

FINAL SUMMARY  
OF ACTION ON

**GENERAL LEGISLATION**

BY THE  
77<sup>TH</sup> GENERAL ASSEMBLY  
OF THE STATE OF ARKANSAS

1989

JANUARY 9 1989 through April 3, 1989

Bureau of Legislative Research  
April, 1989

MEMORANDUM

TO: Bureau Staff  
FROM: Larry Holifield *LH*  
DATE: May 9, 1989  
SUBJECT: Correction to Summary of General Legislation of the 1989  
Regular Session

Refer to page 45 of the General Legislation Summary, fourth entry from the bottom under "Salaries". Act 581 repeals the "Teachers' Minimum Salary Law" not the "Public School Insurance Advisory Committee".

MEMORANDUM

TO: Bureau Staff

FR : Larry Holmquist *LH*

DATE: May 9, 1989

SUBJECT: Correction to Summary of General Legislation of the 1989  
Regular Session

Refer to page 39, heading "Employee Insurance". The subheading should be "Teachers' Salaries". Act 581 does not repeal the "Public School Employees Insurance Advisory Committee". It does repeal the "Teachers' Minimum Salary Law". Please make this correction to your summary. When you find an error in the summary, please let me know.

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## **ABANDONED PROPERTY**

### **DRY CLEANERS**

Act No. 799, (SB 552) provides that any item of clothing left at a dry cleaners which is not claimed within six months shall be deemed abandoned property, and the owner may dispose of the clothing and retain the proceeds. The owner then waives all rights to recover fees for performing work on the object.

### **UNCLAIMED PROPERTY REPORTS**

Act No. 140, (SB 294) requires the State Auditor to annually provide the Legislative Council with a report summarizing all properties recovered under the Unclaimed Property Program and all fees paid to individuals or firms for finding such property.

### **VEHICLES**

Act No. 899, (HB 1954) provides for the removal of unattended and abandoned vehicles.

Act No. 680, (HB 1111) provides an alternative method for property owners to dispose of abandoned vehicles found on their property by having the vehicle removed by a towing-storage firm who must then follow due process requirements; it also provides a method whereby the property owner may dismantle or destroy the abandoned vehicle.

## **ABORTION**

### **PARENTAL NOTIFICATION**

Act No. 270, (HB 1256) provides that before a minor can obtain an abortion, the minor's parents, guardian or custodian must receive written notification.

## **AGRICULTURE**

### **BRUCELLOSIS PROGRAM**

Act No. 736, (HB 1518) provides for fees to fund the brucellosis program.

### **CROP DAMAGE**

Act No. 814, (HB 1768) provides that any farmer with damage to an agricultural crop from wildlife may request the game warden to assist him in relocating or eradicating the wildlife causing injury to his crops.

### **DAIRY ESCROW ACCOUNTS**

Act No. 4, (HB 1056) permits dairy farmers to require processors to establish an escrow account for payments owing farmers; cooperative associations are exempt from the act; makes processor liable for purchase price, interest and attorney's fee if they fail to pay for raw milk in accordance with the act.

### **DIVISION OF AGRI. DEVELOPMENT**

Act No. 885, (HB 1888) transfers the duties and powers of the Division of Agriculture Development from the Ark. Industrial Development Commission to the Ark. Development Finance Authority.

## **AGRICULTURE (cont.)**

### **LANDOWNER LIABILITY**

Act No. 101, (HB 1165) provides that a landowner, tenant or lessee is not liable for injuries to any person who is on the land for the purpose of gleaning agricultural or farm products or for the purpose of picking and purchasing agricultural or farm products at a farm or "u-pick" operation unless there is gross negligence or an unreasonable risk of harm.

### **NATURAL ORGANIC FERTILIZER**

Act No. 42, (HB 1157) limits the fees and penalties charged by the State Plant Board to regulate and supervise the manufactured sale of 100% natural organic fertilizers to an amount not to exceed fees and penalties set for other types of fertilizers.

### **PRODUCTION MONEY**

Act No. 654, (HB 1528) removes the sunset provision pertaining to the priority of production money security interest and exempts institutions chartered under the "Farm Credit Act of 1971" from the provisions pertaining to production money security interest.

### **SOYBEANS**

Act No. 102, (HB 1190) provides for an increase in the assessment on soybeans for research, promotion and market development from one cent per bushel to two cents per bushel and this assessment may be referred to a vote of the soybean producers upon petition of 15% of the soybean producers in this State. This Act repeals the provisions concerning the holding of a referendum in each county.

## **AIDS**

### **CRIMINAL LAW**

Act No. 614, (HB 1496) creates a crime for knowingly and willfully exposing another person to Human Immunodeficiency Virus.

### **NOTICE TO DOCTOR OR DENTIST**

Act No. 413, (HB 1565) requires a person found to have HIV infection to notify a physician or dentist before receiving health care services.

## **ALARM SYSTEMS**

### **REGULATION**

Act No. 926, (SB 583) makes various changes to the Arkansas Private Investigators and Private Security Agencies Act. The act regulates alarm systems companies and abolishes the Alarm Systems Licensing Board.

## **ALCOHOLIC BEVERAGES**

### **ELECTION DAY SALES**

Act No. 426, (SB 61) repeals the prohibition against sales of alcoholic beverages on election days.



FINES

Act No. 296, (SB 137) proves specific authority to the Alcoholic Beverage Control Division to levy additional fines for subsequent violations of the same provisions of the alcoholic beverages laws within a twelve month period.

ON-PREMISES CONSUMPTION

RESTAURANT

Act No. 837, (SB 578) defines the word "restaurant" as it relates to the on-premises consumption of alcoholic beverages.

Act No. 953, (SB 135) changes from 6 to 5 the number of days per week a restaurant must serve one meal per day and excepts holidays, vacations and periods of redecorating for purposes of qualifying for a mixed drink permit.

PERMITS

LEASE OF PREMISES

Act No. 295, (SB 136) allows applicants for retail beer permits and on-premises liquor permits to have an option to lease a premises and amends the definition of "private club" to allow the club to have an option to lease its premises.

NOTICE

Act No. 297, (SB 138) provides that the public is to be notified when an application is made for an on-premises consumption private club permit, a retail liquor permit, or a retail beer permit.

POST EXCHANGE PACKAGE PERMIT

Act No. 617, (HB 1662) creates a "Post Exchange Package Permit" which authorizes the sales of spiritous, vinous, and malt beverages, light wine, light beer, premixed spiritous liquor, and light spiritous liquor, and Arkansas native wine at a post exchange facility located upon property owned by the State and operated by and under the exclusive control of the Military Department of Arkansas.

RENEWAL

Act No. 300, (SB 222) provides that the late renewal penalty is to accrue for each 60 day period in which the permit has not been renewed after the deadline and provides for a longer time period in which renewal of the permit will be allowed.

SUNDAY SALES

Act No. 868, (HB 1623) defines alcoholic beverages as all intoxicating liquors of any sort for the purpose of determining the qualifications for issuance of a permit for selling alcoholic beverages for on premises consumption on Sunday.

## **ALCOHOLIC BEVERAGES (cont.)**

### PERMITS (cont.)

#### VIOLATIONS

Act No. 695, (HB 1652) provides that it is a violation of the alcoholic beverage laws of the State for failure of the permittee to operate the outlet in a peaceable manner.

#### WINE

Act No. 299, (SB 221) provides that cafes or restaurants may sell wine for consumption with food upon obtaining the proper license.

## **ANATOMICAL GIFT ACT**

Act No. 436, (SB 380) establishes the right of an adult person to donate his or her body or organs for research and for organ transplant after death. It establishes the procedures for making the gift and for carrying out the removal and saving of the organs after the person's death.

## **ANIMALS**

### BEAR EXPLOITATION

Act No. 346, (HB 1232) prohibits the criminal offense of bear exploitation and provides penalties.

### CROP DAMAGE

Act No. 814, (HB 1768) provides that any farmer with damage to an agricultural crop from wildlife may request the game warden to assist him in relocating or eradicating the wildlife causing injury to his crops.

### DOG FIGHTING

Act No. 528, (HB 1391) provides for the seizure and forfeiture of dogs used for unlawful dog fighting.

## **ARKANSAS CODE**

### 76TH GENERAL ASSEMBLY ACTS

Act No. 990, (SB 478) revises and codifies acts of the regular and extraordinary sessions of the 76th General Assembly as prepared by the Code Revision Commission to be included in the Arkansas Code. The Act is 920 pages in length and will not be printed.

### CODE REVISIONS

Act No. 821, (HB 1890) amends certain Sections of the Arkansas Code to make corrections and to improve the clarity and organization of the Code.

## **ARTIFICIAL INSEMINATION**

Act No. 647, (HB 1339) establishes presumptions as to parental responsibility for children born by artificial insemination or children born of surrogate mothers or children born from an anonymous donation of sperm.

## **ATHLETICS**

### **ATHLETE AGENTS**

Act No. 544, (HB 1714) requires persons soliciting athletes to enter into professional sports services contracts to register with the Secretary of State prior to contacting an athlete.

### **EVENTS**

#### **NON-PROFIT SPONSORSHIP**

Act No. 596, (HB 1637) permits nonprofit corporations to sponsor athletic events regulated by the Arkansas Athletic Commission.

### **HIGHER EDUCATION EXPENDITURES**

Act No. 245, (HB 1147) provides for uniform reporting and auditing in order to report athletic costs and revenues of each state-supported institution of higher education.

## **ATTORNEY GENERAL**

### **PROBATION OFFICERS**

Act No. 433, (SB 354) provides that the Attorney General shall represent the probation officers of the circuit courts in any actions brought against them.

## **AUCTIONEERS**

### **AUCTIONEER'S LICENSING BOARD**

Act No. 266, (HB 1104) creates an Auctioneer's Licensing Board and prescribes its duties, qualifications for membership, term of office, compensation, and authority.

## **AUDITOR OF STATE**

### **TAX REFUND SETOFF**

Act No. 698, (HB 1709) provides that the Auditor of State's Office is a claimant agency for the setoff of debts against State tax refunds and to include the cashing of both the original and duplicate state warrants as a debt subject to setoff.

### **UNCLAIMED PROPERTY REPORTS**

Act No. 140, (SB 294) requires the State Auditor to annually provide the Legislative Council with a report summarizing all properties recovered under the unclaimed property program and all fees paid to individuals or firms for finding such property.

### **VOTER AFFIDAVITS**

Act No. 540, (HB 1634) provides that no voter Affidavit of Registration shall be declared spoiled or inadequate for failure to include certain information.

### **WARRANTS**

Act No. 416, (SB 66) revises the requirements pertaining to the executing of a bond in order to obtain a replacement warrant issued by the Auditor of State.

## **BAIL BONDS**

Act No. 417, (SB 104) revises the law pertaining to the regulation of the bail bond business and pertaining to bail generally.

## **BARBERS**

### APPRENTICESHIP

Act No. 388, (HB 1435) abolishes former law requiring an 18 month apprenticeship before being eligible for a barber license. The Act changes the composition of the Board of Barber Examiners. Various license fees are increased.

## **BONDS**

### DEVELOPMENT FINANCE AUTHORITY

#### ADDITIONAL AUTHORIZATION

Act No. 945, (SB 587) authorizes Arkansas Development Finance Authority to issue economic development credit enhancement general obligation bonds in an amount not to exceed \$25,000,000.

#### BOND GUARANTEES

Act No. 838, (SB 586) amends the Arkansas Development Finance Authority Act to modify the amount of guaranty premium payments, and authorizes the Development Finance Authority to guarantee short-term obligations of governmental agencies.

#### COLLEGE SAVINGS BONDS

Act No. 683, (HB 1311) authorizes the Arkansas Development Finance Authority to issue College Savings General Obligation Bonds in the principal amount of \$300,000,000.00 for the purpose of financing higher education projects.

### MUNICIPALITIES

#### REFUND

Act No. 490, (SB 447) provides that in instances where bonds were issued by a municipality under Amendment 13 to the Arkansas Constitution and the project that the bonds were issued for has not been commenced within 10 years after the bonds were issued, the principal balance is to be refunded to the taxpayers.

#### SURPLUS REVENUES

Act No. 108, (SB 193) provides for the authorization of municipalities to pledge surplus revenues to the payment of revenue bonds issued to finance public ports and harbors and related facilities.

### TAXABLE BONDS

Act No. 632, (SB 125) is entitled the Taxable Bond Act of 1989. Any governmental unit of the State of Arkansas, including state agencies, boards, commissions, counties, cities and school districts may provide for the issuance of taxable bonds for public purposes or any specific purpose authorized by law.

**BONDS** (cont.)

UNIVERSITY OF ARKANSAS

Act No. 679, (SB 597) increases from 8% to 10% the interest payable on bonds issued by the University of Arkansas for operating the University of Arkansas School of Law.

**BURIAL ASSOCIATIONS**

ANNUAL LICENSE FEES

Act No. 344, (HB 1184) revises the annual license fees of burial associations.

EMINENT DOMAIN FOR CEMETERY

Act No. 542, (HB 1687) grants all cities of the first and second class and incorporated towns, cemetery or burial associations and persons owning land used for burial purposes the power to condemn, take and use land for public burial purposes. Land acquired under the act may be used for burial of veterans of the United States armed forces and their dependents.

**CHILDREN**

ABORTION

PARENTAL NOTIFICATION

Act No. 270, (HB 1256) provides that before a minor can obtain an abortion, the minor's parents, guardian or custodian must receive written notification.

CHILD ABUSE

ACCESS TO REPORT BY COUNSELOR

Act No. 28, (SB 17) gives certified public school counselors access to child abuse information for those cases reported by the counselor.

CENTRAL REGISTRY RULES

Act No. 687, (HB 1459) provides that the Child Abuse and Neglect Central Registry may adopt rules to encourage cooperation with other states in exchanging reports and to effect a national registration system.

CHILD ABUSE/NEGLECT PREVENT.BD

Act No. 353, (SB 278) permits the Child Abuse and Neglect Prevention Board to fully utilize federal monies by not requiring them to be deposited in the Children's Trust Fund.

COOPERATIVE INTERVENTION AGMT.

Act No. 824, (HB 1938) requires the Department of Human Services to initiate cooperative agreements with other agencies regarding cooperative intervention and reports of child sexual abuse and serious physical injuries.

REPORTING EXCEPTIONS

Act No. 421, (SB 252) adds privileged communications between a minister and a person confessing to him to the types of communications which are excepted from the reporting requirements of the child abuse reporting laws.

CHILD CARE FACILITY

BOARD MEMBERSHIP

Act No. 400, (HB 1206) enlarges the membership of the Child Care Facility Review Board.

DEFINITION

Act No. 399, (HB 1205) redefines the term "child care facility" for the purpose of the Child Care Licensing Act. The act also provides that Child Care Facility Review Board may seek an injunction without bond against a person who has been denied a license or whose license has been suspended or revoked.

FAMILY HOME REGISTRY

Act No. 46, (HB 1207) creates a voluntary registry for day care family homes that are exempt from licensure under the Child Care Facility Licensing Act.

LOAN GUARANTEE FUND

Act No. 202, (SB 71) establishes a seventeen member Early Childhood Commission to administer the Child Care Facilities Loan Guarantee Trust Fund. General Education Division of the Department of Education is to assign staff for the commission. Funds are to be made available to guarantee loans for expansion or development of child care facilities. Commission is to promote early childhood programs in this state.

CHILD SUPPORT

CENTRALIZED CLEARINGHOUSE

Act No. 686, (HB 1421) authorizes the Child Support Enforcement Unit to develop and test the feasibility of a centralized clearinghouse system for the payment and collection of child support.

COMMISSION ON CHILD SUPPORT

Act No. 682, (HB 1263) establishes the State Commission on Child Support.

COMPETENT WITNESSES

Act No. 657, (HB 1624) provides that the biological mother, her husband and the putative father of the child may testify in any cause of action in which paternity or child support is an issue.

EMPLOYEES TO SERVE PROCESS

Act No. 808, (HB 1481) designates the Child Support Enforcement Unit as a law enforcement agency to employ a child support officer to assist in the service of process and to enforce child support orders in counties where the court grants at least 2,500 divorces a year.

**CHILDREN** (cont.)

CHILD SUPPORT (cont.)

EMPLOYER WITHHOLDING

Act No. 210, (SB 95) provides that except when money is withheld for welfare reimbursement owed the state, once support monies are withheld by the employer it becomes the property of the custodial parent who may seek any available redress against the employer to collect the same.

IMPLIED CONSENT

Act No. 508, (HB 1260) provides that in actions to establish paternity or child support obligations, a person is deemed to have consented and submitted to the jurisdiction of the Arkansas courts if the person engaged in sexual intercourse with the child's mother in this state during the period of conception or the person resided with the child in this state.

PAYMENT AFTER EMANCIPATION

Act No. 507, (HB 1259) provides that an obligor is required to continue child support payments after the children are emancipated in order to retire child support arrearages.

SEPARATE CAUSE OF ACTION

Act No. 383, (HB 1185) gives the chancery court exclusive jurisdiction in all matters relating to support of a minor child or support owed a person once they reach their majority. The equitable cause of action can be brought by the custodial parent, a person or agency with custody of the child, the minor child by his guardian or next-of-friend or the Department of Human Services.

STATUTE OF LIMITATIONS

Act No. 525, (HB 1261) sets a ten year statute of limitations on the collection of child support arrearages.

VENUE

Act No. 184, (SB 26) allows actions brought six months subsequent to the entry of the final decree to be brought in the county of residence of the custodial parent when both parties have left the county where the final decree was entered.

WELFARE REFORM

Act No. 948, (HB 1257) implements various provisions of the Family Support Act of 1988 which place new requirements on child support enforcement. Mandates immediate income withholding for IV-D cases beginning 10-1-'89 (Non IV-D starts 1-1-'94). Requires the use of family support chart except when such would be unjust. Chief Justice is to appoint a committee to update support chart at least every 4 years. Makes other technical changes.

FOSTER PARENTS

IMMUNITY FROM LIABILITY

Act No. 941, (SB 473) provides that foster parents are not liable for damages caused by their foster children nor for injuries to the foster children resulting from the parents' negligent acts or omissions unless the acts or omissions constitute malicious, willful, wanton or grossly negligent conduct.

HANDGUN POSSESSION

Act No. 649, (HB 1417) prohibits a person under the age of 18 to possess a handgun except under certain circumstances. It also prohibits possession of a handgun upon property of a public school or upon any school bus.

JUVENILE COURT

DIVISION OF CHANCERY COURT

Act No. 294, (SB 85) establishes the Juvenile Division of Chancery Court and provides that the division of juvenile court in circuit and probate courts is to continue in effect until August 1, 1989.

JUDGESHIPS

Act No. 949, (HB 1480) establishes 17 new circuit-chancery judgeships whose primary responsibility will be juvenile cases. It also adds an additional chancery judgeship in the 19th Judicial District effective 7-1-'89. The Act provides that paternity cases may be heard in chancery court or a division of chancery court notwithstanding provisions of the new Juvenile Code to the contrary.

JUVENILE CODE OF 1989

Act No. 273, (HB 1446) repeals the Juvenile Code of 1975 and establishes State policy and procedures to be followed in all juvenile and family matters brought before the Juvenile Division of Chancery Court.

PERSONNEL

Act No. 418, (SB 113) provides for court personnel for juvenile division of chancery court. The act also authorizes a juvenile probation fee.

JUVENILE DETENTION FACILITIES

ADVOCATE

Act No. 515, (HB 1579) provides for a juvenile advocate on each Criminal Detention Facilities Review Committee in each judicial district and adds positions in the office of the Criminal Detention Facilities Review Coordinator.

COOPERATIVE AGREEMENTS

Act No. 486, (SB 203) provides for cooperative endeavors among the State and local government units to finance, construct, acquire, and operate juvenile detention facilities.

MONITORING AGENCY-DHS

Act No. 430, (SB 280) makes the Department of Human Services, Division of Children and Family Services the monitoring agency for compliance with the federal law on the reporting and collection of information on juveniles and juvenile detention facilities.



**CHILDREN** (cont.)

JUVENILE DETENTION FACILITIES (cont.)

REVIEW COMMISSION

Act No. 427, (SB 205) creates the Juvenile Detention Facilities Review Commission to insure all juvenile detention facilities are operated in a safe, secure, and legal manner.

PATERNITY ACTIONS

COMPETENT WITNESSES

Act No. 657, (HB 1624) provides that the biological mother, her husband and the putative father of the child may testify in any cause of action in which paternity or child support is an issue.

IMPLIED CONSENT

Act No. 508, (HB 1260) provides that in actions to establish paternity or child support obligations, a person is deemed to have consented and submitted to the jurisdiction of the Arkansas courts if the person engaged in sexual intercourse with the child's mother in this state during the period of conception or the person resided with the child in this state.

PUTATIVE FATHER REGISTRY

Act No. 496, (SB 434) establishes a putative father registry in the Department of Health and provides for its use in matters of adoption.

REBUTTABLE PRESUMPTION

Act No. 725, (HB 1258) establishes a prima facie case of establishment of paternity if the result of the paternity test establishes a 95% or more probability of inclusion that the defendant is the natural father and there is corroborating testimony by the mother in regard to access.

REMOVAL OF DISABILITY

Act No. 382, (HB 1172) requires notice to be provided to any parent or legal guardian of a minor not otherwise joined in the petition at least twenty days prior to any hearing on the petition to remove the disability of a minor.

**CHIROPRACTORS**

LICENSES

Act No. 763, (HB 1748) clarifies qualifications for applicants for chiropractic licenses and revises the subjects which shall be examined by the chiropractic licensing examination.

**CITIES**

ADVERTISING AND PROMOTION COMM

Act No. 650, (HB 1432) allows the Advertising and Promotion Commission of a municipality to use funds derived from the hotel and restaurant tax for public recreational facilities.

**CITIES** (cont.)

AMBULANCE LICENSING

Act No. 196, (SB 3) authorizes all first and second class cities to enter into contracts for ambulance services. The provisions of this act are applicable to first class cities with a population of 35 persons or more. The act also enters into interlocal agreements with other cities in its territory to provide services outside its territory.

CITY ATTORNEYS

Act No. 796, (SB 498) provides that when a city attorney appears and prosecutes misdemeanor cases on behalf of a city, he is entitled to the same fees granted prosecuting attorneys.

CITY MANAGER GOVERNMENT

METHODS OF CHOOSING DIRECTORS

Act No. 907, (HB 1810) enables the voters of any first class city with a city-manager form of government to choose a method for selecting its members to the Board of Directors. It provides for three choices: (1) all members elected at-large; (2) one-half plus one elected by wards and the rest elected at-large; and (3) all members but one elected by wards and the one member elected at-large to be Mayor. The voters must petition for the change in the selection method.

PUBLIC SAFETY DIRECTOR

Act No. 839, (SB 593) empowers the governing body of a city with a manager form of government to authorize the city manager or civil service commission to appoint and remove the director of the Department of Public Safety.

CIVIL SERVICE

ADDITIONAL COMMISSIONERS

Act No. 191, (SB 369) permits any city of the first class with a mayor-council form of government and a population of no less than 37,000 nor more than 70,000 according to the 1980 census to add two more members to its civil service commission. North Little Rock and Pine Bluff would be covered by this act.

APPOINTMENT POWER

Act No. 262, (HB 1504) provides that the executive officer of the public safety division and the executive officer of the fire division of municipalities subject to the civil service system law shall be appointed pursuant to that law.

CHAIRMANSHIP

Act No. 432, (SB 338) provides that the civil service commission shall select one of its members to serve as chairman beginning the first Monday in May of 1989 (previously the chairman was the member of the commission whose term was the next to expire).

**CITIES** (cont.)

CIVIL SERVICE (cont.)

COMMISSION'S POWERS LIMITED

Act No. 439, (SB 429) clarifies the powers and duties of the Civil Service Commission for Police and Firemen to prohibit the Commission from exercising any control over the day-to-day operations of the police or fire department.

COUNTY CIVIL ATTORNEY

Act No. 633, (SB 257) requires reimbursement from municipalities, school districts and other local taxing units on a pro rata basis for the costs of the full-time office of county civil attorney or a contract county civil attorney attributable to providing tax-related legal services.

ECONOMIC DEVELOPMENT GRANT

Act No. 405, (HB 1337) authorizes the governing body of a city or the quorum court of a county to establish an Economic Development Grant Program

EMINENT DOMAIN FOR CEMETERY

Act No. 542, (HB 1687) grants all cities of the first and second class and incorporated towns, cemetery or burial associations and persons owning land used for burial purposes the power to condemn, take and use land for public burial purposes. Land acquired under the act may be used for burial of veterans of the United States armed forces and their dependents.

ETHICS

Act No. 719, (HB 1029) applies Initiated Act 1 of 1988, "The Disclosure Act for Lobbyists and State Officials'" to local governmental bodies. The act limits the exemptions to the requirement that lobbyists register.

FINE USED FOR RETIREMENT

Act No. 935, (SB 337) authorizes the use of the \$3.00 fine on moving traffic violations by cities of the first and second class for the benefit of the Policemen's Pension and Relief Fund. Cities having both a relief fund and LOPFI, are to use the \$3.00 fine for the relief fund so long as there are active members. Permits use of the fine for LOPFI system.

FIREFIGHTERS

SECOND CLASS CITIES

Act No. 180, (SB 6) authorizes the payment of certain personal expenses incurred by firefighters incident to their service of cities of the second class.

SENIORITY BONUSES

Act No. 181, (SB 7) authorizes the payment of bonus compensation by 2nd class cities for firefighters otherwise eligible to retire under LOPFI or a local firefighter's pension plan to encourage their continued service in lieu of retirement.

