

VOLUME I

FINAL SUMMARY

OF ACTION ON

GENERAL LEGISLATION

BY THE

SEVENTY-SIXTY. GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS

1987

January 12, 1987 - April 3, 1987
(Two Week Recess with Sine Die Adjournment on April 20, 1987)

Prepared by:
The Bureau of Legislative Research
Arkansas General Assembly
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PROPERTY OF ARKANSAS LEGISLATIVE COUNCIL

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 STATE OF ARKANSAS
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The 1987 Regular Session of the Arkansas General Assembly convened at 12:00 noon on Monday, January 12, 1987, and recessed on Friday, April 3, 1987 (after having been in session 82 days), to adjourn sine die at 12:00 noon on Monday, April 20, 1987.

There were 1,079 House Bills and 681 Senate Bills introduced in the 1987 Regular Session. Listed below is a table of the number of House and Senate Bills introduced during the recent Regular Sessions:

<u>Year</u>	<u>House Bills</u>	<u>Senate Bills</u>	<u>Total Bills Introduced</u>
1951	512	454	966
1953	651	503	1,154
1955	618	481	1,099
1957	676	478	1,154
1959	608	436	1,044
1961	579	402	981
1963	615	366	981
1965	677	386	1,063
1967	739	491	1,230
1969	804	532	1,336
1971	840	579	1,437
1973	976	661	1,637
1975	1,082	706	1,788
1977	961	633	1,594
1979	1,201	763	1,964
1981	1,018	629	1,647
1983	1,011	572	1,583
1985	1,069	705	1,774
1987	1,079	681	1,760

The Final Summary of Action on Legislation Adopted by the
1987 Regular Session of the Seventy-Sixth General Assembly is in
two volumes.

This volume summarizes action on GENERAL LEGISLATION.

A separate volume summarizes action on Fiscal Legislation.

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ABANDONED PROPERTY

Minerals - Act 362 (SB 185) Unclaimed Proceeds - Establishes the "Abandoned Mineral Proceeds Trust Fund" and defines proceeds unclaimed after seven years as subject to the Uniform Disposition of Unclaimed Property Act, Requires holders of mineral proceeds to establish escrow account to deposit proceeds not claimed within one year and to file annual reports with the State Auditor.

Motor Vehicles - Act 828 (HB 2001) amends Ark. Stat. 75-1034 and 75-1034.1 to require notice to owners and lienholders of abandoned motor vehicles.

Uniform Unclaimed Property Act - Act 696 (SB 496) amends various sections of the Uniform Unclaimed Property Act to define "intangible property" and for other purposes.

ABORTION CLINICS

Abortion Clinics - Act 144 (HB 1317) - Department of Health - Abortion Clinic Inspection Fee - Requires annual licensure of abortion clinics and sets an annual fee of \$500 per facility.

ACCOUNTANTS

Liability to Third Parties - Act 661 (HB 1678) Limits the liability of accountants and attorneys to persons in privity of contract with the accountant and attorney.

Quality Review - Act 824 (HB 1959) authorizes the State Board of Public Accountancy to institute a quality review program of its licensees' work product. The Act does not go into effect until July 1, 1989.

AGRICULTURE

Agricultural Loan Companies - Act 446 (H.B. 1104) The Act amends Ark, Stats. 67-2205 to clarify and broaden the exemption from registration from the Mortgage Loan Company and Mortgage Broker Act.

Beef Council - Act 3 (HB 1078). The Act provides for the collection of the federal assessment of \$1.00 per head of cattle sold in the state for the support of a Beef Promotion and Research Program. Fifty cents is to be retained by the State. If the federal program is discontinued, the \$1.00 assessment will be replaced by the previous fee of 25¢.

Catfish - Act 365 (SB 335) - Processors Fair Practices - Authorizes the State Plant Board to administer Act to require payment to producer within fourteen days following purchase. Requires registration of catfish processors with the State Plant Board beginning July 1, 1987.

Catfish Marketing - 1976 Reenactment - Act 1005* (HB 1915) (Act 1209 of 1975) Catfish Marketing Act. No catfish can be sold unless labeled "Farm-Raised", "River or Lake Catfish", "Imported Catfish", or "Ocean Catfish".

Consultants - Act 609 (HB 1382) "The Agricultural Consultants' Licensing Act of 1987" which sets out the requirements to be an agricultural consultant and provides for licensing by the State Plant Board.

Cooperative Marketing Associations - Act 507 (SB 455). The Act repeals Section 3 of Act 470 of 1961 [Ark. Stat. 77-910.1] which provides a majority of

a quorum is necessary to amend the articles of Incorporation or by-laws.

Equine Infectious Anemia

1976 Reenactment - Act 1007* (HB 1917) (Act 1212 of 1975) The 1976 law established Equine Infectious Anemia Program. Equidae entering the state for other than slaughter must have a health certificate.

Amends 374 - Act 1034 (H.B. 1013) The Act amends Act 374 of 1987, the Equine Infectious Anemia law, to eliminate the testing requirements for E.I.A. for horse shows and trail rides and replace it with authority in the Livestock and Poultry Commission to promulgate rules to control the spread of E.I.A. at horse shows and trail rides. It reduced the fines to \$100.00 to \$500.00 for violations of Act 374 (previously fines would be \$200.00 to \$1,000.00).

Regulation - Act 374 (SB 511) - Requires certificate of testing for EIA within twelve month period for horses being sold, exchanged or participating in shows, trail rides or other congregational events. Animals with positive test results must be quarantined or sent to slaughter. Act applies to owners of stockyards and auctions as well as individuals. Portions of the Act are changed by Act 1034 of 1987 effective July 21, 1987.

Farm Cooperative - Act 776 (HB 2011) amends Ark. Stat. 67-1247 and 67-1248, the Arkansas Securities Act, to define the term "farm cooperative" and clarify the organizations eligible for the exemption from registration of certain securities issued by farm cooperatives.

Farm Machinery - Act 350 (HB 1375) Tax Exemption - Defines farm equipment and machinery as implements used for production of food and fiber. The definition excludes equipment for severance of timber, motor vehicles, airplanes and hand tools.

Industrial Development Commission

Rural Development - Act 1069 (H.B. 2023) The Act directs the Arkansas Industrial Development Commission to act as a coordinator with other State agencies to work with local communities in economic development efforts.

Livestock Buyers and Sale Barns - Act 108 (S.B. 213) exempts livestock buyers and sale barn from centralized weighing system in the Secretary of State's office; increases weighing fees and requires the Secretary of State to report to the Legislative Council quarterly regarding expenditures for the centralized weighing system.

Milk

Grade A Program - Act 634 (HB 1811) amends Ark. Stat. 82-4008 to increase Grade "A" milk inspection fee to \$10.00, annual permit fee to \$10.00 and monthly minimum sample analysis fee to \$10.00 and provides that single service plans shall pay annual permit fees of \$100.00.

Mfg. Milk Fee - Act 534 (HB 1640) The Act amends Ark. Stat. 82-915 to increase various fees for producers of various manufactured milk products and requires producers of manufactured milk to pay an annual fee to the Department of Health.

One Ton Trucks

Farm Diesel Fuel Permit Fees - Act 640 (HB 1939) amends Ark. Stat. 75-1276 to assess a \$100 permit fee to allow one-ton trucks to use on-farm diesel fuel.

Poultry

Diseased Flock - Act 413 (H.B. 1736) The Act authorizes the Livestock and Poultry Commission to negotiate the purchase of condemned diseased poultry flocks and to dispose of the diseased poultry to prevent the spread of disease.

Poultry and Egg Inspections

1976 Reenactment - Act 1025 (HB 1936) (Act 1216) The provisions authorize the Livestock and Poultry Commission to enter into an agreement with the U.S. Department of Agriculture to provide that the Livestock and Poultry Commission will bill poultry and egg producers for inspection services. The funds have to be credited to the Poultry and Egg Grading Fund to be used in the inspection program and to make payments to the U.S. Department of Agriculture for inspection services.

Water Wells

Pump Installation/Regulation - Act 693 (SB 473) amends various sections of the Water Well Act, providing the Committee on Water Well Construction with authority and jurisdiction over water well pump installation, etc.

Reporting - Act 460 (H.B. 1509) The Act amends Ark. Stats. 9-129 and exempts wells having a maximum potential flow rate of less than 50,000 gallons per day from the requirement that the withdrawal of underground water be reported. The Act also revises the information that is to be reported to the Arkansas Soil and Water Conservation Commission.

AIR COND./HEATING CONTRACTORS

Regulation - Act 704 (SB 539) creates the Air Conditioning and Heating Contractors Board to work together with the State Department of Health to draft proposed legislation regarding the licensing of master air conditioning and heating contractors, journeymen and apprentices, etc.

ALCOHOLIC BEVERAGES

Minors

Handle Beer and Wine - Act 515 (SB 606). The Act amends Ark. Stat. 48-903.2 to require written consent of parent or guardian before a person who is 18 years old can handle or sell beer or wine in retail grocery establishments (sales over \$2 million) or in licensed wholesalers warehouses (previously it did not require parental consent for 18 year olds to work in these businesses).

Native Wine

Shipment - Act 902 (SB 567) The Act provides that all wines sold in Arkansas for use as sacramental wine shall be exempt from all gallonage and other taxes levied by the state and requires the wine to have a decal showing the word "Sacramental Wine". The Act makes it lawful for a winery to ship wines out of the state by common carrier.

Possession or Sale of Untaxed Liquor - Act 965 (S.B. 603) ALCOHOLIC BEVERAGES - Possession or Sale of Untaxed Liquor - Makes transporting untaxed

liquor for purpose of resale a Class A misdemeanor.

Private Clubs

1976 Reenactment - Act 949 (HB 1875) Concerns application for private club permit license to the Alcoholic Beverage Control Board. The gross receipts tax in subsection (b)(2) was reduced back to 10 Percent due to the extra penny tax enacted in 1985. This subsection also allows local permit fees and supplemental taxes for general purpose use by cities or counties.

Sacramental Wine

Tax Exemption - Act 902 (SB 567) The Act provides that all wines sold in Arkansas for use as sacramental wine shall be exempt from all gallonage and other taxes levied by the state and requires the wine to have a decal showing the word "Sacramental Wine". The Act makes it lawful for a winery to ship wines out of the state by common carrier.

Sale on Sunday - Act 115 (SB 309) ALCOHOLIC BEVERAGES - Cities and counties which permit sale for on-premise consumption can, through an election by majority of electors, authorize sale of alcoholic beverages on Sunday between 12 noon and 10 p.m. or lesser hours.

Permits - Act 766 (HB 1802) provides for on-premises consumption of alcoholic beverages in certain hotels and restaurants on Sunday.

Taxes/Increased - Act 424 (S.B. 414) The Act amends various laws pertaining to the taxation of alcohol. The Act also defines the terms spirituous liquor, premixed spirituous liquor, vinous liquor, lite wine and lite spirituous liquor for the purpose of taxation.

ALL TERRAIN VEHICLES

Dealers - Act 620 (HB 1591) amends Ark. Stat. 75-2303(1) and 75-2313 and redefines the term "motor vehicle" to include vehicles having two or more wheels rather than having four or more wheels and providing that licenses relating to motor vehicles having fewer than four wheels shall be required beginning July 1, 1987 under the Arkansas law regarding the regulation of manufacturers and dealers of motor vehicles.

Disabled Operators - Act 1029 (H.B. 1947) The Act permits any person with serious walking handicap to operate an all-terrain vehicle on non-hard surfaced roads and on the right-of-way of State and federal highways as a means of transportation. It defines "serious walking handicap" as one certified by a physician

Regulated Use - Act 804 (HB 1373) regulates all-terrain vehicles.

AMUSEMENT RIDES - Act 839 (HB 1698) amends Ark. Stat. 66-5901 through 66-5908 and is entitled "The Amusement Ride and Amusement Attraction Safety Insurance Act", to require permit applications to be accompanied by safety inspection reports, require permits to be filed with fair boards or other sponsoring agencies, and expands the Insurance Commissioner's powers in this area.

ANIMALS

Dogs/Owners Liability - Act 393 (HB 1234) Makes dog owner or controller liable to owner of domesticated animals killed or injured by such dog. Gives anyone the right to kill a dog which has killed or is about to injure or kill

any domesticated animal without being liable to the owner.

Equine infectious Anemia

1976 Reenactment - Act 1007* (HB 1917) (Act 1212 of 1975) The 1976 law established Equine Infectious Anemia Program. Equidae entering the state for other than slaughter must have a health certificate.

Amends 374 - Act 1034 (H.B. 1013) The Act amends Act 374 of 1987, the Equine infectious Anemia law, to eliminate the testing requirements for E.I.A. for horse shows and trail rides and replace it with authority in the Livestock and Poultry Commission to promulgate rules to control the spread of E.I.A. at horse shows and trail rides. It reduced the fines to \$100.00 to \$500.00 for violations of Act 374 (previously fines would be \$200.00 to \$1,000.00).

Regulation - Act 374 (SB 511) - Requires Certificate of testing for EIA within twelve month period for horses being sold, exchanged or participating in shows, trailrides or other congregational events. Animals with positive test results must be quarantined or sent to slaughter. Act applies to owners of stockyards and auctions as well as individuals. Portions of the Act are changed by Act 1034 of 1987 effective July 21, 1987.

Hunting and Fishing License Fees - Act 910 (SB 680) and Act 939 (HB 1459) prescribe the maximum annual resident hunting and fishing licenses and the maximum fee for a permanent resident hunting and fishing license for residents of this state who are 65 years of age or older or who are disabled residents of the state. They also prohibit the issuance of complimentary hunting or fishing licenses.

Police Animals

Killing or injuring - Act 884 (SB 151) The Act amends Ark. Stat. 41-2858 to make it a Class D felony to kill or injure an animal owned or used by a law enforcement agency. The previous penalty was a Class A misdemeanor.

ARCHITECTS

1976 Reenactment - Act 1002 (HB 1912) (Act 1204 of 1975) Amends subsection (d) of subsection (2) listing exemptions for design of buildings by architects. Resident of state designing building for personal use can design building and be exempt from architect's law. The 1976 law increased the exempt amount from \$20,000 to \$50,000. The 1981 law increased amount from \$50,000 to \$75,000.

Liens - Act 1035 (H.B. 1568) The Act grants architects, engineers, surveyors, appraisers, abstractors, and title insurance agents liens against lands, buildings and improvements for the price of their contracted services relating to those lands, buildings and Improvements.

ARKANSAS BACON - Act 326 (SB 370) - Defines and specifies cut and preparation of "Arkansas Bacon." Bacon of same specifications prepared out-of-state to be called "Arkansas Style Bacon."

ARKANSAS CODE - Act 267 (H.B. 1471) The Act adopts the Arkansas Code of 1987, Legislative Edition, consisting of twenty-eight titles in twenty-nine printed volumes. It was prepared by the Michle Company under the supervision of the Arkansas Statute Revision Commission. It does not affect the Acts of the 1987

Regular Session. It shall be the official law of Arkansas and takes effect on December 31, 1987, at midnight.

ASBESTOS - Act 531 (HB 1534) The Act amends Ark. Stat. 82-1944, 82-1945, 82-1946, 82-1948 and 82-1949 to include the enclosure and encapsulation of friable asbestos in the categories of required licensing of asbestos removal contractors and to raise the licensing fee for contractors from \$100 to \$300.

ATHLETIC EVENTS

Abuse of Officials - Act 355 (HB 1816) - Anyone who strikes or physically abuses an athletic contest official immediately before, during or after any organized athletic contest (amateur or professional) shall be guilty of a Class A misdemeanor.

License Fees - Act 659 (HB 1563) amends Ark. Stat. 84-2902, 84-2905 and 84-2911 to provide that all qualified organizations and clubs desiring to be licensed to sponsor athletic events regulated by the Arkansas Athletic Commission shall be licensed by the Arkansas Athletic Commission.

Ticket Scalping - Act 21 (HB 1262). The Act amends Ark. Stat. 41-4151 to amend the ticket scalping law to exclude institutions of higher education which receive funds per ticket above the face value of the ticket.

ATTORNEYS

Advertising - Act 317 - Prohibits direct solicitation of clients and encouraging litigation through print or broadcast media.

Fees

Certain Actions - Act 519 (HB 1045). The Act allows attorney fees to be assessed against the losing party in civil action to recover on an open account, statement of account, an account stated, promissory note, bill, negotiable instrument or a contract relating to the sale of goods or labor or services.

Child Support - Act 813 (HB 1726) amends Ark. Stat. 34-1210 to provide unpaid child support shall accrue interest at a rate of 10% and provide an attorney's fee of 10% of the amount due in actions for the enforcement or payment of support.

Foreclosure - Act 53 (HB 1154). The Act is the "Statutory Foreclosure Act of 1987."

Frivolous Action - Act 601 (HB 1223) provides that in civil actions the court can award attorneys' fees in an amount not to exceed \$5,000 or 10% of the amount in controversy, whichever is less, to the prevailing party upon a finding that there was a complete absence of a justifiable issue of either law or fact raised by the losing party or his attorney.

Liability to Third Parties - Act 661 (HB 1676) limits the liability of accountants and attorneys to persons in privity of contract with the accountant and attorney.

BACON

Arkansas Bacon - Act 326 (SB 370) - Defines and specifies cut and prepara-

tion of "Arkansas Bacon." Bacon of same specifications prepared out-of-state to be called "Arkansas Style Bacon."

Act 932 (S.B. 386) - Adds as an exemption from execution under Bankruptcy proceedings, contributions to an individual retirement account made one year prior to filing bankruptcy, not to exceed \$20,000.

BANKS

See FINANCIAL INSTITUTIONS Pages 49-52

BARBERS

Barber Technicians - Act 563 (HB 1658) The Act provides the State Board of Barber Examiners may impose a civil penalty of up to \$250 on any person violating any provision of the Arkansas Barber Law or a Board regulation. Appeals may be made under procedures prescribed in the Administrative Procedure Act and all funds collected from the penalties shall be used for the Barber Board's operation and maintenance.

Civil Penalties - Act 563 (HB 1658) The Act provides the State Board of Barber Examiners may impose a civil penalty of up to \$250 on any person violating any provision of the Arkansas Barber Law or a Board regulation. Appeals may be made under procedures prescribed in the Administrative Procedure Act and all funds collected from the penalties shall be used for the Barber Board's operation and maintenance.

Reciprocity - Act 563 (HB 1658) The Act provides the State Board of Barber Examiners may impose a civil Penalty of UP to \$250 on any Person violating any provision of the Arkansas Barber Law or a Board regulation. Appeals may be made under procedures prescribed in the Administrative Procedure Act and all funds collected from the penalties shall be used for the Barber Board's operation and maintenance.

BASTARDY

Clerk Fees/Child Support - Act 599 (H.B. 1180) The Act amends Ark. Stat. 34-1211 and 34-706.1 to provide the Court the option to order the collection of an administrative fee on child support payments either as \$1.00 per each payment or on an annual fee basis of up to \$24.00 per year (previously an annual fee of \$12.00 to \$24.00 was authorized).

Custody - Act 667 (SB 358) and Act 488 (HB 1710) amend Ark. Stat. 34-718 et seq. to provide that legal custody of an illegitimate child shall be with the woman giving birth to such child absent a court order to the contrary.

BEEF COUNCIL

Beef Council - Act 3 (HB 1078). The Act provides for the collection of the federal assessment of \$1.00 per head of cattle sold in the state for the support of a Beef Promotion and Research Program. Fifty cents is to be retained by the State. If the federal program is discontinued, the \$1.00 assessment will be replaced by the previous fee of 25¢.

BIRTH CERTIFICATES

Birth Certificates - Act 219 (H.B. 1620) - The Act amends Ark. State. 82-512

to provide for the Issuance of an Arkansas Certificate of Birth for a person born in a foreign country and whose adoption is effected pursuant to an order by a court of competent jurisdiction in Arkansas.

BOATS

Boats - Act 122 (SB 11) - Updates boating safety laws. Requires sail boats to be registered. Increases fees which are based on length of vessel. Fees are divided between Game and Fish Commission and Counties. Adds as enforcement officers county sheriffs and deputies and state police as well as Game and Fish Officers.

BONDS

Cities

Bond Redemption Funds - Act 285 (S.B. 195) The Act permits fund balances collected for bonds issued under Amendment 13 which have been wholly retired to be transferred to the municipal general fund and to be used for any general purpose by the municipality.

Capital Improvements 13-1241 - Act 368 (SB 463) Capital Improvements of a public nature - Amends Act 871 of 1985 (Ark. Stat. 13-1241(b)) to include in definition of "capital improvements of a public nature" facilities for nonprofit organizations engaged primarily in public health, health systems support, safety, disaster relief and related activities. Such facilities are now eligible for bond issues by counties or municipalities.

Capital Improvements 13-1262 - Act 369 (SB 467) - Amends Act 974 of 1985 (Ark. Stat. 13-1262(b)) to include in definition of "capital improvements" facilities for nonprofit organizations engaged primarily in public health, health systems support, safety, disaster relief and related activities. Such facilities are now eligible for bond issues by counties and municipalities.

Electric Systems/Surplus Revenues - Act 479 (H.B. 1543) The Act amends Act 441 of 1983 to allow the pledging of surplus municipal utility revenues to the payments of bonds issued under the Municipal Electric System Financing Act and to permit the issuance of refunding bonds under certain additional circumstances.

Local Improvements - Act 58 (HB 1448). The Act amends Ark. Stat. 13-1262 to 13-1264 to authorize municipalities and counties to issue revenue bonds, a portion of the proceeds of which may be used to finance the cost of capital improvements and expenses by issuing bonds and a major portion of the proceeds of which may be invested pursuant to investment contracts.

Revenue Bond Act of 1987 - Act 852 (HB 1222) the "Revenue Bond Act of 1987" to provide the procedures for the issuance of revenue bonds by governmental units.

Sewer Systems - Act 86 (SB 318). The Act amends Ark. Stat. 19-4107(a) to authorize cities and towns to issue revenue bonds to finance the cost of extraordinary expenses or liabilities arising from the ownership and operation of a municipal sewer system.

Water Works - Act 87 (SB 319). The Act amends Ark. Stat. 19-4210 to authorize municipalities to issue revenue bonds to finance the cost of extraor-

dinary expenses or liabilities arising from the ownership and operation of a municipal water works system.

Counties

Capital Improvements 13-1241 - Act 368 (SB 463) - Amends Act 871 of 1985 (Ark. Stat. 13-1241(b)) to include in definition of "capital improvements of a public nature" facilities for nonprofit organizations engaged primarily in public health, health systems support, safety, disaster relief and related activities. Such facilities are now eligible for bond issues by counties or municipalities.

Capital Improvements 13-1262 - Act 369 (SB 467) - Amends Act 974 of 1985 (Ark. Stat. 13-1262(b)) to include in definition of "capital improvements" facilities for nonprofit organizations engaged primarily in public health, health systems support, safety, disaster relief and related activities. Such facilities are now eligible for bond issues by counties and municipalities.

Local Improvements - Act 58 (HB 1448). The Act amends Ark. Stat. 13-1262 to 13-1264 to authorize municipalities and counties to issue revenue bonds, a portion of the proceeds of which may be used to finance the cost of capital improvements and expenses by issuing bonds and a major portion of the proceeds of which may be invested pursuant to investment contracts.

Revenue Bond Act of 1987 Act 852 (HB 1222) the "Revenue Bond Act of 1987" to provide the procedures for the issuance of revenue bonds by governmental units

Guaranteed by Development Finance Authority - Act 1042 (S.B. 647) The Act amends the Arkansas Development Finance Authority Bond Guaranty Act (Ark. Stat. 13-2924 et seq.) to allow the guarantee of payment of revenue bonds issued by cities, counties and political subdivisions of the State.

Industrial Development Bond Guarantees

1976 Bond Reenactment - Act 996 (HB 1906) (Act.1183 of 1975) The 1976 law added the subsection (b) to the section amended to make sure applications for Act 9 bonds were confidential.

Industrial Development Bonds

1976 Reenactment - Act 1020* (HB 1931) (Act 1239) This bill amends Ark. Stat. 13-1607 which is one of three sections amended by Act 1239 of the Extended Session of 1976. The section altered the method for issuance of Industrial Development Revenue Bonds.

Museum and Cultural Commission Bonds

1976 Reenactment - Act 860 (HB 1876) amends Ark. Stat. 13-531(E) and 6-1206(d) to guarantee bonds issued by the Museum and Cultural Commission from investment proceeds.

Public Officials

Self-Insured - Act 728 (HB 1416) provides for a self-insured fidelity bond program for State officials and employees, county officials and employees, municipal officials and employees and school district officials and employees and provides for a Governmental Bonding Board.

Schools - Act 62 (SB 219). The Act provides funds for the Public School Fund through surplus funds, or issuing or refinancing bonds of the Arkansas Development Finance Authority. The funds are to be used by the Department of Education to increase the money available for Minimum Foundation Aid for the 1986-87 fiscal year.

1976 Reenactment - Act 1018 (HB 1928) (Act 1233) The 1976 Act amended Ark. Stat, 80-1131 to permit school districts to issue refunding bonds at higher interest rates.

Soil and Water Commission - Act 686 (SB 409) the "Arkansas Waste Disposal and Pollution Abatement Facilities Financing Act of 1987" authorizing the Arkansas Soil and Water Conservation Commission to issue waste disposal and pollution abatement facilities general obligation bonds, etc.

State and Political Subdivisions

Revenue Bond Act of 1987 - Act 852 (HB 1222) the "Revenue Bond Act of 1987" to provide the procedures for the issuance of revenue bonds by governmental units.

Surety Bonds

County Officials/1976 Reenactment - Act 1014 (HB 1924) (Act 1226) The 1976 Act amended Ark. Stat. 13-412.1 and 13-412.3 to provide the place for filing bonds of county officials and employees. The provisions require the county judge to file his bond with the circuit clerk, the bond of a state officer or a state employee to be filed with the Secretary of State, the bond of a county officer or employee to be filed with the circuit clerk, and the bond of a municipal officer or an employee with the municipal clerk.

Public Officials/1976 Reenactment - Act 1023 (HB 1934) (Act 1186) The 1976 Act amended Ark. Stat. 12-238 to provide that each public official or employee who is appointed, deputized or employed individuals who handled funds, shall bond the deputies or employees in such amounts as he deems necessary.

State and Political Subdivisions - Act 392 (HB 1206). Authorizes the State to acquire surety bonds for counties, cities and school districts and reduce turnback to counties and cities for the cost of their surety bonds and withhold from the Public School Fund the cost of the school districts surety bonds.

State and Political Subdivisions - Act 728 (HB 1416) provides for a self-insured fidelity bond program for state officials and employees, county officials and employees, municipal officials and employees and school district officials and employees and provides for a Governmental Bonding Board.

State and Political Subdivisions - Act 806 (HB 1513) amends Ark. Stat. 81-1336 to exempt municipalities, counties, and the State of Arkansas and its political subdivisions from the requirement of posting an indemnity bond, surety bond or securities as a prerequisite to self-insured status.

CATFISH

1976 Reenactment - Act 1005 (HB 1915) (Act 1209 of 1975) Catfish Marketing Act. No catfish can be sold unless labeled "Farm-Raised", "River or Lake Catfish", "Imported Catfish", or "Ocean Catfish".

Processors - Act 365 (SB 335) - Authorizes the State Plant Board to administer Act to require Payment to producer within fourteen days following purchase. Requires registration of catfish processors with the State Plant Board beginning July 1, 1987.

CHILD CARE FACILITIES

License Fees - Act 588 (S.B. 391) The Act establishes the Child Care Provider's Training Committee and authorizes the development of an annual training program child care providers to assist them in the training of staff members. It levies a fee of \$15.00 Per Year for licensed child care facility with less than 25 children and \$25.00 per year for licensed facility with 25 or more children to be deposited in the Child Care Provider's Training Fund for developing training programs and purchasing training materials for loan.

Licensure - Act 856 (HB 1684) amends Ark. Stat. 83-911, "The Child Care Facility Licensing Act" to establish civil penalties for non-compliance.

CHILD SUPPORT

Accrued Interest - Act 813 (HB 1726) amends Ark. Stat. 34-1210 to provide unpaid child support shall accrue interest at a rate of 10% and provide an attorney's fee of 10% of the amount due in actions for the enforcement of payment of support.

Attorneys' Fees - Act 813 (HB 1726) amends Ark. Stat. 34-1210 to provide unpaid child support shall accrue interest at a rate of 10% and provide an attorney's fee of 10% of the amount due in actions for the enforcement of payment of support.

Authority of the Court - Act 1057 (H.B. 1577) The Act amends Ark. Stat. 34-1213 to provide that unpaid child support becomes a Judgment and that the court may not set aside that Judgment as long as it remains unpaid. It does not limit the court's contempt powers to enforce orders and decrees to reduce the unpaid support to judgment.

Chancery Court Calendar - Act 316 (SB 31) - Amends 1985 Act to make one day per month hearing date for child support cases discretionary with chancellor rather than mandatory.

Clerk Fees - Act 599 (H.B. 1180) The Act amends Ark. Stat. 34-1211 and 34-706.1 to provide the Court the option to order the collection of an administrative fee on child support payments either as \$1.00 per each payment or on an annual fee basis of up to \$24.00 per year (previously an annual fee of \$12.00 to \$24.00 was authorized).

Enforcement Program

Report to Legislative Council - Act 921 (SB 574). Requires the Department of Human Services to report semiannually to the Legislative Council concerning Child Support Enforcement Programs.

Income Withholding - Act 719 (HB 1117) amends Ark. Stat. 34-1224 and 34-1225 to define the term "accrued arrearage" and require Judgments to indicate that the amount thereof is subject to income withholding for purposes of child support.

Judgments - Act 1057 (H.B. 1577) The Act amends Ark. Stat. 34-1213 to provide that unpaid child support becomes a judgment and that the court may not set aside that judgment as long as it remains unpaid. It does not limit the court's contempt powers to enforce orders and decrees to reduce the unpaid support to judgment.

Liens - Act 533 (HB 1619) The Act amends Ark. Stat. 34-1221 to clarify when a lien for unpaid child support obligation attaches to personal property and specifies that notice of the lien shall be filed, indexed, and perfected in the same manner as financing statements for consumer goods are under the Uniform Commercial Code.

Workers' Comp. Withholding - Act 524 (HB 1348) The Act amends Ark. Stat. 34-1230 to say that child support obligations shall not apply to workers' compensation benefits except to the extent allowed by this Act. It amends Ark. Stat. 81-1321 to say workers' compensation benefits are not assignable or subject to other legal attachments except for child support obligations and establishes the procedures for payment of those obligations.

CHIROPRACTORS

Board Membership - Act 869 (HB 1885) This amendatory act increased the Chiropractic Examiners Board from three to five members. This act also increased the terms from three to five years.

Licenses Fees - Act 354 (HB 1725) - Includes "spinal adjustments" in definition of "practice of chiropractic". Application fee is increased from \$75 to \$150. Annual renewal fees were increased from \$85 to \$125.

Various Changes - Act 50 (HB 1092). The Act makes it unlawful for a person other than a person licensed under the Arkansas Chiropractic Practices Act or the Arkansas Medical Practices Act to perform spinal adjustments, spinal manipulations or spinal mobilizations. The Act does not restrict the practice of a licensed practical therapist.

CITIES

Acquisition of Utilities

Amends Act 110 - Act 378 (SB 557) - Amends Act 110 of 1987 to require payment of severance damages to include the estimated present value of revenue requirements associated with facilities, contracts, real property as other costs allocated to the service area to be served by the municipality.

Procedure - Act 110 (SB 340) - Gas or Electric - Authorizes purchase by order of Public Service Commission of electric or gas utilities by municipalities; requires vote by electors to confirm governing body's decision. This Act is amended by Act 378 of 1987.

Alcoholic Beverages

Sale on Sunday - Act 115 (SB 309) - Cities and counties which permit sale for on-premise consumption can, through an election by majority of electors, authorize sale of alcoholic beverages on Sunday between 12 noon and 10 p.m. or lesser hours.

Audits - Act 220 (H.B. 1627) The Act amends Ark. Stats. 19-812 to remove

the provision prohibiting an accounting firm from conducting the audit of a city's finances for more than three consecutive years.

Auxiliary Police

Immunity - Act 275 (H.B. 1217) The Act amends Ark. Stat. 42-1408 to say that cities using auxiliary police officers may not be held liable either civilly or criminally for the actions of an auxiliary law enforcement officer.

Bond Redemption Funds - Act 604 (HB 1297) and Act 285 (SB 195) provide that when bonds issued pursuant to the provisions of Amendment 13 of the Constitution of the State of Arkansas have been wholly retired, the municipal governing body may by appropriate ordinance transfer any balances remaining unexpended in the bond redemption fund for taxes collected that relate to the year in which the bonds are wholly retired, to the municipal general revenue fund,

Bonds

See BONDS Pages 8-10

Cable TV - Act 328 (SB 403) MUNICIPALITIES - Authorizes cities or towns to operate television distribution system for inhabitants and persons in area of two miles of boundary.

Cafeteria Plans - Act 810 (HB 1713) authorizes employees of cities, counties, school districts or the state to enter into salary reduction agreements in order to participate in cafeteria fringe benefit plans.

City Attorney

Retirement - Act 975 (H.B. 1520) - Allows former elected city attorney who, after a change in form of city government, is hired as city attorney, to receive credited service in PERS for remainder of his term. Retroactive to January 1, 1986.

City Electric Utilities

Rates - Act 735 (HB 1558) amends Ark. Stat. 19-6006 to provide that electric rates for municipalities may be fixed so as to secure performance of payment under a contract for the purchase of electric power.

Civil Service

Firefighters - Hiring and Promotion - Act 262 (H.B. 1151) The Act amends Ark. Stat. 19-1603 to provide the civil service commissions for police and firefighters shall provide rules to require that the police or fire chief may hire and promote from among the top three candidates on the eligibility list (previously, the chief had to employ the top candidate on the list).

Firefighters - Hiring and Promotion - Act 657 (HB 1083) abolishes every Civil Service Commission created under Act 952 of 1977 and repeals that Act (Ark. Stat. 12-1120 through 1137) and amends Act 262 and Act 276 of 1987 to provide that in cities covered by the Act, the Civil Service Commission rules shall require the fire chief and police chief in hiring and promoting to choose from one of the top three persons on the eligibility list.

Firefighters - Political Activities - Act 67 (HB 1037). The Act requires the Civil Service Commission for police and fire departments of first

class cities to promulgate rules regulating the political activities of firemen and policemen while on duty. The Act also repeals Ark. Stat. 19-1612, which prohibited policemen and firemen from being connected with any political campaign.

Firefighters - Promotion - Act 276 (H.B. 1236) The Act amends Ark. Stat. 19-1603 to allow municipal civil service commissions for police and firemen to provide by regulation that promotions may be based on several criteria: written, oral, or practical examinations, length of service, efficiency ratings, and educational and vocational qualifications (previously it was to be based only on open competitive examinations).

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Police - Promotions - Act 276 (H B. 1236) The Act amends Ark. Stat. 19-1603 to allow municipal civil service commissions for police and firemen to provide by regulation that promotions may be based on several criteria: written, oral, or practical examinations, length of service, efficiency ratings and educational and vocational qualifications (previously it was to be based on open competitive examinations).

Second Class Cities - Act 530 (HB 1488) The Act empowers second-class cities to establish civil service systems for fire and police departments under the same laws as first-class cities use.

Employees

Judgments not paid by State - Act 820 (HB 1827) amends Ark. Stat. 12-3407 to provide that when any city employee is covered by legal insurance, the Attorney General shall not represent the employee nor shall any judgments against the employee be paid by the State except to the extent that such judgment amount exceeds the limits of liability established in the contract of insurance.

Legal Insurance - Act 820 (HB 1827) amends Ark. Stat. 12-3407 to provide that when any city employee is covered by legal insurance, the Attorney General shall not represent the employee nor shall any judgments against the employee be paid by the State except to the extent that such judgment amount exceeds the limits of liability established in the contract of insurance.

Not Represented by A.G. - Act 820 (HB 1827) amends Ark. Stat. 12-3407 to provide that when any city employee is covered by legal insurance, the Attorney

General shall not represent the employee nor shall any Judgments against the employee be paid by the State except to the extent that such judgment amount exceeds the limits of liability established in the contract of insurance.

Salary Reduction Agreements - Act 810 (HB 1713) authorizes employees of cities, counties, school districts or the state to enter into salary reduction agreements in order to participate in cafeteria fringe benefit plans.

Employees Liability/Motor Vehicle Accidents - Act 1064 (H.B. 1960) The Act provides that the combined maximum liability of a local political subdivision in an action involving the use of a motor vehicle shall be the amounts prescribed as minimum coverage for insurers under the Motor Vehicle Safety Responsibility Act (Ark. Stat. 75-1402 et seq.).

Family Homes/Developmentally Disabled Persons

Location - Act 611 (HB 1411) the "Location Act for Community Homes for Developmentally Disabled Persons" establishing the right to locate community homes for developmentally disabled persons in certain residential neighborhoods in this state.

Firefighters

See FIREFIGHTERS Pages 52-53

Health Offices

1976 Reenactment - Act 864 (HB 1880) Clarified the status of employees in local city or county health offices. States they are state employees if occupying a state-authorized position and being paid with state or federal funds.

Immunity - Act 275 (H.B. 1217) The Act amends Ark. Stat. 42-1408 to say that cities using auxiliary police officers may not be held liable either civilly or criminally for the actions of an auxiliary law enforcement officer.

Intergovernmental Cooperation Council - Act 510 (SB 520). The Act requires the establishment of a county Intergovernmental cooperation council in each county to review all services in each county to see if there is any duplication of services which can be eliminated. The county Judge of each county will be the chairman of each cooperation council and the chief executive of each city and town within the county is a member of the cooperation council. Each county council must meet at least four times annually, during each calendar year quarter.

interlocal Agreements - Act 407 (H.B. 1631) The Act amends Ark. Stat. 20-1706 to allow a city covered by the Municipal Ambulance Licensing Law to enter into an Inter-local agreement with another city or the county for the regulation of emergency and non-emergency ambulance services. The act allows Public Facilities Boards to expand pursuant to such Inter-local agreements.

Jails/Regional - Act 55 (HB 1218). The Act amends Ark. Stat 14-117 to exempt municipalities from having to require a contractor who submits a bid on a contract to post bond.

Law Enforcement Training

Recovery of Costs from Employing Entity - Act 880 (SB 68) The Act pro-

vides that if any county, city or town pays the expenses for training a law enforcement officer at the Law Enforcement Training Academy and the officer is employed in other county, city or town or State agency within a specific period of time, then the county, city or town shall be entitled to reimbursement from the agency that employed the officer.

Liability

Motor Vehicle Accidents - Act 1064 (H.B. 1960) The Act provides that the combined maximum liability of a local political subdivision in an action involving the use of a motor vehicle shall be the amounts prescribed as minimum coverage for insurers under the Motor Vehicle Safety Responsibility Act (Ark. Stat. 75-1402 et seq.).

Local Legislation

See LOCAL LEGISLATION Pages 72-78

Motor Vehicle/Self Insured - Act 590 (S B. 428) The Act amends Ark. Stat. 12-2903, 73-2402, 75-1412, and 75-1488 to allow all political subdivisions of the State to become self-insurers for their motor vehicles under the Motor Vehicle Safety Responsibility Act.

Municipal Aid Fund

1976 Reenactment - Act 874 (HB 1891) Provides for payment of general revenues to counties and municipalities after repayment of loans made to same out of the State Budget Revolving Fund. Estimates of total funds available during the current fiscal year are used by the Chief Fiscal Officer to determine the amount of money available through the County Aid Fund and the Municipal Aid Fund.

Police

See POLICE Pages 92-93

Police Judge

Qualifications - Act 684 (SB 376) provides that only licensed attorneys residing within a first class city may run for election as the police judge for that city.

Property Taxes

City General - Act 22 (HB 1025). The Act repeals Ark. Stat. 13-523(B)(3), which had required a reduction in State aid to cities and towns which failed to levy the full 5 mill general tax on taxable property.

Substitute Millage - Act 8 (HB 1114). The Act authorizes cities and incorporated towns which increased the general millage rate in 1986 to reduce the rate no later than February 9, 1987.

Purchases - Act 55 (HB 1218). The Act amends Ark. Stat 14-117 to exempt municipalities from having to require a contractor who submits a bid on a contract to post bond.

Regional Jails - Act 427 (S.B. 548) The Act is the "Corrections Cooperative Endeavors and Private Management Act". The Act provides for cooperative endeavors among the State and political subdivisions to finance, construct,

acquire and operate prison facilities. The Act Provides for the Private management of such prison facilities.

Retirement

See RETIREMENT ages 97-100

Roads - Act 44 (HB 1264). The Act amends Ark. Stat. 76-146 to provide that if an oil and gas company or individual proposes to move any heavy oil and gas exploration or drilling equipment on municipal streets, the company or individual shall post a bond to cover anticipated damages to the streets.

Sales Tax/Countywide

Distribution - Act 688 (SB 418) amends Ark. Stat. 17-2019(d) requiring the State Treasurer to use the last official federal decennial census, or countywide special census, in computing the per capita share that each city and county shall receive from the proceeds of the 1% countywide sales tax.

Second Class

Civil Service - Act 530 (HB 1488) The Act empowers second-class cities to establish civil service systems for fire and police departments under the same laws as first-class cities use.

Solid Waste Disposal

Crossing County Lines - Act 801 (HB 1235) Limits the authority of a county or municipality in a county to establish or maintain a solid waste disposal site or facility in another county.

Taxes

Countywide Sales Tax - Act 688 (SB 418) amends Ark. Stat. 17-2019(d) requiring the State Treasurer to use the last official federal decennial census, or countywide special census, in computing the per capita share that each city and county shall receive from the proceeds of the 1% countywide sales tax.

Property Taxes - Act 8 (HB 1114). The Act authorizes cities and incorporated towns which increased the general millage rate in 1986 to reduce the rate no later than February 9, 1987.

Property Taxes - Act 22 (HB 1025). The Act repeals Ark. Stat. 13-523(B)(3), which had required a reduction in State aid to cities and towns which failed to levy the full 5 mill general tax on taxable property.

Turnback

Law Enforcement Training - Act 880 (SB 68) The Act provides that if any county, city or town pays the expenses for training a law enforcement officer at the Law Enforcement Training Academy and the officer is employed in other county, city or town or state agency within a specific period of time, then the county, city or town shall be entitled to reimbursement from the agency that employed the officer.

Penalty RE Property Tax Repealed - Act 22 (HB 1025). The Act repeals Ark. Stat. 13-523(B)(3), which had required a reduction in State aid to cities and towns which failed to levy the full 5 mill general tax on taxable property.

Public Employees Claims Division - Act 680 (SB 251). Provides for a transfer of funds from the Public School Fund, Municipal Aid Fund, County Aid Fund, Workers' Compensation Fund and other funds for the cost of administering the Public Employees Workers Compensation Claims Programs.

Surety Bond Premiums - Act 392 (HB 1206). Authorizes the State to acquire surety bonds for counties, cities and school districts and reduce turn-back to counties and cities for the cost of their surety bonds and withhold from the Public School Fund the cost of the school districts surety bonds.

Workers Compensation

See WORKERS COMPENSATION Pages 149-150

Zoning - Act 56 (HB 1269). The Act amends Ark. Stat. 19-2829(e) to provide the jurisdictional areas of cities having a population of 8,000 or more persons for the purpose of administering and enforcing planning and zoning ordinances outside their corporate limits. However, the Act provides that it does not restrict powers of cities currently exercising authority under the statute. The Act also repeals Ark. Stat. 19-2804.1 and 19-2804.3, which prohibited zoning outside a city's corporate limits.

CIVIL LIABILITY

Accountants - Act 661 (HB 1676) limits the liability of accountants and attorneys to persons in privity of contract with the accountant and attorney.

Attorneys - Act 661 (HB 1676) limits the liability of accountants and attorneys to persons in privity of contract with the accountant and attorney.

Dog Owners - Act 393 (HB 1234) - Makes dog owner or controller liable to owner of domesticated animals killed or injured by such dog. Gives anyone the right to kill a dog which has killed or is about to injure or kill any domesticated animal without being liable to the owner.

Fraudulent Insurance Practices

Whistleblowers - Act 685 (SB 381) grants immunity from civil liability to persons furnishing information regarding fraudulent insurance acts.

Immunity

See IMMUNITY Pages 62-64

Local Government Employees

Motor Vehicle Accidents - Act 1064 (H.B. 1960) The Act provides that the combined maximum liability of a local political subdivision in an action involving the use of a motor vehicle shall be the amounts prescribed as minimum coverage for insurers under the Motor Vehicle Safety Responsibility Act (Ark. Stat. 75-1402 et seq.).

Medicaid Recipient

Third Parties - Act 463 (H.B. 1629) The Act amends various sections of Act 49 of 1979 and Act 500 of 1981. The Act provides that the Department of Human Services shall be entitled to reimbursement of the full amount of Medicaid benefits paid on behalf of a Medicaid recipient when an action is prosecuted by

the recipient alone. The Act Provides that the receipt of medical assistance constitutes an automatic assignment of the recipient's rights of recovery from a third party, and that such assignment is a condltlon for Medicaid ellgibility. It also provides that the Department's right to recover Medicaid benefits constitutes a statutory lien.

Motor Vehicles

See MOTOR VEHICLES Pages 85-89

Parents of Minors - Act 36 (HB 1044). The Act amends Ark. Stat. 50-109 by increasing the liability of Parents for the willful or malicious destruction of property by their minor children to \$5,000. The previous limit was \$2,000.

Pollution

Civil Penalties - Act 529 (HB 1481) The Act amends Ark. Stat. 82-1909(c) and 82-2711(d) to provide that in civil actions Instituted by the Department of Pollution Control and Ecology the court may assess civil penalties of up to \$5,000 for each violation of law or regulation.

