

Arkansas Municipal League

**Draft
Legislation**



December 2012

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

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

DRAFT KLL/BAT
HOUSE BILL

4
5 By: Representative <NA>

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING RUNOFF ELECTIONS
9 FOR COUNTY AND MUNICIPAL OFFICERS; AND FOR OTHER
10 PURPOSES.

Subtitle

13 TO AMEND THE LAW CONCERNING RUNOFF
14 ELECTIONS FOR COUNTY AND MUNICIPAL
15 OFFICERS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

23 (a)(1) If there are more than two (2) candidates for election to any
24 county elected office, including the office of justice of the peace, at any
25 general election held in this state and no candidate for the county elected
26 office receives a majority of the votes cast for the county elected office,
27 there shall be a runoff general election held in that county three (3) weeks
28 following the date of the general election at which the names of the two (2)
29 candidates receiving the highest number of votes, but not a majority, shall
30 be placed on the ballot to be voted upon by the qualified electors of the
31 county.

32 (2)(A) The following procedure ~~will~~ shall govern if there are
33 more than two (2) candidates for election to ~~any~~ a municipal office at ~~any~~ a
34 general or special election held in this state in which no candidate for the
35 municipal office receives either:

36 (i) A majority of the votes cast; or

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1 (ii) A plurality of forty percent (40%) of the votes
2 cast.

3 (B)(i) A candidate who receives a plurality of forty
4 percent (40%) of the votes cast must obtain at least twenty percent (20%)
5 more of the votes cast than the second-place candidate for the municipal
6 office to avoid a runoff general election against the second-place candidate.

7 (ii) If required, the runoff general election
8 between the two (2) candidates shall be held in that municipality three (3)
9 weeks following the date of the general election with the names of the two
10 (2) candidates placed on the ballot to be voted upon by the qualified
11 electors of the municipality.

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1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

DRAFT KLL/BAT
HOUSE BILL

4
5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE SALARY OF A MUNICIPAL OFFICIAL
9 WHOSE PROFESSIONAL LICENSE OR REGISTRATION IS
10 SUSPENDED; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 CONCERNING THE SALARY OF A MUNICIPAL
14 OFFICIAL WHOSE PROFESSIONAL LICENSE OR
15 REGISTRATION IS SUSPENDED.
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18

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

21 SECTION 1. Arkansas Code § 14-42-113 is amended to read as follows:

22 14-42-113. Salaries of officials – Salary withheld if professional
23 license or registration suspended.

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

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

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

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1 (A) The elected official is required to hold a
2 professional license or registration as a qualification of his or her
3 position; and

4 (B) The elected official's professional license or
5 registration is suspended.

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

11 (3) Upon learning that an elected official's required
12 professional license or registration has been suspended, the governing body
13 of a city of the first class, city of the second class, or incorporated town
14 shall petition a court of competent jurisdiction for an order mandating that
15 the elected official's salary be withheld may cease paying the elected
16 official's salary from the date of suspension.

17 (4)(A) Upon restoration of his or her professional license or
18 registration, an elected official of a city of the first class, a city of the
19 second class, or an incorporated town may petition a ~~court of competent~~
20 ~~jurisdiction for an order mandating that the elected official's salary resume~~
21 the governing body of the city or town for a resumption of salary, and the
22 governing body shall initiate measures to ensure that the elected official's
23 salary is resumed.

24 (B) An elected official who receives an order for the
25 resumption of his or her salary under subdivision (b)(4)(A) of this section
26 shall not receive his or her salary for the period that the salary was
27 withheld.

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

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

- 34 (i) Health insurance;
35 (ii) Retirement contributions; and
36 (iii) Retirement benefits.

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1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

DRAFT KLL/BAT
HOUSE BILL

4
5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO REPEAL A MUNICIPAL POLITICAL SERVICE
9 STATUTE; AND FOR OTHER PURPOSES.

Subtitle

12 TO REPEAL A MUNICIPAL POLITICAL SERVICE
13 STATUTE.
14

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

19 SECTION 1. Arkansas Code § 14-42-115 is repealed.

20 ~~14-42-115. Volunteer firefighter or volunteer police officer on~~
21 ~~governing body.~~

22 ~~(a)(1) It is lawful for a volunteer firefighter or a volunteer police~~
23 ~~officer in any city of the first class, city of the second class, or~~
24 ~~incorporated town in this state to seek election to, and if elected, to serve~~
25 ~~as a member of the city council or other governing body of the city or town.~~

26 ~~(2) This service shall not be deemed a conflict of interest and~~
27 ~~shall not be prohibited by the civil service regulations of any city or town.~~

28 ~~(b) A person may serve and receive compensation as a member of the~~
29 ~~governing body of any city of the first class, city of the second class, or~~
30 ~~incorporated town and simultaneously serve as a volunteer firefighter or a~~
31 ~~volunteer police officer and receive compensation as a firefighter or a~~
32 ~~police officer.~~

33 ~~(c) The provisions of this section shall not apply after August 13,~~
34 ~~1993, to any city having a city administrator form of government.~~
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Tim Humphries' Version

14-43-311. Redistricting of wards.

(a) (1) (A) City councils in cities of the first class shall have the authority to redistrict the wards in their city when they determine that the people can best be served by adding wards, combining wards, or changing ward boundary lines to equalize the population in the various wards.

(B) It shall be the duty of the council to see that each ward has as nearly an equal population as would best serve the interest of the people of the city.

(C) When the council redistricts the wards in its city, it shall file a map showing the boundaries of the new wards with the county clerk of each county containing territory of the city no later than the first Monday of January of the year in which elections will initially be held pursuant to the new wards.

(D) When the council redistricts the wards in its city, it shall submit a digital map in a format prescribed by the Arkansas Geographic Information Office showing the boundaries of the new wards to the Secretary of State and the Arkansas Geographic Information Office no later than the first Monday of January of the year in which elections will initially be held pursuant to the new wards.

(2) (A) Within ninety (90) days after redistricting, if one hundred (100) or more qualified electors in the city are dissatisfied with the redistricting of the city into wards, they shall have the authority to petition the circuit court.

(B) The court, after due hearing, shall have authority to redistrict the city into such wards as the court shall deem best if the court finds that the redistricting action by the council was arbitrary and capricious.

(C) The court shall order the council to file the court-drawn map showing the boundaries of the new wards with the county clerk of each county containing territory of the city.

