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## **ABORTION**

### **PARTIAL-BIRTH ABORTION**

Act 984 (SB612) - The act defines the term "partial-birth abortion" and prohibits the use of the procedure unless necessary to save the life of the mother and no other form of abortion would suffice. A physician's violation of the prohibition is a Class D felony, and a physician violating the prohibition would be subject to disciplinary action of the Medical Board. The act is only operative to the extent permitted by the federal constitution and laws.

## **ACUPUNCTURE, BOARD OF**

Act 816 (HB1031) - The act requires persons practicing acupuncture to be licensed and establishes requirements for obtaining and maintaining a license to practice acupuncture. The act creates a Board of Acupuncture to issue licenses and oversee the practice of acupuncture. The act also establishes exemptions from the licensing requirements and grandfathers certain practitioners.

## **ADOPTION**

### **BACKGROUND CHECKS**

Act 1106 (HB2239) - The act provides that national fingerprint-based criminal background checks are not necessary if a prospective adoptive parent has resided in his or her state of residence for six years or, because INS already requires it, if the adoption is international. The act also requires a child maltreatment registry check for all members of the prospective adoptive family who are age fourteen and older, if such a registry is available in the state of residence.

### **INTERETHNIC ADOPTION**

Act 216 (HB1405) - The act removes barriers to interethnic adoptions and gives a preference to relative caregivers in foster care placements by the Department of Human Services.

### **VENUE**

Act 1084 (HB1301) - The act clarifies that the venue for adopting a child and establishing a guardianship of a child may be filed in a juvenile court which has continuing jurisdiction over the child.

## **AGRICULTURE**

### **BOLL WEEVILS**

Act 330 (HB1181) - The act permits regional referenda on levying an assessment of cotton growers in the region to fund a boll weevil suppression and eradication program.

### **COMMERCIAL FEEDS**

Act 726 (HB1594) - The act provides for the regulation of the manufacture and distribution of commercial feeds in Arkansas and repeals Arkansas Code §§ 2-3-101 through 114.

### **CORN AND GRAIN SORGHUM BOARD, ARKANSAS**

Act 271 (HB1534) - The act creates the Arkansas Corn and Grain Sorghum Board established for the promotion of the corn and grain sorghum industry in Arkansas and the act also provides for an assessment on the producers within the state subject to approval of the producers voting in the referendum.

### **DAIRY COMMISSION, ARKANSAS**

Act 888 (HB1855) - The act provides for the creation of the Arkansas Dairy Commission by the Arkansas Livestock and Poultry Commission upon at least three states south and east or contiguous to Arkansas also enacting a similar commission and with the consent of the Congress of the United States. The Arkansas Dairy Commission shall enter into a southeastern dairy compact, provided a regional compact is authorized and shall have the authority to adopt administrative rules to govern its operations.

## **AGRICULTURE**

### **EGG MARKETING**

Act 700 (HB1598) - The act provides that retailers are permitted to sell eggs when purchased directly from producers who own less than 200 hens provided that the eggs are: washed and clean; prepackaged and identified as ungraded; markings on used cartons are deleted and eggs are refrigerated at a temperature of 45 degrees or below. Eating establishments which knowingly sell, serve, purchase or use eggs in food preparation below the U.S. Consumer Grade B quality are in violation of the subchapter.

### **EQUINE INFECTIOUS ANEMIA**

Act 1306 (SB531) - The act establishes procedures for the control and eradication of equine infectious anemia.

### **FARMERS' MUTUAL AID ASSOCIATIONS**

Act 774 (HB1894) - The act amends various provisions of Arkansas Code 23-73-101 et seq., relating to Farmers' Mutual Aid Associations.

### **HEIFER PROJECT INTERNATIONAL**

#### **SALES AND USE TAX EXEMPTION**

Act 1222 (HB2273) - The act exempts sales of tangible personal property and services to Heifer Project International from sales and use taxes.

### **MOTOR VEHICLES HAULING FARM PRODUCTS**

Act 297 (HB1474) - The act authorizes the issuance of a seven-month registration for licensing a vehicle used for hauling farm products.

### **NORTH CENTRAL ARKANSAS DISTRICT FAIR AND LIVESTOCK SHOW**

Act 881 (HB1662) - The act establishes the North Central Arkansas District Fair and Livestock Show to be held in Izard County and creates a board to oversee the show.

### **RED IMPORTED FIRE ANT ABATEMENT DISTRICTS**

Act 590 (SB512) - The act permits a county board of commissioners to create a Red Imported Fire Ant abatement district upon approval by the voters of the proposed district, to establish a Board of Commissioners of each Red Imported Fire Ant abatement district, to levy an assessment against those within the district and to issue bonds.

### **STUTTGART SOIL**

Act 890 (HB1885) - The act provides for the designation of the Stuttgart soil series as the official soil of the state.

### **THISTLES**

Act 290 (HB1243) - The act repeals provisions of the law which make it unlawful to permit thistle to grow on their property.

Act 1030 (HB1830) - The act establishes procedures for the control and eradication of thistles.

## **ALCOHOLIC BEVERAGES**

### **ALCOHOLIC BEVERAGE CONTROL DIVISION**

#### **ADMINISTRATIVE DUTIES**

Act 1060 (SB678) - The act makes various technical corrections relating to the administrative duties of the Alcoholic Beverage Control Division. The act is the same as Act 1010, House Bill 2120.

## **ALCOHOLIC BEVERAGES**

### **LOCAL OPTION ELECTIONS**

#### **OMNIBUS CHANGES**

Act 449 (HB1775) - The act amends the alcoholic beverage laws to raise the penalty for providing false information on a petition verification form to a Class D felony. It requires the voter registration records as certified to the Secretary of State on June 1 to determine the number of qualified electors necessary for local option petitions. The act also amends Arkansas Code 3-8-205 and 3-8-206 to make technical corrections.

### **MINORS**

Act 1210 (HB2059) - The act increases the minimum fine for the criminal offense of purchasing or possessing intoxicating liquor by a minor from \$10 to \$100.

### **PERMITS**

#### **APPLICATION WAITING PERIOD**

Act 519 (HB1760) - The act provides that after denial of an application for an alcoholic beverage control permit, no application will be accepted for that location from the same applicant or real party in interest until after the expiration of five years.

#### **BEER MANUFACTURING PERMITS**

Act 1061 (SB701) - The act provides that Arkansas beer manufacturing permits authorize the manufacturer to sell and ship beer for out-of-state sale and consumption.

#### **HOTEL OR RESTAURANT**

Act 222 (SB81) - The act provides that the Alcoholic Beverage Control Division may issue a non-manager or operator of a hotel or restaurant owned by a partnership a permit for the hotel or restaurant to sell alcoholic beverages for on premises consumption.

#### **MICROBREWERY-RESTAURANT**

Act 916 (SB542) - The act authorizes a microbrewery-restaurant to manufacture malt beverages upon receiving a license and permits the Director of the Alcoholic Beverage Control Division to issue a microbrewery-restaurant distribution permit. The act also establishes a \$750 fee for a license and \$150 fee for the rights and privileges provided by the distribution permit.

#### **POST EXCHANGE PACKAGE PERMITS**

Act 366 (HB1680) - The act authorizes the Alcoholic Beverage Control Division to issue post exchange package permits at post exchange facilities located at Camp Robinson and Fort Chaffee.

#### **RENEWAL FEE RECODIFICATION**

Act 546 (HB1823) - The act amends Arkansas Code 3-9-223 to reenact language deleted during codification.

## **AMBULANCES**

### **FIRE PROTECTION DISTRICTS**

Act 1093 (HB1822) - The act amends the fire protection district laws to allow districts to offer additional services to their members in addition to fire protection services. It permits fire protection districts to provide other emergency services, like search and rescue services, emergency medical, ambulance, and patient transport services, and such other services which it is trained and qualified to perform.

### **LICENSING OF AMBULANCE SERVICES REQUIRED**

Act 1255 (HB1937) - The act makes it unlawful for a person to operate or in any way engage in the business of providing emergency transport of patients in Arkansas unless that person holds a valid ambulance service license issued by the Department of Health. It sets up a system of licensing by the Department of Health and each license shall be renewed annually. Licensees are required to transport any patient to the care facility of the patient's choice within the service area of the ambulance. Ambulance licensees are required to maintain liability insurance on each vehicle owned and operated by the ambulance service.

**APPRENTICESHIP COORDINATING STEERING COMMITTEE, ARKANSAS  
STIPENDS**

Act 377 (HB1032) - The act authorizes the Committee of Plumbing Examiners, the Elevator Safety Board and the Arkansas Apprenticeship Coordinating Steering Committee to receive a stipend.

**ATTORNEYS**

**UNAUTHORIZED PRACTICE OF LAW**

Act 1301 (SB433) - The act defines the unauthorized practice of law and makes it a Class A misdemeanor; Class D felony for subsequent offenses.

**AUDITOR OF STATE**

**UNCLAIMED PROPERTY**

Act 1048 (HB2267) - The act provides that penalties for failure to report, pay, or deliver property within a certain time shall be paid to the Auditor of State. The Auditor may waive, any or all of the penalty.

**WARRANTS**

Act 14 (HB1161) - The act authorizes the Auditor of State to process paper or electronic warrants from the Public Employees Retirement System to pay the retirees of the system in a timely manner regardless of balances in the State Treasury.

**AVIATION**

**BOARDING AND DISEMBARKING TAX**

Act 1245 (HB1748) - The act increases the aircraft boarding and disembarking tax allowed to be charged by regional airport authorities from \$1 to the maximum amount allowed by the federal government.

**SALES AND USE TAXES**

Act 924 (SB361) - The act phases out the amount of use tax revenues derived from the purchase of aircraft, aviation fuel, parts, and accessories that are currently credited to general revenues. The act directs that the revenues phased out of general revenues be deposited in the Arkansas Department of Aeronautics Fund until July 1, 2001, at which time all revenues derived from the purchase of aircraft, aviation fuel, parts, and accessories shall be deposited into the Arkansas Department of Aeronautics Fund.

**BAIL BONDS**

**GUARANTOR OR SURETY**

Act 1046 (HB2225) - The act prohibits chiefs of police and law enforcement officers from being a personal guarantor or surety in any criminal proceeding.

**PROCESSING CHARGE**

Act 1096 (HB1948) - The act provides a \$15 paper processing fee to be collected on bail bonds to defray the reporting and administration costs of a surety.

**BAIL BONDSMAN**

**EDUCATION PROGRAM**

Act 909 (HB1803) - The act provides for the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board to solicit proposals to establish an education program for professional bail bondsman.

## **BAIL BONDSMAN**

### **LICENSURE**

Act 973 (HB2125) - The act authorizes the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board to issue licenses, taking the authority away from the Insurance Commissioner. The act also provides that hearings concerning complaints against persons shall be conducted under the provisions of the Arkansas Administrative Procedure Act and requires applicants for an initial license to complete eight hours of bail bondsman education.

## **BARBERS**

### **BARBER MANAGER**

Act 1032 (HB1846) - The act repeals the requirement that a person have three years experience as a registered barber before being allowed to act as a barber manager.

## **BOATING**

### **ACCIDENTS**

Act 823 (HB1481) - The act requires the operator of a motorboat which is involved in an accident resulting in the loss of human life to submit to a test to determine the presence of alcohol or controlled substances in his blood. There is also a penalty for refusing the test.

### **MARINA FACILITY OPERATOR'S LIEN**

Act 903 (HB1362) - The act provides for a marina facility operator's lien on property stored in leased space for boat stall rental charges and other related charges.

### **SAFE BOATING COURSE**

Act 824 (HB1538) - The act authorizes the Game and Fish Commission to establish a program of boater training and boater safety in Arkansas. The program will include instruction designed to teach the safe and proper handling of boats and can be offered in cooperation with schools, private clubs and other organizations. After January 1, 2001, all Arkansas residents born on or after January 1, 1986 must have successfully completed an approved Arkansas Game and Fish Commission safe boating course and obtain a temporary boater education certificate.

## **BONDS**

### **CENTRAL BUSINESS IMPROVEMENT DISTRICTS**

Act 933 (SB553) - The act authorizes the board of a Central Business Improvement District to sell general obligation assessment bonds in any manner determined by the board.

### **STATE POLICE FACILITY**

Act 1057 (SB598) - The act authorizes the Arkansas State Police to pledge a portion of drivers' license fees to secure and retire bonds issued for the construction or purchase of any State Police facility or to purchase or design any wireless communication system. The portion of the fee authorized was previously pledged to obligations which will be retired in 1997.

### **WATER RESOURCES DEVELOPMENT**

Act 304 (HB1512) - This act authorizes the issuance of \$12,025,000 of additional Arkansas Water Resources Development General Obligation Bonds during the 1995-97 fiscal biennium. The act also authorizes \$24,700,000 of Arkansas Water Resources Development General Obligation Bonds during the 1997-99 fiscal biennium.

## **BUSINESS LAW**

### **ACCOUNTANTS**

Act 242 (SB46) - The act amends various section of the Arkansas Public Accountancy Act to provide that limited liability companies must meet the same standards as accounting partnerships and corporations. The act also clarifies various provisions of the act pertaining to commissions, reciprocity, and examination and permit fees.

## **BUSINESS LAW**

### **CHARITABLE ORGANIZATIONS**

#### **DISCLOSURE LABELS**

Act 172 (SB4) - The act requires charitable organizations to put disclosure labels on containers holding products, such as candy, offered for sale for purposes of soliciting contributions for a charitable organization, violation of which is a Class C misdemeanor and an unfair act under the Deceptive Trade Practices Act.

#### **SOLICITATION OF CONTRIBUTIONS**

Act 708 (SB525) - The act provides that charitable organizations which solicit contributions in excess of \$10,000 and which are required to file tax or information returns with the Internal Revenue Service shall file, in lieu of the annual report required in Arkansas Code 4-28-406, in the Attorney General's office a copy of all tax information submitted to the Internal Revenue Service.

### **COLLECTION AGENCIES**

Act 246 (HB237) - The act provides that entities which purchase accounts, claims, or demands of another are not exempt from the collection agency law unless those accounts, claims, or demands were not in default or delinquent at the time of acquisition. The act also provides that the State Board of Collection Agencies is authorized to impose fines for failure to comply with the collection agency law.

### **COOPERATIVE MARKETING ASSOCIATIONS**

Act 521 (HB1815) - The act provides for the conversion of a cooperative marketing association to a nonprofit corporation upon the vote of the members of the cooperative marketing association.

### **CORPORATIONS**

#### **BUSINESS NAMES**

Act 399 (SB416) - The act provides that the name of a limited partnership or corporation must be distinguishable upon the records of the Secretary of State from the name of any other limited partnership or corporation organized or licensed in the state.

#### **DIVIDENDS RECEIVED BY A PARENT CORPORATION**

Act 1189 (HB1400) - The act excludes from taxable income dividends received by a parent corporation from a subsidiary which is at least 80% owned by the parent corporation. Prior to this act, the law provided that 95% ownership was required before the parent corporation was able to take advantage of the income tax exclusion.

#### **INDUSTRIAL DEVELOPMENT CORPORATIONS**

Act 904 (HB1311) - The act clarifies the supervision, regulation and investigation of County and Regional Industrial Development Corporations.

#### **PROFESSIONAL CORPORATIONS**

Act 306 (HB80) - This act amends various provisions of the Arkansas Code to allow a living revocable trust to hold shares in a professional corporation.

#### **SMALL BUSINESS CAPITAL FORMATION ACT OF 1997**

Act 883 (HB1685) - The act provides a deduction from income for capital gains on the sale of qualified small business stock based on the length of time the taxpayer holds the stock.

### **DEBT COLLECTION AND CREDIT REPORTING BUSINESSES**

Act 1263 (HB2122) - The act repeals the levy of sales and use tax on the service of credit reporting and debt collection.

### **ENTERTAINMENT CONTRACTS**

Act 648 (HB1783) - The act prescribes standards for engaging in and for enforcing contracts for the payment of royalties by performing rights societies (like BMI and ASCAP). It provides that performing rights societies shall not collect or attempt to collect from a proprietor any royalty payments except as provided in a contract governed by the provisions of the act. No performing arts society may engage in any coercive act or practice that disrupts a proprietor's business.

## **BUSINESS LAW**

### **FARMERS' MUTUAL AID ASSOCIATIONS**

Act 774 (HB1894) - The act amends various provisions relating to Farmers' Mutual Aid Associations.

### **FRANCHISES**

Act 1128 (HB1926) - The act provides that door-to-door sales which comply with the home solicitation sales laws are not subject to the provisions of the Arkansas Franchise Protection Act.

### **INSUFFICIENT CHECKS**

Act 702 (HB1617) - The act amends the Arkansas Tax Procedure Act to increase the penalty for payment of any tax, license or fee with an insufficient check from \$10 to \$20.

### **LIMITED LIABILITY COMPANIES**

#### **MEDICAL AND DENTAL PROFESSIONAL LIMITED LIABILITY COMPANY ACT**

Act 338 (HB1473) - The act requires that limited liability companies that engage in the practice of medicine must obtain a certificate of registration with the Arkansas State Medical Board and comply with the statutes of the Medical Corporation Act. It also provides that limited liability companies that engage in the practice of dentistry must obtain a certificate of registration and comply with the Dental Corporation Act.

#### **SMALL BUSINESS ENTITY TAX PASS THROUGH ACT**

Act 479 (SB274) - The act amends the Small Business Entity Tax Pass Through Act to provide for the conversion, merger or consolidation of a partnership to a limited liability company. The act provides that limited liability companies shall pay the minimum franchise tax and clarifies certain other provisions of the Small Business Entity Tax Pass Through Act.

#### **TRANSACTING BUSINESS UNDER AN ASSUMED NAME**

Act 549 (SB38) - The act provides that domestic or foreign limited partnerships or limited liability companies are not subject to the provisions of Arkansas Code 4-70-201 et seq. regarding transacting business under an assumed name.

### **MONOPOLIES**

#### **AFFIDAVIT**

Act 898 (HB2036) - The act repeals the requirement for corporate officials to file an affidavit of nonparticipation in monopolies and penalties for noncompliance.

### **NEGOTIABLE INSTRUMENTS**

Act 1164 (SB241) - The act provides that the statute of limitations on an action to enforce the obligation of a party to pay a note at a definite time, a certificate of deposit or an accepted draft shall be five years after the due date.

### **NONPROFIT ASSOCIATIONS**

Act 858 (SB351) - The act creates the Uniform Unincorporated Nonprofit Association.

### **PARTNERSHIPS**

#### **BUSINESS NAMES**

Act 399 (SB416) - The act provides that the name of a limited partnership or corporation must be distinguishable upon the records of the Secretary of State from the name of any other limited partnership or corporation organized or licensed in the state.

#### **LIMITED LIABILITY PARTNERSHIPS AND LIMITED PARTNERSHIPS**

Act 912 (SB273) - The act amends various provisions of the Limited Liability Company Law, the Uniform Partnership Act, the Revised Limited Partnership Act, and other business provisions to allow for the creation of registered limited liability partnerships and registered limited liability limited partnerships.

## **BUSINESS LAW**

### **PARTNERSHIPS**

#### **TRANSACTIONING BUSINESS UNDER AN ASSUMED NAME**

Act 549 (SB38) - The act provides that domestic or foreign limited partnerships or limited liability companies are not subject to the provisions of Arkansas Code 4-70-201 et seq. regarding transacting business under an assumed name.

### **SECURED TRANSACTIONS**

#### **CERTIFICATE OF DEPOSIT**

Act 1253 (HB1903) - The act includes in the definition of "instrument" a certificate of deposit that is not negotiable.

#### **FINANCING AND TERMINATION STATEMENTS**

Act 420 (HB1466) - The act provides an additional \$2 filing fee not to exceed \$100 for each additional page of a financing and termination statement filed with the Secretary of State.

#### **SALE ON APPROVAL OR SALE ON RETURN**

Act 395 (SB22) - The act provides for notice to the public and to creditors concerning a consignor's interest in goods for sale under the Uniform Commercial Code. Specifically, the act adds a "sign law" provision to the Arkansas law which provides that certain items shall not be deemed "sale on approval" or "sale on return" when plainly marked with a sign stating that the items are on consignment. It also provides that a consignment filing of notice is perpetual.

#### **TERMINATION STATEMENTS**

Act 1267 (HB2146) - The act requires a secured party to file a termination statement with each filing officer where a financing statement was filed for any financing statement covering any goods within 60 days or 10 days of a written demand by a debtor. The secured party need not file a termination statement in the event of a lapse of a filing or if the debtor has waived filing of the termination statement.

### **TRADEMARKS**

#### **REGISTRATION AND PROTECTION**

Act 1109 (SB441) - The act establishes procedures for the registration and protection of trademarks.

### **UNIFORM COMMERCIAL CODE**

Act 1070 (SB318) - The act amends various provisions of the Uniform Commercial Code relating to letters of credit.

### **YOUTH APPRENTICESHIP PROGRAM**

Act 1168 (SB458) - The act expands the youth apprentice program law to allow an employer who employs a youth in an apprenticeship program or occupation which meets certain criteria established by the Department of Education to take advantage of the income tax credit provided in the law. Prior law only allowed employers who employed a youth apprentice in a program which conformed to certain federal regulations to take the tax credit.

## **CAPITOL ARTS AND GROUNDS COMMISSION**

### **MEMBERS AND DUTIES**

Act 345 (HB1043) - The act creates the Capitol Arts and Grounds Commission which is authorized to recommend a Capitol Master Plan, to review permanent paintings, statues, fountains, and monuments in the public areas of the State Capitol.

## **CAPITOL BUILDING**

### **SMOKING**

Act 1323 (HB1781) - The act provides that smoking any tobacco products in the Rotunda, the Governor's Conference Room, the Old Supreme Court Room or the cafeteria in the State Capitol Building is a misdemeanor punishable by a fine of \$25.

## **CAPITOL ZONING DISTRICT COMMISSION**

Act 262 (SB148) - The act transfers the authority to hire the director and professional staff of the Capitol Zoning District Commission from State Building Services to the Commission.

## **CEMETERIES**

### **CEMETERY ACCESS ROADS**

Act 1286 (SB482) - The act amends the law allowing county judges to improve access roads to cemeteries to increase the number of grave markers from five to six grave markers in order to qualify as a "cemetery". It also makes changes to the definition of "cemetery" in the law making it unlawful to fence a cemetery by increasing the minimum number of grave markers from 5 to 6 markers and by requiring burials to have taken place in it within the last 25 years.

### **DESTROYING OR CARRYING AWAY CEMETERY MARKERS**

Act 1244 (HB1746) - The act makes it unlawful for a person to destroy or to carry away any cemetery marker or grave marker. It prescribes a penalty for a person who violates the provisions of this act as a Class D felony. It also repeals another previous law which proscribed this conduct, but which carried a penalty of only an unclassified misdemeanor.

### **EMINENT DOMAIN**

Act 539 (HB1510) - The act amends current law pertaining to the exercise of eminent domain by institutions of higher education to provide that cemetery property may be condemned when it is being taken for purposes necessary for the use and benefit of the institution.

### **PERPETUALLY MAINTAINED CEMETERIES**

Act 295 (HB1454) - The act designates the Securities Commissioner as the Secretary of the Cemetery Board and removes the director of the Department of Health as a member of the Cemetery Board. The act increases the information that cemetery companies must provide with applications for permits and applications to amend permits, and it increases fiscal accountability requirements for cemetery companies operating perpetually maintained cemeteries. The act also requires the Cemetery Board to maintain a loan fund to be used to insure that cemeteries in financial difficulty will be properly maintained.

### **VETERANS CEMETERY SYSTEM**

Act 235 (SB115) - The act authorizes the Arkansas Department of Veterans Affairs to establish and operate an Arkansas State Veterans Cemetery System.

## **CHILDREN**

### **ADOPTIONS**

#### **BACKGROUND CHECKS**

Act 1106 (HB2239) - The act provides that national fingerprint-based criminal background checks are not necessary if a prospective adoptive parent has resided in his or her state of residence for six years or, because the U. S. Department of Immigration and Naturalization already requires it, if the adoption is international. The act also requires a child maltreatment registry check for all members of the prospective adoptive family who are age fourteen and older, if such a registry is available in the state of residence.

#### **VENUE**

Act 1084 (HB1301) - The act clarifies that the venue for adopting a child and establishing a guardianship of a child may be filed in a juvenile court which has continuing jurisdiction over the child.

## **CHILDREN**

### **ARKIDS FIRST PROGRAM**

Act 407 (SB348) - The act establishes the ARKids First Program to provide health care for children up to 200% of the federal poverty guideline.

### **CHILD ABUSE**

#### **CHILD MALTREATMENT ACT**

Act 1334 (HB2281) - The act provides for the expungement of records of cases where allegations of child maltreatment are unsubstantiated. The act expands the entities to which records of true allegations of child maltreatment may be disclosed to include child abuse citizen panels, child fatality review boards, grand juries, courts, and, in the case of a child fatality or near fatality, the general public. The act limits the release of information regarding the identity of a person making an allegation of child abuse to cases where a court has reason to believe that the person knowingly made a false report. The act authorizes the department to disclose the investigative determinations to the employer of an offender when the offender is engaged in child-related employment. The act makes various procedural clarifications and modifications relating to the responsibilities of the department in conducting child maltreatment investigations.

#### **CHILD MALTREATMENT REPORTS**

Act 1234 (HB1361) - The act allows the Department of Human Services to share reports of child maltreatment with multidisciplinary teams.

#### **FALSE ALLEGATIONS**

Act 1351 (HB1954) - The act increases the penalty for willfully making false allegations of child abuse to a Class A misdemeanors and for subsequent convictions to a Class D felony.

#### **INVESTIGATIONS**

Act 1240 (HB1661) - The act authorizes the formation of a family protection unit within the Arkansas State Police to conduct child abuse investigations. It also provides for the transfer of the Child Abuse Hotline from the Department of Human Services to the Arkansas State Police. The act provides an oversight system to review the transfer, which consists of legislative committees assisted by persons with professional experience in the performance of activities involving children who are victims of child abuse and neglect.

#### **REPORTING AND INVESTIGATIONS**

Act 535 (HB1221) - The act changes terminology in Arkansas Code provisions pertaining to child abuse reporting and investigations from "x-rays" to "radiology procedures" and provides that child abuse investigations may include radiology procedures and photographs.

### **CHILD CARE FACILITIES**

#### **CRIMINAL BACKGROUND CHECKS**

Act 1198 (HB1929) - The act clarifies procedures to be followed in conducting criminal and child maltreatment background checks on owners, operators, and employees of child care facilities. The act clarifies the definition of the term "employee" and exempts persons who provide services to a child care facility under a professional license. It also adds definitions of the terms "owner," and "operator." The act expands the list of criminal offenses which may prohibit licensure of or employment with a child care facility. The act changes the procedures for challenging a determination that the person is disqualified from licensure of or employment with a child care facility due to a criminal background. The act also requires owners, operators, and employees of church-exempt child care facilities to comply with criminal background check requirements.

#### **IMMUNIZATIONS**

Act 870 (HB1649) - The act requires a child to be age appropriately immunized prior to the child's original or continued admission to a child care facility.

## **CHILDREN**

### **CHILD CARE FACILITIES**

#### **IMMUNIZATIONS**

Act 871 (HB1650) - The act authorizes the Board of Health to designate additional diseases which require immunization prior to admission to a child care facility or to a public or private school. The act also requires a child to be age appropriately immunized prior to his or her enrollment in a child care facility.

### **CHILD SUPPORT**

#### **CLAIMS COMMISSION**

Act 1298 (SB316) - The act amends law regarding the jurisdiction of the Claims Commission to clarify it does not have jurisdiction as it relates to claims for paternity and child support. The commission shall have no jurisdiction over claims for repayment of child support. However, they shall have jurisdiction in cases where the underlying support order is set aside as void ab initio by the court and the child support paid was retained by the State as reimbursement for public assistance paid on behalf of a child, and in cases of claims solely addressing the receipting, processing, and reissuance of child support payments through the Arkansas Child Support Clearinghouse.

#### **EMPLOYMENT SECURITY DEPARTMENT, ARKANSAS STATE**

Act 1276 (SB28) - The act creates the Division of State New Hire Registry within the State Employment Security Department to compile a state registry containing the names of newly hired and returning employees to assist in the enforcement of child support orders.

#### **NONSUPPORT**

Act 1282 (SB315) - The act clarifies that it is a Class D felony for a person to leave the state for more than thirty days while current child support is unpaid and with a purpose of avoiding child support payment. The act makes owing more than \$5,000 in past due child support a Class D felony and raises criminal nonsupport to a Class B felony when the person owes more than \$25,000. The act also clarifies that it is an affirmative defense to prosecution for criminal nonsupport that the defendant had just cause to fail to provide the support.

#### **REGISTRY OF CHILD SUPPORT ORDERS**

Act 1072 (SB395) - The act establishes the Arkansas Registry of Child Support Order, which is an automated registry of child support orders and will include abstracts of all child support orders issued or modified on or after October 1, 1998 and abstracts of all child support orders for cases in which services are being provided pursuant to Title IV-D of the Social Security Act. The registry will also service as a repository for gathering and reporting statistical child support case data.

#### **SOCIAL SECURITY NUMBER REPORTING**

Act 1163 (SB30) - The act requires the recordation of social security numbers on applications for marriage licenses, for any occupational, professional, or business license regulated under Titles 2-6, 8, 9, 14, 15, 17, 20, 22, 23, and 27 of the Arkansas Code and on death certificates and the transmittal of such information to the Office of Child Support Enforcement.

#### **UNIFORM INTERSTATE FAMILY SUPPORT ACT**

Act 1063 (SB29) - The act makes various technical amendments to the Uniform Interstate Family Support Act.

#### **VARIOUS AMENDMENTS**

Act 1296 (SB31) - The act amends various provisions of and adds new sections to the Arkansas Code dealing with paternity testing, child support, and the Office of Child Support Enforcement of the Department of Finance and Administration, in part to conform Arkansas law with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

## **CHILDREN**

### **CHILD WELFARE AGENCIES**

#### **LICENSING**

Act 1041 (HB2099) - The act requires child welfare agencies and child placement agencies to be licensed and establishes a system to license child welfare agencies and child placement agencies. It provides for exemptions from the licensure requirement. The act requires certain persons associated with a child welfare agency to comply with child maltreatment and criminal background check requirements and lists offenses which limit eligibility for any position in a child welfare agency that includes direct and unsupervised contact with a child. It creates the Child Welfare Agency Review Board to oversee the administration of the licensing system and provides that a division of the Department of Human Services shall enforce the laws and regulations pertaining to the licensing of child welfare agencies and child placement agencies. This act replaces the former "Child Placement Agency Licensing Act."

### **COMMON GROUND PROGRAM**

Act 745 (HB1595) - The act establishes the Common Ground Program Committee to oversee the Common Ground Program, which is directed to provide assistance to, award grants to, and develop outreach programs for government agencies, private entities, and individual citizens who are working to prevent youth crime and violence. The act also designated the Department of Health as the administrative and fiscal agency for the program.

### **CUSTODY**

#### **CONTINUING CONTACT AS A FACTOR**

Act 905 (HB1285) - The act provides that courts may consider which parent is likelier to assure continuing contact of the child with the noncustodial parent in making an order for custody.

#### **CRIMINAL RECORD CHECK**

Act 730 (HB1831) - The act provides the authority to a parent of a minor child to petition the court for a criminal record check on the other parent of the minor child with regard to the issue of custody or visitation rights.

#### **DOMESTIC VIOLENCE AS A FACTOR**

Act 1328 (HB2004) - The act requires a court to consider, when domestic violence allegations are established by a preponderance of the evidence, the effects of domestic violence on the best interests of a child when making an award of custody.

### **DEPENDENCY-NEGLECT**

#### **SIBLING GROUPS**

Act 1085 (HB1302) - The act provides that a sibling group of children shall be included in a single petition for dependency-neglect of the children and in a single petition for family-in-need-of-services (FINS).

### **FAMILIES IN NEED OF SERVICES**

#### **SIBLING GROUPS**

Act 1085 (HB1302) - The act provides that a sibling group of children shall be included in a single petition for dependency-neglect of the children and in a single petition for family-in-need-of-services (FINS).

#### **VARIOUS REVISIONS**

Act 1118 (SB467) - The act provides for "families in need of services" diversion. It provides that burden of proof in probation revocation hearing will be a preponderance of the evidence. The act provides that the Juvenile Committee of the Judicial Council will revise the Risk Assessment. The act adds new dispositions to families in need of services. Revises detention limits for a juvenile who is alleged to be, or who has been adjudicated either dependent-neglected or a member of a family in need of services.

## **CHILDREN**

### **GUARDIANSHIPS**

#### **VENUE CLARIFIED**

Act 1084 (HB1301) - The act clarifies that the venue for adopting a child and establishing a guardianship of a child may be filed in a juvenile court which has continuing jurisdiction over the child.

### **JUVENILE CODE**

Act 1118 (SB467) - The act provides for "families in need of services" diversion. It provides that burden of proof in probation revocation hearing will be a preponderance of the evidence. The act provides that the Juvenile Committee of the Judicial Council will revise the Risk Assessment. The act adds new dispositions to families in need of services. Revises detention limits for a juvenile who is alleged to be, or who has been adjudicated either dependent-neglected or a member of a family in need of services.

### **JUVENILE DELINQUENTS**

Act 332 (HB1263) - The act allows the name, age and description of certain juveniles to be released when the juvenile departs without authorization from a youth services center, the State Hospital, or a local juvenile detention facility.

Act 397 (SB133) - The act allows the name, age and description of certain juveniles to be released when the juvenile departs without authorization from a youth services center, the State Hospital, or a local juvenile detention facility.

### **JUVENILE ESCAPE ACT**

Act 1229 (HB1343) - The act known as the "Juvenile Escape Act" adds a definition of "Youth Services Facility"; further defines first and second degree escape; further defines permitting unauthorized departure and aiding an unauthorized departure; adds certain escape offenses for which juveniles aged 14 and 15 may be tried as adults etc.

Act 1299 (SB368) - The act known as the "Juvenile Escape Act" adds a definition of "Youth Services Facility"; further defines first and second degree escape; further defines permitting unauthorized departure and aiding an unauthorized departure; adds certain escape offenses for which juveniles aged 14 and 15 may be tried as adults etc.

### **JUVENILE OFFICERS**

#### **TRAINING**

Act 1171 (SB526) - The act requires juvenile intake and probation officers to complete initial certification requirements within one year of employment and maintain that certification. The act also establishes the Juvenile Intake and Probation Officers' Certification Committee.

## **CHILDREN**

### **KIDS FIRST PROGRAM**

Act 1360 (HB1728) - Section 86 of this appropriation act provides that the Child Health and Family Life Institute will be administered under the Arkansas Children's Hospital. The KIDS FIRST Program is to receive priority consideration above all other programs of the Institute. [This is not the ARKids First Program.]

Section 99 restricts the placement in community-based residential programs of persons who have been adjudicated delinquent of an act that would constitute a Class A felony or higher or a sexual offense. The section provides for notice and a public hearing and a system for complaints and questions from residents of the area. The facility may be declared a public nuisance if satisfactory communication with the public is not provided.

Sections 101 and 102 provide unemployment compensation criteria for persons who are employed by a community program licensed by the Division of Developmental Disabilities Services.

Section 106 provides that state agencies shall not present for legislative review any contract for a Medicaid-Funded Managed Care Program for mental health services for children prior to January 1, 1998, and provides for a legislative study by the Public Health, Welfare and Labor Committee on the subject of Medicaid-Funded Managed Care Programs for mental health services for children. The study is to be completed prior to September 1, 1997.

Section 110 excludes the Child Health Management Services (CHMS) Program from any capitated program. The section restricts eligibility for CHMS certification or licensure. All CHMS service codes, code units, and reimbursement rates that are being reimbursed as of March 1, 1997, shall remain in effect unless cost of living increases are granted.

### **SEX AND CHILD OFFENDER REGISTRY**

Act 989 (HB1061) - The act, in conformity with federal law, establishes a system of registration for sexually violent predators and sex and child offenders. The act requires the offenders to register at the time of sentencing rather than after the offender has been released. Sex or child offenders are required to stay registered for 15 years. Sexually violent predators are required to stay registered until the offender can establish to a court that he is no longer likely to engage in predatory sexually violent behavior. It directs the Child Abuse/Rape/Domestic Violence Commission to establish an evaluation protocol to assist courts in making sexually violent predator determinations. The act establishes procedures whereby a correctional facility notifies the ACIC, who in turn notifies local law enforcement, of the anticipated release of sexually violent predators and sex and child offenders. The act requires local law enforcement, in accordance with guidelines developed by the Child Abuse/Rape/Domestic Violence Commission, to make information available to the public regarding the release of sexually violent predators and sex and child offenders when the release of the information is necessary for public protection. It also directs the State Board of Education to issue guidelines to be used by local school districts in releasing information to students and parents regarding sexually violent predators and sex and child offenders.

### **TESTIMONY BY CLOSED CIRCUIT TELEVISION**

Act 1186 (HB1234) - The act permits the testimony of a child who is 12 years of age or under by closed circuit television in any criminal proceeding.

### **THERAPEUTIC GROUP HOMES**

Act 885 (HB1733) - The act repeals the requirement that the Division of Youth Services of the Department of Human Services establish and operate therapeutic group homes for at-risk youths.

## **CITIES**

### **ADVERTISING AND PROMOTION COMMISSIONS**

#### **MEMBER'S RESIDENCE**

Act 913 (SB394) - The act eliminated the requirement that members of a municipal advertising and promotion commission live within the city levying the sales tax. It allows owners or managers of tourism businesses residing in the county wherein the levying city is located to serve on the advertising and promotion commission, if the governing body of the city provides for by ordinance. They may reside outside of the city but within the county in which the city is located.

#### **TAX PROCEDURES**

Act 1016 (HB1462) - The act provides that city advertising and promotion commissions are authorized to adopt ordinances consistent with and similar in form to the Tax Procedure Act to enforce and collect local sales taxes levied on various forms of lodging, prepared foods and beverages.

### **ANNEXATION**

#### **NO ANNEXATION OF LANDS WITHIN ONE-HALF MILE OF STATE PARKS**

Act 1216 (HB2144) - The act prohibits cities from annexing lands within the area of one-half (1/2) mile of the boundaries of any state park located in a county with a population in excess of 350,000 persons, unless the annexation is approved by a majority of the voters residing within the area, or the area to be annexed is on the opposite side of a navigable river from the state park.

### **BORDER CITIES**

#### **AIRPORTS IN BORDER CITIES**

Act 334 (HB1331) - The act amends the laws regarding airports in border cities to eliminate the 40 year term restriction on leases or contracts entered into by border cities in connection with the operation of airports. It affects contracts, leases, and other arrangements of an airport facility owned, leased, or controlled by a border city.

### **CAPITAL IMPROVEMENT**

#### **BONDS AND REVENUE**

Act 1130 (HB2057) - The act includes user fees, charges or revenues derived from the operations of any municipality or county in the definition of "revenues" and defines "revenue bonds". The act also provides that the portion of revenues pledged to retire the revenue bonds shall not be repealed, abolished or reduced as long as the revenue bonds are outstanding.

### **CITIES OF THE FIRST CLASS**

#### **VACANCIES**

Act 202 (HB1139) - The act prescribes that a majority of the remaining members of a city council in cities of the first class may fill a vacancy on the council, instead of a majority of the whole membership of the council.

### **CITIES OF THE SECOND CLASS**

#### **MAYOR INCLUDED IN QUORUM FOR CITY COUNCIL**

Act 1122 (HB1100) - The act provides that mayors in cities of the second class may vote to establish a quorum for the city council meeting. Previously, mayors could vote only when needed to pass an ordinance, bylaw, resolution, order, or motion.

#### **PUBLIC SAFETY DEPARTMENT**

Act 728 (HB1727) - The act authorizes cities of the second class and incorporated towns to form a department of public safety. The city or town department of public safety shall perform the functions of, and have all the rights, responsibilities, and duties of, a police department or the city or town marshal's office and a municipal fire department combined. The department of public safety can also perform other functions deemed necessary for the public safety, such as, emergency medical services, ambulance services, or building and health code enforcement.

## **CITIES**

### **CITY CLERKS**

#### **PUBLIC RECORDS**

Act 636 (HB1676) - The act adds municipal clerks and recorders to the list of officials who may destroy original documents once they are recorded by photographic, photostatic, microfilm, microcard, optical disc or other process which accurately forms a durable medium for reproducing the original documents. It provides an exception for handwritten documents which are more than 50 years old, they must be kept.

#### **RECORDS RETENTION COMMITTEE MEMBERSHIP**

Act 544 (HB1677) - The act adds a representative of the Arkansas City Clerks Association to the membership of the Records Retention Committee, created to study, develop, and issue standards for court records.

### **CITY LIBRARY BOARDS**

#### **TERMS**

Act 204 (HB1378) - The act allows a city council to, by ordinance, provide that trustees of the city library board may hold office for terms of five years. The terms shall be staggered so one trustee's term shall expire each year for the first four years, and the term of each remaining trustee shall be for five years, with all subsequent terms being for five years. Previously, the terms were only limited to six-year terms.

### **CITY WITH OVER 50,000 POPULATION BY SPECIAL CENSUS AFTER JANUARY 1, 1997**

Act 707 (SB502) - The act extends the terms of the mayor and other officials of a city which has a mayor-council form of government and which first attains a population of 50,000 or more according to a federal census completed after January 1, 1997, from four years to six years to bring them in line with the regular quadrennial general election cycle for those cities.

### **CITY-MANAGER CITIES**

#### **TERMS OF THE ASSISTANT MAYOR**

Act 471 (SB366) - The act provides a local option for cities with city-manager forms of government to allow the city's board of directors to prescribe a method to rotate the office of assistant mayor among all or part of its membership for a term of not less than six consecutive months.

### **CIVIL SERVICE COMMISSION**

#### **FIREMEN AGE LIMIT FOR APPOINTMENT**

Act 542 (HB1629) - The act amends the municipal civil service commission law for police and fire departments to set a maximum age limit for appointment to a fire department as being under age 32 years old. It reinstates the age limitation which had been previously repealed.

#### **MAY REVIEW CITIZEN'S COMPLAINTS**

Act 1221 (HB2248) - The act expands the authority of municipal civil service commissions to allow the commission a review of complaints made by any citizen pursuant to rules promulgated by the commission. It gives the commission the authority to consider certain personnel issues in executive session and to establish any necessary appellate procedures. The act also allows cities having a population of 100,000 or more persons the authority, by ordinance, to add four (4) more members to its civil service commission.

#### **VOTE OF CHAIRMAN**

Act 131 (HB1099) - The act clarifies the current law on the vote of the chairman of civil service commissions to allow the chairman to vote on any question before the commission, instead of just in case of a tie vote.

## **CITIES**

### **DETACHMENT OF TERRITORY**

#### **UNIMPROVED WETLANDS**

Act 140 (HB1125) - The act allows the city governing body, upon petition of the affected landowners, to request the county judge to detach from the city and to return to unincorporated areas of the county any territory that is unimproved and uninhabited wetlands. The county court must hold a public hearing on the issue.

### **ELECTIONS**

#### **FILING DEADLINE**

Act 879 (HB1564) - The act requires candidates for municipal offices in city-administrator cities to file nominating petitions and statements of candidacy by noon on the date of the filing deadline.

#### **FILING REQUIREMENTS FOR CITIES IN MORE THAN 1 COUNTY**

Act 729 (HB1813) - The act establishes filing requirements for municipal candidates in municipalities situated in two or more counties.

#### **VARIOUS CHANGES**

Act 645 (HB1768) - The act clarifies the procedure for the appointment of city attorneys in cities of the second class and in incorporated towns. The act clarifies the time and procedures for special elections for mayors in cities of the first and second class. It also requires independent candidates for municipal office to file petitions of nomination with the county clerk and to require petitions of nomination for independent candidates in cities of the first class to have at least 30 signatures.

### **EMPLOYEES**

#### **DIRECT DEPOSIT OF SALARIES VIA ELECTRONIC FUNDS TRANSFER**

Act 543 (HB1673) - The act gives cities the option of disbursing funds to pay salaries and wages of city officials and employees by electronic funds transfer.

### **FIRE FIGHTERS**

#### **SICK LEAVE**

Act 412 (HB1141) - The act amends the Arkansas law providing for uniform sick leave policies for municipal fire fighters. The general rule is that municipal fire fighters may earn 20 days of sick leave annually after the first year of employment. This act permits cities of the first class, cities of the second class and incorporated towns to exercise the option of providing sick leave for fire fighters at a rate of 15 working days per year, beginning with the date of employment and decreasing to 12 working days beginning four years after employment. Previously, only cities over 70,000 could limit the sick leave.

### **MUNICIPAL AIRPORT COMMISSION**

#### **NUMBER OF MEMBERS INCREASED**

Act 1078 (SB514) - The act increases the size of municipal airport commissions in cities under 150,000 from five members to seven members and then staggers the terms for the two new members added after the effective date.

### **MUNICIPAL HOUSING AUTHORITY**

#### **AREA OF OPERATION INCREASED**

Act 981 (SB599) - The act increases the size of the "area of operation" of a municipal housing authority of cities with populations of more than 10,000 persons from areas within 10 miles of the city to areas within 15 miles of the city limits.

## **CITIES**

### **MUNICIPAL PORT AUTHORITIES**

#### **FINANCIAL REQUIREMENTS SIMPLIFIED**

Act 1045 (HB2216) - The act eliminates some of financial requirements for municipal port authorities. It no longer requires port authorities to use warrants for payments made by the authority or to have signatures of two authority officials on its warrants.

### **OBSOLETE LAWS REPEALED**

Act 214 (HB1126) - The act repeals approximately 50 sections of the Arkansas Code pertaining to municipal law which are viewed as obsolete or unconstitutional, including the authority of cities to issue municipal plumbing licenses and plumbing codes and other municipal laws on municipal bonds and bond redemption funds.

### **REGIONAL LIBRARY SYSTEMS**

Act 402 (HB1540) - The act updates various sections of the Arkansas Code concerning county and city library systems and also authorizes the creation of joint city-county and regional library systems.

### **SEWAGE SYSTEMS**

#### **POWER OF EMINENT DOMAIN FOR SEWERS LIMITED OUTSIDE THE CITY**

Act 1336 (SB662) - The act limits the authority of a municipality to condemn lands to construct and operate a sewage collection system or treatment plant outside the corporate limits. It requires the city to demonstrate that construction of the sewage system or treatment plant is not feasible within the corporate limits. The determination of feasibility shall be made by a certified engineer appointed by the municipality's governing body. Any engineer hired to determine feasibility shall consider not only locations proposed by the municipality, but any location within the corporate limits that may be suitable.

