

SUMMARY OF GENERAL LEGISLATION

.....

90TH GENERAL ASSEMBLY
OF THE STATE OF ARKANSAS

2016

Second Extraordinary Session

April 6, 2016 – April 8, 2016

.....

Third Extraordinary Session

May 19, 2016 – May 23, 2016



Bureau of Legislative Research
June 2016

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One Capitol Mall
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Telephone: 501.682.1937
Fax: 501.682.1936
Website: www.arkleg.state.ar.us

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SECOND EXTRAORDINARY SESSION ACTS

HEALTH

MEDICAID

Arkansas Works Program

ACT 1 (HB1001) and ACT 2 (SB1) are identical acts that create the Arkansas Works Program to allow insurance companies to provide health insurance coverage for eligible Medicaid individuals and to allow employers to offer employer health insurance coverage for eligible Medicaid individuals. The acts also terminate the Health Care Independence Program on December 31, 2016, repeal the offset of an assessment fee within the Arkansas Health Insurance Marketplace against the insurance premium tax, create the Arkansas Works Program Trust Fund, and end the Health Care Independence Program Trust Fund on January 1, 2017. The acts declare an emergency for Sections 1-2 and 5-7 of the acts, which became effective on April 8, 2016. Sections 3 and 4 of the acts become effective on January 1, 2017.

THIRD EXTRAORDINARY SESSION ACTS

CITIES AND COUNTIES

IMPROVEMENT DISTRICTS

Filling of Vacancies

ACT 6 (HB1008) and ACT 7 (SB3) are identical acts that streamline the process for the filling of vacancies of certain improvement districts, including levee, drainage, irrigation, watershed, and river improvement districts. The acts also involve the Arkansas Natural Resources Commission in the process of filling vacancies. The acts declare an emergency and became effective on May 23, 2016.

COMMERCIAL LAW

UNLAWFUL BUSINESS PRACTICES

Property Right in Individual's Name, Voice, and Likeness

ACT 8 (HB1002) and ACT 9 (SB9) are identical acts that provide for a property right in the commercial use of an individual's name, voice, signature, photograph, likeness, or any combination thereof. The acts provide that the property right is transferrable and descendible, and after death consent to use the right shall be by no less than fifty and one-thousandths percent (50.001%) of the owners of the right, who share any profits or remuneration as a result of its use. The acts also provide for a civil action for actual damages and disgorgement of profits that are attributable to the commercial use if the commercial use has not been authorized and is not exempt, and the acts require that the property right be registered with the Secretary of State by a successor in interest before recovery of damages is allowed. The acts create exemptions for the commercial use of the property right under certain circumstances.

CRIMINAL LAW AND PROCEDURE

OFFENSES AGAINST THE PERSON

Sexual Indecency with a Child

ACT 18 (SB4) and ACT 19 (HB1011) are identical acts that amend the criminal offense of sexual indecency with a child in light of the holding of the Arkansas Supreme Court case *State v. Coble* by reiterating that the sexual gratification of the actor himself or herself is all that is required when the actor coerces a minor to expose his or her sex organs and that a third person need not be present. The acts declare an emergency and became effective on May 23, 2016.

EDUCATION - GENERAL

EDUCATION DEPARTMENT

School Ratings and Academic Distress Identification

ACT 20 (SB14) and ACT 21 (HB1001) are identical acts that prohibit the Department of Education during the 2016-2017 school year from identifying schools or school districts as being in academic distress and from assigning school ratings. The acts declare an emergency and became effective on May 23, 2016.

SCHOOL ELECTIONS

Requirements for Holding Elections

ACT 14 (SB1) and ACT 15 (HB1005) are identical acts that make various amendments to Arkansas law to permit annual school elections to occur in November, including allowing the school election to appear on the general election ballot, requiring that the same polling sites be used for the school election and general election if the school election is held with the general election, and providing that early voting for the school election shall coincide with early voting for the general election if the school election is held with the general election. The acts declare an emergency and became effective on May 23, 2016.

