

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

A Bill

SENATE BILL 252

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS CODE TITLE 19, CHAPTER
10 6, SUBCHAPTERS 2, 3, 4 AND 8 – THE REVENUE
11 CLASSIFICATION LAW OF ARKANSAS; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15
16 AN ACT TO AMEND THE REVENUE
17 CLASSIFICATION LAW OF ARKANSAS.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 19, Chapter 6, Subchapter 2 is amended
23 by adding the following new subsections to reflect current General Revenues
24 Enumerated to read as follows:

25 (54) Unregistered vehicle temporary cardboard buyer's tag fees; §27-14-1705;
26 (55) Electronic games of skill privilege fees and all permit or license fees,
27 penalties and fines received by the Arkansas Racing Commission; §23-113-604;
28 (56) Prohibited employment of relatives civil penalties; §25-16-1001 et seq.;
29

30 SECTION 2. Arkansas Code Title 19, Chapter 6, Subchapter 3 is amended
31 by adding the following new subsections to reflect current Special Revenues
32 Enumerated to read as follows:

33 (223) Design-use contribution fees; §27-15-4803;
34 (224) Mixed Drink Supplemental Taxes on sales of alcoholic beverages; §§3-9-
35 213(c)(2)(A) and 3-9-223(c)(2)(A);
36 (225) Bureau of Standards lab tests or inspection fees; §4-18-329(c);



- 1 (226) Salvage auction buyer's identification card fees; §23-112-614(b)(5);
 2 (227) Vehicle identification number verification fees; §27-14-725(d);
 3 (228) Spyware Monitoring fines and penalties; §4-111-104;
 4 (229) That portion of uniform filing fees collected in circuit court under
 5 §21-6-403(b)(1); §16-10-314;
 6 (230) Forfeited bonds; fee assessments; reimbursements for well-site
 7 plugging, repair, and restoration costs from well operators; proceeds from
 8 the sale of hydrocarbons and production equipment located at the site of
 9 abandoned and orphaned wells; §§15-71-110(e) and 15-71-116;
 10 (231) County Quorum Court special license plate application fees; §27-24-
 11 303(b)(2);
 12 (232) Fees for diagnostic laboratory services of the University of Arkansas
 13 Division of Agriculture; §6-64-1013;
 14 (233) That portion of uniform filing fees collected in circuit court under
 15 §21-6-403(b)(1); §16-10-313;
 16 (234) Commercial Motor Vehicle Driving Offenses fines and penalties; §27-23-
 17 114(h)(2);
 18 (235) Criminal History for Volunteer Act fees; §12-12-1609;
 19 (236) Adult and Long-Term Care Facility Resident Maltreatment Act civil
 20 penalties; §12-12-1706;
 21 (237) Environmental Site Assessment Consultant and Hazardous Substance
 22 Response Contractor Certification Act fees; §§8-7-1301 -- 8-7-1311;

23

24 SECTION 3. Arkansas Code §19-6-301(6), concerning special revenues
 25 enumerated is amended to read as follows:

26 (6) Timberlands taxes, as enacted by Act 354 of 1969, known as the "Forest
 27 Fire Protection Tax Act of 1969", and all laws amendatory thereto, §26-61-101
 28 et seq., state forests and nurseries management income not deposited in the
 29 State Forestry Trust Fund, §§15-31-115 and 19-5-927; law enforcement fine
 30 collections, §§~~5-38-201~~, 15-31-113, and 15-31-114; and timber management plan
 31 fees, §15-31-111;

32

33 SECTION 4. Arkansas Code §19-6-301(121), concerning special revenues
 34 enumerated is repealed.

35 ~~(121) Fifty percent (50%) of lease bonus payments for the lease or sale of~~
 36 ~~oil, gas, and other minerals on lands as described in Acts 1973, No. 167, and~~

1 ~~amended by Acts 1983, No. 662;~~

2
 3 SECTION 5. Arkansas Code §19-6-301(191), concerning special revenues
 4 enumerated is amended to read as follows:

5 (191) ~~Insurance Fraud~~ State Insurance Department Criminal Investigation
 6 Division antifraud assessments and penalties, §§23-100-104 and 23-100-105;

7
 8 SECTION 6. Arkansas Code §19-6-301(206), (207), (208) and (209)
 9 concerning special revenues enumerated is repealed.

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

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

14 ~~(208) Two percent (2%) of Choose Life license plate design use contribution~~
 15 ~~fees, §27-15-3904;~~

16 ~~(209) Ninety eight percent (98%) of Choose Life license plate design use~~
 17 ~~contribution fees, §27-15-3904;~~

18
 19 SECTION 7. Arkansas Code §19-6-404, concerning special revenues for
 20 the Department of Arkansas State Police Fund, is amended to read as follows:

21 19-6-404. Department of Arkansas State Police Fund.