(D) The court shall order the council to submit a digital map showing the boundaries of the new wards in a format prescribed by the Arkansas Geographic Information Office to the Secretary of State and the Arkansas Geographic Information.

~~**(b)** At the next city election held, more than twenty (20) days after the approval of redistricted wards, there shall be elected from each of the new wards two (2) aldermen who shall organize the new city council at the first council meeting in January after their election.~~

~~**(c) (1) (A)** All aldermen elected in the city prior to redistricting of wards shall give up their positions to the new aldermen at the time for the organization of the new council, as provided in subsection (b) of this section.~~

~~— **(B)** From that date the terms of office of all previously elected aldermen shall cease and terminate.~~

~~— **(2) (A)** It shall be lawful to increase the number of wards or continue the same number of wards without affecting the terms of office of incumbent aldermen of the city.~~

~~**(B) (i)** When the wards ward boundaries are reapportioned changed so as to increase the number of wards or readjust existing wards so that such wards contain nearly equal population, the aldermen who remain in their old ward, or part thereof, shall continue in office.~~

(2) ~~(ii)~~ New aldermen shall be elected only for new wards actually formed out of the territory of old wards.

(d) (1) All clerk's costs and other costs incurred in the proceedings authorized in this section shall be paid by the persons at whose instance the services were rendered.

(2) (A) In case these proceedings result in the redistricting of the city into new wards, the compensation of those individuals making the redistricting shall be fixed by the circuit judge, certified to the city council, and paid out of the city treasury.

~~**(B)** This compensation shall not exceed the sum of twenty five dollars (\$25.00) each.~~

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1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

DRAFT KLL/KLL
HOUSE BILL

4
5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING MUNICIPAL POLICE
9 CHIEFS; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING MUNICIPAL
14 POLICE CHIEFS.

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Arkansas Code Title 14, Chapter 52, Subchapter 2 is amended
20 to read as follows:

21 Subchapter 2 -- ~~Cities of the First Class~~ Officers

22 14-52-201. Number of police officers.

23 The ~~city council in cities of the first class~~ governing body of a
24 municipality shall, by general ordinance, direct the number of subordinate
25 police officers to be appointed.

26
27 14-52-202. Powers and duties of police chiefs.

28 (a) The chief of police in ~~cities of the first class~~ a municipality
29 shall execute all process directed to him or her by the mayor and shall, by
30 himself or herself or by someone else on the police force, attend on the
31 sitting of the ~~police~~ district court to execute its orders and preserve order
32 therein.

33 (b)(1) The chief of police ~~shall have~~ has power to appoint one (1) or
34 more deputies from the police force, for whose official acts he or she ~~shall~~
35 be is responsible, and by whom he or she may execute all process directed to
36 him or her.

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1 (2) He or she shall have power, by himself or herself or by
2 deputy, to execute all ~~such~~ process in any part of the county in which the
3 ~~police district~~ court is situated or in which the ~~municipal district~~ court
4 has jurisdiction.

5 (3) For serving city warrants only, the chief of police or his
6 or her deputies shall be entitled to the fees allowed to ~~the sheriffs a~~
7 sheriff under § 21-6-307 for similar services in similar cases.

8 (4) All fees collected by the police chief and his or her
9 deputies for similar services shall be ~~paid over to~~ deposited into the city
10 treasury.

11 (c) It ~~shall be~~ is the chief of police's duty to suppress all riots,
12 disturbances, and breaches of the peace. To that end he or she may call upon
13 the citizens to assist him or her to apprehend all persons in the act of
14 committing any offense against the laws of the state or the ordinances of the
15 city, and he or she shall bring them immediately before the proper authority
16 for examination or trial.

17 (d) The chief of police ~~shall have~~ has power to pursue or arrest any
18 person fleeing from justice in any part of the state and to receive and
19 execute any proper authority for arrest and detention of criminals fleeing or
20 escaping from any other place or state.

21 (e) The chief of police ~~shall have~~ has, in the discharge of his or her
22 proper duties, like powers, and ~~shall be~~ is subject to like responsibilities
23 as sheriffs and constables in similar cases, and ~~shall be~~ is required by the
24 city council to give a bond for the faithful performance of his or her
25 duties, in ~~such a~~ a sum as ~~such~~ the council may require.

26
27 14-52-203. Duties of police officers.

28 (a) In ~~cities of the first class~~ a municipality, the duty of the chief
29 of police and other officers of the police department ~~shall be~~ is under the
30 direction of the mayor.

31 (b) It ~~shall be~~ is their duty to:

32 (1) Suppress ~~all riots, disturbances, and breaches~~ a riot,
33 disturbance, or breach of the peace;

34 (2) Pursue and arrest ~~any a~~ a person fleeing from justice in any
35 part of this state;

36 (3) Apprehend ~~any and all persons~~ a person in the act of

1 committing ~~any offenses~~ an offense against the laws of the state or the
2 ordinances of the city and forthwith bring the ~~persons~~ person before the
3 proper authority for trial or examination; and

4 (4) Diligently and faithfully enforce at all times all ~~such~~
5 laws, ordinances, and regulations for the preservation of good order and the
6 public welfare as the city council may ordain. For this purpose, ~~they shall~~
7 the chief of police and other officers of the police department have all the
8 power of constables.

9
10 14-52-204. Power to arrest.

11 In ~~cities of the first class~~ a municipality, the mayor or a police
12 officer of the city may, upon view, arrest any a person who may be whom he or
13 she has probable cause to believe is guilty of a breach of the ordinances of
14 the city or of ~~any a~~ a crime against the laws of the state and may, upon
15 reasonable information supported by affidavit, procure process for the arrest
16 of ~~any a~~ a person who may be charged with a breach of ~~any an~~ an ordinance of the
17 city.

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1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

DRAFT KLL/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE COLLECTION MECHANISM FOR THE
9 PARKS TAX; AND FOR OTHER PURPOSES.

Subtitle

12 CONCERNING THE COLLECTION MECHANISM FOR
14 THE PARKS TAX.

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 26-75-604 is amended to read as follows:
20 26-75-604. Disposition of revenues.

21 (a) All taxes, interest, penalties, and costs collected pursuant to a
22 tax levied by ~~the~~ a city as authorized in this subchapter shall be credited
23 to the city advertising and promotion fund which shall be created by the
24 ordinance levying the tax in the city.