ELECTIONS

SCHOOL ELECTIONS

Requirements for Holding Elections

ACT 14 (SB1) and ACT 15 (HB1005) are identical acts that make various amendments to Arkansas law to permit annual school elections to occur in November, including allowing the school election to appear on the general election ballot, requiring that the same polling sites be used for the school election and general election if the school election is held with the general election, and providing that early voting for the school election shall coincide with early voting for the general election if the school election is held with the general election. The acts declare an emergency and became effective on May 23, 2016.

EMERGENCY SERVICES

MANAGEMENT

Earthquake-resistant Design Requirements

ACT 22 (HB1014) and ACT 23 (SB5) are identical acts that change the earthquake-resistant design requirements for certain buildings and other structures. The acts contain an emergency clause and became effective on May 23, 2016.

FAMILY LAW

JUVENILES

Access to Confidential Information by Certain Persons and Entities

ACT 16 (HB1013) and ACT 17 (SB8) are identical acts that allow a person, agency, or organization engaged in bona fide research to obtain otherwise confidential information regarding a juvenile that is compiled by a juvenile detention facility, a community-based provider for the Division of Youth Services, or the division. The acts prohibit confidential information from being redisclosed or published. The acts declare an emergency and became effective on May 23, 2016.

HEALTH

MEDICAID

Arkansas Works Program - Sunset

ACT 12 (HB1003) and ACT 13 (SB2) are identical acts that reenact the original date of the sunset of the Arkansas Works Program as December 31, 2021, as established by identical Acts 1 and 2 of 2016 (2nd Ex. Sess.).

HIGHWAYS AND TRANSPORTATION

HIGHWAY AND TRANSPORTATION DEPARTMENT

Funding and State Highway Commission Reporting

ACT 1 (HB1009) creates the Arkansas Highway Transfer Fund to provide for additional funding for the Arkansas State Highway and Transportation Department; transfers forty million dollars (\$40,000,000) from the General Improvement Fund to the Arkansas Highway Transfer Fund; eliminates the State Central Services deduction for the temporary one-half-cent sales tax; allocates twenty-five percent (25%) of general revenues remaining after making the maximum annual allocation to the Arkansas Highway Transfer Fund; redirects four million dollars (\$4,000,000) of diesel tax from general revenue to the Arkansas State Highway and Transportation Department Fund; and creates the Highway Commission Review and Advisory Subcommittee of the Legislative Council to review and publish proposed rules of the State Highway Commission regarding the distribution of highway funds and the spending priority designated for highway construction contracts and public road construction projects. The act also requires the State Highway Commission to provide the Highway Commission Review and Advisory Subcommittee of the Legislative Council with a report on the progress of each public road construction project of ten million dollars (\$10,000,000) or more. Sections 9-12, 14, 16 and 17 of the act become effective July 1, 2017. The act declares an emergency, and Sections 1-8, 13, 15 and 18-21 become effective on July 1, 2016.

LABOR AND INDUSTRIAL RELATIONS

WORKERS' COMPENSATION

Tax Reduction and Death and Permanent Total Disability Trust Fund

ACT 4 (HB1010) and ACT 5 (SB13) are identical acts that end payments from the Death and Permanent Total Disability Trust Fund for claims for death or permanent total disability benefits that are filed on and after June 30, 2019. The acts lower the employers' tax under the Workers' Compensation Law to not more than one and five-tenths percent (1.5%) after the final payment is made through the Death and Permanent Total Disability Trust Fund.

PROFESSIONS AND OCCUPATIONS

PRIVATE INVESTIGATORS AND SECURITY AGENCIES

Eligibility for Licensure

ACT 10 (HB1004) and ACT 11 (SB6) are identical acts that provide that an individual is eligible for licensure under the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act if the individual has been convicted of a misdemeanor except for certain Class A misdemeanors that will be designated by the Department of Arkansas State Police. The acts allow an individual to be eligible for licensure if the individual has been convicted of any misdemeanor ten (10) or more years before the date of application for licensure. The acts also provide that an individual may perform services as a licensed professional while the individual's licensure application is pending if he or she is under the supervision of a person who holds the license for which the individual applied. The acts declare an emergency and became effective on May 23, 2016.