Volunteers

Motor Vehicle Accidents - Act 1064 (H.B. 1960) The Act provides that the combined maximum liability of a local political subdlvsn In an action involving the use of a motor vehicle shall be the amounts prescribed as minimum coverage for Insurers under the Motor Vehicle Safety Responsibility Act (Ark. Stat. 75-1402 et seq.).

CODE OF ARKANSAS

Code of Arkansas - Act 267 (H.B. 1471) The Act adopts the Arkansas Code of 1987, Legislative Edltlon, consisting of twenty-eight titles In twenty-nine printed volumes. It was prepared by the Michie Company under the supervision of the Arkansas Statute Revision Commsslon. It does not affect the Acts of the 1987 Regular Session. It shall be the official law of Arkansas and takes effect on December 31, 1987, at midnight.

COLLEGES

Borrowing - Act 367 (SB 460) - Permits colleges upon approval of Board of Trustees, Department of Higher Education and Chief Fiscal Officer to borrow funds from private financial institutions when balance In State Budget Revolving Loan Fund is Insufflcient for colleges to partlcipate. Restrictions of 85% are placed on May and June revenues.

Freshman Examination/Remedial Courses - Act 1052 (HB 1472). Requires English and mathematics tests of first time entering freshmen at State supported colleges and universities.

Immunizatlon - Act 141 (SB 320) - Requires part-time students housed on campus and all full-time students to furnish proof of Immunizatlon against measles, rubella and others designated by Board of Health prior to attending a public or private college or unlversity In this state.

Ticket Scalping - Act 21 (HB 1262). The Act amends Ark. Stat. 41-4151 to amend the ticket scalping law to exclude Institutlons of higher education which

receive funds per ticket above the face value of the ticket.

Tuition - Act 72 (HB 1302). The Act amends Ark. Stat. 80-3363 and 80-3364 to provide that the dependents of persons killed on ordnance delivery in the armed forces shall be eligible for free tuition in any State-supported Institution of higher education or State-supported technical or vocational school.

U Of A for Medical Sciences

Chair on Alcoholism and Drug Abuse Prevention - Act 639 (HB 1868) provides funding for a chair on alcoholism and drug abuse prevention at the University of Arkansas for Medical Sciences.

CONSANGUINITY

Computing Degrees of Consanguinity - Act 847 (HB 1671) amends Ark. Stat. 61-144 to prescribe the method of computing degrees of consanguinity.

CONTINUING CARE PROVIDERS

Regulation - Act 329 (SB 405) - Authorizes the Insurance Department to regulate continuing care providers. Requires disclosure statement to be filed prior to solicitation. Specifies contract information and requirements for reserve fund.

CONTRACTORS

Air Conditioning and Heating - Act 704 (SB 539) creates the Air Conditioning and Heating Contractors Board to work together with the State Department of Health to draft proposed legislation regarding the licensing of master air conditioning and heating contractors, journeymen and apprentices, etc.

Bidders Preference - Act 281 (H.B. 1510) The Act amends Ark. Stat. 14-614.2 to provide that a contractor must maintain a staffed office in Arkansas in order to qualify for a preference over out-of-state contractors for public works projects.

License - Act 495 (S.B. 124) The Act revises the definition of "contractor" as used in the Contractor's Licensing Law. The Act requires that in certain circumstances a person, firm or corporation applying to a building inspector for a permit must furnish evidence that the person, firm or corporation is either exempt from the provisions of the Contractor's Licensing Law or is licensed to carry or superintend the work for which the permit has been applied. The Contractor's Licensing Law is amended to provide a penalty for a contractor who is found by the Contractor's Licensing Board to have used a contractor in violation of the Contractor's Licensing Law.

Non-Residents

Surety Bonds - Act 162 (SB 246) - Requires written notice to DF&A, ESD, WCC and the county assessor by nonresident contractor and deposit of 10% bond to be held until three months after project completion to satisfy any tax obligations owed the State of Arkansas.

Performance Bonds - Act 757 (HB 1745) amends Ark. Stat. 51-632 to increase the contract amount for which the contractor must supply a bond.

Subcontractors' Licensing - Act 759 (HB 1760) amends Ark. Stat. 14-613 to require subcontractors on projects exceeding \$20,000 to be licensed by the State Contractors Licensing Board.

COOPERATIVE MKT ASSOC

Cooperative Mkt Assoc. - Act 507 (SB 455). The Act repeals Section 3 of Act 470 of 1961 [Ark. Stat. 77-910.11 which provides a majority of a quorum is necessary to amend the articles of incorporation or by-laws.

CORPORATIONS

Board of Directors - Act 323 (SB 332) - This Act clarifies that a resolution executed by the Board of Directors concerning stock issuance shall not be considered an amendment to the Articles of Incorporation. The Act enumerates requirements for directors and authorizes the establishment of an executive committee with limited authority.

Code/Revised - Act 958 (S.B. 506) - The new "Arkansas Business Corporation Act" modifies the percentage of shareholders to approve merger if the corporation so elects through its Articles of Incorporation. Corporations existing at time of effective date (1-1-88) may elect to remain under existing corporate code or by 2/3 vote of shareholders may come under provision of new act. All new corporations must incorporate under the new act. Unless corporations authorize otherwise through articles of incorporation, by-laws, executive committees may be established to take some actions formerly reserved for the Board of Directors.

Executive Committee - Act 323 (SB 332) - This Act clarifies that a resolution executed by the Board of Directors concerning stock issuance shall not be considered an amendment to the Articles of Incorporation. The Act enumerates requirements for directors and authorizes the establishment of an executive committee with limited authority.

Farm Cooperative - Act 776 (HB 2011) amends Ark. Stat. 67-1247 and 67-1248, the Arkansas Securities Act, to define the term "farm cooperative" and clarify the organizations eligible for the exemption from registration of certain securities issued by farm cooperatives.

Filing Fees - Act 1068 (H.B. 2022) The Act amends various Acts authorizing the Secretary of State to increase various fees for filing corporation and partnership papers.

Foreign - Act 34 (SB 135) and Act 20 (HB 1160) amends amends Ark. Stat. 64-1205 and 64-1201 relating to the requirement that foreign corporations file a copy of their Charter or Articles of Incorporation with the Secretary of State; requires amendments to the Charter or Articles of Incorporation to be filed if the amendments are subject to a filing fee pursuant to Section 1 of Act 187 of 1939, as amended; and provides for the penalty for failure to file.

Fraudulent Transfer - Act 967 (S.B. 656) - The "Arkansas Fraudulent Transfer Act" provides remedies for creditors against debtors who transfer assets with the intent to hinder, delay or defraud a creditor or when reasonable equivalent value was not received by debtor in exchange.

Non-Profit Corporations

Development Finance Authority - Act 900 (SB 435) The Act makes various

amendments to the Arkansas Development Finance Authority Act Including authorizing projects to enhance the Public School Fund, authorizing the issuance of bonds for the purpose of generating investment earnings, authorizing the authority to create non-profit corporations, eliminating certain notices in connection with pool financing, and permitting issuance of bonds denominated in currencies other than U. S. currency.

Directors' Immunity - Act 970 (H.B. 1077) - Exempts directors of non-profit corporations, members of boards, commissions, agencies, authorities and other governing bodies from personal liability for damages from negligence of employees or another director or member. Also exempts athletic officials from personal liability arising out of officiating duties. Act does not apply to ordinary or gross negligence, intentional torts or acts or omissions of directors of nonprofit corporations licensed to dispense alcoholic beverages, beer or wine. Applies to actions accruing after August 1, 1987.

Grandfather Provision - Act 406 (H.B. 1621) The Act provides that any non-profit corporation organized prior to the effective date of Act 176 of 1963 which wishes to exist and function under that Act shall within one year file a copy of the court order or action whereby it was granted corporate status and shall pay the Secretary of State a filing fee.

Key Man Life Insurance - Act 240 (S.B. 290) The Act prohibits non-profit corporations from spending public funds to purchase "key man" life insurance as a form of deferred compensation.

Preferred Stock - Act 323 (SB 332) - This Act clarifies that a resolution executed by the Board of Directors concerning stock issuance shall not be considered an amendment to the Articles of Incorporation. The Act enumerates requirements for directors and authorizes the establishment of an executive committee with limited authority.

Railroads

1976 Reenactment - Act 1000* (HB 1910) (Act 1200 of 1975) Allows for exception to requirements to show proof of payment of personal property taxes to register automobiles.

Taxes

Franchise Tax - Act 19 (HB 1159). The Act amends various sections of Act 889 of 1979 (Ark. Stat. 84-1833 to 84-1844) relating to the Arkansas Corporate Franchise Tax. The Act transfers to the Secretary of State the duty to collect the Arkansas Corporate Franchise Tax. It also requires a corporation to pay its initial franchise tax upon filing its articles of incorporation with the Secretary of State of within 30 days after being issued a corporate permit for authority to do business by another State agency. The Act will become effective on July 1, 1988.

Income Tax - Act 114 (SB 282) - Allows a corporate officer to swear to the tax return. Former law required a principal officer and treasurer.

CORRECTION DEPARTMENT

Treaties - Act 775 (HB 1974) empowers the Governor to authorize the

Department of Correction to participate in treaties between the United States and a foreign country for the transfer of foreign inmates and amends Ark. Stat. 43-2344 to clarify the procedure for expungement of records as to certain criminal convictions.

COSMETOLOGISTS

Continuing Education - Act 465 (H.B. 1659) The Act amends Act 358 of 1955 to require continuing education for cosmetologists.

COUNTIES

Audits - Act 207 (H.B. 1273) This Act repeals Section 6 of Act 619 of 1969, which prohibited auditors from Legislative Audit from conducting audits of county officials for more than one consecutive year.

Auxiliary Police

immunity - Act 275 (H.B. 1217) The Act amends Ark. Stat. 42-1408 to say that cities using auxiliary police officers may not be held liable either civilly or criminally for the actions of an auxiliary law enforcement officer.

Bonds

See BONDS Pages 8-10

Cafeteria Plans - Act 810 (HB 1713) authorizes employees of cities, counties, school districts or the state to enter into salary reduction agreements in order to participate in cafeteria fringe benefit plans.

Civil Service/Sheriff's Office

Repealed - Act 657 (HB 1083) abolishes every Civil Service Commission created under Act 952 of 1977 and repeals that Act (Ark. Stat. 12-1120 through 1137) and amends Act 262 and Act 276 of 1987 to provide that in cities covered by the Act, the Civil Service Commission rules shall require the fire chief and police chief in hiring and promoting to choose from one of the top three persons on the eligibility list.

County Aid Fund

1976 Reenactment - Act 874* (HB 1891) Provides for payment of general revenues to counties and municipalities after repayment of loans made to same out of the State Budget Revolving Fund. Estimates of total funds available during the current fiscal year are used by the Chief Fiscal Officer to determine the amount of money available through the County Aid Fund and the Municipal Aid Fund.

County Aid Fund - Act 863* (HB 1879) Amended '73 and '75 Acts creating the County Road Construction and Maintenance Revolving Fund, the State Aid Road Fund and provided for use of funds for the betterment rather than maintenance of state-aid designated roads. The State Aid Road Fund was increased from \$9 million to \$13 million in 1985. The matching was reduced to 20 percent county funds in 1983.

Depository Board - Act 250 (H.B. 1279) The Act requires county officials to invest public funds to receive optimum interest rates and provides for the establishment of a county depository board to designate the depository institution

tions and supervise the Investment of public funds of the county.

Employees

Judgments not Paid by State - Act 820 (HB 1827) amends Ark. Stat. 12-3407 to provide that when any city employee is covered by legal insurance, the Attorney General shall not represent the employee nor shall any judgments against the employee be paid by the State except to the extent that such judgment amount exceeds the limits of liability established in the contract of insurance.

Legal insurance - Act 820 (HB 1827) amends Ark. Stat. 12-3407 to provide that when any city employee is covered by legal insurance, the Attorney General shall not represent the employee nor shall any judgments against the employee be paid by the State except to the extent that such judgment amount exceeds the limits of liability established in the contract of insurance.

Liability/Motor Vehicle Accidents - Act 1064 (H.B. 1960) The Act provides that the combined maximum liability of a local political subdivision in an action involving the use of a motor vehicle shall be the amounts prescribed as minimum coverage for insurers under the Motor Vehicle Safety Responsibility Act (Ark. Stat. 75-1402 et seq.).

Not Represented by A.G. - Act 820 (HB 1827) amends Ark. Stat. 12-3407 to provide that when any city employee is covered by legal insurance, the Attorney General shall not represent the employee nor shall any judgments against the employee be paid by the State except to the extent that such judgment amount exceeds the limits of liability established in the contract of insurance.

Salary Reduction Agreements - Act 810 (HB 713) authorizes employees of cities, counties, school districts or the state to enter into salary reduction agreements in order to participate in cafeteria fringe benefit plans.

Equalization Board

Co. Reimbursed Expense - Act 559 (HB 1508) The Act amends Ark. Stat. 84-704 to provide that the county general fund shall be reimbursed proportionally by the respective taxing units in the county for the expenses and compensation paid to the county equalization board members.

Family Homes/Developmentally Disabled Persons

Location - Act 611 (HB 1411) the "Location Act for Community Homes for Developmentally Disabled Persons" establishing the right to locate community homes for developmentally disabled persons in certain residential neighborhoods in this state.

Grand Juries

Professional Assistance - Act 318 (SB 71) - Authorizes hiring of experts and other professionals to assist in grand jury investigations with prior approval by the quorum court and county judge.

Health Offices

1976 Reenactment - Act 864 (HB 1880) Clarified the status of employees in local city or county health offices. States they are state employees if

occupying a state-authorized position and being paid with state or federal funds.

Highway Commissions - Act 158 (HB 1457) - Repeals 1939 Act which authorized creation of county highway commission.

Hospitals

Sale - Act 448 (H.B. 1188) The Act provides that a county hospital constructed or maintained by taxes approved by the voters shall not be sold unless the sale is approved by the voters.

Housing Authorities

1976 Reenactment - Act 993 (HB 1903) (Act 1180 of 1975) Act 163 of 1975 allowed cities to use federal urban renewal laws. This Act simply added "and counties" to that law to give county government those powers, too.

Immunity - Act 275 (H.B. 1217) The Act amends Ark. Stat. 42-1408 to say that cities using auxiliary police officers may not be held liable either civilly or criminally for the actions of an auxiliary law enforcement officer,

Intergovernmental Cooperation Council - Act 510 (SB 520). The Act requires the establishment of a county intergovernmental cooperation council in each county to review all services in each county to see if there is any duplication of services which can be eliminated. The county Judge of each county will be the chairman of each cooperation council and the chief executive of each city and town within the county is a member of the cooperation council. Each county council must meet at least four times annually, during each calendar year quarter.

Jails

Regional - Act 427 (S.B. 548) The Act is the "Corrections Cooperative Endeavors and Private Management Act". The Act provides for cooperative endeavors among the State and political subdivisions to finance, construct, acquire and operate prison facilities. The Act provides for the private management of such prison facilities.

Law Enforcement Training

Recovery of Costs from Employing Entity - Act 880 (SB 68) The Act provides that if any county, city or town pays the expenses for training a law enforcement officer at the Law Enforcement Training Academy and the officer is employed in other county, city or town or state agency within a specific period of time, then the county, city or town shall be entitled to reimbursement from the agency that employed the officer.

Liability

Motor Vehicle Accidents - Act 1064 (H.B. 1960) The Act provides that the combined maximum liability of a local political subdivision in an action involving the use of a motor vehicle shall be the amounts prescribed as minimum coverage for insurers under the Motor Vehicle Safety Responsibility Act (Ark. Stat. 75-1402 et seq.).

Local Legislation

See LOCAL LEGISLATION Pages 72-78

Motor Vehicle/Self Insured - Act 590 (S.B. 428) The Act amends Ark. Stat. 12-2903, 73-2402, 75-1412, and 75-1488 to allow all political subdivisions of the State to become self-Insurers for their motor vehicles under the Motor Vehicle Safety Responsibility Act.

Officials

See COUNTY OFFICIALS Pages 28-30

Purchases - Act 55 (HB 1218). The Act amends Ark. Stat 14-117 to exempt municipalities from having to require a contractor who submits a bid on a contract to post bond.

Quorum Courts

Court Costs - Act 96 (SB 236). The Act amends Ark. Stat. 17-456 to authorize quorum courts to utilize the court costs authorized by Act 695 of 1983 to compensate attorneys appointed to represent minors and mentally incompetent persons in civil or criminal actions. The Act provides that every circuit and chancery court is authorized to appoint legal counsel to represent persons the court deems incompetent due to minority or mental incapacity.

Delinquent Lands - Act 361 (SB 154) - The Quorum Court may authorize the County Collector and/or the County Treasurer to accept delinquent tax payments on land not transferred to the State Land Commissioner.

Depository Boards - Act 250 (H.B. 1279) The Act requires county officials to invest public funds to receive optimum interest rates and provides for the establishment of a county depository board to designate the depository institutions and supervise the investment of public funds of the county.

Solid Waste Disposal - Act 801 (HB 1235) limits the authority of a county or municipality in a county to establish or maintain a solid waste disposal site or facility in another county.

Regional Jails - Act 427 (S.B. 548) The Act is the "Corrections Cooperative Endeavors and Private Management Act". The Act provides for cooperative endeavors among the State and political subdivisions to finance, construct, acquire and operate prison facilities. The Act provides for the private management of such prison facilities.

Retirement

LOPFI - Contributions - Act 271 (S.B. 99) The Act amends Ark. Stat. 12-3806.10 to change the delinquency period for retirement contributions for police and firemen retirements to 10 days after it is due (previously it was 60 days).

Roads - Act 44 (HB 1264). The Act amends Ark. Stat. 76-146 to provide that if an oil and gas company or individual proposes to move any heavy oil and gas exploration or drilling equipment on municipal streets, the company or individual shall post a bond to cover anticipated damages to the streets.

Sales Tax

Distribution - Act 688 (SB 418) amends Ark. Stat. 17-2019(d) requiring

the State Treasurer to use the last official federal decennial census, or countywide special census, in computing the Per capita share that each city and county shall receive from the proceeds of the 1% countywide sales tax.

Remedial Act - Act 826 (HB 1983) provides for the continuation in full force and effect, the county-wide Sales tax in counties which have not adopted a county-wide use tax.

Use Tax - Act 827 (HB 1984) clarifies that in all counties which have adopted a local sales tax, there is also levied a local use tax and provides that the local use tax will be in force and administered pursuant to the laws under which the local sales tax was adopted.

Solid Waste Disposal

Crossing County Lines - Act 801 (HB 1235) limits the authority of a county or municipality in a county to establish or maintain a solid waste disposal site or facility in another county.

Tax Delinquent Lands - Act 814 (HB 1728) repeals and amends various obsolete laws pertaining to the forfeiture and sale of tax delinquent lands.

Turnback

County Treasurers' Continuing Education - Act 944 (H.B. 1851) - Creates a six member board to establish a continuing education program to assist persons elected as county treasurers. The 'education fund is derived from \$200 annually paid from fees collected by each county treasurer.

Delinquent Assessments - Act 153 (HB 1076) - Requires the county assessor to file a sworn statement of compliance with law requiring designation of assessment delinquencies or county turnback will be withheld.'

Law Enforcement Training - Act 880 (SB 68) The Act provides that if any county, city or town pays the expenses for training a law enforcement officer at the Law Enforcement Training Academy and the officer is employed in other county, city or town or state agency within a specific period of time, then the county, city or town shall be entitled to reimbursement from the agency that employed the officer.

Public Employees Claims Division - Act 680 (SB 251). Provides for a transfer of funds from the Public School Fund, Municipal Aid Fund, County Aid Fund, Workers' Compensation Fund and other funds for the cost of administering the Public Employees Workers Compensation Claims Programs.

Surety Bond Premiums - Act 392 (HB 1206). Authorizes the State to acquire surety bonds for counties, cities and school districts and reduce turn-back to counties and cities for the cost of their surety bonds and withhold from the Public School Fund the cost of the school districts surety bonds.

Volunteers

Workers' Compensation - Act 527 (HB 1405) The Act provides that a county quorum court may provide workers' Compensation coverage for designated volunteer public safety workers. A "volunteer public safety worker" includes a volunteer worker in a sheriff's auxiliary, an ambulance service or rescue squad,

or a rural volunteer fire department. The volunteer public safety worker shall be deemed to have received wages to entitle them to receive the minimum benefit for injury, disability or death.

Warrants and Checks - Act 269 (H.B. 1590) The Act amends Ark. Stat. 17-823 and 17-824 to reduce the amount of time that a warrant issued by the County Treasurer remains valid from three years to one year.

Workers' Compensation

See WORKERS COMPENSATION Pages 149-150

COUNTRY MUSIC HALL OF FAME

Name Change - Act 467 (H.B. 1685) The Act amends Act 671 of 1985 to change the "Arkansas Country Music Hall of Fame Board" to the "Arkansas Entertainers Hall of Fame Board". The Act broadens the Board's function from honoring persons for their contributions to country music to honoring persons for their contributions to entertainment.

COUNTY OFFICIALS

Assessor

Books - Act 621 (HB 1605) provides that persons who have previously avoided the payment of personal property taxes by moving from one county to another county within this state shall be required to assess their personal property acquired between April 10 and December 31 on or about December 31 in the county of their new residence.

Delinquent Assessments - Act 153 (HB 1076) - Requires the county assessor to file a sworn statement of compliance with law requiring designation of assessment delinquencies or county turnback will be withheld.

Clerks of County and Probate Courts

Fees/State Agencies - Act 720 (HB 1118) amends Ark. Stat. 12-1736 to permit public officers to perform services for State agencies on credit.

Collector

Postage Fee - Act 324 (SB 351) - Allows county tax collectors to collect postage fee for mailing out tax statements.

Redemption of Delinquent Land - Act 361 (SB 154) - The Quorum Court may authorize the County Collector and/or the County Treasurer to accept delinquent tax payments on land not transferred to the State Land Commissioner.

County Judge

Salary/County Road Fund - Act 675 (SB 162) authorizes payment of up to one-half of the salary of the county judge in each county from the county road fund.

Solid Waste Disposal - Act 801 (HB 1235) limits the authority of a county or municipality in a county to establish or maintain a solid waste disposal site or facility in another county.

County Treasurer

Monthly Report to Prosecutor - Act 724(HB 1239) amends Ark. Stat. 17-448 and 17-712 to require the county treasurer to submit the monthly financial report filed by the treasurer with the quorum court to the prosecuting attorney and deputy prosecuting attorney of the judicial district in which the county is located.

Election Commission

Challenged Ballots - Act 905 (SB 634) The Act amends Ark. Stat. 3-714 to provide that the County Board of Election Commissioners is not required to examine challenged ballots unless the ballots could change the outcome of the election.

Per Diem - Act 403 (H.B. 1575) The Act amends Ark. Stat. 3-507 by changing the per diem of the members of the County Board of Election Commissioners from \$15.00 per day to not less than \$15.00 per day. The Act also validates any payment prior to the effective date of the Act that was in excess of \$15.00 per day.

Record of Receipts and Expenditures - Act 795 (SB 663) requires the County Election Commission of each county to maintain a record of its receipts and expenditures.

Retention of Ballots - Act 492 (H.B. 1681) The Act amends Ark. Stat. 3-802 to provide that County Boards of Election Commissioners must preserve election ballots for ninety days. Prior to this amendment, the commissioners were required to keep the ballots for a period of six months.

Ethics

Deputy Prosecutors Exempt - Act 930 (SB 670). The Act amends Ark. Stat. 17-4208(2) to remove State officers and deputy prosecuting attorneys from the definition of officers and employees of county governments as used in the law relating to ethics for county officials and employees.

Justice of the Peace

Fees - Act 445 (H.B. 1052) The Act repeals Ark. Stats. 12-1731 relating to fees of Justices of the peace.

Immunity - Act 970 (H.B. 1077) Exempts directors of nonprofit corporations, members of boards, commissions, agencies, authorities and other governing bodies from personal liability for damages from negligence of employees or another director or member. Also exempts athletic officials from personal liability arising out of officiating duties. Act does not apply to ordinary or gross negligence, intentional torts or acts or omissions of directors of nonprofit corporations licensed to dispense alcoholic beverages, beer or wine. Applies to actions accruing after August 1, 1987.

Retirement

See RETIREMENT Pages 97-104

Sheriff

Civil Service/Repealed - Act 657 (HB 1083) abolishes every Civil

Service Commission created under Act 952 of 1977 and repeals that Act (Ark. Stat. 12-1120 through 1137) and amends Act 262 and Act 276 of 1987 to provide that in cities covered by the Act, the Civil Service Commission rules shall require the fire chief and police chief in hiring and promoting to choose from one of the top three persons on the eligibility list.

Employees - Age - Act 332 (SB 436) - Eliminates the maximum age of 45 for applicants to sheriff's office.

Fees/State Agencies - Act 720 (HB 1118) amends Ark. Stat. 12-1736 to permit public officers to perform services for State agencies on credit.

Tax Delinquent Land - Act 814 (HB 1728) repeals and amends various obsolete laws pertaining to the forfeiture and sale of tax delinquent lands.

Treasurer

Commissions - School Funds - Act 333 (SB 438) - Provides that only the county treasurer of the county administering a multi-county school district is entitled to a commission for handling school district funds. Proportional payment of salaries and expenses is included.

Continuing Education - Act 944 (H.B. 1851) - Creates a six member board to establish a continuing education program to assist persons elected as county treasurers. The education fund is derived from \$200 annually paid from fees collected by each county treasurer.

Redemption of Delinquent Land - Act 361 (SB 154) - The Quorum Court may authorize the County Collector and/or the County Treasurer to accept delinquent tax payments on land not transferred to the State Land Commissioner.

Voter Registrars

Volunteers - Act 799 (HB 1080) provides for the appointment of volunteer deputy voter registrars.

Voter Registration/Cancellation - Act 800 (HB 1081) requires the permanent registrars to notify persons 30 days before cancellation that, due to their failure to vote in any election during the preceding four years, their voter registration will be cancelled unless they convey to the registrar a desire to remain registered.

COURT COSTS

Administration of Justice

Distribution to Cities and Counties - Act 853 (HB 1321) amends Ark. Stat. 22-706.9 to clarify the method of distribution of the additional court costs levied for the administration of justice by authorizing the governing body of the levying municipality and quorum court of the county to determine the portion thereof to be retained by the city and the portion to be received by the county, etc.

Alcohol and Drug Abuse - Act 185 (HB 1494) - Authorizes collection of an additional \$1.00 per criminal case or moving traffic violation with all money collected transmitted to State Treasury for the establishment and

operation of alcohol, drug abuse and crime prevention programs in the counties.

Ashley County - Act 851 (HB 2079) levies an additional court cost in Ashley County for the purpose of historic restoration.

Attorney for Indigents - Act 96 (SB 236). The Act amends Ark. Stat. 17-456 to authorize quorum courts to utilize the court costs authorized by Act 695 of 1983 to compensate attorneys appointed to represent minors and mentally incompetent persons in civil or criminal actions. The Act provides that every circuit and chancery court is authorized to appoint legal counsel to represent persons the court deems incompetent due to minority or mental incapacity.

County Law Libraries

Violations - Act 773 (HB 1943) amends Ark. Stat. 25-505 to provide that the levy of the County Law Library Court Cost shall apply to violation.

Criminal Justice Fund - Act 580 (S.B. 139) The Act amends Ark. Stat. 22-706.4 to allow the court cost levied for criminal justice to be used for any use in the administration of the municipal court including salaries and costs of incarceration of defendants.

Judicial Retirement - Act 139 (SB 316) - Requires funds received as additional court cost to be remitted to PERS and then to State Treasury for deposit in Constitutional and Fiscal Agencies Fund.

Little River County - Act 782 (HB 2075) levies additional court costs on crimes and traffic offenses prosecuted in municipal courts located in Little River County.

Miller County - Act 543 (HB 1966) The Act levies an additional court cost for municipal courts in Miller County in the amount of \$1.00 for each traffic offense and \$3.00 for all other criminal offenses. The funds are to be deposited in the county general fund.

Municipal Courts - Act 431 (H.B. 1284) The Act establishes uniform procedures for civil practice in municipal court. It establishes the filing fees in civil cases in municipal court. The Act also provides that there should be no jury trial in municipal court and that appeals shall be de novo to circuit court.

Judge and Clerk Education Fund - Act 744 (HB 1650) establishes an additional fee for civil actions in municipal court for the purpose of funding continuing education for the Judges and clerks of municipal courts.

Statute Revision Commission - Act 140 (SB 317) - Provides the additional \$.25 to be paid directly to the Statute Revision Commission and then remitted to the State Treasury.

Victim's Reparations Assessment - Act 817 (HB 1770) the "Arkansas Crime Victims Reparation Act" which provides a method of compensation and assistance to crime victims along with compensation up to \$10,000 to be administered by the Crime Reparations Board.

COURTS

Attorney Fees

See ATTORNEYS Page 6

Bastardy

See BASTARDY Page 7

Chancery Courts

See CHILD SUPPORT Pages 11-12

Spousal Violence - Act 425 (S.B. 451) The Act authorizes Chancery Courts to issue temporary restraining orders, injunctions or other relief related to a husband or wife who has been subjected to or threatened with physical violence by his or her spouse.

Child Custody

See MINORS Pages 82-84

Circuit Courts

Criminal Sentence/Expungement - Act 775 (HB 1974) empowers the Governor to authorize the Department of Correction to participate in treaties between the United States and a foreign country for the transfer of foreign inmates and amends Ark. Stat. 43-2344 to clarify the procedure for expungement of records as to certain criminal convictions.

Fines - Act 129 (SB 130) - Allows the sheriff to collect fines, penalties and forfeitures unless the Circuit Judge authorizes the circuit clerk to do so.

Juveniles - Act 14 (HB 1357). The Act transfers all matters pertaining to juvenile delinquency and violations of criminal laws of this state to a Juvenile Division of the Circuit Court of each county. The Act also transfers jurisdiction over all matters pertaining to juveniles in need of supervision and pertaining to dependent-neglected juveniles, other than juvenile delinquency in violations of criminal laws by juveniles to a Juvenile Division of the Probate Court of each county. The provisions of the Act cease to be in force at midnight of the sine die adjournment of the 77th Regular Session of the General Assembly unless otherwise specifically provided by law.

Juveniles/Reports - Act 783 (HB 1946) amends Ark. Stat. 45-447 to provide that information concerning juvenile cases be furnished to the Judicial Department on a monthly basis.

Civil Penalties

Pollution - Act 529 (HB 1481) The Act amends Ark. Stat. 82-1909(c) and 82-2711(d) to provide that in civil actions instituted by the Department of Pollution Control and Ecology the court may assess civil penalties of up to \$5,000 for each violation of law or regulation.

Clerks

Fees/Child Support - Act 599 (H.B. 1180) The Act amends Ark. Stat. 34-1211 and 34-706.1 to provide the Court the option to order the collection of an administrative fee on child support payments either as \$1.00 per each payment

or on an annual fee basis of UP to \$24.00 per Year (previously an annual fee of \$12.00 to \$24.00 was authorized).

Commitments

Alcoholics - Act 520 (HB 1093). The Act allows probate judges to appoint referees for the purpose of committing alcoholics for treatment and rehabilitation.

Mental Illness - Act 243 (H.B. 1153) The Act revises the laws of Arkansas relating to voluntary admission and involuntary commitments of mentally ill persons. It describes the procedures for the commitment hearings and for the person's evaluation and treatment. It describes the mentally ill person's rights under the law and provides for the appointment of a magistrate in the Judicial Department. It repeals Act 817 of 1979, as amended, and other laws relating to the commitment of the mentally ill.

Confiscate Weapons

Transfer to Police - Act 712 (SB 620) amends Ark. Stat. 43-2327 to authorize the court in which persons are convicted of certain offenses involving deadly weapons to confiscate such weapons and transfer such weapons and the title thereto to law enforcement agencies.

Consanguinity - Act 847 (HB 1671) amends Ark. Stat. 61-144 to prescribe the method of computing degrees of consanguinity.

County Courts

Vacate Utility Easements - Act 494 (S.B. 63) The Act authorizes county courts to vacate utility easements located **outside** incorporated areas if the easement has not been used for a period of at least five years and vacating the easement would not be against the interest of the public. The Act provides for a de novo appeal to circuit court.

Court Costs

See COURT COSTS Pages 30-31

Court Reporters

Parking Violations - Act 711 (SB 618) provides that judges and their court reporter shall not be subject to a fine or other penalty for overtime parking.

Substitutes - Act 373 (SB 503) - Authorizes payment by the State Auditor for up to twenty days service per court reporter for temporary substitutes upon authorization by the Circuit or Chancery Judges that such services were necessary to prevent a disruption in business of the Court.

Transcript Fee - Act 581 (S.B. 142) The Act amends Ark. Stat. 22-367.4 to increase the compensation that court reporters receive for transcripts from \$2.50 per page to \$3.10 per page and to authorize them to receive compensation for photocopied evidence at a rate of \$1.50 per page.

Damages

Computers - Act 908 (SB 671) The Act establishes the crimes of com-

puter fraud and computer trespass. It also provides for civil relief to persons injured by such violatlons.

Garnishment - Act 523 (HB 1334) The Act amends Ark. Stat. 31-504 to provide that on appllcatlon for a wrlt of garnishment by a qualified Judgment creditor, the clrcult clerk shall attach to the wrlt a notice of the defendant's right to keep certain money and wages from garnlshment. The judgment creditor **Is** responsible for mailing the wrlt and notice to the defendant. The judgment debtor is entitled to a prompt hearing on hls rlghts withln **8** days.

Grand Juries - Act 318 (SB 71) - Authorizes hiring of experts and other professionals to assist in grand jury investigations with prior approval by the quorum court and county judge.

Guardianship

See GUARDIANSHIP Pages 57-58

Injunctlons

Abused/Neglected Juvenlles - Act 745 (HB 1663) provides for protection of juveniles who may be negiected or abused by persons to whom their parents or guardians have entrusted the Juveniles' care, i.e., baby sitters or "family day care" which are exempt from State licensing.

Judges

Parking Violatlons - Act 711 (SB 618) provides that Judges and their court reporter shall not be subject to a flne or other penalty for overtime parking.

Judgment Liens - Act 356 (SB 2) - Makes judgment effective against real estate on date rendered only if county maintains permanent office where permanent records are kept. If not, only when a certified copy of the judgment is filed in the Clrcult Clerk's office does such become a lien. Such must be recorded and Indexed to become lien to those not having actual notlce of the rendition of the judgment. The Clerk has the duty to Index judgments immediately upon filing.

Judicial Clrcults

Classiflcatlon - Act 76 (SB 46). The Act amends Ark. Stat. 24-111 to provide that the Thlrđ, Seventh, Elghth, Slxteenth and Twelfth Judicial Clrcults shall become Dlvlsion A clrcults for purposes of establishing the compensation for prosecuting attorneys.

Jury Selection

1976 Reenactment - Act 1027 (HB 1938) (Act 1202) This provision repealed the second paragraph of Sectlon 7 of Act 485 of 1975 relatng to the selection of Jurors. The repealed provlslon had provided that the method of selecting jurors did not apply In counties having a populatlon of not more than 25,000 persons.

Juvenile Courts - Act 14 (HB 1357). The Act transfers all matters per-
taining to Juvenile delinquency and vlatlons of crlmlnal laws of thls state to a Juvenile Dlvlsion of the Clrcult Court of each county. The Act also transfers Jurisdiclon over all matters pertalnng to juveniles In need of supervlslon and pertaining to dependent-neglected Juveniles, other than Juvenile delinquency in

violations of criminal laws by juveniles to a Juvenile Division of the Probate Court of each county. The provisions of the Act cease to be in force at midnight of the sine die adjournment of the 77th Regular Session of the General Assembly unless otherwise specifically provided by law.

Fines/Public Service - Act 673 (SB 50) amends Ark. Stat. 45-436 to increase the amount of fines assessable in Juvenile Court and to increase the amount of public service which may be ordered.

Local Legislation

See LOCAL LEGISLATION Pages 72-78

Medical Records

Discovery Fee - Act 359 (SB 138) - Allows the court to require payment of a fee not limited to duplication costs for medical records subject to discovery from physicians or hospitals.

Municipal Courts

1976 Reenactment - Act 871 (HB 1888) Allows the establishment of municipal courts by agreement of two or more cities or towns who also agree to share the salary and expenses of the court with the county if the county is part of the agreement. The judge need only be a resident of the county and is elected by the respective cities and towns entering into the agreement. The court may be located in one city or in more than one.

Election of Judge - Act 90 (HB 1164). The Act authorizes the governing body of a municipality with a municipal court to change the method for electing the municipal judge. The governing body may by ordinance provide that the judge be elected by the electors of the entire county or, in the event the county is divided into two judicial districts, by the electors of the judicial district in which the municipality creating the court is located.

Filing Fee - Act 744 (HB 1650) establishes an additional fee for civil actions in municipal court for the purpose of funding continuing education for the judges and clerks of municipal courts.

Jurisdiction - Act 431 (H.B. 1284) The Act establishes uniform procedures for civil practice in municipal court. It establishes the filing fees in civil cases in municipal court. The Act also provides that there should be no jury trial in municipal court and that appeals shall be de novo to circuit court.

Magistrates - Act 979 (H.B. 1686) - Provides that municipal magistrates are "Judicial Officers" as defined in the Arkansas Rules of Criminal Procedure. Authorizes magistrates to conduct probable cause hearings, arraignments, issue search warrants and warrants for arrest.

Omnibus - Act 431 (H.B. 1284) The Act establishes uniform procedures for civil practice in municipal court. It establishes the filing fees in civil cases in municipal court. The Act also provides that there should be no jury trial in municipal court and that appeals shall be de novo to circuit court.

Salaries - Act 031 (H.B. 2028) The Act establishes the salaries of various municipal court judges and other court employees for approximately 100

local jurisdictions. It provides for a method of salary adjustments and establishes the criteria for authorization of those salary increases. It specifically repeals Act 955 of 1985.

Small Claims - Act 430 (H.B. 1283) The Act revises various provisions of the Small Claims Procedure Act, Act 725 of 1977. The Act states that it is to become effective July 1, 1987 but there is no emergency clause.

Solemnize Marriages - Act 394 (HB 1282). Solemnization by Municipal Judges - Amends 1837 Statute (Ark. Stat. 55-216) to authorize elected municipal court judges to solemnize marriages. Validates *ad initio* all previous marriages solemnized by municipal court judges prior to this Act.

Police Judge

Qualifications - Act 684 (SB 376) provides that only licensed attorneys residing within a first class city may run for election as the police judge for that city.

Probate Courts

Juveniles/Reports - Act 783 (HB 1946) amends Ark. Stat. 45-447 to provide that information concerning juvenile cases be furnished to the Judicial Department on a monthly basis.

Referees - Act 520 (HB 1093). The Act allows probate judges to appoint referees for the purpose of committing alcoholics for treatment and rehabilitation.

Quorum Courts

See COUNTIES Page 26

Referees - Act 520 (HB 1093). The Act allows probate judges to appoint referees for the purpose of committing alcoholics for treatment and rehabilitation.

Reports

Costs - Act 644 (HB 1992) amends Ark. Stat. 14-421.1 to allow the Secretary of State to charge an amount equal to the cost of the volume plus postage cost for the Arkansas Supreme Court Reports.

Juvenile Matters - Act 783 (HB 1946) amends Ark. Stat. 45-447 to provide that information concerning juvenile cases be furnished to the Judicial Department on a monthly basis.

Rules of Evidence

1976 Reenactment - Act 876 (HB 1893) (Act 1143) [Ark.Stat. 28-1001] - Uniform Rules of Evidence. Act 1143 has been amended twice. Act 405 of 1985 amended Rule 803 to except from the hearsay rule certain statements made by children under 10 years of age. Act 462 of 1985 added Rule 616. Rule 616 allows the victim of crime and the parents or guardian of a minor who is a victim of crime to be present during any hearing, deposition, or trial of the offense. Adopts the Uniform Rules of Evidence.

.Supreme Court

Appellate Review/Death Penalty - Act 412 (H.B. 1110) The Act amends Ark. Stat. 41-1302 relating to the appellate review of a death sentence. It provides that if the Arkansas Supreme Court finds that the jury erred in finding the existence of any aggravating circumstance and the jury found no mitigating circumstances then the Arkansas Supreme Court shall conduct a "harmless error" review of the death sentence.

Traffic Misdemeanors

Judgment/Probation - Act 457 (H.B. 1419) The Act amends Ark. Stats. 75-1060 to provide that in traffic misdemeanor cases, other than cases involving driving under the influence of alcohol or drugs, probation may be continued and Judgment postponed for not more than one year.

Writ of Possession - Act 577 (SB 72) The Act amends Ark. Stat. 34-1508 to provide on execution of a writ of possession by the Sheriff, the property and belongings of the occupant of the property shall be placed in storage in public warehouse or other reasonable safe place of storage under the control of the plaintiff until a final determination by the court (previously, it required storage in a public warehouse). If a court determines in favor of the plaintiff, the property and belongings shall be sold to satisfy the storage costs, the monetary judgment for the plaintiff, and any excess is paid to the defendant/occupant.

CREDIT SERVICES ORGANIZATIONS

Regulation - Act 321 (SB 310) - Prohibits receipt of money prior to performance of services to assist consumer with credit rating if organization is not bonded. Also prohibits collection of money to refer consumer to lender if same extension of credit is available to the general public. Requires certain written disclosures about rights under Fair Credit Reporting Act.

CREDIT UNIONS

See FINANCIAL INSTITUTIONS Page 51

CRIMINAL LAW

Abuse of Athletic Contest Official - Act 355 (HB 1816) CRIMINAL LAW - Abuse of Athletic Contest Official - Anyone who strikes or physically abuses an athletic contest official immediately before, during or after any organized athletic contest (amateur or professional) shall be guilty of a Class A misdemeanor.

Abuse or Insult of School Teachers - Act 741 (HB 1636) amends Ark. Stat. 80-1905.1 to establish penalties for abusing or insulting public school teachers.

Alcoholic Beverages

Possession or Sale of Untaxed Liquor - Act 965 (S.B. 603) - Makes transporting untaxed liquor for purpose of resale a Class A misdemeanor.

Arson - Act 242 (H.B. 1016) The Act amends Ark. Stats. 4 -1902 to increase the penalties for arson from simply a Class B felony to Class 3 felony for

\$20,000 damage or less; Class A felony for \$20,000 to \$100,000 in damage; and Class Y felony for over \$100,000 in damage. It also amends Ark. Stats. 41-1501 to drop the requirement of "extreme indifference to human life" in the commission of arson or attempted arson in order to constitute capital murder if a person dies during the commission of the arson or attempted arson.

Attorney Advertising - Act 317 (§8 67) - Prohibits direct solicitation of clients and encouraging litigation through print or broadcast media.

Bail - Act 31 (§8 5). The Act amends Ark. Stat. 43-2715 to provide that a person convicted of a criminal offense shall not be released on bail pending appeal unless the Court determines that he will not pose a danger to other persons and is not likely to flee. The Act also repeals Ark. Stat. 43-2714, which allowed a defendant to give bail pending an appeal to the Supreme Court in all cases except appeals from a conviction of a capital offense.

Battery

Miscarriage - Act 482 (H.B. 1635) The Act amends Ark. Stat. 41-1601 to include certain physical injury to a pregnant woman that causes a miscarriage or stillbirth within the offense of first degree battery.

Capital Murder - Act 242 (H.B. 1016) The Act amends Ark. Stats. 41-1902 to increase the penalties for arson from simply a Class B felony to Class B felony for \$20,000 damage or less; Class A felony for \$20,000 to \$100,000 in damage; and Class Y felony for over \$100,000 in damage. It also amends Ark. Stats. 41-1501 to drop the requirement of "extreme indifference to human life" in the commission of arson or attempted arson in order to constitute capital murder if a person dies during the commission of the arson or attempted arson.

Computer Crimes - Act 908 (§8 671) The Act establishes the crimes of computer fraud and computer trespass. It also provides for civil relief to persons injured by such violations.

DWI

Blood Test - Act 75 (§8 30). The Act amends Ark. Stat. 75-1045(a) to provide that a person who is involved in an accident while operating or in actual physical control of a motor vehicle shall be deemed to have given consent to a chemical test to determine the amount of alcohol or drugs in the person's blood.

Definition - Act 765 (HB 1801) amends Ark. Stat. 75-2502(a) to revise and clarify the definition of "Intoxicated" for purposes of DWI.

Negligent Homicide - Act 538 (HB 1800) The Act amends Ark. Stat. 41-1505 to clarify the offense of "negligent homicide" to include persons who cause the death of another person as a result of operation of a car, aircraft or watercraft while they are "Intoxicated". It defines "intoxicated".

See MOTOR VEHICLES Page 85-89

Death Penalty - Act 412 (H.B. 1110) The Act amends Ark. Stat. 41-1302 relating to the appellate review of a death sentence. It provides that if the Arkansas Supreme Court finds that the jury erred in finding the existence of any aggravating circumstance and the jury found no mitigating circumstances then the Arkansas Supreme Court shall conduct a "harmless error" review of the death sen-

tence.

Dog Fighting - Act 26 (HB 1187). The Act increases the penalty for unlawful dog fighting by providing for imprisonment of not more than one year and by allowing the court to require the defendant to make restitution for housing, feeding, or providing medical treatment to dogs used for unlawful fighting.

Drinking in Public

1976 Reenactment - Act 877 (HB 1894) The 1976 amendment added subsections (3) and (4) to this provision of the Criminal Code, thus creating the offense of "drinking in public" which was in an earlier law codified at 48-943.

Drugs - Act 42 (HB 1120). The Act amends Ark. Stat. 82-1001 and 82-2601 to redefine the term narcotic drug.

Unlawful to Administer - Act 848 (HB 1971) makes it unlawful for any person not otherwise authorized by law to inject a controlled substance or cause a controlled substance to be injected or inhaled by another person.

Elderly - Act 160 (SB 150) - Permits enhancement to the next higher classification for crimes which involved physical injury or threat of physical injury to persons age sixty or older.