### **TARGETED NEIGHBORHOODS**

#### **RESIDENTIAL PROPERTY REHABILITATION**

Act 320 (SB145) - The act authorizes cities to create "targeted neighborhood enhancement" plans to rehabilitate the various neighborhoods by dedicating the municipal resources, like community oriented police and financial efforts to enable residents to rehabilitate residences. The plan would cover a rehabilitation effort over a five-year period. A municipality could contract with a person who agrees to participate in a targeted neighborhood enhancement plan. The contract could be for an amount not to exceed 20% of the cost of building or rehabilitating a residential structure within the area, exclusive of down payment, provided the person agrees to occupy the structure as the person's principal residence for a continuous period of five years.

## **TAXES**

### **SALES AND USE TAXES**

Act 947 (HB1561) - The act expands the alternative local sales and use tax law to add rental expense of capital improvements to the list of purposes for which the tax may be used.

Act 1176 (SB674) - The act requires each city or county levying a local sales and use tax to use a uniform definition for "single transaction" in the levying ordinance. It also allows taxpayers to report a single local tax rate for each city and county in which they do business.

### **UTILITY FRANCHISE TAXES**

Act 182 (HB1104) - The act revises the authority of municipal governments to levy franchise taxes on utilities by removing the cap on franchise taxes in effect on January 1, 1994, to allow cities to levy a franchise tax at the higher rate of a tax in effect on January 1, 1997, or 4 ¼%, unless another rate was otherwise agreed to by the affected utility or approved by the voters of the municipality.

## **CITIES**

### **TAXICAB FRANCHISES**

#### **INSURANCE REQUIREMENT TO OPERATE**

Act 1223 (HB1455) - The act authorizes cities that require a franchise for taxicabs to operate within the corporate limits to impose an insurance requirement that shall be applicable to any taxicab that operates within the city. It exempts taxicab operators who are self-insured on or before the effective date of the act from being regulated by the cities. Any operator in violation of the city's insurance requirements will be subject to a fine of not less than \$100.00 nor more than \$500.

### **TECHNICAL AND COMMUNITY COLLEGES**

Act 481 (SB369) - The act authorizes the boards of technical colleges and community colleges to cooperate with municipalities in providing facilities to be used by the colleges for educational and technical educational purposes.

### **WATER AND SEWAGE SERVICE**

#### **AUDIT**

Act 272 (HB1583) - The act provides that any county, municipality, improvement district, or any other entity receiving public funds or grants which provides water or sewage services to at least 100 service connections shall obtain a financial audit and shall file the audit report with the Division of Legislative Audit.

### **WORKERS' COMPENSATION**

Act 975 (SB98) - Sections 10, 11, and 14 of this appropriation act address three issues concerning Workers' Compensation.

The Workers' Compensation Commission is required to report to the Legislative Council and the Public Health, Welfare and Labor Committee on the progress of the Health and Safety Program in the Medical Cost Containment Program.

The act provides that the implementation of the Workers' Compensation Commission Rule on Managed Care (Rule 33) is voluntary for all employers.

The act provides that in cities with a population of over 150,000, the cities and their sewer committees may provide Workers' Compensation coverage for their officials and their employees either through private carriers or by self-funding on either a statewide or individual basis.

## **CIVIL LAW AND PROCEDURE**

### **APPEALS FROM MUNICIPAL COURT**

Act 996 (HB1689) - The act requires ten (10) days written notice to the parties of any civil or criminal case appealed from municipal court to circuit court prior to any hearings in circuit court.

### **CIVIL ACTIONS BY VICTIMS OF CRIME**

Act 341 (SB188) - The act provides that persons injured or damaged by the felonious conduct of another person may file a civil action to recover their damages, including costs and attorney's fees.

### **DIVORCE**

#### **DIVISION OF PROPERTY**

Act 1119 (SB543) - The act provides that a chancellor dissolving estates by the entirety or survivorship in real or personal property in an absolute divorce from the bonds of matrimony or a divorce from bed and board may distribute such property as provided for in Arkansas Code Annotated 9-12-315.

### **DOMESTIC ABUSE**

#### **DURATION OF TEMPORARY ORDERS**

Act 895 (HB1976) - The act extends to thirty (30) days the duration of temporary orders in domestic abuse cases pursuant to the Domestic Abuse Act of 1991.

## **CIVIL LAW AND PROCEDURE**

### **INMATE LAWSUITS**

#### **WAIVER OF REPLY**

Act 286 (SB167) - The act allows defendants to waive the right to reply to actions brought by incarcerated persons, and provides that the waiver shall not constitute an admission of the allegations contained in the complaint.

### **LIMITATIONS OF ACTIONS**

#### **UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT**

Act 104 (SB78) - The act provides that any statute of limitations that would vest the ownership of property subject to the Uniform Disposition of Unclaimed Property Act in a holder of the property before expiration of a period of presumed abandonment is tolled until a demand is made by a party entitled to possession.

### **ORDERS OF ATTACHMENT ETC.**

#### **ISSUE ON HOLIDAYS AND SUNDAY**

Act 969 (HB2044) - The act provides that orders of attachment, or for delivery of property and writs of execution may be issued or executed on any holiday, including Sunday.

### **PLEADINGS BY FACSIMILE MACHINE**

Act 874 (HB1226) - The act allows court clerks to accept facsimile copies as pleadings provided the pleadings are transmitted onto bond-type paper which can be preserved for at least ten years.

### **SERVICE OF PROCESS**

#### **LONG ARM JURISDICTION**

Act 1213 (HB2127) - The act sets a twenty-five dollar (\$25.00) fee for service of process on non-residents through the Secretary of State's office.

### **UNIFORM RULES OF EVIDENCE**

#### **OPTICAL DISK IMAGING**

Act 794 (SB389) - The act amends the Uniform Rules of Evidence to expand the definitions of writings and recordings, and duplicates to include optical disk imaging.

## **CLAIMS COMMISSION**

### **APPEALS**

Act 33 (SB24) - This act authorizes and prescribes a procedure by which decisions of the Arkansas State Claims Commission may be appealed to the Arkansas General Assembly.

### **CHILD SUPPORT PAYMENT CLAIMS**

Act 1298 (SB316) - The act amends law regarding the jurisdiction of the Claims Commission to clarify it does not have jurisdiction as it relates to claims for paternity and child support. The commission shall have no jurisdiction over claims for repayment of child support. However, they shall have jurisdiction in cases where the underlying support order is set aside as void ab initio by the court and the child support paid was retained by the State as reimbursement for public assistance paid on behalf of a child, and in cases of claims solely addressing the receipting, processing, and reissuance of child support payments through the Arkansas Child Support Clearinghouse.

### **DEATH AND DISABILITY BENEFITS**

Act 547 (SB25) - The act clarifies the entitlements and procedures in awarding death and disability benefits to certain public employees and their dependents by the Claims Commission.

## **CODE REVISION COMMISSION, ARKANSAS**

### **CODIFICATION GUIDELINES**

Act 533 (HB1015) - The act reconfigures the membership of the Arkansas Code Revision Commission so that the General Assembly has greater representation and establishes more restrictive codification guidelines. The act also eliminates the codification of state agency regulations by the Commission and instead requires that state agency regulations be placed in the General Assembly's Internet web site by the Bureau of Legislative Research.

## **COLLECTION AGENCIES, STATE BOARD OF**

### **EXPENSE REIMBURSEMENT AND STIPENDS**

Act 1018 (HB1464) - The act amends the laws pertaining to the State Marketing Board for Recyclables, the Advisory Committee on Petroleum Storage Tanks, and the State Board of Collection Agencies relating to the receipt of stipends and expense reimbursement.

## **CONSUMER PROTECTION**

### **AUTOMOBILES DESTROYED BY CATASTROPHIC EVENT**

Act 1348 (HB2179) - The act provides a sales tax credit for consumers who purchase motor vehicles which are subsequently destroyed by catastrophic events resulting from a natural cause.

### **CHARITABLE ORGANIZATIONS**

Act 172 (SB4) - The act requires charitable organizations to put disclosure labels on containers holding products, such as candy, offered for sale for purposes of soliciting contributions for a charitable organization, violation of which is a Class C misdemeanor and an unfair act under the Deceptive Trade Practices Act.

### **CREDITOR PLACED INSURANCE**

Act 930 (SB501) - The act regulates creditor-placed insurance or insurance purchased by a creditor providing coverage against loss or damage to collateralized personal property.

### **HEALTH MAINTENANCE ORGANIZATIONS**

Act 958 (HB1805) - The act amends Arkansas Code 23-76-118 to establish deposit requirements to protect enrollees in health maintenance organizations in the event of the health maintenance organization's insolvency.

### **HOME SERVICE INSURANCE**

Act 749 (HB1801) - The act amends various provisions of Arkansas Code 23-66-401 et seq. relating to the sale of insurance policies marketed through the home service system of marketing. Specifically, the act amends the definition sections, provides supplemental laws on recordkeeping and auditing, and expands the provisions setting forth the activities which constitute deceptive acts.

### **INSURANCE SALES CONSUMER PROTECTION ACT**

Act 900 (HB2070) - The act established certain practices and procedures applicable to insurance sales activities for the protection of insurance consumers.

### **TELEPHONE SALES AND SOLICITATION**

Act 1157 (HB2136) - The act provides guidelines for persons making residential telephone sales and solicitations and also provides that any violation of the provisions of the act shall constitute a Class A misdemeanor and an unfair and deceptive act or practice.

### **UNFAIR PRICING PRACTICES**

Act 376 (SB465) - The act prohibits individuals and entities from engaging in unfair pricing practices during and shortly after a state of emergency is declared by the Governor or President.

## **CONTRACTORS**

### **LICENSURE**

#### **FINANCIAL STATEMENTS**

Act 378 (HB1150) - The act provides that applications for an initial contractors' license must include an audited financial statement and applications for renewal of a contractors' license must include a financial statement reviewed by a certified public accountant.

#### **WAIVER OF 30 DAY REQUIREMENT AND RECIPROCITY**

Act 335 (HB1347) - The act provides that the Contractors Licensing Board may waive the 30 day requirement if the contractor has an application on file and proof of successfully completing the examinations. The board may also develop reciprocal licensure agreements with other states.

## **CORRECTIONS**

### **COMMUNITY PUNISHMENT, DEPARTMENT OF**

#### **PAROLE AND PROBATION OFFICERS**

Act 283 (HB1368) - The act clarifies the authority of probation officers employed by the Department of Community Punishment to make arrests and carry firearms.

#### **PRETRIAL PROGRAMS**

Act 279 (HB1364) - The act adds "pretrial programs," which include the supervision\monitoring of certain defendants while awaiting sentencing or disposition by a court, to the definition of community punishment.

#### **PURCHASING OFFICIALS**

Act 351 (HB1379) - The act allows the Department of Correction and the Department of Community Punishment to elect more than one purchasing official for the sole purpose of procuring perishable food items.

#### **RECORD OF OFFENDERS**

Act 280 (HB1365) - The act requires the Department of Community Punishment to maintain a full and complete record of each and every offender under its supervision.

#### **SUPERVISION FEES**

Act 278 (HB1363) - The act provides for offenders to pay probation or parole supervision fees to the Department of Community Punishment (previously supervision fees were paid to the Department of Correction) to be deposited in a fund to be used for the continuation and expansion of community punishment programs. The act also provides for sanctions when offenders default in the payment of the fees.

### **COMMUNITY-BASED RESIDENTIAL FACILITY**

#### **PUBLIC HEARINGS**

Act 626 (HB1310) - The act requires public hearings and notices by mail to residents within 1000 feet prior to locating or constructing in any municipality or county any community-based residential facility for persons adjudicated or convicted of any sexual or violent offense, or any other offense that would constitute a Class C felony or higher.

### **CORRECTION, DEPARTMENT OF**

#### **ADDITIONAL DUTIES OF DIRECTOR**

Act 943 (HB1377) - The act requires the director of the Department of Correction to designate employees of the department who shall have law enforcement authority on Department of Correction property or while assisting in the search and capture of fugitives or escapees.

#### **EXECUTIONS**

Act 263 (SB147) - The act provides for a closed circuit audio-visual monitor to be placed in a location chosen by the director of the Department of Correction, so that close relatives of deceased victims and surviving innocent victims may view the execution of the convict who committed the capital offense.

## **CORRECTIONS**

### **CORRECTION, DEPARTMENT OF**

#### **FREEDOM OF INFORMATION ACT EXEMPTION**

Act 741 (HB1374) - The act exempts from the Freedom of Information Act plans and support materials maintained by the Department of Correction related to emergency preparedness.

#### **OVERTIME AND COMPENSATION STUDY**

Act 1094 (HB1852) - The act provides for an interim study by the Legislative Council's Personnel Subcommittee on the overtime and compensation practices of the Department of Correction.

#### **PURCHASING OFFICIALS**

Act 351 (HB1379) - The act allows the Department of Correction and the Department of Community Punishment to elect more than one purchasing official for the sole purpose of procuring perishable food items.

### **COUNTY AND REGIONAL DETENTION FACILITIES**

#### **COMMISSIONS ON PRISONER TELEPHONE SERVICES**

Act 520 (HB1804) - The act raises from 95% to 100% the amount of the commissions derived from prisoner telephone service in county and regional detention facilities that are credited to the sheriff's office communications facility and equipment fund, and exempts counties with a population of 175,000 or more from its application.

### **COUNTY JAIL FUND**

Act 643 (HB1749) - The act authorizes funds in the county jail fund to be used to defray costs of supervision and transportation of inmates assigned to outside work projects or for transporting inmates to an Arkansas Department of Correction facility, as determined by the quorum court.

### **ELECTRIFIED FENCES**

Act 350 (HB1370) - The act authorizes the Department of Correction to install high voltage electrified security fences at all existing and proposed medium and maximum security prisons.

### **FEDERAL CORRECTIONAL INSTITUTION IN FORREST CITY**

#### **JURISDICTION**

Act 215 (HB1149) - The act provides that concurrent jurisdiction over the land, water and buildings acquired for the Federal Bureau of Prisons, Federal Correctional Institution in Forrest City, St. Francis County, Arkansas, is ceded to the United States.

### **INMATE LAWSUITS**

#### **CIVIL ACTIONS BY INMATES**

Act 340 (SB42) - The act provides for inmates who file civil actions to pay the court costs and filing fees from their inmate account, unless they are unable as evidenced by an allegation of poverty.

#### **COMPLAINTS WITH STATE LICENSING BOARDS**

Act 937 (SB616) - The act requires criminal offenders in state criminal detention facilities to exhaust all administrative remedies under the Department of Correction grievance procedure before filing a complaint with a state licensing board or agency against a licensee of the board or agency.

#### **FRIVOLOUS OR MALICIOUS SUITS**

Act 371 (SB279) - The act allows a court to dismiss with prejudice, on motion of the defendant, any civil action initiated by an incarcerated person if the claim is against the state, the Board of Correction and Community Punishment, the Department of Correction, the Department of Community Punishment, a state agency or political subdivision and the court finds that the action is frivolous or malicious.

## **CORRECTIONS**

### **INMATE LAWSUITS**

#### **PRISON CONDITIONS**

Act 851 (SB178) - The act requires incarcerated persons to exhaust their administrative remedies before bringing any action with respect to prison conditions and further authorizes courts to dismiss actions which are frivolous, malicious, fail to state a claim, or seek relief from an immune defendant.

#### **RESTITUTION ORDERS**

Act 524 (HB1299) - The act requires any compensatory damages after payment of attorneys' fees and costs awarded to an inmate as a result of a civil action to be paid directly to satisfy any outstanding orders of restitution.

### **INMATES**

#### **CLASSIFICATION**

Act 876 (HB1372) - The act restricts classification of inmates sentenced to the Department of Correction or the Department of Community Punishment to four classes and authorizes inmates who maintain class to earn one day of so called "good time" for every day served.

#### **MEDICAL TREATMENT**

Act 875 (HB1371) - The act allows minors incarcerated in the Department of Correction or the Department of Community Punishment to consent to medical treatment for himself and also authorizes the courts to give consent in emergency situations, or when no one else is available, for inmates of unsound mind.

#### **RELEASE TO APPROVED CITY AND COUNTY JAIL FACILITIES**

Act 115 (HB1050) - The act authorizes the release of inmates under Act 309 of 1983 to authorized law enforcement officers of city-operated approved jail facilities.

Act 936 (SB575) - The act requires that inmates sentenced to the Department of Correction or the Department of Community Punishment not be released to a sheriff or chief of police of an approved jail facility unless they have the appropriate skills or background for the particular job needs requested by the sheriff or chief of police. The act further requires that an inmate not be released to a facility without notification to the sheriff and prosecuting attorney of the county from which he was tried and convicted, and, upon a written request, to the victim or the victim's family.

### **INTENTIONAL INJURY OF A CORRECTIONAL FACILITY EMPLOYEE**

Act 878 (HB1531) - The act provides that intentional injury of a correctional facility employee while such employee is acting in the line of duty is second degree battery, a Class D felony.

### **LOCAL JAIL FACILITIES**

Act 1097 (HB1992) - The act establishes policy for the management of local jail facilities by sheriffs and jail administrators in compliance with the laws of this state and the United States and allows for shared jail operations and privatization.

### **MERITORIOUS FURLOUGH**

#### **INELIGIBLE OFFENDERS**

Act 1191 (HB1620) - The act prohibits persons convicted of certain serious criminal offenses from participating in any meritorious furlough program.

### **PRISON CONSTRUCTION CONTRACTORS**

#### **PURCHASE OF GOODS**

Act 877 (HB1373) - The act authorizes prison construction contractors to purchase goods produced by the Department of Correction or the Department of Community Punishment for use in performance of the contract.

## **CORRECTIONS**

### **PRISON-MADE GOODS PROGRAM**

#### **LICENSE PLATES**

Act 1284 (SB363) - The act provides that on or after January 1, 1998, the Revenue Division, Department of Finance and Administration, may purchase license plates manufactured by the Department of Correction utilizing prison labor.

### **PROBATION**

#### **SUPERVISION FEE**

Act 281 (HB1366) - The act gives courts the authority to assert jurisdiction over defendants who are on probation and fail to pay their supervision fees satisfactorily in order to extend the defendant's probation period if the court deems it necessary.

### **PROBATION AND PAROLE OFFICERS**

#### **OFFENDERS WITH HIV OR AIDS**

Act 282 (HB1367) - The act requires all state or local correctional or detention facilities to notify any offender's parole or probation officer when the offender has tested positive for HIV, or has been diagnosed as having AIDS or AIDS-related conditions.

### **PROBATION OR PAROL**

#### **SEXUAL OFFENSES AGAINST MINORS**

Act 1188 (HB1350) - The act prohibits persons who have either plead guilty, nolo contendere, or have been found guilty of any sexual offense or incest perpetrated against a minor from residing in a residence with any minor upon release on probation or parole.

### **USE OF PHYSICAL FORCE TO PREVENT ESCAPE**

Act 525 (HB1376) - The act allows state and local correctional officers to use deadly physical force to prevent the escape of a felon inmate from a correctional facility or from the custody of a correctional officer while outside the correctional facility.

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### **WORK-STUDY RELEASE**

#### **NOTIFICATION OF VICTIMS**

Act 1271 (HB2222) - The act provides for the notification of the victim or the immediate family of the victim when an inmate is released on work-study and is returning to the county from which he was tried and convicted.

## **COSMETOLOGY, BOARD OF**

### **MANICURISTS**

#### **INCREASED TRAINING REQUIREMENTS**

Act 512 (HB1616) - The act broadens the definition of the term "manicurist" in the Cosmetology Act and increases the requirements to obtain a license as a manicurist from the Board of Cosmetology.

## **COUNSELING, BOARD OF EXAMINERS IN**

### **MEMBERSHIP**

#### **MARRIAGE AND FAMILY THERAPISTS REPRESENTATIVE**

Act 244 (SB123) - The act amends Arkansas Code 17-27-101, et seq., pertaining to the licensure of counselors, to provide for the licensure of marriage and family therapists. The act also adds a member to the Arkansas Board of Examiners in Counseling to represent marriage and family therapists.

## **COUNTIES**

### **ASSESSORS**

#### **EXEMPT REAL PROPERTY**

Act 336 (HB1406) - The act repeals the provision of Arkansas Code Section 26-26-1001 which requires the assessor's list of exempt real property to include the value of the exempt property.

### **BOUNDARIES**

#### **CARROLL- BENTON COUNTY LINES**

Act 1288 (SB621) - The act changes the boundaries of Benton County and Carroll County. Lands along the western boundary of Carroll County West and South of the U. S. government take line for Beaver Lake are ceded to Benton county. The lands transferred from Carroll County to Benton County shall be subject to the local option election status of Benton County.

#### **TOWNSHIPS**

Act 1090 (HB1740) - The act authorizes the county judge of each county to divide the county into townships, subdivide current townships, and alter township lines. The county clerk shall record a description of each township established by the county court and record the name and boundaries of the township and the place appointed for holding elections. The county clerk will report, within thirty (30) days, the establishment of new township or altering any existing township line to the Secretary of State. Previous authority to alter township boundaries was repealed in 1977.

### **CAPITAL IMPROVEMENT**

#### **BONDS AND REVENUE**

Act 1130 (HB2057) - The act includes user fees, charges or revenues derived from the operations of any municipality or county in the definition of "revenues" and defines "revenue bonds". The act also provides that the portion of revenues pledged to retire the revenue bonds shall not be repealed, abolished or reduced as long as the revenue bonds are outstanding.

### **CONSTRUCTION CONTRACTS**

#### **NO LOCAL BID PREFERENCES ALLOWED**

Act 1161 (HB2256) - The act prohibits county governments from allowing a preference in the awarding of construction contracts to a firm located within the county or the state, unless a bidding preference for firms resident in the county or in the state is authorized by state law.

### **COUNTY JUDGES**

#### **PAYMENT IN ADVANCE FOR COOPERATIVE EXTENSION SERVICE CLAIMS**

Act 387 (HB1500) - The act authorizes county judges to approve in advance claims payable to the University of Arkansas Cooperative Extension Service for educational services rendered during the current fiscal year.

#### **BIDS ON STATE AID ROAD PROJECTS**

Act 1091 (HB1753) - The act amends the law on State Aid Roads for counties to insure that the county judge is authorized to submit bids for work to be performed. It increases the amount of the State Aid Road projects on which the county judge may submit bids from \$75,000 per project to an amount not to exceed \$115,000 per road project.

#### **CEMETERY ACCESS ROADS**

Act 1286 (SB482) - The act amends the law allowing county judges to improve access roads to cemeteries to increase the number of grave markers from five to six grave markers in order to qualify as a "cemetery". It also makes changes to the definition of "cemetery" in the law making it unlawful to fence a cemetery by increasing the minimum number of grave markers from 5 to 6 markers and by requiring burials to have taken place in it within the last 25 years.

## **COUNTIES**

### **COUNTY OR REGIONAL DEVELOPMENT CORPORATIONS**

#### **ISSUANCE OF SECURITIES**

Act 906 (HB1312) - The act provides that securities issued by county or regional industrial development corporations shall be subject to the antifraud provisions of the Arkansas Securities Act.

### **COUNTY ROAD FUNDS**

#### **PARKING LOTS AT COUNTY FACILITIES**

Act 361 (HB1562) - The act permits counties in Arkansas to spend county road turnback funds to construct and maintain parking facilities at county courthouses, county administration buildings, county health units and county parks.

### **COUNTY SHERIFFS**

#### **DRUG ENFORCEMENT FUND CREATED**

Act 362 (HB1566) - The act authorizes each county quorum court to establish a Drug Enforcement Fund in an amount up to a maximum of \$10,000. It shall be administered by the county sheriff and may only be used for direct expenses associated with the investigation of the criminal drug laws of this state, such as, but not limited to, the purchase of evidence, payment of informants, relocation or security of witnesses, emergency supply purchases, and emergency travel expenses. The fund shall not be used for equipment purchases or leasing, salaries or wages, professional services, or training.

#### **PRISONER TELEPHONE COMMISSIONS**

Act 1287 (SB606) - The act amends the law governing the commissions from prisoner telephone services. It provides 100% of the telephone commissions shall be credited to the sheriff's office communications facility and equipment fund. Previously, 5% was remitted to the Arkansas Sheriffs Association to be used on adult drug education programs in public schools and communities. Each sheriff's office may use up to 50% of the commissions deposited to the sheriff's office communications facility and equipment fund for maintenance and operation of the county jail. The provisions of this law were also made inapplicable to funds derived from prisoner telephone services in county detention facilities in counties with a population of 175,000 or more.

#### **UNIFORM AND EQUIPMENT ALLOWANCE FOR DEPUTIES**

Act 223 (HB1206) - The act authorizes the county quorum court to provide the sheriff's department and deputies with a uniform and equipment allowance. The act adds equipment to the current law. The allowance may be used for the purchase of uniforms, ammunitions, and other equipment (excluding firearms) used in the performance of law enforcement duties.

### **COUNTY TREASURERS**

#### **INVESTMENT OFFICER FOR SCHOOL FUNDS**

Act 800 (HB1092) - The act allows the county treasurer, under a written agreement, to act as the investment officer for school districts that employ school district treasurers. Previously, the law allowed the county treasurer to perform that role only for districts without a school district treasurer.

### **COUNTY-OWNED PROPERTY**

#### **EXEMPTION FROM SALES PROCEDURES FOR CONSERVATION EASEMENTS**

Act 1107 (HB2242) - The act exempts a conservation easement granted by a county government from the procedures for the sale of county property. Without the exemption, the county would be required to receive fair market value for the easement before it could be granted.

## **COUNTIES**

### **ELECTED OFFICIALS**

#### **SALARIES INCREASED**

Act 759 (SB422) - The act increases the salary levels for the various county elected officials and increases the per diem for county quorum court members. County officials salaries were increased last in 1995.

### **EQUIPMENT USE AFTER NATURAL DISASTERS**

Act 394 (HB1971) - The act authorizes the county judge to use county labor and equipment on private property to provide services which are required as a result of the natural disaster. A county in which a natural disaster occurs means a county being declared a disaster area by the Governor, an appropriate official of the United States government, or the county judge of the county as a result of a tornado or flood.

### **FISCAL AFFAIRS**

#### **COUNTY CHECKS**

Act 121 (HB1091) - The act allows a financial institution for a county government to provide to its county government customer photographic images of checks on its financial statements instead of the original checks. The images may be provided on paper or, upon obtaining the written agreement of the county treasurer, on magnetic or optical media which must show both the front and back images of the checks.

#### **COUNTY GRANTS TO UNINCORPORATED ASSOCIATIONS**

Act 534 (HB1074) - The act lists certain requirements before unincorporated associations will be eligible to receive a grant administered by the county. The association must provide the county judge a list of six names and addresses of officers and directors and a letter signed by the president and the secretary authorizing a specific officer of the association to receive funds.

#### **ELECTRONIC WARRANTS**

Act 329 (HB1131) - The act authorizes the quorum court of each county to, by ordinance, establish an electronic warrants transfer system to make payments directly into accounts in financial institutions. The electronic warrants transfer system shall not be required to follow the generally established rules concerning the payment of county claims, but the county may establish its own payment methods, provided that it follows generally accepted accounting principals and leaves an audit trail.

#### **EXPENDITURES IN EXCESS OF 90% OF REVENUES AFTER NATURAL DISASTERS**

Act 711 (SB569) - The act suspends the current limitation of county expenditures in excess of 90% of county revenues when the county has been subjected to a natural disaster, including floods or tornadoes. The county quorum court may appropriate in excess of 90% of anticipated revenues provided the funds are used only for street cleanup and repair, for collection, transportation and disposal of debris, or for repair or replacement of county facilities and equipment.

### **INDUSTRIAL REVENUE BONDS**

#### **BOND GUARANTEES INCREASED**

Act 778 (HB1908) - The act amends the Industrial Revenue Bond Guaranty law to change some of the requirements for guaranties of Act No. 9 industrial revenue bonds issued by municipalities and counties. It adds ADFA bonds to the kind of bonds used to guarantee the local industrial revenue bond issues and increases the ceiling on the guaranteed amount of the bonds to \$100 million.

## **COUNTIES**

### **JUVENILE OFFICERS**

#### **STATE REIMBURSEMENT**

Act 321 (SB153) - The act provides a method for counties to get reimbursement from the state, through the Administrative Office of the Courts, for the previous year's salary paid to juvenile intake and probation officers.

### **LIBRARIES**

#### **LIBRARY BOARD MEMBERSHIP**

Act 359 (HB1528) - The act provides that county library boards created by a county quorum court after the effective date of the act shall have no fewer than five members and no more than seven members.

#### **REGIONAL LIBRARIES**

Act 402 (HB1540) - The act updates various sections of the Arkansas Code concerning county and city library systems and also authorizes the creation of joint city-county and regional library systems.

### **PROPERTY TAX**

#### **CYCLICAL REAPPRAISAL**

Act 440 (HB1146) - The act repeals Arkansas Code 26-26-305 relating to cyclical reappraisal of property for ad valorem tax purposes. It also amends Arkansas Code 26-26-304 relating to state aid and turnback funds by providing that whenever a classification of market value real estate or personal property falls below 18% or above 22% of full fair market value for two consecutive ratio studies, the county shall be deemed to have failed the ratio study and shall be subject to penalties and corrective actions. The act further provides that where the weighted coefficient of dispersion about the median ratio for market value real estate exceeds 20 for the second consecutive ratio study, the county shall be deemed to have failed the ratio study and be subject to penalties and corrective action.

Act 836 (HB1836) - The act repeals the law relating to the cyclical reappraisal of property. It adopts a procedure converting counties which are in the process of a cyclical reappraisal to a countywide reappraisal of property, and it provides that when there is a countywide reappraisal of property which is conducted over two years, the rollback provisions of Amendment 59 be applied.

#### **DELINQUENT INTEREST AND COSTS**

Act 213 (HB1105) - The act provides for the prorating of interest and costs received from delinquent property taxes.

#### **RAW MATERIALS**

Act 1294 (SB704) - The act provides that raw materials purchased within or outside the state used in the manufacturing process may not be assessed for taxation.

### **QUORUM COURTS**

#### **HEALTH INSURANCE COVERAGE FOR JUSTICES OF THE PEACE**

Act 363 (HB1578) - The act authorizes counties, in addition to any other expense reimbursement or expense allowances provided members of the county quorum court, to furnish health insurance coverage for medical coverage for justices of the peace.

### **REGIONAL INTERMODAL FACILITIES AUTHORITY**

Act 690 (SB379) - The act authorizes any two or more municipalities or contiguous counties to create and establish a regional intermodal facilities authority for the purpose of acquiring, equipping, constructing, maintaining, and operating regional intermodal facilities. Intermodal facilities means properties or other facilities used by more than one mode of interconnected movement of freight, commerce, or passengers by means of railway, highway, air, pipeline, waterway, transit, and any related communication systems. The act provides for the creation of an authority board, prescribes its terms, and allows it to collect revenue and to issue bonds.

## **COUNTIES**

### **SALES AND USE TAX**

#### **FAIRS**

Act 137 (HB1052) - The act provides that the organizer of a county fair is not required to register for sales tax collection with the Department of Finance and Administration and is not required to provide tax reporting forms to fair vendors.

#### **FAIRS AND LIVESTOCK SHOWS**

Act 1256 (HB2005) - The act provides that the organizer of a district fair, a state fair, or a state livestock show is not required to register for sales tax collection with the Department of Finance and Administration and is not required to provide tax reporting forms to fair vendors.

#### **REVENUE USE - HIGHER EDUCATION**

Act 918 (SB603) - The act provides that a county sales or use tax may be dedicated for capital improvements for the maintenance and operation of any public institution of higher education located in the county.

#### **REVENUE USE - RENTAL EXPENSE**

Act 947 (HB1561) - The act expands the alternative local sales and use tax law to add rental expense of capital improvements to the list of purposes for which the tax may be used.

### **SALES AND USE TAXES**

#### **SINGLE TRANSACTION**

Act 1176 (SB674) - The act requires each city or county levying a local sales and use tax to use a uniform definition for "single transaction" in the levying ordinance. It also allows taxpayers to report a single local tax rate for each city and county in which they do business.

### **SURPLUS PROPERTY**

#### **ALTERNATIVE SALE PROCEDURE OF COUNTY REAL PROPERTY**

Act 364 (HB1643) - The act amends the current law allowing the county judge to dispose of county surplus personal property to authorize the disposal of surplus county real property at public auction to the highest bidder, instead of current county procedures for real property of requiring an appraisal and sale for not less than 75% of appraised value.

### **WATER AND SEWER SERVICE**

#### **AUDIT**

Act 272 (HB1583) - The act provides that any county, municipality, improvement district, or other entity receiving public funds or grants which provides water or sewage services to at least 100 service connections shall obtain a financial audit and shall file the audit report with the Division of Legislative Audit.

## **COURTS**

### **ADMINISTRATIVE OFFICE OF THE COURTS**

#### **DEPENDENCY NEGLECT DIVISION ESTABLISHED**

Act 1227 (SB489) - The act establishes a Dependency Neglect Division within the Administrative Office of the Courts to coordinate a program of legal representation for indigent children and parents in dependency-neglect cases. The act also authorizes the Administrative Office of the Courts to create a statewide Court Appointed Special Advocate (CASA) program and an attorney ad litem program. The act requires a juvenile's social security number and race to be included in any juvenile petition and requires the address of a putative parent to be included in a dependency-neglect petition. The act makes some procedural modifications and technical corrections in regard to expedited hearings and orders in dependency-neglect proceedings. The act provides for the appointment of attorneys ad litem in dependency-neglect cases and specifies their duties. The act also permits the appointment of a Court Appointed Special Advocate (CASA), a volunteer trained to assist in representing the best interests of a juvenile, and provides for a parent's right to counsel in custody removal or parental termination cases. The act details the parties required to develop a case plan for a juvenile, the time frame in which a case plan must be completed, the process for modification of a case plan, and the elements that a case plan is required to contain. The act requires a court to review, every six months, all dependency-neglect cases, FINS cases, and delinquency cases when an out-of-home placement is involved. The act outlines the responsibilities of the Department of Human Services in regard to providing interested parties with court reports. The act also provides that a Permanency Planning Hearing shall be held every 12 months, rather than 18 months. It authorizes an attorney ad litem to petition for termination of parental rights and, in conformity with federal law, adds new grounds for termination of parental rights.

### **CIRCUIT AND CHANCERY JUDGES**

#### **EXPENSE REIMBURSEMENT**

Act 496 (HB1432) - The act clarifies when trial judges are entitled to travel reimbursement expenses which involve the performance of their official duties.

### **CIVIL ACTIONS**

#### **VENUE IN PULASKI COUNTY**

Act 715 (HB1573) - The act provides that judges from other judicial districts may be assigned to hear cases the venue for which is set by law in Pulaski County.

### **COMMITMENTS**

#### **PERSONS ADDICTED TO ALCOHOL OR DRUGS**

Act 1246 (HB1751) - The act expands the civil immunity granted to persons involved in the commitment process of persons addicted to alcohol or drugs and requires evaluations within 48 hours, rather than 24 hours, of persons remanded for treatment. It also makes some technical corrections and procedural clarifications.

### **FUNDING**

Act 788 (HB1909) - The act begins to phase in the responsibility of the funding of a part of the state trial court system from county government to the state which began under Act 1256 of 1995.

Act 1341 (SB26) - The act begins to phase in the responsibility of the funding of a part of the state trial court system from county government to the state which began under Act 1256 of 1995.

### **JURORS**

#### **METHOD OF SELECTION**

Act 1021 (HB1568) - The act provides that beginning January 1, 1998 only electronic or mechanical devices shall be used to select jury panels.

## **COURTS**

### **JURORS**

#### **OBSOLETE LAWS**

Act 484 (SB384) - The act repeals several obsolete sections of the Arkansas Code regarding exemptions from jury duty.

### **JUVENILE PROCEEDINGS**

#### **MODIFIED**

Act 1227 (SB489) - The act establishes a Dependency Neglect Division within the Administrative Office of the Courts to coordinate a program of legal representation for indigent children and parents in dependency-neglect cases. The act also authorizes the Administrative Office of the Courts to create a statewide Court Appointed Special Advocate (CASA) program and an attorney ad litem program. The act requires a juvenile's social security number and race to be included in any juvenile petition and requires the address of a putative parent to be included in a dependency-neglect petition. The act makes some procedural modifications and technical corrections in regard to expedited hearings and orders in dependency-neglect proceedings. The act provides for the appointment of attorneys ad litem in dependency-neglect cases and specifies their duties. The act also permits the appointment of a Court Appointed Special Advocate (CASA), a volunteer trained to assist in representing the best interests of a juvenile, and provides for a parent's right to counsel in custody removal or parental termination cases. The act details the parties required to develop a case plan for a juvenile, the time frame in which a case plan must be completed, the process for modification of a case plan, and the elements that a case plan is required to contain. The act requires a court to review, every six months, all dependency-neglect cases, FINS cases, and delinquency cases when an out-of-home placement is involved. The act outlines the responsibilities of the Department of Human Services in regard to providing interested parties with court reports. The act also provides that a Permanency Planning Hearing shall be held every 12 months, rather than 18 months. It authorizes an attorney ad litem to petition for termination of parental rights and, in conformity with federal law, adds new grounds for termination of parental rights.

### **MASTERS**

Act 1169 (SB490) - The act deletes the use of masters by the Administrative Office of the Courts and further provides that trial court administrative assistants who act temporarily as a substitute court reporter shall not be entitled to an additional salary, but rather reimbursement for expenses incurred.

### **MUNICIPAL COURTS**

#### **COURT RECORDS**

Act 882 (HB1675) - The act authorizes municipal clerks and recorders to electronically reproduce court records.

#### **JURISDICTIONAL LIMIT**

Act 746 (HB1679) - The act raises the jurisdictional limit of municipal courts concurrent with circuit courts in matters of contract, actions for the recovery of personal property, and damage to personal property from \$3000 to \$5000.

#### **PAYMENT OF FINES AND COSTS BY CREDIT CARD**

Act 864 (SB626) - The act authorizes municipal courts to accept payment of fines and associated costs by an approved credit card.

#### **SALARIES OF MUNICIPAL COURT JUDGES AND CLERKS**

Act 1349 (HB2185) - The act sets the salaries of municipal court judges and clerks of the various municipal courts.

## **COURTS**

### **MUNICIPAL COURTS**

#### **SMALL CLAIMS COURT**

Act 694 (HB1326) - The act allows "closely held corporations" to sue and be sued in small claims court.

#### **STATE DIVISION MUNICIPAL COURTS**

Act 941 (SB736) - The act permits the enforcement of fines assessed by state division municipal courts.

### **NINETEENTH JUDICIAL DISTRICT EAST AND WEST**

Act 797 (SB544) - The act provides for the creation of the Nineteenth Judicial District-East composed of Carroll and the Nineteenth Judicial District-West composed of Benton County. The act also provides for the election of judges and prosecuting attorneys for each district and for the employment of court reporters and trial court administrative assistants.

### **PROBATE COURT**

#### **COMMITMENT OF THE MENTALLY ILL**

Act 1224 (HB1833) - The act eliminates the appointment of magistrates and referees in the commitment process of persons who are mentally ill.

### **PROBATION**

#### **SUPERVISION FEE**

Act 281 (HB1366) - The act gives courts the authority to assert jurisdiction over defendants who are on probation and fail to pay their supervision fees satisfactorily in order to extend the defendant's probation period if the court deems it necessary.

### **PUBLIC DEFENDER**

#### **CITY AND COUNTY ATTORNEYS QUALIFIED**

Act 141 (HB1132) - The act amends portions of the Public Defender law to remove the prohibitions against city and county attorneys being qualified to serve as part-time public defenders.

### **RECORDS**

#### **RECORDS RETENTION COMMITTEE**

Act 544 (HB1677) - The act adds a representative of the Arkansas City Clerks Association to the membership of the Records Retention Committee, created to study, develop, and issue standards for court records.

### **STATE DIVISION MUNICIPAL COURTS**

Act 941 (SB736) - The act permits the enforcement of fines assessed by state division municipal courts.

### **TRIAL COURT STAFF**

Act 209 (SB269) - Section 3 of this appropriation act removes the \$25,000 salary cap for the additional trial court staff person position established under Arkansas Code 16-10-133. A person who has reached the maximum salary may receive salary increases that are available to other state employees under the Uniform Classification Compensation Act.

## **CRIME INFORMATION CENTER, ARKANSAS**

### **LAW EXAMINERS, STATE BOARD OF**

Act 243 (SB112) - The act authorizes the Arkansas Crime Information Center to provide criminal history records to the State Board of Law Examiners as they relate to applicants for admission to the bar of Arkansas.

## **CRIME INFORMATION CENTER, ARKANSAS**

### **VICTIM NOTIFICATION SYSTEM**

Act 1250 (HB1802) - The act authorizes the Arkansas Crime Information Center to develop and operate a computerized victim notification system

## **CRIMINAL BACKGROUND CHECKS**

### **CHILD CARE FACILITIES**

Act 1198 (HB1929) - The act clarifies procedures to be followed in conducting criminal and child maltreatment background checks on owners, operators, and employees of child care facilities. The act clarifies the definition of the term "employee" and exempts persons who provide services to a child care facility under a professional license. It also adds definitions of the terms "owner," and "operator." The act expands the list of criminal offenses which may prohibit licensure of or employment with a child care facility. The act changes the procedures for challenging a determination that the person is disqualified from licensure of or employment with a child care facility due to a criminal background. The act also requires owners, operators, and employees of church-exempt child care facilities to comply with criminal background check requirements.

### **CHILD WELFARE AND PLACEMENT AGENCIES**

Act 1041 (HB2099) - The act requires child welfare agencies and child placement agencies to be licensed and establishes a system to license child welfare agencies and child placement agencies. It provides for exemptions from the licensure requirement. The act requires certain persons associated with a child welfare agency to comply with child maltreatment and criminal background check requirements and lists offenses which limit eligibility for any position in a child welfare agency that includes direct and unsupervised contact with a child. It creates the Child Welfare Agency Review Board to oversee the administration of the licensing system and provides that a division of the Department of Human Services shall enforce the laws and regulations pertaining to the licensing of child welfare agencies and child placement agencies. This act replaces the former "Child Placement Agency Licensing Act."

### **EMPLOYEES OF STATE AGENCIES WITH DIRECT CONTACT WITH CHILDREN**

Act 1019 (HB1484) - The act requires applicants for employment with and employees of state agencies in positions that include direct contact with children to apply for a criminal background check. The act also lists criminal offenses requiring discharge from employment or prevention of employment with state agencies in positions that include direct contract with children.

### **LICENSURE OF PROFESSIONALS**

Act 1317 (HB1475) - The act provides that adjudications of guilt for misdemeanor sex offenses and misdemeanors involving violence can be used as a factor to determine whether to grant a person a professional license and the act also requires certain licensed professionals to undergo a criminal background check prior to the issuance of a license.

### **PERSONS CARING FOR THE ELDERLY OF INDIVIDUALS WITH DISABILITIES**

Act 990 (HB1108) - The act mandates that criminal background checks be conducted on operators and certain employees of long term care facilities, home health care services or hospice services. The act lists criminal offenses requiring disqualification from licensure, discharge from employment or prevention of employment. The act also exempts from the criminal background check requirement persons rendering care subject to certain professional licenses.

### **SCHOOL EMPLOYEES**

#### **CERTIFIED SCHOOL PERSONNEL**

Act 1313 (HB1016) - The act lists additional criminal offenses that are grounds to deny or revoke a license issued by the State Board of Education and adds applicants for first license renewal and those seeking initial employment in a local school district to those individuals required to have criminal records checks.

## **CRIMINAL BACKGROUND CHECKS**

### **SCHOOL EMPLOYEES**

#### **NAME CHECK**

Act 1272 (HB2223) - The act provides that when persons have a criminal records check as a condition for licensure by the State Board of Education or for employment by a local school district and a set of legible fingerprints cannot be obtained, eligibility can be based upon a name check; the act also authorizes the Director of the Department of Education to extend a 6 month period of provisional eligibility for licensure if results of a criminal records check are delayed.

#### **NONCERTIFIED PERSONNEL**

Act 1314 (HB1019) - The act requires criminal background checks for noncertified personnel as a condition for initial employment by a local school district or an education service cooperative.

## **CRIMINAL LAW AND PROCEDURE**

### **ADULT ABUSE**

#### **INTERVIEWS AND EVALUATIONS**

Act 1033 (HB1891) - The act authorizes an investigator to interview in private an adult alleged to be abused and authorizes the Department of Human Services to place an abused adult in temporary protective custody for purposes of evaluation

#### **PROCEDURAL CHANGES**

Act 1034 (HB1892) - The act clarifies the definition of "sexual abuse" in the context of adult abuse. It requires mandated reporters of adult abuse to allow the Department of Human Services access to certain records concerning an adult who is allegedly abused. The act allows the release of reports of adult abuse to prosecuting attorneys, coroners and law enforcement officials. The act also clarifies who may place an endangered adult into emergency protective custody. The act authorizes a court to extend the period of temporary protective custody and to extend the time for holding a hearing on long-term protective custody. It shortens the time for notice before a long-term protective custody hearing. It also allows the long-term protective custody hearing to be held in any county in the judicial district upon agreement of the parties and allows the parties to agree to continue a temporary protective custody order and extend the time for the long-term protective custody hearing.

### **AGGRAVATED ASSAULT UPON AN EMPLOYEE OF A CORRECTIONAL FACILITY**

Act 1235 (HB1375) - The act makes it a Class D felony to commit aggravated assault upon an employee of any state or local correctional facility which includes causing the employee to come in contact with saliva, blood, urine, feces, seminal fluid or other bodily fluid.

### **ARSON**

#### **CHURCH PROPERTY AND PUBLIC BUILDINGS**

Act 921 (SB85) - The act expands the definition of the criminal offense of arson to include church property and public buildings. Also provides for a reward which may be authorized by the Governor for information leading to the arrest and conviction of persons committing arson.

### **BLUE LIGHTS**

#### **DISPLAY OR POSSESSION**

Act 497 (HB1451) - The act makes it a Class A misdemeanor to possess, operate or sell a blue light designed for emergency vehicles, unless otherwise authorized.

#### **PURCHASE OR SALE**

Act 1281 (SB293) - The act makes it a Class D felony to sell a blue light or blue light lens cap to a person other than a law enforcement officer or county coroner. The act also makes it a Class A misdemeanor to sell law enforcement insignia to any person other than a law enforcement officer.

