

# SUMMARY OF GENERAL LEGISLATION

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## 86TH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS

2007

January 8, 2007 - May 1, 2007

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**Bureau of Legislative Research**  
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## **AGRICULTURE**

### **ALTERNATIVE FUELS DEVELOPMENT PROGRAM**

Act 873 (HB1379) - The act creates the Arkansas Alternative Fuels Development Program to be administered by the Arkansas Agriculture Department with the purpose of providing grant incentives for alternative fuels producers, feedstock processors, and alternative fuels distributors. The act also creates the Arkansas Alternative Fuels Development Fund and repeals obsolete sections of the Arkansas Code related to alternative fuels.

### **AQUACULTURE**

Act 533 (HB1319) - The act transfers aquaculture business enterprises from the Arkansas Development Finance Authority to the Arkansas Agriculture Department. The act became effective March 28, 2007.

### **BIOFUELS STANDARD FOR STATE VEHICLES AND EQUIPMENT**

Act 699 (SB237) - The act establishes a biofuels standard of a minimum of two percent (2%) biofuels by volume for state vehicles and state equipment beginning on January 1, 2009. The act allows the Director of the Department of Finance and Administration to grant a waiver for a variance from the standard. The act requires the Arkansas Bureau of Standards of the State Plant Board to test and ensure the quality of alternative fuels used in the state.

### **COOKING OIL FUELS**

Act 690 (HB2706) - The act provides that for purposes of taxation, alternative motor fuels made from cooking oils are not motor fuels, distillate special fuels, or liquefied gas special fuels.

### **EQUINE IDENTIFICATION SYSTEM**

Act 1585 (SB988) - The act requires the Arkansas Livestock and Poultry Commission to develop rules establishing the criteria and training requirements for voluntary embedding or injecting a chip for the purpose of animal identification. The commission is required to establish a fine for failure to obtain proper certification prior to embedding or injecting a chip for the purpose of equine animal identification.

### **FERTILIZER PREEMPTION ACT, UNIFORM STATE**

Act 678 (HB2368) - The act creates the Uniform State Fertilizer Preemption Act to prohibit cities and counties from enacting ordinances to regulate fertilizers.

### **LAND SURVEY, DIVISION OF**

Act 752 (HB2628) - The act transfers the Division of Land Survey in the Office of Commissioner of State Lands to the Arkansas Agriculture Department. The act becomes effective on July 1, 2007.

### **LIVESTOCK SHOW, STATE**

Act 130 (SB201) - The act clarifies the land that can be leased between the State of Arkansas and the Arkansas Livestock Show Association and between the Arkansas Livestock Show Association and the Arkansas Building Authority.

### **MILK STABILIZATION BOARD, ARKANSAS**

Act 754 (HB2390) - The act creates the Arkansas Milk Stabilization Board. The act became effective on April 2, 2007.

### **POULTRY LITTER TRANSPORTATION**

Act 532 (HB1318) - The act creates the Surplus Nutrient Removal Incentives Act and provides for economic development incentives for poultry litter transportation out of nutrient surplus areas. The act became effective March 28, 2007.

### **RICE, OFFICIAL STATE GRAIN**

Act 513 (HB2434) - The act designates rice as the official grain of the State of Arkansas.

## **AGRICULTURE**

### **VALUATION PROCESS OF AGRICULTURAL, PASTURE, AND TIMBER LAND**

Act 994 (HB2420) - The act requires the Assessment Coordination Department to develop valuation tables, formulas reflecting productivity valuation, and capitalization rates for use by county assessors for assessing land.

### **WINERY LICENSES**

Act 668 (HB1651) - The act creates small farm winery licenses allowing wineries producing under two hundred fifty thousand gallons (250,000 gals.) per year to produce wine, sell wine at the winery and to wholesalers and retailers. The act repeals Arkansas law concerning native wines. The act become effective March 29, 2007.

### **YOUNG AND BEGINNING FARMER ADVISORY BOARD, ARKANSAS**

#### ***Membership and Meetings***

Act 672 (HB1783) - The act revises the membership and meeting times of the Arkansas Young and Beginning Farmer Advisory Board.

#### ***Representation on Arkansas Agriculture Board***

Act 469 (HB1782) - The act adds a representative of the Arkansas Young and Beginning Farmer Advisory Board to the Arkansas Agriculture Board.

## **ALCOHOLIC BEVERAGES**

### **ALCOHOLIC BEVERAGE PERMITS**

Act 457 (HB2604) - The act provides that a holder of a retail liquor permit who is located in a city having a population of fewer than six hundred (600) persons and in a county having a population of fewer than sixteen thousand (16,000) persons and located within three (3) miles of a river that serves as a common boundary between that county and another state may sell food on the licensed premises for off-premises consumption.

Act 735 (HB1500) - The act provides that an applicant for a permit from the Alcoholic Beverage Control Division shall cause a notice of that fact to be published in a legal newspaper for four (4) weeks and shall post a notice on the premises printed in black lettering on a yellow background and at least eleven inches (11") by seventeen inches (17") in size.

### **ALCOHOLIC BEVERAGE SUNDAY SALES**

Act 1017 (HB2754) - The act provides that a large attendance facility in which pari-mutual wagering has been authorized and which has a valid and current license or permit to sell alcoholic beverages for consumption on its premises may sell alcoholic beverages on Sundays between the hours of 12:00 a.m. and 2:00 a.m. and on Sundays between the hours of 12:00 noon and 2:00 a.m. on the following Monday in addition to other times authorized by law for selling alcoholic beverages for consumption on the premises. The act became effective on April 3, 2007.

### **BEER ADVERTISING**

Act 642 (HB2448) - The act permits Arkansas-licensed beer wholesalers to pay for advertising devices at certain large attendance facilities.

### **BEER AND MALT BEVERAGE TAX REBATE**

Act 1203 (HB2564) - The act provides that certain manufacturers of beer and malt beverages are eligible for a tax rebate. The act became effective on April 4, 2007.

### **BEER KEGS**

Act 254 (HB1442) - The act amends the registration requirements for beer kegs sold for off-premises consumption.

### **BEER TAX**

Act 869 (SB1004) - The act levies a special alcoholic beverage excise tax of one percent (1%) on the retail sales of beer beginning July 1, 2007. The act became effective on April 3, 2007.

## **ALCOHOLIC BEVERAGES**

### **LIQUOR TRANSPORTATION EXCISE TAX**

Act 666 (HB1518) - The act allows civil penalties to be administered by the Arkansas Department of Finance and Administration for persons who buy liquor out of state and fail to pay the excise tax when the liquor is transported and sold or consumed in this state.

### **MANUFACTURE OR SALE OF LIQUORS**

Act 653 (HB2601) - The act repeals Arkansas Code § 3-2-102, which prevents the Governor from pardoning any person convicted of violating laws against the unlawful manufacture or sale of liquors.

### **WINE, BEER, AND SPIRITS SAMPLING PERMITS**

Act 455 (HB2397) - The act authorizes the Director of the Alcoholic Beverage Control Division to issue annual sampling permits for wine, beer, or spirits or a combination of sampling permits and sets the serving limits for tasting events.

### **WINERY LICENSES**

Act 668 (HB1651) - The act creates small farm winery licenses allowing wineries producing under two hundred fifty thousand gallons (250,000 gals.) per year to produce wine, sell wine at the winery and to wholesalers and retailers. The act repeals Arkansas law concerning native wines. The act became effective March 29, 2007.

## **BOARDS AND COMMISSIONS**

### **ABSTRACTERS' BOARD OF EXAMINERS**

Act 1042 (SB779) - The act abolishes the Abstracters' Board of Examiners and transfers its powers and duties to the Arkansas Abstracters' Board.

### **AGRICULTURE BOARD, ARKANSAS**

Act 469 (HB1782) - The act adds a representative of the Arkansas Young and Beginning Farmer Advisory Board to the Arkansas Agriculture Board.

### **BLACK HISTORY COMMISSION OF ARKANSAS**

Act 1601 (HB2676) - The act creates the Black History Commission of Arkansas to assist the Arkansas History Commission. The Commissioner of Education is to cooperate with the Black History Commission of Arkansas to develop the materials for a program of historical contributions by the black race in Arkansas for inclusion in the curriculum segment of Arkansas history.

### **BURIAL ASSOCIATION BOARD**

Act 583 (SB275) - The act amends the documents and information required to be filed with the Burial Association Board when applying for a certificate of authority by removing the requirement that a surety bond of five thousand dollars (\$5,000) be filed with the board.

### **CHILD ABUSE/RAPE/DOMESTIC VIOLENCE COMMISSION, ARKANSAS**

#### ***Domestic Peace Fund***

Act 730 (SB975) - The act reallocates the portion of bail bond fees not needed to fund the personal services and operating expenses of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board to the Domestic Peace Fund administered by the Arkansas Child Abuse/Rape/Domestic Violence Commission.

#### ***Spousal Abuse Safety Plans***

Act 1414 (HB2559) - The act creates the Spousal Abuse Safety Plan Act for education and training on the prevention of and intervention in spousal abuse. Under the act, the Arkansas Child Abuse/Rape/Domestic Violence Commission, in consultation with experts on spousal abuse prevention and intervention, shall develop educational material and training material to address spousal abuse issues.

## **BOARDS AND COMMISSIONS**

### **CIVIL WAR SESQUICENTENNIAL COMMISSION, ARKANSAS**

Act 635 (HB2369) - The act creates the Arkansas Civil War Sesquicentennial Commission.

### **CLOSING THE ACHIEVEMENT GAP COMMISSION**

Act 1002 (HB2514) - The act amends certain provisions concerning the Closing the Achievement Gap Commission, including its membership, diversity, commissioners' terms of office, training, resources, powers, and duties.

### **CMRS EMERGENCY TELEPHONE SERVICES BOARD**

Act 582 (SB236) - The act changes the name of the CMRS Emergency Telephone Service Board to the "Arkansas Emergency Telephone Services Board". The act also increases the service charge on commercial radio service and applies the service charge to wireless telephone service. The act became effective on March 28, 2007.

### **CODE REVISION COMMISSION**

Act 436 (SB821) - The act requires the Code Revision Commission to prepare initial drafts of corrective legislation no later than April 1 of the next calendar year following the adjournment of each session.

### **COSMETOLOGY, STATE BOARD OF**

Act 244 (HB1368) - The act changes the composition and requirements of the State Board of Cosmetology. The act became effective on March 9, 2007.

### **COUNTY BOARD OF ELECTION COMMISSIONERS**

Act 222 (SB224) - The act amends various Arkansas election laws, including provisions concerning political practices pledges, county committee members, the duties of the county board of election commissioners, and information to be posted at polling sites.

### **EDUCATION, STATE BOARD OF**

Act 344 (HB1563) - The act clarifies the membership requirements for the State Board of Education.

### **ELECTION COMMISSIONERS, STATE BOARD OF**

Act 559 (HB2359) - The act amends various provisions of Arkansas law concerning the State Board of Election Commissioners, including revising information required to be submitted to the board by the county boards of election commissioners and removing the board's authority to appoint third members of the county boards of election commissioners and certify candidate names and titles.

### **ELEVATOR SAFETY BOARD**

Act 1000 (HB2493) - The act adds a member to the Elevator Safety Board to be appointed by the Governor.

### **ETHICS COMMISSION, ARKANSAS**

Act 221 (SB59) - The act revises various laws pertaining to the Arkansas Ethics Commission, including increasing the amount of fines the commission may impose, amending the particulars of certain reports to be filed with the commission, and requiring all out-of-state political action committees to designate resident agents who reside in the state.

### **EYE AND VISION CARE OF SCHOOL-AGE CHILDREN, ARKANSAS COMMISSION ON**

Act 138 (HB1196) - The act continues the Arkansas Commission on Eye and Vision Care of School Age Children and creates the School-Age Children Eye and Vision Care Fund. The act became effective January 30, 2007.

### **FAIR HOUSING COMMISSION, ARKANSAS**

Act 178 (SB171) - The act changes the meeting requirements of the Arkansas Fair Housing Commission from once per month to at least quarterly.

## **BOARDS AND COMMISSIONS**

### **FIRE AND POLICE PENSION REVIEW BOARD, ARKANSAS**

Act 73 (HB1234) - The act makes technical corrections to several statutes concerning the operation of the Arkansas Fire and Police Pension Review Board.

### **FIRE PREVENTION COMMISSION, STATE**

Act 708 (SB402) - The act modifies the membership of the State Fire Prevention Commission.

### **GEOLOGICAL COMMISSION, ARKANSAS**

Act 129 (SB198) - The Arkansas Geological Commission is renamed the Arkansas Geological Survey.

### **HEARING INSTRUMENT DISPENSERS, ARKANSAS BOARD OF**

Act 428 (SB404) - The act clarifies the licensure and internship process for the Arkansas Board of Hearing Instrument Dispensers and increases fees for hearing instrument dispenser licenses.

### **LAW ENFORCEMENT STANDARDS AND TRAINING, ARKANSAS COMMISSION ON**

Act 841 (HB2302) - The act sets training requirements for a constable to carry a firearm and standards for constable uniforms and motor vehicles used by constables. The Arkansas Commission on Law Enforcement Standards and Training is required to develop the constable training program. The act also authorizes the Arkansas Crime Information Center to permit a constable to have access to the center's information if the constable has completed required training.

### **LIQUIFIED PETROLEUM GAS BOARD**

Act 733 (SB994) - The act modifies the composition of the Liquified Petroleum Gas Board, authorizes the board to issue permits that may be statewide, and increases the fees for various permits.

### **MEDICAL BOARD, ARKANSAS STATE**

Act 655 (HB2678) - The act transfers regulatory authority over radiologist assistants and radiology practitioner assistants to the Arkansas State Medical Board.

### **MEDICAL PROFESSIONS**

Act 123 (HB1323) - The act allows the Arkansas State Medical Board, the Arkansas State Board of Dental Examiners, or the Arkansas State Board of Optometry to discipline a licensee of the respective board if the licensee has been found in violation of a statute or regulation governing the respective profession in another state.

### **MILK STABILIZATION BOARD, ARKANSAS**

Act 754 (HB2390) - The act creates the Arkansas Milk Stabilization Board. The act became effective on April 2, 2007.

### **NATURAL RESOURCES COMMISSION, ARKANSAS**

Act 691 (HB2707) - The act modifies the duties of the Arkansas Natural Resources Commission in regard to protection of water service areas and gives the state more options concerning borrowers of water loans.

### **NEWBORN UMBILICAL CORD BLOOD BANK INITIATIVE, ARKANSAS COMMISSION FOR THE**

Act 695 (HB2416) - The act creates the Arkansas Commission for the Newborn Umbilical Cord Blood Bank Initiative to provide for the use of postnatal tissue and fluid for improved and expanded stem cell research.

### **NURSING, ARKANSAS STATE BOARD OF**

Act 205 (HB1434) - The act allows licensed psychiatric technician nurses to be members of the Arkansas State Board of Nursing and removes obsolete, temporary language.



## **BOARDS AND COMMISSIONS**

### **NURSING, ARKANSAS STATE BOARD OF**

Act 206 (HB1435) - The act revises the qualifications for licensure as a medication assistive person, makes misconduct by medication assistive persons a misdemeanor, and adds a nursing teacher to the Medication Assistive Person Advisory Committee.

### **ORTHOTICS, PROSTHETICS, PEDORTHICS**

Act 174 (HB1229) - The act creates the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board and oversight procedures for the practice of orthotics, prosthetics, and pedorthics.

### **PHARMACY, ARKANSAS STATE BOARD OF**

#### ***Internet Pharmacies***

Act 128 (SB189) - The act prohibits Internet sales into Arkansas of prescription drugs if the patient has not actually consulted a prescribing practitioner and authorizes the Arkansas State Board of Pharmacy to regulate Internet prescription drug sales. The act became effective on February 21, 2007.

#### ***Pharmacy Technicians in Charitable Clinics***

Act 435 (SB800) - The act allows the Arkansas State Board of Pharmacy to waive permit fees for pharmacy technicians working as volunteers in charitable clinics.

### **PROFESSIONAL ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR**

Act 1051 (SB900) - The act directs the State Surveyor to receive and refer any complaint against a surveyor to the State Board of Registration for Professional Engineers and Land Surveyors and to participate in the review of a survey if requested by the board.

### **PROFESSIONAL LICENSURE STANDARDS BOARD**

Act 846 (HB2792) - The act repeals the Professional Education, Development, Licensure, and Assessment Board, and creates the Professional Licensure Standards Board.

### **PUBLIC SERVICE COMMISSION, ARKANSAS**

#### ***Major Electric Transmission Facility***

Act 658 (HB2697) - The act prohibits the construction of a major electric transmission facility within a national interest electric transmission corridor until the Arkansas Public Service Commission issues a certificate of environmental compatibility and public need. The act also confers eminent domain power on any entity granting the certificate for the construction of the major electric transmission facility. The act became effective on March 28, 2007.

#### ***Net Metering***

Act 1026 (HB2334) - Effective January 1, 2008, the Arkansas Public Service Commission shall require each electric utility to credit a net-metering customer with any accumulated net excess generation until the close of the utility's annual billing cycle at which time any net excess generation credit expires. Under this act, any renewable energy credit created as the result of electricity supplied by a net-metering customer is the property of the net-metering customer that generated the renewable credit.

#### ***Renewable Energy Resources***

Act 755 (HB2812) - The act authorizes the Arkansas Public Service Commission to require a regulated electric public utility to consider renewable energy resources as part of its resource plan. If the commission approves the renewable energy resource, it may allow the utility to implement a surcharge to recover a portion of the cost of that resource.

## **BOARDS AND COMMISSIONS**

### **PUBLIC SERVICE COMMISSION, ARKANSAS**

#### ***Retention of Attorneys and Consultants***

Act 647 (HB2543) - The act allows the Arkansas Public Service Commission to retain attorneys and consultants in federal proceedings and to recover the costs of retaining those persons from the affected public utility if it is an electric public utility owned by a public holding company. In that event, the electric public utility may surcharge its customers to recover any costs paid by the utility to the commission. The act became effective on March 28, 2007.

### **RACING COMMISSION, ARKANSAS**

Act 856 (SB588) - The act permits the Arkansas Racing Commission to set license fees and conduct criminal background checks on license applicants and employees. The act became effective on April 3, 2007.

### **RESIDENTIAL BUILDING CONTRACTORS COMMITTEE**

Act 84 (HB1287) - The act provides a maximum of three (3) three-year terms for members of the Residential Building Contractors Committee.

### **SANITATION AUTHORITIES**

Act 595 (SB812) - The act increases the per diem allowance to one hundred fifty dollars (\$150) for attending each meeting of the board of directors of a sanitation authority unless the board sets a different per diem allowance by board resolution.

### **SENATE CONFIRMATION OF APPOINTEES**

Act 151 (SB10) - The act requires the Governor to submit to the Senate within 30 days after the convening of the General Assembly regular or special session the names of appointees to boards and commissions that are subject to Senate confirmation. The act became effective on February 28, 2007.

### **SOLID WASTE MANAGEMENT BOARDS**

Act 209 (HB1449) - The act places regulation of regional solid waste management boards under the Director of the Arkansas Department of Environmental Quality and requires that regional solid waste management boards both adopt and follow purchasing rules.

### **STIPENDS**

Act 67 (HB1007) - The act provides that stipends shall be awarded to members of certain state boards per day for each meeting, examination, evaluation, or inspection attended or for any days while performing proper business and includes the State Athletic Commission and the Arkansas Community Assistance Commission among the covered boards.

### **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES OVERSIGHT BOARD**

Act 514 (SB996) - The act creates the Temporary Assistance For Needy Families Oversight Board and amends the law regarding public assistance. The act became effective on March 27, 2007.

### **TOWING AND RECOVERY BOARD, ARKANSAS**

Act 607 (SB967) - The act authorizes the Arkansas Towing and Recovery Board to promulgate rules that permit towing vehicles licensed by another state to operate in this state.

### **YOUNG AND BEGINNING FARMER ADVISORY BOARD, ARKANSAS**

#### ***Membership and Meetings***

Act 672 (HB1783) - The act to revise the membership and meeting times of the Arkansas Young and Beginning Farmer Advisory Board.

#### ***Representation on Arkansas Agriculture Board***

Act 469 (HB1782) - The act adds a representative of the Arkansas Young and Beginning Farmer Advisory Board to the Arkansas Agriculture Board.

## **CHILDREN**

### **ABUSE OF RELATIONSHIP OF SUPERVISION AND TRUST**

Act 531 (HB1311) - Under this act, it is an offense of sexual indecency with a child if a person over eighteen (18) years of age for his or her own sexual gratification or for another person's sexual gratification exposes his or her sex organs or causes a child to expose his or her sex organs and the person is employed as a correctional employee or jail employee for the child's facility, a professional in a position of trust to the child, or the child's guardian.

### **ABUSED AND NEGLECTED CHILDREN, ARKANSAS LEGISLATIVE TASK FORCE ON**

Act 703 (SB303) - The act implements the findings of the Arkansas Legislative Task Force on Abused and Neglected Children; enhances the confidentiality of items that depict the sexual exploitation of a child by classifying them as contraband; requires the Department of Arkansas State Police to investigate all cases of severe child maltreatment; creates child safety centers; improves the operations of the abuse and neglect hot line; and improves enforcement of child abuse and neglect law.

Act 1035 (SB293) - The act amends the composition of the Arkansas Legislative Task Force on Abused and Neglected Children to add the following: four (4) members to be appointed by the Governor; the Chief Counsel of the Department of Health and Human Services or his or her designee; and a representative or employee of a child advocacy center. The act also modifies the reimbursement allowance for legislative members of the task force and allows the task force to use study expenses for the calling of expert witnesses to testify if the expenditure is approved by the Legislative Council. The act ends the task force on December 31, 2008.

### **ADOPTIONS**

Act 539 (HB1485) - The act amends the Revised Uniform Adoption Act, Arkansas Code § 9-9-201 et seq., and the streamline adoption law to allow the court to issue a final decree of adoption after a child's death upon request of an adoptive parent and to require a home study to include a national fingerprint-based criminal background check of the adoptive parent and all household members sixteen (16) years of age or older. The act clarifies the application for a new birth record for an adopted child and clarifies procedures for streamlined adoptions by the Department of Health and Human Services.

### **BATTERY IN THE FIRST DEGREE**

Act 622 (HB2257) - The act increases the penalty classification for battery in the first degree from a Class B felony to a Class Y felony if a person knowingly causes serious physical injury to any person four (4) years of age or younger under circumstances manifesting extreme indifference to the value of human life.

### **BEHAVIORAL HEALTH CARE SERVICES**

Act 1593 (HB2358) - The act establishes a system of behavioral health care services for children and youth.

### **CHILD CARE FACILITIES EMERGENCY PREPAREDNESS**

Act 816 (HB2211) - The act requires the Division of Child Care and the Early Childhood Education of the Department of Health and Human Services and the Arkansas Department of Emergency Management to create a statewide emergency preparedness system for child care facilities.

## **CHILDREN**

### **CHILD MALTREATMENT**

#### ***Child Maltreatment Hearings***

Act 161 (HB1288) - The act requires the Department of Health and Human Services to provide the hearing officer in a child maltreatment hearing and the respondent with notice of the final status of any juvenile division of circuit court proceeding involving the victim if the child maltreatment at issue in the administrative hearing proceeding is also an issue in the juvenile division of circuit court proceeding.

#### ***Child Maltreatment Reporting***

Act 284 (SB331) - The act makes various amendments to the Arkansas Child Maltreatment Act, including making changes to the definition of "neglect" to include the presence of an illegal substance in a mother's fluids or bodily substances and adding social workers in a hospital to the list of mandatory reporters of neglect.

#### ***Child Maltreatment Reporting and Investigations***

Act 586 (SB369) - The act amends the Arkansas Child Maltreatment Act, Arkansas Code § 12-12-501 et seq., to improve the safety of children by clarifying the definition of sexual abuse; requiring a mandated reporter who made notification of child maltreatment to be notified as to whether an investigation has been conducted and whether services were offered related to the notification; adding an employee of a child advocacy center to the list of mandated reporters of child maltreatment; and focusing child maltreatment investigations on whether the alleged offender has access to the child and whether the child is at risk.

### **CHILD PLACEMENT**

Act 372 (HB2239) - The act makes various changes to the interstate compact regarding the placement of children, adds the definition of "home study" relating to an investigation placement, and requires extended compliance with the compact for guardianships.

### **CHILD WELFARE AGENCY LICENSING ACT**

Act 634 (HB2357) - The act makes various changes to the Child Welfare Agency Licensing Act.

### **CUSTODY AND VISITATION**

Act 301 (HB1345) - The act adds a provision to the child custody and visitation law to require a court to consider a temporary modification of custody or visitation, instead of a permanent modification, if one (1) of the parents is a member of the armed forces who has been called to active duty or received orders for duty that is outside the state or country. The act became effective on March 16, 2007.

### **FOSTER CHILD'S DRIVER'S LICENSE**

Act 216 (SB247) - The act allows the Director of the Division of Children and Family Services of the Department of Health and Human Services to authorize an employee of the department or the foster parent to sign the driver's license application for a child under eighteen (18) years of age who is in the custody of the department. The act also prohibits an authorized department employee or authorized foster parent from being held liable for the child's negligence or willful misconduct when driving a motor vehicle.

### **FOSTER PARENT SUPPORT ACT**

Act 725 (SB955) - The act creates a system of social services to support and aid foster parents.

### **INTERNET STALKING OF A CHILD**

Act 38 (HB1013) - The act increases the penalty classification for Internet stalking of a child from a Class C felony to a Class B felony if a person attempts to arrange a meeting with a child fifteen (15) years of age or younger, or an individual that the person believes to be fifteen (15) years of age or younger, even if a meeting with the child or individual never takes place. The act became effective on January 30, 2007.

## **CHILDREN**

### **JUVENILE ASSESSMENT AND TREATMENT CENTER, ARKANSAS**

Act 855 (SB569) - The act renames the Alexander Youth Services Center as the Arkansas Juvenile Assessment and Treatment Center.

### **JUVENILE JUSTICE SYSTEM**

#### ***Educational Outcomes for Committed Juveniles***

Act 643 (HB2490) - The act requests that the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth study the juvenile justice system regarding the educational outcomes of juveniles who have been committed to the Division of Youth Services of the Department of Health and Human Services or who are otherwise being detained in juvenile detention centers.

#### ***Juvenile Code***

Act 587 (SB370) - The act amends provisions of the Arkansas Juvenile Code of 1989, Arkansas Code § 9-27-301 et seq., including the right of a foster child to continuity of educational services, definitions, and procedural issues related to jurisdiction, venue, and hearings. The act also amends provisions related to dependency-neglect proceedings regarding confidentiality, dispositions, termination of parental rights, emergency orders, and hearings. The act amends provisions related to juvenile delinquency proceedings and families in need of services. The act clarifies the payment procedure for attorneys who represent indigent parents or guardians in dependency-neglect cases.

#### ***Juvenile Court Jurisdiction***

Act 257 (HB1475) - The act amends the jurisdiction of juvenile courts to ensure that a felony or misdemeanor that is committed by a juvenile before the juvenile is eighteen (18) years of age may be prosecuted in the juvenile division of circuit court when the juvenile is eighteen (18) years of age or older. The act became effective on March 9, 2007.

#### ***Protection of Juvenile Health Records***

Act 742 (HB2248) - The act provides protection against the release of confidential juvenile health records and information compiled and received by a juvenile detention facility or a community-based provider for the Division of Youth Services of the Department of Health and Human Services. The act provides numerous exceptions for the released health-related documents.

### **SUBSIDIZED GUARDIANSHIPS**

Act 621 (HB2256) - The act, known as the "Arkansas Subsidized Guardianship Act", creates a program for subsidizing guardianships for children through the Department of Health and Human Services.

## **CITIES AND COUNTIES**

### **ABANDONED VEHICLES**

Act 100 (HB1182) - The act gives municipal code enforcement officers the power to tag unattended or abandoned vehicles on a public way.

## **CITIES AND COUNTIES**

### **ADULT-ORIENTED BUSINESSES**

Act 387 (HB1536) - The act provides that an adult-oriented business shall not be located within one thousand feet (1,000 ft.) of a child care facility, park, place of worship, playground, public library, recreational area or facility, residence, school, or walking trail. The act authorizes a civil action and criminal penalties for a violation of the location limitation.

### **ADVERTISING AND PROMOTION COMMISSION**

Act 390 (HB1789) - The act authorizes advertising and promotion commissions to purchase and own property.

Act 464 (HB1586) - The act modifies the law related to the advertising and promotion taxes levied by cities of the first class with a population of fewer than five thousand (5,000) to ensure that the taxes are levied and collected on all entities that provide lodging and sales by retail businesses. The act also amends the composition of the advertising and promotion commissions created under this act to ensure adequate representation. Procedures for filling the vacancies that occur on these cities' advertising and promotions commissions are also added to clarify current law.

### **ALDERMEN**

Act 188 (HB1499) - The act changes the municipal population requirement to twenty thousand (20,000) or more to give more cities the authority to fill vacancies in certain alderman positions.

Act 601 (SB872) - The act provides that a city alderman may take his or her oath before the mayor of the municipality.

### **CEMETERIES**

Act 430 (SB637) - The act permits a city or county to enter into an agreement with the Arkansas Cemetery Board to create a partnership to manage, operate, maintain, and preserve insolvent licensed perpetual care cemeteries. The act became effective on March 22, 2007.

### **CITY CLERK AND CITY TREASURER FINANCIAL REPORTS**

Act 71 (HB1183) - The act clarifies that in cities of the first class the city clerk, the city clerk-treasurer, or the city treasurer, as the case may be, shall be required to submit financial reports.

### **CITY MANAGER FORM OF GOVERNMENT**

Act 689 (HB2658) - The act authorizes and prescribes the procedure for an election in a municipality with a city manager form of government to increase the authority of the mayor. The act became effective on March 29, 2007.

Act 729 (SB972) - The act states under what conditions a reorganization of a city manager form of government shall be effective and removes population restrictions. The act allows the board of directors in a city manager form of government to provide by ordinance that the duties of the city manager will be performed at the direction of the mayor. The act became effective on March 30, 2007.

### **COMPETITIVE BIDDING**

Act 13 (HB1093) - The act adds used steel to the statute that exempts certain county purchases from competitive bidding procedures.

### **COUNTY ADMINISTRATION**

Act 75 (HB1302) - The act permits a county to issue checks in duplicate form.

Act 126 (SB108) - The act limits a county's authority to regulate unsanitary conditions on a parcel of land larger than ten (10) acres that is not visible from a public road or highway.

## **CITIES AND COUNTIES**

### **COUNTY APPEALS**

Act 565 (HB2452) - The act allows a county quorum court to act as a board of administrative appeal from a decision of the county planning board except in regard to roads. The act also allows a county quorum court to act as a board of administrative appeal from a decision of the board of zoning adjustment except in regard to roads.

### **COUNTY ASSESSOR CONTINUING EDUCATION**

Act 259 (HB1492) - The act increases the amount of funding for a county assessor's continuing education to six hundred dollars (\$600) per year.

### **COUNTY CLERK DELIVERY OF WILL**

Act 652 (HB2581) - The act provides that the county clerk shall, upon the testator's death, deliver the will to the person named in the endorsement on the wrapper of the will if that person requests the will either in person or in writing.

### **COUNTY CLERK FUNDS**

Act 745 (HB2323) - The act redirects marriage license fees collected by county clerks into the county clerk's cost fund.

### **COUNTY HOSPITALS**

Act 561 (HB2382) - The act simplifies the process for operating county hospitals by allowing the board of governors to expire when a county leases the county's hospital.

### **COUNTY JAILS**

Act 117 (HB1022) - The act provides that a person convicted of a felony or Class A misdemeanor shall be assessed a booking and administration fee of twenty dollars (\$20.00) to be used exclusively for the maintenance, operation, and capital expenditures of a county jail or regional detention facility. The act became effective on February 16, 2007.

### **COUNTY PURCHASING**

Act 249 (HB1407) - The act increases the purchase amount triggering certain purchasing procedures by a county to twenty thousand dollars (\$20,000).

### **COUNTY REGULATION OF UNSANITARY CONDITIONS**

Act 250 (HB1413) - The act clarifies the statute concerning regulation of unsanitary conditions by counties.

### **COUNTY ROAD SPEED LIMITS AND TRAFFIC-CONTROL DEVICES**

Act 667 (HB1579) - The act clarifies the authority of county judges to establish speed limits on county roads within the jurisdictional boundaries of his or her county and requires a traffic-control device that is erected on a county road to conform to the uniform manual on traffic-control devices adopted by the State Highway Commission.

