

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 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: H3/22/07*

# A Bill

HOUSE BILL 2462

5 By: Representative Bond  
6 By: Senator Madison  
7

## For An Act To Be Entitled

10 AN ACT TO MAKE VARIOUS CORRECTIONS TO THE  
11 ARKANSAS CODE OF 1987 ANNOTATED; AND FOR OTHER  
12 PURPOSES.  
13

### Subtitle

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

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 2-5-207 is amended to read as follows to  
22 correct the classification of an offense and to make stylistic changes:

23 (a) It ~~shall be~~ is unlawful for any person to:

24 (1) Use the term "Arkansas certified" or any similar term  
25 concerning the quality of bait or ornamental fish without the proper  
26 certification from the State Plant Board;

27 (2) Falsely advertise or represent any bait or ornamental fish  
28 as being certified by the board;

29 (3) Use any emblem, label, or language for the purpose of  
30 misleading a person into believing that any bait or ornamental fish has been  
31 certified by the board when the certification has not been obtained;

32 (4) Misuse any tag, label, or certificate issued by the board;

33 (5) Obtain or attempt to obtain the certification of any bait or  
34 ornamental fish by making a false statement or misrepresentation to the board  
35 or to the board's inspectors, deputies, or agents;

36 (6) Violate any ~~of the rules and regulations~~ rule or regulation



1 of the board under this subchapter; or

2 (7) Violate any agreement made as a condition for receiving a  
3 certificate.

4 (b) Any person who pleads guilty or nolo contendere to or is found  
5 guilty of violating ~~the provisions of~~ this section is guilty of a ~~misdemeanor~~  
6 violation and shall be punished by a fine of not less than twenty-five  
7 dollars (\$25.00) nor more than five hundred dollars (\$500) for each offense.

8 (c)(1) A certificate issued under this subchapter may be revoked by  
9 the Director of the State Plant Board after a hearing before the director,  
10 regardless of whether a prosecution is commenced.

11 (2)(A) Any person whose certificate is revoked by the director  
12 ~~shall be~~ is entitled to an appeal to the board.

13 (B) The decision of the board on appeal ~~shall be~~ is final.  
14

15 SECTION 2. Arkansas Code § 2-5-208 is amended to read as follows to  
16 clarify the duty of the State Plant Board in administering § 2-5-201 et seq.:  
17 2-5-208. Intergovernmental cooperation.

18 In administering this subchapter, the State Plant Board ~~may~~ shall  
19 cooperate to the fullest extent possible with other agencies of the state and  
20 the federal government.  
21

22 SECTION 3. Arkansas Code § 2-23-101(7) is repealed so as to remove an  
23 unnecessary definition.

24 ~~(7) "Director" means the Director of the State Plant Board;~~  
25

26 SECTION 4. Arkansas Code § 2-23-101(12) is repealed so as to remove an  
27 unnecessary definition.

28 ~~(12) "State Plant Board" means the State Plant Board.~~  
29

30 SECTION 5. Arkansas Code § 2-38-501 is amended to read as follows to  
31 *clarify the section and to make stylistic changes:*

32 *2-38-501. Definition.* ~~(a) "Feral hog" means any hogs (Sus scrofa),~~  
33 ~~including Russian and European wild boar, which are roaming freely upon~~  
34 ~~public lands or upon private lands which are not enclosed by a fence~~  
35 ~~sufficient under § 2-39-101 et seq. and without the landowner's permission.~~

36 ~~(b) A stray domestic hog shall not be considered a feral hog until~~

1 ~~five (5) calendar days after escaping from domestic confinement. If notice~~  
 2 ~~is provided to adjacent landowners within those five (5) calendar days, the~~  
 3 ~~stray domestic hog shall not be considered a feral hog for an additional ten~~  
 4 ~~(10) calendar days.~~

5 ~~(c) For purposes of this section, a feral hog is deemed domestic~~  
 6 ~~livestock.~~

7 As used in this subchapter:

8 (1) "Feral hog" means any hog of the species *Sus scrofa*,  
 9 including a Russian or European wild boar, that is roaming freely upon public  
 10 land or private land:

11 (A) That is not enclosed with a fence sufficient under §  
 12 2-39-101 et seq.; and

13 (B) Without the landowner's permission;

14 (2)(A) "Feral hog" does not include a stray domestic hog that  
 15 has escaped from domestic confinement for less than five (5) calendar days.

16 (B) If the owner of the stray domestic hog provides notice  
 17 of the escape to all adjacent landowners within five (5) calendar days of the  
 18 escape, the stray domestic hog is not considered a "feral hog" for an  
 19 additional ten (10) calendar days following the initial five-day period; and

20 (3) A "feral hog" is deemed to be domestic livestock.

21  
 22 SECTION 6. Arkansas Code § 2-38-504(a) is amended to read as follows  
 23 to clarify the culpable mental state required for an offense:

24 (a) Unless the landowner has consented, any person who ~~willfully~~  
 25 knowingly releases any hog to live in a wild or feral state upon public land  
 26 or private land in violation of this section.

27  
 28 SECTION 7. Arkansas Code § 2-40-208(a)(1) is amended to read as  
 29 follows to clarify a duty of the Arkansas Livestock and Poultry Commission:

30 (a)(1) The Arkansas Livestock and Poultry Commission ~~is authorized and~~  
 31 ~~directed to~~ shall prescribe minimum sanitary and health standards for  
 32 livestock markets in the state to promote and protect the health of livestock  
 33 handled at these markets and the health of personnel working in the markets.

34  
 35 SECTION 8. Arkansas Code § 2-40-803(b) is amended to read as follows  
 36 to clarify the criminal offenses provided for in the section:

1 (b) Except as otherwise provided in this subchapter, upon conviction  
2 any person or entity ~~who~~ that violates a provision of this subchapter ~~and or~~  
3 a commission rule or regulation promulgated pursuant to this subchapter ~~shall~~  
4 ~~be deemed~~ is guilty of a Class A misdemeanor.

5  
6 SECTION 9. Arkansas Code § 2-40-819(b) is amended to read as follows  
7 to clarify the phrase “and/or” and to make stylistic changes:

8 (b) Notwithstanding the provisions of subsection (a) of this section,  
9 with respect to a horse claimed in a claiming race run at a licensed  
10 racetrack regulated by the Arkansas Racing Commission, the commission may  
11 require:

12 (1) ~~Require that the~~ The negative equine infectious anemia test  
13 ~~shall to~~ have been conducted at an approved laboratory within the previous  
14 ~~(12) twelve~~ twelve (12) months, rather than the previous six (6) months;  
15 ~~and/or~~

16 (2) ~~Allow any such test~~ Any negative equine infectious anemia  
17 test required to be conducted within the last six (6) months to be conducted  
18 after the race and after title and risk of loss have passed to the buyer; ~~or~~

19 (3) That the requirements of both subdivisions (b)(1) and (2) of  
20 this section be met.

21  
22 SECTION 10. Arkansas Code § 3-5-227(d)(1)(B)(i) is amended to read as  
23 follows to correct an incorrect reference to a criminal offense:

24 (B)(i) That the purchaser is aware that giving, procuring,  
25 or otherwise furnishing any alcoholic beverage to any person under twenty-one  
26 (21) years of age is ~~a misdemeanor~~ a criminal offense as provided in §§ 3-3-  
27 201 and 3-3-202; and

28  
29 SECTION 11. Arkansas Code § 5-1-102(13)(B)(ii)(c) is amended to read  
30 as follows to make stylistic changes:

31 (c) An act that is committed in the course of medical research,  
32 experimental medicine, or ~~acts~~ an act deemed necessary to save the life or  
33 preserve the health of the ~~mother~~ woman.

34  
35 SECTION 12. Arkansas Code § 5-2-605(4) is amended to read as follows  
36 to clarify a reference:

1           (4) A person who reasonably believes that another person is  
 2 about to commit suicide or to inflict serious physical injury upon himself or  
 3 herself may use nondeadly physical force upon the other person to the extent  
 4 reasonably necessary to thwart the ~~result~~ suicide or infliction of serious  
 5 physical injury;

6  
 7           SECTION 13. Arkansas Code § 5-2-606(b)(2) is amended to read as  
 8 follows to clarify references:

9           (2)(A) The person is the initial aggressor.

10           (B) However, the ~~person's~~ initial aggressor's use of  
 11 physical force upon another person is justifiable if:

12           (i) The ~~person~~ initial aggressor in good faith  
 13 withdraws from the encounter and effectively communicates to the other person  
 14 his or her purpose to withdraw from the encounter; and

15           (ii) The other person continues or threatens to  
 16 continue the use of unlawful physical force; or

17  
 18           SECTION 14. Arkansas Code § 5-4-323(e) is amended to read as follows  
 19 to correctly classify a criminal offense:

20           (e) ~~Any~~ Upon conviction, any person who fails to make a good faith  
 21 effort to comply with a court order issued pursuant to this section is guilty  
 22 ~~of an unclassified misdemeanor~~ a violation and shall be punished by a fine of  
 23 at least one hundred dollars (\$100) but not more than one thousand dollars  
 24 (\$1,000).

25  
 26           SECTION 15. Arkansas Code § 5-4-501(d)(2)(A)(viii) is repealed so as  
 27 to remove an obsolete reference.

28           ~~(viii) Sexual abuse in the first degree, § 5-14-108~~  
 29 ~~{repealed};~~

30  
 31           SECTION 16. Arkansas Code § 5-4-501(d)(2)(A)(ix) is repealed so as to  
 32 remove an obsolete reference.

33           ~~(ix) Violation of a minor in the first degree, § 5-~~  
 34 ~~14-120 {repealed};~~

35  
 36           SECTION 17. Arkansas Code § 5-5-401 is amended to read as follows to

1 repeal an unnecessary definition:

2 As used in this subchapter,†

3 ~~(1) "State Crime Laboratory" means the State Crime Laboratory~~  
 4 ~~established in § 12-12-301 et seq; and~~

5 ~~(2) "Weapon" "weapon" means any firearm, bomb, explosive, metal~~  
 6 ~~knuckles, sword, spear, or other device employed as an instrument of crime by~~  
 7 ~~subjecting another to physical harm or fear of physical harm.~~

8

9 SECTION 18. Arkansas Code § 5-5-402(a)(2) is amended to read as  
 10 follows to clarify its application:

11 (2) However, no transfer of a weapon or ammunition shall be made  
 12 pursuant to this section until there is a final determination concerning the  
 13 disposition of the weapon or ammunition by the court having jurisdiction over  
 14 the weapon or ammunition.

15

16 SECTION 19. Arkansas Code § 5-10-101(a)(1)(A) is amended to read as  
 17 follows to clarify the criminal offenses within its scope:

18 (A) The person commits or attempts to commit:  
 19 (i) Terrorism, as defined in § 5-54-205;  
 20 (ii) Rape, § 5-14-103;  
 21 (iii) Kidnapping, § 5-11-102;  
 22 (iv) Vehicular piracy, § 5-11-105;  
 23 (v) ~~Robbery; Robbery, § 5-12-102;~~  
 24 (vi) Aggravated robbery, § 5-12-103;  
 25 ~~(vi) Burglary (vii) Residential burglary, § 5-39-~~  
 26 201(a);

27 (viii) Commercial burglary, § 5-39-201(b);  
 28 ~~(vii)-(ix) A felony violation of the Uniform~~  
 29 ~~Controlled Substances Act, §§ 5-64-101 – 5-64-608, §§ 5-64-101 – 5-64-508,~~  
 30 ~~involving an actual delivery of a controlled substance; or~~

31 ~~(viii)-(x) First degree escape, § 5-54-110; and~~  
 32

33 SECTION 20. Arkansas Code § 5-10-101(a)(8) is amended to read as  
 34 follows to clarify its application:

35 (8) The person enters into an agreement in which ~~one~~ (1) a  
 36 person is to cause the death of another person in return for anything of

1 value, and ~~the~~ a person hired pursuant to the agreement causes the death of  
2 any person;

3  
4 SECTION 21. Arkansas Code § 5-10-104(a)(1)(B) is amended to read as  
5 follows to clarify its application and word usage:

6 (B) The reasonableness of the excuse is determined from  
7 the viewpoint of a person in the ~~defendant's~~ actor's situation under the  
8 circumstances as ~~he or she~~ the actor believes ~~believed~~ them to be;

9  
10 SECTION 22. Arkansas Code § 5-10-106(a)(1) is amended to read as  
11 follows to conform the culpable mental state element of a criminal offense to  
12 a culpable mental state defined in the Arkansas Criminal Code and to clarify  
13 the criminal offense:

14 (a)(1) As used in this section, "physician-assisted suicide" means a  
15 physician or health care provider participating in a medical procedure or  
16 ~~willfully~~ knowingly prescribing any drug, compound, or substance for the  
17 *express purpose of assisting a patient to intentionally end the patient's*  
18 *life.*

19  
20 SECTION 23. Arkansas Code § 5-10-106(c) is amended to read as follows  
21 to clarify a criminal offense and to make stylistic changes:

22 (c) ~~Any~~ Upon conviction, any physician or health care provider  
23 ~~violating a provision of subsection (b) of this section is deemed~~ guilty of a  
24 Class C felony.

25  
26 SECTION 24. A. Arkansas Code § 5-11-101 (1) is amended to read as  
27 follows to incorporate in a definition language incorporated by reference:

28 (1) "Deviate sexual activity" means ~~the same as defined in § 5-~~  
29 ~~14-101~~ any act of sexual gratification involving:

30 (A) The penetration, however slight, of the anus or mouth  
31 of a person by the penis of another person; or

32 (B) The penetration, however slight, of the labia majora  
33 or anus of a person by any body member or foreign instrument manipulated by  
34 another person;

35 B. Arkansas Code § 5-11-101(4) is amended to read as  
36 follows to incorporate in a definition language incorporated by reference:

1           (4) "Sexual contact" means ~~the same as defined in § 5-14-101~~ any  
2 act of sexual gratification involving the touching, directly or through  
3 clothing, of the sex organs, buttocks, or anus of a person or the breast of a  
4 female;

5  
6           SECTION 25. Arkansas Code § 5-11-101(5) is amended to read as follows  
7 to incorporate in a definition language incorporated by reference:

8           (5) "Sexual intercourse" means ~~the same as defined in § 5-14-101~~  
9 penetration, however slight, of the labia majora by a penis; and

10  
11           SECTION 26. Arkansas Code § 5-13-201(a)(7) is amended to read as  
12 follows to clarify the culpable mental state required for a criminal offense:

13           (7) The person ~~intentionally or~~ knowingly, without legal  
14 justification, causes serious physical injury to a person he or she knows to  
15 be twelve (12) years of age or younger; or

16  
17           SECTION 27. The introductory language of Arkansas Code § 5-13-  
18 202(a)(4) is amended to read as follows to clarify the culpable mental state  
19 required for a criminal offense:

20           (4) The person ~~intentionally or~~ knowingly, without legal  
21 justification, causes physical injury to a person he or she knows to be:

22  
23           SECTION 28. Arkansas Code § 5-13-209 is amended to read as follows to  
24 clarify a criminal offense and to make stylistic changes:

25           (a) A person commits abuse of an athletic official if, with ~~With~~ the  
26 purpose of causing physical injury to another person, ~~any person who~~ the  
27 person strikes or otherwise physically abuses an athletic contest official  
28 immediately prior to, during, or immediately following an interscholastic,  
29 intercollegiate, or any other organized amateur or professional athletic  
30 contest in which the athletic contest official is participating. ~~is guilty of~~

31           (b) Abuse of an athletic official is a Class A misdemeanor.

32  
33           SECTION 29. Arkansas Code § 5-13-310 is amended to read as follows to  
34 clarify a criminal offense, to remove unnecessary language, and to make  
35 stylistic changes:

36           ~~For the purposes of this section,~~ A person commits a terroristic



1 act if, while not in the commission of a lawful act, the person:

2 (1) Shoots at or in any manner projects an object at a  
3 conveyance which is being operated or which is occupied by another person  
4 with the purpose to cause injury to another person or damage to property; or

5 (2) Shoots at an occupiable structure with the purpose to cause  
6 injury to a person or damage to property.

7 (b)(1) ~~Any~~ Upon conviction, any person who commits a terroristic act as  
8 ~~defined in subsection (a) of this section is deemed guilty of a Class B~~  
9 felony.

10 (2) ~~Any~~ Upon conviction, any person who commits a terroristic act  
11 ~~as defined in subsection (a) of this section is deemed guilty of a Class Y~~  
12 felony if the person with the purpose of causing physical injury to another  
13 person causes serious physical injury or death to any person.

14 (c) This section does not repeal any law or part of a law in conflict  
15 with this section, but is supplemental to the law or part of a law in  
16 conflict.

17  
18 SECTION 30. Arkansas Code § 5-14-122(b) is amended to read as follows  
19 to clarify a criminal offense:

20 (b) A person commits bestiality if he or she performs or submits to  
21 any act of sexual gratification with an animal involving ~~the~~ his or her or  
22 the animal's sex organs ~~of the one~~ and the mouth, anus, penis, or vagina of  
23 the other.

24  
25 SECTION 31. Arkansas Code § 5-26-401(b)(2)(A)(i) is amended to read as  
26 follows to correct an internal reference:

27 (i) Leaves or remains outside the State of Arkansas  
28 for more than thirty (30) days while a current duty of support is unpaid.  
29 However, it is an affirmative defense to a charge under this ~~section~~  
30 subdivision (b)(2)(A)(i) that the defendant did not leave or remain outside  
31 the state with the purpose of avoiding the payment of support;

32  
33 SECTION 32. Arkansas Code § 5-26-415(3) is amended to read as follows  
34 to clarify its application:

35 (3) After conviction, in lieu of ~~the~~ a penalty provided in ~~this~~  
36 ~~act~~ § 5-26-401 or in addition to ~~the~~ a penalty provided in ~~this act~~ § 5-26-

1 401.

2  
3 SECTION 33. Arkansas Code §5-26-501(b) is amended to read as follows  
4 to clarify a criminal offense:

5 (b)(1)~~(A)~~ Interference with visitation is a Class C misdemeanor.

6 ~~(B)(2)~~ However, interference with visitation is a:

7 (A) Class D felony for any offense if the minor is taken,  
8 enticed, or kept outside of the State of Arkansas; or

9 (B) Class A misdemeanor for a third or subsequent offense.

10 ~~(2) Any person who has pleaded guilty or nolo contendere to or~~  
11 ~~is found guilty of interference with visitation more than two (2) times is~~  
12 ~~guilty of a Class A misdemeanor.~~

13  
14 SECTION 34. Arkansas Code § 5-27-222 is amended to read as follows to  
15 clarify a criminal offense:

16 ~~A parent or person standing in loco parentis to a minor is guilty of a~~  
17 ~~violation and upon conviction shall be punished by a fine not to exceed two~~  
18 ~~hundred fifty dollars (\$250), if the parent's or person's gross neglect of a~~  
19 ~~parental duty with reference to the minor.~~

20 (a) It is unlawful for a parent or person standing in loco parentis to  
21 a minor to grossly neglect a parental duty to the minor if the gross neglect:

22 (1) Proximately results in the delinquency of the minor; or

23 (2) Fails to correct the delinquency of the minor.

24 (b) Upon conviction, a person who violates this section is guilty of a  
25 violation and shall be punished by a fine not to exceed two hundred fifty  
26 dollars (\$250).

27  
28 SECTION 35. Arkansas Code § 5-27-302(5) is amended to read as follows  
29 to clarify the phrase "and/or" and to make stylistic changes:

30 (5) "Visual or print medium" means any film, photograph, negative,  
31 slide, book, magazine, or other visual or print medium other than material  
32 specifically used by a licensed medical professional and/or or mental health  
33 professional, or both, for the purpose of assessment, evaluation, and  
34 treatment of a sex offender.

35  
36 SECTION 36. A. Arkansas Code § 5-27-306(a)(1)(C) is amended to read as

1 follows to remove an unnecessary internal reference:

2 (C) Deviate sexual activity ~~as defined in § 5-14-101;~~

3

4 B. Arkansas Code § 5-27-306(a)(2)(C) is amended to read as

5 follows to remove an unnecessary internal reference:

6 (C) Deviate sexual activity ~~as defined in § 5-14-101;~~

7

8 C. Arkansas Code § 5-27-306(a)(3)(C) is amended to read as

9 follows to remove an unnecessary internal reference:

10 (C) Deviate sexual activity ~~as defined in § 5-14-101;~~ or

11

12 D. Arkansas Code § 5-27-306(a)(4)(C) is amended to read as

13 follows to remove an unnecessary internal reference:

14 (C) Deviate sexual activity ~~as defined in § 5-14-101;~~

15

16 SECTION 37. Arkansas Code § 5-27-306(b)(3) is amended to read as

17 follows to clarify its application:

18 (3) Class A felony if the person arranges a meeting with a child  
19 fifteen (15) years of age or younger and an actual meeting with the child  
20 takes place, even if the person fails to engage the child in ~~any sexual~~  
21 activity;

22 (A) Sexual intercourse;

23 (B) Sexually explicit conduct; or

24 (C) Deviate sexual activity.

25

26 SECTION 38. Arkansas Code § 5-27-401(1) is repealed so as to remove an

27 unnecessary definition.

28 ~~(1) "Deviate sexual intercourse" means any act of sexual~~  
29 ~~gratification involving;~~

30 ~~(A) The penetration, however slight, of the anus or mouth~~  
31 ~~of a person by the penis of another person; or~~

32 ~~(B) The penetration, however slight, of the labia majora~~  
33 ~~or anus of a person by any body member or foreign instrument manipulated by~~  
34 ~~another person;~~

35

36 SECTION 39. Arkansas Code § 5-36-103(c)(2)(A) is amended to read as

1 follows to clarify a definition:

2 (A) "Public safety agency" means an agency of the State of  
3 Arkansas or a functional division of a political subdivision that provides:

4 (i) ~~Fire fighting~~ Firefighting and rescue;

5 (ii) Natural or man-caused disaster or major  
6 emergency response;

7 (iii) Law enforcement; ~~and~~ or

8 (iv) Ambulance or emergency medical services; and  
9

10 SECTION 40. Arkansas Code § 5-37-225(a) is amended to read as follows  
11 to conform the culpable mental state element of a criminal offense to a  
12 culpable mental state defined in the Arkansas Criminal Code:

13 (a) No person may falsely make, forge, or counterfeit, or cause or  
14 procure to be falsely made, forged, or counterfeited, or ~~willingly~~ knowingly  
15 aid or assist in falsely making, forging, or counterfeiting a transcript,  
16 diploma, or grade report of a postsecondary educational institution.  
17

18 SECTION 41. Arkansas Code § 5-37-407(a)(2) is amended to read as  
19 follows to clarify the scope of a definition:

20 (2) ~~"Any As used in this section, "any person aggrieved"~~  
21 includes any communication service provider.  
22

23 SECTION 42. Arkansas Code § 5-38-301(d)(3)(A) is amended to read as  
24 follows to make stylistic changes:

25 (3)(A) The Governor may establish and administer a fund to be  
26 known as the "Reward Pool Fund".  
27

28 SECTION 43. Arkansas Code § 5-40-103 is amended to read as follows to  
29 clarify its application:

30 (a) ~~In any case in which~~ If any land or town or city lot has been  
31 forfeited to the State of Arkansas for the nonpayment of taxes and the title  
32 of the state to the land or town or city lot has been confirmed, it is  
33 unlawful after the date of the confirmation decree for the former owner or  
34 any other person to sell, buy, damage, or remove from the land or town or  
35 city lot any building, fence, or other improvement on the land or town or  
36 city lot ~~or to buy or sell any building, fence, or other improvement on the~~

1 ~~land or town or city lot.~~

2 (b) ~~Any~~ Upon conviction, any person violating any provision of this  
3 section is guilty of a Class B misdemeanor and is liable to the State of  
4 Arkansas for three (3) times the amount of the value of the building, fence,  
5 or other improvement, as defined in subsection (a) of this section, so that  
6 is sold, bought, damaged, or removed in violation of this section.

