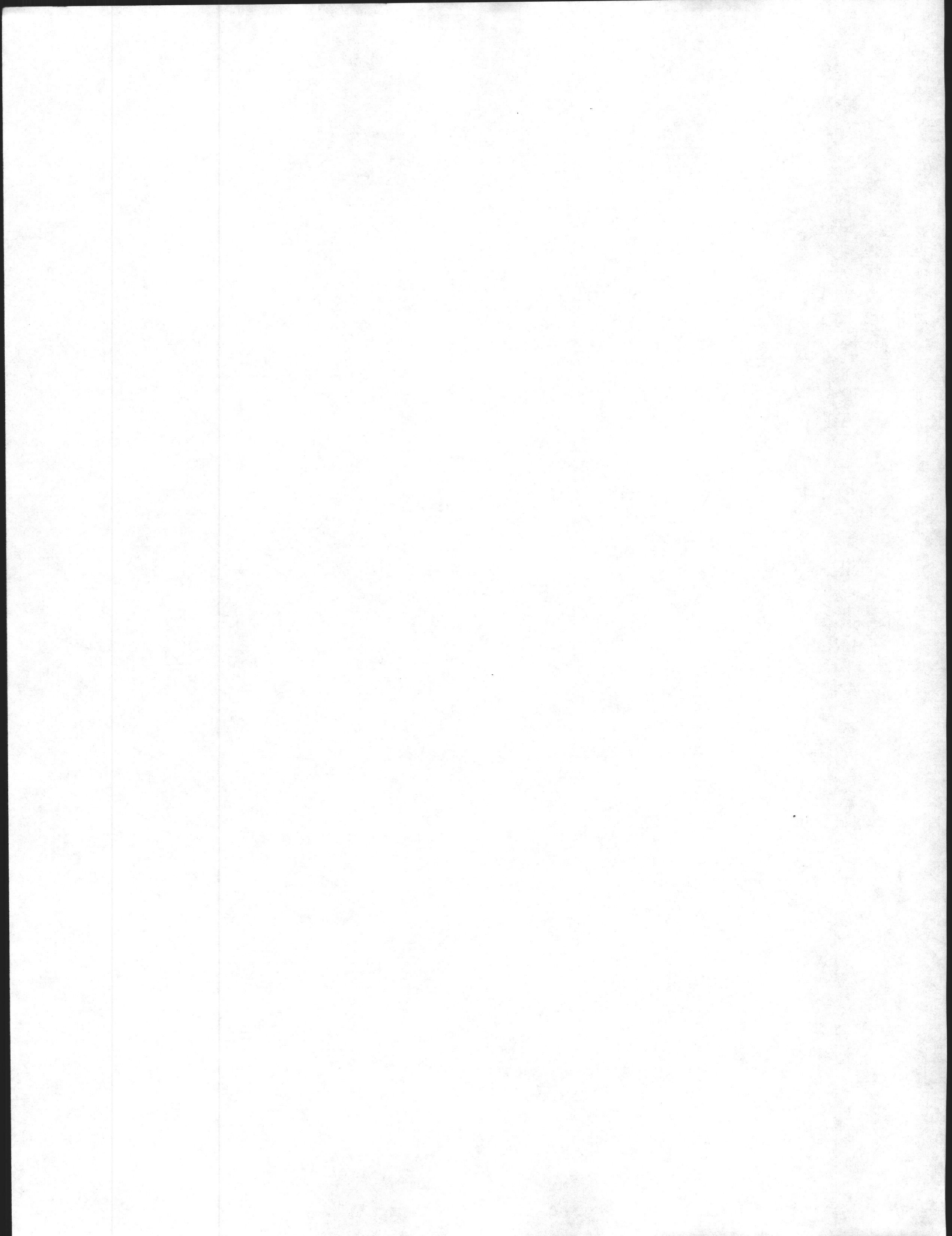


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ACTS OF ARKANSAS

DISTRIBUTION

OFFICERS ENTITLED TO COPY

Act 709 (SB 363) makes changes to the list of state and local officers who may request a free copy of the acts of the General Assembly from the Secretary of State.

QUANTITY

Act 933 (HB 1896) requires the Secretary of State to publish acts in whatever quantities are necessary to make the distribution required by law.

MAINTENANCE AND PUBLICATION

Act 879 (SB 197) establishes the responsibility and requirements for the maintenance of original acts and the publication and distribution of acts by the Secretary of State.

ADOPTION

ADOPTIONS BY LICENSED AGENCIES

Act 1284 (HB 1960) amends the law allowing persons to withdraw their consent to an adoption within ten days of the filing of the petition for adoption so that licensed adoption agencies may not withdraw their consent to an adoption. It further provides that in adoptions where the petitioner has had custody of the minor for two years, the adoption agency can consent to the adoption if the court finds that the best interest of the child requires the granting of the adoption.

BACKGROUND CHECK ON PROSPECTIVE ADOPTIVE PARENTS

Act 1067 (SB 761) requires a background check including a state and national fingerprint based criminal background check on prospective adoptive parents.

INCOME TAXES

CREDIT FOR ADOPTION EXPENSES

Act 535 (SB 419) provides an income tax credit for adoption expenses. The credit is equal to 10% of the amount of the adoption expenses which exceed 20% of the taxpayer's adjusted gross income and cannot exceed the lesser of the amount of taxes due or \$800.

MINORITY RACE

Act 956 (HB 1005) allows a court to place a child in a foster home or an adoptive home notwithstanding the child's minority race or ethnic heritage upon sufficient proof that attempts to place the child in a home of a minority race or ethnic heritage have been unsuccessful.

VISITATION RIGHTS

Act 889 (HB 1450) authorizes court-ordered visitation rights for former relatives of adopted children.

ADULT ABUSE

EXPUNGEMENT OF INFORMATION

Act 616 (HB 1538) provides that records in the adult abuse registry are to be destroyed one year after the report was filed with the Department of Human Services, unless an investigation determines that there is some credible evidence of abuse.

AGRICULTURE

ALTERNATE LIVESTOCK

CAMELIDAE FAMILY

Act 591 (HB 1632) classifies all creatures of the camelidae family, including llamas, alpacas, and guanacos, as alternate livestock and provides that they are subject to the laws and regulations relating to farm animals.

BOVINES

BRUCELLOSIS INFECTED HERDS

Act 128 (HB 1123) authorizes the Livestock and Poultry Commission to order depopulation of any bovine herd infected with or exposed to brucellosis. The state veterinarian will negotiate with the owner for the use of federal or state funds to depopulate the herds. If no agreement can be reached with the owner, a written order to depopulate may be issued to provide the owner indemnification at the established per head rate to be paid from available state and federal funds.

UNVACCINATED FEMALE BOVINES

Act 19 (HB 1073) and Act 142 (SB 118) require that all unvaccinated female bovines twelve months of age or older sold in this state which are not from a brucellosis-free herd are to be permanently identified and meet the requirements set forth by the Arkansas Livestock and Poultry Commission.

CATFISH

CATFISH PROCESSORS

Acts 190 and 191 (HB 1182 and SB 68) require an application fee of \$150 and a certified financial statement from every catfish processor who registers with the State Plant Board. Processors whose average annual purchases from producers do not exceed \$100,000 are exempt from registration. These acts repeal the provisions concerning notification to producers that the processor is not bonded.

COTTON GROWERS

BOLL WEEVIL SUPPRESSION

Act 529 (HB 1579) authorizes a certified cotton grower association to borrow funds or to issue bonds for funding a boll weevil suppression or eradication program. The act authorizes the Plant Board to conduct a separate referendum among cotton growers in the southwest corner of the state on the question of whether an assessment shall be levied upon cotton growers in that area to provide funds for a boll weevil suppression or eradication program. The act also amends the criteria by which a cotton grower may request and be granted an exemption from participating in a suppression or eradication program.

AGRICULTURE (Cont.)

LIENS ON AGRICULTURAL CROPS

Act 1273 (HB 1899) provides that every person who harvests agricultural crops belonging to another is entitled to a lien against those crops for payment of the costs of harvesting. The act also provides that a custom crop applicator is entitled to a lien for the payment of the custom application against the crops sprayed or the crops next harvested after the land is sprayed.

PROMOTION OF AGRICULTURAL BUSINESS

Act 1117 (HB 1841) amends the Arkansas Development Finance Authority Act to permit the financing of operations for the promotion of agricultural business and industrial enterprises.

RICE ASSESSMENT

Act 344 (HB 1485) allows rice producers to authorize the Arkansas Rice and Research Promotion Board to levy an assessment of 1.35¢ per bushel to be paid by the buyer and an amount of not more than 1.50¢ per bushel to be paid by the producer.

SOIL AND WATER CONSERVATION EXPENSES

Act 560 (HB 1321) adopts sections 126 and 175 of the Internal Revenue Code of 1986. Section 126 excludes a portion of designated federal soil and water conservation program payments from gross income. Section 175 allows a taxpayer engaged in the business of farming a limited deduction for soil and water conservation expenses incurred to prevent erosion.

WHEAT ASSESSMENT

Act 107 (SB 42) increases the Arkansas Wheat Promotion Board assessment from ½¢ per bushel to 1¢ per bushel on all wheat grown in this state. This act also provides that the resident agent of the Arkansas Wheat Promotion Board is the executive vice president of the Arkansas Farm Bureau Federation, Inc. or his designee.

AIRPORTS

CLOSED MILITARY AIRFIELDS

FINANCIAL ASSISTANCE

Act 857 (SB 709) provides that a local airport authority with a qualifying closed military airfield is eligible for special target status in order to qualify for financial assistance from the Aviation and Aerospace Industry Development Fund.

MILITARY INSTALLATION AIRPORTS

Act 1250 (SB 106) provides governing bodies of municipal airports which provide direct support to military installations slated for closure by the Federal Base Realignment and Closure Commission with special target status to qualify for financial assistance from the Aviation and Aerospace Industry Development Fund.

ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL DIVISION

POWERS AND DUTIES

Act 652 (SB 591) makes technical corrections to the Arkansas Code relating to the powers and duties of the Alcoholic Beverage Control Division.

ALCOHOLIC BEVERAGES (Cont.)

DISCLOSURE OF CERTAIN TAX INFORMATION

Act 1276 (HB 2031) allows disclosure of sales tax permit information to city and county governments to insure property payment of state and local sales taxes. The act also allows the disclosure of delinquent taxpayers who hold a permit to sell alcoholic beverages.

HOME BREWED BEER

Act 1051 (SB 636) authorizes and regulates the manufacture of home brewed beer free from license fees and taxes in quantities not to exceed two hundred (200) gallons per calendar year for consumption by the brewer, his family and guests.

LIQUOR PERMIT LIMITED

Act 861 (SB 684) prohibits the transfer of a liquor permit from a location to a location within a city or town located within a county having a population of 200,000 persons or more if the transfer would result in there being more than one permitted location for each 4,000 persons in the city or town.

LOCAL TAX

Act 405 (SB 404) allows cities and counties that levy an additional supplemental alcoholic beverage tax on private clubs to use the tax for economic development purposes.

MICROBREWERIES

Act 491 (SB 472) adds a definition of malt beverage to mean any liquor brewed from the fermented juices of grain and having an alcoholic content of not less than 5% nor more than 21% by weight. This act also provides that a microbrewery-restaurant licensee pay a \$750 annual licensing fee to the ABC Board to manufacture and sell its beer and malt beverages.

NONRESIDENT APPLICANTS FOR BEER PERMIT

Act 537 (SB 497) authorizes and establishes procedures for the issuance of permits by the Alcoholic Beverage Control Division to any nonresident manufacturer, brewer, supplier or other person who sells or distributes beer or malt liquor to any wholesale dealer or distributor.

OWNERSHIP OF PREMISES

Act 536 (SB 466) allows a person holding a buy-sell agreement or offer and acceptance on a premises to apply for a retail beer permit, an on-premises mixed drink permit, or private club permit. The act requires that the applicant reside within 35 miles of the address of the premises for which the license is sought.

PARI-MUTUEL MIXED DRINK PERMIT

Act 1288 (HB 2124) creates a pari-mutuel mixed drink permit which may be issued to a restaurant which is located in a county where pari-mutuel wagering has been authorized by law and in a city of the first class in which the sale of alcoholic beverages is authorized by law.

POSTING OF WARNING NOTICE

Act 446 (HB 1356) requires a warning notice to be posted in each place of business that sells alcoholic beverages stating the penalties for knowingly furnishing or selling alcoholic beverages to minors.

ALCOHOLIC BEVERAGES (Cont.)

PRIVATE CLUBS

Act 1212 (1959) establishes procedures for an applicant to reapply to the director of the Alcoholic Beverage Control Division to operate as a private club in an area which has not elected to allow the sale of alcoholic beverages after a previous application has been denied.

SALE AT LARGE MEETING OR ATTENDANCE FACILITY

Act 600 (HB 1728) authorizes persons licensed to serve alcoholic beverages on the premises of a restaurant, hotel or motel to serve alcoholic beverages in a large meeting or attendance facility after securing written permission from the permittee of the facility and paying an annual fee of \$500 for a satellite catering permit.

SUNDAY SALES

ELIGIBILITY EXPANDED

Act 563 (HB 1479) authorizes the Sunday sales of beer and wine by hotels, motels, and restaurants holding cafe and restaurant wine permits and retail beer permits for on-premises consumption. Previously, only those restaurants and hotels with mixed drink permits were authorized to get a Sunday sales permit to sell alcoholic beverages on Sunday.

LOCAL OPTION ELECTION

Act 715 (SB 590) allows for a local option election to permit Sunday sales of beer and wine by hotels and restaurants which are licensed to sell beer and wine for on premises consumption.

TIME AUTHORIZED

Act 192 (HB 1230) allows restaurants and hotels permitted Sunday sales of alcoholic beverages to sell alcoholic beverages until 2:00 a.m. Monday morning, when Sunday falls on December 31, unless the city or county establishes by ordinance a lesser period of time for alcoholic beverages to be sold.

AMUSEMENT RIDES AND ATTRACTIONS

Act 631 (SB 553) transfers duties relating to amusement rides and attractions from the Insurance Department to the Department of Labor and authorizes the director to conduct inspections to ensure compliance with the Amusement Ride and Amusement Attraction Safety Insurance Act. The act also replaces permit requirements with safety inspection requirements and strengthens civil and criminal penalties.

ANIMALS

BOVINES

BRUCELLOSIS INFECTED HERDS

Act 128 (HB 1123) authorizes the Livestock and Poultry Commission to order depopulation of any bovine herd infected with or exposed to brucellosis. The state veterinarian will negotiate with the owner for the use of federal or state funds to depopulate the herds. If no agreement can be reached with the owner, a written order to depopulate may be issued to provide the owner indemnification at the established per head rate to be paid from available state and federal funds.

ANIMALS - Bovines (Cont.)

UNVACCINATED FEMALE BOVINES

Act 19 (HB 1063) and Act 142 (SB 118) require that all unvaccinated female bovines twelve months of age or older sold in this state which are not from a brucellosis-free herd are to be permanently identified and meet the requirements set forth by the Arkansas Livestock and Poultry Commission.

STERILIZATION OF IMPOUNDED DOGS AND CATS

Act 839 (HB 1715) prohibits pounds, shelters or humane organizations supported in any part by public funds from releasing any animal unless the new owner agrees to sterilize the dog or cat. This act also increases the penalty for failure to sterilize the dog or cat.

ANY WILLING PROVIDER

AMENDED

Act 1193 (HB 1564) amends the Patient Protection Act of 1995 (PPA) by extending coverage of the PPA to additional classes of health care providers . It provides that the PPA shall only apply to contracts issued or renewed after its effective date and further provides that the PPA shall not apply to health benefit plans that are exempt from state regulation pursuant to the federal Employee Retirement Income Security Act of 1974. It also makes some technical corrections in the PPA.

ESTABLISHED

Act 505 (SB 299) creates the Patient Protection Act of 1995, which prohibits health care insurers from denying certain health care providers an opportunity to provide services pursuant to a health benefit plan if the health care provider is willing to accept the plan's operating terms.

ARBITRATION OR DISPUTE RESOLUTION

Act 673 (SB 349) establishes policies for the advancement of voluntary alternative dispute resolution procedures and creates the Arkansas Alternative Dispute Resolution Commission.

ARCHITECTS

LANDSCAPE ARCHITECTS

Act 904 (SB 208) makes several changes concerning the examination, reciprocity, licensing and penalties for practicing without a license by landscape architects.

PRACTICE OF ARCHITECTURE

Act 860 (HB 1649) redefines the practice of architecture. This act also limits the architectural work that can be performed by professional engineers.

SCHOOL BUILDING EXEMPTION

Act 1108 (HB 1760) increases cost limits under which construction of public school buildings is exempt from supervision of a licensed architect or engineer.

ARKANSAS CODE ANNOTATED

VARIOUS CORRECTIONS

Act 1296 (HB 1874) makes various corrections to the Arkansas Code of 1987.

BAIL BONDS

ARREST

Act 593 (HB 1674) allows a surety providing bail to authorize another individual to arrest a defendant failing to appear in court provided that individual meets certain criteria.

LIABILITY OF SURETY

Act 1106 (HB 1729) allows the court to take into consideration the expenses incurred by the surety in attempting to locate the defendant when determining the extent of liability of the surety on a bond forfeiture, and allows the court to grant the surety credit for the expenses incurred.

LICENSING BOARD

Act 827 (HB 1650) amends the Bail Bond Licensing Law to change references from Insurance Department and Insurance Commissioner to Professional Bail Bond Company and Professional Bail Bondsmen Licensing Board. The act also specifies that the member of the board who is a judge must be a municipal or circuit judge.

OFFICER TAKING BOND

Act 470 (SB 63) provides that the officer who takes bail shall not be liable for any bond ordered by a judicial officer under Rule 9.2 (b)(i) or (ii) of the Arkansas Rules of Criminal Procedure.

BANKRUPTCY

JUDGMENT LIEN

Act 475 (HB 1558) provides that bankruptcy court judgments shall be a lien against the defendant's real estate located in the county in which the judgment was rendered.

BLASTING

QUARRY AND OPEN PIT MINING

Act 814 (HB 1784) is to be known as the "Arkansas Quarry and Open Pit Mine Blasting Control Act." The act establishes standards for blasting. The enforcement administration of the act is to be through the director of the Department of Labor.

BOATING

ALCOHOL OR CONTROLLED SUBSTANCE

Act 518 (SB 127) prohibits the operation of a vessel while under the influence of alcohol or controlled substances and establishes penalties for the operation of a vessel in violation of the act.

BOATING SAFETY ACT

Act 517 (SB 126) amends the Arkansas Boating Safety Act to provide increased penalties for violation of the state's boating laws, to provide capacity restrictions aboard vessels, and to provide restrictions for maintaining and wearing personal flotation devices. The act also provides restrictions for vessel lighting after dark and increases the period to renew a vessel license from two to three years.

NEGLIGENT OPERATION

Act 1077 (SB 792) expands the definition of negligent operation of a motorboat to include operation of a motorboat within one hundred (100) feet of a towboat that is underway. The act also prohibits a motorboat equipped with a greater than twenty-five (25) horsepower engine from operating or navigating on the Eleven Point River.

BONDS

ARKANSAS SOIL AND WATER CONSERVATION COMMISSION

Act 1224 (SB 432) authorizes the Arkansas Soil and Water Conservation Commission to issue \$300,000,000 in general obligation bonds for the purpose of financing and refinancing the development of water, waste disposal, water pollution control, abatement and prevention, drainage, irrigation, flood control and wetlands projects.

ARKANSAS STATE HIGHWAY COMMISSION

CONSTRUCTING AND IMPROVING HIGHWAYS

Act 1007 (SB 662) authorizes the Arkansas State Highway Commission to issue State of Arkansas general obligation highway construction and improvement bonds in an amount not to exceed \$3,500,000,000 for the purposes of constructing and improving highways in Arkansas. The act sets forth the terms and conditions for issuing the bonds and the sources for repayment of the bonds. It also provides for a statewide election on the question of issuing the bonds.

FINANCE AND ADMINISTRATION, DEPARTMENT OF
REVENUE DIVISION BUILDING

Act 725 (SB 666) authorizes the Revenue Department Building Commission to contract with ADFA to issue revenue bonds to build a new Revenue Division Building.

INVESTMENT OF SCHOOL DISTRICT FUNDS

Act 402 (SB 183) authorizes local school districts to invest district funds in general obligation bonds issued by the United States of America and in bonds, notes, debentures, or other obligations issued by an agency of the federal government.

SELF-INSURED FIDELITY BONDS

AUDITS

Act 339 (HB 1283) requires governmental entities participating in the Self-Insured Fidelity Bond Program, which are not subject to Legislative Audit, to be audited by an independent accounting firm.

SOIL AND WATER CONSERVATION COMMISSION

Act 690 (HB 1825) authorizes the Soil and Water Conservation Commission to pledge or sell loans or undivided interests in pools of loans to investors and to sell participation certificates, bonds, and other forms of securities. The act authorizes the commission to supplement its sale, pledge, or other use of loans with other forms of transaction enhancements. The act authorizes the commission to retain professional services for assistance in structuring, servicing and selling the loans and securities authorized by the act.

BONDS (Cont.)

STATE AGENCY CONSTRUCTION CONTRACTS

Act 1319 (SB 716) provides that each bid submitted on state agency construction contracts must be accompanied by a certified check or by corporate bid bond. The act provides that the bid security shall indemnify the public against failure of the contractor to execute and deliver the contract and necessary bonds for faithful performance of the contract and provides that the bid security shall provide that the contractor or surety must pay the damage, loss, cost and expense subject to the amount of the bid security directly arising out of the contractor's default in failing to execute and deliver the contract and bonds. The act provides that liability under the bid security is limited to 5% of the amount bid.

BUSINESS LAW

CORPORATIONS

FRANCHISE TAXES

Act 772 (SB 670) requires corporations to pay the franchise tax for the prior year at the time of dissolution and the minimum franchise tax for the year in which the corporation dissolves or is withdrawn.

PERMITS FOR HOME HEALTH CARE SERVICES

Act 1321 (SB 738) provides that upon the dissolution of any corporation currently licensed to provide home health care services, regulatory agencies may transfer the corporation's permits of approval and licenses to a shareholder of the corporation.

EMPLOYEE LEASING ACT

Act 1308 (HB 2126) prohibits an employee leasing firm from evading the provisions of the Employee Leasing Act by claiming to be the sole employer of the employees it leases.

HOME SOLICITATION SALES

Act 447 (HB 1424) amends the definition of service for the purpose of home solicitation sales to include services furnished primarily for personal, family, or household purposes and courses of instruction or training. This act also provides that the enforcement will be by the Attorney General in accordance with the Deceptive Trade Practices Act.

INSUFFICIENT CHECKS

Act 1004 (SB 710) provides that a \$20 collection fee and any sales tax paid for debt collection services may be recovered in restitution actions on insufficient checks.

MULTISTATE CORPORATIONS

Act 682 (SB 532) double weights the sales factor in the formula used to apportion the income of corporations which have business income from inside and outside of the state.

SECURED TRANSACTIONS

RELEASE OF COLLATERAL

Act 781 (HB 1787) sets a fee not to exceed \$6.00 for filing and noting a statement of release of collateral described in a filed financing statement.

BUSINESS LAW - Secured Transactions (Cont.)

TERMINATION STATEMENT

Act 104 (SB 10) provides that the fee for filing a termination statement is to be collected at the time of the initial filing of the original financing statement.

UNCONSCIONABLE TRADE PRACTICES

CREATION OF TRUST BY NON-LAWYER

Act 1306 (HB 2036) includes the offering for sale, assembly, or drafting of any trust document by a non-lawyer except a bank trust department or trust company as a deceptive and unconscionable trade practice.

UNIFORM COMMERCIAL CODE

INVESTMENT SECURITIES

Act 425 (HB 1038) completely revises Article 8 of the Uniform Commercial Code and makes conforming amendments to Articles 1, 5, 9 and 10.

YOUTH APPRENTICE PROGRAM

Act 1103 (HB 1669) provides an income tax credit for a business which employs a youth apprentice in a registered apprenticeship program. The amount of the credit allowed is \$2,000 or 10% of the wages earned by the youth apprentice, whichever is less.

ABANDONED LOTS

Act 464 (HB 1483) authorizes cities and counties owning cemeteries to initiate proceedings in circuit court for termination and forfeiture of rights of unknown owners of cemetery lots if at least 75 years have passed since the last interment in a lot.

ACCESS ROADS

Act 1317 (SB 606) amends the law regarding the unlawful fencing of cemeteries to change the definition of cemeteries to apply to burial plots with at least 5 markers and to eliminate the 25 year and 30 year time limits of nonuse. It also authorizes the county judges to improve and maintain access roads across public and private land leading to cemeteries.

DECLARING A CEMETERY PUBLIC PROPERTY

Act 716 (SB 593) makes a cemetery located on private land, but which has been open to public use for at least fifty (50) years, a public cemetery, if upon the petition of any person, the county quorum court determines that the cemetery is public property. The county may manage and care for the cemetery or may enter into an agreement allowing a nonprofit association or corporation to provide for the management and care of the cemetery. The rights of the public to cemetery property under this section shall be in the nature of an adverse possession.

CHILD ABUSE

CORPORAL PUNISHMENT

Act 804 (SB 193) excludes reasonable use of corporal punishment from the definition of "abuse" in Department of Human Services' investigations of alleged child maltreatment.

CHILD ABUSE (Cont.)

REPORTING

Act 1341 (HB 2076) clarifies the duties and responsibilities of the Department of Human Services in regard to child abuse reporting. It eliminates the inclusion of unsubstantiated information relative to child maltreatment in the statewide central registry and changes the guidelines for disclosure of information contained in the registry. It adds judges and prosecuting attorneys to the list of professionals who are required to report suspected child maltreatment but exempts them from any penalties for failure to report. It allow persons who are required to report suspected child maltreatment to consider the religious beliefs of the parents when deciding whether or not to report suspected child maltreatment.

TERMINATION OF PARENTAL RIGHTS

Act 909 (HB 1633) authorizes termination of parental rights upon a finding by the juvenile court that a juvenile is a victim of neglect or abuse which could endanger the life of the child or sexual abuse or sexual exploitation perpetrated by the juvenile's parents.

CHILD CARE FACILITIES

CHILD CARE FACILITIES REVIEW BOARD

Act 1280 (HB 2150) raises license fees for child care facilities and clarifies provisions of the Arkansas Code relating to background checks of child care facilities operators and employees, which are to be conducted during application procedures and during license renewals.

CONSTRUCTION MATERIALS TAX REFUND

Act 850 (SB 589) provides a \$5,000 income tax credit for a business which operates a child care facility for its employees. The act repeals the sales and use tax exemption for the purchase of construction materials and furnishings used in the initial construction and equipping of the child care facility but provides that the business may obtain a refund of the sales and use tax paid on the purchase of those items. The act deletes the requirement that the facility must have an average daily attendance of employee children equal to an 80% of capacity.

STAFF EDUCATION

Act 594 (HB 1678) sets forth a list of appropriate topics for continuing education that persons working in licensed child care facilities are required to have each year.

CHILD SUPPORT

ARREARAGES

CONTINGENCY FEE CONTRACTS

Act 707 (SB 194) authorizes the award of attorney's fees based on a contingency fee contract for collection of child support arrearages.

REVOCAION OF LICENSES

Act 752 (SB 272) provides for the suspension of certain occupational, professional, and business licenses and the suspension of permanent license plates of the noncustodial parent for delinquency in court-ordered child support.

CHILD SUPPORT (Cont.)

CLEARINGHOUSE FOR TITLE IV-D PAYMENTS

Act 1344 (SB 358) creates a statewide clearinghouse through which, effective October 1, 1995, all child support payments on cases brought under Title IV-D of the federal Social Security Act will be made, with the clerk of the court entering all such case data into the statewide computerized child support payment, data tracking, and scheduling system operated by the Arkansas IV-D agency. The clerk is also authorized to use the computerized system for private cases, including alimony, when there is an order to pay child support.

CRIMINAL LAW

OBSTRUCTING GOVERNMENTAL OPERATIONS

Act 1182 (HB 1178) provides that persons who refuse to provide information relating to an investigation of a case brought under Title IV-D of the Social Security Act, including failing to submit to scientific testing, are guilty of "obstructing governmental operations."

SPECIAL DEPUTY PROSECUTING ATTORNEYS

Act 1181 (HB 1177) provides for the appointment of special deputy prosecuting attorneys to prosecute criminal nonsupport cases.

EXECUTIONS

EXEMPTION FROM BOND

Act 1183 (HB 1179) exempts agents of the state of Arkansas from having to post an indemnifying bond prior to executing on personal property.

HEALTH INSURANCE FOR MINORS

Act 1179 (HB 1172) requires health insurers to immediately enroll a minor child in the noncustodial parent's health care plan upon submission of notice and prohibits an enrollment period. The act prohibits health insurers and employers of noncustodial parents from removing a minor child from enrollment in the noncustodial parent's health care plan unless notified in writing that the order providing for health care coverage is no longer in effect or that the child will be enrolled on comparable health coverage. It requires health insurer to deal directly with the custodial parent on claims for covered services in regard to the minor child. It establishes that supplemental insurance provided by the custodial parent is not grounds to contest an order of income withholding for health care coverage. It authorizes the Office of Child Support Enforcement to garnish employment income from any person who is required by court order to provide health care coverage and has received payment for the cost of health care services for the child but has not directed the payment to the custodial parent or the provider of services, and it prohibits health insurers from imposing requirements on the Office of Child Support Enforcement that are different from those applied to any other agents or assignees. It also makes several technical corrections.

PATERNITY

DNA TESTING

Act 1178 (HB 1171) provides that in paternity actions, when the father is deceased or unavailable, the court may order scientific testing for paternity, including DNA typing, to determine the probability of paternity, which may include a paternal relative who is available and willing to participate in the testing.

CHILD SUPPORT - Paternity (Cont.)

VOLUNTARY ACKNOWLEDGEMENTS

Act 1091 (HB 1180) conforms provisions of the Arkansas Code with federal requirements set forth in Title IV-D of the Social Security Act relative to voluntary paternity acknowledgements.

PHYSICAL CUSTODIAN

Act 1180 (HB 1174) authorizes the redirection of child support to a physical custodian who has custody of child for more than eight (8) consecutive weeks.

TERMINATION OF INCOME WITHHOLDING

Act 1075 (SB 785) establishes a procedure to terminate withholding for child support once the requirement for child support terminates.

TITLE IV-D CASES

EXPEDITED PROCEEDINGS

Act 1064 (SB 757) provides for expedited hearings and service of process in IV-D child support and paternity cases.

VARIOUS AMENDMENTS

Act 1184 (HB 1181) amends various provisions of the Arkansas Code regarding the rights and duties of the Office of Child Support Enforcement of the Department of Finance and Administration.

CHILDREN

CHILD LABOR LAWS

EMPLOYMENT IN BOWLING ALLEYS

Act 858 (HB 1163) eliminates the prohibition against persons under 16 working in bowling alleys.

COMMON GROUND PROGRAM

Act 1203 (HB 1765) establishes the Common Ground Program to connect and assist government agencies, private entities, and individual citizens in working together to create a more responsive environment for children and families. The Department of Human Services is the administrative and fiscal agent for the program, which functions under the auspices of a Common Ground Program Committee of the Governor's Partnership Council for Children and Families.

COMMUNITY WORK, RECREATION AND YOUTH OPPORTUNITIES ACT

Act 1278 (HB 2044) creates the Community Work, Recreation and Youth Opportunities Act, which establishes a Commission to advise the Governor, the General Assembly and various state agencies in regard to work and recreational programs targeted at persons under age eighteen.

EMOTIONALLY DISTURBED

OUT-OF-STATE PLACEMENT

Act 765 (SB 159) and Act 809 (HB 1233) establish guidelines for the placement of emotionally disturbed youth in out-of-state treatment facilities.

JUVENILE PROCEEDINGS

DEPENDENCY-NEGLECT/FAMILIES IN NEED OF SERVICES

Act 404 (SB 284) requires the Department of Human Services to provide a court review report to the court and opposing parties no less than seven (7) days prior to a periodic review hearing in dependency-neglect or families in need of services cases where out-of-home placement has occurred.

JUVENILE CODE DEFINITIONS

Act 532 (SB 165) amends certain definitions under the Arkansas Juvenile Code.

JUVENILE COURT RESPONSIBILITY

Act 533 (SB 166) amends various sections of the Arkansas Juvenile Code to clarify the powers, duties and responsibilities of the Juvenile Court.

JUVENILE DELINQUENTS

Act 779 (HB 1680) provides the juvenile court with additional options to use in dealing with delinquent juveniles and their parents or guardians, i.e. ordering the juvenile and his parents or guardian to perform court-approved volunteer community services not to exceed 160 hours or ordering the parents or guardian to attend a court-approved parental responsibility training program.

STANDARD OF REVIEW

Act 1337 (HB 1894) provides that the "best interest of the child" shall be the standard for Department of Human Services' recommendations and juvenile court determinations regarding the placement of abused and neglected children.

TERMINATION OF PARENTAL RIGHTS

Act 811 (HB 1653) revises the grounds for which the court may grant a petition by the Department of Human Services to terminate parental rights. The act states that the intent of the section, which gives the Department of Human Services the remedy of termination of parental rights, is to provide permanency in a juvenile's life in all instances where return of a juvenile to the family home is contrary to the juvenile's health, safety, or welfare, and it appears from the evidence that the return to the family cannot be accomplished in a reasonable period of time.

Act 909 (HB 1633) authorizes termination of parental rights upon a finding by the juvenile court that a juvenile is a victim of neglect or abuse which could endanger the life of the child or sexual abuse or sexual exploitation perpetrated by the juvenile's parents.

THERAPEUTIC GROUP HOMES/INDEPENDENT LIVING PROGRAMS

Act 1113 (HB 1795) authorizes the Division of Youth Services of the Department of Human Services to establish therapeutic group homes and independent living programs for families in need of services and for delinquent youth.

CITIES

ABANDONED CEMETERY LOTS

Act 464 (HB 1483) authorizes cities and counties that own cemeteries to initiate proceedings in circuit court for termination and forfeiture of rights of unknown owners of cemetery lots if at least 75 years have passed since the last interment in a lot.

CITIES WITH 100,000 OR MORE POPULATION

CIVILIAN TRAFFIC INVESTIGATORS

Act 910 (HB 1767) provides that the Arkansas Commission on Law Enforcement Standards and Training shall establish minimum training requirements for certain civilian personnel authorized to issue traffic citations and investigate traffic accidents. It authorizes cities with a population in excess of 100,000 people to employ trained civilian personnel to prepare traffic accident reports, investigate accidents, and issue traffic citations related to those accidents. These personnel are not authorized to carry firearms or do any other law enforcement duties.

WATERWORKS COMMISSION INCREASED

Act 789 (HB 1895) eliminates the language limiting waterworks commissions in cities with more than 100,000 persons to only three persons to increase its membership to five members for all first class cities. It further provides for the appointment of the 2 additional members of the five member waterworks commissions when a city chooses to exercise the option to increase its commission's size.

CITY COURTS

Act 175 (HB 1346) allows cities of the first class with a population of 5,000 or less to establish a city court in lieu of a municipal court. This act repeals the authority for police courts, but Act 1245 was enacted to prevent the repeal.

CITY EMPLOYEES

HEALTH INSURANCE CONTINUES

Act 664 (HB 1749) allows municipal officials and municipal employees age 55 or over who are vested in the municipality's retirement system to continue participation in the municipality's health care plan upon retirement, as long as the retiring official or employee pays both employer and employee contributions to the health care plan.

CITY MANAGER GOVERNMENT

APPOINTMENT OF DEPARTMENT HEADS

Act 534 (SB 252) and Act 914 (HB 2120) clarify that city managers in city-manager cities and mayors in first and second class cities and incorporated towns have the power to appoint and remove department heads, except in cities with civil service commissions. In city-manager cities with civil service commissions, the commission may override the appointment or removal of the police or fire chief by majority vote. In cities with civil service commissions, the city council may delegate the authority to the civil service commission to appoint and remove the police and fire chiefs. The two acts are the same, except that Act 534 becomes effective immediately.

METHOD OF SELECTING DIRECTORS

Act 750 (HB 1822) amends the City Manager Enabling Act to provide that a city with a city manager form of government under a federal court order to redistrict wards can, upon petition by voters, call a special election to change its method of selecting its board of directors. Previously, an election for change in method of selection could only be done by vote of the city board of directors.

CITIES (Cont.)

CITY-COUNTY TOURIST FACILITIES

FUNDING AND FINANCING

Act 1156 (SB 305) makes various changes pertaining to funding and financing city-county tourist facilities.

STATE FACILITIES INCLUDED

Act 185 (HB 1405) and Act 269 (SB 332) include the Arkansas State Fairgrounds and War Memorial Stadium as facilities eligible for assistance under the City-County Tourist Meeting and Entertainment Facilities Assistance Law.

CIVIL SERVICE COMMISSION

AGE LIMIT REMOVED FOR POLICE AND FIRE EMPLOYEES

Act 473 (HB 1017) removes the maximum age for eligibility for appointment to a civil service position on a municipal police department, previously age 45 years, and on a municipal fire department, previously age 32 years.

OPTIONAL LEGAL COUNSEL

Act 1135 (HB 2011) authorizes the civil service commission to appoint an attorney to represent the commission, if it so desires, instead of the city attorney being the exclusive legal representative to the commission.

CONSOLIDATION OF ADJOINING CITIES

DELAYS IMPLEMENTATION OF ACT 806 OF 1995

Act 1333 (SB 732) delays till July 1, 1995 the implementation of the revised procedure to petition for consolidation of any city or town to an adjoining municipality enacted by Act 806 of 1995. Beginning July 1, 1995, the number of signatures needed on the petition changes from 50 qualified electors in each city to a number of qualified electors from each of the municipalities equal to, but not less than, fifteen percent (15%) of the total vote cast for the office of mayor in the respective city or town in the last preceding general election. The petitions must be verified by the city clerk of the respective city.

PROCEDURE REVISED

Act 806 (SB 681) revises the procedure to petition for consolidation of any city or incorporated town to an adjoining or contiguous smaller municipality. It changes the number of signatures needed on the petition from 50 qualified electors in each city to a number of qualified electors from each of the municipalities equal to, but not less than, fifteen percent (15%) of the total vote cast for the office of mayor in the respective city or town in the last preceding general election. The petitions must be verified by the city clerk of the respective city.

ECONOMIC DEVELOPMENT

Act 372 (HB 1563) and Act 405 (SB 404) allow cities and counties which levy an additional supplemental alcoholic beverage tax on private clubs to use the tax for economic development purposes.

ELECTIONS

FIRST CLASS CITIES

Act 359 (HB 1381) requires that all officers who are to be elected in cities of the first class shall be elected at the regular general election for municipal corporations instead of the regular annual election.

CITIES - Elections (Cont.)

INDEPENDENT CANDIDATES

Act 665 (HB 1779) requires independent candidates for municipal office to file nominating petitions and political practice pledges by twelve o'clock noon on the date of the filing deadline.

NO WRITE-IN LAW

Act 179 (HB 1371) extends the municipal no write-in law to second class cities and incorporated towns.

NOMINATION OF INDEPENDENT CANDIDATES

Act 82 (HB 1090) amends the form of the petition of nomination to become an independent candidate for municipal office to include the street address of anyone signing the petition.

RESIDENCY REQUIREMENT

Act 671 (HB 1400) requires candidates for the municipal offices of mayor, clerk, recorder or treasurer to live within the city's limits at the time they file as a candidate, and they must continue to live within the city to retain elective office. In cities of the first and second class, candidates for the municipal office of alderman must reside within the city and the ward at the time they file as a candidate and when holding the office.

HIGHWAY CONSTRUCTION AND IMPROVEMENT

BOND ISSUE

Act 1007 (SB 662) authorizes the Arkansas State Highway Commission to issue State of Arkansas general obligation highway construction and improvement bonds in an amount not to exceed \$3,500,000,000 for the purposes of constructing and improving highways in Arkansas. The act sets forth the terms and conditions for issuing the bonds and the sources for repayment of the bonds. It also provides for a statewide election on the question of issuing the bonds.

SALES AND USE TAX

Act 1008 (SB 762) levies a one-half of one percent sales and use tax. The act designates the tax as special revenues for use in partial repayment of general obligation bonds for highway construction and for utilization by the counties and municipalities on county roads and municipal streets. The tax shall not become effective unless the issuance of highway construction and improvement general obligation bonds is approved by the electorate.

INCORPORATION

SIGNATURES REQUIRED

Act 299 (HB 1373) requires that at least 75 qualified voters must sign the petition for incorporation of a municipality.

MAYOR'S POWERS

APPOINTMENT OF DEPARTMENT HEADS

Act 534 (SB 252) and Act 914 (HB 2120) clarify that mayors in first and second class cities and incorporated towns and city managers in city-manager cities have the power to appoint and remove department heads, except in cities with civil service commissions. In cities with

CITIES - Mayor's Powers Appointment of Department Heads (Cont.)

a civil service commission, the city council may delegate the authority to the civil service commission to appoint and remove the police and fire chiefs. In city-manager cities with civil service commissions, the commission may override the appointment or removal of the police or fire chief by majority vote. The two acts are the same, except Act 534 becomes effective immediately.

DESIGNEES FOR CITY COURT

Act 298 (HB 1372) authorizes mayors of second class cities and incorporated towns to designate a licensed attorney to sit in the mayor's stead as judge of the city court.

MUNICIPAL ANNEXATION

ADJOINING LANDS IN ANOTHER COUNTY

Act 1286 (HB 2092) specifies that lands contiguous to a municipality having a population of 75,000 or less, even though they are located in an adjoining county, may become annexed to the municipality. It says they can be annexed "in the manner provided in this chapter". No reference is given.

MUNICIPAL COURTS

Act 338 (HB 1311) provides that any city with a population of less than 3,000 persons, which had a municipal court in existence on March 4, 1985, may create a municipal court.

MUNICIPAL IMPROVEMENT DISTRICTS

ATTORNEYS

Act 362 (HB 1440) permits municipal improvement districts in second class cities and towns to hire their own attorneys, instead of relying on the city attorney, and eliminates the cap on attorneys' fees the districts can pay their legal counsel.

OBSOLETE MUNICIPAL LAWS REPEALED

Act 555 (HB 1515) repeals various laws deemed to be obsolete or unconstitutional that deal with municipalities.

ORDINANCES

PARKING FOR PERSONS WITH DISABILITIES

Act 780 (HB 1709) provides for equal treatment of disabled persons under traffic control and parking ordinances of local governments and exclusive parking privileges in areas designated for parking by people with disabilities only.

PLANNING AND ZONING

CITIES WITH AIR FORCE BASES

Act 530 (HB 1635) allows any first-class city with an active USAF military installation to enact a city ordinance specifying that within five (5) miles of the corporate limits of the city future uses of any real property which might be hazardous or dangerous to aircraft operation can be restricted or prohibited.

CITIES (Cont.)

POLICE COURTS

RE-ENACTS LAWS

Act 1245 (HB 1945) re-enacts into law the procedures and regulations pertaining to police courts in Arkansas cities after being repealed by Act 175 of 1995.

PRIVATE DONATIONS

Act 770 (SB 654) provides that private donations to cities may be invested in accordance with the "Prudent Man Rule" established by Arkansas Code Annotated §28-71-105.

PURCHASING

MINIMUM LIMIT INCREASED

Act 812 (HB 1665) increases the limit on municipal officials making purchases with city funds without competitive bidding from a minimum of five thousand dollars (\$5,000) to a minimum of ten thousand dollars (\$10,000). It also allows the mayor or his duly authorized representative to have the exclusive power to award the bid to the lowest responsible bidder, but may reject any and all bids received. Previously, the city council could also designate a committee to receive and award bids and bid waivers.

