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**G E N E R A L   L E G I S L A T I O N**

## **AEROSPACE INDUSTRY**

### **AVIATION AND AEROSPACE COMMISSION**

Act 60, (HB 1013), creates the Arkansas Aviation and Aerospace Commission and establishes its duties, functions and powers. The act provides that the commission shall administer the Aviation and Aerospace Industry Development Fund and sets out the criteria to be used in granting financial assistance from that fund.

Act 59, (SB 35), creates the Arkansas Aviation and Aerospace Commission and establishes its duties, functions and powers. The act provides that the commission shall administer the Aviation and Aerospace Industry Development Fund and sets out the criteria to be used in granting financial assistance from that fund.

### **REGIONAL AIRPORT ACT**

Act 63, (HB 1003), amends the Regional Airport Act to provide that the state may participate in regional airport authorities.

Act 56, (SB 2), amends the Regional Airport Act to provide that the state may participate in regional airport authorities.

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

Act 61, (HB 1014), provides that qualified aircraft businesses may qualify for the Enterprise Zone sales and use tax refund if the company makes an investment of \$5 million or more. The act provides that the business may claim an income tax credit of \$2,000 per net new employee if the business employs at least 50 net new employees within 60 months of receiving certification. The act provides a sales tax exemption for the service of repairing, modifying, converting or maintaining commercial jet aircraft and for tangible personal property which becomes part of commercial jet aircraft.

Act 58, (SB 33), provides that qualified aircraft businesses may qualify for the Enterprise Zone sales and use tax refund if the company makes an investment of \$5 million or more. The act provides that the business may claim an income tax credit of \$2,000 per net new employee if the business employs at least 50 net new employees within 60 months of receiving certification. The act provides a sales tax exemption for the service of repairing, modifying, converting or maintaining commercial jet aircraft and for tangible personal property which becomes part of commercial jet aircraft.



## **BANKRUPTCY**

### **COMMON CARRIERS**

Act 35, (HB 1026), amends the current law regarding the transfer of intrastate authority for common carriers. Under the current law, a common carrier seeking to transfer Arkansas intrastate operating authority must verify either that all debts of the common carrier have been paid in full or that the transferee will assume all indebtedness of the carrier. This act will provide an exception to this requirement in situations where the intrastate authority is being transferred by a common carrier that has filed for protection under the federal bankruptcy laws. It will make the Arkansas statute conform to the federal bankruptcy laws and avoid a conflict between Arkansas law and federal law.

## **CHARITABLE ORGANIZATIONS**

Act 70, (SB 7), establishes guidelines for the management and use of investments held by eleemosynary (charitable) institutions and funds. This is a uniform law which has been passed in approximately 35 other states known as the "Uniform Management of Institutional Funds Act".

## **CHILDREN**

### **CHILD ABUSE REPORTS**

Act 49, (HB 1028), requires the disclosure of information concerning founded reports of child abuse to the child's local school, specifically to the school counselor. The information becomes a part of the child's permanent school record, subject to the federal Family Educational Rights and Privacy Act, and must be forwarded whenever the child transfers from one school to another.

### **CHILD WELFARE REFORM**

Act 1, (HB 1010), provides that the Arkansas Child Welfare Reform Document prepared by the Department of Human Services and dated February 24, 1992, is adopted as the requirements to be met by the Department of Human Services and the Division of Children and Family Services in the operation of the Child Welfare System in Arkansas. It creates the Child Welfare Compliance and Oversight Committee to monitor the performance and expenditures of the Department of Human Services. It prohibits the closure of the Alexander Youth Services Center before June 30, 1993, except under certain circumstances. The Department of Human Services must submit a plan addressing the issue of reduction of the population of the Alexander and Pine Bluff Youth Services Centers.

### **HEARSAY TESTIMONY**

Act 66, (SB 32), revises the hearsay exception to our Uniform Rules of Evidence regarding the statements of children under ten (10) years of age concerning any act or offense against that child involving sexual offenses, child abuse, or incest. This revision reflects the criteria for determining the trustworthiness of the child as set forth in the United States Supreme Court decision of Idaho v. Wright, 110 S. Ct. 3139 (1990) and White v. Illinois, No. 90-6113 (S. Ct. January 15, 1992).



## **CITIES**

### **ELECTION EXPENSES**

Act 67, (HB 1050), provides that the expenses of general elections for Presidential, congressional, state, district, county, township, or municipal offices in this state shall be paid by the counties in which they are held. However, a city or incorporated town must reimburse the county board of election commissioners for a portion of the expenses of an election.

### **PUBLIC FACILITIES BOARDS**

Act 26, (SB 37), amends various provisions of the Arkansas law dealing with public facility boards to apply only to those boards in counties with a population of 150,000 or more or in municipalities with a population of 100,000 or more. It requires county public facilities boards in counties having a population of 150,000 or more to preserve and maintain records in a manner and in locations as prescribed by local ordinances. It establishes the number, method of appointment, and length of service for members of the board of directors for boards in counties having populations of 150,000 or more or in cities having populations of 100,000 or more. The act also requires public facility boards in counties having populations of 150,000 or more or in cities having populations of 100,000 or more to have an annual audit performed on the board's revenues and to furnish a copy of the audit to the governing body of the county or city.

Act 34, (HB 1045), amends various provisions of the Arkansas law dealing with public facility boards to apply only to those boards in counties with a population of 150,000 or more or in municipalities with a population of 100,000 or more. It requires county public facilities boards in counties having a population of 150,000 or more to preserve and maintain records in a manner and in locations as prescribed by local ordinances. It establishes the number, method of appointment, and length of service for members of the board of directors for boards in counties having populations of 150,000 or more or in cities having populations of 100,000 or more. The act also requires public facility boards in counties having populations of 150,000 or more or in cities having populations of 100,000 or more to have an annual audit performed on the board's revenues and to furnish a copy of the audit to the governing body of the county or city.

## **TAXES**

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

Act 36, (HB 1027), amends the Local Government Bond Act to provide that if a legislative body determines that a sales or use tax of one percent or less would, if levied for no longer than twenty-four months, produce sufficient revenue to finance capital improvements of a public nature without resorting to a bond issue, the body may dispense with the issuance of bonds and levy the tax for no longer than twenty-four months upon approval of the electorate.

