



2019

**ARKANSAS MUNICIPAL LEAGUE
LEGISLATIVE PACKAGE**



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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

HOUSE BILL 1002

4
5 By: Representative D. Douglas
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING SALES AND USE TAX;
9 TO REQUIRE CERTAIN OUT-OF-STATE SELLERS TO COLLECT
10 AND REMIT ARKANSAS SALES AND USE TAX; TO REPEAL THE
11 SALES AND USE TAX LAW ON SELLERS AND AFFILIATED
12 PERSONS; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 TO REQUIRE CERTAIN OUT-OF-STATE SELLERS
16 TO COLLECT AND REMIT ARKANSAS SALES AND
17 USE TAX.
18

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20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. DO NOT CODIFY. Legislative findings.

24 The General Assembly finds that:

25 (1) The inability to effectively collect any Arkansas sales or
26 use tax from remote sellers who deliver tangible personal property, other
27 property subject to Arkansas sales and use tax, or services directly into the
28 state is seriously eroding the sales and use tax base of this state, causing
29 revenue losses and imminent harm to the state through the loss of critical
30 funding for state and local services;

31 (2) The harm from the loss of revenue is especially serious in
32 Arkansas because sales and use tax revenues are essential in funding state
33 and local services;

34 (3) Despite the fact that a use tax is owed on tangible personal
35 property, certain other property, or services delivered for use in this
36 state, many remote sellers actively market sales as tax-free or as



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1 transactions not subject to sales and use tax;

2 (4) The structural advantages of remote sellers, including the
 3 absence of point-of-sale tax collection and the general growth of online
 4 retail, make clear that further erosion of this state's sales and use tax
 5 base is likely to occur in the near future;

6 (5) Remote sellers that make a substantial number of deliveries
 7 into Arkansas or collect large gross revenues from Arkansas benefit
 8 extensively from this state's market, economy, and infrastructure;

9 (6) In contrast with the increasing harm caused to the state by
 10 the exemption of remote sellers from sales and use tax collection duties, the
 11 costs of such collection have decreased because advanced computing and
 12 software options have made it neither difficult nor burdensome for remote
 13 sellers to collect and remit sales and use taxes associated with sales of
 14 goods and services to residents of this state; and

15 (7) The United States Supreme Court recently upheld the ability
 16 of states to compel out-of-state sellers with no physical presence in the
 17 state to collect state sales and use taxes.

18
 19 SECTION 2. Arkansas Code § 26-52-110 is repealed.

20 ~~26-52-110. Sellers and affiliated persons — Referral agreements —~~
 21 ~~Notice required — Definitions.~~

22 ~~(a) As used in this section:~~

23 ~~(1) "Affiliated person" means:~~

24 ~~(A) A person that is a member of the same controlled group~~
 25 ~~of corporations as the seller; or~~

26 ~~(B) Another entity that, notwithstanding its form of~~
 27 ~~organization, bears the same ownership relationship to the seller as a~~
 28 ~~corporation that is a member of the same controlled group of corporations;~~
 29 ~~and~~

30 ~~(2) "Controlled group of corporations" means the same as in 26~~
 31 ~~U.S.C. § 1563(a), as it existed on January 1, 2011.~~

32 ~~(b) A seller is presumed to be engaged in the business of selling~~
 33 ~~tangible personal property, specified digital products, a digital code, or~~
 34 ~~taxable services for use in the state if an affiliated person is subject to~~
 35 ~~the sales and use tax jurisdiction of the state and the:~~

36 ~~(1) Seller sells a similar line of products as the affiliated~~

1 ~~person and sells the products under the same business name or a similar~~
2 ~~business name;~~

3 ~~(2) Affiliated person uses his, her, or its in-state employees~~
4 ~~or in-state facilities to advertise, promote, or facilitate sales by the~~
5 ~~seller to consumers;~~

6 ~~(3) Affiliated person maintains an office, distribution~~
7 ~~facility, warehouse or storage place, or similar place of business to~~
8 ~~facilitate the delivery of property, specified digital products, a digital~~
9 ~~code, or services sold by the seller to the seller's business;~~

10 ~~(4) Affiliated person uses trademarks, service marks, or trade~~
11 ~~names in the state that are the same or substantially similar to those used~~
12 ~~by the seller; or~~

13 ~~(5) Affiliated person delivers, installs, assembles, or performs~~
14 ~~maintenance services for the seller's purchasers within the state.~~

15 ~~(c) The presumption in subsection (b) of this section may be rebutted~~
16 ~~by demonstrating that the affiliated person's activities in the state are not~~
17 ~~significantly associated with the seller's ability to establish or maintain a~~
18 ~~market in the state for the seller's sales.~~

19 ~~(d)(1) If there is not an affiliated person with respect to a seller~~
20 ~~in the state, the seller is presumed to be engaged in the business of selling~~
21 ~~tangible personal property, specified digital products, a digital code, or~~
22 ~~taxable services for use in the state if the seller enters into an agreement~~
23 ~~with one (1) or more residents of the state under which the residents, for a~~
24 ~~commission or other consideration, directly or indirectly refer potential~~
25 ~~purchasers, whether by a link on an Internet website or otherwise, to the~~
26 ~~seller.~~

27 ~~(2) However, subdivision (d)(1) of this section applies only if~~
28 ~~the cumulative gross receipts from sales by the seller to purchasers in the~~
29 ~~state who are referred to the seller by all residents according to the type~~
30 ~~of agreement described in subdivision (d)(1) of this section exceed ten~~
31 ~~thousand dollars (\$10,000) during the preceding twelve (12) months.~~

32 ~~(e)(1) The presumption in subsection (d) of this section may be~~
33 ~~rebutted by submitting proof that the residents with whom the seller has an~~
34 ~~agreement did not engage in any activity within the state that was~~
35 ~~significantly associated with the seller's ability to establish or maintain~~
36 ~~the seller's market in the state during the preceding twelve (12) months.~~

1 ~~(2) Proof provided under subdivision (e)(1) of this section may~~
2 ~~consist of written statements from all of the residents with whom the seller~~
3 ~~has an agreement stating that they did not engage in any solicitation in the~~
4 ~~state on behalf of the seller during the preceding twelve (12) months if the~~
5 ~~statements were provided and obtained in good faith.~~

6 ~~(f) The Director of the Department of Finance and Administration shall~~
7 ~~promulgate rules to implement this section.~~

8

9 SECTION 3. Arkansas Code Title 26, Chapter 52, Subchapter 1, is
10 amended to add an additional section to read as follows:

11 26-52-111. Collection by remote sellers.