PROFESSIONAL SERVICES

Act 429 (HB 1377) defines professional services to include legal, architectural, engineering, land surveying and other consulting services designated by a political subdivision. It requires that a professional service designated by a political subdivision must be approved by a 2/3 vote of the governing body. For purposes of gathering information necessary to enter a professional services contract, the act gives political subdivisions the option of either encouraging firms to submit annual statements of qualification or of requesting information as needed. It further provides that cities of the first and second class shall designate professional services by ordinance, and when a first or second class city or town has delegated the operation of its water or sewer services to a Board or Commission of Public Utilities, it assigns the responsibility of defining professional services by motion or resolution to that board or commission.

RURAL COMMUNITY GRANT PROGRAM.

Act 649 (HB 1157) provides that communities under the Rural Community Grant Program can use property-in-kind, instead of only cash funds, to qualify as matching funds for grants from the state.

OPTION TO SPEND TOWN'S GENERAL TAX FUNDS

Act 512 (SB 475) provides that small incorporated towns under the Rural Community Grant Program have the option to spend up to one-half of project costs from their town's general funds to cover the local match required for the project costs, instead of requiring one-fourth donations and one-fourth local tax funds.

SALES TAX OR USE TAX

ADVERTISING AND PROMOTION TAX

Act 931 (HB 1712) repeals the law prescribing the manner for referendum of the advertising and promotion tax.

SEWER COMMITTEES

Act 849 (SB 557) authorizes cities to change the name of their sewer committees to wastewater treatment committees.

CITIES (Cont.)

STREET IMPROVEMENTS

SMALL CITY STREET FUND

Act 1145 (HB 2129) establishes on the books of the state the Small City Street Fund to be comprised of funds appropriated to be made available to small cities throughout the state to be used to improve streets. Arkansas Development Finance Authority will administer the Fund. Small cities means all first and second class cities and incorporated towns in Arkansas with populations of less than five thousand (5,000) persons.

TAXES

ADVERTISING AND PROMOTION TAX

Act 300 (HB 1375) authorizes all cities of the first class or second class and incorporated towns to levy a tax on hotels and restaurants to be used by the cities for advertising and promoting the city.

INDUSTRIAL DEVELOPMENT BONDS

Act 101 (HB 1124) allows for a delay in the effective date of a tax levied to retire bond indebtedness if specified in the ordinance levying the tax and on the ballot approving the bonds or the tax.

TURNBACK REVENUES

Act 331 (HB 1259) provides that the distribution of municipal turnback revenues is to be based on the most recent federal decennial or special census.

URBAN SERVICE DISTRICTS

Act 1090 (HB 1111) enables municipalities to establish urban service districts upon petition by residents in a proposed district for the provision of services and provides for the management of the services provided. The act authorizes the levying of fees for payment of the services and allows for the termination of water, sewer, or garbage services upon nonpayment of the fees.

UTILITIES OF MUNICIPALITIES

CONTRACTS FOR MANAGEMENT

Act 764 (SB 64) authorizes cities which operate municipal waterworks, sewer, gas or electric utilities to contract with various firms or entities to manage and to operate the municipal utilities for the city.

SEWER BILL DELINQUENCY

Act 717 (SB 604) allows municipalities providing sewer service to request an association or improvement district providing the water service to terminate water service to a customer who is delinquent in making sewer payments.

WATER ASSOCIATIONS AND CORPORATIONS

POWER OF EMINENT DOMAIN

Act 1207 (HB 1838) authorizes associations and corporations which supply water to cities, towns, villages and rural areas to exercise the power of eminent domain to construct water facilities, water transmission and distribution lines and to expand water service areas. It limits the circumstances in which the associations and corporations can exercise the power of eminent domain as being only as a last resort and says they shall make use of existing easements and rights-of-way

CITIES-Water Associations and Corporations Power of Eminent Domain (Cont)

to the maximum extent practicable. It also changes the measure of damages in eminent domain actions to be the fair market value of the condemned property at the time of the filing of the petition by the corporation or water association as may be determined by a jury based on the opinion of a licensed appraiser.

CIVIL LAW AND PROCEDURE

ACCESS TO MEDICAL RECORDS

Act 708 (SB 283) provides that patients compelled to use the subpoena process to obtain their own medical records, pursuant to Arkansas Code Annotated § 16-46-106, shall be entitled to a reasonable attorney's fee, plus costs of court.

DRUG DEALER LIABILITY ACT

Act 896 (SB 742) creates the Drug Dealer Liability Act. This act makes persons who knowingly participate in the illegal drug market liable for civil damages to any person who suffers injury resulting from the use of the illegal drug. Persons eligible to bring suit include the drug user; parents, children, spouses or siblings of the drug user; an individual exposed to the drug in utero; and the employer of the drug user.

EVIDENCE

Act 1136 (HB 2015) allows photographically reproduced business or medical records admitted into court pursuant to an affidavit of the custodian.

PEER REVIEW COMMITTEE RECORDS

Act 885 (SB 250) clarifies that records of committees that review and evaluate the quality of medical or hospital care shall not be subject to discovery pursuant to the Arkansas Rules of Civil Procedure or the Freedom of Information Act.

IMMUNITY FROM TORT LIABILITY

EQUINE ACTIVITY SPONSORS

Act 353 (HB 1064) defines "equine activity sponsor" and "participant," alters the scope of immunity from tort liability during equine activities and broadens its application to include equine activity sponsors and their employees. It requires equine activity sponsors to post warning notices about the limitations on their civil liability and also provides that immunity is not applicable to thoroughbred horse racing.

JUDGMENT RECORDS

Act 1087 (HB 1029) requires the records of all judgments to contain the address of all parties, when reasonably ascertainable.

LIMITATIONS OF ACTIONS

MEDICAL CARE LIENS

Act 790 (HB 1907) provides that causes of actions to enforce a lien arising out of medical care liens for claims against a patient for compensation by a practitioner, nurse, hospital or ambulance service must be filed within one hundred and eighty (180) days after notice of the lien.

CIVIL LAW AND PROCEDURE - Limitations of Actions (Cont.)

MEDICAL MALPRACTICE

Act 735 (SB 219) establishes the time in which a person, who was nine (9) years of age or younger at the time of an act, omission or failure, may file a medical malpractice action that gives rise to a cause of action for medical malpractice.

LONG-ARM JURISDICTION

Act 486 (SB 371) allows the courts of this state to take personal jurisdiction over all persons and all causes of actions or claims for relief to the maximum extent permitted by the due process clause of the 14th Amendment to the U. S. Constitution.

CIVIL RIGHTS

ACT OF 1993 REVISED

Act 480 (SB 119) amends various sections of the Arkansas Civil Rights Act of 1993.

DISCRIMINATION BY STATE EMPLOYEE

GROUND FOR DISMISSAL OF STATE EMPLOYEE

Act 1301 (HB 1986) and Act 1318 (SB 687) require all state agencies to include in personnel manuals a statement that discrimination by a state employee is grounds for dismissal and further provides that a determination by a court of law that a state employee is guilty of discrimination is grounds for dismissal.

CONSUMER PROTECTION

ARKANSAS PRIZE PROMOTION ACT

Act 736 (SB 381) creates the "Arkansas Prize Promotion Act" which requires certain disclosures in all prize promotions.

DECEPTIVE TRADE PRACTICES

ENFORCEMENT

Act 836 (HB 1486) revises various sections of the Deceptive Trade Practices Act concerning enforcement and remedies.

FRACTURED-FILLED OR CLARITY-ENHANCED DIAMONDS

Act 1128 (HB 1947) provides that a person engaged in the business of selling fracture-filled or clarity-enhanced diamonds or jewelry containing fracture-filled diamonds shall disclose to the customer that the diamond has been treated and that it is a fracture-filled or clarity-enhanced diamond. The business is required to post a notice in a conspicuous place at the entrance to the premises stating that fracture-filled or clarity-enhanced diamonds are sold by the business.

LOAN ADVANCE FEES

Act 598 (HB 1706) makes technical corrections to the 1993 Advance Fee Loan Brokerage Act.

CONSUMER PROTECTION (Cont.)

ODOMETER FRAUD

Act 795 (HB 1519) enacts a new Arkansas law on odometer fraud to prevent the sale or transfer of motor vehicles without a statement of the actual mileage of the vehicle accompanying the sale. It increases the penalties for a violation of odometer fraud from one year in jail and \$1,000 fine to up to three (3) years in prison and \$50,000 in fines. It makes a person subject to an action under the Deceptive Trade Practices Act and provides for possible civil lawsuit, also. It also repeals the current Arkansas laws on odometer fraud.

TELEPHONIC SALES

Act 440 (SB 435) clarifies an exemption from telephonic seller registration based upon transactions directed to a purchaser holding a permit pursuant to the Arkansas Gross Receipts Act adding "in which the solicitation deals with goods of a type that are subject to resale by the purchaser."

CONTRACTORS

CONSTRUCTION MANAGEMENT

Act 1331 (SB 512) adds construction management services for public school districts as a professional service subject to the professional services procurement requirements, except for the requirement of a super-majority vote of the governing body to negotiate a contract for construction management. It defines professional services to include legal, architectural, engineering, land surveying and other consulting services designated by a political subdivision. It requires that a professional service designated by a political subdivision must be approved by a 2/3 vote of the governing body. For purposes of gathering information necessary to enter a professional services contract, the act gives political subdivisions the option of either encouraging firms to submit annual statements of qualification or of requesting information as needed. It further provides that cities of the first and second class shall designate professional services by ordinance, and when a first or second class city or town has delegated the operation of its water or sewer services to a Board or Commission of Public Utilities, it assigns the responsibility of defining professional services by motion or resolution to that board or commission.

LICENSING REQUIREMENTS

Act 553 (HB 1466) clarifies that persons performing construction or repair on their own property are not required to obtain a contractor's license but must comply with the provisions of the contractor's licensing law. It further provides that if a prime contractor has the proper classification listed on a current license for work being performed by a subcontractor, then materials purchased by the prime contractor from a third party shall not be considered as part of the subcontractor's project.

SALES TAX OR USE TAX

Act 835 (HB 1472) amends the definition of "contractor" for sales and use tax purposes and provides that sales tax shall not apply to the alteration, addition, cleaning, refinishing, replacement, or repair of non-mechanical components of buildings or structures affixed to real estate. The act also provides that contractors who provide taxable services shall be entitled to a tax credit, tax offset, or refund for any sales tax paid on materials or supplies which ultimately become a part of the real estate in performing the taxable services.

CONTRACTORS (Cont.)

STATE AGENCY CONSTRUCTION CONTRACT INDEMNITY

Act 1319 (SB 716) provides that each bid submitted on state agency construction contracts must be accompanied by a certified check or by corporate bid bond. The act provides that the bid security shall indemnify the public against failure of the contractor to execute and deliver the contract and necessary bonds for faithful performance of the contract. The bid security shall provide that the contractor or surety must pay the damage, loss, cost and expense subject to the amount of the bid security directly arising out of the contractor's default in failing to execute and deliver the contract and bonds. The act provides that liability under the bid security is limited to 5% of the amount bid.

CORRECTIONS

APPROVED JAIL FACILITIES (ACT 309 OF 1983)

Act 1188 (HB 1357) provides that inmates shall not be eligible to be released to an approved jail facility (Act 309 of 1983), unless the inmate is within thirty (30) months of his first parole eligibility date or his first post-prison transfer eligibility date, with exceptions.

CAPITAL PUNISHMENT/ EXECUTIONS

REPORTING OF DETAILS

Act 206 (SB 218) and Act 289 (HB 1288) repeal the prohibition that no details of an execution of a criminal are to be printed or published.

COMMUNITY PUNISHMENT

Act 1170 (SB 773) amends various sections of the Arkansas Code to clarify provisions of the Community Punishment Act, transfer procedures between the Department of Community Punishment and the Department of Correction, and provisions of the sentencing standards procedures.

TARGET GROUP

Act 577 (HB 1287) expands the definition of "target group" under the Community Punishment Act to include certain Class C and D felony offenders who will be eligible for community punishment.

CONSENT TO MEDICAL TREATMENT

Act 632 (SB 556) allows minors incarcerated in the Department of Correction or the Department of Community Punishment to consent to medical treatment.

CORRECTION DEPARTMENT FARM FUND

Act 171 (HB 1293) provides that loans made to the Department of Correction Farm Fund are to repaid before the end of each fiscal year after the amount of the loan has been reduced by the value of the products produced or processed on the farm that were consumed by inmates and other authorized personnel. This act also provides that all processed beef purchased by the department must be U.S. labeled.

FACILITIES FOR MEDICAL CARE

Act 291 (HB 1290) authorizes the Board of Correction and Community Punishment to establish and maintain facilities for medical care of inmates.

CORRECTIONS (Cont.)

INMATES

WORKCRAFT PROGRAM

Act 205 (SB 217) and Act 292 (HB 1291) eliminate the inmate leathercraft program and replace it with an inmate workcraft program that offers instruction and training to eligible inmates in order to help them prepare for employment after incarceration.

PARDONS AND PAROLES

INCURABLE ILLNESSES

Act 290 (HB 1289) provides that when it is found that an inmate has an incurable illness which will result in death within 12 months or is permanently physically or mentally incapacitated, the Post Prison Transfer Board may make the inmate eligible for immediate transfer to parole supervision.

PARDONS AND PAROLES

MANDATORY 70% PRISON SENTENCE

Act 1326 (SB 820) requires any persons convicted of the crimes of murder in the first degree, kidnapping, aggravated robbery, rape, and causing a catastrophe to serve seventy percent (70%) of their sentence regardless of meritorious "good time" awarded to the defendant.

NOTICE TO INTERESTED PERSONS

Act 1195 (HB 1652) requires the Governor to file a notice of his intention to grant an application for a pardon, commutation of sentence or remission of fine or forfeiture with the Secretary of State and further requires the Governor to direct the Department of Correction to send notice of his intentions to the judge, prosecuting attorney, sheriff and, when applicable, the victim or victim's next of kin.

POSSESSION OF FIREARM BY FELON

Act 595 (HB 1684) gives the Governor the authority to restore the right of a convicted felon to own and possess a firearm either by granting a pardon explicitly restoring the right to possess a firearm or without granting a pardon upon the recommendation of the chief law enforcement officer in the jurisdiction where the convicted felon resides so long as the underlying felony did not involve the use of a weapon and occurred more than 3 years ago.

PRISON OVERCROWDING EMERGENCY POWERS ACT

Act 204 (SB 216) and Act 293 (HB 1292) make technical corrections to the Prison Overcrowding Emergency Powers Act to change references from the Board of Correction to the Board of Correction and Community Punishment.

POST PRISON TRANSFER BOARD MEMBERSHIP

Act 285 (HB 1224) and Act 381 (SB 73) reorganize the Post Prison Transfer Board to be composed of five full-time members and two part-time members instead of three full-time members and four part-time members.

PRIVATE SECTOR PRISON INDUSTRY ENHANCEMENT

Act 106 (SB 38) authorizes the Board of Correction and Community Punishment to contract with the private sector for inmates to assemble, process, fabricate or repair parts or components for products being manufactured or produced by the entity. The inmates working in this program must be paid at least minimum wage. These wages are to set aside in a separate wage fund and are to be used for specific purposes listed in the act.

COUNTIES

ABANDONED MINERAL PROCEEDS

Act 748 (HB 1802) repeals the requirement that 25% of abandoned mineral proceeds be distributed based on county populations and provides that all proceeds are to be distributed equally among all counties in the state.

ALCOHOLIC BEVERAGE TAX

Act 372 (HB 1563) and Act 405 (SB 404) allow cities and counties that levy an additional supplemental alcoholic beverage tax on private clubs to use the tax for economic development purposes.

ASSESSORS

PROFESSIONAL DEVELOPMENT RECOGNITION PAYMENTS

Act 903 (SB 752) authorizes county assessors and employees of county assessors' offices to be eligible for Professional Development Recognition payments. To the extent moneys are available, assessors and their employees designated as Senior Appraisers by the Assessment Coordination Division are eligible to receive a professional development recognition payment not to exceed \$500; as Certified Residential Appraisers, they are eligible to receive a payment not to exceed \$1,000; and as Certified General Appraisers, they are eligible for a payment not to exceed \$2,000. Employees are only eligible for one professional development recognition payment annually.

PROPERTY TAX VALUATION

Act 758 (SB 657) requires county assessors to implement a program assuring that property valuation under his or her jurisdiction is appraised at current market value.

CEMETERIES

ABANDONED CEMETERY LOTS

Act 464 (HB 1483) authorizes cities and counties that own cemeteries to initiate proceedings in circuit court for termination and forfeiture of rights of unknown owners of cemetery lots, if at least 75 years have passed since the last interment in a lot.

DECLARING A CEMETERY PUBLIC PROPERTY

Act 716 (SB 593) makes a cemetery located on private land, but which has been open to public use for at least 50 years, a public cemetery, if upon the petition of any person, the county quorum court determines that the cemetery is public property. The county may manage and care for the cemetery or may enter into an agreement allowing a nonprofit association or corporation to provide for the management and care of the cemetery. The rights of the public to cemetery property under this section shall be in the nature of an adverse possession.

CIRCUIT CLERKS

RECORDS

Act 454 (SB 350) authorizes county recorders and clerks of the courts to use additional methods of recording and keeping records, including photostatic recording, microfilm, microcard, miniature photographic recording, optical disc, or other process which accurately reproduces or forms a durable medium for reproducing the original. Further, it provides that when a document is recorded, the original may be destroyed.

COUNTIES (Cont.)

CITY-COUNTY TOURIST FACILITIES

FUNDING AND FINANCING

Act 1156 (SB 305) makes various changes pertaining to funding and financing city-county tourist facilities.

STATE FACILITIES

Act 185 (HB 1405) and Act 269 (SB 332) include the Arkansas State Fairgrounds and War Memorial Stadium as facilities eligible for assistance under the City-County Tourist Meeting and Entertainment Facilities Assistance Law.

CLERKS

CONTINUING EDUCATION BOARD

Act 986 (HB 1991) changes the composition of the County and Circuit Clerks' Continuing Education Board to add one member each from the County Clerks' Association and the Circuit Clerks' Association, one combined member from the two associations and one member designated by the Association of Arkansas Counties.

COUNTY AND REGIONAL INDUSTRIAL DEVELOPMENT CORPORATIONS

INCOME TAX CREDIT

Act 1044 (SB 575) allows an income tax credit for County and Regional Industrial Development Corporation stock purchased between 1996 and 1999.

EMPLOYEES

HEALTH INSURANCE CONTINUES AFTER RETIREMENT

Act 745 (HB 1666) provides that county officials and county employees who are fifty-five (55) years or older and are members of the Public Employees Retirement System may continue to participate in the county health insurance plan after their retirement.

EQUALIZATION BOARD MEMBERSHIP

Act 891 (SB 524) amends the law prescribing the number of members for a county equalization board to update language, regarding the federal decennial census, to include the most recent federal census instead of the 1970 census.

FIRE DEPARTMENTS WITH SERVICE AREAS IN TWO COUNTIES

Act 744 (HB 1657) clarifies the authority of county quorum courts in each county to permit volunteer fire departments to extend their service areas across county lines.

HIGHWAY CONSTRUCTION AND IMPROVEMENT

BOND ISSUE

Act 1007 (SB 662) authorizes the Arkansas State Highway Commission to issue State of Arkansas general obligation highway construction and improvement bonds in an amount not to exceed \$3,500,000,000 for the purposes of constructing and improving highways in Arkansas. The act sets forth the terms and conditions for issuing the bonds and the sources for repayment of the bonds. It also provides for a statewide election on the question of issuing the bonds.

COUNTIES - Highway Construction and Improvement (Cont.)

SALES AND USE TAX

Act 1008 (SB 762) levies a one-half of one percent sales and use tax. The act designates the tax as special revenues for use in partial repayment of general obligation bonds for highway construction and for utilization by the counties and municipalities on county roads and municipal streets. The tax shall not become effective unless the issuance of highway construction and improvement general obligation bonds is approved by the electorate.

INTERGOVERNMENTAL COOPERATION COUNCIL

CITY MEMBERSHIP FROM AN ADJOINING COUNTY

Act 1147 (HB 2159) provides that a mayor of a city in one county whose fire district extends into an adjoining county will become a member of the county intergovernmental cooperation council of the adjoining county.

JUDGES

AUTHORITY OVER CEMETERY ACCESS ROADS

Act 1317 (SB 606) amends the law regarding the unlawful fencing of cemeteries to change the definition of cemeteries to apply to burial plots with at least 5 markers and to eliminate the 25 year and 30 year time limits of nonuse. It also authorizes the county judges to improve and maintain access roads across public and private land leading to cemeteries.

PARKING FOR PERSONS WITH DISABILITIES

Act 780 (HB 1709) provides for equal treatment of disabled persons under traffic control and parking ordinances of local governments and exclusive parking privileges in areas designated for parking by people with disabilities only.

PURCHASING

MINIMUM LIMIT INCREASED

Act 431 (HB 1499) increases the limit on county officials making purchases with county funds without competitive bidding from a minimum of five thousand dollars (\$5,000) to a minimum of ten thousand dollars (\$10,000).

PROFESSIONAL SERVICES

Act 429 (HB 1377) defines professional services to include legal, architectural, engineering, land surveying and other consulting services designated by a political subdivision. It requires that a professional service designated by a political subdivision must be approved by a 2/3 vote of the governing body. For purposes of gathering information necessary to enter a professional services contract, the act gives political subdivisions the option of either encouraging firms to submit annual statements of qualification or of requesting information as needed. It further provides that cities of the first and second class shall designate professional services by ordinance, and when a first or second class city or town has delegated the operation of its water or sewer services to a Board or Commission of Public Utilities, it assigns the responsibility of defining professional services by motion or resolution to that board or commission.

COUNTIES (Cont.)

RECORDERS

UNIFORM FEES

Act 768 (SB 648) increases most fees charged by the county recorder by \$2.00 and requires that all moneys collected be used to offset administrative costs, including the purchase and operation of an automated records system.

RURAL COMMUNITY GRANT PROGRAM

OPTION TO SPEND TOWN'S GENERAL TAX FUNDS

Act 512 (SB 475) provides that small incorporated towns under the Rural Community Grant program have the option to spend up to one-half of project costs from their town's general funds to cover the local match required for the project costs, instead of requiring one-fourth donations and one-fourth local tax funds.

RURAL WATERWORKS FACILITIES BOARDS

Act 617 (HB 1544) authorizes counties to create rural waterworks facilities boards for the purpose of owning, acquiring, constructing, improving, or disposing of waterworks and wastewater facilities.

SALARIES OF COUNTY OFFICIALS

Act 661 (HB 1750) amends the law setting the salary ranges for county elected officials to increase the minimum and maximum salary ranges for county judges, sheriffs, tax collectors, county clerks, circuit clerks, assessors, county treasurers, coroners, and the per diem for justices of the peace.

SHERIFF AND COLLECTOR

HOT SPRING COUNTY

Act 653 (HB 1732) provides that effective January 1, 1997, the offices of sheriff and tax collector in Hot Spring County are separate offices. Electors of Hot Spring County will elect a sheriff and a tax collector and each will take office on January 1, 1997.

NEWTON COUNTY

Act 127 (HB 1079) provides that effective January 1, 1997, the offices of sheriff and tax collector in Newton County are separate offices. Electors of Newton County will elect a sheriff and a tax collector and each will take office on January 1, 1997.

SHERIFFS

COMMUNICATIONS FACILITY AND EQUIPMENT FUND

Act 662 (HB 1756) changes the name of the county sheriff's Radio and Equipment Repair and Replacement Fund to the Communications Facility and Equipment Fund. Twenty-five percent (25%) of all fees collected by the county sheriff is used by the sheriff to establish the Communications Facility and Equipment Fund. It changes the purposes for which the fund can be used.

PRISONER TELEPHONE COMMISSIONS

Act 996 (HB 2084) provides for the distribution of commissions derived from prisoner telephone services available in certain detention facilities to the sheriff's office Communications Facility and Equipment Fund and to the Sheriff's Association.

COUNTIES (Cont.)

SUBORDINATE SERVICE DISTRICTS

SERVICE CHARGES

Act 552 (HB 1310) provides that a county subordinate service district may choose to forgo county collection of its service charges on an annual basis and instead collect district service charges on a monthly or other periodic basis through its own billing and collection system.

TAXES

INDUSTRIAL DEVELOPMENT BONDS

Act 101 (HB 1124) allows for a delay in the effective date of a tax levied to retire bond indebtedness if specified in the ordinance levying the tax and on the ballot approving the bonds or the tax.

TRANSMISSION OF COUNTY FUNDS

Act 856 (SB 707) requires county officials to transmit county funds to the county treasurer within the first 5 working days of each month.

TREASURERS

TWO JUDICIAL DISTRICTS

Act 334 (HB 1330) repeals the requirement that the county treasurer must keep at each county site in counties having two judicial districts the funds belonging to the school and road districts of the respective judicial districts.

VARIOUS AMENDMENTS

Act 232 (HB 1195) amends various sections pertaining to financial reporting by the county treasurer and other various areas of county finance. This act also repeals several sections of the Code pertaining to county finance.

YELL COUNTY

Act 354 (HB 1160) adds Yell County to the counties excepted from the statute that requires the treasurer of a county with two judicial districts to keep in his office at each county site the funds belonging to the school districts and road districts of the respective judicial districts.

COURTS

AUXILIARY AIDS

Act 1311 (SB 211) requires the Administrative Office of the Courts to use the most cost efficient method of procuring auxiliary aids to make reasonable accommodations for persons with hearing and visual impairments to act as venire persons or jurors. It also authorizes the Arkansas Judicial Council to designate which trial courts shall be able to employ state-funded trial court administrative assistants and sets up guidelines for the employment of those assistants.

CIRCUIT AND CHANCERY COURTS

FINE COLLECTION PROCEDURES

Act 1262 (HB 1027) establishes procedures for the collection of fines assessed in circuit and chancery courts.

COURTS (Cont.)

CIRCUIT CLERKS

RECORDS

Act 566 (SB 345) authorizes any business or institution or government recordkeeping agency, including clerks of the courts, to use additional methods of recording and keeping records, including photostatic recording, microfilm, microcard, miniature photographic recording, optical disc, or other electronic imaging process which accurately reproduces or forms a durable medium for reproducing the original.

RECORDS

Act 454 (SB 350) authorizes clerks of the courts and county recorders to use additional methods of recording and keeping records, including photostatic recording, microfilm, microcard, miniature photographic recording, optical disc, or other process which accurately reproduces or forms a durable medium for reproducing the original. Further, it provides that when a document is recorded, the original may be destroyed.

CITY COURTS

Act 175 (HB 1346) allows cities of the first class with a population of 5,000 or less to establish a city court in lieu of a municipal court. This act repeals the authority for police courts, but Act 1245 was enacted to prevent the repeal.

COURT COSTS

INFERIOR COURTS

Act 1252 (SB 410) provides for the distribution of fines, penalties, forfeitures, and costs imposed by circuit court in cases appealed from any inferior court.

COURT COSTS AND FILING FEES

STANDARDIZED STATEWIDE

Act 1256 (SB 609) is the Omnibus Uniform Filing Fees and Court Costs Act, which standardizes filing fees and court costs statewide.

COURT OF APPEALS

Act 1323 (SB 764) amends various sections of Title 16, Chapter 12, Subchapter 1 of the Arkansas Code to delay expansion of the Arkansas Court of Appeals to 12 judges until January 1, 1996, and to authorize four divisions.

COURT RECORDS

ELECTRONIC RECORDINGS

Act 1061 (SB 740) provides standards for the electronic recording of court records before the original court records may be destroyed.

COURT REPORTERS

Act 743 (HB 1280) provides for the regulation of the practice of court reporting by the Arkansas Supreme Court.

DEPUTY PROSECUTING ATTORNEYS

SPECIAL APPOINTMENTS

Act 894 (SB 713) authorizes a prosecuting attorney to appoint an attorney employed by the Attorney General as a special deputy prosecutor for the purpose of prosecuting actions for adult abuse and Medicaid fraud.

COURTS (Cont.)

JURISDICTION

TERMINATION OF PARENTAL RIGHTS

Act 1016 (SB 9) provides that chancery courts have the power to terminate parental rights in matters properly before them; however, when the parties to the chancery court action are also parties to an action in the juvenile division of chancery court, then the juvenile division of chancery court shall have exclusive jurisdiction over termination of parental rights.

JURORS

PERSONS WITH DISABILITIES

Act 897 (SB 749) provides additional aids and services to enable hearing or visually impaired persons to serve on juries. The act also requires individuals acting as assistants to such persons in judicial proceedings or in jury deliberations to serve under oath.

JUVENILE COURTS

Act 1335 (HB 1336) amends various sections of the Arkansas Code relative to the powers, duties, and responsibilities of the juvenile court.

FEE COLLECTION

Act 1204 (HB 1774) provides for the collection of fees that the juvenile court may charge juveniles for services provided by the court.

MUNICIPAL COURTS

SALARIES

Act 1346 (HB 1190) sets the salaries of the municipal judges and support personnel of the various municipal courts.

POLICE COURTS

RE-ENACTS LAWS

Act 1245 (HB 1945) re-enacts into law the procedures and regulations pertaining to police courts in Arkansas cities after being repealed by Act 175 of 1995.

SUPREME COURT AND COURT OF APPEALS

Act 549 (SB 544) amends various sections of the Arkansas Code regarding the Arkansas Supreme Court and the Court of Appeals.

TEEN COURTS

Act 1003 (SB 705) authorizes diversion agreements in delinquency cases where a juvenile may be required to participate in a court-approved Teen Court.

TRIAL COURT ADMINISTRATIVE ASSISTANTS

Act 1311 (SB 211) authorizes the Arkansas Judicial Council to designate which trial courts shall be able to employ state-funded trial court administrative assistants and sets up guidelines for the employment of those assistants. It also requires the Administrative Office of the Courts to use the most cost efficient method of procuring auxiliary aids to make reasonable accommodations for persons with hearing and visual impairments to act as venire persons or jurors.

CRIMINAL LAW

ABUSE OF ADULTS

Act 1338 (HB 1928) amends various sections of Title 5, Chapters 13 and 28, of the Arkansas Code to provide greater protection against abuse of incompetent individuals and certain adults.

BATTERY

Act 360 (HB 1410) expands the crime of battery in the first degree to apply to a person who intentionally or knowingly causes, without legal justification, serious physical injury to one known by the person to be twelve years of age or younger.

BATTERY IN THE FIRST AND SECOND DEGREES

Act 1305 (HB 2012) amends the law regarding the criminal offense of battery in the first and second degrees to exclude the use of a firearm to injure someone in certain cases. It also adds emergency medical technicians to the list of persons whose injury, if caused by the defendant, constitutes criminal conduct, battery in the second degree.

BATTERY IN THE SECOND DEGREE

EMERGENCY MEDICAL TECHNICIAN

Act 1173 (SB 854) adds causing injury to emergency medical technicians or other licensed or certified health care professionals to the definition of second degree battery, a Class D felony.

BIFURCATED SENTENCING PROCEDURES

Act 892 (SB 652) repeals uncodified Section 7 of Act 551 of 1993, which sunsets the bifurcated sentencing procedures in Arkansas Code Annotated §§5-4-103, 16-97-101, 16-97-102, 16-97-103, and 16-97-104.

CAPITAL MURDER

Act 258 (HB 1075) provides that a person commits capital murder if while incarcerated in the Department of Correction or Department of Community Punishment, he purposely causes the death of another person after premeditation and deliberation.

Act 800 (SB 243) adds to the definition of capital murder "purposely discharges a firearm from a vehicle at a person, or a vehicle, conveyance, or a residential or commercial occupiable structure he knows or has good reason to believe to be occupied by a person and thereby causes the death of another person under circumstances manifesting extreme indifference to the value of human life."

AGGRAVATING CIRCUMSTANCES

Act 1205 (HB 1807) further defines "aggravating circumstances" for the criminal offense of "capital murder" as causing the death of more than one (1) person in the same criminal episode.

CARNAL ABUSE

Act 578 (HB 1511) increases the classification of the criminal offense of "carnal abuse in the first degree" from a Class B felony to a Class A felony.

CARNAL ABUSE IN THE SECOND AND THIRD DEGREE

PENALTIES INCREASED

Act 1313 (SB 285) increases the criminal penalties for the offenses of carnal abuse in the second degree from a Class D felony to a Class C felony and carnal abuse in the third degree from a Class A misdemeanor to a Class D felony.

CHILD PORNOGRAPHY

DEFINITION OF PERFORMANCE

Act 337 (HB 1449) provides that the definition of performance for the purposes of using children in sexual performances includes all live and photographed performances.

DEFENSE OF MENTAL DISEASE OR DEFECT

RELEASE OF ACQUITEES

Act 767 (SB 647) provides for a psychiatric examination procedure for defendants intending to raise mental disease or defect as a defense in a prosecution and further provides for a system to monitor and track persons acquitted because of mental disease or defect when released from medical, psychiatric or psychological care.

DEFENSE TO PROSECUTION

TRIED JOINTLY-NO DEFENSE

Act 1294 (HB 1655) provides that it is not a defense to prosecution for a crime involving the liability of another person or a defense to prosecution for solicitation or conspiracy to commit a crime when the defendant and other person were tried jointly and the other defendant is not convicted.

DESECRATION OF THE ARKANSAS FLAG

Act 880 (SB 339) creates the criminal offense of "Contempt for or desecration of the Arkansas flag" which carries a maximum penalty of a \$1,000 fine or 1 year in jail or both.

DOMESTIC BATTERY/ASSAULT ON FAMILY MEMBERS

Act 1291 (HB 1512) amends and revises provisions of the criminal offenses of wife battery and assault on a wife to the new criminal offenses of domestic battery and assault on a family or household member. It includes as prohibited conduct any activities "causing serious physical injury to a family or household member." "Domestic battery in the first degree" is a Class B felony. "Family or household member" means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, and persons who are presently or in the past have resided or cohabited together.

DOMESTIC VIOLENCE

COSTS ASSOCIATED WITH FILING CRIMINAL CHARGES

Act 401 (SB 34) provides that persons abused in domestic violence incidents shall not bear any costs associated with the filing of criminal charges against the domestic violence offender, including costs of issuance or service of a warrant and witness subpoenas.

CRIMINAL LAW (Cont.)

DRIVING WHILE INTOXICATED

REINSTATEMENT OF DRIVER'S LICENSE

Act 263 (SB 182) provides that any person who pleads guilty or nolo contendere or is found guilty of driving while intoxicated shall furnish proof of attendance at completion of an alcoholism treatment program before reinstatement of his or her driver's license.

EXPLOSIVE OR INCENDIARY DEVICE

Act 989 (HB 2023) expands the definition of explosive or incendiary device to include explosive materials like explosives, blasting agents and detonators.

EXPUNGEMENT AND SEALING OF RECORDS

Act 998 (HB 2097) amends various sections of the Arkansas Code defining the expungement of criminal records and the procedure for the sealing of criminal records.

EXTRADITION

PRIOR WAIVER

Act 556 (HB 1574) allows a law enforcement officer to deliver a person who is in custody in this state, based on a warrant from another state, to a proper agent of the demanding state based upon an authenticated copy of a prior waiver of extradition signed by the person.

WAIVER

Act 841 (HB 1914) provides that a person arrested in Arkansas and charged with having committed a crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole in another state may waive the issuance and service of the warrant provided under the Uniform Criminal Extradition Act.

FAILURE TO PAY FINE

DRIVER'S LICENSE SUSPENDED

Act 1116 (HB 1828) provides that when a criminal defendant sentenced to pay a fine defaults on the payment, then the clerk of the court will notify the Department of Finance and Administration to suspend any driver's license held by the defendant. DFA will notify the defendant driver that his license will be suspended thirty (30) days from the date of notice, unless he becomes current on his defaulted payments and the department is notified otherwise by the clerk of the court.

FIREARMS

CARRYING FIREARM IN PUBLICLY OWNED BUILDINGS

Act 1223 (HB 2116) further defines the criminal offense of "carrying firearm in publicly owned buildings or facilities."

POSSESSION BY CERTAIN PERSONS

Act 1325 (SB 794) downgrades the penalty for possession of a firearm by certain persons who have previously been convicted of a felony if the prior felony was for a nonviolent offense and the possession of a firearm did not involve the commission of another crime.

POSSESSION OF A DEFACED FIREARM

Act 1202 (HB 1757) increases the classification of "possession of a defaced firearm" to a Class D felony.

CRIMINAL LAW (Cont.)

FLEEING

Act 410 (HB 1067) increases the criminal penalties for fleeing by means of any vehicle or conveyance to a Class A misdemeanor, and to a Class D felony if the person operates the vehicle or conveyance in such a manner that creates a substantial danger of death or serious physical injury to another person, and to a Class C felony if serious physical injury to any person occurs.

FOOD COUPONS

Acts 126 and 345 (HB 1077 and SB 45) define food coupons to mean any printed material, magnetically encoded instrument or other device or process issued by the Department of Human Services which permits the purchase of food as provided for in the Federal Food Stamp Act.

HOT CHECKS

Act 1004 (SB 710) provides that a \$20 collection fee and any sales tax paid for debt collection services may be recovered in restitution actions on insufficient checks.

INTERFERENCE WITH COURT ORDERED CUSTODY

Act 1343 (HB 2166) makes the current criminal offense of "interference with custody" into the new offense of "interference with court ordered custody" and creates the new offense of interference with custody. The new offense applies when a person knowingly or recklessly takes or entices, or aids or abets another to take or entice, any minor or any incompetent person away from the lawful custody of his parent, his guardian, a public agency having lawful charge of the child or of an incompetent person, rather than just applying in child custody cases. The new "interference with custody" offense is a Class C felony, instead of a Class A misdemeanor.

JUVENILE PROCEEDINGS

CORPORAL PUNISHMENT

Act 804 (SB 193) excludes reasonable use of corporal punishment from the definition of "abuse" in Department of Human Services' investigations of alleged child maltreatment.

HABITUAL JUVENILE OFFENDER

Act 797 (SB 239) prescribes the conditions under which a juvenile may qualify as habitual juvenile offender and can be charged as an adult in circuit court.

INTERGOVERNMENTAL JUVENILE DETENTION CENTER

Act 899 (SB 803) creates the Intergovernmental Juvenile Detention Council to administer and supervise the operation of the juvenile detention facility to be located in the Tenth Judicial District.

SENTENCING ALTERNATIVES

Act 798 (SB 240) allows juvenile courts to suspend the driving privileges of delinquent juveniles and gives juvenile judges the authority to create sentencing alternatives the juvenile court deems necessary and appropriate.

LITTERING

Act 979 (HB 1870) authorizes the court to suspend fines or imprisonment penalties for littering if violators agree to remove litter or are unable to pay fines.

CRIMINAL LAW (Cont.)

LOITERING

Act 1107 (HB 1758) prohibits loitering on or about the premises of any off-site customer-bank communication terminal without any legitimate purpose.

Act 557 (HB 1677) expands the definition of the criminal offense of "loitering" to include lingering or remaining in a public place for the purpose of unlawfully buying, distributing or consuming an alcoholic beverage.

MANDATORY SENTENCING

TWO SERIOUS VIOLENT OR THREE VIOLENT FELONIES

Act 1009 and Act 1011 (SB 123 and HB 1277) require that habitual offenders of violent crimes serve mandatory prison sentences or life for committing two (2) serious violent felonies and serve life in prison or mandatory minimum sentences for certain violent felony crimes committed three (3) times or more. It enumerates the "serious violent felonies" and "violent felonies" included. It also limits those offenders sentenced under this law to be parole eligible only after reaching age fifty-five (55).

OBSTRUCTING GOVERNMENTAL OPERATIONS

Act 1182 (HB 1178) provides that persons who refuse to provide information relating to an investigation of a case brought under Title IV-D of the Social Security Act, including failing to submit to scientific testing, are guilty of "obstructing governmental operations."

PERJURY

Act 927 (HB 1608) and Act 938 (SB 443) broaden the definition of the term "official proceedings" in the crime of perjury so that it applies to the signing of voter registration applications and other election documents.

PERSONS ACQUITTED ON THE GROUND OF MENTAL DISEASE

Act 609 (SB 563) amends various code provisions pertaining to acquittals on the ground of mental disease and pertaining to the jurisdiction of probate courts over persons acquitted by reason of mental disease.

PUBLIC DEFENDER SERVICES

ELIGIBILITY

Act 1289 (HB 1136) requires any person charged with a criminal offense and desiring to use the services of a public defender to fill out affidavit stating that he has no money or assets to employ a private attorney and that he has not been released from jail on bail in an amount greater than fifteen thousand dollars (\$15,000) pursuant to unsecured or secured bond. The affidavit will become part of the indigent person's court record. If it is later discovered the person is ineligible for the services of a public defender, then the court may release the public defender as attorney of record.

SCHOOL REPORTING OF CRIMINAL ACTS

Act 888 (HB 1422) requires school principals to report students who commit felonies while under school supervision or commit other violent criminal acts against students or school personnel to local law enforcement authorities. Law enforcement officials, in turn, are required to act on the report with all reasonable haste.

CRIMINAL LAW (Cont.)

SEPARATE CONVICTIONS

Act 657 (HB 1565) authorizes separate convictions, sentences and cumulative punishments for capital murder and murder in the first degree and their underlying felonies, for continuing criminal enterprise and its predicate felonies pursuant to Missouri v. Hunter, 459 U. S. 359 (1983).

SEXUAL ABUSE IN THE SECOND DEGREE

Acts 208 and 294 (SB 248 and HB 1312) expand the definition of sexual abuse in the second degree to include any person who is employed by the Department of Correction or the Department of Community Punishment and engages in sexual contact with any person in custody of the Department of Correction or Department of Community Punishment.

SEXUAL EXPLOITATION OF CHILDREN

Act 1209 (HB 1900) amends various definitions which define the criminal conduct of the sexual exploitation of children and the use of children in sexual performances.

SEXUAL OFFENSES

Act 525 (HB 1513) redefines "deviate sexual activity", "mentally defective" and "sexual intercourse" for sexual offenses under the Arkansas Criminal Code.

SEXUAL SOLICITATION OF A CHILD

Act 550 (HB 1139) increases the classification of the criminal offense of "sexual solicitation of a child" from a Class A misdemeanor to a Class D felony.

STALKING AND OTHER THREAT CRIMES

NO CONTACT ORDERS

Act 1302 (HB 1988) provides for "no contact" orders to be issued by judicial officers against defendants arrested and charged with or convicted of committing the criminal offenses of stalking, terroristic threatening, harassment, and harassing communications when the persons are released under a pre-trial release or released from custody on appeal. Copies of the "no contact" orders are to be supplied to the victims and local law enforcement agencies.

TEAR GAS AND PEPPER SPRAY USE

Act 1201 (HB 1737) amends the criminal statute on the use of tear gas to include pepper spray, and increases the criminal penalties for using tear gas or pepper spray against a law enforcement officer to a Class A misdemeanor.

THEFT

Act 277 (HB 1102) makes theft of property a felony if the value of the property is more than \$500.

THEFT OF PUBLIC BENEFITS

SUPPLEMENTAL SECURITY INCOME

Act 1174 (HB 1004) adds as an additional penalty for committing "theft of public benefits" to recipients of Supplemental Security Income the ineligibility for participation in the Supplemental Security Income program.

CRIMINAL LAW (Cont.)

TRAFFIC OFFENSES

CARELESS DRIVING

Act 807 (SB 691) makes it unlawful to drive a motor vehicle in such a careless manner as to evidence a failure to keep a proper lookout for other traffic or to fail to maintain proper control on the public highways or on private property in the state of Arkansas. It makes many types of careless activities or inattentive driving a traffic offense.