## **CITIES (cont.)**

### **TAXES (cont.)**

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

Act 40, (HB 1029), amends Arkansas Code 26-73-113 to provide that in lieu of using all or a portion of its authority to levy a sales and use tax solely to pay bonded debt under Arkansas Code 14-164-327, the governing body of any municipality or county may adopt an ordinance levying a sales and use tax and provides that by levying a tax under §26-73-113, the municipality or county shall lose its authority to levy up to a one percent sales and use tax under Arkansas Code 14-164-327 solely to pay bonded debt only to the extent of the tax levied under §26-73-113. The act further amends the section to provide that the tax levied thereunder may be used to finance the operation or maintenance of a solid waste management system or part thereof or the acquisition and construction of capital improvements of a public nature. The section provides that it shall apply to any tax levied by ordinance adopted prior to February 28, 1992.

#### **SALES TAX AND USE TAX COLLECTION**

Act 73, (SB 21), provides that direct pay permit holders shall remit the county or city sales tax levied in the county or city where the goods are first used, stored, consumed or distributed.

## **CONSTITUTIONAL OFFICERS**

### **STATE TREASURER**

Act 50, (SB 6), allows banks organized under the laws of this state to secure the deposit of funds of the State Treasurer. A bank cannot secure the deposit of funds of the State Treasurer by pledging shares of an open-end or closed-end management-type investment company or investment trust registered under the Federal Investment Company Act of 1940.

## **CONTRACTORS**

### **BID PREFERENCE**

Act 9, (SB 47), provides that the 3% bid preference for Arkansas bidders is not applicable with respect to contracts for public improvements other than highway projects.

### **SURETY BONDS**

Act 37, (SB 8), amends and repeals various sections of the Arkansas law regarding contractor's bonds to insure contractors make the required tax payments. It eliminates the requirement of posting a bond prior to beginning work and sets the surety bond for tax payments at \$10,000.00, instead of five percent (5%) of the amount of the contract. The bond is posted with the Contractor's Licensing Board, instead of the Department of Finance and Administration. The act also requires the Board be given 60 days notice of the bond cancellation and the Board will notify the Department of Finance and Administration, the Worker's Compensation Commission, the Employment Security Department, and the county collectors when the bond is canceled. Previously, the bond could not be canceled without a release from the Department of Finance Administration and the other Departments.



## **COUNTIES**

### **ELECTION EXPENSES**

Act 67, (HB 1050), provides that the expenses of general elections for Presidential, congressional, state, district, county, township, or municipal offices in this state shall be paid by the counties in which they are held. However, a city or incorporated town must reimburse the county board of election commissioners for a portion of the expenses of an election.

### **FIRE PROTECTION DISTRICTS**

Act 10, (HB 1032), the Fire Protection Premium Tax Fund in which the insurance premium taxes for additional fire protection services, equipment, and capital outlays will be deposited. It also provides that the money from the premium taxes for additional fire protection services may be given to non-certified fire departments to upgrade their training and equipment to meet the minimum standards. Fire departments that spend these funds improperly will be ineligible for any new or additional funds until the improperly expended funds are reimbursed. The act also amends the law dealing with county fire protection districts to raise the amount of purchase of materials or equipment requiring the use of sealed bids from \$100.00 to \$500.00.

### **PUBLIC FACILITIES BOARDS**

Act 26, (SB 37), amends various provisions of the Arkansas law dealing with public facility boards to apply only to those boards in counties with a population of 150,000 or more or in municipalities with a population of 100,000 or more. It requires county public facilities boards in counties having a population of 150,000 or more to preserve and maintain records in a manner and in locations as prescribed by local ordinances. It establishes the number, method of appointment, and length of service for members of the board of directors for boards in counties having populations of 150,000 or more or in cities having populations of 100,000 or more. The act also requires public facility boards in counties having populations of 150,000 or more or in cities having populations of 100,000 or more to have an annual audit performed on the board's revenues and to furnish a copy of the audit to the governing body of the county or city.

Act 34, (HB 1045), amends various provisions of the Arkansas law dealing with public facility boards to apply only to those boards in counties with a population of 150,000 or more or in municipalities with a population of 100,000 or more. It requires county public facilities boards in counties having a population of 150,000 or more to preserve and maintain records in a manner and in locations as prescribed by local ordinances. It establishes the number, method of appointment, and length of service for members of the board of directors for boards in counties having populations of 150,000 or more or in cities having populations of 100,000 or more. The act also requires public facility boards in counties having populations of 150,000 or more or in cities having populations of 100,000 or more to have an annual audit performed on the board's revenues and to furnish a copy of the audit to the governing body of the county or city.

## COUNTIES (cont.)

### TAXES

#### SALES TAX AND USE TAX

Act 40, (HB 1029), amends Arkansas Code 26-73-113 to provide that, in lieu of using all or a portion of its authority to levy a sales and use tax solely to pay bonded debt under Arkansas Code 14-164-327, the governing body of any municipality or county may adopt an ordinance levying a sales and use tax and provides that, by levying a tax under §26-73-113, the municipality or county shall lose its authority to levy up to a one percent sales and use tax under Arkansas Code 14-164-327 solely to pay bonded debt only to the extent of the tax levied under §26-73-113. The act further amends the section to provide that the tax levied thereunder may be used to finance the operation or maintenance of a solid waste management system or part thereof or the acquisition and construction of capital improvements of a public nature. The section provides that it shall apply to any tax levied by ordinance adopted prior to February 28, 1992.

Act 36, (HB 1027), amends the Local Government Bond Act to provide that if a legislative body determines that a sales or use tax of one percent or less would, if levied for no longer than twenty-four months, produce sufficient revenue to finance capital improvements of a public nature without resorting to a bond issue, the body may dispense with the issuance of bonds and levy the tax for no longer than twenty-four months upon approval of the electorate.

#### SALES AND USE TAX COLLECTION

Act 73, (SB 21), provides that direct pay permit holders shall remit the county or city sales tax levied in the county or city where the goods are first used, stored, consumed or distributed.