12 (a) A seller selling tangible personal property, other property
13 subject to Arkansas sales and use tax, or services for delivery into Arkansas
14 that does not have a physical presence in this state:

15 (1) Is subject to the provisions of this chapter and the
16 Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.; and

17 (2) Shall remit the sales and use tax and follow all applicable
18 procedures and requirements of law as if the seller had a physical presence
19 in the state if the seller meets either of the following criteria for the
20 previous calendar year or the current calendar year:

21 (A) The seller's gross revenue from the sale of tangible
22 personal property, other property subject to Arkansas sales and use tax, and
23 services for delivery into Arkansas exceeds one hundred thousand dollars
24 (\$100,000); or

25 (B) The seller sold tangible personal property, other
26 property subject to Arkansas sales and use tax, or services or any
27 combination of tangible personal property, other property subject to Arkansas
28 sales and use tax, and services for delivery into Arkansas in at least two
29 hundred (200) separate transactions.

30 (b) The obligation to remit the sales and use tax required under this
31 section shall not be applied retroactively.

32 (c) A taxpayer complying with this section may seek a recovery of
33 taxes, penalties, or interest only by following the procedures established in
34 the Arkansas Tax Procedure Act, § 26-18-101 et seq.

35 (d) This section does not limit the ability of a taxpayer to obtain a
36 refund for any other reason, including without limitation a mistake of fact

1 or mathematical miscalculation of the applicable tax.

2 (e) A seller that remits sales and use tax under this section is not
3 liable to a purchaser if the seller was not required to collect sales and use
4 tax because a provision of this section is later deemed unlawful.

5 (f) This section does not affect the obligation of a purchaser from
6 this state to remit use tax on any applicable transaction in which the seller
7 does not collect and remit sales and use tax.

8 (g) This section does not affect or impair the:

9 (1) Obligation of a seller, when the seller is transacting
10 business in the state and a point-of-sale tax is collected on the
11 transaction, to remit all state and local taxes on any applicable transaction
12 in which the seller provides goods or furnishes services within the state; or

13 (2) Ability of a state entity to immediately collect the taxes
14 described in subdivision (g)(1) of this section.

15

16 SECTION 4. EFFECTIVE DATE. Sections 1 through 3 of this act are
17 effective on the first day of the calendar quarter following the effective
18 date of this act.

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1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE APPOINTMENT OF
9 CITY TREASURER IN A CITY OF THE SECOND CLASS AND AN
10 INCORPORATED TOWN; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO AMEND THE LAW CONCERNING THE
13 APPOINTMENT OF CITY TREASURER IN A CITY
14 OF THE SECOND CLASS AND AN INCORPORATED
15 TOWN.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 14-44-109(a), concerning certain elected
23 positions in a city of the second class, is amended to read as follows:

24 (a)(1)(A) At the time prescribed in this subtitle, the qualified
25 voters of each city of the second class shall elect a city marshal, a city
26 recorder, and a city treasurer.

27 (B) ~~Each of these officers~~ city marshal, city recorder, or
28 city treasurer shall continue in office until his or her successor is elected
29 and qualified.

30 (2) The city council may provide by ordinance for the
31 appointment of the city treasurer.
32

33 SECTION 2. Arkansas Code § 14-44-115 is amended to read as follows:

34 14-44-115. Election of recorder, treasurer, or recorder-treasurer.

35 (a) On the Tuesday following the first Monday in November, 1972, and
36 every four (4) years thereafter, the qualified voters of cities of the second

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1 class shall elect a recorder, a treasurer, or a recorder-treasurer, as the
2 case may be, for a term of four (4) years.

3 (b) The city council may provide by ordinance for the appointment of
4 the treasurer.

5

6 SECTION 3. Arkansas Code § 14-45-108 is amended to read as follows:
7 14-45-108. Election of recorder-treasurer.

8 (a) The qualified voters of incorporated towns shall elect one (1)
9 recorder-treasurer on the Tuesday following the first Monday in November 1982
10 and every four (4) years thereafter.

11 (b) The town council may provide by ordinance for the appointment of
12 the recorder-treasurer.

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HOUSE BILL

5 By: Representative <NA>
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE AWARD
9 PROCEDURE FOR CERTAIN PUBLIC CONTRACTS; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13 TO AMEND THE LAW CONCERNING THE AWARD
14 PROCEDURE FOR CERTAIN PUBLIC CONTRACTS.
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17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 14-58-303(b), concerning purchases and
21 contracts in a city of the first class, is amended to read as follows:

22 (b)(1)(A) Except as provided under § 14-58-104, the municipal
23 governing body of any city of the first class shall provide by ordinance the
24 procedure for making all purchases which do not exceed ~~the sum of twenty~~
25 ~~thousand dollars (\$20,000)~~ fifty thousand dollars (\$50,000).

26 (B) Except as provided under § 14-58-104, the municipal
27 governing body of any city of the second class or incorporated town may
28 provide by ordinance the procedure for making all purchases.

29 (2)(A)(i) Except as provided under § 14-58-104, in a city of the
30 first class where the amount of expenditure for any purpose or contract
31 exceeds ~~the sum of twenty thousand dollars (\$20,000)~~ fifty thousand dollars
32 (\$50,000), the mayor or the mayor's authorized representative shall invite
33 competitive bidding on the purpose or contract by legal advertisement in any
34 local newspaper.

35 (ii) Bids received ~~pursuant to~~ under the
36 advertisement shall be opened and read on the date set for receiving the bids

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1 in the presence of the mayor or the mayor's authorized representative.

2 (iii) The mayor or the mayor's authorized
3 representative shall have exclusive power to award the bid to the lowest
4 responsible bidder, but may reject any and all bids received.

5 (B) The governing body by ~~ordinance~~ resolution may waive
6 the requirements of competitive bidding in exceptional situations where this
7 procedure is deemed not feasible or practical or as provided under § 14-58-
8 104.

9 (C) Cities of the first class, cities of the second class,
10 and incorporated towns may accept competitive bids in the following forms:

- 11 (i) Written; or
12 (ii) Electronic media.

13

14 SECTION 2. Arkansas Code § 22-9-203 is amended to read as follows:

15 22-9-203. Public improvements generally – Award procedure.

