

FINAL SUMMARY
OF ACTION BY
THIRD
EXTRAORDINARY SESSION

OF THE
77TH GENERAL ASSEMBLY
OF THE STATE OF ARKANSAS

1989

October 23, 1989 through November 3, 1989



November, 1989

BUREAU OF LEGISLATIVE RESEARCH
State Capitol, Room 315
Little Rock, Arkansas 72201

GENERAL ASSEMBLY - MEETING DATES

<u>General Assembly</u>	<u>Year</u>	<u>Dates in Session</u>	<u>Total Days</u>
59th	1953	January 12 - March 12	60
60th	1955	January 10 - March 10	60
61st	1957	January 14 - March 14	60
•	1957 1ES	March 25 - March 27	3
	1958 2ES	August 26 - September 12	18
62nd	1959	January 12 - March 12	60
	1960 1ES	January 19 - January 21	3
63rd	1961	January 9 - March 9	60
•	1961 1ES	August 24 - September 1	9
•	1961 2ES	September 18 - September 21	4
64th	1963	January 14 - March 14	60
	1964 1ES	March 24 - March 27	4
65th	1965	January 11 - March 11	60
•	1965 1ES	May 24 - June 8	16
•	1965 2ES	November 2 - November 4	3
•	1965 3ES	November 4 - November 6	2
66th	1967	January 9 - March 31	65
•	1968 1ES	February 5 - February 21	17
•	1968 2ES	May 20 - May 30	11
67th	1969	January 13 - April 11 (Recess)	89
•	1969	May 5 - May 8	4
•	1970 1ES	March 2 - March 7	6
68th	1971	January 11 - April 2 (Recess)	82
	1971	April 19 - April 19	
	1972 1ES	February 7 - February 16	10
69th	1973	January 8 - April 5 (Recess)	88
	1973	April 24 - April 24	
	1974	January 14 - January 14	
	1974 1ES	June 24 - July 12 (Recess)	19
	1974 1ES	August 1 - August 1	
70th	1975	January 13 - March 27 (Recess)	75
	1975	April 9 - April 9	
	1976 Extnd.	January 12 - January 28	17
	1976 1ES	September 8 - September 10	3
71st	1977	January 10 - March 18 (Recess)	68
	1977	April 6 (Recess)	
	1977 1ES	August 2 - August 5	4
	1978	August 14 (Adjourn)	
72nd	1979	January 8 - April 4	87
	1979	April 20	
	1980 Extnd.	January 7 - January 17	10-1/2
	1980 1ES	January 17 - January 24	7-1/2
•	1980 2ES	April 15 - April 18	4
73rd	1981	January 12 - March 18	66
	1981 1ES	November 16 - November 25	10
74th	1983	January 10 - March 18 (2 week recess - adjourned sine die April 4)	68
	1983 1ES	October 4 - November 10	31

GENERAL ASSEMBLY - MEETING DATES

<u>General Assembly</u>	<u>Year</u>		<u>Total Days</u>
75th	1985	January 14 - March 22 (recess - adjourned sine die March 29)	68
"	1985 1ES	June 17 - June 21	5
"	1986 2ES	April 28 - May 1	4
76th	1987	January 12 - April 3 (recess - adjourned sine die April 20)	82
76th	1987 1ES	June 2 - June 5, 1987	4
76th	1987 2ES	October 6 - October 9, 1987	4
76th	1988 3ES	January 26 - February 5, 1988	11
76th	1988 4ES	July 11 - July 14, 1988	4
77th	1989	January 9 - March 17 (recess - adjourned sine die April 3)	68
77th	1989 1ES	June 20 - June 23, 1989	4
77th	1989 2ES	July 25, July 27, 1989	3
77th	1989 3ES	October 23 - November 3, 1989	12

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GENERAL LEGISLATION

ALCOHOL AND DRUG ABUSE

COMMITMENT

Act No. 10, (HB 1028) revises the laws relating to voluntary admissions and involuntary commitment of persons addicted to alcohol or drugs.

CONTROLLED SUBSTANCES

CONTROLLED SUBSTANCE ANALOG

Act No. 83, (HB 1054) defines "controlled substance analog" and includes them in the Schedule I of controlled substances.

CRANK OR ICE

Act No. 82, (HB 1053) adds methamphetamine (crank or ice) to the schedules of controlled substances.

CRIMINAL ENTERPRISE

Act No. 84, (HB 1057) defines the offense of engaging in a continuing criminal enterprise under the Arkansas Uniform Controlled Substances law and provides for enhanced penalties. Upon conviction of this offense, this act provides for a civil action to obtain a judgment against the defendant in an amount equal to three (3) times the proceeds acquired plus costs of the investigation and prosecution.

DRUG FREE PARK ZONE

Act No. 88, (HB 1115) establishes the offense of selling, delivering, dispensing, transporting, administering, or distributing a controlled substance within 1,000 feet of the real property of a city or state park. An enhanced penalty is provided.

FORFEITURE OF PROPERTY

Act No. 87, (HB 1112) makes changes concerning the forfeiture of property under the Uniform Controlled Substances Act and provides a new method of distributing property forfeited under the act.

PUBLIC HOUSING AUTHORITIES

Act No. 11, (HB 1038) a plaintiff public housing authority demanding an immediate writ of possession and claiming that the defendant has been convicted of a violation of the Uniform Controlled Substances Act is entitled to an expedited hearing within 10 days of the filing of the objection by the defendant.

UNEMPLOYMENT COMPENSATION

Act No. 95, (SB 67) amends existing law concerning disqualification for unemployment insurance to provide that any employee discharged from work for reporting while under the influence of intoxicants, including a controlled substance, may be disqualified for benefits for ten weeks.

VIOLATION BY PUBLIC OFFICIAL

Act No. 80, (HB 1029) provides that any public official or law enforcement officer who violates the Uniform Controlled Substances Act will have any prison term received enhanced by a term not to exceed 10 years and a fine of at least \$10,000.

D.W. I.

DRIVER'S LICENSE

Act No. 93, (SB 58) provides for the suspension of a person's driver's license if under age eighteen and commits D.W.I. or any criminal offense involving possession or use of alcohol or controlled substances. Work permits or student permits are provided in the act. The suspension is for 12 months or until the minor reaches age eighteen, whichever is longest.