7

8 SECTION 44. Arkansas Code § 5-41-202(a)(4) is amended to read as  
9 follows to clarify its application:

10 (4) Obtains and discloses, publishes, transfers, or uses a  
11 device used to access a computer, system, network, or data; or

12

13 SECTION 45. Arkansas Code § 5-53-110(a)(2) is amended to read as  
14 follows to correct internal references:

15 (2) Withhold any unprivileged testimony, information, document,  
16 or thing regardless of the admissibility under the rules of evidence of the  
17 testimony, information, document, or thing and notwithstanding the relevance  
18 or probative value of the testimony, information, document, or thing to an  
19 investigation;

20

21 SECTION 46. Arkansas Code § 5-54-122(c)(1)(A) is amended to read as  
22 follows to correct an internal reference:

23 (A) The ~~crime~~ alleged criminal wrongdoing is a capital  
24 offense, Class Y felony, Class A felony, or Class B felony;

25

26 SECTION 47. Arkansas Code § 5-54-201(1)(G) is amended to read as  
27 follows to clarify a criminal offense:

28 (G) Any act that causes damage of five hundred thousand  
29 dollars (\$500,000) or more to any building or set of buildings;

30

31 SECTION 48. Arkansas Code § 5-54-201(14)(G)(ii)(b) is amended to read  
32 as follows to correct an internal reference and to make stylistic changes:

33 (b) ~~Licensed medical personnel~~ A licensed medical worker who ~~provide~~  
34 provides emergency medical treatment to a person whom the ~~doctor~~ licensed  
35 medical worker believes committed an offense under this subchapter if, as  
36 soon as reasonably practicable either before or after providing the medical

1 treatment, the ~~doctor~~ licensed medical worker notifies a law enforcement  
2 agency; and

3  
4 SECTION 49. Arkansas Code § 5-55-103(a)(1) is amended to read as  
5 follows to clarify a criminal offense and to correct an internal reference:

6 (a)(1) It is unlawful for any person to commit medicaid fraud as  
7 ~~defined in this subchapter, and any person found to have committed any such~~  
8 ~~act or acts is deemed guilty of medicaid fraud~~ prohibited by § 5-55-111.

9  
10 SECTION 50. Arkansas Code § 5-55-301 is amended to read as follows to  
11 clarify a criminal offense, to make stylistic changes, and to clarify its  
12 application:

13 ~~(a) Any person or entity who knowingly makes any material false~~  
14 ~~statement or representation for the purpose of obtaining any benefit or~~  
15 ~~payment, or for the purpose of defeating or wrongfully increasing or~~  
16 ~~wrongfully decreasing any claim for benefit or payment, or who aids and abets~~  
17 ~~for either of these purposes, is guilty of a Class D felony.~~

18 (a)(1) It is unlawful for any person to knowingly make any material  
19 false statement or representation to the State Department for Social Security  
20 Administration Disability Determination for the purpose of:

21 (A) Obtaining any benefit or payment;

22 (B) Defeating or wrongfully increasing or wrongfully  
23 decreasing any claim for benefit or payment; or

24 (C) Aiding and abetting another person in violation of  
25 subdivisions (a)(1)(A) or (B) of this section.

26 (2) Upon conviction, a person who violates subdivision (a)(1) of  
27 this section is guilty of a Class D felony.

28 (b) A copy of subsection (a) of this section shall be placed on all  
29 forms prescribed by the State Department for Social Security Administration  
30 Disability Determination for the use of a person claiming a benefit, a  
31 provider participating in the claims process, and any other party involved in  
32 the claims process.

33 (c) ~~When the department finds that a false or misleading statement or~~  
34 ~~representation was made willfully and knowingly for the purpose of obtaining~~  
35 ~~a benefit or payment, or for the purpose of obtaining, wrongfully increasing,~~  
36 ~~wrongfully decreasing, or defeating any claim for a benefit or payment a~~

1 violation of subsection (a) of this section, the Director of the State  
2 Department for Social Security Administration Disability Determination shall  
3 refer the matter for appropriate action to the prosecuting attorney of the  
4 district where the original claim was filed.

5  
6 SECTION 51. Arkansas Code § 5-62-118(a) is amended to read as follows  
7 to correctly classify a criminal offense and to make stylistic changes:

8 (a)(1) Any person who impounds or causes to be impounded in any pound  
9 or other place any creature shall supply to it during the confinement a  
10 sufficient quantity of good wholesome food and water, ~~and in default of this~~  
11 ~~requirement upon conviction is adjudged guilty of a misdemeanor.~~

12 (2) Upon conviction, a person who violates subdivision (a)(1) of  
13 this section is guilty of a Class A misdemeanor.

14  
15 SECTION 52. Arkansas Code § 5-64-101(4) is repealed so as to remove an  
16 unnecessary definition.

17 ~~(4) "Bureau" means the Drug Enforcement Administration of the~~  
18 ~~United States Department of Justice or its successor agency;~~

19  
20 SECTION 53. Arkansas Code § 5-64-101(8) is repealed so as to remove an  
21 unnecessary definition.

22 ~~(8) "Director" means the Director of the Division of Health of~~  
23 ~~the Department of Health and Human Services or his or her duly authorized~~  
24 ~~agent;~~

25  
26 SECTION 54. The introductory language of Arkansas Code § 5-64-  
27 101(14)(C) is amended to read as follows to clarify a duty:

28 (C) In determining whether an object is "drug  
29 paraphernalia", a court or other authority ~~should~~ shall consider, in addition  
30 to any other logically relevant factor, the following:

31  
32 SECTION 55. Arkansas Code § 5-64-101(17)(A)(i) is amended to read as  
33 follows to clarify the phrase "and/or" and to make stylistic changes:

34 (i) ~~All parts~~ Any part and any variety ~~and/or or~~  
35 species, or both, of the ~~plant Cannabis~~ Cannabis plant that contains THC  
36 (Tetrahydrocannabinol) whether growing or not;

1  
2 SECTION 56. Arkansas Code § 5-64-214(3) is amended to read as follows  
3 to clarify the phrase “and/or”:

4 (3) That the substance has relatively high psychological ~~and/or~~  
5 or physiological dependence liability, or both,; and  
6

7 SECTION 57. The introductory language of Arkansas Code § 5-64-  
8 215(a)(3) is amended to read as follows to clarify the phrase “and/or” and to  
9 clarify internal references:

10 (3) A synthetic equivalent of the substance contained in the  
11 Cannabis plant, or in the resinous extractives of the genus ~~cannabis~~  
12 Cannabis, sp., and/or or a synthetic substance, derivative, or its isomers  
13 with similar chemical structure and pharmacological activity such as the  
14 following:  
15

16 SECTION 58. Arkansas Code § 5-64-401(a)(4)~~(A)(i)~~ is amended to read as  
17 follows to clarify the phrase “and/or”:

18 (4) Schedule VI. A controlled substance classified in Schedule  
19 VI is guilty of a felony and shall be:

20 (A)(i) Imprisoned no less than four (4) nor more than ten  
21 (10) years ~~and/or or~~ or fined no more than twenty-five thousand dollars  
22 (\$25,000), or both, if the quantity of the controlled substance is less than  
23 ten pounds (10 lbs.).

24 (ii) For any purpose other than disposition, this  
25 offense is a Class C felony;

26 (B)(i) Imprisoned for no less than five (5) years nor more  
27 than twenty (20) years ~~and/or or~~ or fined no less than fifteen thousand  
28 (\$15,000) nor more than fifty thousand (\$50,000), or both, if the quantity of  
29 the controlled substance is ten pounds (10 lbs.) or more but less than one  
30 hundred pounds (100 lbs.).

31 (ii) For any purpose other than disposition, this  
32 offense is a class B felony; or

33 (C)(i) Imprisoned for no less than six (6) years nor more  
34 than thirty (30) years ~~and/or or~~ or fined no less than fifteen thousand dollars  
35 (\$15,000) nor more than one hundred thousand dollars (\$100,00), or both if  
36 the quantity of the controlled substance is one hundred pounds (100 lbs.) or



1 more.

2 (ii) For any purpose other than disposition, this  
3 offense is a Class A felony.

4

5 SECTION 59. Arkansas Code § 5-64-402(a)(2) is amended to read as  
6 follows to correct an internal reference:

7 (2) Knowingly to keep or maintain any store, shop, warehouse,  
8 dwelling, building, or other structure or place or premise, that is resorted  
9 to by a person for the purpose of using or obtaining ~~these substances~~ a  
10 controlled substance in violation of this chapter or that is used for keeping  
11 ~~them~~ a controlled substance in violation of this chapter.

12

13 SECTION 60. Arkansas Code § 5-64-403(a)(5)(A) is amended to read as  
14 follows to correct an internal reference:

15 (5)(A) Agree, consent, or in any manner offer to unlawfully  
16 sell, furnish, transport, administer, or give any controlled substance to any  
17 person, or to arrange for any ~~of the above~~ action described in this  
18 subdivision (a)(5)(A), and then to substitute a ~~non-controlled~~ noncontrolled  
19 substance in lieu of the controlled substance bargained for.

20

21 SECTION 61. The introductory language of Arkansas Code § 5-64-404(b)  
22 is amended to read as follows to clarify a criminal offense:

23 (b) A person commits the offense of unlawful use of a communication  
24 device if he or she knowingly uses any communication device in committing or  
25 in causing or facilitating the commission of any act constituting a:

26

27 SECTION 62. Acts 1995, No. 778, § 1, is repealed due to a conflict  
28 between that act and Acts 1995, No. 779, § 1, in amending § 5-64-411, and  
29 which conflict under § 1-2-207 is resolved in favor of Acts 1995, No. 779.

30

31 SECTION 63. Arkansas Code § 5-64-415(c)(1)(B) is amended to read as  
32 follows to formally create the Health Department Drug Precursor Cash Fund:

33 (B)(i) There is created on the books of the Treasurer of  
34 State, the Auditor of State, and the Chief Fiscal Officer of the State, a  
35 cash fund to be known as the "Health Department Drug Precursor Cash Fund".

36

(ii) The fees established under this subsection

1 shall be collected by the Division of Health of the Department of Health and  
2 Human Services and transmitted to the Treasurer of State, who shall credit  
3 the fees to the Health Department Drug Precursor Cash Fund, ~~which fund is~~  
4 ~~created by this section.~~

5 ~~(ii)~~(iii) The fund shall be administered by the  
6 Division of Pharmacy Services and Drug Control of the Division of Health of  
7 the Department of Health and Human Services.

8  
9 SECTION 64. Arkansas Code § 5-64-415(j)(2) is amended to read as  
10 follows to clarify a duty:

11 (2) Further, the Department of Arkansas State Police and the  
12 Division of Health of the Department of Health and Human Services ~~are~~  
13 ~~authorized and directed to~~ shall exchange information gathered or received by  
14 either agency under the provisions of this section.

15  
16 SECTION 65. Arkansas Code § 5-64-505(b)(3) is amended to read as  
17 follows to clarify the phrase "and/or":

18 (3) Any drug paraphernalia or counterfeit substance except in  
19 the possession or control of a practitioner in the course of professional  
20 practice ~~and/or~~ or research.

21  
22 SECTION 66. Arkansas Code § 5-64-508(d)(2) is amended to read as  
23 follows to clarify its application:

24 (2) A person who obtains this authorization ~~is not~~ shall not be  
25 compelled in any civil, criminal, administrative, legislative, or other  
26 proceeding to identify the individuals who are the subjects of research for  
27 which the authorization was obtained.

28  
29 SECTION 67. Arkansas Code § 5-64-803 is amended to read as follows to  
30 correct internal references:

31 (a) A place where a drug device is manufactured, sold, stored,  
32 possessed, given away, or furnished in violation of this ~~section~~ subchapter  
33 is deemed a common or public nuisance.

34 (b) A conveyance or vehicle of any kind is deemed a ~~place~~ "place"  
35 within the meaning of ~~this section~~ subsection (a) of this section and may be  
36 proceeded against under the provisions of § 5-64-804.

1 (c) A person who maintains, or aids or abets, or knowingly associates  
2 with another in maintaining a common or public nuisance under subsection (a)  
3 of this section is in violation of this subchapter, and judgment shall be  
4 given that the common or public nuisance be abated or closed as a place for  
5 the manufacture, sale, storage, possession, giving away, or furnishing of a  
6 drug device.

7  
8 SECTION 68. Arkansas Code § 5-64-1103(c) is repealed because its  
9 provisions are being enacted as a new § 5-64-1104.

10 ~~(c)(1) A pharmacy shall maintain a written or electronic log or~~  
11 ~~receipts of transactions involving the sale of ephedrine, pseudoephedrine, or~~  
12 ~~phenylpropanolamine.~~

13 ~~(2) A person purchasing, receiving, or otherwise acquiring~~  
14 ~~ephedrine, pseudoephedrine, or phenylpropanolamine is required to:~~

15 ~~(A) Produce current and valid proof of identity; and~~

16 ~~(B) Sign a written or electronic log or receipt that~~  
17 ~~documents the date of the transaction, the name of the person, and the~~  
18 ~~quantity of pseudoephedrine or ephedrine purchased, received, or otherwise~~  
19 ~~acquired.~~

20  
21 SECTION 69. Arkansas Code Title 5, Chapter 64, Subchapter 11 is  
22 amended to add a new section to read as follows:

23 5-64-1104. Sales records – Purchaser’s proof of identity.

24 (a) A pharmacy shall maintain a written log or an electronic log or  
25 receipts of transactions involving the sale of ephedrine, pseudoephedrine, or  
26 phenylpropanolamine.

27 (b) A person purchasing, receiving, or otherwise acquiring ephedrine,  
28 pseudoephedrine, or phenylpropanolamine shall:

29 (1) Produce current and valid proof of identity; and

30 (2) Sign a written log or an electronic log or a receipt that  
31 documents the date of the transaction, the name of the person, and the  
32 quantity of ephedrine, pseudoephedrine, or phenylpropanolamine purchased,  
33 received, or otherwise acquired.

34  
35 SECTION 70. Arkansas Code § 5-64-1103(g) is repealed because its  
36 provisions are being enacted as a new § 5-64-1105.

1           ~~(g) As used in this subchapter:~~

2                   ~~(1) "Ephedrine", "pseudoephedrine", and "phenylpropanolamine"~~  
3 ~~mean any product containing ephedrine, pseudoephedrine, or~~  
4 ~~phenylpropanolamine or any of their salts, isomers, or salts of isomers,~~  
5 ~~alone or in a mixture;~~

6                   ~~(2)(A) "Proof of age" or "proof of identity" means any document~~  
7 ~~issued by a governmental agency that contains a description of the person or~~  
8 ~~a photograph of the person, or both, and gives the person's date of birth.~~

9                   ~~(B) "Proof of age" or "proof of identity" includes,~~  
10 ~~without being limited to, a passport, military identification card, or~~  
11 ~~driver's license;~~

12                   ~~(3)(A) "Retail distributor" means a grocery store, general~~  
13 ~~merchandise store, drugstore, convenience store, or other related entity, the~~  
14 ~~activities of which, as a distributor of ephedrine, pseudoephedrine, or~~  
15 ~~phenylpropanolamine products, are limited exclusively to the sale of~~  
16 ~~ephedrine, pseudoephedrine, or phenylpropanolamine products for personal use,~~  
17 ~~both in number of sales and volume of sales, either directly to walk-in~~  
18 ~~customers or in face to face transactions by direct sales.~~

19                   ~~(B) "Retail distributor" includes any person or entity~~  
20 ~~that makes a direct sale or has knowledge of the direct sale.~~

21                   ~~(C) "Retail distributor" does not include:~~

22                           ~~(i) Any manager, supervisor, or owner not present~~  
23 ~~and not otherwise aware of the direct sale; or~~

24                           ~~(ii) The parent company of a grocery store, general~~  
25 ~~merchandise store, drugstore, convenience store, or other related entity if~~  
26 ~~the parent company is not involved in direct sales regulated by this~~  
27 ~~subchapter; and~~

28                   ~~(4) "Sale for personal use" means the sale in a single~~  
29 ~~transaction to an individual customer for a legitimate medical use of a~~  
30 ~~product containing ephedrine, pseudoephedrine, or phenylpropanolamine in a~~  
31 ~~quantity at or below that specified in subsection (a) of this section, and~~  
32 ~~includes the sale of those products to an employer to be dispensed to~~  
33 ~~employees from a first-aid kit or medicine chest.~~

34  
35           SECTION 71. Arkansas Code Title 5, Chapter 64, Subchapter 11 is  
36 amended to add a new section to read as follows:

1           5-64-1105. Definitions.

2           As used in this subchapter:

3                   (1) "Ephedrine", "pseudoephedrine", and "phenylpropanolamine"  
4 means any product containing ephedrine, pseudoephedrine, or  
5 phenylpropanolamine or any of their salts, isomers, or salts of isomers,  
6 alone or in a mixture;

7                   (2)(A) "Proof of age" and "proof of identity" means any document  
8 issued by a governmental agency that contains a description of the person or  
9 a photograph of the person, or both, and gives the person's date of birth.

10                   (B) "Proof of age" and "proof of identity" includes  
11 without limitation, a passport, military identification card, or driver's  
12 license;

13                   (3)(A) "Retail distributor" means a grocery store, general  
14 merchandise store, drugstore, convenience store, or other related entity, the  
15 activities of which, as a distributor of ephedrine, pseudoephedrine, or  
16 phenylpropanolamine products, are limited exclusively to the sale for  
17 personal use of ephedrine, pseudoephedrine, or phenylpropanolamine products,  
18 both in number of sales and volume of sales, either directly to walk-in  
19 customers or in face-to-face transactions by direct sales.

20                   (B) "Retail distributor" includes any person or entity  
21 that makes a direct sale or has knowledge of the direct sale.

22                   (C) "Retail distributor" does not include:

23                           (i) Any manager, supervisor, or owner not present  
24 and not otherwise aware of the direct sale; or

25                           (ii) The parent company of a grocery store, general  
26 merchandise store, drugstore, convenience store, or other related entity if  
27 the parent company is not involved in direct sales regulated by this  
28 subchapter; and

29                   (4) "Sale for personal use" means the sale in a single  
30 transaction to an individual customer for a legitimate medical use of a  
31 product containing ephedrine, pseudoephedrine, or phenylpropanolamine in a  
32 quantity at or below that specified in § 5-64-1103, and includes the sale of  
33 those products to an employer to be dispensed to employees from a first-aid  
34 kit or medicine chest.

35  
36           SECTION 72. Arkansas Code § 5-64-1201 is amended to read as follows to

1 clarify a criminal offense and to make stylistic changes:

2 ~~Any person is guilty of a Class A misdemeanor who possesses~~

3 (a) It is unlawful for any person to possess any a substance in  
4 subdivisions (1)-(3) listed in subsection (b) of this section:

5 (1) ~~with~~ With the intent to breathe, inhale, ingest, or use the  
6 substance for the purpose of:

7 (A) ~~causing~~ Causing a condition of intoxication, elation,  
8 euphoria, dizziness, stupefaction, or dulling of the senses; or

9 (B) ~~for the purpose of in~~ In any manner changing,  
10 distorting, or disturbing his or her audio, visual, or mental processes; or

11 (2) ~~who~~ Who knowingly and with the intent to do so purposely is  
12 under the influence of+ the substance.

13 (b) This subchapter applies to the following substances:

14 (1) Nitrous oxide, commonly known as "laughing gas";

15 (2) Any compound, liquid, or chemical that contains nitrous  
16 oxide; or

17 (3) Any amyl nitrite, commonly known as "poppers" or "snappers".

18 (c) Upon conviction, a person who violates this section is guilty of a  
19 Class A misdemeanor.

20  
21 SECTION 73. Arkansas Code § 5-64-1202 is amended to read as follows to  
22 conform the culpable mental state element of a criminal offense to a culpable  
23 mental state defined in the Arkansas Criminal Code, to clarify the criminal  
24 offense, and to correct internal references:

25 (a) It is unlawful for any Any person, firm, corporation, limited  
26 liability company, or association ~~is guilty of a Class A misdemeanor if that~~  
27 person, firm, corporation, limited liability company, or association  
28 intentionally sells, offers for sale, distributes, or gives away the  
29 following substances to purposely sell, offer for sale, distribute, or give  
30 away a substance listed in § 5-64-1201(b) for the purpose of inducing or  
31 aiding another person to breathe, inhale, ingest, use, or be under the  
32 influence of the ~~substances~~ substance for the purposes a purpose prohibited  
33 in § 5-64-1201+.

34 ~~(1) Nitrous oxide;~~

35 ~~(2) Any compound, liquid or chemical, that contains nitrous~~  
36 ~~oxide; or~~

1           ~~(3) Any amyl nitrate.~~

2           (b) Upon conviction, a person, a firm, a corporation, a limited  
3 liability company, or an association that violates this section is guilty of  
4 a Class A misdemeanor.

5  
6           SECTION 74. Arkansas Code § 5-64-1203(a) is amended to read as follows  
7 to correct an internal reference:

8           (a) A prohibitive provision in this subchapter does not apply to the  
9 possession and use of ~~these substances~~ a substance listed in § 5-64-1201(b)  
10 that is prescribed as part of the practice of dentistry or as part of the  
11 care or treatment of a disease, condition, or injury by a licensed physician  
12 or to their use as part of a manufacturing process or industrial operation.  
13

14           SECTION 75. Acts 1999, No. 1077, § 9, is repealed due to a conflict  
15 between that act and Acts 1999, No. 1468, § 1, and Acts 1999, No. 1508, § 7,  
16 in amending § 5-65-104, and which conflict under § 1-2-207 is resolved in  
17 favor of Acts 1999, Nos. 1468 and 1508.  
18

19           SECTION 76. Arkansas Code § 5-65-108(c)(1) is amended to read as  
20 follows to remove obsolete language:

21           (c)(1) ~~After March 21, 1983, no~~ No circuit court judge, district court  
22 judge, or city court judge may utilize the provisions of § 16-93-301 et seq.  
23 in an instance in which the defendant is charged with violating § 5-65-103.  
24

25           SECTION 77. Arkansas Code § 5-65-109(b)(2)(A) is amended to read as  
26 follows to correct an internal reference:

27           (2)(A) After entry of a plea of guilty or nolo contendere or a  
28 finding of guilt and if the sentencing of the defendant is delayed by the  
29 defendant, the clerk of the court shall notify the defendant by first class  
30 mail sent to the defendant's last known address that the defendant has  
31 fifteen (15) days to appear and show cause for failing to appear for  
32 sentencing.  
33

34           SECTION 78. Acts 1995, No. 172, § 1, and Acts 1995, No. 1032, § 1, are  
35 repealed due to a conflict between those acts and Acts 1995, No. 263, § 1,  
36 and Acts 1995, No. 1256, § 20, in amending § 5-65-115, and which conflict

1 under § 1-2-207 is resolved in favor of Acts 1995, Nos. 263 and 1256.