16 (a) Except as provided under § 14-58-105, a contract providing for the
17 making of major repairs or alterations, for the erection of buildings or
18 other structures, or for making other permanent improvements shall not be
19 entered into by the state or an agency of the state or by a county,
20 municipality, school district, or other local taxing unit with any contractor
21 in instances in which all estimated costs of the work exceed ~~the sum of~~
22 ~~thirty-five thousand dollars (\$35,000)~~ fifty thousand dollars (\$50,000)
23 unless:

24 (1) The state or any agency of the state ~~shall have~~ has first
25 published notice of its intention to receive bids one (1) time each week for
26 not less than two (2) consecutive weeks for projects more than the amount of
27 fifty thousand dollars (\$50,000) and published notice of its intention to
28 receive bids one (1) time each week for not less than one (1) week for
29 projects more than the quote bid limit, as provided under the minimum
30 standards and criteria of the Building Authority Division of the Department
31 of Finance and Administration, but less than or equal to fifty thousand
32 dollars (\$50,000), in a newspaper of general circulation published in the
33 county in which the proposed improvements are to be made or in a trade
34 journal reaching the construction industry; and

35 (2) Any county, municipality, school district, or other local
36 taxing unit ~~shall have~~ has first published notice of its intention to receive

1 bids one (1) time each week for not less than two (2) consecutive weeks in a
2 newspaper of general circulation published in the county in which the
3 proposed improvements are to be made or in a trade journal reaching the
4 construction industry.

5 (b)(1) The date of publication of the last notice shall be not less
6 than one (1) week before the day fixed therein for the receipt of bids.

7 (2) If there is no newspaper regularly published in the county
8 in which the proposed work is to be done, the notices may be published in any
9 newspaper having a general circulation in the county.

10 (3) ~~Nothing in this~~ This section shall not be construed as
11 limiting to two (2) the number of weeks the notices may be published for
12 projects ~~over the amount of~~ that exceed fifty thousand dollars (\$50,000),
13 limiting to one (1) the number of weeks the notices may be published for
14 projects more than the quote bid limit, as provided under subsection (a) of
15 this section, and less than or equal to fifty thousand dollars (\$50,000), and
16 as limiting to two (2) the number of weeks the notices may be published for
17 all other projects.

18 (c)(1) All notices shall contain:

19 (A) A brief description of the kind or type of work
20 contemplated;

21 (B) The approximate location thereof;

22 (C) The place at which prospective bidders may obtain
23 plans and specifications;

24 (D) The date, time, and place at which sealed bids will be
25 received;

26 (E) The amount, which may be stated in a percentage, of
27 the bid bond required;

28 (F) A statement of the taxing unit's reservation of the
29 right to reject any or all bids and to waive any formalities; and

30 (G) ~~Such other~~ Other pertinent facts or information which
31 to it may appear necessary or desirable.

32 (2)(A)(i) Every bid submitted on public construction contracts
33 for any political subdivision of the state is void unless accompanied by a
34 cashier's check drawn upon a bank or trust company doing business in this
35 state or by a corporate bid bond.

36 (ii) Every bid submitted on public construction

1 contracts for the state or any agency or department of the state is void
 2 unless accompanied by a cashier's check drawn upon a bank or trust company
 3 doing business in this state or by a corporate bid bond, except for projects
 4 ~~under thirty-five thousand dollars (\$35,000)~~ less than fifty thousand dollars
 5 (\$50,000).

6 (iii) A bid bond is not required for public
 7 construction contracts for the state or any agency or department of the state
 8 ~~under less than or equal to thirty-five thousand dollars (\$35,000)~~ fifty
 9 thousand dollars (\$50,000).

10 (B) This bid security shall indemnify the public against failure
 11 of the contractor to execute and deliver the contract and necessary bonds for
 12 faithful performance of the contract.

13 (C) The bid security shall provide that the contractor or surety
 14 ~~must~~ shall pay the damage, loss, cost, and expense subject to the amount of
 15 the bid security directly arising out of the contractor's default in failing
 16 to execute and deliver the contract and bonds.

17 (D) Liability under this bid security ~~shall be~~ is limited to
 18 five percent (5%) of the amount of the bid.

19 (d) On the date and time fixed in the notice, the board, commission,
 20 officer, or other authority in which or in whom authority is vested to award
 21 contracts shall open and compare the bids and thereafter award the contract
 22 to the lowest responsible bidder but only if it is the opinion of the
 23 authority that the best interests of the taxing unit would be served thereby.

24 (e) ~~In the event that~~ If all bids submitted exceed the amount
 25 appropriated for the award of the contract, the state agency or its
 26 designated representatives ~~shall have the authority to~~ may negotiate an award
 27 with the apparent responsible low bidder but only if the low bid is within
 28 twenty-five percent (25%) of the amount appropriated.

29 (f)(1) ~~In the event that~~ If all bids submitted exceed the amount
 30 appropriated for the award of the contract and if bidding on alternates was
 31 not required by the plans and specifications, the county, municipality,
 32 school district, other local taxing unit, or institution of higher education
 33 ~~shall have the authority to~~ may negotiate an award with the apparent
 34 responsible low bidder but only if the low bid is within twenty-five percent
 35 (25%) of the amount appropriated.

36 (2) If the plans and specifications for the project require bids

1 on alternates in addition to a base bid, there shall be no more than three
2 (3) alternates, and the alternates shall:

3 (A) Be deductive; and

4 (B) Be set forth in the plans and specifications in
5 numerical order.

6 (3) If all bids submitted exceed the amount appropriated for the
7 award of the contract, then the county, municipality, school district, other
8 local taxing unit, or institution of higher education may determine the
9 apparent responsible low bidder by deducting the alternates in numerical
10 order.

11 (4) After making the deductions, if the cost of the project is
12 less than twenty-five percent (25%) above the amount appropriated, then and
13 only in that event, the county, municipality, school district, other local
14 taxing unit, or institution of higher education may negotiate an award with
15 the low bidder so determined.

16 (g) Whenever it is obvious from examination of the bid document that
17 it was the intent of a bidder to submit a responsive bid and that the bid, if
18 accepted, would create a serious financial loss to the bidder because of
19 scrivener error, such as the transposition of figures, the board, commission,
20 officer, or other authority in which or in whom authority is vested has the
21 authority to relieve the bidder from responsibility under the bond and may
22 reject the bid.

23 (h) For projects of this state or any agency of the state, "amount
24 appropriated" within this section means funds currently available for the
25 project as determined by the state or any agency or department of the state
26 or any county, municipality, school district, or other local taxing unit
27 prior to the opening of any bids.