PROPERTY RIGHTS AND INTERESTS

PERSONAL PROPERTY

Individual's Name, Voice, and Likeness

ACT 8 (HB1002) and ACT 9 (SB9) are identical acts that provide for a property right in the commercial use of an individual's name, voice, signature, photograph, likeness, or any combination thereof. The acts provide that the property right is transferrable and descendible, and after death consent to use the right shall be by no less than fifty and one-thousandths percent (50.001%) of the owners of the right, who share any profits or remuneration as a result of its use. The acts also provide for a civil action for actual damages and disgorgement of profits that are attributable to the commercial use if the commercial use has not been authorized and is not exempt, and the acts require that the property right be registered with the Secretary of State by a successor in interest before recovery of damages is allowed. The acts create exemptions for the commercial use of the property right under certain circumstances.

STATE AGENCIES, BOARDS, AND COMMISSIONS

MEMBERSHIP, TENURE, AND DUTIES

Transfer, Elimination, and Sunset of Certain Entities

ACT 2 (SB10) and ACT 3 (HB1006) are identical acts that make various amendments to Arkansas law that promote efficiency and effectiveness in the operations of state government, including transferring the Arkansas History Commission to the Department of Arkansas Heritage, repealing certain governmental entities such as the Building Authority Council, and amending the membership, tenure, and duties of certain agencies, task forces, committees, and commissions. The acts declare an emergency and became effective on May 23, 2016. The sections concerning the transfer of the Arkansas History Commission become effective on July 1, 2016.

TAXES

REVENUES USED FOR HIGHWAYS

Amendment 91 Sales Tax Revenues - Distillate Special Fuels Tax Revenue

ACT 1 (HB1009) creates the Arkansas Highway Transfer Fund to provide for additional funding for the Arkansas State Highway and Transportation Department; transfers forty million dollars (\$40,000,000) from the General Improvement Fund to the Arkansas Highway Transfer Fund; eliminates the State Central Services deduction for the temporary one-half-cent sales tax; allocates twenty-five percent (25%) of general revenues remaining after making the maximum annual allocation to the Arkansas Highway Transfer Fund; redirects four million dollars (\$4,000,000) of diesel tax from general revenue to the Arkansas State Highway and Transportation Department Fund; and creates the Highway Commission Review and Advisory Subcommittee of the Legislative Council to review and publish proposed rules of the State Highway Commission regarding the distribution of highway funds and the spending priority designated for highway construction contracts and public road construction projects. The act also requires the State Highway Commission to provide the Highway Commission Review and Advisory Subcommittee of the Legislative Council with a report on the progress of each public road construction project of ten million dollars (\$10,000,000) or more. Sections 9-12, 14, 16 and 17 of the act become effective July 1, 2017. The act declares an emergency, and Sections 1-8, 13, 15 and 18-21 are effective on July 1, 2016.