**CITIES** (cont.)

FIREFIGHTERS (cont.)

SERVICE AFTER RETIREMENT

Act No. 182, (SB 8) permits retired firefighters to continue to serve without compensation. Allows the city to reimburse such firefighters for personal clothing or equipment destroyed during service. Prohibits suspension of retirement benefits due to continued service.

HOUSING AUTHORITIES

Act No. 630, (SB 10) provides that the Housing Authority Board of Commissioners shall appoint a successor when there is a vacancy subject to the confirmation of the municipal or county governing body.

BOARDS OF COMMISSIONERS

Act No. 504, (HB 1073) provides that the Housing Authority Board of Commissioners shall appoint a successor when there is a vacancy subject to the confirmation of the municipal or county governing body.

INCORPORATED TOWNS

DONATED LANDS

Act No. 729, (HB 1322) allows incorporated towns to use lands for other proper public purposes which have been donated for purposes which are impossible or impractical to achieve.

VACANCIES IN ELECTIVE OFFICE

Act No. 386, (HB 1286) gives the town council authority to fill any vacancies in an elective town office or position on the council until the next biennial election and their successor is elected and qualified.

NUISANCE ABATEMENT

Act No. 239, (HB 1016) changes the notice requirements for a municipality to eliminate an unsightly or unsanitary condition and to charge the cost thereof to the owner.

OPEN BURNING

Act No. 765, (HB 1779) amends the Water and Air Pollution Control Act to remove any preemption of local governments in Arkansas from being authorized to prohibit open burning or burning in receptacles where the fuel-to-air ratio could not be regulated or controlled.

PLANNING & ZONING

Act No. 94, (HB 1014) provides that cities with a population over 150,000 and which are situated on a navigable stream are prohibited from zoning outside of the county in which they are located unless approval is obtained by the quorum court of the adjoining county and all other cities having zoning authority over the area.

## **CITIES** (cont.)

### PROFESSIONAL SERVICES

Act No. 616, (HB 1552) establishes a state policy for procurement of legal, architectural, engineering and land surveying services by state agencies and political subdivisions of the state.

### PUBLIC FACILITIES BOARDS

Act No. 55, (SB 78) limits the term "other capital improvement facilities" for purposes of public facilities boards. The Act also redefines "renewable energy resources" for purposes of public facilities boards by including co-generation technology for the production of energy.

### PUBLIC TRANSPORTATION

Act No. 371, (SB 311) permits the use of up to twenty percent of highway revenues paid over to counties for public transportation and in cities having over 50,000 population, up to ten percent may be used for public transportation. Cities with 50,000 or less may use up to twenty percent for public transportation.

### UTILITIES

#### BORDER CITIES

Act No. 607, (HB 1895) authorizes certain border cities to join with a city in another state to jointly own, operate and manage water and sewage systems.

#### ELECTRIC RATES

Act No. 423, (SB 339) prevents city owned electric utilities from charging higher rates in the rural areas outside the city than are charged within the city, unless the utility serves fewer than 3000 customers, whereupon the utility may charge a ten percent (10%) surcharge on rates as long as the rates are equal to or less than rates charged for electric service in areas adjacent to the city utilities service area.

#### ONE CALL CENTER

Act No. 370, (SB 283) places One Call Center under the regulatory authority of the Public Service Commission. PSC may determine underground facility operator membership and may, through rules or regulations, waive membership.

#### TRANSFER OF WATER SYSTEM

Act No. 900, (HB 1956) provides that a water improvement district or municipality that paid for construction of a portion of a water system and that has dedicated the property to the use of another municipality may obtain return of the system upon paying certain costs. The provision applies only in counties having a population of 200,000 or more.

#### UTILITY COMMISSION

Act No. 275, (SB 5) provides that members of Utility Commissions of first class cities must be qualified electors of the county.

## **CITIES** (cont.)

### UTILITIES (cont.)

#### WATER CONTRACTS

Act No. 930, (HB 1681) provides that the governing body of a municipality shall have no authority, by ordinance or otherwise, to abrogate an existing contract to furnish water utility service to residents in an area outside the boundaries of the municipality unless provided for by mutual agreement of all parties involved.

#### WATERWORKS AND SEWAGE SYSTEMS

Act No. 254, (HB 1400) provides that municipalities are authorized to borrow funds to refinance or retire existing indebtedness relating to waterworks and sewage systems.

#### WARRANT FEES

Act No. 726, (HB 1283) allows the chief of police in cities of the first class to collect fees for serving city warrants to be paid over to the city treasury.

#### WATER POLLUTION CONTROL LOANS

Act No. 701, (HB 1739) provides for transfer of a municipality's share of general revenue turnback to the Construction Grants Revolving Loan Fund upon notification to the municipality and certification by the Arkansas Department of Pollution Control and Ecology that the municipality has for at least 90 days been in default on any installment in repayment of its loan from the Revolving Loan Fund.

## **CONTRACTORS**

#### LICENSURE EXEMPTION

Act No. 26, (SB 14) exempts from the contractor's licensure law a person or entity acting as a contractor in regards to their own property.

#### NONRESIDENTS

Act No. 487, (SB 235) amends various sections pertaining to nonresident contractors.

#### UNLICENSED SUBCONTRACTORS

Act No. 936, (SB 358) provides civil penalties of between \$250. and \$500. or suspension from future bidding for not less than 6 months, for any contractor or subcontractor who utilizes unlicensed subcontractors on a public works project. Any fine collected is to be paid into State Building Services Maintenance Fund.

## **CONTRACTS**

#### AGENCY

Act No. 946, (SB 605) provides that any person who contractually requires another person to comply with any law or regulation shall not be deemed to subject that person to his control for purposes of determining agency.

## **CONTRACTS** (cont.)

### BREACH OF CONTRACT

Act No. 800, (SB 577) provides for the recovery of attorneys' fees in civil actions based on breach of contract.

### HEALTH SPAS

Act No. 264, (HB 1009) provides that contracts for health sua services are limited to less than 25 months and makes all contracts not in compliance with this Act voidable. This Act requires registration of all health spas with the Secretary of State's office.

### INSTALLMENT NOTES

Act No. 644, (SB 565) provides that the cause of action on promissory notes and on other instruments in writing shall be deemed to have accrued at the time when the creditor first has the legal right to demand payment in full of the entire unpaid principal of the instrument. Partial payment or written acknowledgment of default will toll this statute of limitation.

### STATUTE OF FRAUDS

Act No. 530, (HB 1434) requires agreements to extend credit or to renew or modify existing credit in an amount greater than \$10,000.00 to be in writing.

## **CORPORATIONS**

### COOPERATIVE CORPORATIONS

Act No. 493, (SB 371) amends various sections of the Arkansas Code pertaining to cooperative corporations.

### INDUSTRIAL DEVELOPMENT CORP.

Act No. 660, (HB 1704) provides for the incorporation of County Industrial Development Corporations and defines the functions, powers, and duties of these corporations.

### INSURABLE INTEREST

Act No. 773, (HB 1824) amends the definition of "insurable interest" for personal insurance to include that corporations have an insurable interest in the lives of any of their directors, officers, or employees.

### INVESTMENT COMPANIES

Act No. 583, (SB 550) provides for "investment companies" under the Business Corporation Act of 1987.

### PROXY VOTING

Act No. 672, (SB 396) establishes that proxy voting is permitted in nonprofit corporations except when in person voting is required by the articles of incorporation or by-laws of the corporation. Sets forth the requirements for acceptance of votes when made by proxy.

**CORRECTION DEPARTMENT**

ADMINISTRATIVE PROCEDURE

Act No. 709, (HB 1892) prohibits inmates of the Department of Correction from utilizing judicial review procedures of an agency's administrative actions under the Arkansas Administrative Procedure Act, Arkansas Code 25-15-201 et seq.

BOOT CAMP

Act No. 492, (SB 353) provides for the establishment of a 60 day program of para-military exercise and arduous work for certain eligible inmates selected by the Correction Department.

CORRECTION BOARD PER DIEM

Act No. 708, (HB 1864) entitles members of the Board of Correction to collect their sixty dollars (\$60.00) per day per diem for attending to Board and Department business as well as for going to Board meetings.

DEBT SERVICE

Act No. 819, (HB 1843) authorizes the Department of Correction to establish accounts in financial institutions for the purpose of making debt service payments on bonds issued by ADFA.

GOODTIME

EDUCATIONAL AND REHAB. PROGRAMS

Act No. 429, (SB 265) provides that inmates awaiting transfer to the Department of Correction may be awarded additional meritorious goodtime for earning a G.E.D., completion of college or vocational education courses, or drug abuse treatment programs that are certified by the Board of Correction.

G.E.D.

Act No. 734, (HB 1415) provides that any person who is awaiting transfer to the Department of Correction may be awarded meritorious good time upon arrival at the Department of Correction for the successful completion of a Graduate Equivalent Degree (G.E.D.).

INMATE NAME CHANGE

Act No. 52, (SB 103) authorizes circuit and chancery courts to change the name of persons under the jurisdiction of the Department of Correction. The Department's records shall continue to reflect the name of the person that appeared on the commitment.

PARDONS & PAROLES

ALTERNATIVE SERVICE PROGRAMS

Act No. 831, (SB 361) amends the Alternative Service Act, substituting the State Board of Parole and Community Rehabilitation for the former Commission on Community-Based Rehabilitation throughout.



## **CORRECTION DEPARTMENT (cont.)**

### PARDONS & PAROLES

#### COMMUNITY-BASED REHABILITATION

Act No. 937, (SB 360) abolishes the State Board of Pardons and Paroles and the Commission on Community-Based Rehabilitation and transfers all powers of both to the newly created Board of Parole and Community Rehabilitation. Three of the seven board members appointed by the Governor are full-time officials of the state and no member may serve more than one 7 year term.

### PSYCHIATRIC EXAM OF DEFENDANTS

Act No. 898, (HB 1941) provides that persons under commitment a  
sion of the Kansas Department of Correction who are charged  
in circuit court shall not undergo psychiatric examination by the Department of  
Correction to determine mental condition.

### RECORDS OF PERSONS COMMITTED

Act No. 897, (HB 1940) provides for standards of security and confidentiality of records pertaining to persons committed to the Department of Corrections.

### RELEASE RECOMMENDATION

Act No. 434, (SB 362) provides that a Correction Department warden may make a recommendation to the Board of Pardons and Paroles regarding the release of an inmate based upon the inmate's conduct.

### SCHOOL FUNDING

Act No. 671, (SB 395) clarifies that funds generated from operations of the Department of Correction may be utilized in operation of the school district at the Department.

### WORK-STUDY RELEASE

Act No. 503, (SB 500) repeals provision granting meritorious good time for inmates engaged in volunteer work by contractual agreement with State departments, agencies, counties, cities, school districts, civic organizations, and other non-profit organizations because it conflicts with another section of the Arkansas Code.

## **COUNTIES**

### COLLECTORS

#### CONTINUING EDUCATION FUND

Act No. 673, (SB 401) establishes the County Collector's Continuing Education Board, composed of 6 members, charged with the duty of establishing a continuing education program for collectors and sheriff/collectors. The trust fund is to receive a \$300 appropriation annually from each quorum court to fund the program.

**COUNTIES** (cont.)

COLLECTORS (cont.)

LAND REDEMPTION FEE

Act No. **393**, (HB **1521**) authorizes the county collectors to collect a fee **for** the issuance of a Certificate of Land Redemption for redemption for tax delinquent land.

TAX STATEMENTS

Act No. 372, (SB 316) requires the tax collector or sheriff in counties not having an office of tax collector, to mail tax statements by July 1 of each year. Repeals the Code section which exempted several counties from the provisions of the subchapter.

CORONERS

EMERGENCY MEDICAL SERVICES

Act No. 484, (HB 1869) provides that county coroners may be employed by any city emergency medical service, county emergency medical service, or joint city and county medical service.

COUNTY CIVIL ATTORNEY

Act No. **633**, (SB 257) requires reimbursement from municipalities, school districts and other local taxing units on a pro rata basis for the costs of the full-time office of county civil attorney or a contract county civil attorney attributable to providing tax-related legal services.

CREDIT FOR COURT COSTS

AUTHORIZED

Act No. 269, (HB 1170) provides that circuit, chancery and probate clerks, sheriffs and other elected county officials are authorized to extend credit for court costs to licensed attorneys, financial institutions, improvement districts, and state and federal agencies.

LIABILITY

Act No. **871**, (HB 1690) provides that when elected county officials are authorized to extend credit to attorneys or other persons, entities or agencies for court costs and fees and the official extending credit is unable to collect such court costs or fees, the official is not personally liable to pay such court costs and fees.

ECONOMIC DEVELOPMENT GRANT

Act No. 405, (HB **1337**) authorizes the governing body of a city or the quorum court of a county to establish an Economic Development Grant Program.

ETHICS

Act No. 719, (HB 1029) applies Initiated Act 1 of 1988, "The Disclosure Act for Lobbyists and State Officials" to local governmental bodies. The act limits the exemptions to the requirement that lobbyists register.

**COUNTIES** (cont.)

**FEDERAL AND STATE GRANTS**

Act No. 141, (HB 1028) authorizes county quorum courts to appropriate up to one hundred percent (100%) of federal or state grants anticipated for that year.

**HOUSING AUTHORITIES**

Act No. 630, ( ) provides that the Housing Authority Board of Commissioners of a housing authority are to be filled by the remaining members subject to confirmation of the municipal or county governing body. Permits the appointment by the governing body to the vacancy if the commissioner fails to resign within 45 days of the expiration of the term or occurrence of the

Act No. 504, (HB 1073) provides that the Housing Authority Board of Commissioners shall appoint a successor when there is a vacancy subject to the confirmation of the municipal or county governing body.

**INDUSTRIAL DEVELOPMENT CORP.**

Act No. 660, (HB 1704) provides for the incorporation of County Industrial Development Corporations and defines the functions, powers, and duties of these corporations.

**MARRIAGE LICENSE FEES**

Act No. 465, (HB 1399) provides that the county may levy an additional fee of not more than \$5 on each marriage license and that all such fees are to be credited to the County General Fund,

**OFFICERS AND EMPLOYEES**

Act No. 352, (SB 46) permits officers and employees of county government to conduct business with a county if the quorum court enacts an ordinance defining the unusual circumstances and defining the limitations of such authority.

Act No. 681, (HB 1113) permits county officers and employees to conduct business with a county if approved by the quorum court pursuant to an ordinance defining the unusual circumstances necessitating the action and the limits of the authority given in the ordinance.

**OPEN BURNING**

Act No. 765, (HB 1779) amends the Water and Air Pollution Control Act to remove any preemption of local governments in Arkansas from being authorized to prohibit open burning or burning in receptacles where the fuel-to-air ratio could not be regulated or controlled.

## **COUNTIES** (cont.)

### PROFESSIONAL SERVICE

Act No. 616, (HB 1552) establishes a state policy for procurement of legal, architectural, engineering and land surveying services by state agencies and political subdivisions of the state.

### PUBLIC FACILITIES BOARDS

Act No. 55, (SB 78) limits the term "other capital improvement facilities" for purposes of public facilities boards. The Act also redefines "renewable energy resources" for purposes of public facilities boards by including cogeneration technology for the production of energy.

### PUBLIC TRANSPORTATION

Act No. 371, (SB 311) permits the use of up to twenty percent of highway revenues paid over to counties for public transportation and in cities having over 50,000 population, up to ten percent may be used for public transportation. Cities with 50,000 or less may use up to twenty percent for public transportation.

### PURCHASING

Act No. 879, (HB 1776) provides that counties are not required to solicit bids for the purchase of used pipe.

### RECORD RETENTION

Act No. 573, (SB 255) establishes requirements for the retention of certain records by counties.

### SALARIES OF ELECTED OFFICIALS

Act No. 694, (HB 1650) provides for maximum and minimum salaries for elected county officers in various classes of counties and increases the per diem for quorum court members.

### SALE OF COUNTY PROPERTY

Act No. 169, (HB 1018) provides that the proceeds from the sale of county property which the county purchased with funds from the County Road Fund shall be paid into the County Road Fund.

### WATER POLLUTION CONTROL LOANS

Act No. 701, (HB 1739) provides for transfer of a municipality's share of general revenue turnback to the Construction Grants Revolving Fund upon notification to the municipality and certification by the Arkansas Department of Pollution Control and Ecology that the municipality has for at least 90 days been in default on any installment in repayment of its loan from the Revolving Loan Fund.

## **COURT COSTS**

### CIRCUIT & CHANCERY CLERK FEES

Act No. 534, (HB 1532) prescribes the fees to be charged for filings by the circuit and chancery clerks and by the county recorder.

**COURT COSTS** (cont.)

**CONSTRUCTION OF JAILS**

Act No. 96, (HB 1041) provides that revenues derived from additional court costs authorized by the County Jail Revenue Bond Act may be used for construction of county jails.

**CRIME INFORMATION SYSTEM**

Act No. 631, (SB 44) authorizes the imposition of an additional court cost of \$50 upon conviction or guilty plea (including nolo contendere) of possessing a controlled substance or counterfeit substance. The city or county where where the conviction was entered receives \$25 per conviction. The remaining funds are to be used to improve the State Crime Information System.

**CROSS COUNTY**

Act No. 255, (HB 1458) applies to counties with a population between 20,200 and 20,600. The act allows the county to levy an additional court cost in criminal cases filed in the county. The court cost is to be used for the salary and expenses of a juvenile officer, family court intake officer and/or a juvenile probation officer.

**DEFENSE OF INDIGENTS**

Act No. 406, (HB 1408) allows a court cost for the defense of indigents to be imposed by a quorum court or a governing body of a municipality. The act adds city courts, police courts and mayor's courts to the type of courts in which the court cost may be levied.

**LEGAL EDUCATION**

Act No. 543, (HB 1705) increases from \$1.50 to \$5.00 court costs for the legal education fund. These costs apply to both civil and criminal cases in circuit, chancery and probate court as well as the lower courts of lesser jurisdiction (municipal, police, city and justice of the peace courts).

**MUNICIPAL COURTS**

**CONTINUING EDUCATION FUND**

Act No. 816, (HB 1798) amends Act 744 of 1987 to eliminate the expiration date of the municipal court filing fee to be collected to finance the Municipal Court Judge and Clerk Education Fund so the twenty-five cent (\$.25) per case fee will continue to be collected.

**FEEES**

Act No. 901, (HB 1767) provides that when a municipal court is required to make a certification of disposition of court proceedings, it shall collect a fee of not less than \$5.00 per case for preparation of the original.

Act No. 878, (HB 1773) provides that municipal courts, established by agreement of 2 or more cities or incorporated towns within the same county, may impose a fee payable by the plaintiff in civil cases and the defendant in criminal cases and the fee is to be distributed to the cities served by the court in such proportion as determined by the cities.

## **COURT COSTS** (cont.)

### PROBATE FILING FEES

Act No. 960, (SB 407) increases from \$1 to \$10 the fee for filing and from \$0.25 to \$3 the fee for a certified copy of an affidavit for collection of a small estate in probate.

### PUBLIC DEFENDER & INVESTIGATOR

Act No. 692, (HB 1611) authorizes a public defender to employ an investigator and authorizes the assessment of a court cost to fund the investigator.

## **COURTS**

### CHANCERY COURTS

#### PATERNITY ACTIONS

Act No. 508, (HB 1260) provides that in actions to establish paternity or child support obligations, a person is deemed to have consented and submitted to the jurisdiction of the Arkansas courts if the person engaged in sexual intercourse with the child's mother in this state during the period of conception or the person resided with the child in this state.

Act No. 725, (HB 1258) gives Chancery Court exclusive jurisdiction over paternity matters which arise during an equitable action, gives the Juvenile Division of Chancery Court exclusive jurisdiction over paternity matters brought pursuant to the Juvenile Code of 1989, and gives Chancery Court and the Juvenile Division concurrent jurisdiction over all other matters relating to paternity.

### CHILD SUPPORT

#### SEPARATE CAUSE OF ACTION

Act No. 383, (HB 1185) gives the chancery court exclusive jurisdiction in all matters relating to support of a minor child or support owed a person once they reach their majority. The equitable cause of action can be brought by the custodial parent, a person or agency with custody of the child, the minor child by his guardian or next-of-friend or the Department of Human Services.

#### STATUTE OF LIMITATIONS

Act No. 525, (HB 1261) sets a ten year statute of limitations on the collection of child support arrearages.

#### VENUE

Act No. 184, (SB 26) allows actions brought six months subsequent to the entry of the final decree to be brought in the county of residence of the custodial parent when both parties have left the county where the final decree was entered.

### COMMISSIONER CONVEYANCES

Act No. 197, (SB 42) omits the requirement that conveyances by commissioner appointed by the court must be examined and approved by the court.

COURT REPORTERS

APPOINTMENT OF SUBSTITUTES

Act No. 677, (SB 581) authorizes judges on assignment and magistrates employed by the Judicial Department to employ substitute court reporters.

TRANSCRIPTION

Act No. 844, (HB 1039) requires court reporters to transcribe circuit court proceedings and forward them to the circuit clerk at least ten (10) days prior to the time they are due for appealed cases.

CREDIT FOR COURT COSTS

AUTHORIZED

Act No. 269, (HB 1170) provides that circuit, chancery and probate clerks, sheriffs and other elected county officials are authorized to extend credit for court costs to licensed attorneys, financial institutions, improvement districts, and state and federal agencies.

LIABILITY

Act No. 871, (HB 1690) provides that when elected county officials are authorized to extend credit to attorneys or other persons, entities or agencies for court costs and fees and the official extending credit is unable to collect such court costs or fees, the official is not personally liable to pay such court costs and fees.

FILING OF PLEADING

Act No. 58, (HB 1156) permits court clerks to accept facsimile copies transmitted over telephone lines for filing as pleadings in cases.

INSTALLMENT NOTES

Act No. 644, (SB 565) provides that the cause of action on promissory notes and on other instruments in writing shall be deemed to have accrued at the time when the creditor first has the legal right to demand payment in full of the entire unpaid principal of the instrument. Partial payment or written acknowledgment of default will toll this statute of limitation.

JUDGES ON ASSIGNMENT

COURT REPORTERS

Act No. 677, (SB 581) authorizes judges on assignment and magistrates employed by the Judicial Department to employ substitute court reporters.

JUDICIAL COUNCIL

Act No. 864, (HB 1606) authorizes the Arkansas Judicial Council to develop criteria concerning new judgeships or redistricting of circuits and to make recommendations to the General Assembly.

JUVENILE COURT

JUDGESHIPS

Act No. 949, (HB 1480) establishes 17 new circuit-chancery judgeships whose primary responsibility will be juvenile cases. It also adds an additional chancery judgeship in the 19th Judicial District effective 7-1-'89. The Act provides that paternity cases may be heard in chancery court or a division of chancery court notwithstanding provisions of the new Juvenile Code to the contrary.

JUVENILE CODE OF 1989

Act No. 273, (HB 1446) repeals the Juvenile Code of 1975 and establishes State policy and procedures to be followed in all juvenile and family matters brought before the juvenile division of chancery court.

PERSONNEL

Act No. 418, (SB 113) provides for court personnel for juvenile division of chancery court. The act also authorizes a juvenile probation fee.

Act No. 294, (SB 85) establishes the juvenile division of chancery court and provides that the division of juvenile court in circuit and probate courts is to continue in effect until August 1, 1989.

MUNICIPAL COURTS

FINE UPON CHANGE OF VENUE

Act No. 369, (SB 276) requires any fines collected in a case transferred from a city court, mayor court or police court to a municipal court to be transferred to the court where the case originated.

JUDGMENTS

Act No. 931, (HB 1885) adds judgments in municipal court to the types of court judgments in Arkansas which constitute a lien on real property of the defendant.

JURISDICTION

Act No. 142, (HB 1100) provides that in cities whose corporate limits extend into an adjacent county the jurisdiction of its municipal court shall extend into that portion of the city limits which extends into the adjacent county. Appeals shall be to the circuit court of the county in which the case arose.

SALARIES

Act No. 873, (HB 1727) establishes the salaries of the municipal court personnel of the various municipal courts of this State.

SPECIAL PROSECUTORS

Act No. 825, (HB 1942) authorizes municipal court judges to appoint special prosecutors.



## **COURTS** (cont.)

### PROSPECTIVE JURORS

Act No. 892, (HB 1925) requires jury notices to be delivered by first class mail.

### SERVICE OF SUMMONS TIME LIMIT

Act No. 401, (HB 1229) amends the Rules of Civil Procedure to provide that the time limit for service of a summons on a defendant may be extended on showing of good cause anytime before the court enters a dismissal without prejudice.

### SUPREME COURT RESPONSIBILITY

Act No. 760, (HB 1741) amends sections of the Arkansas Code pertaining to the administrative responsibilities of the Supreme Court.

## **CRIMINAL LAW**

### AIDS EXPOSURE

Act No. 614, (HB 1496) creates a crime for knowingly and willfully exposing another person to Human Immunodeficiency Virus.

### AIRCRAFT

Act No. 516, (HB 1594) prohibits the operation of aircraft without identification markings, that are not properly registered with the F.A.A. and that have modifications which are not approved by the F.A.A.

### ANIMALS

#### BEAR EXPLOITATION

Act No. 346, (HB 1232) prohibits the criminal offense of bear exploitation and provides penalties.

#### DOG FIGHTING

Act No. 528, (HB 1391) provides for the seizure and forfeiture of dogs used for unlawful dog fighting.