28 (i) ~~No~~ A contract providing for the making of major repairs or
29 alterations, for the erection of buildings or other structures, or for making
30 other permanent improvements shall not be entered into by the state, any
31 agency of the state, any county, municipality, school district, or other
32 local taxing unit with any contractor in instances ~~where~~ in which all
33 estimated costs of the work ~~shall exceed the sum of~~ seventy-five thousand
34 dollars (\$75,000) unless the bid documents contain statements ~~which~~ that
35 encourage the participation of small, minority, and women's business
36 enterprises.

1 (j)(1) Notwithstanding any other provision of law ~~to the contrary~~, any
2 municipality or sanitation authority may enter into contracts with private
3 persons, firms, associations, corporations, joint ventures, or other legal
4 entities, including a combination of any of those entities, to provide for
5 the design, building, operation, and maintenance of all or any portion of its
6 wastewater treatment system, storm water treatment system, or water treatment
7 system, or any combination of those systems.

8 (2) The contracts may include provisions for the design,
9 financing, construction, repair, reconditioning, replacement, operation, and
10 maintenance of the system, or any combination of those services and
11 functions.

12 (3) ~~Prior to~~ Before entering into a contract under this section,
13 the governing authority shall solicit qualifications-based competitive sealed
14 proposals.

15 (4) The governing authority shall first establish criteria for
16 evaluation of any entity submitting proposals on the contracts for the
17 purpose of assisting the governing authority in making a review of the
18 entity's previous performance on projects of comparable nature and magnitude
19 and the environmental compliance record of the entity during the five (5)
20 years immediately preceding the execution of the contract.

21 (5) The governing authority shall take into consideration the
22 information to assist in determining the eligibility of any entity.

23 (6) The award of a contract under this section shall be made to
24 the responsible and responsive entity whose proposal is determined in writing
25 to be the most advantageous to the governmental authority, taking into
26 consideration the evaluation factors set forth in the request for proposals.

27 (7) The governing authority of the municipality or the
28 sanitation authority shall employ an appropriately licensed professional who
29 is independent of the contractor to monitor and perform an independent review
30 and inspection of the design-build-operate-maintenance contract, or any part
31 thereof, during its performance.

32 (8) Before soliciting proposals for a design-build-operation-
33 maintenance project, the governing authority of the municipality or the
34 sanitation authority shall employ an appropriate licensed professional to
35 perform the necessary studies and preliminary design to clearly establish the
36 parameters for the project, including:

- 1 (A) Acceptable processes and structural alternatives; and
- 2 (B) Cost estimates for the acceptable alternatives.

3 (k)(1) The state, an agency of the state, a county, a municipality, a
4 school district, or other local taxing unit shall not require in plans or
5 specifications that a bidder or supplier:

6 (A) Hold membership in any professional or industry
7 associations, societies, trade groups, or similar organizations;

8 (B) Possess certification from any professional or
9 industry associations, societies, trade groups, or similar organizations as
10 steel building fabricators; or

11 (C) Be endorsed by any professional or industry
12 associations, societies, trade groups, or similar organizations.

13 (2) However, plans and specifications may include or reference
14 standards adopted by professional or industry associations, societies, trade
15 groups, or similar organizations.

16 (1) A municipality by resolution may waive the requirements of
17 competitive bidding in exceptional situations if deemed not feasible or
18 practical.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING ELECTRONIC
9 AUTOMATED SYSTEMS; AND FOR OTHER PURPOSES.
10
11

Subtitle

12 TO AMEND THE LAW CONCERNING ELECTRONIC
13 AUTOMATED SYSTEMS.
14
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 27-52-111 is amended to read as follows:

20 27-52-111. Automated enforcement device operated by municipality or
21 department of state government operating within boundaries of municipality –
22 Definitions.

23 (a) As used in this section:

24 (1) “Automated enforcement device” means a system operated by a
25 municipality or a department of state government ~~that is~~ operating within the
26 boundaries of the municipality that:

27 (A) Uses a photo-radar device ~~that is~~ capable of detecting
28 a speeding violation; and

29 (B) Photographs or records an image of the vehicle used in
30 committing the violation, the operator of the vehicle, or the license plate
31 of the vehicle; and

32 (2) “Municipality” means a city of the first class, a city of
33 the second class, or an incorporated town.

34 (b) Except as used under subsection (c) of this section, an automated
35 enforcement device shall not be used by a law enforcement agency of a
36 municipality or a department of state government ~~that is~~ operating within the

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1 boundaries of the municipality to detect or enforce:

2 (1) A violation of the ~~traffic~~ criminal laws or regulations of
3 the State of Arkansas; or

4 (2) An ordinance of the municipality that adopts state criminal
5 law.

6 (c)~~(1)~~ A municipality or a department of state government that is
7 operating within the boundaries of the municipality may use an automated
8 enforcement device to detect and enforce a violation of traffic laws or
9 traffic ordinances+

10 (A) ~~In a school zone; or~~

11 (B) ~~At a railroad crossing.~~

12 ~~(2) If a municipality or a department of state government that~~
13 ~~is operating within the boundaries of the municipality uses an automated~~
14 ~~enforcement device, then a certified law enforcement officer must+~~

15 (A) ~~Be present with the automated enforcement device; and~~

16 (B) ~~Issue the citation to the violator at the time and~~
17 ~~place of the violation.~~

18 (d) This section ~~shall~~ does not prevent the Arkansas Highway Police
19 Division of the Arkansas Department of Transportation from using automated
20 enforcement devices to enforce state or federal motor carrier laws.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Representative <NA>
6

A Bill

DRAFT KLC/JNS
HOUSE BILL

For An Act To Be Entitled

8 AN ACT TO REPEAL CERTAIN POWERS OF A CITY OF THE
9 FIRST CLASS; AND FOR OTHER PURPOSES.

Subtitle

12 TO REPEAL CERTAIN POWERS OF A CITY OF THE
14 FIRST CLASS.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. DO NOT CODIFY. Retroactivity.

20 This act applies retroactively to actions taken under § 14-56-202 if
21 the actions are pending on the effective date of this act.

