

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 365

By: Senator Rapert  
By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 17 OF  
THE ARKANSAS CODE CONCERNING PROFESSIONS,  
OCCUPATIONS, AND BUSINESSES; AND FOR OTHER PURPOSES.

## Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 17  
OF THE ARKANSAS CODE CONCERNING  
PROFESSIONS, OCCUPATIONS, AND BUSINESSES.

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

SECTION 1. Arkansas Code § 17-12-103(4), concerning the definition of "board" regarding accountants, is repealed to conform to the Arkansas Code style.

~~(4) "Board" means the Arkansas State Board of Public Accountancy created by § 17-12-201;~~

SECTION 2. Arkansas Code § 17-17-103(2), concerning the definition of "board" regarding auctioneers, is repealed to conform to the Arkansas Code style.

~~(2) "Board" means the Auctioneer's Licensing Board;~~

SECTION 3. Arkansas Code § 17-19-101(2), concerning the definition of "board" regarding bail bondsmen, is repealed to conform to the Arkansas Code style.

~~(2) "Board" means the Professional Bail Bond Company and~~



~~Professional Bail Bondsman Licensing Board;~~

SECTION 4. Arkansas Code § 17-20-409(b), concerning fees regarding barber schools and postsecondary barber schools, is amended for grammatical purposes to read as follows:

(b) Other fees applicable to barber schools or colleges are:

- (1) Teacher, manager, ~~or~~ instructor examination . . . . \$80.00
- (2) Teacher, manager, ~~or~~ instructor license . . . . . 40.00
- (3) Restoration of a teacher, manager, ~~or~~ instructor license . . . . . 48.00

SECTION 5. Arkansas Code § 17-20-424(a), concerning the inspection of student work, is amended to add language for clarification to read as follows:

(a) Each barber college shall require that a patron ~~shall~~ not be released from a chair after being served by a student until all the work performed by the student has been thoroughly inspected and approved by a teacher manager instructor.

SECTION 6. Arkansas Code § 17-21-101(3), concerning the definition of "director" regarding beauty pageants, is repealed to conform to the Arkansas Code style.

~~(3) "Director" means the Director of the Department of Finance and Administration;~~

SECTION 7. Arkansas Code § 17-22-101(4), concerning the definition of "commission" regarding combative sports, is repealed to conform to the Arkansas Code style.

~~(4) "Commission" means the State Athletic Commission as provided in § 17-22-201;~~

SECTION 8. Arkansas Code § 17-22-204(a)(2), concerning the authority of the State Athletic Commission, is amended to add language for clarification to read as follows:

(2) A combative sports match ~~and~~ or exhibition declared to be amateur and self-regulated shall be governed by the commission unless

sanctioned by:

(A) A federally recognized sanctioning body approved in writing by the commission; and

(B) A national oversight body with 26 U.S.C. § 501(c)(3) status under the Internal Revenue Code of 1986 operating in at least six (6) states approved in writing by the commission.

SECTION 9. Arkansas Code § 17-24-102(b), concerning exemptions regarding collection agencies, is amended to correct a discrepancy in terms to read as follows:

(b) Nothing in § 17-24-301, § 17-24-309, § 17-24-401, or this ~~chapter~~ subchapter with respect to licensure by the State Board of Collection Agencies or limitations of fees for collection services shall include or be applicable to attorneys at law licensed to practice in the State of Arkansas who are engaged in rendering legal services for clients in the collection of accounts, debts, or claims, nor shall § 17-24-301, § 17-24-309, § 17-24-401, or this ~~chapter~~ subchapter amend or repeal in any way the exemptions set out in subsection (a) of this section.

SECTION 10. Arkansas Code § 17-24-105 is amended to clarify language to read as follows:

17-24-105. Remedies.

When any person, partnership, corporation, or association engages in the business activities of a collection agency without a valid license issued ~~pursuant to~~ under this chapter or has had the license revoked, suspended, or refused, in accordance with the provisions of this ~~subchapter~~ chapter, the State Board of Collection ~~Agencies shall have the right to~~ Agencies may petition the circuit court in the jurisdiction in which the collection activity has occurred and, upon affidavit, secure a writ of injunction, without bond, restraining and prohibiting the person, partnership, corporation, or association from operating the collection agency.