### CONTROLLED SUBSTANCES

#### FORFEITED PROPERTY

Act No. 252, (HB 1324) amends the Uniform Controlled Substances Act to provide that forfeited property cannot be sold at a private sale until it has first been offered for sale at a public sale.

#### RECORD KEEPING

Act No. 518, (HB 1629) requires manufacturers, wholesalers, retailers, or others who sell, transfer, or otherwise furnish certain controlled substances to maintain accurate records of those transactions.

### CRIME LAB REPORTS

Act No. 889, (HB 1910) provides that reports and records of evidence analysis of the Arkansas State Crime Laboratory shall be admissible as competent evidence.

## **CRIMINAL LAW (cont.)**

### CRIMINAL MISCHIEF

Act No. 735, (HB 1440) increases the penalty for second degree criminal mischief for damage of \$2,500 or more.

### DEFRAUDING MATERIALMEN

Act No. 303, (SB 267) creates the criminal offense of defrauding a materialman.

### DOMESTIC ABUSE

Act No. 636, (SB 414) entitled the "Domestic Abuse Act of 1989," this act gives law enforcement officers probable cause for arrest when domestic abuse has occurred within 4 hours even though such was not committed in the presence of the officer. A civil proceeding for a protection order is also created in chancery court. A simplified petition form is to be filled out by the petitioner with the assistance of the court clerk if no attorney is involved.

### DRUGS IN SCHOOL

Act No. 612, (HB 1288) provides for enhancement by two years the prison sentence of any person convicted of the selling, delivering, dispensing, transporting, administering, or distributing a controlled substance within 1000 feet of a public or private school.

### DWI

#### ALCOHOL CONCENTRATION

Act No. 361, (SB 109) makes a technical correction to means of measuring alcohol content in bodily substances. Provides a means to measure percent of alcohol in breath as well as blood.

#### ARRESTS

Act No. 306, (SB 298) authorizes enforcement officers of the Transportation Safety Agency to make arrests for driving while intoxicated and reckless driving.

#### DRIVING PERMIT

Act No. 368, (SB 211) permits the Office of Driver Services to issue a restricted operator permit for attending the state required alcohol treatment or education program as well as for employment purposes. Operation for purposes other than to attend treatment or education programs can result in a 10 day imprisonment.

#### EVIDENCE

Act No. 928, (HB 1335) provides that the records, reports, evidence analysis, etc. of the Blood Alcohol Program of the Arkansas Department of Health shall be received as competent evidence in court when properly attested; provides further that persons performing the various tests shall be made available for cross examination upon ten (10) days notice prior to trial.

### FALSE REPORTS

Act No. 690, (HB 1586) makes it a criminal offense to file a false report with any law enforcement agency or prosecuting attorney's office.

FIREARMS

CENTER-FIRE WEAPON

Act No. 63, (HB 1332) clarifies the areas of Marion County, Arkansas in which it is unlawful to possess a loaded center-fire weapon, as it was made unlawful by Act 829 of 1987.

HANDGUNS

Act No. 649, (HB 1417) prohibits a person under the age of 18 from possessing a handgun except in certain circumstances. It also prohibits possession of a handgun upon property of a public school or upon any school bus.

MACHINE GUN REGISTRATION

Act No. 373, (SB 332) requires registration of every machine gun adapted to use pistol cartridges of 30 or larger caliber with the Secretary of State within 24 hours after effective date of the act or within 24 hours after acquisition.

FLAG DESECRATION

Act No. 842, (SB 599) provides that desecrating the United States flag or Arkansas flag is a class A misdemeanor.

HOMICIDE

CAPITAL MURDER

Act No. 97, (HB 1072) provides that causing the death of a person in furtherance of a felony violation of the Uniform Controlled Substance Act is included in the definition of capital murder.

MURDER DEFINITIONS

Act No. 856, (HB 1497) redefines the crimes of capital murder, murder in the first degree, and murder in the second degree.

INDIGENT DEFENDANTS

Act No. 305, (SB 290) provides that when a court suspends sentencing or places an indigent defendant on probation, if the indigent was appointed counsel paid by the county, the court may require the indigent to reimburse the county in an amount he can afford.

INSANITY ACQUITTEES

Act No. 911, (HB 1903) establishes standards for committing insanity acquittees to the State Hospital.

Act No. 645, (SB 574) establishes standards for committing insanity acquittees to the State Hospital.

OBSCENITY

DISPLAY

Act No. 584, (HB 1240) establishes the criminal offense of publicly displaying an obscenity.

DISPLAY ON VEHICLE OR CLOTHES

Act No. 200, (SB 65) prohibits public display of obscene material on any motor vehicle or wearing apparel.

PAGING DEVICES

Act No. 146, (HB 1219) prohibits students from possessing electronic paging devices while on school property.

PROTECTION OF CAVES

Act No. 523, (HB 1127) prohibits the vandalism and pollution of caves.

PSYCHIATRIC EXAM OF DEFENDANTS

Act No. 898, (HB 1941) provides that persons under commitment and supervision of the Arkansas Department of Correction who are defendants charged in circuit court shall not undergo psychiatric examination by the Department of Correction to determine mental condition.

SCRAP METAL AND JUNK DEALERS

Act No. 476, (HB 1562) provides that scrap metal and junk dealers who purchase aluminum irrigation pipe, aluminum traffic delineators, aluminum posts, aluminum guard rails, aluminum bridge rails or aluminum traffic signs to prepare and maintain records of all purchases in excess of \$25.00, and any person who fails to maintain such records shall be guilty of a misdemeanor.

SENTENCING

COMMUNITY SERVICE WORK

Act No. 613, (HB 1452) provides that courts are allowed to sentence certain felons and misdemeanants to community service work.

Act No. 957, (SB 363) permits courts to sentence certain eligible offenders to community service work for up to eighteen months and provides for "Work Incentive Credit" for work satisfactorily performed under the program. The Adult Probation Commission is authorized to promulgate rules and regulations.

THEFT OF LEASED PROPERTY

Act No. 720, (HB 1030) reduces the period of time to five (5) days for establishing prima facie evidence of intent to commit theft of leased, rented or entrusted personal property.

**CRIMINAL LAW (cont.)**

WARRANTLESS ARRESTS

Act No. 846, (HB 1066) gives certified law enforcement officers warrantless arrest powers outside their jurisdictions when working at the request of the law enforcement agency having jurisdiction and pursuant to a written policy.

**DEBTOR AND CREDITOR**

CREDIT REPORTING DISCLOSURE

Act No. 593, (HB 1540) requires anyone denying credit or the further extension of credit to any consumer based on information contained in a consumer credit report to notify the consumer of the adverse action taken in writing. A person who fails to **so** notify the consumer shall be liable for actual damage.

Act No. 431, (SB 331) requires anyone denying credit or the further extension of credit to any consumer based on information contained in a consumer credit report to notify the consumer of the adverse action taken in writing. A person who fails to **so** notify the consumer shall be liable for actual damage.

EXEMPT PROPERTY

Act No. 428, (SB 223) exempts certain personal property from attachment and execution for the satisfaction of debts. The person's wedding ring and the person's rights to pension, profit-sharing, and retirement plans are exempt. The exemptions do not apply in voluntary bankruptcy proceedings pending on the effective date of the act.

INSTALLMENT NOTES

Act No. 644, (SB 565) provides that the cause of action on promissory notes and on other instruments in writing shall be deemed to have accrued at the time when the creditor first **has** the legal right to demand payment in full of the entire unpaid principal of the instrument. Partial payment or written acknowledgment of default will toll this statute of limitation.

**DENTISTS**

APPLICANTS

Act No. 365, (SB 131) authorizes the State Board of Dental Examiners to establish by rules and regulations the method of examination for dental applicants.

CORPORATE NAME

Act No. 363, (SB 129) permits a dentist to practice under a corporate name or fictitious name if the name has been registered with and approved by the State Board of Dental Examiners. Fictitious name must meet board requirements and cannot be misleading or false.

## **DENTISTS** (cont.)

### DISCIPLINARY ACTIONS

Act No. 364, (SB 130) establishes the procedure that written charges are to be filed with the Secretary of the Board of Dental Examiners by any person contending that disciplinary action should be taken against a dentist, dental hygienist, or dental assistant with a permit to perform expanded duties. Only upon a vote by a majority of the Board shall a disciplinary hearing be conducted.

### PATIENT WITH AIDS

Act No. 413, (HB 1565) requires a person found to have HIV infection to notify a physician or dentist before receiving health care services.

## **DIETITIANS**

### LICENSING OF DIETITIANS

Act No. 392, (HB 1473) establishes the State Board of Dietetics and provides for the licensing of dietitians.

## **DISABLED PERSONS**

### ARCHITECTURAL BARRIERS

Act No. 691, (HB 1610) provides for standards for accessibility to buildings and facilities for disabled persons. The Act establishes the Architectural Barriers Advisory Board.

### HANDICAPPED STUDENTS

Act No. 703, (HB 1784) amends the Handicapped Children's Act to clarify the responsibility of providing a free appropriate public education to handicapped students. It requires local school districts to provide it as part of public schools and authorizes the State Board of Education to assign that responsibility to the local school district, Authorizes the State Board of Education to withhold state aid to districts that fail to comply with state and federal laws.

### HUNTING AND FISHING LICENSE

Act No. 49, (HB 1336) provides that the issuance of a special resident hunting and fishing license for resident persons with a permanent and total disability is within the discretion of the Arkansas Game and Fish Commission. If the Commission provides for a permanent license for such persons, the amount shall not exceed the cost of the annual resident license and permit fees in effect at the time of the issuance.

## **DIVORCE**

### ALIMONY

Act No. 100, (HB 1163) provides that alimony will automatically cease upon the remarriage of the person who was awarded the alimony unless otherwise ordered by the court or agreed to by the parties.

## **DIVORCE** (cont.)

### CHILD SUPPORT VENUE

Act No. 184, (SB 26) allows actions brought six months subsequent to the entry of the final decree to be brought in the county of residence of the custodial parent when both parties have left the county where the final decree was entered.

### MARITAL PROPERTY

Act No. 366, (SB 195) clarifies that property acquired prior to marriage, income derived from such property, or any increase in value of such property is not considered marital property in divorce actions.

## **DOG RACING**

Act No. 238, (SB 347) revises the number of days of dog racing in the state and revises a provision allowing simulcasting.

## **EDUCATION**

### ADULT LITERACY COMMISSION

Act No. 812, (HB 1754) establishes the State Commission on Adult Literacy, provides for appointment of members of the Commission and prescribes the duties of the Commission.

### FIRE TRAINING

Act No. 940, (SB 455) transfers satellite fire training facilities of Southern Arkansas University to the Vocational and Technical Education Division. It does not transfer the Fire Training Academy of Southern Arkansas - Technical Branch.

### GENERAL EDUCATION

#### 12-MONTH PILOT PROGRAMS

Act No. 64, (SB 37) authorizes the Arkansas Board of Education to establish pilot programs for year-round school and to make grants to school districts for incentives to start pilot programs up to one-half million dollars in total grants.

#### COOPERATIVE ANNUAL REPORTS

Act No. 610, (HB 1223) requires each Education Cooperative to submit an annual report on employment policies and practices to the Department of Education and subjects the Cooperatives to an annual audit by the Legislative Audit Committee.

#### DESEGREGATION

Act No. 950, (HB 1958) repeals various laws which could be interpreted as pro-segregationist and some which are now obsolete. Laws being repealed include those which prevented organizational interference with public schools, protected board members incarcerated for failure to integrate, prevented reallocation of pupils, and set forth a list of factors to be considered in pupil assignments.

**EDUCATION** (cont.)

GENERAL EDUCATION (cont.)

DESEGREGATION-TRUST FUND

Act No. 902, (HB 1060) establishes the Court-Ordered Desegregation Trust Fund for payment of expenses of court-ordered legal expenses and awards made against the state in desegregation suits. Requires quarterly reporting of all expenses paid to the Governor, Legislative Council and JIC on Education. Includes money associated with settlement of Little Rock School District desegregation case.

EARLY CHILDHOOD COMMISSION

Act No. 202, (SB 71) establishes a seventeen member Early Childhood Commission to administer the Child Care Facilities Loan Guarantee Trust Fund. General Education Division of the Department of Education is to assign staff for the commission. Funds are to be made available to guarantee loans for expansion or development of child care facilities. Commission is to promote early childhood programs in this state.

FAMILY LIFE EDUCATION PILOTS

Act No. 768, (HB 1788) directs the State Board of Education to develop pilot programs in family life education for not less than 8, nor more than 12 school districts in Arkansas for the 89-90 and 90-91 school years.

HANDICAPPED CHILDREN

Act No. 943, (SB 513) expands services to handicapped children aged 3 to 5 under the Handicapped Children's Act of 1973.

KINDERGARTEN ATTENDANCE

Act No. 598, (HB 1747) requires children to attend kindergarten unless the parent or guardian or person having custody signs a kindergarten waiver form.

LOANS FOR SCHOOL BUSES

Act No. 403, (HB 1274) allows the State Board of Education to loan monies in the Revolving Loan Fund to school districts for the purpose of purchasing new or used school buses or the refurbishing of school buses.

MINIMUM GENERAL EDUCATION CORE

Act No. 98, (HB 1133) provides that the State Board of Higher Education is authorized to identify a minimum core of high school courses recommended for preparation for college and to establish a minimum general education core which is transferrable among state institutions.

MISCELLANEOUS FUNDS CHARGE

Act No. 148, (HB 1292) redefined the term "miscellaneous funds charge" for purposes of the School Finance Act.



## **EDUCATION** (cont.)

### GENERAL EDUCATION (cont.)

#### POST-SECONDARY PREP PROGRAM

Act No. 659, (HB 1657) provides that beginning with the 1989-90 school year programs shall be developed that would assist students in improving their skills in mathematics, English and reading. Eleventh and twelfth grade students may take a placement test to determine their deficiencies in these areas.

#### SUMMER PREPARATORY PROGRAM

Act No. 11, (HB 1092) requires beginning 1989-90 school year every public school to test and provide summer programs for improvement in mathematics, English and reading. All seniors planning to enroll in post-secondary programs may enroll in summer programs offered at locations designated by ADE. ADHE will assist in development of course content guides. Requires acceptance and recognition of scores on placement tests by state-supported institutions for enrollment.

#### SUMMER PROGRAMS

Act No. 693, (HB 1646) provides for enriched summer programs for junior high and high school students who have demonstrated exceptional abilities in a specific subject area.

#### TEXTBOOK SELECTION COMMITTEE

Act No. 847, (HB 1088) increases the number of books each selecting committee shall recommend to the State Board of Education for each unit of study on each subject for which it is appointed.

### HIGHER EDUCATION

#### ANNUAL PERFORMANCE REVIEWS

Act No. 244, (HB 1141) provides for annual performance reviews of all full-time faculty members of state colleges and universities.

#### APPROVAL OF PROGRAMS

Act No. 397, (HB 1132) provides for review of programs of institutions of higher education by the State Board of Higher Education and gives the Board approval authority.

#### ARKANSAS LITERACY CORPS

Act No. 279, (SB 133) establishes the Arkansas Literacy Corps which will be administered by the Department of Higher Education and will provide payments to college students who assist local literacy groups and teach adults to read.

#### ATHLETIC EXPENDITURE REPORTS

Act No. 245, (HB 1147) provides for uniform reporting and auditing in order to report athletic costs and revenues of each state-supported institution of higher education.

**EDUCATION** (cont.)

HIGHER EDUCATION (cont.)

BUSINESS INCUBATORS

Act No. 29, (HB 1062) authorizes the Director of the Department of Finance and Administration to develop a program allowing admittance to business incubators by faculty or staff of state supported institutions of higher education or businesses in which faculty or staff may hold an ownership interest.

COMMUNITY COLLEGE PURCHASES

Act No. 248, (HB 1180) provides that the board of directors of each community college may adopt written policies authorizing the community college to purchase commodities and services from members of the board and employees of the community college.

CONTRACT EXEMPTIONS

Act No. 37, (SB 100) exempts certain contracts of institutions of higher education from prior legislative review and certain contract restrictions.

CONTRACTS WITH EMPLOYEES

Act No. 875, (HB 1760) provides that employees or former employees of institutions of higher education may participate in contracts or proposals for contracts between the institution and a person or firm in which the employees or former employees have a financial interest where such contract involves patents, copyrights, or proprietary information in which the institution and employees or former employees have interests.

DATA EQUIPMENT PURCHASES

Act No. 16, (SB 97) increases from \$2,500 to \$15,000 the amount of data processing equipment which may be purchased by state-supported institutions of higher education without State Board of Higher Education approval.

GRADUATION RATES

Act No. 267, (HB 1146) authorizes the Department of Higher Education to collect and report retention and graduation rates for students enrolled in state colleges and universities.

MINIMUM GENERAL EDUCATION CORE

Act No. 98, (HB 1133) provides that the State Board of Higher Education is authorized to identify a minimum core of high school courses recommended for preparation for college and to establish a minimum general education core which is transferrable among state institutions.

MINORITY RECRUITMENT

Act No. 99, (HB 1162) provides that all State supported colleges and universities shall prepare an affirmative action program for the recruitment of blacks and other minorities for faculty and staff positions and for enrollment as students.

**EDUCATION** (cont.)

HIGHER EDUCATION (cont.)

PERSONAL SERVICES MATCHING

Act No. **688**, (HB **1538**) authorizes procedures for the disbursement of personal services matching by state institutions of higher learning.

PROVISIONAL POSITIONS

Act No. **36**, (SB 98) removes the requirement that certain provisional positions funded from non-state sources be approved by the State Board of Higher Education. The act also increases the maximum number of provisional positions for certain institutions.

ROGERS/BENTONVILLE AREA

Act No. **457**, (HB **1735**) provides for the establishment of a "community college without walls" in the Rogers/Bentonville area.

SCIENCE & TECHNOLOGY AUTHORITY

Act No. **803**, (HB **1235**) authorizes the Arkansas Science and Technology Authority to create Centers for Applied Technology to be created in cooperation with colleges and universities in the state.

UNIVERSITY OF ARKANSAS

Act No. **679**, (SB **597**) increases from **8%** to **10%** the interest payable on bonds issued by the University of Arkansas for operating the University of Arkansas School of Law.

WESTARK COMMUNITY COLLEGE

Act No. **259**, (HB **1514**) provides for establishment of a University Center on the campus of Westark Community College so that selected upper-level and graduate courses and programs may be made available in the Fort Smith area without creating an institution of higher education.

SCHOOLS

12-MONTH PILOT PROGRAMS

Act No. **64**, (SB **37**) authorizes the Arkansas Board of Education to establish pilot programs for year-round school and to make grants to school districts for incentives to start pilot programs up to one-half million dollars in total grants.

ACCOUNTABILITY

Act No. **668**, (SB 293) known as the School Report Cards Act, this act establishes an Office of Accountability within the State Department of Education to publish annual assessments of the performance of schools having socioeconomic similarities. Establishes an Advisory Committee and Joint Interim Oversight Subcommittee of the JIC Committee on Education.

ADMISSION PENALTY

Act No. **895**, (HB **1936**) provides for a penalty for school districts that illegally admit students.

**EDUCATION** (cont.)

SCHOOLS (cont.)

ATTENDANCE POLICY

Act No. 473, (HB 1526) provides for a civil penalty to be assessed against parents of students with excessive unexcused school absences and provides for an increase in the criminal penalty against the parents.

ATTENDANCE REPORTING PERIOD

Act No. 466, (HB 1418) provides that the reporting period for attendance is to be quarterly or every 9 weeks with the actual number of days to be not less than 40 nor more than 50.

ATTENDANCE-STAY IN SCHOOL

Act No. 867, (HB 1616) authorizes school districts to enter cooperative agreements with law enforcement agencies to establish "Operation Stay in School" programs and to permit law enforcement officers to detain suspected truants.

BOARD ELIGIBILITY

Act No. 242, (HB 1096) provides that persons whose residential property lies within two school districts' boundaries may seek a position on the school board of either school district in which their children attend or attended school.

BOARDS OF DIRECTORS

Act No. 872, (HB 1694) provides that qualified electors of a school district may, by petition, have placed on the ballot of any annual school election the issue to determine whether to elect school district board of directors from single-member zones.

BUS DRIVER AGE LIMIT REMOVED

Act No. 794, (HB 1924) removes the age limit for school bus drivers.

CONSOLIDATION INCENTIVES

Act No. 30, (HB 1090) provides additional add-on weights for school districts who voluntarily consolidate or voluntarily participate in an annexation procedure. Effective 2-8-89.

CONSOLIDATION-BOARD MEMBERSHIP

Act No. 367, (SB 207) clarifies that upon consolidation of two or more school districts, the qualified electors are to elect the school board for the newly formed district at the next annual school election held following consolidation.

CONSOLIDATION-MILLAGE RATES

Act No. 641, (SB 487) provides that when two or more school districts are consolidated into one school district, the rate of millages approved in the former districts shall remain in effect until a new common tax rate is approved by the electors in the annual school election.

**EDUCATION** (cont.)

SCHOOLS (cont.)

COUNTY CIVIL ATTORNEY

Act No. 633, (SB 257) requires reimbursement from municipalities, school districts and other local taxing units on a pro rata basis for the costs of the full-time office of county civil attorney or a contract county civil attorney attributable to providing tax-related legal services.

DISCIPLINE AND SAFETY STUDY

Act No. 619, (HB 1757) establishes the Governor's Task Force on Student Discipline and School Safety to study the problems of crime, violence, drug use, weapon possession, truancy, vandalism, disproportionate suspension and expulsion rates of minority students, disproportionate application of disciplinary actions by gender, and a general absence of discipline on the part of some students in public schools and make recommendations for addressing same.

DISSOLUTION AND MERGER

Act No. 811, (HB 1726) requires the dissolution and merger of a school district which fails to achieve reasonable progress in improving student performance within 2 years of implementing a school improvement program and requires the dissolution and merger of a school district whose students fail to attain the established minimum level of achievement on norm-reference tests.

DISSOLUTION-PROBATION

Act No. 481, (HB 1654) provides that any school that fails to meet the minimum standards for accreditation will be placed on probation and must meet minimum standards within no more than 2 years or be subject to dissolution and annexation.

ELECTION OF BOARD MEMBERS

Act No. 185, (SB 47) allows the board of directors of a school district to provide that a portion of the membership of the board be elected by zone, at large, or a combination of the two. Members elected from zones must reside within the zone. The change must be implemented within four years after the passage of the resolution.

EMPLOYEE INSURANCE

Act No. 581, (SB 458) ~~repeals the Public School Employees Insurance Advisory Committee.~~ The act ~~also establishes the Minimum Salary~~ <sup>repeals</sup> ~~for teachers.~~

*Establishes minimum base salary for teachers of \$16,000.*

FAMILY LIFE EDUCATION PILOTS

Act No. 768, (HB 1788) directs the State Board of Education to develop pilot programs in family life education for not less than 8, nor more than 12 school districts in Arkansas for the 89-90 and 90-91 school years.

FINANCES

Act No. 105, (HB 1402) provides that revenue receipts of a school district may be pledged as collateral to secure current indebtedness.

**EDUCATION** (cont.)

SCHOOLS (cont.)

FINANCING

Act No. 148, (HB 1292) redefined the term "miscellaneous funds charge" for purposes of the School Finance Act.

FIRE INSPECTIONS

Act No. 411, (HB 1513) requires public elementary and secondary schools to be inspected twice a year for fire hazards.

HANDGUN POSSESSION

Act No. 649, (HB 1417) prohibits a person under the age of 18 to possess a handgun except under certain circumstances. It also prohibits possession of a handgun upon property of a public school or upon any school bus.

HANDICAPPED STUDENTS

Act No. 703, (HB 1784) amends the The Handicapped Children's Act to clarify the responsibility of providing a free appropriate public education to handicapped students. It requires local school districts to provide it as part of public schools and authorizes the State Board of Education to assign that responsibility to the local school district. Authorizes the State Board of Education to withhold state aid to districts that fail to comply with state and federal laws.

ISOLATED DISTRICT PAYMENTS

Act No. 890, (HB 1912) authorizes payments to isolated school districts which have a local resource rate in excess of the state base equalization rate.

KINDERGARTEN ATTENDANCE

Act No. 598, (HB 1747) requires children to attend kindergarten unless the parent or guardian or person having custody signs a kindergarten waiver form.

LEAVE AUTHORIZED

Act No. 724, (HB 1194) allows teachers and administrators 15 days of leave for military training, or civil defense and public health training programs in any fiscal year in addition to regular vacation time.

LIABILITY INSURANCE COVERAGE

Act No. 274, (HB 1585) expands the coverage of school employee liability insurance to include school secretaries.

LOANS FOR SCHOOL BUSES

Act No. 403, (HB 1274) allows the State Board of Education to loan monies in the Revolving Loan Fund to school districts for the purpose of purchasing new or used school buses or the refurbishing of school buses.

## **EDUCATION** (cont.)

### SCHOOLS (cont.)

#### MINIMUM FOUNDATION PROGRAM AID

Act No. 24, (HB 1031) changes method of calculating MFPA for growing school districts from previous year funding to current year funding. Increases charge level against real property by 1 mill for each \$25,000,000 increase in MFPA beginning 1989-90 and permits increase in charge levels against all property beginning 1995-96. Funding for handicapped and compensatory education is provided.

Act No. 480, (HB 1653) provides for clarification of adjustments to minimum foundation program aid for overpayments made to school districts in past school years.

#### NET CURRENT REVENUE

Act No. 820, (HB 1863) clarifies the term "net current revenue" to exclude debt service payments required to meet principal and interest on commercial bonds when figuring the amount of net current revenues required to be allocated for salaries for certified personnel under the formula for state school aid.