## **CRIMINAL LAW AND PROCEDURE**

### **CAPITAL CASES**

#### **POST CONVICTION PROCEEDINGS**

Act 925 (SB392) - The act known as the "Arkansas Effective Death Penalty Act of 1997" provides for the appointment and compensation of competent counsel in state post-conviction proceedings and addresses other procedural matters including time limitations in capital post-conviction relief proceedings.

### **CAPITAL MURDER**

#### **KNOWN PHYSICAL OR MENTAL DISABILITY AS AGGRAVATING FACTOR**

Act 946 (HB1533) - The act establishes as an additional aggravating factor for the criminal offense of capital murder if the murder is committed against a person known or reasonably known to have either a temporary or permanent severe mental or physical disability.

### **CHILD ABUSE**

#### **FALSE ALLEGATIONS**

Act 1351 (HB1954) - The act increases the penalty for willfully making false allegations of child abuse to a Class A misdemeanors and for subsequent convictions to a Class D felony.

### **CONTROLLED SUBSTANCES**

#### **ENHANCED PENALTIES**

Act 1056 (SB595) - The act enhances the penalties (additional term of imprisonment of ten years) for selling controlled substances within 1000 feet of a day care center or church.

#### **MANUFACTURING METHAMPHETAMINE**

Act 1135 (SB196) - The act provides that persons convicted of manufacturing methamphetamine shall not be released pending appeal and shall not be eligible for release on parole until 70% of their sentence shall have been served.

#### **POSSESSION IN A DETENTION FACILITY**

Act 1142 (SB622) - The act enhances the penalties to the next higher offense classification for a person convicted of the unlawful possession of controlled substances in any detention facility.

### **CRIMINAL HISTORY INFORMATION**

Act 826 (HB1579) - The act repeals and amends sections of the Arkansas Code concerning the fingerprinting of individuals arrested for criminal offenses and access to criminal history records.

### **CRIMINAL IMPERSONATION**

#### **PRETENDING TO BE A LAW ENFORCEMENT OFFICER**

Act 1014 (HB1444) - The act creates the offense of criminal impersonation in the first degree, punishable as a Class D felony. The offense consists of inducing a person to submit to pretended official authority for the purpose to injure or defraud by pretending to be a law enforcement officer.

### **CRIMINAL MISCHIEF IN THE FIRST DEGREE**

#### **PURPOSEFUL MISREPRESENTATION**

Act 448 (HB1187) - The act provides that the purposeful misrepresentation of the ownership or origin of timber creates a presumption of willful intent to commit criminal mischief in the first degree.

### **DESTROYING OR CARRYING AWAY CEMETERY MARKERS**

#### **FELONY PENALTY PRESCRIBED**

Act 1244 (HB1746) - The act makes it unlawful for a person to destroy or to carry away any cemetery marker or grave marker. It prescribes a penalty for a person who violates the provisions of this act as a Class D felony. It also repeals another previous law which proscribed this conduct, but which carried a penalty of only an unclassified misdemeanor.

## **CRIMINAL LAW AND PROCEDURE**

### **DNA DATA BASE AND DNA DATA BANK**

Act 737 (HB1064) - The act known as the "DNA Detection of Sexual and Violent Offenders Act" establishes a DNA data base and a DNA data bank containing DNA samples submitted by individuals convicted of sex offenses and violent offenses.

### **DRIVING WHILE INTOXICATED**

#### **ENHANCEMENT OF PENALTIES**

Act 1236 (HB1467) - The act allows prior convictions of laws of other states or foreign jurisdictions equivalent to Arkansas' Omnibus DWI Act to be taken into consideration for enhancement of penalties purposes.

#### **SWORN REPORT**

Act 1325 (HB1911) - The act defines "sworn report" for purposes of the Omnibus DWI Act. It clarifies that completion of an alcohol education program is required prior to reinstatement of an administratively revoked driver's license. It provides for consideration of a person's driving history prior to a restricted driving permit being issued after conviction of first offense DWI.

### **EVIDENCE**

#### **CLOSED CIRCUIT TELEVISION**

Act 1186 (HB1234) - The act permits the testimony of a child who is 12 years of age or under by closed circuit television in any criminal proceeding.

#### **VICTIM'S PRIOR SEXUAL CONDUCT**

Act 970 (HB2047) - The act amends the uniform rule of evidence regarding the admissibility of evidence of victim's prior sexual conduct to include prosecutions for all sexual offenses and incest.

### **EXPUNGEMENT OF CRIMINAL RECORDS**

Act 738 (HB1227) - The act provides for the expungement, under existing procedures, of criminal records of individuals who have been charged and arrested for a criminal offense, but the charges are subsequently nolle prossed or dismissed, or the individual is acquitted at trial.

### **HABITUAL OFFENDERS**

#### **ENHANCEMENT OF SENTENCES**

Act 1197 (HB1890) - The act clarifies the habitual offender statute and specifies the trial procedure when an extended term of imprisonment is sought.

### **HARASSING COMMUNICATIONS**

#### **COMPUTERIZED COMMUNICATION SYSTEM**

Act 1153 (HB1718) - The act establishes the offense of unlawful computerized communications (Class A misdemeanor).

### **HINDERING APPREHENSION**

Act 743 (HB1409) - The act expands the definition of the criminal offense of "hindering apprehension or prosecution" to include purposefully providing erroneous information, documents, or other instrumentalities known to be false to a certified law enforcement officer that would inhibit the investigation.

### **INCEST**

#### **VICTIM UNDER SIXTEEN YEARS OF AGE**

Act 1321 (HB1688) - The act raises the criminal penalties from a Class C felony to a Class A felony for the criminal offense of incest if the victim is under 16 years of age and the perpetrator is over 21 years of age.

## **CRIMINAL LAW AND PROCEDURE**

### **INDECENT EXPOSURE**

Act 817 (HB1219) - The act makes the criminal offense of indecent exposure a Class D felony when committed to a person under the age of twelve (12) years.

### **INVOLUNTARY COMMITMENT OF ACQUITTEES**

#### **SUBSTANCE ABUSE TREATMENT**

Act 922 (SB192) - The act provides for the involuntary commitment of defendant acquittees who have been committed to the State Hospital and then discharged or conditionally released if the acquittee has an impairment due to alcohol or substance abuse.

### **JUSTIFICATION**

#### **USE OF DEADLY PHYSICAL FORCE**

Act 1257 (HB2007) - The act provides that a person is justified in using deadly physical force if he reasonably believes that the other person is imminently endangering his life from the continuation of a pattern of domestic abuse.

### **PHOTOGRAPH OF ARRESTED PERSON**

Act 1231 (HB1062) - The act adds the requirement that the arresting official take the photograph of an arrested person charged with a felony or Class A misdemeanor and requires defendants pleading guilty, nolo contendere, or being found guilty of a felony or Class A misdemeanor to be photographed.

### **POSSESSING A HANDGUN IN A COURTROOM**

Act 910 (SB73) - The act makes it unlawful (Class D felony) to possess a handgun in a courtroom unless otherwise authorized.

### **POSSESSION AND USE OF NITROUS OXIDE OR AMYL NITRITE**

#### **CLASS A MISDEMEANOR**

Act 355 (HB1445) - The act prohibits any person from possessing nitrous oxide or amyl nitrite with the intent to inhale it for the purpose of causing a condition of intoxication, and further prohibits the sale of nitrous oxide or amyl nitrite for the prohibited purposes. The provisions of this act do not apply to medical, manufacturing, industrial and food preparation uses.

### **POSSESSION OF EPHEDRINE**

Act 565 (SB358) - The act makes it a Class D felony to possess more than five grams of ephedrine, unless otherwise authorized by law.

### **PRESENCE OF DEFENDANT DURING TRIAL**

Act 526 (HB1417) - The act allows a criminal trial to proceed in the absence of the defendant if the defendant causes himself to be absent. This act is not applicable to capital cases.

### **PURCHASES OF INTOXICATING LIQUOR BY A MINOR**

Act 1210 (HB2059) - The act increases the minimum fine for the criminal offense of purchasing or possessing intoxicating liquor by a minor from \$10 to \$100.

### **RAPE AND SEXUAL ABUSE**

#### **MENTALLY DEFECTIVE OR INCAPACITATED PERSONS**

Act 831 (HB1719) - The act expands the definitions of the criminal offenses of rape and sexual abuse in the first degree to include institutionalized persons incapable of consent because of mental defect or incapacitation.

### **RETALIATION AGAINST WITNESSES, INFORMANTS, AND JURORS**

Act 1238 (HB1634) - The act makes it a Class D felony to retaliate against an informant who is recognized by law enforcement.

## **CRIMINAL LAW AND PROCEDURE**

### **SCHOLASTIC RECORDS**

Act 345 (HB1043) - The act requires school districts or public institutions of higher education, as applicable, to provide copies of current scholastic records of children under 18 years to noncustodial parents who have visitation rights to the children, with refusal by a school district or college official to provide such records an unclassified misdemeanor.

### **SECOND DEGREE BATTERY**

#### **INTENTIONAL INJURY OF A CORRECTIONAL FACILITY EMPLOYEE**

Act 878 (HB1531) - The act provides that intentional injury of a correctional facility employee while such employee is acting in the line of duty is second degree battery, a Class D felony.

#### **SCHOOL EMPLOYEES**

Act 207 (SB116) - The act amends the law regarding the criminal offense of second degree battery as it relates to school employees by specifying that school employees must be acting in the course of their employment when physical injury occurs.

### **SEX AND CHILD OFFENDER REGISTRY**

#### **EXPANDED**

Act 989 (HB1061) - The act, in conformity with federal law, establishes a system of registration for sexually violent predators and sex and child offenders. The act requires the offenders to register at the time of sentencing rather than after the offender has been released. Sex or child offenders are required to stay registered for 15 years. Sexually violent predators are required to stay registered until the offender can establish to a court that he is no longer likely to engage in predatory sexually violent behavior. It directs the Child Abuse/Rape/Domestic Violence Commission to establish an evaluation protocol to assist courts in making sexually violent predator determinations. The act establishes procedures whereby a correctional facility notifies the ACIC, who in turn notifies local law enforcement, of the anticipated release of sexually violent predators and sex and child offenders. The act requires local law enforcement, in accordance with guidelines developed by the Child Abuse/Rape/Domestic Violence Commission, to make information available to the public regarding the release of sexually violent predators and sex and child offenders when the release of the information is necessary for public protection. It also directs the State Board of Education to issue guidelines to be used by local school districts in releasing information to students and parents regarding sexually violent predators and sex and child offenders.

### **SEXUAL ABUSE IN THE SECOND DEGREE**

#### **CITY AND COUNTY JAIL EMPLOYEES**

Act 514 (HB1700) - The act makes sexual abuse in the second degree applicable to city and county jail employees who engage in sexual contact with persons in their custody.

### **SEXUAL MISCONDUCT**

Act 1037 (HB2014) - The act classifies the criminal offense of sexual misconduct (formerly a Class B misdemeanor) as a Class A misdemeanor.

### **THEFT**

#### **THEFT BY RECEIVING**

Act 303 (HB1461) - The act raises the value of the property from \$200 to \$500 for Class C felony theft by receiving to make it compatible with the penalties for the criminal offense of theft of property.

Act 829 (HB1636) - The act provides that persons committing the criminal offense of theft by receiving cannot deduct the amount of consideration given for the property in determining the value of the property for purposes of the classification of the offense under the criminal code.

## **CRIMINAL LAW AND PROCEDURE**

### **THEFT**

#### **THEFT OF CABLE SERVICES**

Act 348 (HB1229) - The act creates the criminal offense of possession of a device designed to unscramble signals carried by a cable television company with intent that such device be used for theft of the company's service and also provides that manufacture, sale, or advertising for sale of such device is a Class D felony.

#### **THEFT OF SERVICES/THEFT OF PROPERTY LOST, MISLAID OR DELIVERED BY MISTAKE**

Act 518 (HB1739) - The act increases from \$200 to \$500 the felony threshold for the value of property for the criminal offenses of theft of services and theft of property lost, mislaid, or delivered by mistake.

#### **THEFT OF WIRELESS SERVICES**

Act 1310 (SB711) - The act defines the criminal offenses of the theft of wireless service and facilitating the theft of wireless service by manufacture, distribution, or possession of devices for theft of wireless services and prescribes the penalties therefor.

#### **THEFT OR FRAUDULENT USE OF A CREDIT CARD**

Act 516 (HB1720) - The act includes in the criminal offenses of theft of property, theft by receiving and fraudulent use of a credit card, the theft or unauthorized use of a credit card account number.

### **TRANSFER TO COMMUNITY PUNISHMENT FACILITIES**

#### **CERTAIN OFFENDERS NOT ELIGIBLE**

Act 945 (HB1468) - The act clarifies that only offenders convicted of targeted offenses are eligible for transfer to a Community Punishment facility. It also provides when certain serious criminal offenders are required to serve 70% of their sentences before being eligible for parole, that they are also not eligible for transfer to Community Punishment facilities until serving 70% of their sentences.

### **TRESPASS UPON POSTED LANDS**

Act 806 (HB1619) - The act provides that it is unlawful for a person to enter posted land which becomes flooded above the ordinary high watermark if the signs or paint marks are visible. The ordinary high watermark means the line delimiting the bed of a stream from its bank.

### **UNLAWFUL CHARITABLE SOLICITATION**

Act 172 (SB4) - The act requires charitable organizations to put disclosure labels on containers holding products, such as candy, offered for sale for purposes of soliciting contributions for a charitable organization, violation of which is a Class C misdemeanor and an unfair act under the Deceptive Trade Practices Act.

### **VICTIMS**

#### **CRIME VICTIMS REPARATIONS ACT**

Act 818 (HB1309) - The act expands the definitions of "victim" and "criminally injurious conduct" to include Arkansas residents injured or killed outside the United States by acts of terrorism for purposes of the Crime Victims Reparations Act.

Act 887 (HB1834) - The act expands the definition of "victim" to include immediate family members and members of the same household of certain victims and adds definitions of "immediate family" and "personal injury" for purposes of the Crime Victims Reparations Act.

#### **NOTIFICATION OF CRITICAL EVENTS IN THE CRIMINAL JUSTICE PROCESS**

Act 736 (HB1063) - The act requires all prosecuting attorneys and deputy prosecuting attorneys to notify, upon request, victims of sexual offenses, and family members of homicide victims of critical events in the criminal justice process. Those requesting notification shall provide current addresses and telephone numbers which shall be exempt from the Freedom of Information Act.

## **CRIMINAL LAW AND PROCEDURE**

### **VICTIMS**

#### **TESTIMONY BEFORE THE POST PRISON TRANSFER BOARD**

Act 1112 (SB650) - The act authorizes crime victims and homicide survivors to testify via videotape at parole hearings, post prison transfer hearings, pardons, and executive clemency hearings.

#### **VICTIM IMPACT STATEMENT**

Act 1262 (HB2103) - The act enhances the rights of crime victims and requires the court to permit the victim to present a victim-impact statement before imposing sentence. The act is effective January 1, 1998.

### **WATER MAIN OR SUPPLY LINE TAPPING**

Act 315 (SB292) - The act provides that the fine for unlawfully tapping main or supply pipes of any water plant or company shall not exceed \$1,000.

## **DEAF AND HEARING IMPAIRED**

### **TELECOMMUNICATIONS SERVICES CORPORATION**

Act 1080 (SB607) - The act creates the Arkansas Deaf and Hearing Impaired Telecommunications Services Corporation and establishes the members and their duties.

## **DECEDENTS' ESTATES**

### **FUNERALS**

#### **PREPAID BENEFITS**

Act 372 (SB287) - The act amends various sections of the Arkansas Code relating to the sale of prepaid funeral benefits. Specifically, the act provides that the assignment of an insurance policy or annuity to a funeral home is not a prepaid funeral benefits contract. It provides that a "trustee" may be a security brokerage firm. The act defines "prepaid funeral benefits contract" and "contract beneficiary" and provides for the division of prepaid funeral benefits. It also sets forth filing and fee requirements for organizations which sell contracts for prepaid funeral benefits and sets forth fines and penalties for failure to comply with the filing and reporting laws.

### **INVESTMENT OF FUNDS**

Act 331 (HB1261) - The act amends Arkansas Code 28-65-311(b)(6) to authorize a guardian to deposit funds of a ward in a federal savings and loan association domiciled in Arkansas and insured by the Savings Association Insurance Fund and in any credit union in Arkansas which is insured by the National Credit Union Administration.

### **PROBATE**

#### **FEEES**

Act 513 (HB1665) - The act provides that a probate clerk is entitled to an additional fee not to exceed \$100 to cover the initiation of the administration of a deceased ward's estate.

## **DEVELOPMENT FINANCE AUTHORITY, ARKANSAS**

### **MEMBERSHIP**

Act 218 (HB1342) - The act provides for an additional member to the Board of Directors of the Arkansas Development Finance Authority.

## **DEVELOPMENTAL DISABILITIES PLANNING COUNCIL**

### **TRANSFER AUTHORIZED**

Act 58 (SB149) - Section 8 of this appropriation act allows the Governor to transfer the duties, personnel and other resources of the Developmental Disabilities Planning Council to any other state agency that meets the requirements of P.L. 103-230.

## **DISABLED PERSONS**

### **STATUTORY LANGUAGE REGARDING INDIVIDUALS WITH DISABILITIES**

Act 208 (SB186) - The act updates language throughout the Arkansas Code in regard to individuals with disabilities.

## **DISASTERS**

### **ARKADELPHIA 2025 COMMISSION**

Act 1069 (SB229) - Section 20 of this appropriation act creates the Arkadelphia 2025 Commission to serve as the lead agency in the rebuilding and revitalization of the Arkadelphia area. The commission is to coordinate activities of the various agencies providing for the needs of the area.

### **AUTOMOBILES DESTROYED BY CATASTROPHIC EVENT**

Act 1348 (HB2179) - The act provides a sales tax credit for consumers who purchase motor vehicles which are subsequently destroyed by catastrophic events resulting from a natural cause.

### **COUNTY EQUIPMENT USE ON PRIVATE PROPERTY**

Act 394 (HB1971) - The act authorizes the county judge to use county labor and equipment on private property to provide services which are required as a result of the natural disaster. A county in which a natural disaster occurs means a county being declared a disaster area by the Governor, an appropriate official of the United States government, or the county judge of the county as a result of a tornado or flood.

### **COUNTY EXPENDITURES**

Act 711 (SB569) - The act suspends the current limitation of county expenditures in excess of 90% of county revenues when the county has been subjected to a natural disaster, including floods or tornadoes. The county quorum court may appropriate in excess of 90% of anticipated revenues provided the funds are used only for street cleanup and repair, for collection, transportation and disposal of debris, or for repair or replacement of county facilities and equipment.

### **INCOME TAX CHECK-OFF PROGRAM**

Act 1181 (SB755) - The act creates the Arkansas Disaster Relief Income Tax Check-Off Program which allows taxpayers to designate a portion of their income tax refund to go to the Office of Emergency Services for disaster relief.

### **INSURANCE POLICY CANCELLATION**

Act 1110 (SB491) - The act provides that an insurance policy or contract covering damages to property cannot be cancelled nor can renewal thereof be denied solely as a result of claims arising from natural causes.

## **SALES AND USE TAXES**

### **EXEMPTION FOR DONATIONS**

Act 1266 (HB2142) - The act excludes items withdrawn from the inventory of a business and donated to National Guard members, emergency service workers or volunteers providing services to a county which has been declared a disaster area by the Governor from sales and use tax.

### **REFUND ON MANUFACTURED HOMES**

Act 1192 (HB1658) - The act levies a sales tax on the initial sale of a manufactured home on 62% of the gross sales price. It exempts the subsequent sales of manufactured homes from sales tax. The act repeals the sales tax exemptions for manufactured homes sold for less than \$10,000 and other mobile homes sold for less than \$2,000. The act also provides a state tax refund for the purchase of a mobile home to replace a home destroyed by a tornado on March 1, 1997, at the rate of 38% of the state sales tax on the purchase of a new home and 100% of the state sales tax on the purchase of a used home.

## **DISASTERS**

### **UNFAIR PRICING PRACTICES**

Act 376 (SB465) - The act prohibits individuals and entities from engaging in unfair pricing practices during and shortly after a state of emergency is declared by the Governor or President.

## **DISPOSITION OF THE DEAD**

### **AUTOPSIES**

Act 422 (HB1567) - The act authorizes the Director of the Arkansas State Police or his designee to request autopsies by the State Crime Laboratory.

### **UNCLAIMED BODIES**

Act 404 (SB185) - The act provides that the person conducting the search for the next of kin of an unclaimed body shall make every effort to find the spouse, if any, but if the person is not satisfied that the putative spouse is a legal spouse, or no spouse exists, then every effort shall be made to find the parents and siblings of the deceased.

## **DIVORCE**

### **ALIMONY**

#### **AUTOMATIC TERMINATION**

Act 1273 (HB2224) - The act clarifies that when liability for alimony automatically ceases because a recipient of alimony has a relationship that produces a child and results in a court order directing the recipient of alimony to provide support of another person who is not a descendant, the descendant relationship refers to that between the payor of alimony and the other person receiving support.

## **EARTHQUAKE RESISTANT DESIGN**

Act 1228 (HB2009) - The act exempts buildings with 4,000 square feet or less only upon a resolution by the local planning commission or if none exists then upon a resolution of the governing body of the political subdivision.

## **ECONOMIC DEVELOPMENT**

### **BIOTECHNOLOGY**

Act 1117 (SB322) - The act establishes the Arkansas Biotechnology Development and Training Act of 1997 providing an income tax credit for building biotechnology facilities, training in the biotechnology field and for qualified research in the biotechnology field.

### **COUNTY OR REGIONAL INDUSTRIAL DEVELOPMENT CORPORATIONS**

#### **ISSUANCE OF SECURITIES**

Act 906 (HB1312) - The act provides that securities issued by county or regional industrial development corporations shall be subject to the antifraud provisions of the Arkansas Securities Act.

### **ECONOMIC DEVELOPMENT COMMISSION, ARKANSAS**

Act 540 (HB1521) - The act provides that the Arkansas Industrial Development Commission shall be renamed the Arkansas Economic Development Commission.

## **ECONOMIC DEVELOPMENT**

### **ENTERPRISE ZONE**

Act 807 (HB1714) - The act amends the Enterprise Zone Act of 1993 to add regional headquarters and steel service centers to the list of qualifying businesses, and provides for decertification of a business which no longer qualifies under the Act. The act redefines "new permanent employee" for Enterprise Zone Act benefits, the Arkansas Economic Development Act and the Arkansas Economic Development Incentives Act. It amends the Economic Development Incentives Act to reduce the number of employees required for an office sector business to qualify for benefits from 100 to 50. It also limits the time period for purchases to qualify for sales tax credits to three years and allows for an extension of time for businesses to regain the requisite number of employees to avoid being disqualified from receiving benefits provided by the incentive programs. The act also provides for the apportionment of the income tax credit provided by tax increment financing and limits the tax credit to the income tax liability of the project facility. The act provides that "port related businesses will no longer qualify for Enterprise Zone benefits. It also provides that tax credits may be carried forward for 9 years for certain approved businesses.

### **ENTERTAINMENT INDUSTRY**

Act 919 (SB625) - The act provides a 100% sales and use tax refund on taxable purchases made in Arkansas in connection with a filming or production project which spends over \$500,000 on one project within six months, or over \$1 million on one or more projects within 12 months.

### **INDUSTRIAL DEVELOPMENT CORPORATIONS**

#### **SUPERVISION AND REGULATION**

Act 339 (HB1520) - The act provides that the Arkansas Economic Development Commission does not have any authority or duties with respect to industrial development corporations.

Act 904 (HB1311) - The act clarifies the supervision, regulation and investigation of County and Regional Industrial Development Corporations.

### **INDUSTRIAL DEVELOPMENT OFFICE, ARKANSAS**

#### **FOREIGN OFFICES**

Act 419 (HB1426) - Section 32 of this appropriation act authorizes the Arkansas Industrial Development Office to enter into contractual arrangements with private or public companies, corporations or organizations for the purpose of operating foreign offices.

## **EDUCATION**

### **ADULT EDUCATION**

#### **ATTENDANCE**

Act 1148 (HB1097) - The act provides an exception to the requirement that 16 and 17 year old students enrolled in adult education must attend class at least 20 hours per week by allowing students who work 30 or more hours each week to attend adult education classes for a minimum of 10 hours per week.

#### **SELECTIVE SERVICE REGISTRATION**

Act 229 (HB1134) - The act requires local school districts and adult education programs to provide selective service forms to any student who is required to register with selective service, at least 30 days prior to the student's 18th birthday.

## **EDUCATION**

### **BLIND AND DEAF SCHOOLS**

#### **VARIOUS PROVISIONS**

Act 1086 (HB1443) - Various provisions concerning the blind and deaf schools are found in this appropriation act. The act consolidates certain functions of the two schools by providing that the Arkansas School for the Deaf shall be responsible for providing maintenance, transportation, and security for the Arkansas School for the Blind. The act prohibits employees of the schools from receiving additional compensation from the agency or from other agencies or institutions of higher education except upon the superintendent's written consent. The act provides that for the Arkansas School for Deaf the work shift must not begin earlier than 2 p.m. and end no later than 8 a.m., the following day. The act allows the Arkansas School for the Deaf to pay the senior audiologist for the yearly school term, the maximum annual salary rate established for the position.

### **GENERAL EDUCATION**

#### **ADVANCED PLACEMENT PROGRAM INCENTIVES**

Act 929 (SB475) - The act provides economic incentives to public schools that have advanced placement programs and to students that participate in the programs and take advanced placement tests.

#### **ATTENDANCE REPORTS**

Act 733 (HB1550) - The act deletes the statutory requirement that school districts file quarterly attendance reports with the county board of education.

#### **BATTERY OF SCHOOL EMPLOYEES**

Act 207 (SB116) - The act amends the law regarding the criminal offense of second degree battery as it relates to school employees by specifying that school employees must be acting in the course of their employment when physical injury occurs.

#### **CHARACTER AND CITIZENSHIP EDUCATION CLEARINGHOUSE**

Act 631 (HB1509) - The act requires the Director of the Department of Education to provide a clearinghouse for and to disseminate information on nonsectarian character and citizenship education programs in Arkansas and across the country so that local school districts have the option of utilizing the information in kindergarten through grade 12 curriculum.

#### **CIVIL LIABILITY INSURANCE**

Act 1305 (SB486) - The act adds employees and board members of education service cooperatives and school district treasurers/bookkeepers to those individuals covered by group or blanket policies of insurance against civil liability.

#### **CLEARINGHOUSE FOR INSTRUCTIONAL MATERIALS ON FOOD HANDLING SAFETY**

Act 1274 (HB2253) - The act requires the Director of the Department of Education to provide a clearinghouse for instructional materials on food handling safety and to ensure that any materials accessible to public schools are in alignment with the Arkansas Health Framework.

#### **COMPREHENSIVE TESTING AND ASSESSMENT PROGRAM**

Act 1172 (SB550) - The act sets up a new testing and assessment program for public school students in selected grade levels and requires school districts to develop long-range improvement plans focused on student achievement and to provide evaluation and assistance for students whose performance in the testing program is deficient.

#### **COMPULSORY ATTENDANCE**

Act 1230 (HB1056) - The act requires that parents, guardians, or persons having custody or charge of children age 5 through 17 years on or before September 1 are required to send the children to school or provide a home school, with the exception that school districts with 50% or more students eligible to receive free or reduced lunches may elect to use any date between September 1 and October 1. The act is effective beginning with the 1998-99 school year.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **CORE CURRICULUM**

Act 977 (SB453) - The act eliminates separate college preparatory and technical preparation core curriculums in the public schools and, instead, mandates a single core curriculum.

#### **CRIMINAL BACKGROUND CHECKS - CERTIFIED SCHOOL PERSONNEL**

Act 1313 (HB1016) - The act lists additional criminal offenses that are grounds to deny or revoke a license issued by the State Board of Education and adds applicants for first license renewal and those seeking initial employment in a local school district to those individuals required to have criminal records checks.

#### **CRIMINAL BACKGROUND CHECKS - NAME CHECK**

Act 1272 (HB2223) - The act provides that when persons have a criminal records check as a condition for licensure by the State Board of Education or for employment by a local school district and a set of legible fingerprints cannot be obtained, eligibility can be based upon a name check; the act also authorizes the Director of the Department of Education to extend a 6 month period of provisional eligibility for licensure if results of a criminal records check are delayed.

#### **CRIMINAL BACKGROUND CHECKS - NONCERTIFIED SCHOOL PERSONNEL**

Act 1314 (HB1019) - The act requires criminal background checks for noncertified personnel as a condition for initial employment by a local school district or an education service cooperative.

#### **DIALOGUE WITH INTERIM COMMITTEES ON EDUCATION**

Act 748 (HB1779) - The act requires the House and Senate Interim Committees on Education to continually assess the needs and problems of public, vocational-technical, and higher education in the state and to engage in constant dialogue with the Departments of Education, Vocational and Technical Education, and Higher Education.

#### **DISABILITIES EDUCATION ACT**

Act 1182 (SB638) - The act clarifies the time limit for an appeal of a hearing officer's decision in hearings conducted pursuant to the Individuals with Disabilities Education Act.

#### **DISABILITIES EDUCATION ACT HEARING OFFICERS**

Act 369 (SB222) - The act authorizes subpoena power for hearing officers in hearings conducted pursuant to the federal Individuals with Disabilities Education Act relative to change in the educational status of a child.

#### **DISCIPLINE POLICIES CONCERNING STUDENT ASSAULTS**

Act 706 (SB459) - The act requires that local school district student discipline policies include provisions for dealing with students who willfully and intentionally assault or threaten to assault or abuse other students.

#### **DISTANCE LEARNING**

Act 965 (HB1988) - The act requires the Director of the Department of Education to develop a plan by January 1, 1998, whereby all school districts in partnership with the education service cooperatives and the department can utilize distance learning through a network to be known as the Arkansas Distance Learning Network and to present the plan and recommendations for implementing legislation to the appropriate legislative committees prior to the 1999 Regular Session.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **EARLY CHILDHOOD COMMISSION**

Act 1132 (HB2088) - The act transfers that part of the Department of Education pertaining to the Early Childhood Commission to the Department of Human Services and creates the Division of Child Care and Early Childhood Education within the Department of Human Services. The new division shall administer and enforce laws and regulations relating to early childhood education and child care programs, including the licensing of day care facilities. The act abolishes the Child Care Facility Review Board and changes the membership of the Arkansas Early Childhood Commission.

#### **EDUCATIONAL STANDARDS COMMISSION**

Act 1340 (HB2276) - The act requires the Department of Education to create an Education Standards Commission, designates the membership of the commission, and requires that it regularly review the regulations, criteria and minimum standards used by the State Board of Education, and recommend any necessary changes.

#### **ELECTIONS**

Act 1120 (SB565) - The act authorizes the board of directors of local school districts to change the date of the annual school election under certain conditions and also authorizes calling a special election to vote on additional millages for maintenance and operations or debt service.

#### **ENROLLMENT IN SCHOOL DISTRICTS WHERE PARENTS ARE TEACHERS**

Act 1304 (SB476) - The act authorizes children of public school teachers or full-time employees of educational cooperatives to be enrolled in the district where the parent is employed or in any district located in the county where the main office of the educational cooperative is located.

#### **EXCELLENCE IN PUBLIC EDUCATION TASK FORCE**

Act 1183 (SB690) - The act establishes a legislative committee known as the Excellence in Arkansas Public Education Task Force composed of various representatives of public education, business and industry, and legislators to explore strategies and develop a master plan for improving public education in Arkansas. The task force is required to submit a report and recommendations prior to the 1999 Regular Session.

#### **FINANCE - AMENDMENT 74**

Act 1300 (SB393) - The act is the "Amendment No. 74 Enabling Act of 1997."

#### **FINANCE - EDUCATIONAL EXCELLENCE TRUST FUND FUNDS**

Act 1324 (HB1858) - The act provides that increases in Educational Excellence Trust Fund allocated for teacher salaries and distributed to local school districts must be divided equally among certified personnel.

#### **FINANCE - ENERGY CONSERVATION MEASURES**

Act 962 (HB1934) - The act authorizes school districts to issue postdated warrants or to enter into installment contracts or lease purchase agreements for the purchase of energy conservation measures and requires that they be paid for within ten years.

#### **FINANCE - FUNDING FORMULA**

Act 1307 (SB545) - The act amends and repeals codified and uncodified sections of the Equitable School Finance System Act of 1996 and sets forth how funding for public education must be calculated.

#### **FINANCE - INCOME TAX SURCHARGE**

Act 1040 (HB2093) - Section 3 of this appropriation act limits the school funding income tax surcharge to taxable year 1996.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **FINANCE - INCOME TAX SURCHARGE REPEALED**

Act 1173 (SB618) - The act repeals, effective for taxable years beginning on January 1, 1997, the income tax surcharge imposed on taxpayers in school districts that failed to levy the base millage of 25 mills; the act also repeals uncodified provisions of Act 917 of 1995 that held a penalty for school districts failing to levy the base millage.

#### **FINANCE - ISOLATED FUNDING REQUIREMENTS**

Act 1318 (HB1624) - The act establishes statutory qualifications for school districts to receive isolated funding.

#### **FINANCE - LOANS FOR LITIGATION SETTLEMENTS**

Act 1265 (HB2133) - The act authorizes school districts to issue postdated warrants and borrow money from the Revolving Loan Fund to pay off loans secured for settlements resulting from litigation against the districts.

#### **FINANCE - REFUNDING OUTSTANDING BONDS**

Act 1158 (HB2156) - The act provides that school districts will not lose additional state funds as a result of debt service savings produced by refunding outstanding bonds if the savings are deposited into a Refunding Savings Building Fund and are used for building and equipping school buildings, major adaptations to facilities, or purchasing sites therefor.

#### **FINANCE - SCHOOLS IN FISCAL DISTRESS**

Act 417 (HB1352) - The act prohibits school districts classified as being in Phase I or Phase II of academic or fiscal distress (school districts subject to being taken over by the State) from incurring additional debt without approval of the Department of Education.

#### **FINANCE - SECURITY FOR PAYMENT OF BONDS**

Act 1329 (HB2117) - The act allows school districts to secure bonds issued by the districts with debt service millage, with the State Board of Education curing any delinquencies in payment by withholding state aid due the district and designating the district as a Phase III school district in distress. The act also authorizes the State Board, after withholding state aid from a school district for delinquencies in paying postdated warrants or incurring excessive current indebtedness, to designate the district as a Phase III school district in distress.

#### **FINANCE - TRANSPORTATION FUNDING**

Act 1133 (HB2163) - The act creates a new funding formula for distributing state transportation aid funds to local school districts.

#### **FOUR-DAY SCHOOL WEEKS**

Act 1147 (HB1094) - The act authorizes local school districts to have a four-day school week in any or all schools in the district, so long as students attend school for no fewer than the total number of hours required by the Arkansas Standards for Accreditation in a five-day school week.

#### **GOALS FOR ARKANSAS EDUCATION**

Act 1108 (SB57) - The act basically rewrites Act 236 of 1991 and outlines new goals to strive for in public education.

#### **HISTORY - AFRICAN-AMERICAN HISTORY**

Act 326 (SB307) - The act requires the Director of the Department of Education to establish a task force to select instructional and training materials for teaching African-American history in K-12 and to provide them to local school districts, contingent upon funds being available to do so.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **HISTORY - ARKANSAS HISTORY**

Act 787 (HB1111) - The act requires that, beginning with the 1997-98 school year, a unit of Arkansas history must be taught at every elementary grade level and at least one semester at either the 7th, 8th, 9th, 10th, 11th, or 12th grade. It further provides that beginning July 1, 2000 persons must have three hours college credit in Arkansas history to be certified as a social studies teacher or elementary teacher and that, no later than July 1, 1997, the director of the Department of Education must distribute course content guidelines statewide.

#### **HOME SCHOOLS**

Act 400 (HB1157) - The act eliminates annual testing by the state and other restrictions for home-schooled students; however, the act does require home-schooled students to attend classes in public school for at least nine months immediately prior to graduation to be eligible to receive a high school diploma from the local school district.

#### **INFORMATION TECHNOLOGY NETWORK**

Act 249 (HB1027) - The act requires the State Department of Education to reduce the amount of paperwork required to be reported to the department by local school districts by utilizing the information technology network linking the districts and the department.

#### **INTERNET ACCESS POLICIES**

Act 801 (HB1386) - The act requires local school boards to adopt written policies concerning student and staff use of district-owned computers in accessing the Internet and, if the policies include provisions for punishing student violators, to incorporate the provisions into the district's written student discipline policy.

#### **MATH AND SCIENCE SCHOOL**

Act 948 (HB1569) - The act provides civil liability insurance for employees of the Arkansas School for Mathematics and Sciences, exempts the school from child care licensing requirements, authorizes passenger motor vehicles for the school, and adds the board of trustees to those listed in A.C.A. 15-17-201.

#### **MATH/SCIENCE RESOURCE CENTERS**

Act 1283 (SB360) - The act authorizes education service cooperatives to establish mathematics/science resource centers in the cooperatives and to employ mathematics/science coordinators.

#### **MEETINGS OF THE STATE BOARD OF EDUCATION**

Act 703 (SB224) - The act provides that special meetings of the State Board of Education or the State Board of Vocational Education may be called with no less than 24 hours notice to the members and the director of the appropriate state education department and with responses from enough board members that they will attend so that a quorum will be present.

#### **PROGRAM PERFORMANCE AUDITS**

Act 1160 (HB2241) - The act requires, beginning in 1997-98, that each instructional program administered by the Department of Education be formally reviewed by a Program Performance Audit every four years and, upon completion of the review, that the director of the department recommend to the General Assembly the continuation or termination of any program enacted by legislative action.

#### **PUBLIC SCHOOL STUDENT SERVICES ACT**

Act 1275 (SB670) - The act amends various sections of the Public School Student Services Act, including requiring superintendents whose school districts are not in substantial compliance with the terms of their plans for coordinating student services to appear before the Interim House and Senate Committees on Education and also requiring the Department of Education to have staff for monitoring department and school district compliance with the act.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **PURCHASING - COMMODITIES**

Act 327 (SB365) - The act authorizes school districts to purchase commodities priced at \$10,000 or less without soliciting bids, an increase of \$5,000 over the amount previously set by law.

#### **PURCHASING - INSTRUCTIONAL MATERIALS**

Act 333 (HB1283) - The act authorizes school districts that elect to use instructional materials not on the state-recommended list to purchase such materials outside a state contract and also requires publishers to sell instructional materials to all school districts at the same price and to guarantee that price for the life of a state adoption cycle.

#### **PURCHASING - SCHOOL BUSES**

Act 820 (HB1407) - The act transfers jurisdiction for purchasing school buses from the State Purchasing Director to local school boards; however, the act also requires school boards opting to purchase buses themselves to transmit certain bid information to the Office of State Purchasing in a timely manner.

Act 1344 (HB1765) - The act defines what constitutes used school buses and exempts them from the jurisdiction of the Office of State Purchasing and from competitive bidding procedures. The act also requires that by July 1, 1998 school districts report all new school bus purchases, whether the Office of State Purchasing was utilized, and competitive bidding procedures to the Department of Education.

#### **REGISTERED VOLUNTEERS PROGRAM**

Act 1012 (HB1220) - The act establishes a registered volunteers program in order for local school districts to be able to utilize the services of volunteers who qualify under the program to assist in extracurricular and interscholastic activities which are sponsored by the district.

#### **REMEDIAL INSTRUCTION FOR K-3 STUDENTS**

Act 1081 (HB1029) - The act requires students in K-3 who did not perform at grade level during the school year to attend summer school to be eligible for promotion to the next grade and allows school districts to require the same for students in grades 4 and 5; it further provides for students in K-3 to receive intensive reading instruction during the school year if they are identified as not being able to read at grade level.

#### **SAFE SCHOOLS COMMITTEE**

Act 1346 (HB2250) - The act requires the Department of Education to create a Safe Schools Committee to develop and recommend model policies and procedures for school safety to the State Board of Education and the House and Senate Education Committees.

#### **SCHOLASTIC RECORDS ACCESS**

Act 345 (HB1043) - The act requires school districts or public institutions of higher education, as applicable, to provide copies of current scholastic records of children under 18 years to noncustodial parents who have visitation rights to the children, with refusal by a school district or college official to provide such records an unclassified misdemeanor.

#### **SCHOOL BUSES - PURCHASING JURISDICTION**

Act 820 (HB1407) - The act transfers jurisdiction for purchasing school buses from the State Purchasing Director to local school boards; however, the act also requires school boards opting to purchase buses themselves to transmit certain bid information to the Office of State Purchasing in a timely manner.

Act 1344 (HB1765) - The act defines what constitutes used school buses and exempts them from the jurisdiction of the Office of State Purchasing and from competitive bidding procedures. The act also requires that by July 1, 1998 school districts report all new school bus purchases, whether the Office of State Purchasing was utilized, and competitive bidding procedures to the Department of Education.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **SCHOOL BUSES - SAFETY**

Act 1302 (SB437) - The act directs each school district to adopt a policy concerning the right of employees of the district to hold an elective or an appointive office. The act also requires each superintendent to certify to the Department of Education each year that the school district is in compliance with school bus safety equipment laws.

#### **SCHOOL BUSES - TAX EXEMPTION**

Act 1303 (SB447) - The act exempts school buses purchased by a person who provides bus service for an Arkansas school district from sales and use tax.

#### **SCHOOL EMPLOYEES - HOLDING PUBLIC OFFICE**

Act 1302 (SB437) - The act directs each school district to adopt a policy concerning the right of employees of the district to hold an elective or an appointive office. The act also requires each superintendent to certify to the Department of Education each year that the school district is in compliance with school bus safety equipment laws.

#### **SCHOOL EMPLOYEES - INCENTIVES FOR NATIONAL BOARD CERTIFICATION**

Act 1225 (HB1975) - The act provides financial incentives to teachers to become certified by the National Board for Professional Teaching Standards by authorizing the Department of Education to pay one-half of the participation fee and, if necessary, substitute pay for teachers participating in the program.

#### **SCHOOL EMPLOYEES - MINIMUM SALARY SCHEDULES**

Act 802 (HB1447) - The act requires school districts, beginning with the 1997-98 school year, to have salary schedules in place that have at least 15 annual increments for experience and further requires school districts, beginning with the 2004-2005 school year, to provide a \$400 increment for 14 years experience and, beginning with the 2005-2006 school year, to provide a \$400 increment for 15 years experience.

#### **SCHOOL EMPLOYEES - NURSE TO STUDENT RATIO**

Act 1342 (HB1288) - The act requires that, beginning with the 1998-1999 school year and contingent on state funds being available, all school districts must have no less than the full-time equivalent of 1 school nurse per 1,000 students.

#### **SCHOOL EMPLOYEES - PERSONNEL POLICIES**

Act 931 (SB519) - The act attempts to clarify that the personnel policies of each local school district are incorporated as terms of the contracts between the certified personnel and the district.

Act 1031 (HB1840) - The act requires a local school board to take action no later than the next regular board meeting on a presentation regarding personnel policies of the school district made by the school district's committee on personnel policies.

#### **SCHOOL EMPLOYEES - PLANNING TIME FOR TEACHERS**

Act 1343 (HB1757) - The act requires local school districts to provide a minimum of 200 minutes each week of scheduled time for conferences, instructional planning and preparation for all classroom teachers.

#### **SCHOOL EMPLOYEES - RETIREMENT AND INSURANCE BENEFITS**

Act 1361 (HB1809) - Sections 7 and 8 of this appropriation act require school districts to pay the teacher retirement contribution rate for any eligible employee in accordance with the rules of the Teacher Retirement Board and require the school districts to pay the health insurance contribution rate established by the State Board of Education for eligible employees electing to participate in the Public School Employee Health Insurance Program.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **SCHOOL EMPLOYEES - SICK LEAVE**

Act 1319 (HB1653) - The act provides that local school districts may allow district employees who are husband and wife to each utilize the other's accumulated sick leave.

#### **SCHOOL EMPLOYEES - TERMINATION OF EMPLOYMENT**

Act 1199 (HB1930) - The act states that it is the public policy of the State of Arkansas that public school employees, defined as those employed by a school district under a written annual contract and not required to have a teaching certificate, shall not be considered "at will" employees in regard to employment termination, notwithstanding contrary contractual provisions.

#### **SCHOOLHOUSE CONSTRUCTION STANDARDS**

Act 1226 (SB428) - The act defines "schoolhouse" and requires that minimum standards for schoolhouse construction established by the State Board of Education include review and approval by all appropriate state and local officials and boards for compliance with certain codes and that copies of construction documents be received and approved by State Building Services prior to release of a project for bidding or construction.

#### **SELECTIVE SERVICE REGISTRATION**

Act 229 (HB1134) - The act requires local school districts and adult education programs to provide selective service forms to any student who is required to register with selective service, at least 30 days prior to the student's 18th birthday.

#### **SIXTEENTH SECTION SCHOOL LANDS**

Act 231 (SB7) - The act conveys title to all sixteenth section school lands which are the property of the State of Arkansas to the school districts where the lands are located and authorizes the districts to sell the lands and use the proceeds for school purposes.

#### **STATE EMPLOYEE AND PUBLIC SCHOOL PERSONNEL BOARD MEMBERSHIP**

Act 633 (HB1516) - The act adds one position to the Arkansas State Employee and Public School Personnel Board to be filled alternately by a retired teacher selected by the Arkansas Retired Teachers Association and by a retired state employee appointed by the Governor.

#### **STATE EMPLOYEE TIME OFF TO ATTEND PARENT/TEACHER CONFERENCES**

Act 1144 (SB673) - The act establishes a pilot program where state agencies provide employees with time off to attend parent/teacher conferences and school performances of their children.

#### **STUDENTS - AVERAGE DAILY MEMBERSHIP CALCULATION**

Act 439 (HB1053) - The act sets forth which students may be counted by local school districts for average daily membership (ADM) purposes and, for the first time, specifies students who live within the boundaries of a school district and are enrolled in the National Guard Youth Challenge Program.

#### **STUDENTS - DROPOUT INFORMATION**

Act 230 (HB1135) - The act authorizes school districts to provide the regional selective service agency with information on students leaving school without graduating.

#### **STUDENTS - GRADUATION**

Act 275 (HB1060) - The act provides that students who earn the number of credits required by a local school district for graduation shall be eligible to graduate regardless of grade level at the time the credits are earned.