#### HOTELS, MOTELS, RESTAURANTS

Act 46, (SB 44), amends Arkansas Code 26-74-501 to provide that a county may levy a tax on food and lodging under that section by petition and election.

## COURTS

### CIRCUIT AND CHANCERY JUDGES

Act 51, (SB 10), authorizes the temporary exchange of circuit and chancery judges with each other by agreement both inter- and intra-district. This bill addresses the issue raised in the case of Tony A. Lee v. Andre McNeil, #CR 91-153, delivered January 27, 1992, by the Arkansas Supreme Court which cast substantial doubt on the legality of the exchange of circuit and chancery judges within the same judicial district.

### MUNICIPAL COURTS

#### FORDYCE

Act 3, (HB 1005), corrects the salary range provisions for the municipal court judge and the municipal court clerk of the Fordyce Municipal Court.

#### LITTLE ROCK

Act 39, (SB 43), authorizes the salary for a Third Division Municipal Judge in the city of Little Rock.



## **COURTS (cont.)**

### **MUNICIPAL COURTS (cont.)**

#### **LONOKE**

Act 6, (HB 1022), corrects the salary range provisions for the municipal court judge of the Lonoke Municipal Court.

#### **MARIANNA**

Act 33, (HB 1024), establishes a salary range for the municipal court judge of the Marianna Municipal Court. This act also establishes a salary range for the municipal court judge of the Prairie Grove Municipal Court. Further, this bill makes the Seventh Judicial District (Grant, Hot Spring and Saline counties) a Division A Judicial District.

#### **PRAIRIE GROVE**

Act 33, (HB 1024), establishes a salary range for the municipal court judge of the Marianna Municipal Court. This act also establishes a salary range for the municipal court judge of the Prairie Grove Municipal Court. Further, this act makes the Seventh Judicial District (Grant, Hot Spring and Saline counties) a Division A Judicial District.

#### **STUDENT ABSENCES**

Act 42, (HB 1043), exempts filing fees in actions to impose the civil penalty on parents or guardians of students with excessive school absences. This act also requires the actions to be filed in the appropriate municipal court as a matter of preference.

## **CRIMINAL LAW**

### **HOT CHECK LAW**

Act 44, (SB 45), amends the Worthless Checks Law to allow the notice that payment has been refused by the drawee for lack of funds to include more than one check. The act provides that the prosecuting attorney may collect restitution including a service charge (not exceeding \$15.00 per check) for the payees of the check.

## **EDUCATION**

### **GENERAL EDUCATION**

#### **COMPUTER SYSTEM**

Act 4, (HB 1009), authorizes the Department of Education to contract with IMPAC Learning Systems, Inc. in order to implement a state-wide computer network. The act also creates the Public School System Computer Network Advisory Council to provide assistance and to coordinate development of the computer network.

#### **REVOLVING LOAN FUND**

Act 53, (SB 18), allows the Department of Education to loan money, within limits, to school districts in financial distress because taxpayer bankruptcies or receiverships have resulted in delinquent property taxes. This act also provides that the Department of Education will provide technical assistance to school districts determined to be in financial distress to ensure, as much as possible, that student education will not be interrupted.

## **EDUCATION (cont.)**

### **GENERAL EDUCATION (cont.)**

#### **STUDENT ABSENCES**

Act 42, (HB 1043), exempts filing fees in actions to impose the civil penalty on parents or guardians of students with excessive school absences. This act also requires the actions to be filed in the appropriate municipal court as a matter of preference.

### **HIGHER EDUCATION**

#### **ACADEMIC CHALLENGE PROGRAM**

Act 47, (HB 1002), broadens the family income requirements for Arkansas Academic Challenge Scholarship eligibility and limits applicants to those graduating from Arkansas high schools after May 1, 1991. This act also requires the Departments of Education and Higher Education to ensure that information about the Arkansas Academic Challenge Scholarship Program is distributed, through school counselors, to all Arkansas students, grades kindergarten through twelve.

#### **CENTER FOR WORKFORCE EXCELLENCE**

Act 52, (SB 14), creates and establishes the Center for Workforce Excellence within the Department of Higher Education as a pilot program to coordinate public and private training programs and services in assisting industrial development.

#### **COMMUNITY COLLEGES**

Act 65, (SB 15), provides for the creation of a university center at Mississippi County Community College where public universities, with the approval of the State Board of Higher Education, may offer various upper-level and graduate programs and courses. This act also removes conditions on issuing refunding bonds and permits the local board of a community college district to issue the bonds by resolution.

Act 64, (HB 1004), provides for the creation of a university center at Mississippi County Community College where public universities, with the approval of the State Board of Higher Education, may offer various upper-level and graduate programs and courses.

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

Act 24, (HB 1033), deletes references to race and updates the institution's purposes in the authorization for founding of the University of Central Arkansas.

Act 25, (SB 5), deletes references to race and updates the institution's purposes in the authorization for founding of the University of Central Arkansas. This act further provides that all public institutions of higher education must remove any unconstitutional or illegal racial references from their charters, bylaws, or rules.



## **EDUCATION (cont.)**

### **SCHOOLS**

#### **ELECTIONS**

Act 62, (HB 1034), provides that both the question of a consolidation, annexation, or merger of school districts and the levying of a specific tax millage to support the proposed new district may be placed on the ballot at the same annual school election. Furthermore, the boards of directors of the districts considering consolidation, annexation, or merger may, by resolution adopted with the approval of the Department of Education, set a date for the annual school election other than the date mandated by Ark. Code Ann. 6-14-102. If the issue of a new millage rate for the proposed district is not presented at the same time that the voters approve formation of the new district, there must be a vote on a single millage rate at the next annual school election.

Act 57, (SB 9), provides that the board of directors of a new school district formed by consolidation, merger, or annexation must present a tax millage rate to the voters of the new district at the next annual school election. If the proposed rate fails, the millage rate for the new district is the one levied by the district with the highest average daily attendance during the school year immediately before the consolidation, annexation, or merger.

#### **SCHOOL COUNSELORS**

Act 49, (HB 1028), requires the disclosure of information concerning founded reports of child abuse to the child's local school, specifically to the school counselor. The information becomes a part of the child's permanent school record, subject to the federal Family Educational Rights and Privacy Act, and must be forwarded whenever the child transfers from one school to another.