SECTION 11. Arkansas Code § 17-24-305(b)(4), concerning fees and disposition of fees regarding collection agencies, is amended to clarify the language to read as follows:

(4) Funds remaining after the distributions listed in

subdivisions (b)(3)(A)-(F) of this section shall be deposited into a bank authorized to do business within this state and placed into the State Board of Collection Agencies account in a bank authorized to do business in this state account of the board.

SECTION 12. Arkansas Code § 17-25-101(a)(2), concerning the definition of "contractor" regarding the licensure of contractors, is amended to correct a discrepancy in terms to read as follows:

(2) However, when a person or an entity acts as a contractor in the construction, erection, alteration, demolition, or repair of his or her own or its own property, such action shall not result in the person's or entity's being required to obtain a license, but the person or entity shall comply with all other provisions of this ~~subchapter~~ chapter.

SECTION 13. Arkansas Code § 17-25-502(1), concerning the definition of "committee" regarding residential contractors, is repealed to conform to the Arkansas Code style.

~~(1) "Committee" means the Residential Contractors Committee created by this subchapter;~~

SECTION 14. Arkansas Code § 17-25-502(4), concerning the definition of "single family residence" regarding residential contractors, is amended for clarification to read as follows:

(4) "Single family residence" means any project consisting of at least one (1) but not more than four (4) units of new construction for residential occupancy.

SECTION 15. Arkansas Code § 17-26-306(2), concerning the prerequisites for examination for an electrologist license, is amended for clarification to read as follows:

(2) Has completed the twelfth grade ~~or~~ at an accredited senior high school in the public schools of this state or its equivalent; and

SECTION 16. Arkansas Code § 17-26-319(g)(2), concerning the fee for a lifetime license of cosmetology and related occupations, is amended to correct a discrepancy in a name to read as follows:

(2) The fee for a lifetime license shall be established by rule of the ~~board~~ department.

SECTION 17. Arkansas Code § 17-27-102(1), concerning the definition of "board" regarding counselors, is repealed to conform to the Arkansas Code style.

~~(1) "Board" means the Arkansas Board of Examiners in Counseling;~~

SECTION 18. Arkansas Code § 17-27-401(1), concerning the definition of "board" regarding alcoholism and drug abuse counselors, is repealed to conform to the Arkansas Code style.

~~(1) "Board" means the State Board of Examiners of Alcoholism and Drug Abuse Counselors created by this subchapter;~~

SECTION 19. Arkansas Code § 17-27-403 is amended to conform to the Arkansas Code style to read as follows:

17-27-403. Exemptions.

(a)~~(1) Nothing contained in this subchapter shall be~~ This subchapter is not applicable to employees of the Department of Education or local boards of education who meet the certification as established or which may be established by the State Board of Education.

~~(2)(b) Nothing in this subchapter shall be construed to limit~~ This subchapter does not:

(1) Limit or restrict the regulation of the title, setting of standards, qualifications, training, or experience of those who seek to engage in the practice of alcoholism and drug abuse counseling and who have been or will be certified by the ~~board~~ State Board of Examiners of Alcoholism and Drug Abuse Counselors for the position for which they have been employed~~;~~;

~~(b)(2) Nothing contained in this subchapter shall require~~ Require persons employed by the State of Arkansas, the director or administrative head of a social service agency or division of a city or county, or applicants for such employment to be licensed~~;~~;

~~(c)(3) Nothing contained in this subchapter shall be construed to limit~~ Limit the activities and services of a student or intern seeking to fulfill the educational requirements in order to qualify for a license under

this subchapter or acts of other recognized health or behavioral sciences professions;

~~(d)(4) Nothing contained in this subchapter shall prohibit~~ Prohibit individuals not licensed under the provisions of this subchapter who work in self-help groups or programs or not-for-profit organizations from providing services in those groups, programs, or organizations or agencies;

~~(e)(5) Nothing contained in this subchapter shall be construed to prevent~~ Prevent qualified members of other recognized health or behavioral science professions from performing work within the standards and ethics of their respective professions;

~~(f)(6) Nothing in this subchapter shall be construed to prevent~~ Prevent persons licensed under other health or behavioral science boards from the practice of alcoholism and drug abuse counseling so long as those persons maintain current licensure in their respective fields;

~~(g)(7) Nothing contained in this subchapter shall be construed to prevent~~ Prevent members of the clergy or Christian Science practitioners from performing work within the standards and any code of ethics of their respective professions as long as they do not hold themselves out to the public as being licensed alcoholism and drug abuse counselors; or

~~(h)(8) Nothing contained in this subchapter shall be construed to restrict~~ Restrict the licensure of programs under §§ 20-64-901 – 20-64-909.