#### **STUDENTS - MINIMUM CORE CURRICULUM REQUIRED**

Act 1195 (HB1841) - The act requires that all students in grades K-12 be enrolled in an educational program that includes the minimum core curriculum established pursuant to state law unless a medical condition exists that would prevent such enrollment.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **STUDENTS - SENIORS AT MATH & SCIENCE SCHOOL**

Act 1326 (HB1947) - The act authorizes students who are seniors at the Arkansas School for Mathematics and Sciences to have the option of participating in senior activities and events with and in the same manner as other members of the graduating class in his or her home school district.

#### **STUDENTS - SUSPENSIONS AND EXPULSIONS**

Act 742 (HB1397) - The act defines "suspension" as dismissal from school for not more than ten days and "expulsion" as dismissal for more than ten days and provides for appeal to the school board in expulsions and in suspension cases when a superintendent initiates the process.

#### **STUDENTS - TRANSFER FROM ONE DISTRICT TO ANOTHER**

Act 482 (SB370) - The act requires local school districts accepting transfer of a student from another district in the state to determine whether the student is legally entitled to be enrolled in the district, with the district from which the student transferred entitled to appeal the transfer to the Department of Education.

#### **TEACHER CONTRACTS**

Act 1247 (HB1758) - The act provides a teacher with at least 30 days after a contract is issued to sign and return the contract. It further provides that a teacher may unilaterally rescind a signed contract within 10 days after the end of the school year.

#### **TIMELY REPORTS TO THE DEPARTMENT OF EDUCATION**

Act 804 (HB1545) - The act requires school districts to file timely budget reports with the Department of Education or the department may withhold state aid; in addition, the State Treasurer may withhold turnback aid from any county that fails to provide the county board of education with information necessary for submission of the annual abstract of assessment for each school district in the county to the Department of Education.

#### **TOBACCO PRODUCT USE ON SCHOOL PROPERTY**

Act 779 (HB1912) - The act prohibits use of tobacco products on any school property, including school buses, owned or leased by a public school district, except that a school district board of directors may designate a smoking area to be used only by teachers, other school personnel, and visiting adults.

#### **TRUANCY**

Act 1308 (SB564) - The act provides that truancy actions to enforce student compulsory school attendance must be filed in juvenile court as a matter of preference.

#### **UNIFORM COMPLIANCE OF REPORTING STUDENT CRIMES INVOLVING VIOLENCE ON SCHOOL PROPERTY**

Act 1243 (HB1732) - The act requires school officials to report felonies or other crimes involving violence committed by students on school property and requires prosecuting attorneys to follow up on the reports. The State Board of Education, rather than the local school district, must issue rules and regulations to ensure uniform compliance.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **VARIOUS PROVISIONS IN APPROPRIATION ACT**

Act 1362 (HB1810) - Section 26 of this appropriation act requires the Department of Education to seek prior review from the Oversight Subcommittee on Educational Reform of the Joint Interim Committee on Education prior to the purchase or lease of a computer for the Arkansas Public School Computer Network (APSCN). Section 30 requires the Department of Education to designate an employee who will be responsible for overseeing the implementation of the Public School Student Services Act. Section 34 creates the Cooperative Education Services Coordinating Council. The Council is not to be considered a state agency, board or commission. The Council is to be a coordinating body for the development and implementation of programs and activities for the benefit of the Education Service Cooperatives. Section 41 requires the Department of Education to submit rules and regulations concerning Amendment 74 to the Arkansas Constitution to the Litigation Reports Oversight Committee of the Arkansas Legislative Council prior to review by the Administrative Rules and Regulations Committee of the Arkansas Legislative Council.

### **HIGHER EDUCATION**

#### **ACADEMIC CHALLENGE SCHOLARSHIP AMOUNTS**

Act 488 (SB473) - The act provides that the amount of the annual Academic Challenge Scholarship that may be awarded to new recipients enrolling in college as first-time entering freshmen after July 1, 1997, will be the lesser of \$2,500 or the annual tuition charged by the institution in which the recipient is enrolled.

#### **ACCESS TO SCHOLASTIC RECORDS**

Act 345 (HB1043) - The act requires school districts or public institutions of higher education, as applicable, to provide copies of current scholastic records of children under 18 years to noncustodial parents who have visitation rights to the children, with refusal by a school district or college official to provide such records an unclassified misdemeanor.

#### **ADMISSION STANDARDS AT ARKANSAS COLLEGES AND UNIVERSITIES**

Act 1290 (SB641) - The act provides that, beginning with the 1999-2000 academic year, public school students must successfully complete the core curriculum with a minimum G.P.A. of 2.00 for unconditional undergraduate admission and that, beginning with the 1997-1998 academic year, conditional admission standards for home-schooled or private-schooled students shall be based on the student's score on the A.C.T. composite or its equivalent.

#### **ARKANSAS STATE UNIVERSITY**

Act 688 (SB1980) - Section 8 of this appropriation act allows the Board of Trustees of Arkansas State University to lease facilities or operations for room and board purposes in any manner and upon terms the board deems to be in the best interest of the university.

#### **BENEFITS TO CHILDREN OF DECEASED FIREFIGHTERS WHO ATTEND COLLEGE**

Act 536 (HB1231) - The act authorizes continued benefits under a local firemen's pension and relief fund to children of deceased firefighters, up to the age of 23, while the child is enrolled in an institution of higher education after completing high school.

#### **BUILDING PROJECTS USING PRIVATE FUNDS**

Act 961 (HB1931) - The act streamlines the process for using private funding in a public institution of higher education building project.

#### **COMMUNITY COLLEGE BOARD MEMBERSHIP**

Act 1258 (HB2064) - The act provides that, beginning with the 1998 election, members of the local board of a community college may apportion a certain number of positions on the board for each school district within the community college district if the members are elected at large and the community college district is composed of more than one school district.

## **EDUCATION**

### **HIGHER EDUCATION**

#### **COOPERATION BETWEEN TECHNICAL AND COMMUNITY COLLEGES AND MUNICIPALITIES**

Act 481 (SB369) - The act authorizes the boards of technical colleges and community colleges to cooperate with municipalities in providing facilities to be used by the colleges for educational and technical educational purposes.

#### **COUNTY SALES AND USE TAX**

Act 918 (SB603) - The act provides that a county sales or use tax may be dedicated for capital improvements for the maintenance and operation of any public institution of higher education located in the county.

#### **DATA PROCESSING**

Act 798 (SB548) - The act repeals the statutory requirement that the State Board of Higher Education must approve requests from institutions of higher education for data processing equipment or services.

#### **DIALOGUE WITH INTERIM COMMITTEES ON EDUCATION**

Act 748 (HB1779) - The act requires the House and Senate Interim Committees on Education to continually assess the needs and problems of public, vocational-technical, and higher education in the state and to engage in constant dialogue with the Departments of Education, Vocational and Technical Education, and Higher Education.

#### **EMINENT DOMAIN OVER CEMETERY PROPERTY**

Act 539 (HB1510) - The act amends current law pertaining to the exercise of eminent domain by institutions of higher education to provide that cemetery property may be condemned when it is being taken for purposes necessary for the use and benefit of the institution.

#### **FRAMEWORK FOR REVIEW OF FACULTY PERFORMANCES**

Act 1330 (HB2143) - The act requires the presidents and chancellors of state-supported institutions of higher education in Arkansas to work with campus faculties to develop a framework to review faculty performance, to report the framework developed by each institution to various legislative committees and the Department of Higher Education, and to implement the frameworks on the respective campuses no later than January 1, 2001.

#### **FUNDING FORMULA**

Act 1059 (HB2074) - Section 15 of this appropriation act provides that the State Board of Higher Education will work with the state college and university presidents' council to develop a funding formula for post-secondary students. The formula will be developed in consensus with the state college and university presidents' council and presented to the Joint Budget Committee of the General Assembly for review.

#### **GENDER EQUITY IN INTERCOLLEGIATE ATHLETICS**

Act 954 (HB1683) - The act authorizes use of additional unrestricted educational and general funds for providing gender equity in intercollegiate athletic programs.

#### **GOVERNOR'S SCHOLARS PROGRAM**

Act 489 (SB474) - The act expands the number of scholarships awarded under the Arkansas Governor's Scholars Program from 150 to 300 each year and also provides that those students receiving scholarships and exhibiting extraordinary academic ability, defined as scoring 32 or above on the ACT, 1410 or above on the SAT, or selection as a National Merit Scholarship finalist, shall be known as Distinguished Scholars.

Act 1269 (HB2194) - The act authorizes recipients of a Governor's Scholarship who graduate from college in three years to use the scholarship for the 4th year for postgraduate studies at approved institutions.

## **EDUCATION**

### **HIGHER EDUCATION**

#### **GRANT PROGRAM FOR STUDENTS TO ATTEND OUT-OF-STATE SCHOOLS**

Act 923 (SB356) - The act re-establishes the program providing financial assistance to Arkansas residents studying dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy outside the state as a grant program and authorizes the Student Loan Authority to make such grants.

#### **GROWTH POOL OF POSITIONS FOR 2-YEAR INSTITUTIONS OF HIGHER EDUCATION**

Act 1177 (SB695) - The act requires the Department of Higher Education and the Department of Finance and Administration's Office of Personnel Management each to establish and maintain for the 1997-98 biennium a pool of positions to be used by the two-year institutions of higher education in the event that the personal services needs of the institutions exceed the number of positions allocated by the Legislature

#### **HIGHER EDUCATION COORDINATING BOARD, ARKANSAS**

Act 1114 (HB2076) - The act abolishes the State Board of Higher Education and transfers all its powers, duties, properties, etc. to a new Arkansas Higher Education Coordinating Board, which will coordinate higher education in the state with the advice of the Presidents Council, composed of all presidents and chancellors of public two-year and four-year colleges and universities.

#### **HIGHER EDUCATION, STATE BOARD OF**

Act 1114 (HB2076) - The act abolishes the State Board of Higher Education and transfers all its powers, duties, properties, etc. to a new Arkansas Higher Education Coordinating Board, which will coordinate higher education in the state with the advice of the Presidents Council, composed of all presidents and chancellors of public two-year and four-year colleges and universities.

#### **INCOME TAX DEDUCTION FOR TUITION**

Act 1075 (SB487) - The act provides a deduction from the taxpayer's adjusted gross income for a portion of the tuition paid by the taxpayer for the taxpayer, the taxpayer's spouse or dependent to attend a technical institute, a two-year college or a four-year college.

#### **MAINTENANCE AND GENERAL OPERATIONS EXPENSE DISBURSEMENT PROCEDURE**

Act 758 (S B317) - The act authorizes procedures whereby institutions of higher education can be reimbursed by the state for maintenance and operations expenditures rather than having to process state warrants to pay vendors.

#### **MINOR CHILDREN OF PARENTS WHO ARE RESIDENTS OF ARKANSAS**

Act 692 (HB1217) - The act provides that any minor child of a parent who is a legal resident of Arkansas shall be considered a legal resident for purposes of postsecondary scholarship eligibility and admission and enrollment in public institutions of higher education.

#### **SELECTIVE SERVICE STATUS**

Act 228 (HB1133) - The act provides that persons who are required to register with the selective service system must sign a sworn statement of selective service status to be eligible for admission to a public institution of higher education or for employment with the State of Arkansas.

#### **SOUTHWEST ARKANSAS HIGHER EDUCATION CONSORTIUM**

Act 845 (HB2084) - Section 2 of this appropriation act creates the Southwest Arkansas Higher Education Consortium comprised of several technical colleges, community colleges and universities. The consortium will provide a mixture of full-motion interactive video, compressed video, and ISDN video and data to member institutions. Funding is allocated through the Henderson State University Fund.

## **EDUCATION**

### **HIGHER EDUCATION**

#### **TAX-DEFERRED TUITION SAVINGS PROGRAM**

Act 1309 (SB707) - The act establishes the Arkansas Tax-Deferred Tuition Savings Program, to be administered by the Arkansas Teachers' Retirement System, in order to provide a means for students to attend post-secondary institutions, with the greatest degree possible of tax-deferral for cash contributions and distribution as permitted under the Internal Revenue Code.

#### **TECHNICAL INSTITUTES**

Act 1280 (SB289) - The act adds state-supported technical institutes to the list of agencies which can obtain taxpayer income tax refunds to set-off debts owed to that agency by the taxpayer.

#### **TUITION TRUST AUTHORITY, ARKANSAS**

Act 861 (SB547) - The act conforms state law pertaining to the Arkansas Tuition Trust Authority with federal law by redefining "institution of higher education" to include private institutions and by deleting a provision allowing tuition credits to be used to pay for college room and board. The act also includes the State Treasurer as an ex officio non-voting member of the Tuition Trust Authority and changes the Director of the Department of Higher Education from an ex officio voting member to a non-voting member.

#### **UNIVERSITY OF ARKANSAS MONTICELLO BOARD OF VISITORS**

Act 834 (HB1795) - The act establishes a Board of Visitors for the University of Arkansas at Monticello, whose general purposes include aiding in the continuing development of the institution as a major four-year campus of the University of Arkansas.

#### **UNIVERSITY OF ARKANSAS BOARD OF TRUSTEES**

Act 1140 (SB573) - The act provides that two members of the Board of Trustees of the University of Arkansas shall be appointed from each of the four congressional districts in the state and two members appointed from the state at large, with current members in office on July 1, 1997, continuing to serve their regular terms and the provisions of the act being phased in thereafter.

#### **WESTARK COMMUNITY COLLEGE**

Act 971 (HB2068) - The act establishes Westark Community College as a "unique community college" that is authorized to offer selected baccalaureate degrees in addition to one and two year certificates and associate degrees.

### **STUDENT AUTOMOBILE INSURANCE**

Act 1184 (HB1068) - The act provides that all schedules of rates or rating plans for automobile liability and physical damage insurance submitted to the Insurance Commissioner shall provide an appropriate reduction in premium charges for insureds under the age of 25 who have graduated from college and have a "B" or 3.0 average.

### **VOCATIONAL-TECHNICAL EDUCATION**

#### **DIALOGUE WITH INTERIM COMMITTEES ON EDUCATION**

Act 748 (HB1779) - The act requires the House and Senate Interim Committees on Education to continually assess the needs and problems of public, vocational-technical, and higher education in the state and to engage in constant dialogue with the departments of Education, Vocational and Technical Education, and Higher Education.

#### **MEETING OF THE STATE BOARD**

Act 703 (SB224) - The act provides that special meetings of the State Board of Education or the State Board of Vocational Education may be called with no less than 24 hours notice to the members and the director of the appropriate state education department and with responses from enough board members that they will attend so that a quorum will be present.

## **EDUCATION**

### **VOCATIONAL-TECHNICAL EDUCATION**

#### **MODEL VOCATIONAL-TECHNICAL EDUCATION RESOURCE CENTER**

Act 277 (HB1294) - The act reconstitutes the Board of Directors of the Model Vocational-Technical Education Resource Center located in Northeast Arkansas to have seven members instead of nine.

#### **RIVERSIDE VOCATIONAL TECHNICAL SCHOOL**

Act 233 (SB66) - The act expands the types of building projects for state agencies or private nonprofit organizations that Riverside Vocational Technical School is authorized to construct in connection with training inmates in building trades.

#### **WORKFORCE EDUCATION**

Act 803 (HB1501) - The act is the Workforce Education Act of 1997. It establishes the State Board of Workforce Education and Career Opportunities, the Department of Workforce Education, and the Workforce Development Commission. The act abolishes the State Board of Vocational Education, the Vocational and Technical Education Division of the Department of Education, the Governor's Commission on Adult Literacy, and the Advisory Council for Vocational-Technical Education.

## **ELECTED OFFICIALS**

### **DUAL OFFICEHOLDERS**

#### **COMPENSATION**

Act 767 (HB1631) - The act provides that a person holding more than one elective office shall be entitled to receive compensation from only one of the offices held.

## **ELECTIONS**

### **ABSENTEE AND EARLY VOTING**

#### **PROCEDURES MODIFIED**

Act 1092 (HB1778) - The act clarifies an absentee voter's use of a designated bearer for delivery of an application for an absentee ballot. It requires county boards of election commissioners to deliver absentee ballots to the county clerk no later than fourteen (14) days before a runoff election or a general primary election unless certification is delayed. It also clarifies an absentee voter's use of a designated bearer for delivery of an absentee ballot. The act raises the penalty for making a false statement on an affidavit required for absentee voting to a Class D felony. It eliminates absentee voting by voting machine at the county clerk's office. The act raises the fee for hiring extra deputies to minimum wage. It requires the county boards of election commissioners to designate a place in the courthouse other than the county clerk's office for counting absentee ballots. It also amends various provisions of A.C.A. § 7-5-401, et seq., pertaining to absentee and early voting, to make technical corrections.

### **CAMPAIGN FINANCE**

#### **CAMPAIGN ACCOUNTS**

Act 116 (HB1088) - The act permits a candidate to maintain campaign funds in one or more campaign accounts and specifies that campaign funds shall not be placed in an account containing personal or business funds.

#### **CAMPAIGN DEBT**

Act 139 (HB1090) - The act requires a person to file a campaign contribution and expenditure report concerning a campaign debt if, since the last report concerning the debt, the person has received cumulative contributions in excess of \$500.

## **ELECTIONS**

### **CAMPAIGN FINANCE**

#### **CARRYOVER FUNDS AND SURPLUS CAMPAIGN FUNDS**

Act 491 (HB1093) - The act defines the terms "carryover funds" and "surplus campaign funds" for purposes of the Arkansas Code chapter pertaining to campaign financing. The act further clarifies how a candidate may use carryover funds and what reporting obligations a candidate has in regard to his or her use of carryover funds. The act permits surplus campaign funds and carryover funds to be turned over to a political party caucus but places limitations on the use of those funds by the political party caucus. The act also exempts certain funds from the prohibition against a candidate taking campaign funds for personal income.

### **COMMUNITY COLLEGE DISTRICT BOARD MEMBERS**

Act 1258 (HB2064) - The act provides that, beginning with the 1998 election, members of the local board of a community college may apportion a certain number of positions on the board for each school district within the community college district if the members are elected at large and the community college district is composed of more than one school district.

### **CONSERVATION DISTRICTS**

#### **DATE OF ELECTION**

Act 505 (HB1572) - The act establishes the date on which the elections will be held and the districts required to hold elections.

### **EARLY VOTING**

#### **ADDITIONAL POLLING SITES**

Act 967 (HB2017) - The act authorizes early voting at additional polling sites outside the offices of the county clerk and extension of voting hours for early voting in counties containing 150,000 registered voters or more.

### **ELECTION OFFICIALS**

#### **OMNIBUS CHANGES**

Act 647 (HB1774) - The act requires all commissioners of county boards of election to be notified of all meetings and to specify that all meetings shall be public. The act removes limitations on the number of ballots election officials may count and to change the number of election officials required at a polling site. It changes the compensation of the members of county boards of election to not more than \$50.00 per official meeting. The act also amends Arkansas Code 7-4-101, et seq., to make technical corrections.

### **ELECTION PROCEDURE**

#### **OMNIBUS CHANGES**

Act 446 (HB1773) - The act eliminates the requirement that a precinct have a certain number of voters to have a voting machine, to eliminate the ability to consolidate precincts in order to use a voting machine, and to permit the county boards of election commissioners in counties with voting machines to authorize alternative methods of voting in certain precincts. The act repeals a provision allowing the use of ultraviolet ink in lieu of a black-out sticker on ballots. It also amends various sections of Title 7, Subchapter 5, Sections 5, 6, 7 and 8 to make technical corrections.

## **ELECTIONS**

### **ELECTION PROCEDURE**

#### **OMNIBUS CHANGES**

Act 451 (HB1777) - The act permits precinct boundaries to be changed within 30 days of an election in the event of an emergency and requires the actions of a county board of election commissioners in regard to changing precinct boundaries and polling sites to be determined in a public meeting and to be kept on file at the county clerk's office. The act provides that runoff elections for county and municipal offices shall occur three weeks after a general election and provides that a tie vote in a runoff election shall be decided by lot. It transfers the duty to give public notice of elections from the county sheriff to the county board of election commissioners. It requires certification of candidates and ballot questions 50 days before the election and eliminates the requirement that constitutional amendments be printed on the ballot. The act also provides that the ballot order of candidates for runoff elections shall stay the same as for the previous election. The act eliminates the role of the court in correcting ballot errors and to require the county board of election commissioners to address ballot errors in a public meeting. It requires the county board of election commissioners to be responsible for the security of election supplies and to designate a person to deliver election supplies, and specifies that the county board of election commissioners shall provide election materials prior to absentee and early voting. The act amends Arkansas Code 7-5-301 and 7-5-303 to change the requirements regarding inspection of election materials by election officials. It amends Arkansas Code 7-5-312 to specify the procedure to use when a ballot is challenged and to require the county board of election commissioners to determine the validity of challenged ballots prior to certification of the election. The act also makes various technical corrections throughout subchapters 1, 2 and 3 of Chapter 5 of Title 7 of the Arkansas Code.

### **ELECTIONEERING**

#### **PROHIBITIONS**

Act 1121 (HB1041) - The act clarifies that the area in which the prohibition against electioneering within 100 feet of a polling place shall be measured from the exterior of the building containing the polling place. The act also prohibits electioneering on early voting days in the county clerk's office or within 100 feet of any other facility where early voting is conducted.

### **GENERAL PROVISIONS**

#### **OMNIBUS CHANGES**

Act 445 (HB1771) - The act clarifies the definition of "political party" and defines the terms "polling site" and "precinct." It incorporates additional definitions relating to election law. It raises the penalty for committing an election felony from an unclassified felony to a Class D felony, and it amends various sections of Arkansas Code 7-1-101, et seq. to make technical corrections.

### **INITIATIVE AND REFERENDUM**

Act 1145 (SB724) - The act provides that municipal referendum petitions shall be submitted to the electors at a regular general election unless the petition expressly calls for a special election. The date of the special election shall not be more than 120 days after the petition has been certified.

#### **OMNIBUS CHANGES**

Act 646 (HB1770) - The act amends Arkansas Code 7-9-101 to define the term "legal voter" for purposes of initiatives and referenda. The act amends Arkansas Code 7-9-104 and 7-9-105 to require a person signing an initiative or referendum petition to write on the petition the date the person signed the petition and to provide that incorrectly noting the date of signing the petition shall not invalidate an otherwise sufficient signature. The act amends Arkansas Code 7-9-109 to raise the penalty for providing false information on a petition verification form to a Class D felony. It amends Arkansas Code 7-9-113 to reduce the number of times that notice of a proposed or referred measure shall be published from four to two and to enlarge the size of the type font required in a published notice. The act also amends various sections of Arkansas Code 7-9-101, et seq., relating to initiatives and referenda, to make technical corrections.

## **ELECTIONS**

### **INITIATIVE AND REFERENDUM**

#### **RECORDS RETENTION**

Act 897 (HB1995) - The act requires all petitions with signatures to be destroyed after a period of two years.

### **LOCAL OPTION ELECTIONS**

#### **OMNIBUS CHANGES**

Act 449 (HB1775) - The act amends the alcoholic beverage laws to raise the penalty for providing false information on a petition verification form to a Class D felony. It requires the voter registration records as certified to the Secretary of State on June 1 to determine the number of qualified electors necessary for local option petitions. The act also amends Arkansas Code 3-8-205 and 3-8-206 to make technical corrections.

### **MULTI-PARTY FUSION**

Act 343 (HB1026) - The act prohibits a person who files as a candidate for nomination by a political party from being the candidate of another political party and from being an independent or write-in candidate for the same office at the same election. The act also prohibits an independent candidate from being a write-in candidate or the nominee of a political party for the same office at the same election.

### **MUNICIPAL ELECTIONS**

#### **CITIES IN MORE THAN ONE COUNTY**

Act 729 (HB1813) - The act establishes filing requirements for municipal candidates in municipalities situated in two or more counties.

#### **FILING DEADLINE**

Act 879 (HB1564) - The act requires candidates for municipal offices in city-administrator cities to file nominating petitions and statements of candidacy by noon on the date of the filing deadline.

#### **VARIOUS CHANGES**

Act 645 (HB1768) - The act clarifies the procedure for the appointment of city attorneys in cities of the second class and in incorporated towns. The act clarifies the time and procedures for special elections for mayors in cities of the first and second class. It also requires independent candidates for municipal office to file petitions of nomination with the county clerk and to require petitions of nomination for independent candidates in cities of the first class to have at least 30 signatures.

### **NOMINATIONS AND PRIMARY ELECTIONS**

#### **OMNIBUS CHANGES**

Act 886 (HB1772) - The act amends Arkansas Code 7-7-103 to require petitions of nomination for independent municipal candidates in cities of the first class to have at least 30 signatures, to require independent candidates for municipal office to file petitions of nomination with the county clerk no earlier than 80 days prior to the general election and to authorize the county clerk to determine whether the petition contains a sufficient number of qualified electors. The act amends Subchapter 2 of Chapter 7 of Title 7 to establish petition requirements for new political parties and repeals Arkansas Code 7-7-311 pertaining to delivery and custody of ballots and ballot stubs. It also amends various sections of Title 7, Chapter 7, Subchapters 1 through 4 to make technical corrections.

## **ELECTIONS**

### **POLITICAL PARTIES**

#### **OMNIBUS CHANGES**

Act 444 (HB1769) - The act requires the new county chairman of a county committee of any political party to notify the state party chairman of an election or appointment. The state party chairman in turn shall notify the Secretary of State. It amends Arkansas Code 7-3-108 to remove the authority of the Secretary of State to investigate new political parties for communist or subversive activity. It also amends Arkansas Code 7-3-104, 7-3-106, and 7-3-107 to make technical corrections to comply with statutory law regarding state funded primaries.

### **POLLING PLACES**

#### **REDUCED AT A SPECIAL ELECTION TO FILL A VACANCY**

Act 122 (HB1098) - The act provides that a county board of election commissioners may reduce the number of polling places for a special election to fill a vacancy if, after all deadlines have passed for filing as a candidate or write-in candidate, there is only one candidate and no other office or issue is on the ballot.

#### **SCHOOL ELECTIONS**

Act 545 (HB1709) - The act authorizes a reduction in the number of polling places at school elections when there is only one candidate for school district director or member of the county board of education and there are no other ballot issues for consideration.

### **PRESIDENTIAL ELECTIONS**

#### **OMNIBUS CHANGES**

Act 450 (HB1776) - The act amends Arkansas Code 7-8-201 and 7-8-204 to make technical corrections. It repeals Arkansas Code 7-8-202 and 7-8-203 pertaining to preferential presidential primaries. It also amends Arkansas Code 7-8-302 to establish requirements for placing the presidential and vice-presidential candidates of a new political party on the ballot.

### **SCHOOL ELECTIONS**

#### **DATE**

Act 1120 (SB565) - The act authorizes the board of directors of local school districts to change the date of the annual school election under certain conditions and also authorizes calling a special election to vote on additional millages for maintenance and operations or debt service.

#### **OMNIBUS CHANGES**

Act 443 (HB1767) - The act amends Arkansas Code 6-14-111 to require the county clerk to verify the names on a petition for a candidate in a school election. The act amends Arkansas Code 6-14-115 to require the results of a school election to be declared within three days after the election, to eliminate the requirement that the county court certify school elections, and to provide that the county board of election commissioners shall certify school elections. It amends Arkansas Code 6-14-119 to eliminate the requirement that the county judge approve the maximum amount of compensation for election officials in school elections. It amends Arkansas Code 6-14-120 and 6-14-121 to require runoffs in school elections to be held three weeks after the regular election. The act also makes various technical corrections to Arkansas Code 6-14-101, et seq. It also repeals Arkansas Code 6-14-112 pertaining to duplicate ballots in school elections and Arkansas Code 6-14-117 so that general election law penalties apply to school elections.

#### **POLLING PLACES**

Act 545 (HB1709) - The act authorizes a reduction in the number of polling places at school elections when there is only one candidate for school district director or member of the county board of education and there are no other ballot issues for consideration.

## **ELECTIONS**

### **VACANCY IN NOMINATION**

Act 1082 (HB1106) - The act redefines what constitutes a vacancy in nomination in the election process and specifies how such vacancies shall be filled.

### **VOTER REGISTRATION**

#### **SIGNATURE IMAGING SYSTEM**

Act 1104 (HB2170) - The act clarifies that the signature imaging system in the Secretary of State's Office is for voter registration.

## **ELECTRICIANS**

### **LICENSING**

Act 1289 (SB629) - The act provides for the mandatory licensing of electricians, authorizes local electrician inspections and establishes a penalty for performing electrical work without a license.

## **ELEVATOR SAFETY BOARD**

### **STIPENDS**

Act 377 (HB1032) - The act authorizes the Committee of Plumbing Examiners, the Elevator Safety Board and the Arkansas Apprenticeship Coordinating Steering Committee to receive a stipend.

## **EMBALMERS AND FUNERAL DIRECTORS, BOARD OF**

### **ADMINISTRATIVE ACTIVITIES**

Act 39 (SB61) - Section 3 of this appropriation act provides that the Executive Director of the Burial Board shall also be responsible for the administrative activities of the State Board of Embalmers and Funeral Directors.

### **LICENSING LAWS**

#### **OMNIBUS CHANGES**

Act 839 (HB1863) - The act alters the membership requirements for the Board of Embalmers and Funeral Directors. The act requires the board's inspector to show identification prior to entering for inspection any place of business where the practice of embalming or funeral directing is conducted. The act changes the procedures for out-of-state licensees to obtain an Arkansas license. It adds grounds for the revocation or suspension of an embalmer's or funeral director's license and raises the maximum civil penalty for violation of the laws and regulations governing embalmers and funeral directors from \$1,000 to \$10,000. The act also makes various technical and administrative corrections.

## **EMERGENCY SERVICES**

### **DISASTER SERVICE VOLUNTEERS**

#### **STATE EMPLOYEES**

Act 268 (HB1166) - The act establishes the "Disaster Service Volunteer Leave Act," which provides a mechanism for state employees who are trained and certified by the American Red Cross to obtain leave from work with pay in order to provide disaster relief services.

### **EMERGENCY TELEPHONE SERVICE**

Act 106 (HB1042) - The act authorizes political subdivisions with populations of less than 25,000, when authorized by a majority of those voting within the political subdivision, to levy an emergency telephone charge not to exceed 12% of the tariff rate.

## **EMERGENCY SERVICES**

### **PUBLIC SAFETY COMMUNICATIONS**

#### **911 SYSTEMS**

Act 801 (HB1990) - The act includes cellular telephone services and personal communications in the application of the Arkansas Public Safety Communication Act. The act establishes the CMRS (Commercial Mobile Radio Service) Board to collect, manage disburse, study, and provide for independent auditing of CRMS emergency telephone service charges.

## **EMPLOYMENT**

### **NEW HIRE REGISTRY, DIVISION OF STATE**

#### **CHILD SUPPORT ORDERS**

Act 1276 (SB28) - The act creates the Division of State New Hire Registry within the State Employment Security Department to compile a state registry containing the names of newly hired and returning employees to assist in the enforcement of child support orders.

### **UNEMPLOYMENT COMPENSATION**

#### **DEVELOPMENTAL DISABILITIES SERVICES PROGRAMS**

Act 1360 (HB1728) - Section 86 of this appropriation act provides that the Child Health and Family Life Institute will be administered under the Arkansas Children's Hospital. The KIDS FIRST Program is to receive priority consideration above all other programs of the Institute. [This is not the ARKids First Program.]

Section 99 restricts the placement in community-based residential programs of persons who have been adjudicated delinquent of an act that would constitute a Class A felony or higher or a sexual offense. The section provides for notice and a public hearing and a system for complaints and questions from residents of the area. The facility may be declared a public nuisance if satisfactory communication with the public is not provided.

Sections 101 and 102 provide unemployment compensation criteria for persons who are employed by a community program licensed by the Division of Developmental Disabilities Services.

Section 106 provides that state agencies shall not present for legislative review any contract for a Medicaid-Funded Managed Care Program for mental health services for children prior to January 1, 1998, and provides for a legislative study by the Public Health, Welfare and Labor Committee on the subject of Medicaid-Funded Managed Care Programs for mental health services for children. The study is to be completed prior to September 1, 1997.

Section 110 excludes the Child Health Management Services (CHMS) Program from any capitated program. The section restricts eligibility for CHMS certification or licensure. All CHMS service codes, code units, and reimbursement rates that are being reimbursed as of March 1, 1997, shall remain in effect unless cost of living increases are granted.

## **ENGINEERS AND LAND SURVEYORS, STATE BOARD OF PROFESSIONAL**

### **STATE BOARD OF REGISTRATION**

#### **PENALTIES AND FEES**

Act 1297 (SB171) - The act authorizes the State Board of Registration for Professional Engineers and Land Surveyors to discipline non-registrants. The act also provides for the increase in the maximum annual registration fee for land surveyors.

## **ENVIRONMENTAL LAW**

### **ABANDONED INDUSTRIAL SITES**

#### **REMEDIAL ACTION TRUST FUND**

Act 1042 (HB2153) - The act recodifies and amends the Remedial Action Trust Fund Act to provide financial and other incentives for the voluntary clean-up of abandoned industrial sites. The act establishes the clean-up responsibilities of innocent prospective purchasers of abandoned industrial sites.

### **AIR POLLUTION**

#### **HYDROGEN SULFIDE EMISSIONS**

Act 856 (SB346) - The act requires the Arkansas Pollution Control and Ecology Commission to promulgate ambient air quality standards to protect the public health from the emission of hydrogen sulfide after first preparing a cost/benefit analysis to determine if requiring more stringent or restrictive operating conditions can be justified.

### **ANIMAL WASTE**

#### **MANAGEMENT PLANS**

Act 415 (HB1328) - The act provides that an animal waste management plan required by the Department of Pollution Control and Ecology, prepared under the supervision of a registered professional engineer employed by a conservation district, Arkansas Soil and Water Conservation Commission, Natural Resources Conservation Service or the University of Arkansas Cooperative Extension Service may be substituted for a plan prepared by a registered professional engineer.

### **ASBESTOS**

Act 308 (SB213) - The act authorizes the Department of Pollution Control and Ecology to adopt, administer, and enforce a program for licensing training providers involved with the training of regulated asbestos professionals and certifying others involved when regulated asbestos-containing materials are disturbed.

### **BURNING**

#### **CONSTRUCTION SITES**

Act 259 (HB1514) - The act provides that warming fires are permitted at construction sites for the purpose of warming persons during cold weather.

#### **YARD WASTE**

Act 1151 (HB1517) - The act provides for informal education efforts to discourage burning yard waste and provides for a citation or civil fine only if a safety hazard exists or if there is a recurring offense to surrounding landowners.

### **HAZARDOUS WASTE**

#### **ELIMINATION OF TRANSPORTER PERMITS**

Act 1055 (SB572) - The act eliminates the requirement for the Department of Pollution Control and Ecology to issue permits to transporters in order for the transporter to haul hazardous waste in or through the state.

### **LEAD-BASED PAINT**

#### **POLLUTION CONTROL AND ECOLOGY, DEPARTMENT OF**

Act 309 (SB214) - The act creates the Lead-based Paint-hazard Act authorizing the Department of Pollution Control and Ecology to license and certify lead-based paint activities training programs.

### **NATURAL AND SCENIC RIVERS SYSTEM**

#### **SALINE RIVER**

Act 1049 (SB136) - The act defines a portion of the Saline River designated as a component of the Arkansas Natural and Scenic Rivers System.

## **ENVIRONMENTAL LAW**

### **PETROLEUM STORAGE TANKS**

#### **DEDUCTIBLE FOR CORRECTIVE ACTION**

Act 642 (HB1743) - The act lowers the deductible from \$25,000 to \$15,000 that an owner or operator of a petroleum storage tank must expend on corrective action or a third-party claim before the owner or operator may receive payment from Petroleum Storage Tank Trust Fund.

#### **TRUST FUND MAINTENANCE AND USE**

Act 641 (HB1742) - The act changes some procedures for the maintenance and use of monies in the Petroleum Storage Tank Trust Fund. The act changes from 60 to 20 days the timeframe in which the owner or operator of a petroleum storage tank against whom a third-party claim is filed must notify the Department of Pollution Control and Ecology of the claim. It also makes some other technical corrections.

#### **UNKNOWN PETROLEUM STORAGE TANKS**

Act 1027 (HB1784) - The act permits the owner of an unknown petroleum storage tank to be reimbursed from the Petroleum Storage Tank Trust Fund for corrective action and for third party claims in regard to an unknown petroleum storage tank if certain eligibility requirements are met. The act also modifies the definition of the term "aboveground storage tank" by increasing the capacity from 30,000 gallons to 40,000 gallons.

### **PETROLEUM STORAGE TANKS, ADVISORY COMMITTEE ON**

#### **STIPENDS AND EXPENSE REIMBURSEMENT**

Act 1018 (HB1464) - The act amends the laws pertaining to the State Marketing Board for Recyclables, the Advisory Committee on Petroleum Storage Tanks, and the State Board of Collection Agencies relating to the receipt of stipends and expense reimbursement.

### **POLLUTION CONTROL AND ECOLOGY COMMISSION**

#### **APPEALS PROCESS**

Act 896 (HB1982) - The act changes the procedure for filing an appeal to circuit court from a final action of the Pollution Control and Ecology Commission.

### **POLLUTION CONTROL AND ECOLOGY, DEPARTMENT OF**

#### **MOTOR VEHICLE RACING FACILITIES**

Act 551 (SB67) - The act provides that before any new motor vehicle racing facility is constructed, the Arkansas Department of Pollution Control and Ecology must issue an annual permit and 75% of the adult residents and property owners must consent. In addition, each motor vehicle racing facility constructed after July 1, 1995, shall apply for a permit.

#### **POLLUTION PREVENTION PLANS**

Act 310 (SB234) - The act authorizes the Department of Pollution Control and Ecology to collect annual fees from facilities electing to operate under the terms and conditions of a Pollution Prevention Plan in lieu of an air permit. The Department is also authorized to require, issue and enforce operating permits for major sources in satisfaction of Title V of the Clean Air Act Amendment of 1990.

#### **RULEMAKING**

Act 314 (SB254) - The act provides that emergency rulemaking shall not be effective for more than 180 days.

### **POLLUTION CONTROL AND PREVENTION TECHNOLOGIES**

#### **SMALL BUSINESS ASSISTANCE**

Act 691 (SB619) - The act creates the Small Business Revolving Loan Fund for Pollution Control and Prevention Technologies, which shall be administered by the Department of Pollution Control and Ecology to provide financial assistance to small businesses in meeting regulatory mandates in pollution control or to developing pollution prevention technologies.

## **ENVIRONMENTAL LAW**

### **QUARRY OPERATIONS**

Act 1166 (SB397) - The act establishes the Arkansas Quarry Operation Reclamation and Safe Closure Act.

### **RECYCLABLES, STATE MARKETING BOARD FOR**

Act 1018 (HB1464) - The act amends the laws pertaining to the State Marketing Board for Recyclables, the Advisory Committee on Petroleum Storage Tanks, and the State Board of Collection Agencies relating to the receipt of stipends and expense reimbursement.

### **SOLID WASTE**

#### **FACILITY CERTIFICATES AND FEES**

Act 1254 (HB1932) - The act provides for the issuance of one year provisional certificates to solid waste management facilities and changes the fee schedule associated with the licensing of solid waste facilities.

#### **ILLEGAL DUMPS - CONTROL OFFICERS**

Act 1207 (HB1997) - The act requires illegal dumps control officers to be licensed by the Department of Pollution Control and Ecology and defines the authority of illegal dumps control officers to enforce laws and regulations regarding illegal dumping.

#### **ILLEGAL DUMPS - ERADICATION AND CORRECTIVE ACTION PROGRAM ACT**

Act 938 (SB643) - The act establishes the Illegal Dump Eradication and Corrective Action Program, which shall be administered by the Department of Pollution Control and Ecology and funded by a portion of the Landfill Post-Closure Trust Fund. The funding for the program terminates after five years. The act changes requirements for administration of the Landfill Post-Closure Trust Fund and also requires owners and operators of permitted landfills to maintain financial assurance for the post-closure maintenance of the landfill.

#### **ILLEGAL DUMPS - REBUTTABLE PRESUMPTION**

Act 1206 (HB1991) - The act changes the rebuttable presumption of illegal dumping to require that only one item, as opposed to two, of unlawfully dumped solid waste be marked with a person's name in order to establish the presumption against that person.

#### **REGIONAL SOLID WASTE MANAGEMENT BOARDS**

Act 398 (SB240) - The act provides that each regional solid waste management board shall establish an annual financial audit of the district.

#### **TRANSPORTATION FEE**

Act 374 (SB347) - The act repeals portions of the law pertaining to the transportation fee of solid waste.

### **STATE AGENCY OVERSIGHT**

#### **DUTIES CLARIFIED**

Act 1219 (HB2229) - The act renames the Department of Pollution Control and Ecology as the Department of Environmental Quality and clarifies the duties of the department and the Commission on Pollution Control and Ecology in regard to their respective executive, adjudicatory, and rulemaking roles concerning protection of the environment. It requires the commission to analyze the economic impact and the environmental benefit of any regulation more stringent than federal law prior to submitting the regulation for public comment. The act increases public notice requirements in regard to rulemaking. It also extends the period for which an emergency regulation may be effective from 90 to 180 days. The act imposes procedural restrictions on the commission in regard to its actions on air quality control permits. The act also clarifies the process to follow in filing an appeal from a final determination of the commission.

## **ENVIRONMENTAL LAW**

### **WASTE TIRES**

#### **SOLID WASTE DISTRICT FEES**

Act 1292 (SB675) - The act amends the laws regarding waste tire disposal and disposal to require the owner of any waste tire site to notify the applicable Solid Waste Management District with information concerning the site's location and size and the approximate number of waste tires. Previously, only the Department of Pollution Control and Ecology was notified.

The act increases the waste tire disposal fee from \$1.50 to \$1.75 per automobile and truck tire. It also allows the Solid Waste Management Districts to enact an additional fee on truck tires in case their costs of removing and disposing of truck tires exceeds \$1.75 per truck tire. The District may impose an additional fee on truck tires in excess of \$1.75 per tire up to a maximum fee \$4.00 per tire.

### **WASTEWATER**

#### **PERMITS**

Act 1312 (SB727) - The act requires the Department of Pollution Control and Ecology to give reasoned consideration to issues raised by public comments and to document its response to public comments to serve as a record for judicial review and to aid the public in understanding the department's interpretation on long-range regulatory issues.

#### **LICENSING REVENUES**

Act 288 (SB275) - The act provides for the creation of the Wastewater Licensing Fund.

#### **TREATMENT PLANTS**

Act 287 (SB262) - The act provides for the receiver of a common sewage system to operate the system with the proceeds collected from the facilities which are connected to the common sewage system and the receiver may receive a reasonable professional fee. In addition, the Director of the Arkansas Department of Health shall take over the duties of the State Health Officers with respect to determining the need for potable water in the area.

#### **WASTEWATER SERVICE**

Act 698 (HB1508) - The act provides that it is unlawful for a person to provide water or wastewater services where the services are already being provided by a provider who is using the revenue derived from the services to repay financial assistance provided by the Arkansas Soil and Water Conservation Commission unless the Arkansas Soil and Water Conservation Commission approves the activity. The Commission may require payment of the outstanding financial assistance provided before approving the additional services. Upon enactment, the Commission is limited as to the entities it may provide financial assistance for the services. A civil action may be instituted.

### **WATER QUALITY STANDARDS**

Act 401 (HB1563) - The act provides for procedures to encourage long-term environmental projects by allowing a petitioner to seek approval of a change in water quality standards to accommodate long-term environmental improvement projects. The Arkansas Pollution Control and Ecology Commission is granted the authority to approve a modification in the water quality standards.

## **ETHICS**

### **CAMPAIGN FINANCE**

#### **CAMPAIGN ACCOUNTS**

Act 116 (HB1088) - The act permits a candidate to maintain campaign funds in one or more campaign accounts and specifies that campaign funds shall not be placed in an account containing personal or business funds.

## **ETHICS**

### **CAMPAIGN FINANCE**

#### **CAMPAIGN DEBT REPORTS**

Act 139 (HB1090) - The act requires a person to file a campaign contribution and expenditure report concerning a campaign debt if, since the last report concerning the debt, the person has received cumulative contributions in excess of \$500.

#### **CARRYOVER FUNDS AND SURPLUS CAMPAIGN FUNDS**

Act 491 (HB1093) - The act defines the terms "carryover funds" and "surplus campaign funds" for purposes of the Arkansas Code chapter pertaining to campaign financing. The act further clarifies how a candidate may use carryover funds and what reporting obligations a candidate has in regard to his or her use of carryover funds. The act permits surplus campaign funds and carryover funds to be turned over to a political party caucus but places limitations on the use of those funds by the political party caucus. The act also exempts certain funds from the prohibition against a candidate taking campaign funds for personal income.

### **GIFT DISCLOSURE**

#### **VALUE OF TICKET TO CHARITABLE EVENT**

Act 117 (HB1089) - The act provides that the value of a ticket to a charitable event, for purposes of the Disclosure Act for Lobbyists and State and Local Officials, shall not include the tax deductible portion of the ticket.

### **LOBBYIST ACTIVITY REPORTS**

#### **CONTENTS PROVIDED TO PUBLIC SERVANTS**

Act 114 (HB1040) - The act requires a lobbyist to provide information to a public servant whose name appears in the lobbyist's activity report.

## **FINANCIAL INSTITUTIONS**

### **BANKS AND BANKING**

#### **AGRICULTURAL LANDS**

Act 81 (HB1080) - The act provides for the reenactment of Arkansas Code 23-32-908 pertaining to loans secured by liens on agricultural lands.

#### **BANKING CODE**

Act 89 (HB1075) - The Arkansas Banking Code of 1997.

#### **CASUALTY INSURANCE**

Act 138 (HB1077) - The act provides for the reenactment of Arkansas Code 23-32-913 authorizing savings and loan associations, financial institutions, mortgage companies, and mortgagees to require a mortgagor to purchase casualty insurance.

#### **CERTIFICATES OF DEPOSIT**

Act 85 (HB1084) - The act provides for the reenactment of Arkansas Code 23-32-2001 et seq. pertaining to agency designations on certificates of deposit.

#### **CUSTOMER-BANK COMMUNICATION TERMINALS**

Act 86 (HB1085) - The act provides for the reenactment of Arkansas Code 23-32-1311 pertaining to the sharing of customer-bank communication terminals.

#### **FOREIGN INVESTOR CORPORATIONS**

Act 88 (HB1087) - The act provides for the reenactment of Arkansas Code 23-32-1501 et seq. pertaining to foreign investor companies.

#### **INTERSTATE BANKING AND BRANCHING**

Act 408 (SB359) - "The Arkansas Interstate Banking and Branching Act."

