

Exhibits G1 – G19

Proposed Technical Corrections for 2025
Legislative Session

Exhibit G1

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT SSS/SS
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE ARKANSAS
9 CONSTITUTION; TO AMEND ARKANSAS CONSTITUTION,
10 AMENDMENT 51; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO THE
14 ARKANSAS CONSTITUTION; AND TO AMEND
15 ARKANSAS CONSTITUTION, AMENDMENT 51.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Constitution, Amendment 51, § 6(a)(2), concerning
22 voter registration application forms, is amended to read as follows to
23 correct a grammatical and punctuation error:

24 (2) Such forms shall include, in identical print, statements
25 that:

26 (A) Specify voter eligibility requirements;

27 (B) Contain an attestation that the applicant meets all
28 voter eligibility requirements and that the applicant does not claim the
29 right to vote in another county or state;

30 (C) Specify the penalties provided by law for submission
31 of a false voter registration application;

32 (D) Inform applicants that where they register to vote
33 will be kept confidential;

34 (E) Inform applicants that declining to register will also
35 be kept confidential; ~~and~~

36 (F) Inform applicants that they will be required to verify

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1 their registration when voting in person or by absentee ballot by providing a
2 required document or identification card as provided in Arkansas
3 Constitution, Amendment 51, § 13-~~r~~;

4 (G) Inform the applicant that if the voter registration
5 application is being collected by a third-party voter registration
6 organization, the third-party voter registration organization may be unable
7 to deliver the application to the permanent registrar in the county in which
8 the applicant resides before the thirty-day voter registration deadline to
9 vote in the next election and that the applicant may elect to deliver the
10 application in person or by mail; and

11 (H) Inform the applicant of the process to determine if
12 the application has been received by the Secretary of State.

13
14 SECTION 2. Arkansas Constitution, Amendment 51, § 9(a), concerning
15 eligibility to register to vote, is amended to read as follows to correct a
16 grammatical and punctuation error:

17 (a) All persons may register who:

18 (1) Have not been convicted of a felony unless the person's
19 sentence has been discharged or the person has been pardoned;

20 (2) Have not been adjudged mentally incompetent by a court of
21 competent jurisdiction; ~~and~~

22 (3) Meet one (1) of the following requirements:

23 (A) Are qualified electors who have not previously
24 registered;

25 (B) Will become qualified electors during the thirty-day
26 period immediately prior to the next election scheduled within the county; or

27 (C) Are otherwise qualified electors but whose
28 registration has been cancelled in a manner provided for by this amendment-~~r~~;
29 and

30 (4) Are citizens of the United States.

31
32 SECTION 3. Arkansas Constitution, Amendment 51, § 11(a), concerning
33 cancellation of voter registrations, is amended to read as follows to correct
34 a grammatical and punctuation error:

35 (a) It shall be the duty of the permanent registrar to cancel the
36 registration of voters:

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1 (1) Who have failed to respond to address confirmation mailings
2 described in section 10 of this amendment and have not voted or appeared to
3 vote in an election during the period beginning on the date of the notice and
4 ending on the day after the date of the second general election for federal
5 office that occurs after the date of the address confirmation notice;

6 (2) Who have changed their residence to an address outside the
7 county;

8 (3) Who have died;

9 (4) Who have been convicted of a felony and have not discharged
10 their sentence or been pardoned;

11 (5) Who are not lawfully qualified or registered electors of
12 this state or of the county; ~~or~~

13 (6) Who have been adjudged mentally incompetent by a court of
14 competent jurisdiction; or

15 (7) Who are not citizens of the United States.
16

17 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

18 It is the intent of the General Assembly that:

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

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

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

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

29 (ii) Amending or repealing the appropriate parts of
30 the Arkansas Constitution; and

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

32 (3) This act shall make only technical, not substantive, changes
33 to the Arkansas Constitution.
34
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36

Exhibit G2

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
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; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 1
15 OF THE ARKANSAS CODE CONCERNING GENERAL
16 PROVISIONS.
17

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

21 SECTION 1. Arkansas Code § 1-2-125 is repealed because the section has
22 expired.

23 ~~1-2-125. Electronic document submissions and publications.~~

24 ~~(a)(1) A state agency, a court, or a local government entity that is~~
25 ~~required by law to accept, solicit, or publish any information, record,~~
26 ~~report, application, or other required material may accept, solicit, or~~
27 ~~publish the information, record, report, application, or other required~~
28 ~~material in an electronic form.~~

29 ~~(2) If a state agency, a court, or a local government entity~~
30 ~~accepts, solicits, or publishes the information, record, report, application,~~
31 ~~or other required material in an electronic form under subdivision (a)(1) of~~
32 ~~this section, the state agency, the court, or the local government entity~~
33 ~~shall also comply with existing requirements in law concerning the~~
34 ~~acceptance, solicitation, or publication of information, records, reports,~~
35 ~~applications, or other required materials.~~

36 ~~(3) A state agency, a court, or a local government entity may~~

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1 ~~require an electronic form of receipt verification of information, records,~~
2 ~~reports, applications, or other required materials accepted, solicited, or~~
3 ~~published in an electronic form.~~

4 ~~(b) If as provided by this section, a state agency, a court, or a~~
5 ~~local government entity decides to accept, solicit, or publish the~~
6 ~~information, record, report, application, or other required material in an~~
7 ~~electronic form, the state agency, the court, or the local government entity~~
8 ~~shall:~~

9 ~~(1) Notify the Legislative Council within thirty (30) days of~~
10 ~~its decision and the justifications for the decision; and~~

11 ~~(2) On or before the expiration date of this section, advise the~~
12 ~~Legislative Council as to the sections of the Arkansas Code that should be~~
13 ~~amended to allow indefinitely for the discretion to accept, solicit, or~~
14 ~~publish the information, records, report, application, or other required~~
15 ~~material in an electronic form.~~

16 ~~(c) This section expires four (4) years after August 1, 2017.~~

17
18 SECTION 2. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

19 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

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36

Exhibit G3

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT ANS/SAN
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 § 4-56-107(d)(4)(A), concerning digital
22 currency, is reenacted to ratify the decision by the Arkansas Code Revision
23 Commission to change "does not require" to "does not prohibit" and "from
24 compliance with" to "from complying with" in order to correct a grammatical
25 error.

26 (4)(A) This section does not prohibit a financial institution,
27 or an officer, employee, or agent of a financial institution, from complying
28 with the Right to Financial Privacy Act of 1978, Pub. L. No. 95-630, the Bank
29 Secrecy Act, Pub. L. No. 91-508, or Federal Financial Institutions
30 Examination Council regulations, including without limitation currency
31 transaction reports and suspicious activity reports.
32

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

34 It is the intent of the General Assembly that:

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

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1 Fifth General Assembly;

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

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

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

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

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

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

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Exhibit G4

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT JLC/CLJ
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 CRIMINAL OFFENSES; AND
10 FOR OTHER PURPOSES.
11

Subtitle

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

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

21 SECTION 1. Arkansas Code § 5-4-703(a)(8), concerning additional fines
22 for offenses committed against or in the presence of a child, is amended to
23 read as follows to remove a reference to an offense that does not exist:

24 (8) Sexual indecency with a child, § 5-14-110, if the offense is
25 a felony ~~or Class A misdemeanor~~, indecent exposure, § 5-14-112, sexual
26 assault in the third degree, § 5-14-126, or sexual assault in the fourth
27 degree, § 5-14-127;
28

29 SECTION 2. Arkansas Code § 5-5-101(i), concerning disposition of
30 contraband and seized property, is amended to read as follows to clarify
31 references:

32 (i)(1) A law enforcement agency disposing of contraband or seized
33 property under this section shall maintain a written report that includes
34 without limitation:

35 (A) A list and description, including without limitation a
36 serial number, of all property disposed, traded for credit, or sold at

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1 auction;

2 (B) The dollar amount of any credit obtained by the law
3 enforcement agency and the contact information for the federally licensed
4 firearms dealer with which the credit is held;

5 (C) The dollar amount of any funds received at auction and
6 where the funds were deposited; and

7 (D) An explanation for any credit used, including without
8 limitation a description of items purchased with the credit and the dollar
9 amount of the purchase.

10 (2) The written report required under subdivision (i)(1) of this
11 section shall be provided:

12 (A) To the elected body that oversees the finances and
13 operations of the law enforcement agency; and

14 (B) Within thirty (30) days of:

15 (i) The date a firearm or item of contraband is
16 traded to a federally licensed firearms dealer by a law enforcement agency;
17 and

18 (ii) The date a credit with a federally licensed
19 firearms dealer is used by the law enforcement agency.

20

21 SECTION 3. Arkansas Code § 5-10-203(a), concerning death by delivery
22 in the first degree, is amended to read as follows to clarify a reference:

23 (a) A person commits the offense of death by delivery in the first
24 degree if:

25 (1) He or she knowingly delivers or conveys methamphetamine,
26 heroin, or cocaine to another person; and

27 (2) The injection, ingestion, inhalation, or other introduction
28 of the methamphetamine, heroin, or cocaine, including any adulterants or
29 diluents, is the cause of death of the other person.

30

31 SECTION 4. Arkansas Code § 5-10-204(a), concerning death by delivery
32 in the second degree, is amended to read as follows to clarify a reference:

33 (a) A person commits the offense of death by delivery in the second
34 degree if:

35 (1) He or she knowingly delivers or conveys to another person:

36 (A) A controlled substance that is not fentanyl,

Exhibit G4

HB

1 methamphetamine, heroin, or cocaine; or

2 (B) A counterfeit substance; and

3 (2) The injection, ingestion, inhalation, or other introduction
4 of the controlled substance or counterfeit substance, including any
5 adulterants or diluents, is the cause of death of the other person.

6
7 SECTION 5. Arkansas Code § 5-10-209 is amended to read as follows to
8 clarify a reference:

9 5-10-209. Factors considered when determining whether person possessed
10 controlled substance for personal use.

11 For purposes of this subchapter, possession of a controlled substance
12 or counterfeit substance for personal use may be demonstrated through the
13 consideration of certain factors, including without limitation:

14 (1) The person does not possess the means to weigh, separate, or
15 package the controlled substance or counterfeit substance

16 (2) The person does not possess a record indicating a drug-
17 related transaction;

18 (3) The controlled substance or counterfeit substance is not
19 separated or packaged in a manner to facilitate delivery or conveyance;

20 (4) The person does not possess a firearm that is in the
21 immediate physical control of the person at the time of the delivery or
22 conveyance of the controlled substance or counterfeit substance; and

23 (5) The person does not possess other controlled substances or
24 counterfeit substances at the time of the delivery or conveyance.

25
26 SECTION 6. Arkansas Code § 5-10-210 is amended to read as follows to
27 clarify a reference:

28 5-10-210. Accomplice liability.

29 An individual who is an accomplice under § 5-2-403 to the delivery or
30 conveyance in aggravated death by delivery, § 5-10-202, death by delivery in
31 the first degree, § 5-10-203, or death by delivery in the second degree, § 5-
32 10-204, is an accomplice for the purposes of ~~this section~~ an offense under
33 this subchapter.

34
35 SECTION 7. Arkansas Code § 5-29-202(3), concerning the definition of
36 “caregiver” under the Vulnerable Person Protection Act, is amended to read as

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1 follows to clarify a reference:

2 (3) "Caregiver" means a person who is not a healthcare provider
3 but has assumed the responsibility for the protection, care, or custody of a
4 vulnerable person including without limitation a non-healthcare employee of a
5 healthcare provider, a volunteer, a person with a power of attorney for the
6 vulnerable person, or a guardian;

7
8 SECTION 8. Arkansas Code § 5-74-109(j)(3)(A)(i), concerning civil
9 remedies for premises and real property used by criminal gangs,
10 organizations, or enterprises, or used by anyone in committing a continuing
11 series of violations, is amended to read as follows to clarify the recipient
12 of damages under a court order:

13 (3)(A)(i) If the court finds that a vacancy resulting from
14 closure of the building or place may create a nuisance or that closure is
15 otherwise harmful to the community, in lieu of ordering the building or place
16 closed, the court may order the person who is seeking to keep the premises
17 open to pay damages in an amount equal to the fair market rental value of the
18 building or place, for a period of time as determined appropriate by the
19 court, to the city attorney, prosecuting attorney, or the Attorney General.

20
21 SECTION 9. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

22 It is the intent of the General Assembly that:

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

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

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

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

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

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

36 (3) This act shall make only technical, not substantive, changes

Exhibit G4

1 to the Arkansas Code of 1987.

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Exhibit G5

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
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
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 6
15 OF THE ARKANSAS CODE CONCERNING
16 EDUCATION.
17

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

21 SECTION 1. Arkansas Code § 6-13-1006(c), concerning the first meeting
22 of a board of directors of an education service cooperative, is repealed
23 because the subsection is obsolete.

24 ~~(c) The first meeting of the board of directors shall be held within~~
25 ~~thirty (30) days of January 1, 2024.~~
26

27 SECTION 2. Arkansas Code § 6-13-1006(d), concerning the first meeting
28 of a board of directors of an education service cooperative, is amended to
29 read as follows to repeal obsolete language.

30 (d) ~~At its first regular meeting, the~~ The board of directors shall
31 elect a chair.
32

33 SECTION 3. Arkansas Code § 6-15-215 is repealed because the section
34 expired on June 30, 2020.

35 ~~6-15-215. The Arkansas Smart Core Incentive Funding Program—~~
36 ~~Definitions.~~

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Exhibit G5

HB

1 ~~(a) The General Assembly finds that:~~

2 ~~(1) The skills and knowledge gained through Arkansas's Smart~~
3 ~~Core curriculum provide the academic foundation required for high school~~
4 ~~graduates to succeed in their first year of college or in a job that promises~~
5 ~~a well-paying career track; and~~

6 ~~(2) School districts should encourage all students who are~~
7 ~~capable of completing the Smart Core curriculum to do so.~~

8 ~~(b) As used in this section:~~

9 ~~(1) "Eligible high school" means each public high school in a~~
10 ~~school district that meets the criteria to receive incentive funding under~~
11 ~~subsection (f) of this section and the program rules adopted under this~~
12 ~~section by the State Board of Education;~~

13 ~~(2) "Smart Core" means the curriculum established by the~~
14 ~~Division of Elementary and Secondary Education under the Standards for~~
15 ~~Accreditation of Arkansas Public Schools and School Districts that is part of~~
16 ~~Smart Future, a state initiative focused on improving Arkansas public high~~
17 ~~schools for all students; and~~

18 ~~(3) "Smart Core graduate" means a student who graduated from an~~
19 ~~Arkansas public high school after having successfully completed the Smart~~
20 ~~Core curriculum.~~

21 ~~(c) The Arkansas Smart Core Incentive Funding Program is established~~
22 ~~to provide a financial incentive to:~~

23 ~~(1) Assist with a public high school's efforts to encourage~~
24 ~~public high school students to complete the Smart Core curriculum;~~

25 ~~(2) Promote programs that contribute to student success,~~
26 ~~including without limitation:~~

27 ~~(A) Tutoring;~~

28 ~~(B) Quality after-school and summer programs that may~~
29 ~~include literacy, math, and science specialists in elementary school; and~~

30 ~~(C) Professional development for mathematics, science,~~
31 ~~literacy, foreign language, and Advanced Placement instruction; and~~

32 ~~(3) Provide support to school counselors to improve student~~
33 ~~services.~~

34 ~~(d)(1)(A) A school district that receives incentive funding under this~~
35 ~~section shall provide the incentive funding to each eligible high school in~~
36 ~~the school district.~~

Exhibit G5

HB

1 ~~(B) The eligible high school shall spend the incentive~~
2 ~~funding only for the purposes identified in subsection (c) of this section.~~

3 ~~(2) A school district that receives incentive funding under the~~
4 ~~program shall not use the incentive funding to provide increases to the~~
5 ~~salary schedule of the school district.~~

6 ~~(c)(1) Subject to an appropriation and available funding for the~~
7 ~~program, the division shall pay incentive funding to a school district under~~
8 ~~this section based on an annual percentage of Smart Core graduates from a~~
9 ~~public high school in the school district.~~

10 ~~(2)(A) The division shall make the calculation based on a~~
11 ~~student record analysis conducted annually by the division beginning with the~~
12 ~~graduating class of 2010.~~

13 ~~(B) The division shall exclude from the student record~~
14 ~~analysis a student with an individualized education program that does not~~
15 ~~require the student to complete the Smart Core curriculum.~~

16 ~~(f)(1) By June 30 of each year, the division shall pay to a school~~
17 ~~district incentive funding under the program as follows:~~

18 ~~(A) If one hundred percent (100%) of a public high~~
19 ~~school's graduates in the immediately preceding school year completed the~~
20 ~~Smart Core curriculum, the school district where the public high school is~~
21 ~~located shall receive one hundred twenty five dollars (\$125) per Smart Core~~
22 ~~graduate;~~

23 ~~(B) If at least ninety five percent (95%) but less than~~
24 ~~one hundred percent (100%) of a public high school's graduates in the~~
25 ~~immediately preceding school year completed the Smart Core curriculum, the~~
26 ~~school district where the public high school is located shall receive one~~
27 ~~hundred dollars (\$100) per Smart Core graduate; and~~

28 ~~(C) If at least ninety percent (90%) but less than ninety-~~
29 ~~five percent (95%) of a public high school's graduates in the immediately~~
30 ~~preceding school year completed the Smart Core curriculum, the school~~
31 ~~district where the public high school is located shall receive fifty dollars~~
32 ~~(\$50.00) per Smart Core graduate.~~

33 ~~(2) The division shall not pay incentive funding to a school~~
34 ~~district for a public high school in which less than ninety percent (90%) of~~
35 ~~its graduates complete the Smart Core curriculum.~~

36 ~~(3) If a public high school's graduation rate falls below the~~

Exhibit G5

HB

1 ~~average graduation rate for the public high school for the previous three (3)~~
2 ~~school years, the school district is not eligible to receive the full~~
3 ~~incentive award under the program for the public high school.~~

4 ~~(g) Participation in the program is voluntary.~~

5 ~~(h) This section is effective from July 1, 2009, through June 30,~~
6 ~~2020.~~

7
8 SECTION 4. Arkansas Code § 6-16-152(b)(3), concerning the requirements
9 of a computer science or computer science-related career and technical
10 education course under the Computer Science Education Advancement Act of
11 2021, is amended to correct a grammatical error:

12 (3) A computer science or computer science-related career and
13 technical education course offered by a public high school shall:

14 (A) Be of high quality;

15 (B) Meet or exceed the curriculum standards and
16 requirements established by the State Board of Education; and

17 (C) Be made available in a traditional classroom setting,
18 a blended learning environment, or an online-based or other technology-based
19 format that is tailored to meet the needs of each participating student.

20
21 SECTION 5. Arkansas Code § 6-17-2403(e)(2), concerning the minimum
22 teacher compensation schedule for a part-time teacher or part-time
23 paraprofessional employed by a public school under the Teacher Compensation
24 Program of 2003, is reenacted to ratify the decision made by the Arkansas
25 Code Revision Commission to insert "open-enrollment public charter school" in
26 order to correct a reference error.

27 (2) The minimum teacher compensation schedule for a part-time
28 teacher or part-time paraprofessional employed by a public school district or
29 open-enrollment public charter school to work in an adult education program
30 shall be established by the Adult Education Section and approved by the
31 Director of the Division of Workforce Services.

32
33 SECTION 6. The introductory language of Arkansas Code § 6-17-
34 2403(f)(2), concerning the requirements to qualify for funding under the
35 minimum teacher compensation schedule, is reenacted to ratify the decision
36 made by the Arkansas Code Revision Commission to insert "open-enrollment

Exhibit G5

HB

1 public charter schools" to correct a reference error.

2 (2) To qualify for funding appropriated under this section,
3 public school districts or open-enrollment public charter schools shall:

4
5 SECTION 7. Arkansas Code § 6-63-317(c), concerning regular salary
6 procedures and restrictions for institutions of higher education, is
7 reenacted to ratify the decision made by the Arkansas Code Revision
8 Commission to codify the subsection at § 6-63-317.

9 (c)(1) New funding through the Revenue Stabilization Law, § 19-5-101
10 et seq., that is determined by the Division of Higher Education to have been
11 for salary increases for the current fiscal year for institutions of higher
12 education shall be used exclusively for salary increases.

13 (2) New funding through the Revenue Stabilization Law, § 19-5-
14 101 et seq., that is actually received for salary increases shall be spent
15 exclusively for salary increases based upon the state general revenue portion
16 of total unrestricted educational and general revenue.

17 (3)(A) Funding received under this subsection shall be used for
18 no purposes other than to provide salary increases.

19 (B) Any designated funds not used for salary increases
20 under this subsection shall be recouped at the end of each fiscal year and
21 transferred by the division to the General Revenue Allotment Reserve Fund.

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 Fifth General Assembly;

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

30 (A) The act of the regular session of the Ninety-Fifth
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-Fifth General Assembly its full force and effect; and

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

Exhibit G5

HB

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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.

Exhibit G6

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT SSS/SS
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 § 7-5-615(d), concerning the tabulation of
22 votes and the duplication of damaged or defective ballots, is reenacted to
23 ratify the decision by the Arkansas Code Revision Commission to merge Acts
24 2023, No. 444, § 6, and Acts 2023, No. 460, § 1.

25 (d)(1) If any ballot is damaged or defective so that it cannot
26 properly be counted by the electronic vote tabulating device, a true
27 duplicate copy shall be made of the damaged ballot.

28 (2) When duplicating a ballot, and in the presence of another
29 election official and designated poll watchers, if any, an election official
30 shall:

31 (A) Reproduce the selections of the voter on a second
32 ballot that is the same ballot style as the ballot cast by the voter;

33 (B) Stamp or write the word "duplicate" on the duplicated
34 ballot;

35 (C) Stamp or write the word "original" on the original
36 damaged or defective ballot;

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Exhibit G6

HB

1 (D) Label both the original damaged or defective ballot
2 and the duplicate ballot with the same unique serial number;

3 (E) Substitute the duplicated ballot for the original
4 damaged or defective ballot;

5 (F) Count the duplicated ballots in the same manner as
6 other ballots in that election; and

7 (G) Secure and separately store the original damaged or
8 defective ballots in the same manner as other ballots in that election.

9 (3) The duplication of a damaged or defective ballot counted at
10 the central counting facility shall be conducted by an election official at
11 the same time and location that ballots with no defects are counted.

12 (4) The duplication of a damaged or defective ballot cast at a
13 polling site shall be delivered securely to the county board of election
14 commissioners to be duplicated by election officials or added to the
15 precinct's count manually on the night of the election.

16 (5) An election official under subdivision (d)(2) of this
17 section shall maintain a recorded count of damaged ballots to be duplicated
18 in the presence of authorized poll watchers, if any, and provide the report
19 to the county board of election commissioners.

20
21 SECTION 2. Arkansas Code § 7-6-220(a)(1)(A), concerning reporting of
22 independent expenditures, is reenacted to ratify the decision by the Arkansas
23 Code Revision Commission to change "five-hundred-dollar" to "two-hundred-
24 dollar" in order to correct a reference error.

