

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT JLL/JLL
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 1 OF
9 THE ARKANSAS CODE CONCERNING GENERAL PROVISIONS; TO
10 AMEND PORTIONS OF THE ARKANSAS CODE THAT RESULTED
11 FROM INITIATED ACT 2 OF 1914; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 1
16 OF THE ARKANSAS CODE CONCERNING GENERAL
17 PROVISIONS; AND TO AMEND PORTIONS OF THE
18 ARKANSAS CODE THAT RESULTED FROM
19 INITIATED ACT 2 OF 1914.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 1-3-103, resulting from Initiated Act 2 of
25 1914, is amended to read as follows to clarify an obsolete reference:

26 1-3-103. Orders of Arkansas Public Service Commission and ~~Arkansas~~
27 ~~Transportation Commission [abolished]~~ Arkansas Department of Transportation.

28 The respective secretaries of the Arkansas Public Service Commission
29 and the ~~Arkansas Transportation Commission [abolished]~~ Arkansas Department of
30 Transportation shall cause to be published one (1) time, in one (1) newspaper
31 in each county in this state, all general orders of the respective
32 commissions.
33

34 SECTION 2. Arkansas Code § 1-3-107(b), resulting from Initiated Act 2
35 of 1914 and concerning fees and accounts for publishing notices, is amended
36 to read as follows to repeal and clarify obsolete references:

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1 (b)(1) ~~All accounts for publication required by § 1-3-102 [repealed]~~
2 ~~shall be paid by the state.~~

3 (2) All accounts under § 1-3-103 shall be paid by the state when
4 approved by the Arkansas Public Service Commission or the ~~Arkansas~~
5 ~~Transportation Commission [abolished]~~ Arkansas Department of Transportation,
6 as appropriate.

7 (3) ~~All accounts for publications required by § 1-3-104~~
8 ~~[repealed] shall be paid by the county in which the publications are made,~~
9 ~~when the publications are approved by the county court, and the respective~~
10 ~~levying courts are authorized to make appropriation for that purpose.~~

11 (4)(2) All accounts for publications under § 1-3-105 shall be
12 paid by the improvement districts making the publications when the
13 publications have been approved by the commissioners of the districts.
14

15 SECTION 3. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

16 It is the intent of the General Assembly that:

17 (1) The enactment and adoption of this act shall not expressly or
18 impliedly repeal an act passed during the regular session of the Ninety-Third
19 General Assembly;

20 (2) To the extent that a conflict exists between an act of the
21 regular session of the Ninety-Third General Assembly and this act:

22 (A) The act of the regular session of the Ninety-Third
23 General Assembly shall be treated as a subsequent act passed by the General
24 Assembly for the purposes of:

25 (i) Giving the act of the regular session of the
26 Ninety-Third General Assembly its full force and effect; and

27 (ii) Amending or repealing the appropriate parts of the
28 Arkansas Code of 1987; and

29 (B) Section 1-2-107 shall not apply; and

30 (3) This act shall make only technical, not substantive, changes
31 to the Arkansas Code of 1987.
32
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1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

DRAFT CRH/JLL
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 2 OF
9 THE ARKANSAS CODE CONCERNING AGRICULTURE; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 2
14 OF THE ARKANSAS CODE CONCERNING
15 AGRICULTURE.
16
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18

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

21 SECTION 1. Arkansas Code § 2-1-302(6), concerning the definition of
22 "livestock", is amended to clarify a term to read as follows:

23 (6) "Livestock" means swine, ~~bovines~~ bovine, sheep, and ~~goats~~
24 goat;
25

26 SECTION 2. Arkansas Code § 2-1-302(14), concerning the definition of
27 "poultry", is amended to clarify a term to read as follows:

28 (14) "Poultry" means a domestic bird ~~a domestic bird~~ domesticated bird that ~~are~~
29 is edible by humans; and
30

31 SECTION 3. Arkansas Code § 2-19-202(a)(5)(B), concerning the
32 guaranteed analysis by net weight of a registered fertilizer brand specialty
33 fertilizer, is amended to clarify language to read as follows:

34 (B) Except for specialty fertilizers as ~~defined~~ described
35 in subdivision (d)(2) of this section, no guaranteed analysis of complete
36 fertilizer shall be allowed indicating fractional units of primary plant

1 food.

2

3 SECTION 4. Arkansas Code § 2-19-202(d)(2), concerning the exemption
4 for a specialty fertilizer from a minimum requirement of primary plant food,
5 is amended to clarify language by adding and repealing language to read as
6 follows:

7 (2)(A) ~~A “specialty fertilizer” is any fertilizer distributed~~
8 ~~primarily for nonfarm use, such as for home gardens, lawns, shrubs, flowers,~~
9 ~~golf courses, municipal parks, cemeteries, greenhouses, and nurseries.~~

10 - (B) ~~“Specialty fertilizer” includes a fertilizer used for~~
11 ~~research or experimental purposes~~ A specialty fertilizer is fertilizer
12 distributed for:

13 (A) Primarily nonfarm uses, such as for:

14 (i) Home gardens, lawns, shrubs, and flowers;

15 (ii) Golf courses;

16 (iii) Municipal parks;

17 (iv) Cemeteries;

18 (v) Greenhouses; and

19 (vi) Nurseries; or

20 (B) Research or experimental purposes.

21

22 SECTION 5. Arkansas Code § 2-34-210(c), concerning the provision of
23 copies of the State Brand Book, is amended to correct grammar to read as
24 follows:

25 (c) The county clerk and the sheriff of each county shall receive
26 copies of ~~all State Brand Books and supplements~~ the State Brand Book and all
27 supplements to the State Brand Book without cost to their ~~respective~~ county.

28

29 SECTION 6. Arkansas Code § 2-38-501 is amended to reorganize the
30 section to read as follows:

31 2-38-501. Definition.

32 As used in this subchapter:

33 (1)(A) ~~“Feral hog”~~ means an animal or hybrid animal of either the
34 family Suidae, including without limitation a wild hog, Russian or European
35 wild boar, and Old World swine, or the family Tayassuidae, including without
36 limitation peccary, javelina, and New World swine, that is or has been

1 roaming freely upon public land or private land.

2 ~~(2)(B)~~ “Feral hog” does not include:

3 ~~(i)(A)~~ A stray domestic hog that has escaped from
 4 domestic confinement for less than:

5 ~~(a)(i)~~ Five (5) calendar days; or

6 ~~(b)(ii)~~ Fifteen (15) calendar days if the
 7 owner of the stray domestic hog provides notice of the escape to all adjacent
 8 landowners within the first five (5) calendar days of the escape;

9 ~~(ii)(B)~~ A hog held by a zoo accredited by the
 10 Association of Zoos and Aquariums or by the designated caretakers of the
 11 University of Arkansas mascot; or

12 ~~(iii)(C)~~ A hog held while being transported to a
 13 livestock market or for slaughter and having a premises identification tag or
 14 other official eartag; ~~and~~

15 ~~(2) A “feral hog” is deemed to be a public nuisance.~~

16
 17 SECTION 7. Arkansas Code § 2-38-504(h)(1), concerning releasing hogs
 18 into the wild, is amended to clarify language to read as follows:

19 (h)(1) Fines collected under this section shall be deposited into the
 20 Feral Hog Eradication Fund ~~that is~~ and is designated as special revenues for
 21 the Arkansas Natural Resources Commission.

22
 23 SECTION 8. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

24 It is the intent of the General Assembly that:

25 (1) The enactment and adoption of this act shall not expressly
 26 or impliedly repeal an act passed during the regular session of the Ninety-
 27 Third General Assembly;

28 (2) To the extent that a conflict exists between an act of the
 29 regular session of the Ninety-Third General Assembly and this act:

30 (A) The act of the regular session of the Ninety-Third
 31 General Assembly shall be treated as a subsequent act passed by the General
 32 Assembly for the purposes of:

33 (i) Giving the act of the regular session of the
 34 Ninety-Third General Assembly its full force and effect; and

35 (ii) Amending or repealing the appropriate parts of
 36 the Arkansas Code of 1987; and

1 (B) Section 1-2-107 shall not apply; and
2 (3) This act shall make only technical, not substantive, changes
3 to the Arkansas Code of 1987.

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1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session
4

A Bill

DRAFT ANS/ANS
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 4 OF
9 THE ARKANSAS CODE CONCERNING BUSINESS AND COMMERCIAL
10 LAW; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 4
15 OF THE ARKANSAS CODE CONCERNING BUSINESS
16 AND COMMERCIAL LAW.
17

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

21 SECTION 1. Arkansas Code § 4-96-306(4), concerning affirmative
22 defenses to a claim under the Arkansas New Farm Machinery Quality Assurance
23 Act, is amended to correct an error of syntax to read as follows:

24 (4) ~~If there~~ There are ~~any~~ other defenses allowed by law that
25 may be raised against the claim.
26

27 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

28 It is the intent of the General Assembly that:

29 (1) The enactment and adoption of this act shall not expressly
30 or impliedly repeal an act passed during the regular session of the Ninety-
31 Third General Assembly;

32 (2) To the extent that a conflict exists between an act of the
33 regular session of the Ninety-Third General Assembly and this act:

34 (A) The act of the regular session of the Ninety-Third
35 General Assembly shall be treated as a subsequent act passed by the General
36 Assembly for the purposes of:

1 (i) Giving the act of the regular session of the
2 Ninety-Third General Assembly its full force and effect; and

3 (ii) Amending or repealing the appropriate parts of
4 the Arkansas Code of 1987; and

5 (B) Section 1-2-107 shall not apply; and

6 (3) This act shall make only technical, not substantive, changes
7 to the Arkansas Code of 1987.

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1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT BPG/BPG
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 5 OF
9 THE ARKANSAS CODE CONCERNING THE CRIMINAL CODE; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 5
15 OF THE ARKANSAS CODE CONCERNING THE
16 CRIMINAL CODE.
17

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

21 SECTION 1. Arkansas Code § 5-14-132(c)(6), concerning registered sex
22 offenders prohibited from entering upon a school campus, is amended to read
23 as follows to correct a reference to conform with a defined term:

24 (6) Has been committed to the Division of Youth Services and
25 attends a public school operated by the Division of Youth Services.
26

27 SECTION 2. Arkansas Code § 5-16-102(a)(1), concerning the criminal
28 offense of voyeurism, is amended to read as follows to correct a grammatical
29 error:

30 (1) "Nude or partially nude" means a state of undress of a
31 person who has less than a fully opaque covering over the genitals, pubic
32 area, buttocks, or breast of a female;
33

34 SECTION 3. Arkansas Code § 5-16-102(c), concerning the criminal
35 offense of voyeurism, is amended to read as follows to make a stylistic
36 change:

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1 (c) ~~A person who violates this section upon conviction is guilty of~~
2 Voyeurism is a:

3 (1) Class D felony if:

4 (A) A victim is under seventeen (17) years of age and the
5 person who commits the offense holds a position of trust or authority over
6 the victim; or

7 (B) The person has previously been convicted of an offense
8 under this section or § 5-16-101; or

9 (2) Class A misdemeanor if otherwise committed.

10
11 SECTION 4. Arkansas Code § 5-55-107(a), concerning restitution for
12 Medicaid fraud, is amended to read as follows to correct a grammatical error,
13 clarify references, and make a stylistic change:

14 (a) In addition to any other fine that may be levied, any person found
15 guilty of or who pleads guilty or nolo contendere to Medicaid fraud as
16 described in this subchapter ~~is required to~~ shall make full restitution and
17 payment of costs and expenses as follows:

18 (1)(A) ~~The~~ Restitution to the Department of Human Services, with
19 the restitution to be deposited into the Arkansas Medicaid Program Trust Fund
20 for the loss to the Arkansas Medicaid Program or its fiscal agents.

21 (B) When permitted by contract or rules, the department
22 may return all or a portion of the restitution to a managed care organization
23 or any similar organization that suffered a loss due to the Medicaid fraud;
24 and

25 (2) The office of the Attorney General or prosecuting attorney
26 may recover reasonable and necessary costs and expenses incurred during
27 investigation and prosecution of Medicaid fraud.

28
29 SECTION 5. Arkansas Code § 5-71-212(b), concerning the penalty for
30 public intoxication, is amended to read as follows to correct grammatical
31 errors and clarify its application:

32 (b)(1) Public intoxication is a Class C misdemeanor.

33 (2)(A) ~~Public~~ However, public intoxication is an unclassified
34 misdemeanor if the person has been convicted of public intoxication two (2)
35 or more times within five (5) years of the date of the current offense.

36 (B) ~~If convicted of the unclassified misdemeanor of public~~

~~intoxication for a third or subsequent offense of public intoxication occurring within a five year period, in addition to a fine of no more than five hundred dollars (\$500), the person may be sentenced to:~~

~~(i) Probation not to exceed one (1) year, with a condition that the defendant enroll in a program of treatment or counseling for alcohol abuse or alcohol dependency;~~

~~(ii) A term not to exceed thirty (30) days in a county jail, with an additional probationary period to include as a condition of probation that the defendant enroll in a program of treatment or counseling for alcohol abuse or alcohol dependency, with the total time of jail and probation not to exceed one (1) year; and~~

~~(iii) Provided that with regard to any revocation of probation under subdivision (b)(2)(B)(i) or subdivision (b)(2)(B)(ii) of this section, that any jail sentence imposed for revocation of probation not exceed thirty (30) days in the county jail In addition to a maximum fine of five hundred dollars (\$500), a person convicted of public intoxication under subdivision (b)(2)(A) of this section may be sentenced to:~~

(i) Probation not to exceed one (1) year, with a condition that the defendant enroll in a program of treatment or counseling for alcohol abuse or alcohol dependency. A term of imprisonment imposed for a revocation of probation under this subdivision (b)(2)(B)(i) shall not exceed thirty (30) days; and

(ii) A term of imprisonment not to exceed thirty (30) days, with an additional probationary period that includes as a condition of probation that the defendant enroll in a program of treatment or counseling for alcohol abuse or alcohol dependency, with the total time of imprisonment and probation not to exceed one (1) year. A term of imprisonment imposed for a revocation of probation under this subdivision (b)(2)(B)(ii) shall not exceed thirty (30) days.

SECTION 6. Arkansas Code § 5-73-309(11)(B), concerning requirements for a license to carry a concealed handgun, is amended to read as follows to clarify a reference:

(B) An applicant who is a veteran who voluntarily sought mental health treatment at a mental health institution or mental health treatment facility may obtain a license to carry a concealed handgun under

1 this subchapter if a circuit court grants his or her petition under § 5-73-
2 327;

3
4 SECTION 7. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

5 It is the intent of the General Assembly that:

6 (1) The enactment and adoption of this act shall not expressly
7 or impliedly repeal an act passed during the regular session of the Ninety-
8 Third General Assembly;

9 (2) To the extent that a conflict exists between an act of the
10 regular session of the Ninety-Third General Assembly and this act:

11 (A) The act of the regular session of the Ninety-Third
12 General Assembly shall be treated as a subsequent act passed by the General
13 Assembly for the purposes of:

14 (i) Giving the act of the regular session of the
15 Ninety-Third General Assembly its full force and effect; and

16 (ii) Amending or repealing the appropriate parts of
17 the Arkansas Code of 1987; and

18 (B) Section 1-2-107 shall not apply; and

19 (3) This act shall make only technical, not substantive, changes
20 to the Arkansas Code of 1987.

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1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

DRAFT TNL/TNL
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 6 OF
9 THE ARKANSAS CODE CONCERNING EDUCATION; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 6
14 OF THE ARKANSAS CODE CONCERNING
15 EDUCATION.
16
17
18

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

21 SECTION 1. Arkansas Code § 6-18-701(f)(2), concerning physical
22 examinations and individualized healthcare plans, is amended to read as
23 follows to repeal old language and add new language for clarification:

24 (2) An invasive medical procedure required by the public school
25 student and provided at the public school shall be performed by a trained and
26 licensed, ~~licensed~~ healthcare provider who is licensed to perform the task
27 under ~~§ 17-87-102(10)(D)~~ § 17-87-102(10)(E) or other professional licensure
28 statutes, unless otherwise permissible under § 17-87-103(10) and (11).
29

30 SECTION 2. Arkansas Code § 6-65-104 is repealed as obsolete.

31 ~~6-65-104. Rural school teachers' training departments.~~

32 ~~(a) The board of trustees of each of the agricultural schools are~~
33 ~~given permission to provide in each of the schools a department for the~~
34 ~~training of rural school teachers. However, the provisions of this section~~
35 ~~shall not apply to Arkansas Tech University.~~

36 ~~(b)(1) The courses of study in the rural teachers' training department~~

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~~in each of the schools shall be uniform in character and may provide adequate instruction in the teaching of agriculture and subjects pertaining to rural life.~~

~~(2) These courses shall be outlined by a committee consisting of the principal of each of the agricultural schools, the President of the University of Central Arkansas, and the Commissioner of Elementary and Secondary Education and the Director of the Division of Career and Technical Education.~~

~~(3) The curriculum shall be sufficiently comprehensive to satisfactorily prepare the teachers to meet the requirements of all characters and grades of license necessary to enable them to teach in the rural schools of Arkansas.~~

SECTION 3. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Third General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Third General Assembly and this act:

(A) The act of the regular session of the Ninety-Third General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Third General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT MLD/MLD
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 7 OF
9 THE ARKANSAS CODE CONCERNING ELECTIONS; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 7
15 OF THE ARKANSAS CODE CONCERNING
16 ELECTIONS.
17

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

21 SECTION 1. Arkansas Code § 7-5-301(b), concerning voting systems, is
22 amended to remove duplicate language to read as follows:

23 (b)~~(1)~~ All direct recording electronic voting machines shall include a
24 voter-verified paper audit trail.

25 ~~(2) All direct recording electronic voting machines shall~~
26 ~~include a voter-verified paper audit trail.~~
27

28 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

29 It is the intent of the General Assembly that:

30 (1) The enactment and adoption of this act shall not expressly
31 or impliedly repeal an act passed during the regular session of the Ninety-
32 Third General Assembly;

33 (2) To the extent that a conflict exists between an act of the
34 regular session of the Ninety- Third General Assembly and this act:

35 (A) The act of the regular session of the Ninety- Third
36 General Assembly shall be treated as a subsequent act passed by the General

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1 Assembly for the purpose of:

2 (i) Giving the act of the regular session of the
3 Ninety- Third General Assembly its full force and effect; and

4 (ii) Amending or repealing the appropriate parts of
5 the Arkansas Code of 1987; and

6 (B) Section 1-2-107 shall not apply; and

7 (3) This act shall make only technical, not substantive, changes
8 to the Arkansas Code of 1987.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT CRH/CRH
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 8 OF
9 THE ARKANSAS CODE CONCERNING ENVIRONMENTAL LAW; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 8
14 OF THE ARKANSAS CODE CONCERNING
15 ENVIRONMENTAL LAW.
16
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18

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

21 SECTION 1. Arkansas Code § 8-6-712(c)(2), concerning regulation of
22 solid waste disposal, is amended to read as follows to clarify references and
23 make a stylistic change:

24 (2) ~~Nothing in this section shall~~ This section does not prohibit
25 the collection or disposal of solid waste by a municipality with an existing
26 permitted landfill with a twenty-five-year capacity as of January 1, 1991,
27 when the ~~city~~ municipality bears the expense of operating and maintaining the
28 landfill and the landfill complies with United States Environmental
29 Protection Agency regulations and division ~~regulations~~ rules.
30

31 SECTION 2. Arkansas Code § 8-6-1701(1), concerning definitions related
32 to open burning of residential yard waste, is amended to read as follows to
33 clarify a definition:

34 (1)(A) "Open burning" means the incineration or combustion of waste
35 materials as a method of disposal without any means to control the fuel/air
36 ratio. ~~None of the activities exempted from rules as air pollution in § 8-4-~~

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1 ~~305 or in rules adopted by the Arkansas Pollution Control and Ecology~~
 2 ~~Commission shall constitute “open burning”, provided such~~

3 (B) “Open burning” does not include activities exempted from
 4 rules as air pollution in § 8-4-305 or in rules adopted by the Arkansas
 5 Pollution Control and Ecology Commission, if the activities exempted do not
 6 cause a fire or safety hazard; and

7
 8 SECTION 3. Arkansas Code § 8-7-1008(b)(1), concerning employee
 9 information and training under the Public Employees’ Chemical Right to Know
 10 Act, is amended to read as follows to clarify a reference:

11 (b)(1) The information and training program provided pursuant to this
 12 section shall be developed in accordance with rules to be promulgated by the
 13 Director of the ~~Department of Labor or the~~ Division of Labor pursuant to § 8-
 14 7-1011.

15
 16 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

17 It is the intent of the General Assembly that:

18 (1) The enactment and adoption of this act shall not expressly or
 19 impliedly repeal an act passed during the regular session of the Ninety-Third
 20 General Assembly;

21 (2) To the extent that a conflict exists between an act of the
 22 regular session of the Ninety-Third General Assembly and this act:

23 (A) The act of the regular session of the Ninety-Third
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26 (i) Giving the act of the regular session of the
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28 (ii) Amending or repealing the appropriate parts of the
 29 Arkansas Code of 1987; and

30 (B) Section 1-2-107 shall not apply; and

31 (3) This act shall make only technical, not substantive, changes
 32 to the Arkansas Code of 1987.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session
4

A Bill

DRAFT JNL/JNL
SENATE BILL

5 By: Senator <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 9 OF
9 THE ARKANSAS CODE CONCERNING FAMILY LAW; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12
13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 9
15 OF THE ARKANSAS CODE CONCERNING FAMILY
16 LAW.
17

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

21 SECTION 1. Arkansas Code § 9-9-217(a)(1)(B)(ii), concerning
22 confidentiality of hearings and records, is amended to repeal old language
23 and add new language for clarification to read as follows:

24 (ii) Except as otherwise provided by law, a member
25 of the General Assembly who attends a hearing in accordance with subdivision
26 (a)(1)(B)(i) of this section shall not ~~redisclose~~ disclose information
27 obtained during his or her attendance at the hearing.
28

29 SECTION 2. Arkansas Code § 9-11-102 is amended to repeal old language
30 and add new language for clarification to read as follows:

31 9-11-102. Minimum age – Parental or guardian consent – Definition.

32 (a) Every male who ~~has arrived at the full age of seventeen (17)~~ is at
33 least eighteen (18) years of age and every female who ~~has arrived at the full~~
34 ~~age of seventeen (17)~~ is at least eighteen (18) years of age shall be capable
35 in law of contracting marriage.

36 (b)(1)(A) However, ~~males and females under the age of eighteen (18)~~

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1 ~~years shall furnish the clerk, before the marriage license can be issued,~~
 2 ~~satisfactory evidence of the consent of the parent or parents or guardian to~~
 3 ~~the marriage~~ a male or female who is at least seventeen (17) years of age but
 4 under the age of eighteen (18) years may contract marriage as provided under
 5 this subsection.

6 (2) As used in subsection (b) of this section, "contracting
 7 party" means a male or female who is at least seventeen (17) years of age but
 8 under the age of eighteen (18) years.

9 (3) Before a marriage license may be issued under this
 10 subsection, a contracting party shall furnish the clerk with a verified
 11 affidavit signed in the presence of a notary public that states that the
 12 parent or parents or guardian of the contracting party consents to the
 13 marriage.

14 ~~(B) As used in subdivision (b)(1)(A) of this section,~~
 15 ~~"satisfactory evidence" means a verified affidavit signed in the presence of~~
 16 ~~a notary that states that the parent or parents or guardian of the minor~~
 17 ~~consents to the marriage.~~

18 ~~(2)(A)(4)~~ The consent of both parents of each a contracting
 19 party shall be is necessary before the marriage license can be issued by the
 20 clerk unless:

21 (A) the The parents have been divorced and custody of the
 22 child contracting party has been awarded to one (1) of the parents exclusive
 23 of the other, or unless the;

24 (B) The custody of the child contracting party has been
 25 surrendered by one (1) of the parents through abandonment or desertion, in
 26 which cases case the consent of the parent who has custody of the child shall
 27 be contracting party is sufficient; or

28 (C) A guardian has been appointed for the contracting
 29 party, in which case the consent of the guardian of the contracting party is
 30 sufficient.

31 ~~(B)(5)~~ The consent of the parent or guardian may be voided
 32 by the order of a circuit court on a showing by clear and convincing evidence
 33 that:

34 ~~(i)(A)~~ The parent or guardian is not fit to make
 35 decisions concerning the child contracting party; and

36 ~~(ii)(B)~~ The marriage is not in the child's

1 contracting party's best interest.

2 ~~(e)(6)~~ There shall be a waiting period of five (5) business days for
3 any a marriage license issued under ~~subdivision (b)(2) of this section~~ this
4 subsection.

5 ~~(d)(7)~~ If a ~~child~~ contracting party has a pending case in the a
6 circuit court, a parent or guardian who files consent under ~~subsection (b) of~~
7 ~~this section~~ this subsection shall immediately notify the circuit court, and
8 all parties, and attorneys to the pending case.

9
10 SECTION 3. Arkansas Code § 9-14-402 is repealed to repeal obsolete
11 language.

12 ~~9-14-402. Staff.~~

13 ~~The Administrator of the Office of Child Support Enforcement of the~~
14 ~~Revenue Division of the Department of Finance and Administration shall assign~~
15 ~~staff of the Office of Child Support Enforcement of the Revenue Division of~~
16 ~~the Department of Finance and Administration to assist the State Commission~~
17 ~~on Child Support [repealed] in carrying out its duties and responsibilities.~~

18
19 SECTION 4. Arkansas Code § 9-14-403 is repealed to repeal obsolete
20 language.

21 ~~9-14-403. Duties.~~

22 ~~The State Commission on Child Support [repealed] shall have the~~
23 ~~following duties:~~

24 ~~(1) To examine, investigate, and study the operation of the~~
25 ~~state's child support system to determine the extent to which such system is~~
26 ~~successful in securing support and parental involvement for children;~~

27 ~~(2) To make recommendations for legislation which would clarify~~
28 ~~and improve state laws in the areas of visitation, standards for support,~~
29 ~~enforcement of interstate obligations, paternity establishment, and support~~
30 ~~collection methods;~~

31 ~~(3) To evaluate the availability, cost, and effectiveness of~~
32 ~~services for support enforcement to children receiving aid and those not~~
33 ~~receiving aid and assist the Title IV-D agency in program improvements or~~
34 ~~enhancements which would increase the availability of support enforcement;~~

35 ~~(4) To examine proposed legislation and make recommendations~~
36 ~~concerning compliance with federal requirements for support collection; and~~

1 ~~(5) To review expedited process reporting for child support~~
 2 ~~eases pending in the judicial districts from data furnished by the~~
 3 ~~Administrative Office of the Courts and assist in compliance with case~~
 4 ~~processing standards.~~

5
 6 SECTION 5. Arkansas Code § 9-20-121(a)(10)(A)(ii), concerning the
 7 availability of custody and protective services records, is amended to repeal
 8 old language and add new language for clarification to read as follows:

9 (ii) Federal and state representatives and senators
 10 shall not ~~redisclose the~~ disclose information obtained under this section.

