

# SUMMARY OF GENERAL LEGISLATION

.....

90TH GENERAL ASSEMBLY  
OF THE STATE OF ARKANSAS

2015

January 12, 2015 – April 22, 2015

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**Bureau of Legislative Research**  
**June 2015**

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**SUMMARY OF CONTENTS**

**REGULAR SESSION ACTS**

AGRICULTURE..... 1

ALCOHOLIC BEVERAGES ..... 2

ANIMALS..... 3

CHILDREN..... 4

CITIES AND COUNTIES ..... 8

CIVIL LAW AND PROCEDURE..... 14

COMMERCIAL LAW..... 17

CONSTITUTIONAL OFFICERS..... 21

CONSUMER PROTECTION ..... 22

CORRECTIONS ..... 25

COURTS ..... 32

CRIMINAL LAW AND PROCEDURE..... 37

ECONOMIC DEVELOPMENT ..... 46

EDUCATION - GENERAL..... 47

EDUCATION - HIGHER ..... 58

ELECTIONS ..... 61

EMERGENCY SERVICES ..... 64

ENERGY ..... 65

ENVIRONMENTAL LAW ..... 65

ETHICS..... 67

FAMILY LAW..... 70

FIRE PROTECTION ..... 73

FIREARMS ..... 74

FREEDOM OF INFORMATION ACT..... 75

GAMBLING AND RACING..... 76

GENERAL ASSEMBLY..... 76

HEALTH..... 79

HIGHWAYS AND TRANSPORTATION..... 87

IMPROVEMENT DISTRICTS ..... 89

INDIVIDUALS WITH DISABILITIES ..... 90

INSURANCE ..... 90

LABOR AND INDUSTRIAL RELATIONS.....	100
LAW ENFORCEMENT .....	102
LOTTERY.....	107
MILITARY AND VETERANS.....	108
MOTOR VEHICLES .....	109
NATURAL RESOURCES.....	114
PROFESSIONS AND OCCUPATIONS .....	116
PROPERTY RIGHTS AND INTERESTS .....	121
PUBLIC FINANCE .....	123
PUBLIC OFFICERS AND EMPLOYEES.....	125
PUBLIC PROPERTY .....	130
RETIREMENT.....	131
STATE AGENCIES, BOARDS, AND COMMISSIONS .....	134
TAXES.....	147
TECHNOLOGY.....	152
TOBACCO.....	153
TOURISM.....	153
UTILITIES .....	153
WELFARE AND GOVERNMENTAL ASSISTANCE.....	157
WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS.....	158
PROPOSED CONSTITUTIONAL AMENDMENTS.....	160
EFFECTIVE DATE OF ACTS.....	160
GENERAL ASSEMBLY MEETING DATES .....	161
INDEX OF ACTS .....	163

## TABLE OF CONTENTS

### REGULAR SESSION ACTS

<b>AGRICULTURE.....</b>	<b>1</b>
AGRONOMY .....	1
<i>Grain, Soybean, and Peanut Owner Liens.....</i>	<i>1</i>
<i>Regulation of Grain Dealers.....</i>	<i>1</i>
CROPS .....	1
<i>Regulation of Grain Dealers.....</i>	<i>1</i>
DISEASE AND PEST CONTROL.....	1
<i>Bovine Disease - Brucellosis.....</i>	<i>1</i>
<i>Bovine Disease Control and Eradication Program - Fees .....</i>	<i>1</i>
<i>Feral Hogs.....</i>	<i>1</i>
FARMS AND FARMING .....	1
<i>Income Tax Exemption for Certain Disaster Payments.....</i>	<i>1</i>
FISH .....	2
<i>Labeling of Catfish-like Products.....</i>	<i>2</i>
LIVESTOCK AND POULTRY .....	2
<i>Bovine Disease Control and Eradication Program - Fees .....</i>	<i>2</i>
<i>Branding and Marking.....</i>	<i>2</i>
<i>Brucellosis Program Name Change.....</i>	<i>2</i>
<i>Production Contracts - Disclosure Notices Required.....</i>	<i>2</i>
<b>ALCOHOLIC BEVERAGES .....</b>	<b>2</b>
ARKANSAS WINE PRODUCERS COUNCIL.....	2
<i>Appointments.....</i>	<i>2</i>
BEER AND WINE.....	2
<i>Microbrewery Restaurants and Small Breweries.....</i>	<i>2</i>
LOCAL OPTION .....	2
<i>Defunct Voting Districts .....</i>	<i>2</i>
<i>Petition Process.....</i>	<i>2</i>
<i>Property Owner's Associations.....</i>	<i>2</i>
MINORS - POSSESSION.....	3
<i>Immunity.....</i>	<i>3</i>
PERMITS .....	3
<i>Defining "Church" - Thousand-foot Limit.....</i>	<i>3</i>
<i>Distiller's Fees.....</i>	<i>3</i>
<i>Hard Cider.....</i>	<i>3</i>
<i>Managing Agents.....</i>	<i>3</i>
<i>Naming of Business Locations.....</i>	<i>3</i>
TAXES .....	3
<i>Microbrewery Restaurants and Small Breweries.....</i>	<i>3</i>
<i>Wine Shipments .....</i>	<i>3</i>
<b>ANIMALS.....</b>	<b>3</b>

HUNTING AND FISHING .....	3
<i>Annual Resident Licenses for People Aged 65+</i> .....	3
<i>Feral Hogs</i> .....	3
<b>CHILDREN .....</b>	<b>4</b>
ABUSE AND NEGLECT .....	4
<i>Child Maltreatment Omnibus</i> .....	4
<i>Death Reports</i> .....	4
<i>Dual Authority</i> .....	4
<i>Educational Neglect</i> .....	4
<i>Mandated Reporters</i> .....	4
<i>No Merit Reports</i> .....	4
<i>Notice - Subpoenas</i> .....	4
<i>Privacy and Confidentiality</i> .....	4
<i>Task Force</i> .....	4
ADOPTION .....	4
<i>Re-homing</i> .....	4
<i>Re-homing Prohibited</i> .....	5
<i>Shared Leave - Uniform Attendance and Leave Policy Act</i> .....	5
CHILD CARE .....	5
<i>Liability Insurance Requirements</i> .....	5
CHILD WELFARE .....	5
<i>Criminal Background Checks</i> .....	5
<i>Custody - Ad Litem Notice</i> .....	5
<i>Death Reports</i> .....	5
<i>Death Review Committee</i> .....	5
<i>Hours of Employment</i> .....	5
CRIMINAL OFFENSES .....	5
<i>Offense Committed Against or in the Presence of a Child</i> .....	5
CUSTODY AND VISITATION .....	5
<i>Uniform Deployed Parents Custody and Visitation Act</i> .....	5
DELINQUENCY .....	6
<i>Custody</i> .....	6
DEPENDENCY-NEGLECT .....	6
<i>Court Proceedings</i> .....	6
<i>Paternity Affidavit</i> .....	6
<i>Protections for Children</i> .....	6
FIREARMS .....	6
<i>Disposition of Firearms Seized From a Minor or a Mentally Ill Person</i> .....	6
FOSTER CARE .....	6
<i>Foster Youth Transitions</i> .....	6
<i>Jurisdiction of the Circuit Court</i> .....	6
<i>School Enrollment</i> .....	6
<i>Shared Leave - Uniform Attendance and Leave Policy Act</i> .....	6
<i>Siblings</i> .....	6
GUARDIANSHIP .....	6
<i>Subsidies</i> .....	6
HUMAN SERVICES DEPARTMENT .....	7
<i>Definition of "Dependent Juvenile"</i> .....	7

<i>Foster Youth Transitions</i> .....	7
<i>Release at Twenty-one</i> .....	7
<i>Return of Confidential Records</i> .....	7
INSURANCE .....	7
<i>Dependent Definition - State and Public School Life and Health Insurance Program</i> ..	7
<i>Pediatric Dental Benefits</i> .....	7
JUVENILE LAW .....	7
<i>Adult Release</i> .....	7
<i>Definition of "Dependent Juvenile"</i> .....	7
<i>Delinquency Proceedings</i> .....	7
<i>DNA Samples</i> .....	7
<i>Fingerprinting</i> .....	7
<i>Foster Youth Transitions</i> .....	8
<i>Jurisdiction of the Circuit Court in Cases Involving Foster Care</i> .....	8
PARENTS .....	8
<i>Assisted Reproduction</i> .....	8
POSSESSION OF ALCOHOL .....	8
<i>Immunity</i> .....	8
RE-HOMING .....	8
<i>Private Transfers Prohibited</i> .....	8
<i>State Services - Prevention of Re-homing</i> .....	8
<b>CITIES AND COUNTIES .....</b>	<b>8</b>
ANNEXATION.....	8
<i>Boundary Lines</i> .....	8
<i>Enclaves</i> .....	8
<i>Municipal Services</i> .....	8
<i>Municipal Territorial Jurisdiction</i> .....	9
<i>Petitions</i> .....	9
AUDIT RECORD RETENTION .....	9
<i>Warrants</i> .....	9
BOARDS AND COMMISSIONS .....	9
<i>Arkansas Underground Facilities Damage Prevention Act</i> .....	9
<i>Parks and Recreation</i> .....	9
BUSINESS TRANSACTIONS .....	9
<i>Arkansas Business Portal Act</i> .....	9
CITY ADMINISTRATOR FORM OF GOVERNMENT .....	9
<i>Vacancies</i> .....	9
CITY MANAGER FORM OF GOVERNMENT .....	9
<i>Directors</i> .....	9
CIVIL SERVICE.....	9
<i>Application of Federal Law</i> .....	9
COUNTY JAILS.....	10
<i>State Inmate Reimbursement - Housing</i> .....	10
<i>State Inmate Reimbursement - Housing and Medical Expenses</i> .....	10
COUNTY SHERIFF .....	10
<i>Award of Service Pistol upon Retirement or Death</i> .....	10
<i>State Inmate Transportation</i> .....	10
COURTS .....	10



<i>Cleburne County District Court</i> .....	10
<i>Concealed Handgun in a Courthouse</i> .....	10
<i>Employment of Deputy District Court Clerks</i> .....	10
ELECTED OFFICERS .....	10
<i>Compensation</i> .....	10
<i>County Clerk - Appointment as Commissioner for Property Sale</i> .....	10
<i>Expenses</i> .....	11
<i>Former County Sheriff as Municipal Law Enforcement Officer</i> .....	11
<i>Mayoral Appointments</i> .....	11
<i>Municipal Treasurers</i> .....	11
ELECTIONS .....	11
<i>Ballot Form of Referred Measures</i> .....	11
<i>Municipal Referendum Petitions</i> .....	11
<i>Unopposed Municipal Elections</i> .....	11
EMERGENCY COMMUNICATIONS .....	11
<i>Local 911 Systems</i> .....	11
FINANCE .....	11
<i>Amendment 89 Bonds</i> .....	11
<i>County Appropriations</i> .....	11
<i>Unpaved Roads Program</i> .....	12
FIRE PROTECTION .....	12
<i>Apportionment of Premium Taxes</i> .....	12
<i>Rural Fire Protection Service</i> .....	12
<i>Timberland Assessments</i> .....	12
MAYOR/COUNCIL FORM OF GOVERNMENT .....	12
<i>Officials</i> .....	12
ORDINANCES .....	12
<i>Limitations</i> .....	12
PROCEDURES .....	12
<i>Municipal Governing Bodies</i> .....	12
<i>Quorum Courts</i> .....	12
<i>Record Retention</i> .....	12
PROPERTY .....	13
<i>Controlled Burns</i> .....	13
<i>Dedication of Land as Public Park</i> .....	13
<i>Eminent Domain</i> .....	13
<i>Exchange or Transfer</i> .....	13
<i>Mapping</i> .....	13
PURCHASING .....	13
<i>Contracts for Utilities Provided to Military Bases</i> .....	13
<i>County Procedures</i> .....	13
<i>Municipal Bidding</i> .....	13
<i>Used Motor Vehicles</i> .....	13
QUORUM COURTS .....	13
<i>Operations</i> .....	13
TAXES .....	14
<i>Assessment Appeal</i> .....	14
VOLUNTEER FIRE DEPARTMENTS .....	14
<i>Dues Collection</i> .....	14
WATER AND WASTEWATER .....	14
<i>Audit Requirements</i> .....	14

<i>Cooperation in Billing and Collecting Payments</i> .....	14
<i>Waterworks Commission Members</i> .....	14
<b>CIVIL LAW AND PROCEDURE</b> .....	<b>14</b>
ACTIONS AGAINST THE STATE .....	14
<i>Arkansas State Claims Commission Decisions</i> .....	14
CIVIL ACTIONS .....	14
<i>Liability for Wrongful Dissemination of an Electronic Communication</i> .....	14
<i>Successor Corporation Asbestos-Related Liability Fairness Act</i> .....	15
<i>Unlawful Use of an Unmanned Aircraft System</i> .....	15
CIVIL OR SMALL CLAIMS DIVISION CASES .....	15
<i>Retention of Certain Records</i> .....	15
FILING FEES .....	15
<i>Fee for Filing and Issuing Writs</i> .....	15
IMMUNITY FROM LIABILITY .....	15
<i>Successor Corporation Asbestos-Related Liability Fairness Act</i> .....	15
<i>Use of Deadly Physical Force</i> .....	15
INDEMNITY .....	15
<i>Motor Carrier Transportation Contracts</i> .....	15
JUDGMENTS .....	15
<i>Arkansas State Claims Commission Decisions</i> .....	15
<i>Duration of Judgment Lien</i> .....	16
JURISDICTION .....	16
<i>Construction Agreements and Contracts</i> .....	16
LIMITATIONS .....	16
<i>Duration of Judgment Lien</i> .....	16
<i>Successor Corporation Asbestos-Related Liability Fairness Act</i> .....	16
PROCEDURAL RULES .....	16
<i>Process Server Access to Local Utility Customer Information</i> .....	16
PROCEEDINGS .....	16
<i>Escheatment - United States Savings Bonds</i> .....	16
<i>Marketability of Title</i> .....	16
<i>Writ of Garnishment</i> .....	16
PROTECTION OF FREE EXERCISE OF RELIGION .....	16
<i>Religious Freedom Restoration Act</i> .....	16
REMEDIES .....	17
<i>Successor Corporation Asbestos-Related Liability Fairness Act</i> .....	17
VENUE .....	17
<i>Construction Agreements and Contracts</i> .....	17
<b>COMMERCIAL LAW</b> .....	<b>17</b>
BONDS .....	17
<i>United States Savings Bonds - Escheatment</i> .....	17
BUSINESS ORGANIZATIONS .....	17
<i>Corporate Franchise Tax</i> .....	17
BUSINESS TRANSACTIONS .....	17
<i>Arkansas Business Portal Act</i> .....	17
<i>Corporate Franchise Tax - Disputes</i> .....	17

<i>Energy Conservation Endorsement Act of 1977 - Rebates and Monetary Compensation</i>	17
<i>Sale and Resale of Event Tickets</i> .....	17
<i>Transportation Network Companies</i> .....	18
<i>Transportation Network Company Services Act</i> .....	18
<i>Usage Fee - Customer-Bank Communication Terminals</i> .....	18
CONTRACTS .....	18
<i>Alternative Payment System</i> .....	18
<i>Arkansas Prepaid Funeral Benefits Law</i> .....	18
<i>Construction - Choice of Forum</i> .....	18
<i>Construction - Liability</i> .....	18
<i>Contractor - Retainage for Subcontractor</i> .....	18
<i>Covenant Not to Compete Agreement - Enforceability</i> .....	18
<i>Foundation Repair</i> .....	18
<i>Production Contracts - Disclosure Notices Required</i> .....	19
<i>Transfer Fee - Prepaid Funeral Benefits Contract</i> .....	19
DEBTORS AND CREDITORS .....	19
<i>Collection Agency - Unlicensed Activity</i> .....	19
<i>Consumer Lawsuit Lending</i> .....	19
<i>Corporate Franchise Tax - Insolvent Taxpayer</i> .....	19
<i>Grain, Soybean, and Peanut Owner Liens</i> .....	19
<i>Secretary of State - Fees</i> .....	19
EMPLOYERS .....	19
<i>Independent Contractors</i> .....	19
FINANCIAL INSTITUTIONS .....	20
<i>Banking - Usage Fees</i> .....	20
<i>Beneficiary - Payable on Death Deposit Accounts</i> .....	20
<i>Raffle</i> .....	20
MORTGAGES AND LIENS .....	20
<i>Satisfaction of Lien</i> .....	20
<i>Self-service Storage Facility</i> .....	20
<i>Title Insurance - Title Agent</i> .....	20
REAL ESTATE.....	20
<i>Eminent Domain</i> .....	20
<i>Foundation Repair Contract</i> .....	20
SECURITIES .....	20
<i>Diversification of Investments - Insurer</i> .....	20
<i>Guardian of an Estate - Investment Practices</i> .....	20
<i>Public Utilities</i> .....	21
<i>United States Savings Bonds - Unclaimed Property</i> .....	21
TECHNICAL CORRECTIONS - BUSINESS AND COMMERCIAL LAW - TITLE 4 .....	21
<b>CONSTITUTIONAL OFFICERS.....</b>	<b>21</b>
ATTORNEY GENERAL.....	21
<i>Contingency-fee Contracts with Private Attorneys</i> .....	21
ETHICS .....	21
<i>Financial Disclosures</i> .....	21
<i>Gifts from Lobbyists</i> .....	21
<i>Jurisdiction of Arkansas Ethics Commission</i> .....	21
GOVERNOR.....	22

<i>National Service and Volunteerism</i> .....	22
<i>Removal and Replacement of Positions</i> .....	22
PROSECUTING ATTORNEYS.....	22
<i>Salaries</i> .....	22
SECRETARY OF STATE.....	22
<i>Arkansas Business Portal Act</i> .....	22
<i>Corporate Franchise Tax - Disputes</i> .....	22
<i>Fees - Refund</i> .....	22
<b>CONSUMER PROTECTION .....</b>	<b>22</b>
DEBTORS AND CREDITORS.....	22
<i>Corporate Franchise Tax - Insolvent Taxpayer</i> .....	22
<i>Unlicensed Collection Activity</i> .....	22
DECEPTIVE TRADE PRACTICES.....	23
<i>Transfer of Warranty</i> .....	23
EMINENT DOMAIN.....	23
<i>Property Owner - Bill of Rights</i> .....	23
HEALTH AND SAFETY.....	23
<i>Child Labor</i> .....	23
HEALTH CARE.....	23
<i>Advertisements - Long-Term Care Facility</i> .....	23
<i>Concierge Service Arrangement - Medical Services</i> .....	23
<i>Patient Rights Regarding Payment for Pharmacists Services Act</i> .....	23
<i>Terminal Illness - Prior Authorization of Pain Medication</i> .....	23
INSURANCE.....	23
<i>Annuity Contract - Unclaimed Benefits</i> .....	23
<i>Arkansas Prepaid Funeral Benefits Law</i> .....	23
<i>Disclosure of Certain Drug Formulary Information</i> .....	24
<i>Fire Protection Class Code Determination - Review</i> .....	24
<i>Pharmacy Benefits Plan or Program</i> .....	24
<i>Prepaid Funeral Benefits Contract</i> .....	24
<i>Prior Authorization - Terminal Illness</i> .....	24
<i>Prior Authorization - Transparency</i> .....	24
LENDERS AND LENDING.....	24
<i>Collection Agency - Unlicensed</i> .....	24
<i>Consumer Lawsuit Lending</i> .....	24
<i>Customer-bank Communication Terminal - Limit of Usage Fee</i> .....	24
MOTOR VEHICLES.....	25
<i>Compressed Natural Gas - Motor Fuel</i> .....	25
<i>Transportation Network Companies</i> .....	25
<i>Transportation Network Company Services Act - Insurance</i> .....	25
PRODUCT LIABILITY.....	25
<i>Successor Corporation Asbestos-Related Liability Fairness Act</i> .....	25
PROFESSIONS AND OCCUPATIONS.....	25
<i>Disposition of Human Remains</i> .....	25
<b>CORRECTIONS.....</b>	<b>25</b>
DEPARTMENT OF COMMUNITY CORRECTION.....	25

<i>Administrative Transfer of an Inmate of the Department of Correction</i> .....	25
<i>Application to Terminate Probation or Parole</i> .....	25
<i>Community Correction Programs</i> .....	25
<i>Criminal Justice Reform Act of 2015</i> .....	26
<i>Issuance of Arrest Warrant</i> .....	26
<i>Parole Revocation Hearings</i> .....	26
<i>Private Sector Prison Industry Enhancement Programs</i> .....	26
<i>Public Safety Transparency and Accountability Act of 2015</i> .....	26
<i>Reimbursement for Housing Inmates in a County Jail</i> .....	26
<i>Reimbursements for State Inmates in a County Jail - Housing and Medical Expenses</i> .....	26
<i>Transportation of Inmates</i> .....	26
DEPARTMENT OF CORRECTION.....	27
<i>Administrative Transfer of an Inmate to the Department of Community Correction</i> .....	27
<i>Award of Meritorious Good Time</i> .....	27
<i>Community Correction Program</i> .....	27
<i>Criminal Justice Reform Act of 2015</i> .....	27
<i>Housing State Inmates</i> .....	27
<i>Lethal Injection</i> .....	27
<i>Public Safety Transparency and Accountability Act of 2015</i> .....	27
<i>Reimbursement for Housing Inmates in a County Jail</i> .....	28
<i>Reimbursements for Inmates in a County Jail - Housing and Medical Expenses</i> .....	28
<i>Sale of Prison-made Goods</i> .....	28
<i>Transportation of Inmates</i> .....	28
<i>Victim's Rights in Capital Punishment Cases</i> .....	28
INMATES .....	28
<i>Criminal Justice Reform Act of 2015</i> .....	28
<i>Housing State Inmates</i> .....	28
<i>Reimbursement for Housing State Inmates in a County Jail</i> .....	29
<i>Reimbursements to County Jails - Housing and Medical Expenses</i> .....	29
<i>Transportation of State Inmates</i> .....	29
LOCAL JAILS .....	29
<i>Award of Meritorious Good Time</i> .....	29
<i>Reimbursement for Housing State Inmates</i> .....	29
<i>Reimbursement for State Inmate Housing and Medical Expenses</i> .....	29
<i>Transportation of State Inmates</i> .....	29
<i>Use of Profits</i> .....	29
PAROLE BOARD .....	30
<i>Criminal Justice Reform Act of 2015</i> .....	30
<i>Grant or Award of Parole</i> .....	30
<i>Public Safety Transparency and Accountability Act</i> .....	30
<i>Technical Correction</i> .....	30
PRIVATE SECTOR PRISON INDUSTRY ENHANCEMENT PROGRAMS .....	30
<i>Department of Community Correction Eligible</i> .....	30
PROBATION AND PAROLE.....	30
<i>Administrative Transfer of a State Inmate</i> .....	30
<i>Application to Terminate Probation or Parole</i> .....	30
<i>Award of Meritorious Good Time</i> .....	30
<i>Community Correction Programs</i> .....	31
<i>Criminal Justice Reform Act of 2015</i> .....	31
<i>Employment and Education Requirements</i> .....	31
<i>Extended Supervision for Certain Sex Offenders</i> .....	31

<i>Grant or Award of Parole</i> .....	31
<i>Parole Board</i> .....	31
<i>Parole Revocation Hearings</i> .....	31
<i>Public Safety Transparency and Accountability Act of 2015</i> .....	31
<i>Victim Impact Statements</i> .....	32
<b>COURTS</b> .....	<b>32</b>
CHILD SUPPORT.....	32
<i>Ability to Pay</i> .....	32
CIRCUIT COURTS.....	32
<i>Certified Facility Dogs</i> .....	32
<i>Circuit Clerk Seal</i> .....	32
<i>Failure to Appear</i> .....	32
<i>Sentence to a Community Correction Program</i> .....	32
<i>Subpoenas</i> .....	32
<i>Writ of Garnishment</i> .....	32
COURT COSTS.....	32
<i>Cleburne County District Court</i> .....	32
DISTRICT COURTS.....	32
<i>Certified Facility Dogs</i> .....	32
<i>Cleburne County District Court</i> .....	33
<i>Court Clerk Submission of Distribution Report</i> .....	33
<i>Dates</i> .....	33
<i>Employment of Deputy District Court Clerks</i> .....	33
<i>Failure to Appear</i> .....	33
<i>Fee for Filing and Issuing Writs</i> .....	33
<i>Fees</i> .....	33
<i>Order of Restitution</i> .....	33
<i>Record Retention Schedule</i> .....	33
<i>Salaries of Personnel</i> .....	33
<i>Sebastian County District Court</i> .....	33
<i>State District Court System</i> .....	33
<i>Writ of Garnishment</i> .....	33
FUNDING.....	34
<i>Criminal Justice Reform Act of 2015</i> .....	34
JUDGES.....	34
<i>Salaries of District Court Personnel</i> .....	34
<i>Sexual Exploitation Education</i> .....	34
JURISDICTION.....	34
<i>International Child Support Orders</i> .....	34
JUVENILE LAW.....	34
<i>Adult Release</i> .....	34
<i>Delinquency Proceedings</i> .....	34
<i>DNA Samples</i> .....	34
<i>Notice</i> .....	35
PATERNITY.....	35
<i>Putative Parents</i> .....	35
PERSONNEL.....	35
<i>Court Clerk Submission of Distribution Report</i> .....	35

<i>Court Reporters</i> .....	35
<i>Deputy District Court Clerks</i> .....	35
<i>District Court - Salaries</i> .....	35
<i>Sebastian County District Court Clerk</i> .....	35
<i>Trial Court Administrators</i> .....	35
PROCESS SERVERS .....	35
<i>Access to Local Utility Customer Information</i> .....	35
PROSECUTING ATTORNEYS .....	35
<i>Address on Driver's License</i> .....	35
<i>Disclosure of Exculpatory Evidence</i> .....	35
<i>Salaries</i> .....	36
<i>Sexual Exploitation Education</i> .....	36
<i>Thirteenth and Fifteenth Judicial Districts</i> .....	36
<i>Victimless Prosecution in Domestic Violence Cases</i> .....	36
PUBLIC DEFENDERS.....	36
<i>Recovery of Unpaid User Fees</i> .....	36
RECORDS .....	36
<i>Court Clerk Submission of Distribution Report</i> .....	36
<i>Criminal Background Checks</i> .....	36
<i>Retention of Certain Records</i> .....	36
REMEDIES .....	36
<i>Common Nuisance</i> .....	36
SPECIALTY COURT PROGRAMS .....	37
<i>Criminal Justice Reform Act of 2015</i> .....	37
<i>Driver's License Reinstatement Fees</i> .....	37
TECHNICAL CORRECTIONS - PRACTICE, PROCEDURE, AND COURTS - TITLE 1637	
VENUE .....	37
<i>Civil Actions</i> .....	37
 <b>CRIMINAL LAW AND PROCEDURE.....</b>	 <b>37</b>
ARREST PROCEDURES.....	37
<i>Collection of DNA After All Felony Arrests</i> .....	37
CONTROLLED SUBSTANCES.....	37
<i>Sales Limitations of Ephedrine and Other Nonprescription Drugs</i> .....	37
DEFENSES AND JUSTIFICATION.....	37
<i>Immunity</i> .....	37
<i>Use of Deadly Physical Force - Retreat</i> .....	38
<i>Use of Deadly Physical Force Against Initial Aggressor</i> .....	38
EVIDENCE AND WITNESSES .....	38
<i>Disclosure of Exculpatory Evidence</i> .....	38
<i>Domestic Violence Investigation</i> .....	38
<i>Unsubmitted Rape Kits</i> .....	38
<i>Victimless Prosecution in Domestic Violence Cases</i> .....	38
HUMAN TRAFFICKING .....	38
<i>Prohibited Activities</i> .....	38
JURISDICTION .....	38
<i>School Resource Officers</i> .....	38
JUVENILES .....	38
<i>Delinquency Proceedings</i> .....	38

<i>Juvenile Fingerprints</i> .....	38
<i>Offense Committed Against or in the Presence of a Child</i> .....	39
<i>Possession of Alcohol</i> .....	39
<i>Sex Offenses</i> .....	39
OFFENSES - GENERALLY .....	39
<i>Clarification of Offenses and Penalties</i> .....	39
<i>Clarification of Offenses and Penalties</i> .....	39
OFFENSES AGAINST PUBLIC HEALTH, SAFETY, OR WELFARE .....	39
<i>Criminal Impersonation of a Law Enforcement Officer</i> .....	39
<i>Driving on a Suspended Driver's License</i> .....	39
<i>Driving or Boating While Intoxicated</i> .....	39
<i>Driving While Intoxicated - Use of an Interlock Device</i> .....	39
<i>Possession of a Concealed Handgun in Public Parking Lots</i> .....	39
<i>Unlawful Use of an Unmanned Aircraft System</i> .....	39
OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT .....	40
<i>Abuse of Public Trust</i> .....	40
<i>Carrying a Concealed Handgun into a Courthouse</i> .....	40
<i>Carrying a Concealed Handgun into a Polling Place</i> .....	40
<i>Criminal Impersonation of a Law Enforcement Officer</i> .....	40
<i>Failure to Appear</i> .....	40
<i>Unlawful Acts Concerning an Election</i> .....	40
OFFENSES AGAINST THE PERSON .....	40
<i>Battery in the Second Degree</i> .....	40
<i>Domestic Violence Investigation</i> .....	40
<i>Extended Supervision for Certain Sex Offenders</i> .....	40
<i>Illegal Use of an Unmanned Vehicle or Aircraft</i> .....	40
<i>Offense Committed Against or in the Presence of a Child</i> .....	40
<i>Offenses Subject to the Sex Offender Registration Act of 1997</i> .....	41
<i>Registered Sex Offender Residing Near Church or Other Place of Worship</i> .....	41
<i>Re-homing Prohibited</i> .....	41
<i>Sex Offenses</i> .....	41
<i>Unlawful Distribution of Sexual Images or Recordings</i> .....	41
<i>Use of Deadly Physical Force - Retreat</i> .....	41
<i>Use of Deadly Physical Force Against Initial Aggressor</i> .....	41
<i>Victimless Prosecution in Domestic Violence Cases</i> .....	41
OFFENSES INVOLVING FAMILIES AND DEPENDENTS .....	41
<i>Domestic Violence Investigation</i> .....	41
<i>Victimless Prosecution in Domestic Violence Cases</i> .....	41
PROCEDURAL RULES .....	42
<i>Certified Facility Dogs</i> .....	42
PUBLIC DEFENDERS.....	42
<i>Recovery of Unpaid User Fees</i> .....	42
RESTITUTION, FORFEITURE, AND DISPOSITION OF PROPERTY .....	42
<i>Disposition of Firearms Seized From a Minor or a Mentally Ill Person</i> .....	42
<i>Order of Restitution</i> .....	42
<i>Satisfaction Through Interception of State Income Tax Return</i> .....	42
<i>Self-Insured Fidelity Bond Program</i> .....	42
SENTENCING AND PENALTIES .....	42
<i>Administration of a Lethal Injection</i> .....	42
<i>Clarification of Offenses and Penalties</i> .....	42
<i>Clarification of Offenses and Penalties</i> .....	42



<i>Community Correction Programs</i> .....	42
<i>Driving on a Suspended Driver's License</i> .....	43
<i>Driving While Intoxicated - Use of an Interlock Device</i> .....	43
<i>Employment and Education Requirements for Certain Sentences</i> .....	43
<i>Extended Supervision for Certain Sex Offenders</i> .....	43
<i>Offense Committed Against or in the Presence of a Child</i> .....	43
<i>Order of Restitution</i> .....	43
<i>Parole Revocation Hearings</i> .....	43
<i>Victim's Rights in Capital Punishment Cases</i> .....	43
<i>Violation of Game and Fish Regulations</i> .....	43
SEX OFFENDERS .....	43
<i>Extended Supervision</i> .....	43
<i>Offenses Subject to the Sex Offender Registration Act of 1997</i> .....	43
<i>Registered Sex Offender Residing Near Church or Other Place of Worship</i> .....	44
<i>Reporting Requirements</i> .....	44
<i>Termination of Obligation to Register</i> .....	44
SPECIALTY COURT PROGRAMS .....	44
<i>Driver's License Reinstatement Fees</i> .....	44
STATUTES OF LIMITATION .....	44
<i>Violation of Game and Fish Regulations</i> .....	44
TECHNICAL CORRECTIONS - CRIMINAL OFFENSES - NON-TITLE 5 .....	44
TECHNICAL CORRECTIONS - CRIMINAL OFFENSES - TITLE 5 .....	44
VICTIMS .....	44
<i>Certified Facility Dogs</i> .....	44
<i>Domestic Violence Investigation</i> .....	44
<i>Information Card for Victims</i> .....	45
<i>Location Information of a Wireless Telecommunications Device in an Emergency</i> .....	45
<i>Offense Committed Against or in the Presence of a Child</i> .....	45
<i>Satisfaction of Ordered Restitution - State Income Tax Return</i> .....	45
<i>Sex Offenses</i> .....	45
<i>Victim Impact Statements</i> .....	45
<i>Victimless Prosecution in Domestic Violence Cases</i> .....	45
<i>Victim's Rights in Capital Punishment Cases</i> .....	45
WARRANTS AND CITATIONS .....	45
<i>Retention of Certain Records</i> .....	45
<i>School Resource Officers</i> .....	46
<b>ECONOMIC DEVELOPMENT</b> .....	<b>46</b>
BUSINESS AND INDUSTRY DEVELOPMENT .....	46
<i>Amendment 82 Implementation Act</i> .....	46
<i>Amendment 82 Projects - Income Tax Credits</i> .....	46
<i>Equity Investment Incentives - Convertible Financing</i> .....	46
<i>Income Tax Credit - Waste Reduction, Reuse, or Recycling Equipment</i> .....	46
<i>Online Portal for Businesses</i> .....	46
<i>Workforce Development</i> .....	46
<i>Workforce Development Board</i> .....	47
DEVELOPMENT FINANCE AUTHORITY (ADFA) .....	47
<i>Operations</i> .....	47
ENERGY CONSERVATION AND DEVELOPMENT .....	47

**Rebates and Monetary Compensation - Energy Conservation Programs and Measures** 47

TECHNICAL CORRECTIONS - NATURAL RESOURCES AND ECONOMIC DEVELOPMENT - TITLE 15 ..... 47

**EDUCATION - GENERAL** ..... **47**

    ADMINISTRATION - GENERALLY ..... 47

*Arkansas Leadership Academy* ..... 47

*C-Step and Arkansas National Guard Youth Challenge Programs*..... 47

*Reporting*..... 47

*School District Coordinator*..... 47

*School Volunteers*..... 47

    AUDITS ..... 48

*School Financial Audits* ..... 48

    BOARD OF EDUCATION..... 48

*Academic Distress* ..... 48

*Agriculture School*..... 48

*Partnership for Assessment of Readiness for College and Careers*..... 48

*United States History Courses* ..... 48

    BOARDS, COUNCILS, COMMITTEES, AND COMMISSIONS..... 48

*Appointments*..... 48

    CARRYING A CONCEALED HANDGUN ON PREMISES ..... 48

*Possession of a Concealed Handgun in School Parking Lots* ..... 48

*Private Schools*..... 48

    EDUCATION DEPARTMENT ..... 48

*Adult Education Charter School*..... 48

*Commission for Public School Academic Facilities and Transportation*..... 49

*Commissioner of Education* ..... 49

*Reporting*..... 49

*Transfer of Conservation Education Program* ..... 49

    FACILITIES ..... 49

*Division of Public School Academic Facilities and Transportation*..... 49

    PUBLIC CHARTER SCHOOLS ..... 49

*Facilities Funding*..... 49

    SCHOOL DISTRICTS - GENERALLY ..... 49

*Academic Distress* ..... 49

*Agriculture School*..... 49

*Boards of Directors - Filling Vacancies*..... 49

*Boards of Directors - Oath of Office*..... 49

*Boards of Directors - Remote Participation*..... 49

*Boards of Directors - Training*..... 49

*Classified Employees* ..... 49

*Desegregation Orders* ..... 50

*Detachment* ..... 50

*Detachment* ..... 50

*Elections*..... 50

*Employee Background Checks*..... 50

*Employer Contributions*..... 50

*Facilities*..... 50

*Financial Accounting*..... 50

<i>Group Insurance</i> .....	50
<i>Health Benefits</i> .....	50
<i>Health Curriculum</i> .....	50
<i>Inclement Weather Days - Counted as Full School Days</i> .....	50
<i>Inclement Weather Days - Incremental Make Up Days</i> .....	51
<i>Isolated Funding</i> .....	51
<i>Personnel Policies</i> .....	51
<i>Proctors</i> .....	51
<i>Property and Facilities</i> .....	51
<i>Public School Funding</i> .....	51
<i>Reporting</i> .....	51
<i>Scheduling - Art, Music, and Physical Education</i> .....	51
<i>School Calendar</i> .....	51
<i>School District Coordinator</i> .....	51
<i>School of Innovation</i> .....	51
<i>School Safety</i> .....	51
<i>Standards of Accreditation</i> .....	51
<i>State and Public School Life and Health Insurance Program Legislative Task Force</i>	52
<i>Waiver from an Administrative Consolidation or Reorganization</i> .....	52
<i>Waivers</i> .....	52
SCHOOL RESOURCE OFFICERS .....	52
<i>Expanded Jurisdiction</i> .....	52
SECURITY .....	52
<i>License to Carry Concealed Handgun on Campus</i> .....	52
SPECIAL EDUCATION .....	52
<i>Dyslexia</i> .....	52
<i>Succeed Scholarship Program</i> .....	52
STUDENT ACHIEVEMENT .....	52
<i>Arkansas College and Career Readiness Planning Program</i> .....	52
<i>Arkansas School Recognition and Reward Program</i> .....	52
<i>College and Career Readiness</i> .....	53
<i>College and Career Readiness Standards</i> .....	53
<i>Curriculum - Computer Science</i> .....	53
<i>Curriculum - Cursive Writing</i> .....	53
<i>High School Equivalency</i> .....	53
<i>Proctors</i> .....	53
<i>School Improvement Plan</i> .....	53
<i>School of Innovation</i> .....	53
<i>State-mandated Assessments</i> .....	53
STUDENTS - GENERALLY .....	53
<i>Adult Education</i> .....	53
<i>Alternative Learning Environments</i> .....	53
<i>Athletic Participation</i> .....	53
<i>Building Better Futures High School Program</i> .....	54
<i>College and Career Coaches Program</i> .....	54
<i>College and Career Readiness</i> .....	54
<i>College and Career Readiness</i> .....	54
<i>Diabetes Care</i> .....	54
<i>Dyslexia Screening</i> .....	54
<i>Foster children</i> .....	54
<i>Home-schooled Students</i> .....	54

<i>Interscholastic Activities</i> .....	54
<i>Public School Choice</i> .....	54
<i>Reengagement System and Differentiated Pathway to a High School Diploma Program</i>	54
<i>School Nurses</i> .....	54
<i>Student Online Personal Information Protection Act</i> .....	55
TASK FORCES .....	55
<i>Special Education</i> .....	55
<i>State and Public School Life and Health Insurance Program Legislative Task Force</i>	55
TEACHER RETIREMENT SYSTEM.....	55
<i>Beneficiaries</i> .....	55
<i>Disability Retirement</i> .....	55
<i>Lump Sum Payments</i> .....	55
<i>Private School Service</i> .....	56
<i>Rollover</i> .....	56
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	56
<i>Technical Revisions</i> .....	56
TEACHERS - GENERALLY .....	56
<i>Background Checks</i> .....	56
<i>Compensation</i> .....	56
<i>Ethics and Licensure</i> .....	56
<i>Labor Organizations</i> .....	57
<i>Minimum Teacher Compensation Schedule</i> .....	57
<i>Nontraditional Licensure Programs</i> .....	57
<i>Personnel Policies</i> .....	57
<i>Proctors</i> .....	57
<i>Professional Development</i> .....	57
<i>Sick Leave</i> .....	57
<i>State and Public School Life and Health Insurance Program</i> .....	57
<i>State and Public School Life and Health Insurance Program - Active Employees</i> .....	57
<i>State and Public School Life and Health Insurance Program - Dependents</i> .....	57
<i>Teacher Excellence and Support System</i> .....	58
<i>Teacher Preparation Programs</i> .....	58
TECHNICAL CORRECTIONS - EDUCATION - TITLE 6.....	58
TRANSPORTATION .....	58
<i>School Bus Advertising</i> .....	58
VOCATIONAL AND TECHNICAL SCHOOLS .....	58
<i>Private Residence and Correspondence Schools</i> .....	58
<b>EDUCATION - HIGHER .....</b>	<b>58</b>
ACCREDITATION AND CERTIFICATION.....	58
<i>Accreditation Agencies</i> .....	58
DEGREES .....	58
<i>College and Career Readiness</i> .....	58
<i>Online Degree Programs</i> .....	58
EMPLOYEES .....	58
<i>Teaching of Forestry</i> .....	58
HIGHER EDUCATION COORDINATING BOARD .....	58
<i>Prevention of Unplanned Pregnancy</i> .....	58
HIGHER EDUCATION DEPARTMENT.....	59

<i>Workforce Initiative</i> .....	59
INSTITUTIONS OF HIGHER EDUCATION .....	59
<i>Arkansas Leadership Academy</i> .....	59
<i>Community Colleges</i> .....	59
<i>Flags</i> .....	59
<i>FOIA Exemption for Audit Working Papers</i> .....	59
<i>Governing Boards</i> .....	59
<i>Institutional Financing</i> .....	59
<i>Prohibition on E-cigarettes</i> .....	59
<i>Provisional Positions</i> .....	59
<i>University of Arkansas</i> .....	59
<i>University of Arkansas, Division of Agriculture</i> .....	59
<i>Vehicles</i> .....	59
PROGRAMS OF STUDY.....	60
<i>Healthy Arkansas Educational Program</i> .....	60
<i>High School Equivalency</i> .....	60
<i>Online Degree Programs</i> .....	60
<i>Programs for Special Needs Students</i> .....	60
REMEDIATION, RETENTION, AND TRANSFER.....	60
<i>Statewide Transfer Agreement</i> .....	60
SCHOLARSHIPS, GRANTS, AND FINANCIAL AID .....	60
<i>Arkansas Academic Challenge Scholarship Program - Part 2 - Distribution</i> .....	60
<i>Arkansas Academic Challenge Scholarship Program - Part 2 - Eligibility and Awards</i> .....	60
<i>Arkansas Governor's Scholars Program</i> .....	60
<i>Arkansas Lottery Commission Abolished</i> .....	60
<i>Institutional Scholarships</i> .....	60
<i>Scholarship Holds</i> .....	61
STUDENTS .....	61
<i>Hazing</i> .....	61
<i>In-state Tuition</i> .....	61
<i>Right to Counsel</i> .....	61
TASK FORCE.....	61
<i>Realignment of Higher Education</i> .....	61
TECHNICAL CORRECTIONS - EDUCATION - TITLE 6.....	61
TUITION AND FUNDING .....	61
<i>In-state Tuition</i> .....	61
<i>Reporting</i> .....	61
<b>ELECTIONS .....</b>	<b>61</b>
ABSENTEE VOTING .....	61
<i>Unlawful Acts Concerning Absentee Voting</i> .....	61
BOARD OF ELECTION COMMISSIONERS.....	61
<i>Conducting Elections</i> .....	61
<i>Ethics and Integrity of Members</i> .....	61
CAMPAIGN PRACTICES .....	62
<i>Campaign Contributions</i> .....	62
CRIMINAL OFFENSES.....	62
<i>Unlawful Acts Concerning an Election</i> .....	62
DEADLINES.....	62

<i>Write-in Candidacy</i> .....	62
EQUIPMENT.....	62
<i>Technological Advancements</i> .....	62
FINANCE.....	62
<i>Campaign Finance Records</i> .....	62
<i>Political Action Committees</i> .....	62
GENERAL ELECTIONS.....	62
<i>Candidacy</i> .....	62
INDEPENDENT CANDIDACY.....	63
<i>Filing of Petition</i> .....	63
INITIATED OR REFERRED MEASURES.....	63
<i>County and Municipal Ballot Form</i> .....	63
<i>Financial Disclosures</i> .....	63
<i>Municipal Referendum Petitions</i> .....	63
<i>Prohibited Acts</i> .....	63
MUNICIPAL ELECTIONS.....	63
<i>Unopposed Elections</i> .....	63
POLLING PLACES.....	63
<i>Carrying a Concealed Handgun into a Polling Place</i> .....	63
PRIMARY ELECTIONS.....	63
<i>Candidacy</i> .....	63
SCHOOL ELECTIONS.....	63
<i>Date of Election</i> .....	63
VOTING PROCEDURES.....	63
<i>County Voting System Grant Fund</i> .....	63
<b>EMERGENCY SERVICES.....</b>	<b>64</b>
EMERGENCY COMMUNICATIONS.....	64
<i>Local 911 Systems</i> .....	64
EMERGENCY MANAGEMENT DEPARTMENT.....	64
<i>Hazardous Materials</i> .....	64
GENERALLY.....	64
<i>Auto-injectable Epinephrine</i> .....	64
<i>Medical Assistance During a Drug Overdose</i> .....	64
<i>Naloxone and Tourniquet Access</i> .....	64
MANAGEMENT.....	64
<i>Legislative Arkansas Blue Ribbon Committee on Local 911 Systems</i> .....	64
<i>Location Information of a Wireless Telecommunications Device</i> .....	64
NATURAL DISASTERS.....	64
<i>Disaster Response Workers - Tax and Regulatory Exemptions</i> .....	64
PERSONNEL.....	64
<i>Award of Flags</i> .....	64
<i>Community Paramedics</i> .....	65
<b>ENERGY.....</b>	<b>65</b>
AMENDMENT 89 BONDS.....	65
<i>Enabling Legislation for Local Governments</i> .....	65
CONSERVATION.....	65

<i>Energy Conservation Endorsement Act of 1977</i> .....	65
REGULATION .....	65
<i>Regional Transmission Organization - Federal Energy Regulatory Commission</i> .....	65
RENEWABLE ENERGY .....	65
<i>Net Metering</i> .....	65
<b>ENVIRONMENTAL LAW</b> .....	<b>65</b>
AIR POLLUTION AND CONTROL .....	65
<i>Electric Generating Units - Carbon Dioxide Emissions</i> .....	65
HAZARDOUS SUBSTANCES.....	65
<i>Successor Corporation Asbestos-Related Liability Fairness Act</i> .....	65
HEALTH.....	66
<i>Arkansas Underground Facilities Damage Prevention Act</i> .....	66
HEARINGS.....	66
<i>Administrative Law Judge</i> .....	66
RECYCLING .....	66
<i>Electronic Equipment</i> .....	66
<i>Waste Tires</i> .....	66
SOLID WASTE MANAGEMENT.....	66
<i>Landfill Closure Funds</i> .....	66
<i>Operator Licensure</i> .....	66
STORAGE TANKS .....	66
<i>Corrective Action Payments</i> .....	66
TECHNICAL CORRECTIONS - ENVIRONMENTAL LAW - TITLE 8 .....	66
WASTE TIRES .....	66
<i>Landfill Closure Funds</i> .....	66
WATER POLLUTION AND CONTROL.....	67
<i>Financial Assurance for Permit Renewal</i> .....	67
<i>Nonmunicipal Domestic Sewage Treatment Works</i> .....	67
<i>Water Quality Trading</i> .....	67
<b>ETHICS</b> .....	<b>67</b>
CONFLICTS OF INTEREST .....	67
<i>Removal of Judges</i> .....	67
<i>Suspension of Judges</i> .....	67
ETHICS COMMISSION .....	67
<i>Jurisdiction of Arkansas Ethics Commission</i> .....	67
FINANCIAL DISCLOSURES.....	67
<i>Carryover Fund Reports</i> .....	67
<i>Initiated or Referred Measures</i> .....	67
<i>Political Action Committees</i> .....	68
<i>Reports</i> .....	68
GENERALLY .....	68
<i>Abuse of Public Trust</i> .....	68
INITIATED OR REFERRED MEASURES.....	68
<i>Prohibited Acts</i> .....	68
LOBBYISTS .....	69
<i>Gifts</i> .....	69

POLITICAL ACTION COMMITTEES .....	69
<i>Financial Disclosures</i> .....	69
STATE EMPLOYEES .....	69
<i>Exercise of Rights Under the Freedom of Information Act</i> .....	69
<i>Fraud Prevention</i> .....	69
STATE OFFICIALS .....	70
<i>Gifts from Lobbyists</i> .....	70
<b>FAMILY LAW .....</b>	<b>70</b>
ADOPTION .....	70
<i>Criminal Background Checks</i> .....	70
<i>Re-homing</i> .....	70
<i>Shared Leave - Uniform Attendance and Leave Policy Act</i> .....	70
CHILD SUPPORT .....	70
<i>Ability to Pay</i> .....	70
<i>International Orders</i> .....	70
CHILD WELFARE .....	71
<i>Child Maltreatment Omnibus</i> .....	71
<i>Court Proceedings</i> .....	71
<i>Criminal Background Checks</i> .....	71
<i>Custody - Ad Litem Notice</i> .....	71
<i>Dependency-neglect Cases</i> .....	71
<i>Dual Authority</i> .....	71
<i>Paternity Affidavit</i> .....	71
<i>Privacy and Confidentiality</i> .....	71
<i>Re-homing Prohibited</i> .....	71
<i>Return of Confidential Records</i> .....	71
<i>Siblings in Foster Care</i> .....	71
CUSTODY AND VISITATION .....	72
<i>Uniform Deployed Parents Custody and Visitation Act</i> .....	72
DISABILITIES .....	72
<i>Savings Accounts</i> .....	72
DOMESTIC VIOLENCE.....	72
<i>In-laws Considered "Family or Household Members"</i> .....	72
FOSTER CARE .....	72
<i>Shared Leave - Uniform Attendance and Leave Policy Act</i> .....	72
GUARDIANSHIP .....	72
<i>Guardian of an Estate - Investment Practices</i> .....	72
<i>Subsidies</i> .....	72
JUVENILE LAW .....	72
<i>Custody</i> .....	72
<i>Juvenile Justice System - Youth Justice Reform Board</i> .....	72
MARRIAGE.....	72
<i>Licenses</i> .....	72
PATERNITY .....	72
<i>Affidavit</i> .....	72
<i>Assisted Reproduction</i> .....	72
<i>Putative Parents</i> .....	73
RE-HOMING .....	73



<i>State Services</i> .....	73
<b>FIRE PROTECTION .....</b>	<b>73</b>
FIREFIGHTERS .....	73
<i>Death Benefits</i> .....	73
LICENSING AND CERTIFICATION .....	73
<i>Fireworks</i> .....	73
MUNICIPALITIES .....	73
<i>Contracts for Service</i> .....	73
PROTECTION DISTRICTS .....	73
<i>Reassessment</i> .....	73
SYSTEMS AND PROCEDURES .....	73
<i>Arkansas Fire Prevention Code</i> .....	73
<i>Fire Protection Class Code Determination - Review</i> .....	73
<i>Security Devices</i> .....	73
<b>FIREARMS .....</b>	<b>74</b>
CONCEALED HANDGUN LICENSING.....	74
<i>Eligibility for Current or Former Military Personnel</i> .....	74
<i>Eligibility for Permanent Legal Residents</i> .....	74
CONCEALED HANDGUNS .....	74
<i>Carrying a Concealed Handgun into a Courthouse</i> .....	74
<i>Carrying a Concealed Handgun into a Polling Place</i> .....	74
<i>Carrying a Concealed Handgun on a Private School Premises</i> .....	74
<i>Eligibility to Carry by Off-duty Auxiliary Officers</i> .....	74
<i>Possession of a Concealed Handgun in School Parking Lots</i> .....	74
DISPOSITION OF SEIZED FIREARMS.....	74
<i>Minor or a Mentally Ill Person</i> .....	74
LAW ENFORCEMENT OFFICER SERVICE FIREARMS .....	74
<i>Award to County Sheriff upon Retirement or Death</i> .....	74
POSSESSION .....	75
<i>Certification by Chief Law Enforcement Officer Required by Federal Law</i> .....	75
PROHIBITED AREAS .....	75
<i>Carrying a Concealed Handgun into a Courthouse</i> .....	75
<i>Carrying a Concealed Handgun into a Polling Place</i> .....	75
<i>Concealed Handgun on a Private School Premises</i> .....	75
<i>Possession of a Concealed Handgun in Public Parking Lots</i> .....	75
<b>FREEDOM OF INFORMATION ACT .....</b>	<b>75</b>
EXEMPTIONS.....	75
<i>Advertising and Promotion Tax Records</i> .....	75
<i>Disaster Recovery Systems</i> .....	75
<i>Homeland Security and Threat Assessment Plans</i> .....	75
<i>Identifying Information of Minors</i> .....	75
<i>Institutions of Higher Education - Audit Working Papers</i> .....	76
<i>Municipally Owned Utility Systems</i> .....	76
PUBLIC EMPLOYEES .....	76

<i>Exercise of Rights</i> .....	76
RECORDS .....	76
<i>Custodian of Records</i> .....	76
<b>GAMBLING AND RACING</b> .....	<b>76</b>
CHARITABLE BINGO AND RAFFLES .....	76
<i>Arkansas Savings Promotion Act</i> .....	76
GAMBLING AND AMUSEMENT DEVICES.....	76
<i>Coin-operated Amusements</i> .....	76
RACING COMMISSION .....	76
<i>Membership</i> .....	76
<b>GENERAL ASSEMBLY</b> .....	<b>76</b>
COMMITTEES.....	76
<i>Joint Committee on Advanced Communications and Information Technology</i> .....	76
<i>Rural Fire Departments</i> .....	76
<i>Specialty Court Program Advisory Committee</i> .....	77
EXPENSES AND REIMBURSEMENT .....	77
<i>Expenses, Per Diem, and Mileage</i> .....	77
<i>Expenses, Per Diem, and Mileage</i> .....	77
GENERALLY .....	77
<i>Approval of State-based Health Insurance Exchange</i> .....	77
LEGISLATIVE AUDIT.....	77
<i>Requirements for Audits</i> .....	77
LEGISLATIVE COUNCIL .....	77
<i>Approval of Administrative Rules</i> .....	77
<i>Approval of State Air Pollution Plan</i> .....	77
REPORTS .....	78
<i>Information Network of Arkansas</i> .....	78
TASK FORCES .....	78
<i>Abused Children</i> .....	78
<i>Arkansas Health Reform Legislative Task Force</i> .....	78
<i>Behavioral Health Treatment Access Legislative Task Force</i> .....	78
<i>Legislative Arkansas Blue Ribbon Committee on Local 911 Systems - Extension</i> .....	78
<i>Legislative Criminal Justice Oversight Task Force</i> .....	78
<i>Open Data and Transparency Task Force</i> .....	78
<i>State and Public School Life and Health Insurance Program Legislative Task Force</i> .....	78
TECHNICAL CORRECTIONS - GENERAL ASSEMBLY - TITLE 10 .....	78
<b>HEALTH</b> .....	<b>79</b>
ABORTION .....	79
<i>Abortion-inducing Drugs Safety Act</i> .....	79
<i>Disbursement of Funds</i> .....	79
<i>Informed Consent</i> .....	79
<i>Parental Involvement Enhancement</i> .....	79
<i>Regulation of Certain Abortion-inducing Drugs</i> .....	79
<i>Regulation of Certain Abortion-inducing Drugs</i> .....	79

ABUSED AND NEGLECTED CHILDREN.....	79
<i>Investigative Interviews with a Healthcare Provider</i> .....	79
ADULT MALTREATMENT .....	79
<i>Release from Custody</i> .....	79
BOARDS AND COMMISSIONS .....	79
<i>Appointments</i> .....	79
<i>Arkansas Cemetery Board</i> .....	80
<i>Arkansas Reproductive Health Monitoring System</i> .....	80
<i>National Service and Volunteerism</i> .....	80
<i>State Board of Embalmers and Funeral Directors</i> .....	80
<i>State Kidney Disease Commission</i> .....	80
<i>Suicide Prevention Council</i> .....	80
<i>Task Force on Alpha-gal</i> .....	80
BOILER INSPECTIONS .....	80
<i>Extension of Time</i> .....	80
CRANIOFACIAL ANOMALY .....	80
<i>Coverage Required</i> .....	80
DENTISTRY .....	81
<i>Pediatric Dental Benefits</i> .....	81
EDUCATION.....	81
<i>Healthy Arkansas Educational Program</i> .....	81
EMERGENCY SERVICES .....	81
<i>Medical Assistance During a Drug Overdose</i> .....	81
<i>Naloxone and Tourniquet Access</i> .....	81
<i>Public Access to Auto-injectable Epinephrine</i> .....	81
FOOD .....	81
<i>Labeling of Catfish-like Products</i> .....	81
HEALTH CARE PROVIDERS .....	81
<i>Alternative Payment System</i> .....	81
<i>Concierge Service Arrangement - Medical Services</i> .....	81
<i>Criminal Background Check During Education Application Process</i> .....	81
<i>Graduate Registered Physician</i> .....	82
<i>Hearing Instrument Dispensers</i> .....	82
<i>Insurance Panel Participation Process</i> .....	82
<i>Lay Caregivers</i> .....	82
<i>Massage Therapy</i> .....	82
<i>Prior Authorization - Medical Treatment</i> .....	82
<i>Prior Authorization - Terminal Illness</i> .....	82
<i>Social Work</i> .....	82
<i>Telemedicine</i> .....	82
<i>Unsubmitted Rape Kits</i> .....	82
HEALTH DEPARTMENT .....	83
<i>Immunization Registry</i> .....	83
<i>Nursing Home Resident and Employee Immunization Act</i> .....	83
<i>Prescription Drug Monitoring Program - Combating Prescription Drug Abuse Act</i> ... 83	
<i>Prescription Drug Monitoring Program - Law Enforcement</i> .....	83
<i>Reimbursement for Immunizations</i> .....	83
HOSPITALS .....	83
<i>Assessment Fee to Improve Healthcare Access</i> .....	83
HUMAN SERVICES DEPARTMENT .....	83
<i>Adult Maltreatment</i> .....	83

<i>Assessment Fee to Hospitals to Improve Healthcare Access</i> .....	83
<i>Juvenile Justice System - Youth Justice Reform Board</i> .....	83
<i>Youth Outcome Questionnaire</i> .....	83
HUMAN TISSUE .....	83
<i>Disposition of Human Tissue and Fetal Tissue</i> .....	83
<i>Organ and Tissue Donation</i> .....	84
LICENSURE .....	84
<i>Disposition of Human Remains</i> .....	84
<i>Fireworks</i> .....	84
LONG-TERM CARE FACILITIES.....	84
<i>Advertisement of Results of a Survey, Inspection, or Investigation</i> .....	84
<i>Smoking</i> .....	84
MEDICAID .....	84
<i>Ambulatory Surgery Centers - Medicaid Reimbursement</i> .....	84
<i>Capacity of the Arkansas Autism Partnership</i> .....	84
<i>Medicaid Provider out of Business - Overpayment</i> .....	84
<i>Persons in the Criminal Justice System</i> .....	84
<i>Private Option</i> .....	85
<i>Private Option - Notification</i> .....	85
<i>Private Option - Notification of End of Program</i> .....	85
MEDICAL CONDITIONS .....	85
<i>Diabetes</i> .....	85
<i>Right to Try Act</i> .....	85
<i>Task Force on Alpha-gal</i> .....	85
NURSES.....	85
<i>Collaborative Practice Agreement</i> .....	85
<i>Membership of the Arkansas State Board of Nursing</i> .....	85
<i>Offenses that Prohibit Licensure</i> .....	85
<i>Prescription - Hydrocodone</i> .....	85
PHARMACISTS AND PHARMACIES.....	85
<i>Criminal Background Checks</i> .....	85
<i>Maximum Allowable Cost Lists</i> .....	86
<i>Patient Rights Regarding Payment for Pharmacists Services Act</i> .....	86
<i>Sales Limitations of Ephedrine and Other Nonprescription Drugs</i> .....	86
PHYSICIAN ASSISTANTS .....	86
<i>Prescription - Hydrocodone</i> .....	86
PHYSICIANS .....	86
<i>Financial Penalty - Prohibited</i> .....	86
<i>Osteopathic Residency Exemption</i> .....	86
PUBLIC HEALTH.....	86
<i>Prevention of Unplanned Pregnancy</i> .....	86
<i>Primate Regulation</i> .....	86
<i>Regulation of Vapor Products, Alternative Nicotine Products, and E-liquid Products</i> 86	
SUBSTANCE ABUSE.....	87
<i>Prescription Drug Abuse</i> .....	87
<i>Substance Abuse Reporting</i> .....	87
TECHNICAL CORRECTIONS - PUBLIC HEALTH AND WELFARE - TITLE 20 .....	87
<b>HIGHWAYS AND TRANSPORTATION .....</b>	<b>87</b>

AERONAUTICS AND AVIATION.....	87
<i>Illegal Use of an Unmanned Vehicle or Aircraft - Voyeurism</i> .....	87
<i>Unlawful Use of an Unmanned Aircraft System - Civil Action</i> .....	87
BOATING.....	87
<i>Battery in the Second Degree</i> .....	87
<i>Driving or Boating While Intoxicated</i> .....	87
<i>Eleven Point River - Motorboat Requirements</i> .....	87
<i>Operation of and Requirements for Watercraft</i> .....	87
COUNTY ROADS.....	87
<i>Unpaved Roads Program</i> .....	87
FINANCE AND FUNDING .....	88
<i>Road and Bridge Repair, Maintenance, and Grants Fund</i> .....	88
GENERALLY .....	88
<i>Legislative Task Force on Intermodal Transportation and Commerce</i> .....	88
HIGHWAY AND TRANSPORTATION DEPARTMENT .....	88
<i>State Aid Streets</i> .....	88
<i>Use of Automatic License Plate Readers</i> .....	88
HIGHWAY COMMISSION .....	88
<i>Designation of Roads to Municipal Airports</i> .....	88
<i>Exchange or Transfer of Highways</i> .....	88
<i>Procurement of Design-build Contracts</i> .....	88
<i>Publication of Rules and Regulations</i> .....	88
INTERMODAL FACILITIES .....	88
<i>Sales Tax Exemption for Lessees</i> .....	88
MOTOR CARRIERS .....	88
<i>Transportation Contracts - Indemnity</i> .....	88
<i>Transportation Network Companies</i> .....	89
<i>Transportation Network Companies</i> .....	89
SCENIC HIGHWAYS .....	89
<i>Great River Road - Redesignation</i> .....	89
STATE HIGHWAYS.....	89
<i>Designation of Gold Star Families Highway</i> .....	89
<i>Designation of Roads to Municipal Airports</i> .....	89
<i>Exchange or Transfer</i> .....	89
<i>Rights of Way - Use of Sprinkler</i> .....	89
WATERWAYS .....	89
<i>Funding for Arkansas Port, Intermodal, and Waterway Development Grant Program</i> .....	89
<i>Watercraft - Operation and Requirements</i> .....	89
<b>IMPROVEMENT DISTRICTS.....</b>	<b>89</b>
ASSESSMENTS .....	89
<i>Suburban Improvement Districts</i> .....	89
BOARDS AND COMMISSIONERS .....	89
<i>Members</i> .....	89
FIRE PROTECTION DISTRICTS .....	90
<i>Fire Protection Class Code Determination - Review</i> .....	90
<b>INDIVIDUALS WITH DISABILITIES .....</b>	<b>90</b>

ACCESSIBILITY .....	90
<i>Conflicts with Fire Prevention Code</i> .....	<b>90</b>
FINANCES .....	90
<i>Savings Accounts</i> .....	<b>90</b>
SERVICES .....	90
<i>Craniofacial Anomaly - Insurance Coverage Required</i> .....	<b>90</b>
<b>INSURANCE.....</b>	<b>90</b>
AGENTS, ADJUSTERS, AND CONSULTANTS.....	90
<i>Adjuster License - Experience Qualification</i> .....	<b>90</b>
ARKANSAS PREPAID FUNERAL BENEFITS LAW .....	90
<i>Transfer Fee</i> .....	<b>90</b>
BONDS AND SURETY .....	90
<i>Self-Insured Fidelity Bond Program</i> .....	<b>90</b>
BURIAL ASSOCIATIONS .....	91
<i>Death Benefits</i> .....	<b>91</b>
CHILDREN .....	91
<i>Pediatric Dental Benefits</i> .....	<b>91</b>
CLAIMS .....	91
<i>Prior Authorization - Terminal Illness</i> .....	<b>91</b>
COMPANIES AND ASSOCIATIONS .....	91
<i>Health Carrier - Disclosure Formulary List</i> .....	<b>91</b>
<i>Insurer</i> .....	<b>91</b>
<i>Reports and Filings</i> .....	<b>91</b>
COVERAGE AND BENEFITS .....	91
<i>Craniofacial Anomaly - Coverage Required</i> .....	<b>91</b>
<i>Prior Authorization</i> .....	<b>92</b>
<i>Prior Authorization - Terminal Illness</i> .....	<b>92</b>
<i>State and Public School Life and Health Insurance Program</i> .....	<b>92</b>
<i>Telemedicine</i> .....	<b>92</b>
<i>Vision Care Plans</i> .....	<b>92</b>
DENTAL INSURANCE .....	92
<i>Minimum Essential Pediatric Oral Health Benefits</i> .....	<b>92</b>
FUNERAL AND BURIAL INSURANCE .....	92
<i>Prepaid Funeral Benefits - Insolvent Licensee</i> .....	<b>92</b>
HEALTH INSURANCE .....	93
<i>Craniofacial Anomaly - Coverage Required</i> .....	<b>93</b>
<i>Insurance Panel Participation Process for Healthcare Providers</i> .....	<b>93</b>
<i>Physician - Financial Penalty Prohibited</i> .....	<b>93</b>
<i>Prior Authorization - Transparency</i> .....	<b>93</b>
<i>Qualified Health Plan - Disclosure of Certain Drug Formulary Information</i> .....	<b>93</b>
<i>State and Public School Life and Health Insurance Program</i> .....	<b>93</b>
<i>State and Public School Life and Health Insurance Program</i> .....	<b>93</b>
<i>State and Public School Life and Health Insurance Program - Contributions</i> .....	<b>94</b>
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	<b>94</b>
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	<b>94</b>
<i>State-based Health Insurance Exchange - Prohibition</i> .....	<b>94</b>
HOMEOWNERS INSURANCE.....	94
<i>Fire Protection Class Code - Review</i> .....	<b>94</b>