#### NON-CERTIFIED TEACHERS

Act No. 307, (SB 305) allows schools to hire for one year new teachers who have not passed the National Teachers Examination.

#### NON-TEACHING CONTRACTS

Act No. 822, (HB 1908) provides that the issuing of annual contracts to non-teaching personnel of school districts shall be in writing and shall recite the duration of employment, duties, and annual salary.

#### PAGING DEVICES PROHIBITED

Act No. 146, (HB 1219) prohibits students from possessing electronic paging devices while on school property.

#### PARENT CONFERENCES-PENALTIES

Act No. 474, (HB 1527) provides for the assessment of a civil penalty against parents who fail to attend a school district conference designed to present a plan to assist their child in achieving mastery of basic skills after failing to achieve a passing score on the basic competency test.

#### PERSONNEL POLICY COMMITTEE

Act No. 479, (HB 1644) provides that the superintendent of a school district may be one of the 3 administrators on the district's personnel policies committee.

Act No. 56, (HB 1019) provides that the election to select classroom teachers to a school district's committee on personnel policies shall be conducted solely and exclusively by classroom teachers, including the distribution of ballots to all classroom teachers.

**EDUCATION** (cont.)

SCHOOLS (cont.)

PRIVATE SCHOOLS-SCOLIOSIS

Act No. 95, (HB 1021) provides that private schools are required to institute a continuing scoliosis screening program for their minor students.

REVOLVING LOAN FUND REPEALED

Act No. 784, (HB 1872) repeals the Sections of law authorizing the establishment of the Emergency Revolving Loan Fund Account of the Revolving Loan Fund.

RURAL SCHOOL CONSORTIUM

Act No. 886, (HB 1894) provides procedures to allow two schools to form a model rural school consortium.

SCHOOL YEAR BEGINNING DATE

Act No. 461, (HB 1158) provides that the first day of the school year in public schools shall be no earlier than the Monday of the week immediately preceding the date observed as Labor Day.

SCHOOL-BASED HEALTH CLINIC

Act No. 737, (HB 1531) provides that no school based health clinic may be established in a public school until requested by a resolution signed by the school board directors. The provision is found in Section 41.

SICK LEAVE POOLS OR BANKS

Act No. 791, (HB 1899) authorizes school districts to establish sick leave pools or banks.

STUDENT DISCRIMINATION

Act No. 852, (HB 1315) makes it unlawful for public school officials to authorize the participation of students in an activity held at a location where all students would not be given equal treatment and prescribes penalties therefor; it further makes it unlawful for public school officials to impose or threaten to impose disciplinary action against a person who refuses to participate in the prohibited activity or reports a violation.

STUDENT TRANSFERS

Act No. 731, (HB 1360) allows for a student to transfer to an adjoining school district if his residence is 15 miles from the school in his resident district and within 7 miles of a school in an adjoining district.

Act No. 609, (HB 1173) enables any pupil to attend a public school in a district other than the district in which the pupil resides subject to specified restrictions and conditions.



## **EDUCATION** (cont.)

### SCHOOLS (cont.)

#### SUMMER SCHOOL FEES

Act No. 475, (HB 1550) provides that public school districts are permitted to charge fees for summer school programs that are optional for students.

#### TUBERCULOSIS TESTING

Act No. 640, (SB 480) provides that every newly hired public school employee within the State, prior to beginning employment, must present a certificate of health stating that the individual is free from tuberculosis.

#### VOCATIONAL SUMMER PROGRAMS

Act No. 68, (HB 1061) allows school districts operating multidistrict vocational centers to use tuition or state funds which are unexpended at the end of the school year for summer programs.

### STATE BOARDS JOINT MEETING

Act No. 14, (SB 9) requires annual meetings of the State Board of Education and the State Board of Higher Education to address the continuum of education from K through post-secondary. Report to be made to General Assembly each November prior to session.

### STUDENT GRANTS

#### FUNDING TARGETS

Act No. 965, (SB 507) sets funding targets for fiscal years 1990 through 1999 for the Student Assistance Grant Program.

#### NURSE MIDWIFE

Act No. 240, (HB 1046) establishes a grant program for nurse midwife students entering accredited schools.

### STUDENT LOANS

#### GUARANTEED LOANS

Act No. 377, (SB 403) authorizes the Arkansas Student Loan Authority to "deal in (by buying or selling)" guaranteed educational loan notes. Former law permitted the acquisition only of guaranteed educational loans. Clarification effective March 7, 1989.

#### MEDICAL STUDENT LOANS

Act No. 22, (HB 1074) increases from \$8,000 to \$12,000 per year the maximum student loan per academic year. Allows the Rural Medical Practice Student Loan and Scholarship Board to waive rural residency requirement on a case by case basis,

#### MILITARY STATUS REQUIREMENT

Act No. 188, (SB 132) prohibits any male under age 26 from receiving a loan, grant, scholarship, or other assistance funded by the state or any state agency unless such male has filed a statement of selective service status certifying his registration or exemption from registration with the institution of higher education. The State Department of Higher Education is to promulgate implementing regulations.

**EDUCATION** (cont.)

STUDENT LOANS (cont.)

MINORITY FRESHMAN/SOPHOMORE

Act No. 145, (HB 1187) established the Freshman/Sophomore Minority Prospective Teacher Loan Program to be administered by the Department of Higher Education.

MINORITY TEACHER

Act No. 144, (HB 1186) established the Minority Teacher Education Loan Program to be administered by the Department of Higher Education.

RURAL MEDICAL LOANS

Act No. 90, (HB 1350) provides for the transfer of \$184,000 from the 76th Session Transfer Fund to the 76th Session Projects Account to fund Arkansas Rural Medical Practice Student Loan Scholarship Program.

Act No. 823, (HB 1909) clarifies Act 649 of 1983 which waived the requirement that a doctor reside in a rural community as a condition for converting a rural medical practice student loan into a scholarship and provided new requirements. It also provides for an appeal from decisions of the Arkansas Rural Medical Student Practices Loan and Scholarship Board or the Director of Student Aid of University of Arkansas for Medical Sciences.

STUDENT SCHOLARSHIPS

GOVERNOR'S SCHOLARS

Act No. 951, (SB 99) increases the number (from 100 to 150) and the amount (from \$2,000 to \$4,000 per year) of Governor's Scholarships provided funds are available.

LOW INCOME STUDENTS

Act No. 611, (HB 1246) authorizes the Department of Education to establish with appropriated funds an Opportunity Scholarship Fund for eligible students who are low income or disadvantaged.

NATIONAL GUARD SCHOLARSHIPS

Act No. 301, (SB 262) establishes the Arkansas National Guard Scholarship Program.

STUDENT TUITION

POLICE OR FIREFIGHTER

Act No. 190, (SB 302) gives spouse and children of law enforcement officers or firefighter who suffers fatal injuries or becomes permanently and totally disabled during performance of duty or while en route to location eight-semester tuition at any state-supported college or university. Benefits cease for the child at age 23 and for the spouse upon remarriage.

**EDUCATION** (cont.)

STUDENT TUITION (cont.)

POWS, MIAS OR KILLED IN ACTION

Act No. 759, (HB 1738) provides that children of a prisoner of war, a person missing in action, or a person killed in action may obtain their graduate education or a professional degree free of tuition in Arkansas.

TEACHERS

CERTIFICATE REVOCATION

Act No. 866, (HB 1615) provides for the revocation or suspension of a teaching certificate for cause and defines "cause".

LEAVE: AUTHORIZED

Act No. 724, (HB 1194) allows teachers and administrators 15 days of leave for military training, or civil defense and public health training programs in any fiscal year in addition to regular vacation time.

MINORITY TEACHER LOANS

Act No. 144, (HB 1186) established the Minority Teacher Education Loan Program to be administered by the Department of Higher Education.

Act No. 145, (HB 1187) established the Freshman/Sophomore Minority Prospective Teacher Loan Program to be administered by the Department of Higher Education.

NON-CERTIFIED

Act No. 307, (SB 305) allows schools to hire for one year new teachers who have not passed the National Teachers Examination.

SALARIES

Act No. 581, (SB 458) establishes the minimum salary for teachers. The act also repeals the ~~Public School Insurance Advisory Committee~~.  
*Teachers Minimum Salary Law*

SALARIES-ADDITIONAL DAYS

Act No. 722, (HB 1917) requires teacher's pay to be increased proportionately if additional days are added to a teacher's contract.

SALARIES-NON-RECURRING PAYMENT

Act No. 268, (HB 1149) provides for non-recurring salary payments by any school district to certified personnel from revenues not considered net current revenue. This payment is not to be included in the base revenue provision concerning teacher salaries.

SICK LEAVE

Act No. 818, (HB 1825) increases the amount of accumulated sick Leave that teachers may carry forward from forty-five (45) days to ninety (90) days.

**EDUCATION** (cont.)

TEACHERS (cont.)

TEACHER CERTIFICATION

Act No. 414, (HB 1587) prohibits the State Board of Education from delegating to any college or university the Board's powers pertaining to certification of teachers.

TEACHER FAIR DISMISSAL ACT

Act No. 625, (SB 470) provides that the Teacher Fair Dismissal Act is not a teacher tenure law and nonrenewal, termination, suspension, or other disciplinary action by a school district shall be void unless the school district strictly complies with all provisions of the Teacher Fair Dismissal Act and the school district's applicable personnel policies.

TECHNICAL EDUCATION STUDY

Act No. 635, (SB 405) creates the Technical Educational Enhancement Study Committee, a 14 member committee to study technical education being offered at state supported vocational-technical schools and institutions of higher education and to report to the State Board of Higher Education, State Board of Vocational Education and the JIC on Education. Act expires July 1, 1990.

VOCATIONAL-TECHNICAL EDUCATION

APPRENTICESHIP PROGRAM

Act No. 684, (HB 1333) directs the Director of Vo-Tech Education to allocate funds for the support of apprenticeship training programs in trades certified by the Bureau of Apprenticeship and Training, U.S. Department of Labor.

ASSOCIATE DEGREES-NURSES

Act No. 66, (SB 110) authorizes the Vocational-Technical Education Division to establish an associate degree in applied science program for nursing in the vocational-technical schools and sets out the requirements for such programs.

COURSE CONTENT SYLLABI

Act No. 848, (HB 1265) requires the State Board of Vocational Education to develop course content syllabi for each course of instruction offered in a post-secondary vocational-technical school to facilitate equivalent course credit transfers to institutions of higher education.

FIRE TRAINING

Act No. 940, (SB 455) transfers satellite fire training facilities of Southern Arkansas University to the Vocational and Technical Education Division. It does not transfer the Fire Training Academy of Southern Arkansas - Technical Branch.

## **EDUCATION** (cont.)

### VOCATIONAL-TECHNICAL EDUCATION (cont.)

#### PRIVATE CAREER EDUCATION BOARD

Act No. 906, (HB 1787) amends the law regulating private vocational-technical education to create a State Board of Private Career Education to regulate and license the private vocational-technical schools in Arkansas. It establishes a Student Protection Fund to pay claims by students when schools become insolvent and fail to operate. It establishes fees for license renewal and assessments for the student protection fund.

#### RENAMING SCHOOL

Act No. 858, (HB 1510) permits a vocational-technical school to be renamed a technical institute if the school has sufficient technical curriculum.

## **ELECTIONS**

### ABSENTEE BALLOTS

Act No. 505, (HB 1119) provides that absentee ballots shall not be opened and counted prior to 3 p.m. on election day and that no results shall be divulged until 30 minutes after the polls close.

### COUNTY BD OF ELECTION COMM.

Act No. 522, (HB 1002) provides that if the chairman of a county committee of a political party is an elected official he shall not serve on the county board of election commissioners but shall appoint someone to serve in his place.

### DEPUTY REGISTRAR

Act No. 539, (HB 1633) provides that a deputy voter registrar shall return a voter registration form within two (2) weeks and prescribes penalties for violations.

### INDEPENDENT CANDIDATE FILING

Act No. 591, (HB 1525) provides that independent candidates shall file for office no later than the deadline for filing political practice pledges and party pledges.

### INITIATIVES AND REFERENDUMS

#### DISCLOSURE OF CONTRIBUTIONS

Act No. 261, (HB 1331) provides that any person who contributes or spends more than \$250.00 for the purpose of influencing the passage or defeat of a statewide initiative or referendum or a measure referred to the voters by the General Assembly must file financial disclosure reports with the Secretary of State.

Act No. 634, (SB 287) entitled the Disclosure Act for Public Initiatives, Referendums and Measures Referred to Voters by the General Assembly, this act requires the filing of disclosure statements with the Secretary of State by ballot question committees or legislative question committees who have received contributions or expended funds towards the defeat or passage of initiatives referendums and measures referred to the voters of this State.

**ELECTIONS** (cont.)

INITIATIVES AND REFERENDUMS (cont.)

VARIOUS REVISIONS

Act No. 280, (SB 140) amends various sections of the election laws pertaining to the sufficiency of initiative and referendum petitions.

MUNICIPAL

FILING DATES

Act No. 347, (HB 1245) provides that filing dates for municipal candidates in a city manager form of government and in a city administrator form of government shall be not less than 60 days before the election.

RUN-OFF

Act No. 905, (HB 1683) provides for a municipal primary election in all cities and towns with a run-off at the general election if needed and permits city and town councils of cities with mayor-council form of government to request a party primary be held for municipal offices in their city or town.

OMNIBUS REVISIONS

Act No. 912, (HB 1929) makes various changes in the election laws.

OPPORTUNITY TO VOTE

Act No. 545, (HB 1731) requires each employer to schedule work hours on election days to provide each employee an opportunity to vote. Failure to comply with the act can result in a fine of \$25. to \$250. upon conviction.

PETITIONS ON PROPERTY TAX

Act No. 341, (HB 1120) provides that petitions to place on the ballot the question of levying a property tax to pay police retirement benefits must be filed at least sixty days prior to the election.

POLITICAL PRACTICE PLEDGES

Act No. 755, (HB 1707) provides that the Secretary of State or the county clerks of each county, depending on the office, shall notify candidates who have failed to file timely political practices pledges. Only candidates who refuse to file signed pledges within 5 days of notification may be kept off the ballot or made ineligible to be write-in candidates.

PRESIDENTIAL PRIMARIES

Act No. 700, (HB 1737) repeals "Super Tuesday" law placing the preferential presidential primary in March for 1988 and provides for the date for the primary to be on the date established by law for the preferential primary election for state and county offices.

VOTING BOOTH

Act No. 342, (HB 1121) provides that voters can remain in voting booth only 5 minutes if other voters are waiting in line.

## **EMERGENCY SERVICES**

### 911

Act No. 524, (HB 1199) increases the percentage of money generated by the 911 Communications System to be used to pay personnel costs.

### AMBULANCE LICENSING

Act No. 196, (SB 38) gives authority to all first and second class cities to operate or contract for ambulance services. The authority formerly was applicable only to first class cities with a population of 35,000 persons or more. The city may enter into interlocal agreements with other cities in its county or with the county to provide services outside the city.

### CORONERS

Act No. 484, (HB 1869) provides that county coroners may be employed by any city emergency medical service, county emergency medical service, or joint city and county medical service.

### EARTHQUAKE PREPAREDNESS

Act No. 247, (HB 1154) establishes a State Earthquake Preparedness Program within the Arkansas Office of Emergency Services.

## **EMPLOYMENT**

### PRIVATE EMPLOYMENT AGENCY ACT

Act No. 750, (HB 1665) adds the publishers of paid advertisements to those persons exempt from the definition of "employment agency" under the Arkansas Private Employment Agency Act.

### SALES REPRESENTATIVE CONTRACT

Act No. 464, (HB 1287) provides for the regulation of the relationship between sales representatives and the representative's principal.

## **ENTERPRISE ZONES**

### ENTERPRISE ZONE ACT OF 1989

Act No. 462, (HB 1226) authorizes establishment of enterprise zones to attract private sector investment into depressed areas of the State, provides the qualifications necessary for designation as an enterprise zone and provides for tax exemptions and tax credits.

### TRANSITIONAL PROVISIONS

Act No. 854, (HB 1463) amends Act 462 of 1989 to revise the transitional provisions. It also authorizes the Commissioner of Revenues to enter into the International Fuel Tax Agreement of July, 1987.

## **ETHICS**

### AMENDMENTS TO INITIATED ACT 1

Act No. 719, (HB 1029) applies Initiated Act 1 of 1988, "The Disclosure Act for Lobbyists and State Officials" to local governmental bodies. The act limits the exemptions to the requirement that lobbyists register.

FINANCIAL STATEMENT FOR 1989

Act No. 5, (HB 1358) extends the deadline for filing the statement of financial interest required under Initiated Act 1 of 1988 to thirty (30) days after the Attorney General issues a response to all opinion requests submitted by January 25, 1989. Attorney General to notify Secretary of State when all responses have been issued.

INITIATIVES AND REFERENDUMS

DISCLOSURE OF CONTRIBUTIONS

Act No. 261, (HB 1331) provides that any person who contributes or spends more than \$250.00 for the purpose of influencing the passage or defeat of a statewide initiative or referendum or a measure referred to the voters by the General Assembly must file financial disclosure reports with the Secretary of State.

Act No. 634, (SB 287) entitled the "The Disclosure Act for Public Initiatives, Referendums and Measures Referred to Voters by the General Assembly," this act requires the filing of disclosure statements with the Secretary of the State by ballot question committees or legislative question committees who have received contributions or expended funds towards the defeat or passage of initiatives, referendums and measures referred to the voters of this state.

LOBBYIST REGISTRATION

AMENDMENTS TO INITIATED ACT 1

Act No. 719, (HB 1029) amends Initiated Act 1 of 1988, "The Disclosure Act for Lobbyists and State Officials" to local governmental bodies. The act limits the exemptions to the requirement that lobbyists register.

FILING WITH GENERAL ASSEMBLY

Act No. 851, (HB 1314) repeals the law which requires lobbyists to register with the General Assembly.

**EVIDENCE**

CRIME LAB REPORTS

Act No. 889, ( 1910) provides that reports and records of evidence analysis by the Arkansas State Crime Laboratory shall be admissible as competent evidence.

PATERNITY ACTIONS

REBUTTABLE PRESUMPTION

Act No. 725, (HB 1258) establishes a prima facie case of establishment of paternity if the results of the paternity test establishes a 95% or more probability of inclusion that the defendant is the natural father and there is corroborating testimony by the mother in regard to access.



**EVIDENCE** (cont.)

**PATERNITY/SUPPORT ISSUE**

**COMPETENT WITNESSES**

Act No. 657, (HB 1624) provides that the biological mother, her husband and the putative father of the child may testify in any cause of action in which paternity or child support is an issue.

**FINANCIAL INSTITUTIONS**

**BANK HOLDING COMPANY**

**DEFINITION** —

Act No. 702, (HB 1753) amends the definition of "bank holding company" authorizing the bank commissioner to extend the time limit for disposing of shares acquired by a bank holding company, bank or bank subsidiary in the regular course of securing or collecting a debt previously contracted in good faith if the commissioner determines that the extension would not be detrimental to the public interest.

**SUBSIDIARY TRUST COMPANIES**

Act No. 195, (SB 19) allows bank holding companies to establish subsidiary trust companies to perform trust functions formerly conducted by a trust department of the bank. Permits substitution of the trust company as the fiduciary on accounts.

**BANKS**

**BRANCH BANKS**

Act No. 511, (HB 1447) permits the establishment of full service branch banks and customer-bank communication terminals under restricted circumstances in counties adjacent to the county wherein the main office is located.

**INVESTMENT LIMIT REPEALED**

Act No. 500, (SB 476) repeals requirement that banks limit investments in obligations arising out of certain commercial and business paper.

**TRUSTS**

Act No. 351, (HB 1590) authorizes banks to utilize affiliates to perform certain services for a trust for which it serves as trustee provided the bank believes that the services are reasonably necessary and that the affiliate can render such services.

**NET INCOME**

Act No. 494, (SB 379) provides that financial organizations having business income from business activity both within and without the State are required to apportion their net income.

**PRODUCTION MONEY**

Act No. 654, (HB 1528) removes the sunset provision pertaining to the priority of production money security interest and exempts institutions chartered under the "Farm Credit Act of 1971" from the provisions pertaining to production money security interest.

## **FIREARMS**

### CENTER-FIRE WEAPON

Act No. 63, (HB 1332) clarifies the areas of Marion County, Arkansas in which it is unlawful to possess a loaded center-fire weapon, as it was made unlawful by Act 829 of 1987.

### HANDGUNS

Act No. 649, (HB 1417) prohibits a person under the age of 18 from possessing a handgun except in certain circumstances. It also prohibits possession of a handgun upon property of a public school or upon any school bus.

### MACHINE GUN REGISTRATION

Act No. 373, (SB 332) requires registration of every machine gun adapted to use pistol cartridges of 30 or larger caliber with the Secretary of State within 24 hours after effective date of the act or within 24 hours after acquisition.

## **FIREFIGHTERS**

### CITIES

#### SENIORITY BONUSES

Act No. 181, (SB 7) authorizes the payment of bonus compensation by second class cities for firefighters otherwise eligible to retire under LOPFI or a local firefighters' pension plan to encourage their continued service in lieu of retirement.

#### SERVICE AFTER RETIREMENT

Act No. 182, (SB 8) permits retired firefighters to continue to serve without compensation. Allows the city to reimburse such firefighters for personal clothing or equipment destroyed during service. Prohibits suspension of retirement benefits due to continued service.

### EDUCATIONAL BENEFITS

Act No. 190, (SB 302) gives spouse and dependent of law enforcement officer or firefighter who suffer fatal injury or become permanently and totally disabled during performance of duty or en route to or from duty. Benefits include tuition at any state-supported college or university. Benefits cease for spouse after age 23 and for dependent child upon marriage.

### FIRE PROTECTION DISTRICTS

Act No. 648, (HB 1401) provides that the qualified electors of a fire protection district shall elect the members of the board of commissioners at a public meeting called by the county court.

### SATELLITE TRAINING FACILITIES

Act No. 940, (SB 455) transfers satellite fire training facilities of Southern Arkansas University to the Vocational and Technical Education Division. It does not transfer the Fire Training Academy of Southern Arkansas - Technical Branch.

### SCHOOL INSPECTIONS

Act No. 411, (HB 1513) requires public elementary and secondary schools to be inspected twice a year for fire hazards.

**FIREFIGHTERS** (cont.)

SECOND CLASS CITIES

Act No. 180, (SB 6) authorizes the payment of certain personal expenses incurred by firefighters incident to their service by cities of the second class.

**FOREIGN INVESTORS**

QUALIFYING TO DO BUSINESS

Act No. 947, (SB 606) provides that foreign investors are prohibited from investing money in Arkansas and engaging in other specific activities without qualifying to do business in this State.

**GARNISHMENT**

EMPLOYER

LIABILITY

Act No. 463, (HB 1276) provides that when any employer is served with a writ of garnishment on an employee, and the employer fails to answer within 20 days after service, the employer shall be liable for the amount of nonexempt wages owed the employee at the time the writ was served.

**GENERAL ASSEMBLY**

INSURANCE AND COMMERCE

COMMITTEE JURISDICTION

Act No. 541, (HB 1658) adds home mortgage financing and housing to the jurisdiction of the committee on Insurance and Commerce.

LEGISLATIVE AUDIT

STATE AGENCY COMPLIANCE

Act No. 47, (HB 1209) broadens the Arkansas Local Governmental Compliance Act to include a review by the Legislative Joint Auditing Committee of compliance with certain fiscal management law applicable to State agencies and school districts. The Act is renamed the "Arkansas Governmental Compliance Act."

LEGISLATIVE AUDITOR

Act No. 580, (SB 452) provides that the Legislative Auditor shall execute the duties of the position of Legislative Auditor as provided by law.

LEGISLATIVE COUNCIL

PRODUCTIVITY REPORTS

Act No. 183, (SB 21) eliminates the annual productivity report formerly required on August 1 of each year. Requires all agencies of the state to provide monthly employment information to Legislative Council concerning number of current employees, number of newly hired employees, transfers to other state agencies, retirements, separations and other related information.

**GENERAL ASSEMBLY (cont.)**

LEGISLATIVE COUNCIL (cont.)

UNCLAIMED PROPERTY REPORTS

Act No. 140, (SB 294) requires the State Auditor to annually provide the Legislative Council with a report summarizing all properties recovered under the unclaimed property program and all fees paid to individuals or firms for finding such property.

PER DIEM

Act No. 134, (SB 230) authorizes the Legislative Council to establish the rate of per diem for attending interim committee meetings and performing other interim legislative duties.

SPEAKER-DESIGNATE

Act No. 48, (HB 1247) revises the method for choosing the Speaker-designate of the House of Representatives.

**HAZARDOUS SUBSTANCE**

HAZARDOUS SITES

Act No. 350, (HB 1580) prohibits a passive owner of a hazardous site from interfering with the efforts of the settling party to carry out the provisions of an approved response action agreement with the United States.

HAZARDOUS WASTE MANAGEMENT ACT

Act No. 643, (SB 501) amends various sections of the Arkansas Hazardous Waste Management Act.

INNOCENT OWNER

Act No. 260, (SB 345) provides remedies and defenses for an innocent owner when the Arkansas Solid Waste Management Act or the Arkansas Hazardous Waste Management Act has been violated by a third party.

REMEDIAL ACTIONS

Act No. 441, (SB 449) amends the Hazardous Substances Remedial Action Trust Fund Act to clarify that persons who undertake remedial actions at a hazardous substance site may obtain contribution from any other person who is liable for the site and that access to the site shall be provided to aid remedial actions.