Firearms

See WEAPONS Page 149

Fraudulent Solicitation - Act 337 (SB 530) - Makes solicitation of incompetent person to gain property or money a class D felony.

Goodtime

Additional - Act 273 (S.B. 301) The Act amends Ark. Stat. 46-120.3 on "meritorious good time" to allow the Board of Correction to award up to 90 days of "good time" for completion of special rehabilitation programs, special jobs performed, heroic acts, or other exceptional circumstances.

Awaiting Transfer to Prison - Act 626 (HB 1740) allows prisoners awaiting transfer to the Department of Correction to accumulate meritorious good time.

Technical Change - Act 506 (SB 449). The Act amends Ark. Stat. 46-120.1 to allow the Department of Correction to award "meritorious good time" for good discipline, good behavior, etc. while incarcerated or while under the supervision of the Department (previously it could be awarded for conduct in a Department of Correction institution only).

Habitual Child Sex Offenders

Registration - Act 587 (S.B. 361) The Act requires persons who are "habitual child sex offenders" to register with the chief of police or sheriff within 30 days of coming into the city or county to reside. The offender must sign a form stating they are aware of the duty to register prior to release from prison. The registration requirement must be met for 10 years after release and any registration files are confidential and not subject to the F.O.I. law.

Home Detention Program

6th Judicial Circuit - Act 731 (HB 1545) authorizes the 6th Judicial Circuit Position 1 Circuit Court Judge (Pulaski County) to establish an electronic home detention program for criminal defendants as a condition of probation or suspension of sentence.

Hot Checks - Act 69 (HB 1156). The Act amends Ark. Stat. 67-720 and 67-726(A) to make it unlawful to make payment of rent with a hot check and to make it unlawful to knowingly issue a worthless check to make payment of rent.

Illegal Sentence

Correction - Act 550 (SB 469) The Act amends Ark. Stat. 43-2314 to delete the language allowing a Circuit court to correct a sentence of a convicted person after entry of order of the Court of Appeals or Supreme Court denying an appeal or having the effect of upholding a judgment of conviction. The circuit court is now limited to correcting sentences of convicted persons to 120 days after sentence is imposed, to 120 days after affirmance of judgment or dismissal of appeal, or upon revocation of probation.

Kidnapping Children

Criminal Pays Expenses - Act 487 (H.B. 1709) The Act amends Ark. Stat. 41-803 and 41-804 to grant jurisdiction to the sentencing court to assess related expenses incurred in searching for or returning a missing child.

Killing/Injuring Police Animal - Act 884 (SB 151) The Act amends Ark. Stat. 41-2858 to make it a Class D felony to kill or injure an animal owned or used by a law enforcement agency. The previous penalty was a Class A misdemeanor.

Lottery Tickets - Act 835 (HB 2078) permits the printing of lottery tickets in Arkansas for distribution in other states where lotteries are legal.

Negligent Homicide - Act 538 (HB 1800) The Act amends Ark. Stat. 41-1505 to clarify the offense of "negligent homicide" to include persons who cause the death of another person as a result of operation of a car, aircraft or watercraft while they are "intoxicated". It defines "Intoxicated".

Parole

1976 Reenactment - Act 990 (HB 1898) (Act 1161 of 1975) Under previous law there was no consideration that a person was a first, second, third or fourth, etc., offender in his parole time. This law required inmates to serve at least one-third and, in some cases, one-half time sentenced. It has since been superseded by parole laws in 1977 and 1981 (Act 93 of 1977 and Act 823 of 1981).

Police Radio Frequencies - Act 251 (H.B. 1322) The Act amends Ark. Stats. 42-1108 to authorize law enforcement agency directors and department heads to approve radio transmissions by non-law enforcement persons over radio frequencies assigned to the agency or department.

Reckless Driving - Act 258 (H.B. 1024) The Act amends Ark. Stats. 75-1003 to increase the criminal penalties for reckless driving in cases that involve physical injury to a person to 30 to 90 days in jail and a fine of \$100 to \$1,000 (previously, penalties were 5 days to 90 days in jail and a fine of \$25 to \$500 without regard for physical injuries to others).

Refusal to Submit to Arrest - Act 261 (H.B. 1129) The Act amends Ark. Stat. 41-2803 to establish the crime of refusal to submit to arrest and prescribes the penalty as a Class B misdemeanor.

Robbery - Act 934 (S.B. 645) - Changes the definition of robbery to clarify the theft involved may be felony theft or misdemeanor theft. Adds to definition of "value" for calculating theft offense the inherent, subjective or idiosyncratic value assigned by the owner even if the item has no market value. Makes theft of such items a Class A misdemeanor.

Sentences

Expungement - Act 775 (HB 1974) empowers the Governor to authorize the Department of Correction to participate in treaties between the United States and a foreign country for the transfer of foreign inmates and amends Ark. Stat. 43-2344 to clarify the procedure for expungement of records as to certain criminal convictions.

Sex Offenders

Habitual Child Molesters - Act 587 (S.B. 361) The Act requires persons who are "habitual child sex offenders" to register with the chief of police or sheriff within 30 days of coming into the city or county to reside. The offender must sign a form stating they are aware of the duty to register prior to release from prison. The registration requirement must be met for 10 years after release and any registration files are confidential and not subject to the F.O.I. law.

Treatment - Act 777 (HB 2014) authorizes the Department of Correction to provide for treatment of sex offenders.

Spotlights - Act 625 (HB 1689) prohibits the use of spotlights from any public road, street or highway except in certain specified circumstances.

Statute of Limitations

Minor Victims - Act 586 (S.B. 359) and Act 484 (HB 1706) amend Ark. Stat. 41-104 to extend the statute of limitations for criminal offenses against child victims. When the offenses covered under this law have been committed against a victim under the age of 18, the statute of limitation does not commence to run until the victim reaches age 18 years old. The crimes include battery, assault, kidnapping, false imprisonment, rape, various sexual offenses, and other similar crimes.

Tampering with Public Records - Act 37 (HB 1105). The Act amends Ark. Stat. 41-2821 by increasing the penalty for commission of the crime of tampering with a public record to a Class D felony. The previous penalty was a Class B misdemeanor.

Theft of Property - Act 934 (S.B. 645) - Changes the definition of robbery to clarify the theft involved may be felony theft or misdemeanor theft. Adds to definition of "value" for calculating theft offense the inherent, subjective or idiosyncratic value assigned by the owner even if the item has no market value. Makes theft of such items a Class A misdemeanor.

Tinted Windows - Act 450 (H.B. 1227) The Act restricts the use of after-market tinting and striping on glass in motor vehicles. Any vehicle having

after-market tinting material on any glass must display a label affirming that the tinting on the vehicle conforms to the requirement of the Act. Any installer of motor vehicle glass or any other person who violates the Act is guilty of a Class B misdemeanor.

Traffic Misdemeanors - Act 457 (H.B. 1419) The Act amends Ark, Stats. 75-1060 to provide that in traffic misdemeanor cases, other than cases involving driving under the influence of alcohol or drugs, probation may be continued and judgment postponed for not more than one year.

Unlawful Garbage Disposal

Presumption - Act 730 (HB 1514) amends Ark. Stat. 82-2710 to provide that a rebuttable presumption arises in any administrative, civil, or criminal action against any person that such person has unlawfully disposed of solid waste when two or more items bearing such person's name or address are found at an unpermitted disposal site.

Victim Compensation - Act 817 (HB 1770) the "Arkansas Crime Victims Reparation Act" which provides a method of compensation and assistance to crime victims along with compensation up to \$10,000 to be administered by the Crime Reparations Board.

Weapons

Carried by Police - Act 734 (HB 1553) amends Ark. Stat. 41-3151 to permit certified law enforcement officers to carry weapons at all times.

Confiscate/Transfer to Police - Act 712 (SB 620) amends Ark. Stat. 43-2327 to authorize the court in which persons are convicted of certain offenses involving deadly weapons to confiscate such weapons and transfer such weapons and the title thereto to law enforcement agencies.

Liquor Stores - Act 556 (HB 1415) The Act amends Ark. Stat. 41-3151(4) to enhance the penalty for a person who unlawfully carries a weapon into a business that sells alcoholic beverages. Such person may be fined up to \$2,500 if convicted.

Possession - Act 74 (SB 28). The Act amends Ark. Stat. 41-3101(1) to provide that a person convicted of a felony or adjudicated mentally ill may possess or own a firearm, subject to restrictions, if authorized by the Governor or the U. S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms.

Stars and Knives - Act 266 (H.B. 1347) The Act amends Ark. Stat. 41-3151 to include "throwing stars, butterfly knives, and switchblades" in the definition of "knives" as a weapon which is prohibited from being carried to be employed against another person.

Work Release - Act 904 (SB 611) The Act excludes from Work Release any inmate who has had previous convictions for a violent offense. It also provides that the Parole Board must seek advice of the sheriff and prosecuting attorney of the county wherein the applicant will reside and the sheriff and prosecuting attorney of the county wherein the crime was committed.

DAMS

Authority of Soil and Water Commission - Act 592 (S.B. 446) The Act amends Ark. Stat. 21-1306(a) to broaden the authority of the Water Conservation

Commission under the dam safety program to cause a dam that is not adequately repaired by the owner to be repaired, breached or any other action necessary (previously it could only have the dam repaired).

DEATH

Right to Die - Act 773 (SB 631) "The Arkansas Rights of the Terminally Ill Act or Permanently Unconscious Act" providing for declarations regarding the use of life-sustaining treatment.

DEBTORS AND CREDITORS

Fraudulent Transfers - Act 967 (S.B. 656) - The "Arkansas Fraudulent Transfer Act" provides remedies for creditors against debtors who transfer assets with the intent to hinder, delay or defraud a creditor or when reasonable equivalent value was not received by debtor in exchange.

DENTAL HYGIENISTS

Advertising - Act 498 (S.B. 293) The Act amends Ark. Stat. 72-560 to authorize the Arkansas State Board of Dental Examiners to place a person on probation and to authorize the Board to impose a fine not to exceed \$1,000. The Act provides that the Board may discipline a person for fraudulent and misleading advertising or advertising which does not comply with the rules and regulations of the Board.

License - Act 499 (S.B. 295) The Act amends Ark. Stat. 72-556 to eliminate the provisions that allowed the Arkansas State Board of Dental Examiners to license a dentist from another state without an examination.

Unlicensed Practice - Act 497 (S.B. 291) The Act amends Ark. Stat. 72-541 to increase the penalty for practicing dentistry or dental hygiene without a license to a Class D felony.

DENTISTS

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Anesthesia - Act 584 (S.B. 347) The Act authorizes the State Board of Dental Examiners to issue permits to dentists who desire to use general anesthesia, intravenous sedation, or conscious sedation with nitrous oxide. The Board may charge a fee reasonably calculated to recover the costs of the permit and the on-site inspection of the dental office being permitted.

Unlicensed Practice - Act 497 (S.B. 291) The Act amends Ark. Stat. 72-541 to increase the penalty for practicing dentistry or dental hygiene without a license to a Class D felony.

DEVELOPMENTALLY DISABLED PERSONS

Family Homes - Act 611 (HB 1411) the "Location Act for Community Homes for Developmentally Disabled Persons" establishing the right to locate community homes for developmentally disabled persons in certain residential neighborhoods

in this state.

DIAMOND MINING

Crater of Diamonds State Park - Act 793 (SB 642) permits the Parks, Recreation and Travel Commission to enter into lease arrangements for commercial production of diamonds at the Crater of Diamonds State Park.

DIVORCE

Child Support

See CHILD SUPPORT Pages 11-12

Venue - Act 12 (HB 1018). The Act provides that when a spouse initiates an action for absolute divorce, divorce from bed and board, or separate maintenance, the venue for the initial action shall also be the venue for any of the three named actions filed by the other spouse.

Visitation - Act 17 (HB 1006). The Act amends the first paragraph of Ark. Stat. ~~34-1211.2~~ to limit actions for grandparent visitation rights to instances in which the marital relationship between the parents of the child has been severed by death, divorce or legal separation. The Act also specifically recognizes a great-grandparent's visitation right.

DOG RACING

Additional Days - Act 383 (SB 565) - Increases from 60 to 75 the two racing meets and authorizes an additional 3 instead of 2 days to benefit charitable purposes and the Development Disabilities Services Division. Increases from 12 to 15 the additional days during each twelve month period to benefit indigent health care and emergency medical services. Provides for use of unredeemed winning tickets and to permit wagering upon racing at other racing facilities.

Winnings

Tax Withholdings - Act 899 (SB 426) The Act is the "Winnings Withholding Act of 1987". The Act establishes a system for the withholding of state income taxes from gambling winnings from dog racing and horse racing.

DRUGS

Controlled Substances

1976 Reenactment - Act 1013 (HB 1923) (Act 1225) The 1976 Act amended Ark. Stat. 82-2618 to clarify penalties for violation of the Controlled Substances Act. The provision was amended by Act 557 of 1977. Act 1225 amended Act 590 of 1971. This provision provided some of the criminal penalties under the Controlled Substance Act. This provision provides penalties relating to: (a) record keeping, (b) refusal to allow an inspection, and (c) maintaining a place to use or store controlled substances in violation to law.

Medicine - Act 52 (HB 1119). The Act allows the use of dronabinol for medical treatment when it is in sesame oil and encapsulated in a soft gelatin capsule in a drug product. The Act reschedules the drug in this form from a Schedule VI drug to a Schedule II drug.

Narcotics - Act 42 (HB 1120). The Act amends Ark. Stat. 82-1001 and 82-2601 to redefine the term narcotic drug.

Out-of-state Pharmacies

Employer Health Care Programs - Act 489 (H.B. 1433) The Act provides that it is unlawful for certain employers providing pharmacy services as part of a health care program, established after the effective date of the Act, to require an employee to obtain drugs from an out-of-state mail order pharmacy as a condition for obtaining the employer's payment or for the employer to impose a fee or other conditions not imposed upon employees utilizing the designated out-of-state mail order pharmacy.

EDUCATION

Educational Television - Act 914 (SB 334) requires an audit of the Arkansas Educational Telecommunications Network Foundation; provides that no employee of the Arkansas Educational Television Commission paid from State funds shall receive supplemental compensation from funds not appropriated by the State; and requires the Director of the Educational Television Division of the Education Department to submit budget requests for the Educational Television Division to the State Board of Education and the Director of the General Education Division of the Department of Education for their review and approval.

Home Schools - Act 260 (H.B. 1088) The Act amends Ark. Stat. 80-1503.6 to provide that parents may notify the superintendent of the local school district of their intent to teach their children at home by August 15 for the fall semester or by December 15 for the spring semester (instead of only August 15 of each year for the full year).

Kindergarten - Act 73 (HB 1319). The Act amends Ark. Stat. 80-1646.1 to remove textbooks and workbooks as "instructional materials" that must be provided by the State for public school kindergarten programs. The Act provides that the kindergarten teaching staff in each school shall participate in the selection of instructional materials. The Act provides for school districts to be reimbursed for expenditures for approved kindergarten instructional materials through application to the State Department of Education. It also states that it is illegal to use the materials for purposes other than kindergarten instruction.

Medicine

Rural Practice - Act 151 (HB 1009) STATE AGENCIES - Rural Medical Practice Student Loan and Scholarship Board - Increased per diem from \$25 to \$50 per day for Board and requires a finding that applicants be desirous of practicing in an eligible qualifying rural community. Requires a written contract to serve one year Internship in area underserved and sets forth criteria for that area.

Outstanding Students

Recognition Programs - Act 426 (S.B. 512) The Act amends Ark. Stat. 80-4620(A) to revise the method by which the State Recognition Panel is to identify outstanding students. The Act changes the maximum grant to a school district for development and implementation of innovative student recognition programs from a grant of \$2,000 to a grant of \$1,000 annually.

Schools

See SCHOOLS Pages 105-109

Student Loan Authority - Act 705 (SB 540) and Act 631 (HB 1788) amend Ark. Stat. 80-4032 et seq. to authorize the Arkansas Student Loan Authority to make or purchase guaranteed educational loans insured by qualified guarantors, etc.

Student Loan Guarantee Foundation - Act 574 (HB 1425) The Act clarifies the status of the Student Loan Guarantee Foundation as a non-profit corporation to administer student loans and further says that Student Loan Guarantee is not a "State agency" subject to enactments regulating state agencies.

Student Loans

Medicine - Act 151 (HB 1009) - Rural Medical Practice Student Loan and Scholarship Board - Increased per diem from \$25 to \$50 per day for Board and requires a finding that applicants be desirous of practicing in an eligible qualifying rural community. Requires a written contract to serve one year internship in area underserved and sets forth criteria for that area.

Teachers Pages 143-144

See TEACHERS

Tuition - Act 72 (HB 1302). The Act amends Ark. Stat. 80-3363 and 80-3364 to provide that the dependents of persons killed on ordinance delivery in the armed forces shall be eligible for free tuition in any State-supported institution of higher education or State-supported technical or vocational school.

Vocational Education

Technical Corrections - Act 771 (HB 1871) amends numerous statutes in order to clarify those relating to the State Board of Vocational Education and the Vocational and Technical Education Division at the request of the Arkansas Statute Revision Commission.

ELDERLY

Criminal Law - Act 160 (SB 150) - Permits enhancement to the next higher classification for crimes which involved physical injury or threat of physical injury to persons age sixty or older.

ELECTIONS

Ballots

Absentee Ballots - Act 843 (HB 1876) amends election laws regarding absentee ballots by restricting the delivery of absentee ballots and ballot applications.

Challenged Ballots - Act 905 (SB 634) The Act amends Ark. Stat. 3-714 to provide that the County Board of Election Commissioners is not required to examine challenged ballots unless the ballots could change the outcome of the election.

Retention - Act 492 (H.B. 1681) The Act amends Ark. Stat. 3-802 to provide that County Boards of Election Commissioners must preserve election ballots for ninety days. Prior to this amendment, the commissioners were required to

keep the ballots for a period of six months.

Campaign Financing - Act 246 (H.B. 1256) The Act amends Ark. Stats. 3-1111 and 3-1112, the Campaign Finance Law, to clarify the reporting requirements for campaign contributions.

Circuit Clerk

Unopposed - Act 280 (H.B. 1434) The Act amends Ark. Stat. 3-613(h) to provide that unopposed candidates for mayor and circuit clerks shall be listed and voted on separately from the other unopposed candidates for other offices.

Clean Up Act

Corrects Errors - Act 247 (H.B. 1257) The Act amends various election laws to make technical corrections.

Strikes Obsolete Language - Act 248 (H.B. 1258) The Act amends various election laws to correct vague and ambiguous language.

Mayor

Unopposed - Act 280 (H.B. 1434) The Act amends Ark. Stat. 3-613(h) to provide that unopposed candidates for mayor and circuit clerks shall be listed and voted on separately from the other unopposed candidates for other offices.

Public Officers & Employees

Political Activities - Act 395 (HB 1300) - Prohibits campaigning for another candidate or circulation of an initiative or referendum petition in any state, county or municipal office during usual office hours or while on duty. Applies to public officers and public employees of State agencies, counties or municipalities.

Schools - Act 969 (H.B. 1040) - Annual school elections are changed to the third Tuesday in September beginning 1988 (from the second Tuesday in March).

Runoff - Act 845 (SB 204) requires that a runoff election be held two weeks following any general election of county or district school board directors in which there are more than two candidates for the same position and no candidate receives a majority of the votes cast.

Super Tuesday - Act 123 (SB 4) - Requires political parties nominating a presidential candidate to hold a preferential presidential primary the second Tuesday in March of the election year. Moves all political primary elections to March 8 in 1988 only.

Unopposed Candidates - Act 280 (H.B. 1434) The Act amends Ark. Stat. 3-613(h) to provide that unopposed candidates for mayor and circuit clerks shall be listed and voted on separately from the other unopposed candidates for other offices.

Volunteer Deputy Voter Registrars - Act 799 (HB 1080) provides for the appointment of volunteer deputy voter registrars.

Voter Registration

Cancellation - Act 597 (H.B. 1065) The Act amends Section 11 of Amendment 51 of the Arkansas Constitution to provide that the voter registration of person on active duty with the U.S. military shall not have his voter registration cancelled unless he has failed to vote in the preceding six years (previously it was 4 years for all voters),

Cancellation/Prior Notice - Act 800 (HB 1081) requires the permanent registrars to notify persons 30 days before cancellation that, due to their failure to vote in any election during the preceding four years, their voter registration will be cancelled unless they convey to the registrar a desire to remain registered.

Voting Privacy - Act 702 (SB 524) amends Ark. Stat. 3-713 to provide voters with privacy while marking their ballots.

Write-in Candidates - Act 933 (S.B. 636) - Requires write-in candidates to notify the County Election Commission sixty days prior to the election to have votes counted.

EMERGENCY MEDICAL SERVICES

1976 Reenactment - Act 1006 (HB 1916) (Act 1211 of 1975) The 1976 law required that before rules and regulations of the Board of Health and Emergency Medical Services Advisory Board can become effective, they must be considered and approved by Joint Interim Committee on Public Health, Welfare, and Labor.

Air Ambulances - Act 345 (HE 1326) - Authorizes Emergency Medical Services Council to promulgate standards for air ambulances and air ambulance services. Sets licensure fee at \$100.

Interlocal Agreements - Act 407 (H.B. 1631) The Act amends Ark. Stat. 20-1706 to allow a city covered by the Municipal Ambulance Licensing Law to enter into an Interlocal agreement with another city or the county for the regulation of emergency and non-emergency ambulance services. The act allows Public Facilities Boards to expand pursuant to such Inter-local agreements.

Technicians

Death & Disability Benefits - Act 349 (HB 1308) - Defines emergency medical technician and provides the payment of \$25,000 to survivors upon death in line in duty and \$10,000 for total and permanent disability.

ENGINEERS

Act 51 (HB 1114). The Act amends Ark. Stat. 71-1019(2) to provide that engineers registered in another state may obtain a permit to practice in Arkansas for a period not to exceed 45 days to do a specific job. The Act provides that the temporary permit is a courtesy extended during the period of time required to process an application and to obtain board action for Arkansas registration.

ENGLISH LANGUAGE - Act 77 (SB 55) and Act 40 (HB 1014) adopt the English language as the official language of the State of Arkansas.

ENTERTAINERS HALL OF FAME

Act 467 (H.B. 1685) The Act amends Act 671 of 1985 to change the "Arkansas Country Music Hall of Fame Board" to the "Arkansas Entertainers Hall of Fame

Board". The Act broadens the Board's function from honoring persons for their contributions to country music to honoring persons for their contributions to entertainment.

EQUINE INFECTIOUS ANEMIA

1976 Reenactment - Act 1007 (HB 1917) (Act 1212 of 1975) The 1976 law established Equine Infectious Anemia Program. Equidae entering the state for other than slaughter must have a health certificate.

Amends 374 - Act 1034 (H.B. 1013) The Act amends Act 374 of 1987, the Equine Infectious Anemia law, to eliminate the testing requirements for E.I.A. for horse shows and trail rides and replace it with authority in the Livestock and Poultry Commission to promulgate rules to control the spread of E.I.A. at horse shows and trail rides. It reduced the fines to \$100.00 to \$500.00 for violations of Act 374 (previously fines would be \$200.00 to \$1,000.00).

Regulation - Act 374 (SB 511) - requires certificate of testing for EIA within twelve month period for horses being sold, exchanged or participating in shows, trail rides or other congregational events. Animals with positive test results must be quarantined or sent to slaughter. Act applies to owners of stockyards and auctions as well as individuals. Portions of the Act are changed by Act 1034 of 1987 effective July 21, 1987.

ESCROW FUNDS

Property Taxes - Act 739 (HB 1579) requires any bank, savings and loan association, and person, firm or corporation holding escrow funds belonging to another for the payment of real property taxes to remit the same to the county collector of the county in which the property is located within 90 days of receipt of the tax bill from the collector in the year 1988 and within 60 days of receipt of the tax bill from the collector in the year 1989.

FEDERAL AGENTS

Arrest Powers - Act 496 (S.B. 279) The Act empowers certain federal law enforcement officers to arrest persons who violate Arkansas laws.

FINANCIAL INSTITUTIONS

Agricultural Loan Companies - Act 446 (H.B. 1104) The Act amends Ark. Stats. 67-2205 to clarify and broaden the exemption from registration from the Mortgage Loan Company and Mortgage Broker Act.

Bank Holding Companies - Act 491 (S.B. 560) The Act gives the Bank Commissioner regulatory authority, to examine, regulate, transfer stock, and take supervisory action against bank holding companies.

Banks

Acquisition by Bank Holding Company - Act 962 (S.B. 552) - Expands rights of dissenting stockholders in merger, consolidation or conversion. Entitles dissenting stockholder to receive cash value for his shares if merger, consolidation or conversion is consummated upon delivery within 30 days and written acceptance of an offer in lieu of the appraisal remedy.

Branch Banking - Act 539 (HB 1828) The Act amends Ark. Stat. 67-360 to provide that in counties of over 200,000 (Pulaski County) branch banks may be

established within that county Provided the supervisory banking authority approves and finds the branch would be economically feasible and will serve the public convenience.

Branch Banking - Act 920 (SB 559). The Act amends Ark. Stat. 67-359 and 67-360 to revise the Processing of applications by state banks to establish full-service branch offices.

Deferred income Investment Accounts - Act 513 (SB 558). The Act authorizes banks to create and open on behalf of depositors Deferred Income Investment Accounts. It authorizes the Bank Commissioner to promulgate rules and regulations to enforce this Act. Distributions from "deferred Income investment accounts" are intended to be treated as non-taxable to the greatest extent possible under the Internal Revenue Code.

Dissenting Stockholders - Act 962 (S.B. 552) - Expands rights of dissenting stockholders in merger, consolidation or conversion. Entitles dissenting stockholder to receive cash value for his shares if merger, consolidation or conversion is consummated upon delivery within 30 days and written acceptance of an offer in lieu of the appraisal remedy.

Loans Secured by Bank Holding Company Stock - Act 901 (SB 553) The Act amends Ark. Stat. 67-506 to prohibit the use of bank holding company stock as security for a loan at its subsidiary bank.

Reorganization - Act 62 (S.B. 552) - Expands rights of dissenting stockholders in merger, consolidation or conversion. Entitles dissenting stockholder to receive cash value for his shares if merger, consolidation or conversion is consummated upon delivery within 30 days and written acceptance of an offer in lieu of the appraisal remedy.

Sale, Merger, Consolidation - Act 963 (S.B. 561) - Authorizes the Bank Commissioner to approve sale, merger or consolidation of state bank in impaired condition by another bank or holding company or if requested to do so by the Comptroller of the Currency of a failing national bank.

Security for Deposits of Public Funds - Act 769 (HB 1857) amends Ark, Stat. 67-524 to allow any Arkansas bank to secure the deposits of municipalities.

Stock Broker Borrowing - Act 789 (SB 536) amends Ark. Stat. 67-509 to permit a stockholder in three or more banks to borrow or become indebted to those banks so long as the borrowing complies with applicable restrictions of the State Bank Department, Federal Reserve or the Federal Deposit Insurance Corporation.

Commercial Paper - Act 564 (HB 1797) The Act amends Ark. Stat. 85-3-406 to provide that in cases of negligence contributing to the alteration of a check or unauthorized signatures where both the banks and their customers contributed to the loss, their respective "fault" in causing the loss shall be compared under the Arkansas Comparative Fault Law (Ark. Stat. 27-1763 to 27-1765). It amends Ark. Stat. 85-4-406 to compare "fault" under the Comparative Fault Law for banks and their customers in cases of the customer's duty to discover and report alteration in checks.

Credit Unions

1976 Reenactment - Act 995* (HB 1905) (Act 1182 of 1975) Affects parts of laws regulating credit unions. Section 2 was amended by Act 936 of 1985 to raise from \$5000 to \$6000 loans to director or committee members. Original 1976 Ext. Session Act was to make technical corrections of mistakes in a 1975 Act amending Credit Union Law (Act 530 of 1975).

Real Estate Loans - Act 750 (HB 1673) amends Ark. Stat. 67-916(4)(A) to allow loans to credit union members secured by second mortgages.

Deposits - Act 564 (HB 1797) The Act amends Ark. Stat. 85-3-406 to provide that in cases of negligence contributing to the alteration of a check or unauthorized signatures where both the banks and their customers contributed to the loss, their respective "fault" in causing the loss shall be compared under the Arkansas Comparative Fault Law (Ark. Stat. 27-1763 to 27-1765). It amends Ark. Stat. 85-4-406 to compare "fault" under the Comparative Fault Law for banks and their customers in cases of the customer's duty to discover and report alteration in checks.

Escrow Funds

Property Taxes - Act 739 (HB 1579) requires any bank, savings and loan association, and person, firm or corporation holding escrow funds belonging to another for the payment of real property taxes to remit the same to the county collector of the county in which the property is located within 90 days of receipt of the tax bill from the collector in the year 1988 and within 60 days of receipt of the tax bill from the collector in the year 1989.

Industrial Loan Institutions - Act 71 (HB 1281). The Act amends Ark. Stat. 61-1011 which establishes the condition under which the Bank Commissioner may take charge of an industrial loan institution.

Non-Bank Banks - Act 476 (H.B. 1175) The Act repeals a provision which provided that Act 954 of 1985 would expire on July 1, 1987. Act 954 of 1985 prohibits certain control of deposit-taking institutions in the State.

Sale of Checks - Act 447 (H.B. 1147) The Act revises the "Sale of Checks Act", Act 124 of 1965, as amended (67-1901 through 67-1921).

Savings & Loan Associations - Act 45 (HB 1336). The Act is known as "The Regional Savings and Loan Act of 1987." The Act allows a company to become an Arkansas savings and loan holding company. The bill allows an Arkansas savings and loan holding company or an Arkansas state association to acquire or to be acquired by a holding company or association in the Southern region. The Act provides that it will take effect on July 1, 1987. However, there is no emergency clause.

Regional Savings and Loan Act Amendment - Act 825 (HB 1981) amends the Regional Savings and Loan Act of 1987 to include the District of Columbia in the definition of "Southern Region States".

Subsidiaries - Act 446 (H.B. 1104) The Act amends Ark. Stats. 67-2205 to clarify and broaden the exemption from registration from the Mortgage Loan Company and Mortgage Broker Act.

Unauthorized Signatures/Alterations

Notice - Act 565 (HB 1799) The Act amends Ark. Stat. 85-4-406(4) to reduce the time period for a customer to report Unauthorized signatures on a

check from 1 year to 90 days and to reduce the time period to discover and report the unauthorized endorsement of a check from 3 Years to 1 year.

FIRE EXTINGUISHERS

Act 532 (HB 1614) The Act amends Act 743 of 1977 which regulates the service and installation of fire extinguishers to include the wholesale and retail selling of portable fire extinguishers under the provisions of the Act, except for registration and licensing requirements.

FIREFIGHTERS

Cities over 70,000

Sick Leave - Act 716 (SB 672) amends Ark. Stat. 19-1718 to authorize cities with population of over 70,000 to provide additional sick leave options for firefighters.

Civil Service

See CITIES Pages 13-14

Continued Employment incentives - Act 878 (SB 10) The Act provides additional retirement benefits for policemen and firemen hired prior to January 1, 1983 and who continued to work beyond their 25th year.

Continuing Education - Act 837 (HB 1600) creates the Arkansas Fire Protection Services Board and the Office of Fire Protection Services, establishes a system certification classification of fire departments, limits the civil liability of certified fire departments and provides workers' compensation coverage for volunteer fire fighters of certified fire departments in rural areas.

Disabled

Benefits - Act 325 (SB 364) - Act provides for disability benefit of 65% of salary to full-paid firefighters and policemen injured in the line of duty. Defines such as while conducting official operations or while in training. Applies to qualified applicants after January 1, 1987.

Fire Departments

Classification and Certification - Act 837 (HB 1600) creates the Arkansas Fire Protection Services Board and the Office of Fire Protection Services, establishes a system certification classification of fire departments, limits the civil liability of certified fire departments and provides workers' compensation coverage for volunteer fire fighters of certified fire departments in rural areas.

Fire Protection Services Board - Act 837 (HB 1600) creates the Arkansas Fire Protection Services Board and the Office of Fire Protection Services, establishes a system certification classification of fire departments, limits the civil liability of certified fire departments and provides workers' compensation coverage for volunteer fire fighters of certified fire departments in rural areas.

Fire Training Academy

Death Benefits - Act 404 (H.B. 1581) The Act amends Ark. Stat. 12-2347(b) to Include Instructors of the Arkansas Fire Training Academy as "firemen" for the purpose of eligibility for payment if killed in the line of duty.

Holiday Pay - Act 501 (SB 345). The Act amends Ark. Stat. 19-1721 to allow city policemen and firemen to receive compensation for work on holidays in a lump sum payment each year (previously they were paid during each regular payroll period for work on holidays).

Immunity

Certified Fire Departments - Act 837 (HB 1600) creates the Arkansas Fire Protection Services Board and the Office of Fire Protection Services, establishes a system certification classification of fire departments, limits the civil liability of certified fire departments and provides workers' compensation coverage for volunteer fire fighters of certified fire departments in rural areas.

Rural Volunteers - Act 189 (HB 1035) - Volunteer - Exemption from **Civil Liability** - Exempts volunteer firefighters, board members of volunteer fire departments and administrative personnel from civil liability for personal injury or property damage.

Retirement

See RETIREMENT Pages 98-99

Volunteer Departments

Cost Recovery - Act 836 (HB 1050) defines the responsibilities of volunteer fire departments and establishes a procedure whereby they can recover the cost of their services.

Responsibilities - Act 836 (HB 1050) defines the responsibilities of volunteer fire departments and establishes a procedure whereby they can recover the cost of their services.

FISHING

License Fees - Act 939 (HB1459) and Act 910 (SB 680) prescribe the maximum annual resident hunting and fishing licenses and the maximum fee for a permanent resident hunting and fishing license for residents of this state who are **65** years of age or older or who are disabled residents of the state. They also prohibits the issuance of complimentary hunting or fishing licenses.

FLAG

Act 116 (SB 377) State Flag - Adopts design of State Flag described in earlier resolutions of the House and Senate as the official state flag.

FOOD SALVAGERS

Act 451 (H.B. 1304) The Act amends Ark. Stats. 82-1969 to increase the permit fee for food salvagers and food salvage distributors from \$100 to \$150.

FOOD SERVICE ESTABLISHMENTS

Act 903 (SB 579) The Act amends various sections of Act 357 of 1977, the Food Service Permit Act, to expand the coverage of the Act and to increase the fees. The Act also adds two additional members to the Public Health Advisory Board.

FORECLOSURE

Act 53 (HB 1154). The Act is the "Statutory Foreclosure Act of 1987."

FREEDOM OF INFORMATION

Legislative Audit

Working Papers - Act 505 (SB 437) and Act 436 (HB 1677) provide that working papers, notes, memoranda, preliminary drafts of audit reports of the Division of Legislative Audit are exempt from provisions of the Freedom of Information Act. It provides that after the audit report is made to the Legislative Audit Committee the report and working papers shall be available for public inspection,

Pollution Permits - Act 617 (HB 1515) amends Ark. Stat. 82-1904 and provides that applications for National Pollutant Discharge Elimination System permits and the permits themselves shall be available to the public for inspection and copying.

Public Meetings

1976 Reenactment - Act 1001* (HB 1911) (Act 1201 of 1975) Amends the Freedom of Information Law to help clarify the use of executive sessions. The 1976 Act was amended by Act 843 of 1985.

Public Records - Act 49 (SB 128). The Act amends the Freedom of Information Act to specify records which are not deemed to be made open to the public. The Act provides that in an action to enforce rights granted under the Freedom of Information Act, the Court shall assess against the defendant reasonable attorney's fees and other litigation expenses unless the defendant was substantially justified or other circumstances make the award of expenses unjust. The Act makes a negligent violation of the Freedom of Information Act a misdemeanor.

Records of Entities Liable to the State - Act 895 (SB 338) The Act provides that records prepared by or in the possession of entities having potential liability for payment for services provided by or paid for by a state agency, shall be made available to representatives of the State of Arkansas. The Act applies to, but is not limited to, records of private health insurance carriers.

Tax Records - Act 382 (HB 2003) - This is the income Tax Act of 1987 which adopts various sections of the Federal Internal Revenue Code and provides that all tax information pertaining to individuals, corporations, partnerships or fiduciaries is confidential and privileged.

GARNISHMENT

Act 523 (HB 1334) The Act amends Ark. Stat. 31-504 to provide that on application for a writ of garnishment by a qualified judgment creditor, the circuit clerk shall attach to the writ a notice of the defendant's right to keep certain money and wages from garnishment. The judgment creditor is responsible for mailing the writ and notice to the defendant. The judgment debtor is entitled to a prompt hearing on his rights within 8 days.

GENERAL ASSEMBLY

Bureau of Legislative Research

Tax Research Office - Act 666 (SB 27) establishes an Office of Tax Research within the Bureau of Legislative Research.

Committee on Children & Youth - Act 517 (SB 643). The Act establishes the "Joint Committee on Children and Youth" of the General Assembly. It shall consist of five (5) House members and five (5) Senate members and shall handle bills pertaining to the safety, health, development, and problems of children.

Education Committee

1976 Reenactment - Act 872 (HB 1889) Designated the Joint Interim Committee on Education as an eligible applicant for development and administration of a state equalization plan.

Legislative Audit

Arkansas Educ. Telecommunications Foundation - Act 914 (SB 334) requires an audit of the Arkansas Educational Telecommunications Network Foundation; provides that no employee of the Arkansas Educational Television Commission paid from State funds shall receive supplemental compensation from funds not appropriated by the State; and requires the Director of the Educational Television Division of the Education Department to submit budget requests for the Educational Television Division to the State Board of Education and the Director of the General Education Division of the Department of Education for their review and approval.

Continuing Education - Act 370 (SB 477) - Authorizes payment to other state employees for conducting continuing professional education courses for staff of Legislative Audit.

Counties - Act 207 (H.B. 1273) This Act repeals Section 6 of Act 619 of 1969, which prohibited auditors from Legislative Audit from conducting audits of county officials for more than one consecutive year.

Membership - Act 84 (HB 1061). The Act amends Ark. Stat. 4-617 and 4-702 to provide that the House of Representatives and Senate shall select their members to the Legislative Council and the Legislative Joint Auditing Committee from the present four Congressional Districts instead of the old six Congressional Districts.

Working Papers - Act 505 (SB 437) and Act 436 (HB 1677) provide that working papers, notes, memoranda, preliminary drafts of audit reports of the Division of Legislative Audit are exempt from provisions of the Freedom of Information Act. It provides that after the audit report is made to the Legislative Audit Committee the report and working papers shall be available for public inspection.

Legislative Claims Committee - Act 742 (HB 1639) authorizes the Highway Department to pay for damage claims of no more than \$25,000 if approved by the State Claims Commission and after seeking the advice of the Legislative Claims Committee and the Legislative Council.

Legislative Council

Agency Rules - Act 85 (SB 277). The Act amends Ark. Stat, 6-611 to require a copy of all changes made in Proposed rules and regulations of State agencies be filed with the Arkansas Legislative Council and to remove the requirement that all final rules and regulations be filed.

Approval of Certain Actions by Dev. Fin. Auth. - Act 1059 (HB 1638) prohibits the Development Finance Authority from employing investment bankers, consultants, professional financial advisers or attorneys unless approved by the Legislative Council; and prohibits the Authority from entering into bond purchase agreements without the approval of the Legislative Council.

Human Services Report Re Emot-Disturbed Youth - Act 1061 (HB 1779) requires the Department of Human Services to return to the State no later than June 30, 1989 all emotionally disturbed youth receiving treatment out-of-state and requires the Department to report monthly to the Legislative Council and the Joint Interim Committee on Public Health, Welfare and Labor the cost of providing in-state treatment as opposed to out-of-state treatment for emotionally disturbed youth.

Membership - Act 84 (HB 1061). The Act amends Ark. Stat. 4-617 and 4-702 to provide that the House of Representatives and Senate shall select their members to the Legislative Council and the Legislative Joint Auditing Committee from the present four Congressional Districts instead of the old six Congressional Districts.

Human Services Report Regarding Child Support Enforcement - Act 921 (SB 574) requires the Department of Human Services to report semiannually to the Legislative Council concerning its Child Support Enforcement Program; establishes goals for the Department of Human Services for its health delivery and economic and medical programs; and prohibits the Department from using regional offices.

Reports of Secretary of State - Act 108 (SB 213) exempts livestock buyers and sale barn from centralized lien filing system in the Secretary of State's office; increases filing fees and requires the Secretary of State to report to the Legislative Council quarterly regarding expenditures for the centralized filing system.

Membership/Duties - Act 968 (H.B. 1003) - Membership on the committee is revised to include the President Pro Tempore and Speaker of the House. Per diem is changed to amount paid for attendance at committee meetings of General Assembly.

Notice of State Litigation - Act 798 (HB 1079) requires the Attorney General to notify the General Assembly as to litigation involving the State.

Prefiling Bills - Act 64 (HB 1001). The Act provides that each member-elect of the General Assembly and each holdover member of the Senate shall be permitted to prefile bills and resolutions for the regular session as soon as the members-elect of the new General Assembly are certified to the Secretary of State. The pre-filing of bills cannot begin until November 15 of the year preceding a regular session.

Retirement

See RETIREMENT Pages 100-102

Retirement Committee

Pension Review Board - Act 679 (SB 241) requires the Pension Review Board to review all retirement bills referred to it by the Joint Committee on Public Retirement and Social Security Programs.

Review of Claims Against the State - Act 960 (SB 528) requires the appropriate committee of the General Assembly to review Priority II claims against the State.

Tax Research Office - Act 666 (SB 27) establishes an Office of Tax Research within the Bureau of Legislative Research.

GEOLOGISTS

Regulation - Act 701 (SB 521) and Act 470 (HB 1764) regulate the practice of geology.

GOVERNOR

Correction Board

Filling Vacancies - Act 972 (H.B. 1360) - Requires the Governor to fill vacancies on Correction Board in manner to have a resident of each congressional district represented and one from the state at large.

GRAND JURIES

Professional Assistance - Act 318 (SB 71) - Authorizes hiring of experts and other professionals to assist in grand Jury investigations with prior approval by the quorum court and county judge.

GRANDPARENTS

Act 17 (HB 1006). The Act amends the first paragraph of Ark. Stat. 34-1211.2 to limit actions for grandparent visitation rights to instances in which the marital relationship between the parents of the child has been severed by death, divorce or legal separation. The Act also specifically recognizes a great-grandparent's visitation right.

GUARDIANSHIP

Child Placement Agencies - Act 778 (HB 2026) amends Ark. Stat. 56-126 and 56-127 to provide that licensed child placement agencies may obtain guardianship of any child with the power to consent to an adoption of that child when the parents have entered their appearance and agreed to same.

Guardian ad litem Fund/User Fee - Act 752 (HB 1683) amends Ark. Stat. 45-413(1)(e) to establish a "Guardian Ad Litem Fund" and establishes a fee which the court may order the parent or guardian of the estate of any child for whom a guardian ad litem is appointed to pay for services of a guardian ad litem.

Professional Evaluation

Minority, Dissapp., Detention by Foreign Power - Act 812 (HB 1722) amends Ark. Stat. 57-835 to remove the requirement for a professional evaluation

in cases of minority, disappearance or detention or confinement by a foreign power, prior to the court hearing on any petition for guardianship.

Temporary - Act 535 (HB 1672) The Act amends Ark. Stat. 57-840 to provide for the temporary guardians for incapacitated persons to cure the Arkansas Supreme Court objections to the old law. It requires the Petitioner to notify the ward within 72 hours of petition's filing and requires a full hearing on the merits within 3 working days of temporary guardianship order.

Validity - Act 16 (HB 1005). The Act provides that any guardianship established during the period from the effective date of Act 345 of 1983 until the effective date of Act 940 of 1985 under the procedures described in Act 345 of 1983 or any other law shall be valid and continue to be in effect but shall be subject to the provisions of Act 940 of 1985.

HAZARDOUS SUBSTANCES

Hazardous Waste

Generation Fees - Act 380 (SB 629) - Amends Section 7(b) of Act 479 of 1985 to permit the Commission on Pollution Control and Ecology to set fees for generation and acceptance after January 1, 1987, not to exceed \$10,000 annually per facility.

Radioactive - Act 562 (HB 1653) The Act provides that all facilities in Arkansas for the storage and disposal of low-level radioactive wastes shall be above ground facilities and meet the requirements specified in this Act. The implementation of this Act is not intended to impair Arkansas' continued membership in the Central States Low-Level Radioactive Waste Compact and if a provision of the Act conflicts with the Compact, then the Compact provision controls.

Pollution Control and Ecology Department

Remedial Actions - Act 761 (HB 1783) amends Ark. Stat. 82-4705, 82-4707, 82-4717 and 81-4719 to exempt the Department of Pollution Control and its contractors from obtaining state or local permits for response or remedial action and to exempt person taking response or remedial actions as contractors for the Department of Pollution Control from liability for conducting remedial action work.

HEALTH CARE FACILITIES

Certificate of Need - Act 593 (S.B. 474) The Act abolishes the State Health Planning and Development Agency, the Statewide Health Coordinating Council and the "certificate of need" program. It establishes the Health Services Commission to review recommendations and conduct hearings on permits for construction or expansion of a health facility having expenditures in excess of \$1 million (Permits are not required in cities of Pulaski County without a hospital). It establishes the Health Services Agency to assist Commission, to implement Commission policies, review capital expenditures, and issue permits for construction.

Continuing Care Facilities - Act 329 (SB 405) - Regulation of Residential Facilities - Authorizes the Insurance Department to regulate continuing care providers. Requires disclosure statement to be filed prior to solicitation. Specifies contract information and requirements for reserve fund.

Head Injury Facilities - Act 602 (HB 1261) amends Ark. Stat. 82-2216 to redefine long-term care facility to include post-acute head injury retraining and residential care facilities.