11
 12 SECTION 6. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

13 It is the intent of the General Assembly that:

14 (1) The enactment and adoption of this act shall not expressly
 15 or impliedly repeal an act passed during the regular session of the Ninety-
 16 Third General Assembly;

17 (2) To the extent that a conflict exists between an act of the
 18 regular session of the Ninety-Third General Assembly and this act:

19 (A) The act of the regular session of the Ninety-Third
 20 General Assembly shall be treated as a subsequent act passed by the General
 21 Assembly for the purposes of:

22 (i) Giving the act of the regular session of the
 23 Ninety-Third General Assembly its full force and effect; and

24 (ii) Amending or repealing the appropriate parts of
 25 the Arkansas Code of 1987; and

26 (B) Section 1-2-107 shall not apply; and

27 (3) This act shall make only technical, not substantive, changes
 28 to the Arkansas Code of 1987.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT JLL/JLL
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 10 OF
9 THE ARKANSAS CODE CONCERNING THE GENERAL ASSEMBLY;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE
14 10 OF THE ARKANSAS CODE CONCERNING THE
15 GENERAL ASSEMBLY.
16
17
18

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

21 SECTION 1. Arkansas Code § 10-2-130(b), concerning the use of
22 education studies commissioned by the General Assembly, is amended to read as
23 follows to repeal an obsolete reference:

24 (b) A cost study analysis, cost study audit, adequacy study, or other
25 study concerning the state's education system shall include, but is not
26 limited to:

27 (1) Studies conducted under § 10-3-2101 et seq. ~~and Acts 2003,~~
28 ~~No. 1181 [expired]~~; and

29 (2) Any study concerning the adequacy or equitability of the
30 state's education system, including, but not limited to, the state's method
31 of funding public school districts.
32

33 SECTION 2. Arkansas Code § 10-3-1109(a)(3), concerning contracts of
34 the Joint Interim Committee on Legislative Facilities, is repealed as
35 obsolete.

36 ~~(3) All contracts let under the provisions of this subchapter~~

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1 shall be subject to the approval of the Governor, the Auditor of State, and
 2 the Treasurer of State, as provided in Arkansas Constitution, Article 19,
 3 Section 15 [repealed].

4
 5 SECTION 3. Arkansas Code § 10-3-2802 is repealed because the section
 6 expired by its own terms on July 1, 2019.

7 ~~10-3-2802. Interagency Task Force for the Implementation of Criminal~~
 8 ~~Justice Prevention Initiatives. [Expired.]~~

9 ~~(a)(1)(A) There is created the Interagency Task Force for the~~
 10 ~~Implementation of Criminal Justice Prevention Initiatives.~~

11 ~~(B) The purpose of the task force is to coordinate the~~
 12 ~~implementation of initiatives and strategies designed to promote efficiency~~
 13 ~~and safety in the criminal justice system as well as promote justice~~
 14 ~~reinvestment goals.~~

15 ~~(2) The Governor's office shall provide staff support for the~~
 16 ~~task force.~~

17 ~~(b) The task force shall be composed of the following seventeen (17)~~
 18 ~~members, as follows:~~

19 ~~(1) Seven (7) members shall be appointed by the Governor:~~

20 ~~(A) One (1) member who is a circuit court judge;~~

21 ~~(B) One (1) member who is a district court judge;~~

22 ~~(C) One (1) member who is a county sheriff;~~

23 ~~(D) One (1) member who is a county judge;~~

24 ~~(E) One (1) member who is appointed by and who represents~~
 25 ~~the Governor; and~~

26 ~~(F) Two (2) members who are prosecuting attorneys;~~

27 ~~(2) Two (2) members of the Senate appointed by the President Pro~~
 28 ~~Tempore of the Senate;~~

29 ~~(3) Two (2) members of the House of Representatives appointed by~~
 30 ~~the Speaker of the House of Representatives;~~

31 ~~(4) One (1) member appointed by the Secretary of the Department~~
 32 ~~of Human Services who represents the Division of Aging, Adult, and Behavioral~~
 33 ~~Health Services of the Department of Human Services;~~

34 ~~(5) The Chair of the Board of Corrections or his or her~~
 35 ~~designee;~~

36 ~~(6) The Chair of the Parole Board or his or her designee;~~

1 ~~(7) The Director of the Division of Correction or his or her~~
 2 ~~designee;~~

3 ~~(8) The Director of the Division of Community Correction or his~~
 4 ~~or her designee; and~~

5 ~~(9) The Attorney General or his or her designee.~~

6 ~~(c)(1) The task force shall meet on or before the thirtieth day after~~
 7 ~~September 1, 2017, at the call of the member appointed by and who represents~~
 8 ~~the Governor, and organize itself by electing one (1) of its members as Chair~~
 9 ~~of the Interagency Task Force for the Implementation of Criminal Justice~~
 10 ~~Prevention Initiatives and other officers as the task force may consider~~
 11 ~~necessary.~~

12 ~~(2) Thereafter, the task force shall meet at least quarterly and~~
 13 ~~at the call of the chair or by a majority of the members.~~

14 ~~(3) A quorum of the task force consists of nine (9) members.~~

15 ~~(d) The task force has the following powers and duties:~~

16 ~~(1) To track the implementation of and evaluate compliance with~~
 17 ~~this act;~~

18 ~~(2) To review performance and outcome measure reports submitted~~
 19 ~~semiannually by the Division of Correction, the Division of Community~~
 20 ~~Correction, the Parole Board, the Board of Corrections, the Arkansas~~
 21 ~~Sentencing Commission, and the Specialty Court Program Advisory Committee~~
 22 ~~under this act and evaluate the impact;~~

23 ~~(3) To develop quality assurance reporting on the implementation~~
 24 ~~of policies and the expenditure of resource investments related to the~~
 25 ~~justice reinvestment policies and reinvestments; and~~

26 ~~(4)(A) To prepare and submit an annual report of the performance~~
 27 ~~and outcome measures that are part of this act to the Legislative Council,~~
 28 ~~the Governor, and the Chief Justice of the Supreme Court.~~

29 ~~(B) The annual report shall include recommendations for~~
 30 ~~improvements and a summary of savings generated and the impact on public~~
 31 ~~safety resulting from this act.~~

32 ~~(e) Members of the task force shall receive no pay for their services,~~
 33 ~~but each member may receive expense reimbursement in accordance with § 25-16-~~
 34 ~~901 et seq.~~

35 ~~(f) This section expires on July 1, 2019.~~

36

1 SECTION 4. Arkansas Code § 10-3-3001 is repealed because the section
2 expired by its own terms on September 30, 2017.

3 ~~10-3-3001. Behavioral Health Treatment Access Legislative Task Force.~~
4 ~~{Expired.}~~

5 ~~(a)(1) There is created a Behavioral Health Treatment Access~~
6 ~~Legislative Task Force responsible for ensuring that persons in the criminal~~
7 ~~justice system who have a demonstrated need for behavioral health treatment~~
8 ~~have access to treatment.~~

9 ~~(2) The Bureau of Legislative Research shall provide staff~~
10 ~~support for the task force.~~

11 ~~(b) The task force is composed of no more than nine (9) members, as~~
12 ~~follows:~~

13 ~~(1) No more than four (4) members may be appointed by the~~
14 ~~Governor from the following persons:~~

15 ~~(A) No more than one (1) member who is engaged in~~
16 ~~providing substance abuse treatment in the private sector;~~

17 ~~(B) No more than one (1) member who is engaged in~~
18 ~~providing mental health treatment in the private sector; and~~

19 ~~(C) No more than two (2) members of the general public who~~
20 ~~advocate for access to behavioral health services;~~

21 ~~(2) The Director of the Department of Community Correction or~~
22 ~~his or her designee;~~

23 ~~(3) The Deputy Chief Counsel of the Office of Chief Counsel of~~
24 ~~the Department of Human Services or his or her designee;~~

25 ~~(4) The Insurance Commissioner or his or her designee;~~

26 ~~(5) One (1) member of the General Assembly to be appointed by~~
27 ~~the President Pro Tempore of the Senate; and~~

28 ~~(6) One (1) member of the General Assembly to be appointed by~~
29 ~~the Speaker of the House of Representatives.~~

30 ~~(c)(1) The task force shall organize itself by electing such other~~
31 ~~officers as the task force may consider necessary.~~

32 ~~(2) The task force is to meet at least quarterly and as often as~~
33 ~~necessary and at the call of the Chair of the Behavioral Health Treatment~~
34 ~~Access Legislative Task Force or a majority of the members.~~

35 ~~(3) A quorum of the task force consists of five (5) members.~~

36 ~~(d) The task force has the following powers and duties:~~

1 ~~(1) To facilitate access to behavioral health treatment~~
2 ~~programs;~~

3 ~~(2) To coordinate with other public and private entities to~~
4 ~~develop and promote access;~~

5 ~~(3) To take steps to reduce costs and encourage evidence-based~~
6 ~~care;~~

7 ~~(4) To assess feasibility and make recommendation for changes to~~
8 ~~state programs to improve access; and~~

9 ~~(5) To prepare and submit an annual report by December 1 of each~~
10 ~~year to the Governor and the Legislative Council.~~

11 ~~(e) This section shall expire on September 30, 2017.~~

12
13 SECTION 5. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

14 It is the intent of the General Assembly that:

15 (1) The enactment and adoption of this act shall not expressly or
16 impliedly repeal an act passed during the regular session of the Ninety-Third
17 General Assembly;

18 (2) To the extent that a conflict exists between an act of the
19 regular session of the Ninety-Third General Assembly and this act:

20 (A) The act of the regular session of the Ninety-Third
21 General Assembly shall be treated as a subsequent act passed by the General
22 Assembly for the purposes of:

23 (i) Giving the act of the regular session of the
24 Ninety-Third General Assembly its full force and effect; and

25 (ii) Amending or repealing the appropriate parts of the
26 Arkansas Code of 1987; and

27 (B) Section 1-2-107 shall not apply; and

28 (3) This act shall make only technical, not substantive, changes
29 to the Arkansas Code of 1987.

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1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT BPG/BPG
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 12 OF
9 THE ARKANSAS CODE CONCERNING LAW ENFORCEMENT
10 AGENCIES; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO MAKE TECHNICAL CORRECTIONS TO TITLE
13 12 OF THE ARKANSAS CODE CONCERNING LAW
14 ENFORCEMENT AGENCIES.
15
16
17
18

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

21 SECTION 1. Arkansas Code § 12-12-324(d), concerning firearms testing
22 by the State Crime Laboratory, is amended to read as follows to clarify a
23 reference:

24 (d) A firearm seized by the Arkansas State Game and Fish Commission
25 for violation of a commission rule or regulation is exempt from this section.
26

27 SECTION 2. Arkansas Code Title 12, Chapter 12, Subchapter 4, is
28 amended to read as follows to reorganize defined terms and to clarify
29 references:
30

Subchapter 4

31 – Sexual Assault – Medical-Legal Examinations
32
33

34 12-12-401. Definitions.

35 As used in this subchapter:

36 (1) “Anonymous kit” means a sexual assault collection kit that

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1 is collected from a possible victim of a sexual assault who has not decided
 2 whether to report the sexual assault to a law enforcement agency;

3 ~~(1)(A)~~(2)(A) “Appropriate emergency medical-legal examinations”
 4 means health care delivered with emphasis on the collection of evidence for
 5 the purpose of prosecution.

6 (B) It shall include, but not be limited to, the
 7 appropriate components contained in an evidence collection kit for sexual
 8 assault examination distributed by the Forensic DNA Section of the State
 9 Crime Laboratory;

10 (3) “Law enforcement agency” means a police force or
 11 organization whose primary responsibility as established by statute or
 12 ordinance is the enforcement of the criminal laws, traffic laws, or highway
 13 laws of this state;

14 ~~(2)~~(4) “Licensed ~~health care~~ healthcare provider” means a person
 15 licensed in a healthcare field who conducts medical-legal examinations;

16 ~~(3)~~—“Medical facility” ~~means any healthcare provider or a~~
 17 medical facility that is currently licensed by the Department of Health and
 18 providing emergency services; ~~and~~

19 (5) “Medical-legal examination” means health care delivered to a
 20 possible victim of a sexual assault, with an emphasis on the gathering and
 21 preserving of evidence for the purpose of serving criminal justice;

22 (6) “Sexual assault” means an offense described in § 5-14-101 et
 23 seq. or § 5-26-202;

24 (7) “Sexual assault collection kit” means a human biological
 25 specimen or specimens collected during a medical-legal examination from the
 26 alleged victim of a sexual assault; and

27 ~~(4)~~(8) “Victim” means any person who has been a victim of any
 28 alleged sexual assault or incest as defined by § 5-14-101 et seq. and § 5-26-
 29 202.

30
 31 12-12-402. Procedures governing medical treatment.

32 (a) All ~~medical facilities or~~ licensed healthcare providers conducting
 33 medical-legal examinations in Arkansas shall adhere to the procedures set
 34 forth in this section in the event that a person presents himself or herself
 35 or is presented for treatment as a victim of rape, attempted rape, any other
 36 type of sexual assault, or incest.

1 (b)(1)(A) Any adult victim presented for medical treatment shall make
2 the decision of whether or not the incident will be reported to a law
3 enforcement agency.

4 (B) No ~~medical facility or~~ licensed healthcare provider
5 may require an adult victim to report the incident in order to receive
6 medical treatment.

7 (C)(i) Evidence will be collected only with the permission
8 of the victim.

9 (ii) However, permission shall not be required when
10 the victim is unconscious, mentally incapable of consent, or intoxicated.

11 (2)(A) Should an adult victim wish to report the incident to a
12 law enforcement agency, the appropriate law enforcement agencies shall be
13 contacted by the ~~medical facility or~~ licensed healthcare provider or the
14 victim's designee.

15 (B)(i) The victim shall be given a medical screening
16 examination by a qualified medical person as provided under the Emergency
17 Medical Treatment and Active Labor Act, 42 U.S.C. § 1395dd, as in effect on
18 January 1, 2001, if the victim arrives at the emergency department of a
19 hospital, and the person shall be examined and treated and any injuries
20 requiring medical attention will be treated in the standard manner.

21 (ii) A medical-legal examination shall be conducted
22 and specimens shall be collected for evidence.

23 (C) If a law enforcement agency has been contacted and
24 with the permission of the victim, the evidence shall be turned over to the
25 law enforcement officers when they arrive to assume responsibility for
26 investigation of the incident.

27 (c)(1) Any victim under eighteen (18) years of age shall be examined
28 and treated, and any injuries requiring medical attention shall be treated in
29 the standard manner.

30 (2) A medical-legal examination shall be performed, and
31 specimens shall be collected for evidence.

32 (3) The reporting ~~medical facility or~~ licensed healthcare
33 provider shall follow the procedures set forth in Subchapter 4 of the Child
34 Maltreatment Act, § 12-18-101 et seq., regarding the reporting of injuries to
35 victims under eighteen (18) years of age.

36 (4) The evidence shall be turned over to the law enforcement

1 officers when they arrive to assume responsibility for investigation of the
 2 incident.

3 (d) Reimbursement for the medical-legal examinations shall be
 4 available to the ~~medical facility or~~ licensed healthcare provider pursuant to
 5 the procedures set forth in § 12-12-403.

6 (e) A ~~medical facility or~~ licensed healthcare provider shall not
 7 transfer the victim to another ~~medical facility~~ licensed healthcare provider
 8 unless:

9 (1) The victim or a parent or guardian of a victim under
 10 eighteen (18) years of age requests the transfer, or a physician or other
 11 qualified medical personnel when a physician is not available has signed a
 12 certification that the benefits to the victim's health would outweigh the
 13 risks to the victim's health as a result of the transfer; and

14 (2) The transferring ~~medical facility or~~ licensed healthcare
 15 provider provides all necessary medical records and ensures that appropriate
 16 transportation is available.

17

18 12-12-403. Examinations and treatment – Payment.

19 (a) All licensed emergency departments shall provide prompt,
 20 appropriate emergency medical-legal examinations for sexual assault victims.

21 (b)(1)(A) All victims shall be exempted from the payment of expenses
 22 incurred as a result of receiving a medical-legal examination if the victim
 23 receives the medical-legal examination within ninety-six (96) hours of the
 24 attack.

25 (B) However, the time limitation of ninety-six (96) hours
 26 may be waived if the victim is a minor or if the Crime Victims Reparations
 27 Board finds that good cause exists for the failure to provide the medical-
 28 legal examination within the required time.

29 (2)(A) This subsection does not require a victim of sexual
 30 assault to participate in the criminal justice system or to cooperate with
 31 law enforcement in order to be provided with a forensic medical exam or
 32 reimbursement for charges incurred on account of a forensic medical exam, or
 33 both.

34 (B) Subdivision (b)(2)(A) of this section does not
 35 preclude a report of suspected abuse or neglect as permitted or required by
 36 the Child Maltreatment Act, § 12-18-101 et seq.

1 (c)(1) A ~~medical facility or~~ licensed healthcare provider that
 2 performs a medical-legal examination shall submit a sexual assault
 3 reimbursement form, an itemized statement that meets the requirements of 45
 4 C.F.R. § 164.512(d), as it existed on January 2, 2001, directly to the board
 5 for payment.

6 (2) The ~~medical facility or~~ licensed healthcare provider shall
 7 not submit any remaining balance after reimbursement by the board to the
 8 victim.

9 (3) Acceptance of payment of the expenses of the medical-legal
 10 examination by the board shall be considered payment in full and bars any
 11 legal action for collection.

12
 13 12-12-404. Reimbursement of medical facility – Rules.

14 (a) The Crime Victims Reparations Board may reimburse any ~~medical~~
 15 ~~facility or~~ licensed healthcare provider that provides the services outlined
 16 in this subchapter for the reasonable cost for such services.

17 (b) The board is empowered to prescribe minimum standards and rules
 18 necessary to implement this subchapter. These shall include, but not be
 19 limited to, a cost ceiling for each claim and the determination of reasonable
 20 cost.

21
 22 12-12-405. License suspension or revocation.

23 Noncompliance with the provisions of this subchapter is grounds for
 24 licensure suspension or revocation pursuant to the provisions of § 20-9-215
 25 or any other provisions governing the licensure of ~~medical facilities or~~
 26 healthcare providers.

27
 28 12-12-406. Sexual assault collection kits – Submission for testing –
 29 Definitions.

30 ~~(a) As used in this section:~~

31 ~~(1) “Anonymous kit” means a sexual assault collection kit that~~
 32 ~~is collected from a possible victim of a sexual assault who has not decided~~
 33 ~~whether to report the sexual assault to a law enforcement agency;~~

34 ~~(2) “Healthcare provider” means a person or facility that~~
 35 ~~provides a medical-legal examination;~~

36 ~~(3) “Law enforcement agency” means a police force or~~

1 ~~organization whose primary responsibility as established by statute or~~
 2 ~~ordinance is the enforcement of the criminal laws, traffic laws, or highway~~
 3 ~~laws of this state;~~

4 ~~(4) "Medical legal examination" means health care delivered to a~~
 5 ~~possible victim of a sexual assault, with an emphasis on the gathering and~~
 6 ~~preserving of evidence for the purpose of serving criminal justice;~~

7 ~~(5) "Sexual assault" means an offense described in § 5-14-101 et~~
 8 ~~seq. or § 5-26-202; and~~

9 ~~(6) "Sexual assault collection kit" means a human biological~~
 10 ~~specimen or specimens collected during a medical legal examination from the~~
 11 ~~alleged victim of a sexual assault.~~

12 ~~(b)(1)(a)(1)~~ A licensed healthcare provider that has collected
 13 required victim information as part of a medical-legal examination shall
 14 enter the required victim information into a sexual assault collection kit
 15 tracking system of the State Crime Laboratory before transferring the sexual
 16 assault collection kit to a law enforcement agency with jurisdiction.

17 (2) The system described in subdivision ~~(b)(1)(a)(1)~~ of this
 18 section shall provide secure electronic access that allows a law enforcement
 19 agency, a licensed healthcare provider, the laboratory, and a victim to
 20 access tracking information.

21 (3) A sexual assault collection kit collected by a licensed
 22 healthcare provider shall be taken into custody by a law enforcement agency
 23 as soon as possible and within three (3) business days of notice from the
 24 licensed healthcare provider.

25 ~~(e)(1)(b)(1)~~ A law enforcement agency that receives a sexual assault
 26 collection kit from a licensed healthcare provider shall enter all necessary
 27 information into the system described in subdivision ~~(b)(1)(a)(1)~~ of this
 28 section.

29 (2) A law enforcement agency that receives a sexual assault
 30 collection kit from a licensed healthcare provider that relates to a report
 31 of a sexual assault that occurred outside of the jurisdiction of the law
 32 enforcement agency shall have the sexual assault collection kit delivered to
 33 the law enforcement agency having jurisdiction within ten (10) days of
 34 learning that the other law enforcement agency has jurisdiction.

35 ~~(d)(c)~~ A sexual assault collection kit shall be submitted to the
 36 laboratory by the receiving law enforcement agency as soon as possible, but

1 no later than fifteen (15) days after receipt of the sexual assault
 2 collection kit.

3 ~~(e)(1)(d)(1)~~ A law enforcement agency is not required to submit an
 4 anonymous kit to the laboratory if the victim does not affirmatively request
 5 submission.

6 (2) If a victim chooses to provide a personal statement about
 7 the sexual assault to a law enforcement agency at any time after initially
 8 declining to provide a personal statement, the anonymous kit shall be
 9 delivered to the laboratory as soon as possible, but no later than fifteen
 10 (15) days after the victim chooses to provide a personal statement to the law
 11 enforcement agency.

12 ~~(f)(e)~~ If available, a suspect standard or a consensual partner
 13 elimination standard shall be submitted to the laboratory:

14 (1) With the sexual assault collection kit, if available, at the
 15 time the sexual assault collection kit is submitted; or

16 (2) As soon as possible, but no later than fifteen (15) days
 17 from the date the sexual assault collection kit was obtained by the law
 18 enforcement agency, if the suspect standard or consensual partner elimination
 19 standard is not obtained until after the sexual assault collection kit is
 20 submitted.

21 ~~(g)(1) Starting July 1, 2019, the~~

22 (f)(1) The laboratory shall test all sexual assault collection kits
 23 that are received from a law enforcement agency with the goal of developing
 24 autosomal DNA profiles that are eligible for entry into the Combined DNA
 25 Index System.

26 (2) Sexual assault collection kits shall be tested by the
 27 laboratory and the tests completed within sixty (60) days of receipt from the
 28 law enforcement agency.

29 (3) The ability of the laboratory to complete all tests within
 30 sixty (60) days of receipt may be dependent upon the following factors:

31 (A) The number of sexual assault collection kits that the
 32 laboratory receives;

33 (B) The technology and improved testing methods available;

34 (C) The establishment of a fully trained and dedicated
 35 staff to meet the caseload; and

36 (D) The number of lab requests received relating to other

1 crime categories.

2 (4) Failure to meet a deadline established under this subsection
 3 or administrative rule is not a basis for dismissal of a criminal action or a
 4 bar to the admissibility of the evidence in a criminal action.

5

6 SECTION 3. Arkansas Code § 12-18-607 is amended to read as follows to
 7 clarify its application:

8 12-18-607. When the alleged offender is neither a family member nor a
 9 fictive kin and not living in the home with the alleged victim.

10 If the alleged offender is not a family member or fictive kin living in
 11 the home with the alleged victim, the investigation under this chapter shall
 12 seek to ascertain:

13 (1) The existence, cause, nature, and extent of child
 14 maltreatment;

15 (2) The identity of the person responsible for the child
 16 maltreatment;

17 (3) The existence and extent of previous child maltreatment
 18 perpetrated by the alleged offender;

19 (4) If the report is determined to be true, the names and
 20 conditions of any children of the alleged offender and whether these children
 21 have been maltreated or are at risk of child maltreatment unless the
 22 investigating agency has determined that there is no indication of risk to
 23 the children;

24 (5) If the report is determined to be true and is a report of
 25 sexual abuse, sexual contact, or sexual exploitation, an assessment of any
 26 other children previously or currently under the care of the alleged
 27 offender, to the extent practical, and whether these children have been
 28 maltreated or are at risk of maltreatment unless the investigating agency has
 29 determined that there is no indication of risk to the children; and

30 (6) All other pertinent and relevant data.

31

32 SECTION 4. Arkansas Code § 12-18-620(e)(11)(A), concerning releases of
 33 information on pending child maltreatment investigations, is amended to read
 34 as follows to clarify a reference:

35 (11)(A) Federal, state, and local government entities, or any
 36 agent of ~~such~~ federal, state, or local government entities, that have a need

1 for such information to carry out their responsibilities under law to protect
2 children from child maltreatment.

3
4 SECTION 5. Arkansas Code § 12-18-710(e)(12)(A), concerning releases of
5 information on true child maltreatment investigative determinations pending
6 due process, is amended to read as follows to clarify a reference:

7 (12)(A) Federal, state, and local government entities, or any
8 agent of ~~such~~ federal, state, or local government entities, that have a need
9 for such information to carry out their responsibilities under law to protect
10 children from child maltreatment.

11
12 SECTION 6. Arkansas Code § 12-18-909(g)(15)(A), concerning the
13 availability of true reports of child maltreatment from the Child
14 Maltreatment Central Registry, is amended to read as follows to clarify a
15 reference:

16 (15)(A) Federal, state, and local government entities, or any
17 agent of ~~such~~ federal, state, or local government entities, that have a need
18 for such information to carry out their responsibilities under law to protect
19 children from child maltreatment.

20
21 SECTION 7. Arkansas Code § 12-18-910(f)(6)(A), concerning the
22 availability of screened-out and unsubstantiated child maltreatment reports,
23 is amended to read as follows to clarify a reference:

24 (6)(A) Federal, state, and local government entities, or any
25 agent of ~~such~~ federal, state, or local government entities, that have a need
26 for such information to carry out their responsibilities under law to protect
27 children from child maltreatment.

28
29 SECTION 8. Arkansas Code § 12-29-118(b)(2)(B), concerning punitive
30 isolation or solitary confinement of inmates who are minors, is amended to
31 read as follows to correct an engrossment error:

32 (B) The warden of the state correctional facility or his
33 or her designee shall provide the written authorization described in
34 subdivision (b)(2)(A) of this section for every twenty-four-hour period
35 during which the minor remains in punitive isolation or solitary confinement
36 after the initial twenty-four (24) hours.