**HEALTH**

AIDS

NOTICE TO DOCTOR OR DENTIST

Act No. 413, (HB 1565) requires a person found to have the HIV infection to notify a physician or dentist before receiving health care services.

ANATOMICAL GIFT ACT

Act No. 436, (SB 380) establishes the right of an adult person to donate his or her body or organs for research and for organ transplant after death. It establishes the procedures for making the gift and for carrying out the removal and saving of organs after the person's death.

HEAD INJURY REGISTRY

Act No. 491, (SB 146) provides that the Arkansas Head Injury Foundation establish and maintain a central registry of head injured disabled persons.

HEALTH CARE QUALITY

Act No. 104, (HB 1357) provides for the election of the early options as provided in the Health Care Quality Improvement Act of 1986 Early Option in Election Act (P.L. 99-660).

HEALTH DATA CLEARINGHOUSE

Act No. 107, (SB 108) provides that the Health Services Agency is to act as a statewide clearing-house for the acquisition and dissemination of data from health care providers, state Medicaid program, third party payors, state agencies and other appropriate sources.

HOME HEALTH CARE SERVICES

Act No. 533, (HB 1498) provides that no permit of approval shall be required by the Health Services Agency or the Health Services Commission for any applicant to qualify for a Class "B" license to operate a home health care services agency, if the agency was serving patients on or before June 30, 1988 and if the agency serves the residents of the county where the principal office was located.

MILK STANDARDS

Act No. 27, (SB 15) requires the State Board of Health to adopt federal regulations concerning milk, milk products, cheeses and frozen desserts. Requires packaging and labeling in accordance with federal law. Requires review of changes by milk producers marketing agents and association.

SCHOOL BASED HEALTH CLINIC

Act No. 737, (HB 1531) provides that no school based health clinic may be established in a public school until requested by a resolution signed by the school board directors. The provision is found in Section 41.

SCOLIOSIS SCREENING

Act No. 95, (HB 1021) provides that private schools are required to institute a continuing scoliosis screening program for their minor students.

STERIOD, COUNTERFEIT SUBSTANCE

Act No. 249, (HB 1231) amends the Food, Drug and Cosmetic Act to make it applicable to anabolic steriods and counterfeit substances and provides penalties for distribution and possession with intent to distribute.

## HEALTH CARE FACILITIES

### DEREGULATION OF HOSPITALS

Act No. 422, (SB 327) removes hospitals from the planning and permit requirements of the Health Services Agency and the Health Services Commission.

### ICF/MR 15 BEDS OR LESS

Act No. 380, (HB 1109) permits the transfer without consideration of a permit of approval obtained by any nonprofit corporation to an affiliated nonprofit corporation for construction of an intermediate care facility for the mentally retarded with fifteen or fewer beds. Requires that the project be commenced within six months following the issuance of initial regulations by the Department of Human Services.

### LONG TERM CARE FACILITIES

#### ANNUAL DISCLOSURE STATEMENTS

Act No. 664, (SB 181) requires long term care facilities to provide all residents during July and all prospective residents with a disclosure statement stating various facts concerning ownership of the facility and services provided under a basic care contract and those available at additional charges. Disclosure coincides with license application time each year. Failure to comply with act is considered a Class C violation of the long term care facility laws.

#### LICENSURE UPON SALE

Act No. 665, (SB 184) clarifies that upon sale of a long term care facility, the new owner must seek a license from the Department of Human Services. Buyer is subject to any plan of corrective action imposed on the facility prior to the sale. Seller remains liable for all penalties assessed against the facility by the department.

#### RESCISSION PERIOD

Act No. 663, (SB 179) gives a resident of a long term care facility a fourteen-day period to rescind any contractual obligation and to receive a full refund minus any charges for services provided if the resident actually entered the facility.

### LONG-TERM CARE FACILITIES

#### LICENSURE

Act No. 485, (SB 88) provides that the Department of Human Services shall establish a licensing procedure for facilities with specialized wings, units, or rooms for dementia residents, those suffering from Alzheimer's disease and other related conditions.

#### NURSING BED TAX

Act No. 987, (SB 604) levies a quarterly tax on each bed occupied in nursing homes.

#### NURSING HOME FEES

Act No. 986, (SB 603) requires nursing homes to pay an annual license fee in the amount of \$10.00 per patient licensed bed.

**HEALTH CARE FACILITIES** (cont.)

LONG-TERM CARE FACILITIES (cont.)

PHOTOGRAPHING OF RESIDENTS

Act No. 33, (SB 31) provides that no resident of a long term care facility may be photographed without prior consent. The act provides for exceptions.

**HEALTH DEPARTMENT**

BREATH TESTING DEVICE

Act No. 419 (SB 124) provides that the State Board of Health is authorized to provide by the State Board of Health for making breath analysis to determine blood alcohol content as specified by a manufacturer's name and model.

BREATH TESTING DEVICE FEE

Act No. 577, (SB 408) authorizes the Arkansas Department of Health to charge a fee for the maintenance of breath testing instruments.

CANCER REGISTRY ESTABLISHED

Act No. 435, (SB 378) requires the State Board of Health to establish and maintain a statewide cancer registry to accumulate data regarding the spread and frequency of the disease of cancer. The information is to be used by health professionals to plan and to evaluate the effectiveness of cancer prevention and control programs.

EXPENDITURE RECOVERY

Act No. 384, (HB 1208) authorizes the State Board of Health to define circumstances under which recovery of extraordinary costs for time-consuming operations will be made. Recovered expenses are to reimburse the department for non-routine, unplanned services required to protect the public health.

Act No. 387, (HB 1433) authorizes the State Board of Health to establish a fee schedule to purchase medical supplies and services to provide essential health care. Fees collected shall be only from those patients who are financially able to pay.

FOOD SERVICE ESTABLISHMENTS

Act No. 67, (SB 190) adds ice manufacturing plants to the definition of "food service establishments" which are inspected by the Health Department. It also permits the Public Health Advisory Committee to receive reimbursement for their travel expenses.

HEALTH DEPT BLDG & LOCAL GRANT

Act No. 749, (HB 1643) provides for payment of Health Building Commission Revenue Bonds and establishes a State Health Building and Local Grant Trust Fund and a local grant program to assist counties and cities in improving local health facilities.

LOCAL HEALTH OFFICE EMPLOYEES

Act No. 175, (HB 1164) provides that any employee of the Department of Health who was previously an employee of a county health office between certain dates and was supervised by the Department of Health shall be deemed to be a state employee for purposes of leave accrual.

MILK STANDARDS

Act No. 27, (SB 15) requires the State Board of Health to adopt federal regulations concerning milk, milk products, cheeses and frozen desserts. Requires packaging and labeling in accordance with federal law. Requires review of changes by milk producers marketing agents and association.

PRIVATE REVIEW AGENTS

Act No. 537, (HB 1569) requires private review agents who approve or deny payment for hospital or medical services to obtain a certificate from the Arkansas Board of Health in order to conduct a utilization review of hospital resources and medical services given to a patient or a group of patients.

PUTATIVE FATHER REGISTRY

Act No. 496, (SB 434) establishes a putative father registry in the Department of Health and provides for its use in matters of adoption.

RURAL LOANS

Act No. 620, (SB 147) establishes in the Department of Health, the Rural Health Services Revolving Fund which shall make available for county, local, commercial and nonprofit operations in medical services up to \$200,000 per grant to be matched on a 50/50 basis.

VITAL RECORDS

Act No. 396, (HB 1047) revises the law pertaining to vital records and the Division of Vital Records.

Act No. 805, (HB 1264) requires the Division of Vital Records of the State Department of Health to collect Social Security information on parents at the time of the birth of a child and permit its disclosure to the Child Support Enforcement Unit.

**HIGHWAYS**

HAMMERSCHMIDT HIGHWAY

Act No. 6, (SB 90) designates U.S. Highway 71 from 1-40 to Missouri line as the John Paul Hammerschmidt Highway and requires Highway Department to erect appropriate signs; act applies to new U.S. Highway 71 under construction during 77th session of General Assembly.

HAMMERSCHMIDT HIGHWAY ADDITION

Act No. 535, (HB 1542) designates that portion of U. S. Highway 71 from its intersection with 1-540 in Fort Smith to the State Highway 10 exit near Greenwood as a part of the John Paul Hammerschmidt Highway.



## **HIGHWAYS** (cont.)

### HIGHWAY 82 COMPACT

Act No. 622, (SB 233) authorizes the Governor to enter into an interstate compact with Mississippi, Alabama, Texas and any other states in which a portion of U.S. Highway 82 lies, to establish an interstate authority for four lane construction of the highway.

### OBSTRUCTION BY SMOKE

Act No. 756, (HB 1722) provides that any person owning or controlling croplands, rangelands, grasslands, pastures or stubble lands along any Arkansas state highway or any federal or interstate highway and setting fire to those lands **so** as to cause smoke to obstruct those highways is required to post flagmen or advisory signs and notify the county sheriff's office.

### TURNPIKES AND TOLLS

Act No. 192, (SB 349) authorizes the Arkansas Highway Commission to undertake turnpike projects after thorough study and a determination that funds to establish a free highway are not sufficient. Commission may set, collect and change tolls for use of each turnpike project.

## **HORSE RACING**

Act No. 12, (SB 177) authorizes a local election for Sunday racing. Permits simulcasting of racing events at other race tracks on grounds during the calendar year. Makes changes in percentage of money wagered payable by Commission to State as privilege tax.

## **HUMAN SERVICES DEPARTMENT**

### ALCOHOL AND DRUG ABUSE

#### DIVISION CREATED

Act No. 60, (HB 1188) creates within the Department of Human Services a Division of Alcohol and Drug Abuse Prevention. Laws referring to the Office of Alcohol and Drug Abuse Prevention to hereafter apply to the Division of Alcohol and Drug Abuse Prevention.

#### PROGRAM ACCREDITATION

Act No. 597, (HB 1733) requires persons operating alcohol/drug abuse treatment programs to be accredited by a Division of Alcohol and Drug Abuse Prevention.

### CHILD ABUSE

#### CENTRAL REGISTRY RULES

Act No. 687, (HB 1459) provides that the Child Abuse and Neglect Central Registry may adopt rules to encourage cooperation with other states in exchanging reports and to effect a national registration system.

#### COOPERATIVE INTERVENTION AGMT.

Act No. 824, (HB 1938) requires the Department of Human Services to initiate cooperative agreements with other agencies regarding cooperative intervention and reports of child sexual abuse and serious physical injuries.

CHILD CARE FACILITY

BOARD MEMBERSHIP

Act No. 400, (HB 1206) enlarges the membership of the Child Care Facility Review Board.

DEFINITION

Act No. 399, (HB 1205) redefines the term "child care facility" for the purpose of the Child Care Licensing Act. The act also provides that Child Care Facility Review Board may seek an injunction without bond against a person who has been denied a license or whose license has been suspended or revoked.

FAMILY HOME REGISTRY

Act No. 46, (HB 1207) creates a voluntary registry for day care family homes that are exempt from licensure under the Child Care Facility Licensing Act.

CHILD SUPPORT

CENTRALIZED CLEARINGHOUSE

Act No. 686, (HB 1421) authorizes the Child Support Enforcement Unit to develop and test the feasibility of a centralized clearinghouse system for the payment and collection of child support.

EMPLOYEES TO SERVE PROCESS

Act No. 808, (HB 1481) designates the Child Support Enforcement Unit as a law enforcement agency to employ a child support officer to assist in the service of process and to enforce child support orders in counties where the court grants at least 2,500 divorces a year.

JUVENILES

Act No. 514, (HB 1577) makes the Department of Human Services the monitoring agency for compliance with federal law on the detention of juveniles.

MEDICAID

Act No. 942, (SB 488) provides that every nonprofit corporation which is eligible to receive payments of \$25,000 or more for services supplied as a Medicaid provider is required, as a condition of enrollment, to provide the Department of Human Services with an annual financial and compliance audit.

NURSING HOME FEES

Act No. 986, (SB 603) requires nursing homes to pay an annual license fee in the amount of \$10.00 per patient licensed bed.

NURSING HOME TAX

Act No. 987, (SB 604) levies a quarterly tax on each bed occupied in nursing homes.

**HUMAN SERVICES DEPARTMENT (cont.)**

SUBPOENA POWER

Act No. 863, (HB 1593) gives the Chief Counsel of the Department of Human Services subpoena power in determining administrative appeals or decisions relating to applications for amendment of information contained in the report of an investigation of child abuse or neglect.

UNINSURED CHILDREN'S PROGRAM

Act No. 471, (HB 1508) provides that the Department of Human Services is responsible for administering and promulgating regulations for the Uninsured Children's Program which is to provide access to appropriate primary health care services for eligible children in Arkansas.

VOLUNTEERISM DIVISION

Act No. 186, (SB 62) creates the Division of Volunteerism within the Department of Human Services which replaces the Office of Volunteerism formerly under the Governor but which had been transferred to DHS under executive directive. Establishes an Advisory Council to be appointed by the Governor to assist the division.

Act No. 143, (HB 1179) creates the Division of Volunteerism within the Department of Human Services which replaces the Office of Volunteerism formerly under the Governor but which had been transferred to DHS under executive directive. Establishes an Advisory Council to be appointed by the Governor to assist the division.

**HUNTING AND FISHING**

LICENSE FEES

Act No. 219, (SB 185) revises the resident hunting and fishing license fees.

LICENSES FOR DISABLED PERSONS

Act No. 49, (HB 1336) provides that the issuance of a special resident hunting and fishing license for resident persons with a permanent and total disability is within the discretion of the Arkansas Game and Fish Commission. If the Commission provides for a permanent license for such persons, the amount shall not exceed the cost of the annual resident license and permit fees in effect at the time of the issuance.

**IMPROVEMENT DISTRICTS**

AMBULANCE

Act No. 498, (SB 459) provides that an ambulance service improvement district may be created by ordinance of the quorum court with an assessment of up to 2 mills, provided that the matter be referred to the electors of the affected area and approved before any taxes are levied, assessed or collected.

FIRE PROTECTION DISTRICTS

Act No. 648, (HB 1401) provides that the qualified electors of a fire protection district shall elect the members of the board of commissioners at a public meeting called by the county court.

## **IMPROVEMENT DISTRICTS** (cont.)

### IRRIGATION & DRAINAGE DISTRICT

Act No. 618, (HB 1723) amends various sections of the Arkansas Code to clarify the powers of regional water districts and irrigation and drainage improvement districts to manage their water resources.

### MOSQUITO ABATEMENT DISTRICTS

Act No. 661, (HB 1866) changes the amount of assessed benefits which the district may charge against property in the district from ten percent (10%) of assessed value of the property to one percent (1%). It allows a county quorum court to call for special election for the formation of a mosquito abatement district. It makes county assessor responsible for assessing benefits and the county collector responsible for collecting assessments against property.

### MUNICIPAL DRAINAGE DISTRICT

Act No. 526, (HB 1293) removes the population limit on cities of the first class which can create a drainage improvement district in that city, and gives them eminent domain powers outside the boundaries of the city.

### MUNICIPAL PROPERTY OWNERS DIST

Act No. 276, (SB 29) provides that electric distribution and telephone distribution systems may be financed by municipal property owners improvement districts, and that commissioners of such districts may, with the approval of all owners of property within such districts, be persons other than owners of property within such districts.

### REGIONAL WATER DISTR. DISTRICT

Act No. 705, (HB 1811) makes the bonds issued by a Regional Water Distribution District exempt from all state, county, and municipal taxes.

### SUBURBAN IMPROVEMENT DISTRICT BENEFITS ASSESSMENT

Act No. 548, (SB 357) allows the Board of Commissioners of a suburban improvement district to assess benefits for purchasing, maintaining, or operating any improvement under jurisdiction of the district. Former law specifically prohibited such assessments.

### WATER DISTRICTS

Act No. 618, (HB 1723) amends various sections of the Arkansas Code to clarify the powers of regional water districts and irrigation and drainage improvement districts to manage their water resources.

## **INSURANCE**

### CONTINUING CARE PROVIDERS

Act No. 203, (SB 77) requires continuing care providers to file audited financial statements with the Arkansas Insurance Department. Gives the Insurance Commissioner new authority to conduct financial examinations prior to insolvency of the facility.

**INSURANCE** (cont.)

CONTINUING EDUCATION FOR AGENT

Act No. 445, (HB 1243) requires all persons licensed to sell insurance in Arkansas to successfully complete a course of continuing education to maintain a valid license. All life and disability licensees shall complete a minimum of sixteen (16) hours of instruction and all property and casualty licensees shall complete a minimum of twenty (20) hours of instruction in a two (2) year period.

CREDIT LIFE

Act No. 177, (HB 1409) defines the term "compensation" as used in the credit life insurance and credit disability insurance law.

CREDIT LIFE AND DISABILITY

Act No. 843, (SB 615) provides that payments to successors in interests shall not be deemed compensation under the model act for the regulation of credit life insurance and credit disability insurance.

FRATERNAL BENEFIT SOCIETIES

Act No. 881, (HB 1793) repeals the current law on Fraternal Benefit Societies (Arkansas Code 23-74-101 et seq.) and replaces it with a new law to regulate Fraternal Benefit Societies.

INSURABLE INTEREST

Act No. 773, (HB 1824) amends the definition of "insurable interest" for personal insurance to include that corporations have an insurable interest in the lives of any of their directors, officers, or employees.

LIFE AND DISABILITY

GUARANTY ASSOCIATION CREATED

Act No. 444, (HB 1079) creates the Arkansas Life and Disability Insurance Guaranty Association to guarantee insured persons against the financial impairment or insolvency of member insurers. The association is created to pay benefits and to continue coverages out of assessments made against member insurers. The association is created as a nonprofit legal entity to carry out the guarantees of the act and shall be under the supervision of the Insurance Commissioner.

LIFE OR DISABILITY

DEFENSE AGAINST POLICY CLAIMS

Act No. 662, (SB 91) prohibits an insurer from defending a policy claim on the basis of a misrepresentation unrelated to the loss sustained. A recent court decision in Southern Farm Bureau Life Insurance Company v. Cowger had overturned precedents and ruled otherwise. This act reestablishes law as before the decision.

LONG TERM CARE INSURANCE

Act No. 642, (SB 491) provides minimum standards for long term care insurance.

## INSURANCE (cont.)

### MAMMOGRAPHY

Act No. 292, (SB 32) encourages health insurers to provide coverage for mammogram screening, requires group health care providers to offer master group contract holders an optional coverage for mammogram screening and provides that mammographies are to be performed only in facilities accredited by the State.

### MEI EMENT INSURANCE

Act No. 710, (1990) requires the rates for Medicare supplement policies to be filed with the Insurance Commissioner or approved by the Commissioner by January 1, 1990, and the rates are to be based on a community rating basis.

### MOTOR VEHICLES

#### ADDITIONAL COVERAGE

Act No. 896, (HB 1937) requires motor vehicle liability insurance policies insuring a motor vehicle to include coverage for a motor vehicle loaned for demonstration purposes or as a temporary replacement.

#### LIABILITY/LESS THAN 6 MONTHS

Act No. 815, (HB 1785) prohibits the Insurance Commissioner from approving any insurance policy for personal automobile liability insurance which contains a policy term of less than six (6) months. The prohibition applies to all insurance policy forms approved on or after January 1, 1990.

#### PENALTIES

Act No. 801, (HB 1069) prescribes penalties for persons operating a motor vehicle without minimum liability coverage or failing to carry proof of insurance coverage in the glove compartment of the motor vehicle.

#### SELF-INSURANCE

Act No. 189, (SB 270) allows certain religious denominations having twenty-five or more members and for whom the purchase of insurance violates religious tenets to qualify as a self-insurer for motor vehicle liability.

### NOTICE OF CANCELLATION

Act No. 646, (HB 1099) requires the insurer to mail or deliver to the insured, any lienholder or lessee, notice of cancellation or termination of any liability, cargo, or property and casualty insurance on leased motor carriers.

### OMNIBUS CHANGES

Act No. 772, (HB 1818) amends various Sections of the Insurance laws of Arkansas in order to provide protection to the public.

### POLICY CANCELLATION

Act No. 675, (SB 451) provides that no notice of cancellation of a policy is effective unless issued at least 20 days prior to the cancellation date or if for nonpayment of a premium, at least 10 days prior to the cancellation date.

## **INSURANCE** (cont.)

### PREMIUMS INCREASED ON RENEWAL

Act No. 797, (SB 502) requires insurers' notification to policyholders and agents as to certain premiums increased on renewal of commercial property and casualty insurance policies if the increase is equal to or greater than 25% on any renewal policy issued for a term of 12 months or less.

### PREVENTIVE HEALTH CARE

Act No. 860, (HB 1537) requires coverage of Children's Preventive Health Care Services in health insurance policies.

### RISK RETENTION

Act No. 891, (HB 1919) amends various provisions relating to risk retention and purchasing groups.

## **JUDGMENTS**

### FOREIGN JUDGMENTS

Act No. 501, (SB 489) establishes criteria for enforcement of foreign judgments to be known as the Uniform Enforcement of Foreign Judgments Act.

### LIEN ON REAL PROPERTY

Act No. 931, (HB 1885) adds judgments in municipal court to the types of court judgments in Arkansas which constitute a lien on real property of the defendant.

## **JUNKYARD**

### AUTOMOBILE GRAVEYARD

Act No. 211 (SB 120) revises the definition of automobile graveyard for the purpose of the Arkansas anti-controlling junkyard laws.

### RECORDS

Act No. 476, (HB 1562) provides that scrap metal and junk dealers who purchase aluminum irrigation pipe, aluminum traffic delineators, aluminum posts, aluminum guard rails, aluminum bridge rails or aluminum traffic signs to prepare and maintain records of all purchases in excess of \$25.00, and any person who fails to maintain such records shall be guilty of a misdemeanor.

## **LABOR**

### DETERMINATION OF AGENCY

Act No. 946, (SB 605) provides that any person who contractually requires another person to comply with any law or regulation shall not be deemed to subject that person to his control for purposes of determining agency.

### EMPLOYMENT SECURITY LAW

Act No. 420, (SB 194) amends various sections of the Employment Security Law.

## **LABOR (cont.)**

### MINIMUM WAGE

Act No. 360, (SB 93) provides the minimum wage to be \$3.30 as of January 1, 1989 and to increase to \$3.35 on September 1, 1989.

Act No. 845, (HB 1057) increases the minimum wage beginning January 1 to August 31, 1989 to \$3.30 per hour.

## **LAND COMMISSIONER**

### CERTIFICATION OF LOTS

Act No. 538, (HB 1592) provides that changes or corrections in the original certification of town or city lots shall be issued to the Commissioner of State Lands.

### DELINQUENT LAND

#### ESCROW ACCOUNT

Act No. 424, (SB 374) provides that the first one hundred dollars (\$100.00) above the collection costs and fees and the delinquent taxes and interest shall be placed in a special escrow account by the State Land Commissioner and the remainder shall be placed in another escrow account for payment of claims made against the sales for up to seven (7) years.

#### LIMITED WARRANTY DEED

Act No. 938, (SB 373) authorizes the Commissioner of State Lands to issue a limited warranty deed if tax-delinquent land is not redeemed within the thirty-day period.

## **LAW ENFORCEMENT OFFICERS**

### BENEFITS

#### DEATH BENEFITS

Act No. 345, (HB 1204) increases the death benefits paid to the spouse or surviving children of law enforcement officers who are killed in the line of duty while wearing bullet proof vests as the result of a felonious criminal act.

#### EDUCATIONAL BENEFITS

Act No. 190, (SB 302) gives spouse and children of law enforcement officer or firefighter who suffers fatal injuries or becomes permanently and totally disabled during performance of duty or while en route to location eight-semester's tuition at any state-supported college or university. Benefits cease for the child at age 23 and for the spouse upon remarriage.

#### SURVIVOR'S BENEFITS TO PARENTS

Act No. 15, (SB 45) beginning January 1, 1988, surviving parents are included as recipients for payments of lump sum benefits when public safety member is killed in the line of duty.

### STATE CAPITOL POLICE

Act No. 468, (HB 1488) establishes the State Capitol Police, establishes their jurisdiction, authorizes the issuance of citations and amends sections regarding traffic control around the State Capitol building.



## **LAW ENFORCEMENT OFFICERS (cont.)**

### **WARRANT FEES**

Act No. 726, (HB 1283) allows the chief of police in cities of the first class to collect fees for serving city warrants to be paid over to the city treasury.

### **WARRANTLESS ARRESTS**

Act No. 846, (HB 1066) gives certified law enforcement officers warrantless arrest powers outside their jurisdictions when working at the request of the law enforcement agency having jurisdiction and pursuant to a written policy.

## **LIBRARY RECORDS**

### **CONFIDENTIALITY**

Act No. 903, (HB 1541) provides for the confidentiality of library records containing names or other personal identifying details regarding the patrons of the library.

## **LIENS**

### **ATTORNEYS**

Act No. 293, (SB 58) reenacts existing law establishing an attorney's lien and ensures that an attorney will be entitled to a lien for services based on an agreement with the client.

### **MUNICIPAL COURT JUDGMENTS**

Act No. 931, (HB 1885) adds judgments in municipal court to the types of court judgments in Arkansas which constitute a lien on real property of the defendant.

### **PRODUCTION MONEY**

Act No. 654, (HB 1528) removes the sunset provision pertaining to the priority of production money security interest and exempts institutions chartered under the "Farm Credit Act of 1971" from the provisions pertaining to production money security interest.