25 (1)(A) No later than fifteen (15) days following the month in
26 which the two-hundred-dollar threshold required under this section is met,
27 the first financial report shall be filed.

28
29 SECTION 3. Arkansas Code § 7-9-127(a)(6), concerning interference with
30 initiative petitions and proposed measures, is reenacted to ratify the
31 decision by the Arkansas Code Revision Commission to change the ending
32 conjunction from "and" to "or".

33 (6) Misrepresents the purpose and effect of the petition or the
34 measure affected for the purpose of causing a person to not sign a petition
35 when acting as a canvasser; or

36

Exhibit G6

HB

1 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

2 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

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Exhibit G7

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT JMB/JMB
HOUSE BILL

5 By: Representative <NA>
6 By: Senator <NA>
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 8 OF
10 THE ARKANSAS CODE CONCERNING ENVIRONMENTAL LAW; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 8
16 OF THE ARKANSAS CODE CONCERNING
17 ENVIRONMENTAL LAW.
18
19

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

22 SECTION 1. Arkansas Code § 8-9-410(d), concerning used tire programs,
23 is reenacted to ratify the decision by the Arkansas Code Revision Commission
24 to insert “may” in order to correct a grammatical error.

25 (d) The tire accountability board in each of the used tire programs
26 may enter into an interlocal agreement to determine the highest level of
27 efficiency regarding tire processing in the respective used tire program.
28

29 SECTION 2. Arkansas Code § 8-9-802(4)(A), concerning legislative
30 findings under the Arkansas Nuclear Recycling Program, is amended to read as
31 follows to clarify a reference:

32 (A) University of Arkansas system, in conjunction with
33 other institutions of higher education, can and is willing to provide a
34 detailed analysis examining the benefits of “New Nuclear” compared to the
35 risks of continued storage of spent nuclear fuel at Arkansas Nuclear One;
36

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Exhibit G7

HB

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

2 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

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Exhibit G8

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT CRH/HC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

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

Subtitle

12
13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 11
15 OF THE ARKANSAS CODE CONCERNING LABOR AND
16 INDUSTRIAL RELATIONS.
17

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

21 SECTION 1. Arkansas Code § 11-10-310(f), concerning the Director of
22 the Division of Workforce Services and personnel of the Division of Workforce
23 Services, is reenacted to ratify the decision by the Arkansas Code Revision
24 Commission to change references to “this section” to “this subsection and
25 subsection (e) of this section” in order to correct reference errors to read
26 as follows:

27 (f) If the division requests continuation of a growth pool position as
28 established under this subsection and subsection (e) of this section, the
29 position shall be requested as a new position in the division’s next budget
30 request. Determining the maximum number of employees and the maximum amount
31 of appropriation and general revenue funding for a state agency each fiscal
32 year is the prerogative of the General Assembly. This is usually accomplished
33 by delineating such maximums in the appropriation act or acts for a state
34 agency and the general revenue allocations authorized for each fund and fund
35 account by amendment to the Revenue Stabilization Law, § 19-5-101 et seq.
36 Further, the General Assembly has determined that the division may operate

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Exhibit G8

HB

1 more efficiently if some flexibility is provided to the division authorizing
2 broad powers under this subsection and subsection (e) of this section.
3 Therefore, it is both necessary and appropriate that the General Assembly
4 maintain oversight by requiring prior approval of the Legislative Council or
5 Joint Budget Committee as provided by this subsection and subsection (e) of
6 this section. The requirement of approval by the Legislative Council or Joint
7 Budget Committee is not a severable part of this subsection and subsection
8 (e) of this section. If the requirement of approval by the Legislative
9 Council or Joint Budget Committee is ruled unconstitutional by a court of
10 competent jurisdiction, this entire subsection and subsection (e) of this
11 section are void.

12
13 SECTION 2. 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
16 or impliedly repeal an act passed during the regular session of the Ninety-
17 Fifth General Assembly;

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

20 (A) The act of the regular session of the Ninety-Fifth
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-Fifth General Assembly its full force and effect; and

25 (ii) Amending or repealing the appropriate parts of
26 the 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.

Exhibit G9

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT JLC/CLJ
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 EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 12
15 OF THE ARKANSAS CODE CONCERNING LAW
16 ENFORCEMENT, EMERGENCY MANAGEMENT, AND
17 MILITARY AFFAIRS.
18
19
20

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

23 SECTION 1. Arkansas Code § 12-12-913(j)(1)(B)(viii), concerning
24 disclosure of sex offender registration records, is amended to read as
25 follows to add clarifying language:

26 (viii) The sex offender's parole, post-release
27 supervision, or probation office;
28

29 SECTION 2. Arkansas Code § 12-12-1201 is amended to read as follows to
30 add clarifying language and make stylistic changes:

31 12-12-1201. Authorization.

32 The Arkansas Crime Information Center ~~is authorized to~~ may develop and
33 operate a computerized victim notification system which shall provide:

34 (1) A mechanism for victims of criminal offenses or the victim's
35 next of kin to access information about proceedings in the criminal justice
36 and corrections systems by use of a twenty-four-hour toll-free in-watts

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Exhibit G9

HB

1 telephone service; and

2 (2) Automatic notification by computerized telephone service to
3 the victims of criminal offenses or the victim's next of kin of:

4 (A) ~~An inmate's, parolee's, or probationer's~~ The status of
5 an inmate, parolee, person on post-release supervision, or probationer,
6 including the location of the inmate, parolee, person on post-release
7 supervision, or probationer;

8 (B) A person's release or modification of a conditional
9 release from the custody of the Arkansas State Hospital, a local or regional
10 hospital, a local or regional mental health facility, or a local or regional
11 jail to which the person has been committed by a court when the person
12 committed a criminal act against the victim but was adjudicated in the
13 criminal case to have a mental disease or defect under § 5-2-301 et seq.; and

14 (C) A sex offender's application for the termination of
15 the obligation to register as a sex offender under § 12-12-919.

16

17 SECTION 3. Arkansas Code § 12-15-208 is amended to read as follows to
18 add clarifying language:

19 12-15-208. Department of Corrections employees – Eligibility to carry
20 concealed handgun.

21 (a) The Secretary of the Department of Corrections or his or her
22 designee may authorize an employee of the Department of Corrections to carry
23 a concealed handgun into a building in which or a location on which a law
24 enforcement officer may carry a concealed handgun, as long as the individual:

25 (1) Is presently employed with the department, except as
26 provided under subdivision (d)(2) of this section;

27 (2) Is not subject to any disciplinary action that suspends his
28 or her authority to work;

29 (3) Is carrying a badge or appropriate written and photographic
30 identification issued by the department;

31 (4) Is not otherwise prohibited under federal law from
32 possessing or receiving a firearm;

33 (5) Is not under the influence of alcohol or another
34 intoxicating or hallucinatory drug or substance;

35 (6) Has provided written authorization for state- and national-
36 level criminal history records screening with the results of the screening

Exhibit G9

HB

1 showing that the individual is eligible to legally possess and carry a
2 firearm;

3 (7) Has fingerprint impressions on file with the Division of
4 Arkansas State Police automated fingerprint identification system; and

5 (8) Has completed a weapons qualification course administered by
6 the department.

7 (b) The secretary or his or her designee retains full discretion to
8 deny an employee's request under this section.

9 (c) An individual carrying a concealed handgun under this section
10 shall annually complete a weapons requalification course administered by the
11 department.

12 (d) An individual authorized to carry a concealed handgun under this
13 section:

14 (1) Shall immediately be prohibited from carrying a concealed
15 handgun under this section if the individual no longer meets the criteria
16 stated in subdivisions (a)(2)-(5) of this section; and

17 (2) Before his or her last day of employment with the
18 department, may seek authorization from the secretary or his or her designee
19 to continue to carry a concealed handgun under this section for an additional
20 six (6) months after his or her last day of employment with the department.

21 (e)(1) The secretary shall maintain a list of individuals authorized
22 to carry a concealed handgun under this section.

23 (2) The list required under subdivision (e)(1) of this section:

24 (A) Shall identify the name and location of assignment for
25 each individual authorized to carry a concealed handgun under this section;

26 (B) Shall be kept confidential; and

27 (C) Is not subject to disclosure under the Freedom of
28 Information Act of 1967, § 25-19-101 et seq.

29
30 SECTION 4. Arkansas Code § 12-18-103(14)(A)(iii), concerning
31 definitions under the Child Maltreatment Act, is amended to read as follows
32 to clarify a reference:

33 (iii) Failure to take reasonable action to protect
34 the child from abandonment, abuse, sexual abuse, sexual exploitation, or
35 neglect when the existence of the condition was known or should have been
36 known, and, if for abuse or neglect, the failure to take reasonable action to

Exhibit G9

HB

1 protect the juvenile child causes the juvenile child serious bodily injury;

2
3 SECTION 5. Arkansas Code § 12-26-103(a), concerning the Office of
4 Criminal Detention Facilities Review Coordinator, is amended to read as
5 follows to correct a reference:

6 (a) There is established the Office of Criminal Detention Facilities
7 Review Coordinator within the ~~Department of Corrections~~ Department of Public
8 Safety which shall consist of:

9 (1) A Criminal Detention Facilities Review Coordinator, who
10 shall be hired and employed by and serve at the pleasure of the Secretary of
11 the Department of Public Safety;

12 (2) An administrative assistant; and

13 (3) Other staff permanently or temporarily assigned from within
14 the Department of Public Safety.

15
16 SECTION 6. 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
19 or impliedly repeal an act passed during the regular session of the Ninety-
20 Fifth General Assembly;

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

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

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

28 (ii) Amending or repealing the appropriate parts of
29 the 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.

Exhibit G10

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT CEB/CEB
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
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 15
15 OF THE ARKANSAS CODE CONCERNING NATURAL
16 RESOURCES AND ECONOMIC DEVELOPMENT.
17

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

21 SECTION 1. Arkansas Code § 15-11-205(d)(1), concerning the Secretary
22 of the Department of Parks, Heritage, and Tourism, is amended to read as
23 follows to clarify a reference:

24 (d)(1) The department may enter into contracts with department
25 employees for the provision of golf lessons at the department's golf courses
26 if the:

27 (A) ~~Lessons~~ Golf lessons occur outside of the employee's
28 normal working hours;

29 (B) Employee is a Class A member or an apprentice of the
30 Professional Golfers' Association of America or the Ladies Professional Golf
31 Association; and

32 (C) Director of the State Parks Division has approved the
33 contract as being in accordance with department standards and procedures for
34 concession and operating contracts.
35

36 SECTION 2. Arkansas Code § 15-11-503(4), concerning definitions under

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10/2/2024 1:15:20 PM CEB035

Exhibit G10

HB

1 the Arkansas Tourism Development Act, is amended to read as follows to add
2 clarifying language:

3 (4) "Eligible company" means any corporation, limited liability
4 company, partnership, registered limited liability partnership, sole
5 proprietorship, business trust, or any other entity that invests:

6 (A) A minimum of five hundred thousand dollars (\$500,000)
7 in a high-unemployment county or one million dollars (\$1,000,000) in any
8 other county for the purpose of constructing, operating, or intending to
9 operate a tourism attraction project, whether owned or leased, within the
10 state that meets the standards promulgated by the director pursuant to § 15-
11 11-504; or

12 (B) For the purpose of constructing, operating, or
13 intending to operate a tourism attraction project, whether owned or leased,
14 located in a Natural State Initiative Opportunity Zone that meets the
15 standards promulgated under §§ 15-11-504 and 15-11-512:

16 (i) A minimum of two hundred fifty thousand dollars
17 (\$250,000) in a high-unemployment county; or

18 (ii) Five A minimum of five hundred thousand dollars
19 (\$500,000) in any other county;

20
21 SECTION 3. Arkansas Code § 15-11-804(a), concerning selections for the
22 Arkansas Great Places Program, is amended to read as follows to repeal
23 obsolete language and update references:

24 ~~(a)(1)(A) The Department of Parks, Heritage, and Tourism shall select~~
25 ~~four (4) eligible organizations for participation in the Arkansas Great~~
26 ~~Places Program by July 1, 2012.~~

27 ~~(B) An eligible organization selected for participation in~~
28 ~~the program under subdivision (a)(1)(A) of this section shall participate in~~
29 ~~the program for a two-year period.~~

30 ~~(C) The department shall select an eligible organization~~
31 ~~under subdivision (a)(1)(A) of this section from each of the four (4)~~
32 ~~congressional districts.~~

33 ~~(D) Two (2) of the four (4) eligible organizations~~
34 ~~selected under subdivision (a)(1)(A) of this section shall be located in~~
35 ~~counties of twenty thousand (20,000) residents or fewer.~~

36 ~~(2)(A) After July 1, 2012, the department~~ The Department of

Exhibit G10

HB

1 Parks, Heritage, and Tourism shall select by July 1 of each even-numbered
2 year no more than four (4) eligible organizations for participation in the
3 ~~program~~ Arkansas Great Places Program.

4 ~~(B)(2)~~ An eligible organization selected for participation
5 in the program under subdivision ~~(a)(2)(A)~~(a)(1) of this section shall
6 participate in the program for a two-year period.

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

9 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

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Exhibit G11

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT JLC/CLJ
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, PROCEDURE, AND
10 COURTS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 16
14 OF THE ARKANSAS CODE CONCERNING PRACTICE,
15 PROCEDURE, AND COURTS.
16
17
18

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

21 SECTION 1. Arkansas Code § 16-93-214 is amended to read as follows to
22 clarify its application and update references:

23 16-93-214. Mobile application concerning inmates and parolees – Safe
24 Arkansas App – Definition.

25 (a) As used in this section, “mobile application” means a computer
26 software program designed to run on a smartphone, computer tablet, or other
27 mobile device.

28 (b)(1) To the extent permitted by federal law, the ~~Parole~~ Post-Prison
29 Transfer Board shall administer a mobile application that shall provide the
30 information set out in subsection (c) of this section concerning:

31 (A) An inmate who is being considered for parole or post-
32 release supervision; or

33 (B) A parolee who is on parole or post-release
34 supervision.

35 (2) The mobile application required under subdivision (b)(1) of
36 this section shall be known as the “Safe Arkansas App”.

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10/3/2024 9:31:40 AM JLC192

Exhibit G11

HB

1 (3) To facilitate the administration of the mobile application
2 required under subdivision (b)(1) of this section, the board may seek the
3 assistance of the Division of Information Systems of the Department of
4 Transformation and Shared Services or enter into a contract for technical
5 database and data processing services.

6 (c)(1) The mobile application required under subdivision (b)(1) of
7 this section shall provide the following information concerning an inmate who
8 is being considered for parole or post-release supervision:

9 (A) The name of the inmate;

10 (B) The Division of Correction identification number of
11 the inmate;

12 (C) A current photograph of the inmate;

13 (D) The date the inmate is eligible for parole or post-
14 release supervision;

15 (E) The offense, sentence, date of sentencing, and
16 sentence length for any conviction for which the inmate is incarcerated; and

17 (F) Any other relevant public information about the inmate
18 the board deems necessary.

19 (2) The mobile application required under subdivision (b)(1) of
20 this section shall provide the following information concerning a parolee or
21 person on post-release supervision who is released on parole or post-release
22 supervision:

23 (A) The name of the parolee or person on post-release
24 supervision;

25 (B) The Division of Correction identification number of
26 the parolee or person on post-release supervision;

27 (C) A current photograph of the parolee or person on post-
28 release supervision;

29 (D) The offense, sentence, date of sentencing, and
30 sentence length for any conviction for which the parolee or person on post-
31 release supervision was incarcerated;

32 (E) The date the parolee or person on post-release
33 supervision was released on parole or post-release supervision;

34 (F) The time served by the parolee or person on post-
35 release supervision before parole or post-release supervision was granted;

36 (G) The approximate percentage of the sentence served by

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1 the inmate or parolee or person on post-release supervision;

2 (H) If a parolee or person on post-release supervision is
3 charged with a subsequent charge after being released on parole or post-
4 release supervision;

5 (i) Any subsequent charge against the parolee or
6 person on post-release supervision;

7 (ii) The date of the subsequent charge against the
8 parolee or person on post-release supervision; and

9 (iii) Relevant details of any subsequent charge
10 against the parolee or person on post-release supervision; and

11 (I) Any other relevant public information about the
12 parolee or person on post-release supervision the board deems necessary.

13 (d) The information required to be posted on the board's mobile
14 application under subsection (c) of this section:

15 (1) Shall be consistently updated as required to be the most
16 current information available to the board; and

17 (2) May be removed when parole or post-release supervision has
18 been completed, if an inmate was released on parole or post-release
19 supervision.

20
21 SECTION 2. Arkansas Code § 16-93-622 is amended to read as follows to
22 clarify its application:

23 16-93-622. Parole or post-release supervision discharge for offenders
24 who are minors – Reinstatement of rights.

25 (a) The Post-Prison Transfer Board may discharge a person from parole
26 or post-release supervision if:

27 (1) The person:

28 (A) Was released on parole or post-release supervision
29 under § 16-93-621 or any provision of this chapter in which the person's
30 parole or post-release supervision term exceeds five (5) years, for having
31 committed an offense as a minor; and

32 (B) Has served at least five (5) years on parole or post-
33 release supervision without a violation; and

34 (2) The prosecuting attorney in the county where the person was
35 originally convicted has consented to the discharge of the person from parole
36 or post-release supervision.

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1 (b) Unless otherwise provided by Arkansas Constitution, Amendment 51,
2 a person who has been discharged from parole or post-release supervision
3 under subsection (a) of this section shall have his or her constitutional
4 right to vote restored.

5
6 SECTION 3. Arkansas Code § 16-93-1804(4)(B), concerning release
7 eligibility for felonies committed on or after January 1, 2025, is reenacted
8 to ratify the decision by the Arkansas Code Revision Commission to change
9 “seriousness grid” to “sentencing grid” in order to correct a reference
10 error.

11 (B) The maximum amount of earned release credits that can
12 be accrued and granted by the Post-Prison Transfer Board under subdivision
13 (4)(A) of this section is fifty percent (50%) or seventy-five percent (75%)
14 of the term of imprisonment imposed by the sentencing court, depending on the
15 seriousness determination provided in the sentencing grid or table
16 promulgated by the Arkansas Sentencing Commission and approved by the
17 Legislative Council.

18
19 SECTION 4. Arkansas Code § 16-93-1907(a)(3)(D)(ii)(b), concerning
20 administrative sanctions under post-release supervision, is reenacted to
21 ratify the decision by the Arkansas Code Revision Commission to delete “no”
22 before “more than” in order to correct a word usage error.

23 (b) If an offender on post-release supervision
24 accumulates more than thirty (30) days’ incarceration in a county or regional
25 jail or more than three hundred sixty (360) days’ incarceration in a Division
26 of Correction facility or a Division of Community Correction facility as an
27 intermediate sanction, the community supervision officer shall recommend a
28 revocation of the offender’s post-release supervision under § 16-93-1908.

29
30 SECTION 5. Arkansas Code § 16-93-1907(c)(1), concerning administrative
31 sanctions under post-release supervision, is reenacted to ratify the decision
32 by the Arkansas Code Revision Commission to change “Division of Correction”
33 to “Department of Corrections” in order to correct a reference error.

34 (1) May be reduced by the Department of Corrections for good
35 behavior and successful program completion; and

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1
2 SECTION 6. Arkansas Code § 16-93-1908(e)(2) is reenacted to ratify the
3 decision by the Arkansas Code Revision Commission to change “preliminary
4 hearing” to “revocation hearing” in order to correct a reference error.

5 (2) If the revocation hearing is not waived by the offender
6 under subsection (c) of this section, the revocation hearing shall be held
7 within fourteen (14) days after the arrest and reasonably near the place
8 where the alleged violation occurred or where the offender was arrested.

9
10 SECTION 7. Arkansas Code § 16-114-401(5), concerning definitions under
11 the Protecting Minors from Medical Malpractice Act of 2023, is repealed
12 because the defined term is not used in the subchapter.

13 ~~(5) “Public funds” means the same as defined in § 20-9-1501.~~

14
15 SECTION 8. Arkansas Code § 16-131-206(c), concerning liability and
16 good faith for settlement agreements under the Arkansas Statutory Thresholds
17 for Settlement Agreements Involving Minors Act, is amended to read as follows
18 to add clarifying language:

19 (c) A person or entity against whom a minor has a claim that settles
20 the claim with the minor in good faith under this subchapter by entering into
21 a settlement agreement with the minor’s guardian is not liable to the minor
22 for any claims arising from the settlement of the claim.

23
24 SECTION 9. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

25 It is the intent of the General Assembly that:

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

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

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

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

36 (ii) Amending or repealing the appropriate parts of

Exhibit G11

HB

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

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Exhibit G12

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT LGL/LGL
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 17 OF
9 THE ARKANSAS CODE CONCERNING PROFESSIONS,
10 OCCUPATIONS, AND BUSINESSES; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 17
15 OF THE ARKANSAS CODE CONCERNING
16 PROFESSIONS, OCCUPATIONS, AND BUSINESSES.
17

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

21 SECTION 1. Arkansas Code § 17-26-607(c)(1)(C), concerning the
22 education of student artists in body art, is reenacted to ratify the decision
23 by the Arkansas Code Revision Commission to insert "may have licensure in the
24 additional fields of body art added by" in order to correct a grammatical
25 error.

26 (C) A licensed artist wanting to study additional fields of
27 body art training may have licensure in the additional fields of body art
28 added by completing not less than two hundred fifty (250) clock hours of
29 technical and procedural training in each of the other fields of body art in
30 which a student artist is to be licensed in no less than an additional four
31 (4) months after completion and licensure for the initial field of study.
32

33 SECTION 2. Arkansas Code § 17-82-302(9)(A) and (B), concerning
34 exemptions from licensing for dentists, dental hygienists, and dental
35 assistants, are amended to read as follows to clarify references:

36 (9)(A) The practice of dentistry without compensation for no

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LGL005

1 more than four (4) consecutive days per calendar year in the State of
2 Arkansas by a dentist licensed in another state or the District of Columbia
3 if the dentist has applied for and received a temporary charitable dental
4 license from the board.

5 (B) An applicant seeking a temporary charitable dental
6 license shall submit an application and any application fees required by the
7 board and:

8 (i) The name of the supervising dentist who is licensed
9 in Arkansas;

10 (ii) The dates and location where the applicant desires
11 to practice within Arkansas;

12 (iii) A copy of the applicant's dental license from
13 ~~another jurisdiction~~ another state or the District of Columbia;

14 (iv)(a) A letter from the respective dental
15 licensing entity in the ~~home state of the applicant~~ other state or the
16 District of Columbia indicating that the applicant is in good standing.

17 (b) As used in this subdivision (9)(B)(iv), "good
18 standing" means the individual has an active license without a complaint,
19 investigation, or action against him or her;

20 (v) A copy of the malpractice insurance policy covering
21 the applicant or a certificate of insurance coverage from the underwriting
22 insurer of the policy; and

23 (vi) Other pertinent information as determined by the
24 board.