1
2 SECTION 9. Arkansas Code § 12-32-102(c), concerning restraint of a
3 pregnant inmate or detainee, is amended to read as follows to clarify
4 references:

5 (c) If restraints are used on a pregnant inmate or detainee under
6 subsection (a) of this section:

7 (1)(A) The type of restraints shall be the least restrictive
8 type necessary, and the restraints shall be applied in the least restrictive
9 manner necessary.

10 (B) Leg or waist restraints shall not be used on any
11 pregnant inmate or detainee who is in labor.

12 (C) Leg restraints shall not be used on a pregnant inmate
13 or detainee who is not in a wheelchair, bed, or gurney;

14 (2) The restraints shall always be forward-facing, designed to
15 restrain the ~~person's~~ hands of the pregnant inmate or detainee in front of
16 the ~~person~~ pregnant inmate or detainee to protect the ~~person~~ pregnant inmate
17 or detainee and others;

18 (3) Only soft restraints may be used; and

19 (4)(A) The correctional or detention facility shall make written
20 findings within ten (10) days regarding the substantial flight risk of that
21 pregnant inmate or detainee or other extraordinary medical or security
22 circumstance that dictated the pregnant inmate or detainee be restrained to
23 ensure the safety and security of the pregnant inmate or detainee, the child,
24 staff of the correctional or detention facility, or medical facility, other
25 inmates or detainees, or the public.

26 (B) The written findings under subdivision (c)(4)(A) of
27 this section shall be maintained by the correctional or detention facility
28 for at least five (5) years and be made available for public inspection,
29 except that information identifying any pregnant inmate or detainee or that
30 could lead to the identification of the pregnant inmate or detainee shall not
31 be made public.

32
33 SECTION 10. Arkansas Code § 12-41-505(b)(3)(B), concerning expenses and
34 support of county jail inmates, is amended to read as follows to clarify a
35 reference:

36 (B) The remaining funds shall be deposited into or

1 credited to a special revenue fund and used for the maintenance, operation,
 2 and capital expenditures of a county jail or regional detention facility and
 3 for certificate pay for law enforcement and ~~jailer~~ jail personnel.

4
 5 SECTION 11. Arkansas Code § 12-64-518(e), concerning issuance of
 6 process under the Military Code of Arkansas, is amended to read as follows to
 7 clarify a criminal offense pursuant to § 5-1-107(c), which makes any
 8 misdemeanor defined by a statute not a part of the Arkansas Criminal Code
 9 that does not specify the class of the misdemeanor or prescribe a limitation
 10 on a sentence to imprison a Class A misdemeanor, and make stylistic
 11 changes:

12 (e) Any sheriff, constable, jailer, marshal, or other civil officer
 13 named in this code, who shall neglect or refuse to obey, execute, or return
 14 the lawful warrant or other process of a military court or make a false
 15 return thereon, ~~shall be upon conviction is~~ guilty of a Class A misdemeanor
 16 and in addition to the ~~penalties attaching thereto~~ criminal penalties, shall
 17 forfeit fifty dollars (\$50.00) for each offense or neglect of duty, the money
 18 to be recovered in a civil action against the officer and his or her official
 19 sureties by the Attorney General for the benefit of the Department of the
 20 Military Fund Account.

21
 22 SECTION 12. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

23 It is the intent of the General Assembly that:

24 (1) The enactment and adoption of this act shall not expressly
 25 or impliedly repeal an act passed during the regular session of the Ninety-
 26 Third General Assembly;

27 (2) To the extent that a conflict exists between an act of the
 28 regular session of the Ninety-Third General Assembly and this act:

29 (A) The act of the regular session of the Ninety-Third
 30 General Assembly shall be treated as a subsequent act passed by the General
 31 Assembly for the purposes of:

32 (i) Giving the act of the regular session of the
 33 Ninety-Third General Assembly its full force and effect; and

34 (ii) Amending or repealing the appropriate parts of
 35 the Arkansas Code of 1987; and

36 (B) Section 1-2-107 shall not apply; and

1 (3) This act shall make only technical, not substantive, changes
2 to the Arkansas Code of 1987.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT KLL/KLL
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 14 OF
9 THE ARKANSAS CODE CONCERNING LOCAL GOVERNMENT; AND
10 FOR OTHER PURPOSES.

Subtitle

11
12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 14
14 OF THE ARKANSAS CODE CONCERNING LOCAL
15 GOVERNMENT.
16

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-55-704(a), concerning authorization to
22 amend a municipal code, is amended to read as follows to conform the wording
23 of the subsection so that it is consistent with its 2019 amendment, which
24 deleted references to "revisions":

25 (a) A municipal code may be amended from time to time by ordinances
26 duly enacted and published as required by law and passed in such form as to
27 indicate the intention of the legislative body of the city to make them a
28 part of the municipal code ~~or revision~~.

29
30 SECTION 2. Arkansas Code § 14-143-109(a)(18), concerning powers of an
31 authority under the Regional Intermodal Facilities Act, is amended to read as
32 follows to eliminate an ambiguity in the wording of the section:

33 (18) To apply to the proper authorities of the United States
34 pursuant to appropriate law for the right to establish, operate, and maintain
35 foreign trade zones within the area of jurisdiction of the member
36 municipalities ~~and/or~~ or member counties, or both, and to establish, operate,

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1 and maintain such foreign trade zones;

2

3 SECTION 3. Arkansas Code § 14-238-106(c), concerning the petitioning
 4 of the quorum court by a public facility board for a grant of powers, is
 5 amended to read as follows to eliminate an ambiguity in the wording of the
 6 section:

7 (c) Any public facility board created under the Public Facilities
 8 Boards Act, § 14-137-101 et seq., or its predecessor, for the purpose of
 9 operating a waterworks facility ~~and/or~~ or a wastewater facility, or both, and
 10 which is in existence on July 28, 1995, may petition the quorum court which
 11 created the board to grant the board all the powers conveyed by this chapter,
 12 and if the quorum court adopts an ordinance to that effect, the powers and
 13 authority granted under this chapter shall be applicable to that public
 14 facilities board, and it shall thereafter be governed exclusively by the
 15 provisions of this chapter and none other.

16

17 SECTION 4. Arkansas Code § 14-238-111(a)(6), concerning the powers of
 18 a board under the Rural Waterworks Facilities Boards Act, is amended to read
 19 as follows to eliminate an ambiguity in the wording of the section:

20 (6) To lend money, directly or indirectly, for the financing of
 21 the construction, acquisition, and equipment of all or a portion of a
 22 waterworks facility project ~~and/or~~ or a wastewater facility project, or both;

23

24 SECTION 5. Arkansas Code § 14-238-112(a), concerning the power of a
 25 county to acquire facilities under the Rural Waterworks Facilities Boards
 26 Act, is amended to read as follows to eliminate an ambiguity in the wording
 27 of the section:

28 (a) Any county may acquire facilities for a waterworks facility
 29 project ~~and/or~~ or a wastewater facility project, or both, or any portion
 30 thereof, including a project site, by gift, purchase, lease, or condemnation,
 31 and may transfer any such facilities to a board created by the county by
 32 sale, lease, or gift.

33

34 SECTION 6. Arkansas Code § 14-238-113(a), concerning the purposes for
 35 which a board may use funds and issue bonds under the Rural Waterworks
 36 Facilities Boards Act, is amended to read as follows to eliminate an

1 ambiguity in the wording of the section:

2 (a) Boards are authorized to use any available funds and revenues for
 3 the accomplishment of all or a portion of waterworks facilities projects
 4 ~~and/or~~ or wastewater facilities projects, or both, and may issue bonds, as
 5 authorized by this subchapter, for the accomplishment of all or a portion of
 6 waterworks facilities projects ~~and/or~~ or wastewater facilities projects, or
 7 both, either alone or together with other available funds and revenues.

8

9 SECTION 7. Arkansas Code § 14-238-114(a)(3), concerning the authority
 10 of a board to make successive bond issues under the Rural Waterworks
 11 Facilities Boards Act, is amended to read as follows to eliminate an
 12 ambiguity in the wording of the section:

13 (3)(A) There may be successive bond issues for the purpose of
 14 financing the same waterworks facilities project ~~and/or~~ or wastewater
 15 facilities project, or both, and there may be successive bond issues for
 16 financing the cost of reconstructing, replacing, constructing additions to,
 17 extending, improving, and equipping waterworks facilities projects ~~and/or~~ or
 18 wastewater facilities projects, or both, already in existence, whether or not
 19 originally financed by bonds issued under this subchapter, with each
 20 successive issue to be authorized as provided by this subchapter.

21 (B) Priority between and among issues and successive
 22 issues as to security of the pledge of revenues and lien on the waterworks
 23 facilities project ~~and/or~~ or the wastewater facilities project, or both,
 24 involved may be controlled by the resolution authorizing the issuance of the
 25 bonds.

26

27 SECTION 8. Arkansas Code § 14-238-116(a), concerning the source of
 28 revenue from which the principal and interest on bonds issued under the Rural
 29 Waterworks Facilities Boards Act may be paid, is amended to read as follows
 30 to eliminate an ambiguity in the wording of the section:

31 (a) The principal of and interest on the bonds shall be payable from:

32 (1) Revenues derived from the waterworks facilities projects
 33 ~~and/or~~ or the wastewater facilities projects, or both, acquired, constructed,
 34 reconstructed, equipped, extended, or improved, in whole or in part, with the
 35 proceeds of the bonds;

36 (2) Obligations of:

1 (A) The owners of waterworks facilities projects and/or or
 2 wastewater facilities projects, or both; or

3 (B) Any person with whom the proceeds of the bonds, or a
 4 portion thereof, are invested by contract or otherwise;

5 (3) Any other funds or sources of funds of the board
 6 specifically pledged and which are set aside as a special fund or source,
 7 other than taxes or assessments for local improvements, for the purpose of
 8 paying the principal of and interest on the bonds; or

9 (4) Any combination of subdivisions (a)(1)-(3) of this section.

10
 11 SECTION 9. Arkansas Code § 14-238-118(a)(1), concerning the
 12 appointment of a receiver in case of default on the payment of principal and
 13 interest on bonds issued under the Rural Waterworks Facilities Boards Act, is
 14 amended to read as follows to eliminate an ambiguity in the wording of the
 15 section:

16 (a)(1) In the event of a default in the payment of the principal of or
 17 interest on any bonds issued under the provisions of this chapter, any court
 18 having jurisdiction may appoint a receiver to take charge of the waterworks
 19 facilities projects and/or or the wastewater facilities projects, or both,
 20 upon or in which there is a mortgage lien or security interest securing the
 21 bonds in default.

22
 23 SECTION 10. Arkansas Code § 14-286-105(e), concerning ex officio
 24 members of a board of commissioners for a red imported fire ant abatement
 25 district, is amended to read as follows to eliminate an ambiguity in the
 26 wording of the section:

27 (e)(1) A ~~Cooperative Extension Services~~ University of Arkansas
 28 Cooperative Extension Service specialist involved in fire ant education
 29 ~~and/or or~~ the county agent chairman chair, or both, shall serve as ex officio
 30 members of the board and shall serve without compensation.

31 (2) The ~~Cooperative Extension Services~~ University of Arkansas
 32 Cooperative Extension Service specialist, and the county agent, or their
 33 representatives, shall cooperate with and assist the board by furnishing the
 34 board with such surveys, maps, information, and advice as may be helpful to
 35 the board in carrying out its responsibilities and to assist in such other
 36 manner as may be reasonably requested by the board.

SECTION 11. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Third General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Third General Assembly and this act:

(A) The act of the regular session of the Ninety-Third General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Third General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT JLL/JLL
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 15 OF
9 THE ARKANSAS CODE CONCERNING NATURAL RESOURCES AND
10 ECONOMIC DEVELOPMENT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 15
14 OF THE ARKANSAS CODE CONCERNING NATURAL
15 RESOURCES AND ECONOMIC DEVELOPMENT.
16
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18

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

21 SECTION 1. Arkansas Code § 15-4-2003(13), concerning definitions used
22 under the Digital Product and Motion Picture Industry Development Act of
23 2009, is amended to read as follows to clarify a phrase:

24 (13) "State-certified production" means a qualified production
25 produced by an eligible production company that is:

26 (A) In compliance with ~~established~~ rules ~~to~~ promulgated
27 under this subchapter;

28 (B) Authorized by the Film Office to conduct business in
29 this state; and

30 (C) Approved by the Director of the Arkansas Economic
31 Development Commission as qualifying for a discretionary production rebate
32 under this subchapter.
33

34 SECTION 2. Arkansas Code § 15-4-2007(a) and (b), concerning
35 applications for rebates under the Digital Product and Motion Picture
36 Industry Development Act of 2009, is amended to read as follows to correct

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1 the use of terms that are defined in the Digital Product and Motion Picture
 2 Industry Development Act of 2009:

3 (a)(1) To apply for the rebates provided under this subchapter, a
 4 production company shall submit an application for rebate and provide an
 5 estimate of total expenditures to be made in Arkansas in connection with the
 6 production.

7 (2) The application for rebate and estimate of expenditures
 8 required under subdivision (a)(1) of this section shall be filed with the
 9 Arkansas Economic Development Commission and approved by the Director of the
 10 Arkansas Economic Development Commission as eligible for the rebate provided
 11 by this subchapter before the commencement of production in Arkansas.

12 (b)(1) If an application for a rebate is approved under subsection (a)
 13 of this section, the production company and the director shall sign a
 14 financial incentive agreement.

15 (2)(A) The financial incentive agreement shall define the
 16 incentives to be received and the start and end date of the project.

17 (B) The financial incentive agreement shall include the:

18 (i) Effective date of the financial incentive
 19 agreement;

20 (ii) Term of the financial incentive agreement,
 21 which shall be calculated from the date the financial incentive agreement is
 22 signed by the production company and the director;

23 (iii) Incentive for which the production company may
 24 qualify;

25 (iv) Investment threshold requirements necessary to
 26 qualify for eligibility;

27 (v) Production company's responsibilities for
 28 certifying eligibility requirements; and

29 (vi) Production company's responsibilities for
 30 failure to meet or maintain eligibility requirements.

31
 32 SECTION 3. Arkansas Code § 15-4-2008(a), concerning the disbursement
 33 of rebate incentives under the Digital Product and Motion Picture Industry
 34 Development Act of 2009, is amended to read as follows to correct the usage
 35 of a term that is defined in the Digital Product and Motion Picture Industry
 36 Development Act of 2009:

1 (a) The Revenue Division of the Department of Finance and
 2 Administration shall upon receipt of an application for a rebate, including a
 3 proof of performance expenditure report from the Film Office:

4 (1) Calculate the total expenditures of the relevant production
 5 company for which there are documented receipts for funds expended in the
 6 state;

7 (2) Calculate the incentive benefit to which the applicant is
 8 entitled, subject to any conditions of the approved financial incentive
 9 agreement; and

10 (3) Provide certification to the Secretary of the Department of
 11 Finance and Administration specifying the amount to be remitted to the
 12 production company within one hundred twenty (120) days after the final
 13 expenditure report has been submitted.

14
 15 SECTION 4. Arkansas Code § 15-58-305 is amended to read as follows to
 16 clarify the culpable mental state of a criminal offense pursuant to § 5-2-202
 17 and to make stylistic changes:

18 15-58-305. Interfering with the director or his or her agents –
 19 Criminal penalties.

20 ~~Any person who shall, except as permitted by law, willfully resist,~~
 21 ~~prevent, impede, or interfere~~ Except as permitted by law, a person who
 22 knowingly resists, prevents, impedes, or interferes with the Director of the
 23 Division of Environmental Quality or any of his or her authorized
 24 representatives in the performance of duties pursuant to this chapter ~~shall~~
 25 be upon conviction is guilty of a ~~a~~ an unclassified misdemeanor and may be
 26 punished ~~upon conviction by a criminal penalty~~ by a fine of not more than
 27 five thousand dollars (\$5,000) or by imprisonment for not more than one (1)
 28 year, or by both.

29
 30 SECTION 5. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

31 It is the intent of the General Assembly that:

32 (1) The enactment and adoption of this act shall not expressly or
 33 impliedly repeal an act passed during the regular session of the Ninety-Third
 34 General Assembly;

35 (2) To the extent that a conflict exists between an act of the
 36 regular session of the Ninety-Third General Assembly and this act:

1 (A) The act of the regular session of the Ninety-Third
2 General Assembly shall be treated as a subsequent act passed by the General
3 Assembly for the purposes of:

4 (i) Giving the act of the regular session of the
5 Ninety-Third General Assembly its full force and effect; and

6 (ii) Amending or repealing the appropriate parts of the
7 Arkansas Code of 1987; and

8 (B) Section 1-2-107 shall not apply; and

9 (3) This act shall make only technical, not substantive, changes
10 to the Arkansas Code of 1987.

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1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

DRAFT BPG/BPG
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 16 OF
9 THE ARKANSAS CODE CONCERNING PRACTICE, PROCEDURES,
10 AND THE COURTS; AND FOR OTHER PURPOSES
11

Subtitle

12
13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 16
15 OF THE ARKANSAS CODE CONCERNING PRACTICE,
16 PROCEDURES, AND THE COURTS.
17

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

21 SECTION 1. Arkansas Code § 16-10-103 is amended to read as follows to
22 delete obsolete references:

23 16-10-103. Training and education of court personnel.

24 (a) The state's responsibility for training and providing additional
25 judicial education to circuit judges, district judges, ~~city judges~~, circuit
26 clerks, ~~municipal~~ district court clerks, case coordinators, court reporters,
27 and all other personnel directly associated with the state's courts shall be
28 administered by the Administrative Office of the Courts.

29 (b) The Administrative Office of the Courts shall have the authority
30 to assess and collect fees for tuition and registration for educational
31 programs it offers.
32

33 SECTION 2. Arkansas Code § 16-10-130 is repealed because the section
34 is also codified at § 16-80-102.

35 ~~16-10-130. Precedence given to criminal trials when victim under age of~~
36 ~~fourteen.~~

1 Notwithstanding any rule of court to the contrary and in furtherance of
 2 the purposes of Arkansas Rule of Criminal Procedure 27.1, all courts of this
 3 state having jurisdiction of criminal offenses, except for extraordinary
 4 circumstances, shall give precedence to the trials of criminal offenses over
 5 other matters before the court, civil or criminal, when the alleged victim is
 6 a person under the age of fourteen (14).

7
 8 SECTION 3. Arkansas Code § 16-10-136 is amended to read as follows to
 9 delete an obsolete reference:

10 16-10-136. Extrajudicial activities of justices and judges.

11 Restrictions on extrajudicial activities found in Arkansas
 12 Constitution, Amendment 80, shall not preclude a justice or judge from:

13 (1) Being a member of a reserve unit of any branch of the United
 14 States ~~armed forces~~ Armed Forces;

15 (2) Being a member of the National Guard;

16 (3) Teaching;

17 (4) Serving on any state or United States boards or commissions
 18 which relate to the law for the administration of justice; or

19 (5) Serving in an extrajudicial capacity that is not prohibited
 20 by the Arkansas Code of Judicial Conduct, ~~or~~

21 ~~(6) Serving as judge of a city court.~~

22
 23 SECTION 4. Arkansas Code § 16-10-212 is repealed because the section
 24 is obsolete.

25 ~~16-10-212. City courts—Loss of authority—Enforcement by legislative~~
 26 ~~audit. [Effective until January 1, 2012.]~~

27 ~~(a) If the Division of Legislative Audit determines that a city court~~
 28 ~~is not in substantial compliance with this subchapter, the division shall~~
 29 ~~report the findings to the Legislative Joint Auditing Committee.~~

30 ~~(b)(1) If a public official or a private accountant determines that a~~
 31 ~~city court is not in substantial compliance with this subchapter, the~~
 32 ~~official or accountant shall notify the committee of his or her findings.~~

33 ~~(2) Upon notification, the committee shall direct the division~~
 34 ~~to review the city court's compliance with this subchapter.~~

35 ~~(3) Upon confirmation of a substantial lack of compliance, the~~
 36 ~~division shall report the findings to the committee.~~

1 ~~(c)(1) Upon notification of noncompliance by the division, the~~
 2 ~~committee shall notify in writing the mayor, the city or town council, the~~
 3 ~~city court judge, and the city court clerk that the city court's accounting~~
 4 ~~records are not in substantial compliance with this subchapter.~~

5 ~~(2) The city court shall have ninety (90) days after the date of~~
 6 ~~notification to bring the city court's accounting records into substantial~~
 7 ~~compliance with this subchapter.~~

8 ~~(3)(A) After the ninety (90) days allowed for compliance or upon~~
 9 ~~request by the appropriate city court officials, the division shall review~~
 10 ~~the city court's accounting records to determine if the city court is in~~
 11 ~~substantial compliance with this subchapter.~~

12 ~~(B) The division shall report its findings to the~~
 13 ~~committee.~~

14 ~~(d) If the city court has not achieved substantial compliance within~~
 15 ~~the ninety-day period, the committee shall notify both the Administrative~~
 16 ~~Office of the Courts and the city court of the noncompliance and inform the~~
 17 ~~city court that it no longer has authority to operate.~~

18
 19 SECTION 5. Arkansas Code § 16-10-305(e) and (f), concerning certain
 20 court costs, are repealed because the subsections are obsolete.

21 ~~(e) This section shall become effective July 1, 2001, and the revised~~
 22 ~~court costs shall be imposed on all cases which come before the court for~~
 23 ~~final disposition on or after July 1, 2001.~~

24 ~~(f)(1) There shall be levied and collected from each defendant who~~
 25 ~~pleads guilty or nolo contendere to an offense, is found guilty of an~~
 26 ~~offense, or forfeits bond in city court on or before December 31, 2011, the~~
 27 ~~court costs applicable in city court at that time.~~

28 ~~(2) The court costs applicable in district court shall be levied~~
 29 ~~and collected in all cases filed in city court in which a defendant pleads~~
 30 ~~guilty or nolo contendere to an offense, is found guilty of an offense, or~~
 31 ~~forfeits bond in district court on or after January 1, 2012.~~

32
 33 SECTION 6. Arkansas Code § 16-10-315 is repealed because the section
 34 is obsolete.

35 ~~16-10-315. City courts—Loss of authority—Enforcement by Department~~
 36 ~~of Finance and Administration. [Effective until January 1, 2012.]~~

1 ~~(a) If the Department of Finance and Administration determines that a~~
 2 ~~city court is not in substantial compliance with § 16-10-306 or § 16-10-308,~~
 3 ~~the department shall report the findings to the Legislative Joint Auditing~~
 4 ~~Committee.~~

5 ~~(b)(1) Upon notification of noncompliance by the department, the~~
 6 ~~committee shall notify in writing the mayor, the city or town council, the~~
 7 ~~city court judge, and the city court clerk that the city court is not in~~
 8 ~~substantial compliance with this subchapter.~~

9 ~~(2) The city court shall have ninety (90) days after the date of~~
 10 ~~notification to substantially comply with this subchapter.~~

11 ~~(3)(A) After the ninety (90) days allowed for compliance or upon~~
 12 ~~request by the appropriate city court officials, the department shall review~~
 13 ~~the city court's records to determine if the city court is in substantial~~
 14 ~~compliance with this subchapter.~~

15 ~~(B) The department shall report its findings to the~~
 16 ~~committee.~~

17 ~~(d) If the city court has not achieved substantial compliance within~~
 18 ~~the ninety-day period, the committee shall notify both the Administrative~~
 19 ~~Office of the Courts and the city court of the noncompliance and inform the~~
 20 ~~city court that it no longer has authority to operate.~~

21
 22 SECTION 7. Arkansas Code § 16-10-1006(b), concerning the court
 23 security grant program, is amended to read as follows to remove obsolete
 24 language:

25 (b)(1) Guidelines for the court security grant program shall be
 26 developed by the Administrative Office of the Courts by December 31, 2007,
 27 and shall be approved by the Legislative Council prior to the disbursement of
 28 any grant funds.

29 (2) ~~Beginning July 31, 2008, and on~~ On July 31 of every year,
 30 the Administrative Office of the Courts shall provide an annual report to the
 31 Legislative Council that shall include the number of grant requests received
 32 from cities and counties and the number and amount of grants approved.

33
 34 SECTION 8. Arkansas Code §§ 16-11-101 and 16-11-102 are repealed
 35 because the sections are obsolete under Arkansas Constitution, Amendment 80.
 36 ~~16-11-101. Terms of court Recess Adjournment.~~

1 ~~The Supreme Court of Arkansas shall begin its annual term on the second~~
2 ~~Monday of September in each year and may recess and adjourn from time to time~~
3 ~~as the court orders.~~

4
5 ~~16-11-102. Adjournment of court in absence of quorum.~~

6 ~~If a quorum of the court is not present at the time and place fixed by~~
7 ~~law for holding court, the court shall stand adjourned until the first Monday~~
8 ~~next following. If a quorum is not present on that day, the court shall stand~~
9 ~~adjourned by operation of law, from day to day, until a quorum appears, and~~
10 ~~then proceed to business and continue in session until all business ready for~~
11 ~~trial is adjudicated.~~

12
13 SECTION 9. Arkansas Code § 16-11-114 is repealed because the section
14 is obsolete under Arkansas Constitution, Article 19, § 31.

15 ~~16-11-114. Salaries of Chief Justice and associate justices.~~

16 ~~The salary of the Chief Justice of the Supreme Court shall be seventy-~~
17 ~~one thousand eight hundred seventy dollars (\$71,870) per annum, and the~~
18 ~~salary of each associate justice of the Supreme Court shall be sixty-six~~
19 ~~thousand ten dollars (\$66,010) per annum.~~

20
21 SECTION 10. Arkansas Code § 16-12-107 is repealed because the section
22 is obsolete under Arkansas Constitution, Article 19, § 31.

23 ~~16-12-107. Salaries.~~

24 ~~(a) The judges of the Court of Appeals shall receive such compensation~~
25 ~~as provided by law.~~

26 ~~(b) The salary of the Chief Judge of the Court of Appeals shall be~~
27 ~~sixty four thousand eight hundred eighty seven dollars (\$64,887) per annum,~~
28 ~~and the salary of each of the judges of the Court of Appeals shall be sixty-~~
29 ~~three thousand seven hundred sixty three dollars (\$63,763) per annum.~~

30
31 SECTION 11. Arkansas Code § 16-13-201(b)(1), concerning circuit court
32 appellate jurisdiction, is amended to read as follows to delete obsolete
33 references:

34 (b)(1) Circuit courts shall have appellate jurisdiction of the
35 judgments and final orders of county courts, and district courts, ~~city~~
36 ~~courts, and police courts~~ in all civil actions.