HEADLIGHTS REQUIRED WITH WIPERS

Act 808 (HB 1007) requires the headlights on a motor vehicle to be turned on whenever it is necessary to use the vehicle's windshield wipers during inclement weather. It also provides that no vehicle will be stopped or detained solely for violation of this requirement and, if any vehicle operator is stopped and it is noted that the headlights were on, any fines levied against the vehicle operator as a result of being stopped will be reduced by five dollars (\$5.00) as an incentive to comply with the law.

TRESPASS

MILITARY RESERVATION

Act 951 (SB 501) creates the offense of "criminal trespass upon a military reservation" and classifies it as a Class A misdemeanor.

POSTED LAND, CROP LAND, FENCED PASTURE

Act 870 (HB 1702) prohibits entering onto posted land, crop land or a fenced pasture outside a city or town without written permission of the owner or lessee of the property.

UNLAWFUL FENCING OF CEMETERIES

Act 1317 (SB 606) amends the law regarding the unlawful fencing of cemeteries to change the definition of cemeteries to apply to burial plots with at least 5 commercial markers and to eliminate the 25-year and 30-year time limits on nonuse of the cemetery. It also authorizes the county judges to improve and maintain access roads across public and private land leading to cemeteries.

WEAPONS

POSSESSION OR USE BY INCARCERATED PERSONS

Act 443 (HB 1268) and Act 453 (SB 44) create the criminal offense of possession or use of weapons by incarcerated persons, a Class D felony.

CRIMINAL LAW AND PROCEDURE

CONTROLLED SUBSTANCES ACT

Act 778 (HB 1402) and Act 799 (SB 241) provide that a person can receive an enhanced criminal penalty for selling controlled substances near community centers, public housing projects, and drug abuse treatment centers.

DECEDENTS' ESTATES

PRIORITY CLAIMS

STATE TAX LIABILITY

Act 391 (SB 300) classifies a state tax liability as a priority claim for purposes of distribution of a decedent's estate.

DECEDENTS' ESTATES (Cont.)

PROBATE CODE

SERVICE OF PROCESS

Act 734 (HB 1796) allows service of process under the Arkansas Probate Code by any method allowed by the Arkansas Rules of Civil Procedure.

SALE OF REAL PROPERTY

APPRAISAL

Act 406 (SB 405) allows the court to approve the appointment of only one appraiser to appraise the real property in an estate prior to sale by the personal representative provided there are no objections by any heirs or beneficiaries.

TRUSTS

Act 751 (SB 155) adopts the "Uniform Testamentary Additions To Trusts Act of 1995" which will apply to the will of any testator who dies after July 31, 1995.

DISABLED PERSONS

ACCOMPANIMENT BY SERVICE ANIMALS

Act 266 (SB 124) ensures all physically disabled persons the right to be accompanied by a service animal trained to do work or perform tasks for the benefit of the disabled person.

JURORS

Act 897 (SB 749) provides additional aids and services to enable hearing or visually impaired persons to serve on juries. The act also requires individuals acting as assistants to such persons in judicial proceedings or in jury deliberations to serve under oath.

DIVORCE

ALIMONY

Act 1353 (HB 2128) provides for an end to liability for alimony if a court orders another person to pay child support to the recipient or if the recipient is ordered by a court to provide support of another adult individual.

DOMESTIC RELATIONS

GRANDPARENT VISITATION RIGHTS

Act 1200 (HB 1734) provides a procedure to allow grandparent visitation rights for illegitimate children.

HOME STUDIES

Act 1283 (HB 1597) provides the cost of home studies shall not exceed the fair market value of the investigation, study, or supervision.

QUALIFIED DOMESTIC RELATIONS ORDERS

Act 644 (HB 1627) clarifies the law regarding the application of qualified domestic relations orders (QDROs) of the chancery courts to retirement benefits paid by state-supported retirement systems. It says that chancellors are authorized to specify and designate a fractional interest on any retirement benefit payment which may be paid to an alternate payee under the orders.

ECONOMIC DEVELOPMENT

AGRICULTURAL BUSINESS AND INDUSTRIAL ENTERPRISES

Act 1117 (HB 1841) amends the Arkansas Development Finance Authority Act to permit the financing of operations for the promotion of agricultural business and industrial enterprises.

ARKANSAS ECONOMIC DEVELOPMENT ACT OF 1995

Act 831 (SB 774) is the Arkansas Economic Development Act of 1995. The act provides for financial incentives to encourage certain businesses to locate in Arkansas or expand an existing facility.

AVIATION AND AEROSPACE DEVELOPMENT FUND

Act 434 (HB 1547) revises qualifications for funding from the Aviation and Aerospace Development Fund to eliminate the requirement that a loan or grant from the fund will produce at least fifty (50) full-time jobs.

AVIATION AND AEROSPACE INDUSTRY DEVELOPMENT FUND

CLOSED MILITARY AIRFIELDS

Act 857 (SB 709) provides that a local airport authority with a qualifying closed military airfield is eligible for special target status in order to qualify for financial assistance from the Aviation and Aerospace Industry Development Fund.

BONDS GUARANTEED BY ADFA

Act 197 (SB 110) and Act 275 (HB 1091) eliminate the annual debt service limitation for ADFA guaranteed bonds.

CAPITAL ACCESS PROGRAM FOR SMALL BUSINESS

Act 487 (SB 393) permits development finance corporations to participate in the Capital Access Program for Small Business administered by the Arkansas Development Finance Authority.

ECONOMIC DEVELOPMENT AND INCENTIVE ACT

DISTRIBUTION CENTERS

Act 590 (HB 1575) amends the 1993 Economic Development and Incentive Act to include distribution centers in the list of businesses which may qualify for benefits. It also authorizes the Department of Finance and Administration to perform employee audits to verify the qualifications of program participants.

MAXIMUM TERM OF PLAN

Act 820 (HB 2030) amends the Arkansas Economic Development and Incentive Act by lengthening the maximum term of a financial incentive plan from 10 years to 126 months.

ENTERPRISE ZONE

Act 394 (SB 414) amends the Arkansas Enterprise Zone Act by clarifying the definition of "new permanent employee" and "net new permanent employee." The act also provides that a research, development, testing business which meets the criteria set forth in the Enterprise Zone Act is entitled to a refund of sales and use tax.

ECONOMIC DEVELOPMENT (Cont.)

FOREIGN MARKETS

Act 589 (HB 1550) authorizes the Arkansas Industrial Development Commission, with approval of the Governor, to open foreign offices to promote the export and sale of Arkansas products in foreign markets and to develop foreign industry and markets in Arkansas. It also authorizes AIDC to engage the services of contract employees for the purpose of promoting the development of European industry, the Asian industry, and the Latin American industry in Arkansas and to promote the export and sale of Arkansas products to these markets.

INDUSTRIAL DEVELOPMENT CORPORATIONS

Act 1044 (SB 575) allows an income tax credit for County and Regional Industrial Development Corporation stock purchased between 1996 and 1999.

INVESTMENT IN SMALL BUSINESSES

Act 1329 (SB 839) allows the Arkansas Development Finance Authority to make investments in the capital structure of small businesses.

PETROLEUM STORAGE TANK TRUST FUND

Act 1054 (SB 688) creates the Petroleum Storage Tank Trust Fund Bond Financing Act to be administered by the Arkansas Development Finance Authority. It provides an additional method for financing remediation costs and costs of compensating tank owners or operators for third-party claims from the Petroleum Storage Tank Trust Fund.

EDUCATION

ADULT EDUCATION

WAIVERS FOR SIXTEEN AND SEVENTEEN YEAR OLDS

Act 837 (HB 1690) clarifies requirements for 16 and 17 year old students to obtain waivers from compulsory school attendance to enroll in adult education and permanently excludes 16 and 17 year old students enrolled in the National Guard Youth Challenge Program from compulsory school attendance.

BLIND SCHOOL AND DEAF SCHOOL

NEPOTISM PROHIBITION REPEALED

Act 1192 (HB 1539) repeals the statutory provision forbidding employment of relatives of the superintendent at the School for the Blind or School for the Deaf and, instead, makes existing law relating to nepotism, ethics, or conflicts of interest of state employees specifically applicable to employees of both schools.

SALE OF LAND

Act 687 (HB 1721) authorizes the Board of Trustees of the Arkansas School for the Blind and the Arkansas School for the Deaf to sell certain lands adjacent to the schools and the improvements thereto and to divide the proceeds with the Arkansas Easter Seal Society, which is currently leasing the property.

GENERAL EDUCATION

ADMISSION REQUIREMENTS

Act 574 (SB 536) requires parents registering students in public schools to indicate whether the students have been expelled from school in another district or are parties to expulsion proceedings.

EDUCATION - General Education (Cont.)

ADVANCED PLACEMENT INCENTIVE PROGRAM

Act 881 (SB 436) establishes the Arkansas Advanced Placement Incentive Program to encourage students to take advanced placement courses in high school to obtain college credits and provides subsidies for teacher training and test fees.

ALTERNATIVE LEARNING ENVIRONMENTS

Act 597 (HB 1691) requires local school districts to report annually to the Department of Education statistical information on students placed in alternative learning environments, along with compliance statements.

AMERICAN HERITAGE EDUCATION ACT

Act 295 (HB 1328) authorizes local school boards to encourage teachers to read or post any portions of documents reflecting our American heritage or state heritage.

AMOUNT TO BE PAID CERTIFIED PERSONNEL

Act 1142 (HB 2065) allows local school districts paying service providers approved by the State Board of Education for services requiring instruction to include 70% of the tuition paid toward meeting requirements for paying certified personnel in the paying district.

ANNUAL INSPECTIONS OF NATURAL GAS SYSTEMS IN SCHOOLS

Act 982 (HB 1943) requires annual inspections by qualified agencies of the natural gas piping system and gas utilization equipment serving any school accredited by the State Board of Education, with proof of the inspection results to be provided to the Department of Health.

ARKANSAS SCHOOL START DATE STUDY COMMISSION

Act 1277 (HB 2033) creates the Arkansas School Start Date Study Commission with 13 members consisting of members of the General Assembly, educators and school administrators, and employees of state government. The commission is charged with reviewing the state laws regarding the beginning date for public schools in Arkansas and studying their impact on the tourism industry and the amount of money lost to education budgets because of the early start of the school year.

ATTENDANCE IN NON-RESIDENT DISTRICTS

Act 726 (HB 1069) authorizes the children of public school teachers to attend school in either their resident district or the district where the parent or guardian was employed on July 1, 1993, so long as the teacher remains employed in the district. Authorization does not apply to children whose parents or guardians are employed in Pulaski County districts or in any school district found by a court to be unlawfully segregated in whole or in part by the effects of this act.

AVERAGE MILLAGE RATE

Act 1328 (SB 834) prescribes the method used by the Arkansas Department of Education to calculate the average millage rate for Arkansas school districts. It requires the department to compute the millage rates in effect in each of the state's school districts by using a combined rate of real, personal and utility millages from a weighted average based on the assessments in each category.

BRIEF PERIOD OF SILENCE

Act 397 (SB 383) and Act 539 (HB 1084) authorize a brief period of silence at the opening of each school day, with optional participation of all students in the classroom.

EDUCATION - General Education (Cont.)

CHARTER SCHOOLS

Act 1126 (HB 1934) authorizes a process whereby a local school may petition the State Board of Education for status as a charter school, to operate under a binding performance based contract for school improvement and to be exempt from state and local rules, regulations, policies, and procedures.

CHILDREN WITH DISABILITIES

Act 203 (SB 198) provides for a 30 day time limit for filing an appeal of a hearing officer's decision regarding a change in the education status of a child with disabilities.

CIVIL WAR REENACTORS

Act 130 (HB 1165) permits a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes with the approval of the appropriate school official and if the weapon is unloaded.

CORPORAL PUNISHMENT

Act 333 (HB 1326) establishes procedures for administering corporal punishment in public schools.

CRIMINAL BACKGROUND CHECK REQUIRED

Act 1310 (HB 2163) requires that, after July 1, 1996, the State Department of Education shall perform a state and nationwide criminal background check on each first-time applicant for a teacher's or administrator's license in Arkansas. License applicants can be denied a license if the check reveals a criminal conviction for any of several serious violent crimes or any sex crime, especially those involving children or minors. It also provides that the information revealed by the background check is not be available for examination except by the affected applicant or his or her agent.

CRIMINAL BACKGROUND CHECK

Act 847 (SB 498) authorizes the Arkansas Crime Information Center to waive the fee charged for criminal background checks for noncriminal justice purposes when the applicants are volunteers in public school programs or volunteers in nonprofit organizations that serve juveniles.

DATE OF ANNUAL SCHOOL ELECTION

Act 1131 (HB 1992) authorizes the board of directors of a local school district to change the date of the annual school election in certain circumstances and under certain conditions.

DISTANCE LEARNING

Act 1240 (HB 2081) establishes the Arkansas Distance Learning Demonstration Project, designed to improve course offerings available to high school students throughout the state, conducted by the Ozark Unlimited Resources Educational Cooperative Network (OURNET) and administered through the General Education Division of the State Department of Education.

EDUCATION - General Education (Cont.)

DISTRICT STUDENT DISCIPLINE POLICIES

Act 968 (HB 1711) requires the annual review of a local school district's student discipline policies by the district's committee on personnel policies, which may recommend changes to the board of directors, and authorizes an appeal through the district's grievance procedure for any school employee who believes that action taken to discipline a student referred by the employee does not follow district discipline policies.

EDUCATION OF STUDENTS WITH SPECIAL NEEDS

Act 1146 (HB 2141) requires the State Department of Education to convene a task force to address issues related to the education of students who are medically fragile, chronically ill, or technology dependent.

FELONIES OR OTHER VIOLENT CRIMINAL ACTS

Act 888 (HB 1422) requires school principals to report students who commit felonies while under school supervision or commit other violent criminal acts against students or school personnel to local law enforcement authorities. Law enforcement officials, in turn, are required to act on the report with all reasonable haste.

HIGH SCHOOL EXIT EXAM

Act 385 (SB 201) authorizes the Director of the General Education Division of the State Department of Education to extend the date when all public school students must successfully complete an outcome-based examination to receive a high school diploma. However, all school districts must begin administering the examination during the 1996-97 school year.

HOME SCHOOL STUDENTS

Act 522 (HB 1143) deletes the requirement that 14 year old home school students must take the Arkansas Minimum Performance Test, as the test is no longer being administered.

INTERVENTION/PREVENTION GRANTS

Act 712 (SB 510) establishes an intervention/prevention program for Arkansas school children, with the Governor's Partnership Council for Children and Families responsible for distributing grants to local and state agencies that will work together in providing support services to the children and their families.

INVESTMENT OF SCHOOL DISTRICT FUNDS

Act 402 (SB 183) authorizes local school districts to invest district funds in general obligation bonds issued by the United States of America and in bonds, notes, debentures, or other obligations issued by an agency of the federal government.

ISOLATED FUNDING

Act 890 (SB 502) provides that for the school year ending on June 30, 1995, school districts receiving both isolated funding and growth funding will continue to receive isolated funding.

JUVENILE DETENTION FACILITIES

Act 667 (SB 470) requires a juvenile's resident school district to remit certain state funds for education to a juvenile detention facility where the juvenile is being held by order of the juvenile court.

EDUCATION - General Education (Cont.)

LEAVE OF ABSENCE FOR PERSONAL INJURY FROM VIOLENT ACT

Act 1233 (HB 1713) authorizes a leave of absence with full pay for noncertified school employees absent from duty as a result of personal injury from violent criminal acts committed by others and occurring in the course of employment in the public schools.

LIFE OR DISABILITY INSURANCE FOR SCHOOL EMPLOYEES

Act 782 (HB 1804) clarifies that the uniform life or disability insurance program for the benefit of public school district employees may be carried out through insurance or self-insurance.

MEMBERSHIP OF STATE BOARD

Act 297 (HB 1355) provides that the State Board of Education and the State Board of Vocational Education are to be composed of the same 12 members.

MODEL RURAL EARLY CHILDHOOD CONSORTIUMS

Act 830 (HB 1833) amends the Arkansas Code to make it easier for school districts to join together in forming model rural school consortiums.

OVERSIGHT SUBCOMMITTEE ON EDUCATIONAL REFORM

Act 1197 (HB 1664) extends the Joint Interim Oversight Subcommittee on Educational Reform of the JIC on Education to July 1, 2000, and reconstitutes the membership to include 1 member of the JIC on Revenue and Taxation.

PROFESSIONAL SERVICES

Act 1331 (SB 512) adds construction management services for public school districts as a professional service subject to the professional services procurement requirements, except for the requirement of a super-majority vote of the governing body to negotiate a contract for construction management. It defines professional services to include legal, architectural, engineering, land surveying and other consulting services designated by a political subdivision. It requires that a professional service designated by a political subdivision must be approved by a 2/3 vote of the governing body. For purposes of gathering information necessary to enter a professional services contract, the act gives political subdivisions the option of either encouraging firms to submit annual statements of qualification or of requesting information as needed. It further provides that cities of the first and second class shall designate professional services by ordinance, and when a first or second class city or town has delegated the operation of its water or sewer services to a Board or Commission of Public Utilities, it assigns the responsibility of defining professional services by motion or resolution to that board or commission.

PUBLIC SCHOOL CHOICE ACT

Act 109 (SB 59) establishes July 1 as the deadline for accepting applications for student transfers to nonresident school districts if the July 1 deadline would further the desegregation efforts of the school district.

PUBLIC SCHOOL CONSTRUCTION

Act 1108 (HB 1760) increases cost limits under which construction of public school buildings are exempt from supervision of a licensed architect or engineer.

EDUCATION - General Education (Cont.)

PURCHASE OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS

Act 280 (HB 1164) and Act 605 (SB 109) make several changes to the Free Textbook Act including charging the local school districts to select, purchase and provide textbooks and other instructional materials to students; authorizing the State Board of Education to make rules and regulations to oversee the program and to contract with publishers; and providing that all books and instructional materials purchased for free distribution to public schools are exempt from Arkansas sales and use tax.

PYGMALION COMMISSION

Act 596 (HB 1689) expands the membership of the Arkansas Pygmalion Commission on Nontraditional Education to 18, extends the life of the commission to June 30, 1999, and requires annual reports and recommendations to the Governor and the JIC on Education.

REMOVAL OF SCHOOL BOARD MEMBERS

Act 1347 (HB 1294) provides that a local school board member who misses three meetings during a school year may be removed from office by a majority vote of the other board members. The act establishes procedures for selection of a board member to serve the unexpired term of the removed member.

REVOLVING LOAN BONDS OR CERTIFICATES OF INDEBTEDNESS

Act 1143 (HB 2104) increases the amount of revolving loan bonds or revolving loan certificates of indebtedness that the State Treasurer may hold at any one time to \$15,000,000.

REVOLVING LOAN FUND

Act 913 (HB 2102) provides that the maximum amount a school district can borrow from the Revolving Loan Fund is \$500,000 and extends the period for amortizing or paying off each such loan to eight years.

RULES AND REGULATIONS

Act 1253 (SB 492) requires fiscal impact statements to be filed with the Secretary of State and the Joint Interim Committee on Education prior to the adoption of any regulation that will impose a new or increased cost obligation for education on the state or any local school district, the board, commission, agency, department, officer, or other authority.

SCHOOL BOARDS

Act 393 (SB 398) authorizes the board of directors of a local school district to exchange any of the district's sixteenth section lands for other lands more beneficial to the district.

SCHOOL BONDS

Act 619 (HB 1670) authorizes an increase in the percentage of bonded indebtedness that a school district may have to 27% of assessed value of real and personal property in the district. In extreme hardship cases, the State Board of Education can extend this percentage to 30%.

SCHOOL BUS SAFETY

Act 805 (SB 601) requires all new school buses to be equipped with flashing strobe lights and electric, air, or hydraulic-operated crossing gates. All other school buses have until July 1, 1997, to be retrofitted with the equipment.

EDUCATION - General Education (Cont.)

SCHOOL DISTRICT TREASURERS

Act 233 (HB 1205) amends and repeals various sections of Title 6 (Education) of the Arkansas Code pertaining to school district treasurers.

SCHOOL DISTRICTS IN FISCAL OR ACADEMIC DISTRESS

Act 915 (HB 1282) provides a mandate for the State Board of Education to establish criteria for identifying, assisting, and addressing school districts in fiscal or academic distress and to do all things necessary to ensure that the best educational interests of district students are met.

SCHOOL FUNDING

Act 917 (HB 2145) makes significant changes in the state's distribution of funds for public education, with most taking effect beginning with the 1996-97 school year. Such changes include local districts required to levy a base millage of 25 mills by December 1, 1995, new funding categories such as facilities and students with limited English proficiency, and elimination of the so-called 56% rule in computing teacher salaries.

SCHOOL FUNDING - INCOME TAX SURCHARGE

Act 916 (HB 1739) levies an income tax surcharge of 10% on each taxpayer in a school district that has failed to levy the base millage during the preceding year as required by state law. Moneys collected will be designated as special revenues, credited to the Public School Support Fund, and distributed back to the local school district.

SCHOOL PERSONNEL POLICIES

Act 1260 (SB 832) changes the language incorporating by reference the personnel policies of each school district properly adopted into the certified personnel contracts and prescribes that they will be binding upon the certified personnel and the district. It also provides that changes or additions to the personnel policies may be incorporated into the personnel contracts before the next fiscal year, if the changes or additions are made in accordance with law and are approved by a majority of the certified personnel voting by secret ballot.

SCHOOL PSYCHOLOGISTS

Act 279 (HB 1154) authorizes those persons who have been certified by the Arkansas Department of Education as school psychology specialists to use the term "School Psychology Specialist."

SCIENCE AND TECHNOLOGY AUTHORITY

Act 456 (SB 484) expands the type of programs that the Arkansas Science and Technology Authority is authorized to carry out to include those which provide assistance to public schools and better prepare the future workforce.

SERVICE COOPERATIVES-REVOLVING LOAN PROGRAM

Act 756 (SB 596) authorizes education service cooperatives to participate in the Revolving Loan Program under the supervision of the State Board of Education.

SERVICE COOPERATIVES-TECHNOLOGY TRAINING CENTERS

Act 842 (HB 2032) authorizes education service cooperatives to establish technology training centers to assist local school districts in developing technological resources and expertise.

EDUCATION - General Education (Cont.)

SITE-BASED DECISION MAKING

Act 1125 (HB 1933) authorizes local school districts to adopt policies for implementing site-based decision making by school employees at individual schools.

STAFF DEVELOPMENT

Act 663 (HB 1761) provides that school districts may not deny certified personnel the opportunity to attend staff development sessions conducted by professional organizations, provided that the sessions are certified by the State Department of Education.

STUDENT ABSENCES

Act 572 (SB 525) requires school districts to notify parents when students accumulate excessive unexcused absences.

STUDENT EXPULSION

Act 472 (SB 366) authorizes the board of directors of any school district to adopt a policy whereby, after a hearing, the board can deny enrollment to a student expelled from another district until the expulsion period has expired.

Act 567 (SB 438) conforms state law with federal requirement that students bringing on campus firearms or other weapons prohibited by law must be expelled for at least one year.

STUDENT PUBLICATION POLICIES

Act 1109 (HB 1777) requires local school boards to adopt a written student publications policy by January 1, 1996, and spells out the limits of student expression and the types of student publications that are not authorized.

STUDY OF PROFESSIONAL DEVELOPMENT IN ARKANSAS

Act 1307 (HB 2075) requires the State Department of Education to conduct a study of existing professional development opportunities for employees and board members of the public school districts in Arkansas. The study group will consist of administrators, teachers, school board members, faculty and board members of institutions of higher education, and other educators. The study report will be presented to the Governor, the Joint Interim Committee on Education, and the State Board of Education no later than September 1, 1997. It will include the specific information on professional development opportunities provided for employees and board members of public school districts and sources of funding used for professional development and statistics demonstrating the extent school districts use professional development plans.

SUMMER SCHOOL PROGRAMS

Act 348 (HB 1152) and Act 351 (SB 99) provide that, beginning with the summer of 1995, students in kindergarten through grade 4 who did not perform at grade level during the school year must attend summer school to be eligible for promotion to the next grade. Beginning with the summer of 1996, this requirement applies to students in kindergarten through grade 5.

TEACHER SALARIES

Act 585 (HB 1436) requires school districts to include amounts paid to serious offender youth programs for services requiring instruction in meeting the requirement that 70% of net current revenue be paid to certified personnel.

EDUCATION - General Education (Cont.)

Act 1194 (HB 1573) requires for the 1996-97 school year that not less than 100% of each school district's increase in the classroom teacher expenditure requirement for salaries over the classroom teacher salary expenditures from the previous year be distributed equally among all classroom teacher positions unless the school board and the teachers agree to a different distribution. It also repeals sections of the Arkansas Code dealing with use of funds in the Education Excellence Trust Fund for teacher salaries.

TEACHING CURRENT ARKANSAS LAW

Act 1097 (HB 1506) requires the Department of Education to develop materials or units for use in target courses to teach current Arkansas laws that are particularly relevant to students in grades 7 through 12. Such current laws will include those dealing with school attendance, drivers' licenses and revocation, and juvenile law.

UNIFORM DRESS CODES

Act 1239 (HB 2039) authorizes school districts to create advisory committees comprised of parents and students to consider and recommend to the local board of directors whether a uniform dress code for students should be adopted. The board may then refer the issue of adoption of a dress code to qualified electors in the district at any school election.

WAIVERS FOR SIXTEEN AND SEVENTEEN YEAR OLDS

Act 837 (HB 1690) clarifies requirements for 16 and 17 year old students to obtain waivers from compulsory school attendance to enroll in adult education and permanently excludes 16 and 17 year old students enrolled in the National Guard Youth Challenge Program from compulsory school attendance.

HIGHER EDUCATION

ATHLETIC EVENTS

Act 124 (HB 1040) repeals the provision by which colleges and universities receive a refund of gross receipts taxes collected on tickets to athletic events and exempts the sale of tickets to athletic events from gross receipts taxes.

BLACK RIVER TECHNICAL COLLEGE

Act 152 (SB 304) provides that a high priority of the Black River Technical College shall be to combat illiteracy and to provide industrial training in the work place.

COMMUNITY COLLEGE BOARD MEMBERSHIP

Act 1349 (HB 1811) provides that the local board of each community college must choose to continue as a board whose members are elected or must become a newly constituted board whose members are appointed by the Governor. The act sets forth the methods and procedures for electing or appointing the membership of the respective boards.

COMMUNITY COLLEGES

Act 576 (SB 559) redefines the term "satellite campus" to include off-campus facilities of community colleges and authorizes county tax support for satellite campuses.

EDUCATION - Higher Education (Cont.)

COSSATOT TECHNICAL COLLEGE

Act 253 (HB 1444) provides that a high priority of the Cossatot Technical College shall be the development and implementation of technical programs to upgrade skills of current employees in the service area to businesses and industries, combat illiteracy, increase the number of skilled workers available for employment, and provide leadership for school-to-work programs including cooperation with area public schools, businesses, industries and labor groups.

EARLY RETIREMENT INCENTIVES

Act 296 (HB 1353) permits colleges and universities to provide early retirement incentives for qualified non-tenured faculty and staff when it is determined by the Board of Trustees that the savings will provide for more efficient operation of the institution.

EVALUATION OF TENURED AND UNTENURED FACULTY

Act 1270 (HB 1703) directs the presidents and chancellors of public supported universities and colleges in cooperation with the Department of Higher Education to develop a procedure for the evaluation of tenured and untenured faculty members at state supported colleges and universities.

EXISTING WORKFORCE TRAINING PROGRAM

Act 791 (HB 1910) creates the Arkansas Existing Workforce Training Program to provide financial assistance to business and industry for upgrading existing workforce skills. The program will be administered by a council comprised of representatives from the State Department of Higher Education, the Vocational and Technical Education Division of the State Department of Education, and the Industrial Development Commission, with the AIDC charged with implementing the program.

EXPENDITURE RESTRICTION ACT

Act 70 (SB 137) establishes the maximum number of new additional positions for each institution of higher education and adds additional personnel for which the maximum salary level may be exceeded. This act also allows the president of each technical or community college a housing allowance in lieu of college housing.

FACULTY PERFORMANCE REVIEWS

Act 465 (HB 1503) requires student evaluations of teaching faculty, including persons employed full-time or part-time and graduate assistants, to include assessment of the English fluency of the faculty member or graduate assistant.

FEDERAL HIGHER EDUCATION ACT

Act 260 (HB 1196) and Act 261 (SB 138) require the Board of Higher Education to adopt rules and regulations to require each institution of higher education that participates in the federal Family Education Loan Program or Direct Student Loan Program to reimburse the state for its share of any default cost fee charged to the state by the U.S. Secretary of Education.

INCENTIVES FOR EFFICIENT MANAGEMENT

Act 287 (HB 1254) and Act 388 (SB 245) create the Higher Education Consolidation Matching Fund to match documented savings at public institutions of higher education that consolidate or merge their boards of trustees or administrative functions by transferring them to another institution.

EDUCATION - Higher Education (Cont.)

INSTITUTIONAL REPORTS

Act 392 (SB 354) requires state-supported institutions of higher education to submit annual reports by December 1 to the State Board of Higher Education, who, in turn, must review the institutional reports and submit them to the Joint Interim Committee on Education by January 15 of each year.

MEDICAL AND PHARMACY STUDENTS

Act 1099 (HB 1549) provides that the requirement that students in postsecondary institutions not be given any degree unless they have passed a course in American history and civil government and a course on the United States Constitution and American institutions and ideals does not apply to students admitted to the University of Arkansas School of Medicine or the University of Arkansas School of Pharmacy.

MID-SOUTH COMMUNITY COLLEGE

Act 448 (HB 1443) provides that a high priority of Mid-South Community College shall be to combat illiteracy and provide industrial training in the work place.

MOTOR VEHICLES USED FOR TRAINING PURPOSES

Act 1297 (HB 1902) exempts motor vehicles owned and operated by vocational-technical schools, technical colleges, and community colleges, which are used exclusively for training purposes, from sales tax and registration fees. The act also creates the Arkansas Higher Education Funding Study Commission to study institutional missions, funding for capital projects, and other funding issues related to institutional missions.

NORTH ARKANSAS COMMUNITY/TECHNICAL COLLEGE

Act 255 (HB 1459) provides that a high priority of the North Arkansas Community/Technical College shall be to combat illiteracy and to provide industrial training in the work place.

NURSING PRACTICE STUDENT LOANS AND SCHOLARSHIPS

Act 911 (HB 1819) establishes the Arkansas Primary Care Nursing Practice Student Loan and Scholarship Board to administer the Advanced Nursing Practice Community Match Loan and Scholarship Program, which is designed to enhance the number of nurse practioners in rural areas of the state.

OUACHITA TECHNICAL COLLEGE

Act 213 (SB 321) provides that a high priority of the Ouachita Technical College shall be to combat illiteracy and to provide industrial training in the work place.

OZARKA TECHNICAL COLLEGE

Act 244 (HB 1416) provides that a high priority of the Ozarka Technical College shall be to combat illiteracy and to provide industrial training in the work place.

PETIT JEAN TECHNICAL COLLEGE

Act 219 (SB 334) provides that a high priority of the Petit Jean Technical College shall be to combat illiteracy and to provide industrial training in the work place.

EDUCATION - Higher Education (Cont.)

PINES TECHNICAL COLLEGE

Act 251 (HB 1437) provides that a high priority of the Pines Technical College shall be to combat illiteracy and to provide industrial training in the work place.

POSTSECONDARY REVIEW BOARD

Act 355 (HB 1193) designates the State Board of Higher Education as the State Postsecondary Review Entity for Arkansas under the Federal Higher Education Act Amendments of 1992.

PRIVATE CAREER SCHOOLS

Act 367 (HB 1475) authorizes additional uses for moneys in the Private Career School Student Protection Trust Fund, subject to approval of the State Board of Private Career Education.

PULASKI TECHNICAL COLLEGE

Act 252 (HB 1438) provides that a high priority of the Pulaski Technical College shall be to combat illiteracy and to provide industrial training in the work place.

RED RIVER TECHNICAL COLLEGE

Act 159 (SB 316) provides that a high priority of the Red River Technical College shall be to combat illiteracy and to provide industrial training in the work place.

RURAL MEDICAL PROGRAM LOANS

Act 1114 (HB 1805) requires participants, beginning with the 1995 school year, in the Arkansas Rural Medical Program to be enrolled in a medically underserved and rural practice curriculum. The act establishes a community match loan and scholarship program in which applicants may receive moneys from the College of Medicine and a qualified rural community that can be converted to grants upon practicing rural medicine in the qualified program. The act establishes a program where alternates to medical school can be moved up on the waiting list if they enter into the program and provides liquidated damages for breach of contract under these programs.

SALARIES

Act 403 (SB 228) allows state employees who contract to teach temporarily as adjunct faculty at public institutions of higher education to receive a combined salary payment from the two state agencies that is more than the maximum annual salary of the line item position authorized for either agency.

SOUTH ARKANSAS COMMUNITY COLLEGE

Act 449 (HB 1469) provides that a high priority of the South Arkansas Community College shall be to combat illiteracy and to provide industrial training in the work place.

STATE POSTSECONDARY REVIEW ENTITY

Act 198 (SB 139) designates the State Board of Higher Education as the State Postsecondary Review Entity for Arkansas in order to provide for the continuing eligibility for federal student financial aid for postsecondary institutions in this state.

EDUCATION - Higher Education (Cont.)

TECHNICAL COLLEGE ACCREDITATION

Act 603 (SB 58) extends the time period for a technical college to achieve higher education institutional accreditation from six to eight years.

TECHNICAL COLLEGE BOARD AUTHORITY

Act 854 (SB 659) grants absolute discretion in appointing the president of a technical college to the local board of trustees.

TECHNICAL INSTITUTE ADVISORY COUNCIL

Act 366 (HB 1465) repeals Ark. Code Ann. §6-65-219, which authorized establishment of an advisory council for the Arkansas State Technical Institute at the Beebe Branch of Arkansas State University.

TRAVEL ADVANCES FOR COLLEGE STUDENTS

Act 1258 (SB 793) authorizes the DFA Director to adopt rules to allow the state supported colleges and universities to make travel advances of expense funds to students for authorized travel associated with the institution. The funds are to be reimbursed by the individual borrowing the funds upon filing his or her authorized expense account or added to the receivables account of the student.

UNIVERSITY OF ARKANSAS - DIVISION OF AGRICULTURE

Act 166 (HB 1131) prohibits anyone who is employed by the Division of Agriculture of the University of Arkansas from serving as a voting member of any board or commission which regulates activities in areas in which the Division has responsibility for conducting research and extension programs.

UNIVERSITY OF ARKANSAS AT MONTICELLO

Act 111 (SB 70) creates the Arkansas Foresters Hall of Fame to be housed in the School of Forest Resources at the University of Arkansas at Monticello.

MATH AND SCIENCE SCHOOL

Act 558 (SB 94) and Act 559 (HB 1299) establish a board of trustees to govern the Arkansas School for Mathematics and Sciences.

PRIVATE CAREER SCHOOLS

Act 1213 (HB 1976) amends various sections of Title 6, Chapter 51, Subchapter 6 of the Arkansas Code relating to licensure and regulation of private schools offering resident and correspondence programs.

SCHOLARSHIPS

ACADEMIC CHALLENGE SCHOLARSHIP

Act 188 (SB 96) and Act 228 (HB 1135) create incentives for those who are awarded scholarships under the Arkansas Academic Challenge Scholarship Program to maintain a 3.0 or above GPA. These acts also raise to \$1,500 the amount that may be awarded annually to each recipient.

DELTA REGION SCHOLARSHIP

Act 1237 (HB 2004) establishes the Delta Region Scholarship Program at the University of Arkansas at Pine Bluff for eligible graduates of public high schools located in the Arkansas Delta.

EDUCATION - Higher Education Scholarships (Cont.)

GOVERNOR'S SCHOLARS PROGRAM

Act 189 (SB 112) and Act 230 (HB 1149) provide that all scholarships awarded under the Governor's Scholars Program to new recipients who enroll in college as first-time freshmen after July 1, 1995, are to be in the amount of \$4,000 per year provided funds are available.

HONORS COLLEGE SCHOLARSHIP

Act 1238 (HB 2006) establishes the Honors College Scholarship Program at the University of Arkansas at Pine Bluff for the purpose of recruiting more students with superior academic ability.

SECOND EFFORT SCHOLARSHIP PROGRAM

Act 259 (HB 1158) and Act 262 (SB 202) allow part-time college students to be eligible for the Second Effort Scholarship Program with the amount of the scholarship to be prorated on the basis of the number of credit hours in which the student is enrolled.

SCHOOL ELECTIONS

ELECTION DATE

Act 1281 (HB 1403) authorizes a change in the date of the annual school election in even-numbered years when there is no more than one candidate for election to the district Board or the County Board of Education and there are no other ballot issues to be submitted to district electors.

VOCATIONAL-TECHNICAL EDUCATION

ADVISORY COUNCIL

Act 492 (SB 476) creates the Arkansas Advisory Council for Vocational-Technical Education and abolishes the advisory council established in 1991. The AIDC is designated as the state agency to receive federal funds for the council and to act as its fiscal agent.

EXISTING WORKFORCE TRAINING PROGRAM

Act 791 (HB 1910) creates the Arkansas Existing Workforce Training Program to provide financial assistance to business and industry for upgrading existing workforce skills. The program will be administered by a council comprised of representatives from the State Department of Higher Education, the Vocational and Technical Education Division of the State Department of Education, and the Industrial Development Commission, with the AIDC charged with implementing the program.

MEMBERSHIP OF STATE BOARD

Act 297 (HB 1355) provides that the State Board of Education and the State Board of Vocational Education are to be composed of the same 12 members.

ELECTIONS

BALLOTS

ABSENTEE BALLOTS

Act 103 (SB 6) provides that absentee ballots may only be mailed to the address that appears on the applicant's registration record. This act also prohibits the mailing of more than five ballots to the same address unless certain exceptions apply.

ELECTIONS - Ballots - (Cont.)

NUMBER OF PAPER BALLOTS REQUIRED

Act 601 (HB 1743) sets a ceiling on the number of paper ballots required to be printed for each election and on the number of paper ballots required to be delivered to each election precinct.

NUMBERING OF BALLOTS

Act 461 (HB 1452) requires the ballot stub to be used as the portion of the ballot that contains the ballot number and removes some restrictions regarding the form of the ballot.

SAMPLE BALLOTS

Act 497 (SB 15) and Act 1085 (HB 1003) repeal provisions of the Arkansas Code that prohibit the use of sample ballots and election day distribution or use of a list of recommended candidates. The county board of election commissioners is required to distinguish sample ballots from official ballots so as to prevent counterfeiting.

CAMPAIGN CONTRIBUTIONS

REPORTS

Act 1263 (HB 1153) changes the requirements for reporting campaign expenditures by establishing quarterly reports, instead of monthly reports, in non-election years and by eliminating the monthly report for the month in which a pre-election report is filed and allocating the days of that month between the pre-election report and the final election report. It requires the Secretary of State to accept pre-election reports by facsimile and changes the obligations of the Secretary of State in regard to communications with the Ethics Commission about campaign expenditure reports filed.

USES

Act 863 (HB 1229) changes the prohibition against taking campaign funds as personal income. It allows a candidate to take a certain amount of campaign funds as personal income when the candidate has an opponent and takes a leave of absence without pay from his employment during the campaign. It further attempts to clarify the use of surplus campaign funds.

CERTIFICATION

DATE OF CERTIFICATION OF RESULTS

Act 723 (HB 1659) and Act 724 (SB 463) change the date for certification of election results.

RETURNS TO SECRETARY OF STATE

Act 441 (HB 1034) extends the time frame, from two to three days after the examination of election returns, for the county board of election commissioners to mail certified copies of election returns to the Secretary of State.

CITIES

FIRST CLASS CITIES

Act 359 (HB 1381) requires that all officers who are to be elected in cities of the first class shall be elected at the regular general election for municipal corporations instead of the regular annual election.

ELECTIONS - CITIES (Cont.)

INDEPENDENT CANDIDATE FILING DEADLINE

Act 665 (HB 1779) requires independent candidates for municipal office to file nominating petitions and political practice pledges by twelve o'clock noon on the date of the filing deadline.

INDEPENDENT CANDIDATE PETITION FORM

Act 82 (HB 1090) amends the form of the petition of nomination to become an independent candidate for municipal office to include the street address of anyone signing the petition.

RESIDENCY REQUIREMENT

Act 671 (HB 1400) requires candidates for the municipal office of mayor, clerk, recorder or treasurer to live within the city's limits at the time they file as a candidate and must continue to live within the city to retain elective office. In cities of the first and second class, candidates for the municipal office of alderman must reside within the city and the ward at the time they file as a candidate and when holding the office.

WRITE-IN PROHIBITED

Act 179 (HB 1371) extends the municipal no write-in law to second class cities and incorporated towns.

COMPLIANCE WITH NATIONAL VOTER REGISTRATION ACT OF 1993

OMNIBUS REVISIONS

Act 946 (SB 447) and Act 963 (HB 1604) amend various laws to coordinate the administration of elections with voter registration requirements mandated by the National Voter Registration Act of 1993. Specifically, they amend the format of voter registration lists used in elections and change the use and processing of other election materials, such as "list of voters" forms and voter registration applications. They change the procedures used to identify a qualified voter and require voters to update their voter registration records prior to voting. They also establish a mechanism for conducting fail-safe voting as mandated by the national act, which allows voters who have moved within the same county to vote at their new precinct without having updated their voter registration records.

VOTER QUALIFICATIONS

Act 928 (HB 1609) and Act 936 (SB 441) repeal provisions of state statutory law in conflict with the National Voter Registration Act of 1993 that pertain to special residency and age requirements for federal elections. They also require that any additional voter qualifications established by a political party be in compliance with the national act.

VOTER REGISTRATION

Act 923 (HB 1602) provides for the repeal of certain provisions of state statutory law enacted in order to comply with the National Voter Registration Act of 1993 in the event that the national act is repealed or ruled unconstitutional. The provisions to be repealed address voter registration in public assistance agencies, disabilities agencies and public libraries and through the Arkansas National Guard and certain record keeping requirements.

Act 947 (SB 449) and Act 964 (HB 1606) amend Amendment 51 of the Arkansas Constitution, pertaining to voter registration, in order to comply with the National Voter Registration Act of 1993. Specifically, they change the format of the state voter registration application form and

ELECTIONS-Compliance with National Voter Registration Act of 1993 - Voter Registration (Cont.)

designate the Secretary of State as the chief election official of the state. They charge voter registration agencies with the responsibility of distributing the new forms, providing assistance to applicants in completing the forms and accepting the forms for transmittal to the appropriate permanent registrar. The acts designate the following as voter registration agencies: the Office of Driver Services, state revenue offices, public assistance agencies, disabilities agencies, public libraries and the Arkansas National Guard. They establish record keeping and reporting requirements for voter registration agencies and prohibit any person who provides voter registration assistance from attempting to influence or intimidate an applicant. They also require public assistance agencies and disabilities agencies to provide a declination form by which an applicant may decline to register. They require acceptance of voter registration application forms by mail and via the federal voter registration application form. They change record keeping requirements for the permanent registrar in each county, establish new procedures for maintaining accurate and current voter registration files and set forth new requirements for the cancellation of a person's voter registration.

Act 930 (HB 1611) and Act 941 (SB 446) require a voter to be registered thirty days prior to an election, instead of twenty, in order to be qualified to vote in that election.

Act 925 (HB 1605) and Act 939 (SB 444) require certain election records relating to voter registration to be retained for at least two years.

Act 926 (HB 1607) and Act 942 (HB 448) repeal state statutory law pertaining to volunteer deputy voter registrars.

Act 924 (HB 1603) and Act 937 (SB 442) change the fee structure for voter registration lists.