Hospitals

See HOSPITALS Page 61

Local Health Units

Fees - Act 677 (SB 230) imposes a charge of \$2.00 for each client visit to the various local health units and provides for disposition of said funds. Also repeals the law requiring the Division of Tuberculosis Control of the State Board of Health to examine school personnel free of charge.

Long Term Care Facilities

See LONG TERM CARE FACILITIES Pages 78-79

Mental Illness/Residential Treatment - Act 648 (HB 2049) enables the Department of Human Services, Division of Mental Health Services, to provide intensive residential treatment for adults with long-term, severe mental illness within specialized mental health residential settings.

Nursing Home Administrators

License - Act 320 (SB 284) - Changes licensure of nursing home administrators to fiscal year from calendar year. Increases fee from \$50 to \$100 for active administrators and requires continuing education.

Nursing Homes

See NURSING HOMES Page 89

Ombudsman - Act 252 (H.B. 1355) The Act requires the Department of Human Services to establish an ombudsman program for the elderly. The ombudsman shall not be denied access to any patient in a long-term care facility.

HERITAGE FOUNDATION - Act 547 (SB 41) authorizes the Department of Kansas Heritage to promote and support the establishment of a Heritage Foundation as a non-profit corporation.

HIGHWAYS

Northwest Arkansas Parkway Advisory Committee - Act 830 (HB 2018) creates the "Northwest Arkansas Parkway Advisory Committee" to study the feasibility of designating and developing U. S. Highway 71 as a scenic parkway.

Patrol by City Police - Act 509 (SB 513). The Act prohibits municipal police from patrolling limited access highways except as authorized by the Director of State Police.

Weight Variance

Farm Products (repealed by 379) - Act 278 (H.B. 1298) The Act amends Ark. Stat. 75-817(g) relating to variances of truck weight restriction for forest and farm products to insure that drying and storing do not constitute processing or finishing the products.

Garbage Trucks - Act 379 (SB 612) - Permits an 8% weight variance for vehicles hauling solid waste. Maximum gross weight is not to exceed eighty thousand pounds.

HOME BUILDERS

Licensure - Act 859 (HB 1789) the "Arkansas Home Builders Registration Act".

HOME HEALTH CARE SERVICES

Act 956 (S.B. 413) - This is the Home Health Care Services licensure act which requires agency providers of home health care to be licensed by the Division of Health Care Facility Services of the Arkansas Department of Health. The Act exempts from coverage sole practitioners, licensed professionals who offer service incidental to an office practice, live-in care providers, employees of licensed agencies, nursing homes, convalescent homes or other institutions offering care to residents and others. The licensure fee is \$500 annually for agencies and \$50 annually for subunits.

HOMESTEAD TAX RELIEF

Act 454 (H.B. 1354) The Act provides that relief under the Homestead Property Tax Relief Act shall be by cash rebate only. The provision for an income tax credit was deleted. The Act changes the deadline for filing claims under the Homestead Property Tax Relief Act.

HORSE RACING

Act 440 (S.B. 625) The Act revises various laws relating to horse racing in Arkansas. The Act authorizes a total of 68 racing days and authorizes agreements whereby patrons may wager on races at other tracks which are shown on live television at the Arkansas race track. The Act also revises the disposition of moneys wagered and the disposition of breaks.

Winnings

Tax Withholding - Act 899 (SB 426) The Act is the "Winnings Withholding Act of 1987". The Act establishes a system for the withholding of state income taxes from gambling winnings from dog racing and horse racing.

HORSES

Equine Infectious Anemia

Amends 374 - Act 1034 (H.B. 1013) The Act amends Act 374 of 1987 the Equine Infectious Anemia law, to eliminate the testing requirements for E. I. A. for horse shows and trail rides and replace it with authority in the Livestock and Poultry Commission to promulgate rules to control the spread of E. I. A. at horse shows and trail rides. It reduced the fines to \$100.00 to \$500.00 for violations of Act 374 (previously fines would be \$200.00 to \$1,000.00).

Regulation - Act 374 (SB 511) - requires certificate of testing for EIA within twelve month period for horses being sold, exchanged or participating in shows, trail rides or other congregational events. Animals with positive test results must be quarantined or sent to slaughter. Act applies to owners of stockyards and auctions as well as individuals. Portions of the Act are changed

by Act 1034 of 1987 effective July 21, 1987.

1976 Reenactment - Act 1007 (HB 1917) (Act 1212 of 1975) The 1976 law established Equine Infectious Anemia Program. Equidae entering the state for other than slaughter must have a health certificate.

HOSPITALS

1976 Reenactment - Act 1016 (HB 1926) (Act 1231) The 1976 law requires all public supported hospitals to prepare an annual report and to publish the report in a newspaper of general circulation within the county where it is located.

Children's Hospital

1976 Reenactment - Act 1022 (HB 1933) (Act 1107) The 1976 law authorized the Arkansas Children's Hospital and the Department of Human Services to establish a medical services program for Medicaid eligible patients.

County Hospital

1976 Reenactment - Act 998 (HB 1908) (Act 1187 of 1975) The 1976 law allows county hospitals to exclude employees from PERS due to burden to county hospital (according to Emergency Clause). Another subsection on county-owned hospitals was added by Act 47 of 1983.

Sale - Act 448 (H.B. 1188) The Act provides that a county hospital constructed or maintained by taxes approved by the voters shall not be sold unless the sale is approved by the voters.

Emergency Services - Act 516 (SB 608). The Act authorizes the Health Department to license hospitals which have discontinued in-patient services to provide emergency services.

Inspection Fees - Act 143 (HB 1316) - Department of Health - Hospitals and Health Facilities inspection Fees - increased licensing fee for hospitals and added fees for outpatient surgery centers, recuperation centers, alcohol/drug abuse treatment centers, outpatient psychiatric centers and Infirmaries.

Itemized Statements - Act 348 (HB 1237) - Hospital must furnish patient and insurance company an itemized statement of services at discharge or within 30 days.

Medical Records

Discovery Fee - Act 359 (SB 138) - Allows the court to require payment of a fee not limited to duplication costs for medical records subject to discovery from physicians or hospitals.

Organ Donations - Act 78 (SB 56). The Act requires hospitals to establish policies to assure that families of patients who are terminally ill or deceased are timely asked whether they desire to donate any organs or tissue of the deceased or terminally ill patient.

HOT CHECKS

Collection Fee - Act 66 (HB 1036). The Act establishes the civil liability of a person for checks written on accounts with insufficient funds.

Double Damages - Act 66 (HB 1036). The Act establishes the civil liability of a person for checks written on accounts with Insufficient funds.

Rent Payment - Act 69 (HB 1156). The Act amends Ark. Stat. 67-720 and 67-726(A) to make it unlawful to make payment of rent with a hot check and to make it unlawful to knowingly issue a worthless check to make payment of rent.

Service Charge - Act 678 (SB 233) amends Ark. Stat. 67-722(3) and 67-726(B)(2) to increase the maximum service charge which may be made by a holder of a "hot" check.

HUNTING

License Fees - Act 939 (HB 1459) and Act 910 (SB 680) prescribe the maximum annual resident hunting and fishing licenses and the maximum fee for a permanent resident hunting and fishing license for residents of this state who are 65 years of age or older or who are disabled residents of the state. They also prohibit the issuance of complimentary hunting or fishing licenses.

IMMUNITY

Auxiliary Police - Act 275 (H.B. 1217) The Act amends Ark. Stat. 42-1408 to say that cities using auxiliary police officers may not be held liable either civilly or criminally for the actions of an auxiliary law enforcement officer.

City Directors - Act 970 (H.B. 1077) - Exempts directors of nonprofit corporations, members of boards, commissions, agencies, authorities and other governing bodies from personal liability for damages from negligence of employees or another director or member. Also exempts athletic officials from personal liability arising out of officiating duties. Act does not apply to ordinary or gross negligence, intentional torts or acts or omissions of directors of nonprofit corporations licensed to dispense alcoholic beverages, beer or wine. Applies to actions accruing after August 1, 1987.

Finance and Administration Department

Motor Vehicle Liability Insurance Records - Act 971 (H.B. 1171)
- Amends Act 442 of 1987 to exempt the Department of Finance and Administration from liability for damages resulting from their record keeping under the Act or the issuance or renewal of any license plate.

Firefighters

Certified Fire Departments - Act 837 (HB 1600) creates the Arkansas Fire Protection Services Board and the Office of Fire Protection Services, establishes a system certification classification of fire departments, limits the civil liability of certified fire departments and provides workers' compensation coverage for volunteer fire fighters of certified fire departments in rural areas.

Rural Volunteers - Act 189 (HB 1035) - Exempts volunteer firefighters, board members of volunteer fire departments and administrative personnel from civil liability for personal injury or property damage.

Hazardous Substance Emergencies

Response Actions - Act 761 (HB 1783) amends Ark. Stat. 82-4705

Response Actions - Act 761 (HB 1783) amends Ark. Stat. 82-4705, 82-4707, 82-4717 and 81-4719 to exempt the Department of Pollution Control and its contractors from obtaining State or local Permits for response or remedial act on and to exempt persons taking response or remedial actions as contractors for the Department of Pollution Control from liability for conducting remedial act on work.

Justices of the Peace - Act 970 (H.B. 1077) - Exempts directors of nonprofit corporations, members of boards, commissions, agencies, authorities and other governing bodies from personal liability for damages from negligence of employees or another director or member. Also exempts athletic officials from personal liability arising out of official duties. Act does not apply to ordinary or gross negligence, intentional torts or acts or omissions of directors of nonprofit corporations licensed to dispense alcoholic beverages, beer or wine. Applies to actions accruing after August 1, 1987.

Life Sustaining Treatment

Withholding or Withdrawal - Act 713 (SB 631) "The Arkansas Rights of the Terminally Ill Act or Permanently Unconscious Act" providing for declarations regarding the use of life-sustaining treatment.

Nonprofit Corporations - Act 970 (H.B. 1077) - Exempts directors of nonprofit corporations, members of boards, commissions, agencies, authorities and other governing bodies from personal liability for damages from negligence of employees or another director or member. Also exempts athletic officials from personal liability arising out of official duties. Act does not apply to ordinary or gross negligence, intentional torts or acts or omissions of directors of nonprofit corporations licensed to dispense alcoholic beverages, beer or wine. Applies to actions accruing after August 1, 1987.

State Officials - Act 970 (H.B. 1077) - Exempts directors of nonprofit corporations, members of boards, commissions, agencies, authorities and other governing bodies from personal liability for damages from negligence of employees or another director or member. Also exempts athletic officials from personal liability arising out of official duties. Act does not apply to ordinary or gross negligence, intentional torts or acts or omissions of directors of nonprofit corporations licensed to dispense alcoholic beverages, beer or wine. Applies to actions accruing after August 1, 1987.

Volunteers - Act 390 (HE 1112) - The Arkansas Volunteers Immunity Act. Qualified volunteers are exempt from vicarious liability for the negligence of another, for personal injury or property damage sustained by one benefitting from the volunteer's services except where insurance coverage applies, the acts were in bad faith or through gross negligence. during negligent operation of a vehicle if covered by insurance or negligent performance of professional services which the volunteer is licensed to perform and for which professional liability is customarily carried. Liability is limited to the coverage amount.

Whistleblowers

Fraudulent Insurance Practices - Act 685 (SB 381) grants immunity from civil liability to persons furnishing information regarding fraudulent insurance acts.

Workers' Compensation

Prime Contractors - Act 941 (S.B. 1660) - When sole proprietorship or partnership does not elect coverage for sole Proprietor or partners under workers' compensation, the prime contractor is not liable for injuries as long as the sole proprietor or partners are not employees of the prime contractor. Prime contractor does remain liable for employees of subcontractor who fails to secure workers' compensation coverage.

IMPROVEMENT DISTRICTS

Ambulance Service

1976 Reenactment - Act 1011 (HB 1921) (Act 1221 of 1975) The 1976 law authorizes the creation of Ambulance Service Improvement Districts.

1976 Reenactment - Act 1008 (HB 1918) (Act 1213 of 1975) Amended the Suburban Improvement District, law to permit them to provide ambulance services to the people of district.

Drainage & Levee Districts

Audits - Act 472 (S.B. 223) The Act exempts drainage and levee districts and Improvement project areas of conservation districts with revenues of \$5,000 or less from formal audit requirements.

Drainage Districts

Construction Projects - Act 79 (SB 149). The Act amends Ark. Stat. 21-523 to provide that no work exceeding \$5,000 shall be let by boards of directors of drainage districts without public advertisement. The previous limit required advertisement of work over \$1,000.

Motor Vehicle/Self Insured - Act 590 (S.B. 428) The Act amends Ark. Stat. 12-2903, 73-2402, 75-1412, and 75-1488 to allow all political subdivisions of the State to become self-insurers for their motor vehicles under the Motor Vehicle Safety Responsibility Act.

Municipal Property Owners' Dist. - Act 113 (SB 194) - Prescribes procedure whereby twenty-five or fewer property owners may establish an Improvement district upon unanimous vote of same.

Property Owners Improvement District

Annexation of Additional Land - Act 787 (SB 366) amends Ark. Stat. 20-2403 to authorize and prescribe proceedings for annexation of additional lands to property owners' Improvement districts.

Regional Water Distribution Districts - Act 149 (SB 49) - Increases from \$20 to \$100 per day compensation with the maximum of \$200 per calendar month (was \$40).

Soil Conservation Districts

Audits - Act 472 (S.B. 223) - The Act exempts drainage and levee districts and Improvement project areas of conservation districts with revenues

of \$5,000 or less from formal audit requirements.

INCOME TAX

See TAXES Pages 137-138

INFANTS AND TODDLERS

Early Intervention Program - Act 658 (HB 1383) authorizes an early intervention program for infants and toddlers with handicaps and their families.

INHALATION THERAPISTS

Act 952 (S.B. 300). Respiratory Care Examining Committee - Changes the name of the examining committee from Inhalation Therapy Examining Committee to Respiratory Care Examining Committee. The Act increases fee from \$25.00 to an amount not to exceed \$150.00 for applicants and requires a national standardized test be given. The State Medical Board is responsible for developing continuing education requirements within two years.

INSURANCE

Administrative Services Agreement - Act 833 (HB 2074) amends Ark. Stat. 66-6010 to exempt from the bonding requirement any third party administrator who operates pursuant to administrative service contracts only.

Advisory Organizations - Act 959 (S.B. 509) - Repeals former law on Insurance rate regulation and replaces such with provisions to promote competition and regulate prices in the absence of competition in the area of Insurance, excluding life, disability, title, ocean marine, aircraft, reinsurance, sureties and annuities. Permits the Insurance commissioner to determine if non-competitive market exists resulting in excessive rates. The act prohibits policy cancellations on property or casualty risks except under certain circumstances. Becomes effective six months after enactment.

Agent Licensing

Multiple Changes - Act 622 (HB 1624) amends Ark. Stats. 66-2801 through 66-2838 to make extensive changes to the Arkansas insurance Code regarding the licensing of agents.

Alcohol and Drug Dependency Coverage - Act 1047 (H.B. 1289) The Act requires all Insurance companies, hospital and medical service corporations and health maintenance organizations operating in the State to offer alcohol and drug dependency coverage in their disability policies and contracts.

Amusement Rides - Act 839 (HB 1698) amends Ark. Stat. 66-5901 through 66-5908 and is entitled "The Amusement Ride and Amusement Attraction Safety Insurance Act", to require permit applications to be accompanied by safety inspection reports, require permits to be filed with fair boards or other sponsoring agencies, and expands the Insurance Commissioner's powers in this area.

Burial Association - Act 443 (S.B. 221) The Act increases the maximum amount of certificates issued by burial associations and requires full payment of benefits when a funeral home other than the contract funeral home performs

the funeral service. The Act authorizes the Burial Association Board to establish actuarial rates and reserve requirements.

Cancellations - Act 156 (HB 1323) - Requires twenty (20) days notice prior to cancellation of Property or casualty risk policy with listed grounds for cancellation. Makes refusal to insure or limitation on coverage based upon nonrenewal an unfair practice.

Cease & Desist Orders - Act 400 (H.B. 1453) The Act amends Ark. Stat. 66-2901 to authorize the Insurance Commissioner to Issue Cease and Desist Orders to persons acting as, or aiding, unauthorized Insurers.

Cities, Counties, etc.

Motor Vehicles/Self Insured - Act 590 (S.B. 428) The Act amends Ark. Stat. 12-2903, 73-2402, 75-1412, and 75-1488 to allow all political subdivisions of the State to become self-insurers for their motor vehicles under the Motor Vehicle Safety Responsibility Act.

Claim Form

Disability Insurance - Act 736 (HB 1559) directs the Insurance Commissioner to prescribe a standard disability Insurance claim form to be used by all disability Insurance companies doing business in this state.

Consultants - Act 927 (SB 604). The Act provides for the licensing of property and casualty consultants.

Department/Commissioner

See STATE AGENCIES. Pages 124-125

Disability Insurance

In Vitro Fertilization Coverage - Act 779 (HB 2036) requires disability insurance companies doing business in this state to include as a covered expense in-vitro fertilization.

Employees

Liability Insurance - Act 612 (HB 1417) amends Ark. Stat. 80-113.1 to expand coverage under school employee liability insurance to include members of school boards, teachers' aides, student teachers, school nurses, substitute teachers, and authorized volunteers.

Fire Protection

Payment to Volunteer Fire Departments - Act 836 (HB 1050) defines the responsibilities of volunteer fire departments and establishes a procedure whereby they can recover the cost of their services.

Fraudulent Practices

Whistleblowers - Act 685 (SB 381) grants immunity from civil liability to persons furnishing information regarding fraudulent insurance acts.

Group Disability

Continuation after Termination - Act 253 (H.B. 1378) The Act requires all group health insurance policies to continue their obligation for benefits when the insured person is hospitalized on the date of termination of the policy.

Out-of-state Insurers - Act 268 (H.B. 1484) The Act amends Ark. Stat. 66-3209 to provide that group disability insurance policies from outside Arkansas may not be extended to include residents of the State unless it includes provisions required for group insurance policies issued inside the State

Replacement Coverage - Act 478 (H.B. 1490) The Act requires health care plans providing replacement coverage with respect to group disability benefits to provide coverage to certain individuals who might otherwise be excluded from coverage because of the replacement of their group health policy or plan.

Group Life

Conditions - Act 254 (H.B. 1404) The Act amends Ark. Stats. 66-3507 to remove a provision which requires that no group insurance coverage may be offered in this State by an insurer under a policy issued in another state unless it meets Arkansas requirements or similar state requirements in another state.

Health Maintenance Organizations - Act 264 (H.B. 1318) The Act amends Ark. Stat. 66-5223 to provide for increased fees to be charged by the Department of Health for regulation of health maintenance organization. It makes the fees "special revenues" and causes them to be deposited into the Public Health Fund.

Health Plans

Self Insured - Act 99 (SB 261). The Act requires every disability insurance policy, self-insured health plan, hospital medical services contract, certificate or health care plan, which covers the insured and members of the insured's family to include coverage for any minor under the charge, care and control of the insured that the insured has filed a petition to adopt. Coverage begins from the moment of the birth of the child to be adopted if the petition for adoption and the application for coverage is filed within sixty days after the birth of the minor.

Home Builders

Cancellation - Act 859 (HB 1789) the "Arkansas Home Builders Registration Act".

In Vitro Fertilization Coverage - Act 779 (HB 2036) requires disability insurance companies doing business in this state to include as a covered expense in-vitro fertilization.

Industrial Life Insurance - Act 351 (HB 1483) - Prohibits offering, delivery or issuance of industrial life insurance after 1-1-88.

Key Man Life Insurance

Non Profit Corporations - Act 240 (S.B. 290) The Act prohibits non-profit corporations from spending public funds to purchase "key man" life insurance as a form of deferred compensation.

Legal Insurance - Act 619 (HB 1564) amends Ark. Stat. 66-5402 and provides that persons who are exempt from the provisions of Arkansas Statutes regarding

legal Insurance shall, prior to administering a legal referral services program in the state of Arkansas or prior to enrollment of members of such a program in this state, file program materials and documents with the Commissioner of Insurance to support such programs' exempt status under the Arkansas laws regulating legal Insurance.

Medicare

Misrepresentations - Act 205 (H.B. 1268) The Act amends Ark. Stats. 66-3016 to make the misrepresentation of Medicare Supplement Insurance illegal and provides that such misrepresentation may be punishable as a Class D felony.

Motor Vehicles

Liability/Funeral Benefits - Act 336 (SB 471) - Adds funeral expenses into required coverage of personal automobile liability Insurance. Limited to \$5,000 per. person.

Liability/Mandatory - Act 442 (S.B. 41) The Act requires mandatory motor vehicle liability Insurance. The Act provides a fine for operating a motor vehicle without the required Insurance and prohibits the issuance of a motor vehicle license plate without satisfactory proof of Insurance coverage.

Liability/Mandatory - Act 474 (S.B. 83) The Act requires all motor vehicle operators to carry liability Insurance. Failure to carry the required insurance constitutes a Class A misdemeanor.

Liability/Mandatory - Act 971 (H.B. 1171) - Amends Act 442 of 1987 to exempt the Department of Finance and Administration from liability for damages resulting from their record keeping under the Act or the issuance or renewal of any license plate.

Underinsured Motorist Coverage - Act 335 (SB 470) - insurer must offer underinsurance to allow insured to recover amounts above coverage of owner/operator of other vehicle.

Name and Address of Insurer - Act 197 (HB 1221) - Requires Insurance company to provide information concerning policyholder service office, agent and Arkansas Department of Insurance on Life, Disability, Property and Casualty Insurance.

Omnibus Changes - Act 456 (H.B. 1398) The Act amends numerous sections of the Arkansas Insurance Code and other related insurance laws.

Policy Cancellation - Act 959 (S.B. 509) - Repeals former law on insurance rate regulation and replaces such with provisions to promote competition and regulate prices in the absence of competition in the area of Insurance, excluding life, disability, title, ocean marine, aircraft, reinsurance, sureties and annuities. Permits the insurance commissioner to determine if non-competitive market exists resulting in excessive rates. The act prohibits policy cancellations on property or casualty risks except under certain circumstances. Becomes effective six months after enactment.

Premium Tax - Act 1033 (H.B. 2041) The Act amends Ark. Stat. 66-2302 to provide for a premium tax on domestic life and disability Insurance companies and that such tax shall be paid into general revenues. It amends Ark. Stat. 66-5209 to require H.M.O.'s to pay premium tax on premiums and co-payments. It amends Ark. Stat. 66-5419 to provide for a two and one-half percent tax on legal

insurance premiums. Further, the Act amends Ark. Stat. 84-1904 to exempt items purchased with food stamps from the sales tax.

Property & Casualty Insurance

Minimum Standards - Act 204 (H.B. 1267) The Act sets minimum standards for commercial lines of property and casualty insurance policies in order to minimize the restrictions on coverage and to set certain minimum standards on policy contracts to protect the public. It sets standards and defines "Claims-Made Policies". It allows the Insurance Commissioner to promulgate rules to enforce the Act and provides for penalties for violations.

Property & Casualty Insurance Guaranty Act

Various Changes - Act 738 (HB 1573) makes numerous changes to the Arkansas Property and Casualty Insurance Guaranty Act.

Property and/or Casualty Insurance

Risk Sharing Plans - Act 896 (SB 346) The Act authorizes the insurance Commissioner to create risk-sharing plans for property or casualty insurance if he determines that it is not reasonably available in the voluntary market and that the public interest requires the availability of the insurance.

Rate Service Organizations - Act 959 (S.B. 509) - Repeals former law on insurance rate regulation and replaces such with provisions to promote competition and regulate prices in the absence of competition in the area of insurance, excluding life, disability, title, ocean marine, aircraft, reinsurance, sureties and annuities. Permits the insurance commissioner to determine if non-competitive market exists resulting in excessive rates. The act prohibits policy cancellations on property or casualty risks except under certain circumstances. Becomes effective six months after enactment.

Rates - Act 959 (S.B. 509) - Repeals former law on insurance rate regulation and replaces such with provisions to promote competition and regulate prices in the absence of competition in the area of insurance, excluding life, disability, title, ocean marine, aircraft, reinsurance, sureties and annuities. Permits the insurance commissioner to determine if non-competitive market exists resulting in excessive rates. The act prohibits policy cancellations on property or casualty risks except under certain circumstances. Becomes effective six months after enactment.

Risk Retention Groups - Act 408 (H.B. 1642) The Act authorizes the Insurance Commissioner to regulate the formation and operation of risk retention groups.

School Employees

Medical Insurance - Act 632 (HB 1805) amends Ark. Stat. 80-5112(a) to provide that certified public school employees are expected to work 900 hours or more per year.

Securities Deposit - Act 561 (HB 1644) The Act amends Ark. Stat. 66-2209(1) to increase the securities deposit of insurance companies applying for an original certificate of authority to transact business from \$50,000 to \$100,000. It also repeals Ark. Stat. 66-2209(3) that allows a surety bond to be posted in lieu of the securities deposit.

State Employees Insurance

Employer Contribution - Act 743 (HB 1641) amends Ark. Stat. 12-3115 to increase the authorized State employer monthly contribution to the State Employees Insurance Plan by \$10.00 a month.

Retirement Incentive - Act 514 (SB 601). The Act amends Ark. Stat. 12-3113 to provide that employees who retire under PERS or Highway Retirement before January 2, 1988 under the Incentives for Early Retirement Act (Act 187 of 1987) shall not have to pay the full amount of the state employees' group health insurance premium and shall pay the amount set forth in the Incentives for Early Retirement Act of 1987.

Trade Practices 66-3005 - Act 156 (HB 1323) - Requires twenty (20) days notice prior to cancellation of property or casualty risk policy with listed grounds for cancellation. Makes refusal to insure or limitation on coverage based upon nonrenewal an unfair practice.

Trade Practices 66-3033 - Act 610 (HB 1387) amends the Trade Practices Act (Ark. Stat. 66-3033) to require mortgage companies to accept insurance binders as evidence of insurance.

Workers' Compensation

Rate Filings - Act 697 (SB 514) amends Ark. Stat. 66-3120 as to rate filings for workers' compensation insurance.

INTERSTATE COMPACTS

Juveniles - Act 585 (SB 356) and Act 469 (HB 1711) amend Ark. Stat. 45-301 et seq., the interstate Compact on Juveniles, to authorize and direct the Governor to ratify the "Rendition Amendment" to the Compact on behalf of this State. The Rendition Amendment provides that juveniles charged with being delinquent for violation of criminal law in one state shall be returned to the requesting state.

JUSTICE OF THE PEACE

Fees - Act 445 (H.B. 1052) The Act repeals Ark. Stats. 12-1731 relating to fees of justices of the peace.

JUVENILES

See MINORS Pages 82-84

LABOR

Employment Security Law

Various Changes - Act 753 (HB 1693) amends numerous provisions of the Arkansas Employment Security Law.

Minimum Wage - Act 974 (H.B. 1501) LABOR - Increases minimum wage from \$3.15 per hour to \$3.25 per hour beginning January 1, 1988 and to \$3.30 per hour beginning January 1, 1989.

LAND SURVEYORS

Continuing Education - Act 1070 (H.B. 2024) The Act amends Ark. Stat. 71-2306 to require continuing education for land surveyors after two years of licensure. Land surveyors will be required to complete 15 hours of Board approved continuing education each Year and those over 60 years of age or twenty years experience may be exempted. The Board may levy a \$2,000.00 civil penalty for anyone using fraud or deceit to obtain a license.

LANDLORD/TENANT - Act 577 (SB 72) The Act amends Ark. Stat. 34-1508 to provide on execution of a writ of Possession by the Sheriff, the property and belongings of the occupant of the property shall be placed in storage in public warehouse or other reasonable safe place of storage under the control of the plaintiff until a final determination by the court (previously, it required storage in a public warehouse). If a court determines in favor of the plaintiff, the property and belongings shall be sold to satisfy the storage costs, the monetary judgment for the plaintiff, and any excess is paid to the defendant/occupant.

LIBRARIES

Failure to Return Books - Act 555 (HB 1408) The Act makes it unlawful to refuse or fail to return a book to State or local library. The library must send the person who has failed to return the library book or material a notice that it must be returned in 30 days or face charges. The person may be fined \$10.00 to 3100.00 if convicted.

LIENS

Abstractor/Title ins. Agent - Act 1035 (H.B. 1568) The Act grants architects, engineers, surveyors, appraisers, abstractors, and title insurance agents liens against lands, buildings and improvements for the price of their contracted services relating to those lands, buildings and improvements.

Architect/Engineer/Surveyor/Appraiser - Act 1035 (H.B. 1568) The Act grants architects, engineers, surveyors, appraisers, abstractors, and title insurance agents liens against lands, buildings and improvements for the price of their contracted services relating to those lands, buildings and improvements.

Child Support - Act 533 (HB 1619) The Act amends Ark. Stat. 34-1221 to clarify when a lien for unpaid child support obligation attaches to personal property and specifies that notice of the lien shall be filed, indexed, and perfected in the same manner as financing statements for consumer goods are under the Uniform Commercial Code.

Continuing Care Facilities - Act 329 (SB 405) - Authorizes the Insurance Department to regulate continuing care providers. Requires disclosure statement to be filed prior to solicitation. Specifies contract information and requirements for reserve fund.

Firefighting Service - Act 836 (HB 1050) defines the responsibilities of volunteer fire departments and establishes a procedure whereby they can recover the cost of their services.

Foreclosure - Act 53 (HB 1154). The Act is the "Statutory Foreclosure Act of 1987".

Judgment Liens - Act 356 (SB 2) - Makes judgment effective against real estate on date rendered only if county maintains permanent office where permanent

records are kept. If not, only when a certified COPY of the judgment is filed in the Circuit Clerk's office does such become a lien. Such must be recorded and indexed to become lien to those not having actual notice of the rendition of the judgment. The Clerk has the duty to Index Judgments Immediately upon filing.

Landlord/Tenant - Act 577 (SB 72) The Act amends Ark. Stat. 34-1508 to provide on execution of a writ of possession by the Sheriff, the property and belongings of the occupant of the Property shall be placed in storage in public warehouse or other reasonable safe place of storage under the control of the plaintiff until a final determination by the court (previously, it required storage in a public warehouse). If a court determines in favor of the plaintiff, the property and belongings shall be sold to satisfy the storage costs, the monetary judgment for the plaintiff, and any excess is paid to the defendant/occupant.

Production Money Security Interests - Act 560 (HB 1601) The Act amends Ark. Stat. 85-9-312(2) to establish a priority for a production money security interest over other conflicting security interests in the same collateral. It defines a "production money security interest". The new priority provision will cease to be effective on July 1, 1989 and will not apply to state or national banks' security interests.

Self-Service Storage Facilities - Act 576 (SB 36) The Act provides for the regulation of self-service storage facilities. It provides the operators of self-service storage facilities have lien on items stored in the leased space that are 45 days delinquent in rental payments. It provides a procedure and notice requirement for the sale of the property stored in such facilities to satisfy the lien.

LIVING WILLS - Act. 713 (SB 631) "The Arkansas Rights of the Terminally Ill Act or Permanently Unconscious Act" providing for declarations regarding the use of life-sustaining treatment.

LOCAL LEGISLATION - Act 829 (HB 2007) prohibits the possession of loaded center fire weapons, other than shotguns, and other than in a residence or business, in certain designated areas.

2nd Judicial Circuit - Act 343 (SB 522) - Lists allowable expenses of prosecutor's office in 2nd Judicial District.

4th Judicial Circuit - Act 655 (HB 1277) fixes the salaries of the secretary-court reporter-case coordinators of the 4th Circuit-Chancery court circuit (Washington and Madison Counties).

4th Judicial Circuit - Act 100 (SB 53) - Secretary-Court Reporter-Case Coordinators - 4th Judicial Circuit provides salaries of \$14,466.35 (1987) and \$14,900.34(1988) payable 93% by Washington County, 6% by Madison County. Retroactive to January 1, 1987.

6th Judicial Circuit

Additional Judgeships - Act 846 (SB 607) creates three judgeships in the 6th Judicial and Chancery Circuit, one new judgeship in the 7th Judicial and Chancery Circuit and one new new judgeship in the 18th-East Judicial and Chancery Circuit.

Home Detention Program - Act 731 (HB 1545) author zes the 6th Judicial Circuit Position 1 Circuit Court Judge (Pulaski County) to establish an electronic home detention program for criminal defendants as a condition of probation or suspension of sentence.

Law Clerks - Act 344 (§8 535) - Authorizes each Judge to appoint a law clerk who must be a graduate of law school and provides salary for same. Retroactive to January 1, 1987.

Prosecutor's Office - Act 542 (HB 1734) The Act sets the salaries of Deputy Prosecuting Attorneys and the number of employees in the Office of Prosecuting Attorney for the Sixth Judicial District (Pulaski and Perry Counties).

7th Judicial Circuit

Additional Judgeship - Act 846 (SB 607) creates three judgeships in the 6th Judicial and Chancery Circuit, one new judgeship in the 7th Judicial and Chancery Circuit and one new judgeship in the 18th-East Judicial and Chancery Circuit.

8th Judicial Circuit - Act 342 (SB 344) - Clerk-Secretary-Case Coordinator - Salary of \$12,600 to \$20,000 retroactive to January 1, 1987.

9th-West Judicial Circuit - Act 656 (HB 1949) sets the expense allowance of the Prosecuting Attorney of the 9th-West Circuit-Chancery court circuit (Howard, Sevier and Little River Counties).

11th-West Judicial Circuit - Act 950 (S.B. 623) - Allows the quorum courts of Jefferson and Lincoln Counties to set the number and salaries of deputy prosecutors.

11th-West Judicial Circuit - Act 444 (S.B. 385) The Act provides for an additional judge in the Eleventh Judicial Circuit-West who shall be a combined circuit and chancery judge. The judge shall devote one-half of his time to chancery and probate proceedings and one-half of his time to circuit court proceedings including, but not limited to, presiding over all post-conviction proceedings, all matters concerning acts committed by inmates of the State Department of Correction and all civil actions filed by prison inmates.

15th Judicial Circuit

Prosecutor's Office - Act 415 (S.B. 615) The Act amends Ark. Stat. 24-114.11(a) to provide that the contingent expense allowance of the Prosecuting Attorney of the Fifteenth Judicial Circuit shall be paid in equal monthly installments.

Salaries - Act 849 (HB 1361) prescribes the minimum and maximum salaries of the case coordinator and a probation officer of the 15th Judicial Circuit (Scott, Logan and Yell Counties).

16th Judicial Circuit - Act 1044 (S.B. 679) The Act provides for the contingent expense allowance for the Prosecuting Attorney for the 16th Judicial District and provides for the salary of a deputy prosecuting attorney for Stone County.

17th-East Judicial Circuit - Act 1043 (S.B. 568) The Act provides for the

expense allowance for the Prosecuting Attorney and for the salaries of deputy prosecuting attorneys for the 17th Judicial District-East.

18th-East Judicial Circuit

1976 Reenactment - Act 989 (HB 1901) (Act 1178 of 1975) Authorizes 18th Judicial Circuit Grand Jury Stenographer. Subsequent legislation does not supersede or replace Act 1178 of 1975.

Additional Judgeship - Act 846 (§§ 607) creates three judgeships in the 6th Judicial and Chancery Circuit, one new Judgeship in the 7th Judicial and Chancery Circuit and one new new judgeship in the 18th-East Judicial and Chancery Circuit.

Court Personnel - Act 282 (H.B. 1406) The Act sets salaries of the 18th Judicial District-East Circuit and Chancery-East Secretary-Case Coordinator at \$19,500 per year.

Prosecutor's Office - Act 669 (HB 1700) authorizes the Garland County Quorum Court to appropriate county funds to defray the expenses of the prosecuting Attorney for the 18th Circuit-East.

20th Judicial Circuit - Act 441 (HB 1652). Provides for the defense of indigents in courts of the Twentieth Judicial Circuit.

Ash Flat Municipal Court

1976 Reenactment - Act 875 (HB 1892) Renamed the municipal court at Ash Flat to the Sharp County Municipal Court. The salary provision for the clerk at \$150.00 monthly was deleted from this bill.

Ashley County

Court Costs for Historic Preservation - Act 851 (HB 2079) levies an additional court cost in Ashley County for the purpose of historic restoration.

Cities Under 6,000

City Manager - Act 25 (HB 1141). The Act provides that a city manager of a city manager form of government and with a population of less than 6,000 persons may reside outside the city during his employment if approved by a majority of the board of directors of the city.

Cities Over 30,000 with City Manager

Elected Mayor - Act 840 (HB 1699) amends Ark. Stat. 19-902.9 to grant cities with a population in excess 30,000 inhabitants the option of subjecting themselves to the requirements of the Act resulting in at-large position number one of their boards and directors being designated as the mayor.

Cities over 65,000

Police Chief Retirement - Act 5 (HB 1096). The Act repeals Act 315 of 1975 (Ark. Stat. 19-819), which provided special retirement rights in cities having a city administrator form of government and a population of 65,000 or more. It does not affect persons already retired.

Cities over 70,000

Firefighters/Sick Leave - Act 716 (SB 672) amends Ark. Stat. 19-1718 to authorize cities with population of over 70,000 to Provide additional sick leave options for firefighters.

Cieburne County

Sherlff & Collector - Act 541 (SB 659) The Act creates separate elective offices of county sheriff and county tax collector for Cleburne County effective January 1, 1989.

Craighead County

Court Costs - Act 322 (SB 311) COURTS - Fees - Counties of population between 58,000 and 65,000 may collect an additional \$10 in felony and misdemeanor cases to fund operation of the Criminal Justice System.

Crittenden Co. Dep. Prosecutor - Act 411 (H.B. 1757) The Act provides the salary and expense allowance of the Deputy Prosecuting Attorneys for Crittenden County. The provisions of the Act are retroactive to January 1, 1987.

Garland County

Prosecuting Attorney - Act 669 (HB 1700) authorizes the Garland County Quorum Court to appropriate county funds to defray the expenses of the Prosecuting Attorney for the 18th circuit-East.

Greene County Deputy Prosecutor - Act 239 (H.B. 1560) The Act prescribes the salary and expense allowance of the Deputy Prosecuting Attorney for Greene County in the Second Judicial District.

Jacksonville

Hwy. Dept. Surplus Land - Act 480 (H.B. 1609) The Act authorizes the Arkansas State Highway and Transportation Department to sell and convey to the city of Jacksonville a portion of surplus lands for use in the development of a municipal complex for the city of Jacksonville.

Jasper Municipal Court

1976 Reenactment - Act 870 (HB 1886) establishes a municipal court in Jasper. Because this is local legislation and does not appear in the statutes, it was reproduced in the form it appears in the 1976 Acts except the salary provision for the Judge was omitted since it will be covered in the municipal Judge salary bill. The salary for the court clerk was updated.

Salaries - Act 870 (HB 1886) establishes a municipal court in Jasper. Because this is local legislation and does not appear in the statutes, it was reproduced in the form it appears in the 1976 Acts except the salary provision for the judge was omitted since it will be covered in the municipal judge salary bill. The salary for the court clerk was updated.

Jonesboro

N.E. Ark. Dist. Fair - Act 554 (HB 1335) The Act requires that the Northeast Arkansas District Fair be held in Jonesboro until 1992. For calendar year 1993 and after, the Fair may be held in locations as determined by Act 746 of 1983.

Lafayette County Deputy Prosecutor - Act 30 (HB 1233). The Act prescribes the salary and expense allowance for the deputy prosecuting attorney for Lafayette County in the Eighth Judicial District. The Act is retroactive to January 1, 1987.

Little River County

Court Costs - Act 782 (HB 2075) levies additional court costs on crimes and traffic offenses prosecuted in municipal courts located in Little River County.

Madison County

Thistles - Act 909 (SB 675) The Act amends Act 838 of 1983 to require land owners in Madison County to prevent thistles from going to seed on their property.

Maumelle

Directors Per Diem - Act 458 (H.B. 1463) The Act amends Ark. Stats. 19-1714 authorizing directors of a city having population of at least 4,000 but not more than 4,500 and located in a county having a population of 100,000 or more and having a city manager form of government to receive per diem for attending meetings of the board.

Miller County

Court Costs - Act 543 (HB 1966) The Act levies an additional court cost for municipal courts in Miller County in the amount of \$1.00 for each traffic offense and \$3.00 for all other criminal offenses. The funds are to be deposited in the county general fund.

Deputy Prosecutor - Act 341 (SB 73) - Annual salary of \$40,000 plus \$200 per month expense allowance.

Mississippi County

Court Costs - Act 322 (SB 311) - Counties of population between 58,000 and 65,000 may collect an additional \$10 in felony and misdemeanor cases to fund operation of the Criminal Justice System.

Midwife Program - Act 916 (SB 363) authorizes the Health Department to continue the Mississippi County midwife program.

Monroe County Deputy Prosecutor - Act 83 (HB 1422). The Act prescribes the salary and expenses of the Deputy Prosecuting Attorney of Monroe County in the First Judicial Circuit. The salary is retroactive to January 1, 1987.

Mountain View Municipal Court - Act 29 (HB 1108). The Act provides that the judge of the Mountain View Municipal Court shall be elected by the qualified electors of Stone County.

N.E. Ark. Dist. Fair - Act 554 (HB 1335) The Act requires that the Northeast Arkansas District Fair be held in Jonesboro until 1992. For calendar year 1993 and after, the Fair may be held in locations as determined by Act 746 of 1983.

NLR Municipal Court

Health Insurance - Act 330 (SB 440) - In cities of population between 60,000 and 70,000 according to 1980 decennial census, costs of health insurance for municipal judges and clerks and their dependents and those who are retired and their dependents shall be paid by the retirement fund.

Nevada County - Act 654 (SB 660) prescribes the compensation of the Deputy Prosecuting Attorney for Nevada County.

Northwest Arkansas Parkway Advisory Committee - Act 830 (HB 2018) creates the "Northwest Arkansas Parkway Advisory Committee" to study the feasibility of designating and developing U. S. Highway 71 as a scenic parkway.

Phillips County Deputy Prosecutor - Act 23 (HB 1145). Establishes the salary and expense allowance of the deputy prosecuting attorney for Phillips County. The Act is retroactive to January 1, 1987.

Poinsett County

Out-of-county Garbage - Act 82 (SB 44). The Act prohibits a city or county from disposing of solid waste in another county having a population between 26,927 and 27,400 according to the 1980 decennial federal census (Poinsett County) without the prior approval of the quorum court of the receiving county.

Prairie Grove Municipal Court - Act 991 (HB 1899) (Act 1171 of 1975) Established the Prairie Grove Municipal Court. Amended in 1977 and 1979.

Pulaski County

Branch Banking - Act 539 (HB 1828) The Act amends Ark. Stat. 67-360 to provide that in counties of over 200,000 (Pulaski County) branch banks may be established within that county provided the supervisory banking authority approves and finds the branch would be economically feasible and will serve the public convenience.

Chancery Clerk - Act 121 (SB 263) - Sets salaries of employees of Pulaski County Chancery Clerk's Office.

Chancery Master - Act 364 (SB 262) and Act 283 (HB 1391) establish salaries for personnel in Pulaski County Master in Chancery office. Retroactive to January 1, 1987.

Child Support Fees - Act 599 (H.B. 1180) The Act amends Ark. Stat. 34-1211 and 34-706.1 to provide the Court the option to order the collection of an administrative fee on child support payments either as \$1.00 per each payment or on an annual fee basis of up to \$24.00 per year (previously an annual fee of \$12.00 to \$24.00 was authorized).

Randolph County Deputy Prosecutor - Act 120 (SB 249) - Sets salary for Randolph County deputy prosecuting attorney.

See COLLEGES Pages 19-20

Sharp County Municipal Court

1976 Reenactment - Act 999 (HB 1909) (Act 1188 of 1975) Sets distribu-

tion of salary money for Ash Flat Municipal Judge. Sets qualifications for municipal judge in counties between 15,400-16,000 - Sharp County. Salary provisions were left out of this bill that were in original Act 1188 of 1975 as they were superseded by other legislation.

Siloam Springs

Tourist Information Center - Act 381 (HB 1502) - Tourist Information Center - Provides for construction and operation of a Tourist Information Center within the city limits of Siloam Springs on Highway 68.

St. Francis County

Deputy Prosecutor - Act 671 (HB 1945) prescribes maximum annual salary for the Deputy Prosecuting Attorney in St. Francis County.

Steel Mill Tax Exemption - Act 48 (HB 1561). The Act gives operators of certain steel mills an extended period to claim the Income tax net operating loss deduction and the enterprise zone Income job credit. The Act also exempts them from sales and use tax on their purchases of natural gas and electricity.

Amends 48 - Act 575 (SB 613) The Act amends Act 48 of 1987 which provides industrial development Incentives to define the term "qualified manufacturer of steel". It amends other Sections of Act 48 and states a company be certified as "qualified" by the director of A.I.D.C. by July 1, 1989, to qualify for Incentives under Act 48.

Stone County

Deputy Prosecutor - Act 1044 (S.B. 679) The Act provides for the contingent expense allowance for the Prosecuting Attorney for the 16th Judicial District and provides for the salary of a deputy prosecuting attorney for Stone County.

LONG TERM CARE FACILITIES

Civil Penalties - Act 894 (SB 322) The Act amends Ark. Stat. 82-2219 and increases the amount of civil penalties the Office of Long Term Care may impose against licensed long term care facilities. The Act provides that the assessment of a civil penalty does not affect the Office's right to take other action. The Act also revises the requirements for notice of a violation.

Head Injury Facilities - Act 602 (HB 1261) amends Ark. Stat. 82-2216 to redefine long-term care facility to include post-acute head injury retraining and residential care facilities.

Long Term Care Facility Advisory Board Appeals

Appeals - Act 981 (H.B. 1749) - Establishes procedure for appeal from decision of the Office of Long Term Care. The Deputy Director of Economic and Medical Services reviews all decisions of the Advisory Board and may adopt or reject same which becomes the final decision of the agency.