25

26 SECTION 3. Arkansas Code § 17-82-304(b), concerning the licensing of
27 dentists, is amended to read as follows to repeal obsolete language and
28 update references:

29 (b) An applicant+ shall:

30 ~~(1) Shall:~~

31 ~~(A)(1)~~ Be at least twenty-one (21) years of age;

32 ~~(B)(2)~~ Submit upon request proof as required by the board
33 touching upon age and fitness; and

34 ~~(C)(3)~~ Have graduated from an American Dental Association-
35 accredited college of dentistry with the degree of Doctor of Dental Surgery
36 or Doctor of Dental Medicine; ~~or.~~

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1 ~~(2) Shall:~~

2 ~~(A) Be at least twenty one (21) years of age;~~

3 ~~(B) Have graduated from a college of dentistry in North~~
4 ~~America with the degree of Doctor of Dental Surgery, Doctor of Dental~~
5 ~~Medicine, or an equivalent degree approved by the board;~~

6 ~~(C) Have passed an examination approved by the board and~~
7 ~~authorized under § 17-82-303;~~

8 ~~(D) Be a resident of the State of Arkansas and the United~~
9 ~~States and be in compliance with federal laws of immigration; and~~

10 ~~(E) Serve a period of at least one (1) year under a~~
11 ~~provisional license issued by the board to foreign graduates and successfully~~
12 ~~complete the monitoring requirements as ordered by the board at the time the~~
13 ~~provisional license is issued.~~

14
15 SECTION 4. Arkansas Code § 17-83-301 is amended to read as follows to
16 repeal obsolete language and make a stylistic change:

17 17-83-301. License required.

18 ~~Beginning July 4, 1990, no individual shall~~ An individual shall not
19 ~~practice or offer to practice dietetics within the meaning of this chapter~~
20 ~~unless he or she is duly licensed or is a student under the provisions of~~
21 ~~this chapter or is otherwise entitled under § 17-83-104 or § 17-83-302.~~

22
23 SECTION 5. Arkansas Code § 17-83-302 is repealed because the section
24 is obsolete.

25 ~~17-83-302. Waivers for licensing.~~

26 ~~(a) For one (1) year beginning July 3, 1989, the Arkansas Dietetics~~
27 ~~Licensing Board shall waive the examination requirement and grant a license~~
28 ~~to any person who:~~

29 ~~(1) Has received a baccalaureate or postbaccalaureate degree~~
30 ~~from a regionally accredited United States college or university with a~~
31 ~~program in human nutrition, food and nutrition, dietetics, or food systems~~
32 ~~management;~~

33 ~~(2) Has completed a planned continuous preprofessional~~
34 ~~experience component in dietetic practice of not fewer than nine hundred~~
35 ~~(900) hours under the supervision of a registered dietitian or licensed~~
36 ~~dietitian; and~~

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1 ~~(3) Has been employed in the practice of dietetics for at least~~
2 ~~three (3) of the last ten (10) years preceding July 3, 1989; or~~

3 ~~(4) Is registered with the Commission on Dietetic Registration.~~

4 ~~(b) Applicants who have obtained their education outside of the United~~
5 ~~States and its territories must have their academic degree or degrees~~
6 ~~validated as equivalent to the baccalaureate or postbaccalaureate degree~~
7 ~~conferred by a regionally accredited college or university in the United~~
8 ~~States.~~

9
10 SECTION 6. Arkansas Code § 17-87-101(a), concerning the licensing of
11 nurses, is amended to read as follows to correct a grammatical error:

12 (a) In order to safeguard life and health, a person practicing or
13 offering to practice nursing as listed in this subsection for compensation
14 shall be required to submit evidence that he or she is qualified to so
15 practice and shall be licensed as provided in this chapter:

- 16 (1) Professional nursing;
17 (2) Advanced practice registered nursing;
18 (3) Registered practitioner nursing;
19 (4) Practical nursing; or
20 (5) Psychiatric technician nursing.

21
22 SECTION 7. Arkansas Code § 17-87-104(a), concerning penalties related
23 to the licensing of nurses, is amended to read as follows to clarify a
24 criminal offense:

25 (a)(1) It ~~shall be a misdemeanor~~ is unlawful for any person to:

26 (A) Sell or fraudulently obtain or furnish any nursing
27 diploma, license, renewal, or record, or aid or abet therein;

28 (B) Practice nursing as defined by this chapter under cover
29 of any diploma, license, or record illegally or fraudulently obtained or
30 signed or issued unlawfully or under fraudulent representation;

31 (C) Practice professional nursing, advanced practice
32 nursing, registered nurse practitioner nursing, practical nursing, or
33 psychiatric technician nursing as defined by this chapter unless licensed by
34 the Arkansas State Board of Nursing to do so;

35 (D) Use in connection with his or her name any of the
36 following titles, names, or initials, if the user is not properly licensed

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1 under this chapter:

2 (i) Nurse;

3 (ii) Registered nurse or R.N.;

4 (iii) Advanced practice nurse, advanced practice
5 registered nurse, A.P.N., or A.P.R.N., or any of the following:

6 (a) Advanced registered nurse practitioner,
7 certified nurse practitioner, A.R.N.P., A.N.P., or C.N.P.;

8 (b) Nurse anesthetist, certified nurse
9 anesthetist, certified registered nurse anesthetist, or C.R.N.A.;

10 (c) Nurse midwife, certified nurse midwife,
11 licensed nurse midwife, C.N.M., or L.N.M.; or

12 (d) Clinical nurse specialist or C.N.S.;

13 (iv) Registered nurse practitioner, N.P., or R.N.P.;

14 (v) Licensed practical nurse, practical nurse, or
15 L.P.N.;

16 (vi) Licensed psychiatric technician nurse, psychiatric
17 technician nurse, L.P.T.N., or P.T.N.; or

18 (vii) Any other name, title, or initials that would
19 cause a reasonable person to believe the user is licensed under this chapter;

20 (E) Practice professional nursing, advanced practice
21 nursing, registered nurse practitioner nursing, practical nursing, or
22 psychiatric technician nursing during the time his or her license shall be
23 suspended;

24 (F) Conduct a nursing education program for the preparation
25 of professional nurses, advanced practice registered nurses, nurse
26 practitioners, practical nurses, or psychiatric technician nurses unless the
27 program has been approved by the board;

28 (G) Prescribe any drug or medicine as authorized by this
29 chapter unless certified by the board as having prescriptive authority,
30 except that a certified registered nurse anesthetist shall not be required to
31 have prescriptive authority to provide anesthesia care, including the
32 administration of drugs or medicines necessary for the care; or

33 (H) Otherwise violate any provisions of this chapter.

34 (2) ~~Such misdemeanor shall be~~ A first offense under subdivision
35 (a)(1) of this section is a violation punishable by a fine of not less than
36 twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500). Each

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1 subsequent offense ~~shall be~~ under subdivision (a)(1) of this section is an
2 unclassified misdemeanor punishable by fine or by imprisonment of not more
3 than thirty (30) days, or by both fine and imprisonment.

4
5 SECTION 8. Arkansas Code § 17-87-604 is amended to read as follows to
6 repeal obsolete language and make a stylistic change:

7 17-87-604. Effective date.

8 ~~(a)~~ The effective date of this Compact ~~shall be~~ is July 1, 2000.

9 ~~(b) Upon the effective date of this compact, the licensing board shall~~
10 ~~participate in an evaluation of the effectiveness and operability of the~~
11 ~~compact. Upon completion of the evaluation, a report shall be submitted to~~
12 ~~the Legislative Council for its review.~~

13
14 SECTION 9. Arkansas Code § 17-87-708(a), concerning penalties related
15 to medication assistive persons, is amended to read as follows to clarify a
16 criminal offense:

17 (a)(1) It ~~shall be a misdemeanor~~ is unlawful for any person to:

18 (A) Sell or fraudulently obtain or furnish any medication
19 assistive person's certificate, renewal, or record or aid or abet in any such
20 sale or fraud;

21 (B) Serve as a medication assistive person under cover of
22 any certificate or record illegally or fraudulently obtained or signed or
23 issued unlawfully or under fraudulent representation;

24 (C) Serve as a medication assistive person unless certified
25 by the Arkansas State Board of Nursing;

26 (D) Use in connection with his or her name any of the
27 following titles, names, or initials if the user is not properly certified
28 under this subchapter:

29 (i) Medication assistive person;

30 (ii) M.A.P.;

31 (iii) Medication aide;

32 (iv) Medication technician;

33 (v) Medication assistant;

34 (vi) Certified medication aide;

35 (vii) C.M.A.;

36 (viii) Medication assistant – Certified;

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1 (ix) MA – C; or

2 (x) Any other name, title, or initials that would cause
3 a reasonable person to believe the user is certified under this subchapter;

4 (E) Serve as a medication assistive person during the time
5 his or her certification is suspended;

6 (F) Conduct an education program for the preparation of
7 medication assistive persons unless the program has been approved by the
8 board; or

9 (G) Otherwise violate any provisions of this subchapter.

10 (2)(A) ~~A misdemeanor~~ A first offense under subdivision (a)(1) of
11 this section ~~shall be~~ is a violation punishable by a fine of not less than
12 twenty-five dollars (\$25.00) or more than five hundred dollars (\$500).

13 (B) Each subsequent offense under subdivision (a)(1) of this
14 section shall be is a Class C misdemeanor ~~punishable by a fine of not more~~
15 ~~than five hundred dollars (\$500) or by imprisonment of not more than thirty~~
16 ~~(30) days, or by both a fine and imprisonment.~~

17
18 SECTION 10. Arkansas Code § 17-89-203(a)(3), concerning meetings and
19 officers of the Arkansas Board of Dispensing Opticians, is amended to read as
20 follows to correct an obsolete reference:

21 (3) Compile and maintain a book of licensure and a book of
22 registry of all dispensing opticians who are licensed or registered to engage
23 in the business of ophthalmic dispensing in the State of Arkansas, which
24 shall be updated annually. The Arkansas Board of Dispensing Opticians shall
25 annually furnish a copy of the books to the State Board of Optometry and the
26 ~~Ophthalmology Section of the Arkansas Medical Society, Inc.~~ Arkansas
27 Ophthalmological Society;

28
29 SECTION 11. Arkansas Code § 17-89-203(a)(5), concerning the powers and
30 duties of the Arkansas Board of Dispensing Opticians, is amended to read as
31 follows to correct an obsolete reference:

32 (5) Prepare and present an annual report of administration,
33 licensure, registry, and investigation to the State Board of Optometry and to
34 the ~~Ophthalmology Section of the Arkansas Medical Society, Inc.~~ Arkansas
35 Ophthalmological Society;

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1 SECTION 12. Arkansas Code § 17-90-201 is amended to read as follows to
2 clarify the section:

3 17-90-201. Appointment of members.

4 (a) The State Board of Optometry shall consist of seven (7) members
5 appointed by the Governor as follows for terms of five (5) years subject to
6 confirmation by the Senate ~~for terms of five (5) years~~:

7 (1) After consulting The Arkansas Optometric Association, Inc.,
8 the Governor shall appoint five (5) members who are licensed optometrists and
9 who have been engaged in the regular practice of optometry in this state for
10 a period of three (3) years; and

11 (2) ~~Two~~ The Governor shall appointment two (2) members from the
12 state at large who shall not be actively engaged in or retired from the
13 profession of optometry. One (1) member appointed under this subdivision
14 (a)(2) shall represent consumers, and one (1) member appointed under this
15 subdivision (a)(2) shall be sixty (60) years of age or older and shall
16 represent the elderly. ~~Both shall be appointed from the state at large,~~
17 ~~subject to confirmation by the Senate.~~ The two (2) positions under this
18 subdivision (a)(2) may not be held by the same person. Both members appointed
19 under this subdivision (a)(2) shall be full voting members but shall not
20 participate in the grading of examinations.

21 (b) All vacancies on the board shall be filled in ~~a like~~ the same
22 manner as an appointment under subsection (a) of this section.

23
24 SECTION 13. Arkansas Code § 17-92-206(a), concerning the issuance of
25 bulletins by the Arkansas State Board of Pharmacy, is amended to read as
26 follows to repeal an obsolete reference and make stylistic changes:

27 ~~It shall be the duty of the~~ The Arkansas State Board of Pharmacy
28 ~~to shall~~ issue bulletins from time to time, informing pharmacists of
29 important United States public health regulations, service and regulatory
30 announcements of the United States Natural Resources Conservation Service,
31 and decisions of the United States Department of the Treasury relating to the
32 possession, use, and sale of nonbeverage United States Pharmacopoeia alcohol
33 ~~and to the Harrison-Wright Antinarcotic Act.~~

34
35 SECTION 14. Arkansas Code § 17-92-301 is amended to read as follows to
36 clarify references and make stylistic changes:

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1 17-92-301. License required.

2 (a) ~~No person shall~~ A person shall not perform any of the acts
3 constituting the practice of pharmacy unless the person is:

4 (1) A licensed pharmacist;

5 (2) A student or graduate of a recognized college of pharmacy
6 serving an internship under an internship program established and regulated
7 by the Arkansas State Board of Pharmacy;

8 (3) A pharmacy technician performing the limited functions
9 permitted under this chapter and rules promulgated ~~hereunder~~ under this
10 chapter; or

11 (4) A hospital pharmacy technician as defined in § 17-92-602
12 performing the limited functions permitted under ~~that subchapter~~ the Hospital
13 Pharmacies Act, § 17-92-601 et seq., and rules promulgated ~~thereunder~~ under
14 the Hospital Pharmacies Act, § 17-92-601 et seq.

15 (b) ~~No~~ A person other than a licensed pharmacist shall not use the
16 term “doctor of pharmacy” or “Pharm.D”.

17
18 SECTION 15. Arkansas Code § 17-92-302(a) and (b), concerning penalties
19 for the unlicensed practice of pharmacy, are amended to read as follows to
20 clarify references, clarify a criminal offense, and make stylistic changes:

21 (a) ~~No~~ A person shall not fill a prescription, compound medicines, or
22 otherwise perform the function of a licensed pharmacist unless the person is:

23 (1) An Arkansas-licensed pharmacist, except students or graduates
24 of a recognized college of pharmacy serving an internship as provided by law
25 and regulated by the Arkansas State Board of Pharmacy;

26 (2) A pharmacy technician performing the limited functions
27 permitted under this chapter and rules promulgated ~~hereunder~~ under this
28 chapter; or

29 (3) A hospital pharmacy technician as defined in § 17-92-602
30 performing the limited functions permitted under ~~that subchapter~~ the Hospital
31 Pharmacies Act, § 17-92-601 et seq., and rules promulgated ~~thereunder~~ under
32 the Hospital Pharmacies Act, § 17-92-601 et seq.

33 (b) ~~Any person who is not an Arkansas-licensed pharmacist or a student~~
34 ~~servicing internship or a pharmacy technician performing the limited functions~~
35 ~~permitted under this chapter and rules promulgated hereunder or a hospital~~
36 ~~pharmacy technician as defined in § 17-92-602 performing the limited~~

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1 ~~functions permitted under that subchapter and rules promulgated thereunder,~~
2 ~~who shall fill a prescription, compound or dispense medicine, or otherwise~~
3 ~~perform the functions of a pharmacist, shall be guilty of a misdemeanor. A~~
4 violation of subsection (a) of this section is a violation punishable by a
5 fine of not less than fifty dollars (\$50.00) nor more than one hundred
6 dollars (\$100) for the first offense and an unclassified misdemeanor
7 punishable by a fine of not less than one hundred dollars (\$100) or thirty
8 (30) days' imprisonment, or both fine and imprisonment, for each ~~succeeding~~
9 subsequent offense thereafter.

10
11 SECTION 16. Arkansas Code § 17-92-308(c)(1), concerning reciprocity
12 for the practice of pharmacy, is amended to read as follows to clarify a
13 reference to the defined term "practice of pharmacy":

14 (c)(1) In the interim between sessions of the board and upon
15 satisfactory evidence of the fitness as established by board rule of an
16 applicant for reciprocity, any member of the board, in his or her discretion,
17 may issue a temporary certificate that shall authorize the holder to engage
18 in the practice of pharmacy as defined in § 17-92-101.

19
20 SECTION 17. Arkansas Code § 17-92-312 is amended to read as follows:

21 17-92-312. Revocation and fine – Adulteration of drugs.

22 Any licensed pharmacist who shall knowingly, intentionally, and
23 fraudulently adulterate or cause to be adulterated any drugs, chemicals, or
24 medical preparations and ~~offer such~~ offers the adulterations for sale ~~shall~~
25 ~~be deemed~~ upon conviction is guilty of a ~~misdemeanor. Upon conviction, his or~~
26 ~~her license shall be revoked and, in addition, he or she shall be liable to a~~
27 ~~penalty~~ violation punishable by a fine of not less than five dollars (\$5.00)
28 nor more than one hundred dollars (\$100) and shall have his or her license
29 under this chapter revoked.

30
31 SECTION 18. Arkansas Code § 17-93-502 is amended to read as follows to
32 repeal obsolete language:

33 17-93-502. Administration of compact – Rules.

34 (a) The Arkansas State Board of Physical Therapy is the Physical
35 Therapy Licensure Compact administrator for this state.

36 (b)~~(1)~~ The board may adopt rules necessary to implement this

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1 subchapter.

2 ~~(2)(A) When adopting the initial rules to implement this~~
3 ~~subchapter, the final rule shall be filed with the Secretary of State for~~
4 ~~adoption under § 25-15-204(f):~~

5 ~~(i) On or before January 1, 2020; or~~

6 ~~(ii) If approval under § 10-3-309 has not occurred by~~
7 ~~January 1, 2020, as soon as practicable after approval under § 10-3-309.~~

8 ~~(B) The board shall file the proposed rule with the~~
9 ~~Legislative Council under § 10-3-309(e) sufficiently in advance of January 1,~~
10 ~~2020, so that the Legislative Council may consider the rule for approval~~
11 ~~before January 1, 2020.~~

12 (c) The board is not required to adopt the rules of the Physical
13 Therapy Compact Commission.

14

15 SECTION 19. Arkansas Code § 17-95-108(b)(1), concerning the informed
16 consent required for gastric bypass surgery, is amended to read as follows to
17 repeal obsolete language:

18 (b)(1) The Arkansas State Medical Board shall promulgate rules to
19 enforce this section ~~within six (6) months of July 16, 2003.~~

20

21 SECTION 20. Arkansas Code § 17-95-209 is amended to read as follows to
22 repeal obsolete language:

23 17-95-209. Regulation of office-based surgery.

24 ~~Within eighteen (18) months after August 16, 2013, the~~ The Arkansas
25 State Medical Board shall adopt rules to be followed by a physician who
26 performs office-based surgery.

27

28 SECTION 21. Arkansas Code § 17-95-304(f), concerning inspectors and
29 use of prescriptions, orders, or records under the Arkansas Medical Practices
30 Act, is amended to read as follows to clarify a reference to a state board
31 and make stylistic changes:

32 (f)~~(1)~~ The division ~~shall have the authority to~~ may collect from the
33 ~~individual board~~ Arkansas State Medical Board for utilizing the services
34 delineated in this section:

35 (1) ~~up~~ Up to fifty dollars (\$50.00) per hour with a maximum of
36 four thousand dollars (\$4,000) in hourly costs per case;

Exhibit G12

HB

1 (2) ~~The division shall also have the authority to collect from~~
2 ~~the individual board utilizing the services delineated in this section for:~~
3 ~~(A)~~ Travel expenses at the level for state employees; and
4 ~~(B)~~(3) Other out-of-pocket costs incurred by the division in
5 carrying out its investigative task.
6

7 SECTION 22. Arkansas Code § 17-95-306(a)(1), concerning criminal
8 background checks under the Arkansas Medical Practices Act, is amended to
9 read as follows to repeal obsolete language:

10 (a)(1) ~~Beginning July 1, 2005, every~~ Every person applying for a
11 license or renewal of a license issued by the Arkansas State Medical Board
12 shall provide written authorization to the board to allow the Division of
13 Arkansas State Police to release the results of a state and federal criminal
14 history background check report to the board.
15

16 SECTION 23. Arkansas Code § 17-96-103(c), concerning unlawful acts and
17 penalties related to podiatric medicine, is amended to read as follows to
18 clarify a criminal offense and make stylistic changes:

19 (c) Any person who ~~shall knowingly violate any of the provisions of~~
20 violates this chapter, upon conviction is guilty of an unclassified
21 misdemeanor and shall be fined a sum not exceeding one thousand dollars
22 (\$1,000) or be imprisoned ~~in the county jail~~ not to exceed thirty (30) days,
23 or be both fined and imprisoned.
24

25 SECTION 24. Arkansas Code § 17-96-201 is amended to read as follows to
26 formally create a state board, clarify references, and make stylistic
27 changes:

28 17-96-201. Creation – Members.

29 (a) There is created the Arkansas Board of Podiatric Medicine.

30 ~~(a)(1)(b)(1) The Governor shall appoint an examining board to consist~~
31 ~~of~~ board shall consist of five (5) members appointed by the Governor on
32 September 1, for terms of three (3) years. All members shall be residents of
33 the state for a period of one (1) or more years.

34 (2) Three (3) members shall be podiatrists and shall have been
35 actually engaged in the practice of podiatric medicine immediately preceding
36 their appointment. They shall be appointed after consulting the Arkansas

Exhibit G12

HB

1 Podiatric Medical Association and subject to confirmation by the Senate.

2 (3) Two (2) members of the ~~Arkansas Board of Podiatric Medicine~~
3 board shall not be actively engaged in or retired from the profession of
4 podiatric medicine. One (1) member under this subdivision (b)(3) shall
5 represent consumers, and one (1) member under this subdivision (b)(3) shall
6 be sixty (60) years of age or older and shall represent the elderly. Both
7 members under this subdivision (b)(3) shall be appointed from the state at
8 large subject to confirmation by the Senate. The two (2) positions under this
9 subdivision (b)(3) may not be held by the same person. Both members under
10 this subdivision (b)(3) shall be full voting members but shall not
11 participate in the grading of examinations.

12 (b) All vacancies on the board shall be filled by the Governor to
13 serve for the unexpired term of the member whose place is rendered vacant.
14

15 SECTION 25. Arkansas Code § 17-96-301(b)(2), concerning the license
16 required for podiatric medicine and the penalty for unlawful practice of
17 podiatric medicine, is amended to read as follows to clarify a criminal
18 offense, repeal redundant language, and make a stylistic change:

19 (2) Upon conviction, the person ~~shall be~~ is guilty of ~~a Class A~~
20 ~~misdemeanor~~ an unclassified misdemeanor and shall be fined not less than one
21 hundred dollars (\$100) nor more than five hundred dollars (\$500) or
22 imprisoned for not less than three (3) months nor more than one (1) year, or
23 both. ~~The fine and imprisonment are to be at the discretion of the court or~~
24 ~~jury.~~

25
26 SECTION 26. Arkansas Code § 17-97-201(a)(3)-(5), concerning the
27 creation and members of the Arkansas Psychology Board, are amended to read as
28 follows to add clarifying language and repeal obsolete language:

29 (3)(A) The academic psychologist member, the practicing
30 psychologist members, and the psychological examiner members shall be
31 appointed by the Governor after consulting the Arkansas Psychological
32 Association, Inc., and the Arkansas Association of Masters in Psychology,
33 Inc., and subject to confirmation by the Senate.