FORFEITURE OF VEHICLE

Act No. 94, (SB 64) provides for forfeiture of an offender's vehicle upon committing a 4th D.W.I. during a three-year period from the first offense. Any vehicles seized under this act are subject to bona fide security interest and are to be sold at public auction with the proceeds to be deposited in the County General Fund.

ALIENATION OF AFFECTION

Act No. 46, (SB 23) abolishes the actions of an alienation of affection and criminal conversation. It also contains provisions relating to the validation of certain marriages.

BONDS

JUSTICE BUILDING FUND

Act No. 64, (HB 1088) requires that rental payments and court costs deposited in the Justice Building Fund shall, upon discharge of all bonds, be used for the operation and maintenance of the Justice Building. It also contains provisions concerning refunding bonds by school districts.

SCHOOL DISTRICTS

Act No. 64, (HB 1088) allows refunding bonds of a school district to be issued at a different rate than that of the bonds refunded thereby. It also contains sections pertaining to the Justice Building Fund.

CATFISH

PROCESSOR REGULATION

Act No. 53, (SB 29) amends the Arkansas Catfish Processor Fair Practices Act to permit the State Plant Board to take enforcement actions against catfish processors which fail to make timely payments for catfish products and to petition a court to appoint a receiver to take custody of insolvent catfish processors.

CHILDREN

DRIVER'S LICENSE

ALCOHOL OR DRUGS

Act No. 93, (SB 58) provides for the suspension of a person's driver's license if under age eighteen and commits D.W.I. or any criminal offense involving possession or use of alcohol or controlled substances. Work permits or student permits are provided in the act. The suspension is for 12 months or until the minor reaches age eighteen, whichever is longest.

JUVENILE COURT

DELINQUENCY

Act No. 34, (HB 1033) provides that a supporting affidavit of facts is not required for delinquency petitions.

FILING FEES

Act No. 34, (HB 1033) provides that no filing fees are to be charged or collected by the clerk in cases brought in the juvenile division of chancery court by a governmental entity or non-profit corporation, including but not limited to, the prosecuting attorney or DHS.

JUVENILE DETENTION FACILITIES

HOLDING OF JUVENILES

Act No. 76, (HB 1003) amends the Juvenile Code of 1989 to provide any juvenile with felony charges against him may be held in an adult jail or lock-up. A juvenile may be held in such facility for a maximum of 6 hours as long as he is separated by sight and sound from adult inmates. A juvenile awaiting arraignment may be held for a maximum of 24 hours provided certain conditions exist.

CHIROPRACTORS

Act No. 30, (HB 1091) authorizes the State Board of Chiropractic Examiners to increase the fee for renewal of chiropractic licenses. It prescribes the vote required for actions of the Chiropractic Licensing Board. It repeals the law providing for reciprocal licensing of chiropractors.

CITIES

CITY MANAGER GOVERNMENT

ELECTION OF DIRECTORS

Act No. 58, (HB 1103) allows cities with city manager form of government to choose to elect all members of the board of directors from wards.

LIAEIIITY

MOTOR VEHICLES

Act No. 47, (SB 46) grants a person who suffers injury or damages caused by a motor vehicle operated by an employee of a local government, a direct cause of action against the insurer, governmental entity (if uninsured) or the self-insurance pool. Coverage limits are those amounts listed in the policy rather than the minimum amounts required by Ark. Code 27-19-101 et seq.

CORPORATIONS

NONPROFIT CORPORATIONS

Act No. 57, (SB 2) requires that any nonprofit corporations organized prior to the 1963 Arkansas Nonprofit Corporation Act (Act 176 of 1963, Arkansas Code 4-28-201 et seq.) and which wish to exercise the option to organize under the 1963 law shall register with the Secretary of State's Office before July 1, 1990 and pay a fifty dollar (\$50.00) filing fee.

CORRECTION DEPARTMENT

INDUSTRY PROGRAM

PRODUCT MARKETING

Act No. 48, (SB 66) permits the Department of Correction to enter into marketing contracts with dealers, retailers, distributors and manufacturers representatives for products and services produced by the department industry program. The Board of Correction is to establish through regulation a reimbursement procedure for marketing the products.

COUNTIES

LIABILITY

MOTOR VEHICLES

Act No. 47, (SB 46) grants a person who suffers injury or damages caused by a motor vehicle operated by an employee of a local government, a direct cause of action against the insurer, governmental entity (if uninsured) or the self-insurance pool. Coverage limits are those amounts listed in the policy rather than the minimum amounts required by Ark. Code 27-19-101 et seq.

SALES TAX

DISTRIBUTION

Act No. 61, (HB 1095) allows for the distribution of a countywide sales and use tax to be distributed under a formula other than per capita. If another formula is used, a copy of the interlocal agreement must be furnished to the State Treasurer.

STATE AID ROAD FUNDS

Act No. 24, (HB 1059) authorizes counties to expend state aid road funds for the construction, replacement, or reconstruction of bridges located in incorporated towns with a population of 500 or less.

COURT COSTS

INDIGENT FUND

JUVENILE COURT

Act No. 100, (SB 52) permits the fund established to defray costs associated with providing representation for indigents to also be utilized by the quorum court in defraying the costs of the Juvenile Division of Chancery Court.

MUNICIPAL COURTS

RETIREMENT OF JUDGES & CLERKS

Act No. 99, (HB 1081) allows a municipality in a county having a 1980 census, to increase court fees to provide funds for the retirement of municipal court judges and clerks. It also allows municipal clerks in certain municipalities having a population of greater than 1,500 but less than 1,700 to continue to participate in the Arkansas Public Employees Retirement System.

COURTS

CIRCUIT-CHANCERY JUDGES

Act No. **28**, (SB 17) creates four (4) new circuit-chancery judgeships: one (1) in the Second Judicial District; two (2) in the Sixth Judicial District; and one (1) in the Seventeenth-East Judicial District. One (1) of the new circuit-chancery judges of the Sixth Judicial District may be assigned to conduct hearings at the State Hospital for involuntary admissions or commitments of the mentally ill.