2  
3 SECTION 79. Arkansas Code § 5-65-118(b)(1)(B) is amended to read as  
4 follows to remove obsolete language:

5 (B) However, if the office restricts the offender to the  
6 use of an ignition interlock device in conjunction with the issuance of an  
7 ignition interlock restricted license under a provision of § 5-65-104, the  
8 period of requirement of use of the ignition interlock device shall be at  
9 least the remaining time period of the original suspension imposed under § 5-  
10 65-104, ~~and so notify the office;~~

11  
12 SECTION 80. Arkansas Code § 5-65-120(a)(2)(D) is amended to read as  
13 follows to clarify an internal reference:

14 (D) To and from the alcohol ~~safety~~ education and  
15 alcoholism treatment ~~course~~ programs for drunk drivers; or

16  
17 SECTION 81. Arkansas Code § 5-65-207(d) is amended to read as follows  
18 to remove obsolete language and to make stylistic changes:

19 (d) Any law enforcement agency that conducts alcohol testing shall ~~be~~  
20 in maintain full compliance with ~~the provisions of~~ this section ~~by June 28,~~  
21 ~~1989.~~

22  
23 SECTION 82. Arkansas Code § 5-66-103 is amended to read as follows to  
24 clarify a criminal offense and to make stylistic changes:

25 (a) It is unlawful for any person to ~~Any person who:~~

26 (1) ~~Keeps, conducts, or operates, or who is~~ Keep, conduct, or  
27 operate, or be interested directly or indirectly in keeping, conducting, or  
28 operating any gambling house or place where gambling is carried on;

29 (2) ~~Sets up, keeps, or exhibits or causes~~ Set up, keep, or  
30 exhibit or cause to be set up, kept, or exhibited or ~~assists~~ assist in  
31 setting up, keeping, or exhibiting any gambling device; or

32 (3) ~~Is~~ Be interested directly or indirectly in running any  
33 gambling house or in setting up and exhibiting any gambling device, either by  
34 furnishing money or another article, for the purpose of carrying on any  
35 gambling house, .

36 (b) Upon conviction, a person who violates this section is deemed



1 guilty of a an unclassified felony and ~~on conviction~~ shall be confined in the  
 2 Department of Correction for not less than one (1) year nor more than three  
 3 (3) years.

4  
 5 SECTION 83. Arkansas Code § 5-66-105 is amended to read as follows to  
 6 clarify a criminal offense and to make stylistic changes:

7 (a) It is unlawful for ~~If~~ any person ~~is~~ in any way, either directly or  
 8 indirectly, to be:

9 (1) Interested ~~interested~~ or concerned in any gaming prohibited  
 10 by § 5-66-104, either by furnishing money or another article for the purpose  
 11 of carrying on gaming, ~~;~~ or is

12 (2) Interested ~~interested~~ in the loss or gain of ~~such prohibited~~  
 13 ~~gaming,~~ gaming prohibited by § 5-66-104.

14 (b) Upon conviction, a person who violates this section is ~~he or she~~  
 15 ~~is deemed~~ guilty of a an unclassified misdemeanor and ~~on conviction~~ shall be  
 16 fined in any sum not less than one hundred dollars (\$100) and may be  
 17 imprisoned any length of time not less than thirty (30) days nor more than  
 18 one (1) year as in § 5-66-104.

19  
 20 SECTION 84. Arkansas Code § 5-66-106 is amended to read as follows to  
 21 correctly classify a criminal offense, to clarify the criminal offense, and  
 22 to make stylistic changes:

23 (a) It is unlawful for any person to bet ~~If any person is guilty of~~  
 24 ~~betting~~ any money or other valuable thing or any representative of any thing  
 25 that is esteemed of value, ~~on any game prohibited by § 5-66-104,~~ upon,

26 (b) Upon conviction, ~~he or she~~ a person who violates this section is  
 27 guilty of a violation and shall be fined in any sum not exceeding one hundred  
 28 dollars (\$100) nor less than fifty dollars (\$50.00).

29  
 30 SECTION 85. Arkansas Code § 5-66-107 is amended to read as follows to  
 31 correctly classify a criminal offense, to clarify the criminal offense,  
 32 correct internal references, and to make stylistic changes:

33 (a) It is unlawful for any ~~If the~~ owner or occupant of any house,  
 34 ~~outhouse~~ outbuilding, or other building or any steamboat, or other vessel  
 35 ~~shall~~ to knowingly permit or suffer any ~~of~~ games, tables, or banks mentioned  
 36 in § 5-66-104 or ~~shall~~ permit or suffer any kind of gaming under any name

1 ~~whatsoever~~, to be carried on or exhibited in ~~their houses, or outhouses or~~  
 2 ~~other buildings~~ his or her house, outbuilding, or other building, or on board  
 3 of any steamboat, flatboat, keelboat, or other vessel on any of the waters  
 4 within this state, ~~upon,~~

5 (b) Upon conviction, the owner or occupant shall be punished as  
 6 provided in § 5-66-104 a person who violates this section is guilty of an  
 7 unclassified misdemeanor and shall be fined in any sum not less than one  
 8 hundred dollars (\$100) and may be imprisoned any length of time not less than  
 9 thirty (30) days nor more than one (1) year.

10  
 11 SECTION 86. Arkansas Code § 5-66-115 is amended to read as follows to  
 12 clarify a criminal offense:

13 ~~Any person who:~~

14 ~~(1) Gives, promises, or offers to any professional or amateur~~  
 15 ~~baseball, football, hockey, polo, tennis, or basketball player or boxer or~~  
 16 ~~any player who participates or expects to participate in any professional or~~  
 17 ~~amateur game or sport or any jockey, driver, groom, or any person~~  
 18 ~~participating or expecting to participate in any horse race, including owners~~  
 19 ~~of race tracks and their employees, stewards, trainers, judges, starters, or~~  
 20 ~~special policemen, or to any manager, coach, or trainer of any team or~~  
 21 ~~participant or prospective participant in any such game, contest, or sport~~  
 22 ~~any valuable thing with intent to influence him or her to lose or try to lose~~  
 23 ~~or cause to be lost or to limit his or her or his or her team's margin of~~  
 24 ~~victory in a baseball, football, hockey, or basketball game, boxing, tennis,~~  
 25 ~~or polo match or a horse race or any professional or amateur sport or game in~~  
 26 ~~which such player or participant or jockey or driver is taking part or~~  
 27 ~~expects to take part or has any duty or connection therewith; or~~

28 ~~(2) Solicits or accepts any valuable thing to influence him or~~  
 29 ~~her to lose or try to lose or cause to be lost or to limit his or her or his~~  
 30 ~~or her team's margin of victory in a baseball, football, hockey, or~~  
 31 ~~basketball game or boxing, tennis, or polo match or horse race or any game or~~  
 32 ~~sport in which he or she is taking part or expects to take part or has any~~  
 33 ~~duty or connection therewith, being a professional or amateur baseball,~~  
 34 ~~football, hockey, basketball, tennis, or polo player, boxer, or jockey,~~  
 35 ~~driver, or groom or participant or prospective participant in any sport or~~  
 36 ~~game or a manager, coach, or trainer of any team or individual participant or~~

1 ~~prospective participant in any such game, contest, or sport,~~  
2 ~~commits a Class D felony.~~

3 (a) As used in this section:

4 (1) "Participant" means any:

5 (A) Professional or amateur baseball, football,  
6 basketball, hockey, polo, tennis, or other athletic player;

7 (B) Boxer;

8 (C) Jockey, driver, groom, or other person participating  
9 or expecting to participate in a horse race, including an owner of a race  
10 track or the owner's employee, steward, trainer, judge, starter, or special  
11 police officer; or

12 (D) Manager, coach, or trainer of any sport team or  
13 participant or prospective participant in any sport team, sport game, or  
14 sport contest; and

15 (2) "Sport" means any:

16 (A) Professional or amateur baseball, football,  
17 basketball, hockey, polo, tennis, or other athletic game or contest;

18 (B) Boxing match; or

19 (C) Horse race.

20 (b) It is unlawful for any person to give, promise, or offer to any  
21 participant in any sport any valuable thing with the purpose to influence the  
22 participant to lose or try to lose or cause to be lost or to limit the  
23 participant's or the participant's team's margin of victory in a sport in  
24 which the participant is taking part or expects to take part or has any duty  
25 or connection.

26 (c) It is unlawful for any participant to solicit or accept any  
27 valuable thing to influence the participant to lose or try to lose or cause  
28 to be lost or to limit the participant's or the participant's team's margin  
29 of victory in a sport in which the participant is taking part or expects to  
30 take part or has any duty or connection.

31 (d) Upon conviction, any person who violates this section is guilty of  
32 a Class D felony.

33  
34 SECTION 87. Arkansas Code § 5-66-117(a) is amended to read as follows  
35 to clarify a criminal offense and to make stylistic changes:

36 (a)(1) It is unlawful for any ~~any~~ person ~~who~~, either for himself or

1 herself or as agent or employee of another person, to place, offer, or agree  
2 to place places, offers, or agrees to place, either in person or by  
3 messenger, telephone, or telegraph, a wager on behalf of another person, for  
4 a consideration paid or to be paid by or on behalf of the other person, on a  
5 thoroughbred horse race being conducted in or out of this state.

6 (2) Upon conviction, a person who violates subdivision (a)(1) of  
7 this section is ~~deemed~~ guilty of a Class D felony.

8  
9 SECTION 88. Arkansas Code § 5-67-102(c) is amended to read as follows  
10 to clarify a duty of the State Highway Commission:

11 (c) The commission shall ~~cause the removal and destruction of, and it~~  
12 ~~is made the duty of the commission to remove and destroy,~~ any signboard ~~now~~  
13 ~~on or~~ within one hundred yards (100 yds.) of the right-of-way of any state  
14 highway that gives to the traveling public any false ~~and~~ or misleading  
15 information pertaining to the highways of this state.

16  
17 SECTION 89. Arkansas Code § 5-68-205(a)(1)(A) is amended to read as  
18 follows to correct an internal reference:

19 (A) "Obscene" means the same as ~~it is~~ "obscene material"  
20 defined by § 5-68-302; and

21  
22 SECTION 90. Arkansas Code § 5-68-205(b)(2) is amended to read as  
23 follows to make stylistic changes:

24 (2) A violation of this subsection is ~~punishable as~~ a Class C  
25 misdemeanor.

26  
27 SECTION 91. Arkansas Code § 5-69-102(d)(2) is amended to read as  
28 follows to clarify a duty of the Attorney General and prosecuting attorneys:

29 (2) The Attorney General and the several prosecuting attorneys  
30 of this state ~~are authorized and directed to~~ shall proceed in the name of the  
31 State of Arkansas in any court of competent jurisdiction by injunction,  
32 mandamus, or other appropriate remedy for the abatement of a public nuisance  
33 under subdivision (d)(1) of this section.

34  
35 SECTION 92. Arkansas Code § 5-71-202(a) is amended to read as follows  
36 to add clarifying language:

1 (a) A person commits the offense of aggravated riot if he or she  
2 commits the offense of riot when:

- 3 (1) The person knowingly possesses a deadly weapon; or  
4 (2) The person knows that another person with whom he or she is  
5 acting possesses a deadly weapon.

6  
7 SECTION 93. Arkansas Code § 5-71-207(a)(6) is amended to read as  
8 follows to add clarifying language:

9 (6) Congregates with two (2) or more other persons in a public  
10 place and refuses to comply with a lawful order to disperse of a law  
11 enforcement officer or other person engaged in enforcing or executing the  
12 law;

13  
14 SECTION 94. Arkansas Code § 5-71-229(d)(2) is amended to read as  
15 follows to clarify an internal reference:

16 (2) "Harasses" means an act of harassment as ~~defined~~ prohibited  
17 by § 5-71-208; and

18  
19 SECTION 95. Arkansas Code § 5-72-105(b)(2) is amended to read as  
20 follows to remove obsolete language:

21 (2) The person, levee district, or drainage district has a cause  
22 of action against any person or corporation that may have felled or thrown,  
23 or caused to be felled or thrown timber, a tree, or material into a stream,  
24 drain, ditch, or canal, for the reasonable cost of removing the timber, tree,  
25 or material, ~~whether the obstruction was placed in the stream, ditch, drain,~~  
26 ~~or canal either before or after the passage of this section.~~

27  
28 SECTION 96. Arkansas Code § 5-73-130(c) is amended to read as follows  
29 to remove obsolete language:

30 (c) As used in this section, "unlawfully in possession of a firearm"  
31 does not include any act of possession of a firearm that is prohibited only  
32 by:

33 ~~(1) Section 15-43-214 [repealed], unlawful to possess firearms~~  
34 ~~while hunting deer or turkey by bow and arrow;~~

35 ~~(2) Section 15-43-225 [repealed], unlawful for guide for persons~~  
36 ~~hunting migratory birds to carry gun;~~

1           ~~(3) Section 5-43-317 [repealed], unlawful to shoot fish with a~~  
2 ~~gun;~~

3           ~~(4)(1)~~ Section 5-73-127, unlawful to possess loaded center-fire  
4 weapons in certain areas; or

5           ~~(5)(2)~~ A regulation of the Arkansas State Game and Fish  
6 Commission.

7  
8           SECTION 97. Arkansas Code § 5-73-205(a)(3) is repealed so as to remove  
9 obsolete language.

10           ~~(3) When the machine gun is of the kind described in § 5-73-209~~  
11 ~~[repealed] and has not been registered as required in § 5-73-209 [repealed];~~  
12 ~~or~~

13  
14           SECTION 98. Arkansas Code § 5-73-301(2) is repealed so as to remove an  
15 unnecessary definition:

16           ~~(2) "Director" means the Director of the Department of Arkansas~~  
17 ~~State Police; and~~

18  
19           SECTION 99. Arkansas Code § 5-73-301 is amended to add a new  
20 definition to clarify the application of Title 5, Chapter 73, Subchapter 3:

21           (4) "Licensee" means a person granted a valid license to carry a  
22 concealed handgun pursuant to this subchapter.

23  
24           SECTION 100. Arkansas Code § 5-73-307(b) is amended to read as follows  
25 to remove obsolete language:

26           (b) Nothing in this subchapter shall be construed to require or allow  
27 the registration, documentation, or providing of a serial number with regard  
28 to any firearm, ~~except as required by former § 5-73-310(8).~~

29  
30           SECTION 101. Arkansas Code § 5-73-312(a)(1) is amended to read as  
31 follows to clarify the scope of its application:

32           (a)(1) A license to carry a concealed handgun issued under this  
33 subchapter shall be revoked if the licensee becomes ineligible under the  
34 criteria set forth in §§ 5-73-308(a) ~~and~~ or § 5-73-309.

35  
36           SECTION 102. Arkansas Code § 5-73-315(a) is amended to read as follows

1 to clarify its application and to correct an internal reference:

2 (a) Any ~~person~~ licensee possessing a valid license issued pursuant to  
3 this subchapter may carry a concealed handgun.

4  
5 SECTION 103. Arkansas Code Title 5, Chapter 73, Subchapter 3 is  
6 amended to add a new section containing the provisions of former § 5-73-402:  
7 5-73-321. Recognition of other states' licensees.

8 (a) Any person granted and in possession of a valid license to carry a  
9 concealed handgun issued by another state is entitled to the privileges and  
10 subject to the restrictions prescribed by this subchapter if the state that  
11 issued the license recognizes concealed handgun licenses issued under this  
12 subchapter.

13 (b)(1) The Director of the Department of Arkansas State Police shall  
14 make a determination as to which states' licensees will be recognized in  
15 Arkansas and provide that list to every law enforcement agency within the  
16 state.

17 (2) The director shall revise the list from time to time and  
18 provide the revised list to every law enforcement agency in this state.

19  
20 SECTION 104. Arkansas Code Title 5, Chapter 73 is repealed because its  
21 provisions are being enacted as a new § 5-73-321.

22 ~~Subchapter 4.~~

23 ~~Concealed Handgun License Reciprocity.~~

24 ~~5-73-401. Recognition of other states' permits—Acts 1997, No. 789.~~  
25 ~~Any person in possession of a valid license issued by another state to carry~~  
26 ~~a concealed handgun shall be entitled to the privileges and subject to the~~  
27 ~~restrictions prescribed by Arkansas' concealed handgun law (§ 5-73-301 et~~  
28 ~~seq.) provided that the concealed handgun law of the state that issued the~~  
29 ~~license is at least as restrictive as Arkansas' concealed handgun law and~~  
30 ~~that the state that issued the license recognizes concealed handgun licenses~~  
31 ~~issued under § 5-73-301 et seq. The Director of the Department of State~~  
32 ~~Police shall make a determination as to which states' permits will be~~  
33 ~~recognized in Arkansas and provide that list to every law enforcement agency~~  
34 ~~within the state. The director shall revise the list from time to time and~~  
35 ~~provide the revised list to every law enforcement agency in this state.~~

36

1           ~~5-73-402. Recognition of other states' permits — Acts 1997, No. 1239.~~  
2 ~~Any person in possession of a valid license issued by another state to carry~~  
3 ~~a concealed handgun shall be entitled to the privileges and subject to the~~  
4 ~~restrictions prescribed by Arkansas concealed handgun law (§ 5-73-301 et~~  
5 ~~seq.) provided that the state that issued the license recognizes concealed~~  
6 ~~handgun licenses issued under § 5-73-301 et seq. The Director of the~~  
7 ~~Department of State Police shall make a determination as to which states'~~  
8 ~~permits will be recognized in Arkansas and provide that list to every law~~  
9 ~~enforcement agency within the state. The director shall revise the list from~~  
10 ~~time to time and provide the revised list to every law enforcement agency in~~  
11 ~~this state.~~

12  
13           SECTION 105. Arkansas Code § 5-74-106(d) is amended to read as follows  
14 to clarify an internal reference:

15           (d) It is a defense to this section that the defendant was in his or  
16 her home and the firearm or other implement or weapon was not readily  
17 accessible for use.

18  
19           SECTION 106. Arkansas Code § 5-75-106(d)(1)(B) is amended to read as  
20 follows to clarify an internal reference:

21                           (B) ~~These documents are~~ A document described in  
22 subdivision (d)(1)(A) of this section is self-authenticating.

23  
24           SECTION 107. Arkansas Code § 5-76-102(c)(3)(A) is amended to read as  
25 follows to make a stylistic change:

26           (3)(A) For a third or subsequent offense within a three-year  
27 period, a person violating this section shall be punished by a fine of not  
28 less than one thousand dollars (\$1,000) nor more than five thousand dollars  
29 (\$5,000) and by imprisonment in the county or municipal jail for not less  
30 than sixty (60) days nor more than one (1) year, to include a minimum of  
31 sixty (60) days which shall be served in the county or municipal jail and  
32 that ~~cannot~~ shall not be probated or suspended.

33  
34           SECTION 108. Arkansas Code § 5-76-102(c)(4) is amended to read as  
35 follows to clarify its application to certain court orders:

36           (4) Any person who operates a motorboat on the waters of this



1 state in violation of a court order issued pursuant to this section shall be  
2 imprisoned for ten (10) days.

3  
4 SECTION 109. Arkansas Code § 5-76-102(e)(3)(B) is amended to read as  
5 follows to clarify an internal reference:

6 (B) ~~These documents are~~ A document described in  
7 subdivision (e)(3)(A) of this section is self-authenticating.

8  
9 SECTION 110. Arkansas Code § 5-77-201 is amended to add certain  
10 provisions of former § 5-77-301 which substantially duplicated this section:

11 (a)(1) It is unlawful to sell or transfer a blue light or blue lens  
12 cap to any person other than a law enforcement officer or a county coroner.

13 (2) It is unlawful for a person other than a law enforcement  
14 officer or a county coroner to buy a blue light or blue lens cap.

15 (b) Before selling a blue light or blue lens cap, the seller shall  
16 require the buyer to provide identification that legally demonstrates that  
17 the buyer is a law enforcement officer or a county coroner.

18 (c) Any sale of a blue light or blue lens cap shall be reported to the  
19 Department of Arkansas State Police on a form prescribed by the department.

20 (d) ~~A violation of~~ Upon conviction, a person who violates this section  
21 is guilty of a Class D felony.

22 (e) As used in this ~~section,~~ section:

23 (1) "Blue lens cap" means a lens cap designed to produce a blue  
24 color of light when light from a device designed for an emergency vehicle  
25 passes through the lens cap; and ~~"blue light" means an operable blue light~~  
26 ~~that;~~

27 (2) "Blue light" means any operable device that:

28 (A) Emits a blue color of light;

29 ~~(1)(B)~~ (B) Is designed for use by an emergency vehicle, or is  
30 similar in appearance to a ~~blue light~~ device designed for use by an emergency  
31 vehicle; and

32 ~~(2)(C)~~ (C) Can be operated by use of the vehicle's battery, the  
33 vehicle's electrical system, or a dry cell battery.

34  
35 SECTION 111. Arkansas Code Title 5, Chapter 77, Subchapter 3 is  
36 repealed because it is duplicative of § 5-77-201.

1       ~~Subchapter 3.~~

2       ~~Blue Light Sales.~~

3       ~~5-77-301. Blue light sales.~~

4       ~~(a)(1) It is unlawful to sell or transfer a blue light to any person~~  
5 ~~other than a certified law enforcement officer.~~

6               ~~(2) A sale or transfer of a blue light shall be reported to the~~  
7 ~~Department of Arkansas State Police on a form prescribed by the department.~~

8       ~~(b) A violation of this section is a Class A misdemeanor.~~

9       ~~(c) As used in this section, "blue light" means an operable blue light~~  
10 ~~that:~~

11               ~~(1) Is designed for use by an emergency vehicle, or is similar~~  
12 ~~in appearance to a blue light designed for use by an emergency vehicle; and~~

13               ~~(2) Can be operated by use of the vehicle's battery, the~~  
14 ~~vehicle's electrical system, or a dry cell battery.~~

15  
16       SECTION 112. Arkansas Code § 6-3-110 is amended to read as follows to  
17 delete redundant language and clarify existing language:

18       6-3-110. Appropriation and annual audit - State employees.

19       (a) No person employed by the Arkansas Educational Television  
20 Commission and paid from state funds shall receive supplemental compensation  
21 or remuneration from funds not appropriated by the state.

22       (b) In fulfilling their day to day responsibilities, Only an  
23 appropriate state employee may supervise state employees of the Division of  
24 Educational Television of the Department of Education ~~are to be supervised~~  
25 ~~only by appropriate state employees. A "state employee" is defined as one~~  
26 ~~paid by funds appropriated by the General Assembly.~~ No person or employee  
27 paid with funds not appropriated by the General Assembly shall supervise any  
28 state employee of the division. ~~No person employed by the commission and~~  
29 ~~paid from state funds shall receive supplemental compensation or remuneration~~  
30 ~~from funds not appropriated by the state.~~

31       (c) As used in this section, "state employee" means an individual paid  
32 by funds appropriated by the General Assembly.