25 (b)(1) When the electors of any city levy a gross receipts tax on
26 hotels and restaurants, and the ballot dedicates the tax for the development,
27 construction, and maintenance of city parks, the proceeds of the tax shall
28 not be deposited into the city advertising and promotion fund but shall be
29 deposited into a special fund to be used for the development, construction,
30 and maintenance of city parks. The funds shall be disbursed by the mayor upon
31 approval of the city council.

32 (2) The mayor and city council shall use the tax collection
33 mechanism under § 26-75-603.

34 (c) When the electors of any city levy a gross receipts tax as set
35 forth in subsection (b) of this section, and when the electors of that city
36 have pledged some or all of the proceeds thereof to the repayment of bonds as

1 set forth in § 26-75-606(b)(1) and (2) or § 26-75-613(a)(2), the proceeds so
2 pledged shall be deposited into the city advertising and promotion fund and
3 distributed by the city advertising and promotion commission in accordance
4 with the pledge and enactment of the electors.

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1 State of Arkansas
2 89th General Assembly
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A Bill

DRAFT KLL/BAT
HOUSE BILL

4
5 By: Representative <NA>

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING VEHICULAR SIZE AND
9 LOAD REGULATIONS FOR TRANSPORTATION; AND FOR OTHER
10 PURPOSES.

Subtitle

14 TO AMEND THE LAW CONCERNING VEHICULAR
15 SIZE AND LOAD REGULATIONS FOR
16 TRANSPORTATION.

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

20
21 SECTION 1. Arkansas Code § 27-35-103 is amended to read as follows:
22 27-35-103. Scope and effect of regulations.

23 (a) The maximum size and weight of vehicles specified in this chapter
24 ~~shall be~~ are lawful throughout this state, and local authorities ~~shall~~ have
25 no power or authority to alter these limitations, except as provided in this
26 chapter.

27 (b) Local authorities, with respect to highways, streets, or roads
28 under their jurisdiction, by ordinance or resolution, may prohibit the
29 operation of vehicles upon any highway, street, or road or impose
30 restrictions as to the weight of vehicles to be operated upon any highway,
31 street, or road, for a total period of not to exceed ninety (90) days in any
32 one (1) calendar year, whenever the highway, street, or road, by reason of
33 deterioration, rain, snow, or other climatic conditions will be seriously
34 damaged or destroyed unless the use of vehicles thereon is prohibited or the
35 permissible weights thereof reduced.

36 (c)(1) The local authority enacting any such ordinance or resolution

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1 shall erect, or cause to be erected and maintained, signs designating the
2 provisions of the ordinance or resolution at each end of that portion of any
3 highway, street, or road affected ~~thereby~~ by the ordinance or resolution.

4 (2) The ordinance or resolution shall not be effective unless
5 and until signs are erected and maintained.

6 (d)(1) Local authorities, with respect to highways, streets, or roads
7 under their jurisdiction, by ordinance or resolution, may also prohibit the
8 operation of trucks or other commercial vehicles or may impose limitations as
9 to the weight thereof on designated highways, streets, or roads.

10 (2) The prohibitions and limitations shall be designated by
11 appropriate signs placed on such highways, streets, or roads.

12 (e)(1) The State Highway Commission shall likewise have authority as
13 granted in this section to local authorities to determine by resolution and
14 to impose restrictions as to the weight of vehicles operated upon any
15 highways under the jurisdiction of the commission.

16 (2) The restrictions shall be effective when signs giving notice
17 ~~thereof~~ of the restrictions are erected upon the highway or portion of any
18 highway affected by such resolution.

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1 State of Arkansas
2 89th General Assembly
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A Bill

DRAFT KLL/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE FILING FOR A MUNICIPAL OFFICE;
9 AND FOR OTHER PURPOSES.
10

Subtitle

11 CONCERNING THE FILING FOR A MUNICIPAL
12 OFFICE.
13

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 14-42-206 is amended to read as follows:
20 14-42-206. Municipal elections – Nominating petitions. [Effective
21 October 2, 2011.]

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

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

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

32 (4) Candidates nominated for municipal office by political
33 primaries under this section shall be certified by the county party
34 committees to the county board of election commissioners and shall be placed
35 on the ballot at the general election.

36 (b)(1) Any person desiring to become an independent candidate for

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1 votes cast for the office to be filled shall be the nominees for the
2 respective offices, to be voted upon in a runoff election pursuant to § 7-5-
3 106.

4 (B) In any case, except for the office of mayor, in which
5 only one (1) candidate has filed and qualified for the office, the candidate
6 shall be declared elected and the name of the person shall be certified as
7 elected without the necessity of putting the person's name on the general
8 election ballot for the office.

9 (2) If the office of mayor is unopposed, then the candidate for
10 mayor shall be printed on the general election ballot and the votes for mayor
11 shall be tabulated as in all contested races.

12 (d)(1)(A) The governing body of any city of the first class, city of
13 the second class, or incorporated town may enact an ordinance requiring
14 independent candidates for municipal office to file petitions for nomination
15 as independent candidates with the county clerk:

16 (i) No earlier than twenty (20) days prior to the
17 preferential primary election; and

18 (ii) No later than 12:00 noon on the day before the
19 preferential primary election.

20 (B) The governing body may establish this filing deadline
21 for municipal offices even if the municipal offices are all independent or
22 otherwise nonpartisan.

23 (2)(A) The ordinance shall be enacted no later than ninety (90)
24 days prior to the filing deadline.

25 (B) The ordinance shall be published at least one (1) time
26 a week for two (2) consecutive weeks immediately following adoption of the
27 ordinance in a newspaper having a general circulation in the city.

28 (e) A person filing for municipal office may file for only one (1)
29 municipal office during the municipal filing period.

30 ~~(e)(f)~~ Nothing in this section shall repeal any law pertaining to the
31 city administrator form of government or the city manager form of government.

32 ~~(f)(g)~~ This section does not apply in any respect to the election of
33 district judges.

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A Bill

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

7
8 AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF
9 ALL-TERRAIN VEHICLES BY MUNICIPAL PUBLIC SAFETY
10 OFFICIALS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE LAW CONCERNING THE OPERATION
14 OF ALL-TERRAIN VEHICLES BY MUNICIPAL
15 PUBLIC SAFETY OFFICIALS.
16
17

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

21 SECTION 1. Arkansas Code § 27-21-106 is amended to read as follows:

22 27-21-106. Operation on public streets and highways unlawful –
23 Exceptions.