<i>Property and Casualty Law</i> .....	94
INSURANCE DEPARTMENT .....	95
<i>General Omnibus</i> .....	95
<i>Insurance Commissioner - Advisory Organization Recommendations</i> .....	95
<i>Public Employee Claims Division</i> .....	95
<i>Regulation</i> .....	95
<i>Regulation of Third-Party Administrators</i> .....	95
LIABILITY INSURANCE .....	95
<i>Construction Agreements and Contracts - Choice of Forum</i> .....	95
<i>Construction Agreements and Contracts - Liability</i> .....	95
<i>Transportation Network Companies</i> .....	96
<i>Transportation Network Company Services Act</i> .....	96
LIFE INSURANCE AND ANNUITIES.....	96
<i>Model Standard Valuation Life Insurance and Annuities Law</i> .....	96
<i>Unclaimed Life Insurance Benefits Act</i> .....	96
MOTOR VEHICLES .....	96
<i>Transportation Network Company Services Act</i> .....	96
<i>Transportation Network Company Services Act</i> .....	96
PATIENTS RIGHTS AND ISSUES.....	96
<i>Craniofacial Anomaly - Coverage Required</i> .....	96
<i>Patient Rights Regarding Payment for Pharmacists Services Act</i> .....	97
<i>Prior Authorization Transparency Act</i> .....	97
<i>Terminal Illness - Prior Authorization</i> .....	97
PAYMENTS, PROCEEDS, AND SETTLEMENTS .....	97
<i>Death Benefits - Unclaimed</i> .....	97
PHARMACIES AND PHARMACISTS.....	97
<i>Third-Party Administrator - Multiple Employer Trusts and Self-insured Plans</i> .....	97
POLICIES .....	97
<i>Noncovered services and materials</i> .....	97
<i>Valued Policy Law</i> .....	97
PREMIUM TAXES .....	98
<i>Credit Eligibility</i> .....	98
PREMIUMS AND CHARGES .....	98
<i>Advisory Organization - Review of Fire Protection Class Code Determination</i> .....	98
<i>Payroll Deductions - State Employee</i> .....	98
REGULATION .....	98
<i>Arkansas Healthcare Transparency Initiative</i> .....	98
<i>Exemption - Concierge Service Arrangement</i> .....	98
<i>Prepaid Funeral Benefits - Insolvency Proceedings</i> .....	98
<i>Property and Casualty Insurer</i> .....	98
<i>Property and Casualty Law</i> .....	98
SCHOOLS AND SCHOOL DISTRICTS .....	99
<i>State and Public School Life and Health Insurance Program</i> .....	99
<i>State and Public School Life and Health Insurance Program</i> .....	99
<i>State and Public School Life and Health Insurance Program - Dependents</i> .....	99
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	99
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	99
STATE AGENCIES.....	99
<i>Multi-Agency Insurance Trust Fund</i> .....	99
TITLE INSURANCE .....	100
<i>Title Agent</i> .....	100

WORKERS' COMPENSATION .....	100
<i>Award - Public School Employees</i> .....	<b>100</b>
<b>LABOR AND INDUSTRIAL RELATIONS .....</b>	<b>100</b>
CAREER EDUCATION .....	100
<i>Workforce Initiative</i> .....	<b>100</b>
EMPLOYERS .....	100
<i>Employee References</i> .....	<b>100</b>
TECHNICAL CORRECTIONS - LABOR AND INDUSTRIAL RELATIONS - TITLE 11	100
UNEMPLOYMENT ELIGIBILITY AND BENEFITS .....	100
<i>Aliens</i> .....	<b>100</b>
<i>Drug Use</i> .....	<b>100</b>
<i>Independent Contractors</i> .....	<b>100</b>
<i>Maximum Weekly Benefit Amount and Period</i> .....	<b>100</b>
UNEMPLOYMENT INSURANCE.....	101
<i>Aliens</i> .....	<b>101</b>
<i>Employee Drug Use</i> .....	<b>101</b>
<i>Independent Contractors</i> .....	<b>101</b>
<i>Meaning of "Employment"</i> .....	<b>101</b>
WORKERS' COMPENSATION .....	101
<i>Public School Employees - Public Employee Claims Division</i> .....	<b>101</b>
WORKFORCE DEVELOPMENT .....	101
<i>Statewide System</i> .....	<b>101</b>
WORKFORCE SERVICES DEPARTMENT .....	101
<i>Drug Screening and Testing Pilot Program for TANF</i> .....	<b>101</b>
<i>Professionals of Necessity</i> .....	<b>101</b>
<i>Workforce Development Board</i> .....	<b>102</b>
WORKING CONDITIONS .....	102
<i>Child Labor</i> .....	<b>102</b>
<b>LAW ENFORCEMENT .....</b>	<b>102</b>
ARREST PROCEDURES.....	102
<i>Collection of DNA After All Felony Arrests</i> .....	<b>102</b>
AUXILIARY LAW ENFORCEMENT OFFICERS.....	102
<i>Eligibility to Carry a Concealed Handgun</i> .....	<b>102</b>
COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING .....	102
<i>Award of Service Pistol upon Retirement</i> .....	<b>102</b>
CRIME INFORMATION CENTER.....	102
<i>Criminal Records</i> .....	<b>102</b>
<i>Registered Sex Offender Reporting Requirements</i> .....	<b>102</b>
CRIME LABORATORY .....	102
<i>Unsubmitted Rape Kits</i> .....	<b>102</b>
CRIMINAL INVESTIGATION - GENERALLY .....	103
<i>Child Maltreatment Report by a Healthcare Provider</i> .....	<b>103</b>
<i>Collection of DNA After All Felony Arrests</i> .....	<b>103</b>
<i>Domestic Violence Investigation</i> .....	<b>103</b>
<i>Fingerprints</i> .....	<b>103</b>
<i>Information to Help Victims</i> .....	<b>103</b>



<i>Juvenile Fingerprints</i> .....	103
<i>Location Information of a Wireless Telecommunications Device in an Emergency</i> ..	103
<i>Prescription Drug Monitoring Program - Law Enforcement</i> .....	103
<i>Unsubmitted Rape Kits</i> .....	103
<i>Use of Automatic License Plate Readers</i> .....	103
<i>Victimless Prosecution in Domestic Violence Cases</i> .....	104
FIREARMS .....	104
<i>Disposition of Firearms Seized From a Minor or a Mentally Ill Person</i> .....	104
GENERALLY .....	104
<i>Certification by Chief Law Enforcement Officer Required by Federal Law</i> .....	104
<i>Criminal Impersonation of a Law Enforcement Officer</i> .....	104
<i>Information to Help Victims</i> .....	104
<i>Visa Identification of Human Trafficking Victims</i> .....	104
ISSUANCE OF ARREST WARRANT .....	104
<i>Department of Community Correction May Issue</i> .....	104
LOCAL LAW ENFORCEMENT AGENCIES .....	104
<i>Noncriminal Fingerprinting Fee</i> .....	104
<i>Registered Sex Offender Reporting Requirements</i> .....	104
MILITARY AFFAIRS .....	105
<i>Military Code of Arkansas</i> .....	105
NONCONSENT TOWING.....	105
<i>Towing Rates</i> .....	105
PROSECUTING ATTORNEYS .....	105
<i>Address on Driver's License</i> .....	105
SERVICE FIREARMS .....	105
<i>Award to County Sheriff upon Retirement or Death</i> .....	105
SEX OFFENDER REGISTRATION .....	105
<i>Extended Supervision for Certain Sex Offenders</i> .....	105
<i>Registered Sex Offender Residing Near Church or Other Place of Worship</i> .....	105
<i>Reporting Requirements</i> .....	105
STATE POLICE.....	105
<i>Award of Flags for Fallen Officers</i> .....	105
<i>Financing - Revenue Bonds</i> .....	106
<i>Licensing of Certain Security Persons and Entities</i> .....	106
<i>State Fire Marshal Enforcement Section</i> .....	106
TECHNICAL CORRECTIONS - LAW ENFORCEMENT, EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS - TITLE 12 .....	106
TRAINING AND QUALIFICATIONS .....	106
<i>Former County Sheriff as Municipal Law Enforcement Officer</i> .....	106
<i>Licensing of Certain Security Persons and Entities</i> .....	106
VEHICLES .....	107
<i>Non-consent Towing Rotation Policy</i> .....	107
<b>LOTTERY .....</b>	<b>107</b>
ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM .....	107
<i>Eligibility</i> .....	107
LOTTERY COMMISSION .....	107
<i>Reorganization</i> .....	107
LOTTERY PROCEEDS .....	107

<i>Increasing Scholarship Amounts</i> .....	107
OVERSIGHT .....	107
<i>Legislative Council</i> .....	107
RETAILERS .....	107
<i>Bonding</i> .....	107
SCHOLARSHIPS, GRANTS, AND FINANCIAL AID .....	107
<i>Funding</i> .....	107
<b>MILITARY AND VETERANS .....</b>	<b>108</b>
CONCEALED HANDGUN LICENSING.....	108
<i>Eligibility</i> .....	108
MILITARY CODE.....	108
<i>Courts Martial</i> .....	108
MILITARY INSTALLATIONS .....	108
<i>Procurement of Municipal Utilities</i> .....	108
MILITARY PROPERTY .....	108
<i>Motor Vehicle Violations</i> .....	108
NATIONAL GUARD AND RESERVES.....	108
<i>Military Family Relief Check-Off Program</i> .....	108
SPECIAL LICENSE PLATES.....	108
<i>Disabled Veterans - Requirements</i> .....	108
<i>Veterans of Foreign Wars Special Motorcycle License Plate</i> .....	108
<i>Veterans of Lebanon Conflict</i> .....	108
VETERANS .....	108
<i>Designation of Gold Star Families Highway</i> .....	108
<i>Licensure and Certification</i> .....	109
<i>Prorated Property Tax Exemption - Disabled Veterans</i> .....	109
<i>Uniform Veterans' Guardianship Act</i> .....	109
<b>MOTOR VEHICLES .....</b>	<b>109</b>
ALL-TERRAIN VEHICLES .....	109
<i>Use of Public Roads - Enforcement</i> .....	109
COMMERCIAL DRIVER'S LICENSE.....	109
<i>Adoption of Federal Regulations</i> .....	109
DRIVER'S LICENSE.....	109
<i>Education and Licensing for Teen Drivers</i> .....	109
<i>Examination Fee</i> .....	109
<i>Expiration and Fees</i> .....	109
<i>Learner's Permits</i> .....	110
<i>Prosecuting Attorneys and Deputy Prosecuting Attorneys - Address</i> .....	110
<i>Reinstatement Fees</i> .....	110
<i>Restricted Driving Permit - Specialty Court Program Participants</i> .....	110
<i>Security - Enhanced Identification</i> .....	110
<i>Suspended and Revoked Licenses</i> .....	110
<i>Visual Examination Requirement</i> .....	110
DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS .....	110
<i>Driving on a Suspended Driver's License</i> .....	110
<i>Driving or Boating While Intoxicated</i> .....	110

<i>Use of an Interlock Device</i> .....	110
EQUIPMENT.....	110
<i>Use of an Interlock Device</i> .....	110
FINANCIAL RESPONSIBILITY AND INSURANCE.....	111
<i>Driver Monitoring Program</i> .....	111
<i>Transportation Network Companies</i> .....	111
<i>Transportation Network Company Services Act</i> .....	111
LICENSE PLATES.....	111
<i>Metal Transporter Plate</i> .....	111
<i>Temporary Tags - Fees and Penalties</i> .....	111
MOTOR CARRIERS.....	111
<i>Transportation Contract - Indemnity</i> .....	111
MOTOR VEHICLE COMMISSION.....	111
<i>Warranties and Unlawful Practices</i> .....	111
MOTORCYCLES.....	111
<i>Supplemental Accident Reports</i> .....	111
<i>Veterans of Foreign Wars Special License Plate</i> .....	111
OFFICE OF DRIVER SERVICES.....	112
<i>Driver Monitoring Program</i> .....	112
OFFICE OF MOTOR VEHICLES.....	112
<i>Electronic Records</i> .....	112
REGISTRATION.....	112
<i>Transfer of Title and Registration - Acquisition by Operation of Law</i> .....	112
RULES OF THE ROAD.....	112
<i>All-Terrain Vehicles - Enforcement</i> .....	112
<i>Motor Vehicle Violations on Military Property</i> .....	112
<i>Reduction of Fine for Wearing a Seat Belt</i> .....	112
SIZE AND LOAD REGULATIONS.....	112
<i>Disposition of Fees and Penalties</i> .....	112
<i>Transport of Containerized Cargo Units</i> .....	112
<i>Transport of Manufactured Homes</i> .....	112
SPECIAL LICENSE PLATES.....	113
<i>Amateur Radio Station Owners</i> .....	113
<i>Arkansas State Chapter of National Wild Turkey Federation</i> .....	113
<i>Autism Awareness</i> .....	113
<i>Disabled Veterans - Requirements</i> .....	113
<i>Firefighters</i> .....	113
<i>Hospice and Palliative Care</i> .....	113
<i>Pancreatic Cancer Awareness - Repeal</i> .....	113
<i>Rotary International - Repeal</i> .....	113
<i>Veterans of Foreign Wars Motorcycle License Plate</i> .....	113
<i>Veterans of Lebanon Conflict</i> .....	113
TECHNICAL CORRECTIONS - TRANSPORTATION - TITLE 27.....	113
TITLING.....	113
<i>Transfer of Title and Registration - Acquisition by Operation of Law</i> .....	113
TOWING AND STORAGE.....	113
<i>Complaint Resolution Procedure</i> .....	113
<i>Metal Transporter Plate</i> .....	114
<i>Minimum Standards for Facilities</i> .....	114
<i>Penalties - Removal from Non-consent Rotation List</i> .....	114
<i>Self-service Storage Facility - Removal</i> .....	114

<i>Towing and Recovery Board - Membership Requirements</i> .....	114
<i>Towing Rates</i> .....	114
TRAFFIC .....	114
<i>Motorcycle Accident Reports</i> .....	114
<b>NATURAL RESOURCES .....</b>	<b>114</b>
BOARDS, COUNCILS, COMMITTEES, AND COMMISSIONS.....	114
<i>Appointments</i> .....	114
LAND.....	114
<i>Geographic Information Systems</i> .....	114
OIL, GAS, AND BRINE.....	114
<i>Brine Expansion Units</i> .....	114
<i>Hearings</i> .....	115
<i>Sales Tax Exemption for Certain Fluids</i> .....	115
<i>Sales Tax Exemption for Sand and Other Proppants</i> .....	115
<i>Use of Gas Assessment Fees</i> .....	115
PUBLIC PROPERTY .....	115
<i>Mineral, Timber, and Other Resources</i> .....	115
TECHNICAL CORRECTIONS - NATURAL RESOURCES AND ECONOMIC DEVELOPMENT - TITLE 15 .....	115
WATER.....	115
<i>Eleven Point River - Motorboat Requirements</i> .....	115
<i>Funding for Arkansas Port, Intermodal, and Waterway Development Grant Program</i> .....	115
WILDLIFE .....	115
<i>Annual Resident Hunting and Fishing Licenses - People Aged 65+</i> .....	115
<i>Transfer of Conservation Education Program</i> .....	116
<i>Violation of Game and Fish Regulation</i> .....	116
<b>PROFESSIONS AND OCCUPATIONS.....</b>	<b>116</b>
APPRAISERS .....	116
<i>Arkansas Appraiser Licensing and Certification Board - Membership</i> .....	116
<i>Criminal Background Checks</i> .....	116
ARCHITECTS .....	116
<i>Good Samaritan Law</i> .....	116
BOARDS, COUNCILS, COMMITTEES, AND COMMISSIONS.....	116
<i>Appointments</i> .....	116
CONTRACTORS AND SUBCONTRACTORS .....	116
<i>Contracts - Unenforceable Provisions</i> .....	116
<i>Retainage</i> .....	116
<i>Subcontractor Projects</i> .....	116
<i>Threshold Amount Requiring Contractor's License</i> .....	117
COSMETOLOGISTS .....	117
<i>Licensing Requirements and Student Work</i> .....	117
<i>Natural Hair Braiding</i> .....	117
ELECTRICIANS.....	117
<i>Training</i> .....	117
EMERGENCY WORKERS.....	117
<i>Disaster Response Workers - Tax and Regulatory Exemptions</i> .....	117

ENGINEERS .....	117
<i>Good Samaritan Law</i> .....	<b>117</b>
FORESTERS .....	117
<i>Teaching of Forestry</i> .....	<b>117</b>
FUNERAL HOMES AND BURIAL ASSOCIATIONS .....	117
<i>Disposition of Human Remains</i> .....	<b>117</b>
HEALTH CARE WORKERS - OTHER .....	117
<i>Arkansas Lay Caregiver Act</i> .....	<b>117</b>
<i>Criminal Background Check During Education Application Process</i> .....	<b>118</b>
<i>Hearing Instrument Dispensers</i> .....	<b>118</b>
<i>Investigative Interviews - Child Maltreatment Report</i> .....	<b>118</b>
<i>Social Work</i> .....	<b>118</b>
<i>Substance Abuse Reporting</i> .....	<b>118</b>
<i>Telemedicine</i> .....	<b>118</b>
HEALTHCARE PROVIDER .....	118
<i>Concierge Service Arrangement</i> .....	<b>118</b>
LICENSING AND REGISTRATION .....	118
<i>Reinstatement</i> .....	<b>118</b>
MASSAGE THERAPY .....	119
<i>Abolishment and Transfer</i> .....	<b>119</b>
<i>Generally</i> .....	<b>119</b>
NURSES.....	119
<i>Collaborative Practice Agreement</i> .....	<b>119</b>
<i>Offenses that Prohibit Licensure</i> .....	<b>119</b>
<i>Prescription - Hydrocodone</i> .....	<b>119</b>
PHARMACIES AND PHARMACISTS.....	119
<i>Criminal Background Checks</i> .....	<b>119</b>
<i>Maximum Allowable Cost Lists</i> .....	<b>119</b>
<i>Patient Rights Regarding Payment for Pharmacists Services Act</i> .....	<b>119</b>
<i>Sales Limitations of Ephedrine and Other Nonprescription Drugs</i> .....	<b>119</b>
<i>Third-Party Administrators - Multiple Employer Trusts and Self-Insured Plans</i> .....	<b>119</b>
PHYSICIAN ASSISTANTS .....	120
<i>Prescription - Hydrocodone</i> .....	<b>120</b>
PHYSICIANS .....	120
<i>Alternative Payment System - Financial Penalty Prohibited</i> .....	<b>120</b>
<i>Osteopathic Residency Exemption</i> .....	<b>120</b>
PLUMBERS .....	120
<i>Training</i> .....	<b>120</b>
PRIVATE INVESTIGATORS AND SECURITY .....	120
<i>Licensing</i> .....	<b>120</b>
REAL ESTATE LICENSEES.....	120
<i>Continuing Education</i> .....	<b>120</b>
<i>Licensure</i> .....	<b>120</b>
TECHNICAL CORRECTIONS - PROFESSIONS, OCCUPATIONS, AND BUSINESSES -	
TITLE 17.....	120
VETERANS .....	121
<i>Licensure and Certification</i> .....	<b>121</b>
<b>PROPERTY RIGHTS AND INTERESTS.....</b>	<b>121</b>

EASEMENTS .....	121
<i>Unpaved Road Easements</i> .....	<i>121</i>
MORTGAGES AND LIENS .....	121
<i>Duration of Judgment Lien</i> .....	<i>121</i>
<i>Satisfaction of Lien</i> .....	<i>121</i>
<i>Self-service Storage Facility</i> .....	<i>121</i>
PARTITION .....	121
<i>Uniform Partition of Heirs Property Act</i> .....	<i>121</i>
PERSONAL PROPERTY .....	121
<i>Public Recording and Deletion of Electronic Data</i> .....	<i>121</i>
<i>Self-service Storage Facility</i> .....	<i>122</i>
<i>Stolen Property in Possession of Dealer in Secondhand Goods</i> .....	<i>122</i>
REAL PROPERTY - GENERALLY .....	122
<i>Compensation for Taking</i> .....	<i>122</i>
<i>Foundation Repair</i> .....	<i>122</i>
<i>Property Owner - Bill of Rights</i> .....	<i>122</i>
<i>Recreational Use</i> .....	<i>122</i>
<i>State Highway Rights of Way - Use of Sprinkler</i> .....	<i>122</i>
TAX-DELINQUENT PROPERTY .....	122
<i>Abandonment of Personal Property Remaining on Land</i> .....	<i>122</i>
<i>Judicial Action as Limitation on Redemption or Challenge</i> .....	<i>123</i>
TECHNICAL CORRECTIONS - PROPERTY - TITLE 18 .....	123
UNCLAIMED PROPERTY .....	123
<i>Notice</i> .....	<i>123</i>
<i>Time for Claiming - Reporting of Abandoned Mineral Proceeds</i> .....	<i>123</i>
<i>Unclaimed Life Insurance Benefits Act</i> .....	<i>123</i>
<i>United States Savings Bonds</i> .....	<i>123</i>
<b>PUBLIC FINANCE .....</b>	<b>123</b>
ACCOUNTING AND BUDGETARY PROCEDURES .....	123
<i>Fraud Prevention</i> .....	<i>123</i>
<i>Productivity Reporting</i> .....	<i>124</i>
<i>Retainage</i> .....	<i>124</i>
BOND ISSUES .....	124
<i>Amendment 89 Bonds - Local Governments</i> .....	<i>124</i>
<i>State Police Revenue Bonds</i> .....	<i>124</i>
PURCHASING AND CONTRACTS .....	124
<i>Alternative Means of Meeting Experience Requirement</i> .....	<i>124</i>
<i>Attorney General Contracts with Private Attorneys</i> .....	<i>124</i>
<i>Conflicts of Interest - Members of Certain State Entities</i> .....	<i>124</i>
<i>Construction Agreements and Contracts - Liability</i> .....	<i>124</i>
<i>County Purchase of Used Motor Vehicles</i> .....	<i>124</i>
<i>Employment Restrictions</i> .....	<i>125</i>
<i>Municipal Utilities for Military Bases</i> .....	<i>125</i>
<i>Retainage</i> .....	<i>125</i>
<i>Service Contracts and Reporting Requirements</i> .....	<i>125</i>
REVENUE CLASSIFICATION LAW .....	125
<i>General Revenues - Gas Assessment Fees</i> .....	<i>125</i>
REVENUE STABILIZATION LAW .....	125

<i>Budget Stabilization Trust Fund</i> .....	125
TOBACCO SETTLEMENT PROCEEDS.....	125
<i>Distribution and Use of Funds</i> .....	125
<b>PUBLIC OFFICERS AND EMPLOYEES .....</b>	<b>125</b>
APPOINTMENT AND HIRING .....	125
<i>Workforce Retention</i> .....	125
ATTENDANCE AND LEAVE .....	125
<i>Educational Activity Leave</i> .....	125
<i>Paid Leave - Federal Emergency Disaster Relief</i> .....	126
<i>Shared Leave - Uniform Attendance and Leave Policy Act</i> .....	126
COMPENSATION AND BENEFITS .....	126
<i>Beneficiary Forms</i> .....	126
<i>Compensation Plan</i> .....	126
<i>Contributions - State and Public School Life and Health Insurance Program</i> .....	126
<i>Death Benefits - Firefighter Death Due to Cancer</i> .....	126
<i>Death Benefits - Jailers and Coroners</i> .....	126
<i>Salaries</i> .....	126
<i>State and Public School Life and Health Insurance Program</i> .....	127
<i>State and Public School Life and Health Insurance Program</i> .....	127
<i>State and Public School Life and Health Insurance Program - Dependents</i> .....	127
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	127
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	127
<i>Tuition Savings Program</i> .....	127
COURT REPORTERS .....	127
<i>Salaries</i> .....	127
ETHICS AND CONFLICTS OF INTEREST .....	128
<i>Abuse of Public Trust</i> .....	128
<i>Employment Restrictions</i> .....	128
<i>Ethics Commission - Jurisdiction</i> .....	128
<i>Exercise of Rights Under the Freedom of Information Act</i> .....	128
<i>Fraud Prevention</i> .....	128
<i>Gifts from Lobbyists - Financial Reports</i> .....	128
<i>Members of Certain State Entities</i> .....	128
<i>Removal of Judges</i> .....	129
<i>Statements of Financial Interest</i> .....	129
<i>Suspension of Judges</i> .....	129
FEES.....	129
<i>County Clerk - Appointment as Commissioner for Property Sale</i> .....	129
LIABILITY .....	129
<i>Self-Insured Fidelity Bond Program</i> .....	129
NOTARIES PUBLIC .....	129
<i>Fees and Licenses</i> .....	129
PROSECUTING ATTORNEYS .....	129
<i>Address on Driver's License</i> .....	129
PUBLIC EMPLOYEES' RETIREMENT SYSTEM.....	129
<i>Contributions</i> .....	129
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	130
RECORDS AND REPORTING .....	130

<i>Carryover Fund Reports</i> .....	130
<i>Financial Disclosures</i> .....	130
TECHNICAL CORRECTIONS - PUBLIC OFFICERS AND EMPLOYEES - TITLE 21 .	130
TRIAL COURT ADMINISTRATORS .....	130
<i>Salaries</i> .....	130
<b>PUBLIC PROPERTY.....</b>	<b>130</b>
BUILDING AUTHORITY (ABA) .....	130
<i>Purchase or Lease of Real Property</i> .....	130
CAPITOL GROUNDS.....	130
<i>Ten Commandments Monument</i> .....	130
MINERAL, TIMBER, AND OTHER RESOURCES.....	131
<i>Penalties</i> .....	131
PARKS AND RECREATION AREAS .....	131
<i>Sale of Tax-delinquent Lands</i> .....	131
PUBLIC BUILDINGS, FACILITIES, AND PROPERTY .....	131
<i>Purchase or Lease of Real Property</i> .....	131
PUBLIC WORKS .....	131
<i>Construction Agreements and Contracts</i> .....	131
<i>Retainage</i> .....	131
RECORDING ON PUBLIC PROPERTY .....	131
<i>Public Recording and Deletion of Electronic Data</i> .....	131
<b>RETIREMENT .....</b>	<b>131</b>
LOCAL POLICE AND FIRE RETIREMENT SYSTEM .....	131
<i>Service Credit</i> .....	131
PUBLIC EMPLOYEES' RETIREMENT SYSTEM.....	131
<i>Contributions</i> .....	131
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	132
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	132
STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM.....	132
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	132
TEACHER RETIREMENT SYSTEM.....	132
<i>Beneficiaries</i> .....	132
<i>Disability Retirement</i> .....	132
<i>Lump Sum Payments</i> .....	132
<i>Military Service Credit</i> .....	133
<i>Private School Service</i> .....	133
<i>Rollover</i> .....	133
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	133
<i>State and Public School Life and Health Insurance Program - Retirees</i> .....	133
<i>Technical Revisions</i> .....	133
TECHNICAL CORRECTIONS - RETIREMENT AND PENSIONS - TITLE 24 .....	134
<b>STATE AGENCIES, BOARDS, AND COMMISSIONS.....</b>	<b>134</b>
ADMINISTRATIVE RULES - GENERALLY .....	134
<i>Approval</i> .....	134



<i>Removal and Replacement of Positions</i> .....	134
APPRAISERS .....	134
<i>Arkansas Appraiser Licensing and Certification Board - Membership</i> .....	134
<i>Criminal Background Checks</i> .....	134
BOARDS AND COMMISSIONS .....	134
<i>Appointments</i> .....	134
BUILDING AUTHORITY (ABA) .....	134
<i>Purchase or Lease of Real Property</i> .....	134
BUREAU OF STANDARDS .....	134
<i>Labeling of Catfish-like Products</i> .....	134
BURIAL ASSOCIATION .....	135
<i>Burial Policy</i> .....	135
CEMETERIES .....	135
<i>Arkansas Cemetery Board - Insolvent Cemetery Grant Fund Act</i> .....	135
CHILD WELFARE AGENCY .....	135
<i>Human Trafficking</i> .....	135
CLAIMS AGAINST THE STATE .....	135
<i>Claims Commission Decisions</i> .....	135
<i>Death Benefits - Firefighter Death Due to Cancer</i> .....	135
COLLECTION AGENCIES .....	135
<i>State Board of Collection Agencies</i> .....	135
CONTRACTORS LICENSING.....	135
<i>Threshold Amount</i> .....	135
CONTRACTS .....	136
<i>Collective Bargaining</i> .....	136
CORRECTIONS .....	136
<i>Criminal Justice Reform Act of 2015</i> .....	136
<i>Housing State Inmates</i> .....	136
<i>Public Safety Transparency and Accountability Act of 2015</i> .....	136
<i>Sale of Prison-made Goods</i> .....	136
COSMETOLOGY.....	136
<i>Natural Hair Braiding</i> .....	136
CRIME INFORMATION CENTER.....	136
<i>Location Information of a Wireless Telecommunications Device in an Emergency</i> ..	136
DEVELOPMENT FINANCE AUTHORITY (ADFA) .....	137
<i>Operations</i> .....	137
DOMESTIC VIOLENCE COMMISSION .....	137
<i>Human Trafficking</i> .....	137
EMBALMERS AND FUNERAL DIRECTORS .....	137
<i>State Board of Embalmers and Funeral Directors</i> .....	137
EMPLOYEES - GENERALLY .....	137
<i>Compensation Plan</i> .....	137
<i>Exercise of Rights Under the Freedom of Information Act</i> .....	137
<i>Payroll Deductions - State Employee</i> .....	137
<i>Shared Leave - Uniform Attendance and Leave Policy Act</i> .....	137
<i>State and Public School Life and Health Insurance Board - Dependents</i> .....	137
<i>State and Public School Life and Health Insurance Program</i> .....	138
ETHICS .....	138
<i>Abuse of Public Trust</i> .....	138
<i>Conflicts of Interest - Members of Certain State Entities</i> .....	138
FEEES AND PENALTIES - GENERALLY .....	138

<i>Arkansas Board of Hearing Instrument Dispensers</i> .....	138
<i>Arkansas Social Work Licensing Board</i> .....	138
FINANCE AND ADMINISTRATION (DFA) .....	138
<i>Employee Benefits Division - State and Public School Life and Health Insurance</i>	
<i>Board</i> .....	138
<i>Internal Audit Section</i> .....	138
<i>Marketing and Redistribution - Certain Plants and Animals</i> .....	138
FORESTRY AND FORESTERS .....	138
<i>Arkansas Appraiser Licensing and Certification Board</i> .....	138
<i>Teaching of Forestry</i> .....	139
GAME AND FISH .....	139
<i>Income Tax Check-off Program</i> .....	139
<i>Survivor Benefits</i> .....	139
GEOGRAPHIC INFORMATION SYSTEMS .....	139
<i>Name</i> .....	139
HEALTH .....	139
<i>Immunization Registry</i> .....	139
<i>Nursing Home Resident and Employee Immunization Act</i> .....	139
<i>Prescription Drug Monitoring Program - Combating Prescription Drug Abuse Act</i> .....	139
<i>Prescription Drug Monitoring Program - Law Enforcement</i> .....	139
<i>Reimbursement for Immunizations</i> .....	139
HEALTH INSURANCE MARKETPLACE .....	139
<i>State-based Health Insurance Exchange - Prohibition</i> .....	139
HIGHWAYS AND TRANSPORTATION .....	139
<i>Survivor Benefits</i> .....	139
HISTORY COMMISSION .....	140
<i>Authority</i> .....	140
HUMAN SERVICES .....	140
<i>Assessment Fee to Hospitals to Improve Healthcare Access</i> .....	140
<i>Capacity of the Arkansas Autism Partnership</i> .....	140
<i>Child Death and Near Fatal Multidisciplinary Review Committee</i> .....	140
<i>Dual Authority</i> .....	140
<i>Healthy Arkansas Educational Program</i> .....	140
<i>Juvenile Justice System - Youth Justice Reform Board</i> .....	140
<i>Medicaid Provider out of Business - Overpayment</i> .....	140
<i>Youth Outcome Questionnaire</i> .....	140
INDEPENDENT CITIZENS COMMISSION ON SALARIES .....	141
<i>Jurisdiction</i> .....	141
INFORMATION SYSTEMS .....	141
<i>Information Network of Arkansas - Quarterly Reports</i> .....	141
INSURANCE .....	141
<i>Arkansas Healthcare Transparency Initiative</i> .....	141
<i>Insurance Commissioner - State Fire Marshal Enforcement Section</i> .....	141
<i>State-based Health Insurance Exchange - Prohibition</i> .....	141
LAW ENFORCEMENT .....	141
<i>Award of Service Pistol upon Retirement</i> .....	141
LEGISLATIVE AUDIT .....	141
<i>Requirements for Audits</i> .....	141
LICENSING AND REGISTRATION .....	141
<i>Reinstatement</i> .....	141
LIVESTOCK AND POULTRY .....	142

<i>Bovine Disease Control and Eradication Program - Fees</i> .....	142
<i>Division of Brand Registry</i> .....	142
MASSAGE THERAPY .....	142
<i>Abolishment and Transfer</i> .....	142
<i>Generally</i> .....	142
NATURAL RESOURCES COMMITTEE .....	142
<i>Attendance at Meetings</i> .....	142
NURSING BOARD .....	142
<i>Membership</i> .....	142
<i>Offenses that Prohibit Licensure</i> .....	142
ORGANIZATION.....	142
<i>Transfers</i> .....	142
PARKS, RECREATION, AND TRAVEL .....	142
<i>Membership</i> .....	142
<i>Membership - Commissioner Emeritus</i> .....	143
PAROLE BOARD .....	143
<i>Criminal Justice Reform Act of 2015</i> .....	143
<i>Grant or Award of Parole</i> .....	143
<i>Public Safety Transparency and Accountability Act of 2015</i> .....	143
<i>Technical Correction</i> .....	143
PHARMACY BOARD .....	143
<i>Criminal Background Checks</i> .....	143
<i>Permits</i> .....	143
POLLUTION CONTROL AND ECOLOGY .....	144
<i>Administrative Law Judge</i> .....	144
PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES .....	144
<i>Abolition</i> .....	144
PROCUREMENT .....	144
<i>Marketing and Redistribution of Certain Plants and Animals</i> .....	144
PUBLIC SERVICE COMMISSION.....	144
<i>Arkansas Underground Facilities Damage Prevention Act</i> .....	144
<i>Certificate of Public Convenience and Necessity</i> .....	144
<i>Interim Rate Surcharges</i> .....	144
<i>Power Purchase Agreements</i> .....	144
<i>Rates and Charges - Energy Conservation Endorsement Act of 1977</i> .....	144
RACING COMMISSION .....	145
<i>Membership</i> .....	145
REAL ESTATE.....	145
<i>Arkansas Appraiser Licensing and Certification Board</i> .....	145
<i>Purchase or Lease of Real Property</i> .....	145
RECORDS AND REPORTS - GENERALLY .....	145
<i>Productivity Reporting</i> .....	145
RURAL DEVELOPMENT .....	145
<i>Transfer of Conservation Education Program</i> .....	145
SERVICE AND VOLUNTEERISM.....	145
<i>Advisory Commission</i> .....	145
STATE POLICE.....	145
<i>Dual Authority</i> .....	145
<i>Licensing of Certain Security Persons and Entities</i> .....	146
<i>State Fire Marshal Enforcement Section</i> .....	146
TECHNICAL CORRECTIONS - GENERAL PROVISIONS - TITLE 1 .....	146

TOBACCO.....	146
<i>Regulation of Vapor Products, Alternative Nicotine Products, and E-liquid Products</i>	146
TOWING AND RECOVERY.....	146
<i>Complaint Resolution Procedure</i> .....	146
<i>Membership Requirements</i> .....	146
<i>Minimum Standards for Towing Facilities</i> .....	146
<i>Penalties - Removal from Non-consent Rotation List</i> .....	146
VETERANS.....	147
<i>Licensure and Certification</i> .....	147
WORKFORCE SERVICES.....	147
<i>Drug Screening and Testing Pilot Program for TANF</i> .....	147
<i>Professionals of Necessity</i> .....	147
<b>TAXES .....</b>	<b>147</b>
ADMINISTRATION OF LOCAL TAXES.....	147
<i>Property Tax - Valuation of Broadband Infrastructure</i> .....	147
<i>Tangible Personal Property</i> .....	147
<i>Valuation of Off-premises Advertising Signs</i> .....	147
ADMINISTRATION OF STATE TAXES.....	147
<i>Multistate Tax Compact Advisory Committee - Elimination</i> .....	147
<i>Tax Exemptions for Disaster Response Workers</i> .....	147
<i>Taxpayer Fairness</i> .....	148
<i>Time Period to Claim Credits and Refunds</i> .....	148
COLLECTION AND ENFORCEMENT.....	148
<i>Abandonment of Personal Property Remaining on Land Subject to Sale</i> .....	148
<i>Assessment Appeal</i> .....	148
<i>Claimant Agency - Highway and Transportation Department</i> .....	148
<i>Corporate Franchise Tax - Disputes</i> .....	148
<i>Redemption of Tax-delinquent Property</i> .....	148
<i>Redemption of Tax-delinquent Property - Obsolete Laws</i> .....	148
<i>Sale of Tax-delinquent Property - Notice</i> .....	149
<i>Sales of Real Property</i> .....	149
<i>Set Aside of Tax-delinquent Property Sales</i> .....	149
<i>Tax-delinquent Property - Actions to Correct, Remove, or Abate Conditions</i> .....	149
<i>Tax-delinquent Property - Dedication of Land as Public Park</i> .....	149
<i>Tax-delinquent Property - Maintenance and Liability</i> .....	149
INCOME TAX.....	149
<i>Adoption of Changes to Federal Law</i> .....	149
<i>Capital Gains Exemption</i> .....	149
<i>Capital Gains Exemption</i> .....	149
<i>Check-off Program - Game and Fish Foundation</i> .....	149
<i>Credit - Waste Reduction, Reuse, or Recycling Equipment</i> .....	149
<i>Credit for Waste Reduction, Reuse, and Recycling Equipment - Amendment 82</i>	
<i>Projects</i> .....	149
<i>Exemption - Disabilities Savings Accounts</i> .....	150
<i>Exemption for Certain Disaster Payments</i> .....	150
<i>Historic Rehabilitation Credit</i> .....	150
<i>Military Family Relief Check-Off Program</i> .....	150
<i>Offset of Court-ordered Restitution Through Interception of State Income Tax Return</i>	150

<i>Rates and Brackets</i> .....	150
<i>Recovery of Unpaid Public Defender User Fees</i> .....	150
<i>Reduction Based on Collection of Sales Taxes from Remote Sellers</i> .....	150
LOCAL SALES AND USE TAXES .....	150
<i>Advertising and Promotion Tax Records</i> .....	150
<i>Wine Shipments</i> .....	150
PREMIUM TAXES .....	151
<i>Credit Eligibility</i> .....	151
PRIVILEGE TAXES .....	151
<i>Alcoholic Beverages</i> .....	151
<i>Application of Tobacco Tax</i> .....	151
<i>Coin-operated Amusements</i> .....	151
PROPERTY TAX .....	151
<i>Prorated Exemption for Disabled Veterans</i> .....	151
<i>Valuation of Broadband Infrastructure</i> .....	151
<i>Valuation of Off-premises Advertising Signs</i> .....	151
REAL PROPERTY TRANSFER TAX.....	151
<i>Affidavits of Compliance and Receipts</i> .....	151
<i>Exemption for Statutory Foreclosures</i> .....	151
SEVERANCE TAXES.....	151
<i>Distribution</i> .....	151
STATE SALES AND USE TAXES .....	151
<i>Exemption for Certain Aircraft Services and Sales</i> .....	151
<i>Exemption for Certain Fluids Used in Natural Resources Development</i> .....	152
<i>Exemption for Lessees of Intermodal Authorities</i> .....	152
<i>Exemption for Sand and Other Proppants</i> .....	152
<i>Limited Direct Pay Permit</i> .....	152
TECHNICAL CORRECTIONS - TAXATION - TITLE 26 .....	152
<b>TECHNOLOGY.....</b>	<b>152</b>
ARKANSAS WIRELESS INFORMATION NETWORK .....	152
<i>Arkansas Wireless Information Network Financing Fund</i> .....	152
COMPUTERS AND SOFTWARE.....	152
<i>Wrongful Dissemination of an Electronic Communication</i> .....	152
INFORMATION NETWORK OF ARKANSAS .....	152
<i>Appointments</i> .....	152
STATE GOVERNMENT.....	152
<i>Arkansas Business Portal Act</i> .....	152
<i>Information Network of Arkansas</i> .....	153
WIRELESS TELECOMMUNICATIONS DEVICES .....	153
<i>Location Information in an Emergency</i> .....	153
<b>TOBACCO .....</b>	<b>153</b>
REGULATION .....	153
<i>E-Cigarettes - Institutions of Higher Education</i> .....	153
<i>Smoking - Long-Term Care Facilities</i> .....	153
<i>Vapor Products, Alternative Nicotine Products, and E-liquid Products</i> .....	153
TAXES .....	153

<i>Application</i> .....	153
<b>TOURISM</b> .....	<b>153</b>
PARKS, RECREATION, AND TRAVEL COMMISSION .....	153
<i>Membership</i> .....	153
<b>UTILITIES</b> .....	<b>153</b>
ACCESS TO CUSTOMER INFORMATION .....	153
<i>Process Servers</i> .....	153
ACQUISITION OF ADDITIONAL PROPERTY .....	154
<i>Affiliate</i> .....	154
BOARDS, COUNCILS, COMMITTEES, AND COMMISSIONS.....	154
<i>Appointments</i> .....	154
ELECTRIC .....	154
<i>Eminent Domain for Transmission Lines - Compensation</i> .....	154
<i>Energy Conservation Endorsement Act of 1977</i> .....	154
<i>Net Metering</i> .....	154
<i>Power Purchase Agreements</i> .....	154
EMINENT DOMAIN.....	154
<i>Property Owner - Bill of Rights</i> .....	154
FREEDOM OF INFORMATION ACT .....	154
<i>Exemption for Customer Information</i> .....	154
GAS .....	155
<i>Compressed Natural Gas - Motor Fuel</i> .....	155
<i>Energy Conservation Endorsement Act of 1977</i> .....	155
PUBLIC SERVICE COMMISSION.....	155
<i>Authority - Regulate Rates and Charges</i> .....	155
<i>Certificate of Public Convenience and Necessity</i> .....	155
<i>Certificate of Public Convenience and Necessity - Requirements</i> .....	155
<i>Federal Energy Regulatory Commission - Authorized Debt</i> .....	155
<i>Interim Rate Surcharges</i> .....	155
<i>Public Utility - Definition</i> .....	155
<i>Rate Reform</i> .....	156
RATES AND CHARGES .....	156
<i>Energy Conservation Endorsement Act of 1977</i> .....	156
<i>Exemption - Certificate of Public Convenience and Necessity</i> .....	156
<i>Formula Rate Review - Authorized</i> .....	156
<i>Interim Rate Surcharges</i> .....	156
REGULATION GENERALLY .....	156
<i>Certificate of Convenience and Necessity - Exemption</i> .....	156
SEWER .....	156
<i>Audit Requirements</i> .....	156
<i>Cooperation with Water Utility in Billing and Collecting Payments</i> .....	156
TECHNICAL CORRECTIONS - PUBLIC UTILITIES AND REGULATED INDUSTRIES -	
TITLE 23.....	157
TELECOMMUNICATIONS .....	157
<i>Location Information of a Wireless Telecommunications Device in an Emergency</i> ..	157
UNDERGROUND FACILITIES .....	157

<i>One Call Center - Notice and Repair of Damage</i> .....	157
WATER.....	157
<i>Audit Requirements</i> .....	157
<i>Waterworks Commission Members</i> .....	157
<b>WELFARE AND GOVERNMENTAL ASSISTANCE .....</b>	<b>157</b>
ASSISTANCE PROGRAMS.....	157
<i>Drug Screening and Testing Pilot Program for TANF</i> .....	157
HUMAN SERVICES DEPARTMENT .....	157
<i>Board of Division of State Services for the Blind</i> .....	157
MEDICAID .....	157
<i>Ambulatory Surgery Centers - Medicaid Reimbursement</i> .....	157
<i>Capacity of the Arkansas Autism Partnership</i> .....	157
<i>Medicaid Provider out of Business - Overpayment</i> .....	158
<i>Private Option</i> .....	158
<i>Private Option - Notification</i> .....	158
<i>Private Option - Notification of Termination</i> .....	158
OLDER WORKERS .....	158
<i>Community Service Activities</i> .....	158
WORKFORCE DEVELOPMENT .....	158
<i>Restructure of Welfare Program</i> .....	158
<b>WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS.....</b>	<b>158</b>
BENEFICIARIES .....	158
<i>Payable on Death Deposit Accounts</i> .....	158
<i>Unclaimed Life Insurance Benefits Act</i> .....	159
FIDUCIARY DUTY .....	159
<i>Guardian of an Estate - Investment Practices</i> .....	159
GUARDIANS AND GUARDIANSHIP .....	159
<i>Investment Practices</i> .....	159
<i>Public Guardian for Adults</i> .....	159
HEIRS .....	159
<i>Assisted Reproduction</i> .....	159
PROBATE.....	159
<i>Qualifications for Domiciliary Personal Representative</i> .....	159
SMALL ESTATES .....	159
<i>Affidavits</i> .....	159
TRUST TAXATION.....	159
<i>Settlors</i> .....	159
<b>PROPOSED CONSTITUTIONAL AMENDMENTS.....</b>	<b>160</b>
<b>EFFECTIVE DATE OF ACTS .....</b>	<b>160</b>
<b>GENERAL ASSEMBLY MEETING DATES .....</b>	<b>161</b>

**INDEX OF ACTS..... 163**



## REGULAR SESSION ACTS

### AGRICULTURE

#### AGRONOMY

##### ***Grain, Soybean, and Peanut Owner Liens***

ACT 1082 (HB1553) grants a grain, soybean, or peanut owner a lien on grain, soybeans, or peanuts for any unpaid portion of the sales price for the grain, soybeans, or peanuts and regulates the perfection, priority, transfer, waiver, release, and expiration of the grain, soybean, or peanut owner's lien. The act also exempts farm-owned cooperatives and entities licensed under federal or state grain warehouse laws.

##### ***Regulation of Grain Dealers***

ACT 601 (SB555) requires grain dealers that are not licensed under existing federal or state grain warehouse laws to be licensed, to provide financial assurance, and to be subject to annual inspections and audits. The act also creates criminal penalties for violations of the act and creates a slow-pay hotline for reporting grain dealers that are more than thirty (30) days late in paying for grain. The act declares an emergency and is effective on and after March 23, 2015.

#### CROPS

##### ***Regulation of Grain Dealers***

ACT 601 (SB555) requires grain dealers that are not licensed under existing federal or state grain warehouse laws to be licensed, to provide financial assurance, and to be subject to annual inspections and audits. The act also creates criminal penalties for violations of the act and creates a slow-pay hotline for reporting grain dealers that are more than thirty (30) days late in paying for grain. The act declares an emergency and is effective on and after March 23, 2015.

#### DISEASE AND PEST CONTROL

##### ***Bovine Disease - Brucellosis***

ACT 342 (HB1309) changes the name of the brucellosis control and eradication program to the bovine disease control and eradication program.

##### ***Bovine Disease Control and Eradication Program - Fees***

ACT 1077 (HB1388) limits the fee levied on cattle for the funding of the bovine disease control and eradication program.

##### ***Feral Hogs***

ACT 723 (HB1569) requires terminal facilities to comply with swine regulations and maintain certain records regarding the purchase of feral hogs, reduces the criminal penalty for releasing hogs into the wild, and adds the revocation of hunting and fishing rights for up to five (5) years as a penalty for releasing hogs into the wild. The act provides for revenues from fines collected for penalties relating to feral hogs to be deposited into the Game Protection Fund for the Game and Fish Commission to use for eradication efforts to eliminate feral hogs. The act also provides for the issuance of a depredation permit for hunting and trapping feral hogs.

#### FARMS AND FARMING

##### ***Income Tax Exemption for Certain Disaster Payments***

ACT 891 (SB341) creates an income tax exemption for payments from an agricultural disaster program to a cattle farmer or cattle rancher. The act is effective for tax years beginning on and after January 1, 2015.

## AGRICULTURE

### FISH

#### ***Labeling of Catfish-like Products***

ACT 1191 (HB1854) requires the labeling and identification of catfish-like products and species on packaging and menus. The act also requires the Bureau of Standards to publish notice of the act within thirty (30) days of the passage of the act. The act is effective on and after January 1, 2016.

### LIVESTOCK AND POULTRY

#### ***Bovine Disease Control and Eradication Program - Fees***

ACT 1077 (HB1388) limits the fee levied on cattle for the funding of the bovine disease control and eradication program.

#### ***Branding and Marking***

ACT 965 (HB1960) regulates the branding and marking of livestock. The act also eliminates the Division of Brand Registry of the Arkansas Livestock and Poultry Commission and allows the commission to contract with a private entity to administer the requirements for branding and marking livestock.

#### ***Brucellosis Program Name Change***

ACT 342 (HB1309) changes the name of the brucellosis control and eradication program to the bovine disease control and eradication program.

#### ***Production Contracts - Disclosure Notices Required***

ACT 1169 (HB1214) requires that notice be given to livestock and poultry growers in production contracts and lending agreements concerning the additional investments that may be required under a production contract.

## ALCOHOLIC BEVERAGES

### ARKANSAS WINE PRODUCERS COUNCIL

#### ***Appointments***

ACT 1100 (HB1851) changes the method of appointing members to certain state boards and commissions.

### BEER AND WINE

#### ***Microbrewery Restaurants and Small Breweries***

ACT 857 (SB646) provides an exemption from the privilege tax on liquor business for microbrewery restaurants. The act also increases the annual capacity of small brewers to twenty thousand (20,000) barrels of beer and authorizes small breweries to sell their beer at off-premises retail sites. The act declares an emergency and is effective on and after March 31, 2015.

### LOCAL OPTION

#### ***Defunct Voting Districts***

ACT 564 (SB373) provides that a local option election concerning alcohol in a defunct voting district shall authorize only the sale of alcoholic beverages, removing the provision that authorized manufacturing. The act sets the signature level for an alcoholic beverage sales petition in a defunct voting district at fifteen percent (15%) of qualified voters.

#### ***Petition Process***

ACT 1251 (HB1790) clarifies the law concerning the petition process for local option elections.

#### ***Property Owner's Associations***

ACT 383 (SB215) provides that a property owner's association with a population of five thousand (5,000) or more in a wet county may authorize by ordinance the sale of alcoholic beverages for on-premises consumption.

## ALCOHOLIC BEVERAGES

### MINORS - POSSESSION

#### ***Immunity***

ACT 381 (SB161) provides limited immunity from criminal prosecution for possession of alcohol to persons under twenty-one (21) years of age who act responsibly during a medical emergency.

### PERMITS

#### ***Defining "Church" - Thousand-foot Limit***

ACT 1172 (HB1390) provides that the definition of "church" for purposes of retail liquor permits includes a church and the adjacent property owned or leased by the church that is used for church purposes. The act also provides that the one-thousand-foot limit separating retail liquor businesses from churches and schoolhouses is measured from the property line of the church or schoolhouse.

#### ***Distiller's Fees***

ACT 1143 (SB1033) provides that the permit fee for distilleries shall be identical to the permit fee for beer permits.

#### ***Hard Cider***

ACT 1237 (SB1032) provides that distillers and manufacturers may produce hard cider. The act defines "hard cider" for purposes of regulation.

#### ***Managing Agents***

ACT 1044 (HB1989) provides that certain managing agents of liquor businesses are exempt from the in-state residency requirement for liquor businesses.

#### ***Naming of Business Locations***

ACT 1142 (SB1027) provides that holders of more than one (1) vested alcohol permit may use the same name for each of the business locations.

### TAXES

#### ***Microbrewery Restaurants and Small Breweries***

ACT 857 (SB646) provides an exemption from the privilege tax on liquor business for microbrewery restaurants. The act also increases the annual capacity of small brewers to twenty thousand (20,000) barrels of beer and authorizes small breweries to sell their beer at off-premises retail sites. The act declares an emergency and is effective on and after March 31, 2015.

#### ***Wine Shipments***

ACT 236 (SB230) provides that a winery shall collect local sales and use taxes on direct shipments of wine. The act declares an emergency and is effective on and after July 1, 2015.

## ANIMALS

### HUNTING AND FISHING

#### ***Annual Resident Licenses for People Aged 65+***

ACT 368 (SB233) creates an annual resident sportsman hunting license for residents sixty-five (65) years of age or older with a maximum fee of \$3.50, an annual resident fishing license for residents sixty-five (65) years of age or older with a maximum fee of \$3.50, and an annual resident combination hunting and fishing license for residents sixty-five (65) years of age or older with a maximum fee of \$4.50.

#### ***Feral Hogs***

ACT 723 (HB1569) adds the revocation of hunting and fishing rights for up to five (5) years as a penalty for releasing hogs into the wild and provides for the issuance of a depredation permit for hunting and trapping feral hogs.

## CHILDREN

### ABUSE AND NEGLECT

#### ***Child Maltreatment Omnibus***

ACT 1026 (SB1046) provides various changes to the law concerning reports and investigations of child maltreatment, including identifying the persons who may be charged, regulating the reports that may be taken by the Child Abuse Hotline, and allowing the Department of Human Services and the Department of Arkansas State Police to petition for an ex parte order.

#### ***Death Reports***

ACT 1211 (SB786) provides that a report of the death of a child shall be made to the Department of Human Services or the Department of Arkansas State Police in cases of sudden infant death syndrome, sudden unexplained infant death, an accident, a suicide, a homicide, or other undetermined circumstances.

#### ***Dual Authority***

ACT 1004 (SB809) provides for dual authority and responsibility over the Child Maltreatment Act for the Department of Human Services and the Department of Arkansas State Police.

#### ***Educational Neglect***

ACT 1215 (SB810) provides that the Department of Human Services shall accept educational neglect reports as child maltreatment reports. The act requires the Department of Human Services to assess the safety of all children regarding accepted maltreatment reports.

#### ***Mandated Reporters***

ACT 1056 (HB1218) provides that an employee of a nonprofit charitable organization is a mandated reporter under the Child Maltreatment Act.

#### ***No Merit Reports***

ACT 1212 (SB787) provides criteria under which a Department of Arkansas State Police investigator may determine that a report of child abuse has no merit.

#### ***Notice - Subpoenas***

ACT 1097 (HB1755) requires that notice of a child maltreatment allegation be given to a private school or a parent in certain circumstances and sets out the process for delivering and responding to a subpoena duces tecum in a child maltreatment case.

#### ***Privacy and Confidentiality***

ACT 591 (HB1654) provides for the confidentiality of records of child abuse or neglect kept by children's advocacy centers and removes the presumption of privacy from certain images of children.

#### ***Task Force***

ACT 576 (HB1369) modifies provisions related to the Arkansas Task Force for the Prevention Through Education of Child Sexual Abuse and renames the task force the Arkansas Legislative Task Force for Child Abuse Prevention. The act also extends the duration and scope of the task force. The act declares an emergency and is effective on and after March 20, 2015.

### ADOPTION

#### ***Re-homing***

ACT 1018 (HB1648) provides that post-adoptive services are designed to prevent re-homing of adopted children.

## CHILDREN

### ADOPTION

#### ***Re-homing Prohibited***

ACT 1092 (HB1676) provides that the re-homing of a minor is an unclassified felony with a term of imprisonment of not more than five (5) years and a fine of not more than five thousand dollars (\$5,000). The act also prohibits certain conduct concerning the permanent, private transfer of custody of an adopted child.

#### ***Shared Leave - Uniform Attendance and Leave Policy Act***

ACT 389 (HB1468) allows a state employee to donate accrued annual leave to another state employee employed by the same governmental entity for purposes of maternity or paternity leave or upon the adoption of a child or a foster child.

### CHILD CARE

#### ***Liability Insurance Requirements***

ACT 23 (HB1014) clarifies that a state institution, political subdivision, or any other applicable entity entitled to tort liability immunity is not required to obtain general liability insurance in order to obtain a child care facility license. The act declares an emergency and is effective on and after February 6, 2015.

### CHILD WELFARE

#### ***Criminal Background Checks***

ACT 547 (HB1635) requires that a criminal background check be performed on each family member who is eighteen and one-half (18 1/2) years of age or older in a household with a child under the authority of the Department of Human Services.

#### ***Custody - Ad Litem Notice***

ACT 1024 (SB987) identifies who may take a juvenile into custody and requires notice to an attorney ad litem when a juvenile is taken into custody.

#### ***Death Reports***

ACT 1211 (SB786) provides that a report of the death of a child shall be made to the Department of Human Services or the Department of Arkansas State Police in cases of sudden infant death syndrome, sudden unexplained infant death, an accident, a suicide, a homicide, or other undetermined circumstances.

#### ***Death Review Committee***

ACT 1245 (HB1627) creates the Child Death and Near Fatality Multidisciplinary Review Committee, which consists of state officers and appointees of state officers who are required to investigate all deaths of children under eighteen (18) years of age who had contact with the Division of Children and Family Services of the Department of Human Services within twenty-four (24) months before death. The act expires August 1, 2017.

#### ***Hours of Employment***

ACT 162 (HB1116) modifies the restriction of employment hours for children to lower the threshold from under eighteen (18) years of age to under seventeen (17) years of age. The act declares an emergency and is effective on and after February 23, 2015.

### CRIMINAL OFFENSES

#### ***Offense Committed Against or in the Presence of a Child***

ACT 1220 (SB867) provides that an additional fine of twenty-five dollars (\$25.00) shall be assessed against a defendant who commits certain criminal offenses against or in the presence of a child.

### CUSTODY AND VISITATION

#### ***Uniform Deployed Parents Custody and Visitation Act***

ACT 1213 (SB792) enacts the Uniform Deployed Parents Custody and Visitation Act.

## CHILDREN

### DELINQUENCY

#### ***Custody***

ACT 1021 (SB773) provides for additional forms of custody while juvenile delinquency cases are moving through the courts.

### DEPENDENCY-NEGLECT

#### ***Court Proceedings***

ACT 825 (HB1625) provides for notice of proceedings in juvenile dependency-neglect cases to the attorney ad litem and adds new protections for children in custody with regard to juvenile dependency-neglect cases.

#### ***Paternity Affidavit***

ACT 546 (HB1603) provides that the Department of Human Services may obtain a copy of an acknowledgement of paternity and allows for the use of an affidavit of paternity in a dependency-neglect case.

#### ***Protections for Children***

ACT 1017 (HB1624) increases protections for children in dependency-neglect cases, provides for siblings staying in foster care together, and provides better tools for state agencies and attorneys ad litem in resolving dependency-neglect cases.

### FIREARMS

#### ***Disposition of Firearms Seized From a Minor or a Mentally Ill Person***

ACT 688 (SB261) provides for the procedures concerning the disposition of a firearm seized by a law enforcement agency from a minor or mentally ill person.

### FOSTER CARE

#### ***Foster Youth Transitions***

ACT 1033 (HB1671) amends the law concerning foster youth transitions and the development of a transitional life plan.

#### ***Jurisdiction of the Circuit Court***

ACT 875 (HB1674) concerns the jurisdiction of the circuit court in cases involving a juvenile in foster care and at what point a juvenile may leave foster care to become self-sufficient.

#### ***School Enrollment***

ACT 1094 (HB1694) provides for continuity in the education of foster children by allowing a foster child to remain in a school district even if the foster child's home address changes. The act also includes foster children in the formula for the payment of state foundation funding.

#### ***Shared Leave - Uniform Attendance and Leave Policy Act***

ACT 389 (HB1468) allows a state employee to donate accrued annual leave to another state employee employed by the same governmental entity for purposes of maternity or paternity leave or upon the adoption of a child or a foster child.

#### ***Siblings***

ACT 1017 (HB1624) increases protections for children in dependency-neglect cases, provides for siblings staying in foster care together, and provides better tools for state agencies and attorneys ad litem in resolving dependency-neglect cases.

### GUARDIANSHIP

#### ***Subsidies***

ACT 1038 (HB1754) amends the law concerning guardianship subsidies awarded by the Department of Human Services and clarifies the rights of certain juveniles in the custody of the department. The act declares an emergency and is effective on and after April 4, 2015.

## CHILDREN

### HUMAN SERVICES DEPARTMENT

#### ***Definition of "Dependent Juvenile"***

ACT 1034 (HB1673) amends the definition of "dependent juvenile" in the juvenile code to remove a juvenile who has a parent who is in the custody of the Department of Human Services.

#### ***Foster Youth Transitions***

ACT 1033 (HB1671) amends the law concerning foster youth transitions and the development of a transitional life plan.

#### ***Release at Twenty-one***

ACT 1085 (HB1571) provides for the Division of Youth Services of the Department of Human Services to release from division custody, with or without a hearing, an extended juvenile jurisdiction offender who reaches twenty-one (21) years of age.

#### ***Return of Confidential Records***

ACT 545 (HB1591) provides that confidential records concerning children shall be returned to the Division of Child Care and Early Childhood Education of the Department of Human Services after statutorily specified uses.

### INSURANCE

#### ***Dependent Definition - State and Public School Life and Health Insurance Program***

ACT 911 (SB822) clarifies the definition of "dependent" under the State and Public School Life and Health Insurance Program to include a participant's natural child, stepchild, or adopted child.

#### ***Pediatric Dental Benefits***

ACT 1134 (SB927) clarifies that a health carrier satisfies the minimum essential pediatric oral health benefits if the purchaser of a health benefit plan offers reasonable assurance to the health carrier that current coverage for pediatric oral health benefits is in effect beginning January 1, 2016.

### JUVENILE LAW

#### ***Adult Release***

ACT 1085 (HB1571) provides for the Division of Youth Services of the Department of Human Services to release from division custody, with or without a hearing, an extended juvenile jurisdiction offender who reaches twenty-one (21) years of age.

#### ***Definition of "Dependent Juvenile"***

ACT 1034 (HB1673) amends the definition of "dependent juvenile" in the juvenile code to remove a juvenile who has a parent who is in the custody of the Department of Human Services.

#### ***Delinquency Proceedings***

ACT 1023 (SB848) provides for the creation of a validated risk and needs assessment to be used in a juvenile delinquency proceeding.

#### ***DNA Samples***

ACT 1084 (HB1570) limits the drawing of DNA samples from juveniles to those who have been adjudicated delinquent.

#### ***Fingerprinting***

ACT 1016 (HB1322) specifies the circumstances under which a juvenile arrested for or adjudicated delinquent of a criminal offense may be fingerprinted by a law enforcement agency.

## CHILDREN

### JUVENILE LAW

#### ***Foster Youth Transitions***

ACT 1033 (HB1671) amends the law concerning foster youth transitions and the development of a transitional life plan.

#### ***Jurisdiction of the Circuit Court in Cases Involving Foster Care***

ACT 875 (HB1674) concerns the jurisdiction of the circuit court in cases involving a juvenile in foster care and at what point a juvenile may leave foster care to become self-sufficient.

### PARENTS

#### ***Assisted Reproduction***

ACT 1256 (HB1904) provides criteria under which a child conceived through assisted reproduction after the death of a parent may inherit real or personal property if the parent died intestate.

### POSSESSION OF ALCOHOL

#### ***Immunity***

ACT 381 (SB161) provides limited immunity from criminal prosecution for possession of alcohol to persons under twenty-one (21) years of age who act responsibly during a medical emergency.

### RE-HOMING

#### ***Private Transfers Prohibited***

ACT 1092 (HB1676) provides that the re-homing of a minor is an unclassified felony with a term of imprisonment of not more than five (5) years and a fine of not more than five thousand dollars (\$5,000). The act also prohibits certain conduct concerning the permanent, private transfer of custody of an adopted child.

#### ***State Services - Prevention of Re-homing***

ACT 1018 (HB1648) provides that post-adoptive services are designed to prevent re-homing of adopted children.

## CITIES AND COUNTIES

### ANNEXATION

#### ***Boundary Lines***

ACT 826 (HB1710) provides that a property owner who has a building situated upon the boundary line between two (2) municipalities may choose either of the municipalities as the legal location of the building. The act requires the property owner to provide written notice to the chosen municipality along with a request to be annexed into the chosen municipality. The act declares an emergency and is effective on and after March 29, 2015.

#### ***Enclaves***

ACT 109 (SB138) provides that if the incorporated limits of a municipality have surrounded an unincorporated area on only three (3) sides because the fourth side is a lake or a river, then the municipality may propose an ordinance calling for the annexation of the surrounded land.

#### ***Municipal Services***

ACT 882 (HB1886) provides for a procedure for inhabitants that have been detached from a municipality to annex back into the municipality if scheduled services become available within the municipality in a certain period of time.



## CITIES AND COUNTIES

### ANNEXATION

#### ***Municipal Territorial Jurisdiction***

ACT 845 (HB1680) provides that if a municipality formally plans to annex territory over which it is exercising territorial jurisdiction, the municipality shall initiate annexation proceedings within five (5) years of the formal plans. The act provides that if the municipality does not exercise annexation within five (5) years, it is prohibited from exercising annexation over the territory for the next five (5) years.

#### ***Petitions***

ACT 991 (SB305) provides for a procedure by which a property owner in a county who is contiguous to a city or town may petition the governing body of the city or town to annex the property.

### AUDIT RECORD RETENTION

#### ***Warrants***

ACT 83 (HB1237) provides that counties shall retain served and quashed warrants for three (3) years after an audit by the Division of Legislative Audit.

### BOARDS AND COMMISSIONS

#### ***Arkansas Underground Facilities Damage Prevention Act***

ACT 908 (SB814) amends the Arkansas Underground Facilities Damage Prevention Act and revises the notification process an excavator uses to notify the One Call Center of damage to an underground facility. The act also provides that an operator shall respond and examine the damage within two (2) business days of receiving notice of damage to an underground facility and repair the damage within a reasonable amount of time.

#### ***Parks and Recreation***

ACT 261 (HB1106) modifies the membership requirements for a city parks and recreation commission. The act states that if there are no qualified electors living within the city limits to serve as members of the commission, a city of the first or second class may allow qualified electors of the county to serve as members.

### BUSINESS TRANSACTIONS

#### ***Arkansas Business Portal Act***

ACT 1190 (HB1844) establishes a state business portal within the Office of the Secretary of State to use cash funds to administer an online portal for business licensure and transactions to promote uniformity of applications for both state and local government business transactions.

### CITY ADMINISTRATOR FORM OF GOVERNMENT

#### ***Vacancies***

ACT 384 (SB223) modifies the procedure for filling a mayoral or director vacancy in a city administrator form of government. The act provides that at the first regular meeting after the vacancy, the board shall appoint a person by majority vote or hold a special election to fill the vacancy.

