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## ABANDONED PROPERTY

### AUDIO OR VIDEO EQUIPMENT

Act No. 98, (SB 69) provides that audio or video equipment left at a business engaged in servicing or repair of the equipment shall be deemed abandoned if not claimed within six months. The business may dispose of the property and retain the proceeds.

### AUDITOR OF STATE

#### DEPOSIT OF FUNDS

Act No. 130, (HB 1431) provides that funds received by the Auditor of State under the Uniform Disposition of Unclaimed Property Act are to be deposited in financial institutions authorized to do business in this state.

## ACCOUNTANCY BOARD

### UNLAWFUL ACTS

Act No. 434, (HB 1473) makes it unlawful for accountants to pay a commission to obtain a client or accept a commission for referral of a client, prohibits contingency fees, and provides for temporary permits for accountants licensed in other jurisdictions.

## ADOPTION

### ADVERTISING

Act No. 761, (HB 1658) limits public notification in connection with adoptions.

### JURISDICTION

Act No. 658, (HB 1654) establishes minimum contacts with the state to determine jurisdiction for adoptions in this state for both minors and adults and establishes venue for adoptions in this state. This act applies only to adoption petitions filed after the effective date of this act. This act contains no emergency clause.

### NOTICE

Act No. 1214, (SB 678) provides that no notice must be given to the parents of a deceased parent of a child who is under two years of age in adoption procedures. This act also revises the adoption laws concerning relinquishment and termination of the parent and child relationship.

### TERMINATION OF PARENTAL RIGHTS

Act No. 557, (HB 1727) provides that clear and convincing evidence that a parent has abandoned a juvenile or has executed consent to termination of parental rights or adoption of the juvenile shall be grounds for an order terminating parental rights.

### UNIFORM ADOPTION ACT

Act No. 774, (SB 201) amends various sections of the Revised Uniform Adoption Act.

## **AGRICULTURE**

### **AGRICULTURAL COOPERATIVES**

#### **SHAREHOLDER'S RIGHTS**

Act No. 436, (HB 1570) changes the rights of shareholders when agricultural cooperative associations are merged or consolidated.

### **BOLL WEEVIL ERADICATION**

Act No. 710, (HB 1705) creates the Boll Weevil Suppression Eradication Program under the State Plant Board. It declares the boll weevil a nuisance to Arkansas and gives the Board the authority to suppress and/or to eradicate the boll weevil. The Plant Board is authorized to declare certain areas as eradication zones and to regulate the growing of cotton within those zones. The Plant Board shall have the authority to inspect premises and fields for compliance with its rules, quarantines, and eradication zones. The Plant Board is authorized to certify cotton growers organizations to assess growers for eradication costs.

### **DAIRY FARMERS**

#### **MILK MARKETING STUDY COMMITTEE**

Act No. 865, (HB 1199) establishes the Arkansas Milk Marketing Study Committee to study the current crisis of Arkansas dairy farmers in the national and international markets of dairy products. This committee shall make its report prior to December 31, 1991, and sunsets on December 31, 1991.

### **FARM EQUIPMENT RETAILER FRANCHISE**

#### **EXTEND COVERAGE OF THE LAW**

Act No. 996, (HB 1542) amends the Farm Equipment Retailer Franchise Protection Act to cover the retailing and selling of lawn and garden outdoor power machinery and equipment. The act adds the definitions of "manufacturer" and "dealership agreement". It also prescribes as violations of the law conduct to coerce a dealer into purchasing parts or accessories he has not ordered, condition the sale of equipment on the purchase of other goods, coerce a dealer into not purchasing another's goods, or to discriminate on the price of goods sold to a dealer.

### **FARM MACHINERY**

Act No. 186, (HB 1116) makes it unlawful to knowingly tamper with or alter the hour meter of any farm machinery in an attempt to defraud another person. Any person found guilty of such a violation is deemed guilty of a Class A misdemeanor and may be subject a fine of up to \$1,000 or one year in jail or both.

### **FERTILIZER**

Act No. 189, (HB 1244) amends the fertilizer registration law to eliminate the requirement that all fertilizer formulas be registered before any sales are made. Further, it creates a new license category for custom fertilizer blending plants and requires them to be licensed. It makes it unlawful to sell fertilizers from custom blending facilities unless the facility is licensed.

## AGRICULTURE (cont.)

### FERTILIZER (cont.)

#### NATURAL ORGANIC FERTILIZERS

Act No. 968, (HB 2120) broadens the definition of "natural organic fertilizer" from poultry substrate to animal substrate. It also provides that when a claim is made on a label for secondary or minor plant nutrients, then a specific guarantee to the specific elements shall be given in the guaranteed analysis.

### RICE RESEARCH AND PROMOTION BOARD

#### REFERENDUM

Act No. 227, (HB 1358) requires the Arkansas Rice Research and Promotion Board to conduct a referendum election, no later than September 1, 1991, on the question of whether or not to continue to refund assessments to rice producers. The Department of Finance and Administration shall be notified of the results.

### SEED

#### FEEES FOR PROMOTION/ADVERTISING

Act No. 955, (HB 2016) amends 2-18-105 to authorize the Plant Board to establish by regulation fees to be paid in advance by growers of certified seed for use by the Arkansas Seed Dealers and Seed Growers Associations for promotion and advertising programs. Board must seek advice of Joint Interim Committee on Agriculture and Economic Development prior to collecting or increasing fees.

#### MANDATORY ARBITRATION

Act No. 1024, (HB 1909) requires that before any buyer of agricultural seed takes any legal action against a dealer for failure of the seed, the buyer must submit a complaint against the dealer with the State Plant Board for mandatory arbitration. The act provides for the appointment of five (5) member arbitration committee to hear evidence and to make recommendations for the payment of damages to the buyer. The report of arbitration shall be binding on the parties to extent of any contract provisions concerning arbitration or may be used as evidence in any litigation involving the defective seed complaint.

### SOYBEAN PROMOTION BOARD

Act No. 340, (HB 1638) revises the state law on Soybean Research and Promotion to make it more compatible with the federal law. It adds definitions and revises the burden for paying assessments from the "buyer" to the "first purchaser". It revises the powers of the Arkansas Soybean Promotion Board and allows it to contract with the federal United Soybean Board for research and promotion projects. It requires the first purchaser of soybeans from a producer to assess and collect two cents per bushel of soybeans.

## AIDS

### REPORTING

Act No. 967, (HB 2116) requires the reporting of HIV infection and AIDS to the Health Department.

## AIDS (cont.)

### TESTING

#### BLOOD DONORS

Act No. 575, (HB 1298) requires individuals or companies collecting blood products for resale or distribution to test the donor's blood for the presence of HIV-1 or AIDS and inform the donor and encourage the donor to seek medical assistance.

#### CONSENT

Act No. 289, (HB 1339) provides that informed consent is not required for a health care provider or health facility to perform an HIV test, under certain circumstances, to determine if a patient carries the HIV virus.

## ALCOHOL AND DRUG ABUSE

### INVOLUNTARY COMMITMENTS

Act No. 150, (HB 1271) amends various sections of the Arkansas Code pertaining to involuntary commitments of persons addicted to alcohol or drugs requiring an evaluation within 24 hours of detention.

### PROGRAM FEES

Act No. 486, (HB 1429) authorizes alcohol treatment programs to collect a fee of \$25 per enrollee to offset additional costs associated with reporting.

### PROGRAM INFORMATION

Act No. 25, (HB 1228) requires anyone operating an alcohol and drug abuse program in this state to furnish such information that may be required by the Division of Alcohol and Drug Abuse Prevention. This act authorizes the Division of Alcohol and Drug Abuse Prevention to promulgate regulations and to prescribe forms for the implementation of the act.

## ALCOHOLIC BEVERAGES

### MICROBREWERY-RESTAURANTS

Act No. 611, (SB 444) establishes the microbrewery-restaurant license for persons who manufacture one or more varieties of beer and operates a restaurant.

### OBSOLETE ELECTION LAW

Act No. 241, (HB 1092) deletes obsolete language concerning the closing of dram shops and drinking houses during polling hours. The act also revises the definition of "general" and "special" election and adds the definition of "qualified elector" for election code purposes.

### PERMITS

#### NUMBER

Act No. 1179, (SB 588) reduces the number of retail liquor permits to one permit for every 4,000 persons residing in a county or subdivision.

## ALCOHOLIC BEVERAGES (cont.)

### PERMITS (cont.)

#### POPULATION RATIO

Act No. 714, (HB 1920) restricts the issuance of retail liquor permits by increasing the population ratio used from one permit for every 2,500 persons to one permit for every 4,000 persons.

#### QUALIFICATIONS OF APPLICANTS

Act No. 606, (SB 331) makes changes concerning the qualifications of applicants for retail liquor, retail beer, restaurant wine, and public mixed drink permits. It allows resident aliens to apply. The act changes provisions relating to disqualification of applicants for felonies and regulatory violations. It provides an applicant must live in the county or within 25 miles of the premises described in the application.

#### VIOLATIONS

Act No. 605, (SB 296) increases the classification of certain permit violations under the alcoholic beverage laws. The act also adds some additional items as permit violations.

### SELLING WITHOUT A LICENSE

Act No. 498, (SB 141) provides that the penalty for a second violation of selling, bartering, exchanging or giving away any intoxicating alcoholic liquor without a license shall be a Class A misdemeanor if the second violation occurs within three years. If a third or subsequent violation occurs within three years, the violation shall be punishable by a Class D felony. (The penalties in this act are different from those in Act 577 of 1991.)

Act No. 577, (HB 1636) increases the penalty for selling, bartering, exchanging or giving away any intoxicating alcoholic liquor without a license. The act also increases the penalty for possessing intoxicating alcoholic liquor not obtained under and in conformity with the alcoholic beverage law. (The penalties in this act are different from those in Act 498 of 1991.)

### WHOLESALERS

#### BONDING REQUIREMENTS REPEALED

Act No. 261, (SB 282) repeals requirements that alcoholic beverage wholesalers publish a surety bond with the Department of Finance and Administration to cover the tax liability of the wholesaler.

#### CONTRACTS

Act No. 8, (SB 46) regulates contractual agreements between wholesalers and suppliers of beer. The act provides for exclusive sales territories and regulates the transfer of a wholesaler's business.

Act No. 866, (HB 1202) provides a structure for the business relations between a wholesaler and a supplier of beer and to designate prohibited acts by both wholesalers and suppliers. This act also requires written agreements between the wholesaler and the supplier whereby a wholesaler is granted the right to purchase and sell a brand or brands of beer sold by a supplier.

## ALCOHOLIC BEVERAGES (cont.)

### WHOLESALEERS (cont.)

#### EXCLUSIVE DISTRIBUTOR

Act No. 260, (SB 242) requires manufacturers, importers and producers of spirituous and venous beverages to designate one exclusive distributor for a brand or label. It requires manufacturers and importers of spirituous and venous beverages or of beer or other malt products or light wine to submit a label for each brand to be shipped for the first time. The act does not repeal anything in Act 8 of 1991.

### WINE

#### MANUFACTURE

Act No. 913, (HB 1806) provides that any person may manufacture, from grapes, berries, or other fruits or vegetables grown in Arkansas, native wine or light wine for consumption in his or her home.

#### SALES BY WINERIES

Act No. 953, (HB 2005) amends 3-5-413 to permit wineries to sell wine for on-premises or off-premises consumption on any day of the week. It authorizes the ABC Board to provide, by regulation, labeling requirements for wine sold at outlets operated in connection with wine manufacturing. Packages sold on Sunday must be taped or sealed with the words "Not to be opened on date of sale by order of the Arkansas Alcoholic Beverage Control Board." The penalty for violating such an order is a Class C misdemeanor.

#### SHIPMENT

Act No. 1013, (HB 1804) makes it lawful for an Arkansas winery to ship wines within the state by common carrier or other parcel delivery service and for common carriers or other parcel delivery services to accept such wine for delivery within the state as long as the wine is being delivered to person holding a retail permit to sell and dispense vinous or spirituous liquors.

## ALZHEIMER'S DISEASE TASK FORCE

Act No. 1174, (SB 488) creates the Governor's Task Force on Alzheimer's Disease.

## ANATOMICAL GIFT ACT

### DUTIES OF CORONERS

Act No. 1010, (HB 1769) amends the Arkansas Anatomical Gift Act to prescribe the duties of county coroners and transplant procurement organizations concerning the procurement of transplantable tissue from donors.

## ANIMALS

### EQUINE INFECTIOUS ANEMIA

Act No. 1155, (HB 1812) amends the penalty provisions of the equine infectious anemia testing law to add a penalty for persons who bring horses into Arkansas and who fail or refuse to comply with the testing law. The offense is a Class A misdemeanor. The act further requires a seller of a horse to have the horse tested before a sale and to pay for the cost of the test. It adds a section to require horses entering the state to have an equine infectious anemia test certification.

### PSEUDO RABIES

Act No. 1105, (HB 1647) levies a fee of one dollar per head on all spent sows and boars sold at livestock markets for the purpose of funding the pseudo rabies and eradication program.

### RESEARCH FACILITY PROTECTION

Act No. 1006, (HB 1695) makes it unlawful for any person to disrupt the operation of an animal research facility or to damage the animals used, bred, or housed at such a facility. The act allows any persons convicted of a violation to be ordered to make restitution of the reasonable cost of data, materials, animals, and costs of experimentation. It also classifies the violations as Class D felony.

## APPRAISER LICENSING BOARD

Act No. 416, (HB 1390) provides for the licensing and certification of appraisers.

## ARCHAEOLOGICAL SURVEY

### QUALIFICATIONS OF DIRECTOR

Act No. 274, (SB 387) requires the Director of the Archaeological Survey and the State Archaeologist to have Doctor of Philosophy in Anthropology with a specialization in Archeology or the equivalent in training and experience. The act allows the Director to be paid from funds appropriated for the Arkansas Archaeological Survey.

## ARCHITECTS BOARD

### FEES

Act No. 167, (SB 63) increases the fees of the Arkansas State Board of Architects.

## ARKANSAS CODE

Act No. 786, (SB 344) makes various corrections to the Arkansas Code of 1987 by the Arkansas Code Revision Commission.

## ARKANSAS COORDINATES SYSTEM

Act No. 861, (HB 1146) adopts the Arkansas Coordinate System 1983 for the State of Arkansas for stating positions or locations of land features on the surface of the Earth. The act establishes certain counties in a North Zone and in a South Zone.

## ARKANSAS' FUTURE, COMMISSION

### ECONOMIC DEVELOPMENT PLAN

Act No. 1191, (SB 629) requires the Commission on Arkansas' Future to develop a comprehensive ten year economic development plan for the state of Arkansas if grant moneys become available to fund the project.

## ATHLETIC COMMISSION

Act No. 1188, (SB 618) establishes the membership of the State Athletic Commission.

## ATTORNEY GENERAL

### CHARITABLE ORGANIZATIONS

Act No. 841, (SB 65) transfers the responsibilities concerning filings of charitable organizations from the Secretary of State's Office to the Attorney General's Office.

### CONSOLIDATION/ANNEXATION

Act No. 966, (HB 2100) requires the county board of education to obtain an opinion from the Attorney General prior to approval of consolidation or annexation. It prohibits a county board from ordering any annexation or consolidation under any law of this state which would negatively affect the efforts of the state to assist districts in desegregation. Sets forth when either can occur. Prohibits the establishment of a board of directors with an even number of members following consolidation or annexation.

### ENVIRONMENTAL LAWSUITS

Act No. 609, (SB 442) states that the Attorney General has the authority to initiate civil lawsuits under all state and federal environmental protection statutes. The act does not supersede any authority of the Department of Pollution Control and Ecology.

### FUND RAISERS AND SOLICITORS

Act No. 1177, (SB 554) provides that professional fund raisers shall register with the Attorney General and makes various changes in the law pertaining to professional fund raisers with regard to registration, penalties, and record keeping.

Act No. 842, (SB 66) transfers responsibilities concerning registration of professional fund raisers and solicitors from the Secretary of State's Office to the Attorney General's Office.

## ATTORNEY GENERAL (cont.)

### LITTER CONTROL ACT

Act No. 516, (SB 475) gives the Department of Pollution Control and Ecology concurrent authority with the Attorney General to bring legal actions for recovery of cost expended by the state for injunctive relief under the Litter Control Act. The act allows the Department of Pollution Control and Ecology or the Attorney General to initiate and prosecute an action alleging a public nuisance at common law when the action is related to laws or regulations charged to the enforcement of the Department of Pollution Control and Ecology.

### MAIL AND PHONE SOLICITATION

Act No. 680, (HB 2003) creates the Arkansas Mail and Telephone Consumer Product Promotion Fair Practices Act to regulate the offering of gifts or prizes by mail or telephone which are intended to induce the consumer to purchase a consumer product where the terms of the transaction are not fully disclosed. These contracts are to be in writing to be enforceable. This act authorizes the Attorney General's Office to enforce this act.

## ATTORNEYS

### ATTORNEY FEES

Act No. 349, (SB 246) provides that recovery of less than the amount demanded by the person entitled to recover for a loss claim shall not defeat the right to the 12% damages and attorneys fees if the amount recovered for the loss is within 20% of the amount sought in the suit.

### ATTORNEY LIENS

Act No. 1229, (SB 703) amends the Arkansas law regarding attorney liens to include legal services rendered in proceedings before the Worker's Compensation Commission. The act allows the Commission to enforce the lien upon petition of the attorney.

### MILITARY SERVICE

#### STAY OF LAWSUITS

Act No. 965, (HB 2084) authorizes a stay of proceedings in all causes of action where a party or an attorney for a party is a member of a reserve component of the armed forces and is called to duty.

### REFERRAL SERVICE

Act No. 55, (SB 27) prohibits any person or organization from operating a lawyer referral service without prior approval of the Arkansas Supreme Court.

## AUDIOLOGISTS

Act No. 1171, (SB 461) provides that audiologists shall not be required to be licensed by the Hearing Aid Dispensers Board. The State Board of Examiners in Speech Pathology and Audiology must promulgate regulations governing the dispensing of hearing aids and the regulations must be no less stringent than those adopted by the Arkansas Board of Hearing Aid Dispensers.

## AUDITOR OF STATE

### DEPOSIT OF FUNDS

Act No. 130, (HB 1431) provides that funds received by the Auditor of State under the Uniform Disposition of Unclaimed Property Act are to be deposited in financial institutions authorized to do business in this state.

## BANK DEPARTMENT

### FEE STRUCTURE

Act No. 892, (HB 1685) makes changes to the fee structure of the State Bank Department.

## BANKRUPTCY

### EXEMPTIONS

Act No. 345, (SB 196) gives debtors in a bankruptcy proceeding the right to elect either the property exemptions provided by the Arkansas Constitution and the state laws or the property exemptions provided for under federal law.

## BEAUTY PAGEANTS

### EXCEPTIONS

Act No. 676, (HB 1889) revises the exceptions to Act 101 of 1991 which regulates beauty pageants.

### REGULATION

Act No. 101, (SB 149) regulates beauty pageants. Persons conducting beauty pageants must register with the Director of the Department of Finance and Administration and must file a bond and fee. Certain organizations are exempt from the bond and fee.

## BLACK HISTORY COMMISSION

Act No. 1233, (SB 710) establishes the Arkansas Black History Advisory Committee and the membership thereof, establishes the committee's functions and powers, provides that the State Historian shall assist the committee in the performance of its duties, and provides for the development of a program of Arkansas black history for inclusion in the curriculum segment of the Arkansas history courses in the public schools of the state.

## BONDS

### CITIES AND COUNTIES

Act No. 645, (HB 1894) provides that cities and counties may finance economic development facilities, educational facilities, and museum related audiovisual facilities by the use of bonds and clarifies the authority of governing bodies of cities and counties to abolish taxes in certain situations.

### REVENUE BONDS

Act No. 210, (SB 274) amends the Revenue Bond Act of 1987 to provide that no proclamation, order, ordinance, or resolution shall be required for the issuance of refunding bonds.

### TAXABLE BONDS

Act No. 213, (HB 1584) provides that notice of a public hearing on the issuance of revenue bonds shall be published ten days in advance.

## BUILDING SERVICES, STATE

### CAPITOL MALL FACILITY (BIG MAC II)

Act No. 235, (HB 1540) authorizes the State Building Services to construct, over a 10 year period, the "Capitol Mall Facility" on the State Capitol grounds, and authorizes them to acquire buildings and facilities in Little Rock to house state agencies. The act authorizes the issuance of revenue bonds to provide funds for financing the construction or acquisition of the facilities.

Act No. 923, (HB 1916) amends Act 235 of 1991 known as the Capitol Mall Facility and State Agencies Act of 1991 to grant to the Arkansas Development Finance Authority the bonding power which was granted to the State Building Services.

### FACILITIES ACQUISITION

Act No. 1173, (SB 483) authorizes the State Building Services to acquire and manage facilities in Little Rock for housing and providing parking facilities for state agencies, authorizes the establishment of a system of charges for rents, and authorizes the issuance of revenue bonds to finance acquisition, renovation, and repair of such facilities.

### RETIREMENT SYSTEM PROPERTY

Act No. 12, (HB 1059) removes the responsibility and authority of the Arkansas State Building Services with respect to lands, buildings and facilities acquired by the Arkansas State Retirement System as an investment or as a result of the investment of assets of the System.

## BURIAL REMAINS

### DESECRATION

Act No. 753, (HB 1479) prohibits the desecration, trade, or commercial display of human skeletal burial remains or associated burial furniture.

## BURIAL REMAINS (cont.)

### DISPOSITION OF REMAINS

Act No. 376, (HB 1404) the "Arkansas Final Disposition Rights Act" allows an individual to execute a declaration witnessed by two (2) individuals governing the final disposition of their bodily remains. Provides that no person having charge of the remains shall knowingly dispose of the body inconsistent with the declaration.

## BUSINESS LAW

### FARM EQUIPMENT RETAILER FRANCHISE

#### EXTEND COVERAGE OF THE LAW

Act No., 996, (HB 1542) amends the Farm Equipment Retailer Franchise Protection Act to cover the retailing and selling of lawn and garden outdoor power machinery and equipment. The act adds the definitions of "manufacturer" and "dealership agreement". It also prescribes as violations of the law conduct to coerce a dealer into purchasing parts or accessories he has not ordered, condition the sale of equipment on the purchase of other goods, coerce a dealer into not purchasing another's goods, or to discriminate on the price of goods sold to a dealer.

### REVISED LIMITED PARTNERSHIP ACT

#### REVISIONS

Act No. 1175, (SB 508) amends the Revised Limited Partnership Act to allow the easier formation of limited partnerships and to provide for less formalized requirements for the partnership agreement. The act specifies new requirements for amending the certificate of partnership or restating the partnership. It redefines what is meant by "limited partners" and deletes a requirement the agreement reflect the contribution of the partners. It relieves limited partners of obligations not in writing. Repeals the laws of Arkansas regarding Uniform Limited Partnership Act and the Foreign Limited Partnership Act.

### UNIFORM COMMERCIAL CODE

#### BULK TRANSFERS

Act No. 344, (SB 134) repeals the bulk transfers provisions of the Uniform Commercial Code.

#### COMMERCIAL PAPER AND BANKS

Act No. 572, (SB 420) amends certain provisions of Chapters 1 (General Provisions), 3 (Commercial Paper), and 4 (Bank Deposits and Collections) of the Uniform Commercial Code.

#### FUNDS TRANSFERS

Act No. 540, (SB 39) adds a chapter on funds transfers to the Uniform Commercial Code.

## CATASTROPHIC FINANCIAL LOSS COMMISSION

Act No. 269, (SB 107) creates a commission which has the duty to solicit funds to be used to make grants to Arkansas residents who suffer catastrophic financial loss due to illness, natural disasters, etc. The commission is to be composed of 15 members.

## CATFISH

### CATFISH PROCESSORS

Act No. 764, (SB 6) amends the Arkansas Catfish Processors Fair Practices law to require buyers to use a weighing device which will print out an exact duplicate of the registered weight on the scale device. It does not apply to processors of less than 17,500 pounds of catfish. Further, the act establishes a Catfish Industry Development Program within the Ark. Development Finance Authority to promote the development of the catfish industry in Arkansas.

## CHARITABLE ORGANIZATIONS

### FILINGS

Act No. 841, (SB 65) transfers the responsibilities concerning filings of charitable organizations from the Secretary of State's Office to the Attorney General's Office.

## CHILD ABUSE/RAPE/DOMESTIC VIOLENCE COMMISSION

Act No. 727, (HB 2008) creates the Arkansas Child Abuse/Rape/Domestic Violence Commission and abolishes the Arkansas Child Sexual Abuse Education Commission and the Governor's Task Force on Rape.

Act No. 828, (SB 664) is the same as Act 727.

## CHILDREN

### CHILD ABUSE

#### CHILDREN'S TRUST FUND

Act No. 694, (SB 340) provides that until the balance of the Children's Trust Fund reaches \$10,000,000 no more than 80% of the money in the fund during any fiscal year shall be disbursed during that fiscal year.

#### REPORTING

Act No. 451, (SB 109) requires the Department of Human Services to notify a person required to report suspected child abuse or neglect of the Department's actions or intended actions within 10 days of receiving the report.

## CHILDREN (cont.)

### CHILD ABUSE (cont.)

#### REPORTING (cont.)

Act No. 1208, (SB 661) repeals Arkansas Code 12-12-501 through 12-12-516 pertaining to child abuse and enacts new laws pertaining to the reporting and investigation of child abuse.

#### SCHOOL COUNSELORS

Act No. 450, (SB 108) amends 12-12-515 to provide disclosure of information concerning abuse reports to certified counselors of public schools if the case was reported by the school counselor. Information may also be disclosed by the school counselor to the counselor where the student transfers. NOTE: THIS ACT MAY BE SUPERSEDED BY SB 661 WHICH REPEALS 12-12-501 - 516. However, similar provisions for school counselor disclosure are contained in SB 661.

### CHILD AND ADOLESCENT SERVICES

Act No. 964, (HB 2072) establishes the Child and Adolescent Service System Program to develop a structure for coordinated policy development, comprehensive planning, and collaborative budgeting for services to children with emotional disturbances and their families. This act also establishes a coordinating council to develop a state plan for treating such children.

### CHILD CARE FACILITIES

#### DEFINITION

Act No. 163, (SB 20) defines "related minor child" to include a minor child who is a ward of the owner or operator of a child care facility pursuant to an order issued by a court of competent jurisdiction. This act also includes in the definition of "child care facility" a facility or the owner or operator of a facility who is appointed guardian of a total of 10 or more minors. This act provides that before a court appoints a guardian for a minor child the Department of Human Services shall be served with notice where the petition seeks appointment of a guardian who serves as guardian of 5 or more minors.

#### LICENSE

Act No. 627, (HB 1657) amends the Child Care Facility Licensing Act to permit the issuance of licenses for two year periods.

#### RESTRICTIONS

Act No. 657, (HB 1653) provides that after January 1, 1992, child care facilities must either be licensed by the Child Care Facility Review Board or registered with the Department of Human Services to qualify for state or federal funds.

#### UNLICENSED FACILITIES

Act No. 888, (HB 1655) provides that the operation of an unlicensed child care facility is a Class A violation. This act also provides that if a court stays an action of the Child Care Facility Review Board, the court must reach its decision within 120 days or the stay is automatically vacated.

## CHILDREN (cont.)

### CHILD PLACEMENT AGENCIES

#### LICENSE RENEWAL

Act No. 628, (HB 1665) allows licenses for child placement agencies to remain in effect unless it is suspended, revoked, the licensed agency closes, or no longer requires a license when proper procedures have been followed to renew the license. If an application is not completed before the expiration of the current license, the current license shall expire.

### CHILD SUPPORT

#### AMOUNT OF OBLIGATION

Act No. 369, (HB 1258) provides that the amount of the obligation owed to the state, when the support rights have been assigned to the Department of Human Services, shall be the amount specified in a court order which covers the assigned rights.

#### ASSIGNMENT OF RIGHTS

Act No. 985, (HB 1249) provides that by accepting medicaid assistance for or on behalf of a child, the recipient is deemed to have assigned to the Department of Human Services any rights to child support that the recipient has.

#### CLERK'S FEES

Act 1008 (HB 1731) amends the law regarding the clerk's fees for child support collection to require that, at least, twenty percent (20%) of the chancery clerk's fees are to be used to purchase, maintain, and operate data processing equipment used in child support collection and enforcement.

#### COLLECTION OF FEES

Act No. 1102, (HB 1616) provides the method of collection for unpaid annual child support fees.

#### EMPLOYER WITHHOLDING

Act No. 368, (HB 1254) provides for income withholding for health care coverage premiums for minor children and provides that health care policies shall not restrict or deny coverage due to the fact that the minor child does not reside with the non-custodial parent or that the parent/child relationship was established through a paternity action.

#### EXTENSION OF PAYMENTS

Act No. 1098, (HB 1536) provides for the extension of child support payments beyond the eighteenth birthday of the child to address the educational needs of a child whose eighteenth birthday falls prior to graduation from high school so long as the child remains in school or to continue support for a person suffering from a handicapping condition which affects the ability of the person to live independently from the custodial parent.

## CHILDREN (cont.)

### CHILD SUPPORT (cont.)

#### INCOME WITHHOLDING

Act No. 1095, (HB 1253) sets the effective dates for including income withholding provisions in support orders issued or modified. This act also provides that chancery judges shall set aside one day per month in each county to hear matters concerning the establishment and enforcement of support orders.

Act No. 883, (HB 1615) allows the collection of a \$10.00 fee by circuit and chancery clerks for completion of income withholding forms.

#### MODIFICATION

Act No. 367, (HB 1252) establishes that a change in income of the payor in an amount equal to 10% of income is sufficient for a determination of changed circumstances to justify modification of a child support award.

#### REPORTING ARREARAGES

Act No. 301, (HB 1255) provides that upon written request by a consumer reporting agency, the Child Support Enforcement Unit must provide information to the agency concerning the amount of overdue child support owed by a noncustodial parent in a case involving a IV-D Agency. This act repeals the provision that sets forth the information to be included in the written request.

#### STATUTE OF LIMITATIONS

Act No. 870, (HB 1251) limits the time for an action to establish or enforce a child support obligation to any time up to and including five years from the date the child reaches the age of 18.

#### UNEMPLOYMENT RECORDS

Act No. 869, (HB 1248) requires the Arkansas Employment Security Division to provide the court, when issued a court order, an individual's wage file and unemployment benefit payment record to be used by the court in determining an amount of child support to be set.

### CRIMES BY JUVENILES

Act No. 903, (HB 1755) allows the prosecuting attorney discretion in filing charges in circuit court against a juvenile aged 14 or 15 years who has committed the offense of battery in the first degree.

### EARLY INTERVENTION

#### RELEASE OF INFORMATION

Act No. 393, (HB 1475) authorizes the Department of Human Services and the Department of Health to enter into an agreement to release the names and addresses from birth records of infants or toddlers who, based on the information contained in the birth records, are eligible for early intervention services between these agencies.

## CHILDREN (cont.)

### EARLY INTERVENTION (cont.)

#### TECHNICAL CORRECTIONS

Act No. 1017, (HB 1867) makes various changes in the early intervention program law in order to be in compliance with federal regulations governing this program. This act also provides that the Interagency Coordinating Council select co-chairpersons, one which is a parent and the other a provider of early intervention services.

### GUARDIANSHIP

Act No. 11, (SB 70) gives regard to any written instrument executed by the legal custodian of the minor child in appointing a guardian of a minor child.

### HANDICAPPED CHILDREN

#### EDUCATION

Act No. 823, (SB 421) changes terminology when referring to educating handicapped children by deleting outdated terms and reflecting the terms used in federal regulations concerning handicapped children.

### JUVENILE DELINQUENTS

#### YOUTH SERVICES CENTER

Act No. 763, (HB 1915) establishes the commitment criteria to Youth Services Centers when a juvenile is found to be delinquent.

### LABOR LAWS

#### BASEBALL

Act 1170, (SB 418) allows a minor to be employed as a "batboy" or "batgirl" for a professional baseball team. The act imposes certain restrictions such as hours of work.

#### CIVIL PENALTY

Act No. 509, (SB 385) establishes a civil penalty for violations of child labor laws.

Act No. 565, (HB 1442) amends Arkansas Code sections pertaining to employment of children under the age of 16 years.

### PATERNITY ACTIONS

Act No. 986, (HB 1256) makes revisions to the Arkansas laws concerning the requirements of paternity testing.

### TERMINATION OF PARENTAL RIGHTS

Act No. 557, (HB 1727) provides that clear and convincing evidence that a parent has abandoned a juvenile or has executed consent to termination of parental rights or adoption of the juvenile shall be grounds for an order terminating parental rights.

## CHIROPRACTORS

### MEDICAL LIEN ACT

Act No. 1156, (HB 1814) includes chiropractors in the definition of "Practitioner" for the purposes of the Medical, Nursing, and Hospital Lien Act.

## CHIROPRACTORS (cont.)

### PENALTIES

Act No. 983, (HB 1162) increases the penalties for violation of the Arkansas Chiropractic Practices Act.

### PRIVILEGE

Act No. 361, (HB 1485) amends the Uniform Rules of Evidence to extend the physician-patient privilege to chiropractors and their patients.

## CITIES

### ADVERSE POSSESSION OF ROADS

Act No. 879, (HB 1503) authorizes cities and counties that acquire roads through adverse possession or prescription to maintain the roads.

### ADVERTISING AND PROMOTION COMMITTEE

Act No. 726, (HB 1938) changes the method which cities levying a three percent (3%) hotel, motel, and restaurant tax use to select the tourism members of their advertising and promotion commissions. After March 1, 1991, vacancies in the tourism positions on the commission will be filled by appointments made by the other members of the commission. Persons filling the positions may live in the city or in the county outside the levying city. The use for which the funds raised by the hotel, motel, and restaurant tax is authorized for tourism promotion facilities.

Act No. 1178, (SB 555) concerns the authority of city advertising and promotion commissions to engage such personnel and agencies as is necessary for the commission to conduct its business.

### ANNEXATION

Act No. 725, (HB 1821) provides that if a special election is held on the question of annexing an area to a municipality, then the special election shall be conducted no earlier than sixty days after the date of the enactment of the ordinance. The act requires a city to assist the county clerk in determining the qualified electors in the area. The county clerk must give notice of voter registration deadlines at least twenty days before the election to those persons in the area whose names are on the list provided by the city clerk.

### AUDIT REPORTS

Act No. 187, (HB 1120) requires the governing bodies of municipalities and counties to review the audit reports and recommendations at the next regularly scheduled meeting of the governing body. The governing body shall take appropriate action relating to the audit report findings and recommendations and shall document the review of any action taken in its minutes.

## CITIES (cont.)

### CIVIL SERVICE

#### APPEALS

Act No. 244, (HB 1187) amends the civil service commission law for police and firemen to make the party appealing the civil service commission's decision bear the cost of filing the appeal and preparing the transcript of the hearing. However, the commission shall reimburse the appealing party for the cost of the record where the court determines the appeal was made in good faith.

### CLASSIFICATION OF CITIES

Act No. 514, (SB 446) authorizes the city council of a city of the first class with a population less than 5,000 persons to adopt a resolution to reduce the city's classification from a city of the first class to a city of the second class.

### COMMISSION FORM OF GOVERNMENT

#### REPEALED

Act No. 49, (HB 1293) increases the percentage of electors required on a petition to recall the mayor or a director of a city with administrator form of government or the city manager form of government. The act also repeals obsolete law providing for the commission form of government.

### COMPENSATION OF BOARD

#### CITY MANAGER GOVERNMENT

Act No. 1012, (HB 1801) allows the board of directors of a city with the city manager form of government to provide, by ordinance, for the compensation of the board members.

### ELECTIONS

#### PRIMARIES

Act No. 59, (SB 78) allows municipalities with the mayor-council form of government to request the county political party committees to conduct party primaries for municipal offices. It provides for a runoff between the two candidates receiving the highest number of votes in the general election. The act is the same as Act 430 of 1991.

Act No. 430, (HB 1136) allows municipalities with the mayor-council form of government to request the county political party committees to conduct party primaries for municipal offices. It provides for a runoff between the two candidates receiving the highest number of votes in the general election. The act is the same as Act 59 of 1991.

#### RECALL

Act No. 49, (HB 1293) increases the percentage of electors required on a petition to recall the mayor or a director of a city with administrator form of government or the city manager form of government. The act also repeals obsolete law providing for the commission form of government.

#### TIE VOTES

Act No. 53, (SB 22) provides that if there is a tie vote for certain county or municipal offices, then either candidate may request a runoff election instead of determining the winner by lot.

## CITIES (cont.)

### FINANCIAL DISCLOSURE

#### CERTAIN BOARDS AND COMMISSIONS

Act No. 326, (HB 1077) requires school board members and persons appointed to certain municipal or county boards or commissions to file a financial disclosure statement. The act adopts disclosure requirements for those persons identical to the requirements existing before the adoption of Initiated Act 1 of 1988, "The Disclosure Act for Lobbyists and State and Local Officials."

### HOSPITALS

#### HOSPITAL COMMISSION

Act No. 518, (SB 485) authorizes first class cities and second class cities with a population of between 17,000 and 38,500 which own or operate a municipal hospital or are in the process of constructing a municipal hospital to create a commission to operate and manage the hospital.

### LEASE-PURCHASE AGREEMENTS

Act No. 508, (SB 368) authorizes cities and counties to enter into multi-year lease and lease purchase agreements for capital goods and equipment. The agreements may not obligate the city or county for more than twelve (12) months but may provide for renewal of the lease or lease purchase for an additional twelve (12) month period or periods. The lease or lease purchase agreement may not obligate the city or county for more than twelve months. Renewal is on the option of the city or county government. The agreement must be terminated on the expiration of funds to pay for the lease or lease purchase.

### LIBRARY

Act No. 417, (HB 1415) authorizes the city council to establish, by ordinance, a library or reading room for the use and benefit of the city's citizens, instead of just allowing them to maintain the libraries.

### LITTLE ROCK

#### WAR MEMORIAL STADIUM

Act No. 341, (HB 1696) directs the War Memorial Stadium Commission to convey ownership of War Memorial Stadium to the City of Little Rock when the city has accumulated at least \$3,000,000 in bond proceeds dedicated to the improvement of the stadium.

### PLANNING

#### SETBACK ORDINANCES

Act No. 620, (HB 1289) amends the law on municipal planning and zoning regarding setback requirements to clarify that a setback ordinance can designate all streets and highways as within the master street plan. The act eliminates the provision that referred to "major" streets within a city to clarify that alleys can be included in the setback requirements of a planning ordinance.

## CITIES (cont.)

### POLICE DEPARTMENTS

#### OFFICERS' RIGHTS

Act No. 564, (HB 1326) recommends the establishment of certain basic rights for law enforcement officers in cities and incorporated towns of Arkansas and authorizes cities and towns to enact ordinances that meet these guidelines. Guidelines are prescribed for situations where officers are under investigation for criminal acts and describes his rights in those situations. Officers are not to be required to disclose property or sources of income for promotion purposes. Officers are not to be restricted in their political activity except on official duty.

#### PAYROLL INCENTIVES

Act No. 370, (HB 1325) allows cities and towns in Arkansas to establish special payroll incentives for police officers to compensate them for professional certificates of training awarded by the Arkansas Commission on Law Enforcement Standards.

#### POLITICAL ACTIVITIES

Act No. 580, (HB 1822) allows municipal law enforcement officers to engage in political activities except when on duty or in uniform. It also says they shall not be denied the right to refrain from engaging in political activities.

### PORT AUTHORITY

Act No. 735, (SB 237) amends the law regarding the port authority board to allow the mayor the option to serve on the port authority board as chairman or to appoint another person to the board and have the chairman elected by the other board members.

### PUBLIC FACILITIES BOARDS

Act No. 279, (HB 1206) allows a member of the board to serve as executive director. It gives public facilities boards which operate water works facilities the power of eminent domain.

Act No. 506, (SB 342) provides that when purchasing and selling real or personal property, each Public Facility Board is subject to the bidding and appraisal requirements that apply to the county or city which created the Board.

### RETIREMENT

#### CITY COURT CLERKS-2ND CLASS

Act No. 40, (HB 1076) provides retirement benefits for the clerk of the city court at age 60 with 10 years of service or with 20 years of service at any age of 1/2 salary upon approval of the governing body of the city. Also provide benefits after 7 years service at age 68 with a determination of actuarial soundness.

## CITIES (cont.)

### RETIREMENT (cont.)

#### RECORDER-TREASURERS/2ND CLASS

Act No. 987, (HB 1266) adds a new section to Title 24, Chapter 12, Subchapter 1 to permit the governing body of a 2nd class city to provide retirement benefits for any recorder-treasurer or city treasurer at age 60 who has served a minimum of 10 years or who has served 20 years without regard to age. The benefit, one-half of monthly salary amount, is to be paid from the city general fund account.

### SANITATION AUTHORITIES

Act No. 962, (HB 2058) authorizes first class cities, second class cities or incorporated towns to create sanitation authorities.

#### IMMUNITIES

Act No. 960, (HB 2038) clarifies that sanitation authorities operating solid waste disposal facilities are an instrumentality of the municipalities or counties which are members of the authority and as such, retain all immunities of such.

### SOLID WASTE

#### COLLECTION OF FEES

Act No. 1007, (HB 1724) permits municipalities, counties and solid waste authorities to collect fees and charges for solid waste management services by allowing the county collector to not accept payment of county property taxes unless the solid waste fee or charge is also collected and by making the fee or charge a lien on the taxpayer's real and personal property.

### TAXES

#### BONDS

Act No. 645, (HB 1894) provides that cities and counties may finance economic development facilities, educational facilities, and museum related audiovisual facilities by the use of bonds and clarifies the authority of governing bodies of cities and counties to abolish taxes in certain situations.

Act No. 646, (HB 1895) authorizes cities and counties to adopt local sales and use taxes and to simultaneously pledge all or a portion of such local sales and use taxes to secure bonds issued.

#### MASS TRANSPORTATION

Act No. 200, (HB 1300) provides that cities and counties may levy a sales and use tax not to exceed one-fourth of one percent for support of a public mass transportation system and facilities.

#### MOTOR FUELS EXEMPTION

Act No. 348, (SB 231) exempts cities and counties with special computerized fuel dispensing systems from the requirement to maintain separate storage tanks for taxable and nontaxable diesel fuel. The computerized system must account for the taxable and nontaxable fuel separately.

**CITIES (cont.)**

**TAXES (cont.)**

**PAYMENTS IN LIEU OF TAXES**

Act No. 713, (HB 1829) amends 14-164-703 to provide for distribution among all affected political subdivisions on a proportionate basis of payments made in lieu of taxes by industrial facilities which are granted an exemption from ad valorem taxes. Emergency clause makes act effective 3-22-91.

**SALES AND USE TAX COLLECTION**

Act No. 536, (HB 1301) provides the method for collection of city and county sales and use tax on sales to nonresidents.

Act No. 621, (HB 1593) provides that unidentified local sales and use taxes collected by out-of-state vendors shall not be transferred to general revenues but shall be distributed to the cities and counties on a monthly basis.

**SALES AND USE TAX EXPIRATION**

Act No. 1019, (HB 1892) authorizes cities to provide for an expiration date for local sales and use tax levies and provides that the expiration date, if any, shall be included on the ballot title used at the election.