24 (a) It is unlawful for any person to operate an all-terrain vehicle on
25 the public streets and highways of this state, even if the all-terrain
26 vehicle otherwise meets the equipment standards of § 27-20-104, except under
27 the following conditions and circumstances:

28 (1) A person may operate an all-terrain vehicle on the public
29 streets and highways if the all-terrain vehicle is:

30 (A) Used in farming or hunting operations; and

31 (B) Operated on the public streets and highways in order
32 to get from one (1) field to another;

33 (2)(A) An all-terrain vehicle may be operated ~~upon~~ on the public
34 streets or highways if ~~the~~:

35 (i) ~~Vehicle~~ The all-terrain vehicle needs to make a
36 direct crossing of the street or highway to get from one (1) area to another;

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1 and

2 (ii) ~~Vehicle~~ The all-terrain vehicle:

3 (a) Comes to a complete stop;

4 (b) Yields the right-of-way to all oncoming
5 traffic that constitutes an immediate hazard; and

6 (c) Crosses the street or highway at an angle
7 of approximately ninety degrees (90°) to the direction of the street or
8 highway.

9 (B)(i) In crossing divided highways, the crossing may be
10 made only at an intersection of the highway with another public street or
11 highway.

12 (ii) In crossings made between the hours from one-
13 half ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) hour before sunrise or in
14 conditions of reduced visibility, the crossing may be made only with both
15 front and rear lights turned on;

16 (3)(A) A person who has lost one (1) or both legs above the
17 ankle or who otherwise has a serious walking ~~handicap~~ disability ~~shall be is~~
18 permitted to operate a three-wheeled, four-wheeled, or six-wheeled all-
19 terrain vehicle as a means of transportation on any of the following:

20 (i) A nonhard surfaced road;

21 (ii) The shoulders of all state and federal
22 highways, except as provided under subdivision (a)(3)(E) of this section; or

23 (iii) Public streets and roads when traveling on the
24 public street or road is the most reasonable route of access available to him
25 or her from one (1) off-road trail to another off-road trail or from his or
26 her private property to an off-road trail.

27 (B) An all-terrain vehicle used as provided under
28 subdivision (a)(3)(A) of this section by a person who has a serious walking
29 ~~handicap~~ disability shall be equipped with a red flag at least six inches
30 (6") wide and twelve inches (12") long on a pole or staff extending at least
31 thirty-six inches (36") above the level of the seat.

32 (C) For the purposes of this subdivision (a)(3), serious
33 walking ~~handicap~~ disability means any walking ~~handicap~~ disability certified
34 as serious by a licensed physician.

35 (D) A person operating an all-terrain vehicle as provided
36 under subdivision (a)(3)(A) of this section shall carry on his or her person

1 or on the vehicle the physician's certificate certifying that the person has
2 a serious walking ~~handicap~~ disability.

3 (E) A person operating an all-terrain vehicle as provided
4 under subdivision (a)(3)(A) of this section shall not operate the all-terrain
5 vehicle on any part of the federal interstate highway system or on fully-
6 controlled access highways;

7 (4)(A) An on-duty law enforcement officer or a person performing
8 an official law enforcement function may operate an all-terrain vehicle on
9 public streets and highways.

10 (B) A municipal on-duty firefighter or a person performing
11 an official firefighting function may operate an all-terrain vehicle on
12 public streets and highways.

13 (C) An emergency medical technician or a person performing
14 an official emergency medical technician function may operate an all-terrain
15 vehicle on public streets and highways; and

16 (5) An employee of a utility, telecommunications, or cable
17 company working during a time of emergency or severe weather may operate an
18 all-terrain vehicle on public streets and highways.

19 (b) When two (2) or more all-terrain vehicles are operating together
20 on a public street or highway as permitted in limited circumstances in this
21 chapter, the all-terrain vehicles shall be operated in single file except
22 while overtaking another vehicle. The operator of an all-terrain vehicle
23 overtaking another vehicle proceeding in the same direction shall pass at a
24 safe distance to the left until safely clear of the overtaken vehicle.
25 Nothing in this subsection shall be construed to prohibit an operator of an
26 all-terrain vehicle from overtaking and passing upon the right another
27 vehicle ~~which~~ that is making or about to make a left turn if the overtaking
28 and passing is accomplished in accordance with Arkansas law.

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

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

DRAFT KLL/KLL
HOUSE BILL

4
5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE FILLING OF VACANCIES IN CERTAIN
9 MUNICIPAL ELECTIVE OFFICES; AND FOR OTHER PURPOSES.
10

Subtitle

11
12 CONCERNING THE FILLING OF VACANCIES IN
13 CERTAIN MUNICIPAL ELECTIVE OFFICES.
14
15

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 14-45-103 is amended to read as follows:
20 14-45-103. Vacancies.

21 ~~The town council shall have power to fill vacancies which may occur in~~
22 ~~elective offices of the town or on the council from qualified electors of the~~
23 ~~town, who shall hold their appointments until the next biennial election and~~
24 ~~until their successors are elected and qualified.~~ (a) When a vacancy occurs
25 in the office of alderman in an incorporated town, at the first regular
26 meeting after the occurrence of the vacancy, the town council shall elect by
27 a majority vote of the town council an alderman to serve for the unexpired
28 term.

29 (b) When a vacancy occurs in the office of mayor in an incorporated
30 town, at the first regular meeting after the occurrence of the vacancy, the
31 town council shall:

32 (1) Elect by a majority vote of the aldermen a mayor to serve
33 the unexpired term; or

34 (2)(A) Call for a special election to be held in accordance with
35 § 7-11-101 et seq. to fill the vacancy.

36 (B) At the special election, a mayor shall be elected to

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1 complete the unexpired term.

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

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Representative <NA>
6

A Bill

DRAFT KLL/BAT
HOUSE BILL

For An Act To Be Entitled

8 AN ACT TO AMEND THE LOCAL GOVERNMENT JOINT INVESTMENT
9 TRUST ACT; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LOCAL GOVERNMENT JOINT
13 INVESTMENT TRUST ACT.
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 § 19-8-304 is amended to read as follows:
20 19-8-304. Creation of trusts.

21 (a) ~~Any ten~~ Ten (10) or more local governments may create a trust
22 under this subchapter ~~for the purpose of providing to provide~~ for the joint
23 investment of moneys not currently needed by the local governments creating
24 the trust and by other local governments which that become parties to the
25 trust.

26 (b) Each trust shall be created by trust agreement.

