

# SUMMARY OF GENERAL LEGISLATION

.....

85TH GENERAL ASSEMBLY  
OF THE STATE OF ARKANSAS

2005

January 10, 2005 - May 13, 2005

.....



Bureau of Legislative Research  
June 2005

June 3, 2005

**TO: MEMBERS OF THE ARKANSAS GENERAL ASSEMBLY**

The Bureau of Legislative Research is pleased to have prepared for your use this **Summary of Action on General Legislation** representing the enactments of the 85th General Assembly of the State of Arkansas during the 2005 regular legislative session. (Please note that a summary of fiscal acts is available in a separate volume). The summary also provides information concerning the dates and lengths of previous legislative sessions.

In the near future we will also be providing a list of Arkansas Code Sections amended during this legislative session.

It is our belief that this Summary will prove a good resource for you when explaining recent legislative activity to the citizens of Arkansas. If you would like additional information, the Bureau of Legislative Research staff and I are available and pleased to be of assistance.

Sincerely,

Tony R. Minicozzi, Jr.  
Director  
Bureau of Legislative Research

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## **AGRICULTURE**

### **AGRICULTURAL MARKETING**

Act 1978 (SB448) - This act creates the Arkansas Agriculture Department to coordinate all aspects of marketing of agricultural products grown in this state.

### **CONTRACTS, GROWERS**

Act 1253 (HB1570) - This act specifies requirements for contracts between and remediation of contract difficulties between agricultural contractors and growers.

### **CROOKED CREEK**

Act 253 (HB1387) - This act limits nutrition surplus areas in the Upper White River watershed to areas above its confluence with Crooked Creek. This act became effective on February 22, 2005.

### **EARTH MOVERS**

Act 276 (HB1282) - This act permits earthmovers used in farming operations to travel more than 50 miles on highways without the operator obtaining a special permit.

### **FARMING**

Act 2257 (HB2918) - The act amends Arkansas Code § 2-4-101 to make technical corrections and amendments concerning the right to farm. The act also provides that an agricultural operation will not be a public or private nuisance if commonly and reasonably associated practices are used.

### **LIVESTOCK SHOW LEASES**

Act 125 (SB73) - This act authorizes the Arkansas State Building Authority to lease property for the Arkansas State Fairgrounds and provides legal definitions of the grounds.

### **NUTRITION SURPLUS AREAS**

Act 253 (HB1387) - This act limits nutrition surplus areas in the Upper White river watershed to areas above its confluence with Crooked Creek. This act became effective on February 22, 2005.

### **POULTRY FEEDING - MANAGEMENT PLANS**

Act 2294 (SB1160) - This act requires that, after January 1, 2007, application of poultry litter to soils or associated crops within a nutrient surplus area shall be done in accordance with a nutrient-management plan or poultry-litter management plan.

### **POULTRY FEEDING - RULES ENFORCEMENT**

Act 1871 (HB2528) - This act requires personnel of the Arkansas Soil And Water Conservation Commission or a conservation district to give 72-hours' notice before entering private property for purposes of enforcing poultry-feeding operations rules. The act also requires nutrient-management plans and poultry-litter plans to be approved by the board of directors of the conservation district.

### **RICE CERTIFICATION**

Act 1238 (HB2574) - This act, the Arkansas Rice Certification Act, prohibits selling, planting, storing, transporting, and other handling of rice with characteristics that adversely affect the marketability of rice in the event of commingling with other rice except in compliance with rules of the State Plant Board or for research. The board may appoint a scientific review committee to advise the board. The act will become effective on August 1, 2005, and will expire on July 1, 2009.

### **RICE STRAW, TAX CREDIT**

Act 2247 (HB2842) - This act creates the Arkansas rice straw tax credit program to provide an income tax credit for end-use purchasers of rice straw.

### **SPARTA AQUIFER**

Act 1774 (HB2515) - The act amends the Sparta Aquifer Critical Groundwater Counties' Remediation Act, including amending the conditions and requirements for a county to be included under the act.

### **TURF**

Act 1264 (HB2410) - This act requires that turf purchased with state moneys or purchased for state projects be certified by the State Plant Board.

## **ALCOHOLIC BEVERAGES**

### **ALCOHOL LAWS, OBSOLETE**

Act 541 (HB1478) - The act repeals certain obsolete laws concerning alcoholic beverages.

### **ALCOHOL PERMITS**

#### **APPEALS**

Act 1193 (HB1756) - The act provides that hearings regarding the appeal of the denial, suspension, or revocation of a license issued by the Alcoholic Beverage Control Division shall be held at least 60 days after the date of filing of the notice of appeal.

#### **BACKGROUND CHECK**

Act 1248 (HB2914) - The act provides that applicants for certain permits issued by the Alcoholic Beverage Control Division shall be fingerprinted and subject to a criminal background check.

#### **DIVERSITY IN OWNERSHIP AND FINANCIAL INTEREST**

Act 2323 (HB2693) - This act requires the Alcoholic Beverage Control Division to consider lack of diversity in ownership and financial interest in the applicable geographic area when issuing a permit.

#### **WINE AUCTION PERMIT**

Act 1157 (SB428) - The act requires the Alcohol Beverage Control Division to issue temporary wine charitable auction permits to charitable nonprofit organizations exempt from taxation under Section 501 of the Internal Revenue Code of 1986. The permit authorizes a charitable nonprofit organization to sell wine for purposes of raising funds for the charitable organization during a live or silent auction. The temporary wine permit is valid for a period of no more than 5 days.

#### **WINE SAMPLING PERMIT**

Act 1544 (HB1875) - This act allows a wine retailer to obtain a wine sampling permit from the Alcoholic Beverage Control Division and hold a wine tasting event. Wine purchased for the event is not exempt from sales and use tax. Wholesalers may not provide free wine for a tasting event. The license fee is \$1,000 per year.

### **BEER KEG SALES**

Act 2320 (HB2632) - This act requires beer kegs sold for off-premises consumption to have an identification label and requires purchasers to pay a \$75 deposit which is forfeited if the keg is not timely returned or is returned without the identification label.

### **DRY COUNTIES, ALCOHOL TRANSPORTATION IN**

Act 1964 (HB2841) - The act repeals certain laws dealing with the storage, possession, and transportation of alcoholic beverages in dry counties and increases the penalties for the sale of intoxicating liquor in dry counties.

### **FRAUDULENT IDENTIFICATION, ALCOHOL PURCHASE**

Act 1976 (SB444) - Under existing law, it is unlawful for a person under age 21 to attempt to or use a fraudulent or altered personal identification document for the purpose of purchasing alcoholic beverages illegally. The act amends the statute to also prohibit a person under age 21 from attempting to purchase alcoholic beverages. The act authorizes a seller of alcoholic beverages or the seller's employee who has reasonable cause to believe that a person has violated the provisions of the statute to employ a nonphysical detention of the person.

### **LARGE FACILITIES ALCOHOL PERMIT - BASEBALL**

Act 445 (HB1512) - This act authorizes the Alcoholic Beverage Control Board to issue an additional large attendance facilities permit. The facility must be in a county with a population of more than 300,000 and must be owned or operated by the owner of a professional baseball team. The facility may accept sponsorship funds under limited circumstances. The act became effective March 2, 2005.

### **LOCAL OPTION ELECTION, ANNEXED AREA**

Act 1258 (HB1813) - The act permits certain residents annexed from a dry township into a wet adjoining city to request a local option election regarding the issuance of off-premises retail beer permits and off-premises Arkansas native wine retail permits.

## **ALCOHOLIC BEVERAGES**

### **NONPROFIT ORGANIZATIONS, ALCOHOL & GAMING**

Act 1170 (SB979) - The act establishes that an event held by a nonprofit organization in accordance with the act is exempt from restrictions preventing an alcohol-related permit holder from keeping gaming devices on his or her premises.

### **POST EXCHANGE PACKAGE PERMITS**

Act 1020 (HB2955) - The act provides that hours of lawful sales of alcoholic beverages under the post exchange package permit shall be the same as those established for military services clubs pursuant to Arkansas Code § 3-4-706.

### **PRIVATE CLUBS, PERMITS**

Act 1245 (HB2739) - The act provides that the reapplication of a person within 2 years of the denial of a permit to operate as a private club in an area that has not elected to allow the sale of alcoholic beverages shall be accompanied by a petition signed by 25% of the registered voters in the county.

### **WINE SHIPMENTS**

Act 1806 (SB762) - The act permits native Arkansas wineries to ship wine to in-state purchasers by common carrier or parcel delivery service.

### **WINE, DEFINED**

Act 1247 (HB2913) - The act amends definitions of "wine" throughout Arkansas law to change the alcoholic content constituting wine from 14% to 21%.

## **ANIMALS**

### **LIONS, TIGERS, AND BEARS**

Act 2226 (HB2681) - The act regulates the ownership and possession of certain large carnivores, including lions, tigers, and bears, and requires a permit for the ownership and possession of large carnivores.

### **WOLVES, BOUNTY REPEAL**

Act 283 (HB1485) - This act repeals an obsolete law concerning bounty on wolves.

## **BOARDS AND COMMISSIONS**

### **ALCOHOL AND DRUG ABUSE COORDINATING COUNCIL**

Act 1453 (SB403) - The act amends existing law to add the Director of the Administrative Office of the Courts and the Director of the Department of Community Correction to the Arkansas Alcohol and Drug Abuse Coordinating Council. The act also requires the Governor to appoint one district judge to the council.

### **APPRAISER LICENSING AND CERTIFICATION BOARD**

Act 278 (HB1333) - The Arkansas Appraiser Licensing and Certification Board is prohibited from initiating an investigation or conducting a disciplinary hearing unless the complaint is filed or the investigation is initiated within 3 years from the date of the actions complained of or within 3 years of the actions with which the investigation is concerned.

### **CEMETERY BOARD**

Act 2169 (HB1310) - The act increases the application and contract fees of the Arkansas Cemetery Board and requires the State Securities Department to assist the Arkansas Cemetery Board in the performance of the board's duties.

### **CHILD ABUSE AND NEGLECT PREVENTION BOARD**

Act 166 (HB1316) - This act adds the directors of the Department of Human Services and the Department of Health to the Child Abuse and Neglect Prevention Board.

## **BOARDS AND COMMISSIONS**

### **CHILD WELFARE AGENCY REVIEW BOARD**

Act 2225 (HB2676) - The act amends the duties of the Child Welfare Agency Review Board to allow the board to take any action necessary against an unlicensed or nonexempt person or entity that advertises for the placement of an unrelated minor for adoption or for foster care placement. This provision does not apply to an individual who is seeking to adopt a child for his or her own family. The act also allows the board to promulgate rules to ensure that a child placement agency treats clients in a professional manner, to issue letters of reprimand or caution to a child welfare agency, and to impose a greater civil penalty. The act requires the Department of Human Services to maintain a website accessible to the general public that contains information on child placement agencies.

### **CODE REVISION COMMISSION, CORRECTIONS ACT**

Act 1962 (HB2617) - The act makes various technical corrections and amendments to the Arkansas Code of 1987 as recommended by the Code Revision Commission.

### **COORDINATION OF EDUCATIONAL EFFORTS, COMMISSION FOR**

Act 1936 (HB2540) - The act adds the President of the Arkansas Science and Technology Authority and the Executive Chief Information Officer to the Arkansas Commission for Coordination of Educational Efforts. This act became effective on April 11, 2005.

### **DEVELOPMENTAL DISABILITIES SERVICES, BOARD OF**

Act 662 (SB310) - The act revises the powers and duties of the Board of Developmental Disabilities Services to permit the acquisition of real and personal property for the benefit of persons with developmental disabilities.

### **ELECTION COMMISSIONERS, STATE BOARD OF**

Act 1827 (SB1158) - The act amends various laws concerning the State Board of Election Commissioners, including amending the authority of the board and changing references to "disabled persons" to "voters with disabilities".

### **EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL**

Act 1228 (HB2430) - The act adds a position for a military emergency medical technician to the Emergency Medical Services Advisory Council.

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

Act 2277 (SB610) - The act amends existing law to permit the Arkansas Board of Examiners in Counseling to require first-time license applicants and applicants for license renewal to apply for a state and national criminal background check with the Identification Bureau of the Department of Arkansas State Police and the Federal Bureau of Investigation.

### **EYE AND VISION CARE OF SCHOOL AGE CHILDREN, COMMISSION ON**

Act 1438 (HB1734) - This act requires public and charter schools to provide periodic eye and vision screenings to students and establishes procedures for providing follow-up reports to parents and guardians and ensuring that students receive comprehensive eye exams as indicated by the results of the screening. This act also extends the sunset of the Arkansas Commission on Eye and Vision Care of School Age Children from June 30, 2005 to June 30, 2007. This act became effective on March 31, 2005.

### **FAIR HOUSING COMMISSION LAWSUITS**

Act 250 (HB1244) - The act clarifies the role of the Attorney General in filing lawsuits on behalf of the Arkansas Fair Housing Commission.

### **GEOLOGISTS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL**

Act 676 (SB331) - The act amends various provisions of Arkansas law pertaining to the State Board of Registration for Professional Geologists, including allowing the board to expand the definition of "public practice of geology" by rule, allowing the board to assess civil penalties not to exceed \$2,000, and establishing procedures for disciplinary hearings.



## **BOARDS AND COMMISSIONS**

### **HIGHWAY COMMISSION**

Act 226 (HB1473) - The act repeals an obsolete law concerning the ability of certain employees of the State Highway Commission to accept free passes upon common carriers.

### **HOME INSPECTOR REGISTRATION BOARD**

Act 2014 (HB1112) - This act requires disciplinary hearings conducted by the Arkansas Home Inspector Registration Board to be open public meetings. This act is effective July 1, 2005.

### **INTERSTATE COMMISSION FOR ADULT OFFENDER SUPERVISION, STATE COUNCIL**

Act 1153 (SB135) - The act requires the Director of the Department of Community Correction to submit a list of 5 nonelected persons to the President Pro Tempore of the Senate for possible membership on the Arkansas State Council for the Interstate Commission For Adult Offender Supervision. The President Pro Tempore is required to select 1 person from the list to act as the representative of the legislative branch.

### **LATINO AND HISPANIC AFFAIRS, TASK FORCE ON**

Act 2290 (SB1124) - The act creates the Arkansas Task Force on Latino and Hispanic Affairs.

### **MANDATED HEALTH INSURANCE BENEFITS, ADVISORY COMMISSION**

Act 1926 (HB1877) - This act amends provisions concerning the Arkansas Advisory Commission on Mandated Health Insurance Benefits. If funds are available, the commission is required to review existing law mandating health insurance benefits and to report its findings each year to the House and Senate Interim Public Health, Welfare, and Labor Committees. Bills and interim study proposals containing mandated health benefits are to be referred to committee if the Legislative Council or the legislative subcommittee finds that the bill or proposal warrant further consideration. After January 1, 2006, bills containing mandated health insurance benefits may not be enacted into law unless the bill has been reviewed by the commission.

### **MEDICAL BOARD, STATE**

Act 1249 (HB2919) - The act requires the Arkansas State Medical Board to conduct a criminal background check of applicants for licensure.

### **NATURAL RESOURCES COMMISSION**

Act 1243 (HB2690) - This act renames the Arkansas Soil and Water Conservation Commission as the "Arkansas Natural Resources Commission".

### **POLLUTION CONTROL AND ECOLOGY COMMISSION**

Act 2224 (HB2667) - This act clarifies that the Director of the Department of Health may name a designee to serve on the Pollution Control and Ecology Commission while the Directors of the Arkansas State Game and Fish Commission, the Arkansas Forestry Commission, the Arkansas Soil and Water Conservation Commission, the Oil and Gas Commission, and the State Geology Commission may name a deputy or assistant director to serve in lieu of the director.

### **POST PRISON TRANSFER BOARD**

Act 1975 (SB313) - This act amends the procedures for executive clemency. The Post Prison Transfer Board is authorized to issue subpoenas in investigating applications for pardons. Prior to submitting recommendations for pardons, the board is required to issue public notice of the recommendation and provide notice to the circuit court judge, prosecuting attorney, and sheriff of the county where the applicant was convicted, as well as any victims who have requested notice. If the Governor does not grant the application within 240 days, it is deemed denied. If the Governor grants the application, he or she must provide the reasons for granting the application in his or her written order and file the order with the House of Representatives and the Senate.

### **PRAIRIE GROVE BATTLEFIELD STATE PARK**

Act 1278 (HB2815) - The act creates the Prairie Grove Battlefield State Park Advisory Commission and sets out the duties of the advisory commission.

## **BOARDS AND COMMISSIONS**

### **PUBLIC ELEM & SECONDARY SCH. INS. & MOTOR VEHICLE INS. ADV. COMM.**

Act 171 (SB193) - The act clarifies the membership of the Public Elementary and Secondary School Insurance Program and Public School Motor Vehicle Insurance Program Advisory Committee by designating the vice chairs of the Senate and House Committees on Insurance and Commerce as members and permitting the Director of the Department of Finance and Administration to designate a person to serve on the committee on the director's behalf.

### **RICE RESEARCH AND PROMOTION BOARD**

Act 852 (HB1362) - The act requires the Arkansas Rice Research and Promotion Board to use funds derived from assessments paid by buyers for market development and promotion. The act also requires the board to use funds generated from assessments paid by producers for rice extension and rice research. Additional funds generated through assessments paid by buyers and producers will be used to pay basic administration expenses and to defray the costs of referenda, the board may refer to purchasers and producers of rice. This act became effective on March 15, 2005.

### **STATE AND PUBLIC SCHOOL LIFE AND HEALTH INSURANCE BOARD**

Act 1308 (SB501) - The act reduces the number of subcommittees of the State and Public School Life And Health Insurance Board from 3 to 2 and revises the membership of the Drug Utilization and Evaluation Subcommittee.

### **STATE MEDICAL BOARD**

Act 1688 (HB2855) - The act provides the Arkansas State Medical Board with the sole authority to regulate the practice of implanting jewelry into the mucous membrane of an eye.

### **TOWING AND RECOVERY BOARD**

Act 1878 (HB2721) - The act amends the towing and recovery laws of the State of Arkansas for the protection of the consumers of the state by granting the Arkansas Towing and Recovery Board the power to accept and investigate consumer complaints for overcharging for consensual or nonconsensual towing or storage fees and to determine and sanction excessive or unnecessary nonconsensual towing fees charged to consumers. The act requires all entities permitted, licensed, or regulated by the board to provide itemized billing for towing or storage fees that explains how the charges were calculated and to maintain a copy of their current rate schedule posted in a conspicuous place and readily accessible to the public. The act also gives the board subpoena power.

### **WORKFORCE INVESTMENT BOARD**

Act 1171 (SB1067) - The act requires the executive committee of the Arkansas Workforce Investment Board to meet at least one time every other month.

## **CHILDREN**

### **CHILD PLACEMENTS, OUT OF STATE**

Act 1959 (HB2452) - The act ensures the continuity of mental health services for juveniles in their communities. The act also addresses the out-of-state placement of children for mental health services and treatment and clarifies the requirements for an assessment or screening.

### **MOTORCYCLES, CHILD PASSENGERS**

Act 1942 (HB2788) - The act prohibits the driver of a motorcycle to allow a child to ride as a passenger on a motorcycle on a street or highway unless the child is at least 8 years of age. However, this limitation does not apply to parades.

### **ADOPTION**

Act 1685 (HB2790) - The act creates a streamline adoption process for families to adopt subsequent children within 5 years of a previously finalized adoption of a child placed in the home by the Department of Human Services. The act also requires a 1-year waiting period between adoptions.

Act 1689 (HB2876) - The act amends the requirements related to a petition for adoption. The health and social history of the adoptee is not required to be provided to the adoptive parents if the adoptee is related to a petitioner, the petitioner is the adoptee's stepparent, or the adoptee is an adult.

## **CHILDREN**

### **ADOPTION REGULATION**

Act 2225 (HB2676) - The act amends the duties of the Child Welfare Agency Review Board to allow the board to take any action necessary against an unlicensed or nonexempt person or entity that advertises for the placement of an unrelated minor for adoption or for foster care placement. This provision does not apply to an individual who is seeking to adopt a child for his or her own family. The act also allows the board to promulgate rules to ensure that a child placement agency treats clients in a professional manner, to issue letters of reprimand or caution to a child welfare agency, and to impose a greater civil penalty. The act requires the Department of Human Services to maintain a website accessible to the general public that contains information on child placement agencies.

### **BABY SHARON'S ACT**

Act 415 (HB1005) - The act repeals Arkansas Code § 26-35-1203(e) concerning the Baby Sharon's Children's Catastrophic Illness Grant Program Trust Fund. The act also amends existing law to establish the Baby Sharon's Children's Catastrophic Illness Grant Program Committee to disperse funds to designated recipients.

### **CHILD ABUSE AND NEGLECT**

#### **CHILD ABUSE AND NEGLECT PREVENTION BOARD**

Act 166 (HB1316) - This act adds the Directors of the Department of Human Services and the Department of Health to the Child Abuse and Neglect Prevention Board.

#### **CHILD ABUSE INVESTIGATION**

Act 1466 (SB563) - The act eliminates a section of the Crimes Against Children Division of the Department of Arkansas State Police and renames the Child and Family Protection Section as the Investigation Section. The Investigation Section is to investigate allegations of child abuse and refer cases to law enforcement agencies.

#### **CHILD MALTREATMENT ACT**

Act 1706 (SB392) - The act makes various amendments to the Arkansas Child Maltreatment Act, including changes to the definition of abuse, neglect, pornography, sexual abuse, sexual contact, and sexual exploitation; clarifies several provisions regarding the Arkansas Child Maltreatment Central Registry; clarifies the disclosure of central registry data and reports of child maltreatment; clarifies the reports that the hotline is required to accept regarding bruising and adult victims; allows investigations of out-of-home offenders to be extended up to 30 additional days; provides that the failure to comply with a maltreatment investigation may subject the school, facility, or institution to contempt sanctions and reimbursement of attorney's fees; allows defenses to be asserted in child maltreatment proceedings; and clarifies that publicly supported schools, facilities, and institutions acting in good faith in an investigation shall be immune from liability.

Act 1766 (HB1572) - This act adds disabilities agencies and services to the list of exempt child welfare agencies under the Child Maltreatment Act, defines "provisional foster home", and limits the scope of expungement of a felony for creating eligibility for a person to act in any capacity in a child welfare agency.

#### **DENTAL HYGIENISTS**

Act 912 (HB1311) - The act adds dental hygienists to the list of professionals required to report child maltreatment.

#### **GARRETT'S LAW**

Act 1176 (SB114) - The act includes in the definition of "neglect" in the Arkansas Child Maltreatment Act and the Arkansas Juvenile Code the causing of a newborn child to be born with an illegal substance in his or her system or born with a health problem as a result of the pregnant mother's use before birth of an illegal substance. The act became effective on March 24, 2005.

## **CHILDREN**

### **CHILD ABUSE AND NEGLECT**

#### **HEARINGS**

Act 172 (HB1024) - The act provides that an administrative hearing under the Arkansas Child Maltreatment Act shall be in person or by video conference.

#### **TASK FORCE ON ABUSED AND NEGLECTED CHILDREN**

Act 2000 (SB1030) - The act creates the Arkansas Legislative Task Force on Abused and Neglected Children, provides for the appointment of its members, and describes its mission and responsibilities.

### **CHILD CUSTODY**

Act 1191 (HB1709) - The act amends various provisions of the Arkansas Juvenile Code.

Act 192 (HB1308) - This act amends the Youth Services Act to prohibit courts from committing to the Division of Youth Services a juvenile found solely in criminal contempt.

#### **INTERNATIONAL CHILD ABDUCTION PREVENTION**

Act 170 (SB174) - The act prevents the international abduction of children by a parent by allowing the other parent to bring the issue before a court if there is a risk of international child abduction. The court may appoint a custodian for the child, order supervised visitation, or other actions to prevent abduction of the child.

### **CHILD CUSTODY, CHILD'S PREFERENCES**

Act 80 (HB1029) - Under previous law, the determination of the custody of a child was made in accordance with the best interest of the child. This act permits the court to consider the child's preferences for custody and visitation purposes if the child is of sufficient age and capacity to reason.

### **CHILD CUSTODY, DRUG TESTING**

Act 430 (HB1355) - This act allows a circuit court judge to order drug testing of a party to a matter involving child custody, child visitation, or the welfare of a child if another party requests the testing. The court will determine whether a party or the court pays for the costs of testing.

### **CHILD DEATH REVIEW PANEL**

Act 1818 (SB1011) - This act creates the Arkansas Child Death Review Panel to investigate and identify the causes of death in children under 18 by requiring a death review of all cases of unexpected deaths of children.

### **CHILD LABOR EXEMPTION**

Act 940 (HB1839) - The act permits youth 11 and older to participate as sports officials, referees, and umpires in organized youth sports. The act requires an adult representing the state or local program to be on the premises during all contests and requires consent from the minor's parent or guardian.

### **CHILD PLACEMENT, EDUCATIONAL FACTORS**

Act 1255 (HB1710) - The act ensures the continuity of educational services to foster children by requiring the Department of Human Services to consider continuity of educational services and school stability in making foster placement decisions and allowing a foster child to remain in the child's current school and continue his or her education.

### **CHILD WELFARE AGENCIES**

Act 888 (SB255) - The act clarifies and defines the scope of Act 1285 of 2003 to apply exemptions from licensing to child welfare agencies providing residential facilities that treat children diagnosed with co-occurring substance abuse and psychiatric disorders. The act became effective on March 16, 2005.

Act 2234 (HB2756) - This act makes technical corrections to the Child Welfare Agency Licensing Act, authorizes transfers of Child Welfare Agency licenses and requires the Division of Medical Services of the Department of Human Services to designate a survey agency to conduct restraint and seclusion surveys in psychiatric residential treatment facilities.

## **CHILDREN**

### **CONFIDENTIALITY, CHILDREN'S RECORDS**

Act 1764 (HB1102) - The act provides that medical records or other materials compiled or gathered by children's advocacy centers performing the services described in § 20-78-105 are confidential and may only be released under enumerated circumstances. A disclosure of information in violation of the provisions of the act is classified as a Class C misdemeanor.

### **DELINQUENCY, JUVENILE COMMITMENT ORDERS**

Act 1820 (SB1015) - The act requires an order of commitment to the Division of Youth Services of the Department of Human Services to state that the juvenile is found to be delinquent or to have committed a crime and to state information regarding the underlying facts of the adjudication, requires all health care providers to transmit to the Division of Youth Services within 3 days from the request of the Division of Youth Services all medical and health information on the committed juvenile including individually identifiable health information needed for the division to assume the role of caretaker for the committed juvenile, and requires the committed juvenile's school or current educational setting to transmit the education record to the Division of Youth Services within 10 school days from the request from the Division of Youth Services.

### **DEPENDENT-NEGLECTED JUVENILE**

Act 1191 (HB1709) - The act expands the definition of "dependent-neglected juvenile" to include any juvenile who is at substantial risk of serious harm as a result of being present in a dwelling or structure during the manufacturing of methamphetamine with the knowledge of the parent, guardian, or custodian. The act also amends several provisions of the Arkansas Juvenile Code regarding the permanency planning and placement of children removed from their homes by the Department of Human Services.

### **FOSTER CARE, RELATIVES**

Act 874 (SB442) - The act allows a child to be placed with a relative in a provisional foster home for up to 6 months pending the relative's home being opened as a regular foster home. The act became effective on March 15, 2005.

### **HEADGEAR, MOTORIZED BICYCLE**

Act 1762 (HB2754) - The act prohibits any person under the age of 16 from operating a motorized bicycle with a passenger and requires operators of motorized bicycles under the age of 21 to wear protective headgear.

### **INTERSTATE COMPACT FOR JUVENILES**

Act 1530 (HB1317) - The act adopts a new interstate compact for juveniles. The provisions of the compact address the supervision, return, and acceptance of juveniles subject to the compact. The compact will become effective and binding upon legislative enactment of the compact into law by 35 of the states. The act repeals the existing interstate compact on juveniles upon enactment of the new compact into law by the 35th jurisdiction. If the requisite number of states have not approved the new compact by January 1, 2010, then the act will become void on that date. The act became effective on April 5, 2005.

### **JUVENILE CODE AMENDMENTS**

Act 1990 (SB926) - The act makes various amendments to the Arkansas Juvenile Code, including, but not limited to, changes to the definition of abuse, neglect, juvenile, parent, pornography, sexual abuse, sexual contact, and sexual exploitation. The act clarifies several provisions of the Arkansas Juvenile Code regarding jurisdiction, emergency orders, custody, termination of parental rights, juvenile commitments, juvenile dispositions, and educational issues of foster children.

### **JUVENILE DETENTION, EDUCATION RECORDS**

Act 1998 (SB1021) - The act requires the public school education record of a juvenile in the custody of the Division of Youth Services of the Department of Human Services to be transmitted to the Division of Youth Services within 10 school days.

## **CHILDREN**

### MENTAL HEALTH, CHILDREN'S SYSTEM OF CARE

Act 2209 (HB2535) - This act creates the Comprehensive Children's Behavioral Health System of Care Plan to coordinate services for emotionally disturbed children who require services from more than 1 agency.

### NEWBORN TESTING

Act 1931 (HB2428) - This act adds cystic fibrosis to the list of conditions for which newborns must be tested and requires the Department of Health to conduct follow-up studies of positive tests from any newborn test and to design and implement an education program concerning medical problems of newborns.

### RESIDENTIAL TREATMENT, REPORTING

Act 1958 (HB2095) - The act requires additional details to be reported to the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth on the number of children placed in residential and inpatient treatment programs, including sexual offender treatment, when Medicaid is the payment source.

### SCHOOL NOTIFICATION, TRAUMATIC EVENT

Act 1961 (HB2604) - This act authorizes the Department of Human Services to notify school officials when the department has reason to believe that a child in department custody has experienced a traumatic event.

### VANS, TRANSPORTING CHILDREN IN

Act 1979 (SB465) - This act prohibits the purchase by public schools of certain nonconforming vans as defined by the federal motor vehicle safety standards. The act also requires the use of child safety alarms on daycare buses to help prevent children from being left on a bus unintentionally. This act became effective on April 11, 2005.

### WORK HOURS, MINORS

Act 939 (HB1838) - The act amends Arkansas Code § 11-16-110 to restrict children under 18 from working more than 6 days or more than 54 hours in any 1 week. In addition, the act prevents children under 18 from working more than 10 consecutive hours in any one day or working more than 10 hours in a twenty-four-hour period. The act also establishes a work start time of 6:00 a.m. and a work end time of 11:00 p.m. The work start and end times do not apply to children under 18 working on nights preceding nonschool days in an occupation approved as safe by the Arkansas Department of Labor.

### YOUTH SERVICES FACILITIES

Act 1186 (HB1571) - This act specifies the contents and standards for inspections of Youth Services facilities.

## **CITIES AND COUNTIES**

### ACCIDENT REPORT FEES

Act 2158 (SB1128) - The act requires county and municipal law enforcement agencies to charge a fee of \$10.00 for each copy of a basic accident report and a fee of \$1.50 for each copy of a supplemental accident report. The funds collected under the act will be used to support the municipal or county law enforcement agency.

### ADMINISTRATION OF JUSTICE FUND REPORT

Act 434 (HB1374) - This act provides that the county administration of justice fund report is due on the 15th day of each month.

### ALDERMAN TERMS

Act 46 (HB1083) - The act provides incorporated towns with the option of electing aldermen to staggered four-year terms.

## **CITIES AND COUNTIES**

### **ALDERMAN TERMS**

Act 81 (HB1140) - The act provides that a city council in a city of fewer than 50,000 people may refer an ordinance to voters on the question of returning the city to electing alderman to two-year terms from four-year terms.

### **ANNEXATION, CITY**

Act 1819 (SB1013) - The act clarifies the identity of the annexing municipality when an unincorporated area is surrounded by 2 or more municipalities.

### **ATTORNEY, MUNICIPAL - APPOINTMENT**

Act 387 (SB226) - The act allows mayor-council cities with populations of fewer than 5,000 the option of appointing the city attorney.

### **ATTORNEY, MUNICIPAL - TERM**

Act 133 (HB1082) - The act provides that the term of office for an elected municipal attorney in a city of the second class and a town is 4 years.

### **AUDITS, CITIES**

Act 499 (SB209) - The act amends Arkansas Code § 14-58-101 to clarify audit requirements for municipalities. This act became effective on March 2, 2005.

### **AUDITS, CITIES AND COUNTIES**

Act 424 (HB1185) - The act amends Arkansas Code § 10-4-202 to clarify audit requirements for schools, educational cooperatives, municipalities, and counties. This act became effective on March 3, 2005.

### **B.B. KING MARKER**

Act 673 (SB289) - The act recognizes Twist, Arkansas as the place where the legendary B.B. King named his famous guitar "Lucille" and requires the Arkansas History Commission to erect a permanent marker at the City of Twist.

### **BENTON COUNTY BOUNDARY**

Act 1525 (SB952) - The act changed the boundaries of Washington County and Benton County effective January 1, 2006. The local option election status of the lands transferred will conform to the county into which the lands are incorporated. All structures will be assessed and taxed by the county contiguous to the property.

### **BOARD OF EQUALIZATION**

Act 27 (HB1010) - This act repeals the obsolete requirement that a summary of the proceedings and orders of the county board of equalization be published annually. The summary included the details of all real property, including the owners and the amount of the assessment if an assessment was increased or decreased.

### **BUILDING OFFICIAL, MUNICIPAL**

Act 943 (HB1897) - The act clarifies that a building official is a department head in municipalities and that the appointment and removal of department heads is governed by Arkansas Code § 14-42-110.

### **CAPITAL IMPROVEMENT BONDS, LOCAL**

Act 1551 (HB1985) - Under existing law, a city or county may issue bonds for capital improvements of a public nature. This act expands the definition of "capital improvements" to permit bonds to be issued for animal control facilities, communications facilities, and health care facilities other than hospitals and nursing homes. The act also permits cities and counties to levy a local sales and use tax of 1/8% for use in repaying bonds. Existing law permits a levy of 1/4%, 1/2%, 3/4% or 1%. This act became effective on April 4, 2005.

Act 1930 (HB2427) - The act amends capital improvement laws to add vehicles, recreational facilities, and city buildings to the definitions of "capital improvements of public nature" and "facilities" for which bonds may be issued. The act became effective on April 11, 2005.

## **CITIES AND COUNTIES**

### **CARNIVORES**

Act 2226 (HB2681) - The act regulates the ownership and possession of certain large carnivores, including lions, tigers, and bears and requires a permit for the ownership and possession of large carnivores.

### **CEMETERIES, ABANDONED**

Act 2001 (SB1037) - The act clarifies the definition of "abandoned cemeteries" and provides for an abandoned cemetery registration board under certain circumstances.

### **CITY COUNCILS, RULEMAKING**

Act 190 (HB1287) - The act provides that city councils may consider the passage of rules and regulations on certain designated topics.

### **CITY MERGERS**

Act 2264 (HB2956) - The act clarifies the procedure for the merger of cities and incorporated towns and provides that any mayor who is forced from office because of a merger of 2 or more municipalities under this subchapter is presumed to meet the minimum service period for retirement benefits, subject to being prorated. The act became effective on April 13, 2005.

### **CONSERVATION EDUCATION GRANTS**

Act 893 (SB394) - The act requires county quorum courts to establish procedures for disbursing conservation education grant funds provided by the Arkansas State Game and Fish Commission.

### **COUNTY APPROPRIATIONS**

Act 876 (HB1228) - The act modifies the amount of annual revenues a county may appropriate.

### **COUNTY ASSESSOR'S REPORT**

Act 73 (HB1009) - Under previous law, the county assessor was required to file a report with the Assessment Coordination Department by October 1 indicating the property adjusted by the county board of equalization and an abstract of assessments. This act requires the report and abstract to be filed within 30 days after the board adjourns.

### **COUNTY JUDGE, OFFICE**

Act 1227 (HB2420) - The act provides that a county judge shall maintain an office in a county building at the county seat.

### **COUNTY OFFICIALS COMPENSATION**

Act 1214 (HB2301) - The act increases the minimum and maximum compensation authorized for county and quorum court officials.

### **COUNTY ROADS**

Act 861 (HB2271) - The act provides a county recorder will not accept a plat within an unincorporated area unless the roads within the platted area are clearly designated as private roads or the county court has accepted the roads as public property.

Act 862 (HB2272) - The act clarifies that in all counties of the state the county recorder shall not accept any plats in the unincorporated area of the county without the county court's acceptance of roads for perpetual maintenance and acceptance of any dedication of land for public purposes.

Act 1200 (HB1981) - The act amends various statutes concerning the establishment, alteration, and vacation of county roads.

### **COUNTY TREASURER, PREMIUM TAX FUND**

Act 435 (HB1375) - This act provides that county treasurers cannot collect the treasurer's commission on any of the premium tax funds disbursed from the Fire Protection Premium Tax Fund.

### **COUNTY TREASURER, SCHOOL FUND**

Act 433 (HB1373) - This act provides that the county treasurer is responsible for apportioning and distributing the general school fund of the county. Prior to this act, it was the duty of the quorum court.



## **CITIES AND COUNTIES**

### **EFFICIENCY PROJECTS, LOCAL BONDS**

Act 1980 (SB482) - The act amends the Local Government Capital Improvement Revenue Bond Act of 1985 to authorize the issuance of bonds for performance-based efficiency projects. The act became effective on April 11, 2005.

### **ELECTIONS, CITY**

Act 489 (SB4) - The act changes primary election dates and filing periods for municipal elections in cities with a city administrator form of government.

### **ELECTIONS, COST OF SPECIAL**

Act 1205 (HB2049) - The act amends Arkansas Code § 7-5-104 to allocate the expense for conducting special elections to the counties, municipalities, cities, or incorporated towns calling the election. This act became effective on March 25, 2005.

### **ELECTIONS, TIME OF SPECIAL**

Act 2145 (SB1025) - The act requires that special elections be held on the second Tuesday of a month, unless the second Tuesday is a legal holiday or a presidential preferential primary election, preferential primary election, or general election is scheduled to take place in the month.

### **EMERGENCY RESPONSE**

Act 1179 (HB1236) - This act establishes a statewide mutual aid system through the Arkansas Department of Emergency Management wherein participating counties coordinate and combine resources through the department to plan for and respond to emergency situations. This act also creates the Homeland Security Advisory Group to assist the Arkansas Department of Emergency Management with analyzing the condition and effectiveness of state emergency programs, including the statewide mutual aid system.

### **FIRE PROTECTION DISTRICTS**

Act 438 (HB1441) - The act provides for the consolidation of fire protection districts in cities of the first class by a vote of the people.

### **GAMBLING DEVICES, LOCAL ELECTIONS**

Act 1151 (SB999) - The act permits a city, town, or county to conduct a local election to authorize electronic games of skill at horse racing or greyhound racing parks in its community. The cost of the special election will be paid by the franchise holder requesting the election. A majority vote of the electors is necessary to approve the electronic games.

### **INCORPORATION, MUNICIPAL**

Act 1237 (HB2573) - The act provides an alternative method of incorporation of a city or town by election if the territory proposed to be incorporated has at least 4,000 inhabitants according to the most recent federal decennial census and the county judge is presented a written petition that is signed by at least 25% of the qualified voters who reside in the territory proposed to be incorporated.

### **INTERNET AUCTION PURCHASING, CITIES**

Act 1957 (HB1814) - The act allows cities and towns to purchase goods and services through reverse Internet auctions.

### **JAIL REIMBURSEMENTS, COUNTY**

Act 2192 (HB1796) - This act requires the Department of Correction and the Department of Community Correction to provide a written report summarizing year-to-date county jail reimbursement invoices for a county upon the written request of the county judge, county treasurer, or county sheriff.

### **JUNKYARDS, LOCAL REGULATION**

Act 2147 (SB1039) - The act provides for the enforcement of laws that regulate junkyards that are visible from the main-traveled way of any interstate or primary state highway.