### **COUNTY TREASURER AND COLLECTOR CONTINUING EDUCATION**

Act 246 (HB1378) - The act increases county treasurer and county collector continuing education funds.

## **COURTS**

### ***Court Records***

Act 627 (HB2319) - Under existing law, counties are required to maintain circuit court records in accordance with a retention schedule. The act requires towns, cities, and counties to maintain records for district courts and city courts in accordance with a retention schedule.

### ***District and City Courts***

Act 663 (SB235) - The act creates the District Court Resource Assessment Board to make recommendations concerning district court judgeships to the General Assembly. Effective January 1, 2008, the act creates certain pilot state district courts. Effective January 1, 2012, the act consolidates city courts with district courts unless the city court has been abolished by a town or city ordinance.

## **CITIES AND COUNTIES**

### **COURTS**

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

Act 17 (HB1043) - The act allows a quorum court to appropriate up to one hundred percent (100%) of anticipated annual revenues from a dedicated sales and use tax.

Act 144 (SB187) - The act gives quorum courts the ability to pass ordinances concerning private communities.

### **CROSS COUNTY**

Act 383 (HB2276) - The act requires the Cross County office of sheriff and tax collection to be separated by January 1, 2009. The electors of Cross County are required to elect a sheriff and a tax collector during the 2008 general election.

### **DEPUTY TREASURERS**

Act 122 (HB1320) - The act modernizes the procedure for appointment of a deputy treasurer to require that the appointment be in writing, signed by the county treasurer, and recorded in the county recorder's office.

### **DISPOSAL OF OBSOLETE MUNICIPAL PROPERTY**

Act 661 (HB2793) - The act gives municipalities several options for disposal of obsolete municipal property.

### **EMPLOYEE VACANCIES IN PUBLIC OFFICE**

Act 62 (HB1177) - The act clarifies the procedure for filling a vacancy in the office of recorder, treasurer, or recorder-treasurer in a city of the second class.

### **EQUALIZATION BOARDS**

Act 12 (HB1086) - The act allows a mayor to designate a voting representative for the mayor to attend the county equalization board selection meeting.

### **FEES AND TAXES**

#### ***Admission Tickets***

Act 657 (HB2692) - The act gives counties the same tax benefits as municipalities when selling admission tickets to certain events.

#### ***Collection of Delinquent Taxes***

Act 553 (HB2267) - The act adds county tax collectors or treasurers to the statute that provides for the collection of delinquent taxes through a setoff against a state tax refund.

#### ***Development Impact Fees***

Act 310 (SB298) - The act clarifies the definition of "development impact fee" to include any fee or charge imposed by a municipality or municipal service agency related to the use and occupancy of a development.

#### ***Recording Fees***

Act 615 (HB1299) - The act increases the fees charged by county recorders for recording certain instruments, requires the transfer of any funds held in the county recorder's cost fund in excess of one million dollars (\$1,000,000) to the county general fund, and establishes the Automated Records Systems Fund and Automated Record Systems Fund Committee to administer the Automated Records Systems Fund.

#### ***Telephone Company Franchise Fees***

Act 477 (HB1657) - The act authorizes cities and towns to collect an additional franchise fee from telephone companies.

#### ***Valuation Process of Agricultural, Pasture, And Timber Land***

Act 994 (HB2420) - The act requires the Assessment Coordination Department to develop valuation tables, formulas reflecting productivity valuation, and capitalization rates for use by county assessors for assessing land.

### **FERTILIZER ORDINANCES PROHIBITED**

Act 678 (HB2368) - The act creates the Uniform State Fertilizer Preemption Act to prohibit cities and counties from enacting ordinances to regulate fertilizers.



## **CITIES AND COUNTIES**

### **INDUSTRIAL REVENUE BONDS**

Act 644 (HB2492) - The act requires a municipality to make a one-time publication of a copy of the municipal ordinance authorizing the issuance of industrial revenue bonds in a newspaper of general circulation in the municipality. The act became effective on March 28, 2007.

### **LIENS FOR PROPERTY CLEANUP**

Act 854 (SB372) - The act provides cities and towns with the ability to secure a clean-up lien on property after work has been undertaken to remove, abate, or eliminate a condition in violation of local codes.

### **LITTER CONTROL ACT**

Act 377 (HB1180) - The act gives municipal code enforcement officers the power to enforce laws governing discarded items on public and private property.

### **LOCAL GOVERNMENT BONDS**

Act 603 (SB902) - The act prescribes circumstances in which indentures are not required to be published. The act also allows a city or county legislative body to levy a local sales and use tax in an amount that is a combination of any amount previously allowed by statute to retire bonds.

### **MUNICIPAL ANNEXATION**

Act 150 (HB1450) - The act modifies annexation law to include situations in which property lies on a state boundary line.

### **MUNICIPAL ELECTIONS**

Act 149 (HB1447) - The act changes the filing period for independent candidates to not more than eighty (80) days nor less than sixty (60) days prior to the general election.

Act 234 (SB287) - The act clarifies the procedure for special elections for mayor or director vacancies in municipalities with a city administrator form of government.

Act 580 (SB204) - The act extends the filing period to become a candidate for mayor or director in a city with the city administrator form of government, providing that the filing shall be made not less than sixty (60) nor more than eighty (80) days prior to the primary election.

### **MUNICIPAL ELECTRIC UTILITY SURPLUS REVENUE**

Act 1609 (HB2308) - The act allows a municipal electric utility to use surplus revenues from the operation of a municipal electric utility to provide assistance to low-income customers of the utility under certain circumstances. The act became effective on April 10, 2007.

### **MUNICIPAL IMPROVEMENT DISTRICTS**

#### ***Quarterly Financial Reports***

Act 132 (SB212) - The act requires quarterly financial reports to be prepared by municipal improvement districts.

#### ***Treasurer Duties***

Act 131 (SB211) - The act clarifies that a treasurer of a municipal improvement district shall pay out moneys upon order of the board and approval by the chair.

### **MUNICIPAL INCORPORATION**

Act 118 (HB1179) - The act clarifies the portions of territory that can be approved for incorporation as a municipality.

### **MUNICIPAL OFFICERS AND EMPLOYEES**

#### ***Public Employees' Retirement System, Arkansas***

Act 299 (HB1242) - The acts adds suburban improvement districts to the definition of "participating public employer".

## **CITIES AND COUNTIES**

### **MUNICIPAL OFFICERS AND EMPLOYEES**

#### ***Retiree Cost-Of-Living Adjustments***

Act 293 (HB1085) - The act allows for cost-of-living adjustments for mayors, city clerk-treasurers, recorder-treasurers, and treasurers in cities of the first class and cities of the second class who retire under state-authorized local plans under certain circumstances.

#### ***Retirement and Death Benefits***

Act 158 (HB1085) - The act allows death benefits to be granted at the option of the municipality's governing body to a spouse upon the death of a city clerk, clerk-treasurer, recorder-treasurer, or treasurer in cities of the first class and cities of the second class who retired or is eligible to retire from the position.

### **MUNICIPAL POLICE**

#### ***Police Department Personnel***

Act 137 (HB1176) - The act allows municipal police department personnel to issue traffic citations at an accident scene.

#### ***Property Exchange***

Act 433 (SB766) - The act allows a municipal police department to exchange real or personal property with another municipal police department.

#### ***Public Employees' Retirement System, Arkansas***

Act 290 (HB1023) - The act provides that Arkansas Code § 24-10-304(b) concerning the transfer of municipal police department officers from the Arkansas Public Employees' Retirement System does not apply if an employee hired after July 1, 1997, is a member of the Arkansas Public Employees' Retirement System at the time of the hiring and continues to receive public safety credit from prior and current employment.

### **MUNICIPAL RECREATION IMPROVEMENT DISTRICTS**

Act 152 (SB188) - The act gives municipal recreation improvement districts the option of instituting a foreclosure action to attempt to collect delinquent assessments.

### **NOTIFICATION OF DEATH**

Act 594 (SB806) - The act provides that the county coroner, the chief law enforcement official of the county and municipality in which a death occurs, and the Department of Health and Human Services shall be promptly notified if a death poses a potential threat to public health or safety.

### **PAWNSHOP ORDINANCE**

Act 262 (HB1523) - The act permits a city or county to pass an ordinance to require pawnshops and pawnbrokers to submit electronic records to a centralized tracking system. The act became effective March 9, 2007.

### **POLICE AND FIRE DEPARTMENT CIVIL SERVICE RULES**

Act 743 (HB2285) - The act modifies age requirements for civil service for police and fire departments.

### **PROPERTY ASSESSMENT DATA**

Act 685 (HB2621) - The act authorizes the Assessment Coordination Department to view and obtain data from various electronic technologies available for computer-assisted mass appraisal systems.

### **RECREATION AND PLAYGROUNDS**

Act 63 (HB1178) - The act repeals the statute that prohibited state aid from being used for municipal recreational purposes.

### **SALARY SCHEDULE FOR ELECTED COUNTY OFFICERS**

Act 526 (HB1186) - The act increases the minimum and maximum compensation schedule for elected county officers.

## **CITIES AND COUNTIES**

### **SANITATION AUTHORITIES**

Act 595 (SB812) - The act increases the per diem allowance to one hundred fifty dollars (\$150) for attending each meeting of the board of directors of a sanitation authority unless the board sets a different per diem allowance by board resolution.

### **SEWAGE DISPOSAL SYSTEMS**

#### ***Advisory Committees***

Act 189 (HB1503) - The act clarifies the membership of the individual sewage disposal systems advisory committee and empowers the committee to enforce rules pertaining to individual sewage disposal systems.

#### ***Arkansas Sewage Disposal Systems Act***

Act 939 (HB1753) - The act updates the Arkansas Sewage Disposal Systems Act.

### **SOLID WASTE AND WASTEWATER DISPOSAL - BOND FINANCING**

Act 599 (SB852) - The act clarifies the procedure and requirements for advertising and holding a public hearing prior to an issuance of bonds under the Joint County and Municipal Solid Waste Disposal Act and makes technical corrections to the act. The act became effective March 28, 2007.

### **SUBDIVISION RETURN TO ACREAGE**

Act 14 (HB1122) - The act requires a county court to notify a city or an incorporated town when a subdivision plat is returned to acreage.

### **TEACHER CONTRACTS NO LONGER FILED WITH COUNTY CLERK**

Act 710 (SB772) - The act repeals the requirement that teacher contracts and licenses be filed with the county clerk and directs the county clerk, and a county treasurer who no longer acts as the school district treasurer, to appropriately destroy teacher contracts and licenses.

### **UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT**

Act 734 (HB1298) - The act adopts the Uniform Real Property Electronic Recording Act of the National Conference of Commissioners on Uniform State Laws and makes conforming changes to existing law.

### **VOLUNTEER FIRE DEPARTMENT DUES**

Act 96 (SB107) - The act requires a county quorum court to include businesses having an occupiable structure for an election to levy dues for a volunteer fire department. The existing law only required that the volunteer fire department dues be levied on residences.

### **WASTEWATER BILLING**

Act 360 (HB1607) - The act amends the procedure for the collection of delinquent municipal, county, district, or rural water or wastewater bills.

### **WATER DISTRICTS**

Act 863 (SB827) - The act changes the make-up of a water district's board of directors for water districts that contain fewer than four (4) counties.

### **WATER SYSTEMS**

#### ***Freedom Of Information Act Exemption***

Act 998 (HB2471) - The act extends a public water system's exemption from the Freedom of Information Act's public disclosure requirements until July 1, 2009. The act becomes effective on July 1, 2007.

#### ***Vulnerability Assessments***

Act 268 (HB1732) - The act creates vulnerability assessments for public water systems to assess the terroristic threat level to the state's drinking water supply. The act became effective on March 9, 2007.

## **CIVIL LAW AND PROCEDURE**

### **AFFIRMATIVE DEFENSE FOR LIQUIFIED PETROLEUM GAS PROVIDER**

Act 119 (HB1224) - The act creates an affirmative defense for a liquefied petroleum gas provider to a civil action for damage or injury caused by (1) an alteration or modification of liquefied petroleum gas equipment that makes the equipment unsafe; or (2) the end-user's misuse of liquefied petroleum gas equipment that the liquefied petroleum gas provider or manufacturer has warned against.

### **ATTORNEY'S FEES ON INSURANCE CLAIMS**

Act 687 (HB2632) - The act increases the relief available for the failure to pay bona fide loss claims by providing for an award of reasonable attorney's fees if the amount recovered for a loss under a homeowner's policy is within thirty percent (30%) of the amount demanded or which is sought in the suit.

### **CIVIL IMMUNITY**

#### ***Dentists***

Act 120 (HB1282) - The act clarifies that civil immunity that is extended to physicians and health care professionals who render voluntary health care services at free or low-cost clinics under Arkansas Code § 16-6-201 is also extended to dentists. The act became effective on February 16, 2007.

#### ***Good Samaritan Law***

Act 683 (HB2612) - The act amends Arkansas Code § 17-95-101 concerning civil immunity of persons rendering emergency medical services under the "Good Samaritan" law. Under existing law, a physician or surgeon or any other person, who, in good faith, lends emergency care or assistance without compensation must act as a reasonable and prudent person would have acted under the existing circumstances in order to be immune from civil damages. The act deletes the "reasonable and prudent person" standard and extends civil immunity to a physician or surgeon or any other person for any act or omission resulting from the rendering of emergency assistance or services unless the act or omission was not in good faith and was the result of gross negligence or willful misconduct.

#### ***Health Care Professionals***

Act 1038 (SB421) - The act amends Arkansas Code § 17-95-101 to ensure immunity from liability for health care professionals acting as Good Samaritans.

#### ***Health Care Students***

Act 837 (HB2657) - The act clarifies that civil immunity is extended to students of health care professional programs who render voluntary health care services at free or low-cost health care clinics under the supervision of licensed personnel.

### **EVICCTIONS**

Act 728 (SB971) - The act requires the deposit of rent into the registry of the court pending the determination of a forcible entry and detainer complaint or unlawful detainer complaint, makes the failure to deposit the rent grounds for issuing a writ of possession, and provides for the disposition of any rent deposited.

### **FAIR HOUSING COMMISSION, ARKANSAS**

Act 178 (SB171) - The act changes the meeting requirements of the Arkansas Fair Housing Commission from once per month to at least quarterly.

### **LIEN NOTICE**

Act 1411 (HB2459) - The act requires notice of a lien to be published if the lien is filed after August 13, 2001, and does not display the name, address, and telephone number of the lienholder and the name of the person authorized to release the lien.

## **CIVIL LAW AND PROCEDURE**

### **LIMITED LIABILITY OF LANDOWNER**

Act 677 (HB2324) - The act limits the liability of a landowner who allows the public to use his or her property for recreation.

### **MEDICAL MALPRACTICE ACTIONS**

Act 750 (HB2487) - The act provides that any self-insurance fund, pooled liability fund, or similar fund maintained by a medical care provider for the payment or indemnification of the medical care provider's liabilities for medical malpractice may be sued under the direct action statute.

### **QUIET TITLE**

Act 1037 (SB377) - The act makes various changes to quiet title statutes.

### **SCIENCE AND TECHNOLOGY AUTHORITY, ARKANSAS**

Act 988 (HB2216) - The act expressly provides that the Arkansas Science and Technology Authority and its board, employees, and agents shall be immune from civil liability for performing the duties of the authority and allows a manufacturer or other for-profit entity with which a director is affiliated to pay to the authority fees for services so long as the services are generally available to all manufacturers or other for-profit entities and are not available to the manufacturer or other for-profit entity solely due to its affiliation with a director.

## **COMMERCIAL LAW**

### **CONSTRUCTION CONTRACTS**

Act 874 (HB1387) - The act makes unlawful a clause in a construction contract that purports to hold the second party liable for the sole negligence of the first party.

### **CONSUMER PROTECTION**

#### ***Going-Out-Of-Business Sales***

Act 348 (HB1578) - The act requires a person licensed to conduct a going-out-of-business sale to display a copy of the license with the beginning and ending dates of the sale on the entrance door of the business.

#### ***Home Security Services***

Act 439 (SB910) - The act permits a provider of professional home security services and a consumer to enter into a contract with a fixed initial term and successive or automatic monthly renewal terms. The act requires contracts with a renewal clause to have a conspicuous statement informing the consumer of his or her right to terminate the contract with additional cost or penalty.

#### ***Service Contracts***

Act 656 (HB2691) - The act, known as the "Service Contracts Act", provides for the regulation of certain consumer agreements for product service and maintenance issued on or after October 1, 2007.

### **CORPORATE, FICTITIOUS, OR ASSUMED NAMES**

Act 1008 (HB2693) - The act requires the Secretary of State to provide notice to registrants of corporate, fictitious, or assumed names that the registration of the names does not grant the registrants the right to use the names in violation of a third party's trademark rights.

## **COMMERCIAL LAW**

### **CORPORATE FRANCHISE TAX REPORTS**

Act 865 (SB882) - The act provides that in the case of a franchise tax report filed by an organization formed under the Small Business Entity Tax Pass Through Act, confidentiality provisions shall apply to the names of members of the organization, except those designated in the organization's franchise tax report as a manager, president, vice-president, secretary, treasurer, or controller of the organization. If the organization has no registered agent for service of process, the confidentiality provisions shall not apply. The act became effective on April 3, 2007.

### **CREDIT CARD PROCESSING**

Act 911 (HB1640) - The act requires certain disclosures to be made on a contract for a credit card processing service and prohibits the imposition of certain charges for a credit card processing service. A violation of this act is an unfair and deceptive practice.

### **FAIR MORTGAGE LENDING ACT**

Act 748 (HB2407) - The act authorizes the Securities Commissioner to join with regulatory agencies of other states and organizations in order to participate in an automated multistate licensing system for mortgage loan brokers, mortgage loan bankers, mortgage loan services, and mortgage loan offices and amends the Fair Mortgage Lending Act.

### **IDENTITY THEFT**

Act 391 (HB2215) - The act, effective January 1, 2008, provides procedures for the placement and removal of a security freeze upon the consumer report of a person that has been a victim of identity theft.

### **LIMITED PARTNERSHIPS**

Act 15 (HB1009) - The act adopts the 2001 Uniform Limited Partnership Act of the National Conference of Commissioners on Uniform State Laws, with appropriate accommodations to existing Arkansas law.

### **MINORITY BUSINESS ENTERPRISE**

Act 692 (HB2775) - The act clarifies the definition of "minority business enterprise" as that term is used in the Minority Business Economic Development Act.

### **MOTOR VEHICLE FINANCING**

Act 649 (HB2548) - The act permits negative equity financing and accompanying disclosures in the sale or lease of new or used motor vehicles.

### **MOTOR VEHICLE TITLES - RELEASE AND TRANSFER**

Act 589 (SB771) - The act assists in the administration of motor vehicle titles by providing procedures to expedite the release and transfer of motor vehicle titles.

### **NONPROFIT CORPORATIONS**

Act 569 (HB2702) - The act amends the Arkansas Nonprofit Corporation Act of 1993 to require an annual disclosure of certain basic corporate information.

### **REGISTERED AGENTS**

Act 638 (HB2392) - The act essentially adopts the Model Registered Agents Act and makes Arkansas law consistent with the model act.

Act 646 (HB2500) - The act eliminates the filing fees collected by the Secretary of State for the change of registered agent information and makes minor changes to other fee provisions. The act became effective March 28, 2007.

## **COMMERCIAL LAW**

### **RESIDENTIAL LEASE PROTECTION FOR VICTIMS OF DOMESTIC ABUSE**

Act 682 (HB2534) - The act prohibits discrimination in connection with a residential lease against a residential tenant who is a victim of domestic abuse, a sex crime, or stalking as evidenced by a court order; permits the victim or landlord to change the locks of the residential tenant's residence at the residential tenant's expense; permits a landlord to evict a domestic abuse offender; and provides limited immunity to landlords that in good faith takes any actions authorized under the act.

### **UNIFORM COMMERCIAL CODE**

Act 342 (HB1493) - The act adopts the revised Article 7 of the Uniform Commercial Code recommended for adoption by the National Conference of Commissioners on Uniform State Laws and makes conforming changes to existing law.

### **UNIFORM MONEY SERVICES ACT**

Act 1595 (HB2518) - The act adopts the Uniform Money Services Act of the National Conference of Commissioners on Uniform State Laws with the exception of the payday lending provisions and other minor changes and makes conforming changes to existing law.

### **WORKERS' COMPENSATION WAIVER**

Act 546 (HB1700) - The act gives a sole proprietor, partner, professional association member, or limited liability company member the same right to waive workers' compensation coverage as a corporate officer.

## **CONSTITUTIONAL OFFICERS**

### **AUDITOR OF STATE**

Act 269 (HB1869) - The act specifies the retention period for warrants stored by the Auditor of State in paper and electronic form. The act becomes effective on July 1, 2007.

### **GOVERNOR**

Act 653 (HB2601) - The act repeals Arkansas Code § 3-2-102, which prevents the Governor from pardoning any person convicted of violating laws against the unlawful manufacture or sale of liquors.

### **SENATE CONFIRMATION OF GOVERNOR'S APPOINTEES**

Act 151 (SB10) - The act requires the Governor to submit to the Senate within thirty (30) days after the convening of the General Assembly regular or special session the names of appointees to boards and commissions that are subject to Senate confirmation. The act became effective on February 28, 2007.

## **CONSUMER PROTECTION**

### **CONSUMER SERVICE CONTRACTS**

Act 656 (HB2691) - The act, known as the "Service Contracts Act", provides for the regulation of certain consumer agreements for product service and maintenance issued on or after October 1, 2007.

### **DAMAGED MOTOR VEHICLES**

Act 410 (SB295) - The act makes various revisions to Arkansas law concerning damaged motor vehicles, including defining the term "salvage vehicle" and specifying the process for the issuance of a damage certificate.

### **GIFT CARDS**

Act 304 (HB1455) - The act, known as the "Fair Gift Card Act", regulates unfair and deceptive acts and practices in connection with gift cards.

## **CONSUMER PROTECTION**

### **IDENTITY THEFT**

Act 391 (HB2215) - The act, effective January 1, 2008, provides procedures for the placement and removal of a security freeze upon the consumer report of a person that has been a victim of identity theft.

### **LANDLORD-TENANT LAW**

Act 1004 (HB2540) - The act, to be known as the "Arkansas Residential Landlord-Tenant Act of 2007", repeals current landlord-tenant laws and creates a new chapter in the Arkansas Code on the topic, including creating a new process for evictions.

### **PRODUCT LIABILITY**

#### ***Definitions***

Act 315 (SB905) - The act amends the definition of "product" and "supplier" as used in Arkansas product liability law.

#### ***Real Estate and Improvements Not a Product***

Act 316 (SB906) - The act provides that a licensee who is providing only brokerage and sales services under his or her license shall not be considered a supplier under Arkansas Code § 4-86-102 and provides that real estate and improvements located on real estate shall not be considered a product.

### **SALE OR LEASE OF NEW OR USED MOTOR VEHICLE**

Act 366 (HB1718) - The act amends the Motor Vehicle Consumer Protection Act regarding fees charged for handling and processing the sale or lease of a new or used motor vehicle. The act became effective on March 19, 2007.

### **TOWING AND STORAGE**

Act 506 (HB1472) - The act amends current law to prohibit a possessory lien of a towing and storage firm from attaching to personal or legal documents, medications, child restraint seating, wallets or purses, prescription eyeglasses, prosthetics, cell phones, photographs, and books. The act also requires the towing and storage firm to release these items without charge to the owner or operator of the vehicle or his or her duly authorized representative. The act became effective on March 26, 2007.

### **TRANSIENT MERCHANT REGISTRATION**

Act 1603 (HB2713) - The act amends various provisions of the Transient Merchant Licensing Act of 1983, including clarifying the purpose of the act, revising certain definitions, and providing for the registration of businesses.

## **CORRECTIONS**

### **ALTERNATIVE DETENTION**

Act 300 (HB1341) - The act authorizes sheriffs to use alternative detention resources for convicted persons sentenced to county jails.

### **HIV TESTING FOR INMATES**

Act 271 (HB1444) - The act provides that the Department of Correction must test or screen an inmate for HIV before the release of the inmate from any unit or center of the department. The act also requires the department to provide counseling regarding treatment options if the inmate tests positive for HIV.

### **PROBATION AND PAROLE**

#### ***Enhanced Penalties***

Act 1047 (SB844) - The act provides that eligibility for parole or community correction transfer of persons sentenced to enhanced penalties under Arkansas Code § 16-90-120 shall be the same as the transfer eligibility limitations of the underlying offense.



## **CORRECTIONS**

### **PROBATION AND PAROLE**

#### ***Transfer to Department of Community Correction***

Act 592 (SB796) - The act amends Arkansas Code § 16-93-1301(c) to provide that an offender who is sentenced after the effective date of the act and who is transferred back to the Department of Correction for administrative reasons is eligible for transfer to the Department of Community Correction in the same manner as an offender who is sentenced to the Department of Correction without a judicial transfer to the Department of Community Correction.

Act 600 (SB858) - The act includes sexual assault in the first degree, Arkansas Code § 5-14-124, in the list of felonies for which offenders are eligible to be considered for discretionary transfer to the Department of Community Correction by the Parole Board.

Act 866 (SB912) - The act provides that after the Parole Board has fully considered and denied the transfer of an offender sentenced for committing a serious offense, the Parole Board may delay any reconsideration of the transfer for a maximum period of two (2) years.

### **REDUCTION OF INCARCERATION TIME**

Act 1413 (HB2513) - The act allows the Director of the Department of Correction to award meritorious good time to an inmate to reduce incarceration time by up to ninety (90) days based on the recommendation of the classification committee of the Department of Corrections.

### **SEXUAL INDECENCY WITH A CHILD**

Act 531 (HB1311) - Under this act, it is an offense of sexual indecency with a child if a person over eighteen (18) years of age for his or her own sexual gratification or for another person's sexual gratification exposes his or her sex organs or causes a child to expose his or her sex organs and the person is employed as a correctional employee or jail employee for the child's facility, a professional in a position of trust to the child, or the child's guardian.

## **COURTS**

### **APPELLATE COURT FILING FEES**

Act 378 (HB1715) - The act increases the filing fee in all civil actions and misdemeanors filed in the Supreme Court or the Court of Appeals from one hundred dollars (\$100) to one hundred fifty dollars (\$150).

### **BAILIFFS**

Act 227 (SB243) - The act establishes oaths for court bailiffs to be administered at the start of a jury trial and prior to the deliberation of a jury.

### **CHILD SUPPORT PROCEEDINGS**

Act 60 (HB1134) - The act permits a court to relieve a nonbiological father of any future obligation to pay child support and vacates any unpaid order for support after a paternity test establishes that the man is not the father of the child.

### **CIRCUIT JUDGESHIPS**

Act 168 (HB1400) - The act creates five (5) additional circuit judgeships. The act will become effective on July 1, 2007.

### **CIVIL APPEALS**

Act 565 (HB2452) - The act allows a county quorum court to act as a board of administrative appeal from a decision of the county planning board except in regard to roads. The act also allows a county quorum court to act as a board of administrative appeal from a decision of the board of zoning adjustment except in regard to roads.

## **COURTS**

### **COURT CLERKS**

Act 463 (SB184) - The act amends sections of the Arkansas Code to require circuit clerks and probate clerks to submit copies of orders finding that a defendant lacks fitness to proceed or orders of commitment to the Arkansas Crime Information Center upon filing of the orders. The act will become effective on July 1, 2007.

Act 737 (HB1529) - The act amends numerous provisions of Arkansas Code § 16-17-108 concerning the salaries of district court clerks.

### **COURT RECORDS**

Act 226 (SB242) - The act amends the retention schedule in Arkansas Code § 13-4-302 to include jury lists and other records relating to jurors and jury selection in the records that counties are required to maintain.

Act 627 (HB2319) - Under existing law, counties are required to maintain circuit court records in accordance with a retention schedule. The act requires towns, cities, and counties to maintain records for district courts and city courts in accordance with a retention schedule.

### **COURT SECURITY**

Act 576 (SB89) - The act provides for the certification and training of court security officers and requires the Administrative Office of the Courts to provide assistance and support to cities and counties in the adoption of local court security plans and the provision of court security for circuit and district courts. The act establishes a court security grant program to be administered by the Administrative Office of the Courts for the purpose of providing assistance to city and county governments to assist in the implementation of local security and emergency preparedness plans for circuit and district courts.

### **DISTRICT COURTS**

#### ***District Court Resource Assessment Board***

Act 663 (SB235) - The act creates the District Court Resource Assessment Board to make recommendations concerning district court judgeships to the General Assembly. Effective January 1, 2008, the act creates certain pilot state district courts. Effective January 1, 2012, the act consolidates city courts with district courts unless the city court has been abolished by a town or city ordinance.

#### ***Judges' Salaries***

Act 737 (HB1529) - The act amends numerous provisions of Arkansas Code § 16-17-108 concerning the salaries of district court judges.

#### ***Jurisdiction - Evictions***

Act 535 (HB1384) - The act permits jurisdiction in district courts over eviction proceedings for forcible entry and detainer actions and unlawful detainer actions concurrent with the jurisdiction of the circuit court if permitted by rule or order of the Arkansas Supreme Court.

#### ***Levy to Defray Cost of Incarcerating Prisoners***

Act 1417 (HB2752) - The act authorizes district courts and city courts to levy and collect additional fines not to exceed five dollars (\$5.00) to defray the cost of incarcerating prisoners.

#### ***Phillips County District Court***

Act 39 (HB1102) - The act clarifies that the Phillips County District Court has two (2) departments located in the City of Helena-West Helena after the consolidation of Helena and West Helena.

## **COURTS**

### **DISTRICT COURTS**

#### ***Retirement System Abolished***

Act 177 (SB90) - The act abolishes the Arkansas District Judge Retirement System and transfers its powers, duties, and plan liabilities to the Arkansas Public Employees' Retirement System. The act becomes effective on July 1, 2007.

#### ***Washington County District Courts***

Act 55 (HB1019) - The act revises the boundaries for the Washington County District Courts by moving the township of Vineland from the West Fork District Court to the Prairie Grove District Court.

### **DOCUMENTARY EVIDENCE**

Act 662 (HB2811) - Under existing law, the cost of each photocopy of medical records in contemplation of any legal proceeding shall not exceed one dollar (\$1.00) per page for the first five (5) pages and twenty-five cents (\$0.25) for each additional page except that the minimum charge is five dollars (\$5.00). The act amends Arkansas Code § 16-46-106 to provide that the cost of each photocopy of medical records in contemplation of any legal proceeding shall not exceed fifty cents (\$0.50) per page for the first twenty-five (25) pages and twenty-five cents (\$0.25) for each additional page with no minimum charge. The act authorizes a labor charge not to exceed fifteen dollars (\$15.00) and a charge for the actual cost of any required postage. The act also amended the Hospital Records Act, Arkansas Code § 16-46-301 et seq., to include medical records from physician offices as self-authenticating.

### **DRUG COURTS**

Act 1022 (SB18) - The act expands existing drug court programs and authorizes juvenile drug court programs. The act creates a Division of Drug Court Programs within the Administrative Office of the Courts and a Drug Court Advisory Committee. The act became effective on April 4, 2007.

### **ELECTION OF JUDGES**

Act 213 (HB1507) - The act repeals Arkansas Code §§ 16-12-102(c) and 16-13-104 to remove the disqualification from eligibility of an appointed Court of Appeals judge or circuit judge to be a candidate for election to another judgeship while holding office.

### **EXPUNGEMENT AND SEALING OF RECORDS**

Act 744 (HB2296) - The act clarifies the applicability of various sections of the Arkansas Code regarding expungement and sealing of records of criminal convictions. The act amends Arkansas Code § 16-93-303 to provide that a sentence of a fine not exceeding three thousand five hundred dollars (\$3,500) or an assessment of court costs does not constitute a conviction except as provided in circumstances enumerated in Arkansas Code § 16-93-303.

### **JUDGMENT AND SENTENCING**

Act 279 (SB216) - Under existing law, a circuit judge may temporarily release a nonviolent felony offender in a sheriff's custody while the offender is awaiting transfer to the Department of Correction or Department of Community Correction unless the offender committed a nonviolent Class Y felony offense listed in Arkansas Code § 16-93-611. The act provides that a nonviolent felony sex offender awaiting transfer to the Department of Correction or the Department of Community Correction shall not be temporarily released from the custody of a sheriff if the felony sex offense is listed in the definition of "sex offense" in Arkansas Code § 12-12-903.