23 SECTION 2. Arkansas Code § 14-56-202 is repealed.

24 ~~14-56-202. Additional powers of cities of the first class.~~

25 ~~(a)(1) The following enlarged and additional powers are conferred upon~~
26 ~~cities of the first class.~~

27 ~~(2) They shall have the power to:~~

28 ~~(A) Regulate the building of houses;~~

29 ~~(B) Provide that no house or structure shall be erected~~
30 ~~within the city limits except upon a permit to be issued by such officer as~~
31 ~~the city council shall designate; and~~

32 ~~(C) Provide that no permit shall be issued for the building~~
33 ~~of any house or structure deemed to be unsafe, unsanitary, obnoxious, or~~
34 ~~detrimental to the public welfare.~~

35 ~~(b) However, the authority to appoint and remove department heads,~~
36 ~~including the building official, shall be governed by § 14-42-110 regardless~~

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1 ~~of the classification of the city or town.~~
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1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Representative <NA>
6

A Bill

DRAFT KLC/KLC
HOUSE BILL

For An Act To Be Entitled

8 A ACT TO AMEND THE LAW CONCERNING CERTAIN VACATED
9 MUNICIPAL OFFICES; AND FOR OTHER PURPOSES.

Subtitle

11 TO AMEND THE LAW CONCERNING CERTAIN
12 VACATED MUNICIPAL OFFICES.

13
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code § 14-42-113 is amended to read as follows:
20 14-42-113. Salaries of officials – Salary withheld if professional
21 license or registration suspended – Definition.

22 (a)(1) Except as provided in ~~subsection~~ subsections (b) and (c) of
23 this section, the salary of an official of a city of the first class, a city
24 of the second class, or an incorporated town may be increased during the term
25 for which the official has been elected or appointed and may be decreased
26 during the term only if requested by the official.

27 (2) When any city official whose salary was decreased ~~pursuant~~
28 ~~to~~ under subdivision (a)(1) of this section leaves office before the
29 expiration of his or her term, his or her successor shall receive a salary
30 not less than the salary for the office immediately before ~~its being~~ the
31 salary was decreased ~~pursuant to~~ under subdivision (a)(1) of this section.

32 (b)(1) The salary of an elected official of a city of the first class,
33 a city of the second class, or an incorporated town shall be withheld if:

34 (A) The elected official is required to hold a
35 professional license or registration as a qualification of his or her
36 position; and

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1 (B) The elected official's professional license or
2 registration is suspended.

3 (2) Upon suspending the professional license or registration of
4 an elected official of a city of the first class, a city of the second class,
5 or an incorporated town, the agency, board, commission, or other authority
6 that issues the professional license or registration at issue shall notify in
7 writing the appropriate municipality or incorporated town.

8 (3) Upon learning that an elected official's required
9 professional license or registration has been suspended, the governing body
10 of a city of the first class, city of the second class, or incorporated town
11 may cease paying the elected official's salary from the date of suspension.

12 (4)(A) Upon restoration of ~~his or her~~ the elected official's
13 professional license or registration, ~~an~~ the elected official of a city of
14 the first class, a city of the second class, or an incorporated town may
15 petition the governing body of the city or town for a resumption of salary,
16 and the governing body shall initiate measures to ensure that the elected
17 official's salary is resumed.

18 (B) ~~An~~ The elected official whose salary is resumed under
19 subdivision (b)(4)(A) of this section shall not receive his or her salary for
20 the period that the salary was withheld.

21 (5)(A) As used in this subsection, "salary" means the
22 compensation paid to an elected official of a city of the first class, a city
23 of the second class, or an incorporated town for service in that position.

24 (B) "Salary" includes without limitation any benefits
25 provided to the elected official by virtue of his or her position, including
26 without limitation:

- 27 (i) Health insurance;
- 28 (ii) Retirement contributions; and
- 29 (iii) Retirement benefits.

30 (c)(1) The salary for a municipal office may be lowered if the
31 municipal office is vacant.

32 (2) As used in this subsection, "municipal office" means:

- 33 (A) Treasurer;
- 34 (B) Clerk;
- 35 (C) Recorder;
- 36 (D) Clerk-treasurer; and

1 (E) Recorder-treasurer.

2

3 SECTION 2. Arkansas Code § 14-43-405(a), concerning the combination of
4 the municipal offices of clerk and treasurer, is amended to read as follows:

5 (a)(1) Each city of the first class having the mayor-council form of
6 government may provide, by ordinance, for the election or appointment of its
7 city treasurer.

8 (2)(A) The city council may designate, by ordinance or
9 resolution, the city clerk as clerk-treasurer, allowing one (1) person to
10 assume the duties of both clerk and treasurer.

11 (B) The city council may combine the offices of clerk and
12 treasurer to take effect at the next election under § 14-43-316 or when the
13 offices are vacant.

14 (3) When one (1) person assumes the duties of both clerk and
15 treasurer, the position shall not be separated during the elected clerk-
16 treasurer's term unless the position is vacant.

17

18 SECTION 3. Arkansas Code § 14-44-114 is amended to read as follows:
19 14-44-114. Recorder-treasurer offices combined.

20 (a)(1) The city council of any city of the second class ~~in the State~~
21 ~~of Arkansas~~, if the city council deems it to be in the best interests of the
22 city, and upon passage of an ordinance by a majority vote of the city
23 council, may combine the offices of city recorder and city treasurer, ~~thereby~~
24 authorizing one (1) person to hold this position.

25 (2) The city council may combine the offices of city recorder
26 and city treasurer to take effect at the next election under § 14-44-109 or
27 when the offices are vacant.

28 (b) When combined, the office shall be known as "~~recorder-treasurer~~"
29 ~~for the city~~ "city recorder-treasurer".

30 (c) When one (1) person assumes the duties of both recorder and
31 treasurer, the position shall not be separated during the elected city
32 recorder-treasurer's term unless the position is vacant.

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1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/JNS
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO REPEAL DUPLICATIVE LAW CONCERNING THE
9 REORGANIZATION OF MUNICIPAL GOVERNMENT; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12 AN ACT TO REPEAL DUPLICATIVE LAW
13 CONCERNING THE REORGANIZATION OF
14 MUNICIPAL GOVERNMENT; AND FOR OTHER
15 PURPOSES.
16
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 14-38-113 is repealed.