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SECTION 12. Arkansas Code § 16-13-331(b) and (c), concerning state reimbursement for juvenile officers, are amended to read as follows to clarify a reference and make stylistic changes:

(b) In order for a county to receive the state reimbursement for juvenile officers, the county must submit the following documentation to the office, including, ~~but not limited to~~ without limitation:

(1) Proof of each juvenile officer’s certification and continuing education hours;

(2) A copy of each juvenile officer’s W-2 form for the salary year that is being reimbursed; and

(3) A completed form concerning the employment status of the juvenile officer which shall be designed and distributed by the office.

(c) If a county contracts with a service provider to provide juvenile services pursuant to § 16-13-330, the county must submit documentation to the office, including, ~~but not limited to~~ without limitation:

(1) A copy of the contract for the salary year that is being reimbursed;

(2) A copy of each juvenile officer’s certification and continuing education hours;

(3) A copy of each juvenile officer’s W-2 form for the salary year that is being reimbursed; and

(4) A completed form concerning the employment status of each juvenile officer which shall be designed and distributed by the office.

SECTION 13. Arkansas Code § 16-17-127 is amended to read as follows to delete obsolete references, clarify references, and make stylistic changes:

16-17-127. Contractors providing certain services.

(a) Upon request of the district court judge ~~or city court judge~~, the governing body in which a district court ~~or city court~~ is located or, if applicable, each governing body of a political subdivision that contributes to the expenses of a district court may contract with a person that has registered with the Secretary of State and filed a surety bond or certificate of deposit with the Secretary of State to provide any of the following services:

(1) Probation services;

- 1 (2) Pretrial supervised release programs;
2 (3) Alternate sentencing programs; or
3 (4) The collection and enforcement of delinquent fines and
4 costs.

5 (b)(1) The amount of the surety bond or certificate of deposit shall
6 be fifty thousand dollars (\$50,000).

7 (2) The city or county or any person suffering damage by reason
8 of the acts or omissions of the person or an employee of the person in the
9 performance of services subject to this section may bring action on the bond
10 for damages.

11 (c) A person is ineligible to provide services subject to this section
12 if the person or an owner, operator, or any stockholder has been convicted of
13 a felony.

14 (d) ~~For the purposes of~~ As used in this section, "person" means any
15 individual, corporation, partnership, firm, association, or other business
16 entity.

17 (e) A district court ~~or city court~~ may require a defendant to pay
18 reasonable fees, in an amount to be established by the district court,
19 relating to private contractors providing probation services, pretrial
20 supervised release programs, or alternate sentencing programs authorized by
21 law.

22 (f)(1) Notwithstanding § 16-13-701 et seq., a private contractor may
23 collect and retain only the fees established by the district court for
24 services provided pursuant to subsection (a) of this section.

25 (2)(A) When the order of the district court ~~or city court~~
26 requires a defendant to use the services or programs of a private contractor,
27 the designated contractor shall report on or before the fifth day of each
28 month all fees collected.

29 (B) The report shall be provided to the mayor and county
30 judge of the political subdivision or subdivisions that contribute to the
31 expenses of the district court ~~or city court~~ and to the district court clerk
32 ~~or city court clerk~~ for inclusion in the district court's monthly report as
33 required by law.

34 (3) The report of the private contractor, as required in this
35 section, shall contain columns with the following information by defendant:

- 36 (A) Uniform traffic ticket number;

- 1 (B) Defendant's name;
- 2 (C) Court docket number;
- 3 (D) Receipt number;
- 4 (E) Amount collected; and
- 5 (F) Total of all fees collected.

6 (g) A private contractor providing the collection of delinquent fines
7 and court costs shall follow the procedures in § 16-13-701 et seq.

8 (h) This section shall not apply to the alcohol treatment or education
9 programs authorized by § 5-65-115 and § 5-65-307.

10 (i) This section shall not apply to a company whose service is limited
11 to the acceptance of credit card payments for fines, fees, and costs and does
12 not engage in affirmative acts of collection and enforcement of delinquent
13 fines and costs.

14
15 SECTION 14. Arkansas Code § 16-17-134 is repealed because the section
16 is obsolete under Arkansas Constitution, Amendment 80.

17 ~~16-17-134. Change of venue from lower courts in certain counties to~~
18 ~~municipal court.~~

19 ~~Notwithstanding § 16-19-409 or any other law to the contrary:~~

20 ~~(1)(A) In any criminal case brought before any city court in a~~
21 ~~county with a population between eighty nine thousand (89,000) persons and~~
22 ~~one hundred fifty three thousand (153,000) persons according to the 2000~~
23 ~~Federal Decennial Census and in which a district court exists, the judge~~
24 ~~shall grant a change of venue to the district court, upon the defendant's~~
25 ~~motion, without the prepayment or tender of any fees.~~

26 ~~(B) Upon filing the motion, the court shall have no~~
27 ~~further jurisdiction in the case, except for the purpose of preparing a~~
28 ~~transcript for the district court;~~

29 ~~(2) In the event of any change of venue from a city court to a~~
30 ~~district court in a county with a population between eighty nine thousand~~
31 ~~(89,000) persons and one hundred fifty three thousand (153,000) persons~~
32 ~~according to the 2000 Federal Decennial Census and in which more than one (1)~~
33 ~~district court exists, the case shall be transferred to the district court~~
34 ~~geographically nearest in the county; and~~

35 ~~(3) In no event shall any change of venue lie from any district~~
36 ~~court in a county with a population between eighty nine thousand (89,000)~~

1 ~~persons and one hundred fifty three thousand (153,000) persons according to~~
2 ~~the 2000 Federal Decennial Census to any city court in criminal cases.~~

3
4 SECTION 15. Arkansas Code Title 16, Chapter 19, Subchapters 4 - 11 are
5 repealed because the subchapters are obsolete under Arkansas Constitution,
6 Amendment 80.

7
8 ~~Subchapter 4 — Jurisdiction and Venue~~

9
10 ~~16-19-401. Jurisdiction in townships having a municipal court.~~

11 ~~(a) Justices of the peace in the townships subject to this act shall~~
12 ~~have original jurisdiction coextensive with the county.~~

13 ~~(b) The jurisdiction of justices of the peace shall be:~~

14 ~~(1) Concurrent with the municipal courts and exclusive of the~~
15 ~~circuit court in all matters of contract where the amount in controversy does~~
16 ~~not exceed the sum of one hundred dollars (\$100), excluding interest;~~

17 ~~(2) Concurrent with the municipal courts and with the circuit~~
18 ~~court in matters of contract where the amount in controversy does not exceed~~
19 ~~the sum of three hundred dollars (\$300), exclusive of interest;~~

20 ~~(3) Concurrent with the municipal courts and with the circuit~~
21 ~~court in suits for the recovery of personal property where the value of the~~
22 ~~property does not exceed the sum of three hundred dollars (\$300);~~

23 ~~(4) Concurrent with the municipal courts and with the circuit~~
24 ~~court in all matters of damage to personal property where the amount in~~
25 ~~controversy does not exceed the sum of one hundred dollars (\$100).~~

26 ~~(c) Justices of the peace in townships subject to this act shall also~~
27 ~~have jurisdiction to sit as examining courts and commit, discharge, or~~
28 ~~recognize offenders to the court having jurisdiction for further trial, and~~
29 ~~to bind persons to keep the peace or for good behavior, and for purposes set~~
30 ~~out in this section they shall have power to issue all necessary process.~~

31
32 ~~16-19-402. Venue generally.~~

33 ~~(a) Actions cognizable before a justice of the peace, instituted by~~
34 ~~summons or warrant, shall be brought before a justice of the peace in the~~
35 ~~township wherein the defendant resides or is found. If there are defendants~~
36 ~~in different townships, then the action shall be brought in the township~~

1 ~~where any one of the defendants resides or is found.~~

2 ~~(b) Notwithstanding any other provision of this section, in a township~~
3 ~~having a population of less than three thousand (3,000) as shown by the most~~
4 ~~recent federal census, actions by attachment, actions for the recovery of~~
5 ~~personal property, actions for provisional remedy, and all criminal actions~~
6 ~~and proceedings may be brought before any justice of the peace in the county,~~
7 ~~although in counties where there is a municipal court having countywide or~~
8 ~~districtwide jurisdiction, actions by attachment, actions for the recovery of~~
9 ~~personal property, actions for provisional remedy, and all criminal actions,~~
10 ~~unless brought in, or transferred to, the municipal court, shall be tried~~
11 ~~before a justice of the peace in the township where any defendant to the~~
12 ~~action resides, or in the township where the property or money involved is~~
13 ~~found.~~

14
15 ~~16-19-403. Joinder of defendants in different townships—Service of~~
16 ~~process by constable.~~

17 ~~If there are several defendants who reside in different townships and~~
18 ~~who are jointly liable to a suit, the suit may be brought in any of the~~
19 ~~townships against all of the defendants. The constable of the township in~~
20 ~~which the suit may be brought shall serve the process in the several~~
21 ~~townships wherein the defendants may reside.~~

22
23 ~~16-19-404. Venue where no justice of the peace in township or all~~
24 ~~justices disqualified.~~

25 ~~Whenever there is no justice of the peace within the township where any~~
26 ~~suit cognizable before a justice ought to be brought, or when all the~~
27 ~~justices of the township are interested in any such suit or otherwise~~
28 ~~disqualified by law from trying the suit, every such suit may be brought~~
29 ~~before a justice in the same county.~~

30
31 ~~16-19-405. Venue where defendants residing in different counties.~~

32 ~~In any civil action cognizable before any justice of the peace in a~~
33 ~~township of the county in which any of the defendants resides, suit may be~~
34 ~~brought before any justice of the peace in the township of the county in~~
35 ~~which any one of the defendants resides. The summons or other process against~~
36 ~~the other defendants shall issue to any constable in the counties in which~~

1 ~~the other defendants may reside, which summons or other process, when served,~~
 2 ~~shall give the justice before whom the suit is brought the same jurisdiction~~
 3 ~~he would have if all of the defendants resided in his county.~~

4
 5 ~~16-19-406. Change of venue to another justice upon showing of interest~~
 6 ~~or prejudice.~~

7 ~~(a) Either party in a suit before a justice of the peace may take a~~
 8 ~~change of venue from one justice of the peace to another in the same~~
 9 ~~township, but it shall be the duty of the party so applying, before the~~
 10 ~~commencement of the trial, to file an affidavit among the papers in the~~
 11 ~~action alleging that the justice is a material witness for the affiant, or of~~
 12 ~~near relation to the other party, or so prejudiced against the affiant that~~
 13 ~~he cannot obtain a fair and impartial trial before that justice. The justice~~
 14 ~~shall thereupon transmit all the original papers in the case and a certified~~
 15 ~~transcript of the proceedings to the nearest justice of the peace in the same~~
 16 ~~township, who shall proceed in the case in the same manner as if the suit had~~
 17 ~~originally been commenced before him.~~

18 ~~(b) If there is no other justice of the peace in the township~~
 19 ~~competent to try the case, it shall be certified to the nearest justice in~~
 20 ~~any adjoining township, who shall try and determine the case in the same~~
 21 ~~manner as if the parties were residents of his township and the suit had been~~
 22 ~~originally commenced before him.~~

23 ~~(c) Notwithstanding any other provision of this section, the same~~
 24 ~~party shall not be allowed to file an affidavit pursuant to this section~~
 25 ~~against two (2) justices in the same case.~~

26
 27 ~~16-19-407. Change of venue from township.~~

28 ~~(a) Either party, at the calling of a cause before a justice of the~~
 29 ~~peace, may make an affidavit to the effect that he verily believes he cannot~~
 30 ~~obtain a fair and impartial trial in the township in which the action is~~
 31 ~~pending and may include in his affidavit one (1) township in addition to the~~
 32 ~~one in which the action is pending, and the opposite party may, without~~
 33 ~~affidavit, object to the same number of townships to which the party making~~
 34 ~~the application has objected. Thereupon, it shall be the duty of the justice~~
 35 ~~to make an order for the change of venue to a justice in a township to which~~
 36 ~~there is no valid objection and which is in his judgment most convenient to~~

1 the parties and their witnesses. The justice shall then transmit, without
 2 delay, the original papers in the case and a transcript of the proceedings to
 3 the justice to whose court the venue is changed, for which the transmitting
 4 justice shall receive five cents (5¢) per mile to and from the office of the
 5 justice to whom the cause is transmitted, which shall be taxed and collected
 6 as other costs in the case, together with his costs for making out the
 7 transcript.

8 (b) If the justice of the peace to whom the papers are so transferred
 9 cannot immediately, upon the reception and filing of the papers, proceed to
 10 try the case, it shall be his duty at once to fix a time therefor, of which
 11 all parties shall take notice.

12
 13 ~~16-19-408. Improper venue of action.~~

14 (a) Whenever an objection is made by a defendant in any action
 15 cognizable before a justice of the peace or a municipal court, instituted by
 16 summons or warrant, or in an action by an attachment, an action for the
 17 recovery of personal property, an action by provisional remedy, or in any
 18 criminal action or proceeding, that the action was brought before a justice
 19 of the peace or a municipal court wherein the venue is improper under the
 20 laws of the State of Arkansas, the court shall immediately hear proof on the
 21 question. If it is established by proof that the venue is improper, then all
 22 further proceedings shall be discontinued and the justice of the peace or
 23 clerk of the municipal court shall transmit to a justice of the peace or
 24 municipal court wherein the venue is proper all the original papers in the
 25 case, including the bail bond, if there is any.

26 (b) If the defendant is in custody, he shall be taken and delivered
 27 before the justice of the peace or the municipal court, and the bail, if any,
 28 shall be liable for the appearance of the defendant in the court to which the
 29 papers are transmitted.

30 (c) The court to which the papers are transmitted shall proceed to try
 31 the action in all respects as if the action had been originally brought to
 32 the court.

33
 34 ~~16-19-409. Change of venue from justice of peace to municipal court.~~

35 (a) In any case, either civil or criminal, brought before a justice of
 36 the peace in any township in the county wherein a municipal court exists, the

1 judge may grant a change of venue to the municipal court, upon defendant's
2 motion and a showing of good cause, without the prepayment or tender of any
3 fees. Upon granting of the motion, the justice of the peace shall have no
4 further jurisdiction in the case, except for the purpose of preparing a
5 transcript for the municipal court.

6 (b) In the event of any change of venue from a justice of the peace to
7 a municipal court in the counties where more than one (1) municipal court
8 exists, the case shall be transferred to the nearest municipal court
9 geographically in the county.

10 (c) In no event shall any change of venue lie from any municipal court
11 to any justice of the peace in either civil or criminal cases.

12
13 ~~16-19-410. Additional compensation of justices of the peace in~~
14 ~~townships having a municipal court.~~

15 A justice of the peace in a township subject to this act shall receive
16 as compensation for his services the sum of twenty-five dollars (\$25.00) per
17 year, in equal quarterly installments, payable by the county, in addition to
18 the compensation provided for by Acts 1875, No. 55, § 76 [repealed], and such
19 fees as are allowed to justices of the peace by law for solemnizing
20 marriages, taking and certifying acknowledgments of instruments, and
21 attending to the duties of coroner, and for service in relation to estrays.

22
23 ~~16-19-411. Filing of reports of fees and costs.~~

24 Justices of the peace in townships subject to this act shall, on or
25 before the first day of county court, at each term thereof, file in the
26 office of the county clerk a report, under oath, of all fees and costs taxed
27 and collected in civil actions during the preceding quarter, giving the title
28 of the cause and attaching to the report receipts of the county treasurer of
29 all fees and costs collected during the period.

30
31 ~~16-19-412. Improper use of process—Granting privileges—Failure to~~
32 ~~report or pay over fines.~~

33 Any municipal judge, or any justice of the peace in townships subject
34 to this act, who makes use, directly or indirectly, of the process of his own
35 court, either as a party litigant or in interest or as an attorney or agent
36 for any party litigant or in interest, or who offers or gives by way of

1 ~~remission of fees or otherwise any pecuniary inducements to the instituting~~
2 ~~or maintaining of any suits, prosecutions, or proceedings in his court, and~~
3 ~~any justice of the peace, or constable in townships subject to this act, or~~
4 ~~sheriffs in counties subject to this act, or clerks of the municipal court,~~
5 ~~or chief of police in any city subject to this act, who fails to report or~~
6 ~~pay over fines, penalties, forfeitures, fees, or costs collected by him,~~
7 ~~shall be deemed guilty of a misdemeanor and, on conviction for each of these~~
8 ~~offenses, shall be punished by a fine of not less than fifty dollars (\$50.00)~~
9 ~~nor more than five hundred dollars (\$500). A conviction under this section~~
10 ~~shall work a forfeiture of office. Notwithstanding any other provision of~~
11 ~~this section, sheriffs and constables may retain the fees and costs due them~~
12 ~~out of each cause.~~

13
14 ~~Subchapter 5—Process~~

15
16 ~~16-19-501. Authority to issue subpoenas.~~

17 ~~Justices of the peace shall have the same power to issue subpoenas for~~
18 ~~witnesses in civil and criminal actions pending before them and in~~
19 ~~preliminary examinations being heard by them, where such witnesses reside~~
20 ~~outside of their counties, as is given by law in similar cases to the circuit~~
21 ~~court.~~

22
23 ~~16-19-502. Payment in advance for issuance of process.~~

24 ~~In all civil cases before a justice of the peace, the same advance~~
25 ~~payments shall be made, or bond and security given, as are provided for~~
26 ~~clerks for the issuance of any writ or process.~~

27
28 ~~16-19-503. Service of process by constable—Fees.~~

29 ~~(a)(1) The summons and other process mentioned in § 16-19-405 and the~~
30 ~~subpoenas mentioned in § 16-19-501 shall be directed to and shall be served~~
31 ~~by any constable in the county in which the party or parties to be served~~
32 ~~reside. The constables are given as full powers to serve such process as they~~
33 ~~are given by law to serve the process of justices of the peace of their own~~
34 ~~county.~~

35 ~~(2) Each constable may execute civil process throughout the~~
36 ~~county.~~

1 ~~(b) In no case shall the constable be allowed mileage for the service~~
2 ~~of any process he may serve outside of his township, other than from the~~
3 ~~residence of the defendant in such process to the nearest justice of the~~
4 ~~peace in the township in which that defendant resides.~~

5
6 ~~16-19-504. Vacancy in constable's office—Service by constable of~~
7 ~~adjoining township—Mileage fees.~~

8 ~~(a) When the office of constable in any township becomes vacant by~~
9 ~~death, resignation, refusal or neglect to qualify, or failure to elect, any~~
10 ~~constable of any adjoining township, during the vacancy, shall execute and~~
11 ~~return all process which are issued by any justice of the peace in the~~
12 ~~township where the constable's office is vacant and which are directed to~~
13 ~~him, against any person in the township where the vacancy exists.~~

14 ~~(b) In addition to the fees now allowed by law, the constable shall~~
15 ~~receive for the service of each and every summons or subpoena, or other~~
16 ~~process, except executions, so directed to him, two and one-half cents (2½¢)~~
17 ~~per mile, going and returning from his own residence to that of the person~~
18 ~~named in the process residing farthest from him.~~

19
20 ~~16-19-505. Appointment of special agents to execute process—~~
21 ~~Endorsement on writ.~~

22 ~~Justices of the peace shall have power to appoint special agents to~~
23 ~~execute orders of arrest, attachments, and other provisional remedies and the~~
24 ~~summons which accompanies them, whenever an affidavit is filed with the~~
25 ~~justice by the plaintiff or his agent to the effect that he believes that,~~
26 ~~owing to the absence or difficulty of procuring a proper officer, the process~~
27 ~~or other order cannot be executed without injurious delay. In cases where~~
28 ~~there is no constable in the township, and the appointment provided for in~~
29 ~~this section shall be made, an endorsement shall be made on the writ or order~~
30 ~~and signed by the justice.~~

31
32 ~~16-19-506. Manner of service and return.~~

33 ~~(a) The service and return thereto of the process provided for in this~~
34 ~~chapter shall be made in the same manner as in the circuit court, except that~~
35 ~~no service other than is provided for in this chapter shall be made by~~
36 ~~publication, nor shall any return made by anyone other than the sheriff,~~

1 coroner, or constable of the county be valid unless sworn to.

2 (b) ~~The service of process shall be by:~~

3 (1) ~~Delivering to the defendant a copy of the summons, and, if~~
 4 ~~he refuses to receive it, the offer of it to him shall be a sufficient~~
 5 ~~service; or~~

6 (2) ~~Leaving a copy of such summons at the usual place of abode~~
 7 ~~of the defendant with some person who is a member of his family over the age~~
 8 ~~of fifteen (15) years; or~~

9 (3) ~~Reading it to and in the presence of the defendant.~~

10
 11 Subchapter 6 — Trial

12
 13 ~~16-19-601. Trial by court or jury.~~

14 ~~After the parties appear and the issues have been made up, the matters~~
 15 ~~in controversy may be submitted by them to the justice. If a jury is demanded~~
 16 ~~by either party, the justice shall order a jury to be forthwith summoned and~~
 17 ~~impaneled to try the action.~~

18
 19 ~~16-19-602. Adjournment.~~

20 ~~If from any cause, the justice of the peace is unable to attend the~~
 21 ~~trial at the time fixed, or if a jury is demanded, the justice may adjourn~~
 22 ~~the case for a period not exceeding three (3) days, but shall not make more~~
 23 ~~than two (2) adjournments for that cause.~~

24
 25 ~~16-19-603. Continuances — Testimony of adverse party's witness.~~

26 (a) ~~Either party may obtain a postponement of the cause not exceeding~~
 27 ~~thirty (30) days, on account of the absence of evidence by filing an~~
 28 ~~affidavit like that required in § 16-63-402, subject to such terms as the~~
 29 ~~court may impose.~~

30 (b) ~~Either party who shall apply for the postponement of a cause~~
 31 ~~shall, if required by the adverse party, consent that the testimony of any~~
 32 ~~witness of the adverse party who is in attendance be then taken to be used on~~
 33 ~~the trial of the cause.~~

34
 35 ~~16-19-604. Jurors — Number and qualifications.~~

36 ~~The jury shall be composed of six (6) jurors who shall be qualified as~~

1 required in the circuit courts. However, a lesser number of jurors may be
2 agreed upon by the parties.

3
4 ~~16-19-605. Challenges to jurors.~~

5 ~~(a) In the formation of a jury, each party shall be entitled to three~~
6 ~~(3) peremptory challenges, and any deficiencies in the number of jurors~~
7 ~~summoned, arising from any cause, may be supplied by summoning others in~~
8 ~~their stead.~~

9 ~~(b) In all cases before justices of the peace in this state, it shall~~
10 ~~be a legal cause for challenge that anyone selected as a juror has served as~~
11 ~~a juror in a justice's court in the same county within three (3) months prior~~
12 ~~to the institution of the suit in which the juror is selected.~~

13
14 ~~16-19-606. Jurors — Oath.~~

15 ~~The justice of the peace shall administer to each juror an oath well~~
16 ~~and truly to try the matter in controversy between,~~
17 ~~plaintiff, and, defendant, and a true verdict give according~~
18 ~~to the evidence, unless discharged by the justice of the peace.~~

19
20 ~~16-19-607. Jury to hear evidence in a body.~~

21 ~~After the jury are sworn, they shall sit together and hear the~~
22 ~~allegations and proofs of the parties, which shall be delivered publicly in~~
23 ~~their presence.~~

24
25 ~~16-19-608. Witnesses generally.~~

26 ~~(a) Every person offered as a witness, before any testimony shall be~~
27 ~~given by him, shall be duly sworn that the evidence he shall give relating to~~
28 ~~the matter between, plaintiff, and, defendant,~~
29 ~~shall be the truth, the whole truth, and nothing but the truth.~~

30 ~~(b) If a witness, on being produced, shall be objected to as~~
31 ~~incompetent, or his testimony, when offered, shall be objected to as~~
32 ~~irrelevant, the objections shall be heard and determined by the justice.~~

33
34 ~~16-19-609. Examination of adversary — Effect of refusal to submit to~~
35 ~~examination — Application on appeal.~~

36 ~~(a) Either party may examine the other on oath and for that purpose~~

1 may cause him to be summoned to attend the trial if he resides in the county
2 or, if he resides out of the county, may file written interrogatories with
3 the court or magistrate before whom the trial is to be had, together with an
4 affidavit that he believes the answers to them are necessary to his obtaining
5 justice, and cause a copy of the interrogatories to be delivered to the party
6 required to answer them, who shall make out, swear to, and file with the
7 court or magistrate, on or before the day of trial, a plain, direct response
8 to the interrogatories, which may be read by either party.