FILING OF PLEADING

Act No. **19**, (HB 1034) provides that facsimile copies received by the clerk for filing as pleadings are to be deemed received by the clerk on the date and time printed by the clerk's facsimile machine.

JUVENILE COURT

COURT COSTS

Act No. 100, (SB 52) permits the fund established to defray costs associated with providing representation for indigents to also be utilized by the quorum court in defraying the costs of the Juvenile Division of Chancery Court.

MUNICIPAL COURTS

JUDGES' SALARIES

Act No. **67**, (HB 1066) sets the salaries of various municipal judges and court clerks.

NORTH LITTLE ROCK

Act No. **13**, (HB 1068) allows the judge of the First Division of the North Little Rock Municipal Court to employ an additional clerk, subject to the approval of the North Little Rock City Council.

PROSECUTING ATTORNEY

2ND JUDICIAL DISTRICT

Act No. **96**, (SB 68) permits the prosecutor of the Second Judicial District to employ additional deputy prosecutors, investigators, case coordinators or employees to be paid through grant awards from the Drug Law Enforcement Program. Does not prohibit the employment of additional personnel paid by quorum courts of that judicial district if funding becomes available.

7TH JUDICIAL DISTRICT

Act No. **97**, (SB 73) permits the prosecutor of the Seventh Judicial District to employ additional deputy prosecutors, investigators, case coordinators or employees to be paid through grant awards from the Drug Law Enforcement Program. Does not prohibit the employment of additional personnel paid by quorum courts of that judicial district if funding becomes available.

VENUE

INMATES

Act No. **56**, (SB 18) clarifies the venue statute for persons confined in state institutions or penitentiaries to specify that any cause of action brought on behalf *of* the confined person shall be brought in the county in which the person resided at the time of his confinement unless otherwise provided for by law.

MUNICIPAL COURT

Act No. 55, (SB 21) amends the current law that allows a change of venue from a justice of the peace court to municipal court to permit the municipal judge the discretion to grant a defendant's motion for change of venue upon a showing of good cause. Previously, no showing of good cause was required.

Act No. 54, (SB 22) amends the current law that allows a change of venue from a city court or mayor's court to municipal court by providing that all fees collected in a case will be split equally between the municipal court and the court from which the case was transferred.

CRIMINAL LAW

AMERICAN FLAG

Act No. 75, (HB 1097) provides criminal penalties for the destruction or mutilation of the American flag.

CONTROLLED SUBSTANCES

CONTROLLED SUBSTANCES ANALOG

Act No. 83, (HB 1054) defines "controlled substance analog" and includes them in the Schedule I of controlled substances.

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DRIVER'S LICENSE

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FORFEITURE OF VEHICLE

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DIVORCE

VALIDATION OF MARRIAGES

Act No. 46, (SB 23) declares valid all marriages invalidated by the Standridge v. Standridge case and declares the offspring of such marriages as legitimate. It further makes all divorces effective upon the issuance of a decree of divorce but before the entry for the record of the decree. It further abolishes the actions of alienation of affection and criminal conversation.

EDUCATION

COMMUNITY COLLEGES

TUITION

Act No. 12, (HB 1046) establishes a tuition limit that in-state, out-of-district students may be charged by a community college, which is an amount not to exceed the pro rata share of the per student cost annually paid for buildings and operations from local tax revenues in addition to the fees charged students who are residents of the district.

DESEGREGATION

LITIGATION OVERSIGHT

Act No. 71, (HB 1041) establishes the Desegregation Litigation Oversight Subcommittee consisting of four (4) members of the Senate, four (4) members of the House of Representatives, and three (3) persons appointed by the Governor, to monitor the implementation of the Pulaski County Desegregation Case Settlement Agreement and to monitor the state's participation in future desegregation cases.

GENERAL EDUCATION

TEXTBOOK CONTRACTS

Act No. 62, (HB 1094) requires the State Board of Education to contract with publishers of textbooks for period up to ten years.

HIGHER EDUCATION

SALARIES

Act No. 25, (HB 1070) provides that each state supported institution of higher education may exceed the maximum salary levels by 25% for 10% of certain specified authorized positions.

Act No. 42, (SB 15) amends the Higher Education Expenditure Restriction Act to allow higher education institutions to compensate 10% of their faculty up to 25% more than their line-item maximum salaries. It further amends the law to allow the institutions of higher education to compensate their faculty members for services at non-credit seminars from funds generated by the seminars and this compensation is excluded from maximum line-item salary restrictions.

PRIVATE CAREER SCHOOLS

Act No. 51, (SB 53) amends Ark. Code 6-51-616(c) to make arbitration optional under the student grievance procedure regarding private resident and correspondence schools.

SCHOOLS

ATTENDANCE POLICIES

Act No. 70, (HB 1042) mandates that school boards shall adopt student attendance policies as provided for in Ark. Code 6-18-209, further provides for parental notification when a student has accumulated absences equal to one-third and two-thirds of absences permitted, provides for civil penalties to be levied on parents, and provides for the suspension of the driver's license of certain students no longer in school.

CREDIT FOR COLLEGE COURSES

Act No. 60, (SB 75) provides that any junior or senior attending a public high school may enroll in a publicly supported institution of higher education. Upon successful completion of a course or courses offered by that institution, the student will receive both high school and college credit.

MINIMUM FOUNDATION PROGRAM AID

Act No. 37, (HB 1007) changes method of calculating MFPA by increasing charge levels against real property by 1/10 mill for each \$2,500,000 increase in MFPA beginning November 1, 1989, and provides that the charge levels cannot be increased by more than 6 mills with a maximum of 25 mills on real property and 51 mills on personal property and utilities and regulated carriers.

REFUNDING BONDS

Act No. 64, (HB 1088) allows refunding bonds of a school district to be issued at a different rate than that of the bonds refunded thereby. It also contains sections pertaining to the Justice Building Fund.

ELECTIONS

COUNTY BD OF ELECTION COMM.

Act No. 73, (HB 1006) provides that if the county chairman of a political party is an elected official, is otherwise ineligible to serve as a member of the county board of election commissioners, or chooses not to serve on the county board of election commissioners he or she may appoint someone to serve in his or her place.

EMPLOYMENT

AGE DISCRIMINATION

Act No. 33, (HB 1055) prescribes certain prohibited acts a public employer may not take against an employee at least forty (40) years of age to make Arkansas' law consistent with the federal law in this area.