Ombudsman - Act 252 (H.B. 1355) The Act requires the Department of Human Services to establish an ombudsman program for the elderly. The ombudsman shall not be denied access to any patient in a long-term care facility.

Personnel

Training Program - Act 689 (SB 421) the "Long-Term Care Aid Training Act" which establishes the long-term care training program in the Department of Human Services.

MANUFACTURED HOMES

Consumer Complaints - Act 346 (HB 1585) - Establishes a fund to pay claims against installers, dealers and manufacturers. The Arkansas Manufactured Home Commission determines if a standard has been violated and directs licensee to pay aggrieved party. If not paid within 30 days, payment is made from the fund.

Sales

Surety Bond - Act 508 (SB 456). The Act repeals Ark. Stat. 84-1935 to remove the requirement that each applicant for a sales tax permit to sell house-trailers or mobile home post a surety bond to insure prompt payment of sales tax.

MARRIAGES

License Fees

Additional - Act 397 (HB 1369) - This is the Child Abuse and Neglect Prevention Act. A nine member board is established to operate out of the Governor's office to oversee grants for prevention programs to be funded from a Trust Fund created by an additional \$5.00 charge for marriage licenses.

Premarital Agreements - Act 715 (SB 655) "The Arkansas Premarital Agreements Act" establishing the form, content, effect, enforceability, etc. of premarital agreements.

Solemnization

Municipal Judges - Act 394 (HB 1282) - Amends 1837 Statute (Ark. Stat. 55-216) to authorize elected municipal court judges to solemnize marriages. Validates and initiates all previous marriages solemnized by municipal court judges prior to this Act.

MEDICINE

Drugs - Act 52 (HB 1119). The Act allows the use of dronabinol for medical treatment when it is in sesame oil and encapsulated in a soft gelatin capsule in a drug product. The Act reschedules the drug in this form from a Schedule VI drug to a Schedule II drug.

Unlawful to Administer - Act 848 (HB 1971) makes it unlawful for any person not otherwise authorized by law to inject a controlled substance or cause a controlled substance to be injected or inhaled by another person.

Health Maintenance Organizations - Act 264 (H.B. 1318) The Act amends Ark. Stat. 66-5223 to provide for increase fees to be charged by the Department of Health for regulation of health maintenance organization. It makes the fees "special revenues" and causes them to be deposited into the Public Health Fund.

Immunization - Act 141 (SB 320) - Requires part-time students housed on campus and all full-time students to furnish proof of immunization against measles, rubella and others designated by Board of Health prior to attending a public or private college or university in this state.

Life Sustaining Treatment - Act 713 (SB 631) "The Arkansas Rights of the Terminally III Act or Permanently Unconscious Act" Providing for declarations regarding the use of life-sustaining treatment.

Organ Donations - Act 78 (SB 56). The Act requires hospitals to establish policies to assure that families of patients who are terminally III or deceased are timely asked whether they desire to donate any organs or tissue of the deceased or terminally III patient.

Sales Tax Exemption - Act 416 (S.B. 91) The Act amends Ark. Stat. 84-1904.3 to exempt from the State sales and use tax the proceeds derived from the sale, purchase or use of prescription drugs by dispensing physicians registered under the provisions of Act 515 of 1983 or oncologists when sold, purchased or administered for human use.

Scoliosis screening - Act 41 (HB 1031). The Act requires every public elementary and secondary school in the state and every other Institution supported by State funds which provides education to minor children to institute a scoliosis screening program to be conducted in accordance with regulations promulgated by the State Board of Health.

Sickle-Cell Anemia

Infant Testing - Act 573 (SB 581) The Act amends Ark. Stat. 82-625 and 82-626 to require the Health Department to test all non-Caucasian newborn Infants for sickle-cell anemia. It amends Ark. Stat. 66-3248 to require health Insurance policies covering Infants to provide for the testing of non-Caucasian newborn Infants for sickle-cell anemia.

MENTAL ILLNESS

Commitment - Act 243 (H.B. 1153) The Act revises the laws of Arkansas relating to voluntary admission and involuntary commitments of mentally III persons. It describes the procedures for the commitment hearings and for the person's evaluation and treatment. It describes the mentally III person's rights under the law and provides for the appointment of a magistrate in the Judicial Department. It repeals Act 817 of 1979, as amended, and other laws relating to the commitment of the mentally III.

Residential Treatment - Act 648 (HB 2049) enables the Department of Human Services, Division of Mental Health Services. to provide intensive residential treatment for adults with long-term, severe mental illness within specialized mental health residential settings.

MERIT SYSTEM

Social Services Division - Act 906 (SB 668) The Act repeals Ark. Stat. 83-121 and 83-122 which related to a merit system within a portion of the Department of Human Services.

MIDWIVES - Act 481 (H.B. 1625) The Act provides for the licensure by the State Board of Health of lay midwives.

Mississippi County - Act 916 (SB 363) authorizes the Health Department to continue the Mississippi County midwife program.

MILITARY CODE

Assistant Adjutants General - Act 360 (SB 152) - Authorizes appointment with approval of Governor by Adjutant General of two Assistant Adjutant Generals, one for the Army National Guard and one for the Air National Guard.

Canteen Privileges for Dependents - Act 781 (HB 2066) amends Ark. Stat. 11-1807 to clarify the law relating to the privileges of dependents of military personnel making purchases in the canteen at Camp Robinson.

Military Judges - Act 125 (SB 16) - Provides a military judge shall be assigned to general court-martial and may be assigned to special court-martials. Prescribes procedures to be followed in military trials.

MILK

Grade A Program - Act 634 (HB 1811) amends Ark. Stat. 82-4008 to increase Grade "A" milk inspection fee to \$10.00, annual permit fee to \$10.00 and monthly minimum sample analysis fee to \$10.00 and provides that single service plans shall pay annual permit fees of \$100.00.

Manufactured Milk - Act 534 (HB 1640) The Act amends Ark. Stat. 82-915 to increase various fees for producers of various manufactured milk products and requires producers of manufactured milk to pay an annual fee to the Department of Health.

MINERALS

See OIL & GAS Page 90

Unclaimed - Act 362 (SB 185) - Establishes the "Abandoned Mineral Proceeds Trust Fund" and defines proceeds unclaimed after seven years as subject to the Uniform Disposition of Unclaimed Property Act. Requires holders of mineral proceeds to establish escrow account to deposit proceeds not claimed within one year and to file annual reports with the State Auditor.

MINIMUM WAGE - Act 974 (H.B. 1501) - Increases minimum wage from \$3.15 per hour to \$3.25 per hour beginning January 1, 1988 and to \$3.30 per hour beginning January 1, 1989.

1976 Reenactment - Act 987 (HB 1895) Set minimum wages at \$1.70 through \$2.00. This entire Section has been subsequently amended. These changes are reflected in this bill.

MINING

Open Cut Mining - Act 664 (HB 1991) amends the "Arkansas Open Cut Land Reclamation Act of 1977" to provide that affected lands required to be permitted under the Act includes all areas of surface disturbance related to the mining operations, and provides that persons producing more than 100,000 tons per year of sand and gravel from all operations in Arkansas are required to obtain a Class A permit for all affected lands, etc.

MINORS

Abused, Neglected/Injunction - Act 745 (HB 1663) provides for protect on of Juveniles who may be neglected or abused by persons to whom their parents or guardians have entrusted the juveniles' care, i.e., baby sitters or "family day care" which are exempt from State licensing.

Adoption - Act 1060 (H.B. 1715) The Act amends Act 957 of 1985 providing for a Mutual Consent Voluntary Adoption Registry to make some technical corrections, to change the name of the responsible agency from Social Services Division to Department of Human Services, and to allow Persons within the second degree of relationship to be added to the registry. It amends Ark. Stat. 56-125 to allow the courts in pending adoption cases to order the hospital to release a child to an agency or the parents or an attorney acting for either and the hospital shall not be liable for any ordered release.

Bastardy

See BASTARDY this Index - Act 488 (H.B. 1710) The Act amends Ark. Stat. 34-718 to provide that legal custody of an illegitimate child shall be the woman giving birth to such child, absent a court order to the contrary.

Child Abuse - Act 397 (HB 1369) - This is the Child Abuse and Neglect Prevention Act. A nine member board is established to operate out of the Governor's office to oversee grants for prevention programs to be funded from a Trust Fund created by an additional \$5.00 charge for marriage licenses.

Child Support

See CHILD SUPPORT Pages 11-12

Crime Victims

Statute of Limitations - Act 586 (S.B. 359) and Act 484 (HB 1706) amend Ark. Stat. 41-104 to extend the statute of limitations for criminal offenses against child victims. When the offenses covered under this law have been committed against a victim under the age of 18, the statute of limitation does not commence to run until the victim reaches age 18 years old. The crimes include battery, assault, kidnapping, false imprisonment, rape, various sexual offenses, and other similar crimes.

Custody

Proceedings/Missing Child Inquiry - Act 84 (HB 1705) amends Ark. Stat. 34-2704 to provide a procedure for inquiry into the Missing Children Information Center in certain custody proceedings to determine if the child or children have been reported missing.

Transfer from Unlawful Custodian - Act 898 (SB 375) and Act 483 (HB 1704) amend Ark. Stat. 41-2416 to provide that in every case prior to serving a warrant for the arrest of the person charged with the offense of Interference with Custody, the law enforcement officer shall inform the Department of Human Services and a representative of the Department shall be present with the arresting officer to take temporary custody of the minor.

Driver's License

Parents' Signature - Act 409 (H.B. 1654) The Act amends Ark. Stat. 75-315(a) to allow either parent to sign for financial responsibility on a minor's application for a driver's license.

Emotionally Disturbed Youth

In-State Treatment - Act 1061 (HB 1779) requires the Department of Human Services to return to the State no later than June 30, 1989 all emotionally disturbed youth receiving treatment out-of-state and requires the Department to report monthly to the Legislative Council and the Joint Interim Committee on Public Health, Welfare and Labor the cost of providing in-state treatment as opposed to out-of-state treatment for emotionally disturbed youth.

Employment

Entertainment industry - Act 647 (HB 2016) allows for the employment of children in the entertainment industry and gives the Director of Labor the power to promulgate rules and regulations for the implementation of same.

Foster Care/Adoption

Race and Ethnic Heritage - Act 857 (HB 1723) requires consideration of a child's minority race or minority ethnic heritage in foster care placements and investigations for adoptive placement.

Guardian ad litem Fund/User Fee - Act 752 (HB 1683) amends Ark. Stat. 45-413(1)(e) to establish a "Guardian Ad Litem Fund" and establishes a fee which the court may order the parent or guardian of the estate of any child for whom a guardian ad litem is appointed to pay for services of a guardian ad litem.

Guardianship - See GUARDIANSHIP Pages 57-58

Handle Beer & Wine - Act 515 (SB 606). The Act amends Ark. Stat. 48-903.2 to require written consent of parent or guardian before a person who is 18 years old can handle or sell beer or wine in retail grocery establishments (sales over \$2 million) or in licensed wholesalers warehouses (previously it did not require parental consent for 18 year olds to work in these businesses).

Human Services Dept.

Investigation Fee - Act 978 (H.B. 1662) CIVIL LAW - Adoptions - Fee for Home Study - Permits Department of Human Services through regulation to set a maximum fee not to exceed actual costs for court ordered home studies when the Department is not otherwise involved with the placement.

Infants and Toddlers

Early Intervention Program - Act 658 (HB 1383) authorizes an early intervention program for infants and toddlers with handicaps and their families.

Interference w/Custody - Act 898 (SB 375) and Act 483 (HB 1704) amend Ark. Stat. 41-2416 to provide that in every case prior to serving a warrant for the arrest of the person charged with the offense of interference with custody, the law enforcement officer shall inform the Department of Human Services and a representative of the Department shall be present with the arresting officer to take temporary custody of the minor.

Interstate Compact on Juveniles - Act 585 (SB 356) and Act 469 (HB 1711) amend Ark. stat. 45-301 et seq., the Interstate Compact on Juveniles, to authorize and direct the Governor to ratify the "Rendition Amendment" to the Compact on behalf of this State. The Rendition Amendment provides that juveniles charged with being delinquent for violation of criminal law in one state shall be returned to the requesting state.

Juvenile Court - Act 14 (HB 1357). The Act transfers all matters pertaining to juvenile delinquency and violations of criminal laws of this state to a Juvenile Division of the Circuit Court of each county. The Act also transfers jurisdiction over all matters pertaining to juveniles in need of supervision and pertaining to dependent-neglected juveniles, other than juvenile delinquency in violations of criminal laws by juveniles to a Juvenile Division of the Probate Court of each county. The provisions of the Act cease to be in force at midnight of the sine die adjournment of the 77th Regular Session of the General Assembly unless otherwise specifically provided by law.

Kidnapping Children

Criminal Pays Expenses - Act 487 (H.B. 1709) The Act amends Ark. Stat. 41-803 and 41-804 to grant jurisdiction to the sentencing court to assess related expenses incurred in searching for or returning a missing child.

Missing Children

Clearinghouse Information - Act 486 (H.B. 1708) The Act amends Ark. Stat. 5-1126 to require the Missing Children Information Clearing House to release information upon request to any court in a pending custody proceeding when the court needs information concerning whether the child is reported as missing.

Definition - Act 485 (H.B. 1707) The Act amends Ark. Stat. 5-1125 to clarify the definition of missing child for the purpose of the Missing Children Information Clearing House.

Information Center - Act 841 (HB 1705) amends Ark. Stat. 34-2704 to provide a procedure for inquiry into the Missing Children Information Center in certain custody proceedings to determine if the child or children have been reported missing.

Notifications - Act 164 (SB 404) - Requires notice by certified mail to Division of Vital Records and school district by law enforcement officer of reported missing child. Both must notify law enforcement officer of inquiries received or record requests on such children.

Parents' Liability - Act 36 (HB 1044). The Act amends Ark. Stat. 50-109 by increasing the liability of parents for the willful or malicious destruction of property by their minor children to \$5,000. The previous limit was \$2,000.

Scoliosis Screening - Act 41 (HB 1031). The Act requires every public elementary and secondary school in the state and every other institution supported by State funds which provides education to minor children to institute a scoliosis screening program to be conducted in accordance with regulations promulgated by the State Board of Health.

MOTION PICTURES

Tax Incentives - Act 1032 (H.B. 2030) The Act amends Ark. Stat. 84-4806(c), the Motion Picture Tax Incentive Act, to provide that payroll expenses, catering expenses, and pre-production and post-production expenses paid in certain ways will qualify for the tax incentive to make motion pictures in Arkansas.

MOTOR FUEL

See TAXES Page 139

MOTOR VEHICLES

Abandoned

Auto Repair Facility (repealed by 828) - Act 166 (HB 1033) - Includes in definition of abandoned vehicle those which are unclaimed for a period of ninety days on the premises of an automobile repair business. Amends Section 1 of Act 344 of 1953, as amended. Act 828 amends same Section of Act 344 of 1953 and may supersede this Act.

Notice - Act 828 (HB 2001) amends Ark. Stat. 75-1034 and 75-1034.1 to require notice to owners and lienholders of abandoned motor vehicles.

Accidents

Private Property (repealed by 598) - Act 88 (HB 1008). The Act amends Ark. Stat. 75-901, 75-902, 75-904 and 75-905, relating to motor vehicle accidents resulting in injury or death to any person, damage to vehicles or damage to fixtures upon or adjacent to the highway. The Act amends the statutes to provide that all accidents are included which occur upon a street or highway or upon the parking area of private business establishments or elsewhere throughout the state.

Remove Vehicle from Highway - Act 598 (H.B. 1176) The Act amends Ark. Stat. 75-902 to require the driver of a motor vehicle involved in an accident to remove the vehicle from the roadway unless the vehicle is disabled or there is visible or apparent injury to a person (previously a person was to stop and to obstruct traffic as little as possible). The Department of Education and the State Police are to instruct in driver's training that the vehicle is to be removed and to test for the subject of the driver's license examination.

All-Terrain Vehicles

Dealers - Act 620 (HB 1591) amends Ark. Stat. 75-2303(1) and 75-2313 and redefines the term "motor vehicle" to include vehicles having two or more wheels rather than having four or more wheels and providing that licenses relating to motor vehicles having fewer than four wheels shall be required beginning July 1, 1987 under the Arkansas law regarding the regulation of manufacturers and dealers of motor vehicles.

Disabled Operators - Act 1029 (H.B. 1947) The Act permits any person with serious walking handicap to operate an all-terrain vehicle on non-hard surfaced roads and on the right-of-way of State and federal highways as a means of transportation. It defines "serious walking handicap" as one certified by a physician.

Regulated Use - Act 804 (HB 1373) regulates all-terrain vehicles.

Civil Liability

Loss or Damage - Act 70 (HB 1278). The Act amends Ark. Stat. 75-918 to provide that if the property damage resulting from a motor vehicle collision amounts to \$1,000 or less, and the person liable therefor, without meritorious defense, falls to pay, then the person will be liable for double the amount together with reasonable attorney's fees of not less than \$250 and court costs.

Commercial Vehicles

Temporary Registration - Act 589 (S.B. 393) The Act re-enacts Act 1179 of 1975 (1976 Extended Session) to provide for the issuance of a special temporary license for commercial vehicles who desire to operate temporarily (72 hours) in this State. The previous law (Act 1179) was subject to constitutional challenge under the Ricarte v. State, 717 S.W. 2d 488, decision.

DWI

Blood Test - Act 75 (SB 30). The Act amends Ark. Stat. 75-1045(a) to provide that a person who is involved in an accident while operating or in actual physical control of a motor vehicle shall be deemed to have given consent to a chemical test to determine the amount of alcohol or drugs in the person's blood.

Definition - Act 765 (HB 1801) amends Ark. Stat. 75-2502(a) to revise and clarify the definition of "Intoxicated" for purposes of DWI.

License Suspension - Act 277 (H.B. 1255) The Act amends Ark. Stat. 75-1045(d) establishing periods for suspension of driver's license for drivers who refuse to submit to chemical test to determine the alcohol content in their blood for D.W.I. cases (previously there were no maximum times for suspensions).

Dealer Tags - Act 537 (HB 1753) The Act amends Ark. Stat. 75-201(F) to exempt motor vehicle dealers licensed by the Arkansas Motor Vehicle Commission from the requirement of certification by the county sheriff or city police chief that the dealer is a bona fide place of business in order to receive dealer tags.

Dealers - Act 645 (HB 1995) amends Ark. Stat. 75-2303 and 75-2303(7) to redefine the terms "motor vehicle dealer" and "motor vehicle salesman" under the Arkansas Motor Vehicle Commission Act.

Three Wheelers/Two Wheelers - Act 620 (HB 1591) amends Ark. Stat. 75-2303(1) and 75-2313 and redefines the term "motor vehicle" to include vehicles having two or more wheels rather than having four or more wheels and providing that licenses relating to motor vehicles having fewer than four wheels shall be required beginning July 1, 1987 under the Arkansas law regarding the regulation of manufacturers and dealers of motor vehicles.

Dealership Franchises

Transfer - Act 663 (HB 1773) amends Ark. Stat. 75-2305 to grant the Motor Vehicle Commission the authority to control the transfer of dealership franchises.

Driver's License

Fee - Act 274 (H.B. 1015) The Act amends Ark. Stat. 75-311 to require applicants for driver's license after January 1, 1989, to supply their social

security number to the Revenue Department. It amends Ark. Stat. 75-320 to require that after January 1, 1989, all driver licenses issued contain licensee's social security number.

Minors - Act 409 (H.B. 1654) The Act amends Ark. Stat. 75-315(a) to allow either parent to sign for financial responsibility on a minor's application for a driver's license.

social Security Number - Act 274 (H.B. 1015) The Act amends Ark. Stat. 75-311 to require applicants for driver's license after January 1, 1989, to supply their social security number to the Revenue Department. It amends Ark. Stat. 75-320 to require that after January 1, 1989, all driver licenses issued contain licensee's social security number.

Suspension - Act 277 (H.B. 1255) The Act amends Ark. Stat. 75-1045(d) establishing periods for suspension of driver's license for drivers who refuse to submit to chemical test to determine their alcohol content in their blood for D.W.I. cases (previously there were no maximum times for suspensions).

Drivers Records

Speeding Violations - Act 721 (HB 1174) amends Ark. Stat. 75-1013.1 to provide that the Department of Finance and Administration shall not include in a driver's traffic violation report any speeding convictions where the speed was less than 75 miles per hour.

Garbage Trucks

Weight Variance - Act 379 (SB 612) - Permits an 8% weight variance for vehicles hauling solid waste. Maximum gross weight is not to exceed eighty thousand pounds.

Insurance

Funeral Benefits - Act 336 (SB 471) - Adds funeral expenses into required coverage of personal automobile liability insurance. Limited to \$5,000 per person.

Liability/Mandatory - Act 442 (S.B. 41) The Act requires mandatory motor vehicle liability insurance. The Act provides a fine for operating a motor vehicle without the required insurance and prohibits the issuance of a motor vehicle license plate without satisfactory proof of insurance coverage.

Liability/Mandatory - Act 474 (S.B. 83) The Act requires all motor vehicle operators to carry liability insurance. Failure to carry the required insurance constitutes a Class A misdemeanor.

Liability/Mandatory - Act 971 (H.B. 1171) - Amends Act 442 of 1987 to exempt the Department of Finance and Administration from liability for damages resulting from their record keeping under the Act or the issuance or renewal of any license plate.

Underinsured Motorist Coverage - Act 335 (SB 470) - Insurer must offer underinsurance to allow insured to recover amounts above coverage of owner/operator of other vehicle.

Motorcycles

Registration Fees - Act 145 (HB 1353) Motorcycles, Motor-driven Cycles and Sidecars - Changes current law from "motorbikes" to "motor-driven cycles". Fees remained same.

Motorcycles/Motor Driven Cycles

1976 Reenactment - Act 1019 (HB 1929) (Act 1236) The 1976 Act amended Ark. Stats. 75-1710 - 75-1713 relating to a motorcycle operator's license. Ark. Stats. 75-1711 and 75-1712 were amended by Act 972 of 1985. The law prohibits a person 16 years of age or older from operating a motorcycle, motor driven cycle or a similar classified motor vehicle unless the person holds a motorcycle operator's license. It provides the two prerequisites for issuance of a motorcycle operator's license and requires the person to take an examination. The provisions also authorize the State Department of Education to prescribe and offer a course in motorcycle and motor driven cycle operator instruction, to be conducted as part of the driver education program.

Motorized Bicycles

Driver's License - Act 410 (H.B. 1656) The Act amends Ark. Stat. 75-1714.1 to require applicants for a motorized bicycle certificate to pass a road test.

POW License Plates - Act 61 (SB 166). The Act provides that a prisoner of war license plate shall be re-issued to a surviving spouse of a person who was a prisoner of war upon payment of the normal registration fee of the motor vehicle.

Parking Lights - Act 257 (H.B. 1010) The Act repeals Ark. Stats. 75-702.1 to thereby permit the daylight use of running or parking lights without headlights (previously, the use of parking lights alone was unlawful).

Pearl Harbor Survivor License Plates - Act 883 (SB 136) The Act provides for the issuance of a quote "Pearl Harbor Survivor" license plate.

Reckless Driving - Act 258 (H.B. 1024) The Act amends Ark. Stats. 75-1003 to increase the criminal penalties for reckless driving in cases that involve physical injury to a person to 30 to 90 days in jail and a fine of \$100 to \$1,000 (previously, penalties were 5 days to 90 days in jail and a fine of \$25 to \$500 without regard for physical injuries to others).

Registration Records

Confidentiality - Act 371 (SB 499) - Permits limited use of motor vehicle registration information for safety recall programs and other federal or state programs in which identifying owner information is not disclosed. Prohibits sale of registration information.

Right Turn on Red

1976 Reenactment - Act 865 (HB 1881) Permits right turns on "red" at intersections which do not have sign which prohibits such. Also allows turns on red from left lane of a one-way street into another one-way street. The 1979 amendments have been incorporated into this version.

Salesmen - Act 645 (HB 1995) amends Ark. Stat. 75-2303 and 75-2303(7) to redefine the terms "motor vehicle dealer" and "motor vehicle salesman" under the Arkansas Motor Vehicle Commission Act.

Temporary License Plates

1976 Reenactment - Act 992 (HB 1902) (Act 1179 of 1975) Allows special temporary license for commercial motor vehicles. Special Point: Act is supplemental to Ark. Stat. 75-229 - motor vehicles delivered from manufacturer to dealers (Motor Vehicle-In-Transit Tag) and Ark. Stat. 75-235.1 (Drive-out Tag authorized - dealer sells to non-resident).

Tinted Windows - Act 450 (H.B. 1227) The Act restricts the use of after-market tinting and striping on glass in motor vehicles. Any vehicle having after-market tinting material on any glass must display a label affirming that the tinting on the vehicle conforms to the requirement of the Act. Any installer of motor vehicle glass or any other person who violates the Act is guilty of a Class B misdemeanor.

Trucks/One Ton

Fee for Farm Diesel Fuel - Act 640 (HB 1939) amends Ark. Stat. 75-1276 to assess a \$100 permit fee to allow one-ton trucks to use on-farm diesel fuel.

Veteran's License Plate - Act 59 (SB 3). The Act amends the Handicapped Persons' Access to Parking Act of 1985 (Act 907 of 1985) to make it also apply to vehicles bearing disabled veterans' license plates.

Weight Variance

Farm Products - Act 278 (H.B. 1298) The Act amends Ark. Stat. 75-817(g) relating to variances of truck weight restriction for forest and farm products to insure that drying and storing do not constitute processing or finishing the products.

Garbage Trucks - Act 379 (SB 612) - Permits an 8% weight variance for vehicles hauling solid waste. Maximum gross weight is not to exceed eighty thousand pounds.

NURSES

License Renewal - Act 147 (SB 33) - Amends current law to allow cyclical biennial renewal of licenses rather than renewal during same month each year.

Non Resident - Act 148 (SB 35) - Repeals superseded acts concerning licensure of nonresident nurses in titles on the state line.

NURSING HOMES

Administrators

License - Act 320 (SB 284) - Changes licensure of nursing home administrators to fiscal year from calendar year. Increases fee from \$50 to \$100 for active administrators and requires continuing education.

License Fees - Act 714 (SB 640) amends Ark. Stat. 82-2234 and repeals Ark. Stat. 82-346 and Section 4 of Act 884 of 1985 and increases the annual fee for applicants for nursing home licensure to \$160 per patient bed, etc.

OIL AND GAS

Gas

Division Orders - Act 605 (HB 1325) requires division orders or any declaration of interests in gas between the purchaser of gas production and the owner/owners of the production in Arkansas or between the purchasers of gas production or the owner/owners of the production and the royalty interest owners in Arkansas shall contain certain specified information.

Sale of Production - Act 93 (SB 209). The Act requires in certain instances the operator of a commercially productive gas well to sell and the operator's first purchaser to purchase the gas production attributable to the interest to a party who has participated in the cost and expenses of the gas well.

LP Gas

Cylinder Exchange Stations - Act 842 (HB 1803) and Act 375 (SB 537) amend Ark. Stat. 53-721 "The Liquefied Petroleum Gas Board Act" to provide for the establishment and operation of D.O.T. cylinder exchange stations for the convenient exchange of portable liquefied petroleum gas containers.

Leases

Assignment - Act 578 (S.B. 86) The Act requires an oil and gas leasee that assigns a working interest in the lease to a third party to notify the lessor by certified mail within 30 days of the assignment. Subsequent assignor must also notify the lessor and the Oil and Gas Commission shall promulgate rules to insure compliance with the law. The law does not apply to leases in areas that "historically produced liquid hydrocarbons only" (oil leases).

Oil and Gas Commission

Hearing Officer - Act 154 (HB 1082) - Deletes from current law the authority of hearing officer to vote on adoption of rules, regulations or orders in absence of Commission member.

Royalties - Act 94 (SB 210). The Act amends Ark. Stat. 53-115(a-1) relating to the payment of oil and gas royalties and Ark. Stat. 53-525(B) and (C) to modify the penalty provisions for the willful withholding of royalty payments. The Act is not applicable to any producing unit or well that produces liquid hydrocarbons only or liquid hydrocarbons associated with the production of gas or gas produced associated with the production of hydrocarbons.

OMBUDSMAN - Act 252 (H.B. 1355) The Act requires the Department of Human Services to establish an ombudsman program for the elderly. The ombudsman shall not be denied access to any patient in a long-term care facility.

ONE CALL CENTER

Excavation or Demolition - Act 600 (HB 1187) the "Arkansas Underground Facilities Damage Prevention Act" which sets up methods for utility operators to register underground facilities at a central information center and a requirement that persons intending to excavate or demolish must notify the central information center prior to the excavation or demolition.

OPEN CUT MINING - Act 664 (HB 1991) amends the "Arkansas Open cut Land Reclamation Act of 1977" to provide that affected lands required to be permitted under the Act includes all areas of surface disturbance related to the mining operations, and provides that persons Producing more than 100,000 tons per year of sand and gravel from all operattons in Arkansas are required to obtain a Class A permit for all affected lands, etc.

OPHTHALMIC DISPENSERS - Act 966 (S.B. 652) - Increases from \$50 to \$100 the initial application fee for dlspensing opticians and additional examinations cost \$50. Annual renewal fees are \$50 with a penalty of UP to \$100 for falling to renew by July 1. If the name of the optcal dlspensary does not Include a proper name of a licensed optician, optometrist or physician, a certificate of ownership must be filed annually wth the State Board of Dispensing Opticians.

OPTICAL DISPENSARIES - A 966 (S.B. 652) - ncrea from \$5 t \$100 the initial application fee for dlspensing opticians and additional examinations cost \$50. Annual renewal fees are \$50 with a penalty of up to 100 for falling to renew by July 1. If the name of the optcal dlspensary does not include a proper name of a licensed optician, optometrist or physician, a certificate of ownership must be filed annually with the State Board of Dispensing Opticians.

OPTICIANS - Act 966 (S.B. 652) - Increases from \$50 to \$100 the initial application fee for dlspensing opticians and additional examinations cost \$50. Annual renewal fees are \$50 with a penalty of up to \$100 for falling to renew by July 1. If the name of the optcal dlspensary does not Include a proper name of a licensed optician, optometrist or physician, a certificate of ownership must be filed annually wth the State Board of Dispensing Opticians.

OPTOMETRY

Ophthalmic Dispensers - Act 966 (S.B. 652) - increases from \$50 to \$100 the initial application fee for dlspensing opticians and additional examinations cost \$50. Annual renewal fees are \$50 with a Penalty of up to \$100 for failing to renew by July 1. If the name of the optcal dlspensary does not Include a proper name of a licensed optician, optometrist or physician, a certificate of ownership must be filed annually wth the State Board of Dispensing Opticians.

Pharmaceutical Agents - Act 101 (SB 79) - Defines 'practice of optometry; authorizes certain professionals to prescribe topically applied drugs; establishes Internshlp program and examination to be administered by State Board of Optometry.

PHYSICAL THERAPIST

License Fees - Act 503 (SB 415). The Act amends Ark. Stat. 72-611 to Increase appllcatlon fees for medical practice by examlnatlon to \$400 (previously \$250). It amends Ark. Stat. 72-1327 to Increase the annual registration fee for physlcal therapists to \$10.00 (previously \$3.00).

PHYSICIANS

Dispensing Physicians - Act 190 (HB 1064) - Correct erroneous reference in statutes concerning physlclans in practice twelve months prior to effectlve date of 1983 Act.

Medical Records

Discovery Fee - Act 359 (SB 138) - Allows the court to require payment of a fee not limited to duplication costs for medical records subject to discovery from physicians or hospitals.

PLUMBERS

Apprentice Plumber Program - Act-768 (HB 1831) creates an apprentice plumber program.

Licensure - Act 816 (HB 1766) amends Ark. Stat. 71-1205 et seq., The Plumbers' Licensure Act, to clarify the powers of the State Board of Health, to increase the membership on the Committee of Examiners and to increase the amounts of fines and penalties.

POLICE

Auxiliary Police

Immunity - Act 275 (H.B. 1217) The Act amends Ark. Stat. 42-1408 to say that cities using auxiliary police officers may not be held liable either civilly or criminally for the actions of an auxiliary law enforcement officer.

Civil Service

See CITIES Page 14

Continued Employment Incentives - Act 878 (SB 10) The Act provides additional retirement benefits for policemen and firemen hired prior to January 1, 1983 and who continued to work beyond their 25th year.

Disabled

Benefits - Act 325 (SB 364) - Act provides for disability benefit of 65% of salary to full-paid firefighters and policemen injured in the line of duty. Defines such as while conducting official operations or while in training. Applies to qualified applicants after January 1, 1987.

Federal

Arrest Power - Act 496 (S.B. 279) The Act empowers certain federal law enforcement officers to arrest persons who violate Arkansas laws.

Holiday Pay - Act 501 (SB 345). The Act amends Ark. Stat. 19-1721 to allow city policemen and firemen to receive compensation for work on holidays in a lump sum payment each year (previously they were paid during each regular payroll period for work on holidays).

Local Police Pension Funds

Fines and Forfeitures - Act 690 (SB 442) repeals Ark. Stat. 19-1802.1 which makes the 10% of all fines and forfeitures collected by the police department of cities under the provisions of Ark. Stat. 19-1801 through 19-1821 will now apply to cities with an assessed property evaluation in excess of \$200,000,000.

Overtime Pay - Act 984 (H.B. 1786) - Permits first class cities having a population of 25,000 or more to elect to have their officers receive compensatory time off rather than additional pay for hours worked in excess of 40 per week.

Patrol of Hwy/City Police - Act 509 (SB 513). The Act prohibits municipal police from patrolling limited access highways except as authorized by the Director of State Police.

Radio Frequencies - Act 251 (H.B. 1322) The Act amends Ark. Stats. 42-1108 to authorize law enforcement agency directors and department heads to approve radio transmissions by non-law enforcement persons over radio frequencies assigned to the agency or department.

Retirement

See RETIREMENT Pages 102-103

State Capitol Police - Act 468 (H.B. 1695) The Act requires officers of the State Capitol Police to successfully complete the training course at the Law Enforcement Training Academy.

Time Off - Act 984 (H.B. 1786) - Permits first class cities having a population of 25,000 or more to elect to have their officers receive compensatory time off rather than additional pay for hours worked in excess of 40 per week.

Weapons - Act 734 (HB 1553) amends Ark. Stat. 41-3151 to permit certified law enforcement officers to carry weapons at all times.

PORT AUTHORITIES - Act 46 (HB 1421). The Act amends Ark. Stat. 21-1509(a) and 21-1510 to allow a metropolitan port authority to issue revenue bonds for the purpose of applying a major portion of the proceeds to the acquisition of an investment contract or contracts.

1976 Reenactment - Act 1017 (HB 1927) (Act 1232) The 1976 Act amended Ark. Stats. 20-1509, 21-1510 and 21-1517 pertaining to the Metropolitan Port Authority Act of 1961. Ark. Stat. 21-1509 was amended by Act 425 of 1981. Ark. Stat. 21-1517 was amended by Act 425 of 1981 and Act 623 of 1983. The Metropolitan Port Authority may be created by ordinance of two or more counties or two or more municipalities, or one or more counties in one or more municipalities. Ark. Stat. 21-1509 authorizes Port Authorities to issue bonds on a resolution of the Port Authority. Ark. Stat. 21-1510 provides that the principal of, interest on the trustees and paying agents' fees in connection with each issue of bonds shall be secured by a pledge of and shall be payable from the revenues derived from the lands, buildings or facilities requiring construction, reconstructed, extended, improved or equipped in whole or part with the proceeds of the bonds of the particular bond issue. It provides that the bonds are a general obligation of the Port Authority and that the Act is the sole authority for issuance of bonds and for the exercise of the powers of the Port Authorities. Ark. Stat. 21-1517 is the definition section for the Metropolitan Port Authority Act.

POULTRY

Diseased Flock - Act 413 (H.B. 1736) The Act authorizes the Livestock and Poultry Commission to negotiate the purchase of condemned diseased poultry flocks

and to dispose of the diseased Poultry to prevent the spread of disease.

PREMARITAL AGREEMENTS - Act 715 (SB 655) "The Arkansas Premarital Agreements Act" establisghing the form, content, effect, enforceability, etc. of premarital agreements.

PRISON OVERCROWDING ACT - Act 418 (S.B. 234) The Act is the Prison Overcrowding Emergency Powers Act of 1987. The Act provides for the moving up of certain inmates parole ellgibility dates or mlnimum release dates In emergency overcrowding situations.

PRIVATE INVESTIGATORS

Telecommunications Employees - Act 630 (HB 1781) amends Ark. Stat. 71-2124 to exempt telecommunications company employees under provisions of the Private Investlgator Law.

Voice Stress Analysis - Act 858 (HB 1775) provides for the licensure of voice stress analysls examlners by the Arkansas Board of Private investigators.

PROBATE

Consanguinlty - Act 847 (HB 1671) amends Ark. Stat. 61-144 to Prescribe the method of, computing degrees of consangulnlty.

Distribution - Act 643 (HB 1958) amends Ark. Stat. 62-2909.1 and 62-2909.3 to alter the method of computing the marital deduction in estate planning.

Small Claims - Act 907 (SB 646) The Act amends Ark. Stat. 62-2605(c) relating to the admlnstratlon of decedents' estates to enlarge the type of claims and to increase the amount of claims which may be paid by the personal representative without havng to file the claim.

Small Estates - Act 163 (SB 400) CIVIL LAW - increases value of small estate from \$25,000 to \$50,000 for distributon without appolntment of personal representative.

PUBLIC FACILITIES BOARDS

1976 Reenactment - Act 1012 (HB 1922) (Act 1224) The 1976 law amended Ark. Stat. 20-1704 which provldes the power of Public Facillties Boards. Ark. Stat. 20-1704 was amended by Act 446 of 1977, Act 857 of 1981, Acts 18 and 23 of the First Extraordinary Session of 1981, and Act 973 of 1985.

Bond Proceeds - Act 47 (HB 1449). The Act amends various sections of Act 142 of 1975, as amended, to authorize public facilities boards to issue revenue bonds to fnance the cost of public facilities projects and expenses of Issuing the bonds and allows the major portion of the proceeds to be Invested pursuant to investment contracts. The Act deciares that issuance of bonds for such purposes is a public purpose for the Issuance of revenue bonds under Amendment 65.

Capital Improvement Facilltles - Act 929 (SB 639). The Act amends Ark. Stat. 20-1704.2 relating to public facillty boards to redeflne the term "other capital Improvement facilltles." The Act amends Ark. Stat. 20-1706(a) to provide that members of public facillties boards shall receive no compensation but shall be entitled to relmbursement for necessary expenses.

Expense Relmbursement - Act 929 (SB 639). The Act amends Ark. Stat.

20-1704.2 relating to public facility boards to redefine the term "other capital improvement facilities." The Act amends Ark. Stat. 20-1706(a) to provide that members of public facilities boards shall receive no compensation but shall be entitled to reimbursement for necessary expenses.

insurance - Act 407 (H.B. 1631) The Act amends Ark. Stat. 20-1706 to allow a city covered by the Municipal Ambulance Licensing Law to enter into an inter-local agreement with another city or the county for the regulation of emergency and non-emergency ambulance services. The act allows Public Facilities Boards to expand pursuant to such Inter-local agreements.

Interlocal Agreements - Act 407 (H.B. 1631) The Act amends Ark. Stat. 20-1706 to allow a city covered by the Municipal Ambulance Licensing Law to enter into an inter-local agreement with another city or the county for the regulation of emergency and non-emergency ambulance services. The act allows Public Facilities Boards to expand pursuant to such Inter-local agreements.

Membership - Act 407 (H.B. 1631) The Act amends Ark. Stat. 20-1706 to allow a city covered by the Municipal Ambulance Licensing Law to enter into an Inter-local agreement with another city or the county for the regulation of emergency and non-emergency ambulance services. The act allows Public Facilities Boards to expand pursuant to such Inter-local agreements.

PUBLIC FUNDS

County Depository Boards - Act 250 (H.B. 1279) The Act requires county officials to invest public funds to receive optimum interest rates and provides for the establishment of a county depository board to designate the depository institutions and supervise the investment of public funds of the county.

PUBLIC RECORDS

Entitles Liable to the State - Act 895 (SB 338) The Act provides that records prepared by or in the possession of entities having potential liability for payment for services provided by or paid for by a state agency, shall be made available to representatives of the State of Arkansas. The Act applies to, but is not limited to, records of private health insurance carriers.

Freedom of Information - Act 49 (SB 128). The Act amends the Freedom of Information Act to specify records which are not deemed to be made open to the public. The Act provides that in an action to enforce rights granted under the Freedom of Information Act, the Court shall assess against the defendant reasonable attorney's fees and other litigation expenses unless the defendant was substantially justified or other circumstances make the award of expenses unjust. The Act makes a negligent violation of the Freedom of Information Act a misdemeanor.

Legislative Audit

Working Papers/Confidential - Act 436 (H.B. 1677) The Act exempts certain working papers of the Division of Legislative Audit from the Freedom of Information Act.

Motor Vehicle Registrations

Restrictions - Act 371 (SB 499) - Permits limited use of motor vehicle registration information for safety recall programs and other federal or state programs in which identification

tifying owner Information is not disclosed. Prohibits sale of registration information.

Preservation - Act 500 (SB 323). The Act amends Ark. Stat. 16-702, 16-704, and 16-705 to eliminate some of the requirements for the storage and preservation of State records and lessens the role of the State Historian in the preservation of State records by a State agency. It repeals Ark. Stat. 16-706, 16-707 and 16-708 to do away with the State Records Committee and the Local Government Records Committee and the transfer of records to the State Archives.

PUBLIC WORKS PROJECTS

Bid Bonds - Act 758 (HB 1759) amends Ark. Stat. 13-348(c), 14-114, 14-115 and 14-612 to allow the bid bond to be held when no performance bond is required and to relieve a bidder due to scrivener error under construction contract bidding procedures.

Bidders Preference - Act 281 (H.B. 1510) The Act amends Ark. Stat. 14-614.2 to provide that a contractor must maintain a staffed office in Arkansas in order to qualify for a preference over out-of-state contractors for public works projects.

Bidding Errors - Act 758 (HB 1759) amends Ark. Stat. 13-348(c), 14-114, 14-115 and 14-612 to allow the bid bond to be held when no performance bond is required and to relieve a bidder due to scrivener error under construction contract bidding procedures.

On-Site Inspections by SBS - Act 815 (HB 1746) amends Ark. Stat. 5-1022(a) to authorize the Arkansas State Building Services Council to include on-site inspections for certain capital improvement projects and to prevent state agencies and institutions from performing inspection responsibilities of licensed architects and engineers.

PURCHASING

Medical items - Act 983 (H.B. 1768) - Exempts from state purchasing law medical items used for the treatment and diagnosis of patients procured through a group purchasing entity provided substantial annual savings can be documented to the Director of State Purchasing.

Small Purchases - Act 540 (HB 1856) The Act amends Ark. Stat. 14-252(J) to increase the maximum price for "small purchases" from \$300 to \$500. It amends Ark. Stat. 14-254(B) to increase the limit for requiring competitive sealed bidding for State purchases from \$2,000 to \$5,000.

RACING

Dogs - Act 383 (SB 565) - Increases from 60 to 75 the two racing meets and authorizes an additional 3 instead of 2 days to benefit charitable purposes and the Development Disabilities Services Division. Increases from 12 to 15 the additional days during each twelve month period to benefit indigent health care and emergency medical services. Provides for use of unredeemed winning tickets and to permit wagering upon racing at other racing facilities.

Horses - Act 440 (S.B. 625) The Act revises various laws relating to horse racing in Arkansas. The Act authorizes a total of 68 racing days and authorizes

agreements whereby patrons may wager on races at other tracks which are shown on live television at the Arkansas race track. The Act also revises the disposition of moneys wagered and the disposition of breaks.

RADIATION - Act 504 (SB 417). The Act amends Ark. Stat. 82-1514 and 82-1516, the Ionizing Radiation Control Act, to add several definitions to the Act and to authorize and establish fees for licensing and registration of sources of ionizing radiation (x-ray radiation and other radioactive materials). It allocates the revenue from the fees collected to the Public Health Fund.

RADIOACTIVE WASTE

Low-Level

Disposal - Act 562 (HB 1653) The Act provides that all facilities in Arkansas for the storage and disposal of low-level radioactive wastes shall be above ground facilities and meet the requirements specified in this Act. The implementation of this Act is not intended to impair Arkansas' continued membership in the Central States Low-Level Radioactive Waste Compact and if a provision of the Act conflicts with the Compact, then the Compact provision controls.

REAL ESTATE AGENTS

Brokers Selling by Auction - Act 1038 (S.B. 384) The Act authorizes real estate brokers selling real estate by auction only to employ real estate salesmen to work under his license and prohibits the Real Estate Commission from adopting or enforcing any rules to the contrary.

Brokers/Qualifications - Act 1041 (S.B. 462) The Act amends Ark. Stat. 71-1604.2 to add a qualifying prerequisite to taking the real estate broker's license exam that a person may have served a two year apprenticeship as a broker in Arkansas or in another state within the last ten years.

Continuing Education - Act 453 (H.B. 1330) The Act requires real estate brokers and salesmen to participate in continuing education as a condition for renewal or activation of licenses.

REAL PROPERTY

See LIENS Pages 71-72

RENTAL PURCHASE AGREEMENTS - Act 490 (H.B. 1694) The Act is the "Rental-Purchase Act". The Act provides minimum standards for the disclosure, use and advertisement of rental-purchase agreements.

RETIREMENT

City Clerks - Act 117 (HB 1075) - Amending to permit clerk or clerk treasurer with ten years of service upon reaching age sixty or with twenty years without regard to service to retire.

City Treasurers - Act 117 (HB 1075) - Amending to permit clerk or clerk treasurer with ten years of service upon reaching age sixty or with twenty years without regard to service to retire.