34 (B)(i) Of the two (2) members appointed pursuant to
35 subdivision (a)(2)(D) of this section, one (1) member shall represent
36 consumers, and one (1) member shall be sixty (60) years of age or older and

Exhibit G12

HB

1 shall represent the elderly.

2 (ii) Both shall be appointed from the state at large,
3 subject to confirmation by the Senate.

4 (iii) The two (2) positions may not be held by the same
5 person.

6 (iv) Both shall be full voting members but shall not
7 vote on or participate in the administration or grading of examinations of
8 applicants for licensure.

9 (C)(i) Any public member appointed under subdivision
10 (a)(2)(D) of this section ~~after July 28, 1995~~, shall be an Arkansas resident
11 and shall have resided in Arkansas for at least five (5) years immediately
12 preceding appointment.

13 (ii) Furthermore, the person shall never have been a
14 psychologist or psychological examiner, an applicant or former applicant for
15 licensure as a psychologist or psychological examiner, a member of another
16 mental health profession, a member of a household that includes a
17 psychologist or psychological examiner, or otherwise have conflicts of
18 interest or the appearance of conflicts with his or her duties as a board
19 member.

20 (4)(A) Each psychologist and psychological examiner appointed to
21 the board ~~after July 28, 1995~~, shall reside within the State of Arkansas,
22 hold a current valid license to practice, and shall have been licensed to
23 practice psychology in Arkansas for at least five (5) years immediately
24 preceding his or her appointment to the board.

25 (B) At the time of appointment, each such member shall be
26 free of any conflict of interest and the appearance of any conflict with his
27 or her duties as a member of the board.

28 (C) To the extent possible, psychologist and psychological
29 examiner board members shall be members or fellows of state or national
30 professional organizations, such as the Arkansas Psychological Association,
31 Inc., the Arkansas Association of Masters in Psychology, Inc., or the
32 American Psychological Association.

33 (5)(A) The Governor shall fill all vacancies on the board for the
34 unexpired term within thirty (30) days after the vacancy occurs.

35 (B) The Governor shall remove any member from the board if
36 he or she:

Exhibit G12

HB

- 1 (i) Ceases to be qualified;
2 (ii) Fails to attend three (3) successive board
3 meetings without just cause as determined by the board;
4 (iii) Is found to be in violation of this chapter;
5 (iv) Pleads guilty or nolo contendere to or is found
6 guilty of a felony listed under § 17-3-102 by a court of competent
7 jurisdiction; or
8 (v) Pleads guilty or nolo contendere to or is found
9 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
10 board duties by a court of competent jurisdiction.
11

12 SECTION 27. Arkansas Code § 17-97-201(b), concerning the creation and
13 members of the Arkansas Psychology Board, is repealed to remove redundant and
14 obsolete language.

15 ~~(b) All vacancies occurring on the board shall be filled by the~~
16 ~~Governor for the unexpired term and, for the professional members from the~~
17 ~~list of those qualified, within thirty (30) days after the vacancy occurs.~~
18

19 SECTION 28. Arkansas Code § 17-97-310(b), concerning the denial or
20 revocation of a license to practice psychology, is amended to read as follows
21 to clarify the denial of issuance or revocation of a license by the Arkansas
22 Psychology Board due to a criminal offense for consistency with §§ 17-3-102
23 and 17-97-312:

24 (b) The When determining whether to deny issuance of or revoke a
25 license due to a criminal offense, the board shall refuse to issue or shall
26 revoke the license of any person who has been found guilty of or pleaded
27 guilty or nolo contendere to any of the offenses listed in § 17-97-312(f)
28 unless the person requests and the board grants a waiver pursuant to § 17-97-
29 312(h) follow § 17-3-102.
30

31 SECTION 29. Arkansas Code § 17-100-208(a), concerning outside
32 investigators contracted by the Board of Examiners in Speech-Language
33 Pathology and Audiology, is amended to read as follows to clarify its
34 application:

35 (a)(1) The Board of Examiners in Speech-Language Pathology and
36 Audiology shall contract with an outside investigator as needed to perform

Exhibit G12

HB

1 investigations and conduct inspections of alleged wrongdoing.

2 (2) An outside investigator ~~contacted~~ contracted with under
3 subdivision (a)(1) of this section shall have expertise or background in the
4 subject matter in which he or she is being contracted to investigate.

5
6 SECTION 30. Arkansas Code § 17-101-315 is amended to read as follows
7 to repeal obsolete language and make stylistic changes:

8 17-101-315. Equine teeth floating.

9 (a) ~~The Arkansas Livestock and Poultry Commission is prohibited from~~
10 ~~enforcing commission policy regarding equine teeth floating by either~~
11 ~~investigating or prosecuting an individual practitioner engaged in equine~~
12 ~~teeth floating until July 1, 2013.~~

13 ~~(b)(1)~~ Before engaging in the practice of equine teeth floating in the
14 state, an individual practitioner shall present to the ~~commission~~ Arkansas
15 Livestock and Poultry Commission signed letters of recommendation from two
16 (2) clients who have previously employed the individual practitioner and who
17 bear witness to the individual practitioner's ability to perform equine teeth
18 floating.

19 ~~(2)(b)~~ The letters of recommendation under subsection (a) of
20 this section shall be presented to the commission before providing service to
21 a client or performing any procedure on any animal.

22
23 SECTION 31. Arkansas Code § 17-101-316(a) and (b), concerning
24 livestock embryo transfer or transplant and livestock pregnancy
25 determination, are amended to read as follows to repeal obsolete language and
26 make stylistic changes:

27 (a) ~~Until July 1, 2019, the Arkansas Livestock and Poultry Commission~~
28 ~~is prohibited from investigating or prosecuting under a commission rule or~~
29 ~~policy an individual technician who engages in both:~~

30 ~~(1) Livestock embryo transfer or transplant; and~~

31 ~~(2) Livestock pregnancy determination.~~

32 ~~(b)~~ Before engaging in livestock embryo transfer or transplant and
33 livestock pregnancy determination in the state, an individual technician
34 shall obtain a certification from the ~~commission~~ Arkansas Livestock and
35 Poultry Commission.

36

Exhibit G12

HB

1 SECTION 32. Arkansas Code § 17-102-104(a), concerning false
2 advertising under the Arkansas Acupuncture Practices Act, is amended to read
3 as follows to clarify a reference to a defined term:

4 (a) ~~A person defined in § 17-102-102(4)~~ An acupuncturist shall not
5 solicit for patronage or advertise for patronage by any means whatever that
6 are misleading, fraudulent, deceptive, or dishonest.

7
8 SECTION 33. Arkansas Code § 17-102-201(a)(5)(A) and (B), concerning
9 the Arkansas State Board of Acupuncture and Related Techniques, is amended to
10 read as follows to repeal obsolete language and correct a reference to a
11 state legislative committee:

12 (5)(A) On a biennial basis ~~beginning in October 2010~~, the board
13 shall file a written report with the House Committee on Public ~~Health~~ Health,
14 Welfare, and Labor and the Senate Committee on Public Health, Welfare, and
15 Labor.

16 (B) The report shall contain a certified copy of the minutes
17 of all board meetings as required by § 17-102-205 for the calendar years ~~2009~~
18 ~~through October 2010 and thereafter~~ covering the period of time since the
19 last report.

20
21 SECTION 34. Arkansas Code § 17-102-204(a), concerning the Arkansas
22 State Board of Acupuncture and Related Techniques, is amended to read as
23 follows to repeal obsolete language and make stylistic changes:

24 (a) The Arkansas State Board of Acupuncture and Related Techniques
25 shall ~~within sixty (60) days of August 1, 1997, and every May thereafter~~ hold
26 a meeting in May each year and elect from ~~its~~ the board's membership a
27 president, a secretary, and a treasurer for terms set by the board.

28
29 SECTION 35. Arkansas Code § 17-102-206(b)(5)(B) and (C), concerning
30 the powers and duties of the Arkansas State Board of Acupuncture and Related
31 Techniques, are amended to read as follows to repeal obsolete language:

32 (B) ~~Within thirty (30) days after July 31, 2009, the~~
33 ~~Arkansas State Board of Acupuncture and Related Techniques shall promulgate~~
34 ~~new rules to replace the following existing rules: Title I, Title II, Title~~
35 ~~III, Title IV, Title V, and Title VI.~~

36 (C) All proposed rules ~~after July 31, 2009~~, shall be

Exhibit G12

HB

1 approved in writing by the Arkansas State Medical Board under the Arkansas
2 Administrative Procedure Act, § 25-15-201 et seq., but before submission to
3 the Administrative Rules Subcommittee of the Legislative Council;

4
5 SECTION 36. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

6 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

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Exhibit G13

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
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 18 OF
9 THE ARKANSAS CODE CONCERNING PROPERTY; AND FOR OTHER
10 PURPOSES.
11

Subtitle

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

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

20 SECTION 1. Arkansas Code § 18-11-110(d), concerning the prohibition on
21 land ownership by a prohibited foreign-party-controlled business, is amended
22 to read as follows to clarify a criminal offense:

23 (d) A prohibited foreign-party-controlled business entity ~~shall that~~
24 violates this section upon conviction ~~be~~ is guilty of ~~a~~ an unclassified
25 felony punishable by not more than two (2) years' imprisonment in the custody
26 of the Division of Correction or a fine of fifteen thousand dollars
27 (\$15,000), or both.
28

29 SECTION 2. Arkansas Code § 18-11-802(8)(B) and (C), concerning the
30 definition of "significant interest" and "substantial control" as used with
31 respect to the foreign ownership of agricultural land, are reenacted to
32 ratify the decision by the Arkansas Code Revision Commission to change
33 references to "subdivision (5)(A)" to "subdivision (5)" in order to correct
34 reference errors.

35 (B) An interest of thirty-three percent (33%) or more held
36 whenever the parties, individuals, or governments referred to in subdivision

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Exhibit G13

HB

1 (5) of this section are acting in concert with respect to the interest even
2 though no single individual, party, or government holds an interest of
3 thirty-three percent (33%) or more; or

4 (C) An interest of fifty percent (50%) or more, in the
5 aggregate, held by parties, individuals, or governments referred to in
6 subdivision (5) of this section even though the individuals, parties, or
7 foreign governments may not be acting in concert.

8
9 SECTION 3. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

10 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

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Exhibit G14

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
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 19 OF
9 THE ARKANSAS CODE CONCERNING PUBLIC FINANCE; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12
13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 19
15 OF THE ARKANSAS CODE CONCERNING PUBLIC
16 FINANCE.
17

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

21 SECTION 1. Arkansas Code § 19-4-803(c), concerning exemptions from the
22 laws concerning the expenditure of cash funds, is amended to read as follows
23 to repeal obsolete language and make stylistic changes:

24 (c) ~~The Arkansas Comprehensive Health Insurance Pool, created under~~
25 ~~the Comprehensive Health Insurance Pool Act, § 23-79-501 et seq., and its~~
26 ~~board of directors, and the Arkansas Property and Casualty Insurance Guaranty~~
27 Fund and its advisory association, referenced under the Arkansas Property and
28 Casualty Insurance Guaranty Act, § 23-90-101 et seq., and the Arkansas Life
29 and Health Insurance Guaranty Association and its board of directors,
30 referenced under the Arkansas Life and Health Insurance Guaranty Association
31 Act, § 23-96-101 et seq., are hereby exempt from ~~the provisions of~~ this
32 subchapter.
33

34 SECTION 2. Arkansas Code § 19-5-922(b)(2), concerning the State
35 Insurance Department Trust Fund, is amended to read as follows to repeal
36 obsolete language:

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Exhibit G14

HB

1 (2) The fund shall be used:

2 (A) To defray the expenses of the State Insurance
3 Department in the discharge of its administrative and regulatory powers and
4 duties as prescribed by law and as set out in the State Insurance Department
5 Trust Fund Act, § 23-61-701 et seq.; and

6 ~~(B) To defray the administrative expenses and losses~~
7 ~~incurred by the Arkansas Comprehensive Health Insurance Pool of the~~
8 ~~Comprehensive Health Insurance Pool Act, § 23-79-501 et seq., or its~~
9 ~~successor; and~~

10 ~~(C) To fund capital expenditures and training for fire~~
11 ~~departments certified by the Division of Emergency Management.~~

12
13 SECTION 3. 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
16 or impliedly repeal an act passed during the regular session of the Ninety-
17 Fifth General Assembly;

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

20 (A) The act of the regular session of the Ninety-Fifth
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-Fifth General Assembly its full force and effect; and

25 (ii) Amending or repealing the appropriate parts of
26 the 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.

Exhibit G15

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
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 § 20-22-1011(b), concerning building egress
23 at schools under the Arkansas Comprehensive Fire Protection Act of 1993, is
24 reenacted to ratify the decision by the Arkansas Code Revision Commission to
25 codify the subsection at § 20-22-1011(b).

26 (b) A person shall not be impeded from building egress in compliance
27 with the Arkansas Fire Prevention Code and the standards for accessible
28 design under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.,
29 as it existed on January 1, 2023.
30

31 SECTION 2. Arkansas Code § 20-56-404(d)(2)-(4), concerning permits for
32 the sale, distribution, or manufacture of hemp-derived products, are amended
33 to read as follows to clarify references:

34 (2) When a partnership or limited liability company permitted
35 under this subchapter changes, removes, or replaces the managing partner,
36 managing member, president, or chief executive officer:

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HB

1 (A) The existing permit issued under this subchapter is
2 void; and

3 (B) The partnership or limited liability company:

4 (i) Shall apply for a new permit under this
5 subchapter;

6 (ii) May be issued a new permit under this
7 subchapter; and

8 (iii) May operate under the voided permit for no
9 more than thirty (30) days from the date of the change, removal, or
10 replacement of the ~~permit~~ managing partner, managing member, president, or
11 chief executive officer.

12 (3) When a nonpublicly traded corporation permitted under this
13 subchapter changes, removes, or replaces the president or chief executive
14 officer named on the permit or changes, removes, or replaces a stockholder
15 who owns fifty percent (50%) or more of the total voting shares of the
16 nonpublicly traded corporation's stock:

17 (A) The permit issued under this subchapter is void; and

18 (B) The nonpublicly traded corporation:

19 (i) Shall apply for a new permit under this
20 subchapter;

21 (ii) May be issued a new permit under this
22 subchapter; and

23 (iii) May operate under the voided permit for no
24 more than thirty (30) days from the date of the change, removal, or
25 replacement of the ~~permit~~ president, chief executive officer, or stockholder.

26 (4) When a publicly traded corporation permitted under this
27 subchapter changes, removes, or replaces the president or chief executive
28 officer named on the permit or changes, removes, or replaces a stockholder
29 who owns fifty percent (50%) or more of the total voting shares of the
30 publicly traded corporation's stock:

31 (A) The permit issued under this subchapter is void; and

32 (B) The publicly traded corporation:

33 (i) Shall apply for a new permit under this
34 subchapter;

35 (ii) May be issued a new permit under this
36 subchapter; and

Exhibit G15

HB

1 (iii) May operate under the voided permit for no
2 more than thirty (30) days from the date of the change, removal, or
3 replacement of the ~~permit~~ president, chief executive officer, or stockholder.
4

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

6 It is the intent of the General Assembly that:

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

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

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

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

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

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

20 (3) This act shall make only technical, not substantive, changes
21 to the Arkansas Code of 1987.
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Exhibit G16

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT ANS/SAN
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
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 23
15 OF THE ARKANSAS CODE CONCERNING PUBLIC
16 UTILITIES AND REGULATED INDUSTRIES.
17

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

21 SECTION 1. Arkansas Code § 23-3-117(a)(2)(C)(i), concerning contracts
22 for interruptible utility services, is reenacted to ratify the decision by
23 the Arkansas Code Revision Commission to change “Specify” to “Shall specify”
24 in order to correct a grammatical error.

25 (i) Shall specify the amount of interruptible load
26 to be achieved by the customer.
27

28 SECTION 2. Arkansas Code § 23-55-611(b), concerning refunds under the
29 Uniform Money Services Act, is reenacted to ratify the decision by the
30 Arkansas Code Revision Commission to insert the phrase “all money received
31 for transmission” and combine former subdivisions (b)(1)(A)-(D) with former
32 subdivision (b)(2) to create subdivisions (b)(1)-(5), in order to clarify a
33 reference and correct designation errors.

34 (b) Every licensee shall refund all money received for transmission to
35 the sender within 10 days of receipt of the sender’s written request for a
36 refund of all money received for transmission unless any of the following

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Exhibit G16

HB

1 occurs:

2 (1) the money has been forwarded within 10 days of the date that
3 the money was received for transmission;

4 (2) instructions have been given committing an equivalent amount
5 of money to the person designated by the sender within 10 days of the date
6 that the money was received for transmission;

7 (3)(A) the agreement between the licensee and the sender
8 instructs the licensee to forward the money at a time that is beyond 10 days
9 of the date that the money was received for transmission.

10 (B) If funds have not yet been forwarded according to the
11 terms of the agreement between the licensee and the sender, then the licensee
12 shall issue a refund under this section;

13 (4) the refund is requested for a transaction that the licensee
14 has not completed based on a reasonable belief or a reasonable basis to
15 believe that a crime or violation of law, rule, or regulation has occurred,
16 is occurring, or may occur; or

17 (5) the refund request does not enable the licensee to:

18 (A) identify the sender's name and address or telephone
19 number; or

20 (B) identify the particular transaction to be refunded in
21 the event the sender has multiple transactions outstanding.

22
23 SECTION 3. Arkansas Code § 23-55-702(a)(6), concerning types of
24 permissible investments under the Uniform Money Services Act, is reenacted to
25 ratify the decision by the Arkansas Code Revision Commission to redesignate
26 the subdivision from (b)(6) to (a)(6) in order to correct a designation
27 error.

28 (6) 100 percent of the surety bond provided for under § 23-55-
29 204 that exceeds the average daily money transmission liability in this
30 state.

31
32 SECTION 4. Arkansas Code § 23-55-702(b)(2)(A), concerning types of
33 permissible investments under the Uniform Money Services Act, is reenacted to
34 ratify the decision by the Arkansas Code Revision Commission to change "If"
35 to "Upon" in order to correct a grammatical error.

36 (2)(A) Upon any notice of expiration or nonextension of a letter

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1 of credit issued under subdivision (b)(1)(D), then the licensee shall be
2 required to demonstrate to the satisfaction of the commissioner, 15 days
3 before expiration, that the licensee maintains and will maintain permissible
4 investments under § 23-55-701(a) upon the expiration of the letter of credit.
5

6 SECTION 5. Arkansas Code § 23-61-503(b), concerning the jurisdiction
7 of the State Insurance Department and the application of the Arkansas
8 Insurance Code, is amended to read as follows to repeal obsolete language:

9 (b) This subchapter shall not apply to+

10 ~~(1) A trust established under §§ 14-54-101 and 25-20-104 to~~
11 ~~provide benefits such as accident and health benefits, death benefits, dental~~
12 ~~benefits, and disability income benefits; or~~

13 ~~(2) The Comprehensive Health Insurance Pool Act, § 23-79-501 et~~
14 ~~seq.~~
15

16 SECTION 6. Arkansas Code § 23-63-1801(4)(B), concerning definitions
17 under the Arkansas Health Insurance Marketplace Act, is amended to read as
18 follows to repeal obsolete language:

19 (B) "Health insurance coverage" does not include policies
20 or certificates covering only accident, credit, disability income, long-term
21 care, hospital indemnity, Medicare supplemental policy as defined in 42
22 U.S.C. § 1395ss(g)(1), a specified disease, other limited benefit health
23 insurance, automobile medical payment insurance, or claims under the Workers'
24 Compensation Law, § 11-9-101 et seq., or the Public Employee Workers'
25 Compensation Act, § 21-5-601 et seq., ~~or the Comprehensive Health Insurance~~
26 ~~Pool Act, § 23-79-501 et seq.;~~ and
27

28 SECTION 7. Arkansas Code Title 23, Chapter 79, Subchapter 5 is
29 repealed because the subchapter expired in 2016.

30 ~~23-79-501. Purpose.~~

31 ~~(a)(1) Acts 1995, No. 1339, established the Arkansas Comprehensive~~
32 ~~Health Insurance Pool as a state program that was intended to provide an~~
33 ~~alternate market for health insurance for certain uninsurable Arkansas~~
34 ~~residents, and further this subchapter is intended to provide for the~~
35 ~~successor entity that will provide the acceptable alternative mechanism as~~
36 ~~described in the Health Insurance Portability and Accountability Act of 1996~~

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1 ~~for providing portable and accessible individual health insurance coverage~~
2 ~~for federally eligible individuals as defined in this subchapter.~~

3 ~~(2) This subchapter further is intended to provide a health~~
4 ~~insurance coverage option for persons eligible for a federal income tax~~
5 ~~credit under section 35 of the Internal Revenue Code, as created by the Trade~~
6 ~~Adjustment Assistance Reform Act of 2002 or as subsequently amended.~~

7 ~~(b) The General Assembly declares that it intends for this program to~~
8 ~~provide portable and accessible individual health insurance coverage for~~
9 ~~every individual who qualifies for coverage in accordance with § 23-79-509(b)~~
10 ~~as a federally eligible individual or as a qualified trade adjustment~~
11 ~~assistance eligible person but does not intend for every eligible person who~~
12 ~~qualifies for pool coverage in accordance with § 23-79-509 to be guaranteed a~~
13 ~~right to be issued a policy under this pool as a matter of entitlement.~~

14
15 ~~23-79-502. Short title.~~

16 ~~This subchapter may be cited as the “Comprehensive Health Insurance~~
17 ~~Pool Act”, and is amendatory to the Arkansas Insurance Code and the~~
18 ~~provisions of the Arkansas Insurance Code which are not in conflict with this~~
19 ~~subchapter are applicable to this subchapter.~~

20
21 ~~23-79-503. Definitions.~~

22 ~~As used in this subchapter:~~

23 ~~(1) “Agent” means any person who is licensed to sell health~~
24 ~~insurance in this state;~~

25 ~~(2) “Board” means the Board of Directors of the Arkansas~~
26 ~~Comprehensive Health Insurance Pool;~~

27 ~~(3) “Church plan” has the same meaning given that term in the~~
28 ~~Health Insurance Portability and Accountability Act of 1996;~~

29 ~~(4) “Commissioner” means the Insurance Commissioner;~~

30 ~~(5) “Continuation coverage” means continuation of coverage under~~
31 ~~a group health plan or other health insurance coverage for former employees~~
32 ~~or dependents of former employees that would otherwise have terminated under~~
33 ~~the terms of that coverage pursuant to any continuation provisions under~~
34 ~~federal or state law, including the Consolidated Omnibus Budget~~
35 ~~Reconciliation Act of 1985 (COBRA), as amended, § 23-86-114 of the Arkansas~~
36 ~~Insurance Code, or any other similar requirement in another state;~~

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1 ~~(6) “Covered person” means a person who is and continues to~~
2 ~~remain eligible for pool coverage and is covered under one (1) of the plans~~
3 ~~offered by the pool;~~

4 ~~(7)(A) “Creditable coverage” means, with respect to a federally~~
5 ~~eligible individual or a qualified trade adjustment assistance eligible~~
6 ~~person, coverage of the individual under any of the following:~~