33  
34       SECTION 113. Arkansas Code § 6-11-132 is amended to read as follows to  
35 clarify that each of the boards are responsible only for financial impact  
36 statements relating to rules promulgated by it:

1 6-11-132. Financial impact statements for administrative rules.

2 (a)(1)~~(A)~~ Except as provided in ~~subdivision (a)(2)~~ subsection (b) of  
3 this section, ~~the~~ for each rule promulgated by the State Board of Education  
4 or the State Board of Workforce Education and Career Opportunities under the  
5 Arkansas Administrative Procedure Act, § 25-15-201 et seq., the State Board  
6 of Education and the State Board of Workforce Education and Career  
7 Opportunities, board promulgating the rule shall ~~prepare~~ file a financial  
8 impact statement ~~for each rule promulgated under the Arkansas Administrative~~  
9 ~~Procedure Act, § 25-15-201 et seq.~~ with the Bureau of Legislative Research.

10 ~~(B)(2)~~ The scope of the financial impact statement shall  
11 be determined by the ~~State Board of Education and the State Board of~~  
12 ~~Workforce Education and Career Opportunities~~ board promulgating the rule but  
13 shall include, at a minimum~~+~~,

14 ~~(i)~~ The a public school district's estimated cost of  
15 ~~complying to comply with and implement the rule; and~~  
16 ~~(ii)~~ The estimated cost for public school districts to implement the rule.

17 (3) This subsection applies to an emergency rule for permanent  
18 adoption.

19 ~~(2)(A)(b)~~ For each emergency rule not for permanent adoption, If  
20 if the State Board of Education ~~and~~ or the State Board of Workforce Education  
21 and Career Opportunities ~~have~~ has reason to believe that the development of a  
22 financial impact statement for ~~an~~ the emergency rule promulgated by it  
23 ~~pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.,~~  
24 will be so speculative as to be cost prohibitive, the board promulgating the  
25 rule ~~the State Board of Education and the State Board of Workforce Education~~  
26 ~~and Career Opportunities~~ shall submit to the bureau a statement and  
27 explanation to that effect.

28 ~~(B)~~ However, the State Board of Education and the State  
29 Board of Workforce Education and Career Opportunities shall prepare a  
30 financial impact statement pursuant to subdivision (a)(1) of this section for  
31 an emergency rule that is promulgated for permanent adoption.

32 ~~(b)(c)~~ Except as provided in subdivision (a)(2) of this section,  
33 ~~neither~~ Neither the State Board of Education ~~and~~ nor the State Board of  
34 Workforce Education and Career Opportunities shall ~~not~~ promulgate a rule ~~for~~  
35 with respect to which it has not prepared a financial impact statement that  
36 ~~provides the estimated cost of complying with the rule and the estimated cost~~

1 ~~for public school districts to implement the rule~~ complied with this section.

2  
3 SECTION 114. Arkansas Code § 6-20-402(a)(1)(B) is amended to read as  
4 follows to include a word inadvertently deleted by a previous act:

5 (B) A school district or public charter school may enter  
6 into public-private partnerships whereby the school district or public  
7 charter school enters into a lease-purchase agreement for the acquisition or  
8 construction of a school building or related facilities built or acquired by  
9 the private entities with facilities bonds exempt from federal taxes under 26  
10 U.S.C. § 142(a)(13), as ~~in existence~~ it existed on January 1, 2003, or  
11 otherwise exempt under 26 U.S.C. § 103, as it existed on January 1, 2005.

12  
13 SECTION 115. Arkansas Code § 6-20-402(b)(1)(A) is amended to read as  
14 follows to include a word inadvertently omitted by a previous act:

15 (b)(1)(A) Except as provided in subdivisions (b)(1)(B) and (C) of this  
16 section, a postdated warrant, a short-term lease-purchase agreement, or an  
17 installment contract must be paid within ten (10) years of the date of  
18 issuance of the postdated warrant or the execution of the written lease-  
19 purchase agreement or installment contract, as the case may be.

20  
21 SECTION 116. Arkansas Code § 6-21-803(15) is amended to read as  
22 *follows to subdivide the subdivision and clarify the definition of "school*  
23 *district":*

24 (15) "School district" means a geographic area ~~with an elected~~  
25 ~~board of directors~~ that:

26 (B) ~~qualifies~~ Qualifies as a taxing unit for purposes of  
27 ad valorem property taxes under ~~§ 26-1-101 et seq.,~~ Arkansas Constitution,  
28 Article 14, § 3; and

29 (A) Is governed by an elected board of directors that ~~and~~  
30 ~~which board~~ conducts the daily affairs of public schools under the  
31 supervisory authority vested in it by the General Assembly and ~~§ 6-1-101~~ § 6-  
32 13-101 et seq.; and

33  
34 SECTION 117. Arkansas Code § 6-23-304(e) is amended to read as follows  
35 to clarify that Acts 2005, No. 2005, § 8, renumbered the former subdivision  
36 (d)(1) as (e) and repealed former subdivision (d)(2):

1 (e) No private or parochial elementary or secondary school shall be  
2 eligible for open-enrollment public charter school status.

3 ~~(2) No open enrollment charter school shall be located in a~~  
4 ~~school district with an enrollment of fewer than five hundred (500) students~~  
5 ~~at the time that the state board initially approves the charter.~~

6  
7 SECTION 118. Arkansas Code § 6-51-805 is amended to read as follows to  
8 delete the reference to the non-existent State Council on Vocational  
9 Education:

10 6-51-805. Creation of general advisory council.

11 ~~(a)~~ The State Board of Workforce Education and Career Opportunities  
12 shall relate to the community-based education centers as a coordinating  
13 board. Furthermore, the governing board of a community-based education center  
14 is encouraged to create a general advisory council. Such general advisory  
15 council shall provide advice on programs of the school, including data that  
16 reflects the needs of business and industry served by the community-based  
17 education center.

18 ~~(b) Upon request by the community based education center, the State~~  
19 ~~Council on Vocational Education shall provide such assistance as may be~~  
20 ~~required to establish a general advisory council.~~

21  
22 SECTION 119. Arkansas Code § 6-61-230 is amended to read as follows to  
23 reflect that there is more than one funding formula in the subchapter:

24 6-61-230. Review of funding ~~formula~~ formulas.

25 The Arkansas Higher Education Coordinating Board, in collaboration with  
26 the Executive Council of the Presidents Council, shall review the funding  
27 ~~formula~~ formulas set forth in this subchapter biennially and make written  
28 recommendations for appropriate modifications or changes to the President Pro  
29 Tempore of the Senate, the Speaker of the House of Representatives, and the  
30 Governor by October 15 of the year prior to each regular session of the  
31 General Assembly.

32  
33 SECTION 120. Arkansas Code § 8-7-1303 is amended to read as follows to  
34 remove superfluous definitions and to clarify two existing definitions:

35 8-7-1303. Definitions.

36 As used in this subchapter:

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

3           ~~(2)(1) "Comprehensive site assessment" means an assessment to~~  
4 ~~determine the rate, extent, and characteristics of contamination at a site~~  
5 ~~addressed under the Arkansas Hazardous Waste Management Act of 1979, § 8-7-~~  
6 ~~201 et seq., the Emergency Response Fund Act, § 8-7-401 et seq., the Remedial~~  
7 ~~Action Trust Fund Act, § 8-7-501 et seq., or the Voluntary Cleanup Act, § 8-~~  
8 ~~7-1101 et seq.;~~

9           ~~(3)(2) "Comprehensive site assessment consultant" means a person~~  
10 ~~that performs a comprehensive environmental site assessment for a fee or in~~  
11 ~~conjunction with other services for which a fee is charged;~~

12           ~~(4) "Department" means the Arkansas Department of Environmental~~  
13 ~~Quality;~~

14           ~~(5) "Director" means the Director of the Arkansas Department of~~  
15 ~~Environmental Quality;~~

16           ~~(6)(3) "Environmental site assessment" means a Phase I~~  
17 ~~environmental site assessment or a comprehensive site assessment;~~

18           ~~(7)(4) "Environmental site assessment consultant" means a person~~  
19 ~~that performs a Phase I environmental site assessment or a comprehensive~~  
20 ~~environmental site assessment for a fee or in conjunction with other services~~  
21 ~~for which a fee is charged;~~

22           ~~(8)(5) "Hazardous substance" has the same meaning as that term~~  
23 ~~is set out in § 8-7-503 means:~~

24                   (A) As of March 21, 1985, any:

25                           (i) Substance designated pursuant to section  
26 311(b)(2)(A) of the Federal Water Pollution Control Act, Pub. L. No. 92-500;

27                           (ii) Element, compound, mixture, solution, or  
28 substance designated pursuant to section 102 of Title I of the Comprehensive  
29 Environmental Response, Compensation, and Liability Act of 1980, Pub. L. No.  
30 96-510;

31                           (iii) Hazardous waste, including polychlorinated  
32 biphenyls, as defined by the Arkansas Hazardous Waste Management Act of 1979,  
33 § 8-7-201 et seq., and the regulations promulgated under that subchapter;

34                           (iv) Toxic pollutant listed under section 307(a) of  
35 the Federal Water Pollution Control Act;

36                           (v) Hazardous air pollutant listed under section 112

1 of the Clean Air Act; and

2 (vi) Hazardous chemical substance or mixture  
3 regulated under section 7 of the Toxic Substances Control Act; and

4 (B) Any other substance or pollutant designated by  
5 regulations of the Arkansas Pollution Control and Ecology Commission  
6 promulgated under the Remedial Action Trust Fund Act, § 8-7-501 et seq.;

7 ~~(9)(6)(A)~~ "Hazardous waste" has the same meaning as that term is  
8 set out in § 8-7-203 means any waste or combination of wastes of a solid,  
9 liquid, contained gaseous, or semisolid form that, because of its quantity,  
10 concentration, or physical, chemical, or infectious characteristics, may in  
11 the judgment of the Arkansas Department of Environmental Quality:

12 (i) Cause or significantly contribute to an increase  
13 in mortality or an increase in serious irreversible or incapacitating  
14 reversible illness; or

15 (ii) Pose a substantial present or potential hazard  
16 to human health or the environment when improperly treated, stored,  
17 transported, or disposed of, or otherwise improperly managed.

18 (B) "Hazardous waste" includes without limitation wastes  
19 that are radioactive, toxic, corrosive, flammable, irritants, or strong  
20 sensitizers or those which generate pressure through decomposition, heat, or  
21 other means;

22 ~~(10)(7)~~ "Person" means any individual, corporation, company,  
23 firm, partnership, association, trust, joint-stock company or trust, venture,  
24 state or federal government or agency, or any other legal entity however  
25 organized;

26 ~~(11)(8)~~ "Phase I environmental site assessment consultant" means  
27 a person that performs a Phase I environmental site assessment for a fee or  
28 in conjunction with other services for which a fee is charged;

29 ~~(12)(9)~~ "Phase I environmental site assessment" means a Phase I  
30 environmental site assessment as that term is used in the American Society  
31 for Testing and Materials standard E1527-00, as ~~in effect~~ it existed on  
32 January 1, 2005; and

33 ~~(13)(10)~~ "Response action contractor" means a person that is:

34 (A) Required to obtain a contractor's license pursuant to  
35 § 17-25-101 et seq.; and

36 (B) Responsible for undertaking the physical removal,

1 treatment, or disposal of hazardous substances or environmental media  
2 contaminated with hazardous substances associated with a response action at a  
3 site addressed under the Arkansas Hazardous Waste Management Act of 1979, §  
4 8-7-201 et seq., ~~the Emergency Response Fund Act, § 8-7-401 et seq.,~~ the  
5 Remedial Action Trust Fund Act, § 8-7-501 et seq., or the Voluntary Cleanup  
6 Act, § 8-7-1101 et seq., for a fee or in conjunction with other services for  
7 which a fee is charged.

8  
9 SECTION 121. Arkansas Code § 8-7-1305(d) and (e) are amended to read  
10 as follows to consolidate and clarify the wording of the subsections:

11 (d) Any environmental site assessment activities performed by a person  
12 certified as an environmental site assessment consultant under this  
13 subchapter that would constitute:

14 (1) ~~the~~ The "practice of engineering" as defined in § 17-30-101  
15 shall be performed under the responsible charge of and signed and sealed by a  
16 professional engineer registered in the State of Arkansas; or

17 ~~(e)(2) Any environmental site assessment activities performed by~~  
18 ~~a person certified as an environmental site assessment consultant under this~~  
19 ~~subchapter that would constitute the~~ The "public practice of geology" as  
20 defined in § 17-32-102 shall be performed under the responsible charge of and  
21 signed and sealed by a professional geologist registered in the State of  
22 Arkansas.

23  
24 SECTION 122. Arkansas Code § 8-7-1306 is amended to read as follows to  
25 conform the terms used in the section with the terms as defined in the  
26 applicable subchapter:

27 8-7-1306. Certification categories.

28 (a) The Arkansas Pollution Control and Ecology Commission shall  
29 establish by regulation categories of certification under this subchapter.

30 (b) Categories of certification shall include:

- 31 (1) Phase I environmental site assessment consultant;  
32 (2) Comprehensive ~~environmental~~ site assessment consultant; and  
33 (3) Response action contractor.

34  
35 SECTION 123. Arkansas Code § 8-7-1307(a)(2) is amended to read as  
36 follows to include a specific date in a reference to an applicable federal



1 law:

2 (2) The criteria shall incorporate ~~United States~~ Environmental  
3 Protection Agency requirements including minimum qualifications for an  
4 environmental professional who undertakes Phase I environmental site  
5 assessments of "all appropriate inquiry" as defined under the Small Business  
6 Liability Relief and Brownfields Revitalization Act, Pub. L. No. 107-118, as  
7 it existed on January 1, 2005, and the rules promulgated under that federal  
8 act that are not inconsistent with this subchapter.

9

10 SECTION 124. Arkansas Code § 8-7-1307(b)(3) and (4) are amended to  
11 read as follows to make the language of the subdivisions parallel in  
12 grammatical structure with the other subdivisions in the subsection:

13 (3) Any person meets the requirements for an environmental site  
14 assessment consultant certificate who:

15 (A) ~~provides~~ Provides proof of:

16 ~~(A)(i)~~ Certification by another state recognized by  
17 the department as substantially equivalent for performing environmental site  
18 assessments; or

19 ~~(B)(ii)~~ Completion of training and receipt of  
20 certification or other form of recognition of successful completion of  
21 training provided by organizations found by the department to provide  
22 training necessary to perform environmental site assessments; or

23 ~~(4)(A)(B)(i)~~ Demonstrates  
24 competence by achieving a passing score on an examination administered by the  
25 department in accordance with the rules issued under this subchapter or  
26 relevant and appropriate criteria as the commission shall deem appropriate,  
27 or both.

28 ~~(B)(ii)~~ Any examination administered by the  
29 department in accordance with the rules issued under this subchapter is the  
30 property of the department and shall remain confidential and shall not be  
31 subject to disclosure under the Freedom of Information Act of 1967, § 25-19-  
32 101 et seq.

33

34 SECTION 125. Arkansas Code § 9-33-304(b) is amended to read as follows  
35 to reflect a change in a department's name:

36 (b) The Department of Health and Human Services, in consultation with

1 the Director of the Department of Education ~~and the Director of the~~  
2 ~~Department of Human Services~~, shall develop a plan for ensuring the  
3 cooperation of state agencies and for local agencies and encouraging the  
4 cooperation of private entities, especially those receiving state funds, in  
5 the coordination and implementation of the Arkansas After-School Enrichment  
6 Program.

7  
8 SECTION 126. Arkansas Code § 11-11-204(d)(1) is amended to read as  
9 follows to remove a reference to the Arkansas Employment Agency Advisory  
10 Council, which was abolished by Acts 1989, No. 536, § 3:

11 (d)(1) The director, ~~with the assistance and approval of the Arkansas~~  
12 ~~Employment Agency Advisory Council~~, shall have authority to may prescribe  
13 such rules and regulations for the conduct of the business of private  
14 employment agencies as ~~may be deemed necessary to carry out the provisions of~~  
15 implement this subchapter.

16  
17 SECTION 127. Arkansas Code §§ 11-11-205 – 11-11-207 are repealed  
18 because the Arkansas Employment Agency Advisory Council was abolished by Acts  
19 1989, No. 536, § 3.

20 ~~11-11-205. Arkansas Employment Agency Advisory Council—Creation—~~  
21 ~~Members.~~

22 ~~(a) There shall be an Arkansas Employment Agency Advisory Council~~  
23 ~~composed of five (5) members appointed by the Director of the Department of~~  
24 ~~Labor.~~

25 ~~(b)(1) Each member of the council shall be of good character, a~~  
26 ~~citizen of the United States, and domiciled in this state for at least (1)~~  
27 ~~year immediately preceding his or her appointment to the council.~~

28 ~~(2)(A) Of the appointive members, three (3) members shall have,~~  
29 ~~for at least one (1) year immediately preceding their appointment, occupied~~  
30 ~~executive or managerial positions in the private employment agency industry~~  
31 ~~in this state.~~

32 ~~(B) Two (2) members of the council shall represent the~~  
33 ~~general public.~~

34 ~~(c)(1) Members appointed to the council shall serve terms of three (3)~~  
35 ~~years.~~

36 ~~(2) Each member of the council shall hold office until the~~

1 ~~appointment and qualification of his or her successor.~~

2 ~~(d) Vacancies occurring in the membership of the council for any cause~~  
3 ~~shall be filled by appointment for the balance of the unexpired term.~~

4 ~~(e) The director may remove any member of the council for misconduct,~~  
5 ~~incompetency, or neglect of duty.~~

6 ~~(f) The director may reappoint members of the council whose terms~~  
7 ~~expire as provided in this section to succeeding terms of membership on the~~  
8 ~~council.~~

9 ~~(g) Each member of the council shall serve without compensation but~~  
10 ~~may receive expense reimbursement in accordance with § 25-16-901 et seq.~~

11  
12 ~~11-11-206. Arkansas Employment Agency Advisory Council—Officers—~~  
13 ~~Meetings.~~

14 ~~(a)(1) The Arkansas Employment Agency Advisory Council may meet at~~  
15 ~~least once in each calendar quarter of each year.~~

16 ~~(2) All meetings of the council shall be open to the public, and~~  
17 ~~all records of the council shall be open to inspection, except as otherwise~~  
18 ~~prescribed by law.~~

19 ~~(3) Three (3) members shall constitute a quorum for the~~  
20 ~~transaction of business.~~

21 ~~(b) The council shall elect from its members, each for a term of one~~  
22 ~~(1) year, a chair and vice chair and may appoint such committees as it deems~~  
23 ~~necessary to carry out its duties.~~

24 ~~(c) Any three (3) members of the council shall have authority to call~~  
25 ~~meetings of the council, and the Director of the Department of Labor shall~~  
26 ~~also have authority to call meetings of the council.~~

27  
28 ~~11-11-207. Arkansas Employment Agency Advisory Council—Powers and~~  
29 ~~duties.~~

30 ~~The Arkansas Employment Agency Advisory Council shall:~~

31 ~~(1) Inquire into the needs of the employment agency industry and~~  
32 ~~make such recommendations with respect thereto as, after consideration, may~~  
33 ~~be deemed important and necessary for the welfare of the state, the health~~  
34 ~~and welfare of the public, and the welfare and progress of the employment~~  
35 ~~agency industry;~~

36 ~~(2) Consider and make appropriate recommendations in all matters~~

1 ~~submitted to it by the Director of the Department of Labor;~~

2 ~~(3) Assist the director in collection of such information and~~  
 3 ~~data as the director may deem necessary to proper administration of this~~  
 4 ~~subchapter;~~

5 ~~(4) Assist the director in the formulation, adoption, amendment,~~  
 6 ~~or repeal of any rules or regulations authorized by this subchapter. Both the~~  
 7 ~~director and a majority of a properly constituted quorum of the advisory~~  
 8 ~~council must approve any rules or regulations, or amendments or repeals~~  
 9 ~~thereof, before they become effective; and~~

10 ~~(5) Assist and advise the director regarding formulation,~~  
 11 ~~revision, and administration of examinations required by this subchapter.~~

12  
 13 SECTION 128. Arkansas Code § 11-11-216(a)(1) is amended to read as  
 14 follows to subdivide the subsection and remove the reference to the Arkansas  
 15 Employment Agency Advisory Council which was abolished by Acts 1989, No. 536,  
 16 § 3:

17 (a)(1)(A) Every Before the Director of the Department of Labor issues  
 18 a license to an applicant for a permanent employment agent's, permanent  
 19 agency manager's, or permanent counselor's license, the applicant shall,  
 20 ~~before the Director of the Department of Labor issues a license to him or~~  
 21 ~~her,~~ be required to ~~take and~~ successfully complete a written examination,  
 22 prepared by the Director of the Department of Labor ~~with the assistance of~~  
 23 ~~the Arkansas Employment Agency Advisory Council.~~

24 (B) The examination shall establish the competency of the  
 25 applicant to:

26 (i) ~~operate~~ Operate and conduct an employment  
 27 agency; or

28 (ii) ~~to~~ To perform service as an agency manager or  
 29 counselor for the agency.

30  
 31 SECTION 129. Arkansas Code § 12-29-109 is amended to read as follows  
 32 to correct duplicative language:

33 12-29-109. ~~Furnishing liquor, etc., to inmates.~~ Board action upon  
 34 violations of § 5-54-119.

35 (a)(1)(A) ~~If any person shall furnish, unless by order of a physician,~~  
 36 ~~any inmate any wine, spirituous or intoxicating liquors, narcotics, or~~

1 ~~controlled substances which would facilitate an escape or violence within a~~  
2 ~~facility, he or she shall be guilty of a Class B felony.~~

3 ~~(B) Otherwise, furnishing a prohibited article is a Class~~  
4 ~~C felony.~~

5 ~~(2) However, this section shall not apply to a religious~~  
6 ~~official who supplies sacramental wine labeled as such for the sole purpose~~  
7 ~~of approved religious services, pursuant to rules and regulations promulgated~~  
8 ~~by the Board of Corrections.~~

9 ~~(b) If the board~~ Board of Corrections has good reason for believing that  
10 any violation of ~~this section~~ § 5-54-119 has occurred, it shall investigate  
11 the matter and report the facts together with the names of the witnesses to  
12 the proper prosecuting attorney.

13  
14 SECTION 130. Arkansas Code § 14-138-105(a) is amended to read as  
15 follows to reflect Code style and format:

16 ~~(a) Whenever any number of natural persons, not less than three (3),~~  
17 three (3) or more natural persons shall file with the governing body an  
18 application in writing for authority to incorporate a public corporation  
19 under this chapter, if it is made to appear to the governing body that each  
20 of the persons is a duly qualified elector of the municipality or county  
21 creating the corporation and if the governing body adopts a resolution that  
22 declares that it will be wise, expedient, and necessary that a public  
23 corporation be formed and that the persons filing the application may proceed  
24 to form a corporation, then the persons shall become the incorporators of and  
25 shall proceed to incorporate the corporation in the manner provided in this  
26 chapter.

27  
28 SECTION 131. Arkansas Code § 15-4-2205 is amended to read as follows:

29 15-4-2205. Arkansas Workforce Investment Board Executive Committee.

30 (a) In order to comply with the requirements and responsibilities  
31 assigned within this subchapter, the Arkansas Workforce Investment Board  
32 shall select from its membership an executive committee to be composed of at  
33 least ~~eleven (11)~~ thirteen (13) members but no more than fifteen (15)  
34 members.