### **UNIFORM FEDERAL LIEN REG. ACT**

Act No. 835, (SB 494) creates the Uniform Federal Lien Registration Act which applies only to federal tax liens and to other federal liens notices of which under any Act of Congress or any regulation adopted pursuant thereto are required or permitted to be filed in the same manner as notices of federal tax liens.

## **LOCAL LEGISLATION**

### **BAXTER COUNTY**

#### **PUBLIC DEFENDER**

Act No. 398, (HB 1183) establishes a public defender's system in Baxter County of the Fourteenth Judicial Circuit.

BORDER CITIES

WATER & SEWAGE SYSTEM

Act No. 607, (HB 1895) authorizes certain border cities to join with a city in another state to jointly own, operate and manage water and sewage systems.

CIVIL SERVICE

ADDITIONAL COMMISSIONERS

Act No. 191, (SB 369) permits any city of the first class with a mayor-council form of government and a population of no less than 37,000 nor more than 70,000 according to the 1980 census to add two more members to its civil service commission. North Little Rock and Pine Bluff would be covered by this act.

CRAIGHEAD COUNTY

DEPUTY PROSECUTING ATTORNEY

Act No. 520, (HB 1712) sets salary and expense allowance of the Craighead County deputy prosecuting attorney.

CROSS COUNTY

Act No. 255, (HB 1458) applies to counties with a population between 20,200 and 20,600. The act allows the county to levy an additional court cost. It also requires the County Recorder to annually furnish the County Assessor a list or copies of filings with the assessor. Further, the Act allows circuit, chancery and probate clerks in the county to extend credit for court costs and fees to certain persons.

GREENE COUNTY

DEPUTY PROSECUTING ATTORNEY

Act No. 806, (HB 1281) sets the salary and expense allowance of the deputy prosecuting attorney in Greene County.

JACKSON COUNTY

PUBLIC DEFENDER

Act No. 442, (SB 465) allows Jackson County (county with more than 21,000 and less than 22,000 population according to the 1980 federal census) to institute a public defender program and authorizes the levying of a court cost of up \$15.00 per case to cover the cost of the program.

JUDICIAL CIRCUIT 11TH-WEST

CASE COORDINATORS

Act No. 7, (SB 107) sets minimum salary for case coordinators to be employed by each Circuit and Chancery Judge and divides payment of such salary and expenses of the court between Jefferson and Lincoln Counties.

JUDICIAL CIRCUIT 18TH-EAST

SECRETARY-CASE COORDINATOR

Act No. 713, (HB 1939) establishes the salary of the secretary-case coordinator of the Eighteenth Judicial Circuit-East.

JUDICIAL CIRCUIT 1ST

DESIGNATION

Act No. 813, (HB 1761) provides that the First Judicial District is to become a Division "A" judicial district beginning January 1, 1990.

JUDICIAL CIRCUIT 20TH

CASE COORDINATORS

Act No. 802, (HB 1228) prescribes the duties and compensation for the circuit and chancery court case coordinators in the 20th Judicial Circuit.

JUDICIAL CIRCUIT 2ND

CLAY COUNTY DEPUTY PROSECUTOR

Act No. 546, (HB 1756) sets a maximum salary of \$14,000 per annum plus \$5,500 expense allowance for deputy prosecuting attorney of Clay County which is part of the 2nd Judicial Circuit.

JUDICIAL CIRCUIT 4TH

COURT PERSONNEL

Act No. 272, (HB 1404) provides that the salaries of the secretary-court reporter-case coordinators for the 4th Judicial District be set at \$15,944 for 1989 and \$17,060.08 for each year thereafter payable 93-1/2% by Washington County and 6-1/2% by Madison County.

JUDICIAL CIRCUIT 6TH

COURT PERSONNEL

Act No. 286, (SB 306) provides for an omnibus staffing Act for the circuit and chancery courts of the 6th Judicial Circuit and provides authority for the payment of salaries and benefits to be paid by the county.

ELECTRONIC MONITORING

Act No. 809, (HB 1509) authorizes the 6th Judicial Circuit Court Judges as a condition of probation or suspension of sentence to require a person to participate in a home detention program to be electronically supervised.

PROSECUTING ATTORNEY EMPLOYEES

Act No. 656, (HB 1589) revises the salaries of deputy prosecuting attorneys and employees in the office of the Prosecuting Attorney in the Sixth Judicial District.

JUDICIAL CIRCUIT 7TH

PROSECUTING ATTORNEY

Act No. 13, (SB 4) changes the designation of the 7th Judicial District to a Division B as it relates to prosecuting attorneys.

JUDICIAL CIRCUIT 8TH

CLERK-SECRETARY-CASE COORD.

Act No. 521, (HB 1861) increases the maximum salary of the clerk-secretary-case coordinator of the Eighth Judicial Circuit.

**LOCAL LEGISLATION (cont.)**

DIVISIONS

Act No. 440, (SB 446) provides that the three circuit-chancery judgeships for the Eighth Judicial Circuit in the Arkansas Code and Act 54 of 1989 shall be classified as the First, Second, and Third Divisions of the Eighth Judicial Circuit.

JUDGESHIPS CONVERTED

Act No. 54, (SB 52) converts the chancery judgeship and the circuit judgeship of the Eighth District to circuit-chancery judgeships.

JUDICIAL CIRCUIT 9TH-WEST

CLERK-SECRETARY

Act No. 41, (HB 1155) raises the salary of the clerk-secretary of the Ninth Circuit-Chancery Court Circuit West.

DEPUTY PROSECUTING ATTORNEYS

Act No. 263, (HB 1003) provides a salary range for the Deputy Prosecuting Attorneys in the 9-West Judicial Circuit.

PROSECUTING ATTORNEY EMPLOYEES

Act No. 585, (HB 1330) provides for additional employees for the Prosecuting Attorney in the 9th West Judicial District.

MAUMELLE

MUNICIPAL JUDGE AND CLERK

Act No. 425, (SB 49) sets the salary of the Maumelle Municipal Judge at not less than \$10,000 and not more than \$24,000 per year, and the Court Clerk's salary at not less than \$12,650 and not more than \$20,000 per year.

PLANNING & ZONING

Act No. 94, (HB 1014) provides that cities with a population over 150,000 and which are situated on a navigable stream are prohibited from zoning outside of the county in which they are located unless approval is obtained by the quorum court of the adjoining county and all other cities having zoning authority over the area.

POINSETT COUNTY

PUBLIC DEFENDER

Act No. 349, (HB 1467) establishes an office of Public Defender in Poinsett County.

RANDOLPH COUNTY

DEPUTY PROSECUTING ATTORNEY

Act No. 394, (HB 1554) increases the expense allowance of the Deputy Prosecuting Attorney for Randolph County.

**LOCAL LEGISLATION** (cont.)

STONE COUNTY

DEPUTY PROSECUTING ATTORNEY

Act No. 470, (HB 1506) establishes an annual salary range for the deputy prosecuting attorney for Stone County.

WATER SYSTEMS

TRANSFER OF SYSTEMS

Act No. 900, (HB 1956) provides that a water improvement district or municipality that paid for construction of a portion of a water system and that has dedicated the property to the use of another municipality may obtain return of the system upon paying certain costs. The provision applies only in counties having a population of 200,000 or more.

WRIGHTSVILLE MUNICIPAL COURT

Act No. 443, (SB 467) creates the Wrightsville Municipal Court from the City Court of that city and sets the judge's term at four (4) years and his salary at not less than \$3,000 nor more than \$12,000.

Act No. 706, (HB 1813) establishes the Wrightsville Municipal Court from the City Court found in that city. It provides that the Municipal judge shall serve a four (4) year term and the annual salary for the judge shall be at least \$3,000 and not more than \$12,000.

**MENTAL ILLNESS**

COMMITMENT

Act No. 861, (HB 1549) revises the laws relating to voluntary admissions and involuntary admissions of persons with mental illness.

TRANSPORTING MENTALLY ILL

Act No. 378, (HB 1050) changes various sections of the involuntary commitment law to require not only the sheriff but any other law enforcement officer to be responsible for transporting a mentally ill person to a treatment facility.

**MILITARY**

NATIONAL GUARD SCHOLARSHIPS

Act No. 301, (SB 262) establishes the Arkansas National Guard Scholarship Program.

REMOVAL OF OFFICER

Act No. 666, (SB 260) empowers the Adjutant General of the Arkansas National Guard to remove any officer who has been refused federal recognition in the grade and branch to which he has applied or from whom recognition has been withdrawn.

STATE DEFENSE FORCE

Act No. 283, (SB 259) amends various sections to change terminology from State Guard to State Defense Force.

## **MILITARY (cont.)**

### UNIFORM ALLOWANCE REPEALED

Act No. 667, (SB 261) repeals former law which provided a uniform allowance for National Guard Officers.

## **MINERALS**

### ABANDONED MINERAL PROCEEDS

Act No. 904, (HB 1631) provides that abandoned mineral proceeds held pursuant to leases executed by receivers shall upon petition of the county attorney be transmitted to the county from which the minerals were produced or severed.

## **MOTOR VEHICLES**

### ABANDONED

Act No. 899, (HB 1954) provides for the removal of unattended and abandoned vehicles.

Act No. 680, (HB 1111) provides an alternative method for property owners to dispose of abandoned vehicles found on their property by having the vehicle removed by a towing-storage firm who must then follow due process requirements; it also provides a method whereby the property owner may dismantle or destroy the abandoned vehicle.

### COMMERCIAL DRIVER'S LICENSE

#### LICENSING AND TESTING

Act No. 241, (HB 1094) establishes the Arkansas Uniform Commercial Driver License Act to implement the federal Commercial Motor Vehicle Safety Act of 1986 by providing for testing and licensing of commercial drivers and disqualifying commercial drivers who commit certain serious traffic offenses.

#### TEMPORARY

Act No. 707, (HB 1819) allows the DFA-Office of Driver's Services to issue a temporary permit for persons testing under the Arkansas Uniform Commercial Drivers License Act. The temporary permit shall be valid for sixty (60) days or less.

### CRIMINAL LAW

#### CERTIFICATE OF TITLE

Act No. 939, (SB 430) makes the failure to enter the transferee's name on a properly endorsed certificate of title to a motor vehicle a class C misdemeanor.

### DEALERS

Act No. 678, (SB 592) authorizes licensed new motor vehicle dealers to sell on special order new motor vehicles for which the dealer does not hold a franchise.

**MOTOR VEHICLES (cont.)**

*Act 113 provides for suspension of driver's license of students under 17 when they drop out of school.*

**DRIVER'S LICENSE**

**EYESIGHT TEST**

Act No. 193, (HB 1160) beginning July 1, 1989, all applicants for driver's licenses or motor cycle licenses shall be tested for visual acuity. Operator's licenses are renewable for four years only rather than the optional two or four years. An additional \$1.00 fee is added for issuance of the license to cover the costs associated with the eyesight examinations.

**IDENTIFICATION CARDS**

Act No. 385, (HB 1275) increases from \$2 to \$5 the fee for a duplicate driver's license or an identification card issued by the Department of Finance and Administration.

**REINSTATEMENT FEE**

Act No. 621, (SB 209) authorizes the collection of a \$25. fee for reinstating a driver's license suspended due to a DWI conviction. Forty percent of the fee is to be paid to the Public Health Fund for use in the Blood Alcohol Program.

**SOCIAL SECURITY NUMBER**

Act No. 8, (HB 1034) requires applicants for operator's and chauffeur's license after January 1, 1989 to furnish social security number on application form. Applicants for an instruction permit may provide their social security number but such is not required. The act authorizes the use of the social security number or some other nine-digit number assigned by the commissioner as the licensee number beginning January 1, 1989.

**FEDERAL TRUTH IN MILEAGE ACT**

Act No. 415, (HB 1688) allows the Commissioner of Revenues authority to charge a reasonable fee for documents printed on secure document paper necessary to implement the federal Truth In Mileage Act of 1986.

**INSURANCE COVERAGE**

Act No. 801, (HB 1069) prescribes penalties for persons operating a motor vehicle without minimum liability coverage or failing to carry proof of insurance coverage in the glove compartment of the motor vehicle.

**LICENSE PLATES**

**CITY OR COUNTY GOVERNMENT**

Act No. 278, (SB 73) provides that license plates issued to counties, cities and towns shall be valid **so** long as the motor vehicle to which any such license plate is issued is owned by the county, city or town and used exclusively in its business.

**MOTORCYCLES**

Act No. 31, (SB 11) allows special personalized licensed plates for motorcycles.

## MOTOR VEHICLES (cont.)

### LICENSE PLATES (cont.)

#### PEARL HARBOR SURVIVOR PLATES

Act No. 284, (SB 277) provides that any person eligible for a Pearl Harbor survivor license plate may obtain an additional plate for his other automobiles.

#### PURPLE HEART RECIPIENTS

Act No. 343, (HB 1124) provides free license plates to Arkansas residents who have been awarded the Purple Heart and have been honorably discharged from the U. S. armed services.

### MOTORCYCLES

#### LICENSE PLATES

Act No. 31, (SB 11) allows special personalized licensed plates for motorcycles.

#### REGISTRATION

Act No. 250, (HB 1272) provides that the registration for motorcycles and motor-driven cycles shall be renewed between June 1 and 4:30 p.m. July 31 of each year.

#### RELEVANT MARKET AREA

Act No. 509, (HB 1312) amends the definition of "relevant market area" for motor vehicle dealers to further define the relevant market area for motorcycle dealers.

#### SUPPLEMENTAL REPORTS

Act No. 489, (SB 268) amends various sections of the Arkansas Code requiring a supplemental traffic accident report for all motorcycle accidents.

### REGISTRATION

Act No. 251, (HB 1280) repeals requirement that manufacturers and dealers must give notice to the Office of Motor Vehicle when transferring a vehicle, eliminates the requirement that an instrument creating a lien on a motor vehicle be notarized, and amends various other sections concerning motor vehicle registration.

### REGISTRATION OF SEMITRAILERS

Act No. 103, (HB 1239) provides that the owner of any commercial semitrailer may at his option pay a fee of \$65.00 for the issuance of a permanent registration that is to remain valid until the owner sells or disposes of the semitrailer.

### SCHOOL BUS

Act No. 243, (HB 1097) provides that when a school bus stops and displays its flashing red lights, every operator of a motor vehicle or motorcycle approaching it from any direction must bring the motor vehicle or motorcycle to a full stop before proceeding.



## **MOTOR VEHICLES (cont.)**

### WEIGHT VARIANCE

Act No. 638, (SB 431) prescribes when vehicles are granted an 8% variance above allowable gross weight, the fine or penalty to be assessed shall be computed only on the basis of the excess weight over and above the maximum weight plus the 8% variance.

## **NOTARIES PUBLIC**

Act No. 304, (SB 281) establishes fees to be charged by notaries public; establishes the term of office of notaries public; requires notaries public to post a surety bond executed by a surety insurer or a surety contract issued by a corporation registered with the Insurance Commissioner; and makes it a class A misdemeanor for a notary to witness a signature unless the notary either witnesses the signing or recognizes the signature.

## **NUISANCE**

### CITY ABATEMENT

Act No. 239, (HB 1016) changes the notice requirements for a municipality to eliminate an unsightly or unsanitary condition and to charge the cost thereof to the owner.

### DRUG HOUSES

Act No. 556, (SB 463) entitled the Drug Abatement Act of 1989, this act declares any occupiable structure in which unlawful drug activity is occurring to be a common nuisance and authorizes the district attorney or city attorney to enjoin the owner or person maintaining the structure and may seek the removal or sale of the structure which constitutes the nuisance.

## **OIL AND GAS**

### NOTICE OF ASSIGNMENT

Act No. 201, (SB 69) repeals requirement that lessee notify lessor within thirty (30) days of execution of assignment of working interest for exploration or production of oil or gas.

### STUDY COMMISSION

Act No. 874, (HB 1759) establishes a temporary commission to study a proposal to require the Oil and Gas Commission to provide gas production records to each county assessor that indicates the well name, legal description of the well and the name and address of the operator of the well. The commission is to terminate on December 31, 1991.

## **PHYSICIANS**

### DISCIPLINARY ACTIONS

Act No. 362, (SB 128) permits the State Medical Board to issue reprimands as well as revoke or suspend a license of a physician after a disciplinary hearing. Board may issue a temporary license if the license is suspended which may be renewed at the board's discretion.

## **PHYSICIANS (cont )**

### PATIENT WITH AIDS

Act No. 13, (HB 1565) requires a person found to have HIV infection to notify a physician or dentist before receiving health care services.

## **PICKETING**

### RESIDENCE OR DWELLING

Act No. 840, (SB 596) prohibits people from engaging in demonstrations or picketing before or about any residence or dwelling place.

## **POSTING**

Act No. 35, (SB 79) provides a method of posting land and prohibits a person from entering for recreational purposes upon real property posted pursuant to the act without written permission from the owner or lessee of the property.

## **PROBATE**

### PERSONAL REPRESENTATIVE

Act No. 929, (HB 1649) amends various sections of the Arkansas Code relating to personal representatives and the statute of nonclaim.

## **PROPERTY**

### DEEDS FROM LAND COMMISSIONER

Act No. 234, (SB 273) provides that deeds issued by the Land Commissioner after January 1, 1987 are neither void or voidable on the grounds that the property tax assessments on severed mineral interests were not sub-joined to the property tax assessments on a surface realty.

*Repealed by Act 904.*

### JUDICIAL SALES

Act No. 32, (SB 20) allows the judge to set the compensation for a commissioner appointed to make a sale of personal property under a judicial decree.

## POSTING

Act No. 35, (SB 79) provides a method of posting land and prohibits a person from entering for recreational purposes upon real property posted pursuant to the act without permission from the owner or lessee of the property.

### RURAL HOMESTEAD EXEMPTION

Act No. 282, (SB 256) provides that the rural homestead exemption is to be retained for a rural homestead annexed into a city or town as long as the homestead remains rural in nature and is used for agricultural purposes.

## SALE OF LAND

### COMMISSIONER'S FEES

Act No. 751, (HB 1689) provides that the court is allowed to set reasonable commissioner's fees in the sale or partition of land pursuant to a judicial decree.

## **PROPERTY (cont.)**

### **STATUTORY FORECLOSURE**

Act No. 532, (HB 1479) clarifies the statutory foreclosure procedure by redefining "trustee" and the qualifications of a trustee, etc.

### **TRANSFER TAX STAMPS**

Act No. 513, (HB 1553) permits the sale of real property transfer tax stamps at banks and savings and loan associations.

## **PUBLIC SCHOOL CHOICE ACT**

Act No. 609, (HB 1173) enables any pupil to attend a public school in a district other than the district in which the pupil resides subject to specified restrictions and conditions.

## **PURCHASING**

### **IN-STATE PREFERENCE**

Act No. 477, (HB 1574) redefines the term "firm resident in Arkansas" for the purpose of a bidder's preference in the purchasing of commodities by public agencies as one who maintains at least one staffed office in Arkansas, who for at least 2 successive years has paid employment security taxes, gross receipts taxes, or use taxes, and within the 2 year period has paid either real or personal property taxes.

### **PROCUREMENT UNITS**

Act No. 57, (HB 1085) provides that a nonprofit corporation having a contract in excess of \$75,000 per year with the Division of Developmental Disabilities Services to provide services to the developmentally disabled shall be a local public procurement unit for the purposes of the State Purchasing Law.

### **PROFESSIONAL SERVICES**

#### **STATE AND LOCAL PROCUREMENT**

Act No. 616, (HB 1552) establishes a state policy for procurement of legal, architectural, engineering and land surveying services by state agencies and political subdivisions of the state.

## **REAL ESTATE AGENTS**

### **LICENSURE OF BROKERS**

Act No. 887, (HB 1897) provides for new categories of real estate brokers and identifies the respective areas of responsibility. It also authorizes the establishment of an inactive status of licensure for brokers and salesmen.

## **RETIREMENT**

### FIREFIGHTERS BENEFITS

Act No. 390, (HB 1464) allows the benefit to remain the same for a firefighter retired under disability upon reaching normal retirement age. Prior law was interpreted to require a benefit reduction upon reaching normal retirement age. Pension is reduced upon the death of the retirant for survivor benefits.

### BIENNIAL ACTUARIAL VALUATIONS

Act No. 374, (SB 335) requires biennial actuarial valuations to be prepared during odd numbered years rather than begun in even numbered years and completed by September 1 of odd numbered years for local police and fire pension plans. A summary of the actuarial valuation is to be submitted to the JIC on Retirement and Social Security Programs.

### BOARD OF TRUSTEES

Act No. 527, (HB 1318) provides for the composition of the Board of Trustees of the Fireman's Pension and Relief Fund when no retirant or active member is available to serve.

### DAILY HOSPITALIZATION

Act No. 375, (SB 336) removes requirement that local fire pension plan pay necessary hospital care and professional nursing expenses if a member is hospitalized or confined to bed due to sickness or temporary disability.

### EXCESS PREMIUM TAXES

Act No. 459, (HB 1078) provides that excess insurance premium taxes and other state funds received by political subdivisions for their contribution to the local police and fire retirement system may be transferred to their local police and fire pension funds.

### INSURANCE TAX TURNBACK

Act No. 587, (HB 1505) includes retirants in determining the apportionment of insurance tax turnback monies between the Local Pension and Relief Funds and the Arkansas Local Police and Fire Retirement System (LOPFI)

### INVESTMENT ADVISORS

Act No. 152, (HB 1381) authorizes bank trust officers to serve as investment advisors to local police and firefighter retirement plans.

### MEDICAL EXAMINATIONS

Act No. 391, (HB 1466) requires medical examinations of firemen retired under the disability provisions of Local Firemen's Pension and Relief Funds.

### PAYMENT TO ESTATE

Act No. 409, (HB 1494) provides for payment by a Local Firemen's Pension & Relief Fund of a portion of accumulated contributions remaining to a member or retirant's credit upon his death or the death of his beneficiary.

## RETIREMENT (cont.)

### HIGHWAY EMPLOYEES

#### MINIMUM BENEFIT

Act No. 547, (SB 329) prescribes a minimum monthly benefit of \$150.00 for current retirants and active members of the Public Employees Retirement System and the State Highway Employees Retirement System. Benefit increase for those receiving less than \$150. Begins with the first payment payable after the effective date of the act. No emergency clause.

### LOPFI

#### DISABILITY

Act No, 9, (HB 1106) provides disability coverage for member less than age 55 at a minimum of fifty percent of final average salary if totally and permanently physically or mentally disabled as result of personal injury during course of employment. Effective February 1, 1989.

#### EXCESS PREMIUM TAXES

Act No. 459, (HB 1078) provides that excess insurance premium taxes and other state funds received by political subdivisions for their contribution to the local police and fire retirement system may be tranferred to their local police and fire pensions funds.

#### INSURANCE TAX TURNBACK

Act No. 587, (HB 1505) includes retirants in determining the apportionment of insurance tax turnback monies between the Local Pension and Relief Funds and the Arkansas Local Police and Fire Retirement System.

#### USE OF LOCAL COURT COSTS

Act No. 935, (SB 337) authorizes the use of the \$3.00 fine on moving traffic violations by cities of the first and second class for the benefit of the Policemen's Pension and Relief Fund. Cities having both a relief fund and LOPFI, are to use the \$3.00 fine for the relief fund **so** long as there are active members. Permits use of fine by LOPFI system.

### MUNICIPALITIES

#### COURT CLERKS

Act No. 714, (HB 1947) allows municipal court clerks to retire with reduced benefits upon approval by the municipality and a determination of the soundness of the fund.

#### EMPLOYEES & ELECTED OFFICIALS

Act No. 723, (HB 1161) provides that municipal employees and elected municipal officials who are provided retirement benefits by an act of the General Assembly, and who also participate in a retirement plan established by the municipality, shall be entitled to only one retirement benefit for the same period of service, and shall choose which retirement plan to receive the benefit from.

#### NEW SYSTEMS PROHIBITED

Act No. 308, (SB 312) prohibits cities from establishing new retirement systems for members of their governing bodies.

## **RETIREMENT** (cont.)

### POLICE

#### BIENNIAL ACTUARIAL VALUATIONS

Act No. 374, (SB 335) requires biennial actuarial valuations to be prepared during odd numbered years rather than begun in even numbered years and completed by September 1 of odd numbered years for local police and fire pension plans. A summary of the actuarial valuation is to be submitted to the JIC on Retirement and Social Security Programs.

#### BORDER CITY-MAXIMUM BENEFIT

Act No. 592, (HB 1539) increases the maximum additional retirement pay for continuing to work for the police department after being eligible for voluntary retirement. The provision applies only to a border city divided by a state line from a city or town in an adjoining state.

#### EMPLOYER CONTRIBUTIONS

Act No. 187, (SB 121) allows cities by appropriation to contribute more than the 6% of salary paid on the police officer's salary under the local police pension fund.

#### EXCESS PREMIUM TAXES

Act No. 459, (HB 1078) provides that excess insurance premium taxes and other state funds received by political subdivisions for their contribution to the local police and fire retirement system may be transferred to their local police and fire pension funds.

#### INSURANCE TAX TURNBACK

Act No. 587, (HB 1505) includes retirants in determining the apportionment of insurance tax turnback monies between the Local Pension and Relief Funds and the Arkansas Local Police and Fire Retirement System (LOPFI).

#### INVESTMENT ADVISORS

Act No. 152, (HB 1381) authorizes bank trust officers to serve as investment advisors to local police and firefighters retirement plans.

#### PROPERTY TAX PETITION

Act No. 341, (HB 1120) provides that petitions to place on the ballot the question of levying a property tax to pay police retirement benefits must be filed at least sixty days prior to the election.