**SALES AND USE TAX RATES**

Act No. 765, (SB 11) amends the current provisions authorizing cities and counties to levy a sales and use tax to provide that the levy may be in fractions of one-fourth percent, one-half percent, three-fourths percent, or one percent.

Act No. 777, (SB 260) provides that a city or county may levy a sales and use tax in the amount of one-fourth of one percent, one-half of one percent, three-fourths of one percent, or one percent for the construction, operation, acquisition, or maintenance of capital improvements.

**TOURIST FACILITY ASSISTANCE**

**EXPAND DEFINITION**

Act No. 647, (HB 1939) expands the definition of "tourist entertainment facility" under the City-County Tourist Meeting and Entertainment Facilities Assistance Law to include property for developing sports facilities, instead of just sports arenas.

**CIVIL PROCEDURE**

**COMPARATIVE FAULT**

Act No. 663, (SB 645) allows counsel to argue to the jury the effects of an answer to any interrogatory in which comparative fault is made an issue.

## CIVIL PROCEDURE (cont.)

### CONSTRUCTIVE SERVICE

#### WARNING ORDERS

Act No. 199, (HB 1208) reduces the time a warning order for constructive service must be published from weekly for four (4) weeks to weekly for two (2) weeks.

### INTENT TO SUE

#### MEDICAL MALPRACTICE

Act No. 346, (SB 212) permits the notice of intent to sue in medical malpractice cases to be hand delivered and further provides that if the notice is served within 60 days of the statute of limitations period expiring, then the time for commencement of the action shall be extended 90 days from the service of the notice. (It was previously 70 days.)

### PRIVILEGED COMMUNICATIONS

#### HEARING-IMPAIRED

Act No. 469, (SB 197) clarifies various sections of the Arkansas Code regarding the privilege granted communications between hearing-impaired persons and interpreters, and grants the same privilege to communications between non-English speaking persons and interpreters.

### STAY OF PROCEEDINGS

#### MILITARY DUTY

Act No. 965, (HB 2084) authorizes a stay of proceedings in all causes of action where a party or an attorney for a party is a member of a reserve component of the armed forces and is called to duty.

### WRITS OF EXECUTION

Act No. 389, (HB 1351) establishes a new procedure, form and notice to defendant to be used when issuing writs of execution.

### WRITS OF PROHIBITION, MANDAMUS

Act No. 582, (SB 337) requires judges to determine if an evidentiary hearing is needed within 45 days of the application for a writ of mandamus or prohibition, and if one is needed, the hearing shall also be held within 45 days of the application.

## CLAIMS COMMISSION

### ELECTION CONTESTS

Act No. 1014, (HB 1815) provides that any election contests concerning a member of the House of Representatives must be filed with the State Claims Commission which shall make a non-binding recommendation to the House of Representatives and grants the commission the authority to subpoena witnesses and records regarding such election contests.

## COLLECTION AGENCIES

### BONDS

Act No. 126, (HB 1380) authorizes the State Board of Collection Agencies to increase the bonding requirement to no more than \$25,000 for the main office of collection agencies.

## CONGRESSIONAL DISTRICTS

Act 1220 (SB 691) establishes the boundaries of the four Arkansas congressional districts. The districts are to be composed as follows:

First District - Arkansas, Clay, Cleburne, Craighead, Crittenden, Cross, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Lee, Lonoke, Mississippi, Monroe, Phillips, Prairie, Poinsett, Randolph, St. Francis, Searcy, Sharp, Stone, and Woodruff counties.

Second District - Conway, Faulkner, Perry, Pulaski, Saline, Van Buren, White, and Yell counties.

Third District - Baxter, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Polk, Pope, Sebastian, Scott, and Washington counties.

Fourth District - Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Spring, Howard, Jefferson, Lafayette, Little River, Lincoln, Miller, Montgomery, Nevada, Ouachita, Pike, Sevier, and Union counties.

## CONSTITUTIONAL OFFICERS EXPENSES

Act No. 768, (SB 37) provides that state constitutional officers and their employees shall file certain documents for expenses to be paid from the maintenance and operations monies appropriated by the General Assembly and prohibits the personal use of any such monies.

## CONSUMER PROTECTION

### CHARITABLE ORGANIZATIONS

Act No. 841, (SB 65) transfers the responsibilities concerning filings of charitable organizations from the Secretary of State's Office to the Attorney General's Office.

### FUND RAISERS AND SOLICITORS

Act No. 842, (SB 66) transfers responsibilities concerning registration of professional fund raisers and solicitors from the Secretary of State's Office to the Attorney General's Office.

Act No. 1177, (SB 554) provides that professional fund raisers shall register with the Attorney General and makes various changes in the law pertaining to professional fund raisers with regard to registration, penalties, and record keeping.

## CONSUMER PROTECTION (cont.)

### MAIL AND PHONE SOLICITATION

Act No. 680, (HB 2003) creates the Arkansas Mail and Telephone Consumer Product Promotion Fair Practices Act to regulate the offering of gifts or prizes by mail or telephone which are intended to induce the consumer to purchase a consumer product where the terms of the transaction are not fully disclosed. These contracts are to be in writing to be enforceable. This act authorizes the Attorney General's Office to enforce this act.

### MOTOR VEHICLES

#### DAMAGES OCCURRING IN TRANSIT

Act No. 952, (HB 2002) requires the dealer to notify the manufacturer within 3 working days of delivery and request repairs of the damages by certified mail. Requires the manufacturer to authorize repairs or replacement within 3 working days of receipt of notice from the dealer or ownership of the vehicle reverts back to the manufacturer. Dealer must disclose damage which exceeds 6% of price of car (excluding glass, bumpers and tires which can be replaced by original equipment) to consumer. Liability for concealed damages lies with the dealer or manufacturer depending on when the damage occurred.

### PET STORES

Act No. 1225, (SB 696) creates the Arkansas Retail Pet Store Consumer Protection Act of 1991 that requires pet stores to offer certain guarantees in order to protect the consumer and the public health.

## CONTRACTORS

### NONRESIDENT CONTRACTORS

Act No. 783, (SB 314) amends various sections of the Arkansas Code dealing with nonresident contractors to remove the distinction between nonresident and resident contractors in posting surety bonds; to require contractors to give notices of commencement and completion of work; to decrease the surety bond requirements guaranteeing tax payments from 10% to 5% of the amount of the contract; to provide for release and action on the bond; and to provide authority to examine the books of the contractor.

### SUBCONTRACTORS

#### PUBLIC WORKS PROJECTS

Act No. 728, (HB 2029) increases the base bid amount from \$20,000 to \$50,000 for listing subcontractors on public works projects and to simplify the sealed envelope requirements for the subcontractors list.

### SURETY BONDS

Act No. 1086, (SB 561) removes the restriction that surety bonds be issued only by resident local agents and provides that the bonds shall be made by surety companies which have qualified and are authorized to do business in the state.

## CORPORATIONS

### EXECUTIVES AND MANAGERS

#### WAGE PAYMENT

Act No. 1113, (HB 1819) provides that corporations with an annual gross income of \$500,000 or more shall pay the wages of their management level and executive employees who are compensated at a gross rate in excess of \$25,000 per year at a minimum of once each calendar month.

### INDUSTRIAL DEVELOPMENT CORP.

Act No. 1029, (HB 2014) is entitled the "County and Regional Industrial Development Corporation Act" and provides for the incorporation of regional industrial corporations to promote the business and economic welfare to the region and defines the functions, powers, and duties of these corporations.

### LIABILITY

Act No. 1146, (HB 2096) provides that no person will be personally liable for any obligation or liability of any shareholder, director, officer, agent or employee of a professional corporation solely because such person is a shareholder, director, officer, agent or employee of such professional corporation.

## CORRECTION DEPARTMENT

### BENTON SERVICES CENTER

Act No. 287, (HB 1568) establishes the maximum number of persons on prerelease and work release which may be housed at the Benton Services Center.

### CHILDREN OF EMPLOYEES

#### SCHOOL ENROLLMENT

Act No. 915, (HB 1836) allows children or wards of employees of the Department of Correction to complete the school term in the district in which enrolled when the parent or guardian is transferred from one unit of the Department of Correction to another.

### COMMUNITY SERVICE WORK

#### MEDICAL AND LEGAL EXPENSES

Act No. 545, (SB 234) provides the state shall be responsible for the cost of medical treatment of eligible offenders participating in a community work project and the state shall be responsible for liabilities incurred for eligible offenders who are injured while participating in a community work project.

### CORRECTIONS RESOURCES COMMITTEE

Act No. 568, (HB 1569) creates the Corrections Resources Commission with 17 members to develop a more balanced correctional system which operates within the limits of an established institutional capacity, and emphasizes the appropriate function of community-based punishment for certain low-risk offenders.

## CORRECTION DEPARTMENT (cont.)

### CORRECTIONS RESOURCES COMMITTEE (cont.)

Act No. 1169, (SB 343) creates the Corrections Resources Commission consisting of 17 persons to develop guidelines for use by sentencing courts, to develop a proposed Community Corrections Act which will establish a state and local partnership in corrections and to recommend revisions to the Department of Correction, the Board of Parole and Community Rehabilitation, and the Adult Probation Commission.

### COUNTY JAIL REIMBURSEMENT FUND

Act No. 644, (HB 1887) creates the County Jail Reimbursement Fund to be used by the Department of Correction for reimbursing counties housing prisoners sentenced to the Department. It requires the counties to submit monthly documentation to the Department detailing the number of beds occupied each day by Department of Correction inmates. The act requires Legislative Audit to quarterly audit a random sample of the documentation.

### EMPLOYEES

#### SUPERVISION BY DIRECTOR

Act No. 1078, (SB 540) provides that all personnel of the Department of Correction shall be under the direct supervision and control of the Director of the Department of Correction.

### FUNDS TRANSFER

Act No. 466, (SB 407) authorizes a transfer of \$1,451,538 from the Budget Stabilization Trust Fund to the Inmate Care and Custody Fund so the Department of Correction can pay local governments for maintaining state inmates.

### JAIL FACILITIES

Act No. 1112, (HB 1817) allows the Board of Correction to promulgate rules and regulations to allow the release of inmates to approved jail facilities outside the Department of Correction, and provides for those inmates to receive meritorious good time.

### MERITORIOUS GOOD TIME

Act No. 309, (HB 1515) allows the classification committee to recommend to the Director and in turn the Director recommend to the Board of Correction additional days of meritorious good time for inmates completing certain rehabilitative programs, special jobs, heroic acts, etc. Previously there was a 90 day limit for additional days awarded which was removed.

Act No. 329, (HB 1417) allows persons awaiting transfer to the Department of Correction to earn meritorious good time in accordance with Board of Correction regulations. Also provides that the Board of Correction shall adopt regulations providing for the reimbursement to counties for the emergency medical care expenses incurred on behalf of inmates awaiting transfer to the Department of Correction for more than 30 days.

## CORRECTION DEPARTMENT (cont.)

### MERITORIOUS GOOD TIME (cont.)

Act No. 571, (SB 290) removes the 90 day limit of additional days of meritorious good time which, upon recommendation of the classification committee, the Director of the Department of Correction may recommend to the Board of Correction to award to inmates for completion of rehabilitative programs, special jobs performed, for heroic acts, etc.

Act No. 574, (SB 291) allows person waiting in county jails to be transferred to the Department of Correction to earn meritorious good time in accordance with the regulations of the Board of Correction and directs the Board of Correction to adopt regulations providing for the payment of emergency medical care for inmates who have been awaiting transfer for more than 30 days.

### PAROLE

#### ELECTRONIC SUPERVISION

Act No. 263, (SB 292) authorizes the Department of Correction to release inmates to community supervision, and may require the inmate to participate in a home detention program which may be monitored by an electronic device.

Act No. 307, (HB 1405) authorizes the Department of Correction to release inmates to community supervision and may require them to participate in a home detention program which may be electronically supervised.

#### NONVIOLENT OFFENDERS

Act No. 583, (SB 361) allows the State Board of Parole and Community Rehabilitation to consider the application of a person for parole to participate in a work program if he was convicted of a nonviolent offense, has no previous convictions, and is not otherwise eligible for parole, and the following conditions are met: 1. someone will sponsor him with food, clothing and shelter; 2. the parole officer for the region agrees to supervise him; and, 3. the Prosecuting Attorney of the county where the crime was committed approves the release in writing.

#### PRISON OVERCROWDING

Act No. 684, (SB 574) allows the State Board of Correction to invoke the Prison Overcrowding Emergency Powers Act separately for those facilities housing either male or female inmates. Effective date 3-21-91.

#### TERMINALLY ILL INMATES

Act No. 771, (SB 126) allows the Department of Correction to discharge inmates when it is determined that they have a terminal illness.

## **CORRECTIONS RESOURCES COMMISSION**

Act No. 568, (HB 1569) creates the Corrections Resources Commission with 17 members to develop a more balanced correctional system which operates within the limits of an established institutional capacity, and emphasizes the appropriate function of community-based punishment for certain low-risk offenders.

## **COSMETOLOGY BOARD**

### **CONTINGENT FUND**

Act No. 1228, (SB 702) provides that the unencumbered balance of the revenue remaining in the Cosmetology Contingent Fund on June 30, 1991, together with any excess revenues deposited in the fund for each fiscal year thereafter shall remain in the Cosmetology Contingent Fund to be used by the Board of Cosmetology.

## **COUNTIES**

### **ADVERSE POSSESSION OF ROADS**

Act No. 879, (HB 1503) authorizes cities and counties that acquire roads through adverse possession or prescription to maintain the roads.

### **APPROPRIATIONS**

Act No. 60, (SB 104) clarifies that county quorum court may appropriate up to one hundred percent (100%) of any federal or state grants and defines "grants" to mean revenues which are characterized as grants by the state or federal agency awarding the funds.

### **ASSESSORS**

#### **FIRE PROTECTION DISTRICTS**

Act No. 1144, (HB 2063) amends 14-284-108(c) to eliminate the requirement that annual assessments for the fire protection district must be less than the annual savings in fire insurance premiums.

#### **NOTICE OF PROPOSED BUDGET**

Act No. 484, (HB 1296) amends 14-15-203 to require the county assessor to provide all taxing units a copy of the proposed annual budget of the assessor's office and any additional changes which result in a 1% increase in the original budget. School districts and other taxing units must pay the expenses of the county assessor's office. Emergency clause makes act effective 3-13-91.

### **COLLECTOR**

#### **FINANCIAL INSTITUTION**

Act No. 232, (HB 1535) provides that a county tax collector may contract with a financial institution to act as his agent to receive real and personal property tax payments.

## COUNTIES (cont.)

### ELECTIONS

#### TIE VOTES

Act No. 53, (SB 22) provides that if there is a tie vote for certain county or municipal offices, then either candidate may request a runoff election instead of determining the winner by lot.

### ENVIRONMENTAL OFFICERS

Act No. 722, (HB 1671) authorizes counties to create the position of an environmental code officer who shall inspect any landfills in the county for compliance with county environmental ordinances and may issue citations for illegal dumping or littering. The environmental officer may attend the Law Enforcement Training Academy and shall be a law enforcement officer. He shall be able to carry a firearm and issue citations for violations of county ordinances.

### FINANCIAL DISCLOSURE

#### CERTAIN BOARDS AND COMMISSIONS

Act No. 326, (HB 1077) requires school board members and persons appointed to certain municipal or county boards or commissions to file a financial disclosure statement. The act adopts disclosure requirements for those persons identical to the requirements existing before the adoption of Initiated Act 1 of 1988, "The Disclosure Act for Lobbyists and State and Local Officials."

### FIRE PROTECTION

#### ESTABLISHMENT OF DISTRICTS

Act No. 801, (SB 491) amends the law dealing with the establishment of fire protection districts to change the authority of the county quorum courts to limit their authority to prescribe the service areas for nonprofit fire protection corporations. Quorum courts will now be limited to prescribing the service areas for fire protection districts.

#### INSURANCE PREMIUM TAX

Act No. 833, (HB 1541) levies an additional one-half percent (1/2%) insurance premium tax on all homeowner's insurance policies to provide funds to properly train and equip fire departments in Arkansas. The premium tax monies are to be deposited in the Fire Protection Revolving Fund. Each county is to receive a prescribed percentage of the monies in the Fund. Funds are to be used to defray the training expenses of firefighters at the Fire Training Academy or for the purchase of equipment. The act requires fire departments to report statistics and report to Fire Protection Services Board annually.

### DISCHARGE OF FIREARMS

Act No. 385, (HB 1437) authorizes a county quorum court, when asked by the governing board of the suburban improvement district or property owner's association, to regulate the discharge of firearms and the shooting of archery equipment. The act does not prohibit the discharge of firearms or archery equipment in defense of life or property, at a shooting gallery, or by law enforcement officers.

## COUNTIES (cont.)

### DISCHARGE OF FIREARMS (cont.)

Act No. 681, (HB 2064) amends Act 385 of 1991 regarding the regulation of the discharge of firearms within suburban improvement districts to limit it to suburban improvement districts which are organized for the purposes of constructing or maintaining streets.

### FISCAL RESPONSIBILITY

#### PENALTIES

Act No. 724, (HB 1807) creates the Local Fiscal Management Responsibility Act which provides civil penalties to be imposed upon public officers and employees who are in violation of certain Arkansas laws concerning fiscal responsibility and management laws pertaining to cities, counties and school districts.

### INDUSTRIAL DEVELOPMENT CORP.

Act No. 1029, (HB 2014) is entitled the "County and Regional Industrial Development Corporation Act" and provides for the incorporation of regional industrial corporations to promote the business and economic welfare to the region and defines the functions, powers, and duties of these corporations.

### JAILS

#### REIMBURSEMENT FOR STATE INMATES

Act No. 644, (HB 1887) creates the County Jail Reimbursement Fund to be used by the Department of Correction for reimbursing counties housing prisoners sentenced to the Department. It requires the counties to submit monthly documentation to the Department detailing the number of beds occupied each day by Department of Correction inmates. The act requires Legislative Audit to audit a random sample of the documentation.

### LEASE-PURCHASE AGREEMENTS

Act No. 508, (SB 368) authorizes cities and counties to enter into multi-year lease and lease purchase agreements for capital goods and equipment. The agreements may not obligate the city or county for more than twelve (12) months but may provide for renewal of the lease or lease purchase for an additional twelve (12) month period or periods. The lease or lease purchase agreement may not obligate the city or county for more than twelve months. Renewal is on the option of the city or county government. The agreement must be terminated on the expiration of funds to pay for the lease or lease purchase.

### PUBLIC FACILITIES BOARDS

Act No. 279, (HB 1206) provides that public facilities boards are not administrative boards under the county government code. The act allows a member of the board to serve as executive director. It gives public facilities boards which operate water works facilities the power of eminent domain.

### RECORD RETENTION

Act No. 800, (SB 472) establishes requirements for the retention of records by the various county officers. The time period for retaining the various kinds of records is specified for each county office. It repeals Act 573 of 1989 which recently set up the current record retention requirements.

COUNTIES (cont.)

RECORDERS

REAL ESTATE RECORDS

Act No. 1002, (HB 1617) amends the law allowing abstractor's access to public records to clarify that only the custodian of the records is allowed to remove real estate records from the county recorder's office.

REVIEW OF AUDIT REPORTS

Act No. 187, (HB 1120) requires the governing bodies of municipalities and counties to review the audit reports and recommendations at the next regularly scheduled meeting of the governing body. The governing body shall take appropriate action relating to the audit report findings and recommendations and shall document the review of any action taken in its minutes.

ROAD FUND

Act No. 275, (HB 1024) requires that all interest earned on funds deposited in the county road fund be credited to the county road fund and not to the county general fund. The act is effective on January 1, 1992.

SALARIES OF OFFICIALS

Act No. 1161, (HB 1716) amends the Arkansas law establishing the minimum and maximum salaries for county judges, sheriffs, tax collectors, county clerks, circuit clerks, assessors, treasurers, and justices of the peace. Generally, the minimum salaries are increased by \$1,000 and the maximum salaries are increased by \$5,000.

SANITATION AUTHORITIES

IMMUNITIES

Act No. 960, (HB 2038) clarifies that sanitation authorities operating solid waste disposal facilities are an instrumentality of the municipalities or counties which are members of the authority and as such, retain all immunities of such.

SOLID WASTE

COLLECTION OF FEES

Act No. 1007, (HB 1724) permits municipalities, counties and solid waste authorities to collect fees and charges for solid waste management services by allowing the county collector to not accept payment of county property taxes unless the solid waste fee or charge is also collected and by making the fee or charge a lien on the taxpayer's real and personal property.

TAXES

AIRPORTS AND RIVERPORTS

Act No. 738, (SB 522) authorizes a county to levy a 1% sales and use tax for the purpose of financing airports and riverports which are owned and operated by such county and by one or more other counties jointly or by a metropolitan port authority, a regional airport commission, or other instrumentality of such counties.

## COUNTIES (cont.)

### TAXES (cont.)

#### BONDS

Act No. 645, (HB 1894) provides that cities and counties may finance economic development facilities, educational facilities, and museum related audiovisual facilities by the use of bonds and clarifies the authority of governing bodies of cities and counties to abolish taxes in certain situations.

Act No. 646, (HB 1895) authorizes cities and counties to adopt local sales and use taxes and to simultaneously pledge all or a portion of such local sales and use taxes to secure bonds issued.

#### COUNTIES WITH NO SALES TAX

Act No. 885, (HB 1641) authorizes any county not having a countywide 1% sales and use tax on March 14, 1991, to levy a one-half percent countywide sales and use tax for any purpose for which the County General Fund or County Road Fund may be used including allocating portions of the tax to the municipalities located therein.

#### HOTELS, MOTELS, RESTAURANTS

Act No. 1091, (SB 579) provides that a county may levy a sales tax not to exceed 2% on food and lodging for the payment of bonds issued or indebtedness incurred by the county public facilities board for wildlife management areas or public recreational facilities.

#### MASS TRANSPORTATION

Act No. 200, (HB 1300) provides that cities and counties may levy a sales and use tax not to exceed one-fourth of one percent for support of a public mass transportation system and facilities.

#### MOTOR FUELS EXEMPTION

Act No. 348, (SB 231) exempts cities and counties with special computerized fuel dispensing systems from the requirement to maintain separate storage tanks for taxable and nontaxable diesel fuel. The computerized system must account for the taxable and nontaxable fuel separately.

#### PAYMENTS IN LIEU OF TAXES

Act No. 713, (HB 1829) amends 14-164-703 to provide for distribution among all affected political subdivisions on a proportionate basis of payments made in lieu of taxes by industrial facilities which are granted an exemption from ad valorem taxes. Emergency clause makes act effective 3-22-91.

#### REPEAL BY REFERENDUM

Act No. 406, (SB 509) provides that if the county ordinance levying taxes is repealed by referendum, the county may adopt a new ordinance levying taxes within thirty days after the referendum vote is certified.

#### SALES AND USE TAX COLLECTION

Act No. 536, (HB 1301) provides the method for collection of city and county sales and use tax on sales to nonresidents.

## COUNTIES (cont.)

### TAXES (cont.)

#### SALES AND USE TAX COLLECTION (cont.)

Act No. 621, (HB 1593) provides that unidentified local sales and use taxes collected by out-of-state vendors shall not be transferred to general revenues but shall be distributed to the cities and counties on a monthly basis.

#### SALES AND USE TAX RATES

Act No. 765, (SB 11) amends the current provisions authorizing cities and counties to levy a sales and use tax to provide that the levy may be in fractions of one-fourth percent, one-half percent, three-fourths percent, or one percent.

Act No. 777, (SB 260) provides that a city or county may levy a sales and use tax in the amount of one-fourth of one percent, one-half of one percent, three-fourths of one percent, or one percent for the construction, operation, acquisition, or maintenance of capital improvements.

### TREASURERS

Act No. 257, (SB 111) defines the term "nonrevenue receipts" received by county treasurer and exempt from the two percent (2%) levy charged against all funds received by the treasurer.

## COURTS

### ATTORNEY FEES

#### INSURANCE

Act No. 349, (SB 246) provides that recovery of less than the amount demanded by the person entitled to recover for a loss claim shall not defeat the right to the 12% damages and attorneys fees if the amount recovered for the loss is within 20% of the amount sought in the suit.

### COURT COSTS

#### STANDARDIZATION

Act No. 904, (HB 1756) attempts to standardize the language of numerous code provisions levying court costs to provide that such costs are collected in an uniform manner statewide.

#### DRUG CONVICTIONS

Act No. 316, (HB 1672) provides that half of the court costs levied against drug offenders is to be remitted to the city or county and half is to be deposited in the State Treasury and credited to the Crime Information System Fund.

### COURT OF APPEALS

#### EMERGENCY COURT OF APPEALS

Act No. 959, (HB 2037) provides for the use of active or retired members of the state trial or appellate judiciary to be designated as Emergency Court of Appeals Judges to sit in panels with elected members of the Court of Appeals to help reduce the backlog of cases.

## COURTS (cont.)

### COURT REPORTERS' FUND

Act No. 479, (HB 1084) reenacts Section 8 of Act 16 of the First Extraordinary Session, 1981, regarding the court reporters' fund since it was omitted from the Arkansas Code.

### EIGHTH JUDICIAL DISTRICT

#### TERMS OF COURT

Act No. 533, (SB 288) sets the terms of court in the Eighth Judicial District including Hempstead, Lafayette, Miller, and Nevada counties.

### JUDGES

#### TWELFTH JUDICIAL DISTRICT

Act No. 97, (SB 68) converts a circuit-chancery judgeship to a circuit judgeship and creates a new chancery judgeship in the Twelfth Judicial District.

Act No. 147, (HB 1066) converts a circuit-chancery judgeship to a circuit judgeship and creates a new chancery judgeship in the Twelfth Judicial District.

### JUDICIAL DISTRICTS

#### COUNTY LAW LIBRARIES

Act No. 1241, (SB 742) provides that counties which have two judicial districts and an organized bar association in each district shall create a county law library to be located within each judicial district.

### JURY DUTY

#### EXEMPTIONS REMOVED

Act No. 379, (HB 1573) removes all specific exemptions from jury duty in the law and leaves it discretionary with the court to exempt anyone whose health or that of his family requires his absence, or his or the public's interests would be materially injured by his attendance.

### JUVENILE COURTS

#### INTAKE AND PROBATION SERVICES

Act No. 787, (SB 362) requires that any contract provider of intake and probation services for the juvenile court shall be certified in the same manner as intake and probation officers of other juvenile divisions of the chancery courts of Arkansas.

### MENTAL HEALTH JUDGES

#### INTAKE OFFICERS

Act No. 794, (SB 436) allows the employment of intake officers by circuit/chancery judges whose primary responsibility is conducting hearings for the involuntary admission or commitment of persons to the Arkansas State Hospital.

### MUNICIPAL COURTS

#### CONTRACT SERVICES

Act No. 447, (HB 1813) requires persons contracting certain services to a municipal court to register with the Secretary of State and post a surety bond.

## COURTS (cont.)

### MUNICIPAL COURTS (cont.)

#### DESHA COUNTY

Act No. 290, (HB 1487) abolishes the two divisions of the Tenth Judicial District in Desha County, and provides that the municipal courts in McGehee and Dumas shall have concurrent jurisdiction which is coextensive with Desha County.

#### FEES

Act No. 262, (SB 283) authorizes municipal courts to collect a \$10.00 filing fee for writs of garnishment.

#### FORT SMITH

Act No. 1152, (HB 1711) creates an additional judgeship for the Fort Smith Municipal Court, prescribes the salaries of the municipal judges, and apportions the expenses between Fort Smith and Sebastian County.

#### HOT SPRINGS

Act No. 715, (HB 1923) authorizes the quorum court of Garland County to create an additional municipal court judgeship for the Hot Springs Municipal Court. The judge is to be elected at the next general election. It also prescribes the salaries for the Hot Springs municipal judges and clerks.

#### PROBATION

Act No. 190, (HB 1265) allows a municipal court to place a person on probation on condition he pay a fine and a probation fee. Excludes violations of the Omnibus DWI Act.

#### SALARIES

Act No. 982, (HB 1086) sets the salaries of the municipal judges and support personnel for most of the state's municipal courts.

#### WYNNE

Act 1149, (HB 1391) authorizes the City of Wynne to levy and collect, from each defendant, additional court cost not to exceed (\$3.00) for entering upon the records of the court each criminal case and each moving traffic violation filed in the Wynne Municipal Court. The revenues shall be used to pay retirement benefits for personnel of the municipal court. The act is retroactive to January 1, 1990.

### PROBATE CLERKS

#### TRUST FUNDS

Act No. 404, (SB 99) allows probate clerks to deposit money received in an interest bearing account.

### PROBATE COURT

#### PATERNITY CASES

Act No. 474, (HB 1247) allows the Child Support Enforcement Unit to use the social security account information of parents in proceedings before any court to establish child support obligations and establishes what constitutes a prima facie case of establishment of paternity.

## COURTS (cont.)

### SIXTH JUDICIAL DISTRICT

#### BAILIFF

Act No. 601, (HB 1999) authorizes a bailiff and assistant bailiff for the circuit judges of the Second and Third Divisions of the Sixth Judicial District.

### SUPREME COURT REPORTS

Act No. 549, (SB 301) amends various sections of the Arkansas Code relating to the distribution of the Arkansas Supreme Court Reports by the Administrative Office of the Courts.

### TENTH JUDICIAL DISTRICT

#### DESHA COUNTY

Act No. 290, (HB 1487) abolishes the two divisions of the Tenth Judicial District in Desha County, and provides that the municipal courts in McGehee and Dumas shall have concurrent jurisdiction which is coextensive with Desha County.

### TWELFTH JUDICIAL DISTRICT

#### CASE COORDINATORS

Act No. 539, (SB 359) requires the salaries of the case coordinators in the Twelfth Judicial District to be uniform between the counties and prescribes salary ranges for case coordinators with less than 4 years of experience and those with more than 4 years of experience.

## CRIME LABORATORY BOARD

Act No. 383, (SB 103) abolishes the State Crime Laboratory Board and the State Medical Examiner Commissioner and transfers their powers and duties to a new board. The new board is to be known as the State Crime Laboratory Board.

## CRIME VICTIMS REPARATIONS BOARD

Act No. 396, (HB 1613) makes several changes to the Code provisions regarding the Crime Victims Reparations Board, such as allowing the Board to reimburse medical facilities that provide services to sexual assault victims (previously the Prosecutor Coordinator made these reimbursements) and increased the fee assessment on misdemeanor cases from \$5.00 to \$10.00, etc. This legislation was designed to make the program eligible for federal matching funds.

## CRIMINAL LAW

### ARSON

Act No. 299, (HB 1210) expands the definition of the criminal offense of arson to include starting a fire or causing an explosion with the purpose of destroying or otherwise damaging a motor vehicle.

## CRIMINAL LAW (cont.)

### BAIL

#### CASH BAIL

Act No. 720, (HB 1459) provides for the mayor and county judge to designate the city or county official who may accept cash bail and further provides for the funds to go to the general fund of the city or county after forfeiture or settlement.

#### FORFEITURE

Act No. 991, (HB 1452) provides that a bail bond or money deposited in lieu of bail may not be forfeited within 120 days of the defendant's failure to appear. If the defendant is apprehended in another state, the surety shall be liable for the costs of returning the defendant, not to exceed the face amount of the bond.

### CHILD PORNOGRAPHY

Act No. 607, (SB 432) prohibits the advertising, selling, distributing, transporting, shipping, exhibiting, displaying, receiving, soliciting, purchasing, exchanging, possessing, viewing or controlling any visual or print medium depicting sexually explicit conduct involving a child.

### COMPOUNDING

Act No. 1049, (SB 161) makes compounding a Class B felony if the offense concealed is a Class Y felony.

### CONTROLLED SUBSTANCES

#### ANABOLIC STEROID

Act No. 570, (HB 1677) adds a definition of "anabolic steroid" to the Uniform Controlled Substances Act.

#### ASSET FORFEITURE

Act No. 1050, (SB 341) provides that when a defendant has control or custody of property which is subject to forfeiture because of a drug offense committed by the defendant, but the property cannot be located, was transferred, is beyond the jurisdiction of the court, etc., the court may order the forfeiture of other property of the defendant's up to the value of the property subject to forfeiture.

#### COMMUNICATION FACILITIES

Act No. 1145, (HB 2089) prohibits the use of a "communication facility" in committing, causing or facilitating the commission of a felony violation of the Uniform Controlled Substances Act. This offense constitutes a Class C felony.

#### DRIVER'S LICENSE SUSPENSION

Act No. 1109, (HB 1754) provides for the suspension of the driver's license of a person who pleads guilty or nolo contendere or who is found guilty of an offense involving illegal possession or use of a controlled substance. In hardship cases a restricted driving permit may be allowed.

## CRIMINAL LAW (cont.)

### CONTROLLED SUBSTANCES (cont.)

#### DRUG ABATEMENT ACT OF 1989

Act No. 1187, (SB 610) makes changes to the Arkansas Drug Abatement Act of 1989 to allow the judge additional equitable remedies which will accomplish the abatement of the nuisance with the least restrictive alternatives in order to comply with a recent Pulaski County court decision in City of Little Rock v. Jessie Martain, a.k.a. Jessie Hall.

Act No. 926, (HB 1935) makes changes to the Arkansas Drug Abatement Act of 1989 to allow the judge additional equitable remedies which will accomplish the abatement of the nuisance with the least restrictive alternatives in order to comply with a recent Pulaski County court decision in City of Little Rock v. Jessie Martain, a.k.a. Jessie Hall.

#### DRUG PRECURSORS

Act No. 954, (HB 2004) defines and adopts a schedule of "drug precursors" and further gives authority to the Arkansas Department of Health to issue rules and regulations regarding the scheduling of "drug precursors" and the licensing of persons who manufacture, possess, transfer or transport "drug precursors". It also provides for a \$25.00 licensing fee, and lists unlawful acts and penalties.

#### ENHANCEMENT OF PENALTIES

Act No. 864, (HB 1175) provides for the enhancement of penalties for persons convicted of selling controlled substances within 1000' of skating rinks, Boys Clubs, Girls Clubs, YMCA's or YWCA's. Also, provides for a warning sign to be posted at those locations informing persons of the enhancement provisions which they may be subject to if they are caught and convicted of selling drugs within 1000' of the property.

#### FEE ASSESSMENT

Act No. 1061, (SB 394) provides for the assessment of a fee for each conviction and each probation placement for persons violating the Uniform Controlled Substances Act. A portion of the assessment shall go to the Prosecutor Coordinator's Office and the remainder shall go to the Division of Alcohol and Drug Abuse Prevention. The fee is \$250.00 for felonies and \$100.00 for misdemeanors and is in addition to all other fines, restitution, assessments or forfeitures.

#### FORFEITURES

Act No. 573, (SB 339) provides that when seeking forfeiture of personal property under the Uniform Controlled Substances Act, those forfeitures may be based on in personam jurisdiction when the person is present in the state or has transacted business within the state, etc.

Act No. 859, (HB 1054) is entitled the "Uncontested Forfeiture Act" and provides for the uncontested forfeiture of property subject to forfeiture under the Uniform Controlled Substances Act with a cumulative value of less than \$100,000.

## CRIMINAL LAW (cont.)

### CRIME VICTIMS REPARATIONS

Act No. 396, (HB 1613) makes several changes to the Code provisions regarding the Crime Victims Reparations Board, such as allowing the Board to reimburse medical facilities that provide services to sexual assault victims (previously the Prosecutor Coordinator made these reimbursements) and increased the fee assessment on misdemeanor cases from \$5.00 to \$10.00, etc. This legislation was designed to make the program eligible for federal matching funds.

### DEFRAUDING A MATERIALMAN

Act No. 52, (SB 17) clarifies the criminal offense of defrauding a materialman by adding language requiring the person to knowingly and willfully fail to pay a materialman "with the purpose to defraud".

### DOMESTIC ABUSE

#### GENERALLY

Act No. 266, (SB 153) is entitled the Domestic Abuse Act of 1991 and defines "domestic abuse". The act provides a civil proceeding in chancery court for an order of protection and provides a simplified form to be filled out by the petitioner.

#### ORDER OF PROTECTION

Act No. 267, (SB 154) creates the crime of violation of an order of protection and makes it a Class A misdemeanor pursuant to the Domestic Abuse Act of 1991. (This act was amended by Act 1236.)

#### WARRANTLESS ARREST

Act No. 268, (SB 155) authorizes a law enforcement officer with probable cause that the crime of domestic abuse has been committed to make a warrantless arrest, and provide that the offender shall be taken before a judicial officer without delay who shall conduct a pretrial release inquiry and may impose certain conditions of release.

Act No. 1236, (SB 722) amends Act 267 of 1991 which is part of the Domestic Abuse package of legislation and provides for the warrantless arrest of any person who a law enforcement officer has probable cause to believe is subject to the terms of an order of protection and has violated those terms even if the violation did not occur in the officer's presence.

### DRIVING WHILE INTOXICATED

#### PRESENTENCING REPORTS

Act No. 899, (HB 1729) provides for the court to decide whether a presentencing report is needed for persons convicted of Driving While Intoxicated when a jury has fixed the punishment.

### DRUG PARAPHERNALIA

Act No. 272, (SB 244) authorizes law enforcement agencies to donate any triple beam balance or analytical balance or other lab equipment seized under Arkansas' drug paraphernalia law to the public schools.

## CRIMINAL LAW (cont.)

### ENVIRONMENTAL LAW

Act No. 1057, (SB 309) revises and increases the criminal and civil penalties for violations of various environmental laws. The act revises the civil and administrative enforcement authority of the Department of Pollution Control and Ecology.

### FAILURE TO APPEAR

Act No. 916, (HB 1838) makes the offense of failure to appear to answer a violation a Class C misdemeanor.

### FINES FOR TRAFFIC VIOLATIONS

#### FUNDS USED FOR POLICE CARS

Act No. 988, (HB 1268) adds an additional penalty for the traffic offense of failure to register a motor vehicle within sixty (60) days and for unlawfully operating a motor vehicle without liability insurance for second and third offenses. The fines for the additional penalty and for the second and third offenses are to be deposited into State Police Fund, county general fund, or the city general fund and to be used to purchase state police vehicles or county or city vehicles, respectively.

### FINGERPRINTING AND PHOTOGRAPHING

Act No. 1015, (HB 1835) provides for the fingerprinting and photographing of person arrested for certain criminal offenses and the submission of the fingerprints and photographs to the state identification bureau within forty-eight (48) hours after making the arrest.

### FRAUD

#### FINANCIAL TRANSACTION CARD

Act No. 785, (SB 336) prohibits the fraudulent presentation of a financial transaction card or account number for payment by a cardholder or merchant. Makes it a Class C felony.

### FRAUDULENT IDENTIFICATION

Act No. 567, (HB 1538) prohibits the production of fraudulent identification documents or the alteration of an identification document for the purpose of providing it to a person under the age of 21 in order to purchase alcoholic beverages. It also prohibits the possession of such documents.

### HOT CHECK LAW

#### CHILD SUPPORT

Act No. 1051, (SB 162) makes it unlawful to pay child support with any check, draft or money order backed with insufficient funds.

### JUVENILES

#### CIRCUIT COURT

Act No. 903, (HB 1755) allows the prosecuting attorney discretion in filing charges in circuit court against a juvenile aged 14 or 15 years who has committed the offense of battery in the first degree.

## CRIMINAL LAW (cont.)

### MURDER

Act No. 683, (SB 452) amends the definition of capital murder and murder in the first degree to include knowingly causing the death of a person fourteen (14) years of age or younger. It further amends the definition of "aggravating circumstances" to include mental anguish, serious physical abuse and torture or the use of a destructive device, bomb, etc.

### PARDON

#### RECORD EXPUNGEMENT

Act No. 1224, (SB 695) provides that the court shall issue an order expunging the records relating to a conviction for which the Governor has issued a pardon. The act does not apply to a pardon issued for any offense where the victim is under 18, any sex offense, or an offense resulting in death or serious physical injury.

### PRETRIAL RELEASE FEE

#### MUNICIPAL COURT

Act No. 1234, (SB 716) provides for the payment of a pretrial release alternative administration fee in municipal or city courts for individuals charged with either a felony or a misdemeanor who are placed under the supervision of the court pending trial.

### PROBATION AND SUSPENDED SENTENCE

#### EDUCATIONAL EFFORT

Act No. 857, (HB 1030) provides as an additional requirement for suspension of sentence or probation that the convicted person (felony or Class A misdemeanor) make a good faith effort towards obtaining a high school diploma. The requirement shall not be in effect if no appropriate program will accept the person. The court may revoke suspension or probation if the person fails to make a good faith effort to achieve the degree. "Good faith effort" is defined as being enrolled in a program of instruction and attending school.

#### GUIDELINES REPEALED

Act No. 586, (SB 386) repeals Arkansas Code Ann. 16-93-401 which provided guidelines regarding the court, after a judgement of conviction, suspending the defendant's sentence and placing him on probation. It was determined that this section was in conflict with the Arkansas Criminal Code and was duplicative.

### PUBLIC DEFENDER

#### CONFLICT

Act No. 896, (HB 1710) allows Public Defender Commissions to appoint and compensate attorneys to represent indigents when the Public Defender has a conflict, also provides for the Judicial Department (Administrative Office of the Courts) to establish record keeping guidelines for Public Defender offices, and allows Public Defender Commissions to determine if the Public Defender or his staff shall be allowed to engage in the private practice of law.

## CRIMINAL LAW (cont.)

### PUBLIC DEFENDER (cont.)

#### EXCESS COURT COST

Act No. 992, (HB 1472) allows quorum courts to use excess money collected by a court cost levied to employ an investigator for the public defender to pay general salaries and expenses of the office of the public defender.

#### EXISTING PROGRAMS

Act No. 925, (HB 1934) allows districts or counties already operating a public defender program under a separate act or code provision to establish one under Arkansas Code Annotated 16-87-101 et seq., the "Public Defender Act" and further provides for the Administrative Office of the Courts to standardize reporting procedures and collect information on public defender programs.

#### FOURTEENTH JUDICIAL CIRCUIT

Act No. 1150, (HB 1504) provides enabling legislation to establish a public defender system in Boone County.

#### MULTI-COUNTY JUDICIAL DISTRICT

Act No. 898, (HB 1719) provides for the designation of a "host" county in multi-county judicial districts to coordinate the funding for the Public Defender's office. The "host" county shall receive from all the county treasurers the fees assessed for indigent defense and the quorum court of the "host" county shall appropriate funds for the annual budget of the Public Defender's office.

#### TERM OF OFFICE

Act No. 914, (HB 1833) provides for a two (2) year term for public defenders and their removal for cause by the Public Defender Commission.

#### USE OF GENERAL FUNDS

Act No. 1003, (HB 1635) allows quorum courts to appropriate money from the county general fund to pay reasonable expenses incurred for indigent defense. Also, allows adequate unappropriated monies in the indigent defense funds to be used to defray the costs of the juvenile division of chancery court and the costs of medical and dental care for indigent defendants incarcerated in the county jail.

### SENTENCING CLARIFICATION

Act No. 608, (SB 437) provides that persons convicted of Class Y felonies may, in addition to imposing a term of imprisonment, be ordered to pay a fine, make restitution, or have imposition of a additional term of imprisonment suspended. It also clarifies offenses which the term of imprisonment cannot be suspended or the defendant placed on probation. Effective date 3-19-91.