Act 927 (HB 1608) and Act 938 (SB 443) broaden the definition of the term "official proceedings" in the crime of perjury so that it applies to the signing of voter registration applications and other election documents.

Act 929 (HB 1610) and Act 940 (SB 445) require the State Board of Election Commissioners to promulgate regulations necessary to comply with the National Voter Registration Act of 1993 and to publish, in conjunction with the Ethics Commission, a candidate's election handbook that outlines the legal obligations of a candidate. Additionally, they reconstitute the State Board and change their procedures for calling a meeting.

COUNTY BOARD OF ELECTION COMMISSIONERS

THIRD POSITION

Act 1014 (SB 693) places a deadline on a county committee's submission of names to the State Board of Election Commissioners for the third position on the County Board of Election Commissioners.

DISABLED VOTER ASSISTANCE

Act 1120 (HB 1898) establishes requirements for election officials to follow when assisting a disabled voter, who has requested assistance, to cast his ballot.

ELECTIONS - Disabled Voter Assistance (Cont.)

Act 908 (SB 845) provides that disabled voters may be assisted by two election judges or by a person selected by the voter to mark the disabled voter's ballot in accordance with the voter's wishes. This act provides for privacy for the voter to mark his or her ballot and allows disabled voters to be advanced in line by the election sheriff.

EARLY VOTING

Act 686 (HB 1648) and Act 948 (SB 462) establish procedures for early voting, revises the application for absentee ballots and render the absentee ballot application valid for one calendar year.

POLITICAL PRIMARIES

STATE FUNDED

Act 901 (HB 1883) amends various sections of the election laws to provide for state funded political party primary elections to be conducted jointly by county boards of election commissioners under the direction of the State Board of Election Commissioners. It changes the date for holding a preferential primary from two weeks to three weeks prior to a general primary election.

PRECINCT BOUNDARIES

FILING REQUIREMENTS

Act 876 (HB 2064) requires the county board of election commissioners to file copies of changes in election precinct boundaries with the Secretary of State.

PUBLICATION OF ELECTION LAWS

Act 599 (HB 1727) directs the State Board of Election Commissioners to prescribe, adopt, publish and distribute a current copy of all election laws to each member of the county board of registration and the county clerk of each of the counties in the state.

SCHOOL ELECTIONS

ELECTION DATE

Act 1131 (HB 1992) authorizes the board of directors of a local school district to change the date of the annual school election in certain circumstances and under certain conditions.

Act 1281 (HB 1403) authorizes a change in the date of the annual school election in even-numbered years when there is no more than one candidate for election to the district Board or the County Board of Education and there are no other ballot issues to be submitted to district electors.

VOTER QUALIFICATIONS

Act 928 (HB 1609) and Act 936 (SB 441) repeal provisions of state statutory law in conflict with the National Voter Registration Act of 1993 that pertain to special residency and age requirements for federal elections. They also require that any additional voter qualifications established by a political party be in compliance with the national act.

ELECTIONS (Cont.)

VOTER REGISTRATION

CONDITIONAL REPEAL

Act 923 (HB 1602) provides for the repeal of certain provisions of state statutory law enacted in order to comply with the National Voter Registration Act of 1993 in the event that the national act is repealed or ruled unconstitutional. The provisions to be repealed address voter registration in public assistance agencies, disabilities agencies and public libraries and through the Arkansas National Guard and certain record keeping requirements.

LIST FEES

Act 924 (HB 1603) and Act 937 (SB 442) change the fee structure for voter registration lists.

LIST PROVIDED

Act 672 (HB 1637) requires county clerks to prepare and deliver separate precinct voter registration lists for each ballot combination.

OMNIBUS REVISIONS

Act 947 (SB 449) and Act 964 (HB 1606) amend Amendment 51 of the Arkansas Constitution, pertaining to voter registration, in order to comply with the National Voter Registration Act of 1993. Specifically, they change the format of the state voter registration application form and designate the Secretary of State as the chief election official of the state. They charge voter registration agencies with the responsibility of distributing the new forms, providing assistance to applicants in completing the forms and accepting the forms for transmittal to the appropriate permanent registrar. The acts designate the following as voter registration agencies: the Office of Driver Services, state revenue offices, public assistance agencies, disabilities agencies, public libraries and the Arkansas National Guard. They establish record keeping and reporting requirements for voter registration agencies and prohibits any person who provides voter registration assistance from attempting to influence or intimidate an applicant. They also require public assistance agencies and disabilities agencies to provide a declination form by which an applicant may decline to register. They require acceptance of voter registration application forms by mail and via the federal voter registration application form. They change record keeping requirements for the permanent registrar in each county, establish new procedures for maintaining accurate and current voter registration files and set forth new requirements for the cancellation of a person's voter registration.

PERJURY

Act 927 (HB 1608) and Act 938 (SB 443) broaden the definition of the term "official proceedings" in the crime of perjury so that it applies to the signing of voter registration applications and other election documents.

QUALIFICATIONS

Act 930 (HB 1611) and Act 941 (SB 446) require a voter to be registered thirty days prior to an election, instead of twenty, in order to be qualified to vote in that election.

RECORD KEEPING

Act 925 (HB 1605) and Act 939 (SB 444) require certain election records relating to voter registration to be retained for at least two years.

ELECTIONS - Voter Registration (Cont.)

REGULATIONS

Act 929 (HB 1610) and Act 940 (SB 445) require the State Board of Election Commissioners to promulgate regulations to necessary to comply with the National Voter Registration Act of 1993 and to publish, in conjunction with the Ethics Commission, a candidate's election handbook that outlines the legal obligations of a candidate. Additionally, they reconstitute the State Board and changes its procedures for calling a meeting.

VOLUNTEER DEPUTY VOTER REGISTRARS

Act 926 (HB 1607) and Act 942 (HB 448) repeal state statutory law pertaining to volunteer deputy voter registrars.

VOTING METHOD

Act 774 (SB 714) authorizes a county board of election commissioners to utilize an alternative method of voting if it determines that the voting machines or electronic voting system currently in use is likely to malfunction.

ELECTRICIANS

GRANDFATHER CLAUSE

Act 824 (HB 1014) allows a person who has a current electrical license issued by an Arkansas municipality prior to April 1, 1995, to obtain a state license without an examination.

EMERGENCY SERVICES

AMBULANCE LICENSE FEES

Act 1275 (HB 1956) imposes an additional yearly fee of \$100 for the inspection and permitting of ambulances and an additional yearly fee of \$500 for the issuance or renewal of a permit for an ambulance service, advanced life support rescue service, or air ambulance service. These fees are in addition to other fees and requirements for ambulance services. The fees collected by the Health Department shall go to the Arkansas Medicaid Program Trust Fund.

EMERGENCY LIGHTS

FIREFIGHTERS

Act 123 (HB 1019) allows firefighters to use portable dash-mounted red rotating or flashing emergency lights on their privately owned automobiles when responding to a fire or other emergency.

EMERGENCY MEDICAL SERVICES ENHANCEMENT REVOLVING FUND

Act 1271 (HB 1780) establishes the Emergency Medical Services Enhancement Revolving Fund and provides for the distribution of moneys from the fund for EMS services, including, a grant program, training, supplies, institution and maintenance of a Trauma System and Trauma Registry, and for inspecting and licensing ambulance services and EMS vehicles. The act also establishes procedures for awarding EMS grant moneys.

EMERGENCY SERVICES (Cont.)

EMERGENCY RESPONSE ACTIONS

Act 116 (SB 116) creates within the Governor's office a disaster response fund, a disaster recovery fund and a hazard mitigation fund to be used to defray immediate costs associated with response activities by emergency forces of state and local governments and private, non-profit forces registered with the Office of Emergency Services and to provide assistance to qualifying areas that are vulnerable to a current hazard.

EMERGENCY RESPONSE COMMISSION

Act 626 (HB 1830) requires that the chair of the State Emergency Response Commission be elected by the members of the commission and serve for two years.

EMERGENCY TELEPHONE SERVICE

Act 627 (HB 1878) authorizes a political subdivision with a population of less than 15,000 to levy, by election, an emergency telephone charge in an amount not to exceed 12% of the tariff rate.

EMERGENCY VOLUNTEER RESERVES

Act 115 (SB 114) and Act 169 (HB 1145) establish within the Office of Emergency Services an emergency volunteer reserve of persons trained and experienced in certain functions related to disaster response and recovery operations to assist the Office of Emergency Services in disasters.

SALES TAX EXEMPTION

Act 1010 (HB 1225) exempts the purchase of fire protection and emergency equipment by volunteer fire departments from all state, local and county sales and use taxes.

ENGINEERS

CONSTRUCTION OF ENGINEERING LICENSING LAW

Act 834 (HB 1408) deletes a provision that stated that the engineering licensing law would not be construed to amend in any manner the Arkansas Architectural Act. The act replaces the provision with a statement affirming the authority of engineers to provide consultation, investigation, evaluation, planning, and design of services.

PRACTICE OF ARCHITECTURE

Act 860 (HB 1649) limits the architectural work that can be performed by professional engineers.

SCHOOL BUILDING EXEMPTION

Act 1108 (HB 1760) increases cost limits under which construction of public school buildings are exempt from supervision of a licensed architect or engineer.

ENVIRONMENTAL LAW

AIR POLLUTION

CONFIDENTIALITY OF INDUSTRIAL SECRETS

Act 907 (SB 799) provides that emission data obtained by the Pollution Control and Ecology Commission, which is not subject to trade secret confidentiality requirements, shall not include the manner and rate of operation of the source if such information is a trade secret.

ENVIRONMENTAL AUDIT REPORTS

CONFIDENTIALITY

Act 350 (HB 1487) provides that environmental audit reports prepared as a result of a voluntary environmental audit are privileged and confidential.

GRANT REPORTS

Act 463 (HB 1481) requires the Department of Pollution Control and Ecology to issue an annual report on grants made from the Solid Waste Management and Recycling Fund and requires Regional Solid Waste Management Board to provide semi-annual reports to the department which summarize activities on grant projects.

HAZARDOUS MATERIAL EMERGENCY MANAGEMENT

Act 634 (SB 188) creates the Arkansas HAZMAT Emergency Management Act, which establishes a State Office of Hazardous Materials Management to perform activities required by federal law. It also establishes reporting requirements and a fee schedule for certain entities handling hazardous or toxic chemicals.

MEDICAL WASTE

Act 496 (HB 1585) establishes the Medical Waste Disposal Act of 1995.

MINING

RECLAMATION TRUST FUND

Act 194 (SB 61) and Act 278 (HB 1113) create the Mining Reclamation Trust Fund to be used for reclamation of land covered by forfeitures of performance bonds for surface coal mining.

MOTOR VEHICLE RACING

Act 1191 (HB 1418) prohibits the construction of a motor vehicle racing facility in this state without the consent of at least 75% of the property owners and 75% of the residents within 3 miles of the boundary of the proposed facility.

PESTICIDE LABELING

Act 85 (HB 1159) and Act 110 (SB 60) define the term "labeling" as it relates to pesticides and provide penalties for the misuse of pesticides.

PETROLEUM STORAGE TANKS

FUNDS FOR REMEDIATION COSTS

Act 1054 (SB 688) creates the Petroleum Storage Tank Trust Fund Bond Financing Act, which provides an additional method for financing remediation costs and costs of compensating tank owners or operators for third-party claims from the Petroleum Storage Tank Trust Fund.

ENVIRONMENTAL LAW (Cont.)

POLLUTION CONTROL AND ECOLOGY COMMISSION

APPOINTMENT OF COMMITTEES

Act 117 (SB 140) authorizes the chairman of the Pollution Control and Ecology Commission to appoint committees made up of commission members to act in an advisory capacity to the full commission.

POLLUTION CONTROL AND ECOLOGY, DEPARTMENT OF
EMERGENCY RESPONSE ACTION

Act 114 (SB 95) authorizes the director of the Department of Pollution Control and Ecology to expend up to \$60,000 on a single emergency response action without approval of the Pollution Control and Ecology Commission.

PERMIT PROCEDURES

Act 384 (SB 180) amends procedures used by the Department of Pollution Control and Ecology to process permits for the discharge of pollutants to the waters of the state and for prevention of pollution of the waters of the state. This act changes notification requirements for public hearings on permit applications, permit transfers and minor modifications to existing permits. It changes publication requirements for major modifications to existing permits and for statewide permits. It authorizes the department to require a permit applicant to designate a representative for purposes of receiving notices required in the permit process. The act authorizes permittees or persons subject to regulation to petition the commission for declaratory judgment regarding the application of any rule, statute, permit or order enforced by the Department of Pollution Control and Ecology. It changes form and time for delivery of a hearing officer's recommended decision and establishes a ten day period to request review of the hearing officer's recommended decision. It also makes several technical corrections.

REGULATORY AUTHORITY

Act 895 (SB 727) allows the director of the Department of Pollution Control and Ecology to authorize, as an alternative to in-kind services, cash contributions to environmental projects in lieu of cash penalties. It also requires the department to promulgate regulations that establish a system for air emission credits and changes procedures regarding the cost of publication of notice in the permitting process.

RECYCLING

NEWSPAPER RECYCLING ADVISORY COMMITTEE

Act 658 (HB 1634) authorizes the Director of Pollution Control and Ecology to appoint additional members to the Arkansas Newspaper Recycling Advisory Committee.

REGULATED SUBSTANCE STORAGE TANKS

DEFINITION OF "OWNER"

Act 427 (HB 1278) and Act 436 (SB 184) amend the definition of "owner" as it relates to regulated substance storage tanks by deleting the provision that the term applies only to the owner of a tank, who may be a different person from the person holding title to the real property on which the tank is located.

SOLID WASTE

COLLECTION OF SOLID WASTE DISPOSAL FEES

Act 511 (SB 450) redefines the term "solid waste" as used in the Solid Waste Management and Recycling Fund Act and in regard to the Landfill Post-Closure Trust Fund. It also changes the schedule and method of collection of solid waste disposal fees and authorizes the Department of Pollution Control and Ecology to administer the Landfill Post-Closure Trust Fund.

DISPOSAL SITES

Act 902 (HB 1931) provides that Regional Solid Waste Management Boards may adopt more restrictive standards for the location, design, construction and maintenance of solid waste disposal sites.

FEES FOR PERMITS AND OTHER SERVICES

Act 509 (SB 428) authorizes the Department of Pollution Control and Ecology to collect fees other than permit fees for services that it provides and adjusts the cap on fees for landfill permits.

FINANCIAL ASSURANCE FOR SOLID WASTE FACILITIES

Act 510 (SB 430) establishes procedures to require permitted municipal solid waste landfills, solid waste management systems or solid waste disposal facilities to provide continuous financial assurance for closure, post-closure care and corrective action.

ILLEGAL DUMPING

Act 502 (SB 429) establishes the Illegal Dumps Control Act, which sets forth statutory definitions, prohibitions and penalties designed to eliminate illegal dumping of solid waste.

MANAGEMENT FACILITIES - OPERATORS

Act 165 (HB 1098) and Act 193 (SB 48) change references in current law from sanitary landfills to solid waste management facilities, make changes to the membership of the licensing committee which advises and assists in the licensing of solid waste management facility operators, and make various changes to the licensing requirements.

PURCHASING PROCEDURES OF BOARDS

Act 163 (HB 1015) requires regional solid waste management boards and boards of sanitation authorities to adopt county purchasing procedures for the district.

REGIONAL NEEDS ASSESSMENT

Act 1030 (SB 342) changes the due dates for a regional solid waste management district to submit to the Department of Pollution Control and Ecology a regional needs assessment.

SOLID WASTE MANAGEMENT ACT

Act 547 (SB 431) redefines the term "solid waste" as used in the Solid Waste Management Act. It removes the exclusion from liability for acts of third parties when a person knowingly allows a third party to violate solid waste laws. It requires municipalities and counties to provide a solid waste management system and expands the entities with which a municipality and a county can contract to provide such services. It prohibits the disposal of yard waste in solid waste management facilities, except for fugitive amounts, defines the term "fugitive amounts of yard waste", and requires regional solid waste management districts to furnish yard waste reduction or usage opportunities to residents. The act also makes several technical corrections.

ENVIRONMENTAL LAW (Cont.)

SOLID WASTE MANAGEMENT DISTRICT BONDS

ADVICE OF ARKANSAS DEVELOPMENT FINANCE AUTHORITY

Act 439 (SB 380) makes permissive the seeking of advice from the Arkansas Development Finance Authority by Regional Solid Waste Management Districts in connection with the issuance of Solid Waste Management District Bonds.

WASTE TIRES

Act 1315 (SB 451) expands uses of waste tire grant funds, establishes protections for consumers, and makes various technical corrections to Arkansas Code provisions pertaining to waste tires.

WATER CONSERVATION TAX CREDITS

Act 341 (HB 1323) creates tax credit incentives to encourage water users to invest in (1) construction of impoundments to utilize available surface water, (2) the conversion from ground water use to surface water use when surface water is available and (3) the practice of land leveling to reduce agricultural irrigation water use.

WATER PERMIT FEES

Act 1056 (SB 723) exempts revenues generated from water permits issued for new facilities from the maximum cap for water permit fees.

WATER POLLUTION

Act 336 (HB 1398) adds several new provisions concerning chronic noncompliance of sewage systems which pollute waters. This act also provides for remedies for chronic violations and requires financial assurance for wastewater treatment plants in this state.

WATER QUALITY STANDARDS

GRAVEL MINING PROHIBITED AFTER TWO YEARS

Act 1345 (SB 418) repeals the provisions of Act 378 of 1993 prohibiting gravel mining in streams named as "extraordinary resource waters" and re-enacts the prohibition that there shall be no mining in streams designated as "extraordinary resource waters" under Arkansas water quality standards adopted by the Pollution Control and Ecology Commission for surface waters. DPCE will develop a guide for mining operators to assist them through the permitting process. Gravel mining operators on January 1, 1995 may continue to operate in streams designated as extraordinary resource waters under permit issued by DPCE for two (2) years. Mining activities must be terminated at the end of the two (2) year period.

WETLANDS AND RIPARIAN ZONES

Act 562 (HB 1324) authorizes the Soil and Water Conservation Commission to implement a program to create and restore publicly owned and managed wetland sites. The act establishes a Wetlands Technical Advisory Committee to advise and monitor the commission in establishing the wetland program.

INCOME TAX CREDIT

Act 561 (HB 1322) provides an income tax credit for the development or restoration of wetlands and riparian zones.

ETHICS

BLIND SCHOOL AND DEAF SCHOOL

Act 1192 (HB 1539) repeals the statutory provision forbidding employment of relatives of the superintendent at the School for the Blind or School for the Deaf and, instead, makes existing law relating to nepotism, ethics, or conflicts of interest of state employees specifically applicable to employees of both schools.

CAMPAIGN CONTRIBUTION REPORTS

Act 1263 (HB 1153) changes the requirements for reporting campaign expenditures by establishing quarterly reports, instead of monthly reports, in non-election years and by eliminating the monthly report for the month in which a preelection report is filed and allocating the days of that month between the pre-election report and the final election report. It requires the Secretary of State to accept pre-election reports by facsimile and changes the obligations of the Secretary of State in regard to communications with the Ethics Commission about campaign expenditure reports filed.

LEGISLATORS LOBBYING GENERAL ASSEMBLY

Act 1111 (HB 1783) makes it illegal for members of the Arkansas General Assembly to receive outside compensation for lobbying other legislators with purpose to influence legislative actions.

FINANCIAL INSTITUTIONS

ANNUITIES

Act 592 (HB 1672) authorizes the issuance of a license to a lending institution and its officers, employees, etc., to sell fixed or variable annuities.

APPORTIONMENT OF INCOME

Act 495 (HB 1477) provides for the apportionment and allocation of net income of financial institutions whose business activity is both in and out of the state.

BANKS AND BANKING

CUSTOMER BANK COMMUNICATION TERMINAL

Act 859 (HB 1567) provides that agreements to share a customer-bank communication terminal cannot prohibit or restrict the right of a bank or other financial institution from charging a usage fee.

DEFINITIONS

Act 606 (SB 562) amends banking laws to redefine the terms "de novo charters" and "predecessor financial institutions" and amends certain restrictions on out-of-state bank holding companies.

DEPOSITORY INSTITUTION AFFILIATES

Act 610 (SB 564) allows state banks to act as agents for depository institution affiliates.

DIRECTOR'S QUALIFICATIONS

Act 80 (HB 1009) eliminates the requirement that a member of the bank's board of directors must own stock in the bank or its holding company unless provided for in the bylaws of the bank.

FINANCIAL INSTITUTIONS - Banks and Banking (Cont.)

FAILURE TO PUBLISH STATEMENT

Act 468 (HB 1578) eliminates the penalty for banks failing to publish any statement required under Arkansas Code Annotated §23-32-1102.

RESIDENCE OF CHIEF EXECUTIVE OFFICER

Act 400 (HB 1340) authorizes any financial institution located in a town with a population of less than 2,500 to acquire, purchase or construct a residence for its chief executive officer as part of his compensation, not to exceed \$100,000.

SUBSIDIARY AND NATIONAL TRUST COMPANIES

Act 1322 (SB 758) clarifies the authority of a bank holding company to create, form, and establish a subsidiary trust company or national trust company and to substitute the subsidiary trust company or national trust company as fiduciary for banks affiliated with the bank holding company.

LOITERING

Act 1107 (HB 1758) prohibits loitering on or about the premises of any off-site customer-bank communication terminal without any legitimate purpose.

MORTGAGE LOAN COMPANIES

LOAN BROKERS

Act 785 (HB 1875) exempts certain loan brokers from registration and filing requirements.

FIRE PROTECTION

AGE LIMIT REMOVED FOR FIRE EMPLOYEES AND POLICE

Act 473 (HB 1017) removes the maximum age for eligibility for appointment to a civil service position on a municipal police department, previously age 45 years, and on a municipal fire department, previously age 32 years.

EMERGENCY LIGHTS

Act 123 (HB 1019) allows fire fighters to use portable dash-mounted red rotating or flashing emergency lights on their privately owned automobiles when responding to a fire or other emergency.

EXPANDS DISTRICT PURPOSES

Act 426 (HB 1151) amends the fire protection district laws to define the term "contractor" as a company which manages the construction, erection, or repair of any fire station, building, or any other improvement. It adds to the purpose of fire protection districts to provide hazardous and toxic materials response services, search and rescue services, and other functions reasonably expected of a local fire services agency.

EXTENSION OF VOLUNTEER FIRE SERVICE AREAS

Act 744 (HB 1657) clarifies the authority of county quorum courts in each county to permit volunteer fire departments to extend their service areas across county lines.

FIRE PROTECTION (Cont.)

FIRE DEPARTMENT CERTIFICATION

DEADLINE EXTENDED

Act 1112 (HB 1792) extends the deadline for requiring certification of fire departments by the Arkansas Fire Protection Services Board to receive funds from the Fire Protection Premium Tax Fund. The new deadline is January 1, 1998 and previously it was January 1, 1996.

FIRE DEPARTMENTS WITH SERVICE AREAS IN TWO COUNTIES

Act 744 (HB 1657) clarifies the authority of county quorum courts in each county to permit volunteer fire departments to extend their service areas across county lines.

FIRE PROTECTION DISTRICTS

CONSOLIDATION

Act 286 (HB 1228) authorizes certain fire protection districts to consolidate and establishes the procedures by which consolidation may be accomplished.

FLAT FEE ASSESSMENTS

Act 766 (SB 187) amends the laws regarding fire protection districts to clarify the service area for fire protection districts and modify the method of the public elections of fire district boards of commissioners. It also expands methods used to assess and collect the flat fees for fire protection.

PROPERTY WITHIN MUNICIPALITIES

Act 828 (HB 1742) provides that property located within a municipality shall not be assessed, taxed or required to pay fees to any fire protection district unless there is a formal agreement between the municipality and the fire protection district or a bonded indebtedness incurred by the fire protection district prior to the date of annexation of the property. The act amends the laws concerning fire protection districts formed under Arkansas Code 14-284-201 et seq., originally adopted as Act 35 of 1979.

LICENSE PLATE FEES

Act 1314 (SB 433) amends the law regarding the firefighters' motor vehicle license plates to provide that the renewal fee for the special license plates will be the same as the normal fee for motor vehicle registration.

RURAL FIRE DEPARTMENTS STUDY COMMISSION

ADDITIONAL MEMBER

Act 489 (SB 457) increases the membership of the Rural Fire Departments Study Commission from fifteen (15) to sixteen (16) members by adding an additional member from the Senate at-large.

SALES TAX EXEMPTION

Act 1010 (HB 1225) exempts the purchase of fire protection equipment and emergency equipment by volunteer fire departments from all state, local and county sales and use taxes.

FIREARMS

CAPITAL MURDER

Act 800 (SB 243) adds to the definition of capital murder "purposely discharges a firearm from a vehicle at a person, or a vehicle, conveyance, or a residential or commercial occupiable structure he knows or has good reason to believe to be occupied by a person and thereby causes the death of another person under circumstances manifesting extreme indifference to the value of human life".

CARRYING FIREARM IN PUBLICLY OWNED BUILDINGS

Act 1223 (HB 2116) further defines the criminal offense of "carrying firearm in publicly owned buildings or facilities".

CIVIL WAR REENACTORS

Act 130 (HB 1165) permits a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes with the approval of the appropriate school official and if the weapon is unloaded.

CONCEALED WEAPON

CARRYING IN A MOTOR VEHICLE

Act 832 (SB 277) adds an additional defense to prosecution for the offense of carrying a weapon. It is the defense that the person is in a motor vehicle and the person has a license to carry a concealed weapon.

CONCEALED HANDGUN LICENSE

Act 411 (HB 1088) and Act 419 (SB 157) authorize the Arkansas State Police to issue a license to a qualified applicant to carry a concealed handgun.

LAW ENFORCEMENT OFFICES

Act 1332 (SB 523) authorizes active and retired law enforcement officers to carry concealed weapons under certain conditions and creates a board to promulgate regulations implementing the provisions of the act in regard to retired law enforcement officers.

POSSESSION BY FELON

PENALTY

Act 1325 (SB 794) downgrades the penalty for possession of a firearm by certain persons who have previously been convicted of a felony if the prior felony was for a nonviolent offense and the possession of a firearm did not involve the commission of another crime.

RESTORATION OF RIGHTS

Act 595 (HB 1684) gives the Governor the authority to restore the right of a convicted felon to own and possess a firearm, either by granting a pardon explicitly restoring the right to possess a firearm or without granting a pardon, upon the recommendation of the chief law enforcement officer in the jurisdiction where the convicted felon resides so long as the underlying felony did not involve the use of a weapon and occurred more than 3 years ago.

POSSESSION OF A DEFACED FIREARM

Act 1202 (HB 1757) increases the classification of "possession of a defaced firearm" to a Class D felony.

FIREARMS (Cont.)

STUDENT EXPULSION

Act 567 (SB 438) conforms state law with federal requirement that students bringing on campus firearms or other weapons prohibited by law must be expelled for at least one year.

FORESTRY

AUTHORITY OF PEACE OFFICERS

Acts 135 (HB 1065) and Act 137 (SB 121) extend the power of peace officers to the enforcement of theft of property laws to the extent they apply to theft of timber and laws pertaining to the unlawful disposal of solid waste when the unlawful disposal occurs on forest land.

FORESTERS HALL OF FAME

Act 111 (SB 70) creates the Arkansas Foresters Hall of Fame to be housed in the School of Forest Resources at the University of Arkansas at Monticello.

STATE FORESTER

Act 136 (HB 1066) and Act 138 (SB 122) require that the person employed as the State Forester must have earned, at a minimum, a bachelor's degree in forestry from an accredited, four-year program at an institution of higher education.

FUNERAL BENEFITS

PREPAID FUNERAL BENEFITS

Act 852 (SB 611) makes various revisions to the law pertaining to the sale of prepaid funeral benefits. The act moves the administration of the law from the state Securities Department to the Insurance Commissioner.

GAMBLING

AMUSEMENT DEVICE PRIZES

Act 740 (SB 400) amends the anti-gambling laws to allow the owners of amusement devices to give redeemable tickets which can be accumulated and exchanged for a non-cash prize worth up to \$50.

GARNISHMENTS

LIEN ON SALARIES AND WAGES

Act 276 (HB 1092) provides that upon garnishment of salaries or wages due from an employer, the lien will continue until the judgment and costs are paid and satisfied. The lien was previously only in effect for three months.

GENERAL ASSEMBLY

BUREAU OF LEGISLATIVE RESEARCH

Act 1312 (SB 226) requires state agencies to provide information upon request to the Bureau of Legislative Research and make their staff accessible for consultation with Bureau staff. It changes the membership of the Legislative Council by adding several ex officio members and changes the method of selecting first and second alternate members of the Council. It changes the membership of the Joint Budget Committee by adding several ex officio members. It further authorizes the establishment of an Office of Constituency Services within the House and the Senate to be managed by the House Performance Review Committee and the Senate Efficiency Committee respectively.

COMMITTEE ON AMENDMENT 73 IMPLEMENTATION

HOUSE OF REPRESENTATIVES

Act 368 (HB 1476) creates the House Committee on Amendment 73 Implementation to be composed of 12 House members selected by the Speaker to study whether any rules or laws need to be changed in order to implement the term limits amendment to the Arkansas Constitution.

SENATE

Act 1150 (SB 827) creates the Senate Committee on Amendment 73 Implementation to study whether any rules or laws need to be changed in order to implement the term limits amendment to the Arkansas Constitution.

COST IMPACT ON DEPT. OF CORRECTION

Act 1248 (HB 2140) repeals the Arkansas law requiring the General Assembly to obtain a cost impact statement for any legislation being considered which affects the Arkansas Department of Correction.

GAME AND FISH COMMISSION STUDY COMMITTEE

Act 728 (HB 1347) creates the Arkansas Game and Fish Commission Funding Study Committee of the General Assembly to study long-term funding needs and potential long-term financial sources for the Arkansas Game and Fish Commission.

INTERIM COMMITTEES

NONVOTING MEMBERS

Act 1350 (HB 1923) authorizes the selection of nonvoting House members of the joint interim committees and entitles them to receive per diem and mileage for attending meetings of the committees. It provides that first alternate members of the Legislative Council, the Legislative Joint Auditing Committee, and the Joint Budget Committee will be nonvoting members and can receive per diem and mileage for attending meetings. It also sets out the procedures for the Senate to select its members of the Legislative Council and Joint Budget Committee.

INTERSTATE COOPERATION, COMMISSION ON

Act 526 (HB 1541) abolishes the Commission on Interstate Cooperation.

JOINT COMMITTEE ON ADVANCED COMMUNICATION

Act 737 (SB 417) creates the Joint Committee on Advanced Communication and Information Technology to review bills pertaining to telecommunications and public information access and to study the issues related to the development of a statewide public telecommunications network. It also establishes the Governor's Telecommunication and Information Technology Advisory Board for the purpose of aggregating funding for telecommunications projects, administering a grant program to assist certain public entities in obtaining access to a statewide telecommunications network and developing a strategic plan for public access to a statewide telecommunications network.

JOINT COMMITTEE ON ENERGY

MEMBERSHIP INCREASED

Act 1330 (SB 47) increases the membership of the Joint Committee on Energy from 13 to 20 members, 7 Senators and 13 House members. It also establishes the method of selecting the Senate co-chairman of the Committee; when all Senate members of the committee are chairmen of other committees, the President Pro Tem will appoint the co-chairman.

JOINT COMMITTEE ON PUBLIC RETIREMENT AND SOCIAL SECURITY

APPROVAL OF BILLS

Act 883 (SB 468) provides that any bill amending an existing publicly supported retirement system by increasing the multiplier, changing terms of or allowing the purchase of credited service, shortening vesting periods or shortening the years of service required for standard retirement without penalty or which would establish a new or expanded public retirement program must be approved by 2/3 of the committee before being acted upon in either house.

MEMBERSHIP INCREASED

Act 139 (SB 125) increases the number of members of the Joint Committee on Public Retirement and Social Security Programs from 17 to 20 members with the additional three members being from the Senate.

NONVOTING HOUSE MEMBERS

Act 1130 (HB 1973) provides for additional nonvoting House members to the Joint Committee of Public Retirement and Social Security Programs. It allows the Speaker to appoint one additional House member from each caucus district to serve as a nonvoting member of the committee.

JOINT INTERIM COMMITTEE ON EDUCATION

IMPACT STATEMENTS ON REGULATIONS

Act 1253 (SB 492) requires fiscal impact statements to be filed with the Secretary of State and the Joint Interim Committee on Education prior to the adoption of any regulation that will impose a new or increased cost obligation for education on the State or any local school district, board, commission, agency, department, officer, or other authority.

LEGISLATIVE COUNCIL

INTERIM STUDY ON DHS

Act 444 (HB 1317) requires the Legislative Council to request a joint interim committee to study the transfer authority granted to DHS in Arkansas Code 25-10-112 and to report its findings to the Legislative Council.

GENERAL ASSEMBLY - Legislative Council (Cont.)

LITIGATION SUBCOMMITTEE

Act 607 (SB 186) provides that when any agency admits liability to a claim filed with the Claims Commission which is based on contract or is a claim in excess of \$5,000, the agency must file a written report to the Litigation Subcommittee of the Legislative Council.

MEMBERSHIP

Act 1350 (HB 1923) authorizes the selection of nonvoting House members of the joint interim committees and entitles them to receive per diem and mileage for attending meetings of the committees. It provides that first alternate members of the Legislative Council, the Legislative Joint Auditing Committee, and the Joint Budget Committee will be non-voting members and can receive per diem and mileage for attending meetings. It also sets out the procedures for the Senate to select its members of the Legislative Council and Joint Budget Committee.

Act 1312 (SB 226) requires state agencies to provide information upon request to the Bureau of Legislative Research and make their staff accessible for consultation with Bureau staff. It changes the membership of the Legislative Council by adding several ex officio members and changes the method of selecting first and second alternate members of the Council. It changes the membership of the Joint Budget Committee by adding several ex officio members. It further authorizes the establishment of an Office of Constituency Services within the House and the Senate to be managed by the House Performance Review Committee and the Senate Efficiency Committee respectively.

Act 1149 (HB 1926) amends the procedures for the selection of alternates for the Speaker of the House and President Pro Tem of the Senate on the Legislative Council.

Act 608 (SB 534) provides that if the immediate past President Pro Tempore of the Senate is no longer a member of the Senate, then the next preceding President Pro Tempore of the Senate will be an ex officio member of the Legislative Council.

RURAL FIRE DEPARTMENTS STUDY COMMISSION

ADDITIONAL SENATE MEMBER

Act 489 (SB 457) increases the membership of the Rural Fire Departments Study Commission from 15 to 16 members by adding an additional member from the Senate at-large.

GUARDIANSHIP

COMPENSATION OF GUARDIANS

Act 503 (SB 489) provides for an increase (from 5% to 6% of the amount of money received) in compensation for guardians and provides for an alternate method of calculating compensation when no benefits are being paid.

HEALTH CARE

EMERGENCY MEDICAL CARE

DEFINITION

Act 1358 (SB 671) is the Definition of Emergency Medical Care Act, which provides that appropriate intervention may be initiated by medical personnel to stabilize an emergency medical condition prior to receiving prior authorization from any health insurance entity.

HEALTH CARE (Cont.)

IMMUNIZATIONS

Act 432 (HB 1523) requires the Department of Health to establish a statewide childhood immunization registry and requires all health care professionals who have responsibility for the delivery of immunizations to register with the department and report the administration of immunizations to the department.

INSURANCE

ANY WILLING PROVIDER

Act 1193 (HB 1564) amends the Patient Protection Act of 1995 (PPA) by extending coverage of the PPA to additional classes of health care providers. It provides that the PPA shall only apply to contracts issued or renewed after its effective date and further provides that the PPA shall not apply to health benefit plans that are exempt from state regulation pursuant to the federal Employee Retirement Income Security Act of 1974. It also makes some technical corrections in the PPA.

Act 505 (SB 299) creates the Patient Protection Act of 1995, which prohibits health care insurers from denying certain health care providers an opportunity to provide services pursuant to a health benefit plan if the health care provider is willing to accept the plan's operating terms.

CHILDREN'S COVERAGE THROUGH CHILD SUPPORT

Act 1179 (HB 1172) requires health insurers to immediately enroll a minor child in the noncustodial parent's health care plan upon submission of notice and prohibits an enrollment period. The act prohibits health insurers and employers of noncustodial parents from removing a minor child from enrollment in the noncustodial parent's health care plan unless notified in writing that the order providing for health care coverage is no longer in effect or that child will be enrolled on comparable health coverage. It requires health insurers to deal directly with the custodial parent on claims for covered services in regard to the minor child. It establishes that supplemental insurance provided by the custodial parent is not grounds to contest an order of income withholding for health care coverage. It authorizes the Office of Child Support Enforcement to garnish employment income from any person who is required by court order to provide health care coverage and has received payment for the cost of health care services for the child but has not directed the payment to the custodial parent or the provider of services, and it prohibits health insurers from imposing requirements on the Office of Child Support Enforcement that are different from those applied to any other agents or assignees. It also makes several technical corrections.

COVERAGE FOR DRUGS

Act 1231 (SB 816) requires health insurance policies that provide coverage for prescription drugs to provide coverage for drugs recognized for treatment of particular indications by standard reference compendia or medical literature.

PRIMARY EYE CARE

Act 515 (SB 175) and Act 1092 (HB 1261) creates the Primary Eye Care Provider Act, which requires health benefit plans that use a gatekeeper system and provide eye and vision care benefits to allow beneficiaries of the plan to have direct access to an eye care provider of their choice, if the provider agrees to abide by the terms of the plan, for the treatment of eye disease or injury.

HEALTH CARE - Insurance (Cont.)

MEDICAL EQUIPMENT
REGULATIONS

Act 1101 (HB 1569) authorizes the Board of Pharmacy to license and regulate medical equipment, legend device and medical gas suppliers. It sets forth the type of activity requiring licensure under the act and enumerates exemptions from licensure. It also establishes an advisory committee to the Board of Pharmacy to assist in the development of regulations dealing with medical equipment, legend devices and medical gases.

RURAL MEDICAL CARE

FINANCIAL ASSISTANCE FOR CLINICS

Act 1088 (HB 1035) excludes certain populations from the census figure used to define a rural area for purposes of receiving a rural medical clinic loan to operate a clinic in that area.

PHYSICIAN RECRUITMENT AND RETENTION PROGRAM

Act 1089 (HB 1036) excludes certain populations from the census figure used to define a rural area in order for a physician to receive a physician recruitment and retention grant for providing a full-time medical practice in that area.

HEALTH CARE FACILITIES

HOME HEALTH AND PERSONAL CARE TAX REPEALED

Act 794 (HB 1772) repeals the home health and personal care service tax.

HEALTH CARE PROVIDERS

ADVANCED PRACTICE NURSES

Act 409 (HB 1488) establishes licensure for advanced practice nurses, a new level of practice for nurses with national certification or master's degrees in nursing. It provides that advanced practice nursing will be comprised of four categories of nurses: advanced registered nurse practitioners, clinical nurse specialists, certified registered nurse anesthetists and certified nurse midwives. It reconstitutes the Board of Nursing to add a representative of advanced practice nurses. It authorizes the board to issue certificates of prescriptive authority to advanced practice nurses who meet certain criteria and authorizes the board to convene an advisory committee to assist with the oversight of that prescriptive. It enables advanced practice nurses to enter into direct reimbursement agreements with the Department of Human Services for Medicaid and prohibits the Department of Human Services from discriminating against health care providers based on the provider's type of practice. It authorizes the Board of Nursing to levy civil penalties against persons in violation of the Nurse Practices Act and makes several technical corrections.

CHIROPRACTORS

CONTINUING EDUCATION

Act 618 (HB 1592) eliminates the requirement that at least 12 hours of the continuing education requirement for chiropractors must be conducted in the state of Arkansas.

CONFIDENTIALITY OF HOSPITAL RECORDS

Act 885 (SB 250) clarifies that records of committees that review and evaluate the quality of medical or hospital care shall not be subject to discovery pursuant to the Arkansas Rules of Civil Procedure or the Freedom of Information Act.

HEALTH CARE PROVIDERS (Cont.)

CREDENTIALING

Act 1066 (SB 760) authorizes health care organizations to use information provided by the State Medical Board for purposes of reviewing the credentials of health care providers who apply for practice privileges with the organization.

DENTAL HYGIENISTS

Act 573 (SB 529) requires that dental hygiene programs from which applicants for dental hygienist licenses must graduate be accredited by the American Dental Association Commission on Dental Accreditation.

ADMINISTRATION OF ANESTHETICS

Act 105 (SB 23) establishes the criteria under which a dental hygienist may administer anesthetics.

HOME HEALTH CARE SERVICES

Act 1321 (SB 738) provides that upon the dissolution of any corporation currently licensed to provide home health care services, regulatory agencies may transfer the corporation's permits of approval and licenses to a shareholder of the corporation.

NURSE PRACTITIONERS

Act 911 (HB 1819) establishes the Arkansas Primary Care Nursing Practice Student Loan and Scholarship Board to administer the Advanced Nursing Practice Community Match Loan and Scholarship Program, which is designed to enhance the number of nurse practitioners in rural areas of the state.

NURSING HOME ADMINISTRATORS

Act 469 (SB 251) alters the requirements for renewal of a nursing home administrator's license and provides for late renewal. It alters the conditions for licensure by reciprocity and provides for temporary licensure of qualifying applicants.

PHYSICIANS

IMMUNITY

Act 844 (SB 39) provides that retired physicians and surgeons who render medical services voluntarily and without compensation at free or low cost medical clinics in Arkansas shall not be liable for civil damages for an act or omission resulting from rendering the medical services, unless the act or omission was the result of gross negligence or willful conduct.

LICENSE AND RE-REGISTRATION FEE

Act 721 (SB 677) increases the annual license and re-registration fee for physicians to \$70.00.

RURAL MEDICAL PRACTICE

Act 1257 (SB 637) requires recipients of rural medical practice loans to contractually agree to the revocation of their medical license for failure to fulfill their contractual obligation to practice medicine in a rural community.

HEALTH CARE PROVIDERS (Cont.)

PRIMARY EYE CARE

Act 515 (SB 175) creates the Primary Eye Care Provider Act, which requires health benefit plans that use a gatekeeper system and provide eye and vision care benefits to allow beneficiaries of the plan to have direct access to an eye care provider of their choice, if the provider agrees to abide by the terms of the plan, for the treatment of eye disease or injury.

PSYCHOLOGISTS

SCHOOL PSYCHOLOGISTS

Act 279 (HB 1154) authorizes those persons who have been certified by the Arkansas Department of Education as school psychology specialists to use the term "School Psychology Specialist".

RESPIRATORY CARE THERAPISTS

Act 1094 (HB 1370) expands the scope of practice of a respiratory care therapist. It provides that the Respiratory Care Examining Committee shall advise and assist the State Medical Board in the development of regulations regarding temporary permitting and licensing of respiratory care therapists. It expands the exemptions from licensing requirements and increases the requirements to obtain a license. It requires the Medical Board to enter an order whenever an adverse action is taken on the license of a respiratory care therapist. It provides for the expiration of temporary permits and authorizes licensure by reciprocity. It defines the term "qualified medical director" and sets forth the responsibilities of a qualified medical director in regard to respiratory care therapists. It also makes various technical corrections to the Respiratory Care Act.

SOCIAL WORKERS

Act 575 (SB 542) limits the duration of temporary licenses to practice social work to a maximum of six months and gives the Social Work Licensing Board discretion in setting the amount of the examination fee.

HEALTH DEPARTMENT

ALCOHOL AND DRUG ABUSE PREVENTION

LICENSING OF TREATMENT PROGRAMS

Act 173 (HB 1337) requires alcohol and drug abuse treatment programs to be licensed by the Bureau of Alcohol and Drug Abuse Prevention of the Department of Health. This act establishes a fee for the license which is to be renewed annually.