## **FINANCIAL INSTITUTIONS**

### **BANKS AND BANKING**

#### **INVESTMENTS**

Act 82 (HB1081) - The act provides for the reenactment of Arkansas Code 23-32-714 as it pertains to the powers of building and loan associations, savings and loan associations, and credit unions.

Act 83 (HB1082) - The act provides for the reenactment of Arkansas Code 23-32-712 pertaining to investments of savings and loan associations, insurance companies, trustees, guardians, executors, and administrators.

Act 331 (HB1261) - The act amends Arkansas Code 28-65-311(b)(6) to authorize a guardian to deposit funds of a ward in a federal savings and loan association domiciled in Arkansas and insured by the Savings Association Insurance Fund and in any credit union in Arkansas which is insured by the National Credit Union Administration.

#### **LOANS**

Act 79 (HB1078) - The act provides for the reenactment of Arkansas Code 23-32-911 pertaining to loans under the Servicemen's Readjustment Act of 1944.

#### **MISLEADING ACTIONS**

Act 87 (HB1086) - The act provides for the reenactment of Arkansas Code 23-34-103 pertaining to the misleading use of terms relating to financial institutions.

#### **MORTGAGE LOANS**

Act 80 (HB1079) - The act provides for the reenactment of Arkansas Code 23-32-909 pertaining to the sale of certain mortgage loans.

#### **PUBLIC FUNDS**

Act 296 (HB1460) - The act eliminates the requirement that public funds must be invested in banks located in Little Rock or Pulaski County and allows such funds to be deposited in banks located in the state.

#### **SAVINGS AND LOAN ASSOCIATIONS**

Act 78 (HB1076) - The act provides for the reenactment of Arkansas Code 23-32-105 pertaining to accounts at savings and loan associations in multiple names.

#### **SURETY BONDS**

Act 84 (HB1083) - The act provides for the reenactment of the Surety Bond Exemption Act, Arkansas Code 23-32-1401 et seq.

### **MORTGAGE LOANS**

Act 537 (HB1427) - The act provides that a mortgage loan company licensed with the United States Department of Veterans Affairs on or before July 1, 1997, shall be exempt from the registration, bond, and net worth requirements of the Mortgage Loan Company and Loan Broker Act.

## **FIRE ANTS**

### **FIRE ANT ADVISORY BOARD, ARKANSAS**

#### **CHAIRMAN**

Act 577 (SB439) - The act provides that the Vice President for Agriculture of the University of Arkansas system shall serve as the chairman of the board.

### **RED IMPORTED FIRE ANT**

Act 590 (SB512) - The act permits a county board of commissioners to create a Red Imported Fire Ant abatement district upon approval by the voters of the proposed district, to establish a Board of Commissioners of each Red Imported Fire Ant abatement district, to levy an assessment against those within the district and to issue bonds.

## **FIRE PROTECTION**

### **FIRE PROTECTION DISTRICTS**

#### **AMBULANCE SERVICES**

Act 1093 (HB1822) - The act amends the fire protection district laws to allow districts to offer additional services to their members in addition to fire protection services. It permits fire protection districts to provide other emergency services, like search and rescue services, emergency medical, ambulance, and patient transport services, and such other services which it is trained and qualified to perform.

#### **OVERLAPPING JURISDICTIONS AND PENALTIES FOR INSURANCE AGENTS**

Act 1178 (SB720) - The act authorizes the Forestry Commission to adjust the boundaries of fire protection district having overlapping boundaries the request of either district. The boundaries are to be adjusted so that each district receives approximately 50% of the overlapping area. The act also increases the penalty for insurance agents who do not get evidence of payment of fire dues by subscription fire departments. The administrative penalties for violations are \$100 for the first violation and \$500 for the second or subsequent violation. Previously, the penalties were \$25.00 and \$50.00, respectively.

### **INSURANCE PREMIUM TAX**

#### **GRIEVANCE PROCEDURES**

Act 1077 (SB505) - The act provides a grievance procedure for fire departments or fire districts which determine that a gross inaccuracy exists in the reporting of taxes attributable to adjoining cities, towns, or fire protection districts.

### **RURAL FIRE DISTRICTS**

#### **STATE PURCHASING CONTRACTS**

Act 872 (HB1044) - The act amends the Arkansas Purchasing law to allow rural fire districts and rural water associations to act as "local public procurement units" which will authorize them to make cooperative purchases by the Department of Finance and Administration-Office of State Purchasing. It allows rural fire districts and water associations to participate in bulk purchases of certain commodities.

### **RURAL FIRE PROTECTION DISTRICTS**

Act 323 (SB221) - The act permits a suburban improvement district to convert to a rural fire protection district and includes provisions for the conversion of the suburban district to the rural fire protection district.

### **VOLUNTEER FIRE DEPARTMENTS**

#### **DUTY TO RESPOND TO PERSONAL PROPERTY FIRES AND ATTORNEY FEES**

Act 1150 (HB1483) - The act clarifies that volunteer fire departments have a duty to respond to 911 fire emergency calls involving personal property. They are entitled to reimbursement for services in responding to fires involving personal property. However, claims for services in responding to personal property fires are allowed only for personal property of nonmembers and the claim amount can not exceed \$300. It also provides for attorneys' fees to collect liens for claims for fire services.

#### **SALES TAX EXEMPTION**

Act 441 (HB1159) - The act exempts repairs to fire protection and emergency equipment from sales and use tax. It also exempts supplies and materials used in the construction and maintenance of volunteer fire departments from sales and use tax.

## **FIREARMS**

### **CONCEALED HANDGUN**

#### **EXEMPTION FOR AUXILIARY LAW ENFORCEMENT OFFICERS**

Act 696 (HB1421) - The act exempts auxiliary law enforcement officers from the licensing requirements of the "Concealed Weapons" law if they are certified and authorized by their chief of police.

#### **FORMER SHERIFFS**

Act 389 (HB1544) - The act provides that concealed handgun permits issued to former sheriffs shall be renewed every four years and exempts them from the fee and training requirements for a concealed handgun permit.

#### **RECIPROCAL LICENSING**

Act 368 (SB131) - The act allows the Director of the Arkansas State Police to issue a license to carry a concealed handgun to any person who has a valid license to carry a concealed handgun issued by another state if the other state's eligibility requirements are as rigorous as Arkansas', and the other state provides reciprocal licensing privileges.

#### **RECIPROCITY**

Act 789 (SB13) - The act provides reciprocity to persons who possess a valid license to carry a concealed handgun issued by another state provided the other state's law is as restrictive as Arkansas' concealed handgun law to be determined by the Director of the Arkansas State Police.

#### **RETIRED LAW ENFORCEMENT OFFICERS**

Act 302 (HB1306) - The act requires fingerprint impressions of retired law enforcement officers who carry a concealed handgun to be on file with the Arkansas State Police.

#### **RETIRED STATE POLICE OFFICERS**

Act 92 (SB2) - The act requires retired state police officers to have the authorization of the Arkansas State Police Director to carry a concealed handgun.

#### **UNRESOLVED FELONY ARRESTS**

Act 1251 (HB1816) - The act provides that an applicant for a license to carry a concealed handgun who has unresolved felony arrest records over ten years old shall obtain a letter of reference from the county sheriff, prosecuting attorney or circuit judge stating the applicant is of good character and free of felony convictions.

#### **VARIOUS CHANGES**

Act 1239 (HB1640) - The act amends various provisions of Arkansas Code 5-73-301 et seq. concerning licenses to carry concealed weapons.

### **SHOOTING RANGES**

#### **NOISE POLLUTION**

Act 602 (SB6) - The act limits the liability of owners, operators, and users of sport shooting ranges for noise pollution if the range complied with local ordinances at the time it was established. They are not subject to civil liability or criminal prosecution. Further, it says a person who operates or uses a sport shooting range is not subject to a legal action for nuisance, and no court of the state may enjoin the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with any local noise control ordinances.

## **FORESTRY COMMISSION, STATE**

### **LAW ENFORCEMENT ACTIVITIES**

#### **FINES**

Act 132 (HB1186) - The act provides that all fines collected as a result of State Forestry Law enforcement activities shall go to the State Forestry Fund

## **FORESTRY COMMISSION, STATE**

### **LAW ENFORCEMENT ACTIVITIES**

#### **POISON SPRINGS STATE FOREST**

Act 123 (HB1185) - The act provides that the State Forestry Commission's law enforcement personnel shall enforce the Poison Springs State Forest regulations.

## **FREEDOM OF INFORMATION ACT**

### **CORRECTION, DEPARTMENT OF**

#### **EXEMPTION**

Act 741 (HB1374) - The act exempts from the Freedom of Information Act plans and support materials maintained by the Department of Correction related to emergency preparedness.

### **OIL AND GAS OWNERSHIP INFORMATION**

Act 1335 (SB485) - The act exempts from the Freedom of Information Act the division of ownership information on oil or gas leases which is voluntarily provided by an oil or gas company to a county assessor and which, if disclosed, could result in an economic loss to the company.

This exemption will expire on July 1, 1999 unless continued later.

### **SETTLEMENT AGREEMENTS**

Act 873 (HB1196) - The act amends the Freedom of Information Act by adding a subsection to provide that settlement agreements, except those involving a state tax covered by the Arkansas Tax Procedure Act, entered into by state agencies shall be considered a public document. The act also prohibits public officials or employees from taking any action to keep settlement agreements withheld from public access.

## **GARNISHMENTS**

### **ADMINISTRATIVE COSTS**

Act 972 (HB2102) - The act authorizes a payor to withhold \$2.50 in administrative costs from each paycheck for court-ordered withholdings.

## **GENERAL ASSEMBLY**

### **AGRICULTURE, ECONOMIC AND INDUSTRIAL DEVELOPMENT COMMITTEE**

#### **COMMITTEE NAMES**

Act 317 (SB113) - The act makes changes in Arkansas laws to correct references to the Joint Interim Committee on Agriculture and Economic Development to the Senate Interim Committee on Agriculture, Economic and Industrial Development and the House Interim Committee on Agriculture and Economic Development.

### **CITY, COUNTY, AND LOCAL AFFAIRS COMMITTEE**

#### **COMMITTEE NAMES**

Act 385 (HB1452) - The act makes changes in Arkansas laws to correct references to the House and Senate Interim Committees on City, County and Local Affairs instead of the Joint Interim Committee on City, County and Local Affairs.

### **CODIFICATION GUIDELINES**

Act 533 (HB1015) - The act reconfigures the membership of the Arkansas Code Revision Commission so that the General Assembly has greater representation and establishes more restrictive codification guidelines. The act also eliminates the codification of state agency regulations by the Commission and instead requires that state agency regulations be placed in the General Assembly's Internet web site by the Bureau of Legislative Research.

## **GENERAL ASSEMBLY**

### **COST IMPACT STATEMENTS**

Act 423 (HB1577) - The act requires cost impact statements to be attached to all bills introduced in the General Assembly which affect inmate population patterns at the Department of Correction prior to committee action, and further requires copies of those impact statements to be furnished to all members of the House or Senate one day prior to final passage.

### **EDUCATION COMMITTEE**

#### **COMMITTEE NAMES**

Act 112 (SB79) - The act amends various sections of the Arkansas Code referring to the Joint Interim Committee on Education, changing them to refer to the House and Senate Interim Committees on Education.

#### **EDUCATIONAL NEEDS ASSESSMENT**

Act 748 (HB1779) - The act requires the House and Senate Interim Committees on Education to continually assess the needs and problems of public, vocational-technical, and higher education in the state and to engage in constant dialogue with the Departments of Education, Vocational and Technical Education, and Higher Education.

### **HOUSE INTERIM BUDGET COMMITTEE**

Act 1354 (HB2235) - The act provides that the House Chairperson of the Joint Budget Committee may designate the House Vice-Chairperson of the Joint Budget Committee and Joint Budget Subcommittee Chairpersons as ex-officio members of the Legislative Council. The act establishes the House Interim Budget Committee. The act provides that membership positions and alternate positions on the Legislative Council and on the Legislative Joint Auditing Committee shall be filled in accordance with House Rules and, as of 1999, in accordance with Senate Rules. The act provides that the majority party leader and minority party leader of the House and Senate shall be members of the Legislative Council. The act provides for Co-Chairpersons of the Legislative Council and provides for a separate House and Senate vote on any issue before the Legislative Council upon request. The act amends various sections of the law to remove obsolete references to joint committees.

### **INSURANCE AND COMMERCE COMMITTEE**

#### **COMMITTEE NAMES**

Act 183 (HB1153) - The act changes references to the Joint Interim Committee on Insurance and Commerce in the Arkansas Code to the House and Senate Interim Committees on Insurance and Commerce.

### **INTERIM COMMITTEES - JUDICIARY**

#### **COMMITTEE NAMES**

Act 113 (SB83) - The act amends sections of the Arkansas Code to change the reference from the Joint Interim Committee on Judiciary to the House and Senate Interim Committees on Judiciary.

### **JOINT AUDITING COMMITTEE**

#### **MEMBERSHIP**

Act 147 (SB243) - Section 8 of this appropriation act expands the membership of the Joint Auditing Committee by adding one new member, the immediate past chairman of the Legislative Joint Auditing Committee.

## **GENERAL ASSEMBLY**

### **JOINT AUDITING COMMITTEE**

#### **MEMBERSHIP**

Act 1354 (HB2235) - The act provides that the House Chairperson of the Joint Budget Committee may designate the House Vice-Chairperson of the Joint Budget Committee and Joint Budget Subcommittee Chairpersons as ex-officio members of the Legislative Council. The act establishes the House Interim Budget Committee. The act provides that membership positions and alternate positions on the Legislative Council and on the Legislative Joint Auditing Committee shall be filled in accordance with House Rules and, as of 1999, in accordance with Senate Rules. The act provides that the majority party leader and minority party leader of the House and Senate shall be members of the Legislative Council. The act provides for Co-Chairpersons of the Legislative Council and provides for a separate House and Senate vote on any issue before the Legislative Council upon request. The act amends various sections of the law to remove obsolete references to joint committees.

### **JOINT COMMITTEE ON PUBLIC RETIREMENT**

#### **SELECTION OF HOUSE CHAIRMAN**

Act 94 (SB45) - The act amends the Arkansas laws establishing the Joint Committee on Public Retirement to make it conform to House Rules so that the House Cochairman and House Vice-Chairman will be selected in accordance with the Rules of the House of Representatives.

### **LEGISLATIVE COUNCIL**

#### **LITIGATION SUBCOMMITTEE**

Act 264 (SB180) - The act increases from \$5,000 to \$7,500 the admitted claim amount which must be reported to the Litigation Subcommittee of the Arkansas Legislative Council by state agencies, boards, commissions and institutions of higher education.

Act 850 (SB165) - Section 30 of this appropriation act requires a state agency to file a report with the Litigation Subcommittee of the Arkansas Legislative Council, if the state agency admits liability to a claim filed with the State Claims Commission involving a contract if the claim exceeds \$7,500.

#### **MEMBERSHIP**

Act 1354 (HB2235) - The act provides that the House Chairperson of the Joint Budget Committee may designate the House Vice-Chairperson of the Joint Budget Committee and Joint Budget Subcommittee Chairpersons as ex-officio members of the Legislative Council. The act establishes the House Interim Budget Committee. The act provides that membership positions and alternate positions on the Legislative Council and on the Legislative Joint Auditing Committee shall be filled in accordance with House Rules and, as of 1999, in accordance with Senate Rules. The act provides that the majority party leader and minority party leader of the House and Senate shall be members of the Legislative Council. The act provides for Co-Chairpersons of the Legislative Council and provides for a separate House and Senate vote on any issue before the Legislative Council upon request. The act amends various sections of the law to remove obsolete references to joint committees.

#### **PERSONNEL SUBCOMMITTEE**

Act 1094 (HB1852) - The act provides for an interim study by the Legislative Council's Personnel Subcommittee on the overtime and compensation practices of the Department of Correction.

### **PRESIDENT PRO TEMPORE OF THE SENATE**

#### **APPOINTMENTS**

Act 1357 (SB696) - The act provides that the President Pro Tempore of the Senate, rather than the Senate Committee on Committees, shall make appointments to the Advisory Committee on Accountability, the Southern States Energy Board, the Arkansas Natural and Cultural Resources Council, and the Commission for Arkansas' Future.

## **GENERAL ASSEMBLY**

### **PUBLIC HEALTH, WELFARE AND LABOR - INTERIM COMMITTEES**

#### **COMMITTEE NAMES**

Act 179 (HB1003) - The act changes references to the Joint Interim Committee on Public Health, Welfare and Labor in the Arkansas Code to the House and Senate Interim Committees on Public Health, Welfare and Labor.

### **PUBLIC HEALTH, WELFARE AND LABOR COMMITTEE**

#### **MENTAL HEALTH SERVICES FOR CHILDREN STUDY**

Act 1360 (HB1728) - Section 86 of this appropriation act provides that the Child Health and Family Life Institute will be administered under the Arkansas Children's Hospital. The KIDS FIRST Program is to receive priority consideration above all other programs of the Institute. [This is not the ARKids First Program.]

Section 99 restricts the placement in community-based residential programs of persons who have been adjudicated delinquent of an act that would constitute a Class A felony or higher or a sexual offense. The section provides for notice and a public hearing and a system for complaints and questions from residents of the area. The facility may be declared a public nuisance if satisfactory communication with the public is not provided.

Sections 101 and 102 provide unemployment compensation criteria for persons who are employed by a community program licensed by the Division of Developmental Disabilities Services.

Section 106 provides that state agencies shall not present for legislative review any contract for a Medicaid-Funded Managed Care Program for mental health services for children prior to January 1, 1998, and provides for a legislative study by the Public Health, Welfare and Labor Committee on the subject of Medicaid-Funded Managed Care Programs for mental health services for children. The study is to be completed prior to September 1, 1997.

Section 110 excludes the Child Health Management Services (CHMS) Program from any capitated program. The section restricts eligibility for CHMS certification or licensure. All CHMS service codes, code units, and reimbursement rates that are being reimbursed as of March 1, 1997, shall remain in effect unless cost of living increases are granted.

### **REVENUE AND TAX COMMITTEE**

#### **COMMITTEE NAMES**

Act 232 (SB55) - The act amends various sections of the Arkansas Code changing references to the Joint Interim Committee on Revenue and Taxation to the House and Senate Interim Committees on Revenue and Taxation.

### **RURAL FIRE DEPARTMENTS STUDY COMMITTEE**

#### **REPLACES RURAL FIRE DEPARTMENT STUDY COMMISSION**

Act 1264 (HB2128) - The act creates the Rural Fire Departments Study Committee of the General Assembly, to be composed of 10 members of various interim committees and 7 ex-officio members representing various interest groups in insurance and fire protection areas. Legislative members are entitled to per diem and mileage at the same rate authorized by law for attendance at meetings of joint interim committees. The Rural Fire Departments Study Committee is to conduct an in-depth study of the funding of rural fire departments to determine the sources and whether it is sufficient to provide adequate fire protection in rural areas. It replaces the Rural Fire Department Study Commission which had a similar mission, but was constituted of non-legislative members.

## **GENERAL ASSEMBLY**

### **SENATE CHILDREN AND YOUTH COMMITTEE**

#### **COMMITTEE NAMES**

Act 312 (SB239) - The act changes references to the Joint Committee on Children and Youth in the Arkansas Code to the Senate Committee on Children and Youth.

### **STATE AGENCIES AND GOVERNMENTAL AFFAIRS COMMITTEE**

#### **COMMITTEE NAMES**

Act 324 (SB238) - The act changes references to the Joint Interim Committee on State Agencies and Governmental Affairs in the Arkansas Code to the House and Senate Interim Committees on State Agencies and Governmental Affairs.

#### **LIST OF REPORTS BY STATE AGENCIES**

Act 416 (HB1340) - The act requires all state agencies to provide the House of Representatives State Agencies and Governmental Affairs Committee with a list of all annual and quarterly reports produced and distributed by the agencies, along with the number of reports distributed and the costs; and further requires the committee to determine which reports are no longer necessary, possible savings, and to make legislative recommendations prior to the Eighty-Second General Assembly.

### **WORKERS' COMPENSATION REPORTS**

Act 975 (SB98) - Sections 10, 11, and 14 of this appropriation act address three issues concerning Workers' Compensation. The Workers' Compensation Commission is required to report to the Legislative Council and the Public Health, Welfare and Labor Committee on the progress of the Health and Safety Program in the Medical Cost Containment Program. The act provides that the implementation of the Workers' Compensation Commission Rule on Managed Care (Rule 33) is voluntary for all employers. The act provides that in cities with a population of over 150,000, the cities and their sewer committees may provide Workers' Compensation coverage for their officials and their employees either through private carriers or by self-funding on either a statewide or individual basis.

### **GOVERNOR'S MANSION COMMISSION**

Act 1113 (HB2067) - The act increases the membership of the Governor's Mansion Commission. It solicitation funds on behalf of the Commission only with permission from the Commission and the Governor.

### **GUARDIANSHIP**

#### **DECEASED WARD'S ESTATE**

Act 513 (HB1665) - The act provides that a probate clerk is entitled to an additional fee not to exceed \$100 to cover the initiation of the administration of a deceased ward's estate.

#### **VENUE**

Act 1084 (HB1301) - The act clarifies that the venue for adopting a child and establishing a guardianship of a child may be filed in a juvenile court which has continuing jurisdiction over the child.

### **HEALTH**

#### **DISPOSITION OF THE DEAD**

##### **CEMETERIES**

Act 295 (HB1454) - The act designates the Securities Commissioner as the Secretary of the Cemetery Board and removes the director of the Department of Health as a member of the Cemetery Board. The act increases the information that cemetery companies must provide with applications for permits and applications to amend permits, and it increases fiscal accountability requirements for cemetery companies operating perpetually maintained cemeteries. The act also requires the Cemetery Board to maintain a loan fund to be used to insure that cemeteries in financial difficulty will be properly maintained.

## **HEALTH**

### **SMOKING PROHIBITION**

#### **STATE CAPITOL BUILDING**

Act 1323 (HB1781) - The act provides that smoking any tobacco products in the Rotunda, the Governor's Conference Room, the Old Supreme Court Room or the cafeteria in the State Capitol Building is a misdemeanor punishable by a fine of \$25.

## **HEALTH CARE**

### **ADDICTED WOMEN AND THEIR CHILDREN**

#### **FAMILY TREATMENT AND REHABILITATION PROGRAM CREATED**

Act 964 (HB1962) - The act creates the Family Treatment and Rehabilitation Program for Addicted Women and Their Children within the University of Arkansas for Medical Sciences. The program is charged with developing a statewide network of health services, human services, and education and employment resources for families affected by the addiction of a woman.

### **BREAST CANCER ACT OF 1997**

Act 434 (SB320) - The act provides an additional tax of \$1.25 per 1,000 cigarettes sold in the state and an additional 2% tax on the manufacturer's selling price for tobacco products sold in the state to generate revenues for breast cancer research and treatment. The act creates the Breast Cancer Research Program and the Breast Cancer Control Program to administer the research and treatment programs. The act provides that the taxes levied shall not be collected in any fiscal year that the General Assembly appropriates \$800,000 to the Breast Cancer Research Fund and \$3,200,000 to the Breast Cancer Control Fund in Category A of the Revenue Stabilization Law.

### **DENTAL SERVICES**

#### **DONATED DENTAL SERVICES PROGRAM**

Act 145 (HB1138) - The act requires the Department of Human Services to establish the Donated Dental Services Program of Arkansas to coordinate the services of volunteer dentists and dental laboratories who will provide comprehensive dental care to needy, disabled, aged, and medically-compromised individuals.

### **DIABETES**

Act 1249 (HB1797) - The act requires certain health care insurers to provide coverages for diabetes self-management training and certain equipment supplies, and services for the treatment of diabetes.

### **FACILITIES**

#### **EXEMPTIONS FROM THE PERMIT OF APPROVAL PROCESS**

Act 1025 (HB1694) - The act excludes from the permit of approval process up to a 15 bed expansion of an intermediate care facility for the mentally retarded that provides transitional rehabilitation for pediatric patients and certain residences for four or fewer persons with developmental disabilities. The act also provides that a long term care facility that reduced its licensed bed capacity within the past 40 months from the effective date of this act may relicense those beds by paying the license fees applicable for that period of time.

### **IMMUNIZATIONS**

#### **CHILDHOOD IMMUNIZATION REGISTRY**

Act 869 (HB1648) - The act removes the Health Department's mandate to release information in the statewide childhood immunization registry to certain providers and gives the department discretion to govern the release of registry information by regulation.

#### **CHILDHOOD REQUIREMENTS**

Act 871 (HB1650) - The act authorizes the Board of Health to designate additional diseases which require immunization prior to admission to a child care facility or to a public or private school. The act also requires a child to be age appropriately immunized prior to his or her enrollment in a child care facility.

## **HEALTH CARE**

### **IMMUNIZATIONS**

#### **PREREQUISITE TO CHILD CARE FACILITY ADMISSION**

Act 870 (HB1649) - The act requires a child to be age appropriately immunized prior to the child's original or continued admission to a child care facility.

### **INSURANCE**

#### **ESTABLISHMENT OF POOL FOR UNINSURED**

Act 292 (HB1369) - The act establishes a comprehensive health insurance pool to provide health insurance for certain uninsurable Arkansas residents and for other federally eligible individuals. The act establishes a board of directors to be appointed by the Insurance Commissioner, which shall administer the pool and its finances. The act specifies the process to be used for establishing premium rates and selecting a plan administrator. It also specifies plan eligibility and outlines plan benefits.

### **LONG TERM CARE FACILITIES**

#### **LICENSING**

Act 1028 (HB1787) - The act requires boarding homes in which 50% or more of the residents receive personal care to be licensed as residential care facilities and clarifies that facilities providing separate living arrangements that do not monitor the activities or whereabouts of residents are not required to be licensed.

### **LONG TERM CARE INSURANCE ACT**

Act 517 (HB1731) - The act amends various provisions of the Long-Term Care Insurance Act relating to qualified long-term care insurance contracts, monthly reports, incontestability periods and policy rescissions to comply with the recent enactment of the Federal Health Insurance Portability and Accountability Act of 1996.

### **MENTAL HEALTH**

#### **MENTAL HEALTH PARITY ACT**

Act 1020 (HB1525) - The act is entitled the "Arkansas Mental Health Parity Act" and provides that certain insurance coverage through health benefit plans shall provide for the diagnosis and mental health treatment of those with mental illnesses and developmental disorders.

### **ORGAN DONATION**

#### **REGISTRY OF ORGAN DONORS**

Act 75 (SB35) - The act provides for the establishment of an organ donor registry. It allows certain relatives of a deceased person to effectuate a revocation of that person's proposed anatomical gift. It repeals detailed provisions regarding the procurement of transplantable tissues by coroners and replaces those provisions with a general directive.

### **OSTEOPOROSIS PREVENTION**

#### **EDUCATION PROGRAM**

Act 732 (HB1936) - The act requires the Health Department, as funds are available, to establish a program of osteoporosis prevention and treatment education.

### **PREGNANT WOMEN**

#### **TESTING FOR CERTAIN DISEASES**

Act 963 (HB1950) - The act expands the scope of testing required of pregnant women to include testing for HIV and Hepatitis B and increases record keeping requirements. The act also requires health care providers to inform their pregnant patients that syphilis, HIV, and Hepatitis B may be transmitted from an infected mother to the child and that the infection in the child may be prevented by treating the mother.

## **HEALTH CARE**

### **PRESCRIPTION DRUGS**

#### **SALES TAX EXEMPTION**

Act 704 (SB272) - The act provides that the withdrawal of prescription drug samples for free distribution from a stock or inventory is exempt from the gross receipts tax.

Act 884 (HB1686) - The act provides that the withdrawal of prescription drug samples for free distribution from a stock or inventory is exempt from the gross receipts tax.

## **HEALTH CARE PROVIDERS**

### **ACUPUNCTURISTS**

#### **LICENSURE**

Act 816 (HB1031) - The act requires persons practicing acupuncture to be licensed and establishes requirements for obtaining and maintaining a license to practice acupuncture. The act creates a Board of Acupuncture to issue licenses and oversee the practice of acupuncture. The act also establishes exemptions from the licensing requirements and grandfathers certain practitioners.

### **CERTIFIED REGISTERED NURSE ANESTHETISTS**

#### **PRACTICE REDEFINED**

Act 1065 (SB142) - The act redefines the practice of certified registered nurse anesthesia to permit a C.R.N.A. to practice without being in the presence of a physician and to clarify that a C.R.N.A. is authorized to direct the activities of nurses in regard to the administration of anesthetics and related drugs.

### **DENTISTRY**

#### **ANESTHESIA PRIVILEGES**

Act 128 (SB52) - The act removes limitations on the administration of sedation by a dentist. Formerly, a dentist could only administer intravenous sedation or conscious sedation. It also requires a dentist to renew his permit to administer general anesthesia and sedation at the same time the dentist renews his license to practice dentistry.

### **FREE-STANDING BIRTHING CENTERS**

#### **DEFINED**

Act 891 (HB1893) - The act defines free-standing birthing centers and directs the Department of Health to regulate such facilities.

### **HEALTH EDUCATORS**

#### **CERTIFICATION ESTABLISHED**

Act 1237 (HB1633) - The act provides for the certification of health educators and establishes the State Board of Health Education to administer the certification process.

### **HEARING AID DISPENSERS**

Act 731 (HB1922) - The act provides that when the license of any hearing aid dispenser is in default by at least 60 days, the licensee must be reexamined prior to the license renewal.

### **HOSPICES**

#### **PERMIT OF APPROVAL PROCESS**

Act 396 (SB91) - The act provides that hospices shall be regulated by the Health Services Agency and the Health Services Commission and requires that regulations governing hospices shall be revised to include a permit of approval process for hospice facilities.

### **HOSPITALS AND RELATED MEDICAL INSTITUTIONS**

#### **LICENSING FEES**

Act 574 (SB424) - The act changes the fees charged by the Health Department to license or certify hospitals and related medical institutions. It also establishes the Health Facility Services Revolving Fund to be used for the purposes of operating programs through which the licensing or certification fees enumerated in this act are collected.

## **HEALTH CARE PROVIDERS**

### **MEDICAL TRANSPORTATION SERVICE PROVIDERS**

Act 1320 (HB1654) - The act requires certain insurance policies to contain a provision for direct reimbursement to the provider of covered medical transportation service if the provider has not received payment for those services from any other source.

### **OPTOMETRISTS**

#### **PRESCRIPTIVE AUTHORITY**

Act 437 (SB492) - The act authorizes pharmacists to fill prescriptions written by optometrists.

#### **SCOPE OF PRACTICE**

Act 176 (SB130) - The act expands the scope of practice of optometry primarily by broadening the prescriptive authority of optometrists. The act eliminates the Optometric Therapeutic Committee. The act requires optometrists to notify the Board of Optometry of claims or lawsuits alleging malpractice. The act also establishes an impaired optometrist program for optometrists impaired by alcoholism, drug abuse, or mental illness.

Act 186 (HB1300) - The act expands the scope of practice of optometry primarily by broadening the prescriptive authority of optometrists. The act eliminates the Optometric Therapeutic Committee. The act requires optometrists to notify the Board of Optometry of claims or lawsuits alleging malpractice. The act also establishes an impaired optometrist program for optometrists impaired by alcoholism, drug abuse, or mental illness.

### **PHARMACISTS**

#### **PRACTICE EXPANDED**

Act 1204 (HB1984) - The act expands the scope of practice of pharmacists to authorize pharmacists to administer certain medications to persons over the age of 18, to perform drug therapy management in accordance with physician protocols, and to provide pharmacy care. The act also establishes the Medications Administration Advisory Committee to assist the Board of Pharmacy in implementing provisions of law and regulation regarding medications administration by pharmacists.

### **PHYSICAL THERAPISTS**

Act 744 (HB1415) - The act updates, in the Physical Therapy Practice Act, the definitions of "practice of physical therapy," "physical therapist," "physical therapist assistant," and "physical therapy aide" and removes the some of the requirements that physical therapy and related activities be performed under the referral of a physician. It also increases the educational requirements required for licensure as a physical therapist or a physical therapist assistant. The act establishes continuing education requirements for physical therapists and physical therapist assistants and requires the Board of Physical Therapy to be notified of any malpractice claims against its licensees.

### **PHYSICIANS**

#### **REGULATION OF CERTAIN OUT-OF-STATE PHYSICIANS**

Act 1353 (HB2023) - The act provides that a physician who is physically located outside this state but who, through any medium, performs patient care services that were initiated in this state is practicing medicine in this state and subject to appropriate regulation by the Board of Medicine.

### **PODIATRIC MEDICINE**

Act 966 (HB2012) - The act amends various sections of the Arkansas Code pertaining to podiatric medicine and licensing of podiatrists.

## **HEALTH CARE PROVIDERS**

### **PSYCHOLOGISTS**

#### **INCREASED WORK EXPERIENCE REQUIRED FOR LICENSURE**

Act 995 (HB1622) - The act increases the work experience for licensure as a psychologist by requiring applicants for licensure to have completed two years experience in psychology with a least one of those years being post doctoral work.

### **VOLUNTEER SERVICES**

#### **CIVIL IMMUNITY**

Act 276 (HB1218) - The act grants civil immunity to licensed health care providers who donate their medical services at free or low-cost medical clinics and supersedes the exception for licensed medical professionals under the Arkansas Volunteer Immunity Act, A.C.A. 16-6-105.

## **HEALTH SERVICES AGENCY**

### **PERMIT OF APPROVAL PROCESS**

#### **EXEMPTIONS**

Act 1025 (HB1694) - The act excludes from the permit of approval process up to a 15 bed expansion of an intermediate care facility for the mentally retarded that provides transitional rehabilitation for pediatric patients and certain residences for four or fewer persons with developmental disabilities. The act also provides that a long term care facility that reduced its licensed bed capacity within the past 40 months from the effective date of this act may relicense those beds by paying the license fees applicable for that period of time.

## **HEALTH, BOARD OF**

### **IMMUNIZATIONS**

#### **ADDITIONAL REQUIREMENTS**

Act 871 (HB1650) - The act authorizes the Board of Health to designate additional diseases which require immunization prior to admission to a child care facility or to a public or private school. The act also requires a child to be age appropriately immunized prior to his or her enrollment in a child care facility.

## **HEALTH, DEPARTMENT OF**

### **CHILDHOOD IMMUNIZATION REGISTRY**

#### **RELEASE OF INFORMATION**

Act 869 (HB1648) - The act removes the Health Department's mandate to release information in the statewide childhood immunization registry to certain providers and gives the department discretion to govern the release of registry information by regulation.

### **COMMON GROUND PROGRAM**

#### **FISCAL AGENT**

Act 745 (HB1595) - The act establishes the Common Ground Program Committee to oversee the Common Ground Program, which is directed to provide assistance to, award grants to, and develop outreach programs for government agencies, private entities, and individual citizens who are working to prevent youth crime and violence. The act also designated the Department of Health as the administrative and fiscal agency for the program.

### **FOOD SERVICE PERMITS**

#### **FEES**

Act 102 (HB1147) - The act extends the sunset on fees established for food service permits from July 1, 1997 to July 1, 2000.

## **HEALTH, DEPARTMENT OF**

### **FREE-STANDING BIRTHING CENTERS**

#### **REGULATION**

Act 891 (HB1893) - The act defines free-standing birthing centers and directs the Department of Health to regulate such facilities.

### **HOSPICE OFFICE, STATE**

#### **REGULATED BY HEALTH SERVICES COMMISSION**

Act 396 (SB91) - The act provides that hospices shall be regulated by the Health Services Agency and the Health Services Commission and requires that regulations governing hospices shall be revised to include a permit of approval process for hospice facilities.

### **HOSPITALS AND RELATED MEDICAL INSTITUTIONS**

#### **FEEES**

Act 574 (SB424) - The act changes the fees charged by the Health Department to license or certify hospitals and related medical institutions. It also establishes the Health Facility Services Revolving Fund to be used for the purposes of operating programs through which the licensing or certification fees enumerated in this act are collected.

### **OSTEOPOROSIS PREVENTION**

#### **EDUCATION PROGRAM**

Act 732 (HB1936) - The act requires the Health Department, as funds are available, to establish a program of osteoporosis prevention and treatment education.

### **PHARMACY SERVICES AND DRUG CONTROL, DIVISION OF**

#### **COSTS FOR INVESTIGATIONS**

Act 493 (HB1292) - The act authorizes the Division of Pharmacy Services and Drug Control of the Department of Health to collect costs from the various boards of the healing arts for conducting investigations into violations of the law respecting the prescribing, administering, and use of narcotics and other potentially dangerous drugs.

### **SWIMMING POOLS**

#### **REGULATORY AUTHORITY**

Act 285 (SB51) - The act makes technical corrections to the law pertaining to the authority of the Health Department to regulate public swimming pools and removes the requirement that the Health Department inspect public swimming pools at least once per month.

### **UNWED BIRTH AND TEENAGE PREGNANCY PREVENTION PROGRAM**

Act 1159 (HB2206) - The act designates the Department of Health to coordinate interagency efforts as the administrative and fiscal agent of the Unwed Birth and Teenage Pregnancy Prevention Program. State agencies that provide services to unwed mothers and teenage parents shall cooperate in administering the program with the Department of Health. The Joint Legislative Oversight Subcommittees of HCR 1010 shall distribute to local communities any unwed birth reduction funds awarded to the State under the Personal Responsibility and Work Opportunity Act of 1996. The program sunsets automatically on July 1, 1999 unless extended.

### **WATERWORKS OPERATORS**

Act 494 (HB1348) - The act provides for the inclusion of non-transient non-community public water systems under the definition of a water system operator and requires that four of the members of the Drinking Water Advisory and Operator Licensing Committee hold the highest grade licenses. In addition, the act provides that all fees collected under the chapter are earmarked as special revenues to be deposited in the Public Health Fund.

## **HEATING, VENTILATION, AIR CONDITIONER, AND REFRIGERATION LICENSE**

Act 344 (HB1033) - The act repeals the HVACR license exemption for subcontractors and permits an applicant who failed the examination to take the exam again. Further, the act provides that a license may only be revoked or suspended pursuant to the procedures of the Arkansas Administrative Procedure Act.

## **HERITAGE, DEPARTMENT OF HISTORIC PRESERVATION PROGRAM, ARKANSAS**

### **HISTORIC BUILDING CODE**

Act 935 (SB566) - The act authorizes the Arkansas Historic Preservation Program to adopt, through regulations, an Arkansas Historic Building Code for buildings on, eligible for placement on, or contributing to the National Register of Historic Places.

### **NATURAL HERITAGE COMMISSION**

#### **ASSUME DUTIES OF NATURAL AND SCENIC RIVERS COMMISSION**

Act 1023 (HB1632) - The act abolishes the Arkansas Natural and Scenic Rivers Commission and transfers its powers, functions, and duties to the Natural Heritage Commission of the Department of Heritage.

## **HIGHWAYS**

### **SCENIC HIGHWAYS**

#### **CROWLEY'S RIDGE SCENIC HIGHWAY**

Act 382 (HB1353) - The act designates a scenic highway along certain roads in Eastern Arkansas, from Piggott, south to Helena, to be named as the Crowley's Ridge Scenic Highway.

#### **DESIGNATES STATE HIGHWAY 540 IN CRAWFORD AND WASHINGTON COUNTIES**

Act 1268 (HB2189) - The act designates a new scenic highway as State 540 from I-40 northward to Mountainburg in Crawford County and the portion of the route to its intersection with U.S. 71 Fayetteville Bypass in Washington County.

#### **STATE HIGHWAY 166**

Act 180 (HB1013) - This act designates a portion of State Highway 166 as a scenic highway.

### **SPECIAL PERMITS**

#### **ROUND BALES OF HAY**

Act 136 (HB1022) - The act authorizes the State Highway Commission to issue special permits authorizing the transport of round bales of hay which do not exceed ten feet in width on controlled highways.

### **WRECKED VEHICLES**

#### **FINES TO SCHOOLS**

Act 379 (HB1223) - The act amends the penalty provision of law to provide that fines for storing wrecked vehicles within 200 yards of any public highway shall go to the local school district. Under current law, one-half of the fine goes to the arresting officer and one-half to the schools.

## **HOME INSPECTORS**

### **REGISTRATION**

Act 791 (SB277) - The act establishes the Arkansas Home Inspectors Registration Act providing for the registration and qualifications of home inspectors and provides for civil sanctions and penalties for the failure to practice without a license. The act also creates the Arkansas Home Inspectors Registration Fund.

**HUMAN SERVICES, DEPARTMENT OF  
AGING AND ADULT SERVICES, DIVISION OF**

**ADULT ABUSE**

Act 1033 (HB1891) - The act authorizes an investigator to interview in private an adult alleged to be abused and authorizes the Department of Human Services to place an abused adult in temporary protective custody for purposes of evaluation

Act 1034 (HB1892) - The act clarifies the definition of "sexual abuse" in the context of adult abuse. It requires mandated reporters of adult abuse to allow the Department of Human Services access to certain records concerning an adult who is allegedly abused. The act allows the release of reports of adult abuse to prosecuting attorneys, coroners and law enforcement officials. The act also clarifies who may place an endangered adult into emergency protective custody. The act authorizes a court to extend the period of temporary protective custody and to extend the time for holding a hearing on long-term protective custody. It shortens the time for notice before a long-term protective custody hearing. It also allows the long-term protective custody hearing to be held in any county in the judicial district upon agreement of the parties and allows the parties to agree to continue a temporary protective custody order and extend the time for the long-term protective custody hearing.

**CHILD CARE AND EARLY CHILDHOOD EDUCATION, DIVISION OF**

**CREATED**

Act 1132 (HB2088) - The act transfers that part of the Department of Education pertaining to the Early Childhood Commission to the Department of Human Services and creates the Division of Child Care and Early Childhood Education within the Department of Human Services. The new division shall administer and enforce laws and regulations relating to early childhood education and child care programs, including the licensing of day care facilities. The act abolishes the Child Care Facility Review Board and changes the membership of the Arkansas Early Childhood Commission.

**CHILD HEALTH MANAGEMENT SERVICES (CHMS)**

Act 1360 (HB1728) - Section 86 of this appropriation act provides that the Child Health and Family Life Institute will be administered under the Arkansas Children's Hospital. The KIDS FIRST Program is to receive priority consideration above all other programs of the Institute. [This is not the ARKids First Program.]

Section 99 restricts the placement in community-based residential programs of persons who have been adjudicated delinquent of an act that would constitute a Class A felony or higher or a sexual offense. The section provides for notice and a public hearing and a system for complaints and questions from residents of the area. The facility may be declared a public nuisance if satisfactory communication with the public is not provided.

Sections 101 and 102 provide unemployment compensation criteria for persons who are employed by a community program licensed by the Division of Developmental Disabilities Services.

Section 106 provides that state agencies shall not present for legislative review any contract for a Medicaid-Funded Managed Care Program for mental health services for children prior to January 1, 1998, and provides for a legislative study by the Public Health, Welfare and Labor Committee on the subject of Medicaid-Funded Managed Care Programs for mental health services for children. The study is to be completed prior to September 1, 1997.

Section 110 excludes the Child Health Management Services (CHMS) Program from any capitated program. The section restricts eligibility for CHMS certification or licensure. All CHMS service codes, code units, and reimbursement rates that are being reimbursed as of March 1, 1997, shall remain in effect unless cost of living increases are granted.

**HUMAN SERVICES, DEPARTMENT OF  
CHILD WELFARE AND PLACEMENT AGENCIES**

**LICENSING**

Act 1041 (HB2099) - The act requires child welfare agencies and child placement agencies to be licensed and establishes a system to license child welfare agencies and child placement agencies. It provides for exemptions from the licensure requirement. The act requires certain persons associated with a child welfare agency to comply with child maltreatment and criminal background check requirements and lists offenses which limit eligibility for any position in a child welfare agency that includes direct and unsupervised contact with a child. It creates the Child Welfare Agency Review Board to oversee the administration of the licensing system and provides that a division of the Department of Human Services shall enforce the laws and regulations pertaining to the licensing of child welfare agencies and child placement agencies. This act replaces the former "Child Placement Agency Licensing Act."

**CHILDREN AND FAMILY SERVICES, DIVISION OF**

**CHILD ABUSE INVESTIGATIONS AND HOTLINE TRANSFERRED**

Act 1240 (HB1661) - The act authorizes the formation of a family protection unit within the Arkansas State Police to conduct child abuse investigations. It also provides for the transfer of the Child Abuse Hotline from the Department of Human Services to the Arkansas State Police. The act provides an oversight system to review the transfer, which consists of legislative committees assisted by persons with professional experience in the performance of activities involving children who are victims of child abuse and neglect.

**CHILD MALTREATMENT**

Act 1334 (HB2281) - The act provides for the expungement of records of cases where allegations of child maltreatment are unsubstantiated. The act expands the entities to which records of true allegations of child maltreatment may be disclosed to include child abuse citizen panels, child fatality review boards, grand juries, courts, and, in the case of a child fatality or near fatality, the general public. The act limits the release of information regarding the identity of a person making an allegation of child abuse to cases where a court has reason to believe that the person knowingly made a false report. The act authorizes the department to disclose the investigative determinations to the employer of an offender when the offender is engaged in child-related employment. The act makes various procedural clarifications and modifications relating to the responsibilities of the department in conducting child maltreatment investigations.

**REPORTS OF CHILD MALTREATMENT**

Act 1234 (HB1361) - The act allows the Department of Human Services to share reports of child maltreatment with multidisciplinary teams.

**SERVICES FOR DEVELOPMENTALLY DISABLED**

Act 939 (SB679) - The act authorizes the Division of Children and Family Services of the Department of Human Services to enter into agreements with public agencies or private non-profit organizations of adjoining states to provide services for residents of Arkansas that are in need of regular or therapeutic child care. The act also includes conditions on the exercise of the authority granted by the act.

**CUSTODIAL PLACEMENTS**

**PREFERENCE TO RELATIVES**

Act 216 (HB1405) - The act removes barriers to interethnic adoption and gives a preference to relative caregivers in foster care placements by the Department of Human Services.

**HUMAN SERVICES, DEPARTMENT OF  
ESTATE RECOVERY**

**LIMITED**

Act 957 (HB1786) - The act amends Arkansas Code 20-76-436 to limit recovery by the Department of Human Services against estates of deceased recipients of benefits where the recovery is not cost effective or where there is an undue hardship. The act establishes factors to be used in determining the existence of undue hardship. It also requires the department to notify applicants for benefits in writing that the department may make a claim against their estates.

**INSTITUTIONAL SYSTEM BOARD**

Act 1333 (HB2277) - The act provides that the Department of Human Services State Institutional System Board shall have complete and exclusive control over facilities comprising the system.