GENERAL ASSEMBLY MEETING DATES
AND EFFECTIVE DATES SINCE 1969

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
67 th	1969	January 13 – May 8	8/7/69*
67 th – FES	1970	March 2 – March 7	6/6/70*
68 th	1971	January 11 – April 19	7/19/71*
68 th – FES	1972	February 7 – February 16	5/17/72*
69 th	1973	January 8 – January 14, 1974	7/24/73: #73-120
69 th – FES	1974	June 24 – August 1	10/31/74*
70 th	1975	January 13 – April 9	7/9/75**
70 th – Exten	1976	January 12 – January 28	4/28/76: #76-50
70 th – FES	1976	September 8 – September 10	NA
71 st	1977	January 10 – August 14	7/6/77: #77-57
71 st – FES	1977	August 2 – August 5	11/4/77**
72 nd	1979	January 8 – April 20	7/20/79: #79-88
72 nd – EXT.	1980	January 7 – January 17	(No legislation passed)
72 nd – FES	1980	January 17 – January 24	4/24/80: #80-42
72 nd – SES	1980	April 15 – April 18	NA
73 rd	1981	January 12 – March 18	6/17/81: #81-76
73 rd – FES	1981	November 16 – November 25	2/24/82**
74 th	1983	January 10 – April 4	7/4/83: #83-74
74 th – FES	1983	October 4 – November 10	2/9/84: #83-228
75 th	1985	January 14 – March 29	6/28/85: #85-108
75 th – FES	1985	June 17 – June 21	9/20/85**
75 th – SES	1986	April 28 – May 1	7/31/86: #86-337
76 th	1987	January 12 – April 20	7/20/87: #87-156
76 th – FES	1987	June 2 – June 5	9/4/87**

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
76 th – SES	1987	October 6 – October 9	1/8/88**
76 th – TES	1988	January 26 – February 5	5/6/88**
76 th – 4 th ES	1988	July 11 – July 14	10/13/88**
77 th	1989	January 9 – April 3	7/3/89: #89-078
77 th – FES	1989	June 20 – June 23	9/22/89**
77 th – SES	1989	July 25 – July 27	10/26/89**
77 th – TES	1989	October 23 – November 3	2/2/90**
78 th	1991	January 14 – April 15	7/15/91: #91-119
78 th – FES	1992	February 24 – March 4	6/3/92: #92-114A & #93-025A
78 th – SES	1992	December 14 – December 18	3/19/93: #93-025A
79 th	1993	January 11 – May 14	8/13/93: #93-149A
79 th – FES	1994	February 28 – March 2	6/1/94: #94-076
79 th – SES	1994	August 15 – August 24	11/23/94: #94-273
80 th	1995	January 9 – April 28	7/28/95: #95-119
80 th – FES	1995	October 17 – October 20	1/19/96*
81 st	1997	January 13 – May 2	8/1/97: #97-144
82 nd	1999	January 11 – April 30	7/30/99: #99-120
82 nd – FES	2000	April 3 – April 7	NA
82 nd – SES	2000	December 13 – December 15	NA
83 rd	2001	January 8 – May 14	8/13/01: #2001-138
83 rd – FES	2002	June 10 – June 12	NA
84 th	2003	January 13 – April 16	7/16/03: #2003-119
84 th – FES	2003	May 5 – May 9	NA
84 th – SES	2003	Dec. 8, 2003 – June 9, 2004	6/3/04: #2004-186
85 th	2005	January 10 – May 13	8/12/05: #2005-110
85 th – FES	2006	April 3 – April 21	7/21/06: #2006-080

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
86 th	2007	January 8 – May 1	7/31/07: #2007-164
86 th – FES	2008	March 31 – April 2	NA
87 th	2009	January 12 – May 1	7/31/09: #2009-090
87 th – Fiscal	2010	February 8 – March 4	6/3/10: #2010-031
88 th	2011	January 10 – April 27	7/27/11: #2011-056
88 th – Fiscal	2012	February 13 – March 9	6/8/12*
89 th	2013	January 14 – May 17	8/16/13: #2013-049
89 th – FES	2013	October 17 – October 19	1/18/14*
89 th – Fiscal	2014	February 10 – March 19	6/18/14*
89 th – SES	2014	June 30 – July 2	10/1/14*
90 th	2015	January 12 – April 22	7/22/15: #2015-044
90 th – FES	2015	May 26 – May 28	8/27/15: #2015-094
90 th – SES	2016	April 6 – April 8	7/8/16*
90 th – Fiscal	2016	April 13 – May 9	8/8/16*
90 th – TES	2016	May 19 – May 23	8/22/16*

* Bureau Calculation

** Bureau Calculation, confirmed by Secretary of State