## **ELECTIONS**

### **EXPENSES OF CONDUCTING ELECTIONS**

Act 67, (HB 1050), provides that the expenses of general elections for Presidential, congressional, state, district, county, township, or municipal offices in this state shall be paid by the counties in which they are held. However, a city or incorporated town must reimburse the county board of election commissioners for a portion of the expenses of an election.

### **SCHOOL MILLAGE**

Act 57, (SB 9), provides that the board of directors of a new school district formed by consolidation, merger, or annexation must present a tax millage rate to the voters of the new district at the next annual school election. If the proposed rate fails, the millage rate for the new district is the one levied by the district with the highest average daily attendance during the school year immediately before the consolidation, annexation, or merger.

## **ELECTIONS (cont.)**

### **SCHOOL MILLAGE (cont.)**

Act 62, (HB 1034), provides that both the question of a consolidation, annexation, or merger of school districts and the levying of a specific tax millage to support the proposed new district may be placed on the ballot at the same annual school election. Furthermore, the boards of directors of the districts considering consolidation, annexation, or merger may, by resolution adopted with the approval of the Department of Education, set a date for the annual school election other than the date mandated by Ark. Code Ann. 6-14-102. If the issue of a new millage rate for the proposed district is not presented at the same time that the voters approve formation of the new district, there must be a vote on a single millage rate at the next annual school election.

## **ENVIRONMENTAL LAW**

### **COMMERCIAL MEDICAL WASTE**

#### **INCINERATORS**

Act 75, (HB 1031), places a moratorium on the issuance of permits for commercial medical waste incineration facilities until September 1, 1993, or until expected EPA regulations are issued. This act also establishes criteria for the location of the facilities and provides an exemption for existing facilities.

#### **TRANSPORTATION**

Act 41, (HB 1030), authorizes the Department of Health to regulate the segregation, packaging, storage, transportation, treatment and disposal of commercial medical waste. This act authorizes the Department of Health to issue permits for the transportation of commercial medical waste and levy penalties for violations. This act also authorizes the Arkansas State Police and the Arkansas Highway Police to enforce all laws and regulations regarding the transporting of commercial medical waste.

#### **INCINERATOR ASH REGULATION**

Act 48, (SB 48), revises the exemption to Arkansas Code 8-6-1201 et seq., which regulates the disposal of incinerator ash and petroleum contaminated soils. The act reduces the input capacity exemption from incinerator ash from fifty tons to less than twelve tons per day. It adds an exemption for manufacturing facilities. The act also changes the deadline for the Arkansas Pollution Control and Ecology Commission to adopt criteria for the disposal of incinerator ash in landfills.

#### **SOLID WASTE MANAGEMENT DISTRICTS**

Act 8, (HB 1036), provides that administrative costs incurred by regional solid waste management districts are eligible for matching grants from the Department of Pollution Control and Ecology with the total amount of the grants not to exceed \$500,000 per year.



## **EVIDENCE**

### **HEARSAY TESTIMONY**

Act 66, (SB 32), revises the hearsay exception to our Uniform Rules of Evidence regarding the statements of children under ten (10) years of age concerning any act or offense against that child involving sexual offenses, child abuse, or incest. This revision reflects the criteria for determining the trustworthiness of the child as set forth in the United States Supreme Court decision of Idaho v. Wright, 110 S. Ct. 3139 (1990) and White v. Illinois, No. 90-6113 (S. Ct. January 15, 1992).

## **FINANCIAL INSTITUTIONS**

### **STATE TREASURER FUNDS**

Act 50, (SB 6), allow banks organized under the laws of this state to secure the deposit of funds of the State Treasurer. A bank cannot secure the deposit of funds of the State Treasurer by pledging shares of an open-end or closed-end management-type investment company or investment trust registered under the Federal Investment company Act of 1940.

## **FIRE PROTECTION**

### **VOLUNTEER FIREMEN TRAINING/EQUIPMENT**

Act 10, (HB 1032), creates the Fire Protection Premium Tax Fund in which the insurance premium taxes for additional fire protection services, equipment, and capital outlays will be deposited. It also provides that the money from the premium taxes for additional fire protection services may be given to non-certified fire departments to upgrade their training and equipment to meet the minimum standards. Fire departments that spend these funds improperly will be ineligible for any new or additional funds until the improperly expended funds are reimbursed. The act also amends the law dealing with county fire protection districts to raise the amount of purchase of materials or equipment requiring the use of sealed bids from \$100.00 to \$500.00.

## **GENERAL ASSEMBLY**

### **CHILDREN AND YOUTH COMMITTEE**

Act 29, (HB 1017), increases membership on the Children and Youth Committee to ten members of the Senate and ten members of the House. This act provides for Senate and House vice chairmen, with the highest ranking House member of the committee to be House cochairman and the second highest ranking House member of the committee to be House vice chairman.

### **ENERGY COMMITTEE**

Act 32, (HB 1018), provides that the Speaker of the House can make appointments to the JIC on Energy to fill vacancies occurring in the House membership of the committee. This act provides for Senate and House cochairmen and Senate and House vice chairmen, with the highest ranking House member of the committee to be House cochairman and the second highest ranking House member of the committee to be House vice chairman, except that House cochairman and co-vice Chairman serving on the effective date of the act may retain their positions.

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

### **FISCAL IMPACT STATEMENTS**

Act 43, (HB 1021), provides the requirements for furnishing a fiscal impact statement on any bill filed that requires an expenditure of public funds by a municipality or county or otherwise imposes a new or increased cost obligation on any municipality or county.

### **JOINT PERFORMANCE REVIEW COMMITTEE**

Act 31, (HB 1020), provides that the Speaker of the House can make appointments to the JPR Committee only to fill vacancies occurring in the House membership of the committee. This act provides for Senate and House cochairmen and Senate and House vice chairmen, with the highest ranking House member of the committee to be House cochairman and the second highest ranking House member of the committee to be House vice chairman.