### THEFT OF PROPERTY

#### LIVESTOCK

Act No. 712, (HB 1766) makes theft of property a Class C felony if the property is livestock valued in excess of \$200.00.

## CRIMINAL LAW (cont.)

### UNAUTHORIZED COPYING

#### AUDIO AND VIDEO TAPE

Act No. 490, (HB 1575) amends Arkansas Code provision making it illegal to make and distribute unauthorized copies of audio and video tape by adding the requirement that the unauthorized copies were made and distributed for commercial advantage or private financial gain.

### VICTIM/WITNESS PROGRAMS

Act No. 1124, (HB 1888) clarifies the cases upon which the \$5.00 cost is levied for the prosecuting attorneys' victim/witness program and provides for the monies collected to be deposited into a special fund known as the "Prosecutors' Victim/Witness Fund" which shall be used exclusively to pay the cost of the victim/witness program.

### WEAPONS USED IN FELONIES

#### LAW ENFORCEMENT AGENCIES

Act No. 1030, (HB 2023) provides that the court may allow weapons used in the commission of a felony or misdemeanor to be retained by the law enforcement agency responsible for the arrest.

## DEBTOR AND CREDITOR

### INSTALLMENT NOTES

Act No. 1048, (SB 145) removes the provision that the cause of action on promissory notes and on other written instruments shall be deemed to have accrued at the time when the creditor first has the legal right to demand payment in full of the entire unpaid principal of the instrument.

## DENTISTS

### LICENSE FEES

Act No. 592, (SB 520) increases the annual registration fees of dental hygienists and dentists.

## DEVELOPMENT FINANCE AUTHORITY

### CAPITOL MALL FACILITY BONDS

Act No. 923, (HB 1916) amends Act 235 of 1991 known as the Capitol Mall Facility and State Agencies Act of 1991 to grant to the Arkansas Development Finance Authority the bonding power which was granted to the State Building Services.

### CATFISH INDUSTRY DEVELOPMENT

Act No. 764, (SB 6) amends the Arkansas Catfish Processors Fair Practices law to require buyers to use a weighing device which will print out an exact duplicate of the registered weight on the scale device. It does not apply to processors of less than 17,500 pounds of catfish. Further, the act establishes a Catfish Industry Development Program within the Ark. Development Finance Authority to promote the development of the catfish industry in Arkansas.

## DEVELOPMENT FINANCE AUTHORITY (cont.)

### SMALL BUSINESS ACT OF 1989

Act No. 775, (SB 225) amends the Arkansas Development Finance Authority Small Business Act of 1989 by adding minority owned small business and agriculture related businesses as eligible enterprises.

Act No. 874, (HB 1353) amends the Arkansas Development Finance Authority Small Business Act of 1989 by adding minority owned small business and agriculture related businesses as eligible enterprises.

### WATER SYSTEMS

Act No. 718, (HB 1246) establishes the Construction Assistance Revolving Loan Fund to provide loans for the construction or rehabilitation of public water systems. The funds may be pledged and used to pay debt service and costs related to bonds issued by the Arkansas Development Finance Authority. The Department of Pollution Control and Ecology is authorized to establish fees for its services in connection with the construction or rehabilitation of public waste water systems financed in whole or part through the funds.

## DEVELOPMENTAL DISABILITIES BOARD

### PROPERTY

Act No. 38, (HB 1070) confirms the 1973 conveyance of property by the Developmental Disabilities Services Board to the Westark Area Council, Inc., of the Boy Scouts of America.

## DIVORCE

### ESTATE BY THE ENTIRETY

Act No. 1160, (HB 1907) provides that when one of the parties to an estate by the entirety has been found guilty or has plead guilty or nolo contendere to a felony during the marriage and within three years of filing for divorce and the other party to the divorce did not benefit from the felony, the Chancellor may award the property to the spouse who did not commit the felony or to both parties in any proportion deemed equitable by the Chancellor.

### GROUNDS

#### SEPARATION

Act No. 131, (HB 1435) decreases from three (3) years to eighteen (18) months the time of separation which constitutes grounds for divorce.

### MARITAL PROPERTY

#### SOCIAL SECURITY BENEFITS

Act No. 1167, (SB 256) provides that social security disability benefits are not marital property.

## ECONOMIC DEVELOPMENT

### LINKED DEPOSIT PROGRAM ACT

Act No. 671, (HB 1403) creates the Arkansas Linked Deposit Program to allow state funds to be invested in financial institutions where the institution will make low interest loans to small businesses and agricultural enterprises. Linked deposit means a deposit in lending institution at a rate of return less than market rate where the institution agrees to then lend an equivalent amount to a small business. State Treasurer cannot link more than \$50 million dollars in deposits. Small businesses and agricultural enterprises are to be limited to loans of \$250,000 or less.

Act No. 682, (SB 262) creates the Arkansas Linked Deposit Program to allow state funds to be invested in financial institutions where the institution will make low interest loans to small businesses and agricultural enterprises. Linked deposit means a deposit in lending institution at a rate of return less than market rate where the institution agrees to then lend an equivalent amount to a small business. State Treasurer cannot link more than \$50 million dollars in deposits. Small businesses and agricultural enterprises are to be limited to loans of \$250,000 or less.

## EDUCATION

### ADULT EDUCATION

#### LITERACY COMMISSION MEMBERS

Act No. 390, (HB 1363) amends 6-44-201 to increase membership to 16 by adding a member of the House and a member of the Senate. Authorizes hiring of an executive director and staff upon availability of funds. Requires members of the commission who miss three consecutive meetings to be removed at the discretion of the chairman.

Act No. 399, (SB 248) is the same as Act 390.

#### PERSONS CONVICTED OF CRIMES

Act No. 857, (HB 1030) provides as an additional requirement for suspension of sentence or probation that the convicted person (felony or Class A misdemeanor) make a good faith effort towards obtaining a high school diploma. The requirement shall not be in effect if no appropriate program will accept the person. The court may revoke suspension or probation if the person fails to make a good faith effort to achieve the degree. "Good faith effort" is defined as being enrolled in a program of instruction and attending school.

### GENERAL EDUCATION

#### ALTERNATIVE CERTIFICATION

Act No. 308, (HB 1451) adds 6-17-409 to authorize the department to provide grants of financial assistance of up to \$500 for participants in the alternative teacher certification program.

## EDUCATION

### GENERAL EDUCATION (cont.)

#### BETTER CHANCE (3-5) PROGRAM

Act No. 212, (HB 1400) adds a new Chapter 45 to Title 6 to expand existing programs for educationally deprived children age 3 - 5 years. Local programs may apply for a 60% state match through a grant program in the Department of Education. Applicants may be, but need not be, school districts. Any not-for-profit, non-sectarian early childhood program may seek a grant under this act. Emergency clause makes act effective 7-1-91.

Act No. 216, (SB 245) is the same as Act 212.

#### CHOICE LAW

Act No. 284, (HB 1449) amends 6-18-206 changing to April 17 the deadline for applying to attend another district under the 1989 School Choice Law. Specifies the racial composition of school districts under which transfers are prohibited as having a segregative effect. Requires advertising by districts participating in the school choice program. Authorizes the department to monitor compliance with the requirements of the act. Act became effective 2-28-91.

#### COMPULSORY ATTENDANCE AGE

Act No. 292, (HB 1026) amends 6-18-201(a) to increase to age 17 (on October 1 of the school year) the age for which a child must remain in school. Permits the local board to grant a waiver from the compulsory attendance requirement. Also, exempts students enrolled in postsecondary educational institutions.

Act No. 320, (SB 263) is the same as Act 292.

#### EDUCATION LAWS REVISION

Act No. 979, (HB 1007) establishes a 14 member commission to review state laws relating to elementary and secondary education and make recommendations regarding the revision of such laws to the 1993 General Assembly. The charge of the commission is limited to antiquated, superseded, inconsistent or ambiguous laws. The full commission may only meet four times. The report of the commission is due October 15, 1992. The act expires December 31, 1992.

#### EXEMPLARY SCHOOL PROGRAM

Act No. 825, (SB 513) amends 6-15-603 to expand this program, encouraging participation by awarding \$10,000 annual grants with additional \$2,000 award to be used for training and materials once selected to become part of the network. Program must be designed to stimulate student performance in one or more content areas through the use of new and creative methods and capable to being duplicated by other districts.

#### HANDICAPPED CHILDREN

Act No. 204, (SB 62) amends 6-41-203(1) to change definition of handicapped children to include 3 to 5 year olds beginning July 1, 1991, or earlier if required by federal law.

## EDUCATION (cont.)

### GENERAL EDUCATION (cont.)

#### HANDICAPPED CHILDREN (cont.)

Act No. 823, (SB 421) changes terminology when referring to educating handicapped children by deleting outdated terms and reflecting the terms used in federal regulations concerning handicapped children.

#### HARDSHIP WAIVERS/DRIVERS LICENSE

Act No. 716, (HB 1929) amends 27-16-701 to permit a person less than 18 years of age who is unable to submit proof of enrollment in school or graduation to apply for a waiver from such requirement with the Office of Driver Services. Any waiver granted must be for demonstrable financial hardship and must apply only to the extent necessary to ameliorate the hardship. In cases where fraud occurs in obtaining the waiver, the parent, guardian or person in loco parentis is subject to perjury charges. The Department of Finance and Administration is authorized to issue rules for complying with this law which are to be distributed to schools.

#### INCREMENTAL SALARY INCREASES

Act No. 977, (SB 403) amends 6-17-1001 - 1003 (Minimum Base Teacher Salary Law) to provide for incremental increases based on education (BA degree or MA degree) and years of experience beginning with the 1993-94 school year. The State Board of Education may grant up to a two-year waiver of this requirement if the district proves it cannot meet the minimum salary requirements from funds available and is in compliance with the minimum millage levy requirements of state law.

#### LEARNING DISABILITIES

Act No. 338, (HB 1547) requires the state Department of Education to adopt rules and regulations requiring all schools to identify children with specific learning disabilities, to train teachers to recognize students with learning disabilities and for each school district to have on file a plan for implementing a recognition program and incorporating teaching strategies for students with learning disabilities in regular classrooms.

#### LIABILITY INSURANCE

Act No. 276, (HB 1072) amends 6-17-1113 to include dormitory staff at the Arkansas School for the Deaf and Arkansas School for the Blind in self-insurance pool operated in the Department of Education for civil liability of employees of school districts. Act became effective 2-28-91.

#### LOAN FOR COMPUTER SYSTEM

Act No. 1034, (HB 2068) authorizes the Board of Trustees of the Arkansas Teacher Retirement System to loan to the Department of Education \$20 million for a state-wide computer system to link all public schools with the department. Also, authorizes the loan of sufficient funds to purchase and install a computer system for the Department of Higher Education. Both loans are on such terms as agreed upon by the two boards. Interest for the loan is set at 8%.

## EDUCATION (cont.)

### GENERAL EDUCATION (cont.)

#### MATH AND SCIENCE SCHOOL

Act No. 259, (SB 236) establishes the Arkansas School for Mathematics and Sciences for 11th and 12th grade students to be located on a campus of an institution of higher education or other facility which will provide classrooms and other facilities for operation of the school. An advisory board is established to assist the department in governing the school. The administrator of the school is employed by the Director of General Education Division of the Department of Education. The school is to be a residential facility. The act became effective 2-27-91.

Act No. 305, (HB 1387) is the same as Act 259. The act is effective 3-1-91.

#### MINIMUM FOUNDATION PROGRAM AID

Act No. 401, (HB 1288) amends various sections of Title 6, Chapter 20 to restrict the use of unsafe school buses beginning with 1993-94 school year, reauthorizes funding for gifted and talented programs, clarifies the calculation of the miscellaneous fund charge, amends the definition of "net current revenues", extends incentive money for consolidation/annexation, increases second-tier set aside funds, and makes other adjustments in the funding formula for public schools. The act becomes effective July 1, 1991.

#### MINORITY TEACHER RECRUITMENT

Act No. 858, (HB 1037) provides for a cooperative agreement and effort between a school district and an institution of higher education to supply mentor teachers for college students in the field of education. The act includes members of the male gender as a minority population. The state provides \$250 per participant per year as honorarium to mentoring teachers. The State Department of Education and State Department of Higher Education are to work cooperatively to promote the program.

#### NATIONAL EDUCATION GOALS

Act No. 236, (SB 264) amends Title 6, Chapter 11 by adding a new subchapter 2 which provides for meeting the national education goals for the year 2000 by providing for learner outcome, linking curriculum and assessment to learner outcomes, providing outcome based teacher and administrator certification, restructuring in schools and in the department to support school restructuring.

#### NOTICE OF EXCESSIVE ABSENCES

Act No. 876, (HB 1386) amends 6-18-222 to permit the school district to notify the parent or guardian by regular mail of excessive absences of a student. Also clarifies who has prosecutorial authority to enforce the civil penalty provision against the parents of the student who exceeds the number of excused absences. Authorizes the state board to seek a writ of mandamus against a school district or prosecuting attorney who fails to comply with the act requirements.

## EDUCATION (cont.)

### GENERAL EDUCATION (cont.)

#### PERMANENT STUDENT RECORD

Act No. 355, (HB 1040) authorizes the Department of Education to develop and publish an itemized list of information to be maintained as a student's permanent record while enrolled in a public school district in this state. Provides for the transfer of such record to the receiving district upon transfer of the student. Record may be maintained in an electronic database.

#### REMEDICATION REPORTING

Act No. 880, (HB 1531) requires the Department of Higher Education to report to each public school the number of students who required remediation during their first year of enrollment in a public institution of higher education. The public school must then report to the Office of Accountability within the Department of Education the number of students requiring remediation who had a 3.00 or higher grade point average and those who graduated from a program of minimum core college preparatory courses. Reporting is only for those students enrolled within three years following graduation from high school.

#### REPAYMENT OF INCENTIVE MONEY

Act No. 618, (HB 1004) sets forth circumstances under which a school district must repay incentive money received during a consolidation or annexation. If the district subsequently dissolves or takes action which inhibits the ability of any district to desegregate or to remain desegregated or takes action which hampers the ability of the state to ensure a quality education in an efficient manner in the district, the district is liable for consolidation incentive funds it received. Act becomes effective 3-19-91 and applies to action of school districts following that date.

#### REVOLVING LOAN BONDS

Act No. 1185, (SB 607) amends 6-20-811 and 812 to give the State Board of Education authority to sell revolving loan school district obligations. Upon sale of such, all principal and interest are treated as cash funds, deposited in banks rather than the State Treasury, and credited to the Permanent School Revolving Loan Fund.

#### SALARY INCREASES-TEACHERS

Act No. 10, (HB 1287) establishes the "Educational Excellence Trust Fund" for revenue derived from the collection of the additional 1/2 cent sales tax. The act sets forth the allocation of the revenue between the public school fund and higher education institutions for the next biennium. Money distributed to public schools under the Minimum Foundation Program Aid shall be used to provide salary increases for certified personnel. Emergency clause makes act effective July 1, 1991.

## EDUCATION (cont.)

### GENERAL EDUCATION (cont.)

#### SCHOOL NURSE TO STUDENT RATIO

Act No. 1106, (HB 1681) requires school districts beginning with the 1994-95 school year to have no less than one school nurse per 1000 students. Recommends in districts with a high concentration of handicapped children a ratio of one nurse per 400 students and in a center for profoundly handicapped children, the ratio is recommended to be one nurse per 125 students.

#### STUDENT SERVICES

Act No. 908, (HB 1797) requires school districts to implement an array of student services during the 1991-92 school year. Act requires school counselors to spend at least 75% of their time providing direct counseling to students and devote no more than 25% of their time to administrative activities. School districts must develop a plan to use alternative methods of classroom management and a system for district level monitoring for school dropouts.

#### STUDENT'S SOCIAL SECURITY NUMBER

Act No. 838, (HB 2060) amends 6-18-208 to require parents to provide student's social security number along with copy of birth certificate when enrolling child in school. New provisions permit provisional enrollment while the birth certificate information is being sought by the school district or during the period of application for a social security number. Parent or guardian may receive a waiver from the social security number requirement upon filing a statement with the school district setting forth his or her objections to such.

#### SUMMER REMEDIAL PROGRAM

Act No. 650, (HB 1950) amends various sections of Title 6, Chapter 16, Subchapter 6. Permits students in 11th grade to take placement test. Changes also permit 11th graders to enroll in college preparatory program following their junior year. Emergency clause makes act effective 3-19-91.

#### TEACHER ASSIGNMENTS

Act No. 654, (HB 1364) amends 6-17-307 to grant school boards the authority to assign and reassign teachers upon the recommendation of the superintendent. This is a reenactment of an earlier law which was erroneously repealed during 1989.

#### TEACHER SALARIES

Act No. 54, (SB 23) amends 6-17-806 to permit the Arkansas Teachers' Salaries Study Commission to conduct a study of disparity in salaries among other states as well as between school districts of the state.

## EDUCATION (cont.)

### GENERAL EDUCATION (cont.)

#### TRANSPORTATION AID

Act No. 214, (SB 77) permits counting of nonresident student in both the resident district and nonresident district for purposes of claiming transportation aid from the state. This nonamendatory act became effective 2-21-91.

Act No. 840, (HB 2101) prohibits the use of transportation aid funds for any use other than those enumerated by the State Board of Education as permitted uses beginning with the July 1, 1991-June 30, 1993 biennium. If monies remain in a school district at the end of any biennium, such must be returned to the state for deposit in the State Transportation Aid Account if a waiver is not received by the district to use the funds towards purchase of a school bus.

#### TRUANCY

Act No. 468, (SB 130) repeals 6-18-211 concerning reporting incorrigibility and truancy to the juvenile or county court. This law has been superseded by the Juvenile Code of 1989 and other laws on school attendance.

#### UNIFORM GRADING SCALE

Act No. 1070, (SB 457) adds a new subchapter to Title 6, Chapter 15 to provide a uniform grading scale and numeric value for determining grade point average. The State Board of Education is authorized to adopt appropriate equivalents for advanced placement courses, honors courses and college level courses.

#### VALEDICTORIANS/HONOR STUDENTS

Act No. 980, (HB 1033) , beginning with the 1993-94 school year, establishes that only students who successfully complete minimum core college preparatory courses or rigorous programs of vocational study may be eligible to serve as valedictorian or salutatorian of his or her graduating class. Also, the same requirements apply for designation as an honor student. The same requirements apply beginning with the 1991-92 school year for membership in the National Honor Society or other academic honor societies. The State Board is to study the impact of abolishing the general studies track and report 9-15-92.

#### WAIVERS FOR SPECIAL EDUCATION

Act No. 1016, (HB 1852) amends 6-20-316 to authorize the use of special education funds for students who are not seriously emotionally disturbed but who need to receive services in an approved day treatment program which is school-based. Permits the use of set-aside funds for educational costs for children placed in residential treatment facilities located outside the state under certain circumstances.

## EDUCATION (cont.)

### HIGHER EDUCATION

#### ACADEMIC CHALLENGE PROGRAM

Act No. 352, (SB 299) establishes the Arkansas Academic Challenge Scholarship Program (like the Taylor program in Louisiana) for freshmen enrolling in Arkansas institutions of higher education who had a 2.5 grade point average in the postsecondary core curriculum and score 19 or above on ACT. The grade point average requirement goes to 3.0 in 1993-94. Qualifying students must also demonstrate financial need.

Act No. 362, (HB 1501) is the same as Act 352.

Act No. 733, (HB 2098) amends Act 352 and 362 of 1991 to establish the family income criteria for adopted children to qualify for the Arkansas Academic Challenge Scholarship Program.

#### ACADEMIC CLEMENCY

Act No. 1000, (HB 1590) requires the State Board of Higher Education, in cooperation with the institutions of higher education, to develop guidelines to provide for academic clemency for undergraduate students returning after a separation from the institution to petition and have previously obtained grades removed from their cumulative grade point average. Students enrolled in an institution of higher education on the date of passage of this act are eligible for academic clemency. The act becomes effective with passage and approval.

#### ALTERNATIVE RETIREMENT PLAN

Act No. 511, (SB 422) amends 24-7-801 to clarify that employees transferring to the Department of Higher Education with membership in the Public Employees Retirement System or Teachers Retirement System, may remain in such system, or elect to become a member of an alternative retirement plan. Such election to become a member of an alternative system must be made in writing and filed with the director of the department. Act became effective 3-13-91.

#### ARKANSAS STATE UNIVERSITY

Act No. 613, (SB 493) authorizes Arkansas State University to convey a parcel of land to the Arkansas State Police.

#### ATHLETIC EXPENDITURE LIMIT

Act No. 366, (HB 1242) provides that, beginning with fiscal year 91-92, the amount of unrestricted educational and general funds used for athletic programs shall be limited by the Department of Higher Education to \$450,000 for four-year schools and \$51 per FTE student per year at two-year campuses. Any deficit in funding athletics must be paid by a student athletic fee which must be published in institutional literature, separate from other tuition and student activity fees.

#### BOARD OF TRUSTEES

Act No. 4, (HB 1003) requires governing body of educational institutions supported by public funds to review audit reports in their next meeting following receipt and to take appropriate actions relating to findings and recommendations contained in the report.

## EDUCATION (cont.)

### HIGHER EDUCATION (cont.)

#### BONDS, PLEDGING OF SECURITY

Act No. 45, (HB 1161) amends 6-62-305 so student tuition receipts can also be used for security for state university obligations.

#### COLLEGE OF EDUCATION FACULTY

Act No. 981, (HB 1039) provides that, beginning with the 1992-93 academic year, full-time faculty of the college of education at a state-supported institution must work collaboratively with the public schools in this state. Exemplary teachers in the public schools may be placed as adjunct clinical faculty at the college of education. The institutions of higher education must report their collaborative efforts by October 1 of each year to the two state boards, the Joint Interim Committee on Education and the Oversight Subcommittee on Educational Reform.

#### COLLEGE SAVINGS BOND ACT

Act No. 102, (HB 1002) amends various sections of Act 683 of 1989 to clarify legislative intent concerning the issuance of bonds by the Arkansas Development Finance Authority and the use of moneys derived from such bonds by institutions of higher education. Limits the principal amount of bonds outstanding during any fiscal year to \$8 million. Prohibits use of proceeds for athletic facilities. Emergency clause makes act effective 2-12-91.

#### COMMUNITY COLLEGES - DISTRICT DEFINITION

Act No. 336, (HB 1490) amends the definition of "district" under 6-61-501 to permit a community college district to be formed between two or more noncontiguous counties or cities.

Act No. 354, (SB 304) is the same as Act 336.

#### COMMUNITY COLLEGES - FORMATION

Act No. 1246, (HB 1979) provides that if an election is called for the formation of a community college comprised of a two-year branch campus of a four year institution and a technical college or a postsecondary vocational technical institution, then the costs of the election shall be paid for by the institutions which will comprise the community college.

#### COMMUNITY COLLEGES - STATE FUNDS

Act No. 1242, (SB 12) amends 6-61-603(a) to authorize the use of state funds for capital improvements at community colleges with FTE enrollment of 3,000 or more for two consecutive years if the community college has a millage in excess of five mills.

#### COUNTERFEITING DIPLOMA

Act No. 351, (SB 297) creates the misdemeanor crime of falsely making, forging, or counterfeiting a transcript, diploma or grade report of a postsecondary educational institution. The use of a false, forged or counterfeited or altered transcript, diploma or grade report is also prohibited. Such acts are a misdemeanor subject to a fine of up to \$1,000, 6 months in jail, or both.

## EDUCATION (cont.)

### HIGHER EDUCATION (cont.)

#### ENDOWMENT OF CHAIRS

Act No. 822, (SB 369) amends 6-62-103 to authorize the exceeding of maximum authorized salary levels to individuals from private contributor funds to qualified personnel. New subsection added to prohibit the use of funds provided for by this section to supplement the salary of any athletic personnel employed by the institution.

#### LAW ENFORCEMENT OFFICERS

Act No. 875, (HB 1368) establishes the Arkansas Police Corps Planning Commission to develop criteria for awarding up to 15 scholarships per year (not to exceed 50 at any one time) of the lesser of \$1550 or actual tuition for police officers or law enforcement officers. Recipient must successfully complete training at the training academy following completion of their course of study and be a full-time police officer for at least one year to avoid having to repay any funds received from the corps.

#### LOAN FOR COMPUTER SYSTEM

Act No. 1034, (HB 2068) authorizes the Board of Trustees of the Arkansas Teacher Retirement System to loan to the Department of Education \$20 million for a state-wide computer system to link all public schools with the department. Also, authorizes the loan of sufficient funds to purchase and install a computer system for the Department of Higher Education. Both loans are on such terms as agreed upon by the two boards. Interest for the loan is set at 8%.

#### MEDICAL SCHOOL

Act No. 974, (HB 1900) provides that the University of Arkansas for Medical Sciences shall admit one hundred fifty freshman students each year of the 1991-93 biennium into the College of Medicine.

#### MINORITY TEACHER RECRUITMENT

Act No. 858, (HB 1037) provides for a cooperative agreement and effort between a school district and an institution of higher education to supply mentor teachers for college students in the field of education. The act includes members of the male gender as a minority population. The state provides \$250 per participant per year as honorarium to mentoring teachers. The State Department of Education and State Department of Higher Education are to work cooperatively to promote the program.

#### NORTHWEST COMMUNITY COLLEGE FOUNDATION.INC

Act No. 1122, (HB 1861) provides that if the Northwest Arkansas Community College Foundation, Inc. is required to refund to the North Arkansas Community College any voluntary taxes collected in Benton County and paid to the Foundation or its predecessor between June 30, 1986 and June 30, 1991, then the North Arkansas Community College shall transfer the funds to the North Arkansas Community College.

## EDUCATION (cont.)

### HIGHER EDUCATION (cont.)

#### NURSE TRAINING PROGRAM

Act No. 1101, (HB 1608) repealed Arkansas Code 6-64-106 which authorized the University of Arkansas at Fayetteville to receive and expend grants and private donations for the implementation and maintenance of a baccalaureate degree nursing program. The act provides that the existing associate degree program in nursing will not be discontinued until an associate degree program has been established in the region by a public institution.

#### OFFICE OF ACCOUNTABILITY

Act No. 856, (HB 1029) establishes an Office of Accountability in the Department of Higher Education to issue annual reports on the overall study of accountability measures in higher education institutions and provide other technical assistance and oversight to higher education institutions. The Advisory Committee on Accountability established in A.C.A. 6-15-804 also serves as the higher education advisory committee. The establishment of the office is contingent on the provision of funding for such in the department budget.

#### POSTSECONDARY REMEDIATION

Act No. 880, (HB 1531) requires the Department of Higher Education to report to each public school the number of students who required remediation during their first year of enrollment in a public institution of higher education. The public school must then report to the Office of Accountability within the Department of Education the number of students requiring remediation who had a 3.00 or higher grade point average and those who graduated from a program of minimum core college preparatory courses. Reporting is only for those students enrolled within three years following graduation from high school.

#### PRIVATE CAREER BOARD

Act No. 814, (SB 604) amends 17-35-501 et seq to authorize the State Board of Private Career Education to regulate continuing education courses offered real estate brokers and salesmen. This was formerly done by the Division of Vocational and Technical Education of the Arkansas Department of Education. Definition of classroom hour eliminates the use of video taped lectures.

#### PROFESSIONAL SERVICES

Act No. 1221, (SB 692) amends the definition of contractor as it relates to professional and consultant services of state agencies to provide that an institution of higher education may execute a contract with a state agency under which services will be performed by employees of the institution. The act provides that the employee may receive additional compensation provided that certain criteria are met.

#### PROGRAM IMPROVEMENTS

Act No. 10, (HB 1287) establishes the "Educational Excellence Trust Fund" for revenue derived from the collection of the additional 1/2 cent sales tax. The act sets forth the allocation of the revenue between the public school fund and higher education institutions for the next biennium. Emergency clause makes act effective July 1, 1991.

## EDUCATION (cont.)

### HIGHER EDUCATION (cont.)

#### PUBLIC SCHOOL STUDENT GENIUSES

Act No. 1097, (HB 1466) amends 6-18-223 to permit students enrolled in 8th grade or above to receive academic credit in both the public school and the institution of higher education for courses taken in an institution of higher education. The act provides that any student who completed college course work prior to January 1, 1990, shall be eligible for credit without regard to the grade level in which the student was enrolled in the public school at the time.

#### SCHOLARSHIPS AT U OF A

Act No. 902, (HB 1747) amends 6-81-401 et seq to increase to \$300,000 the total amount available for students' loans at the University of Arkansas. Interest on the loan is increased to a minimum of 4% and a maximum of 8% per annum. The full amount of a student loan is limited to the cost of tuition for one academic year. The disbursing agent is authorized to draw up to \$40,000 as needed from the State Treasury.

#### SECOND EFFORT SCHOLARSHIPS

Act No. 705, (SB 657) grants a tuition scholarship (up to \$1,000) to the top ten scorers each year on the GED test who chose to attend a postsecondary institution in the state of Arkansas. The Office of Adult Education certifies the test results to the Department of Higher Education who awards the scholarships. Program begins with test-takers during 1991.

Act No. 717, (HB 1995) is the same as Act 705.

#### STUDENT TESTING

Act No. 1101, (HB 1608) requires all first-time entering freshmen at state supported colleges and universities to be tested for placement in either college level credit courses in English and mathematics or remedial courses in English composition and mathematics.

#### TECHNICAL COLLEGE

Act No. 617, (SB 599) designates the Ouachita Vo-Tech School at Malvern a technical college effective July 1, 1991, transferring the school to the jurisdiction of the State Board of Higher Education to be part of the Technical and Community College System. The act becomes effective 3-19-91.

#### TECHNICAL COLLEGES CREATED

Act No. 1244, (SB 357) is entitled the "Two-Year Postsecondary Education Reorganization Act of 1991". It transfers from the Vo-Tech Division 12 secondary vo-tech schools to the Department of Higher Education where they will become technical colleges on July 1, 1991. The State Board of Higher Education is expanded by three members, divided into two panels of 7 each, with one of the panels sitting as the "College Panel" to specialize in technical and community college program needs. Technical colleges are defined the same as community colleges except they have an appointed local board and no millage district.

## EDUCATION (cont.)

### HIGHER EDUCATION (cont.)

#### TUITION REFUNDS

Act No. 310, (HB 1525) provides a complete refund of tuition and general fees to a student who must withdraw for full-time military service during a national crisis. Other fees for room, board, etc. are refunded proportionately. Act also provides one semester of free tuition at the institution where attendance was interrupted unless federal aid is available.

#### UAPB

Act No. 600, (SB 550) authorizes the Board of Trustees of the University of Arkansas at Pine Bluff to hire scientists with extraordinary research capabilities to conduct research in the Biomedical Research Center provided that the Board seeks prior review by the Legislative Council.

#### WESTARK COMMUNITY COLLEGE

Act No. 1119, (HB 1855) requires the Center for Quality and Productivity at Westark Community College to provide detailed reports and other accountability indices to the State Department of Higher Education and the Arkansas Industrial Development Commission.

### HIGHER EDUCATION OVERSIGHT

Act No. 978, (SB 492) establishes the Joint Interim Oversight Committee on Higher Education Reform and prescribes the duties of the committee.

### SCHOOLS

#### ABANDONED SCHOOL PROPERTY

Act No. 363, (HB 1142) permits the prior owner or his successor in interest to purchase school property following closure of the school if such property was acquired by the school through eminent domain. The option to purchase must be exercised within one year following closure of the school. Emergency clause makes act effective 3-6-91.

#### ADJUNCT FACULTY FOR COLLEGES

Act No. 981, (HB 1039) provides that, beginning with the 1992-93 academic year, full-time faculty of the college of education at a state-supported institution must work collaboratively with the public schools in this state. Exemplary teachers in the public schools may be placed as adjunct clinical faculty at the college of education. The institutions of higher education must report their collaborative efforts by October 1 of each year to the two state boards, the Joint Interim Committee on Education and the Oversight Subcommittee on Educational Reform.

#### ALTERNATIVE CERTIFICATION

Act No. 308, (HB 1451) adds 6-17-409 to authorize the department to provide grants of financial assistance of up to \$500 for participants in the alternative teacher certification program.

## EDUCATION (cont.)

### SCHOOLS (cont.)

#### ALTERNATIVE SCHOOLS

Act No. 830, (HB 1027) amends 6-18-503 and 508 to require school districts with above 2,000 average daily membership to establish an alternative learning environment (not necessarily a separate school) by 1993-94 school year, 1000 average daily membership by 1994-95 and all other districts by 1995-96 for students with discipline problems. The Equity Assistance Center at the Department of Education is to monitor race, gender and other pertinent information concerning students assigned by school districts to an alternative learning center.

#### ARKANSAS BLACK HISTORY

Act No. 1233, (SB 710) establishes the Arkansas Black History Advisory Committee and the membership thereof, establishes the committee's functions and powers, provides that the State Historian shall assist the committee in the performance of its duties, and provides for the development of a program of Arkansas black history for inclusion in the curriculum segment of the Arkansas history courses in the public schools of the state.

#### ATTENDANCE

Act No. 915, (HB 1836) allows children or wards of employees of the Department of Correction to complete the school term in the district in which enrolled when the parent or guardian is transferred from one unit of the Department of Correction to another.

#### BETTER CHANCE (3-5) PROGRAM

Act No. 212, (HB 1400) adds a new Chapter 45 to Title 6 to expand existing programs for educationally deprived children age 3 - 5 years. Local programs may apply for a 60% state match through a grant program in the Department of Education. Applicants may be, but need not be, school districts. Any not-for-profit, non-sectarian early childhood program may seek a grant under this act. Emergency clause makes act effective 7-1-91.

#### BOARD OF DIRECTORS

Act No. 4, (HB 1003) requires governing body of educational institutions supported by public funds to review audit reports in their next meeting following receipt and to take appropriate actions relating to findings and recommendations contained in the report.

#### BONDS FOR REFUNDS

Act No. 689, (SB 711) authorizes school district to issue bonds in an amount equal to the original principal amount for refunding all or any part of its bonded indebtedness. Such bond issuances must be approved by the State Board of Education and by the electors of the district.

#### BONDS FOR SCHOOL BUS PURCHASE

Act No. 405, (SB 322) amends 6-20-1201 and 1202 to authorize the issuance of negotiable coupon bonds by school districts for purchase of new school buses or refurbishing of used school buses. Emergency clause makes the act effective 3-8-91.

## EDUCATION (cont.)

### SCHOOLS (cont.)

#### BUS DRIVERS

Act No. 736, (SB 477) allows a full-time bus driver who contracts to work at least 720 hours during a school year to participate in the Public School Employees Insurance Program. The school bus driver must pay all costs associated with participating in the insurance program unless the school district decides to pay for all or a portion of the cost.

#### CAPITAL OUTLAY TAXES

Act No. 839, (HB 2061) provides the purposes for which capital outlay funds shall be used.

#### CHOICE LAW

Act No. 284, (HB 1449) amends 6-18-206 changing to April 17 the deadline for applying to attend another district under the 1989 School Choice Law. Specifies the racial composition of school districts under which transfers are prohibited as having a segregative effect. Requires advertising by districts participating in the school choice program. Authorizes the department to monitor compliance with the requirements of the act. Act became effective 2-28-91.

#### CIVIL IMMUNITY

Act No. 587, (SB 388) amends 6-17-107 to add immunity to teachers, counselors, school health providers and other school personnel for counselling, referral, emergency medical care and other assistance offered to suicidal students. Emergency clause makes act effective 3-18-91.

#### CLASSIFIED EMPLOYEES

Act No. 631, (HB 1741) establishes a fair hearing procedure for non-probationary, full-time employees of a school district upon their termination or the failure to renew their contract. Provides for certain written notices to the employee and hearings before the school board. Emergency clause failed to be approved.

#### CLASSIFIED PERSONNEL SALARIES

Act No. 395, (HB 1599) creates the Arkansas Classified Personnel Salaries Study Commission to study the salary schedules for classified personnel among the state's school districts. The commission is to recommend solutions for salary disparities and inadequacies to the 1993 General Assembly.

#### COMPULSORY ATTENDANCE AGE

Act No. 292, (HB 1026) amends 6-18-201(a) to increase to age 17 (on October 1 of the school year) the age for which a child must remain in school. Permits the local board to grant a waiver from the compulsory attendance requirement. Also, exempts students enrolled in postsecondary educational institutions.

Act No. 320, (SB 263) is the same as Act 292.

## EDUCATION (cont.)

### SCHOOLS (cont.)

#### CONSOLIDATION OF TOP GRADES

Act No. 1033, (HB 2051) amends 6-15-207(c) to eliminate the deadline of June 1, 1987, for school districts to petition the county board of education to combine the top four or six grades with an adjoining school district.

#### CONSOLIDATION/ANNEXATION

Act No. 966, (HB 2100) prohibits a county board of education from ordering any annexation or consolidation under any law of this state which would negatively affect the efforts of the state to assist districts in desegregation. Requires the county board to obtain an opinion from the Attorney General prior to approval of consolidation or annexation. Sets forth when either can occur. Prohibits the establishment of a board of directors with an even number of members following consolidation or annexation.

#### COUNTY ASSESSOR BUDGETS

Act No. 484, (HB 1296) amends 14-15-203 to require the county assessor to provide all taxing units a copy of the proposed annual budget of the assessor's office and any additional changes which result in a 1% increase in the original budget. School districts and other taxing units must pay the expenses of the county assessor's office. Emergency clause makes act effective 3-13-91.

#### DECONSOLIDATION PENALTY

Act No. 618, (HB 1004) sets forth circumstances under which a school district must repay incentive money received during a consolidation or annexation. If the district subsequently dissolves or takes action which inhibits the ability of any district to desegregate or to remain desegregated or takes action which hampers the ability of the state to ensure a quality education in an efficient manner in the district, the district is liable for consolidation incentive funds it received. Act becomes effective 3-19-91 and applies to action of school districts following that date.

#### ELECTIONS

Act No. 496, (SB 95) provides that the general election laws of Arkansas shall apply to school elections insofar as applicable and not in conflict with the school election laws.

#### EMPLOYEE HEALTH INSURANCE

Act No. 311, (HB 1546) provides for a study commission to study the current Public School Employee Health Insurance Program, including possible expansion to employees not covered, as well as conversion to a self-insurance group plan. The commission is to report its findings to Joint Interim Committee on Insurance and Commerce and the 1993 General Assembly. The act expires January 31, 1993.

## EDUCATION (cont.)

### SCHOOLS (cont.)

#### EXEMPLARY SCHOOL PROGRAM

Act No. 825, (SB 513) amends 6-15-603 to expand this program, encouraging participation by awarding \$10,000 annual grants with additional \$2,000 award to be used for training and materials once selected to become part of the network. Program must be designed to stimulate student performance in one or more content areas through the use of new and creative methods and capable to being duplicated by other districts.

#### FINANCIAL DISCLOSURE

Act No. 326, (HB 1077) requires school board members and persons appointed to certain municipal or county boards or commissions to file a financial disclosure statement. The act adopts disclosure requirements for those persons identical to the requirements existing before the adoption of Initiated Act 1 of 1988, "The Disclosure Act for Lobbyists and State and Local Officials."

#### FISCAL RESPONSIBILITY

Act No. 724, (HB 1807) creates the Local Fiscal Management Responsibility Act which provides civil penalties to be imposed upon public officers and employees who are in violation of certain Arkansas laws concerning fiscal responsibility and management laws pertaining to cities, counties and school districts.

#### FREE BREAKFAST PROGRAM

Act No. 826, (SB 600) provides a three-year implementation program for free breakfast beginning with schools having 40% or more students qualified for free or reduced meals with the 1991-92 school year, 35% for the 1992-93 school year and 20% for the 1993-94 school year. Act provides a one-year waiver if the school lacks equipment to implement the program. Also, high schools may be exempt if they can demonstrate a lack of participation by qualified students.

Act No. 1127, (HB 1911) is the same as Act 826.

#### GRIEVANCE PROCEDURES

Act No. 558, (HB 1783) requires school districts to adopt written grievance procedures in accordance with 6-17-201 through 207 and other applicable policies of the district. Procedures must include means to resolve concerns informally and a procedure to appeal unsatisfactory resolutions to at least the school board level. (Emergency clause failed to be approved.)

## EDUCATION (cont.)

### SCHOOLS (cont.)

#### HARDSHIP WAIVERS/DRIVERS LICENSE

Act No. 716, (HB 1929) amends 27-16-701 to permit a person less than 18 years of age who is unable to submit proof of enrollment in school or graduation to apply for a waiver from such requirement with the Office of Driver Services. Any waiver granted must be for demonstrable financial hardship and must apply only to the extent necessary to ameliorate the hardship. In cases where fraud occurs in obtaining the waiver, the parent, guardian or person in loco parentis is subject to perjury charges. The Department of Finance and Administration is authorized to issue rules for complying with this law which are to be distributed to schools.

#### IN-STATE DEPOSITORY WAIVER

Act No. 459, (SB 370) amends 19-8-104 to permit an isolated school district which lies on the border of the state with the administrative office located within 6 miles of an out-of-state bank, and the nearest in-state bank being located at least 18 miles from the office, to obtain a hardship waiver from the Joint Auditing Committee, so deposits may be made in an out-of-state institution.

#### INCREMENTAL SALARY INCREASES

Act No. 977, (SB 403) amends 6-17-1001 - 1003 (Minimum Base Teacher Salary Law) to provide for incremental increases based on education (BA degree or MA degree) and years of experience beginning with the 1993-94 school year. The State Board of Education may grant up to a two-year waiver of this requirement if the district proves it cannot meet the minimum salary requirements from funds available and is in compliance with the minimum millage levy requirements of state law.

#### LAB EQUIPMENT

Act No. 272, (SB 244) authorizes law enforcement agencies to donate any triple beam balance or analytical balance or other lab equipment seized under Arkansas' drug paraphernalia law to the public schools.

#### LEARNING DISABILITIES

Act No. 338, (HB 1547) requires the state Department of Education to adopt rules and regulations requiring all schools to identify children with specific learning disabilities, to train teachers to recognize students with learning disabilities and for each school district to have on file a plan for implementing a recognition program and incorporating teaching strategies for students with learning disabilities in regular classrooms.

#### MATH AND SCIENCE SCHOOL

Act No. 259, (SB 236) establishes the Arkansas School for Mathematics and Sciences for 11th and 12th grade students to be located on a campus of an institution of higher education or other facility which will provide classrooms and other facilities for operation of the school. An advisory board is established to assist the department in governing the school. The administrator of the school is employed by the Director of General Education Division of the Department of Education. The school is to be a residential facility. The act became effective 2-27-91.

## EDUCATION (cont.)

### SCHOOLS (cont.)

#### MATH AND SCIENCE SCHOOL (cont.)

Act No. 305, (HB 1387) is the same as Act 259. The act is effective 3-1-91.

#### MINIMUM FOUNDATION PROGRAM AID

Act No. 401, (HB 1288) amends various sections of Title 6, Chapter 20 to restrict the use of unsafe school buses beginning with the 1993-94 school year, reauthorizes funding for gifted and talented programs, clarifies the calculation of the miscellaneous fund charge, amends the definition of "net current revenues", extends incentive money for consolidation/annexation, increases second-tier set aside funds, and makes other adjustments in the funding formula for public schools. The act becomes effective July 1, 1991.

#### MINORITY TEACHER/ADMINISTRATOR RECRUITMENT

Act 1164, (HB 2117) requires school districts with more than five percent African-American or other minority students to file minority teacher/administrator recruitment plans. The act creates the minority teacher recruitment advisory council.