## **CITIES AND COUNTIES**

### **JUSTICE OF THE PEACE**

Act 1924 (HB1669) - The act prohibits persons from simultaneously holding the position of justice of the peace and the position of city council member.

### **LIBRARY BOARD OF TRUSTEES**

Act 1246 (HB2897) - The act updates the powers of a city library board of trustees concerning payment of library expenses.

### **LIBRARY FUND CLAIMS**

Act 1162 (SB559) - The act permits a quorum court to adopt an ordinance to certify a claim against a county public library fund to the county treasurer. The ordinance must be requested by the governing library board and include an appropriate frequency for making claims. After a claim is paid, the balance of the fund will be retained by the library board.

### **LOCAL DEVELOPMENT- NOTICE TO SCHOOL DISTRICTS**

Act 2144 (SB1006) - The act requires cities and counties to consider school district boundaries in the development and planning process. County planning boards and municipal planning commissions are required to notify the board of directors of each school district affected by a proposed development plan, implementation ordinance, subdivision ordinance, or regulation sufficiently in advance to allow the school district to submit comments.

### **LOCAL OPTION ELECTION**

Act 1258 (HB1813) - The act permits certain residents annexed from a dry township into a wet adjoining city to request a local option election regarding the issuance of off-premises retail beer permits and off-premises Arkansas native wine retail permits.

### **MILITARY INSTALLATION**

Act 540 (HB1334) - Under previous law, a first class city in which an Air Force military installation was located was required to enact an ordinance restricting the use of property near the installation if the use of the property would, among other things, expose persons to noise greater than 75 decibels. This act reduces the decibel limit to 65 and requires the ordinance to be consistent with 2003 Air Force land-use studies.

### **MILITARY RECORDS**

Act 2249 (HB2849) - The act requires that military records filed with the county court will be kept in a secure place and that upon petition, the records may be removed.

### **MUNICIPAL AIRPORT COMMISSION**

Act 674 (SB306) - This act increases the number of members on a municipal airport commission from 5 to 7. The act became effective on March 9, 2005.

### **MUNICIPAL BOARDS OF HEALTH**

Act 279 (HB1348) - The act removes references to the obsolete term "municipal board of health" in statutes concerning sewers. The act also creates a misdemeanor for certain offenses related to public sewers.

### **MUNICIPAL OFFICERS, REMOVAL**

Act 163 (HB1145) - The act provides that commission of a federal offense is grounds for removal from municipal office. The act became effective February 15, 2005.

### **MUNICIPAL OFFICIALS**

Act 44 (HB1080) - The act clarifies that the city recorder becomes the city clerk when a city of the second class becomes a city of the first class.

### **MUNICIPAL PLANNING COMMISSION**

Act 901 (SB440) - The act allows membership of a municipal planning commission to be filled by electors living outside the corporate limits of the municipality but within the planning jurisdiction of the municipality.

## **CITIES AND COUNTIES**

### **OPEN BURNING**

Act 944 (HB1935) - The act authorizes county governments in counties that have been declared disaster areas by state or federal authorities to use open burning to dispose of vegetative debris.

### **ORDINANCES, EFFECTIVE DATE**

Act 1552 (HB1987) - This act clarifies that local ordinances that are not of a general or permanent nature are effective either on the date of passage or a later date specified in the ordinance. This act became effective on April 5, 2005.

### **PLUMBING CODE**

Act 1016 (HB2477) - The act amends existing law to prevent a municipality or county from passing or enforcing any code or regulation regarding the minimum number or locations of plumbing fixtures or toilet facilities for use by the public within buildings, offices, or facilities maintained by banks, savings and loan associations, or credit unions. This act became effective on March 18, 2005.

### **POLICE JUDGES, CITY**

Act 45 (HB1081) - The act repeals the statute regarding police judges in cities of the first class.

### **POLICE OFFICERS, PROMOTIONS**

Act 1953 (HB2969) - The act provides the option to a city council to prescribe regulations concerning the promotion of specific categories of police officers.

### **PROPERTY REAPPRAISAL PLAN, COUNTY**

Act 1445 (HB2555) - This act provides that each county must file its reappraisal management plan with the Assessment Coordination Department by November 1 of the year before reappraisal.

### **PROPERTY TAX RELIEF TRUST FUND**

Act 659 (HB1925) - This act requires the Treasurer of State to make monthly distributions from the Property Tax Relief Trust Fund to each county treasurer. The act became effective on January 1, 2006.

### **PROPERTY, COUNTY SALES**

Act 1240 (HB2644) - The act clarifies the procedures for sale and conveyance of county property in regard to easements or under certain statutes.

### **PROPERTY, MUNICIPAL CLEAN UP COSTS**

Act 887 (SB5) - The act clarifies the ability of a municipality to recover property clean-up costs and notify violators.

### **PROPERTY, SURPLUS COUNTY**

Act 725 (HB1325) - The act authorizes county judges to dispose of discarded surplus personal property of the county.

### **PUBLIC FACILITIES BOARDS**

Act 1276 (HB2689) - The act creates different membership requirements for members of public facilities boards who have special expertise.

### **PURCHASING, LOCAL BIDDING REQUIREMENTS**

Act 2171 (HB1364) - The act clarifies professional services and bidding requirements for school districts, counties, cities, and towns.

### **PURCHASING, MUNICIPAL**

Act 436 (HB1384) - The act empowers and authorizes municipal corporations to buy any real or personal property.

Act 1435 (HB1682) - The act updates two municipal statutes to make the bidding requirements for purchases consistent with other municipal government bidding requirements. Municipal purchases that exceed \$20,000.00 must be made by competitive bidding.

### **PURCHASING, MUNICIPAL NEGOTIATED**

Act 1989 (SB925) - The act provides an alternative negotiated purchasing procedure on municipal projects that exceed \$2,000,000.

## **CITIES AND COUNTIES**

### **QUORUM COURTS, MEETINGS**

Act 252 (HB1356) - The act modifies the initial meeting date of county quorum courts, from the first Monday after the justices of peace take office to a date chosen by the judge, but within 5 days after the justices' terms begin.

### **QUORUM COURTS, VOTING PROCEDURES**

Act 543 (HB1562) - The act clarifies voting procedures for quorum courts. The act became effective on March 3, 2005.

### **RECORDER-TREASURER, CITY**

Act 1008 (HB2369) - The act changes the term of recorder-treasurer in an incorporated town to 4 years.

### **RECORDS RETENTION, CITIES**

Act 1252 (HB1385) - The act provides that cities of the first class, cities of the second class, and incorporated towns may declare a policy of record retention if several criteria are met. The act also clarifies record retention for municipal police department records.

### **REVENUE BONDS -GUARANTY**

Act 83 (HB1175) - This act authorizes the Arkansas Development Finance Authority to guaranty revenue bonds issued by a city or county under the Municipalities and Counties Industrial Development Revenue Bond Law. This act became effective on February 8, 2005.

### **SALES AND USE TAX, ABOLISH LOCAL**

Act 1270 (HB2475) - This act provides that municipal sales and use taxes may be abolished by a vote of 2/3 of all the members of the governing body of the city or after an election called by the governing body or by a petition of the qualified voters of the city. Municipal sales and use taxes pledged for bond issues may not be abolished until the bonds are paid.

### **SALES AND USE TAX, ALLOCATE LOCAL**

Act 1160 (SB537) - The act clarifies the allocation of county sales and use tax collections following a vote of the people to change the indicated use of the tax revenues levied under § 26-74-208.

Act 1161 (SB538) - The act clarifies the allocation of county sales and use tax collections following a vote of the people to change the indicated use of the tax revenues levied under § 26-74-308.

### **SALES AND USE TAX, CHANGE USE OF LOCAL**

Act 1269 (HB2474) - This act provides that municipalities that levy municipal sales and use taxes on capital improvements may change the designated uses of the sales and use tax with the approval of the voters of the municipality.

### **SEWAGE SYSTEMS, FEE INCREASE**

Act 1928 (HB2218) - This act increases fees for individual sewage disposal permit applications and subdivision reviews. The fees for individual sewage disposal permit applications are based on square footage of the structure. The fees for subdivision reviews are based on number of lots.

### **SEWAGE SYSTEMS, INSTALLERS**

Act 1864 (HB2469) - Installers of individual sewage systems are required to receive at least one annual training course in order to maintain certification. This new requirement is in addition to the existing requirement to pay an annual certification fee. Also, installers and designated representatives who perform percolation tests, system designs, and inspections of sewage systems are required to post a surety bond of not less than \$10,000.

### **SHOOTING RANGES AND SPORTS FACILITES**

Act 1011 (HB2448) - The act amends existing law to allow sports shooting ranges and sports facilities in compliance with state laws and local ordinances to continue operations despite being in violation of new local ordinances. The act also prohibits a local unit of government from passing an ordinance restricting a sports shooting range and sports facility's ability to make repairs, improvements, or other permitted alterations.

## **CITIES AND COUNTIES**

### **SOLID WASTE BOARDS, ENVIRONMENTAL OFFICERS**

Act 1289 (SB176) - The act allows regional solid waste management boards to employ environmental officers with the same authority as county environmental officers.

### **SOLID WASTE FACILITIES, HOST COMMUNITY**

Act 1781 (HB2906) - This act clarifies the definition of host community with regard to high impact solid waste management facilities as the closest governmental unit within a twelve-mile radius of a facility as measured along major facility access roads and highways.

### **SOLID WASTE MANAGEMENT, COUNTIES**

Act 1272 (HB2523) - The act authorizes a county to provide by ordinance who will be responsible for payment of fees and charges on property in the county solid waste management system. The act gives the county the power to define who is the owner of the property.

### **SOLID WASTE, LOCAL AUTHORITIES**

Act 689 (SB504) - The act amends the Joint County and Municipal Solid Waste Disposal Act to provide that other entities may join a sanitation authority.

### **SPARTA AQUIFER**

Act 1774 (HB2515) - The act amends the Sparta Aquifer Critical Groundwater Counties' Remediation Act, including amending the conditions and requirements for a county to be included under the act.

### **TAX INCREMENT FINANCING**

#### **COMMUNITY COLLEGE DISTRICTS**

Act 1163 (SB560) - This act removes community college districts from the definition of "taxing unit" for the purpose of financing community redevelopment projects. As a result, all of the taxes levied by a community college district will be retained by the district.

#### **LIBRARY TAX**

Act 1275 (HB2682) - The act prevents property taxes levied for libraries under Arkansas Constitution, Amendment 30 or Arkansas Constitution, Amendment 38 from being diverted for any other purpose.

#### **PROJECT PLANS**

Act 2317 (HB2484) - This act provides that the county clerk or the county tax collector, if appropriate, must certify the total ad valorem rate, debt service ad valorem rate, and applicable ad valorem rate for all project plans for proposed redevelopment districts.

#### **TAXING UNIT**

Act 2231 (HB2735) - This act amends the definition of "taxing unit" to include the State of Arkansas as a taxing unit for community redevelopment districts. This act also establishes criteria that governing bodies must find before authorizing the creation of a redevelopment district. This act makes various changes to other laws pertaining to community redevelopment districts. This act became effective on April 13, 2005.

### **TRAFFIC CONTROL DEVICES, MOTORCYCLES**

Act 1886 (HB2833) - The act allows the drivers of motorcycles to proceed through an intersection controlled by a traffic-control device only if the traffic-control device uses a vehicle sensor that fails to detect the motorcycle because of its size or weight.

### **TRAFFIC VIOLATIONS, AUTOMATED ENFORCEMENT**

Act 1451 (SB52) - The act prohibits the use of automated enforcement devices to enforce traffic laws except in limited circumstances.

### **UNION DUES, WITHHOLDING BY CITY**

Act 2133 (SB528) - This act requires municipalities to withhold union dues for full-time municipal employees who request the withholding.

## **CITIES AND COUNTIES**

### **UNSANITARY CONDITIONS, CORRECTION OF**

Act 1984 (SB583) - This act authorizes counties to require the property owner to take corrective measures to eliminate unsanitary conditions. If the property owner fails to eliminate the unsanitary condition, the county may take the necessary corrective action, charge the property owner with the costs, obtain a lien for those costs, and recover the county's costs if an action is brought to enforce the lien.

### **VEHICLES, LOCAL USE OF ABANDONED**

Act 2189 (HB1694) - The act permits the temporary use of abandoned vehicles by municipalities and counties under specific circumstances.

### **WASHINGTON COUNTY BOUNDARY**

Act 1525 (SB952) - The act changed the boundaries of Washington County and Benton County effective January 1, 2006. The local option election status of the lands transferred will conform to the county into which the lands are incorporated. All structures will be assessed and taxed by the county contiguous to the property.

## **CIVIL LAW AND PROCEDURE**

### **APPEAL BOND**

Act 1380 (SB937) - The act amends existing law to limit the maximum appeal bond required to stay the execution of a judgment pending appeal for any cause of action brought under any legal theory. The maximum amount of the appeal bond is limited to \$25,000,000.00 regardless of the amount of the judgment or accrual date of the action.

### **CHILD CUSTODY PROCEEDINGS**

Act 80 (HB1029) - Under previous law, the determination of the custody of a child was made in accordance with the best interest of the child. This act permits the court to consider the child's preferences for custody and visitation purposes if the child is of sufficient age and capacity to reason.  
Act 430 (HB1355) - This act allows a circuit court judge to order drug testing of a party to a matter involving child custody, child visitation, or the welfare of a child if another party requests the testing. The court will determine whether a party or the court pays for the costs of testing.

### **CIVIL RIGHTS, MILITARY SERVICE DISCRIMINATION**

Act 920 (HB1598) - The act declares that a person shall not be discriminated against because of military service and authorizes a civil action with a limited amount of damages allowed. Religious and public entities are excluded from the act. The act became effective on March 18, 2005.

### **DIVORCE**

#### **CONDONATION ABOLISHED**

Act 182 (HB1138) - This act abolishes the defense of condonation in a divorce action.

#### **COVENANT MARRIAGE DIVORCE**

Act 1890 (HB2948) - The act requires a plaintiff to state in his or her petition for divorce whether he or she is seeking to dissolve a covenant marriage. The act also requires a decree that dissolves a covenant marriage to include a finding that the marriage being dissolved is a covenant marriage. The act applies to all petitions for divorce filed on or after the effective date of this act.

### **FILING FEES FOR DEPT. OF FINANCE AND ADM. DOCUMENTS**

Act 919 (HB1557) - The act established the filing fees to be charged by the circuit court clerks of this state to the Department of Finance and Administration for certificates of indebtedness, releases of liens, and writs of execution.

### **IMMUNITY OF LANDOWNER**

Act 1977 (SB447) - The act extends immunity from civil liability to property owners who make property available for municipal water supply purposes. The act became effective on April 11, 2005.

## **CIVIL LAW AND PROCEDURE**

### **IMMUNITY, ACTS OF FREE SPEECH**

Act 1843 (HB1569) - The act provides immunity from civil liability to any person making a privileged communication or performing an act in furtherance of the right of free speech or the right to petition government for a redress of grievances under the Constitution of the United States or the Constitution of the State of Arkansas in connection with an issue of public interest or concern unless a statement or report was made with knowledge that it was false or with reckless disregard of whether it was false. The act establishes procedural requirements and sanctions for claims involving the immunity granted by the act.

### **MEDICAL RECORDS, CIVIL PROCEEDINGS**

Act 1436 (HB1688) - The act requires a party in litigation in certain civil legal proceedings to furnish notice of receipt of a patient's medical records to the patient or the patient's attorney. A party in litigation that fails to give the required notice will be prohibited from introducing the patient's medical records into evidence or referring to the patient's medical records in any manner in a legal proceeding relating to the patient.

### **ORDER OF PROTECTION**

Act 55 (HB1117) - Under existing law, the petition form for an order of protection includes a line for the social security number of the petitioner and the social security number of the respondent, if known. The act provides that the petition form for an order of protection shall not require or suggest that a petitioner include his or her social security number or the social security number of the respondent in the petition.

### **STRUCTURED SETTLEMENT AGREEMENTS**

Act 2215 (HB2614) - The act establishes regulatory guidelines and procedures for the creation and transfer of court-approved structured settlement agreements.

### **VENUE FOR ACTION ON BONDS**

Act 2258 (HB2921) - The act made a technical correction in the statute regarding an action by an insured or beneficiary against a surety on a contractor's performance bond.

### **WITNESS FEES PAID TO STATE EMPLOYEES**

Act 1845 (HB1795) - This act amends provisions concerning state employees acting as witnesses. If the employee is testifying about a matter within the scope of his or her state employment, the employee will receive full salary, but may not retain witness fees or mileage fees unless the employer does not reimburse the employee for use of the employee's vehicle in attending the trial or hearing. An employee testifying about a matter outside of his or her scope of employment may retain witness and mileage fees. The employee is required to take annual leave for being a witness if the matter is outside of the employee's scope of employment and the employee is a party or a paid expert.

## **COMMERCIAL LAW**

### **CAPITAL IMPROVEMENT BID BONDS**

Act 236 (SB201) - The act requires capital improvement bid bonds to be executed and issued by bonding companies authorized to do business in the State of Arkansas through agents licensed by the Insurance Commissioner.

### **CHARITABLE ORGANIZATIONS, SOLICITATION BY**

Act 257 (SB156) - This act requires a charitable organization that solicits funds in Arkansas and uses an Arkansas address to maintain an office and staff at the Arkansas address or, if the Arkansas address is a mail box, to disclose the address of the organization's headquarters.

### **CONTRACTS FOR PAYMENT OF FED. EXCISE TAX**

Act 254 (HB1415) - This act provides the requirements for the contractual reimbursement by one party to a contract of federal taxes.

## **COMMERCIAL LAW**

### **DEFIBRILLATORS, HEALTH SPAS**

Act 1199 (HB1970) - This act requires that health spas purchase automated external defibrillators and employ staff trained to use them.

### **FIREWORKS, PERMITTING AND LICENSING**

Act 2204 (HB2495) - This act revises the permitting and licensing structure with regard to fireworks. The Department of Arkansas State Police is authorized to charge a fee not to exceed fifty dollars for each permit issued for a public fireworks display. A reduced fee applies to permits for K-12 school-related public fireworks displays. The act adds the new category of "shooter" for purposes of licensing. A "shooter" is defined as any person conducting any combination of fireworks, pyrotechnics, or special effects displays. The act raises all licensing fees, except manufacturer licensing fees, and provides that the licensing fee may be waived if the applicant is a professional or volunteer firefighter.

### **FOREIGN CORPORATIONS, PENALTIES**

Act 1925 (HB1739) - The act standardizes the penalties for foreign corporations that fail to register to do business in Arkansas.

### **HEALTH CARE DISCOUNT CARDS**

Act 875 (HB1209) - This act provides additional requirements and restrictions for lawfully selling or advertising health care discount cards. Purchasers have the right to rescind the contract for the purchase of a discount card. The card must contain a statement that the purchaser has the right to cancel the contract. Advertising that may indicate that the discount card is a form of insurance is prohibited.

### **LANDLORD LIABILITY, COMMON LAW**

Act 928 (HB1766) - The act codifies the common law rule that no landlord or agent or employee of a landlord shall be liable to a tenant or a tenant's licensees or invitees for death, personal injury, or property damage proximately caused by any defect or disrepair on the premises absent the landlord's agreement or assumption by conduct of a duty to maintain or repair the leased premises and the landlord's failure to perform the agreement or duty in a reasonable manner.

### **LIMITED PARTNERSHIPS**

Act 1158 (SB476) - The act is designed to remediate voids in the Revised Limited Partnership Act of 1991 resulting from cross-references to provisions of the Uniform Partnership Act which were repealed effective January 1, 2005. The act became effective on March 22, 2005.

### **MODULAR HOMES, DEFINED**

Act 1235 (HB2556) - The act clarifies that a "modular home", defined as a factory-built structure produced in accordance with state or local construction codes that is designed to be used as a dwelling unit with a foundation when connected to the required utilities, is included within the Arkansas Manufactured Homes Standards Act and makes other technical amendments to the act.

### **MODULAR HOMES, REGULATION**

Act 885 (HB2306) - The act regulates the inspection of modular and factory-built homes.

### **MOTOR VEHICLES**

#### **EVENT DATA RECORDERS**

Act 1419 (SB51) - The act prescribes the ownership of information recorded by an event data recorder in motor vehicles and prohibits the use of the data without written permission of the owner of the vehicle.

#### **SALVAGE VEHICLE AUCTIONS**

Act 1780 (HB2896) - The act requires purchasers of a motor vehicle at a salvage auction to obtain a salvage auction buyer's identification card and levies a fee for the salvage auction buyer's identification card.



## **COMMERCIAL LAW**

### **MOTOR VEHICLES**

#### **TOWING OUT-OF-STATE**

Act 1807 (SB859) - The act provides that a towing or wrecker service shall only remove a vehicle that was involved in a collision in Arkansas from the site of the collision to another state if the state in which the towing or wrecker service is licensed extends the same privilege to a towing or wrecker service that is licensed in Arkansas and operating in the other state.

### **MOTOR VEHICLES, DELIVERY BEFORE SALE**

Act 1687 (HB2848) - The act establishes procedures for the delivery prior to sale of a motor vehicle to a consumer.

### **NOTARIO PUBLICO**

Act 66 (SB72) - Under this act, it is a deceptive trade practice for a person to hold himself or herself out as a "notario publico" if the person is not a licensed notary public. If the person acting as a notary public is not an attorney, the person must also provide notice to the public that he or she is not an attorney.

### **PERSONAL DATA, DISCLOSURE OF**

Act 1526 (SB1167) - The act requires a person, business, or state agency that acquires, owns, or licenses personal information about an Arkansas resident to implement and maintain reasonable security procedures and practices appropriate to the nature of the information to protect the personal information from unauthorized access, destruction, use, modification, or disclosure. The act also requires that consumers be given notice of the disclosure of their personal information due to breaches in the security of data stored by a person, business, or state agency.

### **REALTOR'S LIEN**

Act 1944 (HB2803) - This act creates a lien that may be asserted by a licensee of the Arkansas Real Estate Commission who has a representation agreement under which he or she is to receive a fee, commission, or other consideration upon the disposition or lease of commercial real estate. The act sets out the requirements for perfecting the lien and a procedure for resolving disputes concerning the asserted lien.

### **REALTORS, INTERFERENCE WITH**

Act 1946 (HB2817) - This act prohibits knowing interference with a real estate licensee relationship and authorizes an aggrieved person or entity to bring a civil action for actual damages, a reasonable attorney's fee, and expenses.

### **REVERSE MORTGAGES**

Act 2166 (HB1008) - The act regulates reverse mortgage transactions and requires disclosures concerning the nature of the transaction and the right to seek independent advice prior to making a reverse mortgage loan.

### **ROPE FIRE ESCAPES**

Act 916 (HB1479) - The act repeals an obsolete law requiring rope fire escapes in hotels and inns.

### **SALES CONTRACT FOR MOTOR VEHICLES**

Act 1239 (HB2612) - The act prohibits binding arbitration and forum selection clauses within motor vehicle sale contracts absent separate, written waivers of the right to sue in court and the right to bring an action where the dealer resides or does business.

### **SECURITIES REGISTRATION AND EXEMPTIONS**

Act 420 (HB1170) - The act increases the Securities Commissioner's time to disallow certain exemptions from 5 to 10 days and increases the time that a registration statement filed in conjunction with a federal registration statement becomes automatically effective from 10 to 20 days of its filing with the commissioner.

## **COMMERCIAL LAW**

### **SMALL BUSINESS LOANS**

Act 1254 (HB1683) - This act increases the maximum amounts that the Arkansas Department of Environmental Quality may loan to small businesses for environmental improvements and authorizes the department to take security interests in the loans.

### **SOCIAL SECURITY NUMBER, PUBLIC DISPLAY**

Act 1295 (SB335) - Effective January 1, 2007, this act prohibits a person from publicly displaying a person's social security number, printing the number on a card required by the person to access products or services, printing the number on a postcard or other mailed material in a manner in which the number is visible, or requiring a person to provide his or her number over the Internet unless the connection is secure or the social security number is encrypted. The prohibitions do not apply if federal or state law require the release of a social security number. The act is to be enforced by the Attorney General.

### **TOWING AND STORAGE OF MOTOR VEHICLES**

Act 1878 (HB2721) - The act amends the towing and recovery laws of the State of Arkansas for the protection of the consumers of the state by granting the Arkansas Towing and Recovery Board the power to accept and investigate consumer complaints for overcharging for consensual or nonconsensual towing or storage fees and to determine and sanction excessive or unnecessary nonconsensual towing fees charged to consumers. The act requires all entities permitted, licensed, or regulated by the board to provide itemized billing for towing or storage fees that explains how the charges were calculated and to maintain a copy of their current rate schedule posted in a conspicuous place and readily accessible to the public. The act also gives the board subpoena power.

### **UNIFORM COMMERCIAL CODE**

Act 856 (HB1497) - This act amends Title 4, Article 3 of the Uniform Commercial Code to bring Article 3 of the code into conformity with uniform amendments to Article 3.

## **CONSTITUTIONAL LAW**

### **AMENDMENT 82, IMPLEMENTATION OF**

Act 1981 (SB507) - This act establishes an implementation framework for the General Assembly to approve the issuance of general obligation bonds in connection with an economic development project in which more than \$500,000,000 will be invested in the state and more than 500 jobs will be created. The act requires an economic impact and cost-benefit analyses and approval of the Governor before referral to the General Assembly for consideration. In order to satisfy job creation requirements, the entity must create new full-time permanent jobs that pay an amount that exceeds that lesser of the county average hourly wage or the state average hourly wage and are accompanied by health and retirement benefits. This act became effective on April 11, 2005.

### **LIBRARY TAX, DIVERSION OF**

Act 1275 (HB2682) - The act prevents property taxes levied for libraries under Arkansas Constitution, Amendment 30 or Arkansas Constitution, Amendment 38 from being diverted for any other purpose.

### **VOTER REGISTRATION**

Act 1952 (HB2966) - The act amends Amendment 51 of the Arkansas Constitution concerning voter registration procedures.

## **CONSTITUTIONAL OFFICERS**

### **AUDITOR OF STATE**

Act 196 (HB1338) - This act clarifies that the funds or appropriations of certain disbursing agencies shall be unaffected by a deficit occurring in the State Central Services Fund appropriations or funds for a disbursing agency that is not enumerated. The act is effective on July 1, 2005.

## **CONSTITUTIONAL OFFICERS**

### **COMMISSIONER OF STATE LANDS**

#### **LOG REMOVAL**

Act 786 (HB2021) - This act adds logs as a natural resource that can be removed from state lands after obtaining a lease or permit from the Commissioner of State Lands. Funds received by the Commissioner of State Lands from the removal of logs from state lands will be distributed to the county in which the logs were removed.

### **SECRETARY OF STATE**

#### **NOTARIES PUBLIC**

Act 2274 (SB337) - This act amends various laws concerning notaries public. The Secretary of State will issue commission numbers beginning January 1, 2006.

### **TREASURER OF STATE - INVESTMENTS**

Act 873 (SB425) - This act increases from \$40,000,000 to \$48,000,000 the amount of investments that the Treasurer of State may invest in corporations organized under the Arkansas Development Finance Corporation Act, § 15-4-901 et seq. This act became effective on March 15, 2005.

## **CONSUMER PROTECTION**

### **HEALTH CARE DISCOUNT CARDS**

Act 875 (HB1209) - This act provides additional requirements and restrictions for lawfully selling or advertising health care discount cards. Purchasers have the right to rescind the contract for the purchase of a discount card. The card must contain a statement that the purchaser has the right to cancel the contract. Advertising that may indicate that the discount card is a form of insurance is prohibited.

### **IDENTITY THEFT PASSPORT**

Act 744 (HB1740) - This act authorizes the Attorney General to issue an "identity theft passport" to a person who has been or may have been a victim of financial identity fraud if the person is a resident of Arkansas and files a police report. The passport may be used in the event that the person is arrested for offenses committed by another person using the passport holder's identity or to aid creditors in the investigation of credit card fraud or other fraud.

### **NOTARIO PUBLICO**

Act 66 (SB72) - Under this act, it is a deceptive trade practice for a person to hold himself or herself out as a "notario publico" if the person is not a licensed notary public. If the person acting as a notary public is not an attorney, the person must also provide notice to the public that he or she is not an attorney.

### **SOCIAL SECURITY NUMBER, PUBLIC DISPLAY OF**

Act 1295 (SB335) - Effective January 1, 2007, this act prohibits a person from publicly displaying a person's social security number, printing the number on a card required by the person to access products or services, printing the number on a postcard or other mailed material in a manner in which the number is visible, or requiring a person to provide his or her number over the Internet unless the connection is secure or the social security number is encrypted. The prohibitions do not apply if federal or state law require the release of a social security number. The act is to be enforced by the Attorney General.

### **SPYWARE**

Act 2255 (HB2904) - The act prohibits the improper use of computer spyware, provides that any violation of the act is punishable by the Attorney General under the Deceptive Trade Practices Act, and creates the Spyware Monitoring Fund to be used by the Attorney General to enforce the act and maintain a website to inform consumers about computer and spyware fraud.

### **TOWING, NONCONSENSUAL**

Act 2211 (HB2549) - The act amends the law regarding the nonconsensual towing and recovery of vehicles, including procedures for removing abandoned vehicles and lien holder notice requirements.

## **CONSUMER PROTECTION**

### **TOWING, REGULATION OF**

Act 1878 (HB2721) - The act amends the towing and recovery laws of the State of Arkansas for the protection of the consumers of the state by granting the Arkansas Towing and Recovery Board the power to accept and investigate consumer complaints for overcharging for consensual or nonconsensual towing or storage fees and to determine and sanction excessive or unnecessary non-consensual towing fees charged to consumers. The act requires all entities permitted, licensed, or regulated by the board to provide itemized billing for towing or storage fees that explains how the charges were calculated and to maintain a copy of their current rate schedule posted in a conspicuous place and readily accessible to the public. The act also gives the board subpoena power.

## **CORRECTIONS**

### **ATTORNEY JAIL VISITS, RECORDS**

Act 1279 (HB2866) - The act requires an attorney representing an indigent client who is incarcerated in any county jail, city jail, juvenile detention facility, or other facility operated by the Division of Youth Services of the Department of Human Services in the State of Arkansas to make a report of personal visits with the client. The detention facilities must furnish a sign-in document on which the attorneys will make the report and maintain the reports for a period of 1 year following the release, discharge, or transfer of the inmate.

### **COUNTY JAIL REIMBURSEMENTS**

Act 2192 (HB1796) - This act requires the Department of Correction and the Department of Community Correction to provide a written report summarizing year-to-date county jail reimbursement invoices for a county upon the written request of the county judge, county treasurer, or county sheriff.

### **FREEDOM OF INFORMATION ACT, PRISONERS**

Act 2003 (SB1065) - The act provides that access to inspect and copy public records of the Department of Correction and the Department of Community Correction shall be denied to a person incarcerated in a correctional facility regardless of whether the records are in the possession of the Department of Correction, the Department of Community Correction, or another agency of the state.

### **HOME DETENTION**

Act 680 (SB386) - The act provides that a person convicted of a felony or misdemeanor and sentenced to imprisonment may be incarcerated in a home detention program if the person has an incurable illness that will probably result in death within 12 months or is suffering from a specified incapacitation.

### **INMATE REHABILITATION INCENTIVES**

Act 682 (SB389) - The act authorizes the Parole Board to release from confinement certain inmates who have been incarcerated for a minimum of 270 days and who have successfully completed the therapeutic program of the Department of Community Correction.

### **JAIL POPULATION MANAGEMENT**

Act 423 (HB1184) - The act provides that electronic monitoring and other methods of jail population management are authorized for all local jails in Arkansas.

### **MEDICAL SERVICE CONTRACTS, PRISONS**

Act 684 (SB422) - The act limits all professional medical services contracts with the Department of Correction and the Department of Community Correction to a ten-year period.

### **MERITORIOUS GOOD TIME**

Act 681 (SB388) - The act establishes provisions for up to 90 additional days of meritorious good time awards for successful completion of a state-sponsored general education development certificate program, a vocational program for which certification is awarded, or a drug or alcohol program offered at a Department of Correction facility. The act limits the award of additional days of meritorious good time to a total of 270 days.

## **CORRECTIONS**

### **POST PRISON TRANSFER BOARD**

Act 1033 (SB383) - The act changed the name of the Post Prison Transfer Board to the Parole Board.  
**PRISON-MADE GOODS, SALE OF**

Act 1182 (HB1382) - The act expands the potential purchasers of products produced by the Department of Correction's Industry Division to include current employees and retirees of the Department of Correction, all employees of the state, and current and former members of the Board of Corrections.

### **TRANSITIONAL HOUSING FACILITIES**

#### **AUTHORIZED**

Act 678 (SB384) - The act provides for the establishment of transitional housing facilities for offenders paroled from the Department of Correction or placed on probation by a court. The act specifies the powers and duties of the Board of Corrections and the Department of Community Correction.

#### **EARLY RELEASE PROGRAM**

Act 679 (SB385) - The act establishes provisions for an early release program for offenders to transitional housing facilities. The Post Prison Transfer Board is authorized to place offenders into approved transitional housing up to 1 year prior to the offenders' dates of eligibility for parole or transfer.

#### **RULEMAKING**

Act 1378 (SB1148) - The act authorizes the Board of Corrections to promulgate rules for transitional housing facilities for parolees and others and provides guidelines for the rules. The Department of Community Correction will enforce the rules.

## **COURTS**

### **CHILD CUSTODY**

Act 192 (HB1308) - This act amends the Youth Services Act to prohibit courts from committing to the Division of Youth Services a juvenile found solely in criminal contempt.

### **CIRCUIT CLERKS, RECORDATION**

Act 1428 (SB1075) - This act exempts surveys and plats from the requirements for filing and recording of instruments with the circuit clerk.

### **COUNTY COURT APPEALS**

Act 1947 (HB2832) - The act modifies deadline requirements for appeals to county courts.

### **COURT REPORTERS AND SUBSTITUTE STAFF**

Act 461 (HB1623) - The act establishes a fixed rate of pay for substitute court reporters and substitute trial court staff, removes the annual cap on expenses reimbursed to court reporters, and authorizes an increase in the transcript fee charged by court reporters.

### **DEPOSITION FEES, REPEAL OF**

Act 726 (HB1484) - The act repeals miscellaneous fees for depositions and telephone service for summons and subpoenas.

### **DISTRICT COURTS**

#### **DISTRICT COURT NAMES AND JUDGES' SALARIES**

Act 2220 (HB2636) - The act amends numerous provisions of § 16-17-108 concerning the names of district courts and the salaries of district court judges.

#### **FIRST JUDICIAL DISTRICT**

Act 1177 (SB477) - The act changes the classification of the First Judicial District from a Division B to a Division A judicial district effective January 1, 2007.

#### **JASPER DISTRICT COURT**

Act 1814 (SB953) - The act clarifies the division of expenses of the Jasper District Court.

## **COURTS**

### **DISTRICT COURTS**

#### **LAWRENCE, POINSETT, SHARP, WOODRUFF, & PRAIRIE COUNTY DISTRICT COURTS**

Act 72 (HB1003) - The act allows Lawrence, Poinsett, Sharp, and Woodruff counties to have more than 1 department in the county's district court and allows Prairie County to have 2 judicial districts. This act became effective on February 7, 2005.

#### **NINTH JUDICIAL DISTRICT - EAST**

Act 872 (SB334) - The act changes the Ninth Judicial District-East from a Division B to a Division A judicial district. The act became effective on March 15, 2005.

#### **PERRY COUNTY DISTRICT COURT**

Act 2194 (HB1963) - Under existing law, the participating cities pay 50% of the salary of the Perry County District Court Judge and the county pays the remaining 50% of the salary. The act amends the salary range for the Perry County District Court Judge and provides that the county shall pay all of the salary.

#### **THIRD JUDICIAL DISTRICT**

Act 458 (HB1594) - The act amends provisions regarding the contingent expense allowance and staff of the Prosecuting Attorney of the Third Judicial District. The act became effective on March 2, 2005.

### **FILING FEES, COURT**

Act 65 (SB70) - The act increases the uniform filing fee to initiate a cause of action in circuit court from \$100.00 to \$125.00. The act also requires \$25.00 of the uniform filing fee collected to be used for the operation and support of the State Crime Laboratory.

Act 431 (HB1359) - The act amends Act 65 of 2005 to increase the uniform filing fee to initiate a cause of action in circuit court from \$125.00 to \$140.00. Fifty percent of the \$15.00 is for the support of the University of Arkansas School of Law and 50% is for the support the University of Arkansas at Little Rock School of Law.

Act 1893 (SB584) - This act increases the fee for reopening a cause of action in circuit court from \$30.00 to \$50.00. The additional funds are to be deposited to the Public Legal Aid Fund created in the act for distribution to Legal Aid of Arkansas and the Center for Arkansas Legal Services.

Act 2212 (HB2554) - Under existing law, the filing fee for initiating a cause of action in the civil division of district court is \$35.00. The amount retained from court costs and filing fees for the county administration of justice fund and the city administration of justice fund is capped at the amount retained during calendar year 2001. The act increases the filing fee for initiating a cause of action in the civil division of district court to \$50.00 effective January 1, 2006. The act reinstates the consumer price index increase for the county and city administration of justice funds effective for calendar years 2006 and following until the additional amounts retained due to the increase exceed \$1,000,000 in a calendar year.

### **FILING FEES, DISTRIBUTION OF COURT**

Act 1934 (HB2511) - The act made technical corrections to numerous court-related sections of the Arkansas Code including expanding the list of entities that receive direct monetary settlements from court clerks to include the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration and any other state agency which may receive fines or fees assessed by courts; changing the date on which cities must remit funds to the Administration of Justice Fund Section from the tenth day of each month to the fifteenth day of each month; and directives concerning the disposition of various fees, penalties, and fines.

## **COURTS**

### **FINES - PRISONER COSTS**

Act 1373 (SB961) - The act amends § 16-17-129 to clarify that the additional fine authorized for defraying the cost of incarcerating city and county prisoners applies to each charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for, including each misdemeanor or traffic violation. This act became effective on March 29, 2005.

### **JUDGES, COUNTY**

Act 1227 (HB2420) - The act provides that a county judge shall maintain an office in a county building at the county seat.

### **JUDGES, INELIGIBILITY AS CANDIDATE**

Act 1448 (HB2780) - This act makes an appointed Court of Appeals judge ineligible while holding that office to be a candidate for election to the court. The act also makes an appointed circuit court judge ineligible while holding that office to be a candidate for election to a circuit court judgeship in the same circuit.

### **JUDICIAL RETIREMENT SYSTEM**

Act 232 (SB64) - This act repeals the provisions concerning the redetermination of benefits under the Arkansas Judicial Retirement System. This act becomes effective July 1, 2005.

### **JURY SELECTION**

Act 87 (SB42) - The act:

- (1) Provides that persons who are less than 18 years of age at the time they are required to appear for jury service are disqualified to act as jurors;
- (2) Authorizes the use of computer programs for randomly selecting names for jury panels or for creating the master list of jurors' names and addresses;
- (3) Allows a court to summon jurors and to determine whether the sheriff or the court will be the prospective juror's primary contact; and
- (4) Amended provisions regarding the enhanced prospective juror pool. The act became effective on February 8, 2005.

### **JUVENILE PROBATION AND INTAKE OFFICERS**

Act 1398 (HB1339) - This act limits the state's contribution to the counties for the salaries of juvenile probation and intake officers by imposing certain requirements which those officers must satisfy and limiting the number of authorized positions that the counties can fill. The act is effective as of July 1, 2005.

### **MAGISTRATES**

Act 1938 (HB2628) - The act authorizes counties to employ and compensate district court judges as criminal magistrates in accordance with the provisions of Rule 1.8(a) of the Arkansas Rules of Criminal Procedure. The act allows counties with a population of over 100,000 persons to compensate a district court judge acting as a criminal magistrate in excess of his or her salary as a district court judge in an annual amount not to exceed 50% of the district court judge's maximum annual salary as set forth in § 16-17-108.