TECHNICAL CORRECTIONS

Act 172 (HB 1303) amends the section providing for the disbursement of funds in the Alcohol and Drug Safety Fund to change "alcoholism" to "substance abuse" and to change a reference to the "Division" to the "Department of Health, Bureau of Alcohol and Drug Abuse Prevention."

ALCOHOL AND DRUG ABUSE PREVENTION, BUREAU OF DISTRIBUTION OF FUNDS

Act 1032 (SB 355) provides for distribution of court costs collected from persons convicted of driving while intoxicated who do not furnish proof that they have completed an alcohol treatment or education program.

VOLUNTARY ADMISSIONS AND INVOLUNTARY COMMITMENT

Act 1268 (HB 1673) amends various sections of the Arkansas Code concerning voluntary admissions and involuntary commitments of persons addicted to alcohol or other drugs.

AMBULANCE LICENSE FEES

Act 1275 (HB 1956) imposes an additional yearly fee of \$100 for the inspection and permitting of ambulances and an additional yearly fee of \$500 for the issuance or renewal of a permit for an ambulance service, advanced life support rescue service, or air ambulance service. These fees are in addition to other fees and requirements for ambulance services. The fees collected by the Health Department shall go to the Arkansas Medicaid Program Trust Fund.

DEATH CERTIFICATES

Act 311 (SB 90) provides that a registered nurse employed by an attending hospice may complete and sign the death certificate of a patient who is terminally ill and whose death is anticipated if that person is receiving services from the hospice. This act also requires that the county coroner and chief law enforcement officer of the county and municipality in which the death of a person occurs be promptly notified of the death if the death occurs in the home.

FOOD SERVICE PERMITS

Act 168 (HB 1140) extends from July 1, 1995 through July 1, 1997, the permit fees established for food service permits.

IMMUNIZATION REGISTRY

Act 432 (HB 1523) requires the Department of Health to establish a statewide childhood immunization registry and requires all health care professionals who have responsibility for the delivery of immunizations to register with the department and report the administration of immunizations to the department.

MAMMOGRAPHY QUALITY STANDARDS ACT

Act 508 (SB 391) designates the Department of Health as an accreditation body for the purpose of accrediting mammography facilities as provided by federal law and establishes a fee schedule for providing the accreditation services. The act also changes the composition of the advisory committee established to review and revise the quality standards established for mammography facilities.

NATURAL GAS SYSTEM INSPECTION IN SCHOOLS

Act 982 (HB 1943) requires annual inspections by qualified agencies of the natural gas piping system and gas utilization equipment serving any school accredited by the State Board of Education, with proof of the inspection results to be provided to the Department of Health.

NEWBORN TESTING

Act 113 (SB 75) requires that all newborn infants be tested for galactosemia with all positive test results immediately sent to the Health Department. This act also requires that health insurance policies cover the charges for the galactosemia test.

HEALTH DEPARTMENT (Cont.)

PLUMBING

Act 788 (HB 1891) standardizes enforcement of public health laws by authorizing the Committee of Plumbing Examiners to assess civil penalties for violation of state plumbing laws and regulations. It also changes the procedures for suspension or revocation of a plumber's license by requiring those procedures to be conducted in accordance with the Administrative Procedures Act.

RADIATION CONTROL

Act 796 (HB 1785) establishes categories of hospitals in order to license and register their radioactive materials and x-ray equipment. It restructures the fee schedule for licensing and registration of ionizing radiation and raises licensing and registration fees. It also provides that registrations and licenses are non-transferable and sets dates for their expiration.

SEWAGE DISPOSAL SYSTEMS

Act 786 (HB 1889) standardizes enforcement of public health laws by authorizing the Board of Health to assess civil penalties for violation of the Sewage Disposal Systems Act.

STATEWIDE HEALTH DATA CLEARINGHOUSE

Act 670 (SB 569) designates the Health Department as the statewide health data clearinghouse for the acquisition and dissemination of data from state agencies and other sources regarding patterns and trends in the delivery of health care services. It requires state agencies to make health data available to the Health Department and establishes confidentiality guidelines for the release of information. The act also establishes civil and criminal penalties for violation of the act and regulations promulgated thereunder.

TRAUMA ADVISORY COUNCIL

Act 981 (HB 1920) provides for two members of the Senate and four members of the House of Representatives to serve as members of the Trauma Advisory Council.

VITAL STATISTICS

DISCLOSURE OF RECORDS

Act 1254 (SB 500) and Act 1295 (HB 1806) amend various provisions of the Vital Statistics Act to facilitate the disclosure of vital records and reports.

WATERWORKS OPERATORS

PENALTIES

Act 787 (HB 1890) standardizes enforcement of public health laws by authorizing the Board of Health to assess civil penalties for violation of the Waterworks Operators Act.

HIGHWAYS

BOND ISSUE

CONSTRUCTING AND IMPROVING HIGHWAYS

Act 1007 (SB 662) authorizes the Arkansas State Highway Commission to issue State of Arkansas general obligation highway construction and improvement bonds in an amount not to exceed \$3,500,000,000 for the purposes of constructing and improving highways in Arkansas. The act sets forth the terms and conditions for issuing the bonds and the sources for repayment of the bonds. It also provides for a statewide election on the question of issuing the bonds.

HIGHWAYS (Cont.)

BONDS

SALES AND USE TAX

Act 1008 (SB 762) levies a one-half of one percent sales and use tax. The act designates the tax as special revenues for use in partial repayment of general obligation bonds for highway construction and for utilization by the counties and municipalities on county roads and municipal streets. The tax shall not become effective unless the issuance of highway construction and improvement general obligation bonds is approved by the electorate.

CONSTRUCTION BONDS

WHOLESALE EXCISE TAX

Act 1005 (SB 660) levies a wholesale excise tax of 6.5% on gross receipts derived from the sale of motor fuel sold by position holders in Arkansas and on the purchase price of motor fuel imported for sale, use, storage, distribution, or consumption in Arkansas. The act designates the tax as special revenues for use in partial repayment of general obligation bonds for highway construction and for utilization by the counties and municipalities on county roads and municipal streets. The tax shall not become effective unless the issuance of highway construction and improvement general obligation bonds is approved by the electorate.

CONSTRUCTION WORK ZONE

Act 893 (SB 690) provides for the doubling of fines and penalties assessed against a person for violating posted speed limit while traveling through a highway construction work zone if construction personnel were present in the work zone when the offense occurred.

MOTOR FUELS BONDS

DISTILLATE SPECIAL FUEL TAX

Act 1006 (SB 661) refers for a statewide vote a 5¢ per gallon increase in the excise tax levied on distillate special fuels. The act designates the tax as special revenues for use in partial repayment of general obligation bonds for highway construction and for utilization by the counties and municipalities on county roads and municipal streets.

ROAD SIGNS

AMATEUR RADIO MONITORING

Act 1100 (HB 1555) authorizes the Arkansas Highway and Transportation Department to post road signs along the public streets and highways of Arkansas. The signs would inform licensed amateur radio operators of the existence of high frequency (hf) radio repeaters in the area. The Department would look for local amateur radio clubs to participate in a program for the installation and maintenance of those signs.

SCENIC HIGHWAYS

Act 833 (HB 1378) designates State Highway 220 from State 59 to the Oklahoma border as a scenic highway.

TURNPIKE PROJECTS AUTHORIZED

Act 1232 (SB 817) authorizes the Arkansas State Highway Commission to establish turnpike projects and to collect tolls on those highways. The toll revenues are to be special revenues to be used for the maintenance, operation, and improvement required by the Arkansas State Highway and Transportation Department. Before charging tolls, the Commission must determine that no public funds or insufficient funds from all sources are available for construction, reconstruction, or rehabilitation of a free, without toll, highway.

HIGHWAYS (Cont.)

VEHICLE SIZE AND WEIGHT LIMITS

GENERALLY

Act 851 (SB 605) amends various sections of the Arkansas Code clarifying and correcting laws pertaining to vehicle weight limits. This act also provides for additional penalties for persons who violate the vehicle weight limits and prohibits the operation of vehicles that exceed certain axle load limitations on the federal interstate highways.

SOLID WASTE HAULERS

Act 435 (SB 154) eliminates the axle and brake requirements for vehicles hauling solid waste which were in addition to the oversize and overweight laws on Arkansas highways.

HUMAN SERVICES, DEPARTMENT OF
CHILD ABUSE INVESTIGATIONS

CORPORAL PUNISHMENT

Act 804 (SB 193) excludes reasonable use of corporal punishment from the definition of "abuse" in Department of Human Services' investigations of alleged child maltreatment.

DUTIES CLARIFIED

Act 1341 (HB 2076) clarifies the duties and responsibilities of the Department of Human Services in regard to child abuse reporting. It eliminates the inclusion of unsubstantiated information relative to child maltreatment in the statewide central registry and changes the guidelines for disclosure of information contained in the registry. It adds judges and prosecuting attorneys to the list of professionals who are required to report suspected child maltreatment but exempts them from any penalties for failure to report. It allows persons who are required to report suspected child maltreatment to consider the religious beliefs of the parents when deciding whether or not to report suspected child maltreatment.

CHILD CARE FACILITIES

Act 1280 (HB 2150) raises license fees for child care facilities and clarifies provisions of the Arkansas Code relating to background checks of child care facilities operators and employees, which are to be conducted during application procedures and during license renewals.

CLIENT IDENTIFICATION NUMBERS

Act 1309 (HB 2152) requires the Department of Human Services to request the Department of Computer Services to conduct a feasibility study on the cost of assignment of client identification numbers.

COMMON GROUND PROGRAM

Act 1203 (HB 1765) establishes the Common Ground Program to connect and assist government agencies, private entities, and individual citizens in working together to create a more responsive environment for children and families. The Department of Human Services is the administrative and fiscal agent for the program, which functions under the auspices of a Common Ground Program Committee of the Governor's Partnership Council for Children and Families.

HUMAN SERVICES DEPARTMENT (Cont.)

INSTITUTIONAL SYSTEM BOARD

Act 1162 (SB 496) consolidates the state institutions of the Department of Human Services to form the DHS State Institutional System and replaces the State Hospital Board and the Arkansas Youth Services Board with the DHS State Institutional System Board.

KINSHIP FOSTER CARE

Act 445 (HB 1351) establishes the Kinship Foster Care Program in the Division of Children and Family Services, which requires the division to attempt to place children who have been removed from home and are in the care of the division with an eligible relative for kinship foster care. The act provides that the relative would receive the same benefits as other foster parents and establishes guidelines for determining eligibility under the Kinship Foster Care Program.

MEDICAID FRAUD FALSE CLAIMS ACT

Act 1210 (HB 1929) amends the Medicaid Fraud False Claims Act to allow for the collection of investigation and other related costs of pursuing violations and provides for joint and several liability of controlling persons.

MENTAL HEALTH AND SUBSTANCE ABUSE CLIENTS
UTILIZATION REVIEW

Act 1208 (HB 1884) requires the Department of Human Services to establish a system to review treatment utilization for clients diagnosed to be addicted to drugs or alcohol who have been committed to the custody of the director of the department as a result of acquittal, on the ground of mental disease or defect, of an offense involving bodily injury to another person, or serious risk of such injury. It also requires the department to establish a method of tracking these clients.

MENTAL HEALTH DIVISION

INTERSTATE COMPACT ON MENTAL HEALTH

Act 829 (HB 1751) changes the administrator of the Interstate Compact on Mental Health from the director of the Arkansas State Hospital to the director of the Division of Mental Health Services of the Department of Human Services.

REGULATORY AUTHORITY

Act 710 (SB 488) revises the statutory law that authorizes the Department of Human Services and its divisions to promulgate regulations in order to assure compliance with federal law and to maximize federal funds received by the department.

REORGANIZATION

Act 164 (HB 1045) merges certain divisions of the Department of Human Services, renames certain divisions and creates new divisions.

STATE HOSPITAL BOARD

LEASING AUTHORITY

Act 1132 (HB 1998) authorizes the State Hospital Board to enter into lease agreements with the Arkansas Travelers Baseball Club for lands belonging to or under the supervision of the State Hospital Board which are in close proximity to Ray Winder Field or City Fair Park.

TERMINATION OF PARENTAL RIGHTS

Act 811 (HB 1653) revises the grounds for which the court may grant a petition by the Department of Human Services to terminate parental rights. The act states that the intent of the section, which gives the Department of Human Services the remedy of termination of parental rights, is to provide permanency in a juvenile's life in all instances where return of a juvenile to the family home is contrary to the juvenile's health, safety, or welfare, and it appears from the evidence that the return to the family cannot be accomplished in a reasonable period of time.

YOUTH SERVICES AND CHILDREN AND FAMILY SERVICES, DIVISIONS OF

Act 1222 (HB 2115) directs the Division of Youth Services (DYS) and the Division of Children and Family Services (DCFS) to issue to the Joint Committee on Children and Youth a quarterly report on the performance of the child welfare system and an annual report on the performance of the child welfare system on a county-by-county basis. The act provides that the Joint Committee on Children and Youth shall conduct annual performance audits of the DYS and the DCFS.

YOUTH SERVICES, DIVISION OF
CREATED

Act 1261 (SB 844) creates the Division of Youth Services within the Department of Human Services to oversee various elements of the juvenile justice system and establishes new procedures for the disposition of delinquent youth. It repeals a subchapter of the Arkansas Code pertaining to the Youth Services Board.

FACILITIES FOR JUVENILE DELINQUENTS

Act 1340 (HB 2057) excludes state operated facilities for the housing of juvenile delinquent and serious offender program facilities operated by the state from the definition of child care facilities as used in the Child Care Facility Licensing Act. It further mandates that facilities for juvenile delinquents shall be subject to program requirements consistent with national standards for correctional facilities.

STANDARD OF REVIEW

Act 1337 (HB 1894) provides that the "best interest of the child" shall be the standard for Department of Human Services' recommendations and juvenile court determinations regarding the placement of abused and neglected children.

THERAPEUTIC GROUP HOMES/INDEPENDENT LIVING PROGRAMS

Act 1113 (HB 1795) authorizes the Division of Youth Services of the Department of Human Services to establish therapeutic group homes and independent living programs for FINS and delinquent youth.

TRANSITION HOMES

Act 1198 (HB 1688) requires the Division of Youth Services of the Department of Human Services to include certain requirements in all contracts with community providers who provide community transition homes for juveniles who have been adjudicated delinquent or convicted of a Class A felony or higher criminal offense or are felony youthful sex offenders. It prohibits

DHS from entering into any contract for the operation of a community transition home until certain requirements, such as a public hearing and the establishment of a grievance procedure, are met. It also requires DHS to promulgate regulations, with the input of a community advisory committee, to ensure public notice, comment and safety in the process of contracting for residential services for these youth felony and sex offenders.

IMPROVEMENT DISTRICTS

DRAINAGE AND LEVEE IMPROVEMENT DISTRICTS

FLOOD CONTROL IMPROVEMENTS

Act 264 (SB 35) authorizes drainage and levee districts to contract with the U.S. government relating to construction of flood control and drainage works within the boundaries of the district to control the floodwaters of the Mississippi River and its tributaries. This act authorizes the districts located within the Red River basin to contract for flood control and drainage works outside the boundaries of the district.

DRAINAGE IMPROVEMENT DISTRICTS

POWERS AND DUTIES OF BOARDS

Act 343 (HB 1425) provides that no construction work for drainage improvement districts in excess of \$10,000 can be performed without public advertisement. This act also provides that any maintenance taxes may be levied as a flat tax per acre.

FIRE PROTECTION DISTRICTS

EXPANDS DISTRICT PURPOSES.

Act 426 (HB 1151) amends the fire protection district laws to define the term "contractor" as a company which manages the construction, erection, or repair of any fire station, building, or any other improvement. It adds to the purpose of fire protection districts to provide hazardous and toxic materials response services, search and rescue services, and other functions reasonably expected of a local fire services agency.

FLAT FEE ASSESSMENTS

Act 766 (SB 187) amends the laws regarding fire protection districts, Act 35 of 1979 districts, to clarify the service area for fire protection districts and to modify the method of the public elections of fire district boards of commissioners. It also expands methods used to assess and collect the flat fees for fire protection.

MUNICIPAL IMPROVEMENT DISTRICTS

ATTORNEYS

Act 362 (HB 1440) permits municipal improvement districts in second class cities and towns to hire their own attorneys, instead of relying on the city attorney. It eliminates the cap on attorneys' fees the districts may pay their legal counsel.

REDEMPTION OF DELINQUENT LANDS

Act 801 (SB 471) modifies the time period for the redemption of land with delinquent municipal improvement districts assessments under foreclosure actions. Previously, the law provided for a redemption period of up to five (5) years delinquency and the new law sets the period of time for redemption as two (2) years after the foreclosure sale, with some exceptions.

IMPROVEMENT DISTRICTS - Municipal Improvement Districts (Cont.)

REFUND OF SURPLUS BOND FUNDS

Act 583 (HB 1379) provides that when a municipal street or water improvement district retires its bonded indebtedness and there is a surplus of money derived from the collection of benefit assessments levied on real property to retire the bonds, the surplus funds may be refunded to the property owners of the district pro rata by action of the board of improvement of the district.

MUNICIPAL PROPERTY OWNERS' IMPROVEMENT DISTRICT

MEMBERSHIP OF BOARD

Act 1127 (HB 1944) provides that a member of a board of commissioners for a municipal property owners' improvement district must live in or be a property owner from within the district or must be a creditor of the district. It also provides that if a property owner or creditor is a corporation, partnership, or other legal entity, an officer, director, employee of the entity may be named and appointed as a commissioner.

INDUSTRIAL DEVELOPMENT

MILITARY INSTALLATION AIRPORTS

Act 1250 (SB 106) allows governing bodies of municipal airports which provide direct support to military installations slated for closure by the Federal Base Realignment and Closure Commission with special target status to qualify for financial assistance from the Aviation and Aerospace Industry Development Fund.

INFORMATION SUPERHIGHWAY

Act 1139 (HB 2034) creates the Information Network of Arkansas, INA. It provides for a twelve (12) member board to oversee the setup and operation of this statewide public information network. INA will be a centralized electronic information system by which public information in Arkansas will be provided via dial-in modem or continuous link to the public through subscription or through links to public libraries. The Department of Computer Services will serve the network in an advisory capacity.

INSURANCE

ACTUARIAL OPINIONS

Act 621 (HB 1720) requires every life insurance company doing business in the state to annually submit to the Arkansas Insurance Commissioner an actuarial opinion of reserves.

CONVERSION INSURANCE POLICIES

CALCULATION OF PREMIUMS

Act 733 (HB 1771) establishes the procedure for calculating the premium for conversion insurance policies issued after the effective date of this act.

DISCLOSURE OF MATERIAL TRANSACTIONS

Act 625 (HB 1725) amends Title 23, Chapter 63 of the Arkansas Code to add a new Subchapter 14 requiring insurers to disclose material transactions.

HEALTH

ANY WILLING PROVIDER

Act 505 (SB 299) creates the Patient Protection Act of 1995, which prohibits health care insurers from denying certain health care providers an opportunity to provide services pursuant to a health benefit plan if the health care provider is willing to accept the plan's operating terms.

Act 1193 (HB 1564) amends the Patient Protection Act of 1995 (PPA) by extending coverage of the PPA to additional classes of health care providers. It provides that the PPA shall only apply to contracts issued or renewed after its effective date and further provides that the PPA shall not apply to health benefit plans that are exempt from state regulation pursuant to the federal Employee Retirement Income Security Act of 1974. It also makes some technical corrections in the PPA.

COVERAGE FOR DRUGS

Act 1231 (SB 816) requires health insurance policies that provide coverage for prescription drugs to provide coverage for drugs recognized for treatment of particular indications by standard reference compendia or medical literature.

COVERAGE OF MINORS THROUGH CHILD SUPPORT

Act 1179 (HB 1172) requires health insurers to immediately enroll a minor child in the noncustodial parent's health care plan upon submission of notice and prohibits an enrollment period. The act prohibits health insurers and employers of noncustodial parents from removing a minor child from enrollment in the noncustodial parent's health care plan unless notified in writing that the order providing for health care coverage is no longer in effect or that child will be enrolled on comparable health coverage. It requires health insurers to deal directly with the custodial parent on claims for covered services in regard to the minor child. It establishes that supplemental insurance provided by the custodial parent is not grounds to contest an order of income withholding for health care coverage. It authorizes the Office of Child Support Enforcement to garnish employment income from any person who is required by court order to provide health care coverage and has received payment for the cost of health care services for the child but has not directed the payment to the custodial parent or the provider of services, and it prohibits health insurers from imposing requirements on the Office of Child Support Enforcement that are different from those applied to any other agents or assignees. It also makes several technical corrections.

PRIMARY EYE CARE

Act 515 (SB 175) creates the Primary Eye Care Provider Act, which requires health benefit plans that use a gatekeeper system and provide eye and vision care benefits to allow beneficiaries of the plan to have direct access to an eye care provider of their choice, if the provider agrees to abide by the terms of the plan, for the treatment of eye disease or injury.

HEALTH AND DISABILITY

Act 701 (HB 1888) requires all disability insurers transacting business within this state to utilize standardized claim forms (Form HCFA 1500 and Form UB-92/HCFA 1450) effective January 1, 1996.

CHILDREN'S PREVENTIVE HEALTH CARE

Act 685 (HB 1647) the "Children's Preventive Health Care Act" mandates the coverage of children's preventive health care in health insurance contracts.

INSURANCE - Health and Disability (Cont.)

EMPLOYERS REQUIRED TO DISCLOSE

Act 1115 (HB 1812) requires employers and owners who make health benefits available to their employees, to disclose those benefits as being self-insured, fully-insured or ERISA-qualified and to provide the necessary information to enable those employees to contact the regulators of that health plan.

HEALTH INSURANCE POOL

HIGH RISK INDIVIDUALS

Act 1339 (HB 2009) creates a comprehensive health insurance pool to provide insurance for individuals with high-risk health conditions. The act establishes a board of directors to oversee establishment and administration of the insurance pool.

HOSPITAL OR MEDICAL SERVICE CORPORATION

Act 408 (HB 1089) repeals the one percent gross receipts tax on hospital or medical service corporations and provides in lieu thereof a two and one-half percent premium tax against net direct written premiums of hospital and medical service corporations. The act also provides hospitals and medical service corporations a credit against the premium tax for the noncommissioned salaries and wages of any Arkansas employee.

LIFE INSURANCE PROCEEDS

INCOME TAX EXEMPTION

Act 732 (HB 1612) expands the income tax exemption for the proceeds of all life insurance policies and contracts paid to individual beneficiaries and estates of the insured to include businesses.

MOTOR VEHICLES

BODILY INJURY COVERAGE

Act 1334 (SB 747) provides that when bodily injury coverage has been rejected by an insured, the coverage rejection shall continue until it is withdrawn in writing by the insured.

REJECTION OF COVERAGE

Act 527 (HB 1562) provides that after an insured rejects first party automobile coverage or uninsured motorist coverage, the insurer is not required to notify the insured of the availability of such coverage.

OMNIBUS ACT

Act 1272 (HB 1892) is an omnibus act amending various sections of the Arkansas Insurance Code.

PROPERTY AND CASUALTY INSURER REPORTING

Act 108 (SB 49) changes the date that property and casualty insurers must file their annual reports with the Insurance Commissioner from March 1 to May 1 of each year.

RISK BASED CAPITAL ACT

Act 622 (HB 1722) adopts the Risk Based Capital Act which provides the Insurance Department a method of evaluating the solvency of various insurance companies doing business in the state.

INSURANCE (Cont.)

RISK RETENTION

Act 623 (HB 1723) is the Risk Retention and Purchasing Groups Act, which repeals and replaces current law on those subjects.

SPECIAL PASSENGER EXCURSION TRAIN

LIMITED LIABILITY

Act 1251 (SB 234) limits the liability for all claims, compensatory or punitive, arising from a rail incident involving a special passenger excursion train to \$10,000,000 for the non-profit sponsor, the owner or operator, and the railroad or rail authority over whose tracks the special excursion train is operated. Also, it requires the non-profit sponsor to maintain insurance coverage of not less than \$10,000,000.

SUBROGATION

Act 1020 (SB 120) clarifies limitations on subrogation recoveries.

TRADE PRACTICES ACT

Act 178 (HB 1367) defines churning of business and makes it a Trade Practices Act violation.

VALUATION OF POLICIES

Act 624 (HB 1724) requires proper valuation of interest rates on insurance policies.

LABOR

AMUSEMENT RIDES AND ATTRACTIONS

Act 631 (SB 553) transfers duties relating to amusement rides and attractions from the Insurance Department to the Department of Labor and authorizes the director to conduct inspections to ensure compliance with the Amusement Ride and Amusement Attraction Safety Insurance Act. The act also replaces permitting requirements with safety inspection requirements and strengthens civil and criminal penalties.

CHILD LABOR LAWS

EMPLOYMENT IN BOWLING ALLEYS

Act 858 (HB 1163) eliminates the prohibition against persons under 16 working in bowling alleys.

EMPLOYMENT AGENCIES

FEE RESTRICTIONS

Act 283 (HB 1198) eliminates and reduces the restrictions placed on the fees that may be charged employers by private employment agencies. This act also limits reimbursement of employment fees for a temporary placement to only those fees charged to an employee.

EMPLOYMENT SECURITY LAW

NEWSPAPER CARRIERS

Act 581 (SB 16) excludes newspaper carriers from the definition of an employee under the Arkansas Employment Security Law.

VARIOUS REVISIONS

Act 519 (SB 191) eliminates remuneration paid as backpay in settlement of a claim or grievance involving a discharge from the definition of the term "wages" in the employment security law. It authorizes the Director of Labor to resolve agency error issues involving employers or claimants and authorizes the Department of Finance and Administration to request and receive certain information about individuals receiving public benefits contained in the files of the Employment Security Department (ESD). It also authorizes the Insurance Department and the Health and Safety Division of the Workers' Compensation Commission to receive certain information contained in ESD files subject to confidentiality restrictions. The act requires an individual, under certain circumstances, to participate in reemployment services in order to qualify for unemployment benefits and reduces the number of hours an individual can work per week before losing entitlement to unemployment benefits. It provides that benefits paid to an individual who is employed on an as needed or on call basis by a base-period employer shall be charged to the account of the employer. It further provides that all 1995 and 1996 income from investments of the Employment Security Advance Interest Trust Fund shall be deposited in the Employment Security Special Fund, and the act specifies that an individual is not prohibited from having federal individual income tax withheld from unemployment compensation.

PREVAILING WAGE LAW

Act 548 (SB 482) requires the payment of prevailing wage rates in the county or locality for work performed in the construction of public works. It replaces criminal penalties for violation of the prevailing wage law with civil monetary penalties. It broadens the enforcement authority of the Director of Labor. It establishes a time frame for filing claims to recover unpaid wages. It provides that persons violating the prevailing wage law are ineligible to bid work on public works construction for two years, and it provides for the confidentiality of payroll and wage records submitted to the Department of Labor.

LAW ENFORCEMENT

ARREST QUOTAS PROHIBITED

Act 952 (SB 558) prohibits law enforcement agencies from establishing arrest quotas for enforcement of motor vehicle traffic laws.

CERTIFICATION PAYMENTS

Act 229 (HB 1138) allows law enforcement certification payments to exceed the maximum authorized annual salary of the officer receiving the payment.

CONCEALED WEAPONS

Act 1332 (SB 523) authorizes active and retired law enforcement officers to carry concealed weapons under certain conditions and creates a board to promulgate regulations implementing the provisions of the act in regard to retired law enforcement officers.

DRUG ENFORCEMENT

Act 462 (HB 1453) designates the director of the Arkansas State Police as the agent of the state for accepting surplus or excess Department of Defense property for the purposes of distribution to local law enforcement agencies that have been designated by the Department of Defense Coordinator of Drug Enforcement Policy and Support.

LAW ENFORCEMENT (Cont.)

LAW ENFORCEMENT TRAINING ACADEMY

INSTRUCTORS

Act 365 (HB 1457) grants general law enforcement authority to teaching and instruction personnel at the Arkansas Law Enforcement Academy. It requires that teaching and instruction personnel be credited with service toward certification levels for time employed at the academy, and upon employment as law enforcement officers, requires that teaching and instruction personnel receive credit for years of law enforcement service for time employed at the academy.

POWERS IN STATE OF TEXAS

Act 719 (SB 641) authorizes certified law enforcement officers to act as law enforcement officers in the State of Texas with the same powers, duties, and immunities when discharging certain enumerated duties, but primarily while transporting inmates from Texarkana, Arkansas to and from medical facilities located in Texarkana, Texas.

VEHICLE REMOVAL POLICIES

Act 815 (HB 1794) provides that the vehicle removal policy of a law enforcement agency does not have to provide the owner of the vehicle the right to choose the person to remove the vehicle in those instances where an emergency exists, or the immediate clearing of a public thoroughfare mandates an expedited tow service.

LIBRARIES

CONFIDENTIALITY OF PATRONS' RECORDS

Act 612 (HB 1333) allows libraries to contact their patrons by phone, mail or other medium for the purpose of notifying, informing and educating the patrons or promoting the legitimate program, policies and other interests of the library.

INTERLOCAL COOPERATION

Act 813 (HB 1695) amends the Interlocal Cooperation Act to authorize public agencies to create public bodies corporate and politic for the purpose of constructing, operating, and maintaining a public library system.

LIBRARY BONDS

ELECTIONS

Act 545 (SB 249) prohibits voters residing within a municipality levying a tax pledged for the purpose of retiring library bonds issued by the municipality or pledged to pay for capital improvements to or construction of a public library from voting on the question of issuance of bonds by the county within which the municipality is located.

LIBRARY LAWS. COMMISSION ON

Act 64 (SB 93) creates the Commission on Library Laws to study existing Arkansas laws that affect the operation and development of public and regional libraries for the purpose of developing a Model Library Law.

LIBRARY MATERIALS SECURITY LAW

Act 906 (SB 640) creates the Arkansas Library Materials Security Law which makes it a crime to remove library materials without authorization, to retain library materials without authorization or to wilfully mutilate library materials.

LIENS

FEDERAL LIENS

FEEES

Act 769 (SB 649) increases the basic fees charged for filing various federal tax liens from \$3.00 to \$6.00.

MATERIALMEN'S LIEN LAWS

REVISED AND UPDATED

Act 1298 (HB 1962) amends the laws of Arkansas regarding materialmen's liens to update and to define the terms "contractor," "subcontractor," and "material supplier." It increases the fine for a contractor who refuses to supply a list of parties working on a site from \$500 to \$2,500. It also requires that in order for a contract for construction or repair in an amount of \$2,500 or more to be enforceable with a lien on real estate, it must be in writing, signed by the owner of the property, and it must contain the notice in writing that the property will be the subject of a lien if unpaid.

LOCAL LEGISLATION

CITIES OF LESS THAN 5,000 POPULATION

MUNICIPAL COURTS

Act 1015 (HB 1775) allows any city with a population of less than 5,000 persons, which had a municipal court in existence on March 4, 1985, to create a municipal court until July 1, 1995.

CITIES OF LESS THAN 3,000 POPULATION

MUNICIPAL COURTS

Act 338 (HB 1311) provides that any city with a population of less than 3,000 persons, which had a municipal court in existence on March 4, 1985, may create a municipal court.

CLAY COUNTY

DEPUTY PROSECUTING ATTORNEYS

Act 635 (HB 1532) sets the maximum annual salary and expense allowance for one or more deputy prosecuting attorneys in Clay County. This act is retroactive to January 1, 1995.

CRITTENDEN COUNTY

DEPUTY PROSECUTING ATTORNEYS

Act 945 (HB 1344) prescribes the salary and expense allowance for deputy prosecuting attorneys in Crittenden County.

GREENE AND POPE COUNTIES

PROSECUTING ATTORNEY

Act 1247 (HB 2101) provides for the appointment of one or more deputy prosecuting attorneys for Greene and Pope Counties and prescribes their salary and expense allowances.

HOT SPRING COUNTY

SHERIFF AND COLLECTOR

Act 653 (HB 1732) provides that effective January 1, 1997, the offices of sheriff and tax collector in Hot Spring County are separate offices. Electors of Hot Spring County will elect a sheriff and a tax collector and each will take office on January 1, 1997.

LOCAL LEGISLATION (Cont.)

JACKSON COUNTY

DEPUTY PROSECUTING ATTORNEYS

Act 763 (HB 1741) prescribes the salary of the deputy prosecuting attorney of Jackson County.

MISSISSIPPI COUNTY

DEPUTY PROSECUTING ATTORNEYS

Act 683 (SB 645) sets the maximum annual salary and expense allowance for one or more deputy prosecuting attorneys in Mississippi County.

MUNICIPALITIES BETWEEN 25,000 AND 26,000 POPULATION

COURT COSTS FOR RETIREMENT BENEFITS

Act 918 (HB 1617) authorizes certain municipalities to increase court costs to provide retirement benefits for municipal court judges and clerks.

NEWTON COUNTY

SHERIFF AND COLLECTOR

Act 127 (HB 1079) provides that effective January 1, 1997, the offices of sheriff and tax collector in Newton County are separate offices. Electors of Newton County will elect a sheriff and a tax collector and each will take office on January 1, 1997.

PHILLIPS COUNTY

CASE COORDINATORS

Act 1354 (HB 2143) creates the position of case coordinator to serve the circuit and chancery judges of Phillips County.

2ND JUDICIAL DISTRICT

JUDGESHIPS CONVERTED

Act 471 (SB 315) converts the circuit judgeships in the Second Judicial District to circuit-chancery judgeships effective immediately.

3RD JUDICIAL DISTRICT

CIRCUIT JUDGESHIP

Act 582 (SB 320) converts a circuit judgeship in the Third Judicial District to a circuit-chancery judgeship effective July 1, 1999.

4TH JUDICIAL DISTRICT

SECRETARY-COURT REPORTER-CASE COORDINATOR

Act 636 (SB 195) prescribes the maximum annual salary for the secretary-court reporter-case coordinator positions in the Fourth Judicial District.

5TH JUDICIAL DISTRICT

CASE COORDINATORS

Act 1246 (HB 2020) establishes the number and salaries of case coordinators for the circuit, chancery and probate courts in the Fifth Judicial District.

PROSECUTING ATTORNEYS

Act 118 (SB 156) reclassifies the Fifth Judicial District prosecuting attorney from a Division B Judicial District to Division A Judicial District.

LOCAL LEGISLATION (Cont.)

6TH JUDICIAL DISTRICT

PROSECUTING ATTORNEY'S STAFF

Act 803 (HB 1662) revises the salaries of the staff of the prosecuting attorney for the Sixth Judicial District and adds additional staff.

9TH JUDICIAL DISTRICT-EAST

CASE COORDINATOR

Act 762 (HB 1546) provides a case coordinator for the circuit-chancery judge of the Ninth Judicial District-East and sets the salary.

9TH JUDICIAL DISTRICT-WEST

CASE COORDINATOR

Act 564 (HB 1614) provides an additional case-coordinator for the Ninth Judicial District-West.

CLERK-SECRETARY-CASE COORDINATOR

Act 945 (HB 1344) prescribes the salary range for the clerk-secretary-case coordinator for the circuit-chancery court of the Ninth Judicial District-West.

PIKE COUNTY TRANSFERRED

Act 39 (SB 3) transfers Pike County from the Ninth Judicial District-East to the Ninth Judicial District-West and creates a new circuit-chancery judgeship for the Ninth Judicial District-West to be primarily responsible for juvenile cases. The Governor is to appoint a person to serve in this position until a person is elected in the November, 1996 general election and takes office on January 1, 1997.

10TH JUDICIAL DISTRICT

JUVENILE DETENTION

Act 571 (SB 514) provides that the costs associated with the detention of a juvenile in the Tenth Judicial District shall be borne by the local entity responsible for the arrest of the juvenile.

11TH JUDICIAL DISTRICT-WEST

PROSECUTING ATTORNEY'S STAFF

Act 1244 (HB 1866) establishes the number and the salaries of employees and assistants of the prosecuting attorney of the Eleventh-West Judicial District.

12TH JUDICIAL DISTRICT

BOUNDARIES

Act 900 (SB 778) provides that, as of January 1, 1997, the Twelfth Judicial District is to be composed of Sebastian County. This act also sets the terms of court and designates the Circuit Judge Division I to the Twenty-First Judicial District as circuit-chancery judge.

12TH JUDICIAL DISTRICT

DEPUTY PROSECUTING ATTORNEYS

Act 1148 (HB 1663) sets the salary and expenses of the deputy prosecuting attorneys in the Twelfth Judicial District.

LOCAL LEGISLATION (Cont.)

13TH JUDICIAL DISTRICT

JUDGESHIP CREATED

Act 41 (SB 12) creates a new circuit-chancery judgeship for the Thirteenth Judicial District to be appointed by the Governor to serve until a person is elected to fill the judgeship in the November, 1996 general election and takes office on January 1, 1997.

16TH JUDICIAL DISTRICT

CASE COORDINATOR FEE

Act 1243 (SB 797) authorizes the quorum courts of the Sixteenth Judicial District to levy an additional fee on all civil, chancery and probate cases filed to defray the costs and salary of a case coordinator for the chancellor.

CIRCUIT JUDGESHIP

Act 582 (SB 320) converts a circuit judgeship in the Sixteenth Judicial District to circuit-chancery judgeship effective January 1, 1999.

17TH JUDICIAL DISTRICT-EAST

DEPUTY PROSECUTING ATTORNEY

Act 886 (SB 625) sets the salary and expenses of the deputy prosecuting attorney in the Seventeenth Judicial District-East.

20TH JUDICIAL DISTRICT

JUDGESHIP CREATED

Act 170 (HB 1260) creates a new circuit-chancery judgeship for the Twentieth Judicial District to be appointed by the Governor to serve until a person is elected to fill the judgeship in the November, 1996 general election and takes office on January 1, 1997. This act also designates divisions of the judgeships.

21ST JUDICIAL DISTRICT

BOUNDARIES

Act 900 (SB 778) provides that, as of January 1, 1997, the Twenty-First Judicial District is to be composed of Crawford County. This act also sets the terms of court, transfers the circuit judge of Division I of the Twelfth Judicial District as the circuit-chancery judge for this district, and provides for the election of a prosecuting attorney and two circuit-chancery judges.

WARD, ARKANSAS

MUNICIPAL COURTS

Act 823 (HB 1880) creates a municipal court in Ward, Arkansas, and provides for the selection of the municipal judge.

YELL COUNTY

TREASURER

Act 354 (HB 1160) adds Yell County to the counties excepted from the statute that requires the treasurer of a county with two judicial districts to keep in his office at each county site the funds belonging to the school districts and road districts of the respective judicial districts.

MANUFACTURED HOMES

USED MANUFACTURED HOMES

Act 437 (SB 329) allows manufactured home dealers who purchase used manufactured homes, upon payment of all applicable registration and title fees, to register the motor vehicle or manufactured home for the sole purpose of obtaining a certificate of title without being required to pay sales or use tax.

MASSAGE THERAPISTS

LICENSING

Act 466 (HB 1566) exempts students of massage therapy enrolled in a registered massage therapy school from the licensing requirements for massage therapists.

MEDICAID FRAUD

MEDICAID FRAUD FALSE CLAIMS ACT

Act 1210 (HB 1929) amends the Medicaid Fraud False Claims Act to allow for the collection of investigation and other related costs of pursuing violations and provides for joint and several liability of controlling persons.

NOTIFICATION OF PROPERTY SEIZURE

Act 984 (HB 1970) provides in Medicaid fraud cases for notification to the respondent of the order seizing and impounding the respondent's property immediately after the seizure.

MILITARY

CAMP ROBINSON

AUTHORIZED PURCHASES

Act 521 (SB 452) allows persons attending training programs and persons performing work under contract at Camp Robinson to make purchases at the canteen. It also expands the group of persons who may purchase alcoholic beverages at a post exchange facility.

CIVILIAN STUDENT PROGRAM

Act 639 (HB 1391) authorizes the National Guard to award stipends not to exceed \$10.00 per week for personal necessities to juvenile participants in the Civilian Training Program at Camp Robinson. Participants may also receive uniforms and other clothing items appropriate for effective participation in outdoor activities.

CLOSED MILITARY AIRFIELDS

FINANCIAL ASSISTANCE

Act 857 (SB 709) provides that a local airport authority with a qualifying closed military airfield is eligible for special target status in order to qualify for financial assistance from the Aviation and Aerospace Industry Development Fund.

MILITARY (Cont.)

NATIONAL GUARD

STUDENT LOAN REPAYMENT PROGRAM

Acts 187 (HB 1096) and Act 265 (SB 104) establish the Arkansas National Guard Student Loan Repayment Program which will provide for the repayment of loans secured by qualified applicants who are eligible members of the National Guard in an amount of \$1,000 for one academic year plus accrued interest up to a maximum total loan principal of \$5,000. Eligible members must enlist for six years in a high readiness unit and have completed military training and be awarded a Military Occupation Specialty (MOS) or Air Force Skill Code (AFSC).

TUITION INCENTIVE PROGRAM

Acts 186 and 346 (HB 1095 and SB 162) establish the Arkansas National Guard Tuition Incentive Program which awards qualified applicants \$1,000 for one academic year payable to an institution of higher education once the eligible recruits have completed military training and are awarded a Military Occupation Specialty (MOS) or Air Force Skill Code (AFSC).

YOUTH CHALLENGE PROGRAM

Act 639 (HB 1391) authorizes participants in the National Guard Youth Challenge Program at Camp Robinson to receive stipends from the National Guard not to exceed \$15.00 per week for personal necessities and upon graduation up to \$2,000 to defray the cost for additional job training or education. Participants may also receive uniforms and other clothing items as appropriate for effective participation in outdoor activities.

TRESPASS UPON A MILITARY RESERVATION

Act 951 (SB 501) creates the offense of "criminal trespass upon a military reservation" and classifies it as a Class A misdemeanor.

VETERANS AFFAIRS

GRAVE MARKER OR HEADSTONE

Act 932 (HB 1814) requires sellers of grave markers or headstones to advise a purchaser that if the deceased is a veteran of the armed forces of the United States, the purchaser may request that the marker or headstone so indicate.

MINERALS

BRINE PRODUCTION

Act 1287 (HB 2114) amends the Arkansas Code to update and clarify the laws relating to the production of brine.

MINING

ALLOCATION OF ABANDONED MINERAL PROCEEDS

Act 748 (HB 1802) repeals the requirement that 25% of abandoned mineral proceeds be distributed based on county populations and provides that proceeds are to be distributed equally among all counties in the state.

GRAVEL MINING

Act 1110 (1778) creates a task force to study the impact of stream bed mining on fisheries, water quality, and the overall recreational, scenic, and economic potential of the state's water resources.

MINING (Cont.)

SURFACE COAL MINING

Act 500 (SB 288) amends the Arkansas Surface Coal Mining and Reclamation Act to remove the provision allowing surface coal mining operations affecting two acres or less to be excluded from certain permit application requirements. The act requires the Arkansas Department of Pollution Control and Ecology to pay certain technical services costs associated with the hydraulic consequences of mining and reclamation operations. The act also removes the prohibition on permit approval due to an air or water environmental protection violation resulting from an unanticipated event at a surface coal mining operation on land eligible for re-mining.

MOTOR VEHICLES

BRANDED TITLE

Act 620 (HB 1714) requires that a nondealer motor vehicle owner who knowingly offers for sale or trade a vehicle whose title is branded with the word "DAMAGE" must disclose to prospective buyers that the title is branded and furnish a description of the damage as on file with the Office of Motor Vehicles.