### PUBLIC EMPLOYEES RETIREMENT

#### COUNTY HOSPITAL EMPLOYEES

Act No. 50, (HB 1355) allows the governing body of a county-owned and operated hospital to elect by a two-thirds vote to exclude its employees from membership in the Arkansas Public Employees Retirement System.

**RETIREMENT** (cont.)

PUBLIC EMPLOYEES RETIREMENT (cont.)

COUNTY SHERIFF ELIGIBILITY

Act No. 298, (SB 191) provides that anyone who serves as county sheriff for five consecutive terms and who is eligible for benefits under the Arkansas State Police Retirement System is qualified to participate in the Public Employees Retirement System.

EMPLOYER CONTRIBUTION RATE

Act No. 718, (HB 1013) sets the employer contribution rate for the Teacher Retirement System, Public Employees Retirement System, and the State Police Retirement System.

EXTENSION-EARLY RETIREMENT

Act No. 446, (HB 1269) permits the Public Employees Retirement Board to extend the eligibility for the early retirement incentives of Acts 187 and 717 of 1987 to certain eligible individuals who apply for them prior to July 1, 1989. Persons who are eligible are: (1) those who received an incorrect benefits estimate from PERS which was over 40% in error and failed to retire; and (2) those whose benefit estimate was incorrect by over 15% may have the benefit increased.

LATE REMITTANCES

Act No. 407, (HB 1465) provides a procedure for imposing penalties on late remittances by participating employers under the Arkansas Public Employees Retirement System.

MINIMUM BENEFIT

Act No. 547, (SB 329) prescribes a minimum monthly benefit of \$150.00 for current retirants and active members of the Public Employees Retirement System and the State Highway Employees Retirement System. Benefit increase for those receiving less than \$150. Begins with the first payment payable after the effective date of the act. No emergency clause.

MUNICIPAL DIVISION-MAYOR

Act No. 723, (HB 1161) permits a mayor with 30 years of credited service in PERS to retire at age 60.

RESTORATION OF SERVICE

Act No. 160, (HB 1406) provides for the restoration of credited service previously forfeited upon reemployment in a covered position upon repayment of withdrawn amounts together with interest. Clarifies the definition of "average compensation".

SHERIFFS

Act No. 966, (SB 509) provides sheriffs who are members of the Public Employees Retirement System non-contributory plan with the same normal retirement age as is provided for state troopers.

**RETIREMENT (cont.)**

PUBLIC EMPLOYEES RETIREMENT (cont.)

WILDLIFE OFFICERS

Act No. 669, (SB 343) allows wildlife officers to purchase credit in the Public Employees Retirement System as "public safety members" for service rendered prior to July 4, 1983.

STATE POLICE

BOARD MEMBERSHIP

Act No. 23, (HB 1110) adds an additional member to the Board of Trustees of the State Police Retirement System to be elected by the members of the Retired Members Association.

Act No. 529, (HB 1410) increases board membership to seven and changes requirement for presence of quorum and voting requirements from three to four members of the board.

EMPLOYER CONTRIBUTION RATE

Act No. 718, (HB 1013) sets the employer contribution rate for the Teacher Retirement System, Public Employees Retirement System, and the State Police Retirement System.

SURVIVOR'S BENEFITS

Act No. 529, (HB 1410) continues state police survivor's benefits for children enrolled in higher education.

STATE SYSTEMS

BANK FUNDS

Act No. 153, (HB 1382) allows payments of benefits to retirants and beneficiaries from bank trust funds established in depository banks in addition to trust funds established in the State Treasury.

EMPLOYER CONTRIBUTION RATE

Act No. 718, (HB 1013) sets the employer contribution rate for the Teacher Retirement System, Public Employees Retirement System, and the State Police Retirement System.

INVESTMENTS

Act No. 302, (SB 266) authorizes State retirement systems to employ money managers; requires contract for investment counsel to be awarded on a competitive basis; and specifies the powers of the investment counsel and money managers.

VALIDATION OF MEMBERSHIP

Act No. 154, (HB 1383) allows a person who became erroneously enrolled in a state retirement system on or after January 1, 1979, but before July 1, 1986, to elect to remain a member of the system of record or become a member of the eligible system.



## **RETIREMENT** (cont.)

### TEACHER RETIREMENT SYSTEM

#### ASSOCIATION DUES

Act No. 376, (SB 355) authorizes the withholding from a retirant's annuity in the Teacher Retirement System for dues of the Arkansas Education Association/National Education Association Retired upon written request from the retirant. Effective 3-7-89.

#### CONTRIBUTION RATE

Act No. 472, (HB 1519) provides that the employer contribution rate to the teacher retirement system is to be set by the General Assembly.

#### EMPLOYER CONTRIBUTION RATE

Act No. 718, (HB 1013) sets the employer contribution rate for the Teacher Retirement System, Public Employees Retirement System, and the State Police Retirement System.

#### MEMBERSHIP

Act No. 653, (HB 1487) includes in the membership of the Teacher Retirement System any person employed by a school district on or after July 1, 1989. This act will add non-certified employees of the school district which would have formerly been included in the School Division of PERS.

#### OVERSEAS SERVICE CREDIT

Act No. 670, (SB 376) changes the maximum amount of overseas service credit which may be purchased in the Teachers' Retirement System from 5 to 10 years and specifies that interest shall be at 6 percent commencing 6 months after eligibility for delayed contributions for purchased credit under the act.

#### PURCHASED CREDIT

Act No. 10, (HB 1171) permits the purchase of out-of-state service credit of one year if the active member had 30 days both in-state and out-of state during the school year and had no fewer than 120 days total service rendered in the fiscal year.

#### RE-ENTERING SERVICE

Act No. 39, (HB 1011) permits retirants of the Teacher Retirement System to rescind their decision to terminate active membership and to allow them to re-enter the System and to render additional covered teaching service. Former retirant must accumulate a minimum of three years of additional credited service prior to retirement to have annuity recalculated under the benefit formula in effect at the time of termination of employment.

#### TAXATION

Act No. 512, (HB 1490) extends from December 31, 1989 to July 1, 1990 the deadline for retiring under the teacher retirement system in order to avoid state income tax liability on retirement benefits.

## **RETIREMENT** (cont.)

### TEACHER RETIREMENT SYSTEM (cont.)

#### VARIOUS CHANGES

Act No. 652, (HB 1534) makes various changes in the laws pertaining to the Teacher Retirement System, including changes in provisions relating to membership, contributions, credited service, and benefits. It allows the use of assets for construction or purchase of an office building for the Teacher Retirement System. It revises the limitation on the amount of collateral required on loans of securities by various retirement systems.

## **SECRETARY OF STATE**

### ATHLETE AGENTS

Act No. 544, (HB 1714) requires persons soliciting athletes to enter into professional sport services contracts to register with the Secretary of State prior to contacting an athlete.

### FEEES

Act No. 285, (SB 301) prescribes fees to be charged for certain services performed by the Secretary of State.

### MACHINE GUN REGISTRATION

Act No. 373, (SB 332) requires registration of every machine gun adapted to use pistol cartridges of 30 or larger caliber with the Secretary of State within 24 hours after the effective date of the act or within 24 hours after acquisition.

## **SECURED TRANSACTIONS**

### CENTRALIZED FILING REPEALED

Act No. 655, (HB 1533) repeals the centralized filing system established for financing statements for secured interest in farm products.

### PRODUCTION MONEY

Act No. 654, (HB 1528) removes the sunset provision pertaining to the priority of production money security interest and exempts institutions chartered under the "Farm Credit Act of 1971" from the provisions pertaining to production money security interest.

## **SECURITIES**

### EXEMPTED SECURITIES

Act No. 348, (HB 1449) exempts those securities which are listed on the National Market System from the Arkansas Blue Sky Law.

### INVESTMENTS BY FIDUCIARIES

Act No. 658, (HB 1640) amends various sections of the Arkansas Code governing authorized investments for fiduciaries and guardians to provide that investments authorized or required to be made in specified securities may be made in registered mutual funds whose portfolios are limited to investments in such specified securities and repurchase agreements fully collateralized by such specified securities.

## **SOLID WASTE**

### INNOCENT OWNER

Act No. 260, (SB 345) provides remedies and defenses for an innocent owner when the Arkansas Solid Waste Management Act or the Arkansas Hazardous Waste Management Act has been violated by a third party.

### MANAGEMENT PLANS

Act No. 934, (SB 328) requires governmental entities to establish and implement Solid Waste Management plans. It also creates a Solid Waste Management and Recycling Fund funded by landfill disposal fees to be used for grants to counties, cities, and solid waste authorities.

Act No. 849, (HB 1278) requires governmental entities to establish and implement Solid Waste Management plans. It also creates a Solid Waste Management and Recycling Fund funded by landfill disposal fees to be used for grants to counties, cities, and solid waste authorities.

### PERMITS REQUIREMENTS

Act No. 531, (HB 1454) establishes additional requirements for the issuance, modification or transfer of permits for solid waste management disposal sites and facilities, and provides for three (3) weeks notice of a public hearing to be held in the county of a proposed landfill site.

### PLANNING DISTRICTS

Act No. 870, (HB 1642) provides for the creation and establishment of Regional Solid Waste Planning Districts and boards which shall evaluate the solid waste management needs of their area. This Act also establishes a moratorium on the expansion of any landfill service area until January 31, 1991.

### RECYCLING GRANTS

Act No. 849, (HB 1278) requires governmental entities to establish and implement Solid Waste Management plans. It also creates a Solid Waste Management and Recycling Fund funded by landfill disposal fees to be used for grants to counties, cities, and solid waste authorities.

Act No. 934, (SB 328) requires governmental entities to establish and implement Solid Waste Management plans. It also creates a Solid Waste Management and Recycling Fund funded by landfill disposal fees to be used for grants to counties, cities, and solid waste authorities.

## **STATE AGENCIES**

### ABOLITION OF BOARDS

Act No. 536, (HB 1536) abolishes the State Labor Board, Coal Mining Examining Board, Arkansas Employment Agency Advisory Council, Judicial Ethics Committee, Governor's Council for School Health Services, Merit System Board, State Medical Services Advisory Commission, Advisory Board on the Control of Litter and Junk, Technical Education Review Commission and Community Services Advisory Board.

### ADMINISTRATIVE RULES

Act No. 932, (HB 1926) provides time periods in the adoption of administrative rules or regulations under the Administrative Procedure Act.

**STATE AGENCIES** (cont.)

ADULT LITERACY COMMISSION

Act No. 812, (HB 1754) establishes the State Commission on Adult Literacy, provides for appointment of members of the commission and prescribes the duties of the commission.

ALARM SYSTEMS BOARD ABOLISHED

Act No. 926, (SB 583) makes various changes to the Arkansas Private Investigators and Private Security Agencies Act. The act regulates alarm systems companies and abolishes the Alarm Systems Licensing Board.

ALCOHOL & DRUG ABUSE COUNCIL

Act No. 855, (HB 1476) establishes the Arkansas Drug Director and the Alcohol and Drug Abuse Coordinating Council.

ARKANSAS POST MUSEUM

Act No. 482, (HB 1670) provides for the transfer of the Arkansas Post County Museum to the Department of Parks and Tourism to be developed and operated by the Historical Resources and Museum Services Section of the Division of State Parks with assistance from the Arkansas Post Museum Advisory Committee to be appointed by the Governor.

ARKANSAS' FUTURE

Act No. 810, (HB 1609) creates the Commission for Arkansas' Future.

ATTORNEY GENERAL (See Attorney General, page 5)

AUCTIONEER'S LICENSING BOARD

Act No. 266, (HB 1104) creates an Auctioneer's Licensing Board and prescribes its duties, qualifications for membership, term of office, compensation, and authority.

AUDITOR OF STATE (See Auditor of State, page 5)

BARBER EXAMINERS

Act No. 388, (HB 1435) abolishes former law requiring an 18 month apprenticeship before being eligible for a barber license. Changes composition of the Board of Barber Examiners. Increases various license fees.

BUFFALO NAT. RIVER COMMISSION

Act No. 62, (HB 1035) provides for the creation of the Buffalo National River Commission to advise governmental entities on decisions and policies affecting the Buffalo National River.

BUILDING SERVICES

ARCHITECTURAL BARRIERS

Act No. 691, (HB 1610) provides for standards for accessibility to buildings and facilities for disabled persons. The act establishes the Architectural Barriers Advisory Board.

UNLICENSED SUBCONTRACTORS

Act No. 936, (SB 358) provides civil penalties of between \$250. and \$500. or suspension from future bidding for not less than 6 months, for any contractor or subcontractor who utilizes unlicensed subcontractors on a public works project. Any fine collected is to be paid into State Building Services Maintenance Fund.

CAPITOL GROUNDS COMMISSION

Act No. 880, (HB 1792) reduces the powers and duties of the Capitol Grounds Commission in making and enforcing the long-range master improvement plan and repeals the power of the Commission to adopt rules and regulations. It further repeals the power of the Commission to approve construction projects on the Capitol grounds and limits their power to only review such plans.

CAPITOL ZONING DISTRICT COMM.

Act No. 787, (HB 1875) increases the membership of the Capitol Zoning District Commission from 5 to 7 members. It adds to the Commission one member who is a resident property owner of the District and another member who is a resident property owner of the District and who lives in the Governor's Mansion area.

CHILD ABUSE/NEGLECT PREVENT. BD

Act No. 353, (SB 278) permits the Child Abuse and Neglect Prevention Board to fully utilize federal monies by not requiring them to be deposited in the Children's Trust Fund.

CHILD SUPPORT COMMISSION

Act No. 682, (HB 1263) establishes the State Commission on Child Support.

CHILDREN'S HOSPITAL

REPEAL OF DESIGNATION

Act No. 51, (SB 40) repeals the Arkansas law designating the Arkansas Children's Hospital as an official agency of the State of Arkansas.

COLLECTION AGENCIES BOARD

Act No. 792, (HB 1904) allows the State Board of Collection Agencies to dispose of forfeited surety bonds to aggrieved persons or direct the sureties to deal directly with aggrieved persons.

**STATE AGENCIES (cont.)**

CONTRACTORS LICENSING BOARD

Act No. 795, (SB 315) increases the per diem allowance of members of the Contractors Licensing Board to \$50.00 plus reimbursement for traveling expenses, board, and lodging.

CORRECTION DEPARTMENT (See Correction Department, page 18-19)

DELTA CULTURAL CENTER

Act No. 109, (SB 197) provides for the establishment of the Delta Cultural Center.

DENTAL EXAMINERS

APPLICANTS

Act No. 365, (SB 131) authorizes the State Board of Dental Examiners to establish by rules and regulations the method of examination for dental applicants.

CORPORATE NAME

Act No. 363, (SB 129) permits a dentist to practice under a corporate name or fictitious name if the name has been registered with and approved by the State Board of Dental Examiners. Fictitious name must meet board requirements and cannot be misleading or false.

DISCIPLINARY ACTIONS

Act No. 364, (SB 130) establishes the procedure that written charges are to be filed with the Secretary of the Board of Dental Examiners by any person contending that disciplinary action should be taken against a dentist, dental hygienist, or dental assistant with a permit to perform expanded duties. Only upon a vote by a majority of the board shall a disciplinary hearing be conducted.

DEVELOPMENT FINANCE AUTHORITY

BOND AUTHORIZATION

Act No. 945, (SB 587) authorizes the Arkansas Development Finance Authority to issue economic development credit enhancement general obligation bonds in an amount not to exceed \$25,000,000.

BOND GUARANTEES

Act No. 838, (SB 586) amends the Arkansas Development Finance Authority Act to modify the amount of guaranty premium payments, and authorizes the Development Finance Authority to guarantee short-term obligations of governmental agencies.

COLLEGE SAVINGS BONDS

Act No. 683, (HB 1311) authorizes the Arkansas Development Finance Authority to issue College Savings General Obligation Bonds in the principal amount of \$300,000,000.00 for the purpose of financing higher education projects.

DEVELOPMENT FINANCE AUTHORITY (cont.)

DIVISION OF AGRI. DEVELOPMENT

Act No. 885, (HB 1888) transfers the duties and powers of the Division of Agriculture Development from the Ark. Industrial Development Commission to the Ark. Development Finance Authority.

HEALTH CARE LOANS

Act No. 836, (SB 508) amends certain definitions under the Arkansas Development Finance Authority Act to provide working capital loans in health care.

SMALL BUSINESS LOAN FUND

Act No. 623, (SB 346) entitled the "Arkansas Development Finance Authority Small Business Act of 1989," authorizes ADFA to loan or guarantee loans to businesses having fewer than 50 employees or less than \$1 million gross sales or receipts when such is in the best interest of economic development of the state.

DIETITIANS

Act No. 392, (HB 1473) establishes the State Board of Dietetics and provides for the licensing of dietitians.

DRUG DIRECTOR

Act No. 855, (HB 1476) establishes the Arkansas Drug Director and the Alcohol and Drug Abuse Coordinating Council.

EARLY CHILDHOOD COMMISSION

Act No. 202, (SB 71) establishes a seventeen member Early Childhood Commission to administer the Child Care Facilities Loan Guarantee Trust Fund. General Education Division of the Department of Education is to assign staff for the commission. Funds are to be made available to guarantee loans for expansion or development of child care facilities. Commission to promote early childhood programs in this state.

EMBALMERS & FUNERAL DIRECTORS

Act No. 106, (SB 23) amends various sections relating to the duties and powers of the State Board of Embalmers and Funeral Directors.

EMERGENCY SERVICES

EARTHQUAKE PREPAREDNESS

Act No. 247, (HB 1154) establishes a State Earthquake Preparedness Program within the Arkansas Office of Emergency Services.

UNIFORMS

Act No. 853, (HB 1461) authorizes the adoption of a uniform for state office personnel of the Office of Emergency Services and authorizes the chief executive officer of a local office to adopt a uniform for his jurisdiction.

**STATE AGENCIES (cont.)**

FARM MEDIATION OFFICE

Act No. 829, (SB 304) establishes the Arkansas Farm Mediation Office within the Arkansas Industrial Development Commission which shall establish the Arkansas Farm Mediation Program to provide for a system of mandatory and voluntary debt mediation for farmers and their creditors.

FINANCE & ADMINISTRATION

CAFETERIA PLANS

Act No. 389, (HB 1448) gives the Department of Finance and Administration administrative responsibility for developing, implementing and maintaining Cafeteria Plans for employees of state agencies and political subdivisions of the state. The Chief Fiscal Officer may promulgate rules and regulations to carry out the provisions of this act.

GAME AND FISH COMMISSION

DISABLED PERSONS

Act No. 49, (HB 1336) provides that the issuance of a special resident hunting and fishing license for resident persons with a permanent and total disability is within the discretion of the Arkansas Game and Fish Commission. If the Commission provides for a permanent license for such persons, the amount shall not exceed the cost of the annual resident license and permit fees in effect at the time of the issuance.

HUNTING AND FISHING FEES

Act No. 219, (SB 185) revises the resident hunting and fishing license fees.

WILDLIFE OFFICERS

Act No. 715, (HB 1379) expands the arrest powers of full-time wildlife officers of the Arkansas Game and Fish Commission.

HEALTH PLANNING & DEVELOPMENT

HOME HEALTH CARE SERVICES

Act No. 533, (HB 1498) provides that no permit of approval shall be required by the Health Services Agency or the Health Services Commission for any applicant to qualify for a Class "B" license to operate a home health care services agency, if the agency was serving patients on or before June 30, 1988 and if the agency serves the residents of the county where the principal office was located.

HEALTH DEPARTMENT (See Health Department, page 57-58)

HEALTH SERVICES AGENCY

Act No. 107, (SB 108) provides that the Health Services Agency is to act as a statewide clearinghouse for the acquisition and dissemination of data from health care providers, state Medicaid program, third party payors, state agencies and other appropriate sources.



HIGHER EDUCATION (See EDUCATION/Higher Education, pages 35-37)

HIGHWAY & TRANSPORTATION DEPT  
TRANSPORTATION

Act No. 959, (SB 389) abolishes the Transportation Safety Agency and the Transportation Regulatory Board and transfers their powers to the Highway and Transportation Department.

HIGHWAY COMMISSION  
TURNPIKES AND TOLLS

Act No. 192, (SB 349) authorizes the Arkansas Highway Commission to undertake turnpike projects after thorough study and a determination that funds to establish a free highway are not sufficient. Commission may set, collect and change tolls for use of each turnpike project.

HUMAN SERVICES (See Human Services Department, pages 59-61)

INTERLOCAL COOPERATION  
CIVIL IMMUNITY OF EMPLOYEES

Act No. 989, (SB 608) extends civil immunity of state employees to employees of another state or the District of Columbia when party to an interlocal cooperation agreement with Arkansas.

JUDICIAL DEPARTMENT  
AR SUPREME COURT REPORTS

Act No. 488, (SB 253) transfers responsibility for the distribution of the Arkansas Supreme Court Reports from the Secretary of State to the Judicial Department.

Act No. 499, (SB 462) transfers distribution of the Arkansas Supreme Court Reports from the Secretary of State to the Arkansas Judicial Department and provides that copies are to be furnished to each Justice of the Arkansas Court of Appeals.

NAME CHANGE

Act No. 761, (HB 1742) provides that the "Arkansas Judicial Department" shall be known as the "Administrative Office of the Courts".

SUBSTITUTE COURT REPORTERS

Act No. 762, (HB 1743) provides that substitute court reporters are to be paid at a daily rate by the Auditor of State.

JUDICIAL DISCIPLINE/DISABILITY

Act No. 637, (SB 425) creates a 9 member commission with six year terms to take information and make recommendations to the Arkansas Supreme Court concerning alleged judicial misconduct or disability. Provides for mandatory suspension with pay if a judge is charged with a felony or offense that involves moral turpitude. Sets forth various grounds for removal from office.

**STATE AGENCIES** (cont.)

JUVENILE DET. FACIL. REVIEW

Act No. 427, (SB 205) creates the Juvenile Detention Facilities Review Commission to insure all juvenile detention facilities are operated in a safe, secure, and legal manner.

LABOR DEPARTMENT

Act No. 927, (HB 1242) revises the qualifications of the director and deputy director of the Department of Labor. It also provides for the appointment of the chief inspector of the Boiler Inspection Division.

LAND COMMISSIONER (See Land Commissioner, page 66)

LAW ENFORCEMENT STANDARDS

Act No. 25, (HB 1071) abolishes the Advisory Board on Law Enforcement Standards and Training.

LIVESTOCK AND POULTRY

Act No. 736, (HB 1518) provides for fees to fund the brucellosis program.

MEDICAL BOARD

Act No. 362, (SB 128) permits the State Medical Board to issue reprimands as well as revoke or suspend a license of a physician after a disciplinary hearing. Board may issue a temporary license if the license is suspended which may be renewed at the board's discretion.

MILITARY REAPPOINTMENT

Act No. 17 ( 436

provides for the reappointment of former officers. It may be made only if a vacancy is available and the officer meets the qualifications required to hold the position in federal service.

Act No. 179, (HB 1438) provides for the appointment of any assistant adjutant general to act in the absence or inability of the Adjutant General.

MOTOR VEHICLE COMMISSION

DEALER PRACTICES

Act No. 678, (SB 592) authorizes licensed new motor vehicle dealers to sell on special order new motor vehicles for which the dealer does not hold a franchise.

IMPORT DEALERS

Act No. 65, (SB 105) includes a person who imports or purchases motor vehicles for sale to distributors in the definitions of "manufacturer", "factory branch", and "factory representative" under the Motor Vehicle Commission Act. It also grants the Commission authority to control the transfer of dealerships and to regulate sales between manufacturers and distributors.

MOTOR VEHICLE COMMISSION (cont.)

QUORUM

Act No. 678, (SB 592) provides that a majority of the members of the Motor Vehicle Commission shall constitute a quorum, and requires Commission orders to be issued upon the affirmative vote of a majority of the members of the Commission.

USED MOTOR VEHICLES

Act No. 850, (HB 1309) removes the Motor Vehicle Commission's authority over the dealers of used motor vehicles and places the authority with the Commissioner of Revenues. It also provides that the Motor Vehicle Commission shall have at least one member who is a licensed dealer of franchise motorcycles.

MOTOR VEHICLES/STATE OWNED

Act No. 790, (HB 1889) authorizes the maximum number of motor vehicles to be operated by each State agency, authority, board, commission, department, and institutions of higher education.

NATURAL HERITAGE COMMISSION

Act No. 381, (HB 1126) entitled the "Arkansas Natural Area Protection Act," this act empowers the Natural Heritage Commission to regulate the use and protection of natural areas. Violations of rules upon conviction may result in a fine up to \$250 or 30 days imprisonment or a civil penalty of \$500 or triple the value of the damage.

PARKS AND TOURISM

Act No. 482, (HB 1670) provides for the transfer of the Arkansas Post County Museum to the Department of Parks and Tourism to be developed and operated by the Historical Resources and Museum Services Section of the Division of State Parks with assistance from the Arkansas Post Museum Advisory Committee to be appointed by the Governor.

PLANT BOARD

Act No. 42, (HB 1157) limits the fees and penalties charged by the State Plant Board to regulate and supervise the manufactured sale of 100% natural organic fertilizers to an amount not to exceed fees and penalties set for other types of fertilizers,

POLLUTION CONTROL & ECOLOGY

ASBESTOS HANDLING

Act No. 559, (SB 497) grants the Department of Pollution Control & Ecology authority over air conditions associated with asbestos removal, enclosure or disposal without regard to where such is performed.

SOLID WASTE MANAGEMENT

Act No. 531, (HB 1454) establishes additional requirements for the issuance, modification or transfer of permits for solid waste management disposal sites and facilities, and provides for three (3) weeks notice of a public hearing to be held in the county of a proposed landfill site.