#### NOTICE OF EXCESSIVE ABSENCES

Act No. 876, (HB 1386) amends 6-18-222 to permit the school district to notify the parent or guardian by regular mail of excessive absences of a student. Also clarifies who has prosecutorial authority to enforce the civil penalty provision against the parents of the student who exceeds the number of excused absences. Authorizes the state board to seek a writ of mandamus against a school district or prosecuting attorney who fails to comply with the act requirements.

#### ODYSSEY OF THE MIND GRANTS

Act No. 358, (HB 1290) authorizes the Department of Education to provide grants to school districts for up to \$14,000 during each fiscal year of the 1991-93 biennium to defray expenses of the Odyssey of the Mind National Competition. Act becomes effective 7-1-91.

#### OVERSIGHT SUBCOMMITTEE ON EDUCATIONAL REFORM

Act No. 478, (HB 1083) revises the composition of the Joint Interim Oversight Subcommittee on Educational Reform of the Joint Interim Committee on Education. All members of the subcommittee are to be members of the Joint Interim Committee on Education. The act requires the Bureau of Legislative Research to provide a full-time staff person. The subcommittee is to expire on July 1, 1995. (This act was amended by Act 1120 to add an emergency clause.)

#### PAYMENTS IN LIEU OF TAXES

Act No. 713, (HB 1829) amends 14-164-703 to provide for distribution among all affected political subdivisions on a proportionate basis of payments made in lieu of taxes by industrial facilities which are granted an exemption from ad valorem taxes. Emergency clause makes act effective 3-22-91.

## EDUCATION (cont.)

### SCHOOLS (cont.)

#### PERMANENT STUDENT RECORD

Act No. 355, (HB 1040) authorizes the Department of Education to develop and publish an itemized list of information to be maintained as a student's permanent record while enrolled in a public school district in this state. Provides for the transfer of such record to the receiving district upon transfer of the student. Record may be maintained in an electronic database.

#### PERSONNEL POLICIES

Act No. 170, (SB 148) requires school districts to file with the department a copy of their current personnel policies and any salary schedule signed by the president of the board beginning July 1, 1991. The department is to notify any district which has not filed a copy of their policy thirty days prior to the first scheduled payment of the fiscal year. Emergency clause makes act effective 7-1-91.

#### POSTSECONDARY REMEDIATION

Act No. 880, (HB 1531) requires the Department of Higher Education to report to each public school the number of students who required remediation during their first year of enrollment in a public institution of higher education. The public school must then report to the Office of Accountability within the Department of Education the number of students requiring remediation who had a 3.00 or higher GPA and those who graduated from a program of minimum core college preparatory courses. Reporting is only for those students enrolled within three years following graduation from high school.

#### PROOF FOR DRIVER'S LICENSE

Act No. 831, (HB 1028) amends 27-16-701 to require every applicant for an instruction permit or operator's license who is less than 18 years of age to present proof of receipt of a high school diploma or its equivalent or enrollment and attendance in a public, private or parochial school, home schooling or enrollment in postsecondary schooling. After July 1, 1993, such person must also present proof of a "C" average for the previous semester or grading period to obtain a license. Exceptions are made for handicapped students and those found to be performing at their fullest level of capability.

#### PUBLIC SCHOOL STUDENT GENIUSES

Act No. 1097, (HB 1466) amends 6-18-223 to permit students enrolled in 8th grade or above to receive academic credit in both the public school and the institution of higher education for courses taken in an institution of higher education. The act provides that any student who completed college course work prior to January 1, 1990, shall be eligible for credit without regard to the grade level in which the student was enrolled in the public school at the time.

## EDUCATION (cont.)

### SCHOOLS (cont.)

#### SCHOOL BASED HEALTH CLINICS

Act No. 1035, (HB 2077) amends 6-18-703 to state that the school board retains absolute control over any operations and programs offered by a school based health clinic established by the school board.

Act No. 1181, (SB 595) provides that no school based health clinic may be established in a public school unless requested by the school board and no child shall receive services from school based health clinics without parental consent. When any local school board elects to maintain a school based health clinic in the school, all Health Department employees working in the clinic are subject to the supervision and control of the local school board.

#### SCHOOL COUNSELORS

Act No. 908, (HB 1797) requires school districts to implement an array of student services during the 1991-92 school year. Act requires school counselors to spend at least 75% of their time providing direct counseling to students and devote no more than 25% of their time to administrative activities. School districts must develop a plan to use alternative methods of classroom management and a system for district level monitoring for school dropouts.

#### STUDENT'S SOCIAL SECURITY NUMBER

Act No. 838, (HB 2060) amends 6-18-208 to require parents to provide student's social security number along with copy of birth certificate when enrolling child in school. New provisions permit provisional enrollment while the birth certificate information is being sought by the school district or during the period of application for a social security number. Parent or guardian may receive a waiver from the social security number requirement upon filing a statement with the school district setting forth his or her objections to such.

#### SUMMER REMEDIAL PROGRAM

Act No. 650, (HB 1950) amends various sections of Title 6, Chapter 16, Subchapter 6. Permits students in 11th grade to take placement test. Changes also permit 11th graders to enroll in college preparatory program following their junior year. Emergency clause makes act effective 3-19-91.

#### TEACHER ASSIGNMENTS

Act No. 654, (HB 1364) amends 6-17-307 to grant school boards the authority to assign and reassign teachers upon the recommendation of the superintendent. This is a reenactment of an earlier law which was erroneously repealed during 1989.

## EDUCATION (cont.)

### SCHOOLS (cont.)

#### TRANSFER OF SICK LEAVE

Act No. 834, (HB 1614) permits an employee of a school district, when transferring to another school district, or a certified employee transferring to another school district, educational cooperative or position in the Department of Education which requires certification, to transfer up to 90 days accumulated sick leave to the receiving employer.

#### TRANSPORTATION

Act No. 214, (SB 77) permits counting of nonresident student in both the resident district and nonresident district for purposes of claiming transportation aid from the state. This nonamendatory act became effective 2-21-91.

#### TRANSPORTATION AID FUNDS

Act No. 840, (HB 2101) prohibits the use of transportation aid funds for any use other than those enumerated by the State Board of Education as permitted uses beginning with the July 1, 1991-June 30, 1993 biennium. If monies remain in a school district at the end of any biennium, such must be returned to the state for deposit in the State Transportation Aid Account if a waiver is not received by the district to use the funds towards purchase of a school bus.

#### TRUANCY

Act No. 468, (SB 130) repeals 6-18-211 concerning reporting incorrigibility and truancy to the juvenile or county court. This law has been superseded by the Juvenile Code of 1989 and other laws on school attendance.

#### UNIFORM GRADING SCALE

Act No. 1070, (SB 457) adds a new subchapter to Title 6, Chapter 15 to provide a uniform grading scale and numeric value for determining grade point average. The State Board of Education is authorized to adopt appropriate equivalents for advanced placement courses, honors courses and college level courses.

#### VACANCIES ON SCHOOL BOARD

Act No. 201, (HB 1311) amends 6-13-611 and 613 to allow the county board of education rather than the county judge to fill vacancies on a school board when only a minority of the board remains as a result of several vacancies. Permits the school board by a majority vote to determine when a vacancy has occurred, when a member accepts employment a distance from the district, moves his residence outside the district or fails to attend a meeting over a period of 90 days.

## EDUCATION (cont.)

### SCHOOLS (cont.)

#### VALEDICTORIANS/HONOR STUDENTS

Act No. 980, (HB 1033) , beginning with the 1993-94 school year, establishes that only students who successfully complete minimum core college preparatory courses or rigorous programs of vocational study may be eligible to serve as valedictorian or salutatorian of his or her graduating class. Also, the same requirements apply for designation as an honor student. The same requirements apply beginning with the 1991-92 school year for membership in the National Honor Society or other academic honor societies. The State Board is to study the impact of abolishing the general studies track and report 9-15-92.

#### VEHICLE INSURANCE

Act No. 824, (SB 448) establishes a self-insurance program for school district motor vehicles to meet the liability insurance requirements. The program is to be administered by the State Board of Education with the advice of the Self Insurance Advisory Committee. The board and committee shall set the premium rates for the insurance program and shall maintain a maintenance and safety program designed to reduce accidents involving school vehicles. The program shall be funded from an initial \$1.5 million dollar loan from the school Self-Insurance Fund. Participation in the program is optional.

#### WRITE-IN CANDIDATES

Act No. 294, (HB 1075) makes provision for write-in candidates for school director or member of the county board of education. It requires the write-in candidate to notify the county board of election commissioners of his or her intention to be a write-in candidate at least forty days before the annual school election.

### SCHOOLS FOR BLIND OR DEAF

#### BOARD MEMBERSHIP

Act No. 795, (SB 438) amends 25-17-203(b) to eliminate the provision preventing state employees, who are not directors, from serving on certain honorary boards which manage various state institutions. The act specifically authorizes the parent of a student at the School for the Blind or School for the Deaf to serve on the board of trustees, although such parent may also be a state employee.

### STUDENT LOANS/SCHOLARSHIPS

#### ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM

Act No. 352, (SB 299) establishes the Arkansas Academic Challenge Scholarship Program (like the Taylor program in Louisiana) for freshmen enrolling in Arkansas institutions of higher education who had a 2.5 grade point average in the postsecondary core curriculum and score 19 or above on ACT. The grade point average requirement goes to 3.0 in 1993-94. Qualifying students must also demonstrate financial need.

Act No. 362, (HB 1501) is the same as Act 352.

Act No. 733, (HB 2098) amends Act 352 and 362 of 1991 to establish the family income criteria for adopted children to qualify for the Arkansas Academic Challenge Scholarship Program.

## EDUCATION (cont.)

### STUDENT LOANS/SCHOLARSHIPS (cont.)

#### MEDICAL STUDENT LOANS

Act No. 359, (HB 1408) makes various changes to the Arkansas Rural Medical Practice Student Loan and Scholarship Program by modifying the interest rate and deferment provisions for borrowers who fail to comply with the contractual agreement to practice full-time medicine in a qualifying rural community and defines a rural community as one that has 8,000 or fewer persons.

### TEACHERS

#### MINORITY TEACHER/ADMINISTRATOR RECRUITMENT

Act 1164, (HB 2117) requires school districts with more than five percent African-American or other minority students to file minority teacher/administrator recruitment plans. The act creates the Minority Teacher Recruitment Advisory Council.

#### TEACHER ASSIGNMENTS

Act No. 654, (HB 1364) amends 6-17-307 to grant school boards the authority to assign and reassign teachers upon the recommendation of the superintendent. This is a reenactment of an earlier law which was erroneously repealed during 1989.

#### TRANSFER OF SICK LEAVE

Act No. 834, (HB 1614) permits an employee of a school district, when transferring to another school district, or a certified employee transferring to another school district, educational cooperative or position in the Department of Education which requires certification, to transfer up to 90 days accumulated sick leave to the receiving employer.

#### SALARY INCREASES-TEACHERS

Act No. 10, (HB 1287) establishes the "Educational Excellence Trust Fund" for revenue derived from the collection of the additional 1/2 cent sales tax. The act sets forth the allocation of the revenue between the public school fund and higher education institutions for the next biennium. Money distributed to public schools under the Minimum Foundation Program Aid shall be used to provide salary increases for certified personnel. Emergency clause makes act effective July 1, 1991.

#### TEACHER SALARIES

Act No. 54, (SB 23) amends 6-17-806 to permit the Arkansas Teachers' Salaries Study Commission to conduct a study of disparity in salaries among other states as well as between school districts of the state.

### VOCATIONAL-TECHNICAL EDUCATION

#### APPRENTICE PLUMBER PROGRAM

Act No. 412, (HB 1264) transfers the apprentice plumber program from the Department of Health to the Vo-Tech Division of the Department of Education.

## EDUCATION (cont.)

### VOCATIONAL-TECHNICAL EDUCATION (cont.)

#### APPRENTICESHIP/WORK BASED

Act No. 546, (SB 253) directs the Vocational and Technical Division of the Department of Education to develop and implement a Youth Apprenticeship/Work Based Learning program for non-college bound high school students. The program is to incorporate one to two years of postsecondary learning and provide work site training. The Vo-Tech Division is also charged with responsibility of establishing articulation agreements with high schools, vo-tech schools and institutions of higher education to eliminate lifelong barriers.

Act No. 553, (HB 1428) same as Act 546.

#### CARRYOVER FUNDS

Act No. 229, (HB 1374) amends 6-51-305(b) to allow vocational centers to carry forward any fund balance at the end of the school year for use in conducting summer programs or community based education centers. Emergency clause makes act effective 2-25-91.

#### COMMUNITY BASED CENTERS

Act No. 228, (HB 1373) authorizes the State Board of Vocational Education to establish criteria to be met by secondary vocational centers to become community based education centers. Permits the secondary school to change its name to Community Based Education Center.

#### CORPORATE INCOME TAX

Act No. 1052, (SB 166) increases the income tax rate on corporations with net income exceeding \$100,000 from 6% to a flat rate of 6.5% to be applied to the entire net income and provides that the proceeds from the additional tax shall be used exclusively for the authorized educational activities of vocational-technical schools, technical institutes, lifelong learning centers, technical colleges, and community colleges.

#### PROGRAM IMPROVEMENTS

Act No. 10, (HB 1287) establishes the "Educational Excellence Trust Fund" for revenue derived from the collection of the additional 1/2 cent sales tax. The act sets forth the allocation of the revenue between the public school fund and higher education institutions for the next biennium. Emergency clause makes act effective July 1, 1991.

#### QUACHITA VO-TECH SCHOOL

Act No. 617, (SB 599) designates the Ouachita Vo-Tech School at Malvern a technical college effective July 1, 1991, transferring the school to the jurisdiction of the State Board of Higher Education to be part of the Technical and Community College System. The act becomes effective 3-19-91.

## EDUCATION (cont.)

### VOCATIONAL-TECHNICAL EDUCATION (cont.)

#### TECHNICAL COLLEGES CREATED

Act No. 1244, (SB 357) is entitled the "Two-Year Postsecondary Education Reorganization Act of 1991." It transfers from the Vo-Tech Division 12 secondary vo-tech schools to the Department of Higher Education where they will become technical colleges on July 1, 1991. The State Board of Higher Education is expanded by three members, divided into two panels of 7 each, with one of the panels sitting as the "College Panel" to specialize in technical and community college program needs. Technical colleges are defined the same as community colleges except they have an appointed local board and no millage district.

#### TECHNICAL INSTITUTES

Act No. 773, (SB 165) amends 25-6-101(b) to expand the State Board of Vocational Education by 3 members. Creates local boards to administer postsecondary vocational technical schools. Authorizes the conversion of vo-tech schools into technical institutes offering associate of applied science degrees and comprehensive lifelong learning centers which, in addition to offering associate degrees, may contract with institutions of higher education to offer degree programs through the center's Center for Collegiate Instruction. Act became effective March 26, 1991.

## ELECTION LAW REVISION COMMISSION

Act No. 919, (HB 1872) establishes the Election Law Revision Commission. The commission shall examine election laws of this state and prepare suggested legislation to revise or replace current election laws. This commission will expire upon the completion of its duties.

## ELECTIONS

### ABSENTEE BALLOTS

Act No. 863, (HB 1151) provides that written requests for absentee ballots to be mailed to an eligible voter will remain in effect for 1 year and the county clerk will automatically mail an application for an absentee ballot no later than 30 days prior to each election.

### ALLOCATION OF EXPENSES

Act No. 921, (HB 1891) provides that cities, incorporated towns or school districts are to reimburse the county board of election commissioners for the expenses of any election in an amount equal to a figure derived by dividing the total cost of the election by a fraction, the numerator of which shall be the number of voters from the city, incorporated town or school district casting ballots in the election and the denominator of which shall be the total number of voters casting ballots in the election.

### CANDIDATE'S NAME

Act No. 408, (HB 1095) allows a candidate to add, as a prefix to his name, the title or an abbreviation of an elective public office the candidate holds.

## ELECTIONS (cont.)

### CITIES

#### ANNEXATION

Act No. 725, (HB 1821) provides that if a special election is held on the question of annexing an area to a municipality, then the special election shall be conducted no earlier than sixty days after the date of the enactment of the ordinance. The act requires a city to assist the county clerk in determining the qualified electors in the area. The county clerk must give notice of voter registration deadlines at least twenty days before the election to those persons in the area whose names are on the list provided by the city clerk.

#### RECALL

Act No. 49, (HB 1293) increases the percentage of electors required on a petition to recall the mayor or a director of a city with administrator form of government or the city manager form of government. The act also repeals obsolete laws providing for the commission form of government.

#### PRIMARY AND GENERAL ELECTIONS

Act No. 59, (SB 78) allows municipalities with the mayor-council form of government to request the county political party committees to conduct party primaries for municipal offices. It provides for a runoff between the two candidates receiving the highest number of votes in the general election. The act is the same as Act 430 of 1991.

Act No. 430, (HB 1136) allows municipalities with the mayor-council form of government to request the county political party committees to conduct party primaries for municipal offices. It provides for a runoff between the two candidates receiving the highest number of votes in the general election. The act is the same as Act 59 of 1991.

#### CLOSING OF DRAM SHOPS

##### OBSOLETE LANGUAGE REPEALED

Act No. 241, (HB 1092) deletes obsolete language concerning the closing of dram shops and drinking houses during polling hours. The act also revises the definition of "general" and "special" election and adds the definition of "qualified elector" for election code purposes.

#### DECEASED CANDIDATE

Act No. 530, (SB 93) provides that the ballots cast for a candidate who withdrew or died shall be counted. If the person wins the election, a vacancy shall be declared. If enough votes were cast to qualify a runoff, the person's name shall appear on the runoff ballot, and if the person wins the runoff, then a vacancy shall be declared to exist.

#### DEFINITIONS

Act No. 241, (HB 1092) revises the definition of "general" or "special" election in the election code to include special elections to approve any measure. It defines "qualified elector" to require the person to be registered pursuant to Amendment 51 to the Arkansas Constitution. The act also deletes obsolete language concerning the closing of dram shops and drinking houses during polling hours.

## **ELECTIONS (cont.)**

### **ELECTION CONTESTS**

#### **HOUSE OF REPRESENTATIVES**

Act No. 1014, (HB 1815) provides that any election contests concerning a member of the House of Representatives must be filed with the State Claims Commission which shall make a non-binding recommendation to the House of Representatives and grants the commission the authority to subpoena witnesses and records regarding such election contests.

### **ELECTION LAW REVISION COMMITTEE**

Act No. 919, (HB 1872) establishes the Election Law Revision Commission. The commission shall examine election laws of this state and prepare suggested legislation to revise or replace current election laws. This commission will expire upon the completion of its duties.

### **EXTRA DEPUTY FOR COUNTY CLERK**

Act No. 482, (HB 1152) increases the maximum amount that the county clerk may charge to pay for extra deputy clerks hired to handle election related matters. The maximum increases from \$20.00 per day per deputy to \$40.00 per day per deputy.

### **FINANCIAL DISCLOSURE STATEMENT**

#### **INCUMBENT OFFICEHOLDER**

Act No. 240, (HB 1074) provides that an incumbent officeholder is not required to file an additional financial disclosure statement upon becoming a candidate.

### **INITIATIVE AND REFERENDUM**

#### **BIRTH DATE**

Act No. 42, (HB 1102) requires a person to include their birth date when signing an initiative or referendum petition. The birth date information can be used as evidence of the validity of the signature.

#### **PENALTIES**

Act No. 719, (HB 1413) makes it a Class A misdemeanor to unlawfully sign an initiative or referendum petition or to knowingly and falsely misrepresent the purpose and effect of the petition or measure. The act requires the penalty to be printed in large type on the petition.

#### **PENALTY ON CANVASSER**

Act No. 197, (HB 1048) provides that a canvasser who knowingly makes a false statement on an initiative or referendum petition verification form shall be guilty of a Class A misdemeanor.

#### **VERIFICATION OF SIGNATURES**

Act No. 1094, (HB 1047) requires that the Secretary of State declare the sufficiency or insufficiency of each initiative or referendum petition within 30 days after it is filed and authorizes the Secretary of State to contract with county clerks for their assistance in verifying the signatures on the petitions. The act requires that the person filing petitions must bundle them by county and file an affidavit stating the number of petitions and number of signatures being filed.

## ELECTIONS (cont.)

### INITIATIVE AND REFERENDUM (cont.)

#### VERIFICATION OF SIGNATURES (cont.)

Act No. 1153, (HB 1179) requires that the Secretary of State declare the sufficiency or insufficiency of each initiative or referendum petition within 30 days after it is filed and requires county clerks to provide a list of all registered voters in their counties to the Secretary of State at least 4 months prior to the election with an updated list provided by September 1 in the year of the election. The act also requires that the person filing the petitions bundle the petitions by county and file an affidavit stating the number of petitions and signatures being filed.

### POLLING PLACE

#### BALLOT ISSUE REPRESENTATIVE

Act No. 407, (HB 1093) allows a representative of a group seeking the passage or defeat of a measure on the ballot to be present within the polling place for the purpose of challenging voters. The group must file a statement with the county clerk and a representative wishing to be present must present a copy of the statement along with a certificate from the county clerk.

#### PRIMARIES

Act No. 467, (SB 94) allows the county committees of political parties, by agreement, to establish common polling places in primary elections.

#### REPRESENTATIVE OF A CANDIDATE

Act No. 529, (SB 92) requires a representative of a candidate who wishes to be present within the polling place to present a notarized document containing the signature of the candidate and stating that the candidate designates the person as a representative.

### PRESIDENTIAL ELECTION

#### LIST OF ELECTORS

Act No. 242, (HB 1094) requires a political party or group to give the Secretary of State a list of its electors of President and Vice President of the United States by the 15th day of September in the year of the election.

### SCHOOL ELECTIONS

#### PROCEDURES GENERALLY

Act No. 496, (SB 95) provides that the general election laws of Arkansas shall apply to school elections insofar as applicable and not in conflict with the school election laws.

#### WRITE-IN CANDIDATES

Act No. 294, (HB 1075) makes provision for write-in candidates for school director or member of the county board of education. It requires the write-in candidate to notify the county board of election commissioners of his or her intention to be a write-in candidate at least forty days before the annual school election.

## **ELECTIONS (cont.)**

### **STATEWIDE BALLOT PROPOSALS**

#### **PUBLICATION**

Act No. 798, (SB 462) revises the requirements for publication of notices for statewide ballot proposals by changing the requirements for the size of the type to be used by the newspaper and by removing a provision setting the fee for the publication of the notice. The act also provides that publication of constitutional amendments proposed by the General Assembly must be made in four weekly issues of a newspaper in each county.

#### **TIE VOTES**

Act No. 53, (SB 22) provides that if there is a tie vote for certain county or municipal offices, then either candidate may request a runoff election instead of determining the winner by lot.

### **VOTER REGISTRATION**

#### **ADDRESS RENAMED**

Act No. 410, (HB 1138) allows the permanent registrar to change the name or number of the legal residence of a voter if the residence has been renamed, renumbered or annexed. The voter must be notified by mail within fifteen days after the records are changed.

#### **TRANSFER OR CANCELLATION OF REGISTRATION**

Act No. 581, (HB 1828) revises the procedures for the permanent registrar to transfer a voter's registration because of a change in legal residence. The act provides for the cancellation of the registration of voters who have been notified they are ineligible to vote in the county or state due to their change of legal residence and who have not notified the permanent registrar that they are still a qualified voter at their previous address.

### **VOTING MACHINES**

#### **CHANGING SYSTEMS**

Act No. 843, (SB 129) removes a provision applicable to certain municipalities and counties which required an election to be held to authorize a change in voting machines or electronic voting systems. However, the act prohibits a municipality or county with a voting machine or electronic voting system from returning to its previous method of voting and vote counting, without an election authorizing the change.

#### **GROUPING OF CANDIDATES**

Act No. 356, (HB 1078) requires voting machine ballots to group candidates by party affiliation. Candidates of the same party must be listed on the same horizontal or vertical line, depending on the type of voting machine.

## **ELECTRICAL EXAMINERS BOARD**

### **STATEWIDE ELECTRICAL CODE**

Act No. 653, (HB 1103) authorizes the Arkansas Board of Electrical Examiners to develop a statewide electrical code which applies to all new construction and new single and multi-family residences.

## ELEVATORS

### LICENSURE OF INSPECTORS

#### PENALTIES

Act No. 1063, (SB 400) amends various sections of Title 20, Chapter 24, Subchapter 1 to make each day of continued violation a separate offense, to increase the examination fee to up to \$150, to increase the annual license fee to up to \$50 and to prohibit inspection by persons having a financial interest in the building in which the elevator, escalator or dumbwaiter is installed.

## EMERGENCY SERVICES

### AMBULANCE SERVICES

Act No. 922, (HB 1903) provides that Act 457 of 1991 which authorizes quorum courts to establish the area to be served by an ambulance service district does not apply to existing nonprofit volunteer ambulance services that provide ambulance and paramedic services in a general but undefined area of the state and which have been in existence for more than five years.

### EMERGENCY SERVICES, OFFICE OF

#### EMERGENCY COMMUNICATION GRANTS

Act No. 554, (HB 1624) authorizes the State Office of Emergency Services to make grants to local emergency service offices to purchase emergency communications equipment. Grants are to be awarded on a matching basis not to exceed fifty percent (50%) of the cost of the equipment. The equipment is to be maintained and operated in accordance with Office of Emergency Services guidelines and failure to do so could result in repayment of the state portion of the purchase price of the equipment.

### HAZARDOUS AND TOXIC MATERIALS

Act No. 917, (HB 1845) establishes the Arkansas Hazardous and Toxic Materials Emergency Notification Act to establish and maintain an emergency services reporting system to notify emergency first responders and recovery personnel for accidents and incidents involving hazardous and toxic materials released into the environment. This Office of Emergency Services is responsible for implementing this act.

## EMPLOYMENT

### EMPLOYEE LEASING FIRMS

Act No. 1143, (HB 2062) provides that partners in an insurance firm for investment purposes only and who do not act for the firm or take any other active role in the operations of the firm shall not be subject to licensing provisions, regulates health insurance coverage to small employers, and provides for the licensing of employee leasing firms.

## EMPLOYMENT (cont.)

### EMPLOYMENT SECURITY LAW

Act No. 48, (HB 1201) amends various sections of the Employment Security Law in order to correct inequities in the payment and denial of unemployment benefits, to make technical corrections, and to bring the Employment Security Law into conformity with the Federal Unemployment Tax Act, as amended.

### OLDER WORKER COMMUNITY SERVICE

Act No. 772, (SB 142) amends the definition of "eligible individual or participant" for purposes of participation in the Older Worker Community Service Employment Program to mean an individual who is 55 years of age or older and whose household income does not exceed 200% of the SSI level, as established by the Social Security Administration.

## EMPLOYMENT SECURITY DEPARTMENT

### DEPARTMENT CREATED

Act No. 100, (SB 114) renames the Arkansas Employment Security Division as the Arkansas Employment Security Department.

### FOOD STAMP RECIPIENTS

Act No. 886, (HB 1645) requires the Employment Security Division to report quarterly to the Legislative Council regarding the number of registrants or recipients of food stamps interviewed, the number of job referrals made, and the number of registrants or recipients of food stamps placed in jobs.

## ENERGY

### ALTERNATIVE FUELS COMMISSION

Act No. 659, (HB 1712) creates the Alternative Fuels Commission to encourage and assist government and private enterprise to decrease use of imported fuels and to use and develop fuels produced domestically. Commission will consist of seven (7) members and two (2) members of the General Assembly. Commission will have a technical advisory committee composed of twelve (12) members from the energy and alternative fuels industries.

### L.P. GAS SHORTAGE

Act No. 6, (HB 1019) authorizes the Governor, in cooperation with the governors of other states, to declare an LP gas shortage emergency. This declaration would allow licensed LP gas operators from other states to sell LP gas in Arkansas with a permit. This waiver would only be valid during the actual emergency time.

## ENGINEERS

### LICENSING

Act No. 813, (SB 602) exempts professional engineers from the provisions of the Arkansas Code concerning the registration of geologists for the practice of soil mechanics, foundation engineering, geotechnical engineering, hydrology, and environmental engineering.

## ENVIRONMENTAL LAW

### COUNTIES

#### ENVIRONMENTAL OFFICER

Act No. 722, (HB 1671) authorizes counties to create the position of an environmental code officer who shall inspect any landfills in the county for compliance with county environmental ordinances and may issue citations for illegal dumping or littering. The environmental officer may attend the Law Enforcement Training Academy and shall be a law enforcement officer. He shall be able to carry a firearm and issue citations for violations of county ordinances.

### ENVIRONMENTAL EDUCATION FUND

Act No. 746, (HB 1165) transfers a portion of the Hazardous Substance Remedial Action Trust Fund to a new fund known as the "Environmental Education Fund". The Environmental Education Fund is to be used by the Department of Pollution Control and Ecology to provide environmental educational materials and training.

### ENVIRONMENTAL HAZARDS

#### RIGHT TO DISCLOSE

Act No. 470, (SB 279) declares void a contract or agreement entered into to settle a lawsuit which purports to restrict a person's right to disclose the existence or harmfulness of an environmental hazard. The act is limited to environmental hazards that may cause harm to the property or person of someone other than the contracting parties.

### HAZARDOUS SUBSTANCES

#### EMERGENCY REPORTING

Act No. 917, (HB 1845) establishes the Arkansas Hazardous and Toxic Materials Emergency Notification Act to establish and maintain an emergency services reporting system to notify emergency first responders and recovery personnel for accidents and incidents involving hazardous and toxic materials released into the environment. The Office of Emergency Services is responsible for implementing this act.

### PESTICIDES AND RODENTICIDES

Act No. 769, (SB 81) provides that persons directly engaged in the application of pesticides or rodenticides on behalf of residential, commercial, industrial, and agricultural customers shall be exempt from regulation by the Hazardous Materials Transportation Act of 1977 only if such activity is limited to intrastate transportation so that Arkansas laws are compatible with federal motor carrier safety regulations.

## ENVIRONMENTAL LAW (cont.)

### HAZARDOUS SUBSTANCES (cont.)

#### RADIOACTIVE WASTE COMPACT

Act No. 847, (SB 548) revises the Central Interstate Low-Level Radioactive Waste Compact to accommodate current needs for the proper disposal of low-level radioactive waste and ratifies the compact as amended.

### HAZARDOUS WASTE

#### FEES

Act No. 1235, (SB 718) authorizes the Arkansas Department of Pollution Control and Ecology to assess and collect hazardous waste management fees after October 1, 1991.

#### FREEDOM OF INFORMATION

Act No. 435, (HB 1523) provides that under the Hazardous Waste Management Act the court may assess attorney fees and other litigation costs if the complainant has substantially prevailed in an action against the state for failure to comply with the Freedom of Information Act.

#### INCINERATION FACILITIES

Act No. 489, (HB 1520) changes the final permit application date for interim operating authority for incineration facilities from November 8, 1988 to November 8, 1986.

### LITTER CONTROL ACT

#### ENFORCEMENT

Act No. 516, (SB 475) gives the Department of Pollution Control and Ecology concurrent authority with the Attorney General to bring legal actions for recovery of cost expended by the state for injunctive relief under the Litter Control Act. The act allows the Department of Pollution Control and Ecology or the Attorney General to initiate and prosecute an action alleging a public nuisance at common law when the action is related to laws or regulations charged to the enforcement of the Department of Pollution Control and Ecology.

### PENALTIES

Act No. 1057, (SB 309) revises and increases the criminal and civil penalties for violations of various environmental laws. The act revises the civil and administrative enforcement authority of the Department of Pollution Control and Ecology.

### PERMITS

#### ENVIRONMENTAL NONCOMPLIANCE

Act No. 454, (SB 167) authorizes the Director of the Department of Pollution Control and Ecology to deny any permit, license, certification or operational authority if the applicant has a history of noncompliance with environmental regulations or a demonstrated pattern of prohibited conduct.

### POLLUTION CONTROL AND ECOLOGY

#### ADMINISTRATIVE SEARCHES

Act No. 1076, (SB 517) provides procedures for administrative searches by the Department of Pollution Control and Ecology personnel and for the issuance of administrative search warrants to the department.

## ENVIRONMENTAL LAW (cont.)

### RECYCLING

#### GENERALLY

Act No. 749, (HB 1170) creates the State Marketing Board for Recyclables to develop an overall marketing plan for Arkansas recyclables. The act establishes recycling goals for the future. Specific provisions are included on plastic containers, used oil, used batteries and tires. It imposes a fee on the sale of new tires. The act also includes provisions dealing with recycling and the purchase of recyclables by governmental entities. It amends provisions relating to recycling grants.

#### INCOME TAX CREDIT

Act No. 748, (HB 1168) establishes an income tax credit for waste reduction, reuse or recycling equipment. To obtain the credit the taxpayer must be engaged in the business of reducing, reusing or recycling solid waste material for commercial purposes.

#### REGIONAL BOARDS

Act No. 752, (HB 1447) renames Regional Solid Waste Planning Boards and Solid Waste Service Area Boards as Regional Solid Waste Management Boards and provides for the creation of new districts and boards. The boards are given the power to collect rents, fees and charges and are given the power of eminent domain. Boards must create a composting program and must provide a waste tire collection center and provide the residents with an opportunity to recycle. Haulers of solid waste must be licensed by regional boards. The act provides for issuance of bonds for the purpose of constructing solid waste projects.

#### YARD WASTE

Act No. 751, (HB 1172) regulates waste transfer stations and persons transporting used and waste tires. It provides for the denial of a permit for any portion of a solid waste management system based on noncompliance with the regional solid waste management plan. The act prohibits yard waste from being disposed in a solid waste disposal site beginning July 1, 1993. It requires the use of dry weight as the basis of determining the fee for disposal of ash.

### SANITATION AUTHORITIES

#### IMMUNITIES

Act No. 960, (HB 2038) clarifies that sanitation authorities operating solid waste disposal facilities are an instrumentality of the municipalities or counties which are members of the authority and as such, retain all immunities of such.

### SOLID WASTE

#### ASH AND CONTAMINATED SOIL

Act No. 1183, (SB 605) provides for the Arkansas Commission on Pollution Control and Ecology to adopt criteria for the disposal of petroleum contaminated soil and incinerator ash in landfills.

#### DISPOSAL FEES

Act No. 754, (HB 1488) increases the landfill disposal fees under the Solid Waste Management Recycling Fund Act. It also imposes landfill disposal fees on landfills of private industry.

## ENVIRONMENTAL LAW (cont.)

### SOLID WASTE (cont.)

#### DISPOSAL FEES (cont.)

Act No. 755, (HB 1489) deletes a provision which exempted certain private industry landfills from the Solid Waste Management Recycling Fund Act. The act provides that a portion of the disposal fees collected are to be used for the State Marketing Board for Recyclables.

#### FEE COLLECTION

Act No. 1007, (HB 1724) permits municipalities, counties and solid waste authorities to collect fees and charges for solid waste management services by allowing the county collector to not accept payment of county property taxes unless the solid waste fee or charge is also collected and by making the fee or charge a lien on the taxpayer's real and personal property.

#### LANDFILL OPERATORS

Act No. 750, (HB 1171) requires operators of sanitary landfills to be licensed by the Department of Pollution Control and Ecology. Sanitary landfills are to be classified and operators are to be licensed according to their qualifications to supervise a sanitary landfill within a certain classification. The act creates a seven member licensing committee to advise and assist the commission and department in administering the licensing program.

#### LANDFILL PERMIT RESTRICTIONS

Act No. 993, (HB 1497) prohibits the Pollution Control and Ecology Commission from issuing permits for new landfills to be located within 15 miles of an existing landfill. This act does not apply to expansions of existing landfills for a period of 3 years from the effective date of the act. This act only applies to counties with a population of 100,000 or more.

#### LANDFILL POSTCLOSURE FUND

Act No. 747, (HB 1166) creates the "Landfill Postclosure Trust Fund." The fund is to be used by the Director of the Department of Pollution Control and Ecology under certain circumstances to prevent or abate contamination of the environment from a landfill which has been closed. The act imposes an additional landfill disposal fee to be deposited in the Landfill Postclosure Trust Fund.

#### MORATORIUM

Act No. 319, (SB 222) limits the expansion of a landfill service area outside the district in which it is located and restricts the amount of additional solid waste a landfill may accept from outside the district in which it is located. The restrictions apply until the latter of July 1, 1992 or until the capacity of landfills in both the district and the state reaches a ten-year capacity.

#### MORATORIUM EXTENSION

Act No. 9, (HB 1389) extended until March 2, 1991, the prohibition imposed by Act 870 of 1989 against landfills expanding or increasing the amount of solid waste received from outside their districts.

## ENVIRONMENTAL LAW (cont.)

### SOLID WASTE (cont.)

#### PRIVATIZATION OF LOCAL SERVICES

Act No. 629, (HB 1693) amends the Arkansas Privatization Act to expand it to include solid waste requirements to clarify that a setback ordinance can designate all streets. Previously, the Act only applied to government wastewater facilities. This act would allow facilities for wastewater and solid waste disposal of local governments to be operated by private enterprise. It authorizes the local governments to enter into privatization contracts with private businesses to run the solid waste disposal facilities and system.

#### REGIONAL SOLID WASTE MANAGEMENT BOARDS

Act No. 752, (HB 1447) renames Regional Solid Waste Planning Boards and Solid Waste Service Area Boards as Regional Solid Waste Management Boards and provides for the creation of new districts and boards. The boards are given the power to collect rents, fees and charges and are given the power of eminent domain. Boards must create a composting program and must provide a waste tire collection center and provide the residents with an opportunity to recycle. Haulers of solid waste must be licensed by regional boards. The act provides for issuance of bonds for the purpose of constructing solid waste projects.

#### VARIOUS REVISIONS

Act No. 751, (HB 1172) regulates waste transfer stations and persons transporting used and waste tires. It provides for the denial of a permit for any portion of a solid waste management system based on noncompliance with the regional solid waste management plan. The act prohibits yard waste from being disposed in a solid waste disposal site beginning July 1, 1993. It requires the use of dry weight as the basis of determining the fee for disposal of ash.

### STORAGE TANK PROGRAM

#### BOND

Act No. 1186, (SB 609) requires the bonding of persons or entities who install or test underground storage tanks.

#### DEFINITIONS

Act No. 616, (SB 538) amends the Petroleum Storage Tank Trust Fund Act by adding further exemptions to the definition of "underground storage tank".

#### REGISTRATION FEE

Act No. 594, (SB 537) provides for the use of the annual registration fee for underground and above ground storage tanks.

#### TRUST FUND

Act No. 615, (SB 536) permits the use of funds in the Petroleum Storage Tank Trust Fund to reimburse owners and operators for performing additional tests to determine the source of suspected leaks.

## ENVIRONMENTAL LAW (cont.)

### WATER AND AIR POLLUTION

#### AIR PERMIT FEE

Act No. 789, (SB 372) removes the annual air permit fee for emissions from major sources. It provides annual fees for air permits issued under the state implementation plan or regulations under the Federal Clean Air Act shall be assessed in accordance with the Federal Clean Air Act.

#### CIVIL AND CRIMINAL PENALTIES

Act No. 884, (HB 1618) allows governmental entities permitted to operate a Publicly Owned Treatment Works the authority to collect in a court of competent jurisdiction civil or criminal penalties in an amount not to exceed \$1,000 for each violation by industrial users of pretreatment standards or requirements.

#### WASTEWATER TREATMENT PLANT LICENSE FEE

Act. No. 1104, (HB 1620) authorizes the Arkansas Pollution Control and Ecology Commission to set license fees for wastewater treatment plants not to exceed \$25 for examination, \$10 for licensing, and \$10 for annual renewal of licenses.

#### WASTEWATER TREATMENT PLANT OPERATORS

Act No. 1103, (HB 1619) requires private wastewater treatment plant operators to be licensed by the Arkansas Pollution Control and Ecology Commission and provides that all rules and regulations promulgated pursuant to the act shall be reviewed by the Joint Interim Committee on Public Health, Welfare and Labor or an appropriate subcommittee thereof.

## ETHICS

### FINANCIAL DISCLOSURE

#### ADDITIONAL FILING TIME

Act No. 472, (HB 1549) provides that a person who is required to file a statement of financial interest under the "Disclosure Act for Lobbyists and State and Local Officials" and who has been called to active duty in the armed forces of the United States shall be allowed an additional 180 days to file the statement. The act also allows the statement of financial interest to be completed by the spouse of the person who was called to active duty.

#### INCUMBENT OFFICEHOLDERS

Act No. 240, (HB 1074) provides that an incumbent officeholder is not required to file an additional financial disclosure statement upon becoming a candidate.

## ETHICS (cont.)

### FINANCIAL DISCLOSURE (cont.)

#### SALES BY LEGISLATORS

Act No. 808, (SB 557) requires members of the Arkansas General Assembly to report any goods or services sold having an annual value in excess of \$1,000 to an office, department, commission, council, board, bureau, committee, legislative body, agency or other establishment of the State of Arkansas. The act also requires the disclosure if the sale is made by the spouse of the legislator or any business in which the legislator or his or her spouse is an officer, director, or stockowner, owning more than 10% of the stock. The statement is to be filed along with the annual statement of financial interest.

#### SCHOOL BOARDS AND LOCAL BOARDS AND COMMISSIONS

Act No. 326, (HB 1077) requires school board members and persons appointed to certain municipal or county boards or commissions to file a financial disclosure statement. The act adopts disclosure requirements for those persons identical to the requirements existing before the adoption of Initiated Act 1 of 1988, "The Disclosure Act for Lobbyists and State and Local Officials".

## EVIDENCE

### PRIVATE INVESTIGATORS

Act No. 709, (HB 1555) provides that the introduction of evidence in courts in the state shall not be affected by violations of the Private Investigators and Private Security Agencies Act. The act also includes exemptions from licensure for persons acting at the direction or benefit of an attorney and professional engineers.

## FINANCE AND ADMINISTRATION, DEPARTMENT OF

### DEBT COLLECTION

Act No. 1154, (HB 1259) reduces the amount of costs to which the Revenue Division is entitled to 5% for the collection of debts owed to the state through income tax refund setoffs.

### RACING PASSES

Act No. 1117, (HB 1839) requires the Director of the Department of Finance and Administration to set the maximum number of racing passes to be printed and issued annually and that number shall not be less than the number printed in 1990.

## FINANCIAL INSTITUTIONS

### BANK DEPARTMENT

#### FEE STRUCTURE

Act No. 892, (HB 1685) makes changes to the fee structure of the State Bank Department.

## FINANCIAL INSTITUTIONS (cont.)

### BANK HOLDING COMPANY

#### MERGER

Act No. 339, (HB 1611) provides that wholly owned Arkansas bank holding companies may be merged with and into state banks.

### BANKS

#### CERTIFICATES OF RELIANCE

Act No. 893, (HB 1686) provides that in the case of endorsed or guaranteed obligations on consumer loans, if the financial responsibility of the primary debtor is reasonably adequate, and if an officer of the bank designated by the board for that purpose shall certify in writing that the liability of the primary debtor has been evaluated and that the bank is relying primarily on such primary debtor for payment, the 20% total indebtedness limitation on the loan shall be applied to each of the primary debtors but not to the liability, in such capacity, of the endorser or guarantor.