CHILD PASSENGER PROTECTION LAW

FINES INCREASED/AGES REVISED

Act 1274 (HB 1932) revises the Child Passenger Protection law to increase the fines for violations from \$10.00 to \$25.00 for the minimum fine and from \$25.00 to \$100 for a maximum fine. It also revises the age for requiring children be restrained in car seats from all children under three years old to all children under four years old or under 40 pounds in weight. For a child who is four years of age or at least 40 pounds in weight and under five years old, a seatbelt is sufficient to meet the restraint requirements.

COMMERCIAL DRIVER'S LICENSE

Act 921 (HB 1426) amends the Commercial Driver's License Act to conform to the Federal Highway Administrative Requirements regarding commercial drivers license out-of-service orders and convictions of persons operating commercial motor vehicles who do not hold commercial driver's licenses.

CDL THIRD PARTY TESTING

Act 654 (HB 1309) requires that the Department of Arkansas State Police must adopt rules and regulations to provide for the designation of third party testers for commercial driver licenses (CDL) by January 1, 1996. The third party testers must use the same test as administered by the State Police testers, must enter into an agreement with the state which complies with requirements of federal regulations, and shall pay a third party testing administration fee to recover the costs of administering the testing program and examination distribution expenses.

DRIVER'S LICENSE

Act 483 (SB 287) authorizes the Office of Driver Services to suspend or revoke any validly issued license if the licensee is found in the possession of an invalid license or has caused or assisted in the issuance of an invalid license.

ADMINISTRATIVE LICENSE REVOCATION PROGRAM

Act 802 (SB 546) creates an administrative driver license revocation program for driving while intoxicated (DWI) offenses in Arkansas. The program provides for administrative revocation and suspension of drivers' licenses when persons are charged with the offense of driving while intoxicated rather than having their driver license suspended as part of the criminal traffic offense penalty. The DFA-Office of Driver Services is authorized to issue a temporary driving permit but only in limited circumstances (first arrests when attending school or for work). The program will be effective July 1, 1996. However, on July 1, 1995, a driver license reinstatement fee for licenses suspended or revoked under the ALR program or under DWI charges will increase from \$25.00 to \$75.00.

DRIVING RECORDS RELEASE

Act 959 (HB 1395) limits to five (5) years, or until it is withdrawn, whichever occurs first, the amount of time the Office of Driver Services must honor a release of a driver's driving record. It also clarifies the requirement that a custodial parent must sign a minor's application for a driver's license and provides, in the event a custodian does not sign the application, that the person signing the application shall be the one financially responsible for the minor driver.

DWI - REINSTATEMENT OF LICENSE

Act 263 (SB 182) provides that any person who pleads guilty or nolo contendere or is found guilty of driving while intoxicated shall furnish proof of attendance at and completion of an alcoholism treatment program before reinstatement of his or her driver's license that was suspended or revoked.

NONRESIDENT DRIVER LICENSES

Act 413 (HB 1252) allows a person with a valid driver's license issued by another state to obtain an Arkansas driver's license by simply surrendering a current valid out-of-state license (instead of also being required to take the written driver's license exam) and paying a transfer fee of five dollars (\$5.00).

REINSTATEMENT FEE

Act 730 (HB 1451) establishes a \$25 reinstatement fee for a driver's license which is suspended for non-DWI offenses. The act provides that the revenues generated by the fee will be deposited into the Arkansas State Police Retirement Fund.

EMERGENCY LIGHTING STANDARDS

FIREFIGHTERS

Act 123 (HB 1019) allows firefighters to use portable dash-mounted red rotating or flashing emergency lights on their privately owned automobiles when responding to a fire or other emergency.

POLICE VEHICLES

Act 753 (SB 351) authorizes Arkansas state and local law enforcement agencies to equip their motor vehicles with blue lights or a combination of blue, red or white lights.

MOTOR VEHICLES (Cont.)

LICENSE PLATES

DISABLED VETERAN'S WIDOW

Act 310 (SB 19) authorizes the surviving spouse of a deceased disabled veteran to be issued a special disabled veteran's license plate upon payment of a registration fee and clarifies that the special license plate does not confer eligibility for disabled parking privileges. It further authorizes the surviving spouse of a deceased recipient of the Congressional Medal of Honor to be issued special license plates without charge.

FEES CLARIFIED FOR SPECIAL PLATES-FIREMEN

Act 1314 (SB 433) amends the law regarding the firefighter's motor vehicle license plates to provide that the renewal fee for the special license plates will be the same as the normal fee for motor vehicle registration.

SPECIALTY LICENSE PLATE-CIVIL AIR PATROL

Act 647 (SB 340) requires the Department of Finance and Administration to design a special motor vehicle license plate for members of the Civil Air Patrol, with the initial license plate fee to be \$35.00 and annual renewals the same as prescribed for regular license plates.

LIQUEFIED PETROLEUM GAS

ANNUAL FEE

Act 777 (HB 1376) repeals the licensing and bonding of motor fuel and distillate fuel dealers and the annual fee for motor vehicles using liquefied petroleum gas. It also repeals the refund of motor fuel taxes paid on gasoline used for agricultural purposes.

MANDATORY SEATBELT LAW

REVISIONS

Act 1118 (HB 1876) amends the Arkansas mandatory seatbelt law to allow the person's use or nonuse of a seatbelt as evidence in a products liability civil lawsuit in limited circumstances. It also increases the fine reduction incentive for wearing a seatbelt from \$5.00 to \$10.00 per incident and prohibits the Office of Driver Services from keeping any record of seatbelt violations as part of a person's driving record history.

MOTOR CARRIERS

INTRASTATE DE-REGULATION

Act 746 (HB 1719) amends the Arkansas Motor Carrier Act, regulating Arkansas intrastate motor carriers, to make it comply with federal laws partially preempting (de-regulating) the state regulation of certain motor carriers. Most intrastate motor carriers are no longer required to seek approval of their rates or routes. Household goods carriers and intrastate passenger buses are no longer required to have a certificate of public convenience and necessity and are no longer subject to rate regulation.

MOTOR FUEL

DYED FUEL UTILIZED FOR OFF ROAD PURPOSES

Act 954 (SB 672) requires that all diesel fuel sold, used, or utilized in this state for off road purposes be dyed and provides penalties for the misuse of dyed fuel. The act also requires that all fuel tax reports be submitted by electronic means and requires payment of fuel taxes by electronic funds transfer.

MOTOR VEHICLES - Motor Fuel (Cont.)

LICENSING AND BONDING REQUIREMENTS

Act 777 (HB 1376) repeals the licensing and bonding of motor fuel and distillate fuel dealers and the annual fee for motor vehicles using liquefied petroleum gas. It also repeals the refund of motor fuel taxes paid on gasoline used for agricultural purposes.

TAX - DISTILLATE SPECIAL FUEL

Act 1006 (SB 661) refers for a statewide vote a 5¢ per gallon increase in the excise tax levied on distillate special fuels. The act designates the tax as special revenues for use in partial repayment of general obligation bonds for highway construction and for utilization by the counties and municipalities on county roads and municipal streets.

TAX - GASOLINE

Act 1005 (SB 660) levies a wholesale excise tax of 6.5% on gross receipts derived from the sale of motor fuel sold by position holders in Arkansas and on the purchase price of motor fuel imported for sale, use, storage, distribution, or consumption in Arkansas. The act designates the tax as special revenues for use in partial repayment of general obligation bonds for highway construction and for utilization by the counties and municipalities on county roads and municipal streets. The tax shall not become effective unless the issuance of highway construction and improvement general obligation bonds is approved by the electorate.

MOTOR VEHICLE DEALERS

LICENSE FEES INCREASED

Act 568 (SB 481) increases several license fees under the Arkansas Motor Vehicle Commission Act. License application fees increase from \$25.00 to \$50.00 and license fees for manufacturers and distributors increase \$250 to \$400. It also removes wholesalers and auto auctions from regulation under the act.

MOTOR VEHICLE RACING

Act 1191 (HB 1418) prohibits the construction of a motor vehicle racing facility in this state without the consent of at least 75% of the property owners and 75% of the residents within 3 miles of the boundary of the proposed facility.

MOTORCYCLES

INSPECTION

Act 614 (HB 1473) provides for motorcycle inspection certificates to be placed in the appropriate space on license plates and for a change in the design of motorcycle inspection decals, effective with the issuance of decals for the 1996 calendar year, to further compliance with this requirement.

OVERWEIGHT AND OVERSIZE PERMITS

NEW CLASS OF PENALTIES

Act 851 (SB 605) provides for three (3) more classes of overweight penalties to be paid by those persons violating the vehicle weight limitation laws and overweight permits issued to them, 3,000 to 4000 lbs, 4,000 to 10,000 lbs, and over 10,000 lbs overweight. It also clarifies and corrects some misinterpretations in the overweight laws and corrects some language regarding certain axle load limitations on the federal interstate highways.

MOTOR VEHICLES - Overweight and Oversize Permits (Cont.)

PERMIT FOR WATER WELL DRILLING EQUIPMENT

Act 873 (HB 2024) provides for the issuance of a special permit for the movement of a vehicle of special design utilized exclusively for the drilling of water wells where the vehicle's length exceeds the overlength standards for vehicles on pneumatic tires. The permit is valid for a period of one (1) year from the date of issuance and, for movements within a radius of thirty-five (35) miles of a point of origin, the fee is \$100 and for movements exceeding thirty-five (35) miles radius, the fee is \$300.

REQUIREMENTS FOR SOLID WASTE HAULERS REPEALED

Act 435 (SB 154) eliminates the axle and brake requirements for vehicles hauling solid waste which were in addition to the oversize and overweight laws on Arkansas highways.

PARKING PRIVILEGES

PERSONS WITH DISABILITIES

Act 780 (HB 1709) provides for equal treatment of disabled persons under traffic control and parking ordinances of local governments and exclusive parking privileges in areas designated for parking by people with disabilities only.

QUALITY ASSURANCE ACT

ACT 302 (HB 1407) amends the Arkansas New Motor Vehicle Quality Assurance Act to require a motor vehicle to be licensed in this state to be eligible for protection under the Quality Assurance Act. It also establishes a civil penalty for failing to provide to the consumer a written statement explaining the consumer's rights and a non-rebuttable presumption of a reasonable number of attempts to repair when a manufacturer fails to provide the consumer with an opportunity to have a motor vehicle with a nonconformity repaired at a reasonably accessible repair facility or when the manufacturer fails to perform requisite repairs within the designated time periods.

REGISTRATION

ODOMETER FRAUD STATEMENT

Act 795 (HB 1519) enacts a new Arkansas law on odometer fraud to prevent the sale or transfer of motor vehicles without a statement of the actual mileage of the vehicle accompanying the sale. It increases the penalties for a violation of odometer fraud from one year in jail and \$1,000 fine to up to three (3) years in prison and \$50,000 in fines. It makes a person subject to an action under the Deceptive Trade Practices Act and provides for possible civil lawsuit, also. It also repeals the current Arkansas laws on odometer fraud.

PICK-UP TRUCKS

Act 389 (SB 289) amends motor vehicle registration laws to define Class One trucks as all trucks rated by the manufacturer having a nominal tonnage of one (1) ton or less, instead of a payload capacity of 1/2-ton or 3/4-ton, and allows trailers pulled by passenger cars and pick-up trucks to be registered for a three (3) year period, instead of two (2) years.

REGISTRATION FEE

Act 330 (HB 1226) repeals the additional \$2.00 motor vehicle registration fee for the annual renewal of motor vehicles registered and licensed in this state, at the local revenue offices.

MOTOR VEHICLES - Registration (Cont.)

TIME FOR REGISTERING

Act 268 (SB 286) requires motor vehicles to be inspected, registered and titles applied for within 20 days of the date of purchase. This act also clarifies that the isolated sale exemption does not apply to the sale of motor vehicles and that a 10% penalty is due on sales tax paid beyond the 20 day registration requirement.

TRAILERS

Act 389 (SB 289) amends motor vehicle registration laws to allow trailers pulled by passenger cars and pick-up trucks to be registered for a three (3) year period, instead of two (2) years, and defines Class One trucks as all trucks rated by the manufacturer having a nominal tonnage of one (1) ton or less, instead of a payload capacity of 1/2-ton or 3/4-ton.

VEHICLES USED FOR TRAINING PURPOSES

Act 1297 (HB 1902) exempts motor vehicles owned and operated by vocational-technical schools, technical colleges, and community colleges, which are used exclusively for training purposes, from sales tax and registration fees. The act also creates the Arkansas Higher Education Funding Study Commission to study institutional missions, funding for capital projects, and other funding issues related to institutional missions.

SALES TAX OR USE TAX

TRADE-IN CREDIT FOR MOTOR VEHICLE DEALERS

Act 1013 (SB 572) allows a motor vehicle dealer a deduction when calculating sales tax on a new replacement vehicle equal to the value of a used vehicle returned to inventory.

TRAFFIC ACCIDENT REPORTS

CORRECTIONS OF REFERENCES TO CDL

Act 659 (HB 1683) amends various Arkansas laws regarding motor vehicle accident reports to correct references in the language to driver's licenses and commercial driver's licenses (CDL).

LAPSE OF CONSCIOUSNESS QUESTIONS

Act 570 (SB 503) includes a requirement on traffic accident reports that law enforcement officers or persons filing reports to inquire about accidents caused by the driver's lapse of consciousness or other physical condition or disability which affects the safe operation of the motor vehicle.

USED MOTOR VEHICLES

BUYER PROTECTION

Act 357 (HB 1308) revises an exemption from the definition of "used car dealer" so that an individual selling a motor vehicle titled in his own name will only be exempted if the vehicle was used exclusively as a personal vehicle. It further revises the exemption to provide that an individual selling a motor vehicle titled in a business name will only be exempted if the vehicle was used exclusively as a business vehicle, and it exempts, without restriction, persons engaged in leasing or renting motor vehicles from the definition of "used car dealer." The act provides that knowingly assisting an unlicensed dealer in the sale of a motor vehicle will be a violation of the subchapter and clarifies the used car dealer's responsibilities in regard to the display of the used motor vehicle license number and in regard to maintenance of records.

MOTOR VEHICLES - Used Motor Vehicles (Cont.)

NO SALES TAX DUE

Act 437 (SB 329) allows motor vehicle dealers who purchase used motor vehicles upon payment of all applicable registration and title fees, to register the motor vehicle for the sole purpose of obtaining a certificate of title without being required to pay sales or use tax.

VEHICLE REMOVAL

Act 815 (HB 1794) provides that the vehicle removal policy of a law enforcement agency does not have to provide the owner of the vehicle the right to choose the person to remove the vehicle in those instances where an emergency exists, or the immediate clearing of a public thoroughfare mandates an expedited tow service.

NOTARIES PUBLIC

FAX SIGNATURES AND SEALS

Act 200 (SB 176) allows a notary public to affix a notary certificate bearing the notary public's fax signature and fax seal on a commercial document after filing certain documents with the Secretary of State.

OIL AND GAS

SEVERANCE TAX CREDIT

Act 1093 (HB 1314) provides a severance tax credit to an oil producer involved in enhanced recovery of crude oil under a plan approved by the Oil and Gas Commission. The act exempts crude oil from a well or oil field which has been inactive for 12 months from severance tax. The act also provides that an "active field" which utilizes "new research technology" resulting in increased production is exempt from severance tax for the additional oil produced as a result of the new technology.

TRANSPORTATION AND STORAGE

Act 604 (SB 100) amends the permit requirements relating to the sale, storage, and transportation of liquefied petroleum gas. The act increases the amount of insurance which liquefied petroleum gas permit applicants are required to maintain.

PAWNSHOPS

Act 965 (HB 1616) requires pawnbrokers to record the driver's license number, the personal ID number issued under § 27-16-85, or the number from some other form of photograph ID of any person from whom property is received.

PROPERTY

ABANDONED CEMETERY LOTS

Act 464 (HB 1483) authorizes cities and counties owning cemeteries to initiate proceedings in circuit court for termination and forfeiture of rights of unknown owners of cemetery lots if at least 75 years have passed since the last interment in a lot.

PROPERTY (Cont.)

ABANDONED INDUSTRIAL SITES

Act 125 (HB 1076) amends the Remedial Trust Fund Act to provide incentives to those who wish to purchase, clean-up and redevelop abandoned industrial sites. This act also provides for alternative clean-up requirements for persons who propose to redevelop the site and who are not responsible for preexisting pollution or contamination at the site.

ABANDONED MINERAL PROCEEDS

Act 748 (HB 1802) repeals the requirement that 25% of abandoned mineral proceeds be distributed based on county populations and provides that proceeds are to be distributed equally among all counties in the state.

ABANDONED PROPERTY

SALE BY AUDITOR OF STATE

Act 816 (HB 1803) makes minor changes to the notice provisions and publication of lists of abandoned property and requires that the highest bid at the sale of stock be at least 95% of current market value or the Auditor may sell the stock at open market for the current market value using a licensed broker.

ADVERSE POSSESSION

Act 776 (HB 1348) adds additional requirements for establishing adverse possession.

DISCRIMINATION

Act 1129 (HB 1963) and Act 1327 (SB 825) prohibit a person engaging in a real estate transaction, or a real estate broker or salesman, from discriminating against an individual on the basis of religion, race, color, national origin, sex, disability, or familial status of that individual.

EMINENT DOMAIN

WATER ASSOCIATIONS AND CORPORATIONS

Act 1207 (HB 1838) authorizes associations and corporations which supply water to cities, towns, villages and rural areas to exercise the power of eminent domain to construct water facilities, water transmission and distribution lines and to expand water service areas. It limits the circumstances in which the associations and corporations can exercise the power of eminent domain as being only as a last resort and says they shall make use of existing easements and rights-of-way to the maximum extent practicable. It also changes the measure of damages in eminent domain actions to be the fair market value of the condemned property at the time of the filing of the petition by the corporation or water association as may be determined by a jury based on the opinion of a licensed appraiser.

FEDERAL LIENS

FEES

Act 769 (SB 649) increases the basic fees charged for filing various federal tax liens from \$3.00 to \$6.00.

PROPERTY (Cont.)

INSTRUMENTS LACKING AUTHENTICITY

Act 1086 (HB 1021) makes it unlawful to knowingly record instruments affecting the title to real property which lack authenticity with the intent of adversely affecting the title to the real property. Provides for treble damages in civil actions to clear the title to real property adversely affected.

REAL ESTATE TRANSFER TAX
DISTRIBUTION OF TAX

Act 383 (SB 164) clarifies the distribution of the real estate transfer tax collected pursuant to § 26-60-105(b). It also provides that the seller and purchaser will both be responsible for one-half of the real estate transfer tax unless they agree otherwise.

STAMPS

Act 1299 (HB 1966) requires an instrument evidencing a transfer of title to have documentary stamps attached to the face of the instrument evidencing full payment of the real property transfer tax on the transaction.

REAL PROPERTY

USE OF MARGINAL NOTATIONS

Act 1025 (SB 179) eliminates the use of marginal notations as a method of evidencing the existence of or the release of an interest in real property in counties which use other than paper recording systems.

TIMBER

SALE OF UNDIVIDED INTEREST

Act 775 (HB 1103) allows a co-owner or co-heir of land to sell an undivided interest in timber located on the property and provides that a buyer may remove the timber from the land with the approval of at least 80% of the ownership interest in the land. The act establishes provisions for a co-owner's liability for the cost of timber operations from the sale of timber and for the failure or refusal of a co-owner to claim a portion of the sale price of the timber.

TRESPASS

POSTED LAND, CROP LAND, FENCED PASTURE

Act 870 (HB 1702) prohibits entering onto posted land, crop land or a fenced pasture outside a city or town without written permission of the owner or lessee of the property.

PUBLIC WORKS

EARTHQUAKE RESISTANT DESIGN

EXEMPTION FOR HIGHWAY AND BRIDGE CONSTRUCTION

Act 569 (SB 486) provides an exemption under Arkansas law requiring earthquake resistant design restrictions for public structures and public works projects. It exempts the construction and design of highways, roads, streets and bridge facilities from these design and engineering requirements.

RACING

DOG RACING

DISTRIBUTION OF MONEY WAGERED

Acts 342 and 347 (HB 1359 and SB 246) increase the number of racing days to 122 per meet. These acts also make changes in the distribution formulas of money wagered on dog racing and dog racing meets.

PASSES

Act 7 (HB 1044) provides that the Director of the Department of Finance and Administration shall set the maximum number of racing passes to be printed and issued annually and that number shall not be less than the number printed in 1990.

RAILROADS

RAILROAD CROSSING COMPLAINTS

TIME-FRAMES REVISED

Act 668 (SB 550) changes the time-frames for railroad companies to respond to complaints by municipal or county officials about the maintenance or obstruction of railroads crossing streets and roads. Railroad companies have 45 days to answer the complaint made by a complaining official, previously, it had 30 days. The Highway Commission has 60 days to hold a hearing to determine the reasonableness of the railroad's action on the complaint. Previously, the commission had only 15 days.

SALES TAX OR USE TAX

PARTS, CARS AND EQUIPMENT

Act 848 (SB 541) exempts tangible personal property incorporated into or which ultimately becomes a part of railroad parts, railroad cars, and equipment brought into the state for the purpose of being repaired, refurbished, modified, or converted from sales tax.

RETIREMENT

JUDICIAL RETIREMENT SYSTEM

MEMBERSHIP OF BOARD

Act 1282 (HB 1586) revises the membership of the Board of Trustees to the Arkansas Judicial Retirement System to consist of three (3) persons appointed by the Arkansas Judicial Council. Previously, one member had to be a circuit judge, one had to be a chancellor and the third person had to be from the Supreme Court.

ANNUAL COST-OF-LIVING INCREASE

Act 887 (HB 1072) provides for a cost of living increase in retirement benefits for members of the Arkansas Judicial Retirement System based on the difference in the consumer price index from the latest full year over the CPI for previous calendar year or 3%, whichever is less. This method of redetermination of the retirement benefits will be applicable to any judge first elected after July 1, 1983.

EXCEPTION TO FORFEITURE OF BENEFITS

Act 1355 (SB 102) provides for relief from the forfeiture of Judicial Retirement System benefits for circuit judges who serve beyond their seventieth birthday by allowing for retirement benefits for a circuit judge who has served continuously for at least sixteen (16) years and who is over eighty (80) years of age.

RETIREMENT - Judicial Retirement System (Cont.)

RECIPROCAL WITH OTHER RETIREMENT SYSTEMS

Act 949 (SB 478) makes the Arkansas Judicial Retirement System a reciprocal system with the other state supported retirement systems in Arkansas to allow members of the Judicial Retirement System to earn service credit for time in other systems and to receive service credit for time in the Judicial Retirement System.

LOCAL POLICE AND FIRE RETIREMENT SYSTEM

ELIMINATES DISABLED MEDICAL EXAMS AFTER 55

Act 643 (HB 1509) eliminates the requirement that a disability retiree under the Local Police and Fire Retirement System (LOPFI) be recertified as to his or her disabled status after age 55. Previously, a disability retiree was subject to a medical examination even after age 55.

FIRE AND POLICE PENSION REVIEW BOARD

Act 132 (HB 1270) provides that each member of the Fire and Police Pension Review Board will receive \$25.00 per diem and will be reimbursed for actual expenses for mileage, meals, and overnight lodging incurred in attending meetings of the board or in the performance of other duties authorized by the board.

FIREFIGHTER DEATH BENEFITS

Act 1031 (SB 347) provides that if an active member of the Local Police and Fire Retirement System dies in employer-paid service as a result of and in the course of the actual performance of his duties and the member does not have 25 years of credited service in force at the time of death, credited service will be granted to the member for the period of time from the date of his death to the date he would have completed 25 years of credited service as an employee.

MAXIMUM AGE ELIMINATED

Act 642 (HB 1508) eliminates the maximum age limit for members to earn service credit for the Local Police and Fire Retirement System (LOPFI). Previously, the maximum age limit was 65.

MAXIMUM BENEFIT INCREASE REMOVED

Act 1267 (HB 1576) amends the law regarding the redetermination of benefit amounts under the Local Police and Fire Retirement System. The maximum amount of one-half of the inflation index will not apply when calculated in a year when the rate of return on LOPFI investments exceeds the actuarial assumption by one percent (1%) or more, as determined by the board.

MEETINGS OF BOARD

Act 514 (HB 1380) eliminates the need for regular meetings of boards of trustees of municipal judges' retirement systems, of the LOPFI system, and of the municipal firemen's pension and relief funds. It provides the boards may establish their own rules for meeting times and frequency.

MILITARY SERVICE CREDIT

Act 641 (HB 1461) requires that a member of the Local Police and Fire Retirement System (LOPFI) receive retirement credit for voluntary military service if he again becomes an employee within a period of one (1) year from and after honorable termination of the armed service. Previously, service credit was allowed only for compulsory military service.

RETIREMENT - Local Police and Fire Retirement System (Cont.)

TWO BENEFIT PROGRAMS PRESCRIBED

Act 474 (HB 1397) authorizes political subdivisions under the Local Police and Fire Retirement System (LOPFI) to choose between two benefit programs: Benefit Program 1 pays 1% of the final average salary per year covered along with social security; and Benefit Program 2 pays 2% of the final average salary per year covered along with social security. It further requires members' contributions of six percent (6%) of salary if the covered employment is not covered by social security or if the political subdivision has elected Benefit Program 2.

MUNICIPAL JUDGES

COUNTIES OF 150,000 OR MORE POPULATION

Act 793 (HB 1545) changes the requirements for retirement funds for municipal judges in counties with 150,000 or more in population. Deficiencies in the retirement funds will no longer come from the county general fund. After 1994, retirement benefits and eligibility for judges to retire will change to require the judge to reach the age of 65 years and have served at least ten years in office as municipal judge, or to have served at least 20 years in office service as municipal judge, whatever his or her age.

COURT COSTS - BRADLEY COUNTY

Act 1002 (SB 327) authorizes cities in or a county with a population between 11,700 and 12,000 persons, according to the latest decennial census, Bradley County, to levy specified fees in criminal and civil cases to fund retirement benefits of municipal judges and clerks for the cities in that county.

COURT COSTS - NEWPORT

Act 1241 (SB 268) authorizes cities with population of at least 7,000 but not more than 7,475 and located in a county having a population of at least 18,700 but not more than 19,000, according to the 1990 decennial census, Newport in Jackson County, to levy specified fees in criminal and civil cases to fund retirement benefits of municipal judges and clerks for the cities in that county.

SPECIFIC BENEFITS PRESCRIBED

Act 792 (HB 1327) provides for the retirement of a municipal judge who at age 55 has 16 years of service, with not less than eight years as municipal judge, at least five years as a deputy prosecuting attorney, and three years with any state agency. The qualifying municipal judge is eligible for a retirement benefit equal to one-half his salary at retirement.

POLICE AND FIRE PENSION FUNDS

FIREMEN'S PENSION FUNDS-BOARD MEETINGS

Act 514 (HB 1380) eliminates the need for regular meetings of boards of trustees of municipal judge's retirement systems, of the LOPFI system, and of the municipal firemen's pension and relief funds. It provides the boards may establish their own rules for meeting times and frequency.

FIREMEN'S PENSION FUNDS-OBSOLETE LAWS

Act 554 (HB 1514) repeals certain Arkansas laws concerning municipal firemen's pension and relief funds which may be either obsolete or unconstitutional.

RETIREMENT - Police and Fire Pension Funds (Cont.)

FUNDS UNDER \$500,000 IN ASSETS

Act 615 (HB 1535) expands the investment opportunities for police pension and relief funds and firemen's pension and relief funds with assets under \$500,000 in value. It allows these local government pension funds to invest their moneys with the Local Government Joint Investment Trust and through the Local Police and Fire Retirement (LOPFI) System.

GUARANTEE FUND CREATED

Act 1266 (HB 1561) creates an Arkansas Fire and Police Pension Guarantee Fund for those Arkansas municipal police and fire relief and pension funds which are underfunded for their accrued actuarial liabilities from local revenue sources. All insurance premium taxes levied on insurers, but which are not allocated to cities or towns participating in the distribution of the taxes, may be allocated to the Guarantee Fund by the State's Chief Fiscal Officer upon the recommendation of the Arkansas Fire and Police Pension Review Board. The board will recommend yearly to the Chief Fiscal Officer which police and fire pension funds should receive financial assistance from the Guarantee Fund and the amount of the assistance.

INCREASES IN BENEFITS

Act 684 (HB 1505) amends the law providing a procedure for increasing the benefits for municipal police and firemen's pension funds to include future retired members and substitutes language to require the actuarial evaluation of benefit increases to be in accordance with rules of the Arkansas Fire and Police Pension Review Board. Previously, it required the fund to have an unfunded accrued actuarial debt of no more than 30 years. It also repeals a conflicting provision on benefit increases in police funds.

MILITARY SERVICE CREDIT

Act 1290 (HB 1462) provides that active members of a policemen's and firemen's pension and relief fund who enter the armed forces of the United States during any period of voluntary or compulsory military service shall be credited with service in the fund if they become employees within a period of one year after an honorable termination of the armed service.

OBSOLETE LAWS

Act 920 (HB 1399) repeals certain municipal police pension and relief fund laws that are considered obsolete and no longer used or are local and special legislation.

OPTION TO CLOSE OVERFUNDED PROGRAMS

Act 1012 (SB 420) provides that when a local police pension and relief fund covering only retired members is overfunded with over four hundred (400) percent of its retired life liabilities covered by assets, a city may chose to buy out the beneficiaries or otherwise assure that the beneficiaries will receive all benefits under the plan. The city may then dissolve the police pension and relief fund and transfer all surplus funds to the city treasury to be used solely for capital improvements of the city. All insurance premium taxes or other sources of revenue may then be used for retirement benefits for new uniformed and new non-uniformed employees.

POLICE DROP PROGRAM-10 YEAR MAXIMUM

Act 961 (HB 1495) allows the board of trustees to extend the maximum amount of time for the Deferred Retirement Option Plan (DROP) from five years to a maximum of ten years of additional service for a member under a municipal police pension and relief fund. The governing body of the municipality must also approve the extension of DROP beyond the maximum of five years.

RETIREMENT (Cont.)

PUBLIC EMPLOYEES RETIREMENT SYSTEM

BENEFIT INCREASE-CONTRIBUTORY

Act 629 (SB 291) increases the multiplier for retirement benefits for members of the Public Employees Retirement System who retire after July 1, 1995, from 1.872% to 1.992% of the member's final average salary. The act applies to contributory retirants.

BENEFIT INCREASE-NONCONTRIBUTORY

Act 628 (SB 290) increases the multiplier for retirement benefits for noncontributory members of the Public Employees Retirement System who retire after July 1, 1995 from 1.55% to 1.65% of the member's final average salary, plus an increase of the social security offset for members who retire prior to age 62 from 0.322% to 0.342%. These increases will be effective July 1, 1995.

BENEFIT INCREASE-RETIREEES

Act 630 (SB 293) increases the monthly retirement benefit payments to current retirants and beneficiaries of the Public Employees Retirement System by 6.45%. The benefit increase is effective July 1, 1995.

COUNTY HEALTH INSURANCE

Act 745 (HB 1666) provides that county officials and county employees who are fifty-five (55) years or older and are members of the Public Employees Retirement System may continue to participate in the county health insurance plan after their retirement.

CREDITED SERVICE FOR MUNICIPAL OFFICIALS RESTORED

Act 1242 (SB 397) provides that former municipal court clerks who were covered by the Public Employees Retirement System at the time of their municipal service, who withdrew the service and the accumulated contributions from the system, and who later become members of PERS or of a reciprocal system, may purchase credited service to have the time of complete municipal service restored to their credit. The employee and employer contributions must be restored with interest.

FIVE-YEAR VESTING

Act 1356 (SB 465) reduces the minimum service time for members to vest in the Public Employees Retirement System from ten (10) years to five (5) years of credited service, except members of the General Assembly who will remain vesting at ten years. The five-year vesting for PERS will be effective beginning July 1, 1997.

MEMBER CONVERSION TO NONCONTRIBUTORY PLAN

Act 666 (SB 408) extends the period of time a state employee may convert from the PERS contributory plan to the PERS noncontributory plan until June 30, 1996. Previously, a state employee had until June 30, 1991.

NATIONAL GUARD EMPLOYEES

Act 1102 (HB 1622) authorizes the Public Employees Retirement System to provide credited service to Arkansas National Guard employees for service as technicians and site contract employees as state employees under Act 47 of 1961 until July 1, 1975. It allows the National Guard to pay the employer contributions for employees, if it so chooses, and authorizes PERS to provide the credited service when employee and employer contributions are made.

RETIREMENT - Public Employees Retirement System (Cont.)

NEW PARTICIPATING EMPLOYERS

Act 398 (HB 1010) includes public facility boards, regional solid waste management boards, joint county and municipal sanitation authorities, and regional water distribution boards within the Arkansas Public Employees Retirement System as participating employers and provides these employers shall pay the contributions for their employees voting to participate.

RURAL WATERWORKS FACILITIES BOARDS

Act 1292 (HB 1543) authorizes members of Rural Waterworks Facilities Boards, created pursuant to Act 617 of 1995, to participate in the Public Employees Retirement System. Employees will receive credit after employee and employer contributions are paid by the Rural Waterworks Facilities Boards.

SERVICE CREDIT FOR FEDERAL GRANT SERVICE

Act 1264 (HB 1256) authorizes members of the Public Employees Retirement System (PERS) to purchase service credit for up to three (3) years of state service to state agencies while employed under a federal grant. The "state service under a federal grant" means service rendered to any state agency while detailed or assigned to the agency under the terms of a federal grant agreement. It specifies the services for the state agency must be under the supervision of state administrators while being paid from federal grant funds awarded to the state agency and withheld from the federal grant moneys.

SERVICE CREDIT FOR LEAVE-WITHOUT-PAY STATUS

Act 882 (SB 464) allows members of the Public Employees Retirement System to purchase service credit for time off from work on leave-without-pay status because of a physical injury or disabling disease. The member is responsible for paying the employee and employer contributions.

SERVICE CREDIT FOR WORKERS' COMPENSATION INJURY

Act 962 (HB 1553) authorizes members of the Public Employees Retirement System to purchase service credit for time lost due to work-related injuries for which workers' compensation benefits were received. The member is responsible for paying the employee and employer contributions but the employer may pay its contributions.

STATE POLICE RETIREES CREDITED SERVICE

Act 846 (SB 454) allows members or retirants of the State Police Retirement System to be elected as county sheriffs and to accumulate credited service in PERS. Previously, only legislators and volunteer firemen could draw retirement benefits and earn additional credited service as a member of PERS as an elected official.

PUBLIC RETIREMENT COMMITTEE

Act 139 (SB 125) increases the number of members of the Joint Committee on Public Retirement and Social Security Programs from 17 to 20 members with the additional 3 members being from the Senate.

RETIREMENT SYSTEMS IN GENERAL

MAXIMUM INCOME LIMITS

Act 738 (SB 469) adopts the income limitations of federal Internal Revenue Code § 415 for retirement benefits paid under state-supported retirement plans in Arkansas. It will limit retirement benefits to the maximum of a person's highest three-year final average salary that is applicable to governmental retirement plans.

RETIREMENT - Retirement Systems in General (Cont.)

PURCHASE OF MILITARY SERVICE

Act 611 (HB 1094) provides a new method of calculating the cost of purchased service credit for military service under state-supported retirement systems. For the first three years of credited service purchased, the cost is based on the amount a member would have contributed had he been a member during his term of military service and the monthly contributions at the time he first became a member of the retirement system. For the 4th and 5th years of credited service purchased, the cost is based on the amount a member would have contributed to the account had he been a member during his term of military service and the monthly contributions in effect at the time he first became eligible to purchase the military service.

PURPOSES AND LIMITS ON UNFUNDED LIABILITIES

Act 613 (HB 1409) prescribes that the purpose for Arkansas' state-supported retirement system funds is for retirement benefits and investment and administrative expenses. It enacts a procedure for valuing the assets and incomes for all state-supported retirement systems and sets the limit for any unfunded accrued liabilities not to exceed thirty (30) years. It says underfunded systems shall not have any benefit increases until the unfunded actuarial accrued liability is reduced.

QUALIFIED DOMESTIC RELATIONS ORDERS

Act 644 (HB 1627) clarifies the law regarding the use of qualified domestic relations orders (QDROs) of the chancery courts to retirement benefits paid by state-supported retirement systems. It says that chancellors are authorized to specify and designate a fractional interest on any retirement benefit payment which may be paid to an alternate payee under the orders.

STATE HIGHWAY EMPLOYEES RETIREMENT SYSTEM

COST-OF-LIVING INCREASES

Act 407 (HB 1070) creates a compounded cost-of-living increase for retirants of the Arkansas State Highway Employees Retirement System based on the federal Consumer Price Index or three percent (3%), whichever is greater.

STATE POLICE RETIREMENT SYSTEM

DEFERRED OPTION PLAN

Act 967 (HB 1629) creates the Arkansas State Police Officers Deferred Option Plan which permits a state trooper who becomes eligible for retirement, with 30 years or more of credited service, to remain employed and to divert retirement benefits into a deferred account for up to five years. The monthly benefits that would have been payable had the member elected to retire shall be paid into the deferred account. After a maximum of five years, the state police trooper will terminate employment and shall receive an additional benefit annuity from the deferred account or a lump sum payment from the account.

DRIVER'S LICENSE REINSTATEMENT FEE

Act 730 (HB 1451) establishes a \$25 fee for reinstatement of a driver's license which is suspended for non-DWI offenses. The act provides that the revenues generated by the fee will be deposited into the Arkansas State Police Retirement Fund.

SURVIVOR'S BENEFIT ELIGIBILITY

Act 731 (HB 1493) eliminates the requirement that a spouse be married to a member for three years prior to being eligible for survivor's benefits under the State Police Retirement System.

RETIREMENT (Cont.)

TEACHER RETIREMENT SYSTEM

CHANGE ANNUITY OPTION AFTER RETIREMENT

Act 528 (HB 1570) allows a member of the Teacher Retirement System who became a retirant on or after July 1, 1994 to change his election for receiving an annuity for up to one (1) year after the effective date of his retirement if he repays the difference between the two annuities.

COMPENSATION LIMITS CAP-FEDERAL

Act 460 (HB 1161) provides that the Teacher Retirement System will incorporate the annual compensation limits of Section 401(a)(17) of the Internal Revenue Code in determining system benefits for members hired on or after July 1, 1996, \$150,000 limit. Beginning January 1, 1996, federal IRS regulations set the maximum compensation amount to be used for computing a retirement benefit at \$150,000. All members of TRS prior to January 1, 1996, will not have the compensation limit, \$150,000, apply to them; although it will apply to those hired after January 1, 1996.

DEFERRED RETIREMENT OPTION PLAN (T-DROP)

Act 1096 (HB 1502) creates the Teacher Deferred Retirement Option Plan (T-DROP) which permits a member of the Teacher Retirement System who is eligible for retirement, with 30 years or more of credited service, to remain employed and to divert retirement benefits into a deferred account. The monthly benefits will be payable as if the member had elected to retire and shall be paid into the T-DROP deferral account. After his or her ultimate separation from employment, the member will receive an additional benefit annuity from the deferred account or a lump sum payment from the account.

EARNINGS LIMIT DELETED FOR COLLEGE EMPLOYMENT

Act 1293 (HB 1618) eliminates the maximum earnings limitation placed on retirants who work for other public employers under the Teacher Retirement System if they are employed in a covered position at a college, university, or vocational-technical college or school.

INACTIVE MEMBERS

Act 281 (HB 1191) deletes the requirement that an inactive member of the Teacher Retirement System with 25 years of credited service must be 55 years of age to apply for retirement. The deferred annuity age is 60 years for all members having less than 25 years of credited service.

LIMIT ON ANNUAL SALARY INCREASES

Act 638 (HB 1285) limits the amount of a member's current year's salary to be used in the computation of retirement benefit under the Teacher Retirement System. When a member retires, the salary used in the computation of retirement benefits shall not exceed one hundred and ten (110) percent of the previous year's salary, unless the increase is result of a promotion, change in position, incremental increase in the school's salary schedule, or an increase in school revenues.

MEMBERSHIP

Act 332 (HB 1298) allows staff members of technical and community colleges, vocational schools, and the Division of Vocational-Technical Education to become members of the Teacher Retirement System.

RETIREMENT - Teacher Retirement System (Cont.)

MEMBERSHIP OF BOARD OF TRUSTEES

Act 523 (HB 1231) adds the State Auditor to the Teacher Retirement System's Board of Trustees and increases the number of members from 12 to 13 and changes the number for a quorum from six to seven members at board meetings.

PRIVATE SCHOOL CREDITED SERVICE

Act 513 (HB 1011) increases the number of years of credited service which members of the Teacher Retirement System may purchase for private school teaching from three (3) years to up to ten (10) years of service.

PURCHASE CREDITED SERVICE-FRACTIONS OF A YEAR

Act 524 (HB 1286) allows active members of the Teacher Retirement System to purchase fractions of years of service credit when purchasing credited service for out-of-state teaching service and for private school teaching service.

SYSTEM TECHNICAL CORRECTIONS

Act 542 (HB 1325) makes technical corrections to the Teacher Retirement System law to assist in administration of the System. It allows former active members to return to covered employment on or after July 1, 1995, and elect to make contributions to the system on their full salary. It also allows an inactive member who becomes reemployed, to add to his previous credited service in increments as small as thirty (30) days or one-quarter of the year. Previously, it was 120 days or a whole year's credit. It revises the language regarding the annuities for contributory and noncontributory credited service: 2.05% of salary for each year of contributory service; and 1.29% of salary for each year of noncontributory service.

VOLUNTARY RETIREMENT

Act 282 (HB 1192) changes the method of computing benefits for members of the Teacher Retirement System retiring on a date other than July 1. This act also allows inactive members with 25 years of credited service to apply for early voluntary retirement.

SECURITIES

OMNIBUS REVISIONS

Act 845 (SB 411) revises various sections of the Arkansas Securities Act.

SENIOR CITIZENS

CONTINUING CARE PROVIDER REGULATION ACT

RELEASE OF ESCROW FUNDS

Act 1351 (HB 2035) amends the Continuing Care Provider Regulation Act to establish guidelines for the release of escrow funds for living units in continuing care communities.

STATE AGENCIES

ADMINISTRATIVE PROCEDURE ACT

Act 884 (SB 519) requires the Arkansas Code Revision Commission to publish a code of state regulations and also changes several notice requirements that must be followed prior to the adoption, amendment, or repeal of any rule.

ADMISSION OF LIABILITY

Act 607 (SB 186) provides that when any agency admits liability to a claim filed with the Claims Commission which is based on contract or is a claim in excess of \$5,000, the agency must file a written report to the Litigation Subcommittee of the Legislative Council.

ALCOHOL AND DRUG ABUSE COORDINATING COUNCIL

Act 551 (HB 1305) reconstitutes the membership of the Arkansas Alcohol and Drug Abuse Coordinating Council and transfers to the council the authority of the Highway Safety Program Advisory Council and the Arkansas Alcohol and Drug Abuse Authority.

ALCOHOLIC BEVERAGE CONTROL DIVISION

Act 1212 (HB 1959) establishes procedures for an applicant to reapply to the director of the Alcoholic Beverage Control Division to operate as a private club in an area which has not elected to allow the sale of alcoholic beverages after a previous application has been denied.

ALTERNATIVE DISPUTE RESOLUTION COMMISSION

Act 673 (SB 349) establishes policies for the advancement of voluntary alternative dispute resolution procedures and creates the Arkansas Alternative Dispute Resolution Commission.

ARCHITECTS, BOARD OF

Act 784 (HB 1871) authorizes the Board of Architects to adopt regulations setting standards of continuing education for registered architects.