SECTION 20. Arkansas Code § 17-30-303(g)(1), concerning authorization certificates regarding engineers, is amended to clarify language to read as follows:

(g)(1) The Secretary of State shall not issue a certificate of incorporation to an applicant or a registration as a foreign firm to a firm that includes among the objectives for which it is established any of the words “engineer”, “engineering”, or any modification or derivation thereof unless the board ~~of licensure for this profession~~ has issued for the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to receive such a certificate.

SECTION 21. Arkansas Code § 17-40-308(c), concerning insurance prerequisites for licenses or credentials of private investigators and private security agencies, is amended to clarify language to read as follows:

(c)(1) All Class E licensees shall maintain in force at all times while licensed a public liability insurance policy, with minimum limits of liability of three hundred thousand dollars (\$300,000).

(2) All alarm systems ~~businesses~~ companies that issue Underwriters Laboratories certificates for local mercantile, central station, or police connected alarms shall maintain in force at all times a public liability insurance policy in an amount of at least three hundred thousand dollars (\$300,000).

(3) Proof of public liability insurance shall be provided to the director at the time of application or renewal or upon request.

(4) This section does not pertain to alarm systems ~~businesses~~ companies that do not sell, install, or service alarm systems.

SECTION 22. Arkansas Code § 17-40-314(c), concerning managers relating to private investigators and private security agencies, is amended to add an additional type of business to read as follows:

(c) It is unlawful for an individual to make application to the director as manager or to serve as manager of an investigations company, security services contractor, private business, or alarm systems company unless the individual intends to maintain a supervisory position on a daily basis for the investigations company, security services contractor, private business, or alarm systems company.

SECTION 23. Arkansas Code § 17-42-203(h), concerning the powers and duties of the Arkansas Real Estate Commission, is amended to clarify language to read as follows:

(h)(1) The commission ~~is authorized to~~ may establish reasonable procedures that shall be used by ~~real estate~~ licensees participating in ~~conducting~~ real estate auctions.

(2) For the protection of the public, ~~real estate~~ licensees who ~~manage and conduct~~ participate in real estate auctions also shall be required to be licensed by the Auctioneer's Licensing Board.

(3) Notwithstanding subdivision (h)(2) of this section, the commission shall have sole jurisdiction over ~~real estate~~ licensees and their actions when ~~managing or conducting~~ participating in real estate auctions.

SECTION 24. Arkansas Code § 17-42-303(b)(1), concerning education and experience requirements relating to real estate licensure, is amended to use the defined terms appropriately to read as follows:

(b)(1) The commission shall establish the experience requirement for licensure for an applicant for a broker's license subject to the condition of serving an active, bona fide apprenticeship by holding a valid ~~real-estate~~ salesperson's license issued by the commission or by holding a valid ~~real-estate~~ salesperson's license or broker's license issued by the appropriate licensing agency of another state for a period of not less than twenty-four (24) months within the previous forty-eight-month period immediately preceding the date of application.

SECTION 25. Arkansas Code § 17-42-510(a)(6), concerning education fees relating to real estate licensure, is amended to clarify language to read as follows:

(6) An administrator license renewal fee not to exceed one hundred dollars (\$100);

SECTION 26. Arkansas Code § 17-43-201(a)(3), concerning the creation and membership of the Arkansas State Board of Sanitarians, is amended to clarify language and conform to the Arkansas Code style to read as follows:

(3)(A) One (1) member shall not be actively engaged in the business of sanitation or retired as a sanitarian and shall represent consumers.

(B) This member shall be appointed from the state at large, subject to confirmation by the Senate.

(C) He or she shall be a full voting member but shall not participate in the grading of examinations.

SECTION 27. Arkansas Code § 17-44-102(f)(2), concerning required records for scrap metal dealers, is amended to clarify language to read as follows:

(2)(A) The operator of the electronic database under this section shall send a report that ~~shall include~~ includes a list of all scrap metal recyclers in the county that have accessed or that have access to the database but have not filed a daily electronic record of scrap metal

purchases as required by this section to:

(i) ~~To the~~ The county sheriff every seven (7) days;

and

(ii) ~~To any~~ Any law enforcement agency that requests periodic copies of the report more frequently than every seven (7) days.