### CITY MANAGER FORM OF GOVERNMENT

#### ***Directors***

ACT 222 (SB93) repeals the law that required a director on the city board of directors to resign his or her position in order to run for mayor of the city.

### CIVIL SERVICE

#### ***Application of Federal Law***

ACT 579 (HB1418) amends civil service law by clarifying that the civil service system shall comply with the Uniformed Services Employment and Reemployment Rights Act of 1994.

## CITIES AND COUNTIES

### COUNTY JAILS

#### ***State Inmate Reimbursement - Housing***

ACT 1201 (SB329) amends the law regarding the method and timeframe the Department of Correction and Department of Community Correction shall reimburse a county jail for the housing of state inmates. The act is effective on and after October 1, 2015.

#### ***State Inmate Reimbursement - Housing and Medical Expenses***

ACT 946 (HB1543) amends the law concerning the reimbursement by the state to county jails for housing inmates in the Department of Correction or the Department of Community Correction and the procedure for reimbursement of medical expenses.

### COUNTY SHERIFF

#### ***Award of Service Pistol upon Retirement or Death***

ACT 60 (HB1081) provides that a county sheriff may award the service pistol carried by a deputy sheriff to the deputy sheriff upon the deputy sheriff's retirement or to his or her spouse upon the deputy sheriff's death. The act further provides that a county sheriff who retires while he or she is still in office may receive or retain his or her service pistol upon his or her retirement or his or her spouse may receive the service pistol upon the county sheriff's death.

#### ***State Inmate Transportation***

ACT 1171 (HB1374) amends the law concerning the transportation of Department of Correction and Department of Community Correction inmates by a county sheriff or trained security contractor.

### COURTS

#### ***Cleburne County District Court***

ACT 1001 (SB751) amends the allocation of court costs in the Cleburne County District Court.

#### ***Concealed Handgun in a Courthouse***

ACT 1259 (SB159) provides that a concealed carry licensee may carry a concealed handgun into a courthouse if the licensee is either employed by the county or is a countywide elected official, the licensee's principal place of employment is within the courthouse, and the quorum court by ordinance approves a plan that allows licensees to carry a concealed handgun into the courthouse as set out by the local security and emergency preparedness plan.

#### ***Employment of Deputy District Court Clerks***

ACT 587 (HB1628) provides that a deputy district court clerk who is appointed by the judge of a district court but employed by a city or county is subject to the policies of the city or county, including the employee handbook. The act also provides that a deputy district court clerk who is employed by more than one (1) city or county is subject to employment policies that are agreed upon by the multiple cities or counties.

### ELECTED OFFICERS

#### ***Compensation***

ACT 942 (HB1502) provides that three percent (3%) annually shall be added to the maximum per diem compensation of justices of the peace as a cost-of-living adjustment.

#### ***County Clerk - Appointment as Commissioner for Property Sale***

ACT 159 (HB1013) provides for the use of fees awarded when the county clerk's office is appointed as commissioner for a sale of real or personal property under judicial decree.

## **CITIES AND COUNTIES**

### **ELECTED OFFICERS**

#### ***Expenses***

ACT 279 (HB1246) clarifies county compensation and expense reimbursement procedures. The act states that county and district officers-elect are eligible for the same compensation and expense reimbursements as county and district officers when the statutory requirements are met.

#### ***Former County Sheriff as Municipal Law Enforcement Officer***

ACT 1045 (HB2004) amends the requirements for the employment of a former county sheriff as a municipal law enforcement officer.

#### ***Mayoral Appointments***

ACT 339 (HB1261) modifies the procedure for filling a vacancy in the office of mayor. The act establishes that the city council by majority vote may fill the vacancy in the office of mayor by appointment if the unexpired term of the mayor is less than one (1) year.

#### ***Municipal Treasurers***

ACT 582 (HB1445) provides that a municipality may contract with a person or entity for fund disbursement for payroll, bonded debt, or construction projects funded with bond proceeds. Before a municipality contracts with the person or entity, the governing body shall establish by ordinance internal accounting controls and documentation for accounting purposes.

### **ELECTIONS**

#### ***Ballot Form of Referred Measures***

ACT 1036 (HB1687) provides the ballot form for a question concerning the repeal of a referred measure in a county or municipal election.

#### ***Municipal Referendum Petitions***

ACT 1093 (HB1688) allows certain municipal referendum petitions to be circulated for sixty (60) days.

#### ***Unopposed Municipal Elections***

ACT 1244 (HB1610) allows the county board of election commissioners to cancel a municipal election and open no polling places if there is only one (1) candidate for municipal office after all the deadlines for filing have passed.

### **EMERGENCY COMMUNICATIONS**

#### ***Local 911 Systems***

ACT 919 (SB977) provides for a modification in 911 law by defining a “secondary public safety answering point”. The act requires all cities and counties operating a public safety answering point or a secondary public safety answering point to submit an annual report to the Arkansas Emergency Telephone Services Board. The act also creates additional training requirements for 911 dispatchers and supervisors.

### **FINANCE**

#### ***Amendment 89 Bonds***

ACT 1275 (SB869) provides enabling legislation for energy efficiency project bonds issued by a municipality or county under Arkansas Constitution, Amendment 89.

#### ***County Appropriations***

ACT 406 (HB1385) modifies the county appropriation process. The act allows a quorum court to appropriate for any one (1) year up to one hundred percent (100%) of anticipated revenues for that year for federal or state grants overseen by the county. The act further provides that a quorum court may appropriate for any one (1) year in excess of ninety percent (90%) of the anticipated commissions and tax revenues for the county general fund operation of the assessor, collector, and treasurer.

## CITIES AND COUNTIES

### FINANCE

#### ***Unpaved Roads Program***

ACT 898 (SB613) establishes the Arkansas Unpaved Roads Program to help provide funding for unpaved county road projects throughout the state and requires the use of best management practices for unpaved road projects funded through the program.

### FIRE PROTECTION

#### ***Apportionment of Premium Taxes***

ACT 79 (HB1194) clarifies the apportionment of fire protection premium tax funds. The act clarifies that premium tax funds are state moneys not subject to county appropriation and shall be credited by the county treasurer to the "county fire protection premium tax fund" for disbursement based on statutory apportionment procedures.

#### ***Rural Fire Protection Service***

ACT 697 (HB1519) provides that the Rural Fire Protection Service of the Arkansas Forestry Commission may contract with public and private sources, including the Department of Correction, for providing work on vehicles being converted into fire protection vehicles.

#### ***Timberland Assessments***

ACT 346 (HB1379) provides that timberland assessments within a fire protection district formed outside a city or town shall not exceed twenty-five percent (25%) of the forest fire protection tax under § 26-61-103. The act declares an emergency and is effective on and after March 6, 2015.

### MAYOR/COUNCIL FORM OF GOVERNMENT

#### ***Officials***

ACT 233 (SB225) repeals certain election language in a statute addressing officials in mayor-council cities of fifty thousand (50,000) or more. The act removes redundant language concerning city attorneys, city treasurers, and alderman found in other statutes.

### ORDINANCES

#### ***Limitations***

ACT 137 (SB202) provides that a city or county shall not adopt ordinances or policies that create a protected classification or prohibit discrimination on a basis not contained in state law. The act exempts rules or policies that apply only to employees of a city or county.

### PROCEDURES

#### ***Municipal Governing Bodies***

ACT 235 (SB228) provides that in all forms of municipal government, the members of the governing body shall assemble and organize the governing body in January of each year. The act further provides that in a mayor-council form of government, the mayor shall have a vote when needed to establish a quorum of the city council at special meetings of the city council and when needed to pass other matters.

#### ***Quorum Courts***

ACT 280 (HB1249) provides for the authority of a county quorum court to revise, adopt, and codify ordinances of a general and permanent nature. The act establishes that the code of county ordinances is prima facie evidence of the law contained within it.

#### ***Record Retention***

ACT 71 (HB1118) provides that the county assessor shall maintain inactive homestead credit documents for five (5) years.

## CITIES AND COUNTIES

### PROPERTY

#### ***Controlled Burns***

ACT 1274 (SB863) provides for a procedure by which a property owner may conduct a controlled burn of a residence or structure if the quorum court of the county and the fire department of the area approve the controlled burn.

#### ***Dedication of Land as Public Park***

ACT 916 (SB903) provides that if a city fails or refuses to approve a dedication of land for park purposes within one (1) year of receiving notice of the dedication, the land shall revert to the owner of the land or the owner's heirs, successors, and assigns.

#### ***Eminent Domain***

ACT 1101 (HB1908) establishes a bill of rights for property owners in eminent domain proceedings and modifies the procedures for awarding just compensation.

#### ***Exchange or Transfer***

ACT 98 (HB1005) provides for property exchanges and transfers by counties. The act extends the county exchange or transfer process to community colleges and institutions of higher education if approved by the quorum court.

#### ***Mapping***

ACT 914 (SB837) provides that upon annexation, consolidation, detachment, incorporation, or unincorporation proceedings, the relevant entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant areas. The act further requires the Arkansas Geographic Information Systems Board to take on these duties and to report changes annually to the United States Census Bureau.

### PURCHASING

#### ***Contracts for Utilities Provided to Military Bases***

ACT 147 (SB220) exempts from procurement laws projects related to supplying water or wastewater utility services, operations, or maintenance to a federal military installation by a municipality of the state. The act declares an emergency and is effective on and after February 23, 2015.

#### ***County Procedures***

ACT 232 (SB221) provides for the authorization of counties to purchase excess, surplus, or unused bridge steel or materials from the general contractor of a public works project in certain circumstances.

#### ***Municipal Bidding***

ACT 1059 (HB1480) provides for a preferential competitive bidding procedure for purchases of certain commodities and services by municipalities.

#### ***Used Motor Vehicles***

ACT 561 (SB319) amends the requirements concerning age, working hours, and prior miles for used motor vehicles, equipment, or machinery purchased by a county.

### QUORUM COURTS

#### ***Operations***

ACT 1174 (HB1413) provides that at the first regular meeting of the quorum court, the court shall determine its meeting schedule and rules of procedure and shall adopt an organizational ordinance that is effective immediately.

## CITIES AND COUNTIES

### TAXES

#### ***Assessment Appeal***

ACT 1057 (HB1308) provides that upon appeal of a personal property tax assessment to the circuit court, the taxpayer appealing the assessment shall pay to the county collector the amount the taxpayer claims is owed under the personal property tax assessment, and the taxpayer shall also pay into the registry of the circuit court an amount equal to the difference between the personal property tax assessment and the amount the taxpayer claims is owed under the personal property tax assessment.

### VOLUNTEER FIRE DEPARTMENTS

#### ***Dues Collection***

ACT 693 (HB1367) provides for a petition method to the quorum court for the levy of volunteer fire department dues in a county as an alternative to a county special election on the issue. The act requires that a volunteer fire department using the county collector for the collection of the dues file an annual report with the county clerk. The act declares an emergency and is effective on and after March 25, 2015.

### WATER AND WASTEWATER

#### ***Audit Requirements***

ACT 400 (SB456) specifies the circumstances under which a county, municipality, improvement district, or not-for-profit association or entity receiving fees from customers for providing sewage services or water services is required to obtain an annual financial audit, annual audit, or annual agreed-upon procedures and compilation report. The act provides that the audit requirement is based upon the number of service connections during a fiscal year.

#### ***Cooperation in Billing and Collecting Payments***

ACT 336 (HB1082) amends the documentation required to allow a water utility to terminate water service to a customer of a sewer utility who is also a customer of the water utility if the customer is delinquent in making payments to the sewer utility. The act also allows for cooperative billing arrangements between a water utility and other entities, including a sewer utility.

#### ***Waterworks Commission Members***

ACT 897 (SB563) amends the terms and qualifications of waterworks commission members.

## CIVIL LAW AND PROCEDURE

### ACTIONS AGAINST THE STATE

#### ***Arkansas State Claims Commission Decisions***

ACT 220 (SB59) provides that if the Arkansas State Claims Commission dismisses a claim or issues a final adjudication of a claim on the merits, the commission shall set out specific findings of fact and conclusions of law to support its decision. The act also provides that claims filed by a person who at the time of filing is an inmate in the Department of Correction are not subject to the requirements of the act.

### CIVIL ACTIONS

#### ***Liability for Wrongful Dissemination of an Electronic Communication***

ACT 1111 (SB509) provides that a person may be liable for damages to another person whose identity he or she assumes by wrongfully disseminating an electronic communication with the purpose of influencing a political vote.

## CIVIL LAW AND PROCEDURE

### CIVIL ACTIONS

#### ***Successor Corporation Asbestos-Related Liability Fairness Act***

ACT 1241 (HB1529) provides certain civil immunities and limitations against claims arising from asbestos-related injuries if a successor corporation that was not an original manufacturer or distributor of asbestos has purchased or assumed control of an entity that was an original manufacturer or distributor of asbestos.

#### ***Unlawful Use of an Unmanned Aircraft System***

ACT 1019 (HB1770) creates the criminal offense of unlawful use of an unmanned aircraft system and provides that a civil action may be filed against a person who commits the offense.

### CIVIL OR SMALL CLAIMS DIVISION CASES

#### ***Retention of Certain Records***

ACT 584 (HB1463) amends the district court record retention schedule concerning retention of records in civil or small claims division cases, recalled or quashed arrest warrants, and served or unexecuted search warrants.

### FILING FEES

#### ***Fee for Filing and Issuing Writs***

ACT 585 (HB1484) amends the law concerning the fee for filing and issuing writs, including a writ of garnishment and writ of execution.

### IMMUNITY FROM LIABILITY

#### ***Successor Corporation Asbestos-Related Liability Fairness Act***

ACT 1241 (HB1529) provides certain civil immunities and limitations against claims arising from asbestos-related injuries if a successor corporation that was not an original manufacturer or distributor of asbestos has purchased or assumed control of an entity that was an original manufacturer or distributor of asbestos.

#### ***Use of Deadly Physical Force***

ACT 1073 (HB1240) provides that a person who lawfully uses deadly physical force in self defense or in defense of another person is immune from civil liability that resulted from the use of deadly physical force against the initial aggressor.

### INDEMNITY

#### ***Motor Carrier Transportation Contracts***

ACT 572 (SB755) provides that a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract to be performed all or in part in Arkansas is against the public policy of the state and is void and unenforceable if it purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligent, reckless, intentional, malicious, willful, or wanton acts or omissions of the promisee. The act also specifies certain exceptions to this provision. The act declares an emergency and is effective on and after March 20, 2015.

### JUDGMENTS

#### ***Arkansas State Claims Commission Decisions***

ACT 220 (SB59) provides that if the Arkansas State Claims Commission dismisses a claim or issues a final adjudication of a claim on the merits, the commission shall set out specific findings of fact and conclusions of law to support its decision. The act also provides that claims filed by a person who at the time of filing is an inmate in the Department of Correction are not subject to the requirements of the act.

## CIVIL LAW AND PROCEDURE

### JUDGMENTS

#### ***Duration of Judgment Lien***

ACT 1113 (SB529) provides that an act or circumstance that may toll or renew the limitations period under Arkansas law for an underlying judgment constituting a lien shall not revive or extend the duration of the lien.

### JURISDICTION

#### ***Construction Agreements and Contracts***

ACT 1120 (SB726) promotes fair and equitable allocation of liability in construction contracts and revises the enforceability provisions of a construction contract that has a hold harmless provision.

### LIMITATIONS

#### ***Duration of Judgment Lien***

ACT 1113 (SB529) provides that an act or circumstance that may toll or renew the limitations period under Arkansas law for an underlying judgment constituting a lien shall not revive or extend the duration of the lien.

#### ***Successor Corporation Asbestos-Related Liability Fairness Act***

ACT 1241 (HB1529) provides certain civil immunities and limitations against claims arising from asbestos-related injuries if a successor corporation that was not an original manufacturer or distributor of asbestos has purchased or assumed control of an entity that was an original manufacturer or distributor of asbestos.

### PROCEDURAL RULES

#### ***Process Server Access to Local Utility Customer Information***

ACT 878 (HB1777) provides that a court-appointed process server may verbally request and be granted access to a public utility customer's last known or current address in order to effectuate service of process of legal documents.

### PROCEEDINGS

#### ***Escheatment - United States Savings Bonds***

ACT 563 (SB356) provides a procedure to escheat a United States savings bond that is unclaimed and considered abandoned.

#### ***Marketability of Title***

ACT 683 (SB1001) provides that a judicial action to confirm a tax sale or quiet title to real property located in Arkansas eliminates any additional time to redeem the real property or challenge a tax deed.

#### ***Writ of Garnishment***

ACT 932 (HB1268) amends the procedure concerning the issuance of a writ of garnishment.

### PROTECTION OF FREE EXERCISE OF RELIGION

#### ***Religious Freedom Restoration Act***

ACT 975 (SB975) provides that a government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except that a government may substantially burden a person's exercise of religion if it demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. The act provides that a person whose religious exercise has been burdened in violation of the act may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. The act declares an emergency and is effective on and after April 2, 2015.



## CIVIL LAW AND PROCEDURE

### REMEDIES

#### ***Successor Corporation Asbestos-Related Liability Fairness Act***

ACT 1241 (HB1529) provides certain civil immunities and limitations against claims arising from asbestos-related injuries if a successor corporation that was not an original manufacturer or distributor of asbestos has purchased or assumed control of an entity that was an original manufacturer or distributor of asbestos.

### VENUE

#### ***Construction Agreements and Contracts***

ACT 1120 (SB726) promotes fair and equitable allocation of liability in construction contracts and revises the enforceability provisions of a construction contract that has a hold harmless provision.

## COMMERCIAL LAW

### BONDS

#### ***United States Savings Bonds - Escheatment***

ACT 563 (SB356) provides a procedure to escheat a United States savings bond that is unclaimed and considered abandoned.

### BUSINESS ORGANIZATIONS

#### ***Corporate Franchise Tax***

ACT 834 (HB1406) provides that the Secretary of State may agree to settle a dispute concerning interest or penalties associated with corporate franchise taxes if the amount is disputed or the taxpayer is insolvent or bankrupt. The act also directs the Secretary of State to develop guidelines to assist a taxpayer in resolving a dispute of corporate franchise taxes.

### BUSINESS TRANSACTIONS

#### ***Arkansas Business Portal Act***

ACT 1190 (HB1844) establishes a state business portal within the Office of the Secretary of State to use cash funds to administer an online portal for business licensure and transactions to promote uniformity of applications for both state and local government business transactions.

#### ***Corporate Franchise Tax - Disputes***

ACT 834 (HB1406) provides that the Secretary of State may agree to settle a dispute concerning interest or penalties associated with corporate franchise taxes if the amount is disputed or the taxpayer is insolvent or bankrupt. The act also directs the Secretary of State to develop guidelines to assist a taxpayer in resolving a dispute of corporate franchise taxes.

#### ***Energy Conservation Endorsement Act of 1977 - Rebates and Monetary Compensation***

ACT 78 (HB1191) modifies the opt-out provisions under the Energy Conservation Endorsement Act of 1977. The act also allows large nonresidential business consumers to return or refund any monetary compensation or other financial incentives received from a public utility within the preceding five (5) years to implement utility-sponsored energy conservation programs and measures and to direct the nonresidential business consumer's own energy conservation programs and measures.

#### ***Sale and Resale of Event Tickets***

ACT 860 (SB797) amends the law concerning the sale of event tickets, including provisions governing the resale of event tickets.

## COMMERCIAL LAW

### BUSINESS TRANSACTIONS

#### ***Transportation Network Companies***

ACT 1050 (SB800) creates the Transportation Network Company Services Act, which prohibits an individual or entity from operating a transportation network company in Arkansas without first having obtained a permit to operate a transportation network company from the Arkansas Public Service Commission.

#### ***Transportation Network Company Services Act***

ACT 1267 (SB780) revises the definitions used in the Transportation Network Company Services Act and requires additional insurance coverage for a driver and motor vehicle used to transport a rider under the Transportation Network Company Services Act.

#### ***Usage Fee - Customer-Bank Communication Terminals***

ACT 588 (HB1641) removes the usage fee limitation to allow an Arkansas bank to charge an appropriate usage fee amount at a customer-bank communication terminal.

### CONTRACTS

#### ***Alternative Payment System***

ACT 902 (SB701) prohibits a healthcare payor from attributing costs to a physician that are outside the physician's practice when determining gain-sharing or risk-sharing payments if those costs would reduce a physician's gain-sharing amount or increase a physician's risk-sharing amount.

#### ***Arkansas Prepaid Funeral Benefits Law***

ACT 904 (SB767) authorizes the Insurance Commissioner to assist prepaid funeral organizations in financial distress and defines a nonguaranteed prepaid contract. The act declares an emergency and is effective on and after April 1, 2015.

#### ***Construction - Choice of Forum***

ACT 1110 (SB488) prohibits the enforcement of certain provisions in construction agreements and construction contracts concerning choice of forum provisions and defines "gas", "oil", and "operator" when used in construction contracts.

#### ***Construction - Liability***

ACT 1120 (SB726) promotes fair and equitable allocation of liability in construction contracts and revises the enforceability provisions of a construction contract that has a hold harmless provision.

#### ***Contractor - Retainage for Subcontractor***

ACT 866 (HB1008) modifies the retainage provisions in publicly funded construction projects and clarifies the rights of a public agency, contractor, and subcontractor to retainage of progress payments under certain circumstances.

#### ***Covenant Not to Compete Agreement - Enforceability***

ACT 921 (SB998) provides for the enforceability of a covenant not to compete in an otherwise enforceable employment agreement or contract or in an agreement ancillary to an employment relationship if the employer has a protectable business interest and the agreement is limited with respect to time and scope. The act does not apply to a person holding a professional license under Arkansas Code Title 17, Subtitle 3.

#### ***Foundation Repair***

ACT 687 (SB181) provides that a foundation repair contract is enforceable by an initial homeowner and any subsequent owner against a foundation repair company for the time specified in the foundation repair contract.

## COMMERCIAL LAW

### CONTRACTS

#### ***Production Contracts - Disclosure Notices Required***

ACT 1169 (HB1214) requires that notice be given to livestock and poultry growers in production contracts and lending agreements concerning the additional investments that may be required under a production contract.

#### ***Transfer Fee - Prepaid Funeral Benefits Contract***

ACT 880 (HB1797) provides that a seller or funding life insurance company may collect a fee to transfer a prepaid funeral benefits contract to a substitute provider or to cancel the prepaid contract. The act also requires the Insurance Commissioner to promulgate rules to set the fee amount.

### DEBTORS AND CREDITORS

#### ***Collection Agency - Unlicensed Activity***

ACT 1249 (HB1668) provides that an unlicensed collection agency involved in collection activities in the state may be considered retroactively licensed by the State Board of Collection Agencies upon payment of a civil penalty of ten thousand dollars (\$10,000). The act also specifies that the board has exclusive jurisdiction of collection agencies and that the civil penalty is the only consequence of and remedy for a collection agency's failure to obtain a license from the board before attempting collections in the state.

#### ***Consumer Lawsuit Lending***

ACT 915 (SB882) regulates consumer lawsuit lending, including providing that the maximum rate of interest allowable under Arkansas law applies to a consumer lawsuit lending transaction. The act also requires that a contract or agreement governing a consumer lawsuit lending transaction shall be in writing and shall prominently disclose the annual percentage rate applicable to the consumer lawsuit lending transaction.

#### ***Corporate Franchise Tax - Insolvent Taxpayer***

ACT 834 (HB1406) provides that the Secretary of State may agree to settle a dispute concerning interest or penalties associated with corporate franchise taxes if the amount is disputed or the taxpayer is insolvent or bankrupt. The act also directs the Secretary of State to develop guidelines to assist a taxpayer in resolving a dispute of corporate franchise taxes.

#### ***Grain, Soybean, and Peanut Owner Liens***

ACT 1082 (HB1553) grants a grain, soybean, or peanut owner a lien on grain, soybeans, or peanuts for any unpaid portion of the sales price for the grain, soybeans, or peanuts and regulates the perfection, priority, transfer, waiver, release, and expiration of the grain, soybean, or peanut owner's lien. The act also exempts farm-owned cooperatives and entities licensed under federal or state grain warehouse laws.

#### ***Secretary of State - Fees***

ACT 1028 (HB1405) modifies the allowable fees charged by the Secretary of State for certain documents. The act also provides that the Secretary of State may refund fees from the County Voting System Grant Fund.

### EMPLOYERS

#### ***Independent Contractors***

ACT 945 (HB1540) provides for an amended definition of "employment" for the Department of Workforce Services Law by changing the criteria for distinguishing between employees and independent contractors. The act declares an emergency and is effective on and after April 2, 2015.

## COMMERCIAL LAW

### FINANCIAL INSTITUTIONS

#### ***Banking - Usage Fees***

ACT 588 (HB1641) removes the usage fee limitation to allow an Arkansas bank to charge an appropriate usage fee amount at a customer-bank communication terminal.

#### ***Beneficiary - Payable on Death Deposit Accounts***

ACT 586 (HB1584) provides that an account holder of a deposit account may designate a beneficiary who is not a natural person, including a trust or other entity. The act declares an emergency and is effective on and after June 1, 2015.

#### ***Raffle***

ACT 589 (HB1642) creates the Arkansas Savings Promotion Act to allow financial institutions to conduct a savings promotion raffle to encourage depositors to increase savings.

### MORTGAGES AND LIENS

#### ***Satisfaction of Lien***

ACT 918 (SB937) permits the release of a mortgage, deed of trust, or other lien based on an affidavit by an attorney or a title agent that the lien has been satisfied. The act declares an emergency and is effective on and after April 1, 2015.

#### ***Self-service Storage Facility***

ACT 348 (HB1404) provides a procedure for an operator of a self-service storage facility to remove motorized personal property if an occupant is in default. The act also requires that an operator of a tow vehicle remove the motorized personal property.

#### ***Title Insurance - Title Agent***

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws. The act also improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department and revises the applicability of certain laws to title insurance.

### REAL ESTATE

#### ***Eminent Domain***

ACT 1101 (HB1908) establishes a bill of rights for property owners in eminent domain proceedings and modifies the procedures for awarding just compensation.

#### ***Foundation Repair Contract***

ACT 687 (SB181) provides that a foundation repair contract is enforceable by an initial homeowner and any subsequent owner against a foundation repair company for the time specified in the foundation repair contract.

### SECURITIES

#### ***Diversification of Investments - Insurer***

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws. The act improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department and modifies the diversification restrictions on investments in certificates of deposit and savings and loan association deposits.

#### ***Guardian of an Estate - Investment Practices***

ACT 1129 (SB850) regulates the investment practices of a guardian of an estate and modifies the Uniform Veterans' Guardianship Act.

## COMMERCIAL LAW

### SECURITIES

#### ***Public Utilities***

ACT 899 (SB667) provides that the Arkansas Public Service Commission does not have to authorize evidence of indebtedness of a regional transmission organization that is jurisdictional to the Federal Energy Regulatory Commission if the debt has been authorized by the Federal Energy Regulatory Commission and does not create a lien on property in this state.

#### ***United States Savings Bonds - Unclaimed Property***

ACT 563 (SB356) provides a procedure to escheat a United States savings bond that is unclaimed and considered abandoned.

### TECHNICAL CORRECTIONS - BUSINESS AND COMMERCIAL LAW - TITLE 4

ACT 1160 (SB128) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 4 of the Arkansas Code.

## CONSTITUTIONAL OFFICERS

### ATTORNEY GENERAL

#### ***Contingency-fee Contracts with Private Attorneys***

ACT 851 (SB204) regulates contingency fee contracts between the Attorney General and private attorneys. The act also requires that certain information concerning contingency fee contracts between the Attorney General and a private attorney be posted on the state transparency website and included in a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

### ETHICS

#### ***Financial Disclosures***

ACT 142 (SB162) provides that a person who retains carryover funds from a general election held in November or a runoff election held in November is not required to file an annual report for the year of the general election or runoff election from which carryover funds were retained.

#### ***Gifts from Lobbyists***

ACT 1280 (SB967) makes various amendments to Arkansas ethics laws, including amending and clarifying the application of Arkansas Constitution, Article 19, Section 30, concerning the receipt of lobbyist gifts by elected constitutional officers and members of the independent citizens commission on salaries; creating an affirmative defense for unintentional violations of Arkansas Constitution, Article 19, Section 30, and unintentional errors in campaign reports and statements of financial interest; increasing the campaign contribution limit to two thousand seven hundred dollars (\$2,700); providing for automatic adjustments to the contribution limit each odd-numbered year based upon changes in the price index; granting the Arkansas Ethics Commission jurisdiction over Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution, which were adopted at the 2014 general election; and providing that the Legislative Council will conduct a feasibility study of electronic filing of campaign contribution and expenditure reports and carryover fund reports. The act declares an emergency and is effective on and after April 8, 2015.

#### ***Jurisdiction of Arkansas Ethics Commission***

ACT 47 (HB1002) authorizes the Arkansas Ethics Commission to issue advisory opinions and guidelines on the requirements of Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution. The act declares an emergency and is effective on and after February 13, 2015.

## CONSTITUTIONAL OFFICERS

### GOVERNOR

#### ***National Service and Volunteerism***

ACT 111 (SB210) creates the Governor's Advisory Commission on National Service and Volunteerism to assist the program and staff of the Division of Community Service and Nonprofit Support of the Department of Human Services and to serve as the state commission on national and community service.

#### ***Removal and Replacement of Positions***

ACT 1277 (SB933) creates a removal and replacement process for an agency, board, or commission member who is a gubernatorial appointee not subject to confirmation by the Senate.

### PROSECUTING ATTORNEYS

#### ***Salaries***

ACT 559 (SB177) provides that prosecuting attorneys are under the jurisdiction of the independent citizens commission on salaries created under Arkansas Constitution, Article 19, Section 31, and provides for a study of prosecuting attorney salaries to begin within thirty (30) days of the effective date of the act. The act declares an emergency and is effective on and after March 20, 2015.

### SECRETARY OF STATE

#### ***Arkansas Business Portal Act***

ACT 1190 (HB1844) establishes a state business portal within the Office of the Secretary of State to use cash funds to administer an online portal for business licensure and transactions to promote uniformity of applications for both state and local government business transactions.

#### ***Corporate Franchise Tax - Disputes***

ACT 834 (HB1406) provides that the Secretary of State may agree to settle a dispute concerning interest or penalties associated with corporate franchise taxes if the amount is disputed or the taxpayer is insolvent or bankrupt. The act also directs the Secretary of State to develop guidelines to assist a taxpayer in resolving a dispute of corporate franchise taxes.

#### ***Fees - Refund***

ACT 1028 (HB1405) modifies the allowable fees charged by the Secretary of State for certain documents. The act also provides that the Secretary of State may refund fees from the County Voting System Grant Fund.

## CONSUMER PROTECTION

### DEBTORS AND CREDITORS

#### ***Corporate Franchise Tax - Insolvent Taxpayer***

ACT 834 (HB1406) provides that the Secretary of State may agree to settle a dispute concerning interest or penalties associated with corporate franchise taxes if the amount is disputed or the taxpayer is insolvent or bankrupt. The act also directs the Secretary of State to develop guidelines to assist a taxpayer in resolving a dispute of corporate franchise taxes.

#### ***Unlicensed Collection Activity***

ACT 1249 (HB1668) provides that an unlicensed collection agency involved in collection activities in the state may be considered retroactively licensed by the State Board of Collection Agencies upon payment of a civil penalty of ten thousand dollars (\$10,000). The act also specifies that the board has exclusive jurisdiction of collection agencies and that the civil penalty is the only consequence of and remedy for a collection agency's failure to obtain a license from the board before attempting collections in the state.

## CONSUMER PROTECTION

### DECEPTIVE TRADE PRACTICES

#### ***Transfer of Warranty***

ACT 687 (SB181) provides that a foundation repair contract is enforceable by an initial homeowner and any subsequent owner against a foundation repair company for the time specified in the foundation repair contract.

### EMINENT DOMAIN

#### ***Property Owner - Bill of Rights***

ACT 1101 (HB1908) establishes a bill of rights for property owners in eminent domain proceedings and modifies the procedures for awarding just compensation.

### HEALTH AND SAFETY

#### ***Child Labor***

ACT 162 (HB1116) modifies the restriction of employment hours for children to lower the threshold from under eighteen (18) years of age to under seventeen (17) years of age. The act declares an emergency and is effective on and after February 23, 2015.

### HEALTH CARE

#### ***Advertisements - Long-Term Care Facility***

ACT 1054 (SB912) prohibits the use of the results of a survey, inspection, or investigation of a long-term care facility in an advertisement except under certain circumstances.

#### ***Concierge Service Arrangement - Medical Services***

ACT 101 (HB1161) exempts a concierge service arrangement from state insurance laws and regulation by the Insurance Commissioner. The act also defines a concierge service arrangement and requires a healthcare provider to disclose in the contractual agreement that a concierge service arrangement is not an insurance policy.

#### ***Patient Rights Regarding Payment for Pharmacists Services Act***

ACT 1025 (SB542) creates the Patient Rights Regarding Payment for Pharmacists Services Act and requires a pharmacy benefits manager to obtain an individual's express consent to alter or change provider choice within a pharmacy benefits plan or program. The act also limits patient payments for pharmacist services and authorizes the Insurance Commissioner to seek an injunction against a pharmacy benefits manager to enforce the act.

#### ***Terminal Illness - Prior Authorization of Pain Medication***

ACT 992 (SB316) prohibits insurance providers from denying prior authorization for a covered prescription pain medication for patients with a terminal illness.

### INSURANCE

#### ***Annuity Contract - Unclaimed Benefits***

ACT 905 (SB768) establishes the Unclaimed Life Insurance Benefits Act and requires an insurer, upon receipt of knowledge of death of an insured, to perform a good faith effort to confirm the death and process the death benefits under the annuity contract or policy or certificate of life insurance. The act provides that unclaimed death benefits escheat to the state as unclaimed property under the Unclaimed Property Act and that an insurer's noncompliance as a general business practice may be subject to the Trade Practices Act. The act is effective on and after June 30, 2016.

#### ***Arkansas Prepaid Funeral Benefits Law***

ACT 880 (HB1797) provides that a seller or funding life insurance company may collect a fee to transfer a prepaid funeral benefits contract to a substitute provider or to cancel the prepaid contract. The act also requires the Insurance Commissioner to promulgate rules to set the fee amount.

## CONSUMER PROTECTION

### INSURANCE

#### ***Disclosure of Certain Drug Formulary Information***

ACT 1109 (SB466) requires a health carrier offering a qualified health plan to publish certain drug formulary information on its website beginning January 1, 2017.

#### ***Fire Protection Class Code Determination - Review***

ACT 961 (HB1906) authorizes the State Fire Marshal to review rate filings by an advisory organization to determine if the evaluation of fire protection services is reasonable and to make recommendations to the Insurance Commissioner.

#### ***Pharmacy Benefits Plan or Program***

ACT 1025 (SB542) creates the Patient Rights Regarding Payment for Pharmacists Services Act and requires a pharmacy benefits manager to obtain an individual's express consent to alter or change provider choice within a pharmacy benefits plan or program. The act also limits patient payments for pharmacist services and authorizes the Insurance Commissioner to seek an injunction against a pharmacy benefits manager to enforce the act.

#### ***Prepaid Funeral Benefits Contract***

ACT 904 (SB767) authorizes the Insurance Commissioner to assist prepaid funeral organizations in financial distress and defines a nonguaranteed prepaid contract. The act declares an emergency and is effective on and after April 1, 2015.

#### ***Prior Authorization - Terminal Illness***

ACT 992 (SB316) prohibits insurance providers from denying prior authorization for a covered prescription pain medication for patients with a terminal illness.

#### ***Prior Authorization - Transparency***

ACT 1106 (SB318) establishes the Prior Authorization Transparency Act, which prohibits a healthcare insurer from requiring prior authorization for emergency services and requires a healthcare insurer to provide advance notice of changes to prior authorization criteria. The act also provides a prior authorization appeal procedure and requires a physician licensed in this state to make recommendations or decisions concerning prior authorization requests.

### LENDERS AND LENDING

#### ***Collection Agency - Unlicensed***

ACT 1249 (HB1668) provides that an unlicensed collection agency involved in collection activities in the state may be considered retroactively licensed by the State Board of Collection Agencies upon payment of a civil penalty of ten thousand dollars (\$10,000). The act also specifies that the board has exclusive jurisdiction of collection agencies and that the civil penalty is the only consequence of and remedy for a collection agency's failure to obtain a license from the board before attempting collections in the state.

#### ***Consumer Lawsuit Lending***

ACT 915 (SB882) regulates consumer lawsuit lending, including providing that the maximum rate of interest allowable under Arkansas law applies to a consumer lawsuit lending transaction. The act also requires that a contract or agreement governing a consumer lawsuit lending transaction shall be in writing and shall prominently disclose the annual percentage rate applicable to the consumer lawsuit lending transaction.

#### ***Customer-bank Communication Terminal - Limit of Usage Fee***

ACT 588 (HB1641) removes the usage fee limitation to allow an Arkansas bank to charge an appropriate usage fee amount at a customer-bank communication terminal.



## CONSUMER PROTECTION

### MOTOR VEHICLES

#### ***Compressed Natural Gas - Motor Fuel***

ACT 380 (HB1433) amends the definition of "public utility" to exclude a person or corporation that furnishes compressed natural gas as a motor fuel to the public for compensation and is not otherwise a public utility.

#### ***Transportation Network Companies***

ACT 1050 (SB800) creates the Transportation Network Company Services Act, which prohibits an individual or entity from operating a transportation network company in Arkansas without first having obtained a permit to operate a transportation network company from the Arkansas Public Service Commission.

#### ***Transportation Network Company Services Act - Insurance***

ACT 1267 (SB780) revises the definitions used in the Transportation Network Company Services Act and requires additional insurance coverage for a driver and motor vehicle used to transport a rider under the Transportation Network Company Services Act.

### PRODUCT LIABILITY

#### ***Successor Corporation Asbestos-Related Liability Fairness Act***

ACT 1241 (HB1529) provides certain civil immunities and limitations against claims arising from asbestos-related injuries if a successor corporation that was not an original manufacturer or distributor of asbestos has purchased or assumed control of an entity that was an original manufacturer or distributor of asbestos.

### PROFESSIONS AND OCCUPATIONS

#### ***Disposition of Human Remains***

ACT 1095 (HB1711) regulates the treatment and disposition of human remains by embalmers, funeral directors, cremators, funeral establishments, crematoriums, and transport services; revises the duties of the State Board of Embalmers and Funeral Directors; and requires an individual to obtain a crematory retort operator license from the board before operating a crematory retort in Arkansas. The act updates the Embalmers and Funeral Directors Law and provides the State Board of Embalmers and Funeral Directors with administrative authority to prosecute violators of the law. The act also repeals obsolete provisions and amends licensing provisions to conform to current practices in the industry.

## CORRECTIONS

### DEPARTMENT OF COMMUNITY CORRECTION

#### ***Administrative Transfer of an Inmate of the Department of Correction***

ACT 146 (SB200) provides that an inmate of the Department of Correction who is to be released on parole may be administratively transferred to the Department of Community Correction when the inmate is within eighteen (18) months of his or her projected release date for the purpose of participating in a reentry program.

#### ***Application to Terminate Probation or Parole***

ACT 951 (HB1666) amends the law concerning a probationer's or parolee's application to terminate his or her probation or parole. The act declares an emergency and is effective on and after April 2, 2015.

#### ***Community Correction Programs***

ACT 549 (SB262) provides that if, after receipt of an order directing a defendant to a community correction center, the Department of Community Correction determines that the defendant is not eligible for placement in a community correction program, the department shall not admit the defendant and shall immediately notify the prosecuting attorney in writing, who shall then notify the sentencing court that the defendant should be resentenced.

**CORRECTIONS****DEPARTMENT OF COMMUNITY CORRECTION*****Criminal Justice Reform Act of 2015***

ACT 895 (SB472) increases the tools available to the judiciary, the Department of Community Correction, the Department of Correction, and the Parole Board in order to alleviate the problem of prison overcrowding and to promote public safety. The act provides for significant reforms to and an increase of funding for the probation and parole system, increases the funding to and accountability for the numerous variations of specialty court programs throughout the state, establishes a more vigorous legislative and state agency oversight of the criminal justice system through the creation of a legislative committee and two task forces, streamlines the process to place certain persons in the criminal justice system into the Medicaid program in order to help the corrections agencies save money, and improves the efficiency of the methods the Department of Correction may use to reduce prison overcrowding administratively. The act declares an emergency and is effective on and after April 1, 2015.

***Issuance of Arrest Warrant***

ACT 145 (SB199) provides that the Department of Community Correction may issue an arrest warrant for a person who escapes from the department's custody.

***Parole Revocation Hearings***

ACT 1239 (HB1371) amends the law concerning parole revocation hearings, including the location of a parole revocation hearing and provisions regarding the custody of a parolee during a parole revocation proceeding.

***Private Sector Prison Industry Enhancement Programs***

ACT 144 (SB198) provides that inmates of the Department of Community Correction may participate in a private sector prison industry enhancement program.

***Public Safety Transparency and Accountability Act of 2015***

ACT 1265 (SB617) provides that the Department of Correction, Department of Community Correction, and the Parole Board shall post certain inmate, parolee, and probationer records online for the benefit of public review, including risk assessments, custodial records, aliases, photographs of the inmate, criminal history and background information, suspended sentence information, and the calculation of the parole eligibility date for an inmate housed in the Department of Correction. The act declares an emergency and is effective on and after April 8, 2015.

***Reimbursement for Housing Inmates in a County Jail***

ACT 1201 (SB329) amends the law regarding the method and timeframe the Department of Correction and Department of Community Correction shall reimburse a county jail for the housing of state inmates. The act is effective on and after October 1, 2015.

***Reimbursements for State Inmates in a County Jail - Housing and Medical Expenses***

ACT 946 (HB1543) amends the law concerning the reimbursement by the state to county jails for housing inmates in the Department of Correction or the Department of Community Correction and the procedure for reimbursement of medical expenses.

***Transportation of Inmates***

ACT 1171 (HB1374) amends the law concerning the transportation of Department of Correction and Department of Community Correction inmates by a county sheriff or trained security contractor.

**CORRECTIONS****DEPARTMENT OF CORRECTION*****Administrative Transfer of an Inmate to the Department of Community Correction***

ACT 146 (SB200) provides that an inmate of the Department of Correction who is to be released on parole may be administratively transferred to the Department of Community Correction when the inmate is within eighteen (18) months of his or her projected release date for the purpose of participating in a reentry program.

***Award of Meritorious Good Time***

ACT 738 (SB781) concerns the award of meritorious good time a person earns while in the physical custody of a local correctional facility, such as a county jail or city jail.

***Community Correction Program***

ACT 549 (SB262) provides that if, after receipt of an order directing a defendant to a community correction center, the Department of Community Correction determines that the defendant is not eligible for placement in a community correction program, the department shall not admit the defendant and shall immediately notify the prosecuting attorney in writing, who shall then notify the sentencing court that the defendant should be resentenced.

***Criminal Justice Reform Act of 2015***

ACT 895 (SB472) increases the tools available to the judiciary, the Department of Community Correction, the Department of Correction, and the Parole Board in order to alleviate the problem of prison overcrowding and to promote public safety. The act provides for significant reforms to and an increase of funding for the probation and parole system, increases the funding to and accountability for the numerous variations of specialty court programs throughout the state, establishes a more vigorous legislative and state agency oversight of the criminal justice system through the creation of a legislative committee and two task forces, streamlines the process to place certain persons in the criminal justice system into the Medicaid program in order to help the corrections agencies save money, and improves the efficiency of the methods the Department of Correction may use to reduce prison overcrowding administratively. The act declares an emergency and is effective on and after April 1, 2015.

***Housing State Inmates***

ACT 1206 (SB618) provides that the Department of Correction may contract with a regional correctional facility to house department inmates. The act also provides that the Board of Corrections shall promulgate rules in this regard. The act declares an emergency and is effective on and after April 7, 2015.

***Lethal Injection***

ACT 1096 (HB1751) amends the state's lethal injection statute to provide for a different cocktail of drugs to be administered by the Department of Correction and to provide for the places and methods of obtaining the drugs and the confidentiality of information regarding the lethal injection preparation and process. The act declares an emergency and is effective on and after April 6, 2015.

***Public Safety Transparency and Accountability Act of 2015***

ACT 1265 (SB617) provides that the Department of Correction, Department of Community Correction, and the Parole Board shall post certain inmate, parolee, and probationer records online for the benefit of public review, including risk assessments, custodial records, aliases, photographs of the inmate, criminal history and background information, suspended sentence information, and the calculation of the parole eligibility date for an inmate housed in the Department of Correction. The act declares an emergency and is effective on and after April 8, 2015.

## CORRECTIONS

### DEPARTMENT OF CORRECTION

#### ***Reimbursement for Housing Inmates in a County Jail***

ACT 1201 (SB329) amends the law regarding the method and timeframe the Department of Correction and Department of Community Correction shall reimburse a county jail for the housing of state inmates. The act is effective on and after October 1, 2015.

#### ***Reimbursements for Inmates in a County Jail - Housing and Medical Expenses***

ACT 946 (HB1543) amends the law concerning the reimbursement by the state to county jails for housing inmates in the Department of Correction or the Department of Community Correction and the procedure for reimbursement of medical expenses.

#### ***Sale of Prison-made Goods***

ACT 1061 (HB1523) provides for the sale of prison-made goods to inmates of the Department of Correction, Department of Community Correction, or a local correctional facility.

#### ***Transportation of Inmates***

ACT 1171 (HB1374) amends the law concerning the transportation of Department of Correction and Department of Community Correction inmates by a county sheriff or trained security contractor.

#### ***Victim's Rights in Capital Punishment Cases***

ACT 99 (HB1012) expands the number of family members of the victim or victims who are able to witness the execution of a condemned person both in person and in a closed-circuit video feed provided by the Department of Correction. The act provides that the director of the department may prohibit a person who would otherwise be eligible to witness or view the execution from viewing or witnessing the execution if he or she determines the person to be a security risk.

### INMATES

#### ***Criminal Justice Reform Act of 2015***

ACT 895 (SB472) increases the tools available to the judiciary, the Department of Community Correction, the Department of Correction, and the Parole Board in order to alleviate the problem of prison overcrowding and to promote public safety. The act provides for significant reforms to and an increase of funding for the probation and parole system, increases the funding to and accountability for the numerous variations of specialty court programs throughout the state, establishes a more vigorous legislative and state agency oversight of the criminal justice system through the creation of a legislative committee and two task forces, streamlines the process to place certain persons in the criminal justice system into the Medicaid program in order to help the corrections agencies save money, and improves the efficiency of the methods the Department of Correction may use to reduce prison overcrowding administratively. The act declares an emergency and is effective on and after April 1, 2015.

#### ***Housing State Inmates***

ACT 1206 (SB618) provides that the Department of Correction may contract with a regional correctional facility to house department inmates. The act also provides that the Board of Corrections shall promulgate rules in this regard. The act declares an emergency and is effective on and after April 7, 2015.

## **CORRECTIONS**

### INMATES

#### ***Reimbursement for Housing State Inmates in a County Jail***

ACT 1201 (SB329) amends the law regarding the method and timeframe the Department of Correction and Department of Community Correction shall reimburse a county jail for the housing of state inmates. The act is effective on and after October 1, 2015.

#### ***Reimbursements to County Jails - Housing and Medical Expenses***

ACT 946 (HB1543) amends the law concerning the reimbursement by the state to county jails for housing inmates in the Department of Correction or the Department of Community Correction and the procedure for reimbursement of medical expenses.

#### ***Transportation of State Inmates***

ACT 1171 (HB1374) amends the law concerning the transportation of Department of Correction and Department of Community Correction inmates by a county sheriff or trained security contractor.

### LOCAL JAILS

#### ***Award of Meritorious Good Time***

ACT 738 (SB781) concerns the award of meritorious good time a person earns while in the physical custody of a local correctional facility, such as a county jail or city jail.

#### ***Reimbursement for Housing State Inmates***

ACT 1201 (SB329) amends the law regarding the method and timeframe the Department of Correction and Department of Community Correction shall reimburse a county jail for the housing of state inmates. The act is effective on and after October 1, 2015.

#### ***Reimbursement for State Inmate Housing and Medical Expenses***

ACT 946 (HB1543) amends the law concerning the reimbursement by the state to county jails for housing inmates in the Department of Correction or the Department of Community Correction and the procedure for reimbursement of medical expenses.

#### ***Transportation of State Inmates***

ACT 1171 (HB1374) amends the law concerning the transportation of Department of Correction and Department of Community Correction inmates by a county sheriff or trained security contractor.

#### ***Use of Profits***

ACT 741 (SB424) requires that commissions derived from prisoner telephone services and profits earned from prisoner commissary services in county and regional detention facilities be deposited with the county treasurer with the funds credited to the county sheriff's office fund. The act further provides that the Division of Legislative Audit shall review the relevant entities' actions for substantial compliance with the statutory requirements. The act is effective on and after January 1, 2016.

**CORRECTIONS****PAROLE BOARD*****Criminal Justice Reform Act of 2015***

ACT 895 (SB472) increases the tools available to the judiciary, the Department of Community Correction, the Department of Correction, and the Parole Board in order to alleviate the problem of prison overcrowding and to promote public safety. The act provides for significant reforms to and an increase of funding for the probation and parole system, increases the funding to and accountability for the numerous variations of specialty court programs throughout the state, establishes a more vigorous legislative and state agency oversight of the criminal justice system through the creation of a legislative committee and two task forces, streamlines the process to place certain persons in the criminal justice system into the Medicaid program in order to help the corrections agencies save money, and improves the efficiency of the methods the Department of Correction may use to reduce prison overcrowding administratively. The act declares an emergency and is effective on and after April 1, 2015.

***Grant or Award of Parole***

ACT 609 (SB58) makes technical changes to the grant or award of parole by the Parole Board and gives the Parole Board rulemaking authority to adopt rules pertaining to parole.

***Public Safety Transparency and Accountability Act***

ACT 1265 (SB617) provides that the Department of Correction, Department of Community Correction, and the Parole Board shall post certain inmate, parolee, and probationer records online for the benefit of public review, including risk assessments, custodial records, aliases, photographs of the inmate, criminal history and background information, suspended sentence information, and the calculation of the parole eligibility date for an inmate housed in the Department of Correction. The act declares an emergency and is effective on and after April 8, 2015.

***Technical Correction***

ACT 1288 (SB1042) amends the law to correct a technical mistake in Act 895 of 2015 that inadvertently deleted some requirements for a person to serve on the Parole Board. The act declares an emergency and is effective on and after April 8, 2015.

**PRIVATE SECTOR PRISON INDUSTRY ENHANCEMENT PROGRAMS*****Department of Community Correction Eligible***

ACT 144 (SB198) provides that inmates of the Department of Community Correction may participate in a private sector prison industry enhancement program.

**PROBATION AND PAROLE*****Administrative Transfer of a State Inmate***

ACT 146 (SB200) provides that an inmate of the Department of Correction who is to be released on parole may be administratively transferred to the Department of Community Correction when the inmate is within eighteen (18) months of his or her projected release date for the purpose of participating in a reentry program.

***Application to Terminate Probation or Parole***

ACT 951 (HB1666) amends the law concerning a probationer's or parolee's application to terminate his or her probation or parole. The act declares an emergency and is effective on and after April 2, 2015.

***Award of Meritorious Good Time***

ACT 738 (SB781) concerns the award of meritorious good time a person earns while in the physical custody of a local correctional facility, such as a county jail or city jail.

**CORRECTIONS****PROBATION AND PAROLE*****Community Correction Programs***

ACT 549 (SB262) provides that if, after receipt of an order directing a defendant to a community correction center, the Department of Community Correction determines that the defendant is not eligible for placement in a community correction program, the department shall not admit the defendant and shall immediately notify the prosecuting attorney in writing, who shall then notify the sentencing court that the defendant should be resentenced.

***Criminal Justice Reform Act of 2015***

ACT 895 (SB472) increases the tools available to the judiciary, the Department of Community Correction, the Department of Correction, and the Parole Board in order to alleviate the problem of prison overcrowding and to promote public safety. The act provides for significant reforms to and an increase of funding for the probation and parole system, increases the funding to and accountability for the numerous variations of specialty court programs throughout the state, establishes a more vigorous legislative and state agency oversight of the criminal justice system through the creation of a legislative committee and two task forces, streamlines the process to place certain persons in the criminal justice system into the Medicaid program in order to help the corrections agencies save money, and improves the efficiency of the methods the Department of Correction may use to reduce prison overcrowding administratively. The act declares an emergency and is effective on and after April 1, 2015.

***Employment and Education Requirements***

ACT 1198 (HB1977) requires that a person being placed on probation, given a suspended sentence, or entering into a preadjudication probation program meet certain employment and education thresholds as a condition of his or her sentence or as part of the program.

***Extended Supervision for Certain Sex Offenders***

ACT 973 (SB46) provides that certain sex offenders released on parole, released from probation, or released from the Arkansas State Hospital may be subject to extended supervision and monitoring after release.

***Grant or Award of Parole***

ACT 609 (SB58) makes technical changes to the grant or award of parole by the Parole Board and gives the Parole Board rulemaking authority to adopt rules pertaining to parole.

***Parole Board***

ACT 1288 (SB1042) amends the law to correct a technical mistake in Act 895 of 2015 that inadvertently deleted some requirements for a person to serve on the Parole Board. The act declares an emergency and is effective on and after April 8, 2015.

***Parole Revocation Hearings***

ACT 1239 (HB1371) amends the law concerning parole revocation hearings, including the location of a parole revocation hearing and provisions regarding the custody of a parolee during a parole revocation proceeding.

***Public Safety Transparency and Accountability Act of 2015***

ACT 1265 (SB617) provides that the Department of Correction, Department of Community Correction, and the Parole Board shall post certain inmate, parolee, and probationer records online for the benefit of public review, including risk assessments, custodial records, aliases, photographs of the inmate, criminal history and background information, suspended sentence information, and the calculation of the parole eligibility date for an inmate housed in the Department of Correction. The act declares an emergency and is effective on and after April 8, 2015.

## CORRECTIONS

### PROBATION AND PAROLE

#### ***Victim Impact Statements***

ACT 608 (SB57) concerns the use, availability, and disclosure of a victim impact statement at an inmate's parole eligibility determination hearing conducted by the Parole Board and the manner in which the victim may give his or her victim impact statement.

## COURTS

### CHILD SUPPORT

#### ***Ability to Pay***

ACT 565 (SB464) provides that the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration may file a petition for modification of child support for a person who receives Transitional Employment Assistance. The act provides discretion to the court to decide whether the ability to pay for a child's health insurance should be considered a material change of circumstances. The act also repeals a provision that prohibited counting Medicaid eligibility as sufficient for covering a child's health needs.

### CIRCUIT COURTS

#### ***Certified Facility Dogs***

ACT 957 (HB1855) provides that in certain circumstances a child witness in a criminal trial may be able to have with him or her a certified facility dog designed to put the child witness at ease during his or her testimony.

#### ***Circuit Clerk Seal***

ACT 581 (HB1438) provides that the impression of the seal of the office of circuit clerk is sufficient sealing in a situation in which sealing is required.

#### ***Failure to Appear***

ACT 538 (HB1467) amends the offense of failure to appear by providing a definition of what constitutes a "pending charge".

#### ***Sentence to a Community Correction Program***

ACT 549 (SB262) provides that if, after receipt of an order directing a defendant to a community correction center, the Department of Community Correction determines that the defendant is not eligible for placement in a community correction program, the department shall not admit the defendant and shall immediately notify the prosecuting attorney in writing, who shall then notify the sentencing court that the defendant should be resentenced.

#### ***Subpoenas***

ACT 1097 (HB1755) requires that notice of a child maltreatment allegation be given to a private school or a parent in certain circumstances and sets out the process for delivering and responding to a subpoena duces tecum in a child maltreatment case.

#### ***Writ of Garnishment***

ACT 932 (HB1268) amends the procedure concerning the issuance of a writ of garnishment.

### COURT COSTS

#### ***Cleburne County District Court***

ACT 1001 (SB751) amends the allocation of court costs in the Cleburne County District Court.

### DISTRICT COURTS

#### ***Certified Facility Dogs***

ACT 957 (HB1855) provides that in certain circumstances a child witness in a criminal trial may be able to have with him or her a certified facility dog designed to put the child witness at ease during his or her testimony.



## COURTS

### DISTRICT COURTS

#### ***Cleburne County District Court***

ACT 1001 (SB751) amends the allocation of court costs in the Cleburne County District Court.

#### ***Court Clerk Submission of Distribution Report***

ACT 903 (SB746) provides that a court clerk shall submit a monthly distribution report describing direct monetary settlements to the county treasurer on a monthly basis.

#### ***Dates***

ACT 1031 (HB1629) provides that a district court shall hold court in each department of the district court at least once a month unless mutually waived by the district court judge and the relevant municipal governing body.

#### ***Employment of Deputy District Court Clerks***

ACT 587 (HB1628) provides that a deputy district court clerk who is appointed by the judge of a district court but employed by a city or county is subject to the policies of the city or county, including the employee handbook. The act also provides that a deputy district court clerk who is employed by more than one (1) city or county is subject to employment policies that are agreed upon by the multiple cities or counties.

#### ***Failure to Appear***

ACT 538 (HB1467) amends the offense of failure to appear by providing a definition of what constitutes a "pending charge".

#### ***Fee for Filing and Issuing Writs***

ACT 585 (HB1484) amends the law concerning the fee for filing and issuing writs, including a writ of garnishment and writ of execution.

#### ***Fees***

ACT 530 (HB1193) provides that district court fees shall be credited to the general fund of the county.

#### ***Order of Restitution***

ACT 583 (HB1462) repeals the ability of a district court to order installment payments of restitution to be collected first in lieu of the procedure under § 16-10-209(5)(F).

#### ***Record Retention Schedule***

ACT 584 (HB1463) amends the district court record retention schedule concerning retention of records in civil or small claims division cases, recalled or quashed arrest warrants, and served or unexecuted search warrants.

#### ***Salaries of Personnel***

ACT 1064 (HB1769) provides for adjustments in salary for certain local district court personnel, including certain district court judges.

#### ***Sebastian County District Court***

ACT 1072 (HB1224) specifies the job qualifications of the Sebastian County District Court Clerk.

#### ***State District Court System***

ACT 1081 (HB1532) requires that the remaining local district courts to join the state district court system at various stages between 2017 and 2029.

#### ***Writ of Garnishment***

ACT 932 (HB1268) amends the procedure concerning the issuance of a writ of garnishment.

**COURTS****FUNDING*****Criminal Justice Reform Act of 2015***

ACT 895 (SB472) increases the tools available to the judiciary, the Department of Community Correction, the Department of Correction, and the Parole Board in order to alleviate the problem of prison overcrowding and to promote public safety. The act provides for significant reforms to and an increase of funding for the probation and parole system, increases the funding to and accountability for the numerous variations of specialty court programs throughout the state, establishes a more vigorous legislative and state agency oversight of the criminal justice system through the creation of a legislative committee and two task forces, streamlines the process to place certain persons in the criminal justice system into the Medicaid program in order to help the corrections agencies save money, and improves the efficiency of the methods the Department of Correction may use to reduce prison overcrowding administratively. The act declares an emergency and is effective on and after April 1, 2015.

**JUDGES*****Salaries of District Court Personnel***

ACT 1064 (HB1769) provides for adjustments in salary for certain local district court personnel, including certain district court judges.

***Sexual Exploitation Education***

ACT 1138 (SB1012) provides for implementation of the findings of the Attorney General's task force on human trafficking by including placement of victims of human trafficking under the responsibilities of the Child Welfare Agency Licensing Act; requiring law enforcement agencies to provide procedures for visa identification of victims of human trafficking; creating an education program concerning sexually exploited children for judges, prosecutors, and circuit and district court clerks; and adding human trafficking to the concerns of the Arkansas Child Abuse/Rape/Domestic Violence Commission.

**JURISDICTION*****International Child Support Orders***

ACT 888 (SB152) conforms the Uniform Interstate Family Support Act to the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The act declares that jurisdiction over international child support orders remains with Arkansas courts if an Arkansas court retains jurisdiction over the case. The act declares an emergency and is effective on and after July 1, 2015.

**JUVENILE LAW*****Adult Release***

ACT 1085 (HB1571) provides for the Division of Youth Services of the Department of Human Services to release from division custody, with or without a hearing, an extended juvenile jurisdiction offender who reaches twenty-one (21) years of age.

***Delinquency Proceedings***

ACT 1023 (SB848) provides for the creation of a validated risk and needs assessment to be used in a juvenile delinquency proceeding.

***DNA Samples***

ACT 1084 (HB1570) limits the drawing of DNA samples from juveniles to those who have been adjudicated delinquent.

## COURTS

### JUVENILE LAW

#### *Notice*

ACT 1097 (HB1755) requires that notice of a child maltreatment allegation be given to a private school or a parent in certain circumstances and sets out the process for delivering and responding to a subpoena duces tecum in a child maltreatment case.

### PATERNITY

#### *Putative Parents*

ACT 1022 (SB775) provides for a clarification of the rights of putative parents in proceedings regarding juveniles who are the subjects of putative parent claims.

### PERSONNEL

#### *Court Clerk Submission of Distribution Report*

ACT 903 (SB746) provides that a court clerk shall submit a monthly distribution report describing direct monetary settlements to the county treasurer on a monthly basis.

#### *Court Reporters*

ACT 268 (HB1144) authorizes the Administrative Office of the Courts to adjust and administer the salaries and compensation of court reporters and trial court administrators. The act declares an emergency and is effective on and after July 1, 2015.

#### *Deputy District Court Clerks*

ACT 587 (HB1628) provides that a deputy district court clerk who is appointed by the judge of a district court but employed by a city or county is subject to the policies of the city or county, including the employee handbook. The act also provides that a deputy district court clerk who is employed by more than one (1) city or county is subject to employment policies that are agreed upon by the multiple cities or counties.

#### *District Court - Salaries*

ACT 1064 (HB1769) provides for adjustments in salary for certain local district court personnel, including certain district court judges.

#### *Sebastian County District Court Clerk*

ACT 1072 (HB1224) specifies the job qualifications of the Sebastian County District Court Clerk.

#### *Trial Court Administrators*

ACT 268 (HB1144) authorizes the Administrative Office of the Courts to adjust and administer the salaries and compensation of court reporters and trial court administrators. The act declares an emergency and is effective on and after July 1, 2015.

### PROCESS SERVERS

#### *Access to Local Utility Customer Information*

ACT 878 (HB1777) provides that a court-appointed process server may verbally request and be granted access to a public utility customer's last known or current address in order to effectuate service of process of legal documents.

### PROSECUTING ATTORNEYS

#### *Address on Driver's License*

ACT 397 (SB311) provides that a prosecuting attorney or deputy prosecuting attorney may use a post office box or the address of his or her office as the address on his or her driver's license.

#### *Disclosure of Exculpatory Evidence*

ACT 1040 (HB1805) provides for release by a prosecuting attorney of reports and analytical work performed by the State Crime Laboratory that may be exculpatory.

**COURTS****PROSECUTING ATTORNEYS*****Salaries***

ACT 559 (SB177) provides that prosecuting attorneys are under the jurisdiction of the independent citizens commission on salaries created under Arkansas Constitution, Article 19, Section 31, and provides for a study of prosecuting attorney salaries to begin within thirty (30) days of the effective date of the act. The act declares an emergency and is effective on and after March 20, 2015.

***Sexual Exploitation Education***

ACT 1138 (SB1012) provides for implementation of the findings of the Attorney General's task force on human trafficking by including placement of victims of human trafficking under the responsibilities of the Child Welfare Agency Licensing Act; requiring law enforcement agencies to provide procedures for visa identification of victims of human trafficking; creating an education program concerning sexually exploited children for judges, prosecutors, and circuit and district court clerks; and adding human trafficking to the concerns of the Arkansas Child Abuse/Rape/Domestic Violence Commission.

***Thirteenth and Fifteenth Judicial Districts***

ACT 1261 (SB232) provides that the prosecuting attorneys for both the Thirteenth and Fifteenth Judicial Districts shall be Division B prosecuting attorneys until July 1, 2017, when they will change to Division A prosecuting attorneys. The act declares an emergency and is effective on and after July 1, 2015.

***Victimless Prosecution in Domestic Violence Cases***

ACT 876 (HB1706) requires that a law enforcement agency investigating a domestic violence case investigate in a manner that would permit the prosecuting attorney to prosecute the case even if the victim is unavailable to testify.

**PUBLIC DEFENDERS*****Recovery of Unpaid User Fees***

ACT 893 (SB383) provides that, as a claimant agency, the Public Defender Commission may file a claim for a setoff against a person's state income tax refund in order to recover unpaid public defender user fees.

**RECORDS*****Court Clerk Submission of Distribution Report***

ACT 903 (SB746) provides that a court clerk shall submit a monthly distribution report describing direct monetary settlements to the county treasurer on a monthly basis.

***Criminal Background Checks***

ACT 861 (SB807) provides that only a court of record, the circuit clerk, the clerk's employees, and the Department of Human Services may view a criminal background check made for purposes of a hearing on adoption, an adoption home study, or another related matter. The act declares an emergency and is effective on and after March 31, 2015.

***Retention of Certain Records***

ACT 584 (HB1463) amends the district court record retention schedule concerning retention of records in civil or small claims division cases, recalled or quashed arrest warrants, and served or unexecuted search warrants.

**REMEDIES*****Common Nuisance***

ACT 1099 (HB1820) modifies the law concerning the declaration of and remedy for a common nuisance.

**COURTS****SPECIALTY COURT PROGRAMS*****Criminal Justice Reform Act of 2015***

ACT 895 (SB472) increases the tools available to the judiciary, the Department of Community Correction, the Department of Correction, and the Parole Board in order to alleviate the problem of prison overcrowding and to promote public safety. The act provides for significant reforms to and an increase of funding for the probation and parole system, increases the funding to and accountability for the numerous variations of specialty court programs throughout the state, establishes a more vigorous legislative and state agency oversight of the criminal justice system through the creation of a legislative committee and two task forces, streamlines the process to place certain persons in the criminal justice system into the Medicaid program in order to help the corrections agencies save money, and improves the efficiency of the methods the Department of Correction may use to reduce prison overcrowding administratively. The act declares an emergency and is effective on and after April 1, 2015.