22 The Department of Arkansas State Police Fund shall consist of:

23 (1) Those special revenues as specified in §19-6-301(1),(5),(7),(8),(38),
 24 (39),(40),(56),(94),(128),(150),(168),(175),(184), (185),(186),(190), (202),
 25 (218), (219), (220), ~~and (222)+,(226),(227) and (234);~~

26 (2) Moneys transferred or deposited from the State Administration of Justice
 27 Fund, and

28 (3) Those general revenues as may be provided by law, there to be used for
 29 the maintenance, operation, and improvement of the Department of Arkansas
 30 State Police in carrying out the functions, powers, and duties as set out by
 31 §12-8-106 or other duties imposed by law upon the department.

32
 33 SECTION 8. Arkansas Code §19-6-408, concerning special revenues for
 34 the Plant Board Fund, is amended to read as follows:

35 19-6-408. Plant Board Fund.

36 The Plant Board Fund shall consist of:

1 (1) Those special revenues as specified in §19-6-301(46), (49), (50), (51),
 2 (52), (53), (54), (55), (122), ~~and (169), and (221), and (225);~~

3 (2) Thirty-one cents (31¢) of the fertilizer inspection fees as set out in
 4 §19-6-301(48);

5 (3) All of those special revenues in §19-6-301(47) with the exception of ten
 6 cents (10¢) of the thirty cents (30¢) for tonnage reports;

7 (4) Nonrevenue receipts from the Fire Ant Poison Cost Sharing Program, §2-16-
 8 105, ~~and fees and civil penalties collected under the Arkansas Rice~~
 9 Certification Act of 2005; §2-15-201 et seq., civil penalties collected under
 10 the Uniform Weights and Measures Law §4-18-301 et seq., and

11 (5) Those general revenues as may be provided by law, there to be used for
 12 the maintenance, operation, and improvement required by the State Plant Board
 13 in carrying out the functions, powers, and duties as set out in §2-16-201 et
 14 seq. ~~or other duties imposed by law upon the State Plant Board, and those~~
 15 ~~functions, powers, and duties as set out in §4-18-201 et seq.~~

17 SECTION 9. Arkansas Code §19-6-420, concerning special revenues for
 18 the Game Protection Fund, is amended to read as follows:

19 19-6-420. Game Protection Fund.

20 The Game Protection Fund shall consist of those special revenues as specified
 21 in §19-6-301(63) ~~and~~, thirty-four percent (34%) of those special revenues as
 22 specified in §19-6-301(20), and license plate design-use contribution fees
 23 collected under §27-24-905(b)(2), there to be used for the maintenance,
 24 operation, and improvement required by the Arkansas State Game and Fish
 25 Commission in carrying out the functions, powers, and duties as set out in
 26 the Arkansas Constitution, Amendment 35, and other laws enacted by the
 27 General Assembly.

29 SECTION 10. Arkansas Code §19-6-430 is repealed.

30 ~~19-6-430. Tuberculosis Sanatorium Lease Fund.~~

31 ~~The Tuberculosis Sanatorium Lease Fund shall consist of those special~~
 32 ~~revenues as specified in subdivision (121) of § 19-6-301, there to be used~~
 33 ~~for such purposes as may be provided by the General Assembly as set out in~~
 34 ~~Acts 1983, No. 662.~~

36 SECTION 11. Arkansas Code §19-6-434, concerning special revenues for

1 the Hazardous Waste Permit Fund, is amended to read as follows:

2 19-6-434. Hazardous Waste Permit Fund.

3 The Hazardous Waste Permit Fund shall consist of those special revenues as
4 specified in subdivision (59) and subdivision (237) of §19-6-301, there to be
5 used by the Arkansas Department of Environmental Quality to ensure the proper
6 administration and enforcement of §§8-7-201 -- 8-7-226 and §§8-7-1301 -- 8-7-
7 1311.

8
9 SECTION 12. Arkansas Code §19-6-474, concerning special revenues for
10 the State Police Equipment Fund, is amended to read as follows:

11 19-6-474. State Police Equipment Fund.

12 The State Police Equipment Fund shall consist of:

- 13 (1) Fifty percent (50%) of those special revenues as specified in subdivision
14 (176) and subdivision (235) of §19-6-301, there to be used for the
15 acquisition, operation, and expansion of an automated fingerprint
16 identification system and for personal services and operating expenses for
17 conducting criminal background checks for noncriminal justice purposes; and
18 (2) Effective July 1, 1997, for those purposes as set out in §12-12-1012(b)
19 and §12-12-1609.

20
21 SECTION 13. Arkansas Code §19-6-494 is repealed.