7 ~~(i) A group health plan;~~

8 ~~(ii) Health insurance coverage, including group~~
9 ~~health insurance coverage;~~

10 ~~(iii) Medicare;~~

11 ~~(iv) Medical assistance;~~

12 ~~(v) 10 U.S.C. § 1071 et seq.;~~

13 ~~(vi) A medical care program of the Indian Health~~
14 ~~Service or of a tribal organization;~~

15 ~~(vii) A state health benefits risk pool;~~

16 ~~(viii) A health plan offered under 5 U.S.C. § 8901~~
17 ~~et seq.;~~

18 ~~(ix) A public health plan, as defined in regulations~~
19 ~~consistent with section 104 of the Health Insurance Portability and~~
20 ~~Accountability Act of 1996 that may be promulgated by the Secretary of the~~
21 ~~United States Department of Health and Human Services; and~~

22 ~~(x) A health benefit plan under section 5(e) of the~~
23 ~~Peace Corps Act, 22 U.S.C. § 2504(e).~~

24 ~~(B) “Creditable coverage” does not include:~~

25 ~~(i) Coverage consisting solely of coverage of~~
26 ~~excepted benefits as defined in section 2791(C) of Title XXVII of the Public~~
27 ~~Health Service Act, 42 U.S.C. § 300gg-91; or~~

28 ~~(ii)(a) Any period of coverage under~~
29 ~~subdivisions (7)(A)(i)-(x) of this section that occurred before a break of~~
30 ~~more than sixty three (63) days during all of which the individual was not~~
31 ~~covered under subdivisions (7)(A)(i)-(x) of this section.~~

32 ~~(b) Any period that an individual is in a~~
33 ~~waiting period for any coverage under a group health plan or for group health~~
34 ~~insurance coverage or is in an affiliation period under the terms of health~~
35 ~~insurance coverage offered by a health maintenance organization shall not be~~
36 ~~taken into account in determining if there has been a break of more than~~

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1 ~~sixty three (63) days in any creditable coverage;~~

2 ~~(8) "Department" means the State Insurance Department;~~

3 ~~(9) "Excess or stop loss coverage" means an arrangement whereby~~
4 ~~an insurer insures against the risk that any one (1) claim will exceed a~~
5 ~~specific dollar amount or that the entire loss of a self insurance plan will~~
6 ~~exceed a specific amount;~~

7 ~~(10) "Federally eligible individual" means an individual~~
8 ~~resident of Arkansas;~~

9 ~~(A) For whom:~~

10 ~~(i) As of the date on which the individual seeks~~
11 ~~pool coverage under § 23-79-509, the aggregate of the periods of creditable~~
12 ~~coverage is eighteen (18) or more months; and~~

13 ~~(ii) The most recent prior creditable coverage was~~
14 ~~under group health insurance coverage offered by an insurer, a group health~~
15 ~~plan, a governmental plan, a church plan, or health insurance coverage~~
16 ~~offered in connection with any such plans;~~

17 ~~(B) Who is not eligible for coverage under:~~

18 ~~(i) A group health plan;~~
19 ~~(ii) Part A or Part B of Medicare; or~~
20 ~~(iii) Medical assistance and does not have other~~
21 ~~health insurance coverage;~~

22 ~~(C) With respect to whom the most recent coverage within~~
23 ~~the coverage period described in subdivision (10)(A)(i) of this section was~~
24 ~~not terminated based upon a factor related to nonpayment of premiums or~~
25 ~~fraud;~~

26 ~~(D) If the individual has been offered the option of~~
27 ~~continuation coverage under a Consolidated Omnibus Budget Reconciliation Act~~
28 ~~of 1985 (COBRA) continuation provision or under a similar state program, who~~
29 ~~elected such coverage; and~~

30 ~~(E) Who, if the individual elected the continuation~~
31 ~~coverage, has exhausted the continuation coverage under such a provision or~~
32 ~~program;~~

33 ~~(11) "Governmental plan" has the same meaning given that term in~~
34 ~~the federal Health Insurance Portability and Accountability Act of 1996;~~

35 ~~(12) "Group health plan" has the same meaning given that term in~~
36 ~~the federal Health Insurance Portability and Accountability Act of 1996;~~

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1 ~~(13)(A) “Health insurance” means any hospital and medical~~
2 ~~expense incurred policy, certificate, or contract provided by an insurer,~~
3 ~~hospital or medical service corporation, health maintenance organization, or~~
4 ~~any other healthcare plan or arrangement that pays for or furnishes medical~~
5 ~~or healthcare services whether by insurance or otherwise and includes any~~
6 ~~excess or stop loss coverage.~~

7 ~~(B) “Health insurance” does not include long term care,~~
8 ~~disability income, short term, accident, dental only, vision only, fixed~~
9 ~~indemnity, limited benefit or credit insurance, coverage issued as a~~
10 ~~supplement to liability insurance, insurance arising out of workers’~~
11 ~~compensation or similar law, automobile medical payment insurance, or~~
12 ~~insurance under which benefits are payable with or without regard to fault~~
13 ~~and that is statutorily required to be contained in any liability insurance~~
14 ~~policy or equivalent self insurance;~~

15 ~~(14) “Health maintenance organization” shall have the same~~
16 ~~meaning as defined in § 23-76-102;~~

17 ~~(15) “Hospital” shall have the same meaning as defined in § 20-~~
18 ~~9-201;~~

19 ~~(16) “Individual health insurance coverage” means health~~
20 ~~insurance coverage offered to individuals in the individual market but does~~
21 ~~not include short term, limited duration insurance;~~

22 ~~(17)(A) “Insurer” means any entity that provides health~~
23 ~~insurance, including excess or stop loss health insurance, in the State of~~
24 ~~Arkansas.~~

25 ~~(B) For the purposes of this subchapter, “insurer”~~
26 ~~includes an insurance company, medical services plans, hospital plans,~~
27 ~~hospital medical service corporations, health maintenance organizations,~~
28 ~~fraternal benefits society, or any other entity providing a plan of health~~
29 ~~insurance or health benefits subject to state insurance regulation;~~

30 ~~(18) “Medical assistance” means the state medical assistance~~
31 ~~program provided under Title XIX of the Social Security Act or under any~~
32 ~~similar program of healthcare benefits in a state other than Arkansas;~~

33 ~~(19)(A)(i) “Medically necessary” means that a service, drug,~~
34 ~~supply, or article is necessary and appropriate for the diagnosis or~~
35 ~~treatment of an illness or injury in accord with generally accepted standards~~
36 ~~of medical practice at the time the service, drug, or supply is provided.~~

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1 ~~(ii) When specifically applied to a confinement,~~
2 ~~“medically necessary” further means that the diagnosis or treatment of the~~
3 ~~covered person’s medical symptoms or condition cannot be safely provided to~~
4 ~~that person as an outpatient.~~

5 ~~(B) A service, drug, supply, or article shall not be~~
6 ~~medically necessary if it:~~

7 ~~(i) Is investigational, experimental, or for~~
8 ~~research purposes;~~

9 ~~(ii) Is provided solely for the convenience of the~~
10 ~~patient, the patient’s family, physician, hospital, or any other provider;~~

11 ~~(iii) Exceeds in scope, duration, or intensity that~~
12 ~~level of care that is needed to provide safe, adequate, and appropriate~~
13 ~~diagnosis or treatment;~~

14 ~~(iv) Could have been omitted without adversely~~
15 ~~affecting the covered person’s condition or the quality of medical care; or~~

16 ~~(v) Involves the use of a medical device, drug, or~~
17 ~~substance not formally approved by the United States Food and Drug~~
18 ~~Administration;~~

19 ~~(20) “Medicare” means coverage under Part A and Part B of Title~~
20 ~~XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq.;~~

21 ~~(21) “Physician” means a person licensed to practice medicine as~~
22 ~~duly licensed by the State of Arkansas;~~

23 ~~(22) “Plan” means the comprehensive health insurance plan as~~
24 ~~adopted by the board or by rule;~~

25 ~~(23) “Plan administrator” means the insurer designated under §~~
26 ~~23-79-508 to carry out the provisions of the plan of operation;~~

27 ~~(24) “Plan of operation” means the plan of operation of the~~
28 ~~pool, including articles, bylaws, and operating rules adopted by the board~~
29 ~~pursuant to this subchapter;~~

30 ~~(25) “Provider” means any hospital, skilled nursing facility,~~
31 ~~hospice, home health agency, physician, pharmacist, or any other person or~~
32 ~~entity licensed in Arkansas to furnish medical care, articles, and supplies;~~

33 ~~(26) “Qualified high risk pool” has the same meaning given that~~
34 ~~term in the Health Insurance Portability and Accountability Act of 1996;~~

35 ~~(27) “Qualified trade adjustment assistance eligible person”~~
36 ~~means a person who is a trade adjustment assistance eligible person as~~

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1 defined by this section and for whom, on the date an application for the
2 individual is received by the pool under § 23-79-509, has an aggregate of at
3 least three (3) months of creditable coverage without a break in coverage of
4 sixty-three (63) days or more;

5 (28) ~~“Resident eligible person” means a person who:~~

6 (A) ~~Has been legally domiciled in the State of Arkansas
7 for a period of at least:~~

8 (i) ~~Ninety (90) days and continues to be domiciled
9 in Arkansas; or~~

10 (ii) ~~Thirty (30) days, continues to be domiciled in
11 Arkansas, and was covered under a qualified high-risk pool in another state
12 up until sixty-three (63) days or less prior to the date that the pool
13 receives his or her application for coverage; and~~

14 (B) ~~Is not eligible for coverage under:~~

15 (i) ~~A group health plan;~~

16 (ii) ~~Part A or Part B of Medicare; or~~

17 (iii) ~~Medical assistance as defined in this section
18 and does not have other health insurance coverage as defined in this section;
19 and~~

20 (29) ~~“Trade adjustment assistance eligible person” means a
21 person who is legally domiciled in the State of Arkansas on the date of
22 application to the pool and is eligible for the tax credit for health
23 insurance coverage premiums under section 35 of the Internal Revenue Code of
24 1986.~~

25
26 ~~23-79-504. Arkansas Comprehensive Health Insurance Pool.~~

27 (a) ~~There is created a nonprofit legal entity to be known as the
28 “Arkansas Comprehensive Health Insurance Pool” as the successor entity to the
29 nonprofit legal entity established by Acts 1995, No. 1339.~~

30 (b)(1) ~~The pool shall operate subject to the supervision and control
31 of the Board of Directors of the Arkansas Comprehensive Health Insurance
32 Pool. The pool is created as a political subdivision, instrumentality, and
33 body politic of the State of Arkansas, and, as such, is not a state agency.~~

34 (2) ~~Except to the extent defined in this subchapter, the pool
35 will be exempt from:~~

36 (A) ~~All state, county, and local taxes;~~

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1 ~~(B) The Arkansas Procurement Law, § 19-11-201 et seq.;~~
2 ~~(C) The Freedom of Information Act of 1967, § 25-19-101 et~~
3 ~~seq.; and~~
4 ~~(D) The Arkansas Administrative Procedure Act, § 25-15-201~~
5 ~~et seq.~~
6 ~~(3) The board shall consist of the following seven (7) members~~
7 ~~to be appointed by the Insurance Commissioner;~~
8 ~~(A) Two (2) current or former representatives of insurance~~
9 ~~companies licensed to do business in the State of Arkansas;~~
10 ~~(B) Two (2) current or former representatives of health~~
11 ~~maintenance organizations licensed to do business in the State of Arkansas;~~
12 ~~(C) One (1) member of a health-related profession licensed~~
13 ~~in the State of Arkansas;~~
14 ~~(D) One (1) member from the general public who is not~~
15 ~~associated with the medical profession, a hospital, or an insurer; and~~
16 ~~(E) One (1) member to represent a group considered to be~~
17 ~~uninsurable.~~
18 ~~(4) In making appointments to the board, the commissioner shall~~
19 ~~strive to ensure that at least one (1) person serving on the board is at~~
20 ~~least sixty (60) years of age.~~
21 ~~(5) All terms shall be for three (3) years.~~
22 ~~(6) The board shall elect one (1) of its members as chair.~~
23 ~~(7) Any vacancy in the board occurring for any reason other than~~
24 ~~the expiration of a term shall be filled for the unexpired term in the same~~
25 ~~manner as the original appointment.~~
26 ~~(8) Members of the board may be reimbursed from moneys of the~~
27 ~~pool for actual and necessary expenses incurred by them in the performance of~~
28 ~~their official duties as members of the board but shall not otherwise be~~
29 ~~compensated for their services.~~
30 ~~(c) All insurers, as a condition of doing business in the State of~~
31 ~~Arkansas, shall participate in the pool by paying the assessments, submitting~~
32 ~~the reports, and providing the information required by the board or the~~
33 ~~commissioner to implement the provisions of this subchapter.~~
34 ~~(d)(1) Neither the board nor its employees shall be liable for any~~
35 ~~obligations of the pool.~~
36 ~~(2) No board member or employee of the board shall be liable,~~

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1 and no cause of action of any nature may arise against them, for any act or
2 omission related to the performance of their powers and duties under this
3 subchapter.

4 (3) ~~The board may provide in its bylaws or rules for~~
5 ~~indemnification of, and legal representation for, the board members and~~
6 ~~employees.~~

7
8 ~~23-79-505. Plan of operation.~~

9 (a)(1) ~~The Board of Directors of the Arkansas Comprehensive Health~~
10 ~~Insurance Pool shall adopt a plan of operation pursuant to this subchapter~~
11 ~~and shall submit to the Insurance Commissioner for approval the plan of~~
12 ~~operation including the Arkansas Comprehensive Health Insurance Pool's~~
13 ~~articles, bylaws and operating rules, and any amendments thereto necessary or~~
14 ~~suitable to assure the fair, reasonable, and equitable administration of the~~
15 ~~pool. The plan of operation shall become effective upon approval in writing~~
16 ~~by the commissioner.~~

17 (2) ~~If the board fails to submit a suitable plan of operation~~
18 ~~within one hundred eighty (180) days after the appointment of the board of~~
19 ~~directors, or at any time thereafter fails to submit suitable amendments to~~
20 ~~the plan of operation, the commissioner shall adopt and promulgate such rules~~
21 ~~as are necessary or advisable to effectuate the provisions of this section.~~
22 ~~The rules shall continue in force until modified by the commissioner or~~
23 ~~superseded by a plan of operation submitted by the board and approved by the~~
24 ~~commissioner.~~

25 (b) ~~The plan of operation shall:~~

26 (1) ~~Establish procedures for operation of the pool;~~

27 (2) ~~Establish procedures for selecting a plan administrator in~~
28 ~~accordance with § 23-79-508;~~

29 (3) ~~Create a fund, under management of the board, to pay~~
30 ~~administrative claims and other expenses of the pool;~~

31 (4) ~~Establish procedures for the handling, accounting, and~~
32 ~~auditing of assets, moneys, and claims of the pool and the plan~~
33 ~~administrator;~~

34 (5) ~~Develop and implement a program to publicize the existence~~
35 ~~of the plan, the eligibility requirements, and the procedures for enrollment~~
36 ~~and to maintain public awareness of the plan;~~

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1 ~~(6)(A) Establish procedures under which applicants and~~
2 ~~participants may have grievances reviewed by a grievance committee appointed~~
3 ~~by the board. The grievances shall be reported to the board after completion~~
4 ~~of the review.~~

5 ~~(B) The board shall retain all written complaints~~
6 ~~regarding the plan for at least three (3) years; and~~

7 ~~(7) Provide for other matters as may be necessary and proper for~~
8 ~~the execution of the board's powers, duties, and obligations under this~~
9 ~~subchapter.~~

10
11 ~~23-79-506. Powers.~~

12 ~~(a)(1) The Arkansas Comprehensive Health Insurance Pool shall have the~~
13 ~~general powers and authority granted under the laws of the State of Arkansas~~
14 ~~to health insurers and, in addition thereto, the specific authority to:~~

15 ~~(A) Enter into contracts as are necessary or proper to~~
16 ~~carry out the provisions and purposes of this subchapter;~~

17 ~~(B) Sue or be sued, including taking any legal actions~~
18 ~~necessary or proper;~~

19 ~~(C) Take such legal action as necessary, including without~~
20 ~~limitation:~~

21 ~~(i) Avoiding the payment of improper claims against~~
22 ~~the pool or the coverage provided by or through the pool;~~

23 ~~(ii) Recovering any amounts erroneously or~~
24 ~~improperly paid by the pool;~~

25 ~~(iii) Recovering any amounts paid by the pool as a~~
26 ~~result of mistake of fact or law;~~

27 ~~(iv) Recovering other amounts due the pool; or~~

28 ~~(v) Coordinating legal action with the Insurance~~
29 ~~Commissioner to enforce the provisions of this subchapter;~~

30 ~~(D)(i) Establish and modify from time to time as~~
31 ~~appropriate, rates, rate schedules, rate adjustments, expense allowances,~~
32 ~~agent referral fees, claim reserve formulas, deductibles, copayments,~~
33 ~~coinsurance, and any other actuarial function appropriate to the operation of~~
34 ~~the pool.~~

35 ~~(ii) Rates and rate schedules may be adjusted for~~
36 ~~appropriate factors such as age, sex, and geographical variation in claim~~

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1 ~~costs and shall take into consideration appropriate factors in accordance~~
2 ~~with established actuarial and underwriting practices;~~

3 ~~(E) Issue policies of insurance in accordance with the~~
4 ~~requirements of this subchapter. All policy forms shall be subject to the~~
5 ~~approval of the commissioner;~~

6 ~~(F) Authorize the plan administrator to prepare and~~
7 ~~distribute certificate of eligibility forms and enrollment instruction forms~~
8 ~~to agents and to the general public;~~

9 ~~(G) Provide and employ cost containment measures and~~
10 ~~requirements, including without limitation preadmission screening, second~~
11 ~~surgical opinion, concurrent utilization review, and individual case~~
12 ~~management for the purposes of making the plan more cost effective;~~

13 ~~(H) Design, utilize, contract, or otherwise arrange the~~
14 ~~delivery of cost-effective healthcare services, including establishing or~~
15 ~~contracting directly or through the plan administrator with preferred~~
16 ~~provider organizations, health maintenance organizations, physician hospital~~
17 ~~organizations, or other limited network provider arrangements;~~

18 ~~(I) Borrow money to effect the purposes of the pool. Any~~
19 ~~notes or other evidence of indebtedness of the pool not in default shall be~~
20 ~~legal investments for insurers and may be carried as admitted assets;~~

21 ~~(J) Pledge, assign, and grant a security interest in any~~
22 ~~of the assessments authorized by this subchapter or other assets of the pool~~
23 ~~in order to secure any notes or other evidences of indebtedness of the pool;~~

24 ~~(K) Provide reinsurance of risks incurred by the pool;~~

25 ~~(L) Provide additional types of plans to provide optional~~
26 ~~coverages, including Medicare supplement health insurance and health savings~~
27 ~~accounts that comply with applicable federal law as in effect January 1,~~
28 ~~2005;~~

29 ~~(M) Enter into reciprocal agreements with other comparable~~
30 ~~state plans in order to provide coverage for persons who move between states~~
31 ~~and are covered by such other states' plans; and~~

32 ~~(N) Establish lifetime maximum benefits under § 23-79-~~
33 ~~510(a)(2)(W) for any person covered by a plan.~~

34 ~~(2) In addition to the other powers granted by the Arkansas~~
35 ~~Insurance Code, the commissioner may impose, after notice and hearing in~~
36 ~~accordance with the provisions of the Arkansas Insurance Code, a monetary~~

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1 ~~penalty upon any insurer or suspend or revoke the certificate of authority to~~
2 ~~transact insurance in the State of Arkansas of any insurer that fails to pay~~
3 ~~an assessment or otherwise file any report or furnish information required to~~
4 ~~be filed with the Board of Directors of the Arkansas Comprehensive Health~~
5 ~~Insurance Pool pursuant to the board's direction that the board believes is~~
6 ~~necessary in order for the board to perform its duties under this subchapter.~~

7 ~~(b) All outstanding contracts executed by the Board of Directors of~~
8 ~~the State Comprehensive Health Insurance Pool created by Acts 1995, No. 1339,~~
9 ~~shall be deemed continuing obligations of the board created by this~~
10 ~~subchapter.~~

11 ~~(c) As provided for in § 23-79-502, any health insurance benefit not~~
12 ~~provided for in this subchapter shall be deemed to be in conflict with and~~
13 ~~therefore inapplicable to the provisions of this subchapter.~~

14
15 ~~23-79-507. Funding of pool.~~

16 ~~(a) Premiums.~~

17 ~~(1)(A) The Arkansas Comprehensive Health Insurance Pool shall~~
18 ~~establish premium rates for plan coverage as provided in subdivision (a)(2)~~
19 ~~of this section.~~

20 ~~(B) Separate schedules of premium rates based on age, sex,~~
21 ~~and geographical location may apply for individual risks.~~

22 ~~(C) Premium rates and schedules shall be submitted to the~~
23 ~~Insurance Commissioner for approval prior to use.~~

24 ~~(2)(A)(i) With the assistance of the commissioner, the pool~~
25 ~~shall determine a standard risk rate by considering the premium rates charged~~
26 ~~by other insurers offering health insurance coverage to individuals in~~
27 ~~Arkansas.~~

28 ~~(ii) The standard risk rate shall be established~~
29 ~~using reasonable actuarial techniques and shall reflect anticipated~~
30 ~~experience and expenses for the coverage.~~

31 ~~(B)(i) Rates for plan coverage shall not exceed one~~
32 ~~hundred fifty percent (150%) of rates established as applicable for~~
33 ~~individual standard risks in Arkansas.~~

34 ~~(ii) Subject to the limits provided in this~~
35 ~~subdivision (a)(2), subsequent rates shall be established to help provide for~~
36 ~~the expected costs of claims, including recovery of prior losses, expenses of~~

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1 operation, investment income of claim reserves, and any other cost factors
2 subject to the limitations described in this section.