#### POSTDATED CHECKS

Act No. 47, (HB 1188) provides that banks are not liable for processing postdated checks unless the bank has received written notice from the customer that the check is postdated.

#### PUBLIC DEPOSITS

Act No. 668, (HB 1133) authorizes the collateralization of public deposits with assets consisting of shares of registered mutual funds.

#### RESIDENCE FOR OFFICER

Act No. 633, (HB 1805) allows a bank in a town with a population of less than 2,500 people to acquire, purchase, or construct a dwelling for use as a residence of the financial institution's chief executive officer, as part of his or her compensation.

#### SAFE DEPOSIT BOXES

Act No. 415, (HB 1335) establishes the rights and liabilities of lessors of safe deposit boxes.

### BANKS AND TRUST COMPANIES

#### FIDUCIARIES

Act No. 402, (SB 24) this reenacts the provisions of Act 118 of 1979 which authorized foreign banks and trust companies to act as fiduciaries within the State of Arkansas if the state where they are organized and have their principal office grants reciprocal authority to Arkansas banks and trust companies. The provisions of Act 118 of 1979 were inadvertently repealed by the Arkansas Business Corporation Act of 1987.

### DAMAGES

#### BREACH OF CONTRACT

Act No. 532, (SB 211) prohibits the award of punitive damages in a civil action alleging breach of contract against a financial institution unless the person asserting the claim suffered personal injury or physical damage to property as a result of the financial institution's action or inaction.

## FINANCIAL INSTITUTIONS (cont.)

### MORTGAGES

Act No. 805, (SB 526) provides that a mortgagee may not require, as a condition or term of the mortgage, that the mortgagor purchase casualty insurance on property which is the subject of the mortgage in an amount in excess of the fair market value of the mortgaged premises.

### REAL ESTATE CLOSING FEES

Act No. 1110, (HB 1762) is entitled "The Disbursement of Funds as Part of Real Estate Closing and Settlement Services Act" and provides that no person that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right from the financial institution in which the funds have been deposited, provided, however, the person may advance funds, not to exceed \$500, on behalf of interested parties for the transaction, to pay incidental fees and charges.

## FIRE EXTINGUISHER BOARD

Act No. 392, (HB 1464) exempts the installation of standpipe and hose system from regulation by the Fire Extinguisher Board and revises the penalties that may be levied by the Board.

## FIRE PROTECTION

### FIRE PROTECTION DISTRICTS

#### ANNUAL ASSESSMENTS

Act No. 1144, (HB 2063) amends 14-284-108(c) to eliminate the requirement that annual assessments for the fire protection district must be less than the annual savings in fire insurance premiums.

#### ESTABLISHMENT

Act No. 801, (SB 491) amends the law dealing with the establishment of fire protection districts to change the authority of the county quorum courts to limit their authority to prescribe the service areas for nonprofit fire protection corporations. Quorum courts will now be limited to prescribing the service areas for fire protection districts.

#### SERVICE AREAS

Act No. 1028, (HB 2010) amends 14-284-207 and 224 to clarify that quorum courts are to establish fire protection districts not to exceed a five mile radius from each fire station. Also, sets forth a procedure for calling an election concerning annexation of new territory not contained in another fire protection district or nonprofit fire protection corporation to an existing fire protection district.

Act No. 958, (HB 2033) amends 14-284-207(a) to clarify that five mile radius from the fire station is by a straight line, and not by roads or highway miles. (Note: This act conflicts with Act 1028.)

## **FIRE PROTECTION (cont.)**

### **FIRE PROTECTION DISTRICTS (cont.)**

#### **TERRITORY IN TWO COUNTIES**

Act No. 350, (SB 271) provides that fire protection districts which include territory from two counties shall have a board of commissioners with seven (7) members. Four members shall be from the county with the most residents of the district and three (3) members shall be from the other county. Terms will be staggered and members shall serve for terms of three (3) years.

#### **INSURANCE PREMIUM TAX**

Act No. 833, (HB 1541) levies an additional one-half percent (1/2%) insurance premium tax on all homeowner's insurance policies to provide funds to properly train and equip fire departments in Arkansas. The premium tax monies are to be deposited in the Fire Protection Revolving Fund. Each county is to receive a prescribed percentage of the monies in the Fund. Funds are to be used to defray the training expenses of firefighters at the Fire Training Academy or for the purchase of equipment. The act requires fire departments to report statistics and report to Fire Protection Services Board annually.

#### **NONMEMBERS COSTS**

Act No. 984, (HB 1205) amends the law that allows volunteer fire departments to collect the costs of services rendered to nonmembers to the fair market value of the services. The nonmember and his insurance company must be notified of cost of the services within 10 days by certified mail. If the nonmember contests the assessment of the costs, the fire department shall file civil suit in municipal court within 10 days asking for the amount claimed. The court shall hold a hearing on the matter within 10 days of the filing of the suit. The insurer shall be notified of the suit and shall pay the amount claimed.

#### **RURAL FIRE DEPARTMENTS STUDY COMMISSION**

Act No. 1032, (HB 2047) creates a 15 member commission comprised of 2 members of the House of Representatives, 1 member of the Senate, and others to conduct an in-depth study of the funding of rural fire departments to determine whether such is sufficient to provide adequate fire protection in rural areas. The commission is to also locate areas that do not have adequate fire protection and make recommendations as to the needs of such areas. The report of the commission is to be presented to Joint Interim Committee on Insurance and Commerce and Joint Interim Committee on City, County and Local Affairs on or before September 1, 1992.

#### **SMOKE ALARM INSTALLATION**

Act No. 891, (HB 1682) provides that volunteer fire fighters and departments shall not be civilly liable for personal injury or property damages resulting from the free installation of smoke alarms, unless the act was intentional wrongdoing.

## FIRE PROTECTION (cont.)

### VOLUNTEERS

#### EXEMPTION FROM FEES

Act No. 1038, (HB 2102) amends 14-20-108 to exempt active members of a volunteer fire department from annual or quarterly dues charged by the department for providing fire protection. The exemption is discretionary, not mandatory.

## FIREARMS

### CENTER-FIRE WEAPONS

Act No. 148, (HB 1190) clarifies the areas of Marion County, Arkansas in which it is unlawful to possess a center-fire weapon.

Act No. 731, (HB 2081) specifies the areas of Baxter County in which it is unlawful to possess a loaded center-fire weapon, other than a shotgun.

### IMPROVEMENT DISTRICTS

#### DISCHARGE OF FIREARMS

Act No. 385, (HB 1437) authorizes a county quorum court, when asked by the governing board of the suburban improvement district or property owners association, to regulate the discharge of firearms and the shooting of archery equipment. The act does not prohibit the discharge of firearms or archery equipment in defense of life or property, at a shooting gallery, or by law enforcement officers.

Act No. 681, (HB 2064) amends Act 385 of 1991 regarding the regulation of the discharge of firearms within suburban improvement districts to limit it to suburban improvement districts which are organized for the purposes of constructing or maintaining streets.

### PUBLIC BUILDINGS AND FACILITIES

Act No. 1044, (SB 86) prohibits persons other than law enforcement officers, security guards, or military personnel from carrying or possessing a loaded firearm or other deadly weapon in any publicly owned building or facility or on the State Capitol grounds. It makes an exception for shooting matches, target practice, or trade shows under certain circumstances.

### WEAPONS USED IN FELONIES

#### LAW ENFORCEMENT AGENCIES

Act No. 1030, (HB 2023) provides that the court may allow weapons used in the commission of a felony or misdemeanor to be retained by the law enforcement agency responsible for the arrest.

## **FIREFIGHTERS**

### **BENEFITS**

#### **DEATH BENEFITS**

Act No. 334, (HB 1461) provides that the spouse or surviving children of a policeman or other law enforcement officer or fire fighter killed between March 1, 1984 and June 30, 1984 shall be entitled to additional benefits and that determination of eligibility shall be made by the Arkansas Claims Commission.

Act No. 409, (HB 1112) provides death benefits to the families of the Camp Robinson Military Reservation or Fort Chaffee police officers and firefighters who are killed in the line of duty.

#### **SMOKE ALARM INSTALLATION**

Act No. 891, (HB 1682) provides that volunteer fire fighters and departments shall not be civilly liable for personal injury or property damages resulting from the free installation of smoke alarms, unless the act was intentional wrongdoing.

#### **SURVIVOR DEATH BENEFIT**

Act No. 99, (SB 87) amends 21-5-705 to clarify that survivor benefits are payable for the death of a firefighter while in the performance of his official duties or whose death occurs while in the line of duty when performing emergency medical activities.

### **VOLUNTEERS**

#### **EXEMPTION FROM FEES**

Act No. 1038, (HB 2102) amends 14-20-108 to exempt active members of a volunteer fire department from annual or quarterly dues charged by the department for providing fire protection. The exemption is discretionary, not mandatory.

## **FIREWORKS**

Act No. 677, (HB 1912) provides for the assessment of a penalty of twice the license fee for late applications for fireworks licenses.

## **FORESTRY COMMISSION**

### **UNIFORM ALLOWANCE**

Act No. 674, (HB 1707) increases the maximum uniform allowance for personnel of the State Forestry Commission.

## **FRANCHISES**

### **EXCLUSIVE TERRITORY**

Act No. 760, (HB 1632) amends the Arkansas Franchise Practices Act to expand the definition of "franchise" to cover licenses within an exclusive or non-exclusive territory.

## FRANCHISES (cont.)

### FARM EQUIPMENT RETAILER FRANCHISE

#### EXTEND COVERAGE OF THE LAW

Act No. 996, (HB 1542) amends the Farm Equipment Retailer Franchise Protection Act to cover the retailing and selling of lawn and garden outdoor power machinery and equipment. The act adds the definitions of "manufacturer" and "dealership agreement". It also prescribes as violations of the law conduct to coerce a dealer into purchasing parts or accessories he has not ordered, condition the sale of equipment on the purchase of other goods, coerce a dealer into not purchasing another's goods, or to discriminate on the price of goods sold to a dealer.

## FRATERNAL BENEFIT SOCIETIES

### LICENSING

Act No. 337, (HB 1496) exempts agents of societies who held a license on December 31, 1989 or those applying for a license between January 1, 1991 and July 1, 1991 from the examination requirement.

## FREEDOM OF INFORMATION

### HAZARDOUS WASTE MANAGEMENT ACT

#### ATTORNEY FEES AND COSTS

Act No. 435, (HB 1523) provides that under the Hazardous Waste Management Act the court may assess attorney fees and other litigation costs if the complainant has substantially prevailed in an action against the state for failure to comply with the Freedom of Information Act.

### SETTLEMENTS

Act No. 781, (SB 278) prohibits public officials or employees acting on behalf of governmental agencies or other agencies wholly or partially supported by public funds from agreeing or authorizing another to agree to keep litigation settlement agreements from public disclosure or seeking a court order to deny public access to court records containing the terms of a settlement agreement.

## FREIGHT

### PARCEL DELIVERY SERVICES

Act No. 422, (HB 1715) mandates any freight or parcel delivery company which requires a deposit from the customer before delivery to pay interest on the deposited funds. The deposits shall earn ten percent (10%) interest per annum.

## GAME AND FISH COMMISSION

### MINERAL LEASES

Act No. 537, (HB 1565) exempts the Game and Fish Commission from provisions of the Arkansas Code concerning the mineral leases of state lands and requires the Game and Fish Commission to lease their lands and issue permits for the taking of minerals under the same procedures prescribed for the Natural Resource Committee and ensures that any revenues derived from mineral rights accrue to the Game and Fish Commission.

## GARNISHMENT

### NOTICE AND HEARING

Act No. 1027, (HB 2009) increases from ten (10) to twenty (20) days the time a garnishee has to answer interrogatories after service of the writ, and provides that the court, after a hearing, may render judgement against the garnishee. Also, in response to the decision of the Arkansas Supreme Court on March 18, 1991 in Bob Hankins Distributing Co. v. Willie Francies May, 90-227, provisions for a notice to accompany the writ of garnishment to inform the garnishee of his potential liability if he fails or refuses to answer the writ within the twenty (20) days provided by law, have been added to the Arkansas Code.

### PERIODS

Act No. 192, (HB 1356) provides for the garnishment lien on salaries, wages or other compensation to continue until the total amount is satisfied or three (3) calendar months. It removes the option for one (1) garnishment per pay period.

### WRITS OF GARNISHMENT

#### FEE

Act No. 262, (SB 283) authorizes municipal courts to collect a \$10.00 filing fee for writs of garnishment.

## GENERAL ASSEMBLY

### CHILDREN AND YOUTH COMMITTEE

#### DUTIES DURING SESSIONS

Act No. 555, (HB 1675) limits the duties of the Joint Committee on Children and Youth by deleting language which provided for the referral to the committee of bills pertaining to the safety, health, development, and problems of children.

### EDUCATIONAL REFORM OVERSIGHT

Act No. 478, (HB 1083) revises the composition of the Joint Interim Oversight Subcommittee on Educational Reform of the Joint Interim Committee on Education. All members of the subcommittee are to be members of the Joint Interim Committee on Education. The act requires the Bureau of Legislative Research to provide a full-time staff person. The subcommittee is to expire on July 1, 1995. (This act was amended by Act 1120 to add an emergency clause.)

## GENERAL ASSEMBLY (cont.)

### ELECTION CONTESTS

Act No. 1014, (HB 1815) provides that any election contests concerning a member of the House of Representatives must be filed with the State Claims Commission which shall make a non-binding recommendation to the House of Representatives and grants the commission the authority to subpoena witnesses and records regarding such election contests.

### ENERGY COMMITTEE

#### ALTERNATE MEMBERS

Act No. 15, (HB 1149) provides for the appointment of alternate members of the Joint Committee on Energy.

### ETHICS

#### SALES BY LEGISLATORS

Act No. 808, (SB 557) requires members of the Arkansas General Assembly to report any goods or services sold having an annual value in excess of \$1,000 to an office, department, commission, council, board, bureau, committee, legislative body, agency or other establishment of the State of Arkansas. The act also requires the disclosure if the sale is made by the spouse of the legislator or any business in which the legislator or his or her spouse is an officer, director, or stockowner, owning more than 10% of the stock. The statement is to be filed along with the annual statement of financial interest.

### EXPENSES

Act No. 1240, (SB 736) establishes the procedure for reimbursing members of the General Assembly for legislative expenses and per diem and mileage.

#### SIGNED STATEMENTS

Act No. 969, (HB 2122) amends various sections of Title 10, Chapters 2 and 3, as well as Act 7 of 1991, to provide the maximum amount for reimbursable expenses permitted per year. Signed written claims for legislative expenses are to be filed with each house, with the Speaker for the House and the Efficiency Committee for the Senate determining the method for reimbursing members for ordinary and necessary expenses. Per diem and mileage reimbursement is determined by Legislative Council as an amount not to exceed the amount permitted by the Internal Revenue Service.

### FOOD STAMP REPORT

Act No. 886, (HB 1645) requires the Employment Security Division to report quarterly to the Legislative Council regarding the number of registrants or recipients of food stamps interviewed, the number of job referrals made, and the number of registrants or recipients of food stamps placed in jobs.

### GAME AND FISH COMMISSION FUND STUDY

Act No. 803, (SB 512) establishes the Arkansas Game and Fish Commission Funding Study Subcommittee of the General Assembly to conduct a study of the long-term funding needs and potential long-term financial sources for the Arkansas Game and Fish Commission. The subcommittee is to be composed of seven members from the Senate and seven members from the House of Representatives.

**GENERAL ASSEMBLY (cont.)**

**HIGHER EDUCATION OVERSIGHT COMMITTEE**

Act No. 978, (SB 492) establishes the Joint Interim Oversight Committee on Higher Education Reform and prescribes the duties of the committee.

**ICF/MR OVERSIGHT SUBCOMMITTEE**

Act No. 922, (HB 1903) creates a subcommittee of three House members and two Senate members to provide for the oversight of the operation of the community based ICF/MR program.

**JOINT BUDGET COMMITTEE**

**MEMBERSHIP**

Act No. 288, (HB 1885) allowed the Speaker of the House to appoint House alternate members of the Joint Budget Committee as soon as H.B. 1148 (Act 295) became law. (See Act 832 for latest enactment.)

Act No. 295, (HB 1148) provides for the selection of alternate members to the Joint Budget Committee. (See Act 832 for latest enactment.)

Act No. 419, (HB 1552) provides that two members of the House of Representatives from each congressional district, as existed on January 1, 1991, shall be selected by caucus of the House members residing within the district and one House member from each district shall be appointed by the Speaker-designate. It provides for the appointment of an alternate member for each member. Alternates appointed pursuant to H.B. 1148 (Act 295) shall cease to serve on September 30, 1992. (See Act 832 for latest enactment.)

Act No. 832, (HB 1107) provides that the Joint Budget Committee shall consist of twenty members of the House and twenty members of the Senate. Five House members and five Senate members are to be selected from each congressional district. The House members of each congressional district also select two alternates for the five members selected from the congressional district. The co-chairmen of the Joint Budget Committee are to be ex officio voting members of the Legislative Council.

**REVIEW OF OIL AND GAS MILLAGE**

Act No. 252, (HB 1581) requires the Oil and Gas Commission to seek review by the Legislative Council or the Joint Budget Committee prior to implementing the collection of any increase in the millage assessment that may be authorized by law on oil and gas.

**LEGISLATIVE AUDIT**

**CONTINUING EDUCATION COURSES**

Act No. 247, (HB 1234) provides that the Division of Legislative Audit may pay state agencies or institutions of higher education or any of their employees for conducting continuing professional education courses for the staff of the Division of Legislative Audit and that any funds received by employees shall be considered supplemental to their regular salaried positions.

## GENERAL ASSEMBLY (cont.)

### LEGISLATIVE AUDIT (cont.)

#### COUNTY JAIL REIMBURSEMENT FUND

Act No. 644, (HB 1887) creates the County Jail Reimbursement Fund to be used by the Department of Correction for reimbursing counties housing prisoners sentenced to the Department. It requires the counties to submit monthly documentation to the Department detailing the number of beds occupied each day by Department of Correction inmates. The act requires Legislative Audit to quarterly audit a random sample of the documentation.

### LEGISLATIVE COUNCIL

#### PEER SUBCOMMITTEE

Act No. 481, (HB 1106) provides that the powers, functions and duties of the Performance, Evaluation, Expenditure Review Subcommittee of the Legislative Council or by the Legislative Council after receiving recommendations of PEER are transferred to the appropriate Joint Interim Committees of the General Assembly. (This Act was repealed by Act 1055.)

#### REVIEW OF OIL AND GAS MILLAGE

Act No. 252, (HB 1581) requires the Oil and Gas Commission to seek review by the Legislative Council or the Joint Budget Committee prior to implementing the collection of any increase in the millage assessment that may be authorized by law on oil and gas.

#### REVIEW SUBCOMMITTEE

Act No. 480, (HB 1105) provides that the powers, functions and duties of the Review Subcommittee of the Legislative Council or the Legislative Council after receiving recommendations of the Review Subcommittee are transferred to the appropriate Joint Interim Committees of the General Assembly. (This Act was repealed by Act 1055.)

### LEGISLATIVE FACILITIES COMMITTEE

Act No. 1075, (SB 515) provides that all rules, regulations and modifications concerning the use and management of the Capitol Hill Building shall be reviewed and approved by the Joint Interim Committee on Legislative Facilities.

### PREFILED BILLS AND RESOLUTIONS

Act No. 203, (SB 48) deletes the requirement that all prefiled bills and resolutions be mailed to the members of the General Assembly.

### PRESESSION BUDGET HEARINGS

Act No. 1071, (SB 470) authorizes each member of the General Assembly who is not a member of the Legislative Council or Joint Budget Committee and who will serve at the upcoming regular session to receive per diem and mileage for attending the pre-session budget hearings conducted by the Legislative Council, except that per diem shall be limited to fifteen days and mileage reimbursement for no more than two round trips per week.

## **GENERAL ASSEMBLY (cont.)**

### **PRESESSION BUDGET HEARINGS (cont.)**

#### **PER DIEM**

Act No. 995, (HB 1533) allows each member of the General Assembly to attend pre-session budget hearings conducted by the Legislative Council and the Joint Budget Committee and receive per diem and mileage for such attendance. This act also requires that copies of the budget hearing agendas be furnished to each member of the General Assembly in order that all members may be aware of the schedule.

### **PRINTING REQUIREMENTS COMMITTEE**

#### **SELECTION OF CO-CHAIRMEN**

Act No. 16, (HB 1150) provides that the Joint Committee on Legislative Printing Requirements shall select two co-chairmen. The act also provides that the committee members shall receive per diem and mileage for attending meetings of the committee and other official business.

### **RETIREMENT BENEFITS**

Act No. 208, (HB 1659) amends various sections of Title 24, Chapter 3, Subchapters 1, 2 and 3 to change a provision that members of the General Assembly serving on July 1, 1979 may retire with 35 years credited service regardless of age. Now, only 17 1/2 actual years is required. General Assembly benefits are determined at \$35 per year times the number of years of actual service. Enhanced benefits are allowed for years served as Speaker or President Pro Tempore. The surviving spouse benefit is increased from 75% to 100% of member benefit. Six months service shall be credited as a year of actual service.

### **RETIREMENT LEGISLATION**

#### **REQUIREMENTS FOR INTRODUCTION**

Act No. 868, (HB 1243) amends 10-2-115 to require a 3/4 vote of the full membership of each house to introduce retirement legislation after the 30th day or to consider legislation affecting state-supported retirement systems during any special session. Act became effective March 29, 1991.

### **SPEAKER-DESIGNATE**

Act No. 420, (HB 1576) changes the method of selecting the Speaker-designate. It provides for the selection of the Speaker-designate by secret ballot. It prohibits the circulation of petitions seeking pledge signatures.

### **SPECIAL LICENSE PLATES**

#### **HOUSE OF REPRESENTATIVES**

Act No. 1041, (HB 2125) amends 27-15-1603, 1605 and 1060 to increase the number of special license plates to 106, adding House Parliamentarian, Speaker of the House, House Speaker Pro Tempore, House Chief of Staff, and House Info Officer. Application for plates are to be made to the Speaker. If the plate is transferred to another vehicle, the Speaker or President Pro Tempore is to be notified.

## **GEOLOGISTS**

### **LICENSING**

Act No. 813, (SB 602) exempts professional engineers from the provisions of the Arkansas Code concerning the registration of Geologists for the practice of soil mechanics, foundation engineering, geotechnical engineering, hydrology, and environmental engineering.

Act No. 1176, (SB 511) allows the State Board of Registration for Professional Geologists to substitute examination with successful completion of a degree in geologic science. The act amends the fee schedule for geologists to make the maximum renewal fee \$60.00 per year for a geologist registration renewal fee.

## **GOVERNMENTAL BONDING BOARD**

### **MEETINGS**

Act No. 188, (HB 1180) repeals the following boards deemed to be obsolete: the School District Bond Advisory Committee, the Municipal Public Employees Bond Advisory Committee, the County Public Employees Bond Advisory Committee, the State Public Employees Bond Advisory Committee and the Public Employees Bond Advisory Committee. The act provides for the frequency of meetings of Governmental Bonding Board and provides that a member who is unable to attend a meeting shall appoint a designee to act as his or her representative.

## **GUARDIANSHIP**

### **APPOINTMENT**

Act No. 11, (SB 70) gives regard to any written instrument executed by the legal custodian of the minor child in appointing a guardian of a minor child.

### **ESTATE OF WARD**

Act No. 957, (HB 2028) provides that upon the death of a ward, the guardian of his estate is authorized to administer the estate of the deceased ward after further letters are issued to him after a hearing, pursuant to a petition for letters, provides that if letters are issued to someone other than the guardian, the authority of the guardian to administer the ward's estate shall terminate, and provides that the probate judge shall determine if the probate clerk is entitled to additional fees (not to exceed \$100) to cover the initiation of the administration of the ward's estate.

### **PURCHASE OF PROPERTY FROM WARD**

#### **SPECIAL GUARDIAN**

Act No. 1068, (SB 435) permits a guardian to purchase property of a ward only after a special guardian has been appointed to represent the interest of the ward.

## HEALTH

### ELEVATORS

Act No. 1069, (SB 455) amends the provision of the Arkansas Code regulating elevators to include in the definition of elevator "inclined stairway chairlifts" and "inclined and vertical wheelchair lifts".

### EMERGENCY TREATMENT

#### NERVE AGENTS EMERGENCY TREATMENT ACT

Act No. 270, (SB 150) creates the Nerve Agents Emergency Treatment Act which establishes procedures by which certificates are issued to certain people who may administer atropine/pralidoxime for treatment of symptoms caused by exposure to nerve agents in emergency situations.

### FOOD, DRUG AND COSMETIC ACT

#### ABANDONED DRUGS

Act No. 924, (HB 1921) amends the Food, Drug and Cosmetic Act to define the term "abandoned drug" and to include abandoned drugs in the provisions of the Food, Drug and Cosmetic Act.

### HEALTH CARE ACCESS COUNCIL

Act No. 151, (HB 1423) changes the name of the Indigent Health Care Advisory Council to the Arkansas Health Care Access Council and prescribes the goals and objectives of the Arkansas Health Care Access Council.

Act No. 353, (SB 303) changes the name of the Indigent Health Care Advisory Council to the Arkansas Health Care Access Council and prescribes the goals and objectives of the Arkansas Health Care Access Council.

### MINORITIES

#### MINORITY HEALTH COMMISSION

Act No. 912, (HB 1802) creates the Arkansas Minority Health Commission to study the health care needs and accessibility of health care to minorities.

### PET STORES

#### CONSUMER PROTECTION

Act No. 1225, (SB 696) creates the Arkansas Retail Pet Store Consumer Protection Act of 1991 that requires pet stores to offer certain guarantees in order to protect the consumer and the public health.

### POISON AND DRUG INFO CENTER

Act No. 796, (SB 450) creates the Arkansas Poison and Drug Information Center within the College of Pharmacy of the University of Arkansas for Medical Sciences which will be a statewide emergency poison and drug information program designed and structured to deliver responses to requests for emergency poison and drug information data. This act transfers the Poison and Drug Information System from the Health Department to the Poison and Drug Information Center.

## HEALTH (cont.)

### SCHOOLS

#### HEALTH CLINICS

Act No. 1035, (HB 2077) amends 6-18-703 to state that the school board retains absolute control over any operations and programs offered by a school based health clinic established by the school board.

Act No. 1181, (SB 595) provides that no school based health clinic may be established in a public school unless requested by the school board and no child shall receive services from school based health clinics without parental consent. When any local school board elects to maintain a school based health clinic in the school, all Health Department employees working in the clinic are subject to the supervision and control of the local school board.

#### NURSE RATIO TO STUDENTS

Act No. 1106, (HB 1681) requires school districts beginning with the 1994-95 school year to have no less than one school nurse per 1000 students. Recommends in districts with a high concentration of handicapped children a ratio of one nurse per 400 students and in a center for profoundly handicapped children, the ratio is recommended to be one nurse per 125 students.

### STEROIDS

Act No. 569, (HB 1673) amends the Food, Drug and Cosmetic Act to delete references to anabolic steroids.

## HEALTH CARE ACCESS COUNCIL

Act No. 151, (HB 1423) changes the name of the Indigent Health Care Advisory Council to the Arkansas Health Care Access Council and prescribes the goals and objectives of the Arkansas Health Care Access Council.

Act No. 353, (SB 303) changes the name of the Indigent Health Care Advisory Council to the Arkansas Health Care Access Council and prescribes the goals and objectives of the Arkansas Health Care Access Council.

## HEALTH CARE FACILITIES

### LONG-TERM CARE FACILITIES

#### LICENSURE

Act No. 636, (HB 1844) allows applicants and licensees whose applications and licenses for long-term care facility licenses or long-term care facility administrator licenses are denied, suspended or revoked may appeal to the circuit court of the county in which the licensee or applicant resides or does business within thirty days of the board's decision.

## HEALTH CARE FACILITIES (cont.)

### LONG-TERM CARE FACILITIES (cont.)

#### PERSONNEL

Act No. 922, (HB 1903) requires all individuals who provide personal care services or home health aid services in a long-term care facility or any other setting to complete an aide training program.

#### MEDICAL RECORDS

Act No. 767, (SB 32) provides that a person or a person's attorney, with written authorization of the patient, may obtain access to the person's medical records upon request when needed for use in any legal proceeding. This act does not apply to the Department of Correction or interfere with the established subpoena process.

#### RESIDENTIAL CARE FACILITIES

Act No. 1085, (SB 547) provides that residential care facilities which were not licensed, certified nor had received a permit of approval prior to January 1, 1991, are not eligible for reimbursement from state revenues for any services that they offer.

#### SEXUAL ASSAULT VICTIMS

##### EXAMINATIONS

Act No. 612, (SB 449) provides that medical facilities licensed by the Department of Health and providing emergency services must treat any victim of rape, attempted rape, or any other type of sexual assault who requests treatment and can only transfer the victim to another medical facility after certain criteria are met.

## HEALTH DEPARTMENT

### AIDS

#### REPORTING

Act No. 967, (HB 2116) requires the reporting of HIV infection and AIDS to the Health Department.

#### APPRENTICE PLUMBER PROGRAM

Act No. 412, (HB 1264) transfers the apprentice plumber program from the Department of Health to the Vo-Tech Division of the Department of Education.

### BOARD OF HEALTH

#### MEMBERSHIP

Act No. 829, (SB 705) adds a physician from a rural county in the state which contains a medically underserved population to the State Board of Health.

#### POWERS

Act No. 990, (HB 1359) empowers the State Board of Health to assess civil penalties, to properly control chemical exposures that may have adverse effects to the public health, and charge fees for performing analyses of various types of samples submitted to the public health laboratory for examination.

## HEALTH DEPARTMENT (cont.)

### BUILDING EXPANSION

Act No. 1162, (HB 2021) establishes the "Department of Health Building Expansion Act of 1991" authorizing construction of an addition to the Health Department building. This act authorizes the Health Department to obtain a loan from the Arkansas Development Finance Authority to finance the construction.

### EARLY INTERVENTION SERVICES

#### RELEASE OF INFORMATION

Act No. 393, (HB 1475) authorizes the Department of Human Services and the Department of Health to enter into an agreement to release the names and addresses from birth records of infants or toddlers who, based on the information contained in the birth records, are eligible for early intervention services between these agencies.

### FOOD SERVICE ESTABLISHMENTS

Act No. 378, (HB 1517) includes food caterers in the definition of "food service establishments" which are inspected by the Health Department, regulates out-of-state water bottlers, and provides that permits for food salvagers and food service establishments expire annually.

### GRADE "A" MILK PROGRAM

#### FEEES

Act No. 191, (HB 1304) increases the inspection fees that the Health Department may charge under the Grade "A" Milk Program.

### HOME HEALTH CARE

Act No. 1181, (SB 595) authorizes the Health Department to pay licensed nursing personnel for inhome health care as necessary to maintain continuity of care outside routine working hours on week days and on weekends or holidays.

### MANUFACTURED MILK

#### FEEES

Act No. 328, (HB 1340) increases the fees the Health Department may charge for the regulation, licensing and inspection of manufactured milk plants.

### PLUMBERS

#### QUALIFICATIONS

Act No. 330, (HB 1418) amends various provisions of the plumbing laws concerning the Board of Plumbing Examiners, qualifications for master and journeyman plumbers, the issuance of licenses, and the creation of a permanent license available to plumbers over the age of 65.

### SANITARIAN SERVICES DIVISION

#### INDIVIDUAL SEWAGE DISPOSAL SYSTEM

Act No. 185, (HB 1018) increases the membership of the Individual Sewage Disposal Systems Advisory Committee by adding representatives of the Arkansas Department of Pollution Control and Ecology, the Soil and Water Conservation Commission, and the Arkansas Geological Commission.

## HEALTH DEPARTMENT (cont.)

### SEWAGE DISPOSAL SYSTEMS ACT

Act No. 873, (HB 1348) amends the Arkansas Sewage Disposal Systems Act to provide that any person in violation shall be guilty of a misdemeanor and increases permit fees from \$15 to \$30 and provides that designated representatives must pay a \$50 registration fee annually.

### TRAILER PARKS

Act No. 36, (HB 1009) requires any person constructing a mobile home park or a travel trailer park to obtain a plan review approval from the Department of Health when utilizing a non-centralized method of sewage disposal.

### WATER SYSTEMS

Act No. 1053, (SB 226) authorizes the Health Department to collect a fee of \$.15 per service connection per month for testing for compliance with the Federal Safe Drinking Water Act.

Act No. 1001, (HB 1609) makes numerous changes to the laws pertaining to the regulation and licensing of water system operators. It changes the authority of the State Board of Health in this area, makes changes to the powers and membership of the Drinking Water Advisory and Operator Licensing Committee, increases fees, increases penalties for violations, etc.

## HEALTH SERVICES COMMISSION

Act No. 623, (HB 1640) adds an additional member to the Health Services Commission to represent the Arkansas Association of Residential Care Facilities. This member will serve a three year term beginning April 1991.

## HEARING AID DISPENSERS BOARD

Act No. 46, (HB 1164) amends Title 17, Chapter 83 of the Arkansas Code to make various changes in the laws governing Hearing Aid Dispensers.

## HEATING, VENTILATION, AIR CONDITIONING & REFRIGERATION BOARD

Act No. 277, (HB 1135) establishes the Arkansas Heating, Ventilation, Air Conditioning and Refrigeration Licensing Board and provides that any person engaging in HVACR work must be licensed beginning July 1, 1992.

## HIGHWAYS

### DIRECTING TRAFFIC ON HIGHWAYS

#### OVERSIZE/MOBILE HOME PERMITEES

Act No. 918, (HB 1869) amends the Arkansas laws for issuing permits for moving oversize loads or mobile homes on the highways to authorize those permittees to stop and direct traffic while maneuvering the pay load or mobile home on or off the highway. They are permitted to stop traffic for up to three (3) minutes and are prohibited from stopping traffic within five hundred (500) feet of the crest of a hill.

### HIGHWAY COMMISSION

#### PURCHASE OF LAND

Act No. 961, (HB 2050) provides that when the Highway Commission buys lands upon which real estate taxes or assessments of any kind are due, the amount of such taxes shall be deducted from the amount of negotiated compensation to be paid to the owner of the land and that the taxes will be sent to the appropriate taxing unit and provides that all property owned by the Highway Department is public property used exclusively for public purposes and therefore the department shall not be required to pay any improvement district assessments.

### HIGHWAY CONSTRUCTION BONDS

Act No. 1239, (SB 734) authorizes the State Highway Commission, in cooperation with the Arkansas Development Finance Authority, to issue \$585 million dollars in highway construction bonds. The act authorizes the pledging of revenues to cover the repayment of the bonds. The bonds will be issued only if approved by voters at an election called by the proclamation of the Governor.

Act No. 1040, (HB 2115) authorizes the State Highway Commission, in cooperation with the Arkansas Development Finance Authority, to issue \$585 million dollars in highway construction bonds. The act authorizes the pledging of revenues to cover the repayment of the bonds. The bonds will be issued only if approved by voters at an election called by the proclamation of the Governor.

### HIGHWAY DEPARTMENT

#### CONVEYANCE OF LAND

Act No. 285, (HB 1462) authorizes the Highway Department to sell and convey land to the city of Jacksonville for use in development of a municipal complex for the city. The city is to pay \$99,900 for the property.

### RAILROAD CROSSINGS

Act No. 1226, (SB 697) amends the Arkansas law regarding construction and improvement of railroad crossings to require the Arkansas State Highway Commission to study the safety considerations of each crossing. Each crossing is assigned a certain priority for certain safety improvements.

### SCENIC HIGHWAYS

Act No. 202, (HB 1372) names Arkansas State Highway 141 from Jonesboro to McDougal as a scenic highway under the Arkansas scenic highway system.

## HIGHWAYS (cont.)

### SCENIC HIGHWAYS (cont.)

Act No. 226, (HB 1302) names Arkansas State Highway 125 from its intersection with Highway 14 north of Yellville, Arkansas to the Missouri state border as a scenic highway and part of the Arkansas scenic highway system.

Act No. 679, (HB 1928) designates U.S. Highway 49 from the City of Brinkley, Arkansas to the Mississippi state line as a Scenic Highway and names it the "Delta Parkway".

Act No. 734, (HB 2111) names Arkansas State Highway 5 from Benton to Hot Springs as a scenic highway under the Arkansas scenic highway system.

### TURNPIKE AUTHORITY

Act No. 547, (SB 281) authorizes the Arkansas State Highway Commission to transfer certain funds to the Arkansas Turnpike Authority for the construction of turnpike projects.

## HOME BUILDERS STUDY COMMISSION

Act No. 1237, (SB 730) establishes the Home Builders Study Commission to study licensure and regulation of home builders, state laws impacting the home building industry, and to determine the need for state or local licensing and regulation of the home building industry.

## HUMAN SERVICES DEPARTMENT

### CHILDREN AND FAMILY SERVICES

#### FAMILY PRESERVATION PROGRAM

Act No. 1025, (HB 1946) establishes the Family Preservation Services Program Act of 1991 to authorize the Division of Children and Family Services of the Department of Human Services to develop and implement family preservation programs to assist at-risk families.

#### FEEES

Act No. 1081, (SB 553) authorizes the Department of Human Services to charge fees for court ordered investigation or studies regarding matters involving children.

### EARLY INTERVENTION SERVICES

#### RELEASE OF INFORMATION

Act No. 393, (HB 1475) authorizes the Department of Human Services and the Department of Health to enter into an agreement to release the names and addresses from birth records of infants or toddlers who, based on the information contained in the birth records, are eligible for early intervention services between these agencies.

## HUMAN SERVICES DEPARTMENT (cont.)

### MEDICAID

#### AUDIT REQUIREMENTS

Act No. 1147, (HB 2104) provides that private nonprofit corporations who are enrolled as Medicaid providers provide the Department of Human Services an annual financial audit which must cover the entire operations of the organization and be in accordance with the "Guidelines for Financial and Compliance Audits of Programs Funded by the Arkansas Department of Human Services".

#### DRUG MANUFACTURER REBATES

Act No. 1023, (HB 1908) establishes the Arkansas Medicaid Rebate Program Revolving Fund Act of 1991 which authorizes the Department of Human Services to receive monies in the form of rebates from drug manufacturers as established by contract or pursuant to the provisions of the Omnibus Reconciliation Act of 1990.

### MEDICAID TAX

#### TAX ON MEDICAID PROVIDERS

Act No. 889, (HB 1666) establishes the Arkansas Medicaid Gross Receipts Tax Act of 1991 which levies a 15% excise tax upon the gross proceeds or gross receipts derived by certified Medicaid providers from that portion of the payments made from state revenues for all services delivered pursuant to Title XIX of the U.S. Social Security Act. This tax is to be administered by the Department of Human Services.

Act No. 1004, (HB 1669) levies a 50% excise tax upon the gross proceeds or gross receipts derived by any Medicaid provider for the delivery of personal care services to residents of residential care facilities from that portion of the payments made by state revenues for services delivered to residents of the residential care facilities pursuant to Title XIX of the U.S. Social Security Act. This tax will be administered by the Department of Human Services.

### MENTAL HEALTH

#### MINORITIES

Act No. 1210, (SB 670) creates the Office of Minority Mental Health within the Division of Mental Health of the Department of Human Services to develop programs and policies concerning the mental health problems of minorities.

#### NURSING HOME ALTERNATIVES

Act No. 1157, (HB 1841) provides that the income eligibility for participation in state funding for nursing home alternatives is 200% of the supplemental security income level.

#### RESEARCH AND TRAINING INSTITUTE

Act No. 1082, (SB 544) provides for the establishment of the Research and Training Institute within the Department of Human Services, Division of Mental Health Services.

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## HUMAN SERVICES DEPARTMENT (cont.)

### TRANSPORTATION VEHICLES

#### SALES AND USE TAX

Act No. 910, (HB 1799) provides that new motor vehicles purchased by non-profit corporations and used for the performance of contracts with the Department of Human Services or new motor vehicles purchased with Urban Mass Transit Administration funds shall be exempt from sales and use taxes provided that the purchases are made in lots of 10 vehicles or more, the vehicles meet state specifications, and the vehicles are used for transportation under Department of Human Services programs for the Aging, Disabled, Mentally Ill, and Children and Family Services.

### VENDING FACILITY

Act No. 1022, (HB 1904) provides that if a state agency operates or develops a food service training program as an integral part of its student program, the administrator shall notify the Division of Services for the Blind, Department of Human Services, of the program change, with whom the agency shall contract for any continuance of any vending facility located at the state agency. Such continuance shall provide for the existence of both the food service student training program and the vending facility if possible.

## HUNTING AND FISHING

### HUNTING AND FISHING LICENSES

#### SENIOR CITIZEN RECIPROCITY

Act No. 282, (HB 1284) provides reciprocity for states which do not require nonresident hunting and fishing licenses for persons 65 years or older. The Arkansas Game and Fish Commission is to make rules to implement the reciprocity.

### UNLAWFUL OBSTRUCTION OF HUNTING

Act No. 149, (HB 1198) makes it unlawful for any person to wilfully obstruct or impede another person's lawful activity of hunting, fishing, shooting, or trapping. It levies a fine of not less than \$100.00 and not more than \$500.00 for persons convicted of this interference. An interfering person can also be civilly liable for damages for obstructing lawful hunting or fishing activities and may be enjoined to prevent any further interference. This law does not prevent a landowner from prohibiting hunting or fishing activities on his or her land.

## IMPROVEMENT DISTRICTS

### AMBULANCE SERVICE DISTRICTS

Act No. 457, (SB 311) changes the law for creating ambulance service improvement districts to authorize county quorum courts to establish a district within a county as small as a precinct, formerly it was a whole county or a judicial district within a county. The act also authorizes an assessment of up to five (5) mills to be levied by the district after the voters of the district approve it at an election for that purpose, formerly it was two (2) mills. Only voters within the district may vote on the issue.

## IMPROVEMENT DISTRICTS (cont.)

### FIREARMS

Act No. 385, (HB 1437) authorizes a county quorum court, when asked by the governing board of the suburban improvement district or property owners association, to regulate the discharge of firearms and the shooting of archery equipment. The act does not prohibit the discharge of firearms or archery equipment in defense of life or property, at a shooting gallery, or by law enforcement officers.

Act No. 681, (HB 2064) amends Act 385 of 1991 regarding the regulation of the discharge of firearms within suburban improvement districts to limit it to suburban improvement districts which are organized for the purposes of constructing or maintaining streets.

### LEVEE DISTRICTS

Act No. 778, (SB 266) validates the selection and actions of any commissioners or directors of levee districts organized under any general and special laws of the state. The act provides that if commissioners or directors of such levee districts have taken oaths required by law within thirty (30) days after the passage of this act that they may continue to serve for the remainder of the terms prescribed by law and acts of the boards shall be valid. It validates the actions taken by the boards which may be in doubt because of some confusion over whether or not the directors were selected in accordance with law.

### MUNICIPAL IMPROVEMENT DISTRICT

#### RELEASE OF ASSESSMENT LIENS

Act No. 504, (SB 333) amends the law regarding municipal improvement districts, property owner's improvement districts, and municipal property owner's improvement districts to clarify that the property owner in the district may prepay property assessments and be released from the lien on the property.