UNEMPLOYMENT COMPENSATION

CONTROLLED SUBSTANCE USE

Act No. 95, (SB 67) amends existing law concerning disqualification for unemployment insurance to provide that any employee discharged from work for reporting while under the influence of intoxicants, including a controlled substance, may be disqualified for benefits for ten weeks.

ENTERPRISE ZONES

ASHLEY COUNTY

Act No. 52, (SB 51) adds a provision to Section 10 of Act 462 of 1989 concerning substitute enterprise zones which places zones located within city limits of incorporated towns in Ashley County under the jurisdiction of the county judge to be utilized in the manner approved by the quorum court if not otherwise activated.

FREEDOM OF INFORMATION ACT

A. I. D. C. RECORDS

Act No. 8, (SB 54) clarifies that one of the items to be considered exempt under Subsection 9 of Ark. Code 25-19-105(b) which applies to information which would give competitors or bidders an unfair advantage, are records maintained by the Arkansas Industrial Development Commission concerning potential location or expansion, or product development unless approved for release by the company. Expenditure and grant records are subject to disclosure.

HIGHWAYS

Act 21 (HB 1077) designates Highway 12 East of Rogers as a scenic highway.

INSURANCE

LOCAL GOVERNMENTS

MOTOR VEHICLES

Act No. 47, (SB 46) grants a person who suffers injury or damages caused by a motor vehicle operated by an employee of a local government, a direct cause of action against the insurer, governmental entity (if uninsured) or the self-insurance pool. Coverage limits are those amounts listed in the policy rather than the minimum amounts required by Ark. Code 27-19-101 et seq.

JUDGMENTS

EFFECTIVE DATE

Act No. 98, (SB 24) provides that all orders, judgments, and decrees are effective upon all parties of record from the date rendered and not from the date of entry of record. The time for filing all notices of appeal shall commence from the date of entry of record of the order, judgment, or decree.

FOREIGN JUDGMENTS

Act No. 74, (SB 70) amends the Uniform Enforcement of Foreign Judgments Act to permit foreign judgments to be filed in any court having jurisdiction of the action rather than in only the circuit court.

LAW ENFORCEMENT OFFICERS

VALIDATION OF ACTIONS

Act No. 44, (SB 32) provides that the actions of law enforcement officers who do not meet the standards set forth by the Arkansas Commission on Law Enforcement Standards Training shall not be held to be invalid. It further states it is the intent of the General Assembly to amend this law ab initio.

LIBRARY RECORDS

CONFIDENTIALITY

Act No. 63, (HB 1089) provides libraries additional time to comply with the requirements of Act 903 of 1989 concerning confidentiality of library records.

LOCAL LEGISLATION

2ND JUDICIAL DISTRICT

PROSECUTING ATTORNEY

Act No. 96, (SB 68) permits the prosecutor of the Second Judicial District to employ additional deputy prosecutors, investigators, case coordinators or employees to be paid through grant awards from the Drug Law Enforcement Program. Does not prohibit the employment of additional personnel paid by quorum courts of that judicial district if funding becomes available.

7TH JUDICIAL DISTRICT

PROSECUTING ATTORNEY

Act No. 97, (SB 73) permits the prosecutor of the Seventh Judicial District to employ additional deputy prosecutors, investigators, case coordinators or employees to be paid through grant awards from the Drug Law Enforcement Program. Does not prohibit the employment of additional personnel paid by quorum courts of that judicial district if funding becomes available.

ASHLEY COUNTY

ENTERPRISE ZONES

Act No. 52, (SB 51) adds a provision to Section 10 of Act 462 of 1989 concerning substitute enterprise zones which places zones located within city limits of incorporated towns in Ashley County under the jurisdiction of the county judge to be utilized in the manner approved by the quorum court if not otherwise activated.

MILLER COUNTY

DEPUTY PROSECUTING ATTORNEY

Act No. 32, (HB 1032) provides for an additional deputy prosecuting attorney for Miller County and sets the salary.

Act No. 31, (SB 31) provides for an additional deputy prosecuting attorney for Miller County and sets the salary.

MUNICIPAL JUDGES AND CLERKS

Act No. 99, (HB 1081) allows a municipality in a county having a population of at least 26,500 but not more than 26,750 persons, according to the 1980 census, to increase court fees to provide funds for the retirement of municipal court judges and clerks. It also allows municipal clerks in certain municipalities having a population of greater than 1,500 but less than 1,700 to continue to participate in the Arkansas Public Employees Retirement System.

NORTH LITTLE ROCK

MUNICIPAL COURT CLERK

Act No. 13, (HB 1068) allows the judge of the First Division of the North Little Rock Municipal Court to employ an additional clerk, subject to the approval of the North Little Rock City Council.

NORTH LITTLE ROCK & PINE BLUFF

Act No. 66, (HB 1079) authorizes certain cities to provide for the appointment of the office of city attorney by ordinance subject to certain limitations.

SEVIER COUNTY

DE QUEEN MUNICIPAL JUDGE

Act No. 29, (HB 1047) removes the requirement that Sevier County provide health insurance coverage for the De Queen municipal judge.

MARRIAGE

VALIDATION OF MARRIAGES

Act No. 46, (SB 23) declares valid all marriages invalidated by the Standridge v. Standridge case and declares the offspring of such marriages as legitimate. It further makes all divorces effective upon the issuance of a decree of divorce but before the entry for the record of the decree. It further abolishes the actions of alienation of affection and criminal conversation.

MENTAL ILLNESS

COMMITMENT

Act No. 72, (HB 1025) amends Act 861 of 1989 to clarify procedures for filing a petition for involuntary admission with a request for immediate confinement of a mentally ill person.

MINERALS

ABANDONED MINERAL PROCEEDS

Act No. 39, (HB 1015) repeals the Abandoned Mineral Proceeds Trust Fund found in Ark. Code Ann. 19-5-946.

MOTOR VEHICLES

COMMERCIAL DRIVER'S LICENSE

Act No. 36, (HB 1064) provides that individuals may apply for a commercial driver's license to be restricted to the driving of a school **bus** and only be required to pay the noncommercial driver's license fee.