(B)(i) A scrap metal recycler who fails to file a daily electronic record of scrap metal purchases as required by this section shall be subject to the civil penalty provided for under § 17-44-106(a) for the first offense.

(ii) A second violation of the daily reporting requirement of this section is a Class A misdemeanor.

(iii) A third or subsequent violation is a Class D felony.

~~(C) The report by the operator of the electronic database shall include a list of all scrap metal recyclers in the county that have accessed or that have access to the database but have not filed a daily electronic record of scrap metal purchases as required by this section.~~

SECTION 28. Arkansas Code § 17-45-105 is amended for grammatical purposes to read as follows:

17-45-105. Disposition of fees.

All fees levied and collected under the provisions of this chapter are declared to be special revenues and shall be deposited into the State Treasury and credited to the ~~General Account~~ general account of the Public Health Fund or any successor fund, fund account, or account.

SECTION 29. Arkansas Code § 17-49-202(1), concerning the definition of "department" regarding licensure of transient merchants, is repealed to conform to the Arkansas Code style.

~~(1) "Department" means the Department of Finance and Administration;~~

SECTION 30. Arkansas Code § 17-49-203(b), concerning the procedure for exemption from licensure of transient merchants, is amended to clarify language to read as follows:

(b) The Department of Finance and Administration or its ~~duly~~

authorized agents, or any highway patrol officer, sheriff, or other peace officer, for the purpose of the enforcement of this subchapter, ~~shall have authority to~~ may administer oaths and take acknowledgments of the oaths.

SECTION 31. Arkansas Code § 17-50-103(4), concerning the definition of "commission" regarding the licensure of water well constructors, is repealed to conform to the Arkansas Code style.

~~(4) "Commission" means the Commission on Water Well Construction as created by § 17-50-201;~~

SECTION 32. Arkansas Code § 17-50-108(b)-(d), concerning exemptions and limitations for water well contractors, are amended to clarify language to read as follows:

(b)(1) ~~Nothing in this~~ This chapter or any rule, ~~regulation,~~ or order ~~pursuant to it shall~~ issued under this chapter does not prevent a person who has not obtained a license ~~pursuant to~~ under § 17-50-304 from constructing, altering, or repairing a water well or installing or repairing a pump or pumping equipment for use by him or her on his or her own land.

(2) This chapter ~~shall~~ does not apply to any person owning, operating, and maintaining on May 27, 1969, any ~~such~~ water well unless it constitutes a public health hazard.

(c)(1)(A) ~~No~~ A water well in existence on May 27, 1969, ~~shall be~~ is ~~not~~ required to conform to the provisions of § 17-50-205 or any rules ~~or regulations~~ adopted ~~pursuant thereto~~ under § 17-50-205.

(B) However, any water well abandoned or repaired, including any water well deemed to have been abandoned, as defined in this chapter, shall be brought into compliance with the requirements of this chapter and applicable rules ~~or regulations~~ with respect to abandonment of water wells.

(2) Any water well supplying water which is determined by the commission to be a health hazard must comply with the provisions of this chapter and applicable rules ~~and regulations~~ within a reasonable time after notification of the determination has been given.

(d) This chapter ~~shall~~ does not apply to any distribution of water beyond the point of discharge from any storage or pressure tank, or beyond the point of discharge from the pump if no tank is employed, nor to any water

well, pump, or other equipment used temporarily for dewatering purposes.

SECTION 33. Arkansas Code § 17-50-403(1), concerning the definition of "commission" under the Arkansas Water Well Rig Confiscation Act, is repealed to conform to the Arkansas Code style.

~~(1) "Commission" means the Commission on Water Well Construction, which was created for administration and enforcement of the Arkansas Water Well Construction Act, § 17-50-101 et seq.;~~

SECTION 34. Arkansas Code § 17-51-101(1) and (2), concerning the definitions of "board" and "committee" regarding waterworks operators, are repealed to conform to the Arkansas Code style.

~~(1) "Board" means the State Board of Health;~~

~~(2) "Committee" means the Drinking Water Advisory and Operator Licensing Committee;~~

SECTION 35. Arkansas Code § 17-51-101(4), concerning the definition of "department" regarding waterworks operators, is repealed to conform to the Arkansas Code style.