**INSTITUTIONS**

**FACILITIES**

Act 1333 (HB2277) - The act provides that the Department of Human Services State Institutional System Board shall have complete and exclusive control over facilities comprising the system.

**MEDICAID**

**ARKIDS FIRST PROGRAM**

Act 407 (SB348) - The act establishes the ARKids First Program to provide health care for children up to 200% of the federal poverty guideline.

**PUBLIC ASSISTANCE**

**DONATED DENTAL SERVICES PROGRAM**

Act 145 (HB1138) - The act requires the Department of Human Services to establish the Donated Dental Services Program of Arkansas to coordinate the services of volunteer dentists and dental laboratories who will provide comprehensive dental care to needy, disabled, aged, and medically-compromised individuals.

**VOLUNTEERISM, DIVISION OF**

**EXPANDED DUTIES**

Act 1259 (HB2086) - The act expands the duties of the Division of Volunteerism of the Department of Human Services to provide assistance with welfare reform activities in communities and within the department.

## **HUMAN SERVICES, DEPARTMENT OF**

### **WELFARE REFORM**

#### **IMPLEMENTATION**

Act 1058 (HB1295) - The act creates a new state welfare program, the Temporary Employment Assistance (TEA) program, to be administered by the Department of Human Services and establishes the TEA Program Advisory Council to assist and advise the department in the development and implementation of the TEA program. The act establishes eligibility requirements for TEA recipients, but requires the department to exclude certain resources and income from the eligibility threshold. The act prohibits persons committing felony offenses after July 1, 1997 involving the distribution or manufacture of a controlled substance from being eligible for public assistance. It also establishes situations requiring administrative sanction or case closure. The act sets a 24 cumulative month time limit on the receipt of financial assistance under the TEA program, however, it specifies that the time limit on financial assistance will not begin to run until July 1, 1998. Recipients may be eligible for additional extended support services after the time limit on financial assistance has run. It also requires the department to establish criteria to exempt or defer temporarily certain cases from the time limit on financial assistance. The act sets forth allowable work activities for the TEA program and requires the department to establish guidelines for deferrals or exemptions from the work requirement. It requires the department and all other agencies involved in the TEA Program to report to the Public Health Committees and the Children and Youth Committees. The act also requires an ongoing independent evaluation of the TEA program.

### **YOUTH SERVICES, DIVISION OF**

#### **COMMUNITY-BASED RESIDENTIAL PROGRAMS**

Act 1360 (HB1728) - Section 86 of this appropriation act provides that the Child Health and Family Life Institute will be administered under the Arkansas Children's Hospital. The KIDS FIRST Program is to receive priority consideration above all other programs of the Institute. [This is not the ARKids First Program.]

Section 99 restricts the placement in community-based residential programs of persons who have been adjudicated delinquent of an act that would constitute a Class A felony or higher or a sexual offense. The section provides for notice and a public hearing and a system for complaints and questions from residents of the area. The facility may be declared a public nuisance if satisfactory communication with the public is not provided.

Sections 101 and 102 provide unemployment compensation criteria for persons who are employed by a community program licensed by the Division of Developmental Disabilities Services.

Section 106 provides that state agencies shall not present for legislative review any contract for a Medicaid-Funded Managed Care Program for mental health services for children prior to January 1, 1998, and provides for a legislative study by the Public Health, Welfare and Labor Committee on the subject of Medicaid-Funded Managed Care Programs for mental health services for children. The study is to be completed prior to September 1, 1997.

Section 110 excludes the Child Health Management Services (CHMS) Program from any capitated program. The section restricts eligibility for CHMS certification or licensure. All CHMS service codes, code units, and reimbursement rates that are being reimbursed as of March 1, 1997, shall remain in effect unless cost of living increases are granted.

#### **COMMUNITY-BASED SANCTIONS**

Act 710 (SB556) - The act requires the Department of Human Services, Division of Youth Services, to provide each judicial district with a continuum of graduated community-based sanctions to ensure that there is an appropriate sanction for every act for which a juvenile may be adjudicated delinquent.

## **HUMAN SERVICES, DEPARTMENT OF**

### **YOUTH SERVICES, DIVISION OF**

#### **THERAPEUTIC GROUP HOMES**

Act 885 (HB1733) - The act repeals the requirement that the Division of Youth Service of the Department of Human Services establish and operate therapeutic group homes for at-risk youths.

## **IMPROVEMENT DISTRICTS**

### **CENTRAL BUSINESS IMPROVEMENT DISTRICTS**

#### **BONDS**

Act 933 (SB553) - The act authorizes the Board of a Central Business Improvement District to sell general obligation assessment bonds in any manner determined by the board.

### **PROPERTY OWNERS' IMPROVEMENT DISTRICTS**

#### **REVISED METHODS OF COLLECTION OF DELINQUENT ASSESSMENTS AND SALE OF LANDS**

Act 1338 (HB1541) - The act amends the method of enforcing the collection of improvement district assessments by property owners' improvement districts. Previously, the districts used the same procedure as used for collecting delinquent assessments for drainage districts in this state. This act sets out a new and length procedure for the collection of district assessments and the sale of delinquent lands. It requires a proceeding in the chancery court of the county in which the lands are situated. The court shall give judgment against the lands for the amount of the delinquent assessments, and the penalty of twenty-five percent (25%) and interest thereon, and all costs of the proceeding.

### **SUBURBAN IMPROVEMENT DISTRICTS**

#### **NATURAL GAS SYSTEMS**

Act 1134 (HB2199) - The act authorizes suburban improvement districts to finance, own, operate and maintain of natural gas pipelines. Previously, suburban improvement districts could only lay extensions to existing systems. In assessing benefits, district assessors may consider the number of burner tips and the historical and estimated usage of gas with respect to each tract of land to be assessed.

### **WATER AND SEWAGE SERVICE**

#### **AUDIT**

Act 272 (HB1583) - The act provides for any county, municipality, improvement district, or any other entity receiving public funds or grants which provides water and sewage service to at least 100 service connections to obtain an annual financial audit and to file the audit report with the Division of Legislative Audit.

## **INFORMATION TECHNOLOGY AND RESOURCES**

Act 914 (SB419) - The act creates the Arkansas Information Systems Act of 1997 pertaining to information technology and resources.

## **INSURANCE**

### **CREDITOR PLACED INSURANCE**

Act 930 (SB501) - The act regulates creditor-placed insurance or insurance purchased by the creditor providing coverage against loss or damage to collateralized personal property.

### **FIRE AND CASUALTY**

#### **TERMINATION OF AGENTS**

Act 908 (HB1565) - The act provides that a fire and casualty insurance company shall upon terminating an agent appointed by the company permit the renewal of all contracts written by the agent for 12 months from the date of termination and provides for the payment of commissions for such renewals. The act further provides that certain insurance agency contracts shall not be terminated without 90 days written advance notice of the intent to terminate the contract.

## **INSURANCE**

### **FRAUDULENT INSURANCE ACTS**

Act 217 (HB1413) - The act defines fraudulent insurance acts; prohibits committing fraudulent insurance acts or interfering with the enforcement or investigation of fraudulent acts; requires fraud warnings on claim forms, etc.; gives investigative authority to the Insurance Commissioner; and creates an Insurance Fraud Investigation Division, etc.

### **HEALTH BENEFIT PLANS**

#### **MENTAL HEALTH PARITY ACT**

Act 1020 (HB1525) - The act is entitled the "Arkansas Mental Health Parity Act" and provides that certain insurance coverage through health benefit plans shall provide for the diagnosis and mental health treatment of those with mental illnesses and developmental disorders

### **HEALTH INSURANCE**

#### **COMPREHENSIVE HEALTH INSURANCE POOL**

Act 292 (HB1369) - The act establishes a comprehensive health insurance pool to provide health insurance for certain uninsurable Arkansas residents and for other federally eligible individuals. The act establishes a board of directors to be appointed by the Insurance Commissioner, which shall administer the pool and its finances. The act specifies the process to be used for establishing premium rates and selecting a plan administrator. It also specifies plan eligibility and outlines plan benefits.

#### **DIABETES**

Act 1249 (HB1797) - The act requires certain health care insurers to provide coverages for diabetes self-management training and certain equipment supplies, and services for the treatment of diabetes.

#### **HEALTH CARE CONSUMER ACT**

Act 1196 (HB1843) - The act creates the "Arkansas Health Care Consumer Act." It establishes certain requirements and standards for health care insurers in providing benefits for mothers and newborns, mastectomies and obstetrical and gynecological services. The act also prohibits any restrictions on disclosure of health care information by a provider. It establishes standards for the continuity of care and a mechanism to allow covered persons to obtain prescription drugs outside an insurer's formulary. The act provides grievance procedures, disclosure requirements, and requires that insurers establish a mechanism for timely processing of applications of providers. The act provides that the Insurance Commissioner shall enforce the provisions of the act.

#### **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**

Act 997 (HB1715) - The act adds a new subchapter to Chapter 86 of Title 23 of the Arkansas Code to comply with the Health Insurance Portability and Accountability Act of 1996 of the Congress of the United States relating to group health insurance plans.

#### **HEALTH MAINTENANCE ORGANIZATIONS**

Act 958 (HB1805) - The act amends Arkansas Code 23-76-118 to establish deposit requirements to protect enrollees in health maintenance organizations in the event of the health maintenance organization's insolvency.

### **HOME SERVICE INSURANCE**

Act 749 (HB1801) - The act amends various provisions of Arkansas Code Section 23-66-401 et seq. relating to the sale of insurance policies marketed through the home service system of marketing. Specifically, the act amends the definition sections, provides supplemental laws on recordkeeping and auditing, and expands the provisions setting forth the activities which constitute deceptive acts.

## **INSURANCE**

### **INSURANCE DEPARTMENT**

#### **INSURANCE FRAUD INVESTIGATION DIVISION**

Act 337 (HB1465) - The act establishes the "Insurance Fraud Investigation Division Trust Fund" to be used to defray the expenses of the State Insurance Department's Insurance Fraud Investigation Division.

#### **INVESTIGATIONS**

Act 956 (HB1710) - The act provides that investigatory and examination files maintained by the State Insurance Department are confidential and privileged until the investigation or examination is closed by the commissioner, the investigation is referred to a law enforcement authority, or the matter investigated is set for an administrative hearing. The act also provides that the documents may be released at the discretion of the commissioner to persons aggrieved or affected by the examination, to state, federal or local law enforcement agencies, to regulatory agencies, to private organizations established for tracking or preventing insurance violation or to the National Association of Insurance Commissioners.

### **INSURANCE PREMIUM TAX**

#### **GRIEVANCE PROCEDURES**

Act 1077 (SB505) - The act amends Arkansas Code 24-11-809 to provide a grievance procedure for fire departments or fire districts which determine that a gross inaccuracy exists in the reporting of taxes attributable to adjoining cities, towns, or fire protection districts.

### **INSURANCE SALES CONSUMER PROTECTION ACT**

Act 900 (HB2070) - The act establishes certain practices and procedures applicable to insurance sales activities for the protection of insurance consumers.

### **LICENSEE CODE REVISION AND SIMPLIFICATION ACT**

Act 1004 (HB2155) - The act establishes the Licensee Code Revision and Simplification Act pertaining to licensees, agents, brokers, adjusters, and consultants.

### **LIFE AND DISABILITY INSURANCE GUARANTY ASSOCIATION**

Act 950 (HB1635) - The act amends various provisions of the Arkansas Life and Disability Insurance Guaranty Association Act.

### **LONG-TERM CARE INSURANCE ACT**

Act 517 (HB1731) - The act amends various provisions of the Long-Term Care Insurance Act relating to qualified long-term care insurance contracts, monthly reports, incontestability periods and policy rescissions to comply with the enactment of the Federal Health Insurance Portability and Accountability Act of 1996.

### **MEDICAL TRANSPORTATION SERVICE PROVIDERS**

Act 1320 (HB1654) - The act requires certain insurance policies to contain a provision for direct reimbursement to the provider of covered medical transportation service if the provider has not received payment for those services from any other source.

### **MOTOR VEHICLE INSURANCE**

#### **CANCELLATION OF POLICY**

Act 932 (SB540) - The act prohibits cancellation or refusal to renew an insurance contract or policy covering a motor vehicle solely because of the administrative revocation or suspension of the driver's license of the owner or operator of the motor vehicle based on driving while intoxicated.

#### **RATE REDUCTION**

Act 1184 (HB1068) - The act provides that all schedules of rates or rating plans for automobile liability and physical damage insurance submitted to the Insurance Commissioner shall provide an appropriate reduction in premium charges for insureds under the age of 25 who have graduated from college and have a "B" or 3.0 average.

## **INSURANCE**

### **MOTOR VEHICLE INSURANCE**

#### **UNDERINSURED MOTORIST COVERAGE - PROCEDURE**

Act 284 (SB271) - The act streamlines the procedure for resolving claims when the same insurer carries both the underinsured motorist coverage and the tortfeasor's motor vehicle liability insurance.

#### **UNINSURED MOTORIST COVERAGE - EXTENDED**

Act 203 (HB1272) - The act requires insurers offering uninsured motorist coverage to provide uninsured coverage for an insured up to the limits of the insured's third-party liability coverage if it is in greater amounts than the minimum coverages required for mandatory vehicle insurance in the Arkansas Motor Vehicle Safety Responsibility law.

#### **VEHICLE INSURANCE DATABASE**

Act 992 (HB1156) - The act creates the Vehicle Insurance Database to allow state and local law enforcement agencies to check the current insurance coverage on certain motor vehicles. The act also provides that a motor vehicle license plate shall not be issued or renewed unless a check of the newly created database indicates that the applicant maintains current liability insurance as required by law.

### **OMNIBUS ACT**

Act 1000 (HB1861) - The act is an omnibus act amending various sections of the Arkansas Insurance Code.

### **PORTABLE AMUSEMENT RIDES**

Act 560 (SB278) - The act allows the Arkansas Department of Labor to accept the safety inspection certifications from insurance companies providing coverage to portable amusement rides.

### **PROPERTY AND CASUALTY**

#### **ANNUAL REPORTS TO INSURANCE COMMISSIONER**

Act 1111 (SB578) - The act amends Arkansas Code 23-63-1202 to require property and casualty insurers in the state to submit in their annual reports to the Insurance Commissioner additional information regarding property and casualty claims experienced in this state.

#### **CLAIMS RESULTING FROM NATURAL CAUSES**

Act 1110 (SB491) - The act provides that an insurance policy or contract covering damages to property cannot be cancelled as a result of claims arising from natural causes.

### **STATE EMPLOYEES**

Act 843 (HB2013) - The act authorizes the state to contribute \$275 monthly to defray the cost of life and health insurance for each employee of the state for the next and subsequent bienniums.

### **VIATICAL SETTLEMENT CONTRACTS**

Act 490 (SB479) - The act authorizes the Insurance Commissioner to regulate viatical settlement contracts solicited or sold in this state and further authorizes the Insurance Commissioner to license viatical settlement providers.

### **WORKERS' COMPENSATION INSURANCE PLAN**

#### **PLAN ADMINISTRATOR AND SERVICING CARRIER**

Act 1143 (SB636) - The act provides for the promotion of competition for the designation of plan administrator and servicing carrier and provides for the improvement of the plan administration and servicing carrier performance with regards to the Arkansas Workers' Compensation Insurance Plan.

## **INTERIOR DESIGN**

### **REGISTRATION**

#### **GRANDFATHER CLAUSE**

Act 920 (SB657) - The act provides for the extension of the grandfather clause for registration as an interior designer.

## **INTERSTATE COMPACTS**

### **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

Act 959 (HB1900) - The act makes the State of Arkansas a member of the Emergency Management Assistance Compact. The compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is declared by the governor of the affected state. Each party state must formulate procedural plans and programs for interstate cooperation in the event of a disaster or emergency which might transcend states' boundaries. Employees of a party state rendering aid in another state under the compact will be considered agents of the requesting state and officers or employees rendering aid will not be liable for any act or omission in good faith while engaged in the maintenance or use of any equipment or supplies in connection with an emergency or disaster.

## **JUSTICE BUILDING**

### **CONSTRUCTION FUND**

Act 901 (HB2081) - The act provides for the creation of the Justice Building Construction Fund to be used solely for improvements to the State Justice Building and shall not be deemed part of the State Treasury. The Fund shall be held and invested by the Arkansas State Building Services Department.

## **KEEP ARKANSAS BEAUTIFUL COMMISSION**

### **MEMBERS AND DUTIES**

#### **DEPARTMENT OF PARKS AND TOURISM**

Act 1278 (SB152) - The act creates the Keep Arkansas Beautiful Commission to be made up of nine members and authorizes the Commission to implement programs to prevent litter and to educate the citizens of Arkansas about the problems associated with litter.

## **LABOR**

### **BOILERS**

#### **BOILER ADVISORY BOARD**

Act 238 (SB210) - The act provides for the Governor to appoint members to the Boiler Advisory Board and for the Director of Labor to serve as ex officio chairman of the board.

#### **FEES**

Act 220 (SB212) - The act provides for a civil penalty for delinquent boiler inspection fees and provides for the payment of all costs of litigation associated with the collection of delinquent boiler fees.

### **CHILD LABOR LAWS**

#### **DOMESTIC LABOR AND CHILD CARE SERVICES**

Act 934 (SB557) - The act provides that child labor laws shall not apply to employees of churches performing child care services where children are cared for during short periods of time while parents are attending church functions. Child labor laws shall also not apply to any child employed for the purposes of domestic labor defined as occasional, irregular or incidental work related to and in or around private residences.

## **LABOR**

### **EMPLOYMENT SECURITY ACT**

Act 234 (SB74) - The act amends various provisions of the Arkansas Employment Security Law.

### **FEMALE EMPLOYEES**

Act 300 (SB220) - The act repeals provisions of the law requiring suitable lunchrooms for female employees and repeals provisions of the law requiring comfortable seating for female employees.

### **MINIMUM WAGE**

#### **ENFORCEMENT**

Act 221 (SB208) - The act provides that no legal action against an employer for violation of minimum wage laws shall be brought until notice and an opportunity for a hearing have been provided under the Arkansas Administrative Procedure Act and the entry of a final administrative order.

#### **INCREASE**

Act 201 (SB187) - The act provides that beginning July 1, 1997, every employer shall pay each employee a minimum wage of \$4.75 per hour and beginning October 1, 1997, every employer shall pay each employee a minimum wage of \$5.15 per hour.

### **PORTABLE AMUSEMENT RIDES**

Act 560 (SB278) - The act allows the Arkansas Department of Labor to accept the safety inspection certifications from insurance companies providing coverage to portable amusement rides.

### **PRIVATE EMPLOYMENT AGENCY ACT**

#### **LICENSURE**

Act 435 (SB71) - The act provides that any person who contracts with an employer to recruit employees without charge to the employee is not required to apply for a license with the Department of Labor.

## **LAW ENFORCEMENT**

### **ABANDONED VEHICLES**

Act 381 (HB1265) - The act gives law enforcement officers added discretion in removing abandoned vehicles from rights-of-way which are creating substantial hazards.

### **BAIL BONDS**

#### **CHIEFS OF POLICE AND LAW ENFORCEMENT OFFICERS**

Act 1046 (HB2225) - The act prohibits chiefs of police and law enforcement officers from being a personal guarantor or surety in any criminal proceeding.

### **CRIMINAL HISTORY INFORMATION**

#### **FEEES**

Act 1102 (HB2098) - Section 3 of this appropriation act expands the purposes for which fees charged for providing criminal history information for non criminal justice purposes may be used. In addition to other purposes the special revenues deposited in the Crime Information System Fund in the State Police Fund may be used for personal services and operating expenses and for conducting criminal background checks for non criminal justice purposes.

## **LAW ENFORCEMENT**

### **EMPLOYMENT, APPOINTMENT, SEPARATION**

**LAW ENFORCEMENT STANDARDS AND TRAINING, ARKANSAS COMMISSION ON**  
Act 949 (HB1611) - The act requires than an employing agency (state agency, county, municipality or political subdivision) notify the Arkansas Commission on Law Enforcement Standards and Training of the employment, appointment or separation of any law enforcement officer on commission approved forms. In the case of a separation from the employing agency, the notice shall include facts and reasons for the separation and the employee shall have an opportunity to respond to the notice. No employing agency shall be civilly liable for disclosure of information under this act.

### **MUNICIPAL POLICE DEPARTMENTS**

#### **FEEES FOR TAKING AND ENTERING BAIL OR DELIVERY BONDS**

Act 252 (HB1142) - The act authorizes municipal police departments to charge and collect a \$10.00 fee for taking and entering every bail or delivery bond.

### **POLICE CORPS PROGRAM, ARKANSAS**

#### **CONFORM WITH FEDERAL LAW**

Act 1203 (HB1981) - The act makes several technical changes to the Arkansas Police Corps Program and Police Corps Scholarship Program, which are operated in a large part with federal grants, to conform with federal legislation.

### **RADAR INSTRUCTORS AND OPERATORS**

#### **FULL-TIME LAW ENFORCEMENT OFFICER**

Act 1105 (HB2175) - The act amends the radar instructors and operators law by redefining "full-time law enforcement officer" deleting the requirement of part-time officers to work more than 20 hours per week.

### **RELEASE OF INMATES TO APPROVED JAIL FACILITIES**

#### **MATCHING SKILLS WITH NEEDS**

Act 936 (SB575) - The act requires that inmates sentenced to the Department of Correction or the Department of Community Punishment not be released to a sheriff or chief of police of an approved jail facility unless they have the appropriate skills or background for the particular job needs requested by the sheriff or chief of police. The act further requires that an inmate not be released to a facility without notification to the sheriff and prosecuting attorney of the county from which he was tried and convicted, and, upon a written request, to the victim or the victim's family.

### **RETIRED LAW ENFORCEMENT OFFICERS**

#### **CONCEALED HANDGUN**

Act 302 (HB1306) - The act requires fingerprint impressions of retired law enforcement officers who carry a concealed handgun to be on file with the Arkansas State Police.

### **RURAL LAW ENFORCEMENT ADVISORY BOARD**

Act 1035 (HB1970) - The act establishes the National Center for Rural Law Enforcement Advisory Board and transfers the Criminal Justice Institute from the University of Arkansas at Little Rock to a division of the University of Arkansas.

### **SPEED TRAPS**

#### **HIGHWAYS COVERED**

Act 211 (HB1020) - The act amends the Arkansas speed trap law to define the term "affected highway" to mean any highway that is a part of the state highway system, instead of only multilaned or limited access highways. It extends the regulatory authority over speed traps in Arkansas to include all state highways and not just four-laned state highways.

## **LAW ENFORCEMENT**

### **SPEED TRAPS**

#### **SANCTIONS**

Act 842 (HB1983) - The act amends the Arkansas speed trap law to permit the director of the State Police to investigate potential abuse of police powers, instead of holding a public hearing into the matter. The director can require the municipality being investigated to submit a certified record of all fines, costs, citations, municipal expenditures and percentage of citations that are written for ten miles per hour or less than the posted speed. Further, the State Police will forward the results of its investigation to the prosecuting attorney to decide whether or not sanctions should be taken; previously the law allowed the director to determine the sanctions.

### **STATE POLICE**

#### **APPLICANTS**

Act 380 (HB1264) - The act requires applicants for positions as Arkansas State Police to be citizens of the United States and not be prohibited by state or federal law from possessing a weapon.

#### **FAMILY PROTECTION UNIT**

Act 1240 (HB1661) - The act authorizes the formation of a family protection unit within the Arkansas State Police to conduct child abuse investigations. It also provides for the transfer of the Child Abuse Hotline from the Department of Human Services to the Arkansas State Police. The act provides an oversight system to review the transfer, which consists of legislative committees assisted by persons with professional experience in the performance of activities involving children who are victims of child abuse and neglect.

#### **PAYROLL DEDUCTIONS**

Act 747 (HB1687) - The act adds dues to the Central Arkansas State Trooper Coalition to the list of payroll deductions allowed for state employees.

#### **POLITICAL ACTIVITIES**

Act 257 (HB1420) - The act revises the limitations on political activities of members of the Arkansas State Police by allowing them to participate in political activities so long as the participation is on the member's own time, State Police or state government property is not involved, and they do not publicly and openly espouse a candidate or measure in their official capacity as a member of the Arkansas State Police.

### **TRAFFIC RADAR CERTIFICATION TRAINING**

Act 734 (SB300) - The act requires law enforcement officers to have completed the training required by the Arkansas Commission on Law Enforcement Standards and Training for officer certification before being eligible for certification as a police traffic radar operator.

### **VEHICLE INSURANCE DATABASE**

Act 992 (HB1156) - The act creates the Vehicle Insurance Database to allow state and local law enforcement agencies to check the current insurance coverage on motor vehicles in Arkansas required to maintain current liability insurance. The act also provides that a motor vehicle license plate shall not be issued or renewed unless a check of the newly created database indicates that the applicant maintains current liability insurance as required by law.

## **LIBRARIES**

### **COUNTY BOARDS**

Act 359 (HB1528) - The act provides that county library boards created by a county quorum court after the effective date of the act shall have no fewer than five members and no more than seven members.

## **LIBRARIES**

### **LIBRARY MATERIALS SECURITY LAW**

Act 358 (HB1527) - The act amends the Arkansas Library Materials Security Law by authorizing libraries to establish policies that require persons entering and exiting the premises to open and disclose contents of bags, purses, or other containers in their possession.

### **REGIONAL SYSTEM CREATION**

Act 402 (HB1540) - The act updates various sections of the Arkansas Code concerning county and city library systems and also authorizes the creation of joint city-county and regional library systems.

### **STATE BOARD**

Act 1152 (HB1529) - The act provides that board members shall not serve more than two consecutive terms, including partial terms.

## **LIENS**

### **MARINA OPERATORS**

#### **LEASED SPACE RENTAL**

Act 903 (HB1362) - The act provides for a marina facility operator's lien on property stored in leased space for boat stall rental charges and other related charges.

Act 1316 (HB1414) - The act provides for the disposition of proceeds from the sale of property pursuant to a lien for leased space rental. The act requires that proceeds be disbursed within 10 days following the sale and that any funds remaining, after a diligent search to return to the owner, shall escheat to the county.

## **LOCAL LEGISLATION**

### **ARKADELPHIA**

#### **DISASTER RELIEF**

Act 1069 (SB229) - Section 20 of this appropriation act creates the Arkadelphia 2025 Commission to serve as the lead agency in the rebuilding and revitalization of the Arkadelphia area. The commission is to coordinate activities of the various agencies providing for the needs of the area.

### **CITIES WITH A POPULATION OF MORE THAN 60,000, BUT LESS THAN 70,000 (1980 CENSUS)**

#### **HEALTH INSURANCE FOR MUNICIPAL COURT JUDGES AND CLERKS**

Act 301 (SB353) - The act provides that no person who retires after the effective date of this act shall be entitled to health insurance coverage pursuant to Act 330 of 1987 which provided health insurance coverage for municipal court judges and clerks in cities having a population of more than 60,000, but less than 70,000, according to the 1980 Federal Decennial Census.

### **CITY WITH OVER 50,000 POPULATION BY SPECIAL CENSUS AFTER JANUARY 1, 1997**

Act 707 (SB502) - The act extends the terms of the mayor and other officials of a city which has a mayor-council form of government and which first attains a population of 50,000 or more according to a federal census completed after January 1, 1997, from four years to six years to bring them in line with the regular quadrennial general election cycle for those cities.

### **COUNTIES WITH POPULATION OF 68,000 TO 80,000**

#### **ELECTION OF MUNICIPAL COURT JUDGE**

Act 889 (HB1860) - The act repeals an uncodified law which provided that the municipal court judges shall be voted on by the electors of the judicial district in the county in which the municipal court is located.

## **LOCAL LEGISLATION**

### **EIGHTEENTH JUDICIAL DISTRICT-WEST**

#### **PROSECUTING ATTORNEY'S OFFICE**

Act 868 (SB713) - The act sets the salaries and expenses of deputy prosecuting attorneys and other personnel in the Eighteen Judicial District-West.

### **EIGHTH JUDICIAL DISTRICT**

Act 1167 (SB451) - The act clarifies the law regarding expense reimbursement for the Prosecuting Attorney of the Eighth Judicial District; provides funds to the Deputy Prosecuting Attorney of Hempstead County for secretarial hire and other expenses; and sets the number of Deputy Prosecuting Attorneys and secretaries for the Prosecuting Attorney of the Twelfth Judicial District in Sebastian County.

Act 1270 (HB2205) - The act divides the Eighth Judicial District into two districts effective January 1, 1999; the Eighth Judicial District-North and the Eighth Judicial District-South.

### **ELEVENTH JUDICIAL DISTRICT-WEST**

#### **TEMPORARY JUDGESHIP CREATED**

Act 274 (HB1211) - The act creates a temporary chancery judgeship in the Eleventh Judicial Circuit-West which shall expire on December 31, 1998.

### **FIFTEENTH JUDICIAL DISTRICT**

#### **PROSECUTING ATTORNEY**

Act 322 (SB175) - The act makes the 15th Judicial District Prosecuting Attorney full-time.

### **FOURTH JUDICIAL DISTRICT**

#### **NEW CIRCUIT-CHANCERY JUDGESHIP**

Act 319 (SB143) - The act creates a new circuit-chancery judgeship in the Fourth Judicial District effective January 1, 1999, to be elected at the November 1998 general election.

### **MAGNOLIA MUNICIPAL COURT**

#### **SALARY OF CLERK AND DEPUTY CLERK**

Act 424 (HB1593) - The act sets the salary of the Magnolia Municipal Court Clerk and Deputy Clerk retroactive to January 1, 1995.

### **NINTH-EAST JUDICIAL DISTRICT**

Act 1103 (HB2132) - The act establishes salaries of the deputy prosecuting attorneys and other personnel for the Ninth-East Judicial District.

### **SECOND JUDICIAL DISTRICT**

#### **CIRCUIT-CHANCERY JUDGESHIP**

Act 403 (SB117) - The act creates a new circuit-chancery judgeship in the Second Judicial District effective immediately to be appointed by the Governor.

#### **CIRCUIT-CHANCERY JUDGESHIPS CONVERTED**

Act 311 (SB235) - The act converts all circuit judges and chancery judges of the Second Judicial District, who have not already been converted to circuit-chancery judges, effective upon the expiration of their present term of office and election of their successor.

#### **CLAY COUNTY**

Act 780 (HB1968) - The act prescribes the salary and expense allowance for the Deputy Prosecuting Attorney for Clay County.

#### **CRAIGHEAD COUNTY**

Act 987 (SB687) - The act establishes the salary and expenses for the deputy prosecuting attorneys and other staff in Craighead County.

## **LOCAL LEGISLATION**

### **SECOND JUDICIAL DISTRICT**

#### **GREENE COUNTY**

Act 771 (HB1759) - The act prescribes the salary and expense allowance for the Deputy Prosecuting Attorney for Greene County retroactive to January 1, 1997.

#### **POINSETT COUNTY**

Act 1293 (SB681) - The act sets the salary and expense allowance of the deputy prosecuting attorney for Poinsett County.

### **SEVENTEENTH JUDICIAL DISTRICT-EAST**

#### **WHITE AND PRAIRIE COUNTIES**

Act 988 (SB712) - The act sets contingent expense reimbursement for the Prosecuting Attorney of the Seventeenth Judicial District-East as well as the salaries and expenses of the deputy prosecuting attorneys and other staff in White and Prairie counties.

### **SEVENTH JUDICIAL DISTRICT**

Act 1180 (SB746) - The act sets the salaries of the deputy prosecuting attorneys and other staff of the Seventh Judicial District Prosecuting Attorney's office, as well as provides for the amount of contingent expense reimbursement.

#### **BAILIFFS FOR SECOND DIVISION**

Act 1165 (SB388) - The act provides bailiffs for the circuit judge and the circuit-chancery judge of the Second Division of the Seventh Judicial District.

#### **CREATION OF TWO NEW DISTRICTS**

Act 827 (HB1597) - The act splits the Seventh Judicial District into two new districts; the Seventh Judicial District-North consisting of Saline County and the Seventh Judicial District-South consisting of Grant and Hot Spring counties effective January 1, 1999.

### **SIXTH JUDICIAL DISTRICT**

#### **STAFF OF PROSECUTING ATTORNEY**

Act 522 (HB1819) - The act establishes the salaries of the deputy prosecuting attorneys and other staff of the Sixth Judicial District.

### **THIRTEENTH JUDICIAL DISTRICT**

#### **COURT DIVISIONS**

Act 1141 (SB594) - The act establishes divisions of the circuit and chancery courts of the Thirteenth Judicial District.

### **TWELFTH JUDICIAL DISTRICT**

Act 1167 (SB451) - The act clarifies the law regarding expense reimbursement for the Prosecuting Attorney of the Eighth Judicial District; provides funds to the Deputy Prosecuting Attorney of Hempstead County for secretarial hire and other expenses; and sets the number of Deputy Prosecuting Attorneys and secretaries for the Prosecuting Attorney of the Twelfth Judicial District in Sebastian County.

### **TWENTY-FIRST JUDICIAL DISTRICT**

#### **DEPUTY PROSECUTING ATTORNEYS**

Act 487 (SB463) - The act sets the salaries of the deputy prosecuting attorneys and secretaries of the Twenty-First Judicial District, provides for contingent expense reimbursement for the office of the Prosecuting Attorney, Twenty-First Judicial District, etc.

#### **PROSECUTING ATTORNEY**

Act 865 (SB628) - The act converts to full-time the prosecuting attorney of the Twenty-First Judicial District.

## **LOWER MISSISSIPPI DELTA DEVELOPMENT COMMISSION**

Act 1062 (SB737) - The act requires state agencies to submit a report regarding implementation of recommendations by the Lower Mississippi Delta Development Commission to the Legislative Council and the Governor.

## **MANUFACTURED HOMES**

### **PURCHASE AGREEMENTS**

Act 1220 (HB2240) - The act provides that manufactured home dealers shall provide purchasers of new manufactured homes with the purchase agreement at the time of sale.

## **MARINAS**

### **LIENS OF MARINA OPERATORS**

#### **LEASED SPACE RENTAL**

Act 1316 (HB1414) - The act provides for the disposition of proceeds from the sale of property pursuant to a lien for leased space rental. The act requires that proceeds be disbursed within 10 days following the sale and that any funds remaining, after a diligent search to return to the owner, shall escheat to the county.

## **MARRIAGE**

### **AUTHORITY TO PERFORM**

#### **FORMER SUPREME COURT JUSTICES**

Act 862 (SB602) - The act authorizes any former Arkansas Supreme Court justice to solemnize a marriage.

### **RESTORATION OF MARRIAGE RECORDS**

Act 1044 (HB2215) - The act provides a more efficient method of restoring marriage records which have been lost, destroyed or burned by filing a petition in the office of the clerk of the county court.

### **SAME SEX MARRIAGES NOT RECOGNIZED**

Act 144 (HB1004) - The act provides that marriage shall only be between a man and a woman and that foreign marriages between persons of the same sex shall not be recognized in Arkansas.

Act 146 (SB5) - The act provides that marriage licenses shall not be issued to a person to marry another person of the same sex and that foreign marriages between persons of the same sex shall not be recognized in this state. The act further specifies that employers are not prevented from extending benefits to persons who are domestic partners of employees.

## **MARRIAGE AND FAMILY THERAPISTS**

### **PROFESSIONAL LICENSURE**

Act 244 (SB123) - The act amends Arkansas Code 17-27-101, et seq., pertaining to the licensure of counselors, to provide for the licensure of marriage and family therapists. The act also adds a member to the Arkansas Board of Examiners in Counseling to represent marriage and family therapists.

## **MARTIN LUTHER KING, JR. COMMISSION**

### **MEMBERS**

Act 968 (HB2039) - The act provides for the addition of one member to the Martin Luther King, Jr. Commission and provides that the Governor shall designate one cochair and the Speaker of the House and the President Pro Tempore of the Senate shall jointly designate one cochair from the General Assembly. The act also provides that the cochairs may remove members of the commission when cause exists.

## **MESSAGE THERAPISTS**

Act 840 (HB1880) - The act exempts board approved continuing education providers and programs from registration requirements, expands the definition of massage therapist, requires four members of the Arkansas State Board of Massage Therapy to be licensed massage therapists, master massage therapists or massage therapy instructors and provides for the election of the board members. The act also establishes a grandfather clause for existing license holders.

## **MEDAL OF HONOR COMMISSION, ARKANSAS**

### CREATION

Act 1217 (HB2195) - The act creates the Arkansas Medal of Honor Commission to establish a permanent monument to honor Arkansans who have been awarded the Congressional Medal of Honor.

## **MEDICAL BOARD**

### CREDENTIALING INFORMATION

#### **CONFIDENTIALITY**

Act 373 (SB308) - The act provides that physician credentialing information collected by the Medical Board shall be confidential except under limited circumstances.

### OUT-OF-STATE PHYSICIANS

#### **REGULATORY AUTHORITY**

Act 1353 (HB2023) - The act provides that a physician who is physically located outside this state but who, through any medium, performs patient care services that were initiated in this state is practicing medicine in this state and subject to appropriate regulation by the Board of Medicine.

### REREGISTRATION FEES

#### **DATE OF PAYMENT**

Act 313 (SB252) - The act changes the date of payment of reregistration fees for occupational therapists, physicians, and respiratory care practitioners to the birth month of the license holder.

## **MILITARY**

### FORT CHAFFEE

#### **JURISDICTION**

Act 1260 (HB2094) - The act accepts concurrent legislative jurisdiction over Fort Chaffee with the United States until October 1, 1997, and accepts exclusive legislative jurisdiction from and after October 1, 1997.

#### **OPERATION**

Act 1201 (HB1946) - The act provides for the management and operation of Fort Chaffee which is being closed as a federal facility operated by the United States Army and being turned into a reserve component military training facility. The Adjutant General is authorized to enter into agreements with the Secretary of the Army for the operation of Fort Chaffee.

### POST EXCHANGE FACILITIES

#### **ALCOHOLIC BEVERAGE PERMITS**

Act 366 (HB1680) - The act authorizes the Alcoholic Beverage Control Division to issue post exchange package permits at post exchange facilities located at Camp Robinson and Fort Chaffee.

### UNTAXED CIGARETTES

Act 880 (HB1646) - The act provides that a person purchasing untaxed cigarettes from a United State military base or installation may have in his or her possession three cartons of ten packages.

## **MILITARY**

### **VETERANS' AFFAIRS**

#### **VETERANS' CHILD WELFARE SERVICE**

Act 100 (HB1070) - The act limits the provision of benefits under the Arkansas Veterans' Child Welfare Service to minor children and changes the requirement that a veteran under this program be hospitalized to a requirement that the veteran be medically incapacitated.

### **YOUTH CHALLENGE PROGRAM**

Act 439 (HB1053) - The act sets forth which students may be counted by local school districts for average daily membership (ADM) purposes and, for the first time, specifies students who live within the boundaries of a school district and are enrolled in the National Guard Youth Challenge Program.

## **MOTOR VEHICLES**

### **AFTERMARKET CRASH PARTS**

#### **ORIGINAL EQUIPMENT PARTS REQUIRED FOR NEW CAR WARRANTY WORK**

Act 835 (HB1812) - The act provides that whenever motor vehicle repairs are being made under new vehicle warranties involving replacement crash parts, only original equipment manufacturer aftermarket crash parts may be used. It further provides that whenever repairs are being made under insurance policies and the insurers intend to have aftermarket crash parts used instead of original equipment manufacturer parts, then the insurer must disclose that policy to its insureds.

### **ASSESSMENT OF DEALER INVENTORY**

Act 1036 (HB1972) - The act amends Arkansas Code 26-26-1207 relating to the assessment of motor vehicle inventories to provide that the inventory of dealers shall be determined by calculating the monthly average of all sales of new and used motor vehicles in lieu of using only the number of retail sales of new and used motor vehicles.

### **CERTIFICATE OF ORIGIN**

Act 998 (HB1796) - The act provides that only dealers licensed by the Arkansas Motor Vehicle Commission as dealers in new motor vehicles can enter an assignment, or re-assignment, of ownership on a manufacturer's certificate of origin to a motor vehicle.

### **DRIVER'S LICENSE**

#### **CHANGE CDL LAW TO COMPLY WITH FEDERAL REQUIREMENTS**

Act 892 (HB1913) - The act amends the Arkansas Commercial Driver Licensing law to adopt the definitions "commercial motor vehicle" and "GVWR" to comply with federal laws. It also provides that the digital driver's license photograph is non-disclosable personal information, except when disclosed at the request of the driver.

#### **DRIVING WHILE INTOXICATED**

Act 830 (HB1637) - The act requires a person to provide proof of attendance at and completion of an alcohol education or treatment program as a prerequisite for reinstatement of a driver's license administratively suspended or revoked for a DWI offense.

Act 1325 (HB1911) - The act defines "sworn report" for purposes of the Omnibus DWI Act. It clarifies that completion of an alcohol education program is required prior to reinstatement of an administratively revoked driver's license. It provides for consideration of a person's driving history prior to a restricted driving permit being issued after conviction of first offense DWI.

#### **FEES PLEDGED TO RETIRE BONDS**

Act 1057 (SB598) - The act authorizes the Arkansas State Police to pledge a portion of driver's license fee to secure and retire bonds issued to pay for the construction or purchase of any State Police facility or to purchase or design any wireless communication system. The portion of the fee authorized was previously pledged to obligations which will retire in 1997.

## **MOTOR VEHICLES**

### **DRIVER'S LICENSE**

#### **FREE DRIVER'S LICENSE REPORTS**

Act 225 (HB1321) - The act allows that the DFA-Office of Driver Services may provide a report of drivers' records free of charge to public transit systems certified by the Highway Department. Currently, free drivers' record reports can be given to courts and law enforcement agencies.

#### **HIGH SCHOOL STUDENTS MUST PRESENT SEMESTER GRADES**

Act 1200 (HB1939) - The act clarifies that high school students being issued driver licenses must present proof of their grade point average for the latest semester or similar equivalent permanent grading period, instead of just the latest grade period. It also amends the provisions concerning driver licenses issued to home school students to eliminate the requirement they show proof of having completed the annual achievement test.

#### **INSTRUCTION PERMIT CLARIFIED**

Act 478 (SB120) - The act clarifies inconsistencies in driver licensing laws requiring persons issued a restricted driver's license or an instruction permit to be accompanied by a licensed driver over 18 years old and to have one year of driving experience.

#### **ISSUANCE**

Act 1099 (HB2049) - The act provides that the Office of Driver Services shall not issue a driver's license to persons who are not lawfully within the United States.

#### **PROHIBITION AGAINST ISSUANCE**

Act 1099 (HB2049) - The act prohibits the issuance of a driver's license to a person making initial application and not lawfully within the United States and authorizes suspension or revocation of such license when the holder is within the country illegally.

#### **UNDER 18 OR 21 YEARS OF AGE**

Act 495 (HB1402) - The act requires when drivers' licenses are issued they are to indicate that the licensee is under 18 years of age at the time, or if over 18 but under 21 years old at the time of issuance, the license shall indicate that the licensee is under 21 years of age. It is to indicate this on the face of the licenses.

### **EQUIPMENT STANDARDS**

#### **WINDSHIELD TINTING**

Act 143 (HB1304) - The act provides for an exception to the Arkansas law prohibiting tinted windshields to allow that law enforcement vehicles may be tinted to the extent that the windshield permits at least 50% net light transmission.

#### **AUXILIARY DRIVING LIGHTS**

Act 1146 (HB1072) - The act makes it a violation to operate motor vehicles on public streets or highways with auxiliary driving lights on unless the lights are original equipment installed by the manufacturer or fog lamps or other auxiliary lamps that conform with Arkansas law.

#### **COLORED LIGHTS PROHIBITED ON LICENSE PLATE LIGHTING**

Act 125 (HB1224) - The act prohibits the use of colored lights to illuminate the motor vehicle license plate or of any white lights which makes the license plate not visible from a distance of at least 50 feet.

### **LEASE AGREEMENTS**

#### **TERMINAL RENTAL ADJUSTMENT CLAUSES**

Act 370 (SB226) - The act adds to the UCC chapter on the leasing of goods by providing that a terminal rental adjustment clause (TRAC) in motor vehicle leases does not create sales transactions or security interests in bankruptcy or other situations.

## **MOTOR VEHICLES**

### **LICENSE**

#### **REVOCATION**

Act 932 (SB540) - The act prohibits cancellation or refusal to renew an insurance contract or policy covering a motor vehicle solely because of the administrative revocation or suspension of the driver's license of the owner or operator of the motor vehicle based on driving while intoxicated.

### **LICENSE PLATES**

#### **DEALERS LICENSE PLATE**

Act 1047 (HB2262) - The act provides that certification that a person is an authorized vehicle dealer may be given by the Arkansas Manufactured Home Commission for purposes of obtaining dealers license plates.

#### **DRIVE-OUT TAGS**

Act 1208 (HB2025) - The act increases the length of time that drive-out tags are valid from 48 hours to 14 days and increases the cost for the drive-out tag from \$1.00 to \$2.00. Drive-out tags are used for nonresidents purchasing vehicles in Arkansas.

#### **EX-PRISONER OF WAR LICENSE PLATE**

Act 270 (HB1495) - The act authorizes the Department of Finance and Administration to design or redesign the ex-prisoner of war specialty license plate, instead of the current design being prescribed by statute.

#### **FIRE FIGHTERS LICENSE PLATE**

Act 837 (HB1842) - The act amends the law regarding a special motor vehicle license plate for fire fighters to allow retired fire fighters to be issued a special fire fighter's license plate.

#### **PURPLE HEART LICENSE PLATE**

Act 269 (HB1384) - The act provides for a free permanent motor vehicle license plate for unmarried surviving spouses of Purple Heart Medal recipients.

#### **REDUCED FEE FOR SPECIALTY PLATE FOR WIDOWED SPOUSES OF DISABLED VETS**

Act 1327 (HB2002) - The act reduces the fee for the special license plates for the surviving spouse of disabled veterans from the normal motor vehicle registration fee to a fee of one dollar (\$1.00) annually.

#### **SEARCH AND RESCUE LICENSE PLATE**

Act 538 (HB1479) - The act establishes a special license plate to be issued to every member of a search and rescue team who is a resident of this state and an owner of a motor vehicle.

### **LIENS FOR TOWING AND STORAGE**

#### **SALES PROCEDURES FOR FORECLOSING LIENS**

Act 841 (HB1920) - The act amends the various procedures for selling abandoned vehicles, foreclosing on possessory liens for towing-storage firms, and for selling vehicles subject to repairmen's liens to make the process uniform and the time limits and notice requirements the same. It revises motor vehicle registration information needed when an order to remove and store a vehicle is issued by a law enforcement officer. It repeals other procedures used to foreclose liens for towing-storage firms.