## **COURTS**

### **JURORS**

#### ***Compensation***

Act 1033 (SB239) - The act amends Arkansas Code § 16-34-103 to increase the rate of juror compensation. The act provides that the state shall reimburse for a portion of the costs incurred for a payment under § 16-34-103(b)(1) if the county makes a request for reimbursement as required by Arkansas Code § 16-34-106.

#### ***Confidentiality***

Act 226 (SB242) - The act establishes a procedure for the determination of confidentiality of juror information and provides guidelines for disclosure of juror information.

#### ***Petit Jurors***

Act 225 (SB240) - The act reduces the maximum amount of time that petit jurors are required to serve. Under existing law, the general rule is that no petit juror may be required to report for jury duty on more than twenty-four (24) days or for more than a six-month period during the calendar year for which he or she is selected. The act reduces the time periods to ten (10) days or a four-month period during the calendar year for which a juror is selected. The act also requires that a summons to serve on jury duty include a description of the maximum periods of service.

### **JUVENILE COURT JURISDICTION**

Act 257 (HB1475) - The act amends the jurisdiction of juvenile courts to ensure that a felony or misdemeanor that is committed by a juvenile before the juvenile is eighteen (18) years of age may be prosecuted in the juvenile division of circuit court when the juvenile is eighteen (18) years of age or older. The act became effective on March 9, 2007.

### **JUVENILE PROCEEDINGS**

Act 587 (SB370) - The act amends provisions of the Arkansas Juvenile Code of 1989, Arkansas Code § 9-27-301 et seq., including the right of a foster child to continuity of educational services, definitions, and procedural issues related to jurisdiction, venue, and hearings. The act also amends provisions related to dependency-neglect proceedings regarding confidentiality, dispositions, termination of parental rights, emergency orders, and hearings. The act amends provisions related to juvenile delinquency proceedings and families in need of services. The act clarifies the payment procedure for attorneys who represent indigent parents or guardians in dependency-neglect cases.

### **MARRIAGE LICENSE FEES**

Act 745 (HB2323) - The act redirects marriage license fees collected by county clerks into the county clerk's cost fund.

### **PROSECUTING ATTORNEYS**

#### ***Ninth Judicial District-East***

Act 494 (SB909) - The act changes the Ninth Judicial District-East from a Division A to a Division B Judicial District. The prosecuting attorney in a Division B Judicial District is not prohibited from engaging in the private practice of law during his or her term in office.

#### ***Twenty-Second Judicial District***

Act 211 (HB1486) - The act authorizes the prosecuting attorney of the Twenty-Second Judicial District to appoint and employ additional investigators as necessary for the administration of justice.

### **UNIFORM FILING FEES**

Act 133 (SB213) - The act makes technical corrections to the statute concerning submission of funds or reports to the Administration of Justice Fund.

## **COURTS**

### VENUE

Act 549 (HB2219) - The act amends a venue statute to state that if a city or county is a defendant in an action on a debt, an account, or a note, then the action shall be brought in the county where the city or county lies.

## **CRIMINAL LAW AND PROCEDURE**

### ABUSED AND NEGLECTED CHILDREN, ARKANSAS LEGISLATIVE TASK FORCE ON

Act 703 (SB303) - The act implements the findings of the Arkansas Legislative Task Force on Abused and Neglected Children; enhances the confidentiality of items that depict the sexual exploitation of a child by classifying them as contraband; requires the Department of Arkansas State Police to investigate all cases of severe child maltreatment; creates child safety centers; improves the operations of the abuse and neglect hot line; and improves enforcement of child abuse and neglect law.

### ADULT MALTREATMENT IN LONG-TERM CARE FACILITIES

Act 283 (SB300) - The act amends the Adult Maltreatment Custody Act, § 9-20-101 et seq., and Adult and Long-Term Care Facility Resident Maltreatment Act, Arkansas Code § 12-12-1701 et seq., to improve the enforcement of adult maltreatment protection laws by amending the definition of abuse, emergency custody provisions, probable cause hearing provisions, long-term custody provisions, and record access provisions.

### ADULT MALTREATMENT INVESTIGATIONS

Act 497 (SB266) - The act amends the Adult and Long-Term Care Facility Resident Maltreatment Act by providing the Department of Health and Human Services with expanded investigative powers and by creating a procedure for court review of the new investigative authority.

### AGGRAVATED RESIDENTIAL BURGLARY

Act 1608 (HB2807) - The act creates the offense of aggravated residential burglary. A person commits aggravated residential burglary if he or she commits residential burglary under Arkansas Code § 5-39-201 of a residential occupiable structure occupied by a person, and he or she: (1) is armed with a deadly weapon or represents that he or she is armed with a deadly weapon; or (2) inflicts or attempts to inflict death or serious physical injury upon another person. Aggravated residential burglary is a Class Y felony.

### ALCOHOL AND DRUG ABUSE

Act 251 (HB1414) - The act changes the name of the Bureau of Alcohol and Drug Abuse Prevention to the Office of Alcohol and Drug Abuse Prevention and amends provisions of Arkansas law concerning alcohol education programs for persons convicted of driving while intoxicated.

### ARCHEOLOGICAL SITE DISTURBANCE

Act 217 (HB1068) - The act increases the penalties for disturbing archeological sites or digging up and removing artifacts.

### BATTERY IN THE FIRST DEGREE

#### ***Injury to Persons Four (4) Years of Age or Under***

Act 622 (HB2257) - The act increases the penalty classification for battery in the first degree from a Class B felony to a Class Y felony if a person knowingly causes serious physical injury to any person four (4) years of age or younger under circumstances manifesting extreme indifference to the value of human life.

#### ***Corporal Scott Baxter's Law***

Act 709 (SB556) - The act increases the penalty classification for battery in the first degree from a Class B felony to a Class Y felony if the injured person is a law enforcement officer acting in the line of duty.

## **CRIMINAL LAW AND PROCEDURE**

### **BREASTFEEDING IN PUBLIC AUTHORIZED**

Act 680 (HB2411) - The act provides that the criminal law regarding indecent exposure does not apply to a woman who is breastfeeding her child in public and states that a woman may breastfeed her child in public.

### **BURNING**

Act 465 (HB1581) - The act also amends time frames for local disaster emergencies. The act also adds to the statutory unlawful burning offenses but exempts the Arkansas Forestry Commission from enforcement of the added offense.

### **CONDUCT CONSTITUTING MORE THAN ONE OFFENSE**

Act 670 (HB1747) - The act amends Arkansas Code § 5-1-110 to provide that a separate conviction and sentence are authorized for: (1) criminal attempt to commit capital murder and any felony utilized as an underlying felony for the attempted capital murder; and (2) criminal attempt to commit murder in the first degree and any felony utilized as an underlying felony for the attempted murder in the first degree.

### **CONTROLLED SUBSTANCES**

#### ***Drug Paraphernalia***

Act 199 (SB272) - Under existing law, drug paraphernalia includes an object used in ingesting, inhaling, or introducing marijuana, cocaine, hashish, or hashish oil into the human body. The act amends Arkansas Code § 5-64-101(14) to provide that drug paraphernalia includes an object used in injecting, inhaling, or introducing any controlled substance into the human body. The act added an aluminum foil boat to the list of objects that may be determined to be drug paraphernalia.

#### ***Forfeiture***

Act 830 (HB2520) - The act amends Arkansas Code § 5-64-505 to comply with federal regulations concerning funds obtained through the federal equitable sharing program. The act becomes effective on July 1, 2007.

#### ***School Bus Stops***

Act 345 (HB1567) - The act creates an enhanced penalty for selling a controlled substance at or near a school bus stop.

#### ***Sentencing And Disposition Of Offenders***

Act 547 (HB1713) - Under existing law, a person convicted of manufacturing, delivering, or possessing with intent to manufacture or deliver one hundred pounds (100 lbs.) or more of a controlled substance in Schedule VI is subject to imprisonment of not less than six (6) years nor more than thirty (30) years and/or a fine of not less than fifteen thousand dollars (\$15,000) nor more than one hundred thousand dollars (\$100,000). The act limits the current penalties to quantities of one hundred pounds (100 lbs) or more but less than five hundred pounds (500 lbs.) of a controlled substance in Schedule VI. The act increases the penalties for a person convicted of manufacturing, delivering, or possessing with intent to manufacture or deliver five hundred pounds (500 lbs.) or more of a controlled substance in Schedule VI to imprisonment of not less than ten (10) years nor more than forty (40) years and/or a fine of no more than two hundred fifty thousand dollars (\$250,000).

#### ***Tramadol***

Act 558 (HB2347) - The act lists tramadol as a Schedule IV controlled substance.

Act 585 (SB333) - The act lists tramadol as a Schedule IV controlled substance.

#### ***Uniform Controlled Substances Act***

Act 493 (SB859) - The act adds firearms to the property subject to forfeiture under the Uniform Controlled Substances Act.

## **CRIMINAL LAW AND PROCEDURE**

### **CRIMINAL BACKGROUND CHECKS**

Act 991 (HB2295) - The act makes various changes to the criminal background check law including expanding the definition of "designated position" to include a person having direct contact with an elderly, mentally ill or developmentally disabled person. The act permits state agencies to utilize the online criminal background check system to obtain criminal history information on applicants for relevant positions.

### **CRIMINAL HISTORY INFORMATION**

Act 1586 (HB1285) - The act allows dissemination of criminal history information to the Arkansas Public Defender Commission for use in defense of criminal defendants.

### **DEFACING CEMETERY, BURIAL MONUMENT, OR GRAVE MARKER**

Act 265 (HB1619) - The act increases the penalty classification for the offense of destruction or removal of a cemetery or grave marker from a Class D felony to a Class C felony.

Act 266 (HB1620) - The act increases the penalty classifications for the offense of defacing objects of public respect by one (1) classification if the object that is defaced, marred, desecrated, or otherwise damaged is a cemetery or burial monument.

### **DOG ATTACK**

Act 258 (HB1489) - The act creates the offense of unlawful dog attack. The act provides that it is a Class A misdemeanor if a person owns a dog that the person knows or has reason to know has a propensity to attack or endanger the safety of other persons without provocation, the person negligently allows the dog to attack another person, and the attack causes death or serious physical injury to the person attacked. The act authorizes restitution for any medical bills of the victim caused by the unlawful dog attack.

### **DOMESTIC BATTERING IN THE FIRST DEGREE**

Act 671 (HB1748) - The act amends Arkansas Code § 5-26-303 to provide that a person commits domestic battering in the first degree if he or she commits domestic battering in the second or third degree and, for conduct that occurred within the ten-year period preceding the commission of the current offense, he or she has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction.

### **DOMESTIC PEACE FUND**

Act 730 (SB975) - The act reallocates the portion of bail bond fees not needed to fund the personal services and operating expenses of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board to the Domestic Peace Fund administered by the Arkansas Child Abuse/Rape/Domestic Violence Commission.

### **DRIVING WHILE INTOXICATED**

Act 214 (HB1510) - The act repeals obsolete provisions in the Omnibus DWI Act referring to the effective date of March 21, 1983.

Act 650 (HB2554) - The act amends Arkansas Code § 5-65-206 to provide that the testimony of an analyst or official may be compelled by the issuance of a proper subpoena by the party who wishes to call the analyst or official as a witness.

Act 712 (SB781) - The act provides consistency in the Arkansas Code regarding prior alcohol-related offenses to consider when suspending or revoking driving privileges and amends the Code to treat convictions for alcohol-related offenses in other states that are reported under the reciprocal system as if the offense had happened in Arkansas.

Act 1196 (HB2231) - The act provides that a conviction for operating a motorboat while intoxicated will count as a previous offense in order to determine the number of previous offenses for the purpose of suspending or revoking a person's driving privileges under the Omnibus DWI Act.

## **CRIMINAL LAW AND PROCEDURE**

### **EXECUTIVE CLEMENCY**

Act 183 (HB1230) - Under existing law, a person whose application for executive clemency is denied in writing by the Governor is not eligible to file a new application for executive clemency for a period of four (4) years from the date of filing of the application unless the waiting period is waived by the Parole Board. The act amends Arkansas Code § 16-93-207 to provide that a person sentenced to life imprisonment without parole whose application for executive clemency is denied in writing by the Governor is not eligible to file a new application for executive clemency for a period of 6 years from the date of denial of the application unless the waiting period is waived by the Parole Board or the Governor.

### **EXPUNGEMENT AND SEALING OF RECORDS**

Act 744 (HB2296) - The act clarifies the applicability of various sections of the Arkansas Code regarding expungement and sealing of records of criminal convictions. The act amends § 16-93-303 to provide that a sentence of a fine not exceeding three thousand five hundred dollars (\$3,500) or an assessment of court costs does not constitute a conviction except as provided in circumstances enumerated in Arkansas Code § 16-93-303.

### **GAMBLING HOUSE**

Act 555 (HB2304) - The act establishes the penalty for keeping a gambling house as a Class D felony.

### **HABITUAL OFFENDERS**

Act 852 (SB288) - The act amends Arkansas Code § 5-4-501 to clarify that habitual offenders may be sentenced to pay any fine authorized by law for a felony conviction.

### **IDENTITY FRAUD**

Act 85 (HB1309) - The act enhances the penalty for financial identity fraud from a Class C felony to a Class B felony if the victim is an elderly person or a disabled person. The act creates the offense of nonfinancial identity fraud, which is committed if a person obtains another person's identifying information without authorization and uses the identifying information for any unlawful purpose. Nonfinancial identity fraud is a Class D felony unless the victim is an elderly person or a disabled person and then it is a Class C felony. The act also amends Arkansas Code § 5-37-227 to include provisions concerning restitution and venue in cases involving financial identity fraud or nonfinancial identity fraud.

### **INDECENT EXPOSURE**

Act 38 (HB1013) - The act provides enhanced penalties in certain circumstances for indecent exposure. A fourth or fifth conviction within ten (10) years of a previous conviction is a Class D felony. A sixth or subsequent conviction within ten (10) years of a previous conviction is a Class C felony. The act became effective on January 30, 2007.

### **INMATES WITH MENTAL ILLNESS**

Act 1012 (HB2721) - The act directs the Division of Behavioral Health of the Department of Health and Human Services to create standard protocols for case management, for the submission and evaluation of reports, and for the monitoring of compliance by jails concerning inmates with mental illness.

### **INTERFERENCE WITH CUSTODY OF A MINOR**

Act 669 (HB1714) - The act creates the offense of interference with custody. A person commits the offense of interference with custody if without lawful authority he or she knowingly takes or entices or procures another person to take or entice any minor from the custody of a parent, guardian, or any other lawful custodian. Interference with custody is a Class C felony. The act establishes the procedure for determining the immediate custodial placement of minors.



## **CRIMINAL LAW AND PROCEDURE**

### **INTERFERENCE WITH EMERGENCY COMMUNICATION (1ST DEGREE)**

Act 162 (HB1333) - The act creates the offense of interference with emergency communication in the first degree. The act prohibits a person from knowingly displacing, damaging, or disabling another person's telephone or communication device with the purpose of defeating the other person's ability to request with good cause emergency assistance from a law enforcement agency, medical facility, or other entity that provides emergency assistance. Interference with emergency communication in the first degree is classified as a Class A misdemeanor.

### **INTERFERENCE WITH EMERGENCY COMMUNICATION (2ND DEGREE)**

Act 162 (HB1333) - The act creates the offense of interference with emergency communication in the second degree. The act prohibits a person from recklessly preventing, interrupting, disrupting, impeding, or interfering with another person's attempt to request with good cause emergency assistance from a law enforcement agency, medical facility, or other entity that provides emergency assistance. Interference with emergency communication in the second degree is classified as a Class B misdemeanor.

### **INTERNET STALKING OF A CHILD**

Act 38 (HB1013) - The act increases the penalty classification for Internet stalking of a child from a Class C felony to a Class B felony if a person attempts to arrange a meeting with a child fifteen (15) years of age or younger, or an individual that the person believes to be fifteen (15) years of age or younger, even if a meeting with the child or individual never takes place. The act became effective on January 30, 2007.

### **JUVENILE CUSTODY**

Act 568 (HB2685) - The act clarifies procedures for custody of defendants acquitted by reason of mental disease or defect and for juveniles judged unfit to stand trial.

### **JUVENILE HEALTH RECORDS**

Act 742 (HB2248) - The act provides protection against the release of confidential juvenile health records and information compiled and received by a juvenile detention facility or a community-based provider for the Division of Youth Services of the Department of Health and Human Services. The act provides numerous exceptions for the released health-related documents.

### **JUVENILE SAFETY PLANS**

Act 49 (HB1041) - The act requires that a court-ordered safety plan for a student be provided to the school, that the school enter the safety plan into the student's permanent, confidential record, and to remove the safety plan when the student is released from court jurisdiction.

### **MEDICATION ASSISTIVE PERSON, MISCONDUCT**

Act 206 (HB1435) - The act revises the qualifications for licensure as a medication assistive person, makes misconduct by medication assistive persons a misdemeanor, and adds a nursing teacher to the Medication Assistive Person Advisory Committee.

### **MENTAL DISEASE OR DEFECT**

Act 623 (HB2258) - The act amends Arkansas Code § 5-2-316 concerning the conditional release of persons acquitted of a crime by reason of mental disease or defect. The act provides that a person shall be ordered to be committed to the custody of the Director of Department of Health and Human Services or the director's designee if an order is entered revoking the most recent order of a person's conditional release and that all conditions of the release shall be abated including the five-year conditional release time frame in Arkansas Code § 5-2-316(b)(1). The act became effective on March 28, 2007.

## **CRIMINAL LAW AND PROCEDURE**

### **METHAMPHETAMINE MANUFACTURE IN PRESENCE OF ELDERLY OR INCOMPETENT PERSON**

Act 200 (HB1004) - The act enhances the penalties for manufacturing methamphetamine in the presence of an elderly person or an incompetent person.

### **NONPAYMENT OF CHILD SUPPORT**

Act 714 (SB811) - The act requires referrals for the criminal prosecution of certain cases of nonpayment of child support and certain information and procedures in connection with a referral.

### **OBSCENITY**

Act 346 (HB1569) - The act increases the amount of the fine that may be imposed on a defendant upon conviction of a felony obscenity offense. If a defendant derives pecuniary gain from the commission of a felony obscenity offense, he or she may be sentenced to pay a fine not exceeding two hundred fifty thousand dollars (\$250,000). The act became effective on March 19, 2007.

Act 579 (SB182) - The act amends Arkansas Code § 5-68-502(1) to provide that a person is deemed not to have displayed material harmful to minors if the material is kept behind "blinder racks" so that the lower two-thirds of the material is not exposed to view or if the material harmful to minors is not contained on the front cover, back cover, or binding of the displayed material.

### **OBSTRUCTING GOVERNMENTAL OPERATIONS**

Act 163 (HB1334) - The act increases the penalty classification from a Class C misdemeanor to a Class A misdemeanor for a second or subsequent offense of obstructing governmental operations by a person falsely identifying himself or herself to a law enforcement officer.

### **PHARMACY REAL-TIME ELECTRONIC LOGBOOK**

Act 508 (SB296) - The act requires a pharmacy to enter certain transactions involving the sale of ephedrine, pseudoephedrine, or phenylpropanolamine into the real-time electronic logbook maintained by the Arkansas Crime Information Center. The act makes information recorded in the logbook confidential and prohibits its disclosure unless specifically authorized by law. Unauthorized disclosure of logbook information or the obtaining of unauthorized logbook information is a Class A misdemeanor.

### **POSSESSION OF FRAUDULENT OR ALTERED PERSONAL IDENTIFICATION**

Act 922 (HB1660) - The act provides for the administrative suspension of driver's license of a person under twenty-one (21) years of age who attempts to purchase an alcoholic beverage or use a fraudulent personal identification document for the purpose of purchasing an alcoholic beverage or other material restricted to adult purchase unless the person is a minor subject to the penalty authorized by Arkansas Code § 5-27-504.

### **PSYCHIATRIC PATIENT RESTRAINTS**

Act 636 (HB2376) - The act allows the use of constraints on psychiatric patients during transport from the Arkansas State Hospital to a court and back to the state hospital.

### **PUBLIC SAFETY COMMUNICATIONS PERSONNEL SUBPOENA**

Act 651 (HB2562) - The act requires public safety communications personnel to immediately comply with a subpoena issued by a prosecutor, grand jury, or court. The act also provides immunity from a civil action for compliance with the subpoena.

### **SELF-DEFENSE**

Act 111 (SB2) - Under existing law, a person is not required to retreat prior to using deadly physical force if the person is in the person's dwelling and was not the original aggressor. The act amends Arkansas Code § 5-2-607 to provide that a person on the curtilage surrounding his or her dwelling is also not required to retreat prior to using deadly physical force if the person was not the original aggressor.

## **CRIMINAL LAW AND PROCEDURE**

### **SEX OFFENDERS**

#### ***False Information on Identification Card or Driver's License***

Act 392 (HB2286) - The act provides that it is a Class D felony for a person who is required to register under the Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq. or required to register as a sex offender in any other state to knowingly provide false information to obtain an identification card or driver's license under Title 27 of the Arkansas Code that indicates an incorrect permanent physical address for his or her residence. The act provides that it is a Class A misdemeanor for a person who is required to register under the Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq. or required to register as a sex offender in any other state to knowingly possess an identification card or driver's license issued under Title 27 of the Arkansas Code that indicates an incorrect permanent physical address for his or her residence. It is an affirmative defense to the unlawful possession of an identification card or driver's license with an incorrect permanent physical address for his or her residence if the sex offender has provided notice of a change of address as required by Arkansas Code § 27-16-506. The act became effective on March 20, 2007.

#### ***Prohibited on Public School Campuses***

Act 992 (HB2336) - The act prohibits the presence of a registered sex offender on a public school campus, except under certain limited circumstances. A violation of the act is a Class D felony.

#### ***Protection of Victims***

Act 394 (HB1564) - The act provides that it is a Class D felony for a person who is required to register under the Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to knowingly reside within two thousand feet (2,000') of the residence of his or her victim or to knowingly have direct or indirect contact with his or her victim for the purpose of harassment under Arkansas Code § 5-71-208. The act provides affirmative defenses for sex offenders who owned and occupied or purchased property within the protected zone prior to March 21, 2007. The act added provisions concerning sex offender registration, assessment, and community notification. The act requires sexually violent predators to report in person four (4) times a year to verify registration. The act requires that information concerning a Level 2 offender be placed on the Internet home page of the State of Arkansas if the sex offender was 18 years of age or older at the time of the commission of the sex offense that resulted in his or her registration and the victim of the sex offense was fourteen (14) years of age or younger. The act became effective on March 31, 2007.

#### ***Public Park or Youth Center***

Act 818 (HB2266) - The act provides that it is a Class D felony for a sex offender who is required to register under the Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to reside within two thousand feet (2,000') of the property of a public park or youth center.

### **SEXUAL ASSAULT IN THE THIRD DEGREE**

Act 363 (HB1692) - The act amends Arkansas Code § 5-14-126 to provide that a person commits sexual assault in the third degree if the person engages in sexual intercourse or deviate sexual activity with another person who is not the actor's spouse, and the actor is employed or contracted with or otherwise providing services, supplies, or supervision to an agency maintaining custody of inmates, detainees, or juveniles, and the victim is in the custody of the Department of Corrections, Department of Community Correction, Department of Health and Human Services, or any city or county jail.

## **CRIMINAL LAW AND PROCEDURE**

### **THEFT OF BUILDING MATERIAL**

Act 693 (HB2361) - The act amends Arkansas Code § 5-36-103 to provide that theft of five hundred dollars (\$500) or more of building material from a permitted construction site is a Class B felony.

### **THEFT OF SCRAP METAL**

Act 630 (HB2337) - The act creates the offense of theft of scrap metal. The classification and penalty range for theft of scrap metal is the same as theft of property under Arkansas Code § 5-36-103(b) unless the person convicted of the offense caused incidental damage to the victim of more than two hundred fifty dollars (\$250) while committing the offense or the person transported the scrap metal across state lines to sell or dispose of the scrap metal in which case the classification will be increased by one (1) classification.

### **TRANSPORTATION OF MINORS FOR PROHIBITED SEXUAL CONDUCT**

Act 248 (HB1401) - The act increases the penalty classification for the offense of transportation of minors for prohibited sexual conduct from a Class C felony to a Class A felony. The act also clarifies the offense by replacing the term "prohibited sexual conduct" with the term of "sexually explicit conduct", which is defined in Arkansas Code § 5-27-302.

### **VOYEURISM**

Act 187 (HB1473) - The act expands the definition of "voyeurism" to include photographing or viewing portions of a person's body that is covered with clothing and for which the person has a reasonable expectation of privacy.

### **WEAPONS**

#### ***Knives***

Act 83 (HB1235) - The act repeals the offense of carrying a knife as a weapon.

#### ***Concealed Handguns***

Act 52 (SB85) - The act exempts persons who possess a valid concealed handgun license from the statute that prohibits possession of a loaded center-fire weapon in certain areas.

### **WORTHLESS CHECKS**

Act 632 (HB2340) - The act amends the penalty provisions relating to delivery of worthless checks under Arkansas Code § 5-37-305 by raising the threshold dollar amount that triggers the penalties to five hundred dollars (\$500).

## **DISABLED PERSONS**

### **PARKING RESERVED FOR PERSONS WITH A DISABILITY**

Act 753 (HB2249) - The act revises and modernizes the Access to Parking for Persons with Disabilities Act, Arkansas Code § 27-15-301 et seq., to improve the enforcement of parking restrictions in spaces reserved for a person with a disability. The act also adds a requirement that driver education programs and the driver's instruction manual include information about parking for persons with a disability.

## **ECONOMIC DEVELOPMENT**

### **ALTERNATIVE FUELS**

#### ***Alternative Fuels Development Program***

Act 873 (HB1379) - The act creates the Arkansas Alternative Fuels Development Program to be administered by the Arkansas Agriculture Department with the purpose of providing grant incentives for alternative fuels producers, feedstock processors, and alternative fuels distributors. The act also creates the Arkansas Alternative Fuels Development Fund and repeals obsolete sections of the Arkansas Code related to alternative fuels.

## **ECONOMIC DEVELOPMENT**

### **ALTERNATIVE FUELS**

#### ***Biofuels Standard for State Vehicles and Equipment***

Act 699 (SB237) - The act establishes a biofuels standard of a minimum of two percent (2%) biofuels by volume for state vehicles and state equipment beginning on January 1, 2009. The act allows the Director of the Department of Finance and Administration to grant a waiver for a variance from the standard. The act requires the Arkansas Bureau of Standards of the State Plant Board to test and ensure the quality of alternative fuels used in the state.

### **AMUSEMENT PARKS**

Act 1039 (SB586) - The act amends the Arkansas Tourism Development Act. A portion of this act shall apply retroactively to July 1, 2006.

### **CONSOLIDATED INCENTIVE ACT**

Act 1596 (HB2521) - The act makes various changes to the Consolidated Incentive Act and provides an enhancement in the availability of tax credits for technology and business development.

### **DEVELOPMENT FINANCE AUTHORITY, ARKANSAS**

Act 593 (SB802) - The act amends provisions of the Arkansas Development Finance Authority Act, Arkansas Code § 15-5-101 et seq., to clarify the powers of the authority with respect to nonprofit organizations, scientific and technical services businesses, technology-based enterprises, and tourism enterprises.

### **DEVELOPMENT IMPACT FEES**

Act 310 (SB298) - The act clarifies the definition of "development impact fee" to include any fee or charge imposed by a municipality or municipal service agency related to the use and occupancy of a development.

### **ECONOMIC DEVELOPMENT, DEPARTMENT OF**

Act 1602 (HB2677) - The act changes the name of the Department of Economic Development to the Arkansas Economic Development Commission. The act becomes effective on July 1, 2007.

### **EXISTING WORKFORCE TRAINING ACT**

Act 1003 (HB2536) - The act amends the provisions of the Existing Workforce Training Act, including updating definitions and revising the duties of the Arkansas Economic Development Commission in relation to the Existing Workforce Training Act.

### **INVESTMENT INCENTIVES**

#### ***Economic Development Incentive Quick Action Closing Fund***

Act 510 (SB440) - The act creates the Economic Development Incentive Quick Action Closing Fund to be used by the Arkansas Economic Development Commission for investment incentives. The act becomes effective on July 1, 2007.

#### ***Equity Investment Income Tax Credits***

Act 566 (HB2552) - The act establishes an equity investment incentive program through income tax credits to be administered by the Arkansas Economic Development Commission. The act became effective on March 28, 2007.

#### ***Windmill Blade Manufacturing Income Tax Exemption***

Act 990 (HB2280) - The act provides an income tax exemption for qualified windmill blade manufacturers. The act is effective for tax years beginning on or after 2007.

## **ECONOMIC DEVELOPMENT**

### **LIGNITE RESOURCES PILOT PROGRAM**

Act 641 (HB2442) - The act creates the Arkansas Lignite Resources Pilot Program to be developed and administered by Southern Arkansas University, the Arkansas Geological Survey, and the Arkansas Economic Development Commission. The purpose of the program is to develop an energy utilization strategy for lignite production and use to reduce our dependency on foreign oil for the creation of electricity and other energy sources.

### **LITTER DISPOSAL FEE**

Act 512 (SB948) - The act creates a funding mechanism to support a computer and electronic equipment recycling program through a litter disposal fee imposed on landfills.

### **MINORITY BUSINESS ENTERPRISE**

Act 692 (HB2775) - The act clarifies the definition of "minority business enterprise" as that term is used in the Minority Business Economic Development Act. business development.

### **MOTORCYCLE EVENTS**

Act 235 (SB292) - The act provides an exemption to the Arkansas Motor Vehicle Commission Act, Arkansas Code § 23-112-101 et seq., for special motorcycle events to allow motor vehicle dealers to display and sell motorcycles at special events that have a significant positive economic impact on an area in the state.

### **PRIVATE ACTIVITY BOND VOLUME CAP CARRY FORWARD**

Act 141 (HB1416) - The act amends provisions of the Arkansas Development Finance Authority Act, Arkansas Code § 15-5-101 et seq., to conform the private activity bond volume cap carry forward provisions to requirements of the federal tax code and clarifies other issues pertaining to private activity bond volume cap allocation.

### **RAILROAD PROPERTY**

#### ***Rail and Railroad Track Material***

Act 679 (HB2383) - The act authorizes the Arkansas State Parks, Recreation, and Travel Commission and the Department of Parks and Tourism to dispose of surplus rail and railroad track material. The act became effective on March 29, 2007.

#### ***Rail Lines***

Act 747 (HB2346) - The act establishes procedures to allow a railroad to donate or sell a rail line that the railroad is abandoning to a regional mobility authority, a regional intermodal authority, a city, or a county to further economic development and rail transportation in the state.

#### ***Transportation Projects***

Act 562 (HB2386) - The act allows surplus rail and track material purchased in part with Federal Transportation Enhancement Funds to be disposed of by gift or contract to a regional intermodal facilities authority, a metropolitan port authority, or a planning and development district. The act became effective on March 28, 2007.

### **RESEARCH ALLIANCE, ARKANSAS**

Act 563 (HB2413) - The act, known as the "Arkansas Research Alliance Act", authorizes the Arkansas Science and Technology Authority to work with the chancellors and presidents of research universities and the private business sector to establish research alliances.

### **RESEARCH PARK AUTHORITIES**

Act 1045 (SB830) - The act authorizes the creation and operation of research park authorities for the purposes of economic development. The act authorizes institutions of higher education to act as sponsors in the development and operation of research park authorities. The act became effective on April 4, 2007.

## **ECONOMIC DEVELOPMENT**

### **RETIREMENT COMMUNITY PROGRAM, ARKANSAS**

Act 808 (HB1531) - The act creates the Arkansas Retirement Community Program to be administered by the Arkansas Economic Development Commission.

### **RICE, OFFICIAL STATE GRAIN**

Act 513 (HB2434) - The act designates rice as the official grain of the State of Arkansas.

### **RISK CAPITOL MATCHING FUND, ARKANSAS**

Act 1025 (SB1000) - The act creates the Arkansas Risk Capitol Matching Fund for the purpose of providing financial assistance to technology-based enterprises located in Arkansas. The act became effective on April 4, 2007.

### **SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH FUND**

Act 564 (HB2414) - The act creates the Science, Technology, Engineering, and Math Fund for the purpose of retaining, recruiting, and attracting competent science, technology, engineering, and math teachers.