3 ~~(b) Sources of Additional Revenue.~~

4 ~~(1) In addition to the powers enumerated in § 23-79-506, the~~
5 ~~pool shall have the authority to:~~

6 ~~(A) Assess insurers in accordance with the provisions of~~
7 ~~this section; and~~

8 ~~(B)(i) Make advance interim assessments as may be~~
9 ~~reasonable and necessary for the pool's organizational and interim operating~~
10 ~~expenses.~~

11 ~~(ii) Any such interim assessments may be credited as~~
12 ~~offsets against any regular assessments due following the close of the fiscal~~
13 ~~year.~~

14 ~~(2)(A) Following the close of each fiscal year, the plan~~
15 ~~administrator shall determine the net premiums, that is, premiums less~~
16 ~~administrative expense allowances, the pool expenses of administration and~~
17 ~~operation, and the incurred losses for the year, taking into account~~
18 ~~investment income and other appropriate gains and losses.~~

19 ~~(B) The deficit incurred by the pool not otherwise~~
20 ~~recouped under either subdivision (b)(9) of this section or subsection (e) of~~
21 ~~this section [repealed], or both, shall be recouped by assessments~~
22 ~~apportioned among insurers by the Board of Directors of the Arkansas~~
23 ~~Comprehensive Health Insurance Pool.~~

24 ~~(3) Each insurer's assessment shall be determined by multiplying~~
25 ~~the total assessment of all insurers as determined in subdivision (b)(2) of~~
26 ~~this section by a fraction, the numerator of which equals that insurer's~~
27 ~~premium and subscriber contract charges for health insurance written in the~~
28 ~~state during the preceding calendar year and the denominator of which equals~~
29 ~~the total of all health insurance premiums by all insurers.~~

30 ~~(4)(A) If assessments or other funds received under either~~
31 ~~subdivision (b)(9) of this section or subsection (e) of this section~~
32 ~~[repealed], or both, or any combination of the assessments and funds exceed~~
33 ~~the pool's actual losses and administrative expenses, the excess shall be~~
34 ~~held at interest and used by the board to offset future losses or to reduce~~
35 ~~future assessments.~~

36 ~~(B) As used in this subsection, "future losses" includes~~

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1 ~~reserves for incurred but not reported claims.~~

2 ~~(5) Each insurer's assessment shall be determined annually by~~
3 ~~the board based on annual statements and other reports deemed necessary by~~
4 ~~the board and filed by the insurer with the board or the commissioner.~~

5 ~~(6)(A)(i) An insurer may petition the commissioner for an~~
6 ~~abatement or deferment of all or part of an assessment imposed by the board.~~

7 ~~(ii) The commissioner may abate or defer, in whole~~
8 ~~or in part, the assessment if, in the opinion of the commissioner, payment of~~
9 ~~the assessment would endanger the ability of the insurer to fulfill its~~
10 ~~contractual obligations.~~

11 ~~(B)(i) In the event an assessment against an insurer is~~
12 ~~abated or deferred, in whole or in part, the amount by which the assessment~~
13 ~~is abated or deferred shall be assessed against the other insurers in a~~
14 ~~manner consistent with the basis for assessments set forth in this~~
15 ~~subsection.~~

16 ~~(ii) The insurer receiving the abatement or~~
17 ~~deferment shall remain liable to the plan for the deficiency for four (4)~~
18 ~~years.~~

19 ~~(7) For all assessments issued by the board, beginning January~~
20 ~~1, 1998, only those individuals, corporations, associations, or other~~
21 ~~entities defined as an insurer in § 23-79-503 shall be subject to assessment.~~

22 ~~(8) In the event the board fails to act within a reasonable~~
23 ~~period of time to recoup by assessment any deficit incurred by the pool, the~~
24 ~~commissioner shall have all the powers and duties of the board under this~~
25 ~~chapter with respect to assessing insurers.~~

26 ~~(9) The General Assembly further intends that the pool be~~
27 ~~eligible for, and for the pool, its board, or other officers of state~~
28 ~~government, as appropriate, to take steps necessary to obtain federal grant~~
29 ~~funds to offset losses of the pool, including any funds made available under~~
30 ~~the Trade Adjustment Assistance Reform Act of 2002.~~

31 ~~(c) Assessment Offsets.~~

32 ~~(1) Any assessment may be offset in an amount equal to the~~
33 ~~amount of the assessment paid to the pool against the premium tax payable by~~
34 ~~that insurer for the year in which the assessment is levied or for the four~~
35 ~~(4) years subsequent to that year.~~

36 ~~(2) No offset shall be allowed for any penalty assessed under~~

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1 ~~subdivision (d)(1) of this section.~~

2 ~~(d)(1) All assessments and fees shall be due and payable upon receipt~~
3 ~~and shall be delinquent if not paid within thirty (30) days of the receipt of~~
4 ~~the notice by the insurer.~~

5 ~~(2) Failure to timely pay the assessment will automatically~~
6 ~~subject the insurer to a ten percent (10%) penalty, which will be due and~~
7 ~~payable within the next thirty day period.~~

8 ~~(3) The board and the commissioner shall have the authority to~~
9 ~~enforce the collection of the assessment and penalty in accordance with the~~
10 ~~provisions of this subchapter and the Arkansas Insurance Code.~~

11 ~~(4) The board may waive the penalty authorized by this~~
12 ~~subsection if it determines that compelling circumstances exist that justify~~
13 ~~such a waiver.~~

14
15 ~~23-79-508. Plan administrator.~~

16 ~~(a) The Board of Directors of the Arkansas Comprehensive Health~~
17 ~~Insurance Pool shall select an insurer through a competitive bidding process~~
18 ~~to administer the plan. However, the administering insurer designated by the~~
19 ~~board created by Acts 1995, No. 1339, shall serve as the plan administrator~~
20 ~~under this subchapter until the expiration of the current contract of the~~
21 ~~administering insurer. The board shall evaluate bids submitted under this~~
22 ~~section based upon criteria established by the board which shall include, but~~
23 ~~not be limited to, the following:~~

24 ~~(1) The plan administrator's proven ability to handle large~~
25 ~~group accident and health benefit plans;~~

26 ~~(2) The efficiency and timeliness of the plan administrator's~~
27 ~~claim processing procedures;~~

28 ~~(3) An estimate of total charges for administering the plan;~~

29 ~~(4) The plan administrator's ability to apply effective cost~~
30 ~~containment programs and procedures and to administer the plan in a cost~~
31 ~~efficient manner; and~~

32 ~~(5) The financial condition and stability of the plan~~
33 ~~administrator.~~

34 ~~(b)(1) The plan administrator shall serve for a period of three (3)~~
35 ~~years subject to removal for cause and subject to the terms, conditions, and~~
36 ~~limitations of the contract between the board and the plan administrator.~~

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1 ~~(2) The board shall advertise for and accept bids to serve as~~
2 ~~the plan administrator for the succeeding three year periods.~~

3 ~~(c) The plan administrator shall perform functions related to the plan~~
4 ~~as may be assigned to it, including:~~

5 ~~(1) Determination of eligibility;~~

6 ~~(2) Payment and processing of claims;~~

7 ~~(3) Establishment of a premium billing procedure for collection~~
8 ~~of premiums. Billings shall be made on a periodic basis as determined by the~~
9 ~~board; and~~

10 ~~(4) Other necessary functions to assure timely payment of~~
11 ~~benefits to covered persons under the plan, including:~~

12 ~~(A) Making available information relating to the proper~~
13 ~~manner of submitting a claim for benefits under the plan and distributing~~
14 ~~forms upon which submissions shall be made; and~~

15 ~~(B) Evaluating the eligibility of each claim for payment~~
16 ~~under the plan.~~

17 ~~(d)(1) The plan administrator shall submit regular reports to the~~
18 ~~board regarding the operation of the plan.~~

19 ~~(2) Frequency, content, and form of the report shall be~~
20 ~~determined by the board.~~

21 ~~(e)(1) The plan administrator shall pay claim expenses from the~~
22 ~~premium payments received from or on behalf of plan participants and~~
23 ~~allocated by the board for claim expenses.~~

24 ~~(2) If the plan administrator's payments for claims expenses~~
25 ~~exceed the portion of premiums allocated by the board for payment of claims~~
26 ~~expenses, the board shall provide additional funds to the plan administrator~~
27 ~~for payment of claims expenses.~~

28 ~~(f) The plan administrator shall be governed by the requirements of~~
29 ~~this subchapter and shall be compensated as provided in the contract between~~
30 ~~the board and the plan administrator.~~

31
32 ~~23-79-509. Plan eligibility.~~

33 ~~(a) General Eligibility Requirements. The following requirements~~
34 ~~apply to a resident eligible person or a trade adjustment assistance eligible~~
35 ~~person in order for the person to be eligible for plan coverage:~~

36 ~~(1) Except as provided in subdivision (a)(2) of this section or~~

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1 subsection (b) of this section, any individual person who meets the
2 definition of resident eligible person as defined by § 23-79-503 or a trade
3 adjustment assistance eligible person as defined by § 23-79-503 and is either
4 a citizen of the United States or an alien lawfully admitted for permanent
5 residence who continues to be a resident of this state shall be eligible for
6 plan coverage if evidence is provided of:

7 (A) A notice of rejection or refusal by an insurer to
8 issue substantially similar individual health insurance coverage by reason of
9 the existence or history of a medical condition or upon such other evidence
10 that the Board of Directors of the Arkansas Comprehensive Health Insurance
11 Pool deems sufficient in order to verify that the applicant is unable to
12 obtain the coverage from an insurer due to the existence or history of a
13 medical condition;

14 (B)(i) A refusal by an insurer to issue individual health
15 insurance coverage except at a rate that the board determines is
16 substantially in excess of the applicable plan rate.

17 (ii) A rejection or refusal by a group health plan
18 or insurer offering only stop-loss or excess-of-loss insurance or contracts,
19 agreements, or other arrangements for reinsurance coverage with respect to
20 the applicant shall not be sufficient evidence under this subsection;

21 (C)(i) Until September 30, 2011, a refusal by an insurer
22 to issue individual health insurance coverage to a child under nineteen (19)
23 years of age.

24 (ii) After September 30, 2011, the eligibility of a
25 child under nineteen (19) years of age for individual health insurance
26 coverage shall be determined by the board; or

27 (D) Evidence that the applicant was covered under a
28 qualified high risk pool of another state, provided that the coverage
29 terminated no more than sixty three (63) days prior to the date the pool
30 receives the applicant's application for coverage and the other state's
31 qualified high risk pool did not terminate the person's coverage for fraud;

32 (2) A person shall not be eligible for coverage under the plan
33 if:

34 (A) The person has or obtains health insurance coverage
35 substantially similar to or more comprehensive than a plan policy or would be
36 eligible to have coverage if the person elected to obtain it except that:

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1 ~~(i) A person may maintain other coverage for the~~
2 ~~period of time the person is satisfying any waiting period for a preexisting~~
3 ~~condition under a plan policy; and~~

4 ~~(ii) A person may maintain plan coverage for the~~
5 ~~period of time the person is satisfying a waiting period for a preexisting~~
6 ~~condition under another health insurance policy intended to replace the plan~~
7 ~~policy;~~

8 ~~(B) The person is determined to be eligible for healthcare~~
9 ~~benefits under Title XIX of the Social Security Act;~~

10 ~~(C) The person has previously terminated plan coverage~~
11 ~~unless twelve (12) months have elapsed since termination of coverage;~~

12 ~~(D) The person fails to pay the required premium under the~~
13 ~~covered person's terms of enrollment and participation, in which event the~~
14 ~~liability of the plan shall be limited to benefits incurred under the plan~~
15 ~~for the same period for which premiums had been paid and the covered person~~
16 ~~remained eligible for plan coverage;~~

17 ~~(E) The plan has paid on behalf of the covered person the~~
18 ~~maximum lifetime benefit established by the board in accordance with § 23-79-~~
19 ~~510(a)(2)(W);~~

20 ~~(F) The person is a resident of a public institution;~~

21 ~~(G) All or part of the person's premium is paid for or~~
22 ~~reimbursed;~~

23 ~~(i) By one (1) of the following in connection with a~~
24 ~~group health plan:~~

25 ~~(a) The person's current employer;~~

26 ~~(b) If the person is retired, by the person's~~
27 ~~former employer; or~~

28 ~~(c) If the person is a dependent of an~~
29 ~~employee or retiree, by the current or former employer of the employee or~~
30 ~~retiree; or~~

31 ~~(ii) Under any government-sponsored program or by~~
32 ~~any government agency, foundation, healthcare facility, or healthcare~~
33 ~~provider except for premiums paid on behalf of:~~

34 ~~(a) A trade adjustment assistance eligible~~
35 ~~person or a qualified trade adjustment assistance eligible person in~~
36 ~~accordance with section 35 of the Internal Revenue Code; or~~

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1 ~~(b) An otherwise qualifying full-time employee~~
2 ~~or dependent of a qualifying full-time employee of a government agency,~~
3 ~~foundation, healthcare facility, or healthcare provider; or~~

4 ~~(H) The person commits a fraudulent insurance act as~~
5 ~~defined in § 23-66-501(4) against the Arkansas Comprehensive Health Insurance~~
6 ~~Pool;~~

7 ~~(3) The board or the plan administrator shall require~~
8 ~~verification of residency and may require any additional information,~~
9 ~~documentation, or statements under oath whenever necessary to determine plan~~
10 ~~eligibility or residency;~~

11 ~~(4) Coverage shall cease:~~

12 ~~(A) On the date a person is no longer a resident of the~~
13 ~~State of Arkansas;~~

14 ~~(B) On the date a person requests coverage to end;~~

15 ~~(C) On the death of the covered person;~~

16 ~~(D) On the date state law requires cancellation of the~~
17 ~~policy; or~~

18 ~~(E) At the plan's option, thirty (30) days after the plan~~
19 ~~makes any written inquiry concerning a person's eligibility or place of~~
20 ~~residence to which the person does not reply; and~~

21 ~~(5) Except under the conditions set forth in subdivision (a)(4)~~
22 ~~of this section, the coverage of any person who ceases to meet the~~
23 ~~eligibility requirements of this section terminates at the end of the month~~
24 ~~that the person ceases to meet the eligibility requirements of this section.~~

25 ~~(b) Persons Eligible for Guaranteed Issuance of Coverage. The~~
26 ~~following requirements apply to a federally eligible individual or a~~
27 ~~qualified trade adjustment assistance eligible person in order for such an~~
28 ~~individual to be eligible for plan coverage:~~

29 ~~(1) Notwithstanding the requirements of subsection (a) of this~~
30 ~~section, any federally eligible individual or a qualified trade adjustment~~
31 ~~assistance eligible person for whom a plan application and such enclosures~~
32 ~~and supporting documentation as the board may require is received by the~~
33 ~~board within sixty-three (63) days after the termination of prior creditable~~
34 ~~coverage for reasons other than nonpayment of premium or fraud that covered~~
35 ~~the applicant shall qualify to enroll in the plan under the portability~~
36 ~~provisions of this subsection;~~

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1 ~~(2) Any individual seeking plan coverage under this subsection~~
2 ~~must submit with his or her application evidence, including acceptable~~
3 ~~written certification of previous creditable coverage, that will establish to~~
4 ~~the board's satisfaction that he or she meets all of the requirements to be a~~
5 ~~federally eligible individual or a qualified trade adjustment assistance~~
6 ~~eligible person and is currently and permanently residing in the State of~~
7 ~~Arkansas as of the date his or her application was received by the board;~~

8 ~~(3) A period of creditable coverage shall not be counted, with~~
9 ~~respect to qualifying an applicant for plan coverage as an individual under~~
10 ~~this subsection, if after such a period and before the application for plan~~
11 ~~coverage was received by the board, there was at least a sixty-three-day~~
12 ~~period during all of which the individual was not covered under any~~
13 ~~erable coverage;~~

14 ~~(4) Any individual who the board determines qualifies for plan~~
15 ~~coverage under this subsection shall be offered his or her choice of~~
16 ~~enrolling in one (1) of the alternative portability plans that the board is~~
17 ~~authorized under this subsection to establish for those individuals;~~

18 ~~(5)(A)(i) The board shall offer a choice of healthcare coverages~~
19 ~~consistent with major medical coverage under the alternative plans authorized~~
20 ~~by this subsection to every individual qualifying for coverage under this~~
21 ~~subsection.~~

22 ~~(ii) The coverages to be offered under the plans,~~
23 ~~the schedule of benefits, deductibles, copayments, coinsurance, exclusions,~~
24 ~~and other limitations shall be approved by the board.~~

25 ~~(B) One (1) optional form of coverage shall be comparable~~
26 ~~to comprehensive health insurance coverage offered in the individual market~~
27 ~~in the State of Arkansas or a standard option of coverage available under the~~
28 ~~individual health insurance laws of the State of Arkansas. The standard plan~~
29 ~~that is authorized by § 23-79-510 may be used for this purpose.~~

30 ~~(C) The board also may offer a preferred provider option~~
31 ~~and such other options as the board determines may be appropriate for~~
32 ~~individuals who qualify for plan coverage pursuant to this subsection;~~

33 ~~(6) Notwithstanding the requirements of § 23-79-510(f), any plan~~
34 ~~coverage that is issued to individuals who qualify for plan coverage pursuant~~
35 ~~to the portability provisions of this subsection shall not be subject to any~~
36 ~~preexisting conditions exclusion, waiting period, or other similar limitation~~

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1 ~~on coverage;~~

2 ~~(7) Individuals who qualify and enroll in the plan pursuant to~~
3 ~~this subsection shall be required to pay such premium rates as the board~~
4 ~~shall establish and approve in accordance with the requirements of § 23-79-~~
5 ~~507(a);~~

6 ~~(8) The total premium, without regard to any subsidy of premium,~~
7 ~~for individuals who qualify and enroll in the plan pursuant to this~~
8 ~~subsection shall not be greater than a similarly situated individual~~
9 ~~qualifying for pool coverage under subsection (a) of this section; and~~

10 ~~(9) A federally eligible individual who qualifies and enrolls in~~
11 ~~the plan pursuant to this subsection must continue to satisfy all of the~~
12 ~~other eligibility requirements of this subchapter to the extent not~~
13 ~~inconsistent with the Health Insurance Portability and Accountability Act of~~
14 ~~1996 in order to maintain continued eligibility for coverage under the plan.~~

15 ~~(c) Any person who was issued a policy pursuant to the provisions of~~
16 ~~Acts 1995, No. 1339, shall be deemed continuously covered consistent with the~~
17 ~~terms of this subchapter and reissued a new policy in accordance with the~~
18 ~~provisions of this subchapter.~~

19
20 ~~23-79-510. Outline of benefits.~~

21 ~~(a)(1) Subject to the contractual policy form language adopted by the~~
22 ~~Board of Directors of the Arkansas Comprehensive Health Insurance Pool,~~
23 ~~expenses for the following services, supplies, drugs, or articles when~~
24 ~~prescribed by a physician and determined by the plan to be medically~~
25 ~~necessary shall be covered, subject to provisions of subsection (b) of this~~
26 ~~section;~~

27 ~~(A) Hospital services;~~

28 ~~(B) Professional services for the diagnosis or treatment~~
29 ~~of injuries, illnesses, or conditions, other than mental or dental, that are~~
30 ~~rendered by a physician or by other licensed professionals at his or her~~
31 ~~direction;~~

32 ~~(C) Drugs requiring a physician's prescription;~~

33 ~~(D) Skilled nursing services of a licensed skilled nursing~~
34 ~~facility for not more than one hundred twenty (120) days during a policy~~
35 ~~year;~~

36 ~~(E) Services of a home health agency up to a maximum of~~

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1 ~~two hundred seventy (270) services per year;~~

2 ~~(F) Use of radium or other radioactive materials;~~

3 ~~(G) Oxygen;~~

4 ~~(H) Prostheses other than dental;~~

5 ~~(I) Rental of durable medical equipment, other than~~
6 ~~eyeglasses and hearing aids, for which there is no personal use in the~~
7 ~~absence of the conditions for which such equipment is prescribed;~~

8 ~~(J) Diagnostic X rays and laboratory tests;~~

9 ~~(K) Oral surgery for excision of partially or completely~~
10 ~~unerupted, impacted teeth or the gums and tissues of the mouth when not~~
11 ~~performed in connection with the extraction or repair of teeth;~~

12 ~~(L) Services of a physical therapist;~~

13 ~~(M) Emergency and other medically necessary transportation~~
14 ~~provided by a licensed ambulance service to the nearest facility qualified to~~
15 ~~treat a covered condition;~~

16 ~~(N) Services for diagnosis and treatment of mental and~~
17 ~~nervous disorders or chemical and drug dependency, provided that a covered~~
18 ~~person shall be required to make a fifty percent (50%) copayment and that the~~
19 ~~plan's payment shall not exceed four thousand dollars (\$4,000) annually; and~~

20 ~~(O) Such additional benefits deemed appropriate by the~~
21 ~~board in accordance with the provisions of subsection (b) of this section.~~

22 ~~(2) Exclusions. Unless the contractual policy form language~~
23 ~~adopted by the board provides otherwise, the following services, supplies,~~
24 ~~drugs, or articles whether or not prescribed by a physician, shall not be~~
25 ~~covered:~~

26 ~~(A) Any charge for treatment for cosmetic purposes other~~
27 ~~than surgery for the repair or treatment of an injury or a congenital bodily~~
28 ~~defect to restore normal bodily functions;~~

29 ~~(B) Care that is primarily for custodial or domiciliary~~
30 ~~purposes;~~

31 ~~(C) Any charge for confinement in a private room to the~~
32 ~~extent it is in excess of the institution's charge for its most common~~
33 ~~semiprivate room unless a private room is medically necessary;~~

34 ~~(D) That part of any charge for services rendered or~~
35 ~~articles prescribed by a physician, dentist, or other healthcare personnel~~
36 ~~that exceeds the prevailing charge in the locality or for any charge not~~

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1 ~~medically necessary;~~

2 ~~(E) Any charge for services or articles the provision of~~
3 ~~which is not within the scope of authorized practice of the institution or~~
4 ~~individual providing the services or articles;~~

5 ~~(F) Any expense incurred prior to the effective date of~~
6 ~~coverage by the plan for the person on whose behalf the expense is incurred;~~

7 ~~(G) Dental care except as provided in subdivision~~
8 ~~(a)(1)(K) of this section;~~

9 ~~(H) Eyeglasses and hearing aids;~~

10 ~~(I) Illness or injury due to acts of war;~~

11 ~~(J) Services of blood donors and any fee for failure to~~
12 ~~replace the first three (3) pints of blood provided to a covered person each~~
13 ~~policy year;~~

14 ~~(K) Personal supplies or services provided by a hospital~~
15 ~~or nursing home or any other nonmedical or nonprescribed supply or service;~~

16 ~~(L) Any expense or charge for services, articles, drugs,~~
17 ~~or supplies that are not provided in accord with generally accepted standards~~
18 ~~of current medical practice;~~

19 ~~(M) Any expense for which a charge is not made in the~~
20 ~~absence of insurance or for which there is no legal obligation on the part of~~
21 ~~the patient to pay;~~

22 ~~(N) Any expense incurred for benefits provided under the~~
23 ~~laws of the United States and the State of Arkansas, including Medicare and~~
24 ~~Medicaid and other medical assistance, military service-connected disability~~
25 ~~payments, medical services provided for members of the armed forces and their~~
26 ~~dependents or employees of the United States Armed Forces, and medical~~
27 ~~services financed on behalf of all citizens by the United States;~~

28 ~~(O) Any expense or charge for in vitro fertilization,~~
29 ~~artificial insemination, or any other artificial means used to cause~~
30 ~~pregnancy;~~

31 ~~(P) Any expense or charge for oral contraceptives used for~~
32 ~~birth control or any other temporary birth control measures;~~

33 ~~(Q) Any expense or charge for sterilization or~~
34 ~~sterilization reversals;~~

35 ~~(R) Any expense or charge for weight loss programs,~~
36 ~~exercise equipment, or treatment of obesity except when certified by a~~

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1 ~~physician as morbid obesity, i.e., at least two (2) times normal body weight;~~
2 ~~(S) Any expense or charge for acupuncture treatment unless~~
3 ~~used as an anesthetic agent for a covered surgery;~~