### **PSYCHIATRIC REPORT AFTER ACQUITTAL**

Act 1446 (HB2672) - The act amends existing law to allow the Director of the Department of Human Services to make application for an extension to file a psychiatric or psychological report on a defendant following an order of acquittal because of mental disease or defect. If the report is not filed within 30 days, the court may release the defendant pending reasonable circumstances and concerns of safety for the public.

## **COURTS**

### **TASK FORCE ON DISTRICT COURTS**

Act 1849 (HB1989) - The act establishes the Legislative Task Force on District Courts to conduct a comprehensive study of the transition of district judges to state employee status and the funding of district courts. The task force will file a report on recommendations and findings with the Senate Interim Committee on Judiciary and House Interim Committee on Judiciary by September 1, 2006.

## **CRIMINAL LAW AND PROCEDURE**

### **ADULT MALTREATMENT, ENDANGERED PERSONS**

Act 1810 (SB931) - This act revises the definition of "endangered adults" to "endangered persons", repeals various provisions regarding reporting, protective placement, and custody of endangered persons, creates a Class B felony for maltreatment by a caregiver, creates two Class C misdemeanors regarding reporting of maltreatment, and makes technical corrections to the law regarding endangered persons.

### **ADULT MALTREATMENT, NEGLECT**

Act 255 (SB100) - This act clarifies the meaning of neglect under the Adult Maltreatment Act, requires that reports of adult maltreatment be made within 24 hours, and provides penalties for failure to properly report adult maltreatment and deaths caused by adult maltreatment.

### **ALCOHOL & MINORS**

#### **DRIVER'S LICENSE SUSPENSION OF MINOR**

Act 1535 (HB1768) - The act provides for an administrative suspension of driver's license for the offense of possession of alcohol by a minor. The act requires courts to report convictions of the offense of possession of alcohol by a minor to the Office of Driver Services of the Revenue Division of the Department of Finance and Administration.

#### **FRAUDULENT IDENTIFICATION BY MINOR**

Act 1976 (SB444) - Under existing law, it is unlawful for a person under age 21 to attempt to or use a fraudulent or altered personal identification document for the purpose of purchasing alcoholic beverages illegally. The act amends the statute to also prohibit a person under age 21 from attempting to purchase alcoholic beverages. The act authorizes a seller of alcoholic beverages or the seller's employee who has reasonable cause to believe that a person has violated the provisions of the statute to employ a nonphysical detention of the person.

#### **PENALTIES**

Act 1767 (HB1769) - The act provides enhanced penalties in certain circumstances for furnishing an alcoholic beverage to a person under 21 years of age if a motor vehicle accident is proximately caused by consumption of the alcoholic beverage.

### **ALCOHOL EDUCATION PROGRAMS**

Act 1768 (HB2041) - The act requires completion of an alcohol education program for each violation of the offense of driving while intoxicated. The act increases the allowable fee for alcohol education programs. The act provides that a circuit, district, or city judge may utilize probationary supervision solely for the purpose of monitoring compliance with his or her orders, and require payment of a probation fee, in cases involving a violation of §§ 5-65-103 and 5-65-303.

### **ANHYDROUS AMMONIA THEFT**

Act 1442 (HB2100) - The act classified theft of anhydrous ammonia in any form or a product containing any percentage of anhydrous ammonia in any form as a Class B felony.

### **ARSON**

Act 1529 (HB1284) - The act expands the criminal offense of arson to include a fire or an explosion recklessly caused in the course of and in furtherance of a felony or in immediate flight after committing a felony.



## **CRIMINAL LAW AND PROCEDURE**

### **ATTEMPTED CAPITAL MURDER**

Act 1888 (HB2862) - Under existing law, attempted capital murder is a Class A felony. The act classifies attempted capital murder as a Class Y felony.

### **BACKGROUND CHECK**

#### **ALCOHOL PERMIT APPLICANTS**

Act 1248 (HB2914) - The act provides that applicants for certain permits issued by the Alcoholic Beverage Control Division shall be fingerprinted and subject to a criminal background check.

#### **BANK EMPLOYEES**

Act 1528 (HB1264) - The act allows the Bank Commissioner to obtain criminal background checks on bank charter applicants and bank examiner applicants, and clarifies the commissioner's cease and desist powers.

#### **COUNSELORS**

Act 2277 (SB610) - The act amends existing law to permit the Arkansas Board of Examiners in Counseling to require first-time license applicants and applicants for license renewal to apply for a state and national criminal background check with the Identification Bureau of the Arkansas State Police and Federal Bureau of Investigation.

#### **DESIGNATED FINANCIAL OR INFORMATION TECHNOLOGY POSITIONS**

Act 1422 (SB401) - This act requires a criminal background check for employees and applicants of the Department of Human Services in designated financial or information technology positions. A conviction of a listed serious offense will disqualify an applicant from employment in a designated position. Existing employees in a designated financial or information technology position are required to undergo a criminal background check every 5 years and may be discharged if convicted of listed serious crimes.

#### **DEVELOPMENT FINANCE AUTHORITY**

Act 2173 (HB1398) - The act authorizes the Arkansas Development Finance Authority to require state and federal criminal background checks on certain applicants and employees.

#### **HAZARDOUS MATERIALS TRANSPORTER**

Act 136 (HB1205) - The act requires commercial drivers that transport hazardous materials to undergo a criminal background check and evaluation from the Transportation Security Administration to establish that the driver is not a security risk. This act became effective on February 11, 2005.

#### **MEDICAL LICENSE APPLICANT**

Act 1249 (HB2919) - The act requires the Arkansas State Medical Board to conduct a criminal background check of applicants for licensure.

#### **PRIVATE INVESTIGATORS AND SECURITY AGENCIES**

Act 2237 (HB2786) - This act expands the scope of criminal background checks required for licensing by the Arkansas Board of Private Investigators and Private Security Agencies and requires an applicant to provide fingerprints as part of the licensing process. The act also extends the registration and commission period for certain private security agency personnel from 1 year to 2 years and authorizes the board to raise fees accordingly.

#### **PUBLIC SCHOOL EMPLOYEES**

Act 2151 (SB1044) - This act amends numerous sections of the Arkansas Code concerning K-12 education related to background checks, school board composition, and teacher certification. Under previous law, an applicant for a noncertified position in a school district may be disqualified if convicted of certain crimes. This act provides that an applicant may be disqualified for additional grounds, including knowingly falsifying a student's grade or providing misleading information to the State Board of Education. This act increases from \$200 to \$5,000 the amount of school funds to which a person must have access before the person is considered a "fiscal officer" for purposes of a background check.

## **CRIMINAL LAW AND PROCEDURE**

### **BACKGROUND CHECK**

#### **SERVICES TO DEVELOPMENTALLY DISABLED**

Act 968 (HB2094) - The act provides that a person found guilty of offenses listed in the act or registered or required to register as a sex offender is disqualified from employment with a service provider to the developmentally disabled unless 5 offense-free years have passed from a misdemeanor conviction or 10 offense-free years have passed after a felony conviction. Persons convicted of crimes involving violence or sexual offenses or required to register as a sex offender shall be permanently disqualified from employment.

#### **SEX OFFENDERS**

Act 1941 (HB2714) - The act includes sex offender status as a possible basis for disqualification under statutes requiring criminal background checks. The act provides that whenever a noncriminal justice criminal history background check is performed on a person under the provisions of any criminal background check requirement contained in the Arkansas Code for employment, licensure, or any other purpose, the person may be disqualified for employment, licensure, or any other purpose for which the background check was conducted if it is determined that a court has entered an order requiring the person to register as a sex offender. This act became effective on April 11, 2005.

#### **STUDENTS IN HEALTH-RELATED COURSES**

Act 2213 (HB2595) - This act provides that criminal background check information on students enrolled or to be enrolled in a higher education health-related course of study may be sent to the institution with the student's consent.

#### **VOLUNTEERS**

Act 1778 (HB2766) - The act allows criminal background checks conducted by the Identification Bureau of the Department of Arkansas State Police or Federal Bureau of Investigation of persons volunteering their services to volunteer organizations, including establishing the process for requesting a criminal background check under the act. The act became effective on April 6, 2005.

### **BAIL BOND FEES**

Act 1956 (HB1621) - This act increases the amount of the nonrefundable fee collected by each bail bond company for the Arkansas Public Defender Commission. The fee increases from \$10.00 to \$20.00.

### **BOATING WHILE INTOXICATED**

Act 1458 (SB458) - The act creates a criminal offense prohibiting the operation of a motorboat by an underage person while intoxicated. The act defines "underage" to mean any person who is under the age of 21.

### **BOATING, BLOOD TEST**

Act 1461 (SB506) - The act increases the length of time allowed for testing the amount of alcohol in blood in cases relating to the operation of motorboats while intoxicated from 2 hours to 4 hours.

### **BURIAL ASSOCIATION, PENALTIES**

Act 1802 (SB561) - The act provides increased criminal penalties for violation of the burial association law.

### **CEMETERIES, PROTECTION**

Act 2232 (HB2740) - This act adds new protections for cemeteries by establishing buffer zones for mining and by prohibiting the removal of damaged grave markers.

## **CRIMINAL LAW AND PROCEDURE**

### **CHILDREN, ENDANGERING**

Act 2207 (HB2525) - Under existing law, a person commits the offense of endangering the welfare of a minor in the first degree if, being a parent, guardian, person legally charged with care or custody of a minor, or a person charged with supervision of a minor, he or she purposely deserts a minor less than 10 years old under circumstances creating a substantial risk of death or serious physical injury. The act expands the offense of endangering the welfare of a minor in the first degree to prohibit a parent, guardian, person legally charged with care or custody of a minor, or a person charged with supervision of a minor from engaging in conduct that creates a substantial risk of death or serious physical injury to a minor. The act creates the offense of endangering the welfare of a minor in the third degree in order to prohibit a person from recklessly engaging in conduct that creates a substantial risk of serious harm to the physical or mental welfare of one known by the actor to be a minor.

### **CONCEALED HANDGUN LICENSE**

Act 1868 (HB2500) - Under current law, certified law enforcement officers, chiefs of police, sheriffs, and certain auxiliary law enforcement officers are exempt from the licensing requirement to carry a concealed handgun. The act also exempts certain members of the Arkansas National Guard or the Reserved Forces of the United States of America from the licensing requirement to carry a concealed handgun.

### **CONTROLLED SUBSTANCES**

#### **ABUSE SHELTERS, CONTROLLED SUBSTANCES AT**

Act 195 (HB1336) - The act added abuse shelters to the list of facilities protected by enhanced penalties for distribution of controlled substances.

#### **DRIVER'S LICENSE SUSPENSION, CONTROLLED SUBSTANCES**

Act 1876 (HB2704) - Under existing law, courts with jurisdiction must prepare and transmit to the Department of Finance and Administration an order of denial of driving privileges for the minor who pleads guilty or nolo contendere to or is found guilty of driving while intoxicated under § 5-65-101 et seq., or of any criminal offense involving the illegal possession or use of controlled substances, or of any drug offense, in this state or any other state, or is found by a juvenile court to have committed such an offense. The act amends Arkansas Code § 5-64-710 to provide that a juvenile who is found delinquent for any offense described in that section may be subject to any juvenile disposition available under § 9-27-330.

#### **EPHEDRINE AND PSEUDOEPHEDRINE**

Act 256 (SB109) - The act designates ephedrine combination products, pseudoephedrine, and phenylpropanolamine as Schedule V controlled substances. The Schedule V classification does not apply to certain exempt products or to products dispensed pursuant to a valid prescription. A wholesale distributor with exclusive rights to distribute pseudoephedrine to only licensed pharmacies is exempt from Schedule V requirements for the storage and distribution of pseudoephedrine. The act became effective on March 24, 2005.

### **CRIMINAL CODE REVISION**

Act 1994 (SB984) - The act amends numerous sections of the Arkansas Code based upon the recommendations of the Arkansas Criminal Code Revision Commission.

## **CRIMINAL LAW AND PROCEDURE**

### **DNA TESTING**

Act 2250 (HB2857) - The act added provisions concerning statutes of limitations in criminal offenses for prosecutions based on DNA testing. For a person previously identified through a search of the State DNA Data Base or National DNA Index System, the act provides that if DNA testing implicates the person no statute of limitation that would otherwise preclude prosecution of the offense shall preclude the prosecution until a period of time following the implication of the person by deoxyribonucleic acid testing has elapsed that is equal to the otherwise applicable limitation period. The act also established procedures for post-conviction appeals based on DNA or other scientific evidence and for the testing of the evidence.

### **DRIVER EDUCATION, USE OF FORFEITED VEHICLE**

Act 2245 (HB2828) - The act allows a motor vehicle forfeited under drug laws to be transferred to a school district for use in driver education courses.

### **EVIDENCE**

#### **ADMISSIBILITY OF EVIDENCE, SEXUAL ASSAULT**

Act 536 (HB1028) - The act allows introduction of evidence of other specified crimes in sexual assault cases. The act became effective on March 3, 2005.

#### **NEGLIGENT HOMICIDE**

Act 1004 (HB2326) - The act clarifies provisions concerning the method of analysis used to determine the presence of controlled substances or alcohol in a person charged with negligent homicide.

#### **STATE CRIME LAB, EVIDENCE ANALYSIS**

Act 886 (HB2325) - The act provides that a method of analysis of a person's blood, urine, or other bodily substance made by the State Crime Laboratory for determining the presence of 1 or more controlled substances or any intoxicant is exempt from approval by the Department of Health or State Board of Health. The act also addresses confusion regarding admissibility of records of the State Crime Laboratory as evidence in criminal prosecutions. The act became effective on March 16, 2005.

### **EXECUTIVE CLEMENCY**

Act 1975 (SB313) - This act amends the procedures for executive clemency. The Post Prison Transfer Board is authorized to issue subpoenas in investigating applications for pardons. Prior to submitting recommendations for pardons, the board is required to issue public notice of the recommendation and provide notice to the circuit court judge, prosecuting attorney, and sheriff of the county where the applicant was convicted, as well as any victims who have requested notice. If the Governor does not grant the application within 240 days, it is deemed denied. If the Governor grants the application, he or she must provide the reasons for granting the application in his or her written order and file the order with the House of Representatives and the Senate.

Act 2097 (SB205) - Under existing law, a person who has been convicted of capital murder or certain Class Y or Class A felonies is not eligible to reapply for executive clemency for a period of 4 years after the date of denial of an application for executive clemency. The act provides that the time limit for filing an application reapplying for executive clemency begins running on the date of filing of the application that was denied rather than the date of denial of the application. The act authorizes the Post Prison Transfer Board to waive the waiting period for filing a new application for pardon or commutation under certain circumstances.

### **EXPLOSIVE MATERIALS**

Act 1226 (HB2411) - This act establishes new crimes and penalties regarding the possession and distribution of explosive materials or destructive devices.

## **CRIMINAL LAW AND PROCEDURE**

### **EXPUNGEMENT OF CRIMINAL RECORDS**

Act 1923 (HB1466) - Under existing law, expunged records of enumerated offenses cause disqualification from employment, licensure, certification, or other activities for persons subject to criminal background checks under specified law. The act provides that expunged records of certain criminal offenses do not cause disqualification.

### **FINANCIAL IDENTITY FRAUD**

#### **DEFINED**

Act 280 (HB1354) - The act clarifies that the offense of financial identity fraud pertains to the use of identifying information to open or create an account or financial resource. The act also changes the classification of financial identity fraud from a Class D felony to a Class C felony.

#### **IDENTITY THEFT PASSPORT**

Act 744 (HB1740) - This act authorizes the Attorney General to issue an "identity theft passport" to a person who has been or may have been a victim of financial identity fraud if the person is a resident of Arkansas and files a police report. The passport may be used in the event that the person is arrested for offenses committed by another person using the passport holder's identity or to aid creditors in the investigation of credit card fraud or other fraud.

#### **SCANNING DEVICE**

Act 1018 (HB2619) - The act provides that the offense of financial identity fraud includes the use of a scanning device or a re-encoder in order to appropriate a financial resource of another person without the person's authorization to the offender's own use or to the use of a third party.

### **FURNISHING PROHIBITED ARTICLES**

Act 168 (HB1332) - The act prohibits the furnishing of cellular telephones to persons in correctional facilities, the Arkansas State Hospital, or a juvenile training school.

### **GAMBLING HOUSES**

Act 70 (SB126) - The act repeals Arkansas Code § 5-66-103(b) concerning the duty and criminal liability of a sheriff or deputy sheriff regarding a gambling house.

### **GOOD TIME, PRISONER ELIGIBILITY**

Act 1034 (SB387) - The act makes certain offenders eligible for the award of meritorious good time under the 70% rule. The act limits the effect of the award of meritorious good time by providing that the time served by any person who is found guilty of or pleads guilty or nolo contendere to manufacture of methamphetamine under § 5-64-401(a)(1)(i) or possession of drug paraphernalia with the intent to manufacture methamphetamine under § 5-64-403(c)(5) will not be reduced to less than 50% of the person's original sentence.

### **HINDERING APPREHENSION OR PROSECUTION**

Act 1867 (HB2498) - Under existing law, the penalty for hindering apprehension or prosecution is reduced in certain cases if the defendant shows by a preponderance of the evidence that he or she stands to the person assisted in the relation of parent, child, brother, sister, corresponding steprelationships of the preceding, husband, or wife. The act limits the classification reduction provision by eliminating applicability in cases of capital murder, murder in the first degree, kidnapping, or rape and in any case if the defendant is a step-parent, step-child, step-brother, or step-sister.

### **HOMICIDE**

Act 1532 (HB1445) - The act changed the classification of murder in the second degree from a Class B felony to a Class A felony.

## **CRIMINAL LAW AND PROCEDURE**

### **INCOMPETENTS, ENDANGERING**

Act 2216 (HB2616) - Under existing law, a person commits the offense of endangering the welfare of an incompetent person in the first degree if, being a parent, guardian, person legally charged with care or custody of an incompetent person, or a person charged with supervision of an incompetent person, he or she purposely deserts the incompetent person under circumstances creating a substantial risk of death or serious physical injury. The act expands the offense of endangering the welfare of an incompetent person in the first degree to prohibit a parent, guardian, person legally charged with care or custody of an incompetent person, or a person charged with supervision of an incompetent person from engaging in conduct that creates a substantial risk of death or serious physical injury to an incompetent person. The act creates the offense of endangering the welfare of an incompetent person in the third degree in order to prohibit a person from recklessly engaging in conduct that creates a substantial risk of serious harm to the physical or mental welfare of a person known by the actor to be an incompetent person.

### **INDECENT EXPOSURE**

Act 1815 (SB959) - The act removes the enhanced penalty provisions concerning the offense of indecent exposure.

### **INTERFERENCE WITH CUSTODY**

Act 1870 (HB2526) - The act amends the provisions pertaining to the elements of and penalties for violations of the offense of interference with custody to include penalties for interference with court-ordered custody while a custodian and minor are being housed at an abuse shelter.

### **INTERNET STALKING**

Act 1776 (HB2578) - The act creates the offense of Internet stalking of a child. The act prohibits the use of a computer online service, Internet service, or local Internet bulletin board service by a person 21 years of age or older in order to seduce or compile identifying information on a child that is or the person believes to be 15 years of age or younger in an effort to arrange a meeting with the child for the purpose of engaging in sexual intercourse, sexually explicit conduct, or deviate sexual activity. Internet stalking of a child is a Class C felony if the person attempts to arrange a meeting with a child that is or the person believes to be 15 years of age or younger even if a meeting with the child never takes place. Internet stalking of a child is a Class A felony if the person arranges a meeting with a child 15 years of age or younger and an actual meeting with the child takes place even if the person fails to engage the child in any sexual activity.

### **MOVIES, PIRACY**

Act 1932 (HB2442) - The act creates the offense of motion picture piracy. The act prohibits a person from operating the audiovisual recording function of any device in a motion picture theater while a motion picture is being exhibited for the purpose of recording the images or sounds of the motion picture without the consent of the motion picture theater owner or lessee. The act authorizes an owner, a lessee, or an employee of a motion picture theater who reasonably suspects a person of committing motion picture piracy in the motion picture theater to detain the person in a reasonable manner and for a reasonable length of time in order to identify the person and to transfer custody of the person to a law enforcement officer. Motion picture piracy is classified as a Class A misdemeanor.

### **MOVIES, REPEAL OF SUNDAY MOVIE LAW**

Act 448 (HB1531) - The act repeals an obsolete law concerning the legality of showing motion pictures on Sunday.

## **CRIMINAL LAW AND PROCEDURE**

### **NEPOTISM, PUBLIC EMPLOYEES**

Act 2262 (HB2945) - This act prohibits the hiring of a relative by a public official or the supervision of one relative by another relative. "Public official" is defined to include constitutional officers, members of the General Assembly, and heads of executive agencies and boards. The employment of a person hired in violation of this act is void. Criminal penalties are applicable for violations of the act by any person. Civil penalties may be levied against a public official who violates the act.

### **OBSTRUCTION OF EMERGENCY MEDICAL PERSONNEL**

Act 1683 (HB2717) - This act makes it a crime to obstruct or interfere with emergency medical personnel while performing a rescue mission. Obstruction or interference by using or threatening to use physical force is a Class A misdemeanor. Any other type of obstruction or interference with emergency medical personnel is a Class C misdemeanor.

### **RELEASE OF NONVIOLENT OFFENDERS**

Act 1261 (HB2087) - The act allows a circuit judge to temporarily release certain nonviolent offenders awaiting transfer to the Department of Correction or the Department of Community Correction. A circuit judge may authorize the release under the terms and conditions which the circuit judge determines are necessary to protect the public and to ensure the offender's return to custody upon notice that bed space is available at the Department of Correction or the Department of Community Correction.

### **SCHOOL BUS, PASSING**

Act 2128 (SB467) - The act amends the definition of "negligent homicide" to include the causing the death of another when passing a stopped school bus in violation of law.

### **SCHOOL BUS, UNAUTHORIZED ENTRY**

Act 247 (HB1196) - The act creates a Class B misdemeanor offense of unauthorized entry of a school bus.

### **SENTENCING AND DISPOSITION OF OFFENDERS**

#### **ADDITIONAL PERIOD OF CONFINEMENT**

Act 1443 (HB2421) - The act provides that a court may add a period of confinement to be served during a period of suspension of imposition of sentence or probation even if a period of confinement was included in the original order placing the defendant on suspended imposition of sentence or probation.

#### **GUIDELINES**

Act 186 (HB1176) - The act confirmed that the sentencing guidelines of the State of Arkansas are entirely voluntary. The act will become effective on July 1, 2005.

#### **JUDGMENT AND COMMITMENT ORDERS**

Act 884 (HB2002) - The act provides that in Administrative Order No. 8, Section III, the Arkansas Supreme Court established a procedure for completion and delivery of judgment and commitment orders and that the existing statutory procedure in Arkansas Code § 16-90-406 concerning delivery of a copy of a warrant of commitment or court order is superseded. The act also repealed § 16-90-406.

#### **MEDICAID FRAUD**

Act 164 (HB1191) - The act provides that in cases involving Medicaid fraud, the punishment will be fixed by the finder of fact, whether a court or a jury, and restitution will be fixed by the court.

#### **REVOCAION**

Act 1534 (HB1755) - The act provides that a suspended sentence or probation may be revoked subsequent to the expiration of the period of suspension or probation if a petition to revoke the defendant's suspension or probation has been filed prior to the expiration of the period of suspension or probation and a warrant is issued for the defendant's arrest within 30 days of the date of the filing of the petition.

## **CRIMINAL LAW AND PROCEDURE**

### **SENTENCING AND DISPOSITION OF OFFENDERS**

#### **SUPERVISORY FEE**

Act 2239 (HB2801) - Under existing law, provisions regarding probation and probation fees do not apply in instances where a defendant is charged with violating the Omnibus DWI Act, § 5-65-101 et seq. However, a court may require a defendant to pay a public service work supervisory fee in an amount to be established by the court if the court orders public service in lieu of jail. The act provides that provisions regarding probation and probation fees do not apply in instances where a defendant is charged with violating the Underage DUI Law, § 5-65-301 et seq. and the act authorizes a court to require a defendant charged with violating the Underage DUI Law, § 5-65-301 et seq. to pay a public service work supervisory fee in an amount to be established by the court for any public service work ordered by the court.

#### **SEX OFFENDERS**

Act 1779 (HB2785) - The act provides that it is a Class D felony for certain sex offenders who are required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., to engage in an occupation or to participate in a volunteer position that requires the sex offender to work or interact primarily and directly with children under 16 years of age.

#### **SEXUAL INDECENCY WITH A CHILD**

Act 1993 (SB958) - Under existing law, a person commits sexual indecency with a child if, with the purpose to arouse or gratify the sexual desires of himself or herself or those of any other person, the person purposefully exposes his or her sex organs to another person who is less than 15 years of age. The act expands the offense of sexual indecency with a child to prohibit a person 18 years of age or older from causing or coercing another person who is less than 14 years of age to expose his or her sex organs or the breasts of a female with the purpose to arouse or gratify the sexual desires of himself, herself, or another person.

#### **TASER GUNS**

Act 2153 (SB1078) - The act restricts the sales and use of taser stun guns to minors.

#### **TERRORISTIC ACT**

Act 197 (HB1353) - The act clarifies that a person may be convicted of committing a terroristic act against a sole occupant of a vehicle or structure.

#### **THEFT OF MOTOR FUEL**

Act 900 (SB433) - The act provides that a person may be charged with theft of motor fuel if he or she does not pay for fuel owned by a political subdivision and nonprofit entity.

#### **TRAFFICKING OF PERSONS**

Act 2267 (HB2979) - The act establishes a Class A felony for recruiting, harboring, transporting, or obtaining the labor or services of a person for the purpose of benefiting financially or receiving anything of value through involuntary servitude, peonage, debt bondage, slavery, marriage, adoption, or sexual conduct.

#### **VOYEURISM**

Act 1642 (HB2338) - The act establishes a Class A misdemeanor for looking or entering into a private place or into a place of public accommodation to view a nude person for the purpose of sexual arousal or gratification. The act also makes it a Class D felony if the victim is under the age of 17.

## **ECONOMIC DEVELOPMENT**

### **BIOBASED PRODUCTS**

Act 542 (HB1543) - This act requires state agencies to give preference in purchasing to biobased products whenever possible.



## **ECONOMIC DEVELOPMENT**

### **BIODIESEL FUEL**

Act 2223 (HB2657) - This act permits persons engaged in the business of selling diesel fuel or liquified gas at wholesale to obtain a refund of motor fuel tax paid. The refund is limited to \$0.50 per gallon for each gallon of biodiesel fuel that the supplier uses to produce a biodiesel mixture. The refund will be available when a biodiesel producer begins production of biodiesel fuel in Arkansas and meets other specified requirements. The act becomes effective on July 1, 2005 and the refund provisions will expire on July 1, 2007.

### **CAPITAL DEVELOPMENT COMPANY**

Act 1759 (SB1031) - This act amends the Arkansas Capital Development Company Act, Arkansas Code § 15-4-1001 et seq., to extend the period for purchasing an equity interest resulting in a tax credit to the purchaser from 2013 to 2015. The act provides that the proceeds of the equity purchases must be used in specified transactions in order for the purchaser to obtain a tax credit. The amount of tax credits that may be authorized in a calendar year is limited to \$5,000,000. However, the Director of the Department of Finance and Administration may authorize additional cumulative tax credits not to exceed \$1,250,000 per calendar year, if specified state fiscal-related requirements are met. This act became effective on April 5, 2005.

### **CONSOLIDATED INCENTIVE ACT**

Act 1296 (SB417) - This act amends the Consolidated Incentive Act of 2003 to broaden the types of businesses and programs eligible for tax credits under the act, to clarify the levels of tax incentives available, and to provide greater flexibility for awarding tax credits. This act becomes effective on July 1, 2005.

### **CORPORATE INVESTMENTS**

Act 873 (SB425) - This act increases from \$40,000,000 to \$48,000,000 the amount of investments that the Treasurer of State may invest in corporations organized under the Arkansas Development Finance Corporation Act, § 15-4-901 et seq. This act became effective on March 15, 2005.

### **ENTERPRISE ZONES**

Act 443 (HB1496) - The act amends the Enterprise Zone Act of 1993 to require that qualifying employees be hired within 60 months of approval of the financial incentive agreement.

### **INCENTIVES, ECONOMIC**

Act 1232 (HB2465) - The act amends existing law to make technical corrections and amendments to various economic programs. The act also expands the pool of businesses eligible for tax credits equal to 30% of the cost of tuition paid for employees. The act increases the per project amount from \$50,000 to \$100,000 for technology development support available through the Arkansas Science and Technology Authority.

### **INDUSTRIAL DEVELOPMENT REVENUE BONDS**

Act 1922 (HB1296) - The act amends industrial development revenue bond law to authorize additional revenue sources for the payment and security of industrial revenue bonds issued by municipalities and counties and confirms the authority of municipalities and counties to loan the bond proceeds. The act became effective on April 11, 2005.

### **LEGISLATIVE AUDIT, ECONOMIC DEVELOPMENT**

Act 1769 (HB2072) - This act authorizes the Division of Legislative Audit to prepare and report to the General Assembly annual cost-benefit reports regarding economic incentive programs provided under the Consolidated Incentive Act of 2003.

### **LOCAL DEVELOPMENT PROJECTS**

Act 1372 (SB923) - This act authorizes the incorporation of public corporations that will be eligible to receive sales and use taxes levied under the Economic Development Tax Act, § 14-174-101 et seq. for purposes of creating local economic development projects.

## **ECONOMIC DEVELOPMENT**

### **NONPROFIT ORGANIZATIONS, FINANCIAL INCENTIVES**

Act 1277 (HB2783) - The act creates new incentives to encourage nonprofit organizations to locate in Arkansas. The incentives include sales and use tax refunds and payroll rebates to an organization with an annual payroll exceeding \$1,000,000.00 and meeting other requirements.

### **SCIENCE AND TECHNOLOGY AUTHORITY**

Act 183 (HB1148) - This act authorizes the Arkansas Science and Technology Authority to prepare and distribute a research and development plan.

### **SMALL BUSINESS LOANS**

Act 892 (SB379) - The act amends the small business loan collaboration program definition of "community lender" to allow any financial institution to participate in the program.

### **SUPERPROJECT BONDS**

Act 1981 (SB507) - This act establishes an implementation framework for the General Assembly to approve the issuance of general obligation bonds in connection with an economic development project in which more than \$500,000,000 will be invested in the state and more than 500 jobs will be created. The act requires an economic impact and cost-benefit analyses and approval of the Governor before referral to the General Assembly for consideration. In order to satisfy job creation requirements, the entity must create new full-time permanent jobs that pay an amount that exceeds that lesser of the county average hourly wage or the state average hourly wage and are accompanied by health and retirement benefits.

### **TOURISM DEVELOPMENT ACT**

Act 2308 (HB1899) - This act amends the Arkansas Tourism Development Act to make the tax credit program for tourism attraction projects more flexible and to offer greater incentives for the placing of tourism attraction projects in high unemployment counties.

## **EDUCATION**

### **ADVANCED PLACEMENT PROGRAM**

Act 2131 (SB503) - This act authorizes the Director of the Department of Education to require each superintendent to file a written assurance that the school district has complied with certain statutes and authorizes the director to determine the amount of any awards under the Arkansas Advanced Placement Incentive Program. The act also allows continuing education credit for teaching an advanced placement class for a subject covered by the College Board and Educational Testing Service. This act is effective July 1, 2005.

### **ARKIDS FIRST PROGRAM**

#### **INFORMATION**

Act 882 (HB1895) - This act requires the State Board of Education to promulgate rules assisting local school districts to establish a program to inform students about health care coverage under the ARKids First Program.

### **CHILD TRAUMA, SCHOOL NOTIFICATION**

Act 1961 (HB2604) - This act authorizes the Department of Human Services to notify school officials when the department has reason to believe that a child in department custody has experienced a traumatic event.

### **DEPARTMENT OF EDUCATION, REORGANIZATION OF**

Act 1672 (HB2530) - The act renames the Director of the Department of Education as the Commissioner of Education and reorganizes the Department of Education into a central administration with the following 4 divisions: the Division of Fiscal and Administrative Services, the Division of Human Resources, the Division of Learning Services, and the Division of Research and Technology. This reorganization becomes effective July 1, 2005.

## **EDUCATION**

### **DIRECTOR'S SALARY, DEPARTMENT OF EDUCATION**

Act 1846 (HB1866) - This act prohibits the Director of the Department of Education from accepting additional salary from any other source than his or her appropriated salary and requires the director to devote his or her working time exclusively to the performance of the director's duties. This act became effective on April 8, 2005.

### **EARLY CHILDHOOD EDUCATION, BETTER CHANCE FOR SCHOOL SUCCESS**

Act 1447 (HB2677) - The act makes priority funding under the Arkansas Better Chance for School Success Program available as necessary to continue an established program even though the criteria to qualify for priority funding may no longer exist for the school district in which the program is operating.

### **EDUCATION SERVICE COOPERATIVES**

Act 1181 (HB1357) - The act allows education service cooperatives to purchase or construct buildings to provide authorized programs and services and provides for the distribution of assets upon dissolution of a cooperative.

### **GENERAL EDUCATION**

#### **ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM**

Act 2197 (HB1983) - The act amends the Academic Challenge Scholarship Program to defer the end-of-course assessment and reporting requirements and requires students to complete requirements of Smart Core to qualify for the Academic Challenge Scholarship Program.

#### **ADEQUACY REVIEW CONTRACTS**

Act 723 (HB1258) - The act allows the House Interim Committee on Education and the Senate Interim Committee on Education to contract with experts to conduct interim adequacy reviews.

#### **ATHLETIC PROGRAM REPORT**

Act 2256 (HB2916) - The act requires salaries and supplemental pay for organized physical activity courses to be included on reports on athletic programs.

#### **BULLYING**

Act 1437 (HB1708) - The act amends antibullying policies for public schools and provides procedures for making anonymous reports of bullying.

#### **CAFETERIA FOOD, SCHOOLS**

Act 2285 (SB965) - This act requires a school district to provide lunch menus, information about food sold in the school cafeteria, and information concerning the National School Lunch Program to the district's school nutrition and physical activity advisory committee each quarter. The committee will provide recommendations on menus and food sold in the cafeteria.

#### **CHARTER SCHOOLS**

Act 2005 (SB1130) - The act authorizes charter schools to enter into public-private partnerships with regard to lease agreements for school buildings, extends the maximum term for a charter school from 3 years to 5 years, and increases the number of available charters for open-enrollment charter schools from 12 to 24 to be phased in over 3 school years with an equal number of charters in each congressional district. The act also changes the enrollment deadline for open-enrollment charter schools from April 15 to July 1. The enrollment deadline date is used to determine initial funding estimates for open-enrollment charter schools.

#### **CLASSROOM SUPPLIES**

Act 1192 (HB1720) - The act clarifies the amount of the stipend a school district is required to pay a teacher for the purchase of classroom supplies for elementary grades.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **COMPUTERS IN SCHOOLS**

Act 1673 (HB2557) - This act authorizes any public school district or open-enrollment charter school to loan a surplus personal computer to a student if the student's parent, guardian, or caregiver verifies the need for the loan and signs an agreement accepting responsibility for the computer. The program shall be reviewed in the annual audit of the school district or charter school, and the State Board of Education shall promulgate any rules necessary for the implementation of the program.

#### **CONSOLIDATION OF SCHOOLS**

Act 1198 (HB1888) - The act provides for monitoring of the academic progress of students from schools that were consolidated or annexed under Acts 2003, No. 60 (2nd Ex Sess).

Act 1236 (HB2560) - The act requires a comprehensive financial review of school districts prior to reorganization and allows the Department of Education to provide fiscal oversight of school districts on the list for consolidation.

Act 2146 (SB1028) - The act requires that all the records and historical documents of consolidated or annexed school districts be retained by the receiving or resulting school district.

Act 2230 (HB2734) - The act provides financial assistance to resulting school districts who received certain types of debt because of a consolidation required by law. This act became effective on April 13, 2005.

Act 2260 (HB2936) - The act establishes procedures for the preservation, disposal, or both of school buildings in school districts that have been consolidated.

Act 2321 (HB2646) - The act sets forth reporting requirements for administratively consolidated or administratively annexed school districts to ensure that students from the affected school districts continue to receive equality of educational opportunity.

#### **CORRECTIONS SCHOOL SYSTEM**

Act 496 (SB191) - The act changes the name of the Department of Correction School District to the Corrections School System and clarifies the purpose of and funding for the Corrections School System.

#### **COUNTY SCHOOL BOARDS, REPEAL OF**

Act 2190 (HB1701) - The act repeals county boards of education. This act became effective on April 13, 2005.

#### **CRIMINAL BACKGROUND CHECK, SCHOOL EMPLOYEES**

Act 2151 (SB1044) - This act amends numerous sections of the Arkansas Code concerning K-12 education related to background checks, school board composition, and teacher certification. Under previous law, an applicant for a noncertified position in a school district may be disqualified if convicted of certain crimes. This act provides that an applicant may be disqualified for additional grounds, including knowingly falsifying a student's grade or providing misleading information to the State Board of Education. This act increases from \$200 to \$5,000 the amount of school funds to which a person must have access before the person is considered a "fiscal officer" for purposes of a background check.

#### **CURRICULUM, IB & AP COURSES**

Act 2152 (SB1054) - The act allows a high school course offered under the international baccalaureate diploma program to be treated the same as an advanced placement course.

#### **CURRICULUM, MUSIC AND ART IN ELEMENTARY SCHOOLS**

Act 245 (HB1034) - The act requires every public elementary school to provide not less than forty (40) minutes of instruction in visual art and not less than forty (40) minutes of instruction in music each calendar week of the school year. This act becomes effective June 1, 2005, for the 2005-2006 school year.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **CURRICULUM, PHYSICAL EDUCATION IN HIGH SCHOOLS**

Act 660 (SB2) - The act provides that school districts shall provide a one-time 1/2 unit of physical education credit to students in grades 9 through 12 who successfully complete a verified organized physical activity course.

#### **CURRICULUM, TECHNOLOGY**

Act 2266 (HB2964) - The act establishes a knowledge-based technology curriculum for grades 7 through 12 in public schools to be effective for the 2007-2008 school year.

#### **DISTANCE LEARNING**

Act 1425 (SB592) - This act establishes the Distance Learning Coordinating Council to replace the Arkansas Interagency Distance Learning Review Commission. The council is charged with making annual recommendations to the Department of Education, the Division of Public School Academic Facilities and Transportation, the Division of Public School Accountability, and the House and Senate Committees on Education with regard to improving the quality, utilization, and availability of distance learning and related resources. This act became effective on July 1, 2005.

Act 2325 (HB2566) - This act permits distance learning courses to be offered by a public school or open-enrollment charter school to private school and home school students if the students reside in the school district and physically attend the public school or charter school for the classes. The school district or charter school will receive 1/6 of the state foundation funding amount per student for each home school or private school student who attends one or more distance learning class.

#### **EDUCATION RECORDS, YOUTH SERVICES**

Act 1998 (SB1021) - The act requires the public school education record of a juvenile in the custody of the Division of Youth Services of the Department of Human Services to be transmitted to the Division of Youth Services within 10 school days.

#### **EYE AND VISION SCREENINGS IN SCHOOL**

Act 1438 (HB1734) - This act requires public and charter schools to provide periodic eye and vision screenings to students and establishes procedures for providing follow-up reports to parents and guardians and ensuring that students receive comprehensive eye exams as indicated by the results of the screening. This act also extends the sunset of the Arkansas Commission on Eye and Vision Care of School Age Children from June 30, 2005 to June 30, 2007. This act became effective on March 31, 2005.