***Driver's License Reinstatement Fees***

ACT 1193 (HB1878) provides that, between January 1, 2016, and June 30, 2016, a person whose driving privileges are suspended or revoked solely as a result of outstanding driver's license reinstatement fees imposed under the laws of this state is eligible to pay a one-time driver's license reinstatement fee of one hundred dollars (\$100) if the person has paid all costs, fines, and fees associated with his or her driver's license suspension and has successfully completed a specialty court program, such as drug court. The act is effective on and after January 1, 2016.

**TECHNICAL CORRECTIONS - PRACTICE, PROCEDURE, AND COURTS - TITLE 16**

ACT 1152 (SB120) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 16 of the Arkansas Code.

**VENUE*****Civil Actions***

ACT 830 (HB1252) rearranges the general venue statutes for civil actions to repeal obsolete language and to bring all the laws concerning civil action venue into a single subchapter of the Arkansas Code.

**CRIMINAL LAW AND PROCEDURE****ARREST PROCEDURES*****Collection of DNA After All Felony Arrests***

ACT 543 (HB1573) requires that a DNA sample be taken from all persons arrested for a felony offense. The act also provides that a DNA sample collected by law enforcement under the act may be destroyed upon request of the person if a criminal conviction related to the collection of the DNA sample is reversed by a court with jurisdiction.

**CONTROLLED SUBSTANCES*****Sales Limitations of Ephedrine and Other Nonprescription Drugs***

ACT 940 (HB1466) provides that a pharmacist is not prohibited from dispensing a product containing ephedrine, pseudoephedrine, or phenylpropanolamine to a person who has not used the services of the pharmacist frequently or has not previously established a pharmacist-patient relationship.

**DEFENSES AND JUSTIFICATION*****Immunity***

ACT 381 (SB161) provides limited immunity from criminal prosecution for possession of alcohol to persons under twenty-one (21) years of age who act responsibly during a medical emergency.

## CRIMINAL LAW AND PROCEDURE

### DEFENSES AND JUSTIFICATION

#### ***Use of Deadly Physical Force - Retreat***

ACT 828 (HB1203) provides that a person may use deadly physical force in self defense or defense of another person and is not required to retreat unless he or she is able to do so with complete safety.

#### ***Use of Deadly Physical Force Against Initial Aggressor***

ACT 1073 (HB1240) provides that a person who lawfully uses deadly physical force in self defense or in defense of another person is immune from civil liability that resulted from the use of deadly physical force against the initial aggressor.

### EVIDENCE AND WITNESSES

#### ***Disclosure of Exculpatory Evidence***

ACT 1040 (HB1805) provides for release by a prosecuting attorney of reports and analytical work performed by the State Crime Laboratory that may be exculpatory.

#### ***Domestic Violence Investigation***

ACT 877 (HB1707) provides that when law enforcement responds to a report of domestic violence, the first officer to interview the victim shall assess the potential danger to the victim by completing a lethality assessment form.

#### ***Unsubmitted Rape Kits***

ACT 1168 (HB1208) requires a law enforcement agency that maintains, stores, or preserves sexual assault evidence and a healthcare provider charged with performing medical-legal examinations to conduct an audit of all untested sexual assault collection kits and any associated evidence stored by the law enforcement agency and to report the information to the State Crime Laboratory.

#### ***Victimless Prosecution in Domestic Violence Cases***

ACT 876 (HB1706) requires that a law enforcement agency investigating a domestic violence case investigate in a manner that would permit the prosecuting attorney to prosecute the case even if the victim is unavailable to testify.

### HUMAN TRAFFICKING

#### ***Prohibited Activities***

ACT 1080 (HB1530) includes among the offenses of trafficking of persons advertising for and activities involving or leading to trafficking of persons.

### JURISDICTION

#### ***School Resource Officers***

ACT 1179 (HB1583) provides that a school district may accept a school resource officer from a local law enforcement agency with jurisdiction to assist with school security, safety, emergency preparedness, emergency response, or any other responsibility assigned to the school resource officer by the school or law enforcement agency. The act further provides that under certain circumstances a school resource officer may issue a citation to a person to appear in the local district court having jurisdiction over the place where a violation of state law occurred even if the school resource officer is outside of his or her jurisdiction.

### JUVENILES

#### ***Delinquency Proceedings***

ACT 1023 (SB848) provides for the creation of a validated risk and needs assessment to be used in a juvenile delinquency proceeding.

#### ***Juvenile Fingerprints***

ACT 1016 (HB1322) specifies the circumstances under which a juvenile arrested for or adjudicated delinquent of a criminal offense may be fingerprinted by a law enforcement agency.

**CRIMINAL LAW AND PROCEDURE**

JUVENILES

***Offense Committed Against or in the Presence of a Child***

ACT 1220 (SB867) provides that an additional fine of twenty-five dollars (\$25.00) shall be assessed against a defendant who commits certain criminal offenses against or in the presence of a child.

***Possession of Alcohol***

ACT 381 (SB161) provides limited immunity from criminal prosecution for possession of alcohol to persons under twenty-one (21) years of age who act responsibly during a medical emergency.

***Sex Offenses***

ACT 1285 (SB1018) requires a person to register as a sex offender if he or she is convicted of abuse of a minor and the abuse was sexual in nature. The act also amends the law concerning how a person may terminate his or her obligation to register as a sex offender if he or she was previously convicted of abuse of a minor and there was no sexual component.

OFFENSES - GENERALLY

***Clarification of Offenses and Penalties***

ACT 1263 (SB459) makes technical corrections to Title 5 of the Arkansas Code. The act also clarifies the penalties for certain criminal offenses.

***Clarification of Offenses and Penalties***

ACT 1264 (SB462) makes technical corrections to Titles 6, 8, and 20 of the Arkansas Code. The act also clarifies the penalties for certain criminal offenses.

OFFENSES AGAINST PUBLIC HEALTH, SAFETY, OR WELFARE

***Criminal Impersonation of a Law Enforcement Officer***

ACT 234 (SB227) amends the offense of criminal impersonation in the first degree to include additional prohibitions against impersonating a law enforcement officer. The act also provides that a circuit court may order the removal of any law enforcement emblem, logo, marking, decal, insignia, or design that is prohibited under the act.

***Driving on a Suspended Driver's License***

ACT 1035 (HB1678) increases the penalty range for driving on a suspended driver's license resulting from a conviction for driving while intoxicated to not less than ten (10) days but not more than ninety (90) days.

***Driving or Boating While Intoxicated***

ACT 299 (SB81) combines the separate offenses of driving while intoxicated and boating while intoxicated into one offense of driving or boating while intoxicated with the same criminal and administrative penalties as well as identical sentence enhancement provisions.

***Driving While Intoxicated - Use of an Interlock Device***

ACT 1221 (SB877) amends the law concerning the use of an interlock device on a person's motor vehicle when the person has been charged with driving or boating while intoxicated.

***Possession of a Concealed Handgun in Public Parking Lots***

ACT 1078 (HB1505) provides that it is not a criminal offense for a concealed handgun licensee to carry a concealed handgun in his or her motor vehicle on certain public property, including a publicly owned and maintained parking lot. The act also permits a licensee to carry a concealed handgun in his or her motor vehicle into a school parking lot and designated "drop off" zones.

***Unlawful Use of an Unmanned Aircraft System***

ACT 1019 (HB1770) creates the criminal offense of unlawful use of an unmanned aircraft system and provides that a civil action may be filed against a person who commits the offense.

## CRIMINAL LAW AND PROCEDURE

### OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT

#### ***Abuse of Public Trust***

ACT 1270 (SB852) provides for more serious penalties for committing the criminal offense of abuse of public trust.

#### ***Carrying a Concealed Handgun into a Courthouse***

ACT 1259 (SB159) provides that a concealed carry licensee may carry a concealed handgun into a courthouse if the licensee is either employed by the county or is a countywide elected official, the licensee's principal place of employment is within the courthouse, and the quorum court by ordinance approves a plan that allows licensees to carry a concealed handgun into the courthouse as set out by the local security and emergency preparedness plan.

#### ***Carrying a Concealed Handgun into a Polling Place***

ACT 1175 (HB1432) provides that it is not illegal for a concealed handgun licensee to carry a concealed handgun into a polling place.

#### ***Criminal Impersonation of a Law Enforcement Officer***

ACT 234 (SB227) amends the offense of criminal impersonation in the first degree to include additional prohibitions against impersonating a law enforcement officer. The act also provides that a circuit court may order the removal of any law enforcement emblem, logo, marking, decal, insignia, or design that is prohibited under the act.

#### ***Failure to Appear***

ACT 538 (HB1467) amends the offense of failure to appear by providing a definition of what constitutes a "pending charge".

#### ***Unlawful Acts Concerning an Election***

ACT 1166 (HB1114) amends the perjury statute to include certain unlawful acts concerning absentee voting and creates the offense of criminal impersonation in an election.

### OFFENSES AGAINST THE PERSON

#### ***Battery in the Second Degree***

ACT 104 (HB1180) provides that a person may be charged with and convicted of battery in the second degree if the person recklessly causes serious physical injury to another person while operating or being in actual physical control of a motorboat while the person is intoxicated.

#### ***Domestic Violence Investigation***

ACT 877 (HB1707) provides that when law enforcement responds to a report of domestic violence, the first officer to interview the victim shall assess the potential danger to the victim by completing a lethality assessment form.

#### ***Extended Supervision for Certain Sex Offenders***

ACT 973 (SB46) provides that certain sex offenders released on parole, released from probation, or released from the Arkansas State Hospital may be subject to extended supervision and monitoring after release.

#### ***Illegal Use of an Unmanned Vehicle or Aircraft***

ACT 293 (HB1349) amends the criminal offense of voyeurism and video voyeurism to include the prohibited use of an unmanned vehicle or aircraft flown in a manner to escape detection to commit the offenses.

#### ***Offense Committed Against or in the Presence of a Child***

ACT 1220 (SB867) provides that an additional fine of twenty-five dollars (\$25.00) shall be assessed against a defendant who commits certain criminal offenses against or in the presence of a child.



## CRIMINAL LAW AND PROCEDURE

### OFFENSES AGAINST THE PERSON

#### ***Offenses Subject to the Sex Offender Registration Act of 1997***

ACT 357 (SB55) includes trafficking of persons and patronizing a victim of human trafficking in the list of offenses that are subject to the Sex Offender Registration Act of 1997.

#### ***Registered Sex Offender Residing Near Church or Other Place of Worship***

ACT 376 (HB1164) provides that a registered sex offender who has been assessed as a Level 4 sex offender may not knowingly reside within two thousand feet (2,000') of a church or other place of worship.

#### ***Re-homing Prohibited***

ACT 1092 (HB1676) provides that the re-homing of a minor is an unclassified felony with a term of imprisonment of not more than five (5) years and a fine of not more than five thousand dollars (\$5,000). The act also prohibits certain conduct concerning the permanent, private transfer of custody of an adopted child.

#### ***Sex Offenses***

ACT 1285 (SB1018) requires a person to register as a sex offender if he or she is convicted of abuse of a minor and the abuse was sexual in nature. The act also amends the law concerning how a person may terminate his or her obligation to register as a sex offender if he or she was previously convicted of abuse of a minor and there was no sexual component.

#### ***Unlawful Distribution of Sexual Images or Recordings***

ACT 304 (SB156) criminalizes the distribution of an image, picture, video, or voice or audio recording of a sexual nature to harass, frighten, intimidate, threaten, or abuse a family or household member or a person in a current or former dating relationship.

#### ***Use of Deadly Physical Force - Retreat***

ACT 828 (HB1203) provides that a person may use deadly physical force in self defense or defense of another person and is not required to retreat unless he or she is able to do so with complete safety.

#### ***Use of Deadly Physical Force Against Initial Aggressor***

ACT 1073 (HB1240) provides that a person who lawfully uses deadly physical force in self defense or in defense of another person is immune from civil liability that resulted from the use of deadly physical force against the initial aggressor.

#### ***Victimless Prosecution in Domestic Violence Cases***

ACT 876 (HB1706) requires that a law enforcement agency investigating a domestic violence case investigate in a manner that would permit the prosecuting attorney to prosecute the case even if the victim is unavailable to testify.

### OFFENSES INVOLVING FAMILIES AND DEPENDENTS

#### ***Domestic Violence Investigation***

ACT 877 (HB1707) provides that when law enforcement responds to a report of domestic violence, the first officer to interview the victim shall assess the potential danger to the victim by completing a lethality assessment form.

#### ***Victimless Prosecution in Domestic Violence Cases***

ACT 876 (HB1706) requires that a law enforcement agency investigating a domestic violence case investigate in a manner that would permit the prosecuting attorney to prosecute the case even if the victim is unavailable to testify.

## CRIMINAL LAW AND PROCEDURE

### PROCEDURAL RULES

#### ***Certified Facility Dogs***

ACT 957 (HB1855) provides that in certain circumstances a child witness in a criminal trial may be able to have with him or her a certified facility dog designed to put the child witness at ease during his or her testimony.

### PUBLIC DEFENDERS

#### ***Recovery of Unpaid User Fees***

ACT 893 (SB383) provides that, as a claimant agency, the Public Defender Commission may file a claim for a setoff against a person's state income tax refund in order to recover unpaid public defender user fees.

### RESTITUTION, FORFEITURE, AND DISPOSITION OF PROPERTY

#### ***Disposition of Firearms Seized From a Minor or a Mentally Ill Person***

ACT 688 (SB261) provides for the procedures concerning the disposition of a firearm seized by a law enforcement agency from a minor or mentally ill person.

#### ***Order of Restitution***

ACT 583 (HB1462) repeals the ability of a district court to order installment payments of restitution to be collected first in lieu of the procedure under § 16-10-209(5)(F).

#### ***Satisfaction Through Interception of State Income Tax Return***

ACT 837 (HB1434) provides that court-ordered restitution in a criminal case may be satisfied in certain situations through the interception of the defendant's state income tax return.

#### ***Self-Insured Fidelity Bond Program***

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws. The act improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department and clarifies the Governmental Bonding Board's responsibilities under the self-insured fidelity bond program to seek restitution upon a criminal conviction.

### SENTENCING AND PENALTIES

#### ***Administration of a Lethal Injection***

ACT 1096 (HB1751) amends the state's lethal injection statute to provide for a different cocktail of drugs to be administered by the Department of Correction and to provide for the places and methods of obtaining the drugs and the confidentiality of information regarding the lethal injection preparation and process. The act declares an emergency and is effective on and after April 6, 2015.

#### ***Clarification of Offenses and Penalties***

ACT 1263 (SB459) makes technical corrections to Title 5 of the Arkansas Code. The act also clarifies the penalties for certain criminal offenses.

#### ***Clarification of Offenses and Penalties***

ACT 1264 (SB462) makes technical corrections to Titles 6, 8, and 20 of the Arkansas Code. The act also clarifies the penalties for certain criminal offenses.

#### ***Community Correction Programs***

ACT 549 (SB262) provides that if, after receipt of an order directing a defendant to a community correction center, the Department of Community Correction determines that the defendant is not eligible for placement in a community correction program, the department shall not admit the defendant and shall immediately notify the prosecuting attorney in writing, who shall then notify the sentencing court that the defendant should be resentenced.

**CRIMINAL LAW AND PROCEDURE**  
**SENTENCING AND PENALTIES**

***Driving on a Suspended Driver's License***

ACT 1035 (HB1678) increases the penalty range for driving on a suspended driver's license resulting from a conviction for driving while intoxicated to not less than ten (10) days but not more than ninety (90) days.

***Driving While Intoxicated - Use of an Interlock Device***

ACT 1221 (SB877) amends the law concerning the use of an interlock device on a person's motor vehicle when the person has been charged with driving or boating while intoxicated.

***Employment and Education Requirements for Certain Sentences***

ACT 1198 (HB1977) requires that a person being placed on probation, given a suspended sentence, or entering into a preadjudication probation program meet certain employment and education thresholds as a condition of his or her sentence or as part of the program.

***Extended Supervision for Certain Sex Offenders***

ACT 973 (SB46) provides that certain sex offenders released on parole, released from probation, or released from the Arkansas State Hospital may be subject to extended supervision and monitoring after release.

***Offense Committed Against or in the Presence of a Child***

ACT 1220 (SB867) provides that an additional fine of twenty-five dollars (\$25.00) shall be assessed against a defendant who commits certain criminal offenses against or in the presence of a child.

***Order of Restitution***

ACT 583 (HB1462) repeals the ability of a district court to order installment payments of restitution to be collected first in lieu of the procedure under § 16-10-209(5)(F).

***Parole Revocation Hearings***

ACT 1239 (HB1371) amends the law concerning parole revocation hearings, including the location of a parole revocation hearing and provisions regarding the custody of a parolee during a parole revocation proceeding.

***Victim's Rights in Capital Punishment Cases***

ACT 99 (HB1012) expands the number of family members of the victim or victims who are able to witness the execution of a condemned person both in person and in a closed-circuit video feed provided by the Department of Correction. The act provides that the director of the department may prohibit a person who would otherwise be eligible to witness or view the execution from viewing or witnessing the execution if he or she determines the person to be a security risk.

***Violation of Game and Fish Regulations***

ACT 1009 (SB966) provides that the statute of limitations is three (3) years for the misdemeanor violation of a nine-point or greater violation of an Arkansas State Game and Fish Commission regulation.

**SEX OFFENDERS**

***Extended Supervision***

ACT 973 (SB46) provides that certain sex offenders released on parole, released from probation, or released from the Arkansas State Hospital may be subject to extended supervision and monitoring after release.

***Offenses Subject to the Sex Offender Registration Act of 1997***

ACT 357 (SB55) includes trafficking of persons and patronizing a victim of human trafficking in the list of offenses that are subject to the Sex Offender Registration Act of 1997.

## CRIMINAL LAW AND PROCEDURE

### SEX OFFENDERS

#### ***Registered Sex Offender Residing Near Church or Other Place of Worship***

ACT 376 (HB1164) provides that a registered sex offender who has been assessed as a Level 4 sex offender may not knowingly reside within two thousand feet (2,000') of a church or other place of worship.

#### ***Reporting Requirements***

ACT 358 (SB56) amends the reporting requirements under the Sex Offender Registration Act of 1997 to provide for direct reporting to local law enforcement agencies having jurisdiction and updating other required information, including a registered sex offender's residence address and participation in volunteer work.

#### ***Termination of Obligation to Register***

ACT 1285 (SB1018) requires a person to register as a sex offender if he or she is convicted of abuse of a minor and the abuse was sexual in nature. The act also amends the law concerning how a person may terminate his or her obligation to register as a sex offender if he or she was previously convicted of abuse of a minor and there was no sexual component.

### SPECIALTY COURT PROGRAMS

#### ***Driver's License Reinstatement Fees***

ACT 1193 (HB1878) provides that, between January 1, 2016, and June 30, 2016, a person whose driving privileges are suspended or revoked solely as a result of outstanding driver's license reinstatement fees imposed under the laws of this state is eligible to pay a one-time driver's license reinstatement fee of one hundred dollars (\$100) if the person has paid all costs, fines, and fees associated with his or her driver's license suspension and has successfully completed a specialty court program, such as drug court. The act is effective on and after January 1, 2016.

### STATUTES OF LIMITATION

#### ***Violation of Game and Fish Regulations***

ACT 1009 (SB966) provides that the statute of limitations is three (3) years for the misdemeanor violation of a nine-point or greater violation of an Arkansas State Game and Fish Commission regulation.

### TECHNICAL CORRECTIONS - CRIMINAL OFFENSES - NON-TITLE 5

ACT 1264 (SB462) makes technical corrections to Titles 6, 8, and 20 of the Arkansas Code. The act also clarifies the penalties for certain criminal offenses.

### TECHNICAL CORRECTIONS - CRIMINAL OFFENSES - TITLE 5

ACT 1155 (SB123) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 5 of the Arkansas Code.

ACT 1263 (SB459) makes technical corrections to Title 5 of the Arkansas Code. The act also clarifies the penalties for certain criminal offenses.

### VICTIMS

#### ***Certified Facility Dogs***

ACT 957 (HB1855) provides that in certain circumstances a child witness in a criminal trial may be able to have with him or her a certified facility dog designed to put the child witness at ease during his or her testimony.

#### ***Domestic Violence Investigation***

ACT 877 (HB1707) provides that when law enforcement responds to a report of domestic violence, the first officer to interview the victim shall assess the potential danger to the victim by completing a lethality assessment form.

## CRIMINAL LAW AND PROCEDURE

### VICTIMS

#### ***Information Card for Victims***

ACT 873 (HB1599) provides for the creation of "Laura's Card," a preprinted document provided by law enforcement that contains information helpful to victims or a victim's family.

#### ***Location Information of a Wireless Telecommunications Device in an Emergency***

ACT 405 (HB1315) requires a commercial mobile radio service provider to provide location information for a mobile telecommunications device, such as a cell phone, to a law enforcement agency in an emergency situation. The act also requires a commercial mobile radio service provider to submit all contact information to the Arkansas Crime Information Center and update the information as changes occur.

#### ***Offense Committed Against or in the Presence of a Child***

ACT 1220 (SB867) provides that an additional fine of twenty-five dollars (\$25.00) shall be assessed against a defendant who commits certain criminal offenses against or in the presence of a child.

#### ***Satisfaction of Ordered Restitution - State Income Tax Return***

ACT 837 (HB1434) provides that court-ordered restitution in a criminal case may be satisfied in certain situations through the interception of the defendant's state income tax return.

#### ***Sex Offenses***

ACT 1285 (SB1018) requires a person to register as a sex offender if he or she is convicted of abuse of a minor and the abuse was sexual in nature. The act also amends the law concerning how a person may terminate his or her obligation to register as a sex offender if he or she was previously convicted of abuse of a minor and there was no sexual component.

#### ***Victim Impact Statements***

ACT 608 (SB57) concerns the use, availability, and disclosure of a victim impact statement at an inmate's parole eligibility determination hearing conducted by the Parole Board and the manner in which the victim may give his or her victim impact statement.

#### ***Victimless Prosecution in Domestic Violence Cases***

ACT 876 (HB1706) requires that a law enforcement agency investigating a domestic violence case investigate in a manner that would permit the prosecuting attorney to prosecute the case even if the victim is unavailable to testify.

#### ***Victim's Rights in Capital Punishment Cases***

ACT 99 (HB1012) expands the number of family members of the victim or victims who are able to witness the execution of a condemned person both in person and in a closed-circuit video feed provided by the Department of Correction. The act provides that the director of the department may prohibit a person who would otherwise be eligible to witness or view the execution from viewing or witnessing the execution if he or she determines the person to be a security risk.

### WARRANTS AND CITATIONS

#### ***Retention of Certain Records***

ACT 584 (HB1463) amends the district court record retention schedule concerning retention of records in civil or small claims division cases, recalled or quashed arrest warrants, and served or unexecuted search warrants.

## **CRIMINAL LAW AND PROCEDURE**

### **WARRANTS AND CITATIONS**

#### ***School Resource Officers***

ACT 1179 (HB1583) provides that a school district may accept a school resource officer from a local law enforcement agency with jurisdiction to assist with school security, safety, emergency preparedness, emergency response, or any other responsibility assigned to the school resource officer by the school or law enforcement agency. The act further provides that under certain circumstances a school resource officer may issue a citation to a person to appear in the local district court having jurisdiction over the place where a violation of state law occurred even if the school resource officer is outside of his or her jurisdiction.

## **ECONOMIC DEVELOPMENT**

### **BUSINESS AND INDUSTRY DEVELOPMENT**

#### ***Amendment 82 Implementation Act***

ACT 593 (HB1825) specifies that the five percent (5%) limitation on bonding Amendment 82 projects is based on general revenues and amends the definition of "project costs" under the Arkansas Amendment 82 Implementation Act to include the costs incurred by the sponsor in developing a proposed project or qualified Amendment 82 project either before or after the Amendment 82 agreement has been executed and bonds have been issued.

#### ***Amendment 82 Projects - Income Tax Credits***

ACT 862 (SB844) clarifies the distribution of income tax credits for waste reduction, reuse, or recycling equipment when a public retirement system is an investor in a qualified Amendment 82 project. The act declares an emergency and is effective on and after March 31, 2015.

#### ***Equity Investment Incentives - Convertible Financing***

ACT 164 (HB1235) provides that the initial principal amount of a convertible financing structure is a cash investment if the convertible financing structure is required to be converted to equity within five (5) years. The act also allows investors to sell tax credits one (1) time and requires the Arkansas Economic Development Commission to give priority to equity investments over convertible financing structures when reaching the cap for tax credits is imminent.

#### ***Income Tax Credit - Waste Reduction, Reuse, or Recycling Equipment***

ACT 692 (HB1201) provides qualified manufacturers of steel with alternate qualification standards and an extended carry-forward period for the income tax credit allowed for waste reduction, reuse, or recycling equipment. The new provisions created by the act apply only to income tax credits certified on or after January 1, 2015.

#### ***Online Portal for Businesses***

ACT 1190 (HB1844) establishes a state business portal within the Office of the Secretary of State to use cash funds to administer an online portal for business licensure and transactions to promote uniformity of applications for both state and local government business transactions.

#### ***Workforce Development***

ACT 892 (SB368) provides for a comprehensive, statewide workforce development system. The act restructures the governing board of the Department of Career Education and creates the Office of Skills Development to coordinate various workforce development programs. The act declares an emergency and is effective on and after April 1, 2015.

## **ECONOMIC DEVELOPMENT**

### **BUSINESS AND INDUSTRY DEVELOPMENT**

#### ***Workforce Development Board***

ACT 907 (SB791) provides for the restructuring of the existing state welfare program under the federal Workforce Innovation and Opportunity Act. The act replaces the Temporary Assistance for Needy Families Oversight Board with the Arkansas Workforce Development Board and places expanded emphasis on workforce development under the Temporary Assistance for Needy Families program. The act declares an emergency, and § 15-4-3704 is effective on and after April 1, 2015, and the remaining sections of the act are effective on and after July 1, 2015.

### **DEVELOPMENT FINANCE AUTHORITY (ADFA)**

#### ***Operations***

ACT 1060 (HB1493) revises and updates laws for the efficient operation of the Arkansas Development Finance Authority, including clarifying the sources of funds that bonds may be secured by and payable from; amending the entities to whom the Arkansas Development Finance Authority may make grants, direct loans, or loan guarantees; and repealing the Division of Agriculture Development within the Arkansas Development Finance Authority. The act declares an emergency and is effective on and after April 4, 2015.

### **ENERGY CONSERVATION AND DEVELOPMENT**

#### ***Rebates and Monetary Compensation - Energy Conservation Programs and Measures***

ACT 78 (HB1191) modifies the opt-out provisions under the Energy Conservation Endorsement Act of 1977. The act also allows large nonresidential business consumers to return or refund any monetary compensation or other financial incentives received from a public utility within the preceding five (5) years to implement utility-sponsored energy conservation programs and measures and to direct the nonresidential business consumer's own energy conservation programs and measures.

### **TECHNICAL CORRECTIONS - NATURAL RESOURCES AND ECONOMIC DEVELOPMENT - TITLE 15**

ACT 1149 (SB116) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 15 of the Arkansas Code.

## **EDUCATION - GENERAL**

### **ADMINISTRATION - GENERALLY**

#### ***Arkansas Leadership Academy***

ACT 298 (HB1382) permits the Arkansas Leadership Academy to enter into a public-private partnership and a public-public partnership for the purpose of enhancing leadership in public schools.

#### ***C-Step and Arkansas National Guard Youth Challenge Programs***

ACT 1177 (HB1545) clarifies that the Minimum Teacher Compensation Schedule is applicable to teachers in the C-Step Program and the Arkansas National Guard Youth Challenge Program.

#### ***Reporting***

ACT 1181 (HB1600) provides for efficiency in reporting by eliminating duplicative reports from school districts or public schools.

#### ***School District Coordinator***

ACT 1276 (SB926) repeals the position of school district coordinator.

#### ***School Volunteers***

ACT 788 (SB634) modifies the requirements of the Arkansas Registered Volunteers Program Act and requires certain volunteers in athletic programs to have training.

## EDUCATION - GENERAL

### AUDITS

#### ***School Financial Audits***

ACT 554 (SB723) amends various provisions of law concerning the Division of Legislative Audit, including renaming the division "Arkansas Legislative Audit", clarifying the information required in school financial audits, and clarifying the information required in a disposition report on the status of matters that have not been previously reported as resolved to the Legislative Joint Auditing Committee.

### BOARD OF EDUCATION

#### ***Academic Distress***

ACT 1272 (SB858) allows the State Board of Education to exempt certain entities from the identification and classification of academic distress.

#### ***Agriculture School***

ACT 1286 (SB1037) establishes a pilot program for kindergarten through grade twelve (K-12) agriculture schools. The act declares an emergency and is effective on and after April 8, 2015.

#### ***Partnership for Assessment of Readiness for College and Careers***

ACT 1074 (HB1241) instructs the State Board of Education to delay the use of the Partnership for Assessment of Readiness for College and Careers Assessment after the 2015-2016 school year and adds requirements to future assessment-related contracts. The act declares an emergency and is effective on and after April 6, 2015.

#### ***United States History Courses***

ACT 1284 (SB1007) requires certain periods of history to be taught as a component of certain United States history courses.

### BOARDS, COUNCILS, COMMITTEES, AND COMMISSIONS

#### ***Appointments***

ACT 1100 (HB1851) changes the method of appointing members to certain state boards and commissions.

### CARRYING A CONCEALED HANDGUN ON PREMISES

#### ***Possession of a Concealed Handgun in School Parking Lots***

ACT 1078 (HB1505) provides that it is not a criminal offense for a concealed handgun licensee to carry a concealed handgun in his or her motor vehicle on certain public property, including a publicly owned and maintained parking lot. The act also permits a licensee to carry a concealed handgun in his or her motor vehicle into a school parking lot and designated "drop off" zones.

#### ***Private Schools***

ACT 933 (HB1372) provides that a person who has a concealed handgun license may carry a concealed handgun onto the premises of a kindergarten through grade twelve (K-12) private school or prekindergarten private school if its governing board or director has set forth rules and circumstances under which the licensee may carry a concealed handgun.

### EDUCATION DEPARTMENT

#### ***Adult Education Charter School***

ACT 1200 (SB154) establishes a program for Adult Education Charter Schools to be administered by the Department of Education.



## EDUCATION - GENERAL

### EDUCATION DEPARTMENT

#### ***Commission for Public School Academic Facilities and Transportation***

ACT 962 (HB1913) requires the Commission for Public School Academic Facilities and Transportation to determine which school districts qualify as high-growth school districts and report to the General Assembly. The act also clarifies application requirements for the Academic Facilities Partnership Program.

#### ***Commissioner of Education***

ACT 525 (SB681) modifies the requirements for an individual to serve as the Commissioner of Education. The act declares an emergency and is effective on and after March 18, 2015.

#### ***Reporting***

ACT 1181 (HB1600) provides for efficiency in reporting by eliminating duplicative reports from school districts or public schools.

#### ***Transfer of Conservation Education Program***

ACT 371 (SB469) transfers the administration of the fish and wildlife conservation education programs from the Department of Education to the Department of Rural Services.

### FACILITIES

#### ***Division of Public School Academic Facilities and Transportation***

ACT 722 (HB1525) modifies reporting requirements for the Division of Public School Academic Facilities and Transportation and clarifies provisions related to meetings and duties of the Commission for Public School Academic Facilities and Transportation.

### PUBLIC CHARTER SCHOOLS

#### ***Facilities Funding***

ACT 739 (SB789) establishes the Open-Enrollment Public Charter School Facilities Funding Aid program.

### SCHOOL DISTRICTS - GENERALLY

#### ***Academic Distress***

ACT 1272 (SB858) allows the State Board of Education to exempt certain entities from the identification and classification of academic distress.

#### ***Agriculture School***

ACT 1286 (SB1037) establishes a pilot program for kindergarten through grade twelve (K-12) agriculture schools. The act declares an emergency and is effective on and after April 8, 2015.

#### ***Boards of Directors - Filling Vacancies***

ACT 843 (HB1611) clarifies when a vacancy occurs on a school district board of directors and the process for filling a vacancy on a school district board of directors.

#### ***Boards of Directors - Oath of Office***

ACT 379 (HB1358) clarifies the requirements for an elected member of a school district board of directors related to the oath of office.

#### ***Boards of Directors - Remote Participation***

ACT 836 (HB1419) provides for a member of a school district board of directors to participate in board meetings remotely under certain circumstances.

#### ***Boards of Directors - Training***

ACT 568 (SB623) modifies the training and instruction requirements for members of a school district board of directors.

#### ***Classified Employees***

ACT 1104 (HB1991) provides for a duty-free lunch period for classified employees of a school district or public school under certain conditions.

**EDUCATION - GENERAL**  
**SCHOOL DISTRICTS - GENERALLY**

***Desegregation Orders***

ACT 560 (SB179) requires a school district that is subject to a desegregation order to notify the Department of Education and provide a copy of the desegregation order. The act removes the sunset date from the Public School Choice Act of 2013 and clarifies certain provisions related to the Public School Choice Act. The act declares an emergency and is effective on and after March 20, 2015.

***Detachment***

ACT 372 (HB1242) modifies the requirements for school district detachment and creation of a new school district.

***Detachment***

ACT 947 (HB1602) modifies the requirements for school district detachment. The act declares an emergency and is effective on and after April 2, 2015.

***Elections***

ACT 1281 (SB968) provides for a school election to be held on the third Tuesday in September or the first Tuesday following the first Monday in November.

***Employee Background Checks***

ACT 1089 (HB1650) modifies the requirements for background checks for licensed personnel and classified employees of public schools.

***Employer Contributions***

ACT 995 (SB535) requires a school district to increase the employer contribution to employee health insurance by the same amount the school district increases an employee's salary under most circumstances.

***Facilities***

ACT 936 (HB1443) clarifies what an appropriate nursing center located in a public school shall contain and allows for the construction or renovation of a nursing center to be an allowable use under the Academic Facilities Partnership Program.

***Financial Accounting***

ACT 345 (HB1370) modifies the training requirements for individuals responsible for school district budgeting or accounting. The act declares an emergency and is effective on and after March 6, 2015.

***Group Insurance***

ACT 1183 (HB1664) expands the options for an independent school district to provide group insurance policies.

***Health Benefits***

ACT 364 (SB182) revises the eligibility requirements of certain retirees electing to participate in the State and Public School Life and Health Insurance Program and provides a fee schedule to determine the additional amount owed by a retiree above the premium rate that is dependent on the year the retiree enrolled in the State and Public School Life and Health Insurance Program.

***Health Curriculum***

ACT 952 (HB1685) requires dating violence awareness to be included in the curriculum for health classes offered in grades seven through twelve (7-12).

***Inclement Weather Days - Counted as Full School Days***

ACT 143 (SB180) allows a school district superintendent to have flexibility in declaring an inclement weather day while allowing the school day to be counted as a full school day up to five (5) times per year. The act declares an emergency and is effective on and after February 23, 2015.

## EDUCATION - GENERAL

### SCHOOL DISTRICTS - GENERALLY

#### ***Inclement Weather Days - Incremental Make Up Days***

ACT 286 (HB1313) permits a school district to make up school days missed due to inclement weather in sixty-minute increments. The act declares an emergency and is effective on and after February 27, 2015.

#### ***Isolated Funding***

ACT 27 (HB1086) changes the density ratio qualification for the purpose of isolated funding for school districts to one and five-tenths (1.5) students or less per square mile.

#### ***Personnel Policies***

ACT 835 (HB1408) allows for a revision of school district personnel policies at various times based upon certain circumstances, such as a special legislative session.

#### ***Proctors***

ACT 1204 (SB591) allows licensed teachers, including long-term substitute teachers and retired teachers acting as substitute teachers, to serve as proctors during the administration of a test or assessment under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act.

#### ***Property and Facilities***

ACT 394 (SB205) provides for a school district to donate buildings or real property to an incorporated town.

#### ***Public School Funding***

ACT 1248 (HB1663) modifies the funding amount for the 2015-2016 school year and the 2016-2017 school year concerning per-student funding and state categorical funding. The act declares an emergency and is effective on and after April 8, 2015.

#### ***Reporting***

ACT 1181 (HB1600) provides for efficiency in reporting by eliminating duplicative reports from school districts or public schools.

#### ***Scheduling - Art, Music, and Physical Education***

ACT 1079 (HB1527) provides scheduling flexibility for school districts in the subjects of art, music, and physical education.

#### ***School Calendar***

ACT 141 (SB160) allows a school district that elects to operate on a twelve-month calendar to have school vacations that are no more than seven (7) weeks in duration.

#### ***School District Coordinator***

ACT 1276 (SB926) repeals the position of school district coordinator.

#### ***School of Innovation***

ACT 1136 (SB953) clarifies that a school of innovation approved by the Department of Education shall comply with the laws and rules related to gifted and talented education.

#### ***School Safety***

ACT 950 (HB1653) modifies the requirements for emergency plans for school districts and promotes school safety.

#### ***Standards of Accreditation***

ACT 853 (SB325) ensures that a school district is not in violation of the Standards of Accreditation for Arkansas Public Schools and School Districts if a school district offers a course but no students enroll in the course.

## EDUCATION - GENERAL

### SCHOOL DISTRICTS - GENERALLY

#### ***State and Public School Life and Health Insurance Program Legislative Task Force***

ACT 912 (SB824) clarifies that the participating entity is the appropriate entity to submit a monthly contribution to the State and Public School Life and Health Insurance Program for state employees. The act also modifies the expiration date of the State and Public School Life and Health Insurance Program Legislative Task Force to June 30, 2016, or earlier if the task force determines that it has met its goals.

#### ***Waiver from an Administrative Consolidation or Reorganization***

ACT 377 (HB1263) provides for a school district that is placed on the administrative consolidation list to petition the State Board of Education for a waiver from administrative consolidation or reorganization under certain circumstances. The act declares an emergency and is effective on and after March 11, 2015.

#### ***Waivers***

ACT 1240 (HB1377) provides for a school district to petition the State Board of Education for the same waivers granted to a public charter school that draws students from the school district.

### SCHOOL RESOURCE OFFICERS

#### ***Expanded Jurisdiction***

ACT 1179 (HB1583) provides that a school district may accept a school resource officer from a local law enforcement agency with jurisdiction to assist with school security, safety, emergency preparedness, emergency response, or any other responsibility assigned to the school resource officer by the school or law enforcement agency. The act further provides that under certain circumstances a school resource officer may issue a citation to a person to appear in the local district court having jurisdiction over the place where a violation of state law occurred even if the school resource officer is outside of his or her jurisdiction.

### SECURITY

#### ***License to Carry Concealed Handgun on Campus***

ACT 393 (SB164) provides that the Department of Arkansas State Police is responsible for licensing and training for a newly established school security license that would permit school personnel to carry a concealed handgun on the campus of a school where they are employed for the purpose of school security and emergency response. The act is effective on and after September 1, 2015.

### SPECIAL EDUCATION

#### ***Dyslexia***

ACT 1268 (SB788) modifies and clarifies requirements for school districts to provide screening and treatment for dyslexia.

#### ***Succeed Scholarship Program***

ACT 1178 (HB1552) establishes the Succeed Scholarship Program to provide students with disabilities with more school choice options.

### STUDENT ACHIEVEMENT

#### ***Arkansas College and Career Readiness Planning Program***

ACT 989 (SB226) expands the assessment options available under the Arkansas College and Career Readiness Planning Program.

#### ***Arkansas School Recognition and Reward Program***

ACT 854 (SB342) modifies the calculation considerations for the Arkansas School Recognition and Reward Program.

## **EDUCATION - GENERAL**

### **STUDENT ACHIEVEMENT**

#### ***College and Career Readiness***

ACT 1216 (SB812) expands the Arkansas College and Career Readiness Program to provide additional assessment options.

#### ***College and Career Readiness Standards***

ACT 1279 (SB961) modifies requirements related to the College and Career Readiness Standards for Career and Technical Education Programs.

#### ***Curriculum - Computer Science***

ACT 187 (HB1183) requires each public high school and public charter school to offer a course in computer science beginning in the 2015-2016 school year. The act also creates a task force to review and recommend computer science courses, standards, and pathways for students. The act declares an emergency and is effective on and after February 24, 2015.

#### ***Curriculum - Cursive Writing***

ACT 160 (HB1044) requires that cursive writing be a component of English language arts by the end of grade three (3) beginning on the 2015-2016 school year.

#### ***High School Equivalency***

ACT 1115 (SB546) changes statutory references from General Educational Development to High School Equivalency.

#### ***Proctors***

ACT 1204 (SB591) allows licensed teachers, including long-term substitute teachers and retired teachers acting as substitute teachers, to serve as proctors during the administration of a test or assessment under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act.

#### ***School Improvement Plan***

ACT 841 (HB1526) modifies the requirements for school improvement plans developed by a school district.

#### ***School of Innovation***

ACT 1136 (SB953) clarifies that a school of innovation approved by the Department of Education shall comply with the laws and rules related to gifted and talented education.

#### ***State-mandated Assessments***

ACT 1217 (SB813) changes references concerning assessments throughout the code to state-mandated assessments.

### **STUDENTS - GENERALLY**

#### ***Adult Education***

ACT 1200 (SB154) establishes a program for Adult Education Charter Schools to be administered by the Department of Education.

#### ***Alternative Learning Environments***

ACT 994 (SB371) expands the options for alternative learning environments by allowing partnerships with state-supported institutions of higher education to provide concurrent or technical education options.

#### ***Athletic Participation***

ACT 863 (SB894) allows a private school student that attends an Arkansas Activities Association member school to participate on an athletic team during the spring semester at a public high school under certain circumstances. The act declares an emergency and is effective on and after March 31, 2015.

## EDUCATION - GENERAL

### STUDENTS - GENERALLY

#### ***Building Better Futures High School Program***

ACT 931 (HB1256) establishes the Building Better Futures High School Program for students with special needs. The act declares an emergency and is effective on and after April 2, 2015.

#### ***College and Career Coaches Program***

ACT 960 (HB1895) modifies the College and Career Coaches Program to promote accessibility.

#### ***College and Career Readiness***

ACT 1216 (SB812) expands the Arkansas College and Career Readiness Program to provide additional assessment options.

#### ***College and Career Readiness***

ACT 852 (SB211) requires the Department of Workforce Education to annually develop and report to the public an Economic Security Report of Employment and Earnings Outcomes for degrees earned at state-supported institutions of higher education.

#### ***Diabetes Care***

ACT 833 (HB1395) allows for the administration of insulin and glucagon by certain public school personnel to a student under certain conditions.

#### ***Dyslexia Screening***

ACT 1268 (SB788) modifies and clarifies requirements for school districts to provide screening and treatment for dyslexia.

#### ***Foster children***

ACT 1094 (HB1694) provides for continuity in the education of foster children by allowing a foster child to remain in a school district even if the foster child's home address changes. The act also includes foster children in the formula for the payment of state foundation funding.

#### ***Home-schooled Students***

ACT 832 (HB1381) repeals the testing requirements for a student who is home-schooled.

#### ***Interscholastic Activities***

ACT 562 (SB331) requires the Arkansas Activities Association to allow a member school to compete against a home school team under limited circumstances. The act declares an emergency and is effective on and after March 20, 2015.

#### ***Public School Choice***

ACT 560 (SB179) requires a school district that is subject to a desegregation order to notify the Department of Education and provide a copy of the desegregation order. The act removes the sunset date from the Public School Choice Act of 2013 and clarifies certain provisions related to the Public School Choice Act. The act declares an emergency and is effective on and after March 20, 2015.

#### ***Reengagement System and Differentiated Pathway to a High School Diploma Program***

ACT 1260 (SB212) establishes a statewide reengagement program and allows for at-risk students to complete high school through the Differentiated Pathway to a High School Diploma Program.

#### ***School Nurses***

ACT 935 (HB1442) modifies the requirements for the Public School Health Services Advisory Committee, including membership, duties, and reporting. The act declares an emergency and is effective on and after April 2, 2015.

## EDUCATION - GENERAL

### STUDENTS - GENERALLY

#### ***Student Online Personal Information Protection Act***

ACT 1196 (HB1961) establishes the Student Online Personal Information Protection Act to protect certain student information from disclosure.

### TASK FORCES

#### ***Special Education***

ACT 839 (HB1485) establishes the Legislative Task Force on the Best Practices for Special Education. The task force expires on July 1, 2017.

#### ***State and Public School Life and Health Insurance Program Legislative Task Force***

ACT 912 (SB824) clarifies that the participating entity is the appropriate entity to submit a monthly contribution to the State and Public School Life and Health Insurance Program for state employees. The act also modifies the expiration date of the State and Public School Life and Health Insurance Program Legislative Task Force to June 30, 2016, or earlier if the task force determines that it has met its goals.

### TEACHER RETIREMENT SYSTEM

#### ***Beneficiaries***

ACT 375 (HB1078) allows a member of the Arkansas Teacher Retirement System to change his or her beneficiary upon the occurrence of certain events that are identified in the act. The act declares an emergency and is effective on and after March 11, 2015.

#### ***Disability Retirement***

ACT 219 (SB48) provides that a member or retirant of the Arkansas Teacher Retirement System may continue to receive a disability retirement benefit when the member or retirant provides the system with a Social Security Administration determination letter finding the member or retirant is disabled within thirty-six (36) months from July 1, 2015; when the member's or retirant's disability retirement effective date is before July 1, 2015; or at the effective date of disability retirement when the member's or retirant's disability retirement effective date is on or after July 1, 2015. The act provides that the system will terminate disability retirement benefits to a member or retirant if the member or retirant fails to either provide a Social Security Administration determination letter finding that the member or retirant is disabled to the system within the thirty-six (36) month period or receive an extension of time to provide a Social Security Administration determination letter. The act declares an emergency and is effective on and after July 1, 2015.

#### ***Lump Sum Payments***

ACT 225 (SB137) ensures that all Arkansas Teacher Retirement System member annuities are paid as a lifetime benefit by repealing lump-sum payments of reserve value of small annuities in the Arkansas Teacher Retirement System. The act declares an emergency and is effective on and after July 1, 2015.

**EDUCATION - GENERAL****TEACHER RETIREMENT SYSTEM*****Private School Service***

ACT 90 (SB75) provides that an active member of the Arkansas Teacher Retirement System is eligible to purchase noncertified private school service or private educationally related entity private school service for a period of five (5) years or less that will be credited as noncertified service if the member properly submits an application to purchase noncertified private school service or private educationally related entity private school service, the noncertified service credit to be purchased is limited to service for which no benefit could be paid by another state-supported pension system or a system with a similar purpose if the contributions of the member were left on deposit with the other system, and the member pays the actuarial equivalent of benefits to the Arkansas Teacher Retirement System for each year of service credit being purchased. The act declares an emergency and is effective on and after February 13, 2015.

***Rollover***

ACT 87 (SB38) maintains compliance with federal law by allowing a direct rollover of a portion of an eligible rollover distribution to an eligible retirement plan or designated beneficiary. The act declares an emergency and is effective on and after July 1, 2015.

***State and Public School Life and Health Insurance Program - Retirees***

ACT 913 (SB826) corrects conflicting language and modifies provisions that simplify administrative concerns, including combining provisions concerning the enrollment by a retiree in the State and Public School Life and Health Insurance Program; eliminating the requirement that a retiree provide a letter of creditable coverage to the Employee Benefits Division of the Department of Finance and Administration because beginning January 1, 2015, the division no longer provides this type of information to a member who loses health coverage; and removing the requirement that a retiree specify in writing why he or she is declining coverage.

***Technical Revisions***

ACT 301 (SB50) provides for technical corrections to the Arkansas Teacher Retirement System Act, including providing that the board of trustees of the Arkansas Teacher Retirement System may set or amend by a motion or resolution at any board meeting a de minimis amount of twenty-five dollars (\$25.00) or less concerning the system's obligation to distribute or collect payments, penalties, interest, funds, or moneys. The act also repeals the requirement that the board of trustee's annual report to each employer showing the financial condition of the system be submitted no later than April 1 of each year. The act declares an emergency and is effective on and after March 4, 2015.

**TEACHERS - GENERALLY*****Background Checks***

ACT 1089 (HB1650) modifies the requirements for background checks for licensed personnel and classified employees of public schools.

***Compensation***

ACT 993 (SB366) provides for additional compensation to a teacher in grades seven through twelve (7-12) who elects to teach more than the maximum number of students permitted under the Standards of Accreditation of Arkansas Public Schools and School Districts.

***Ethics and Licensure***

ACT 1090 (HB1651) modifies the requirements for teacher licensure, including professional development requirements, and changes the requirements for teacher preparation programs. The act also clarifies provisions related to educator ethics violations.



**EDUCATION - GENERAL**  
**TEACHERS - GENERALLY**

***Labor Organizations***

ACT 964 (HB1957) provides for a time frame for a public school employee to opt in or opt out of membership in a labor organization.

***Minimum Teacher Compensation Schedule***

ACT 1087 (HB1623) increases the Minimum Teacher Compensation Schedule over a period of two (2) years.

***Nontraditional Licensure Programs***

ACT 1121 (SB744) adds an additional accelerated teaching program option for individuals seeking nontraditional licensure.

***Personnel Policies***

ACT 835 (HB1408) allows for a revision of school district personnel policies at various times based upon certain circumstances, such as a special legislative session.

***Proctors***

ACT 1204 (SB591) allows licensed teachers, including long-term substitute teachers and retired teachers acting as substitute teachers, to serve as proctors during the administration of a test or assessment under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act.

***Professional Development***

ACT 44 (SB30) modifies the number of days of professional development required in a basic contract for teacher employment to no less than six (6) days of professional development.

***Sick Leave***

ACT 1180 (HB1597) requires that sick leave that is transferred when an employee changes school districts be used first.

***State and Public School Life and Health Insurance Program***

ACT 1135 (SB949) modifies the powers, functions, and duties of the State and Public School Life and Health Insurance Board to require the board to recommend, but not require, that an active employee in a consumer-driven health insurance plan under the State and Public School Life and Health Insurance Program establish a health savings account if the active employee is eligible to do so under federal law. The act provides that beginning in the 2015 plan year, a participating entity shall identify funds that are not paid for federal taxes under the Federal Insurance Contributions Act and are generated only from health insurance pretaxed premiums and use the identified funds for premium assistance. The act also clarifies that funds that are collected for the program are no longer required to be collected one (1) month in advance and that the funds are to pay certain claims, premiums, benefits, and expenses.

***State and Public School Life and Health Insurance Program - Active Employees***

ACT 910 (SB821) defines an "active employee" and clarifies that a participant in a consumer-driven health insurance plan under the State and Public School Life and Health Insurance Program is required to establish a health savings account if the participant is able to do so under federal law and is an active employee who has not yet reached retirement age. The act also makes technical corrections concerning the plan year and the use of funds by the Executive Director of the Employee Benefits Division to pay benefits and expenses.

***State and Public School Life and Health Insurance Program - Dependents***

ACT 911 (SB822) clarifies the definition of "dependent" under the State and Public School Life and Health Insurance Program to include a participant's natural child, stepchild, or adopted child.

## **EDUCATION - GENERAL**

### TEACHERS - GENERALLY

#### ***Teacher Excellence and Support System***

ACT 1091 (HB1652) clarifies provisions related to the Teacher Excellence and Support System, including those related to professional growth plans.

#### ***Teacher Preparation Programs***

ACT 1090 (HB1651) modifies the requirements for teacher licensure, including professional development requirements, and changes the requirements for teacher preparation programs. The act also clarifies provisions related to educator ethics violations.

### TECHNICAL CORRECTIONS - EDUCATION - TITLE 6

ACT 1159 (SB127) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 6 of the Arkansas Code.

ACT 846 (HB1713) makes various technical changes and corrections to provisions of the Arkansas Code concerning education.

### TRANSPORTATION

#### ***School Bus Advertising***

ACT 941 (HB1495) permits a school district to allow advertising on a school bus under certain conditions and in compliance with rules established by the Commission for Arkansas Public School Academic Facilities and Transportation.

### VOCATIONAL AND TECHNICAL SCHOOLS

#### ***Private Residence and Correspondence Schools***

ACT 45 (SB94) modifies the definition of "school" in the subchapter on private residence and correspondence schools by stating that "school" does not include yoga or yoga-teacher training programs. The act further provides that the subchapter does not apply to programs in dance, music, yoga, horseback riding, or needlecrafts.

## **EDUCATION - HIGHER**

### ACCREDITATION AND CERTIFICATION

#### ***Accreditation Agencies***

ACT 865 (SB1038) clarifies that accreditation of institutions of higher education in Arkansas is done by an accrediting agency recognized by the United States Department of Education.

### DEGREES

#### ***College and Career Readiness***

ACT 852 (SB211) requires the Department of Workforce Education to annually develop and report to the public an Economic Security Report of Employment and Earnings Outcomes for degrees earned at state-supported institutions of higher education.

#### ***Online Degree Programs***

ACT 306 (SB265) provides that the University of Arkansas System may establish and operate an eVersity online degree program and exempts the eVersity from certain provisions of law that are not applicable to online degree programs.

### EMPLOYEES

#### ***Teaching of Forestry***

ACT 533 (HB1380) allows a higher education professor to teach elements of forestry without registering for the practice of forestry and removes the teaching of forestry from the definition of the "practice of forestry".

### HIGHER EDUCATION COORDINATING BOARD

#### ***Prevention of Unplanned Pregnancy***

ACT 943 (HB1534) requires the Arkansas Higher Education Coordinating Board to establish an unplanned pregnancy action plan and present the action plan to the Legislative Council.

## EDUCATION - HIGHER

### HIGHER EDUCATION DEPARTMENT

#### ***Workforce Initiative***

ACT 1131 (SB891) provides for the creation of the Workforce Initiative Act of 2015 to award three (3) phases of grants for workforce education to alliances of various public education and private employer entities.

### INSTITUTIONS OF HIGHER EDUCATION

#### ***Arkansas Leadership Academy***

ACT 298 (HB1382) permits the Arkansas Leadership Academy to enter into a public-private partnership and a public-public partnership for the purpose of enhancing leadership in public schools.

#### ***Community Colleges***

ACT 967 (HB2007) modifies the signature requirement for an individual to qualify as a candidate for a local board of a community college.

#### ***Flags***

ACT 1257 (HB1993) requires that a state-supported institution of higher education fly the flag of the United States and the flag of the state of Arkansas on all national and state holidays and at other times determined by the institution.

#### ***FOIA Exemption for Audit Working Papers***

ACT 1137 (SB999) creates an exemption from the Freedom of Information Act of 1967 for working papers related to audit reports for institutions of higher education.

#### ***Governing Boards***

ACT 955 (HB1750) provides for the board of trustees of a four-year institution of higher education or the board of trustees of a university system to act as a governing board after a merger between a four-year institution of higher education and a community college or technical college. The act declares an emergency and is effective on and after April 2, 2015.

#### ***Institutional Financing***

ACT 566 (SB511) provides for a state-supported institution to refinance outstanding obligations for the purpose of financing and refinancing institutional improvements.

#### ***Prohibition on E-cigarettes***

ACT 847 (HB1722) prohibits the use of e-cigarettes on each campus of state-supported institutions of higher education.

#### ***Provisional Positions***

ACT 1273 (SB859) provides for a certain number of provisional positions at state-supported institutions of higher education. The act declares an emergency and is effective on and after April 8, 2015.

#### ***University of Arkansas***

ACT 344 (HB1366) makes technical corrections to provisions of law concerning the University of Arkansas and repeals obsolete provisions of law concerning the University of Arkansas.

#### ***University of Arkansas, Division of Agriculture***

ACT 1065 (HB1806) repeals laws relating to the Main Agricultural Experiment Station and provides for the University of Arkansas, Division of Agriculture, which includes the Arkansas Agricultural Experiment Station and the Arkansas Cooperative Extension Service.

#### ***Vehicles***

ACT 1271 (SB857) modifies the number of vehicles an institution of higher education is permitted to purchase. The act declares an emergency and is effective on and after April 8, 2015.

**EDUCATION - HIGHER**  
**PROGRAMS OF STUDY**

***Healthy Arkansas Educational Program***

ACT 1005 (SB827) creates the Healthy Arkansas Educational Program to be implemented collaboratively by the University of Arkansas Division of Agriculture Cooperative Extension Service and the Department of Human Services.

***High School Equivalency***

ACT 1115 (SB546) changes statutory references from General Educational Development to High School Equivalency.

***Online Degree Programs***

ACT 306 (SB265) provides that the University of Arkansas System may establish and operate an eVersity online degree program and exempts the eVersity from certain provisions of law that are not applicable to online degree programs.

***Programs for Special Needs Students***

ACT 410 (HB1255) establishes the Building Better Futures program for students with special needs at participating institutions of higher education. The act declares an emergency and is effective on and after March 16, 2015.

**REMEDICATION, RETENTION, AND TRANSFER**

***Statewide Transfer Agreement***

ACT 292 (HB1347) allows a not-for-profit institution of higher education to participate in the statewide transfer agreement under certain conditions.

**SCHOLARSHIPS, GRANTS, AND FINANCIAL AID**

***Arkansas Academic Challenge Scholarship Program - Part 2 - Distribution***

ACT 1250 (HB1779) modifies the distribution method for awards under the Arkansas Academic Challenge Scholarship Program - Part 2.

***Arkansas Academic Challenge Scholarship Program - Part 2 - Eligibility and Awards***

ACT 1105 (SB5) modifies the eligibility requirements for traditional students under the Arkansas Academic Challenge Scholarship Program - Part 2 and modifies provisions related to award amounts and funding. The act declares an emergency concerning sections 6 and 7 of the act, and those sections are effective on and after April 6, 2015. Sections 1 through 5 of the act are effective on and after July 1, 2016.

***Arkansas Governor's Scholars Program***

ACT 850 (HB1836) provides more flexibility in the administration of the Arkansas Governor's Scholars Program and modifies the requirements for awarding scholarships under the program.

***Arkansas Lottery Commission Abolished***

ACT 218 (SB7) abolishes the Arkansas Lottery Commission and places the operation and administration of the lottery with the Office of the Arkansas Lottery within the Management Services Division of the Department of Finance and Administration. The act also makes technical name changes to various sections of the code referencing the Arkansas Lottery Commission. The act declares an emergency and is effective on and after February 26, 2015.

***Institutional Scholarships***

ACT 1186 (HB1778) requires a state-supported institution of higher education that requires an essay as a part of an institutional scholarship application to retain the essay for a period of time and to make the essay available to the student and the student's parents if requested.

## EDUCATION - HIGHER

### SCHOLARSHIPS, GRANTS, AND FINANCIAL AID

#### ***Scholarship Holds***

ACT 21 (HB1011) allows the Department of Higher Education to grant a twenty-four-month scholarship hold under certain circumstances for most scholarship programs administered by the department.

### STUDENTS

#### ***Hazing***

ACT 1187 (HB1791) expands hazing to include acts committed by alumni or volunteers or employees of fraternal organizations.

#### ***In-state Tuition***

ACT 1266 (SB776) provides for in-state, in-county, in-district, local, or resident tuition rates for veterans and their dependents under certain conditions.

#### ***Right to Counsel***

ACT 1194 (HB1892) creates a right of counsel for students during disciplinary appeal proceedings at state-supported institutions of higher education under certain conditions.

### TASK FORCE

#### ***Realignment of Higher Education***

ACT 544 (HB1581) creates the Legislative Task Force to Study the Realignment of Higher Education consisting of twelve (12) members. The task force expires on December 31, 2016.

### TECHNICAL CORRECTIONS - EDUCATION - TITLE 6

ACT 1159 (SB127) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 6 of the Arkansas Code.

### TUITION AND FUNDING

#### ***In-state Tuition***

ACT 1266 (SB776) provides for in-state, in-county, in-district, local, or resident tuition rates for veterans and their dependents under certain conditions.

#### ***Reporting***

ACT 700 (HB1542) requires the Department of Education to annually report to the General Assembly tuition and mandatory fees, including changes, for each state-supported institution of higher education.

## ELECTIONS

### ABSENTEE VOTING

#### ***Unlawful Acts Concerning Absentee Voting***

ACT 1166 (HB1114) amends the perjury statute to include certain unlawful acts concerning absentee voting and creates the offense of criminal impersonation in an election.

### BOARD OF ELECTION COMMISSIONERS

#### ***Conducting Elections***

ACT 1042 (HB1863) amends the definition of "election official" to include anyone who performs election coordinator duties and persons assigned by the county clerk to conduct early voting, amends the law so that only county boards of election commissioners can open vote centers on election day, and amends certain administrative duties and requirements of county boards of election commissioners.

#### ***Ethics and Integrity of Members***

ACT 1253 (HB1865) amends the complaint and investigation process used by the State Board of Election Commissioners and amends the law concerning conflicts of interest and other ethical concerns of election commissioners.

## ELECTIONS

### CAMPAIGN PRACTICES

#### ***Campaign Contributions***

ACT 1280 (SB967) makes various amendments to Arkansas ethics laws, including amending and clarifying the application of Arkansas Constitution, Article 19, Section 30, concerning the receipt of lobbyist gifts by elected constitutional officers and members of the independent citizens commission on salaries; creating an affirmative defense for unintentional violations of Arkansas Constitution, Article 19, Section 30, and unintentional errors in campaign reports and statements of financial interest; increasing the campaign contribution limit to two thousand seven hundred dollars (\$2,700); providing for automatic adjustments to the contribution limit each odd-numbered year based upon changes in the price index; granting the Arkansas Ethics Commission jurisdiction over Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution, which were adopted at the 2014 general election; and providing that the Legislative Council will conduct a feasibility study of electronic filing of campaign contribution and expenditure reports and carryover fund reports. The act declares an emergency and is effective on and after April 8, 2015.

### CRIMINAL OFFENSES

#### ***Unlawful Acts Concerning an Election***

ACT 1166 (HB1114) amends the perjury statute to include certain unlawful acts concerning absentee voting and creates the offense of criminal impersonation in an election.

### DEADLINES

#### ***Write-in Candidacy***

ACT 26 (HB1068) requires the notice of write-in candidacy to be filed ninety (90) days before the election.

### EQUIPMENT

#### ***Technological Advancements***

ACT 1218 (SB816) updates the election laws to account for technological advancements in election equipment.

### FINANCE

#### ***Campaign Finance Records***

ACT 999 (SB716) provides that the Secretary of State is the official custodian of certain financial interest statements and campaign finance records filed with the Secretary of State. The act declares an emergency and is effective on and after April 2, 2015.

#### ***Political Action Committees***

ACT 909 (SB817) provides that a political action committee shall indicate on its quarterly report for the fourth quarter of each calendar year whether or not it intends to renew its registration for the next calendar year. The act provides that the Secretary of State shall not accept a fourth quarter report for a political action committee if the political action committee intends to renew its registration and does not submit the registration form for the next calendar year at the same time as the quarterly report. The act also authorizes the Secretary of State to offer electronic filing of political action committee registration and reports.

### GENERAL ELECTIONS

#### ***Candidacy***

ACT 742 (SB803) provides that a person can run for President or Vice President and United States Senate or United States House of Representatives simultaneously.

## ELECTIONS

### INDEPENDENT CANDIDACY

#### ***Filing of Petition***

ACT 340 (HB1269) requires that the Secretary of State prescribe a form for a petition for independent candidacy and that an independent candidate file an affidavit asserting that the signatures on the petition were lawfully collected and submitted. The act also provides that signatures on the petition that were incorrectly obtained or submitted will not be counted.

### INITIATED OR REFERRED MEASURES

#### ***County and Municipal Ballot Form***

ACT 1036 (HB1687) provides the ballot form for a question concerning the repeal of a referred measure in a county or municipal election.

#### ***Financial Disclosures***

ACT 226 (SB163) amends certain ethics laws, including laws pertaining to local-option ballot question committees under the Disclosure Act for Initiative Proceedings and financial disclosures under the Disclosure Act for Public Initiatives, Referenda, and Measures Referred to Voters.

#### ***Municipal Referendum Petitions***

ACT 1093 (HB1688) allows certain municipal referendum petitions to be circulated for sixty (60) days.

#### ***Prohibited Acts***

ACT 1219 (SB860) amends Arkansas law concerning initiatives, referenda, and constitutional amendments, including providing that a person commits a Class A misdemeanor if the person knowingly signs a name other than his or her own name to a petition, signs his or her name more than one (1) time to a petition, or signs a petition when he or she is not legally entitled to sign the petition. The act also provides that certain conduct by a canvasser, notary, sponsor, or agent of a sponsor is a Class A misdemeanor; and requires a sponsor to obtain a current state and federal criminal record search on every paid canvasser to be registered with the Secretary of State.

### MUNICIPAL ELECTIONS

#### ***Unopposed Elections***

ACT 1244 (HB1610) allows the county board of election commissioners to cancel a municipal election and open no polling places if there is only one (1) candidate for municipal office after all the deadlines for filing have passed.

### POLLING PLACES

#### ***Carrying a Concealed Handgun into a Polling Place***

ACT 1175 (HB1432) provides that it is not illegal for a concealed handgun licensee to carry a concealed handgun into a polling place.

### PRIMARY ELECTIONS

#### ***Candidacy***

ACT 742 (SB803) provides that a person can run for President or Vice President and United States Senate or United States House of Representatives simultaneously.

### SCHOOL ELECTIONS

#### ***Date of Election***

ACT 1281 (SB968) provides for a school election to be held on the third Tuesday in September or the first Tuesday following the first Monday in November.

### VOTING PROCEDURES

#### ***County Voting System Grant Fund***

ACT 1028 (HB1405) modifies the allowable fees charged by the Secretary of State for certain documents. The act also provides that the Secretary of State may refund fees from the County Voting System Grant Fund.

## **EMERGENCY SERVICES**

### **EMERGENCY COMMUNICATIONS**

#### ***Local 911 Systems***

ACT 919 (SB977) provides for a modification in 911 law by defining a “secondary public safety answering point”. The act requires all cities and counties operating a public safety answering point or a secondary public safety answering point to submit an annual report to the Arkansas Emergency Telephone Services Board. The act also creates additional training requirements for 911 dispatchers and supervisors.

### **EMERGENCY MANAGEMENT DEPARTMENT**

#### ***Hazardous Materials***

ACT 944 (HB1537) provides for an increase in certain fees under the Arkansas Hazmat Emergency Management Act for facilities required to file one (1) or more toxic chemical release forms.

### **GENERALLY**

#### ***Auto-injectable Epinephrine***

ACT 1108 (SB394) expands public access to auto-injectable epinephrine and provides immunity to an authorized entity that provides prescribed auto-injectable epinephrine.

#### ***Medical Assistance During a Drug Overdose***

ACT 1114 (SB543) creates the Joshua Ashley-Pauley Act, which provides immunity for seeking medical assistance during a drug overdose.