INSPECTION FEE

Act No. 86, (HB 1087) increases the motor vehicle inspection fee by 25 cents. It provides a method of funding the construction and equipping of correction facilities and regional jails.

SALES TAXES

Act No. 9, (HB 1040) provides that no credit is allowed for sales or use taxes paid to another state with respect to the purchase of motor vehicles, trailers or semi-trailers which are first registered by the purchaser in Arkansas.

PROBATE

Act No. 59, (HB 1116) deletes language erroneously included in Act 929 of 1989 concerning the notice of appointment of a personal representative of an estate and the statute of nonclaim.

PROPERTY

PUBLIC HOUSING AUTHORITIES

Act No. 11, (HB 1038) a plaintiff public housing authority demanding an immediate writ of possession and claiming that the defendant has been convicted of a violation of the Uniform Controlled Substances Act is entitled to an expedited hearing within 10 days of the filing of the objection by the defendant.

PUBLIC EMPLOYEES

AGE DISCRIMINATION

RETIREMENT

Act No. 33, (HB 1055) prescribes certain prohibited acts a public employer may not take against an employee at least forty (40) years of age to make Arkansas' law consistent with the federal law in this area.

PURCHASING

IN-STATE PREFERENCE

Act No. 45, (HB 1030) 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, unless exempt, and either gross receipts or use taxes; and within the 2 year period paid either real or personal property taxes.

RETIREMENT

PUBLIC EMPLOYEES RETIREMENT

MUNICIPAL COURT CLERKS

Act No. 99, (HB 1081) allows municipal court clerks in certain municipalities having a population of greater than 1,500 but less than 1,700 to continue to participate in the Arkansas Public Employees Retirement System. It also allows a municipality in a county having a population of at least 26,500 but not more than 26,750 persons, according to the 1980 census, to increase court fees to provide funds for retirement of municipal court judges and clerks.

TAXATION

Act No. 27, (SB 40) provides for \$6,000 income tax exemption for residents on retirement and disability income and repeals a total exemption of the retirement income for Arkansas public employees and teachers. It provides that any individual over 65 years of age and who does not claim the retirement income exemption is entitled to a \$20.00 tax credit. It provides that residents who receive military retirement pay are entitled to only one \$6,000 exemption.

STATE AGENCIES

CHIROPRACTIC EXAMINERS BOARD

Act No. 30, (HB 1091) authorizes the State Board of Chiropractic Examiners to increase the fee for renewal of chiropractic licenses. It prescribes the vote required for actions of the Chiropractic Licensing Board. It repeals the law providing for reciprocal licensing of chiropractors.

DEVELOPMENT FINANCE AUTHORITY

CORRECTION FACILITIES

Act No. 86, (HB 1087) increases the motor vehicle inspection fee by 25 cents. It provides a method of funding the construction and equipping of correction facilities and regional jails.

EDUCATIONAL TELEVISION COM.

Act No. 15, (SB 10) amends Act 126 of the 1989 First Extraordinary Session, the appropriation act for the Arkansas Educational Television Commission, to allow ETV's "Extra Help" employees to be exempt from the 1,000 hours per year limitation on other "Extra Help" employees.

INDUSTRIAL DEVELOPMENT

F.O.I. EXEMPTION

Act No. 8, (SB 54) clarifies that one of the items to be considered exempt under Subsection 9 of Ark. Code 25-19-105(b) which applies to information which would give competitors or bidders an unfair advantage, are records maintained by the Arkansas Industrial Development Commission concerning potential location or expansion, or product development unless approved for release by the company. Expenditure and grant records are subject to disclosure.

INSURANCE DEPARTMENT

Act No. 22, (SB 39) amends the law levying the worker's compensation premium taxes on employers to require that \$100,000 of those funds be transferred to the General Revenue Fund Account to support the operations of the Arkansas Insurance Department.

LAW ENFORCEMENT STANDARDS

Act No. 44, (SB 32) provides that the actions of law enforcement officers who do not meet the standards set forth by the Arkansas Commission on Law Enforcement Standards Training shall not be held to be invalid. It further states it is the intent of the General Assembly to amend this law ab initio.

LIVESTOCK & POULTRY COMMISSION

DISPOSAL OF FOWL CARCASSES

Act No. 20, (HB 1002) provides that fowl carcasses are to be cremated within 24 hours of death. The Livestock and Poultry Commission is authorized to adopt regulations specifying requirements for disposal pits and incineration, the method of burying fowl carcasses, and all other methods found acceptable to them for the disposal of fowl carcasses.

PLANT BOARD

CATFISH PROC. FAIR PRACTICES

Act No. 53, (SB 29) amends the Arkansas Catfish Processor Fair Practices Act to permit the State Plant Board to take enforcement actions against catfish processors which fail to make timely payments for catfish products and to petition a court to appoint a receiver to take custody of insolvent catfish processors.

POLLUTION CONTROL AND ECOLOGY

PETROLEUM STORAGE TANK

Act No. 65, (HB 1084) amends numerous provisions in Act 173 of 1989, known-as the "Petroleum Storage Tank Trust Fund Act."

STATE EMPLOYEES

SALARY

Act No. 42, (SB 15) amends the Higher Education Expenditure Restriction Act to allow higher education institutions to compensate 10% of their faculty up to 25% more than their line-item maximum salaries. It further amends the law to allow the institutions of higher education to compensate their faculty members for services at non-credit seminars from funds generated by seminars and this compensation is excluded from the maximum line-item salary restrictions.

TAXES

CITY SALES TAX

HOTELS, MOTELS, RESTAURANTS

Act No. 7, (SB 11) provides that when cities levy a sales tax on hotels, motels and restaurants for the purpose of constructing and maintaining city parks, the tax shall not be deposited into the city's advertising and promotion fund, but in a separate fund for the construction and maintenance of the city parks.

COUNTY SALES TAX

DISTRIBUTION

Act No. 61, (HB 1095) allows for the distribution of a countywide sales and use tax to be distributed under a formula other than per capita. If another formula is used, a copy of the interlocal agreement must be furnished to the State Treasurer.