#### **INSTRUCTIONAL MATERIALS - SALES TAX EXEMPTION**

Act 1441 (HB2099) - Under existing law, "instructional materials" used in public schools are exempt from sales and use tax. This act expands the definition of instructional materials to include sheet music, maps, globes, art supplies, workbooks, flash cards, models, manipulatives, charts, and educational video tapes, DVDs, films, and cassettes. Excluded from the definition of instructional materials are items purchased for use in interscholastic extracurricular activities or administration of the school and construction materials and supplies.

#### **ISOLATED SCHOOLS**

Act 1397 (HB1289) - The act allows a school district to close an isolated school following an annexation or consolidation upon unanimous vote of the board of directors of the receiving or resulting district or upon a majority vote of the board of directors of the receiving or resulting district and approval of the State Board of Education.

Act 1452 (SB391) - The act provides special needs funding for certain isolated schools and certain school districts with a low student density. The act also requires the Department of Education to conduct a study of isolated schools to determine the most efficient method of providing opportunities for an adequate and substantially equal education for students in isolated schools without excessive transportation time.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **JUVENILE PLACEMENT FACILITIES**

Act 1763 (HB2558) - The act limits the payment of educational costs of juveniles placed in out-of-state treatment facilities.

#### **LEADERSHIP ACADEMY SCHOOL SUPPORT PROGRAM**

Act 1229 (HB2434) - The act creates the Arkansas Leadership Academy School Support Program to provide support to schools in school improvement for the purpose of moving the schools and districts out of school improvement status.

#### **MEDICAID BILLING BY SCHOOL DISTRICTS**

Act 1527 (HB1259) - The act provides a mechanism to improve the use of Medicaid billing by school districts. This act became effective on April 5, 2005.

#### **SCHOOL AUDITS**

Act 424 (HB1185) - The act amends Arkansas Code § 10-4-202 to clarify audit requirements for schools, educational cooperatives, municipalities, and counties. This act became effective on March 2, 2005.

Act 1244 (HB2700) - The act prohibits an accountant from providing nonaudit services to a public school if the accountant or the accountant's firm is also the school's auditor. The act requires school district auditors to comply with independence standards similar to the federal Sarbanes-Oxley Act.

Act 1444 (HB2449) - The act amends Arkansas Code § 10-4-208 to provide a regulatory basis for financial statement presentation for auditing schools. The legislative auditor will conduct audits of all schools and any transactions regarding the use of public funds. Schools may also hire a licensed certified public account or a licensed accountant in public practice in good standing with the Arkansas State Board of Accountancy to conduct annual financial audits. The private audit report should be filed with the Legislator Auditor within 10 days of issuance to the school board. The act became effective on April 4, 2005.

#### **SCHOOL BUDGETS & REPORTS**

Act 77 (HB1154) - The act extends the time period for school districts to file a budget and expenditures report with the Department of Education from September 1 to September 15 of each year.

Act 730 (HB1568) - The act amends various portions of the Arkansas Educational Financial Accounting and Reporting Act of 2004, including requiring annual audits of school funds expenditures to be completed by February 15 and expanding training requirements for school budget personnel.

Act 2121 (SB338) - The act requires the Department of Education to provide the House and Senate Joint Interim Committees a list of those school districts that do not comply with the statutory requirement to provide revenue, salary, and other pertinent financial information; allows the Department of Education to inspect attendance records of any school to verify attendance reporting; and affirms that public school funding and funding necessary to providing public school students with an equitable and adequate education shall be given the highest priority.

Act 2321 (HB2646) - The act sets forth reporting requirements for administratively consolidated or administratively annexed school districts to ensure that students from the affected school districts continue to receive equality educational opportunity.

#### **SCHOOL BUSES**

Act 247 (HB1196) - The act creates a Class B misdemeanor offense of unauthorized entry of a school bus.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **SCHOOL BUSES**

Act 1979 (SB465) - This act prohibits the purchase by public schools of certain nonconforming vans as defined by the federal motor vehicle safety standards. The act also requires the use of child safety alarms on daycare buses to help prevent children from being left on a bus unintentionally. This act became effective on April 11, 2005.

#### **SCHOOL CHOICE RULES**

Act 2148 (SB1040) - This act requires the Department of Education to submit rules concerning the Arkansas Public School Choice Act of 1989, Arkansas Code § 6-18-206, to the education committees of the General Assembly by October 1, 2006.

#### **SCHOOL DISTRICT BOUNDARIES IN LOCAL DEVELOPMENT PLANS**

Act 2144 (SB1006) - The act requires cities and counties to consider school district boundaries in the development and planning process. County planning boards and municipal planning commissions are required to notify the board of directors of each school district affected by a proposed development plan, implementation ordinance, subdivision ordinance, or regulation sufficiently in advance to allow the school district to submit comments.

#### **SCHOOL FOUNDATION FUNDING**

Act 2283 (SB939) - The act amends the Public School Funding Act of 2003 to increase foundation funding to \$5,497 per student based on the previous school years average daily membership and makes adjustments to the funding for national school lunch students. This act becomes effective on July 1, 2005.

#### **SCHOOL HISTORICAL ARTIFACTS**

Act 2229 (HB2732) - The act ensures the preservation of historical artifacts of school districts subject to reorganization or reclassification.

#### **SCHOOL PERSONNEL**

Act 1017 (HB2482) - The act provides that any employee of a public school, whether or not a teacher, has the right to have a witness or representative present in a disciplinary or grievance matter.

Act 1159 (SB490) - The act permits the creation of a position for a school district coordinator for counties with 6 or more school districts located in the county and creates an executive council to promote cooperation among the various school districts located in the same county.

Act 1195 (HB1799) - The act clarifies the definition of "immediate family" for the purpose of using sick leave accumulated by a teacher.

Act 1381 (HB1867) - The act prohibits a school district from employing a relative of a member of the board of directors of the school district for compensation in excess of \$5,000 per year unless approved by the Director of the Department of Education based on unusual and limited circumstances. Exceptions are provided for relatives of school board members who were employed by the school district during the school year prior to the election of the board member to the board, and to permit a relative of a school board member to work as a substitute teacher, substitute cafeteria worker, or substitute bus driver for up to 30 days per school year. This act became effective on March 30, 2005.

Act 1881 (HB2789) - The act requires that teachers receive a thirty-minute uninterrupted duty-free lunch period during each student instructional day.

Act 1943 (HB2793) - The act requires that the teacher daily planning period occur during the student instructional day.

#### **SCHOOL PERSONNEL POLICY**

Act 951 (HB2000) - The act amends the personnel policy law for classified school employees to be more consistent with the personnel policy law for certified school employees. The act became effective on March 18, 2005.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **SCHOOL PERSONNEL, CERTIFICATION**

Act 1187 (HB1622) - The act provides a \$5,000 bonus for certified speech-language pathologists who hold a national certificate of clinical competence in speech language pathology from the American Speech-Language-Hearing Association and are employed by an Arkansas public school. This act becomes effective on July 1, 2005.

Act 2196 (HB1982) - The act creates the Teacher Opportunity Program and the Dual Certification Incentive Program to provide scholarships to teachers returning to college to receive an additional certification.

#### **SCHOOL PERSONNEL, REDUCTION IN FORCE**

Act 2149 (SB1042) - The act requires school districts to have a reduction in force policy in each school district based upon objective criteria. This act became effective on April 13, 2005.

#### **SCHOOL PROCUREMENT**

Act 1866 (HB2496) - The act permits a school district to issue postdated warrants to pay the costs in connection with the issuance of postdated warrants, installment contracts, and lease purchase agreements. The act became effective on April 8, 2005.

Act 2161 (SB1164) - This act prohibits a school district or anyone acting on behalf of a school district from imposing qualifications and specifications that unreasonably restrict competition for the purchase of a commodity, which includes all goods and services, other than personal and professional services, purchased for or on behalf of the school district. The act provides that specifications for a bid or contract shall not include the names or identity of any specific vendor. School districts are required to notify all prospective bidders or contractors who make a written request to be notified of opportunities to bid or contract. The act requires a signed statement from the bidder's agent affirming that the bidder has not been involved in any collusion with other bidders or public officials with regard to the price or terms of a prospective contract. An actual or prospective bidder or contractor who is aggrieved with the process may protest to the superintendent of the school district.

Act 2171 (HB1364) - The act clarifies professional services and bidding requirements for school districts, counties, cities, and towns.

#### **STANDARDS FOR ACCREDITATION**

Act 1684 (HB2757) - The act requires an on-campus Standards for Accreditation of Arkansas Public Schools review by the Department of Education 1 time every 4 years.

#### **STUDENT ASSESSMENTS, MATH AND SCIENCE SCHOOL**

Act 2253 (HB2881) - The act requires that the assessment scores for students attending the Arkansas School for Mathematics, Sciences and the Arts of the University of Arkansas be included in the reports of the school district from which the student transferred.

#### **STUDENT ASSESSMENTS, STATEWIDE**

Act 2243 (HB2824) - The act requires each public school student to participate in the statewide program of educational assessment. Assessments include developmentally appropriate testing for grades K-2, norm-referenced tests in grades 3-9, criterion-referenced tests known as benchmark assessments in grades 3-8, other assessments which are based on researched best practices as determined by qualified experts which would be in compliance with federal and state law, other tests required by the State Board of Education, and end-of-course examinations in Algebra I, geometry, literacy, and other content areas, such as science, civics, and government, as directed by the state board. A student who does not meet satisfactory pass levels is required to participate in remediation activities outlined in the student's individualized academic improvement plan.



## **EDUCATION**

### **GENERAL EDUCATION**

#### **STUDENT HEALTH, ASTHMA INHALERS**

Act 1694 (HB2976) - School districts are required to allow students to carry and use prescription asthma inhalers and auto-injectable epinephrine while in school, at on-site school-sponsored activities, and at off-site school-sponsored activities.

#### **STUDENT MISCONDUCT, PARENTAL NOTICE**

Act 1415 (HB2688) - The act clarifies parental notification requirements by school personnel in situations involving students and law enforcement officials.

#### **STUDENT TRANSCRIPTS**

Act 2203 (HB2488) - The act requires high schools and institutions of higher education to provide electronic student transcripts to the Department of Higher Education to determine student eligibility for state financial aid programs.

#### **STUDENTS - CAREER PLANNING**

Act 1949 (HB2868) - The act amends a school district's requirement to provide career counseling for students and requires counselors to provide a career planning process for each student.

#### **STUDENTS - HONORS**

Act 390 (SB250) - The act allows school districts to identify and honor students making the honor roll and other academic achievement recognition programs unless a parent or a student object in writing.

#### **STUDENTS - SOCIAL SECURITY NUMBERS**

Act 246 (HB1106) - The act prohibits the use of a student's social security number as a student identification number.

#### **STUDENTS AS LEGISLATIVE PAGES**

Act 2199 (HB2461) - The act allows a school district to provide instructional assignment days for students serving as pages for the General Assembly. This act became effective on April 13, 2005.

#### **TEACHER PROFESSIONAL DEVELOPMENT**

Act 1183 (HB1395) - The act increases from 12 to 15 the number of teacher professional development hours counted for a three-hour graduate-level college credit course.

Act 1185 (HB1461) - The act allows a teacher to earn up to 12 hours of professional development credit for time required at the beginning of the school year to plan and prepare a curriculum and other instructional material for his or her assigned classes if certain conditions are satisfied. This act became effective on March 24, 2005.

Act 2007 (SB1150) - The act reduces by 1/2 the professional development requirements for certified personnel working solely in adult education programs. This act became effective on April 11, 2005.

Act 2095 (SB187) - The act limits Arkansas history in-service training requirements to those teachers teaching Arkansas history.

Act 2318 (HB2489) - The act creates the Arkansas Online Professional Development Initiative through which the Director of the Department of Education, the Director of the Educational Television Division of the Department of Education, and local school districts shall develop a statewide online professional development program.

#### **TEACHER SALARIES**

Act 1777 (HB2743) - The act permits that certified teachers for the Arkansas National Guard Youth Challenge Program and the C-Step Program will receive teacher salaries and benefits substantially equal to the salaries and benefits received by teachers in the public schools to the extent funds are specifically appropriated. This act became effective on April 6, 2005.

Act 2130 (SB469) - The act adds a cost-of-living increase to the minimum teacher salary schedule for the 2006-2007 school year. This act became effective on April 13, 2005.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **TEACHER SALARIES**

Act 2165 (SB1179) - Increased funds in the Educational Excellence Trust Fund may be used to fund teacher salary increases. This act provides that "salary increase" does not include additional payments for experience or degrees.

#### **TEACHER SALARIES, PRIVATE SCHOOL EXPERIENCE**

Act 2307 (HB1803) - The act requires school districts to credit teachers for teaching experience in certain private schools and institutions of higher education for purposes of compensation levels on the district's teacher salary schedule.

### **HIGHER EDUCATION**

#### **ATHLETIC EXPENDITURE LIMITATIONS, COLLEGES**

Act 1795 (SB300) - The act limits public college and university expenditures for academic, merit, and performance scholarships to no more than 30% of its unrestricted educational and general tuition and fee income.

#### **ATHLETIC EXPENDITURES OF COLLEGES**

Act 2288 (SB1000) - The act allows cost-of-living adjustments on athletic expenditures at institutions of higher education. This act becomes effective date on July 1, 2005.

#### **BACKGROUND CHECKS, HEALTH STUDENTS**

Act 2213 (HB2595) - This act provides that criminal background check information on students enrolled or to be enrolled in a higher education health-related course of study may be sent to the institution with the student's consent.

#### **BONDS, COLLEGE TECHNOLOGY AND FACILITY IMPROVEMENTS**

Act 1282 (SB1137) - This act authorizes the Arkansas Development Finance Authority to issue general obligation bonds for technology and facility improvement projects of institutions of higher education and for refunding bonds issued under the Arkansas College Savings Bond Act of 1989. The bonds may be issued after a vote approving the issuance in an election called by the Governor. The amount of bonds, when combined with bonds issued under the Arkansas College Savings Bond Act of 1989, that may be issued in a fiscal year is limited to \$24,000,000. The total principal amount of bonds that may be issued under this act is \$250,000,000. This act became effective on March 29, 2005.

#### **CENTERS OF EXCELLENCE, COLLEGES AND UNIVERSITIES**

Act 265 (SB285) - The act allows the Department of Higher Education to create centers of excellence at colleges and universities in Arkansas to improve the state's ability to compete in the knowledge-based economy.

#### **COLLEGE DEGREE PLAN**

Act 1014 (HB2459) - The act allows students to enter into a contract with a university to ensure the completion of course work and bachelor's degree requirements in 4 years.

#### **COMMUNITY MATCH LOAN PROGRAM**

Act 1682 (HB2715) - This act establishes conditions under the Community Match Loan Program by which a physician may be approved to practice a designated specialty instead of primary care medicine in a qualified rural community.

#### **CREDIT CARD SOLICITATION AT COLLEGES**

Act 1430 (SB1098) - The act prohibits the solicitation of credit card applications in an academic building or within 100' of an academic building on a college campus.

## **EDUCATION**

### **HIGHER EDUCATION**

#### **ECONOMIC GOALS & COLLEGE SERVICES**

Act 502 (SB287) - The act requires the Department of Economic Development to provide the Department of Higher Education with a list of economic goals for the state and requires the Department of Higher Education to conduct a review of the missions and scopes of Arkansas' institutions of higher education to ensure the availability of educational services necessary to support the economic goals of the state.

#### **EXTRA HELP CLASSIFICATION, COLLEGES**

Act 251 (HB1294) - This act clarifies that the extra help classification for employees of higher education institutions is based on the fiscal year.

#### **FUNDING FORMULA FOR TWO-YEAR COLLEGES**

Act 1760 (SB1083) - The act creates a funding formula model for two-year colleges, which is based upon teaching salaries, facility space, and faculty needs.

#### **FUNDING FORMULA FOR UNIVERSITIES**

Act 1429 (SB1082) - The act creates a funding formula for universities based on student enrollment, instructional costs, and facility size.

#### **FUNDING, INCENTIVES FOR COLLEGES**

Act 1974 (SB288) - The act provides incentive funding for improvements in retention and graduation rates at public colleges and universities.

#### **GRANTS, ARKANSAS RESEARCH MATCHING FUND**

Act 2265 (HB2963) - The act provides that grants from the U.S. Department of Homeland Security to a college or university may be used to match funds paid from the Arkansas Research Matching Fund.

#### **GROWTH POOL, TWO-YEAR COLLEGES**

Act 1531 (HB1376) - The act establishes a "growth pool" of positions for two-year institutions of higher education. This act becomes effective on July 1, 2005.

#### **NATIONAL GUARD AND RESERVES, COLLEGE COURSES**

Act 85 (HB1201) - The act clarifies and modernizes current law regarding students who are attending state-supported postsecondary educational institutions and who are called into military service by ensuring that they have the option to either complete the course work that is interrupted by their activation or are compensated for their out-of-pocket expenses for courses that they could not complete because of their activation. This act became effective on February 8, 2005.

#### **NATIONAL PARK COMMUNITY COLLEGE HEALTH PLAN**

Act 908 (HB1026) - This act allows employees of National Park Community College to choose between a health insurance plan offered by the college or to enroll in the plan that is offered to state employees through the State and Public School Life and Health Insurance Board. The election must be made at the time of initial employment or during the annual open enrollment period. This act becomes effective on July 1, 2005.

#### **NURSING OR HEALTH CARE PROGRAMS**

Act 1256 (HB1735) - An institution of higher education may establish a program to give additional consideration in admissions to nursing or health care program to applicants from rural, medically underserved areas of the state who are interested in nursing or other health care careers in rural, medically underserved areas of the state.

#### **POLICE CORPS TRAINING PROGRAM**

Act 1330 (SB628) - This act classifies full-time instructors at the Arkansas Police Corps Training Program at the University of Arkansas at Little Rock as law enforcement officers. The act became effective on March 29, 2005.

## **EDUCATION**

### **HIGHER EDUCATION**

#### **PROCUREMENT, HIGHER EDUCATION**

Act 949 (HB1994) - This act specifies that the Arkansas Procurement Law does not prevent a state agency from contracting for goods or services, including professional or consultant services, with an organization that employs or contracts with an employee of a public institution of higher education in situations in which the employee will provide some or all of the goods or services under the contract. The organization or state agency entering the contract must comply with the Arkansas Procurement Law and related ethical provisions and the employee must comply with policies of the employing institution of higher education. This act became effective on March 18, 2005.

#### **SCHOLARSHIPS - ACADEMIC CHALLENGE**

Act 2011 (SB940) - The act amends the family financial eligibility requirements for the Arkansas Academic Challenge Scholarship Program and increases the amount of the award by \$500. This act became effective on April 13, 2005.

Act 2197 (HB1983) - The act amends the Academic Challenge Scholarship Program to defer the end-of-course assessment requirements and requires students to complete requirements of Smart Core to qualify for the Academic Challenge Scholarship Program.

Act 2214 (HB2610) - The act amends the family financial eligibility requirements for the Arkansas Academic Challenge Scholarship Program and increased the amount of the award by \$500.

#### **SCHOLARSHIPS - GOVERNOR'S**

Act 1241 (HB2653) - The act provides an Arkansas governor's scholarship to a student in each county in Arkansas. This act became effective on March 24, 2005.

#### **SCHOLARSHIPS - WORKFORCE IMPROVEMENT GRANT**

Act 2129 (SB468) - The act amends the Arkansas Workforce Improvement Grant program to increase the amount of the award to \$2,000 per year.

#### **SCHOLARSHIPS FOR DISABLED VETERANS' CHILDREN**

Act 2127 (SB466) - The act provides free tuition at state-supported institutions of higher education and technical institutes for children of disabled veterans.

#### **SCHOLARSHIPS FOR TEACHERS**

Act 2196 (HB1982) - The act creates the Teacher Opportunity Program and the Dual Certification Incentive Program to provide scholarships to teachers returning to college to receive an additional certification.

#### **SCHOLARSHIPS, ADMINISTRATION OF**

Act 2142 (SB938) - The act requires the Department of Higher Education to administer all state college financial assistance programs.

#### **SICK LEAVE, HIGHER EDUCATION**

Act 971 (HB2122) - The act allows two-year colleges to compensate employees for unused sick leave at retirement.

Act 1288 (SB168) - The act allows classified employees of state-supported institutions of higher learning to receive compensation for unused sick leave at retirement.

#### **TRANSCRIPTS, ELECTRONIC**

Act 2203 (HB2488) - The act requires high schools and institutions of higher education to provide electronic student transcripts to the Department of Higher Education to determine student eligibility for state financial aid programs.

#### **TRANSFER CURRICULUM, COLLEGES AND UNIVERSITIES**

Act 672 (SB247) - The act requires the Arkansas Higher Education Coordinating Board to implement a transfer curriculum among colleges and universities in Arkansas.

## **EDUCATION**

### **HIGHER EDUCATION**

#### **TUITION WAIVER, NATIONAL GUARD AND RESERVES**

Act 82 (HB1141) - The act amends the tuition waiver and assistance program for Arkansas National Guard soldiers and airmen to eliminate the requirement that the soldier or airman must participate in the Arkansas National Guard Tuition Assistance Program in order to be eligible for the 20% tuition waiver.

#### **UAMS - SUPPLEMENTAL MIXED DRINK TAX**

Act 1274 (HB2633) - This act continues the 4% supplemental mixed-drink tax first levied in 1989 for assisting the University of Arkansas for Medical Sciences in making loan payments. The tax applies to retail sales of mixed drinks, but not beer or wine. A 4% supplemental tax is also levied on private clubs for the privilege of serving mixed drinks. The proceeds are to be used by UAMS to continue loan payments and for any other authorized purposes when the loans are paid in full.

#### **UNIVERSITY OF ARKANSAS AT MONTICELLO**

Act 1010 (HB2443) - The act transfers the Arkansas Heavy Equipment Operator Training Academy to the University of Arkansas At Monticello. The act became effective on March 18, 2005.

Act 1771 (HB2453) - The act adds an additional member to the board of visitors for the University of Arkansas at Monticello.

#### **UNIVERSITY OF ARKANSAS-LAB SERVICES**

Act 1374 (SB1022) - The act permits the Diagnostic Laboratory Services of the Division of Agriculture of the University of Arkansas to promulgate rules concerning services performed by the laboratory and to design a fee structure to defray the cost of diagnostic services. The act also requires all fees collected to be deposited with by the State Treasury and credited to the University of Arkansas for exclusive use by the diagnostic laboratories division.

#### **UNIVERSITY OF CENTRAL ARKANSAS**

Act 891 (SB317) - The act requires new appointees to the University of Central Arkansas Board of Trustees to sign an affidavit to faithfully, diligently, and impartially discharge the duties of his or her office. This act became effective on March 16, 2005.

### **HIGHER EDUCATION-UAMS**

#### **CANCER RESEARCH-COLORECTAL**

Act 2236 (HB2781) - The act establishes within the Arkansas Cancer Research Center at the University of Arkansas for Medical Sciences in collaboration with the Department of Health a Colorectal Cancer Control and Research Program. The act becomes effective on August 1, 2005.

### **INVESTMENTS OF SCHOOL DISTRICTS**

Act 2205 (HB2497) - The act amends current law to allow school districts to invest moneys held for repayment of qualified zone academy bonds in guaranteed investment contracts or forward delivery agreements.

### **PERSONNEL**

#### **GROWTH POOL, UNIVERSITIES**

Act 2172 (HB1396) - The act establishes a "growth pool" of positions for public universities. This act becomes effective on July 1, 2005.

### **SCHOOL BOARDS AFTER ANNEXATION OR CONSOLIDATION**

Act 274 (HB1266) - The act changes the procedures for election of school board members following annexation or consolidation, provides for the staggering of terms of school board members following annexation or consolidation, and allows certain districts to return to using at-large elections following annexation or consolidation if single member election zones are not necessary to comply with the federal Voting Rights Act of 1965. This act became effective February 24, 2005.

## **EDUCATION**

### **SCHOOL BOARDS, ELECTIONS**

Act 1174 (HB2468) - The act amends various sections of the Arkansas Code pertaining to school elections, including specifying issues to be placed on the ballot in annual school elections and clarifying which county board of election commissioners is to prepare and furnish ballots.

### **SCHOOL BOARDS, TRAINING**

Act 1775 (HB2517) - The act increases the number of hours of training from 6 to nine 9 that a newly-elected member of a school board of directors is required to obtain following election. This act becomes effective July 1, 2006.

### **SCHOOL BUS DRIVERS**

Act 1825 (SB1103) - This act requires a school bus driver to make a written report to the school district's superintendent whenever the bus driver observes a motor vehicle passing the school bus when it is stopped to receive or discharge students or a motor vehicle failing to use due caution when approaching a school bus from the opposite direction on a divided, multiple lane highway. The act also requires the superintendent to provide the report to the local prosecuting attorney.

### **SCHOOL DISTRICT TAX INFORMATION**

Act 1933 (HB2454) - This act requires the State Board of Education, the Department of Education, and other departments or divisions administered by the State Board of Education to provide information to the Assessment Coordination Department. The purpose of the information is to allow the Assessment Coordination Department to calculate or verify details concerning assessed property values, tax collections, district revenues, and other information related to school funding or public school facilities.

### **SCHOOL EMPLOYEE HEALTH INSURANCE**

Act 1842 (HB1559) - The act provides, contingent upon the sufficiency of funds appropriated, additional funding for each eligible employee of a public school district electing to participate in the public school employees' health insurance program administered by the State and Public School Life and Health Insurance Board. The act becomes effective on July 1, 2005.

### **SCHOOL FACILITIES**

#### **ACADEMIC FACILITIES FUNDING**

Act 2206 (HB2508) - The Arkansas Public School Academic Facilities Funding Act establishes 6 programs for the provision of state financial participation in local projects relating to academic facilities and equipment. The programs are bonded debt assistance, the Academic Facilities Immediate Repair Program, the Academic Equipment Program, the Transitional Academic Facilities Program, the Academic Facilities Partnership Program, and the Academic Facilities Catastrophic Program. State financial participation under any program, except bonded debt assistance, will be based on an academic facilities wealth index. The Division of Public School Academic Facilities and Transportation will establish formulas for determining basic project costs on a per student basis. The basic project cost will be adjusted based on a variety of factors, including the cost of local enhancements, if any. School districts are encouraged to consider arrangements that have the potential to improve academic facilities or transportation, or create other efficiencies and enhanced learning opportunities. School districts that voluntarily consolidate or annex will have the benefit of the lower wealth index of the two districts on the first eligible academic facilities project in the new district. The division is also charged with developing a program to provide emergency loans to eligible high-growth school districts and report back to the General Assembly in 2007. This act became effective on April 13, 2005.

## **EDUCATION**

### **SCHOOL FACILITIES**

#### **ACADEMIC FACILITIES OVERSIGHT COMMITTEE**

Act 1424 (SB591) - This act establishes the Academic Facilities Oversight Committee, a committee of legislators that will oversee and monitor the development and implementation of the Arkansas Public School Academic Facilities Program. This act also establishes the Educational Facilities Advisory Committee, a committee of non-legislators appointed by the Oversight Committee that will assist the Division of Public School Academic Facilities in developing the components of the Arkansas Public School Academic Facilities Program. This act became effective on March 30, 2005.

#### **ACADEMIC FACILITIES PROGRAM**

Act 1426 (SB593) - This act creates the Arkansas Public School Academic Facilities Program, which includes five basic components. The Academic Facilities Master Plan Program addresses planning for academic facilities at the school district level and statewide. The Academic Facilities Custodial, Maintenance, Repair, and Renovation Manual will contain uniform standards to direct custodial, maintenance, repair, and renovation activities in public school academic facilities. The Public School Academic Facility Manual will contain uniform standards to guide the planning, design, and construction of new public school academic facilities and additions to existing public school academic facilities. The Public School Academic Equipment Manual will contain uniform standards for technology systems, instructional materials, and related academic equipment determined to be necessary for a public school to provide an adequate education. The Academic Facilities Distress Program will assist school districts that are unable to conserve and protect their academic facilities in accordance with the standards established in the Arkansas Public School Academic Facilities Program. This act became effective on March 30, 2005.

#### **DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES**

Act 1327 (SB590) - This act revises the powers and duties of the Division of Public School Academic Facilities and Transportation to include developing and implementing the Arkansas Public School Academic Facilities Program and overseeing school transportation programs. The Commission for Public School Academic Facilities and Transportation is charged with overseeing the division during the implementation phase of the Arkansas Public School Academic Facilities Program. The commission expires and its powers and duties transfer to the State Board of Education effective July 1, 2007. This act became effective on March 29, 2005.

### **SCHOOL FACILITIES, CONSTRUCTION MANAGEMENT**

Act 2154 (SB1092) - The act clarifies the use of construction management as a project delivery method and defines "construction management". The act became effective on April 13, 2005.

### **SCHOOL FACILITIES, DESIGN-BUILD CONSTRUCTION**

Act 2155 (SB1093) - The act provides that school districts may use design-build construction as a project delivery method for the building, altering, repairing, improving, maintaining, or demolishing of any structure or any improvement to real property owned by a school district. The act defines "design-build".

### **SCHOOL FACILITIES, ENERGY SAVINGS CONTRACTS**

Act 2156 (SB1095) - The act amends Arkansas laws concerning the use of energy savings contracts by school districts, including provisions dealing with procedures for requests for qualifications and the necessary qualifications to be identified as a qualified provider.

### **SCHOOL FACILITIES, LEASE-PURCHASE AGREEMENTS**

Act 2177 (HB1448) - This act authorizes school districts to enter into lease purchase agreements for the acquisition or construction of a school building and to sublease school buildings or facilities that are not being used for educational purposes.

## **EDUCATION**

### **SCHOOL FACILITIES, PUBLIC-PUBLIC PARTNERSHIPS**

Act 1368 (SB858) - The act allows school districts to use public-public partnerships, which are defined in the act, as a project delivery method for constructing upon or improving real property owned by the school district.

### **SCHOOL NURSES**

Act 1844 (HB1783) - This act requires the State Board of Education to promulgate rules for the disbursement of funds that ensure equity in meeting the statutorily mandated nurse-to-student ratio in public schools. This act is effective July 1, 2005.

### **SOCIAL WORKERS IN SCHOOLS**

Act 2295 (SB1187) - This act requires the Division of Children and Family Services of the Department of Human Services to encourage the Transitional Employment Assistance Program and the Transitional Employment Assistance Board to work in coordination with the division to increase the number of human service workers in public schools.

### **STUDENT MENTOR STUDY**

Act 2150 (SB1043) - This act requires the Department of Education to conduct a study for a student mentor program for submission by October 1, 2006, to the State Board of Education and the House and Senate Interim Committees on Education.

### **TEACHER HOUSING DEVELOPMENT FOUNDATION**

Act 2044 (HB2050) - This act eliminates the Department of Education's obligation to provide staff and office space for the Arkansas Teacher Housing Development Foundation and directs that foundation board members receive expense reimbursement from the foundation. This act is effective July 1, 2005.

### **TEACHER RETIREMENT SYSTEM**

Act 911 (HB1208) - The act amends the conditions for granting a waiver of the earnings limitation to a member of the Arkansas Teacher Retirement System, including specifying that the retirant must be hired by a public school district and the hiring must be due to a shortage of certified teachers in a critical academic area in which the retirant is certified. The act becomes effective on July 1, 2005.

## **ELECTIONS**

### **ABSENTEE BALLOTS, MILITARY PERSONNEL**

Act 751 (HB1770) - The act requires the delivery of a special absentee ballot that will permit a voter to indicate his or her preference in general primary elections and general runoff elections to active military personnel stationed overseas who request absentee ballots.

### **ABSENTEE BALLOTS, NOTICE**

Act 138 (HB1323) - The act requires the county board of election commissioners to provide notice in a newspaper of general circulation of the time and location of the opening, processing, canvassing, and counting of absentee ballots and permits the processing, canvassing, and counting of absentee or early votes before the closing of the polls on election day.

### **ABSENTEE BALLOTS, PROVISIONAL**

Act 2193 (HB1905) - The act requires county clerks to mark precinct voter registration lists to indicate that a voter was delivered an absentee ballot and permits a person delivered an absentee ballot to cast a provisional ballot at his or her polling site.

### **BALLOT STUBS**

Act 880 (HB1842) - The act provides that election officials will remove ballot stubs before giving the ballot to the voter and will place the stub in the stub box provided. The act also provides that a ballot cast by a voter who failed to provide the required identification with the ballot or at the time of mailing his or her voter registration application will be considered a provisional ballot.

Act 953 (HB2004) - The act permits the destruction of ballot stubs and unmarked ballots 30 days following the certification of the election or the final judicial resolution of an election contest.



## **ELECTIONS**

### **CAMPAIGN FUNDS, CARRYOVER**

Act 1413 (HB2661) - This act extends the period during which carryover funds may be retained by a candidate to not more than 10 years after the last day that the candidate held office.

### **CERTIFICATION OF ELECTIONS**

Act 895 (SB397) - The act requires that the county board of election commissioners certify election results no later than the fifteenth calendar day after the election. The act also requires that certain certified copies of the abstracts of the returns of the election be delivered to the Secretary of State no earlier than 48 hours after the election and no later than the fifteenth calendar day after the election.

### **CITY ELECTIONS**

Act 489 (SB4) - The act changes primary election dates and filing periods for municipal elections in cities with a city administrator form of government.

### **EARLY VOTING**

Act 655 (HB1417) - The act provides that early voting will be available during extended hours for preferential primary or general elections and during regular office hours for all other elections. The act also provides that early voting shall end at 5:00 PM on the Monday before the election, that early voting shall be provided at one or more conveniently located polling sites if not held within the office of the county clerk, and that all voted or unvoted ballots shall be held in a secure location in the county courthouse or, if voting is held at additional polling sites, at a secure location as determined by the county board of election commissioners at the close of the day.

Act 1690 (HB2879) - The act amends early voting laws to provide that early voting shall be available from 10:00 AM to 4:00 PM on Saturdays.

### **ELECTION COMMISSIONERS**

Act 1827 (SB1158) - The act amends various laws concerning the State Board of Election Commissioners, including amending the authority of the board and changing references to "disabled persons" to "voters with disabilities".

### **ELECTION LAWS, VARIOUS AMENDMENTS**

Act 67 (SB93) - The act amends various provisions of Arkansas election laws, including modifications to laws pertaining to the election of county committee members and the compensation of election officials and amends references to voters with disabilities and provisional ballots.

Act 238 (SB256) - The act amends Arkansas election laws concerning procedures for when a voter appears at the wrong polling place and instructs election officials to make a list of all voters who cast provisional ballots.

Act 1677 (HB2643) - The act amends various Arkansas election laws, including amending the compensation for members of the county board of election commissioners and providing that notice of a general primary, general runoff, or special election shall be given at least 10 days before the election.

### **ELECTION OFFICIALS**

Act 894 (SB396) - The act removes the requirement that the county board of election commissioners publish a list of election officials. The act also eliminates the requirement that the list be posted in the county sheriff's office.

### **ELECTION RESULTS**

Act 731 (HB1613) - The act instructs the Secretary of State to file a complaint with the State Board of Election Commissioners if a county board of election commissioners does not properly forward certified copies of the abstracts of election returns for certain offices to the Secretary of State.

### **INITIATIVE OR REFERENDUM PETITIONS**

Act 1817 (SB1003) - The act provides that initiative or referendum petitions shall not be disqualified due to clerical or technical errors made by a clerk, notary, judge, or justice of the peace when verifying the canvasser's signature.

## **ELECTIONS**

### **PRESIDENTIAL PREFERENTIAL PRIMARY ELECTIONS**

Act 501 (SB235) - The act provides that presidential preferential primary elections shall be held on the first Tuesday in February of the year in which a quadrennial national nominating convention is held.

### **SCHOOL ELECTIONS**

Act 1174 (HB2468) - The act amends various sections of the Arkansas Code pertaining to school elections, including specifying issues to be placed on the ballot in annual school elections and clarifying which county board of election commissioners is to prepare and furnish ballots.

### **SPECIAL ELECTIONS, CITIES**

Act 1205 (HB2049) - The act amends Arkansas Code § 7-5-104 to allocate the expense for conducting special elections to the counties, municipalities, cities, or incorporated towns calling the election. This act became effective on March 25, 2005.

### **SPECIAL ELECTIONS, TIME OF**

Act 2145 (SB1025) - The act requires that special elections be held on the second Tuesday of a month, unless the second Tuesday is a legal holiday or a presidential preferential primary election, preferential primary election, or general election is scheduled to take place in the month.

### **VOTER REGISTRATION**

Act 1952 (HB2966) - The act amends Amendment 51 of the Arkansas Constitution concerning voter registration procedures.

### **VOTING MACHINES**

#### **ELECTRONIC VOTING**

Act 2233 (HB2748) - The act amends various Arkansas laws concerning voting machines and electronic voting, including amending election laws to more clearly apply to electronic vote tabulating devices and direct recording electronic voting machines. The act becomes effective on January 1, 2006.

#### **VOTING MACHINES, AUDIT**

Act 654 (HB1360) - The act requires that all direct recording electronic voting machines in use on or after January 1, 2006, include a voter-verified paper audit trail, except for those direct recording electronic voting machines in use during the 2004 general election. The act also requires that all direct recording electronic voting machines purchased after the effective date of the act contain a voter verified paper audit trail.

## **EMERGENCY SERVICES**

### **911 CHARGES**

Act 1997 (SB1014) - This act makes various changes to the Arkansas Public Safety Communications Act of 1985 concerning levying, collecting, and distributing 911 charges.

### **EARTHQUAKE ZONES**

Act 1290 (SB194) - The act provides that zones of anticipated damage that will occur in various locations with respect to the New Madrid Seismic Zone shall be based upon the Arkansas Fire Prevention Code.

### **EMERGENCY MEDICAL PERSONNEL, OBSTRUCTING**

Act 1683 (HB2717) - This act makes it a crime to obstruct or interfere with emergency medical personnel while performing a rescue mission. Obstruction or interference by using or threatening to use physical force is a Class A misdemeanor. Any other type of obstruction or interference with emergency medical personnel is a Class C misdemeanor.

### **EMERGENCY MEDICAL TECHNICIANS, VETERANS**

Act 1674 (HB2571) - The act provides for certification of military emergency medical technicians who are returning from active duty.

## **EMERGENCY SERVICES**

### **HOMELAND SECURITY**

Act 1823 (SB1058) - The act amends the Homeland Security Act of 2003 to add the State of Arkansas to the list of definitions of "emergency service agency". The act also extends the expiration date of the Homeland Security Act from July 1, 2005 to July 1, 2007. This act became effective on April 6, 2005.

## **ENERGY**

### **CONSERVATION REPORTS, PUBLIC SERVICE COMMISSION**

Act 1939 (HB2674) - This act requires the Arkansas Public Service Commission to make a report to the General Assembly before September 30, 2006, about the commission's activities under the Energy Conservation Endorsement Act of 1977.

### **ENERGY COST SAVINGS CONTRACTS**

Act 1761 (SB1091) - Besides authorizing state agencies to contract with a qualified provider to implement a measure or service that reduces energy consumption or operating costs, this act repeals the statute that provided for performance-based efficiency contracts.

### **ENERGY SAVINGS CONTRACTS, SCHOOLS**

Act 2156 (SB1095) - The act amends Arkansas laws concerning the use of energy savings contracts by school districts, including provisions dealing with procedures for requests for qualifications and the necessary qualifications to be identified as a qualified provider.

## **ENVIRONMENTAL LAW**

### **BURNING OF STORM DEBRIS**

Act 944 (HB1935) - The act authorizes county governments in counties that have been declared disaster areas by state or federal authorities authorized to use open burning to dispose of vegetative debris.

### **COMPUTER DISPOSAL**

Act 970 (HB2115) - This act establishes January 1, 2008, as the target date to begin banning the disposal of computers and electronic equipment in landfills, provides for preferential sale of state agency-owned surplus computer equipment and electronics to agency personnel, adds local governments to school districts as possible purchasers or recipients of state agency-owned surplus computer equipment and electronics, and changes the pricing mechanism for the sale of state agency-owned surplus computer equipment and electronics.