27 (c) Appropriate action by ~~ordinance, resolution, or otherwise pursuant~~
28 ~~to law of its governing body~~ the local depository board shall be is necessary
29 for ~~any~~ a local government to become a party to a trust agreement.
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Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

DRAFT KLL/BAT
HOUSE BILL

4
5 By: Representative <NA>

For An Act To Be Entitled

8 AN ACT CONCERNING TRANSPORTED NATURAL GAS; AND FOR
9 OTHER PURPOSES.

Subtitle

12 CONCERNING TRANSPORTED NATURAL GAS.

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15
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17
18 SECTION 1. Arkansas Code § 14-200-101(a), concerning municipal
19 authority over utilities, is amended to read as follows:

20 (a) As used in this section, "public utility" means any:

21 (1) An electric company;

22 (2) A gas company, including a gas company that transports gas
23 within the city limits by means of a pipeline that is not owned by the seller
24 of the transported gas;

25 (3) A sewer company;

26 (4) A telephone company; and

27 (5) any Any other company providing similar services similar to
28 those provided by companies under subdivisions (a)(1)-(4) of this section,
29 except:

30 (A) a A company excluded from the definition of "public
31 utility" under § 23-1-101(9)(B)(ii);

32 (B) a A consolidated utility district under the General
33 Consolidated Public Utility System Improvement District Law, § 14-217-101 et
34 seq.; and

35 (C) a A water or light commission under § 14-201-101 et
36 seq.

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

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Representative <NA>
6

A Bill

DRAFT KLL/BAT
HOUSE BILL

For An Act To Be Entitled

8 AN ACT TO ALLOW A CITY MANAGER FORM OF GOVERNMENT TO
9 APPROVE NEW WARD BOUNDARIES; AND FOR OTHER PURPOSES.

Subtitle

12 TO ALLOW A CITY MANAGER FORM OF
13 GOVERNMENT TO APPROVE NEW WARD
14 BOUNDARIES.
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17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 14-61-109 is amended to read as follows:
21 14-61-109. Determination of ward positions.

22 If a city affected by this chapter chooses to select some of its
23 members by ward, the ward positions shall be determined as follows:

24 (1) ~~The county board of election commissioners of the county~~
25 governing body shall divide the territory of the city into the number of
26 wards having substantially equal population, according to the most recently
27 published federal census of population in the city, equal to the number of
28 members of the governing ~~board~~ body to be elected from wards;

29 (2) ~~The county board of election commissioners~~ governing body
30 shall complete its apportionment of the respective districts from which
31 members of the governing ~~board~~ body of the cities shall be elected and shall
32 file it with the county clerk of the county and with the city clerk of the
33 applicable city;

34 (3) The districts or wards so established ~~by the board~~, unless
35 changed or modified by order of a court of competent jurisdiction, shall be
36 the wards of the city from which each of the respective members of the

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1 governing body of the city are to be elected;

2 (4) Following each federal decennial census of population, and
3 following any special federal census of population within a particular city,
4 if there has been a substantial change in the population of the wards from
5 the preceding federal census, the ~~county board of election commissioners~~
6 governing body shall reapportion the wards in each city in the manner and
7 procedure as provided in this subsection from which the members of the
8 governing ~~board~~ body are to be elected; and

9 (5) Notwithstanding the provisions of any other act, candidates
10 for ward positions shall be residents of the ward they wish to represent.
11 Unless the electors choose otherwise, only those qualified electors residing
12 in a ward may vote on a candidate from that ward.

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

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

DRAFT KLL/KLL
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING REPORTS FOR SALES AND USE TAXES;
9 AND FOR OTHER PURPOSES.

Subtitle

13 CONCERNING REPORTS FOR SALES AND USE
14 TAXES.

15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 26-73-115 is amended to read as follows:
20 26-73-115. Sales and use tax reports.

21 ~~(a)(1) Upon a request made in accordance with this section,~~ The
22 Department of Finance and Administration shall prepare a report listing all
23 businesses remitting sales and use taxes for ~~the requesting governmental~~
24 entity counties and municipalities.

25 ~~(b)(2) In order to obtain a report from the department, no more than~~
26 quarterly, the The chief executive officer of a county, city, or town
27 municipality, or his or her designee, may request a this quarterly report
28 from the department ~~on the information noted in subsection (a) of this~~
29 section upon annual request.

30 ~~(e)(3) The department shall provide the requested information report~~
31 within thirty (30) calendar days ~~of~~ following the initial request and
32 following the end of the calendar quarter for subsequent reports.

33 (b)(1) Upon registration in the manner established by the department,
34 beginning with local taxes distributed to the local taxing entity in January
35 2014, the department shall provide an additional report explaining the source
36 and composition of tax collections that can be used to monitor local sales

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1 tax collections and trends.

2 (2) The department shall make the requested information
3 available:

4 (A) Not later than thirty (30) calendar days following the
5 most recent monthly tax distribution; and

6 (B) By dedicated online account in usable electronic
7 worksheet or PDF format.

8 (3) The information provided in the report described in
9 subsection (a) of this section may be combined and included along with the
10 information described in this subsection (b).

11 (4) The report shall include the following, based upon
12 information for the most recent month and calendar year to date:

13 (A) A schedule or schedules of separate amounts for net
14 sales and use tax collections, rebates, and other adjustments with totals for
15 each taxpaying or collecting entity identified by account identification
16 number, North American Industry Classification System code, business name,
17 and reporting address;

18 (B) The amount of sales and use tax collected related to
19 automobiles and other personal property when the tax is paid by the purchaser
20 when registered with the state in one (1) amount for each separate category
21 of personal property;

22 (C) The amounts of excise taxes associated with vending
23 machines, decals, and other activity included in local tax distributions with
24 separate amounts identified for each category of tax;

25 (D) The combined totals of tax collections per the
26 schedules listed in this subdivision (b)(4), plus totals for any other
27 collection source or deduction for any month, that equal the related total
28 tax distributed by the Treasurer of State to the county or municipality for
29 that particular month before any deductions or adjustments made by the
30 Treasurer of State; and

31 (E) A schedule of total collections grouped by North
32 American Industry Classification System code category that equal the total
33 reflected on the schedule described in subdivision (b)(4)(D) of this section.

34 (c) Upon request, the department shall also provide:

35 (1) Additional information related to prior period audit
36 adjustments, refund claims, amended returns, or other adjustments that affect

1 current period distributions; and

2 (2) Information identifying the original period of tax activity
 3 and the reason for the prior period adjustment.