23 ~~14-38-113. Reorganization under different form of government~~

24 ~~(a) When any municipality of this state is entitled by law to become~~
25 ~~reorganized under a different form of municipal government than that under~~
26 ~~which the municipality is operating, whether the form is the mayor-council~~
27 ~~form of government, the city manager form of government, or the commission~~
28 ~~form of government, upon the approval of a majority of the qualified electors~~
29 ~~of the municipality voting on the issue at an election called therefor, an~~
30 ~~election to submit the question of becoming organized under any such form of~~
31 ~~municipal government shall be called and conducted in the manner provided in~~
32 ~~this section.~~

33 ~~(1) When petitions are filed with the mayor containing the~~
34 ~~signatures of qualified electors of the municipality equal in number to~~
35 ~~fifteen percent (15%) of the aggregate number of votes cast at the preceding~~
36 ~~general municipal election of all candidates for mayor in the case of a~~

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1 ~~municipality operating under the mayor council form of government or the~~
 2 ~~commission form of government, and for all candidates for the office of~~
 3 ~~director for the director position for which the greatest number of votes~~
 4 ~~were cast in the case of a municipality operating under the manager form of~~
 5 ~~government, requesting that an election be called to submit the proposition~~
 6 ~~of organizing the municipality under any other form of municipal government~~
 7 ~~authorized by the laws of this state, a special election shall be called by~~
 8 ~~the mayor by proclamation, to be held in accordance with § 7-11-201 et seq.~~
 9 ~~The proclamation shall be published one (1) time at length in a newspaper~~
 10 ~~having a general circulation in the municipality, and notice of the election~~
 11 ~~shall be published in the newspaper one (1) time a week for two (2) weeks,~~
 12 ~~with the first publication to be not less than fifteen (15) days before the~~
 13 ~~date set for the election;~~

14 ~~(2)(A) At the election, the proposition shall be submitted to the~~
 15 ~~electors in substantially the following form:~~

16 ~~"FOR the proposition to organize this city under the.....form of~~
 17 ~~government....."~~

18 ~~AGAINST the proposition to organize this city under the.....form of~~
 19 ~~government....."~~

20 ~~(B) The election thereupon shall be conducted, the votes~~
 21 ~~canvassed, and the results declared in the same manner as is provided by law~~
 22 ~~with respect to other city elections. The county board of election~~
 23 ~~commissioners shall certify the results of any election to the mayor. The~~
 24 ~~result so certified shall be conclusive and not subject to attack unless suit~~
 25 ~~is brought to contest the certification within thirty (30) days after the~~
 26 ~~certification in the circuit court of the county in which the municipality is~~
 27 ~~situated;~~

28 ~~(3)(A) If a majority of the votes cast at the election are in~~
 29 ~~favor of the proposition and no suit is brought to contest the certification~~
 30 ~~of the results of the election within the thirty day period after the~~
 31 ~~certification by the county board of election commissioners, the mayor shall~~
 32 ~~file certificates stating that the proposition was adopted with the Secretary~~
 33 ~~of State and the county clerk of the county in which the municipality is~~
 34 ~~situated. Thereafter, the municipality shall proceed to elect officials of~~
 35 ~~the municipality in the manner and at the time provided by law for the~~
 36 ~~election of municipal officials in municipalities operating under the form of~~

1 ~~government adopted by the municipality.~~

2 ~~(B)(i) However, if a municipality votes to change its form~~
3 ~~of government and the date of the election to change its form of municipal~~
4 ~~government is six (6) months or more prior to the next regular general~~
5 ~~election for municipal officials, the mayor of the municipality by~~
6 ~~proclamation shall call a special election, to be held in accordance with §~~
7 ~~7-11-201 et seq., for the purpose of electing municipal officials under the~~
8 ~~form of government adopted by the municipality. When the officials are~~
9 ~~elected, the municipality shall proceed to organize and operate under the~~
10 ~~newly adopted form of government.~~

11 ~~(ii) The mayor's proclamation shall be issued within~~
12 ~~one (1) business day after the results of the election have been certified to~~
13 ~~him or her. The proclamation shall be published at least one (1) time a week~~
14 ~~for two (2) weeks in a newspaper having general circulation within the~~
15 ~~municipality, and the date of the special election shall be within ninety~~
16 ~~(90) days from the date of the proclamation calling the special election.~~

17 ~~(iii)(a) When any municipality changes forms of~~
18 ~~government in the manner provided in this section, the question of changing~~
19 ~~the form of government of the municipality shall not again be submitted to~~
20 ~~the electors thereof until the expiration of four (4) years from the date on~~
21 ~~which the first officers are elected for the form of government adopted at~~
22 ~~the election.~~

23 ~~(b) If a majority of the qualified electors of~~
24 ~~a municipality vote against adopting a different form of government, the~~
25 ~~question shall not again be submitted to the electors thereof for a period of~~
26 ~~two (2) years after the date of the election in which the proposed change of~~
27 ~~government in the municipality was rejected; and~~

28 ~~(4)(A) Each signature on a petition filed, as provided in this~~
29 ~~section, shall have been signed within one hundred eighty (180) days prior to~~
30 ~~the filing of the petition. All signatures not signed within this time shall~~
31 ~~be void for the purposes of determining the adequate number of signatures~~
32 ~~required to call an election under this section.~~

33 ~~(B) The date of execution of the petitions may be~~
34 ~~established by affidavit of the person circulating the petition or by the~~
35 ~~person signing the petition affixing the date of signing immediately~~
36 ~~following his or her name.~~

1 ~~(b) It is the intent and purpose of this section to prescribe a uniform~~
2 ~~procedure whereby municipalities of this state may submit to the qualified~~
3 ~~electors of any such municipality the proposition of adopting and becoming~~
4 ~~organized under any form of municipal government authorized under the laws of~~
5 ~~this state.~~

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1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Representative <NA>
6

A Bill

DRAFT KLC/KLC
HOUSE BILL

For An Act To Be Entitled

8 AN ACT CONCERNING NOMINATING PETITIONS FOR MUNICIPAL
9 ELECTIONS; AND FOR OTHER PURPOSES.

Subtitle

12 CONCERNING NOMINATING PETITIONS FOR
13 MUNICIPAL ELECTIONS.
14
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code § 14-42-206(a), concerning nominating
20 petitions for municipal elections, is amended to read as follows:

21 (a)(1) The city or town council of any city or town with the mayor-
22 council form of government, by resolution passed before January 1 of the year
23 of the election, may request the county party committees of recognized
24 political parties under the laws of the state to conduct party primaries for
25 municipal offices for the forthcoming year.

26 ~~(2) The resolution shall remain in effect for the subsequent~~
27 ~~elections unless revoked by the city or town council.~~

28 (3)(2) When the resolution has been adopted, the clerk or
29 recorder shall mail a certified copy of the resolution to the chairs of the
30 county party committees and to the chairs of the state party committees.