#### ***Naloxone and Tourniquet Access***

ACT 1222 (SB880) provides guidelines for tourniquet access and use by first responders and law enforcement. The act also creates the Naloxone Access Act to authorize access to Naloxone to prevent opioid-related drug overdoses.

### **MANAGEMENT**

#### ***Legislative Arkansas Blue Ribbon Committee on Local 911 Systems***

ACT 528 (HB1127) adds two (2) members to and extends the existence of the Legislative Arkansas Blue Ribbon Committee on Local 911 Systems until January 1, 2017. The act also provides that the Legislative Arkansas Blue Ribbon Committee on Local 911 Systems shall continue to study the status of local 911 systems in the state. The act declares an emergency and is effective on and after March 18, 2015.

#### ***Location Information of a Wireless Telecommunications Device***

ACT 405 (HB1315) requires a commercial mobile radio service provider to provide location information for a mobile telecommunications device, such as a cell phone, to a law enforcement agency in an emergency situation. The act also requires a commercial mobile radio service provider to submit all contact information to the Arkansas Crime Information Center and update the information as changes occur.

### **NATURAL DISASTERS**

#### ***Disaster Response Workers - Tax and Regulatory Exemptions***

ACT 864 (SB925) exempts out-of-state businesses and their employees from certain taxes and regulatory requirements during a disaster response period. The act declares an emergency and is effective on and after March 31, 2015.

### **PERSONNEL**

#### ***Award of Flags***

ACT 1184 (HB1719) provides that when a person licensed by the Division of Emergency Medical Services of the Department of Health dies in the course of employment, the Department of Health may award a United States flag to the deceased person's spouse or family.



## EMERGENCY SERVICES

### PERSONNEL

#### ***Community Paramedics***

ACT 685 (HB1133) provides for licensure of community paramedics who are already licensed emergency medical technicians and who may additionally perform integrated medical care in emergency and nonurgent settings with the oversight of a physician.

## ENERGY

### AMENDMENT 89 BONDS

#### ***Enabling Legislation for Local Governments***

ACT 1275 (SB869) provides enabling legislation for energy efficiency project bonds issued by a municipality or county under Arkansas Constitution, Amendment 89.

### CONSERVATION

#### ***Energy Conservation Endorsement Act of 1977***

ACT 78 (HB1191) modifies the opt-out provisions under the Energy Conservation Endorsement Act of 1977. The act also allows large nonresidential business consumers to return or refund any monetary compensation or other financial incentives received from a public utility within the preceding five (5) years to implement utility-sponsored energy conservation programs and measures and to direct the nonresidential business consumer's own energy conservation programs and measures.

### REGULATION

#### ***Regional Transmission Organization - Federal Energy Regulatory Commission***

ACT 899 (SB667) provides that the Arkansas Public Service Commission does not have to authorize evidence of indebtedness of a regional transmission organization that is jurisdictional to the Federal Energy Regulatory Commission if the debt has been authorized by the Federal Energy Regulatory Commission and does not create a lien on property in this state.

### RENEWABLE ENERGY

#### ***Net Metering***

ACT 827 (HB1004) provides that net excess generation credits do not expire and allows net excess generation credits to roll over to subsequent billing cycles indefinitely. The act also amends the requirements for the rates charged to net-metering customers and allows a net-metering customer to apply net-metering credits from a net-metering facility to the bill for another meter location if the net-metering facility and the separate meter location are under common ownership within a single electric utility's service area.

## ENVIRONMENTAL LAW

### AIR POLLUTION AND CONTROL

#### ***Electric Generating Units - Carbon Dioxide Emissions***

ACT 382 (SB183) provides procedures for the oversight of fossil-fuel-fired electric generating units, regulates carbon dioxide emissions, and creates procedures for approval of a state plan for carbon dioxide emission standards by the Legislative Council.

### HAZARDOUS SUBSTANCES

#### ***Successor Corporation Asbestos-Related Liability Fairness Act***

ACT 1241 (HB1529) provides certain civil immunities and limitations against claims arising from asbestos-related injuries if a successor corporation that was not an original manufacturer or distributor of asbestos has purchased or assumed control of an entity that was an original manufacturer or distributor of asbestos.

## ENVIRONMENTAL LAW

### HEALTH

#### ***Arkansas Underground Facilities Damage Prevention Act***

ACT 908 (SB814) amends the Arkansas Underground Facilities Damage Prevention Act and revises the notification process an excavator uses to notify the One Call Center of damage to an underground facility. The act also provides that an operator shall respond and examine the damage within two (2) business days of receiving notice of damage to an underground facility and repair the damage within a reasonable amount of time.

### HEARINGS

#### ***Administrative Law Judge***

ACT 838 (HB1435) provides for changing the title of "administrative hearing officer" for the Arkansas Pollution Control and Ecology Commission to "administrative law judge".

### RECYCLING

#### ***Electronic Equipment***

ACT 1176 (HB1496) provides a formula for the distribution by the Arkansas Department of Environmental Quality of disposal fees and funds for approved computer and electronic equipment recycling programs. The act clarifies the process for submitting reports from approved computer and electronic equipment recycling programs to the Arkansas Department of Environmental Quality.

#### ***Waste Tires***

ACT 840 (HB1497) provides that the portion of a tire that has been processed into an article of beneficial use by a waste tire processing facility is exempt from the waste tire law and simplifies the processes for applications for and distribution of grant funds for the waste tire program.

### SOLID WASTE MANAGEMENT

#### ***Landfill Closure Funds***

ACT 1037 (HB1705) provides that the Arkansas Department of Environmental Quality may use landfill closure funds for the closure of waste tire facilities. The act declares an emergency and is effective on and after April 4, 2015.

#### ***Operator Licensure***

ACT 937 (HB1452) provides that the Director of the Arkansas Department of Environmental Quality may waive licensure requirements for operators of solid waste management facilities and may withdraw the waivers for just cause.

### STORAGE TANKS

#### ***Corrective Action Payments***

ACT 699 (HB1536) provides that the Arkansas Department of Environmental Quality, among other persons and entities already cited in the law, may transfer eligibility for payment for corrective actions regarding petroleum storage tanks if no owner of the storage tank is known.

### TECHNICAL CORRECTIONS - ENVIRONMENTAL LAW - TITLE 8

ACT 1162 (SB130) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 8 of the Arkansas Code.

### WASTE TIRES

#### ***Landfill Closure Funds***

ACT 1037 (HB1705) provides that the Arkansas Department of Environmental Quality may use landfill closure funds for the closure of waste tire facilities. The act declares an emergency and is effective on and after April 4, 2015.

## ENVIRONMENTAL LAW

### WATER POLLUTION AND CONTROL

#### ***Financial Assurance for Permit Renewal***

ACT 94 (SB157) amends the financial assurance requirements for renewing a water pollution permit to allow a nonmunicipal domestic sewage treatment works to meet the financial assurance requirements by providing the entity's federal tax returns for the previous five (5) years and a sworn affidavit that lists the entity's assets and liabilities.

#### ***Nonmunicipal Domestic Sewage Treatment Works***

ACT 575 (HB1314) repeals the financial assurance requirements for nonmunicipal domestic sewage treatment works and requires that nonmunicipal domestic sewage treatment works pay a trust fund contribution fee to the newly created Nonmunicipal Domestic Sewage Treatment Works Trust Fund, which will be used by the Department of Environmental Quality to ensure adequate operation, maintenance, and completed closure of a nonmunicipal domestic sewage treatment works.

#### ***Water Quality Trading***

ACT 335 (HB1067) provides for the creation of a nutrient water quality trading program that allows trading, credits, offsets, and compliance associations. The act creates the Nutrient Water Quality Trading Advisory Panel to oversee the nutrient water quality trading program.

## ETHICS

### CONFLICTS OF INTEREST

#### ***Removal of Judges***

ACT 939 (HB1458) repeals the law providing that a judge who is removed from office cannot be appointed or elected to serve as a judge again because this provision has been held to be unconstitutional by the Arkansas Supreme Court.

#### ***Suspension of Judges***

ACT 938 (HB1456) requires mandatory and automatic suspension of a judge who is charged with a felony or an offense involving moral turpitude and provides for a hearing process for the judge to challenge the suspension and continue his or her duties during the pendency of the charge.

### ETHICS COMMISSION

#### ***Jurisdiction of Arkansas Ethics Commission***

ACT 47 (HB1002) authorizes the Arkansas Ethics Commission to issue advisory opinions and guidelines on the requirements of Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution. The act declares an emergency and is effective on and after February 13, 2015.

### FINANCIAL DISCLOSURES

#### ***Carryover Fund Reports***

ACT 142 (SB162) provides that a person who retains carryover funds from a general election held in November or a runoff election held in November is not required to file an annual report for the year of the general election or runoff election from which carryover funds were retained.

#### ***Initiated or Referred Measures***

ACT 226 (SB163) amends certain ethics laws, including laws pertaining to local-option ballot question committees under the Disclosure Act for Initiative Proceedings and financial disclosures under the Disclosure Act for Public Initiatives, Referenda, and Measures Referred to Voters.

**ETHICS****FINANCIAL DISCLOSURES*****Political Action Committees***

ACT 909 (SB817) provides that a political action committee shall indicate on its quarterly report for the fourth quarter of each calendar year whether or not it intends to renew its registration for the next calendar year. The act provides that the Secretary of State shall not accept a fourth quarter report for a political action committee if the political action committee intends to renew its registration and does not submit the registration form for the next calendar year at the same time as the quarterly report. The act also authorizes the Secretary of State to offer electronic filing of political action committee registration and reports.

***Reports***

ACT 1280 (SB967) makes various amendments to Arkansas ethics laws, including amending and clarifying the application of Arkansas Constitution, Article 19, Section 30, concerning the receipt of lobbyist gifts by elected constitutional officers and members of the independent citizens commission on salaries; creating an affirmative defense for unintentional violations of Arkansas Constitution, Article 19, Section 30, and unintentional errors in campaign reports and statements of financial interest; increasing the campaign contribution limit to two thousand seven hundred dollars (\$2,700); providing for automatic adjustments to the contribution limit each odd-numbered year based upon changes in the price index; granting the Arkansas Ethics Commission jurisdiction over Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution, which were adopted at the 2014 general election; and providing that the Legislative Council will conduct a feasibility study of electronic filing of campaign contribution and expenditure reports and carryover fund reports. The act declares an emergency and is effective on and after April 8, 2015.

**GENERALLY*****Abuse of Public Trust***

ACT 1270 (SB852) provides for more serious penalties for committing the criminal offense of abuse of public trust.

**INITIATED OR REFERRED MEASURES*****Prohibited Acts***

ACT 1219 (SB860) amends Arkansas law concerning initiatives, referenda, and constitutional amendments, including providing that a person commits a Class A misdemeanor if the person knowingly signs a name other than his or her own name to a petition, signs his or her name more than one (1) time to a petition, or signs a petition when he or she is not legally entitled to sign the petition. The act also provides that certain conduct by a canvasser, notary, sponsor, or agent of a sponsor is a Class A misdemeanor; and requires a sponsor to obtain a current state and federal criminal record search on every paid canvasser to be registered with the Secretary of State.

**ETHICS****LOBBYISTS*****Gifts***

ACT 1280 (SB967) makes various amendments to Arkansas ethics laws, including amending and clarifying the application of Arkansas Constitution, Article 19, Section 30, concerning the receipt of lobbyist gifts by elected constitutional officers and members of the independent citizens commission on salaries; creating an affirmative defense for unintentional violations of Arkansas Constitution, Article 19, Section 30, and unintentional errors in campaign reports and statements of financial interest; increasing the campaign contribution limit to two thousand seven hundred dollars (\$2,700); providing for automatic adjustments to the contribution limit each odd-numbered year based upon changes in the price index; granting the Arkansas Ethics Commission jurisdiction over Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution, which were adopted at the 2014 general election; and providing that the Legislative Council will conduct a feasibility study of electronic filing of campaign contribution and expenditure reports and carryover fund reports. The act declares an emergency and is effective on and after April 8, 2015.

**POLITICAL ACTION COMMITTEES*****Financial Disclosures***

ACT 909 (SB817) provides that a political action committee shall indicate on its quarterly report for the fourth quarter of each calendar year whether or not it intends to renew its registration for the next calendar year. The act provides that the Secretary of State shall not accept a fourth quarter report for a political action committee if the political action committee intends to renew its registration and does not submit the registration form for the next calendar year at the same time as the quarterly report. The act also authorizes the Secretary of State to offer electronic filing of political action committee registration and reports.

**STATE EMPLOYEES*****Exercise of Rights Under the Freedom of Information Act***

ACT 102 (HB1163) provides that it is unlawful for a public employer to discipline, reprimand, or otherwise discriminate against a public employee because the public employee exercised a right or privilege under the Freedom of Information Act of 1967.

***Fraud Prevention***

ACT 1103 (HB1945) amends the law concerning the prevention and detection of fraud and other improper activities within government, including provisions providing that all materials and documentation gathered in connection with a communication under the Arkansas Whistle-Blower Act are confidential and exempt from the Freedom of Information Act of 1967, excluding final reports and supporting documentation concerning such a communication; requiring a public employer to post in a conspicuous place a sign informing a public employee of the provisions of the Arkansas Whistle-Blower Act; requiring a state criminal background check before hiring an applicant for an employment position with supervisory fiduciary responsibility over all fiscal matters; and providing that a public employee with supervisory fiduciary responsibility over all fiscal matters who purposely fails to report an unauthorized disbursement or theft of public funds to Arkansas Legislative Audit within five (5) business days of discovering the loss of funds is guilty of a Class A misdemeanor.

**ETHICS****STATE OFFICIALS*****Gifts from Lobbyists***

ACT 1280 (SB967) makes various amendments to Arkansas ethics laws, including amending and clarifying the application of Arkansas Constitution, Article 19, Section 30, concerning the receipt of lobbyist gifts by elected constitutional officers and members of the independent citizens commission on salaries; creating an affirmative defense for unintentional violations of Arkansas Constitution, Article 19, Section 30, and unintentional errors in campaign reports and statements of financial interest; increasing the campaign contribution limit to two thousand seven hundred dollars (\$2,700); providing for automatic adjustments to the contribution limit each odd-numbered year based upon changes in the price index; granting the Arkansas Ethics Commission jurisdiction over Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution, which were adopted at the 2014 general election; and providing that the Legislative Council will conduct a feasibility study of electronic filing of campaign contribution and expenditure reports and carryover fund reports. The act declares an emergency and is effective on and after April 8, 2015.

**FAMILY LAW****ADOPTION*****Criminal Background Checks***

ACT 861 (SB807) provides that only a court of record, the circuit clerk, the clerk's employees, and the Department of Human Services may view a criminal background check made for purposes of a hearing on adoption, an adoption home study, or another related matter. The act declares an emergency and is effective on and after March 31, 2015.

***Re-homing***

ACT 1018 (HB1648) provides that post-adoptive services are designed to prevent re-homing of adopted children.

***Shared Leave - Uniform Attendance and Leave Policy Act***

ACT 389 (HB1468) allows a state employee to donate accrued annual leave to another state employee employed by the same governmental entity for purposes of maternity or paternity leave or upon the adoption of a child or a foster child.

**CHILD SUPPORT*****Ability to Pay***

ACT 565 (SB464) provides that the Office of Child Support Enforcement of the Revenue Division of the Department of Finance and Administration may file a petition for modification of child support for a person who receives Transitional Employment Assistance. The act provides discretion to the court to decide whether the ability to pay for a child's health insurance should be considered a material change of circumstances. The act also repeals a provision that prohibited counting Medicaid eligibility as sufficient for covering a child's health needs.

***International Orders***

ACT 888 (SB152) conforms the Uniform Interstate Family Support Act to the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The act declares that jurisdiction over international child support orders remains with Arkansas courts if an Arkansas court retains jurisdiction over the case. The act declares an emergency and is effective on and after July 1, 2015.

**FAMILY LAW****CHILD WELFARE*****Child Maltreatment Omnibus***

ACT 1026 (SB1046) provides various changes to the law concerning reports and investigations of child maltreatment, including identifying the persons who may be charged, regulating the reports that may be taken by the Child Abuse Hotline, and allowing the Department of Human Services and the Department of Arkansas State Police to petition for an ex parte order.

***Court Proceedings***

ACT 825 (HB1625) provides for notice of proceedings in juvenile dependency-neglect cases to the attorney ad litem and adds new protections for children in custody with regard to juvenile dependency-neglect cases.

***Criminal Background Checks***

ACT 547 (HB1635) requires that a criminal background check be performed on each family member who is eighteen and one-half (18 1/2) years of age or older in a household with a child under the authority of the Department of Human Services.

***Custody - Ad Litem Notice***

ACT 1024 (SB987) identifies who may take a juvenile into custody and requires notice to an attorney ad litem when a juvenile is taken into custody.

***Dependency-neglect Cases***

ACT 1017 (HB1624) increases protections for children in dependency-neglect cases, provides for siblings staying in foster care together, and provides better tools for state agencies and attorneys ad litem in resolving dependency-neglect cases.

***Dual Authority***

ACT 1004 (SB809) provides for dual authority and responsibility over the Child Maltreatment Act for the Department of Human Services and the Department of Arkansas State Police.

***Paternity Affidavit***

ACT 546 (HB1603) provides that the Department of Human Services may obtain a copy of an acknowledgement of paternity and allows for the use of an affidavit of paternity in a dependency-neglect case.

***Privacy and Confidentiality***

ACT 591 (HB1654) provides for the confidentiality of records of child abuse or neglect kept by children's advocacy centers and removes the presumption of privacy from certain images of children.

***Re-homing Prohibited***

ACT 1092 (HB1676) provides that the re-homing of a minor is an unclassified felony with a term of imprisonment of not more than five (5) years and a fine of not more than five thousand dollars (\$5,000). The act also prohibits certain conduct concerning the permanent, private transfer of custody of an adopted child.

***Return of Confidential Records***

ACT 545 (HB1591) provides that confidential records concerning children shall be returned to the Division of Child Care and Early Childhood Education of the Department of Human Services after statutorily specified uses.

***Siblings in Foster Care***

ACT 1017 (HB1624) increases protections for children in dependency-neglect cases, provides for siblings staying in foster care together, and provides better tools for state agencies and attorneys ad litem in resolving dependency-neglect cases.

## **FAMILY LAW**

### CUSTODY AND VISITATION

#### ***Uniform Deployed Parents Custody and Visitation Act***

ACT 1213 (SB792) enacts the Uniform Deployed Parents Custody and Visitation Act.

### DISABILITIES

#### ***Savings Accounts***

ACT 1238 (HB1239) creates the Achieving a Better Life Experience Program in conformity with federal law to provide for tax-protected savings accounts aimed at financial self-sufficiency for Arkansans with disabilities. The act becomes effective upon the issuance of final federal rules.

### DOMESTIC VIOLENCE

#### ***In-laws Considered "Family or Household Members"***

ACT 701 (HB1587) provides for the inclusion of in-laws in the definition of "family or household members" for the Domestic Abuse Act of 1991. The act limits in-laws to persons related by marriage within the second degree of consanguinity.

### FOSTER CARE

#### ***Shared Leave - Uniform Attendance and Leave Policy Act***

ACT 389 (HB1468) allows a state employee to donate accrued annual leave to another state employee employed by the same governmental entity for purposes of maternity or paternity leave or upon the adoption of a child or a foster child.

### GUARDIANSHIP

#### ***Guardian of an Estate - Investment Practices***

ACT 1129 (SB850) regulates the investment practices of a guardian of an estate and modifies the Uniform Veterans' Guardianship Act.

#### ***Subsidies***

ACT 1038 (HB1754) amends the law concerning guardianship subsidies awarded by the Department of Human Services and clarifies the rights of certain juveniles in the custody of the department. The act declares an emergency and is effective on and after April 4, 2015.

### JUVENILE LAW

#### ***Custody***

ACT 1021 (SB773) provides for additional forms of custody while juvenile delinquency cases are moving through the courts.

#### ***Juvenile Justice System - Youth Justice Reform Board***

ACT 1010 (SB982) amends the powers and duties of the Division of Youth Services of the Department of Human Services to reduce youth incarceration. The act also creates the Youth Justice Reform Board to assist the division.

### MARRIAGE

#### ***Licenses***

ACT 1127 (SB835) removes the requirement of a county clerk's signature for a marriage license to be effective.

### PATERNITY

#### ***Affidavit***

ACT 546 (HB1603) provides that the Department of Human Services may obtain a copy of an acknowledgement of paternity and allows for the use of an affidavit of paternity in a dependency-neglect case.

#### ***Assisted Reproduction***

ACT 1256 (HB1904) provides criteria under which a child conceived through assisted reproduction after the death of a parent may inherit real or personal property if the parent died intestate.



## **FAMILY LAW**

### PATERNITY

#### ***Putative Parents***

ACT 1022 (SB775) provides for a clarification of the rights of putative parents in proceedings regarding juveniles who are the subjects of putative parent claims.

### RE-HOMING

#### ***State Services***

ACT 1018 (HB1648) provides that post-adoptive services are designed to prevent re-homing of adopted children.

## **FIRE PROTECTION**

### FIREFIGHTERS

#### ***Death Benefits***

ACT 341 (HB1274) authorizes the state to pay claims to designated beneficiaries or survivors of a firefighter killed in the line of duty after January 1, 2012, including death from certain cancers. The act creates the Firefighter Benefit Review Panel to make recommendations to the Arkansas State Claims Commission regarding the determinations of death benefits associated with cancer.

### LICENSING AND CERTIFICATION

#### ***Fireworks***

ACT 28 (HB1159) amends the licensure requirements for a manufacturer, importer, distributor, jobber, retailer, or shooter of fireworks.

### MUNICIPALITIES

#### ***Contracts for Service***

ACT 106 (HB1210) provides that in lieu of establishing a municipal fire department, a municipality may contract with an existing fire department certified by the Arkansas Fire Protection Services Board for the provision of municipal fire protection. The act requires the city council of the municipality to promulgate rules to govern the fire department.

### PROTECTION DISTRICTS

#### ***Reassessment***

ACT 1234 (SB974) provides that certain fire protection districts may reassess maximum assessed benefits using statutory procedures.

### SYSTEMS AND PROCEDURES

#### ***Arkansas Fire Prevention Code***

ACT 874 (HB1638) provides that if the Arkansas Fire Prevention Code conflicts with the 2010 Americans with Disability Act Standard for Accessible Design, the 2010 Americans with Disability Act Standard for Accessible Design is the controlling authority. The act declares an emergency and is effective on and after April 1, 2015.

#### ***Fire Protection Class Code Determination - Review***

ACT 961 (HB1906) authorizes the State Fire Marshal to review rate filings by an advisory organization to determine if the evaluation of fire protection services is reasonable and to make recommendations to the Insurance Commissioner.

#### ***Security Devices***

ACT 606 (SB796) provides that a person may install and use a temporary door barricade or security lockdown device for security purposes to protect individuals during active shooter events or other similar situations.

**FIREARMS****CONCEALED HANDGUN LICENSING*****Eligibility for Current or Former Military Personnel***

ACT 105 (HB1190) provides that a person is eligible to be issued a concealed handgun license if he or she is at least eighteen (18) years of age and is currently or was formally a member of the United States Armed Services.

***Eligibility for Permanent Legal Residents***

ACT 649 (SB612) provides that a permanent legal resident in the United States who is a resident of the State of Arkansas is eligible to be issued a concealed handgun license.

**CONCEALED HANDGUNS*****Carrying a Concealed Handgun into a Courthouse***

ACT 1259 (SB159) provides that a concealed carry licensee may carry a concealed handgun into a courthouse if the licensee is either employed by the county or is a countywide elected official, the licensee's principal place of employment is within the courthouse, and the quorum court by ordinance approves a plan that allows licensees to carry a concealed handgun into the courthouse as set out by the local security and emergency preparedness plan.

***Carrying a Concealed Handgun into a Polling Place***

ACT 1175 (HB1432) provides that it is not illegal for a concealed handgun licensee to carry a concealed handgun into a polling place.

***Carrying a Concealed Handgun on a Private School Premises***

ACT 933 (HB1372) provides that a person who has a concealed handgun license may carry a concealed handgun onto the premises of a kindergarten through grade twelve (K-12) private school or prekindergarten private school if its governing board or director has set forth rules and circumstances under which the licensee may carry a concealed handgun.

***Eligibility to Carry by Off-duty Auxiliary Officers***

ACT 958 (HB1864) provides that an auxiliary law enforcement officer is eligible to carry a concealed handgun while off duty.

***Possession of a Concealed Handgun in School Parking Lots***

ACT 1078 (HB1505) provides that it is not a criminal offense for a concealed handgun licensee to carry a concealed handgun in his or her motor vehicle on certain public property, including a publicly owned and maintained parking lot. The act also permits a licensee to carry a concealed handgun in his or her motor vehicle into a school parking lot and designated "drop off" zones.

**DISPOSITION OF SEIZED FIREARMS*****Minor or a Mentally Ill Person***

ACT 688 (SB261) provides for the procedures concerning the disposition of a firearm seized by a law enforcement agency from a minor or mentally ill person.

**LAW ENFORCEMENT OFFICER SERVICE FIREARMS*****Award to County Sheriff upon Retirement or Death***

ACT 60 (HB1081) provides that a county sheriff may award the service pistol carried by a deputy sheriff to the deputy sheriff upon the deputy sheriff's retirement or to his or her spouse upon the deputy sheriff's death. The act further provides that a county sheriff who retires while he or she is still in office may receive or retain his or her service pistol upon his or her retirement or his or her spouse may receive the service pistol upon the county sheriff's death.

## **FIREARMS**

### **POSSESSION**

#### ***Certification by Chief Law Enforcement Officer Required by Federal Law***

ACT 720 (HB1488) provides for the procedure required of the chief law enforcement officer of a jurisdiction when federal law requires that he or she certify that a person is not prohibited by law from receiving or manufacturing a firearm. The act also provides for a judicial remedy if the request for certification is denied.

### **PROHIBITED AREAS**

#### ***Carrying a Concealed Handgun into a Courthouse***

ACT 1259 (SB159) provides that a concealed carry licensee may carry a concealed handgun into a courthouse if the licensee is either employed by the county or is a countywide elected official, the licensee's principal place of employment is within the courthouse, and the quorum court by ordinance approves a plan that allows licensees to carry a concealed handgun into the courthouse as set out by the local security and emergency preparedness plan.

#### ***Carrying a Concealed Handgun into a Polling Place***

ACT 1175 (HB1432) provides that it is not illegal for a concealed handgun licensee to carry a concealed handgun into a polling place.

#### ***Concealed Handgun on a Private School Premises***

ACT 933 (HB1372) provides that a person who has a concealed handgun license may carry a concealed handgun onto the premises of a kindergarten through grade twelve (K-12) private school or prekindergarten private school if its governing board or director has set forth rules and circumstances under which the licensee may carry a concealed handgun.

#### ***Possession of a Concealed Handgun in Public Parking Lots***

ACT 1078 (HB1505) provides that it is not a criminal offense for a concealed handgun licensee to carry a concealed handgun in his or her motor vehicle on certain public property, including a publicly owned and maintained parking lot. The act also permits a licensee to carry a concealed handgun in his or her motor vehicle into a school parking lot and designated "drop off" zones.

## **FREEDOM OF INFORMATION ACT**

### **EXEMPTIONS**

#### ***Advertising and Promotion Tax Records***

ACT 1102 (HB1941) exempts from the Freedom of Information Act of 1967 information concerning the advertising and promotion tax collections of individual entities.

#### ***Disaster Recovery Systems***

ACT 881 (HB1874) creates an exemption to the disclosure requirement of the Freedom of Information Act of 1967 for the records maintained by a disaster recovery system.

#### ***Homeland Security and Threat Assessment Plans***

ACT 347 (HB1389) extends the sunset date on the exemption for homeland security and threat assessment plans to July 1, 2019. The act declares an emergency and is effective on and after March 6, 2015.

#### ***Identifying Information of Minors***

ACT 1015 (HB1284) creates an exemption from the disclosure requirement of the Freedom of Information Act of 1967 for the date of birth, home address, email address, phone number, and other contact information of a minor that is maintained by a county or municipal parks and recreation department.

## **FREEDOM OF INFORMATION ACT**

### EXEMPTIONS

#### ***Institutions of Higher Education - Audit Working Papers***

ACT 1137 (SB999) creates an exemption from the Freedom of Information Act of 1967 for working papers related to audit reports for institutions of higher education.

#### ***Municipally Owned Utility Systems***

ACT 186 (SB197) exempts records relating to security for municipally owned utility systems and personal information of current and former public water system customers and municipally owned utility system customers from disclosure under the Freedom of Information Act of 1967. The act declares an emergency and is effective on and after February 24, 2015.

### PUBLIC EMPLOYEES

#### ***Exercise of Rights***

ACT 102 (HB1163) provides that it is unlawful for a public employer to discipline, reprimand, or otherwise discriminate against a public employee because the public employee exercised a right or privilege under the Freedom of Information Act of 1967.

### RECORDS

#### ***Custodian of Records***

ACT 999 (SB716) provides that the Secretary of State is the official custodian of certain financial interest statements and campaign finance records filed with the Secretary of State. The act declares an emergency and is effective on and after April 2, 2015.

## **GAMBLING AND RACING**

### CHARITABLE BINGO AND RAFFLES

#### ***Arkansas Savings Promotion Act***

ACT 589 (HB1642) creates the Arkansas Savings Promotion Act to allow financial institutions to conduct a savings promotion raffle to encourage depositors to increase savings.

### GAMBLING AND AMUSEMENT DEVICES

#### ***Coin-operated Amusements***

ACT 1209 (SB745) amends the definition of "amusement device" for purposes of taxation and increases the monetary limit on prizes for establishments that meet certain criteria.

### RACING COMMISSION

#### ***Membership***

ACT 300 (SB314) increases the membership of the Arkansas Racing Commission from five (5) to seven (7) members and provides that the two (2) new members shall be appointed by the Governor within thirty (30) days of the effective date of the act. The act declares an emergency and is effective on and after March 4, 2015.

## **GENERAL ASSEMBLY**

### COMMITTEES

#### ***Joint Committee on Advanced Communications and Information Technology***

ACT 550 (SB315) requires the Information Network of Arkansas to file quarterly reports to the Legislative Council and Joint Committee on Advanced Communications and Information Technology of any changes in charges for services.

#### ***Rural Fire Departments***

ACT 1032 (HB1659) provides for an expansion of the Rural Fire Departments Study Committee by adding members and duties.

**GENERAL ASSEMBLY**COMMITTEES***Specialty Court Program Advisory Committee***

ACT 895 (SB472) establishes more vigorous legislative and state agency oversight of the criminal justice system through the creation of the Specialty Court Program Advisory Committee, the Legislative Criminal Justice Oversight Task Force, and the Behavioral Health Treatment Access Legislative Task Force. The act declares an emergency and is effective on and after April 1, 2015.

EXPENSES AND REIMBURSEMENT***Expenses, Per Diem, and Mileage***

ACT 555 (SB1049) revises reimbursable expenses, per diem, and mileage compensation for members of the General Assembly, including repealing previous language on reimbursable expenses and permitting expense reimbursement for committee chairs, vice chairs, and cochairs not to exceed designated amounts. The act is identical to Act 556 of 2015. The act declares an emergency and is effective on and after March 20, 2015.

***Expenses, Per Diem, and Mileage***

ACT 556 (HB1793) revises reimbursable expenses, per diem, and mileage compensation for members of the General Assembly, including repealing previous language on reimbursable expenses and permitting expense reimbursement for committee chairs, vice chairs, and cochairs not to exceed designated amounts. The act is identical to Act 555 of 2015. The act declares an emergency and is effective on and after March 20, 2015.

GENERALLY***Approval of State-based Health Insurance Exchange***

ACT 398 (SB343) prohibits the implementation of a state-based health insurance exchange in this state under the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 until the Supreme Court of the United States issues a ruling in *King v. Burwell*. The act provides that if the Supreme Court of the United States decides that *King v. Burwell* modifies state subsidy eligibility requirements, the state shall not implement a state-based exchange without the approval of the General Assembly.

LEGISLATIVE AUDIT***Requirements for Audits***

ACT 554 (SB723) amends various provisions of law concerning the Division of Legislative Audit, including renaming the division "Arkansas Legislative Audit", clarifying the information required in school financial audits, and clarifying the information required in a disposition report on the status of matters that have not been previously reported as resolved to the Legislative Joint Auditing Committee.

LEGISLATIVE COUNCIL***Approval of Administrative Rules***

ACT 1258 (SB2) implements Article 5, Section 42, of the Arkansas Constitution by providing for the review and approval of administrative rules by the Legislative Council. The act specifies the process for review and approval of administrative rules. The act also repeals the Arkansas Lottery Legislative Oversight Committee and requires that information previously filed with the oversight committee be filed with the Legislative Council.

***Approval of State Air Pollution Plan***

ACT 382 (SB183) provides procedures for the oversight of fossil-fuel-fired electric generating units, regulates carbon dioxide emissions, and creates procedures for approval of a state plan for carbon dioxide emission standards by the Legislative Council.

**GENERAL ASSEMBLY****REPORTS*****Information Network of Arkansas***

ACT 550 (SB315) requires the Information Network of Arkansas to file quarterly reports to the Legislative Council and Joint Committee on Advanced Communications and Information Technology of any changes in charges for services.

**TASK FORCES*****Abused Children***

ACT 296 (HB1365) provides for the extension of the Arkansas Legislative Task Force on Abused and Neglected Children until July 1, 2017.

***Arkansas Health Reform Legislative Task Force***

ACT 46 (SB96) creates the Arkansas Health Reform Act of 2015 to transform the Arkansas Medicaid Program, including the Health Care Independence Program, and creates the Arkansas Health Reform Legislative Task Force to recommend an alternative healthcare coverage model for the Health Care Independence Program and explore options to modernize Medicaid programs. The act declares an emergency and is effective on and after February 11, 2015.

***Behavioral Health Treatment Access Legislative Task Force***

ACT 895 (SB472) establishes more vigorous legislative and state agency oversight of the criminal justice system through the creation of the Specialty Court Program Advisory Committee, the Legislative Criminal Justice Oversight Task Force, and the Behavioral Health Treatment Access Legislative Task Force. The act declares an emergency and is effective on and after April 1, 2015.

***Legislative Arkansas Blue Ribbon Committee on Local 911 Systems - Extension***

ACT 528 (HB1127) adds two (2) members to and extends the existence of the Legislative Arkansas Blue Ribbon Committee on Local 911 Systems until January 1, 2017. The act also provides that the Legislative Arkansas Blue Ribbon Committee on Local 911 Systems shall continue to study the status of local 911 systems in the state. The act declares an emergency and is effective on and after March 18, 2015.

***Legislative Criminal Justice Oversight Task Force***

ACT 895 (SB472) establishes more vigorous legislative and state agency oversight of the criminal justice system through the creation of the Specialty Court Program Advisory Committee, the Legislative Criminal Justice Oversight Task Force, and the Behavioral Health Treatment Access Legislative Task Force. The act declares an emergency and is effective on and after April 1, 2015.

***Open Data and Transparency Task Force***

ACT 1282 (SB983) provides for the creation of the Open Data and Transparency Task Force to determine the best practices for the state to achieve the most efficient system for maintaining and delivering the state's public records and data.

***State and Public School Life and Health Insurance Program Legislative Task Force***

ACT 912 (SB824) clarifies that the participating entity is the appropriate entity to submit a monthly contribution to the State and Public School Life and Health Insurance Program for state employees. The act also modifies the expiration date of the State and Public School Life and Health Insurance Program Legislative Task Force to June 30, 2016, or earlier if the task force determines that it has met its goals.

**TECHNICAL CORRECTIONS - GENERAL ASSEMBLY - TITLE 10**

ACT 1150 (SB117) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 10 of the Arkansas Code.

## HEALTH

### ABORTION

#### ***Abortion-inducing Drugs Safety Act***

ACT 577 (HB1394) requires a physician to be the person who gives, sells, dispenses, administers, or otherwise provides or prescribes abortion-inducing drugs and requires that the provision or prescription of the abortion-inducing drug satisfy the protocol authorized by the United States Food and Drug Administration, as outlined in the final printed labeling for the drug or drug regimen.

#### ***Disbursement of Funds***

ACT 996 (SB569) prohibits the disbursement of funds to certain entities that either perform abortions or are affiliates of a person or entity that performs abortions.

#### ***Informed Consent***

ACT 1086 (HB1578) repeals and replaces the Woman's Right to Know Act of 2001 regarding informed consent for an abortion. The act also contains a savings clause to revive the relevant sections of the Woman's Right to Know Act of 2001 if any section or part of a section of the act is determined by a court to be unconstitutional.

#### ***Parental Involvement Enhancement***

ACT 934 (HB1424) repeals and replaces the laws on parental notification when a minor attempts to receive or receives an abortion. The act also contains a savings clause to revive the relevant sections of law on parental notification if any section or part of a section is determined by a court to be unconstitutional. The act is effective on and after January 1, 2016.

#### ***Regulation of Certain Abortion-inducing Drugs***

ACT 1014 (HB1076) requires that when mifepristone or another drug or chemical regimen is used to induce an abortion, the initial administration shall occur in the same room and in the physical presence of the physician. The act does not affect telemedicine practice that does not involve mifepristone or another drug or chemical to induce an abortion. The act is identical to Act 139 of 2015.

#### ***Regulation of Certain Abortion-inducing Drugs***

ACT 139 (SB53) requires that when mifepristone or another drug or chemical regimen is used to induce an abortion, the initial administration shall occur in the same room and in the physical presence of the physician. The act does not affect telemedicine practice that does not involve mifepristone or another drug or chemical to induce an abortion. The act is identical to Act 1014 of 2015.

### ABUSED AND NEGLECTED CHILDREN

#### ***Investigative Interviews with a Healthcare Provider***

ACT 1123 (SB760) requires an investigation of child maltreatment or suspected child maltreatment to include interviews with current or past healthcare providers if the allegation of child maltreatment was reported by a healthcare provider.

### ADULT MALTREATMENT

#### ***Release from Custody***

ACT 1214 (SB808) provides criteria under which a victim of adult maltreatment may be released from Department of Human Services custody and provides criteria for disclosure of protected health information of a maltreated adult or individual residing in a long-term care facility.

### BOARDS AND COMMISSIONS

#### ***Appointments***

ACT 1100 (HB1851) changes the method of appointing members to certain state boards and commissions.

## HEALTH

### BOARDS AND COMMISSIONS

#### ***Arkansas Cemetery Board***

ACT 990 (SB231) revises the eligibility requirements under the Insolvent Cemetery Grant Fund Act for an eligible organization, including a nonprofit, to receive a grant of no more than thirty-five thousand dollars (\$35,000) per fiscal year to care for and improve the driveways, buildings, and grounds of an insolvent or financially distressed perpetual care cemetery as determined by the Arkansas Cemetery Board.

#### ***Arkansas Reproductive Health Monitoring System***

ACT 1062 (HB1612) amends the law concerning the Arkansas Reproductive Health Monitoring System.

#### ***National Service and Volunteerism***

ACT 111 (SB210) creates the Governor's Advisory Commission on National Service and Volunteerism to assist the program and staff of the Division of Community Service and Nonprofit Support of the Department of Human Services and to serve as the state commission on national and community service.

#### ***State Board of Embalmers and Funeral Directors***

ACT 1095 (HB1711) regulates the treatment and disposition of human remains by embalmers, funeral directors, cremators, funeral establishments, crematoriums, and transport services; revises the duties of the State Board of Embalmers and Funeral Directors; and requires an individual to obtain a crematory retort operator license from the board before operating a crematory retort in Arkansas. The act updates the Embalmers and Funeral Directors Law and provides the State Board of Embalmers and Funeral Directors with administrative authority to prosecute violators of the law. The act also repeals obsolete provisions and amends licensing provisions to conform to current practices in the industry.

#### ***State Kidney Disease Commission***

ACT 1029 (HB1453) amends the powers and duties of the State Kidney Commission to allow care and treatment requiring kidney dialysis or transplantation, including dental service necessary for consideration of transplantation.

#### ***Suicide Prevention Council***

ACT 1067 (HB1887) provides for the creation of the Arkansas Suicide Prevention Council of the Injury Prevention Division of the Department of Health. The act establishes the membership, purposes, and duties of the council.

#### ***Task Force on Alpha-gal***

ACT 1247 (HB1658) creates the Task Force on Alpha-gal to make recommendations designed to improve and increase knowledge and treatment of alpha-gal.

### BOILER INSPECTIONS

#### ***Extension of Time***

ACT 95 (SB158) permits an extension of time for good cause for boiler inspections.

### CRANIOFACIAL ANOMALY

#### ***Coverage Required***

ACT 373 (HB1417) amends the requirement that a health benefit plan provide for craniofacial anomaly reconstructive surgery and clarifies that the surgery and treatment to improve a functional impairment due to the craniofacial anomaly be medically necessary as determined by a nationally approved cleft-craniofacial team, approved by the American Cleft Palate-Craniofacial Association in Chapel Hill, North Carolina.



## HEALTH

### DENTISTRY

#### ***Pediatric Dental Benefits***

ACT 1134 (SB927) clarifies that a health carrier satisfies the minimum essential pediatric oral health benefits if the purchaser of a health benefit plan offers reasonable assurance to the health carrier that current coverage for pediatric oral health benefits is in effect beginning January 1, 2016.

### EDUCATION

#### ***Healthy Arkansas Educational Program***

ACT 1005 (SB827) creates the Healthy Arkansas Educational Program to be implemented collaboratively by the University of Arkansas Division of Agriculture Cooperative Extension Service and the Department of Human Services.

### EMERGENCY SERVICES

#### ***Medical Assistance During a Drug Overdose***

ACT 1114 (SB543) creates the Joshua Ashley-Pauley Act, which provides immunity for seeking medical assistance during a drug overdose.

#### ***Naloxone and Tourniquet Access***

ACT 1222 (SB880) provides guidelines for tourniquet access and use by first responders and law enforcement. The act also creates the Naloxone Access Act to authorize access to Naloxone to prevent opioid-related drug overdoses.

#### ***Public Access to Auto-injectable Epinephrine***

ACT 1108 (SB394) expands public access to auto-injectable epinephrine and provides immunity to an authorized entity that provides prescribed auto-injectable epinephrine.

### FOOD

#### ***Labeling of Catfish-like Products***

ACT 1191 (HB1854) requires the labeling and identification of catfish-like products and species on packaging and menus. The act also requires the Bureau of Standards to publish notice of the act within thirty (30) days of the passage of the act. The act is effective on and after January 1, 2016.

### HEALTH CARE PROVIDERS

#### ***Alternative Payment System***

ACT 902 (SB701) prohibits a healthcare payor from attributing costs to a physician that are outside the physician's practice when determining gain-sharing or risk-sharing payments if those costs would reduce a physician's gain-sharing amount or increase a physician's risk-sharing amount.

#### ***Concierge Service Arrangement - Medical Services***

ACT 101 (HB1161) exempts a concierge service arrangement from state insurance laws and regulation by the Insurance Commissioner. The act also defines a concierge service arrangement and requires a healthcare provider to disclose in the contractual agreement that a concierge service arrangement is not an insurance policy.

#### ***Criminal Background Check During Education Application Process***

ACT 1192 (HB1876) requires a student entering into a medical professional education program or school to undergo a state and federal criminal background check and requires a medical program or school to establish criteria to determine the passage of the criminal background check.

## HEALTH

### HEALTH CARE PROVIDERS

#### ***Graduate Registered Physician***

ACT 929 (HB1162) creates the Arkansas Graduate Registered Physician Act to allow a person who has graduated from an accredited allopathic medical school or osteopathic medical school and who is not currently enrolled in a residency program to practice limited healthcare services under the supervision of a licensed physician.

#### ***Hearing Instrument Dispensers***

ACT 1027 (HB1343) amends the law regarding hearing instrument dispensers and the examination fee of the Arkansas Board of Hearing Instrument Dispensers.

#### ***Insurance Panel Participation Process***

ACT 1232 (SB934) amends the healthcare insurers application process regarding healthcare providers.

#### ***Lay Caregivers***

ACT 1013 (SB1053) creates the Arkansas Lay Caregiver Act to allow the designation of a caregiver who is not a healthcare professional.

#### ***Massage Therapy***

ACT 1083 (HB1562) amends various sections of law regarding massage therapy and adds a renewal procedure for a licensee who is or was on active duty with the military.

#### ***Prior Authorization - Medical Treatment***

ACT 1106 (SB318) establishes the Prior Authorization Transparency Act, which prohibits a healthcare insurer from requiring prior authorization for emergency services and requires a healthcare insurer to provide advance notice of changes to prior authorization criteria. The act also provides a prior authorization appeal procedure and requires a physician licensed in this state to make recommendations or decisions concerning prior authorization requests.

#### ***Prior Authorization - Terminal Illness***

ACT 992 (SB316) prohibits insurance providers from denying prior authorization for a covered prescription pain medication for patients with a terminal illness.

#### ***Social Work***

ACT 1170 (HB1293) amends the law regarding social workers and the fees associated with licensure by the Arkansas Social Work Licensing Board.

#### ***Telemedicine***

ACT 887 (SB133) provides that the standards of appropriate practice in traditional healthcare settings govern the healthcare professional's recommendations made through telemedicine, that a healthcare professional treating patients through telemedicine shall be licensed or certified to practice in Arkansas, and that a professional relationship shall exist or otherwise meet requirements of the act before telemedicine services are utilized. The act also requires that health insurance plans provide coverage for services provided through telemedicine to the same extent as services provided in person. The act declares an emergency and is effective on and after April 1, 2015.

#### ***Unsubmitted Rape Kits***

ACT 1168 (HB1208) requires a law enforcement agency that maintains, stores, or preserves sexual assault evidence and a healthcare provider charged with performing medical-legal examinations to conduct an audit of all untested sexual assault collection kits and any associated evidence stored by the law enforcement agency and to report the information to the State Crime Laboratory.

## HEALTH

### HEALTH DEPARTMENT

#### ***Immunization Registry***

ACT 541 (HB1550) removes the requirement to obtain consent of an adult who receives immunizations before a health provider reports the administration to the Department of Health.

#### ***Nursing Home Resident and Employee Immunization Act***

ACT 1051 (SB818) amends the Nursing Home Resident and Employee Immunization Act of 1999 to allow the Department of Health to provide immunizations only to those who lack coverage through Medicare, Medicaid, or other health insurance.

#### ***Prescription Drug Monitoring Program - Combating Prescription Drug Abuse Act***

ACT 1208 (SB717) amends various sections of the Prescription Drug Monitoring Program Act and creates the Combating Prescription Drug Abuse Act to prevent prescription drug abuse and educate prescribers regarding prescription drug abuse.

#### ***Prescription Drug Monitoring Program - Law Enforcement***

ACT 901 (SB698) grants certain law enforcement investigators access to the Prescription Drug Monitoring Program to enhance investigative capability.

#### ***Reimbursement for Immunizations***

ACT 1052 (SB819) amends the reimbursement procedure for vaccine and immunization administration if the Department of Health administers the immunization service.

### HOSPITALS

#### ***Assessment Fee to Improve Healthcare Access***

ACT 1141 (SB1022) provides that the Division of Medical Services of the Department of Human Services may elect to use the most recent Medicare Cost Report available at the time of the calculation to determine the assessment fee.

### HUMAN SERVICES DEPARTMENT

#### ***Adult Maltreatment***

ACT 1214 (SB808) provides criteria under which a victim of adult maltreatment may be released from Department of Human Services custody and provides criteria for disclosure of protected health information of a maltreated adult or individual residing in a long-term care facility.

#### ***Assessment Fee to Hospitals to Improve Healthcare Access***

ACT 1141 (SB1022) provides that the Division of Medical Services of the Department of Human Services may elect to use the most recent Medicare Cost Report available at the time of the calculation to determine the assessment fee.

#### ***Juvenile Justice System - Youth Justice Reform Board***

ACT 1010 (SB982) amends the powers and duties of the Division of Youth Services of the Department of Human Services to reduce youth incarceration. The act also creates the Youth Justice Reform Board to assist the division.

#### ***Youth Outcome Questionnaire***

ACT 161 (HB1072) requires the Division of Behavioral Health Services of the Department of Human Services to select a new outcomes measurement tool no later than September 30, 2015, to replace the current outcomes assessment tool that is commonly referred to as a Youth Outcome Questionnaire.

### HUMAN TISSUE

#### ***Disposition of Human Tissue and Fetal Tissue***

ACT 535 (HB1407) amends the laws regarding the disposition of human tissue and fetal tissue to ensure that the disposition is in a respectful and proper manner after separating the tissue from other medical waste.

## HEALTH

### HUMAN TISSUE

#### ***Organ and Tissue Donation***

ACT 823 (HB1608) authorizes a physician to distribute organ and tissue donation information when an unborn fetus is diagnosed with a fatal fetal condition and upon a death associated with the diagnosis of a fatal fetal condition.

### LICENSURE

#### ***Disposition of Human Remains***

ACT 1095 (HB1711) regulates the treatment and disposition of human remains by embalmers, funeral directors, cremators, funeral establishments, crematoriums, and transport services; revises the duties of the State Board of Embalmers and Funeral Directors; and requires an individual to obtain a crematory retort operator license from the board before operating a crematory retort in Arkansas. The act updates the Embalmers and Funeral Directors Law and provides the State Board of Embalmers and Funeral Directors with administrative authority to prosecute violators of the law. The act also repeals obsolete provisions and amends licensing provisions to conform to current practices in the industry.

#### ***Fireworks***

ACT 28 (HB1159) amends the licensure requirements for a manufacturer, importer, distributor, jobber, retailer, or shooter of fireworks.

### LONG-TERM CARE FACILITIES

#### ***Advertisement of Results of a Survey, Inspection, or Investigation***

ACT 1054 (SB912) prohibits the use of the results of a survey, inspection, or investigation of a long-term care facility in an advertisement except under certain circumstances.

#### ***Smoking***

ACT 708 (HB1721) amends the Arkansas Clean Indoor Air Act of 2006 to include the definition of "long-term care facility" and limits smoking in and near long-term care facilities.

### MEDICAID

#### ***Ambulatory Surgery Centers - Medicaid Reimbursement***

ACT 1236 (SB1019) amends the law regarding Medicaid reimbursement of ambulatory surgery centers. The act declares an emergency and is effective on and after April 7, 2015.

#### ***Capacity of the Arkansas Autism Partnership***

ACT 1008 (SB952) requires the Department of Human Services to expand the capacity of the Arkansas Autism Partnership and amends the laws regarding the Medicaid waiver for autism.

#### ***Medicaid Provider out of Business - Overpayment***

ACT 1269 (SB831) authorizes the Director of the Division of Medical Services of the Department of Human Services to determine that a Medicaid provider is out of business and that a Medicaid overpayment owed by the Medicaid provider cannot be collected under state law and procedures.

#### ***Persons in the Criminal Justice System***

ACT 895 (SB472) streamlines the process to place certain persons in the criminal justice system into the Medicaid program in order to help corrections agencies save money. The act declares an emergency and is effective on and after April 1, 2015.

**HEALTH**

MEDICAID

***Private Option***

ACT 46 (SB96) creates the Arkansas Health Reform Act of 2015 to transform the Arkansas Medicaid Program, including the Health Care Independence Program, and creates the Arkansas Health Reform Legislative Task Force to recommend an alternative healthcare coverage model for the Health Care Independence Program and explore options to modernize Medicaid programs. The act declares an emergency and is effective on and after February 11, 2015.

***Private Option - Notification***

ACT 831 (HB1363) requires that recipients and new enrollees in the Health Care Independence Program be notified that the program will end on December 31, 2016, and that the coverage provided by the program expires on December 31, 2016.

***Private Option - Notification of End of Program***

ACT 1278 (SB943) provides that upon notification as required in Act 831 of 2015, the Department of Human Services shall provide information regarding the Arkansas Health Reform Act of 2015 and the purpose of the Arkansas Health Reform Legislative Task Force.

MEDICAL CONDITIONS

***Diabetes***

ACT 167 (HB1267) requires the Department of Health and the Department of Human Services to collaborate and create a Diabetes Action Plan to reduce the incidence of diabetes in Arkansas, improve diabetes care, and control complications associated with diabetes.

***Right to Try Act***

ACT 374 (SB4) provides that a patient with a terminal illness may have access to an investigational drug, biological product, or device if the patient meets certain criteria.

***Task Force on Alpha-gal***

ACT 1247 (HB1658) creates the Task Force on Alpha-gal to make recommendations designed to improve and increase knowledge and treatment of alpha-gal.

NURSES

***Collaborative Practice Agreement***

ACT 824 (HB1609) amends the collaborative practice agreement between a physician and an advanced practice registered nurse to specify that the physician must be a practicing physician who has training similar in scope, specialty, or expertise to that of the advanced practice registered nurse.

***Membership of the Arkansas State Board of Nursing***

ACT 997 (SB624) amends the membership of the Arkansas State Board of Nursing.

***Offenses that Prohibit Licensure***

ACT 1047 (SB625) amends the list of offenses that prohibit nursing licensure.

***Prescription - Hydrocodone***

ACT 529 (HB1136) permits the prescription of hydrocodone combination products by advanced practice registered nurses and physician assistants.

PHARMACISTS AND PHARMACIES

***Criminal Background Checks***

ACT 532 (HB1378) removes the exemption from obtaining a criminal background check for an applicant for a pharmacist license who upon licensure will not practice pharmacy while physically present in Arkansas.

**HEALTH****PHARMACISTS AND PHARMACIES*****Maximum Allowable Cost Lists***

ACT 900 (SB688) amends the maintenance and use of Maximum Allowable Cost Lists for prescription drugs by pharmacy benefits managers.

***Patient Rights Regarding Payment for Pharmacists Services Act***

ACT 1025 (SB542) creates the Patient Rights Regarding Payment for Pharmacists Services Act and requires a pharmacy benefits manager to obtain an individual's express consent to alter or change provider choice within a pharmacy benefits plan or program. The act also limits patient payments for pharmacist services and authorizes the Insurance Commissioner to seek an injunction against a pharmacy benefits manager to enforce the act.

***Sales Limitations of Ephedrine and Other Nonprescription Drugs***

ACT 940 (HB1466) provides that a pharmacist is not prohibited from dispensing a product containing ephedrine, pseudoephedrine, or phenylpropanolamine to a person who has not used the services of the pharmacist frequently or has not previously established a pharmacist-patient relationship.

**PHYSICIAN ASSISTANTS*****Prescription - Hydrocodone***

ACT 529 (HB1136) permits the prescription of hydrocodone combination products by advanced practice registered nurses and physician assistants.

**PHYSICIANS*****Financial Penalty - Prohibited***

ACT 902 (SB701) prohibits a healthcare payor from attributing costs to a physician that are outside the physician's practice when determining gain-sharing or risk-sharing payments if those costs would reduce a physician's gain-sharing amount or increase a physician's risk-sharing amount.

***Osteopathic Residency Exemption***

ACT 948 (HB1636) amends the law regarding the exemption of a student, intern, resident, or fellow in a transitional year, residency, or fellowship training program from the Arkansas Medical Practices Act. The act declares an emergency and is effective on and after April 2, 2015.

**PUBLIC HEALTH*****Prevention of Unplanned Pregnancy***

ACT 943 (HB1534) requires the Arkansas Higher Education Coordinating Board to establish an unplanned pregnancy action plan and present the action plan to the Legislative Council.

***Primate Regulation***

ACT 1243 (HB1551) amends the exemptions of prohibited activities associated with nonhuman primates to include an institution accredited by a zoological accreditation agency, including without limitation the Association of Zoos and Aquariums or the Zoological Association of America.

***Regulation of Vapor Products, Alternative Nicotine Products, and E-liquid Products***

ACT 1235 (SB978) requires a license or permit for the sale of vapor products, alternative nicotine products, and e-liquid products; applies certain tobacco-product regulations to vapor products, alternative nicotine products, and e-liquid products; makes it a violation for a person to use a tobacco product, vapor product, alternative nicotine product, or e-liquid product on the grounds of a school, child care facility, or healthcare facility; requires alternative nicotine products and e-liquid containers that contain nicotine to have child-resistant packaging; and repeals certain laws relating to minors and alternative nicotine products and e-cigarettes.

## HEALTH

### SUBSTANCE ABUSE

#### ***Prescription Drug Abuse***

ACT 1208 (SB717) amends various sections of the Prescription Drug Monitoring Program Act and creates the Combating Prescription Drug Abuse Act to prevent prescription drug abuse and educate prescribers regarding prescription drug abuse.

#### ***Substance Abuse Reporting***

ACT 411 (HB1386) creates the Substance Abuse Reporting Act to require entities to report to the appropriate licensing board and law enforcement certain disciplinary actions of a healthcare professional. The act also requires licensing boards to report information of a criminal act involving the diversion of controlled substances by a healthcare professional to the local office of the Office of Diversion Control of the United States Drug Enforcement Administration.

### TECHNICAL CORRECTIONS - PUBLIC HEALTH AND WELFARE - TITLE 20

ACT 1157 (SB125) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 20 of the Arkansas Code.

## HIGHWAYS AND TRANSPORTATION

### AERONAUTICS AND AVIATION

#### ***Illegal Use of an Unmanned Vehicle or Aircraft - Voyeurism***

ACT 293 (HB1349) amends the criminal offense of voyeurism and video voyeurism to include the prohibited use of an unmanned vehicle or aircraft flown in a manner to escape detection to commit the offenses.

#### ***Unlawful Use of an Unmanned Aircraft System - Civil Action***

ACT 1019 (HB1770) creates the criminal offense of unlawful use of an unmanned aircraft system and provides that a civil action may be filed against a person who commits the offense.

### BOATING

#### ***Battery in the Second Degree***

ACT 104 (HB1180) provides that a person may be charged with and convicted of battery in the second degree if the person recklessly causes serious physical injury to another person while operating or being in actual physical control of a motorboat while the person is intoxicated.

#### ***Driving or Boating While Intoxicated***

ACT 299 (SB81) combines the separate offenses of driving while intoxicated and boating while intoxicated into one offense of driving or boating while intoxicated with the same criminal and administrative penalties as well as identical sentence enhancement provisions.

#### ***Eleven Point River - Motorboat Requirements***

ACT 337 (HB1179) repeals the requirement regarding the engine horsepower of motorboats operating on the Eleven Point River.

#### ***Operation of and Requirements for Watercraft***

ACT 694 (HB1447) clarifies the type of flotation devices required to be aboard a vessel, requires fire extinguishers to be aboard certain vessels, requires notification to the Arkansas State Game and Fish Commission of certain accidents involving vessels, and amends the law concerning hull identification numbers.

### COUNTY ROADS

#### ***Unpaved Roads Program***

ACT 898 (SB613) establishes the Arkansas Unpaved Roads Program to help provide funding for unpaved county road projects throughout the state and requires the use of best management practices for unpaved road projects funded through the program.

## HIGHWAYS AND TRANSPORTATION

### FINANCE AND FUNDING

#### ***Road and Bridge Repair, Maintenance, and Grants Fund***

ACT 536 (HB1436) amends the distribution of severance tax revenues and directs a portion of the severance tax revenues to the newly created Road and Bridge Repair, Maintenance, and Grants Fund. The act declares an emergency and is effective on and after July 1, 2015.

### GENERALLY

#### ***Legislative Task Force on Intermodal Transportation and Commerce***

ACT 166 (HB1258) re-establishes the Legislative Task Force on Intermodal Transportation and Commerce, which will consider the creation of a new Arkansas Department of Transportation that will have combined responsibility for highways, waterways, ports, rail, and aeronautics.

### HIGHWAY AND TRANSPORTATION DEPARTMENT

#### ***State Aid Streets***

ACT 303 (SB92) repeals the language providing that the State Aid Division of the Arkansas State Highway and Transportation Department is subject to the availability and appropriation of funding. The act further establishes modified procedures for the State Aid Street Committee.

#### ***Use of Automatic License Plate Readers***

ACT 849 (HB1744) allows the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department to use an automatic license plate reader system for certain purposes.

### HIGHWAY COMMISSION

#### ***Designation of Roads to Municipal Airports***

ACT 590 (HB1644) amends the State Highway Commission's authority to designate roads to municipal airports as part of the state highway system.

#### ***Exchange or Transfer of Highways***

ACT 378 (HB1357) authorizes the State Highway Commission to enter into agreements to exchange or transfer highways with county and municipal authorities.

#### ***Procurement of Design-build Contracts***

ACT 704 (HB1634) amends the procurement procedures for a design-build construction contract with the State Highway Commission.

#### ***Publication of Rules and Regulations***

ACT 707 (HB1714) repeals the publication requirement for rules and regulations promulgated by the State Highway Commission.

### INTERMODAL FACILITIES

#### ***Sales Tax Exemption for Lessees***

ACT 691 (HB1178) provides a sales and use tax exemption for lessees of an intermodal authority in certain circumstances.

### MOTOR CARRIERS

#### ***Transportation Contracts - Indemnity***

ACT 572 (SB755) provides that a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract to be performed all or in part in Arkansas is against the public policy of the state and is void and unenforceable if it purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligent, reckless, intentional, malicious, willful, or wanton acts or omissions of the promisee. The act also specifies certain exceptions to this provision. The act declares an emergency and is effective on and after March 20, 2015.



## HIGHWAYS AND TRANSPORTATION

### MOTOR CARRIERS

#### *Transportation Network Companies*

ACT 1050 (SB800) creates the Transportation Network Company Services Act, which prohibits an individual or entity from operating a transportation network company in Arkansas without first having obtained a permit to operate a transportation network company from the Arkansas Public Service Commission.

#### *Transportation Network Companies*

ACT 1267 (SB780) revises the definitions used in the Transportation Network Company Services Act and requires additional insurance coverage for a driver and motor vehicle used to transport a rider under the Transportation Network Company Services Act.

### SCENIC HIGHWAYS

#### *Great River Road - Redesignation*

ACT 1189 (HB1833) amends the scenic highway designation for the Great River Road.

### STATE HIGHWAYS

#### *Designation of Gold Star Families Highway*

ACT 956 (HB1816) establishes a highway designation for the Gold Star Families Highway to honor Arkansas's fallen service members who have served in the United States Armed Forces and their families.

#### *Designation of Roads to Municipal Airports*

ACT 590 (HB1644) amends the State Highway Commission's authority to designate roads to municipal airports as part of the state highway system.

#### *Exchange or Transfer*

ACT 378 (HB1357) authorizes the State Highway Commission to enter into agreements to exchange or transfer highways with county and municipal authorities.

#### *Rights of Way - Use of Sprinkler*

ACT 963 (HB1939) allows owners of property adjoining an Arkansas state highway right-of-way to install, use, and maintain a sprinkler system.

### WATERWAYS

#### *Funding for Arkansas Port, Intermodal, and Waterway Development Grant Program*

ACT 855 (SB556) requires the Chief Fiscal Officer of the State to notify the Executive Director of the Arkansas Waterways Commission when funding is available for the Arkansas Port, Intermodal, and Waterway Development Grant Program.

#### *Watercraft - Operation and Requirements*

ACT 694 (HB1447) clarifies the type of flotation devices required to be aboard a vessel, requires fire extinguishers to be aboard certain vessels, requires notification to the Arkansas State Game and Fish Commission of certain accidents involving vessels, and amends the law concerning hull identification numbers.

## IMPROVEMENT DISTRICTS

### ASSESSMENTS

#### *Suburban Improvement Districts*

ACT 1116 (SB559) provides for a modification in the procedure for reassessments in suburban improvement districts.

### BOARDS AND COMMISSIONERS

#### *Members*

ACT 1043 (HB1880) provides for a modification in the appointment, vacancy, and removal processes for commissioners of municipal improvement districts.

## IMPROVEMENT DISTRICTS

### FIRE PROTECTION DISTRICTS

#### ***Fire Protection Class Code Determination - Review***

ACT 961 (HB1906) authorizes the State Fire Marshal to review rate filings by an advisory organization to determine if the evaluation of fire protection services is reasonable and to make recommendations to the Insurance Commissioner.

## INDIVIDUALS WITH DISABILITIES

### ACCESSIBILITY

#### ***Conflicts with Fire Prevention Code***

ACT 874 (HB1638) provides that if the Arkansas Fire Prevention Code conflicts with the 2010 Americans with Disability Act Standard for Accessible Design, the 2010 Americans with Disability Act Standard for Accessible Design is the controlling authority. The act declares an emergency and is effective on and after April 1, 2015.

### FINANCES

#### ***Savings Accounts***

ACT 1238 (HB1239) creates the Achieving a Better Life Experience Program in conformity with federal law to provide for tax-protected savings accounts aimed at financial self-sufficiency for Arkansans with disabilities. The act becomes effective upon the issuance of final federal rules.

### SERVICES

#### ***Craniofacial Anomaly - Insurance Coverage Required***

ACT 373 (HB1417) amends the requirement that a health benefit plan provide for craniofacial anomaly reconstructive surgery and clarifies that the surgery and treatment to improve a functional impairment due to the craniofacial anomaly be medically necessary as determined by a nationally approved cleft-craniofacial team, approved by the American Cleft Palate-Craniofacial Association in Chapel Hill, North Carolina.

## INSURANCE

### AGENTS, ADJUSTERS, AND CONSULTANTS

#### ***Adjuster License - Experience Qualification***

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws. The act improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department and repeals the experience requirement for an adjuster license.

### ARKANSAS PREPAID FUNERAL BENEFITS LAW

#### ***Transfer Fee***

ACT 880 (HB1797) provides that a seller or funding life insurance company may collect a fee to transfer a prepaid funeral benefits contract to a substitute provider or to cancel the prepaid contract. The act also requires the Insurance Commissioner to promulgate rules to set the fee amount.

### BONDS AND SURETY

#### ***Self-Insured Fidelity Bond Program***

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws. The act improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department and clarifies the Governmental Bonding Board's responsibilities under the self-insured fidelity bond program to seek restitution upon a criminal conviction.

## INSURANCE

### BURIAL ASSOCIATIONS

#### ***Death Benefits***

ACT 1030 (HB1549) allows the Burial Association Board to approve requests from burial associations that have excess financial resources to permit payment of death benefits in excess of the face value of a certificate of benefits issued by the burial association to members of the burial association.

### CHILDREN

#### ***Pediatric Dental Benefits***

ACT 1134 (SB927) clarifies that a health carrier satisfies the minimum essential pediatric oral health benefits if the purchaser of a health benefit plan offers reasonable assurance to the health carrier that current coverage for pediatric oral health benefits is in effect beginning January 1, 2016.