4 ~~(T) Any expense or charge for organ or bone marrow~~
5 ~~transplants other than those performed at a hospital with a board-approved~~
6 ~~organ transplant program that has been designated by the board as a preferred~~
7 ~~provider organization for that specific organ or bone marrow transplant;~~

8 ~~(U) Any expense or charge for procedures, treatments,~~
9 ~~equipment, or services that are provided in special settings for research~~
10 ~~purposes or in a controlled environment, are being studied for safety,~~
11 ~~efficiency, and effectiveness, and are awaiting endorsement by the~~
12 ~~appropriate national medical specialty college for general use within the~~
13 ~~medical community;~~

14 ~~(V) Such additional exclusions deemed appropriate by the~~
15 ~~board in accordance with the provisions of subsection (b) of this section;~~
16 ~~and~~

17 ~~(W)(i) Any benefits that exceed the maximum lifetime~~
18 ~~benefit for plan coverage established by the board under § 23-79-~~
19 ~~506(a)(1)(N).~~

20 ~~(ii) The maximum lifetime benefit shall not be less~~
21 ~~than one million dollars (\$1,000,000) and shall not exceed three million~~
22 ~~dollars (\$3,000,000).~~

23 ~~(b) In establishing the plan coverage, the board shall take into~~
24 ~~consideration the levels of health insurance provided in the state and~~
25 ~~medical-economic factors as may be deemed appropriate and promulgate~~
26 ~~benefits, deductibles, copayments, coinsurance factors, exclusions, and~~
27 ~~limitations determined to be generally reflective of and commensurate with~~
28 ~~health insurance provided through a representative number of large employers~~
29 ~~in the state.~~

30 ~~(c) The board may adjust any deductibles, copayments, and coinsurance~~
31 ~~factors annually according to the medical component of the Consumer Price~~
32 ~~Index for All Urban Consumers.~~

33 ~~(d) Nonduplication of Benefits.~~

34 ~~(1)(A) The pool shall be payer of last resort of benefits~~
35 ~~whenever any other benefit or source of third-party payment is available.~~

36 ~~(B) Benefits otherwise payable under plan coverage shall~~

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1 ~~be reduced by all amounts paid or payable through any other health insurance~~
2 ~~or any other source providing benefits because of a sickness or injury and by~~
3 ~~all hospital and medical expense benefits paid or payable under any workers'~~
4 ~~compensation coverage, automobile medical payment, or liability insurance~~
5 ~~whether provided on the basis of fault or nonfault and by any hospital or~~
6 ~~medical benefits paid or payable under or provided pursuant to any state or~~
7 ~~federal law or program.~~

8 ~~(2) The pool shall have a cause of action against a covered~~
9 ~~person for the recovery of the amount of benefits paid that are not covered~~
10 ~~by the pool. Benefits due from the pool may be reduced or refused as a set-~~
11 ~~off against any amount recoverable under this subdivision (d)(2).~~

12 ~~(c) Right of Subrogation — Recoveries.~~

13 ~~(1)(A) Whenever the pool has paid benefits because of sickness~~
14 ~~or an injury to any covered person resulting from a third party's wrongful~~
15 ~~act or negligence or for which an insurance company or self-insured entity is~~
16 ~~liable in accordance with the provisions of any policy of insurance, and the~~
17 ~~covered person has recovered or may recover damages from a third party that~~
18 ~~is liable for damages, the pool shall have the right to recover the benefits~~
19 ~~it paid from any amounts that the covered person has received or may receive~~
20 ~~regardless of the date of the sickness or injury or the date of any~~
21 ~~settlement, judgment, or award resulting from the sickness or injury.~~

22 ~~(B) The pool shall be subrogated to any right of recovery~~
23 ~~the covered person may have under the terms of any private or public~~
24 ~~healthcare coverage or liability coverage including coverage under a workers'~~
25 ~~compensation act without the necessity of assignment of claim or other~~
26 ~~authorization to secure the right of recovery.~~

27 ~~(C) To enforce its subrogation right, the pool may:~~

28 ~~(i) Intervene or join in an action or proceeding~~
29 ~~brought by the covered person or his or her personal representative,~~
30 ~~including his or her guardian, conservator, estate, dependents, or survivors,~~
31 ~~against any third party or the third party's insurance carrier or self-~~
32 ~~insured entity that may be liable; or~~

33 ~~(ii) Institute and prosecute legal proceedings~~
34 ~~against any third party or the third party's insurance carrier or self-~~
35 ~~insured entity that may be liable for the sickness or injury in an~~
36 ~~appropriate court either in the name of the pool or in the name of the~~

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1 covered person or his or her personal representative including his or her
2 guardian, conservator, estate, dependents, or survivors.

3 (2)(A)(i) If any action or claim is brought by or on behalf of a
4 covered person against a third party or the third party's insurance carrier
5 or self-insured entity, the covered person or his or her personal
6 representative, including his or her guardian, conservator, estate,
7 dependents, or survivors, shall notify the pool by personal service or
8 registered mail of the action or claim and of the name of the court in which
9 the action or claim is brought, filing proof thereof in the action or claim.

10 (ii) The pool may, at any time thereafter, join in
11 the action or claim upon its motion so that all orders of court after hearing
12 and judgment shall be made for its protection.

13 (B) No release or settlement of a claim for damages and no
14 satisfaction of judgment in the action shall be valid without the written
15 consent of the pool to the extent of its interest in the settlement or
16 judgment and of the covered person or his or her personal representative.

17 (3)(A) In the event that the covered person or his or her
18 personal representative fails to institute a proceeding against any
19 appropriate third party before the fifth month before the action would be
20 barred, the pool, in its own name or in the name of the covered person or
21 personal representative, may commence a proceeding against any appropriate
22 third party for the recovery of damages on account of any sickness, injury,
23 or death to the covered person.

24 (B) The covered person shall cooperate in doing what is
25 reasonably necessary to assist the pool in any recovery and shall not take
26 any action that would prejudice the pool's right to recovery.

27 (C) The pool shall pay to the covered person or his or her
28 personal representative all sums collected from any third party by judgment
29 or otherwise in excess of amounts paid in benefits under the pool and amounts
30 paid or to be paid as costs, attorney's fees, and reasonable expenses
31 incurred by the pool in making the collection or enforcing the judgment.

32 (4)(A)(i) In the event of judgment or award in either a suit or
33 claim against a third party, the court shall first order paid from any
34 judgment or award the reasonable litigation expenses incurred in preparation
35 and prosecution of the action or claim, together with reasonable attorney's
36 fees.

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1 ~~(ii) After payment of those expenses and attorney's~~
2 ~~fees, the court shall apply out of the balance of the judgment or award an~~
3 ~~amount sufficient to reimburse the pool the full amount of benefits paid on~~
4 ~~behalf of the covered person under this subchapter, provided that the court~~
5 ~~may reduce and apportion the pool's portion of the judgment proportionately~~
6 ~~to the recovery of the covered person.~~

7 ~~(B)(i) The burden of producing sufficient evidence to~~
8 ~~support the exercise by the court of its discretion to reduce the amount of a~~
9 ~~proven charge sought to be enforced against the recovery shall rest with the~~
10 ~~party seeking the reduction.~~

11 ~~(ii) The court may consider the nature and extent of~~
12 ~~the injury, economic and noneconomic loss, settlement offers, comparative or~~
13 ~~contributory negligence as it applies to the case at hand, hospital costs,~~
14 ~~physician costs, and all other appropriate costs.~~

15 ~~(C) The pool shall pay its pro rata share of the~~
16 ~~attorney's fees based on the pool's recovery as it compares to the total~~
17 ~~judgment.~~

18 ~~(D) Any reimbursement rights of the pool shall take~~
19 ~~priority over all other liens and charges existing under the laws of the~~
20 ~~State of Arkansas.~~

21 ~~(5) The pool may compromise or settle and release any claim for~~
22 ~~benefits provided under this subchapter or waive any claims for benefits, in~~
23 ~~whole or in part, for the convenience of the pool or if the pool determines~~
24 ~~that collection will result in undue hardship upon the covered person.~~

25 ~~(f) Preexisting Conditions.~~

26 ~~(1) Except for federally eligible individuals or qualified trade~~
27 ~~adjustment assistance eligible persons qualifying for plan coverage under §~~
28 ~~23-79-509(b) or resident eligible persons or trade adjustment assistance~~
29 ~~eligible persons who qualify for and elect to purchase the waiver authorized~~
30 ~~in subdivision (f)(2) of this section, plan coverage shall exclude charges or~~
31 ~~expenses incurred during the first six (6) months following the effective~~
32 ~~date of coverage as to any condition if:~~

33 ~~(A) The condition has manifested itself within the six-~~
34 ~~month period immediately preceding the effective date of coverage in such a~~
35 ~~manner as would cause an ordinary prudent person to seek diagnosis, care, or~~
36 ~~treatment; or~~

Exhibit G16

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1 ~~(B) Medical advice, care, or treatment was recommended or~~
2 ~~received within the six month period immediately preceding the effective date~~
3 ~~of the coverage.~~

4 ~~(2) Waiver. The preexisting condition exclusions as set forth~~
5 ~~in subdivision (f)(1) of this section will be waived to the extent to which~~
6 ~~the resident eligible person or trade adjustment assistance eligible person:~~

7 ~~(A) Has satisfied similar exclusions under any prior~~
8 ~~individual health insurance coverage that was involuntarily terminated; and~~

9 ~~(B)(i) Has applied for plan coverage not later than thirty~~
10 ~~(30) days following the involuntary termination.~~

11 ~~(ii) For each resident eligible person or trade~~
12 ~~adjustment assistance eligible person who qualifies for and elects this~~
13 ~~waiver, there shall be added on a prorated basis to each payment of premium a~~
14 ~~surcharge of up to ten percent (10%) of the otherwise applicable annual~~
15 ~~premium for as long as that individual's coverage under the plan remains in~~
16 ~~effect or sixty (60) months, whichever is less.~~

17 ~~(3)(A) Whenever benefits are due from the plan because of~~
18 ~~sickness or an injury to a covered person resulting from a third party's~~
19 ~~wrongful act or negligence and the covered person has recovered or may~~
20 ~~recover damages from a third party or its insurance carrier or self-insured~~
21 ~~entity, the plan shall have the right to reduce benefits or to refuse to pay~~
22 ~~benefits that otherwise may be payable in the amount of damages that the~~
23 ~~covered person has recovered or may recover regardless of the date of the~~
24 ~~sickness or injury or the date of any settlement, judgment, or award~~
25 ~~resulting from that sickness or injury.~~

26 ~~(B)(i) During the pendency of any action or claim that is~~
27 ~~brought by or on behalf of a covered person against a third party or its~~
28 ~~insurance carrier or self-insured entity, any benefits that would otherwise~~
29 ~~be payable except for the provisions of this subsection shall be paid if~~
30 ~~payment by or for the third party has not yet been made and the covered~~
31 ~~person or, if capable, that person's legal representative agrees in writing~~
32 ~~to pay back properly the benefits paid as a result of the sickness or injury~~
33 ~~to the extent of any future payments made by or for the third party for the~~
34 ~~sickness or injury.~~

35 ~~(ii) This agreement is to apply whether or not~~
36 ~~liability for the payments is established or admitted by the third party or~~

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1 ~~whether those payments are itemized.~~

2 ~~(C) Any amounts due the plan to repay benefits may be~~
3 ~~deducted from other benefits payable by the plan after payments by or for the~~
4 ~~third party are made.~~

5 ~~(4) Benefits due from the plan may be reduced or refused as an~~
6 ~~offset against any amount otherwise recoverable under this section.~~

7
8 ~~23-79-511. Confidentiality.~~

9 ~~(a)(1) All steps necessary under state and federal law to protect~~
10 ~~confidentiality of applicants and covered persons shall be undertaken by the~~
11 ~~Board of Directors of the Arkansas Comprehensive Health Insurance Pool to~~
12 ~~prevent the identification of individual records of covered persons under the~~
13 ~~plan, rejected by the plan, or who may become ineligible for further~~
14 ~~participation in the plan.~~

15 ~~(2) Procedures shall be written by the board to assure the~~
16 ~~confidentiality of records of persons covered under, rejected by, or who~~
17 ~~became ineligible for further participation in the plan when gathering and~~
18 ~~submitting data to the board or any other entity.~~

19 ~~(b) Any information submitted to the board by hospitals or any other~~
20 ~~provider pursuant to this subchapter from which the identity of a particular~~
21 ~~individual can be determined shall be privileged and confidential and shall~~
22 ~~not be disclosed in any manner. The foregoing includes, but shall not be~~
23 ~~limited to, disclosure, inspection, or copying under the Freedom of~~
24 ~~Information Act of 1967, § 25-19-101 et seq.~~

25
26 ~~23-79-512. Collective action.~~

27 ~~Neither the participation in the plan as insurers, the establishment of~~
28 ~~rates, forms, or procedures nor any other joint or collective action required~~
29 ~~by this subchapter shall be the basis of any legal action, criminal or civil~~
30 ~~liability, or penalty against the plan or any insurer.~~

31
32 ~~23-79-513. Unfair referral to plan—Prohibited practices by~~
33 ~~employers.~~

34 ~~(a) It shall constitute an unfair trade practice under the Trade~~
35 ~~Practices Act, § 23-66-201 et seq., for an insurer, agent, broker, or third-~~
36 ~~party administrator to refer an individual to the Arkansas Comprehensive~~

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1 ~~Health Insurance Pool or arrange for an individual to apply to the pool for~~
2 ~~the purpose of:~~

3 ~~(1) Separating the individual from group health insurance~~
4 ~~coverage provided by a group health plan; or~~

5 ~~(2) Facilitating enrollment in the pool by any of the following~~
6 ~~individuals associated with an employer, with the knowledge that the employer~~
7 ~~intends to pay or is paying all or part of the premium payments owed by the~~
8 ~~individual for pool coverage:~~

9 ~~(A) An employee of the employer;~~

10 ~~(B) A retired employee of the employer; or~~

11 ~~(C) A dependent of an employee or retired employee of the~~
12 ~~employer.~~

13 ~~(b) Because pool coverage is not intended to cover participants who~~
14 ~~are eligible for a group health plan, an individual described in subdivision~~
15 ~~(a)(2) of this section is not eligible:~~

16 ~~(1) For pool coverage if the employer associated with the~~
17 ~~applicant intends to pay for all or part of the pool premium payments for the~~
18 ~~individual; or~~

19 ~~(2) To continue pool coverage if the employer associated with~~
20 ~~the individual directly or indirectly pays all or part of the pool premium~~
21 ~~payments for the individual.~~

22
23 ~~23-79-515. Orderly cessation of operations.~~

24 ~~(a)(1) The Arkansas Comprehensive Health Insurance Pool shall cease~~
25 ~~enrollment and coverage under the plan on and after January 1, 2014, as~~
26 ~~required by federal law.~~

27 ~~(2) After taking all reasonable steps, including those specified~~
28 ~~in this section, to timely and efficiently assist in the transition of~~
29 ~~individuals receiving plan coverage to the individual health insurance~~
30 ~~market, the Board of Directors of the Arkansas Comprehensive Health Insurance~~
31 ~~Pool shall cease operating the pool after paying health insurance claims for~~
32 ~~plan coverage and meeting all other obligations of the board under this~~
33 ~~section.~~

34 ~~(b) The board may take all actions it deems necessary to:~~

35 ~~(1) Cease enrollment for plan coverage effective December 1,~~
36 ~~2013;~~

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1 ~~(2)(A) Terminate all existing plan coverage effective at the end~~
2 ~~of the calendar day on December 31, 2013.~~

3 ~~(B) The board shall provide at least ninety (90) days~~
4 ~~notice to current policyholders of the termination; and~~

5 ~~(3) Amend plan policies and provide adequate notice to~~
6 ~~policyholders, agents, and providers that to be paid or reimbursed, a claim~~
7 ~~for plan services is required to be filed by the earlier of one hundred~~
8 ~~eighty (180) days after plan coverage ends or three hundred sixty five (365)~~
9 ~~days after the date of service giving rise to the claim.~~

10 ~~(c) This section does not require the board to revise plan benefits to~~
11 ~~comply with federal law or to maintain plan coverage for any individual after~~
12 ~~December 31, 2013.~~

13 ~~(d)(1) After all plan coverage terminates under this section, the~~
14 ~~board shall take reasonable steps to wind up all significant operations of~~
15 ~~the pool by December 31, 2014.~~

16 ~~(2) Notwithstanding any other provision of this subchapter, to~~
17 ~~facilitate an efficient cessation of operations:~~

18 ~~(A) The board may continue to use existing contractors~~
19 ~~until cessation of operations without the need to issue competitive requests~~
20 ~~for proposals;~~

21 ~~(B) The board may continue to fund operations of this~~
22 ~~subchapter under § 23-79-507;~~

23 ~~(C) The board shall remain in effect:~~

24 ~~(i) As provided by § 23-79-504(b); and~~

25 ~~(ii) Until a judgment, order, or decree in any~~
26 ~~action, suit, or proceeding commenced against or by the pool is fully~~
27 ~~executed; and~~

28 ~~(D)(i) The term of each current board member shall be~~
29 ~~extended until the date the pool concludes all business as provided under~~
30 ~~this section and the Insurance Commissioner certifies the cessations of~~
31 ~~operations under subsection (g) of this section.~~

32 ~~(ii) The term of a board member expires when the~~
33 ~~commissioner certifies the cessations of operations under subsection (g) of~~
34 ~~this section.~~

35 ~~(e) On or before June 30, 2013, the board shall amend the plan of~~
36 ~~operation to reflect the actions necessary to implement this section.~~

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1 ~~(f) If the board has excess funds after the cessation of operations of~~
2 ~~the pool, the funds shall be returned to the general revenue funds of the~~
3 ~~state.~~

4 ~~(g)(1) On or before March 1, 2016, or a later date if necessary to~~
5 ~~complete the cessation of operations of the pool, the board shall file a~~
6 ~~report with the General Assembly and commissioner that reflects completion of~~
7 ~~the requirements of this section and includes an independent auditor's report~~
8 ~~on the financial statements of the pool.~~

9 ~~(2) If satisfied upon review of the report that the board has~~
10 ~~complied with this section and accomplished the pool's cessation of~~
11 ~~operations in a reasonable manner, the commissioner shall certify that the~~
12 ~~business of the pool has concluded in accordance with this section and~~
13 ~~publish the certification on the State Insurance Department website.~~

14 ~~(h) Upon certification under subsection (g) of this section, the~~
15 ~~operations of the pool are suspended indefinitely unless reactivated by the~~
16 ~~General Assembly.~~

17 ~~(i) The commissioner may address any matters regarding the pool~~
18 ~~arising after the certification under subsection (g) of this section, and the~~
19 ~~Attorney General shall defend a legal action filed after the certification,~~
20 ~~including seeking the dismissal of the action under § 23-79-516 or for any~~
21 ~~other purpose.~~

22 ~~(j) Unless inconsistent with this section, the remainder of this~~
23 ~~subchapter continues to apply to the pool and the board.~~

24
25 ~~23-79-516. Statute of limitations and repose.~~

26 ~~Because winding up the operations of the Arkansas Comprehensive Health~~
27 ~~Insurance Pool requires the expeditious determination of its outstanding~~
28 ~~liabilities, a cause of action against the pool or the Board of Directors of~~
29 ~~the Arkansas Comprehensive Health Insurance Pool shall be commenced within~~
30 ~~the earlier of one (1) year after the cause of action accrues or December 31,~~
31 ~~2015.~~

32
33 ~~23-79-517. Individuals moving to Arkansas and previously covered by~~
34 ~~another qualified high-risk pool.~~

35 ~~(a) Notwithstanding § 23-79-510(f), if a resident eligible person is~~
36 ~~eligible for plan coverage because the person previously was covered under a~~

Exhibit G16

HB

1 ~~qualified high risk pool of another state, a preexisting condition exclusion~~
2 ~~otherwise applicable to the resident eligible person;~~

3 ~~(1) Shall be reduced by each month of coverage in which the~~
4 ~~resident eligible person was subject to a preexisting condition exclusion in~~
5 ~~the other state's qualified high risk pool; or~~

6 ~~(2) Does not apply if the resident eligible person was not~~
7 ~~subject to a preexisting condition exclusion in the other state's qualified~~
8 ~~high risk pool.~~

9 ~~(b) This section expires on the last day an individual may be enrolled~~
10 ~~into plan coverage under this subchapter.~~

11
12 SECTION 8. 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 Fifth General Assembly;

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

19 (A) The act of the regular session of the Ninety-Fifth
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-Fifth 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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Exhibit G17

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT LJH/LXH
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 24 OF
9 THE ARKANSAS CODE CONCERNING RETIREMENT AND PENSIONS;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 24
14 OF THE ARKANSAS CODE CONCERNING
15 RETIREMENT AND PENSIONS.
16
17
18

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

21 SECTION 1. Arkansas Code § 24-4-104(d)(2), concerning the creation of
22 the Board of Trustees of the Arkansas Public Employees' Retirement System and
23 the appointment of an executive director, is amended to read as follows to
24 formally create the name of an official:

25 (d)(2) The board shall appoint an ~~executive director~~ Executive Director
26 of the Arkansas Public Employees' Retirement System who shall be the
27 executive administrative officer of the Arkansas Public Employees' Retirement
28 System and shall also be ex officio secretary of the board, but who shall
29 have no vote on questions before the board and who shall be directly
30 responsible to the board.
31

32 SECTION 2. Arkansas Code § 24-10-107(b), concerning the time by which
33 certain newly created rules of the pension board must have been adopted, is
34 repealed as obsolete.

35 ~~(b) The rules and procedures shall be adopted by May 1, 2004.~~
36

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Exhibit G17

HB

1 SECTION 3. Arkansas Code § 24-11-429 is repealed because it is also
2 codified at § 14-52-106.

3 ~~24-11-429. Vacation pay.~~

4 ~~The head or chief of each police department shall arrange that each~~
5 ~~employee shall be granted an annual vacation of not fewer than fifteen (15)~~
6 ~~working days with full pay.~~

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

9 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

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Exhibit G18

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
4

A Bill

DRAFT LGL/LGL
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 25 OF
9 THE ARKANSAS CODE CONCERNING STATE GOVERNMENT; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12
13 TO MAKE TECHNICAL CORRECTIONS TO TITLE 25
14 OF THE ARKANSAS CODE CONCERNING STATE
15 GOVERNMENT.
16
17
18

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

21 SECTION 1. Arkansas Code § 25-1-101(b), concerning the emergency
22 relocation of the seat of government, is amended to read as follows to repeal
23 an incorrect reference:

24 (b) During such time as the seat of government remains at the
25 emergency temporary location, all official acts required by law to be
26 performed at the seat of government by any officer, agency, department, or
27 authority of this state, including the convening and meeting of the General
28 Assembly in regular session, or extraordinary session, ~~or emergency session,~~
29 ~~shall be~~ are as valid and binding when performed at the emergency temporary
30 location as if performed at the normal location of the seat of government.
31

32 SECTION 2. Arkansas Code § 25-1-114(a), concerning incorporation of
33 machine-readable privacy policies into state and local government websites,
34 is amended to read as follows to repeal obsolete language:

35 (a) Each unit of state and local government and each state agency that
36 operates or maintains a website shall incorporate a machine-readable privacy

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1 policy into each of its websites ~~no later than July 1, 2004.~~

2
3 SECTION 3. Arkansas Code § 25-1-120(d)(2) and (3), concerning
4 comprehensive cross-sector collaboration by state agencies, boards, and
5 commissions concerning health disparities, are repealed because they are
6 obsolete.