~~(4) "Department" means the Department of Health;~~

SECTION 36. Arkansas Code § 17-52-303(2), concerning the definition of "board" regarding the Arkansas Home Inspectors Registration Act, is repealed to conform to the Arkansas Code style.

~~(2) "Board" means the Arkansas Home Inspector Registration Board as established in this subchapter;~~

SECTION 37. Arkansas Code § 17-80-101(a), concerning the filing and compilation of licensing information, is amended to clarify language to read as follows:

(a)(1) ~~It is the duty of the secretaries~~ The Executive Director of the Arkansas State Medical Board and the Executive Director of the Arkansas State Board of Chiropractic Examiners ~~to~~ shall file with the Secretary of State within one (1) week of the issuance of a license:

- (A) The name of the person licensed;
- (B) The date of license;

(C) The last known post office address of the person licensed; and

(D) Whether the license was granted:

(i) On examination before the ~~board~~ Arkansas State Medical Board or the Arkansas State Board of Chiropractic Examiners;

(ii) By reciprocity and, if so, the name of the state which issued the license; or

(iii) On a diploma and, if so, the name of the school or medical college which issued the diploma.

(2) This information shall be verified by the affidavits of the ~~secretaries of the respective boards~~ Executive Director of the Arkansas State Medical Board or the Executive Director of the Arkansas State Board of Chiropractic Examiners.

SECTION 38. Arkansas Code § 17-86-311(a)(7), concerning the disciplinary actions and penalties of massage therapists, is amended to clarify language to read as follows:

(7) Failure to comply with the Department of Health’s Massage Therapy Code of Ethics or any valid ~~regulation~~ rule or order of the ~~committee~~ department;

SECTION 39. Arkansas Code § 17-87-603 is amended to clarify language to read as follows:

17-87-603. Definition.

As used in this subchapter, the term “head of the ~~nurse~~ state licensing board” means the Executive Director of the Arkansas State Board of Nursing.

SECTION 40. Arkansas Code § 17-88-102(1)-(3), concerning the definitions of "association", "board", and "committee" relating to occupational therapists, are repealed to conform to the Arkansas Code style.

~~(1) “Association” means the Arkansas Occupational Therapy Association;~~

~~(2) “Board” means the Arkansas State Medical Board;~~

~~(3) “Committee” means the Arkansas State Occupational Therapy Examining Committee;~~

SECTION 41. Arkansas Code § 17-89-102(2), concerning the definition of "board" relating to ophthalmic dispensing, is repealed to conform to the Arkansas Code style.

~~(2) "Board" means the Arkansas Board of Dispensing Opticians;~~

SECTION 42. Arkansas Code § 17-90-503(1), concerning the definition of "board" relating to the Impaired Optometrist Treatment program, is repealed to conform to the Arkansas Code style.

~~(1) "Board" means the State Board of Optometry with reference to optometrists;~~

SECTION 43. Arkansas Code § 17-92-101(1), concerning the definition of "board" relating to pharmacists and pharmacies, is repealed to conform to the Arkansas Code style.

~~(1) "Board" means the Arkansas State Board of Pharmacy;~~

SECTION 44. Arkansas Code § 17-92-602(1), concerning the definition of "board" under the Hospital Pharmacies Act, is repealed to conform to the Arkansas Code style.

~~(1) "Board" means the Arkansas State Board of Pharmacy;~~

SECTION 45. Arkansas Code § 17-92-701(1), concerning the definition of "board" in the program for pharmacists impaired by chemical dependency, is repealed to conform to the Arkansas Code style.

~~(1) "Board" means the Arkansas State Board of Pharmacy;~~

SECTION 46. Arkansas Code § 17-92-701(3), concerning the definition of "committee" in the program for pharmacists impaired by chemical dependency, is repealed to conform to the Arkansas Code style.

~~(3) "Committee" means a committee appointed by the board to formulate and administer the impaired pharmacists program;~~

SECTION 47. Arkansas Code § 17-93-402(5), concerning the definition of "board" relating to athletic trainers, is repealed to conform to the Arkansas Code style.

~~(5) "Board" means the Arkansas State Board of Athletic Training;~~

SECTION 48. Arkansas Code § 17-95-107(b)(2), concerning the definition of "board" regarding credentialing organizations, is repealed to conform to the Arkansas Code style.