City Water & Sewer Personnel - Act 376 (SB 538) - Refund to municipality Requires the Public Employees Retirement System to refund to municipalities

whose water and sewer departments become leased, all employer contributions paid on behalf of the utility employees minus the present value of future benefits owed current retirees and beneficiaries and 20% withheld for employees who may re-enter the system.

County Officials

Certain Officials - Act 43 (HB 1146). The Act authorizes any person who ceased to serve as an elected county official during 1986 and who served in that capacity since 1965 and who opted not to be covered by PERS from January 1, 1965 through December 31, 1971 to purchase credit with PERS for those years, plus up to three years for service on active duty in the military.

Incentives - Act 717 (HB 1022) provides retirement incentives for persons retiring from the county division of the Public Employees Retirement System between April 7, 1987 and January 1, 1988.

Minimum Benefits - Act 352 (HB 1562) - County Division Guarantees vested members with at least 8 years as a County Elected Constitutional Officer a straight life annuity of \$3,750 per month. Applies to County Judges, Circuit Clerks, County Clerks, Assessors, Treasurers, Sheriffs and Sheriff-Collectors.

Firefighters

1976 Reenactment - Act 988 (HB 1897)(Act 1159 of 1975) Allows Local Firemen and Police Retirement members to become members of PERS, subject to conditions: (i) person was PERS member or eligible before July 1, 1982; (ii) pays all contributions and 6% interest; and (iii) payment made in lump sum. The 1983 amendments allow similar treatment for TIAA-CREF members (mostly Department of Higher Education employees).

Benefits - Act 279 (H.B. 1301) The Act amends Ark. Stat. 19-1822 and 19-2230 to repeal the fifty percent of current benefits cap on benefit increases for retired members of local firemen's and policemen's pension funds.

Benefits - Act 396 (HB 1305) - Provides for enhanced benefits of \$20. per month for each year above twenty, not to exceed \$100 per month, for full-paid firemen and police who continue to work beyond their twentieth year.

Disabled - Act 325 (SB 364) - Act provides for disability benefit of 65% of salary to full-paid firefighters and policemen injured in the line of duty. Defines such as while conducting official operations or while in training. Applies to qualified applicants after January 1, 1987.

Fire & Police Pension Review Board - Act 142 (HB 1444) - Amends current board membership to eliminate State Auditor as ex-officio member and designated chairman. Permits the Board to elect a chairman.

Incentives - Act 878 (SB 10) The Act provides additional retirement benefits for policemen and firemen hired prior to January 1, 1983 and who continued to work beyond their 25th year.

LOPFI Contributions - Act 271 (S.B. 99) The Act amends Ark. Stat.

12-3806.10 to change the delinquency period for retirement contributions for police and firemen retirements to 10 days after it is due (previously it was 60 days).

Member of Multiple Systems - Act 111 (SB 38) - Provides for service credit for certain volunteer service with previous fire departments upon retirement, if the previous pension system is actuarially sound.

Salary Definition - Act 389 (HB 1312) - Amends benefit provisions of Act 491 of 1921 (Ark. Stat. 19-2204) to define salary as "recurring pays" which are received for a regularly scheduled work week and not including payments for unused accrued sick leave or annual leave or the cash value of any non-recurring or unusual remunerations.

Volunteers - Act 797 (HB 1012) amends Ark. Stat. 19-2227 to provide for increased retirement benefits to retired volunteer fire fighters.

Highway Employees

increased Benefits - Act 809 (HB 1576) amends Ark. Stat. 12-2511.23, 76-1912.5 and 76-1912.6 to provide a five percent to twenty percent ad hoc increase to Public Employees Retirement System retirees and a one percent to fifteen percent increase to Highway retirees.

Military Service - Act 455 (H.B. 1356) The Act permits certain persons who are members of the Arkansas State Highway Employees Retirement System to purchase up to three years of creditable service in the system for military service after becoming a member of the system. The Act is supplemental to any other law relating to the members of the Arkansas State Highway Employees Retirement System, but in no event may a member receive in excess of five years of creditable service for military service.

Options - Act 315 (SB 22) and Act 119 (H.B. 1491) permits a member's right to convert to Straight Life Annuity if designated beneficiary who is not a spouse ceases to be a qualified beneficiary.

Incentives - Act 187 (HB 1516) provides benefit enhancements for persons in the State Division of PERS, the Arkansas State Highway Employees Retirement System and State Police Retirement System who retire between the effective date of the Act and January 1, 1988.

Judicial

Court Costs - Act 139 (SB 316) requires funds received as additional court cost to be remitted to PERS and then to State Treasury for deposit in Constitutional and Fiscal Agencies Fund.

Mandatory - Act 256 (H.B. 1511) The Act amends Ark. Stats. 22-902 to allow judges who become seventy (70) years of age during their term of office to finish their term without loss of retirement benefits.

Military Service - Act 218 (H.B. 1570) and Act 92 (S.B. 183) amend Ark. Stats. 12-2524 to clarify that Act 634 of 1973 applies only to the Judicial Retirement System in granting credit for up to two years of service in the armed forces in World War I, World War II, Korean War, and Vietnam War.

Municipal Court Personnel - Act 641 (HB 1944) provides for retirement benefits for former municipal court clerks who retired under retirement laws

effective prior to March 23, 1973 and whose retirement benefits were paid from the city general fund and for surviving spouses of municipal judges who retired under retirement laws effective prior to March 23, 1973 and whose retirement benefits were paid from the city general fund.

Municipal Judges - Act 897 (SB 355) The Act amends Ark. Stat. 22-904.2 pertaining to the transfer of credited service by a municipal judge to a judicial retirement system. The Act allows a city council or board of directors to transfer to the judicial retirement system court cost collected during the tenure of the municipal judge.

Transfer from PERS - Act 198 (HB 1240) Permits member of Judicial Retirement to transfer time from PERS with payment of full costs plus 6% interest.

LOPFI

Board - Act 405 (H.B. 1589) The Act allows active members to serve on Local Police and Fire Pension Fund Boards of Trustees when no retirees are available to serve on the Board.

Contributions - Act 271 (S.B. 99) The Act amends Ark. Stat. 12-3806.10 to change the delinquency period for retirement contributions for police and firemen retirements to 10 days after it is due (Previously it was 60 days).

Public Safety Service - Act 357 (SB 100) Reciprocity between PERS and LOPFI - Allows persons covered at various times by either system under certain conditions to receive benefits payable by each system. Permits person barred from LOPFI due to age requirements to participate retroactive to January 1, 1987, upon payment of all contributions.

Mayors - Act 414 (H.B. 1489) The Act provides the retirement benefits of mayors and cities of the first class and provides benefits to the surviving spouse of a mayor who died in office after becoming eligible to retire.

PERS

Average Compensation - Act 493 (S.B. 13) The Act amends Ark. Stat. 12-2501 and 12-3302(2.08) to change the definition of "average compensation" and "final average pay" for the purposes of calculating retirement benefits.

City Attorney - Act 975 (H.B. 1520) Allows former elected city attorney who, after a change in form of city government, is hired as city attorney, to receive credited service in PERS for remainder of his term. Retroactive to January 1, 1986.

Cost-of-Living Increase - Act 477 (H.B. 1374) The Act amends Ark. Stat. 12-2511.6 and 12-3305(5.05) to revise the language that identifies the consumer price index to be used to compute cost-of-living increases to retirees of the Public Employees Retirement System.

County Division/Retirement Incentives - Act 717 (HB 1022) provides retirement incentives for persons retiring from the county division of the Public Employees Retirement System between April 7, 1987 and January 1, 1988.

Court Costs - Act 139 (SB 316) Requires funds received as additional court cost to be remitted to PERS and then to State Treasury for deposit in Constitutional and Fiscal Agencies Fund.

Educational Leave - Act 33 (SB 129). The Act permits a member of PERS up to twelve months of credited service for educational leave taken during the period of employment in a position covered by PERS.

Employer Contributions - Act 732 (HB 1547) amends Ark. stat. 12-3306(6.02) to lower the State Division's employer contributions to the Arkansas Public Employees Retirement System.

Final Average Pay - Act 493 (S.B. 13) The Act amends Ark. Stat. 12-2501 and 12-3302(2.08) to change the definition of "average compensation" and "final average pay" for the purposes of calculating retirement benefits.

General Assembly - Act 57 (HB 1397). The Act allows a person to receive public retirement benefits while serving in the General Assembly by electing not to become a member of the Public Employees Retirement System.

General Assembly - Act 737 (HB 1569) amends Ark. Stat. 12-2538 and 12-3305(5.08)(a) to provide that service in the General Assembly may be used to meet service requirements for retirement from reciprocal systems.

Incentives - Act 187 (HB 1516) Provides benefit enhancements for persons in the State Division of PERS, the Arkansas State Highway Employees Retirement System and State Police Retirement System who retire between the effective date of the Act and January 1, 1988.

Increased Benefits - Act 809 (HB 1576) amends Ark. Stat. 12-2511.23, 76-1912.5 and 76-1912.6 to provide a five percent to twenty percent ad hoc increase to Public Employees Retirement System retirees and a one percent to fifteen percent increase to Highway retirees.

Interest on Purchased Service - Act 327 (SB 392) Allows member to purchase service credit for time with University of Arkansas if member did not participate in a retirement plan. Interest and contributions are calculated from date last public employer entered system or date service occurred, whichever is later in time.

Investment Advisor - Act 13 (HB 1038). The Act amends Ark. Stat. 12-3806(6.20) to define the term "Investment Advisor" for the purpose of the Local Police and Fire Retirement System.

Military Service - Act 32 (SB 59). The Act amends Ark. Stat. 12-2522 to provide free service credit in PERS for those persons who would have been eligible had they not been serving in the military on active duty on the prior service credit eligibility service date.

Prosecuting Attorney - Act 461 (H.B. 1571) The Act includes Prosecuting Attorneys in the definition of "employee" in the Public Employees Retirement System. The Act also provides a prior service credit for a person who served six years as Prosecuting Attorney between January 1, 1953 and December 31, 1958 and served two years as a member of the House of Representatives prior to 1957 and two years as a municipal judge subsequent to July 1, 1947. The Act is retroactive to June 30, 1957.

Public Safety Service - Act 357 (SB 100) Allows persons covered at various times by either system under certain conditions to receive benefits payable by each system. Permits person barred from LOPFI due to age requirements to participate retroactive to January 1, 1987, upon payment of all contri-

but Ions.

Reemployment - Act 525 (HB 1390) The Act repeals Ark. Stat. 12-2541.1 and 12-3304, 5.12 to remove the limitations on a retrlrant's annuity because of his or her re-employment by a state agency or other public employer.

Senate - Act 385 (SB 285) Permits certain employees of the Arkansas Senate to purchase credited service for previous temporary employment wth the General Assembly.

Social Securlyty Offset - Act 951 (S.B. 8) Allows non-contrlbutory retrlrants to receive an annuity not reduced by an amount equal to their Social Securlyty primary benefit untll they reach age 62. Thls will apply to current retirants under age 62 who are recevlng benefits.

State Contribution - Act 28 (SB 313). The Act amends Ark. Stat. 12-3306.02 to lower the State's dlvsions' employer contrlbutlons to the Arkansas Public Employees Retirement System.

Transfer from Teachers System - Act 808 (HB 1565) allows Teacher Retirement System members, who are state employees and qualify for the Public Employees Retirement System Early Retirement Incentives, to transfer to the Public Employees Retirement System.

Transfer of Judlclal Service - Act 198 (HB 1240) Permits member of Judicial Retirement to transfer time from PERS wth payment of full costs plus 6% interest.

Police

1976 Reenactment - Act 988*(HB 1897)(Act 1159 of 1975) Allows Local Firemen and Pol Ice Retirement members to become members of PERS, subject to condltlons: (I) person was PERS member or eligible before July 1, 1982; (II) pays all contributions and 6% Interest; and (III) payment made ln lump sum. The 1983 amendments allow similar treatment for TIAA-CREF members (mostly Department of Higher Educatlon employees).

Beneflts - Act 279 (H.B. 1301) The Act amends Ark. Stat. 19-1822 and 19-2230 to repeal the fifty percent of current beneflts cap on benefit increases for retired members of local flremen's and policemen's penslon funds.

Disabled - Act 325 (SB 364) provldes for dlsablllty benefit of 65% of salary to full-paid flreflghters and policemen lnjured in the llne of duty. Deflnes such as while conducting offlclal operations or while ln training. Applies to quauified applicants after January 1, 1987.

Fire & Polllce Pension Revlew Board - Act 142 (HB 1444) Amends current board membershp to eliminate State Auditor as ex-offlclio member and designated chairman. Permlts the Board to elect a chairman.

lncentives - Act 878 (SB 10) The Act provldes addltonal retlrment beneflts for policemen and firemen hlred prlor to January 1, 1983 and who con- tlnued to work beyond their 25th year.

Increased Beneflts - Act 396 (HB 1305) Provldes for enhanced beneflts of \$20 per month for each year above twenty, not to exceed \$100 per month, for full-paid flremen and police who continue to work beyond their twentieth year.

Increased Benefits - Act 797 (HB 1012) amends Ark. Stat. 19-2227 to provide for increased retirement benefits to retired volunteer fire fighters.

LOPFI Contributions - Act 271 (S.B. 99) The Act amends Ark. Stat. 12-3806.10 to change the delinquency period for retirement contributions for police and firemen retirements to 10 days after it is due (previously it was 60 days).

Military Service - Act 811 (HB 1720) amends Ark. Stat. 19-1828 to allow purchase of military service credit when a member of the Policemen's Pension and Relief Fund has 18 years of service.

Spouse - Act 618 (HB 1533) amends Ark. Stat. 19-1808 and provides a benefit under the Police Pension and Relief Fund to the surviving spouse of any police officer who retired after June 12, 1964 and before June 20, 1964 provided the surviving spouse married the police officer after he retired and was married to the police officer for a period of at least two years.

Public Safety Service - Act 357 (SB 100) Allows persons covered at various times by either system under certain conditions to receive benefits payable by each system. Permits person barred from LOPFI due to age requirements to participate retroactive to January 1, 1987, upon payment of all contributions.

South African Investments - Act 9 (SB 58). The Act requires State retirement systems to divest, over a four-year period, Pension funds which are invested in companies engaged in business in or with the Republic of South Africa.

State Constitutional Officers

1976 Reenactment - Act 1004 (HB 1914) (Act 1206 of 1975) The 1976 law allowed Constitutional Officers to retire after 10 years in PERS at age 60 or with 14 years in PERS at age 55. Benefits are to be based on 1976 Constitutional Officers' salaries. It provides for payment of benefits if funds are insufficient. Amendment 56 raised salaries of Constitutional Officers effective January 1, 1977.

State Police

Increased Benefits - Act 718 (HB 1030) provides an ad hoc increase to State Police retirees: 6% to those retired July 1, 1980 through June 30, 1982; 12% to those retired July 1, 1975 through June 30, 1980; and 18% for those retired before July 1, 1975.

Minimum Age - Act 596 (H.B. 1028) The Act reduces the minimum age of retirement for state police officers under the non-contributory State Police Retirement System to age 52 years and removes the Social Security offset for future state police retirees until they reach age 62.

Teachers Retirement

Board - Act 4 (SB 19). The Act provides that six trustees of the Board of Trustees of the Teacher Retirement System constitute a quorum. It clarifies when interest is to be added to the contribution required for purchase of "overseas service" credit. It allows, in certain circumstances, a lump sum distribution of a deceased active member's account to the member's surviving spouse.

Incentives - Act 808 (HB 1565) allows Teacher Retirement System members, who are state employees and qualify for the Public Employees Retirement System Early Retirement Incentives, to transfer to the Public Employees Retirement System.

Lump Sum Payments - Act 4 (SB 19). The Act provides that six trustees of the Board of Trustees of the Teacher Retirement System constitute a quorum. It clarifies when interest is to be added to the contribution required for purchase of "overseas service" credit. It allows, in certain circumstances, a lump sum distribution of a deceased active member's account to the member's surviving spouse.

Military Service - Act 518 (HB 1027). The Act amends Ark. Stat. 80-1440(5.02) to remove the requirement that a person receiving credit for military service in the Teacher Retirement System must become a member of the System within 5 years of the completion of the military service.

Military Service - Act 802 (HB 1274) amends Ark. Stat. 80-1443 to increase the Teacher Retirement System benefit multiplier to 1.65% and the non-contributory multiplier to 1.0378% on July 1, 1987, to 1.7% and 1.07%, respectively on July 1, 1988 and up to a maximum of 1.75% and 1.10%, respectively on July 1, 1989.

Multiplier - Act 802 (HB 1274) amends Ark. Stat. 80-1443 to increase the Teacher Retirement System benefit multiplier to 1.65% and the non-contributory multiplier to 1.0378% on July 1, 1987, to 1.7% and 1.07%, respectively on July 1, 1988 and up to a maximum of 1.75% and 1.10%, respectively on July 1, 1989.

Out-of-state Service - Act 118 (HB 1032) Purchase of Out-of-state Service - Allows active member of ATRS to purchase at 19.5 percent of first year salary plus interest after having ten or more years of credited service in the System.

Overseas Service - Act 4 (SB 19). The Act provides that six trustees of the Board of Trustees of the Teacher Retirement System constitute a quorum. It clarifies when interest is to be added to the contribution required for purchase of "overseas service" credit. It allows, in certain circumstances, a lump sum distribution of a deceased active member's account to the member's surviving spouse.

Teacher Aides - Act 314 (SB 20) Eliminates former membership exemption for teacher's aides making such membership compulsory with school district required to pay necessary contributions.

Transfer to PERS - Act 808 (HB 1565) allows Teacher Retirement System members, who are state employees and qualify for the Public Employees Retirement System Early Retirement Incentives, to transfer to the Public Employees Retirement System.

University of Arkansas

1976 Reenactment - Act 867* (HB 1883) Permitted employees of the Pine Bluff and Monticello campuses of U of A to select to participate in the retirement plan of the University rather than the Arkansas Teacher Retirement System or Public Employees Retirement System. Such personnel had until July 1, 1976, to select this option.

REVENUE STABILIZATION LAW - See SCAL

RIGHT TO DIE - Act 713 (SB 631) "The Arkansas Rights of the Terminally Ill Act or Permanently Unconscious Act" providing for declarations regarding the use of life-sustaining treatment.

RURAL ELECTRIC DISTRICT COOPS - Act 82 (HB 830) reduces the Federal income tax deduction for the contribution of a rural electric cooperative to the cost of the electric service provided by the cooperative.

SALES TAX - see AXES Pages 139, 142

SAVINGS & LOAN ASSOC. - see NANC INSTITUTIONS -52

SCHOOLS

Activity Funds - Act 764 (HB 1798) amends Ark. Stat. 80-531 to allow schools to maintain bank accounts for activity funds.

Annexation 80-412 - Act 549 (SB 461) The Act amends Ark. Stat. 80-412 to provide a method by which limited areas of land within the limits of an incorporated town may be voluntarily annexed to an existing school district within the limits of such incorporated town from a district outside the town's boundaries.

Annexation 80-4609 - Act 855 (HB 1410) amends Ark. Stat. 80-4609 to provide that whenever a school district desires to be annexed to an adjoining school district or districts, the county Board of Education of the county in which the district is administered shall annex such district to one or more qualified school districts, etc.

Annexation, Merger, Consolidation 80-404/418/446 - Act 614 (HB 1446) amends Ark. Stat. 80-404 and 80-418 and requires that school districts be geographically contiguous in order to be merged, annexed, or consolidated except in certain circumstances approved by the State Board of Education.

Attendance

Parents Obligation - Act 319 (SB 140) Requires person having custody or charge of a child age 7 through 16 shall enroll the child in school or provide a home school.

Teachers' Children - Act 624 (HB 1674) allows the children of a public school teacher to go to school either in the school district where they are a resident or in the school district where the parent teacher is employed.

Transfer - Act 464 (H.B. 1646) The Act amends Ark. Stat. 80-1528 to provide that an agreement transferring a student from one school district to another shall be reviewed at the end of four years to determine if the agreement shall be renewed. The Act also provides that the receiving district may enter into a tuition agreement for tuition payments to compensate the receiving district for local taxes not received on behalf of a child with either the resident district or the parents of the child.

Transfer - Act 528 (HB 1460) The Act provides that a school district admitting a student who is a resident of another district shall be liable to the other district in an amount equal to the state aid the resident district would have received or \$750.00 per year, whichever is greater.

Transfer - Act 762 (HB 1790) allows for the transfer of children from one school district to another by agreements entered into between the Board of Directors of the resident district and the Board of Directors of the receiving district.

Board Members

Conflicts of interest - Act 80 (SB 252). The Act amends Ark. Stat. 80-1909 to remove the prohibition against a member of a school board from being interested in any contract purchase made by the district if the contract or purchase is for \$500 or less.

Elected by Zone - Act 522 (HB 1135) The Act provides that the board of directors of a school district may, by resolution, divide the school district into zones of substantially equal population so that members of the board may be elected by zones within the districts.

Runoff Elections - Act 845 (SB 204) requires that a runoff election be held two weeks following any general election of county or district school board directors in which there are more than two candidates for the same position and no candidate receives a majority of the votes cast.

Training - Act 767 (HB 1812) requires that all school board members elected in 1988 and thereafter shall receive at least six hours of instruction and training within one year after their election in the duties of school boards and the school laws of the State of Arkansas.

Bonds - Act 62 (SB 219). The Act provides funds for the Public School Fund through surplus funds, or issuing or refinancing bonds of the Arkansas Development Finance Authority. The funds are to be used by the Department of Education to increase the money available for Minimum Foundation Aid for the 1986-87 fiscal year.

Cafeteria Plans - Act 810 (HB 1713) authorizes employees of cities, counties, school districts or the state to enter into salary reduction agreements in order to participate in cafeteria fringe benefit plans.

County Board of Education

Runoff Elections - Act 845 (SB 204) requires that a runoff election be held two weeks following any general election of county or district school board directors in which there are more than two candidates for the same position and no candidate receives a majority of the votes cast.

Dropouts

Reporting Guidelines - Act 770 (HB 1869) amends Ark. Stat. 80-1569 and 80-1570 to establish guidelines to provide for more accurate, comparable and timely dropout and school leaver statistics on students leaving high school prior to graduation.

Education - see EDUCATION Pages 45-46

Elections

Date of Annual School Election - Act 969 (H.B. 1040) Annual school elections are changed to the third Tuesday in September beginning 1988 (from the

second Tuesday in March).

Runoffs - Act 845 (SB 204) requires that a runoff election be held two weeks following any general election of county or district school board directors in which there are more than two candidates for the same position and no candidate receives a majority of the votes cast.

Employees

Medical Insurance - Act 632 (HB 1805) amends Ark. Stat. 80-5112(a) to provide that certified public school employees are expected to work 900 hours or more per year.

Personnel Policies - Act 687 (SB 412) amends Ark. Stat. 80-1256 through 80-1260 to require each school district in the state to have a set of written personnel policies including a teacher salary schedule, and provides each school district shall have a Committee on Personnel Policies consisting of at least five (5) teachers and no more than three (3) administrators. Exempts districts which engage in collective bargaining.

Salary Reduction Agreements - Act 810 (HB 1713) authorizes employees of cities, counties, school districts or the state to enter into salary reduction agreements in order to participate in cafeteria fringe benefit plans.

Fire inspection - Act 152 (HB 1073) requires all public school buildings be inspected by fire department prior to closing for Thanksgiving, Christmas, Spring Break and between school years.

Funds

Commissions - Act 333 (SB 438) provides that only the county treasurer of the county administering a multi-county school district is entitled to a commission for handling school district funds. Proportional payment of salaries and expenses is included.

Gross Current Revenues - Act 819 (HB 1819) amends Ark. Stat. 80-850.17(b) to redefine "gross current revenue" and it applies to School Finance Act and Teacher Salary Law to include property taxes actually collected, rather than taxes due.

Home Schools - Act 260 (H.B. 1088) The Act amends Ark. Stat. 80-1503.6 to provide that parents may notify the superintendent of the local school district of their intent to teach their children at home by August 15 for the fall semester or by December 15 for the spring semester (instead of only August 15 of each year for the full year).

Kindergarten - Act 73 (HB 1319). The Act amends Ark. Stat. 80-1646.1 to remove textbooks and workbooks as "instructional materials" that must be provided by the State for public school kindergarten programs. The Act provides that the kindergarten teaching staff in each school shall participate in the selection of instructional materials. The Act provides for school districts to be reimbursed for expenditures for approved kindergarten instructional materials through application to the State Department of Education. It also states that it is illegal to use the materials for purposes other than kindergarten instruction.

Motor Vehicle/Self insured - Act 590 (S.B. 428) The Act amends Ark. Stat. 12-2903, 73-2402, 75-1412, and 75-1488 to allow all political subdivisions of

the State to become self-insurers for their motor vehicles under the Motor Vehicle Safety Responsibility Act.

Public School Fund

Development Finance Authority - Act 900 (SB 435) The Act makes various amendments to the Arkansas Development Finance Authority Act including authorizing projects to enhance the Public School Fund, authorizing the issuance of bonds for the purpose of generating investment earnings, authorizing the authority to create non-profit corporations, eliminating certain notices in connection with pool financing, and permitting issuance of bonds denominated in currencies other than U. S. currency.

Withholdings/Surety Bond Premiums - Act 392 (HB 1206). Authorizes the State to acquire surety bonds for counties, cities and school districts and reduce turnback to counties and cities for the cost of their surety bonds and withhold from the Public School Fund the cost of the school districts surety bonds.

Purchases - Act 65 (HB 1026). The Act requires school districts to solicit bids for purchases of commodities of at least \$5,000. The previous limit was \$2,000.

Residency - Act 591 (S.B. 441) The Act establishes residency requirements for persons attending public schools in this State. All persons ages 5 to 21 years old may attend public schools in the school district in which their parents or legal guardian reside. Persons 18 years old or older may establish residence in a school district separate and apart from their parents. Persons under age 18 years old must establish they actually reside in a district other than their parents or guardian "for a primary purpose other than that of school attendance". It repeals Section 1 of Act 60 of 1983 First Extraordinary Session.

Residency - Act 466 (H.B. 1661) The Act establishes the residency requirements for attending public schools in this State.

Revolving Loan Fund - Act 552 (HB 1085) The Act establishes the maximum amount a school district may borrow from the Revolving Loan Fund as: (1) \$200,000 if district has less than 2000 students; (2) \$250,000 if district has 2,000 to 4,000 students; and (3) \$300,000 if district has more than 4,000 students.

Revolving Loans Bonds/Certificates - Act 832 (HB 2069) amends Ark. Stat. 80-977 to increase the limit on revolving loan bonds or revolving loan certificates of indebtedness acquired by the State Treasurer.

School Employees

Liability Insurance - Act 612 (HB 1417) amends Ark. Stat. 80-113.1 to expand coverage under school employee liability insurance to include members of school boards, teachers' aides, student teachers, school nurses, substitute teachers, and authorized volunteers.

Scoliosis Screening - Act 41 (HB 1031). The Act requires every public elementary and secondary school in the state and every other institution supported by state funds which provides education to minor children to institute a scoliosis screening program to be conducted in accordance with regulations promulgated by the State Board of Health.

Set Aside Funds - Act 377 (SB 555) - Adds in set-aside provision funds to provide for education for non-handicapped children in residential treatment facilities.

Smoking Prohibited - Act 854 (HB 1337) prohibits smoking in public schools except in designated areas away from student exposure by non-student persons over the age of eighteen.

State Aid

Add-on Weights - Act 662 (HB 1764) amends Ark. Stat. 80-850.11(b)(3) to increase the "add on" weights for small school districts.

Allocation - Act 203 (H.B. 1251) The Act amends Ark. Stats. 80-850.15(b) to allow school districts to repay the overpayments of Minimum Foundation Program Aid (MFPA) monies from increases in MFPA and to not require repayment of more than one-fifth of the overpayment in any one year (previously it was to be repaid within two years).

Salary Requirement - Act 594 (S.B. 532) The Act amends Ark. Stat. 80-850.20(d) to provide that the State Department of Education may grant a school district an exemption from the requirement that 70 percent of revenues shall be spent on teachers salaries when the school district can show extenuating circumstances have resulted in extraordinary one-time increase in revenues.

Student Transfers - Act 762 (HB 1790) allows for the transfer of children from one school district to another by agreements entered into between the Board of Directors of the resident district and the Board of Directors of the receiving district.

Teachers - see TEACHERS Pages 143-144

Ticket Scalping - Act 21 (HB 1262). The Act amends Ark. Stat. 41-4151 to amend the ticket scalping law to exclude institutions of higher education which receive funds per ticket above the face value of the ticket.

Tuition - Act 72 (HB 1302). The Act amends Ark. Stat. 80-3363 and 80-3364 to provide that the dependents of persons killed on ordnance delivery in the armed forces shall be eligible for free tuition in any State-supported institution of higher education or State-supported technical or vocational school.

SECRETARY OF STATE

Athletic Events

Capitol Grounds Memorial Fund - Act 659 (HB 1563) amends Ark. Stat. 84-2902, 84-2905 and 84-2911 to provide that all qualified organizations and clubs desiring to be licensed to sponsor athletic events regulated by the Arkansas Athletic Commission shall be licensed by the Arkansas Athletic Commission.

Centralized Filing System

Farm Commodities - Act 108 (SB 213) exempts livestock buyers and sale barn from centralized lien filing system in the Secretary of State's office;

increases filing fees and requires the Secretary of State to report to the Legislative Council quarterly regarding expenditures for the centralized filing system.

Fees/Corporations - Act 1068 (H.B. 2022) The Act amends various Acts authorizing the Secretary of State to increase various fees for filing corporation and partnership papers.

Historical Bound Book Report - Act 1063 (H.B. 1847) The Act allows the Secretary of State to finance the historical bound book report and sets out the distribution of this historical report. It appropriates \$32,529.67 for the payment of printing and distributing the historical report.

Home Builder Registration - Act 859 (HB 1789) the "Arkansas Home Builders Registration Act".

Report to Legislative Council - Act 108 (SB 213) exempts livestock buyers and sale barn from centralized filing system in the Secretary of State's office; increases filing fees and requires the Secretary of State to report to the Legislative Council quarterly regarding expenditures for the centralized filing system.

State Song - Act 850 (HB 1541) requires the Secretary of State to respond to requests for copies of the State song by furnishing copies of "Arkansas" written by Eva Ware Barnett.

Supreme Court Reports

Cost Plus Postage - Act 644 (HB 1992) amends Ark. Stat. 14-421.1 to allow the Secretary of State to charge an amount equal to the cost of the volume plus postage cost for the Arkansas Supreme Court Reports.

SECURITIES

Agri Loan Co. - Act 446 (H.B. 1104) The Act amends Ark. Stats. 67-2205 to clarify and broaden the exemption from registration from the Mortgage Loan Company and Mortgage Broker Act.

Brokers, Dealers, Etc.

Registration Fees - Act 449 (H.B. 1226) The Act amends Ark. Stats. 67-1238(b) to revise the registration fees under the Arkansas Securities Act for broker-dealers, agents, investment advisors and investment advisor representatives. The Act amends Ark. Stats. 67-1245(b) to revise the fee for filing registration statements.

Farm Cooperatives - Act 776 (HB 2011) amends Ark. Stat. 67-1247 and 67-1248, the Arkansas Securities Act, to define the term "farm cooperative" and clarify the organizations eligible for the exemption from registration of certain securities issued by farm cooperatives.

Fraudulent Transfer - Act 967 (S.B. 656) The "Arkansas Fraudulent Transfer Act" provides remedies for creditors against debtors who transfer assets with the intent to hinder, delay or defraud a creditor or when reasonable equivalent value was not received by debtor in exchange.

Various Changes - Act 447 (H.B. 1147) The Act revises the "Sale of Checks Act", Act 124 of 1965, as amended (67-1901 through 67-1921).

SELF-SERVICE STORAGE - Act 576 (SB 36) The Act provides for the regulation of self-service storage facilities. It provides the operators of self-service storage facilities have lien on items stored in the leased space that are 45 days delinquent in rental payments. It provides a procedure and notice requirement for the sale of the property stored in such facilities to satisfy the lien,

SEPTIC TANK CLEANERS

License Fees - Act 740 (HB 1613) amends Ark. Stat. 71-2501, the Septic Tank Cleaners Licensure Act, to increase the annual fee and provide an additional fee for each additional vehicle.

SEWAGE DISPOSAL - Act 435 (H.B. 1634) The Act requires septic tank manufacturers that operate or do business in Arkansas to hold a valid registration issued by the Department of Health. The Act defines "alternate and experimental system". The Act also levies additional fees.

SMALL BUSINESSES

Assistance by Science and Technology Authority - Act 210 (H.B. 1327) The Act amends Ark. Stats. 6-1615 and 6-1616 to allow the Arkansas Science and Technology Authority to assist small businesses with research and development of technical ideas and the Authority may provide up to 66-2/3% of the research cost for Arkansas small businesses (employing 50 persons or less).

SMOKING AREAS

Schools - Act 854 (HB 1337) prohibits smoking in public schools except in designated areas away from student exposure by non-student persons over the age of eighteen.

State Agencies - Act 462 (H.B. 1595) The Act requires state agencies to implement a smoking policy for general office space. The policy must take into consideration the rights of both non-smokers and smokers.

SOCIAL WORKERS

Family Service Workers - Act 760 (HB 1776) amends Ark. Stat. 71-2804 to exempt from the Social Work Licensing Act certain persons who engage in the practice of a specialty as a employee of any agency or department of the State in the job classifications of family service worker and social service worker.

State Employees - Act 760 (HB 1776) amends Ark. Stat. 71-2804 to exempt from the Social Work Licensing Act certain persons who engage in the practice of a specialty as a employee of any agency or department of the State in the job classifications of family service worker and social service worker.

SOLID WASTE DISPOSAL

Crossing County Lines - Act 801 (HB 1235) limits the authority of a county or municipality in a county to establish or maintain a solid waste disposal site or facility in another county.

Unlawful

Presumption - Act 730 (HB 1514) amends Ark. Stat. 82-2710 to provide that a rebuttable presumption arises in any administrative, civil, or criminal action against any Person that such Person has unlawfully disposed of solid waste when two or more items bearing such person's name or address are found at an unpermitted disposal site.

SPOTLIGHTS - Act 625 (HB 1689) prohibits the use of spotlights from any public road, street or highway except in certain specified circumstances.

SPOUSAL VIOLENCE

Chancery Courts - Act 425 (S.B. 451) The Act authorizes Chancery Courts to issue temporary restraining orders, injunctions or other relief related to a husband or wife who has been subjected to or threatened with physical violence by his or her spouse.

STATE AGENCIES

Accountancy Board

Quality Review - Act 824 (HB 1959) authorizes the State Board of Public Accountancy to institute a quality review program of its licensees' work product. The Act does not go into effect until July 1, 1989.

Aging and Adult Services

Ombudsman - Act 252 (H.B. 1355) The Act requires the Department of Human Services to establish an ombudsman program for the elderly. The ombudsman shall not be denied access to any patient in a long-term care facility.

Air-Conditioning and Heating Contractors Bd. - Act 704 (SB 539) creates the Air Conditioning and Heating Contractors Board to work together with the State Department of Health to draft proposed legislation regarding the licensing of master air conditioning and heating contractors, journeymen and apprentices, etc.

Alarm Systems

Licensing Board - Act 794 (SB 644) makes numerous changes to the Alarm Systems Licensing Act.

Alcohol and Drug Abuse Authority

Per Diem - Act 607 (HB 1342) amends Ark. Stat. 82-2135(6) providing for the per diem expenses of the Arkansas Alcohol and Drug Abuse Authority.

Alcoholic Beverage Control Board

1976 Reenactment - Act 949* (HB 1875) Concerns application for private club permit license to the Alcoholic Beverage Control Board. The gross receipts tax in subsection (b)(2) was reduced back to 10 percent due to the extra penny tax enacted in 1985. This subsection also allows local permit fees and supplemental taxes for general purpose use by cities or counties.

Sunday Sales Permits - Act 766 (HB 1802) provides for on-premises consumption of alcoholic beverages in certain hotels and restaurants on Sunday.

Apprenticeship Advisory Board - Act 722 (HB 1177) enables the establishment

of apprenticeship programs in certain occupations in state government.

Apprenticeship Committee - Act 768 (HB 831) creates an apprentice plumber program.

Assessment Coordination Division

Ratio Studies - Act 838 (HB 1670) amends Ark. Stat. 84-477(A) to authorize the Assessment Coordination Division to use sales and appraisals in the development of ratio studies of assessments to market value.

Athletic Commission - Act 659 (HB 1563) amends Ark. Stat. 84-2902, 84-2905 and 84-2911 to provide that all qualified organizations and clubs desiring to be licensed to sponsor athletic events regulated by the Arkansas Athletic Commission shall be licensed by the Arkansas Athletic Commission.

Attorney General

Computer Crimes - Act 908 (SB 671) The Act establishes the crimes of computer fraud and computer trespass. It also provides for civil relief to persons injured by such violations.

Litigation/Notify Legislative Council - Act 798 (HB 079) requires the Attorney General to notify the General Assembly as to litigation involving the State.

Auditor of State

Abandoned Property - Act 696 (SB 496) amends various sections of the Uniform Unclaimed Property Act to define "Intangible property" and for other purposes.

Court Reporters - Act 373 (SB 503) Authorizes payment by the State Auditor for up to twenty days service per court reporter for temporary substitutes upon authorization by the Circuit or Chancery Judges that such services were necessary to prevent a disruption in business of the Court.

Unclaimed Minerals - Act 362 (SB 185) Establishes the "Abandoned Mineral Proceeds Trust Fund" and defines proceeds unclaimed after seven years as subject to the Uniform Disposition of Unclaimed Property Act. Requires holders of mineral proceeds to establish escrow account to deposit proceeds not claimed within one year and to file annual reports with the State Auditor.

Bank Dept.

Bank Holding Companies - Act 491 (S.B. 560) The Act gives the Bank Commissioner regulatory authority, to examine, regulate, transfer stock, and take supervisory action against bank holding companies.

Branch Banking - Act 920 (SB 559). The Act amends Ark. Stat. 67-359 and 67-360 to revise the processing of applications by state banks to establish full-service branch offices.

Barber Examiners - Act 563 (HB 1658) The Act provides the State Board of Barber Examiners may impose a civil penalty of up to \$250 on any person violating any provision of the Arkansas Barber Law or a Board regulation. Appeals may be made under procedures prescribed in the Administrative Procedure Act and all funds collected from the penalties shall be used for the Barber

Board's operation and maintenance.

Beef Council - Act 3 (HB 1078). The Act provides for the collection of the federal assessment of \$1.00 Per head of cattle sold in the state for the support of a Beef Promotion and Research Program. Fifty cents is to be retained by the State. If the federal program is discontinued, the \$1.00 assessment will be replaced by the previous fee of 25¢.

Blind School

Food Services, Purchasing, etc. - Act 401 (H.B. 1495) and Act 402 (H.B. 1499) direct the Superintendent of the Arkansas School for the Deaf and the Arkansas School for the Blind to consolidate and combine food services, purchasing, and some business office functions of the two schools on or before July 1, 1988.

Boards and Commissions Mileage Reimbursement

1976 Reenactment - Act 862* (HB 1878) Allows members of Boards or Commissions to be reimbursed at the rate paid for state employees time and travel while performing official duties.

Camp Robinson

Canteen Privileges for Dependents - Act 781 (HB 2066) amends Ark. Stat. 11-1807 to clarify the law relating to the privileges of dependents of military personnel making purchases in the canteen at Camp Robinson.

Capitol Art Commission - Act 660 (HB 1637) creates the Capitol Art Commission.

Capitol Grounds Commission - Act 665 (HB 2038) creates a Capitol Grounds Commission.

Capitol Police - Act 468 (H.B. 1695) The Act requires officers of the State Capitol Police to successfully complete the training course at the Law Enforcement Training Academy.

Certificate of Need Program - Act 593 (S.B. 474) The Act abolishes the State Health Planning and Development Agency, the Statewide Health Coordinating Council and the "certificate of need" program. It establishes the Health Services Commission to review recommendations and conduct hearings on permits for construction or expansion of a health facility having expenditures in excess of \$1 million (Permits are not required in cities of Pulaski County without a hospital). It establishes the Health Services Agency to assist Commission, to implement Commission policies, review capital expenditures, and issue permits for construction.

Child Abuse & Neglect Prevention Board - Act 397 (HB 1369) CHILDREN - Child Abuse and Neglect - This is the Child Abuse and Neglect Prevention Act. A nine member board is established to operate out of the Governor's office to oversee grants for prevention programs to be funded from a Trust Fund created by an additional \$5.00 charge for marriage licenses.

Child Care Facility Review Board

Civil Penalties - Act 856 (HB 1684) amends Ark. Stat. 83-911, "The Child Care Facility Licensing Act" to establish civil penalties for non-

compliance.

Child Care Providers' Training Comm. - Act 588 (S.B. 391) The Act establishes the Child Care Provider's Training Committee and authorizes the development of an annual training program child care providers to assist them in the training of staff members. It levies a fee of \$15.00 per year for licensed child care facility with less than 25 children and \$25.00 per year for licensed facility with 25 or more children to be deposited in the Child Care Provider's Training Fund for developing training programs and purchasing training materials for loan.

Chiropractic Examiners Board

1976 Reenactment - Act 869* (HB 1885) This amendatory act increased the Chiropractic Examiners Board from three to five members. This act also increased the terms from three to five years.

Claims Commission - Act 249 (H.B. 1518) The Act amends Ark. Stats. 13-1402 relating to meetings of the Claims Commission to allow it to meet anywhere in Arkansas if it is relevant to business before the Commission, rather than meeting only in Little Rock or a county seat.

Code Revision Commission

Powers - Act 334 (SB 465) - Changes the name of the current Statute Revision Commission. Enumerates additional duties and powers.

Computers

1976 Reenactment - Act 1026* (HB 1937) (Act 1238) This created the Department of Computer Services by transferring the central data processing facility from the Department of Finance and Administration.

Consultant Compensation

Withholding - Act 536 (HB 1714) The Act repeals Ark. Stat. 6-620 thru 6-622 (Act 222 of 1977) which required the withholding of 7% of a consultant's fee for services to pay his state income taxes.

Correction Dept.

Board Vacancies - Act 972 (H.B. 1360) Requires the Governor to fill vacancies on Correction Board in manner to have a resident of each congressional district represented and one from the state at large.

Fiscal - Act 63 (SB 329). The Act exempts the Arkansas Department of Correction from the provisions of Section 24 of Act 88 of 1985, which requires the transfer of general revenue savings due to reductions in retirement contributions.

Goodtime - Act 506 (SB 449). The Act amends Ark. Stat. 46-120.1 to allow the Department of Correction to award "meritorious good time" for good discipline, good behavior, etc. while incarcerated or while under the supervision of the Department (previously it could be awarded for conduct in a Department of Correction institution only).

Goodtime/Additional - Act 273 (S.B. 301) The Act amends Ark. Stat.

46-120.3 on "meritorious good time" to allow the Board of Correction to award up to 90 days of "good time" for completion of special rehabilitation programs, special jobs performed, heroic acts, or other exceptional circumstances.

Prison Overcrowding - Act 418 (S.B. 234) The Act is the Prison Overcrowding Emergency Powers Act of 1987. The Act provides for the moving up of certain inmates parole eligibility dates or minimum release dates in emergency overcrowding situations.

Regional Facilities - Act 427 (S.B. 548) The Act is the "Corrections Cooperative Endeavors and Private Management Act". The Act provides for cooperative endeavors among the State and political subdivisions to finance, construct, acquire and operate prison facilities. The Act provides for the private management of such prison facilities.

Sex Offenders - Act 777 (HB 2014) authorizes the Department of Correction to provide for treatment of sex offenders.

Work Release - Act 904 (SB 611) The Act excludes from Work Release any inmate who has had previous convictions for a violent offense. It also provides that the Parole Board must seek advice of the sheriff and prosecuting attorney of the county wherein the applicant will reside and the sheriff and prosecuting attorney of the county wherein the crime was committed.

Cosmetology Board - Act 465 (H.B. 1659) The Act amends Act 358 of 1955 to require continuing education for cosmetologists.

Country Music Hall of Fame Board

Name Change - Act 467 (H.B. 1685) The Act amends Act 671 of 1985 to change the "Arkansas Country Music Hall of Fame Board" to the "Arkansas Entertainers Hall of Fame Board". The Act broadens the Board's function from honoring persons for their contributions to country music to honoring persons for their contributions to entertainment.

County Treasurers' Continuing Education Board - Act 944 (H.B. 1851) Creates a six member board to establish a continuing education program to assist persons elected as county treasurers. The education fund is derived from \$200 annually paid from fees collected by each county treasurer.

Crime Victims Reparations Board - Act 817 (HB 1770) the "Arkansas Crime Victims Reparation Act" which provides a method of compensation and assistance to crime victims along with compensation up to \$10,000 to be administered by the Crime Reparations Board.

Criminal Detention Facilities Review Comm. - Act 881 (SB 96) The Act amends Ark. Stat. 46-1220 relating to the Criminal Detention Facility's Review Commission to include a definition of the term "twenty-four or overnight facility" and the term "short-term facility". The Act also repeals Ark. Stat. 46-401 which required a common Jail to be located at the seat of justice of each county.

Dental Examiners

Anesthesia - Act 584 (S.B. 347) The Act authorizes the State Board of Dental Examiners to issue permits to dentists who desire to use general anesthesia, intravenous sedation, or conscious sedation with nitrous oxide. The Board may charge a fee reasonably calculated to recover the costs of the permit and

the on-site inspection of the dental office being permitted.

Board Membership/Hygienist - Act 683 (SB 292) amends Ark. Stat. 72-535 to authorize the representative of the Arkansas State Dental Hygienists Association on the State Board of Dental Examiners to vote on all matters except the examination and licensing of dentists.