9 (b) ~~The court shall render judgment against the party who refuses to~~
10 ~~attend and be examined, when summoned two (2) days before trial, or to make~~
11 ~~proper responses to interrogatories when a copy has been delivered to him~~
12 ~~three (3) days before the trial, when he resides within fifty (50) miles of~~
13 ~~the place of trial, and one (1) additional day for every thirty (30) miles he~~
14 ~~may reside therefrom. However, the court may grant further time for attending~~
15 ~~or answering.~~

16 (c) ~~Subsections (a) and (b) of this section shall apply to circuit~~
17 ~~courts upon the trial of appeals from judgments of justices of the peace.~~

18
19 ~~16-19-610. Witness and juror attendance and mileage fees.~~

20 (a) ~~The quorum court of any county may, by a majority vote of the~~
21 ~~members thereof, fix the fees payable to witnesses and jurors for attendance~~
22 ~~or service in the justice of the peace court at any sum not to exceed five~~
23 ~~dollars (\$5.00) per day.~~

24 (b)(1) ~~Witnesses subpoenaed to attend a justice's court outside of~~
25 ~~their own county as provided in § 16-19-501 shall have the same mileage and~~
26 ~~per diem for attending such courts as is provided by law in like cases in the~~
27 ~~circuit court.~~

28 (2) ~~They shall have the same right to demand and receive their~~
29 ~~mileage and per diem in advance as is provided by law for witnesses~~
30 ~~subpoenaed to attend the circuit court.~~

31
32 ~~16-19-611. Verdict—Entry on docket.~~

33 (a) ~~The jurors must all agree to the verdict.~~

34 (b) ~~When the jurors shall have agreed upon their verdict, they shall~~
35 ~~deliver the verdict to the justice publicly, who shall enter it on his~~
36 ~~docket.~~

1
2 ~~16-19-612. Failure of jury to agree—Retrial.~~

3 ~~Whenever a justice is satisfied that a jury sworn in a cause before~~
4 ~~him, after having been out a reasonable time, cannot agree on their verdict,~~
5 ~~he may discharge them and shall immediately issue a new summons for another~~
6 ~~to appear, at a time therein fixed, not more than three (3) days distant,~~
7 ~~unless the parties consent that the justice may render judgment upon the~~
8 ~~evidence already before him, which he may do in that case, or unless they~~
9 ~~consent that the new trial, upon a new hearing of the evidence to be adduced~~
10 ~~by the parties, shall be by the justice.~~

11
12 ~~16-19-613. New trial granted on motion—Exception.~~

13 ~~A new trial or rehearing may be granted by a justice of the peace,~~
14 ~~except on trial by jury, upon motion made within ten (10) days after a~~
15 ~~judgment or final order has been made or rendered. Notice of the motion shall~~
16 ~~be given to the opposite party. However, no motion for a new trial or a~~
17 ~~rehearing in a cause tried by a jury shall be entertained by a justice of the~~
18 ~~peace.~~

19
20 ~~Subchapter 7—Dismissal, Default, Etc.~~

21
22 ~~16-19-701. Dismissal for want of prosecution generally.~~

23 ~~If the plaintiff fails to appear in person, or by his agent or~~
24 ~~attorney, on the return day of the summons, or at any other time fixed for~~
25 ~~the trial, the justice may dismiss the action for want of prosecution, except~~
26 ~~in the case provided for in § 16-19-703(a).~~

27
28 ~~16-19-702. Judgment on proof on defendant's nonappearance generally.~~

29 ~~When the plaintiff's claim is not founded on a written instrument as~~
30 ~~described in § 16-19-703(a) and the defendant does not appear, the justice~~
31 ~~shall proceed to hear the allegations and proofs of the plaintiff, and shall~~
32 ~~render judgment thereon for the amount to which he shows himself entitled,~~
33 ~~not exceeding the amount claimed in the action.~~

34
35 ~~16-19-703. Actions founded on written instruments liquidating the claim~~
36 ~~of the plaintiff—Effect of failure of parties to appear.~~

1 ~~(a) When the suit is founded on an instrument of writing purporting to~~
2 ~~have been executed by the defendant, in which the demand of the plaintiff is~~
3 ~~liquidated, and if the signature of the defendant is not denied under oath,~~
4 ~~and if the instrument has been filed with the justice of the peace previous~~
5 ~~to the day for appearance, he may proceed with the cause, whether the~~
6 ~~plaintiff appears or not. The instrument of writing shall be competent proof~~
7 ~~in the case.~~

8 ~~(b) In the case provided for in subsection (a) of this section, if the~~
9 ~~defendant does not appear in obedience to the summons, judgment shall be~~
10 ~~rendered against him for the amount of the plaintiff's claim.~~

11
12 ~~16-19-704. Setoff on written instrument.~~

13 ~~In the cases contemplated in §§ 16-19-702 and 16-19-703(b), if the~~
14 ~~defendant has previously filed a setoff, founded on a written instrument~~
15 ~~purporting to have been signed by the plaintiff, calling for a certain sum,~~
16 ~~and if the signature of such plaintiff is not denied under oath, the justice~~
17 ~~shall allow the setoff in the same manner as if the defendant had appeared~~
18 ~~and shall render judgment accordingly.~~

19
20 ~~16-19-705. Setting aside judgment by default or dismissal for want of~~
21 ~~prosecution.~~

22 ~~A judgment of dismissal for want of prosecution, or judgment by~~
23 ~~default, may be set aside by the justice at any time within ten (10) days~~
24 ~~after being rendered if the party applying therefor can show a satisfactory~~
25 ~~excuse for his default, and a meritorious cause of action or meritorious~~
26 ~~defense. Upon such a showing of a satisfactory excuse for default and a~~
27 ~~meritorious cause of action or defense, a new day shall be fixed for trial,~~
28 ~~and notice shall be given to the opposite party, and any execution which may~~
29 ~~in the meantime have been issued shall be recalled in the same manner as in~~
30 ~~eases of appeal. The cause shall proceed to trial as though no such judgment~~
31 ~~had been taken.~~

32
33 ~~16-19-706. Compromises — Confession of judgment.~~

34 ~~(a) After an action for the recovery of money is brought in a justice~~
35 ~~of the peace court, the defendant may offer to compromise or to confess~~
36 ~~judgment in the manner prescribed for, and with the same effect as he could~~

1 ~~or might do, in the circuit court, and shall be entitled to all the benefits~~
2 ~~to be derived therefrom to the same extent as on similar proceedings in the~~
3 ~~circuit court.~~

4 ~~(b) The rules and proceedings governing confessions of judgment, as~~
5 ~~they may apply to the circuit courts, are made to apply to justice of the~~
6 ~~peace courts.~~

7
8 ~~Subchapter 8 — Judgment~~

9
10 ~~16-19-801. Mutual judgments.~~

11 ~~(a) Mutual judgments between the same parties rendered by the same or~~
12 ~~different justices of the peace may be set off against each other.~~

13 ~~(b) When judgments are rendered by the same court, the justice shall~~
14 ~~strike the balance as it appears from the judgments on his docket and shall~~
15 ~~issue executions therefor in favor of the party to whom the balance appears~~
16 ~~to be due.~~

17 ~~(c)(1) If the judgment proposed to be set off was rendered by another~~
18 ~~justice of the peace, the party offering it must obtain a transcript thereof,~~
19 ~~with a certificate of the justice of the peace who rendered it endorsed~~
20 ~~thereon, stating that no appeal has been taken and that the transcript was~~
21 ~~obtained for the purpose of being used as a setoff in that case. However, the~~
22 ~~transcript shall not be given until the time for taking an appeal has~~
23 ~~elapsed.~~

24 ~~(2) The justice so giving a transcript shall make an entry in~~
25 ~~his docket, and all other proceedings in his court shall be stayed.~~

26 ~~(3)(A) When the transcript is presented to the justice who has~~
27 ~~rendered a judgment between the same parties, as aforesaid, if execution has~~
28 ~~not been issued on the judgment rendered by him, he shall strike a balance~~
29 ~~between the judgments and issue execution for such balance.~~

30 ~~(B) If, at the time of filing the transcript, execution~~
31 ~~has already been issued, the justice of the peace shall also issue execution~~
32 ~~on the transcript filed with him, and deliver it to the same officer who has~~
33 ~~the other execution. Such officer shall treat the lesser execution as so much~~
34 ~~cash collected on the larger and proceed to collect the balance then found~~
35 ~~due.~~

36 ~~(4)(A) When the judgment is allowed to be set off, as provided~~

1 ~~in this section, the transcript thereof shall be filed among the papers of~~
2 ~~the case in which it is so used and the proper entry made in the docket of~~
3 ~~the justice of the peace.~~

4 ~~(B) However, if the justice of the peace refuses the~~
5 ~~judgment as a setoff, he shall so certify on the transcript and return it to~~
6 ~~the party who offered it. When the transcript is filed in the office of the~~
7 ~~justice of the peace who gave it, proceedings may be held by him in the same~~
8 ~~manner as if no such transcript had been certified by him.~~

9 ~~(d) The costs in suits where mutual judgments have been obtained shall~~
10 ~~not be set off unless the balance of cash actually collected on the larger~~
11 ~~judgment be sufficient to pay the costs of both judgments, and such cost~~
12 ~~shall be paid therefrom accordingly.~~

13
14 ~~16-19-802. Remittitur.~~

15 ~~If any sum is found in favor of a party, either by verdict of a jury or~~
16 ~~upon a hearing of the cause before a justice, exceeding the sum for which the~~
17 ~~justice is authorized to give judgment, the party may remit and release the~~
18 ~~excess and take judgment for the residue, but shall never thereafter be~~
19 ~~allowed to institute any suit for the recovery of the excess so remitted and~~
20 ~~released.~~

21
22 ~~Subchapter 9 — Stay of Execution~~

23
24 ~~16-19-901. Stay of execution generally.~~

25 ~~The execution from a judgment rendered by a justice of the peace may be~~
26 ~~stayed in the manner and form as provided in this subchapter.~~

27
28 ~~16-19-902. Cases in which no stay to be allowed.~~

29 ~~No stay shall be allowed against any collecting officer, or attorney at~~
30 ~~law or agent, for a delinquency or default in executing or discharging the~~
31 ~~duties of his office or place or for failing to pay over money collected by~~
32 ~~him in such capacity, or against a principal by his surety on a stay bond or~~
33 ~~otherwise, or on a judgment for specific property, or for the property or its~~
34 ~~value. In the cases mentioned in this section in which a stay is not allowed,~~
35 ~~the justice of the peace shall note the same on his docket on the day of the~~
36 ~~rendition thereof.~~

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~~16-19-903. Bond.~~

~~(a) To entitle any person to a stay of execution, some responsible person, to be approved by the justice of the peace, who is not a party to the judgment, must enter into an obligation before the justice of the peace to the adverse party, in a sum sufficient to secure the payment of the judgment, conditioned that the obligation shall be void on payment of the judgment at the expiration of the stay.~~

~~(b) The obligation must be signed by the party entering into it, must be attested by the justice of the peace before whom it may be taken, and shall have the same force and effect as a judgment rendered by a justice of the peace.~~

~~(c) The bond may be in the following form:~~

~~"I, acknowledge myself indebted to in the sum of dollars, to be void upon this condition:
Whereas, obtained a judgment before, a justice of the peace of township, in the County of, on the day of, 19....., against Now, if such judgment shall be paid at the expiration of months from the time it was rendered, this obligation shall be void.
Approved:
....., J.P."~~

~~(d) The justice shall file the obligation among the papers in the case and make a note in his docket of the day and date thereof.~~

~~(e) The stay of execution in all sums under the jurisdiction of the court shall be for six (6) months from the rendition of the judgment.~~

~~16-19-904. Agreed period of stay.~~

~~If all the parties agree upon any other period, the stay shall be for the time so agreed upon.~~

~~16-19-905. Stayed judgment lien on personal property.~~

~~In all cases where execution is stayed on any judgment rendered by a justice of the peace under the provisions of this subchapter, the judgment~~

1 shall be a lien upon all the personal property subject to execution belonging
2 to the defendant at the time of the rendition of the judgment.

3
4 ~~16-19-906. Revocation of execution.~~

5 ~~If a judgment is stayed in the manner prescribed in this subchapter~~
6 ~~after an execution shall have been issued thereon, the justice of the peace~~
7 ~~shall revoke the execution in the same manner and with like effect as he is~~
8 ~~directed to revoke an execution after an appeal has been allowed.~~

9
10 ~~16-19-907. Immediate issuance of execution to prevent fraud.~~

11 ~~If the plaintiff or his agent makes an oath before the justice of the~~
12 ~~peace rendering the judgment that he has reason to believe that the defendant~~
13 ~~is secreting his property or is putting it out of his hands for the purpose~~
14 ~~of defrauding his just creditors and that he verily believes the debt will be~~
15 ~~lost if execution is not immediately issued, the justice of the peace shall~~
16 ~~immediately issue execution on such judgment.~~

17
18 ~~16-19-908. Execution issued where bond insufficient.~~

19 ~~If any plaintiff, in any judgment rendered before a justice of the~~
20 ~~peace upon which execution has been stayed, satisfies the justice of the~~
21 ~~peace before whom an obligation for the stay may have been entered into, by~~
22 ~~affidavit or by evidence, that the obligation or the security therein is~~
23 ~~insufficient and that unless execution be immediately issued on such judgment~~
24 ~~he will be in danger of losing his debt, the justice of the peace shall~~
25 ~~immediately issue execution regardless of the stay.~~

26
27 ~~16-19-909. Failure to satisfy judgment—Levy against principal and~~
28 ~~security—Judgment for bail.~~

29 ~~(a) If at the expiration of the stay, any judgment is not paid, the~~
30 ~~execution shall be issued against both principal and security.~~

31 ~~(b)(1) If the principal does not satisfy the execution, and the~~
32 ~~officer cannot find sufficient property belonging to him upon which to levy,~~
33 ~~he shall levy upon the property of the bail, and in his return shall state~~
34 ~~what amount of the money collected by him on the execution was collected from~~
35 ~~the bail and the time the money was received.~~

36 ~~(2)(A) After the return of the execution, the bail shall be~~

1 entitled, upon motion, to a judgment before the justice of the peace for the
2 amount collected from him in satisfaction of the execution, with interest
3 thereon at the rate of ten percent (10%) per annum. The return of the officer
4 shall be evidence of the amount of money paid by the bail.

5 (B) ~~No such motion shall be made after the expiration of~~
6 ~~four (4) months from the return day of the execution.~~

7
8 ~~Subchapter 10 — Execution, Levy, and Sale~~

9
10 ~~16-19-1001. Issuance generally.~~

11 (a) ~~Upon every judgment rendered by a justice of the peace, execution~~
12 ~~shall be issued by the justice of the peace in the manner prescribed in this~~
13 ~~subchapter, at any time on demand, unless the execution has been stayed.~~

14 (b) ~~The execution shall be directed to any constable of the county.~~

15 (c) ~~The execution must be dated, as on the day on which it is issued~~
16 ~~and made returnable within thirty (30) days thereafter, and may be~~
17 ~~substantially in the form used in the circuit court.~~

18 (d) ~~Before any execution shall be delivered, the justice of the peace~~
19 ~~shall state in his docket and also on the back of the execution an account of~~
20 ~~debt, damages, and costs and of the fees due to each person separately, and~~
21 ~~the officer receiving the execution shall endorse thereon the time of~~
22 ~~receiving the execution.~~

23
24 ~~16-19-1002. Issuance of execution — Time limitations.~~

25 ~~Executions for the enforcement of judgments in a justice of the peace~~
26 ~~court, except when filed in the clerk's office of the circuit court of the~~
27 ~~county in which the judgment was rendered, may be issued by the justice of~~
28 ~~the peace before whom judgment was rendered on the application of the party~~
29 ~~entitled thereto at any time within five (5) years from the entry of the~~
30 ~~judgment, but not afterwards.~~

31
32 ~~16-19-1003. Execution by other than regular justice.~~

33 (a) ~~Whenever a justice of the peace in any township in any county in~~
34 ~~this state, before whom a judgment has been obtained and upon whose docket~~
35 ~~the judgment appears against any person or persons, is absent from his office~~
36 ~~so that he cannot be found or has resigned or died and no successor been~~

1 appointed, or when there is a judgment on the docket against the justice of
2 the peace, it shall be the duty of any other qualified and acting justice of
3 the peace in the township, or in the county, at the request of the plaintiff
4 and the judgment, or at the request of the plaintiff's attorney or agent, or
5 of the constable or other officer having the collection of the judgment, to
6 issue an execution upon the judgment against the party against whom the
7 judgment was obtained, and the same proceedings shall be had thereon as are
8 prescribed by law.

9 (b)(1) In order to carry out the provisions of subsection (a) of this
10 section, it shall be the duty of every justice of the peace before whom a
11 judgment has been obtained, whenever he is about to be absent from the
12 township or county for more than ten (10) days, or has resigned and his
13 successor has not been appointed, to deposit his docket or to cause his
14 docket to be deposited with the nearest justice of the peace in his township
15 or county.

16 (2) When the docket has been so deposited, it shall be lawful
17 for the justice of the peace with whom the docket is deposited, upon
18 application as provided in subsection (a) of this section, to issue an
19 execution upon any judgment which appears unsatisfied upon the docket against
20 any person or persons.

21 (c) It may be lawful for any justice of the peace in the same
22 township, in the absence of the justice of the peace before whom the judgment
23 has been obtained against any person or persons, when so requested by the
24 persons provided for in subsection (a) of this section, after he has examined
25 the judgment on the docket of the absent justice of the peace, to issue an
26 execution on the judgment, as provided for in this section.

27 (d) When such other justice of the peace as contemplated in this
28 section shall issue an execution upon a judgment rendered upon the docket of
29 another justice of the peace, the execution shall be in the following form:

30
31 "County of
32 The State of Arkansas to any constable of the township of
33 greetings:
34 Whereas, it appears from an examination of the docket of, a
35 justice of the peace in and for the township of, in the County of
36, in the State of Arkansas, that, on the day of

1 , 19....., obtained judgment before said justice against
 2 for dollars for his debt (or damages) and
 3 dollars for his damages, and also dollars for his costs; and,
 4 whereas, an execution has been ordered out on said judgment by said
 5 (or his attorney, agent, or constable, charged with the collection
 6 of the same, as the case may be), which judgment bears interest at the rate
 7 of percent on debt and damages from its date. You are therefore
 8 commanded to levy the same on the goods and chattels of the said
 9 according to law. You are further commanded to return this writ to the
 10 undersigned justice, on the day of, 19.....
 11 Given under my hand this day of, 19.....
 12 , J.P.”

13
 14 (c) ~~The execution shall be directed to the constable of the township~~
 15 ~~where the justice of the peace resides, unless when it is otherwise specially~~
 16 ~~provided, shall be dated on the day it is issued, and shall be made~~
 17 ~~returnable in thirty (30) days after its issuance.~~

18
 19 ~~16-19-1004. Issuance against goods and chattels—Real estate exempt.~~

20 (a) ~~The execution shall be against the goods and chattels of the~~
 21 ~~person against whom the execution is issued.~~

22 (b) ~~No real estate shall be levied upon or sold by virtue of any~~
 23 ~~execution issued from a justice of the peace court.~~

24
 25 ~~16-19-1005. Levy outside of township.~~

26 ~~In case the defendant resides outside of the township where the~~
 27 ~~judgment was rendered, or does not have sufficient goods and chattels therein~~
 28 ~~to satisfy the judgment, the constable to whom the execution is directed may~~
 29 ~~levy the execution upon the goods and chattels of the defendant in any~~
 30 ~~township in the county where the defendant resides and where his goods and~~
 31 ~~chattels may be found.~~

32
 33 ~~16-19-1006. Renewal of execution upon return unsatisfied.~~

34 (a) ~~On executions issued and returned not satisfied, it shall be the~~
 35 ~~duty of the justice of the peace to renew all such executions by endorsing~~
 36 ~~the renewal on such executions to that effect, signed by him and dated when~~

1 ~~the renewal is made.~~

2 ~~(b) Every such endorsement shall renew the execution in full force, in~~
3 ~~all respects for twelve (12) months and no longer.~~

4 ~~(c) An entry of the renewal shall be made in the docket of the~~
5 ~~justice. However, execution so docketed shall be subject to be acted upon at~~
6 ~~any time at the instance of the plaintiff in all such cases as provided for.~~

7 ~~(d) If part of the execution has been satisfied, the endorsement of~~
8 ~~renewal shall express the sum due on the execution.~~

9
10 ~~16-19-1007. Remedy of claimant of property levied upon.~~

11 ~~No trial of the right to any property levied upon by a constable or~~
12 ~~justice of the peace shall be had before the constable. However, this section~~
13 ~~shall not bar the claimant of the property of his right to bring replevin~~
14 ~~therefor in the court having jurisdiction to try the action.~~

15
16 ~~16-19-1008. Sale of goods and chattels levied upon—Notice.~~

17 ~~(a) The constable, after taking goods and chattels into his custody,~~
18 ~~by virtue of an execution, shall without delay give public notice by at least~~
19 ~~three (3) advertisements posted in three (3) public places in the township,~~
20 ~~of the time when and place where they will be exposed to sale. The notice~~
21 ~~shall describe the goods and chattels taken and shall be posted at least ten~~
22 ~~(10) days before the day of sale.~~

23 ~~(b) At the time and place so appointed, if the goods and chattels are~~
24 ~~present for the inspection of bidders, the officer shall expose the goods and~~
25 ~~chattels for sale at public vendue, for cash in hand.~~

26 ~~(c) No constable or other officer shall directly or indirectly~~
27 ~~purchase any goods or chattels at any sale made by him upon execution. Every~~
28 ~~such sale shall be absolutely void.~~

29
30 ~~16-19-1009. Return of execution.~~

31 ~~The constable shall return the execution and have the money before the~~
32 ~~justice of the peace at the time of making the return, ready to be paid over~~
33 ~~to the persons respectively entitled to the money.~~

34
35 ~~16-19-1010. Payment of judgment to constable or justice of the peace—~~
36 ~~Recovery by party entitled.~~

1
2 ~~16-19-1101. Rule and attachment—Compelling justice of the peace to~~
3 ~~allow appeal.~~

4 ~~If a justice of the peace fails to allow an appeal in a cause where the~~
5 ~~appeal ought to be allowed, the circuit court or the judge thereof in~~
6 ~~vacation, on such facts appearing satisfactorily, may by rule and attachment~~
7 ~~compel the justice of the peace to allow the appeal, and return the record of~~
8 ~~his proceedings in the suit, together with the papers required to be returned~~
9 ~~by him.~~

10
11 ~~16-19-1102. Rule and attachment—Compelling return of proceedings by~~
12 ~~justice of the peace.~~

13 ~~Upon the appeal being made and allowed, the circuit court may by rule~~
14 ~~and attachment compel a return by the justice of the peace of the record of~~
15 ~~his proceedings in the suit and of the papers required to be returned by him.~~

16
17 ~~16-19-1103. Amendment of return.~~

18 ~~Whenever the court is satisfied that the return of the record of the~~
19 ~~proceedings of the justice of the peace is substantially defective, the court~~
20 ~~may by rule and attachment compel him to amend the return.~~

21
22 ~~16-19-1104. Securing or correcting bond after allowance of appeal—No~~
23 ~~dismissal for want of bond.~~

24 ~~No appeal allowed by a justice of the peace shall be dismissed because~~
25 ~~there is no bond or obligation or because the bond or obligation given is~~
26 ~~defective if the appellant, before the motion to dismiss is determined,~~
27 ~~enters before the circuit court into such obligation as he ought to have~~
28 ~~entered into before the allowance of the appeal and pays all costs that shall~~
29 ~~be incurred by reason of such defect or omission. However, any person~~
30 ~~appealing without bond and a suspension of the proceedings in the justice of~~
31 ~~the peace courts shall not be required to enter into bond before the circuit~~
32 ~~court, as required in this section.~~

33
34 ~~16-19-1105. Trial on appeal.~~

35 ~~(a) Upon the return of the justice of the peace being filed in the~~
36 ~~clerk's office, the court shall be in possession of the cause and shall~~

1 proceed to hear, try, and determine the cause anew on its merits, without any
 2 regard to any error, defect, or other imperfection in the proceedings of the
 3 justice of the peace.

4 (b) ~~The same cause of action, and no other, that was tried before the~~
 5 ~~justice of the peace shall be tried in the circuit court upon the appeal.~~

6 (c) ~~No setoff shall be pleaded that was not pleaded before the justice~~
 7 ~~of the peace if the summons was served on the person of the defendant.~~

8
 9 ~~16-19-1106. Dismissal or failure to prosecute appeal—Effect.~~

10 ~~If the party appealing moves to dismiss in the circuit court or fails~~
 11 ~~to prosecute his appeal, it shall be at the option of the appellee either to~~
 12 ~~proceed to trial on the appeal or have judgment rendered for the amount of~~
 13 ~~the original judgment and costs where it was in his favor or in bar of the~~
 14 ~~original judgment where it was against him.~~

15
 16 ~~16-19-1107. Judgment on appeal and proceedings thereon.~~

17 ~~In all cases of appeal from a justice of the peace, if the judgment of~~
 18 ~~the justice of the peace is affirmed or if on the new trial in the circuit~~
 19 ~~court the judgment is against the appellant, the judgment shall be rendered~~
 20 ~~against the appellant and his securities in the bond or obligation for the~~
 21 ~~appeal.~~

22
 23 ~~16-19-1108. Satisfaction of judgment by security—Judgment for amount~~
 24 ~~paid—Interest.~~

25 (a) ~~After the return of an execution, satisfied in whole or in part~~
 26 ~~out of the property of a security, the security shall be entitled to a~~
 27 ~~judgment, upon motion, against the principal for the amount so paid by the~~
 28 ~~security, together with interest thereon at the rate of ten percent (10%) per~~
 29 ~~annum from the time of payment.~~

30 (b) ~~The motion must be made within one (1) year after the return day~~
 31 ~~of execution, and the return of the officer shall be evidence upon the~~
 32 ~~hearing of the motion of the facts stated therein.~~

33
 34 SECTION 16. Arkansas Code § 16-20-108 is amended to read as follows to
 35 delete obsolete references, clarify references, and make stylistic changes:

36 16-20-108. Investment of moneys held in trust – Disposition of funds.

1 (a) Moneys received by a clerk of the circuit, ~~chancery,~~ court or
 2 probate division of circuit court to be held by the clerk in trust shall
 3 ~~hereafter~~ be invested by the clerk in an interest-bearing account, unless a
 4 court with proper jurisdiction over the ~~fund~~ moneys orders otherwise.

5 (b) The interest earned by such account shall be paid over to the
 6 general fund of the county, in the absence of an order to the contrary from a
 7 court of competent jurisdiction.

8
 9 SECTION 17. Arkansas Code § 16-21-105 is repealed because the section
 10 is obsolete under Arkansas Constitution, Amendment 80.

11 ~~16-21-105. Justice of the peace to notify prosecutor of pendency of~~
 12 ~~certain criminal proceedings — Duty of prosecutor.~~

13 ~~(a) In any criminal action pending before any justice of the peace~~
 14 ~~court, where the defendant is charged with any offense of carrying weapons~~
 15 ~~unlawfully, unlawful sale of or being interested in the sale of intoxicating~~
 16 ~~liquors, or gambling, by affidavit or otherwise, and pleads not guilty and~~
 17 ~~secures the services of an attorney to represent him at the trial, it shall~~
 18 ~~be the duty of the justice to cause the prosecuting attorney or deputy for~~
 19 ~~the county to be notified of the nature of the charge and of the time and~~
 20 ~~place of the trial.~~

21 ~~(b)(1) The prosecuting attorney shall attend and prosecute in behalf~~
 22 ~~of the state.~~

23 ~~(2) In case of a conviction, the prosecuting attorney shall be~~
 24 ~~allowed the same fee as is allowed for similar cases in the circuit court.~~
 25 ~~However, no prosecuting attorney or his deputy shall receive any fee unless~~
 26 ~~he personally appears and prosecutes in the case, nor shall any court tax any~~
 27 ~~fee where such officer does not appear and personally prosecute.~~

28
 29 SECTION 18. Arkansas Code § 16-21-157 is amended to read as follows to
 30 delete obsolete language.

31 16-21-157. State employment and assignment of positions.

32 (a) ~~On January 1, 2000, all deputy~~ Deputy prosecuting attorneys ~~shall~~
 33 ~~become~~ are state employees.