~~(2) "Board" means the Arkansas State Medical Board;~~

SECTION 49. Arkansas Code § 17-95-202(2), concerning the definition of "board" under the Arkansas Medical Practices Act, is repealed to conform to the Arkansas Code style.

~~(2) "Board" means the Arkansas State Medical Board;~~

SECTION 50. Arkansas Code § 17-95-301(c), concerning the creation and membership of the Arkansas State Medical Board, is amended to remove an obsolete provision to read as follows:

(c)(1) The term of each member shall expire on December 31 of the year designated, and a successor appointee shall be named by the Governor on or before the expiration date of the term so expiring.

~~(2)(A) No A~~ member may not serve on the board for more than two (2) full terms or more than thirteen (13) years.

~~(B) However, this subdivision (c)(2) shall not cut short a term for which a member is serving on August 12, 2005.~~

SECTION 51. Arkansas Code § 17-95-703(1), concerning the definition of "board" regarding treatment of chronic intractable pain, is repealed to conform to the Arkansas Code style.

~~(1) "Board" means the Arkansas State Medical Board;~~

SECTION 52. Arkansas Code § 17-95-909 is amended to correct a reference and to conform to the Arkansas Code style to read as follows:

17-95-909. Exclusions of limitations of employment.

This ~~chapter shall not be construed to~~ subchapter does not limit the employment arrangement of a graduate registered physician licensed under this subchapter.

SECTION 53. Arkansas Code § 17-96-101(1), concerning the definition of "board" relating to podiatric medicine, is repealed to conform to the

Arkansas Code style.

~~(1) "Board" means the Arkansas Board of Podiatric Medicine;~~

SECTION 54. Arkansas Code § 17-98-103(2), concerning the definition of "board" relating to the registration of disease intervention specialists, is repealed to conform to the Arkansas Code style.

~~(2) "Board" means the State Board of Disease Intervention Specialists created by this chapter;~~

SECTION 55. Arkansas Code § 17-99-102(1) and (2), concerning the definitions of "board" and "committee" relating to respiratory care practitioners, are repealed to conform to the Arkansas Code style.

~~(1) "Board" means the Arkansas State Medical Board;~~

~~(2) "Committee" means the Arkansas State Respiratory Care Examining Committee;~~

SECTION 56. Arkansas Code § 17-100-107 is amended to clarify language to read as follows:

17-100-107. Injunction against unlawful practice.

When any person not licensed by the Board of Examiners in Speech-Language Pathology and Audiology, or any licensee, ~~shall engage~~ engages in the practice of speech-language pathology or audiology as ~~herein~~ defined in § 17-100-103 in violation of this chapter or the rules ~~and regulations~~ of the board, the board ~~shall have the authority to~~ may go into the Pulaski County Circuit Court or the circuit court of the county in which the person resides and, upon affidavit, secure a writ of injunction, without bond, restraining and prohibiting the person from the practice of speech-language pathology or audiology in violation of this chapter.

SECTION 57. Arkansas Code § 17-101-102(3), concerning the definition of "board" regarding veterinarians and animal technicians, is repealed to conform to the Arkansas Code style.

~~(3) "Board" means the Veterinary Medical Examining Board;~~

SECTION 58. Arkansas Code § 17-102-206 is amended to clarify language to read as follows:

17-102-206. Board duties and powers.

(a)(1)(A) ~~The Arkansas State Board of Acupuncture and Related Techniques is empowered to~~ may incur whatever expenses ~~it~~ the Arkansas State Board of Acupuncture and Related Techniques may deem necessary or expedient in performing ~~its~~ the functions of the Arkansas State Board of Acupuncture and Related Techniques.

(B) ~~It~~ The Arkansas State Board of Acupuncture and Related Techniques may employ or engage whatever personnel, legal counsel, independent contractors, or assistants ~~it~~ the Arkansas State Board of Acupuncture and Related Techniques may deem necessary or expedient ~~therefor~~ in performing the functions of the Arkansas State Board of Acupuncture and Related Techniques and fix their compensation.

(C) However, ~~no~~ an employee of the Arkansas State Board of Acupuncture and Related Techniques shall not have any financial interest in the occupation of acupuncture and related techniques.

(2) All of the disbursements provided for in this section shall be out of the fees and fines collected by the Arkansas State Board of Acupuncture and Related Techniques.