### **PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS COMMITTEE**

Act 30, (HB 1019), provides that the Speaker can make appointments to the JIC on Public Retirement and Social Security Programs to fill vacancies occurring in the House membership of the committee. This act provides for Senate and House cochairmen and Senate and House vice chairmen with the highest ranking House member of the committee to be House cochairman and the second highest ranking House member of the committee to be House vice chairman.

## **HEALTH CARE**

### **HOME HEALTH CARE**

Act 1, (HB 1010), repeals § 20-10-706 which established the personal care and home-health aid services training program and registry. It repeals §25-10-125 which required training and registration of providers wishing to receive reimbursement from the Department of Human Services for the provision of targeted and independent case management services.

## **INSURANCE**

### **AUTOMOBILE LIABILITY AND PROPERTY DAMAGE**

#### **DISCOUNT FOR ACCIDENT PREVENTION COURSE**

Act 12, (HB 1046), amends the Motor Vehicle Safety Responsibility Act to extend the discount on auto insurance a driver receives for completing the accident prevention course from a two (2) year period to a three (3) year period of time.

Act 14, (SB 13), amends the Motor Vehicle Safety Responsibility Act to extend the discount on auto insurance a driver receives for completing the accident prevention course from a two (2) year period to a three (3) year period of time.



## **INSURANCE (cont.)**

### **MEDICARE SUPPLEMENT INSURANCE**

Act 72, (SB 3), provides certain minimum standards for insurers in Arkansas writing medicare supplement insurance policies. It provides that insurers shall use only a composite age basis to set medicare supplement rates and prohibits an insurer from denying a medicare supplement policy based solely on the applicant's age. The act sets out the minimum coverage provisions that insurers must provide under medicare supplement policies, sets standards for advertising medicare supplement policies by insurers, and requires each policy to contain a notice of free examination. The consumer has the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, he or she is not satisfied for any reason.

### **STATE EMPLOYEES INSURANCE ADVISORY COMMITTEE**

Act 28, (SB 11), reduces the quorum on the State Employees Insurance Advisory Committee from seven to five members. It also provides that the Committee shall contract only with the State Insurance Department for actuarial services.

Act 27, (HB 1041), reduces the quorum on the State Employees Insurance Advisory Committee from seven to five members. It also provides that the Committee shall contract only with the State Insurance Department for actuarial services.

## **MILITARY**

### **ADJUTANT GENERAL**

Act 55, (SB 31), provides that the Adjutant General of the Arkansas National Guard is authorized to enter into reciprocal agreements with the Adjutant General of any surrounding state regarding the loan, lease, or exchange of Arkansas National Guard equipment under his authority and control.

## **MOTOR VEHICLES**

### **MOTOR CARRIER REGULATION**

#### **TRANSFER OF INTRASTATE AUTHORITY**

Act 35, (HB 1026), amends the current law regarding the transfer of intrastate authority for motor carriers. Under the current law, a common carrier seeking to transfer Arkansas intrastate operating authority must verify either that all debts of the common carrier have been paid in full or that the transferee will assume all indebtedness of the carrier. This act will provide an exception to this requirement in situations where the intrastate authority is being transferred by a common carrier that has filed for protection under the federal bankruptcy laws. It will make the Arkansas statute conform to the federal bankruptcy laws and avoid a conflict between Arkansas law and federal law.

## **MOTOR VEHICLES (cont.)**

### **REGISTRATION OF COMPACTED SEED COTTON TRANSPORTERS**

Act 68, (HB 1044), creates a special category of motor vehicle registration and sets the fee for licensing compacted cotton seed transporters that are 102 inches to 108 inches in width. It amends the overwidth and overlength provisions of Arkansas' motor vehicle laws to permit compacted cotton seed transporters that are 102 inches to 108 inches in width and more than 40 feet, but less than 55 feet in length, to operate on the public streets and highways of Arkansas, excluding the federal interstate highways.

This act also provides that 5-axled motor vehicles hauling farm or forest products shall have maximum weight limit for tandem axles of 36,500 pounds on non-interstate highways.

Act 69, (SB 36), creates a special category of motor vehicle registration and sets the fee for licensing compacted cotton seed transporters that are 102 inches to 108 inches in width. It amends the overwidth and overlength provisions of Arkansas' motor vehicle laws to permit compacted cotton seed transporters that are 102 inches to 108 inches in width and more than 40 feet, but less than 55 feet, in length, to operate on the public streets and highways of Arkansas, excluding the federal interstate highways.

This act also provides that 5-axled motor vehicles hauling farm or forest products shall have maximum weight limit for tandem axles of 36,500 pounds on non-interstate highways.

### **SAFETY RESPONSIBILITY ACT**

#### **DISCOUNT FOR ACCIDENT PREVENTION COURSE**

Act 14, (SB 13), amends the Motor Vehicle Safety Responsibility Act to extend the discount on auto insurance a driver receives for completing the accident prevention course from a two (2) year period to a three (3) year period of time.

Act 12, (HB 1046), amends the Motor Vehicle Safety Responsibility Act to extend the discount on auto insurance a driver receives for completing the accident prevention course from a two (2) year period to a three (3) year period of time.

## **PHYSICIANS**

### **EXAMINATIONS**

Act 45, (SB 39), prescribes the examinations to be administered to individuals desiring a license or a temporary license to practice medicine in the State of Arkansas. This act removes the requirement of successful completion of the FLEX test.

## **PROSECUTING ATTORNEYS**

### **SEVENTH JUDICIAL DISTRICT**

Act 33, (HB 1024), establishes a salary range for the municipal court of the Marianna Municipal Court. This bill also establishes a salary range for the municipal court judge of the Prairie Grove Municipal Court. Further, this bill makes the Seventh Judicial District (Grant, Hot Spring and Saline counties) a Division A Judicial District.



## **RETIREMENT**

### **FIREFIGHTERS**

Act 76, (HB 1007), amends the Arkansas retirement law allowing a firefighter to rescind his decision to retire and to resume employment and contributions to the local fireman's pension and relief fund. This act changes the deadline by which the fireman can return to employment from July 1, 1986 to March 1, 1986.