31 (4)(3) Candidates nominated for municipal office by political
32 primaries under this section shall be certified by the county party
33 committees to the county board of election commissioners and shall be placed
34 on the ballot at the general election.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO REPEAL THE LAW CONCERNING ELECTED CITY
9 COLLECTORS AND TO TERMINATE THE OFFICE OF CITY
10 COLLECTOR; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO REPEAL THE LAW CONCERNING ELECTED CITY
14 COLLECTORS AND TO TERMINATE THE OFFICE OF
15 CITY COLLECTOR.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 14-44-117 is repealed.

22 ~~14-44-117. City collectors.~~

23 ~~(a) Every city of the second class within the State of Arkansas is~~
24 ~~empowered to elect a city collector at the time of the election of other~~
25 ~~officers of these cities.~~

26 ~~(b)(1) The collector's duties shall be to collect all fines, licenses,~~
27 ~~taxes, and all other revenues due the municipality, except taxes now~~
28 ~~collected by the sheriff and collector of a county as provided by law.~~

29 ~~(2) The collector shall also collect all taxes or benefits for~~
30 ~~any and all improvement districts or other agencies of government within the~~
31 ~~municipality.~~

32 ~~(c)(1)(A) The city council shall fix the amount and require a good and~~
33 ~~sufficient surety bond of that collector to protect the municipality in the~~
34 ~~safe handling and accounting to the city for all municipal funds which shall~~
35 ~~come into his or her hands.~~
36

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1 ~~(B) The council shall require the bond to be filed with the~~
2 ~~city recorder and made a permanent record after the bond has been recorded in~~
3 ~~the office of the circuit clerk of the county in which the municipality is~~
4 ~~located, as may be otherwise required by law.~~

5 ~~(2) For the safekeeping and the proper accounting of all funds~~
6 ~~collected by the collector for any and all improvement districts, that~~
7 ~~collector shall make and file a good and sufficient surety bond with each~~
8 ~~board of commissioners of any such district, as may be required by law.~~

9 ~~(3)(A) For any and all of the surety bonds required in this~~
10 ~~subsection of the collector, they may be made by any solvent surety company~~
11 ~~authorized to do business in the State of Arkansas.~~

12 ~~(B) The premiums for these bonds shall be paid by the~~
13 ~~municipality or the improvement district as each is affected.~~

14 ~~(d)(1) The city council shall fix the salary to be paid to the~~
15 ~~collector for his or her services.~~

16 ~~(2) If it is deemed to be in the best interests of the~~
17 ~~municipality or any improvement district affected, the council may provide~~
18 ~~that the collector may receive, in lieu of a fixed salary, fees as may be~~
19 ~~fixed by the council, or as otherwise provided by law.~~

20 ~~(e)(1) The council of any city in this state electing to exercise the~~
21 ~~rights conferred in this section may provide, by ordinance, for the~~
22 ~~applicability of this section.~~

23 ~~(2) All boards of commissioners of any and all improvement~~
24 ~~districts in these cities shall comply with the intent and purpose of this~~
25 ~~section, and any commissioner failing to so comply may be removed from office~~
26 ~~by the council.~~

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1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING MUNICIPAL
9 ORDINANCE CODIFICATION BY REFERENCE; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13 TO AMEND THE LAW CONCERNING MUNICIPAL
14 ORDINANCE CODIFICATION BY REFERENCE.
15
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 14-55-701(a), concerning the codification of
21 ordinances, is amended to read as follows:

22 (a) Any municipality is authorized and empowered to revise and codify
23 its ordinances, or any part of them, into one (1) or more volumes, either
24 bound or in loose-leaf form, ~~without the publication or posting of any part~~
25 thereof without setting forth the provisions of the code or parts thereof, if
26 three (3) copies of the code, or the pertinent parts thereof, and any related
27 documents are filed either electronically or by hard copy in the office of
28 the clerk of the municipality for inspection and viewing by the public before
29 the passage of the ordinances.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE ADMINISTRATION
9 OF PUBLIC OATHS; AND FOR OTHER PURPOSES.
10

Subtitle

11
12 TO AMEND THE LAW CONCERNING THE
13 ADMINISTRATION OF PUBLIC OATHS.
14
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 21-2-105(a)(3), concerning oaths of office
20 for public officials, is amended to read as follows:

21 (3) All other officers, both civil and military, shall take
22 their oaths before:

23 (A) The Secretary of State or his or her official
24 designee;

25 (B) A justice or judge of the:

26 (i) Supreme Court;

27 (ii) Court of Appeals;

28 (iii) Circuit court;

29 (iv) District court; or

30 (v) County court;

31 (C) The clerk of the county court;

32 (D) The clerk of the circuit court; ~~or~~

33 (E) A justice of the peace;

34 (F) A clerk of a city of the first class; or

35 (G) A recorder of a city of the second class or

36 incorporated town.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW TO INCREASE THE MAXIMUM SALES
9 OR USE TAX LEVIED AND COLLECTED ON CERTAIN PURCHASES;
10 AND FOR OTHER PURPOSES.
11
12

Subtitle

13 TO AMEND THE LAW TO INCREASE THE MAXIMUM
14 SALES OR USE TAX LEVIED AND COLLECTED ON
15 CERTAIN PURCHASES.
16
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 26-75-222(a), concerning the maximum tax
22 limitations on certain items, is amended to read as follows:

23 (a)(1) Any municipal general sales or use tax levied pursuant to this
24 subchapter shall be levied and collected only on the first ~~two thousand five~~
25 ~~hundred dollars (\$2,500)~~ five thousand dollars (\$5,000) of gross receipts,
26 gross proceeds, or sales price from the sale of a:

- 27 (A) Motor vehicle;
28 (B) Aircraft;
29 (C) Watercraft;
30 (D) Modular home;
31 (E) Manufactured home; or
32 (F) Mobile home.