4 (d) Information shall also be provided as requested or needed to
 5 understand factors that have or have had a material impact on current or
 6 prior year tax collections and that are necessary to achieve the objectives
 7 described in subsection (b) of this section.

8 (e)(1) The release of information described and authorized by
 9 subsection (b) of this section shall require a written agreement by the local
 10 government that specific taxpayer information remain confidential.

11 (2) Any specific taxpayer information that is provided to a
 12 local government is exempt from release under the Freedom of Information Act
 13 of 1967, § 25-19-101 et seq.

14 (3) The department shall not release actual tax returns, forms,
 15 or reports submitted or used in the process of tax administration.

16
 17 SECTION 2. Arkansas Code § 26-18-303(b)(16), concerning confidential
 18 and privileged records, is amended to read as follows:

19 (16)(A) Disclosure to county assessors of information that may
 20 affect personal property tax assessments, including information obtained
 21 during the course of audits or investigations concerning motor vehicles,
 22 boats, trailers, airplanes, or other items of personal property that may be
 23 subject to assessment in that county.

24 (B) This information may be released only following
 25 completion of an audit or investigation by the Director of the Department of
 26 Finance and Administration and following a determination by the Director of
 27 the Department of Finance and Administration that there is a strong
 28 possibility the taxpayer has failed to properly assess the taxpayer's
 29 personal property in the county.

30 (C) In providing this information, the Director of the
 31 Department of Finance and Administration shall not allow the county assessors
 32 to examine any tax returns or audit records.

33 (D) The reports and information provided to the chief
 34 executive officer of a county or municipality or his or her designee under §
 35 26-73-115 that explain the source, composition, or trends of local sales tax
 36 collections and require a written agreement by the local government that

1 specific taxpayer information shall remain confidential;

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

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

DRAFT KLL/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING SCRAP METAL DEALERS AND SALES; AND
9 FOR OTHER PURPOSES.
10

Subtitle

11 CONCERNING SCRAP METAL DEALERS AND SALES.
12

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15
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
17

18 SECTION 1. Arkansas Code § 17-44-101 is amended to read as follows:

19 17-44-101. Definitions.

20 As used in this chapter:

21 (1) "Beverage or food containers" means a can, bottle, jar, or
22 other container made of aluminum or metal that is sealed by a manufacturer;

23 (2) "Minor" means a person under eighteen (18) years of age;

24 (3)(A) "Nonferrous metal" means a metal that does not contain
25 significant quantities of iron or steel.

26 (B) "Nonferrous metal" includes without limitation the
27 following metals and their alloys:

28 (i) Copper;

29 (ii) Brass;

30 (iii) Aluminum;

31 (iv) Bronze;

32 (v) Lead;

33 (vi) Zinc; and

34 (vii) Nickel;

35 (4) "Person" means an individual, a partnership, a corporation,
36 a joint venture, a trust, an association, or any other legal entity;

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1 (5) "Record" means paper, electronic, or other method of storing
 2 information;

3 (6) "Restricted scrap metal" means, including without limitation
 4 the following:

5 (A)(i) Property owned by:

6 (a) A telephone company;

7 (b) A cable company;

8 (c) An electric company;

9 (d) A water company;

10 (e) A public utility;

11 (f) A railroad; or

12 (g) A brewer; and

13 (ii) Marked or identified by:

14 (a) Utility access covers;

15 (b) Street light poles and fixtures;

16 (c) Road and bridge rail guards;

17 (d) Highway or street signs;

18 (e) Water meter covers or backflow regulators;

19 (f) Metal beer kegs including those made of
 20 stainless steel that are clearly marked as being the property of a beer
 21 manufacturer;

22 (g) Traffic directional and control signs;

23 (h) Traffic light signals;

24 (i) Any scrap metal marked with the name of a
 25 governmental entity;

26 (j) Aluminum wire or siding;

27 (k) Historical markers, grave markers, or
 28 burial vases;

29 (l) Scrap metal that has been burned, melted,
 30 or smelted;

31 (m) Air conditioning unit parts;

32 (n) Any scrap metal that has been brightly
 33 painted or marked to deter theft of the scrap metal; or

34 (o) Copper pipes, tubing, wires, or gutters;

35 ~~(6)~~(7) "Scrap metal" means bits and pieces of metal parts that
 36 may be combined together with bolts or soldering and can be recycled when

1 worn or superfluous;

2 ~~(7)~~(8) "Scrap metal processor" means a person that, from a fixed
3 location, engages in the business of using machinery or equipment for the
4 processing or manufacturing of iron, steel, or nonferrous metal scrap;

5 ~~(8)(A)~~(9)(A) "Scrap metal recycler" means any person that
6 purchases scrap metal.

7 (B) "Scrap metal recycler" does not include a person that
8 only buys in quantities of five thousand pounds (5,000 lbs.) or more; and

9 ~~(9)(A)~~(10)(A) "Seller" means any person that receives in a
10 transaction monetary consideration from a scrap metal recycler in exchange
11 for nonferrous metal, iron, or steel, including without limitation copper,
12 brass, aluminum, bronze, lead, zinc, nickel, and their alloys.

13 (B) "Seller" does not include a person that sells scrap
14 metal generated in a manufacturing or production process and sold to a scrap
15 metal recycler under a contract or an agreement.

16

17 SECTION 2. Arkansas Code § 17-44-102 is amended to read as follows:
18 17-44-102. Records required.

19 ~~(a) As used in this section, "reasonable, written documentation" means~~
20 ~~a written document that includes the following information provided by the~~
21 ~~seller of the scrap metal to the scrap metal recycler:~~

22 ~~(1) The name of the entity or individual from whom the seller~~
23 ~~acquired the scrap metal;~~

24 ~~(2) The date the seller acquired the scrap metal;~~

25 ~~(3) The physical address from where the seller acquired the~~
26 ~~scrap metal;~~

27 ~~(4) An affirmation or certification from the seller in the~~
28 ~~written document that he or she is the owner of the scrap metal or is the~~
29 ~~employer, agent, licensed contractor, licensed HVACR, plumber, electrician,~~
30 ~~or other person authorized to sell the scrap metal on behalf of the owner;~~
31 ~~and~~

32 ~~(5) An affirmation or certification from the seller in the~~
33 ~~written document that he or she has not pleaded guilty or nolo contendere to~~
34 ~~or been found guilty of theft, burglary, or vandalism when the offense~~
35 ~~involved scrap metal.~~