35 (b) The chair and vice chair of the board shall serve as the chair and  
36 vice chair of the Arkansas Workforce Investment Board Executive Committee,

1 respectively;

2 (c) The membership of the executive committee shall include:

3 (1) At least seven (7) business members, at least one (1) of  
4 whom serves on a local workforce investment board;

5 (2) At least two (2) Arkansas labor federation representatives;

6 ~~(3) At least two (2) members of the General Assembly;~~

7 ~~(4)~~(3) At least one (1) community college representative; and

8 ~~(5)~~(4) At least one (1) chief elected official.

9 (d) The board shall form such other committees as needed.

10 (e) Membership on any committee shall not extend beyond the term of  
11 service on the board.

12 (f) The executive committee shall meet at least one (1) time every  
13 other month and shall report to the board at the quarterly meetings.

14 (g) Compensation for the members of the executive committee shall be  
15 as provided in § 15-4-2204(e).

16

17 SECTION 132. Arkansas Code § 15-5-303 is amended to read as follows to  
18 delete a reference to an abolished agency:

19 § 15-5-303. Exclusive issuer of revenue bonds for public facilities.

20 It is the intention of the General Assembly that the Arkansas  
21 Development Finance Authority shall be the exclusive issuer of revenue bonds  
22 for public facilities acquired or constructed for the benefit of state  
23 agencies, except the Arkansas Student Loan Authority, the respective boards  
24 of trustees of state-supported institutions of higher education, the State  
25 Board of Workforce Education and Career Opportunities, the State Board of  
26 Finance, the War Memorial Stadium Commission, ~~the Arkansas Turnpike~~  
27 ~~Authority~~, and the Arkansas Economic Development Commission when issuing  
28 bonds pursuant to §§ 15-4-604, 15-4-605, 15-4-608, and 15-4-701 et seq.

29

30 SECTION 133. Arkansas Code § 15-5-403(8), is amended to read as  
31 follows to define "Bond Guaranty Reserve Account":

32 (8) "Bond Guaranty Reserve Account" means the ~~Bond Guaranty~~  
33 ~~Reserve Account~~ account created in this subchapter for the purpose of:

34 (A) ~~meeting~~ Meeting amortization payments of qualified  
35 bonds guaranteed by the authority; and ~~for the purpose of~~

36 (B) ~~enhancing~~ Enhancing and supporting the credit of those

1 qualified bonds;

2  
3 SECTION 134. Arkansas Code § 15-5-414(a), is amended to read as  
4 follows to correct the internal references to the Bond Guaranty Reserve  
5 Account:

6 (a) If the Arkansas Development Finance Authority shall at any time  
7 determine that the moneys in the Bond Guaranty Reserve Account ~~created and~~  
8 ~~being maintained pursuant to the provisions of this subchapter~~ are not or  
9 will not be sufficient to meet the obligations of the Bond Guaranty Reserve  
10 Account, the authority is authorized to use the necessary amount of any  
11 available moneys that it may have which are not needed then or in the  
12 foreseeable future for or committed to, other authorized functions and  
13 purposes of the authority, and any such moneys so used may be reimbursed out  
14 of the Bond Guaranty Reserve Account if and when there are moneys therein  
15 available for the purposes.

16  
17 SECTION 135. Arkansas Code § 15-5-420(c), is amended to read as  
18 follows to correct a reference to the Bond Guaranty Reserve Account:

19 (c) The net proceeds, being gross proceeds less all expenses of  
20 authorizing and issuing the bonds, which shall be first paid out of the  
21 proceeds, of all bonds issued under this subchapter shall be deposited into  
22 the Bond Guaranty Reserve Account, except accrued interest paid by the  
23 purchaser shall be deposited in the Guaranty Bond Fund.

24  
25 SECTION 136. Arkansas Code § 15-11-506(b)(3)(A)(ii) is amended to read  
26 as follows to clarify the conditions for extending the term of a contract  
27 respecting a tourism attraction project:

28 (ii) However, the term of the agreement may be  
29 extended for up to two (2) additional years by the Director of the Department  
30 *of Economic Development*, ~~with the advice and consent of the Director of the~~  
31 *Department of Finance and Administration*, ~~if the Director of the Department~~  
32 *of Economic Development determines that:*

33 (a) ~~the~~ The failure to complete the tourism attraction project within  
34 two (2) years resulted from unanticipated and unavoidable delay in the  
35 construction of the tourism attraction project;

36 (b) ~~the~~ The tourism attraction project as originally planned will

1 require more than two (2) years to complete, or

2 (c) resulted The failure to complete the tourism attraction project  
3 within two (2) years resulted from a merger, acquisition, or other change in  
4 business ownership or business structure;

5  
6 SECTION 137. Arkansas Code § 17-95-202(1) is amended to read as  
7 follows to correct the wording of the definition:

8 (1) "Active" means ~~a physician~~ actively engaged in the full-time  
9 practice of medicine;

10  
11 SECTION 138. Arkansas Code § 17-97-310(b) is amended to read as  
12 follows to correct the wording of the subsection:

13 (b) The board shall refuse to issue or shall revoke the license of any  
14 person who has been found guilty of or pleaded guilty or nolo contendere to  
15 any of the offenses listed in § 17-97-312(f) unless the person requests and  
16 the board grants a waiver pursuant to § 17-97-312(h).

17  
18 SECTION 139. Arkansas Code § 17-97-401(b)(4) is amended to read as  
19 follows to clarify the wording of the subdivision:

20 (4) A technician who has completed a degree with a nonpsychology  
21 major shall have completed course work with passing grades in ~~these~~ the  
22 subject matter areas listed in subdivision (b)(2) of this section.

23  
24 SECTION 140. Arkansas Code § 17-104-203(c)(1)(C) is amended to read as  
25 follows to clarify the wording of the subdivision:

26 (C) The procedure for the revocation, suspension, or  
27 denial of a license, ~~probate~~ the probating of a license suspension, or the  
28 reprimand of a licensee for a violation of this chapter, the code of ethics,  
29 or the regulations promulgated by the board;

30  
31 SECTION 141. Arkansas Code § 17-106-107(a)(2)(D) is amended to read as  
32 follows to clarify the wording of the subdivision:

33 (D) Has been awarded a high school diploma, ~~GED,~~ or has  
34 passed the General Educational Development Test or the equivalent.

35  
36 SECTION 142. Arkansas Code § 18-12-205 is amended to read as follows



1 to clarify its application to any instrument affecting real property:

2 ~~Every court or officer that shall take the proof or acknowledgment of~~  
3 ~~any deed or conveyance of real estate, or the relinquishment of dower of any~~  
4 ~~married woman in any conveyance of the real estate of her husband, shall~~  
5 ~~grant a certificate thereof. The court or officer shall cause the certificate~~  
6 ~~to be endorsed on the deed, instrument, conveyance, or relinquishment of~~  
7 ~~dower. This certificate shall be signed by the clerk of the court where~~  
8 ~~probate is taken in court or by the officer before whom the probate is taken~~  
9 ~~and sealed, if he or she has a seal of office.~~

10 (a) Any court or officer that takes a proof or an acknowledgment of  
11 any instrument affecting real property shall grant a certificate of the proof  
12 or acknowledgment.

13 (b) The court or officer shall cause the certificate of the proof or  
14 acknowledgment to be endorsed on the instrument affecting real property.

15 (c) The certificate of the proof or acknowledgment shall be signed by  
16 the clerk of the court or by the officer if he or she has a seal of office.

17  
18 SECTION 143. Arkansas Code § 19-5-304(3)(A) is amended to delete the  
19 obsolete language concerning the transfer of the Arkansas Educational  
20 Television Commission into the Department of Education and give the complete  
21 name of the Educational Television Division as a unit of the Department of  
22 Education:

23 (3)(A) Educational Television Fund Account. The Educational  
24 Television Fund Account shall be used for the maintenance, operation, and  
25 improvement required by the Educational Television Division of the Department  
26 of Education in carrying out those powers, functions, and duties of the  
27 Arkansas Educational Television Commission as set out in § 6-3-101 et  
28 seq., or other duties imposed by law upon the commission. ~~Commission, which~~  
29 ~~was transferred to the Department of Education by §§ 6-11-101, 6-11-102, and~~  
30 ~~25-6-102.~~

31  
32 SECTION 144. Arkansas Code § 20-2-102(e) is repealed because the  
33 subsection restates language appearing in another section of the subchapter.

34 ~~(e) The commission members shall serve without pay, but those members~~  
35 ~~not employed by the State of Arkansas may receive expense reimbursement in~~  
36 ~~accordance with § 25-16-901 et seq.~~

1  
2 SECTION 145. Arkansas Code § 20-2-104(a) is amended to read as follows  
3 to add essential language:

4 (a) Members of the Arkansas Minority Health Commission shall serve  
5 without pay, but those members not employed by the State of Arkansas may  
6 receive expense reimbursement in accordance with § 25-16-901 et seq.  
7

8 SECTION 146. Arkansas Code § 20-7-117(c)(1) is amended to read as  
9 follows to remove from the subdivision temporary language the effectiveness  
10 of which has expired:

11 (c)(1) The regulations and requirements of the Health Services Permit  
12 Agency and the Health Services Permit Commission shall be revised to include  
13 separate permit-of-approval categories of health care facilities entitled  
14 "hospice facilities" and "hospice agencies" and to develop criteria for  
15 granting the permits of approval for hospice facilities and for hospice  
16 agencies for which applications shall be filed in accordance with the  
17 criteria ~~after March 7, 1997, provided that those entities that have filed~~  
18 ~~written intent to build a hospice facility or to operate a hospice agency~~  
19 ~~with both the Health Services Permit Agency and the division prior to March~~  
20 ~~7, 1997, shall have thirty six (36) months to complete the project and be~~  
21 ~~licensed.~~  
22

23 SECTION 147. Arkansas Code § 20-7-123(b)(1) is amended to read as  
24 follows to remove from the subdivision temporary language the effectiveness  
25 of which has expired and to update the fee amounts listed in the subdivision  
26 so that they conform to current law:

27 (1) All fees prescribed in the Vital Statistics Act, § 20-18-101  
28 et seq., which are as follows:

29 (A) A fee of two dollars and fifty cents (\$2.50) collected  
30 by the State Registrar of Vital Records for the filing of a delayed  
31 certificate of birth;

32 (B) A fee of two dollars and fifty cents (\$2.50) collected  
33 by the state registrar for the filing of a delayed certificate of death or  
34 marriage;

35 ~~(C) [Repealed.]~~

36 ~~(D)~~(C) A fee of five dollars (\$5.00) collected by the

1 state registrar for issuing a new certificate of birth for a person who has  
2 been legitimated, or whose paternity has been determined, or whose name has  
3 been changed;

4 ~~(E)(D)~~ A fee of one dollar (\$1.00) collected by the clerks  
5 of the county courts upon the application of any person for marriage, which  
6 fee is in addition to any other fees;

7 ~~(F)~~—[Repealed.]

8 ~~(G)(E)~~ A fee of two dollars (\$2.00) collected by the state  
9 registrar for the amendment of any record;

10 ~~(H)(i)(F)~~ A fee of ~~eight dollars (\$8.00)~~ five dollars  
11 (\$5.00) collected by the state registrar for the making and certification of  
12 any certificate or record other than a death certificate;

13 ~~(ii)~~ A fee of ~~five dollars (\$5.00)~~ collected for the  
14 making and certification of each additional copy of a certificate or record  
15 other than a death certificate;

16 ~~(I)(i)(G)~~ A fee of: ~~eight dollars (\$8.00)~~

17 (i) Four dollars (\$4.00) collected by the state  
18 registrar for the making and certification of a single copy of a death  
19 certificate; and

20 ~~(ii)~~ A fee of ~~three dollars (\$3.00)~~ One dollar  
21 (\$1.00) collected for the making and certification of each additional copy of  
22 a death certificate;

23 ~~(J)(i)(H)(i)~~ A fee of ~~eight dollars (\$8.00)~~ five dollars  
24 (\$5.00) collected by the state registrar for an examination and search of the  
25 files for any birth, marriage, divorce, or death record.

26 ~~(ii)~~ The fee shall be paid prior to searching the  
27 record; and

28 ~~(K)(I)~~ A fee of five dollars (\$5.00) collected by the  
29 state registrar for establishing a new certificate of birth under § 20-18-  
30 406.

31 ~~(L)~~ After June 30, 2003, the fee provisions as set forth  
32 in this subdivision (b)(1) shall revert to those fees allowed prior to August  
33 13, 2001.

34  
35 SECTION 148. Arkansas Code § 20-7-306(c)(2) and (3) are repealed  
36 because the subdivisions consist of temporary language the effectiveness of

1 which has expired.

2 ~~(2)(A) The division shall facilitate a study to include~~  
3 ~~religious, philosophical, and medical exemption patterns and the incidence of~~  
4 ~~disease in the state.~~

5 ~~(B) The study shall include:~~

6 ~~(i) An evaluation of the state's immunization~~  
7 ~~policies;~~

8 ~~(ii) The incidence of disease in Arkansas and other~~  
9 ~~states; and~~

10 ~~(iii) A risk evaluation of specific populations in~~  
11 ~~Arkansas.~~

12 ~~(C) The study shall begin July 3, 2003, and shall be~~  
13 ~~completed by December 31, 2004.~~

14 ~~(D) The study shall be a collaborative effort coordinated~~  
15 ~~by the division.~~

16 ~~(3) The division shall issue a final assessment on the impact of~~  
17 ~~this subsection to the committees during the 2005 regular session of the~~  
18 ~~General Assembly.~~

19  
20 SECTION 149. Arkansas Code § 20-8-110(i)(1) is amended to read as  
21 follows to add terms to the subdivision consistent with the terms added to  
22 another subsection by an earlier amendment:

23 (i)(1) The agency may impose a fine on hospitals,  
24 nursing homes, outpatient surgery centers, home health agencies, assisted  
25 living facilities, residential care facilities, and hospices for failure to  
26 timely submit reports of statistics as required by the agency.

27  
28 SECTION 150. Arkansas Code § 20-10-101(11) is amended to read as  
29 follows to replace an undefined term with a term defined in the subchapter:

30 (11) "Long-term care facility administrator" means a person who  
31 administers, manages, supervises, or is in general administrative charge of a  
32 long-term care facility whether the individual has an ownership interest in  
33 the ~~home~~ long-term care facility and whether his or her functions and duties  
34 are shared with one (1) or more individuals;

35  
36 SECTION 151. Arkansas Code § 20-10-108(a)(2) is repealed because the

1 subdivision consists of temporary language the effectiveness of which has  
2 expired.

3 ~~(2) Long term care facilities shall meet the requirements in~~  
4 ~~subdivision (a)(1) of this section within three (3) years from July 30, 1999.~~

5  
6 SECTION 152. Arkansas Code § 20-10-907(a) is amended to read as  
7 follows to add a term to the subdivision consistent with the term added to  
8 another subsection by an earlier amendment:

9 (a) If the complaint filed under § 20-10-905 is filed by the  
10 Department of Health and Human Services and alleges that grounds set out in §  
11 20-10-904(1) or (2) exist within a facility and is accompanied by a verified  
12 affidavit setting forth facts which would constitute such a ground, a  
13 temporary receiver shall be appointed with or without notice to the owner, ~~or~~  
14 licensee, or administrator.

15  
16 SECTION 153. Arkansas Code § 20-10-1005(c) is amended to read as  
17 follows to replace an undefined term with a term defined in the subchapter:

18 (c) If the facility prevails and the final determination is not  
19 rendered within seven (7) days of the conclusion of the hearing, the  
20 Department of Health and Human Services shall bear the cost of the resident's  
21 continued stay in the ~~nursing~~ long-term care facility until such time as the  
22 decision is rendered.

23  
24 SECTION 154. Arkansas Code § 20-10-1301 is amended to read as follows  
25 to correct the title of the subchapter:

26 20-10-1301. Title.

27 This subchapter shall be known and may be cited as the "Nursing Home  
28 Resident and Employee Immunization Act of 1999".

29  
30 SECTION 155. The introductory language of Arkansas Code § 20-10-1305  
31 is amended to read as follows to clarify the meaning of the language:

32 All residents of nursing home facilities ~~or~~ and all full-time ~~or~~ and  
33 part-time employees of nursing home facilities shall be immunized according  
34 to this subchapter with the following exemptions:

35  
36 SECTION 156. Arkansas Code § 20-13-206(e)(1) is amended to read as

1 follows to correct a reference to an officer:

2 (e)(1) The executive secretary ~~of the council~~ shall keep full and true  
3 records of all council proceedings and preserve all books, documents, and  
4 papers relating to the business of the council.

5

6 SECTION 157. Arkansas Code § 20-13-808(b) is amended to read as  
7 follows to correct a reference to an entity:

8 (b) The members of the council shall elect from their membership a  
9 chair, a vice chair, and a secretary-treasurer, whose duties shall be those  
10 customarily exercised by those officers or duties specifically designated by  
11 the ~~board~~ council. All officers shall serve for a period of one (1) year and  
12 until their successors are elected.

13

14 SECTION 158. Arkansas Code § 20-13-1306(b)(3) is amended to read as  
15 follows to correct a Code section reference:

16 (3) At all times that a spa is open for business, the spa shall  
17 ensure that at least one (1) employee who has completed a knowledge and  
18 skills course as required under ~~§ 17-95-604~~ § 20-13-1304 is assigned to be on  
19 duty.

20

21 SECTION 159. Arkansas Code § 20-14-705 is repealed because the  
22 language of the section has no application to the subchapter.

23 ~~20-14-705. Audit.~~

24 ~~All of the above fines are subject to audit by the Legislative Joint~~  
25 ~~Auditing Committee.~~

26

27 SECTION 160. Arkansas Code § 20-16-501 is amended to read as follows  
28 to replace an antiquated term with its preferred contemporary equivalent:

29 20-16-501. Notification required.

30 (a) Any person who determines by laboratory examination that a  
31 specimen derived from a human body yields microscopical, cultural,  
32 serological, or other evidence suggestive of those ~~veneral~~ sexually  
33 transmitted diseases enumerated in subsection (b) of this section shall  
34 notify the Division of Health Maintenance of the Division of Health of the  
35 Department of Health and Human Services of such findings.

36 (b) Notice shall be given for the following conditions or diseases:

- 1           (1) Syphilis;
- 2           (2) Gonorrhea;
- 3           (3) Chancroid;
- 4           (4) Lymphogranuloma Venereum; and
- 5           (5) Granuloma Inguinale.

6           (c) Specific reportable ~~venereal~~ sexually transmitted disease tests  
7 are:           (1) All reactive or positive and weakly reactive or doubtful  
8 serological tests for syphilis;

9                       (2) All reactive or positive and weakly reactive or doubtful  
10 spinal fluid serological tests for syphilis;

11                      (3) All positive darkfield microscopic test for treponema  
12 pallidum;

13                      (4) All positive gonococcal smears or cultures; and

14                      (5) All positive tests indicating the presence of Ducrey's  
15 bacillus, known as chancroid, or Donovan bodies, known as Granuloma  
16 Inguinale, or filterable virus, known as Lymphogranuloma Venereum.

17  
18  
19           SECTION 161. Arkansas Code § 20-16-503 is amended to read as follows  
20 to replace an antiquated term with its preferred contemporary equivalent:

21           20-16-503. Notification - Physician's duty.

22           Laboratory reporting under §§ 20-16-501 - 20-16-506 shall in no way  
23 release the attending physician from his or her responsibility to report  
24 cases of ~~venereal~~ sexually transmitted diseases to the Division of Health  
25 Maintenance of the Division of Health of the Department of Health and Human  
26 Services.

27  
28           SECTION 162. Arkansas Code § 20-16-508(a)(1) is amended to read as  
29 follows to replace an antiquated term with its preferred contemporary  
30 equivalent:

31           (a)(1) Consent to the provision of medical or surgical care or  
32 services by a hospital or public clinic or consent to the performance of  
33 medical or surgical care or services by a physician who is licensed to  
34 practice medicine in this state when the consent is executed by a minor who  
35 has or believes himself or herself to have a ~~venereal~~ sexually transmitted  
36 disease shall be valid and binding as if the minor had achieved his or her

1 majority. Any consent shall not be subject to a later disaffirmance by  
2 reason of his or her minority.

3  
4 SECTION 163. Arkansas Code § 20-17-1002(13) is repealed because the  
5 definition is confusing and superfluous.

6 ~~(13) "Secretary" means the Securities Commissioner.~~

7  
8 SECTION 164. Arkansas Code § 20-18-105 is amended to read as follows  
9 to remove from the section references to an undefined and superfluous  
10 culpable mental state:

11 20-18-105. Penalties.

12 (a) The following persons shall be punished by a fine of not more than  
13 ten thousand dollars (\$10,000) or by imprisonment for not more than five (5)  
14 years, or both:

15 (1) Any person who ~~willfully and~~ knowingly makes any false  
16 statement in a certificate, record, or report required to be filed under this  
17 chapter, or in an application for an amendment thereof or in an application  
18 for a certified copy of a vital record or who ~~willfully and~~ knowingly  
19 supplies false information intending that the information be used in the  
20 preparation of any report, record, or certificate, or amendment thereof;

21 (2) Any person who without lawful authority and with the intent  
22 to deceive, makes, counterfeits, alters, amends, or mutilates any  
23 certificate, record, or report required to be filed under this chapter or a  
24 certified copy of the certificate, record, or report;

25 (3) Any person who ~~willfully and~~ knowingly obtains, possesses,  
26 uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish  
27 to another for any purpose of deception any certificate, record, report, or  
28 certified copy thereof so made, counterfeited, altered, amended, or mutilated  
29 or which is false in whole or in part or which relates to the birth of  
30 another person, whether living or deceased;

31 (4) Any employee of the Division of Vital Records of the  
32 Division of Health of the Department of Health and Human Services or any  
33 office designated under § 20-18-203(b) who ~~willfully and~~ knowingly furnishes  
34 or processes a certificate of birth, or certified copy of a certificate of  
35 birth, with the knowledge ~~or intention~~ that it be used for the purposes of  
36 deception; and



1 (5) Any person who without lawful authority possesses any  
2 certificate, record, or report required by this chapter or a copy or  
3 certified copy of the certificate, record, or report knowing that it has been  
4 stolen or otherwise unlawfully obtained.

5 (b) The following persons shall be punished by a fine of not more than  
6 one thousand dollars (\$1,000) or by imprisonment for not more than one (1)  
7 year, or both:

8 (1) Any person who ~~willfully and~~ knowingly refuses to provide  
9 information required by this chapter or regulations adopted pursuant to this  
10 chapter;

11 (2) Any person who ~~willfully and~~ knowingly transports or accepts  
12 for transportation, interment, or other disposition, a dead body without an  
13 accompanying permit as provided in this chapter; or

14 (3) Any person who ~~willfully and~~ knowingly neglects or violates  
15 any of the provisions of this chapter or refuses to perform any of the duties  
16 imposed upon him or her by this chapter.

17  
18 SECTION 165. Arkansas Code § 20-19-501 is amended to read as follows  
19 to clarify the wording of the section and to add a specific date in a  
20 reference to an applicable federal law:

21 20-19-501. Definitions.