### **FORESTERS' MINIMUM WAGE**

Act 78 (HB1202) - This act repeals outdated language regarding minimum wages paid to employees of the Arkansas Forestry Commission.

### **FORESTRY OFFICER JURISDICTION**

Act 79 (HB1203) - This act clarifies the law enforcement authority of the Arkansas Forestry Commission regarding trees, timber, and logs.

### **HAZARDOUS WASTE CONTRACTORS**

Act 2141 (SB936) - This act requires the Arkansas Department of Environmental Quality to implement a program for the certification of contractors and consultants involved in the clean up of leaks, spills, or other releases or accidents involving hazardous wastes or hazardous substances.

### **HAZARDOUS WASTE REMEDIAL ACTION, LIABILITY**

Act 1824 (SB1099) - This act removes the phrase "at the time of disposal" from two provisions of the Remedial Action Trust Fund Act, authorizes removal actions under the act, and repeals Arkansas Code Title 8, Chapter 7, Subchapter 4. The emergency clause makes this act effective July 1, 2005, to limit the effect of the Arkansas Supreme Court decision in Arkansas Department of Environmental Quality v. Brighton Corp. 352 Ark. 396, 102 S.W. 3d 458 (2003).

## **ENVIRONMENTAL LAW**

### **HAZARDOUS WASTE SITE CLEAN UP**

Act 1164 (SB562) - This act clarifies which types of property and kinds of activities are eligible for voluntary cleanup of hazardous waste sites.

### **HAZARDOUS WASTE, CORRECTIVE ACTION**

Act 1166 (SB599) - The act amends the Arkansas Hazardous Waste Management Act of 1979 to clarify that the Arkansas Department of Environmental Quality has authority to require corrective action at permitted and interim status facilities.

### **LANDFILL POST-CLOSURE TRUST FUND**

Act 25 (SB12) - This act clarifies that the use of funds in the Landfill Post-Closure Trust Fund is restricted to the administration of landfill post-corrective action administered by the Arkansas Department of Environmental Quality.

### **MERCURY MINIMIZATION**

Act 649 (SB323) - The act requires all manufacturers of vehicles sold within the state to develop a mercury minimization plan in consultation with the Director of the Arkansas Department of Environmental Quality. The mercury minimization plan will provide for the removing, collecting, and recovering of mercury switches from end-of-life vehicles.

### **NUTRITION SURPLUS AREAS**

Act 253 (HB1387) - This act limits nutrition surplus areas in the Upper White river watershed to areas above its confluence with Crooked Creek. This act became effective on February 22, 2005.

### **OIL WELLS - FINANCIAL ASSURANCE**

Act 1267 (HB2418) - This act allows flexibility to the Oil and Gas Commission by allowing alternative types of financial assurance and by specifying the powers of the commission with regard to the Abandoned and Orphaned Well Plugging Fund.

### **OPEN-CUT MINING**

Act 855 (HB1468) - This act authorizes the Arkansas Department of Environmental Quality to develop and issue general permits for open-cut mining.

### **OUTDOOR LIGHTING**

Act 1963 (HB2665) - This act prohibits, after January 1, 2006, the use of public funds for the installation of outdoor lighting fixtures that are not shielded and the use of state funds for the installation of mercury vapor outdoor lighting fixtures. This act also requires the Arkansas Public Service Commission to require each electric public utility to inform its customers about the availability of a shielded lighting service.

### **PETROLEUM ENVIRONMENTAL ASSURANCE FEE**

Act 670 (SB231) - This act increases the petroleum environmental assurance fee from 0.2¢ to the rate of 0.3¢ and increases the maximum interim payment limitations.

### **PETROLEUM STORAGE TANK REGISTRATION FEE**

Act 671 (SB232) - This act increases the annual registration fee for underground and aboveground storage tanks.

### **PETROLEUM STORAGE, FINANCIAL ASSURANCE**

Act 193 (HB1309) - This act authorizes the use of alternative forms of financial assurance for licensed installers and testers of underground storage tanks.

### **PETROLEUM STORAGE, SUBROGATION RIGHTS**

Act 1678 (HB2656) - Under existing law, the Arkansas Department of Environmental Quality may recover from a land owner money spent by the department on corrective action related to an accidental release of petroleum from a storage tank. This act provides that the department also has a right of subrogation for money spent against a third party who contributed to the release and insurance policies of the owner or operator.

## **ENVIRONMENTAL LAW**

### **POULTRY FEEDING - MANAGEMENT PLANS**

Act 2294 (SB1160) - This act requires that, after January 1, 2007, application of poultry litter to soils or associated crops within a nutrient surplus area shall be done in accordance with a nutrient-management plan or poultry-litter management plan.

### **POULTRY FEEDING - RULES ENFORCEMENT**

Act 1871 (HB2528) - This act requires personnel of the Arkansas Soil And Water Conservation Commission or a conservation district to give 72-hours' notice before entering private property for purposes of enforcing poultry-feeding operations rules. The act also requires nutrient-management plans and poultry-litter plans to be approved by the board of directors of the conservation district.

Act 1871 (HB2528) - This act requires personnel of the Arkansas Soil And Water Conservation Commission or a conservation district to give 72-hours' notice before entering private property for purposes of enforcing poultry-feeding operations rules. The act also requires nutrient-management plans and poultry-litter plans to be approved by the board of directors of the conservation district.

### **PROPERTY, COLLECTION OF DISCARDED**

Act 1222 (HB2368) - The act provides for an alternative method of notice from an enforcement agency for collection of discarded items on public or private property. The enforcement agency may provide 30-days' notice by mail or 72-hours' notice by personal service.

### **SMALL BUSINESS LOANS**

Act 1254 (HB1683) - This act increases the maximum amounts that the Arkansas Department of Environmental Quality may loan to small businesses for environmental improvements and authorizes the department to take security interests in the loans.

### **SOIL AND WATER COMMISSION INSPECTION**

Act 1871 (HB2528) - This act requires personnel of the Arkansas Soil And Water Conservation Commission to give 72-hours' notice before entering private property for purpose of enforcing poultry feeding operations rules. The act also requires nutrient management plans and poultry litter plans to be approved by the board of directors of the conservation district.

### **SOLID WASTE**

#### **LITTER CONTROL ACT**

Act 646 (SB210) - The act amends the penalties for violations of the Litter Control Act to allow for the imposition of a fine and to remove the option for jail time.

### **SOLID WASTE LICENSING COMMITTEE**

Act 728 (HB1494) - This act limits the membership terms of nonstate-agency members of the Solid Waste Licensing Committee and adds new duties for the committee.

### **SOLID WASTE MANAGEMENT AND RECYCLING FUND**

Act 1325 (SB575) - This act provides that grants from the Solid Waste Management and Recycling Fund may be used for the cost of "recycling programs". Previous law permitted grants to be used for "recycling program and market development".

### **SOLID WASTE, COUNTY SYSTEM**

Act 1781 (HB2906) - This act clarifies the definition of host community with regard to high impact solid waste management facilities as the closest governmental unit within a twelve-mile radius of a facility as measured along major facility access roads and highways.

### **SOLID WASTE, ENVIRONMENTAL OFFICERS**

Act 1289 (SB176) - The act allows regional solid waste management boards to employ environmental officers with the same authority as county environmental officers.

### **SOLID WASTE, ILLEGAL DUMPS**

Act 75 (HB1068) - The act amends the Litter Control Act to give illegal dumps control officers the power to issue citations for littering, clarifies the proper disposal of solid waste from illegal dumps, and corrects court references. The act became effective on February 7, 2005.

## **ENVIRONMENTAL LAW**

### **STATE VEHICLE PURCHASING**

Act 2322 (HB2670) - This act requires the State Procurement Director to develop and implement a vehicle purchasing plan for all state agencies that will reduce their fuel consumption by 10% by January 1, 2009.

### **STUDY COMMITTEE, DRUGS**

Act 1996 (SB1008) - This act creates the Manufactured Drug Inspection and Cleanup Study Committee to study inspection and cleanup of properties where controlled substances have been manufactured.

### **SUBURBAN IMPROVEMENT DISTRICTS**

Act 927 (HB1722) - The act allows suburban improvement districts to become eligible for membership with local solid waste authorities to provide a solid waste management system.

### **WASTE TIRE FEES**

Act 1822 (SB1047) - The act clarifies the distribution of fees collected for the disposal of waste tires by basing the distribution on the number of truck tires disposed in the prior calendar year.

### **WASTE TIRES, DISPOSAL OF**

Act 1951 (HB2942) - The act provides for the disposal of large truck tires by allowing certain truck tires to be placed in a waste tire monofill in accordance with the monofill's permit without cutting, shredding, splitting, or baling. The act also allows suitable processed tire materials to be used in the construction of daily and intermediate cover systems for all landfills under limited circumstances.

### **WASTE TIRES, PERMITTING**

Act 961 (HB2019) - This act prohibits the operation of waste tire sites associated with permitted waste tire processing facilities or collection centers, provides for a regional solid waste management district to designate waste tire collection centers, increases the number of tires permissible to keep on the premises of a non-permitted facility, and establishes a three-year deadline by which only processed automobile tires may be disposed of in a waste tire monofill.

### **WASTEWATER TREATMENT LICENSES**

Act 729 (HB1495) - This act clarifies the authority of the Arkansas Department of Environmental Quality to administratively suspend or revoke the licenses of operators of wastewater treatment facilities.

### **WASTEWATER TREATMENT PLANTS**

Act 1653 (HB2367) - This act authorizes public water authorities to construct, expand, operate, or maintain a wastewater project or wastewater treatment plant.

### **WELL PLUGGING FUND**

Act 1265 (HB2416) - This act creates the Abandoned and Orphaned Well Plugging Fund to authorize the Oil and Gas Commission to facilitate plugging of abandoned wells and to remediate associated facilities.

## **ETHICS**

### **DISCLOSURE, MATTERS REFERRED TO VOTERS**

Act 1765 (HB1262) - The act defines the term "disqualification of a ballot question" and inserts the term in various Arkansas laws dealing with the disclosure of matters referred to voters.

### **ETHICS, GENERALLY**

Act 1284 (SB68) - The act amends various provisions of Arkansas law concerning ethics and campaign finance law, including amending provisions concerning the registration of lobbyists and written statements of financial interest.

## **ETHICS**

### **POLITICAL ACTION COMMITTEES**

Act 2006 (SB1146) - The act amends various provisions concerning political action committees, including amending definitions, defining the terms "county political party committee" and "legislative caucus committee", and creating a new section dealing with registration and reporting by county political party committees.

### **POLITICAL CONTRIBUTIONS**

Act 1695 (HB2978) - The act raises the limit for contributions by a person to a candidate from \$1,000 to \$2,000.

## **FAMILY LAW**

### **ABORTION CONSENT**

Act 537 (HB1033) - This act requires parental consent before an abortion is performed on a minor or incompetent woman.

### **ADOPTION PROCESS**

Act 1685 (HB2790) - The act creates a streamline adoption process for families to adopt subsequent children within 5 years of a previously finalized adoption of a child placed in the home by the Department of Human Services. The act also requires a 1-year waiting period between adoptions.

### **ADOPTION, NOTICE OF**

Act 437 (HB1408) - This act clarifies the notice requirements for consent to adoption and clarifies the requirements for eligibility for subsidized adoptions.

### **ADOPTION, PETITION FOR**

Act 1689 (HB2876) - The act amends the requirements related to a petition for adoption. The health and social history of the adoptee is not required to be provided to the adoptive parents if the adoptee is related to a petitioner, the petitioner is the adoptee's step-parent, or the adoptee is an adult.

### **CENTRAL REGISTRY, REMOVAL FROM**

Act 132 (HB1021) - The act allows the removal of a petitioner's name from the central registry if the Department of Human Services fails to complete a timely hearing in a child maltreatment case.

### **CHILD CUSTODY**

#### **CHILD ABDUCTION PREVENTION**

Act 170 (SB174) - The act prevents the international abduction of children by a parent by allowing the other parent to bring the issue before a court if there is a risk of international child abduction. The court may appoint a custodian for the child, order supervised visitation, or other actions to prevent abduction of the child.

#### **COMMITMENT TO DIVISION OF YOUTH SERVICES**

Act 192 (HB1308) - This act amends the Youth Services Act to prohibit courts from committing to the Division of Youth Services a juvenile found solely in criminal contempt.

### **CHILD MALTREATMENT ACT**

Act 1706 (SB392) - The act makes various amendments to the Arkansas Child Maltreatment Act, including changes to the definition of abuse, neglect, pornography, sexual abuse, sexual contact, and sexual exploitation; clarifies several provisions regarding the Arkansas Child Maltreatment Central Registry; clarifies the disclosure of central registry data and reports of child maltreatment; clarifies the reports that the hotline is required to accept regarding bruising and adult victims; allows investigations of out-of-home offenders to be extended up to 30 additional days; provides that the failure to comply with a maltreatment investigation may subject the school, facility, or institution to contempt sanctions and reimbursement of attorney's fees; allows defenses to be asserted in child maltreatment proceedings; and clarifies that publicly-supported schools, facilities, and institutions acting in good faith in an investigation shall be immune from liability.

## **FAMILY LAW**

### **CHILD MALTREATMENT HEARINGS**

Act 172 (HB1024) - The act provides that an administrative hearing under the Arkansas Child Maltreatment Act shall be in person or by video conference.

### **CHILD SUPPORT**

Act 1877 (HB2706) - The act removes requirements that certain information, including social security numbers, be included in pleadings in support cases and requires the filing of a separate document which contains the information. The separate document shall be considered confidential and maintained separately from the file of the case.

### **COVENANT MARRIAGE DIVORCE**

Act 1890 (HB2948) - The act requires a plaintiff to state in his or her petition for divorce whether he or she is seeking to dissolve a covenant marriage. The act also requires a decree that dissolves a covenant marriage to include a finding that the marriage being dissolved is a covenant marriage. The act applies to all petitions for divorce filed on or after the effective date of this act.

### **DOMESTIC VIOLENCE, CONFIDENTIALITY OF ADDRESS**

Act 1233 (HB2529) - The act creates the address confidentiality program for victims of domestic violence or their dependents and allows them to use a post office box in lieu of a residence address on driver's licenses.

### **DOMESTIC VIOLENCE, ORDER OF PROTECTION**

#### **DATING RELATIONSHIP**

Act 1875 (HB2680) - The act allows a person to obtain an order of protection against another person with whom the person has been in a dating relationship. The act defines "dating relationship" to mean a romantic or intimate social relationship between 2 individuals determined by examining the length of the relationship, the type of the relationship, and the frequency of interaction between the individuals. The act specifically excludes from the definition of "dating relationship" a casual relationship or ordinary fraternization between 2 individuals in a business or social context.

### **DOMESTIC VIOLENCE, RESIDENCY OF VICTIM**

Act 1676 (HB2635) - The act amends a section of the Domestic Abuse Act of 1991 by defining "county where the petitioner resides" to include a county where the petitioner is located for a short-term stay in a domestic-violence shelter.

### **FOSTER CARE, EDUCATIONAL SERVICES**

Act 1255 (HB1710) - The act ensures the continuity of educational services to foster children by requiring the Department of Human Services to consider continuity of educational services and school stability in making foster placement decisions and allowing a foster child to remain in the child's current school and continue his or her education.

### **JUVENILE DELINQUENCY**

#### **JUVENILE CODE AMENDMENTS**

Act 1990 (SB926) - The act makes various amendments to the Arkansas Juvenile Code, including, but not limited to, changes to the definition of abuse, neglect, juvenile, parent, pornography, sexual abuse, sexual contact, and sexual exploitation. The act clarifies several provisions of the Arkansas Juvenile Code regarding jurisdiction, emergency orders, custody, termination of parental rights, juvenile commitments, juvenile dispositions, and educational issues of foster children.



## **FAMILY LAW**

### **JUVENILE DELINQUENCY, ORDERS OF COMMITMENT**

Act 1820 (SB1015) - The act requires an order of commitment to the Division of Youth Services of the Department of Human Services to state that the juvenile is found to be delinquent or to have committed a crime and to state information regarding the underlying facts of the adjudication, requires all health care providers to transmit to the Division of Youth Services within 3 days from the request of the Division of Youth Services all medical and health information on the committed juvenile including individually identifiable health information needed for the division to assume the role of caretaker for the committed juvenile, and requires the committed juvenile's school or current educational setting to transmit the education record to the Division of Youth Services within 10 school days from the request from the Division of Youth Services.

### **PUTATIVE FATHER REGISTRY**

Act 200 (HB1407) - This act specifies the purpose of the putative father registry and sets out the responsibilities toward the child that putative fathers must meet before receiving putative father's rights.

## **FINANCIAL INSTITUTIONS**

### **BANK COMMISSIONER**

Act 1528 (HB1264) - The act allows the Bank Commissioner to obtain criminal background checks on bank charter applicants and bank examiner applicants, and clarifies the commissioner's cease and desist powers.

### **BANK LOAN LIMITS**

#### **NONRECOURSE ENDORSEMENTS**

Act 427 (HB1290) - The act excludes the obligations of an endorser of a consumer loan, which is endorsed without recourse, from the prohibition that the total indebtedness to any state bank of any person shall at no time exceed 20% of the capital base of the bank.

### **BANKS, REGISTERED AGENTS AND OFFICES**

Act 426 (HB1263) - The act provides the procedures for a state bank to designate and maintain a registered office and registered agent for service of process by filing a written designation with the Bank Commissioner.

### **BRANCH BANKS, LOCATIONS**

Act 249 (HB1216) - The act permits the relocation of a full-service branch of a bank within the immediate neighborhood of an existing branch or, upon the consolidation of 1 or more banks, within the immediate neighborhood of a branch or main office of the bank if the nature of the business and customers of the branch are not substantially affected.

### **BRANCH BANKS, MOBILE**

Act 1816 (SB986) - The act permits mobile branch banking within the same county as the main office or another full service branch of a bank through a mobile facility that does not have a single, permanent site, does not remain within 5 miles of any banking location for more than 2 business days, travels to various locations within the county to enable customers to conduct banking business, and maintains a log of operations indicating the date and specific location of each stop.

### **INVESTMENT OF PUBLIC FUNDS**

Act 86 (HB1251) - The act permits the local investment of public funds through eligible banks if the bank arranges for the deposit of all or a portion of the funds in FDIC-insured certificates of deposit in 1 or more banks or savings and loan associations located within the United States for the account of the investing state or local government. The act became effective February 8, 2005.

## **FINANCIAL INSTITUTIONS**

### **MORTGAGE LENDING**

Act 1679 (HB2658) - The act amends the Fair Mortgage Lending Act to ease unnecessarily burdensome aspects of the act, streamline and clarify certain provisions pertaining to the registration process, and correct unintended consequences and inadvertent errors in the act as originally passed. The act became effective on April 5, 2005.

## **FIRE PROTECTION**

### **FIRE PROTECTION DISTRICT FORMATION PROCEDURES**

Act 1197 (HB1865) - This act clarifies that the procedures for forming an improvement district do not apply to a fire protection district.

### **FIRE PROTECTION DISTRICT, PURCHASING**

Act 1224 (HB2390) - The act provides that a fire protection district board shall solicit bids for contracts for equipment or materials of \$1,000 or more. Previous law required bids for contracts exceeding \$1,500.00.

## **FORESTRY**

### **TIMBER HARVESTING EQUIPMENT**

Act 1950 (HB2905) - The act clarifies the law regarding the registration and licensing of Class Eight trucks and trailers used for timber harvesting and forestry. The act also clarifies that persons in the timber harvesting or forestry industries who transport wood waste, wood chips, or wood dust from a mill or a temporary location may transport the wood waste, wood chips, or wood dust from the mill or the temporary location to a destination for further processing under this special classification.

## **FREEDOM OF INFORMATION ACT**

### **DIVISION OF LEGISLATIVE AUDIT**

Act 906 (SB963) - This act provides that unsubstantiated allegations of fraud contained in the audit report or working papers of the Legislative Auditor are not subject to disclosure under the Freedom of Information Act. This act became effective on March 16, 2005.

### **PENSION REVIEW BOARD**

Act 161 (HB1212) - This act allows the Arkansas Fire and Police Pension Review Board and the Arkansas Local Police and Fire Retirement System Board to meet in executive session concerning personnel issues without being subject to the Freedom of Information Act. Personnel records created by the review board are not subject to the Freedom of Information Act.

### **PRISONER'S RIGHT TO PUBLIC RECORDS**

Act 2003 (SB1065) - The act provides that access to inspect and copy public records of the Department of Correction and the Department of Community Correction shall be denied to a person incarcerated in a correctional facility regardless of whether the records are in the possession of the Department of Correction, the Department of Community Correction, or another agency of the state.

### **WATER SYSTEM RECORDS**

Act 259 (SB200) - This act extends until July 1, 2007 the exemption of public water systems records from the Freedom of Information Act. The exemption would have expired on July 1, 2005. This act became effective on July 1, 2005.

## **GAMBLING AND AMUSEMENT DEVICES**

### **ELECTRONIC GAMES OF SKILL, ELECTIONS**

Act 1151 (SB999) - The act permits a city, town, or county to conduct a local election to authorize electronic games of skill at horse racing or greyhound racing parks in its community. The cost of the special election will be paid by the franchise holder requesting the election. A majority vote of the electors is necessary to approve the electronic games.

## **GAMBLING AND AMUSEMENT DEVICES**

### **NONPROFIT ORGANIZATIONS, GAMING DEVICES**

Act 1170 (SB979) - The act establishes that an event held by a nonprofit organization in accordance with the act is exempt from restrictions preventing an alcohol-related permit holder from keeping gaming devices on his or her premises.

## **GENERAL ASSEMBLY**

### **BILL REQUESTS, CONFIDENTIALITY**

Act 1559 (HB2053) - The act provides that all bill drafting requests made by legislators and other authorized requestors are confidential. The act also permits the Legislative Council to authorize the staff of the Bureau of Legislative Research to provide assistance to state agencies and constitutional officers in preparing legislation.

### **BILLS, RESOLUTIONS, AND AMENDMENTS**

Act 493 (SB125) - The act amends Arkansas Code § 10-2-501 to require a member of the General Assembly to file written notice with the Director of the Bureau of Legislative Research requiring direct approval before the member's name can be added to a bill, resolution, or amendment as a cosponsor or lead sponsor. The act also repeals a portion of the Joint Rules of the Senate and House of Representatives of the Eighty-fifth General Assembly which prevented the staff of the Bureau of Legislative Research from drafting a bill, resolution, or amendment without the member's direct approval or at the request of a registered lobbyist. This act became effective March 2, 2005.

### **DISTRICT COURTS, TASK FORCE ON**

Act 1849 (HB1989) - The act establishes the Legislative Task Force on District Courts to conduct a comprehensive study of the transition of district judges to state employee status and the funding of district courts. The task force will file a report on recommendations and findings with the Senate Interim Committee on Judiciary and House Interim Committee on Judiciary by September 1, 2006.

### **DIVISION OF LEGISLATIVE AUDIT**

#### **ARKANSAS DEVELOPMENT FINANCE AUTHORITY**

Act 683 (SB418) - The act amends Arkansas Code § 15-5-212 to require the Arkansas Development Finance Authority to submit a copy of all program fact sheets to the Division of Legislative Audit and the Legislative Council.

#### **DISCLOSURE OF FRAUD ALLEGATIONS**

Act 906 (SB963) - This act provides that unsubstantiated allegations of fraud contained in the audit report or working papers of the Legislative Auditor are not subject to disclosure under the Freedom of Information Act. This act became effective on March 16, 2005.

#### **ECONOMIC INCENTIVE AUDIT**

Act 1769 (HB2072) - This act authorizes the Division of Legislative Audit to prepare and report to the General Assembly annual cost-benefit reports regarding economic incentive programs provided under the Consolidated Incentive Act of 2003.

#### **PROSECUTING ATTORNEY'S FUNDS, AUDITS**

Act 1524 (SB946) - The act requires the Division of Legislative Audit to conduct audits on all transactions of public funds made by prosecuting attorneys and establishes the content and format of audit reports and statements. This act became effective on April 4, 2005.

#### **RESTITUTION FOR AUDITING COSTS**

Act 904 (SB521) - The act requires a person convicted of theft or another property offense to pay restitution for audit costs incurred by the Division of Legislative Audit concerning theft or any other offense affecting property held by or belonging to the State of Arkansas or any political subdivision of the state.

## **GENERAL ASSEMBLY**

### **DIVISION OF LEGISLATIVE AUDIT**

#### **SOIL CONSERVATION DISTRICTS**

Act 903 (SB514) - The act amends existing law to provide the Division of Legislative Audit with the discretion to annually audit the books and accounts of each of the soil conservation districts receiving payments from the Soil and Water Conservation Commission under Arkansas Code § 14-125-109(d).

#### **TECHNICAL CORRECTIONS**

Act 2201 (HB2464) - The act makes technical corrections and amendments concerning the Legislative Joint Auditing Committee and the Division of Legislative Audit. This act became effective on April 13, 2005.

### **EDUCATION SERVICE COOPERATIVES, STUDY OF**

Act 1874 (HB2645) - The act requires the House and Senate Interim Committees on Education to jointly conduct a study of education service cooperatives relative to instructional improvements and support services to the Department of Education and to local school districts. The findings of the study will be published by October 31, 2006.

### **FIREFIGHTER RECOGNITION DAY**

Act 444 (HB1500) - The act establishes January 27 of each year as Firefighter Recognition Day.

### **GOVERNMENT EFFICIENCY AND ACCOUNTABILITY REVIEW SUBCOMMITTEE**

Act 2218 (HB2623) - The act creates the Government Efficiency and Accountability Review Subcommittee of the House Interim Committee and Senate Interim Committee on State Agencies and Governmental Affairs and describes the powers and duties of the subcommittee in reviewing agencies, boards, and commissions.

### **HEALTH ADEQUACY COMMITTEE**

Act 2261 (HB2940) - This act extends the operations of the Legislative Health Adequacy Committee through December 31, 2007.

### **HOMELESS, TASK FORCE ON**

Act 1280 (HB2874) - This act creates the Taskforce for the Study of the Homeless. This taskforce is to collect data and other information concerning the homeless within the State of Arkansas and report the findings and recommendations to the Legislative Council by October 1, 2006.

### **JUNETEENTH INDEPENDENCE DAY**

Act 2101 (SB263) - The act establishes the third Saturday in June as "Juneteenth Independence Day" to commemorate the end of over 200 years of slavery in the United States.

### **LEGISLATIVE COUNCIL, BUREAU OF LEGISLATIVE RESEARCH**

Act 2100 (SB261) - This act adds the House chair and vice chair of the Claims Subcommittee as ex officio nonvoting members of the corresponding subcommittee of the Legislative Council, the chairs of the Claims Subcommittee of the Legislative Council as ex officio nonvoting members of the corresponding subcommittee of the Joint Budget Committee, and the House chair of the Special Language Subcommittee of the Joint Budget Committee as an ex officio nonvoting member of the corresponding subcommittee of the Legislative Council/Joint Budget Committee. Also the act creates the Executive Subcommittee of the Arkansas Legislative Council and requires the Director of the Bureau of Legislative Research to report to the subcommittee and regularly seek its review and advice on personnel policies, personnel actions, and policies relating to the delivery of services and the operations of the bureau. This act is effective July 1, 2005.

### **LEGISLATIVE JOINT AUDITING COMMITTEE**

Act 1165 (SB598) - The act requires that prosecuting attorneys to whom the Legislative Joint Auditing Committee reports irregularities in an audit report file a disposition report on the matter with the Legislative Council and the Legislative Joint Auditing Committee by June 30 of each year.

## **GENERAL ASSEMBLY**

### **LEGISLATIVE STUDY, PENSION REVIEW BOARD**

Act 1919 (HB1152) - This act provides that the Joint Interim Committee on Public Retirement and Social Security Programs shall study the feasibility and effect of a uniform contribution rate, early retirement options, and widow's benefits for the Fire and Police Pension Review Board and the Local Police and Fire Retirement System.

### **MANDATED HEALTH INSURANCE BENEFITS**

Act 1926 (HB1877) - This act amends provisions concerning the Arkansas Advisory Commission on Mandated Health Insurance Benefits. If funds are available, the commission is required to review existing law mandating health insurance benefits and to report its findings each year to the House and Senate Interim Committees on Public Health, Welfare, and Labor. Bills and interim study proposals containing mandated health benefits are to be referred to committee if the Legislative Council or the legislative subcommittee finds that the bill or proposal warrant further consideration. After January 1, 2006, bills containing mandated health insurance benefits may not be enacted into law unless the bill has been reviewed by the commission.

### **PROPERTY TAX STUDY**

Act 1242 (HB2662) - The act requires the Constitutional Issues Subcommittee of the House Interim Committee on State Agencies and Governmental Affairs and a subcommittee of the Senate Interim Committee on State Agencies and Governmental Affairs to jointly conduct a study of the impact of Amendments 59, 74, and 79 to the Arkansas Constitution on property taxes. The findings of the study will be published by October 31, 2006.

### **PUBLIC SCHOOL DESEGREGATION LAWSUIT RESOLUTION TASK FORCE**

Act 1940 (HB2701) - The act allows the Desegregation Litigation Oversight Subcommittee to conduct a comprehensive feasibility study to facilitate a final resolution to desegregation cases in the state.

Act 2286 (SB974) - The act creates the Arkansas Public School Desegregation Lawsuit Resolution Task Force.

### **SENATE EMPLOYEES**

Act 693 (SB681) - This act provides for the appointment of the Senate Chief of Staff by the Senate Efficiency Committee subject to the Senate's approval; transfers to the Senate Chief of Staff those duties previously performed by the Secretary of the Senate with respect to contingent expenses, contracts, and the inventory report to the Secretary of State; and removes the provision that the Senate Fiscal Officer, the Senate Assistant Fiscal Officer, the Secretary of the Senate, and the Senate Properties Officer report directly to the Senate Efficiency Committee. This act is effective July 1, 2005.

### **STATE EMPLOYEE PAY AND CLASSIFICATION**

Act 1015 (HB2467) - The act requires the Office of Personnel Management and the Bureau of Legislative Research to conduct a study of the current state employee pay and classification system. Recommendations on changes to the current system will be presented to the Legislative Council or Joint Budget Committee no later than October 1, 2006.

### **SUBSTANCE ABUSE TREATMENT SERVICES, TASK FORCE ON**

Act 64 (SB49) - This act increases the membership of the Task Force on Substance Abuse Treatment Services to provide for 3 Senate and 3 House members.

### **VOTER REGISTRATION STUDY**

Act 2319 (HB2521) - The act provides that the House Interim Committee and Senate Interim Committee on State Agencies and Governmental Affairs shall study and review the feasibility of a system of voter registration in which an individual may register to vote by means of his or her state income tax return.

## **HEALTH**

### **ABORTION INFORMATION**

Act 1696 (SB74) - This act requires that physicians provide to a pregnant female information regarding pain that may be felt by an unborn child, if the unborn child is 20 weeks gestational age or more.

### **ABORTION NOTICE**

Act 537 (HB1033) - This act requires parental consent before an abortion is performed on a minor or incompetent woman.

### **ABUSED CHILDREN**

#### **TASK FORCE ON ABUSED AND NEGLECTED CHILDREN**

Act 2000 (SB1030) - The act creates the Arkansas Legislative Task Force on Abused and Neglected Children, provides for the appointment of its members, and describes its mission and responsibilities.

### **ADULT MALTREATMENT**

#### **ADULT AND LONG-TERM CARE FACILITY RESIDENT MALTREATMENT ACT**

Act 1812 (SB945) - This act creates the Adult and Long-Term Care Facility Resident Maltreatment Act to provide a reporting system for suspected adult and long-term care facility resident maltreatment; creates a mechanism for screening, safety assessment, and prompt investigation of suspected adult and long-term care facility resident maltreatment, and creates a civil cause of action to protect maltreated adults and residents of long-term care facilities.

#### **ADULT MALTREATMENT CUSTODY ACT**

Act 1811 (SB932) - This act creates the Adult Maltreatment Custody Act to protect maltreated adults and long-term care facility residents who are in imminent danger, to encourage the cooperation of state agencies and private providers in the service delivery system for maltreated adults, to create mechanisms for reporting, investigating, and acting on accusations of adult maltreatment and to repeal outdated provisions regarding emergency custody.

### **ADULT MALTREATMENT, NEGLECT**

Act 255 (SB100) - This act clarifies the meaning of neglect under the Adult Maltreatment Act, requires that reports of adult maltreatment be made within 24 hours and provides penalties for failure to properly report adult maltreatment and deaths caused by adult maltreatment.

### **ANESTHESIA, DENTAL**

Act 439 (HB1452) - This act ensures that health benefit plans provide coverage for anesthesia and hospital charges for dental procedures.

### **ARKANSAS RX PROGRAM**

#### **TOBACCO TAX**

Act 2219 (HB2629) - This act redistributes a portion of the tax on cigarettes and tobacco products to the Arkansas Rx Program and the Arkansas Prostate Cancer Foundation. If the fees paid by participants in the Arkansas Rx Program are sufficient to support the program during a fiscal year, the tax to be distributed to the program will be paid to existing breast cancer programs. This act becomes effective on July 1, 2005.

### **ASSISTED LIVING LICENSURE**

Act 2191 (HB1785) - This act prohibits the operation of unlicensed assisted living or residential care facilities in this state and provides that certain facilities currently in operation must obtain licenses by a date certain. This act became effective on April 13, 2005.

### **ASTHMA MEDICATION**

Act 2251 (HB2867) - This act prohibits the state Medicaid program from requiring beneficiaries to fail first on any drug on the preferred drug list before providing prior authorization to treat asthma attacks or other respiratory failure.

## **HEALTH**

### **ATHLETIC TRAINERS**

Act 2238 (HB2794) - The act adds athletic trainers to the list of "health care providers" under the Patient Protection Acts of 1995 and 2005.

### **BOILER SAFETY**

Act 1012 (HB2456) - This act amends the definition of "boiler", the qualifications of boiler inspectors, and the time for internal inspections of low pressure boilers. It also eliminates the bond requirement for the chief boiler inspector.

### **CANCER RESEARCH-COLORECTAL**

Act 2236 (HB2781) - The act establishes within the Arkansas Cancer Research Center at the University of Arkansas for Medical Sciences in collaboration with the Department of Health a Colorectal Cancer Control and Research Program. The act becomes effective on August 1, 2005.

### **CERVICAL CANCER**

Act 1414 (HB2668) - This act creates the Cervical Cancer Task Force to coordinate statewide efforts to combat cervical cancer.

### **CHILD ABUSE AND NEGLECT**

#### **NEWBORN CHILDREN**

Act 1176 (SB114) - The act requires physicians and hospital staff to report to the child abuse hotline if a newborn child is born with an illegal substance in his or her system or born with a health problem as a result of the pregnant mother's use before birth of an illegal substance. The act became effective on March 24, 2005.

### **CHILD CUSTODY**

Act 192 (HB1308) - This act amends the Youth Services Act to prohibit courts from committing to the Division of Youth Services a juvenile found solely in criminal contempt.

### **CHILD DEATH REVIEW PANEL**

Act 1818 (SB1011) - This act creates the Arkansas Child Death Review Panel to investigate and identify the causes of death in children under 18 by requiring a death review of all cases of unexpected deaths of children.

### **CHILDREN'S BEHAVIORIAL HEALTH SYSTEM OF CARE PLAN**

Act 2209 (HB2535) - This act creates the Comprehensive Children's Behavioral Health System of Care Plan to coordinate services for emotionally disturbed children who require services from more than 1 agency.

### **CHILDREN'S MENTAL HEALTH, ASSESSMENTS FOR PLACEMENTS OUT OF STATE**

Act 1959 (HB2452) - The act ensures the continuity of mental health services for juveniles in their communities. The act also addresses the out-of-state placement of children for mental health services and treatment and clarifies the requirements for an assessment or screening.

### **COMMUNITY SERVICES OVERSIGHT AND PLANNING COUNCIL**

Act 1670 (HB2419) - This act creates the Community Services Oversight and Planning Council to gather information and report to the Legislative Council concerning community-based service needs of citizens with developmental disabilities, behavioral health service needs, aging services needs, and youth services needs.

### **CYSTIC FIBROSIS TESTING**

Act 1931 (HB2428) - This act adds cystic fibrosis to the list of conditions for which newborns must be tested and requires the Department of Health to conduct follow-up studies of positive tests from any newborn test and to design and implement an education program concerning medical problems of newborns.

### **DEFIBRILLATORS, HEALTH SPAS**

Act 1199 (HB1970) - This act requires that health spas purchase automated external defibrillators and employ staff trained to use them.

## **HEALTH**

### **DEFIBRILLATORS, POSSESSION AND OPERATION**

Act 273 (HB1231) - The Public Access to Automatic External Defibrillation Act is established independently of the chapter of the Arkansas Code governing physicians and surgeons and removes the requirement for the involvement of a medical authority or physician with any site or entity that possesses an automatic external defibrillator. Persons who expect to use an automatic external defibrillator are required to complete a knowledge and skills course at least once every 2 years.

### **DEPARTMENT OF HEALTH, INVESTIGATIONS**

Act 1410 (HB2450) - This act increases the allowable reimbursement to the Department of Health for investigations and inspections of alleged wrongdoing by persons licensed in the medical professions. This act becomes effective on July 1, 2005.

### **DEPARTMENT OF HEALTH, TRANSFER**

Act 1954 (HB2431) - The act transfers the Department of Health to the Department of Health and Human Services. The act renames the Department of Health as the Division of Health of the Department of Health and Human Services. The act also transfers the State Board of Health to the Department of Health and Human Services. The Board will consist of 23 members.

### **ENDANGERED PERSONS**

Act 1810 (SB931) - This act revises the definition of "endangered adults" to "endangered persons", repeals various provisions regarding reporting, protective placement, and custody of endangered persons, creates a Class B felony for maltreatment by a caregiver, creates two Class C misdemeanors regarding reporting of maltreatment, and makes technical corrections to the law regarding endangered persons.

### **EYE AND VISION SCREENINGS IN SCHOOLS**

Act 1438 (HB1734) - This act requires public and charter schools to provide periodic eye and vision screenings to students and establishes procedures for providing follow-up reports to parents and guardians and ensuring that students receive comprehensive eye exams as indicated by the results of the screening. This act also extends the sunset of the Arkansas Commission on Eye and Vision Care of School Age Children from June 30, 2005 to June 30, 2007. This act became effective on March 31, 2005.

### **EYE JEWELRY**

Act 1688 (HB2855) - The act provides the Arkansas State Medical Board with the sole authority to regulate the practice of implanting jewelry into the mucous membrane of an eye.

### **FIREWORKS REGULATION**

Act 2204 (HB2495) - This act revises the permitting and licensing structure with regard to fireworks. The Department of Arkansas State Police is authorized to charge a fee not to exceed fifty dollars for each permit issued for a public fireworks display. A reduced fee applies to permits for K-12 school-related public fireworks displays. The act adds the new category of "shooter" for purposes of licensing. A "shooter" is defined as any person conducting any combination of fireworks, pyrotechnics, or special effects displays. The act raises all licensing fees, except manufacturer licensing fees, and provides that the licensing fee may be waived if the applicant is a professional or volunteer firefighter.

### **FOOD SERVICE ESTABLISHMENTS, PERMIT FEES**

Act 394 (SB327) - This act extends the imposition of food service establishment fees by the Department of Health from July 1, 2005, through June 30, 2009. This act became effective on February 24, 2005.

### **HEALTH AIDE TRAINING**

Act 1184 (HB1442) - This act requires that aides in long-term care facilities have at least 90 hours of training, at least 15 hours of which must be specific to Alzheimer's and related dementia.



## **HEALTH**

### **HEALTH DATA, REPORTING OF**

Act 1434 (HB1470) - The Department of Health may provide health data to the Arkansas Center of Health Improvement and the Agency for Healthcare Research and Quality for research and aggregate statistical reporting. The data shall be treated in a manner consistent with all state and federal privacy requirements and is not discoverable under the Arkansas Rules of Civil Procedure or the Freedom of Information Act.