34 (b) ~~The number of positions authorized by this section equal the total~~
 35 ~~number of county and grant-funded deputy prosecuting attorney positions in~~
 36 ~~place as of January 1, 1999, less one (1) position.~~

1 ~~(c)(1) The initial allocation of the state funded deputy prosecuting~~
 2 ~~attorney positions for the 1999-2001 biennium shall be determined by the~~
 3 ~~Prosecution Coordination Commission and shall be consistent with the number~~
 4 ~~of county and grant funded positions in place for each judicial district as~~
 5 ~~of January 1, 1999, less one (1) position.~~

6 ~~(2) The final allocations shall be reported to the Legislative~~
 7 ~~Council for its review prior to July 1, 1999.~~

8 ~~(d) The Prosecution Coordination Commission shall assist in the~~
 9 ~~maintenance of a system which equitably serves all areas of the state by~~
 10 ~~providing quality deputy prosecuting attorneys.~~

11
 12 SECTION 19. Arkansas Code § 16-90-104, concerning commitment of women
 13 for felonies, is amended to read as follows to correct a reference:

14 16-90-104. Commitment of women for felony.

15 Women who are convicted of or who plead guilty to the commission of
 16 felonies may be committed to the ~~Department of Corrections~~ Division of
 17 Correction by any court of criminal jurisdiction.

18
 19 SECTION 20. Arkansas Code § 16-90-1002(a), concerning duties of the
 20 Crime Victims Reparations Board, is amended to read as follows to correct a
 21 grammatical error:

22 (a) The Crime Victims Reparations Board shall:

23 (1) Advise and assist in the creation of local crime stoppers
 24 programs;

25 (2) Foster the detection of crime and encourage persons to
 26 report information about criminal acts;

27 (3) Encourage news and other media to promote local crime
 28 stoppers programs and to inform the public of the functions of the board;

29 (4) Assist local crime stoppers programs in forwarding
 30 information about criminal acts to the appropriate law enforcement agencies;

31 (5) Help law enforcement agencies detect and combat crime by
 32 increasing the flow of information to and between law enforcement agencies;
 33 and

34 (6) Adopt ~~necessary~~ rules necessary to carry out its functions
 35 under this subchapter.

1 SECTION 21. Arkansas Code § 16-93-610(a), concerning computation of a
 2 sentence, is amended to read as follows to correct references:

3 (a) Time served is deemed to begin on the day sentence is imposed, not
 4 on the day a prisoner is received by the ~~Department of Corrections~~ Division
 5 of Correction. It shall continue only during the time in which a prisoner is
 6 actually confined in a county jail or other local place of lawful confinement
 7 or while under the custody and supervision of the ~~department~~ division.

8
 9 SECTION 22. Arkansas Code § 16-120-1002(4), concerning definitions
 10 under the Arkansas Cycling Activities Act, is amended to read as follows to
 11 correct a grammatical error and make a stylistic change:

12 (4) “Inherent risk of a cycling activity” means the dangers or
 13 conditions that are an integral part of cycling activities on the roads,
 14 trails, paths, or other surfaces of the state, including without limitation:

15 (A) Injury or death caused by:

16 (i) A change or variation in the surface which may
 17 cause a participant to lose control, lose his or her balance, or crash the
 18 bicycle;

19 (ii) A collision with a natural or ~~man-made~~
 20 artificial object on or adjacent to the cycling surface, including without
 21 limitation a:

22 (a) Tree;

23 (b) Rock; or

24 (c) Tree stump; or

25 (iii) A collision with a pedestrian, a vehicle, or
 26 another cyclist ~~which may result in injury or death~~;

27 (B) Weather-related illnesses or conditions, including
 28 without limitation:

29 (i) Hypothermia;

30 (ii) Frostbite;

31 (iii) Heat exhaustion;

32 (iv) Heat stroke; or

33 (v) Dehydration;

34 (C) An act of nature, including without limitation:

35 (i) Falling rocks;

36 (ii) Inclement weather;

- 1 (iii) Thunder and lightning;
- 2 (iv) Severe or varied temperatures;
- 3 (v) Winds; or
- 4 (vi) Tornadoes;
- 5 (D) Operator error, including equipment failure due to
- 6 operator error;
- 7 (E) Attack or injury by an animal; or
- 8 (F) The aggravation of an injury, illness, or condition
- 9 because the injury, illness, or condition occurred in a remote place where
- 10 medical facilities are not available; and

11

12 SECTION 23. Arkansas Code § 16-120-1004 is amended to read as follows

13 to correct a grammatical error:

14 16-120-1004. Exclusions.

15 This subchapter does not:

- 16 (1) Apply to a relationship between an employer and an employee
- 17 under the Workers' Compensation Law, § 11-9-101 et seq.; ~~and~~ or
- 18 (2) Prevent or limit the liability of a bicycle outfitter or the
- 19 bicycle outfitter's agent that:
 - 20 (A) Intentionally injures a participant;
 - 21 (B) Commits an act or omission of gross negligence
 - 22 concerning the safety of a participant that proximately causes injury to or
 - 23 the death of the participant;
 - 24 (C) Provides an unsafe bicycle to a participant and knew
 - 25 or should have known that the bicycle was unsafe to the extent that it could
 - 26 cause an injury;
 - 27 (D) Fails to provide a participant with a bicycle that
 - 28 meets the equipment and manufacturing requirements for bicycles adopted by
 - 29 the United States Consumer Product Safety Commission under 16 C.F.R. Part
 - 30 1512, as it existed on January 1, 2017;
 - 31 (E) Fails to use the degree of care that an ordinarily
 - 32 careful and prudent person would use under the same or similar circumstances;
 - 33 or
 - 34 (F) Commits other acts, errors, or omissions that
 - 35 constitute willful or wanton misconduct, gross negligence, or criminal
 - 36 conduct that proximately causes injury, damage, or death.

1
2 SECTION 24. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

3 It is the intent of the General Assembly that:

4 (1) The enactment and adoption of this act shall not expressly
5 or impliedly repeal an act passed during the regular session of the Ninety-
6 Third General Assembly;

7 (2) To the extent that a conflict exists between an act of the
8 regular session of the Ninety-Third General Assembly and this act:

9 (A) The act of the regular session of the Ninety-Third
10 General Assembly shall be treated as a subsequent act passed by the General
11 Assembly for the purpose of:

12 (i) Giving the act of the regular session of the
13 Ninety-Third General Assembly its full force and effect; and

14 (ii) Amending or repealing the appropriate parts of
15 the Arkansas Code of 1987; and

16 (B) Section 1-2-107 shall not apply; and

17 (3) This act shall make only technical, not substantive, changes
18 to the Arkansas Code of 1987.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

DRAFT JMB/JMB
HOUSE BILL

5 By: Representative <NA>
6 By: Senator <NA>
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 17 OF
10 THE ARKANSAS CODE CONCERNING PROFESSIONS,
11 OCCUPATIONS, AND BUSINESSES; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 17
16 OF THE ARKANSAS CODE CONCERNING
17 PROFESSIONS, OCCUPATIONS, AND BUSINESSES.
18
19

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

22 SECTION 1. Arkansas Code § 17-39-107 is amended to correct references
23 to read as follows:

24 17-39-107. Disposition of funds.

25 (a) All fees collected under this subchapter and ~~subchapter 2 § 17-39-~~
26 ~~201 et seq.~~ shall be deposited into the State Treasury to the credit of the
27 ~~Department of Arkansas State Police Fund~~ Division of Arkansas State Police
28 Fund.

29 (b)(1) All funds received by the ~~Department of Arkansas State Police~~
30 Division of Arkansas State Police shall be deposited into the State Treasury
31 as special revenues to the credit of the ~~Department of Arkansas State Police~~
32 Fund Division of Arkansas State Police Fund.

33 (2) Money remaining at the end of the fiscal year shall not
34 revert to any other fund but shall carry over to the next fiscal year.
35

36 SECTION 2. Arkansas Code § 17-87-309(b), concerning disciplinary

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1 actions of the Arkansas State Board of Nursing, is amended to correct
 2 references to read as follows:

3 (b) The board shall refuse to issue or shall revoke the license of any
 4 person who is found guilty of or pleads guilty or nolo contendere to any
 5 offense listed in ~~§ 17-87-312(e)~~ § 17-3-102, unless the person requests and
 6 the board grants a waiver pursuant to ~~§ 17-87-312(g)~~ § 17-3-102.

7
 8 SECTION 3. Arkansas Code § 17-87-310(b)(2)(B)(ii), concerning
 9 prescriptive authority of advanced practice registered nurses for drugs
 10 listed in Schedule II, is amended to clarify language to read as follows:

11 (ii)(a) The prescription is for a stimulant.

12 (b) A prescription for a stimulant shall meet
 13 ~~and meets~~ the following criteria:

14 ~~(a)(1)~~ The prescription was originally
 15 initiated by a physician;

16 ~~(b)(2)~~ The physician has evaluated the patient
 17 within six (6) months before the advanced practice registered nurse issues a
 18 prescription; and

19 ~~(c)(3)~~ The prescription by the advanced
 20 practice registered nurse is to treat the same condition as the original
 21 prescription.

22
 23 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

24 It is the intent of the General Assembly that:

25 (1) The enactment and adoption of this act shall not expressly
 26 or impliedly repeal an act passed during the regular session of the Ninety-
 27 Third General Assembly;

28 (2) To the extent that a conflict exists between an act of the
 29 regular session of the Ninety-Third General Assembly and this act:

30 (A) The act of the regular session of the Ninety-Third
 31 General Assembly shall be treated as a subsequent act passed by the General
 32 Assembly for the purposes of:

33 (i) Giving the act of the regular session of the
 34 Ninety-Third General Assembly its full force and effect; and

35 (ii) Amending or repealing the appropriate parts of
 36 the Arkansas Code of 1987; and

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(B) Section 1-2-107 shall not apply; and
(3) This act shall make only technical, not substantive, changes
to the Arkansas Code of 1987.

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session
4

A Bill

DRAFT DTP/DTP
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 18 OF
9 THE ARKANSAS CODE CONCERNING PROPERTY RIGHTS AND
10 INTERESTS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 18
14 OF THE ARKANSAS CODE CONCERNING PROPERTY
15 RIGHTS AND INTERESTS.
16
17
18

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

21 SECTION 1. Arkansas Code § 18-46-104 is amended to clarify language to
22 read as follows:

23 18-46-104. Extent of lien.

24 (a) On compliance with the requirements of this chapter, a
25 practitioner, a nurse, an orthotist, a prosthetist, a pedorthist, a hospital,
26 and an ambulance service provider shall each have a lien:

27 (1) For the value of the service rendered and to be rendered by
28 the practitioner, nurse, orthotist, prosthetist, pedorthist, hospital, or
29 ambulance service provider to a patient, at the express or implied request of
30 ~~that~~ the patient or of someone acting on his or her behalf, for the relief
31 and cure of an injury suffered through the fault or neglect of someone other
32 than the patient ~~himself or herself~~;

33 (2) On any claim, right of action, and money to which the
34 patient is entitled because of that injury, ~~and to costs and attorney's fees~~
35 ~~incurred in enforcing that lien~~; and

36 (3) For the cost of a prosthesis, orthotic, pedorthic device, or

1 medical appliance provided to the patient.

2 (b) A practitioner, a nurse, an orthotist, a prosthetist, a
3 pedorthist, a hospital, or an ambulance service provider shall be entitled to
4 costs and attorney's fees incurred in enforcing a lien authorized under this
5 chapter.

6
7 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

8 It is the intent of the General Assembly that:

9 (1) The enactment and adoption of this act shall not expressly or
10 impliedly repeal an act passed during the regular session of the Ninety-Third
11 General Assembly;

12 (2) To the extent that a conflict exists between an act of the
13 regular session of the Ninety-Third General Assembly and this act:

14 (A) The act of the regular session of the Ninety-Third
15 General Assembly shall be treated as a subsequent act passed by the General
16 Assembly for the purposes of:

17 (i) Giving the act of the regular session of the
18 Ninety-Third General Assembly its full force and effect; and

19 (ii) Amending or repealing the appropriate parts of the
20 Arkansas Code of 1987; and

21 (B) Section 1-2-107 shall not apply; and

22 (3) This act shall make only technical, not substantive, changes
23 to the Arkansas Code of 1987.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT JMB/JMB
HOUSE BILL

5 By: Representative <NA>
6 By: Senator <NA>
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 20 OF
10 THE ARKANSAS CODE CONCERNING PUBLIC HEALTH AND
11 WELFARE; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 20
16 OF THE ARKANSAS CODE CONCERNING PUBLIC
17 HEALTH AND WELFARE.
18
19

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

22 SECTION 1. Arkansas Code § 20-79-205 is amended to change a reference
23 to read as follows:

24 20-79-205. Administration.

25 The ~~deputy director~~ Director of the Division of Workforce Services
26 shall provide the rehabilitation services authorized by this subchapter to
27 persons with physical or mental disabilities, including blind citizens and
28 those who can benefit from independent living services, as determined by the
29 Director of Arkansas Rehabilitation Services to be eligible therefor. In
30 carrying out the purposes of this subchapter, Arkansas Rehabilitation
31 Services is authorized, among other things:

32 (1) To be the sole state agency to supervise and administer the
33 rehabilitation services authorized by this subchapter except such part as may
34 be administered by a local agency in a political subdivision of the state, in
35 which case Arkansas Rehabilitation Services shall be the sole agency to
36 supervise the local agency in the administration of that part;

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1 (2) To enter into reciprocal agreements with other states to
 2 provide for the services authorized by this subchapter to residents of the
 3 state concerned;

4 (3) To conduct research and compile statistics relating to the
 5 provision of services or the need of services of individuals with a
 6 disability;

7 (4) To license a person with a visual impairment to operate
 8 vending stands under its supervision and control and subject to the terms and
 9 conditions in rules issued pursuant to § 20-79-204(b)(1) on:

10 (A) State property;

11 (B) County or municipal property;

12 (C) Federal property, pursuant to delegation of authority
 13 under the Randolph-Sheppard Act and any amendment thereto or any act of the
 14 United States Congress relating to this subject;

15 (D) Private property; and

16 (E) Subject to Acts 1945, No. 142, § 2 [superseded]; and

17 (5) To provide for the establishment, supervision, and control
 18 of suitable business enterprises to be operated by individuals with a severe
 19 disability, including persons with a visual impairment, where the operation
 20 will be improved through the management and supervision of Arkansas
 21 Rehabilitation Services.

22
 23 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

24 It is the intent of the General Assembly that:

25 (1) The enactment and adoption of this act shall not expressly
 26 or impliedly repeal an act passed during the regular session of the Ninety-
 27 Third General Assembly;

28 (2) To the extent that a conflict exists between an act of the
 29 regular session of the Ninety-Third General Assembly and this act:

30 (A) The act of the regular session of the Ninety-Third
 31 General Assembly shall be treated as a subsequent act passed by the General
 32 Assembly for the purposes of:

33 (i) Giving the act of the regular session of the
 34 Ninety-Third General Assembly its full force and effect; and

35 (ii) Amending or repealing the appropriate parts of
 36 the Arkansas Code of 1987; and

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(B) Section 1-2-107 shall not apply; and
(3) This act shall make only technical, not substantive, changes
to the Arkansas Code of 1987.

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT MLD/MLD
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 21 OF
9 THE ARKANSAS CODE CONCERNING PUBLIC OFFICERS AND
10 EMPLOYEES; AND FOR OTHER PURPOSES.
11

Subtitle

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13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 21
15 OF THE ARKANSAS CODE CONCERNING PUBLIC
16 OFFICERS AND EMPLOYEES.
17

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

21 SECTION 1. Arkansas Code § 21-5-1409(b)(2), concerning salary
22 adjustments, is amended to read as follows to make a grammatical correction:

23 (2) An employee whose adjusted annual salary falls below the entry pay
24 level for the grade assigned to his or her classification shall ~~be~~ have his
25 or her annual salary further adjusted to the entry pay level.
26

27 SECTION 2. Arkansas Code § 21-8-705 is repealed because the Code
28 section expired December 31, 2016, under Acts 2015(1st Ex. Sess.), No. 4, §
29 7.

30 ~~21-8-705. Filing of additional statement of financial interest in year~~
31 ~~in which party filing period is held.~~

32 ~~If the party filing period under § 7-7-203 ends before January 1 of the~~
33 ~~year of the general election, a candidate for elective office shall file a~~
34 ~~statement of financial interest for the previous calendar year no later than~~
35 ~~January 31 of the year of the general election in addition to the statement~~
36 ~~of financial interest required under § 21-8-701.~~

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1
 2 SECTION 3. Arkansas Code §§ 21-14-101 and 21-14-102 are amended to
 3 read as follows to use consistent terminology throughout the sections:

4 21-14-101. Appointment and commission.

5 (a)(1) The Secretary of State may appoint and commission an individual
 6 person as a notary public in this state.

7 (2) ~~Effective January 1, 2006, a~~ A notary public may perform
 8 notarial acts in any part of the state for a term of ten (10) years,
 9 beginning on the date of commission or the date of renewal of a commission
 10 issued by the Secretary of State.

11 (b) Every applicant for appointment and commission as a notary public
 12 shall complete an application to be filed with the Secretary of State
 13 stating:

14 (1) That he or she is:

15 (A) One (1) of the following:

- 16 (i) A bona fide citizen of the United States;
- 17 (ii) A permanent resident alien who shall file with
 18 his or her application a recorded Declaration of Domicile;
- 19 (iii) A legal resident of Arkansas;
- 20 (iv) A legal resident of an adjoining state and
 21 employed or operating a business in the State of Arkansas; or
- 22 (v)(a) A nonresident spouse of a United States
 23 military service member employed or operating a business in Arkansas.

24 (b) One (1) copy of a United States Department
 25 of Defense DD Form 1173 or a United States Department of Defense DD Form
 26 1173-1, otherwise known as a "Uniformed Services Identification and Privilege
 27 Card", shall be included with his or her application under this subsection;

28 (B) Eighteen (18) years of age or older; and

29 (C) Able to read and write English;

30 (2) The address of his or her place of employment, business, or
 31 residence in this state;

32 (3) That during the past ten (10) years, his or her commission
 33 as a notary public has not been revoked; and

34 (4) That he or she has not been convicted of a felony.

35 (c) The application shall be sent to the Secretary of State with a fee
 36 of twenty dollars (\$20.00) for the notary public commission.

1 (d) The Secretary of State may require the applicant to demonstrate
 2 that he or she has reviewed the law concerning notaries public and
 3 understands the duties of a notary public.

4 (e) Every notary public shall file in the office of the recorder of
 5 deeds for the county where the notary public resides or in the case of a
 6 legal resident of an adjoining state or nonresident spouse of a United States
 7 military service member, in the county in Arkansas of his or her place of
 8 employment or business, either:

9 (1) A surety bond executed by a surety insurer authorized to do
 10 business in Arkansas to the state for the faithful discharge of the notary
 11 public's duties in the sum of seven thousand five hundred dollars (\$7,500),
 12 to be approved by the Secretary of State; or

13 (2) A surety contract guaranteeing the notary public's faithful
 14 discharge of his or her duties executed to the State of Arkansas for not more
 15 than an aggregate seven thousand five hundred dollars (\$7,500), issued by a
 16 general business corporation validly organized and formed under the laws of
 17 this state pertaining to domestic corporations and which:

18 (A) Has previously registered with the Insurance
 19 Commissioner on forms prescribed by the commissioner evidencing the
 20 corporation's purpose to issue only surety contracts for notaries public
 21 pursuant to the provisions of this section;

22 (B) Has previously deposited and thereafter maintains with
 23 the commissioner securities in the sum of not less than ten thousand dollars
 24 (\$10,000) executed to the State of Arkansas that are issued by a
 25 nonaffiliated corporate entity and are approved by the commissioner; and

26 (C) Is not otherwise transacting any insurance business in
 27 this state that requires compliance with the provisions of the Arkansas
 28 Insurance Code.

29 (f)(1) The obligation of an issuer of a bond required by subsection
 30 (e) of this section:

31 (A) Shall be solely to the State of Arkansas; and

32 (B) Is solely for the benefit of the State of Arkansas.

33 (2) Under no circumstances shall the aggregate liability of the
 34 issuer exceed the amount of the bond.

35 (3) An employer shall not cancel a surety bond of a current or
 36 former employee even if the employer paid for the surety bond on behalf of

1 the employee.

2 (g)(1) Every notary public shall sign the following declaration in the
 3 presence of the circuit clerk for the county where the notary public resides
 4 or if a legal resident of ~~another~~ an adjoining state or a nonresident spouse
 5 of a United States military service member, the circuit clerk for the county
 6 in Arkansas of his or her place of employment or business:

7 “I, (name of notary), solemnly swear or affirm that I have carefully read the
 8 notary laws of this state, and I will uphold the Constitutions of the United
 9 States and the State of Arkansas and will faithfully perform to the best of
 10 my ability all notarial acts in accordance with the law. (Signature of
 11 notary)

12 Subscribed and sworn to before me (name of circuit clerk), Circuit Clerk for
 13 the County of (name of county), State of Arkansas, on this _____ day of
 14 _____, (year).

15 (Signature of circuit clerk)”.

16 (2) The notary public shall send an executed and signed original
 17 of the declaration to the Secretary of State.

18 (h) ~~Effective January 1, 2006, the~~ The Secretary of State shall issue
 19 a commission number to each new notary public and to each notary public who
 20 renews his or her commission.

21

22 21-14-102. Change of residence.

23 (a)(1) Upon receiving notification of a change of residency, the
 24 Secretary of State shall transfer a notary public’s appointment and
 25 commission to the new county of residence in instances in which a person
 26 appointed and commissioned a notary public under § 21-14-101 changes
 27 residence to a county within this state other than the county where the
 28 notary public resided on the date of commission.

29 (2) Upon receiving notification of a change in place of
 30 employment, the Secretary of State shall transfer a notary public’s
 31 appointment and commission to the new county of employment in the case of a
 32 legal resident of an adjoining state or a nonresident spouse of a United
 33 States military service member changing his or her place of employment to a
 34 county within this state other than the county where the notary public was
 35 employed on the date of commission.

36 (b) The original bond or certified copy of the original bond from the

1 original county of residence shall also be filed by the notary public in the
2 new county of residence or if the notary public is a legal resident of an
3 adjoining state or a nonresident spouse of a United States military service
4 member, in the new county of employment in Arkansas.

5
6 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

7 It is the intent of the General Assembly that:

8 (1) The enactment and adoption of this act shall not expressly
9 or impliedly repeal an act passed during the regular session of the Ninety-
10 Third General Assembly;

11 (2) To the extent that a conflict exists between an act of the
12 regular session of the Ninety-Third General Assembly and this act:

13 (A) The act of the regular session of the Ninety-Third
14 General Assembly shall be treated as a subsequent act passed by the General
15 Assembly for the purposes of:

16 (i) Giving the act of the regular session of the
17 Ninety-Third General Assembly its full force and effect; and

18 (ii) Amending or repealing the appropriate parts of
19 the Arkansas Code of 1987; and

20 (B) Section 1-2-107 shall not apply; and

21 (3) This act shall make only technical, not substantive, changes
22 to the Arkansas Code of 1987.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT ANS/ANS
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 23 OF
9 THE ARKANSAS CODE CONCERNING PUBLIC UTILITIES AND
10 REGULATED INDUSTRIES; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 23
14 OF THE ARKANSAS CODE CONCERNING PUBLIC
15 UTILITIES AND REGULATED INDUSTRIES.
16
17
18

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

21 SECTION 1. Arkansas Code § 23-63-1620(k)(6), concerning insolvency of
22 sponsored captive insurance companies, is amended to read as follows to
23 replace a short-form reference with the term as defined for the subchapter:

24 (6) In the event of the insolvency of a sponsored captive
25 insurance company in which the commissioner determines that one (1) or more
26 protected cells remain solvent, the commissioner may separate the protected
27 cells from the sponsored captive insurance company and, on application of the
28 sponsor, may allow for the conversion of the protected cells into one (1) or
29 more new or existing sponsored captive insurance companies, or one (1) or
30 more other captive insurance companies, under a plan of operation approved by
31 the commissioner.
32

33 SECTION 2. Arkansas Code § 23-63-1705(b)(2)(B), concerning investments
34 in protected cells, is amended to read as follows to replace a short-form
35 reference with the term as defined for the subchapter:

36 (B) The investments in a protected cell or protected cells

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1 shall not be taken into account in applying the investment limitations
2 applicable to the investments of the protected cell company.

3
4 SECTION 3. Arkansas Code § 23-79-160 is repealed because it is
5 obsolete.