### **MOTOR CARRIERS**

#### **ENFORCEMENT OF SAFETY OPERATION AND EQUIPMENT REGULATIONS**

Act 1026 (HB1699) - The act gives specific authority to enforcement officers of the State Highway Commission to determine whether motor vehicles or operators subject to rules and regulations of the commission are in compliance and to allow vehicles that do not comply to be taken out of service. The act further authorizes issuance of permits for special cargoes in certain circumstances.

## **MOTOR VEHICLES**

### **MOTOR FUEL**

#### **DIESEL FUEL**

Act 1212 (HB2118) - The act abolishes the classification of second receiver diesel suppliers with regard to special fuels taxes and also provides that distillate special fuels shall be taxed at the time of receipt.

#### **GASOLINE**

Act 727 (HB1717) - The act amends the motor fuel tax law to permit cities bordering the state line located in the center of the main channel of the Mississippi River to qualify for the border city tax rates on gasoline.

### **MOTOR VEHICLE COMMISSION**

#### **MANUFACTURER'S CERTIFICATE OF ORIGIN**

Act 998 (HB1796) - The act provides that only dealers licensed by the Arkansas Motor Vehicle Commission as dealers in new motor vehicles can enter an assignment, or re-assignment, of ownership on a manufacturer's certificate of origin to a motor vehicle.

### **MOTOR VEHICLE DEALERS**

#### **RECIPROCITY WITH OTHER STATES**

Act 1154 (HB1883) - The act allows persons who are licensed in other states or U.S. territories as motor vehicle dealers to obtain a temporary permit in Arkansas; the act further provides for procedures concerning warranty agreements.

### **MOTOR VEHICLE RACING FACILITIES**

Act 551 (SB67) - The act provides that before any new motor vehicle racing facility is constructed, the Arkansas Department of Pollution Control and Ecology must issue an annual permit and 75% of the adult residents and property owners must consent. In addition, each motor vehicle racing facility constructed after July 1, 1995, shall apply for a permit.

### **MOTORCYCLES**

#### **HELMETS NOT REQUIRED FOR PERSONS OVER 21 YEARS OLD**

Act 453 (SB227) - The act exempts persons who are 21 years of age or older from the requirement to wear protective helmets while operating or riding as passenger on a motorcycle.

#### **PULSATING HEADLIGHTS**

Act 356 (HB1482) - The act amends the laws concerning motorcycle headlights to permit, during the daylight hours, the headlamp displayed by a motorcycle to be either a continuous beam or a pulsating beam.

### **OVERLENGTH LIMITS**

#### **RECYCLING AND GARBAGE TRUCK EXEMPTION**

Act 307 (SB209) - The act provides an exemption from the overlength restrictions for trucks and trailers collecting garbage, rubbish, refuse, or recyclable materials which are equipped with front end loading attachments and containers. The exemption applies when the vehicle is actually in the process of collecting garbage, rubbish, refuse, or recyclable materials with the front end loading attachment or attachments in the downward position.

### **OVERSIZE PERMITS**

#### **CONTINUOUS OPERATION**

Act 1156 (HB2121) - The act authorizes the Arkansas Highway and Transportation Department to issue oversize permits for a period of not more than one year for consecutive operations along a designated route originating in an adjacent state and limited to one county.

## **MOTOR VEHICLES**

### **PARKING PRIVILEGES**

#### **LOCAL OPTION FOR PERSONS WITH DISABILITIES**

Act 124 (HB1198) - The act authorizes cities and county governments to enact local ordinances to waive parking meter fees for qualified persons with disabilities parking privileges. Previously, persons with disabilities were required to pay parking meters.

### **PROOF OF INSURANCE**

#### **VEHICLE INSURANCE DATABASE**

Act 991 (HB1156) - The act creates the Vehicle Insurance Database to allow state and local law enforcement agencies to check the current insurance coverage on certain motor vehicles. The act also provides that a motor vehicle license plate shall not be issued or renewed unless a check of the newly created database indicates that the applicant maintains current liability insurance as required by law.

### **REGISTRATION**

#### **FARM PRODUCTS**

Act 297 (HB1474) - The act authorizes the issuance of a 7 month registration for licensing a vehicle used for hauling farm products.

#### **ODOMETER**

Act 809 (HB1919) - The act provides that all commercial trucks and vans rated by the manufacturer as having a nominal tonnage of 1 ton shall be registered in the appropriate class according to the gross laden weight. The act also changes the time frame for registration of all-terrain cycles, extends the age limit affecting vehicles to be sold for dismantling and conforms with federal odometer law requirements.

#### **PROCESS STREAMLINED**

Act 974 (SB574) - The act amends the motor vehicle registration procedures to streamline the process. January 1, 1998, it repeals the requirement that vehicles be inspected prior to registration. Vehicles will still be subject to mechanical requirements and inspection. January 1, 1999, it eliminates the requirement that proof of liability insurance and proof of property tax assessment and payment be shown at vehicle registration. It authorizes county tax assessors and collectors to notify DFA by electronic means of persons failing to assess or pay personal property taxes. DFA will impose a new fee of \$2.50 to cover the costs of issuing registration validation decals and for computers and telecommunications equipment. It also allows the payment of certain fees by credit card and allows the registration of vehicles by phone, electronically, or other reasonable method.

### **SALES AND USE TAXES**

#### **EXEMPTION**

Act 1232 (HB1182) - The act increases the taxable floor on the sales and use tax exemption for motor vehicles from \$2,000 to \$2,500 and provides that the sales price of a motor vehicle shall be the greater of the actual sales price as provided on the bill of sale, invoice or financing agreement or the average loan price of the vehicle as listed in certain industry publications. The act also provides a sales tax credit for consumers who sell a used motor vehicle in lieu of trading it in.

#### **LONG TERM MOTOR VEHICLE RENTALS**

Act 1076 (SB496) - The act exempts long term leases of motor vehicles from sales tax and in lieu thereof levies a 1.5% long-term rental vehicle tax to remain in effect until total vehicle leases reach 10% of the annual new vehicle registrations. The bill also reinstates the sales tax on extended warranties on motor vehicles.

## **MOTOR VEHICLES**

### **TOWING AND RECOVERY BOARD**

#### **LATE FILING FEES AND CRIMINAL PENALTIES**

Act 392 (HB1628) - The act clarifies the Towing and Recovery law to specify any "competent occupant" may consent to removal of an unattended vehicle. It also permits the Towing and Recovery Board to charge late filing fees for licenses and permits and it makes changes in the time frames for giving notices on towing and storage liens. Further, it prescribes criminal penalties for violations of Towing and Recovery law.

### **TRAFFIC LAWS**

#### **DRIVING IN RIGHT-LANE ONLY**

Act 854 (SB310) - The act requires motor vehicles to be operated in the far right lane of controlled access or other multilane highways in Arkansas, except to pass. Motor vehicles must not be operated continuously in the left lane of a multilane roadway when it impedes the reasonable flow of other traffic.

### **TRUCKS WITH OPEN BEDS**

#### **SAND, GRAVEL, AND ROCK**

Act 425 (HB1708) - The act requires trucks and other motor vehicles with open beds carrying loads of sand, gravel, or rock to be covered on paved public highways in Arkansas to prevent any spilling or leaking of their loads, unless the vehicle maintains six inches of freeboard within the open bed.

### **USED CAR DEALERS**

#### **SURETIES NOT LIABLE FOR CERTAIN JUDGEMENTS**

Act 705 (SB383) - The act amends the Used Car Dealers' licensing law to limit the liability of the sureties on the bond which is required for used car dealers to be issued a license to sell cars. The act makes the surety not liable to pay judgments which were obtained by fraud or collusion, as between the dealer and the retail buyer, or which was rendered against a person bonded for an act that does not constitute a violation of the used car dealer licensing law. Current law requires a surety bond in the amount of \$25,000 on all used car dealers..

### **VEHICLE SAFETY INSPECTION**

#### **INSPECTION REPEAL**

Act 974 (SB574) - The act amends the motor vehicle registration procedures to streamline the process. January 1, 1998, it repeals the requirement that vehicles be inspected prior to registration. Vehicles will still be subject to mechanical requirements and inspection. January 1, 1999, it eliminates the requirement that proof of liability insurance and proof of property tax assessment and payment be shown at vehicle registration. It authorizes county tax assessors and collectors to notify DFA by electronic means of persons failing to assess or pay personal property taxes. DFA will impose a new fee of \$2.50 to cover the costs of issuing registration validation decals and for computers and telecommunications equipment. It also allows the payment of certain fees by credit card and allows the registration of vehicles by phone, electronically, or other reasonable method.

#### **THREE-DAY PASS**

Act 452 (SB21) - The act allows revenue clerks to issue a temporary three-day exemption from the requirements of the vehicle registration and motor vehicle safety inspection law for vehicles undergoing repairs so they may proceed to the vehicle inspection station and be registered.

## **NATURAL AND SCENIC RIVERS**

### **SALINE RIVER**

Act 1049 (SB136) - The act defines a portion of the Saline River designated as a component of the Arkansas Natural and Scenic Rivers System.

## **NATURAL AND SCENIC RIVERS COMMISSION**

### **ABOLISHED**

#### **DUTIES ASSUMED BY NATURAL HERITAGE COMMISSION**

Act 1023 (HB1632) - The act abolishes the Arkansas Natural and Scenic Rivers Commission and transfers its powers, functions, and duties to the Natural Heritage Commission of the Department of Heritage.

## **NURSING, BOARD OF**

### **SUBPOENA POWER**

Act 894 (HB1938) - The act authorizes the Board of Nursing to issue subpoenas and subpoenas duces tecum in connection with its hearing and investigations.

## **OIL AND GAS COMMISSION, ARKANSAS**

### **STIPENDS**

Act 693 (HB1286) - The act authorizes the members of the Arkansas Oil and Gas Commission to receive a stipend of up to \$75.00 for attending meetings.

## **PARKS**

### **CROWLEY'S RIDGE TRAIL COMMISSION**

#### **MEMBERS AND DUTIES**

Act 564 (SB352) - The act provides for the creation of the Crowley's Ridge Trail Commission.

## **PARKS AND TOURISM, DEPARTMENT OF**

### **ENTERTAINERS HALL OF FAME, ARKANSAS**

Act 255 (HB1401) - The act provides for the Arkansas Entertainers Hall of Fame program to be under the authority and administration of the Arkansas Department of Parks and Tourism.

### **MOTORCOACH CARRIERS**

Act 1187 (HB2251) - The act provides for a financial incentive to motorcoach carriers for tourist trips in Arkansas involving an overnight stay. The Arkansas Department of Parks and Tourism shall administer the program. The provisions of this act do not apply to the transportation of passengers by rail in scenic or excursion type services.

### **MUSEUM SERVICES**

#### **MUSEUM OF NATURAL RESOURCES**

Act 383 (HB1396) - The act changes the name of the Arkansas Oil and Brine Museum to the Arkansas Museum of Natural Resources.

### **PRIZES**

Act 470 (SB343) - Section 30 of this appropriation act allows the Department of Parks and Tourism to award merchandise, gift certificates and cash prizes to contestants in various special events authorized by the Director of State Parks.

### **TOURISM DIVISION**

#### **RETIREMENT AND RELOCATION**

Act 609 (SB436) - This appropriation act includes provisions authorizing the State Parks, Recreation, and Travel Commission and the Department of Parks and Tourism through the Tourism Division to encourage and promote retirement and relocation to the State of Arkansas. The bill repeals the Retirement and Relocation Division of the Department of Parks and Tourism and abolishes the Retirement and Relocation Advisory Board.

## **PHARMACY, STATE BOARD OF**

### **FEE SCHEDULE**

#### **MODIFIED**

Act 1029 (HB1791) - The act modifies the fee schedule of the Board of Pharmacy giving the board greater discretion in assessing fees, raising certain fees, and imposing additional fees.

### **MEMBERS**

Act 942 (HB1291) - The act expands the membership of the State Pharmacy board from seven to eight and changes terms of office from five to six years; the act further requires that one member be a minority licensed practicing pharmacist.

## **PLUMBING EXAMINERS, COMMITTEE OF**

### **STIPENDS**

Act 377 (HB1032) - The act authorizes the Committee of Plumbing Examiners, the Elevator Safety Board and the Arkansas Apprenticeship Coordinating Steering Committee to receive a stipend.

## **PROPERTY**

### **AFFORDABLE NEIGHBORHOOD HOUSING TAX CREDIT ACT OF 1997**

Act 1331 (HB2174) - The act provides for a tax credit to a person or entity which engages in providing affordable housing. The credit is limited to 30% of the total amount invested by the person or entity and cannot exceed \$750,000 in any taxable year. The act also provides that in 1997 at least one-half of the credits shall be designated in counties declared disaster areas by the Governor.

### **EMINENT DOMAIN**

#### **CEMETERY PROPERTY**

Act 539 (HB1510) - The act amends current law pertaining to the exercise of eminent domain by institutions of higher education to provide that cemetery property may be condemned when it is being taken for purposes necessary for the use and benefit of the institution.

### **FORECLOSURE**

#### **PUBLISHED NOTICE**

Act 1190 (HB1496) - The act requires the publication of notice of the sale of property under court order.

### **LOW INCOME HOUSING PROJECTS**

Act 1332 (HB2197) - The act allows an income tax credit for taxpayers who have an ownership interest in a qualifying low income housing project in an amount equal to 20% of the allowable federal credit. The maximum amount of credit that could be taken is \$250,000 per taxable year.

### **MORTGAGES**

#### **RECORDATION**

Act 917 (SB577) - The act provides that the effect of a recordation of a mortgage by a cooperative shall be the same as a recordation of a mortgage of personal property

### **POSTED LAND**

Act 806 (HB1619) - The act provides that it is unlawful for a person to enter posted land which becomes flooded above the ordinary high watermark if the signs or paint marks are visible. The ordinary high watermark means the line delimiting the bed of a stream from its bank.

## **REAL PROPERTY TRANSFER TAX**

### **EXCEPTIONS**

Act 833 (HB1736) - The act amends Arkansas Code 26-60-102 to add homes financed by the United States Department of Agriculture Rural Development to the types of property exempt from the real property transfer tax and to increase minimum sales price of a home exempt from the tax from \$50,000 to \$60,000.

## **PROPERTY**

### **TITLE CURE**

Act 502 (HB1549) - The act amends Arkansas Code 26-38-101 to cure uncertainties as to the title of lands sold for nonpayment of taxes for 1970 and prior years.

### **UNCLAIMED PROPERTY**

Act 1048 (HB2267) - The act provides that penalties for failure to report, pay, or deliver property within a certain time shall be paid to the Auditor of State. The Auditor may waive, any or all of the penalty.

## **PUBLIC EMPLOYEES**

### **POLITICAL ACTIVITIES**

Act 1214 (HB2135) - The act provides that any public employee has a right to run as a candidate for an elective office or to express his or her opinions on political subjects.

### **STATE EMPLOYEE AND PUBLIC SCHOOL PERSONNEL BOARD**

Act 633 (HB1516) - The act adds one position to the Arkansas State Employee and Public School Personnel Board to be filled alternately by a retired teacher selected by the Arkansas Retired Teachers Association and by a retired state employee appointed by the Governor.

### **STATE EMPLOYEE AND PUBLIC SCHOOL PERSONNEL HEALTH INSURANCE**

#### **ELECTION FOR PARTICIPATION IN HEALTH BENEFITS UPON RETIREMENT**

Act 1295 (SB350) - The act amends sections of the Arkansas Code pertaining to duties of the State Employee and Public School Personnel Board; it also requires members of those systems to decide whether to participate in health benefit programs at the time they retire.

### **STATE EMPLOYEES**

#### **INCENTIVE PAY PROGRAM**

Act 899 (HB2042) - The act establishes an incentive pay program for classified employees of state agencies, boards, commissions and institutions of higher education, in which the work performance of such employees will be evaluated annually for purposes of determining eligibility for an incentive pay award in the form of a bonus. The act requires the Office of Personnel Management to develop guidelines for the program and any evaluation systems used to implement it.

#### **LEAVE - MINIMUM CHARGE**

Act 155 (SB296) - The act provides that the minimum charge for absence on account of annual leave or sickness shall be 15 minutes.

#### **LEAVE - VOLUNTEER DISASTER SERVICE**

Act 268 (HB1166) - The act establishes the "Disaster Service Volunteer Leave Act," which provides a mechanism for state employees who are trained and certified by the American Red Cross to obtain leave with pay in order to provide disaster relief services.

#### **SELECTIVE SERVICE STATUS**

Act 228 (HB1133) - The act provides that persons who are required to register with the selective service system must sign a sworn statement of selective service status to be eligible for admission to a public institution of higher education or for employment with the State of Arkansas.

#### **TIME OFF TO ATTEND PARENT/TEACHER CONFERENCES**

Act 1144 (SB673) - The act establishes a pilot program where state agencies provide employees with time off to attend parent/teacher conferences and school performances of their children.

## **PUBLIC WORKS**

### **CONSTRUCTION CONTRACTS**

Act 294 (HB1433) - The act requires public construction contracts for new improvements or major repairs to existing buildings and facilities to be filed with the Arkansas State Building Services.

### **CONTRACTOR'S BONDS**

Act 293 (HB1434) - The act authorizes persons with valid claims against the contractor's bond to bring an action on the bond against the corporate surety within 12 months from the date on which the Arkansas State Building Services approved the final payment on the state contract.

## **RACING**

### **DOG RACING**

#### **EMPLOYEES AND PATRONS**

Act 584 (SB497) - The act repeals the provision of Arkansas Code 23-222-308 prohibiting a greyhound racing franchise from employing a minor. It also amends the code section to provide that a franchise holder shall not permit any person under 18 to be a patron of the pari-mutuel or certificate system of wagering conducted or supervised by it.

### **RACING PASSES**

Act 73 (HB1270) - Section 6 of this appropriation act requires the director of the Department of Finance and Administration to set the maximum number of racing passes. The number of passes shall not be less than the number printed in 1990.

## **REAL ESTATE COMMISSION**

### **REAL ESTATE RECOVERY FUND**

Act 781 (HB1969) - The act provides for the Real Estate Commission to pay no more than \$15,000 for any violation or series of violations from the Real Estate Recovery Fund.

## **REAL ESTATE LICENSEES**

### **WORKERS' COMPENSATION**

#### **EXEMPTION**

Act 832 (HB1735) - The act exempts real estate licensees from the provisions of the Workers' Compensation Law.

## **RED RIVER COMMISSION**

### **RED RIVER VALLEY ASSOCIATION**

Act 103 (SB23) - Section 2 of this appropriation act provides that the Red River Commission may use any of its funds for the development, use and expansion of the Red River. The commission is authorized to share in the cost associated with Red River Valley Association.

## **RETIREMENT**

### **FIREMEN'S PENSION AND RELIEF FUND**

#### **CHILDREN OF DECEASED FIREFIGHTERS WHO ATTEND COLLEGE**

Act 536 (HB1231) - The act authorizes continued benefits under a local firemen's pension and relief fund to children of deceased firefighters, up to the age of 23, while the child is enrolled in an institution of higher education after completing high school.

### **HIGHWAY EMPLOYEES' RETIREMENT SYSTEM**

#### **5-YEAR VESTING**

Act 347 (HB1154) - The act reduces the minimum service time to vest under the Arkansas State Highway Employees' Retirement System from ten years to five years for members.

## **RETIREMENT**

### **HIGHWAY EMPLOYEES' RETIREMENT SYSTEM**

#### **DEFERRED RETIREMENT OPTION PLAN**

Act 1073 (SB401) - The act authorizes the Board of Trustees of the Arkansas State Highway Employees' Retirement System to establish a deferred retirement option plan (DROP) for its members. It sets out certain guidelines for the Board in creating a DROP plan. The rate of interest on member's DROP accounts shall be determined by the Board and paid on the mean balance in the account for the fiscal year. A member's participation in the DROP can not exceed five years.

#### **EMPLOYEE DEFINITION**

Act 955 (HB1707) - The act amends the definition of an "employee" for membership in the State Highway Employees' Retirement System. It excludes employees who are drawing a retirement benefit from another state-supported retirement system from mandatory membership in the Highway System.

#### **LIFE INSURANCE PROVIDED**

Act 1089 (HB1701) - The act provides the Highway Employees' Retirement System will purchase life insurance coverage for its members. It allows life insurance in the amount of fifteen thousand dollars (\$15,000) to be purchased for the benefit of each of its members. The insurance shall remain in force during the life of each member until his or her retirement.

#### **MULTIPLIER AND RETIREE BENEFIT INCREASES**

Act 386 (HB1497) - The act increases the annual multiplier for each year of credited service in the State Highway Employees' Retirement System from 2.06% to 2.1% of their average compensation. Further, it gives an across-the-board 2 % increase in the monthly retirement benefit payable to the current retirees and beneficiaries of the Arkansas State Highway Employees' Retirement System who are entitled to receive an annuity for June 1997.

#### **REDUCES "AVERAGE COMPENSATION" TO 3 YEARS**

Act 349 (HB1327) - The act reduces the number of months used to calculate "average compensation" from 48 to 36 for the Arkansas State Highway and Transportation Department. It also gives a one-time increase of 2.2% across-the-board to annuities of the beneficiaries and retirants of the Arkansas State Highway Employees' Retirement System as of July 1, 1997.

#### **SPOUSE DEATH BENEFIT IF MARRIED FOR ONE YEAR**

Act 1067 (SB236) - The act removes a retirement option (Option C) under the Highway Employees' Retirement System which is no longer available since it had to be claimed within six months after the enactment in 1985. It also provides for spousal benefits upon the death of a retirant member who was married at least the one year immediately preceding his death. The decedent's spouse can receive an annuity computed as if the member had elected Option A survivor annuity and nominated his spouse as joint beneficiary.

### **JOINT COMMITTEE ON PUBLIC RETIREMENT**

#### **SELECTION OF HOUSE CHAIRMAN**

Act 94 (SB45) - The act amends the Arkansas laws establishing the Joint Committee on Public Retirement to make it conform to House Rules so that the House Cochairman and House Vice-Chairman will be selected in accordance with the Rules of the House of Representatives.

### **JUDICIAL RETIREMENT SYSTEM**

#### **IRC SECTION 414 TAX TREATMENT**

Act 236 (SB170) - The act requires the employer under the Judicial Retirement System to pay the member contributions for each salary earned by a member after June 30, 1997. Those employee contributions shall then be treated as employer contributions for income tax purposes under the provisions of Section 414(h) of the Internal Revenue Code and the Arkansas Income Tax Act. The contributions shall not be included as gross income of the member until they are distributed or made available to the member. It is retroactive to January 1, 1997.

## **RETIREMENT**

### **JUDICIAL RETIREMENT SYSTEM**

#### **CONSUMER PRICE INDEX (CPI)**

Act 129 (SB101) - The act clarifies the formula used for computation of the Consumer Price Index (CPI) used for redetermining the amount of the retirement benefit provisions for the Arkansas Judicial Retirement System.

#### **DEFERRED RETIREMENT OPTION PLAN**

Act 1162 (SB20) - The act authorizes the Board of Trustees of the Judicial Retirement System to establish a deferred retirement option plan (DROP) for members with 20 or more years of actual service. It sets out certain guidelines for the Board to follow in creating a DROP plan. The rate of interest on member's accounts shall be determined annually by the Board and paid on the accounts at the end of each fiscal year. A member's participation in the DROP can not exceed 4 years.

#### **MILITARY SERVICE CREDIT**

Act 1185 (HB1197) - The act authorizes members of the Arkansas Judicial Retirement System to purchase up to seven years total of credited service in the system for service rendered in the armed forces of the United States. Presently, members may receive two years service credit for war service while this act allows the additional purchase of up to another five years of military service.

#### **NEW MEMBERS ON BOARD OF TRUSTEES**

Act 240 (SB233) - The act increases the membership on the Board of Trustees of the Arkansas Judicial Retirement System from three to five persons. The Judicial Council will still appoint the five members.

#### **TRANSFER SERVICE CREDIT FOR TIME AS PROSECUTING ATTORNEY**

Act 926 (SB400) - The act changes the minimum amount of time a prosecuting attorney who is later elected as judge under the Judicial Retirement System may transfer to the System. It lowers the minimum service time as prosecuting attorney from four years to two years of credited service to transfer from PERS to the Judicial Retirement System.

### **LOCAL POLICE AND FIRE RETIREMENT SYSTEM**

#### **5-YEAR VESTING**

Act 1136 (SB399) - The act changes the Local Police and Fire Retirement System to provide for a five-year vesting period instead of the current 10-year vesting. It will be effective starting on July 1, 1998.

#### **ADDS TEACHER RETIREMENT SERVICE AS RECIPROCAL SERVICE FOR LOPFI**

Act 1024 (HB1674) - The act includes service in the Teacher Retirement System as a public safety officer as reciprocal service with LOPFI to satisfy the minimum service requirements for LOPFI retirement.

#### **ALLOWS RECIPROCITY FOR LOPFI MEMBERS WITH 10 YEARS AT AGE 62 YEARS TO RETIRE**

Act 1011 (HB1136) - The act extends the reciprocity between related retirement systems and the Local Police and Fire Retirement System (LOPFI) so that LOPFI members who are 62 years of age and have a minimum of ten years of public safety service may count service time in other related retirement systems in order to retire. Previously, only LOPFI members with 20 years service could receive reciprocity from other systems.

## **RETIREMENT**

### **LOCAL POLICE AND FIRE RETIREMENT SYSTEM**

#### **ELIGIBLE FOR TEMPORARY ANNUITY REGARDLESS OF SOCIAL SECURITY COVERAGE**

Act 1242 (HB1706) - The act extends the temporary one percent (1%) benefit under the LOPFI System to disability retirants whose age is less than the Social Security minimum age for retirement and less than age 62 years. Disability retirants may be required by the local board, as a condition of awarding the temporary annuity, to file all appropriate forms and pleadings with the Social Security Administration, and pursue through the administrative process a disability determination. The provisions of this act shall apply retroactively to all persons who retired under disabilities on or after October 1, 1989.

#### **FIRE DEPARTMENT JOINING SYSTEM MAY RECEIVE PREMIUM TAXES**

Act 1215 (HB2137) - The act requires the Insurance Department to place a fire department on a "non-certified list" when it requests the Arkansas Local Police and Fire Retirement System to conduct an actuarial assessment of the department for joining the System. The Insurance Department will place the fire department on the non-certified list for two (2) years. Insurance companies will determine the premiums taxes to be paid in the district. If the department joins the LOPFI System, it shall be eligible to receive insurance premium tax distributed in the following year if it makes a decision to join LOPFI no later than December 14.

#### **INCOME OFFSET ELIMINATED**

Act 765 (HB1382) - The act eliminates the earned income penalty on the annuity benefits of the disabled retirants and widows under the LOPFI retirement system. Previously, retirants' and widows' benefits would be reduced if they had outside sources of income.

#### **MAXIMUM LIMIT ON REDETERMINED BENEFITS ELIMINATED**

Act 289 (HB1155) - The act eliminates the maximum limitation on the redetermination of benefits after retirement under the Arkansas Local Police and Fire Retirement System so that benefits will receive a 3% cost-of-living each year; previously, the benefit increases were limited, based on a formula tied to inflation indexes.

#### **PURCHASE SERVICE CREDIT FOR OTHER LOCAL POLICE OR FIRE SERVICE**

Act 1352 (SB404) - The act revises the method of purchasing service credit in the Arkansas Local Police and Fire Retirement System for other employment service a member has with a local government covered by a municipal police pension and relief fund or a firemen's pension and relief fund. It prescribes that the member must pay to the system the amount the member's contribution that would have been paid for the years of credited service, plus the amount the employer's contributions that would have been paid for the years of credited service, plus regular interest from the time of the service with the local police or fire department to the time of the credit purchase. Previously, the procedure was less clear.

#### **RETIRE WITH 30 YEARS OF SERVICE, REGARDLESS OF AGE**

Act 769 (HB1669) - The act expands the definition of "normal retirement age" under the LOPFI retirement system to allow members with 30 or more years of credited service to retire regardless of age. Previously, members needed to be either, 60 years old, or be at least 55 years old and have 20 or more years of service to retire.

#### **SURVIVING SPOUSE AND DEPENDENTS ELIGIBLE FOR HEALTH INSURANCE**

Act 695 (HB1399) - The act allows the surviving spouses and surviving dependents of policemen or firemen killed in the line of duty to continue to participate in the municipality's health insurance plan when they are eligible beneficiaries of LOPFI or a municipal police or fire pension and relief fund.

## **RETIREMENT**

### **MUNICIPAL JUDGES RETIREMENT SYSTEMS**

#### **ADDITIONAL FUNDS**

Act 571 (SB398) - The act provides for additional sources of funding for the municipal judges' and court clerks' retirement benefits when a city has created a municipal judges' retirement system. Beginning January 1, 1998, a city, by city ordinance, may contribute to the municipal judges' retirement fund any of the additional funds to finance the benefits paid from the fund. They are: up to 5% of all fines and forfeitures collected by the city; an annual contribution from the city's general fund in an amount recommended by actuarial valuation to meet its projected financial obligation; and a one-time or occasional lump-sum payment from the city's general fund in an amount determined by the city governing body.

#### **SPECIFIC REQUIREMENTS PRESCRIBED FOR CERTAIN JUDGES TO RETIRE**

Act 1322 (HB1697) - The act provides three additional sets of specific requirements which authorize certain qualifying municipal judges to retire with a combined total of 16 years of public service as a municipal judge and in other service.

### **MUNICIPAL RETIREMENT SYSTEMS**

#### **HEALTH INSURANCE COVERAGE CONTINUED**

Act 1098 (HB2015) - The act amends the law allowing municipal officials or employees over age 55 who retire to continue on the cities health insurance. It now requires the official or employee to have completed 20 years of service with the municipality in order to continue to participate in the municipality's health care plan. It provides retirees are entitled to receive the same medical benefits and pay the same premiums as active employees. It also provides that no person previously entitled to participate can be cutoff from receiving medical benefits.

#### **MAYOR'S RETIREMENT**

Act 212 (HB1102) - The act extends credit for mayor's retirement for cities of the first class to include one year of credit as a mayor for each two years of elected service in any other elected municipal office, instead of just elected service as an alderman.

#### **PURPOSES**

Act 554 (SB132) - The act prescribes the purpose for all retirement systems for cities and other political subdivisions of the state of Arkansas. It states that all assets and income of any retirement system of a city or other political subdivision shall be held, invested, or disbursed for the exclusive purpose of providing for benefits to members, investment management, and administrative expenses and that it shall not be encumbered for or diverted to any other purposes.

### **POLICE AND FIRE PENSION FUNDS**

#### **GUARANTEE FUND**

Act 119 (SB50) - The act changes the current optional funding of the Arkansas Police and Fire Pension Guarantee Fund for distressed local pension plans to make the funding mandatory and to provide the highest priority of funding for those pension funds with highest financial needs.

#### **INTEREST ON DROP ACCOUNTS**

Act 492 (HB1262) - The act clarifies the rates of interest to be earned on policemen's and firemen's deferred retirement option plan (DROP) accounts under municipal police and fire pension and relief funds. It says the interest rate will be two percentage points below the rate of return of the investment portfolio of the policemen's pension and relief fund as certified by the actuary under contract with the Arkansas Fire and Police Pension Review Board; formerly, it was just 2% below the rate of return.

#### **MAXIMUM POLICE FUNERAL EXPENSES INCREASED**

Act 1017 (HB1463) - The act increases the maximum amount the board of trustees of municipal police pension and relief fund is authorized to pay for funeral expenses of deceased members from \$2,000 to no more than \$4,000.

## **RETIREMENT**

### **POLICE AND FIRE PENSION FUNDS**

#### **SURVIVING SPOUSE ANNUITY**

Act 1138 (SB412) - The act changes the length of time which a retiree must be married if he or she marries after retirement in order for the spouse to receive a survivor's annuity. It provides that surviving spouses may be entitled to a pension if he or she has been married to the police officer for a period of at least five years, if the board of trustees for the fund extends this benefit to its members, and if the pension fund will be actuarially sound. Previously, the member needed to be married for ten years.

Act 1241 (HB1705) - The act amends the municipal police pension and relief fund law to eliminate the marriage penalty for the surviving spouses or a dependent child who marries after the death of the officer if they are a spouse or child of a police officer who is killed while in the official performance of his duties.

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)**

#### **AVERAGE COMPENSATION CALCULATION**

Act 1137 (SB402) - The act changes the definition of "average compensation" for Public Employees' Retirement System to include the highest of not less than three years, nor more than four years of compensation for the member. Previously, it was just the highest four years. It also changes the definition of "final average salary" for the Teacher Retirement System to apply to not less than the highest three years nor more than the highest five years of compensation. The PERS and TRS Boards of Trustees will determine the exact period of time for each System. The act also allows the TRS Board to provide a comparable benefits increase to retirants and other beneficiaries to adjust for this new benefit for future members.

#### **BENEFIT INCREASE**

Act 318 (SB114) - The act increases the annuity benefit multiplier for each year of credited service in PERS, contributory and noncontributory, from 1.992% to 2.05% and from 1.65% to 1.7%, respectively. It further provides a 3% across-the-board increase in the benefit payments to current PERS retirants and beneficiaries on July 1, 1997.

#### **CHANGE OF OPTIONS AFTER THE DEATH OF RETIRANT**

Act 266 (HB1073) - The act allows the surviving spouse of a member of PERS to change the selection of retirement annuity options after the death of the retiree in order to receive a retirement benefit. It extends the period of time after the selection of a retirement option up to 12 months in which a widowed spouse may change that option, instead of the current six-month time limit.

#### **CONTINUED COUNTY HEALTH INSURANCE COVERAGE**

Act 822 (HB1480) - The act allows county officials or county employees who retire with 30 or more years of actual service or 35 years of credited service in the County Division of the PERS regardless of age to continue to participate in the county health care plan. Previously, it required that the retiree be at least 55 years or older.

#### **DEFERRED RETIREMENT OPTION PLAN**

Act 1052 (SB260) - The act creates a PERS-deferred retirement option plan to allow members to continue to work and draw retirement benefits. It applies to any person who is a PERS member and who has at least 30 years of actual service. The election to participate in the PERS-deferred retirement option is irrevocable and the duration of participation can not exceed five years. The PERS-deferred option contributions shall be a percentage of the PERS-deferred option benefit as set by the Board of trustees. The interest on contributions to the member's DROP account is paid annually at the end of each fiscal year at a rate determined by the Board. When the member's participation ceases, the member may elect to receive the balance as a lump sum or as a monthly benefit.

## **RETIREMENT**

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)**

#### **JUVENILE DETENTION COUNCIL EMPLOYEES**

Act 76 (SB47) - The act authorizes the 10th Judicial District Intergovernmental Juvenile Detention Council employees, created by Uncodified Act 899 of 1995, to become members of the Public Employees' Retirement System (PERS) and allows the Council to become a participating employer.

#### **PAYMENT OF BENEFITS**

Act 14 (HB1161) - The act authorizes the Auditor of State to process paper or electronic warrants from the Public Employees Retirement System to pay the retirees of the system in a timely manner regardless of balances in the State Treasury.

#### **PERS REVISIONS**

Act 299 (SB172) - The act makes several revisions to the contributory and noncontributory provisions of the Public Employees Retirement System (PERS) law. It provides the PERS Board of Trustees with authority to revise contribution rates for state agencies and to create the School and Nonstate Employees Divisions and other new Divisions as are necessary. It revises the law on delinquent payments to allow the Board to set penalties. It authorizes the Board of Trustees to set the method of calculating contributions for purchasing service credit. And, it repeals numerous sections of PERS law which are no longer applicable.

#### **PUBLIC SAFETY CREDIT AFTER JULY 1, 1997**

Act 485 (SB408) - The act eliminates the "public safety member" service credit for newly hired employees after July 1, 1997 for the Public Employees' Retirement System. Currently, "public safety members" earn service credit at one and one-half times the rate for regular service. "Public safety member" in PERS means a member whose covered employment is for personal services as a police officer or fire fighter and, after this act, his or her employment occurred prior to July 1, 1997.

#### **PURCHASE SERVICE CREDIT FOR FEDERAL GRANT SERVICE**

Act 239 (SB223) - The act repeals a requirement that a person must remain in state service for seven years in order to purchase service credit in Public Employees Retirement System (PERS) for state service under a federal grant.

#### **REGIONAL AIRPORT AUTHORITIES**

Act 639 (HB1716) - The act changes the date of creation for a regional airport authority created under the Regional Airport Act to qualify to participate in the Arkansas Public Employees Retirement System from March 20, 1992 to January 1, 1990.

### **RETIREMENT SYSTEMS IN GENERAL**

#### **ALTERNATE RETIREMENT PLANS MADE A RECIPROCAL SYSTEM**

Act 857 (SB349) - The act amends the general laws regarding the reciprocity among the public supported retirement systems to make the alternate retirement plans for Arkansas state-supported colleges and universities and for vocational-technical schools a part of the reciprocal system with the other state supported retirement systems in Arkansas. It will allow the use of service credit with the alternate retirement system to be used with service credit from other systems (PERS, Teachers, etc.) to calculate retirement age and eligibility.

#### **FIVE-YEAR VESTING**

Act 1053 (SB391) - The act amends numerous sections of law for the Teachers Retirement System, Highway Employees' Retirement System, and the State Police Retirement System for vesting of retirement benefits after five years of service, instead of the current ten years. It also changes numerous provisions of law for those retirement systems and the Public Employees' Retirement System to allow members to purchase of credited service after five years of service, instead of ten years. The act is effective July 1, 1998.

## **RETIREMENT**

### **RETIREMENT SYSTEMS IN GENERAL**

#### **INVESTMENT POLICIES FOR BOARDS OF TRUSTEES**

Act 1194 (HB1684) - The act revises and updates the investment policies and rules, including the prudent investor rule, for the Boards of Trustees for the various state-supported retirement systems. The current laws are largely repealed with this act and new standards for the Boards are set which permit the trustees more discretion in investing and in delegating their authority.

#### **RECIPROCITY PERMITTED FOR DEFERRED RETIREMENT OPTION PLANS**

Act 927 (SB410) - The act allows for participation in deferred retirement option plans (DROP) among the members of the various state-supported reciprocal retirement systems. If the preceding or succeeding reciprocal system offers a DROP for its members, service in the preceding and the succeeding reciprocal system can be used to meet the minimum service requirements for benefits under a reciprocal system's DROP.

#### **REQUIRED LANGUAGE FOR RETIREMENT BILLS**

Act 93 (SB44) - The act provides that a legislative retirement bill which would enhance retirement benefits may only be reported out by the Joint Committee on Public Retirement and Social Security Programs if it contains language assuring that it will not cause unfunded actuarial accrued liability to exceed a thirty-year amortization.

### **STATE POLICE RETIREMENT SYSTEM**

#### **BENEFIT PLAN**

Act 1071 (SB371) - The act creates a Tier Two Benefit Plan and provides additional funding for the State Police Retirement System.

#### **CONSUMER PRICE INDEX**

Act 130 (SB102) - The act clarifies the formula used for calculating the Consumer Price Index (CPI) for redetermining the amount of the retirement benefit provisions for the State Police Retirement System.

### **TEACHER RETIREMENT SYSTEM**

#### **IRC SECTION 414 TAX TREATMENT FOR MEMBER CONTRIBUTIONS**

Act 206 (SB49) - The act requires each employer under the Teacher Retirement System to pay the member contributions for each salary earned by a member after June 30, 1997. Those employee contributions shall then be treated as employer contributions for income tax purposes under the provisions of Section 414(h) of the Internal Revenue Code and the Arkansas Income Tax Act. The contributions shall not be included as gross income of the member until they are distributed or made available to the member.

#### **PURCHASING SERVICE CREDIT**

Act 142 (HB1260) - The act changes the method of computing the cost of the salary and interest rates charged to purchase out-of-state, overseas, private school, military, and sabbatical service credits in the Teacher Retirement System.

#### **"FINAL AVERAGE SALARY" MAY BE THREE HIGHEST YEARS**

Act 1137 (SB402) - The act changes the definition of "average compensation" for Public Employees Retirement System to include the highest of not less than three years, nor more than four years of compensation for the member. Previously, it was just the highest four years. It also changes the definition of "final average salary" for the Teacher Retirement System to apply to not less than the highest three years nor more than the highest five years of compensation. The PERS and TRS Boards of Trustees will determine the exact period of time for each System. The act also allows the TRS Board to provide a comparable benefits increase to retirants and other beneficiaries to adjust for this new benefit for future members.

## **RETIREMENT**

### **TEACHER RETIREMENT SYSTEM**

#### **ADJUSTMENTS FOR EARLY RETIRANTS WITH OVER 30 YEARS OF SERVICE**

Act 1074 (SB420) - The act makes adjustments to the annuities for Teacher Retirement members who retired prior to July 1, 1984 on reduced annuities of less than 35 years of service. Prior to July 1, 1984, members were required to have 35 years of service to retire with full benefits.

#### **BENEFIT INCREASE FOR PRE-1992 RETIREES**

Act 442 (HB1189) - The act provides for a one-time increase in benefits for Arkansas Teacher Retirement System retirants who retired before July 1, 1991. The increase is 1% for each year of retirement prior to 1991, up to a maximum of 15 %.

#### **CHOOSING THE NONCONTRIBUTORY OPTION**

Act 393 (HB1630) - The act changes the time period for electing to be covered under the noncontributory portion of the Teacher Retirement System. Currently, a member may change his election concerning member contributions once each fiscal year, to be effective the July 1 immediately following the filing of the election. On July 1, 1997, the election shall be effective the July 1 immediately preceding its filing, provided it is received by the system before October 1 of the current fiscal year.

#### **COMPOSITION OF BOARD**

Act 418 (HB1404) - The act changes the composition and length of terms for members and retirant trustees on the Teacher Retirement System Board of Trustees. The act also changes the composition of a quorum for meetings of the Board of Trustees.

#### **COMPULSORY MILITARY SERVICE FOR VESTING**

Act 1068 (SB255) - The act allows members of the Teacher Retirement System whose service is interrupted by compulsory military service to receive service credit toward vesting in the system for their time in the armed services, instead of being required to be vested before being eligible to count the service credit.

#### **CONTRIBUTION RATE**

Act 1361 (HB1809) - Sections 7 and 8 of this appropriation act require school districts to pay the teacher retirement contribution rate for any eligible employee in accordance with the rules of the Teacher Retirement Board and require the school districts to pay the health insurance contribution rate established by the State Board of Education for eligible employees electing to participate in the Public School Employee Health Insurance Program.

#### **CREDIT FOR RETURN FROM MILITARY SERVICE**

Act 739 (HB1248) - The act grants accrued benefits to members of the Teacher Retirement System who leave employment to serve in the uniformed services of the United States and who later return to be reemployed by participating school districts or employers. It is effective from and after December 12, 1994 and is retroactive to that date.

#### **EARNINGS LIMITATION ON COLLEGE AND UNIVERSITY RETIREES**

Act 384 (HB1403) - The act removes the exemption for state college, university, or vocational-technical school retirants on the earnings limits in positions under the Teacher Retirement System.

#### **EMPLOYMENT WITH A SCHOOL DEFINED**

Act 1064 (SB128) - The act further defines the term "employment with a school" under the Teacher Retirement System to include employees of a school district working for privatized enterprises providing services to the school district and employees with educational nonprofit corporations.

## **RETIREMENT**

### **TEACHER RETIREMENT SYSTEM**

#### **EXTENDS THE DEADLINE FOR OPTING OUT OF THE ALTERNATE PLANS**

Act 944 (HB1383) - The act extends the time period for staff members of Technical and Community Colleges, Vocational schools, and the Division of Vocational-Technical Education to become members of the Teacher Retirement System instead of the alternate retirement plans offered to other staff employees. Previously, the staff members had to choose before July 1, 1995 and the deadline was extended to July 1, 1997.

#### **FULL RETIREMENT AT 28 YEARS OF SERVICE**

Act 992 (HB1266) - The act provides members of the Teacher Retirement System with full retirement benefits at twenty-eight (28) years of credited service regardless of their age. It increases the multiplier amount for calculating retirement annuities from 2.05% to 2.065% per year of service credit. Further, it also increased benefits for retirants and beneficiaries who retired July 1, 1990 or later by an amount equal to seven tenths percent (.7%) of the benefits payable on June 30, 1997.

#### **LUMP SUM DEATH BENEFIT**

Act 1022 (Hs1574) - The act provides Teacher Retirement System members with a lump-sum death benefit payment of up to \$7,500 for contributory members or \$5,000 for noncontributory members or a combination for combined service. The exact amount of the lump-sum payments is to be set annually by the Board of Trustees and set to the level of these benefits to maintain the ratio between the contributory and noncontributory benefits are maintained at a three to two (3:2) ratio.

#### **T-DROP - APPLICATION PROCESS**

Act 118 (HB1249) - The act makes changes in the application process, in the election of annuity options, and in the death benefits of the Teacher Deferred Retirement Option Plan (T-DROP) of the Teacher Retirement System.

#### **T-DROP - CONTRIBUTIONS AMOUNTS**

Act 953 (HB1671) - The act changes the amount of contributions to the Teacher Deferred Retirement Option Plan (T-DROP) account. It allows the TRS Board to further adjust the T-DROP contribution rate in the event a member has more than 30 years of service. The adjustment will be one-half of one percent (0.5%) for contributory years and three-tenths (0.3%) for noncontributory years for each year of service above 30 years. Prior to this act, adjustments were made only at the rate of one percent (1%) and six-tenths of one percent (.6%), respectively, for each year of service.

## **SECRETARY OF STATE**

### **BIENNIAL REPORT REPEALED**

Act 256 (HB1410) - The act repeals sections of the Arkansas Code requiring the Secretary of State to print a synopsis of general laws after each session and a biennial report of the activities of the Governor's office.

## **FRANCHISE TAX**

### **LIMITED LIABILITY COMPANIES**

Act 479 (SB274) - The act amends the Small Business Entity Tax Pass Through Act to provide for the conversion, merger or consolidation of a partnership to a limited liability company. The act provides that limited liability companies shall pay the minimum franchise tax and clarifies certain other provisions of the Small Business Entity Pass Through Act.

## **SECRETARY OF STATE**

### **REPORT OF HISTORICAL AND CONTEMPORARY INFORMATION**

#### **PUBLISHED BY SECRETARY OF STATE**

Act 365 (HB1668) - The act requires the Secretary of State to publish a bound book report for the period ending December 31, 1997 of historical and contemporary information taken from the records and archives of the Secretary of State's office.