### **HEALTHCARE FACILITIES**

#### **APPEALS**

Act 898 (SB426) - This act revises the appeals process for actions by the Department of Human Services concerning long-term care facilities. The Director of the Department of Human Services is required to be directly involved in the appeals process; the hearing officer must make a decision within 10 days and all information involved in the decision by the Department of Human Services and subsequent proceedings is required to be available to the long-term care facility.

#### **COLLECTION OF COSTS**

Act 1273 (HB2532) - This act authorizes long-term care facilities to collect from agents of residents any payments of costs not covered by Medicaid for which the resident possesses sufficient funds.

#### **FINES**

Act 1271 (HB2514) - This act authorizes the Health Services Permit Agency to impose fines against health care facilities that fail to provide required health care data.

#### **LICENSES**

Act 656 (HB1605) - This act establishes provisional licenses for long-term care facilities.

#### **LONG-TERM CARE FACILITY DISCLOSURE**

Act 2002 (SB1059) - This act requires that each long-term care facility provide specified consumer information to any person who seeks to become a resident of the facility.

#### **PERMITS**

Act 1669 (HB2414) - This act limits the transferability of permits of approval for long-term care facilities, places a moratorium on new residential care facilities, and places a moratorium on new or additional residential care facility beds.

#### **STAFFING**

Act 1411 (HB2577) - This act amends the minimum staffing requirements for long-term care facilities by allowing greater flexibility in the assignment of staff personnel to various shifts.

### **HEALTHY EMPLOYEES LIFESTYLE PROGRAM**

Act 724 (HB1279) - This act provides for leaves of absence for state employees who successfully participate in the Healthy Employees Lifestyle Program designed by the Department of Human Services.

### **HOME HEALTH MAINTENANCE**

Act 1440 (HB1946) - This act exempts home health maintenance activities from the Nurse Practice Act.

### **MEDICAID HEARINGS**

Act 2227 (HB2691) - This act requires the state Medicaid program to provide notice, hearings, access to witnesses, and final reports regarding the denial, termination, suspension, or reduction of Medicaid eligibility or covered services.

### **MEDICAID PROVIDERS**

Act 1758 (SB982) - This act limits the authority of the state Medicaid program to recoup moneys from Medicaid health care providers by requiring partial recoupment in some cases and prohibiting some retrospective recoupment actions. The act allows health care providers to appeal adverse decisions affecting Medicaid recipients served by the provider and requires notice to the provider of adverse actions. The act became effective on April 5, 2005.

## **HEALTH**

### **MEDICAL BOARD MEMBERSHIP**

Act 2010 (SB1195) - This act clarifies the eligibility of physicians to serve on the State Medical Board and requires appointments to represent the 4 congressional districts.

### **MEDICAL LIEN, PHYSICAL THERAPIST**

Act 1671 (HB2444) - This act expands the definition of "practitioner" to allow a person licensed to practice physical therapy to file a lien for unpaid medical services against a patient under the Medical, Nursing, Hospital, and Ambulance Service Lien Act, Arkansas Code § 18-46-101 et seq.

### **MEDICATION ASSISTIVE PERSONS**

Act 1423 (SB424) - This act authorizes the Arkansas Board of Nursing to certify medication assistive person to administer certain nonprescription and legend drugs in designated health care facilities.

### **MEDICINE DONATED TO CHARITABLE CLINICS**

Act 162 (HB1031) - This act allows donated prescription medications to be dispensed to patients at charitable clinics.

### **NEUROPSYCHOLOGY-TECHNICIANS**

Act 1262 (HB2105) - This act authorizes licensed psychologists to employ technicians to perform standardized objective tests in neuropsychology.

### **NURSE LICENSE RENEWAL**

Act 61 (SB21) - This act authorizes online renewal of nurse licenses and repeals an unused requirement for oversight by interim committees of the General Assembly.

### **NURSE LOANS AND SCHOLARSHIPS**

Act 1468 (SB578) - This act broadens the scope of student nurse loans and scholarships with special emphasis on preparing and supporting advanced nursing practitioners.

### **NURSING OR HEALTH CARE PROGRAMS**

Act 1256 (HB1735) - An institution of higher education may establish a program to give additional consideration in admissions to nursing or health care program to applicants from rural, medically underserved areas of the state who are interested in nursing or other health care careers in rural, medically underserved areas of the state.

### **ORGAN DONATION**

Act 1782 (SB17) - The act provides the procedure for organ donation by a person who died under circumstances requiring an autopsy.

### **OUTDOOR LIGHTING**

Act 1963 (HB2665) - This act prohibits after January 1, 2006, the use of public funds for the installation of outdoor lighting fixtures that are not shielded and the use of state funds for the installation of mercury vapor outdoor lighting fixtures. This act also requires the Arkansas Public Service Commission to require each electric public utility to inform its customers about the availability of a shielded lighting service.

### **PAIN MANAGEMENT COMPLAINTS**

Act 2164 (SB1177) - This act ensures that allegations of improper prescribing against physicians in Arkansas are presented to the Pain Management Review Committee of the Arkansas State Medical Board.

### **PHARMACY AND PHARMACISTS' LICENSES**

Act 388 (SB234) - This act increases fees for pharmacist intern licenses and pharmacy technician permits and sets new expiration dates for pharmacy permits, pharmacist intern licenses, and pharmacy technician permits.

### **PHYSICIAN LOAN PROGRAM**

Act 1682 (HB2715) - This act establishes conditions under the Community Match Loan Program by which a physician may be approved to practice a designated specialty instead of primary care medicine in a qualified rural community.

## **HEALTH**

### **PRESCRIPTION DRUGS**

Act 538 (HB1241) - This act creates the Arkansas Rx Program to reduce prescription drug prices by requiring drug manufacturers to negotiate rebate programs with the Department of Human Services.

### **PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES**

Act 1885 (HB2812) - This act provides the survey process for psychiatric residential treatment facilities and outpatient mental health services programs.

### **RADIATION CONTROL**

Act 929 (HB1809) - This act raises fees and updates equipment and procedure designations for the radiation control program of the Department of Health.

### **SAFETY-NET BENEFIT FUND**

Act 1681 (HB2687) - The act provides that the operation of the Arkansas Safety-Net Benefit Fund will not consist solely of revenue from employer payments.

### **SMOKING AT MEDICAL FACILITIES**

Act 134 (HB1193) - This act prohibits the use of tobacco products in and on the grounds of all medical facilities.

### **STROKE TASK FORCE**

Act 663 (SB326) - This act creates an acute stroke care task force to increase public understanding of stroke and to assist the medical profession in improving prevention and treatment of stroke.

### **SUBSTANCE ABUSE TREATMENT SERVICES, TASK FORCE ON**

Act 64 (SB49) - This act increases the membership of the Task Force on Substance Abuse Treatment Services to provide for 3 Senate and 3 House members.

### **SUICIDE PREVENTION**

Act 1757 (SB969) - The Arkansas Youth Suicide Prevention Act establishes the Arkansas Youth Suicide Prevention Task Force comprised of students, classroom teachers, and school counselors. The Task Force is charged with increasing awareness of youth suicide and developing a program for suicide prevention for distribution to schools in Arkansas. The act also creates the Advisory Council to the Arkansas Youth Suicide Prevention Task Force, comprised of mental health professionals and other interested adults. The Advisory Council is charged with assisting the Task Force by providing scientific and treatment research findings relative to youth suicide prevention and making recommendations with regard to policy development.

### **TOBACCO SETTLEMENT FUNDS**

Act 1872 (HB2552) - Under previous law, tobacco settlement funds distributed to program accounts and remaining unspent at the end of a fiscal year were redeposited to the Tobacco Settlement Program Fund for redistribution to the program accounts (Medicaid Expansion, Biosciences Institute, Targeted Needs) based on fixed percentages. The Prevention and Cessation Program Account receives loans from the Budget Stabilization Trust Fund and receives no actual distributions. This act corrects the percentage of funds remaining at the end of the fiscal year to be redistributed back to the program accounts to account for the zero distribution to the Prevention and Cessation Program. This act became effective on April 8, 2005.

### **TUBERCULOSIS SANATORIUM**

Act 440 (HB1472) - This act deletes an obsolete reference to the Arkansas Tuberculosis Sanatorium.

### **UNSANITARY CONDITIONS ON REAL PROPERTY**

Act 1984 (SB583) - This act authorizes counties to require corrective measures to eliminate unsanitary conditions to be undertaken by the property owner. If the property owner fails to eliminate the unsanitary condition, the county may take the necessary corrective action, charge the property owner with the costs, obtain a lien for those costs, and recover the county's costs if an action is brought to enforce the lien.

## **HEALTH**

### **VITAL STATISTICS-DEATHS**

Act 1892 (SB473) - This act requires the Health Department to send to each county assessor a monthly report listing the residents of that county who have died.

## **HIGHWAYS**

### **HIGHWAY BEAUTIFICATION**

#### **REGULATION OF JUNKYARDS**

Act 2147 (SB1039) - The act provides for the enforcement of laws that regulate junkyards that are visible from the main-traveled way of any interstate or primary state highway.

### **HIGHWAY BONDS**

Act 685 (SB430) - This act authorizes the State Highway Commission to issue additional bonds for financing highway improvements if the bond issue is approved by a statewide vote. The bonds may be issued any number of times provided the total amount of outstanding bonds does not exceed \$575,000,000. The bonds will be secured by the full faith and credit of the state, federal highway funds, and a portion of motor fuel tax on diesel fuel. This act became effective on March 9, 2005.

### **SCHOOL BUSES**

Act 1825 (SB1103) - This act requires a school bus driver to make a written report to the school district's superintendent whenever the bus driver observes a motor vehicle passing the school bus when it is stopped to receive or discharge students or a motor vehicle failing to use due caution when approaching a school bus from the opposite direction on a divided, multiple lane highway. The act also requires the superintendent to provide the report to the local prosecuting attorney.

## **HUNTING AND FISHING**

### **BLOOD TEST - HUNTERS**

Act 1983 (SB558) - The act provides that any person who purchases a hunting license for use in the State of Arkansas or engages in hunting privileges in this state will be deemed to have given consent to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the alcohol or controlled substance content of his or her blood, breath, or urine if the person is involved in a shooting accident while hunting. A law enforcement officer investigating a shooting accident must cause the test or tests to be administered to the person or persons involved in the shooting accident, including a person injured by the shooting and a person who caused the injury by shooting another person.

### **COMMERCIAL BAIT**

Act 1449 (HB2797) - The act establishes a commercial bait and ornamental fish program for the certification and regulation of commercial bait and ornamental fish by the State Plant Board.

### **HUNTING LANDS**

Act 1377 (SB1080) - This act requires the Arkansas State Game and Fish Commission to keep commission-owned lands open for hunting.

## **IMPROVEMENT DISTRICTS**

### **DRAINAGE DISTRICTS**

Act 2170 (HB1312) - The act changes the publication requirements for collection of delinquent drainage district taxes.

### **IRRIGATION, DRAINAGE AND WATERSHED IMPROVEMENT DISTRICTS, ASSESSMENTS**

Act 1190 (HB1690) - This act amends irrigation, drainage, and watershed improvement laws concerning payment of improvement district taxes to provide that installment payments of less than \$10.00 per acre per year are not subject to the limitation of not more than 10% of the assessment to be collected in one year. Any improvement district taxes levied that are less than \$10.00 per acre per year may be ordered to be paid within one year.

## **IMPROVEMENT DISTRICTS**

### **REGIONAL WASTEWATER AND SOLID WASTE DISTRICTS BONDS**

Act 1553 (HB1988) - This act expands the definition of "governmental unit" to allow a regional wastewater district and regional solid waste management district to issue bonds under the Revenue Bond Act of 1987, Ark. Code Ann. § 19-9-601 et seq. This act became effective on April 5, 2005.

### **SUBURBAN IMPROVEMENT DISTRICTS**

Act 927 (HB1722) - The act allows suburban improvement districts to become eligible for membership with local solid waste authorities to provide a solid waste management system.

### **WATER AUTHORITY BONDS**

Act 1927 (HB1986) - Existing law requires a water authority to publish notice and conduct a hearing prior to issuing bonds. This act clarifies that the notice and hearing requirements do not apply to bonds issued under the Revenue Bond Act of 1987. This act became effective on April 11, 2005.

### **WATERSHED IMPROVEMENT DISTRICTS**

Act 1019 (HB2875) - This act provides procedures for levying a tax for maintenance in a watershed improvement district.

## **INSURANCE**

### **ATHLETIC TRAINERS, HEALTH CARE PROVIDERS**

Act 2238 (HB2794) - The act adds athletic trainers to the list of "health care providers" under the Patient Protection Acts of 1995 and 2005.

### **AUDIOLOGY SERVICES**

Act 1995 (SB998) - The act amends existing law to require accident and health insurers, hospitals or medical service corporations, or health maintenance organizations to provide coverage and reimbursement for audiology services. The act also specifies that failure to comply with this requirement may be punishable as a deceptive trade practice. This act became effective on April 11, 2005.

### **CHARITABLE GIFT ANNUITIES**

Act 905 (SB557) - The act modernizes Arkansas law pertaining to charitable gift annuities, including the authority to invest assets under the prudent investor rule subject to annual reporting requirements.

### **DENTAL ANESTHESIA**

Act 439 (HB1452) - This act ensures that health benefit plans provide coverage for anesthesia and hospital charges for dental procedures.

### **DENTAL SERVICES**

Act 2221 (HB2640) - This act amends Act 439 of 2005, which concerns insurance coverage for anesthesia and hospitalization for dental procedures, and clarifies that a health benefit plan that does not cover charges for hospital or ambulatory surgical facilities generally is not required to cover charges for hospital or ambulatory surgical facilities in connection with dental procedures described under Act 439.

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

Act 2004 (SB1087) - This act made various amendments to the statutes concerning farmers' mutual aid associations. The changes include increasing the minimum surplus and the minimum number of members, providing for the issuance of a substitute certificate of authority and a procedure for its revocation or suspension by the Insurance Commissioner, and modifying the process of dissolution. This act became effective on April 11, 2005.

### **FOREIGN INSURERS**

Act 1965 (HB2900) - This act allows the Insurance Commissioner to impose upon foreign insurers doing business in Arkansas the same taxes, licenses, fees, fines, penalties, deposit requirements, obligations, prohibitions, or restrictions imposed upon Arkansas insurers by other state laws. Application fees, exam fees, license fees, appointment fees, and continuation fees are excluded.

## **INSURANCE**

### **HEALTH INFORMATION, RELEASE OF**

Act 1937 (HB2598) - This act authorizes the State and Public School Life and Health Insurance Board to obtain quality-of-care information from networks, hospitals, and clinical providers to inform plan design, plan management, and consumer decisions.

### **HEALTH INSURANCE**

#### **CLOSING BLOCKS OF BUSINESS**

Act 2293 (SB1145) - The act provides that no block of business shall be closed by a health insurance carrier unless the carrier pools the experience of the closed block of business with all blocks of business that are closed for the purpose of determining the percentage premium rate increase of any contract within the closed block, with no rate penalty or surcharge beyond that which reflects the experience of the combined pool.

#### **CONTRACEPTIVES, COVERAGE FOR**

Act 2217 (HB2618) - The act requires insurance companies that provide prescription drug coverage to provide coverage for contraceptives under certain circumstances.

#### **INSURANCE POOL**

Act 2292 (SB1136) - The act allows the Arkansas Comprehensive Health Insurance Pool to provide health saving accounts and decreases from \$8,000,000 to \$2,000,000 the amount of funds that may be transferred from the State Insurance Department Trust Fund for deficits.

#### **PATIENT PROTECTION ACT**

Act 491 (SB44) - This act establishes various mechanisms for the enforcement of the Patient Protection Act of 2005 specifically and the state's any willing provider laws generally. The act also addresses specific aspects of the scope of application of the state's any willing provider laws.

#### **PATIENT PROTECTION ACT OF 2005**

Act 490 (SB43) - Health insurers are prohibited from discriminating against any provider who is located within the geographic coverage area of a health benefit plan and who is willing to meet the terms and conditions for participation established by the health insurer. This act becomes effective contingent on the ruling of the Eighth Circuit Court of Appeals with regard to the Patient Protection Act of 1995.

#### **PATIENT PROTECTION ACT, ENFORCEMENT**

Act 960 (HB2015) - This act amends the private enforcement provisions of the Patient Protection Act of 1995 and the Patient Protection Act of 2005 by eliminating a provider's ability to recover damages for violations of either Patient Protection Act.

#### **PURCHASING GROUP, HEALTH INSURANCE**

Act 2159 (SB1138) - The act revises the definition of an employer under the Small Employer Health Insurance Purchasing Group Act of 2001 to include an employer employing no more than 199, formerly 100, eligible employees. The act also clarifies that each health insurance purchasing group shall guarantee the availability of coverage to small employers and that all health benefit plans provided shall be offered at rates on a policy-specific or product-specific basis that may vary only as permitted by law.

### **INSURANCE CLAIMS**

#### **NOTICE OF SETTLEMENT**

Act 2271 (SB236) - The act requires an insurer other than a personal lines insurer to provide its insured written notice of the terms of settlement of a claim if the insured notifies the insurer in writing that the amount of or liability for the claim is contested and requests in writing notice of the insurer's settlement of the claim.

## **INSURANCE**

### **INSURANCE OMNIBUS ACT**

Act 506 (SB369) - The act amends numerous insurance provisions of the Arkansas Code, including, but not limited to, provisions concerning the Self-Insured Fidelity Bond Program for public employees; mortgage guaranty insurance; reinsurance contracts; investments, dividends, and distributions by domestic insurers; derivative transactions; the powers and duties of the Insurance Commissioner; and excess charges for insurance. The act became effective on March 2, 2005.

### **INSURANCE REFORMS**

Act 1697 (SB233) - The act contains numerous insurance reforms, including, but not limited to, prohibiting policy cancellation or premium increases based upon requests for policy information or whether a claim is covered, requiring background checks of insurance producer applicants and certain compensation disclosures by insurance producers, authorizing the payment of restitution as an insurance producer sanction, providing automobile, homeowner, and malpractice insurance rate reform, and permitting policyholders to obtain claim loss information within 30 days.

### **INSURERS' SETTLEMENT OR PAYMENT OF JUDGMENTS**

Act 269 (HB1076) - The act prohibits the insurer for the party who is liable in damages to an injured party from conditioning settlement or payment of a judgment in favor of the injured party upon issuing a single check jointly to the injured party and the injured party's insurance company.

### **MOTOR VEHICLE LIABILITY INSURANCE PREMIUMS**

Act 1194 (HB1781) - The act provides that no motor vehicle liability insurer shall, solely as a result of an accident or injury in which a person was not at fault, cancel the person's insurance policy, increase the premium during the term or upon renewal of the policy, or lower or otherwise negatively impact the person's risk rating.

### **MOTOR VEHICLE, ACCIDENT REPORT**

Act 199 (HB1391) - The act increases the damage limit for reporting accidents to the Department of Finance and Administration from \$500 to \$1,000.

### **RECOUPMENT OF INSURANCE PAYMENTS**

Act 422 (HB1181) - The act places an eighteen-month limit, except in cases of fraud committed by the health care provider, upon the time within which a health insurer may recoup erroneous payments made to a health care provider and regulates the procedure for recoupment.

### **WORKERS' COMPENSATION**

#### **ADMINISTRATIVE TAX PROCEDURE**

Act 505 (SB368) - The act revises workers' compensation administrative tax procedures and requires casualty insurers to maintain accident prevention services in order to write workers' compensation insurance.

#### **CONTRACTORS**

Act 1711 (SB489) - This act requires residential building contractors to submit proof of workers' compensation coverage when applying for a new license or when renewing a license. A contractor failing to maintain workers' compensation coverage will have his or her license revoked.

Act 1917 (SB941) - The act clarifies prime contractor and subcontractor liability under workers' compensation law.

#### **IMPAIRMENT, PROOF OF**

Act 1692 (HB2917) - The act establishes the method for proving physical or anatomical impairment in worker's compensation cases involving occupational hearing loss.

#### **NECK INJURY**

Act 1250 (HB1011) - The act provides workers' compensation insurance coverage for a neck injury which is not caused by a specific incident or which is not identifiable by the time and place of occurrence.

## **LABOR AND INDUSTRIAL RELATIONS**

### CHILDREN

#### **ORGANIZED SPORTS**

Act 940 (HB1839) - The act permits youth 11 and older to participate as sports officials, referees, and umpires in organized youth sports. The act requires an adult representing the state or local program to be on the premises during all contests and consent from the minor's parent or guardian.

#### **WORK HOURS OF MINORS**

Act 939 (HB1838) - The act amends Arkansas Code § 11-16-110 to restrict children under 18 from working more than 6 days or more than 54 hours in any 1 week. In addition, the act prevents children under 18 from working more than 10 consecutive hours in any one day or working more than 10 hours in a twenty-four-hour period. The act also establishes a work start time of 6:00 a.m. and a work end time of 11:00 p.m. The work start and end times do not apply to children under 18 working on nights preceding nonschool days in an occupation approved as safe by the Arkansas Department of Labor.

### DRIVER REST PERIODS, REPEAL OF

Act 1691 (HB2907) - The act repeals Arkansas Code §23-13-101 concerning work hours and duty and rest periods for drivers.

### EMPLOYMENT CONTRACTS, REPEAL

Act 917 (HB1483) - The act deletes obsolete provisions related to employment contracts.

### EMPLOYMENT SECURITY PROCEDURES

Act 902 (SB512) - Besides clarifying various sections of the employment security law, this act requires the Director of the Arkansas Employment Security Department to file a certificate of overpayment with the circuit clerk and directs the clerk to record the certificate as a judgment bearing interest at the rate of 10% annually. The act provides for the determination of the contribution rate resulting from the transfer of a business or some portion of a business. The act became effective on March 17, 2005.

### FORESTERS' MINIMUM WAGE

Act 78 (HB1202) - This act repeals outdated language regarding minimum wages paid to employees of the Arkansas Forestry Commission.

### MINING

Act 442 (HB1477) - This act deletes obsolete language prohibiting a female from working in mines.

### MUNICIPAL EMPLOYEES-UNION DUES

Act 2133 (SB528) - This act requires municipalities to withhold union dues for full-time municipal employees who request the withholding.

### ORGAN DONATION LEAVE

Act 2235 (HB2779) - This act requires private employers to provide an unpaid leave of absence for employees during testing for, donation of, and recovery from organ donation and provides an income tax credit for employers that elect to pay the wages of the employee on organ donation leave.

### ROCK CLIMBING WALLS

Act 924 (HB1689) - This act authorizes the Department of Labor to inspect rock climbing walls.

## **LAW ENFORCEMENT**

### ACCIDENT REPORT FEES

Act 2158 (SB1128) - The act requires county and municipal law enforcement agencies to charge a fee of \$10.00 for each copy of a basic accident report and a fee of \$1.50 for each copy of a supplemental accident report. The funds collected under the act will be used to support the municipal or county law enforcement agency.



## **LAW ENFORCEMENT**

### **ARKANSAS STATE POLICE**

Act 665 (SB515) - The act authorizes the director of the Department of Arkansas State Police to transfer, promote, or demote employees of the department to promote efficient operation, except that demotions shall be for nondisciplinary reasons only.

Act 666 (SB516) - The act requires the Arkansas State Police Commission to approve or disapprove each promotion or demotion for nondisciplinary reasons and to review each application for employment presented to it by the Department of Arkansas State Police for certification to the eligibility list.

Act 667 (SB517) - The act provides that members of the Department of Arkansas State Police shall be probationers for one year from their date of hire and that a probationer may be discharged by the director of the department with the approval of the Arkansas State Police Commission with or without cause.

### **CRIMINAL HISTORY INFORMATION**

Act 1573 (HB2116) - The act amends the Arkansas State Criminal Records Act, including clarifying the term "requestor", and provides separate fees for providing criminal history information for noncriminal justice purposes by electronic submission or other means. This act became effective on April 5, 2005.

### **DATING RELATIONSHIP**

Act 1875 (HB2680) - The act allows a person to obtain an order of protection against another person with whom the person has been in a dating relationship. The act defines "dating relationship" to mean a romantic or intimate social relationship between 2 individuals determined by examining the length of the relationship, the type of the relationship, and the frequency of interaction between the individuals. The act specifically excludes from the definition of "dating relationship" a casual relationship or ordinary fraternization between 2 individuals in a business or social context.

### **DRUG LAB SEIZURES-REPORTING**

Act 1873 (HB2611) - Under existing law, state and local law enforcement agencies are not required to file reports concerning controlled substance laboratory seizures. The act requires each state and local law enforcement agency to electronically file a report with the Arkansas Crime Information Center within 10 days of the agency's seizure of specified drug paraphernalia, drug precursors, or laboratories. The Arkansas Crime Information Center is required to forward each report to the El Paso Intelligence Center of the United States Drug Enforcement Administration and other law enforcement or criminal justice agencies designated by the Arkansas Drug Director.

### **FEDERAL IMMIGRATION LAWS**

Act 907 (HB1012) - The act allows the Director of the Department of Arkansas State Police to designate employees of the Department of Arkansas State Police be trained pursuant to a memorandum of understanding between the State of Arkansas and the United States Department of Justice or the federal Department of Homeland Security concerning the enforcement of federal immigration laws on federal highways and interstates in the State of Arkansas. The act authorizes a certified law enforcement officer trained pursuant to the memorandum of understanding to make an arrest in order to enforce federal immigration laws.

### **FIREARMS**

#### **CONFISCATED WEAPONS**

Act 889 (SB274) - The act amends Arkansas Code §16-90-119 to permit law enforcement agencies to retain moneys acquired through the selling of confiscated deadly weapons though public auction or by competitive bidding. Purchasers will be subject to a federal background check.

## **LAW ENFORCEMENT**

### **FIREARMS**

#### **HANDGUN LICENSE**

Act 881 (HB1844) - The act removes the requirement that renewal forms for licenses to carry concealed handguns be mailed to licensees along with a written notice of the expiration. The act also specifies that a licensee seeking to renew his or her license shall file a renewal form prescribed by the Department of Arkansas State Police.

#### **HIGHWAY PATROL OFFICER'S PISTOL**

Act 2244 (HB2826) - This act authorizes the Arkansas State Highway Commission to award the pistol carried by a highway police patrol officer to the officer at the time of his or her retirement or to his or her spouse if the officer is deceased.

#### **PARKS AND TOURISM OFFICER'S PISTOL**

Act 1375 (SB1070) - The act authorizes the Director of the Department of Parks and Tourism to award a commissioned law enforcement officer of the State Parks Division of the Department of Parks and Tourism with the pistol carried by the officer at the time of his or her retirement after 20 years of service.

#### **STATE CRIME LAB, FIREARMS PROCEDURES**

Act 1257 (HB1808) - This act revises procedures of the State Crime Laboratory with regard to firearms used in the commission of a crime.

### **FISH AND WILDLIFE SERVICE & USDA FOREST SERVICE OFFICERS**

Act 26 (SB71) - The act authorizes certified law enforcement officers of the United States Fish and Wildlife Service and of the United States Department of Agriculture, Forest Service to act as officers for the arrest of offenders of Arkansas law. The act became effective on February 1, 2005.

### **FORESTRY OFFICER JURISDICTION**

Act 79 (HB1203) - This act clarifies the law enforcement authority of the Arkansas Forestry Commission regarding trees, timber, and logs.

### **JAIL POPULATION MANAGEMENT**

Act 423 (HB1184) - The act provides that electronic monitoring and other methods of jail population management are authorized for all local jails in Arkansas.

### **MUNICIPAL POLICE**

Act 1953 (HB2969) - The act provides the option to a city council to prescribe regulations concerning specific categories of police officers in the Civil Service System.

### **OFFICERS FROM ADJOINING STATES**

Act 272 (HB1195) - The act gives certified law enforcement officers from adjoining states the ability to discharge official duties in Arkansas under specific circumstances. The act became effective on February 24, 2005.

### **POLICE CORPS TRAINING PROGRAM**

Act 1330 (SB628) - This act classifies full-time instructors at the Arkansas Police Corps Training Program at the University of Arkansas at Little Rock as law enforcement officers. The act became effective on March 29, 2005.

### **RACIAL PROFILING**

Act 2136 (SB603) - The act implemented recommendations of the Arkansas Task Force on Racial Profiling created by Acts 2003, No. 1207, which expired on December 31, 2004. The act established a new Task Force on Racial Profiling that will expire on December 31, 2006. The act requires the Law Enforcement Standards and Training Commission to adopt an initial training module concerning diversity and racial sensitivity for recruits and officers and to adopt a training module for biennial recertification for all recruits and officers who have completed the initial training module.

## **LAW ENFORCEMENT**

### **SHOOTING ACCIDENTS, BLOOD TEST**

Act 1983 (SB558) - The act provides that any person who purchases a hunting license for use in the State of Arkansas or engages in hunting privileges in this state will be deemed to have given consent to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the alcohol or controlled substance content of his or her blood, breath, or urine if the person is involved in a shooting accident while hunting. A law enforcement officer investigating a shooting accident must cause the test or tests to be administered to the person or persons involved in the shooting accident including a person injured by the shooting and a person who caused the injury by shooting another person.

### **STATE CAPITOL POLICE**

Act 167 (HB1326) - The act expands the jurisdiction of the officers of the State Capitol Police and provides that the officers shall have the authority to act in their official capacities and exercise their powers anywhere within the boundaries of the State of Arkansas. The act also allows for the award of a State Capitol Police officer's pistol to him or her upon retirement.

### **TRAFFIC CITATION FORM**

Act 1675 (HB2600) - The act clarifies that a law enforcement officer may use a traffic citation form that is substantially equivalent to the form prescribed by the Department of Arkansas State Police.

## **MANUFACTURED HOMES**

### **LIEN, MANUFACTURED HOMES**

Act 2160 (SB1151) - Under previous law, a motor vehicle lien holder could record the lien by noting the lien on the manufacturer's statement of origin or the existing certificate of title and filing the security agreement with the Department of Finance and Administration. This act provides that a lien holder of an implement of husbandry, ATV, a mobile home, or manufactured home may record the lien by noting the lien on the manufacturer's statement or the existing certificate of title, or by filing the security agreement with the Department of Finance and Administration.

## **MILITARY AND VETERANS**

### **ABSENTEE BALLOTS**

Act 751 (HB1770) - The act requires the delivery of a special absentee ballot that will permit a voter to indicate his or her preference in general primary elections and general runoff elections to active military personnel stationed overseas who request absentee ballots.

### **ARKANSAS NATIONAL GUARD**

Act 52 (HB1103) - The act allows the Adjutant General to designate those positions that require an employee to be a member of the Arkansas National Guard, but this only applies to a person who begins employment with the Military Department after the effective date of the act.

### **CHECK-OFF PROGRAM, MILITARY RELIEF**

Act 1028 (SB208) - The act creates the Military Family Relief Check-off Program and adds this program to Arkansas income tax forms. The proceeds from the check-off program go to the Military Family Relief Trust Fund.

### **CIVIL RIGHTS, MILITARY DISCRIMINATION**

Act 920 (HB1598) - The act declares that a person shall not be discriminated against because of military service. This act became effective on March 18, 2005.

### **COUNTY MILITARY RECORDS**

Act 2249 (HB2849) - The act requires that military records filed with the county court will be kept in a secure place and that the records may be removed only if requested by the veteran or his or her representative.

### **DRIVER'S LICENSE, MILITARY SPOUSE**

Act 235 (SB192) - The act allows a military spouse to obtain a driver's license without testing if the spouse held a driver's license that expired while living outside of the United States.

## **MILITARY AND VETERANS**

### **EMERGENCY MEDICAL TECHNICIANS**

Act 1674 (HB2571) - The act provides for certification of military emergency medical technicians who are returning from active duty.

### **FUNERAL, MILITARY**

Act 2208 (HB2533) - The act allows funeral directors to access military discharge records if they are assisting with the veteran's funeral and have a signed and notarized authorization from the veteran's spouse, child, or next of kin.

### **MILITARY PAY SUPPLEMENT, STATE AND SCHOOL DISTRICT EMPLOYEES**

Act 2113 (SB298) - This act permits state and public school district employees who are called for military duty for more than 30 days to receive a portion of his or her state salary in an amount that when added to the person's military pay equals the employee's state salary.

### **MILITARY SURPLUS PROPERTY**

Act 194 (HB1318) - This act repeals the designation of the Director of the Department of Arkansas State Police as the state's agent for accepting military surplus property.

### **NATIONAL GUARD AND RESERVES, LEAVE OF ABSENCE**

Act 85 (HB1201) - The act clarifies and modernizes current law regarding students who are attending state-supported postsecondary educational institutions who are called into military service by ensuring that they have the option to either complete the course work that is interrupted by their activation or are compensated for their out-of-pocket expenses for courses that they could not complete because of their activation. This act became effective on February 8, 2005.

## **MOTOR VEHICLES**

### **ACCIDENT REPORTS**

Act 199 (HB1391) - The act increases the damage limit for reporting accidents to the Department of Finance and Administration from \$500 to \$1,000.

### **COMMERCIAL DRIVER, HAZARDOUS MATERIALS**

Act 136 (HB1205) - The act requires commercial drivers that transport hazardous materials to undergo a criminal background check and evaluation from the Transportation Security Administration to establish that the driver is not a security risk. This act became effective on February 11, 2005.

### **COMMERCIAL VEHICLES, PENALTIES**

Act 879 (HB1681) - The act requires a commercial motor vehicle owner or carrier who allows a commercial driver to operate a commercial motor vehicle while the vehicle or the motor carrier is subject to an out-of-service order or who permits or encourages railroad crossing violations to be subject to penalties for that violation.

### **DEALER LICENSE PLATES**

Act 1929 (HB2415) - The act amends the procedure for issuance and use of motor vehicle dealer's license plates.

### **DRIVER'S LICENSE**

#### **INTERLOCK RESTRICTED LICENSE**

Act 1234 (HB2534) - The act clarifies the authority of the Office of Driver Services of the Revenue Division of the Department of Finance and Administration to issue interlock restricted driver's licenses.

### **DRIVER'S LICENSE COMPACT**

Act 446 (HB1528) - The act allows the Director of the Department of Finance and Administration, as Commissioner of Motor Vehicles, to enter into a compact to share driver's license information with other states.

## **MOTOR VEHICLES**

### **DRIVER'S LICENSE, DOMESTIC VIOLENCE VICTIMS**

Act 1233 (HB2529) - The act creates the address confidentiality program for victims of domestic violence or their dependents and allows them to use a post office box in lieu of a residence address on drivers' licenses.

### **DRIVER'S LICENSE, MILITARY SPOUSE**

Act 235 (SB192) - The act allows a military spouse to obtain a driver's license without testing if the spouse held a driver's license that expired while living outside of the United States.

### **DRIVER'S LICENSE, REINSTATEMENT OF**

Act 1992 (SB942) - The act clarifies the law regarding the reinstatement of a suspended or revoked driver's license. The act became effective on April 11, 2005.

### **DRIVER'S LICENSE, SECURITY**

Act 2210 (HB2539) - The act modernizes and secures the driver's licenses issued by the Office of Driver Services of the Revenue Division of the Department of Finance and Administration.

### **DRIVER'S LICENSE, SUSPENSION FOR ALCOHOL POSSESSION**

Act 1535 (HB1768) - The act provides for an administrative suspension of driver's license for the offense of possession of alcohol by a minor. The act requires courts to report convictions of the offense of possession of alcohol by a minor to the Office of Driver Services of the Revenue Division of the Department of Finance and Administration.

### **DRIVER'S LICENSE, SUSPENSION FOR DRUG OFFENSE**

Act 1876 (HB2704) - Under existing law, courts with jurisdiction must prepare and transmit to the Department of Finance and Administration an order of denial of driving privileges for the minor who pleads guilty or nolo contendere to or is found guilty of driving while intoxicated under § 5-65-101 et seq., or of any criminal offense involving the illegal possession or use of controlled substances, or of any drug offense, in this state or any other state, or is found by a juvenile court to have committed such an offense. The act amends Arkansas Code § 5-64-710 to provide that a juvenile who is found delinquent for any offense described in that section may be subject to any juvenile disposition available under § 9-27-330.

### **DRIVING LAW CHANGES - NOTIFICATION**

Act 2118 (SB315) - The act requires the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration to give notice of changes in the driving laws at all state revenue offices and on its website.

### **EARTH MOVERS**

Act 276 (HB1282) - This act permits earthmovers used in farming operations to travel more than 50 miles on highways without the operator obtaining a special permit.

### **EVENT DATA RECORDER**

Act 1419 (SB51) - The act prescribes the ownership of information recorded by an event data recorder in motor vehicles and prohibits the use of the data without written permission of the owner of the vehicle.

### **FAILURE TO YIELD**

Act 2143 (SB993) - The act levies additional penalties for violations of the rules of the road that involve the failure to yield to the right-of-way.

### **IMPLEMENTS OF HUSBANDRY**

Act 1991 (SB935) - This act amends various sections of Arkansas motor vehicle laws pertaining to the registration, certificates of title, and licensing of motor vehicles, including provisions concerning implements of husbandry and manufactured homes.

## **MOTOR VEHICLES**

### **LICENSE PLATES**

#### **ANTIQUÉ VEHICLE PLATES**

Act 2240 (HB2811) - The act allows the owner of an antique motor vehicle or antique motorcycle to use a license plate that was issued by the state in the same year as the model year of the vehicle and that was approved by the state for use during that year.

Act 2324 (HB2710) - The act modifies the requirements to obtain an antique special license plate by requiring, beginning on January 1, 2006, each collector applying for an antique special license plate to own and have registered 1 or more motor vehicles that he or she uses for regular transportation.

#### **FALLEN FIREFIGHTER'S LICENSE PLATE**

Act 1577 (HB2124) - The act authorizes the Arkansas Fallen Firefighters' Memorial special license plate.

#### **FIREFIGHTER'S LICENSE PLATE, RETIRED**

Act 28 (HB1020) - The act reduces the paperwork for retired firefighters in the renewal of their special license plates and levies an additional fee of \$1.00 for the plates for the maintenance of the Arkansas Fallen Firefighters' Memorial at the State Capitol.

#### **GOLF ASSOCIATION LICENSE PLATE, ARKANSAS STATE**

Act 1574 (HB2117) - This act authorizes the issuance of the Arkansas State Golf Association special license plate. The plates are to be designed by the association and the design fee of \$6,000 is to be paid by the association. No plates will be issued unless at least 1,000 plates are requested within 1 year from the effective date of the act.

#### **IN GOD WE TRUST LICENSE PLATE**

Act 727 (HB1488) - The act authorizes the "In God We Trust" special license plate. The act became effective on March 9, 2005.

#### **OPERATION ENDURING FREEDOM VETERAN LICENSE PLATE**

Act 952 (HB2003) - The act authorizes the Operation Enduring Freedom Veteran license plate. The act became effective on March 18, 2005.

#### **OPERATION IRAQI FREEDOM VETERAN LICENSE PLATE**

Act 185 (HB1169) - The act authorizes the Operation Iraqi Freedom Veteran license plate. This act became effective on February 17, 2005.

#### **REALTORS LICENSE PLATE**

Act 1889 (HB2941) - The act creates and provides for the issuance of a special license plate for Arkansas realtors. The act became effective on April 8, 2005.

### **LICENSE PLATES, AUTHORITY FOR ISSUING SPECIAL**

Act 2202 (HB2485) - The act repeals most of the existing law regarding special license plates and implements the Special License Plate Act of 2005 which transfers the authority for issuing additional special license plates to the Director of the Department of Finance and Administration. All special license plates in existence before the effective date of this act are continued under this law. The act became effective on April 13, 2005.

### **MERCURY SWITCHES**

Act 649 (SB323) - The act requires all manufacturers of vehicles sold within the state to develop a mercury minimization plan in consultation with the Director of the Arkansas Department of Environmental Quality. The mercury minimization plan will provide for the removing, collecting, and recovering of mercury switches from end-of-life vehicles.