Fraudulent Advertising - Act 498 (S.B. 293) The Act amends Ark. Stat. 72-560 to authorize the Arkansas State Board of Dental Examiners to place a person on probation and to authorize the Board to impose a fine not to exceed \$1,000. The Act provides that the Board may discipline a person for fraudulent and misleading advertising or advertising which does not comply with the rules and regulations of the Board.

Hygienists - Act 499 (S.B. 295) The Act amends Ark. Stat. 72-556 to eliminate the provisions that allowed the Arkansas State Board of Dental Examiners to license a dentist from another state without an examination.

Per Diem - Act 289 (S.B. 294) The Act amends Ark. Stat. 72-565 to authorize members of the Arkansas State Board of Dental Examiners to receive \$100 per day per diem for meeting attendance (previously it was \$50 per day).

Development Finance Authority

Bond Guarantees - Act 1042 (S.B. 647) The Act amends the Arkansas Development Finance Authority Bond Guaranty Act (Ark. Stat. 13-2924 et seq.) to allow the guarantee of payment of revenue bonds issued by cities, counties and political subdivisions of the State.

Motion Picture Productions - Act 780 (HB 2059) amends Ark. Stat. 13-2903 to authorize the Arkansas Development Finance Authority to finance facilities for the production of motion pictures and like products.

Public School Fund - Act 62 (SB 219). The Act provides funds for the Public School Fund through surplus funds, or issuing or refinancing bonds of the Arkansas Development Finance Authority; The funds are to be used by the Department of Education to increase the money available for Minimum Foundation Aid for the 1986-87 fiscal year.

Public School Fund - Act 900 (SB 435) The Act makes various amendments to the Arkansas Development Finance Authority Act including authorizing projects to enhance the Public School Fund, authorizing the issuance of bonds for the purpose of generating investment earnings, authorizing the authority to create non-profit corporations, eliminating certain notices in connection with pool financing, and permitting issuance of bonds denominated in currencies other than U. S. currency.

Driver Services Office - Act 976 (H.B. 1530) Exempts hearings conducted by Office of Driver Services from the Administrative Procedure Act. Vests the chancery court with jurisdiction on appeal. Petition for review filed in chancery court is not an automatic stay of office's decision.

Education Department

Apprenticeship Plumber Program - Act 768 (HB 1831) creates an apprenticeship plumber program.

Board Meetings - Act 511 (SB 523). The Act amends Ark. Stat. 80-106 to

require the State Board of Education to meet a minimum of six times annually (previously it met quarterly). The Board of Vocational Education is required to meet four times annually (previously it met quarterly).

Driver Education - Act 598 (H.B. 1176) The Act amends Ark. Stat. 75-902 to require the driver of a motor vehicle involved in an accident to remove the vehicle from the roadway unless the vehicle is disabled or there is visible or apparent injury to a person (previously a person was to stop and to obstruct traffic as little as possible). The Department of Education and the State Police are to instruct in driver's training that the vehicle is to be removed and to test for the subject of the driver's license examination.

Dropout Reporting Guideline - Act 770 (HB 1869) amends Ark. Stat, 80-1569 and 80-1570 to establish guidelines to provide for more accurate, comparable and timely dropout and school leaver statistics on students leaving high school prior to graduation.

Kindergarten - Act 73 (HB 1319). The Act amends Ark. Stat. 80-1646.1 to remove textbooks and workbooks as "Instructional materials" that must be provided by the State for public school kindergarten programs. The Act provides that the kindergarten teaching staff in each school shall participate in the selection of instructional materials. The Act provides for school districts to be reimbursed for expenditures for approved kindergarten instructional materials through application to the State Department of Education. It also states that it is illegal to use the materials for purposes other than kindergarten instruction.

Outstanding Students Programs - Act 426 (S.B. 512) The Act amends Ark. Stat. 80-4620(A) to revise the method by which the State Recognition Panel is to identify outstanding students. The Act changes the maximum grant to a school district for development and implementation of innovative student recognition programs from a grant of \$2,000 to a grant of \$1,000 annually.

Emergency Medical Services Council

Air Ambulances - Act 345 (HB 1326) Authorizes Emergency Medical Services Council to promulgate standards for air ambulances and air ambulance services. Sets licensure fee at \$100.

Employees

Motor Vehicles - Act 81 (HB 1124). The Act amends Ark. Stat. 13-342(c) to provide that the State employees who are required to drive to and from the permanent residence in a State-owned motor vehicle shall not be required to reimburse the State for the use of the motor vehicle.

Salary Increases - Act 791 (SB 587) provides that a State agency or institution which, during the 1987-88 fiscal year, effects a savings in salary and employee matching funds equal to 5% of the funds expended during the 1986-87 fiscal year may, during the 1988-89 fiscal year, grant performance increases of up to 2 1/2% based on the employee's 1986-87 performance evaluation of satisfactory or better.

Employment Security Division

1976 Reenactment - Act 1003* (HB 1913) (Act 1205 of 1975) Provides ESD and State Building Services the authority to "lease-purchase" facilities in several cities in Arkansas,

Omnibus Amendments - Act 672 (HB 1887) amends various provisions of the Arkansas Employment Security Act.

Engineers - Act 51 (HB 1114). The Act amends Ark. Stat. 71-1019(2) to provide that engineers registered in another state may obtain a permit to practice in Arkansas for a period not to exceed 45 days to do a specific job. The Act provides that the temporary permit is a courtesy extended during the period of time requires to process and application and to obtain board action for Arkansas registration.

Civil Penalties - Act 1070 (H.B. 2024) The Act amends Ark. Stat. 71-2306 to require continuing education for land surveyors after two years of licensure. Land surveyors will be required to complete 15 hours of Board approved continuing education each year and those over 60 years of age or twenty years experience may be exempted. The Board may levy a \$2,000.00 civil penalty for anyone using fraud or deceit to obtain a license.

Entertainers Hall of Fame Bd. - Act 467 (H.B. 1685) The Act amends Act 671 of 1985 to change the "Arkansas Country Music Hall of Fame Board" to the "Arkansas Entertainers Hall of Fame Board". The Act broadens the Board's function from honoring persons for their contributions to country music to honoring persons for their contributions to entertainment.

Finance and Administration

Driver Services - Act 721 (HB 1174) amends Ark. Stat. 75-1013.1 to provide that the Department of Finance and Administration shall not include in a driver's traffic violation report any speeding convictions where the speed was less than 75 miles per hour.

Fire Protection Services Board - Act 837 (HB 1600) creates the Arkansas Fire Protection Services Board and the Office of Fire Protection Services, establishes a system certification classification of fire departments, limits the civil liability of certified fire departments and provides workers' compensation coverage for volunteer fire fighters of certified fire departments in rural areas.

Fire Training Academy

Death Benefits - Act 404 (H.B. 1581) The Act amends Ark. Stat. 12-2347(b) to include instructors of the Arkansas Fire Training Academy as "firemen" for the purpose of eligibility for payment if killed in the line of duty.

Forestry Commission

1976 Reenactment - Act 1024* (HB 1935) (Act 1195) The 1976 Act provides a uniform allowance for certain staff and field employees of the Arkansas Forestry Commission.

Game and Fish Commission

Boats - Act 122 (SB 11) Updates boating safety laws. Requires sail boats to be registered. Increases fees which are based on length of vessel. Fees are divided between Game and Fish Commission and Counties. Adds as enforcement officers county sheriffs and deputies and state police as well as Game and Fish Officers.

Hunting and Fishing Licenses - Act 910 (SB 680) The Act Prescribes the maximum annual resident hunting and fishing licenses and the maximum fee for a permanent resident hunting and fishing license for residents of this state who are 65 years of age or older or who are disabled residents of the state. It also prohibits the issuance of complimentary hunting or fishing licenses.

Geologists Board

Authority - Act 701 (SB 521) and Act 470 (HB 1769) - the "Registration of Geologists Act of 1987" to regulate the practice of geology.

Governmental Bonding Board - Act 728 (HB 1416) provides for a self-insured fidelity bond program for State officials and employees, county officials and employees, municipal officials and employees and school district officials and employees and provides for a Governmental Bonding Board.

Governmental Waste Elim. Award Bd. - Act 526 (HB 1396) The Act establishes the Governmental Waste Elimination Program. The DFA Director is to develop rules for the administration of the program and for reporting government waste to the Legislative Joint Auditing Committee. The Legislative Joint Auditing Committee shall review the merits of the reported waste and the Governmental Waste Elimination Award Board may make a monetary award of up to 10% of the amount saved by the state agency to the person making the governmental waste complaint. It is unlawful for any "whistle blower" to be fired, disciplined, or otherwise punished for reporting governmental waste.

Health Department

Abortion Clinics - Act 144 (HB 1317) Requires annual licensure of abortion clinics and sets an annual fee of \$500 per facility.

Apprentice Plumber Program - Act 768 (HB 1831) creates an apprentice plumber program.

Board Membership - Act 112 (SB 82) increases the membership of the State Board of Health from 18 to 20 members by adding a podiatrist and a member of the Arkansas Public Health Association.

Food Salvagers - Act 451 (H.B. 1304) The Act amends Ark. Stats. 82-1969 to increase the permit fee for food salvagers and food salvage distributors from \$100 to \$150.

H.M.O. Fees - Act 264 (H.B. 1318) The Act amends Ark. Stat. 66-5223 to provide for increase fees to be charged by the Department of Health for regulation of health maintenance organization. It makes the fees "special revenues" and causes them to be deposited into the Public Health Fund.

Home Health Services - Act 956 (S.B. 413) This is the Home Health Care Services Licensure Act which requires agency providers of home health care to be licensed by the Division of Health Care Facility Services of the Arkansas Department of Health. The Act exempts from coverage sole practitioners, licensed professionals who offer service incidental to an office practice, live-in care providers, employees of licensed agencies, nursing homes, convalescent homes or other institutions offering care to residents and others. The licensure fee is \$500 annually for agencies and \$50 annually for subunits.

Hospital Emergency Services - Act 516 (SB 608). The Act authorizes the

Health Department to license hospitals which have discontinued In-Patient services to provide emergency services.

Hospital Inspection Fees - Act 143 (HB 1316) Increased licensing fee for hospitals and added fees for outpatient surgery Centers, recuperation centers, alcohol/drug abuse treatment centers, outpatient psychiatric centers and infirmaries.

Immunization - Act 141 (SB 320) - Requires part-time students housed on campus and all full-time students to furnish proof of Immunization against measles, rubella and others designated by Board of Health prior to attending a public or private college or university in this State.

Increased Fee for Plan Review - Act 399 (HB 1435) - Health Department - Plan Review Fees - Establishes a maximum fee of \$500. for plan reviews to be calculated as 1% of the estimated costs of the project. The minimum fee is \$50. One half the fee is designated special revenues.

Midwives - Act 481 (H.B. 1625) The Act provides for the licensure by the State Board of Health of lay midwives.

Plumbers - Act 816 (HB 1766) amends Ark. Stat. 71-1205 et seq., The Plumbers' Licensure Act, to clarify the powers of the State Board of Health, to increase the membership on the Committee of Examiners and to increase the amounts of fines and penalties.

Public Water Systems - Act 95 (SB 211). The Act authorizes the Arkansas Department of Health to collect annual fees from public water systems for services provided by the Public Water System Supervision Program. The Act provides penalties for violations.

Radiation - Act 504 (SB 417). The Act amends Ark. Stat. 82-1514 and 82-1516, the Ionizing Radiation Control Act, to add several definitions to the Act and to authorize and establish fees for licensing and registration of sources of ionizing radiation (x-ray radiation and other radioactive materials). It allocates the revenue from the fees collected to the Public Health Fund.

Septic Tank Cleaners - Act 740 (HB 1613) amends Ark. Stat. 71-2501, the Septic Tank Cleaners Licensure Act, to increase the annual fee and provide an additional fee for each additional vehicle.

Sewage Disposal - Act 435 (H.B. 1634) The Act requires septic tank manufacturers that operate or do business in Arkansas to hold a valid registration issued by the Department of Health. The Act defines "alternate and experimental system". The Act also levies additional fees.

Swimming Pool Regulation - Act 623 (HB 1630) empowers the Arkansas Department of Health to regulate public swimming pools and issue permits for their operation.

Water Testing - Act 146 (HB 1384) Permits the department to collect fees for testing water samples and for asbestos analysis.

Health Services Agency

Certificate of Need - Act 593 (S.B. 474) The Act abolishes the State Health Planning and Development Agency, the Statewide Health Coordinating

Council and the "certificate of need" Program. It establishes the Health Services Commission to review recommendations and conduct hearings on permits for construction or expansion of a health facility having expenditures in excess of \$1 million (Permits are not required in cities of Pulaski County without a hospital). It establishes the Health Services Agency to assist Commission, to implement Commission policies, review capital expenditures, and issue permits for construction.

Higher Education

Teacher Grants - Act 331 (SB 416) Provides for funding of six semester hours per year for teachers and administrators in their subject area. Program shall be administered by Department of Higher Education. Converts loans made under 1983 Act to grants and extinguishes obligations owed under that Act.

Highway Dept.

Convey Land to Jacksonville - Act 480 (H.B. 1609) The Act authorizes the Arkansas State Highway and Transportation Department to sell and convey to the city of Jacksonville a portion of surplus lands for use in the development of a municipal complex for the city of Jacksonville.

Home Health Care Advisory Council - Act 956 (S.B. 413) This is the Home Health Care Services licensure act which requires agency providers of home health care to be licensed by the Division of Health Care Facility Services of the Arkansas Department of Health. The Act exempts from coverage sole practitioners, licensed professionals who offer service incidental to an office practice, live-in care providers, employees of licensed agencies, nursing homes, convalescent homes or other institutions offering care to residents and others. The licensure fee is \$500 annually for agencies and \$50 annually for subunits.

Human Services

Adoption - Act 1060 (H.B. 1715) The Act amends Act 957 of 1985 providing for a Mutual Consent Voluntary Adoption Registry to make some technical corrections, to change the name of the responsible agency from Social Services Division to Department of Human Services, and to allow persons within the second degree of relationship to be added to the registry. It amends Ark. Stat. 56-125 to allow the courts in pending adoption cases to order the hospital to release a child to an agency or the parents or an attorney acting for either and the hospital shall not be liable for any ordered release.

Benton Services Center - Act 98 (SB 259). The Act authorizes the State Hospital Board to donate one acre of land belonging to the Benton Services Center to the Mt. Harmony Cemetery for cemetery burial use.

Child Care Comm. - Act 588 (S.B. 391) The Act establishes the Child Care Provider's Training Committee and authorizes the development of an annual training program child care providers to assist them in the training of staff members. It levies a fee of \$15.00 per year for licensed child care facility with less than 25 children and \$25.00 per year for licensed facility with 25 or more children to be deposited in the Child Care Provider's Training Fund for developing training programs and purchasing training materials for loan.

Custody of Minors/Same as 898 - Act 483 (H.B. 1704) The Act amends Ark. Stat. 41-2416 to provide that in every case prior to serving a warrant for the arrest of a person charged with the offense of interference with custody, the law enforcement officer shall inform the Department of Human Services and a representative of the Department shall be present with the arresting officer to

take temporary custody of the minor.

Family Homes/Developmentally Disabled Persons - Act 611 (HB 1411) the "Location Act for Community Homes for Developmentally Disabled Persons" establishing the right to locate Community homes for developmentally disabled persons in certain residential neighborhoods in this state.

Fee for Investigation Regarding Children - Act 978 (H.B. 1662) Permits Department of Human Services through regulation to set a maximum fee not to exceed actual costs for court ordered home studies when the Department is not otherwise involved with the placement.

Foster Care/Adoption - Act 857 (HB 1723) requires consideration of a child's minority race or minority ethnic heritage in foster care placements and investigations for adoptive placement.

Long Term Care Training Program - Act 689 (SB 421) the "Long-Term Care Aid Training Act" which establishes the long-term care training program in the Department of Human Services.

Medicaid/3d Party Liability - Act 463 (H.B. 1629) The Act amends various sections of Act 419 of 1979 and Act 500 of 1981. The Act provides that the Department of Human Services shall be entitled to reimbursement of the full amount of Medicaid benefits paid on behalf of a Medicaid recipient when an action is prosecuted by the recipient alone. The Act provides that the receipt of medical assistance constitutes an automatic assignment of the recipient's rights of recovery from a third party, and that such assignment is a condition for Medicaid eligibility. It also provides that the Department's right to recover Medicaid benefits constitutes a statutory lien.

Residential Treatment for Mentally Ill - Act 648 (HB 2049) enables the Department of Human Services, Division of Mental Health Services, to provide intensive residential treatment for adults with long-term, severe mental illness within specialized mental health residential settings.

State Hospital - Act 98 (SB 259). The Act authorizes the State Hospital Board to donate one acre of land belonging to the Benton Services Center to the Mt. Harmony Cemetery for cemetery burial use.

Subpoenas - Act 727 (HB 1393) gives subpoena authority to the General Counsel of the Department of Human Services.

Industrial Development Commission

Membership/Agricultural interests - Act 668 (SB 544) amends Ark. Stat. 9-507 to specify that six members of the Arkansas Industrial Development Commission represent various agricultural interests and to allow for \$50 per diem.

Membership/Congressional Districts - Act 91 (SB 176). The Act requires that at least three members of the Arkansas Industrial Development Commission shall be appointed from each of the four Congressional Districts existing on January 1, 1987.

Rural Development - Act 1069 (H.B. 2023) The Act directs the Arkansas Industrial Development Commission to act as a coordinator with other State agencies to work with local communities in economic development efforts.

Inhalation Therapy Examining Committee - Act 952 (S.B. 300) Changes the

name of the examlnng committee from Inhalation Therapy Examlnng Committee to Respiratory Care Examining Committee. The Act Increases fee from \$25.00 to an amount not to exceed \$150.00 for applicants and requires a national standardized test be given. The State Medical Board Is responsible for developing continuing education requirements within two years.

Insurance Department

Advisory Organizations - Act 959 (S.B. 509) Repeals former law on insurance rate regulation and replaces such with provisions to promote competition and regulate prices in the absence of competition in the area of insurance, excluding life, disability, title, ocean marine, aircraft, reinsurance, sureties and annuities. Permits the Insurance commissioner to determine if non-competitive market exists resulting in excessive rates. The act prohibits policy cancellations on property or casualty risks except under certain circumstances. Becomes effective six months after enactment.

Amusement Rides - Act 839 (HB 1698) amends Ark. Stat. 66-5901 through 66-5908 and is entitled "The Amusement Ride and Amusement Attraction Safety Insurance Act", to require permit applications to be accompanied by safety inspection reports, require permits to be filed with fair boards or other sponsoring agencies, and expands the Insurance Commissioner's powers in this area.

Cease and Desist Orders - Act 400 (H.B. 1453) The Act amends Ark. Stat. 66-2901 to authorize the Insurance Commissioner to Issue Cease and Desist Orders to persons acting as, or aiding, unauthorized Insurers.

Consumer Information System - Act 959 (S.B. 509) Repeals former law on Insurance rate regulation and replaces such with provisions to promote competition and regulate prices in the absence of competition in the area of Insurance, excluding life, disability, title, ocean marine, aircraft, reinsurance, sureties and annuities. Permits the insurance commissioner to determine if non-competitive market exists resulting in excessive rates. The act prohibits policy cancellations on property or casualty risks except under certain circumstances. Becomes effective six months after enactment.

Continuing Care Providers - Act 329 (SB 405) Authorizes the Insurance Department to regulate continuing care providers. Requires disclosure statement to be filed prior to solicitation. Specifies contract information and requirements for reserve fund.

Rate Filings/Workers' Compensation - Act 697 (SB 514) amends Ark. Stat. 66-3120 as to rate filings for workers' compensation insurance.

Rate Regulation - Act 959 (S.B. 509) Repeals former law on Insurance rate regulation and replaces such with provisions to promote competition and regulate prices in the absence of competition in the area of Insurance, excluding life, disability, title, ocean marine, aircraft, reinsurance, sureties and annuities. Permits the insurance commissioner to determine if non-competitive market exists resulting in excessive rates. The act prohibits policy cancellations on property or casualty risks except under certain circumstances. Becomes effective six months after enactment.

Reciprocal Agreements with Other States - Act 955 (S.B. 374) Expands area for licensure as resident agents from towns through which the Arkansas border passes to "border communities", or "border trade areas" situated within five miles of the Arkansas boundary.

Rlsk Retentlon Groups - Act 408 (H.B. 1642) The Act authorizes the Insurance Commissioner to regulate the formatlon and operatlon of risk retention groups.

Rlsk Sharlng Plans - Act 896 (SB 346) The Act authorizes the Insurance commissioner to create risk-sharing Plans for property or casualty Insurance if he determines that it is not reasonably available In the voluntary market and that the public interest requires the availablilty of the Insurance.

Standard Disability Claim Form - Act 736 (HB 1559) directs the Insurance Commissioner to prescribe a standard dlsablilty Insurance clalm form to be used by all dlsablilty Insurance companies dolng business In this state.

Interagency Coordlnatng Council - Act 658 (HB 1383) authorizes an early Intervention program for Infants and toddlers wth handicaps and their families.

Justice Bulldng Comm.

Per Dlem - Act 353 (HB 1610) Justice Bulldng Commssion - Increase in per dlem - Increases per dlem from \$10 per day to \$50 per day.

LOPFI - see RETIREMENT Page 100

LP Gas Board

Cylinder Exchange Statlons - Act 375 (SB 537) Permits non-certified handlers to operate exchange statlons for portable containers of llquefled petroleum gas If such comply wth Federal Department of Transportatlon Regulatons and have less than 30* gallon capacity, are serviced by authorized dealers, no sales occur at the slte and the exchange operator Is properly instructed In safety procedures.

Labor Department - Act 647 (HB 2016) allows for the employment of children In the entertainment Industry and glves the Director of Labor the power to promulgate rules and regulatons for the Implementation of same.

Land

sale - Act 982 (H.B. 761) Sets forth the procedure to be followed by state agencies, boards or comm ssions In the sale of land owned by same. Exempts the State Hlghway Comm sslon, Game and Flsh Commsslson, Natural Heritage Commsslson and Parks, Recreatlon and Travel Commsslson.

Land Commsslsoner

Tax Dellnquent Land - Act 814 (HB 1728) repeals and amends varlous obsolete laws pertalnng to the forfeitur and sale of tax delinquent lands.

Livestock & Poultry Comm.

Dlseased Poultry - Act 413 (H.B. 1736) The Act authorizes the Livestock and Poultry Commsslson to negot ate the purchase or condemn dlseased poultry flocks and to dlspose of the diseased poultry to prevent the spread of dlsease

Equlne Infectlous Anemla - Act 374 (SB 511) - Requres certlfcate of test ng for EIA wltln twelve month perlod for horses belng sold, exchanged

or participating in shows, trailrides or other congregational events. Animals with positive test results must be quarantined or sent to slaughter. Act applies to owners of stockyards and auctions as well as individuals. Portions of the Act are changed by Act 1034 of 1987 effective July 21, 1987.

Equine Infectious Anemia/Amends 374 - Act 1034 (H.B. 1013) The Act amends Act 374 of 1987, the Equine Infectious Anemia law, to eliminate the testing requirements for E.I.A. for horse shows and trail rides and replace it with authority in the Livestock and Poultry Commission to promulgate rules to control the spread of E.I.A. at horse shows and trail rides. It reduced the fines to \$100.00 to \$500.00 for violations of Act 374 (previous fines would be \$200.00 to \$1,000.00).

Long Term Care

Civil Penalties - Act 894 (SB 322) The Act amends Ark Stat. 82-2219 and increases the amount of civil penalties the Office of Long Term Care may impose against licensed long term care facilities. The Act provides that the assessment of a civil penalty does not affect the Office's right to take other action. The Act also revises the requirements for notice of a violation.

Nursing Home Administrators - Act 320 (SB 284) Changes licensure of nursing home administrators to fiscal year from calendar year. Increases fee from \$50 to \$100 for active administrators and requires continuing education.

Ombudsman - Act 252 (H.B. 1355) The Act requires the Department of Human Services to establish an ombudsman program for the elderly. The ombudsman shall not be denied access to any patient in a long-term care facility.

Long Term Care Facility Advisory Board

Appeals - Act 981 (H.B. 1749) Establishes procedure for appeal from decision of the Office of Long Term Care. The Deputy Director of Economic and Medical Services reviews all decisions of the Advisory Board and may adopt or reject same which becomes the final decision of the agency.

Manufactured Home Commission - Act 346 (HB 1585) Establishes a fund to pay claims against installers, dealers and manufacturers. The Arkansas Manufactured Home Commission determines if a standard has been violated and directs licensee to pay aggrieved party. If not paid within 30 days, payment is made from the fund.

Medical Board

Fees - Act 503 (SB 415). The Act amends Ark. Stat. 72-611 to increase application fees for medical practice by examination to \$400 (previously \$250). It amends Ark. Stat. 72-1327 to increase the annual registration fee for physical therapists to \$10.00 (previously \$3.00).

Mental Health Facilities - Act 243 (H.B. 1153) The Act revises the laws of Arkansas relating to voluntary admission and involuntary commitments of mentally ill persons. It describes the procedures for the commitment hearings and for the person's evaluation and treatment. It describes the mentally ill person's rights under the law and provides for the appointment of a magistrate in the Judicial Department. It repeals Act 817 of 1979, as amended, and other laws relating to the commitment of the mentally ill.

Missing Children Clearinghouse - Act 486 (H.B. 1708) The Act amends Ark.

Stat. 5-1126 to require the Missing Children Information Clearing House to release information upon request to any court in a pending custody proceeding when the court needs information concerning whether the child is reported as missing.

Motor Vehicle Commission

Dealership Franchise Transfers - Act 663 (HB 1773) amends Ark. Stat. 75-2305 to grant the Motor Vehicle Commission the authority to control the transfer of dealership franchises.

Definitions/Dealer/Salesman - Act 645 (HB 1995) amends Ark. Stat. 75-2303 and 75-2303(7) to redefine the terms "motor vehicle dealer" and "motor vehicle salesman" under the Arkansas Motor Vehicle Commission Act.

Motor Vehicles/State Owned - Act 81 (HB 1124). The Act amends Ark. Stat. 13-342(c) to provide that the State employees who are required to drive to and from the permanent residence in a State-owned motor vehicle shall not be required to reimburse the State for the use of the motor vehicle.

Natural and Cultural Resources Council - Act 729 (HB 1475) establishes a Natural and Cultural Resources Council to manage and supervise the Natural and Cultural Resources Grant and Trust Fund.

Northwest Arkansas Parkway Advisory Committee - Act 830 (HB 2018) creates the "Northwest Arkansas Parkway Advisory Committee" to study the feasibility of designating and developing U. S. Highway 71 as a scenic parkway.

Nurses Board

License Renewal - Act 147 (SB 33) Amends current law to allow cyclical biennial renewal of licenses rather than renewal during same month each year.

Non-Resident Nurses - Act 148 (SB 35) Repeals superseded acts concerning licensure of nonresident nurses in cities on the state line.

Oil & Gas Commission

Division Orders - Act 605 (HB 1325) requires division orders or any declaration of interests in gas between the purchaser of gas production and the owner/owners of the production in Arkansas or between the purchasers of gas production or the owner/owners of the production and the royalty interest owners in Arkansas shall contain certain specified information.

Hearing Officer - Act 154 (HB 1082) Deletes from current law the authority of hearing officer to vote on adoption of rules, regulations or orders in absence of Commission member.

Optometry

Ophthalmic Dispensers - Act 966 (S.B. 652) Application Fee Increased - Increases from \$50 to \$100 the initial application fee for dispensing opticians and additional examinations cost \$50. Annual renewal fees are \$50 with a penalty of up to \$100 for failing to renew by July 1. If the name of the optical dispensary does not include a proper name of a licensed optician, optometrist or physician, a certificate of ownership must be filed annually with the

State Board of Dispensing Opticians.

Pharmaceutical Agents - Act 101 (SB 79) Defines 'Practice of optometry'; authorizes certain professionals to prescribe topically applied drugs; establishes internship program and examination to be administered by State Board of Optometry.

PERS - see RETIREMENT Pages 100-102

PSC

Assessment Coordination Division - Act 838 (HB 1670) amends Ark. Stat. 84-477(A) to authorize the Assessment Coordination Division to use sales and appraisals in the development of ratio studies of assessments to market value.

Co-generation - Act 796 (SB 654) protects consumers from excess generating costs by providing that electric utilities shall not be required to pay in excess of avoided costs for purchased electricity from any qualifying co-generation or small power production facility and requires the Arkansas Public Service Commission to apply for a waiver from the Federal Energy Regulatory Commission, etc.

Rural Electric Distribution Cooperatives - Act 821 (HB 1830) reduces the Public Service Commission's jurisdiction over Arkansas electric cooperatives.

Service to Rural Areas - Act 150 (SB 165) - Service to Unserved Areas - Authorizes natural gas utilities to apply to PSC for certificate of extension which allows utility to recoup costs of service extensions through surcharges and increased rates.

Utility Indebtedness - Act 265 (H.B. 1329) The Act amends Ark. Stat. 73-229.1 to provide that an application for rehearing or appeal of Public Service Commission orders will not automatically stay the implementation of Commission orders regarding the issuance of stocks or bonds by utilities.

Parks

Diamond Mining - Act 793 (SB 642) permits the Parks, Recreation and Travel Commission to enter into lease arrangements for commercial production of diamonds at the Crater of Diamonds State Park.

Parks, Recreation and Travel Commission

1976 Reenactment - Act 868* (HB 1884) This amendatory act increased from six to seven the number of members required to call a meeting or constitute a quorum for the State Parks and Tourism Board. In 1985, the reimbursement provisions were changed to pay per diem and mileage at the rate provided for state employees. These were incorporated into this bill.

Plant Board

Agricultural Consultants - Act 609 (HB 1382) "The Agricultural Consultants' Licensing Act of 1987" which sets out the requirements to be an agricultural consultant and provides for licensing by the State Plant Board.

Catfish Processors - Act 365 (SB 335) Authorizes the State Plant Board to administer Act to require payment to producer within fourteen days

following purchase. Requires registration of catfish processors with the State Plant Board beginning July 1, 1987.

Plumbers Examiners Committee - Act 816 (HB 1766) amends Ark. Stat. 71-1205 et seq., The Plumbers' Licensure Act, to clarify the powers of the State Board of Health, to increase the membership on the Committee of Examiners and to increase the amounts of fines and penalties.

Pollution Control & Ecology

Asbestos - Act 531 (HB 1534) The Act amends Ark. Stat. 82-1944, 82-1945, 82-1946, 82-1948 and 82-1949 to include the enclosure and encapsulation of friable asbestos in the categories of required licensing of asbestos removal contractors and to raise the licensing fee for contractors from \$100 to \$300.

Civil Penalties - Act 529 (HB 1481) The Act amends Ark. Stat. 82-1909(c) and 82-2711(d) to provide that in civil actions instituted by the Department of Pollution Control and Ecology the court may assess civil penalties of up to \$5,000 for each violation of law or regulation.

Fees - Act 629 (HB 1778) amends Ark. Stat. 82-1918 to increase the maximum initial fee for permits issued by the Commission for the Department of Pollution Control and Ecology to \$3,500.

Hazardous Waste - Act 380 (SB 629) Amends Section 7(b) of Act 479 of 1985 to permit the Commission on Pollution Control and Ecology to set fees for generation and acceptance after January 1, 1987, not to exceed \$10,000 annually per facility.

Private Investigators Board

Telecommunications Employees - Act 630 (HB 1781) amends Ark. Stat. 71-2124 to exempt telecommunications company employees under provisions of the Private Investigator Law.

Voice Stress Analysis - Act 858 (HB 1775) provides for the licensure of voice stress analysis examiners by the Arkansas Board of Private Investigators.

Public Health Advisory Board - Act 903 (SB 579) The Act amends various sections of Act 357 of 1977, the Food Service Permit Act, to expand the coverage of the Act and to increase the fees. The Act also adds two additional members to the Public Health Advisory Board.

Purchasing - Act 540 (HB 1856) The Act amends Ark. Stat. 14-252(J) to increase the maximum price for "small purchases" from \$300 to \$500. It amends Ark. Stat. 14-254(B) to increase the limit for requiring competitive sealed bidding for State purchases from \$2,000 to \$5,000.

Medical items - Act 983 (H.B. 1768) Exempts from state purchasing law medical items used for the treatment and diagnosis of patients procured through a group purchasing entity provided substantial annual savings can be documented to the Director of State Purchasing.

Real Estate Commission

Brokers Selling by Auction - Act 1038 (S.B. 384) The Act authorizes real estate brokers selling real estate by auction only to employ real estate salesmen to work under his license and prohibits the Real Estate Commission from

adopting or enforcing any rules to the contrary.

Brokers/Qualifications - Act 1041 (S.B. 462) The Act amends Ark. Stat. 71-1604.2 to add a qualifying prerequisite to taking the real estate broker's license exam that a person may have served a two year apprenticeship as a broker in Arkansas or in another state within the last ten years.

Continuing Ed - Act 453 (H.B. 1330) The Act requires real estate brokers and salesmen to participate in continuing education as a condition for renewal or activation of licenses.

Records

Respiratory Care Examining Committee - Act 952 (S.B. 300) Changes the name of the examining committee from Inhalation Therapy Examining Committee to Respiratory Care Examining Committee. The Act increases fee from \$25.00 to an amount not to exceed \$150.00 for applicants and requires a national standardized test be given. The State Medical Board is responsible for developing continuing education requirements within two years.

Revenue Commissioner

Sales Tax Permits - Act 372 (SB 501) Sales Tax Permit - Beginning July 1, 1987, the Commissioner of Revenue shall require the deposit of a \$250.00 bond before issuance of a gross receipt tax permit which shall be credited against taxes due the first six months of business. A refund of the unused balance after 6 months may be obtained upon application.

Rules - Act \$5 (SB 277). The Act amends Ark. Stat. 6-611 to require a copy of all changes made in proposed rules and regulations of State agencies be filed with the Arkansas Legislative Council and to remove the requirement that all final rules and regulations be filed.

Science & Technology Authority

Small Businesses - Act 210 (H.B. 1327) The Act amends Ark. Stats. 6-1615 and 6-1616 to allow the Arkansas Science and Technology Authority to assist small businesses with research and development of technical ideas and the Authority may provide up to 66-2/3% of the research cost for Arkansas small businesses (employing 50 persons or less).

Secretary of State - see SECRETARY OF STATE Pages 109-110

Securities Comm.

Agri Loan Co. - Act 446 (H.B. 1104) The Act amends Ark. Stats. 67-2205 to clarify and broaden the exemption from registration from the Mortgage Loan Company and Mortgage Broker Act.

Registration Fees - Act 449 (H.B. 1226) The Act amends Ark. Stats. 67-1238(b) to revise the registration fees under the Arkansas Securities Act for broker-dealers, agents, investment advisors and investment advisor representatives. The Act amends Ark. Stats. 67-1245(b) to revise the fee for filing registration statements.

Sale of Checks - Act 447 (H.B. 1147) The Act revises the "Sale of Checks Act", Act 124 of 1965, as amended (67-1901 through 67-1921).

Smoking Areas - Act 462 (H.B. 1595) The Act requires state agencies to implement a smoking policy for general office space. The policy must take into consideration the rights of both non-smokers and smokers.

Social Services

Merit System Abolished - Act 906 (SB 668) The Act repeals Ark. Stat. 83-121 and 83-122 which related to a merit system within a portion of the Department of Human Services.

Soil and Water Comm.

Bonding Authority - Act 686 (SB 409) the "Arkansas Waste Disposal and Pollution Abatement Facilities Financing Act of 1987" authorizing the Arkansas Soil and Water Conservation Commission to issue waste disposal and pollution abatement facilities general obligation bonds, etc.

Dam Safety - Act 592 (S.B. 446) The Act amends Ark. Stat. 21-1306(a) to broaden the authority of the Water Conservation Commission under the dam safety program to cause a dam that is not adequately repaired by the owner to be repaired, breached or any other action necessary (previously it could only have the dam repaired).

Water Wells - Act 460 (H.B. 1509) The Act amends Ark. Stats. 9-129 and exempts wells having a maximum potential flow rate of less than 50,000 gallons per day from the requirement that the withdrawal of underground water be reported. The Act also revises the information that is to be reported to the Arkansas Soil and Water Conservation Commission.

Spinal Cord Commission - Act 263 (H.B. 1224) The Act amends Ark. Stat. 82-3303 to allow the State Spinal Cord Commission to select a secretary as disbursing officer for Commission funds.

State Building Services

On-Site Inspections - Act 815 (HB 1746) amends Ark. Stat. 5-1022(a) to authorize the Arkansas State Building Services Council to include on-site inspections for certain capital improvement projects and to prevent state agencies and institutions from performing inspection responsibilities of licensed architects and engineers.

State Employees Insurance Advisory Committee - Act 844 (HB 1941) amends Ark. Stat. 12-3102 and 12-3103 to provide that member of the State Employees Insurance Advisory Committee may be reappointed and to provide that the member shall continue to serve after the expiration of their term until their successors are appointed.

State Hospital

Benton Services Center - Act 98 (SB 259). The Act authorizes the State Hospital Board to donate one acre of land belonging to the Benton Services Center to the Mt. Harmony Cemetery for cemetery burial use.

Lease of Property at War Memorial - Act 417 (S.B. 98) The Act authorizes the State Hospital Board to lease State Hospital lands located in the vicinity of the War Memorial Stadium to the War Memorial Stadium Commission or the Board of Trustees of the University of Arkansas System or the Board of Visitors of the University of Arkansas at Little Rock.

State Police

Driver Education - Act 598 (H.B. 1176) The Act amends Ark. Stat. 75-902 to require the driver of a motor vehicle involved in an accident to remove the vehicle from the roadway unless the vehicle is disabled or there is visible or apparent injury to a person (previously a person was to stop and to obstruct traffic as little as possible). The Department of Education and the State Police are to instruct in driver's training that the vehicle is to be removed and to test for the subject of the driver's license examination.

Payroll Deductions - Act 18 (HB 1029). Amends Ark. Stat. 13-349(B) to allow, at a State employee's request, a payroll deduction for Arkansas State Police Association dues.

Statute Revision Commission

1976 Reenactment - Act 1009* (HB 1919) (Act 1219 of 1975) The 1976 law added a sentence to allow the Statute Revision Commission to solicit bids for printing and binding of statutes. 1977 and 1983 laws radically changed the section to be over two pages long. Added (B), (C), (D) subsections.

court costs - Act 140 (SB 317) Provides the additional \$.25 to be paid directly to the Statute Revision Commission and then remitted to the State Treasury.

Name Change - Act 334 (SB 465) Changes the name of the current Statute Revision Commission. Enumerates additional duties and powers.

Powers - Act 334 (SB 465) Changes the name of the current Statute Revision Commission. Enumerates additional duties and powers.

Student Loan Authority - Act 705 (SB 540) amends Ark. Stat. 80-4032 et seq. to authorize the Arkansas Student Loan Authority to make or purchase guaranteed educational loans insured by qualified guarantors, etc.

Student Loan Authority - Act 631 (HB 1788) amends Ark. Stat. 80-4032 et seq. to authorize the Arkansas Student Loan Authority to make or purchase guaranteed educational loans insured by qualified guarantors, to remove the limitation on obligations that may be issued by the Arkansas Student Loan Authority and to permit the issuance of obligations the proceeds of which may be used to acquire investment contracts.

Student Loan Board - Act 151 (HB 1009) Increased per diem from \$25 to \$50 per day for Board and requires a finding that applicants be desirous of practicing in an eligible qualifying rural community. Requires a written contract to serve one year internship in area underserved and sets forth criteria for that area.

Student Loan Guarantee Foundation - Act 574 (HB 1425) The Act clarifies the status of the Student Loan Guarantee Foundation as a non-profit corporation to administer student loans and further says that Student Loan Guarantee is not a "State agency" subject to enactments regulating state agencies.

Surety Bonds - Act 806 (HB 1513) amends Ark. Stat. 81-1336 to exempt municipalities, counties, and the State of Arkansas and its political subdivisions from the requirement of posting an indemnity bond, surety bond or securities as a prerequisite to self-insured status.

Surplus Property - Act 68 (HB 1140). The Act transfers the Surplus property Program located in the Purchasing Division of the Department of Finance and Administration to the Vocational and Technical Education Division of the State Department of Education.

Surveyors

Continuing Education - Act 1070 (H.B. 2024) The Act amends Ark. Stat. 71-2306 to require continuing education for land surveyors after two years of licensure. Land surveyors will be required to complete 15 hours of Board approved continuing education each year and those over 60 years of age or twenty years experience may be exempted. The Board may levy a \$2,000.00 civil penalty for anyone using fraud or deceit to obtain a license.

Teachers Salaries Study Commission - Act 97 (SB 243). The Act continues the existence of the Arkansas Teachers' Salary Study Commission.

Teaching Excellence Foundation - Act 822 (HB 1835) creates "Commission on Teaching Excellence".

Tourist Information Center

Siloam Springs - Act 381 (HB 1502) Provides for construction and operation of a Tourist Information Center within the city limits of Siloam Springs on Highway 68.

Transportation Commission

1976 Reenactment - Act 997* (HB 1907) (Act 1185 of 1975) The 1976 law would allow the governor to appoint a temporary member to the Transportation Commission if one member is disabled or disqualified to avoid deadlocks on three member commission.

Transferred - Act 572 (HB 2004) The Act abolishes the Arkansas Transportation Commission and transfers (Type-2 transfer) its authority, rights, powers, duties, personnel and property to a new State agency called the Transportation Safety Agency. It transfers the Arkansas Highway Safety Program and its functions, powers, and duties to the Transportation Safety Agency to be vested in a Traffic Safety Division. It creates the Transportation Safety Agency consisting of a Transportation Regulatory Board, Traffic Safety Division, Enforcement Division, and Administrative Division.

Transportation Regulatory Board - Act 572 (HB 2004) The Act abolishes the Arkansas Transportation Commission and transfers (Type-2 transfer) its authority, rights, powers, duties, personnel and property to a new State agency called the Transportation Safety Agency. It transfers the Arkansas Highway Safety Program and its functions, powers, and duties to the Transportation Safety Agency to be vested in a Traffic Safety Division. It creates the Transportation Safety Agency consisting of a Transportation Regulatory Board, Traffic Safety Division, Enforcement Division, and Administrative Division.

Treasurer of State

Distribution of Local Sales Taxes - Act 688 (SB 418) amends Ark. Stat. 17-2019(d) requiring the State Treasurer to use the last official federal decennial census, or countywide special census, in computing the per capita share that each city and county shall receive from the proceeds of the 1% countywide

sales tax.

Purchase of School Bonds/Certificates - Act 832 (HB 2069) amends Ark. Stat. 80-977 to increase the limit on revolving loan bonds or revolving loan certificates of indebtedness acquired by the State Treasurer.

Veterans Home - Act 157 (HB 1363) Permits conversion to 70 bed nursing home and domiciliary without requiring a certificate of need.

Veterinarians - Act 60 (SB 148). The Act amends Ark. Stat. 72-1133 and 72-1135 to empower the Veterinary Examining Board to issue licenses to practice veterinary medicine as a general practitioner or in a specialty area.

Civil Penalties - Act 774 (HB 1953) empowers the Veterinary Medical Examining Board to impose civil penalties on licensed veterinarians for violations of the Veterinary Medical Practice Act.

Vital Records

Birth Certificates of Foreigners - Act 219 (H.B. 1620) The Act amends Ark. Stats. 82-512 to provide for the issuance of an Arkansas Certificate of Birth for a person born in a foreign country and whose adoption is effected pursuant to an order by a court of competent jurisdiction in Arkansas.

Missing Children - Act 164 (SB 404) Requires notice by certified mail to Division of Vital Records and school district by law enforcement officer of reported missing child. Both must notify law enforcement officer of inquiries received or record requests on such children.

Vocational Education

Apprenticeship Programs - Act 722 (HB 1177) enables the establishment of apprenticeship programs in certain job classifications in State government.

Board Meetings - Act 511 (SB 523). The Act amends Ark. Stat. 80-106 to require the State Board of Education to meet a minimum of six times annually (previously it met quarterly). The Board of Vocational Education is required to meet four times annually (previously it met quarterly).

Citizen Training - Act 1058 (HB 1618) and Act 893 (SB 314) provide that home economics teachers shall be reimbursed for travel in the same manner as provided for agriculture teachers.

Technical Corrections - Act 771 (HB 1871) amends numerous statutes in order to clarify those relating to the State Board of Vocational Education and the Vocational and Technical Education Division at the request of the Arkansas Statute Revision Commission.

Water Well Comm.

Jurisdiction/Pump Installation - Act 693 (SB 473) amends various sections of the Water Well Act, providing the Committee on Water Well Construction with authority and jurisdiction over water well pump installation, etc.

Whistle Blowers - Act 526 (HB 1396) The Act establishes the Governmental Waste Elimination Program. The DFA Director is to develop rules for the administration of the program and for reporting government waste to the Legislative

Joint Auditing Committee. The Legislative Joint Auditing Committee shall review the merits of the reported waste and the Governmental Waste Elimination Award Board may make a monetary award of UP to 10% of the amount saved by the state agency to the person making the governmental waste complaint. It is unlawful for any "whistle blower" to be fired, disciplined, or otherwise punished for reporting governmental waste.

White River Valley Commission - Act 1039 (S.B. 387) The Act establishes the White River Valley Commission with 13 members and Provides the Commission may meet quarterly and accept financial contributions from cities and counties to support studies.

STATE CAPITOL

Art, Statuary, etc. - Act 660 (HB 1637) creates the Capitol Art Commission.

Capital Improvements - Act 665 (HB 2038) creates a Capitol Grounds Commission.

Capitol Grounds Commission - Act 665 (HB 2038) creates a Capitol Grounds Commission.

Capitol Grounds Memorial Fund - Act 659 (HB 1563) amends Ark. Stat. 84-2902, 84-2905 and 84-2911 to provide that all qualified organizations and clubs desiring to be licensed to sponsor athletic events regulated by the Arkansas Athletic Commission shall be licensed by the Arkansas Athletic Commission.