### **MUNICIPAL JUDGES & CLERKS**

Act 71, (SB 20), amends Arkansas Code Annotated §24-8-315 providing options for the retirement of municipal judges and clerks in counties divided into two judicial districts to add language which was inadvertently omitted when the original bill was amended during the 1991 Regular Session of the General Assembly. This bill also amends Arkansas Code Annotated §24-11-827 (Act 429 of 1991) regarding the recalculation of benefits for a retired firefighter covered by the fireman's fund who returns to employment covered by the fireman's fund by correcting the date, from July 1, 1986, to March 1, 1986, after which the retirant may return to active status.

## **STATE AGENCIES**

### **HUMAN SERVICES DEPARTMENT**

#### **CHILD WELFARE REFORM**

Act 1, (HB 1010), provides that the Arkansas Child Welfare Reform Document prepared by the Department of Human Services and dated February 24, 1992 is adopted as the requirements to be met by the Department of Human Services and the Division of Children and Family Services in the operation of the Child Welfare System in Arkansas. It creates the Child Welfare Compliance and Oversight Committee to monitor the performance and expenditures of the Department of Human Services. It prohibits the closure of the Alexander Youth Services Center before June 30, 1993, except under certain circumstances. The Department of Human Services must submit a plan addressing the issue of reduction of the population of the Alexander and Pine Bluff Youth Services Centers.

#### **HOME HEALTH CARE**

Act 1, (HB 1010), repeals § 20-10-706 which established the personal care and home-health aid services training program and registry. It repeals §25-10-125 which required training and registration of providers wishing to receive reimbursement from the Department of Human Services for the provision of targeted and independent case management services.

#### **MEDICAL CARE COST RECOVERY**

Act 54, (SB 22), authorizes the Department of Human Services to recover the cost of medical care which they provide to indigents from third parties who may be liable for the injuries.

### **MEDICAL BOARD**

#### **EXAMINATIONS**

Act 45, (SB 39), prescribes the examinations to be administered to individuals desiring a license or a temporary license to practice medicine in the State of Arkansas. This act removes the requirement of successful completion of the FLEX test.

## **STATE AGENCIES (cont.)**

### **MEDICAL BOARD (cont.)**

#### **MEMBERSHIP**

Act 38, (SB 38), removes the position of secretary as a voting member of the Arkansas State Medical Board and authorizes the board to hire an executive secretary and other personnel needed to assist the executive secretary. This act also prescribes the duties of the executive secretary.

### **STATE EMPLOYEES INSURANCE ADVISORY COMMITTEE**

Act 27, (HB 1041), reduces the quorum on the State Employees Insurance Advisory Committee from seven to five members. It also provides that the Committee shall contract only with the State Insurance Department for actuarial services.

Act 28, (SB 11), reduces the quorum on the State Employees Insurance Advisory Committee from seven to five members. It also provides that the Committee shall contract only with the State Insurance Department for actuarial services.

## **TAXES**

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

#### **AEROSPACE INDUSTRY**

Act 61, (HB 1014), provides that qualified aircraft businesses may qualify for the Enterprise Zone sales and use tax refund if the company makes an investment of \$5 million or more. The act provides that the business may claim an income tax credit of \$2,000 per net new employee if the business employs at least 50 net new employees within 60 months of receiving certification. The act provides a sales tax exemption for the service of repairing, modifying, converting or maintaining commercial jet aircraft and for tangible personal property which becomes part of commercial jet aircraft.

Act 58, (SB 33), provides that qualified aircraft businesses may qualify for the Enterprise Zone sales and use tax refund if the company makes an investment of \$5 million or more. The act provides that the business may claim an income tax credit of \$2,000 per net new employee if the business employs at least 50 net new employees within 60 months of receiving certification. The act provides a sales tax exemption for the service of repairing, modifying, converting or maintaining commercial jet aircraft and for tangible personal property which becomes part of commercial jet aircraft.



## **TAXES (cont.)**

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

#### **CITIES AND COUNTIES**

Act 40, (HB 1029), amends Arkansas Code 26-73-113 to provide that, in lieu of using all or a portion of its authority to levy a sales and use tax solely to pay bonded debt under Arkansas Code 14-164-327, the governing body of any municipality or county may adopt an ordinance levying a sales and use tax and provides that, by levying a tax under §26-73-113, the municipality or county shall lose its authority to levy up to a one percent sales and use tax under Arkansas Code 14-164-327 solely to pay bonded debt only to the extent of the tax levied under §26-73-113. The act further amends the section to provide that the tax levied thereunder may be used to finance the operation or maintenance of a solid waste management system or part thereof or the acquisition and construction of capital improvements of a public nature. The section provides that it shall apply to any tax levied by ordinance adopted prior to February 28, 1992.

Act 73, (SB 21), provides that direct pay permit holders shall remit the county or city sales tax levied in the county or city where the goods are first used, stored, consumed or distributed.

Act 36, (HB 1027), amends the Local Government Bond Act to provide that if a legislative body determines that a sales or use tax of one percent or less would, if levied for no longer than twenty-four months, produce sufficient revenue to finance capital improvements of a public nature without resorting to a bond issue, the body may dispense with the issuance of bonds and levy the tax for no longer than twenty-four months upon approval of the electorate.

#### **COUNTIES**

Act 46, (SB 44), amends Arkansas Code 26-74-501 to provide that a county may levy a tax on food and lodging under that section by petition and election.

### **SCHOOL MILLAGE TAX**

Act 57, (SB 9), provides that the board of directors of a new school district formed by consolidation, merger, or annexation must present a tax millage rate to the voters of the new district at the next annual school election. If the proposed rate fails, the millage rate for the new district is the one levied by the district with the highest average daily attendance during the school year immediately before the consolidation, annexation, or merger.

Act 62, (HB 1034), provides that both the question of a consolidation, annexation, or merger of school districts and the levying of a specific tax millage to support the proposed new district may be placed on the ballot at the same annual school election. Furthermore, the boards of directors of the districts considering consolidation, annexation, or merger may, by resolution adopted with the approval of the Department of Education, set a date for the annual school election other than the date mandated by Ark. Code Ann. 6-14-102. If the issue of a new millage rate for the proposed district is not presented at the same time that the voters approve formation of the new district, there must be a vote on a single millage rate at the next annual school election.