### **MOTOR HOMES, TRANSPORTING**

Act 1412 (HB2581) - The act provides that a motor home or camping trailer may be moved on a highway if it has an appurtenance that exceeds no more than six inches (6") and defines "appurtenance".

## **MOTOR VEHICLES**

### **MOTOR VEHICLE DEALERS**

Act 661 (SB282) - The act provides for staggered plate renewals and permanent plates for motor vehicle dealers.

### **MOTOR VEHICLE DELIVERY AGREEMENT**

Act 1687 (HB2848) - The act establishes procedures for the delivery prior to sale of a motor vehicle to a consumer.

### **MOTOR VEHICLE INSURANCE, PROOF**

Act 2246 (HB2834) - The act establishes a fine for failure to present proof of motor vehicle insurance at the time of a traffic stop. Eighty percent of the fine will be paid to the Treasurer of State for the benefit of the Arkansas Citizens First Responder Safety Enhancement Fund, and 20% of the fine will be retained by the court that tries the offense.

### **MOTOR VEHICLE LIEN**

Act 2160 (SB1151) - Under previous law, a motor vehicle lien holder could record the lien by noting the lien on the manufacturer's statement of origin or the existing certificate of title and filing the security agreement with the Department of Finance and Administration. This act provides that a lien holder of an implement of husbandry, ATV, a mobile home, or manufactured home may record the lien by noting the lien on the manufacturer's statement or the existing certificate of title, or by filing the security agreement with the Department of Finance and Administration.

### **MOTORCYCLES, CHILDREN ON**

Act 1942 (HB2788) - The act prohibits the driver of a motorcycle to allow a child to ride as a passenger on a motorcycle on a street or highway unless the child is at least 8 years of age. However, this limitation does not apply to parades.

### **MOTORIZED BICYCLES**

Act 1762 (HB2754) - The act prohibits any person under the age of 16 from operating a motorized bicycle with a passenger and requires operators of motorized bicycles under the age of 21 to wear protective headgear.

### **NITROUS OXIDE**

Act 1568 (HB2086) - The act provides that nitrous oxide shall not be used as fuel in any motor vehicle or motorcycle driven on the streets or highways with limited exceptions.

### **NONCONSENSUAL TOWING**

Act 2211 (HB2549) - The act amends the law regarding the nonconsensual towing and recovery of vehicles, including procedures for removing abandoned vehicles and lien holder notice requirements.

### **ORGAN DONOR CONTRIBUTIONS**

Act 896 (SB420) - The act repeals Arkansas Code §§ 20-16-810 and 27-13-104 pertaining to voluntary contributions for Organ Donor Awareness Education Trust Fund when renewing a driver's license and registering vehicles.

### **SALVAGE AUCTIONS**

Act 1780 (HB2896) - The act requires an out-of-state purchaser of a motor vehicle at a salvage auction to obtain a salvage auction buyer's identification card and levies a fee for the salvage auction buyer's identification card for out-of-state purchasers.

### **TOWING OF VEHICLES**

Act 1807 (SB859) - The act provides that a towing or wrecker service shall only remove a vehicle that was involved in a collision in Arkansas from the site of the collision to another state if the state in which the towing or wrecker service is licensed extends the same privilege to a towing or wrecker service that is licensed in Arkansas and operating in the other state.

## **MOTOR VEHICLES**

### **TRAFFIC CONTROL DEVICES, MOTORCYCLES**

Act 1886 (HB2833) - The act allows the drivers of motorcycles to proceed through an intersection controlled by a traffic-control device only if the traffic-control device uses a vehicle sensor that fails to detect the motorcycle because of its size or weight.

### **USED MOTOR VEHICLE DEALERS, LICENSING**

Act 1416 (HB2796) - The act allows civilian employees of the Department of Arkansas State Police to perform inspections of used motor vehicle dealers; increases the licensing fee for used motor vehicle dealers to \$250 a year; requires a used motor vehicle dealer to sell at least 5 used motor vehicles during the previous calendar year; allows the Department of Arkansas State Police to provide for a staggered method of used motor vehicle dealer license renewal; and allows a used motor vehicle dealer who has been continuously licensed at the same facility for 10 years or more to be inspected 1 time every other year.

### **VEHICLE REGISTRATION**

#### **TIMBER HARVESTING AND FORESTRY**

Act 1950 (HB2905) - The act clarifies the law regarding the registration and licensing of Class Eight trucks and trailers used for timber harvesting and forestry. The act also clarifies that persons in the timber harvesting or forestry industries who transport wood waste, wood chips, or wood dust from a mill or a temporary location may transport the wood waste, wood chips, or wood dust from the mill or the temporary location to a destination for further processing under this special classification.

#### **VEHICLE IDENTIFICATION NUMBER VERIFICATION**

Act 165 (HB1245) - The act repeals the current law regarding the vehicle identification number verification for foreign vehicles and establishes a limited vehicle identification number verification process for motor vehicles, which applies only if the vehicle owner does not have a certificate of title or presents an out-of-state salvage or junk title. This act became effective on February 15, 2005.

### **VEHICLE REGISTRATION, TITLES**

Act 1175 (HB2753) - The act clarifies the law regarding the issuance of a title to a creditor repossessing a vehicle to prevent title washing. The creditor must provide evidence that the vehicle lien was previously recorded in Arkansas or that the vehicle is physically present in Arkansas. This act became effective on March 22, 2005.

## **MUSEUMS AND LIBRARIES**

### **HAMPSON ARCHEOLOGICAL MUSEUM STATE PARK**

Act 1225 (HB2407) - This act renames the Hampson Museum State Park as the Hampson Archeological Museum State Park.

### **LOWER WHITE RIVER MUSEUM STATE PARK**

Act 1155 (SB307) - The act renames the Prairie County Museum State Park as the Lower White River Museum State Park.

### **MUSEUM PROPERTY, LOANS**

Act 2242 (HB2823) - The act provides procedures for a museum to vest ownership of abandoned or undocumented property in the possession of the museum.

## **NATURAL RESOURCES**

### **INTEGRATION OF PRODUCTION OF DRILLING UNITS**

Act 137 (HB1224) - This act adds "operator" to those persons who may petition the Oil and Gas Commission for an order integrating interests for the development or operation and the sharing of production in a drilling unit.

### **OIL AND GAS COMMISSION**

Act 1267 (HB2418) - This act allows flexibility to the Oil and Gas Commission by allowing alternative types of financial assurance and by specifying the powers of the commission with regard to the Abandoned and Orphaned Well Plugging Fund.



## **NATURAL RESOURCES**

### **OIL AND GAS FEES**

Act 1266 (HB2417) - This act authorizes the Oil and Gas Commission to establish a fee assessment program for wells producing liquid hydrocarbons.

### **WELL PLUGGING FUND**

Act 1265 (HB2416) - This act creates the Abandoned and Orphaned Well Plugging Fund to authorize the Oil and Gas Commission to facilitate plugging of abandoned wells and to remediate associated facilities.

## **PROFESSIONS AND OCCUPATIONS**

### **ACCOUNTANTS**

Act 54 (HB1113) - The act amends and updates the Public Accountancy Act of 1975. The revisions include, but are not limited to, changes in quality review and peer review procedures, the procedure for handling lapsed licenses, and grounds for disciplining licensees. The act also grants the State Board of Public Accountancy the authority to conduct criminal background checks.

### **AGRICULTURAL CONSULTANT LICENSES**

Act 857 (HB1527) - This act revises the requirements for training and experience for licensure as an agricultural consultant.

### **ATTORNEYS AT LAW**

Act 1883 (HB2804) - Under existing law, an attorney licensed to practice law in Arkansas and a partnership or corporation of Arkansas licensed attorneys or any of its employees, partners, members, officers, or shareholders are immune from liability to persons not in privity of contract with the person, partnership, or corporation for civil damages resulting from acts, omissions, decisions, or other conduct in connection with professional services performed by the person, partnership, or corporation except under enumerated circumstances. The act extends the immunity from civil damages to cases involving the appointment of an attorney as a successor trustee or attorney-in-fact as provided in § 18-50-101 et seq.

### **BAIL BONDSMEN**

Act 858 (HB1869) - The act establishes procedures for a bail bondsmen to transfer his or her license from one professional bail bond company to another.

Act 1935 (HB2518) - This act reduces the amount of continuing education required by bail bondsmen from 8 hours to 6 hours.

Act 1960 (HB2491) - This act requires new bail bond companies to have at least one owner that has been licensed for at least two years as a bail bond agent. This act becomes effective on July 1, 2005.

### **BODY ART APPRENTICES**

Act 897 (SB423) - This act provides for training, examination, and licensure of apprentice body artists to practice tattooing, body piercing, and branding.

### **COLLECTION AGENCIES**

Act 1882 (HB2802) - The act exempts foreclosure of real property from the regulation of collection agencies. The act provides that foreclosure of real property is not deemed to be debt collection as defined in the federal Fair Debt Collections Practices Act.

### **CONTRACTORS, BOND CONDITIONS**

Act 169 (HB1361) - The act clarifies that a contractor's licensing bond is conditioned on the contractor complying with local ordinances and rules.

## **PROFESSIONS AND OCCUPATIONS**

### **CONTRACTORS, FINANCIAL OBLIGATIONS**

Act 187 (HB1194) - Under existing law, a contractor's customer is responsible for the contractor's financial obligations to the state or its political subdivisions if the contractor does not pay them. The act amends Arkansas Code § 17-25-403 to specify that the term "financial obligations" includes civil penalties imposed by the State of Arkansas or any city, county, school district, state agency, or other political subdivision of the the state and to require that written notices under the section be sent by certified mail, return receipt requested. The act became effective on February 17, 2005.

### **CONTRACTORS, PROOF OF WORKER'S COMPENSATION**

Act 1711 (SB489) - This act requires residential building contractors to submit proof of workers' compensation coverage when applying for a new license or when renewing a license. A contractor failing to maintain workers' compensation coverage will have his or her license revoked.

### **DENTAL HYGIENISTS**

Act 912 (HB1311) - The act adds dental hygienists to the list of professionals required to report child maltreatment.

### **DRUG VENDORS, REPEAL OF OBSOLETE LAW**

Act 915 (HB1471) - The act repeals an obsolete law concerning itinerant vendors of any drug, nostrum, ointment, or application of any kind intended for the treatment of disease or injury.

### **ELECTRICIANS**

Act 1230 (HB2455) - This act allows the Department of Labor to impose a civil penalty against a person for violations of laws or rules governing electricians.

Act 2291 (SB1131) - The act requires 8 continuing education hours for licensed electricians.

### **ELEVATOR INSPECTORS, MECHANICS, AND CONTRACTORS**

Act 1813 (SB947) - This act requires elevator mechanics and contractors to be licensed by the Elevator Safety Board and establishes the qualifications and standards for obtaining those licenses. The act also provides license renewal criteria, including a continuing education requirement, and authorizes the issuance of emergency licenses.

### **EMERGENCY MEDICAL TECHNICIANS**

Act 648 (SB319) - The act increases the certification fee for emergency medical technicians from \$10.00 to \$20.00.

Act 1773 (HB2494) - This act clarifies that offenses that disqualify a person from certification as an emergency medical technician include offenses for which the record has been expunged. The act also provides an exception from disqualification for offenses that were not committed while performing the duties of an emergency medical technician.

### **FUNERAL DIRECTORS**

#### **MILITARY DISCHARGE RECORDS**

Act 2208 (HB2533) - The act allows funeral directors to access military discharge records if they are assisting with the veteran's funeral and have a signed and notarized authorization from the veteran's spouse, child, or next of kin.

### **INSURANCE AGENTS**

Act 1948 (HB2852) - The act reduces from 36 to 20 the classroom hours of instruction required prior to licensure or examination for insurance agents, brokers, adjusters, and insurance consultants.

### **LAND SURVEYORS**

Act 1178 (SB964) - The act amends Arkansas law concerning land surveyors, including changing references from "land surveyors" to "professional surveyors" and adding additional definitions.

### **MEDICAL LICENSES**

Act 495 (SB146) - This act makes technical corrections to the Medical Practices Act and raises the fee for late renewal of medical licenses from \$15.00 to \$50.00.

## **PROFESSIONS AND OCCUPATIONS**

### **MEDICATION ASSISTIVE PERSONS**

Act 1423 (SB424) - This act authorizes the Arkansas Board of Nursing to certify a medication assistive person to administer certain nonprescription and legend drugs in designated health care facilities.

### **NEUROPSYCHOLOGY TECHNICIANS**

Act 1262 (HB2105) - This act authorizes licensed psychologists to employ technicians to perform standardized objective tests in neuropsychology.

### **PERFUSIONISTS**

Act 1013 (HB2457) - This act amends the Perfusionists Licensure Act, requiring clinical activities for licensure of perfusionists and repealing the provision for licensure without examination.

### **PHARMACISTS**

Act 388 (SB234) - This act increases fees for pharmacist intern licenses and pharmacy technician permits and sets new expiration dates for pharmacy permits, pharmacist intern licenses, and pharmacy technician permits.

### **PHYSICAL THERAPIST, MEDICAL LIEN**

Act 1671 (HB2444) - This act expands the definition of "practitioner" to allow a person licensed to practice physical therapy to file a lien for unpaid medical services against a patient under the Medical, Nursing, Hospital, and Ambulance Service Lien Act, Arkansas Code § 18-46-101 et seq.

### **PHYSICIANS, EDUCATIONAL LICENSE**

Act 497 (SB195) - This act authorizes the Arkansas State Medical Board to issue educational medical licenses to physicians associated with the University of Arkansas for Medical Sciences.

### **PHYSICIANS, FOREIGN**

Act 498 (SB196) - This act requires 3 years of internship or residency for foreign applications for medical licensure.

### **PRIVATE INVESTIGATORS AND SECURITY AGENCIES**

Act 2237 (HB2786) - This act expands the scope of criminal background checks required for licensing by the Arkansas Board of Private Investigators and Private Security Agencies and requires an applicant to provide fingerprints as part of the licensing process. The act also extends the registration and commission period for certain private security agency personnel from 1 year to 2 years and authorizes the board to raise fees accordingly.

### **REALTORS**

Act 560 (HB1751) - The act provides that a realtor that transfers to another real estate firm may not take documents or information belonging to the previous firm.

### **AUCTIONS**

Act 1173 (HB2079) - The act authorizes the Real Estate Commission to establish reasonable procedures to be used by real estate licensees in conducting real estate auctions. Real estate licensees who manage and conduct real estate auctions shall also be required to be licensed by the Auctioneer's Licensing Board, but the commission shall have sole jurisdiction over real estate licensees and their actions when managing or conducting real estate auctions.

### **REALTORS, BRANCH OFFICES**

Act 561 (HB1752) - The act authorizes principal real estate brokers to designate executive brokers to supervise licensees at branch offices.

### **REALTORS, CRIMINAL BACKGROUND CHECK**

Act 657 (HB1753) - The act authorizes the establishment and regulation of the use of state and federal criminal background checks by the Arkansas Real Estate Commission in licensing real estate agents and brokers.

## **PROFESSIONS AND OCCUPATIONS**

### **SOCIAL WORKER LICENSURE**

Act 281 (HB1401) - This act extends the probationary period for new social workers from 6 months to 1 year.

## **PROPERTY RIGHTS AND INTERESTS**

### **ADVERSE POSSESSION**

Act 84 (HB1192) - An entity exempt from payment of ad valorem taxes may establish adverse possession of real property by having actual or constructive possession of and color of title to the claimed property for at least 7 years or actual or constructive possession of and color of title to the real property contiguous to the property being claimed for at least 7 years.

### **BENEFICIARY DEED**

Act 1918 (HB1137) - This act permits the creation and recording of a beneficiary deed that transfers an interest in real property at the death of the grantor. The interest is subject to encumbrances existing at the time of the grantor's death and claims by the Department of Human Services for federal or state benefits. The deed may be revoked prior to the death of the grantor.

### **CONVEYANCE, DEEDS OF**

Act 1884 (HB2806) - Under existing law, deeds of conveyance made by administrators, executors, guardians, and commissioners, and deeds made and executed by sheriffs of real estate sold under executions, duly made and executed, acknowledged, and recorded, as now required by law and purporting to convey real estate, vest in the grantee, and his or her heirs and assigns a good and valid title in law and in equity. The act includes deeds made and executed by trustees or attorneys pursuant to a foreclosure of a deed of trust or mortgage in the list of deeds of conveyance set forth in § 18-12-605. The act also provides that any deed of conveyance made under the section does not warrant title to a subsequent grantee and that any subsequent grantee may not assert or claim any warranty of title deriving from the deed unless the deed warrants title by express use of warranty language.

### **EVICITION OF LESSEE**

Act 1431 (HB1015) - The act permits the eviction of a lessee under the shortened judicial procedures for an unlawful detainer if the lessee commits a nuisance or fails to properly maintain the leased premises.

### **LANDLORD - TENANT**

Act 928 (HB1766) - The act codifies the common law rule that no landlord or agent or employee of a landlord shall be liable to a tenant or a tenant's licensees or invitees for death, personal injury, or property damage proximately caused by any defect or disrepair on the premises absent the landlord's agreement or assumption by conduct of a duty to maintain or repair the leased premises and the landlord's failure to perform the agreement or duty in a reasonable manner.

Act 2228 (HB2696) - This act allows owners of the land on which mobile homes are located to obtain a lien against the mobile home lienholder for rent due from the date the lienholder received the notice. This act repeals the mobile home decal requirement and repeals the requirement that retail sellers of mobile homes report sales to the county tax assessor and places the reporting requirement on the purchaser of the mobile home.

### **MARKETABILITY OF REAL PROPERTY**

Act 2270 (SB188) - The act enhances the marketability of the title of real property, excluding mineral rights, sold for nonpayment of taxes. The title becomes marketable if the tax deed has been of record and the taxes paid for more than 15 years, no claim of adverse possession of the property has been asserted or filed of record since the recording of the tax deed, and the taxes for which the tax deed was issued had not been paid before the tax deed was executed and delivered to the tax deed grantee. The provisions of the act are not subject to the additional time to challenge a tax deed given to minors, persons suffering a mental incapacity, and persons serving in the United States armed forces during a time of war under § 26-37-203(b). The act became effective on April 14, 2005.

## **PROPERTY RIGHTS AND INTERESTS**

### **MECHANICS' AND MATERIALMEN'S LIENS**

Act 2287 (SB990) - The act provides that mechanics' and materialmen's liens may be challenged by declaratory judgment proceedings; standardizes service requirements of lien filings; requires a lis pendens be filed within fifteen months of filing the lien; and requires notice of the lien filing to the owner of the real property encumbered by the lien in all cases.

### **MORTGAGES**

Act 1945 (HB2807) - The act allows a trustee of a deed of trust or person employed by the trustee to reconvey all or any part of the property encumbered by a deed of trust to the person entitled to the property on written request of the beneficiary of the deed of trust for a reasonable fee plus costs.

Act 2166 (HB1008) - The act regulates reverse mortgage transactions and requires disclosures concerning the nature of the transaction and the right to seek independent advice prior to making a reverse mortgage loan.

### **MUNICIPAL WATER SUPPLY**

Act 1977 (SB447) - The act extends immunity from civil liability to property owners who make property available for municipal water supply purposes. The act became effective on April 11, 2005.

### **OIL DRILLING UNITS**

Act 137 (HB1224) - This act adds "operator" to those persons who may petition the Oil and Gas Commission for an order integrating interests for the development or operation and the sharing of production in a drilling unit.

### **REAL ESTATE LICENSEE LIEN**

Act 1944 (HB2803) - This act creates a lien that may be asserted by a licensee who has a representation agreement under which he or she is to receive a fee, commission, or other consideration upon the disposition or lease of commercial real estate. The act sets out the necessary requirements for perfecting the lien and a legal procedure for resolving disputes concerning the asserted lien.

### **RESIDENTIAL RENTAL PROPERTY**

Act 1840 (HB1377) - The act limits the liability of an agent for service of process of a nonresident owner under a systematic residential rental property inspection program if, within 3 business days of receipt of service of process or at other times established by applicable city ordinance, the licensee sends the service of process to the last known address of the nonresident owner.

### **UNCLAIMED PROPERTY**

Act 175 (HB1104) - This act amends the Unclaimed Property Act to eliminate the requirement that interest be paid on unclaimed interest-bearing accounts. Notice of sale of unclaimed property is not required to be published if property is sold through an Internet auction. Costs of transferring unclaimed property after a sale may be deducted from the sale proceeds.

## **PUBLIC OFFICERS AND EMPLOYEES**

### **DIRECT DEPOSIT OF PAYCHECKS**

Act 1887 (HB2850) - A person hired or appointed to a position in any agency in state government on or after the effective date of the act is required to accept payment of salary or wages by electronic warrants transfer. The Chief Fiscal Officer of the State may grant exemptions from the direct deposit requirement upon request and a showing of hardship. The direct deposit requirement does not apply to constitutional officers and their employees, the General Assembly and its employees, members and employees of the Arkansas Supreme Court and related agencies, the Arkansas State Game and Fish Commission, the Arkansas State Highway and Transportation Department, or employees of state-supported institutions of higher education.

## **PUBLIC OFFICERS AND EMPLOYEES**

### **DUAL PAY, STATE EMPLOYEES**

Act 1189 (HB1687) - The act amends the general accounting and budgetary procedures law to prohibit a state employee from receiving compensation from sick leave from one state agency while collecting a salary from another.

### **EXTRA SALARIES AND EXTRA HELP**

Act 251 (HB1294) - This act clarifies that the classifications for extra salaries and extra help positions in state agencies are based on the fiscal year.

### **FIREFIGHTERS, SICK LEAVE**

Act 1828 (SB1176) - This act clarifies that, for purposes of granting sick leave, a working day is the period of time that a firefighter is on duty within a twenty-four-hour period.

### **HEALTHY EMPLOYEES LIFESTYLE PROGRAM**

Act 724 (HB1279) - This act provides for leaves of absence for state employees who successfully participate in the Healthy Employees Lifestyle Program designed by the Department of Human Services.

### **LEAVE OF ABSENCE**

Act 653 (HB1254) - The act permits state employees rated by the United States Department of Veterans Affairs or its predecessor to have incurred a military service-connected disability to take a leave of absence with pay for a period not to exceed 6 days per calendar year for examination or treatment of the disability.

### **MILITARY DUTY**

Act 2113 (SB298) - This act permits state and public school district employees who are called for military duty for more than 30 days to receive a portion of his or her state salary in an amount that when added to the person's military pay equals the employee's state salary.

### **NEPOTISM**

Act 2262 (HB2945) - This act prohibits the hiring of a relative by a public official or the supervision of one relative by another relative. "Public official" is defined to include constitutional officers, members of the General Assembly, and heads of executive agencies and boards. The employment of a person hired in violation of this act is void. Criminal penalties are applicable for violations of the act by any person. Civil penalties may be levied against a public official who violates the act.

### **NOTARIES PUBLIC**

Act 2274 (SB337) - This act amends various laws concerning notaries public. The Secretary of State will issue commission numbers beginning January 1, 2006.

### **REMOVAL FROM OFFICE, MUNICIPAL OFFICERS**

Act 163 (HB1145) - The act provides that commission of a federal offense is grounds for removal from municipal office. The act became effective February 15, 2005.

### **SALARIES, STATE EMPLOYEES**

Act 2198 (HB2089) - This act requires increases in pay levels for personnel covered by the Uniform Classification and Compensation Act, the development of a compensation plan for attracting and retaining nursing personnel, and sets certain lump sum payments in the event of a workforce reduction. This act is effective July 1, 2005.

### **SICK LEAVE, STATE EMPLOYEES**

Act 1188 (HB1686) - The act allows retired state employees to return to state employment without having to repay compensation received for unused sick leave.

### **WAGE PAYMENTS, TIMING OF**

Act 645 (SB203) - This act permits the Chief Fiscal Officer of the State to determine the starting date of job positions to correspond to the beginning and end of fiscal years for purposes of the payment of wages and to determine from which fiscal year's funds wage payments are made when a pay period covers 2 fiscal years. This act became effective on March 3, 2005.

## **PUBLIC OFFICERS AND EMPLOYEES**

### WITNESS FEES

Act 1845 (HB1795) - This act amends provisions concerning state employees acting as witnesses. If the employee is testifying about a matter within the scope of his or her state employment, the employee will receive full salary, but may not retain witness fees or mileage fees unless the employer does not reimburse the employee for use of the employee's vehicle in attending the trial or hearing. An employee testifying about a matter outside of his or her scope of employment may retain witness and mileage fees. The employee is required to take annual leave for being a witness if the matter is outside of the employee's scope of employment and the employee is a party or a paid expert.

## **PUBLIC PROPERTY**

### ALTERNATIVE NEGOTIATED PURCHASING

Act 1989 (SB925) - The act provides an alternative negotiated purchasing procedure on municipal projects that exceed \$2,000,000.

### AUDIT COSTS, RESTITUTION FOR

Act 904 (SB521) - The act requires a person convicted of theft or another property offense to pay restitution for audit costs incurred by the Division of Legislative Audit concerning theft or any other offense affecting property held by or belonging to the State of Arkansas or any political subdivision of the state.

### COMMUNITY MENTAL HEALTH CENTERS, SALE OF PROPERTY

Act 2009 (SB1188) - The act allows the Department of Human Services in cooperation with the Arkansas Building Authority to sell property, buildings and equipment to community mental health clinics or centers or to enter short-term or long-term leases of property, buildings, and equipment with community mental health clinics or centers.

### LOG REMOVAL FROM STATE LAND

Act 786 (HB2021) - This act adds logs as a natural resource that can be removed from state lands after obtaining a lease or permit from the Commissioner of State Lands. Funds received by the Commissioner of State Lands from the removal of logs from state lands will be distributed to the county in which the logs were removed.

### PUBLIC CONTRACTS, DISCLOSURE

Act 2186 (HB1612) - The act requires that certain public contracts for new improvements, major repairs, or additions to existing buildings and facilities shall be filed with the Arkansas Building Authority and shall include a project disclosure statement prepared by the agency, board, commission, or institution of higher education filing the contract. The project disclosure statement shall provide the estimated timeline, scope, and cost of the total project, but shall not be construed as authorizing any additional work beyond the scope of the bid documents or any payment exceeding the contract amount.

### SCHOOL BUILDINGS, USE AFTER CONSOLIDATION

Act 2260 (HB2936) - The act establishes procedures for the preservation, disposal, or both of school buildings in school districts that have been consolidated.

## **RETIREMENT**

### COLLEGE AND UNIVERSITY RETIREMENT PLANS

Act 1287 (SB138) - This act allows colleges or universities to increase the employer contribution rate for higher education retirement plans so that the rate equals the total employer contribution rate under the Arkansas Teacher Retirement System if the college or university determines that enough money is available to pay that rate.

### DISTRICT JUDGE RETIREMENT SYSTEM

Act 1920 (HB1187) - This act provides that if the city council or quorum court determines that the funding is inadequate in the district judge and district clerk funds, they may add up to 5% of all fines and forfeitures collected by the district court or by the city or county to the funds.

## **RETIREMENT**

### **DISTRICT JUDGE RETIREMENT SYSTEM**

Act 1022 (SB67) - This act amends various sections of the retirement laws in order to recognize and implement the Arkansas District Judge Retirement System. This act became effective July 1, 2005.

Act 1149 (SB918) - This act allows vouchers written upon the Arkansas District Judge Retirement System funds to be paid from moneys available in that fund when they are presented for payment. This act became effective on March 18, 2005.

### **HIGHWAY EMPLOYEES' RETIREMENT SYSTEM**

Act 144 (SB65) - This act requires that in order to qualify for the additional benefit for health insurance, the individual must have at least 5 years of service with the Arkansas State Highway Employees' Retirement System. This act becomes effective on July 1, 2005.

### **JUDICIAL RETIREMENT SYSTEM**

Act 232 (SB64) - This act repeals the provisions concerning the redetermination of benefits under the Arkansas Judicial Retirement System. This act becomes effective July 1, 2005.

### **LOCAL POLICE AND FIRE PENSION FUNDS**

Act 248 (HB1213) - This act establishes that the amount of premium tax allocated to the local pension and relief fund cannot exceed 100% of the annual actuarial cost.

### **LOCAL POLICE AND FIRE RETIREMENT SYSTEM**

#### **BENEFITS INCREASE**

Act 1286 (SB99) - This act increases the retirement benefits for members of the Local Police and Fire Retirement System by increasing the lifetime multiplier.

#### **DEFERRED RETIREMENT OPTION PLAN, FIREFIGHTERS**

Act 1251 (HB1214) - Under this act the governing board of the sponsoring municipality can elect to allow firefighters in an extended deferred retirement option plan to accrue 100% of the monthly retirement benefits.

#### **DEFERRED RETIREMENT OPTION PLAN, POLICE AND FIREFIGHTERS**

Act 871 (SB95) - This act allows police officers and firefighters to participate in the Deferred Option Plan when the member has at least 20 years of service and is at least 55 years of age.

#### **DEFERRED RETIREMENT OPTION PLAN, POLICE OFFICERS**

Act 258 (SB172) - This act establishes that police officers in the Deferred Retirement Option Plan are considered to be retired for retirement and benefit increase purposes.

#### **INVESTMENT ADVISOR**

Act 2094 (SB154) - This act allows pension and relief funds with assets exceeding \$100,000 to employ an investment advisor and requires local board plan members to submit an annual statement listing all gifts and compensation received.

#### **SERVICE CREDIT**

Act 1418 (SB46) - This act extends service credit to all members of the Local Police and Fire Retirement System with at least 5 years of service.

#### **SURVIVING SPOUSE**

Act 1921 (HB1211) - This act increases the minimum monthly pension for a surviving spouse of a volunteer or part-paid firefighter from \$30 to \$100.

### **MAYOR, RETIREMENT BENEFITS AFTER CITY MERGER**

Act 2264 (HB2956) - The act clarifies the procedure for the merger of cities and incorporated towns and provides that any mayor who is forced from office because of a merger of 2 or more municipalities under this subchapter is presumed to meet the minimum service period for retirement benefits, subject to being prorated. The act became effective on April 13, 2005.



## **RETIREMENT**

### **PENSION REVIEW BOARD, EXECUTIVE SESSION**

Act 161 (HB1212) - This act allows the Arkansas Fire and Police Pension Review Board and the Arkansas Local Police and Fire Retirement System Board to meet in executive session concerning personnel issues without being subject to the Freedom of Information Act. Personnel records created by the review board are not subject to the Freedom of Information Act.

### **PENSION REVIEW BOARD, LEGISLATIVE STUDY**

Act 1919 (HB1152) - This act provides that the Joint Interim Committee on Public Retirement and Social Security Programs shall study the feasibility and effect of a uniform contribution rate, early retirement options, and widow's benefits for the Fire and Police Pension Review Board and the Local Police and Fire Retirement System.

### **PENSION REVIEW BOARD, MEMBERSHIP**

Act 386 (SB173) - This act removes the physician member of the Pension Review Board and increases the number of active or retired members of the pension fund from 4 to 5.

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

#### **BENEFICIARY**

Act 383 (SB19) - This act provides that if the named beneficiary of certain retirement annuity options predeceases the retired person, the original unreduced benefit will be paid to the retired person. This act becomes effective on July 1, 2005.

#### **CONTRIBUTORY MEMBERS**

Act 2084 (SB69) - This act provides that all public employees first hired on or after July 1, 2005, are contributory members of the Arkansas Public Employees Retirement System. Current noncontributory members of Arkansas Public Employees Retirement System may elect to become contributory members within 6 months of July 1, 2005. This act becomes effective on July 1, 2005.

#### **ELECTED OFFICIALS**

Act 652 (HB1100) - This act provides that an elected public official who is a member of the Arkansas Public Employees' Retirement System at the time of his or her election to public office in another form of government may retire and begin receiving benefits upon termination of the elected office. This act became effective on March 7, 2005.

#### **FEDERAL CREDIT**

Act 2091 (SB145) - This act allows the recognition of service credit for members of Arkansas Public Employees Retirement System earned in federal government agencies.

#### **NONCONTRIBUTORY MULTIPLIER**

Act 1450 (SB15) - This act provides the noncontributory multiplier to be used to calculate a member's straight life annuity based on years of service before July 1, 2005 and after June 30, 2005. The act will become effective on July 1, 2005.

#### **OTHER STATE SERVICE**

Act 1021 (SB20) - This act allows a member of APERS to purchase up to 5 years of service for service as an employee of a state other than Arkansas or a local governmental entity outside of Arkansas. This act becomes effective on July 1, 2005.

#### **RESERVIST SERVICE**

Act 1027 (SB127) - This act allows members of APERS to purchase credit for service in the Arkansas National Guard or the armed forces reserve at the rate of 1 year for every 5 years of service in the Arkansas National Guard or the reserves.

### **SOCIAL SECURITY, EXTENDED TO STATE AND FEDERAL EMPLOYEES**

Act 100 (HB1233) - This act updates definitions, references, and titles concerning the extension of federal Social Security to state employees and employees of political subdivisions.

## **RETIREMENT**

### **STATE POLICE RETIREMENT SYSTEM**

#### **AMORTIZATION PERIOD**

Act 1023 (SB106) - This act increases the amortization period for unfunded liabilities in the State Police Retirement System to 30 years. This act becomes effective on July 1, 2005.

#### **BOARD OF TRUSTEES**

Act 68 (SB105) - This act increases the number of members on the board of trustees of the State Police Retirement System from 7 to 11. This act becomes effective on July 1, 2005.

#### **DEFERRED RETIREMENT OPTION PLAN**

Act 1969 (SB155) - This act increases the duration of the Arkansas State Police Officers Deferred Option Plan from 5 to 7 years. The interest earned for participation in the plan after 5 years shall be equal to the actuarially assumed interest rate for that time.

#### **DEFERRED RETIREMENT OPTION PLAN, STATE POLICE**

Act 1024 (SB107) - This act changes the interest rate for members that first participate in the Deferred Option Plan after the effective date of this act to the actuarially assumed interest rate only.

#### **DISABILITY**

Act 69 (SB108) - This act changes the examination for disability retirement from a medical committee of three physicians to an examination made under the direction of a board of medical professionals. This act becomes effective on July 1, 2005.

### **TEACHER RETIREMENT SYSTEM**

#### **DEFERRED RETIREMENT OPTION PLAN, TEACHERS**

Act 188 (HB1207) - The act amends provisions of teacher retirement law concerning the Deferred Retirement Option Plan, including changing references to "contributions" to "deposits", amending laws pertaining to the treatment of lump sums or annuity payments from the plan, and amending provisions dealing with the treatment of benefits upon the death of a participant in the plan. The act contains an emergency clause and becomes effective on July 1, 2005.

#### **ELIGIBLE PARTICIPANTS**

Act 146 (SB129) - The act updates and clarifies which institutions or agencies are eligible for participation in the system. The act clarifies the 110% rule used in computing final average salary and eliminates the participation of habilitative services corporations in the system. The act becomes effective on July 1, 2005.

#### **EMPLOYER CONTRIBUTION RATE**

Act 1968 (SB128) - The act authorizes the Board of Trustees of the Arkansas Teacher Retirement System to increase the employer contribution rate no higher than 14% for the fiscal year ending June 30, 2006, and no higher than 1% above the rate for the previous year for the fiscal year ending June 30, 2007. The act becomes effective on July 1, 2005.

#### **FEDERAL TAX CODE REFERENCES**

Act 71 (SB142) - The act amends certain references to the Internal Revenue Code in teacher retirement law to refer to the federal Internal Revenue Code of 1986 as it existed on January 1, 2005. The act becomes effective on July 1, 2005.

#### **MISCELLANEOUS PROVISIONS**

Act 385 (SB131) - The act amends various provisions of teacher retirement law, including amending laws pertaining to contributions to the retirement system, replacing the term "incompetent" with "incapacitated", and providing that benefits due to lost payees be forfeited to the trust assets of the Arkansas Teacher Retirement System after 5 years. The act will become effective on July 1, 2005.

#### **PAYMENTS TO ESTATE**

Act 494 (SB130) - The act amends teacher retirement law to provide that after June 30, 2006, benefits shall be paid to a deceased member's estate should there be no designated persons surviving the member. The bill becomes effective on July 1, 2005.

## **RETIREMENT**

### **TEACHER RETIREMENT SYSTEM**

#### **RECOUP OVERPAYMENTS**

Act 1026 (SB124) - The act establishes procedures for the Arkansas Teacher Retirement System to recoup overpayments to a member of the system. The act becomes effective on July 1, 2005.

#### **SERVICE CREDIT**

Act 2091 (SB145) - This act allows the recognition of service credit for members of the Arkansas Teacher Retirement System earned in federal government retirement systems.

#### **WAIVER OF EARNINGS LIMITATIONS**

Act 911 (HB1208) - The act amends the conditions for granting a waiver of the earnings limitation to a member of the Arkansas Teacher Retirement System, including specifying that the retirant must be hired by a public school district and the hiring must be due to a shortage of certified teachers in a critical academic area in which the retirant is certified. The act becomes effective on July 1, 2005.

## **STATE AGENCIES**

### **STATE POLICE DIRECTOR, AGENT FOR SURPLUS PROPERTY**

Act 194 (HB1318) - This act repeals the designation of the Director of the Department of Arkansas State Police as the state's agent for accepting military surplus property.

### **AGRICULTURE DEPARTMENT, CREATION OF**

Act 1978 (SB448) - This act creates the Arkansas Agriculture Department to coordinate all aspects of marketing of agricultural products grown in this state. Existing agricultural agencies are transferred to the new department.

### **BIOBASED PRODUCTS**

Act 542 (HB1543) - This act requires state agencies to give preference in purchasing to biobased products whenever possible.

### **CAPITOL ARTS AND GROUNDS COMMISSION**

Act 1379 (SB1152) - The act amends various Arkansas laws concerning the Capitol Arts and Grounds Commission, including amending the scope of the terms "project" or "capitol improvement project", reducing the commission's membership from 15 to 10, and amending the powers and duties of the commission.

### **CODE REVISION COMMISSION, TRANSFER**

Act 1260 (HB1971) - The act transfers the staff of the Arkansas Code Revision Commission to the Bureau of Legislative Research. The Arkansas Code Revision Commission will retain its powers, duties, and functions with respect to the Arkansas Code, but staff support will be provided by the Bureau of Legislative Research. The transfer will be effective on July 1, 2005.

### **COMPUTER EQUIPMENT, SALE OF SURPLUS**

Act 970 (HB2115) - This act provides for preferential sale of state agency-owned surplus computer equipment and electronics to agency personnel, adds local governments to school districts as possible purchasers or recipients of state agency-owned surplus computer equipment and electronics, changes the pricing mechanism for the sale of state agency-owned surplus computer equipment and electronics, and establishes January 1, 2008, as the target date to begin banning the disposal of computers and electronic equipment in landfills.

### **COSMETOLOGY, STATE BOARD OF**

Act 207 (HB1418) - The act requires that examinations for registration and licensure as cosmeticians or cosmetologists shall include both a written and practical test that includes all phases of cosmetology. The act also amends laws regarding the forfeiture and payment of examination fees upon failing to appear for an examination.

## **STATE AGENCIES**

### **EMPLOYMENT SECURITY DEPARTMENT FUNDS**

Act 21 (SB18) - The act eliminates the ability of the Director of the Employment Security Department to make withdrawals from the Unemployment Compensation Fund Clearing Account for any purpose.

### **EMPLOYMENT SECURITY DEPARTMENT REPORT**

Act 4 (SB16) - The act requires the Director of the Arkansas Employment Security Division to report to the Legislative Council on a quarterly basis regarding all uses of the Employment Security Special Fund.

### **ENERGY CONSERVATION, STATE AGENCIES**

Act 1761 (SB1091) - This act authorizes a state agency to contract with a qualified provider to implement a measure or service that reduces energy consumption or operating costs. The act requires the agency to generally conform to the Arkansas Procurement Law and requires the qualified provider to reimburse the agency for any shortfall in the guaranteed savings during the term of the contract. This act also repeals the statute that provided for performance-based efficiency contracts.