36 ~~(b) A seller shall not sell and a scrap metal recycler shall not~~

1 ~~purchase scrap metal unless reasonable, written documentation is provided~~
2 ~~that the seller is the owner of the scrap metal or is an employee, agent, or~~
3 ~~other person authorized to sell the scrap metal on behalf of the owner.~~

4 ~~(c)(1) Each scrap metal recycler doing business in the State of~~
5 ~~Arkansas shall maintain an accurate and legible record of each scrap metal~~
6 ~~purchase transaction.~~

7 ~~(2) Individual records shall not be required for a series of~~
8 ~~scrap metal purchase transactions made under a contract.~~

9 ~~(3) The data required under subdivision (d)(1) of this section~~
10 ~~may be maintained for repeat sellers in a relational database allowing the~~
11 ~~scrap metal recycler to record the information one (1) time and relate future~~
12 ~~purchase records to that information.~~

13 ~~(4) A municipality or county may require by ordinance electronic~~
14 ~~or digital records and reporting methods.~~

15 ~~(d) The record of each scrap metal purchase transaction shall contain~~
16 ~~the following information taken at the time of sale and kept on record:~~

17 ~~(1) The name, address, gender, birth date, and identifying~~
18 ~~number from the seller's driver's license, military identification card,~~
19 ~~passport, or other form of government issued photo identification;~~

20 ~~(2) A photocopy of the government issued photo identification~~
21 ~~provided under subdivision (d)(1) of this section;~~

22 ~~(3) The date of the scrap metal purchase transaction;~~

23 ~~(4) The digital thumbprints of the seller;~~

24 ~~(5)(A) A general description of the predominant types of scrap~~
25 ~~metal purchased.~~

26 ~~(B) The general description shall be made in accordance~~
27 ~~with the custom of the trade;~~

28 ~~(6) A general description of the configuration of the scrap~~
29 ~~metal and whether the material is insulated;~~

30 ~~(7) The weight, quantity, or volume, recorded in accordance with~~
31 ~~the custom of the trade, of the scrap metal purchased;~~

32 ~~(8) The consideration paid;~~

33 ~~(9) The license plate number of the vehicle used in transporting~~
34 ~~the materials to the scrap metal recycler's place of business; and~~

35 ~~(10)(A) A clearly identifiable date and time stamped digital~~
36 ~~photograph of the:~~

1 ~~(i) Seller; and~~
 2 ~~(ii) Scrap metal in the form in which it was~~
 3 ~~purchased.~~

4 ~~(B) The name of the person taking the photographs under~~
 5 ~~this subdivision (10) shall be recorded and provided with the photographs.~~

6 ~~(c) The photocopy required under subdivision (d)(2) of this section,~~
 7 ~~the digital thumbprints required under subdivision (d)(4) of this section,~~
 8 ~~and the digital photographs taken required under subdivision (d)(10)(A) of~~
 9 ~~this section shall be reasonably clear.~~

10 ~~(f)(1) For records required under subsections (a) and (d) of this~~
 11 ~~section, a scrap metal recycler shall file a daily electronic record of scrap~~
 12 ~~metal purchases made for that day.~~

13 ~~(2) The report shall be made daily by entering the information~~
 14 ~~into an automated database which may be interfaced by law enforcement~~
 15 ~~statewide.~~

16 ~~(g) The records required under this section shall be:~~

17 ~~(1) Kept for a period of one (1) year;~~

18 ~~(2) Made available to any law enforcement office of the State of~~
 19 ~~Arkansas and any Arkansas municipality or county; and~~

20 ~~(3) Available for use in any legal proceeding.~~

21 ~~(h) This section does not apply to transactions:~~

22 ~~(1) In which a scrap metal processor purchases, transfers, or~~
 23 ~~otherwise conveys scrap metal to another scrap metal processor if the~~
 24 ~~purchaser or transferee obtained a bill of sale or similar document at the~~
 25 ~~time of transfer;~~

26 ~~(2) Involving only beverage or food containers; or~~

27 ~~(3) Involving only ferrous metals.~~

28 (a)(1) Each scrap metal recycler doing business in the State of
 29 Arkansas shall maintain an accurate and legible record of each scrap metal
 30 purchase transaction.

31 (2) The data required under subdivision (b)(1) of this section
 32 may be maintained for repeat sellers in a relational database allowing the
 33 scrap metal recycler to record the information one (1) time and relate future
 34 purchase records to that information.

35 (3) A municipality or county may require by ordinance electronic
 36 or digital records and reporting methods.

1 (b) The record of each scrap metal purchase transaction shall contain
2 the following information taken at the time of sale and be kept on record:

3 (1) The name, address, gender, birth date, and identifying
4 number from the seller's driver's license, military identification card,
5 passport, or other form of government-issued photo identification;

6 (2) A photocopy of the government-issued photo identification
7 provided under subdivision (b)(1) of this section;

8 (3) The date of the scrap metal purchase transaction;

9 (4) The digital thumbprints of the seller;

10 (5)(A) A general description of the predominant types of scrap
11 metal purchased.

12 (B) The general description shall be made in accordance
13 with the custom of the trade;

14 (6) A general description of the configuration of the scrap
15 metal and whether the material is insulated;

16 (7) The weight, quantity, or volume, recorded in accordance with
17 the custom of the trade, of the scrap metal purchased;

18 (8) The consideration paid;

19 (9) The license plate number of the vehicle used in transporting
20 the materials to the scrap metal recycler's place of business; and

21 (10)(A) A clearly identifiable date-and-time-stamped digital
22 photograph of the:

23 (i) Seller;

24 (ii) Scrap metal in the form in which it was
25 purchased; and

26 (iii) The name of the person taking the photographs
27 under this subdivision shall be recorded and provided with the photographs.

28 (B) In lieu of a photograph of the seller, the seller may
29 instead provide an imprint of his or her fingerprint.

30 (c) The photocopy required under subdivision (b)(2) of this section,
31 the digital thumbprints required under subdivision (b)(4) of this section,
32 and the digital photographs taken required under subdivision (b)(10)(A) of
33 this section shall be reasonably clear.

34 (d)(1) For records required under subsection (b) of this section, a
35 scrap metal recycler shall file a daily electronic record of scrap metal
36 purchases made for that day.

1 (2) The report shall be made daily by entering the information
2 into an automated database which may be accessed by law enforcement
3 statewide.