### **TASK FORCE FOR THE TWENTY-FIRST CENTURY**

Act 1024 (SB998) - The act establishes the Task Force for the Twenty-First Century to study economic development issues it believes to be important to the state and develop specific recommendations for review, consideration, and implementation. The task force shall report on its findings on or before July 31, 2008, and shall be abolished on April 30, 2009.

## **EDUCATION - GENERAL**

### **ACCOUNTING SYSTEM CATEGORIES**

Act 1006 (HB2656) - The act identifies additional categories of expenditures, revenues, and fund balances of public schools to be reported and tracked through the state's uniform accounting system.

### **ADEQUACY, CONTINUING EVALUATION**

Act 1204 (HB2663) - The act amends certain provisions of Act 57 of the Second Extraordinary Session of 2003 to provide additional guidelines for conducting the biennial adequacy studies required by Act 57 and to ensure that future assessments, evaluations, and monitoring of the state's public education system by the General Assembly will continue to be conducted in a thorough, well-informed and meaningful manner.

### **ALTERNATIVE PAY PROGRAMS**

Act 847 (SB54) - The act provides that a public school district may offer or participate in an alternative pay program for its certified employees, classified employees, or both employee groups if it meets certain criteria established in the act.

### **ANTI-BULLYING POLICIES**

Act 115 (HB1072) - The act amends the anti-bullying law by defining "bullying" and includes in the definition "electronic acts" that substantially disrupt the educational environment.

### **ASSESSMENTS, STATE-MANDATED**

Act 1573 (SB274) - Section 11 of this technical corrections act identifies specific sanctions for violations of the security or confidentiality of a state-mandated assessment.

### **AUTOMATED EXTERNAL DEFIBRILLATORS**

Act 1598 (HB2578) - The act requires the State Board of Education to promulgate rules requiring schools to have an automated external defibrillator, if funds are available.

## **EDUCATION - GENERAL**

### **BLACK HISTORY COMMISSION OF ARKANSAS**

Act 1601 (HB2676) - The act creates the Black History Commission of Arkansas to assist the Arkansas History Commission. Also the Commissioner of Education is directed to cooperate with the Black History Commission of Arkansas to develop the materials for a program of historical contributions by the black race in Arkansas for inclusion in the required curriculum segment of Arkansas history.

### **BODY MASS INDEX**

Act 201 (HB1173) - The act amends the law requiring public schools to report the body mass index of students by providing that appropriate protocols for assessments be developed and that community health nurses assist schools with administering body mass index screenings according to the protocols. Screenings are required biannually for kindergarten through grade ten (K-10). Parents may opt-out of the screenings for their children.

### **CHARTER SCHOOLS**

Act 736 (HB1504) - The act amends various provisions of Arkansas Code § 6-23-101 et seq. relating to charter schools, particularly concerning the application process, selection of students, characterization of charter schools as public charter schools, and governance of charter schools. The act grants to an open-enrollment public charter school a right of first refusal to purchase or lease a closed public school facility.

### **CLOSING THE ACHIEVEMENT GAP COMMISSION**

Act 1002 (HB2514) - The act amends certain provisions concerning the Closing the Achievement Gap Commission, including its membership, diversity, commissioners' terms of office, training, resources, powers, and duties.

### **CURRICULUM**

#### ***Endorsed Concurrent Enrollment Courses***

Act 936 (HB1730) - The act provides standards for offering, teaching, enrolling students in, and granting credit for endorsed concurrent enrollment courses offered by public high schools and institutions of higher education. The act became effective on April 3, 2007.

#### ***Physical Education and Physical Activity***

Act 317 (HB1039) - The act amends the physical education and physical activity requirements for public school students.

#### ***Repealed Provisions***

Act 1573 (SB274) - Section 52 of this technical corrections act repeals Arkansas Code § 6-16-124(c) concerning required social studies courses. Section 56 repeals Arkansas Code § 6-16-604(h) concerning optional summer programs.

### **DESEGREGATION**

#### ***Unitary Status***

Act 395 (HB1829) - The act requires the Department of Education and the Attorney General to hire consultants in the field of public school desegregation to determine if any of the three (3) Pulaski School Special School Districts are unitary, and if each school district has complied with its consent decree. The act authorizes the Department of Education and the Attorney General to seek federal court review and determination of the unitary status of all of the districts in Pulaski County.

#### ***Unitary Status and Release From Federal Court Supervision***

Act 829 (HB2515) - The act requires the Department of Education to develop regulations, criteria, and standards to assist the Pulaski County Special School District and the North Little Rock School District to achieve unitary status and release from federal court supervision.



## **EDUCATION - GENERAL**

### **EARLY GRADUATION ATTENDANCE EXEMPTION**

Act 985 (HB2029) - The act exempts high school students who have graduated early from the requirement that they attend a full school day. The act became effective on April 3, 2007.

### **EARLY LITERACY SKILLS SCHOLARSHIP PROGRAM**

Act 341 (HB1487) - The act amends the Arkansas Academic Challenge Scholarship Program to include a component for early literacy skills tutoring by scholarship participants for public school students in prekindergarten through grade six (preK-6). The scholarship recipient will receive literacy skills training and commit to twenty (20) hours of tutoring in each semester the scholarship is received.

### **EDUCATION, DEPARTMENT OF**

#### ***Data Warehouse Access***

Act 624 (HB2268) - The act requires the Department of Education to provide the Bureau of Legislative Research with direct read and report only access to the department's data warehouse concerning school districts and related records. The act also requires the bureau to inform the department of any warehouse data used in the preparation of reports and to provide the department at least one (1) working day to review any student-related warehouse data used in the preparation of a report before publicly releasing student-related data without individually identifiable information.

#### ***Division of Public School Accountability***

Act 1573 (SB274) - Section 68 of this technical corrections act changes the position of Director of the Division of Public School Accountability of the Department of Education, to assistant commissioner of the division and provides for the reassignment of staff needed for the division to fulfill its monitoring and reporting obligations.

#### ***Monitoring Of Comprehensive School Improvement Plans***

Act 807 (HB1517) - The act requires the Department of Education to monitor public school compliance with a comprehensive school improvement plan, and expands the information that public schools are required to include in the plans. The act became effective on April 2, 2007.

#### ***Personnel***

Act 698 (SB139) - The act provides that retired members of the Arkansas Teacher Retirement System entering into employment with the Department of Education shall be exempt from the Arkansas Teacher Retirement System earnings limitation.

### **EDUCATION SERVICE COOPERATIVES**

Act 617 (HB1751) - The act corrects references throughout the Arkansas Code to "educational cooperative", "education cooperative", or "cooperative" to "education service cooperative", when appropriate.

### **FINANCIAL REPORTING DEADLINE**

Act 858 (SB764) - The act requires each school district, open-enrollment charter school, or education service cooperative to conduct a final close on the applicable general ledger database no later than September 30, 2007, for the 2006 -2007 school year and no later September 15 for each subsequent year.

### **FISCAL DISTRESS**

Act 741 (HB2234) - This act removes capital outlay expenditures from the list of items that may be used to put a school district in fiscal distress. The act became effective on March 30, 1997.

## **EDUCATION - GENERAL**

### **FREE TEXT BOOK ACT**

Act 1577 (SB850) - The act requires the Department of Education to monitor school district compliance with the Free Text Book Act. The State Board of Education, through the department, is required to provide an annual report listing any school district out of compliance with this act to the House and Senate Committees on Education starting November 1, 2007.

### **HOME SCHOOL**

Act 824 (HB2394) - The act amends the definition of "home school" to one that is "provided by" instead of "primarily conducted by" the child's parent or guardian.

### **JUVENILE JUSTICE SYSTEM AND EDUCATIONAL OUTCOMES**

Act 643 (HB2490) - The act requests that the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth study the juvenile justice system regarding the educational outcomes of juveniles who have been committed to the Division of Youth Services of the Department of Health and Human Services or who are otherwise being detained in juvenile detention centers.

### **JUVENILE SAFETY PLANS**

Act 49 (HB1041) - The act requires that a court-ordered safety plan for a student be provided to the school, that the school enter the safety plan into the student's permanent, confidential record, and to remove the safety plan when the student is released from court jurisdiction.

### **KINDERGARTEN ENROLLMENT AGE**

Act 462 (SB217) - The act raises the age when a child may be enrolled into kindergarten, beginning with the 2009-2010 school year and for the next two (2) school years.

### **PARENTAL INVOLVEMENT PLANS**

Act 307 (HB1521) - The act amends the law requiring schools to implement parental involvement plans to mitigate some of the costs associated with implementing the plans.

### **PUBLIC SCHOOL CHOICE**

#### ***Children of Department of Correction Employees***

Act 379 (HB1909) - The act allows children of Department of Correction employees who are transferred or who will be transferred and will live on department property to complete their education in the public school district where the students were enrolled at the time of the parent's transfer.

#### ***Return to Resident District***

Act 552 (HB2251) - The act allows a student who has transferred out of his or her resident district under the Public School Choice Act of 1989 to return to the resident district during the school year.

### **PUBLIC SCHOOL COMPUTER NETWORK, ARKANSAS**

#### ***Data Quality and Security***

Act 723 (SB920) - The act requires the Department of Education to establish policies and procedures and use qualified personnel to provide for data quality and security within the Arkansas Public School Computer Network.

#### ***Periodic Release of Information***

Act 724 (SB922) - The act sets specific deadlines for the collection and reporting of various data from public school districts through the Arkansas Public School Computer Network, beginning with the 2007-2008 school year. The act requires the Department of Education to release monthly selected public school financial and student management data from the Arkansas Public School Computer Network, beginning with the 2008-2009 school year.

## **EDUCATION - GENERAL**

### **PUBLIC SCHOOL EMPLOYEES**

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

Act 823 (HB2380) - The act provides that all nonlicensed personnel, including nonlicensed persons who are employed as substitute teachers, shall have a criminal background check upon initial or continued employment or re-employment.

#### ***Grievance Procedures***

Act 312 (SB655) - The act amends the grievance procedures for employees of public school districts by allowing an employee to waive a portion of the ninety-minute period for presenting the grievance at a hearing.

#### ***Health Certificates***

Act 313 (SB659) - The act allows a school district to hire a new employee without a health certificate dated within ninety (90) days of hiring if the employee has had the required screening within six (6) months prior to employment and can provide appropriate documentation.

#### ***Health Insurance***

Act 306 (HB1479) - The act protects the health insurance benefits of a school district's classified employees who have negotiated a higher employer contribution funding amount than the school district's employer contribution funding amount for certified employees until the funding amount for certified employees at least equals the funding amount for the classified employees. The act became effective on March 16, 2007.

#### ***Personal Leave Policies***

Act 867 (SB953) - The act requires each school district and education service cooperative to establish personnel policy guidelines requiring an administrator or school employee of a public school district or education service cooperative to use personal leave or leave without pay for any time away from school facilities unrelated to a school function.

### **PUBLIC SCHOOL FACILITIES**

#### ***Academic Facilities Bonds***

Act 1021 (HB2813) - The act authorizes the Governor to call an election on or before June 30, 2011, authorizing the issuance of general obligation bonds to finance public school academic facilities in a total principal amount not to exceed seven hundred fifty million dollars (\$750,000,000), in series from time to time in principal amounts not to exceed, without prior approval of the General Assembly, one hundred fifty million dollars (\$150,000,000) in any fiscal biennium.

#### ***Academic Facilities Omnibus Amendment***

Act 989 (HB2269) - The act revises the Arkansas Public School Academic Facilities Program to accord with the Arkansas Public School Academic Facility Manual. The act authorizes school districts to go forward with building projects wholly funded by the school districts and clarifies the relations between the state and each school district regarding bond financing and refunding. The act sets the expiration criteria for the Academic Facilities Immediate Repair Program and the Transitional Academic Facilities Program. The act updates the Academic Facilities Partnership Program and the Academic Facilities Distress Program.

#### ***Academic Facilities Wealth Index***

Act 727 (SB962) - The act amends the definition of "academic facilities wealth index" to ensure that all public school districts are included under the Arkansas Public School Academic Facilities Funding Act regardless of the district's wealth.

## **EDUCATION - GENERAL**

### **PUBLIC SCHOOL FACILITIES**

#### ***Division of Public School Academic Facilities and Transportation***

Act 1580 (SB899) - The act adds to the duties of the Division of Public School Academic Facilities and Transportation the requirement that it review applicable statutes, rules, and regulations for conflicts with or omission of energy-related content.

#### ***Facilities Distress Program***

Act 996 (HB2426) - The act addresses the inability of a public school district to raise sufficient local resources to fund its obligation for adequate academic facilities as provided in the Facilities Master Plan. The act creates a loan fund program for school districts and additional state options to address inadequate facilities.

#### ***High-Growth Districts***

Act 995 (HB2425) - The act addresses extraordinary circumstances that affect the ability of a public school district with rapidly growing enrollment to provide adequate academic facilities.

#### ***School Facilities Insurance***

Act 625 (HB2272) - The act authorizes the Commission for Arkansas Public School Academic Facilities and Transportation to establish insurance requirements for public school facilities, to withhold or reduce funding if a school district fails to meet the insurance requirements, and to study and promulgate rules concerning insurance coverage for school districts against loss due to earth movement or the operation of motor vehicles and buses. The act became effective March 28, 2007.

#### ***School Fire Hazard Inspections***

Act 538 (HB1477) - The act amends the law concerning fire hazard inspections of public school buildings by expanding requirements for reporting and responding to reports. The act provides that a failure to inspect may result in the withholding of funding from the responsible fire department. Similarly, a superintendent's failure to respond to the fire inspection report may result in the school district being placed in facilities distress.

#### ***School Tornado Shelter***

Act 1584 (SB984) - The act allows a public school to include plans for tornado shelters in its building plans. Although the school district is required to generate funds for the project, it may apply for grant funds to assist in the construction.

#### ***State and Public School Life and Health Insurance Board***

Act 1009 (HB2703) - The act revises the State and Public School Life and Health Insurance Board membership, duties, and administration.

### **PUBLIC SCHOOL FINANCE**

#### ***Access to Public School Finance Legislation***

Act 1587 (HB2210) - The act requires the Department of Education to provide a website link and requires the superintendent of each public school district to provide the school district board of directors with the website address where specific Arkansas legislation concerning public school funding may be accessed.

#### ***Bonded Debt Assistance***

Act 1573 (SB274) - Section 33 of this technical corrections act amends the requirements for qualification to receive supplemental millage incentive funds for a public school district that voluntarily raised its maintenance and operation millage rate above twenty-five (25) mills for the fiscal year 2005 and whose property assessment per student is below the state average.

## **EDUCATION – GENERAL**

### **PUBLIC SCHOOL FINANCE**

#### ***Calculation of Miscellaneous Funds***

Act 825 (HB2429) - The act excludes previously collected funds from being calculated as miscellaneous funds if a school district no longer receives funds from the same source. The act becomes effective on July 1, 2007.

#### ***Categorical Funding - Alternative Learning Environments***

Act 272 (HB1632) - The act increases the categorical funding for alternative learning environments to four thousand sixty three dollars (\$4,063) per full-time equivalent student. The effective date of the act is July 1, 2007.

#### ***Categorical Funding - English-Language Learners***

Act 272 (HB1632) - The act increases the categorical funding for English-language learners to two hundred ninety three dollars (\$293) per English-language learner. The effective date of the act is July 1, 2007.

#### ***Categorical Funding - National School Lunch Students***

Act 272 (HB1632) - The act increases the per student categorical funding for national school lunch students to one thousand four hundred forty eight dollars (\$1,448) per student for a school district with ninety percent (90%) or greater national school lunch student population, to nine hundred ninety two dollars (\$992) for 70% - 90% level, and to four hundred ninety six dollars (\$496) for the below seventy percent (70%) level of national school lunch student population. The effective date of the act is July 1, 2007.

Act 811 (HB1726) - The act provides a mechanism for adjusting categorical funding for national school lunch students, over a three-year period, in public school districts that fall below, meet, or exceed the funding levels established by Arkansas Code § 6-20-2305(b)(4).

#### ***Declining Enrollment Funding***

Act 272 (HB1632) - The act amends the formula for providing additional funding for school districts that have experienced a decline in average daily membership over the two immediately preceding school years by using the current foundation funding amount to calculate the amount of funding. The act prohibits a school district from receiving both declining enrollment funding and student growth funding. The effective date of the act is July 1, 2007.

Act 461 (SB231) - The act amends the formula for providing additional funding for school districts that have experienced a decline in average daily membership over the two immediately preceding school years by using the current foundation funding amount to calculate the amount of funding. The act prohibits a school district from receiving both declining enrollment funding and student growth funding.

#### ***Enhanced Educational Funding***

Act 273 (HB1633) - The act provides enhanced educational funding for the 2007-2009 biennium only that is in addition to foundation funding. The amount of the enhanced educational funding is fifty one dollars (\$51.00) for the 2007-2008 school year and an additional thirty six dollars (\$36.00) for the 2008-2009 school year. The act is effective on July 1, 2007.

## **EDUCATION – GENERAL**

### **PUBLIC SCHOOL FINANCE**

#### ***Foundation Funding***

Act 272 (HB1632) - The act amends the Public School Funding Act of 2003 to increase foundation funding to five thousand seven hundred nineteen dollars (\$5,719) for the 2007-2008 school year and five thousand seven hundred eighty nine dollars(\$5,789) for the 2008-2009 school year. The act also revises the funding formula to include 100% of the collections of a school district for its uniform rate of tax and one hundred percent (100%) of its five-year average of miscellaneous funds received. The effective date of the act is July 1, 2007.

#### ***Isolated Schools Funding***

Act 1573 (SB274) - Section 32 of this technical corrections act repeals § 6-20-604(h), concerning eligibility for funding under Arkansas Code § 6-20-603, and Section 30 of the act properly places that language in Arkansas Code § 6-20-603 in a new subsection (i).

#### ***NSL Categorical Funding Flexible Spending***

Act 1590 (HB2255) - The act allows public school districts to spend excess national school lunch student state categorical funding for increasing teacher salaries, under specific limited circumstances.

#### ***Special Needs Isolated Funding***

Act 1052 (SB919) - The act provides additional funding for transportation costs of isolated schools from undistributed funds under Arkansas Code §§ 6-20-603 and 6-20-604 allocated to a school district that is no longer eligible to receive isolated schools funding.

#### ***Student Growth Funding***

Act 272 (HB1632) - The act provides a mechanism for calculating the amount of additional foundation funding a school district may receive for an increase in its quarterly average daily membership over the corresponding quarter in the previous school year. The effective date of the act is July 1, 2007.

### **PUBLIC SCHOOL INSURANCE FUNDS**

Act 738 (HB1535) - The act reorganizes the Public Elementary and Secondary School Insurance Fund and the School Vehicle Insurance Reserve Trust Fund into one (1) fund to provide greater financial stability and flexibility to the funds.

### **SCHOOL BUSES**

#### ***Bus Drivers***

Act 256 (HB1469) - The act conforms the Arkansas requirements for the issuance of a commercial driver's license to federal standards by removing the authorization for a restricted commercial driver's license for a school bus driver.

#### ***Definition of School Bus***

Act 999 (HB2484) - The act amends the definition of "school bus" to conform with the federal standard for vehicles that must be regulated by the Division of Public School Academic Facilities and Transportation.

#### ***Sale of Controlled Substances at Bus Stops***

Act 345 (HB1567) - The act creates an enhanced penalty for selling a controlled substance at or near a school bus stop.

#### ***School Bus Safety***

Act 718 (SB851) - The act simplifies the reporting to the prosecuting attorney of violations of passing a school bus; requires the local prosecuting attorney to provide written notice to the superintendent who reports a violation; and clarifies that any person who observes a vehicle passing a school bus can report the incident to the local prosecuting attorney.

**EDUCATION – GENERAL**  
**SCHOOL DISTRICTS**

***Arkansas School For Mathematics, Sciences, and the Arts***

Act 51 (SB44) - The act requires a school district to provide reasonable access to the Arkansas School for Mathematics, Sciences, and the Arts for the purposes of contacting students regarding potential enrollment at the school.

***Athletic Expenditures***

Act 255 (HB1460) - The act clarifies the definition of "athletic expenditures" and requires the Division of Legislative Audit to conduct reviews of the reports of athletic expenditures by school districts on a five-year rotating basis.

***Bonuses for Highly Qualified Paraprofessionals***

Act 1197 (HB2260) - The act authorizes a one-time bonus for a paraprofessional who is under a contract of employment with a public school district or education service cooperative as a paraprofessional employee on May 1, 2007, if the paraprofessional has obtained an associate degree or completes sixty (60) hours of course work at an institution of higher education. The act became effective on April 5, 2007.

***Energy Savings Contracts***

Act 659 (HB2715) - The act makes various changes to the definition of "energy savings contracts" for school districts.

***General Business Manager***

Act 1591 (HB2287) - The act requires the general business manager for a public school district to meet the qualifications established by rule of the Department of Education.

***Preservation of Historic Artifacts***

Act 1594 (HB2378) - The act requires a receiving district in an annexation or a resulting district in a consolidation to preserve the historic materials of a school that has been annexed or consolidated and to display or otherwise handle those artifacts in the same manner as the receiving or resulting school district would display or handle its own historical artifacts.

***Reporting of Reimbursements***

Act 1573 (SB274) - Section 61 of this technical corrections act removes the requirement that a public school superintendent annually report the school district's compliance with the reimbursement provisions of Arkansas Code § 6-21-303.

***School Board Meetings***

Act 1588 (HB2217) - The act requires a school district board of directors to provide on the school district website notice of regularly scheduled meetings and of any rescheduling of those meetings.

***Student Award Purchases***

Act 1043 (SB808) - The act authorizes a school district to use net athletic event gate receipts to purchase awards for student participation in school-sponsored activities.

***Websites***

Act 1573 (SB274) - Section 1 of this technical corrections act provides that certain information formerly reported on the Department of Education website will now be reported on school district websites. The section further provides that personally identifiable information related to employee contracts will not be published on the school district website.

Act 54 (HB1011) - The act provides that no school district employee's address or signature shall be published on the district's website.

## **EDUCATION - GENERAL**

### **SCHOOL ELECTIONS**

Act 1200 (HB2321) - The act provides that for school elections, the school districts in the county shall reimburse the county for the entire cost of the election, with each school district's share of the total being determined by multiplying the total cost of the election by a fraction, the numerator of which is the number of votes cast in the specific school election and the denominator of which is the total number of votes cast in the entire election.

### **SCHOOL IMPROVEMENT PLANS, MONITORING**

Act 807 (HB1517) - The act requires the Department of Education to monitor public school compliance with a comprehensive school improvement plan, and expands the information that public schools are required to include in the plans. The act became effective on April 2, 2007.

### **SEX OFFENDERS**

Act 992 (HB2336) - The act prohibits the presence of a registered sex offender on a public school campus, except under certain limited circumstances. A violation of the act is a Class D felony.

### **STANDARDS FOR ACCREDITATION**

#### ***Advanced Placement Courses***

Act 1015 (HB2734) - The act provides that the State Board of Education shall consider an advanced placement course as being taught for one (1) of the required courses under the Standards for Accreditation of Arkansas Public Schools and School Districts if the public school district meets criteria established in the act. The act became effective on April 3, 2007.

#### ***Credit for Teaching Course***

Act 219 (SB11) - The act provides a procedure for considering a course as taught under the Standards for Accreditation of Arkansas Public Schools and School Districts if all students enrolled in a course leave the public school district after the course has commenced but before the completion of the course.

### **STATE BOARD OF EDUCATION**

Act 344 (HB1563) - The act clarifies the membership requirements for the State Board of Education.

### **STUDENT RECORDS**

Act 1573 (SB274) - Section 26 of this technical corrections act requires a public school district to provide a copy of a transferred student's permanent student record to a receiving school district within ten (10) days of a request, and prohibits the failure to provide the record due to certain outstanding fines or fees owed by the student.

### **STUDENT SERVICES**

#### ***Academic Support Centers***

Act 1575 (SB713) - The act allows communities whose schools have been closed by consolidation or annexation under Arkansas Code § 6-13-1601 et seq. to establish academic support centers that provide opportunities for supplemental academic support, including access to library materials, academic resource materials, educational technology, and homework and tutorial assistance based on the Arkansas curriculum frameworks.

#### ***Classroom Guidance***

Act 1573 (SB274) - Section 28 of this technical corrections act changes the length of a classroom guidance session from a maximum of thirty (30) minutes to a maximum of forty (40) minutes.



## **EDUCATION – GENERAL**

### **STUDENT SERVICES**

#### ***Human Services Workers in Schools***

Act 1050 (SB868) - The act establishes the human services workers in the schools program to provide children and families with social services, including crisis intervention, home visits, transportation for group counseling sessions, and parental training. The act became effective on April 4, 2007.

#### ***Information for High School Students***

Act 474 (HB2245) - The act requires the Arkansas Higher Education Coordinating Board in conjunction with other educational institutions, the Department of Education, and the Department of Workforce Education to annually provide comprehensive information to high school guidance counselors for dissemination to high school students concerning academic scholarships and state-funded programs for developing technical job skills and apprenticeships.

### **STUDENT SUSPENSION PROCEDURES**

Act 159 (HB1145) - The act requires schools to notify parents upon a student's suspension.

### **STUDENTS WITH DISABILITIES**

Act 1573 (SB274) - Sections 34 through 39 of this technical corrections act amend certain provisions of The Children With Disabilities Act of 1973, Arkansas Code §§ 6-41-201 – 6-41-223, to update the law concerning the state's responsibility for ensuring that programs and funding for children with disabilities who are referred to or placed in private schools and facilities by a state agency meet the educational standards of the State Board of Education and the requirements of the federal Individuals with Disabilities Education Act.

### **TEACHER RETIREMENT SYSTEM, ARKANSAS**

#### ***Benefits***

Act 297 (HB1189) - The act provides that the Board of Trustees of the Arkansas Teacher Retirement System shall not increase monthly benefits more than seventy-five dollars (\$75.00) per month. The act becomes effective on July 1, 2007.

#### ***Contributory and Noncontributory Status***

Act 93 (SB80) - The act allows noncontributory members of the Arkansas Teacher Retirement System to make an irrevocable election to become contributory members on July 1 of each year. The act becomes effective on July 1, 2007.

#### ***Disability Retirement***

Act 487 (SB140) - The act amends laws governing disability retirement under the Arkansas Teacher Retirement System, including providing that a disability retirant who returns to full-time service after sixty (60) years of age shall be treated as if he or she retired.

#### ***Earnings Limitation***

Act 612 (HB1187) - The act extends the length of a waiver from the earnings limitation for a retired teacher to teach in a critical need area to six (6) years.

Act 698 (SB139) - The act provides that retired members of the Arkansas Teacher Retirement System entering into employment with the Department of Education shall be exempt from the Arkansas Teacher Retirement System earnings limitation.

#### ***Employer Contribution Rate***

Act 403 (SB142) - The act provides that the employer contribution rate for the fiscal years ending June 30, 2008, and June 30, 2009, shall not exceed fourteen percent (14%).

## **EDUCATION - GENERAL**

### **TEACHER RETIREMENT SYSTEM, ARKANSAS**

#### ***Lump Sum Benefit Payments***

Act 296 (HB1188) - The act amends Arkansas law concerning lump sum benefit payments to active members of the Arkansas Teacher Retirement System, including changing the amounts of the lump sum benefits and eligibility for those benefits. The act becomes effective on July 1, 2007.

#### ***Teacher Deferred Retirement Option Plan***

Act 298 (HB1191) - The act makes various changes to the provisions of the Arkansas Teacher Retirement Deferred Retirement Option Plan, including revising the employer contribution rate, providing that a member's participation in the plan shall not exceed ten (10) years, and authorizing the Board of Trustees of the Arkansas Teacher Retirement System to make necessary adjustments to render the plan cost-neutral. The act becomes effective on July 1, 2007.

#### ***Technical Corrections***

Act 97 (SB166) - The act makes various technical corrections to the laws governing the Arkansas Teacher Retirement System, including adding defined terms and amending provisions concerning option annuities and spouse annuities. The act becomes effective on July 1, 2007.

### **TEACHERS**

#### ***Alternative Teaching License***

Act 704 (SB305) - The act requires that the Department of Education make courses required for alternative teaching licensure available at all two-year colleges in the state, and in semester blocks or online.

#### ***Credit for Teaching at a Juvenile Detention Facility***

Act 833 (HB2619) - The act provides for a teacher's experience for purposes of the salary schedule to include teaching at any facility operated by the Division of Youth Services or any facility contracting with the Division of Youth Services to provide care for juveniles committed to the Division of Youth Services.

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

Act 1573 (SB274) - Sections 23 and 24 of this technical corrections act amend the provisions of Arkansas Code §§ 6-17-410 and 6-17-414, concerning issuance of new teacher licenses or renewal of licenses, and employment of nonlicensed personnel who have criminal backgrounds. The act adds new criminal offenses to the list of offenses that form the basis for the State Board of Education's denial of a teaching license issuance or renewal, and for nonlicensed personnel noneligibility for employment with a public school district.

#### ***Filing Contracts with County Clerk Repealed***

Act 710 (SB772) - The act repeals the requirement that teacher contracts and licenses be filed with the county clerk and directs the county clerk, and a county treasurer who no longer acts as the school district treasurer, to appropriately destroy teacher contracts and licenses. The act also authorizes a school district to pay a nonlicensed teacher whose employment is authorized by the Department of Education under certain conditions.

**EDUCATION - GENERAL**  
**TEACHERS**

***Incentive Pay for High-Priority Districts***

Act 1044 (SB826) - The act amends the incentive pay program for high-priority school districts to provide bonuses of four thousand dollars (\$4,000) for a newly hired teacher, three thousand dollars (\$3,000) for the second year of service, three thousand dollars (\$3,000) for the third year of service, and two thousand dollars (\$2,000) for the fourth and each complete year of service thereafter. Teachers who are not new hires will receive a bonus of two thousand dollars (\$2,000) for each complete year of service. The bonus program begins with the 2007-2008 school year, and is limited to teachers who complete a full year's contract obligations with the high-priority district.

***Lifetime Teaching License for Retired Teachers***

Act 169 (HB1431) - The act provides a Lifetime Teaching License for retired teachers over sixty-five (65) years of age that allows the teacher to maintain a teaching license without the requirement of professional development, unless the teacher returns to teaching.

***Minimum Teacher Salary Schedule***

Act 272 (HB1632) - The act increases the minimum teacher salary schedule for school years 2007-2008 and 2008-2009. The effective date of the act is July 1, 2007.

Act 1410 (HB2404) - The act includes as a qualifier for calculating years of service under the minimum teacher salary schedule years of service with an institution of higher education employed in an educational capacity with an Arkansas teaching license.

***Professional Licensure Standards Board***

Act 846 (HB2792) - The act repeals the Professional Education, Development, Licensure, and Assessment Board, and creates the Professional Licensure Standards Board.

***Reports and Records***

Act 311 (SB652) - The act eliminates the requirement that a teacher keep a daily register, and provides that a teacher keep the records and make the reports required by the employing school district.

***Retired Teachers***

Act 628 (HB2327) - The act provides that a person who retires while possessing a valid teacher's license shall not be required to complete approved professional development in order to maintain a valid teacher's license. If the teacher returns to a certified employment position with a public school district, he or she shall complete the required professional development within the school year of the return.

***Retired Teachers Earnings Limitation***

Act 612 (HB1187) - The act extends the length of a waiver from the earnings limitation for a retired teacher to teach in a critical need area to six (6) years.

Act 698 (SB139) - The act provides that retired members of the Arkansas Teacher Retirement System entering into employment with the Department of Education shall be exempt from the Arkansas Teacher Retirement System earnings limitation.

***Rewarding Excellence in Achievement Program Act of 2007***

Act 1029 (HB2614) - The act establishes a pilot program, known as the Rewarding Excellence in Achievement Program, under which the Department of Education will select twelve (12) public school districts and public charter schools that have developed plans approved by the department to provide incentives designed to encourage development of teaching skills and to aid in recruitment and retention of qualified teachers.

## **EDUCATION - GENERAL**

### **TEACHERS**

#### ***Science, Technology, Engineering, and Math Fund***

Act 564 (HB2414) - The act creates the Science, Technology, Engineering, and Math Fund for the purpose of retaining, recruiting, and attracting competent science, technology, engineering, and math teachers.

#### ***Special Education Endorsement***

Act 1007 (HB2688) - The act authorizes the State Board of Education to waive or modify the requirement that an out-of-state applicant for a special education endorsement to a teaching license complete an additional performance-based program of study if the applicant already has a special education endorsement from another state and has five (5) years of experience in special education.