### **VOTER REGISTRATION SIGNATURE IMAGING SYSTEM**

Act 1104 (HB2170) - The act clarifies that the signature imaging system in the Secretary of State's Office is for voter registration.

## **SECURITIES**

### **ARKANSAS SECURITIES ACT**

#### **SECURITIES ISSUED BY COUNTY OR REGIONAL DEVELOPMENT CORPORATIONS**

Act 906 (HB1312) - The act provides that securities issued by county or regional industrial development corporations shall be subject to the antifraud provisions of the Arkansas Securities Act.

### **OMNIBUS REVISIONS**

Act 173 (SB48) - The act revises various sections of the Arkansas Securities Act.

## **SOIL AND WATER CONSERVATION COMMISSION, ARKANSAS**

### **BOND ISSUE FOR WATER DEVELOPMENT**

Act 607 (SB355) - The act authorizes the Arkansas Soil and Water Conservation Commission to issue general obligation bonds in total principal amount not to exceed \$300,000,000. It limits the bond issues to series amounts not to exceed, without prior approval of the General Assembly, \$60,000,000 in any fiscal biennium. The bonds may be used for financing and refinancing the development of water, waste disposal, pollution control, abatement and prevention, drainage, irrigation, flood control and wetlands projects. Further, the question of issuance of bonds is to be submitted to the voters of Arkansas at the 1998 general election or a special election.

### **INTERSTATE COMPACT**

#### **UNDERGROUND AQUIFERS**

Act 237 (SB193) - The act authorizes the Soil and Water Conservation Commission to enter into an interstate compact to preserve and protect underground aquifers.

### **REPORTS**

Act 360 (HB1532) - The act provides that Arkansas Code 15-22-505(3) requiring the Commission to file reports is duplicative and is therefore repealed.

### **SURPLUS LANDS**

Act 325 (SB305) - The act provides that the Arkansas Soil and Water Conservation Commission shall convey property to the heirs of the original seller, if it determines the property to be surplus.

### **WASTEWATER**

#### **SERVICES**

Act 698 (HB1508) - The act provides that it is unlawful for a person to provide water or wastewater services where the services are already being provided by a provider who is using the revenue derived from the services to repay financial assistance provided by the Arkansas Soil and Water Conservation Commission unless the Arkansas Soil and Water Conservation Commission approves the activity. The Commission may require payment of the outstanding financial assistance provided before approving the additional services. Upon enactment, the Commission is limited as to the entities it may provide financial assistance for the services. A civil action may be instituted.

## **STATE AGENCIES GENERALLY**

### **ADMINISTRATIVE PROCEDURE ACT**

Act 1149 (HB1193) - The act requires the Arkansas Transportation Commission, the Contractors Licensing Board, the Department of Health and the Department of Veterans' Affairs to comply with the Arkansas Administrative Procedure Act.

#### **PUBLIC COMMENT**

Act 406 (SB280) - The act requires state agencies to hold, upon the request of 25 or more interested persons, a hearing on public comments concerning proposed regulations, and to fully consider all public comments on a proposed regulation before adopting the final regulation, and to issue, upon request, a statement citing the reasons for the agency's action in regard to public comments.

### **ANNUAL AND QUARTERLY REPORTS**

Act 416 (HB1340) - The act requires all state agencies to provide the House of Representatives State Agencies and Governmental Affairs Committee with a list of all annual and quarterly reports produced and distributed by the agencies, along with the number of reports distributed and the costs and further requires the committee to determine which reports are no longer necessary, possible savings, and to make legislative recommendations prior to the Eighty-Second General Assembly.

### **ANNUAL MISSION STATEMENTS**

#### **PROCEDURE**

Act 181 (HB1039) - The act clarifies the procedure for state boards and commissions to follow in filing annual mission statements and annual reports and specifies that the Joint Budget Committee shall take no action on any appropriation for a board or commission that has failed to file an annual mission state and annual report in accordance with this act.

### **BOARDS AND COMMISSIONS**

#### **ATTENDANCE AT MEETINGS**

Act 219 (SB166) - The act requires members of state boards and commissions to attend all meetings of the appropriate board or commission unless excused by the Governor and provides a mechanism to remove members of state boards and commissions who have three or more unexcused absences from meetings.

#### **REVIEW**

Act 1205 (HB1987) - The act requires that any state board or commission which has not convened for two consecutive scheduled meeting dates within two years shall vote to elect a new chairman and any state board or commission which has not convened for four consecutive scheduled meeting dates within two years shall be reviewed for the purpose, need and effectiveness of the board or commission by the House and Senate Interim Committees on State Agencies and Governmental Affairs.

#### **SAVINGS AND LOAN ASSOCIATION BOARD**

Act 258 (HB1428) - The act abolishes the Savings and Loan Association Board and transfers all powers, duties and responsibilities to the Supervisor of Savings and Loan Associations.

#### **STIPENDS AND EXPENSE REIMBURSEMENT**

Act 250 (HB1038) - The act cleans up conflicting laws in regard to stipends and expense reimbursement for members of various state boards and commissions.

### **CONVEYANCE OF REAL PROPERTY**

Act 1315 (HB1192) - The act requires state agencies to report to the Legislative Council conveyances of any interest in real property or natural resources owned by the state.

## **STATE AGENCIES GENERALLY**

### **EXPENSE REIMBURSEMENTS**

Act 795 (SB409) - The act provides that reimbursement for meals and lodging on official business shall not exceed the maximum rates as set forth by the Federal Travel Directory. Special authorization shall be limited to unusual circumstances and shall be set out in writing. Requests for special authorization by employees of institutions of higher education shall be subject to the approval of the chief executive officer of the institution.

### **FREEDOM OF INFORMATION ACT**

#### **EXEMPTION**

Act 741 (HB1374) - The act exempts from the Freedom of Information Act plans and support materials maintained by the Department of Correction related to emergency preparedness.

#### **SETTLEMENT AGREEMENTS**

Act 873 (HB1196) - The act amends the Freedom of Information Act by adding a subsection to provide that settlement agreements, except those involving a state tax covered by the Arkansas Tax Procedure Act, entered into by state agencies shall be considered a public document. The act also prohibits public officials or employees from taking any action to keep settlement agreements withheld from public access.

### **LATE PAYMENTS**

Act 1066 (SB177) - The act authorizes state agencies to enter into contracts which contemplate the payment of late charges, but only when the late charges are incurred 60 days after payment is due.

### **LITIGATION REPORTS**

Act 264 (SB180) - The act increases from \$5,000 to \$7,500 the admitted claim amount which must be reported to the Litigation Subcommittee of the Arkansas Legislative Council by state agencies, boards, commissions and institutions of higher education.

Act 850 (SB165) - Section 30 of this appropriation act requires a state agency to file a report with the Litigation Subcommittee of the Arkansas Legislative Council, if the state agency admits liability to a claim filed with the State Claims Commission involving a contract if the claim exceeds \$7,500.

### **MICROFORM OR COMPUTERIZED AGENCY RECORDS**

Act 541 (HB1621) - The act authorizes state agencies to retain agency records on microform or stored in a computer in lieu of retaining the original documents.

### **PROFESSIONAL AND CONSULTANT SERVICES**

#### **STATE ACCOUNTING AND BUDGETARY PROCEDURES**

Act 1088 (HB1601) - The act authorizes state agencies to use purchase orders for professional and consultant services which do not exceed \$5,000. The act also requires that any state agency contract for professional and consultant services exceeding \$10,000 be presented to the Legislative Council or the Joint Budget Committee by the Department of Finance and Administration prior to its approval.

### **PUBLIC CONTRACTS**

#### **BID PROCEDURE**

Act 1193 (HB1667) - The act establishes the bidding procedure for public construction contracts, including notice of the intent to receive bids and the different requirements depending on the estimated cost of the work.

#### **ELIGIBILITY**

Act 1155 (HB2024) - The act provides that any person who knowingly violated any state law in acquiring or performing a state contract shall be ineligible to contract with the state for three years.

## **STATE AGENCIES GENERALLY**

### **PUBLIC CONTRACTS**

#### **FREEDOM OF INFORMATION ACT**

Act 1083 (HB1195) - The act provides that contracts entered into by public agencies are deemed public records in accordance with the Freedom of Information Act.

### **PUBLIC FUNDS**

Act 296 (HB1460) - The act eliminates the requirement that public funds must be invested in banks located in Little Rock or Pulaski County and allows such funds to be deposited in banks located in the state.

### **STATE LANDS**

#### **SALE**

Act 265 (SB250) - The act provides for the state agency proposing a sale of state lands to obtain a qualified appraiser with notice to the Director of State Building Services.

### **VOUCHERS**

#### **SIGNATURE**

Act 1087 (HB1560) - The act permits vouchers to be signed by computer produced digitized signature of the disbursing officer or the authorized agent after approval by the Chief Fiscal Officer of the State.

## **STATE CAPITOL**

### **CAPITOL ARTS AND GROUNDS COMMISSION**

Act 345 (HB1043) - The act creates the Capitol Arts and Grounds Commission which is authorized to recommend a Capitol Master Plan, to review permanent paintings, statues, fountains, and monuments in the public areas of the State Capitol.

## **STATE TREASURY**

### **STATE TREASURY MANAGEMENT LAW**

Act 847 (HB2139) - The act establishes the State Treasury Management Law.

## **TAXES**

### **AIRCRAFT BOARDING AND DISEMBARKING TAX**

Act 1245 (HB1748) - The act increases the aircraft boarding and disembarking tax allowed to be charged by regional airport authorities from \$1 to the maximum amount allowed by the federal government.

### **CHARITABLE ORGANIZATIONS**

Act 708 (SB525) - The act provides that charitable organizations which solicit contributions in excess of \$10,000 and which are required to file tax or information returns with the Internal Revenue Service shall file, in lieu of the annual report required in Arkansas Code 4-28-406, in the Attorney General's office a copy of all tax information submitted to the Internal Revenue Service.

### **INCOME TAX**

#### **AFFORDABLE NEIGHBORHOOD HOUSING TAX CREDIT ACT OF 1997**

Act 1331 (HB2174) - The act provides for a tax credit to a person or entity which engages in providing affordable housing. The credit is limited to 30% of the total amount invested by the person or entity and cannot exceed \$750,000 in any taxable year. The act also provides that in 1997 at least one-half of the credits shall be designated in counties declared disaster areas by the Governor.

#### **ARKANSAS DISASTER RELIEF INCOME TAX CHECK-OFF PROGRAM**

Act 1181 (SB755) - The act creates the Arkansas Disaster Relief Income Tax Check-Off Program which allows taxpayers to designate a portion of their income tax refund to go to the Office of Emergency Services for disaster relief.

## **TAXES**

### **INCOME TAX**

#### **BIOTECHNOLOGY**

Act 1117 (SB322) - The act establishes the Arkansas Biotechnology Development and Training Act of 1997 providing an income tax credit for building biotechnology facilities, training in the biotechnology field and for qualified research in the biotechnology field.

#### **DEBT SET-OFF**

Act 1280 (SB289) - The act adds state-supported technical institutes to the list of agencies which can obtain taxpayer income tax refunds to set-off debts owed to that agency by the taxpayer.

#### **DEDUCTION FOR TUITION**

Act 1075 (SB487) - The act provides a deduction from a taxpayer's adjusted gross income of a portion of the tuition paid by the taxpayer for the taxpayer, the taxpayer's spouse, or dependent to attend a technical institute, a two-year college, or a four-year college.

#### **DIVIDENDS**

Act 1189 (HB1400) - The act amends Arkansas Code 26-51-404 to exclude from taxable income dividends received by a parent corporation from a subsidiary which is at least 80% owned by the parent corporation. Prior to this act, the law provided that 95% ownership was required before the parent corporation was able to take advantage of the income tax exclusion.

#### **LONG TERM INTERGENERATIONAL TRUST**

Act 1345 (HB2115) - The act amends the long term intergenerational trust law to provide that a taxpayer's contribution to the trust is deductible from adjusted gross income for income tax purposes.

#### **LOW INCOME HOUSING TAX CREDIT**

Act 1332 (HB2197) - The act allows an income tax credit for taxpayers who have an ownership interest in a qualifying low income housing project in an amount equal to 20% of the allowable federal credit. The maximum amount of credit that could be taken is \$250,000 per taxable year.

#### **REPEAL OF SURCHARGE**

Act 1173 (SB618) - The act repeals, effective for taxable years beginning on January 1, 1997, the income tax surcharge imposed on taxpayers in school districts that failed to levy the base millage of 25 mills; the act also repeals uncodified provisions of Act 917 of 1995 that held a penalty for school districts failing to levy the base millage.

#### **SCHOOL FUNDING SURCHARGE**

Act 1040 (HB2093) - Section 3 of this appropriation act limits the school funding income tax surcharge to taxable year 1996.

#### **SMALL BUSINESS CAPITAL FORMATION ACT**

Act 883 (HB1685) - The act provides a deduction from income for capital gains on the sale of qualified small business stock based on the length of time the taxpayer holds the stock.

#### **SURFACE WATER**

Act 421 (HB1513) - The act increases the income tax credit for using surface water instead of ground water for industrial or commercial purposes from \$9,000 to \$30,000 and increases the period that the unused tax credit can be carried over from two to four years.

## **TAXES**

### **INCOME TAX**

#### **TAX RELIEF**

Act 328 (HB1006) - The act amends various provisions of the income tax laws. Specifically, it increases the standard individual income tax deduction from \$1,000 to \$2,000 per taxpayer and eliminates the marriage penalty for married taxpayers who receive a single standard deduction. It also adjusts the reduced income tax rates to eliminate the income tax on families whose income is below the poverty level. The act provides an individual income tax credit based on federal social security tax paid on the first \$40,000 of wages and salaries. It also indexes the individual income tax rates based on the federal consumer price index. The act increases the child care tax credit from 10% to 20% of the federal allowable credit. It excludes from income the gain on the sale of a principal residence. The act increases the homestead property tax refund by \$50 and adjusts the income brackets for the property tax refund by an additional \$1,000.

#### **YOUTH APPRENTICESHIP PROGRAM**

Act 1168 (SB458) - The act expands the youth apprentice program law to allow an employer who employs a youth in an apprenticeship program or occupation which meets certain criteria established by the Department of Education to take advantage of the income tax credit provided in the law. Prior law only allowed employers who employed a youth apprentice in a program which conformed to certain federal regulations to take the tax credit.

### **MOTOR FUEL**

#### **BORDER CITY RATE**

Act 727 (HB1717) - The act amends the motor fuel tax law to permit cities bordering the state line located in the center of the main channel of the Mississippi River to qualify for border city tax rates on gasoline.

#### **DISCLOSURE OF INFORMATION**

Act 1039 (HB2053) - The act amends the State Tax Procedure Act to allow the director of the Department of Finance and Administration to disclose to the Tax Division of the Public Service Commission information contained in motor fuel tax records necessary to assess motor carrier companies for ad valorem tax purposes.

### **PROPERTY TAX**

#### **ASSESSMENT COORDINATION DIVISION OF THE PUBLIC SERVICE COMMISSION**

Act 436 (SB421) - The act creates the Assessment Coordination Department and transfers the Assessment Coordination Division of the Public Service Commission to the newly created department. The act provides that any and all statutory authority, powers, duties and functions regarding assessment and equalization of properties and the administration of the tax laws of the state not specifically retained by the Public Service Commission or the Tax Division of the Public Service Commission shall be transferred to the newly created department.

#### **ASSESSMENT OF MOTOR VEHICLES**

Act 1036 (HB1972) - The act amends Arkansas Code 26-26-1207 relating to the assessment of motor vehicle inventories to provide that the assessment of inventory shall be determined by calculating the monthly average of all sales of new and used motor vehicles by the dealer in lieu of calculating the monthly average of only retail sales.

## **TAXES**

### **PROPERTY TAX**

#### **ASSESSMENTS**

Act 440 (HB1146) - The act repeals Arkansas Code 26-26-305 relating to cyclical reappraisal of property for ad valorem tax purposes. It also amends Arkansas Code 26-26-304 relating to state aid and turnback funds by providing that whenever a classification of market value real estate or personal property falls below 18% or above 22% of full fair market value for two consecutive ratio studies, the county shall be deemed to have failed the ratio study and shall be subject to penalties and corrective actions and by further providing that where the weighted coefficient of dispersion about the median ratio for market value real estate exceeds 20 for the second consecutive ratio study, the county shall be deemed to have failed the ratio study and be subject to penalties and corrective action.

#### **COUNTYWIDE REAPPRAISAL**

Act 836 (HB1836) - The act repeals the law relating to the cyclical reappraisal of property. It also adopts a procedure converting counties which are in the process of a cyclical reappraisal to a countywide reappraisal of property, and it provides that when there is a countywide reappraisal of property which is conducted over two years, the rollback provisions of Amendment 59 should be applied.

#### **DELINQUENT INTEREST AND COSTS**

Act 213 (HB1105) - The act provides for the prorating of interest and costs received from delinquent property taxes.

#### **EXEMPT PROPERTY**

Act 336 (HB1406) - The act repeals the provision of Arkansas Code 26-26-1001 which requires the assessor's list of exempt real property to include the value of the exempt property.

#### **MANUFACTURING**

Act 1294 (SB704) - The act provides that raw materials purchased within or outside the state used in the manufacturing process may not be assessed for taxation in this state.

#### **NONPAYMENT OF TAXES**

Act 502 (HB1549) - The act amends Arkansas Code 26-38-101 to cure uncertainties as to the title of lands sold for nonpayment of taxes for 1970 and prior years.

#### **UTILITIES**

Act 1002 (HB1993) - The act provides that a utility company official submitting an annual report to the Tax Division of the Public Service Commission must sign a declaration that provides that the statements contained in the report are true to the best of his or her knowledge and belief.

### **REAL PROPERTY TRANSFER TAX**

Act 833 (HB1736) - The act amends Arkansas Code 26-60-102 to add homes financed by the United States Department of Agriculture Rural Development to the list of property exempt from the real property transfer tax and to increase minimum sales price of a home exempt from the tax from \$50,000 to \$60,000.

### **SALES AND USE TAXES**

#### **ADVERTISING AND PROMOTION TAXES**

Act 1016 (HB1462) - The act provides that city advertising and promotion commissions are authorized to adopt ordinances consistent with and similar in form to the Tax Procedure Act to enforce and collect local sales taxes levied on various forms of lodging, prepared foods and beverages.

#### **AUTOMOBILES DESTROYED BY CATASTROPHIC EVENT**

Act 1348 (HB2179) - The act provides a sales tax credit for consumers who purchase motor vehicles which are subsequently destroyed by catastrophic events resulting from a natural cause.

## **TAXES**

### **SALES AND USE TAXES**

#### **AVIATION SALES**

Act 924 (SB361) - The act phases out the amount of use tax revenues derived from the purchase of aircraft, aviation fuel, parts, and accessories that are currently credited to general revenues. The act directs that the revenues phased out of general revenues be deposited in the Arkansas Department of Aeronautics Fund until July 1, 2001, at which time all revenues derived from the purchase of aircraft, aviation fuel, parts, and accessories shall be deposited into the Arkansas Department of Aeronautics Fund.

#### **BORDER CITIES**

Act 735 (SB456) - The act imposes an additional 1% use tax in border cities that have adopted an additional 1% sales tax in lieu of an income tax.

#### **CREDIT REPORTING AND DEBT COLLECTION SERVICES**

Act 1263 (HB2122) - The act repeals the levy of sales and use tax on the service of credit reporting and debt collection.

#### **EXEMPTIONS - COLLECTION OF DISHONORED CHECKS**

Act 1359 (HB1332) - Section 22 of this appropriation act revises the annual privilege tax or fee for tobacco permits and licenses. The permits and licenses shall expire on June 30 of each year. Section 32 of the act exempts services provided in collecting dishonored checks from the gross receipts tax.

#### **EXEMPTIONS - ENTERTAINMENT PRODUCTION**

Act 919 (SB625) - The act provides a 100% sales and use tax refund on taxable purchases made in Arkansas in connection with a filming or production project which spends over \$500,000 on one project within six months, or over \$1 million on one or more projects within 12 months.

#### **EXEMPTIONS - GAS PRODUCED FROM BIOMASS**

Act 999 (HB1824) - The act provides that gas produced from biomass and sold for the purpose of generating energy to be sold to the gas producer is exempt from sales and use tax.

#### **EXEMPTIONS - HEIFER PROJECT INTERNATIONAL**

Act 1222 (HB2273) - The act exempts sales of tangible personal property and services to Heifer Project International from sales and use tax.

#### **EXEMPTIONS - MACHINERY AND EQUIPMENT**

Act 1233 (HB1250) - The act exempts machinery and equipment used directly in reprocessing articles of commerce at manufacturing or processing plants from sales and use tax.

#### **EXEMPTIONS - MANUFACTURING FUELS**

Act 825 (HB1542) - The act exempts the sale of railroad ties to be used as substitute fuel in manufacturing plants from sales and use tax.

#### **EXEMPTIONS - MOTOR VEHICLES**

Act 1232 (HB1182) - The act increases the taxable floor on the sales and use tax exemption for motor vehicles from \$2,000 to \$2,500 and provides that the sales price of a motor vehicle shall be the greater of the actual sales price as provided on the bill of sale, invoice or financing agreement or the average loan price of the vehicle as listed in certain industry publications. The act also provides a sales tax credit for consumers who sell a used motor vehicle in lieu of trading it in.

#### **EXEMPTIONS - PRESCRIPTION DRUG SAMPLES**

Act 704 (SB272) - The act provides that the withdrawal of prescription drug samples for free distribution from a stock or inventory is exempt from the gross receipts tax.

Act 884 (HB1686) - The act provides that the withdrawal of prescription drug samples for free distribution from a stock or inventory is exempt from the gross receipts tax.

## **TAXES**

### **SALES AND USE TAXES**

#### **EXEMPTIONS - RESIDENTIAL LAWN CARE**

Act 1252 (HB1874) - The act exempts residential lawncare from sales and use taxes.

#### **EXEMPTIONS - SALVATION ARMY**

Act 603 (SB124) - The act exempts the Salvation Army from sales and use tax on purchases of tangible personal property and services.

#### **EXEMPTIONS - SCHOOL BUSES**

Act 1303 (SB447) - The act exempts school buses purchased by persons who provide bus service for an Arkansas School district from sales and use tax.

#### **EXEMPTIONS - VOLUNTEER FIRE DEPARTMENTS**

Act 441 (HB1159) - The act exempts repairs to fire protection and emergency equipment from sales and use tax. It also exempts supplies and materials to be used in the construction and maintenance of volunteer fire departments from sales and use tax.

#### **FAIRS AND LIVESTOCK SHOWS**

Act 1256 (HB2005) - The act provides that the organizer of a district fair, a state fair, or a state livestock show is not required to register for sales tax collection with the Department of Finance and Administration and is not required to provide tax reporting forms to fair vendors.

#### **HIGHER EDUCATION**

Act 918 (SB603) - The act provides that a county sales or use tax may be dedicated for capital improvements for the maintenance and operation of any public institution of higher education located in the county.

#### **ITEMS DONATED AFTER A STATE DISASTER**

Act 1266 (HB2142) - The act excludes items withdrawn from the inventory of a business and donated to National Guard members, emergency service workers or volunteers providing services to a county which has been declared a disaster area by the Governor from sales and use tax.

#### **LIABILITY OF SELLER**

Act 391 (HB1618) - The act provides that a seller who relies in good faith on a claim for a sales tax exemption by a purchaser shall be relieved of liability for the payment of tax, penalty and interest.

#### **LOCAL TAXES**

Act 947 (HB1561) - The act expands the alternative local sales and use tax law to add the rental expense of capital improvements to the list of purposes for which the tax may be used.

#### **LONG TERM RENTAL TAX ON MOTOR VEHICLES**

Act 1076 (SB496) - The act exempts long term leases of motor vehicles from sales tax and in lieu thereof levies a 1.5% long-term rental vehicle tax to remain in effect until total vehicle leases reach 10% of the annual new vehicle registrations. The bill also reinstates the sales tax on extended warranties on motor vehicles.

#### **MANUFACTURED HOMES**

Act 1192 (HB1658) - The act levies a sales tax on the initial sale of a manufactured home on 62% of the gross sales price. It exempts the subsequent sales of manufactured homes from sales tax. The act repeals the sales tax exemptions for manufactured homes sold for less than \$10,000 and other mobile homes sold for less than \$2,000. The act also provides a state tax refund for the purchase of a mobile home to replace a home destroyed by a tornado on March 1, 1997, at the rate of 38% of the state sales tax on the purchase of a new home and 100% of the state sales tax on the purchase of a used home.

## **TAXES**

### **SALES AND USE TAXES**

#### **PREPAYMENT OF TAX**

Act 635 (HB1672) - The act allows a taxpayer the option of prepaying 80% of the gross receipts tax liability for the current month on or before the 24th of each month.

#### **SINGLE TRANSACTION DEFINITION**

Act 1176 (SB674) - The act requires each city or county levying a local sales and use tax to use a uniform definition for "single transaction" in the levying ordinance. It also allows taxpayers to report a single local tax rate for each city and county in which they do business.

#### **SPECIAL EVENT PROMOTER**

Act 137 (HB1052) - The act provides that the organizer of a county fair is not required to register for sales tax collection with the Department of Finance and Administration and is not required to provide tax reporting forms to fair vendors.

#### **TOURISM**

Act 291 (HB1338) - The act provides a sales tax credit equal to 25% of the approved costs incurred by an eligible company that spends \$1 million dollars on an approved project which creates or expands a tourism attraction. The act also provides a sales tax credit equal to 10% of the costs of eligible companies which plan to spend at least \$500,000 on a tourism project. The credit may only be used against the "increased state sales tax liability" resulting from the tourism attraction project.

### **SPECIAL MOTOR FUELS**

Act 1212 (HB2118) - The act abolishes the classification of second receiver diesel suppliers with regard to special fuels taxes and also provides that distillate special fuels shall be taxed at the time of receipt.

### **TAX PENALTY AMNESTY PROGRAM**

Act 1001 (HB1967) - The act establishes the "Arkansas Tax Penalty Amnesty Program" which provides a method for taxpayers to make voluntary payments of certain state taxes without being subjected to criminal prosecution or penalties.

### **TAX PROCEDURE ACT**

#### **ALTERNATIVE METHOD OF CONTESTING STATE TAX ASSESSMENTS**

Act 1139 (SB504) - The act provides an alternative method of contesting state tax assessments.

#### **PAYMENT WITH INSUFFICIENT CHECK**

Act 702 (HB1617) - The act amends the Arkansas Tax Procedure Act to increase the penalty for payment of any tax, license or fee with an insufficient check from \$10 to \$20.

### **TECHNICAL CORRECTION ACT**

Act 951 (HB1639) - The act adopts technical corrections to state income, gross receipts, and compensating use taxes.

### **TOBACCO PRODUCTS**

#### **BREAST CANCER ACT OF 1997**

Act 434 (SB320) - The act provides an additional tax of \$1.25 per 1,000 cigarettes sold in the state and an additional 2% tax on the manufacturer's selling price for tobacco products sold in the state to generate revenues for breast cancer research and treatment. The act creates the Breast Cancer Research Program and the Breast Cancer Control Program to administer the research and treatment programs. The act provides that the taxes levied shall not be collected in any fiscal year that the General Assembly appropriates \$800,000 to the Breast Cancer Research Fund and \$3,200,000 to the Breast Cancer Control Fund in Category A of the Revenue Stabilization Law.

## **TAXES**

### **TOBACCO PRODUCTS**

#### **IMPOSITION OF TAX**

Act 1339 (HB2056) - The act amends the existing additional tobacco tax levy to shift the imposition of the tax from the purchase of tobacco from a manufacturer by an in-state wholesaler or retailer to the first sale of the tobacco by a wholesaler or retailer.

#### **PERMITS AND LICENSES**

Act 1359 (HB1332) - Section 22 of this appropriation act revises the annual privilege tax or fee for tobacco permits and licenses. The permits and licenses shall expire on June 30 of each year. Section 32 of the act exempts services provided in collecting dishonored checks from the gross receipts tax.

#### **TOBACCO CONTROL BOARD**

Act 1337 (HB1530) - The act eliminates the discount for early or on-time remittance of tobacco taxes. The act requires proof of a municipal license before issuing a state license if required in the municipality. The act raises fees and imposes additional fees for various permits and licenses associated with the sale and manufacture of tobacco products. The act changes the disposition of funds from the sale of confiscated tobacco products and from fine collections so that the funds are deposited in the state treasury as general revenues rather than in county treasuries for use of the county school fund. The act creates the Tobacco Control Board to share, with the Department of Finance and Administration, in the regulation of tobacco products, and sets forth its powers and duties. The act provides that only the Department of Finance and Administration will regulate manufacturers of tobacco products. The Tobacco Control Board will have responsibility for licensing and permitting and assist in the enforcement of tax laws affecting the sale of tobacco products, except that it shall not have authority in criminal prosecutions or in regard to the taxing of tobacco products.

#### **UNITED STATES MILITARY BASES**

Act 880 (HB1646) - The act amends Arkansas Code Section 26-57-243 to provide that a person purchasing untaxed cigarettes from a United States military base or installation may have in his or her possession three cartons of ten packages.

### **VENDING DEVICES DECAL ACT**

Act 928 (SB450) - The act establishes the Vending Devices Decal Act of 1997 to allow operators of vending devices to elect to pay a decal fee for each vending device purchased in lieu of collecting and remitting sales tax on the sale of the items from vending devices.

## **TOBACCO**

### **BREAST CANCER ACT OF 1997**

Act 434 (SB320) - The act provides an additional tax of \$1.25 per 1,000 cigarettes sold in the state and an additional 2% tax on the manufacturer's selling price for tobacco products sold in the state to generate revenues for breast cancer research and treatment. The act creates the Breast Cancer Research Program and the Breast Cancer Control Program to administer the research and treatment programs. The act provides that the taxes levied shall not be collected in any fiscal year that the General Assembly appropriates \$800,000 to the Breast Cancer Research Fund and \$3,200,000 to the Breast Cancer Control Fund in Category A of the Revenue Stabilization Law.

### **IMPOSITION OF TAX**

Act 1339 (HB2056) - The act amends the existing additional tobacco tax levy to shift the imposition of the tax from the purchase of tobacco from a manufacturer by an in-state wholesaler or retailer to the first sale of the tobacco by a wholesaler or retailer.

## **TOBACCO**

### **PERMITS AND LICENSES**

Act 1359 (HB1332) - Section 22 of this appropriation act revises the annual privilege tax or fee for tobacco permits and licenses. The permits and licenses shall expire on June 30 of each year. Section 32 of the act exempts services provided in collecting dishonored checks from the gross receipts tax.

### **SMOKING PROHIBITION**

#### **SCHOOLS**

Act 779 (HB1912) - The act prohibits use of tobacco products on any school property, including school buses, owned or leased by a public school district, except that a school district board of directors may designate a smoking area to be used only by teachers, other school personnel, and visiting adults.

#### **STATE CAPITOL BUILDING**

Act 1323 (HB1781) - The act provides that smoking any tobacco products in the Rotunda, the Governor's Conference Room, the Old Supreme Court Room or the cafeteria in the State Capitol Building is a misdemeanor punishable by a fine of \$25.

### **TOBACCO CONTROL BOARD**

Act 1337 (HB1530) - The act eliminates the discount for early or on-time remittance of tobacco taxes. The act requires proof of a municipal license before issuing a state license if required in the municipality. The act raises fees and imposes additional fees for various permits and licenses associated with the sale and manufacture of tobacco products. The act changes the disposition of funds from the sale of confiscated tobacco products and from fine collections so that the funds are deposited in the state treasury as general revenues rather than in county treasuries for use of the county school fund. The act creates the Tobacco Control Board to share, with the Department of Finance and Administration, in the regulation of tobacco products, and sets forth its powers and duties. The act provides that only the Department of Finance and Administration will regulate manufacturers of tobacco products. The Tobacco Control Board will have responsibility for licensing and permitting and assist in the enforcement of tax laws affecting the sale of tobacco products, except that it shall not have authority in criminal prosecutions or in regard to the taxing of tobacco products.

### **UNITED STATES MILITARY BASES**

Act 880 (HB1646) - The act amends Arkansas Code Section 26-57-243 to provide that a person purchasing untaxed cigarettes from a United States military base or installation may have in his or her possession three cartons of ten packages.

## **TOURISM**

### **MOTORCOACH CARRIERS**

#### **FINANCIAL INCENTIVE**

Act 1187 (HB2251) - The act provides for a financial incentive to motorcoach carriers for tourist trips in Arkansas involving an overnight stay. The Arkansas Department of Parks and Tourism shall administer the program. The provisions of this act do not apply to the transportation of passengers by rail in scenic or excursion type services.

### **SALES AND USE TAX CREDIT**

Act 291 (HB1338) - The act provides a sales tax credit equal to 25% of the approved costs incurred by an eligible company that spends \$1 million dollars on an approved project which creates or expands a tourism attraction. The act also provides a sales tax credit equal to 10% of the costs of eligible companies which plan to spend at least \$500,000 on a tourism project. The credit may only be used against the "increased state sales tax liability" resulting from the tourism attraction project.

## **TREASURER OF STATE**

### **STATE TREASURY MONEY MANAGEMENT TRUST FUND**

Act 1179 (SB734) - The act establishes the State Treasury Money Management Trust Act, which empowers the State Treasurer to invest moneys of the State Money Management Trust Fund.

## **TRUSTS**

### **ARKANSAS TRUSTS INSTITUTIONS ACT**

Act 940 (SB691) - The Arkansas Trust Institution Act.

### **LIVING REVOCABLE TRUSTS**

#### **SHAREHOLDER IN PROFESSIONAL CORPORATION**

Act 306 (HB80) - This act amends various provisions of the Arkansas Code to allow a living revocable trust to hold shares in a professional corporation.

### **LONG TERM INTERGENERATIONAL SECURITY TRUST**

Act 1345 (HB2115) - The act amends the long term intergenerational trust law to provide that a taxpayer's contribution to the trust is deductible from adjusted gross income for income tax purposes.

### **TRUSTEE DIVISION OF TRUSTS ACT**

Act 585 (SB499) - The act authorizes a trustee to divide a trust into two or more separate trusts if the trustee determines that division of the trust is in the best interest of the beneficiaries or could result in a significant decrease in current or future federal taxes.

## **UTILITIES**

### **ANNUAL REPORT TO PUBLIC SERVICE COMMISSION**

Act 1002 (HB1993) - The act provides that a utility company official submitting an annual report to the Tax Division of the Public Service Commission must sign a declaration that provides that the statements contained in the report are true to the best of his or her knowledge and belief.

### **GAS PRODUCED FROM BIOMASS**

Act 999 (HB1824) - The act provides that gas produced from biomass and sold for the purpose of generating energy to be sold to the gas producer is exempt from sales and use tax.

## **TELECOMMUNICATIONS**

### **EMERGENCY TELEPHONE SERVICE TARIFF RATE**

Act 952 (HB1641) - The act provides for an emergency telephone service charge in the amount assessed by the political subdivision on a per access charge or the amount up to 5% of the tariff rate. However, any political subdivision with a population less than 27,500 may by a majority vote levy an emergency telephone charge in an amount assessed by the political subdivision on a per access line basis or an amount up to 12%. Revenues generated by these provisions may be expended only in direct connection with the provision of 911 services.

### **OBSOLETE LAWS**

Act 1311 (SB719) - The act repeals various obsolete laws affecting telephone and telegraph companies.

### **PUBLIC SAFETY COMMUNICATIONS**

Act 810 (HB1990) - The act includes cellular telephone services and personal communications in the application of the Arkansas Public Safety Communication Act. The act establishes the CMRS (Commercial Mobile Radio Service) Board to collect, manage, disburse, study, and provide for independent auditing of CMRS emergency telephone service charges.

### **RURAL TELECOMMUNICATIONS COOPERATIVES**

Act 316 (SB302) - The act amends various sections of the Rural Telecommunications Cooperative Act to conform with recent federal legislation and regulations.

## **UTILITIES**

### **TELECOMMUNICATIONS**

#### **TELECOMMUNICATIONS REGULATORY REFORM ACT OF 1997**

Act 77 (SB54) - The act provides for a system of regulating telecommunications services in Arkansas consistent with the requirements of recent federal legislation and regulations.

#### **TELEPHONE SERVICE INSTALLATION CHARGES**

Act 915 (SB532) - The act provides that a customer may choose to be billed for telephone installation charges in six equal installments if the total installation charges exceed \$100, and if the installation charges exceed \$50 but do not exceed \$100, the customer may choose to be billed for installation charges in three equal installments.

### **WATER OR SEWER**

Act 305 (SB19) - The act includes Class C or lower water or sewer companies within the definition of "public utility" upon the petition of the majority of the utility's customers.

## **VENDING DEVICES**

### **VENDING DEVICES DECAL ACT**

Act 928 (SB450) - The act establishes the Vending Devices Decal Act of 1997 to allow operators of vending devices to elect to pay a decal fee for each vending device purchased in lieu of collecting and remitting sales tax on the sale of the items from vending devices.

## **VETERANS**

### **VETERAN AFFAIRS, DEPARTMENT**

#### **STATE VETERANS CEMETERY SYSTEM**

Act 235 (SB115) - The act authorizes the Arkansas Department of Veterans Affairs to establish and operate an Arkansas State Veterans Cemetery System.

### **WORLD WAR II**

Act 838 (HB1848) - The act repeals an obsolete law that provided for the removal of disability of minority for World War II veterans who were minors.

## **WASTEWATER**

### **LICENSING REVENUES**

Act 288 (SB275) - The act provides for the creation of the Wastewater Licensing Fund.

### **PERMITS**

Act 1312 (SB727) - The act requires the Department of Pollution Control and Ecology to give reasoned consideration to issues raised by public comments and to document its response to public comments to serve as a record for judicial review and to aid the public in understanding the department's interpretation on long-range regulatory issues.

### **SERVICES**

Act 698 (HB1508) - The act provides that it is unlawful for a person to provide water or wastewater services where the services are already being provided by a provider who is using the revenue derived from the services to repay financial assistance provided by the Arkansas Soil and Water Conservation Commission unless the Arkansas Soil and Water Conservation Commission approves the activity. The Commission may require payment of the outstanding financial assistance provided before approving the additional services. Upon enactment, the Commission is limited as to the entities it may provide financial assistance for the services. A civil action may be instituted.

## **WASTEWATER**

### **TREATMENT PLANTS**

Act 287 (SB262) - The act provides for the receiver of a common sewage system to operate the system with the proceeds collected from the facilities which are connected to the common sewage system and the receiver may receive a reasonable professional fee. In addition, the Director of the Arkansas Department of Health shall take over the duties of the State Health Officers with respect to determining the need for potable water in the area.

### **WASTEWATER TREATMENT PLANT OPERATORS' LICENSING COMMITTEE,**

#### **ARKANSAS**

##### **STIPENDS**

Act 697 (HB1456) - The act authorizes the Arkansas Wastewater Treatment Plant Operators' Licensing Committee to receive a stipend for committee business of up to \$50.00 per meeting.

## **WATER RESOURCES**

### **INCOME TAX CREDIT**

Act 421 (HB1513) - The act increases the income tax credit for using surface water instead of ground water for industrial or commercial purposes from \$9,000 to \$30,000 and increases the period that the unused tax credit can be carried over from two to four years.

### **POINT REMOVE CREEK**

##### **DEVELOPMENT AUTHORIZED**

Act 1209 (HB2043) - The act grants authorization to develop a portion of the Point Remove Creek Waterway in Pope and Conway counties. The grant of authority for development includes construction of a bridge, causeway, dam, dike, or other structure necessary to develop the designated portion of Point Remove Creek and the impoundment of water.

### **REGIONAL WATER DISTRIBUTION DISTRICTS**

##### **CERTAIN LANDS EXCLUDED**

Act 907 (HB1476) - The act amends the Regional Water Distribution law to permit lands which are served by farm irrigation water systems to be excluded from the district. It also prohibits regional water districts from using their eminent domain powers to the condemn lands for the purpose of building private on-farm irrigation reservoirs.

##### **STIPEND**

Act 709 (SB533) - The act provides for a stipend of up to \$200 a day for the board of directors of a Regional Water Distribution District with a maximum of \$400 per director for meetings held in any one calendar month.

### **SAFE DRINKING WATER FUND**

Act 772 (HB1814) - The act creates the "Safe Drinking Water Fund" to fund state and federal water system programs.

### **WATER QUALITY STANDARDS**

Act 401 (HB1563) - The act provides for procedures to encourage long-term environmental projects by allowing a petitioner to seek approval of a change in water quality standards to accommodate long-term environmental improvement projects. The Arkansas Pollution Control and Ecology Commission is granted the authority to approve a modification in the water quality standards.

### **WATER RESOURCES DEVELOPMENT ACT**

##### **GENERAL OBLIGATION BONDS**

Act 304 (HB1512) - This act authorizes the issuance of \$12,025,000 of additional Arkansas Water Resources Development General Obligation Bonds during the 1995-97 fiscal biennium. The act also authorizes \$24,700,000 of Arkansas Water Resources Development General Obligation Bonds during the 1997-99 fiscal biennium.

## **WATER RESOURCES**

### **WATER, SEWER, AND SOLID WASTE LOANS AND GRANTS**

#### **AMOUNT OF LOANS AND GRANTS EXPANDED**

Act 960 (HB1907) - The act amends the Water, Sewer & Solid Waste Management Systems Finance Act to provide that the loans or grants of financial assistance may be made up to the total project cost for water, sewer, or solid waste management project, instead of the previous limit of 50% of the total cost. It simplifies and streamlines the application process for grants and loans and clarifies the terms and conditions under which financial assistance can be provided. It also allows rural development authorities or rural waterworks facilities boards to participate in the program.

### **WATERWORKS OPERATORS**

Act 494 (HB1348) - The act provides for the inclusion of non-transient non-community public water systems under the definition of a water system operator and requires that four of the members of the Drinking Water Advisory and Operator Licensing Committee hold the highest grade licenses. In addition, the act provides that all fees collected under the chapter are earmarked as special revenues to be deposited in the Public Health Fund.

### **WETLANDS MITIGATION BANK CREDITS**

Act 390 (HB1614) - The act provides that the executive director of the Arkansas Soil and Water Conservation Commission may sell credits from any mitigation bank upon a determination that the implementation of the plan will likely result in the established wetland function.

## **WELFARE REFORM**

### **MEDICAID**

#### **ARKIDS FIRST PROGRAM**

Act 407 (SB348) - The act establishes the ARKids First Program to provide health care for children up to 200% of the federal poverty guideline.

### **TEMPORARY EMPLOYMENT ASSISTANCE PROGRAM**

#### **ESTABLISHED**

Act 1058 (HB1295) - The act creates a new state welfare program, the Temporary Employment Assistance (TEA) program, to be administered by the Department of Human Services and establishes the TEA Program Advisory Council to assist and advise the department in the development and implementation of the TEA program. The act establishes eligibility requirements for TEA recipients, but requires the department to exclude certain resources and income from the eligibility threshold. The act prohibits persons committing felony offenses after July 1, 1997 involving the distribution or manufacture of a controlled substance from being eligible for public assistance. It also establishes situations requiring administrative sanction or case closure. The act sets a 24 cumulative month time limit on the receipt of financial assistance under the TEA program, however, it specifies that the time limit on financial assistance will not begin to run until July 1, 1998. Recipients may be eligible for additional extended support services after the time limit on financial assistance has run. It also requires the department to establish criteria to exempt or defer temporarily certain cases from the time limit on financial assistance. The act sets forth allowable work activities for the TEA program and requires the department to establish guidelines for deferrals or exemptions from the work requirement. It requires the department and all other agencies involved in the TEA Program to report to the Public Health Committees and the Children and Youth Committees. The act also requires an ongoing independent evaluation of the TEA program.

## **WHITE RIVER VALLEY COMMISSION**

### **ABOLISHED**

Act 1218 (HB2214) - The act abolishes the White River Valley Commission.

## **WOMEN'S COMMISSION, ARKANSAS**

### **MEMBERS AND DUTIES**

Act 699 (HB1519) - The act provides for the creation of the Arkansas Women's Commission, including members and duties of the commission.

## **WORKERS' COMPENSATION**

### **BENEFITS**

Act 251 (HB1107) - The act increases compensation for disability on certain scheduled permanent injuries and provides that permanent partial disability benefits payable to an injured worker age 65 or older shall be reduced by 50% of the amount of benefits the injured worker received or is eligible to receive from a publicly or privately funded retirement or pension plan.

### **IMPAIRMENT RATING GUIDE**

Act 260 (HB1298) - The act removes an automatic sunset date of March 1, 1997, from the impairment rating guide adopted by the Workers' Compensation Commission and provides that the guide shall be reviewed by the Arkansas General Assembly before April 1 of every odd-numbered year beginning in 1999.

### **INSURANCE PLAN**

Act 1143 (SB636) - The act provides for the promotion of competition for the designation of plan administrator and servicing carrier and provides for the improvement of the plan administration and servicing carrier performance with regards to the Arkansas Workers' Compensation Insurance Plan.

### **MISREPRESENTATION**

Act 808 (HB1725) - The act amends Arkansas Code 11-9-106 of the Workers' Compensation Law to clarify the provisions relating to fraudulent misrepresentation and costs allowed for service of subpoenas.

### **REAL ESTATE LICENSEES**

#### **EXEMPTION**

Act 832 (HB1735) - The act exempts real estate licensees from the provisions of the Workers' Compensation Law.

### **VARIOUS CHANGES**

Act 975 (SB98) - Sections 10, 11, and 14 of this appropriation act address three issues concerning Workers' Compensation. The Workers' Compensation Commission is required to report to the Legislative Council and the Public Health, Welfare and Labor Committee on the progress of the Health and Safety Program in the Medical Cost Containment Program. The act provides that the implementation of the Workers' Compensation Commission Rule on Managed Care (Rule 33) is voluntary for all employers. The act provides that in cities with a population of over 150,000, the cities and their sewer committees may provide Workers' Compensation coverage for their officials and their employees either through private carriers or by self-funding on either a statewide or individual basis.

## 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.

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

Page 2

<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. April 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 - 4th ES	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
80th - FES	1995	October 17 - October 20	4
81st	1997	January 13 - April 17 - Recess until May 2 - Adjourned May 2	96

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Approved

**SUMMARY  
OF ACTION ON  
GENERAL LEGISLATION**

**BY THE  
81ST GENERAL ASSEMBLY  
OF THE STATE OF ARKANSAS**

**1997**

**January 13 through  
May 2, 1997**



**May, 1997**