### CLAIMS

#### ***Prior Authorization - Terminal Illness***

ACT 992 (SB316) prohibits insurance providers from denying prior authorization for a covered prescription pain medication for patients with a terminal illness.

### COMPANIES AND ASSOCIATIONS

#### ***Health Carrier - Disclosure Formulary List***

ACT 1109 (SB466) requires a health carrier offering a qualified health plan to publish certain drug formulary information on its website beginning January 1, 2017.

#### ***Insurer***

ACT 1223 (SB881) clarifies that a domestic ceding insurer is allowed a credit for reinsurance; allows a retaliatory tax credit for certain taxes, penalties, or fees paid to other states by a domestic property and casualty insurer; revises the requirements for Market Conduct Annual Statements; modifies the Insurance Holding Company Regulatory Act; amends the investment laws for domestic insurers; allows an insurer to use borrowed surplus; establishes the Risk Management and Own Risk Assessment Act; regulates principal-based reserves; and adopts the National Association for Insurance Commissioners' Model Standard Valuation Life Insurance and Annuities Law.

#### ***Reports and Filings***

ACT 1210 (SB769) amends the property and casualty law. The act repeals the requirement for annual direct writing reports, clarifies form filings by an insurance company, amends the valued policy law to regulate total loss claims involving more than one (1) insurer, provides exceptions to the valued policy law, clarifies the calculation of property damage claim payments, modifies the Fire Loss Reporting Act of 2003, and clarifies the disclosure requirements for residential earthquake coverage.

### COVERAGE AND BENEFITS

#### ***Craniofacial Anomaly - Coverage Required***

ACT 373 (HB1417) amends the requirement that a health benefit plan provide for craniofacial anomaly reconstructive surgery and clarifies that the surgery and treatment to improve a functional impairment due to the craniofacial anomaly be medically necessary as determined by a nationally approved cleft-craniofacial team, approved by the American Cleft Palate-Craniofacial Association in Chapel Hill, North Carolina.

**INSURANCE****COVERAGE AND BENEFITS*****Prior Authorization***

ACT 1106 (SB318) establishes the Prior Authorization Transparency Act, which prohibits a healthcare insurer from requiring prior authorization for emergency services and requires a healthcare insurer to provide advance notice of changes to prior authorization criteria. The act also provides a prior authorization appeal procedure and requires a physician licensed in this state to make recommendations or decisions concerning prior authorization requests.

***Prior Authorization - Terminal Illness***

ACT 992 (SB316) prohibits insurance providers from denying prior authorization for a covered prescription pain medication for patients with a terminal illness.

***State and Public School Life and Health Insurance Program***

ACT 1135 (SB949) modifies the powers, functions, and duties of the State and Public School Life and Health Insurance Board to require the board to recommend, but not require, that an active employee in a consumer-driven health insurance plan under the State and Public School Life and Health Insurance Program establish a health savings account if the active employee is eligible to do so under federal law. The act provides that beginning in the 2015 plan year, a participating entity shall identify funds that are not paid for federal taxes under the Federal Insurance Contributions Act and are generated only from health insurance pretaxed premiums and use the identified funds for premium assistance. The act also clarifies that funds that are collected for the program are no longer required to be collected one (1) month in advance and that the funds are to pay certain claims, premiums, benefits, and expenses.

***Telemedicine***

ACT 887 (SB133) requires that health insurance plans provide coverage for services provided through telemedicine to the same extent as services provided in person and that a physician who possesses a current and unrestricted license to practice medicine in the State of Arkansas shall make all adverse determinations when conducting prior authorizations. The act also provides that the standards of appropriate practice in traditional healthcare settings govern the healthcare professional's recommendations made through telemedicine. The act declares an emergency and is effective on and after April 1, 2015.

***Vision Care Plans***

ACT 959 (HB1894) prohibits vision care plans and insurers that provide vision benefits from requiring a vision provider to apply a discount to an insured or enrollee for noncovered services or noncovered materials. The act also prevents a vision care plan and insurer providing vision benefits from restricting or limiting the vision care provider's choice of optical labs or choice of sources and suppliers of services if the selected entity complies with the participating provider requirements.

**DENTAL INSURANCE*****Minimum Essential Pediatric Oral Health Benefits***

ACT 1134 (SB927) clarifies that a health carrier satisfies the minimum essential pediatric oral health benefits if the purchaser of a health benefit plan offers reasonable assurance to the health carrier that current coverage for pediatric oral health benefits is in effect beginning January 1, 2016.

**FUNERAL AND BURIAL INSURANCE*****Prepaid Funeral Benefits - Insolvent Licensee***

ACT 904 (SB767) authorizes the Insurance Commissioner to assist prepaid funeral organizations in financial distress and defines a nonguaranteed prepaid contract. The act declares an emergency and is effective on and after April 1, 2015.

**INSURANCE****HEALTH INSURANCE*****Craniofacial Anomaly - Coverage Required***

ACT 373 (HB1417) amends the requirement that a health benefit plan provide for craniofacial anomaly reconstructive surgery and clarifies that the surgery and treatment to improve a functional impairment due to the craniofacial anomaly be medically necessary as determined by a nationally approved cleft-craniofacial team, approved by the American Cleft Palate-Craniofacial Association in Chapel Hill, North Carolina.

***Insurance Panel Participation Process for Healthcare Providers***

ACT 1232 (SB934) amends the healthcare insurers application process regarding healthcare providers.

***Physician - Financial Penalty Prohibited***

ACT 902 (SB701) prohibits a healthcare payor from attributing costs to a physician that are outside the physician's practice when determining gain-sharing or risk-sharing payments if those costs would reduce a physician's gain-sharing amount or increase a physician's risk-sharing amount.

***Prior Authorization - Transparency***

ACT 1106 (SB318) establishes the Prior Authorization Transparency Act, which prohibits a healthcare insurer from requiring prior authorization for emergency services and requires a healthcare insurer to provide advance notice of changes to prior authorization criteria. The act also provides a prior authorization appeal procedure and requires a physician licensed in this state to make recommendations or decisions concerning prior authorization requests.

***Qualified Health Plan - Disclosure of Certain Drug Formulary Information***

ACT 1109 (SB466) requires a health carrier offering a qualified health plan to publish certain drug formulary information on its website beginning January 1, 2017.

***State and Public School Life and Health Insurance Program***

ACT 1135 (SB949) modifies the powers, functions, and duties of the State and Public School Life and Health Insurance Board to require the board to recommend, but not require, that an active employee in a consumer-driven health insurance plan under the State and Public School Life and Health Insurance Program establish a health savings account if the active employee is eligible to do so under federal law. The act provides that beginning in the 2015 plan year, a participating entity shall identify funds that are not paid for federal taxes under the Federal Insurance Contributions Act and are generated only from health insurance pretaxed premiums and use the identified funds for premium assistance. The act also clarifies that funds that are collected for the program are no longer required to be collected one (1) month in advance and that the funds are to pay certain claims, premiums, benefits, and expenses.

***State and Public School Life and Health Insurance Program***

ACT 910 (SB821) defines an "active employee" and clarifies that a participant in a consumer-driven health insurance plan under the State and Public School Life and Health Insurance Program is required to establish a health savings account if the participant is able to do so under federal law and is an active employee who has not yet reached retirement age. The act also makes technical corrections concerning the plan year and the use of funds by the Executive Director of the Employee Benefits Division to pay benefits and expenses.

**INSURANCE****HEALTH INSURANCE*****State and Public School Life and Health Insurance Program - Contributions***

ACT 912 (SB824) clarifies that the participating entity is the appropriate entity to submit a monthly contribution to the State and Public School Life and Health Insurance Program for state employees. The act also modifies the expiration date of the State and Public School Life and Health Insurance Program Legislative Task Force to June 30, 2016, or earlier if the task force determines that it has met its goals.

***State and Public School Life and Health Insurance Program - Retirees***

ACT 364 (SB182) revises the eligibility requirements of certain retirees electing to participate in the State and Public School Life and Health Insurance Program and provides a fee schedule to determine the additional amount owed by a retiree above the premium rate that is dependent on the year the retiree enrolled in the State and Public School Life and Health Insurance Program.

***State and Public School Life and Health Insurance Program - Retirees***

ACT 913 (SB826) corrects conflicting language and modifies provisions that simplify administrative concerns, including combining provisions concerning the enrollment by a retiree in the State and Public School Life and Health Insurance Program; eliminating the requirement that a retiree provide a letter of creditable coverage to the Employee Benefits Division of the Department of Finance and Administration because beginning January 1, 2015, the division no longer provides this type of information to a member who loses health coverage; and removing the requirement that a retiree specify in writing why he or she is declining coverage.

***State-based Health Insurance Exchange - Prohibition***

ACT 398 (SB343) prohibits the implementation of a state-based health insurance exchange in this state under the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 until the Supreme Court of the United States issues a ruling in *King v. Burwell*. The act provides that if the Supreme Court of the United States decides that *King v. Burwell* modifies state subsidy eligibility requirements, the state shall not implement a state-based exchange without the approval of the General Assembly.

**HOMEOWNERS INSURANCE*****Fire Protection Class Code - Review***

ACT 961 (HB1906) authorizes the State Fire Marshal to review rate filings by an advisory organization to determine if the evaluation of fire protection services is reasonable and to make recommendations to the Insurance Commissioner.

***Property and Casualty Law***

ACT 1210 (SB769) amends the property and casualty law. The act repeals the requirement for annual direct writing reports, clarifies form filings by an insurance company, amends the valued policy law to regulate total loss claims involving more than one (1) insurer, provides exceptions to the valued policy law, clarifies the calculation of property damage claim payments, modifies the Fire Loss Reporting Act of 2003, and clarifies the disclosure requirements for residential earthquake coverage.

**INSURANCE****INSURANCE DEPARTMENT*****General Omnibus***

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws; improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department; clarifies that the Public Employee Claims Division is responsible for financing workers' compensation coverage for public employees; clarifies the Governmental Bonding Board's responsibilities under the self-insured fidelity bond program to seek restitution upon a criminal conviction; modifies the diversification restrictions on investments in certificates of deposit and savings and loan association deposits; repeals the experience requirement for an adjuster license; revises the applicability of certain laws to title insurance; clarifies the grounds for disapproving a premium rate form; and replaces obsolete language concerning remittance of insurance premium taxes.

***Insurance Commissioner - Advisory Organization Recommendations***

ACT 961 (HB1906) authorizes the State Fire Marshal to review rate filings by an advisory organization to determine if the evaluation of fire protection services is reasonable and to make recommendations to the Insurance Commissioner.

***Public Employee Claims Division***

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws, improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department, and clarifies that the Public Employee Claims Division is responsible for financing workers' compensation coverage for public employees.

***Regulation***

ACT 1223 (SB881) clarifies that a domestic ceding insurer is allowed a credit for reinsurance; allows a retaliatory tax credit for certain taxes, penalties, or fees paid to other states by a domestic property and casualty insurer; revises the requirements for Market Conduct Annual Statements; modifies the Insurance Holding Company Regulatory Act; amends the investment laws for domestic insurers; allows an insurer to use borrowed surplus; establishes the Risk Management and Own Risk Assessment Act; regulates principal-based reserves; and adopts the National Association for Insurance Commissioners' Model Standard Valuation Life Insurance and Annuities Law.

***Regulation of Third-Party Administrators***

ACT 689 (SB487) modifies the definition of "third-party administrator" to include a pharmacy benefits manager; defines a "pharmacy benefits manager" and a "pharmacy benefits plan or program"; and clarifies that the State Insurance Department does not regulate third-party administrators for self-insured plans, multiple employer trusts, or multiple employer welfare arrangements.

**LIABILITY INSURANCE*****Construction Agreements and Contracts - Choice of Forum***

ACT 1110 (SB488) prohibits the enforcement of certain provisions in construction agreements and construction contracts concerning choice of forum provisions and defines "gas", "oil", and "operator" when used in construction contracts.

***Construction Agreements and Contracts - Liability***

ACT 1120 (SB726) promotes fair and equitable allocation of liability in construction contracts and revises the enforceability provisions of a construction contract that has a hold harmless provision.

**INSURANCE**

LIABILITY INSURANCE

***Transportation Network Companies***

ACT 1050 (SB800) creates the Transportation Network Company Services Act, which prohibits an individual or entity from operating a transportation network company in Arkansas without first having obtained a permit to operate a transportation network company from the Arkansas Public Service Commission.

***Transportation Network Company Services Act***

ACT 1267 (SB780) revises the definitions used in the Transportation Network Company Services Act and requires additional insurance coverage for a driver and motor vehicle used to transport a rider under the Transportation Network Company Services Act.

LIFE INSURANCE AND ANNUITIES

***Model Standard Valuation Life Insurance and Annuities Law***

ACT 1223 (SB881) clarifies that a domestic ceding insurer is allowed a credit for reinsurance; allows a retaliatory tax credit for certain taxes, penalties, or fees paid to other states by a domestic property and casualty insurer; revises the requirements for Market Conduct Annual Statements; modifies the Insurance Holding Company Regulatory Act; amends the investment laws for domestic insurers; allows an insurer to use borrowed surplus; establishes the Risk Management and Own Risk Assessment Act; regulates principal-based reserves; and adopts the National Association for Insurance Commissioners' Model Standard Valuation Life Insurance and Annuities Law.

***Unclaimed Life Insurance Benefits Act***

ACT 905 (SB768) establishes the Unclaimed Life Insurance Benefits Act and requires an insurer, upon receipt of knowledge of death of an insured, to perform a good faith effort to confirm the death and process the death benefits under the annuity contract or policy or certificate of life insurance. The act provides that unclaimed death benefits escheat to the state as unclaimed property under the Unclaimed Property Act and that an insurer's noncompliance as a general business practice may be subject to the Trade Practices Act. The act is effective on and after June 30, 2016.

MOTOR VEHICLES

***Transportation Network Company Services Act***

ACT 1050 (SB800) creates the Transportation Network Company Services Act, which prohibits an individual or entity from operating a transportation network company in Arkansas without first having obtained a permit to operate a transportation network company from the Arkansas Public Service Commission.

***Transportation Network Company Services Act***

ACT 1267 (SB780) revises the definitions used in the Transportation Network Company Services Act and requires additional insurance coverage for a driver and motor vehicle used to transport a rider under the Transportation Network Company Services Act.

PATIENTS RIGHTS AND ISSUES

***Craniofacial Anomaly - Coverage Required***

ACT 373 (HB1417) amends the requirement that a health benefit plan provide for craniofacial anomaly reconstructive surgery and clarifies that the surgery and treatment to improve a functional impairment due to the craniofacial anomaly be medically necessary as determined by a nationally approved cleft-craniofacial team, approved by the American Cleft Palate-Craniofacial Association in Chapel Hill, North Carolina.



**INSURANCE****PATIENTS RIGHTS AND ISSUES*****Patient Rights Regarding Payment for Pharmacists Services Act***

ACT 1025 (SB542) creates the Patient Rights Regarding Payment for Pharmacists Services Act and requires a pharmacy benefits manager to obtain an individual's express consent to alter or change provider choice within a pharmacy benefits plan or program. The act also limits patient payments for pharmacist services and authorizes the Insurance Commissioner to seek an injunction against a pharmacy benefits manager to enforce the act.

***Prior Authorization Transparency Act***

ACT 1106 (SB318) establishes the Prior Authorization Transparency Act, which prohibits a healthcare insurer from requiring prior authorization for emergency services and requires a healthcare insurer to provide advance notice of changes to prior authorization criteria. The act also provides a prior authorization appeal procedure and requires a physician licensed in this state to make recommendations or decisions concerning prior authorization requests.

***Terminal Illness - Prior Authorization***

ACT 992 (SB316) prohibits insurance providers from denying prior authorization for a covered prescription pain medication for patients with a terminal illness.

**PAYMENTS, PROCEEDS, AND SETTLEMENTS*****Death Benefits - Unclaimed***

ACT 905 (SB768) establishes the Unclaimed Life Insurance Benefits Act and requires an insurer, upon receipt of knowledge of death of an insured, to perform a good faith effort to confirm the death and process the death benefits under the annuity contract or policy or certificate of life insurance. The act provides that unclaimed death benefits escheat to the state as unclaimed property under the Unclaimed Property Act and that an insurer's noncompliance as a general business practice may be subject to the Trade Practices Act. The act is effective on and after June 30, 2016.

**PHARMACIES AND PHARMACISTS*****Third-Party Administrator - Multiple Employer Trusts and Self-insured Plans***

ACT 689 (SB487) modifies the definition of "third-party administrator" to include a pharmacy benefits manager; defines a "pharmacy benefits manager" and a "pharmacy benefits plan or program"; and clarifies that the State Insurance Department does not regulate third-party administrators for self-insured plans, multiple employer trusts, or multiple employer welfare arrangements.

**POLICIES*****Noncovered services and materials***

ACT 959 (HB1894) prohibits vision care plans and insurers that provide vision benefits from requiring a vision provider to apply a discount to an insured or enrollee for noncovered services or noncovered materials. The act also prevents a vision care plan and insurer providing vision benefits from restricting or limiting the vision care provider's choice of optical labs or choice of sources and suppliers of services if the selected entity complies with the participating provider requirements.

***Valued Policy Law***

ACT 1210 (SB769) amends the property and casualty law. The act repeals the requirement for annual direct writing reports, clarifies form filings by an insurance company, amends the valued policy law to regulate total loss claims involving more than one (1) insurer, provides exceptions to the valued policy law, clarifies the calculation of property damage claim payments, modifies the Fire Loss Reporting Act of 2003, and clarifies the disclosure requirements for residential earthquake coverage.

**INSURANCE****PREMIUM TAXES*****Credit Eligibility***

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws, improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department, and replaces obsolete language concerning remittance of insurance premium taxes.

**PREMIUMS AND CHARGES*****Advisory Organization - Review of Fire Protection Class Code Determination***

ACT 961 (HB1906) authorizes the State Fire Marshal to review rate filings by an advisory organization to determine if the evaluation of fire protection services is reasonable and to make recommendations to the Insurance Commissioner.

***Payroll Deductions - State Employee***

ACT 1053 (SB823) clarifies that a state employee's payroll deductions may be for group or individual hospital, medical, and life insurance deductions.

**REGULATION*****Arkansas Healthcare Transparency Initiative***

ACT 1233 (SB956) creates the Arkansas Healthcare Transparency Initiative to create a database that receives and stores data relating to insurance claims information governed by the State Insurance Department. The act also creates the Arkansas Healthcare Transparency Initiative Fund. The act declares an emergency and is effective on and after April 7, 2015.

***Exemption - Concierge Service Arrangement***

ACT 101 (HB1161) exempts a concierge service arrangement from state insurance laws and regulation by the Insurance Commissioner. The act also defines a concierge service arrangement and requires a healthcare provider to disclose in the contractual agreement that a concierge service arrangement is not an insurance policy.

***Prepaid Funeral Benefits - Insolvency Proceedings***

ACT 904 (SB767) authorizes the Insurance Commissioner to assist prepaid funeral organizations in financial distress and defines a nonguaranteed prepaid contract. The act declares an emergency and is effective on and after April 1, 2015.

***Property and Casualty Insurer***

ACT 1223 (SB881) clarifies that a domestic ceding insurer is allowed a credit for reinsurance; allows a retaliatory tax credit for certain taxes, penalties, or fees paid to other states by a domestic property and casualty insurer; revises the requirements for Market Conduct Annual Statements; modifies the Insurance Holding Company Regulatory Act; amends the investment laws for domestic insurers; allows an insurer to use borrowed surplus; establishes the Risk Management and Own Risk Assessment Act; regulates principal-based reserves; and adopts the National Association for Insurance Commissioners' Model Standard Valuation Life Insurance and Annuities Law.

***Property and Casualty Law***

ACT 1210 (SB769) amends the property and casualty law. The act repeals the requirement for annual direct writing reports, clarifies form filings by an insurance company, amends the valued policy law to regulate total loss claims involving more than one (1) insurer, provides exceptions to the valued policy law, clarifies the calculation of property damage claim payments, modifies the Fire Loss Reporting Act of 2003, and clarifies the disclosure requirements for residential earthquake coverage.

**INSURANCE****SCHOOLS AND SCHOOL DISTRICTS*****State and Public School Life and Health Insurance Program***

ACT 1135 (SB949) modifies the powers, functions, and duties of the State and Public School Life and Health Insurance Board to require the board to recommend, but not require, that an active employee in a consumer-driven health insurance plan under the State and Public School Life and Health Insurance Program establish a health savings account if the active employee is eligible to do so under federal law. The act provides that beginning in the 2015 plan year, a participating entity shall identify funds that are not paid for federal taxes under the Federal Insurance Contributions Act and are generated only from health insurance pretaxed premiums and use the identified funds for premium assistance. The act also clarifies that funds that are collected for the program are no longer required to be collected one (1) month in advance and that the funds are to pay certain claims, premiums, benefits, and expenses.

***State and Public School Life and Health Insurance Program***

ACT 910 (SB821) defines an "active employee" and clarifies that a participant in a consumer-driven health insurance plan under the State and Public School Life and Health Insurance Program is required to establish a health savings account if the participant is able to do so under federal law and is an active employee who has not yet reached retirement age. The act also makes technical corrections concerning the plan year and the use of funds by the Executive Director of the Employee Benefits Division to pay benefits and expenses.

***State and Public School Life and Health Insurance Program - Dependents***

ACT 911 (SB822) clarifies the definition of "dependent" under the State and Public School Life and Health Insurance Program to include a participant's natural child, stepchild, or adopted child.

***State and Public School Life and Health Insurance Program - Retirees***

ACT 364 (SB182) revises the eligibility requirements of certain retirees electing to participate in the State and Public School Life and Health Insurance Program and provides a fee schedule to determine the additional amount owed by a retiree above the premium rate that is dependent on the year the retiree enrolled in the State and Public School Life and Health Insurance Program.

***State and Public School Life and Health Insurance Program - Retirees***

ACT 913 (SB826) corrects conflicting language and modifies provisions that simplify administrative concerns, including combining provisions concerning the enrollment by a retiree in the State and Public School Life and Health Insurance Program; eliminating the requirement that a retiree provide a letter of creditable coverage to the Employee Benefits Division of the Department of Finance and Administration because beginning January 1, 2015, the division no longer provides this type of information to a member who loses health coverage; and removing the requirement that a retiree specify in writing why he or she is declining coverage.

**STATE AGENCIES*****Multi-Agency Insurance Trust Fund***

ACT 1188 (HB1807) provides for the use of money from the Arkansas Multi-Agency Insurance Trust Fund for cyber security risk insurance premiums and expenses. The act declares an emergency and is effective on and after April 7, 2015.

## INSURANCE

### TITLE INSURANCE

#### *Title Agent*

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws. The act also improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department and revises the applicability of certain laws to title insurance.

### WORKERS' COMPENSATION

#### *Award - Public School Employees*

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws, improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department, and clarifies that the Public Employee Claims Division is responsible for financing workers' compensation coverage for public employees.

## LABOR AND INDUSTRIAL RELATIONS

### CAREER EDUCATION

#### *Workforce Initiative*

ACT 1131 (SB891) provides for the creation of the Workforce Initiative Act of 2015 to award three (3) phases of grants for workforce education to alliances of various public education and private employer entities.

### EMPLOYERS

#### *Employee References*

ACT 949 (HB1637) provides that employer references may be delivered in various media and provides for the timeliness of an employment reference consent form for an employee who remains with an employer for less than six (6) months.

### TECHNICAL CORRECTIONS - LABOR AND INDUSTRIAL RELATIONS - TITLE 11

ACT 1153 (SB121) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 11 of the Arkansas Code.

### UNEMPLOYMENT ELIGIBILITY AND BENEFITS

#### *Aliens*

ACT 1128 (SB842) provides for an exemption from the definition of "employment" under the Department of Workforce Services Law for services provided by certain legally admitted aliens.

#### *Drug Use*

ACT 690 (SB790) provides that unemployment benefits are terminated under specified circumstances for an employee discharged for illegal drug use. The act makes changes to the employers' appeals process, limits recoupment of overpayment by nonprofits, and allows nonpayment of employer tax to be intercepted under the Claims Resolution Act of 2010. The act declares an emergency and is effective on and after July 1, 2015.

#### *Independent Contractors*

ACT 945 (HB1540) provides for an amended definition of "employment" for the Department of Workforce Services Law by changing the criteria for distinguishing between employees and independent contractors. The act declares an emergency and is effective on and after April 2, 2015.

#### *Maximum Weekly Benefit Amount and Period*

ACT 412 (HB1489) amends the maximum weekly unemployment benefit amount and period for initial claims filed on or after October 1, 2015.

## LABOR AND INDUSTRIAL RELATIONS

### UNEMPLOYMENT INSURANCE

#### *Aliens*

ACT 1128 (SB842) provides for an exemption from the definition of "employment" under the Department of Workforce Services Law for services provided by certain legally admitted aliens.

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#### *Independent Contractors*

ACT 945 (HB1540) provides for an amended definition of "employment" for the Department of Workforce Services Law by changing the criteria for distinguishing between employees and independent contractors. The act declares an emergency and is effective on and after April 2, 2015.

#### *Meaning of "Employment"*

ACT 1133 (SB913) excludes certain services from the definition of "employment" under the Department of Workforce Services Law.

### WORKERS' COMPENSATION

#### *Public School Employees - Public Employee Claims Division*

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws, improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department, and clarifies that the Public Employee Claims Division is responsible for financing workers' compensation coverage for public employees.

### WORKFORCE DEVELOPMENT

#### *Statewide System*

ACT 892 (SB368) provides for a comprehensive, statewide workforce development system. The act restructures the governing board of the Department of Career Education and creates the Office of Skills Development to coordinate various workforce development programs. The act declares an emergency and is effective on and after April 1, 2015.

### WORKFORCE SERVICES DEPARTMENT

#### *Drug Screening and Testing Pilot Program for TANF*

ACT 1205 (SB600) creates the Drug Screening and Testing Act of 2015 to require the Department of Workforce Services to establish a two-year pilot program of suspicion-based drug screening and testing for each applicant and recipient of the Temporary Assistance for Needy Families (TANF) Program. The act is effective no later than December 31, 2015, and shall expire after a period of two (2) years from the beginning of the pilot program.

#### *Professionals of Necessity*

ACT 920 (SB995) requires the Department of Workforce Services to study ways to encourage professionals to work in underprivileged and underserved Arkansas communities.

## LABOR AND INDUSTRIAL RELATIONS

### WORKFORCE SERVICES DEPARTMENT

#### ***Workforce Development Board***

ACT 907 (SB791) provides for the restructuring of the existing state welfare program under the federal Workforce Innovation and Opportunity Act. The act replaces the Temporary Assistance for Needy Families Oversight Board with the Arkansas Workforce Development Board and places expanded emphasis on workforce development under the Temporary Assistance for Needy Families program. The act declares an emergency, and § 15-4-3704 is effective on and after April 1, 2015, and the remaining sections of the act are effective on and after July 1, 2015.

### WORKING CONDITIONS

#### ***Child Labor***

ACT 162 (HB1116) modifies the restriction of employment hours for children to lower the threshold from under eighteen (18) years of age to under seventeen (17) years of age. The act declares an emergency and is effective on and after February 23, 2015.

## LAW ENFORCEMENT

### ARREST PROCEDURES

#### ***Collection of DNA After All Felony Arrests***

ACT 543 (HB1573) requires that a DNA sample be taken from all persons arrested for a felony offense. The act also provides that a DNA sample collected by law enforcement under the act may be destroyed upon request of the person if a criminal conviction related to the collection of the DNA sample is reversed by a court with jurisdiction.

### AUXILIARY LAW ENFORCEMENT OFFICERS

#### ***Eligibility to Carry a Concealed Handgun***

ACT 958 (HB1864) provides that an auxiliary law enforcement officer is eligible to carry a concealed handgun while off duty.

### COMMISSION ON LAW ENFORCEMENT STANDARDS AND TRAINING

#### ***Award of Service Pistol upon Retirement***

ACT 391 (HB1606) allows the Arkansas Commission on Law Enforcement Standards and Training to award the service pistol carried by a certified law enforcement officer employed by the commission to the officer or his or her spouse upon the officer's retirement or death. The act applies to a certified law enforcement officer who retired or died on or after January 1, 2014.

### CRIME INFORMATION CENTER

#### ***Criminal Records***

ACT 1185 (HB1727) allows a person to obtain a criminal history record of another person from the Department of Arkansas State Police by paying a fee.

#### ***Registered Sex Offender Reporting Requirements***

ACT 358 (SB56) amends the reporting requirements under the Sex Offender Registration Act of 1997 to provide for direct reporting to local law enforcement agencies having jurisdiction and updating other required information, including a registered sex offender's residence address and participation in volunteer work.

### CRIME LABORATORY

#### ***Unsubmitted Rape Kits***

ACT 1168 (HB1208) requires a law enforcement agency that maintains, stores, or preserves sexual assault evidence and a healthcare provider charged with performing medical-legal examinations to conduct an audit of all untested sexual assault collection kits and any associated evidence stored by the law enforcement agency and to report the information to the State Crime Laboratory.

**LAW ENFORCEMENT****CRIMINAL INVESTIGATION - GENERALLY*****Child Maltreatment Report by a Healthcare Provider***

ACT 1123 (SB760) requires an investigation of child maltreatment or suspected child maltreatment to include interviews with current or past healthcare providers if the allegation of child maltreatment was reported by a healthcare provider.

***Collection of DNA After All Felony Arrests***

ACT 543 (HB1573) requires that a DNA sample be taken from all persons arrested for a felony offense. The act also provides that a DNA sample collected by law enforcement under the act may be destroyed upon request of the person if a criminal conviction related to the collection of the DNA sample is reversed by a court with jurisdiction.

***Domestic Violence Investigation***

ACT 877 (HB1707) provides that when law enforcement responds to a report of domestic violence, the first officer to interview the victim shall assess the potential danger to the victim by completing a lethality assessment form.

***Fingerprints***

ACT 954 (HB1728) provides that a law enforcement officer shall not take fingerprints of an arrested person at a criminal detention facility if the arrest is for a probation violation and if the arrested person's fingerprints are already on file with the Department of Arkansas State Police.

***Information to Help Victims***

ACT 873 (HB1599) provides for the creation of "Laura's Card," a preprinted document provided by law enforcement that contains information helpful to victims or a victim's family.

***Juvenile Fingerprints***

ACT 1016 (HB1322) specifies the circumstances under which a juvenile arrested for or adjudicated delinquent of a criminal offense may be fingerprinted by a law enforcement agency.

***Location Information of a Wireless Telecommunications Device in an Emergency***

ACT 405 (HB1315) requires a commercial mobile radio service provider to provide location information for a mobile telecommunications device, such as a cell phone, to a law enforcement agency in an emergency situation. The act also requires a commercial mobile radio service provider to submit all contact information to the Arkansas Crime Information Center and update the information as changes occur.

***Prescription Drug Monitoring Program - Law Enforcement***

ACT 901 (SB698) grants certain law enforcement investigators access to the Prescription Drug Monitoring Program to enhance investigative capability.

***Unsubmitted Rape Kits***

ACT 1168 (HB1208) requires a law enforcement agency that maintains, stores, or preserves sexual assault evidence and a healthcare provider charged with performing medical-legal examinations to conduct an audit of all untested sexual assault collection kits and any associated evidence stored by the law enforcement agency and to report the information to the State Crime Laboratory.

***Use of Automatic License Plate Readers***

ACT 849 (HB1744) allows the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department to use an automatic license plate reader system for certain purposes.

## LAW ENFORCEMENT

### CRIMINAL INVESTIGATION - GENERALLY

#### ***Victimless Prosecution in Domestic Violence Cases***

ACT 876 (HB1706) requires that a law enforcement agency investigating a domestic violence case investigate in a manner that would permit the prosecuting attorney to prosecute the case even if the victim is unavailable to testify.

### FIREARMS

#### ***Disposition of Firearms Seized From a Minor or a Mentally Ill Person***

ACT 688 (SB261) provides for the procedures concerning the disposition of a firearm seized by a law enforcement agency from a minor or mentally ill person.

### GENERALLY

#### ***Certification by Chief Law Enforcement Officer Required by Federal Law***

ACT 720 (HB1488) provides for the procedure required of the chief law enforcement officer of a jurisdiction when federal law requires that he or she certify that a person is not prohibited by law from receiving or manufacturing a firearm. The act also provides for a judicial remedy if the request for certification is denied.

#### ***Criminal Impersonation of a Law Enforcement Officer***

ACT 234 (SB227) amends the offense of criminal impersonation in the first degree to include additional prohibitions against impersonating a law enforcement officer. The act also provides that a circuit court may order the removal of any law enforcement emblem, logo, marking, decal, insignia, or design that is prohibited under the act.

#### ***Information to Help Victims***

ACT 873 (HB1599) provides for the creation of "Laura's Card," a preprinted document provided by law enforcement that contains information helpful to victims or a victim's family.

#### ***Visa Identification of Human Trafficking Victims***

ACT 1138 (SB1012) provides for implementation of the findings of the Attorney General's task force on human trafficking by including placement of victims of human trafficking under the responsibilities of the Child Welfare Agency Licensing Act; requiring law enforcement agencies to provide procedures for visa identification of victims of human trafficking; creating an education program concerning sexually exploited children for judges, prosecutors, and circuit and district court clerks; and adding human trafficking to the concerns of the Arkansas Child Abuse/Rape/Domestic Violence Commission.

### ISSUANCE OF ARREST WARRANT

#### ***Department of Community Correction May Issue***

ACT 145 (SB199) provides that the Department of Community Correction may issue an arrest warrant for a person who escapes from the department's custody.

### LOCAL LAW ENFORCEMENT AGENCIES

#### ***Noncriminal Fingerprinting Fee***

ACT 163 (HB1227) provides that a local law enforcement agency may charge a reasonable fee for noncriminal fingerprinting services.

#### ***Registered Sex Offender Reporting Requirements***

ACT 358 (SB56) amends the reporting requirements under the Sex Offender Registration Act of 1997 to provide for direct reporting to local law enforcement agencies having jurisdiction and updating other required information, including a registered sex offender's residence address and participation in volunteer work.



## LAW ENFORCEMENT

### MILITARY AFFAIRS

#### ***Military Code of Arkansas***

ACT 1003 (SB795) updates the Military Code of Arkansas, including eliminating courts of inquiry, providing for the restraint of persons under the jurisdiction of an organized militia, amending the law concerning nonjudicial and court martial punishments, amending the rules and procedures applicable to courts martial, amending the sentencing provisions for courts martial, and amending various criminal offenses under the Military Code of Arkansas.

### NONCONSENT TOWING

#### ***Towing Rates***

ACT 387 (SB481) requires a government entity that maintains a towing rotation list to require the towing companies in the rotation to file a list of their current rates with the government entity. The act also requires a fine for a violation of this provision.

### PROSECUTING ATTORNEYS

#### ***Address on Driver's License***

ACT 397 (SB311) provides that a prosecuting attorney or deputy prosecuting attorney may use a post office box or the address of his or her office as the address on his or her driver's license.

### SERVICE FIREARMS

#### ***Award to County Sheriff upon Retirement or Death***

ACT 60 (HB1081) provides that a county sheriff may award the service pistol carried by a deputy sheriff to the deputy sheriff upon the deputy sheriff's retirement or to his or her spouse upon the deputy sheriff's death. The act further provides that a county sheriff who retires while he or she is still in office may receive or retain his or her service pistol upon his or her retirement or his or her spouse may receive the service pistol upon the county sheriff's death.

### SEX OFFENDER REGISTRATION

#### ***Extended Supervision for Certain Sex Offenders***

ACT 973 (SB46) provides that certain sex offenders released on parole, released from probation, or released from the Arkansas State Hospital may be subject to extended supervision and monitoring after release.

#### ***Registered Sex Offender Residing Near Church or Other Place of Worship***

ACT 376 (HB1164) provides that a registered sex offender who has been assessed as a Level 4 sex offender may not knowingly reside within two thousand feet (2,000') of a church or other place of worship.

#### ***Reporting Requirements***

ACT 358 (SB56) amends the reporting requirements under the Sex Offender Registration Act of 1997 to provide for direct reporting to local law enforcement agencies having jurisdiction and updating other required information, including a registered sex offender's residence address and participation in volunteer work.

### STATE POLICE

#### ***Award of Flags for Fallen Officers***

ACT 100 (HB1157) allows a state law enforcement agency to award a United States flag to the family of a law enforcement officer who lost his or her life in the course of employment with the state law enforcement agency. The act declares an emergency and is effective on and after February 18, 2015.

**LAW ENFORCEMENT**

STATE POLICE

***Financing - Revenue Bonds***

ACT 856 (SB636) creates the Department of Arkansas State Police Headquarters Facilities and Equipment Financing Act to provide a designated source for financing the department's acquisition and construction of headquarters facilities and communication and information technology equipment through the use of revenue bonds. The act includes a sunset clause applicable to the financing provisions of the act that is effective twenty (20) years from the effective date of the act. The act declares an emergency and is effective on and after March 31, 2015.

***Licensing of Certain Security Persons and Entities***

ACT 393 (SB164) abolishes the Arkansas Board of Private Investigators and Private Security Agencies and provides for the Department of Arkansas State Police to assume all licensing and other administrative functions formerly assigned to the board. The act provides that the department is responsible for all licensing and the establishment of training requirements for private investigators, private security agencies, voice stress analysts, polygraph analysts, fire alarm systems companies, and alarm systems companies. The act also provides that the department is responsible for licensing and training for a newly established school security license that would permit school personnel to carry a concealed handgun on the campus of a school where they are employed for the purpose of school security and emergency response. The act is effective on and after September 1, 2015.

***State Fire Marshal Enforcement Section***

ACT 961 (HB1906) authorizes the State Fire Marshal to review rate filings by an advisory organization to determine if the evaluation of fire protection services is reasonable and to make recommendations to the Insurance Commissioner.

TECHNICAL CORRECTIONS - LAW ENFORCEMENT, EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS - TITLE 12

ACT 1161 (SB129) makes technical corrections recommended by the Arkansas Code Revision Commission to Titles 12 and 20 of the Arkansas Code.

TRAINING AND QUALIFICATIONS

***Former County Sheriff as Municipal Law Enforcement Officer***

ACT 1045 (HB2004) amends the requirements for the employment of a former county sheriff as a municipal law enforcement officer.

***Licensing of Certain Security Persons and Entities***

ACT 393 (SB164) abolishes the Arkansas Board of Private Investigators and Private Security Agencies and provides for the Department of Arkansas State Police to assume all licensing and other administrative functions formerly assigned to the board. The act provides that the department is responsible for all licensing and the establishment of training requirements for private investigators, private security agencies, voice stress analysts, polygraph analysts, fire alarm systems companies, and alarm systems companies. The act also provides that the department is responsible for licensing and training for a newly established school security license that would permit school personnel to carry a concealed handgun on the campus of a school where they are employed for the purpose of school security and emergency response. The act is effective on and after September 1, 2015.

**LAW ENFORCEMENT**VEHICLES***Non-consent Towing Rotation Policy***

ACT 1224 (SB893) establishes a procedure for removing a tow company from the non-consent rotation list and authorizes the imposition of fines for a violation of a recognized non-consent rotation policy. The act also requires law enforcement to establish a non-consent rotation policy if one does not already exist and authorizes the Director of the Arkansas Towing and Recovery Board and an investigator employed by the Arkansas Towing and Recovery Board to issue citations for violations of the towing laws.

**LOTTERY**ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM***Eligibility***

ACT 1105 (SB5) modifies the eligibility requirements for traditional students under the Arkansas Academic Challenge Scholarship Program - Part 2 and modifies provisions related to award amounts and funding. The act declares an emergency concerning sections 6 and 7 of the act, and those sections are effective on and after April 6, 2015. Sections 1 through 5 of the act are effective on and after July 1, 2016.

LOTTERY COMMISSION***Reorganization***

ACT 218 (SB7) abolishes the Arkansas Lottery Commission and places the operation and administration of the lottery with the Office of the Arkansas Lottery within the Management Services Division of the Department of Finance and Administration. The act also makes technical name changes to various sections of the code referencing the Arkansas Lottery Commission. The act declares an emergency and is effective on and after February 26, 2015.

LOTTERY PROCEEDS***Increasing Scholarship Amounts***

ACT 1262 (SB404) increases the amount of lottery revenue available for scholarships by repealing the monetary requirement for compulsive gambling disorder treatment and educational programs. The act also clarifies for what purposes the Department of Higher Education may be reimbursed.

OVERSIGHT***Legislative Council***

ACT 1258 (SB2) implements Article 5, Section 42, of the Arkansas Constitution by providing for the review and approval of administrative rules by the Legislative Council. The act specifies the process for review and approval of administrative rules. The act also repeals the Arkansas Lottery Legislative Oversight Committee and requires that information previously filed with the oversight committee be filed with the Legislative Council.

RETAILERS***Bonding***

ACT 1076 (HB1279) modifies the bonding requirements for lottery retailers.

SCHOLARSHIPS, GRANTS, AND FINANCIAL AID***Funding***

ACT 1250 (HB1779) modifies the distribution method for awards under the Arkansas Academic Challenge Scholarship Program - Part 2.

## MILITARY AND VETERANS

### CONCEALED HANDGUN LICENSING

#### *Eligibility*

ACT 105 (HB1190) provides that a person is eligible to be issued a concealed handgun license if he or she is at least eighteen (18) years of age and is currently or was formally a member of the United States Armed Services.

### MILITARY CODE

#### *Courts Martial*

ACT 1003 (SB795) updates the Military Code of Arkansas, including eliminating courts of inquiry, providing for the restraint of persons under the jurisdiction of an organized militia, amending the law concerning nonjudicial and court martial punishments, amending the rules and procedures applicable to courts martial, amending the sentencing provisions for courts martial, and amending various criminal offenses under the Military Code of Arkansas.

### MILITARY INSTALLATIONS

#### *Procurement of Municipal Utilities*

ACT 147 (SB220) exempts from procurement laws projects related to supplying water or wastewater utility services, operations, or maintenance to a federal military installation by a municipality of the state. The act declares an emergency and is effective on and after February 23, 2015.

### MILITARY PROPERTY

#### *Motor Vehicle Violations*

ACT 682 (SB794) authorizes the Adjutant General to institute a process for administrative adjudication of a violation of a motor vehicle regulation by a driver on a military reservation. The act declares an emergency and is effective on and after March 24, 2015.

### NATIONAL GUARD AND RESERVES

#### *Military Family Relief Check-Off Program*

ACT 402 (SB731) amends the use of the funds received under the Military Family Relief Check-Off Program. The act declares an emergency and is effective on and after March 12, 2015.

### SPECIAL LICENSE PLATES

#### *Disabled Veterans - Requirements*

ACT 703 (HB1621) amends the requirements for issuance of a special license plate to a disabled veteran.

#### *Veterans of Foreign Wars Special Motorcycle License Plate*

ACT 698 (HB1531) amends the fees required for Veterans of Foreign Wars motorcycle license plates.

#### *Veterans of Lebanon Conflict*

ACT 1140 (SB1021) authorizes the issuance of a special license plate and decal to honor the service of veterans of the Lebanon conflict.

### VETERANS

#### *Designation of Gold Star Families Highway*

ACT 956 (HB1816) establishes a highway designation for the Gold Star Families Highway to honor Arkansas's fallen service members who have served in the United States Armed Forces and their families.

**MILITARY AND VETERANS****VETERANS*****Licensure and Certification***

ACT 848 (HB1723) allows active duty military service members stationed in Arkansas, returning military veterans applying within one (1) year of discharge, and their spouses to obtain temporary licensure or certification to engage in professions in the state and receive an expedited licensure or certification process; allows a state board or commission to consider military training and experience when considering licensure or certification and substitute that training and experience for required experience or education; provides that licensure or certification for deployed active duty military service members shall not expire until one hundred eighty (180) days following the return from active deployment; and allows an exemption from continuing education requirements for deployed active duty military service members, returning military veterans within one (1) year of discharge, and their spouses. The act declares an emergency and is effective on and after March 31, 2015.

***Prorated Property Tax Exemption - Disabled Veterans***

ACT 1167 (HB1176) prorates the property tax exemption for disabled veterans to the date of sale of the property and provides that, once established, the exemption applies regardless of where the homestead is located in the state.

***Uniform Veterans' Guardianship Act***

ACT 1129 (SB850) regulates the investment practices of a guardian of an estate and modifies the Uniform Veterans' Guardianship Act.

**MOTOR VEHICLES****ALL-TERRAIN VEHICLES*****Use of Public Roads - Enforcement***

ACT 724 (HB1607) allows officers and employees of the Arkansas State Game and Fish Commission and the Arkansas State Highway and Transportation Department to enforce the laws governing the use of public roads by all-terrain vehicles.

**COMMERCIAL DRIVER'S LICENSE*****Adoption of Federal Regulations***

ACT 578 (HB1415) amends the Arkansas Uniform Commercial Driver License Act to comply with federal commercial driver license regulations, including changes to the definitions of "commercial motor vehicle" and "gross combination weight rating", the waiver of skills testing for military personnel, changes to the bonding requirements, and changes to the endorsements and restrictions on commercial driver licenses. The act declares an emergency and is effective on and after May 18, 2015.

**DRIVER'S LICENSE*****Education and Licensing for Teen Drivers***

ACT 1199 (SB49) provides for an educational program on teen driving through the Arkansas State Police and Arkansas Children's Hospital and changes the requirements for instruction permits and graduated driver's licenses.

***Examination Fee***

ACT 1289 (SB633) provides that the five-dollar fee for taking the driver's license examination applies to all driver's license examination tests taken.

***Expiration and Fees***

ACT 343 (HB1359) extends the expiration period for a driver's license to eight (8) years from the date the driver's license was issued and amends certain issuance fees. The act is effective on and after January 1, 2016.

**MOTOR VEHICLES****DRIVER'S LICENSE*****Learner's Permits***

ACT 1049 (SB783) increases the time period for instruction permits to twelve (12) months and repeals the provision allowing for the renewal of an instruction permit.

***Prosecuting Attorneys and Deputy Prosecuting Attorneys - Address***

ACT 397 (SB311) provides that a prosecuting attorney or deputy prosecuting attorney may use a post office box or the address of his or her office as the address on his or her driver's license.

***Reinstatement Fees***

ACT 1193 (HB1878) provides that, between January 1, 2016, and June 30, 2016, a person whose driving privileges are suspended or revoked solely as a result of outstanding driver's license reinstatement fees imposed under the laws of this state is eligible to pay a one-time driver's license reinstatement fee of one hundred dollars (\$100) if the person has paid all costs, fines, and fees associated with his or her driver's license suspension and has successfully completed a specialty court program, such as drug court. The act is effective on and after January 1, 2016.

***Restricted Driving Permit - Specialty Court Program Participants***

ACT 1246 (HB1645) authorizes the issuance of a restricted driving permit to a participant in a specialty court program whose driver's license has been suspended.

***Security - Enhanced Identification***

ACT 173 (HB1294) extends the expiration date for the Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act. The act declares an emergency and is effective on and after February 23, 2015.

***Suspended and Revoked Licenses***

ACT 176 (HB1310) removes the requirement that the Office of Motor Vehicle retain suspended or revoked driver's licenses and authorizes the issuance of a duplicate driver's license and the imposition of fees at the end of the period of license suspension.

***Visual Examination Requirement***

ACT 696 (HB1476) amends the visual examination requirements for an Arkansas driver's license.

**DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS*****Driving on a Suspended Driver's License***

ACT 1035 (HB1678) increases the penalty range for driving on a suspended driver's license resulting from a conviction for driving while intoxicated to not less than ten (10) days but not more than ninety (90) days.

***Driving or Boating While Intoxicated***

ACT 299 (SB81) combines the separate offenses of driving while intoxicated and boating while intoxicated into one offense of driving or boating while intoxicated with the same criminal and administrative penalties as well as identical sentence enhancement provisions.

***Use of an Interlock Device***

ACT 1221 (SB877) amends the law concerning the use of an interlock device on a person's motor vehicle when the person has been charged with driving or boating while intoxicated.

**EQUIPMENT*****Use of an Interlock Device***

ACT 1221 (SB877) amends the law concerning the use of an interlock device on a person's motor vehicle when the person has been charged with driving or boating while intoxicated.

## MOTOR VEHICLES

### FINANCIAL RESPONSIBILITY AND INSURANCE

#### ***Driver Monitoring Program***

ACT 702 (HB1613) creates a driver monitoring program that authorizes the Office of Driver Services to monitor certain driver records and furnish driver monitoring reports to insurers. The act is effective on and after January 1, 2016.

#### ***Transportation Network Companies***

ACT 1050 (SB800) creates the Transportation Network Company Services Act, which prohibits an individual or entity from operating a transportation network company in Arkansas without first having obtained a permit to operate a transportation network company from the Arkansas Public Service Commission.

#### ***Transportation Network Company Services Act***

ACT 1267 (SB780) revises the definitions used in the Transportation Network Company Services Act and requires additional insurance coverage for a driver and motor vehicle used to transport a rider under the Transportation Network Company Services Act.

### LICENSE PLATES

#### ***Metal Transporter Plate***

ACT 1252 (HB1852) provides that a person, firm, or corporation that is regularly engaged in the business of driving or towing motor vehicles or trailers, including an automobile dealer, may be issued an annual metal transporter plate.

#### ***Temporary Tags - Fees and Penalties***

ACT 705 (HB1647) requires that a temporary tag fee in excess of two dollars and fifty cents (\$2.50) be retained by the state and establishes a penalty for the inappropriate issuance of temporary tags. The act is effective on and after October 1, 2015.

### MOTOR CARRIERS

#### ***Transportation Contract - Indemnity***

ACT 572 (SB755) provides that a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract to be performed all or in part in Arkansas is against the public policy of the state and is void and unenforceable if it purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligent, reckless, intentional, malicious, willful, or wanton acts or omissions of the promisee. The act also specifies certain exceptions to this provision. The act declares an emergency and is effective on and after March 20, 2015.

### MOTOR VEHICLE COMMISSION

#### ***Warranties and Unlawful Practices***

ACT 1055 (SB917) amends the Arkansas Motor Vehicle Commission Act, including provisions concerning payment to a motor vehicle dealer for warranty work and the motor vehicle service and handling fee charged for preparing documents in connection with the sale or lease of a new or used motor vehicle.

### MOTORCYCLES

#### ***Supplemental Accident Reports***

ACT 706 (HB1656) repeals the requirement to prepare a supplemental motorcycle traffic accident report for a traffic accident involving a motorcycle or other similar motor-driven cycle.

#### ***Veterans of Foreign Wars Special License Plate***

ACT 698 (HB1531) amends the fees required for Veterans of Foreign Wars motorcycle license plates.

## MOTOR VEHICLES

### OFFICE OF DRIVER SERVICES

#### ***Driver Monitoring Program***

ACT 702 (HB1613) creates a driver monitoring program that authorizes the Office of Driver Services to monitor certain driver records and furnish driver monitoring reports to insurers. The act is effective on and after January 1, 2016.

### OFFICE OF MOTOR VEHICLES

#### ***Electronic Records***

ACT 569 (SB635) authorizes the release of motor vehicle records for any purpose authorized by the Driver's Privacy Protection Act of 1994 and requires the execution of a written agreement between a party requesting a noncertified electronic motor vehicle record and the Department of Finance and Administration that contains provisions to hold the department harmless for the release of a motor vehicle record contrary to state or federal law and to indemnify the state for damages that arise from an unauthorized release of a motor vehicle record.

### REGISTRATION

#### ***Transfer of Title and Registration - Acquisition by Operation of Law***

ACT 726 (HB1702) requires that certain procedures be followed for a lien holder to obtain the registration for and certificate of title to a motor vehicle acquired by operation of law. The act creates exceptions to the required procedures for motor vehicles sold by an auto auction or by a licensed motor vehicle dealer to an Arkansas purchaser who did not register the motor vehicle in Arkansas. The act declares an emergency and is effective on and after July 1, 2015.

### RULES OF THE ROAD

#### ***All-Terrain Vehicles - Enforcement***

ACT 724 (HB1607) allows officers and employees of the Arkansas State Game and Fish Commission and the Arkansas State Highway and Transportation Department to enforce the laws governing the use of public roads by all-terrain vehicles.

#### ***Motor Vehicle Violations on Military Property***

ACT 682 (SB794) authorizes the Adjutant General to institute a process for administrative adjudication of a violation of a motor vehicle regulation by a driver on a military reservation. The act declares an emergency and is effective on and after March 24, 2015.

#### ***Reduction of Fine for Wearing a Seat Belt***

ACT 953 (HB1699) repeals the provision of the law that permitted a ten-dollar reduction of the fine for a moving violation if the person was wearing a seat belt.

### SIZE AND LOAD REGULATIONS

#### ***Disposition of Fees and Penalties***

ACT 594 (HB1893) amends the disposition of fees and penalties assessed for the operation of a motor vehicle on a state highway that exceeds authorized size and weight regulations.

#### ***Transport of Containerized Cargo Units***

ACT 740 (SB871) authorizes the issuance of a special permit for transportation of a sealed containerized cargo unit for a single trip or for a one-year period along a specified route. The act also modifies the restrictions and compliance requirements for the transportation of sealed containerized cargo units subject to a special permit.

#### ***Transport of Manufactured Homes***

ACT 571 (SB748) increases the allowable width of a manufactured home authorized for transport on a state highway.



## MOTOR VEHICLES

### SPECIAL LICENSE PLATES

#### ***Amateur Radio Station Owners***

ACT 737 (SB749) authorizes the issuance of additional sequential amateur special license plates with the same amateur station call sign.

#### ***Arkansas State Chapter of National Wild Turkey Federation***

ACT 1130 (SB875) provides for the issuance, renewal, and replacement of special license plates to support and promote the Arkansas State Chapter of the National Wild Turkey Federation, Inc.

#### ***Autism Awareness***

ACT 574 (HB1234) authorizes the issuance, renewal, and replacement of special license plates to promote and support autism awareness.

#### ***Disabled Veterans - Requirements***

ACT 703 (HB1621) amends the requirements for issuance of a special license plate to a disabled veteran.

#### ***Firefighters***

ACT 386 (SB354) removes the limitation on the issuance of firefighter license plates and redirects the remittance of the additional monthly fee to the Arkansas Professional Firefighters Association.

#### ***Hospice and Palliative Care***

ACT 859 (SB759) provides for a special license plate for support of hospice and palliative care.

#### ***Pancreatic Cancer Awareness - Repeal***

ACT 859 (SB759) repeals the provisions creating a special license plate for pancreatic cancer awareness.

#### ***Rotary International - Repeal***

ACT 1130 (SB875) repeals the provisions creating a special license plate to honor Rotary International.

#### ***Veterans of Foreign Wars Motorcycle License Plate***

ACT 698 (HB1531) amends the fees required for Veterans of Foreign Wars motorcycle license plates.

#### ***Veterans of Lebanon Conflict***

ACT 1140 (SB1021) authorizes the issuance of a special license plate and decal to honor the service of veterans of the Lebanon conflict.

### TECHNICAL CORRECTIONS - TRANSPORTATION - TITLE 27

ACT 1158 (SB126) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 27 of the Arkansas Code.

### TITLING

#### ***Transfer of Title and Registration - Acquisition by Operation of Law***

ACT 726 (HB1702) requires that certain procedures be followed for a lien holder to obtain the registration for and certificate of title to a motor vehicle acquired by operation of law.

The act creates exceptions to the required procedures for motor vehicles sold by an auto auction or by a licensed motor vehicle dealer to an Arkansas purchaser who did not register the motor vehicle in Arkansas. The act declares an emergency and is effective on and after July 1, 2015.

### TOWING AND STORAGE

#### ***Complaint Resolution Procedure***

ACT 1117 (SB562) creates a procedure for resolving consumer complaints regarding towing that are not filed directly with the Arkansas Towing and Recovery Board.

**MOTOR VEHICLES**

TOWING AND STORAGE

***Metal Transporter Plate***

ACT 1252 (HB1852) provides that a person, firm, or corporation that is regularly engaged in the business of driving or towing motor vehicles or trailers, including an automobile dealer, may be issued an annual metal transporter plate.

***Minimum Standards for Facilities***

ACT 1195 (HB1896) requires that the Arkansas Towing and Recovery Board establish a minimum standard for the structure of a place of business and storage facility used for the daily operation of a licensed tow company.

***Penalties - Removal from Non-consent Rotation List***

ACT 1224 (SB893) establishes a procedure for removing a tow company from the non-consent rotation list and authorizes the imposition of fines for a violation of a recognized non-consent rotation policy. The act also requires law enforcement to establish a non-consent rotation policy if one does not already exist and authorizes the Director of the Arkansas Towing and Recovery Board and an investigator employed by the Arkansas Towing and Recovery Board to issue citations for violations of the towing laws.

***Self-service Storage Facility - Removal***

ACT 348 (HB1404) provides a procedure for an operator of a self-service storage facility to remove motorized personal property if an occupant is in default. The act also requires that an operator of a tow vehicle remove the motorized personal property.

***Towing and Recovery Board - Membership Requirements***

ACT 1197 (HB1964) amends the membership requirements for the Arkansas Towing and Recovery Board.

***Towing Rates***

ACT 387 (SB481) requires a government entity that maintains a towing rotation list to require the towing companies in the rotation to file a list of their current rates with the government entity. The act also requires a fine for a violation of this provision.

TRAFFIC

***Motorcycle Accident Reports***

ACT 706 (HB1656) repeals the requirement to prepare a supplemental motorcycle traffic accident report for a traffic accident involving a motorcycle or other similar motor-driven cycle.

**NATURAL RESOURCES**

BOARDS, COUNCILS, COMMITTEES, AND COMMISSIONS

***Appointments***

ACT 1100 (HB1851) changes the method of appointing members to certain state boards and commissions.

LAND

***Geographic Information Systems***

ACT 103 (HB1168) changes the name of the Arkansas Geographic Information Office to the Arkansas Geographic Information Systems Office.

OIL, GAS, AND BRINE

***Brine Expansion Units***

ACT 89 (SB47) provides that the Arkansas Oil and Gas Commission shall enact rules to allow brine producers to form brine expansion units containing one (1) or more brine production wells or brine injection wells. The act also clarifies the annual adjustment of in-lieu royalty payments. The act declares an emergency and is effective on and after February 13, 2015.

## NATURAL RESOURCES

### OIL, GAS, AND BRINE

#### *Hearings*

ACT 906 (SB778) provides opportunities for hearings before the Oil and Gas Commission and provides the Oil and Gas Commission with flexibility regarding the holding of hearings.

#### *Sales Tax Exemption for Certain Fluids*

ACT 1126 (SB802) exempts saltwater, drilling fluids, hydraulic fracturing fluids, produced water, pit water, pit mud, and similar materials produced or generated from oil, gas, or other natural resource exploration and development activities from the definition of "solid wastes" for purposes of sales and use taxes. The act is effective on and after October 1, 2015.

#### *Sales Tax Exemption for Sand and Other Proppants*

ACT 1125 (SB801) creates an exemption from the sales and use tax for sand and other proppants used to complete a new oil or gas well or to re-complete, redrill, or expand an existing oil or gas well. The act is effective on and after October 1, 2015.

#### *Use of Gas Assessment Fees*

ACT 1046 (SB554) amends the laws concerning the collection, deposit, and use of gas assessment fees and designates certain gas assessment fees as general revenues. The act declares an emergency and is effective on and after July 1, 2015.

### PUBLIC PROPERTY

#### *Mineral, Timber, and Other Resources*

ACT 1132 (SB910) amends laws concerning the administration of leases and permits for natural resources of the state and the Natural Resources Committee by increasing penalties for removing natural resources from navigable rivers and lakes in this state or other state lands without a permit from or lease with the Commissioner of State Lands. The act also provides that a member of the Natural Resources Committee may designate a person within the member's organization to attend meetings and conduct committee business on the member's behalf.

### TECHNICAL CORRECTIONS - NATURAL RESOURCES AND ECONOMIC DEVELOPMENT - TITLE 15

ACT 1149 (SB116) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 15 of the Arkansas Code.

### WATER

#### *Eleven Point River - Motorboat Requirements*

ACT 337 (HB1179) repeals the requirement regarding the engine horsepower of motorboats operating on the Eleven Point River.

#### *Funding for Arkansas Port, Intermodal, and Waterway Development Grant Program*

ACT 855 (SB556) requires the Chief Fiscal Officer of the State to notify the Executive Director of the Arkansas Waterways Commission when funding is available for the Arkansas Port, Intermodal, and Waterway Development Grant Program.

### WILDLIFE

#### *Annual Resident Hunting and Fishing Licenses - People Aged 65+*

ACT 368 (SB233) creates an annual resident sportsman hunting license for residents sixty-five (65) years of age or older with a maximum fee of \$3.50, an annual resident fishing license for residents sixty-five (65) years of age or older with a maximum fee of \$3.50, and an annual resident combination hunting and fishing license for residents sixty-five (65) years of age or older with a maximum fee of \$4.50.

## NATURAL RESOURCES

### WILDLIFE

#### ***Transfer of Conservation Education Program***

ACT 371 (SB469) transfers the administration of the fish and wildlife conservation education programs from the Department of Education to the Department of Rural Services.

#### ***Violation of Game and Fish Regulation***

ACT 1009 (SB966) provides that the statute of limitations is three (3) years for the misdemeanor violation of a nine-point or greater violation of an Arkansas State Game and Fish Commission regulation.

## PROFESSIONS AND OCCUPATIONS

### APPRAISERS

#### ***Arkansas Appraiser Licensing and Certification Board - Membership***

ACT 695 (HB1455) modifies the membership of the Arkansas Appraiser Licensing and Certification Board to include qualified appraisers and clarifies the national entities that may nominate members for the Governor to appoint to the board. The act also removes obsolete entities and updates the entities to nominate a member for the Governor to appoint to the board with financial knowledge and experience. The act declares an emergency and is effective on and after March 25, 2015.

#### ***Criminal Background Checks***

ACT 1124 (SB779) provides that the Arkansas Appraiser Licensing and Certification Board shall obtain a state and federal criminal background check for an applicant for a real property appraiser registration, license, or certification to determine if the applicant possesses a background that does not call into question public trust or the applicant's fitness for registration, licensure, or certification. The act is effective on and after January 1, 2017.

### ARCHITECTS

#### ***Good Samaritan Law***

ACT 534 (HB1392) provides legal immunity to architects and engineers who provide assistance in their fields of expertise after a natural disaster.

## BOARDS, COUNCILS, COMMITTEES, AND COMMISSIONS

### ***Appointments***

ACT 1100 (HB1851) changes the method of appointing members to certain state boards and commissions.

## CONTRACTORS AND SUBCONTRACTORS

### ***Contracts - Unenforceable Provisions***

ACT 1110 (SB488) prohibits the enforcement of certain provisions in construction agreements and construction contracts concerning choice of forum provisions and defines "gas", "oil", and "operator" when used in construction contracts.

### ***Retainage***

ACT 866 (HB1008) modifies the retainage provisions in publicly funded construction projects and clarifies the rights of a public agency, contractor, and subcontractor to retainage of progress payments under certain circumstances.

### ***Subcontractor Projects***

ACT 858 (SB680) provides that materials purchased for the installation of playground equipment by a person or an entity acting as a contractor in the construction, erection, alteration, or repair of his or her own or its own property from a third party shall not be considered as a part of the subcontractor's project.

## PROFESSIONS AND OCCUPATIONS

### CONTRACTORS AND SUBCONTRACTORS

#### *Threshold Amount Requiring Contractor's License*

ACT 1048 (SB631) requires a contractor's license for construction and repair work valued at fifty thousand dollars (\$50,000) or more, including without limitation labor and materials.

### COSMETOLOGISTS

#### *Licensing Requirements and Student Work*

ACT 1011 (SB1041) amends the prerequisites to examination for a cosmetologist, manicurist, or aesthetician; amends the reciprocity requirements for a cosmetologist, electrologist, manicurist, aesthetician, and instructor; and amends the requirements for cosmetology students to volunteer in charity or special events held outside a cosmetology school.

#### *Natural Hair Braiding*

ACT 409 (HB1177) exempts certain hair braiding from the Cosmetology Technical Advisory Committee and authorizes the certification of a person who practices certain natural hair braiding.

### ELECTRICIANS

#### *Training*

ACT 1122 (SB754) provides that one (1) master electrician or journeyman electrician may supervise up to three (3) apprentice electricians and sets requirements for the supervision and training of apprentice electricians.

### EMERGENCY WORKERS

#### *Disaster Response Workers - Tax and Regulatory Exemptions*

ACT 864 (SB925) exempts out-of-state businesses and their employees from certain taxes and regulatory requirements during a disaster response period. The act declares an emergency and is effective on and after March 31, 2015.

### ENGINEERS

#### *Good Samaritan Law*

ACT 534 (HB1392) provides legal immunity to architects and engineers who provide assistance in their fields of expertise after a natural disaster.

### FORESTERS

#### *Teaching of Forestry*

ACT 533 (HB1380) allows a higher education professor to teach elements of forestry without registering for the practice of forestry and removes the teaching of forestry from the definition of the "practice of forestry".

### FUNERAL HOMES AND BURIAL ASSOCIATIONS

#### *Disposition of Human Remains*

ACT 1095 (HB1711) regulates the treatment and disposition of human remains by embalmers, funeral directors, cremators, funeral establishments, crematoriums, and transport services; revises the duties of the State Board of Embalmers and Funeral Directors; and requires an individual to obtain a crematory retort operator license from the board before operating a crematory retort in Arkansas. The act updates the Embalmers and Funeral Directors Law and provides the State Board of Embalmers and Funeral Directors with administrative authority to prosecute violators of the law. The act also repeals obsolete provisions and amends licensing provisions to conform to current practices in the industry.

### HEALTH CARE WORKERS - OTHER

#### *Arkansas Lay Caregiver Act*

ACT 1013 (SB1053) creates the Arkansas Lay Caregiver Act to allow the designation of a caregiver who is not a healthcare professional.

## PROFESSIONS AND OCCUPATIONS

### HEALTH CARE WORKERS - OTHER

#### ***Criminal Background Check During Education Application Process***

ACT 1192 (HB1876) requires a student entering into a medical professional education program or school to undergo a state and federal criminal background check and requires a medical program or school to establish criteria to determine the passage of the criminal background check.

#### ***Hearing Instrument Dispensers***

ACT 1027 (HB1343) amends the law regarding hearing instrument dispensers and the examination fee of the Arkansas Board of Hearing Instrument Dispensers.