INCOME TAX

RETIREMENT BENEFITS

Act No. 27, (SB 40) provides for \$6,000 income tax exemption for residents on retirement and disability income and repeals a total exemption of the retirement income for Arkansas public employees and teachers. It provides that any individual over 65 years of age and who does not claim the retirement income tax exemption is entitled to a \$20.00 tax credit. It provides that residents who receive military retirement pay are entitled to only one \$6,000 exemption.

SALES

INDUSTRIAL METAL ROLLERS

Act No. 89, (HB 1117) exempts from the gross receipts tax the repair or manufacture of certain industrial metal rollers.

MOTOR VEHICLES

Act No. 9, (HB 1040) provides that no credit is allowed for sales or use taxes paid to another state with respect to the purchase of motor vehicles, trailers or semi-trailers which are first registered by the purchaser in Arkansas.

TRANSPORTATION

COMMERCIAL DRIVER'S LICENSE

Act No. 36, (HB 1064) provides that individuals who apply for a commercial driver's license to be restricted to the driving of a school bus and only be required to pay the noncommercial driver's license fee.

MANUFACTURED HOMES

Act No. 35, (HB 1074) removes the restriction disallowing overweight and overlength manufactured homes from being moved on public highways on Saturday.

FISCAL LEGISLATION

ARKANSAS INDUSTRIAL DEVELOPMENT COMMISSION

Act 69 (HB 1050)

- Amends Act 988 of 1989 to increase the AIDC Infrastructure line item from \$6,000,000 to \$20,000,000.
- Authorizes a supplemental appropriation of \$10,000,000 from the General Improvement Fund for grants to cities and counties for public works projects or job training.

ATTORNEY GENERAL

Act 5 (HB 1018)

- Appropriates \$200,000 for the payment of professional fees incurred by the Attorney General in regard to the Jeffers vs. Clinton and Hunt vs. State lawsuits.

AUCTIONEER'S LICENSING BOARD

Act 43 (HB 1100)

- Establishes one full time position and appropriates personal services and operating expenses of approximately \$36,000 each fiscal year of the 1989-91 biennium.

AUDITOR OF STATE

Act 39 (HB 1015)

- Appropriates \$200,000 each fiscal year of the 1989-91 biennium from cash funds for payment of claims of abandoned mineral proceeds; requires that mineral proceeds presumed abandoned to be deposited into various bank accounts in a fund to be known as the Abandoned Mineral Proceeds Trust Fund.

ARKANSAS BUREAU OF STANDARDS

Act 17 (SB 5)

- Authorizes supplemental appropriation of \$25,000 in FY 1989-90 for Capital Outlay.

CIRCUIT/CHANCERY JUDGES

Act 50 (SB 56)

- Authorizes supplemental appropriation for regular salaries and expenses of four (4) additional circuit/chancery judges and court reporters.

STATE CLAIMS COMMISSION

Act 81 (HB 1049)

- Appropriates funds for the payment of allowed claims for various state agencies.

DEPARTMENT OF COMPUTER SERVICES

Act 23 (SB 37)

- Authorizes supplemental appropriation of \$6,456,750 in FY 1989-90 and \$1,701,600 in FY 1990-91 to provide payments for the telecommunications system.

METHOD OF FUNDING CORRECTIONAL FACILITIES

Act 86 (HB1087)

- Increases the Motor Vehicle Inspection Fee for vehicles less than 8,000 lbs. from \$3.25 to \$3.50 and increases the minimum Motor Vehicle Inspection Fee for vehicles over 8,000 lbs. from \$3.25 to \$3.50.
- Provides that all amounts collected by the Department of Arkansas State Police for the purchase of certificates of inspection shall be remitted to the Arkansas Development Finance Authority (Authority) and that all amounts derived from the sale of certificates of inspection shall be cash funds of the Authority and deposited to the credit of the Prison Construction Trust Fund.
- Requires the Authority to transfer an amount equal to \$.25 times the number of certificates of inspection sold, from the Prison Construction Trust Fund to the Public Facilities Debt Service Fund on a semi-annual basis, until all obligations regarding the certificates of indebtedness are satisfied.
- All other funds in the Prison Construction Trust Fund to be used by the Authority to provide funds for the construction and equipping of correctional facilities.
- Authorizes a diversion of \$1.00 of the current \$1.25 of the state's share of the Motor Vehicle Inspection Fee and the additional \$.25 increase to be used for a new bond issue through ADFA of **\$25** million for some or all of the following projects:
 - 1) Purchase of Land
 - 2) Constructing & Equipping a 500 Bed Facility
 - 3) Additional Beds for the Womens Unit
 - 4) Boot Camp Program
 - 5) Debt Service

STATE CRIME LABORATORY

Act 79 (HB 1021)

- Authorizes an increase in the Crime Lab Director's salary from \$81,249 to \$100,000 in FY 1989-90 and from \$83,280 to \$102,500 in FY 1990-91, and an increase in the Associate Medical Examiners' salaries from \$78,113 to \$90,000 in FY 1989-90 and from \$80,066 to \$92,250 in FY 1990-91.

DEPARTMENT OF EDUCATION

Act 92 (SB 8)

- Authorizes four (4) positions and \$100,000 in FY 1989-90 and \$250,000 in FY 1990-91 for the operations of the Office of Accountability.

Act 15 (SB 10)

- Authorizes extra help positions funded by general revenues and cash funds of the Educational Television Division that are related to specific projects to be exempt from limitations of hours, either by Act or regulation.

Act 40 (HB 1012)

- Authorizes \$500,000 in FY 1989-90 and \$1,500,000 in FY 1990-91 for grants and aids to local school districts for Early Childhood Special Education.

OFFICE OF EMERGENCY SERVICES

Act 38 (HB 1022)

- Authorizes supplemental appropriation of \$226,000 from the State General Services Fund Account and \$300,000 from the OES Federal Fund Account for the 1989-91 biennium for the purchase and installation of a radio network.

DEPARTMENT OF FINANCE AND ADMINISTRATION

Disbursing Officer

Act 26 (SB 38)

- Authorizes appropriation of \$2,911,200 in FY 1989-90 and \$3,425,525 in FY 1990-91 for the purpose of providing annual career service recognition payments to classified employees of state agencies.

Division of Racing

Act 16 (SB 6)

- Increases the appropriation for the Division of Racing by \$52,546 in FY 1989-90 and \$45,546 in FY 1990-91 for operations due to additional dog racing performances authorized by the 77th General Assembly.