6 ~~23-79-160. Health insurance information regarding Health Care
7 Independence Program.~~

8 ~~Upon notification to enrollees in the Health Care Independence Program
9 established by the Health Care Independence Act of 2013, § 20-77-2401 et seq.
10 [repealed], that the Health Care Independence Program ends on December 31,
11 2016, the Department of Human Services shall simultaneously provide to
12 enrollees in the Health Care Independence Program the following information
13 in accordance with the Arkansas Health Reform Act of 2015, Acts 2015, No. 46.~~

14 ~~(1) Upon program termination, recommend an alternative
15 healthcare coverage model and legislative framework to ensure the continued
16 availability of healthcare services for vulnerable populations covered by the
17 Health Care Independence Program;~~

18 ~~(2) Explore and recommend options to modernize Medicaid programs
19 serving the indigent, aged, and disabled; and~~

20 ~~(3) Identify the populations eligible for and participating in
21 the Health Care Independence Program, including:~~

22 ~~(A) Individuals newly eligible for health coverage under
23 the Health Care Independence Program; and~~

24 ~~(B) Individuals previously eligible for Medicaid before
25 the effective date of the Health Care Independence Program, whether under a
26 Medicaid waiver or some other eligibility criteria.~~

27
28 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

29 It is the intent of the General Assembly that:

30 (1) The enactment and adoption of this act shall not expressly
31 or impliedly repeal an act passed during the regular session of the Ninety-
32 Third General Assembly;

33 (2) To the extent that a conflict exists between an act of the
34 regular session of the Ninety-Third General Assembly and this act:

35 (A) The act of the regular session of the Ninety-Third
36 General Assembly shall be treated as a subsequent act passed by the General

1 Assembly for the purposes of:

2 (i) Giving the act of the regular session of the
3 Ninety-Third General Assembly its full force and effect; and

4 (ii) Amending or repealing the appropriate parts of
5 the Arkansas Code of 1987; and

6 (B) Section 1-2-107 shall not apply; and

7 (3) This act shall make only technical, not substantive, changes
8 to the Arkansas Code of 1987.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT JLL/JLL
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 26 OF
9 THE ARKANSAS CODE CONCERNING TAXATION; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE
14 26 OF THE ARKANSAS CODE CONCERNING
15 TAXATION.
16
17
18

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

21 SECTION 1. Arkansas Code § 26-35-601(b), concerning the collection of
22 personal property taxes with real estate taxes, is amended to read as follows
23 to conform a criminal offense to the style of the Arkansas Criminal Code:

24 (b) Any county collector ~~willfully~~ knowingly accepting payment of
25 general real estate taxes without requiring the payment of personal property
26 taxes due as reflected by the records in the county collector's office shall
27 be deemed guilty of a ~~misdemeanor~~ violation and upon conviction shall be
28 fined in a sum not less than twenty-five dollars (\$25.00) nor more than one
29 hundred dollars (\$100).
30

31 SECTION 2. Arkansas Code § 26-36-303(1)(A)(vii), concerning the
32 definition of "claimant agency" in relation to setoffs against state tax
33 refunds, is amended to read as follows to remove obsolete references:

34 (vii) Arkansas circuit, county, or district, ~~or city~~
35 courts;
36

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1 SECTION 3. Arkansas Code § 26-36-303(1)(B), concerning the definition
2 of "claimant agency" in relation to setoffs against state tax refunds, is
3 amended to read as follows to remove an obsolete reference:

4 (B) An entity shall not be added as a claimant agency
5 under this subdivision (1) ~~after July 16, 2003~~, unless the entity has an
6 annual outstanding debt of two hundred thousand dollars (\$200,000);
7

8 SECTION 4. Arkansas Code § 26-36-303(2)(D)(iv), concerning the
9 definition of "debt" in relation to setoffs against state tax refunds, is
10 amended to read as follows to remove obsolete references:

11 (iv) Restitution ordered by a circuit, county, or
12 district, ~~or city~~ court related to the violation of any state law;
13

14 SECTION 5. Arkansas Code § 26-51-207 is repealed as an expired
15 provision of the law.

16 ~~26-51-207. Income tax surcharge.~~

17 ~~(a) In addition to the taxes levied by § 26-51-201 et seq., § 26-51-~~
18 ~~301, and § 26-51-302 [repealed], there is levied an income tax surcharge of~~
19 ~~three percent (3%) of the tax liability of every person required to file an~~
20 ~~Arkansas income tax return.~~

21 ~~(b)(1) If an individual is a resident of an Arkansas border city~~
22 ~~described in § 26-52-601 et seq., the individual shall be liable for the~~
23 ~~income tax surcharge levied in subsection (a) of this section.~~

24 ~~(2) The surcharge shall be computed on the tax liability that~~
25 ~~would have been due had the income tax exemption of § 26-52-601 et seq. not~~
26 ~~been available.~~

27 ~~(3) The income tax exemption of § 26-52-601 et seq. shall not~~
28 ~~apply to the income tax surcharge levied in subsection (a) of this section.~~

29 ~~(c) The revenues derived from the additional tax imposed by this~~
30 ~~section shall be credited to the General Revenue Fund Account of the State~~
31 ~~Apportionment Fund, there to be distributed with the other gross general~~
32 ~~revenue collections.~~

33 ~~(d) As used in this section, "tax liability" means the taxes imposed~~
34 ~~pursuant to § 26-51-201 et seq., § 26-51-301, and § 26-51-302 [repealed]~~
35 ~~before the application of any tax credits.~~

36 ~~(e) This section shall apply only to tax years beginning in calendar~~

1 ~~years 2003 and 2004.~~

2

3 SECTION 6. Arkansas Code § 26-51-301 is amended to read as follows to
4 add gender-neutral terms:

5 26-51-301. Individuals exempt from taxation or qualifying for low-
6 income tax credit.

7 (a) As used in this section:

8 (1) "Head of household" means the same as defined in 26 U.S.C. §
9 2(b), as in effect on January 1, 2011; and

10 (2) ~~"Qualifying widow or widower" means the "surviving~~ Surviving
11 spouse" means the same as defined in 26 U.S.C. § 2(a), as in effect on
12 January 1, 2011.

13 (b)(1) Beginning with tax year 2010, the following taxpayers are
14 exempt from state individual income tax:

15 (A) A single individual whose gross income is less than
16 ten thousand six hundred eighty-two dollars (\$10,682) for any income year;

17 (B) A married couple filing jointly with one (1) or fewer
18 dependents whose gross income is less than eighteen thousand twelve dollars
19 (\$18,012) for any income year;

20 (C) A married couple filing jointly with two (2) or more
21 dependents whose gross income is less than twenty-one thousand six hundred
22 seventy-seven dollars (\$21,677) for any income year; and

23 (D) A head of household or ~~qualifying widow or widower~~
24 surviving spouse with one (1) or more dependents whose gross income is less
25 than fifteen thousand one hundred eighty-five dollars (\$15,185) for any
26 income year.

27 (2) Beginning with tax year 2011:

28 (A) A head of household or ~~qualifying widow or widower~~
29 surviving spouse with one (1) or fewer dependents whose gross income is less
30 than the 2010 base rate of fifteen thousand one hundred eighty-five dollars
31 (\$15,185) plus the yearly cost-of-living adjustment provided by subsection
32 (e) of this section for any income year is exempt from state individual
33 income tax; and

34 (B) A head of household or ~~qualifying widow or widower~~
35 surviving spouse with two (2) or more dependents whose gross income is less
36 than the 2010 base rate of eighteen thousand one hundred one dollars

1 (\$18,101) plus the yearly cost-of-living adjustment provided by subsection
 2 (e) of this section for any income year is exempt from state individual
 3 income tax.

4 (c)(1) Beginning with tax year 2010, the following taxpayers are
 5 eligible for a low-income tax credit:

6 (A) A single individual whose gross income for the taxable
 7 year is ten thousand six hundred eighty-two dollars (\$10,682) or more but
 8 less than fourteen thousand dollars (\$14,000);

9 (B) A married couple filing jointly with one (1) or fewer
 10 dependents whose gross income for the taxable year is eighteen thousand
 11 twelve dollars (\$18,012) or more but less than twenty-two thousand four
 12 hundred dollars (\$22,400);

13 (C) A married couple filing jointly with two (2) or more
 14 dependents whose gross income for the taxable year is twenty-one thousand six
 15 hundred seventy-seven dollars (\$21,677) or more but less than twenty-seven
 16 thousand eight hundred dollars (\$27,800); and

17 (D) A head of household or a ~~qualifying widow or widower~~
 18 surviving spouse with one (1) or more dependents whose gross income for the
 19 taxable year is fifteen thousand one hundred eighty-five dollars (\$15,185) or
 20 more but less than nineteen thousand six hundred dollars (\$19,600).

21 (2) Beginning with tax year 2011:

22 (A) A head of household or a ~~qualifying widow or widower~~
 23 surviving spouse with one (1) or fewer dependents whose gross income for the
 24 taxable year is more than the 2010 base rate of fifteen thousand one hundred
 25 eighty-five dollars (\$15,185) plus the cost-of-living adjustment provided by
 26 subsection (e) of this section but less than the 2010 base rate of nineteen
 27 thousand six hundred dollars (\$19,600) plus the cost-of-living adjustment
 28 provided by subsection (e) of this section is eligible for a low-income tax
 29 credit; and

30 (B) A head of household or a ~~qualifying widow or widower~~
 31 surviving spouse with two (2) or more dependents whose gross income for the
 32 taxable year is more than the 2010 base rate of eighteen thousand one hundred
 33 one dollars (\$18,101) plus the cost-of-living adjustment provided by
 34 subsection (e) of this section but less than the 2010 base rate of twenty-two
 35 thousand two hundred dollars (\$22,200) plus the cost-of-living adjustment
 36 provided by subsection (e) of this section is eligible for a low-income tax

1 credit.

2 (d)(1) For income tax year 2010, the low-income tax credit in
 3 subdivision (c)(1) of this section shall be determined in accordance with the
 4 tables below, based upon the taxpayer's filing status:

5 Single Taxpayer

6 From	Less Than	Credit
7 \$10,682	\$10,700	\$133
8 \$10,701	\$10,800	\$129
9 \$10,801	\$10,900	\$125
10 \$10,901	\$11,000	\$121
11 \$11,001	\$11,100	\$117
12 \$11,101	\$11,200	\$113
13 \$11,201	\$11,300	\$109
14 \$11,301	\$11,400	\$105
15 \$11,401	\$11,500	\$101
16 \$11,501	\$11,600	\$97
17 \$11,601	\$11,700	\$93
18 \$11,701	\$11,800	\$89
19 \$11,801	\$11,900	\$85
20 \$11,901	\$12,000	\$81
21 \$12,001	\$12,100	\$77
22 \$12,101	\$12,200	\$73
23 \$12,201	\$12,300	\$69
24 \$12,301	\$12,400	\$65
25 \$12,401	\$12,500	\$61
26 \$12,501	\$12,600	\$57
27 \$12,601	\$12,700	\$53
28 \$12,701	\$12,800	\$49
29 \$12,801	\$12,900	\$45
30 \$12,901	\$13,000	\$41
31 \$13,001	\$13,100	\$37
32 \$13,101	\$13,200	\$33
33 \$13,201	\$13,300	\$29
34 \$13,301	\$13,400	\$25
35 \$13,401	\$13,500	\$21
36 \$13,501	\$13,600	\$17

1	\$13,601	\$13,700	\$13
2	\$13,701	\$13,800	\$9
3	\$13,801	\$13,900	\$5
4	\$13,901	\$14,000	\$1
5			
6	Married Filing Jointly With One (1) or Fewer Dependents		
7	From	Less Than	Credit
8	\$18,012	\$18,100	\$302
9	\$18,101	\$18,200	\$295
10	\$18,201	\$18,300	\$288
11	\$18,301	\$18,400	\$281
12	\$18,401	\$18,500	\$274
13	\$18,501	\$18,600	\$267
14	\$18,601	\$18,700	\$260
15	\$18,701	\$18,800	\$253
16	\$18,801	\$18,900	\$246
17	\$18,901	\$19,000	\$239
18	\$19,001	\$19,100	\$232
19	\$19,101	\$19,200	\$225
20	\$19,201	\$19,300	\$218
21	\$19,301	\$19,400	\$211
22	\$19,401	\$19,500	\$204
23	\$19,501	\$19,600	\$197
24	\$19,601	\$19,700	\$190
25	\$19,701	\$19,800	\$183
26	\$19,801	\$19,900	\$176
27	\$19,901	\$20,000	\$169
28	\$20,001	\$20,100	\$162
29	\$20,101	\$20,200	\$155
30	\$20,201	\$20,300	\$148
31	\$20,301	\$20,400	\$141
32	\$20,401	\$20,500	\$134
33	\$20,501	\$20,600	\$127
34	\$20,601	\$20,700	\$120
35	\$20,701	\$20,800	\$113
36	\$20,801	\$20,900	\$106

1	\$20,901	\$21,000	\$99
2	\$21,001	\$21,100	\$92
3	\$21,101	\$21,200	\$85
4	\$21,201	\$21,300	\$78
5	\$21,301	\$21,400	\$71
6	\$21,401	\$21,500	\$64
7	\$21,501	\$21,600	\$57
8	\$21,601	\$21,700	\$50
9	\$21,701	\$21,800	\$43
10	\$21,801	\$21,900	\$36
11	\$21,901	\$22,000	\$29
12	\$22,001	\$22,100	\$22
13	\$22,101	\$22,200	\$15
14	\$22,201	\$22,300	\$8
15	\$22,301	\$22,400	\$1
16			
17	Married Filing Jointly With Two (2) or More Dependents		
18	From	Less Than	Credit
19	\$21,677	\$21,700	\$432
20	\$21,701	\$21,800	\$425
21	\$21,801	\$21,900	\$418
22	\$21,901	\$22,000	\$411
23	\$22,001	\$22,100	\$404
24	\$22,101	\$22,200	\$397
25	\$22,201	\$22,300	\$390
26	\$22,301	\$22,400	\$383
27	\$22,401	\$22,500	\$376
28	\$22,501	\$22,600	\$369
29	\$22,601	\$22,700	\$362
30	\$22,701	\$22,800	\$355
31	\$22,801	\$22,900	\$348
32	\$22,901	\$23,000	\$341
33	\$23,001	\$23,100	\$334
34	\$23,101	\$23,200	\$327
35	\$23,201	\$23,300	\$320
36	\$23,301	\$23,400	\$313

1	\$23,401	\$23,500	\$306
2	\$23,501	\$23,600	\$299
3	\$23,601	\$23,700	\$292
4	\$23,701	\$23,800	\$285
5	\$23,801	\$23,900	\$278
6	\$23,901	\$24,000	\$271
7	\$24,001	\$24,100	\$264
8	\$24,101	\$24,200	\$257
9	\$24,201	\$24,300	\$250
10	\$24,301	\$24,400	\$243
11	\$24,401	\$24,500	\$236
12	\$24,501	\$24,600	\$229
13	\$24,601	\$24,700	\$222
14	\$24,701	\$24,800	\$215
15	\$24,801	\$24,900	\$208
16	\$24,901	\$25,000	\$201
17	\$25,001	\$25,100	\$194
18	\$25,101	\$25,200	\$187
19	\$25,201	\$25,300	\$180
20	\$25,301	\$25,400	\$173
21	\$25,401	\$25,500	\$166
22	\$25,501	\$25,600	\$159
23	\$25,601	\$25,700	\$152
24	\$25,701	\$25,800	\$145
25	\$25,801	\$25,900	\$138
26	\$25,901	\$26,000	\$131
27	\$26,001	\$26,100	\$124
28	\$26,101	\$26,200	\$117
29	\$26,201	\$26,300	\$110
30	\$26,301	\$26,400	\$103
31	\$26,401	\$26,500	\$96
32	\$26,501	\$26,600	\$89
33	\$26,601	\$26,700	\$82
34	\$26,701	\$26,800	\$75
35	\$26,801	\$26,900	\$68
36	\$26,901	\$27,000	\$61

1	\$27,001	\$27,100	\$54
2	\$27,101	\$27,200	\$47
3	\$27,201	\$27,300	\$40
4	\$27,301	\$27,400	\$33
5	\$27,401	\$27,500	\$26
6	\$27,501	\$27,600	\$19
7	\$27,601	\$27,700	\$12
8	\$27,701	\$27,800	\$5

9

10 ~~Head of Household/Qualifying Widow or Widower~~ Head of Household or Surviving
 11 Spouse With One (1) or More Dependents for Tax Year 2010 and with One (1) or
 12 Fewer Dependents Beginning with Tax Year 2011

13	From	Less Than	Credit
14	\$15,185	\$15,200	\$270
15	\$15,201	\$15,300	\$264
16	\$15,301	\$15,400	\$258
17	\$15,401	\$15,500	\$252
18	\$15,501	\$15,600	\$246
19	\$15,601	\$15,700	\$240
20	\$15,701	\$15,800	\$234
21	\$15,801	\$15,900	\$228
22	\$15,901	\$16,000	\$222
23	\$16,001	\$16,100	\$216
24	\$16,101	\$16,200	\$210
25	\$16,201	\$16,300	\$204
26	\$16,301	\$16,400	\$198
27	\$16,401	\$16,500	\$192
28	\$16,501	\$16,600	\$186
29	\$16,601	\$16,700	\$180
30	\$16,701	\$16,800	\$174
31	\$16,801	\$16,900	\$168
32	\$16,901	\$17,000	\$162
33	\$17,001	\$17,100	\$156
34	\$17,101	\$17,200	\$150
35	\$17,201	\$17,300	\$144
36	\$17,301	\$17,400	\$138

1	\$17,401	\$17,500	\$132
2	\$17,501	\$17,600	\$126
3	\$17,601	\$17,700	\$120
4	\$17,701	\$17,800	\$114
5	\$17,801	\$17,900	\$108
6	\$17,901	\$18,000	\$102
7	\$18,001	\$18,100	\$96
8	\$18,101	\$18,200	\$90
9	\$18,201	\$18,300	\$84
10	\$18,301	\$18,400	\$78
11	\$18,401	\$18,500	\$72
12	\$18,501	\$18,600	\$66
13	\$18,601	\$18,700	\$60
14	\$18,701	\$18,800	\$54
15	\$18,801	\$18,900	\$48
16	\$18,901	\$19,000	\$42
17	\$19,001	\$19,100	\$36
18	\$19,101	\$19,200	\$30
19	\$19,201	\$19,300	\$24
20	\$19,301	\$19,400	\$18
21	\$19,401	\$19,500	\$12
22	\$19,501	\$19,600	\$6

23 (2) For income tax year 2011, the low-income tax credit in
 24 subdivision (c)(2)(B) of this section shall be determined using the 2010
 25 base-year table below and adding the yearly cost-of-living adjustment
 26 provided in subsection (e) of this section:

27 ~~Head of Household/Qualifying Widow or Widower~~ Head of Household or Surviving
 28 Spouse With Two (2) or More Dependents

29	From	Less Than	Credit
30	\$18,101	\$18,200	\$365
31	\$18,201	\$18,300	\$356
32	\$18,301	\$18,400	\$347
33	\$18,401	\$18,500	\$338
34	\$18,501	\$18,600	\$329
35	\$18,601	\$18,700	\$320
36	\$18,701	\$18,800	\$311

1	\$18,801	\$18,900	\$302
2	\$18,901	\$19,000	\$293
3	\$19,001	\$19,100	\$284
4	\$19,101	\$19,200	\$275
5	\$19,201	\$19,300	\$266
6	\$19,301	\$19,400	\$257
7	\$19,401	\$19,500	\$248
8	\$19,501	\$19,600	\$239
9	\$19,601	\$19,700	\$230
10	\$19,701	\$19,800	\$221
11	\$19,801	\$19,900	\$212
12	\$19,901	\$20,000	\$203
13	\$20,001	\$20,100	\$194
14	\$20,101	\$20,200	\$185
15	\$20,201	\$20,300	\$176
16	\$20,301	\$20,400	\$167
17	\$20,401	\$20,500	\$158
18	\$20,501	\$20,600	\$149
19	\$20,601	\$20,700	\$140
20	\$20,701	\$20,800	\$131
21	\$20,801	\$20,900	\$122
22	\$20,901	\$21,000	\$113
23	\$21,001	\$21,100	\$104
24	\$21,101	\$21,200	\$95
25	\$21,201	\$21,300	\$86
26	\$21,301	\$21,400	\$77
27	\$21,401	\$21,500	\$68
28	\$21,501	\$21,600	\$59
29	\$21,601	\$21,700	\$50
30	\$21,701	\$21,800	\$41
31	\$21,801	\$21,900	\$32
32	\$21,901	\$22,000	\$23
33	\$22,001	\$22,100	\$14
34	\$22,101	\$22,200	\$5

35 (e)(1) For tax years beginning on or after January 1, 2010, for
36 purposes of determining the exemptions from income tax in subsection (b) of

1 this section and determining eligibility for the low-income tax credit in
2 this section, the gross income amounts in subsections (b) and (c) of this
3 section shall be adjusted annually by the cost-of-living adjustment for the
4 current calendar year, rounded to the nearest whole dollar.

5 (2) For purposes of this subsection, the cost-of-living
6 adjustment for any calendar year is the percentage, if any, not to exceed
7 three percent (3%) by which the Consumer Price Index for the current calendar
8 year exceeds the Consumer Price Index for the preceding calendar year.

9 (3) The Consumer Price Index for any calendar year is the
10 average of the Consumer Price Index as of the close of the twelve-month
11 period ending on August 31 of that calendar year.

12 (4) As used in this subsection, "Consumer Price Index" means the
13 last Consumer Price Index for All Urban Consumers published by the United
14 States Department of Labor.

15 (f) For tax years beginning on or after January 1, 2010, following the
16 cost-of-living adjustment for the Consumer Price Index as provided in
17 subsection (e) of this section, the low-income tax credit in this section and
18 the gross income limitations outlined in the tables in subsection (d) of this
19 section shall be adjusted annually using the following method:

20 (1) For a single individual, the amount of the low-income tax
21 credit allowable shall be eighty percent (80%) of the income tax due upon the
22 amount of gross income in subdivision (c)(1)(A) of this section, indexed as
23 provided in subsection (e) of this section, and reduced, but not below zero
24 dollars (\$0.00), by four dollars (\$4.00) for each one hundred dollars (\$100),
25 or fraction thereof, that the taxpayer's gross income exceeds the indexed
26 amount;

27 (2) For a married couple filing jointly with one (1) or fewer
28 dependents, the amount of the low-income tax credit allowable shall be eighty
29 percent (80%) of the income tax due upon the amount of gross income in
30 subdivision (c)(1)(B) of this section, indexed as provided in subsection (e)
31 of this section, and reduced, but not below zero dollars (\$0.00), by seven
32 dollars (\$7.00) for each one hundred dollars (\$100), or fraction thereof,
33 that the taxpayer's gross income exceeds the indexed amount;

34 (3) For a married couple filing jointly with two (2) or more
35 dependents, the amount of the low-income tax credit allowable shall be eighty
36 percent (80%) of the income tax due upon the amount of gross income in

1 subdivision (c)(1)(C) of this section, indexed as provided in subsection (e)
2 of this section, and reduced, but not below zero dollars (\$0.00), by seven
3 dollars (\$7.00) for each one hundred dollars (\$100), or fraction thereof,
4 that the taxpayer's gross income exceeds the indexed amount;

5 (4) For a head of household or ~~qualifying widow or widower~~
6 surviving spouse with one (1) or more dependents, the amount of the low-
7 income tax credit allowable shall be eighty percent (80%) of the income tax
8 due upon the amount of gross income in subdivision (c)(1)(D) of this section,
9 indexed as provided in subsection (e) of this section, reduced, but not below
10 zero dollars (\$0.00), by six dollars (\$6.00) for each one hundred dollars
11 (\$100), or fraction thereof, that the taxpayer's gross income exceeds the
12 indexed amount; or

13 (5) Beginning with tax year 2011:

14 (A) For a head of household or ~~qualifying widow or widower~~
15 surviving spouse with one (1) or fewer dependents, the amount of the low-
16 income tax credit allowable shall be eighty percent (80%) of the income tax
17 due upon the amount of gross income in subdivision (c)(2)(A) of this section,
18 indexed as provided in subsection (e) of this section, reduced, but not below
19 zero dollars (\$0.00), by six dollars (\$6.00) for each one hundred dollars
20 (\$100), or fraction thereof, that the taxpayer's gross income exceeds the
21 indexed amount; or

22 (B) For a head of household or ~~qualifying widow or widower~~
23 surviving spouse with two (2) or more dependents, the amount of the low-
24 income tax credit allowable shall be eighty percent (80%) of the income tax
25 due upon the amount of gross income in subdivision (c)(2)(B) of this section,
26 indexed as provided in subsection (e) of this section, reduced, but not below
27 zero dollars (\$0.00), by nine dollars (\$9.00) for each one hundred dollars
28 (\$100), or fraction thereof, that the taxpayer's gross income exceeds the
29 indexed amount.

30 (g) For the purpose of determining eligibility for the low-income tax
31 credit in this section, income from all sources shall be used in determining
32 the gross income of the taxpayer regardless of whether the income is taxable
33 in Arkansas.

34 (h) A taxpayer is not eligible for the low-income tax credit in this
35 section if the taxpayer claims an exemption in § 26-51-306 or § 26-51-307, or
36 if the taxpayer itemizes deductions.

1
2 SECTION 7. Arkansas Code § 26-51-501(a), concerning personal income
3 tax credits, is amended to read as follows to remove an unused defined term
4 and to conform the language to gender-neutral terms:

5 (a) There shall be deducted from the tax after the tax ~~shall have~~ has
6 been computed as set forth in the Income Tax Act of 1929, § 26-51-101 et
7 seq., a personal tax credit as follows:

8 (1)(A) For a single individual, the adjusted individual credit.

9 (B) However, a taxpayer who was blind or deaf at any time
10 during the income year shall be entitled to an additional tax credit of
11 twenty dollars (\$20.00).

12 (C) A single individual who is deaf-blind shall be
13 entitled to an additional tax credit of forty dollars (\$40.00).

14 (D) A single individual of sixty-five (65) years of age or
15 older shall be entitled to an additional tax credit of twenty dollars
16 (\$20.00);

17 (2)(A)(i)(a) For the head of household, surviving spouse, or a
18 ~~married individual living with husband or wife~~ married spouses living
19 together, the adjusted joint credit.

20 (b) ~~A husband and wife~~ Spouses living together
21 and filing either jointly or separately on the same income tax form shall
22 receive only one (1) adjusted joint credit against their aggregate tax.

23 (ii) Subdivision (a)(2)(A)(i) of this section shall
24 apply if the Secretary of the Department of Finance and Administration
25 continues to provide a tax return on which ~~a husband and wife~~ spouses can
26 elect to file jointly or separately on the same return.

27 (B) However, in the event that either of the ~~husband or~~
28 ~~wife shall be~~ spouses are sixty-five (65) years of age or older, each ~~of them~~
29 spouse who is sixty-five (65) years of age or older shall be entitled to an
30 additional tax credit of twenty dollars (\$20.00).

31 (C) However, ~~any husband or wife~~ a spouse filing a
32 separate return on a separate tax form shall receive the adjusted individual
33 credit on each return so filed, but if the ~~husband or wife~~ spouse is sixty-
34 five (65) years of age or older, each of them who is sixty-five (65) years of
35 age or older shall be entitled to an additional tax credit of twenty dollars
36 (\$20.00).

1 (D) "Head of household" means the same as defined in 26
 2 U.S.C. § 2(b), as in effect on January 1, 2001.

3 (E) "Surviving spouse" means the same as defined in 26
 4 U.S.C. § 2(a), as in effect on January 1, 2001;

5 (3)(A) For each individual, other than ~~husband or wife~~ a spouse,
 6 who has a gross income for the tax year of less than three thousand dollars
 7 (\$3,000), who has not filed a joint return with his or her spouse for the
 8 taxable year, and who is dependent upon and receives his or her chief support
 9 from the taxpayer, the adjusted individual credit.

10 (B)(i) As used in subdivision (a)(3)(A) of this section,
 11 "dependent" means the same as defined in 26 U.S.C. § 152, as in effect on
 12 January 1, 2005.

13 (ii) "Dependent" does not include any individual who
 14 is a citizen or subject of a foreign country unless that individual is a
 15 resident of the United States or a country contiguous to the United States;

16 ~~(C)(i) As used in subdivision (a)(3)(B) of this section,~~
 17 ~~"brother" and "sister" include a brother or sister by half blood.~~

18 ~~(ii) For the purpose of determining whether any of~~
 19 ~~the foregoing relationships exist, a legally adopted child of a person shall~~
 20 ~~be considered a child of that person by blood;~~

21 (4) In the case of a fiduciary:

22 (A) If taxable under § 26-51-203(a)(1), the adjusted
 23 individual credit;

24 (B) If taxable under § 26-51-203(a)(2), the same tax
 25 credit as would be allowed the deceased if living; and

26 (C) If taxable under § 26-51-203(a)(3), the tax credit to
 27 which the beneficiary would be entitled; and

28 (5) In the case of a nonresident taxpayer, the taxpayer shall be
 29 entitled to that proportion of the tax credit granted by the Income Tax Act
 30 of 1929, § 26-51-101 et seq., that the gross income within the state bears to
 31 the entire gross income wherever earned.

