19-6-301, there to be used by the
 30 Alternative Fuels Commission for the operation of the Alternative Fuels
 31 Commission office, grants for alternative fuels research and grants or loans
 32 for alternative fuels projects, as set out in §15-10-701.

33
 34 19-6-495. Arkansas Weatherization Assistance Fund.

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 36 The Arkansas Weatherization Assistance Fund shall consist of those

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

4
5 19-6-496. Choose Life Adoption Assistance Program Fund.

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

13
14 19-6-497. Shared Benefit Payment Fund.

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

20
21 19-6-498. Investor Education Fund.

22
23 The Investor Education Fund shall consist of those special revenues as
24 specified in subdivision (213) of §19-6-301 and an initial transfer of one
25 hundred thousand dollars (\$100,000) from the Securities Department Fund,
26 there to be used to inform and educate the public regarding investments in
27 securities, and to pay for costs and expenses associated with conducting a
28 stock market game for educational purposes in the state's public school
29 system, as set out in §23-42-213.

30
31 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly of the State of Arkansas that various laws have been enacted
33 since the passage of the Revenue Classification Law which have changed or
34 created various revenues collected by the State, and that this amendment to
35 the Revenue Classification Law is necessary in order to reflect the various
36 taxes, licenses, fees and other revenues levied and collected for the support

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

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