#### ***Substitute Teachers***

Act 46 (HB1071) - The act clarifies that a class whose teacher is absent for more than thirty (30) consecutive school days shall be taught by a substitute teacher or teachers having a bachelor's degree.

Act 57 (HB1032) - The act requires a substitute teacher to be a high school graduate or hold a graduate equivalent degree.

#### ***Traveling Teacher Program***

Act 1027 (SB843) - The act creates a Traveling Teacher Program in which a public school district may provide traveling teacher services to another public school district under an agreement between the two (2) districts and the traveling teacher, as approved by the Department of Education.

### **TECHNICAL CORRECTIONS**

Act 1573 (SB274) - The act makes technical corrections in Arkansas Code Title 6 and contains sixty-eight (68) sections. Some sections correct references to state-mandated tests or benchmark exams for public schools to references to "augmented, criterion-referenced, or norm-referenced assessments", change the term "certified" to "licensed", remove various reports by the State Board of Education to the General Assembly, and repeal or amend out-of-date or obsolete language. The act repeals the following code sections in their entirety: §§ 6-11-109, 6-11-118, 6-13-106, 6-15-801 et seq., 6-20-413, 6-15-423, 6-15-1604, 6-16-123, 6-16-1-25, 6-16-138, 6-18-1105, 6-18-1505, 6-20-605, 6-23-207, 6-82-104. Other substantive changes are summarized elsewhere in this summary.

### **TEXTBOOKS**

Act 1199 (HB2310) - The act requires the Department of Education to monitor compliance with the Free Textbook Act and empowers the State Board of Education to promulgate rules necessary to ensure compliance with the Free Textbook Act. The act also requires the department to report all schools that have not complied with the Free Textbook Act to the House and Senate Interim Committees on Education.

### **TORNADO SAFETY DRILLS**

Act 828 (HB2470) - The act provides that it shall be the duty of the Director of the Arkansas Department of Emergency Management to require all public schools to conduct tornado safety drills not less than four (4) times per year in the months of September, October, January, and February.

### **TORNADO SHELTER**

Act 1584 (SB984) - The act allows a public school to include plans for tornado shelters in its building plans. Although the school district is required to generate funds for the project, it may apply for grant funds to assist in the construction.

## **EDUCATION - GENERAL**

### **TRANSCRIPTS**

Act 1573 (SB274) - Section 41 of this technical corrections act provides that uniform transcripts be electronically transmitted and used by public high schools to correctly enroll and place students transferred between high schools. The section also requires the Department of Education to develop a uniform method of formatting and electronically transmitting transcripts to be used by public elementary and middle schools for enrolling and transferring students in kindergarten through grade eight (K-8).

### **TRANSPORTATION EFFICIENCY STUDY**

Act 1604 (HB2751) - The act requests that the Bureau of Legislative Research conduct a study of the transportation of public school students by public school districts, particularly districts resulting from consolidation or annexation, isolated school districts, and those with declining enrollment, to assess whether the time and cost of public school district transportation for those students can or should be minimized.

### **VOCATIONAL AND TECHNICAL EDUCATION**

#### ***Existing Workforce Training Act***

Act 1003 (HB2536) - The act amends the provisions of the Existing Workforce Training Act, including updating definitions and revising the duties of the Arkansas Economic Development Commission in relation to the Existing Workforce Training Act.

#### ***Secondary Area Technical Centers***

Act 541 (HB1508) - The act allows secondary area technical centers to use a Building Trades Revolving Fund for the purchase of building materials, supplies, and fixtures to be used in the construction of a single family dwelling unit or other nonresidential building project.

### **VOLUNTARY UNIVERSAL ACT ASSESSMENT PROGRAM**

Act 881 (HB1562) - The act implements for the 2008-2009 school year the Voluntary Universal ACT Assessment Program to provide each student in grade eleven (11) with the opportunity to take the ACT Assessment without any charge. The goal of the act is to reduce the college remediation rate and improve the workforce readiness of all students.

## **EDUCATION - HIGHER**

### **ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM, ARKANSAS**

#### ***Eligibility***

Act 840 (SB839) - The act amends the eligibility requirements for the Arkansas Academic Challenge Scholarship Program by increasing the maximum average family adjusted gross income for families with one (1), two (2), or three (3) unemancipated children by five thousand dollars (\$5,000) for each category. The act became effective on April 3, 2007.

#### ***Early Literacy Skills Scholarship Program***

Act 341 (HB1487) - The act amends the Arkansas Academic Challenge Scholarship Program to include a component for early literacy skills tutoring by scholarship participants for public school students in prekindergarten through grade six (preK-6). The scholarship recipient will receive literacy skills training and commit to twenty hours (20) of tutoring in each semester the scholarship is received.

### **ARKANSAS REHABILITATION SERVICES FORGIVENESS OF STUDENT LOAN PROGRAM**

Act 1207 (HB2646) - The act establishes the Arkansas Rehabilitation Services Forgiveness of Student Loan Program to assist counselors employed by the Arkansas Rehabilitation Services with the repayment of student loans. This program is to be administered by the Arkansas Rehabilitation Services of the Department of Workforce Education and expires on June 30, 2009.

## **EDUCATION - HIGHER**

### **ARKANSAS TECH UNIVERSITY - OZARK CAMPUS RENAMED**

Act 260 (HB1502) - The act renames Arkansas Valley Technical Institute as Arkansas Tech University - Ozark Campus. The act becomes effective on July 1, 2007.

### **COLLEGIATE ASSESSMENT OF ACADEMIC PROFICIENCY EXAM**

Act 274 (SB203) - The act repeals the requirement that colleges and universities administer the Collegiate Assessment of Academic Proficiency Exam (known as the "Rising Junior Exam") to evaluate public college and university students at the end of the postsecondary sophomore year.

### **COURSE TRANSFERABILITY**

Act 472 (HB2398) - The act requires each student at a public institution of higher education to be informed at registration if a course will transfer to another public institution of higher education. The act also requires the eight-semester course of study to include transferability information.

### **CRIMINAL JUSTICE INSTITUTE**

Act 1013 (HB2731) - The act authorizes the University of Arkansas System Criminal Justice Institute to train and instruct law enforcement officials and jail personnel in the handling of inmates with mental illness.

### **ELECTRONIC TRANSCRIPTS**

Act 820 (HB2335) - The act requires a public high school in the state and an institution of higher education in the state to provide electronic student transcripts to the Department of Higher Education to determine student eligibility for state financial aid programs.

### **EMPLOYEES**

#### ***Additional Positions***

Act 620 (HB2252) - The act amends the number of additional positions at institutions of higher education in the state. The act will become effective on July 1, 2007.

#### ***Benefits***

Act 447 (HB1731) - The act clarifies that all classified and nonclassified employees of a two-year college may be paid for unused sick leave. The act became effective on March 22, 2007.

#### ***Evaluation***

Act 449 (HB1890) - The act provides that by April 1, 2008, each agency, board, commission, or institution of higher education shall submit its performance evaluation process and associated forms to the Office of Personnel Management for its review and approval. After the office has approved the performance evaluation process and associated forms, the agency, board, commission, or institution of higher education shall implement the approved performance evaluation process and forms.

### **ENDORSED CONCURRENT ENROLLMENT COURSES**

Act 936 (HB1730) - The act provides standards for offering, teaching, enrolling students in, and granting credit for endorsed concurrent enrollment courses offered by public high schools and institutions of higher education. The act became effective on April 3, 2007.

### **EVALUATION CENTER, ARKANSAS**

Act 1582 (SB951) - The act establishes the Arkansas Evaluation Center at the University of Arkansas at Pine Bluff to build evaluation capacity through evaluation-related courses and the development of programs in Effective Evaluation.

### **FOUR-YEAR DEGREE REQUIREMENTS**

Act 1600 (HB2660) - The act requests the House Interim Committee on Education and the Senate Interim Committee on Education to study the requirements for obtaining a four-year degree in education in Arkansas.

## **EDUCATION - HIGHER**

### **FOUR-YEAR INSTITUTIONS OF HIGHER EDUCATION POSITIONS**

Act 618 (HB2222) - The act establishes a “growth pool” of positions for state-supported four-year institutions of higher education in Arkansas.

### **GRANTS**

Act 1030 (HB2299) - The act establishes the Higher Education Opportunities Grant Program to increase the opportunities of low-income students to pursue higher education opportunities. The act became effective on April 4, 2007.

### **HEALTH CARE STUDENTS, CIVIL IMMUNITY**

Act 837 (HB2657) - The act clarifies that civil immunity is extended to students of health care professional programs who render voluntary health care services at free or low-cost health care clinics under the supervision of licensed personnel.

### **HEAVY EQUIPMENT OPERATOR TRAINING ACADEMY, ARKANSAS**

Act 819 (HB2316) - The act amends the law pertaining to the Arkansas Heavy Equipment Operator Training Academy to allow it to operate a program at the Southeast Arkansas Community-Based Education Center located in Warren. The act became effective on April 3, 2007.

### **HOUSING ALLOWANCE FOR PRESIDENTS AND CHANCELLORS**

Act 1041 (SB660) - The act amends the law regarding the uniform housing allowances for presidents or chancellors at institutions of higher education to increase the maximum housing allowance to one thousand five hundred dollars (\$1,500) per month in lieu of college housing.

### **INCOME TAX CREDIT FOR DONATION TO UNIVERSITIES**

Act 1607 (HB2800) - The act raises the amount of income tax credit a taxpayer may claim for a donation to a college or university from fifty percent (50%) to one hundred percent (100%). The act also increases the number of years that the credit may be carried forward on an income tax return from three (3) years to nine (9) years.

### **INFORMATION FOR HIGH SCHOOL STUDENTS**

Act 474 (HB2245) - The act requires the Arkansas Higher Education Coordinating Board in conjunction with other educational institutions, the Department of Education, and the Department of Workforce Education to annually provide comprehensive information to high school guidance counselors for dissemination to high school students concerning academic scholarships and state-funded programs for developing technical job skills and apprenticeships.

### **LEGISLATIVE TASK FORCE**

Act 570 (HB2736) - The act creates the Arkansas Legislative Task Force on Higher Education, Retention and Graduation Rates.

### **LIGNITE RESOURCES PILOT PROGRAM**

Act 641 (HB2442) - The act creates the Arkansas Lignite Resources Pilot Program to be developed and administered by Southern Arkansas University, the Arkansas Geological Survey, and the Department of Economic Development. The purpose of the program is to develop an energy utilization strategy for lignite production and use to reduce our dependency on foreign oil for the creation of electricity and other energy sources.

### **MILITARY PERSONNEL FEES AND TUITION**

Act 16 (HB1028) - The act allows spouses of activated or deployed military personnel the same compensatory options for tuition, room, board, fees, and books that are provided to activated or deployed military personnel if the student ceases to attend a public institution of higher education because of his or her spouse's activation or deployment.

## **EDUCATION - HIGHER**

### **MOTOR VEHICLE RESTRICTIONS**

Act 711 (SB776) - The act modifies the restrictions on the number of motor vehicles that various institutions of higher education are allowed to purchase, lease, or operate. The act becomes effective on July 1, 2007.

### **OPTOMETRY SCHOOL**

Act 488 (SB334) - The act requires that out-of-state tuition for optometry education that is paid by the State of Arkansas be repaid if the student does not return to the state to practice.

### **RESEARCH PARK AUTHORITIES, SPONSORS**

Act 1045 (SB830) - The act authorizes the creation and operation of research park authorities for the purposes of economic development. The act authorizes institutions of higher education to act as sponsors in the development and operation of research park authorities. The act became effective on April 4, 2007.

### **RETENTION AND GRADUATION RATES**

Act 1592 (HB2325) - The act establishes the Productivity Enhancement for Undergraduate Higher Education Act to improve retention and graduation rates at public colleges and universities. The act implements a mechanism to distribute incentive funding to public colleges and universities for improved student outcomes.

### **RETIREMENT OPTIONS**

Act 831 (HB2555) - The act requires each college or university to provide each new employee with a written document explaining each of the employee's retirement plan options, which shall be signed by the employee and added to his or her personnel file.

### **RISING JUNIOR EXAM**

Act 274 (SB203) - The act repeals the requirement that colleges and universities administer the Collegiate Assessment of Academic Proficiency Exam (known as the "Rising Junior Exam") to evaluate public college and university students at the end of the postsecondary sophomore year.

### **RURAL MEDICAL PRACTICE LOAN FORGIVENESS PROGRAM**

Act 1058 (HB1324) - The act amends the rural medical practice student loans and scholarships law to provide greater flexibility for meeting loan forgiveness requirements and to allow physicians in the program to work in more than one (1) rural community. The act became effective on April 4, 2007.

### **SAU-TECH ADVISORY COMMITTEE**

Act 302 (HB1452) - The act repeals the provision of law pertaining to the SAU-Tech Advisory Committee.

### **SEX OFFENDER DISCLOSURE**

Act 147 (HB1274) - The act provides that the Arkansas Higher Education Coordinating Board shall promulgate guidelines for the disclosure to students of information regarding a sex offender when information concerning the sex offender is released to an institution of higher education. The act also provides that the board of directors of an institution of higher education shall adopt a written policy in accordance with the guidelines promulgated by the board.

### **SHIELDED OUTDOOR LIGHTING ACT**

Act 470 (HB1759) - The act provides an exemption from the Shielded Outdoor Lighting Act for outdoor lighting fixtures that are maintained or installed by a state-supported institution of higher education.

### **SILAS HUNT DAY**

Act 374 (HB2264) - The act established February 2nd as Silas Hunt Day in the State of Arkansas.



## **EDUCATION - HIGHER**

### **TEXTBOOKS AND COURSE MATERIALS**

Act 105 (SB27) - The act prohibits an employee of a state-supported institution of higher education from receiving anything of value as an inducement to require students to purchase a specific textbook for coursework or instruction, and requires that violations of the act be reported to the institution and the Legislative Council of the General Assembly. The act became effective February 14, 2007.

Act 106 (SB30) - The act requires a state-supported institution of higher education to establish guidelines for the use of royalties received by a faculty member from the sale of textbooks and course materials for classes taught by the faculty member. The act became effective February 14, 2007.

Act 175 (SB24) - The act requires a state-supported institution of higher education to provide prompt notice of the selection of textbooks and course materials that are assigned or required for undergraduate courses.

Act 277 (SB31) - The act prohibits posting a link to the website of a textbook retailer that does not pay Arkansas sales and use taxes on the website of a state-supported institution of higher learning. The act became effective March 16, 2007.

Act 1205 (SB29) - The act requires state-supported institutions of higher education to permit local private retailers access to student sales. The act became effective April 5, 2007.

### **TUITION AND SCHOLARSHIPS**

#### ***Aspiring Scholars Matching Grant Program***

Act 597 (SB822) - The act authorizes the Section 529 Plan Review Committee to create a pilot program to be known as the "Aspiring Scholars Matching Grant Program" to match the contribution made into an account for a designated beneficiary established under the Arkansas Tax-Deferred Tuition Savings Program Act, Arkansas Code § 6-84-101 et seq. The act also creates an advisory committee for the program.

#### ***Children and Spouse of Public Service Employees***

Act 172 (HB1466) - The act clarifies the law pertaining to scholarships for the children and spouse of a law enforcement officer, full-time or volunteer firefighter, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee who is fatally injured or who is permanently and totally disabled as a result of injuries that occurred during the performance of a hazardous duty within the scope of his or her employment. The act became effective on February 28, 2007.

#### ***Dependents of Disabled Veterans***

Act 717 (SB838) - The act clarifies the law regarding the provision of free tuition at state-supported institutions of higher education for the spouse or child of a disabled veteran, a prisoner of war, or a member of the armed forces who is missing in action or killed in action.

#### ***Governor's Distinguished Scholarships***

Act 1046 (SB837) - The act increases the number of Arkansas Governor's Distinguished Scholarships that may be awarded. The act also authorized the Department of Higher Education to award scholarships to students who are accepted to a public policy academic internship in Washington, D.C., subject to the appropriation and availability of funding. The act became effective on April 5, 2007.

#### ***Reduced Tuition for Covered Police Officers***

Act 291 (HB1031) - The act permits the employer of certain covered police officers to offer reduced tuition to an officer or his or her dependents based on the amount of funds available for that purpose. The employer shall pay to the public institution of higher education the difference between the regular tuition rate and the reduced tuition rate.

## **EDUCATION - HIGHER**

### **TWO-YEAR INSTITUTIONS**

#### ***Growth Pool of Positions***

Act 619 (HB2223) - The act establishes a "growth pool" of positions at state-supported two-year institutions of higher education.

#### ***Student Accounts***

Act 50 (SB38) - The act requires a two-year institution of higher education to develop and adopt policies concerning student accounts receivable, the collection of delinquent accounts, and the prevention of students with long-standing delinquent account balances from registering for courses or completing courses.

#### ***Two-Year College Funding Formula***

Act 591 (SB791) - The act amends the current two-year college funding formula to allow for smaller class sizes for allied health; to adjust the part-time faculty percentage based on the full-time equivalent enrollment level; to modify institutional support funding based on the full-time equivalent student enrollment; and to modify facilities maintenance and operation funding based on the square footage needs as determined by the Space Needs Model. The act became effective on March 29, 2007.

### **UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES**

Act 836 (HB2640) - The act modifies the admission process for enrolling freshmen students in the College of Medicine.

## **ELECTIONS**

### **ABSENTEE VOTING AND EARLY VOTING**

Act 556 (HB2312) - The act makes various modifications to the laws concerning absentee voting and early voting.

### **ANNEXATIONS**

Act 557 (HB2322) - The act provides that the county clerk shall certify the results of an annexation election no later than fifteen (15) days following the election.

### **BALLOTS**

#### ***Abandoned Ballots***

Act 834 (HB2624) - The act specifies a procedure for handling abandoned ballots at polling sites.

#### ***Absentee Ballots***

Act 261 (HB1509) - The act extends instant runoff voting to all overseas voters casting absentee ballots.

#### ***Paper Ballots***

Act 705 (SB309) - The act amends various provisions of Arkansas law concerning paper ballots, including amending the form of paper ballots and providing that all unopposed write-in candidates shall be included among the unopposed candidates grouped together on the ballot.

#### ***Provisional Ballots***

Act 224 (SB230) - The act amends Arkansas law concerning the procedures for casting a provisional ballot.

#### ***Special Runoff Ballots***

Act 233 (SB286) - The act provides that special runoff ballots shall contain a list of all offices contested by three (3) or more candidates.

### **CANDIDATE'S STATEMENT OF FINANCIAL INTEREST**

Act 267 (HB1707) - The act provides that a candidate for elective office shall file the statement of financial interest for the previous calendar year on the first Monday following the close of the period to file as a candidate for the elective office.

## **ELECTIONS**

### **COUNTY BOARD OF ELECTION COMMISSIONERS**

Act 489 (SB380) - The act provides that a member of a county board of election commissioners shall serve a three-year term and that no person employed by a company that has business dealings, contracts, or pending contracts with a county board shall be eligible to be a candidate for the county board.

### **DESIGNATED BEARERS**

Act 543 (HB1570) - The act provides that designated bearers and authorized agents may receive and deliver absentee ballots for not more than two (2) voters and shall not have more than two (2) ballots in their possession at any time. The act also permits the administrator of a long-term care or residential care facility to receive an absentee ballot if named in writing by the voter.

### **ELECTION COMMISSIONERS, STATE BOARD OF**

Act 559 (HB2359) - The act amends various provisions of Arkansas law concerning the State Board of Election Commissioners, including revising information required to be submitted to the board by the county boards of election commissioners and removing the board's authority to appoint third members of the county boards of election commissioners and certify candidate names and titles.

### **ELECTION LAW AMENDMENTS**

Act 222 (SB224) - The act amends various Arkansas election laws, including provisions concerning political practices pledges, county committee members, the duties of the county board of election commissioners, and information to be posted at polling sites.

Act 1020 (HB2763) - The act makes various amendments to Arkansas election laws, including providing that special runoff elections for candidates for constitutional convention delegate shall be held three (3) weeks from the date of the general election, clarifying that all persons who have presented themselves for voting and who are in line when the polls close shall be permitted to cast their votes, and requiring election officials to notify a voter whose address is not within a precinct to contact the county clerk's office to determine the proper precinct and to instruct the voter to go to the polling site serving that precinct in order for his or her vote to be counted.

### **INDEPENDENT CANDIDATES FOR PRESIDENT AND VICE PRESIDENT**

Act 822 (HB2367) - The act requires independent candidates for President and Vice President to file a petition with the Secretary of State by the first Monday in August of the year of the election containing the names of one thousand (1,000) qualified electors of the state declaring their desire to have the candidates' names placed on the ballot.

### **INITIATED ACT REPORTING REQUIREMENTS**

Act 1001 (HB2495) - The act modifies some of the reporting requirements applicable to a ballot question committee or a legislative question committee and increases the penalties for failing to comply with those requirements.

### **INSTANT RUNOFF VOTING**

Act 261 (HB1509) - The act extends instant runoff voting to all overseas voters casting absentee ballots.

### **JUDGES**

Act 213 (HB1507) - The act repeals Arkansas Code §§ 16-12-102(c) and 16-13-104 to remove the disqualification from eligibility of an appointed Court of Appeals judge or circuit judge to be a candidate for election to another judgeship while holding office.

### **MUNICIPAL ELECTIONS**

#### ***Aldermen***

Act 188 (HB1499) - The act changes the municipal population requirement to twenty thousand (20,000) or more to give more cities the authority to fill vacancies in certain alderman positions.

## **ELECTIONS**

### **MUNICIPAL ELECTIONS**

#### ***Filing Period***

Act 580 (SB204) - The act extends the filing period to become a candidate for mayor or director in a city with the city administrator form of government, providing that the filing shall be made not less than sixty (60) nor more than eighty (80) days prior to the primary election.

#### ***Independent Candidates***

Act 149 (HB1447) - The act changes the filing period for independent candidates to not more than eighty (80) days nor less than sixty (60) days prior to the general election.

### **NEW POLITICAL PARTIES**

Act 821 (HB2353) - The act requires a group seeking to form a new political party in Arkansas to file a petition with the Secretary of State with the signatures of at least ten thousand (10,000) registered voters in the state. The petition must be circulated within a sixty-day period.

### **PETITION FOR SPECIAL ELECTION ON LOCAL SALES AND USE TAX**

Act 116 (HB1300) - The act allows local voters to petition the governing body for a special election on the question of levying a local sales and use tax. The act became effective on February 16, 2007.

### **POLLING SITES**

Act 694 (HB2371) - The act provides that the fixing of polling sites for all elections other than for school elections shall be by a unanimous vote of the county board. The act also provides that if the county board wishes to combine or eliminate polling sites fixed for the preferential primary election or general election for the general primary election or general runoff election, each combination or elimination of polling sites shall require a unanimous vote of the county board.

### **PRESIDENTIAL PREFERENTIAL PRIMARY ELECTIONS**

Act 987 (HB2214) - The act amends various laws concerning the presidential preferential primary election. The act clarifies that the presidential preferential primary election shall be on the date established by the General Assembly. The act also provides that the Secretary of State shall transmit to each county board of election commissioners no later than sixty-five (65) days before the presidential preferential primary election a certified list of the names of the candidates of each political party as they are to be printed on the ballot.

### **SCHOOL ELECTION REIMBURSEMENT**

Act 1200 (HB2321) - The act provides that for school elections, the school districts in the county shall reimburse the county for the entire cost of the election, with each school district's share of the total being determined by multiplying the total cost of the election by a fraction, the numerator of which is the number of votes cast in the specific school election and the denominator of which is the total number of votes cast in the entire election.

### **SPECIAL ELECTIONS**

Act 234 (SB287) - The act clarifies the procedure for special elections for mayor or director vacancies in municipalities with a city administrator form of government.

### **TIME AND DATE OF ELECTIONS**

Act 1049 (SB855) - The act amends numerous provisions of Arkansas law concerning the time and date of elections and special elections in the state.

### **VOTER REGISTRATION**

Act 560 (HB2360) - The act permits the transfer of voter registration from county to county.

## **ELECTIONS**

### **VOTING MACHINES**

Act 835 (HB2625) - The act amends various provisions of Arkansas law concerning voting machines, including specifying that voting machines shall be released to a person designated by the county board of election commissioners for storage in a secure facility and providing that two (2) election officials may complete the process of casting a ballot if the voter leaves the polling place without completing the process.

## **EMERGENCY SERVICES**

### **CHILD CARE FACILITIES**

Act 816 (HB2211) - The act requires the Division of Child Care and the Early Childhood Education of the Department of Health and Human Services and the Arkansas Department of Emergency Management to create a statewide emergency preparedness system for child care facilities.

### **DRIVER RESPONSE TO EMERGENCY VEHICLES ON ROADWAY**

Act 1412 (HB2469) - The act requires motor vehicle operators to reduce speed or move to the lane that is the farthest away from an authorized emergency response vehicle or a law enforcement vehicle displaying flashing lights while parked or stopped at the scene of an emergency or traffic stop. The act also requires every wrecker or tow vehicle to register and receive a distinctive wrecker or tow license plate starting on January 1, 2008.

### **EMERGENCY MANAGEMENT SERVICES**

Act 197 (SB209) - The act updates emergency management service statutes.

### **EMERGENCY TELEPHONE SERVICES**

Act 582 (SB236) - The act increases the service charge on commercial radio service and applies the service charge to wireless telephone service. The act also changes the name of the CMRS Emergency Telephone Service Board to the "Arkansas Emergency Telephone Services Board". The act became effective March 28, 2007.

### **HAZARDOUS DUTY BENEFITS**

Act 172 (HB1466) - The act clarifies the law pertaining to scholarships for the children and spouse of a law enforcement officer, full-time or volunteer firefighter, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee who is fatally injured or who is permanently and totally disabled as a result of injuries that occurred during the performance of a hazardous duty within the scope of his or her employment. The act became effective on February 28, 2007.

### **HOMELAND SECURITY**

Act 432 (SB765) - The act extends the expiration date of the Homeland Security Information Act to July 1, 2009. The act became effective on March 22, 2007.

### **PETROLEUM PRODUCT SET-ASIDE FOR EMERGENCY**

Act 554 (HB2290) - The act requires the Director of the Arkansas Energy Office to promulgate rules directing suppliers to set aside a percentage of petroleum products for the Arkansas Energy Office to distribute in an emergency or time of hardship. The act also requires the director and any person who obtains designated confidential information to maintain the confidentiality of that information.

## **ENERGY**

### **ALTERNATIVE FUELS DEVELOPMENT PROGRAM**

Act 873 (HB1379) - The act creates the Arkansas Alternative Fuels Development Program to be administered by the Arkansas Agriculture Department with the purpose of providing grant incentives for alternative fuels producers, feedstock processors, and alternative fuels distributors. The act also creates the Arkansas Alternative Fuels Development Fund and repeals obsolete sections of the Arkansas Code related to alternative fuels.

### **HIGH EFFICIENCY LIGHTING**

Act 1597 (HB2551) - The act provides that whenever a state agency purchases or requires a bid for the purchase of an indoor lamp, a preference for high efficiency lighting shall be exercised if the use of high efficiency lighting is technically feasible and the price is competitive with consideration given to the long-term cost effectiveness and savings of high efficiency lighting.

### **LIGNITE PRODUCTION AND USE**

Act 641 (HB2442) - The act creates the Arkansas Lignite Resources Pilot Program to be developed and administered by Southern Arkansas University, the Arkansas Geological Survey, and the Department of Economic Development. The purpose of the program is to develop an energy utilization strategy for lignite production and use to reduce our dependency on foreign oil for the creation of electricity and other energy sources.

## **ENVIRONMENTAL LAW**

### **ARCHEOLOGICAL SITES**

Act 217 (HB1068) - The act increases the penalties for disturbing archeological sites or digging up and removing artifacts.

### **COMMUNITY SEWER SYSTEMS**

Act 844 (HB2716) - The act allows nonprofit corporations to own and operate community sewer systems.

### **DISPOSAL OF ELECTRIC LIGHTING DEVICES**

Act 452 (HB2305) - The act requires the Arkansas Department of Environmental Quality to promulgate regulations that prohibit disposing of an electric lighting device containing a hazardous level of mercury in a landfill after January 1, 2008, if the device contains more than two-tenths milligram per liter (0.2 mg/l) of leachable mercury and adequate facilities exist for the public to properly dispose of the device.

### **ENVIRONMENTAL SITE ASSESSMENT CONSULTANTS**

Act 1018 (HB2761) - The act establishes the Phase I Environmental Site Assessment Consultant Act and allows the Arkansas Department of Environmental Quality to maintain a publicly available list of consultants who comply with the act.

### **GENERAL OBLIGATION BONDS FOR PROJECTS**

Act 631 (HB2339) - The act authorizes the Arkansas Natural Resources Commission to issue general obligation bonds to finance and refinance the development of water, waste disposal, pollution control, abatement and prevention, drainage, irrigation, flood control, and wetlands and aquatic resources projects in total principal amount not to exceed three hundred million dollars (\$300,000,000) with no more than one hundred million dollars (\$100,000,000) of the general obligation bonds to be issued to finance and refinance the development of irrigation facilities and to issue the bonds in series from time to time in principal amounts not to exceed, without prior approval of the General Assembly, sixty million dollars (\$60,000,000) in any fiscal biennium. The act submits the question of the issuance of the bonds to the voters at the 2008 general election or a special election called for that purpose; and addresses related matters.

## **ENVIRONMENTAL LAW**

### **GLOBAL WARMING**

Act 696 (HB2460) - The act establishes a Governor's Commission on Global Warming to study the effects and causes of global warming in Arkansas and report its findings and recommendations to the Governor on or before November 1, 2008. The act became effective on March 30, 2007.

### **NONMUNICIPAL DOMESTIC SEWAGE TREATMENT SYSTEM FINANCIAL ASSURANCE**

Act 832 (HB2602) - The act requires a minimum financial assurance for the Arkansas Department of Environmental Quality to issue a National Pollutant Discharge Elimination System permit or state permit for a nonmunicipal domestic sewage treatment system or a common sewage system serving two (2) or more individually owned, rented, or temporarily occupied lots or dwellings.

### **OIL AND GAS PRODUCTION**

Act 507 (SB206) - The act limits compensation for spills of crude oil or produced water to three (3) times the value of the land, requires restoration of the property in accordance with the rules and regulations of the Arkansas Department of Environmental Quality and the Oil and Gas Commission, permits an award of attorney's fees under certain conditions, is applicable to spills of crude oil or produced water that occur after the act's effective date, and becomes effective upon the final adoption of rules and regulations governing the remediation of spills of crude oil or produced water.

### **PEX PIPE WATER LINES UNDER SLABS**

Act 466 (HB1456) - The act allows the use of newer, more flexible plastic (PEX) pipe for water distribution piping under concrete slabs. The act became effective on March 23, 2007.

### **REGULATED INDUSTRY ENVIRONMENTAL DISCLOSURE REQUIREMENTS**

Act 1019 (HB2762) - The act clarifies environmental disclosure law by requiring specific information from a regulated industry that seeks a renewal of an existing permit.

### **REMEDIATION OF PROPERTY CONTAMINATED BY DRUG MANUFACTURE**

Act 864 (SB829) - The act creates a program for remediation of property and notification of owners of property contaminated by the manufacture of controlled substances.

### **SEWAGE DISPOSAL SYSTEMS ADVISORY COMMITTEES**

Act 189 (HB1503) - The act clarifies the membership of the Individual Sewage Disposal Systems Advisory Committee and empowers the committee to enforce rules pertaining to individual sewage disposal systems.

### **SHIELDED OUTDOOR LIGHTING ACT**

Act 470 (HB1759) - The act provides an exemption from the Shielded Outdoor Lighting Act for outdoor lighting fixtures that are maintained or installed by a state-supported institution of higher education.

Act 124 (HB1402) - The act provides an exemption from the Shielded Outdoor Lighting Act for outdoor lighting fixtures that are maintained or installed by a public school district, correctional facility, juvenile detention facility, adult detention facility, or mental health facility.

### **SOLID WASTE LANDFILLS CERTIFICATE OF NEED**

Act 208 (HB1448) - The act clarifies the law regarding solid waste landfills to require that transfer station permittees obtain a certificate of need.

### **SOLID WASTE MANAGEMENT BOARDS**

Act 209 (HB1449) - The act places regulation of regional solid waste management boards under the Director of the Arkansas Department of Environmental Quality and requires that regional solid waste management boards both adopt and follow purchasing rules.