#### ***Investigative Interviews - Child Maltreatment Report***

ACT 1123 (SB760) requires an investigation of child maltreatment or suspected child maltreatment to include interviews with current or past healthcare providers if the allegation of child maltreatment was reported by a healthcare provider.

#### ***Social Work***

ACT 1170 (HB1293) amends the law regarding social workers and the fees associated with licensure by the Arkansas Social Work Licensing Board.

#### ***Substance Abuse Reporting***

ACT 411 (HB1386) creates the Substance Abuse Reporting Act to require entities to report to the appropriate licensing board and law enforcement certain disciplinary actions of a healthcare professional. The act also requires licensing boards to report information of a criminal act involving the diversion of controlled substances by a healthcare professional to the local office of the Office of Diversion Control of the United States Drug Enforcement Administration.

#### ***Telemedicine***

ACT 887 (SB133) provides that the standards of appropriate practice in traditional healthcare settings govern the healthcare professional's recommendations made through telemedicine, that a healthcare professional treating patients through telemedicine shall be licensed or certified to practice in Arkansas, and that a professional relationship shall exist or otherwise meet requirements of the act before telemedicine services are utilized. The act also requires that health insurance plans provide coverage for services provided through telemedicine to the same extent as services provided in person. The act declares an emergency and is effective on and after April 1, 2015.

### HEALTHCARE PROVIDER

#### ***Concierge Service Arrangement***

ACT 101 (HB1161) exempts a concierge service arrangement from state insurance laws and regulation by the Insurance Commissioner. The act also defines a concierge service arrangement and requires a healthcare provider to disclose in the contractual agreement that a concierge service arrangement is not an insurance policy.

### LICENSING AND REGISTRATION

#### ***Reinstatement***

ACT 1066 (HB1823) requires boards, commissions, and agencies that perform licensing and registration duties to adopt an abbreviated procedure for a person to obtain reinstatement of his or her license in certain circumstances.

**PROFESSIONS AND OCCUPATIONS****MESSAGE THERAPY*****Abolishment and Transfer***

ACT 1020 (SB145) abolishes the State Board of Massage Therapy; transfers the State Board of Massage Therapy's powers, duties, and property to the State Board of Health and the Department of Health; and creates the Massage Therapy Technical Advisory Committee. The act declares an emergency for Sections 6 and 18 of the act, and Sections 6 and 18 of the act are effective on and after April 2, 2015. Sections 1-5, 7-17, and 19-30 of the act are effective on and after October 1, 2015.

***Generally***

ACT 1083 (HB1562) amends various sections of law regarding massage therapy and adds a renewal procedure for a licensee who is or was on active duty with the military.

**NURSES*****Collaborative Practice Agreement***

ACT 824 (HB1609) amends the collaborative practice agreement between a physician and an advanced practice registered nurse to specify that the physician must be a practicing physician who has training similar in scope, specialty, or expertise to that of the advanced practice registered nurse.

***Offenses that Prohibit Licensure***

ACT 1047 (SB625) amends the list of offenses that prohibit nursing licensure.

***Prescription - Hydrocodone***

ACT 529 (HB1136) permits the prescription of hydrocodone combination products by advanced practice registered nurses and physician assistants.

**PHARMACIES AND PHARMACISTS*****Criminal Background Checks***

ACT 532 (HB1378) removes the exemption from obtaining a criminal background check for an applicant for a pharmacist license who upon licensure will not practice pharmacy while physically present in Arkansas.

***Maximum Allowable Cost Lists***

ACT 900 (SB688) amends the maintenance and use of Maximum Allowable Cost Lists for prescription drugs by pharmacy benefits managers.

***Patient Rights Regarding Payment for Pharmacists Services Act***

ACT 1025 (SB542) creates the Patient Rights Regarding Payment for Pharmacists Services Act and requires a pharmacy benefits manager to obtain an individual's express consent to alter or change provider choice within a pharmacy benefits plan or program. The act also limits patient payments for pharmacist services and authorizes the Insurance Commissioner to seek an injunction against a pharmacy benefits manager to enforce the act.

***Sales Limitations of Ephedrine and Other Nonprescription Drugs***

ACT 940 (HB1466) provides that a pharmacist is not prohibited from dispensing a product containing ephedrine, pseudoephedrine, or phenylpropanolamine to a person who has not used the services of the pharmacist frequently or has not previously established a pharmacist-patient relationship.

***Third-Party Administrators - Multiple Employer Trusts and Self-Insured Plans***

ACT 689 (SB487) modifies the definition of "third-party administrator" to include a pharmacy benefits manager; defines a "pharmacy benefits manager" and a "pharmacy benefits plan or program"; and clarifies that the State Insurance Department does not regulate third-party administrators for self-insured plans, multiple employer trusts, or multiple employer welfare arrangements.

## PROFESSIONS AND OCCUPATIONS

### PHYSICIAN ASSISTANTS

#### ***Prescription - Hydrocodone***

ACT 529 (HB1136) permits the prescription of hydrocodone combination products by advanced practice registered nurses and physician assistants.

### PHYSICIANS

#### ***Alternative Payment System - Financial Penalty Prohibited***

ACT 902 (SB701) prohibits a healthcare payor from attributing costs to a physician that are outside the physician's practice when determining gain-sharing or risk-sharing payments if those costs would reduce a physician's gain-sharing amount or increase a physician's risk-sharing amount.

#### ***Osteopathic Residency Exemption***

ACT 948 (HB1636) amends the law regarding the exemption of a student, intern, resident, or fellow in a transitional year, residency, or fellowship training program from the Arkansas Medical Practices Act. The act declares an emergency and is effective on and after April 2, 2015.

### PLUMBERS

#### ***Training***

ACT 140 (SB153) provides that one (1) master or journeyman plumber may supervise as many as three (3) apprentice plumbers and sets requirements for the supervision and training of apprentice plumbers.

### PRIVATE INVESTIGATORS AND SECURITY

#### ***Licensing***

ACT 393 (SB164) abolishes the Arkansas Board of Private Investigators and Private Security Agencies and provides for the Department of Arkansas State Police to assume all licensing and other administrative functions formerly assigned to the board. The act provides that the department is responsible for all licensing and the establishment of training requirements for private investigators, private security agencies, voice stress analysts, polygraph analysts, fire alarm systems companies, and alarm systems companies. The act also provides that the department is responsible for licensing and training for a newly established school security license that would permit school personnel to carry a concealed handgun on the campus of a school where they are employed for the purpose of school security and emergency response. The act is effective on and after September 1, 2015.

### REAL ESTATE LICENSEES

#### ***Continuing Education***

ACT 390 (HB1504) amends continuing education requirements for real estate licensees, including providing that the Arkansas Real Estate Commission may require not less than six (6) and not more than nine (9) classroom hours of continuing education for licensees.

#### ***Licensure***

ACT 278 (HB1244) clarifies the real estate license law by amending the definition of "principal broker" and amending certain real estate license exemptions.

### TECHNICAL CORRECTIONS - PROFESSIONS, OCCUPATIONS, AND BUSINESSES - TITLE 17

ACT 1156 (SB124) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 17 of the Arkansas Code.



**PROFESSIONS AND OCCUPATIONS****VETERANS*****Licensure and Certification***

ACT 848 (HB1723) allows active duty military service members stationed in Arkansas, returning military veterans applying within one (1) year of discharge, and their spouses to obtain temporary licensure or certification to engage in professions in the state and receive an expedited licensure or certification process; allows a state board or commission to consider military training and experience when considering licensure or certification and substitute that training and experience for required experience or education; provides that licensure or certification for deployed active duty military service members shall not expire until one hundred eighty (180) days following the return from active deployment; and allows an exemption from continuing education requirements for deployed active duty military service members, returning military veterans within one (1) year of discharge, and their spouses. The act declares an emergency and is effective on and after March 31, 2015.

**PROPERTY RIGHTS AND INTERESTS****EASEMENTS*****Unpaved Road Easements***

ACT 1006 (SB855) provides that the public's right to use an unpaved road established by an easement is abandoned if access is denied by a gate across the road and the gate is closed and locked continuously, other than briefly to allow access by the owner or others with the owner's express permission, for one (1) year. The act also provides that an action to assert the public's right to use an unpaved road established by an easement is barred after the easement is abandoned.

**MORTGAGES AND LIENS*****Duration of Judgment Lien***

ACT 1113 (SB529) provides that an act or circumstance that may toll or renew the limitations period under Arkansas law for an underlying judgment constituting a lien shall not revive or extend the duration of the lien.

***Satisfaction of Lien***

ACT 918 (SB937) permits the release of a mortgage, deed of trust, or other lien based on an affidavit by an attorney or a title agent that the lien has been satisfied. The act declares an emergency and is effective on and after April 1, 2015.

***Self-service Storage Facility***

ACT 348 (HB1404) provides a procedure for an operator of a self-service storage facility to remove motorized personal property if an occupant is in default. The act also requires that an operator of a tow vehicle remove the motorized personal property.

**PARTITION*****Uniform Partition of Heirs Property Act***

ACT 107 (HB1245) enacts the Uniform Partition of Heirs Property Act. The act is effective on and after January 1, 2016.

**PERSONAL PROPERTY*****Public Recording and Deletion of Electronic Data***

ACT 1063 (HB1669) concerns a person's right to record on public property and to store a recording made on public property as electronic data. The act also prohibits state actors from inhibiting this right under certain circumstances.

**PROPERTY RIGHTS AND INTERESTS****PERSONAL PROPERTY*****Self-service Storage Facility***

ACT 348 (HB1404) provides a procedure for an operator of a self-service storage facility to remove motorized personal property if an occupant is in default. The act also requires that an operator of a tow vehicle remove the motorized personal property.

***Stolen Property in Possession of Dealer in Secondhand Goods***

ACT 1242 (HB1544) regulates the practices and procedures of dealers in secondhand goods to help a rightful owner recover stolen property, including allowing an owner to request that a dealer in secondhand goods return stolen property without charge to the owner by signing an affidavit and providing that within seven (7) days of the receipt of the affidavit and a written release of a law enforcement property hold, the dealer shall deliver the identifiable stolen property to the owner or file a legal action in a court of competent jurisdiction to determine ownership. The act also requires a dealer in secondhand goods to deliver a written notice as to the owner's rights upon receiving a request for the return of stolen property and prohibits a dealer from defacing identifiable stolen personal property or purchasing or receiving personal property as security from a person under eighteen (18) years of age who has not been emancipated.

**REAL PROPERTY - GENERALLY*****Compensation for Taking***

ACT 1002 (SB757) allows an owner of real property to assert a taking if the implementation of a regulatory program by a governmental unit permanently reduces the fair market value of the real property by a certain amount. The act also provides for a compensation system for this type of taking and sets an enhanced compensation amount for an electric utility that acquires land from a private property owner through eminent domain for purposes of a transmission line. The act declares an emergency and is effective on and after April 2, 2015.

***Foundation Repair***

ACT 687 (SB181) provides that a foundation repair contract is enforceable by an initial homeowner and any subsequent owner against a foundation repair company for the time specified in the foundation repair contract.

***Property Owner - Bill of Rights***

ACT 1101 (HB1908) establishes a bill of rights for property owners in eminent domain proceedings and modifies the procedures for awarding just compensation.

***Recreational Use***

ACT 1112 (SB528) defines the term "malicious" as used in the recreational use statutes to mean an intentional act of misconduct that the actor is aware is likely to result in harm and clarifies that "malicious" does not mean negligent or reckless conduct. The act applies to all causes of action that accrue on or after the effective date of the act and does not apply retroactively to an action filed or a cause of action that accrued before the effective date of the act.

***State Highway Rights of Way - Use of Sprinkler***

ACT 963 (HB1939) allows owners of property adjoining an Arkansas state highway right-of-way to install, use, and maintain a sprinkler system.

**TAX-DELINQUENT PROPERTY*****Abandonment of Personal Property Remaining on Land***

ACT 1139 (SB1016) specifies when personal property remaining on land purchased at a judicial sale, a non-judicial foreclosure sale, or a tax sale is considered to have been abandoned.

## PROPERTY RIGHTS AND INTERESTS

### TAX-DELINQUENT PROPERTY

#### *Judicial Action as Limitation on Redemption or Challenge*

ACT 683 (SB1001) provides that a judicial action to confirm a tax sale or quiet title to real property located in Arkansas eliminates any additional time to redeem the real property or challenge a tax deed.

### TECHNICAL CORRECTIONS - PROPERTY - TITLE 18

ACT 1148 (SB115) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 18 of the Arkansas Code.

### UNCLAIMED PROPERTY

#### *Notice*

ACT 592 (HB1665) amends the law concerning the notice the Auditor of State must give of the abandonment of unclaimed property so that the Auditor of State does not have to advertise the name and address of each potential owner of unclaimed property and, instead, may publish that information on his or her website.

#### *Time for Claiming - Reporting of Abandoned Mineral Proceeds*

ACT 1039 (HB1782) amends the time periods applicable to the presumption of abandonment of unclaimed property and amends the reporting requirements related to abandoned mineral proceeds.

#### *Unclaimed Life Insurance Benefits Act*

ACT 905 (SB768) establishes the Unclaimed Life Insurance Benefits Act and requires an insurer, upon receipt of knowledge of death of an insured, to perform a good faith effort to confirm the death and process the death benefits under the annuity contract or policy or certificate of life insurance. The act provides that unclaimed death benefits escheat to the state as unclaimed property under the Unclaimed Property Act and that an insurer's noncompliance as a general business practice may be subject to the Trade Practices Act. The act is effective on and after June 30, 2016.

#### *United States Savings Bonds*

ACT 563 (SB356) provides a procedure to escheat a United States savings bond that is unclaimed and considered abandoned.

## PUBLIC FINANCE

### ACCOUNTING AND BUDGETARY PROCEDURES

#### *Fraud Prevention*

ACT 1103 (HB1945) amends the law concerning the prevention and detection of fraud and other improper activities within government, including provisions providing that all materials and documentation gathered in connection with a communication under the Arkansas Whistle-Blower Act are confidential and exempt from the Freedom of Information Act of 1967, excluding final reports and supporting documentation concerning such a communication; requiring a public employer to post in a conspicuous place a sign informing a public employee of the provisions of the Arkansas Whistle-Blower Act; requiring a state criminal background check before hiring an applicant for an employment position with supervisory fiduciary responsibility over all fiscal matters; and providing that a public employee with supervisory fiduciary responsibility over all fiscal matters who purposely fails to report an unauthorized disbursement or theft of public funds to Arkansas Legislative Audit within five (5) business days of discovering the loss of funds is guilty of a Class A misdemeanor.

## **PUBLIC FINANCE**

### ACCOUNTING AND BUDGETARY PROCEDURES

#### ***Productivity Reporting***

ACT 370 (SB310) amends the productivity reporting requirements for state agencies and institutions of higher education.

#### ***Retainage***

ACT 866 (HB1008) modifies the retainage provisions in publicly funded construction projects and clarifies the rights of a public agency, contractor, and subcontractor to retainage of progress payments under certain circumstances.

### BOND ISSUES

#### ***Amendment 89 Bonds - Local Governments***

ACT 1275 (SB869) provides enabling legislation for energy efficiency project bonds issued by a municipality or county under Arkansas Constitution, Amendment 89.

#### ***State Police Revenue Bonds***

ACT 856 (SB636) creates the Department of Arkansas State Police Headquarters Facilities and Equipment Financing Act to provide a designated source for financing the department's acquisition and construction of headquarters facilities and communication and information technology equipment through the use of revenue bonds. The act includes a sunset clause applicable to the financing provisions of the act that is effective twenty (20) years from the effective date of the act. The act declares an emergency and is effective on and after March 31, 2015.

### PURCHASING AND CONTRACTS

#### ***Alternative Means of Meeting Experience Requirement***

ACT 281 (HB1278) allows a bidder or offeror to use the combined experience of its owners or senior executive staff to satisfy the experience requirement for an invitation for bids, request for proposals, or request for qualifications. The act also allows a bidder or offeror to use the combined experience of its key personnel to satisfy the experience requirement for an invitation for bids, request for proposals, or request for qualifications unless, before the issuance of the invitation or request, the agency determines that such combined experience would be inadequate to satisfy the requirements of the invitation or request.

#### ***Attorney General Contracts with Private Attorneys***

ACT 851 (SB204) regulates contingency fee contracts between the Attorney General and private attorneys. The act also requires that certain information concerning contingency fee contracts between the Attorney General and a private attorney be posted on the state transparency website and included in a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

#### ***Conflicts of Interest - Members of Certain State Entities***

ACT 1287 (SB1039) provides conflict of interest provisions for members and former members of certain state entities and allows the Arkansas Ethics Commission to regulate and enforce the conflict of interest provisions for members and former members of certain state entities.

#### ***Construction Agreements and Contracts - Liability***

ACT 1120 (SB726) promotes fair and equitable allocation of liability in construction contracts and revises the enforceability provisions of a construction contract that has a hold harmless provision.

#### ***County Purchase of Used Motor Vehicles***

ACT 561 (SB319) amends the requirements concerning age, working hours, and prior miles for used motor vehicles, equipment, or machinery purchased by a county.

**PUBLIC FINANCE**

PURCHASING AND CONTRACTS

***Employment Restrictions***

ACT 966 (HB1997) increases the maximum salary exception to the restriction on former state employees selling commodities or services to the state after employment has been terminated.

***Municipal Utilities for Military Bases***

ACT 147 (SB220) exempts from procurement laws projects related to supplying water or wastewater utility services, operations, or maintenance to a federal military installation by a municipality of the state. The act declares an emergency and is effective on and after February 23, 2015.

***Retainage***

ACT 866 (HB1008) modifies the retainage provisions in publicly funded construction projects and clarifies the rights of a public agency, contractor, and subcontractor to retainage of progress payments under certain circumstances.

***Service Contracts and Reporting Requirements***

ACT 557 (SB476) requires legislative review of all commodities and technical and general services contracts that are at least \$100,000 and reporting of all commodities and technical and general services contracts between \$25,000 and \$100,000. The act requires legislative review of all professional and consulting services contracts that are at least \$50,000 and reporting of all professional and consulting services contracts that are between \$10,000 and \$50,000. The act also prohibits split purchase arrangements to avoid review or reporting requirements, requires that performance-based standards be used for all service contracts, requires regular reporting of vendor performance, creates criminal penalties for violation of state procurement laws, and requires review and reporting of compliance issues related to fiscal responsibility and management laws. The act is effective on and after August 1, 2015.

REVENUE CLASSIFICATION LAW

***General Revenues - Gas Assessment Fees***

ACT 1046 (SB554) amends the laws concerning the collection, deposit, and use of gas assessment fees and designates certain gas assessment fees as general revenues. The act declares an emergency and is effective on and after July 1, 2015.

REVENUE STABILIZATION LAW

***Budget Stabilization Trust Fund***

ACT 537 (HB1437) increases the maximum amount of loans that may be made to the majority of the funds listed in the Revenue Classification Law. The act declares an emergency and is effective on and after March 18, 2015.

TOBACCO SETTLEMENT PROCEEDS

***Distribution and Use of Funds***

ACT 894 (SB391) amends the distribution and use of tobacco master settlement agreement funds. The act declares an emergency and is effective on and after July 1, 2015.

**PUBLIC OFFICERS AND EMPLOYEES**

APPOINTMENT AND HIRING

***Workforce Retention***

ACT 1068 (HB1954) creates a task force to study ways to retain an experienced workforce in state employment.

ATTENDANCE AND LEAVE

***Educational Activity Leave***

ACT 294 (HB1361) clarifies the law concerning what qualifies as educational activity leave.

## **PUBLIC OFFICERS AND EMPLOYEES**

### ATTENDANCE AND LEAVE

#### ***Paid Leave - Federal Emergency Disaster Relief***

ACT 1041 (HB1808) authorizes a paid leave of absence during a national disaster for a state or city employee simultaneously employed as a federal emergency disaster relief team employee.

#### ***Shared Leave - Uniform Attendance and Leave Policy Act***

ACT 389 (HB1468) allows a state employee to donate accrued annual leave to another state employee employed by the same governmental entity for purposes of maternity or paternity leave or upon the adoption of a child or a foster child.

### COMPENSATION AND BENEFITS

#### ***Beneficiary Forms***

ACT 297 (HB1368) provides that a public employee's designated beneficiary form need not be notarized but must be witnessed.

#### ***Compensation Plan***

ACT 1007 (SB896) revises the compensation plan under the Uniform Classification and Compensation Act for the 2015-2017 biennial period and makes related changes. The act declares an emergency and is effective on and after July 1, 2015.

#### ***Contributions - State and Public School Life and Health Insurance Program***

ACT 912 (SB824) clarifies that the participating entity is the appropriate entity to submit a monthly contribution to the State and Public School Life and Health Insurance Program for state employees. The act also modifies the expiration date of the State and Public School Life and Health Insurance Program Legislative Task Force to June 30, 2016, or earlier if the task force determines that it has met its goals.

#### ***Death Benefits - Firefighter Death Due to Cancer***

ACT 341 (HB1274) authorizes the state to pay claims to designated beneficiaries or survivors of a firefighter killed in the line of duty after January 1, 2012, including death from certain cancers. The act creates the Firefighter Benefit Review Panel to make recommendations to the Arkansas State Claims Commission regarding the determinations of death benefits associated with cancer.

#### ***Death Benefits - Jailers and Coroners***

ACT 1058 (HB1401) provides that jailers and coroners are entitled to certain death benefits in addition to other public employees.

#### ***Salaries***

ACT 559 (SB177) provides that prosecuting attorneys are under the jurisdiction of the independent citizens commission on salaries created under Arkansas Constitution, Article 19, Section 31, and provides for a study of prosecuting attorney salaries to begin within thirty (30) days of the effective date of the act. The act declares an emergency and is effective on and after March 20, 2015.

**PUBLIC OFFICERS AND EMPLOYEES**

**COMPENSATION AND BENEFITS**

***State and Public School Life and Health Insurance Program***

ACT 1135 (SB949) modifies the powers, functions, and duties of the State and Public School Life and Health Insurance Board to require the board to recommend, but not require, that an active employee in a consumer-driven health insurance plan under the State and Public School Life and Health Insurance Program establish a health savings account if the active employee is eligible to do so under federal law. The act provides that beginning in the 2015 plan year, a participating entity shall identify funds that are not paid for federal taxes under the Federal Insurance Contributions Act and are generated only from health insurance pretaxed premiums and use the identified funds for premium assistance. The act also clarifies that funds that are collected for the program are no longer required to be collected one (1) month in advance and that the funds are to pay certain claims, premiums, benefits, and expenses.

***State and Public School Life and Health Insurance Program***

ACT 910 (SB821) defines an "active employee" and clarifies that a participant in a consumer-driven health insurance plan under the State and Public School Life and Health Insurance Program is required to establish a health savings account if the participant is able to do so under federal law and is an active employee who has not yet reached retirement age. The act also makes technical corrections concerning the plan year and the use of funds by the Executive Director of the Employee Benefits Division to pay benefits and expenses.

***State and Public School Life and Health Insurance Program - Dependents***

ACT 911 (SB822) clarifies the definition of "dependent" under the State and Public School Life and Health Insurance Program to include a participant's natural child, stepchild, or adopted child.

***State and Public School Life and Health Insurance Program - Retirees***

ACT 364 (SB182) revises the eligibility requirements of certain retirees electing to participate in the State and Public School Life and Health Insurance Program and provides a fee schedule to determine the additional amount owed by a retiree above the premium rate that is dependent on the year the retiree enrolled in the State and Public School Life and Health Insurance Program.

***State and Public School Life and Health Insurance Program - Retirees***

ACT 913 (SB826) corrects conflicting language and modifies provisions that simplify administrative concerns, including combining provisions concerning the enrollment by a retiree in the State and Public School Life and Health Insurance Program; eliminating the requirement that a retiree provide a letter of creditable coverage to the Employee Benefits Division of the Department of Finance and Administration because beginning January 1, 2015, the division no longer provides this type of information to a member who loses health coverage; and removing the requirement that a retiree specify in writing why he or she is declining coverage.

***Tuition Savings Program***

ACT 1255 (HB1902) provides for state employees to have a portion of their salary contributed directly to a 529 tuition savings program.

**COURT REPORTERS**

***Salaries***

ACT 268 (HB1144) authorizes the Administrative Office of the Courts to adjust and administer the salaries and compensation of court reporters and trial court administrators. The act declares an emergency and is effective on and after July 1, 2015.

**PUBLIC OFFICERS AND EMPLOYEES**  
**ETHICS AND CONFLICTS OF INTEREST**

***Abuse of Public Trust***

ACT 1270 (SB852) provides for more serious penalties for committing the criminal offense of abuse of public trust.

***Employment Restrictions***

ACT 966 (HB1997) increases the maximum salary exception to the restriction on former state employees selling commodities or services to the state after employment has been terminated.

***Ethics Commission - Jurisdiction***

ACT 47 (HB1002) authorizes the Arkansas Ethics Commission to issue advisory opinions and guidelines on the requirements of Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution. The act declares an emergency and is effective on and after February 13, 2015.

***Exercise of Rights Under the Freedom of Information Act***

ACT 102 (HB1163) provides that it is unlawful for a public employer to discipline, reprimand, or otherwise discriminate against a public employee because the public employee exercised a right or privilege under the Freedom of Information Act of 1967.

***Fraud Prevention***

ACT 1103 (HB1945) amends the law concerning the prevention and detection of fraud and other improper activities within government, including provisions providing that all materials and documentation gathered in connection with a communication under the Arkansas Whistle-Blower Act are confidential and exempt from the Freedom of Information Act of 1967, excluding final reports and supporting documentation concerning such a communication; requiring a public employer to post in a conspicuous place a sign informing a public employee of the provisions of the Arkansas Whistle-Blower Act; requiring a state criminal background check before hiring an applicant for an employment position with supervisory fiduciary responsibility over all fiscal matters; and providing that a public employee with supervisory fiduciary responsibility over all fiscal matters who purposely fails to report an unauthorized disbursement or theft of public funds to Arkansas Legislative Audit within five (5) business days of discovering the loss of funds is guilty of a Class A misdemeanor.

***Gifts from Lobbyists - Financial Reports***

ACT 1280 (SB967) makes various amendments to Arkansas ethics laws, including amending and clarifying the application of Arkansas Constitution, Article 19, Section 30, concerning the receipt of lobbyist gifts by elected constitutional officers and members of the independent citizens commission on salaries; creating an affirmative defense for unintentional violations of Arkansas Constitution, Article 19, Section 30, and unintentional errors in campaign reports and statements of financial interest; increasing the campaign contribution limit to two thousand seven hundred dollars (\$2,700); providing for automatic adjustments to the contribution limit each odd-numbered year based upon changes in the price index; granting the Arkansas Ethics Commission jurisdiction over Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution, which were adopted at the 2014 general election; and providing that the Legislative Council will conduct a feasibility study of electronic filing of campaign contribution and expenditure reports and carryover fund reports. The act declares an emergency and is effective on and after April 8, 2015.

***Members of Certain State Entities***

ACT 1287 (SB1039) provides conflict of interest provisions for members and former members of certain state entities and allows the Arkansas Ethics Commission to regulate and enforce the conflict of interest provisions for members and former members of certain state entities.



## **PUBLIC OFFICERS AND EMPLOYEES**

### **ETHICS AND CONFLICTS OF INTEREST**

#### ***Removal of Judges***

ACT 939 (HB1458) repeals the law providing that a judge who is removed from office cannot be appointed or elected to serve as a judge again because this provision has been held to be unconstitutional by the Arkansas Supreme Court.

#### ***Statements of Financial Interest***

ACT 999 (SB716) provides that the Secretary of State is the official custodian of certain financial interest statements and campaign finance records filed with the Secretary of State. The act declares an emergency and is effective on and after April 2, 2015.

#### ***Suspension of Judges***

ACT 938 (HB1456) requires mandatory and automatic suspension of a judge who is charged with a felony or an offense involving moral turpitude and provides for a hearing process for the judge to challenge the suspension and continue his or her duties during the pendency of the charge.

### **FEES**

#### ***County Clerk - Appointment as Commissioner for Property Sale***

ACT 159 (HB1013) provides for the use of fees awarded when the county clerk's office is appointed as commissioner for a sale of real or personal property under judicial decree.

### **LIABILITY**

#### ***Self-Insured Fidelity Bond Program***

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws. The act improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department and clarifies the Governmental Bonding Board's responsibilities under the self-insured fidelity bond program to seek restitution upon a criminal conviction.

### **NOTARIES PUBLIC**

#### ***Fees and Licenses***

ACT 570 (SB743) allows a notary public to charge and collect fees equal to his or her round-trip mileage and extends the time in which a notary public may apply for renewal of his or her commission to sixty (60) days.

### **PROSECUTING ATTORNEYS**

#### ***Address on Driver's License***

ACT 397 (SB311) provides that a prosecuting attorney or deputy prosecuting attorney may use a post office box or the address of his or her office as the address on his or her driver's license.

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

#### ***Contributions***

ACT 91 (SB80) provides that on and after July 1, 2017, state employer contributions made by a state agency shall be reported electronically by the state agency through the Arkansas Public Employees' Retirement System portal and paid by electronic transfer by the state agency. The act provides that a participating public employer may submit a written request for a temporary waiver if unable to report contributions electronically or pay contributions by electronic transfer.

## **PUBLIC OFFICERS AND EMPLOYEES**

### PUBLIC EMPLOYEES' RETIREMENT SYSTEM

#### ***State and Public School Life and Health Insurance Program - Retirees***

ACT 364 (SB182) revises the eligibility requirements of certain retirees electing to participate in the State and Public School Life and Health Insurance Program and provides a fee schedule to determine the additional amount owed by a retiree above the premium rate that is dependent on the year the retiree enrolled in the State and Public School Life and Health Insurance Program.

### RECORDS AND REPORTING

#### ***Carryover Fund Reports***

ACT 142 (SB162) provides that a person who retains carryover funds from a general election held in November or a runoff election held in November is not required to file an annual report for the year of the general election or runoff election from which carryover funds were retained.

#### ***Financial Disclosures***

ACT 1280 (SB967) makes various amendments to Arkansas ethics laws, including amending and clarifying the application of Arkansas Constitution, Article 19, Section 30, concerning the receipt of lobbyist gifts by elected constitutional officers and members of the independent citizens commission on salaries; creating an affirmative defense for unintentional violations of Arkansas Constitution, Article 19, Section 30, and unintentional errors in campaign reports and statements of financial interest; increasing the campaign contribution limit to two thousand seven hundred dollars (\$2,700); providing for automatic adjustments to the contribution limit each odd-numbered year based upon changes in the price index; granting the Arkansas Ethics Commission jurisdiction over Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution, which were adopted at the 2014 general election; and providing that the Legislative Council will conduct a feasibility study of electronic filing of campaign contribution and expenditure reports and carryover fund reports. The act declares an emergency and is effective on and after April 8, 2015.

### TECHNICAL CORRECTIONS - PUBLIC OFFICERS AND EMPLOYEES - TITLE 21

ACT 1151 (SB119) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 21 of the Arkansas Code.

### TRIAL COURT ADMINISTRATORS

#### ***Salaries***

ACT 268 (HB1144) authorizes the Administrative Office of the Courts to adjust and administer the salaries and compensation of court reporters and trial court administrators. The act declares an emergency and is effective on and after July 1, 2015.

## **PUBLIC PROPERTY**

### BUILDING AUTHORITY (ABA)

#### ***Purchase or Lease of Real Property***

ACT 879 (HB1788) requires that the Arkansas Building Authority and other state agencies consult the Arkansas Economic Development Commission's Building and Sites Database before purchasing or leasing buildings or land.

### CAPITOL GROUNDS

#### ***Ten Commandments Monument***

ACT 1231 (SB939) provides that the Secretary of State shall permit and arrange for the placement of a suitable monument commemorating the Ten Commandments on the State Capitol grounds. The act also provides that the Secretary of State shall arrange for the monument to be designed, constructed, and placed on the State Capitol grounds by private entities at no expense to the State of Arkansas.

## **PUBLIC PROPERTY**

### **MINERAL, TIMBER, AND OTHER RESOURCES**

#### ***Penalties***

ACT 1132 (SB910) amends laws concerning the administration of leases and permits for natural resources of the state and the Natural Resources Committee by increasing penalties for removing natural resources from navigable rivers and lakes in this state or other state lands without a permit from or lease with the Commissioner of State Lands. The act also provides that a member of the Natural Resources Committee may designate a person within the member's organization to attend meetings and conduct committee business on the member's behalf.

### **PARKS AND RECREATION AREAS**

#### ***Sale of Tax-delinquent Lands***

ACT 916 (SB903) provides that if a city fails or refuses to approve a dedication of land for park purposes within one (1) year of receiving notice of the dedication, the land shall revert to the owner of the land or the owner's heirs, successors, and assigns.

### **PUBLIC BUILDINGS, FACILITIES, AND PROPERTY**

#### ***Purchase or Lease of Real Property***

ACT 879 (HB1788) requires that the Arkansas Building Authority and other state agencies consult the Arkansas Economic Development Commission's Building and Sites Database before purchasing or leasing buildings or land.

### **PUBLIC WORKS**

#### ***Construction Agreements and Contracts***

ACT 1120 (SB726) promotes fair and equitable allocation of liability in construction contracts and revises the enforceability provisions of a construction contract that has a hold harmless provision.

#### ***Retainage***

ACT 866 (HB1008) modifies the retainage provisions in publicly funded construction projects and clarifies the rights of a public agency, contractor, and subcontractor to retainage of progress payments under certain circumstances.

### **RECORDING ON PUBLIC PROPERTY**

#### ***Public Recording and Deletion of Electronic Data***

ACT 1063 (HB1669) concerns a person's right to record on public property and to store a recording made on public property as electronic data. The act also prohibits state actors from inhibiting this right under certain circumstances.

## **RETIREMENT**

### **LOCAL POLICE AND FIRE RETIREMENT SYSTEM**

#### ***Service Credit***

ACT 829 (HB1211) modifies the credited service requirements for participation in the Arkansas Local Police and Fire Retirement System Deferred Retirement Option Plan.

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

#### ***Contributions***

ACT 91 (SB80) provides that on and after July 1, 2017, state employer contributions made by a state agency shall be reported electronically by the state agency through the Arkansas Public Employees' Retirement System portal and paid by electronic transfer by the state agency. The act provides that a participating public employer may submit a written request for a temporary waiver if unable to report contributions electronically or pay contributions by electronic transfer.

**RETIREMENT****PUBLIC EMPLOYEES' RETIREMENT SYSTEM*****State and Public School Life and Health Insurance Program - Retirees***

ACT 364 (SB182) revises the eligibility requirements of certain retirees electing to participate in the State and Public School Life and Health Insurance Program and provides a fee schedule to determine the additional amount owed by a retiree above the premium rate that is dependent on the year the retiree enrolled in the State and Public School Life and Health Insurance Program.

***State and Public School Life and Health Insurance Program - Retirees***

ACT 913 (SB826) corrects conflicting language and modifies provisions that simplify administrative concerns, including combining provisions concerning the enrollment by a retiree in the State and Public School Life and Health Insurance Program; eliminating the requirement that a retiree provide a letter of creditable coverage to the Employee Benefits Division of the Department of Finance and Administration because beginning January 1, 2015, the division no longer provides this type of information to a member who loses health coverage; and removing the requirement that a retiree specify in writing why he or she is declining coverage.

**STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM*****State and Public School Life and Health Insurance Program - Retirees***

ACT 364 (SB182) revises the eligibility requirements of certain retirees electing to participate in the State and Public School Life and Health Insurance Program and provides a fee schedule to determine the additional amount owed by a retiree above the premium rate that is dependent on the year the retiree enrolled in the State and Public School Life and Health Insurance Program.

**TEACHER RETIREMENT SYSTEM*****Beneficiaries***

ACT 375 (HB1078) allows a member of the Arkansas Teacher Retirement System to change his or her beneficiary upon the occurrence of certain events that are identified in the act. The act declares an emergency and is effective on and after March 11, 2015.

***Disability Retirement***

ACT 219 (SB48) provides that a member or retirant of the Arkansas Teacher Retirement System may continue to receive a disability retirement benefit when the member or retirant provides the system with a Social Security Administration determination letter finding the member or retirant is disabled within thirty-six (36) months from July 1, 2015; when the member's or retirant's disability retirement effective date is before July 1, 2015; or at the effective date of disability retirement when the member's or retirant's disability retirement effective date is on or after July 1, 2015. The act provides that the system will terminate disability retirement benefits to a member or retirant if the member or retirant fails to either provide a Social Security Administration determination letter finding that the member or retirant is disabled to the system within the thirty-six (36) month period or receive an extension of time to provide a Social Security Administration determination letter. The act declares an emergency and is effective on and after July 1, 2015.

***Lump Sum Payments***

ACT 225 (SB137) ensures that all Arkansas Teacher Retirement System member annuities are paid as a lifetime benefit by repealing lump-sum payments of reserve value of small annuities in the Arkansas Teacher Retirement System. The act declares an emergency and is effective on and after July 1, 2015.

**RETIREMENT****TEACHER RETIREMENT SYSTEM*****Military Service Credit***

ACT 558 (SB171) modifies the military service credit for a person in the Arkansas Teacher Retirement System. The act provides for a situation in which a person enters the United States Armed Forces during a period when a federal military draft was in effect and receives an honorable discharge. The act declares an emergency and is effective on and after March 20, 2015.

***Private School Service***

ACT 90 (SB75) provides that an active member of the Arkansas Teacher Retirement System is eligible to purchase noncertified private school service or private educationally related entity private school service for a period of five (5) years or less that will be credited as noncertified service if the member properly submits an application to purchase noncertified private school service or private educationally related entity private school service, the noncertified service credit to be purchased is limited to service for which no benefit could be paid by another state-supported pension system or a system with a similar purpose if the contributions of the member were left on deposit with the other system, and the member pays the actuarial equivalent of benefits to the Arkansas Teacher Retirement System for each year of service credit being purchased. The act declares an emergency and is effective on and after February 13, 2015.

***Rollover***

ACT 87 (SB38) maintains compliance with federal law by allowing a direct rollover of a portion of an eligible rollover distribution to an eligible retirement plan or designated beneficiary. The act declares an emergency and is effective on and after July 1, 2015.

***State and Public School Life and Health Insurance Program - Retirees***

ACT 364 (SB182) revises the eligibility requirements of certain retirees electing to participate in the State and Public School Life and Health Insurance Program and provides a fee schedule to determine the additional amount owed by a retiree above the premium rate that is dependent on the year the retiree enrolled in the State and Public School Life and Health Insurance Program.

***State and Public School Life and Health Insurance Program - Retirees***

ACT 913 (SB826) corrects conflicting language and modifies provisions that simplify administrative concerns, including combining provisions concerning the enrollment by a retiree in the State and Public School Life and Health Insurance Program; eliminating the requirement that a retiree provide a letter of creditable coverage to the Employee Benefits Division of the Department of Finance and Administration because beginning January 1, 2015, the division no longer provides this type of information to a member who loses health coverage; and removing the requirement that a retiree specify in writing why he or she is declining coverage.

***Technical Revisions***

ACT 301 (SB50) provides for technical corrections to the Arkansas Teacher Retirement System Act, including providing that the board of trustees of the Arkansas Teacher Retirement System may set or amend by a motion or resolution at any board meeting a de minimis amount of twenty-five dollars (\$25.00) or less concerning the system's obligation to distribute or collect payments, penalties, interest, funds, or moneys. The act also repeals the requirement that the board of trustee's annual report to each employer showing the financial condition of the system be submitted no later than April 1 of each year. The act declares an emergency and is effective on and after March 4, 2015.

## RETIREMENT

### TECHNICAL CORRECTIONS - RETIREMENT AND PENSIONS - TITLE 24

ACT 1165 (SB134) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 24 of the Arkansas Code.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### ADMINISTRATIVE RULES - GENERALLY

#### *Approval*

ACT 1258 (SB2) implements Article 5, Section 42, of the Arkansas Constitution by providing for the review and approval of administrative rules by the Legislative Council. The act specifies the process for review and approval of administrative rules. The act also repeals the Arkansas Lottery Legislative Oversight Committee and requires that information previously filed with the oversight committee be filed with the Legislative Council.

#### *Removal and Replacement of Positions*

ACT 1277 (SB933) creates a removal and replacement process for an agency, board, or commission member who is a gubernatorial appointee not subject to confirmation by the Senate.

### APPRAISERS

#### *Arkansas Appraiser Licensing and Certification Board - Membership*

ACT 695 (HB1455) modifies the membership of the Arkansas Appraiser Licensing and Certification Board to include qualified appraisers and clarifies the national entities that may nominate members for the Governor to appoint to the board. The act also removes obsolete entities and updates the entities to nominate a member for the Governor to appoint to the board with financial knowledge and experience. The act declares an emergency and is effective on and after March 25, 2015.

#### *Criminal Background Checks*

ACT 1124 (SB779) provides that the Arkansas Appraiser Licensing and Certification Board shall obtain a state and federal criminal background check for an applicant for a real property appraiser registration, license, or certification to determine if the applicant possesses a background that does not call into question public trust or the applicant's fitness for registration, licensure, or certification. The act is effective on and after January 1, 2017.

### BOARDS AND COMMISSIONS

#### *Appointments*

ACT 1100 (HB1851) changes the method of appointing members to certain state boards and commissions.

### BUILDING AUTHORITY (ABA)

#### *Purchase or Lease of Real Property*

ACT 879 (HB1788) requires that the Arkansas Building Authority and other state agencies consult the Arkansas Economic Development Commission's Building and Sites Database before purchasing or leasing buildings or land.

### BUREAU OF STANDARDS

#### *Labeling of Catfish-like Products*

ACT 1191 (HB1854) requires the labeling and identification of catfish-like products and species on packaging and menus. The act also requires the Bureau of Standards to publish notice of the act within thirty (30) days of the passage of the act. The act is effective on and after January 1, 2016.

**STATE AGENCIES, BOARDS, AND COMMISSIONS****BURIAL ASSOCIATION*****Burial Policy***

ACT 1030 (HB1549) allows the Burial Association Board to approve requests from burial associations that have excess financial resources to permit payment of death benefits in excess of the face value of a certificate of benefits issued by the burial association to members of the burial association.

**CEMETERIES*****Arkansas Cemetery Board - Insolvent Cemetery Grant Fund Act***

ACT 990 (SB231) revises the eligibility requirements under the Insolvent Cemetery Grant Fund Act for an eligible organization, including a nonprofit, to receive a grant of no more than thirty-five thousand dollars (\$35,000) per fiscal year to care for and improve the driveways, buildings, and grounds of an insolvent or financially distressed perpetual care cemetery as determined by the Arkansas Cemetery Board.

**CHILD WELFARE AGENCY*****Human Trafficking***

ACT 1138 (SB1012) provides for implementation of the findings of the Attorney General's task force on human trafficking by including placement of victims of human trafficking under the responsibilities of the Child Welfare Agency Licensing Act; requiring law enforcement agencies to provide procedures for visa identification of victims of human trafficking; creating an education program concerning sexually exploited children for judges, prosecutors, and circuit and district court clerks; and adding human trafficking to the concerns of the Arkansas Child Abuse/Rape/Domestic Violence Commission.

**CLAIMS AGAINST THE STATE*****Claims Commission Decisions***

ACT 220 (SB59) provides that if the Arkansas State Claims Commission dismisses a claim or issues a final adjudication of a claim on the merits, the commission shall set out specific findings of fact and conclusions of law to support its decision. The act also provides that claims filed by a person who at the time of filing is an inmate in the Department of Correction are not subject to the requirements of the act.

***Death Benefits - Firefighter Death Due to Cancer***

ACT 341 (HB1274) authorizes the state to pay claims to designated beneficiaries or survivors of a firefighter killed in the line of duty after January 1, 2012, including death from certain cancers. The act creates the Firefighter Benefit Review Panel to make recommendations to the Arkansas State Claims Commission regarding the determinations of death benefits associated with cancer.

**COLLECTION AGENCIES*****State Board of Collection Agencies***

ACT 1249 (HB1668) provides that an unlicensed collection agency involved in collection activities in the state may be considered retroactively licensed by the State Board of Collection Agencies upon payment of a civil penalty of ten thousand dollars (\$10,000). The act also specifies that the board has exclusive jurisdiction of collection agencies and that the civil penalty is the only consequence of and remedy for a collection agency's failure to obtain a license from the board before attempting collections in the state.

**CONTRACTORS LICENSING*****Threshold Amount***

ACT 1048 (SB631) requires a contractor's license for construction and repair work valued at fifty thousand dollars (\$50,000) or more, including without limitation labor and materials.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### CONTRACTS

#### ***Collective Bargaining***

ACT 600 (SB426) provides that construction contracts issued by state agencies shall not make specified requirements related to collective bargaining organizations.

### CORRECTIONS

#### ***Criminal Justice Reform Act of 2015***

ACT 895 (SB472) increases the tools available to the judiciary, the Department of Community Correction, the Department of Correction, and the Parole Board in order to alleviate the problem of prison overcrowding and to promote public safety. The act provides for significant reforms to and an increase of funding for the probation and parole system, increases the funding to and accountability for the numerous variations of specialty court programs throughout the state, establishes a more vigorous legislative and state agency oversight of the criminal justice system through the creation of a legislative committee and two task forces, streamlines the process to place certain persons in the criminal justice system into the Medicaid program in order to help the corrections agencies save money, and improves the efficiency of the methods the Department of Correction may use to reduce prison overcrowding administratively. The act declares an emergency and is effective on and after April 1, 2015.

#### ***Housing State Inmates***

ACT 1206 (SB618) provides that the Department of Correction may contract with a regional correctional facility to house department inmates. The act also provides that the Board of Corrections shall promulgate rules in this regard. The act declares an emergency and is effective on and after April 7, 2015.

#### ***Public Safety Transparency and Accountability Act of 2015***

ACT 1265 (SB617) provides that the Department of Correction, Department of Community Correction, and the Parole Board shall post certain inmate, parolee, and probationer records online for the benefit of public review, including risk assessments, custodial records, aliases, photographs of the inmate, criminal history and background information, suspended sentence information, and the calculation of the parole eligibility date for an inmate housed in the Department of Correction. The act declares an emergency and is effective on and after April 8, 2015.

#### ***Sale of Prison-made Goods***

ACT 1061 (HB1523) provides for the sale of prison-made goods to inmates of the Department of Correction, Department of Community Correction, or a local correctional facility.

### COSMETOLOGY

#### ***Natural Hair Braiding***

ACT 409 (HB1177) exempts certain hair braiding from the Cosmetology Technical Advisory Committee and authorizes the certification of a person who practices certain natural hair braiding.

### CRIME INFORMATION CENTER

#### ***Location Information of a Wireless Telecommunications Device in an Emergency***

ACT 405 (HB1315) requires a commercial mobile radio service provider to provide location information for a mobile telecommunications device, such as a cell phone, to a law enforcement agency in an emergency situation. The act also requires a commercial mobile radio service provider to submit all contact information to the Arkansas Crime Information Center and update the information as changes occur.



**STATE AGENCIES, BOARDS, AND COMMISSIONS****DEVELOPMENT FINANCE AUTHORITY (ADFA)*****Operations***

ACT 1060 (HB1493) revises and updates laws for the efficient operation of the Arkansas Development Finance Authority, including clarifying the sources of funds that bonds may be secured by and payable from; amending the entities to whom the Arkansas Development Finance Authority may make grants, direct loans, or loan guarantees; and repealing the Division of Agriculture Development within the Arkansas Development Finance Authority. The act declares an emergency and is effective on and after April 4, 2015.

**DOMESTIC VIOLENCE COMMISSION*****Human Trafficking***

ACT 1138 (SB1012) provides for implementation of the findings of the Attorney General's task force on human trafficking by including placement of victims of human trafficking under the responsibilities of the Child Welfare Agency Licensing Act; requiring law enforcement agencies to provide procedures for visa identification of victims of human trafficking; creating an education program concerning sexually exploited children for judges, prosecutors, and circuit and district court clerks; and adding human trafficking to the concerns of the Arkansas Child Abuse/Rape/Domestic Violence Commission.

**EMBALMERS AND FUNERAL DIRECTORS*****State Board of Embalmers and Funeral Directors***

ACT 1095 (HB1711) regulates the treatment and disposition of human remains by embalmers, funeral directors, cremators, funeral establishments, crematoriums, and transport services; revises the duties of the State Board of Embalmers and Funeral Directors; and requires an individual to obtain a crematory retort operator license from the board before operating a crematory retort in Arkansas. The act updates the Embalmers and Funeral Directors Law and provides the State Board of Embalmers and Funeral Directors with administrative authority to prosecute violators of the law. The act also repeals obsolete provisions and amends licensing provisions to conform to current practices in the industry.

**EMPLOYEES - GENERALLY*****Compensation Plan***

ACT 1007 (SB896) revises the compensation plan under the Uniform Classification and Compensation Act for the 2015-2017 biennial period and makes related changes. The act declares an emergency and is effective on and after July 1, 2015.

***Exercise of Rights Under the Freedom of Information Act***

ACT 102 (HB1163) provides that it is unlawful for a public employer to discipline, reprimand, or otherwise discriminate against a public employee because the public employee exercised a right or privilege under the Freedom of Information Act of 1967.

***Payroll Deductions - State Employee***

ACT 1053 (SB823) clarifies that a state employee's payroll deductions may be for group or individual hospital, medical, and life insurance deductions.

***Shared Leave - Uniform Attendance and Leave Policy Act***

ACT 389 (HB1468) allows a state employee to donate accrued annual leave to another state employee employed by the same governmental entity for purposes of maternity or paternity leave or upon the adoption of a child or a foster child.

***State and Public School Life and Health Insurance Board - Dependents***

ACT 911 (SB822) clarifies the definition of "dependent" under the State and Public School Life and Health Insurance Program to include a participant's natural child, stepchild, or adopted child.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### EMPLOYEES - GENERALLY

#### ***State and Public School Life and Health Insurance Program***

ACT 910 (SB821) defines an "active employee" and clarifies that a participant in a consumer-driven health insurance plan under the State and Public School Life and Health Insurance Program is required to establish a health savings account if the participant is able to do so under federal law and is an active employee who has not yet reached retirement age. The act also makes technical corrections concerning the plan year and the use of funds by the Executive Director of the Employee Benefits Division to pay benefits and expenses.

### ETHICS

#### ***Abuse of Public Trust***

ACT 1270 (SB852) provides for more serious penalties for committing the criminal offense of abuse of public trust.

#### ***Conflicts of Interest - Members of Certain State Entities***

ACT 1287 (SB1039) provides conflict of interest provisions for members and former members of certain state entities and allows the Arkansas Ethics Commission to regulate and enforce the conflict of interest provisions for members and former members of certain state entities.

### FEES AND PENALTIES - GENERALLY

#### ***Arkansas Board of Hearing Instrument Dispensers***

ACT 1027 (HB1343) amends the law regarding hearing instrument dispensers and the examination fee of the Arkansas Board of Hearing Instrument Dispensers.

#### ***Arkansas Social Work Licensing Board***

ACT 1170 (HB1293) amends the law regarding social workers and the fees associated with licensure by the Arkansas Social Work Licensing Board.

### FINANCE AND ADMINISTRATION (DFA)

#### ***Employee Benefits Division - State and Public School Life and Health Insurance Board***

ACT 364 (SB182) revises the eligibility requirements of certain retirees electing to participate in the State and Public School Life and Health Insurance Program and provides a fee schedule to determine the additional amount owed by a retiree above the premium rate that is dependent on the year the retiree enrolled in the State and Public School Life and Health Insurance Program.

#### ***Internal Audit Section***

ACT 1283 (SB1003) establishes professional standards and reporting requirements for the Internal Audit Section of the Department of Finance and Administration.

#### ***Marketing and Redistribution - Certain Plants and Animals***

ACT 686 (HB1399) exempts from the marketing and redistribution laws the sale of plants, animals, or commodities of plants or animals by a public institution of higher education if the proceeds from the sale are used solely for agricultural research, extension, or teaching programs.

### FORESTRY AND FORESTERS

#### ***Arkansas Appraiser Licensing and Certification Board***

ACT 695 (HB1455) modifies the membership of the Arkansas Appraiser Licensing and Certification Board to include qualified appraisers and clarifies the national entities that may nominate members for the Governor to appoint to the board. The act also removes obsolete entities and updates the entities to nominate a member for the Governor to appoint to the board with financial knowledge and experience. The act declares an emergency and is effective on and after March 25, 2015.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### FORESTRY AND FORESTERS

#### ***Teaching of Forestry***

ACT 533 (HB1380) allows a higher education professor to teach elements of forestry without registering for the practice of forestry and removes the teaching of forestry from the definition of the "practice of forestry".

### GAME AND FISH

#### ***Income Tax Check-off Program***

ACT 399 (SB461) creates an income tax check-off program for the Game and Fish Foundation. The act is effective for tax years beginning on and after January 1, 2015.

#### ***Survivor Benefits***

ACT 552 (SB365) provides that the Arkansas State Game and Fish Commission and the State Highway Commission may pay for the accrued leave of an officer who dies in the line of duty.

### GEOGRAPHIC INFORMATION SYSTEMS

#### ***Name***

ACT 103 (HB1168) changes the name of the Arkansas Geographic Information Office to the Arkansas Geographic Information Systems Office.

### HEALTH

#### ***Immunization Registry***

ACT 541 (HB1550) removes the requirement to obtain consent of an adult who receives immunizations before a health provider reports the administration to the Department of Health.

#### ***Nursing Home Resident and Employee Immunization Act***

ACT 1051 (SB818) amends the Nursing Home Resident and Employee Immunization Act of 1999 to allow the Department of Health to provide immunizations only to those who lack coverage through Medicare, Medicaid, or other health insurance.

#### ***Prescription Drug Monitoring Program - Combating Prescription Drug Abuse Act***

ACT 1208 (SB717) amends various sections of the Prescription Drug Monitoring Program Act and creates the Combating Prescription Drug Abuse Act to prevent prescription drug abuse and educate prescribers regarding prescription drug abuse.

#### ***Prescription Drug Monitoring Program - Law Enforcement***

ACT 901 (SB698) grants certain law enforcement investigators access to the Prescription Drug Monitoring Program to enhance investigative capability.

#### ***Reimbursement for Immunizations***

ACT 1052 (SB819) amends the reimbursement procedure for vaccine and immunization administration if the Department of Health administers the immunization service.

### HEALTH INSURANCE MARKETPLACE

#### ***State-based Health Insurance Exchange - Prohibition***

ACT 398 (SB343) prohibits the implementation of a state-based health insurance exchange in this state under the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 until the Supreme Court of the United States issues a ruling in King v. Burwell. The act provides that if the Supreme Court of the United States decides that King v. Burwell modifies state subsidy eligibility requirements, the state shall not implement a state-based exchange without the approval of the General Assembly.

### HIGHWAYS AND TRANSPORTATION

#### ***Survivor Benefits***

ACT 552 (SB365) provides that the Arkansas State Game and Fish Commission and the State Highway Commission may pay for the accrued leave of an officer who dies in the line of duty.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### HISTORY COMMISSION

#### ***Authority***

ACT 25 (HB1063) provides for a clarification of the authority of the Arkansas History Commission. The act allows the commission to provide and charge for research services, archival services, and copies of materials and provides for the funds collected to be used for the maintenance and operation of the commission.

### HUMAN SERVICES

#### ***Assessment Fee to Hospitals to Improve Healthcare Access***

ACT 1141 (SB1022) provides that the Division of Medical Services of the Department of Human Services may elect to use the most recent Medicare Cost Report available at the time of the calculation to determine the assessment fee.

#### ***Capacity of the Arkansas Autism Partnership***

ACT 1008 (SB952) requires the Department of Human Services to expand the capacity of the Arkansas Autism Partnership and amends the laws regarding the Medicaid waiver for autism.

#### ***Child Death and Near Fatal Multidisciplinary Review Committee***

ACT 1245 (HB1627) creates the Child Death and Near Fatality Multidisciplinary Review Committee, which consists of state officers and appointees of state officers who are required to investigate all deaths of children under eighteen (18) years of age who had contact with the Division of Children and Family Services of the Department of Human Services within twenty-four (24) months before death. The act expires August 1, 2017.

#### ***Dual Authority***

ACT 1004 (SB809) provides for dual authority and responsibility over the Child Maltreatment Act for the Department of Human Services and the Department of Arkansas State Police.

#### ***Healthy Arkansas Educational Program***

ACT 1005 (SB827) creates the Healthy Arkansas Educational Program to be implemented collaboratively by the University of Arkansas Division of Agriculture Cooperative Extension Service and the Department of Human Services.

#### ***Juvenile Justice System - Youth Justice Reform Board***

ACT 1010 (SB982) amends the powers and duties of the Division of Youth Services of the Department of Human Services to reduce youth incarceration. The act also creates the Youth Justice Reform Board to assist the division.

#### ***Medicaid Provider out of Business - Overpayment***

ACT 1269 (SB831) authorizes the Director of the Division of Medical Services of the Department of Human Services to determine that a Medicaid provider is out of business and that a Medicaid overpayment owed by the Medicaid provider cannot be collected under state law and procedures.

#### ***Youth Outcome Questionnaire***

ACT 161 (HB1072) requires the Division of Behavioral Health Services of the Department of Human Services to select a new outcomes measurement tool no later than September 30, 2015, to replace the current outcomes assessment tool that is commonly referred to as a Youth Outcome Questionnaire.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### INDEPENDENT CITIZENS COMMISSION ON SALARIES

#### ***Jurisdiction***

ACT 559 (SB177) provides that prosecuting attorneys are under the jurisdiction of the independent citizens commission on salaries created under Arkansas Constitution, Article 19, Section 31, and provides for a study of prosecuting attorney salaries to begin within thirty (30) days of the effective date of the act. The act declares an emergency and is effective on and after March 20, 2015.

### INFORMATION SYSTEMS

#### ***Information Network of Arkansas - Quarterly Reports***

ACT 550 (SB315) requires the Information Network of Arkansas to file quarterly reports to the Legislative Council and Joint Committee on Advanced Communications and Information Technology of any changes in charges for services.

### INSURANCE

#### ***Arkansas Healthcare Transparency Initiative***

ACT 1233 (SB956) creates the Arkansas Healthcare Transparency Initiative to create a database that receives and stores data relating to insurance claims information governed by the State Insurance Department. The act also creates the Arkansas Healthcare Transparency Initiative Fund. The act declares an emergency and is effective on and after April 7, 2015.

#### ***Insurance Commissioner - State Fire Marshal Enforcement Section***

ACT 961 (HB1906) authorizes the State Fire Marshal to review rate filings by an advisory organization to determine if the evaluation of fire protection services is reasonable and to make recommendations to the Insurance Commissioner.

#### ***State-based Health Insurance Exchange - Prohibition***

ACT 398 (SB343) prohibits the implementation of a state-based health insurance exchange in this state under the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 until the Supreme Court of the United States issues a ruling in *King v. Burwell*. The act provides that if the Supreme Court of the United States decides that *King v. Burwell* modifies state subsidy eligibility requirements, the state shall not implement a state-based exchange without the approval of the General Assembly.

### LAW ENFORCEMENT

#### ***Award of Service Pistol upon Retirement***

ACT 391 (HB1606) allows the Arkansas Commission on Law Enforcement Standards and Training to award the service pistol carried by a certified law enforcement officer employed by the commission to the officer or his or her spouse upon the officer's retirement or death. The act applies to a certified law enforcement officer who retired or died on or after January 1, 2014.

### LEGISLATIVE AUDIT

#### ***Requirements for Audits***

ACT 554 (SB723) amends various provisions of law concerning the Division of Legislative Audit, including renaming the division "Arkansas Legislative Audit", clarifying the information required in school financial audits, and clarifying the information required in a disposition report on the status of matters that have not been previously reported as resolved to the Legislative Joint Auditing Committee.

### LICENSING AND REGISTRATION

#### ***Reinstatement***

ACT 1066 (HB1823) requires boards, commissions, and agencies that perform licensing and registration duties to adopt an abbreviated procedure for a person to obtain reinstatement of his or her license in certain circumstances.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### LIVESTOCK AND POULTRY

#### ***Bovine Disease Control and Eradication Program - Fees***

ACT 1077 (HB1388) limits the fee levied on cattle for the funding of the bovine disease control and eradication program.

#### ***Division of Brand Registry***

ACT 965 (HB1960) regulates the branding and marking of livestock. The act also eliminates the Division of Brand Registry of the Arkansas Livestock and Poultry Commission and allows the commission to contract with a private entity to administer the requirements for branding and marking livestock.

### MASSAGE THERAPY

#### ***Abolishment and Transfer***

ACT 1020 (SB145) abolishes the State Board of Massage Therapy; transfers the State Board of Massage Therapy's powers, duties, and property to the State Board of Health and the Department of Health; and creates the Massage Therapy Technical Advisory Committee. The act declares an emergency for Sections 6 and 18 of the act, and Sections 6 and 18 of the act are effective on and after April 2, 2015. Sections 1-5, 7-17, and 19-30 of the act are effective on and after October 1, 2015.

#### ***Generally***

ACT 1083 (HB1562) amends various sections of law regarding massage therapy and adds a renewal procedure for a licensee who is or was on active duty with the military.

### NATURAL RESOURCES COMMITTEE

#### ***Attendance at Meetings***

ACT 1132 (SB910) amends laws concerning the administration of leases and permits for natural resources of the state and the Natural Resources Committee by increasing penalties for removing natural resources from navigable rivers and lakes in this state or other state lands without a permit from or lease with the Commissioner of State Lands. The act also provides that a member of the Natural Resources Committee may designate a person within the member's organization to attend meetings and conduct committee business on the member's behalf.

### NURSING BOARD

#### ***Membership***

ACT 997 (SB624) amends the membership of the Arkansas State Board of Nursing.

#### ***Offenses that Prohibit Licensure***

ACT 1047 (SB625) amends the list of offenses that prohibit nursing licensure.

### ORGANIZATION

#### ***Transfers***

ACT 1202 (SB382) allows the Governor to perform a study of transferring the duties, powers, and property of all state boards, commissions, and agencies to be administered by a limited number of principal agencies. The act declares an emergency and is effective on and after April 7, 2015.

### PARKS, RECREATION, AND TRAVEL

#### ***Membership***

ACT 744 (HB1464) revises the membership of the State Parks, Recreation, and Travel Commission, including increasing the membership of the board from thirteen (13) to fifteen (15) members and amending the requirements for appointments to the board. The act is effective on and after January 1, 2016.

**STATE AGENCIES, BOARDS, AND COMMISSIONS****PARKS, RECREATION, AND TRAVEL*****Membership - Commissioner Emeritus***

ACT 17 (HB1049) modifies the membership of the State Parks, Recreation, and Travel Commission by limiting the qualifications of commissioners emeriti. The act provides that a person is a commissioner emeritus if he or she has served on the commission for at least twenty-four (24) years and was designated as a commissioner emeritus on or before the effective date of the act.

**PAROLE BOARD*****Criminal Justice Reform Act of 2015***

ACT 895 (SB472) increases the tools available to the judiciary, the Department of Community Correction, the Department of Correction, and the Parole Board in order to alleviate the problem of prison overcrowding and to promote public safety. The act provides for significant reforms to and an increase of funding for the probation and parole system, increases the funding to and accountability for the numerous variations of specialty court programs throughout the state, establishes a more vigorous legislative and state agency oversight of the criminal justice system through the creation of a legislative committee and two task forces, streamlines the process to place certain persons in the criminal justice system into the Medicaid program in order to help the corrections agencies save money, and improves the efficiency of the methods the Department of Correction may use to reduce prison overcrowding administratively. The act declares an emergency and is effective on and after April 1, 2015.

***Grant or Award of Parole***

ACT 609 (SB58) makes technical changes to the grant or award of parole by the Parole Board and gives the Parole Board rulemaking authority to adopt rules pertaining to parole.

***Public Safety Transparency and Accountability Act of 2015***

ACT 1265 (SB617) provides that the Department of Correction, Department of Community Correction, and the Parole Board shall post certain inmate, parolee, and probationer records online for the benefit of public review, including risk assessments, custodial records, aliases, photographs of the inmate, criminal history and background information, suspended sentence information, and the calculation of the parole eligibility date for an inmate housed in the Department of Correction. The act declares an emergency and is effective on and after April 8, 2015.

***Technical Correction***

ACT 1288 (SB1042) amends the law to correct a technical mistake in Act 895 of 2015 that inadvertently deleted some requirements for a person to serve on the Parole Board. The act declares an emergency and is effective on and after April 8, 2015.

**PHARMACY BOARD*****Criminal Background Checks***

ACT 532 (HB1378) removes the exemption from obtaining a criminal background check for an applicant for a pharmacist license who upon licensure will not practice pharmacy while physically present in Arkansas.

***Permits***

ACT 542 (HB1572) explicitly allows the Arkansas State Board of Pharmacy to issue permits to third-party logistics providers, manufacturers, or outsourcing facilities to maintain oversight and local control in response to Section 205 of the Drug Quality and Security Act.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### POLLUTION CONTROL AND ECOLOGY

#### ***Administrative Law Judge***

ACT 838 (HB1435) provides for changing the title of "administrative hearing officer" for the Arkansas Pollution Control and Ecology Commission to "administrative law judge".

### PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES

#### ***Abolition***

ACT 393 (SB164) abolishes the Arkansas Board of Private Investigators and Private Security Agencies and provides for the Department of Arkansas State Police to assume all licensing and other administrative functions formerly assigned to the board. The act provides that the department is responsible for all licensing and the establishment of training requirements for private investigators, private security agencies, voice stress analysts, polygraph analysts, fire alarm systems companies, and alarm systems companies. The act also provides that the department is responsible for licensing and training for a newly established school security license that would permit school personnel to carry a concealed handgun on the campus of a school where they are employed for the purpose of school security and emergency response. The act is effective on and after September 1, 2015.

### PROCUREMENT

#### ***Marketing and Redistribution of Certain Plants and Animals***

ACT 686 (HB1399) exempts from the marketing and redistribution laws the sale of plants, animals, or commodities of plants or animals by a public institution of higher education if the proceeds from the sale are used solely for agricultural research, extension, or teaching programs.

### PUBLIC SERVICE COMMISSION

#### ***Arkansas Underground Facilities Damage Prevention Act***

ACT 908 (SB814) amends the Arkansas Underground Facilities Damage Prevention Act and revises the notification process an excavator uses to notify the One Call Center of damage to an underground facility. The act also provides that an operator shall respond and examine the damage within two (2) business days of receiving notice of damage to an underground facility and repair the damage within a reasonable amount of time.