22 As used in this subchapter:

23 (1) "Large carnivore" means any live individual of those species  
24 of animals that are inherently dangerous to humans, including:

25 (A) ~~Tigers~~ Bears;

26 (B) Lions; and

27 (C) ~~All bears~~ Tigers;

28 (2) "Possessor" means a person who owns, keeps, or has custody  
29 or control of a large carnivore; and

30 (3)(A) "Wildlife sanctuary" means a nonprofit organization under  
31 § section 501(c)(3) of the Internal Revenue Code as it existed on January 1,  
32 2005, that operates a place of refuge where abused, neglected, unwanted,  
33 impounded, abandoned, orphaned, or displaced large carnivores are provided  
34 care for their lifetimes.

35 (B) "Wildlife sanctuary" does not mean a place that:

36 (i) Conducts any activity that is not inherent to

- 1 the large carnivore's nature;
- 2 (ii) Uses the large carnivore for any type of
- 3 entertainment;
- 4 (iii) Sells, trades, or barterers the large carnivore
- 5 or the large carnivore's body parts; or
- 6 (iv) Breeds the large carnivore for purposes of
- 7 sale.

8

9 SECTION 166. Arkansas Code § 20-25-104(b) and (c) are amended to read

10 as follows to remove references to an undefined and superfluous culpable

11 mental state and to correct references to applicable federal law:

12 (b) Any individual or director, officer, or agent of a corporation who

13 knowingly ~~and willfully~~ violates this chapter in a manner which threatens the

14 health or safety of any purchaser shall be deemed guilty of a misdemeanor.

15 Upon conviction, the person shall be fined not more than one thousand dollars

16 (\$1,000) or imprisoned for not more than one (1) year, or both, for each

17 violation.

18 (c)(1)(A) Whoever violates any provision of section 610 of Title VI of

19 Pub. L. No. 93-383 or any regulation or final order issued pursuant to it

20 shall be liable to the State of Arkansas for a civil penalty of not to exceed

21 one thousand dollars (\$1,000) for each violation.

22 (B) Each violation of a provision of section 610 of Title

23 VI of Pub. L. No. 93-383 or any regulation or order issued pursuant to it

24 shall constitute a separate violation with respect to each manufactured home

25 or with respect to each failure or refusal to allow or perform an act

26 required thereby, ~~except that.~~ However, the maximum civil penalty ~~may~~ shall

27 not exceed one million dollars (\$1,000,000) for any related series of

28 violations occurring within one (1) year from the date of the first

29 violation.

30 (2) Any individual or a director, officer, or agent of a

31 corporation who knowingly ~~and willfully~~ violates section 610 of Title VI of

32 Pub. L. No. 93-383 in a manner ~~which~~ that threatens the health or safety of

33 any purchaser shall be fined not more than one thousand dollars (\$1,000) or

34 imprisoned not more than one (1) year, or both.

35

36 SECTION 167. Arkansas Code § 20-27-1603(e)(5) is amended to read as

1 follows to correct the wording of the subdivision:

2 (5) Rail height dimensions that do not conform to both of the  
3 following:

4 (A) The height of the rail and end panel as measured from  
5 the top of the rail or panel in its lowest position to the top of the  
6 mattress support in its highest position is at least nine inches (9"); and

7 (B) The height of the rail and end panel as measured from  
8 the top of the rail or panel in its highest position ~~to the top of the~~  
9 ~~mattress support in its highest position~~ to the top of the mattress support  
10 in its lowest position is at least twenty-six inches (26");

11

12 SECTION 168. Arkansas Code § 20-33-205(b) is amended to add the  
13 following introductory language to subsection(b):

14 (b) For the purposes of this section, the following criminal offenses  
15 apply to this section:

16

17 SECTION 169. Arkansas Code § 20-48-804(b) is amended to add the  
18 following introductory language to subsection (b):

19 (b) For the purposes of this section, the following criminal offenses  
20 apply to this section:

21

22 SECTION 170. Arkansas Code § 20-56-214(b)(1) is amended to read as  
23 follows to clarify the wording of the subdivision:

24 (b)(1)(A) For the purpose of this subchapter, the advertisement of a  
25 drug or device shall also be deemed to be false if the advertisement  
26 representing it represents the drug or device to have any effect in on any of  
27 the following diseases or conditions:

- 28 (i) ~~albuminuria,~~ Albuminuria;  
29 (ii) ~~appendicitis,~~ Appendicitis;  
30 (iii) ~~arteriosclerosis,~~ Arteriosclerosis;  
31 (iv) ~~blood poison,~~ Blood poison;  
32 (v) ~~bone disease,~~ Bone disease;  
33 (vi) ~~Bright's disease,~~ Bright's disease;  
34 (vii) ~~eaneer,~~ Cancer;  
35 (viii) ~~carbuncles,~~ Carbuncles;  
36 (ix) ~~cholecystitis,~~ Cholecystitis;

- 1                    (x) diabetes, Diabetes;  
 2                    (xi) diphtheria, Diphtheria;  
 3                    (xii) dropsy, Dropsy;  
 4                    (xiii) erysipelas, Erysipelas;  
 5                    (xiv) gallstones, Gallstones;  
 6                    (xv) heart Heart and vascular diseases;  
 7                    (xvi) high High blood pressure;  
 8                    (xvii) mastoiditis, Mastoiditis;  
 9                    (xviii) measles, Measles;  
 10                   (xix) meningitis, Meningitis;  
 11                   (xx) mumps, Mumps;  
 12                   (xxi) nephritis, Nephritis;  
 13                   (xxii) otitis Otitis media;  
 14                   (xxiii) paralysis, Paralysis;  
 15                   (xxiv) pneumonia, Pneumonia;  
 16                   (xxv) poliomyelitis Poliomyelitis or infantile  
 17 paralysis;  
 18                   (xxvi) prostate Prostate gland disorders;  
 19                   (xxvii) pyelitis, Pyelitis;  
 20                   (xxviii) scarlet Scarlet fever;  
 21                   (xxix) sexual Sexual impotence;  
 22                   (xxx) Sexually transmitted disease;  
 23                   (xxxi) sinus Sinus infection;  
 24                   (xxxii) smallpox, Smallpox;  
 25                   (xxxiii) tuberculosis, Tuberculosis;  
 26                   (xxxiv) tumors, Tumors;  
 27                   (xxxv) typhoid, Typhoid; or  
 28                   (xxxvi) uremia, or venereal disease Uremia.

29 ~~shall also be deemed to be false, except that no advertisement not in~~  
 30 ~~violation of~~

31                    (B) An advertisement of a drug or device subsection (a) of  
 32 ~~this section~~ shall not be deemed to be false under this subsection if ~~it~~ the  
 33 advertisement is disseminated only for the purpose of public health education  
 34 by persons not commercially interested, directly or indirectly, in the sale  
 35 of ~~such drugs or devices~~ the drug or device.

36

1 SECTION 171. Arkansas Code § 20-64-601 is amended to read as follows  
2 to reflect the current organizational structure of an entity:

3 20-64-601. Bureau of Alcohol and Drug Abuse Prevention - Creation.

4 (a) There is established within the Division of Behavioral Health of  
5 the Department of Health and Human Services a Bureau of Alcohol and Drug  
6 Abuse Prevention ~~to be located under the Office of the Director of the~~  
7 ~~Department of Human Services.~~

8 (b) The ~~head~~ Director of the ~~office~~ Bureau of Alcohol and Drug Abuse  
9 Prevention shall be appointed by the Director of the Department of Health and  
10 Human Services.

11 (c) Such personnel as are necessary shall be appointed by the ~~office~~  
12 ~~head~~ Director of the Bureau of Alcohol and Drug Abuse Prevention to carry out  
13 the powers, duties, functions, and responsibilities of the bureau, in  
14 accordance with the requirements of law within the limits of available  
15 appropriations.

16  
17 SECTION 172. Arkansas Code § 21-1-405(a) is amended to read as follows  
18 to conform the culpable mental state element of a criminal offense to a  
19 culpable mental state defined in the Arkansas Criminal Code and to clarify  
20 the criminal offense:

21 (a) Any ~~willful and~~ knowing violation of this subchapter ~~shall~~  
22 ~~constitute~~ is a Class D felony.

23  
24 SECTION 173. Arkansas Code § 21-4-505 is repealed because its  
25 provisions are in conflict with and impliedly repealed by the provisions of  
26 Acts 2005, No. 1288 as discussed in Attorney General Opinion No. 2005-211.

27 ~~(a) A two-year college may provide compensation for unused sick leave~~  
28 ~~as allowed under this subchapter to an employee of the two-year college.~~

29 ~~(b) Compensation for accumulated unused sick leave under this section~~  
30 ~~shall not be used by the Arkansas Teacher Retirement System in the~~  
31 ~~calculation of "final average salary" under § 24-7-202.~~

32  
33 SECTION 174. Arkansas Code § 21-5-109(b)(1) is amended to read as  
34 follows to make stylistic changes:

35 (b)(1) ~~For purposes of the direct deposit requirement set forth~~ As  
36 used in subdivision (a)(1) of this section, ~~the term~~ "agency" means all state

1 agencies, boards, commissions, bureaus, councils, or programs except:

2 (A) The elected constitutional officers of the State of  
3 Arkansas and their employees;

4 (B) The General Assembly and its employees, including  
5 employees of the Bureau of Legislative Research and the Division of  
6 Legislative Audit;

7 (C) Members and employees of the Supreme Court, the Court  
8 of Appeals, the Administrative Office of the Courts, circuit courts, and  
9 prosecuting attorneys, not including deputy prosecuting attorneys;

10 (D) The Arkansas State Game and Fish Commission;

11 (E) The Arkansas State Highway and Transportation  
12 Department; and

13 (F) All administrative, academic, classified, and  
14 nonclassified employees of the state-supported institutions of higher  
15 learning.

16  
17 SECTION 175. Arkansas Code § 21-8-401 resulting from Initiated Measure  
18 No. 1 of 1988 is amended to read as follows to remove obsolete language and  
19 to make a stylistic change:

20 Subchapters ~~4, 5 [repealed]~~, and 6-8 of this chapter may be referred to  
21 and cited as the "The "Disclosure Act for Lobbyists and State and Local  
22 Officials".

23  
24 SECTION 176. Arkansas Code § 21-8-402(13) resulting from Initiated  
25 Measure No. 1 of 1988 is amended to read as follows to add clarifying  
26 language:

27 (13) "Official capacity" means activities which:

28 (A) Arise solely because of the position held by the  
29 public servant;

30 (B) Would be subject to expense reimbursement by the  
31 agency with which the public servant is associated; and

32 (C) Involve matters which fall within the official  
33 responsibility of the public servant;

34  
35 SECTION 177. Acts 2001, No. 1192, § 1 is repealed due to a conflict  
36 between that act and Acts 2001, No. 1839, § 23 in amending § 21-8-402, and

1 which conflict under § 1-2-207 is resolved in favor of Acts 2001, No. 1839.

2  
3 SECTION 178. Arkansas Code § 21-8-403(a) resulting from Initiated  
4 Measure No. 1 of 1988 is amended to read as follows to remove obsolete  
5 language and to make stylistic changes:

6 (a) ~~Any~~ Upon conviction, any person who violates any provision of  
7 ~~subchapters 4, 5 [repealed], and 6-8~~ subchapter 4, 6, 7, or 8 of this chapter  
8 ~~shall be deemed~~ is guilty of a Class A misdemeanor.

9  
10 SECTION 179. Arkansas Code § 21-8-405 resulting from Initiated Measure  
11 No. 1 of 1988 is amended to read as follows to remove obsolete language and  
12 to make stylistic changes:

13 ~~Subchapters 4, 5 [repealed], and 6-8 of this chapter shall be~~  
14 ~~supplemental to all other laws pertaining to ethics, conflicts of interest,~~  
15 ~~and shall not repeal any other laws, except for laws specifically repealed by~~  
16 ~~subchapters 4, 5 [repealed], and 6-8 of this chapter.~~

17 Subchapters 4 and 6-8 of this chapter are supplemental to any other law  
18 pertaining to ethics or conflicts of interest and do not repeal any other law  
19 except for a law specifically repealed by subchapter 4, 6, 7, or 8 of this  
20 chapter.

21  
22 SECTION 180. Arkansas Code § 21-15-103(a) is amended to read as  
23 follows to remove obsolete language and to clarify its application:

24 (a)(1)~~(A)~~ ~~State agencies shall ensure that all employees in designated~~  
25 ~~positions will have applied for criminal history checks by October 1, 2000,~~  
26 ~~and shall adopt a rule that prescribes how criminal background checks on~~  
27 ~~incumbent employees will be phased in over the period of time prior to July~~  
28 ~~1, 2000.~~

29 ~~(B)~~ A state agency shall ensure that any ~~An~~ incumbent  
30 employee in a designated position ~~shall have~~ has a subsequent criminal  
31 background check completed within five (5) years of the incumbent employee's  
32 initial criminal background check and every five (5) years thereafter.

33 (2)~~(A)~~ ~~State agencies shall ensure that all employees in~~  
34 ~~designated positions will have applied for central registry checks by October~~  
35 ~~1, 2002, and shall adopt a rule that prescribes how central registry checks~~  
36 ~~on incumbent employees will be phased in over the period of time prior to~~

1 ~~July 1, 2002.~~

2 ~~(B) A state agency shall ensure that any An~~ incumbent  
3 employee in a designated position ~~shall have~~ has a subsequent central  
4 registry ~~checks~~ check completed within five (5) years of the incumbent  
5 employee's initial central registry check and every five (5) years  
6 thereafter.

7  
8 SECTION 181. Arkansas Code § 21-15-104(a) is amended to read as  
9 follows to clarify internal references:

10 (a)(1) The provisions of §§ 21-15-102(a)(4), 21-15-102(f), 21-15-  
11 103(e), 21-15-103(g), and 21-15-110(b) may be waived by the director of a  
12 state agency upon the request of:

13 (A) A supervisor or other managerial employee in the state  
14 agency;

15 (B) An affected applicant ~~for employment~~; or

16 (C) ~~The person~~ An incumbent employee in a designated  
17 position who is subject to discharge.

18 (2) ~~Application~~ A request for a waiver must be made within five  
19 (5) days of receipt of the criminal background check.

20 (3) If the crime is a misdemeanor and more than five (5) years  
21 have lapsed since the conviction, the state agency is not required to  
22 discharge an incumbent employee if a request for a waiver is timely made and  
23 if the waiver is ultimately granted.

24 (4) If the waiver is not granted and the ~~waiver applicant is~~  
25 request was for an incumbent employee who was not immediately discharged, the  
26 state agency shall immediately discharge the incumbent employee.

27 (5) If the waiver is not granted and the ~~waiver applicant is~~  
28 request was for an applicant ~~for employment~~, the state agency is prohibited  
29 from hiring the applicant.

30 (6) If an incumbent employee was immediately discharged but was  
31 subsequently granted a waiver, the incumbent employee shall be immediately  
32 reinstated but ~~shall not be~~ is not entitled to retroactive relief, including  
33 back pay.

34

35 SECTION 182. Arkansas Code § 21-15-104(c) is amended to read as  
36 *follows to clarify and correct internal references and to make stylistic*



1 changes:

2 (c) Because of the serious nature of the offenses and the close  
3 relationship to the type of work that is to be performed, the following  
4 offenses may not be waived by the director of a state agency:

5 (1) Capital murder, ~~as prohibited in~~ § 5-10-101;

6 (2) Murder in the first degree, § 5-10-102 ~~and second degree, as~~  
7 ~~prohibited in §§ 5-10-102 and 5-10-103~~;

8 (3) Murder in the second degree, § 5-10-103;

9 ~~(3)(4)~~ Kidnapping, ~~as prohibited in~~ § 5-11-102;

10 ~~(4)(5)~~ Rape, ~~as prohibited in~~ § 5-14-103;

11 ~~(5)(6)~~ Sexual assault in the first degree, § 5-14-124 ~~and second~~  
12 ~~degree, as prohibited in §§ 5-14-124 and 5-14-125~~;

13 (7) Sexual assault in the second degree, § 5-14-125;

14 ~~(6)(8)~~ Sexual indecency with a child, ~~as prohibited in~~ § 5-14-  
15 110;

16 ~~(7)(9)~~ Endangering the welfare of an incompetent person in the  
17 first degree, ~~as prohibited in~~ § 5-27-201;

18 ~~(8)(10)~~ Endangering the welfare of a minor in the first degree,  
19 ~~as prohibited in § 5-27-203~~ § 5-27-205;

20 ~~(9)(11)~~ Engaging children in sexually explicit conduct for use  
21 in visual or print ~~media~~ medium, § 5-27-303 ~~transportation of minors for~~  
22 ~~prohibited sexual conduct, pandering, or possessing visual or print medium~~  
23 ~~depicting sexually explicit conduct involving a child, or use of a child or~~  
24 ~~consent to the use of a child in a sexual performance by producing,~~  
25 ~~directing, or promoting a sexual performance by a child, as prohibited in §§~~  
26 ~~5-27-303—5-27-305, 5-27-402, and 5-27-403~~;

27 (12) Pandering or possessing visual or print medium depicting  
28 sexually explicit conduct involving a child, § 5-27-304;

29 (13) Transportation of minors for prohibited sexual conduct, §  
30 5-27-305;

31 (14) Employing or consenting to the use of a child in a sexual  
32 performance, § 5-27-402;

33 (15) Producing, directing, or promoting a sexual performance by  
34 a child, § 5-27-403;

35 ~~(10)(16)~~ Adult abuse that constitutes a felony, ~~as prohibited in~~  
36 § 5-28-103;

1           ~~(11)~~(17) Arson, ~~as prohibited in~~ § 5-38-301;  
2           ~~(12)~~(18) Computer child pornography, ~~as prohibited in~~ § 5-27-  
3 603; and  
4           ~~(13)~~(19) Computer exploitation of a child in the first degree,  
5 ~~as prohibited in~~ § 5-27-605.

6  
7           SECTION 183. Arkansas Code § 21-15-113(a) is amended to read as  
8 follows to clarify internal references:

9           (a)(1) The provisions of §§ 21-15-111 and 21-15-112 prohibiting the  
10 hiring of a person or requiring the discharge of a person in a designated  
11 financial or information technology position may be waived by the director of  
12 a state agency upon the request of:

13                   (A) A supervisor or other managerial employee in the state  
14 agency;

15                   (B) An affected applicant ~~for employment~~; or

16                   (C) ~~The person~~ An incumbent employee in the designated  
17 financial or information technology position who is subject to discharge.

18           (2) ~~Application~~ A request for a waiver must be made within five  
19 (5) days of the receipt of the criminal background check.

20           (3) If the crime is a misdemeanor and more than five (5) years  
21 have lapsed since the conviction, the state agency is not required to  
22 discharge an incumbent employee if a request for a waiver is timely made and  
23 if the waiver is ultimately granted.

24           (4) If the waiver is not granted and the waiver ~~applicant is~~  
25 request was for an incumbent employee who was not immediately discharged, the  
26 state agency shall immediately discharge the incumbent employee.

27           (5) If the waiver is not granted and the waiver ~~applicant is~~  
28 request was for an applicant ~~for employment~~, the state agency is prohibited  
29 from hiring the applicant in a designated financial or information technology  
30 position.

31           (6) If an incumbent employee was immediately discharged but was  
32 subsequently granted a waiver, the incumbent employee shall be immediately  
33 reinstated but ~~shall not be~~ is not entitled to retroactive relief, including  
34 back pay.

35  
36           SECTION 184. Arkansas Code § 23-67-211(c) is amended to read as

1 follows to remove temporary language, to clarify the wording of the  
2 subsection, and to add an essential word in a reference to a term:

3 (c) ~~Effective June 30, 2006, if~~ If a private passenger automobile,  
4 homeowners multi-peril, or dwelling fire policy overall rate is+

5 ~~(1) Increased~~ increased under this section, then the  
6 commissioner shall publish notice of the rate increase and the overall  
7 percentage of the rate increase;

8 ~~(1) on~~ On the State Insurance Department ~~Web site~~ Department's  
9 website; ~~or~~ and

10 ~~(2) Increased by twenty percent (20%) or greater under this~~  
11 ~~section, the commissioner shall publish notice of the increase for three (3)~~  
12 ~~consecutive business days in~~ If the increase is twenty percent (20%) or  
13 greater, in a newspaper of general circulation in this state for three (3)  
14 consecutive business days ~~in addition to the notice published on the~~  
15 ~~department's Web site.~~

16

17 SECTION 185. Arkansas Code § 23-79-153(g) is repealed to remove it as  
18 it is now obsolete.

19 ~~(g) A carrier shall bring any block of business closed prior to August~~  
20 ~~12, 2005, into compliance with the terms of this section, except the~~  
21 ~~requirement in subdivision (b)(1) of this section, no later than January 1,~~  
22 ~~2007.~~

23

24 SECTION 186. Arkansas Code § 23-79-153(h) is repealed because the  
25 application of the subsection depends upon a nonexistent provision in the  
26 section.

27 ~~(h) A carrier may petition the commissioner for an exemption from~~  
28 ~~subdivision (b)(1) of this section if complying with subdivision (b)(1) of~~  
29 ~~this section will cause the carrier to be subject to administrative~~  
30 ~~supervision by the commissioner or if the carrier purchased a closed block of~~  
31 ~~business from an insurance company that was under administrative supervision~~  
32 ~~or regulatory oversight by the commissioner.~~

33

34 SECTION 187. Arkansas Code § 23-81-401(a) is amended to read as  
35 follows to clarify and reorganize the subsection:

36 (a)(1) ~~Except for §§ 23-81-122, 23-81-127, and 23-81-128 in the case~~

1 ~~of a variable annuity contract and §§ 23-81-104, 23-81-109 — 23-81-111, and~~  
 2 ~~23-81-201 et seq. in the case of a variable life insurance policy and except~~  
 3 ~~for § 23-83-109 in the case of group variable life insurance, and except as~~  
 4 ~~otherwise provided in this subchapter, all All pertinent provisions of the~~  
 5 Arkansas Insurance Code shall apply to separate accounts and contracts  
 6 relating thereto, to those accounts, except:

7 (A) Sections 23-81-122, 23-81-127, and 23-81-128 in the  
 8 case of a variable annuity contract;

9 (B) Sections 23-81-104, 23-81-109 — 23-81-111, and § 23-  
 10 81-201 et seq. in the case of a variable life insurance policy;

11 (C) Section 23-83-109 in the case of group variable life  
 12 insurance; and

13 (D) As otherwise provided in this subchapter.

14 (2) Any group or individual variable life insurance contract or  
 15 annuity contract delivered or issued for delivery in this state shall contain  
 16 grace, reinstatement, and nonforfeiture provisions appropriate to the  
 17 contract.

18  
 19 SECTION 188. Arkansas Code § 23-97-304(5) is amended to read as  
 20 follows to correct an error in the subdividing of the language:

21 (5) "Federally tax-qualified long-term care insurance contract"  
 22 means:

23 (A) an ~~an~~ An individual or group insurance contract that meets  
 24 the following requirements of section 7702B(b) of the Internal Revenue Code  
 25 of 1986, as it existed on January 1, 2004:

26 ~~(A)~~(i)(a) The only insurance protection provided  
 27 under the contract is coverage of qualified long-term care services.