**STATE AGENCIES** (cont.)

POLLUTION CONTROL & ECOLOGY (cont.)

STORAGE TANK PROGRAM

Act No. 172, (HB 1151) establishes the Arkansas Department of Pollution Control and Ecology as the implementing agency for the Regulated Substance Storage Tank Program; requires the annual registration of certain storage tanks and licensure of installers; establishes the Regulated Substance Storage Tank Program Fund.

Act No. 173, (HB 1152) establishes a Petroleum Storage Tank Trust Fund; provides a procedure for recovery of costs or damages as a result of leaking tanks; assesses an environmental assurance fee for petroleum storage tanks.

PRIVATE INVESTIGATORS

ALARM SYSTEMS COMPANIES

Act No. 926, (SB 583) makes various changes to the Arkansas Private Investigators and Private Security Agencies Act. The act regulates alarm systems companies and abolishes the Alarm Systems Licensing Board.

ENGINEERS EXEMPT

Act No. 651, (HB 1489) exempts registered engineers performing accident reconstruction work from licensure or registration under the Private Investigators and Private Security Agencies Act.

PRODUCTIVITY REPORT

Act No. 183, (SB 21) eliminates the annual productivity report formerly required on August 1 of each year. Requires all agencies of the state to provide monthly employment information to Legislative Council concerning number of current employees, number of newly hired employees, transfers to other state agencies, retirements, separations and other related information.

PUBLIC ACCOUNTANCY

Act No. 696, (HB 1655) authorizes the Board of Public Accountancy to establish education and examination requirements for Certified Public Accountants.

REAL ESTATE COMMISSION

Act No. 804, (HB 1255) increases the compensation from \$25.00 to \$50.00 per day for the Real Estate Commission.

BROKER'S TRUST ACCOUNT

Act No. 340, (HB 1058) authorizes the Arkansas Real Estate Commission to establish a program authorizing and permitting the collection of interest on real estate broker's trust accounts and the disbursement of such interest by the depository institutions to an Arkansas nonprofit corporation.

REAL ESTATE COMMISSION (cont.)

INVESTIGATIONS

Act No. 59, (HB 1178) provides that the Real Estate Commission shall not investigate actions of, or conduct any disciplinary hearing regarding, any real estate broker or salesman unless the complaint is filed within three years; except in cases where a licensee has obtained a license by false or fraudulent representation.

LICENSING OF BROKERS

Act No. 887, (HB 1897) provides for new categories of real estate brokers and identifies the respective areas of responsibility. It also authorizes the establishment of an inactive status of licensure for brokers and salesmen.

RECOVERY FUND

Act No. 888, (HB 1898) limits the amount recoverable by a claimant from the Arkansas Real Estate Recovery Fund and provides for a method of allocating funds among competing claims.

Act No. 44, (HB 1176) provides that interest earned on funds deposited with or for the benefit of the Arkansas Real Estate Commission under the Arkansas Time Share Act shall accrue to the benefit of the Real Estate Recovery Fund.

Act No. 45, (HB 1177) provides that the laws pertaining to the Arkansas Real Estate Recovery Fund shall not apply to violations of the Arkansas Time Share Act or violations which occur during the performance of any time share activities.

RURAL DEVELOPMENT STUDY COMM.

Act No. 704, (HB 1797) creates the Rural Development Study Commission to be composed of fifteen (15) members appointed by the Governor to represent various sections of the state of Arkansas. It is to focus its study on finding ways to stem the loss of rural population from the rural areas of Arkansas.

SECRETARY OF STATE (See Secretary of State, page 84)

SCIENCE & TECHNOLOGY AUTHORITY

Act No. 271, (HB 1279) provides that the Arkansas Science and Technology Authority is authorized to develop emerging product and process technologies which contribute to business and economic growth. This Act also provides funding guidelines for proposed technological and scientific projects approved for development by the Authority.

SOCIAL WORK LICENSING BOARD

Act No. 40, (HB 1107) revises the fees of the Social Work Licensing Board.

**STATE AGENCIES** (cont.)

SOIL & WATER CONSERVATION COMM  
ADMINISTRATIVE

Act No. 258, (HB 1387) amends various sections pertaining to rules and regulations, meetings and enforcement powers of the Commission and appellate review of actions of the Commission.

DAM CONSTRUCTION

Act No. 685, (HB 1385) increases the fees that the Arkansas Soil and Water Conservation Commission may collect for dam construction permits and increases the height limit to 25 feet of dams exempt from permits.

WATER RESOURCES COST SHARE

Act No. 257, (SB 284) provides for the establishment of a water resources cost share project program to be administered by the Soil and Water Conservation Commission to aid local governments and improvement districts to meet the cost share requirements of the Federal Government and creates the Arkansas Water Resources Cost Share Revolving Fund and a program of grants and loans to the local governments and improvement districts.

STATE POLICE

DRUG ABUSE HOTLINE

Act No. 859, (HB 1520) establishes a drug abuse hotline to be operated by the Arkansas State Police.

TERRITORIAL RESTORATION

Act No. 379, (HB 1054) provides that the Arkansas Territorial Restoration Commission is to be composed of not less than seven nor more than eleven members with vacancies on the commission to be filled by remaining members. Any surplus funds held by the commission at the end of the fiscal year are carried over into the next fiscal year as cash funds.

TRANSPORTATION SAFETY AGENCY

ABOLISHED

Act No. 959, (SB 389) abolishes the Transportation Safety Agency and the Transportation Regulatory Board and transfers their powers to the Highway and Transportation Department.

ENFORCEMENT OFFICERS

Act No. 306, (SB 298) authorizes enforcement officers of the Transportation Safety Agency to make arrests for driving while intoxicated and reckless driving.

VETERANS AFFAIRS

Act No. 404, (HB 1325) allows the Department of Veterans Affairs to provide financial assistance to counties to pay the salaries or expenses of county veterans service officers for both salaries and expenses. The act increases the maximum amount of assistance per county.

**STATE AGENCIES** (cont.)

VOLUNTEERISM DIVISION

Act No. 186, (SB 62) creates the Division of Volunteerism within the Department of Human Services which replaces the Office of Volunteerism formerly under the Governor but which had been transferred to DHS under executive directive, Establishes an Advisory Council to be appointed by the Governor to assist the division.

Act No. 143, (HB 1179) creates the Division of Volunteerism within the Department of Human Services which replaces the Office of Volunteerism formerly under the Governor but which had been transferred to DHS under executive directive. Establishes an Advisory Council to be appointed by the Governor to assist the division.

VOCATIONAL-TECHNICAL EDUCATION (See EDUCATION/Vo-Tech Ed., pages 46-47)

WATER WELL CONSTRUCTION COMM.

Act No. 748, (HB 1614) provides the Water Well Construction Commission with injunctive and subpoena power to enforce violations and investigations of violations.

WHITE RIVER VALLEY COMMISSION

Act No. 246, (HB 1150) provides that at least one member of the White River Valley Commission shall be from the City of Clarendon.

**STATE EMPLOYEES**

CAREER RECOGNITION PAYMENTS

Act No. 882, (HB 1835) establishes a program of annual career service recognition payments for all classified state employees with ten (10) or more years of continuous state service. The employees may receive \$300 for 10 to 14 years service, \$400 for 15 to 19 years service, \$500 for 20 to 24 years service, and \$600 for 25 or more years service to the State. The DFA-Office of Personnel Management shall establish policies for administration of the program.

CLASSIFICATION & COMPENSATION

Act No. 795 (HB 1015) revises the former Classification & Compensation Act for state employees. It repeals the Higher Education Classification & Compensation Act.

FRATERNAL ORDER OF POLICE DUES

Act No. 506, (HB 1218) allows Fraternal Order of Police dues to be deducted from the payroll of state employees.

INSURANCE

EMPLOYER CONTRIBUTION

Act No. 21, (HB 1044) increases employer contribution rate to \$102.50 and \$117.50 per month for fiscal years 89-90 and 90-91 respectively.

**STATE EMPLOYEES** (cont.)

INSURANCE (cont.)

INJURED EMPLOYEES

Act No. 711, (HB 1906) authorizes state agencies to continue contributions to the State Employees Health Insurance Program when an employee is on leave without pay and receiving Workers' Compensation payments as a result of a work related injury.

MILITARY LEAVE

Act No. 586, (HB 1359) grants state employees military leave of 15 days per calendar year.

SICK LEAVE

Act No. 265, (HB 1095) provides that state employees can accumulate more than 120 days of sick leave as long as only 120 days are carried over at the end of the calendar year.

**SURROGACY**

Act No. 647, (HB 1339) establishes presumptions as to parental responsibility for children born by artificial insemination or children born to surrogate mothers or children born from an anonymous donation of sperm.

**TAXES**

ALCOHOLIC BEVERAGES

Act No. 908, (HB 1822) levies a four percent (4%) additional tax on the on-premises consumption of alcoholic beverages for the repayment of loans for construction of certain research facilities at the University of Arkansas for Medical Sciences. The tax shall be effective only until the construction loans have been repaid.

CIGARETTE STAMPS

Act No. 699, (HB 1710) provides that the Commissioner of Revenues instead of the Auditor of State is permitted to have the cigarette stamps printed and to require him to get a printer's certification.

CITY SALES TAX

AIRPORTS

Act No. 277, (SB 67) provides that cities may levy a sales tax of not more than \$25.00 on goods and services sold on the premises of municipal airports or regional airports in excess of \$2,500.00.

CAPITAL IMPROVEMENTS

Act No. 458, (HB 1076) provides that the period of time in which a legislative body can levy a 1% sales and use tax to finance capital improvements, if the tax is approved by a majority of the electors, be increased from 12 months to 24 months.



**TAXES** (cont.)

CITY SALES TAX (cont.)

ELECTIONS

Act No. 862, (HB 1588) permits the question of the levy or repeal of a city sales tax to be resubmitted to the voters six (6) months after the last election.

HOTELS, MOTELS, RESTAURANTS

Act No. 626, (SB 496) permits cities of the first class to levy a tax not to exceed 3% on the gross receipts or proceeds from the renting, leasing or otherwise furnishing of hotel, motel, or short term condominium rental accommodations for sleeping, meeting or party room facilities for profit and gross receipts or proceeds received by restaurants, cafes, cafeterias etc. from the sale of prepared food and beverages.

TERMINATION OF TAX

Act No. 497, (SB 439) provides a procedure for terminating the collection or pledge of a local sales and use tax relating to capital improvement bonds issued pursuant to Amendment 62 of the Arkansas Constitution.

UNIFORM DISTRIBUTION

Act No. 798, (SB 504) makes the collection of the local option sales tax uniform with the Arkansas Gross Receipts Tax.

COUNTY SALES TAX

CAPITAL IMPROVEMENTS

Act No. 458, (HB 1076) provides that the period of time in which a legislative body can levy a one percent sales and use tax to finance capital improvements, if the tax is approved by a majority of the electors, be increased from 12 months to 24 months.

TERMINATION OF TAX

Act No. 497, (SB 439) provides a procedure for terminating the collection or pledge of a local sales and use tax relating to capital improvement bonds issued pursuant to Amendment 62 of the Arkansas Constitution.

ESTATE TAX DEFERRED PAYMENTS

Act No. 910, (HB 1850) amends the Arkansas Estate Tax and Tax Administration laws to permit the deferral of the payment of state estate taxes on certain qualifying assets (generally family farms and closely held corporations) for up to fifteen years. The taxpayer may elect to defer the payment of these taxes and an interest rate of four percent (4%) per annum will be added. It is similar to the federal estate tax law.

FRANCHISE TAX REPORT

Act No. 502, (SB 490) provides that the incorporator or the incorporator's agent of a newly formed corporation is allowed to sign the initial franchise tax report.

FUEL TAX AGREEMENT

Act No. 854, (HB 1463) authorizes the Commissioner of Revenues to enter into the International Fuel Tax Agreement of July, 1987 with other jurisdictions. It also amends Act 462 of 1989 pertaining to enterprise zones to change transitional provisions.

INCOME TAX

APPORTIONMENT OF NET INCOME

Act No. 494, (SB 379) provides that financial organizations having business income from business activity both within and without the State are required to apportion their net income.

CAPITAL GAINS

Act No. 933, (SB 75) authorizes the deduction of various percentages of capital gains from gross income beginning with calendar year 1991. Allows the state to adopt any federal changes made before January 1, 1991.

NET OPERATING LOSS

Act No. 615, (HB 1499) provides that net operating loss which resulted from farm operations from income years beginning on and after January 1, 1989 and expired before they were fully used may be carried forward for an additional two years for Arkansas income tax purposes.

OMNIBUS CHANGES

Act No. 826, (*SB.74*) entitled the "Arkansas Income Tax Technical Revenue Act of 1989," this act incorporates various changes made in the 1986 Federal Income Tax Code which were in effect January 1, 1989, for use in calculating state income taxes.

REPORT ON FEDERAL CHANGES

Act No. 738, (HB 1535) requires the Commissioner of Revenues to report to the Joint Interim Committee on Revenue and Taxation on changes in certain federal income tax laws.

RETIREMENT BENEFITS

Act No. 512, (HB 1490) extends from December 31, 1989 to July 1, 1990 the deadline for retiring under the teacher retirement system in order to avoid state income tax liability on retirement benefits.

VOLUNTARY PAYMENT PROGRAM

Act No. 771, (HB 1815) establishes the Educational Excellence Voluntary Payment Program to fund various programs aimed at promoting excellence in education in Arkansas. The program will be financed through voluntary payments made on state income tax returns. The funds will be used to pay for special excellence programs for literacy, vocational education, higher education, and elementary/secondary school programs. The program will expire on July 1, 1993 unless continued.

MOTOR FUEL BONDING REQUIREMENT

Act No. 168, (HB 1457) provides that every distributor of motor fuels file with the Commissioner of Revenues a surety bond of not less than one and one-half times or 150% of the prior six (6) months average motor fuel tax due, based upon gallonage unless waived by the Commissioner of Revenues.

PROPERTY TAX

APPEALS

Act No. 34, (SB 55) increases to ten dollars the fee paid to the county clerk for appeals from the county equalization board to the county court regarding property assessments.

ASSESSMENT BY MAIL

Act No. 517, (HB 1621) authorizes assessment of personal property taxes by mail.

INFORMATION FROM RECORDER

Act No. 807, (HB 1444) revises the information recorders of deeds and mortgages in each county must furnish to assessors.

MOBILE HOMES

Act No. 869, (HB 1641) provides that delinquent property taxes on mobile homes assessed as real property shall be attached to the personal property tax and that the delinquent real property taxes must be paid in order to pay the personal property taxes.

PENALTY

Act No. 697, (HB 1661) provides that no taxpayer paying ad valorem taxes levied against real or personal property in installments is to be assessed a penalty of 10% against all unpaid balances until the taxes become due on October 10 and remain unpaid after that date.

PETITION FOR ELECTION

Act No. 341, (HB 1120) provides that petitions to place on the ballot the question of levying a property tax to pay police retirement benefits must be filed at least sixty days prior to the election.

SCHOOL DISTRICTS

Act No. 171, (HB 1093) authorizes the Board of Directors of each school district to levy and collect a tax not to exceed 3% of a school district's current expenses or 2 mills whichever is less, upon real and personal property, with voter approval, for capital outlay.

VETERANS

Act No. 354, (SB 342) provides that when a veteran, with a service-connected 100% total and permanent disability, sells his home, the homestead and personal property taxes due shall be prorated to the date of sale so that the veteran shall owe no tax and the purchaser shall be liable only for the taxes relating to the remaining part of the year.

REFUND SETOFF

Act No. 698, (HB 1709) provides that the Auditor of State's Office is a claimant agency for the setoff of debts against State tax refunds and to include the cashing of both the original and duplicate state warrants as a debt subject to setoff.

RENTAL VEHICLE TAX

Act No. 510, (HB 1405) levies an additional gross receipts tax of 4% on short term rentals of motor vehicles. The tax is known as the "Rental Vehicle Tax". For other short term rentals an additional 1% tax is levied but the rental business is allowed a sale for resale exemption on the purchase of the rental item.

SALES AND USE TAX

RECIPROCAL CREDITS

Act No. 395, (HB 1572) clarifies the application of the reciprocal sales tax credit and the application of the compensating (use) tax credit for persons who have paid a similar tax in other states. The act also has quarterly or yearly reporting for taxpayers whose gross receipts tax liabilities are less than \$100 or \$25, respectively.

SALES TAX

ALL-TERRAIN VEHICLES ETC.

Act No. 412, (HB 1524) requires dealers selling three or four wheeled all-terrain cycles, motorized bicycles and certain motorcycles and motor-driven cycles to collect the gross receipts tax when they sell the vehicle.

CABLE TELEVISION

Act No. 769, (HB 1800) expands the application of the Arkansas sales tax on cable television services to include all video and audio services provided to customers or subscribers. It includes community antenna television and all other methods of distributing television, video, and radio services to users, with or without wires.

EXEMPTION FOR NONPROFIT CORP.

Act No. 753, (HB 1700) provides that the sales to a nonprofit organization whose sole purpose is to provide temporary housing to family members of a patient in a hospital or sanitarium are exempt from the gross receipts tax.

RENTALS

Act No. 510, (HB 1405) levies an additional gross receipts tax of 4% on short term rentals of motor vehicles. The tax is known as the "Rental Vehicle Tax". For other short term rentals an additional 1% tax is levied but the rental business is allowed a sale for resale exemption on the purchase of the rental item.

TAXPAYER BILL OF RIGHTS

Act No. 590, (HB 1522) establishes the Taxpayer Bill of Rights

**TAXES** (cont.)

TOURISM TAX

Act No. 38, (SB 106) imposes a 2 percent gross receipts tax on certain items related to tourism. The revenues derived from the tax are to be used by the Department of Parks and Tourism to promote tourism in Arkansas.

USE TAX

PROPERTY FOR DISTRIBUTION

Act No. 817, (HB 1820) broadens the application of the Arkansas use tax to include property which was purchased outside the state which is to be used for distribution within the state of Arkansas.

**TAXICABS**

LIABILITY INSURANCE

Act No. 689, (HB 1546) revises the liability insurance requirements for taxicab operators.

**TOBACCO PRODUCTS**

REPORTING BY WHOLESALERS

Act No. 893, (HB 1927) requires certain records to be maintained by wholesale tobacco products dealers.

**TRADEMARKS**

Act No. 894, (HB 1935) increases fees relating to trademarks and reduces the term for which the registration of a mark is effective.

**TRUSTS**

MODIFICATION METHOD

Act No. 841, (SB 598) allows the settlor and named beneficiaries of a trust to revoke, modify or terminate the trust by written consent if approved by the court.

**UTILITIES**

ACQUISITION

Act No. 639, (SB 454) provides for a valuation method for the acquisition by municipally owned electric utilities of the properties and facilities of public utilities upon annexations.

CITIES

ELECTRIC RATES

Act No. 423, (SB 339) prevents city-owned electric utilities from charging higher rates in the rural areas outside the city than are charged within the city, unless the utility serves fewer than 3,000 customers, whereupon the utility may charge a 10% surcharge on rates as long as the rates are equal to or less than rates charged for electric service in areas adjacent to the city utilities service area.

## UTILITIES (cont.)

### CITIES (cont.)

#### EMINENT DOMAIN

Act No. 495, (SB 398) provides that utility commissions are granted the power of eminent domain in certain circumstances.

#### ONE CALL CENTER

Act No. 370, (SB 283) places One Call Center under the regulatory authority of the Public Service Commission. PSC may determine underground facility operator membership and may, through rules or regulations, waive membership.

#### TRANSFER OF WATER SYSTEMS

Act No. 900, (HB 1956) provides that a water improvement district or municipality that paid for construction of a portion of a water system and that has dedicated the property to the use of another municipality may obtain return of the system upon paying certain costs. The provision applies only in counties having a population of 200,000 or more.

#### UTILITY COMMISSIONS

Act No. 275, (SB 5) provides that members of utility commissions of first class cities must be qualified electors of the county.

#### WATER SERVICES

Act No. 930, (HB 1681) provides that the governing body of a municipality shall have no authority, by ordinance or otherwise, to abrogate an existing contract to furnish water utility service to residents in an area outside the boundaries of the municipality unless provided for by mutual agreement of all parties involved.

### ELECTRIC COOPERATIVES

#### CONDUCT OF DIRECTORS

Act No. 287, (SB 318) provides for general standards of conduct for directors of electric cooperatives.

#### INDEMNIFICATION OF DIRECTORS

Act No. 288, (SB 326) provides for additional powers for indemnification of directors of electric cooperatives.

### OVERHEAD ELECTRICAL LINES

Act No. 752, (HB 1699) provides for the minimum precautions to be taken during any excavation, demolition, transportation of equipment, construction, repair, or operation in the proximity of energized overhead electrical lines.

### PUBLIC UTILITY DEFINITION

Act No. 53, (SB 16) exempts from the definition of "public utility" any institution that furnishes services to students of a public or private institution of higher learning residing in housing provided by that institution.

REGULATORY AGENCIES

FEES

Act No. 742, (HB 1564) provides for fees of Public Service Commission and the successor to the duties of the Arkansas Transportation Commission.

REPORTS TO GOVERNOR

Act No. 594, (HB 1560) requires the Public Service Commission and the successor to Arkansas Transportation Commission to submit a report to the Governor during the month of April each year.

RURAL TELEPHONE COOPERATIVES

DIRECTORS

Act No. 438, (SB 424) amends the Rural Telephone Cooperative Act to permit directors of the coops to be indemnified as other corporate directors are permitted under the new Arkansas Corporate Code. It establishes general standards of conduct for coop directors and standards concerning conflicts of interest involving transactions between the coop and the directors.

NEW TECHNOLOGIES

Act No. 437, (SB 410) amends the Rural Telephone Cooperative Act to update the law to include new telecommunications technologies within the coverage of the law and to repeal some obsolete portions of the old law.

TAMPERING WITH METERS

Act No. 595, (HB 1607) provides for the creation of a cause of action by utility suppliers against utility customers who tamper with metering devices or who otherwise commit theft of utility services.

WATER AND SEWER COMPANIES

Act No. 952, (SB 111) permits otherwise exempt Class C or lower water companies and Class C or lower sewer companies to become regulated public utilities upon the petition of a majority of the metered customers. The petition must be filed with the Public Service Commission.

**VETERANS**

COUNTY PROGRAMS

Act No. 404, (HB 1325) allows the Department of Veterans Affairs to provide financial assistance to counties to pay the salaries or expenses of county veterans service officers for both salaries and expenses.

LICENSE PLATES

PEARL HARBOR SURVIVOR PLATES

Act No. 284, (SB 277) provides that any person eligible for a Pearl Harbor survivor license plate may obtain an additional plate for his other automobiles.

**VETERANS** (cont.)

LICENSE PLATES (cont.)

PURPLE HEART RECIPIENTS

Act No. 343, (HB 1124) provides free license plates to Arkansas residents who have been awarded the Purple Heart and have been honorably discharged from the U. S. Armed Services.

PRISONERS OF WAR

Act No. 519, (HB 1635) designates the ninth day of April as "Prisoners of War Remembrance Day".

PROPERTY TAX

Act No. 354, (SB 342) provides that when a veteran, with a service-connected 100% total and permanent disability, sells his home, the homestead and personal property taxes due shall be prorated to the date of sale so that the veteran shall owe no tax and the purchaser shall be liable only for the taxes relating to the remaining part of the year.

**VOICE STRESS ANALYST**

QUALIFICATION EXEMPTION

Act No. 410, (HB 1511) provides that any person employed as a voice stress analyst on July 1, 1987 shall not be required to have a baccalaureate degree or five years investigative experience with a law enforcement agency.

**WATER RESOURCES**

ALLOCATION AND USE

Act No. 469, (HB 1491) amends various sections relating to allocation and use of water resources.

COST SHARE PROGRAM

Act No. 257, (SB 284) provides for the establishment of a water resources cost share project program to be administered by the Soil and Water Conservation Commission to aid local governments and improvement districts to meet the cost share requirements of the Federal Government and creates the Arkansas Water Resources Cost Share Revolving Fund and a program of grants and loans to the local governments and improvement districts.

REPORTING OF USE

Act No. 408, (HB 1468) provides a penalty for failure to register the annual diversion of surface water or the annual withdrawal of underground water. The act requires registration of an annual diversion of surface water even if the water use remains unchanged.

WATER, SEWER & SOLID WASTE

FINANCE ACT OF 1975

Act No. 220, (SB 216) revises the Water, Sewer & Solid Waste Management Systems Finance Act of 1975 and broadens the type of applicants eligible for assistance.

**WORKER'S COMPENSATION**

LUMP SUM AWARDS

Act No. 460, (HB 1087) prescribes a table to be used for computing lump sum awards in Worker's Compensation cases.



**CONSTITUTIONAL AMENDMENTS**  
**PROPOSED BY THE SEVENTY-SEVENTY GENERAL ASSEMBLY**

COMPENSATION OF STATE OFFICERS

S.J.R. 4 proposes an amendment to the Arkansas Constitution which would establish the Arkansas Compensation Commission to prescribe a method for determining the compensation of executive, legislative and judicial officers of the State.

INTEREST RATES

H.J.R. 1012 proposes an amendment to the Arkansas Constitution that would set the maximum lawful rate for consumer credit at 17%, which would be known as: "The 1989 Interest Rate Control Amendment."

REPEAL OF AMENDMENT 44

H.J.R. 1003 proposes an amendment to the Arkansas Constitution to repeal Amendment 44 of the Arkansas Constitution.