## **TAXES (cont.)**

### **PERSONAL CARE SERVICES**

Act 74, (HB 1012), levies an excise tax of 12.5% upon the gross proceeds or gross receipts derived from the delivery of personal care services. This tax is to be administered by the Department of Human Services.

### **UNCLAIMED PROPERTY**

Act 7, (HB 1025), makes a technical correction to the Uniform Disposition of Unclaimed Property Act to clear up a vagueness with regard to abandoned intangible personal property.

FISCAL LEGISLATION

## DEPARTMENT OF CORRECTION

### Act 5 (HB 1011)

- Amends Section 12 of Act 1078 of 1991, the Department's biennial appropriation for the REGIONAL FACILITIES OPERATIONS ACCOUNT by deleting the previously appropriated amounts of \$500,000 each fiscal year of the 1991-93 biennium and substituting therefor \$750,000 for the 1991-92 fiscal year; and authorizes the appropriation to be utilized for the operation of regional correction facilities instead of debt service\lease payments for the bonded indebtedness or leases of correctional facilities.
- Amends Section 25 of Act 1078 of 1991, authorizing the Department, with the approval of the Chief Fiscal Officer of the State, to use the appropriation authorized in Section 12 of Act 1078 only for the purpose of opening and operating the Lee County Correctional Facility for the remainder of the 1991-92 fiscal year.

### Act 15 (SB 23)

- Authorizes supplemental appropriations for the Farm and Prison programs for the remainder of the 1991-93 biennium. Provides an additional \$275,000 and \$500,000 respectively for Farm operating expenses; and an additional \$500,000 each year for Prison Industry operating expenses.

## DEPARTMENT OF EDUCATION

### Act 4 (HB 1009)

- Authorizes the Department to enter into a contractual agreement with IMPAC Learning Systems, Inc., for the development of a statewide computer network linking all public school systems and the Department.
- Establishes the Public School System Computer Network Advisory Council to provide assistance to, and coordinate efforts between the IMPAC Learning Systems, Inc. and users of the network.

## EMPLOYMENT SECURITY DEPARTMENT

### Act 16 (SB 24)

- Provides supplemental appropriation of \$28,500,000 in FY 1991-92 & \$40,500,000 in FY 1992-93 for employee benefit payments.

## DEPARTMENT OF FINANCE AND ADMINISTRATION

### Disbursing Officer.

### Act 18 (SB 26)

- Authorizes a supplemental appropriation of \$2,000,000 for fiscal year 1991-92 from the Disaster Assistance Fund for disaster grants.



Act 21 (SB 29)

- Creates the Aerospace and Industry Development Fund; appropriates \$10,000,000 for the biennial period ending June 30, 1993 to be used by the Arkansas Aviation and Aerospace Commission and the Arkansas Industrial Development Commission for development of aerospace and other industries. Transfers up to \$4,000,000 in each fiscal year from the General Revenue Fund Account of the State Apportionment Fund to the Aerospace and Industry Development Fund, with a provision that up to a total of \$10,000,000 for the biennium may be transferred if current revenue forecasts for each fiscal year are exceeded by the amounts required to provide \$10,000,000 for the biennium.
- Contains language stating that the legislative intent for financing the Aerospace and Industrial Development Program through a transfer from the State Apportionment Fund is not to be a precedent in financing programs in this state, and that any future financial support for the program, if any, be provided through the provisions of the Arkansas Revenue Stabilization Law.

Act 23 (SB 46)

- Appropriates \$300,000 for the 1991-93 biennium from the Cities in School Fund, for grants not to exceed \$25,000 to community-based pilot programs that are directed toward solving the problems of children and their families.

Act 1 (HB 1010)

- Creates the Cities in School Fund; transfers up to \$300,000 for the 1991-93 biennium from the General Revenue Fund Account of the State Apportionment Fund to the Cities in School Fund for grants not to exceed \$25,000 each, to community based pilot programs directed toward solving problems of children and their families.

Act 10 (HB 1032)

- Creates the Fire Protection Premium Tax Fund which consists of insurance premium taxes as provided in Ark. Code 26-57-614; appropriates \$10,000,000 in FY 1991-92 and \$20,000,000 in FY 1992-93 for additional funding of Arkansas fire departments.
- Increases from \$100 to \$500 the cost of materials and equipment which can be purchased by the Board of Commissioners of a Fire Protection District without soliciting bids.
- Allows fire departments which are not certified by the Office of Fire Protection Services to be eligible to receive funding so long as the funds are spent directly for upgrading services.

## Revenue Services

### Act 17 (SB 25)

- Authorizes a supplemental appropriation of \$985,000 in FY 1991-92 and \$950,000 in FY 1992-93 from the State Central Services Fund for operations and postage expenses.

## OFFICE OF THE GOVERNOR

### Act 19 (SB 27)

- Provides an additional \$800,000 for fiscal year 1991-92 for the Governor's Emergency Fund.

### Act 22 (SB 30)

- Authorizes two legislative clerks and one legislative liaison for use by the Office of the Governor during the First Extraordinary Session of 1992; provides appropriation of \$4,655.

## INSTITUTIONS OF HIGHER EDUCATION

### Henderson State University

#### Act 11 (HB 1042)

- Provides appropriation & funding of \$160,000 for supplemental support for expenses incurred in follow-up activities of the Youth Opportunities Unlimited Program; funding is provided by a transfer from the Tuberculosis Sanatorium Lease Fund to the Henderson State University Fund.

## DEPARTMENT OF HUMAN SERVICES

### Act 1 (HB 1010)

- Repeals Ark. Code 20-10-706 and 25-10-125 regarding personal care & home-health aide training certification.

### Division of Children and Family Services (DCFS)

#### Act 1 (HB 1010)

- Adopts the Arkansas Child Welfare Reform Document as the requirements to be met by the Dept. of Human Services & the Div. of Children & Family Services in the operation of the Child Welfare System.
- Authorizes the transfer of up to \$1,443,911 in FY 1991-92 & \$13,952,456 in FY 1992-93, from the General Revenue Fund Account to the Children and Family Services Fund Account & other funds & fund accounts, as may be required to meet the requirements of the Arkansas Child Welfare Reform Document.
- Provides that no transfers shall be made after June 30, 1992 unless the Governor certifies to the State Treasurer that an order has been issued closing the case of Angela R., et al v. Bill Clinton, et al, subject only to being reopened to determine compliance or noncompliance with the Arkansas Child Welfare Reform Document.
- Allows the Legislative Joint Auditing Committee & the JIC on Children & Youth to monitor the expenditure of funds transferred under the Act.