#### WITHDRAWAL FROM DISTRICT

Act No. 413, (HB 1297) allows a noncontiguous portion of the district located outside the district to withdraw from the municipal recreation improvement district if no facilities have been constructed in the noncontiguous area. The petition is to be filed with the municipal clerk. The landowners in the area who withdraw from the district shall pay all the assessments of the district made before their withdrawal.

### MUNICIPAL PROPERTY OWNERS DISTRICTS

#### FORECLOSURE

Act No. 927, (HB 1936) reduces the time period to complete the statutory foreclosure procedure against tax delinquent lands in a municipal property owners improvement district.

#### RELEASE OF ASSESSMENT LIENS

Act No. 504, (SB 333) amends the law regarding municipal improvement districts, property owner's improvement districts, and municipal property owner's improvement districts to clarify that the property owner in the district may prepay property assessments and be released from the lien on the property.

## IMPROVEMENT DISTRICTS (cont.)

### NONPAYMENT OF ASSESSMENTS

Act No. 92, (SB 90) provides that the notice to landowners of the sale or filing of suit to sell lands for the nonpayment of improvement district assessments shall be by certified mail, return receipt requested.

### PROPERTY OWNER'S DISTRICTS

#### RELEASE OF ASSESSMENT LIENS

Act No. 504, (SB 333) amends the law regarding municipal improvement districts, property owner's improvement districts, and municipal property owner's improvement districts to clarify that the property owner in the district may prepay property assessments and be released from the lien on the property.

### STATE LANDS

#### IMPROVEMENT DISTRICT TAXES

Act No. 877, (HB 1425) provides that all state agencies and departments, including the Game and Fish Commission, shall pay all taxes and assessments levied by levee, drainage, and other improvement districts on lands owned by the state. The liens for any delinquent assessments shall not be extinguished by the sale of the lands. The provisions of the act are not to be applied retroactively and the assessments are not to be levied if the improvements do not benefit the state lands. The lands held by the Highway Department and the Land Commissioner are specifically exempted from the act.

### SUBURBAN IMPROVEMENT DISTRICTS

#### BENEFITS ASSESSMENT

Act No. 281, (HB 1283) provides that a property owner shall be required to pay suburban improvement district taxes as a prerequisite to paying his ad valorem real property taxes and that delinquent suburban improvement district taxes shall be collected in the same manner as delinquent ad valorem real property taxes.

## INDUSTRIAL DEVELOPMENT COMMISSION

### 10 YEAR GOALS

Act No. 1227, (SB 699) establishes 10 year economic goals for the state and directs the Arkansas Industrial Development Commission to identify ways and means of achieving those goals.

## INSURANCE

### AGENTS

#### LOSS RATIO EXPERIENCE

Act No. 487, (HB 1456) provides that an insurer shall not cancel agreements with agents based solely on the loss ratio experience on insurance transacted by that agent.

## INSURANCE (cont.)

### CONSUMER INFORMATION SYSTEM

Act No. 799, (SB 466) authorizes the Insurance Commissioner to develop a consumer information system to be funded by assessments against insurers holding a subsisting certificate of authority in this state and authorized to write the lines of insurance which the commissioner addresses in a consumer information system and repeals the current authorization for a consumer information system.

### FORMS

Act No. 398, (HB 1787) amends the grounds for disapproval of forms to provide that rates on a particular policy form will be deemed approved by the commissioner upon filing if the insurer has filed a loss ratio guarantee and complied with the loss ratio guarantee.

### IN VITRO FERTILIZATION

Act No. 920, (HB 1886) extends insurance coverage for in vitro fertilization to services performed at medical facilities licensed by the Health Department.

### INSURANCE PREMIUM TAX

#### FIRE PROTECTION SERVICES

Act No. 833, (HB 1541) levies an additional one-half percent (1/2%) insurance premium tax on all homeowner's insurance policies to provide funds to properly train and equip fire departments in Arkansas. The premium tax monies are to be deposited in the Fire Protection Revolving Fund. Each county is to receive a prescribed percentage of the monies in the Fund. Funds are to be used to defray the training expenses of firefighters at the Fire Training Academy or for the purchase of equipment. The act requires fire departments to report statistics and report to Fire Protection Services Board annually.

### LIABILITY COVERAGE

#### DORMITORY STAFF

Act No. 276, (HB 1072) amends 6-17-1113 to include dormitory staff at the Arkansas School for the Deaf and Arkansas School for the Blind in self-insurance pool operated in the Department of Education for civil liability of employees of school districts. Act became effective 2-28-91.

### LICENSE

Act No. 1143, (HB 2062) provides that partners in an insurance firm for investment purposes only and who do not act for the firm or take any other active role in the operations of the firm shall not be subject to licensing provisions, regulates health insurance coverage to small employers, and provides for the licensing of employee leasing firms.

### MENTAL HEALTH COVERAGE

Act No. 327, (HB 1329) provides that any insurer or hospital and medical services corporation which issues a policy which provides for mental health coverage shall offer coverage for the payment of services rendered by licensed professional counselors.

## INSURANCE (cont.)

### MINIMUM BASIC BENEFIT POLICIES

Act No. 238, (HB 1117) authorizes the development of minimum basic benefit policies for hospital and medical insurance coverage.

### MINOR CHILDREN

Act No. 368, (HB 1254) provides for income withholding for health care coverage premiums for minor children and provides that health care policies shall not restrict or deny coverage due to the fact that the minor child does not reside with the non-custodial parent or that the parent/child relationship was established through a paternity action.

### MORTGAGED PROPERTY

Act No. 805, (SB 526) provides that a mortgagee may not require, as a condition or term of the mortgage, that the mortgagor purchase casualty insurance on property which is the subject of the mortgage in an amount in excess of the fair market value of the mortgaged premises.

### MOTOR VEHICLES

#### ADDITIONAL COVERAGE

Act No. 394, (HB 1499) provides that motor vehicle insurance coverage shall extend to a motor vehicle loaned by a duly licensed automobile dealer for use as a temporary substitute vehicle while the insured's vehicle is out of use because of breakdown, repair, or servicing.

#### UNDERINSURED MOTORIST COVERAGE

Act No. 209, (SB 18) amends the underinsured motorist coverage requirement to make automobile liability insurance policies contain underinsured motorist coverage unless rejected in writing by the insured. It increases the required amount an insured can recover under the policy to amounts equal to the coverage limits for bodily injury or death for automobile liability insurance policies under the Motor Vehicle Safety Responsibility law. (This act was amended by Act 1123.)

Act No. 1123, (HB 1870) amends various sections of the Arkansas Insurance Code pertaining to eligible investments, unauthorized transactions, taxes, rate service organizations, guaranty fund deposits, policies, and agent licensing. It amends Act 209 to state when the notice provisions apply and to provide that once an insured rejects the coverage, no further notice is necessary.

### NONRESIDENT AGENTS

Act No. 477, (HB 1023) revises the law pertaining to the licensing of nonresident insurance agents and brokers.

## INSURANCE (cont.)

### OMNIBUS CHANGES

Act No. 723, (HB 1792) amends various sections of the Arkansas Insurance Code. The changes will enable the Insurance Department to be accredited by the National Association of Insurance Commissioners.

Act No. 1123, (HB 1870) amends various sections of the Arkansas Insurance Code pertaining to eligible investments, unauthorized transactions, taxes, rate service organizations, guaranty fund deposits, policies, and agent licensing.

### PSYCHOLOGICAL EXAMINERS

Act No. 624, (HB 1644) provides for payment for services rendered by psychological examiners from any insurer or hospital and medical service corporation which provides for mental health coverage.

### REINSURANCE

Act No. 804, (SB 518) provides that every insurer shall petition the Commissioner of Insurance for prior approval of any agreement of bulk reinsurance or assumptive reinsurance which provides for the ceding of Arkansas risks to an insurer not authorized to do business in this state and sets out criteria for approval.

### SCHOOLS

#### EMPLOYEE HEALTH INSURANCE

Act No. 311, (HB 1546) provides for a study commission to study the current public school employee health insurance program, including possible expansion to employees not covered, as well as conversion to a self-insurance group plan. The commission is to report its findings to Joint Interim Committee on Insurance and Commerce and the 1993 General Assembly. The act expires January 31, 1993.

### SELECTION OF PHARMACY

Act No. 971, (SB 235) provides that insurers cannot restrict an insured's right to select the pharmacy or pharmacist of his or her choice with certain limitations.

### SMALL EMPLOYERS

Act No. 1143, (HB 2062) provides persons who are partners in an insurance firm for investment purposes only and who do not act for the firm or take any other active role in the operations of the firm shall not be subject to licensing provisions. The act regulates health insurance coverage to small employers and provides for the licensing of employee leasing firms.

### SURETY BONDS

Act No. 1086, (SB 561) removes the restriction that surety bonds be issued only by resident local agents and provides that the bonds shall be made by surety companies which have qualified and are authorized to do business in the state.

### WORKERS' COMPENSATION

Act No. 561, (HB 1811) provides for a workers' compensation insurance plan to assure coverage for employers who are in good faith entitled, but unable to procure, workers' compensation insurance.

## INVENTORS

### ASSISTANCE

Act No. 707, (HB 1285) creates the Inventors Assistance Act that authorizes the University of Arkansas to establish a prototype development center at the University of Arkansas at Little Rock to provide assistance to inventors in this state.

## JUDGMENT

### EXEMPT PROPERTY

Act No. 610, (SB 443) requires a judgment debtor to file a schedule of property which he claims as exempt with the clerk of the court within 45 days of entry of the final judgment order.

## KIDNEY DISEASE COMMISSION

Act No. 848, (SB 566) changes the membership of the Kidney Disease Commission and provides that the deputy director of the Division of Rehabilitation Services shall be a member of the commission and serve as secretary and disbursing officer.

## LABOR

### CHILD LABOR LAWS

#### BASEBALL

Act 1170, (SB 418) allows a minor to be employed as a "batboy" or "batgirl" for a professional baseball team. The act imposes certain restrictions such as hours of work.

#### CIVIL PENALTY

Act No. 509, (SB 385) establishes a civil penalty for violations of child labor laws.

Act No. 565, (HB 1442) amends Arkansas Code sections pertaining to employment of children under the age of 16 years.

### CORPORATIONS

#### WAGE PAYMENT

Act No. 1113, (HB 1819) provides that corporations with an annual gross income of \$500,000 or more shall pay the wages of their management level and executive employees who are compensated at a gross rate in excess of \$25,000 per year at a minimum of once each calendar month.

### FEMALE LABOR LAWS

Act No. 332, (HB 1443) repeals all sections of the Arkansas Code under Subchapter 5, Chapter 4, Title 11, LABOR AND INDUSTRIAL RELATIONS, which deal with "Female Employees Generally".

## LABOR (cont.)

### MINIMUM WAGE AND OVERTIME

Act No. 544, (SB 200) increases the minimum wage to \$3.65 beginning July 1, 1991, and \$4.00 beginning July 1, 1992. The act reduces the number of hours employees of certain hotels, restaurants and tourist attractions may work before overtime applies. Beginning July 1, 1992, the work week for such employees will be reduced to the general standard of 40 hours.

## LABOR, DEPARTMENT OF

### BLASTING

Act No. 780, (SB 270) directs the Director of the Arkansas Department of Labor to promulgate regulations establishing minimum standards for the qualifications of those individuals performing blasting.

### BOILER INSPECTION DIVISION

Act No. 560, (HB 1803) increases the fees that may be charged by the Boiler Inspection Division of the Department of Labor for shop inspections and special inspections.

## LAND COMMISSIONER

### DELINQUENT LANDS

#### REDEMPTION AND SALE

Act No. 1080, (SB 549) provides methods for the sale of tax delinquent land certified to the Land Commissioner and provides the method for distribution of funds from such sales.

#### VARIOUS REVISIONS

Act No. 807, (SB 535) amends the law on tax delinquent lands to clarify the procedure of issuing certificates of corrections by the county collectors and specifically exempts the Land Commissioner from paying recording fees. The act amends and updates the authority of the State Land Commissioner's Office over islands in navigable streams in Arkansas. Lastly, it expands the authority of the Land Commissioner's Office to donate tax delinquent lands to state agencies and to local school districts and city and county governments. The land reverts to the state if it is not used for its donated purpose.

## LAW ENFORCEMENT

### RADAR

Act No. 374, (HB 1393) changes the definition of "police traffic radar" so as to delete the provision that it is covered by a valid Federal Communications Commission license.

## LAW ENFORCEMENT OFFICERS

### BENEFITS

#### DEATH BENEFITS

Act No. 334, (HB 1461) provides that the spouse or surviving children of a policeman or other law enforcement officer or fire fighter killed between March 1, 1984 and June 30, 1984 shall be entitled to additional benefits and that determination of eligibility shall be made by the Arkansas Claims Commission.

Act No. 409, (HB 1112) provides death benefits to the families of the Camp Robinson Military Reservation or Fort Chaffee police officers and firefighters who are killed in the line of duty.

### CIVIL IMMUNITY

#### WRITS OF EXECUTION

Act No. 424, (HB 1743) grants immunity from suit and civil immunity to sheriffs and other law enforcement officers while serving and executing writs of execution.

### HIGHER EDUCATION

#### TUITION SCHOLARSHIPS

Act No. 875, (HB 1368) establishes the Arkansas Police Corps Planning Commission to develop criteria for awarding up to 15 scholarships per year (not to exceed 50 at any one time) of the lesser of \$1550 or actual tuition for police officers or law enforcement officers. Recipient must successfully complete training at the training academy following completion of their course of study and be a full-time police officer for at least one year to avoid having to repay any funds received from the corps.

### MUNICIPAL POLICE

#### BILL OF RIGHTS

Act No. 564, (HB 1326) recommends the establishment of certain basic rights for law enforcement officers in cities and incorporated towns of Arkansas and authorizes cities and towns to enact ordinances that meet these guidelines. Guidelines are prescribed for situations where officers are under investigation for criminal acts and describes his rights in those situations. Officers are not to be required to disclose property or sources of income for promotion purposes. Officers are not to be restricted in their political activity except on official duty.

### POLITICAL ACTIVITIES

Act No. 580, (HB 1822) allows municipal law enforcement officers to engage in political activities except when on duty or in uniform. It also says they shall not be denied the right to refrain from engaging in political activities.

## LIABILITY

### IMMUNITY

#### ASSISTANCE TO SUICIDAL STUDENTS

Act No. 587, (SB 388) amends 6-17-107 to add immunity to teachers, counselors, school health providers and other school personnel for counselling, referral, emergency medical care and other assistance offered to suicidal students. Emergency clause makes act effective 3-18-91.

#### HORSE SHOWS

Act No. 103, (HB 1020) provides that the officers or members of the board of directors of any nonprofit corporation engaged in horse shows, horse fairs, and other "equine activities" shall be immune from civil liability for any acts committed during the equine activity, unless the conduct was willful, wanton or grossly negligent.

#### INSTALLATION OF SMOKE ALARMS

Act No. 891, (HB 1682) provides that volunteer fire fighters and departments shall not be civilly liable for personal injury or property damages resulting from the free installation of smoke alarms, unless the act was intentional wrongdoing.

#### SANITATION AUTHORITIES

Act No. 960, (HB 2038) clarifies that sanitation authorities operating solid waste disposal facilities are an instrumentality of the municipalities or counties which are members of the authority and as such, retain all immunities of such.

#### VARIOUS REVISIONS

Act No. 542, (SB 98) changes various sections of the Arkansas Code to grant immunity from suit to those persons who already had immunity from liability. This was prompted by a recent court decision.

#### WRITS OF EXECUTION

Act No. 424, (HB 1743) grants immunity from suit and civil immunity to sheriffs and other law enforcement officers while serving and executing writs of execution.

### LANDOWNER LIABILITY

#### RECREATIONAL USES

Act No. 485, (HB 1314) amends the Arkansas Code to define the words "public" and "person" to include the Y.M.C.A., Y.W.C.A., Boy Scouts, Girl Scouts, Boys Clubs, Girls Clubs, churches, religious organizations, fraternal organizations or other similar organizations when referring the landowner's liability for recreational uses of the land.

#### TRESPASSERS

Act No. 473, (HB 1124) provides that a landowner or lessee owes no duty of care to a trespasser and is not liable for any injury to a trespasser except for injuries caused by the gross negligence or the willful and wanton misconduct of the owner, lessee, or occupant.

## LIABILITY (cont.)

### PROFESSIONAL CORPORATIONS

Act No. 1146, (HB 2096) provides that no person will be personally liable for any obligation or liability of any shareholder, director, officer, agent or employee of a professional corporation solely because such person is a shareholder, director, officer, agent or employee of such professional corporation.

## LIENS

### ATTORNEY LIENS

Act No. 1229, (SB 703) amends the Arkansas law regarding attorney liens to include legal services rendered in proceedings before the Worker's Compensation Commission. The act allows the Commission to enforce the lien upon petition of the attorney.

### MECHANICS AND MATERIALMEN

Act No. 588, (SB 392) allows the 10 days notice before the filing of mechanics' and materialmen's liens to be served by mail with a return receipt requested.

## LIQUEFIED PETROLEUM GAS BOARD

Act No. 300, (HB 1220) amends the Liquefied Petroleum Gas Board Act to increase various permit fees.

## LIVESTOCK AND POULTRY COMMISSION

### DISTRIBUTION OF FINES

Act No. 403, (SB 33) specifies the distribution of fines and penalties resulting from any arrests or citations used by enforcement officers of the Livestock and Poultry Commission. Eighty percent (80%) of the fines and penalties levied will be special revenues and deposited in the State Treasury to be used for the operation of the enforcement unit and twenty percent (20%) will be retained by the city or county where the violation occurred.

### PSEUDO RABIES CONTROL FEE

Act No. 1105, (HB 1647) levies a fee of one dollar per head on all spent sows and boars sold at livestock markets for the purpose of funding the pseudo rabies and eradication program.

## LOCAL LEGISLATION

### BOONEVILLE NATIONAL GUARD ARMORY

Act No. 39, (HB 1071) authorizes the City of Booneville to use state-owned land released to it for a National Guard Armory.

LOCAL LEGISLATION (cont.)

COUNTY CLERK AND CIRCUIT CLERK

Act No. 818, (HB 1601) creates separate offices of county clerk and circuit clerk in counties having a population from 16,500 to 17,000 persons according to the 1980 Federal Decennial Census.

DEPUTY PROSECUTING ATTORNEYS

9-WEST JUDICIAL CIRCUIT

Act No. 743, (HB 2075) prescribes the salaries of the Deputy Prosecuting Attorneys in the 9-West Judicial Circuit comprised of Little River, Sevier and Howard counties. The act provides the salaries to be retroactive to January 1, 1991.

CLAY COUNTY

Act No. 820, (HB 2043) prescribes the salary and expenses of the Deputy Prosecuting Attorney for Clay County.

CRAWFORD AND SEBASTIAN COUNTIES

Act No. 538, (SB 275) prescribes the salary and expenses of the Deputy Prosecuting Attorneys for Crawford and Sebastian Counties.

CRITTENDEN COUNTY

Act No. 196, (SB 71) prescribes the salary and expenses of the Deputy Prosecuting Attorney for Crittenden County.

GREENE COUNTY

Act No. 217, (HB 1407) prescribes the salary and expenses of the Deputy Prosecuting Attorney for Greene County.

LAFAYETTE COUNTY

Act No. 426, (HB 1772) prescribes the salary and expenses of the Deputy Prosecuting Attorney for Lafayette County.

LEE COUNTY

Act No. 665, (HB 1744) prescribes the salary of the Deputy Prosecuting Attorney for Lee County and provides for a \$5.00 court cost for the Public Defender/Deputy Prosecuting Attorney Fund.

MISSISSIPPI COUNTY

Act No. 476, (HB 1842) prescribes the salary and expenses of the Deputy Prosecuting Attorney for Mississippi County.

MONROE COUNTY

Act No. 666, (HB 1746) prescribes the salary and expenses of the Deputy Prosecuting Attorney for Monroe County. Effective date 3-19-91.

NEVADA COUNTY

Act No. 427, (HB 1790) prescribes the salary and expenses of the Deputy Prosecuting Attorney of Nevada County.

PHILLIPS COUNTY

Act No. 475, (HB 1763) prescribes the salary and expenses of the Deputy Prosecuting Attorney for Phillips County.

## LOCAL LEGISLATION (cont.)

### DEPUTY PROSECUTING ATTORNEYS (cont.)

#### POINSETT COUNTY

Act No. 195, (SB 72) prescribes the salary and expenses of the Deputy Prosecuting Attorney for Poinsett County.

#### ST. FRANCIS COUNTY

Act No. 667, (HB 1750) prescribes the salary and expenses of the Deputy Prosecuting Attorney for St. Francis County. Effective date 3-19-91.

#### TWELFTH JUDICIAL CIRCUIT

Act No. 237, (HB 1471) prescribes the salaries and expenses of the Deputy Prosecuting Attorneys for Crawford and Sebastian Counties in the Twelfth Judicial Circuit.

#### WOODRUFF COUNTY

Act No. 976, (HB 1738) prescribes the salary and expenses of the Deputy Prosecuting Attorney for Woodruff County.

### DREW COUNTY

#### CREPE MYRTLE COUNTY

Act No. 635, (HB 1837) designates Drew County, Arkansas as the Crepe Myrtle County of the State of Arkansas.

### EIGHTH JUDICIAL CIRCUIT

#### CASE COORDINATOR

Act No. 135, (SB 44) increases the maximum salary for each clerk-secretary-case coordinator in the Eighth Judicial Circuit.

### FIFTEENTH JUDICIAL DISTRICT

#### PROSECUTING ATTORNEY

Act No. 425, (HB 1506) provides additional employees and establishes their salaries for the Prosecuting Attorney of the Fifteenth Judicial District.

### FOURTH JUDICIAL DISTRICT

#### SECRETARY-COURT REPORTER-CASE COORDINATOR

Act No. 975, (HB 1454) prescribes the salaries of the secretary-court reporter-case coordinators employed by the chancellors, circuit and circuit-chancery judges of the Fourth Judicial District and apportions the salaries between Washington and Madison counties.

### LOGAN COUNTY

#### COUNTY TREASURER

Act No. 183, (HB 1069) exempts Logan County from the requirement that the county treasurer keep in his office at each county site in counties having two judicial districts funds belonging to the school districts and road districts of the respective judicial districts.

### LONOKE-PULASKI CO. BOUNDARY

Act No. 418, (HB 1482) clarifies the intent of Act 59 of 1875 regarding the boundary line between Lonoke County and Pulaski County to settle the dispute.

## LOCAL LEGISLATION (cont.)

### MUNICIPAL COURT

#### COURT COSTS

Act No. 357, (HB 1245) allows certain municipalities having a population of less than 5,000 persons to use the \$5.00 court costs provided for by Arkansas Code Annotated 16-17-111 for any purpose deemed appropriate by the governing body after the funds retained are in excess of \$1,500.

#### DEQUEEN

Act No. 35, (HB 1122) establishes the salary of the DeQueen Municipal Court Judge and Clerk.

#### FORT SMITH

Act No. 1152, (HB 1711) creates an additional judgeship for the Fort Smith Municipal Court, prescribes the salaries of the municipal judges, and apportions the expenses between Fort Smith and Sebastian County.

#### WYNNE

Act 1149, (HB 1391) authorizes the City of Wynne to levy and collect, from each defendant, additional court cost not to exceed (\$3.00) for entering upon the records of the court each criminal case and each moving traffic violation filed in the Wynne Municipal Court. The revenues shall be used to pay retirement benefits for personnel of the municipal court. The act is retroactive to January 1, 1990.

### PLUM BAYOU LEVEE DISTRICT

Act No. 973, (SB 265) provides that, beginning January 1, 1992, the county judges of Jefferson, Lonoke, and Pulaski Counties shall appoint one (1) director to the Board of the Plum Bayou Levee District. The directors serve for a term of six (6) years and, in case of vacancy, the remaining board members shall appoint someone from the county to fulfill the remainder of the term.

### PROBATE CLERK

#### PULASKI COUNTY

Act No. 286, (HB 1508) establishes the probate clerk for Pulaski County, Arkansas.

### PROSECUTING ATTORNEY

#### SIXTH JUDICIAL DISTRICT

Act No. 758, (HB 1436) creates additional employees for the Prosecuting Attorney of the Sixth Judicial District to be funded with grants awarded from the Arkansas Department of Finance and Administration, Office of Intergovernmental Services, Arkansas Drug Law Enforcement Program.

Act No. 819, (HB 1998) prescribes the employees and their salaries for the office of the Prosecuting Attorney for the Sixth Judicial District.

## LOCAL LEGISLATION (cont.)

### PUBLIC DEFENDER

#### FOURTEENTH JUDICIAL CIRCUIT

Act No. 1150, (HB 1504) provides enabling legislation to establish a public defender system in Boone County.

### SECOND JUDICIAL DISTRICT

Act No. 94, (HB 1163) establishes the position of case-coordinator for the Second Judicial District and sets the salary and prorates payment of the salary between the counties based on case filings.

### SECRETARY-COURT REPORTER-CASE COORDINATOR

#### FOURTH JUDICIAL DISTRICT

Act No. 972, (SB 138) prescribes the salaries of the secretary-court reporter-case coordinators employed by the circuit, chancery and circuit-chancery judges of the Fourth Judicial District.

### THISTLES

#### BOONE COUNTY

Act No. 1151, (HB 1505) amends Act 383 of 1983 which prohibits the growing of thistles to include Boone County (previously it included only Washington and Benton Counties).

## MANUFACTURED HOME COMMISSION

Act No. 373, (HB 1350) makes various changes to the Arkansas Manufactured Home Recovery Act.

Act No. 632, (HB 1745) prohibits the transfer of a license or certification issued by the Manufactured Home Commission. It also gives the commission subpoena powers.

## MASSAGE THERAPY BOARD

Act No. 1217, (SB 683) changes the name of the board from Arkansas State Board of Therapy Technology to the Arkansas State Board of Massage Therapy and increases fees charged by the board for licenses.

## MEDICAL BOARD

### FEES

Act No. 593, (SB 521) increases the annual license or re-registration fee for physicians.

### MEMBERS

Act No. 255, (HB 1652) adds two members to the State Medical Board, one an additional licensed physician and the other a licensed osteopath.

## MEDICAL EXAMINER COMMISSION

Act No. 383, (SB 103) abolishes the State Crime Laboratory Board and the State Medical Examiner Commissioner and transfers their powers and duties to a new board. The new board is to be known as the State Crime Laboratory Board.

## MEDICAL MALPRACTICE

### INTENT TO SUE

Act No. 346, (SB 212) permits the notice of intent to sue in medical malpractice cases to be hand delivered and further provides that if the notice is served within 60 days of the statute of limitations period expiring, then the time for commencement of the action shall be extended 90 days from the service of the notice. (It was previously 70 days.)

### OBSTETRICAL CARE

#### STATUTE OF LIMITATIONS

Act No. 997, (HB 1556) sets the statute of limitations for medical malpractice actions based on obstetrical care to two years after the minor's ninth birthday.

## MILITARY

### COMBAT PAY

Act No. 386, (HB 1064) adopts sections 112 and 692 of the Internal Revenue Code regarding combat pay of members of the Armed Forces and income taxes of members of the Armed Forces on death.

### DESERT STORM PLAQUE

Act No. 1096, (HB 1310) provides for the installation of a plaque to honor Arkansas' contributions to Desert Shield/Desert Storm.

### MONUMENT AT STATE CAPITOL

Act No. 1159, (HB 1882) provides for the erection of a monument on the State Capitol grounds in honor of those Arkansans who served in all military conflicts of the Twentieth Century and creates the Arkansas Military War Veterans Monument Design Selection Committee to select the design and site of the Monument.

### NATIONAL GUARD

#### AWARDS AND DECORATIONS

Act No. 550, (SB 307) authorizes the following awards: "Arkansas Commendation Medal", "Arkansas Distinguished Service Medal" and the "Arkansas Medal of Honor" and authorizes the Military Department to promulgate rules and regulations to establish the criteria upon which each of these may be awarded.

## MILITARY (cont.)

### NATIONAL GUARD (cont.)

#### CAMP ROBINSON CANTEEN

Act No. 732, (HB 2083) allows the Adjutant General to operate the Camp Robinson canteen in accordance with regulations of the Department of the Army and the National Guard Bureau to avoid the conflicts encountered when trying to operate under both state law and federal law. Further provides for an external annual audit, a copy of which shall be submitted to the Division of Legislative Audit.

#### DEPUTY ADJUTANTS GENERAL

Act No. 510, (SB 408) designates the Assistant Adjutants General of the Army and Air National Guard as Deputy Adjutants General.

### STATE EMPLOYEES

#### OPERATION DESERT STORM

Act No. 652, (HB 1959) provides that any employee of a state agency or institution of higher education called to active duty as a member of the National Guard or any of the Reserve components of the Armed Forces for participation in Operation Desert Shield/Desert Storm shall be eligible for continued proportionate salary payments which, when combined with the employee's active duty pay, shall equal the amount the employee would have otherwise received were it not for the required active duty.

### STAY OF LAWSUITS

Act No. 965, (HB 2084) authorizes a stay of proceedings in all causes of action where a party or an attorney for a party is a member of a reserve component of the armed forces and is called to duty.

## MINERALS

### AD VALOREM TAXES

Act No. 1165, (SB 187) provides that no ad valorem tax on mineral interests shall be billed or collected and no tax shall be owed if the cost of collecting the tax exceeds the annual tax on the interest.

### LEASES

#### GAME AND FISH COMMISSION

Act No. 537, (HB 1565) exempts the Game and Fish Commission from provisions of the Arkansas Code concerning the mineral leases of state lands and requires the Game and Fish Commission to lease their lands and issue permits for the taking of minerals under the same procedures prescribed for the Natural Resource Committee and ensures that any revenues derived from mineral rights accrue to the Game and Fish Commission.

## MINERALS (cont.)

### OPEN-CUT MINING

#### PERMITS AND RECLAMATION

Act No. 827, (SB 611) is entitled "The Arkansas Open-Cut Land Reclamation Act," provides the application procedures and fees for permits for open-cut mining, prescribes the duties of operators engaged in or controlling an open-cut mining operation, provides for reclamation for productive use, provides for the bonding of operators, prohibits open-cut mining in violation of the act, and repeals "The Arkansas Open-Cut Land Reclamation Act of 1977."

## MINORITIES

### BLACK HISTORY COMMISSION

Act No. 1233, (SB 710) establishes the Arkansas Black History Advisory Committee and the membership thereof, establishes the committee's functions and powers, provides that the State Historian shall assist the committee in the performance of its duties, and provides for the development of a program of Arkansas black history for inclusion in the curriculum segment of the Arkansas history courses in the public schools of the state.

### MINORITY BUSINESSES

#### MINORITY BUSINESS ECONOMIC DEVELOPMENT ACT

Act No. 698, (SB 433) creates the Minority Business Economic Development Act to require state agencies to establish goals to aid minority businesses and to aid minority businesses in obtaining state agency contracts.

#### SMALL BUSINESS ACT OF 1989

Act No. 775, (SB 225) amends the Arkansas Development Finance Authority Small Business Act of 1989 by adding minority owned small business and agriculture related businesses as eligible enterprises.

Act No. 874, (HB 1353) amends the Arkansas Development Finance Authority Small Business Act of 1989 by adding minority owned small business and agriculture related businesses as eligible enterprises.

### MINORITY HEALTH COMMISSION

Act No. 912, (HB 1802) creates the Arkansas Minority Health Commission to study the health care needs and accessibility of health care to minorities.

### MINORITY MENTAL HEALTH OFFICE

Act No. 1210, (SB 670) creates the Office of Minority Mental Health within the Division of Mental Health of the Department of Human Services to develop programs and policies concerning the mental health problems of minorities.

### MINORITY TEACHER/ADMINISTRATOR RECRUITMENT

Act 1164, (HB 2117) requires school districts with more than five percent African-American or other minority students to file minority teacher/administrator recruitment plans. The act creates the minority teacher recruitment advisory council.

## MINORITIES (cont.)

### MINORITY TEACHER RECRUITMENT

Act No. 858, (HB 1037) provides for a cooperative agreement and effort between a school district and an institution of higher education to supply mentor teachers for college students in the field of education. The act includes members of the male gender as a minority population. The State provides \$250 per participant per year as honorarium to mentoring teachers. The State Department of Education and State Department of Higher Education are to work cooperatively to promote the program.

### PHARMACY BOARD MEMBERSHIP

Act No. 1163, (HB 2024) adds an additional member to the State Board of Pharmacy who shall be a minority.

## MOTOR VEHICLE COMMISSION

### DEFINITIONS

Act No. 890, (HB 1670) amends the law dealing with Motor Vehicle Commission to redefine the terms "manufacturer", "factory branch", and "factory representative". The act also repeals Arkansas Code 23-112-407.

### MOTOR HOMES

Act No. 730, (HB 2069) amends new provisions added by Section 4 of Act 411 of 1991 regarding the legal obligations of vehicle manufacturers to dealers to add motor homes to the type of vehicles whose dealers are protected. It limits the obligations of manufacturers of motor homes to when the motor home dealer undertakes to terminate or cancel the franchise agreement. It adds a definition of "motor home" to list of "vehicles" in the motor vehicle registration law.

### MOTOR VEHICLE DEALERS

Act No. 411, (HB 1209) grants to the Motor Vehicle Commission the authority to revoke or suspend the license of a manufacturer or distributor who fails to compensate its dealers fairly or equitably for parts, labor, or factory warranty work performed by the dealers. The manufacturer shall file a schedule of the compensation due dealers for parts and services they are required to perform on motor vehicles. Revises the definition of "broker". The act also amends the Franchise Practices Act to expand the definition of "franchise" to include agreements for nonexclusive territorial arrangements.

## MOTOR VEHICLES

### ACCIDENT REPORTING

Act No. 721, (HB 1509) increases the minimum amount of property damage resulting from an accident to \$500.00 in order to require the filing of an accident report with the Department of Finance and Administration.

## MOTOR VEHICLES (cont.)

### AFTERMARKET CRASH PARTS

Act No. 1209, (SB 663) requires the disclosure of the use of nonoriginal equipment aftermarket crash parts when repairing damage to a motor vehicle. Any nonoriginal equipment aftermarket crash part supplied in this state after January 1, 1992 must carry a decal or label with the manufacturer's name and logo on it. The act also requires that a disclosure statement be given in all situations where a repair facility prepares an estimate of cost using nonoriginal equipment aftermarket crash parts in calculating the estimate.

### CERTIFICATES OF TITLE

Act No. 293, (HB 1073) amends the motor vehicle title registration law to allow lienholders to apply for registration and certificate of title for purchasers of new or used motor vehicles.

### FILING OF LIENS

Act No. 579, (HB 1700) amends the law regarding registration and certificates of title for motor vehicles to perfect the liens on the dates of execution of the documents if they are filed within thirty (30) days. (Previously, the law required them to be filed within ten (10) days).

### COMMERCIAL DRIVER LICENSE

#### APPLICATION FEE REDUCED

Act No. 1042, (HB 1090) amends the Commercial Driver License law to reduce the application fee for the license from \$61.00 to \$41.00 beginning July 1, 1992. The twenty dollar reduction (\$20.00) will be made in the funds distributed to the DFA-Revenue Division's Commercial Driver License Fund.

#### CHURCH BUSES

Act No. 164, (SB 36) allows a person who drives a church bus to apply for restricted commercial driver license to drive only church buses. The application fee for a license with a church bus restriction will be only \$26.00 (same as the previous cost for a chauffeur's license).

#### NONPROFIT DAYCARE BUSES

Act No. 352, (SB 685) allows a person who drives a nonprofit daycare bus to apply for a restricted driver license to drive only daycare buses. The application fee for a license with a daycare bus restriction will be only \$26.00 (same as the previous cost for a chauffeur's license). This is the same restriction to apply for church buses, school buses, and public transit systems.

#### UPDATES TO LAW

Act No. 643, (HB 1881) amends the Commercial Drivers License Act to clarify the definitions for alcohol, conviction, motor vehicle, and serious traffic violations. It also clarifies that a violation for intoxication includes the presence of an intoxicant at any measurable level which affects the driver's reactions. The act further broadens the penalty for unlawful refusal to submit to tests for the presence of intoxicants. These changes are being made at the request of federal regulators to comply with federal standards.

## MOTOR VEHICLES (cont.)

### DEALERS

#### DUTIES FOR DAMAGE IN TRANSIT

Act No. 952, (HB 2002) requires the dealer to notify the manufacturer within 3 working days of delivery and request repairs of the damages by certified mail. Requires the manufacturer to authorize repairs or replacement within 3 working days of receipt of notice from the dealer or ownership of the vehicle reverts back to the manufacturer. Dealer must disclose damage which exceeds 6% of price of car (excluding glass, bumpers and tires which can be replaced by original equipment) to consumer. Liability for concealed damages lies with the dealer or manufacturer depending on when the damage occurred.

### DISABLED PERSON'S PARKING

Act No. 656, (HB 1444) amends and updates the handicapped parking law in Arkansas to be the Access to Parking For Persons With Disabilities Act. It changes the definition of "handicapped person" to be "person with a disability" and includes people with heart trouble. It increases the penalty for helping a person falsely obtain a permit to a Class C misdemeanor. The act further standardizes and updates the issuance of plates, decals, and shape of signs to comply with new federal standards.

### DRIVER'S LICENSE

#### CONTROLLED SUBSTANCE

Act No. 1109, (HB 1754) provides for the suspension of the driver's license of a person who pleads guilty or nolo contendere or who is found guilty of an offense involving illegal possession or use of a controlled substance. In hardship cases a restricted driving permit may be allowed.

#### EXAMINATION

Act No. 782, (SB 300) establishes a driver license examination fee of five dollars (\$5.00) for the administering of the driver test. The fee is charged for each examination up to the third test and each subsequent exam is administered at no cost. The fee is collected before the test is given and deposited in the State Police Fund.

#### HARDSHIP WAIVERS

Act No. 716, (HB 1929) amends 27-16-701 to permit a person less than 18 years of age who is unable to submit proof of enrollment in school or graduation to apply for a waiver from such requirement with the Office of Driver Services. Any waiver granted must be for demonstrable financial hardship and must apply only to the extent necessary to ameliorate the hardship. In cases where fraud occurs in obtaining the waiver, the parent, guardian or person in loco parentis is subject to perjury charges. The Department of Finance and Administration is authorized to issue rules for complying with this law which are to be distributed to schools.

## MOTOR VEHICLES (cont.)

### DRIVER'S LICENSE (cont.)

#### MOTOR-DRIVEN CYCLES

Act No. 614, (SB 505) provides that persons issued motor-driven cycle licenses shall automatically be issued a motorcycle license upon reaching age sixteen (16) years old. They shall not be required to take an examination for the motorcycle operator's license as now required by law.

#### PROOF OF ENROLLMENT IN SCHOOL

Act No. 831, (HB 1028) amends 27-16-701 to require every applicant for an instruction permit or operator's license who is less than 18 years of age to present proof of receipt of a high school diploma or its equivalent or enrollment and attendance in a public, private or parochial school, home schooling or enrollment in postsecondary schooling. After July 1, 1993, such person must also present proof of a "C" average for the previous semester or grading period to obtain a license. Exceptions are made for handicapped students and those found to be performing at their fullest level of capability.

### EQUIPMENT

#### SCHOOL BUSES AND AGRICULTURAL VEHICLES

Act No. 296, (HB 1156) amends an exemption to the Arkansas Motor Carrier Act to require school buses and motor vehicles carrying various agricultural items to meet the standards for safety of operation and equipment standards of the federal motor carrier safety regulations. This is to insure that Arkansas will remain eligible for federal highway safety funds.

#### TRAILERS

Act No. 32, (SB 79) repeals an exemption from the requirement that certain trailers and pole trailers be equipped with brakes. The exemption was incompatible with the Federal Motor Carrier Safety Regulations and needed to be repealed to comply with federal requirements for federal highway safety funds.

### FARM MACHINERY

Act No. 186, (HB 1116) makes it unlawful to knowingly tamper with or alter the hour meter of any farm machinery in an attempt to defraud another person. Any person found guilty of such a violation is deemed guilty of a Class A misdemeanor and may be subject a fine of up to \$1,000 or one year in jail or both.

### INTERSTATE FUEL USERS

#### DECAL FEES REPEALED

Act No. 928, (HB 1948) repeals the ten dollar (\$10.00) fee required for the issuance of decals for bonded interstate fuel users and the requirement for issuance of a numbered decal.

### LICENSE PLATES

#### NATIONAL GUARD

Act No. 31, (SB 60) authorizes retired members of the National Guard to qualify for special licenses like other retired military members upon payment of the regular license fee plus \$1.50.

## MOTOR VEHICLES (cont.)

### LICENSE PLATES (cont.)

#### PURPLE HEART

Act No. 377, (HB 1513) reduces the cost for additional license plates for Purple Heart medal winners from \$10.00 per extra plate to \$2.00 per extra plate.

#### RETIRED MERCHANT MARINE

Act No. 837, (HB 1717) creates a specialty license plate for automobiles and pickup trucks for persons who are retired merchant marines having served from October, 1941 to December 31, 1945.

#### RETIRED MILITARY

Act No. 372, (HB 1349) eliminates the additional \$1.50 fee charged for special retired military personnel license plates. It reduces the fee for these special license plates to the same cost as a regular license fee.

### MOTOR CARRIER REGULATION

Act No. 33, (SB 80) amends the exemption from the Arkansas Motor Carrier Act for vehicles hauling of gravel, rock, dirt, bituminous mix, stone, and for wreckers to make them subject to the safety requirements of the law regarding their safety of operations and their vehicle equipment standards. The exemption was modified to make the Arkansas law compatible with federal motor carrier regulations to insure the continued receipt of federal funds for highway safety programs.

Act No. 297, (HB 1158) amends the Arkansas Motor Carrier Act to authorize the Highway Department to have access to the land, buildings, equipment, and records of private carriers, as well as motor carriers, in order to ensure Arkansas law is compatible with federal motor carrier safety regulations. This is to ensure the continued eligibility for federal highway safety funds.

### NATURAL RESOURCES VEHICLES

#### FEDERAL BRIDGE FORMULA EXEMPT

Act No. 1139, (HB 2001) repeals 27-35-203(g)(1)(A) concerning the 8% variance for 5 axle vehicles hauling unfinished and unprocessed farm products, forest products and other soil products. Also amends 27-35-203(i)(1) to include such vehicles in the exemption from the federal bridge formula when operated on non-interstate highways.

### OPERATING REQUIREMENTS

#### HEADLIGHTS

Act No. 895, (HB 1697) prohibits the operation of a motor vehicle on the public streets and highways with parking lights on unless the headlights are also turned on.

## MOTOR VEHICLES (cont.)

### OVERWEIGHT PERMITS

#### MOBILE CONSTRUCTION VEHICLES

Act No. 704, (SB 621) authorizes the Arkansas Highway Commission to issue an overweight-oversize permit to operators of mobile construction vehicles and equipment which are equipped with pneumatic tires so they may operate on the highways of the state. Sets out a fee schedule for the permits based on the weight of the vehicles in excess of the legal limits.

### PUBLIC SCHOOL VEHICLES

#### SELF-INSURANCE PROGRAM

Act No. 824, (SB 448) establishes a self-insurance program for school district motor vehicles to meet the liability insurance requirements. The program is to be administered by the State Board of Education with the advice of the Self Insurance Advisory Committee. The board and committee shall set the premium rates for the insurance program and shall maintain a maintenance and safety program designed to reduce accidents involving school vehicles. The program shall be funded from an initial \$1.5 million dollar loan from the school Self-Insurance Fund. Participation in the program is optional.