GAME AND FISH COMMISSION

Act 4 (HB 1010)

- Provides supplemental appropriation of \$2,100,000 for land acquisition from the refund of license fees as authorized by the Chancery Court of Pulaski County.

GOVERNOR'S OFFICE

Act 49 (SB 63)

- Increases the Governor's Emergency Fund by an additional \$726,500, which includes \$287,500 for a National Guard Armory in Camden, AR.

INSTITUTIONS OF HIGHER EDUCATION

HIGHER EDUCATION EXPENDITURE RESTRICTION ACT

Act 42 (SB 15); Act 25 (HB 1070)

- Adds titles of Academic Dean, Division Head or Chair and Department Chair to those presently authorized to exceed the maximum annual salary level by no more than twenty-five percent (25%) for no more than ten percent (10%) of such positions authorized.

Act 42 (SB 15)

- Excludes compensation received by faculty members for participation in a non-credit seminar, conference or convention from maximum salary restrictions.

UNIVERSITY OF ARKANSAS

Act 68 (SB 48)

- Directs the University of Arkansas to make necessary budget adjustments in order to provide funding in the amount of \$199,589 in FY 1990-91 for the operations of the Archeological Survey and Research Station at the Parkin Indian Mound State Park.

Act 69 (HB 1050)

- Provides for a transfer of \$199,589 from the General Improvement Fund to the University of Arkansas Fund on July 1, 1990 for the operations of the Archeological Survey and Research Station at the Parkin Indian Mound State Park.

- Provides for a transfer of \$141,750 in FY 1989-90 and \$242,000 in FY 1990-91 from the General Improvement Fund to the University of Arkansas Fund for rent and expenses of the Cooperative Extension Service.

UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES

Act 91 (SB 7)

- Amends Subsection (B) of Section 4 of Act 11 of the First Extraordinary Session of 1989 to authorize funding from the General Improvement Fund for assistance grants to physicians, including osteopaths, and dentists who locate and engage in family medicine practice in rural communities.

DEPARTMENT OF HUMAN SERVICES

DIVISION OF AGING AND ADULT SERVICES

Act 85 (HB 1060)

- Creates the "Aging and Adult Services Special Revenue Fund" to consist of those special revenues derived from fees from applicants for nursing home licensure, licensed patient beds in nursing homes, and occupied nursing home beds. Such revenues were previously credited to the Aging and Adult Services Fund Account.

DIVISION OF CHILDREN AND FAMILY SERVICES

Act 77 (HB 1013)

- Creates the Juvenile Detention Facilities Capital Grant Fund and the Juvenile Detention Facilities Operating Fund, both of which are to receive funds from the Children and Family Services Fund Account.
- Provides a \$500,000 appropriation for Capital Grants and an appropriation for operating expenses of Juvenile Detention Facilities in the amount of \$500,000.
- Provides transfer authority whereby a transfer may be made from the Children and Family Services Fund Account to the designated funds.
- Creates a Juvenile Detention Facilities Revolving Loan Fund which is authorized to receive a transfer of \$1,500,000 from the Budget Stabilization Trust Fund.
- Appropriates \$1,500,000 for loans as authorized by Act 486 of 1989 from the Juvenile Detention Facilities Revolving Loan Fund.
- Provides a \$500,000 supplemental appropriation for grant payments for foster care.

DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES

Act 85 (HB 1060)

- Creates the "Developmental Disabilities Services-Dog Track Special Revenue Fund" to consist of those special revenues derived from two-thirds of the net proceeds of six (6) additional days of dog races at Southland Grayhound Park. These revenues were previously credited to the Developmental Disabilities Services Fund Account.

DIVISION OF ECONOMIC AND MEDICAL SERVICES (EMS)

Act 78 (HB 1017)

- Authorizes a \$50,000 appropriation for the 1989-91 biennium for relocation costs of residents of long term care (LTC) facilities, and for maintenance and operations of a facility pending correction of deficiencies or closure, and for reimbursement of residents for personal funds lost, to be payable from the LTC Trust Fund.
- Authorizes \$100,000 in appropriation to pay expenses for LTC Facility Receivers to be payable from the LTC Facility Receivership Fund Account.
- Provides the following supplemental appropriations for FY 1989-90:
 - 1) \$23,700,207 for the DHS/EMS Prescription Drug Program and the Hospital and Medical program;
 - 2) \$600,000 for personal services and operating expenses of the Division of Children and Family Services;
 - 3) \$2,280,425 for the Division of Developmental Disabilities Services (DDS) personal services and operating expenses;
 - 4) \$576,000 for DDS Grants to community providers.

DIVISION OF MENTAL HEALTH SERVICES

Act 90 (SB 4)

- Amends Subsection (A) of Section 1 of Act 149 of the First Extraordinary Session of 1989 to allow the Division of Mental Health Services to utilize the appropriation of \$7,000,000 in Section 1 of Act 149 for court ordered training and defendant evaluations in addition to the replacement of Roger's Hall.

STATE INSURANCE DEPARTMENT

Act 22 (SB 39)

- Authorizes a transfer on April 1 of each fiscal year from the Miscellaneous Revolving Fund and the Workers Compensation Revolving Fund, combined with the transfers of Insurance Premium Tax monies deposited into the funds created by A.C.A. 11-9-301, to the State General Services Fund Account for the support of the State Insurance Department, not to exceed \$100,000 in any one fiscal year; and provides a transfer of the balance of monies deposited into the Miscellaneous Revolving Fund and the Workers Compensation Revolving Fund pursuant to A.C.A. 11-9-305, to the funds created by A.C.A. 11-09-301 in those proportions certified by the Workers Compensation Commission to the Insurance Commissioner on or before December 31 of the prior year.

Act 14 (SB 12)

- Authorizes supplemental appropriation of \$6,000,000 in FY 1989-90 for payment of grants of the Police Officer's Pension and Relief Program.

JUDICIAL DISCIPLINE & DISABILITY COMMISSION

Act 41 (HB 1008)

- Authorizes \$20,000 each fiscal year in capital outlay.