## **ENVIRONMENTAL LAW**

### **TRANSFER OF PERMITS**

Act 1005 (HB2638) - The act updates the statute concerning certain persons or entities that are not required to file certain disclosure statements for transfer of a permit to add additional persons or entities. The act also allows the Pollution Control and Ecology Commission to promulgate rules to establish a permit-by-rule.

### **UNDERGROUND STORAGE TANKS**

Act 264 (HB1566) - The act incorporates requirements of the federal Energy Policy Act of 2005 regarding underground storage tanks into the Arkansas Code. The act provides for a tamper-proof tag or seal to block the fill pipes of an underground storage tank that is ineligible for fuel delivery and provides requirements for a secondary containment for all underground storage tanks installed after July 2007. The act became effective on March 9, 2007.

### **WASTEWATER BILLING**

Act 360 (HB1607) - The act amends the procedure for the collection of delinquent municipal, county, district, or rural water or wastewater bills.

### **WASTEWATER LICENSES**

Act 544 (HB1693) - The act extends the time a wastewater operator's license granted by the Arkansas Department of Environmental Quality is valid from one (1) year to two (2) years.

### **WATER SYSTEMS, PUBLIC**

Act 292 (HB1070) - The act increases the fees for public water system services provided by public water system supervision programs and allows public water systems to increase their fees to consumers.

Act 268 (HB1732) - The act creates vulnerability assessments for public water systems to assess the terroristic threat level to the state's drinking water supply. The act became effective on March 9, 2007.

### **WATER WELL CONSTRUCTION FEES**

Act 434 (SB768) - The act increases water well construction fees.

### **WETLANDS MITIGATION BANK**

Act 476 (HB1671) - The act broadens the term "wetland" to include "aquatic resources, streams, and deep water aquatic habitats" for eligible compensatory mitigation under the Wetlands Mitigation Bank. The act allows the Natural Resources Commission to acquire or accept title to easements for use in the Wetlands Mitigation Bank. The act also makes a technical correction to delete references to the previously named Soil and Water Conservation Commission and substitutes the Natural Resources Commission.

## **ETHICS**

### **COUNTY BOARD OF ELECTION COMMISSIONERS**

Act 489 (SB380) - The act provides that a member of a county board of election commissioners shall serve a three-year term and that no person employed by a company that has business dealings, contracts, or pending contracts with a county board shall be eligible to be a candidate for the county board.

### **ETHICS COMMISSION, ARKANSAS**

Act 221 (SB59) - The act revises various laws pertaining to the Arkansas Ethics Commission, including increasing the amount of fines the commission may impose, amending the particulars of certain reports to be filed with the commission, and requiring all out-of-state political action committees to designate resident agents who reside in the state.



## **ETHICS**

### GENERAL ASSEMBLY

Act 567 (HB2662) - The act provides that all state contracts with a member of the General Assembly, his or her spouse, or a business in which the member owns more than ten percent (10%) of the stock shall be presented to the Legislative Council or the Joint Budget Committee before the execution date of the contract. The act also provides that on or before October 1, 2007, each state agency shall report to the Legislative Council all contracts with a member of the General Assembly, his or her spouse, or a business in which the member owns more than ten percent (10%) of the stock in the five (5) years prior to the effective date of the act.

### PUBLIC OFFICIAL'S STATEMENT OF FINANCIAL INTEREST

Act 267 (HB1707) - The act provides that a candidate for elective office shall file the statement of financial interest for the previous calendar year on the first Monday following the close of the period to file as a candidate for the elective office.

## **FAMILY LAW**

### ABUSE OF RELATIONSHIP OF SUPERVISION AND TRUST

Act 531 (HB1311) - Under this act, it is an offense of sexual indecency with a child if a person over eighteen (18) years of age for his or her own sexual gratification or for another person's sexual gratification exposes his or her sex organs or causes a child to expose his or her sex organs and the person is employed as a correctional employee or jail employee for the child's facility, a professional in a position of trust to the child, or the child's guardian.

### ABUSED AND NEGLECTED CHILDREN, ARKANSAS LEGISLATIVE TASK FORCE ON

Act 703 (SB303) - The act implements the findings of the Arkansas Legislative Task Force on Abused and Neglected Children; enhances the confidentiality of items that depict the sexual exploitation of a child by classifying them as contraband; requires the Department of Arkansas State Police to investigate all cases of severe child maltreatment; creates child safety centers; improves the operations of the abuse and neglect hot line; and improves enforcement of child abuse and neglect law.

Act 1035 (SB293) - The act amends the composition of the Arkansas Legislative Task Force on Abused and Neglected Children to add the following: Four (4) members to be appointed by the Governor; the Chief Counsel of the Department of Health and Human Services or his or her designee; and a representative or employee of a child advocacy center. The act also modifies the reimbursement allowance for legislative members of the task force and allows the task force to use study expenses for the calling of expert witnesses to testify if the expenditure is approved by the Legislative Council. The act ends the task force on December 31, 2008.

### ADOPTIONS

#### *Garrett's Law*

Act 381 (HB2237) - The act sets out the options regarding placing a child for adoption by a mother who has been reported for child neglect and for the Department of Health and Human Services if the child has been taken into custody.

## **FAMILY LAW**

### **ADOPTIONS**

#### ***Revised Uniform Adoption Act***

Act 539 (HB1485) - The act amends the Revised Uniform Adoption Act, Arkansas Code § 9-9-201 et seq., and the streamline adoption law to allow the court to issue a final decree of adoption after a child's death upon request of an adoptive parent and to require a home study to include a national fingerprint-based criminal background check of the adoptive parent and all household members sixteen (16) years of age or older. The act clarifies the application for a new birth record for an adopted child and clarifies procedures for streamlined adoptions by the Department of Health and Human Services.

### **ADULT MALTREATMENT**

Act 135 (SB246) - The act clarifies the definition of "imminent danger to health or safety" in the Adult Maltreatment Custody Act to provide that "imminent danger to health or safety" means a situation in which death or serious bodily harm could reasonably be expected to occur without intervention.

Act 497 (SB266) - The act amends the Adult and Long-Term Care Facility Resident Maltreatment Act by providing the Department of Health and Human Services with expanded investigative powers and by creating a procedure for court review of the new investigative authority.

### **BEHAVIORAL HEALTH CARE SERVICES**

Act 1593 (HB2358) - The act establishes a system of behavioral health care services for children and youth.

### **CHILD CUSTODY AND VISITATION**

#### ***Child Born Outside of Marriage***

Act 654 (HB2649) - In the case of a child born to an unmarried woman, the act provides that a court shall award visitation in a way that assures the frequent and continuing contact of the child with the mother and the biological father when in the best interest of the child.

#### ***Interference With Custody***

Act 669 (HB1714) - The act creates the offense of interference with custody. A person commits the offense of interference with custody if without lawful authority he or she knowingly takes or entices or procures another person to take or entice any minor from the custody of a parent, guardian, or any other lawful custodian. Interference with custody is a Class C felony. The act establishes the procedure for determining the immediate custodial placement of minors.

#### ***Military Activation of a Parent***

Act 301 (HB1345) - The act adds a provision to the child custody and visitation law to require a court to consider a temporary modification of custody or visitation, instead of a permanent modification, if one (1) of the parents is a member of the armed forces who has been called to active duty or received orders for duty that is outside the state or country. The act became effective on March 16, 2007.

#### ***Sex Offenders***

Act 56 (HB1025) - The act provides that a circuit court may not award custody or unsupervised visitation of a child to a person who is required to register as a sex offender unless the circuit court makes a specific finding that the sex offender poses no danger to the child. The act establishes a rebuttable presumption that it is not in the best interest of a child to be placed in the custody of a sex offender or to have unsupervised visitation with a sex offender.

## **FAMILY LAW**

### **CHILD MALTREATMENT**

#### ***Child Maltreatment Hearings***

Act 161 (HB1288) - The act requires the Department of Health and Human Services to provide the hearing officer in a child maltreatment hearing and the respondent with notice of the final status of any juvenile division of circuit court proceeding involving the victim if the child maltreatment at issue in the administrative hearing proceeding is also an issue in the juvenile division of circuit court proceeding.

#### ***Child Maltreatment Reporting And Investigation***

Act 586 (SB369) - The act amends the Arkansas Child Maltreatment Act, Arkansas Code § 12-12-501 et seq., to improve the safety of children by clarifying the definition of sexual abuse; requiring a mandated reporter who made notification of child maltreatment to be notified as to whether an investigation has been conducted and whether services were offered related to the notification; adding an employee of a child advocacy center to the list of mandated reporters of child maltreatment; and focusing child maltreatment investigations on whether the alleged offender has access to the child and whether the child is at risk.

### **CHILD PLACEMENT**

Act 372 (HB2239) - The act makes various changes to the interstate compact regarding the placement of children, adds the definition of "home study" relating to an investigation placement, and requires extended compliance with the compact for guardianships.

### **CHILD SUPPORT**

#### ***Criminal Prosecution For Nonpayment***

Act 714 (SB811) - The act requires referrals for the criminal prosecution of certain cases of nonpayment of child support and certain information and procedures in connection with a referral.

#### ***Extension Of Child Support Obligation***

Act 337 (HB1397) - Under existing law, an obligor's duty to pay child support automatically terminates by operation of law when the child reaches eighteen (18) years of age or should have graduated from high school, whichever is later. The act provides that an obligor's duty to pay child support automatically terminates by operation of law when the child reaches eighteen (18) years of age unless the child is still attending high school. If the child is still attending high school, upon the child's high school graduation or the end of the school year after the child reaches nineteen (19) years of age, whichever is earlier.

#### ***Health Insurance And Arrearages***

Act 713 (SB810) - The act includes either parent's ability to provide health insurance as a material change of circumstances for child support modification purposes and requires the payor of a lump-sum payment owed to a parent who owes past due child support to deduct an amount to be applied to accrued child support arrearages.

#### ***Paternity***

Act 60 (HB1134) - The act permits a court to relieve a nonbiological father of any future obligation to pay child support and vacates any unpaid order for support after a paternity test establishes that the man is not the father of the child.

### **DOMESTIC PEACE FUND**

Act 730 (SB975) - The act reallocates the portion of bail bond fees not needed to fund the personal services and operating expenses of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board to the Domestic Peace Fund administered by the Arkansas Child Abuse/Rape/Domestic Violence Commission.

## **FAMILY LAW**

### **DOMESTIC VIOLENCE**

#### ***Domestic Battering in the First Degree***

Act 671 (HB1748) - The act amends Arkansas Code § 5-26-303 to provide that a person commits domestic battering in the first degree if he or she commits domestic battering in the second or third degree and, for conduct that occurred within the ten-year period preceding the commission of the current offense, he or she has on two (2) previous occasions been convicted of any act of battery against a family or household member as defined by the laws of this state or by the equivalent laws of any other state or foreign jurisdiction.

#### ***Enforcement***

Act 676 (HB2320) - The act amends provisions of the Arkansas Code to comply with the Stop Violence Against Women Formula Grant Program and Department of Justice Reauthorization Act of 2005 funding requirements.

#### ***Order of Protection***

Act 139 (HB1293) - Under existing law, the duration of an order of protection cannot exceed two (2) years. The act allows a circuit court, in the discretion of the circuit court, to extend the duration of an order of protection to ten (10) years.

Act 314 (SB857) - The act provides that a petition for an order of protection must disclose the existence of any pending litigation between the parties and any prior filings of a petition for an order of protection.

### **FOSTER PARENT SUPPORT ACT**

Act 725 (SB955) - The act creates a system of social services to support and aid foster parents.

### **GARRETT'S LAW**

Act 381 (HB2237) - The act sets out the options regarding placing a child for adoption by a mother who has been reported for child neglect and for the Department of Health and Human Services if the child has been taken into custody.

### **GUARDIANSHIPS**

#### ***Interstate Compact on Placement of Children***

Act 372 (HB2239) - The act makes various changes to the interstate compact regarding the placement of children, adds the definition of "home study" relating to an investigation placement, and requires extended compliance with the compact for guardianships.

#### ***Public Guardianship Program***

Act 862 (SB820) - The act provides for public guardianship of incapacitated adults who otherwise would have no one to make and communicate decisions necessary for the adult's health and safety. The act also creates the Office of Public Guardian for Adults within the Division of Aging and Adult Services of the Department of Health and Human Services to administer the public guardianship program.

#### ***Subsidized Guardianships***

Act 621 (HB2256) - The act, known as the "Arkansas Subsidized Guardianship Act", creates a program for subsidizing guardianships for children through the Department of Health and Human Services.

### **INFORMATION COLLECTION BY DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Act 605 (SB957) - The act provides the Department of Health and Human Services with the power to obtain personal and financial contact information for administrative purposes.

## **FAMILY LAW**

### **JUVENILE CODE AMENDMENTS**

Act 587 (SB370) - The act amends provisions of the Arkansas Juvenile Code of 1989, Arkansas Code § 9-27-301 et seq., including the right of a foster child to continuity of educational services, definitions, and procedural issues related to jurisdiction, venue, and hearings. The act also amends provisions related to dependency-neglect proceedings regarding confidentiality, dispositions, termination of parental rights, emergency orders, and hearings. The act amends provisions related to juvenile delinquency proceedings and families in need of services. The act clarifies the payment procedure for attorneys who represent indigent parents or guardians in dependency-neglect cases.

### **JUVENILE CUSTODY**

Act 568 (HB2685) - The act clarifies procedures for custody of defendants acquitted by reason of mental disease or defect and for juveniles judged unfit to stand trial.

### **JUVENILE HEALTH RECORDS**

Act 742 (HB2248) - The act provides protection against the release of confidential juvenile health records and information compiled and received by a juvenile detention facility or a community-based provider for the Division of Youth Services of the Department of Health and Human Services. The act provides numerous exceptions for the released health-related documents.

### **MARRIAGE**

#### ***Minimum Age to Marry***

Act 441 (HB1373) - The act amends Arkansas Code §§ 9-11-102 and 9-11-103 to reconcile inconsistencies regarding the minimum age to marry. The act provides that a person must be eighteen (18) years of age to obtain a marriage license unless otherwise provided by law. The act establishes the process and procedure for a person who is younger than eighteen (18) years of age to obtain a marriage license. The act repeals § 9-11-208(a) which prohibited the issuance of a marriage license to a person under age.

#### ***Solemnization by Justices of the Peace***

Act 98 (SB172) - The act removes the jurisdictional limitation for a justice of the peace to solemnize a marriage.

### **MENTAL HEALTH SERVICES INVOLUNTARY ADMISSION**

Act 1416 (HB2681) - The act clarifies the criteria for involuntary admission orders for persons in need of mental health services.

### **SPOUSAL ABUSE PREVENTION AND INTERVENTION**

Act 1414 (HB2559) - The act creates the Spousal Abuse Safety Plan Act for education and training on the prevention of and intervention in spousal abuse. Under the act, the Arkansas Child Abuse/Rape/Domestic Violence Commission, in consultation with experts on spousal abuse prevention and intervention, shall develop educational material and training material to address spousal abuse issues.

### **VICTIMS OF DOMESTIC ABUSE**

Act 682 (HB2534) - The act prohibits discrimination in connection with a residential lease against a residential tenant who is a victim of domestic abuse, a sex crime, or stalking as evidenced by a court order; permits the victim or landlord to change the locks of the residential tenant's residence at the residential tenant's expense; permits a landlord to evict a domestic abuse offender; and provides limited immunity to landlords that in good faith takes any actions authorized under the act.

## **FINANCIAL INSTITUTIONS**

### **BANK MERGERS**

Act 170 (HB1432) - The act regulates bank merger transactions by requiring that the plan of merger provide the terms of the merger and the disposition of each bank's assets and liabilities.

### **BOND VOLUME CAP**

Act 141 (HB1416) - The act amends provisions of the Arkansas Development Finance Authority Act, Arkansas Code § 15-5-101 et seq., to conform the private activity bond volume cap carry forward provisions to requirements of the federal tax code and clarifies other issues pertaining to private activity bond volume cap allocation.

### **DEVELOPMENT FINANCE AUTHORITY, ARKANSAS**

Act 593 (SB802) - The act amends provisions of the Arkansas Development Finance Authority Act, Arkansas Code § 15-5-101 et seq., to clarify the powers of the authority with respect to nonprofit organizations, scientific and technical services businesses, technology-based enterprises, and tourism enterprises.

### **STATE BANK DEPARTMENT OFFICES**

Act 426 (SB368) - The act authorizes the State Bank Department to own, acquire, or construct suitable offices and to obtain the funds needed for the acquisition or construction of suitable offices. The act became effective March 22, 2007.

### **STATE BANKS**

Act 42 (SB99) - The act simplifies the branch bank application process, reduces application fees, and promotes parity between state and national branch bank application processes. The act became effective January 30, 2007.

### **UNIFORM MONEY SERVICES ACT**

Act 1595 (HB2518) - The act adopts the Uniform Money Services Act of the National Conference of Commissioners on Uniform State Laws with the exception of the payday lending provisions and other minor changes and makes conforming changes to existing law.

## **FIRE PROTECTION**

### **FIRE DEPARTMENT CERTIFICATION STANDARDS**

Act 362 (HB1670) - The act amends the certification process for fire departments and firefighters.

### **FIRE PREVENTION COMMISSION, STATE**

Act 708 (SB402) - The act modifies the membership of the State Fire Prevention Commission.

### **FIRE RESPONSE COSTS**

Act 581 (SB208) - The act revises the cap on reimbursement to volunteer fire departments for services provided in response to a fire. The act also extends to thirty (30) days the time period required for notice to be given by a volunteer fire department regarding claimed costs to the insurance company.

### **LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS**

#### ***Death Benefits To Surviving Spouses Of Deceased Firefighters***

Act 614 (HB1277) - The act authorizes the payment of retroactive benefit increases to surviving spouses of deceased firefighters killed while in official performance of his or her duties upon approval of the board of trustees after obtaining results of an actuarial study to determine its effect on the fund. The act became effective on March 28, 2007.

## **FIRE PROTECTION**

### **LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS**

#### ***Future Supplement Funds***

Act 849 (SB156) - The act provides that future supplement funds to local police and fire pension and relief funds may distribute one hundred percent (100%) of the amount added to the future supplement funds the previous June 30 and any current reserve funds. The act became effective April 3, 2007.

#### ***Minimum Asset Management Standards***

Act 851 (SB158) - The act establishes minimum asset management standards for local pension and relief funds.

#### ***Various Amendments***

Act 1056 (HB1099) - The act amends various statutes concerning local police and fire pension and relief funds concerning active member and retired member benefits.

### **LOCAL POLICE AND FIRE RETIREMENT SYSTEM, ARKANSAS**

#### ***Benefits***

Act 1569 (SB105) - The act provides that the capped amount of total benefits under the Arkansas Local Police and Fire Retirement System shall not exceed at the time of retirement eighty-five percent (85%) of the final average pay plus the amounts provided for volunteer service.

#### ***Purchased Service***

Act 1057 (HB1237) - The act amends the process for purchasing other local police and fire service by members of the Arkansas Local Police and Fire Retirement System.

#### ***Staff Hired After January 1, 1999***

Act 803 (HB1279) - The act provides that the retirement assets and accrued time of all Arkansas Local Police and Fire Retirement System staff hired after January 1, 1999, shall be transferred from the Arkansas Public Employees Retirement System to the Arkansas Local Police and Fire Retirement System. The act is effective July 1, 2007.

#### ***Volunteer Rates***

Act 610 (HB1098) - The act changes the uniformed contribution rate for volunteer locations and changes the amount of prior service recognized for new volunteer departments. The act became effective on March 28, 2007.

### **PROFESSIONAL FIREFIGHTERS SPECIAL LICENSE PLATE**

Act 590 (SB789) - The act amends the Special License Plate Act of 2005, Arkansas Code § 27-24-101 et seq., to define and distinguish professional firefighters and to authorize a special license plate for professional firefighters.

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM, ARKANSAS**

Act 850 (SB157) - The act provides that if a public safety member leaves his or her employment as a police officer or firefighter for employment as a police officer or firefighter in a position covered by the Arkansas Public Employees' Retirement System, Arkansas State Highway Employees' Retirement System, State Police Retirement System, or Arkansas Local Police and Fire Retirement System and returns to his or her previous employment as a police officer or firefighter, the public safety member shall resume receiving credited service at one and one-half (1 1/2) times the regular rate for crediting service.

### **PUBLIC SCHOOL FIRE HAZARD INSPECTIONS**

Act 538 (HB1477) - The act amends the law concerning fire hazard inspections of public school buildings by expanding requirements for reporting and responding to reports. The act provides that a failure to inspect may result in the withholding of funding from the responsible fire department. Similarly, a superintendent's failure to respond to the fire inspection report may result in the school district being placed in facilities distress.

## **FIRE PROTECTION**

### **VOLUNTEER FIRE DEPARTMENT DUES**

Act 96 (SB107) - The act requires a county quorum court to include businesses having an occupiable structure for an election to levy dues for a volunteer fire department. The existing law only required that the volunteer fire department dues be levied on residences.

## **FIREARMS**

### **CONCEALED HANDGUN PERMIT**

#### ***Reciprocity***

Act 198 (SB268) - The act provides that any person in possession of a valid license issued by another state to carry a concealed handgun shall be provided reciprocity in the state so long as the state that issued the license offers reciprocity to Arkansas licenses.

#### ***Five-Year License Period***

Act 1014 (HB2733) - The act provides that new licenses and renewed licenses to carry concealed handguns shall be issued for a period of five (5) years.

#### ***Possession By Active And Retired Law Enforcement Officers***

Act 675 (HB2301) - The act removes the requirement that certified law enforcement officers work forty (40) or more hours per week, and the requirement that retired law enforcement officers have nonforfeitable rights to benefits under the retirement plan of a public law enforcement agency to be eligible to carry a concealed handgun.

### **FORFEITURE**

Act 493 (SB859) - The act adds firearms to the property subject to forfeiture under the Uniform Controlled Substances Act.

## **FREEDOM OF INFORMATION ACT**

### **PUBLIC WATER SYSTEM EXEMPTION**

Act 268 (HB1732) - The act creates vulnerability assessments for public water systems to assess the terroristic threat level to the state's drinking water supply and exempts those assessments from the Freedom of Information Act. The act became effective on March 9, 2007.

Act 998 (HB2471) - The act extends the exemption for a public water system from the public disclosure requirements of the Freedom of Information Act until July 1, 2009. The act is effective July 1, 2007.

## **GAMBLING AND AMUSEMENT DEVICES**

### **ALCOHOLIC BEVERAGE SALES IN PARI-MUTUAL WAGERING FACILITY**

Act 1017 (HB2754) - The act provides that a large attendance facility in which pari-mutual wagering has been authorized and which has a valid and current license or permit to sell alcoholic beverages for consumption on its premises may sell alcoholic beverages on Sundays between the hours of 12:00 a.m. and 2:00 a.m. and on Sundays between the hours of 12:00 noon and 2:00 a.m. on the following Monday in addition to other times authorized by law for selling alcoholic beverages for consumption on the premises. The act became effective on April 3, 2007.

### **CHARITABLE BINGO AND RAFFLES**

Act 388 (HB1426) - The act provides for charitable bingo and raffles in the state under the control and supervision of the Department of Finance of Administration.

### **ELECTRONIC GAMES OF SKILL WINNINGS WITHHOLDING**

Act 732 (SB990) - The act requires the withholding of three percent (3%) on winnings paid on gaming winnings from an electronic game of skill that exceed one thousand dollars (\$1,000) and are more than three hundred (300) times the amount wagered. The act became effective on May 15, 2007.



## **GAMBLING AND AMUSEMENT DEVICES**

### GAMBLING HOUSE

Act 555 (HB2304) - The act establishes the penalty for keeping a gambling house as a Class D felony.

## **GENERAL ASSEMBLY**

### ARKANSAS CODE

#### ***Code Revision Commission***

Act 436 (SB821) - The act requires the Code Revision Commission to prepare initial drafts of corrective legislation no later than April 1 of the next calendar year following the adjournment of each session.

#### ***Respectful Language Regarding Disabilities***

Act 515 (SB704) - The act requires that the Arkansas Code use respectful language regarding individuals with disabilities. The act became effective March 28, 2007.

#### ***Technical Corrections To Arkansas Code***

Act 827 (HB2462) - The act makes numerous technical corrections to the Arkansas Code.

### BUREAU OF LEGISLATIVE RESEARCH

#### ***Access to Data Warehouse***

Act 624 (HB2268) - The act requires the Department of Education to provide the Bureau of Legislative Research with direct read and report only access to the department's data warehouse concerning school districts and related records. The act also requires the bureau to inform the department of any warehouse data used in the preparation of reports and to provide the department at least one (1) working day to review any student-related warehouse data used in the preparation of a report before publicly releasing student-related data without individually identifiable information.

#### ***Digital Media***

Act 665 (HB1304) - The act requires the Bureau of Legislative Research to use digital media in addition to other reference and library services.

#### ***Personnel and Operations***

Act 319 (HB1104) - The act permits the Legislative Council to meet during a session of the General Assembly to transact business concerning the personnel and operations of the Bureau of Legislative Research.

### CONTRACT REVIEW

Act 870 (HB1315) - The act provides that certain contracts for technical and general services exceeding one hundred thousand dollars (\$100,000) shall be presented to the Legislative Council or the Joint Budget Committee.

### FINANCIAL INTEREST DISCLOSURES

Act 567 (HB2662) - The act provides that all state contracts with a member of the General Assembly, his or her spouse, or a business in which the member owns more than ten percent (10%) of the stock shall be presented to the Legislative Council or the Joint Budget Committee before the execution date of the contract. The act also provides that on or before October 1, 2007, each state agency shall report to the Legislative Council all contracts with a member of the General Assembly, his or her spouse, or a business in which the member owns more than ten percent (10%) of the stock in the five (5) years prior to the effective date of the act.

### GOVERNMENT EFFICIENCY AND ACCOUNTABILITY REVIEW SUBCOMMITTEE

Act 153 (SB225) - The act continues certain agencies scheduled to be abolished on June 30, 2007, abolishes four (4) state agencies, and repeals the Government Efficiency and Accountability Act, including the Government Efficiency and Accountability Review Subcommittee. The act became effective on February 28, 2007.

## **GENERAL ASSEMBLY**

### HEALTH ADEQUACY COMMITTEE EXTENDED

Act 456 (HB2463) - The act extends the Legislative Health Adequacy Committee until December 31, 2009.

### HEALTH INSURANCE AND PRESCRIPTION DRUGS, JOINT COMMITTEE ON

Act 731 (SB980) - The act repeals the Joint Interim Committee on Health Insurance and Prescription Drugs.

### HOUSE OF REPRESENTATIVES

Act 321 (HB1144) - The act permits the Speaker of the House of Representatives to appoint a temporary House cochair and vice chair to serve on the Legislative Joint Auditing Committee until the House members of the committee vote to elect a cochair and vice chair of the Legislative Joint Auditing Committee. The acts also permits the Speaker of the House of Representatives to appoint a temporary House cochair and co-vice chair to serve on the Legislative Council until the House members of the council vote to elect a cochair and co-vice chair of the Legislative Council.

### INTERIM COMMITTEES

Act 1581 (SB926) - The act conforms the list of interim committees of the General Assembly to the list of standing committees of the House of Representatives and Senate.

### INTERIM STUDY

#### ***Arkansas Local Police and Fire Retirement System***

Act 802 (HB1258) - The act mandates the creation of an interim study group to study and review certain issues concerning the Arkansas Local Police and Fire Retirement System, including without limitation funding and the deferred retirement option plan. The study group shall make a report to the Joint Interim Committee on Public Retirement and Social Security Programs by October 31, 2008.

#### ***Juvenile Justice System and Educational Outcomes***

Act 643 (HB2490) - The act requests that the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth study the juvenile justice system regarding the educational outcomes of juveniles who have been committed to the Division of Youth Services of the Department of Health and Human Services or who are otherwise being detained in juvenile detention centers.

#### ***Public School Transportation Efficiency Study***

Act 1604 (HB2751) - The act requests that the Bureau of Legislative Research conduct a study of the transportation of public school students by public school districts, particularly districts resulting from consolidation or annexation, isolated school districts, and those with declining enrollment, to assess whether the time and cost of public school district transportation for those students can or should be minimized.

### INTERNET BROADCAST OF SENATE AND HOUSE CHAMBER PROCEEDINGS

Act 875 (HB1490) - The act permits the broadcasting of Senate and House chamber proceedings of the Arkansas General Assembly on the Internet during a regular or special session. The broadcasting of the chamber proceeding may begin with the 2009 Regular Session of the General Assembly.

### LEGISLATIVE COUNCIL

Act 18 (HB1044) - The act removes obsolete language requiring the Dean of the School of the University of Arkansas at Fayetteville to assist in the preparation of the agenda for each session of the Legislative Council. The act requires the Director of the Bureau of Legislative Research to prepare the agenda for each session of the Legislative Council under the direction of the cochairs of the Legislative Council.

## **GENERAL ASSEMBLY**

### **LEGISLATIVE EXPENSES**

Act 288 (SB785) - The act provides an inflation adjustment for legislative expense reimbursements and extra compensation for chairs and cochairs. The act applies retroactively to March 1, 2007. The act became effective on March 16, 2007.

### **PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS, JOINT COMMITTEE ON**

Act 237 (SB302) - The act repeals the requirement that certain retirement bills contain language concerning the passage of bills which cause a retirement system's unfunded actuarial accrued liabilities to exceed thirty (30) years. The act became effective on March 9, 2007.

### **TASK FORCES**

#### ***Abused and Neglected Children***

Act 703 (SB303) - The act implements the findings of the Arkansas Legislative Task Force on Abused and Neglected Children; enhances the confidentiality of items that depict the sexual exploitation of a child by classifying them as contraband; requires the Department of Arkansas State Police to investigate all cases of severe child maltreatment; creates child safety centers; improves the operations of the abuse and neglect hot line; and improves enforcement of child abuse and neglect law.

Act 1035 (SB293) - The act amends the composition of the Arkansas Legislative Task Force on Abused and Neglected Children to add the following: Four (4) members to be appointed by the Governor; the Chief Counsel of the Department of Health and Human Services or his or her designee; and a representative or employee of a child advocacy center. The act also modifies the reimbursement allowance for legislative members of the task force and allows the task force to use study expenses for the calling of expert witnesses to testify if the expenditure is approved by the Legislative Council. The act ends the task force on December 31, 2008.

#### ***Athletic Trainers***

Act 633 (HB2355) - The act creates the Legislative Task Force on Athletic Trainers, which shall provide a final report on November 30, 2008, and be abolished on December 31, 2008.

#### ***Autism***

Act 1016 (HB2739) - The act creates the Legislative Task Force on Autism.

#### ***Brain Injury, Traumatic***

Act 125 (HB1131) - The act establishes the Arkansas Legislative Task Force on Traumatic Brain Injury.

#### ***Chiefs of Police***

Act 287 (SB767) - The act creates the Arkansas Legislative Task Force on Criteria and Qualifications for Chiefs of Police. The act provides that the task force shall deliver a report concerning its work on January 15, 2009, and the task force shall be abolished on that date.

#### ***Higher Education***

Act 570 (HB2736) - The act creates the Arkansas Legislative Task Force on Higher Education, Retention and Graduation Rates.

#### ***HIV-Aids Minority***

Act 842 (HB2615) - The act creates the Arkansas HIV-Aids Minority Taskforce to coordinate statewide efforts to combat the effects of HIV-Aids on minority populations in Arkansas.

## **GENERAL ASSEMBLY**

### **TASK FORCE**

#### ***Homeless***

Act 460 (HB1439) - The act creates the Taskforce for the Study of the Homeless, which shall provide its final report along with recommendations for proposed legislation to the Legislative Council no later than October 1, 2008.

#### ***Patient Choice***

Act 720 (SB895) - The act creates the Legislative Task Force on Patient Choice to study ways to provide Arkansas patients more choices in their prescription drug purchases.

#### ***Substance Abuse Prevention***

Act 629 (HB2333) - The act creates the Task Force on Substance Abuse Prevention.

#### ***Substance Abuse Treatment Services***

Act 688 (HB2645) - The act amends the composition of the Task Force on Substance Abuse Treatment Services to increase the number of task force members and advisory members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

#### ***Sustainable Building Design And Practices***

Act 1034 (SB289) - The act adds the development of goals and strategies to promote energy efficiency in state buildings and the promotion of innovative heat and air conditioning products and services that conserve energy as purposes of the Legislative Task Force on Sustainable Building Design and Practices. The act also extends the task force until July 1, 2009.