### REGISTRATION

#### AUTOMOBILE REGISTRATION

Act No. 737, (SB 484) amends the law requiring registration of new automobiles within ten (10) days after purchase to make it unlawful to use a title retention note to secure an interest in the vehicle. "Title retention note" is defined as an instrument granting a person possession and use of the vehicle but withholds assignment of the title until full payment is tendered. It makes it a Class C misdemeanor to violate this provision.

Act 1005 (HB 1683) requires the Director of the Department of Finance and Administration to establish a system of automobile registration by fax machine. The act authorizes the use of credit cards to charge registration fees sent by fax machine and authorizes the Director to accept fax copies as proof of vehicle inspection and assessment and payment of personal property taxes. It permits the Department to charge an additional fee for the use of credit cards to recover the cost of using them.

#### HEAVY TRUCKS

Act No. 219, (HB 1233) repeals the weight-distance truck tax; establishes a registration fee of one thousand three hundred and fifty dollars on certain vehicles having a declared gross weight between 73,281 and 80,000 pounds; increases the annual registration fees on certain semitrailers to \$20; levies an additional excise tax of four cents per gallon on distillate special fuels; and increases the permit fees issued for overweight vehicles.

## MOTOR VEHICLES (cont.)

### REGISTRATION (cont.)

#### TRAILERS

Act No. 96, (SB 4) eliminates the separate class of registration for gooseneck trailers and the twenty dollar (\$20.00) fee. Trailer registration is now in two classes of trailers pulled by cars and pickup trucks and trailers pulled by all other vehicles. The registration fee for trailers drawn by automobiles was increased from \$6.00 to \$7.00 per year. The registration for trailers drawn by automobiles was changed to allow for a year-round renewal for a two (2) year period rather than for renewal in June of every other year.

#### SALES AND USE TAX

Act No. 3, (SB 156) levies an additional one-half percent state sales and use tax and applies Arkansas sales and use tax to the sale of all used motor vehicles, trailers, mobile homes, and airplanes. (This act was amended by Act 1126.)

#### SEAT BELTS REQUIRED

Act No. 562, (SB 13) requires operators and front passengers of motor vehicles to wear seat belts when operating on the public streets and highways of Arkansas. The act does not apply to handicapped persons, children under five (5) years old, and rural letter carriers. Persons violating the law are subject to a twenty five dollar (\$25.00) fine.

#### SIZE AND WEIGHT LAWS

##### COMPLIANCE WITH FEDERAL LAWS

Act No. 1231, (SB 708) amends the Arkansas size and weight laws for trucks to clarify the point at which the wheels are measured to determine "tandem axles" to insure the law complies with the federal regulations. The also amends the formula for figuring truck weights, known as Formula W, to correct a previously enacted error.

Act No. 1031, (HB 2046) amends the Arkansas size and weight laws for trucks to clarify the point which the wheels are measured to determine "tandem axles" to insure it complies with the federal regulations. The also amends the formula W for figuring weights to clarify it.

#### WINDOW TINTING

##### EXCEPTIONS

Act No. 1043, (SB 59) allows any motorist who is diagnosed by a physician as having a disease or disorder, including but not limited to albinism or lupus to be exempt from the window tinting laws and regulations. The motorist must carry in his or her vehicle a physician's certification.

##### REGULATION

Act No. 563, (HB 1324) amends the law regarding the tinting of motor vehicle windows to require any window tinting on the rear windows or rear glass to permit at least twenty percent (20%) of light transmission or greater. It requires the installer of any after market window tinting to place a label containing the name and phone number of the installer. It gives operators until September 1, 1991 to bring their vehicles into compliance with the law.

## **NURSING BOARD**

### **LICENSE AND EXAMINATION FEES**

Act No. 162, (SB 2) increases the license and examination fees for registered nurses and licensed practical nurses.

## **OIL AND GAS**

### **FINANCIAL RESPONSIBILITY**

Act No. 559, (HB 1795) requires any person assuming the right's of oil or gas well drillers, as well as the well drillers, to provide proof of financial responsibility prior to being issued a Producer's Certificate of Compliance and Authorization to Transport Oil and Gas by the Oil and Gas Commission.

### **MILLAGE ASSESSMENT**

#### **REVIEW BY GENERAL ASSEMBLY**

Act No. 252, (HB 1581) requires the Oil and Gas Commission to seek review by the Legislative Council or the Joint Budget Committee prior to implementing the collection of any increase in the millage assessment that may be authorized by law on oil and gas.

### **OIL AND GAS MUSEUM**

#### **LOAN REPAYMENTS**

Act No. 138, (HB 1426) provides that the State Treasurer is responsible for calculating and maintaining a record of loan repayments to be made by the Oil and Gas Museum.

### **PRICE DISCRIMINATION LAW**

Act No. 133, (HB 1470) amends the law prohibiting the discrimination of purchase price of crude oil from different pools. It allows price discrimination where the purchaser was responding to price competition from other purchasers of crude oil.

### **ROYALTY OWNERS COMPLAINTS**

Act No. 166, (SB 53) authorizes oil and gas royalty owners to file complaints with the Oil and Gas Commission regarding the payment of royalties. The Oil and Gas Commission is then authorized to hold hearings and order any responsible party to pay the royalty interest owner any delinquent royalties and interest. The Commission is further authorized to levy a penalty in an amount equal to the delinquency but not to exceed \$100,000. The Commission may also levy a civil penalty payable to the Commission in an amount not to exceed \$25,000.

### **SEISMIC TESTING REGULATED**

Act No. 5, (HB 1115) requires the registration and bonding of persons conducting seismic tests for oil and gas exploration. The permit fees will range from \$250.00 to \$500.00 and the bond amounts will range from \$50,000 to \$250,000. The Oil and Gas Commission is the permitting agency.

## OPTOMETRY BOARD

Act No. 397, (HB 1642) revises the residency requirement to be eligible to take the Board of Optometry examination and permits the Board of Optometry to set examination fees to cover the costs of the examination.

## PARKS AND TOURISM

### FUN GRANTS

Act No. 271, (SB 229) establishes a recreational grant program within the Department of Parks and Tourism to develop parks and recreational facilities in communities under 2,500 population. The act sets as a goal of fifty (50) parks a year for each year of four (4) years at a cost not to exceed \$10,000 per park.

Act No. 306, (HB 1399) establishes a recreational grant program within the Department of Parks and Tourism to develop parks and recreational facilities in communities under 2,500 population. The act sets as a goal of fifty (50) parks a year for each year of four (4) years at a cost not to exceed \$10,000 per park.

### PRIZES

Act No. 1066, (SB 414) authorizes the Department of Parks and Tourism to award merchandise, gift certificates and cash prizes to contestants in various special events authorized by the Director of State Parks.

### REGIONAL TOURISM GRANTS

Act No. 283, (HB 1445) amends the regional tourism promotion agencies grant program to authorize Parks, Recreation, and Travel Commission to promulgate rules regarding the requirements for matching funds for grants to the regional tourism promotion agencies.

### REGISTRY OF SCENIC RESOURCES

Act No. 999, (HB 1578) entitled the "Arkansas Scenic Resources Act of 1991" declares the public policy of the state to preserve scenic beauty, establishes the "Registry of Scenic Resources" to be maintained by the Department of Parks and Tourism, and establishes the "Arkansas Scenic Resources Preservation Coordinating Committee" consisting of nine (9) members.

### STATE PARKS CLASSIFICATION

Act No. 1039, (HB 2109) amends 22-4-201 to add a fifth classification of state park, a state arboretum, which consist of those arboretums classified as state parks but not included in any other classification.

## PAROLE BOARD

Act No. 706, (HB 1015) provides notice to the victim of the crime or the victim's next of kin when an application for a pardon or commutation is filed if such notice is requested.

## PAWNSHOPS

### PAWNBROKERS EXEMPTION

Act No. 729, (HB 2044) exempts pawnbrokers from the provisions of the Arkansas Code pertaining to precious metal buyers.

Act No. 471, (HB 1455) amends the law regarding pawnshop records to prescribe a more detailed physical description of the person pawning property. It also requires that the records be retained for three (3) years, previously there was no specific time required.

## PHARMACISTS

### CHEMICAL DEPENDENCY

Act No. 741, (SB 591) authorizes the Board of Pharmacy to establish programs and administer programs to assist pharmacists impaired by chemical dependency in lieu of disciplinary measures.

### LICENSING

#### PHARMACISTS AND PHARMACIES

Act No. 740, (SB 590) amends various sections of the Arkansas Code pertaining to pharmacists and pharmacies.

#### WHOLESALE DRUG DISTRIBUTORS

Act No. 739, (SB 589) amends various sections of the Arkansas Code pertaining to the licensing of wholesale distributors of prescription drugs by the Board of Pharmacy.

### NONEQUIVALENT DRUG PRODUCTS

Act No. 742, (SB 592) eliminates the requirement that the Board of Pharmacy provide all physicians in this state a list of the nonequivalent drug products and all changes to the list.

## PHARMACY BOARD

### CHEMICAL DEPENDENCY PROGRAMS

Act No. 741, (SB 591) authorizes the Board of Pharmacy to establish programs and administer programs to assist pharmacists impaired by chemical dependency in lieu of disciplinary measures.

### CONTRACEPTIVE DEVICES

Act No. 1180, (SB 593) increases the annual license fee for persons who sell contraceptive devices from \$1.00 per year to \$5.00 per year for each retail location. Fees go to the State Board of Pharmacy for administering the program.

### DISTRIBUTORS OF DRUGS

Act No. 739, (SB 589) amends various section of the Arkansas Code pertaining to the licensing of wholesale distributors of prescription drugs by the Board of Pharmacy.

## PHARMACY BOARD (cont.)

### MEMBERSHIP

Act No. 1163, (HB 2024) adds an additional member to the State Board of Pharmacy who shall be a minority.

### NONEQUIVALENT DRUG PRODUCTS

Act No. 742, (SB 592) eliminates the requirement that the Board of Pharmacy provide all physicians in this state a list of the nonequivalent drug products and all changes to the list.

## PHYSICAL THERAPISTS

### CREATION OF BOARD

Act No. 1232, (SB 709) creates the Arkansas State Board of Physical Therapy and transfers funds and records from the Arkansas State Medical Board to the State Board of Physical Therapy.

### EXAMINATIONS

Act No. 303, (HB 1281) provides that physical therapist applicants must pass a written examination administered by the State Examining Committee for Physical Therapists and provides that the examinations of applicants for licenses to practice physical therapy will be held at a time and place selected by the examining committee.

### PROHIBITED PRACTICES

Act No. 1011, (HB 1770) requires physical therapists to disclose to any patients referred to them any transferring, assigning, rebating or refunding of fees received for professional services or gratuity with any physician or health care practitioner who referred the patient.

## PHYSICIANS

### LICENSE FEES

Act No. 593, (SB 521) increases the annual license or re-registration fee for physicians.

### MEDICAL MALPRACTICE

#### NOTICE OF INTENT TO SUE

Act No. 346, (SB 212) permits the notice of intent to sue in medical malpractice cases to be hand delivered and further provides that if the notice is served within 60 days of the statute of limitations period expiring, then the time for commencement of the action shall be extended 90 days from the service of the notice. (It was previously 70 days.)

### MEDICAL RECORDS

Act No. 767, (SB 32) provides that a person or a person's attorney, with written authorization of the patient, may obtain access to the person's medical records upon request when needed for use in any legal proceeding. This act does not apply to the Department of Correction or interfere with the established subpoena process.

## PHYSICIANS (cont.)

### RURAL RECRUITMENT

#### FINANCIAL ASSISTANCE

Act No. 360, (HB 1409) establishes a program of financial assistance to encourage physicians to locate in and remain in the practice of family medicine in communities of this state which have a population of 8,000 or less.

## PLANT BOARD

### BOLL WEEVIL ERADICATION

Act No. 710, (HB 1705) creates the Boll Weevil Suppression Eradication Program under the State Plant Board. It declares the boll weevil a nuisance to Arkansas and gives the Board the authority to suppress and/or to eradicate the boll weevil. The Plant Board is authorized to declare certain areas as eradication zones and to regulate the growing of cotton within those zones. The Plant Board shall have the authority to inspect premises and fields for compliance with its rules, quarantines, and eradication zones. The Plant Board is authorized to certify cotton growers organizations to assess growers for eradication costs.

### FERTILIZER REGISTRATION

Act No. 189, (HB 1244) amends the fertilizer registration law to eliminate the requirement that all fertilizer formulas be registered before any sales are made. Further, it creates a new license category for custom fertilizer blending plants and requires them to be licensed. It makes it unlawful to sell fertilizers from custom blending facilities unless the facility is licensed.

## POLLUTION CONTROL AND ECOLOGY COMMISSION

### COMMISSION REVISED

Act No. 744, (SB 227) provides that the Pollution Control and Ecology Commission shall be composed of 13 members. Seven members are to be appointed by the Governor and the remaining 6 shall be directors of certain state agencies. The members appointed by the Governor are not to represent any specific or special interest group, organization or philosophy. The act provides that the Director of the Department of Pollution Control and Ecology shall be appointed by the Governor, with the advice and consent of the Senate. The act also transfers certain powers of the Commission to the Director.

### DIRECTOR

Act No. 1230, (SB 704) establishes the powers of the Director of the Department of Pollution Control and Ecology and the Commission on Pollution Control and Ecology.

## PRIVATE INVESTIGATORS

### LIABILITY INSURANCE

Act No. 57, (SB 34) requires Class F licensees under the Private Investigators and Private Securities Agencies Act to maintain in force at all times while licensed a public liability insurance policy, with minimum limits of liability of \$10,000.

### LICENSURE EXCEPTIONS

Act No. 709, (HB 1555) exempts persons acting at the direction of or for the benefit of an attorney and professional engineers from licensure by the Arkansas Board of Private Investigators and Private Security Agencies. The act also provides that introduction of evidence in courts in the state shall not be affected by violations of the Private Investigators and Private Security Agencies Act.

## PROPERTY

### CLOSING AND SETTLEMENT

Act No. 1110, (HB 1762) is entitled "The Disbursement of Funds as Part of Real Estate Closing and Settlement Services Act" and provides that no person that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right from the financial institution in which the funds have been deposited, provided, however, the person may advance funds, not to exceed \$500, on behalf of interested parties for the transaction, to pay incidental fees and charges.

### FEDERALLY OWNED LANDS

#### JURISDICTION

Act No. 963, (HB 2070) provides that the state accepts relinquishment by the United States of legislative jurisdiction as to the administration of criminal laws as it affects certain federally owned tracts of real property in this state.

### JOINT TENANCY

#### RIGHT OF SURVIVORSHIP

Act No. 56, (SB 28) allows two or more persons, regardless of their relationship to each other, to take property as joint tenants with rights of survivorship. This act provides that all conveyances prior to the effective date of this act which clearly intended that the interests were conveyed as joint tenancy with a right of survivorship shall be deemed to have created joint tenancies with right of survivorship.

### LANDOWNER LIABILITY

#### RECREATIONAL USES

Act No. 485, (HB 1314) amends the Arkansas Code to define the words "public" and "person" to include the Y.M.C.A., Y.W.C.A., Boy Scouts, Girl Scouts, Boys Clubs, Girls Clubs, churches, religious organizations, fraternal organizations or other similar organizations when referring the landowner's liability for recreational uses of the land.

## PROPERTY (cont.)

### LANDOWNER LIABILITY (cont.)

#### TRESPASSERS

Act No. 473, (HB 1124) provides that a landowner or lessee owes no duty of care to a trespasser and is not liable for any injury to a trespasser except for injuries caused by the gross negligence or the willful and wanton misconduct of the owner, lessee, or occupant.

#### PARTITION

Act No. 759, (HB 1545) allows persons who own fifty percent (50%) or more of a parcel of land containing more than 10 acres may institute a cause of action to partition the land at any time.

#### QUIET TITLE

Act No. 660, (HB 1773) provides the procedure for perfecting land titles to surface lands abandoned or interests waived by missing or absent tenants-in-common, cotenants, or joint tenants not in possession.

#### REAL ESTATE AUCTIONEERS

Act No. 675, (HB 1793) eliminates the requirement that a person licensed as a real estate auctioneer must have been a resident of this state for one year prior to the time of application for the license. This act also increases the penalties for violation of the Real Estate License Law.

#### SCHOOLS

##### PURCHASE UPON CLOSURE

Act No. 363, (HB 1142) permits the prior owner or his successor in interest to purchase school property following closure of the school if such property was acquired by the school through eminent domain. The option to purchase must be exercised within one year following closure of the school. Emergency clause makes act effective 3-6-91.

#### STATUTORY FORECLOSURE

##### MUNICIPAL PROPERTY OWNERS DISTRICT

Act No. 927, (HB 1936) reduces the time period to complete the statutory foreclosure procedure against tax delinquent lands in a municipal property owners improvement district.

#### SURVEYORS

##### PRIVILEGE TO ENTER PROPERTY

Act No. 862, (HB 1147) grants to surveyors the privilege of entering public or private land or water in the lawful pursuit of their occupation. They shall be immune from arrest for trespass when performing their duties. Surveyors are required to announce their intentions and identify themselves before entering private property where practical. Surveyors shall be personally liable for damages caused to the property under the entry.

## PROPERTY (cont.)

### TIME-SHARE PURCHASES CAMPSITES

Act No. 619, (HB 1189) establishes a five-day cooling off period for purchasers of camping sites under time-share programs. Purchasers can revoke the offer up to five (5) days after signing the sales contract for a time-share purchase of a camping site. "Time-share program" is defined under the Arkansas Time-Share Act, Ark. Code 18-14-101 et seq. The seller is required to give the buyer of time-share camping sites notice of the buyer's absolute right of cancellation and the five (5) day cooling off period.

## PUBLIC CONSTRUCTION

### EARTHQUAKE RESISTANT DESIGN

Act No. 1100, (HB 1577) requires all public buildings and construction beginning on September 1, 1991 built by the state, any county, any city, or town to design and standards for the designated zones. Counties are placed within Zones 1, 2, or 3 depending on their proximity to the New Madrid Seismic Zone. Single family residences, duplexes, triplexes, quadplexes, or farm structures are exempt.

## PUBLIC EMPLOYEES

### CHEMICAL RIGHT TO KNOW ACT

Act No. 556, (HB 1722) creates the Public Employees' Chemical Right to Know Act to provide public employees access to training and information concerning hazardous chemicals to enable them to minimize their exposure to such chemicals and protect their health, safety and welfare.

Act No. 1172, (SB 476) creates the Public Employees' Chemical Right to Know Act to provide public employees access to training and information concerning hazardous chemicals to enable them to minimize their exposure to such chemicals and protect their health, safety and welfare.

### MILITARY LEAVE

#### ACCUMULATION

Act No. 956, (HB 2026) clarifies the accumulation aspects of military leave for public employees to provide that up to 15 days of military leave may be accumulated and carried over to a new fiscal or calendar year and when that is added to the 15 days per fiscal or calendar year the employee is granted a maximum number of military leave days available in any one fiscal or calendar year is 30 days.

#### VARIOUS REVISIONS

Act No. 673, (HB 1521) makes military leave provisions in 6-17-306, 21-4-102, and 21-4-212 consistent. Makes military leave provisions apply to non-certified personnel employed by public schools and employees of the state's political subdivisions. Clarifies military leave for duties performed in an official duty status in addition to annual training requirements.

## PUBLIC WORKS

### AWARD OF CONTRACTS SUBCONTRACTORS

Act No. 779, (SB 268) repeals Arkansas Code Annotated 22-9-206(b) which requires the tax payment requirements to obtain public works contracts applicable to subcontractors.

## PURCHASING

### ARKANSAS PURCHASING LAW

#### EXEMPT COMMODITIES AND SERVICES

Act No. 128, (HB 1486) exempts from the Arkansas Purchasing Law medical items used for the treatment and diagnosis of patients if procured through a group purchasing entity serving other public health institutions when substantial savings are available. This act requires a report to be filed annually with Legislative Audit stating the justification of and the estimated savings accruing due to the use of this exemption.

Act No. 1018, (HB 1884) amends various sections of the Arkansas Purchasing Law to include advertising in newspapers, periodicals, television, radio and billboards in the definition of exempt commodities and services. This act also adds Northwest Arkansas Community College and the Department of Education, two year post secondary institutions to the list of agencies authorized to have a purchasing official.

### IN-STATE PREFERENCE

#### VIOLATION OF PROVISIONS

Act No. 846, (SB 516) amends the bidder's preference in purchasing to provide that any employee or agent of any agency which is found guilty of violating the act is guilty of a misdemeanor and subject to imprisonment for not more than 6 months and/or a fine of not more than \$1,000.

### PRINTING

#### PREFERENCE LAW

Act No. 855, (HB 1014) amends the Arkansas Code to exclude printing from the application of the Bidder's Preference Law.

#### SOYBEAN INK

Act No. 630, (HB 1704) requires printing paid for with state funds or with funds of any state agency to be printed in soybean ink if the price is comparable to other inks and it is equally suitable for the use. The requirement is phased in over a three-year period.

## QUALITY MANAGEMENT BOARD

Act No. 1166, (SB 228) creates the Quality Management Board to track quality management projects and to develop procedures to ensure employment opportunities for employees effected by such projects.

## RACING

### DOG RACING

#### ADDITIONAL DAYS

Act No. 249, (HB 1322) prescribes the distribution of funds derived from pari-mutuel tax on additional days of dog racing for indigent patient health care and emergency medical services.

#### DISPOSITION OF HANDLE

Act No. 850, (SB 631) provides that the franchise holder shall withhold and retain for its own use and benefit 12% of all money wagered.

### PASSES

#### MAXIMUM NUMBER

Act No. 1117, (HB 1839) requires the Director of the Department of Finance and Administration to set the maximum number of racing passes to be printed and issued annually and that number shall not be less than the number printed in 1990.

#### ILLEGAL SALES

Act No. 1020, (HB 1896) provides that any person who sells or offers for sale tax-free passes issued by the Racing Commission shall be guilty of a Class B misdemeanor.

#### ISSUANCE

Act No. 664, (HB 1850) makes the horse racing and dog racing franchise holders responsible for issuing any racing passes and to prohibit the Racing Commission from regulating the issuance of racing passes.

## REAL ESTATE AGENTS

### BROKERS

#### EDUCATIONAL REQUIREMENTS

Act No. 1142, (HB 2041) authorizes the Arkansas Real Estate Commission to establish the pre-licensure educational requirements for real estate brokers and salesmen by regulation.

### COMPLAINTS

Act No. 278, (HB 1183) provides that any person whose complaint against a real estate broker is dismissed by the Executive Secretary of the Arkansas Real Estate Commission without a hearing may appeal such dismissal to the Commission if the appeal is in writing and accompanied by a filing fee not to exceed \$100.

### CONTINUING EDUCATION

#### PRIVATE CAREER BOARD

Act No. 814, (SB 604) amends 17-35-501 et seq to authorize the State Board of Private Career Education to regulate continuing education courses offered real estate brokers and salesmen. This was formerly done by the Division of Vocational and Technical Education of the Arkansas Department of Education. Definition of classroom hour eliminates the use of video taped lectures.

## REAL ESTATE AGENTS (cont.)

### FEES

Act No. 423, (HB 1725) increases license and related fees charged by the Arkansas Real Estate Commission.

### PENALTIES

Act No. 675, (HB 1793) eliminates the requirement that a person licensed as a real estate auctioneer must have been a resident of this state for one year prior to the time of application for the license. This act also increases the penalties for violation of the Real Estate License Law.

## REAL ESTATE APPRAISERS

### LICENSING

Act No. 541, (SB 75) establishes the Arkansas Appraiser Licensing and Certification Act, which creates the Arkansas Appraiser Licensing and Certification Board to regulate real estate appraisers.

## REAL ESTATE COMMISSION

### FEES

Act No. 423, (HB 1725) increases license and related fees charged by the Arkansas Real Estate Commission.

### SUBPOENA POWER

Act No. 1243, (HB 2106) gives the Arkansas Real Estate Commission the power to issue subpoenas duces tecum in connection with its investigations and hearings. This act also sets the salaries for the 1991-1993 biennium for the Executive Secretary and Assistant Deputy Executive Secretary of the Real Estate Commission.

## REFORESTATION PROGRAM

Act No. 375, (HB 1395) establishes a reforestation program known as "PLANT THE FUTURE" with a goal of ten million additional trees each year until the year 2000. The act creates a state reforestation task force and establishes a reforestation committee in each county. The act does not affect the rights of private landowners. The act is identical to Act 384 of 1991.

Act No. 384, (SB 277) is the same as Act 375 of 1991.

## **RETIREMENT**

### **ALL SYSTEMS**

#### **INVESTMENT COUNSEL FEES**

Act No. 222, (HB 1098) amends 24-3-409 (Uniform Benefits) to allow the payment of investment counsel and custodian fees from bank funds. Act becomes effective July 1, 1991.

#### **RECIPROCAL BENEFITS**

Act No. 381, (SB 40) amends 24-2-402 to require retirement benefits to be based on the highest final average salary. Previous law exempted highway retirants from this requirement.

### **FIREFIGHTERS**

#### **BOARD MEMBERSHIP**

Act No. 770, (SB 121) amends 24-11-801 to require proportionate representation on the board by active and retired members of the system for the four employee board members.

#### **CLARIFICATION OF 1989 ACTS**

Act No. 391, (HB 1367) recodifies Acts 375, 390 and 391 of 1989 which were signed simultaneously and codified at 24-11-819. This act corrects legislative intent.

#### **DISABILITY RETIREMENT**

Act No. 844, (SB 417) repeals 24-11-819(a)(6) and amends 24-11-826(a) so a firefighter receiving disability payments receives no more than he would have qualified for had he retired under service requirements.

#### **RECALCULATION OF BENEFITS**

Act No. 429, (HB 1128) amends 24-11-827 to authorize the recalculation of benefits if a member rescinds his decision to retire and contributions are made to the system during the time of his reemployment. Member must have accumulated at least 3 years of credited service in the system to have benefits recalculated.

#### **REMOVES BENEFIT CAP**

Act No. 502, (SB 306) amends 24-11-826(a) to provide that the maximum total benefit of 75% of final salary shall not apply to benefits payable after April 30, 1991, for retirants who left employment on or after July 1, 1987. Act becomes effective April 30, 1991.

#### **SERVICE AS POLICE OFFICER**

Act No. 821, (SB 110) amends 24-11-827 by adding a new section to permit first class cities with a population between 7400 and 7700 according to the most recent federal census which have a firemen's pension and relief fund to grant service credit for any years spent with the same municipality as a police officer.

### **JUDICIAL RETIREMENT**

#### **SEVENTY YEARS OF AGE**

Act No. 792, (SB 410) provides that a judge or justice who is not eligible to retire at age 70 may continue to serve as judge until completion of the term in which he will receive sufficient credited service to retire.

## RETIREMENT (cont.)

### LEGISLATION

#### REQUIREMENTS FOR INTRODUCTION

Act No. 868, (HB 1243) amends 10-2-115 to require a 3/4 vote of the full membership of each house to introduce retirement legislation after the 30th day or to consider legislation affecting state-supported retirement systems during any special session. Act became effective March 29, 1991.

### LOPFI RETIREMENT SYSTEM

#### BENEFIT INCREASE

Act No. 428, (HB 1127) amends 24-10-602 to provide a monthly annuity to volunteer firefighters of \$3 per month times the total number of years of service, up to \$120 maximum.

### MUNICIPAL RETIREMENT BENEFITS

#### MUNICIPALITIES

Act No. 604, (SB 220) amend the law allowing municipal officials covered under two retirement systems of the city to draw only one retirement benefit so that they also may not take a lump sum distribution or roll over the benefits into a private account.

### MUNICIPALITIES

#### COURT CLERK DISABLED

Act No. 499, (SB 158) amends the retirement benefits of municipal court clerks to allow the board of trustees to permit benefits to be paid to a municipal court clerk who has seven (7) years of service and becomes disabled. The benefit will equal seven-tenths (7/10ths) the benefits payable under the regular retirement.

### LOCAL OPTION

Act No. 851, (SB 644) permits certain counties to provide a local retirement plan for the municipal court judge and municipal court clerk or to include same in the Public Employees Retirement System. Establishes a Municipal Court Retirement Board of Trustees where the county quorum court opts to establish a local plan. Any county employer required to provide a local retirement plan may opt to enroll such employees in the Public Employees Retirement System at the time of employment or within 90 days of the effective date of the act.

### RECORDER-TREASURERS/2ND CLASS

Act No. 987, (HB 1266) adds a new section to Title 24, Chapter 12, Subchapter 1 to permit the governing body of a 2nd class city to provide retirement benefits for any recorder-treasurer or city treasurer at age 60 who has served a minimum of 10 years or who has served 20 years without regard to age. The benefit, one-half of monthly salary amount, is to be paid from the city general fund account.

### SECOND CLASS CITY COURT CLERKS

Act No. 40, (HB 1076) provides retirement benefits for the clerk of the city court at age 60 with 10 years of service or with 20 years of service at any age of 1/2 salary upon approval of the governing body of the city. Also provide benefits after 7 years service at age 68 with a determination of actuarial soundness.

## RETIREMENT (cont.)

### POLICE PENSION FUND

#### BOARD REPRESENTATION

Act No. 365, (HB 1227) amends 24-11-405 to provide a proportionate representation on the pension board between active members and retired members.

### POLICEMEN

#### ARMED FORCES SERVICE CREDIT

Act No. 371, (HB 1328) amends 24-11-418 to allow certain members of police pension funds to purchase up to two years of active duty service in the armed forces.

#### PARTIAL DISABILITY AWARDS

Act No. 1168, (SB 287) permits first class cities with a population in excess of 170,000 in the 1990 census to award partial disability pensions to police. Those injured in the line of duty shall receive either 65% of the salary attached to the rank held by the member or the amount paid to normal service retirants, whichever is greater. The benefits are for those applications received by the board of the system following January 1, 1987.

### PUBLIC EMPLOYEES SYSTEM

#### BENEFIT INCREASE

Act No. 380, (SB 16) provides a 4% increase effective July 1, 1991, for retirants and beneficiaries of the Public Employees Retirement System, State Police Retirement and State Highway Employees Retirement systems.

#### COMPOUNDED COLA INCREASE

Act No. 432, (SB 14) amends 24-3-205 and 24-6-219 to provide a compounded cost-of-living increase to retirants of the Public Employees Retirement System and State Police Retirement System. Act becomes effective July 1, 1991.

#### CONSTITUTIONAL OFFICERS

Act No. 845, (SB 430) amends 24-3-301(b) to give elected state constitutional officers other than the governor service credit at 2.5 times the regular rate of crediting service. Amends 24-3-102 to permit an elected state constitutional officer to retire with 30 years credited service at age 55.

#### COUNTY EMPLOYEE DEFINITION

Act No. 331, (HB 1419) amends 24-4-101(10) to include employees of the Association of Arkansas Counties as county employees for purposes of coverage under the Public Employees Retirement System. All employees have until thirty days following July 1, 1991, to elect whether to become a Arkansas Public Employees Retirement System member. Otherwise, all new hires will be enrolled in the Public Employees Retirement System. Act becomes effective 7-1-91.

#### DEPUTY SHERIFF'S MINIMUM AGE

Act No. 970, (HB 2124) amends 24-3-102(9) to permit a deputy sheriff with 25 years actual service to retire at age 52.

## RETIREMENT (cont.)

### PUBLIC EMPLOYEES SYSTEM (cont.)

#### EMPLOYER CONTRIBUTION RATE

Act No. 431, (HB 1596) amends 24-3-103 to establish employer contribution rates for the Public Employees Retirement System, Teacher Retirement and State Police Retirement. Act becomes effective July 1, 1991.

#### EMPLOYER REMITTANCES-PENALTY

Act No. 234, (HB 1062) amends 24-4-403 to provide a \$150 penalty for late reporting to the Public Employees Retirement System. Under the changes, report is not delinquent if system receives it by the 10th of the month or it is postmarked not later than the 9th.

#### ERRONEOUS MEMBERSHIP

Act No. 13, (HB 1130) revises A.C.A. 24-2-304 to eliminate a July 1, 1986 cut-off date for erroneous enrollment in the Public Employees Retirement System. Emergency clause makes act effective 2-1-91.

#### FORFEITURE BY ELECTED OFFICIAL

Act No. 1141, (HB 2027) provides that any elected official who qualifies for retirement incentives under Act 717 of 1987 who misstates the amount of his credited service to the retirement system, forfeits all retirement benefits.

#### HIGHER EDUCATION EMPLOYEES

Act No. 511, (SB 422) amends 24-7-801 to clarify that employees transferring to the Department of Higher Education with membership in the Public Employees Retirement System or Teacher Retirement System, may remain in such system, or elect to become a member of an alternative retirement plan. Such election to become a member of an alternative system must be made in writing and filed with the director of the department. Act became effective 3-13-91.

#### INCREASED MULTIPLIER

Act No. 223, (HB 1100) amends 24-4-601(a) to increase the multiplier from 1.8% to 1.872%, providing a 4% increase to future retirees. Act becomes effective July 1, 1991.

#### LEGISLATIVE BENEFITS

Act No. 208, (HB 1659) amends various sections of Title 24, Chapter 3, Subchapters 1, 2 and 3 to change a provision that members of the General Assembly serving on July 1, 1979 may retire with 35 years credited service regardless of age. Now, only 17 1/2 actual years is required. General Assembly benefits are determined at \$35 per year times the number of years of actual service. Enhanced benefits are allowed for years served as Speaker or President Pro Tempore. The surviving spouse benefit is increased from 75% to 100% of member benefit. Six months service shall be credited as a year of actual service.

## RETIREMENT (cont.)

### PUBLIC EMPLOYEES SYSTEM (cont.)

#### MEMBERSHIP

Act No. 221, (HB 1097) permits Arkansas Public Employees Retirement System membership for municipal employees under certain conditions when eligible for membership in another system authorized by state law. Allows the purchase of service in the Public Employees Retirement System for time when the member was not in a local plan but employed by a local employer.

#### PART-TIME EMPLOYMENT CREDIT

Act No. 757, (HB 1061) amends 24-4-507(a) to provide service credit beginning July 1, 1992, for part-time employees based on the number of hours of service during a month. Also amends 24-4-101 to permit an employee paid by grant funds to participate in the Public Employees Retirement System upon payment to the system of all employer and employee contributions due prior to July 1, 1991. Emergency clause makes act effective July 1, 1991.

#### PURCHASE OF SERVICE CREDIT

Act No. 497, (SB 135) permits a member of the Public Employees Retirement System to contract to purchase service credit with the Teachers Retirement System for service rendered prior to July 1, 1984, provided such contract is entered prior to December 31, 1991. Act becomes effective July 1, 1991.

#### PURCHASE SERVICE CREDIT

Act No. 211, (HB 1238) permits the purchase from Teacher Retirement System of out-of-state service rendered prior to 1-1-78 if member of Arkansas Public Employees Retirement System within 30 days from departure from Teacher Retirement System if contract to purchase is entered prior to December 31, 1991. Act expires on January 1, 1992. Emergency clause makes act effective 7-1-91.

#### SHERIFFS RETIREMENT

Act No. 672, (HB 1420) amends 24-3-102(9)(C) to permit a sheriff with a minimum of eight years in the Public Employees Retirement System and at least 2 years in another state-supported retirement system to be eligible for retirement at age 52.

#### SOCIAL SECURITY OFFSET

Act No. 224, (HB 1101) amends 24-3-201 (noncontributory) to remove the social security offset from the benefit formula and provide a 4% increase in benefits to future retirees. The multiplier changes from 1.8% to 1.55% for noncontributory members. Act becomes effective 7-1-91.

#### SURVIVING SPOUSE BENEFITS

Act No. 463, (SB 391) amends 24-3-209 and 24-4-711 to permit reinstatement of spousal benefits of a member upon the death of any subsequent spouse. Act is retroactive to December 31, 1989. Reinstatement of benefits begins in the month following the month in which the subsequent death occurs.

## RETIREMENT (cont.)

### PUBLIC EMPLOYEES SYSTEM (cont.)

#### SURVIVING SPOUSE/LEGISLATURE

Act No. 845, (SB 430) amends 24-3-209 to give surviving spouse of a member of the General Assembly 100% benefits. Provisions apply to active, deferred, retired and spouses receiving benefits on February 1, 1991.

#### SPENDTHRIFT TRUST

Act No. 1021, (HB 1897) provides that any retirement plan which meets the requirements of section 401 or section 403 of the Internal Revenue Code and which contains a prohibition against alienation and a prohibition against attachment shall be conclusively presumed to be a spendthrift trust.

### STATE HIGHWAY RETIREMENT

#### ACCRUAL OF OVER 35 YEARS

Act No. 243, (HB 1126) amends 24-5-112 to remove the 35 year maximum service credit which a member of the State Highway Employees Retirement System could accrue. Emergency clause makes act effective 2-27-91.

#### BENEFIT INCREASE

Act No. 380, (SB 16) provides a 4% increase effective July 1, 1991, for retirants and beneficiaries of the Public Employees Retirement System, State Police Retirement and State Highway Employees Retirement systems.

#### INCREASED BENEFITS

Act No. 245, (HB 1212) provides an additional \$50 per month to any individual receiving benefits from ASHERS beginning July 1, 1991.

Act No. 246, (HB 1213) amends 24-5-115 to provide a multiplier of 2.06% beginning July 1, 1991, resulting in a 4% increase in benefits for active members of the system.

#### INCREASED MULTIPLIER

Act No. 41, (HB 1099) amends A.C.A. 24-5-115 to include two ad hoc benefit increases which were not codified in the 1987 code. Emergency clause makes the act effective 2-7-91.

#### LUMP SUM PAYMENT

Act No. 198, (HB 1057) provides a one-time lump sum payment of 3% of the annualized annuity amount to retirees and beneficiaries of the Highway Employees Retirement System. Emergency clause makes act effective July 1, 1991.

### STATE POLICE RETIREMENT

#### BENEFIT INCREASE

Act No. 380, (SB 16) provides a 4% increase effective July 1, 1991, for retirants and beneficiaries of the Public Employees Retirement System, State Police Retirement and State Highway Employees Retirement systems.

## RETIREMENT (cont.)

### STATE POLICE RETIREMENT (cont.)

#### COMPOUNDED COLA INCREASE

Act No. 432, (SB 14) amends 24-3-205 and 24-6-219 to provide a compounded cost-of-living increase to retirants of the Public Employees Retirement System and State Police Retirement System. Act becomes effective July 1, 1991.

#### EMPLOYER CONTRIBUTION RATE

Act No. 431, (HB 1596) amends 24-3-103 to establish employer contribution rates for the Public Employees Retirement System, Teacher Retirement and State Police Retirement. Act becomes effective July 1, 1991.

#### INCREASED MULTIPLIER

Act No. 225, (HB 1143) amends 24-6-214(a) to increase the multiplier for contributory state police retirement to provide a 4% increase in benefits to active members. Act becomes effective July 1, 1991.

#### SOCIAL SECURITY OFFSET

Act No. 224, (HB 1101) amends 24-3-201 (noncontributory) to remove the social security offset from the benefit formula and provide a 4% increase in benefits to future retirees. The multiplier changes from 1.8% to 1.55% for noncontributory members. Act becomes effective 7-1-91.

#### SURVIVOR BENEFITS/DIRECTOR

Act No. 661, (SB 356) amends non-contributory State Police retirement law to equate survivor benefit options with those in contributory law. Permits benefits to be reinstated if spouse who has remarried later becomes "unmarried." Option selection is retroactive to June 1, 1990. Reinstatement provisions begin July 1, 1991, with no back payments for months prior to that time. Also, this permits current state police director to be eligible to participate in noncontributory retirement system. Act became effective 3-20-91.

#### SURVIVOR'S BENEFITS

Act No. 387, (HB 1184) amends 24-6-216 and 24-6-217 to permit the reinstatement of benefits for a surviving spouse who remarries and later becomes "unmarried." Benefits for such persons commence July 1, 1991, but are not payable retroactively. Also provides for extension of benefits to dependent child while attending postsecondary school.

### TEACHER RETIREMENT SYSTEM

#### EARNINGS LIMITATION

Act No. 239, (HB 1056) amends 24-7-708(a) to increase to two times the social security earnings limitation amount, the earnings limitation for retirants who are re-employed by a Teacher Retirement System covered employer. Emergency clause makes act effective July 1, 1991.

## RETIREMENT (cont.)

### TEACHER RETIREMENT SYSTEM (cont.)

#### EMPLOYER CONTRIBUTION RATE

Act No. 431, (HB 1596) amends 24-3-103 to establish employer contribution rates for the Public Employees Retirement System, Teacher Retirement and State Police Retirement. Act becomes effective July 1, 1991.

#### INCREASED MULTIPLIER

Act No. 44, (HB 1155) amends A.C.A. 24-7-705(a)(5) to provide a multiplier of 1.85% during fiscal year 91-92, 1.95% for fiscal year 92-93 and 2.05% for fiscal year 93 and later.

#### LOAN FOR COMPUTER SYSTEMS

Act No. 1034, (HB 2068) authorizes the Board of Trustees of the Arkansas Teacher Retirement System to loan to the Department of Education \$20 million for a state-wide computer system to link all public schools with the department. Also, authorizes the loan of sufficient funds to purchase and install a computer system for the Department of Higher Education. Both loans are on such terms as agreed upon by the two boards. Interest for the loan is set at 8%.

#### MEMBERSHIP

Act No. 14, (HB 1141) enrolls all new members following July 1, 1991, as non-contributory members with the option of becoming contributory by filing with the board before preparation of the first salary payment. Amends A.C.A. 24-7-406(f). Emergency clause makes act effective July 1, 1991.

#### OPTION CHOICE

Act No. 51, (SB 15) amends 24-7-706 to permit a beneficiary of a deceased retirant to elect the 100% Survivor Annuity if the retirant dies within one year of retirement and the retirant was receiving a straight life annuity. Emergency clause makes act effective 2-7-91 and death must have occurred on or after July 1, 1989.

#### OUT-OF-STATE SERVICE CREDIT

Act No. 501, (SB 257) permits the purchase for service rendered during employment with an education coordinating council provided the member meets all other conditions and requirements of 24-7-603(c).

#### PRIVATE SCHOOL SERVICE

Act No. 388, (HB 1277) permits the purchase of up to 3 years of service credit for teaching in a private school after establishing ten or more years of service credit with the system. Emergency clause makes act effective 3-7-91.

#### PURCHASE SERVICE CREDIT

Act No. 211, (HB 1238) permits the purchase from Teacher Retirement System of out-of-state service rendered prior to 1-1-'78 if member of the Public Employees Retirement System within 30 days from departure from Teacher Retirement System if contract to purchase is entered prior to December 31, 1991. Act expires on January 1, 1992. Emergency clause makes act effective 7-1-'91.

## RETIREMENT (cont.)

### TEACHER RETIREMENT SYSTEM (cont.)

#### SALARY REPORTING ADJUSTMENT

Act No. 17, (HB 1214) amends A.C.A. 24-7-401 to include in the calculation of state employer contributions those salaries required for the prior year but reported in a subsequent year. Emergency clause makes act effective July 1, 1991.