DEPARTMENT OF POLLUTION CONTROL & ECOLOGY

Act 6 (HB 1019)

- Authorizes three (3) additional positions and \$62,233 in FY 1989-90 and \$95,878 in FY 1990-91 for fee administration.

SECRETARY OF STATE

Act 18 (SB 3)

- Authorizes \$90,000 for the State Board of Apportionment for the purchase of maps, information materials, necessary personnel, reimbursement of expenses, and materials required for legislative redistricting.

TREASURER OF STATE

Act 7 (SB 11)

- Increases the appropriation for refunds of local sales and use taxes to cities and counties.
- Authorizes the gross receipts tax levied on hotels and restaurants by municipalities to be deposited into a special fund for the development of city parks.

VΣTOES

VETOED

(SB 9) authorizes \$200,000 in FY 1989-90 and \$300,000 in FY 1990-91 in the Data Processing Services line item to provide additional crime information system computer terminals in various locations throughout the State.

(SB 13) authorizes supplemental appropriation of \$3,094,336 in FY 1989-90 from the Motor Vehicle Acquisition Fund for 224 State Police vehicles and \$3,326,714 in FY 1990-91 for 223 State Police vehicles.

(SB 36) authorizes a total of 120 additional positions. It authorizes supplemental appropriation of \$3,910,237 in FY 1989-90 and \$5,151,261 in FY 1990-91 for general operations (including \$1,000,000 and \$750,000 respectively for jail contracts). It authorizes Capital Outlay appropriation totaling \$350,000 for Prison Industry and \$1,000,000 for Farm Operations during the 1989-90 Fiscal Year. The bill provides supplemental appropriation of \$117,000 in FY 1989-90 and \$250,000 in FY 1990-91 for Pardons and Paroles.

(SB 42) strikes from Ark. Code 21-3-202, 203 and 205 language which prohibited discrimination against employees less than 70 years of age to conform state law to federal law concerning age discrimination. Increased from \$27,000 to \$44,000 the retirement benefit test for compulsory retirement of persons over age 65.

(SB 47) provides that no credit is allowed for sales or use taxes paid to another state with respect to the purchase of motor vehicles, trailers or semi-trailers which are first registered by the purchaser in Arkansas.

(SB 49) allows the judge of the First Division of the North Little Rock Municipal Court to employ an additional clerk, subject to the approval of the North Little Rock City Council.

(SB 61) establishes one full time position and appropriates personal services and operating expenses of approximately \$36,000 each fiscal year of the 1989-90 biennium.

(HB 1004) authorizes eighty-two (82) positions and appropriates \$1,862,763 in FY 1990-91 for personal services and operating expenses for a 50 bed Maximum Detention Unit at the Pine Bluff Youth Services Center.

(HB 1005) authorizes an appropriation in the amount of \$2,775,000 for constructing and equipping a 50 bed Maximum Detention Unit at the Pine Bluff Youth Services Center.

(HB 1011) appropriates \$2,000,000 in FY 1989-90 and \$4,000,000 in FY 1990-91 for the purchase of treatment and services for alcohol and drug abuse. Special language restricts the appropriations for "Purchase of Adolescent Residential Services" (\$600,000 in FY 1989-90 and \$1,250,000 in FY 1990-91) to expenditures through community non-profit organizations. The appropriations for "Purchase Adolescent Outpatient Treatment" can only be expended to purchase intensive outpatient alcohol/drug abuse treatment services for adolescents in conjunction with Department of Education Cooperatives.

VETOED

(HB 1014) authorizes \$250,000 in FY 1989-90 and \$500,000 in FY 1990-91 in the Financial Aid special line item to provide additional State aid to circuit courts for the purpose of hiring probation officers.

(HB 1016) authorizes four positions and the following appropriation for the Delta Cultural Center: \$75,000 in FY 1989-90 and \$200,000 in FY 1990-91 from the Department of Arkansas Heritage Fund Account, and \$85,673 in FY 1989-90 and \$111,113 in FY 1990-91 from the Delta Cultural Center Cash Fund.

(HB 1020) authorizes thirty (30) additional positions including 25 State Police Trooper positions to be utilized as narcotics investigators. It appropriates \$1,354,840 in FY 1989-90 and \$1,237,534 in FY 1990-91, which includes \$375,000 in FY 1989-90 for the purchase of 25 motor vehicles.

(HB 1026) authorizes supplemental appropriation of \$375,000 each fiscal year from the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund for grants to the Arkansas Sheriffs Association to be used for crime prevention and alcohol and drug abuse prevention programs. It provides for a transfer from the State General Services Fund Account of \$375,000 each fiscal year to fund the appropriation. A "Letter of Legislative Intent" was attached by the House of Representatives which requires the Arkansas Sheriff's Association to submit a grant request specifying proposed detailed expenditures to the Director of the Department of Finance and Administration for approval; and if approved, a monthly report of expenditures thereafter.

(HB 1052) provides that official actions taken by law enforcement officers shall not be held invalid merely because of the officer's failure to meet the standards and qualifications provided by law and promulgated by the Arkansas Commission on Law Enforcement Standards Training.

(HB 1061) provides for \$6,000 income tax exemption for residents on retirement and disability income and repeals a total exemption of the retirement income for Arkansas public employees and teachers. It provides that any individual over 65 years of age and who does not claim the retirement income exemption is entitled to a \$20.00 tax credit. It provides that residentsitary retirement pay are entitled to only one \$6,000 exemption.

(HB 1065) authorizes appropriation of \$3,245,000 each fiscal year of the 1989-91 biennium from the Drug War Matching Fund to provide matching funds to state and local government entities for grants under the Drug Law Enforcement Program. It authorizes supplemental appropriation of \$2,500,000 each fiscal year from the Department of Finance and Administration Federal Fund Account for Drug Law Enforcement Grants. The bill amends Act 247 of the First Extraordinary Session of 1989 to allow additional personnel to be hired for the purpose the Drug Law Enforcement Program.

(HB 1085) establishes the procedure for authorizing the interception of wire, oral and electronic communications in activities involving illegal drugs. It would have established the offense of "eavesdropping."

(HB 1101) provides that any junior or senior attending a public high school may enroll in a publicly supported institution of higher education. Upon successful completion of a course or courses offered by that institution, the student would receive both high school and college credit.