#### ***Task Force For The Twenty-First Century***

Act 1024 (SB998) - The act establishes the Task Force for the Twenty-First Century to study economic development issues it believes to be important to the state and develop specific recommendations for review, consideration, and implementation. The task force shall report on its findings on or before July 31, 2008, and shall be abolished on April 30, 2009.

## **HEALTH**

### **ABORTION INFORMED CONSENT**

Act 1605 (HB2768) - The act adds to the information constituting informed consent for abortions a statement that a spouse, boyfriend, parent, friend, or other person cannot force a woman to have an abortion.

### **ABUSED AND NEGLECTED CHILDREN, ARKANSAS LEGISLATIVE TASK FORCE ON**

Act 703 (SB303) - The act implements the findings of the Arkansas Legislative Task Force on Abused and Neglected Children; enhances the confidentiality of items that depict the sexual exploitation of a child by classifying them as contraband; requires the Department of Arkansas State Police to investigate all cases of severe child maltreatment; creates child safety centers; improves the operations of the abuse and neglect hot line; and improves enforcement of child abuse and neglect law.

### **ADULT MALTREATMENT INVESTIGATION**

Act 497 (SB266) - The act amends the Adult and Long-Term Care Facility Resident Maltreatment Act by providing the Department of Health and Human Services with expanded investigative powers and by creating a procedure for court review of the new investigative authority.

## **HEALTH**

### **ALCOHOL AND DRUG ABUSE**

Act 251 (HB1414) - The act changes the name of the Bureau of Alcohol and Drug Abuse Prevention to the Office of Alcohol and Drug Abuse Prevention and amends provisions of Arkansas law concerning alcohol education programs for persons convicted of driving while intoxicated.

### **ANATOMICAL GIFT ACT**

Act 839 (SB798) - The act creates the Revised Arkansas Anatomical Gift Act, which provides a program for post-mortem donations of all or part of a human body. The act became effective on April 3, 2007.

### **AUTISM, LEGISLATIVE TASK FORCE ON**

Act 1016 (HB2739) - The act creates the Legislative Task Force on Autism.

### **AUTOMATED EXTERNAL DEFIBRILLATORS IN HEALTH SPAS**

Act 1606 (HB2786) - The act amends the law regarding automatic external defibrillators in health spas to allow a health spa to operate with unstaffed hours if a telephone is available to patrons, a warning is posted, and information concerning the location and operation of an automatic external defibrillator is posted.

### **AUTOMATED EXTERNAL DEFIBRILLATORS IN PUBLIC SCHOOLS**

Act 1598 (HB2578) - The act requires the State Board of Education to promulgate rules requiring schools to have an automated external defibrillator, if funds are available.

### **AUTOPSY OF EMERGENCY PERSONNEL**

Act 69 (HB1026) - The act authorizes the state medical examiner to perform autopsies on emergency personnel who die within twenty-four (24) hours of participating in an emergency situation to ensure that survivors will receive benefits under the federal Hometown Heroes program. The act became effective February 8, 2007.

### **BLIND, ARKANSAS INFORMATION READING SERVICES FOR THE**

Act 74 (HB1241) - The act establishes the Arkansas Information Reading Services for the Blind within the Division of State Services for the Blind of the Department of Health and Human Services.

### **BODY ART**

Act 230 (SB276) - The act amends Arkansas law concerning body art, including clarifying that body art includes tattooing, body piercing, branding, or permanent cosmetics.

### **BREASTFEEDING IN PUBLIC**

Act 680 (HB2411) - The act provides that the criminal law regarding indecent exposure does not apply to a woman who is breast-feeding her child in public and states that a woman may breastfeed her child in public.

### **CANCER RESEARCH**

Act 427 (SB381) - The act creates the University of Arkansas for Medical Sciences Cancer Research Center Matching Fund to provide matching funds for construction and endowment of the UAMS Cancer Research Center. The act becomes effective on July 1, 2007.

### **CHILD HEALTH ADVISORY COMMITTEE**

Act 719 (SB861) - The act increases the membership of the Child Health Advisory Committee from fifteen (15) members to twenty (20) members. The act also expands the duties of the committee and requires the committee to examine the progress of the Arkansas Coordinated School Health Program and to make recommendations concerning the implementation of the program.

## **HEALTH**

### **CIVIL IMMUNITY FOR HEALTH CARE STUDENTS**

Act 837 (HB2657) - The act clarifies that civil immunity is extended to students of health care professional programs who render voluntary health care services at free or low-cost health care clinics under the supervision of licensed personnel.

### **COMMUNITY SEWER SYSTEMS**

Act 844 (HB2716) - The act allows nonprofit corporations to own and operate community sewer systems.

### **DEATH NOTIFICATIONS**

Act 594 (SB806) - The act provides that the county coroner, the chief law enforcement official of the county and municipality in which a death occurs, and the Department of Health and Human Services shall be promptly notified if a death poses a potential threat to public health or safety.

### **DEVELOPMENTAL DISABILITIES SERVICES**

Act 645 (HB2494) - The act establishes new standards for the Department of Health and Human Services to use for expanding community-based developmental disabilities services and for implementing new developmental disabilities services.

### **EYE AND VISION CARE OF SCHOOL AGE CHILDREN, ARKANSAS COMMISSION ON**

Act 138 (HB1196) - The act continues the Arkansas Commission on Eye and Vision Care of School Age Children and creates the School-Age Children Eye and Vision Care Fund. The act became effective on February 21, 2007.

### **EMERGENCY CONTRACEPTIVE INFORMATION FOR SEXUAL ASSAULT VICTIMS**

Act 1576 (SB847) - The act requires that hospital emergency departments provide information regarding emergency contraception to sexual assault victims.

### **GOOD SAMARITAN LAW**

Act 683 (HB2612) - The act amends Arkansas Code § 17-95-101 concerning civil immunity of persons rendering emergency medical services under the "Good Samaritan" law. Under existing law, a physician or surgeon or any other person, who, in good faith, lends emergency care or assistance without compensation must act as a reasonable and prudent person would have acted under the existing circumstances in order to be immune from civil damages. The act deletes the "reasonable and prudent person" standard and extends civil immunity to a physician or surgeon or any other person for any act or omission resulting from the rendering of emergency assistance or services unless the act or omission was not in good faith and was the result of gross negligence or willful misconduct.

Act 1038 (SB421) - The act amends Arkansas Code § 17-95-101 to ensure immunity from liability for health care professionals acting as Good Samaritans.

### **HEALTH ADEQUACY COMMITTEE EXTENDED**

Act 456 (HB2463) - The act extends the Legislative Health Adequacy Committee until December 31, 2009.

### **HEALTH CARE FACILITY FAILURE TO PROVIDE DATA**

Act 1589 (HB2232) - The act authorizes the Health Services Permit Agency to impose fines against health care facilities that fail to provide required health care data.

### **HEALTH CARE PROVIDERS AND CONTRACTING AGENTS**

Act 686 (HB2627) - The act requires that an agreement between a contracting agent and a health care provider be in place before the contracting agent may provide access to the contracting agent's panel of contracted health care providers. The act also requires that network discount information be placed on subscriber identification cards.

## **HEALTH**

### HEALTH, DIVISION OF

#### ***Decouple Agencies***

Act 384 (SB191) - The act authorizes the Governor to create the Department of Health by separating the Division of Health of the Department of Health and Human Services from the Department of Human Services and transfers the authority, personnel, and funding of the division to the Department of Health. The act became effective on March 19, 2007.

#### ***Employee Tuition for Advanced Degrees***

Act 280 (SB263) - The act allows the Department of Health and Human Services to assist with tuition costs for Division of Health employees seeking a master's, DrPH, or PhD degree in public health.

### HEALTH MAINTENANCE ORGANIZATIONS

Act 429 (SB439) - The act permits waivers of the three-years' prior successful operations in the domicile state or port of entry ("seasoning") admission requirement for foreign insurers seeking to do business in Arkansas, permits the change of domicile statute to apply to health maintenance organizations, and permits health maintenance organizations domiciled in this state to elect to be covered by the Insurance Holding Company Regulatory Act. The act became effective March 22, 2007.

### HEARING INSTRUMENT DISPENSERS

Act 428 (SB404) - The act clarifies the licensure and internship process for the Arkansas Board of Hearing Instrument Dispensers and increases fees for hearing instrument dispenser licenses.

### HEMOPHELIA AWARENESS DAY

Act 203 (HB1289) - The act designated the first Monday in May of each year "Hemophilia Awareness Day".

### HIV-AIDS MINORITY TASKFORCE, ARKANSAS

Act 842 (HB2615) - The act creates the Arkansas HIV-Aids Minority Taskforce to coordinate statewide efforts to combat the effects of HIV-Aids on minority populations in Arkansas.

### HOSPITALS

#### ***Accreditation***

Act 136 (HB1101) - The act defines the accrediting organization for hospitals.

#### ***County Hospital Leases***

Act 561 (HB2382) - The act simplifies the process for operating county hospitals by allowing the board of governors to expire when a county leases the county's hospital.

#### ***Hospital Price Disclosure***

Act 616 (HB1513) - The act requires the Department of Health and Human Services to provide the Arkansas Hospital Association with data concerning hospital prices for services.

### IMPAIRED PERSON DEFINITION UNDER ADULT MALTREATMENT ACT

Act 121 (HB1305) - The act includes the definition of "impaired person" that appears in the Adult Maltreatment Custody Act within the definition of "incapacitated person" in the Arkansas guardianship law.

### INCAPACITATED ADULTS, PUBLIC GUARDIANSHIP

Act 862 (SB820) - The act provides for public guardianship of incapacitated adults who otherwise would have no one to make and communicate decisions necessary for the adult's health and safety. The act also creates the Office of Public Guardian for Adults within the Division of Aging and Adult Services of the Department of Health and Human Services to administer the public guardianship program.

## **HEALTH**

### **INFECTION RATE DATA COLLECTION AND REPORTING**

Act 845 (HB2735) - The act requires health care facilities to collect data regarding infections arising within a health care facility and authorizes voluntary reports of infection rates. The act also requires the Director of the Department of Health and Human Services to establish an advisory committee to study health care facility infection rates and to propose remedial methods.

### **INMATES WITH MENTAL ILLNESS**

#### ***Criminal Justice Institute Training***

Act 1013 (HB2731) - The act authorizes the University of Arkansas System Criminal Justice Institute to train and instruct law enforcement officials and jail personnel on the handling of inmates with mental illness.

#### ***Standard Protocols***

Act 1012 (HB2721) - The act directs the Division of Behavioral Health of the Department of Health and Human Services to create standard protocols for case management, for the submission and evaluation of reports, and for the monitoring of compliance by jails concerning inmates with mental illness.

### **JUVENILE ASSESSMENT AND TREATMENT CENTER, ARKANSAS**

Act 855 (SB569) - The act renames the Alexander Youth Services Center as the Arkansas Juvenile Assessment and Treatment Center.

### **JUVENILE CUSTODY**

Act 568 (HB2685) - The act clarifies procedures for custody of defendants acquitted by reason of mental disease or defect and for juveniles judged unfit to stand trial.

### **JUVENILE HEALTH RECORDS**

Act 742 (HB2248) - The act provides protection against the release of confidential juvenile health records and information compiled and received by a juvenile detention facility or a community-based provider for the Division of Youth Services of the Department of Health and Human Services. The act provides numerous exceptions for the released health-related documents.

### **LONG-TERM CARE FACILITIES**

#### ***Adult Maltreatment Protection***

Act 283 (SB300) - The act amends the Adult Maltreatment Custody Act, Arkansas Code § 9-20-101 et seq., and Adult and Long-Term Care Facility Resident Maltreatment Act, Arkansas Code § 12-12-1701 et seq., to improve the enforcement of adult maltreatment protection laws by amending the definition of abuse, emergency custody provisions, probable cause hearing provisions, long-term custody provisions, and record access provisions.

#### ***Designated Bearers***

Act 543 (HB1570) - The act permits the administrator of a long-term care or residential care facility to receive an absentee ballot if named in writing by the voter. The act also provides that designated bearers and authorized agents may receive and deliver absentee ballots for not more than two (2) voters and shall not have more than two (2) ballots in their possession at any time.

#### ***Elder Care***

Act 193 (HB1364) - The act permits the Director of the Department of Health and Human Services to administer funds from the Long-Term Care Trust Fund to enhance quality of life for long-term care facility residents.

#### ***Options Counseling***

Act 516 (HB1132) - The act creates the Arkansas Options Counseling For Long-Term Care Program within the Department of Health and Human Services to allow counseling regarding costs, treatment, and rights for long-term care services.



## **HEALTH**

### LONG-TERM CARE FACILITIES

#### ***Quality Assurance Fee***

Act 155 (SB294) - The act exempts from the state's quality assurance fee nursing facilities that provide nursing care exclusively under life-care facility contracts.

### LONG-TERM CARE INSURANCE

Act 99 (HB1069) - The act establishes the Arkansas Long-Term Care Partnership Program to authorize long-term care insurance plans that will allow protections to assets of persons who enter long-term care facilities.

### MANDATED HEALTH INSURANCE BENEFITS, COMMISSION ON

Act 303 (HB1454) - The act abolishes the Arkansas Advisory Commission on Mandated Health Insurance Benefits. The act became effective on March 16, 2007.

### MANUFACTURED HOMES STANDARDS

Act 1010 (HB2705) - The act amends the Arkansas Manufactured Homes Standards Act to comply with federal guidelines.

### MEDICAID RECOUPMENT

Act 596 (SB819) - The act amends the Medicaid Fairness Act, Arkansas Code § 20-17-1701 et seq., to revise and further define the law relating to technical deficiencies and, in the absence of fraud or abuse as defined in the act, procedures for recoupment, including whether the level of care was medically necessary. The act became effective on March 28, 2007.

### MEDICAID REIMBURSEMENT, THIRD-PARTY LIABILITY

Act 537 (HB1471) - The act ensures that third parties that are liable for Medicaid costs provide reimbursement to the Medicaid program.

### MEDICAID WAIVER FOR PERVASIVE DEVELOPMENTAL DISORDERS

Act 1198 (HB2282) - The act requires the Department of Health and Human Services to seek a Medicaid waiver for the treatment of pervasive developmental disorders, including autism.

### MEDICAL PRACTICE COMPLAINT REVIEWS

Act 72 (HB1216) - The act clarifies the process for reviewing complaints concerning scope of practice that involve more than one (1) board of the healing arts.

### MEDICAL PROFESSIONS LICENSURE AND DISCIPLINE

Act 123 (HB1323) - The act allows the Arkansas State Medical Board, the Arkansas State Board of Dental Examiners, or the Arkansas State Board of Optometry to discipline a licensee of the respective board if the licensee has been found in violation of a statute or regulation governing the respective profession in another state.

### MEDICATION ASSISTIVE PERSONS

Act 206 (HB1435) - The act revises the qualifications for licensure as a medication assistive person, makes misconduct by medication assistive persons a misdemeanor, and adds a nursing teacher to the Medication Assistive Person Advisory Committee.

### MENTAL HEALTH SERVICES

Act 1416 (HB2681) - The act clarifies the criteria for involuntary admission orders for persons in need of mental health services.

### NURSING, ARKANSAS STATE BOARD OF

#### ***Disciplining Nurses***

Act 207 (HB1436) - The act adds the privilege to practice to the types of practice that may be subject to discipline by the Arkansas State Board of Nursing.

#### ***Licensed Psychiatric Technicians***

Act 205 (HB1434) - The act allows licensed psychiatric technician nurses to be members of the Arkansas State Board of Nursing and removes obsolete, temporary language.

## **HEALTH**

### **NURSING HOMES**

#### ***Staffing Standards***

Act 192 (HB1363) - The act requires the Office of Long-Term Care to create staffing standards for nursing facilities designated or certified as Eden Alternative nursing facilities or Green House Project nursing facilities. The act permits the Department of Health and Human Services to develop a reimbursement methodology for payments for staff services and care.

#### ***Staff Posting And Recordkeeping***

Act 282 (SB285) - The act makes Arkansas law regarding nursing home staff posting and recordkeeping consistent with federal law.

#### ***Nursing Facilities Quality Assurance Fee***

Act 155 (SB294) - The act exempts from the state's quality assurance fee nursing facilities that provide nursing care exclusively under life-care facility contracts.

### **NUTRITION AND PHYSICAL ACTIVITY STANDARDS IN PUBLIC SCHOOLS**

Act 201 (HB1173) - The act amends the law requiring public schools to report the body mass index of students by providing that appropriate protocols for assessments be developed and that community health nurses assist schools with administering body mass index screenings according to the protocols. Screenings are required biannually for kindergarten through grade ten (K-10). Parents may opt-out of the screenings for their children.

### **OPTOMETRY SCHOOL TUITION**

Act 488 (SB334) - The act requires that out-of-state tuition for optometry education that is paid by the State of Arkansas be repaid if the student does not return to the state to practice.

### **ORTHOTICS, PROSTHETICS, AND PEDORTHICS ADVISORY BOARD, ARKANSAS**

Act 174 (HB1229) - The act creates the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board and oversight procedures for the practice of orthotics, prosthetics, and pedorthics.

### **PANDEMIC IMMUNIZATION PRIORITIES**

Act 815 (HB2026) - The act creates a priority system for immunizations during a pandemic.

### **PATIENT CHOICE OF PRESCRIPTION DRUGS**

Act 720 (SB895) - The act creates the Legislative Task Force on Patient Choice to study ways to provide Arkansas patients more choices in their prescription drug purchases.

### **PHARMACIES**

#### ***Audit Bill Of Rights***

Act 843 (HB2626) - The act creates the "Arkansas Pharmacy Audit Bill of Rights" and provides a pharmacy with certain rights concerning an audit of its records conducted by a managed care company, an insurance company, or a third-party payor. The law will not apply to audits, reviews, or investigations that involve alleged fraud, willful misrepresentation, or abuse.

#### ***Internet Pharmacies***

Act 128 (SB189) - The act prohibits Internet sales into Arkansas of prescription drugs if the patient has not actually consulted a prescribing practitioner and authorizes the Arkansas State Board of Pharmacy to regulate Internet prescription drug sales. The act became effective on February 21, 2007.

## **HEALTH**

### **PHARMACIES**

#### ***Real-Time Electronic Logbook***

Act 508 (SB296) - The act requires a pharmacy to enter certain transactions involving the sale of ephedrine, pseudoephedrine, or phenylpropanolamine into the real-time electronic logbook maintained by the Arkansas Crime Information Center. The act makes information recorded in the logbook confidential and prohibits its disclosure unless specifically authorized by law. Unauthorized disclosure of logbook information or the obtaining of unauthorized logbook information is a Class A misdemeanor.

### **PHARMACY TECHNICIANS IN CHARITABLE CLINICS**

Act 435 (SB800) - The act allows the Arkansas State Board of Pharmacy to waive permit fees for pharmacy technicians working as volunteers in charitable clinics.

### **PHYSICIAN ASSISTANTS**

Act 458 (HB2701) - The act ensures that physicians receive full reimbursement through health insurance plans for health care services performed by a physician assistant.

### **PSYCHIATRIC PATIENT RESTRAINTS**

Act 636 (HB2376) - The act allows the use of constraints on psychiatric patients during transport from the Arkansas State Hospital to a court and back to the state hospital.

### **PSYCHOLOGY PRACTICE**

Act 505 (HB1250) - The act authorizes independent practice of psychology by qualified persons at the master's degree level.

### **RADIOLOGY ASSISTANTS**

Act 655 (HB2678) - The act transfers regulatory authority over radiologist assistants and radiology practitioner assistants to the Arkansas State Medical Board.

### **REMEDICATION OF PROPERTY CONTAMINATED BY DRUG MANUFACTURE**

Act 864 (SB829) - The act creates a program for remediation of property and notification of owners of property contaminated by the manufacture of controlled substances.

### **RURAL MEDICAL PRACTICE LOAN FORGIVENESS PROGRAM**

Act 1058 (HB1324) - The act amends the rural medical practice student loans and scholarships law to provide greater flexibility for meeting loan forgiveness requirements and to allow physicians in the program to work in more than one (1) rural community.

The act became effective on April 4, 2007.

### **SANITATION WIPES IN STORES**

Act 48 (HB1040) - The act creates a voluntary program through the Division of Health of the Department of Health and Human Services to encourage businesses that use shopping carts to provide sanitation wipes to customers.

### **SEWAGE DISPOSAL SYSTEMS ADVISORY COMMITTEES**

Act 189 (HB1503) - The act clarifies the membership of the Individual Sewage Disposal Systems Advisory Committee and empowers the committee to enforce rules pertaining to individual sewage disposal systems.

### **SEXUAL ASSAULT VICTIMS, EMERGENCY CONTRACEPTIVE INFORMATION**

Act 1576 (SB847) - The act requires that hospital emergency departments provide information regarding emergency contraception to sexual assault victims.

### **SOLID WASTE LANDFILLS CERTIFICATE OF NEED**

Act 208 (HB1448) - The act clarifies the law regarding solid waste landfills to require that transfer station permittees obtain a certificate of need.

### **SOLID WASTE MANAGEMENT BOARDS**

Act 209 (HB1449) - The act places regulation of regional solid waste management boards under the Director of the Arkansas Department of Environmental Quality and requires that regional solid waste management boards both adopt and follow purchasing rules.

## **HEALTH**

### **STEM CELL RESEARCH**

Act 695 (HB2416) - The act creates the Arkansas Commission for the Newborn Umbilical Cord Blood Bank Initiative to provide for the use of postnatal tissue and fluid for improved and expanded stem cell research.

### **SUBSTANCE ABUSE**

Act 629 (HB2333) - The act creates the Task Force on Substance Abuse Prevention.  
Act 688 (HB2645) - The act amends the composition of the Task Force on Substance Abuse Treatment Services to increase the number of task force members and advisory members appointed by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

### **TRAMADOL**

Act 558 (HB2347) - The act lists tramadol as a Schedule IV controlled substance.  
Act 585 (SB333) - The act lists tramadol as a Schedule IV controlled substance.

### **TRAUMATIC BRAIN INJURY, ARKANSAS LEGISLATIVE TASK FORCE ON**

Act 125 (HB1131) - The act establishes the Arkansas Legislative Task Force on Traumatic Brain Injury.

### **VITAL RECORDS**

#### ***Fact of Death Records***

Act 702 (SB267) - The act requires that a fact of death record for each death in Arkansas be filed with the Division of Vital Records and ensures the timely receipt of death information.

#### ***Fees***

Act 1059 (HB1369) - The act increases the fees collected by the State Registrar of Vital Records and clarifies the fees to be collected by the State Registrar of Vital Records.

#### ***Stillbirth Certificates***

Act 509 (SB398) - The act authorizes the Division of Vital Records of the Division of Health of the Department of Health and Human Services to issue certificates of birth resulting in stillbirth.

## **HIGHWAYS**

### **DRIVER RESPONSE TO EMERGENCY VEHICLES ON ROADWAY**

Act 1412 (HB2469) - The act requires motor vehicle operators to reduce speed or move to the lane that is the farthest away from an authorized emergency response vehicle or a law enforcement vehicle displaying flashing lights while parked or stopped at the scene of an emergency or traffic stop. The act also requires every wrecker or tow vehicle to register and receive a distinctive wrecker or tow license plate starting on January 1, 2008.

### **DRIVER RESPONSE TO TOWING OPERATION ON HIGHWAYS**

Act 626 (HB2284) - The act requires the driver of a motor vehicle that is approaching a towing operation on a highway or roadway to move to the farthest lane or position, if possible, and exercise due caution. A violation of this requirement is a traffic violation.

### **EARTHMOVING EQUIPMENT**

Act 241 (HB1206) - The act allows a permit with no distance limitation for the movement of earthmoving equipment upon the state highways if the earthmoving equipment is a tractor with a dirt pan in tow and the owner is primarily engaged in commercial earthmoving operations.

## **HIGHWAYS**

### **FINANCING AND BONDS**

Act 511 (SB840) - The act authorizes a statewide election on the question of allowing the State Highway Commission to issue Federal Highway Grant Anticipation and Tax Revenue bonds (also known as GARVEE bonds) for the purposes of constructing and renovating roads and highways. The act became effective on March 27, 2007.

### **HIGHWAY EMPLOYEES**

#### ***Highway Employees' Retirement System, Arkansas State***

Act 399 (SB100) - The act requires the executive secretary of the Arkansas State Highway Employees' Retirement System to operate the system in a manner necessary to permit the system to be operated as a qualified trust under the Internal Revenue Code.

#### ***Tool Allowance***

Act 66 (SB176) - The act increases the amount the State Highway Commission is authorized to pay for a tool allowance for certain employees to four hundred eighty dollars (\$480) per year. The act becomes effective on July 1, 2007.

### **PARKING OR STANDING ON RIGHT-OF-WAY**

Act 997 (HB2431) - The act prohibits parking or standing on highway rights-of-way along an interstate or fully controlled access highway for purposes not related to an emergency, vehicle disablement, to correct or avert an unsafe condition or for a brief duration.

### **REGIONAL MOBILITY AUTHORITIES**

Act 389 (HB1698) - The act revises the Regional Mobility Authority Act by placing it in a stand-alone chapter in the Arkansas Code and by adding the necessary provisions to make it feasible for counties and cities to create regional mobility authorities to facilitate regional growth.

### **SIGNAGE FOR AREAS OF HISTORICAL SIGNIFICANCE**

Act 1153 (HB1959) - The act authorizes signage for war relocation centers that were operated by the War Relocation Authority during World War II, the two (2) in the state being Jerome and Rohwer.

### **STATE POLICE DEDICATION PROGRAM**

Act 848 (SB154) - The act creates a state police officer highway dedication program for state police officers killed on active duty within the State of Arkansas.

### **TOWING OPERATIONS**

#### ***Driver Response to Towing Operation on Roadway***

Act 626 (HB2284) - The act requires the driver of a motor vehicle that is approaching a towing operation on a highway or roadway to move to the farthest lane or position, if possible, and exercise due caution. A violation of this requirement is a traffic violation.

#### ***Registration and License Plate***

Act 1412 (HB2469) - The act requires every wrecker or tow vehicle to register and receive a distinctive wrecker or tow license plate starting on January 1, 2008. The act also requires motor vehicle operators to reduce speed or move to the lane that is the farthest away from an authorized emergency response vehicle or a law enforcement vehicle displaying flashing lights while parked or stopped at the scene of an emergency or traffic stop.

### **TRUCK LANE RESTRICTIONS**

Act 1054 (SB1001) - The act provides that the State Highway Commission may restrict certain trucks when traveling on freeways with six (6) or more lanes from traveling in the furthest-most left lane of the highways.

## **HIGHWAYS**

### **CARRIER REGISTRATION, UNIFIED REGISTRATION ACT OF 2005**

Act 232 (SB278) - The act implements the federal Unified Carrier Registration Act of 2005, Pub. L. No. 109-59, § 4301 et seq., pertaining to the registration of motor carriers engaged in interstate commerce and gives the Director of the Department of Finance and Administration the authority to enable the state to participate in the Unified Carrier Registration Agreement. The act was adopted to ensure compliance with the federal law and secure the corresponding federal funding for compliance with federal law. The act became effective on March 12, 2007.

## **HOLIDAYS**

### **DAISY GATSON BATES HOLIDAY COMMITTEE**

Act 1583 (SB973) - The act establishes the Daisy Gatson Bates Holiday Committee to develop and coordinate appropriate ceremonies and activities throughout the state relating to the observance of the Daisy Bates Holiday.

### **SILAS HUNT DAY**

Act 374 (HB2264) - The act established February 2nd as Silas Hunt Day in the State of Arkansas.

## **IMPROVEMENT DISTRICTS**

### **CENTRAL BUSINESS IMPROVEMENT DISTRICTS**

Act 517 (HB2246) - The act modifies the number and makeup of commissioners and adds to the purposes for central business improvement districts.

### **FIRE IMPROVEMENT DISTRICT COMPETITIVE BIDDING**

Act 61 (HB1175) - The act increases the dollar amount necessary to trigger the competitive bidding process for rural fire protection districts to ten thousand dollars (\$10,000).

### **MUNICIPAL IMPROVEMENT DISTRICTS**

Act 131 (SB211) - The act clarifies that a treasurer of a municipal improvement district shall pay out moneys upon order of the board and approval by the chair.

Act 132 (SB212) - The act requires quarterly financial reports to be prepared by municipal improvement districts.

### **MUNICIPAL RECREATION IMPROVEMENT DISTRICTS**

Act 152 (SB188) - The act gives municipal recreation improvement districts the option of instituting a foreclosure action to attempt to collect delinquent assessments.

### **SUBURBAN IMPROVEMENT DISTRICTS**

Act 598 (SB823) - The act changes the mailing procedures for certain notices concerning filling of commissioner vacancies in suburban improvement districts to first class mail.

Act 602 (SB901) - The act states that negotiable notes or bonds issued by a suburban improvement district shall be signed by the chair and secretary of the district.

## **INSURANCE**

### **ATTORNEY'S FEES ON HOMEOWNER'S INSURANCE CLAIMS**

Act 687 (HB2632) - The act increases the relief available for the failure to pay bona fide loss claims by providing for an award of reasonable attorney's fees if the amount recovered for a loss under a homeowner's policy is within thirty percent (30%) of the amount demanded or which is sought in the suit.

### **DEMUTUALIZATION**

Act 30 (SB17) - The act permits a holding company to participate in the demutualization of a mutual insurance company.

## **INSURANCE**

### **FARMERS' MUTUAL AID ASSOCIATION**

Act 76 (HB1303) - The act allows the Insurance Commissioner to extend the time limit for a Farmers' Mutual Aid Association to meet minimum membership requirements and clarifies the obligation to purchase any necessary indemnity reinsurance.

### **HEALTH CARE PROVIDERS AND CONTRACTING AGENTS**

Act 686 (HB2627) - The act requires that an agreement between a contracting agent and a health care provider be in place before the contracting agent may provide access to the contracting agent's panel of contracted health care providers. The act also requires that network discount information be placed on subscriber identification cards.

### **HEALTH MAINTENANCE ORGANIZATIONS**

Act 429 (SB439) - The act permits waivers of the three-years' prior successful operations in the domicile state or port of entry ("seasoning") admission requirement for foreign insurers seeking to do business in Arkansas, permits the change of domicile statute to apply to health maintenance organizations, and permits health maintenance organizations domiciled in this state to elect to be covered by the Insurance Holding Company Regulatory Act. The act became effective March 22, 2007.

### **INSURANCE PRODUCERS**

Act 330 (HB1321) - The act clarifies the duty of an insurance producer to report a criminal proceeding against the insurance producer within thirty (30) days of entering a plea.

Act 331 (HB1322) - The act prohibits an insurance producer from allowing an unlicensed person to engage in the business of insurance on behalf of the insurance producer.

### **INSURANCE REGULATION**

Act 496 (SB379) - The act enacts the State Insurance Department general omnibus bill to, among other things: update and make technical corrections to the Arkansas Insurance Code; to conform the examination of insurers, reinsurance regulation, custodied securities, and broker's capital requirements to current insurance practices; to provide for employer stop-loss coverage, written management and service agreements, and local government charitable annuity programs; and to regulate debt cancellation agreements.

An emergency clause made the debt cancellation provisions effective March 26, 2007.

### **LONG-TERM CARE INSURANCE**

Act 99 (HB1069) - The act establishes the Arkansas Long-Term Care Partnership Program to authorize long-term care insurance plans that will allow protections to assets of persons who enter long-term care facilities.

### **MANDATED HEALTH INSURANCE BENEFITS, COMMISSION ON**

Act 303 (HB1454) - The act abolishes the Arkansas Advisory Commission on Mandated Health Insurance Benefits. The act became effective on March 16, 2007.

### **MERGER OF PUBLIC SCHOOL INSURANCE FUNDS**

Act 738 (HB1535) - The act reorganizes the Public Elementary and Secondary School Insurance Fund and the School Vehicle Insurance Reserve Trust Fund into one (1) fund to provide greater financial stability and flexibility to the funds.

### **MOTOR VEHICLE INSURANCE**

#### ***Minimum Liability Insurance***

Act 485 (SB88) - The act requires that all motorists carry the minimum motor vehicle liability insurance coverage required by Arkansas law, that the existence of a named driver exclusion be listed on proof of insurance cards, and that information concerning a named driver exclusion be given to the Revenue Division of the Department of Finance and Administration.

## **INSURANCE**

### **MOTOR VEHICLE INSURANCE**

#### ***Notice of Cancellation***

Act 127 (SB143) - The act requires that notice of the cancellation of a motor vehicle insurance policy be given to any person or entity with a lien upon the motor vehicle in order to be binding upon the person or entity with a lien upon the motor vehicle. The act became effective February 21, 2007.