4 (e) A seller shall provide the following to a purchaser:

5 (1) A copy of a valid driver's license, military identification
6 card, passport, or other form of government-issued photo identification;

7 (2) A valid, verifiable, and signed statement provided by the
8 seller that the seller is the owner or is otherwise authorized to sell the
9 scrap metal;

10 (3) The name, address, phone number, and vehicle tag of the
11 seller; and

12 (4) A general description of where and how the seller acquired
13 the scrap metal.

14 (f) The records required under this section shall be:

15 (1) Kept for a period of one (1) year;

16 (2) Made available to any law enforcement office of the State of
17 Arkansas and any Arkansas municipality or county; and

18 (3) Available for use in any legal proceeding.

19 (g) This section shall not apply to transactions:

20 (1) In which a scrap metal processor purchases, transfers, or
21 otherwise conveys scrap metal to another scrap metal processor if the
22 purchaser or transferee obtained a bill of sale or similar document at the
23 time of transfer and the value of the transaction is greater than five
24 thousand dollars (\$5,000);

25 (2) Involving only beverage or food containers; or

26 (3) Involving only ferrous metals.

27
28 SECTION 3. Arkansas Code § 17-44-106 is amended to read as follows:
29 17-44-106. Penalties.

30 (a) A person that violates this chapter may be assessed a civil
31 penalty of no more than five hundred dollars (\$500) per violation.

32 (b) Any person that knowingly gives false information with respect to
33 the matters required to be maintained in the records provided for in this
34 chapter is guilty of a Class A misdemeanor.

35 (c) A person that commits a second or subsequent violation of this
36 subchapter within five (5) years of a previous conviction under this

1 subchapter upon conviction is guilty of a Class C felony.

2
3 SECTION 4. Arkansas Code Title 17, Chapter 44 is amended to add an
4 additional section to read as follows:

5 17-44-107. Restrictions on the purchase of certain items.

6 (a) A seller shall not sell and a scrap metal recycler shall not
7 purchase restricted scrap metal unless:

8 (1) The seller is a licensed contractor, subcontractor, plumber,
9 or electrician;

10 (2) The scrap metal recycler follows all requirements of § 17-
11 44-102;

12 (3) The seller presents and the scrap metal recycler records the
13 seller's valid and current HVAC, contractor's, plumber's, or electrician's
14 license number; and

15 (4) The seller provides reasonable, valid, and verifiable
16 documentation that the seller is the owner of the scrap metal or is an
17 employee, agent, or other person authorized to sell the scrap metal on behalf
18 of the owner, and the seller provides written authorization from the actual
19 owner, including a phone number, clearly authorizing the sale of the
20 restricted scrap metal by the seller.

21 (b)(1) A scrap metal recycler shall not make a cash payment to a
22 seller known by the recycler to have pleaded guilty or nolo contendere to or
23 to have been found guilty of theft, burglary, or vandalism when the offense
24 involved scrap metal.

25 (2) Payments to a seller who has pleaded guilty or nolo
26 contendere to or has been found guilty of theft, burglary, or vandalism in
27 which the offense involved scrap metal shall be made by one of the following
28 means:

29 (A) A check mailed to the seller; or

30 (B) An electronic funds transfer initiated no earlier than
31 three (3) days after the date of the transaction.

32 (3) A scrap metal recycler shall request a list of persons who
33 have pleaded guilty or nolo contendere to or have been found guilty of theft,
34 burglary, or vandalism in which the offense involved scrap metal from the
35 appropriate law enforcement agency.

36 (c) This section does not apply to transactions in which a scrap metal

1 processor purchases, transfers, or otherwise conveys scrap metal with a value
2 of at least five thousand dollars (\$5,000) to another scrap metal processor.

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

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

DRAFT KLL/BAT
HOUSE BILL

5 By: Representative <NA>
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE FILING PERIOD FOR CITY OFFICES
9 IN A CITY ADMINISTRATOR FORM OF GOVERNMENT; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12 CONCERNING THE FILING PERIOD FOR CITY
13 OFFICES IN A CITY ADMINISTRATOR FORM OF
14 GOVERNMENT.
15
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18

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

21 SECTION 1. Arkansas Code § 14-48-109(a)(3), concerning the filing
22 period in a city administrator form of government, is amended to read as
23 follows:

24 (3) Any person desiring to become a candidate for mayor or
25 director shall file with the city clerk not less than ~~seventy (70)~~ seventy-
26 five (75) days nor more than ninety (90) days prior to the primary election
27 by 12:00 noon a statement of his or her candidacy in substantially the
28 following form:

29 "STATE OF ARKANSAS

30 COUNTY OF
31

32 I,, being first duly sworn, state that I reside at
33 Street, City of, County and State aforesaid;
34 that I am a qualified elector of said city and the ward in which I reside;
35 that I am a candidate for nomination to the office of _____,
36 (Mayor) (Director)

DRAFT

1 to be voted upon at the primary election to be held on the
2 day of, 20....., and I hereby request that my name be placed
3 upon the official primary election ballot for nomination by such primary
4 election for such office and I herewith deposit the sum of ten dollars
5 (\$10.00), the fee prescribed by law.”;

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

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

DRAFT KLL/KLL
HOUSE BILL

4

5 By: Representative <NA>

6

7

For An Act To Be Entitled

8

AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF
9 GOLF CARTS ON CITY STREETS; AND FOR OTHER PURPOSES.

10

11

12

Subtitle

13

TO AMEND THE LAW CONCERNING THE OPERATION
14 OF GOLF CARTS ON CITY STREETS.

15

16

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

18

19 SECTION 1. Arkansas Code § 14-54-1410 is amended to read as follows:

20

14-54-1410. Operation of golf carts on city streets.

21

22

(a) It shall be within the municipal affairs and authority of any
municipality in the State of Arkansas to authorize, by municipal ordinance,
23 any owner of a golf cart to operate the golf cart upon the city streets of
24 the municipality; provided, however, operation shall not be authorized on
25 city streets which are also designated as federal or state highways or as a
26 county road.

27

28

~~(b) The municipality may authorize the operation of golf carts on city
streets only from the owner's place of residence to the golf course and to
29 return from the golf course to the owner's residence.~~

30

31

~~(e)~~(b) When authorized by the municipality to operate on the city
streets and limited to the circumstances and provisions of this section,
32 there shall be no motor vehicle registration or license necessary to operate
33 the golf cart on the public street.

34

35

~~(d)~~(c) The term "municipality" as used in this section means any city
of the first class, city of the second class, or an incorporated town.

36

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