### **GREEN GLOBES CERTIFICATION STANDARDS**

Act 1770 (HB2445) - The act encourages state agencies to refer to and utilize leadership in Energy and Environmental Design Certification or the Green Globes Certification Standards when planning state building projects. The act also establishes the Task Force on Sustainable Building Design and Practices. The effective date of this act is July 1, 2005.

### **LAND INFORMATION BOARD**

Act 264 (SB265) - This act makes minor changes to the law creating the Arkansas State Land Information Board, including limiting the term of all members to 2 years and eliminating the ability of the board to hire a State Geodetic Advisor.

### **MOTOR VEHICLE PURCHASES, AGENCY**

Act 1180 (HB1300) - For purposes of purchasing motor vehicles for state agencies, this act authorizes the Chief Fiscal Officer of the State to transfer funds from the Motor Vehicle Acquisition Revolving Fund to a state agency appropriation.

### **MOTOR VEHICLE PURCHASING PLAN, STATE**

Act 2322 (HB2670) - This act requires the State Procurement Director to develop and implement a vehicle purchasing plan for all state agencies that will reduce their fuel consumption by 10% by January 1, 2009.

### **PERFORMANCE BASED BUDGETING, REPEAL**

Act 237 (SB204) - This act repeals the law concerning performance-based budgeting for state agencies effective February 17, 2005.

### **PROCUREMENT**

Act 1680 (HB2679) - The act amends various provisions of the Arkansas Procurement Law, including defining and using the term "technical and general services" and removing requirements for the disclosure of social security numbers of all persons supplying services under a contract.

### **PROCUREMENT, EQUAL OPPORTUNITY**

Act 2157 (SB1123) - This act requires as a condition precedent to participating in the state procurement process that any entity or person planning to participate or participating in the state procurement process to submit to the Office of State Procurement or the applicable state agency a copy of the entity's or person's most current equal opportunity policy.

### **PROCUREMENT, CONSTRUCTION MANAGEMENT**

Act 2154 (SB1092) - The act clarifies the use of construction management as a project delivery method and defines "construction management". The act became effective on April 13, 2005.

## **STATE AGENCIES**

### **PROCUREMENT, HIGHER EDUCATION EMPLOYEES**

Act 949 (HB1994) - This act specifies that the Arkansas Procurement Law does not prevent a state agency from contracting for goods or services, including professional or consultant services, with an organization that employs or contracts with an employee of a public institution of higher education in situations in which the employee will provide some or all of the goods or services under the contract. The organization or state agency entering the contract must comply with the Arkansas Procurement Law and related ethical provisions and the employee must comply with policies of the employing institution of higher education. This act became effective on March 18, 2005.

### **PROCUREMENT, PROFESSIONAL CERTIFICATION**

Act 859 (HB2012) - The act specifies that state agencies shall not require in plans or specifications that a bidder hold membership in any professional organization, possess certification from any professional organization as a steel building fabricator, or be endorsed by any professional organization. The act contains an emergency clause and became effective on March 15, 2005.

### **PUBLIC COMMUNICATIONS BY AGENCIES**

Act 2263 (HB2947) - This act requires each state agency to include a telephone number for inquiries or comments, and to the extent practicable, the name of a contact person on any communication, form, notice, announcement, publication, or other similar document from the state agency. This act applies to documents created, revised, or reordered after the effective date of this act.

### **PUBLIC SERVICE COMMISSION, SHIELDED LIGHTING INFORMATION**

Act 1963 (HB2665) - This act requires the Arkansas Public Service Commission to require each electric public utility to inform its customers about the availability of a shielded lighting service.

### **RECORD RETENTION, AGENCIES**

Act 918 (HB1514) - The act directs the Executive Chief Information Officer of the state to direct the promulgation of rules and guidelines governing the retention and management of public records commonly found in most state agencies. The act contains an emergency clause and became effective on March 18, 2005.

### **RULEMAKING BY STATE AGENCIES**

Act 1259 (HB1969) - The act permits a state agency to dispense with prior notice and a hearing for promulgation of rules if the rules are necessary in order to comply with federal laws or regulations.

### **STATE AGENCIES, ABOLISHMENT**

Act 2252 (HB2877) - The act provides for the abolishment of identified agencies of the state on specified dates unless the agency is continued by action of the General Assembly or transferred to another state agency.

### **STATE AGENCIES, REVIEW OF**

Act 2218 (HB2623) - The act creates the Government Efficiency and Accountability Review Subcommittee of the House Interim Committee and Senate Interim Committee on State Agencies and Governmental Affairs and describes the powers and duties of the subcommittee.

### **STATE AGENCY BUDGETING REQUIREMENTS**

#### **BUDGET MANUAL, STATE AGENCIES**

Act 1172 (HB1298) - This act requires that budget manuals prepared for the biennial state budget identify the original revenue source of interagency transfers of funds.

#### **VACANT STATE POSITIONS**

Act 1686 (HB2808) - Existing law requires each executive, judicial, legislative, and any other agency of the state to report the number of vacant budgeted positions monthly to the Legislative Council. This act adds institutions of higher education as reporting entities and requires each entity to provide reasons for each vacant budgeted position quarterly.

## **TAXES**

### **ADVERTISING AND PROMOTION TAX, CONVENTION CENTER**

Act 2241 (HB2820) - This act allows cities to use advertising and promotion fund revenues for the construction of a convention center or for the operation of a tourist promotion facility located in the county where the city is located if the city owns an interest in the center or facility.

### **ADVERTISING AND PROMOTION TAX, COUNTY**

Act 2314 (HB2359) - Under previous law, a county quorum court could levy a county advertising and promotion tax only if a city within the county levied a 2% tax on hotels, motels, and restaurants. This act permits a county to levy an advertising and promotion tax if a city within the county levies any rate of tax on hotels, motels, and restaurants. The act became effective on April 14, 2005.

### **BEER TAX**

Act 2188 (HB1691) - This act extends the 3% retail beer tax until June 30, 2007. This act becomes effective on June 30, 2005.

### **EMPLOYMENT SECURITY TAX**

Act 902 (SB512) - In addition to making various clarifications to the Arkansas Employment Security Law, this act contains a new section regarding the determination of the contribution rate resulting from the transfer of a business or some portion of a business and making a violation of the section punishable as a Class C felony, in addition to an increased rate and an assessment of penalties. The act became effective on March 16, 2005.

### **FEDERAL TAXES, REIMBURSEMENT OF**

Act 254 (HB1415) - This act provides the requirements for the contractual reimbursement by one party to a contract of federal taxes.

### **FRANCHISE TAX REPORTS**

Act 883 (HB1980) - The act permits tax preparers to sign franchise tax reports.

### **INCOME TAX**

#### **ANNUITIES, COST RECOVERY**

Act 189 (HB1217) - The act clarifies that cost recovery for annuitants is allowed under the Income Tax Act of 1929.

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

Act 1821 (SB1033) - This act creates the Arkansas Area Agencies on Aging income tax check-off program to provide additional funds to the agencies. This program became effective beginning January 1, 2005.

#### **CORPORATION INCOME TAX**

Act 261 (SB253) - This act requires a corporation to elect to Subchapter S treatment for federal income tax purposes before electing Subchapter S treatment for Arkansas income tax purposes. This act became effective for tax years beginning on or after January 1, 2005.

#### **MILITARY FAMILY RELIEF INCOME TAX CHECK-OFF**

Act 1028 (SB208) - The act creates the Military Family Relief Check-off Program and adds this program to Arkansas income tax forms. The proceeds from the check-off program go to the Military Family Relief Trust Fund.

#### **TAX REFUND SETOFF, OFFICE OF PERSONNEL MANAGEMENT**

Act 277 (HB1299) - This act adds the Office of Personnel Management of the Division of Management Services of the Department of Finance and Administration as a claimant agency for purposes of offsetting individual income tax refunds for the payment of debts to the office.

## **TAXES**

### **INCOME TAX CREDIT**

#### **CAPITAL DEVELOPMENT COMPANY EQUITY PURCHASE**

Act 1759 (SB1031) - This act amends the Arkansas Capital Development Company Act, Arkansas Code § 15-4-1001 et seq. to extend the period for purchasing an equity interest resulting in a tax credit to the purchaser from 2013 to 2015. The act provides that the proceeds of the equity purchases must be used in specified transactions in order for the purchaser to obtain a tax credit. The amount of tax credits that may be authorized in a calendar year is limited to \$5,000,00. However, the Director of the Department of Finance and Administration may authorize additional cumulative tax credits not to exceed \$1,250,000 per calendar year, if specified state fiscal-related requirements are met. This act became effective on April 5, 2005.

#### **ORGAN DONATION**

Act 2235 (HB2779) - This act requires private employers to provide an unpaid leave of absence for employees during testing for, donation of, and recovery from organ donation and provides an income tax credit for employers that elect to pay the wages of the employee on organ donation leave.

#### **RICE STRAW**

Act 2247 (HB2842) - This act creates the Arkansas rice straw tax credit program to provide an income tax credit for end-use purchasers of rice straw.

### **INCOME TAX DEDUCTION**

#### **HEALTH SAVINGS ACCOUNTS**

Act 94 (HB1064) - This act adopts federal income tax treatment of contributions to health savings accounts (HSA) for tax years beginning January 1, 2004, and later. Contributions to an HSA may be deducted from gross income if the funds are used to purchase high-deductible catastrophic health insurance or for reimbursement of uncovered medical expenses. Previous law adopted similar federal income tax treatment of contributions to medical savings accounts (MSA); however, the HSA program replaces the pilot MSA program. This act became effective on February 10, 2005.

#### **ORGAN DONATION**

Act 668 (HB1393) - This act allows up to a \$10,000 deduction from individual income tax for organ donation. This act is in effect for tax years beginning on and after January 1, 2005.

#### **TSUNAMI RELIEF CONTRIBUTIONS**

Act 53 (HB1109) - This act adopted § 170 of the Internal Revenue Code to provide a charitable deduction for individual income taxpayers for tax year 2004 for contributions to the Indian Ocean tsunami relief efforts, if the contribution was made by January 31, 2005. This act became effective on February 1, 2005.

#### **TUITION SAVINGS PROGRAM**

Act 1973 (SB286) - This act provides that contributions to the Arkansas Tax-Deferred Tuition Savings Program are deductible from Arkansas income tax in an amount not to exceed \$5,000 per taxpayer per year.

### **INCOME TAX EXEMPTION**

#### **ARMED SERVICES**

Act 2187 (HB1628) - This act increases the state income tax exemption for enlisted armed service members from \$6,000 to \$9,000. This act applies to tax years beginning on and after January 1, 2005.

#### **COMBAT ZONE COMPENSATION**

Act 29 (HB1032) - This act adopts the federal Internal Revenue Code provisions to exempt combat zone compensation of members of the armed forces from Arkansas income tax. This act becomes effective beginning tax year 2005.

## **TAXES**

### **INCOME TAX WITHHOLDING**

#### **DEFERRED INCOME, TAX ON**

Act 1309 (SB543) - This act makes changes to Arkansas income tax laws and income tax withholding laws to require withholding of Arkansas income tax from deferred income.

#### **PASS-THROUGH ENTITY, TAX ON**

Act 1982 (SB509) - This act requires a pass-through entity to withhold Arkansas income tax from its nonresident members. This act becomes effective January 1, 2006.

### **INCOME TAX, TECHNICAL CORRECTIONS**

Act 675 (SB309) - This act adopts various Internal Revenue Code sections for the purpose of computing Arkansas income tax liability. New sections adopted include I.R.C. § 194 concerning the amortization of reforestation expenses, I.R.C. § 134 concerning the exclusions of child care benefits for military personnel, and I.R.C. § 470 concerning leasing transactions. The act is effective for tax years beginning January 1, 2005.

### **INSURANCE PREMIUM TAXES**

Act 2222 (HB2642) - This act provides that amounts above the forecasted level for insurance premium taxes are to be credited to the Arkansas Medicaid Program Trust Fund to be used to increase per diem reimbursement for hospital inpatient services and private duty nursing rates in home health agencies.

### **MIXED DRINK TAX**

Act 1274 (HB2633) - This act continues the 4% supplemental mixed-drink tax first levied in 1989 for assisting the University of Arkansas for Medical Sciences in making loan payments. The tax applies to retail sales of mixed drinks, but not beer or wine. A 4% supplemental tax is also levied on private clubs for the privilege of serving mixed drinks. The proceeds are to be used by UAMS to continue loan payments and for any other authorized purposes when the loans are paid in full.

### **MOTOR FUEL TAX REFUND, BIODIESEL**

Act 2223 (HB2657) - This act permits persons engaged in the business of selling diesel fuel or liquified gas at wholesale to obtain a refund of motor fuel tax paid. The refund is limited to \$0.50 per gallon for each gallon of biodiesel fuel that the supplier uses to produce a biodiesel mixture. The refund will be available when a biodiesel producer begins production of biodiesel fuel in Arkansas and meets other specified requirements. The act becomes effective on July 1, 2005 and the refund provisions will expire on July 1, 2007.

### **PROPERTY TAX**

#### **APPRAISAL SOFTWARE**

Act 1417 (HB2858) - The act requires the Assessment Coordination Department to adopt and implement by rule the final specifications for computer assisted mass appraisal software. This act became effective on March 30, 2005.

#### **ASSESSED VALUE**

Act 2284 (SB955) - This act clarifies that the county assessor is required to assess real property that has been sold at 20% of the appraised value at the next assessment date after the date of the sale. This act applies on and after January 1, 2006.

#### **ASSESSMENT COORDINATION DEPARTMENT**

Act 1933 (HB2454) - This act requires the State Board of Education, the Department of Education, and other departments or divisions administered by the State Board of Education to provide information to the Assessment Coordination Department. The purpose of the information is to allow the Assessment Coordination Department to calculate or verify details concerning assessed property values, tax collections, district revenues, and other information related to school funding or public school facilities.



## **TAXES**

### **PROPERTY TAX**

#### **ASSESSMENTS, UNIFORM SYSTEM**

Act 2259 (HB2933) - This act makes changes to various sections of the Uniform System of Real Property Assessment.

#### **COUNTY ASSESSOR REPORT**

Act 73 (HB1009) - Under previous law, the county assessor was required to file a report with the Assessment Coordination Department by October 1 indicating the property adjusted by the county board of equalization and an abstract of assessments. This act requires the report and abstract to be filed within 30 days after the board adjourns.

#### **DELINQUENT LAND**

Act 1231 (HB2458) - The act amends the requirements for notice, publication, and purchase of tax delinquent property.

Act 1880 (HB2759) - This act provides for the disbursement of funds from the sale of tax delinquent lands by the Commissioner of State Lands and provides that in the event of a dispute or claim of ownership, the Commissioner of State Lands may require the parties to provide a court order to resolve the issue. This act becomes effective on July 1, 2005.

#### **HOMESTEAD PROPERTY TAX CREDIT**

Act 1268 (HB2473) - This act defines the terms "homestead", "new construction", "newly discovered real property", and "property owner" when used concerning the assessment of real property under Amendment 79 to the Arkansas Constitution. This act became effective on March 29, 2005.

#### **MILITARY TAXPAYER, PENALTIES**

Act 135 (HB1199) - This act prohibits the assessment of penalties for delinquent property taxes against a taxpayer who is a member of the United States Armed Forces, armed forces reserves, or the Arkansas National Guard while the taxpayer is deployed and for 1 year after the deployment ends.

#### **PROPERTY TAX RELIEF TRUST FUND**

Act 1892 (SB473) - This act provides that 1% of the excess funds in the Property Tax Relief Trust Fund will be divided among the counties in proportion to each county's proportionate share of the funds used to reimburse the county for property tax reductions.

#### **RATIO STUDY**

Act 1772 (HB2483) - This act provides that the annual ratio study prepared by the Assessment Coordination Department, which determines the average ratio of assessed value to the full market or actual value of real or personal property, is due to each county by September 15 of each year. This act became effective on April 6, 2005.

#### **VALUATION OF WETLANDS AND CONSERVATION PROPERTY**

Act 1432 (HB1280) - Agricultural land, pasture land, and timber land is valued for property tax purposes based on the productivity of the soil. This act provides that land enrolled in the Wetland Reserves Program of the Natural Resources Conservation Service of the U.S. Department of Agriculture or the Conservation Reserve Program of the U.S. Department of Agriculture will be valued as agricultural land, pasture land, and timber land.

### **PROPERTY TAX EXEMPTION**

#### **COUNTY PROPERTY**

Act 1281 (HB2937) - The act provides that all real and personal property that belongs exclusively to a county shall be exempt from taxation.

### **REAL ESTATE TRANSFER TAX**

Act 260 (SB252) - This act allows title companies to acquire documentary stamps through consignment arrangements with the Department of Finance and Administration.

## **TAXES**

### **RENTAL VEHICLE TAX**

Act 664 (SB441) - This act provides that the distribution of the 5% additional rental vehicle tax is 75% to the Arkansas Public Transit Trust Fund and 25% to the Department of Education Public School Fund for teacher salaries. This act becomes effective July 1, 2005.

### **SALES AND USE TAX**

#### **HEAVY EQUIPMENT TAX DECAL**

Act 1693 (HB2972) - This act provides that a decal is to be attached to each piece of heavy equipment as proof that sales or use tax has been paid or that the equipment is exempt from sales and use tax. This act becomes effective July 1, 2005.

#### **LOCAL TAX, ABOLISH**

Act 1270 (HB2475) - This act provides that municipal sales and use taxes may be abolished by a vote of 2/3 of all the members of the governing body of the city or after an election called by the governing body or by a petition of the qualified voters of the city. Municipal sales and use taxes pledged for bond issues may not be abolished until the bonds are paid.

#### **LOCAL TAX, ALLOCATION**

Act 1160 (SB537) - The act clarifies the allocation of county sales and use tax collections following a vote of the people to change the indicated use of the tax revenues levied under § 26-74-208.

Act 1161 (SB538) - The act clarifies the allocation of county sales and use tax collections following a vote of the people to change the indicated use of the tax revenues levied under § 26-74-308.

#### **LOCAL TAX, CAPITAL IMPROVEMENT BONDS**

Act 1551 (HB1985) - Under existing law, a city or county may issue bonds for capital improvements of a public nature. This act expands the definition of "capital improvements" to permit bonds to be issued for animal control facilities, communications facilities, and health care facilities other than hospitals and nursing homes. The act also permits cities and counties to levy a local sales and use tax of 1/8% for use in repaying bonds. Existing law permits a levy of 1/4%, 1/2%, 3/4% or 1%. This act became effective on April 4, 2005.

#### **LOCAL TAX, USE OF**

Act 1269 (HB2474) - This act provides that municipalities that levy municipal sales and use taxes on capital improvements may change the designated uses of the sales and use tax with the approval of the voters of the municipality.

#### **STREAMLINED SALES TAX AGREEMENT**

Act 2008 (SB1173) - This act changes the effective date of Act 1273 of 2003 to July 1, 2007, which makes changes to Arkansas sales tax law so that Arkansas can be in compliance with the Streamlined Sales Tax Agreement.

Act 2163 (SB1169) - This act provides the administrative provisions of the Streamlined Sales Tax Agreement and allows the Department of Finance and Administration to participate with other states in developing the streamlined sales tax system. This act becomes effective on July 1, 2005.

#### **TELECOMMUNICATIONS SERVICES, TAXATION**

Act 1879 (HB2728) - This act adds additional definitions as transactions covered by "telecommunication services", including one-way or two-way transmissions of messages, voice messages, images and other real-time communications. This act became effective on April 8, 2005.

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

#### **ARKANSAS SYMPHONY ORCHESTRA**

Act 2132 (SB511) - This act exempts sales of tangible personal property or services to the Arkansas Symphony Orchestra Society, Inc. This act becomes effective on July 1, 2005.

#### **ELECTRICITY**

Act 877 (HB1589) - This act exempts electricity used for the production of chlorine and other chemicals using a chlor-alkali manufacturing process from sales tax.

## **TAXES**

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

#### **FOOD**

Act 647 (SB277) - This act reduces the state sales tax on food upon a finding that federal law authorizes the state to collect sales tax from non-nexus sellers and the collection of sales tax from non-nexus sellers is at least 150% of the sales tax collected on food.

#### **INSTRUCTIONAL MATERIALS**

Act 1441 (HB2099) - Under existing law, "instructional materials" used in public schools are exempt from sales and use tax. This act expands the definition of instructional materials to include sheet music, maps, globes, art supplies, workbooks, flash cards, models, manipulatives, charts, and educational video tapes, DVDs, films, and cassettes. Excluded from the definition of instructional materials are items purchased for use in interscholastic extracurricular activities or administration of the school and construction materials and supplies.

#### **LIVESTOCK REPRODUCTION EQUIPMENT**

Act 2168 (HB1283) - The act creates an exemption from sales and use tax for livestock reproduction equipment and substances used in livestock reproduction, such as semen or embryos.

#### **MUSEUMS**

Act 1865 (HB2480) - This act provides a sales and use tax exemption for qualified museums. A qualified museum means a nonprofit organization acquiring a collection of artwork with a fair market value exceeding \$100,000,000 before January 1, 2013. The construction and acquisition of the museum facility must total at least \$30,000,000 and open to the public prior to January 1, 2013.

#### **PARKING FEES, STATE INSTITUTIONS**

Act 2162 (SB1168) - This act provides that the fees that state institutions collect for parking spaces, except for athletic and special events, shall not be considered as payment for the providing of services and shall be exempt from sales tax. This act became effective on April 13, 2005.

### **TAX INCENTIVES**

#### **CONSOLIDATED INCENTIVE ACT**

Act 1296 (SB417) - This act amends the Consolidated Incentive Act of 2003 to broaden the types of businesses and programs eligible for tax credits under the act, to clarify the levels of tax incentive available, and to provide greater flexibility for awarding tax credits.

### **TAX PROCEDURE, FILING EXTENSION**

Act 686 (SB443) - This act provides that the Director of the Department of Finance and Administration may grant an extension for the filing of state tax returns, but the extension cannot exceed 120 days. In extraordinary circumstances, an additional 60 days may be granted.

### **TAX PROCEDURE, INTEREST ON OVERPAYMENT**

Act 262 (SB254) - This act provides that interest on an overpayment of taxes is paid from the date the tax return was due or the date the tax return is filed, whichever occurs later. No interest is paid on an overpayment of taxes if it is refunded within 90 days after the last date for filing the return or after the return is filed, whichever occurs later.

### **TAXPAYERS, INTERNET POSTING OF DELINQUENT**

Act 1294 (SB328) - This act allows the Department of Finance and Administration to disclose on an Internet site the names and addresses of taxpayers that have failed at least 3 times within a 24-month period to report or remit state or local sales and use tax and have been served with a business closure order.

## **TAXES**

### **TOBACCO TAX, DISTRIBUTION TO ARKANSAS RX PROGRAM**

Act 2219 (HB2629) - This act redistributes a portion of the tax on cigarettes and tobacco products to the Arkansas Rx Program and the Arkansas Prostate Cancer Foundation. If the fees paid by participants in the Arkansas Rx Program are sufficient to support the program during a fiscal year, the tax to be distributed to the program will be paid to existing breast cancer programs. This act becomes effective on July 1, 2005.

### **TOURISM TAX**

#### **AMUSEMENT PARK TAX CREDITS**

Act 241 (SB290) - Under previous law, tourism attraction projects receive a sales tax credit for investing a minimum amount in the project and the sales tax credit was available only against state sales tax liability. This act permits a qualified amusement park to offset its tourism tax liability with the sales tax credit. This act became effective February 17, 2005.

### **WITHHOLDING TAX, ELECTRONIC FUNDS TRANSFER**

Act 389 (SB249) - This act permits taxpayers to remit state withholding tax through the U.S. Department of Treasury's electronic funds transfer system beginning January 1, 2006, if the taxpayer is not required to remit withholding tax by electronic funds transfer directly to the state.

## **TECHNOLOGY**

### **COMPUTERS, SPYWARE PROTECTION ACT**

Act 2255 (HB2904) - The act prohibits the improper use of computer spyware, provides that any violation of the act is punishable by the Attorney General under the Deceptive Trade Practices Act, and creates the Spyware Monitoring Fund to be used by the Attorney General to enforce the act and maintain a website to inform consumers about computer and spyware fraud.

### **INFORMATION SYSTEMS, DEPARTMENT OF**

Act 1999 (SB1027) - The act prohibits the Department of Information Systems and its customers from offering or using the department's technology services in competition with the private sector; permits the department's technology services to be provided to disaster and emergency personnel; and makes technical corrections to the enabling legislation of the Department of Information Systems to ensure compliance with applicable state and federal statutory and regulatory provisions.

### **PERSONAL INFORMATION STORAGE AND DISCLOSURE**

Act 1526 (SB1167) - The act requires a person, business, or state agency that acquires, owns, or licenses personal information about an Arkansas resident to implement and maintain reasonable security procedures and practices appropriate to the nature of the information to protect the personal information from unauthorized access, destruction, use, modification, or disclosure. The act also requires that consumers be given notice of the disclosure of their personal information due to breaches in the security of data stored by a person, business, or state agency.

### **TECHNOLOGY INFRASTRUCTURE FUND**

Act 2248 (HB2844) - The act creates the Arkansas Technology Infrastructure Fund on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State to provide funds for state agencies and higher education enterprise-level information technology projects. The fund will consist of moneys from General Assembly appropriations, grants, gifts, donations and savings accrued to state agencies as a result of employing technology.

## **TOBACCO**

### **CIGARETTE AND CIGAR, DEFINED**

Act 1376 (SB1074) - This act amends the definition of "cigarette" under the Arkansas Tobacco Products Act to mean any roll of tobacco wrapped in paper or other substance not containing tobacco or a substance containing tobacco but because of its appearance, packaging, or labeling is likely to be purchased as a cigarette. "Cigar" is defined as a roll of tobacco wrapped in leaf tobacco or substance containing tobacco other than a cigarette.

## **TOBACCO**

### **MASTER SETTLEMENT AGREEMENT**

Act 384 (SB118) - This act brings the Arkansas version of the tobacco master settlement agreement into conformity with the other signatory states by clarifying the basis on which refunds of interest from deposits by tobacco product manufacturers will be made under the agreement.

### **TOBACCO SETTLEMENT FUNDS**

Act 1872 (HB2552) - Under previous law, tobacco settlement funds distributed to program accounts and remaining unspent at the end of a fiscal year were redeposited to the Tobacco Settlement Program Fund for redistribution to the program accounts (Medicaid Expansion, Biosciences Institute, Targeted Needs) based on fixed percentages. The Prevention and Cessation Program Account receives loans from the Budget Stabilization Trust Fund and receives no actual distributions. This act corrects the percentage of funds remaining at the end of the fiscal year to be redistributed back to the program accounts to account for the zero distribution to the Prevention and Cessation Program. This act became effective on April 8, 2005.

## **TOURISM**

### **RACING FACILITIES CONSTRUCTION**

Act 1409 (HB2048) - The act amends Arkansas Code § 8-10-302 to require the consent of 75% of registered voters within 3 miles of the outside boundary of a proposed racing facility prior to construction of the facility or licensing by the Arkansas Department of Environmental Quality. Previous law required the consent of 75% adult residents within 3 miles of the outside boundary of the proposed racing facility.

## **TRANSPORTATION**

### **COMMERCIAL DRIVERS, TRAINING OF**

Act 942 (HB1868) - The act allows a private driver training facility or other facility to administer the skills test required to obtain a commercial driver's license. This act is the same as Act 76 of 2005, but became effective on March 18, 2005.

### **COMMERCIAL DRIVERS, TESTING OF**

Act 76 (HB1077) - The act allows a private driver training facility or other private institution to administer the skills test required to obtain a commercial driver's license.

### **HIGHWAYS, REGIONAL MOBILITY AUTHORITIES**

Act 2275 (SB427) - The act provides for the improvement of surface transportation systems in the State of Arkansas by authorizing the creation of regional mobility authorities. An authority may issue bonds and impose tolls and has the power of eminent domain.

## **WATERCRAFT**

### **BOAT OWNER LIABILITY**

Act 1156 (SB390) - Under existing law, the owner of a boat could be strictly liable to a lessee for any injury occasioned by the negligent operation of the boat by the lessee. The act provides that an owner of a boat will not be strictly liable to a renter, operator, or lessee of the boat for injuries caused by the negligent operation of the boat by the renter, operator, or lessee.

### **BOATING SAFETY**

Act 1297 (SB435) - The act clarifies that a person engaged in water sport activities will wear or have secured on his or her body a life preserver or buoyant vest in good condition at all times while engaging in water sport activities and defines "water sport activities".

### **HULL IDENTIFICATION NUMBERS**

Act 1457 (SB432) - The act prohibits the removal, altering, changing, or mutilation of hull identification numbers or outboard motor serial numbers.

## **TRANSPORTATION**

### **WOOD WASTE HAULING**

Act 1950 (HB2905) - The act clarifies the law regarding the registration and licensing of Class Eight trucks and trailers used for timber harvesting and forestry. The act also clarifies that persons in the timber harvesting or forestry industries who transport wood waste, wood chips, or wood dust from a mill or a temporary location may transport the wood waste, wood chips, or wood dust from the mill or the temporary location to a destination for further processing under this special classification.

## **UTILITIES**

### **PUBLIC SERVICE COMMISSION, CIVIL PENALTIES**

Act 539 (HB1297) - This act increases the maximum penalty for a violation of the Arkansas Gas Pipeline Code to \$100,000 for each violation and \$1,000,000 for a related series of violations.

### **TELEPHONE SERVICE**

#### **LIFELINE INDIVIDUAL VERIFICATION EFFORT CORPORATION**

Act 2289 (SB1089) - The act creates the Arkansas Lifeline Individual Verification Effort Corporation to develop a plan to assist low-income consumers to connect or hook up to telephone networks.

### **WATER AUTHORITIES AND WASTEWATER PROJECTS**

Act 1653 (HB2367) - This act authorizes public water authorities to construct, expand, operate, or maintain a wastewater project or wastewater treatment plant.

## **WEIGHTS AND MEASURES**

### **SCALE AND METER INSPECTION FEES**

Act 890 (SB283) - The act authorizes the Bureau of Standards to collect fees for certain testings, certifications, and inspections of meters, scales, and other equipment. The act contains a fee schedule. The act became effective on March 16, 2005.

### **STANDARDS, BUREAU OF**

Act 914 (HB1469) - The act amends various provisions of Arkansas weights and measures law, including repealing obsolete laws and moving all weights and measures laws into one subchapter of the Arkansas Code. The act became effective on March 18, 2005.

### **SURVEY FOOT**

Act 1826 (SB1139) - This act adopts the U.S. Survey Foot as the official conversion for meters to feet when surveying.

## **WELFARE AND GOVERNMENTAL ASSISTANCE**

### **MEDICAID REPORTS, RESIDENTIAL TREATMENT OF CHILDREN**

Act 1958 (HB2095) - The act requires additional details to be reported to the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth on the number of children placed in residential and inpatient treatment programs, including sexual offender treatment, when Medicaid is the payment source.

### **MEDICAID TRUST FUND**

Act 2222 (HB2642) - This act provides that amounts above the forecasted level for insurance premium taxes are to be credited to the Arkansas Medicaid Program Trust Fund to be used to increase per diem reimbursement for hospital inpatient services and private duty nursing rates in home health agencies.

### **PAUPERS, REPEAL OF OBSOLETE LAW**

Act 441 (HB1476) - This act repeals an obsolete law concerning the care of paupers.

### **WORKFORCE SERVICE, DEPARTMENT OF**

Act 1705 (SB380) - This act renames of the Arkansas Employment Security Department as the Department of Workforce Service, transfers authority for some Temporary Employment Assistance Programs to the Department of Workforce Service and creates the Arkansas Work Pays Program. The Arkansas Transitional Employment Assistance Transitional Workgroup was created on April 5, 2005. The remainder of the act becomes effective on July 1, 2005.

## **WILLS, ESTATES, AND TRUSTS**

### **ARKANSAS TRUST CODE**

Act 1031 (SB336) - This act is the Arkansas Trust Code, which adopts most of the provisions of the Uniform Trust Code as written by the National Conference of Commissioners on Uniform State Laws and modifies other uniform provisions.

### **GUARDIANS OF VETERANS**

Act 658 (HB1782) - The act requires disclosure of interest paid by the guardian of a veteran, authorizes removal of a guardian of a veteran for failing to disclose interest paid on a loan or debt, and prohibits a guardian of a veteran from having a lien interest in real estate purchased for the veteran.

### **REAL PROPERTY APPRAISALS**

Act 922 (HB1652) - The act allows the testimony of a real estate broker regarding the value of real property to be treated as an appraisal for probate sale purposes, and that the broker is exempt from registration as an appraiser.

### **SMALL ESTATE VALUE**

Act 899 (SB429) - The act amends existing law to increase the value of a small estate from \$50,000 to one not exceeding \$100,000.

### **UNIFORM SIMULTANEOUS DEATH ACT**

Act 74 (HB1025) - The act adopts the most recent version of the Uniform Simultaneous Death Act to permit the rules governing the distribution of property in the event of simultaneous deaths to apply when the deaths occur within 120 hours of each other. The act takes effect January 1, 2006.

## CONSTITUTIONAL AMENDMENT

### **Bingo games and raffles (HJR 1003)**

This resolution proposes to amend the Arkansas Constitution to allow authorized nonprofit tax-exempt organizations to conduct bingo games or raffles when all net receipts over and above actual costs are used only for charitable, religious, or philanthropic purposes. Authorized organizations will be licensed and regulated according to law and will be subject to taxation. The amendment will become effective on January 1, 2007, if approved by the voters of the State of Arkansas at the next general election.



GENERAL ASSEMBLY - MEETING DATES

General Assembly	Year	Dates in Session	Total Days
59 <sup>th</sup>	1953	January 12 - March 12	60
60 <sup>th</sup>	1955	January 10 - March 10	60
61 <sup>st</sup>	1957	January 14 - March 1	60
61 <sup>st</sup> - FES	1957	March 25 - March 27	3
61 <sup>st</sup> - SES	1958	August 26 - September 12	18
62 <sup>nd</sup>	1959	January 12 - March 12	60
62 <sup>nd</sup> - FES	1960	January 19 - January 21	3
63 <sup>rd</sup>	1961	January 9 - March 9	60
63 <sup>rd</sup> - FES	1961	August 24 - September 1	9
63 <sup>rd</sup> - SES	1961	September 18 - September 21	4
64 <sup>th</sup>	1963	January 14 - March 14	60
64 <sup>th</sup> - FES	1964	March 24 - March 27	4
65 <sup>th</sup>	1965	January 11 - March 11	60
65 <sup>th</sup> - FES	1965	May 24 - June 8	16
65 <sup>th</sup> - SES	1965	November 2 - November 4	2½
65 <sup>th</sup> - TES	1965	November 4 - November 6	2½
66 <sup>th</sup>	1967	January 9 - Recessed March 9, Reconv. March 27, Adjourned March 31	65
66 <sup>th</sup> - FES	1968	February 5 - February 21	17
66 <sup>th</sup> - SES	1968	May 20 - May 30	11
67 <sup>th</sup>	1969	January 13 - Recessed April 11, Reconv. May 5 - Adjourned May 8	93
67 <sup>th</sup> - FES	1970	March 2 - March 7	6
68 <sup>th</sup>	1971	January 11 - Recessed April 2, Reconv April 19 - Adjourned April 19	82
68 <sup>th</sup> - FES	1972	February 7 - February 16	10
69 <sup>th</sup>	1973	January 8 - Recess on April 5 until April 24- Recess until Jan 14, 1974 - Adjourned Jan 14, 1974	88
69 <sup>th</sup> - FES	1974	June 24 - Recessed July 12 - Reconv. Aug. 1 - Adjourned Aug 1	19

GENERAL ASSEMBLY - MEETING DATES

General Assembly	Year	Dates in Session	Total Days
70 <sup>th</sup>	1975	January 13 - March 27 - Recess Until Apr. 9 - Adjourned Apr. 9	74
70 <sup>th</sup> - Exten	1976	January 12 - January 28	17
70 <sup>th</sup> - FES	1976	September 8 - September 10	3
71 <sup>st</sup>	1977	January 10 - Recessed March 18 Until Apr 6 - Recessed Apr 6 until Aug 14 - Adjourned Aug 14	68
71 <sup>st</sup> - FES	1977	August 2 - August 5	4
72 <sup>nd</sup>	1979	January 8 - Recessed April 4, Reconv. Apr. 20 - Adjourned Apr 20	87
72 <sup>nd</sup> - EXT.	1980	January 7 - January 17	10½
72 <sup>nd</sup> - FES	1980	January 17 - January 24	7½
72 <sup>nd</sup> - SES	1980	April 15 - April 18	4
73 <sup>rd</sup>	1981	January 12, - March 18	66
73 <sup>rd</sup> - FES	1981	November 16 - November 25	10
74 <sup>th</sup>	1983	January 10 - Recessed on March 18, Reconv April 4 - Adjn. Apr. 4	68
74 <sup>th</sup> - FES	1983	October 4 - November 10	37
75 <sup>th</sup>	1985	January 14 - Recessed March 22, Reconv. March 29 - Adjn. March 29	68
75 <sup>th</sup> - FES	1985	June 17 - June 21	5
75 <sup>th</sup> - SES	1986	April 28 - May 1	4
76 <sup>th</sup>	1987	January 12 - Recessed April 3 - Reconv. April 20 - Adjn. April 20	82
76 <sup>th</sup> - FES	1987	June 2 - June 5	4
76 <sup>th</sup> - SES	1987	October 6 - October 9	4
76 <sup>th</sup> - TES	1988	January 26 - February 5	11
76 <sup>th</sup> - 4thES	1988	July 11 - July 14, 1988	4
77 <sup>th</sup>	1989	January 9 - March 17 - Recess until April 3 - Adjn. April 3	68
77 <sup>th</sup> - FES	1989	June 20 - June 23	4
77 <sup>th</sup> - SES	1989	July 25 - July 27	3
77 <sup>th</sup> - TES	1989	October 23 - November 3	12
78 <sup>th</sup>	1991	January 14 - March 27 - Recess until April 15 - Adjn. April 15	73

GENERAL ASSEMBLY - MEETING DATES

General Assembly	Year	Dates in Session	Total Days
78 <sup>th</sup> - FES	1992	February 24 - February 27 - Recess until March 4 - Adjn March 4	4
78 <sup>th</sup> - SES	1992	December 14 - December 18	5
79 <sup>th</sup>	1993	January 11 - April 8 - Recess until May 14 - Adjn May 14	88
79 <sup>th</sup> - FES	1994	February 28 - March 2	3
79 <sup>th</sup> - SES	1994	August 15 - August 24	10
80 <sup>th</sup>	1995	January 9 - April 7 - Recess until April 28 - Adjn April 28	89
80 <sup>th</sup> - FES	1995	October 17 - October 20	4
81 <sup>st</sup>	1997	January 13 - April 17 - Recess until May 2 - Adjn. May 2	96
82 <sup>nd</sup>	1999	January 11 – April 9 – Recess until April 30 – Adjn. April 30	89
82 <sup>nd</sup> – FES	2000	April 3 – April 7	5
SES	2000	December 13 – 15	3
83 <sup>RD</sup>	2001	January 8 – April 13 – Recess until May 14 – Adjn May 14	97
83 <sup>rd</sup> – FES	2002	June 10 – June 12, 2002	3
84 <sup>th</sup>	2003	January 13 - April 16, 2003	94
84 <sup>th</sup> - FES	2003	May 5, 2003 - May 9, 2003	5
84 <sup>th</sup> - SES	2003	Dec. 8, 2003 - March 4, 2004; Recess until June 9; Adjn June 9, 2004	89
85 <sup>th</sup>	2005	Jan. 10, 2005 - April 15, 2005; Recess until May 13; Adjn May 13, 2005	97

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