33 (2) A vendor shall be responsible for collecting and remitting
34 the tax only on the first ~~two thousand five hundred dollars (\$2,500)~~ five
35 thousand dollars (\$5,000) of gross receipts, gross proceeds, or sales price
36 from the sale of a:

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- 1 (A) Motor vehicle;
- 2 (B) Aircraft;
- 3 (C) Watercraft;
- 4 (D) Modular home;
- 5 (E) Manufactured home; or
- 6 (F) Mobile home.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW TO REDUCE THE ADMINISTRATIVE
9 FEE CHARGED BY THE STATE TO COLLECT SALES TAX; AND
10 FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE LAW TO REDUCE THE
14 ADMINISTRATIVE FEE CHARGED BY THE STATE
15 TO COLLECT SALES TAX.
16
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 26-73-105(b), concerning the costs of tax
22 collection, is amended to read as follows:

23 (b) The director shall deduct from all revenues collected ~~pursuant to~~
24 under this subchapter up to ~~three percent (3%)~~ one and one-half percent
25 (1.5%) as a cost of collection.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS MUNICIPAL ACCOUNTING LAW
9 TO ALLOW MUNICIPALITIES TO ACCEPT DEBIT CARD AND
10 CREDIT CARD PAYMENTS; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO AMEND THE ARKANSAS MUNICIPAL
13 ACCOUNTING LAW TO ALLOW MUNICIPALITIES TO
14 ACCEPT DEBIT CARD AND CREDIT CARD
15 PAYMENTS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 14, Chapter 59 is amended to add an
23 additional section to read as follows:

24 14-59-119. Debit card and credit card payments.

25 (a) A municipality may accept a legal payment and any associated costs
26 through a debit card or credit card.

27 (b)(1) A municipality may enter into a contract with a credit card
28 company and pay any fee normally charged by the credit card company for
29 allowing the municipality to accept the credit card as payment as authorized
30 under subsection (a) of this section.

31 (2) When a payment is made through a credit card or debit card,
32 the municipality may assess a transaction fee.
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11/27/2018 01:11:39 PM KLC056

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO LIST ALL MANDATED EXEMPTIONS OF THE FREEDOM
9 OF INFORMATION ACT OF 1967 IN A SINGLE CODE SECTION;
10 AND FOR OTHER PURPOSES.
11
12

Subtitle

13 TO LIST ALL MANDATED EXEMPTIONS OF THE
14 FREEDOM OF INFORMATION ACT OF 1967 IN A
15 SINGLE CODE SECTION.
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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 25-19-110, concerning exemptions to the
22 Freedom of Information Act of 1967, is amended to add an additional
23 subsection to read as follows:

24 (c) Statutory exemptions to this chapter include without limitation:

- 25 (1) Sections 5-64-1104 -- 5-64-1108;
26 (2) Section 5-73-325;
27 (3) Section 6-15-503;
28 (4) Section 6-15-1304;
29 (5) Section 6-15-2909;
30 (6) Section 6-17-2804;
31 (7) Section 6-61-139;
32 (8) Section 9-27-309;
33 (9) Section 10-4-422;
34 (10) Section 11-10-902;
35 (11) Section 12-8-108;
36 (12) Section 12-12-913;

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- 1 (13) Section 12-12-1003;
- 2 (14) Section 12-14-109;
- 3 (15) Section 12-18-104;
- 4 (16) Section 12-27-148;
- 5 (17) Section 14-15-304;
- 6 (18) Section 16-46-105;
- 7 (19) Section 17-12-508; and
- 8 (20) Section 26-18-303.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

DRAFT KLC/KLC
HOUSE BILL

4
5 By: Representative <NA>

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE EXAMINATION
9 AND COPYING OF PUBLIC RECORDS; AND FOR OTHER
10 PURPOSES.

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Subtitle

14 TO AMEND THE LAW CONCERNING THE
15 EXAMINATION AND COPYING OF PUBLIC
16 RECORDS.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 25-19-105(b), concerning the examination and copying of public records, is amended to add additional subdivisions to read as follows:

(24) Confidential informant records maintained by a law enforcement agency, including without limitation names, addresses, photographs, and other identifying information;

(25) Records compiled, maintained, or created for the purposes of litigation and subject to disclosure under the Arkansas Rules of Civil Procedure or the Federal Rules of Civil Procedure;

(26) Records deemed privileged under the Arkansas Rules of Professional Conduct; and

(27) Photographs of law enforcement officers.

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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

DRAFT KLC/KLC
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE DISTRIBUTION
9 OF MUNICIPAL AID FUNDS; AND FOR OTHER PURPOSES.
10

Subtitle

11 TO AMEND THE LAW CONCERNING THE
12 DISTRIBUTION OF MUNICIPAL AID FUNDS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 27-70-207(c)(2), concerning the distribution
20 of municipal aid funds, is amended to read as follows:

21 (2) The Treasurer of State shall on or before the tenth day next
22 following the last day of each calendar month make distribution of the funds
23 on the basis of population according to the most recent federal decennial
24 census, with the amount to be paid over to each city or incorporated town by
25 direct deposit to the street fund in the proportion that its population bears
26 to the total population of all cities and towns.
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11/19/2018 10:48:24 AM KLC042

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Representative <NA>
6

A Bill

DRAFT KLC/KLC
HOUSE BILL

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING CERTAIN RUNOFF
9 ELECTIONS; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING CERTAIN
14 RUNOFF ELECTIONS.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code § 7-5-106(a)(2)(B)(ii), concerning runoff
20 elections for county and municipal officers, is amended to read as follows:

21 (ii) If required, the runoff general election
22 between the two (2) candidates shall be held in that municipality ~~four (4)~~
23 three (3) weeks following the date of the general election with the names of
24 the two (2) candidates placed on the ballot to be voted upon by the qualified
25 electors of the municipality.

26
27 SECTION 2. Arkansas Code § 14-43-304(c)(1), concerning mayors in cities
28 with a mayor-council form of government, is amended to read as follows:

29 (c)(1) If no candidate for mayor of a city of the first class receives
30 the requisite amount of the votes cast in the general election, the two (2)
31 candidates receiving the highest number of votes shall be certified to a
32 special runoff election that shall be held ~~four (4)~~ three (3) weeks from the
33 day on which the general election is held.

34
35 SECTION 3. Arkansas Code § 14-61-111(b)(3)(A), concerning the selection
36 of the mayor in a city manager form of government, is amended to read as

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1 follows:

2 (3)(A) If it is required that a candidate receive a minimum
3 percentage, less than fifty percent (50%), of the total votes cast for mayor
4 in order to be elected mayor without a runoff, and if no candidate for the
5 position of mayor receives at least the required percentage of the votes
6 cast, then the two (2) candidates receiving the highest number of votes shall
7 be the nominees for the position of mayor and shall be certified to a special
8 runoff election which shall be held ~~two (2)~~ three (3) weeks from the day on
9 which the general election is held.

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