7 ~~(2) The first planning meeting under this subsection shall be held~~
8 ~~no later than October 1, 2011.~~

9 ~~(3) The first report under this subsection shall be submitted by~~
10 ~~October 1, 2012.~~

11
12 SECTION 4. Arkansas Code § 25-1-128(b)(2)(A), concerning policy
13 regarding the use of technology resources and cybersecurity by public
14 entities, is amended to read as follows to clarify the name of a state
15 entity:

16 (2)(A) Develop a cybersecurity policy for all technology resources
17 of the public entity based on the standards and guidelines set by the State
18 ~~Cyber Security~~ Cybersecurity Office.

19
20 SECTION 5. The introductory language of Arkansas Code § 25-1-
21 128(c)(2), concerning policy regarding the use of technology resources and
22 cybersecurity by public entities, is amended to read as follows to clarify
23 the name of a state entity:

24 (2) The Department of Education, in coordination with the State
25 ~~Cyber Security~~ Cybersecurity Office, shall:

26
27 SECTION 6. Arkansas Code § 25-1-128(f), concerning policy regarding
28 the use of technology resources and cybersecurity by public entities, is
29 amended to read as follows to clarify the name of a state entity:

30 (f)(1) Each state entity shall submit a cybersecurity policy for the
31 state entity for approval to the State ~~Cyber Security~~ Cybersecurity Office by
32 October 1 of each even-numbered year.

33 (2) The State ~~Cyber Security~~ Cybersecurity Office shall establish
34 a procedure to review and approve state entity cybersecurity policies.

35 (3) The Department of Education shall:

36 (A) Develop a cybersecurity policy that shall be used by each

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1 type of state educational institution;

2 (B) Submit the policies developed under subdivision (f)(3)(A)
3 of this section for approval to the State ~~Cyber Security~~ Cybersecurity Office
4 by October 1 of each even-numbered year; and

5 (C) Coordinate with each state educational institution to
6 implement the cybersecurity policy.

7
8 SECTION 7. Arkansas Code § 25-4-105(a)(1)(K), concerning the powers
9 and duties of the Division of Information Systems, is amended to read as
10 follows to clarify the name of a state entity:

11 (K) Providing a State ~~Cyber Security~~ Cybersecurity Office to
12 monitor information resource security issues, coordinating all security
13 measures that could be used to protect resources by more than one (1)
14 governmental entity, and acting as an information technology resource to
15 other state agencies;

16
17 SECTION 8. Arkansas Code § 25-10-104(a), concerning the Board of
18 Developmental Disabilities Services, is amended to read as follows to repeal
19 obsolete language:

20 (a) The Board of Developmental Disabilities Services and the
21 institutional and supportive facilities of the human development centers
22 located at ~~Alexander~~, Conway, Arkadelphia, Jonesboro, Booneville, and the
23 Southeast Arkansas Human Development Center at Warren, and all improvements
24 and additions to those institutional units made subsequent to February 4,
25 1971, shall be operated under the control of the board within the Department
26 of Human Services.

27
28 SECTION 9. Arkansas Code § 25-10-111(a)(1), concerning the budgeting
29 of the Department of Human Services, is amended to read as follows to clarify
30 a reference and repeal obsolete language:

31 (a)(1) The Secretary of the Department of Human Services shall obtain
32 from each division, office, section, or unit of the Department of Human
33 Services, including the institutions and institutional boards ~~thereunder~~
34 under the department, all requests for ~~biennial~~ appropriations and all
35 requests for special supplemental or construction appropriations.

36

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1 SECTION 10. Arkansas Code § 25-16-611 is repealed because it is
2 obsolete due to the referenced sales being under Acts 1844, § 5, p.30, and
3 sales of state lands now being under the Commissioner of State Lands.

4 ~~25-16-611. Quarterly report on notes and on moneys from sale of state
5 lands.~~

6 ~~The Treasurer of State shall report quarterly to the Governor the
7 amount of notes on hand and by whom drawn and the amount of moneys received
8 and on hand on account of the sale of state lands.~~

9
10 SECTION 11. Arkansas Code § 25-16-903(4), concerning stipends for
11 members of certain state boards, is repealed because the referenced entity
12 does not exist.

13 ~~(4) Athletics and Activities Board;~~

14
15 SECTION 12. Arkansas Code § 25-16-903(24), concerning stipends for
16 members of certain state boards, is repealed because the referenced entity
17 was abolished.

18 ~~(24) Arkansas State Board of Registration for Foresters
19 [abolished];~~

20
21 SECTION 13. Arkansas Code § 25-16-903(48), concerning stipends for
22 members of certain state boards, is repealed because the referenced entity
23 was abolished.

24 ~~(48) Veterinary Medical Examining Board [abolished];~~

25
26 SECTION 14. Arkansas Code § 25-16-903(49), concerning stipends for
27 members of certain state boards, is repealed because the referenced entity
28 was abolished.

29 ~~(49) Commission on Water Well Construction [abolished];~~

30
31 SECTION 15. Arkansas Code § 25-16-904(8), concerning stipends for
32 members of certain state boards, is repealed because the referenced entity
33 does not exist.

34 ~~(8) Arkansas Health Policy Council;~~

35
36 SECTION 16. Arkansas Code § 25-16-907 is amended to read as follows to

Exhibit G18

HB

1 repeal obsolete language and make stylistic changes:

2 25-16-907. ~~Effective date~~ Sole authority for expense reimbursement, per
3 diem, and stipends.

4 ~~(a)(1) Except as provided in subsection (b) of this section, this~~
5 ~~subchapter becomes effective on a board by board basis on the date of the~~
6 ~~board's first regularly scheduled meeting in 1996, and, thereafter, this~~ This
7 ~~subchapter shall be~~ is the sole authority for expense reimbursement, per
8 diem, and stipends for a state board.

9 ~~(2) Except as provided in subsection (b) of this section, for~~
10 ~~boards which do not have regularly scheduled meetings, this subchapter~~
11 ~~becomes effective on a board by board basis on the date of the board's first~~
12 ~~meeting in 1996, and, thereafter, this subchapter shall be the sole authority~~
13 ~~for expense reimbursement, per diem, and stipends.~~

14 ~~(b) Any state board may, by a majority vote of the total membership of~~
15 ~~the board cast during any meeting in 1995, exercise its powers under this~~
16 ~~subchapter for calendar year 1995, but, until a board acts or has the~~
17 ~~opportunity to act in 1996, the law existing on February 1, 1995, as to the~~
18 ~~board's expense reimbursement and per diem authorization shall apply.~~

19
20 SECTION 17. Arkansas Code § 25-16-908 is amended to read as follows to
21 repeal obsolete language:

22 25-16-908. Distribution of copies.

23 ~~As soon as possible after April 11, 1995, the~~ The Department of Finance
24 and Administration shall provide a copy of this subchapter to every state
25 board ~~which~~ that is subject to the ~~provisions hereof~~ this subchapter.

26
27 SECTION 18. Arkansas Code § 25-18-223 is repealed because the section
28 is obsolete.

29 ~~25-18-223. Book report of Secretary of State.~~

30 ~~(a)(1)(A) The Secretary of State shall compile, edit, and publish a~~
31 ~~bound book report of the Secretary of State for the period ending December~~
32 ~~31, 2018.~~

33 ~~(B) The book report shall pertain to substantially the~~
34 ~~same subject matter as the earlier biennial reports of the Secretary of State~~
35 ~~and other data, both historical and contemporary, that in the opinion of the~~
36 ~~Secretary of State would be of interest to all citizens of Arkansas.~~

Exhibit G18

HB

1 ~~(2) The book report shall be printed under the proper contract~~
2 ~~for state printing.~~

3 ~~(b) The Secretary of State shall distribute the book reports in the~~
4 ~~following manner:~~

5 ~~(1) One (1) copy to each city, county, regional, public school,~~
6 ~~parochial school, and institution of higher learning library in the State of~~
7 ~~Arkansas; and~~

8 ~~(2) One (1) copy to elected officials upon written request~~
9 ~~received by the Secretary of State no later than March 31, 2019.~~

10
11 SECTION 19. Arkansas Code § 25-18-604(c), concerning retention
12 requirements for public records, is amended to read as follows to repeal
13 obsolete language:

14 (c) Each state agency shall comply with the rules and guidelines
15 promulgated under this subchapter ~~by July 1, 2007.~~

16
17 SECTION 20. Arkansas Code § 25-19-103(5)(A), concerning definitions
18 under the Freedom of Information Act of 1967, is amended to read as follows
19 to add clarifying language:

20 (5)(A) "Municipally owned utility system" means a utility system
21 owned or operated by a municipality that provides:

- 22 (i) Electricity;
- 23 (ii) Water;
- 24 (iii) Wastewater service;
- 25 (iv) Cable television; or
- 26 (v) Broadband service.

27
28 SECTION 21. Arkansas Code § 25-19-106(d)(5), concerning open meetings
29 under the Freedom of Information Act of 1967, is repealed because the
30 subdivision is obsolete.

31 ~~(5) Cities of the second class and incorporated towns are exempt~~
32 ~~from subdivisions (d)(1) and (2) of this section until July 1, 2020.~~

33
34 SECTION 22. Arkansas Code § 25-19-110(a), concerning exemptions under
35 the Freedom of Information Act of 1967, is amended to read as follows to
36 repeal obsolete language:

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1 (a) ~~Beginning July 1, 2009, in~~ In order to be effective, a law that
2 enacts a new exemption to the requirements of this chapter or that
3 substantially amends an existing exemption to the requirements of this
4 chapter shall state that the record or meeting is exempt from the Freedom of
5 Information Act of 1967, § 25-19-101 et seq.

6
7 SECTION 23. Arkansas Code § 25-19-111(e), concerning the Arkansas
8 Freedom of Information Task Force, is repealed because the subsection is
9 obsolete.

10 ~~(e)(1) The initial members of the task force shall be appointed within~~
11 ~~thirty (30) days of August 1, 2017.~~

12 ~~(2)(A) The President Pro Tempore of the Senate shall call the~~
13 ~~first meeting of the task force, which shall occur within sixty (60) days of~~
14 ~~August 1, 2017.~~

15 ~~(B) The task force shall begin its review under subdivision~~
16 ~~(a)(2) of this section within thirty (30) days of the call of the first~~
17 ~~meeting.~~

18
19 SECTION 24. Arkansas Code § 25-26-304(11)(F), concerning areas of
20 collaboration under the Arkansas Cyber Initiative, is amended to read as
21 follows to clarify the name of a state entity:

22 (F) Fostering collaboration with the State ~~Cyber Security~~
23 Cybersecurity Office for the ongoing improvement of cybersecurity efforts
24 across government entities.

25
26 SECTION 25. Arkansas Code § 25-28-108(a), concerning specifications
27 for computer-assisted mass appraisal software, is amended to read as follows
28 to repeal obsolete language:

29 (a) ~~By July 1, 2005, the~~ The Assessment Coordination Division shall
30 adopt and implement by rules final specifications for computer-assisted mass
31 appraisal software.

32
33 SECTION 26. Arkansas Code § 25-29-108 is amended to read as follows to
34 repeal obsolete language, update language, and make stylistic changes:

35 25-29-108. Articles of incorporation.

36 ~~Within thirty (30) days after the first meeting of the~~ The Board of

Exhibit G18

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1 Directors of the Arkansas Deaf and Hard of Hearing Telecommunications
2 Services Corporation, ~~it shall cause~~ keep articles of incorporation ~~be filed~~
3 on file with the Secretary of State.

4
5 SECTION 27. Arkansas Code § 25-34-105(b), concerning agency authority
6 and accounting under the Arkansas Computer and Electronic Solid Waste
7 Management Act, is repealed because the subsection is obsolete.

8 ~~(b) Within sixty (60) days after August 13, 2001, each agency shall~~
9 ~~prepare a plan to account for the sale of used equipment and present that~~
10 ~~plan for review to the Department of Finance and Administration, the~~
11 ~~Executive Chief Information Officer, and the Legislative Council.~~

12
13 SECTION 28. Arkansas Code § 25-43-1402(a)(3), concerning state
14 entities transferred to the Department of Public Safety, is amended to read
15 as follows to add clarifying language:

16 (3) The former Arkansas Emergency Telephone Services Board,
17 formerly created under § 12-10-318, now known as the "Arkansas 911 Board",
18 created under § 12-10-305;

19
20 SECTION 29. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

21 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

Exhibit G19

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

1 State of Arkansas
2 94th General Assembly
3 Third Extraordinary Session, 2024
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 27 OF
9 THE ARKANSAS CODE CONCERNING TRANSPORTATION; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12
13
14 TO MAKE TECHNICAL CORRECTIONS TO TITLE 27
15 OF THE ARKANSAS CODE CONCERNING
16 TRANSPORTATION.
17
18

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

21 SECTION 1. Arkansas Code § 27-15-101 is amended to read as follows to
22 repeal obsolete language and make stylistic changes:

23 27-15-101. Decal for deaf persons.

24 (a) The Department of Finance and Administration shall provide a motor
25 vehicle license plate decal for deaf persons upon the payment of a fee of one
26 dollar (\$1.00) and satisfactory proof that the person's average loss in the
27 speech frequencies of five hundred hertz to two thousand hertz (500 Hz-2,000
28 Hz) in the better ear is eighty-six decibels (86 dB) or ~~worse~~ more by the
29 International Organization for Standardization.

30 (b) The department shall design a decal to indicate that the operator
31 of the motor vehicle may be deaf.

32 ~~(c) The decals shall be made available beginning September 1, 1985.~~
33

34 SECTION 2. Arkansas Code § 27-15-316(a), concerning disabled veterans
35 under the Access to Parking for Persons with Disabilities Act, is amended to
36 read as follows to repeal obsolete language:

DRAFT

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1 (a) As used in this section, “disabled veteran” means a person who
2 meets the definition of disabled veteran, or disabled veteran – nonservice
3 injury, ~~or disabled veteran – World War I~~, under § 27-24-203.

4
5 SECTION 3. Arkansas Code § 27-15-2203(b)(1), concerning the
6 requirements for vehicle restoration when applying for an antique motor
7 vehicle license plate, is amended to read as follows to repeal obsolete
8 language:

9 (b)(1) ~~Beginning on January 1, 2006, the~~ The Office of Motor Vehicle
10 shall require the owner of any antique motor vehicle licensed under this
11 subchapter to provide the Office of Motor Vehicle proof of conformity with
12 this subchapter.

13
14 SECTION 4. The introductory language to Arkansas Code § 27-20-104(a),
15 concerning the standard equipment required for street-use motor-driving
16 cycles and motorcycles, is amended to read as follows to repeal obsolete
17 language:

18 (a) ~~After July 5, 1977, all~~ All motor-driven cycles and all
19 motorcycles used upon the public streets and highways of this state shall be
20 equipped with the following standard equipment:

21
22 SECTION 5. Arkansas Code § 27-23-128 is amended to read as follows to
23 repeal obsolete language due to the repeal of § 27-50-701 by § 9 of this act
24 and the repeal of § 16-90-904 by Acts 2013, No. 1480, § 7, and to make
25 stylistic changes:

26 27-23-128. Deferment of sentence – Restrictions.

27 ~~No~~ A circuit court judge or district court judge may not utilize § 5-4-
28 321, § 16-90-115, ~~§ 16-90-904~~, §§ 16-93-301 – 16-93-303, or § 16-93-314, ~~or §~~
29 ~~27-50-701~~ or any other program to defer imposition of sentence or enter the
30 person into a diversion program in instances in which the person holds a
31 commercial driver license or a commercial learner’s permit and is charged
32 with violating any state or local traffic law other than a parking violation.

33
34 SECTION 6. Arkansas Code § 27-24-203(4), concerning the definitions
35 used in relation to special license plates for military service and veterans,
36 is repealed as obsolete.

Exhibit G19

HB

1 ~~(4) “Disabled veteran—World War I” means a World War I veteran~~
2 ~~who:~~

3 ~~(A) Received a disabling injury while serving in the~~
4 ~~United States Armed Forces during World War I; and~~

5 ~~(B) Is either:~~

6 ~~(i) The owner of a motor vehicle that is used by or~~
7 ~~for the totally and permanently disabled veteran; or~~

8 ~~(ii) Furnished a motor vehicle by the United States~~
9 ~~Department of Veterans Affairs;~~

10
11 SECTION 7. Arkansas Code § 27-50-310(b), concerning the unlawful use
12 of officially designated school bus colors or the words “school bus”, is
13 amended to read as follows to clarify a criminal offense and make stylistic
14 changes:

15 (b) Any person violating ~~the provisions of~~ subsection (a) ~~shall be~~
16 ~~deemed of this section upon conviction is~~ guilty of a ~~misdemeanor violation~~
17 and ~~upon conviction~~ shall be fined in any sum not less than twenty-five
18 dollars (\$25.00) and not more than one hundred dollars (\$100).

19
20 SECTION 8. Arkansas Code § 27-50-505(c), concerning the obligation of
21 an owner of a motor vehicle to provide information regarding the operation of
22 a motor vehicle ticketed for a violation, is amended to read as follows to
23 clarify a criminal offense and make stylistic changes:

24 (c) Failure or refusal of any registered owner of a motor vehicle to
25 comply with ~~the provisions of~~ this section ~~shall be a misdemeanor is a~~
26 ~~violation~~. Upon conviction, the person ~~shall be is~~ subject to a fine of not
27 less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

28
29 SECTION 9. Arkansas Code Title 27, Chapter 50, Subchapter 7, is
30 repealed because its provisions are codified at § 5-4-321.

31 ~~Subchapter 7—Trial and Judgment~~

32
33 ~~27-50-701. Postponement of judgment.~~

34 ~~In traffic misdemeanor cases, other than cases involving driving under~~
35 ~~the influence of alcohol or drugs, the judge shall have authority to postpone~~
36 ~~judgment for not more than one (1) year, during which period the defendant~~

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1 ~~shall be in a probationary status, supervised or unsupervised, and shall~~
2 ~~remain in probationary status until judgment is entered.~~

3
4 ~~27-50-702. Request for entry or postponement of judgment.~~

5 ~~(a) At the request of the defendant, parent of a minor defendant, or~~
6 ~~counsel for the defense, judgment shall be entered as quickly as feasible and~~
7 ~~not more than ten (10) days following such request.~~

8 ~~(b) At the request of the defendant, parent of a minor defendant, or~~
9 ~~counsel for the defense, probation may be continued and judgment postponed~~
10 ~~for more than one (1) year.~~

11
12 SECTION 10. Arkansas Code § 27-50-802 is repealed as obsolete.

13 ~~27-50-802. Certain speeding convictions not included in report—~~
14 ~~Exception for chauffeurs.~~

15 ~~(a) All courts in this state required by law to furnish records of~~
16 ~~convictions of all motor vehicle violations to the Office of Driver Services~~
17 ~~shall continue to furnish the records, but in compiling reports of~~
18 ~~convictions of traffic violations, the Office of Driver Services shall not~~
19 ~~include in the traffic violation report of any individual any conviction for~~
20 ~~the offense of speeding if the conviction is based on speeding upon a public~~
21 ~~highway in excess of fifty five miles per hour (55 m.p.h.) speed limit as~~
22 ~~established pursuant to Pub. L. No. 93-239 of January 2, 1974, but less than~~
23 ~~seventy five miles per hour (75 m.p.h.).~~

24 ~~(b) The Office of Driver Services shall include in the traffic~~
25 ~~violation report of any person holding a chauffeur's license any conviction~~
26 ~~for the offense of speeding in excess of the fifty five miles per hour (55~~
27 ~~m.p.h.) speed limit as established pursuant to Pub. L. No. 93-239 of January~~
28 ~~2, 1974, to the employer of the person and shall furnish the complete driver~~
29 ~~history record of the person pursuant to a written authorization as provided~~
30 ~~in § 27-50-908 to the employer of the person holding a chauffeur's license.~~

31
32 SECTION 11. Arkansas Code § 27-50-803 is amended to read as follows to
33 clarify the section and make stylistic changes:

34 27-50-803. Notification when minor convicted.

35 (a) As used in this section, "minor" means a person under eighteen
36 (18) years of age.

Exhibit G19

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1 ~~(b) Whenever any court in this state shall convict any person under~~
2 ~~eighteen (18) years of age~~ If a minor is convicted of any moving traffic
3 violation under the laws of this state, or under any municipal ordinance,
4 whether the fine and sentence imposed ~~shall be~~ is collected or whether ~~it may~~
5 ~~be~~ the fine and sentence imposed is suspended, the ~~convicting~~ court shall
6 notify in writing the parents, guardian, or other person who signed the
7 application of the ~~person~~ minor for ~~an instructor's~~ a permit or ~~operator's~~
8 license as required ~~by the provisions of~~ under § 27-16-702.

9 ~~(c) If the convicted person~~ minor does not have ~~an instructor's~~ a
10 permit or ~~operator's~~ license, the court shall notify the father or mother of
11 the ~~person~~ minor, if living, or the guardian or other person having custody
12 of the ~~person~~ minor of the conviction.

13
14 SECTION 12. Arkansas Code § 27-67-320 is amended to read as follows to
15 clarify the section, correct an obsolete reference, and make stylistic
16 changes:

17 27-67-320. Acquisition when county court fails to grant petition.

18 ~~Where~~ If the State Highway Commission petitions any county court
19 asking for a right-of-way for any state highway and ~~where~~ the county court
20 fails to grant the petition and ~~to make~~ issue a court order procuring the
21 right-of-way within sixty (60) days after the petition is presented, then the
22 commission may take such steps as ~~it~~ the commission deems expedient to
23 acquire the right-of-way, either by purchase, exercise of ~~its~~ the
24 commission's right of eminent domain, or otherwise.

25 ~~In that event~~ If the commission acquires the right-of-way by
26 purchase, eminent domain, or otherwise, one-half (½) of the cost of acquiring
27 the right-of-way shall be deducted from the next payment due ~~any~~ the county
28 by reason of any appropriation out of the ~~State Highway~~ County Aid Fund or
29 state revenue from gasoline as motor vehicle fuel or auto license tax to the
30 county or county highway fund of the county.

31 ~~All suits~~ A suit involving the validity of this section or any
32 portion of ~~it shall be deemed matters~~ this section is a matter of public
33 interest and shall be advanced and disposed of at the earliest possible
34 moment, and appeals in such suits ~~must~~ shall be taken and perfected within
35 thirty (30) days from the date of the judgment or decree.

36

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1 SECTION 13. Arkansas Code § 27-101-412(b), concerning sewage disposal
2 by commercial boating facilities, docks, and marinas, is amended to read as
3 follows to repeal obsolete language:

4 (b) ~~By July 1, 2004, any~~ Any person owning or operating a commercial
5 boating facility, dock, or marina that stores or houses vessels equipped with
6 toilet facilities and marine sanitation devices shall provide access to
7 sewage pumpout facilities.

8
9 SECTION 14. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

10 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

26
27
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36