22 ~~19-6-494. Alternative Fuels Fund.~~

23 ~~The Alternative Fuels Fund shall consist of those special revenues as~~
24 ~~specified in § 19-6-301(206), there to be used by the Alternative Fuels~~
25 ~~Commission for the operation of the commission's office, grants for~~
26 ~~alternative fuels research, and grants or loans for alternative fuels~~
27 ~~projects, as set out in § 15-10-701.~~

28
29 SECTION 14. Arkansas Code §19-6-495 is repealed.

30 ~~19-6-495. Arkansas Weatherization Assistance Fund.~~

31 ~~The Arkansas Weatherization Assistance Fund shall consist of those special~~
32 ~~revenues as specified in § 19-6-301(207), there to be used by the Department~~
33 ~~of Health and Human Services to supplement the federal Weatherization~~
34 ~~Assistance Program, as set out in § 15-10-702.~~

35
36 SECTION 15. Arkansas Code §19-6-496 is repealed.

1 ~~19-6-496. Choose Life Adoption Assistance Program Fund.~~
 2 ~~The Choose Life Adoption Assistance Program Fund shall consist of those~~
 3 ~~special revenues as specified in §19-6-301(209), there to be used by the~~
 4 ~~Division of Health of the Department of Health and Human Services for~~
 5 ~~distribution to qualified nonprofit organizations that provide services to~~
 6 ~~the community including counseling and meeting the physical needs of pregnant~~
 7 ~~women who are committed to placing their children for adoption, as set out in~~
 8 ~~§27-15-3904.~~

9
 10 SECTION 16. Arkansas Code §19-6-804, concerning special revenues for
 11 the Spyware Monitoring Fund, is amended to read as follows:

12 19-6-804. Spyware Monitoring Fund.

13 (a) There is established on the books of the Treasurer of State, the Auditor
 14 of State, and the Chief Fiscal Officer of the State a fund to be known as the
 15 "Spyware Monitoring Fund".

16 **(b) The fund shall consist of those special revenues as specified in**
 17 **subdivision (228) of §19-6-301 and any other revenues as may be authorized by**
 18 **law;**

19 ~~(b)(c)~~ (c) The fund is to be used by the Attorney General to offset his or her
 20 salary and administrative expenses directly related to the enforcement of the
 21 Consumer Protection Against Computer Spyware Act, §4-111-101 et seq., and
 22 administration of the website required by the Consumer Protection Against
 23 Computer Spyware Act, §4-111-101 et seq.

24
 25 SECTION 17. Arkansas Code Title 19, Chapter 6, Subchapter 8 is amended
 26 by adding the following new sections concerning the establishment of special
 27 revenue funds to read as follows:

28 19-6-805. Arkansas Rx Program Fund.

29 The Arkansas Rx Program Fund shall consist of that portion of those special
 30 revenues as specified in subdivision (201) of §19-6-301, Arkansas Rx Program
 31 fees, rebates and penalties as set out in §20-76-504, and any other
 32 revenues as may be authorized by law, there to be used by the Department of
 33 Health and Human Services to reimburse retail pharmacies for rebates,
 34 contracted services including pharmacy processing fees, administrative and
 35 associated computer costs, and other reasonable program costs, as set out in
 36 §20-76-501 et. seq.

1
2 19-6-806. Abandoned and Orphan Well Plugging Fund.

3 The Abandoned and Orphan Well Plugging Fund shall consist of those special
4 revenues as specified in subdivision (230) of §19-6-301, grants, gifts and
5 any other revenues as may be authorized by law, there to be used by the Oil
6 and Gas Commission to provide security in the event an oil and/or gas well
7 operator fails to perform plugging responsibilities under the provisions of
8 §15-72-217 or fails to correct well conditions that create an imminent danger
9 to the health or safety of the public, or threaten significant environmental
10 harm or damage to property.

11
12 19-6-807. In God We Trust License Plate Fund.

13 The In God We Trust License Plate Fund shall consist of those special
14 revenues as specified in subdivision (223) of §19-6-301 and any other
15 revenues as may be authorized by law there to be used by the Division of
16 Aging and Adult Services of the Department of Health and Human Services to
17 provide quarterly cash grants to each senior citizen center in a similar
18 method as is used in the State of Arkansas's current system for distributing
19 United States Department of Agriculture money to the senior citizen centers
20 to purchase raw food, and for purchasing food for use in a home-delivered
21 meal program, as set out in § 27-15-4904.

22
23 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the
24 General Assembly of the State of Arkansas that various laws have been enacted
25 since the passage of the Revenue Classification Law which have changed or
26 created various revenues collected by the State, and that this amendment to
27 the Revenue Classification Law is necessary in order to reflect the various
28 taxes, licenses, fees and other revenues levied and collected for the support
29 of and use by State Government as they currently exist and from which
30 appropriations which become effective July 1, 2007 have been made by the
31 Eighty-Sixth General Assembly. Therefore, an emergency is declared to exist
32 and this act being immediately necessary for the preservation of the public
33 peace, health, and safety shall become effective on July 1, 2007.