- Instructs DCFS to pursue all available federal matching & other funding for children's services programs and requires DCFS to incrementally maximize funding to the level of 45% federal funds & 55% state funds, excluding day care & child nutrition.
- Prohibits the Dept. of Human Services, the Youth Services Board or any other entity from closing the Alexander Youth Services Center before June 30, 1993 & requires that a plan be presented no later than October 1, 1992 to the JIC on Children & Youth on various issues.

#### CHILD WELFARE COMPLIANCE AND OVERSIGHT COMMITTEE

Act 1 (HB 1010)

- Creates the Child Welfare Compliance and Oversight Committee to monitor the performance & expenditures of the Dept. of Human Services for compliance with the Arkansas Child Welfare Reform Document.

Act 23 (SB 46)

- Authorizes three (3) positions and appropriation of \$85,360 for FY 1991-92 and \$240,252 in Fy 1992-93 for the operations of the Child Welfare Compliance and Oversight Committee.
- Creates the Child Welfare Compliance and Oversight Fund.
- Authorizes transfers from the Department of Human Services Administration Fund Account to the Child Welfare Compliance and Oversight Fund in such amounts to provide support of the activities of the Child Welfare Compliance & Oversight Committee.

#### DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

Act 20 (SB 28)

- Authorizes an additional nine (9) positions for the Air Division required to implement the Federal Clean Air Act.
- Provides supplemental appropriation for the following programs:
  - 1) Federal Operations - \$85,500 & \$113,715
  - 2) Hazardous Waste Permit Program - \$346,799 & \$341,826
  - 3) Mining Reclamation - \$600,000/year
  - 4) Fee Administration - \$614,376 & \$605,512
  - 5) Solid Waste Management & Recycling - \$1,900,000/year
  - 6) Waste Tire Recycling Grants - \$336,000/year



# A P P E N D I X

# GENERAL ASSEMBLY - MEETING DATES

General Assembly	Year	Dates in Session	Total Days
59th	1953	January 12 - March 12	60
60th	1955	January 10 - March 10	60
61st	1957	January 14 - March 14	60
61st - FES	1957	March 25 - March 27	3
61st - SES	1958	August 26 - September 12	18
62nd	1959	January 12 - March 12	60
62nd - FES	1960	January 19 - January 21	3
63rd	1961	January 9 - March 9	60
63rd - FES	1961	August 24 - September 1	9
63rd - SES	1961	September 18 - September 21	4
64th	1963	January 14 - March 14	60
64th - FES	1964	March 24 - March 27	4
65th	1965	January 11 - March 11	60
65th - FES	1965	May 24 - June 8	16
65th - SES	1965	November 2 - November 4	2 1/2
65th - TES	1965	November 4 - November 6	2 1/2
66th	1967	January 9 - Recessed March 9, Reconv. March 27, Adjourned March 31	65
66th - FES	1968	February 5 - February 21	17
66th - SES	1968	May 20 - May 30	11
67th	1969	January 13 - Recessed April 11, Reconv. May 5 - Adjourned May 8	93
67th - FES	1970	March 2 - March 7	6
68th	1971	January 11 - Recessed April 2, Reconv April 19 - Adjourned April 19	82
68th - FES	1972	February 7 - February 16	10
69th	1973	January 8 - Recess on April 5 until April 24- Recess until Jan 14, 1974 - Adjourned Jan 14, 1974	88
69th - FES	1974	June 24 - Recessed July 12 - Reconv. Aug. 1 - Adjourned Aug 1	19
70th	1975	January 13 - March 27 - Recess Until Apr. 9 - Adjourned Apr. 9	74
70th - Exten	1976	January 12 - January 28	17
70th - FES	1976	September 8 - September 10	3
71st	1977	January 10 - Recessed March 18 Until Apr 6 - Recessed Apr 6 until Aug 14 - Adjourned Aug 14	68
71st - FES	1977	August 2 - August 5	4

General Assembly	Year	Dates in Session	Total Days
72nd	1979	January 8 - Recessed April 4, Reconv. Apr. 20 - Adjourned Apr 20	87
72nd - EXT.	1980	January 7 - January 17	10 1/2
72nd - FES	1980	January 17 - January 24	7 1/2
72nd - SES	1980	April 15 - April 18	4
73rd	1981	January 12, - March 18	66
73rd - FES	1981	November 16 - November 25	10
74th	1983	January 10 - Recessed on March 18, Reconv April 4 - Adj. Apr. 4	68
74th - FES	1983	October 4 - November 10	37
75th	1985	January 14 - Recessed March 22, Reconv. March 29 - Adj. March 29	68
75th - FES	1985	June 17 - June 21	5
75th - SES	1986	April 28 - May 1	4
76th	1987	January 12 - Recessed April 3 - Reconv. April 20 - Adj. April 20	82
76th - FES	1987	June 2 - June 5	4
76th - SES	1987	October 6 - October 9	4
76th - TES	1988	January 26 - February 5	11
76th - 4thES	1988	July 11 - July 14, 1988	4
77th	1989	January 9 - March 17 - Recess until April 3 - Adj. April 3	68
77th - FES	1989	June 20 - June 23	4
77th - SES	1989	July 25 - July 27	3
77th - TES	1989	October 23 - November 3	12
78th	1991	January 14 - March 27 - Recess until April 15 - Adj. April 15	73
78th - FES	1992	February 24 - February 27 - Recess until March 4 - Adj. March 4	4



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1991 General Assembly - First Special Session of 1992**

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**FINAL SUMMARY  
OF ACTION BY  
FIRST  
EXTRAORDINARY SESSION**

**OF THE  
78TH GENERAL ASSEMBLY  
OF THE STATE OF ARKANSAS**

**1992**

**February 24 through  
March 4, 1992**



**March, 1992**