32
 33 SECTION 8. Arkansas Code § 26-51-506(b)(2), concerning the income tax
 34 credit for waste reduction, reuse, or recycling equipment, is amended to read
 35 as follows to conform a defined term to its use in the statute:

36 (2) "Equipment used to service waste reduction, reuse, or

1 recycling equipment” means expenditures, machinery, or equipment that keeps
 2 existing machinery or equipment in running order by providing repair,
 3 maintenance, adjustment, inspection, or supplies;

4
 5 SECTION 9. Arkansas Code § 26-51-801(a), concerning income tax returns
 6 by individuals, is amended to read as follows to delete a reference to a
 7 repealed section:

8 (a) Every person owning property or doing business in the State of
 9 Arkansas shall file a return with the Secretary of the Department of Finance
 10 and Administration showing his or her gross income and the deductions or
 11 credits allowed by § 26-51-301, ~~§ 26-51-302 [repealed]~~, and § 26-51-436 if he
 12 or she has a gross income of:

13 (1) Three thousand nine hundred ninety-nine dollars (\$3,999) if
 14 married and not filing jointly or married but living apart from the spouse at
 15 the end of the income year or on the date the spouse died;

16 (2) Seven thousand eight hundred dollars (\$7,800) if single and
 17 under sixty-five (65) years of age;

18 (3) Nine thousand three hundred dollars (\$9,300) if single and
 19 sixty-five (65) years of age or over;

20 (4) Twelve thousand one hundred dollars (\$12,100) if head of
 21 household and under sixty-five (65) years of age;

22 (5) Thirteen thousand dollars (\$13,000) if head of household and
 23 sixty-five (65) years of age or over;

24 (6) Fifteen thousand five hundred dollars (\$15,500) if married,
 25 filing jointly, and both spouses are under sixty-five (65) years of age;

26 (7) Fifteen thousand six hundred dollars (\$15,600) if married,
 27 filing jointly, and one (1) spouse is sixty-five (65) years of age or older;

28 (8) Sixteen thousand two hundred dollars (\$16,200) if married,
 29 filing jointly, and both spouses are sixty-five (65) years of age or over;

30 (9) Fifteen thousand five hundred dollars (\$15,500) if a
 31 qualifying widow or widower with a dependent child and under sixty-five (65)
 32 years of age; or

33 (10) Sixteen thousand dollars (\$16,000) if a qualifying widow or
 34 widower with a dependent child and sixty-five (65) years of age or over.

35
 36 SECTION 10. Arkansas Code § 26-51-902(8), concerning the definitions

1 used under the Arkansas Income Tax Withholding Act of 1965, is repealed to
 2 eliminate an unused definition.

3 ~~(8) "Payroll period" means a period for which a payment of wages~~
 4 ~~is made to the employee by the employer;~~

5
 6 SECTION 11. Arkansas Code § 26-51-1503(3), concerning the definitions
 7 to be used under the Arkansas Private Wetland and Riparian Zone Creation,
 8 Restoration, and Conservation Tax Credits Act, is amended to remove
 9 substantive law from a definition to be reenacted in a separate statute:

10 (3) "Committee" means the Private Wetland and Riparian Zone
 11 Creation, Restoration, and Conservation Committee, ~~which is a committee made~~
 12 ~~up of:~~

13 ~~(A) The secretary, director, or their designees, of:~~

14 ~~(i) The Arkansas State Game and Fish Commission;~~

15 ~~(ii) The Department of Finance and Administration;~~

16 ~~(iii) The Division of Arkansas Heritage; and~~

17 ~~(iv) The Division of Environmental Quality; and~~

18 ~~(B)(i) Two (2) public members with expertise in wetlands~~
 19 ~~and riparian zone ecology appointed by the Arkansas Natural Resources~~
 20 ~~Commission.~~

21 ~~(ii) In appointing public members, the Arkansas~~
 22 ~~Natural Resources Commission should consider the wide variety of interests in~~
 23 ~~wetlands and riparian zones;~~

24
 25 SECTION 12. Arkansas Code § 26-51-1506 is amended to read as follows
 26 to reenact the creation of the Private Wetland and Riparian Zone Creation,
 27 Restoration, and Conservation Committee:

28 (a) There is created the Private Wetland and Riparian Zone Creation,
 29 Restoration, and Conservation Committee, which is made up of:

30 (1) The secretary, director, or their designees, of:

31 (A) The Arkansas State Game and Fish Commission;

32 (B) The Department of Finance and Administration;

33 (C) The Division of Arkansas Heritage; and

34 (D) The Division of Environmental Quality; and

35 (2)(A) Two (2) public members with expertise in wetlands and
 36 riparian zone ecology appointed by the Arkansas Natural Resources Commission.

1 (B) In appointing public members, the Arkansas Natural
 2 Resources Commission should consider the wide variety of interests in
 3 wetlands and riparian zones.

4 ~~(a)-(1)~~(b)(1) The Arkansas Natural Resources Commission is charged with
 5 the responsibility of promulgating and administering rules related to the
 6 creation, restoration, and conservation of wetlands and riparian zones with
 7 the intent of qualifying for the tax credits provided for in this subchapter.

8 (2) Prior to adoption of any rules under this subchapter, the
 9 ~~commission~~ Arkansas Natural Resources Commission shall obtain comments on the
 10 proposed rules from the ~~Private Wetland and Riparian Zone Creation,~~
 11 ~~Restoration, and Conservation Committee~~ committee.

12 ~~(b)-(1)~~(c)(1) The ~~commission~~ Arkansas Natural Resources Commission may
 13 charge a reasonable application fee for the processing of tax credit
 14 applications.

15 (2) All fees collected shall be deposited into the Arkansas
 16 Water Development Fund.

17
 18 SECTION 13. Arkansas Code Title 26, Chapter 55, Subchapter 8, is
 19 repealed as obsolete.

20 ~~Subchapter 8 — Unlicensed Out of State Trucks~~

21
 22 ~~26-55-801. Purpose.~~

23 ~~The purpose of this subchapter is to afford service station operators~~
 24 ~~throughout the State of Arkansas an equal opportunity in the sale of motor~~
 25 ~~fuel and special motor fuel to out of state truckers and to provide a means~~
 26 ~~for payment of the fuel tax.~~

27
 28 ~~26-55-802. Failure to comply.~~

29 ~~It shall be prima facie evidence of failure to comply with and intent~~
 30 ~~to evade the provisions of this subchapter when any person or operator of an~~
 31 ~~unlicensed motor fuel user or special motor fuel user out of state truck who~~
 32 ~~has not complied with this subchapter is traveling upon a state highway~~
 33 ~~within fifty (50) miles of the state line in the direction of exit of the~~
 34 ~~State of Arkansas. The person or operator shall be liable for the penalty and~~
 35 ~~interest set out in § 26-55-716.~~

1 ~~26-55-803. Entry slips required—Computation of tax.~~

2 ~~(a) All licensed motor fuel user and distillate special fuel user out-~~
 3 ~~of state trucks with a gross loaded weight of twenty six thousand one pounds~~
 4 ~~(26,001 lbs.) or more entering the State of Arkansas at the point of entry~~
 5 ~~shall secure a copy of an entry slip from the Secretary of the Department of~~
 6 ~~Finance and Administration or his or her authorized agent or employee.~~

7 ~~(b) The entry slip shall be signed by the secretary or his or her~~
 8 ~~authorized agent or employee, and the entry slip shall also be signed by the~~
 9 ~~driver of the vehicle.~~

10 ~~(c) The entry slip shall contain the following information:~~

11 ~~(1) Name and address of the owner or the operator of the~~
 12 ~~vehicle;~~

13 ~~(2) State of registration;~~

14 ~~(3) License number;~~

15 ~~(4) Speedometer reading;~~

16 ~~(5) Destination and point of leaving state; and~~

17 ~~(6) Description of vehicle.~~

18 ~~(d) The entry slip shall remain in the vehicle for the remainder of~~
 19 ~~the trip over the highways of this state and shall be produced for the~~
 20 ~~inspection of the secretary or his or her authorized employee or~~
 21 ~~representative, at any point within the state and shall also be produced at~~
 22 ~~the port of exit to the secretary or his or her authorized agent or employee,~~
 23 ~~for determination of any fuel taxes due the state.~~

24 ~~(e)(1) For the purpose of determining the amount the interstate user~~
 25 ~~owes the State of Arkansas for tax on motor fuel or distillate special fuel~~
 26 ~~used in this state as provided in this section, the number of gallons of~~
 27 ~~motor fuel or distillate special fuel used in this state shall be determined~~
 28 ~~by an assessment based on the following mileage factors per gallon of motor~~
 29 ~~fuel or distillate special fuel as compared to the appropriate class of~~
 30 ~~vehicle set out in subdivision (e)(2) of this section.~~

31 ~~(2) For the purposes of this section:~~

32 ~~(A) All automobiles, except buses, with a capacity of less~~
 33 ~~than eight (8) passengers shall be deemed to be Class A vehicles;~~

34 ~~(B) All truck type vehicles, except buses, with a factory~~
 35 ~~rating and gross loaded weight of less than twenty two thousand five hundred~~
 36 ~~pounds (22,500 lbs.), shall be deemed to be Class B vehicles;~~

1 ~~(C) All other vehicles except buses, with a factory rating~~
2 ~~in excess of twenty two thousand five hundred pounds (22,500 lbs.), or whose~~
3 ~~total gross loaded weight exceeds twenty two thousand five hundred pounds~~
4 ~~(22,500 lbs.) shall be deemed to be Class C vehicles; and~~

5 ~~(D) All buses rated and licensed as such shall be deemed~~
6 ~~to be Class D vehicles.~~

7 ~~(3) The mileage factor per gallon of motor fuel or distillate~~
8 ~~special fuel for:~~

9 ~~(A) Class A vehicles shall be twelve (12) miles;~~

10 ~~(B) Class B vehicles shall be eight (8) miles;~~

11 ~~(C) Class C vehicles shall be five (5) miles; and~~

12 ~~(D) Class D vehicles shall be six (6) miles.~~

13 ~~(f) The motor fuel tax and distillate special fuel tax levied by this~~
14 ~~state shall be paid upon all such fuel used to propel out-of-state trucks~~
15 ~~upon the highways of this state.~~

16
17 ~~26-55-804. Payment of tax.~~

18 ~~The tax shall be paid by the owner or operator of the truck or vehicle~~
19 ~~in either of the following ways, at the option of the owner or operator:~~

20 ~~(1)(A) By the purchase of a sufficient amount or quantity of~~
21 ~~fuel from a retail dealer within the State of Arkansas to propel the vehicle~~
22 ~~the number of miles which the vehicle travels upon the highways of this~~
23 ~~state.~~

24 ~~(B) At the time of the purchase of the fuel, the owner or~~
25 ~~operator of the vehicle shall obtain from the dealer from whom purchased an~~
26 ~~invoice or sales ticket, or forms approved by the Secretary of the Department~~
27 ~~of Finance and Administration, which shall contain the name and address of~~
28 ~~the seller of the fuel, the name and address of the purchaser, the date of~~
29 ~~purchase, the amount or quantity and kind of fuel purchased, and the invoice~~
30 ~~or sales ticket shall remain in the vehicle for the remainder of the trip~~
31 ~~over the highways of this state.~~

32 ~~(C) The invoice or sales ticket shall be preserved and~~
33 ~~retained by the owner or operator for not less than three (3) years and shall~~
34 ~~be produced for the inspection and examination of the secretary or his or her~~
35 ~~authorized agent or employee at any reasonable time and place, either inside~~
36 ~~or outside this state, upon proper demand for the invoice or sales ticket; or~~

1 ~~(2)(A) By the payment of the amount of tax which would be due~~
 2 ~~upon a sufficient quantity of fuel to propel the vehicle over the highways of~~
 3 ~~this state to the secretary or to his or her agent, representative, or~~
 4 ~~employee.~~

5 ~~(B) At the time of payment of the tax, the secretary or~~
 6 ~~his or her employee or representative shall issue to the person paying the~~
 7 ~~tax a receipt showing the amount of tax paid, the name and address of the~~
 8 ~~owner or operator of the vehicle, a description of the vehicle, including the~~
 9 ~~license number and state of registration, the point at which the vehicle~~
 10 ~~entered upon the highways of this state, the destination and the place where~~
 11 ~~the vehicle is to leave the highways of this state, and any other information~~
 12 ~~which the secretary may require, which receipt shall be signed by the~~
 13 ~~secretary or his or her agent or representative.~~

14 ~~(C) The receipt shall remain in the vehicle for the~~
 15 ~~remainder of the trip over the highways of this state and thereafter shall be~~
 16 ~~preserved and retained by the owner or operator for a period of not less than~~
 17 ~~three (3) years, and shall be produced for the inspection of the secretary or~~
 18 ~~his or her authorized agent or representative, at any reasonable time and~~
 19 ~~place either within or without this state upon proper demand.~~

20
 21 SECTION 14. Arkansas Code Title 26, Chapter 55, Subchapter 13, is
 22 repealed as duplicative having been dual-codified at §§ 26-56-701 – 26-56-
 23 708.

24 ~~Subchapter 13 — Refunds — Motor Fuels Used by Fire Departments~~

25
 26 ~~26-55-1301. Definitions.~~

27 ~~As used in this subchapter:~~

28 ~~(1) “Distillate special fuel” means distillate special fuel as~~
 29 ~~defined in § 26-56-102;~~

30 ~~(2)(A) “Fire truck” means fire department-owned firefighting~~
 31 ~~apparatus used to respond to fire alarms, including, but not limited to,~~
 32 ~~tanker trucks, pumper trucks, and equipment trucks.~~

33 ~~(B) “Fire truck” does not include passenger vehicles and~~
 34 ~~ambulances; and~~

35 ~~(3) “Motor fuel” means motor fuel as defined in § 26-55-202.~~

36

1 ~~26-55-1302.—Applicability.~~

2 ~~Any fire department that purchases motor fuel or distillate special~~
3 ~~fuel for use in a fire truck shall be entitled to a refund of the motor fuel~~
4 ~~tax or distillate special fuel tax paid.~~

5
6 ~~26-55-1303.—Refund permit.~~

7 ~~(a) No fire department shall secure a refund of tax under this~~
8 ~~subchapter unless the fire department is the holder of an unrevoked permit~~
9 ~~which was issued by the Secretary of the Department of Finance and~~
10 ~~Administration before the purchase of the motor fuel or the distillate~~
11 ~~special fuel.~~

12 ~~(b) The permit shall be numbered and shall entitle the fire department~~
13 ~~to make an annual application for refund under this subchapter.~~

14 ~~(c) An application for the permit shall be filed with the secretary on~~
15 ~~forms prescribed by the secretary and shall contain such information as the~~
16 ~~secretary may require.~~

17 ~~(d) No person shall knowingly make a false or fraudulent statement in~~
18 ~~an application for a refund permit or in an application for a refund of any~~
19 ~~taxes under this subchapter.~~

20 ~~(e) The refund permit of any person who violates any provision of this~~
21 ~~subchapter shall be revoked by the secretary and shall not be reissued until~~
22 ~~two (2) years have elapsed after the date of the revocation.~~

23
24 ~~26-55-1304.—Applications for refunds.~~

25 ~~(a) The refund permit holder shall file with the Secretary of the~~
26 ~~Department of Finance and Administration an application for refund on forms~~
27 ~~furnished by the secretary which shall include, but not be limited to, the~~
28 ~~following information:~~

29 ~~(1) The quantity of motor fuel and distillate special fuel~~
30 ~~purchased for use in its fire trucks;~~

31 ~~(2) A statement that the motor fuel and distillate special fuel~~
32 ~~have been used exclusively in its fire trucks;~~

33 ~~(3) The amount of the tax claimed to be refunded;~~

34 ~~(4) The name, post office, and resident address of the fire~~
35 ~~department;~~

36 ~~(5) The name and address of the sellers from whom the motor fuel~~

1 ~~and distillate special fuel were purchased; and~~

2 ~~(6) Other information as the secretary shall require.~~

3 ~~(b)(1) An application for a refund shall be accompanied by a paid~~
4 ~~receipt for the purchase price of motor fuel and distillate special fuel on~~
5 ~~which the refund is sought.~~

6 ~~(2) The application shall be notarized and made to the~~
7 ~~secretary.~~

8 ~~(c) All claims for a refund under the provisions of this subchapter~~
9 ~~shall be subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq.~~

10 ~~(d)(1) The secretary shall promulgate a rule establishing the annual~~
11 ~~date for claiming a refund pursuant to this subchapter.~~

12 ~~(2) A refund shall only be granted for a purchase of motor fuel~~
13 ~~and distillate special fuel made within one (1) calendar year of the annual~~
14 ~~date for claiming the refund.~~

15
16 ~~26-55-1305. Refund paid from Gasoline Tax Refund Fund.~~

17 ~~(a) All valid claims for refund of the motor fuel tax under the~~
18 ~~provisions of this subchapter shall be paid from the Gasoline Tax Refund Fund~~
19 ~~and shall be subject to the same conditions and limitations as provided under~~
20 ~~§ 26-55-407, except that all the motor fuels covered by the provisions of~~
21 ~~this subchapter shall be subject to the full refund of the motor fuel taxes~~
22 ~~paid.~~

23 ~~(b)(1)(A) The Secretary of the Department of Finance and~~
24 ~~Administration shall annually estimate the amount necessary to pay refunds to~~
25 ~~the users of distillate special fuel who are entitled to refunds with respect~~
26 ~~to distillate special fuel taxes paid in this state as authorized in this~~
27 ~~subchapter.~~

28 ~~(B) Upon certification by the secretary, the Treasurer of~~
29 ~~State shall transfer from the gross amount of distillate special fuel taxes~~
30 ~~collected each month the amount so certified and shall credit the amount to~~
31 ~~the fund.~~

32 ~~(2) The transfers from the distillate special fuel taxes~~
33 ~~collected each month shall be made after deducting allowances for bad checks~~
34 ~~or claims but before making any other distribution as provided by law.~~

35 ~~(c)(1) All valid claims for refund of the distillate special fuel tax~~
36 ~~under the provisions of this subchapter shall be paid from the fund.~~

1 ~~(2) The refund for purchases of distillate special fuel tax~~
 2 ~~shall not include the moneys which have been pledged to the repayment of~~
 3 ~~highway bonds under § 26-56-201.~~

4 ~~(d) All warrants drawn against the fund that are not presented for~~
 5 ~~payment within one (1) year after issuance shall be void.~~

6 ~~(e) Neither the secretary nor any member or employee of the Department~~
 7 ~~of Finance and Administration shall be held personally liable for making any~~
 8 ~~refund by reason of a fraudulent claim filed as a basis for the refund.~~

9
 10 ~~26-55-1306. Records — Inspection.~~

11 ~~(a) The Secretary of the Department of Finance and Administration~~
 12 ~~shall keep a permanent record by fire department of the amount of refund~~
 13 ~~claimed and paid to each claimant.~~

14 ~~(b) The records shall be open to public inspection.~~

15
 16 ~~26-55-1307. Construction.~~

17 ~~Nothing in this subchapter shall be construed as an impairment of the~~
 18 ~~obligation existing between the State of Arkansas and the holders of Arkansas~~
 19 ~~state highway bonds, whether the bonds have already been issued or may be~~
 20 ~~issued in the future.~~

21
 22 ~~26-55-1308. Authority of secretary.~~

23 ~~The Secretary of the Department of Finance and Administration may make,~~
 24 ~~amend, and enforce rules, subpoena witnesses and documents, administer oaths,~~
 25 ~~and do and perform all other acts necessary to carry out the purpose and~~
 26 ~~intent of this subchapter.~~

27
 28 SECTION 15. Arkansas Code § 26-57-211(e)(1), concerning the payment,
 29 report, and remittance of taxes under the Arkansas Tobacco Products Tax Act
 30 of 1977 by a wholesaler, is amended to read as follows to repeal obsolete
 31 language:

32 (e)(1)(A) In computing the amount of tax due under this subchapter and
 33 any act supplemental to this subchapter, a wholesaler may deduct the cost of
 34 cigarette tax stamps and tobacco taxes lost through bad debts.

35 (B) Any deduction taken or refund paid attributable to bad
 36 debts shall not include interest.

1 (C) ~~A bad debt incurred for a sale made before August 13,~~
 2 ~~1993, shall not be deducted.~~

3 ~~(D)~~ A bad debt must be deducted within three (3) years of
 4 the date of the sale for which the debt was incurred.

5 ~~(E)~~(D) If a deduction is taken for a bad debt and the
 6 taxpayer subsequently collects the debt in whole or in part, the tax on the
 7 amount so collected shall be paid and reported on the next return due after
 8 the collection.

9
 10 SECTION 16. Arkansas Code § 26-57-253(a), concerning criminal actions
 11 and appeals under the Arkansas Tobacco Products Tax Act of 1977, is amended
 12 to read as follows to remove an obsolete reference:

13 (a) In all prosecutions in the district courts ~~and city courts or~~
 14 ~~other courts of this state~~, the State of Arkansas shall have the same right
 15 of appeal to the circuit courts of this state and upon the same terms as the
 16 defendant now has under the law in misdemeanor cases.

17
 18 SECTION 17. Arkansas Code § 26-63-102(3)(B), concerning the definition
 19 of "gross receipts" or "gross proceeds" under the Arkansas Special Excise
 20 Taxes law, is amended to read as follows to correct a word choice:

21 (B) "Gross receipts" or "gross proceeds" does not include:

22 (i) A discount, including cash, term, or a coupon
 23 that is not reimbursed by a third party and that is allowed by a seller and
 24 taken by a purchaser on a sale;

25 (ii) Interest, financing, or a carrying charge from
 26 credit extended on the sale of tangible personal property or a taxable
 27 service, if the amount is separately stated on the invoice, bill of sale, or
 28 similar document given to the purchaser; ~~and or~~

29 (iii) Any tax legally imposed directly on the
 30 consumer that is separately stated on the invoice, bill of sale, or similar
 31 document given to the purchaser;

32
 33 SECTION 18. Arkansas Code § 26-63-404 is amended to read as follows to
 34 correct entity names:

35 26-63-404. Exemptions.

36 There is exempted from the tourism tax levied by this subchapter the

1 following:

2 (1) Gross receipts or gross proceeds derived from the sale or
 3 rental of tangible personal property or taxable services to the Boy Scouts of
 4 America, chartered by the United States Congress in 1916, or the Girl Scouts
 5 of the United States of America, chartered by the United States Congress in
 6 1950, or any of the scout councils in this state;

7 ~~(2) Gross receipts or gross proceeds derived from the sale or~~
 8 ~~rental of tangible personal property or taxable services to the Boys Clubs of~~
 9 ~~America, chartered by the United States Congress in 1956, or any local~~
 10 ~~councils or organizations of the Boys Clubs of America;~~

11 ~~(3) Gross receipts or gross proceeds derived from the sale or~~
 12 ~~rental of tangible personal property or taxable services to the Girls Clubs~~
 13 ~~of America or any local council or organization of the Girls Clubs of America~~
 14 Gross receipts or gross proceeds derived from the sale or rental of tangible
 15 personal property or taxable services to the Boys and Girls Clubs of America
 16 or a local council or organization of the Boys and Girls Clubs of America; or

17 ~~(4)~~(3) Gross receipts or gross proceeds derived from the sale or
 18 rental of tangible personal property or taxable services to 4-H ~~Clubs~~ clubs
 19 and FFA ~~Clubs~~ clubs in this state, to the Arkansas 4-H Foundation,
 20 Incorporated, the Arkansas FFA Foundation, and the Arkansas Division of the
 21 Future Farmers of America.

22

23 SECTION 19. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

24 It is the intent of the General Assembly that:

25 (1) The enactment and adoption of this act shall not expressly
 26 or impliedly repeal an act passed during the regular session of the Ninety-
 27 Third General Assembly;

28 (2) To the extent that a conflict exists between an act of the
 29 regular session of the Ninety-Third General Assembly and this act:

30 (A) The act of the regular session of the Ninety-Third
 31 General Assembly shall be treated as a subsequent act passed by the General
 32 Assembly for the purposes of:

33 (i) Giving the act of the regular session of the
 34 Ninety-Third General Assembly its full force and effect; and

35 (ii) Amending or repealing the appropriate parts of
 36 the Arkansas Code of 1987; and

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(B) Section 1-2-107 shall not apply; and
(3) This act shall make only technical, not substantive, changes
to the Arkansas Code of 1987.

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Second Extraordinary Session, 2020
4

A Bill

DRAFT DTP/DTP
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 27 OF
9 THE ARKANSAS CODE CONCERNING TRANSPORTATION AND MOTOR
10 VEHICLE LAWS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 27
14 OF THE ARKANSAS CODE CONCERNING
15 TRANSPORTATION AND MOTOR VEHICLE LAWS.
16
17
18

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

21 SECTION 1. Arkansas Code § 27-14-601(a)(3)(D), concerning fees for the
22 registration and licensing of motor vehicles, is amended for consistency to
23 read as follows:

24 (D) Class Four – On all vehicles with a gross loaded
25 weight between forty thousand one pounds (40,001 lbs.) and fifty-six thousand
26 pounds (56,000 lbs.), the fee to be charged shall be at the rate of eleven
27 dollars and five cents (\$11.05) per thousand pounds of gross loaded weight of
28 the vehicles;
29

30 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

31 It is the intent of the General Assembly that:

32 (1) The enactment and adoption of this act shall not expressly
33 or impliedly repeal an act passed during the regular session of the Ninety-
34 Third General Assembly;

35 (2) To the extent that a conflict exists between an act of the
36 regular session of the Ninety-Third General Assembly and this act:

DRAFT

1 (A) The act of the regular session of the Ninety-Third
2 General Assembly shall be treated as a subsequent act passed by the General
3 Assembly for the purposes of:

4 (i) Giving the act of the regular session of the
5 Ninety-Third General Assembly its full force and effect; and

6 (ii) Amending or repealing the appropriate parts of the
7 Arkansas Code of 1987; and

8 (B) Section 1-2-107 shall not apply; and

9 (3) This act shall make only technical, not substantive, changes
10 to the Arkansas Code of 1987.

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