#### SERVICE CREDIT EXTENDED

Act No. 184, (HB 1010) amends 24-7-606 to permit a public school teacher or administrator who takes a leave of absence to fulfill requirements of a scholarship or grant to be eligible to receive credited service for the time of actual enrollment in the institution.

#### TECHNICAL CORRECTIONS

Act No. 43, (HB 1145) amends various provisions of the teacher retirement system law to clarify membership in the system, to determine how to fill a vacancy on the board of trustees, to eliminate the maximum age restriction, and require interest payments on overseas service credit. Emergency clause makes act effective July 1, 1991.

## RURAL DEVELOPMENT

### RURAL COMMUNITIES PROJECTS

#### PROGRAM EXPANDED

Act No. 1009, (HB 1739) amends the Rural Communities Projects program to increase the eligibility level for rural communities of 500 people or less to small cities and towns up to 3,000 population. The level of the grant amounts was increased from \$2,000 to \$15,000. "Rural area" is defined as all the area of Arkansas not found within a city of 20,000 or more people or its surrounding urbanized area. The grant requirements are amended to permit cities or towns to provide funds to match the state grant funds (previously the county or private funds were required).

### RURAL DEVELOPMENT COMMISSION

Act No. 302, (HB 1231) creates the Arkansas Rural Development Commission and the Office of the Rural Advocacy to provide information and assistance to rural communities.

## SCRAP METAL

### RECORDS

Act No. 669, (HB 1174) requires dealers or purchasers of junk and scrap metals and materials to keep a record showing the seller's full name, address, driver's license number and social security number. A person failing to keep the required records is subject to a fine not to exceed \$1,000 or imprisonment for not less than six months nor more than one year.

## SECRETARY OF STATE

### ARKANSAS REGISTER

Act No. 1075, (SB 515) provides that the Secretary of State shall publish the Arkansas Register at least monthly setting forth a synopsis of rules filed by state agencies.

### ELECTIONS

#### INITIATIVES AND REFERENDUMS

Act No. 1094, (HB 1047) requires that the Secretary of State declare the sufficiency or insufficiency of each initiative or referendum petition within 30 days after it is filed and authorizes the Secretary of State to contract with county clerks for their assistance in verifying the signatures on the petitions. The act requires that the person filing petitions must bundle them by county and file an affidavit stating the number of petitions and number of signatures being filed.

Act No. 1153, (HB 1179) requires that the Secretary of State declare the sufficiency or insufficiency of each initiative or referendum petition within 30 days after it is filed and requires county clerks to provide a list of all registered voters in their counties to the Secretary of State at least 4 months prior to the election with an updated list provided by September 1 in the year of the election. The act also requires that the person filing the petitions bundle the petitions by county and file an affidavit stating the number of petitions and signatures being filed.

## SECURITIES

### INCOME TAX

#### GAIN/LOSS

Act No. 687, (SB 615) provides that gain or loss will be recognized if securities are received in exchange for property in the organization of a corporation.

### INVESTMENT ADVISORS

Act No. 298, (HB 1173) authorizes the Securities Commissioner, by rule or order, to waive the requirement that investment advisors who do not maintain customer funds maintain at least \$25,000 net worth.

### INVESTMENTS BY FIDUCIARIES

Act No. 347, (SB 224) authorizes a guardian which is a state or national bank or trust company to invest in common trust funds investing in common or preferred stocks maintained by the guardian.

## SECURITIES COMMISSIONER

### USE OF ADMINISTRATIVE FINES

Act No. 157, (HB 1561) provides that administrative fines collected by the Securities Commissioner are to be deposited into the fund account from which the Securities Department receives its maintenance and support and that \$200,000 of those funds may be used during each fiscal year for the rental of hearing rooms and to contract for professional services.

## SENIOR CITIZENS

### HALL OF FAME

Act No. 1218, (SB 686) creates the Senior Arkansans Hall of Fame to be administered by the Division of Aging and Adult Services of Department of Human Services.

### HUNTING AND FISHING LICENSES

Act No. 282, (HB 1284) provides reciprocity for states which do not require nonresident hunting and fishing licenses for persons 65 years or older. The Arkansas Game and Fish Commission is to make rules to implement the reciprocity.

### PROPERTY TAX REBATE

#### AGE OF ELIGIBILITY

Act No. 655, (HB 1414) amends the property tax rebate for the elderly program to provide that residents 62 years of age or older may claim a rebate for ad valorem property taxes paid on their homes.

#### ELIGIBLE DWELLINGS

Act No. 776, (SB 249) amends the definition of homestead to include dwellings owned by revocable trusts and occupied by qualified claimants for the purpose of the property tax rebate for senior citizens.

#### MAXIMUM INCOME

Act No. 230, (HB 1495) raises the maximum household income limit for claiming a cash rebate for ad valorem taxes paid from \$12,000 to \$15,000.

### TRANSPORTATION

#### CIGARETTE TAX

Act No. 1211, (SB 671) levies an additional tax of one cent per pack of cigarettes and provides that the first 3 million dollars of the net revenues derived from the additional tax shall be used exclusively for transportation services for elderly persons.

#### SALE AND USE TAX

Act No. 910, (HB 1799) provides that new motor vehicles purchased by non-profit corporations and used for the performance of contracts with the Department of Human Services or new motor vehicles purchased with Urban Mass Transit Administration funds shall be exempt from sales and use taxes provided that the purchases are made in lots of 10 vehicles or more, the vehicles meet state specifications, and the vehicles are used for transportation under Department of Human Services programs for the Aging, Disabled, Mentally Ill, and Children and Family Services.

## SOIL AND WATER CONSERVATION COMMISSION

### OVERDUE LOANS AND FEES

Act No. 648, (HB 1944) allows the withholding and transfer of turnback funds of any entity with overdue loans and fees due the Arkansas Soil and Water Conservation Commission.

## **SPEECH PATHOLOGY AND AUDIOLOGY**

Act No. 1171, (SB 461) provides that audiologists shall not be required to be licensed by the Hearing Aid Dispensers Board. The State Board of Examiners in Speech Pathology and Audiology must promulgate regulations governing the dispensing of hearing aids and the regulations must be no less stringent than those adopted by the Arkansas Board of Hearing Aid Dispensers.

## **SQUARE DANCE**

Act No. 93, (SB 7) designates the square dance as the American folk dance of the state of Arkansas.

## **STATE AGENCIES**

### **ABOLISHED**

Act No. 343, (SB 73) abolishes the following: Air Conditioning and Heaters Contracting Board, Arkansas Crime Commission, Arkansas Museum and Cultural Commission, Board of Advisors for the Development of Research and Higher Education, Nurse Midwife Committee, Dept. of Correction Farm Advisory Board, Governmental Waste Elimination Award Board, Home Health Coordinating Council, Ark. Commission on Human Resources, Occupational Ed. Advisory Committee, Pea Ridge National Park Commission, Pension Review Board and the Teacher Career Development Commission.

Act No. 188, (HB 1180) repeals the following boards deemed to be obsolete: the School District Bond Advisory Committee, the Municipal Public Employees Bond Advisory Committee, the County Public Employees Bond Advisory Committee, the State Public Employees Bond Advisory Committee, and the Public Employees Bond Advisory Committee. The act also provides for the frequency of meetings of Governmental Bonding Board and provides that a member who is unable to attend a meeting shall appoint a designee to act as his or her representative.

### **CASH FUNDS**

#### **PREEXPENDITURE VOUCHER EXAM.**

Act No. 21, (HB 1218) provides that cash funds of state agencies shall be subject to voucher examination and approval.

### **ELECTRONIC WARRANTS TRANSFER**

Act No. 421, (HB 1623) provides that the Chief Fiscal Officer, the State Treasurer, and the Auditor of State may establish an electronic warrants transfer system directly into payee's accounts in financial institutions in payment of any account allowed against the state.

### **FISCAL MANAGEMENT RESPONSIBILITY ACT**

Act No. 280, (HB 1225) provides procedures for the review of alleged violations of fiscal responsibility and management laws of Arkansas applicable to state agencies. Public officers and employees found to have knowingly violated the laws may be subject to a civil penalty and the payment of damages.

## STATE AGENCIES (cont.)

### PROFESSIONAL AND CONSULTANT SERVICES

Act No. 1221, (SB 692) amends the definition of contractor as it relates to professional and consultant services of state agencies to provide that an institution of higher education may execute a contract with a state agency under which services will be performed by employees of the institution. The act provides that the employee may receive additional compensation provided that certain criteria are met.

### HONORARY BOARDS AND COMMISSIONS

#### MEETINGS

Act No. 248, (HB 1235) provides that unless otherwise provided by law honorary boards and commissions must meet in regular session at least once each semiannual period. The law previously required quarterly meetings.

### STATE LANDS

#### IMPROVEMENT DISTRICT TAXES

Act No. 877, (HB 1425) provides that all state agencies and departments, including the Game and Fish Commission, shall pay all taxes and assessments levied by levee, drainage, and other improvement districts on lands owned by the state. The liens for any delinquent assessments shall not be extinguished by the sale of the lands. The provisions of the act are not to be applied retroactively and the assessments are not to be levied if the improvements do not benefit the state lands. The lands held by the Highway Department and the Land Commissioner are specifically exempted from the act.

## STATE EMPLOYEES

### ANNUAL LEAVE

#### PAYMENT TO SURVIVOR

Act No. 692, (SB 219) provides that when a person dies while actively employed by any agency of the State of Arkansas, the deceased's estate or the person entitled to receive payment shall be paid for all unused annual leave and holidays by the state agency. Effective date 3-22-91.

### CAREER RECOGNITION PAYMENTS

Act No. 566, (HB 1458) expands the eligibility for the annual career service recognition payments to include classified and nonclassified employees of state agencies and nonfaculty employees of institutions of higher education.

### CLASSIFICATION AND COMPENSATION

Act No. 452, (SB 147) amends Uniform Classification and Compensation Act to establish pay levels for state employees.

Act No. 1148, (HB 2105) revises the Uniform Classification and Compensation Act for state employees.

## STATE EMPLOYEES (cont.)

### CONSTITUTIONAL OFFICERS EXPENSES

Act No. 768, (SB 37) provides that state constitutional officers and their employees shall file certain documents for expenses to be paid from the maintenance and operations monies appropriated by the General Assembly and prohibits the personal use of any such monies.

### HIGHER EDUCATION

#### PROFESSIONAL SERVICES

Act No. 1221, (SB 692) amends the definition of contractor as it relates to professional and consultant services of state agencies to provide that an institution of higher education may execute a contract with a state agency under which services will be performed by employees of the institution. The act provides that the employee may receive additional compensation provided that certain criteria are met.

### INSURANCE

#### INSURANCE SECTION TRANSFER AUTHORIZED

Act No. 867, (HB 1232) provides that the Governor may, by executive order, transfer the State Employees Insurance Section of the Department of Finance and Administration to the State Insurance Department at such time as he determines it to be in the best interest of the State Employees Insurance Program, prescribes the membership of the State Employees Insurance Advisory Committee and its meeting times, and authorizes a monthly contribution for each employee in the amount of \$148 and \$190 per month for fiscal years 91-92 and 92-93 respectively.

#### CONSERVATION DISTRICTS

Act No. 165, (SB 51) provides that conservation district employees are deemed to be state employees for the purpose of participating in group health insurance programs.

#### EMPLOYER CONTRIBUTION

Act No. 127, (HB 1381) increases employer contribution rate to \$148 and \$190 per month for fiscal years 91-92 and 92-93 respectively.

### JOB SHARING

Act No. 994, (HB 1518) allows state employees to job share which is defined as a form of employment in which the hours of two persons are arranged in such a way as to cover a single regular full-time salary position.

### LEAVE

#### CATASTROPHIC LEAVE

Act No. 91, (HB 1263) creates the Catastrophic Leave Bank Program for state employees. The program allows state employees to donate accrued annual leave and sick leave to be used by other employees for catastrophic illnesses. The act is the same as Act 169.

Act No. 169, (SB 113) creates the Catastrophic Leave Bank Program for state employees. The program allows state employees to donate accrued annual leave and sick leave to be used by other employees for catastrophic illnesses. The act is the same as Act 91.

## STATE EMPLOYEES (cont.)

### OPERATION DESERT STORM

Act No. 652, (HB 1959) provides that any employee of a state agency or institution of higher education called to active duty as a member of the National Guard or any of the Reserve components of the Armed Forces for participation in Operation Desert Shield/Desert Storm shall be eligible for continued proportionate salary payments which, when combined with the employee's active duty pay, shall equal the amount the employee would have otherwise received were it not for the required active duty.

### SERVICE ON STATE BOARDS

#### EXEMPTION REMOVED

Act No. 795, (SB 438) amends 25-17-203(b) to eliminate the prohibition preventing state employees who are not directors from serving on honorary boards listed in 25-17-201 which manage various state institutions. Act specifically authorizes the parent of a student at the school for the blind or school for the deaf to serve on the board of trustees although such parent may also be a state employee.

### SUGGESTION AWARD

Act No. 1219, (SB 687) amends the employee suggestion system rules to provide that any monetary award for a suggestion which may improve the efficiency of state government shall be the greater of \$100 or 10% of the amount of savings.

### TRAVEL REIMBURSEMENT

Act No. 1222, (SB 693) provides that the daily allowances for meals and lodging for any individual traveler shall not exceed \$55 per day for travel within the state, not \$65 per day for travel outside the state and provides that reimbursement for the use of privately owned motor vehicles while traveling on official business for the state shall not exceed the allowable per mile rate set by the IRS.

## STATE POLICE

### COMMISSION MEMBERS

Act No. 1223, (SB 694) provides that no member of the State Police Commission may seek an elective office at the state or county level during his term on the Commission.

### LAND TRANSFER

Act No. 613, (SB 493) authorizes Arkansas State University to convey a parcel of land to the Arkansas State Police.

### STUDY COMMISSION

Act No. 602, (SB 19) creates a special temporary committee of the Arkansas General Assembly, the "State Police Study Commission" to study the organization and structure of the Arkansas State Police and identify ways to improve its efficiency and cost effectiveness and report its findings to the 79th General Assembly.

## STATE POLICE (cont.)

### VEHICLES

Act No. 1099, (HB 1558) authorizes the Department of Arkansas State Police to replace motor vehicles having an odometer reading of less than 50,000 miles.

## TAXES

### BONDS SECURING PAYMENT OF TAX

Act No. 678, (HB 1922) provides that where a bond is required for the purpose of insuring any state tax law, and written notice of termination is required before the bond can be terminated, the party issuing the bond cannot be required to provide the written notice more than 60 days prior to the date the bond is to be terminated.

### CIGARETTES

Act No. 1211, (SB 671) levies an additional tax of one cent per pack of cigarettes and provides that the first 3 million dollars of the net revenues derived from the additional tax shall be used exclusively for transportation services for elderly persons.

### DISCLOSURE OF INCENTIVES

Act No. 400, (SB 47) provides for disclosure of the name of any taxpayer and the amount of any tax credit, tax rebate, tax discount, or commission for the collection of a tax received by the taxpayer under various tax incentive programs. The act provides that the Director of the Department of Finance and Administration shall promulgate regulations to establish a reasonable procedure for making requests for and release of the information and for allowing the taxpayer reasonable notice in advance of the release of the requested information.

### FRANCHISE TAX REPORT

Act No. 1046, (SB 101) changes the date for franchise tax report filing and payment to June 1, eliminates initial franchise tax filings, eliminates extension of time for filing, provides that the Secretary of State shall revoke charters for failure to pay franchise tax, and allows the reinstatement of corporations whose charters have been revoked for a period of 15 years.

Act No. 1140, (HB 2006) changes the date for franchise tax report filing and payment to June 1, eliminates initial franchise tax filings, eliminates extension of time for filing, provides that the Secretary of State shall revoke charters for failure to pay franchise tax, and allows the reinstatement of corporations whose charters have been revoked for a period of 15 years.

### INCOME TAX

#### CAPITAL GAINS

Act No. 882, (HB 1589) provides for a maximum capital gains tax rate of 6% for individuals and S corporations and repeals the capital gains deduction.

## TAXES (cont.)

### INCOME TAX (cont.)

#### COMBAT PAY

Act No. 386, (HB 1064) adopts sections 112 and 692 of the Internal Revenue Code regarding combat pay of members of the Armed Forces and income taxes of members of the Armed Forces on death.

#### CORPORATIONS

Act No. 1052, (SB 166) increases the income tax rate on corporations with net income exceeding \$100,000 from 6% to a flat rate of 6.5% to be applied to the entire net income and provides that the proceeds from the additional tax shall be used exclusively for the authorized educational activities of vocational-technical schools, technical institutes, lifelong learning centers, technical colleges, and community colleges.

#### CREDIT FOR STOCK PURCHASE

Act No. 333, (HB 1453) extends the time period during which purchasers of common stock of a capital development corporation may claim an income tax credit to 1994.

#### DISABLED CHILD DEDUCTION

Act No. 708, (HB 1448) provides that any taxpayer in the state who is maintaining and caring for a totally and permanently disabled child in his or her home shall be entitled to a state income tax deduction of \$500 per year.

#### FAILURE TO FILE

Act No. 815, (SB 616) reduces the penalty for failure to file income tax returns from 5% to 1%.

#### GAIN/LOSS

Act No. 687, (SB 615) provides that gain or loss will be recognized if securities are received in exchange for property in the organization of a corporation.

#### INTEREST DEDUCTION

Act No. 686, (SB 614) reflects a new effective date (January 1, 1991) for the implementation of Section 163 of the Federal Internal Revenue Code pertaining to deductions of interest expenses.

#### LOW INCOME INDIVIDUALS

Act No. 95, (HB 1357) eliminates the income tax liability and filing requirements for certain low income individuals. It reduces the rate of tax under the reduced tax tables and adopts Internal Revenue Code sections to limit itemized deductions.

#### NET OPERATING LOSS

Act No. 136, (SB 252) provides that a qualified manufacturer of steel may carry forward a net operating loss deduction for a total period of ten years. The act also provides that sales of natural gas and electricity to qualified manufacturers of steel for use in connection with the steel mill shall be exempt from sales and use taxes.

## TAXES (cont.)

### INCOME TAX (cont.)

#### NET OPERATING LOSS (cont.)

Act No. 137, (HB 1402) provides that a qualified manufacturer of steel may carry forward a net operating loss deduction for a total period of ten years. The act also provides that sales of natural gas and electricity to qualified manufacturers of steel for use in connection with the steel mill shall be exempt from sales and use taxes.

#### OMNIBUS CHANGES

Act No. 685, (SB 613) incorporates various changes made in the Federal Internal Revenue Code which were in effect January 1, 1991, for use in calculating state income taxes.

#### RECYCLING TAX CREDIT

Act No. 748, (HB 1168) establishes an income tax credit for waste reduction, reuse or recycling equipment. To obtain the credit the taxpayer must be engaged in the business of reducing, reusing or recycling solid waste material for commercial purposes.

#### VOLUNTARY PAYMENT PROGRAM

Act No. 172, (SB 223) provides that Arkansas taxpayers may contribute a portion of their income tax refund to the Home Delivered Meal Fund Program for the Elderly.

### INSURANCE PREMIUM TAX

#### FIRE PROTECTION SERVICES

Act No. 833, (HB 1541) levies an additional one-half percent (1/2%) insurance premium tax on all homeowner's insurance policies to provide funds to properly train and equip fire departments in Arkansas. The premium tax monies are to be deposited in the Fire Protection Revolving Fund. Each county is to receive a prescribed percentage of the monies in the Fund. Funds are to be used to defray the training expenses of firefighters at the Fire Training Academy or for the purchase of equipment. The act requires fire departments to report statistics and report to Fire Protection Services Board annually.

### MEDICAID PROVIDERS

Act No. 889, (HB 1666) establishes the Arkansas Medicaid Gross Receipts Tax Act of 1991 which levies a 15% excise tax upon the gross proceeds or gross receipts derived by certified medicaid providers from that portion of the payments made from state revenues for all services delivered pursuant to Title XIX of the U.S. Social Security Act. This tax is to be administered by the Department of Human Services.

Act No. 1004, (HB 1669) levies a 50% excise tax upon the gross proceeds or gross receipts derived by any medicaid provider for the delivery of personal care services to residents of residential care facilities from that portion of the payments made by state revenues for services delivered to residents of the residential care facilities pursuant to Title XIX of the U.S. Social Security Act. This tax will be administered by the Department of Human Services.

## TAXES (cont.)

### MOTION PICTURE INCENTIVE ACT

Act No. 989, (HB 1318) amends the Motion Picture Incentive Act of 1983 to include motion picture production companies which expend in excess of \$500,000 in connection with the filming of one motion picture in a six (6) month period as eligible for the incentive.

### MOTOR FUELS

#### ADDITIONAL TAX

Act No. 364, (HB 1200) levies an additional 5 cents per gallon tax on all motor fuel and liquefied gas special fuel and an additional 2 cents per gallon on distillate special fuels (diesel) and increases the annual fees for vehicles using liquefied petroleum gas.

Act No. 382, (SB 96) levies an additional 5 cents per gallon tax on all motor fuel and liquefied gas special fuel and an additional 2 cents per gallon on distillate special fuels (diesel) and increases the annual fees for vehicles using liquefied petroleum gas.

#### ADDITIONAL TAX

Act No. 219, (HB 1233) repeals the weight-distance truck tax; establishes a registration fee of one thousand three hundred and fifty dollars on certain vehicles having a declared gross weight between 73,281 and 80,000 pounds; increases the annual registration fees on certain semitrailers to \$20; levies an additional excise tax of four cents per gallon on distillate special fuels; and increases the permit fees issued for overweight vehicles.

#### CITY AND COUNTY EXEMPT

Act No. 348, (SB 231) exempts cities and counties with special computerized fuel dispensing systems from the requirement to maintain separate storage tanks for taxable and nontaxable diesel fuel. The computerized system must account for the taxable and nontaxable fuel separately.

### PENALTIES

#### FAILURE TO FILE

Act No. 688, (SB 617) provides for a penalty of \$50 for failure to timely file tax reports due after the taxpayer has been advised that he has failed to comply with the law regarding filing of reports and he continues to disregard those provisions.

### PROPERTY TAX

#### ASSESSMENT BY PHONE

Act No. 291, (HB 1013) provides for the assessment of personal and real property by individuals over the telephone.

#### COLLECTORS

Act No. 232, (HB 1535) provides that a county tax collector may contract with a financial institution to act as his agent to receive real and personal property tax payments.

## TAXES (cont.)

### PROPERTY TAX (cont.)

#### COUNTY ORDINANCE REFERENDUM

Act No. 406, (SB 509) provides that if the county ordinance levying taxes is repealed by referendum, the county may adopt a new ordinance levying taxes, within thirty days after the referendum vote is certified.

#### DATE OF ASSESSMENT

Act No. 860, (HB 1125) changes the deadline for assessment of tangible personal property to May 31.

#### DELINQUENT LIST

Act No. 1045, (SB 91) changes the date for publishing a delinquent property tax list in a newspaper to December 1.

#### HIGHWAY DEPARTMENT

Act No. 961, (HB 2050) provides that when the Highway Commission buys lands upon which real estate taxes or assessments of any kind are due, the amount of such taxes shall be deducted from the amount of negotiated compensation to be paid to the owner of the land and that the taxes will be sent to the appropriate taxing unit and provides that all property owned by the Highway Department is public property used exclusively for public purposes and therefore the department shall not be required to pay any improvement district assessments.

#### MINERAL INTEREST

Act No. 1165, (SB 187) provides that no ad valorem tax on mineral interests shall be billed or collected and no tax shall be owed if the cost of collecting the tax exceeds the annual tax on the interest.

#### REBATE FOR SENIOR CITIZENS

Act No. 230, (HB 1495) raises the maximum household income limit for claiming a cash rebate for ad valorem taxes paid from \$12,000 to \$15,000.

Act No. 655, (HB 1414) amends the property tax rebate for the elderly program to provide that residents 62 years of age or older may claim a rebate for ad valorem property taxes paid on their homes.

Act No. 776, (SB 249) amends the definition of homestead to include dwellings owned by revocable trusts and occupied by qualified claimants for the purpose of the property tax rebate for senior citizens.

#### SUBURBAN IMPROVEMENT DISTRICT

Act No. 281, (HB 1283) provides that a property owner shall be required to pay suburban improvement district taxes as a prerequisite to paying his ad valorem real property taxes and that delinquent suburban improvement district taxes shall be collected in the same manner as delinquent ad valorem real property taxes.

## TAXES (cont.)

### SALES TAX OR USE TAX

#### ADDITIONAL ONE-HALF PERCENT TAX

Act No. 3, (SB 156) levies an additional one-half percent sales and use tax and imposes the Arkansas sales and use tax to the sale of all used motor vehicles, trailers, mobile homes, and airplanes. (This act was amended by Act 1126 to exempt certain sales of manufactured homes.)

#### CHRISTMAS TREES

Act No. 458, (SB 312) provides that Christmas tree farmers are not nurserymen, thereby exempting the sale of Christmas trees from sales and use tax.

#### CITIES

Act No. 1019, (HB 1892) authorizes cities to provide for an expiration date for local sales and use tax levies and provides that the expiration date, if any, shall be included on the ballot title used at the election.

#### CITIES AND COUNTIES

Act No. 200, (HB 1300) provides that cities and counties may levy a sales and use tax not to exceed one-fourth of one percent for support of a public mass transportation system and facilities.

Act No. 536, (HB 1301) provides the method for collection of city and county sales and use tax on sales to nonresidents.

Act No. 621, (HB 1593) provides that unidentified local sales and use taxes collected by out-of-state vendors shall not be transferred to general revenues but shall be distributed to the cities and counties on a monthly basis.

Act No. 645, (HB 1894) provides that cities and counties may finance economic development facilities, educational facilities, and museum related audiovisual facilities by the use of bonds and clarifies the authority of governing bodies of cities and counties to abolish taxes in certain situations.

Act No. 646, (HB 1895) authorizes cities and counties to adopt local sales and use taxes and to simultaneously pledge all or a portion of such local sales and use taxes to secure bonds issued.

Act No. 765, (SB 11) amends the current provisions authorizing cities and counties to levy a sales and use tax to provide that the levy may be in fractions of one-fourth percent, one-half percent, three-fourths percent, or one percent.

Act No. 777, (SB 260) provides that a city or county may levy a sales and use tax in the amount of one-fourth of one percent, one-half of one percent, three-fourths of one percent, or one percent for the construction, operation, acquisition, or maintenance of capital improvements.

## TAXES (cont.)

### SALES TAX OR USE TAX (cont.)

#### COUNTIES

Act No. 738, (SB 522) authorizes a county to levy a 1% sales and use tax for the purpose of financing airports and riverports which are owned and operated by such county and by one or more other counties jointly or by a metropolitan port authority, a regional airport commission, or other instrumentality of such counties.

Act No. 1091, (SB 579) provides that a county may levy a sales tax not to exceed 2% on food and lodging for the payment of bonds issued or indebtedness incurred by the county public facilities board for wildlife management areas or public recreational facilities.

Act No. 885, (HB 1641) authorizes any county not having a countywide 1% sales and use tax on March 14, 1991, to levy a one-half percent countywide sales and use tax for any purpose for which the County General Fund or County Road Fund may be used including allocating portions of the tax to the municipalities located therein.

#### DHS TRANSPORTATION VEHICLES

Act No. 910, (HB 1799) provides that new motor vehicles purchased by non-profit corporations and used for the performance of contracts with the Department of Human Services or new motor vehicles purchased with Urban Mass Transit Administration funds shall be exempt from sales and use taxes provided that the purchases are made in lots of 10 vehicles or more, that the vehicles meet state specifications, and that the vehicles are used for transportation under Department of Human Services programs for the Aging, Disabled, Mentally Ill, and Children and Family Services.

#### EXISTING CONTRACTS

Act No. 548, (SB 286) exempts property purchased for use in construction contracts entered into prior to the effective date of any act which increases the sales and use tax from any such increase.

#### INSULIN

Act No. 215, (SB 221) provides that the sale of insulin and test strips for testing blood sugar levels in humans shall be exempt from sales and use tax.

#### LOW INCOME ELECTRICITY EXEMPT.

Act No. 304, (HB 1315) provides that after a person has qualified for the low income electricity sales tax exemption no additional application is required. When a person's income exceeds the \$12,000 limit, the person must notify the electric utility that he is no longer exempt.

#### MANUFACTURED HOMES

Act No. 1126, (HB 1906) provides that if the total consideration for the sale of a manufactured home is less than \$10,000, then no sales or use tax shall be due on the sale.

## TAXES (cont.)

### SALES TAX OR USE TAX (cont.)

#### MEDICAL SUPPLIES

Act No. 414, (HB 1313) exempts adaptive medical equipment and disposable medical supplies prescribed by a physician from all state and local sales and use taxes.

#### NOTICE

Act No. 535, (HB 1129) provides that the Commissioner of Revenue shall give gross receipts permit holders written notice of any new sales and use tax law within 30 days after the adjournment of the General Assembly.

#### STEEL MILLS

Act No. 136, (SB 252) provides that a qualified manufacturer of steel may carry forward a net operating loss deduction for a total period of ten years. The act also provides that sales of natural gas and electricity to qualified manufacturers of steel for use in connection with the steel mill shall be exempt from sales and use taxes.

Act No. 137, (HB 1402) provides that a qualified manufacturer of steel may carry forward a net operating loss deduction for a total period of ten years. The act also provides that sales of natural gas and electricity to qualified manufacturers of steel for use in connection with the steel mill shall be exempt from sales and use taxes.

#### USED MOTOR VEHICLES

Act No. 3, (SB 156) levies an additional one-half percent sales and use tax and imposes the Arkansas sales and use tax to the sale of all used motor vehicles, trailers, mobile homes, and airplanes. (This act was amended by Act 1126 to exempt certain sales of manufactured homes.)

### TAXPAYER BILL OF RIGHTS

Act No. 998, (HB 1574) allows a tax return preparer to disclose information required in a quality or peer review, establishes the Office of Problems Resolution in the Department of Finance and Administration, establishes a Tax Advisory Council to meet annually, requires the Commissioner of Revenue to develop employee evaluation criteria requiring compliance with the Taxpayer Bill of Rights, and establishes procedures for reimbursement of actual damages incurred due to erroneous collection procedures.

### TOURISM TAX

Act No. 1026, (HB 1954) provides that sales which are subject to the 2% tourism gross receipts tax shall not be subject to the 1% short term rental tax.

## TOBACCO PRODUCTS

### CIGARETTES

Act No. 1211, (SB 671) levies an additional tax of one cent per pack of cigarettes and provides that the first 3 million dollars of the net revenues derived from the additional tax shall be used exclusively for transportation services for elderly persons.

### SALE TO MINORS

Act No. 543, (SB 184) regulates the distribution and sale of tobacco products to minors and prescribes penalties for violation of the provisions of the act.

## TREASURER OF STATE

### DEPUTIES

Act No. 531, (SB 118) authorizes the State Treasurer to appoint two deputies.

### OIL AND GAS MUSEUM LOAN REPAYMENT

Act No. 138, (HB 1426) provides that the State Treasurer is responsible for calculating and maintaining a record of loan repayments to be made by the Oil and Gas Museum.

## TRUSTS

### CUSTODIAL TRUST ACT

Act No. 273, (SB 317) creates the Arkansas Custodial Trust Act which provides that any person may, in writing, create a custodial trust of property.

## UTILITIES

### ACQUISITION

Act No. 745, (SB 572) clarifies the procedures for the acquisition of the properties, facilities, and customers of an electric public utility by a municipality which owns or operates an electric utility system.

### CELLULAR TELECOMMUNICATIONS

Act No. 854, (SB 726) specifically excludes cellular telecommunications from being included in the term "public utility" as far as rate making is concerned since the definition of "public utility" presently does not include or exclude cellular telecommunications regarding rate making.

Act No. 1037, (HB 2099) excludes cellular telecommunication services from the definition of "public utility" as used in connection with rate-making purposes.

## UTILITIES (cont.)

### PIPELINE SAFETY

Act No. 793, (SB 434) amends the Arkansas Natural Gas Pipeline Safety Act to increase the civil penalties for violations of the act and to provide for additional annual fees on those persons regulated by the act. The civil penalties are increased from \$1,000 per day to \$10,000 per day and the maximum penalty is increased from \$200,000 to \$500,000. The term "transportation of gas" is changed to include natural gas with more than 100 ppm of hydrogen sulfide.

### PUBLIC SERVICE COMMISSION

#### CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND

Act No. 718, (HB 1246) establishes the Construction Assistance Revolving Loan Fund to provide loans for the construction or rehabilitation of public water systems. The funds may be pledged and used to pay debt service and costs related to bonds issued by the Arkansas Development Finance Authority. The Department of Pollution Control and Ecology is authorized to establish fees for its services in connection with the construction or rehabilitation of public waste water systems financed in whole or part through the funds.

#### DATE FOR REHEARING

Act No. 811, (SB 577) amends the laws regarding procedures for the Public Service Commission to clarify the date to apply for a rehearing before the Commission as thirty (30) days after the mailing of the order. It also repeals the requirement that the Commission file an answer to the appeal of the Commission's order.

#### PIPELINE-COMMON CARRIERS

Act No. 802, (SB 506) transfers the authority to regulate the pipeline companies acting as common carriers in Arkansas from the Arkansas State Highway Commission to the Public Service Commission.

#### REHEARING AND JUDICIAL REVIEW

Act No. 810, (SB 576) provides for a new procedure for rehearing cases before the Public Service Commission and for judicial review of Commission decisions by the Court of Appeals. A rehearing will automatically stay a decision but judicial review will not stay the Commission's decision unless specifically ordered by the Court of Appeals.

#### SUSPEND RATE INCREASES

Act No. 1090, (SB 575) authorizes the Public Service Commission to suspend the implementation of a rate increase for a time certain beyond the nine (9) month limit for such suspensions when the utility consents in writing to waive the suspension period limitation for an additional period.

#### WAIVER OF HEARING

Act No. 812, (SB 578) amends the laws regarding procedures for the Public Service Commission to allow for a waiver of a hearing before the Commission.

## UTILITIES (cont.)

### REGULATORY AGENCIES

#### RATES

Act No. 578, (HB 1639) provides that the Public Service Commission, in establishing utility rates, shall not reduce or otherwise change any wage rate, benefit, working condition, or other term or condition of employment that is the subject of a collective bargaining agreement between the public utility and a labor organization.

### RURAL TELEPHONE COOPERATIVE

#### COMPENSATION OF DIRECTORS

Act No. 552, (SB 494) provides that the directors of a rural telephone cooperative shall be entitled to such compensation and reimbursement for expenses actually and necessarily incurred by them, as may be provided by the bylaws of the cooperative.

### UNDERGROUND PIPELINES

Act No. 762, (HB 1830) amends the Arkansas Underground Facilities Damage Prevention Act to ensure that the state will qualify for federal grants-in-aid relating to state pipeline safety programs.

## VETERANS AFFAIRS TASK FORCE

### CONVENTIONS, CONFERENCES AND MEETINGS

Act No. 670, (HB 1382) authorizes reimbursement for expenses incurred by members of the Governor's Task Force on Veterans Affairs for attending conventions, conferences, or meetings of recognized veterans organizations.

## WAR MEMORIAL STADIUM COMMISSION

### LEVY OF CHARGES

Act No. 37, (HB 1021) removes from the Arkansas Code the restriction that the War Memorial Stadium Commission may levy charges for the use of the stadium only for events for which admissions are charged. This act also removes the four percent interest ceiling on bonds issued by the War Memorial Stadium Commission.

### STADIUM CONVEYANCE

Act No. 341, (HB 1696) directs the War Memorial Stadium Commission to convey ownership of War Memorial Stadium to the City of Little Rock when the city has accumulated at least \$3,000,000 in bond proceeds dedicated to the improvement of the stadium.

## **WATER RESOURCES**

### **GROUND WATER REGULATION**

Act No. 154, (HB 1528) establishes a system for the regulation of ground water in Arkansas in areas designated as critical ground water use areas. Critical ground water areas can be declared only after public hearings are held in each county affected and after reaching critical levels as defined by regulation of the Soil and Water Commission. All wells in existence are to be grandfathered and no well used exclusively for domestic purposes or having a flow rate of less than 50,000 gallons per day will be regulated. The issuance of ground water rights is based on sustaining life, maintaining health, and then on wealth.

Act No. 342, (SB 55) establishes a system for the regulation of ground water in Arkansas in areas designated as critical ground water use areas. Critical ground water areas can be declared only after public hearings are held in each county affected and after reaching critical levels as defined by regulation of the Soil and Water Commission. All wells in existence are to be grandfathered and no well used exclusively for domestic purposes or having a flow rate of less than 50,000 gallons per day will be regulated. The issuance of ground water rights is based on sustaining life, maintaining health, and then on wealth.

### **WATER RESOURCE DEVELOPMENT BONDS**

Act No. 551, (SB 460) authorizes the issuance of \$30 million dollars worth of bonds in the 1990-1991 fiscal biennium and the 1992-1993 fiscal biennium. The Water Resources Development Bonds are general obligation bonds authorized by the voters in 1982 and are to be used for developing water projects.

## **WORKERS' COMPENSATION**

### **ANNUITY CONTRACTS**

Act No. 651, (HB 1956) authorizes the Workers' Compensation Commission to fund financial obligations of the Death and Permanent Total Disability Trust Fund through the purchase of structured annuity contracts from insurance companies which meet specified financial standards and ratings.

### **INSURANCE**

Act No. 561, (HB 1811) provides for a workers' compensation insurance plan to assure coverage for employers who are in good faith entitled, but unable to procure, workers' compensation insurance.

### **PRIVATE SECTOR GUARANTY FUND**

Act No. 756, (HB 2017) provides for a workers' compensation private sector self-insurer guaranty fund and provides the methods for its administration.

## **WORKERS' COMPENSATION COMMISSION**

### **REPORTS**

Act No. 1060, (SB 389) requires the Workers' Compensation Commission to publish annually information pertaining to the distribution of workers' compensation insurance premiums, losses, expenses and net income and information regarding workers' compensation benefit distribution to claimants, medical providers and attorneys.

## **WORKSHOP-MADE PRODUCTS COMMISSION**

Act No. 853, (SB 707) expands the membership of the Committee on Purchases of Workshop-Made Products and expands its duties to include services in addition to products.

## **WRITS OF EXECUTION**

Act No. 389, (HB 1351) establishes a new procedure, form and notice to defendant to be used when issuing writs of execution.

## PROPOSED AMENDMENTS TO THE CONSTITUTION

### COMPENSATION OF STATE OFFICERS

H.J.R. 1018 proposes an amendment to the Arkansas Constitution to abolish public relations funds and restrict the reimbursement of executive and legislative expenses, to establish new salaries for the executive and legislative officers of the state, and to allow the General Assembly to refer one additional constitutional amendment at a regular session to change the salaries of the executive and legislative officers.

### MILLAGE FOR CITY AND COUNTY LIBRARIES

H.J.R. 1006 proposes an amendment to the Arkansas Constitution to remove the 1 mill cap on property taxes for city and county libraries and to allow voters to approve a maximum of 5 mills for library operations for city and county libraries. The amendment also would allow the voters to pledge an additional 3 mills for capital improvements to or construction of city and county libraries or to pledge an additional 3 mills to retire capital improvement bonds for the construction or capital improvements of city and county libraries.

### PERSONAL PROPERTY TAXES

S.J.R. 8 proposes an amendment to the Arkansas Constitution which would exempt household furniture, clothing and related items of personal property from ad valorem taxes. This amendment would simplify the means of collecting annual personal property taxes on motor vehicles by making the taxes payable when registering the motor vehicle.

GENERAL ASSEMBLY - MEETING DATES

<u>General Assembly</u>	<u>Year</u>	<u>Dates in Session</u>	<u>Total Days</u>
59th	1953	January 12 - March 12	60
60th	1955	January 10 - March 10	60
61st	1957	January 14 - March 14	60
"	1957 1ES	March 25 - March 27	3
"	1958 2ES	August 26 - September 12	18
62nd	1959	January 12 - March 12	60
"	1960 1ES	January 19 - January 21	3
63rd	1961	January 9 - March 9	60
"	1961 1ES	August 24 - September 1	9
"	1961 2ES	September 18 - September 21	4
64th	1963	January 14 - March 14	60
"	1964 1ES	March 24 - March 27	4
65th	1965	January 11 - March 11	60
"	1965 1ES	May 24 - June 8	16
"	1965 2ES	November 2 - November 4	3
"	1965 3ES	November 4 - November 6	2
66th	1967	January 9 - March 31	65
"	1968 1ES	February 5 - February 21	17
"	1968 2ES	May 20 - May 30	11
67th	1969	January 13 - April 11 (Recess)	89
"	1969	May 5 - May 8	4
"	1970 1ES	March 2 - March 7	6
68th	1971	January 11 - April 2 (Recess)	82
"	1971	April 19 - April 19	
"	1972 1ES	February 7 - February 16	10
69th	1973	January 8 - April 5 (Recess)	88
"	1973	April 24 - April 24	
"	1974	January 14 - January 14	
"	1974 1ES	June 24 - July 12 (Recess)	19
"	1974 1ES	August 1 - August 1	
70th	1975	January 13 - March 27 (Recess)	75
"	1975	April 9 - April 9	
"	1976 Extnd.	January 12 - January 28	17
"	1976 1ES	September 8 - September 10	3
71st	1977	January 10 - March 18 (Recess)	68
"	1977	April 6 (Recess)	
"	1977 1ES	August 2 - August 5	4
"	1978	August 14 (Adjourn)	
72nd	1979	January 8 - April 4	87
"	1979	April 20	
"	1980 Extnd.	January 7 - January 17	10-1/2
"	1980 1ES	January 17 - January 24	7-1/2
"	1980 2ES	April 15 - April 18	4
73rd	1981	January 12 - March 18	66
"	1981 1ES	November 16 - November 25	10
74th	1983	January 10 - March 18 (2 week recess - adjourned sine die April 4)	68
"	1983 1ES	October 4 - November 10	37

GENERAL ASSEMBLY - MEETING DATES

<u>General Assembly</u>	<u>Year</u>	<u>Dates in Session</u>	<u>Total Days</u>
75th	1985	January 14 - March 22 (1 week recess - adjourned sine die March 29)	68
"	1985 1ES	June 17 - June 21	5
"	1986 2ES	April 28 - May 1	4
76th	1987	January 12 - April 3 (2 week recess - Adjourned sine die April 20)	82
76th	1987 1ES	June 2 - June 5, 1987	4
76th	1987 2ES	October 6 - October 9, 1987	4
76th	1988 3ES	January 26 - February 5, 1988	11
76th	1988 4ES	July 11 - July 14, 1988	4
77th	1989	January 9 - March 17, 1989	68
77th	1989 1ES	June 20 - June 23, 1989	4
77th	1989 2ES	July 25 - July 27, 1989	3
77th	1989 3ES	October 23-November 3, 1989	12
78th	1991	January 14 - March 27 ,1991 (2 week recess - Adjourned sine die April 15)	73

ARNALL

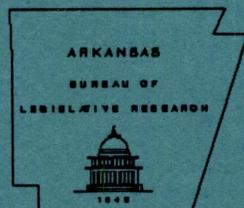
FINAL  
SUMMARY  
OF ACTION ON

GENERAL LEGISLATION

BY THE  
78TH GENERAL ASSEMBLY  
OF THE STATE OF ARKANSAS

1991

January 14, 1991 through April 15, 1991



May, 1991