ASSESSMENT COORDINATION DIVISION

PROFESSIONAL DEVELOPMENT RECOGNITION PAYMENTS

Act 903 (SB 752) authorizes county assessors and employees of county assessors' offices to be eligible for Professional Development Recognition payments. To the extent moneys are available, assessors and their employees designated as Senior Appraisers by the Assessment Coordination Division are eligible to receive a professional development recognition payment not to exceed \$500, as Certified Residential Appraisers, they are eligible to receive a payment not to exceed \$1,000, and as Certified General Appraisers, they are eligible for a payment not to exceed \$2,000. Employees are only eligible for one professional development recognition payment annually when certified by the Assessment Coordination Division.

BAIL BOND BOARD

Act 827 (HB 1650) amends the bail bond licensing law to change references from Insurance Department and Insurance Commissioner to Professional Bail Bond Company and Professional Bail Bondsmen Licensing Board. The act also specifies that the member of the board who is a judge must be a municipal or circuit judge.

BANK DEPARTMENT

BANK COMMISSIONER

Act 467 (HB 1577) allows the Bank Commissioner to share with or furnish to any state or federal financial institution's examiner or regulatory agency copies of examinations or other information with reference to the condition of any bank or trust company, etc.

BARBER EXAMINERS, BOARD OF

Act 749 (HB 1809) authorizes the board to establish fees and replaces the licensing requirement of graduation from a barbering school with a requirement for approved training.

BLACK HISTORY ADVISORY COMMITTEE

Act 980 (HB 1909) changes the membership of the Arkansas Black History Commission so that members are selected from the state at-large.

BOARDS AND COMMISSIONS

ANNUAL MISSION STATEMENT

Act 1123 (HB 1921) requires all state boards and commissions to file an annual mission statement and summary of activity with the Governor and the Legislative Council. It prohibits the General Assembly from taking action on an appropriation bill for a board or commission that has not filed the annual statement and summary. It prohibits board and commission members from engaging in activities which constitute a conflict of interest as set forth in the act, and it prohibits nepotism in the appointment of board and commission members and in the employment of board and commission employees.

REIMBURSEMENT OF MEMBERS

Act 1211 (HB 1936) authorizes boards and commissions to provide expense reimbursement for their members in the amount established for state employees and allows certain boards and commissions to pay stipends as set forth in the act. It also prohibits state employees, salaried board members, and board members who are members of the General Assembly from receiving stipends authorized under this act.

BUILDING SERVICES

Act 983 (HB 1958) clarifies the functions and duties of the various sections of the State Building Services.

EXEMPTION FROM LOCAL FEES

Act 1229 (SB 712) exempts public works construction projects conducted by State Building Services or other state agencies from permit fees or inspection requirements of county or municipal ordinances. It further repeals certain uncodified portions of Act 1173 of 1991, the "State Facilities Acquisition Act," to permit State Building Services to use proceeds from bonds to buy and improve certain properties in Little Rock and repeals part of uncodified Act 235 of 1991, the "Capitol Mall Facility and State Agencies Facilities Acquisition Act of 1991," to remove some restrictions on construction within the Capitol Mall Facility and a \$4 million dollar cap on acquiring buildings in Little Rock.

BURIAL ASSOCIATION BOARD

AUTHORIZATION OF FEES

Act 485 (SB 331) authorizes the Burial Association Board to set license fees for burial associations and authorizes the board to collect a \$1,000 fee, plus certain costs, when a burial association's records are unavailable or are insufficient for purposes of audit by the board.

CHIEF FISCAL OFFICER

TRAVEL ADVANCES FOR COLLEGE STUDENTS

Act 1258 (SB 793) authorizes the DFA Director to adopt rules to allow the state supported colleges and universities to make travel advances of expense funds to students for authorized travel associated with the institution. The funds are to be reimbursed by the individual borrowing the funds upon filing his or her authorized expense account or added to the receivables account of the student.

STATE AGENCIES (Cont.)

CHILD ABUSE/RAPE/DOMESTIC VIOLENCE COMMISSION

Act 1336 (HB 1842) changes the membership of the commission, the methods of disbursing funds associated with the commission, and the duties of the commission.

CHILD CARE FACILITIES REVIEW BOARD

Act 1280 (HB 2150) raises license fees for child care facilities and clarifies provisions of the Arkansas Code relating to background checks of child care facilities operators and employees, which are to be conducted during application procedures and during license renewals.

CLAIMS COMMISSION

AWARDS FOR STATE EMPLOYEE WAGES

Act 176 (HB 1361) provides that any awards to state employees involving wages or salaries are to be processed through the mechanized payroll system.

COLLECTION AGENCIES, BOARD OF

USE OF FEDERAL DEBT COLLECTION LAWS

Act 288 (HB 1265) requires the Board of Collection Agencies to use the interpretation and construction of the federal Fair Debt Collection Practices Act in interpreting and applying its rules and regulations.

COMMUNITY PUNISHMENT, DEPARTMENT OF

Act 316 (SB 264) provides that the Department of Community Punishment shall reimburse counties for state prisoners at the rate determined by the Board of Correction and Community Punishment.

COMPUTER SERVICES, DEPARTMENT OF

CLIENT IDENTIFICATION NUMBERS

Act 1309 (HB 2152) requires the Department of Human Services to request the Department of Computer Services to conduct a feasibility study on the cost of assignment of client identification numbers.

CORRECTION AND COMMUNITY PUNISHMENT, BOARD OF
COUNTY REIMBURSEMENT

Act 158 (SB 313) provides that the State Board of Correction and Community Punishment shall not increase any reimbursement rate for payments made to any county for the care and custody of state inmates without first receiving approval of the Governor and the Chief Fiscal Officer of the State.

CORRECTION, DEPARTMENT OF
PRISON-MADE GOODS

Act 944 (SB 686) eliminates the requirement for state agencies and institutions of higher education to purchase prison-made goods from the Department of Correction. It also repeals the requirement that state agencies estimate the quantity of prison-made goods that agencies will need each fiscal year.

COSMETOLOGY, BOARD OF

Act 771 (SB 665) redefines the term "electrologist" and adds an examination requirement for reciprocal licensing.

STATE AGENCIES (Cont.)

CRIME INFORMATION CENTER

MEMBERSHIP OF SUPERVISORY BOARD

Act 1214 (HB 1977) defines the membership of the Supervisory Board of the Arkansas Crime Information Center.

OPERATION OF CRIME INFORMATION SYSTEM

Act 498 (SB 267) defines the operation of the computer-based Arkansas Crime Information System and the role of the Arkansas Crime Information Center Supervisory Board in approving the files and quality control standards for the ACIC System.

ORDERS OF PROTECTION

Act 995 (HB 2083) directs the Arkansas Crime Information Center to maintain all orders of protection and temporary orders of protection and subsequent modifications or cancellations of such orders.

CRIME LABORATORY

Act 1189 (HB 1358) increases the maximum amount of fees which can be charged for certain services provided by the State Crime Laboratory.

DISPUTE OVER CAUSE OF DEATH

Act 1151 (SB 129) provides that the Director of the State Crime Laboratory has the final authority on any ruling of manner of death which may become a matter of dispute between persons authorized to request a postmortem examination and the State Medical Examiner or his associates.

DNA DATA BASE

Act 922 (HB 1560) creates a DNA (deoxyribonucleic acid) data base to be used by the State Crime Laboratory to assist the criminal justice system in solving crimes.

FORFEITED WEAPONS AND AMMUNITION

Act 202 (SB 181) allows that weapons seized by any state agency or local law enforcement agency and which are forfeited by law may be transferred to the State Crime Laboratory to be used for testing, training, data compilation or other appropriate purposes.

CRIME VICTIMS REPARATIONS BOARD

Act 1269 (HB 1698) allows the use of inmate or probationer labor to make repairs and cleanup a crime victim's primary residence if it was damaged as a result of a criminal act or personal property was stolen from the residence and the crime victim does not have adequate resources to cover the cost of repairs.

Act 773 (SB 678) changes the number of members of the Crime Victims Reparations Board which must be admitted to the practice of law and specifies that at least one member of the Board shall be a victim, the next of kin of a homicide victim, or an individual experienced in providing victim services.

STATE AGENCIES - Crime Victims Reparations Board (Cont.)

CRIME STOPPERS PROGRAM

Act 1300 (HB 1969) requires the Crime Victims Reparations Board to assist in the creation of local crime stoppers programs, which offer rewards to persons for reporting information about criminal activity. It establishes guidelines for the use of information relating to criminal activity gathered by the board or a crime stoppers program and establishes penalties for its misuse. It also establishes a mechanism for reimbursing local crime stoppers programs for their payment of rewards.

DEVELOPMENT FINANCE AUTHORITY

AGRICULTURE BUSINESS AND INDUSTRIAL ENTERPRISES

Act 1117 (HB 1841) amends the Arkansas Development Finance Authority Act to permit the financing of operations for the promotion of agricultural business and industrial enterprises.

BOARD

Act 433 (HB 1524) allows the Director of the Department of Finance and Administration and the Treasurer of State to designate persons to serve on the board of directors of the Arkansas Development Finance Authority in their absence.

INVESTMENT IN SMALL BUSINESSES

Act 1329 (SB 839) allows the Arkansas Development Finance Authority to make investments in the capital structure of small businesses.

INVESTMENT IN CORPORATIONS

Act 1236 (HB 1997) increases the authority of the State Board of Finance to invest in obligations of corporations organized under the Arkansas Development Finance Authority Act from thirty million dollars to forty million dollars.

REPORTING

Act 783 (HB 1829) changes the reporting period for the Arkansas Development Finance Authority from the calendar year to the fiscal year.

DEVELOPMENTAL DISABILITIES PLANNING COUNCIL

TRANSFER OF PERSONNEL AND ASSETS

Act 77 (SB 150) authorizes the Governor to transfer at any time personnel, authorized positions, appropriations, fund balances, powers and duties of the Developmental Disabilities Planning Council to any other designated state agency which meets the requirements of Public Law 103-230.

DISPENSING OPTICIANS, BOARD OF

APPLICATION FEE

Act 999 (HB 2118) authorizes the Board of Dispensing Opticians to determine the application fee for the registration of apprentice dispensing opticians.

ELECTION COMMISSIONERS, BOARD OF

Act 741 (HB 1002) reconstitutes the Board of Election Commissioners by giving the Secretary of State voting authority, by requiring one of the Governor's appointees to have served for three years as a county election commissioner and by eliminating the member selected by the constitutional officers. It also sets additional requirements for calling meetings.

STATE AGENCIES - Election Commissioners, Board of (Cont.)

Act 757 (SB 632) gives subpoena power to the State Board of Election Commissioners.

EXPENSE REIMBURSEMENT

Act 709 (SB 363) authorizes the State Board of Election Commissioners to elect to reimburse board members for expenses involved in performing official duties of the board or to elect to pay its members \$50.00 per meeting attended.

ELECTRICAL EXAMINERS, BOARD OF

RESTRICTED LIFETIME MASTER ELECTRICIAN LICENSE

Act 1121 (HB 1913) establishes a restricted lifetime master electrician license for electricians over the age of 65 who have been licensed master electricians for at least twelve years. It also authorizes the Board of Electrical Examiners to issue these licenses.

EMBALMERS AND FUNERAL DIRECTORS, BOARD OF

EXPENSE REIMBURSEMENT

Act 646 (SB 231) authorizes the Board of Embalmers and Funeral Directors to reimburse board members for expenses involved in performing official duties of the board.

EMERGENCY RESPONSE COMMISSION

Act 626 (HB 1830) requires that the chair of the State Emergency Response Commission be elected by the members of the commission and serve for two years.

EMERGENCY SERVICES, OFFICE OF

EMERGENCY RESPONSE ACTIONS

Act 116 (SB 116) creates within the Governor's office a disaster response fund, a disaster recovery fund and a hazard mitigation fund to be used to defray immediate costs associated with response activities by emergency forces of state and local governments and private, non-profit forces registered with the Office of Emergency Services and to provide assistance to qualifying areas that are vulnerable to a current hazard.

EMERGENCY VOLUNTEER RESERVES

Act 115 (SB 114) and Act 169 (HB 1145) establish within the Office of Emergency Services an emergency volunteer reserve of persons trained and experienced in certain functions related to disaster response and recovery operations to assist the Office of Emergency Services in disasters.

ENGINEERS AND LAND SURVEYORS BOARD

CONSTRUCTION OF ENGINEER LICENSING LAW

Act 834 (HB 1408) deleted a provision that stated that the Engineering Licensing Law would not be construed to amend in any manner the Arkansas Architectural Act. The act replaces the provision with a statement affirming the authority of engineers to provide consultation, investigation, evaluation, planning, and design of services.

ETHICS COMMISSION

MEMBERSHIP AND POWERS

Act 349 (HB 1423) and Act 352 (SB 328) allow the Lieutenant Governor, instead of the Chief Justice of the Arkansas Supreme Court, to appoint a member of the Ethics Commission. This act makes several changes to the qualifications and powers and duties of the commissioners.

STATE AGENCIES (Cont.)

EXAMINERS IN PSYCHOLOGY, BOARD OF

Act 955 (SB 698) adds a psychological examiner position to the Board of Examiners in Psychology when a vacancy arises in the academic psychologist position on March 1, 1995. The academic psychologist position will then be abolished.

FINANCE AND ADMINISTRATION, DEPARTMENT OF

ADMINISTRATIVE HEARINGS

Act 655 (HB 1404) authorizes the Department of Finance and Administration to conduct hearings by telephone, video or other electronic means.

DISCLOSURE OF CERTAIN SALES TAX INFORMATION.

Act 1276 (HB 2031) allows disclosure of sales tax permit information to city and county governments to insure property payment of state and local sales taxes. The act also allows the disclosure of delinquent taxpayers who hold a permit to sell alcoholic beverages.

DRIVER LICENSE SUSPENDED FOR DEFAULT

Act 1116 (HB 1828) provides that when a criminal defendant sentenced to pay a fine defaults on the payment, the clerk of the court will notify the Department of Finance and Administration to suspend any driver's license held by the defendant. DFA will notify the defendant driver that his license will be suspended thirty (30) days from the date of notice, unless he becomes current on his defaulted payments and the Department is notified otherwise by the clerk of the court.

RECORDS MANAGEMENT, OFFICE OF

Act 905 (SB 494) creates the Arkansas State Records Management and Archives Act which establishes a State Records Management and Archives Program to be administered by the Office of Records Management within the Department of Finance and Administration. This act creates the State Records Commission to establish standards for the State Records Management and Archives Program and act in an advisory capacity to the Office of Records Management.

REVENUE DIVISION BUILDING

Act 725 (SB 666) authorizes the Revenue Department Building Commission to contract with ADFA to issue revenue bonds to build a new Revenue Division Building.

FINANCE, BOARD OF

INVESTMENTS IN CORPORATIONS

Act 1236 (HB 1997) increases the authority of the State Board of Finance to invest in obligations of corporations organized under the Arkansas Development Finance Authority Act from thirty million dollars to forty million dollars.

FIRE AND POLICE PENSION REVIEW BOARD

PER DIEM AND EXPENSES

Act 132 (HB 1270) provides that each member of the Fire and Police Pension Review Board will receive \$25.00 per diem and will be reimbursed for actual expenses for mileage, meals, and overnight lodging incurred in attending meetings of the board or in the performance of other duties authorized by the board.

FIRE ANT ADVISORY BOARD

Act 112 (SB 71) routes money for fire ant research through the University of Arkansas Cooperative Extension Service for use by the Fire Ant Advisory Board and fire ant researchers at the University of Arkansas at Monticello.

STATE AGENCIES (Cont.)

FORESTRY COMMISSION

AUTHORITY OF PEACE OFFICERS

Act 135 (HB 1065) and Act 137 (SB 121) extend the power of peace officers to the enforcement of theft of property laws to the extent they apply to theft of timber and laws pertaining to the unlawful disposal of solid waste when the unlawful disposal occurs on forest land.

STATE FORESTER

Acts 136 (HB 1066) and Act 138 (SB 122) require that the person employed as the State Forester must have earned, at a minimum, a bachelor's degree in forestry from an accredited, four-year program at an institution of higher education.

GAME AND FISH COMMISSION

LICENSE FEES

Act 369 (HB 1478) increases the annual basic hunting and fishing license fee from \$10.00 to \$11.50 and increases the annual resident sportsman hunting license from \$25.00 to \$26.00. The act also increases the annual fishing license from \$10.50 to \$11.50 and increases the three day trip fishing license from \$6.50 to \$7.50. The act increases the annual combination sportsman hunting and fishing license from \$35.50 to \$37.50. The act provides that all license fee increases are effective until July 1, 1997. The act also prohibits the State Treasurer from deducting any revenues from the special revenues collected by the State Treasurer for the Game and Fish Commission prior to transmitting those revenues to the Commission.

GAME AND FISH COMMISSION STUDY COMMITTEE

Act 728 (HB 1347) creates the Arkansas Game and Fish Commission Funding Study Committee of the General Assembly to study long-term funding needs and potential long-term financial sources for the Arkansas Game and Fish Commission.

GEOLOGICAL COMMISSION

Act 1265 (HB 1304) authorizes the Arkansas Geological Commission, by a majority vote of its membership, to merge any or all of its programs and divisions with the Arkansas Soil and Water Conservation Commission and establishes procedures to be followed in taking the vote.

GOVERNOR'S PARTNERSHIP COUNCIL FOR CHILDREN AND FAMILIES

Act 1203 (HB 1765) establishes the Common Ground Program to connect and assist government agencies, private entities, and individual citizens in working together to create a more responsive environment for children and families. The Department of Human Services is the administrative and fiscal agent for the program, which functions under the auspices of a Common Ground Program Committee of the Governor's Partnership Council for Children and Families.

INTERVENTION/PREVENTION GRANTS

Act 712 (SB 510) establishes an intervention/prevention program for Arkansas school children, with the Governor's Partnership Council for Children and Families responsible for distributing grants to local and state agencies that will work together in providing support services to the children and their families.

HEALTH BOARD OF

Act 747 (HB 1793) revises the criteria for licensed medical doctor appointments to the Board of Health and designates one of those positions for an osteopathic physician.

STATE AGENCIES (Cont.)

HEALTH CARE LICENSING BOARDS

Act 651 (SB 555) prohibits health care licensing boards from taking any disciplinary or corrective action against any health care professional who assists the Department of Correction in an execution. It further provides that the infliction of the punishment of death by administration of the required lethal substances shall not be construed to be the practice of medicine.

HEARING AID DISPENSERS BOARD

Act 1342 (HB 2117) requires the Hearing Aid Dispensers Board to administer, at least once a year, an examination based on nationally accepted norms and requires applicants for licensure to successfully pass the examination. It further provides that a person may elect to apply for a training permit prior to applying for a license.

HEATING, VENTILATION, AIR CONDITIONING AND REFRIGERATION BOARD

Act 442 (HB 1083) authorizes persons licensed or registered to perform HVACR work to perform electrical connections to heating and air conditioning units without obtaining any other license as long as the connection meets certain requirements.

HERITAGE, DEPARTMENT OF ARKANSAS

ART OF CHINA PAINTING

Act 1119 (HB 1893) adds china painting in the list of activities that are included within the definition of "the arts" under the jurisdiction of the Arkansas State Arts and Humanities Act.

HIGHWAY COMMISSION

BOND ISSUE FOR HIGHWAY CONSTRUCTION AND IMPROVEMENT

Act 1007 (SB 662) authorizes the Arkansas State Highway Commission to issue State of Arkansas general obligation highway construction and improvement bonds in an amount not to exceed \$3,500,000,000 for the purposes of constructing and improving highways in Arkansas. The act sets forth the terms and conditions for issuing the bonds and the sources for repayment of the bonds. It also provides for a statewide election on the question of issuing the bonds.

INTRASTATE MOTOR CARRIER DEREGULATION

Act 746 (HB 1719) amends the Arkansas Motor Carrier Act, regulating Arkansas intrastate motor carriers, to make it comply with federal laws partially preempting (de-regulating) the state regulation of certain motor carriers. Most intrastate motor carriers are no longer required to seek approval of their rates or routes. Household goods carriers and intrastate passenger buses are no longer required to have a certificate of public convenience and necessity and are no longer subject to rate regulation.

RAILROAD CROSSING COMPLAINTS

Act 668 (SB 550) changes the time-frames for railroad companies to respond to complaints by municipal or county officials about the maintenance or obstruction of railroad crossing streets and roads. Railroad companies have 45 days to answer the complaint. Previously, they had 30 days. The Highway Commission has 60 days to hold a hearing to determine the reasonableness of the railroad's action on the complaint. Previously, it had only 15 days.

STATE AGENCIES (Cont.)

HIGHWAY AND TRANSPORTATION DEPARTMENT

SIGNS INSTALLED FOR HF RADIO MONITORING

Act 1100 (HB 1555) authorizes the Arkansas Highway and Transportation Department to post road signs along the public streets and highways of Arkansas. The signs would inform licensed amateur radio operators of the existence of high frequency (hf) radio repeaters in the area. The department would look for local amateur radio clubs to participate in a program for the installation and maintenance of those signs.

IMMUNITY FROM DAMAGES

BOARDS AND COMMISSIONS OF HEALING ARTS

Act 1124 (HB 1930) provides certain immunity from damages to members of boards and those acting on behalf of board members of any profession or occupation classified as a profession of the healing arts.

INDUSTRIAL DEVELOPMENT COMMISSION

ACCESS TO INDUSTRIAL SITES

Act 418 (HB 1682) authorizes the Arkansas Industrial Development Commission to enter into agreements with the Highway and Transportation Department and other governmental entities for the construction or reconstruction of transportation accesses to industrial sites.

EXISTING WORKFORCE TRAINING PROGRAM

Act 791 (HB 1910) creates the Arkansas Existing Workforce Training Program to provide financial assistance to business and industry for upgrading existing workforce skills. The program is to be administered by a council comprised of representatives from the State Department of Higher Education, the Vocational and Technical Education Division of the State Department of Education, and the Industrial Development Commission, with the AIDC charged with implementing the program.

FOREIGN MARKETS

Act 589 (HB 1550) authorizes the Arkansas Industrial Development Commission, with approval of the Governor, to open foreign offices to promote the export and sale of Arkansas products in foreign markets and to develop foreign industry and markets in Arkansas. It also authorizes AIDC to engage the services of contract employees for the purpose of promoting the development of European, Asian and Latin American industry in Arkansas and to promote the export and sale of Arkansas products to these markets.

FOREIGN OPERATIONS

Act 640 (HB 1392) authorizes the Arkansas Industrial Development Commission to enter into contractual arrangements with private or public companies, corporations or organizations for the purpose of operating foreign offices.

VOCATIONAL-TECHNICAL EDUCATION

Act 492 (SB 476) creates the Arkansas Advisory Council for Vocational-Technical Education and abolishes the advisory council established in 1991. The AIDC is designated as the state agency to receive federal funds for the council and to act as its fiscal agent.

STATE AGENCIES (Cont.)

LABOR, DEPARTMENT OF
BLASTING

Act 814 (HB 1784) is to be known as the "Arkansas Quarry and Open Pit Mine Blasting Control Act." The act establishes standards for blasting. The enforcement administration of the act is to be through the director of the Department of Labor.

LAND INFORMATION BOARD
CREATED

Act 1259 (SB 813) creates the Arkansas State Land Information Board, which shall develop a statewide digital mapping program.

LIBRARY LAWS, COMMISSION ON

Act 64 (SB 93) creates the Commission on Library Laws to study existing Arkansas laws that affect the operation and development of public and regional libraries for the purpose of developing a Model Library Law.

LIBRARY SYSTEM

Act 813 (HB 1695) amends the Interlocal Cooperation Act to authorize public agencies to create public bodies corporate and politic for the purpose of constructing, operating, and maintaining a public library system.

LIQUEFIED PETROLEUM GAS BOARD

Act 477 (SB 18) reduces the number of general safety meetings an authorized liquefied petroleum dealer must conduct with employees from two to one per year. It imposes educational requirements on certain employees in the liquefied petroleum gas business and on applicants for Class 1 permits to engage in the liquefied petroleum business. It raises the amount of liability insurance an applicant must have in order to qualify for certain classes of permits and raises registration fees for containers of liquefied petroleum shipped into the state. The act authorizes the board to suspend, reprimand, place on probation, refuse to renew or refuse to issue permits or certificates of competency for cause or willful violation of liquefied petroleum laws or regulations and authorizes the board to levy civil penalties for violations of those laws or regulations. It also subjects all actions of the board to the Administrative Procedure Act.

LIVESTOCK AND POULTRY COMMISSION
BRUCELLOSIS INFECTED HERDS

Act 128 (HB 1123) and Act 140 (SB 115) authorize the Livestock and Poultry Commission to order depopulation of any bovine herd infected with or exposed to brucellosis. The state veterinarian will negotiate with the owner for the use of federal or state funds to depopulate the herds. If no agreement can be reached with the owner, a written order to depopulate may be issued to provide the owner indemnification at the established per head rate to be paid from available state and federal funds.

INSPECTORS

Act 236 (HB 1352) provides that any employee of the Livestock and Poultry Commission serving in the capacity of Livestock Inspector, EIA Inspector, or any position as delegated by the State Veterinarian may also assume the responsibilities and perform in the capacity of a Livestock and Poultry Compliance Officer or NPIP Inspector.

STATE AGENCIES (Cont.)

MATH AND SCIENCE SCHOOL
BOARD OF TRUSTEES

Act 558 (SB 94) and Act 559 (HB 1299) establish a board of trustees to govern the Arkansas School for Mathematics and Sciences.

MEDICAL EXAMINER

DEATH CERTIFICATES

Act 201 (SB 177) requires that when a petition is filed in court to change the cause of death on a death certificate signed by the medical examiner, the State Crime Laboratory is to be notified of the petition and will be allowed to testify in support of the original ruling.

DISPUTE OVER CAUSE OF DEATH

Act 1151 (SB 129) provides that the Director of the State Crime Laboratory has the final authority on any ruling of manner of death which may become a matter of dispute between persons authorized to request a postmortem examination and the State Medical Examiner or his associates.

MOTOR VEHICLE COMMISSION

DEALERS' LICENSE FEES INCREASED

Act 568 (SB 481) increases several license fees under the Arkansas Motor Vehicle Commission Act. License application fees increase from \$25.00 to \$50.00 and license fees for manufacturers and distributors increase from \$250 to \$400. It also removes wholesalers and auto auctions from regulation under the act.

PARKS AND RECREATIONAL FACILITIES

CONSTRUCTION AND DESIGN

Act 520 (SB 209) exempts park and recreational facilities from the earthquake resistant design and construction restrictions for public buildings and structures.

PARKS AND TOURISM, DEPARTMENT OF

RETIREMENT AND RELOCATION DIVISION

Act 1255 (SB 588) creates a Retirement and Relocation Division in the Department of Parks and Tourism to promote the relocation of individuals, particularly retirees, to the state of Arkansas. It also establishes an advisory board to provide advice and guidance to the newly created division.

PHARMACY, BOARD OF

REGULATORY AUTHORITY

Act 1101 (HB 1569) authorizes the Board of Pharmacy to license and regulate medical equipment, legend device and medical gas suppliers. It sets forth the type of activity requiring licensure under the act and enumerates exemptions from licensure. It also establishes an advisory committee to the Board of Pharmacy to assist in the development of regulations dealing with medical equipment, legend devices and medical gases.

PHYSICAL THERAPY, BOARD OF

Act 742 (HB 1266) specifies the amount board members shall be paid for the discharge of official duties. It gives the board discretion in setting license, registration and delinquent fees and in taking disciplinary actions. It adds violation of statutory law or regulations as grounds as grounds for disciplinary action.

STATE AGENCIES - Physical Therapy, Board of (Cont.)

ATHLETIC TRAINERS COMMITTEE

Act 1279 (HB 2074) creates the Arkansas Athletic Trainers Act, which establishes licensing requirements for athletic trainers and establishes the Athletic Trainers Committee of the Board of Physical Therapy to assist and advise the board with matters relating to the licensure of athletic trainers.

PLANT BOARD

ASSESSMENT OF CIVIL PENALTIES

Act 141 (SB 117) and Act 167 (HB 1133) authorize the State Plant Board to assess civil penalties.

POLLUTION CONTROL AND ECOLOGY COMMISSION

ADMINISTRATIVE HEARING OFFICER

Act 1191 (HB 1418) authorizes the Pollution Control and Ecology Commission to employ a full time administrative hearing officer to advise the commission on matters of law and procedure that may arise during the conduct of commission duties and responsibilities.

APPOINTMENT OF COMMITTEES

Act 117 (SB 140) authorizes the chairman of the Pollution Control and Ecology Commission to appoint committees made up of commission members to act in an advisory capacity to the full commission.

POLLUTION CONTROL AND ECOLOGY, DEPARTMENT OF EMERGENCY RESPONSE ACTION

Act 114 (SB 95) authorizes the director of the Department of Pollution Control and Ecology to expend up to \$60,000 on a single emergency response action without approval of the Pollution Control and Ecology Commission.

WATER AND AIR POLLUTION CONTROL ACT

Act 943 (SB 680) enables the director of the Department of Pollution Control and Ecology to grant variances and temporary operational authority pursuant to the Water and Air Pollution Control Act

PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES, BOARD OF

Act 430 (HB 1470) increases licensing, registration, renewal and transfer fees for private investigators, private security agencies, private security officers and alarm system agents.

EXPERIENCE REQUIREMENTS

Act 953 (SB 638) adds alternative experience requirements for applicants who apply for a license to engage in the business of an investigation company.

PROFESSIONAL SERVICES CONTRACTS

Act 1331 (SB 512) defines professional services to include legal, architectural, engineering, land surveying and other consulting services designated by a political subdivision. It requires that a professional service designated by a political subdivision must be approved by a 2/3 vote of the governing body. For purposes of gathering information necessary to enter a professional services contract, the act gives political subdivisions the option of either encouraging firms to submit annual statements of qualification or of requesting information as needed. It provides that cities of the first and second class shall designate professional services by ordinance, and when a first or

second class city or town has delegated the operation of its water or sewer services to a Board or Commission of Public Utilities, it assigns the responsibility of defining professional services by motion or resolution to that board or commission. It also adds construction management services for public school districts as a professional service subject to the professional services procurement requirements, except for the requirement of a super-majority vote of the governing body to negotiate a contract for construction management.

PROSECUTION COORDINATION COMMISSION

Act 1221 (HB 2079) expands the responsibilities of the Prosecution Coordination Commission and authorizes each prosecuting attorney to establish a cash account for victim/witness funds.

PURCHASING

MINIMUM BID LIMITS

Acts 317 (SB 270) and Act 340 (HB 1296) provide that contracts over an estimated purchase price of \$10,000 are to be awarded by competitive sealed bidding and those with a purchase price of more than \$1,000 but less than or equal to \$10,000 may be awarded by use of competitive bidding procedures. These acts also allow contracts for commodities or services to be entered into for periods of not more than seven years.

MULTI-YEAR CONTRACTS

Act 912 (HB 1955) allows multi-year contracts and lease/purchase agreements of not more than seven years for commodities and services to be used by the Office of State Purchasing.

MULTIPLE AWARD CONTRACTS

Act 428 (HB 1297) and Act 507 (SB 271) authorize the Office of State Purchasing to use multiple award contracts, where an indefinite quantity contract is awarded to more than one supplier for furnishing a like item or category of items. It provides that a multiple award contract may only be made if the State Purchasing Director determines in writing that a single award is not advantageous to the state and requires notification of the right to make such an award in the invitation for bids if the State Purchasing Director anticipates a multiple award contract.

PHARMACEUTICALS

Act 1234 (HB 1887) authorizes the Office of State Purchasing to contract to purchase pharmaceuticals using cost-plus-a-percentage of cost pricing system.

PRISON-MADE GOODS ELIMINATED

Act 944 (SB 686) eliminates the requirement for state agencies and institutions of higher education to purchase prison-made goods from the Department of Correction. It also repeals the requirement that state agencies estimate the quantity of prison-made goods that agencies will need each fiscal year.

STATE AGENCIES - Purchasing (Cont.)

PROFESSIONAL SERVICES

Act 429 (HB 1377) defines professional services to include legal, architectural, engineering, land surveying and other consulting services designated by a political subdivision. It requires that a professional service designated by a political subdivision must be approved by a 2/3 vote of the governing body. For purposes of gathering information necessary to enter a professional services contract, the act gives political subdivisions the option of either encouraging firms to submit annual statements of qualification or of requesting information as needed. It further provides that cities of the first and second class shall designate professional services by ordinance, and when a first or second class city or town has delegated the operation of its water or sewer services to a Board or Commission of Public Utilities, it assigns the responsibility of defining professional services by motion or resolution to that board or commission.

PYGMALION COMMISSION

Act 596 (HB 1689) expands the membership of the Arkansas Pygmalion Commission on Nontraditional Education to 18, extends the life of the commission to June 30, 1999, and requires annual reports and recommendations to the Governor and the JIC on Education.

REAL ESTATE COMMISSION

BROKER'S LICENSE

Act 729 (HB 1448) authorizes the Real Estate Commission to waive apprenticeship experience requirements for a real estate broker's license applicant who has held an active real estate broker's license for not less than eighteen months.

FEES AND EDUCATION

Act 1285 (HB 1960) authorizes the Arkansas Real Estate Commission to establish application and license renewal fees for real estate brokers and salespersons. It increases the maximum fees limits from \$60.00 to \$70.00 for brokers and from \$40.00 to \$50.00 for salespersons. It eliminates the use of courses offered by colleges and universities in the continuing education requirements. It also changes the specific requirements for continuing education instructors qualifications and allows the commission to recommend those instructor qualifications and credentials.

REPRESENTATION OF PARTIES

Act 399 (HB 1202) authorizes a real estate licensee to represent more than one party to a real estate transaction subject to regulations of the Real Estate Commission.

RECORDS MANAGEMENT AND ARCHIVES PROGRAM

Act 905 (SB 494) creates the Arkansas State Records Management and Archives Act which establishes a State Records Management and Archives Program to be administered by the Office of Records Management within the Department of Finance and Administration. This act creates the State Records Commission to establish standards for the State Records Management and Archives Program and act in an advisory capacity to the Office of Records Management.

REGULATIONS

COMPILATION BY CODE REVISION COMMISSION

Act 459 (HB 1636) requires the Code Revision Commission to publish and compile the general applicability regulations of each state agency. The act authorizes the Code Revision Commission to enter into contracts for the preparation of a code of regulations and establishes guidelines for the format and indexing of regulations. It also makes technical corrections.

STATE AGENCIES (Cont.)

FINANCIAL IMPACT

Act 1104 (HB 1686) requires state agencies to file a statement of financial impact with the Legislative Council prior to the implementation of any new or revised rules and regulations.

REHABILITATION SERVICES

OFFICE OF DEAF AND HEARING IMPAIRED

Act 501 (SB 373) provides for the Office of Deaf and Hearing Impaired of Arkansas Rehabilitation Services to establish and administer a statewide program to distribute telecommunications devices for persons who are deaf, hard of hearing, deaf/blind, or speech impaired, and authorizes the Public Service Commission to expand the existing access line surcharge to fund the equipment distribution program.

RICE AND RESEARCH PROMOTION BOARD

Act 344 (HB 1485) allows rice producers to authorize the Arkansas Rice and Research Promotion Board to levy an assessment of 1.35¢ per bushel to be paid by the buyer and an amount of not more than 1.50¢ per bushel to be paid by the producer.

RURAL ADVOCACY, OFFICE OF

GRANTS TO RURAL COMMUNITIES

Act 971 (HB 1824) authorizes the Office of Rural Advocacy to promulgate rules and regulations establishing the criteria to be used to determine which rural communities will receive grants.

SALE OF LAND

Act 853 (SB 639) allows the unexpended balance of proceeds from the sale of state owned lands to be carried forward from one fiscal year to the next fiscal year.

SCIENCE AND TECHNOLOGY AUTHORITY

MEMBERSHIP

Act 65 (SB 111) increases the membership of the Authority's board of directors from 11 to 14, with the three additional members to be representatives of the private sector with knowledge or experience in the field of manufacturing.

PROGRAMS

Act 456 (SB 484) expands the type of programs that the Arkansas Science and Technology Authority is authorized to carry out to include those which provide assistance to public schools and better prepare the future workforce.

SOCIAL WORK LICENSING BOARD

Act 575 (SB 542) gives the Social Work Licensing Board discretion in setting the amount of the examination fee and limits the duration of temporary licenses to practice social work to a maximum of six months.

SOIL AND WATER CONSERVATION COMMISSION

BONDS

Act 1224 (SB 432) authorizes the Arkansas Soil and Water Conservation Commission to issue \$300,000,000 in general obligation bonds for the purpose of financing and refinancing the development of water, waste disposal, water pollution control, abatement and prevention, drainage, irrigation, flood control and wetlands projects.

STATE AGENCIES - Soil and Water Conservation Commission (Cont.)

PROGRAMS OF THE GEOLOGICAL COMMISSION

Act 1265 (HB 1304) authorizes the Arkansas Geological Commission, by a majority vote of its membership, to merge any or all of its programs and divisions with the Arkansas Soil and Water Conservation Commission and establishes procedures to be followed in taking the vote.

SECURITIES AND LOANS

Act 690 (HB 1825) authorizes the Soil and Water Conservation Commission to pledge or sell loans or undivided interests in pools of loans to investors and to sell participation certificates, bonds, and other forms of securities. The act authorizes the commission to supplement its sale, pledge or other use of loans with other forms of transaction enhancements. The act authorizes the commission to retain professional services for assistance in structuring, servicing, and selling the loans and securities authorized by the act.

WATER AND SEWER PROJECT FINANCING

Act 688 (HB 1768) authorizes the Arkansas Soil and Water Conservation Commission to issue commitments to provide fully amortizing permanent financing for water, sewer, solid waste, and other projects under programs administered by the commission.

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

Act 826 (HB 1624) authorizes the Board of Examiners in Speech-Language Pathology and Audiology to promulgate regulations regarding the use of speech-language pathology support personnel by practitioners of speech-language pathology.

STANDARDS, BUREAU OF

WEIGHTS AND MEASURES ACT OF 1963

Act 1304 (HB 2002) increases the penalties for violation of the Weights and Measures Act of 1963.

STATE POLICE

ARKANSAS SPEED TRAP LAW

Act 855 (SB 702) authorizes the director of the Arkansas State Police, at the request of the prosecuting attorney, to investigate whether a municipality is abusing its police power by enforcing criminal and traffic laws for the principal purpose of raising revenue for the municipality and not for the purpose of public safety and welfare.

CDL THIRD PARTY TESTING

Act 654 (HB 1309) requires that the Department of Arkansas State Police must adopt rules and regulations to provide for the designation of third party testers for commercial driver licenses (CDL) by January 1, 1996. The third party testers must use the same test as administered by the State Police testers, must enter into an agreement with the state which complies with requirements of federal regulations, and shall pay a third party testing administration fee to recover the costs of administering the testing program and examination distribution expenses.

CRIMINAL BACKGROUND FEES

Act 847 (SB 498) authorizes the Arkansas Crime Information Center to waive the fee charged for criminal background checks for noncriminal justice purposes when the applicants are volunteers in public school programs or volunteers in nonprofit organizations that serve juveniles.

STATE AGENCIES - State Police (Cont.)

DRIVER'S EXAMINATION AND INSTRUCTION MANUAL

Act 711 (SB 509) and Act 1105 (HB 1705) require that material concerning state laws on alcohol and drugs be included in the driver's instruction manual and that questions concerning state laws against the use of alcohol and drugs while driving a motor vehicle be included on the driver's license examination. It also requires that any driver involved in a fatal traffic accident must be tested for the presence of alcohol and drugs and that the reports are for statistical purposes only.

USE OF UNIFORM, PATCH OR LOGO

Act 935 (HB 1995) prohibits the use of the Arkansas State Police uniform, patch or logo without written permission of the Arkansas State Police Director.

TASK FORCE ON AFFORDABLE HOUSING

Act 988 (HB 2022) creates the Governor's Task Force on Affordable Housing.

TASK FORCE ON RAILS TO TRAILS CONSERVANCY

Act 656 (HB 1434) extends the reporting deadline and expiration date of the Task Force on Rails to Trails Conservancy to January 1, 1997.

TEACHER RETIREMENT SYSTEM

CONSTRUCTION APPROPRIATION FOR OFFICE BUILDING

Act 541 (HB 1132) makes an appropriation to the Arkansas Teacher Retirement System of \$6.5 million for designing, constructing, and equipping a building to house the administrative offices for the System and other state agencies.

TELECOMMUNICATIONS/INFORMATION TECHNOLOGY ADVISORY BOARD

Act 737 (SB 417) authorizes the Governor to establish a Telecommunications and Information Technology Advisory Board for the purpose of aggregating funding for telecommunications projects, administering a grant program to assist certain public entities in obtaining access to a statewide telecommunications network and developing a strategic plan for public access to a statewide telecommunications network. It also establishes the Joint Committee on Advanced Communication and Information Technology to review bills pertaining to telecommunications and public information access and to study the issues related to the development of a statewide public telecommunications network.

UNIVERSITY OF ARKANSAS-DIVISION OF AGRICULTURE

Act 166 (HB 1131) prohibits anyone who is employed by the Division of Agriculture of the University of Arkansas from serving as a voting member of any board or commission which regulates activities in areas in which the division has responsibility for conducting research and extension programs.

UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES

ADMISSION POLICY

Act 1099 (HB 1549) requires UAMS to admit 150 freshman students into the College of Medicine.

RURAL MEDICAL PROGRAM

Act 1114 (HB 1805) requires participants (beginning with the 1995 school year) in the Arkansas Rural Medical Program to be enrolled in a medically underserved and rural practice curriculum. The act establishes a community match loan and scholarship program in which applicants may receive monies from the College of Medicine and a qualified rural community which can be converted to grants upon practicing rural medicine in the qualified program. The act establishes a program where alternates to medical school can be moved up on the waiting list if they enter into the program and provides liquidated damages for breach of contract under these programs.

VETERINARY MEDICAL BOARD

PRACTICE WITHOUT A LICENSE

Act 1348 (HB 1480) amends the Veterinary Medical Practice Act to require that persons with suspended licenses physically surrender the license certificate. It makes other technical corrections regarding the administrative or civil sanctioning of persons practicing veterinary medicine without a license. It also sets up a whole new procedure to investigate, to hold hearings, and to sanction persons practicing veterinary medicine without a license.

VO-TECH ADVISORY COUNCIL

TRAVEL EXPENSES

Act 79 (SB 170) provides that Vo-Tech Advisory Council members shall be reimbursed for actual travel expenses and mileage at the established state rate.

WAR MEMORIAL STADIUM COMMISSION

BONDS

Act 819 (HB 1938) revises provisions concerning the issuance and terms of bonds of the War Memorial Stadium Commission. The act allows revenues received by the commission under the city-county tourist meeting and entertainment facilities law to be pledged for bonds. The revenues may also be used for the maintenance and operation of the stadium.

WATER WELL CONSTRUCTION COMMISSION

MEMBERSHIP

Act 840 (HB 1738) removes the director of the Arkansas Geological Commission or his representative from the Water Well Construction Commission and replaces him with a person engaged in the business of manufacturing, distributing, or supplying heat pumps which require heat pump water wells. The act establishes criteria for the selection of the four members who are by trade water well drillers.

WHEAT PROMOTION BOARD

Act 107 (SB 42) increases the Arkansas Wheat Promotion Board assessment from ½¢ per bushel to 1¢ per bushel on all wheat grown in this state. This act also provides that the resident agent of the Arkansas Wheat Promotion Board is the executive vice president of Arkansas Farm Bureau Federation, Inc., or his designee.

STATE AGENCIES (Cont.)

WORKERS' COMPENSATION COMMISSION

CONTEMPT POWERS

Act 1230 (SB 739) redefines the contempt powers of the Workers' Compensation Commission and establishes a fine for late payment of uncontroverted medical expenses.