#### ***Certificate of Public Convenience and Necessity***

ACT 842 (HB1592) clarifies and amends the requirements for obtaining a certificate of public convenience and necessity from the Arkansas Public Service Commission. The act declares an emergency and is effective on and after March 31, 2015.

#### ***Interim Rate Surcharges***

ACT 1000 (SB727) modifies the regulation of public utilities by the Arkansas Public Service Commission, including hearing procedures and interim rate filings by public utilities. The act declares an emergency and is effective on and after April 2, 2015.

#### ***Power Purchase Agreements***

ACT 1088 (HB1633) allows an electric utility to enter into a power purchase agreement upon approval by the Arkansas Public Service Commission.

#### ***Rates and Charges - Energy Conservation Endorsement Act of 1977***

ACT 78 (HB1191) modifies the opt-out provisions under the Energy Conservation Endorsement Act of 1977. The act also allows large nonresidential business consumers to return or refund any monetary compensation or other financial incentives received from a public utility within the preceding five (5) years to implement utility-sponsored energy conservation programs and measures and to direct the nonresidential business consumer's own energy conservation programs and measures.



## STATE AGENCIES, BOARDS, AND COMMISSIONS

### RACING COMMISSION

#### ***Membership***

ACT 300 (SB314) increases the membership of the Arkansas Racing Commission from five (5) to seven (7) members and provides that the two (2) new members shall be appointed by the Governor within thirty (30) days of the effective date of the act. The act declares an emergency and is effective on and after March 4, 2015.

### REAL ESTATE

#### ***Arkansas Appraiser Licensing and Certification Board***

ACT 695 (HB1455) modifies the membership of the Arkansas Appraiser Licensing and Certification Board to include qualified appraisers and clarifies the national entities that may nominate members for the Governor to appoint to the board. The act also removes obsolete entities and updates the entities to nominate a member for the Governor to appoint to the board with financial knowledge and experience. The act declares an emergency and is effective on and after March 25, 2015.

#### ***Purchase or Lease of Real Property***

ACT 879 (HB1788) requires that the Arkansas Building Authority and other state agencies consult the Arkansas Economic Development Commission's Building and Sites Database before purchasing or leasing buildings or land.

### RECORDS AND REPORTS - GENERALLY

#### ***Productivity Reporting***

ACT 370 (SB310) amends the productivity reporting requirements for state agencies and institutions of higher education.

### RURAL DEVELOPMENT

#### ***Transfer of Conservation Education Program***

ACT 371 (SB469) transfers the administration of the fish and wildlife conservation education programs from the Department of Education to the Department of Rural Services.

### SERVICE AND VOLUNTEERISM

#### ***Advisory Commission***

ACT 111 (SB210) creates the Governor's Advisory Commission on National Service and Volunteerism to assist the program and staff of the Division of Community Service and Nonprofit Support of the Department of Human Services and to serve as the state commission on national and community service.

### STATE POLICE

#### ***Dual Authority***

ACT 1004 (SB809) provides for dual authority and responsibility over the Child Maltreatment Act for the Department of Human Services and the Department of Arkansas State Police.

**STATE AGENCIES, BOARDS, AND COMMISSIONS****STATE POLICE*****Licensing of Certain Security Persons and Entities***

ACT 393 (SB164) abolishes the Arkansas Board of Private Investigators and Private Security Agencies and provides for the Department of Arkansas State Police to assume all licensing and other administrative functions formerly assigned to the board. The act provides that the department is responsible for all licensing and the establishment of training requirements for private investigators, private security agencies, voice stress analysts, polygraph analysts, fire alarm systems companies, and alarm systems companies. The act also provides that the department is responsible for licensing and training for a newly established school security license that would permit school personnel to carry a concealed handgun on the campus of a school where they are employed for the purpose of school security and emergency response. The act is effective on and after September 1, 2015.

***State Fire Marshal Enforcement Section***

ACT 961 (HB1906) authorizes the State Fire Marshal to review rate filings by an advisory organization to determine if the evaluation of fire protection services is reasonable and to make recommendations to the Insurance Commissioner.

**TECHNICAL CORRECTIONS - GENERAL PROVISIONS - TITLE 1**

ACT 1154 (SB122) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 1 of the Arkansas Code.

**TOBACCO*****Regulation of Vapor Products, Alternative Nicotine Products, and E-liquid Products***

ACT 1235 (SB978) requires a license or permit for the sale of vapor products, alternative nicotine products, and e-liquid products; applies certain tobacco-product regulations to vapor products, alternative nicotine products, and e-liquid products; makes it a violation for a person to use a tobacco product, vapor product, alternative nicotine product, or e-liquid product on the grounds of a school, child care facility, or healthcare facility; requires alternative nicotine products and e-liquid containers that contain nicotine to have child-resistant packaging; and repeals certain laws relating to minors and alternative nicotine products and e-cigarettes.

**TOWING AND RECOVERY*****Complaint Resolution Procedure***

ACT 1117 (SB562) creates a procedure for resolving consumer complaints regarding towing that are not filed directly with the Arkansas Towing and Recovery Board.

***Membership Requirements***

ACT 1197 (HB1964) amends the membership requirements for the Arkansas Towing and Recovery Board.

***Minimum Standards for Towing Facilities***

ACT 1195 (HB1896) requires that the Arkansas Towing and Recovery Board establish a minimum standard for the structure of a place of business and storage facility used for the daily operation of a licensed tow company.

***Penalties - Removal from Non-consent Rotation List***

ACT 1224 (SB893) establishes a procedure for removing a tow company from the non-consent rotation list and authorizes the imposition of fines for a violation of a recognized non-consent rotation policy. The act also requires law enforcement to establish a non-consent rotation policy if one does not already exist and authorizes the Director of the Arkansas Towing and Recovery Board and an investigator employed by the Arkansas Towing and Recovery Board to issue citations for violations of the towing laws.

**STATE AGENCIES, BOARDS, AND COMMISSIONS**VETERANS***Licensure and Certification***

ACT 848 (HB1723) allows active duty military service members stationed in Arkansas, returning military veterans applying within one (1) year of discharge, and their spouses to obtain temporary licensure or certification to engage in professions in the state and receive an expedited licensure or certification process; allows a state board or commission to consider military training and experience when considering licensure or certification and substitute that training and experience for required experience or education; provides that licensure or certification for deployed active duty military service members shall not expire until one hundred eighty (180) days following the return from active deployment; and allows an exemption from continuing education requirements for deployed active duty military service members, returning military veterans within one (1) year of discharge, and their spouses. The act declares an emergency and is effective on and after March 31, 2015.

WORKFORCE SERVICES***Drug Screening and Testing Pilot Program for TANF***

ACT 1205 (SB600) creates the Drug Screening and Testing Act of 2015 to require the Department of Workforce Services to establish a two-year pilot program of suspicion-based drug screening and testing for each applicant and recipient of the Temporary Assistance for Needy Families (TANF) Program. The act is effective no later than December 31, 2015, and shall expire after a period of two (2) years from the beginning of the pilot program.

***Professionals of Necessity***

ACT 920 (SB995) requires the Department of Workforce Services to study ways to encourage professionals to work in underprivileged and underserved Arkansas communities.

**TAXES**ADMINISTRATION OF LOCAL TAXES***Property Tax - Valuation of Broadband Infrastructure***

ACT 1118 (SB683) amends the valuation methods and taxation of certain intangible personal property related to broadband infrastructure.

***Tangible Personal Property***

ACT 59 (HB1073) provides for an extension of the local personal property tax assessment period to the following business day when the last day of assessment falls on a Saturday, Sunday, or postal holiday. The act declares an emergency and is effective on and after February 13, 2015.

***Valuation of Off-premises Advertising Signs***

ACT 573 (SB756) provides a valuation method for determining the market value of off-premises advertising signs. The act is effective for assessment years beginning on and after January 1, 2015.

ADMINISTRATION OF STATE TAXES***Multistate Tax Compact Advisory Committee - Elimination***

ACT 385 (SB320) eliminates the Multistate Tax Compact Advisory Committee and requires the Department of Finance and Administration to prepare an annual report detailing the activities of the Multistate Tax Commission and Arkansas's participation in the activities of the commission.

***Tax Exemptions for Disaster Response Workers***

ACT 864 (SB925) exempts out-of-state businesses and their employees from certain taxes and regulatory requirements during a disaster response period. The act declares an emergency and is effective on and after March 31, 2015.

**TAXES****ADMINISTRATION OF STATE TAXES*****Taxpayer Fairness***

ACT 896 (SB490) extends the time for a taxpayer to report corrected federal taxable income to the state and reduces the assessment period on these corrections; allows a taxpayer, in certain circumstances, to file a verified claim for a credit or refund of an overpayment of state tax for any additional time the state opens for assessment; provides for the construction of and standard of proof for laws imposing taxes and laws providing tax exemptions, deductions, or credits; requires the public posting of final determinations of hearing officers and legal opinions issued by the Director of the Department of Finance and Administration; allows a taxpayer to file a lawsuit challenging a tax assessment without first paying the taxes, penalties, and interest owed; amends the filing requirements for corporate returns; and extends the time to claim a tax credit or refund. Sections 1 through 5, Section 7, and Section 8 of the act are effective on and after October 1, 2015. Section 6 of the act, concerning corporate income tax returns, is effective for tax years beginning on and after January 1, 2017.

***Time Period to Claim Credits and Refunds***

ACT 1254 (HB1866) allows a taxpayer to claim a refund or credit for an overpayment of a state tax during the same period of time that the state may assess overdue taxes. The act limits the amount of the credit or refund for an overpayment to the total amount assessed during the extended audit period.

**COLLECTION AND ENFORCEMENT*****Abandonment of Personal Property Remaining on Land Subject to Sale***

ACT 1139 (SB1016) specifies when personal property remaining on land purchased at a judicial sale, a non-judicial foreclosure sale, or a tax sale is considered to have been abandoned.

***Assessment Appeal***

ACT 1057 (HB1308) provides that upon appeal of a personal property tax assessment to the circuit court, the taxpayer appealing the assessment shall pay to the county collector the amount the taxpayer claims is owed under the personal property tax assessment, and the taxpayer shall also pay into the registry of the circuit court an amount equal to the difference between the personal property tax assessment and the amount the taxpayer claims is owed under the personal property tax assessment.

***Claimant Agency - Highway and Transportation Department***

ACT 531 (HB1356) includes the Arkansas State Highway and Transportation Department within the definition of “claimant agency” for the purpose of obtaining a setoff against state tax refunds for debts owed to the state.

***Corporate Franchise Tax - Disputes***

ACT 834 (HB1406) provides that the Secretary of State may agree to settle a dispute concerning interest or penalties associated with corporate franchise taxes if the amount is disputed or the taxpayer is insolvent or bankrupt. The act also directs the Secretary of State to develop guidelines to assist a taxpayer in resolving a dispute of corporate franchise taxes.

***Redemption of Tax-delinquent Property***

ACT 1226 (SB898) provides for a clarification of the redemption rights of persons with mental disabilities, minors, and members of the armed forces to land sold for delinquent taxes.

***Redemption of Tax-delinquent Property - Obsolete Laws***

ACT 1229 (SB907) repeals obsolete laws concerning the redemption of tax-delinquent lands.

**TAXES****COLLECTION AND ENFORCEMENT*****Sale of Tax-delinquent Property - Notice***

ACT 1225 (SB897) provides for a clarification of notice procedures for the sale of tax-delinquent lands that are claimed as a homestead.

***Sales of Real Property***

ACT 683 (SB1001) provides that a judicial action to confirm a tax sale or quiet title to real property located in Arkansas eliminates any additional time to redeem the real property or challenge a tax deed.

***Set Aside of Tax-delinquent Property Sales***

ACT 1230 (SB908) clarifies tender of payment to set aside the sale of tax-delinquent land.

***Tax-delinquent Property - Actions to Correct, Remove, or Abate Conditions***

ACT 1228 (SB906) protects the Commissioner of State Lands from liability for actions taken by a city or town to correct, remove, or abate certain conditions concerning tax-delinquent land.

***Tax-delinquent Property - Dedication of Land as Public Park***

ACT 916 (SB903) provides that if a city fails or refuses to approve a dedication of land for park purposes within one (1) year of receiving notice of the dedication, the land shall revert to the owner of the land or the owner's heirs, successors, and assigns.

***Tax-delinquent Property - Maintenance and Liability***

ACT 1227 (SB900) provides for the maintenance of tax-delinquent real property and protects the Commissioner of State Lands from liability for the condition of the premises.

**INCOME TAX*****Adoption of Changes to Federal Law***

ACT 580 (HB1427) adopts recent changes to federal income tax laws. The act is effective for tax years beginning on and after January 1, 2014.

***Capital Gains Exemption***

ACT 1173 (HB1402) amends Act 22 of 2015 concerning the income tax applicable to capital gains by providing for a phased-in increase in the capital gains exemption and a total exemption for capital gains in excess of ten million dollars (\$10,000,000) that are realized on or after January 1, 2014.

***Capital Gains Exemption***

ACT 22 (SB6) reduces the income tax exemption for capital gains to forty percent (40%) beginning February 1, 2015, and eliminates the income tax exemption for capital gains over ten million dollars (\$10,000,000). The act declares an emergency and is effective on and after February 6, 2015.

***Check-off Program - Game and Fish Foundation***

ACT 399 (SB461) creates an income tax check-off program for the Game and Fish Foundation. The act is effective for tax years beginning on and after January 1, 2015.

***Credit - Waste Reduction, Reuse, or Recycling Equipment***

ACT 692 (HB1201) provides qualified manufacturers of steel with alternate qualification standards and an extended carry-forward period for the income tax credit allowed for waste reduction, reuse, or recycling equipment. The new provisions created by the act apply only to income tax credits certified on or after January 1, 2015.

***Credit for Waste Reduction, Reuse, and Recycling Equipment - Amendment 82 Projects***

ACT 862 (SB844) clarifies the distribution of income tax credits for waste reduction, reuse, or recycling equipment when a public retirement system is an investor in a qualified Amendment 82 project. The act declares an emergency and is effective on and after March 31, 2015.

**TAXES****INCOME TAX*****Exemption - Disabilities Savings Accounts***

ACT 1238 (HB1239) creates the Achieving a Better Life Experience Program in conformity with federal law to provide for tax-protected savings accounts aimed at financial self-sufficiency for Arkansans with disabilities. The act becomes effective upon the issuance of final federal rules.

***Exemption for Certain Disaster Payments***

ACT 891 (SB341) creates an income tax exemption for payments from an agricultural disaster program to a cattle farmer or cattle rancher. The act is effective for tax years beginning on and after January 1, 2015.

***Historic Rehabilitation Credit***

ACT 567 (SB570) clarifies the definition of "certified rehabilitation" and provides that the historic rehabilitation income tax credit may be claimed only once every twenty-four (24) months for an eligible property. The act also extends the effective date for the historic rehabilitation income tax credit to December 31, 2027. The act declares an emergency and is effective on and after March 20, 2015.

***Military Family Relief Check-Off Program***

ACT 402 (SB731) amends the use of the funds received under the Military Family Relief Check-Off Program. The act declares an emergency and is effective on and after March 12, 2015.

***Offset of Court-ordered Restitution Through Interception of State Income Tax Return***

ACT 837 (HB1434) provides that court-ordered restitution in a criminal case may be satisfied in certain situations through the interception of the defendant's state income tax return.

***Rates and Brackets***

ACT 22 (SB6) amends the income tax brackets and reduces some of the income tax rates for individuals, trusts, and estates with a net income of at least \$21,000. The act creates separate income tax tables for taxpayers based on their income, including a table for taxpayers with a net income that is less than \$21,000 (effective January 1, 2015), between \$21,000 and \$75,000 (effective January 1, 2016), and greater than \$75,000 (effective January 1, 2016). The act declares an emergency and is effective on and after February 6, 2015.

***Recovery of Unpaid Public Defender User Fees***

ACT 893 (SB383) provides that, as a claimant agency, the Public Defender Commission may file a claim for a setoff against a person's state income tax refund in order to recover unpaid public defender user fees.

***Reduction Based on Collection of Sales Taxes from Remote Sellers***

ACT 709 (HB1007) provides for the use of the revenues generated by sales taxes collected from out-of-state sellers to reduce certain income tax rates applicable to individuals, trusts, and estates. The act is contingent upon the enactment of federal law that authorizes the state to collect sales and use taxes from sellers that do not have a physical presence in the state. The act is effective for tax years beginning on and after January 1, 2015.

**LOCAL SALES AND USE TAXES*****Advertising and Promotion Tax Records***

ACT 1102 (HB1941) exempts from the Freedom of Information Act of 1967 information concerning the advertising and promotion tax collections of individual entities.

***Wine Shipments***

ACT 236 (SB230) provides that a winery shall collect local sales and use taxes on direct shipments of wine. The act declares an emergency and is effective on and after July 1, 2015.

**TAXES**PREMIUM TAXES***Credit Eligibility***

ACT 231 (SB219) enacts the State Insurance Department's general omnibus bill, including updates to numerous insurance laws, improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department, and replaces obsolete language concerning remittance of insurance premium taxes.

PRIVILEGE TAXES***Alcoholic Beverages***

ACT 857 (SB646) provides an exemption from the privilege tax on liquor business for microbrewery restaurants. The act also increases the annual capacity of small brewers to twenty thousand (20,000) barrels of beer and authorizes small breweries to sell their beer at off-premises retail sites. The act declares an emergency and is effective on and after March 31, 2015.

***Application of Tobacco Tax***

ACT 1119 (SB684) clarifies that current law imposes an excise tax on all tobacco products sold in the state. The act declares an emergency and is effective on and after April 6, 2015.

***Coin-operated Amusements***

ACT 1209 (SB745) amends the definition of "amusement device" for purposes of taxation and increases the monetary limit on prizes for establishments that meet certain criteria.

PROPERTY TAX***Prorated Exemption for Disabled Veterans***

ACT 1167 (HB1176) prorates the property tax exemption for disabled veterans to the date of sale of the property and provides that, once established, the exemption applies regardless of where the homestead is located in the state.

***Valuation of Broadband Infrastructure***

ACT 1118 (SB683) amends the valuation methods and taxation of certain intangible personal property related to broadband infrastructure.

***Valuation of Off-premises Advertising Signs***

ACT 573 (SB756) provides a valuation method for determining the market value of off-premises advertising signs. The act is effective for assessment years beginning on and after January 1, 2015.

REAL PROPERTY TRANSFER TAX***Affidavits of Compliance and Receipts***

ACT 165 (HB1247) repeals obsolete provisions concerning the completion, storage, and audit of real property transfer tax affidavits of compliance and receipts.

***Exemption for Statutory Foreclosures***

ACT 1098 (HB1817) exempts statutory foreclosures from the real property transfer tax.

SEVERANCE TAXES***Distribution***

ACT 536 (HB1436) amends the distribution of severance tax revenues and directs a portion of the severance tax revenues to the newly created Road and Bridge Repair, Maintenance, and Grants Fund. The act declares an emergency and is effective on and after July 1, 2015.

STATE SALES AND USE TAXES***Exemption for Certain Aircraft Services and Sales***

ACT 1182 (HB1662) exempts from the sales and use tax services related to incorporating parts into aircraft and sales between out-of-state sellers and purchasers of aircraft that will be based out of state after certain modifications or repairs are made in state. The act declares an emergency and is effective on and after April 7, 2015.

## TAXES

### STATE SALES AND USE TAXES

#### ***Exemption for Certain Fluids Used in Natural Resources Development***

ACT 1126 (SB802) exempts saltwater, drilling fluids, hydraulic fracturing fluids, produced water, pit water, pit mud, and similar materials produced or generated from oil, gas, or other natural resource exploration and development activities from the definition of "solid wastes" for purposes of sales and use taxes. The act is effective on and after October 1, 2015.

#### ***Exemption for Lessees of Intermodal Authorities***

ACT 691 (HB1178) provides a sales and use tax exemption for lessees of an intermodal authority in certain circumstances.

#### ***Exemption for Sand and Other Proppants***

ACT 1125 (SB801) creates an exemption from the sales and use tax for sand and other proppants used to complete a new oil or gas well or to re-complete, redrill, or expand an existing oil or gas well. The act is effective on and after October 1, 2015.

#### ***Limited Direct Pay Permit***

ACT 1107 (SB332) creates a limited direct pay permit for purposes of sales and use taxes and allows the limited direct pay permit to be used to claim a sales tax refund for the partial replacement and repair of certain machinery and equipment. The act declares an emergency and is effective on and after April 6, 2015.

### TECHNICAL CORRECTIONS - TAXATION - TITLE 26

ACT 1163 (SB131) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 26 of the Arkansas Code.

## TECHNOLOGY

### ARKANSAS WIRELESS INFORMATION NETWORK

#### ***Arkansas Wireless Information Network Financing Fund***

ACT 1012 (SB1044) creates the Arkansas Wireless Information Network Financing Fund to be used for maintenance, repair, upkeep, replacement, contracting expenses, and tower repair and replacement for the Arkansas Wireless Information Network. The act provides that the fund consists of bond revenues, driver's license fees, general revenues, and other moneys as authorized by law.

### COMPUTERS AND SOFTWARE

#### ***Wrongful Dissemination of an Electronic Communication***

ACT 1111 (SB509) provides that a person may be liable for damages to another person whose identity he or she assumes by wrongfully disseminating an electronic communication with the purpose of influencing a political vote.

### INFORMATION NETWORK OF ARKANSAS

#### ***Appointments***

ACT 1100 (HB1851) changes the method of appointing members to certain state boards and commissions.

### STATE GOVERNMENT

#### ***Arkansas Business Portal Act***

ACT 1190 (HB1844) establishes a state business portal within the Office of the Secretary of State to use cash funds to administer an online portal for business licensure and transactions to promote uniformity of applications for both state and local government business transactions.



## TECHNOLOGY

### STATE GOVERNMENT

#### *Information Network of Arkansas*

ACT 550 (SB315) requires the Information Network of Arkansas to file quarterly reports to the Legislative Council and Joint Committee on Advanced Communications and Information Technology of any changes in charges for services.

### WIRELESS TELECOMMUNICATIONS DEVICES

#### *Location Information in an Emergency*

ACT 405 (HB1315) requires a commercial mobile radio service provider to provide location information for a mobile telecommunications device, such as a cell phone, to a law enforcement agency in an emergency situation. The act also requires a commercial mobile radio service provider to submit all contact information to the Arkansas Crime Information Center and update the information as changes occur.

## TOBACCO

### REGULATION

#### *E-Cigarettes - Institutions of Higher Education*

ACT 847 (HB1722) prohibits the use of e-cigarettes on each campus of state-supported institutions of higher education.

#### *Smoking - Long-Term Care Facilities*

ACT 708 (HB1721) amends the Arkansas Clean Indoor Air Act of 2006 to include the definition of "long-term care facility" and limits smoking in and near long-term care facilities.

#### *Vapor Products, Alternative Nicotine Products, and E-liquid Products*

ACT 1235 (SB978) requires a license or permit for the sale of vapor products, alternative nicotine products, and e-liquid products; applies certain tobacco-product regulations to vapor products, alternative nicotine products, and e-liquid products; makes it a violation for a person to use a tobacco product, vapor product, alternative nicotine product, or e-liquid product on the grounds of a school, child care facility, or healthcare facility; requires alternative nicotine products and e-liquid containers that contain nicotine to have child-resistant packaging; and repeals certain laws relating to minors and alternative nicotine products and e-cigarettes.

### TAXES

#### *Application*

ACT 1119 (SB684) clarifies that current law imposes an excise tax on all tobacco products sold in the state. The act declares an emergency and is effective on and after April 6, 2015.

## TOURISM

### PARKS, RECREATION, AND TRAVEL COMMISSION

#### *Membership*

ACT 744 (HB1464) revises the membership of the State Parks, Recreation, and Travel Commission, including increasing the membership of the board from thirteen (13) to fifteen (15) members and amending the requirements for appointments to the board. The act is effective on and after January 1, 2016.

## UTILITIES

### ACCESS TO CUSTOMER INFORMATION

#### *Process Servers*

ACT 878 (HB1777) provides that a court-appointed process server may verbally request and be granted access to a public utility customer's last known or current address in order to effectuate service of process of legal documents.

**UTILITIES****ACQUISITION OF ADDITIONAL PROPERTY*****Affiliate***

ACT 736 (SB645) provides that a public utility may obtain additional property, including property of an affiliate or other entity. The act also clarifies that an exemption under § 23-18-504(a)(5) does not prevent a public utility from requesting a certificate of public convenience and necessity or bar the Public Service Commission from granting a certificate of public convenience and necessity to the public utility.

**BOARDS, COUNCILS, COMMITTEES, AND COMMISSIONS*****Appointments***

ACT 1100 (HB1851) changes the method of appointing members to certain state boards and commissions.

**ELECTRIC*****Eminent Domain for Transmission Lines - Compensation***

ACT 1002 (SB757) allows an owner of real property to assert a taking if the implementation of a regulatory program by a governmental unit permanently reduces the fair market value of the real property by a certain amount. The act also provides for a compensation system for this type of taking and sets an enhanced compensation amount for an electric utility that acquires land from a private property owner through eminent domain for purposes of a transmission line. The act declares an emergency and is effective on and after April 2, 2015.

***Energy Conservation Endorsement Act of 1977***

ACT 78 (HB1191) modifies the opt-out provisions under the Energy Conservation Endorsement Act of 1977. The act also allows large nonresidential business consumers to return or refund any monetary compensation or other financial incentives received from a public utility within the preceding five (5) years to implement utility-sponsored energy conservation programs and measures and to direct the nonresidential business consumer's own energy conservation programs and measures.

***Net Metering***

ACT 827 (HB1004) provides that net excess generation credits do not expire and allows net excess generation credits to roll over to subsequent billing cycles indefinitely. The act also amends the requirements for the rates charged to net-metering customers and allows a net-metering customer to apply net-metering credits from a net-metering facility to the bill for another meter location if the net-metering facility and the separate meter location are under common ownership within a single electric utility's service area.

***Power Purchase Agreements***

ACT 1088 (HB1633) allows an electric utility to enter into a power purchase agreement upon approval by the Arkansas Public Service Commission.

**EMINENT DOMAIN*****Property Owner - Bill of Rights***

ACT 1101 (HB1908) establishes a bill of rights for property owners in eminent domain proceedings and modifies the procedures for awarding just compensation.

**FREEDOM OF INFORMATION ACT*****Exemption for Customer Information***

ACT 186 (SB197) exempts records relating to security for municipally owned utility systems and personal information of current and former public water system customers and municipally owned utility system customers from disclosure under the Freedom of Information Act of 1967. The act declares an emergency and is effective on and after February 24, 2015.

**UTILITIES****GAS*****Compressed Natural Gas - Motor Fuel***

ACT 380 (HB1433) amends the definition of "public utility" to exclude a person or corporation that furnishes compressed natural gas as a motor fuel to the public for compensation and is not otherwise a public utility.

***Energy Conservation Endorsement Act of 1977***

ACT 78 (HB1191) modifies the opt-out provisions under the Energy Conservation Endorsement Act of 1977. The act also allows large nonresidential business consumers to return or refund any monetary compensation or other financial incentives received from a public utility within the preceding five (5) years to implement utility-sponsored energy conservation programs and measures and to direct the nonresidential business consumer's own energy conservation programs and measures.

**PUBLIC SERVICE COMMISSION*****Authority - Regulate Rates and Charges***

ACT 78 (HB1191) modifies the opt-out provisions under the Energy Conservation Endorsement Act of 1977. The act also allows large nonresidential business consumers to return or refund any monetary compensation or other financial incentives received from a public utility within the preceding five (5) years to implement utility-sponsored energy conservation programs and measures and to direct the nonresidential business consumer's own energy conservation programs and measures.

***Certificate of Public Convenience and Necessity***

ACT 736 (SB645) provides that a public utility may obtain additional property, including property of an affiliate or other entity. The act also clarifies that an exemption under § 23-18-504(a)(5) does not prevent a public utility from requesting a certificate of public convenience and necessity or bar the Public Service Commission from granting a certificate of public convenience and necessity to the public utility.

***Certificate of Public Convenience and Necessity - Requirements***

ACT 842 (HB1592) clarifies and amends the requirements for obtaining a certificate of public convenience and necessity from the Arkansas Public Service Commission. The act declares an emergency and is effective on and after March 31, 2015.

***Federal Energy Regulatory Commission - Authorized Debt***

ACT 899 (SB667) provides that the Arkansas Public Service Commission does not have to authorize evidence of indebtedness of a regional transmission organization that is jurisdictional to the Federal Energy Regulatory Commission if the debt has been authorized by the Federal Energy Regulatory Commission and does not create a lien on property in this state.

***Interim Rate Surcharges***

ACT 1000 (SB727) modifies the regulation of public utilities by the Arkansas Public Service Commission, including hearing procedures and interim rate filings by public utilities. The act declares an emergency and is effective on and after April 2, 2015.

***Public Utility - Definition***

ACT 380 (HB1433) amends the definition of "public utility" to exclude a person or corporation that furnishes compressed natural gas as a motor fuel to the public for compensation and is not otherwise a public utility.

**UTILITIES****PUBLIC SERVICE COMMISSION*****Rate Reform***

ACT 725 (HB1655) creates the Formula Rate Review Act, which allows the Public Service Commission to implement a regulatory scheme to establish a formula rate review of a public utility. The act also provides the criteria necessary to set rates under a formula rate review process. The act declares an emergency and is effective on and after March 27, 2015.

**RATES AND CHARGES*****Energy Conservation Endorsement Act of 1977***

ACT 78 (HB1191) modifies the opt-out provisions under the Energy Conservation Endorsement Act of 1977. The act also allows large nonresidential business consumers to return or refund any monetary compensation or other financial incentives received from a public utility within the preceding five (5) years to implement utility-sponsored energy conservation programs and measures and to direct the nonresidential business consumer's own energy conservation programs and measures.

***Exemption - Certificate of Public Convenience and Necessity***

ACT 736 (SB645) provides that a public utility may obtain additional property, including property of an affiliate or other entity. The act also clarifies that an exemption under § 23-18-504(a)(5) does not prevent a public utility from requesting a certificate of public convenience and necessity or bar the Public Service Commission from granting a certificate of public convenience and necessity to the public utility.

***Formula Rate Review - Authorized***

ACT 725 (HB1655) creates the Formula Rate Review Act, which allows the Public Service Commission to implement a regulatory scheme to establish a formula rate review of a public utility. The act also provides the criteria necessary to set rates under a formula rate review process. The act declares an emergency and is effective on and after March 27, 2015.

***Interim Rate Surcharges***

ACT 1000 (SB727) modifies the regulation of public utilities by the Arkansas Public Service Commission, including hearing procedures and interim rate filings by public utilities. The act declares an emergency and is effective on and after April 2, 2015.

**REGULATION GENERALLY*****Certificate of Convenience and Necessity - Exemption***

ACT 917 (SB935) creates an exemption for a generation and transmission cooperative to the extent a member cooperative of the generation and transmission cooperative is exempt from the requirement to obtain a certificate of public convenience and necessity before undertaking new construction or operation of equipment for supplying a public service.

**SEWER*****Audit Requirements***

ACT 400 (SB456) specifies the circumstances under which a county, municipality, improvement district, or not-for-profit association or entity receiving fees from customers for providing sewage services or water services is required to obtain an annual financial audit, annual audit, or annual agreed-upon procedures and compilation report. The act provides that the audit requirement is based upon the number of service connections during a fiscal year.

***Cooperation with Water Utility in Billing and Collecting Payments***

ACT 336 (HB1082) amends the documentation required to allow a water utility to terminate water service to a customer of a sewer utility who is also a customer of the water utility if the customer is delinquent in making payments to the sewer utility. The act also allows for cooperative billing arrangements between a water utility and other entities, including a sewer utility.

## UTILITIES

### TECHNICAL CORRECTIONS - PUBLIC UTILITIES AND REGULATED INDUSTRIES - TITLE 23

ACT 1164 (SB132) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 23 of the Arkansas Code.

### TELECOMMUNICATIONS

#### ***Location Information of a Wireless Telecommunications Device in an Emergency***

ACT 405 (HB1315) requires a commercial mobile radio service provider to provide location information for a mobile telecommunications device, such as a cell phone, to a law enforcement agency in an emergency situation. The act also requires a commercial mobile radio service provider to submit all contact information to the Arkansas Crime Information Center and update the information as changes occur.

### UNDERGROUND FACILITIES

#### ***One Call Center - Notice and Repair of Damage***

ACT 908 (SB814) amends the Arkansas Underground Facilities Damage Prevention Act and revises the notification process an excavator uses to notify the One Call Center of damage to an underground facility. The act also provides that an operator shall respond and examine the damage within two (2) business days of receiving notice of damage to an underground facility and repair the damage within a reasonable amount of time.

### WATER

#### ***Audit Requirements***

ACT 400 (SB456) specifies the circumstances under which a county, municipality, improvement district, or not-for-profit association or entity receiving fees from customers for providing sewage services or water services is required to obtain an annual financial audit, annual audit, or annual agreed-upon procedures and compilation report. The act provides that the audit requirement is based upon the number of service connections during a fiscal year.

#### ***Waterworks Commission Members***

ACT 897 (SB563) amends the terms and qualifications of waterworks commission members.

## WELFARE AND GOVERNMENTAL ASSISTANCE

### ASSISTANCE PROGRAMS

#### ***Drug Screening and Testing Pilot Program for TANF***

ACT 1205 (SB600) creates the Drug Screening and Testing Act of 2015 to require the Department of Workforce Services to establish a two-year pilot program of suspicion-based drug screening and testing for each applicant and recipient of the Temporary Assistance for Needy Families (TANF) Program. The act is effective no later than December 31, 2015, and shall expire after a period of two (2) years from the beginning of the pilot program.

### HUMAN SERVICES DEPARTMENT

#### ***Board of Division of State Services for the Blind***

ACT 1100 (HB1851) changes the method of appointing members to certain state boards and commissions.

### MEDICAID

#### ***Ambulatory Surgery Centers - Medicaid Reimbursement***

ACT 1236 (SB1019) amends the law regarding Medicaid reimbursement of ambulatory surgery centers. The act declares an emergency and is effective on and after April 7, 2015.

#### ***Capacity of the Arkansas Autism Partnership***

ACT 1008 (SB952) requires the Department of Human Services to expand the capacity of the Arkansas Autism Partnership and amends the laws regarding the Medicaid waiver for autism.

## WELFARE AND GOVERNMENTAL ASSISTANCE

### MEDICAID

#### ***Medicaid Provider out of Business - Overpayment***

ACT 1269 (SB831) authorizes the Director of the Division of Medical Services of the Department of Human Services to determine that a Medicaid provider is out of business and that a Medicaid overpayment owed by the Medicaid provider cannot be collected under state law and procedures.

#### ***Private Option***

ACT 46 (SB96) creates the Arkansas Health Reform Act of 2015 to transform the Arkansas Medicaid Program, including the Health Care Independence Program, and creates the Arkansas Health Reform Legislative Task Force to recommend an alternative healthcare coverage model for the Health Care Independence Program and explore options to modernize Medicaid programs. The act declares an emergency and is effective on and after February 11, 2015.

#### ***Private Option - Notification***

ACT 1278 (SB943) provides that upon notification as required in Act 831 of 2015, the Department of Human Services shall provide information regarding the Arkansas Health Reform Act of 2015 and the purpose of the Arkansas Health Reform Legislative Task Force.

#### ***Private Option - Notification of Termination***

ACT 831 (HB1363) requires that recipients and new enrollees in the Health Care Independence Program be notified that the program will end on December 31, 2016, and that the coverage provided by the program expires on December 31, 2016.

### OLDER WORKERS

#### ***Community Service Activities***

ACT 295 (HB1364) provides expanded opportunities for older citizens to participate in the Older Worker Community Service Employment Program.

### WORKFORCE DEVELOPMENT

#### ***Restructure of Welfare Program***

ACT 907 (SB791) provides for the restructuring of the existing state welfare program under the federal Workforce Innovation and Opportunity Act. The act replaces the Temporary Assistance for Needy Families Oversight Board with the Arkansas Workforce Development Board and places expanded emphasis on workforce development under the Temporary Assistance for Needy Families program. The act declares an emergency, and § 15-4-3704 is effective on and after April 1, 2015, and the remaining sections of the act are effective on and after July 1, 2015.

## WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS

### BENEFICIARIES

#### ***Payable on Death Deposit Accounts***

ACT 586 (HB1584) provides that an account holder of a deposit account may designate a beneficiary who is not a natural person, including a trust or other entity. The act declares an emergency and is effective on and after June 1, 2015.

## WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS

### BENEFICIARIES

#### ***Unclaimed Life Insurance Benefits Act***

ACT 905 (SB768) establishes the Unclaimed Life Insurance Benefits Act and requires an insurer, upon receipt of knowledge of death of an insured, to perform a good faith effort to confirm the death and process the death benefits under the annuity contract or policy or certificate of life insurance. The act provides that unclaimed death benefits escheat to the state as unclaimed property under the Unclaimed Property Act and that an insurer's noncompliance as a general business practice may be subject to the Trade Practices Act. The act is effective on and after June 30, 2016.

### FIDUCIARY DUTY

#### ***Guardian of an Estate - Investment Practices***

ACT 1129 (SB850) regulates the investment practices of a guardian of an estate and modifies the Uniform Veterans' Guardianship Act.

### GUARDIANS AND GUARDIANSHIP

#### ***Investment Practices***

ACT 1129 (SB850) regulates the investment practices of a guardian of an estate and modifies the Uniform Veterans' Guardianship Act.

#### ***Public Guardian for Adults***

ACT 1203 (SB558) amends the law concerning the appointment, duties, and bond or fee of a public guardian for adults.

### HEIRS

#### ***Assisted Reproduction***

ACT 1256 (HB1904) provides criteria under which a child conceived through assisted reproduction after the death of a parent may inherit real or personal property if the parent died intestate.

### PROBATE

#### ***Qualifications for Domiciliary Personal Representative***

ACT 844 (HB1672) lowers the age at which a person may serve as a domiciliary personal representative from twenty-one (21) years of age to eighteen (18) years of age. The act is effective on and after January 1, 2016.

### SMALL ESTATES

#### ***Affidavits***

ACT 526 (HB1449) provides that the legal description of real property is not required in an affidavit to collect a small estate.

### TRUST TAXATION

#### ***Settlors***

ACT 396 (SB260) provides that property contributed to certain kinds of trusts is not deemed to have been contributed by the settlor, and a person who would otherwise be treated as a settlor or deemed settlor of those trusts shall not be treated as a settlor. The act protects the interests of trust settlors from federal taxation in light of recent federal court decisions.

## PROPOSED CONSTITUTIONAL AMENDMENTS

### **SJR 3 – AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO ALLOW THE GOVERNOR TO RETAIN HIS OR HER POWERS AND DUTIES WHEN ABSENT FROM THE STATE.**

If adopted, the amendment would allow the Governor to retain his or her powers and duties when absent from the state.

### **HJR 1027 – AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING THE TERMS, ELECTION, AND ELIGIBILITY OF ELECTED OFFICIALS.**

If adopted, the amendment would make the following revisions to the Arkansas Constitution concerning elected officials: provide for terms of office for certain county officials for four (4) years; provide that certain county officers shall not be appointed or elected to a civil office during their elected term; allow a candidate for an office to be certified as elected without appearing on the ballot when he or she is the only candidate for the office at the election; and define the term “infamous crime” for the purpose of determining the eligibility of elected officials to hold office.

### **SJR 16 – AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO ENCOURAGE JOB CREATION, JOB EXPANSION, AND ECONOMIC DEVELOPMENT.**

If adopted, the proposed amendment would remove the limitation on the principal amount of general obligation bonds that may be issued under Amendment 82 of the Arkansas Constitution to attract large economic development projects; authorize a city, county, town, or other municipal corporation to obtain or appropriate money for any corporation, association, institution, or individual to finance economic development projects and to provide economic development services; authorize the issuance of bonds under Amendment 62 of the Arkansas Constitution for economic development projects; authorize the taxes that may be pledged to retire bonds issued under Amendment 62 of the Arkansas Constitution for economic development projects; remove the requirement of a public sale for bonds issued under Amendment 62 of the Arkansas Constitution for economic development projects; and authorize compacts for economic development projects among cities of the first and second class, incorporated towns, school districts, and counties.

## EFFECTIVE DATE OF ACTS

Acts that do not contain an emergency clause or a specified effective date become effective on the ninety-first day following the date that the General Assembly adjourns sine die. According to the method of calculation stated in Ark. Atty. Gen. Op. 2015-044 (April 29, 2015), the effective date for acts of the 90th General Assembly that do not contain an emergency clause or a specified effective date is July 22, 2015.



GENERAL ASSEMBLY MEETING DATES  
AND EFFECTIVE DATES SINCE 1969

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
67 <sup>th</sup>	1969	January 13 – May 8	8/7/69 *
67 <sup>th</sup> – FES	1970	March 2 – March 7	6/6/70 *
68 <sup>th</sup>	1971	January 11 – April 19	7/19/71 *
68 <sup>th</sup> – FES	1972	February 7 – February 16	5/17/72 *
69 <sup>th</sup>	1973	January 8 – January 14, 1974	7/24/73: #73-120
69 <sup>th</sup> – FES	1974	June 24 – August 1	10/31/74 *
70 <sup>th</sup>	1975	January 13 – April 9	7/9/75 **
70 <sup>th</sup> – Exten	1976	January 12 – January 28	4/28/76: #76-50
70 <sup>th</sup> – FES	1976	September 8 – September 10	NA
71 <sup>st</sup>	1977	January 10 – August 14	7/6/77: #77-57
71 <sup>st</sup> – FES	1977	August 2 – August 5	11/4/77 **
72 <sup>nd</sup>	1979	January 8 – April 20	7/20/79: #79-88
72 <sup>nd</sup> – EXT.	1980	January 7 – January 17	(No legislation passed)
72 <sup>nd</sup> – FES	1980	January 17 – January 24	4/24/80: #80-42
72 <sup>nd</sup> – SES	1980	April 15 – April 18	NA
73 <sup>rd</sup>	1981	January 12 – March 18	6/17/81: #81-76
73 <sup>rd</sup> – FES	1981	November 16 – November 25	2/24/82 **
74 <sup>th</sup>	1983	January 10 – April 4	7/4/83: #83-74
74 <sup>th</sup> – FES	1983	October 4 – November 10	2/9/84: #83-228
75 <sup>th</sup>	1985	January 14 – March 29	6/28/85: #85-108
75 <sup>th</sup> – FES	1985	June 17 – June 21	9/20/85 **
75 <sup>th</sup> – SES	1986	April 28 – May 1	7/31/86: #86-337
76 <sup>th</sup>	1987	January 12 – April 20	7/20/87: #87-156
76 <sup>th</sup> – FES	1987	June 2 – June 5	9/4/87 **
76 <sup>th</sup> – SES	1987	October 6 – October 9	1/8/88 **
76 <sup>th</sup> – TES	1988	January 26 – February 5	5/6/88 **
76 <sup>th</sup> – 4 <sup>th</sup> ES	1988	July 11 – July 14	10/13/88 **
77 <sup>th</sup>	1989	January 9 – April 3	7/3/89: #89-078
77 <sup>th</sup> – FES	1989	June 20 – June 23	9/22/89 **
77 <sup>th</sup> – SES	1989	July 25 – July 27	10/26/89 **
77 <sup>th</sup> – TES	1989	October 23 – November 3	2/2/90 **

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
78 <sup>th</sup>	1991	January 14 – April 15	7/15/91: #91-119
78 <sup>th</sup> – FES	1992	February 24 – March 4	6/3/92: #92-114A & #93-025A
78 <sup>th</sup> – SES	1992	December 14 – December 18	3/19/93: #93-025A
79 <sup>th</sup>	1993	January 11 – May 14	8/13/93: #93-149A
79 <sup>th</sup> – FES	1994	February 28 – March 2	6/1/94: #94-076
79 <sup>th</sup> – SES	1994	August 15 – August 24	11/23/94: #94-273
80 <sup>th</sup>	1995	January 9 – April 28	7/28/95: #95-119
80 <sup>th</sup> – FES	1995	October 17 – October 20	1/19/96 *
81 <sup>st</sup>	1997	January 13 – May 2	8/1/97: #97-144
82 <sup>nd</sup>	1999	January 11 – April 30	7/30/99: #99-120
82 <sup>nd</sup> – FES	2000	April 3 – April 7	NA
82 <sup>nd</sup> – SES	2000	December 13 – 15	NA
83 <sup>rd</sup>	2001	January 8 – May 14	8/13/01: #2001-138
83 <sup>rd</sup> – FES	2002	June 10 – June 12	NA
84 <sup>th</sup>	2003	January 13 – April 16	7/16/03: #2003-119
84 <sup>th</sup> – FES	2003	May 5 – May 9	NA
84 <sup>th</sup> – SES	2003	Dec. 8, 2003 – June 9, 2004	6/3/04: #2004-186
85 <sup>th</sup>	2005	January 10 – May 13	8/12/05: #2005-110
85 <sup>th</sup> – FES	2006	April 3 – April 21	7/21/06: #2006-080
86 <sup>th</sup>	2007	January 8 – May 1	7/31/07: #2007-164
86 <sup>th</sup> – FES	2008	March 31 – April 2	NA
87 <sup>th</sup>	2009	January 12 – May 1	7/31/09: #2009-090
87 <sup>th</sup> – Fiscal	2010	February 8 – March 4	6/3/10: #2010-031
88 <sup>th</sup>	2011	January 10 – April 27	7/27/11: #2011-056
88 <sup>th</sup> – Fiscal	2012	February 13 – March 9	6/8/12 *
89 <sup>th</sup>	2013	January 14 – May 17	8/16/13: #2013-049
89 <sup>th</sup> – FES	2013	October 17 – October 19	1/18/14*
89 <sup>th</sup> – Fiscal	2014	February 10 – March 19	6/18/14*
89 <sup>th</sup> – SES	2014	June 30 – July 2	10/1/14: #2014-078
90 <sup>th</sup>	2015	January 12 – April 22	7/22/15: #2015-044

\* Bureau Calculation

\*\* Bureau Calculation, confirmed by Secretary of State

INDEX OF ACTS

<u>ACT</u>	<u>PAGE</u>		
Act 17.....	143	Act 161.....	83, 140
Act 21.....	61	Act 162.....	5, 23, 102
Act 22.....	149, 150	Act 163.....	104
Act 23.....	5	Act 164.....	46
Act 25.....	140	Act 165.....	151
Act 26.....	62	Act 166.....	88
Act 27.....	51	Act 167.....	85
Act 28.....	73, 84	Act 173.....	110
Act 44.....	57	Act 176.....	110
Act 45.....	58	Act 186.....	76, 154
Act 46.....	78, 85, 158	Act 187.....	53
Act 47.....	21, 67, 128	Act 218.....	60, 107
Act 59.....	147	Act 219.....	55, 132
Act 60.....	10, 74, 105	Act 220.....	14, 15, 135
Act 71.....	12	Act 222.....	9
Act 78.....	17, 47, 65, 144, 154, 155, 156	Act 225.....	55, 132
Act 79.....	12	Act 226.....	63, 67
Act 83.....	9	Act 231.....	20, 42, 90, 95, 98, 100, 101, 129, 151
Act 87.....	56, 133	Act 232.....	13
Act 89.....	114	Act 233.....	12
Act 90.....	56, 133	Act 234.....	39, 40, 104
Act 91.....	129, 131	Act 235.....	12
Act 94.....	67	Act 236.....	3, 150
Act 95.....	80	Act 261.....	9
Act 98.....	13	Act 268.....	35, 127, 130
Act 99.....	28, 43, 45	Act 278.....	120
Act 100.....	105	Act 279.....	11
Act 101.....	23, 81, 98, 118	Act 280.....	12
Act 102.....	69, 76, 128, 137	Act 281.....	124
Act 103.....	114, 139	Act 286.....	51
Act 104.....	40, 87	Act 292.....	60
Act 105.....	74, 108	Act 293.....	40, 87
Act 106.....	73	Act 294.....	125
Act 107.....	121	Act 295.....	158
Act 109.....	8	Act 296.....	78
Act 111.....	22, 80, 145	Act 297.....	126
Act 137.....	12	Act 298.....	47, 59
Act 139.....	79	Act 299.....	39, 87, 110
Act 140.....	120	Act 300.....	76, 145
Act 141.....	51	Act 301.....	56, 133
Act 142.....	21, 67, 130	Act 303.....	88
Act 143.....	50	Act 304.....	41
Act 144.....	26, 30	Act 306.....	58, 60
Act 145.....	26, 104	Act 335.....	67
Act 146.....	25, 27, 30	Act 336.....	14, 156
Act 147.....	13, 108, 125	Act 337.....	87, 115
Act 159.....	10, 129	Act 339.....	11
Act 160.....	53	Act 340.....	63

Act 341.....	73, 126, 135	Act 530.....	33
Act 342.....	1, 2	Act 531.....	148
Act 343.....	109	Act 532.....	85, 119, 143
Act 344.....	59	Act 533.....	58, 117, 139
Act 345.....	50	Act 534.....	116, 117
Act 346.....	12	Act 535.....	83
Act 347.....	75	Act 536.....	88, 151
Act 348.....	20, 114, 121, 122	Act 537.....	125
Act 357.....	41, 43	Act 538.....	32, 33, 40
Act 358.....	44, 102, 104, 105	Act 541.....	83, 139
Act 364.....	50, 94, 99, 127, 130, 132, 133, 138	Act 542.....	143
Act 368.....	3, 115	Act 543.....	37, 102, 103
Act 370.....	124, 145	Act 544.....	61
Act 371.....	49, 116, 145	Act 545.....	7, 71
Act 372.....	50	Act 546.....	6, 71, 72
Act 373.....	80, 90, 91, 93, 96	Act 547.....	5, 71
Act 374.....	85	Act 549.....	25, 27, 31, 32, 42
Act 375.....	55, 132	Act 550.....	76, 78, 141, 153
Act 376.....	41, 44, 105	Act 552.....	139
Act 377.....	52	Act 554.....	48, 77, 141
Act 378.....	88, 89	Act 555.....	77
Act 379.....	49	Act 556.....	77
Act 380.....	25, 155	Act 557.....	125
Act 381.....	3, 8, 37, 39	Act 558.....	133
Act 382.....	65, 77	Act 559.....	22, 36, 126, 141
Act 383.....	2	Act 560.....	50, 54
Act 384.....	9	Act 561.....	13, 124
Act 385.....	147	Act 562.....	54
Act 386.....	113	Act 563.....	16, 17, 21, 123
Act 387.....	105, 114	Act 564.....	2
Act 389.....	5, 6, 70, 72, 126, 137	Act 565.....	32, 70
Act 390.....	120	Act 566.....	59
Act 391.....	102, 141	Act 567.....	150
Act 393.....	52, 106, 120, 144, 146	Act 568.....	49
Act 394.....	51	Act 569.....	112
Act 396.....	159	Act 570.....	129
Act 397.....	35, 105, 110, 129	Act 571.....	112
Act 398.....	77, 94, 139, 141	Act 572.....	15, 88, 111
Act 399.....	139, 149	Act 573.....	147, 151
Act 400.....	14, 156, 157	Act 574.....	113
Act 402.....	108, 150	Act 575.....	67
Act 405.....	45, 64, 103, 136, 153, 157	Act 576.....	4
Act 406.....	11	Act 577.....	79
Act 409.....	117, 136	Act 578.....	109
Act 410.....	60	Act 579.....	9
Act 411.....	87, 118	Act 580.....	149
Act 412.....	100	Act 581.....	32
Act 525.....	49	Act 582.....	11
Act 526.....	159	Act 583.....	33, 42, 43
Act 528.....	64, 78	Act 584.....	15, 33, 36, 45
Act 529.....	85, 86, 119, 120	Act 585.....	15, 33

Act 586.....	20, 158	Act 739.....	49
Act 587.....	10, 33, 35	Act 740.....	112
Act 588.....	18, 20, 24	Act 741.....	29
Act 589.....	20, 76	Act 742.....	62, 63
Act 590.....	88, 89	Act 744.....	142, 153
Act 591.....	4, 71	Act 788.....	47
Act 592.....	123	Act 823.....	84
Act 593.....	46	Act 824.....	85, 119
Act 594.....	112	Act 825.....	6, 71
Act 600.....	136	Act 826.....	8
Act 601.....	1	Act 827.....	65, 154
Act 606.....	73	Act 828.....	38, 41
Act 608.....	32, 45	Act 829.....	131
Act 609.....	30, 31, 143	Act 830.....	37
Act 649.....	74	Act 831.....	85, 158
Act 682.....	108, 112	Act 832.....	54
Act 683.....	16, 123, 149	Act 833.....	54
Act 685.....	65	Act 834.....	17, 19, 22, 148
Act 686.....	138, 144	Act 835.....	51, 57
Act 687.....	18, 20, 23, 122	Act 836.....	49
Act 688.....	6, 42, 74, 104	Act 837.....	42, 45, 150
Act 689.....	95, 97, 119	Act 838.....	66, 144
Act 690.....	100, 101	Act 839.....	55
Act 691.....	88, 152	Act 840.....	66
Act 692.....	46, 149	Act 841.....	53
Act 693.....	14	Act 842.....	144, 155
Act 694.....	87, 89	Act 843.....	49
Act 695.....	116, 134, 138, 145	Act 844.....	159
Act 696.....	110	Act 845.....	9
Act 697.....	12	Act 846.....	58
Act 698.....	108, 111, 113	Act 847.....	59, 153
Act 699.....	66	Act 848.....	109, 121, 147
Act 700.....	61	Act 849.....	88, 103
Act 701.....	72	Act 850.....	60
Act 702.....	111, 112	Act 851.....	21, 124
Act 703.....	108, 113	Act 852.....	54, 58
Act 704.....	88	Act 853.....	51
Act 705.....	111	Act 854.....	52
Act 706.....	111, 114	Act 855.....	89, 115
Act 707.....	88	Act 856.....	106, 124
Act 708.....	84, 153	Act 857.....	2, 3, 151
Act 709.....	150	Act 858.....	116
Act 720.....	75, 104	Act 859.....	113
Act 722.....	49	Act 860.....	17
Act 723.....	1, 3	Act 861.....	36, 70
Act 724.....	109, 112	Act 862.....	46, 149
Act 725.....	156	Act 863.....	53
Act 726.....	112, 113	Act 864.....	64, 117, 147
Act 736.....	154, 155, 156	Act 865.....	58
Act 737.....	113	Act 866.....	18, 116, 124, 125, 131
Act 738.....	27, 29, 30	Act 873.....	45, 103, 104

Act 874.....	73, 90	Act 938.....	67, 129
Act 875.....	6, 8	Act 939.....	67, 129
Act 876.....	36, 38, 41, 45, 104	Act 940.....	37, 86, 119
Act 877.....	38, 40, 41, 44, 103	Act 941.....	58
Act 878.....	16, 35, 153	Act 942.....	10
Act 879.....	130, 131, 134, 145	Act 943.....	58, 86
Act 880.....	19, 23, 90	Act 944.....	64
Act 881.....	75	Act 945.....	19, 100, 101
Act 882.....	8	Act 946.....	10, 26, 28, 29
Act 887.....	82, 92, 118	Act 947.....	50
Act 888.....	34, 70	Act 948.....	86, 120
Act 891.....	1, 150	Act 949.....	100
Act 892.....	46, 101	Act 950.....	51
Act 893.....	36, 42, 150	Act 951.....	25, 30
Act 894.....	125	Act 952.....	50
Act 895.....	26, 27, 28, 30, 31, 34, 37, 77, 78, 84, 136, 143	Act 953.....	112
Act 896.....	148	Act 954.....	103
Act 897.....	14, 157	Act 955.....	59
Act 898.....	12, 87	Act 956.....	89, 108
Act 899.....	21, 65, 155	Act 957.....	32, 42, 44
Act 900.....	86, 119	Act 958.....	74, 102
Act 901.....	83, 103, 139	Act 959.....	92, 97
Act 902.....	18, 81, 86, 93, 120	Act 960.....	54
Act 903.....	33, 35, 36	Act 961.....	24, 73, 90, 94, 95, 98, 106, 141, 146
Act 904.....	18, 24, 92, 98	Act 962.....	49
Act 905.....	23, 96, 97, 123, 159	Act 963.....	89, 122
Act 906.....	115	Act 964.....	57
Act 907.....	47, 102, 158	Act 965.....	2, 142
Act 908.....	9, 66, 144, 157	Act 966.....	125, 128
Act 909.....	62, 68, 69	Act 967.....	59
Act 910.....	57, 93, 99, 127, 138	Act 973.....	31, 40, 43, 105
Act 911.....	7, 57, 99, 127, 137	Act 975.....	16
Act 912.....	52, 55, 78, 94, 126	Act 989.....	52
Act 913.....	56, 94, 99, 127, 132, 133	Act 990.....	80, 135
Act 914.....	13	Act 991.....	9
Act 915.....	19, 24	Act 992.....	23, 24, 82, 91, 92, 97
Act 916.....	13, 131, 149	Act 993.....	56
Act 917.....	156	Act 994.....	53
Act 918.....	20, 121	Act 995.....	50
Act 919.....	11, 64	Act 996.....	79
Act 920.....	101, 147	Act 997.....	85, 142
Act 921.....	18	Act 999.....	62, 76, 129
Act 929.....	82	Act 1000.....	144, 155, 156
Act 931.....	54	Act 1001.....	10, 32, 33
Act 932.....	16, 32, 33	Act 1002.....	122, 154
Act 933.....	48, 74, 75	Act 1003.....	105, 108
Act 934.....	79	Act 1004.....	4, 71, 140, 145
Act 935.....	54	Act 1005.....	60, 81, 140
Act 936.....	50	Act 1006.....	121
Act 937.....	66	Act 1007.....	126, 137
		Act 1008.....	84, 140, 157

Act 1009.....	43, 44, 116	Act 1060.....	47, 137
Act 1010.....	72, 83, 140	Act 1061.....	28, 136
Act 1011.....	117	Act 1062.....	80
Act 1012.....	152	Act 1063.....	121, 131
Act 1013.....	82, 117	Act 1064.....	33, 34, 35
Act 1014.....	79	Act 1065.....	59
Act 1015.....	75	Act 1066.....	118, 141
Act 1016.....	7, 38, 103	Act 1067.....	80
Act 1017.....	6, 71	Act 1068.....	125
Act 1018.....	4, 8, 70, 73	Act 1072.....	33, 35
Act 1019.....	15, 39, 87	Act 1073.....	15, 38, 41
Act 1020.....	119, 142	Act 1074.....	48
Act 1021.....	6, 72	Act 1076.....	107
Act 1022.....	35, 73	Act 1077.....	1, 2, 142
Act 1023.....	7, 34, 38	Act 1078.....	39, 48, 74, 75
Act 1024.....	5, 71	Act 1079.....	51
Act 1025.....	23, 24, 86, 97, 119	Act 1080.....	38
Act 1026.....	4, 71	Act 1081.....	33
Act 1027.....	82, 118, 138	Act 1082.....	1, 19
Act 1028.....	19, 22, 63	Act 1083.....	82, 119, 142
Act 1029.....	80	Act 1084.....	7, 34
Act 1030.....	91, 135	Act 1085.....	7, 34
Act 1031.....	33	Act 1086.....	79
Act 1032.....	76	Act 1087.....	57
Act 1033.....	6, 7, 8	Act 1088.....	144, 154
Act 1034.....	7	Act 1089.....	50, 56
Act 1035.....	39, 43, 110	Act 1090.....	56, 58
Act 1036.....	11, 63	Act 1091.....	58
Act 1037.....	66	Act 1092.....	5, 8, 41, 71
Act 1038.....	6, 72	Act 1093.....	11, 63
Act 1039.....	123	Act 1094.....	6, 54
Act 1040.....	35, 38	Act 1095.....	25, 80, 84, 117, 137
Act 1041.....	126	Act 1096.....	27, 42
Act 1042.....	61	Act 1097.....	4, 32, 35
Act 1043.....	89	Act 1098.....	151
Act 1044.....	3	Act 1099.....	36
Act 1045.....	11, 106	Act 1100.....	2, 48, 79, 114, 116, 134, 152, 154, 157
Act 1046.....	115, 125	Act 1101.....	13, 20, 23, 122, 154
Act 1047.....	85, 119, 142	Act 1102.....	75, 150
Act 1048.....	117, 135	Act 1103.....	69, 123, 128
Act 1049.....	110	Act 1104.....	49
Act 1050.....	18, 25, 89, 96, 111	Act 1105.....	60, 107
Act 1051.....	83, 139	Act 1106.....	24, 82, 92, 93, 97
Act 1052.....	83, 139	Act 1107.....	152
Act 1053.....	98, 137	Act 1108.....	64, 81
Act 1054.....	23, 84	Act 1109.....	24, 91, 93
Act 1055.....	111	Act 1110.....	18, 95, 116
Act 1056.....	4	Act 1111.....	14, 152
Act 1057.....	14, 148	Act 1112.....	122
Act 1058.....	126	Act 1113.....	16, 121
Act 1059.....	13		

Act 1114.....	64, 81	Act 1169.....	2, 19
Act 1115.....	53, 60	Act 1170.....	82, 118, 138
Act 1116.....	89	Act 1171.....	10, 26, 28, 29
Act 1117.....	113, 146	Act 1172.....	3
Act 1118.....	147, 151	Act 1173.....	149
Act 1119.....	151, 153	Act 1174.....	13
Act 1120.....	16, 17, 18, 95, 124, 131	Act 1175.....	40, 63, 74, 75
Act 1121.....	57	Act 1176.....	66
Act 1122.....	117	Act 1177.....	47
Act 1123.....	79, 103, 118	Act 1178.....	52
Act 1124.....	116, 134	Act 1179.....	38, 46, 52
Act 1125.....	115, 152	Act 1180.....	57
Act 1126.....	115, 152	Act 1181.....	47, 49, 51
Act 1127.....	72	Act 1182.....	151
Act 1128.....	100, 101	Act 1183.....	50
Act 1129.....	20, 72, 109, 159	Act 1184.....	64
Act 1130.....	113	Act 1185.....	102
Act 1131.....	59, 100	Act 1186.....	60
Act 1132.....	115, 131, 142	Act 1187.....	61
Act 1133.....	101	Act 1188.....	99
Act 1134.....	7, 81, 91, 92	Act 1189.....	89
Act 1135.....	57, 92, 93, 99, 127	Act 1190.....	9, 17, 22, 46, 152
Act 1136.....	51, 53	Act 1191.....	2, 81, 134
Act 1137.....	59, 76	Act 1192.....	81, 118
Act 1138.....	34, 36, 104, 135, 137	Act 1193.....	37, 44, 110
Act 1139.....	122, 148	Act 1194.....	61
Act 1140.....	108, 113	Act 1195.....	114, 146
Act 1141.....	83, 140	Act 1196.....	55
Act 1142.....	3	Act 1197.....	114, 146
Act 1143.....	3	Act 1198.....	31, 43
Act 1148.....	123	Act 1199.....	109
Act 1149.....	47, 115	Act 1200.....	48, 53
Act 1150.....	78	Act 1201.....	10, 26, 28, 29
Act 1151.....	130	Act 1202.....	142
Act 1152.....	37	Act 1203.....	159
Act 1153.....	100	Act 1204.....	51, 53, 57
Act 1154.....	146	Act 1205.....	101, 147, 157
Act 1155.....	44	Act 1206.....	27, 28, 136
Act 1156.....	120	Act 1208.....	83, 87, 139
Act 1157.....	87	Act 1209.....	76, 151
Act 1158.....	113	Act 1210.....	91, 94, 97, 98
Act 1159.....	58, 61	Act 1211.....	4, 5
Act 1160.....	21	Act 1212.....	4
Act 1161.....	106	Act 1213.....	5, 72
Act 1162.....	66	Act 1214.....	79, 83
Act 1163.....	152	Act 1215.....	4
Act 1164.....	157	Act 1216.....	53, 54
Act 1165.....	134	Act 1217.....	53
Act 1166.....	40, 61, 62	Act 1218.....	62
Act 1167.....	109, 151	Act 1219.....	63, 68
Act 1168.....	38, 82, 102, 103	Act 1220.....	5, 39, 40, 43, 45



Act 1221.....	39, 43, 110	Act 1272.....	48, 49
Act 1222.....	64, 81	Act 1273.....	59
Act 1223.....	91, 95, 96, 98	Act 1274.....	13
Act 1224.....	107, 114, 146	Act 1275.....	11, 65, 124
Act 1225.....	149	Act 1276.....	47, 51
Act 1226.....	148	Act 1277.....	22, 134
Act 1227.....	149	Act 1278.....	85, 158
Act 1228.....	149	Act 1279.....	53
Act 1229.....	148	Act 1280.....	21, 62, 68, 69, 70, 128, 130
Act 1230.....	149	Act 1281.....	50, 63
Act 1231.....	130	Act 1282.....	78
Act 1232.....	82, 93	Act 1283.....	138
Act 1233.....	98, 141	Act 1284.....	48
Act 1234.....	73	Act 1285.....	39, 41, 44, 45
Act 1235.....	86, 146, 153	Act 1286.....	48, 49
Act 1236.....	84, 157	Act 1287.....	124, 128, 138
Act 1237.....	3	Act 1288.....	30, 31, 143
Act 1238.....	72, 90, 150	Act 1289.....	109
Act 1239.....	26, 31, 43		
Act 1240.....	52		
Act 1241.....	15, 16, 17, 25, 65		
Act 1242.....	122		
Act 1243.....	86		
Act 1244.....	11, 63		
Act 1245.....	5, 140		
Act 1246.....	110		
Act 1247.....	80, 85		
Act 1248.....	51		
Act 1249.....	19, 22, 24, 135		
Act 1250.....	60, 107		
Act 1251.....	2		
Act 1252.....	111, 114		
Act 1253.....	61		
Act 1254.....	148		
Act 1255.....	127		
Act 1256.....	8, 72, 159		
Act 1257.....	59		
Act 1258.....	77, 107, 134		
Act 1259.....	10, 40, 74, 75		
Act 1260.....	54		
Act 1261.....	36		
Act 1262.....	107		
Act 1263.....	39, 42, 44		
Act 1264.....	39, 42, 44		
Act 1265.....	26, 27, 30, 31, 136, 143		
Act 1266.....	61		
Act 1267.....	18, 25, 89, 96, 111		
Act 1268.....	52, 54		
Act 1269.....	84, 140, 158		
Act 1270.....	40, 68, 128, 138		
Act 1271.....	59		