(b) The Arkansas State Board of Acupuncture and Related Techniques is authorized to:

(1) Make suitable bylaws for carrying out ~~its~~ the duties of the Arkansas State Board of Acupuncture and Related Techniques under the provisions of this chapter;

(2) Sue and be sued;

(3) Have an official seal that shall bear the words "Arkansas State Board of Acupuncture and Related Techniques";

(4)(A) Provide a secretary's certificate.

(B) The certificate of the Secretary of the Arkansas State Board of Acupuncture and Related Techniques under seal shall be accepted in the courts of the state as the best evidence as to the minutes of the Arkansas State Board of Acupuncture and Related Techniques and shall likewise be accepted in the courts of the state as the best evidence as to the licensure or nonlicensure of any person under the requirements of this chapter;

(5)(A) Adopt, publish, and, from time to time, revise ~~such~~ rules ~~and regulations not inconsistent~~ consistent with the law as may be necessary

to enable ~~it~~ the Arkansas State Board of Acupuncture and Related Techniques to carry into effect the provisions of this chapter.

(B) Within thirty (30) days after the effective date of this act, the Arkansas State Board of Acupuncture and Related Techniques shall promulgate new rules to replace the following existing rules: Title I, Title II, Title III, Title IV, Title V, and Title VI.

(C) All proposed rules after the effective date of this act shall be approved in writing by the Arkansas State Medical Board under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., but before submission to the Administrative Rules and Regulations Subcommittee of the Legislative Council;

(6) Keep a record of all ~~its~~ proceedings, receipts, and disbursements of the Arkansas State Board of Acupuncture and Related Techniques;

(7) Adopt standards for applicants wishing to take the licensing examination and conduct examinations or contract with persons or entities to conduct examinations of applicants;

(8)(A) Grant, deny, renew, suspend, or revoke licenses to practice acupuncture and related techniques for any cause stated in this chapter.

(B) Except as otherwise provided by this chapter, the Arkansas State Board of Acupuncture and Related Techniques shall have exclusive jurisdiction to determine who shall be permitted to practice acupuncture and related techniques in the State of Arkansas; and

(9) Conduct disciplinary proceedings under this chapter.

(c)(1) In the performance of ~~its~~ the duties of the Arkansas State Board of Acupuncture and Related Techniques, the Arkansas State Board of Acupuncture and Related Techniques ~~is empowered to~~ may administer oaths and take testimony on any matters within the Arkansas State Board of Acupuncture and Related Techniques' jurisdiction and issue subpoenas and thereby compel the attendance of persons before ~~it~~ the Arkansas State Board of Acupuncture and Related Techniques for the purpose of examining any facts or conditions properly pending before the Arkansas State Board of Acupuncture and Related Techniques for ~~its~~ action of the Arkansas State Board of Acupuncture and Related Techniques.

(2) All subpoenas issued by the Arkansas State Board of

Acupuncture and Related Techniques shall be served in the manner prescribed by law for the service of subpoenas issuing from the courts, and all persons so served shall obey the subpoenas or be subject to the penalties provided by law for the disobedience of subpoenas issuing from the courts.

SECTION 59. Arkansas Code § 17-104-102(1), concerning the definition of "board" under the Perfusionist Licensure Act, is repealed to conform to the Arkansas Code style.

~~(1) "Board" means the State Board of Health;~~

SECTION 60. Arkansas Code § 17-104-102(2), concerning the definition of "department" under the Perfusionist Licensure Act, is repealed to conform to the Arkansas Code style.

~~(2) "Department" means the Department of Health;~~

SECTION 61. Arkansas Code § 17-105-101(1), concerning the definition of "board" regarding physician assistants, is repealed to conform to the Arkansas Code style.

~~(1) "Board" means the Arkansas State Medical Board;~~

SECTION 62. Arkansas Code § 17-106-103(1) and (2), concerning the definitions of "board" and "committee" regarding consumer-patient radiation health and safety, are repealed to conform to the Arkansas Code style.

~~(1) "Board" means the State Board of Health;~~

~~(2) "Committee" means the Medical Ionizing Radiation Licensure Committee;~~

SECTION 63. Arkansas Code § 17-106-103(4), concerning the definition of "department" regarding consumer-patient radiation health and safety, is repealed to conform to the Arkansas Code style.

~~(4) "Department" means the Department of Health;~~

SECTION 64. 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-

Second General Assembly;

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

(A) The act of the regular session of the Ninety-Second 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-Second 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.