28 (b) A contract satisfies the requirements of  
 29 this subdivision (5)(A)(i) even though payments are made on a per diem or  
 30 other periodic basis without regard to the expenses incurred during the  
 31 period to which the payments relate;

32 (ii)(a) The contract does not pay or reimburse  
 33 expenses incurred for services or items to the extent that the expenses:

34 (1) Are reimbursable under Title XVIII  
 35 of the Social Security Act, as it existed on January 1, 2004; or

36 (2) Would be reimbursable but for the

1 application of a deductible or coinsurance amount.

2 (b) The requirements of this subdivision  
3 (5)(A)(ii) do not apply to expenses that are reimbursable under Title XVIII  
4 of the Social Security Act only as a secondary payor.

5 (c) A contract satisfies the requirements of  
6 this subdivision (5)(A)(ii) even though payments are made on a per diem or  
7 other periodic basis without regard to the expenses incurred during the  
8 period to which the payments relate;

9 (iii) The contract is guaranteed renewable under  
10 section 7702B(b)(1)(C) of the Internal Revenue Code of 1986, as it existed on  
11 January 1, 2004;

12 (iv) The contract does not provide for a cash  
13 surrender value or other money that can be paid, assigned, pledged as  
14 collateral for a loan, or borrowed, except as provided in subdivision  
15 (5)(A)(v) of this section;

16 (v)(a) All refunds of premiums, policyholder  
17 dividends, or similar amounts under the contract are to be applied as a  
18 reduction in future premiums or to increase future benefits.

19 (b) ~~except that~~ However, a refund in the event  
20 of the death of the insured or a complete surrender or cancellation of the  
21 contract cannot exceed the aggregate premiums paid under the contract; and

22 (vi) The contract meets the consumer protection  
23 provisions set forth in section 7702B(g) of the Internal Revenue Code of  
24 1986, as it existed on January 1, 2004; ~~or~~ and

25 (B) The portion of a life insurance contract that provides long-  
26 term care insurance coverage by rider or as part of the contract and that  
27 satisfies the requirements of ~~section~~ sections 7702B(b) and ~~section~~ 7702B(e)  
28 of the Internal Revenue Code of 1986, as it existed on January 1, 2004;

29  
30 SECTION 189. Arkansas Code § 23-97-318(c)(2) is amended to read as  
31 follows to correct the wording of a definition:

32 (2) As used in this section, "field issued" means ~~a policy or~~  
33 ~~certificate~~ issued by an agent or a third-party administrator under the  
34 underwriting authority granted to the agent or third-party administrator by  
35 an insurer.

36

1 SECTION 190. Arkansas Code § 23-100-104 is amended to read as follows  
2 to clarify and reorganize the section:

3 23-100-104. Antifraud assessment.

4 ~~(a)(1) Notwithstanding the provisions of § 26-57-601 et seq., the~~  
5 ~~State Insurance Department Trust Fund Act, § 23-61-701 et seq., and other~~  
6 ~~provisions of Arkansas law, all licensed insurers, including, but not limited~~  
7 ~~to, all licensed stock and mutual insurance companies, reinsurers, health~~  
8 ~~maintenance organizations, fraternal benefit societies, hospital and medical~~  
9 ~~service corporations, stipulated premium insurers, farmers' mutual aid~~  
10 ~~associations, and prepaid legal insurers, not later than June 30, 1997, for~~  
11 ~~the 1996-1997 fiscal year, and thereafter annually on or before June 30 for~~  
12 ~~all subsequent years at the time and in the manner as the Insurance~~  
13 ~~Commissioner shall prescribe, or at times alternate from June 30 annually as~~  
14 ~~the commissioner shall prescribe, shall pay to the State Insurance Department~~  
15 ~~Criminal Investigation Division Trust Fund, in addition to the premium taxes~~  
16 ~~and fees now required under existing law, a nonrefundable antifraud~~  
17 ~~assessment as directed by the commissioner for the reasonable and necessary~~  
18 ~~expenses and operation of the Criminal Investigation Division of the State~~  
19 ~~Insurance Department.~~

20 ~~(2) Effective for the 1996-1997 fiscal year, all licensed~~  
21 ~~insurers described in subdivision (a)(1) of this section shall pay a one-time~~  
22 ~~antifraud assessment of four hundred dollars (\$400) to the fund. The~~  
23 ~~commissioner may, by rule or regulation, reduce the antifraud assessment to~~  
24 ~~the fund or adjust the antifraud assessment to a maximum of no more than one~~  
25 ~~thousand dollars (\$1,000) per each fiscal year following the 1996-1997 fiscal~~  
26 ~~year.~~

27 ~~(b) Approved but nonadmitted surplus lines insurers and registered~~  
28 ~~risk retention groups are exempt from payment of the antifraud assessment~~  
29 ~~described in this section.~~

30 (a)(1)(A) Each licensed insurer shall pay into the State Insurance  
31 Department Criminal Investigation Division Trust Fund a nonrefundable  
32 antifraud assessment as directed by the Insurance Commissioner for the  
33 reasonable and necessary expenses and operation of the Criminal Investigation  
34 Division of the State Insurance Department.

35 (B) As used in this section, "licensed insurer" includes  
36 a:

- 1 (i) Licensed stock and mutual insurance company;
- 2 (ii) Reinsurer;
- 3 (iii) Health maintenance organization;
- 4 (iv) Fraternal benefit society;
- 5 (v) Hospital and medical service corporation;
- 6 (vi) Stipulated premium insurer;
- 7 (vii) Farmers' mutual aid association; and
- 8 (viii) Prepaid legal insurer.

9 (2) This section does not apply to an approved but nonadmitted  
 10 surplus lines insurer or to a registered risk retention group.

11 (b)(1) The antifraud assessment required by this section shall be paid  
 12 annually on or before June 30 at the time and in the manner that the  
 13 commissioner prescribes or at times alternate from June 30 annually that the  
 14 commissioner prescribes.

15 (2)(A) By rule the commissioner may set the amount of the  
 16 antifraud assessment.

17 (B) The antifraud assessment shall not exceed one thousand  
 18 dollars (\$1,000) per fiscal year.

19 (3) The antifraud assessment shall be in addition to the premium  
 20 taxes and fees now required under existing law.

21 (c) This section shall apply notwithstanding the provisions of § 26-  
 22 57-601 et seq., the State Insurance Department Trust Fund Act, § 23-61-701 et  
 23 seq., and other provisions of Arkansas law.

24  
 25 SECTION 191. Arkansas Code § 23-112-614(e)(2) is amended to read as  
 26 follows to clarify the wording of the subdivision:

27 (2) The sales transaction register shall include ~~the~~:

28 (A) A motor vehicle's:

29 (i) Make;

30 ~~(B)(ii)~~ Model;

31 ~~(C)(iii)~~ Year;

32 ~~(D)(iv)~~ Body style; and

33 ~~(E)(v)~~ Vehicle identification number;

34 ~~(F) Name~~ (B) The name and address of the seller and buyer  
 35 of the motor vehicle; and

36 ~~(G) Salvage~~ (C) The salvage auction buyer's identification

1 card number.

2

3 SECTION 192. Arkansas Code § 24-11-405(b) is amended to read as  
4 follows to remove a reference to a person who is no longer a member of the  
5 board:

6 (b) The police officer members ~~and the physician representative of the~~  
7 ~~board~~ shall serve for a period of two (2) years or until their successors are  
8 elected and qualified.

9

10 SECTION 193. Arkansas Code § 25-1-302(a)(3) and (a)(18) are repealed  
11 to remove references in this section to entities that have been abolished:

12 ~~(3) Arkansas Aviation and Aerospace Commission, § 15-4-1501;~~

13 ~~(18) School Self Insurance Advisory Committee, § 6-20-1504;~~

14

15 SECTION 194. Arkansas Code § 25-9-102 and § 25-10-140 are repealed  
16 because the sections consist of temporary language the effectiveness of which  
17 has expired.

18 ~~25-9-102. Bureau of Alcohol and Drug Abuse Prevention.~~

19 ~~(a) The Division of Alcohol and Drug Abuse Prevention of the~~  
20 ~~Department of Human Services is transferred by a type 1 transfer, as provided~~  
21 ~~for in § 25-2-104, to the Department of Health and shall be known as the~~  
22 ~~Bureau of Alcohol and Drug Abuse Prevention.~~

23 ~~(b) Any and all other powers, duties, functions, records, property,~~  
24 ~~and funds administered or provided by other support divisions within the~~  
25 ~~Department of Human Services for the Division of Alcohol and Drug Abuse~~  
26 ~~Prevention shall be transferred to the Bureau of Alcohol and Drug Abuse~~  
27 ~~Prevention of the Department of Health.~~

28

29 ~~25-10-140. Bureau of Alcohol and Drug Abuse Prevention transferred to~~  
30 ~~Division of Behavioral Health.~~

31 ~~(a) Effective July 1, 2003, the Bureau of Alcohol and Drug Abuse~~  
32 ~~Prevention that was transferred to the Department of Health under § 25-9-102~~  
33 ~~is transferred by a Type 1 transfer as provided for in § 25-2-104 to the~~  
34 ~~Division of Behavioral Health of the Department of Human Services.~~

35 ~~(b) All other powers, duties, functions, records, property, and funds~~  
36 ~~administered or provided by other divisions within the Department of Health~~



1 ~~for the Bureau of Alcohol and Drug Abuse Prevention shall be transferred to~~  
 2 ~~the Division of Behavioral Health of the Department of Human Service [now the~~  
 3 ~~Department of Health and Human Services]-~~

4  
 5 SECTION 195. Arkansas Code § 26-3-301(1) is amended to read as follows  
 6 to clarify archaic language:

7 (1) ~~All public~~ Public schoolhouses and houses school buildings  
 8 and buildings used exclusively for public worship and the grounds attached to  
 9 these buildings necessary for the proper occupancy, use, and enjoyment of the  
 10 buildings, not leased or otherwise used with a view to profit;

11  
 12 SECTION 196. Arkansas Code § 26-18-303(b)(4) is amended to read as  
 13 follows to add an omission of the Arkansas Court of Appeals:

14 (4) Disclosure compelled by any Arkansas circuit court, ~~or the~~  
 15 Supreme Court, the Court of Appeals, or by any federal court of information  
 16 involved in any case or controversy before that court;

17  
 18 SECTION 197. Arkansas Code § 26-18-508(6)(B) is amended to read as  
 19 follows to avoid an unlawful delegation of legislative authority:

20 (B) However, the four percent (4%) interest rate shall  
 21 only apply to the "4-percent portion" as that term is defined in 26 U.S.C. §  
 22 6601(j)(2), as it existed on January 1, 1989 ~~(Supp. 1988)~~.

23  
 24 SECTION 198. Arkansas Code § 26-19-105(a) is amended to read as  
 25 follows to correct internal references, to remove obsolete language, and to  
 26 make stylistic changes:

27 (a)(1) If the ~~director~~ Director of the Department of Finance and  
 28 Administration determines that a taxpayer's monthly liability for the  
 29 following taxes for any calendar year equals or exceeds twenty thousand  
 30 dollars (\$20,000), the taxpayer shall pay any tax due by electronic funds  
 31 transfer:

32 (A) Income withholding taxes under the Arkansas Income Tax  
 33 Withholding Act of 1965, § 26-51-901 et seq.;

34 (B) Gross receipts or sales taxes under the Arkansas Gross  
 35 Receipts Act of 1941, § 26-52-101 et seq., ~~§ 26-52-1401 et seq. [expired and~~  
 36 ~~terminated], §§ 26-74-201 - 26-75-705, or the Local Government Bond Act of~~

1 1985, § 14-164-301 et seq.;

2 (C) Compensating or use taxes under the Arkansas  
3 Compensating Tax Act of 1949, § 26-53-101 et seq.;

4 (D) Privilege taxes;

5 (E) Special alcoholic beverage excise taxes under § 3-7-  
6 201;

7 (F) Alcoholic beverage supplemental taxes under §§ 3-9-213  
8 and 3-9-223; and

9 (G) Any other taxes supplemental to the taxes in  
10 subdivisions (a)(1)(A)-(F) of this section or required to be collected and  
11 remitted in the same manner as sales or use taxes ~~and~~ or any other law of  
12 this state, ~~for the calendar year 1993 or any calendar year thereafter,~~  
13 ~~equals or exceeds fifty thousand dollars (\$50,000), the taxpayer shall pay~~  
14 ~~the taxes due by electronic funds transfer beginning January 1, 1994, and,~~  
15 ~~if, for the calendar year 1994 or any calendar year thereafter, the monthly~~  
16 ~~liability exceeds twenty thousand dollars (\$20,000), the taxpayer shall pay~~  
17 ~~the taxes due by electronic funds transfer beginning January 1, 1995.~~

18 (2) If the director determines that a taxpayer's monthly  
19 liability for the following taxes for any calendar year equals or exceeds  
20 twenty thousand dollars (\$20,000), the taxpayer shall pay the taxes due by  
21 electronic funds transfer:

22 (A) Taxes on tobacco products under the Arkansas Tobacco  
23 Products Tax Act of 1977, § 26-57-201 et seq., ~~;~~ ;

24 (B) Severance ~~severance~~ taxes under §§ 26-58-101 - 26-58-  
25 303, ~~;~~ ; or

26 (C) Taxes ~~taxes~~ on spirituous liquors, wines, malt  
27 liquors, and beer under §§ 3-5-101 - 3-7-114 ~~equals or exceeds twenty~~  
28 ~~thousand dollars (\$20,000) for calendar year 1994 or any calendar year~~  
29 ~~thereafter, the taxpayer shall pay the taxes due by electronic funds transfer~~  
30 ~~beginning January 1, 1995.~~

31 (3) If the director determines that a taxpayer's monthly  
32 liability for soft drink taxes under the Arkansas Soft Drink Tax Act, § 26-  
33 57-901 et seq., ~~for the calendar year 1995 or any calendar year thereafter,~~  
34 equals or exceeds twenty thousand dollars (\$20,000), the taxpayer shall pay  
35 the taxes due by electronic funds transfer, ~~beginning January 1, 1996.~~

36

1 SECTION 199. Arkansas Code § 26-19-105(c)(4)(A) is amended to read as  
2 follows to correct obsolete language:

3 (4)(A) ~~Starting with withholding tax reporting periods beginning~~  
4 ~~on January 1, 2001, and for all subsequent reporting periods~~ For any  
5 withholding tax reporting period, a company or any other business enterprise  
6 that provides the service of reporting and remitting withholding tax on the  
7 wages paid to Arkansas employees by other employers shall remit all such  
8 withholding taxes to the director by electronic funds transfer.

9  
10 SECTION 200. Arkansas Code § 26-19-105(d) is amended to remove  
11 obsolete language:

12 (d) The following may elect to utilize the state module of the  
13 electronic funds transfer payment system of the United States Department of  
14 the Treasury to pay monthly income withholding taxes by electronic funds  
15 transfer ~~for tax years beginning on and after January 1, 2006:~~

16 (1) Any taxpayer who is not required by subdivision (a)(1) of  
17 this section to pay income withholding taxes by electronic funds transfer; or

18 (2) Any business that provides tax reporting and remitting  
19 services that is not required by subdivision (c)(4) of this section to pay  
20 income withholding taxes by electronic funds transfer.

21  
22 SECTION 201. Arkansas Code § 26-26-713(d)(1) is amended to read as  
23 follows to clarify internal references and to clarify a criminal offense:

24 (d)(1) ~~Any~~ Upon conviction, any individual, school director, tax  
25 commissioner, tax assessor, or other person charged with duties who shall  
26 fail to perform those duties shall be a duty under this section who fails to  
27 perform the duty is guilty of a violation and ~~upon conviction~~ shall be fined  
28 in any sum not less than one hundred dollars (\$100) nor more than one  
29 thousand dollars (\$1,000).

30  
31 SECTION 202. Arkansas Code § 26-26-1118(a) is amended to read as  
32 follows to remove obsolete language, to formally create the homestead  
33 property tax credit, and to correct internal references:

34 (a)(1)(A) ~~Effective with the assessment year 2000 and thereafter,~~  
35 There is established a homestead property tax credit for each assessment year  
36 that reduces the amount of real property taxes assessed on the homestead of

1 each property owner ~~shall be reduced~~ by three hundred dollars (\$300).

2 (B) Effective with the assessment year 2007 and  
3 thereafter, the amount of real property taxes assessed on the homestead of  
4 each property owner shall be reduced by three hundred fifty dollars (\$350).

5 (C) However, no assessment shall be reduced to less than  
6 zero dollars (\$0.00).

7 (2) Each property owner shall pay the reduced tax amount to the  
8 county.

9 (3) The ~~tax reduction~~ homestead property tax credit adopted by  
10 this section shall be reflected on the tax bill sent to the property owner by  
11 the county collector.

12 (4) The county and taxing units within the county ~~shall be~~ are  
13 entitled to reimbursement of the tax reduction resulting from the homestead  
14 property tax credit in accordance with § 26-26-310.

15  
16 SECTION 203. Arkansas Code § 26-26-1123 is amended to read as follows  
17 to clarify its application to a sale of real property and to address issues  
18 raised in Attorney General Opinion No. 2005-144 as to when a homestead owner  
19 sells his or her homestead property but retains a life-estate. The  
20 "beneficiary" term is used because the homestead owner could have previously  
21 transferred the property to a revocable trust and the trust of trustee is  
22 technically the transferor for any new sale:

23 26-26-1123. ~~Transfer~~ Sale of real property.

24 (a) When a person sells his or her real property, the county assessor  
25 shall assess the real property at twenty percent (20%) of the appraised value  
26 at the next assessment date after the date of the transfer of title to the  
27 real property.

28 (b) The owner of real property to whom title is transferred by a sale  
29 is not entitled to claim any limitation on the assessed value of the real  
30 property until the second assessment date after the date of the transfer of  
31 title to the real property.

32 (c) This section does not apply to any transfer of title to real  
33 property claimed as a homestead in which the owner or beneficiary of the  
34 homestead retains a life-estate interest in the homestead following the  
35 transfer of title to the real property.

36

1 SECTION 204. Arkansas Code § 26-26-1408(a)(1) and (b) are amended to  
2 read as follows to remove obsolete language:

3 (a)(1) ~~On and after January 1, 1991, a~~ A taxpayer shall annually  
4 assess his or her tangible personal property for ad valorem taxes during the  
5 period from January 1 through May 31.

6  
7 (b) ~~On and after the third Monday in February, 1988, personal~~ Personal  
8 property taxes ~~will be~~ are payable from the third Monday in February through  
9 October 10 each year, ~~with the provision in § 27-13-101 [repealed] taking~~  
10 ~~precedent.~~

11  
12 SECTION 205. Arkansas Code § 26-35-1101(a) is amended to read as  
13 follows to formally create the Arkansas Disaster Relief Program:

14 (a)(1) There is created the Arkansas Disaster Relief Program.

15 (2) The Revenue Division of the Department of Finance and  
16 Administration shall include on the Arkansas individual income tax forms,  
17 including those forms on which a husband and wife file separately on the same  
18 form and on all corporate income tax forms, a designation as follows:

19 ~~(1)(A)~~ (A) If you are entitled to a refund, check if you wish  
20 to designate [ ] \$1, [ ] \$5, [ ] \$10, [ ] \$20, [ ] \$     (write in amount), or  
21 [ ] all refund due, of your tax refund for the Arkansas Disaster Relief  
22 Program. Your refund will be reduced by this amount.

23 ~~(2)(B)~~ (B) If you owe an additional amount, check if you wish  
24 to contribute an additional [ ] \$1, [ ] \$5, [ ] \$10, [ ] \$20, [ ] \$     (write  
25 in amount) for the Arkansas Disaster Relief Program. If you wish to make a  
26 contribution to the program you must enclose a separate check for the amount  
27 of your contribution, payable to the Arkansas Disaster Relief Program.

28  
29 SECTION 206. Arkansas Code § 26-35-1104 is amended to read as follows  
30 to remove obsolete language and to make stylistic changes:

31 26-35-1104. ~~Effective dates.~~ Rules.

32 (a) ~~The Arkansas disaster relief check-off program on state income tax~~  
33 ~~returns shall be effective beginning with the returns for the 1997 income~~  
34 ~~year and each income year thereafter.~~ The Revenue Division of the Department  
35 of Finance and Administration ~~shall be authorized to~~ may establish any  
36 ~~regulation~~ rule to effectively carry out the revenue producing provisions of

1 this subchapter.

2 (b) ~~The provisions of this subchapter allowing the Director of the~~  
 3 ~~Department of Finance and Administration to accept gifts, grants, bequests,~~  
 4 ~~devises, and donations shall be effective on August 1, 1997. The director is~~  
 5 ~~authorized to~~ Director of the Department of Finance and Administration may  
 6 promulgate rules ~~and regulations~~ to carry out ~~those~~ the provisions of this  
 7 subchapter that allow the director to accept gifts, grants, bequests,  
 8 devises, and donations.

9

10 SECTION 207. Arkansas Code § 26-35-1202 is amended to read as follows  
 11 to formally create the Baby Sharon's Children's Catastrophic Illness Grant  
 12 Program:

13 (a) There is created the Baby Sharon's Children's Catastrophic Illness  
 14 Grant Program.

15 (b) The Revenue Division of the Department of Finance and  
 16 Administration shall include on the Arkansas individual income tax forms,  
 17 including those forms on which a husband and wife file separately on the same  
 18 form, and on all corporate income tax forms, a designation as follows:

19 (1) If you are entitled to a refund, check if you wish to  
 20 designate [ ] \$1, [ ] \$5, [ ] \$10, [ ] \$20, [ ] \$\_\_\_\_\_ (write in  
 21 amount), or [ ] all refund due, of your tax refund for Baby Sharon's  
 22 Children's Catastrophic Illness Grant Program Trust Fund. Your refund will be  
 23 reduced by this amount.

24 (2) If you owe an additional amount, check if you wish to  
 25 contribute an additional [ ] \$1, [ ] \$5, [ ] \$10, [ ] \$20, [ ]  
 26 \$\_\_\_\_\_ (write in amount) for the Baby Sharon's Children's Catastrophic  
 27 Illness Grant Program Trust Fund. If you wish to make a contribution to the  
 28 fund, you must enclose a separate check for the amount of your contribution,  
 29 payable to the Baby Sharon's Children's Catastrophic Illness Grant Program  
 30 Trust Fund<sup>u</sup>.

31

32 SECTION 208. Arkansas Code § 26-35-1206 is repealed because its  
 33 provisions are now obsolete.

34 ~~26-35-1206. Effective dates.~~

35 ~~(a) The Baby Sharon's Children's Catastrophic Illness Grant Program~~  
 36 ~~Trust Fund checkoff on state income tax returns shall be effective for tax~~

1 ~~years beginning on or after January 1, 2003.~~

2 ~~(b) The provisions of this subchapter allowing the Director of the~~  
 3 ~~Department of Finance and Administration to accept gifts, grants, bequests,~~  
 4 ~~devises, and donations shall be effective on August 1, 2003.~~

5  
 6 SECTION 209. Arkansas Code § 26-35-1302 is amended to read as follows  
 7 to formally create the Military Family Relief Check-off Program:

8 (a) There is created the Military Family Relief Check-off Program.