MEMBERSHIP

Act 546 (SB 40) changes the selection criteria for one of the members of the Workers' Compensation Commission.

REPORTS

Act 315 (SB 233) requires the Workers' Compensation Commission to provide quarterly reports to the Legislative Council and the Joint Interim Committee on Public Health, Welfare and Labor on the progress of the health and safety program and the medical costs containment program.

STATE EMPLOYEES

CAREER SERVICE RECOGNITION PAYMENTS

Act 490 (SB 467) provides that a state employee with ten years or more service who meets other eligibility requirements is eligible for annual career service recognition payments on the anniversary date of the completion of such service.

CLASSIFICATION AND COMPENSATION

Act 992 (HB 2056) amends the Uniform Classification and Compensation Act to revise maximum annual salaries for state employees.

GROUND FOR DISMISSAL

Act 1301 (HB 1986) and Act 1318 (SB 687) require all state agencies to include in personnel manuals a statement that discrimination by a state employee is grounds for dismissal, and further provide that a determination by a court of law that a state employee is guilty of discrimination is grounds for dismissal.

INSURANCE

NEW EMPLOYEES HEALTH INSURANCE BOARD

Act 1206 (HB 1836) creates the Arkansas State Employee/Public School Personnel Board with eleven (11) voting members to administer, and eventually combine, the state employees and public school personnel insurance programs. The State Employees Insurance Advisory Committee and the Public School Insurance Advisory Committee are abolished effective July 1, 1995, and all their powers and duties are transferred to the newly created board. The board is to explore cost containment options and to reduce the difference between contributions between state employee insurance and public school personnel insurance programs in the future.

STATE CONTRIBUTION

Act 580 (HB 1557) authorizes the State of Arkansas to make a monthly contribution of \$275 to partially defray the cost of life and health insurance for each employee participating in the plan adopted by the State Employees Insurance Advisory Committee.

STATE EMPLOYEES (Cont.)

PAYROLL DEDUCTIONS

ARKANSAS REHABILITATION ASSOCIATION

Act 1122 (HB 1916) adds the Arkansas Rehabilitation Association to the list of payroll deductions allowed for state employees under the state payroll system.

SALARIES

Act 403 (SB 228) allows state employees who contract to teach temporarily as adjunct faculty at public institutions of higher education to receive a combined salary payment from the two state agencies that is more than the maximum annual salary of the line item position authorized for either agency.

VETERANS PREFERENCE LAW

Act 40 (SB 7) adds to the Veterans Preference Law those veterans who served on active duty during the military conflicts in Lebanon and the Persian Gulf. Also included are any future conflicts which may be specified by Presidential Proclamation or federal law.

STATE NICKNAME

Act 1352 (HB 2051) changes the state nickname to "The Natural State."

TAXES

ALCOHOLIC BEVERAGE

Act 372 (HB 1563) allows cities and counties which levy an additional supplemental alcoholic beverage tax on private clubs to use the tax for economic development purposes.

FRANCHISE TAXES

Act 772 (SB 670) requires corporations to pay the franchise tax for the prior year at the time of dissolution and the minimum franchise tax for the year in which the corporation dissolves or is withdrawn.

HOSPITAL OR MEDICAL SERVICE CORPORATION

Act 408 (HB 1089) repeals the one percent gross receipts tax on hospital and medical service corporations and provides in lieu thereof a two and one-half percent premium tax against net direct written premiums of hospital and medical service corporations. The act also provides hospitals and medical service corporations a credit against the premium tax for the noncommissioned salaries and wages of any Arkansas employee.

INCOME TAX

APPORTIONMENT OF INCOME

Act 495 (HB 1477) provides for the apportionment and allocation of net income of financial institutions whose business activity is both in and out of the state.

CAPITAL DEVELOPMENT CORPORATION

Act 363 (HB 1441) extends the time period to purchase stock in a capital development corporation and to claim an income tax credit on the stock purchase for an additional two years.

TAXES - Income Tax (Cont.)

CHILD CARE FACILITY CREDIT

Act 850 (SB 589) provides a \$5,000 income tax credit for a business which operates a child care facility for its employees. The act repeals the sales and use tax exemption for the purchase of construction materials and furnishings used in the initial construction and equipping of the child care facility but provides that the business may obtain a refund of the sales and use tax paid on the purchase of those items. The act deletes the requirement that the facility must have an average daily attendance of employee children equal to a 80% of capacity.

CREDIT - ADOPTION EXPENSES

Act 535 (SB 419) provides an income tax credit for adoption expenses. The credit is equal to 10% of the amount of the adoption expenses which exceed 20% of the taxpayer's adjusted gross income and cannot exceed the lesser of the amount of taxes due or \$800.

CREDIT - COUNTY AND REGIONAL INDUSTRIAL DEVELOPMENT

Act 1044 (SB 575) allows an income tax credit for County and Regional Industrial Development Corporation stock purchased between 1996 and 1999.

CREDIT - EMPLOYMENT OF YOUTH APPRENTICE

Act 1103 (HB 1669) provides an income tax credit for a business which employs a youth apprentice in a registered apprenticeship program. The amount of the credit allowed is \$2,000 or 10% of the wages earned by the youth apprentice, whichever is less.

ECONOMIC AND DEVELOPMENT INCENTIVE ACT

Act 590 (HB 1575) amends the 1993 Economic Development and Incentive Act to include distribution centers in the list of businesses which may qualify for benefits. It also authorizes the Department of Finance and Administration to perform employee audits to verify the qualifications of program participants.

ENTERPRISE ZONE

Act 394 (SB 414) amends the Arkansas Enterprise Zone Act by clarifying the definition of "new permanent employee" and "net new permanent employee". The act also provides that a research, development, testing business which meets the criteria set forth in the Enterprise Zone Act is entitled to a refund of sales and use tax.

EXEMPTION - LIFE INSURANCE PROCEEDS

Act 732 (HB 1612) expands the income tax exemption for the proceeds of all life insurance policies and contracts paid to individual beneficiaries and estates of the insured to include businesses.

LONG TERM INTERGENERATIONAL SECURITY TRUST

Act 1303 (HB 1996) establishes a long term intergenerational security trust with tax deferral provisions for an individual under the age of 18.

MULTISTATE CORPORATIONS

Act 682 (SB 532) double weights the sales factor in the formula used to apportion the income of corporations which have business income both inside and outside of the state.

QUALIFIED MEDICAL COMPANIES-NET OPERATING LOSS

Act 586 (HB 1464) allows qualified medical companies to carry forward net operating losses for 15 years. The act is retroactive to taxable years beginning January 1, 1987.

TAXES - Income Tax (Cont.)

SCHOOL FUNDING SURCHARGE

Act 916 (HB 1739) levies an income tax surcharge of 10% on each taxpayer in a school district that has failed to levy a base millage of 25 mills (excluding mills used to service debt) prior to December 1 of the preceding year, beginning with December 1, 1995. Moneys collected will be designated as special revenues, credited to the Public School Support fund, and distributed back to the local school district.

SOIL AND WATER CONSERVATION DEDUCTION

Act 560 (HB 1321) adopts sections 126 and 175 of the Internal Revenue Code of 1986. Section 126 excludes a portion of designated federal soil and water conservation program payments from gross income. Section 175 allows a taxpayer engaged in the business of farming a limited deduction for soil and water conservation expenses incurred to prevent erosion.

WETLANDS AND RIPARIAN ZONES

Act 561 (HB 1322) provides an income tax credit for the development or restoration of wetlands and riparian zones.

LOCAL TAXES

ADVERTISING AND PROMOTION TAX

Act 300 (HB 1375) authorizes all cities of the first class or second class and incorporated towns to levy a tax on hotels and restaurants to be used by the cities for advertising and promoting the city.

COMMUNITY COLLEGES

Act 576 (SB 559) redefines the term "satellite campus" to include off-campus facilities of community colleges and authorizes county tax support for satellite campuses.

MOTOR FUEL

AGRICULTURE PURPOSES

Act 777 (HB 1376) repeals the licensing and bonding of motor fuel and distillate fuel dealers and the annual fee for motor vehicles using liquefied petroleum gas. It also repeals the refund of motor fuel taxes paid on gasoline used for agricultural purposes.

DISTILLATE SPECIAL FUEL

Act 1006 (SB 661) refers for a statewide vote a 5¢ per gallon increase in the excise tax levied on distillate special fuels. The act designates the tax as special revenues for use in partial repayment of general obligations bonds for highway construction and for utilization by the counties and municipalities on county roads and municipal streets.

REPORTING AND PAYMENT REQUIREMENTS

Act 954 (SB 672) requires that all diesel fuel sold, used, or utilized in this state for off road purposes be dyed and provides penalties for the misuse of dyed fuel. The act also requires that all fuel tax reports be submitted by electronic means and requires payment of fuel taxes by electronic funds transfer.

TAXES - Motor Fuel (Cont.)

WHOLESALE EXCISE TAX

Act 1005 (SB 660) levies a wholesale excise tax of 6.5% on gross receipts derived from the sale of motor fuel sold by position holders in Arkansas and on the purchase price of motor fuel imported for sale, use, storage, distribution, or consumption in Arkansas. The act designates the tax as special revenues for use in partial repayment of general obligations bonds for highway construction and for utilization by the counties and municipalities on county roads and municipal streets. The tax shall not become effective unless the issuance of highway construction and improvement general obligation bonds is approved by the electorate.

PRIVILEGE TAX

SOFT DRINK TAX

Act 301 (HB 1401) requires soft drink taxes equal to or greater than twenty thousand dollars (\$20,000) for any calendar year to be remitted by electronic funds transfer beginning January 1, 1996. It also requires taxpayers to file a single sales tax report for all Arkansas locations of the taxpayer's business that are registered under a single federal employer identification number or social security number.

PROPERTY TAX

AIRPORT PROPERTY

Act 438 (SB 353) declares all airport property and related properties and facilities owned by a municipality, county, or other public agency to be acquired and used exclusively for public and governmental purposes as a matter of public necessity shall be exempt from ad valorem taxation.

ASSESSMENT

Act 754 (SB 416) increases the number of days to assess personal property acquired between May 12 and May 31 from 10 to 20 days.

PUBLIC PROPERTY

Act 669 (SB 586) provides that public property which may be reserved for use by a person or organization, regardless of whether a fee is charged or whether the event is open for attendance or participation by the public, is exempt from ad valorem tax.

SALE OF TAX DELINQUENT LAND

Act 714 (SB 578) repeals the law requiring the Commissioner of Lands to collect a \$25.00 fee for each parcel of tax delinquent land certified to his office and in lieu thereof provides that the commissioner shall charge a \$25.00 fee for each deed issued by the commissioner. The act repeals the law requiring the commissioner to notify interested parties that tax delinquent lands have been sold at auction and in lieu thereof provides that the commissioner must notify interested parties of the sale of the tax delinquent lands subsequent to their sale.

TAX-DELINQUENT LANDS

Act 660 (HB 1685) reduces the time period in which a taxpayer may redeem tax-delinquent lands from the county collector from two years to one year.

VALUATION

Act 758 (SB 657) requires county assessors to implement a program assuring that property valuation under their jurisdiction is appraised at current market value.

TAXES (Cont.)

REAL ESTATE TRANSFER TAX

Act 1299 (HB 1966) requires an instrument evidencing a transfer of title to have documentary stamps attached to the face of the instrument evidencing full payment of the real property transfer tax on the transaction.

Act 383 (SB 164) clarifies the distribution of the real estate transfer tax collected pursuant to § 26-60-105(b). It also provides that the seller and purchaser will both be responsible for one-half of the real estate transfer tax unless they agree otherwise.

SALES AND USE TAXES

ADVERTISING AND PROMOTION TAX

Act 931 (HB 1712) repeals the law prescribing the manner for referendum of the advertising and promotion tax.

CONSOLIDATED REPORT

Act 301 (HB 1401) requires taxpayers to file a single sales tax report for all Arkansas locations of the taxpayer's business that are registered under a single federal employer identification number or social security number. It also requires soft drink taxes equal to or greater than twenty thousand dollars (\$20,000) for any calendar year to be remitted by electronic funds transfer beginning January 1, 1996.

EFFECTIVE DATE OF LOCAL TAXES

Act 565 (SB 302) requires that all new or amended local sales and use tax levies begin and end on a calendar quarter.

EXEMPTION - AIRCRAFT

Act 499 (SB 269) allows a person in the business of selling aircraft to purchase an aircraft which requires substantial refurbishment or modification to be exempt from sales and use taxes if he plans to use the aircraft for rental or charter and if he sells the aircraft within two years of its purchase. The act also provides that during this two year period the gross receipts and short term rental tax are applicable to the aircraft rentals.

EXEMPTION - CHILD CARE FACILITIES

Act 850 (SB 589) provides a \$5,000 income tax credit for a business which operates a child care facility for its employees. The act repeals the sales and use tax exemption for the purchase of construction materials and furnishings used in the initial construction and equipping of the child care facility but provides that the business may obtain a refund of the sales and use tax paid on the purchase of those items. The act deletes the requirement that the facility must have an average daily attendance of employee children equal to a 80% of capacity.

EXEMPTION - COLLEGES AND UNIVERSITIES

Act 124 (HB 1040) repeals the provision by which colleges and universities receive a refund of gross receipts taxes collected on tickets to athletic events and exempts the sale of tickets to athletic events from gross receipts taxes.

EXEMPTION - COMMERCIAL TRUCKS

Act 504 (SB 495) exempts the long term lease of commercial trucks used for interstate transportation of goods from sales and use tax if the vehicles are registered under a international registration plan.

TAXES - Sales and Use Taxes (Cont.)

EXEMPTION - CONSTRUCTION CONTRACTORS

Act 387 (SB 244) exempts construction contractors from any additional sales and use tax on the purchase of tangible personal property for use or consumption in the performance of a construction contract that was entered into prior to the effective date of the levy of the additional state, city, or county sales or use tax. The exemption only applies to property purchased within five years of the levy of the tax.

EXEMPTION - FIRE PROTECTION AND EMERGENCY EQUIPMENT

Act 1010 (HB 1225) exempts the purchase of fire protection and emergency equipment by volunteer fire departments from all state, local and county sales and use taxes.

EXEMPTION - HABITAT FOR HUMANITY

Act 516 (SB 513) exempts purchases by Habitat for Humanity from sales and use taxes.

EXEMPTION - INDUSTRIAL METAL ROLLERS OR PLATENS

Act 257 (HB 1313) exempts the repair or remanufacture of industrial metal rollers or platens which are brought into this state for repair or remanufacture and are shipped back to the state of origin.

EXEMPTION - LEASED EMPLOYEES

Act 1040 (SB 522) exempts certain services performed by a temporary or leased employee of a taxpayer from sales tax.

EXEMPTION - MOTOR VEHICLES USED FOR TRAINING PURPOSES

Act 1297 (HB 1902) exempts motor vehicles owned and operated by vocational-technical schools, technical colleges, and community colleges, which are used exclusively for training purposes, from sales tax and registration fees. The act also creates the Arkansas Higher Education Funding Study Commission to study institutional missions, funding for capital projects, and other funding issues related to institutional missions.

EXEMPTION - MOTOR OIL AND PETROLEUM BASED WASTE

Act 1134 (HB 2010) expands the sales tax exemption for "waste fuel" used in manufacturing articles of commerce to include used motor oil and petroleum based waste.

EXEMPTION - RAILROAD PARTS, CARS AND EQUIPMENT

Act 848 (SB 541) exempts tangible personal property incorporated into or which ultimately becomes a part of railroad parts, railroad cars, and equipment brought into the state for the purpose of being repaired, refurbished, modified, or converted from sales tax.

EXEMPTION - RECONDITIONED USED CARS

Act 390 (SB 297) amends the existing sales and use tax law to clarify that the sale for resale exemption applies to parts and accessories purchased to recondition or rebuild used cars intended for resales.

EXEMPTION - UNDERGROUND IRRIGATION PIPE

Act 587 (HB 1533) expands the sales and use tax exemption for underground farm irrigation pipe used to carry water from the well to the crop to include above ground pipe.

TAXES - Sales and Use Taxes (Cont.)

HIGHWAY CONSTRUCTION AND IMPROVEMENT

Act 1008 (SB 762) levies a one-half of one percent sales and use tax. The act designates the tax as special revenues for use in partial repayment of general obligations bonds for highway construction and for utilization by the counties and municipalities on county roads and municipal streets. The tax shall not become effective unless the issuance of highway construction and improvement general obligation bonds is approved by the electorate.

HOME HEALTH AND PERSONAL CARE SERVICES

Act 794 (HB 1772) repeals the home health and personal care service tax.

LOCAL TAXES

Act 211 (SB 295) clarifies that if a city has levied a local sales tax, there is also levied a local compensating use tax.

MOTOR VEHICLES

Act 268 (SB 286) clarifies that the isolated sale exemption does not apply to the sale of motor vehicles and that a 10% penalty is due on sales tax paid after 20 days from the date of purchase. This act also requires motor vehicles to be inspected, registered and titles applied for within 20 days of the date of purchase.

OUT-OF-STATE PURCHASES

Act 650 (HB 1433) allows an examination of records of a transportation business to determine whether appropriate sales and use tax is being paid by the out-of-state dealer or in-state purchaser on items which are purchased out-of-state.

REAL ESTATE

Act 835 (HB 1472) amends the definition of "contractor" for sales and use tax purposes and provides that sales tax shall not apply to the alteration, addition, cleaning, refinishing, replacement, or repair of non-mechanical components of buildings or structures affixed to real estate. The act also provides that contractors who provide taxable services shall be entitled to a tax credit, tax offset, or refund for any sales tax paid on materials or supplies which ultimately become a part of the real estate in performing the taxable services.

RENTAL OF CONDOMINIUMS

Act 284 (HB 1199) provides that rentals of condominiums, townhouses, rental houses and other accommodations to transient guests is a taxable service subject to the Arkansas gross receipts tax.

REPORTING

Act 370 (HB 1497) requires the organizer of a special event (i.e. a craft show) to obtain daily sales tax reports from vendors who do not have Arkansas sales tax permits. The unpermitted vendors are required to collect sales tax on taxable sales at the special event and remit the tax to the organizer. The organizer is to file a report and pay all collected taxes within thirty days after the conclusion of the event.

RESALE CERTIFICATES

Act 358 (HB 1331) provides that sales tax liability for tangible personal property is upon the seller, unless the seller accepts in good faith a resale certificate from a purchaser who is the holder of a valid retailer's permit, in which case the purchaser is liable for the sales tax.

TAXES - Sales and Use Taxes (Cont.)

TAX IN LIEU OF VENDING DECAL FEE

Act 934 (HB 1994) repeals the Vending Device Decal Act and in lieu thereof provides that a vendor may register with the Department of Finance and Administration and pay a 4 1/2% state and 1% local tax on the wholesale purchase price of goods to be sold through vending machines or a vendor may purchase goods from a retailer and pay the sales tax on the purchase price of the goods directly to the retailer at the time of purchase. The act further provides that stock withdrawals by vending operators who manufacture their vending products are subject to the 5.5% tax based on the price that would be charged for the goods if they were sold for resale to a vending operator.

TRADE-IN CREDIT FOR MOTOR VEHICLE DEALERS

Act 1013 (SB 572) allows a motor vehicle dealer a deduction when calculating sales tax on a new replacement vehicle equal to the value of a used vehicle returned to inventory.

USED MOTOR VEHICLES AND USED MANUFACTURED HOMES

Act 437 (SB 329) allows motor vehicle dealers who purchase used motor vehicles and manufactured home dealers who purchase used manufactured homes, upon payment of all applicable registration and title fees, to register the motor vehicle or manufactured home for the sole purpose of obtaining a certificate of title without being required to pay sales or use tax.

SEVERANCE TAX ON OIL

Act 356 (HB 1295) subjects the production of oil from wells utilized for pressure maintenance or secondary recovery purposes to the severance tax on oil.

OIL PRODUCTION

Act 1093 (HB 1314) provides a severance tax credit to an oil producer involved in enhanced recovery of crude oil under a plan approved by the Oil and Gas Commission. The act exempts crude oil from a well or oil field which has been inactive for 12 months from severance tax. The act also provides that an "active field" which utilizes "new research technology" resulting in increased production is exempt from severance tax for the additional oil produced as a result of the new technology.

TAX CREDITS

WATER CONSERVATION

Act 341 (HB 1323) creates tax credit incentives to encourage water users to invest in (1) construction of impoundments to utilize available surface water, (2) the conversion from ground water use to surface water use when surface water is available and (3) the practice of land leveling to reduce agricultural irrigation water use.

TAX PROCEDURE ACT

ADMINISTRATIVE HEARINGS

Act 655 (HB 1404) amends the Tax Procedure Act authorizing the Department of Finance and Administration to conduct hearings by telephone, video or other electronic means.

TOURISM

TOURIST FACILITIES

Act 185 (HB 1405) and Act 269 (SB 332) include the Arkansas State Fairgrounds and War Memorial Stadium as facilities eligible for financial assistance under the City-County Tourist Meeting and Entertainment Facilities Assistance Law.

TRUSTS

CREATION OF TRUST BY NON-LAWYER

Act 1306 (HB 2036) includes the offering for sale, assembly, or drafting of any trust document by a nonlawyer, except a bank trust department or trust company, as a deceptive and unconscionable trade practice.

LONG TERM INTERGENERATIONAL SECURITY TRUST

Act 1303 (HB 1996) establishes a long term intergenerational security trust with tax deferral provisions for an individual under the age of 18.

UTILITIES

PIPELINES

NATURAL GAS PIPELINE SAFETY ACT

Act 713 (SB 573) increases the civil penalties for violations of the Natural Gas Pipeline Safety Act.

RURAL TELECOMMUNICATIONS COOPERATIVE

CAPITAL CREDITS

Act 898 (SB 787) provides that rural telephone cooperative capital credits which remain unclaimed for one year will be removed from the cooperative's books.

UNDERGROUND FACILITIES DAMAGE PREVENTION

Act 727 (HB 1264) amends the Underground Facilities Damage Prevention Act, by defining the terms "one call center" and "right-of-way." It also expands application of the act all master meter operators whose underground facilities cross property other than their own or are under public rights-of-ways and extends the application of certain provisions of the act to cities' and counties' rural water associations that have opted out of one call membership. It limits the operation and notification responsibilities of one call centers to member operators and provides that notice to the one call center eliminates the damage liability of person engaged in excavation or demolition to a non-member operator, unless there is gross negligence or wilful intent to damage. It requires direct notification of the one call center for all excavation or demolition activities not specifically exempted from the act and further requires express approval of an operator before using power driven tools to excavate near the operator's underground facility. It requires underground facilities installed after January 1, 1996 to permanently mark underground facilities with tracing wires and establishes penalties for defacing such markings. The act removes an exemption for the Highway Commission and the Highway and Transportation Department so that they are required to notify the operator of underground facility when it is damaged. It raises civil penalties and grants enforcement authority to county prosecutors and city attorneys.

UTILITY DEPOSITS

Act 843 (HB 2050) eliminates the minimum interest rate to be paid on utility deposits.

VENDING DEVICES

SALES TAX OR USE TAX

Act 934 (HB 1994) repeals the Vending Device Decal Act and in lieu thereof provides that a vendor may register with the Department of Finance and Administration and pay a 4 1/2% state and 1% local tax on the wholesale purchase price of goods to be sold through vending machines or a vendor may purchase goods from a retailer and pay the sales tax on the purchase

VENDING DEVICES - Sales Tax or Use Tax (Cont.)

price of the goods directly to the retailer at the time of purchase. The act further provides that stock withdrawals by vending operators who manufacture their vending products are subject to the 5.5% tax based on the price that would be charged for the goods if they were sold for resale to a vending operator.

WATER RESOURCES

GRAVEL MINING

Act 1110 (1778) creates a task force to study the impact of stream bed mining on fisheries, water quality, and the overall recreational, scenic, and economic potential of the state's water resources.

INCOME TAX

SOIL AND WATER CONSERVATION CREDIT

Act 560 (HB 1321) adopts sections 126 and 175 of the Internal Revenue Code of 1986. Section 126 excludes a portion of designated federal soil and water conservation program payments from gross income. Section 175 allows a taxpayer engaged in the business of farming a limited deduction for soil and water conservation expenses incurred to prevent erosion.

REGIONAL WATER DISTRIBUTION DISTRICT

ASSESSMENT OF BENEFITS

Act 838 (HB 1701) allows a regional water distribution district to adopt a proposed improvement plan for a project area and to provide for the assessment of benefits to pay the cost of the improvement. The act clarifies the district's authority relating to existing riparian users. Districts are authorized to accept appropriations from the state. The districts are authorized to enter land within the district to make surveys. The act authorizes districts to enter into contracts with the United States.

SOIL AND WATER CONSERVATION COMMISSION

WATER AND SEWER PROJECT FINANCING

Act 688 (HB 1768) authorizes the Arkansas Soil and Water Conservation Commission to issue commitments to provide fully amortizing permanent financing for water, sewer, solid waste, and other projects under programs administered by the commission.

WATER WELL CONSTRUCTION COMMISSION

MEMBERSHIP

Act 840 (HB 1738) removes the director of the Arkansas Geological Commission or his representative from the Water Well Construction Commission and replaces him with a person engaged in the business of manufacturing, distributing, or supplying heat pumps which require heat pump water wells. The act establishes criteria for the selection of the four members who are by trade water well drillers.

WATERWORKS FACILITIES

Act 617 (HB 1544) authorizes counties to create rural waterworks facilities boards for the purpose of owning, acquiring, constructing, improving, or disposing of waterworks and wastewater facilities.

WATER RESOURCES (Cont.)

WETLANDS AND RIPARIAN ZONES

Act 562 (HB 1324) authorizes the Soil and Water Commission to implement a program to create and restore publicly owned and managed wetland sites. The act establishes a Wetlands Technical Advisory Committee to advise and monitor the commission in establishing the wetland program.

INCOME TAX CREDIT

Act 561 (HB 1322) provides an income tax credit for the development or restoration of wetlands and riparian zones.

WORKERS' COMPENSATION

INCREASED BENEFITS DATES

Act 129 (HB 1146) provides that the weekly benefit for a disability or death resulting from an injury occurring during a calendar year on or after January 1, 1996 is 85% of the state average weekly wage if the Insurance Commissioner certifies, during December, 1995, that the overall workers' compensation insurance rates for Arkansas have decreased by at least 10% after July 1, 1993.

EXEMPTIONS

REAL ESTATE LICENSEES

Act 919 (HB 1200) exempts qualified real estate agents from the definition of the term "employee" and exempts services performed by a qualified real estate agent from the definition of the term "employment" as both terms are used in the Workers' Compensation Law.

PARTIAL DISABILITY RATE

INCREASE

Act 1144 (HB 2110) raises the maximum scheduled permanent partial disability rate.

SELF-INSURANCE GROUPS

Act 825 (HB 1150) changes the criteria for establishing a self-insurance group for Workers' Compensation. The Act also authorizes the Workers' Compensation Commission to recognize two separate entities to function as guarantee funds for Workers' Compensation self-insurers in the private sector. One fund will be established for individual self-insurers and homogeneous self-insurers. A separate guarantee fund will be established for common self-insurer groups.

PROPOSED CONSTITUTIONAL AMENDMENTS

INITIATIVES, RESOLUTIONS, AND LEGISLATIVE REFERRALS

Senate Joint Resolution 1 proposes an Amendment to the Arkansas Constitution concerning procedures in the referral, publication, and legal review of constitutional amendments, statewide initiatives, and statewide referendums. It would modify procedures for the publication and legal review of statewide initiatives and referendums. The proposal would also allow the General Assembly to propose no more than five (5) constitutional amendments.

SCHOOL FINANCE

Senate Joint Resolution 10 would establish a minimum millage in school districts. The minimum millage would be distributed statewide.

SALES TAX FOR GAME AND FISH, ETC.

House Concurrent Resolution 1007 proposes a constitutional amendment to levy a sales and use tax of one-eighth of one percent (1/8 of 1%) for support of the Arkansas Game and Fish Commission, the Department of Parks and Tourism, the Arkansas Department of Heritage and Keep Arkansas Beautiful.

GENERAL ASSEMBLY - MEETING DATES

General Assembly	Year	Dates in Session	Total Days
59th	1953	January 12 - March 12	60
60th	1955	January 10 - March 10	60
61st	1957	January 14 - March 14	60
61st - FES	1957	March 25 - March 27	3
61st - SES	1958	August 26 - September 12	18
62nd	1959	January 12 - March 12	60
62nd - FES	1960	January 19 - January 21	3
63rd	1961	January 9 - March 9	60
63rd - FES	1961	August 24 - September 1	9
63rd - SES	1961	September 18 - September 21	4
64th	1963	January 14 - March 14	60
64th - FES	1964	March 24 - March 27	4
65th	1965	January 11 - March 11	60
65th - FES	1965	May 24 - June 8	16
65th - SES	1965	November 2 - November 4	2 1/2
65th - TES	1965	November 4 - November 6	2 1/2
66th	1967	January 9 - Recessed March 9, Reconv. March 27, Adjourned March 31	65
66th - FES	1968	February 5 - February 21	17
66th - SES	1968	May 20 - May 30	11
67th	1969	January 13 - Recessed April 11, Reconv. May 5 - Adjourned May 8	93
67th - FES	1970	March 2 - March 7	6
68th	1971	January 11 - Recessed April 2, Reconv April 19 - Adjourned April 19	82
68th - FES	1972	February 7 - February 16	10
69th	1973	January 8 - Recess on April 5 until April 24- Recess until Jan 14, 1974 - Adjourned Jan 14, 1974	88
69th - FES	1974	June 24 - Recessed July 12 - Reconv. Aug. 1 - Adjourned Aug 1	19
70th	1975	January 13 - March 27 - Recess Until Apr. 9 - Adjourned Apr. 9	74
70th - Exten	1976	January 12 - January 28	17
70th - FES	1976	September 8 - September 10	3
71st	1977	January 10 - Recessed March 18 Until Apr 6 - Recessed Apr 6 until Aug 14 - Adjourned Aug 14	68
71st - FES	1977	August 2 - August 5	4

GENERAL ASSEMBLY - MEETING DATES

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<u>General Assembly</u>	<u>Year</u>	<u>Dates in Session</u>	<u>Total Days</u>
72nd	1979	January 8 - Recessed April 4, Reconv. Apr. 20 - Adjourned Apr 20	87
72nd - EXT.	1980	January 7 - January 17	10 1/2
72nd - FES	1980	January 17 - January 24	7 1/2
72nd - SES	1980	April 15 - April 18	4
73rd	1981	January 12, - March 18	66
73rd - FES	1981	November 16 - November 25	10
74th	1983	January 10 - Recessed on March 18, Reconv April 4 - Adj. Apr. 4	68
74th - FES	1983	October 4 - November 10	37
75th	1985	January 14 - Recessed March 22, Reconv. March 29 - Adj. March 29	68
75th - FES	1985	June 17 - June 21	5
75th - SES	1986	April 28 - May 1	4
76th	1987	January 12 - Recessed April 3 - Reconv. April 20 - Adj. April 20	82
76th - FES	1987	June 2 - June 5	4
76th - SES	1987	October 6 - October 9	4
76th - TES	1988	January 26 - February 5	11
76th - 4thES	1988	July 11 - July 14, 1988	4
77th	1989	January 9 - March 17 - Recess until April 3 - Adj. April 3	68
77th - FES	1989	June 20 - June 23	4
77th - SES	1989	July 25 - July 27	3
77th - TES	1989	October 23 - November 3	12
78th	1991	January 14 - March 27 - Recess until April 15 - Adj. April 15	73
78th - FES	1992	February 24 - February 27 - Recess until March 4 - Adj. March 4	4
78th - SES	1992	December 14 - December 18	5
79th	1993	January 11 - April 8 - Recess until May 14 - Adj. May 14	88
79th - FES	1994	February 28 - March 2	3
79th - SES	1994	August 15 - August 24	10
80th	1995	January 9 - April 7 - Recess until April 28 - Adj. April 28	89

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PROPOSED CONSTITUTIONAL AMENDMENTS

✓ LOCAL GOVERNMENT FINANCING

House Joint Resolution 1005 - The resolution proposes a constitutional amendment providing that municipalities and counties may incur short-term financing obligations having a term not to exceed five years and bearing interest at either a fixed or variable rate, for the purpose of acquiring, constructing, installing or renting real property or tangible personal property having an expected useful life of more than one year. It provides that the aggregate principal amount of short-term financing obligations incurred by a municipality or a county shall not exceed 10% of the assessed value of taxable property located within the county and that the total annual principal and interest payments shall be paid from the general revenues for that fiscal year. Finally, the proposal provides that the authority conferred it is in addition to the authority of municipalities and counties to issue bonds and other debt obligations.

SPECIAL AND RETIRED JUDGES

Senate Joint Resolution 2 - The resolution proposes a constitutional amendment to authorize the assignment of special and retired judges and authorizes circuit, chancery, and probate judges to temporarily exchange circuits by joint order.

✓ TAXES

House Joint Resolution 1006 - The resolution proposes a constitutional amendment providing that the General Assembly shall not, after December 31, 1998, enact a law to levy a tax or fee, increase or decrease the rate of any tax or fee, nor otherwise amend or repeal any provisions of any law levying a tax or fee, except upon the affirmative vote of three-fifths of the total membership of each house of the General Assembly.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4 By: Representative Dawson

As Engrossed: H3/26/97

H.J.R. 1005

HOUSE JOINT RESOLUTION

8 A PROPOSED AMENDMENT TO THE ARKANSAS CONSTITUTION,
9 PROVIDING THAT MUNICIPALITIES AND COUNTIES MAY INCUR
10 SHORT-TERM FINANCING OBLIGATIONS HAVING A TERM NOT TO
11 EXCEED FIVE (5) YEARS AND BEARING INTEREST AT EITHER A
12 FIXED OR VARIABLE RATE, FOR THE PURPOSE OF ACQUIRING,
13 CONSTRUCTING, INSTALLING OR RENTING REAL PROPERTY OR
14 TANGIBLE PERSONAL PROPERTY HAVING AN EXPECTED USEFUL LIFE
15 OF MORE THAN ONE (1) YEAR; PROVIDING THAT THE MAXIMUM
16 LAWFUL RATE OF INTEREST FOR FIXED RATE OBLIGATIONS IS THE
17 FORMULA RATE IN EFFECT WHEN THE OBLIGATION IS INCURRED,
18 AND THAT THE MAXIMUM LAWFUL RATE OF INTEREST FOR VARIABLE
19 RATE OBLIGATIONS IS THE FORMULA RATE IN EFFECT WHEN THE
20 INTEREST ACCRUES; DEFINING "FORMULA RATE" AS THAT RATE OF
21 INTEREST WHICH IS FIVE PERCENTAGE POINTS (5%) ABOVE THE
22 EQUIVALENT BOND YIELD OF ONE YEAR U. S. TREASURY BILLS
23 OFFERED BY THE U. S. TREASURY AT THE LAST AUCTION DURING
24 THE IMMEDIATELY PRECEDING CALENDAR QUARTER, CALCULATED BY
25 ROUNDING UP TO THE NEAREST ONE-FOURTH OF ONE PERCENTAGE
26 POINT (0.25%) AND ANNOUNCED BY THE STATE BANK COMMISSIONER
27 FROM TIME TO TIME; PROVIDING THAT THE AGGREGATE PRINCIPAL
28 AMOUNT OF SHORT-TERM FINANCING OBLIGATIONS INCURRED BY A
29 MUNICIPALITY OR A COUNTY PURSUANT TO THIS AMENDMENT SHALL
30 NOT EXCEED *TEN PERCENT (10%)* OF THE ASSESSED VALUE OF
31 TAXABLE PROPERTY LOCATED WITHIN THE MUNICIPALITY OR *FIVE*
32 *PERCENT (5%)* OF THE ASSESSED VALUE OF TAXABLE PROPERTY
33 LOCATED WITHIN THE COUNTY; AND THAT THE TOTAL ANNUAL
34 PRINCIPAL AND INTEREST PAYMENTS IN EACH FISCAL YEAR ON ALL
35 OUTSTANDING OBLIGATIONS PURSUANT TO THIS AMENDMENT SHALL
36 BE PAID FROM THE GENERAL REVENUES FOR SUCH FISCAL YEAR;

1 PROVIDING THAT THE AUTHORITY CONFERRED BY THIS AMENDMENT
 2 SHALL BE IN ADDITION TO THE AUTHORITY OF MUNICIPALITIES
 3 AND COUNTIES TO ISSUE BONDS AND OTHER DEBT OBLIGATIONS
 4 PURSUANT TO OTHER PROVISIONS OF THE CONSTITUTION AND LAWS
 5 OF THE STATE; DEFINING OTHER TERMS IN THE AMENDMENT;
 6 PROVIDING THAT THE AMENDMENT SHALL BE SELF-EXECUTING.

7
8 **Subtitle**

9 THE CITY AND COUNTY GOVERNMENT SHORT-
10 TERM FINANCING AMENDMENT.

11
12
13
14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIRST GENERAL
15 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS
16 ELECTED TO EACH HOUSE AGREEING THERETO:

17
18 That the following is hereby proposed as an amendment to the
19 Constitution of the State of Arkansas, and upon being submitted to the
20 electors of the state for approval or rejection at the next general election
21 for Representatives and Senators, if a majority of the electors voting thereon
22 at such election, adopt such amendment, the same shall become a part of the
23 Constitution of the State of Arkansas, to wit:

24
25 SECTION 1. (a) For the purpose of acquiring, constructing, installing
26 or renting real property or tangible personal property having an expected
27 useful life of more than one (1) year, municipalities and counties may incur
28 short-term financing obligations maturing over a period of, or having a term,
29 not to exceed five (5) years. Such obligations may bear interest at either:

30 (1) a fixed rate throughout the term thereof, including a fixed
31 interest rate which is to be determined by reference to an index or other
32 formula, but not to exceed the maximum lawful rate of interest for fixed rate
33 obligations, or

34 (2) a rate which may vary at such times and under such
35 circumstances as the parties may agree, whether or not the interest rate in
36 fact varies, but not to exceed the maximum lawful rate of interest for

1 variable rate obligations. The maximum lawful rate of interest for fixed rate
2 obligations is the formula rate in effect on the date the obligation is
3 incurred, regardless of when such interest is to begin to accrue. The maximum
4 lawful rate of interest for variable rate obligations is the formula rate in
5 effect on the date such interest accrues. The aggregate principal amount of
6 short-term financing obligations incurred by a municipality or a county
7 pursuant to this section shall not exceed *ten percent (10%)* of the assessed
8 value of taxable property located within the municipality or *five percent (5%)*
9 of the assessed value of taxable property located within the county, as
10 determined by the last tax assessment completed before the last obligation was
11 incurred by the city or county. The total annual principal and interest
12 payments in each fiscal year on all outstanding obligations of a municipality
13 or a county pursuant to this section shall be charged against and paid from
14 the general revenues for such fiscal year, which may include road fund
15 revenues. Tax revenues earmarked for solid waste disposal purposes may be used
16 to pay printing and other costs associated with bonds issued under this
17 amendment for solid waste disposal purposes.

18 (b) As used here:

19 (1) "Short-term financing obligation" means a debt, a note, an
20 installment purchase agreement, a lease, a lease-purchase contract, or any
21 other similar agreement, whether secured or unsecured; provided, that the
22 obligation shall mature over a period of, or have a term, not to exceed five
23 (5) years;

24 (2) "Formula rate" means that rate of interest which is five
25 percentage points (5%) above the equivalent bond yield of one year United
26 States Treasury Bills offered by the United States Treasury at the last
27 auction during the immediately preceding calendar quarter, calculated by
28 rounding up to the nearest one-fourth of one percentage point (0.25%) (unless
29 the equivalent bond yield is already by a multiple of one-fourth of one
30 percentage point), and announced by the State Bank Commissioner (or such
31 successor official who may be performing substantially the same duties) from
32 information available from the Federal Reserve System of the United States.
33 The calculation of the formula rate shall be made on or before the tenth
34 (10th) day of each calendar quarter. The formula rate so calculated shall be
35 effective on the eleventh (11th) day of the calendar quarter and shall
36 continue in effect until the formula rate for the succeeding calendar quarter

1 shall have been calculated and becomes effective. If, for any reason, the
2 United States ceases to issue one year Treasury Bills, such calculation shall
3 be made using a debt instrument of the United States having substantially the
4 same general character and maturity. The calculation and announcement of the
5 formula rate by the State Bank Commissioner shall be final.

6 (c) The provisions of this section shall be self-executing.

7
8 SECTION 2. The authority conferred by this amendment shall be in
9 addition to the authority of municipalities and counties to issue bonds and
10 other debt obligations pursuant to Amendments 62, 65, and 72, and other
11 provisions of the Constitution and laws of the state.

12
13 SECTION 3. This amendment goes into effect on January 1, 1999.

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15 /s/Rep. Dawson
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Stricken language would be deleted from the present constitution. Underlined language would be added to present constitution.

1 State of Arkansas

As Engrossed: S3/31/97 S4/2/97

2 81st General Assembly

3 Regular Session, 1997

H.J.R. 1006

4

5 By: Representative Schexnayder

6 By: Senator Argue

7

8

HOUSE JOINT RESOLUTION

9 PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO PROHIBIT THE
10 GENERAL ASSEMBLY FROM ENACTING A LAW TO LEVY A TAX, INCREASING OR
11 DECREASING THE RATE OF ANY TAX NOW OR HEREAFTER ENACTED, OR OTHERWISE
12 AMENDING OR REPEALING ANY PROVISIONS OF ANY LAW LEVYING A TAX EXCEPT
13 UPON THE VOTE OF THREE-FIFTHS (3/5) OF THE TOTAL MEMBERSHIP OF EACH
14 HOUSE.

15

16

17

Subtitle

18

TO PROHIBIT AN INCREASE OR DECREASE IN
19 ANY TAX RATE OR FEE EXCEPT ON A THREE-
20 FIFTHS VOTE OF EACH HOUSE.

21

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24 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FIRST GENERAL
25 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL MEMBERS
26 ELECTED TO EACH HOUSE AGREEING THERETO:

27

28 That the following is hereby proposed as an amendment to the Constitution
29 of the State of Arkansas, and upon being submitted to the electors of the
30 state for approval or rejection at the next general election for
31 Representatives and Senators, if a majority of the electors voting thereon at
32 such election, adopt such amendment, the same shall become a part of the
33 Constitution of the State of Arkansas, to wit:

34

35 SECTION 1. The General Assembly shall not, after December 31, 1998,
36 enact a law to levy a tax or fee, increase or decrease the rate of any tax or

1 fee, nor otherwise amend or repeal any provisions of any law levying a tax or
2 fee, except upon the affirmative vote of three-fifths (3/5) of the total
3 membership of each house of the General Assembly.

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5 SECTION 2. This Amendment shall become effective January 1, 1999.

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7 SECTION 3. Section 38 of Article 5 of the Constitution of the State of
8 Arkansas as added thereto by Section 2 of Amendment 19 to the Constitution of
9 the State of Arkansas is hereby repealed.

10 ~~"§38. Taxes Increase Approval by electors.~~

11 ~~§2. None of the rates for property, excise, privilege or personal taxes,~~
12 ~~now levied shall be increased by the General Assembly except after the~~
13 ~~approval of the qualified electors voting thereon at an election, or in case~~
14 ~~of emergency, by the votes of three fourths of the members elected to each~~
15 ~~House of the General Assembly. [As added to Art. 5 by Const. Amend. 19.]"~~

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/s/Schexnayder et al

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**SUMMARY
OF ACTION ON**

GENERAL LEGISLATION

**BY THE
80TH GENERAL ASSEMBLY
OF THE STATE OF ARKANSAS**

1995

**January 9 through
April 28, 1995**



May, 1995