STATE EMPLOYEES

Apprenticeship Programs - Act 722 (HB 1177) enables the establishment of apprenticeship programs in certain job classifications in state government.

Cafeteria Plans - Act 810 (HB 1713) authorizes employees of cities, counties, school districts or the state to enter into salary reduction agreements in order to participate in cafeteria fringe benefit plans.

Family Service Workers - Act 760 (HB 1776) amends Ark. Stat. 71-2804 to exempt from the Social Work Licensing Act certain persons who engage in the practice of a specialty as a employee of any agency or department of the State in the job classifications of family service worker and social service worker.

Group Health Insurance

Early Retirement Incentive - Act 514 (SB 601). The Act amends Ark. Stat. 12-3113 to provide that employees who retire under PERS or Highway Retirement before January 2, 1988 under the Incentives for Early Retirement Act (Act 187 of 1987) shall not have to pay the full amount of the state employees' group health insurance premium and shall pay the amount set forth in the Incentives for Early Retirement Act of 1987.

Employer Contribution - Act 743 (HB 1641) amends Ark. Stat. 12-315 to increase the authorized state employer monthly contribution to the State Employees Insurance Plan by \$10.00 a month.

Indemnity for Attorneys' Fees - Act 805 (HB 1381) provides payment to state officers and employees for reasonable attorney's fees and court costs incurred in certain lawsuits based on acts or omissions of the officer or employee.

Motor Vehicles - Act 81 (HB 1124). The Act amends Ark. Stat. 13-342(c) to provide that the State employees who are required to drive to and from the permanent residence in a State-owned motor vehicle shall not be required to reimburse the State for the use of the motor vehicle.

Salarles

Performance Increases - Act 791 (SB 587) provides that a State agency or institution which, during the 1987-88 fiscal year, effects a savings in salary and employee matching funds equal to 5% of the funds expended during the 1986-87 fiscal year may, during the 1988-89 fiscal year, grant performance increases of up to 2 1/2% based on the employee's 1986-87 performance evaluation of satisfactory or better.

Salary Reduction Agreements - Act 810 (HB 1713) authorizes employees of cities, counties, school districts or the state to enter into salary reduction agreements in order to participate in cafeteria fringe benefit plans.

Service Recognition Program - Act 1051 (HB 1439). Establishes a Service Recognition Program for State employees.

Social Service Workers - Act 760 (HB 1776) amends Ark. Stat. 71-2804 to exempt from the Social Work Licensing Act certain persons who engage in the practice of a specialty as a employee of any agency or department of the State in the job classifications of family service worker and social service worker.

STATE FLAG - Act 116 (SB 377) Adopts design of State Flag described in earlier resolutions of the House and Senate as the official state flag.

STATE FRUIT/VEGETABLE

South Arkansas Vine Ripe Pink Tomato - Act 255 (H.B. 1480) The Act designates the Pink Tomato as the Arkansas State Fruit and State Vegetable.

STATE LAND

Sale - Act 982 (H.B. 1761) Sets forth the procedure to be followed by state agencies, boards or commissions in the sale of land owned by same. Exempts the State Highway Commission, Game and Fish Commission, Natural Heritage Commission and Parks, Recreation and Travel Commission.

STATE SONG - Act 850 (HB 1541) requires the Secretary of State to respond to requests for copies of the State song by furnishing copies of "Arkansas" written by Eva Ware Barnett.

STATUTES

Code of Arkansas - Act 267 (H.B. 1471) The Act adopts the Arkansas Code of 1987, Legislative Edition, consisting of twenty-eight titles in twenty-nine printed volumes. It was prepared by the Michie Company under the supervision of the Arkansas Statute Revision Commission. It does not affect the Acts of the 1987 Regular Session. It shall be the official law of Arkansas and takes effect on December 31, 1987, at midnight.

SUPPLUS PROPERTY - Act 68 (HB 1140). The Act transfers the Surplus Property Program located in the Purchasing Division of the Department of Finance and Administration to the Vocational and Technical Education Division of the State Department of Education.

SURVEYORS

Continuing Education - Act 1070 (H.B. 2024) The Act amends Ark. Stat. 71-2306 to require continuing education for land surveyors after two years of licensure. Land surveyors will be required to complete 15 hours of Board approved continuing education each year and those over 60 years of age or twenty years experience may be exempted. The Board may levy a \$2,000.00 civil penalty for anyone using fraud or deceit to obtain a license.

SWIMMING POOLS - Act 623 (HB 1630) empowers the Arkansas Department of Health to regulate public swimming pools and issue permits for their operation.

TAXES

Alcoholic Beverages

Increased - Act 424 (S.B. 414) The Act amends various laws pertaining to the taxation of alcohol. The Act also defines the terms spirituous liquor, pre-mixed spirituous liquor, vinous liquor, lite wine and lite spirituous liquor for the purpose of taxation.

Sacramental Wine Exempt - Act 902 (SB 567) The Act provides that all wines sold in Arkansas for use as sacramental wine shall be exempt from all gallonage and other taxes levied by the state and requires the wine to have a decal showing the word "Sacramental Wine". The Act makes it lawful for a winery to ship wines out of the state by common carrier.

Amnesty - Act 502 (SB 379). The Act is the Tax Penalty Amnesty Act. It authorizes the Commissioner of Revenues to institute an amnesty program for taxpayers making voluntary payment of state taxes between September 1, 1987 and November 30, 1987. "State taxes" are any tax or fee for a license, permit, or registration, or local tax which is collected or administered by DFA Revenue Division. It authorizes the Revenue Commission to develop and prescribe the tax forms and exempts taxpayers from criminal prosecution after application and voluntary payments are made.

Corporate Franchise Tax - Act 19 (HB 1159). The Act amends various sections of Act 889 of 1979 (Ark. Stat. 84-1833 to 84-1844) relating to the Arkansas Corporate Franchise Tax. The Act transfers to the Secretary of State the duty to collect the Arkansas Corporate Franchise Tax. It also requires a corporation to pay its initial franchise tax upon filing its articles of incorporation with the Secretary of State within 30 days after being issued a corporate permit for authority to do business by another State agency. The Act will become effective on July 1, 1988.

Homestead Tax Relief - Act 454 (H.B. 1354) The Act provides that relief under the Homestead Property Tax Relief Act shall be by cash rebate only. The provision for an income tax credit was deleted. The Act changes the deadline for filing claims under the Homestead Property Tax Relief Act.

Income Tax

Cafeteria Plans - Act 810 (HB 1713) authorizes employees of cities, counties, school districts or the state to enter into salary reduction agreements in order to participate in cafeteria fringe benefit plans.

Cancer Research Checkoff - - Act 879 (SB 40) The Act provides for an

Arkansas Income Tax check-off for contributions for Cancer research. The Act also amends the Arkansas Income Tax check-off for the War Memorial Stadium Improvement Expansion Program and for the Arkansas Non-game Preservation Program by removing language providing for an income tax deduction for such contributions. The Act provides that moneys contributed to the War Memorial Stadium Improvement Expansion Fund may be used to supplement other funds available for such purposes.

Capital Gains - Act 35 (SB 214). The Act amends Ark. Stat. 84-2048.2 to postpone the implementation of the Arkansas Income Tax Law on Capital Gains for a period of two years.

Churches - Act 1040 (S.B. 432) The Act requires churches to list, assess, and pay ad valorem property taxes on all property used for business, commercial, or investments for other than church purposes. It requires all income derived from the operation of business or commercial enterprise owned by churches shall be subject to the State Income Tax. The Revenue Commissioner shall promulgate rules to enforce the carrying out of the application of the Income tax to church-owned business and commercial enterprises.

Corporations - Act 114 (SB 282) - Allows a corporate officer to swear to the tax return. Former law required a principal officer and treasurer.

Gambling Winnings Withholding - Act 899 (SB 426) The Act is the "Winnings Withholding Act of 1987". The Act establishes a system for the withholding of state income taxes from gambling winnings from dog racing and horse racing.

Homestead Credit - Act 454 (H.B. 1354) The Act provides that relief under the Homestead Property Tax Relief Act shall be by cash rebate only. The provision for an income tax credit was deleted. The Act changes the deadline for filing claims under the Homestead Property Tax Relief Act.

Military Retirement Excluded - Act 521 (HB 1115) The Act provides that residents of Arkansas receiving benefits from more than one type of retirement system prior to January 1, 1985 be allowed to claim state income tax exemptions based on the different types of plans. It amends Ark. Stat. 80-2008.5 to provide that retirement benefits from certain systems will be entitled to a complete exemption if the retiree is retired before December 31, 1989.

Non-Game Preservation Program Checkoff - Act 879 (SB 40) The Act provides for an Arkansas income tax check-off for contributions for cancer research. The Act also amends the Arkansas Income Tax check-off for the War Memorial Stadium Improvement Expansion Program and for the Arkansas Non-game Preservation Program by removing language providing for an income tax deduction for such contributions. The Act provides that moneys contributed to the War Memorial Stadium Improvement Expansion Fund may be used to supplement other funds available for such purposes.

Omnibus Amendments - Act 382 (HB 2003) - This is the Income Tax Act of 1987 which adopts various sections of the Federal Internal Revenue Code and provides that all tax information pertaining to individuals, corporations, partnerships or fiduciaries is confidential and privileged.

War Memorial Stadium Checkoff - Act 879 (SB 40) The Act provides for an Arkansas income tax check-off for contributions for cancer research. The Act also amends the Arkansas Income Tax check-off for the War Memorial Stadium

Improvement Expansion Program and for the Arkansas Non-game Preservation Program by removing language providing for an income tax deduction for such contributions. The Act provides that moneys contributed to the War Memorial Stadium Improvement Expansion Fund may be used to supplement other funds available for such purposes.

Insurance Premium Tax - Act 1033 (H.B. 2041) The Act amends Ark. Stat. 66-2302 to provide for a premium tax on domestic life and disability insurance companies and that such tax shall be paid into general revenues. It amends Ark. Stat. 66-5209 to require H.M.O.'s to pay premium tax on premiums and co-payments. It amends Ark. Stat. 66-5419 to provide for a two and one-half percent tax on legal insurance premiums. Further, the Act amends Ark. Stat. 84-1904 to exempt items purchased with food stamps from the sales tax.

Local Sales and Use Tax

Distribution - Act 688 (SB 418) amends Ark. Stat. 17-2019(d) requiring the State Treasurer to use the last official federal decennial census, or countywide special census, in computing the per capita share that each city and county shall receive from the proceeds of the 1% countywide sales tax.

Remedial - Act 826 (HB 1983) provides for the continuation in full force and effect, the county-wide sales tax in counties which have not adopted a county-wide use tax.

Use Tax - Act 827 (HB 1984) clarifies that in all counties which have adopted a local sales tax, there is also levied a local use tax and provides that the local use tax will be in force and administered pursuant to the laws under which the local sales tax was adopted.

Motion Picture Incentives - Act 1032 (H.B. 2030) The Act amends Ark. Stat. 84-4806(c), the Motion Picture Tax Incentive Act, to provide that payroll expenses, catering expenses, and pre-production and post-production expenses paid in certain ways will qualify for the tax incentive to make motion pictures in Arkansas.

Motor Fuel Tax

Diesel Fuel - Act 985 (H.B. 1791) - Applies to sales other than for motor vehicle use in quantities of more than sixty gallons. Requires suppliers, dealers, users and off-road consumers to be licensed. Suppliers and Interstate users must file surety bonds. Delivery reports by pipeline companies, water transportation companies and common carriers of distillate special fuel are required to be made monthly.

Import/Export Act 977 (H.B. 1599) - Requires persons importing or exporting fuels to be licensed under the Motor Fuel Tax Law and the Special Motor Fuels Tax Law and to obtain load permits for each load. Requires each shipment or movement to have a bill of lading. Documentation must be in possession of transporter. Enforcement by Arkansas Highway Police.

Interstate Users - Act 803 (HB 1359) amends Ark. Stat. 75-1155 to change the reporting date and the method for calculation which licensed interstate users of motor fuels and special motor fuels used to determine the amount of tax owed or the credit or refund to which they are entitled.

Pipelines, Barges, Rail - Act 763 (HB 1792) amends numerous sections of

the Motor Fuel Tax Law to assist in the prevention of evasions of that tax by improved auditing and collection of the tax.

Property Tax

1976 Reenactment - Act 861 (HB 1877) Sets up the "Ad Valorem Tax Fund" and after reimbursement to the Local Audit Division of Legislative Audit and Tax Division and Assessment Coordination, any excess is returned through the County Aid Fund to the counties.

1976 Reenactment - Act 1010 (HB 1920) (Act 1220) The 1976 law amended Ark. Stats. 84-209, 84-210, and 84-211 which establishes the disabled veteran property tax exemption on the homestead and personal property. The present statutes allow a homestead and personal property exemption from all state taxes on the homestead and personal property of a disabled veteran and the surviving spouse and dependent children of: (a) a deceased disabled veteran; (b) a member of the armed forces who was killed or died while within the scope of his military duties; and (c) a member of the armed forces who is missing in action.

Assessment - Act 621 (HB 1605) provides that persons who have previously avoided the payment of personal Property taxes by moving from one county to another county within this state shall be required to assess their personal property acquired between April 10 and December 31 on or about December 31 in the county of their new residence.

Church Property - Act 1040 (S.B. 432) The Act requires churches to list, assess, and pay ad valorem property taxes on all property used for business, commercial, or investments for other than church purposes. It requires all income derived from the operation of business or commercial enterprise owned by churches shall be subject to the State Income Tax. The Revenue Commissioner shall promulgate rules to enforce the carrying out of the application of the Income tax to church-owned business and commercial enterprises.

Cities/Substitute Millage - Act 8 (HB 1114). The Act authorizes cities and incorporated towns which increased the general millage rate in 1986 to reduce the rate no later than February 9, 1987.

Escrow Funds - Act 739 (HB 1579) requires any bank, savings and loan association, and person, firm or corporation holding escrow funds belonging to another for the payment of real property taxes to remit the same to the county collector of the county in which the property is located within 90 days of receipt of the tax bill from the collector in the year 1988 and within 60 days of receipt of the tax bill from the collector in the year 1989.

Homestead - Act 454 (H.B. 1354) The Act provides that relief under the Homestead Property Tax Relief Act shall be by cash rebate only. The provision for an income tax credit was deleted. The Act changes the deadline for filing claims under the Homestead Property Tax Relief Act.

Payment Dates - Act 621 (HB 1605) provides that persons who have previously avoided the payment of personal property taxes by moving from one county to another county within this state shall be required to assess their personal property acquired between April 10 and December 31 on or about December 31 in the county of their new residence.

Postage Fee - Act 324 (SB 351) - Allows county tax collectors to collect postage fee for mailing out tax statements.

Public Property - Act 627 (HB 1750) amends Ark. Stat. 84-206 Second and Fourth to clarify property tax status of property owned by public institutions of higher learning, state agencies, institutions, and boards or commissions, and to provide that no claim shall be made against such institutions for real or personal property taxes.

Repeal Turnback Penalty - Act 22 (HB 1025) The Act repeals Ark. Stat 13-523(b)(3), which had required a reduction in State aid to cities and towns which failed to levy the full 5 mill general tax on taxable property.

Real Property Transfer Tax

Additional - Act 729 (HB 1475) establishes a Natural and Cultural Resources Council to manage and supervise the Natural and Cultural Resources Grant and Trust Fund

Exemptions - Act 642 (HB 1952) amends Ark. Stat 84-4302 to exempt certain first-time purchasers from the real property transfer tax.

Sales Tax

Automobile Parts - Act 986 (HB 1874) Exempted from gross receipts tax electricity used in aluminum manufacture (Subsection (t)). The following subsections were added exemptions after 1976:

- Subsection (u) - articles sold at the Arkansas Veterans Home
- Subsection (v) - automobile parts which constitute "core" charges
- Subsection (w) - equipment rented or leased for production of motion pictures
- Subsection (x) - food stamp purchases (new provision).

Cable Television - Act 188 (HB 1784) - imposes a sales tax on cable television services.

Cigarettes - Act 7 (SB 187). The Act repeals Ark. Stat. 84-1904(b), which exempted cigarettes from the gross receipts tax.

Drugs - Act 416 (S.B. 91) The Act amends Ark. Stat. 84-1904.3 to exempt from the State sales and use tax the proceeds derived from the sale, purchase or use of prescription drugs by dispensing physicians registered under the provisions of Act 515 of 1983 or oncologists when sold, purchased or administered for human use.

Electricity/Manufacturer of Aluminum Metal - Act 986 (HB 1874) Exempted from gross receipts tax electricity used in aluminum manufacture (Subsection (t)). The following subsections were added exemptions after 1976:

- Subsection (u) - articles sold at the Arkansas Veterans Home
- Subsection (v) - automobile parts which constitute "core" charges
- Subsection (w) - equipment rented or leased for production of motion pictures
- Subsection (x) - food stamp purchases (new provision).

Farm Machinery - Act 350 (HB 1375) - Tax exemption - Defines farm equipment and machinery as implements used for production of food and fiber. The definition excludes equipment for severance of timber, motor vehicles, airplanes and hand tools.

Food Stamp Purchases - Act 1033 (H.B. 2041) and Act 986 (H.B. 1874) amend Ark. Stat. 84-1904 to exempt items purchased with food stamps from the sales tax.

Motion Picture Equipment - Act 986 (HB 1874) Exempted from gross receipts tax electricity used in aluminum manufacture (Subsection (t)). The following subsections were added exemptions after 1976:

- Subsection (u) - articles sold at the Arkansas Veterans Home
- Subsection (v) - automobile parts which constitute "core" charges
- Subsection (w) - equipment rented or leased for production of motion pictures
- Subsection (x) - food stamp purchases (new provision).

Permits - Act 372 (SB 501) - Beginning July 1, 1987, the Commissioner of Revenue shall require the deposit of a \$250.00 bond before issuance of a gross receipt tax permit which shall be credited against taxes due the first six months of business. A refund of the unused balance after 6 months may be obtained upon application.

Sales to Arkansas Veterans Home - Act 986 (HB 1874) Exempted from gross receipts tax electricity used in aluminum manufacture (Subsection (t)). The following subsections were added exemptions after 1976:

- Subsection (u) - articles sold at the Arkansas Veterans Home
- Subsection (v) - automobile parts which constitute "core" charges
- Subsection (w) - equipment rented or leased for production of motion pictures
- Subsection (x) - food stamp purchases (new provision).

Telephone Equipment - Act 191 (HB 1127) - Imposes a 2% gross receipt tax from July 1, 1987 through June 30, 1989. Exempts same from city or county sales taxes.

Steel Mill Tax Exemption - Act 48 (HB 1561). The Act gives operators of certain steel mills an extended period to claim the income tax net operating loss deduction and the enterprise zone income job credit. The Act also exempts them from sales and use tax on their purchases of natural gas and electricity.

Amends 48 - Act 575 (SB 613) The Act amends Act 48 of 1987 which provides industrial development incentives to define the term "qualified manufacturer of steel". It amends other Sections of Act 48 and states a company be certified as "qualified" by the director of A.I.D.C. by July 1, 1989, to qualify for incentives under Act 48.

Tobacco Products Tax

Cigarette Paper - Act 1045 (H.B. 1086) The Act levies an excise tax on cigarette papers of twenty-five cents per pack of papers. The Commissioner of Revenues shall promulgate regulations to implement this Act.

Snuff - Act 628 (HB 1758) amends Ark. Stat. 84-4502(p) to include snuff in the definition of "tobacco products" and makes it subject to the Arkansas tobacco products tax.

Tax Stamps - Act 725 (HB 1254) provides that any cigarette or tobacco products wholesaler or any other person required by law to affix tax stamps to cigarettes shall have the option to receive cigarette tax stamps directly from the Commissioner or to have the same shipped to the wholesaler or other person and to provide that when cigarette stamps are shipped to any such person the

person shall be liable for payment of the stamps only upon actual receipt thereof.

Use Tax

Aircraft, RR Equip/1976 Reenactment - Act 772 (HB 1930) amends Ark. Stat. 84-3105(a) to exempt certain property brought into this state solely and exclusively for the purpose of refurbishing, conversion or modification, not used or intended for further use in this state, and property brought into this state for storage pending shipment for use outside the state from the tax levied under the Arkansas Compensating Tax Act.

Drugs - Act 416 (S.B. 91) The Act amends Ark. Stat. 84-1904.3 to exempt from the State sales and use tax the proceeds derived from the sale, purchase or use of prescription drugs by dispensing physicians registered under the provisions of Act 515 of 1983 or oncologists when sold, purchased or administered for human use.

Farm Machinery - Act 350 (HB 1375) - Defines farm equipment and machinery as implements used for production of food and fiber. The definition excludes equipment for severance of timber, motor vehicles, airplanes and hand tools.

Out-of-state Vendors - Act 27 (SB 196). The Act requires out-of-state vendors who regularly solicit sales in Arkansas by means of advertisements in newspapers, mail order or catalogue publications, radio or television to collect the Arkansas compensating "use" tax. The Act also amends Arkansas Statute 84-903(c)(1) to include as a taxable service, services by telephone, telecommunications and telegraph companies and to list various services of these companies that are included as taxable services.

Water and Air Pollution Equipment - Act 91 (SB 48) The Act amends Ark. Stat. 84-3106 to exempt from the state use tax machinery or equipment that the state or federal government requires cities or towns to install in order to prevent or reduce water or air pollution.

TEACHERS

Abuse or Insult - Act 741 (HB 1636) amends Ark. Stat. 80-1905.1 to establish penalties for abusing or insulting public school teachers.

Additional Education - Act 512 (SB 542). The Act amends Ark. Stat. 80-1270.1 (the functional testing of academic skills) to require any teacher to satisfactorily complete the teacher test prior to being re-certified at the expiration of their current certificate. It amends Ark. Stat. 80-1270.2 to permit certified personnel to complete six hours of academic course work by September 1, 1987 to retain their certification (previously it was July 1, 1987). Certified personnel who failed to meet the testing requirements of Act 350 of 1985 may not apply for a new certificate under initial certification regulations.

Aides

Retirement - Act 14 (SB 20) - Eliminates former membership exemption for teacher's aides making such membership compulsory with school district required to pay necessary contributions.

Grants - Act 331 (SB 416) EDUCATION - Provides for funding of six

semester hours per year for teachers and administrators in their subject area. Program shall be administered by Department of Higher Education. Converts loans made under 1983 Act to grants and extinguishes obligations owed under that Act.

Home Economics

Travel Reimbursement - Act 1058 (HB 1618) and Act 893 (SB 314) provide that home economics teachers shall be reimbursed for travel in the same manner as provided for agriculture teachers.

Lunch Period - Act 558 (HB 1450) The Act requires each school district in the State to provide all certified personnel a "thirty-minute, uninterrupted, duty-free lunch period". It also provides that volunteers and non-certified personnel may perform lunch room supervision duties.

Recertification - Act 512 (SB 542). The Act amends Ark. Stat. 80-1270.1 (the functional testing of academic skills) to require any teacher to satisfactorily complete the teacher test prior to being re-certified at the expiration of their current certificate. It amends Ark. Stat. 80-1270.2 to permit certified personnel to complete six hours of academic course work by September 1, 1987 to retain their certification (previously it was July 1, 1987). Certified personnel who failed to meet the testing requirements of Act 350 of 1985 may not apply for a new certificate under initial certification regulations.

See RETIREMENT Pages 103-104

Sick Leave - Act 259 (H.B. 1063) The Act amends Ark. Stat. 80-1252.1 to allow school teachers to transfer up to forty-five (45) days of unused sick leave from one school district to another school district (previously could transfer 30 days of sick leave).

Teacher Excellence Foundation - Act 822 (HB 1835) creates "Commission on Teaching Excellence".

Teaching Excellence Commission - Act 822 (HB 1835) creates "Commission on Teaching Excellence".

TICKET SCALPING

Ticket Scalping - Act 21 (HB 1262). The Act amends Ark. Stat. 41-4151 to amend the ticket scalping law to exclude institutions of higher education which receive funds per ticket above the face value of the ticket.

TOBACCO

Cigarette Paper Tax - Act 1045 (H.B. 1086) The Act levies an excise tax on cigarette papers of twenty-five cents per pack of papers. The Commissioner of Revenues shall promulgate regulations to implement this Act.

Prohibited In Schools - Act 854 (HB 1337) prohibits smoking in public schools except in designated areas away from student exposure by non-student persons over the age of eighteen.

Snuff - Act 628 (HB 1758) amends Ark. Stat. 84-4502(p) to include snuff in the definition of "tobacco products" and makes it subject to the Arkansas tobacco products tax.

Tax - Act 7 (SB 187). The Act repeals Ark. Stat. 84-1904(b), which exempted cigarettes from the gross receipts tax.

Tax Stamps - Act 725 (HB 1254) provides that any cigarette or tobacco products wholesaler or any other person required by law to affix tax stamps to cigarettes shall have the option to receive cigarette tax stamps directly from the commissioner or to have the same shipped to the wholesaler or other person and to provide that when cigarette stamps are shipped to any such person the person shall be liable for payment of the stamps only upon actual receipt thereof.

UNDERGROUND FACILITIES

Act - Act 600 (HB 87) the Kansas Underground Facility Act sets up a system for the registration of underground facilities at a central information center and a requirement that persons intending to excavate or demolish must notify a local authority prior to the excavation or demolition.

UNEMPLOYMENT

Omnibus Amendments - Act 672 (HB 1887) amends various provisions of the Arkansas Employment Security Act.

UNIFORM COMMERCIAL CODE

Bank Deposits - Act 564 (HB 1797) The Act amends Ark. Stat. 85-3-406 to provide that in cases of negligence contributing to the alteration of a check or unauthorized signatures where both the banks and their customers contributed to the loss, their respective "fault" in causing the loss shall be compared under the Arkansas Comparative Fault Law (Ark. Stat. 27-1763 to 27-1765). It amends Ark. Stat. 85-4-406 to compare "fault" under the Comparative Fault Law for banks and their customers in cases of the customer's duty to discover and report alteration in checks.

Commercial Paper - Act 564 (HB 1797) The Act amends Ark. Stat. 85-3-406 to provide that in cases of negligence contributing to the alteration of a check or unauthorized signatures where both the banks and their customers contributed to the loss, their respective "fault" in causing the loss shall be compared under the Arkansas Comparative Fault Law (Ark. Stat. 27-1763 to 27-1765). It amends Ark. Stat. 85-4-406 to compare "fault" under the Comparative Fault Law for banks and their customers in cases of the customer's duty to discover and report alteration in checks.

Crop Liens

Filing Fees - Act 108 (SB 213) exempts livestock buyers and sale barn from centralized lien filing system in the Secretary of State's office; increases filing fees and requires the Secretary of State to report to the Legislative Council quarterly regarding expenditures for the centralized filing system.

Financial Institutions

Unauthorized Signature/Alterations - Act 565 (HB 1799) The Act amends Ark. Stat. 85-4-406(4) to reduce the time period for a customer to report unauthorized signatures on a check from 1 year to 90 days and to reduce the time

period to discover and report the unauthorized endorsement of a check from 3 years to 1 year.

Production Money Security Interests

Priority - Act 560 (HB 1601) The Act amends Ark. Stat. 85-9-312(2) to establish a priority for a production money security interest over other conflicting security interests in the same collateral. It defines a "production money security interest". The new priority provision will cease to be effective on July 1, 1989 and will not apply to state or national banks' security interests.

USE TAX

See TAXES Pages 139, 143

UTILITIES

Acquisition by Titles

Amends Act 110 - Act 378 (SB 557) - Amends Act 110 of 1987 to require payment of severance damages to include the estimated present value of revenue requirements associated with facilities, contracts, real property or other costs allocated to the service area to be served by the municipality.

Procedure - Act 110 (SB 340) - Authorizes purchase by order of Public Service Commission of electric or gas utilities by municipalities; requires vote by electors to confirm governing body's decision. This Act is amended by Act 378 of 1987.

Advertising Costs - Act 475 (S.B. 657) The Act amends Ark. Stat. 73-277.1 to allow utilities to recover from customers the reasonable cost of advertising designed to improve or maintain a utility's load factor and advertising which promotes economic development in the State.

Co-generation

Purchase - Act 796 (SB 654) protects consumers from excess generating costs by providing that electric utilities shall not be required to pay in excess of avoided costs for purchased electricity from any qualifying co-generation or small power production facility and requires the Arkansas Public Service Commission to apply for a waiver from the Federal Energy Regulatory Commission, etc.

Damage to Lines from Excavation/Demolition - Act 600 (HB 1187) the "Arkansas Underground Facilities Damage Prevention Act" which sets up methods for utility operators to register underground facilities at a central information center and a requirement that persons intending to excavate or demolish must notify the central information center prior to the excavation or demolition.

Domestic Public Utility - Act 954 (S.B. 369) - Excludes from definition of "domestic public utility" person providing telephone utility service with 300 or less stockholders.

Easements

Vacate - Act 494 (S.B. 63) - The Act authorizes county courts to

vacate utility easements located outside Incorporated areas if the easement has not been used for a period of at least five years and vacating the easement would not be against the Interest of the public. The Act Provides for a de novo appeal to circuit court.

Electric Utilities

Ark. Coal - Act 553 (HB 1231) The Act requires all electric utilities in Arkansas to burn a mixture of coal containing a minimum of 10% Arkansas-mined coal (3% In 1988, 6% In 1989, and 10% In 1990 and after). No utility will be required to burn this minimum amount of Arkansas-mined coal if it requires exceeding air pollution standards or if it requires increased costs to consumers.

Co-generation - Act 796 (SB 654) protects consumers from excess generating costs by providing that electric utilities shall not be required to pay in excess of avoided costs for purchased electricity from any qualifying co-generation or small power production facility and requires the Arkansas Public Service Commission to apply for a waiver from the Federal Energy Regulatory Commission, etc.

Wholesale Sales - Act 831 (HB 2032) amends Ark. Stat. 73-248 and 73-249 to prevent double taxation of Arkansas electric cooperatives.

Indebtedness - Act 265 (H.B. 1329) The Act amends Ark. Stat. 73-229.1 to provide that an application for rehearing or appeal of Public Service Commission orders will not automatically stay the implementation of Commission orders regarding the issuance of stocks or bonds by utilities.

Municipal Electric Utilities

Rates - Act 735 (HB 1558) amends Ark. Stat. 19-6006 to provide that electric rates for municipalities may be fixed so as to secure performance of payment under a contract for the purchase of electric power.

1976 Reenactment - Act 994 (HB 1904) (Act 1181 of 1975) Enacts the procedure for rate setting of utility rates for Public Service Commission. (It has been amended four times since 1975 law).

Rural Areas - Act 150 (SB 165) - Authorizes natural gas utilities to apply to PSC for certificate of extension which allows utility to recoup costs of service extensions through surcharges and increased rates.

Rural Electric Distribution Cooperatives - Act 821 (HB 1830) reduces the Public Service Commission's Jurisdiction over Arkansas electric cooperatives.

Sale

Procedure - Act 347 (HB 1149) - Requires private owned utility located in no more than two counties to offer acquisition to the county or a political subdivision thereof 90 days prior to sale.

Stocks and Bonds - Act 265 (H.B. 1329) The Act amends Ark. Stat. 73-229.1 to provide that an application for rehearing or appeal of Public Service Commission orders will not automatically stay the implementation of

Commission orders regarding the Issuance of stocks or bonds by utilities.

VETERANS

Motor Vehicle Plates - Act 59 (SB 3). The Act amends the Handicapped Persons' Access to Parking Act of 1985 (Act 907 of 1985) to make it also apply to vehicles bearing disabled veterans' license plates.

Veterans Home - Act 157 (HB 1363) - Permits conversion of the Arkansas Veterans Home to 70 bed nursing home and dormitory without requiring a certificate of need.

VETERINARIANS - Act 60 (SB 148). The Act amends Ark. Stat. 72-1133 and 72-1135 to empower the Veterinary Examining Board to issue licenses to practice veterinary medicine as a general practitioner or in a specialty area.

Civil Penalties - Act 774 (HB 1953) empowers the Veterinary Medical Examining Board to impose civil penalties on licensed veterinarians for violations of the Veterinary Medical Practice Act.

VOCATIONAL SCHOOLS

Tuition - Act 72 (HB 1302). The Act amends Ark. Stat. 80-3363 and 80-3364 to provide that the dependents of persons killed on ordnance delivery in the armed forces shall be eligible for free tuition in any State-supported institution of higher education or State-supported technical or vocational school.

voice stress-analysis examiners - Act 858 (HB 1775) provides for the appointment of voice stress-analysis examiners by the Arkansas Board of Private Investigators.

VOLUNTEERS

Immunity - Act 390 (HB 1112) - The Arkansas Volunteers Immunity Act. Qualified volunteers are exempt from vicarious liability for the negligence of another, for personal injury or property damage sustained by one benefiting from the volunteer's services except where insurance coverage applies, the acts were in bad faith or through gross negligence, during negligent operation of a vehicle if covered by insurance or negligent performance of professional services which the volunteer is licensed to perform and for which professional liability is customarily carried. Liability is limited to the coverage amount.

Workers' Compensation - Act 527 (HB 1405) The Act provides that a county quorum court may provide workers' compensation coverage for designated volunteer public safety workers. A "volunteer public safety worker" includes a volunteer worker in a sheriff's auxiliary, an ambulance service or rescue squad, or a rural volunteer fire department. The volunteer public safety worker shall be deemed to have received wages to entitle them to receive the minimum benefit for injury, disability or death.

WAREHOUSES

Self-Service Storage - Act 576 (SB 36) The Act provides for the regulation of self-service storage facilities. It provides the operators of self-service storage facilities have lien on items stored in the leased space that are 45 days delinquent in rental payments. It provides a procedure and notice requirement for the sale of the property stored in such facilities to satisfy

the Ilen.

WATER WELLS

Pump Installation

Regulation - Act 690 (SB 442) repeals Ark. Stat. 19-1802.1 which makes the 10% of all fines and forfeitures collected by the police department of cities under the provisions of Ark. Stat. 19-1801 through 19-1821 will now apply to cities with an assessed property evaluation in excess of \$200,000,000.

Reporting Act 460 (H.B. 1509) The Act amends Ark. Stats. 9-129 and exempts wells having a maximum potential flow rate of less than 50,000 gallons per day from the requirement that the withdrawal of underground water be reported. The Act also revises the information that is to be reported to the Arkansas Soil and Water Conservation Commission.

WEAPONS

Firearms - Act 74 (SB 28). The Act amends Ark. Stat. 41-3101(1) to provide that a person convicted of a felony or adjudicated mentally ill may possess or own a firearm, subject to restrictions, if authorized by the Governor or the U. S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms.

Possession In Certain Areas - Act 829 (HB 2007) prohibits the possession of loaded center fire weapons, other than shotguns, and other than in a residence or business, in certain designated areas.

Stars and Knives - Act 266 (H.B. 1347) The Act amends Ark. Stat. 41-3151 to include "throwing stars, butterfly knives, and switchblades" in the definition of "knives" as a weapon which is prohibited from being carried to be employed against another person.

WHITE RIVER VALLEY COMMISSION - Act 1039 (S.B. 387) The Act establishes the White River Valley Commission with 13 members and provides the Commission may meet quarterly and accept financial contributions from cities and counties to support studies.

WORKERS' COMPENSATION

1976 Reenactment - Act 1015 (HB 1925) This was the Omnibus Worker Compensation Act of 1976. Many of these sections have been subsequently amended especially during the Special Session last year. However, these changes are incorporated into this bill. The most important provision of the 1976 Act was the reduction to three employees for employment covered by the Act. Current bills pending before the 76th General Assembly do not affect these particular sections.

Firefighters

County Employees - Act 837 (HB 1600) creates the Arkansas Fire Protection Services Board and the Office of Fire Protection Services, establishes a system certification classification of fire departments, limits the civil liability of certified fire departments and provides workers' compensation coverage for volunteer fire fighters of certified fire departments in rural areas.

Marital Property Defined - Act 676 (SB 225) amends Ark. Stat. 34-1214

GENERAL ASSEMBLY - MEETING DATES

<u>General Assembly</u>	<u>Year</u>	<u>Dates in Session</u>	<u>Total Days</u>
59th	1953	January 12 - March 12	60
60th	1955	January 10 - March 10	60
61st	1957	January 14 - March 14	60
"	1957 FES	March 25 - March 27	3
"	1958 SES	August 26 - September 12	18
62nd	1959	January 12 - March 12	60
"	1960 FES	January 19 - January 21	3
63rd	1961	January 9 - March 9	60
"	1961 FES	August 24 - September 1	9
"	1961 SES	September 18 - September 21	4
64th	1963	January 14 - March 14	60
"	1964 FES	March 24 - March 27	4
65th	1965	January 11 - March 11	60
"	1965 FES	May 24 - June 8	16
"	1965 SES	November 2 - November 4	3
"	1965 TES	November 4 - November 6	2
66th	1967	January 9 - March 31	65
"	1968 FES	February 5 - February 21	17
"	1968 SES	Hay 20 - May 30	11
67th	1969	January 13 - April 11 (Recess)	89
"	1969	May 5 - May 8	4
"	1970 FES	March 2 - March 7	6
68th	1971	January 11 - April 2 (Recess)	82
"	1971	April 19 - April 19	
"	1972 FES	February 7 - February 16	10
69th	1973	January 8 - April 5 (Recess)	88
"	1973	April 24 - April 24	
"	1974	January 14 - January 14	
"	1974 FES	June 24 - July 12 (Recess)	19
"	1974 FES	August 1 - August 1	
70th	1975	January 13 - March 27 (Recess)	75
"	1975	April 9 - April 9	
"	1976 Ext.	January 12 - January 28	17
"	1976 FES	September 8 - September 10	3
71st	1977	January 10 - March 18 (Recess)	68
"	1977	April 6 (Recess)	
"	1977 FES	August 2 - August 5	4
"	1978	August 14 (Adjourn)	
72nd	1979	January 8 - April 4	87
"	1979	April 20	
"	1980 Ext.	January 7 - January 17	10-1/2
"	1980 FES	January 17 - January 24	7-1/2
"	1980 SES	April 15 - April 18	4
73rd	1981	January 12 - March 18	66
"	1981 FES	November 16 - November 25	10
74th	1983	January 10 - March 18 (2 week recess - adjourned sine die April 4)	68
"	1983 FES	October 4 - November 10	37
75th	1985	January 14 - March 22 (1 week recess - adjourned sine die March 29)	68
"	1985 FES	June 17 - June 21	5
"	1986 SES	April 28 - May 1	4

GENERAL ASSEMBLY - MEETING DATES

<u>General Assembly</u>	<u>Year</u>	<u>Dates in Session</u>	<u>Total Days</u>
76th	1987	January 12 - April 3 (2 week recess - Adjourned sine die April 20)	82

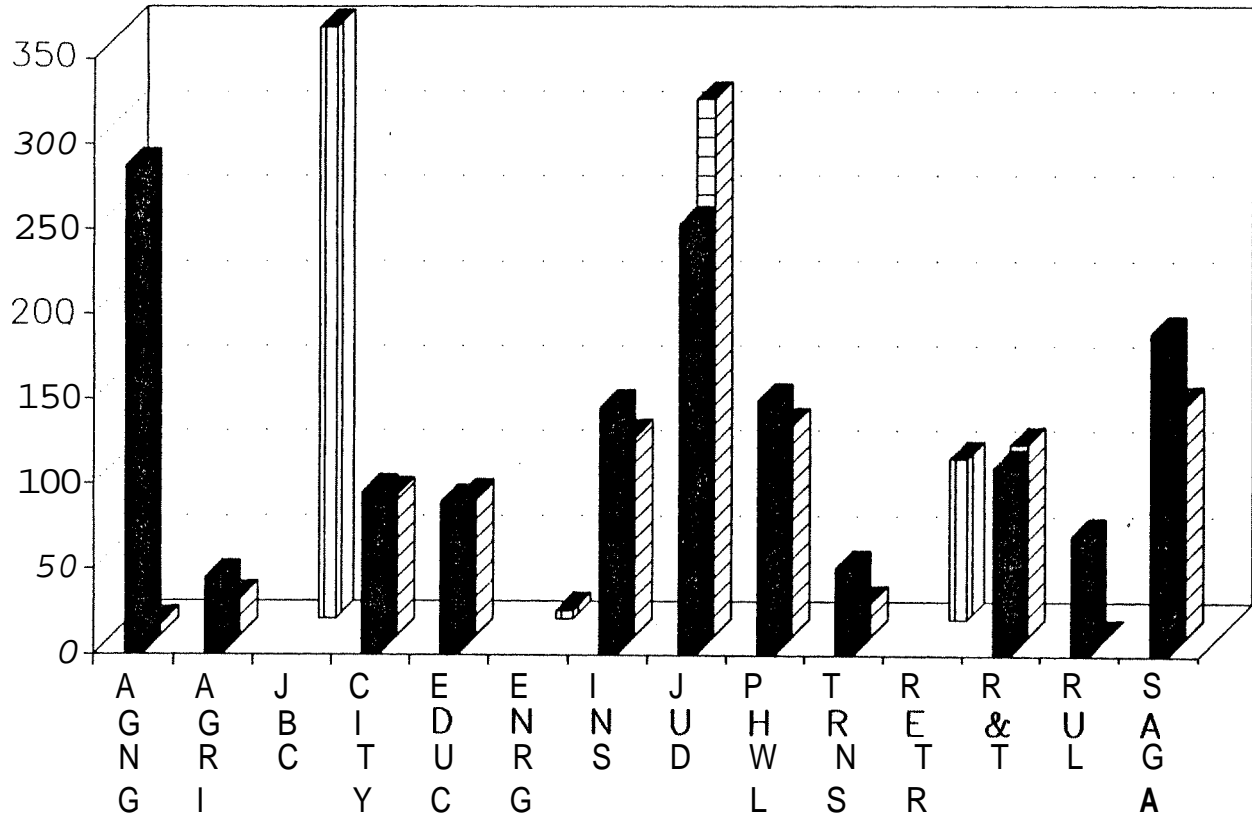
76TH SESSION OF THE ARKANSAS GENERAL ASSEMBLY

COMMITTEE WORKLOAD

COMMITTEE	NUMBER OF MEETINGS		NUMBER OF ITEMS REFERRED		HOUSE RECOMMENDATIONS			SENATE RECOMMENDATIONS		
	HOUSE	SENATE	HOUSE	SENATE	DO PASS	DO PASS AS AMENDED	DO NOT PASS	DO PASS	DO PASS AS AMENDED	DO NOT PASS
PUBLIC HEALTH, WELFARE AND LABOR	21	11	149	124	84	44		68	14	
PUBLIC TRANSPORTATION	21	7	51	20	26	10		15	2	
REVENUE & TAXATION	27	20	110	113	52	26	2	70	22	6
EDUCATION	21	11	89	82	53	11	1	62	4	
JUDICIARY	23	19	253	316	194	27		230	42	1
AGRICULTURE AND ECONOMIC DEVELOPMENT	19	6	45	22	29	7		12	3	2
INSURANCE & COMMERCE	20	13	145	117	49	29		76	18	
STATE AGENCIES AND GOVERNMENTAL AFFAIRS	23	20	177	164	103	41		87	38	
CITY, COUNTY AND LOCAL AFFAIRS	20	18	95	83	82	13		54	16	
AGING AND LEGISLATIVE AFFAIRS	23	3	287	7	252	5		5	2	
HOUSE RULES	22		70		31	9				
					RECOMMENDATIONS					
JOINT RETIREMENT		12		94	60	23				
JOINT ENERGY		6		5	3	0				
JOINT BUDGET		43		348	223	96				

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COMMITTEE WORKLOAD 1987 SESSION
 NUMBER OF ITEMS REFERRED



HOUSE COMMITTEES
 SENATE COMMITTEES
 JOINT COMMITTEES

to exclude benefits received or to be received from a Workers' compensation claim or personal injury claim when such benefits are for any degree of permanent disability or future medical expenses from the definition of marital property.

Preliminary Conferences - Act 913 (SB 327) prohibits the Workers' Compensation Commission from spending any funds appropriated by the General Assembly to defray the cost of preliminary conferences held other than in the county where the accident occurred. If the same occurred in this State, the county of the claimant's residence, or such other county as agreed to by the parties.

Prime Contractors - Act 941 (S.B. 1660) WORKER COMPENSATION - Prime Contractor not liable for certain subcontractors - When sole proprietorship or partnership does not elect coverage for sole proprietor or partners under worker compensation, the prime contractor is not liable for injuries as long as the sole proprietor or partners are not employees of the prime contractor. Prime contractor does remain liable for employees of subcontractor who fails to secure workers compensation coverage.

Self-Funded Groups - Act 206 (H.B. 1270) The Act amends Ark. Stats. 81-1365(e) to give municipal and county self-funded worker's compensation groups several options to providing excess reinsurance: (1) by cash or certificates of deposit, (2) by letter of credit or (3) by reinsurance from the National League of Cities Reinsurance Company.

Self-Insured

Audited Financial Statements - Act 980 (H.B. 1747) WORKER COMPENSATION - Self-insurer - Eliminates the requirement that certified financial statements be audited to file with the Commission. Exempts governmental entities from having a \$200,000 corporate surety bond and the requirement of excess insurance coverage.

State and Political Subdivisions

Self-Insured - Act 806 (HB 1513) amends Ark. Stat. 81-1336 to exempt municipalities, counties, and the State of Arkansas and its political subdivisions from the requirement of posting an Indemnity bond, surety bond or securities as a prerequisite to self-insured status.

Withheld for Child Support - Act 524 (HB 1348) The Act amends Ark. Stat. 34-1230 to say that child support obligations shall not apply to workers' compensation benefits except to the extent allowed by this Act. It amends Ark. Stat. 81-1321 to say workers' compensation benefits are not assignable or subject to other legal attachments except for child support obligations and establishes the procedures for payment of those obligations.