9 (b) The Revenue Division of the Department of Finance and  
 10 Administration shall include on the Arkansas individual income tax forms,  
 11 including those forms on which a husband and wife file separately on the same  
 12 form, and on all corporate income tax forms, a designation as follows:

13 (1) If you are entitled to a refund, check if you wish to  
 14 designate [ ] \$1, [ ] \$5, [ ] \$10, [ ] \$20, [ ] \$ \_\_\_\_\_  
 15 (write in amount), or [ ] all refund due, of your tax refund for the  
 16 Military Family Relief Check-off Program. Your refund will be reduced by this  
 17 amount.

18 (2) If you owe an additional amount, check if you wish to  
 19 contribute an additional [ ] \$1, [ ] \$5, [ ] \$10, [ ] \$20, [ ] \$  
 20 \_\_\_\_\_ (write in amount) for the Military Family Relief Check-off  
 21 Program. If you wish to make a contribution to the program, you must enclose  
 22 a separate check for the amount of your contribution, payable to the Military  
 23 Family Relief Check-off Program."<sup>u</sup>

24  
 25 SECTION 210. Arkansas Code § 26-35-1303(e) is amended to read as  
 26 follows to clarify an internal reference:

27 (e) The Adjutant General shall promulgate all rules necessary for  
 28 implementing the grant program created under this subchapter for the Military  
 29 Family Relief Trust Fund.

30  
 31 SECTION 211. Arkansas Code § 26-37-210 is amended to read as follows  
 32 to remove obsolete language and to clarify internal references:

33 ~~When and wherever timber, oil, gas, or mineral rights are owned or~~  
 34 ~~assessed separate from the fee in the land and the taxes are not paid, the~~  
 35 ~~taxes shall be treated as taxes on land or real estate, subject to all tax~~  
 36 ~~laws now in force or which may hereafter be passed governing the forfeiture~~

1 ~~and sale of other real estate, and all such timber, gas, oil, or mineral~~  
 2 ~~rights when forfeited and certified to the Commissioner of State Lands shall~~  
 3 ~~be subject to sale at the price and as provided in Acts 1929, No. 129, § 4,~~  
 4 ~~as amended, [superseded] for the sale of town and city lots.~~

5 (a) If a timber right, an oil right, a gas right, or a mineral right  
 6 is owned or assessed separate from the fee in the land and the taxes due on  
 7 the right is not paid, the timber, oil, gas, or mineral right is subject to  
 8 the tax laws governing forfeiture and sale of tax-delinquent land.

9 (b) Any timber, oil, gas, or mineral right forfeited and certified to  
 10 the Commissioner of State Lands is subject to disposition as provided in this  
 11 chapter.

12  
 13 SECTION 212. Arkansas Code § 26-37-212 is amended to read as follows  
 14 to clarify its application:

15 ~~Where the owners of a tract of land dedicate~~ If an owner of land  
 16 dedicates it to the city in which the land is located for park purposes by a  
 17 filed and recorded plat and bill of assurance, ~~if and~~ and there are any  
 18 delinquent general taxes of the state, ~~county, city, etc., against the~~  
 19 ~~property, or a political subdivision of the state against the land, upon a~~  
 20 showing that title to the land is dedicated to the city as a public park,  
 21 ~~then it shall be the duty of the Commissioner of State Lands and of the~~  
 22 ~~proper county officials of the county where the land lies, on showing that~~  
 23 ~~title to the land has been dedicated to the public as a public park, to shall~~  
 24 cancel any delinquent general taxes.

25  
 26 SECTION 213. Arkansas Code § 26-37-301(e) is amended to read as  
 27 follows to correct internal references and to make stylistic changes:

28 (e)(1) If the Commissioner of State Lands fails to receive proof that  
 29 the notice sent by certified mail under this section was received by the  
 30 owner of a homestead, ~~as defined under § 26-26-1118(b),~~ then the Commissioner  
 31 of State Lands or his or her designee shall provide actual notice to the  
 32 owner of a homestead, ~~as defined under § 26-26-1118(b),~~ by personal service  
 33 of process at least sixty (60) days before the date of sale.

34 (2) As used in this subsection, ~~"owner of a homestead" means:~~

35 (A) "Homestead" means the same as defined in § 26-26-1122;  
 36 and



1                    (B) "Owner of a homestead" means:

2                    (i) Every owner if the homestead is owned by joint  
3 tenants; and

4                    (ii) Either the husband or the wife if the homestead  
5 is owned by tenants by the entirety.

6                    (3) The owner of a homestead shall pay for the additional cost  
7 of the notice by personal service of process under this subsection.

8  
9                    SECTION 214. Arkansas Code § 26-37-315 is amended to read as follows  
10 to correct an internal reference and to make stylistic changes:

11                    (a) As used in this section, "homestead" means the same as defined in  
12 § 26-26-1122.

13                    (b) If a taxpayer did not receive actual notice of the sale of his or  
14 her homestead, ~~as defined under § 26-26-1118(b),~~ by the Commissioner of State  
15 Lands or his or her designee by personal service of process at least sixty  
16 (60) days before the date of the sale, then the taxpayer may redeem the tax-  
17 delinquent land by tendering all taxes, penalties, interests, and costs  
18 within thirty (30) days after the date of the sale.

19  
20                    SECTION 215. Arkansas Code § 26-37-316 is amended to read as follows  
21 to correct an internal reference and to make stylistic changes:

22                    (a) As used in this section, "homestead" means the same as defined in  
23 § 26-26-1122.

24                    (b) When a homestead, ~~as defined under § 26-26-1118(b),~~ is certified  
25 to the Commissioner of State Lands, the county collector shall provide notice  
26 to the Commissioner of State Lands that the ~~property~~ tax-delinquent land is a  
27 homestead.

28  
29                    SECTION 216. Arkansas Code § 26-51-411(a) is amended to read as  
30 follows to clarify the phrase "the passage of this act":

31                    (a) For the purpose of ascertaining the gain or loss from the sale or  
32 other disposition of real, personal, or mixed property, the basis shall be,  
33 in the case of property acquired before January 1, 1928, the assessed  
34 valuation of such property on the county tax books as of that date if such  
35 assessed valuation exceeds the original cost and, in all other cases, the  
36 cost of such property, except that:

1 (1) In the case of such property which should be included in the  
2 inventory, the basis shall be the last inventory value;

3 (2)(A) In the case of property acquired by gift after ~~the~~  
4 ~~passage of this act~~ March 9, 1929, the basis shall be the same as that which  
5 it would have been in the hands of the donor or the last preceding owner by  
6 whom it was not acquired by gift.

7 (B) If the facts necessary to determine such basis are  
8 unknown to the donee, the Director of the Department of Finance and  
9 Administration shall use the assessed valuation of the property;

10 (3) In the case of such property acquired by gift on or before  
11 ~~the passage of this act~~ March 9, 1929, the basis for ascertaining gain or  
12 loss from sale or other disposition of such property shall be the assessed  
13 valuation; and

14 (4) In the case of such property acquired by bequest, devise, or  
15 inheritance, the basis shall be the appraised value of such property upon  
16 which state inheritance tax or estate tax was paid.

17  
18 SECTION 217. Arkansas Code § 26-51-440(c) is repealed because its  
19 provisions are now obsolete.

20 ~~(c) This section shall take effect and be enforced for tax years~~  
21 ~~beginning on or after January 1, 2001.~~

22  
23 SECTION 218. Arkansas Code § 26-51-506(f)(1)(A) is amended to read as  
24 follows to add clarifying language:

25 (A) The waste reduction, reuse, or recycling equipment is  
26 removed from Arkansas, is disposed of, is transferred to another person, or  
27 the taxpayer otherwise ceases to use the required materials or operate in the  
28 manner required by this section; or

29  
30 SECTION 219. Arkansas Code § 26-51-813(a)(2) is amended to read as  
31 follows to remove obsolete language:

32 (2) In the manner and for the purposes prescribed in this  
33 section, the Arkansas Tax Procedure Act, § 26-18-101 et seq., and §§ 26-5-  
34 107, 26-5-108, ~~26-51-606 [repealed]~~, 26-51-910, 26-52-105, 26-52-302, 26-52-  
35 303, 26-52-509, and 26-59-111.

36

1 SECTION 220. Arkansas Code § 26-51-908(h)(1) is amended to read as  
2 follows to remove obsolete language:

3 ~~(h)(1) Starting with withholding tax reporting periods beginning on~~  
4 ~~January 1, 2001, and for all subsequent reporting periods, For any~~  
5 withholding tax reporting period, a company or any other business enterprise  
6 which provides the service of reporting and remitting withholding tax on the  
7 wages paid to Arkansas employees by other employers shall remit all such  
8 withholding taxes to the director by electronic funds transfer, as more  
9 particularly described in § 26-19-105.

10  
11 SECTION 221. Arkansas Code § 26-52-314(d) is repealed so as to remove  
12 obsolete language.

13 ~~(d)(1) The gross receipts tax levied by this section on the sale of a~~  
14 ~~prepaid telephone calling card, prepaid authorization number, and the~~  
15 ~~recharge of a prepaid telephone calling card or prepaid authorization number~~  
16 ~~shall be due on all such sales occurring on or after July 1, 1999.~~

17 ~~(2) However, for the months of July and August of 1999, in addition to the~~  
18 ~~tax levied by this section on the sale of a prepaid telephone calling card~~  
19 ~~and a prepaid authorization number, each telephone, telecommunication, and~~  
20 ~~telegraph company must continue to collect gross receipts tax on any~~  
21 ~~telephone or telecommunication services provided to a customer who obtains~~  
22 ~~the service through the use of a prepaid telephone calling card or prepaid~~  
23 ~~authorization number.~~

24  
25 SECTION 222. Arkansas Code § 26-52-432 is repealed because the section  
26 is now obsolete:

27 ~~(a) If a purchaser of agricultural aircraft used in the production of~~  
28 ~~food, fiber, or timber establishes to the satisfaction of the Director of the~~  
29 ~~Department of Finance and Administration that he was the owner of an~~  
30 ~~agricultural aircraft which was destroyed or damaged by the storms which~~  
31 ~~struck Arkansas during January, 1999, and that he purchased a replacement~~  
32 ~~agricultural aircraft on or before December 1, 1999, then the purchaser is~~  
33 ~~entitled to a refund of sales tax as detailed in subsection (b) of this~~  
34 ~~section.~~

35 ~~(b)(1) The purchaser of a new agricultural aircraft is entitled to a~~  
36 ~~refund of thirty eight percent (38%) of the state sales or use tax paid on~~

1 ~~the purchase of the aircraft.~~

2 ~~(2) The purchaser of a used agricultural aircraft is entitled to~~  
 3 ~~a refund of one hundred percent (100%) of the state sales or use tax paid on~~  
 4 ~~the purchase of the used aircraft.~~

5 ~~(3)(A) The purchaser shall apply to the director for a refund~~  
 6 ~~regardless of whether the tax was paid directly to the director or collected~~  
 7 ~~by the aircraft seller.~~

8 ~~(B) The application for refund must be made within six (6)~~  
 9 ~~months of the purchase of the replacement aircraft.~~

10 ~~(C) No interest shall be paid on tax refunded under this~~  
 11 ~~section.~~

12 ~~(c)(1) For purposes of this section, an agricultural aircraft is~~  
 13 ~~"destroyed or damaged" if, as a result of the storm, the retail value of the~~  
 14 ~~aircraft was reduced by at least fifty percent (50%), as established by a~~  
 15 ~~reliable published industry source.~~

16 ~~(2) For purposes of this section, an agricultural aircraft is~~  
 17 ~~"destroyed or damaged" if, as a result of the storm, the market value of the~~  
 18 ~~aircraft was reduced by at least fifty percent (50%), as established by~~  
 19 ~~reliable means.~~

20  
 21 SECTION 223. Arkansas Code § 26-52-512(b)(3)(B) is amended to read as  
 22 follows to add clarifying language:

23 (B) In the case of a corporate taxpayer ~~(parent~~  
 24 ~~corporation)~~ that is a parent corporation and that holds fifty percent (50%)  
 25 or more of the outstanding shares of one (1) or more corporations  
 26 ~~(subsidiaries)~~ that are subsidiaries and ~~which that~~ are subject to the tax  
 27 imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., the  
 28 aggregate discount available to the parent corporation and all subsidiaries  
 29 shall not exceed one thousand dollars (\$1,000) per month.

30  
 31 SECTION 224. Arkansas Code § 26-52-512(c) is amended to read as  
 32 follows to clarify an internal reference and to remove obsolete language:

33 (c)~~(1)~~ For any electronic funds transfer or report required under  
 34 subsection (a) of this section, the due date of which falls on a Saturday,  
 35 Sunday, or legal holiday, the electronic funds transfer or report shall be  
 36 made on the next succeeding business day which is not a Saturday, Sunday, or

1 legal holiday.

2 ~~(2) For any report or deposit required under subsection (a) of~~  
 3 ~~this section, the due date of which falls on a Saturday, Sunday, or legal~~  
 4 ~~holiday, the report shall be postmarked on the next succeeding business day~~  
 5 ~~which is not a Saturday, Sunday, or legal holiday.~~

6

7 SECTION 225. Arkansas Code § 26-55-234 is amended to read as follows  
 8 to clarify its application:

9 (a) Every person or terminal purchasing or otherwise acquiring motor  
 10 fuel by pipeline, tank car, tank truck, or cargo lot and selling, using, or  
 11 otherwise disposing of the motor fuel for delivery in Arkansas not required  
 12 by a provision of this subchapter to be licensed as a distributor in motor  
 13 fuel shall file a statement setting forth the:

14 (1) Name under which the person or terminal is transacting  
 15 business within the State of Arkansas and the location with the street number  
 16 address of that person's or terminal's principal office or place of business  
 17 within the state; and

18 ~~(2) Location with the street number address of that person's or~~  
 19 ~~terminal's principal office or place of business within the state;~~

20 ~~(3) Name and address of the owner, or the names and addresses of~~  
 21 ~~the partners if the person or terminal is a partnership, or~~ ~~+~~ ~~or~~

22 ~~(4) Names~~ names and addresses of the principal officers if the person or  
 23 terminal is a corporation or association.

24

25 SECTION 226. Arkansas Code § 26-56-208(d)(1) is amended to read as  
 26 follows to clarify its application:

27 (d)(1) Every terminal purchasing or otherwise acquiring distillate  
 28 special fuel by pipeline and selling, using, or otherwise disposing of the  
 29 distillate special fuel for delivery in Arkansas and not required by a  
 30 provision of this subchapter to be licensed as a supplier in distillate  
 31 special fuel shall file a statement setting forth the:

32 (A) Name under which the terminal is transacting business  
 33 within the State of Arkansas;

34 ~~(B) Location~~ and the location with the street number  
 35 address of the terminal's principal office or place of business within the  
 36 state; and

1                   ~~(C)-(B)~~ Name and address of the owner of the terminal, ~~or~~  
2 ~~the~~ names and addresses of the partners if the terminal is a partnership, ~~or~~  
3                   ~~(D)~~ ~~Names~~ names and addresses of the principal officers if  
4 the terminal is a corporation or association.

5  
6           SECTION 227. Arkansas Code § 26-57-203(6)(A) is amended to read as  
7 follows to remove superfluous language:

8                   (6)(A) "General tobacco products vendor" ~~or "vendor"~~ means any  
9 person that operates a vending machine or that uses any other mechanical  
10 device, from which cigarettes or other tobacco products are delivered to the  
11 consumer by inserting coins in the machine or device, and that purchases  
12 tobacco products only from licensed wholesalers.

13  
14           SECTION 228. Arkansas Code § 26-57-203(10) is amended to read as  
15 follows to clarify its application:

16                   (10) "Restricted tobacco products vendor" means a ~~vendor who~~  
17 person that is licensed to operate vending machines owned by the ~~vendor on~~  
18 the vendor's person only on the person's own premises, and is otherwise  
19 subject to all other restrictions imposed on a general tobacco products  
20 vendor;

21  
22           SECTION 229. Arkansas Code § 26-57-203(15) is repealed so as to remove  
23 a superfluous definition.

24                   ~~(15) The pronouns "he", "his", "him", "they", or any other~~  
25 ~~pronoun shall apply to any person covered by this subchapter;~~

26  
27           SECTION 230. Arkansas Code § 26-57-803(a)(1), (b), and (c) are  
28 amended to read as follows to remove obsolete language and to add clarifying  
29 language:

30                   (a)(1) In addition to the excise or privilege taxes levied under §§  
31 26-57-208 and 26-57-802, ~~for the months of February, March, April, May, and~~  
32 ~~June of 1993, there is levied a tax of six dollars and twenty five cents~~  
33 ~~(\$6.25) per one thousand (1,000) cigarettes sold in the state, and for all~~  
34 ~~months beginning on or after July 1, 1993, there is levied a tax of four~~  
35 dollars and seventy-five cents (\$4.75) per one thousand (1,000) cigarettes  
36 sold in the state.

1  
2 (b) In addition to the tax imposed by § 26-57-208(2), ~~for the months~~  
3 ~~of February, March, April, May, and June 1993, there is imposed an additional~~  
4 ~~excise or privilege tax on the sale of tobacco products other than cigarettes~~  
5 ~~by wholesalers to retailers or by licensed retailers to the Director of the~~  
6 ~~Department of Finance and Administration at nine percent (9%) of the~~  
7 ~~manufacturer's selling price, and for all months beginning on or after July~~  
8 ~~1, 1993, there is levied an additional excise or privilege tax on the sale of~~  
9 ~~tobacco products other than cigarettes by wholesalers to retailers or by~~  
10 ~~licensed retailers to the Director of the Department of Finance and~~  
11 ~~Administration at seven percent (7%) of the manufacturer's selling price. The~~  
12 tax shall be computed before discounts.

13  
14 ~~(c) The taxes levied by this section shall not apply to the sale of~~  
15 ~~cigarettes and tobacco products which are in a wholesaler's warehouse~~  
16 ~~inventory on January 1, 1993.~~

17  
18 SECTION 231. Arkansas Code § 26-57-804(d) is repealed so as to remove  
19 obsolete language:

20 ~~(d) Purchases of stamps pursuant to § 26-57-236 by wholesalers and~~  
21 ~~stamp deputies during May 2003 shall be limited to one hundred ten percent~~  
22 ~~(110%) of the amount of each purchaser's average stamp purchase for the~~  
23 ~~period January 2003 through April 2003.~~

24  
25 SECTION 232. Arkansas Code § 26-58-115(a) is amended to read as  
26 follows to add clarifying language:

27 (a) Except as otherwise provided in this subchapter, the monthly  
28 report required by § 26-58-114 shall be filed and the payment of the  
29 severance tax shall be made by the producer actually severing the natural  
30 resources whether as owner, lessee, concessionaire, or contractor and, in the  
31 case of severance taxes on timber, the monthly report required by § 26-58-114  
32 shall be filed and the severance tax shall be paid by the primary processor.

33  
34 SECTION 233. Arkansas Code § 26-58-115(d) is amended to read as  
35 follows to make stylistic changes:

36 (d) Notwithstanding the sale or delivery, all severed oil or gas sold

1 or delivered to any pipeline company for transportation by it through pipes  
2 connected with the oil or gas well of the owner ~~shall be liable for~~ is  
3 subject to the severance tax on the severed oil or gas.

4  
5 SECTION 234. Arkansas Code § 26-62-205(e)(1) is amended to read as  
6 follows to add clarifying language:

7 (e)(1) The Director of the Department of Finance and Administration,  
8 in consultation with the Director of the Arkansas State Highway and  
9 Transportation Department, ~~is authorized and directed to~~ shall promulgate  
10 rules and regulations regarding an alternative to the required usage of sales  
11 tickets for all sales of natural gas fuels made by alternative fuels  
12 suppliers by separate meter as provided in § 26-62-203.

13  
14 SECTION 235. Arkansas Code § 27-34-107(a)(3) and (4) are repealed to  
15 remove provisions concerning the Public Safety Fund which shall be codified  
16 in a new section.

17 ~~(3) Twenty five percent (25%) of the fines collected shall be~~  
18 ~~retained by the town or city in which they are collected, to be deposited in~~  
19 ~~a fund called the Public Safety Fund, to be used solely for the promotion of~~  
20 ~~public safety.~~

21 ~~(4) Twenty five percent (25%) of the fines collected in a~~  
22 ~~district court that is funded solely by the county shall be retained by the~~  
23 ~~county in which they are collected, to be deposited in the Public Safety~~  
24 ~~Fund, to be used solely for the promotion of public safety.~~

25  
26 SECTION 236. Arkansas Code Title 27, Chapter 34, Subchapter 1 is  
27 amended to add an additional section to contain the provisions of § 27-34-  
28 107(a)(3) and (4) which shall be moved from the Arkansas Child Passenger  
29 Protection Fund into this new section creating the Public Safety Fund:

30 27-34-108. Public Safety Fund – Creation.

31 (a) A town or city that collects fines pursuant to this subchapter  
32 shall retain twenty-five percent (25%) of the fines collected and deposit  
33 them into a fund called the Public Safety Fund, to be used solely for the  
34 promotion of public safety.

35 (b) A district court that is funded solely by the county and collects  
36 fines pursuant to this subchapter shall retain twenty-five percent (25%) of



1 the fines collected and deposit them into the Public Safety Fund, to be used  
2 solely for the promotion of public safety.

3  
4 SECTION 237. Arkansas Code § 27-50-202 is amended to read as follows  
5 to clarify that there is no longer a Division of Weights and Standards of the  
6 Arkansas State Highway and Transportation Department, and that the Arkansas  
7 Highway Police Division of the Arkansas State Highway and Transportation  
8 Department has all authority of the former Division of Weights and Standards:

9 27-50-202. Arkansas Highway Police Division of the Arkansas State  
10 Highway and Transportation Department – Creation.

11 ~~(a) A Division of Weights and Standards of the Arkansas State Highway~~  
12 The Arkansas Highway Police Division of the Arkansas State Highway and  
13 Transportation Department is created.

14 ~~(b) The Division of Weights and Standards is hereafter to be named the~~  
15 ~~Arkansas Highway Police Division of the Arkansas State Highway and~~  
16 ~~Transportation Department.~~

17 ~~(c) Whenever the words "Division of Weights and Standards of the~~  
18 ~~Arkansas State Highway and Transportation Department" are found in any~~  
19 ~~statute, directive, rule, or regulation, they shall be held and taken to mean~~  
20 ~~the Arkansas Highway Police Division of the Arkansas State Highway and~~  
21 ~~Transportation Department.~~

22  
23 SECTION 238. Arkansas Code § 27-64-308(d) is amended to read as  
24 follows to clarify the types of agreements the State Highway Commission may  
25 enter into:

26 (d) The commission may enter into any ancillary agreements in  
27 connection with the sale of the bonds as it deems necessary and advisable,  
28 including, without limitation, bond purchase agreements, remarketing  
29 agreements, and letter of credit ~~and~~ reimbursement agreements.

30  
31 SECTION 239. Arkansas Code § 27-66-207(b) is amended to read as  
32 follows to clarify the provision for identifying private roads:

33 (b) Unless a plat clearly reflects ~~that~~ roads that are private ~~roads~~,  
34 the county recorder shall not accept any plats in the unincorporated area of  
35 the county without the county court's acceptance of:

36 (1) Roads for perpetual maintenance; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

(2) Dedication of land for public purposes.

SECTION 240. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the 86th General Assembly. All such acts shall have full effect and, so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts and as amending or repealing the appropriate parts of the Arkansas Code of 1987.

*/s/ Bond*