#### ***Notice of Cancellation - Commercial Vehicles***

Act 826 (HB2440) - The act requires notice of cancellation of insurance to the holder of a lien upon a commercial motor vehicle.

#### ***Primary Coverage***

Act 373 (HB2243) - The act, effective January 1, 2008, provides that the liability insurance policy covering a motor vehicle is the primary coverage when the motor vehicle is driven by an insured or another person not excluded from coverage under the policy with the permission of the insured and the use of the motor vehicle is within the scope of the permission granted. The coverage of the motor vehicle liability insurance policy remains primary when a motor vehicle is loaned by an automobile dealer or rented from a rental car company.

### **PHYSICIAN ASSISTANT REIMBURSEMENT**

Act 458 (HB2701) - The act ensures that physicians receive full reimbursement through health insurance plans for health care services performed by a physician assistant.

### **PUBLIC SCHOOL FACILITIES INSURANCE**

Act 625 (HB2272) - The act authorizes the Commission for Arkansas Public School Academic Facilities and Transportation to establish insurance requirements for public school facilities, to withhold or reduce funding if a school district fails to meet the insurance requirements, and to study and promulgate rules concerning insurance coverage for school districts against loss due to earth movement or the operation of motor vehicles and buses. The act became effective March 28, 2007.

### **RENEWAL NOTICE SUBSCRIPTION FEE**

Act 588 (SB683) - The act requires the insurance commissioner to assess rural risk underwriting association members a fee for the expense of mailing fire department renewal subscription notices. The act became effective on March 28, 2007.

### **SELF-INSURED FIDELITY BOND PROGRAM**

Act 425 (SB357) - The act reduces the amount of time permitted for a participating governmental entity to obtain a private audit under the self-insured fidelity bond program from twenty-four (24) months to eighteen (18) months.

### **STATE AND PUBLIC SCHOOL LIFE AND HEALTH INSURANCE**

Act 1009 (HB2703) - The act revises the State and Public School Life and Health Insurance Board membership, duties, and administration.

### **TITLE INSURANCE REGULATION**

Act 684 (HB2620) - The act abolishes the Arkansas Title Insurance Agents' Licensing Board; transfers the regulation of title insurance and title insurance agents to the State Insurance Department; transfers all funds in the Title Insurance Agents' Licensing Board Fund to the State Insurance Department Trust Fund; provides transition provisions; and enacts the Arkansas Title Insurance Act providing, among other things, that title insurance policies be issued based upon a minimum thirty-year title search and in accordance with the title insurer's underwriting practices, restrictions on title insurers and title insurance agents, policyholder rights and disclosures to policyholders, and audit, inventory maintenance, and record retention requirements. The majority of the act is effective January 1, 2008.



## **INSURANCE**

### **WORKERS' COMPENSATION**

#### ***Death And Permanent Total Disability Trust Fund***

Act 1599 (HB2648) - The act is designed to ensure the solvency of the Death and Permanent Total Disability Trust Fund by reducing the fund's liability for injuries occurring on or after January 1, 2008.

#### ***Second Injury Fund***

Act 1415 (HB2674) - The act provides that no claims shall be made on the Second Injury Fund on or after January 1, 2008.

#### ***Waiver***

Act 546 (HB1700) - The act gives a sole proprietor, partner, professional association member, or limited liability company member the same right to waive workers' compensation coverage as a corporate officer.

## **LABOR AND INDUSTRIAL RELATIONS**

### **EMPLOYMENT SECURITY DIVISION, ARKANSAS**

Act 490 (SB773) - The act makes various changes to the Arkansas Employment Security Law, including changing its name to the "Department of Workforce Services Law".

Similarly the act also changed the name of the Employment Security Special Fund to the "Department of Workforce Services Special Fund". The act became effective March 26, 2007.

### **EXISTING WORKFORCE TRAINING ACT**

Act 1003 (HB2536) - The act amends the provisions of the Existing Workforce Training Act, including updating definitions and revising the duties of the Arkansas Economic Development Commission in relation to the Existing Workforce Training Act.

### **ILLEGAL IMMIGRANT EMPLOYMENT PROHIBITED**

Act 157 (HB1024) - The act prohibits state agencies from contracting with businesses that employ illegal immigrants.

### **MINIMUM WAGE**

#### ***Allowance for Tipped Employees***

Act 707 (SB361) - The act revises the minimum wage allowance for gratuities to no less than \$3.62 per hour, provided the employee actually received that amount in gratuities and that the allowance results in the payment of wages other than gratuities to tipped employees of no less than \$2.63 per hour. The act became effective March 30, 2007.

#### ***Overtime***

Act 545 (HB1699) - The act adds more exclusions to the definition of "employee" and under certain circumstances empowers the Director of the Department of Labor to authorize employment in excess of the forty-hour week standard or to calculate overtime pay on a basis other than the regular rate of pay. The act became effective on March 28, 2007.

### **TAXABLE LABOR**

Act 361 (HB1622) - This bill provides that a person performing taxable labor for a retailer is not required to collect sales tax on the labor if the labor is charged to and sales tax is collected from the ultimate consumer.

### **UNEMPLOYMENT BENEFITS, DISQUALIFICATION FOR ILLEGAL DRUG USE**

Act 454 (HB2374) - The act disqualifies from unemployment benefits an individual who tests positive for drugs when applying for new employment.

## **LABOR AND INDUSTRIAL RELATIONS**

### **WORKERS' COMPENSATION**

#### ***Death and Permanent Total Disability Trust Fund***

Act 1599 (HB2648) - The act is designed to ensure the solvency of the Death and Permanent Total Disability Trust Fund by reducing the fund's liability for injuries occurring on or after January 1, 2008.

#### ***Second Injury Fund***

Act 1415 (HB2674) - The act provides that no claims shall be made on the Second Injury Fund on or after January 1, 2008.

### **WORKFORCE SERVICES, DEPARTMENT OF**

Act 551 (HB2244) - The act creates the "Department of Workforce Services Training Trust Fund" to be used for worker training and the "Department of Workforce Services Unemployment Insurance Administration Fund" to be used for the operating expenses of the unemployment insurance program. The Director of the Department of Workforce Services shall report to the Legislative Council on a quarterly basis about the uses of these funds. The act is effective on July 1, 2007.

## **LAW ENFORCEMENT**

### **ABUSED AND NEGLECTED CHILDREN**

Act 703 (SB303) - The act implements the findings of the Arkansas Legislative Task Force on Abused and Neglected Children; enhances the confidentiality of items that depict the sexual exploitation of a child by classifying them as contraband; requires the Department of Arkansas State Police to investigate all cases of severe child maltreatment; creates child safety centers; improves the operations of the abuse and neglect hot line; and improves enforcement of child abuse and neglect law.

### **CHIEFS OF POLICE**

Act 287 (SB767) - The act creates the Arkansas Legislative Task Force on Criteria and Qualifications for Chiefs of Police. The act provides that the task force shall deliver a report concerning its work on January 15, 2009, and the task force shall be abolished on that date.

### **CONCEALED HANDGUNS**

#### ***Active and Retired Law Enforcement Officers***

Act 675 (HB2301) - The act removes the requirement that certified law enforcement officers work forty (40) or more hours per week, and the requirement that retired law enforcement officers have nonforfeitable rights to benefits under the retirement plan of a public law enforcement agency to be eligible to carry a concealed handgun.

#### ***Licensing, Digital Photograph***

Act 664 (HB1163) - The act amends provisions of the Arkansas Code concerning the administration of concealed handgun licensing by the Department of Arkansas State Police. The act provides that a concealed handgun license issued, renewed, or obtained after December 31, 2007, shall bear a digital photograph of the licensee.

### **CORONER REPORTS OF CERTAIN DEATHS**

Act 194 (HB1437) - The act amends the procedures concerning coroner's death investigations.

### **CORPORAL SCOTT BAXTER'S LAW**

Act 709 (SB556) - The act increases the penalty classification for battery in the first degree from a Class B felony to a Class Y felony if the injured person is a law enforcement officer acting in the line of duty.

## **LAW ENFORCEMENT**

### **COUNTY JAILS**

#### ***Alternative Detention Resources***

Act 300 (HB1341) - The act authorizes sheriffs to use alternative detention resources for convicted persons sentenced to county jails.

#### ***Expenses and Support***

Act 117 (HB1022) - The act provides that a person convicted of a felony or Class A misdemeanor shall be assessed a booking and administration fee of twenty dollars (\$20.00) to be used exclusively for the maintenance, operation, and capital expenditures of a county jail or regional detention facility. The act became effective on February 16, 2007.

### **CRIME INFORMATION CENTER, ARKANSAS**

#### ***Access by a Constable***

Act 841 (HB2302) - The act authorizes the Arkansas Crime Information Center to permit a constable to have access to the center's information if the constable has completed required training. The act also sets training requirements for a constable to carry a firearm and standards for constable uniforms and motor vehicles used by constables. The Arkansas Commission on Law Enforcement Standards and Training is required to develop the constable training program.

#### ***Pharmacy Real-Time Electronic Logbook***

Act 508 (SB296) - The act requires a pharmacy to enter certain transactions involving the sale of ephedrine, pseudoephedrine, or phenylpropanolamine into the real-time electronic logbook maintained by the Arkansas Crime Information Center. The act makes information recorded in the logbook confidential and prohibits its disclosure unless specifically authorized by law. Unauthorized disclosure of logbook information or the obtaining of unauthorized logbook information is a Class A misdemeanor.

### **CRIMINAL HISTORY INFORMATION**

Act 59 (HB1103) - The act clarifies that felony arrest information shall not be disseminated for noncriminal justice purposes if more than three (3) years have elapsed from the date of the felony arrest and conviction information has not been entered into the central repository.

### **DRUG CRIME ENFORCEMENT AND PROSECUTION**

Act 1086 (HB1801) - The act creates the State Drug Crime Enforcement and Prosecution Grant Fund for the purpose of funding state grant awards for multi-jurisdictional drug crime task forces to investigate and prosecute drug crimes within the State of Arkansas. The act became effective on April 4, 2007.

### **EMERGENCY MANAGEMENT SERVICES**

Act 197 (SB209) - The act updates emergency management service statutes.

### **FIREARMS**

#### ***Concealed Handguns***

Act 664 (HB1163) - The act amends provisions of the Arkansas Code concerning the administration of concealed handgun licensing by the Department of Arkansas State Police. The act provides that a concealed handgun license issued, renewed, or obtained after December 31, 2007, shall bear a digital photograph of the licensee.

#### ***Retired Law Enforcement Officers***

Act 134 (SB215) - The act amends Arkansas Code § 12-15-202 concerning the eligibility and certification for a retired law enforcement officer to carry a concealed handgun.

## **LAW ENFORCEMENT**

### **INSTITUTIONAL LAW ENFORCEMENT OFFICERS**

Act 498 (SB390) - The act elevates the security officers of certain educational, charitable, correctional, and penal institutions owned and operated by the state, and state parks, to institutional law enforcement officers who shall meet the requirements for certification set by the Executive Commission on Law Enforcement Standards and Training. The act also defines the powers and duties of institutional law enforcement officers.

### **LITTER CONTROL ACT ENFORCEMENT**

Act 377 (HB1180) - The act gives municipal code enforcement officers the power to enforce laws governing discarded items on public and private property.

### **LOCAL DISASTERS**

Act 465 (HB1581) - The act adds to the statutory unlawful burning offenses but exempts the Arkansas Forestry Commission from enforcement of the added offense. The act also amends time frames for local disaster emergencies.

### **LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS**

#### ***Deferred Retirement Option Plan***

Act 1572 (SB155) - The act provides that a member of a police pension and relief fund of a city of the first class whose participation in the fund's deferred retirement option plan has concluded may enter into employment with a participating municipality other than the municipality he or she was employed by at the time of retirement so long as the member has a break of service from his or her previous employer of at least thirty (30) days.

#### ***Funeral Expenses***

Act 1571 (SB144) - The act provides that whenever an active or a retired police officer dies, the board of trustees of the local police and fire pension and relief fund of which the officer was a member shall appropriate from the fund a sum not less than one hundred dollars (\$100) nor more than six thousand five hundred dollars (\$6,500) to pay the funeral expenses of the decedent.

#### ***Future Supplement Funds***

Act 849 (SB156) - The act provides that future supplement funds to local police and fire pension and relief funds may distribute one hundred percent (100%) of the amount added to the future supplement funds the previous June 30 and any current reserve funds. The act became effective April 3, 2007.

#### ***Minimum Asset Management Standards***

Act 851 (SB158) - The act establishes minimum asset management standards for local pension and relief funds.

#### ***Pension And Relief Fund Amendments***

Act 1056 (HB1099) - The act amends various statutes concerning local police and fire pension and relief funds concerning active member and retired member benefits.

#### ***Spouses***

Act 611 (HB1172) - The act provides that if a retired member of a police pension and relief fund dies from any cause and leaves a surviving former spouse who was receiving a portion of the retired member's retirement benefit and also leaves a surviving spouse entitled to benefits, then until the surviving former spouse or surviving spouse dies or remarries, the surviving former spouse shall continue to receive the same benefit he or she was receiving when the retired member died.

## **LAW ENFORCEMENT**

### **LOCAL POLICE AND FIRE RETIREMENT SYSTEM, ARKANSAS**

#### ***Benefits***

Act 1569 (SB105) - The act provides that the capped amount of total benefits under the Arkansas Local Police and Fire Retirement System shall not exceed at the time of retirement eighty-five percent (85%) of the final average pay plus the amounts provided for volunteer service.

#### ***Purchased Service***

Act 1057 (HB1237) - The act amends the process for purchasing other local police and fire service by members of the Arkansas Local Police and Fire Retirement System.

#### ***Staff Hired After January 1, 1999***

Act 803 (HB1279) - The act provides that the retirement assets and accrued time of all Arkansas Local Police and Fire Retirement System staff hired after January 1, 1999, shall be transferred from the Arkansas Public Employees Retirement System to the Arkansas Local Police and Fire Retirement System. The act is effective July 1, 2007.

#### ***Technical Corrections***

Act 294 (HB1159) - The act makes technical corrections to various Arkansas Local Police and Fire Retirement System statutes.

#### ***Volunteer Rates***

Act 610 (HB1098) - The act changes the uniformed contribution rate for volunteer locations and changes the amount of prior service recognized for new volunteer departments. The act became effective on March 28, 2007.

### **MUNICIPAL POLICE**

#### ***Officer's Pistol and Shotgun***

Act 365 (HB1717) - The act authorizes the award of the pistol carried by a municipal police officer upon retirement or death while still employed. The act also allows a municipal police officer to purchase the shotgun that he or she carried while on duty at fair market value when the municipal police officer retires from service.

#### ***Public Employees' Retirement System, Arkansas***

Act 290 (HB1023) - The act provides that Arkansas Code § 24-10-304(b) concerning the transfer of municipal police department officers from the Arkansas Public Employees' Retirement System does not apply if an employee hired after July 1, 1997, is a member of the Arkansas Public Employees' Retirement System at the time of the hiring and continues to receive public safety credit from prior and current employment.

### **NONFERROUS SCRAP METAL THEFT**

Act 749 (HB2443) - The act rewrites Arkansas Code § 17-44-101 et seq. to streamline and strengthen nonferrous scrap metal recordkeeping requirements and to assist law enforcement in investigating thefts. The act also provides that a scrap metal recycler shall not purchase scrap metal that is claimed by a minor unless the minor is accompanied by his or her parent or guardian.

### **PARKING FOR PERSONS WITH A DISABILITY**

Act 753 (HB2249) - The act revises and modernizes the Access to Parking for Persons with Disabilities Act, Arkansas Code § 27-15-301 et seq., to improve the enforcement of parking restrictions in spaces reserved for a person with a disability. The act also adds a requirement that driver education programs and the driver's instruction manual include information about parking for persons with a disability.

### **POLICE OFFICERS, HIGHER EDUCATION**

Act 291 (HB1031) - The act permits the employer of certain covered police officers to offer reduced tuition to an officer or his or her dependents based on the amount of funds available for that purpose. The employer shall pay to the public institution of higher education the difference between the regular tuition rate and the reduced tuition rate.

## **LAW ENFORCEMENT**

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM, ARKANSAS**

Act 290 (HB1023) - The act provides that Arkansas Code § 24-10-304(b) concerning the transfer of municipal police department officers from the Arkansas Public Employees' Retirement System does not apply if an employee hired after July 1, 1997, is a member of the Arkansas Public Employees' Retirement System at the time of the hiring and continues to receive public safety credit from prior and current employment.

Act 850 (SB157) - The act provides that if a public safety member leaves his or her employment as a police officer or firefighter for employment as a police officer or firefighter in a position covered by the Arkansas Public Employees' Retirement System, Arkansas State Highway Employees' Retirement System, State Police Retirement System, or Arkansas Local Police and Fire Retirement System and returns to his or her previous employment as a police officer or firefighter, the public safety member shall resume receiving credited service at one and one-half (1 1/2) times the regular rate for crediting service.

### **PUBLIC SAFETY COMMUNICATIONS PERSONNEL SUBPOENA**

Act 651 (HB2562) - The act requires public safety communications personnel to immediately comply with a subpoena issued by a prosecutor, grand jury, or court. The act also provides immunity from a civil action for compliance with the subpoena.

### **RACIAL PROFILING POLICY ANNUAL REPORT**

Act 1048 (SB974) - The act implements the recommendations of the Arkansas Task Force on Racial Profiling by requiring the Department of Arkansas State Police to assist in the development and implementation of a public service campaign concerning racial profiling. The act also requires the Division of Legislative Audit to submit to the Attorney General the names of any law enforcement agency failing to include a copy of that agency's policy on racial profiling in their annual report.

### **SEX OFFENDER REGISTRATION**

Act 147 (HB1274) - The act provides that the Arkansas Higher Education Coordinating Board shall promulgate guidelines for the disclosure to students of information regarding a sex offender when information concerning the sex offender is released to an institution of higher education. The act also provides that the board of directors of an institution of higher education shall adopt a written policy in accordance with the guidelines promulgated by the board.

Act 210 (HB1458) - The act amends the definition of "sex offense" in the Sex Offender Registration Act of 1997 to include any felony-murder offense under Arkansas Code § 5-10-101, § 5-10-102, or § 5-10-104 if the underlying felony is an offense that is listed in the definition of "sex offense" in the Sex Offender Registration Act of 1997.

### **STATE OF EMERGENCY**

Act 1578 (SB854) - The act amends Arkansas Code § 12-61-115 to provide that the Governor's proclamation of a state of emergency does not authorize the seizure of any firearm or ammunition from any individual who is lawfully possessing the firearm or ammunition. The act provides for the return of a seized firearm or ammunition unless the individual is arrested or the seized firearm or ammunition is needed as evidence.

### **STATE POLICE**

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

Act 571 (HB2756) - The act allows the Department of Arkansas State Police to release certain criminal history information to an employer, a person acting on an employer's behalf, or any person who has obtained the written authorization of the subject of the record.

## **LAW ENFORCEMENT**

### **STATE POLICE**

#### ***Highway Dedication Program***

Act 848 (SB154) - The act creates a state police officer highway dedication program for state police officers killed on active duty within the State of Arkansas.

#### ***Patrolling Limited Access Highways***

Act 371 (HB2238) - Under existing law, municipal police are prohibited from patrolling limited access highways except as may be authorized by the Director of the Department of Arkansas State Police. The act amends Arkansas Code § 12-8-106(h) by substituting the defined term "controlled-access facility" for "limited access highway". The act clarifies that the director may withdraw any previously issued authorization. The act requires the director to promulgate rules to establish criteria for granting or withdrawing authorization for municipal police to patrol controlled-access facilities.

#### ***Retirement Benefits***

Act 404 (SB149) - The act makes the disability process for members of the Tier 2 State Police Retirement System identical to that of Tier 1, modifies the annual transfer formula, and modifies the interest calculation of the deferred retirement option plan to conform to the Pension Protection Act of 2006. The act became effective on March 22, 2007.

### **TOWING OPERATIONS**

Act 861 (SB805) - The act amends the procedures concerning the nonconsensual towing of a vehicle, including the powers and duties of the Arkansas Towing and Recovery Board, the regulation of the towing industry, the tow vehicle safety permit fee, the maximum civil penalty that the board can prescribe, and the notice required to be provided to lienholders. The act also authorizes the Department of Arkansas State Police, the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, and county and municipal authorities to enforce the laws related to nonconsensual towing and the removal of unattended or abandoned vehicles.

Act 1053 (SB969) - The act made various modifications to the laws concerning nonconsent towing. Among those modifications were changes to the penalties, the law enforcement official's order to remove a vehicle, the law enforcement official's notice of release, the prohibition against a law enforcement officer's acceptance of a gift, the coverage of a possessory lien, a vehicle owner's rights, a lienholder's rights and duties, the disposition by sale or the vesting of ownership in the possessory lienholder, and the rights of a tower licensed out-of-state.

Act 1412 (HB2469) - The act requires every wrecker or tow vehicle to register and receive a distinctive wrecker or tow license plate starting on January 1, 2008. The act also requires motor vehicle operators to reduce speed or move to the lane that is the farthest away from an authorized emergency response vehicle or a law enforcement vehicle displaying flashing lights while parked or stopped at the scene of an emergency or traffic stop.

### **TRAFFIC ACCIDENT CITATIONS**

Act 137 (HB1176) - The act allows municipal police department personnel to issue traffic citations at an accident scene.

## **LAW ENFORCEMENT**

### **WARRANTLESS ARREST FOR DOMESTIC ABUSE**

Act 204 (HB1310) - Under existing law, when a law enforcement officer has probable cause to believe a person has committed acts which constitute a crime and domestic abuse against a family or household member, the officer may arrest the person without a warrant if the officer has probable cause to believe the person committed those acts within the preceding four (4) hours, or within the preceding twelve (12) hours for cases involving physical injury, even if the incident did not take place in the presence of the officer. The act provides additional guidelines for law enforcement officers to use in determining the predominant aggressor in cases of domestic abuse for the purpose of arrest.

## **MANUFACTURED HOMES**

### **MANUFACTURED HOMES STANDARDS**

Act 1010 (HB2705) - The act amends the Arkansas Manufactured Homes Standards Act to comply with federal guidelines.

## **MILITARY AND VETERANS**

### **CHILD CUSTODY AND VISITATION**

Act 301 (HB1345) - The act adds a provision to the child custody and visitation law to require a court to consider a temporary modification of custody or visitation, instead of a permanent modification, if one (1) of the parents is a member of the armed forces who has been called to active duty or received orders for duty that is outside the state or country. The act became effective on March 16, 2007.

### **COMMERCIAL DRIVER'S LICENSE**

Act 584 (SB307) - The act allows the Department of Arkansas State Police to waive the skills test for an Arkansas commercial driver's license if the applicant possesses a valid military commercial driver's license.

### **MILITARY DEPARTMENT, STATE**

#### ***Lump Sum Payments***

Act 606 (SB965) - The act provides that retiring fire and emergency service employees of the State Military Department shall be entitled to lump sum payments of unused annual leave not to exceed forty-five (45) working days and payments of unused sick leave not to exceed one hundred eighty (180) days.

#### ***Military Code Revisions***

Act 47 (HB1140) - The act revises provisions of the Military Code of Arkansas, Arkansas Code § 12-60-101 et seq., to correspond with federal law and to allow the State Military Department sufficient authority to impose fines and forfeitures. The act amends provisions regarding awards, officer titles, appointments, and punishments. The act became effective on February 1, 2007.

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM, ARKANSAS**

Act 176 (SB57) - The act makes technical corrections to the provisions governing the Arkansas Public Employees' Retirement System, including provisions concerning the Arkansas National Guard and armed forces reserve service credit and the definition of "participating public employer".

### **SPECIAL LICENSE PLATE FEES**

#### ***Disabled Veterans - Fees***

Act 148 (HB1405) - The act provides for the issuance or renewal of an additional special Disabled Veteran or Disabled Veteran World War I license plate for a fee of one dollar (\$1.00).



## **MILITARY AND VETERANS**

### **SPECIAL LICENSE PLATES**

#### ***Disabled Veterans***

Act 349 (HB1580) - The act clarifies the law to authorize the holders of disabled veteran special license plates to park in spaces designated for disabled parking.

#### ***Ex-Prisoners Of War, Pearl Harbor Survivors, or Medal Of Honor Recipients***

Act 101 (HB1307) - The act authorizes the Office of Motor Vehicles of the Department of Finance and Administration to issue an additional special license plate for a nominal fee for ex-prisoners of war, Pearl Harbor survivors, or Medal of Honor recipients.

#### ***Operation Enduring Freedom and Operation Iraqi Freedom***

Act 109 (HB1383) - The act authorizes the Office of Motor Vehicles of the Department of Finance and Administration to issue and renew special license plates for a nominal fee to veterans of Operation Enduring Freedom. The act also incorporated the law that initially authorized the special license plates for Operation Enduring Freedom and Operation Iraqi Freedom into the Special License Plate Act of 2005, Arkansas Code § 27-24-101 et seq. Finally, the act conditionally authorized a refund of a portion of the fees paid by a veteran of Operation Enduring Freedom to obtain the special license plate under prior law. The act became effective on February 14, 2007.

#### ***Purple Heart Recipients***

Act 239 (HB1128) - The act authorizes the Office of Motor Vehicle of the Department of Finance and Administration to issue and renew an additional special license plate for a Purple Heart Recipient for a nominal fee.

#### ***United States Armed Forces Retired***

Act 393 (HB2401) - The act eliminates the ten-dollar handling and administrative fee for the United States Armed Forces Retired special license plate and allows retired members of the United States Armed Forces to obtain a special license plate for the standard fee required by law for the registration and licensing of a motor vehicle.

### **TUITION AND SCHOLARSHIPS**

#### ***Activation or Deployment of a Student's Spouse***

Act 16 (HB1028) - The act allows spouses of activated or deployed military personnel the same compensatory options for tuition, room, board, fees, and books that are provided to activated or deployed military personnel if the student ceases to attend a public institution of higher education because of his or her spouse's activation or deployment.

#### ***Dependents of Disabled Veterans***

Act 717 (SB838) - The act clarifies the law regarding the provision of free tuition at state-supported institutions of higher education for the spouse or child of a disabled veteran, a prisoner of war, or a member of the armed forces who is missing in action or killed in action.

## **MOTOR VEHICLES**

### **ACCIDENTS**

Act 145 (HB1008) - The act imposes a duty on the driver of a vehicle involved in an accident resulting in injury to, or death of, any person or damage to any vehicle to remain at the scene of the accident for at least thirty (30) minutes if the driver knows that a law enforcement agency was contacted for assistance unless it is necessary for the driver to leave the scene of the accident to render aid.

### **ALL-TERRAIN VEHICLES**

Act 305 (HB1462) - The act changes the term "all-terrain cycle" to "all-terrain vehicle" and amends the requirements for the registration and operation of all-terrain vehicles.

## **MOTOR VEHICLES**

### **ALTERNATIVE FUELS DEVELOPMENT PROGRAM**

Act 873 (HB1379) - The act creates the Arkansas Alternative Fuels Development Program to be administered by the Arkansas Agriculture Department with the purpose of providing grant incentives for alternative fuels producers, feedstock processors, and alternative fuels distributors. The act also creates the Arkansas Alternative Fuels Development Fund and repeals obsolete sections of the Arkansas Code related to alternative fuels.

### **BIOFUELS STANDARD FOR STATE VEHICLES AND EQUIPMENT**

Act 699 (SB237) - The act establishes a biofuels standard of a minimum of two percent (2%) biofuels by volume for state vehicles and state equipment beginning on January 1, 2009. The act allows the Director of the Department of Finance and Administration to grant a waiver for a variance from the standard. The act requires the Arkansas Bureau of Standards of the State Plant Board to test and ensure the quality of alternative fuels used in the state.

### **COMMERCIAL DRIVER'S LICENSE**

#### ***Nonresidents of the United States***

Act 382 (HB2240) - The act repeals Arkansas law that allows the issuance of a nonresident commercial driver's license to a nonresident of the United States.

#### ***Records***

Act 370 (HB2227) - The act requires the Office of Driver Services to note and retain on each person's commercial driver's license records any convictions, disqualifications, and other licensing action for violations. The act comports Arkansas law with federal law regarding commercial driver's license records.

#### ***Reporting Alcohol and Drug Testing***

Act 637 (HB2391) - The act improves commercial driver safety by requiring the reporting of certain alcohol or drug test results for an employee who holds a commercial driver's license and by requiring an employer to obtain a report from the commercial driver alcohol and drug testing database. The act applies to alcohol and drug testing beginning on January 1, 2008. However, the penalty for an employer who knowingly fails to check the database is not assessed until July 1, 2008.

#### ***Waiver of Skills Test***

Act 584 (SB307) - The act allows the Department of Arkansas State Police to waive the skills test for an Arkansas commercial driver's license if the applicant possesses a valid military commercial driver's license.

### **COMMERCIAL MOTOR VEHICLE INSURANCE**

Act 826 (HB2440) - The act requires notice of cancellation of insurance to the holder of a lien upon a commercial motor vehicle.

### **CONSUMER PROTECTION**

Act 366 (HB1718) - The act amends the Motor Vehicle Consumer Protection Act regarding fees charged for handling and processing the sale or lease of a new or used motor vehicle. The act became effective on March 19, 2007.

### **DAMAGED MOTOR VEHICLES**

Act 410 (SB295) - The act makes various revisions to Arkansas law concerning damaged motor vehicles, including defining the term "salvage vehicle" and specifying the process for the issuance of a damage certificate.

## **MOTOR VEHICLES**

### **DEALERS**

#### ***Exemption from Regulation***

Act 235 (SB292) - The act provides an exemption to the Arkansas Motor Vehicle Commission Act, Arkansas Code § 23-112-101 et seq., for special motorcycle events to allow motor vehicle dealers to display and sell motorcycles at special events that have a significant positive economic impact on an area in the state.

#### ***Warranty and Franchise Agreements***

Act 746 (HB2345) - The act amends the Arkansas Motor Vehicle Commission Act, Arkansas Code § 23-112-101 et seq., regarding a manufacturer, distributor, or wholesaler and its warranty agreements with a motor vehicle dealer. The act also amends the prohibited conduct of a manufacturer, distributor, or wholesaler in relation to the failure to continue a motor vehicle dealer franchise agreement.

### **DRIVER'S LICENSE**

#### ***Children in State Custody***

Act 216 (SB247) - The act allows the Director of the Division of Children and Family Services of the Department of Health and Human Services to authorize an employee of the department or the foster parent to sign the driver's license application for a child under eighteen (18) years of age who is in the custody of the department. The act also prohibits an authorized department employee or authorized foster parent from being held liable for the child's negligence or willful misconduct when driving a motor vehicle.

#### ***Initial Application Documentation***

Act 444 (HB1577) - The act amends current law to reconcile the provisions regarding the required documentation to initially obtain a driver's license.

#### ***Name Changes***

Act 492 (SB856) - The act clarifies the law regarding acceptable documents to change a name on a driver's license.

#### ***Suspension, Alcohol-Related Offenses***

Act 712 (SB781) - The act provides consistency in the Arkansas Code regarding prior alcohol-related offenses to consider when suspending or revoking driving privileges and amends the Code to treat convictions for alcohol-related offenses in other states that are reported under the reciprocal system as if the offense had happened in Arkansas.

#### ***Suspension, Unsatisfied Judgment***

Act 673 (HB2271) - The act amends the Motor Vehicle Safety Responsibility Act, Arkansas Code § 27-19-101 et seq., to reconcile the provisions regarding the amount of an unsatisfied judgment required to be reported for purposes of suspension of a driver's license and motor vehicle registration.

### **FINANCING AND DISCLOSURES**

Act 649 (HB2548) - The act permits negative equity financing and accompanying disclosures in the sale or lease of new or used motor vehicles.

### **INSURANCE**

Act 485 (SB88) - The act requires that all motorists carry the minimum motor vehicle liability insurance coverage required by Arkansas law, that the existence of a named driver exclusion be listed on proof of insurance cards, and that information concerning a named driver exclusion be given to the Revenue Division of the Department of Finance and Administration.

### **LICENSE PLATES**

#### ***Dealer Plates***

Act 347 (HB1576) - The act clarifies the law that motor vehicle dealers who sell only all-terrain vehicles shall not be entitled to issuance of a dealer license plate.

## **MOTOR VEHICLES**

### **LICENSE PLATES**

#### ***Disabled Parking***

Act 753 (HB2249) - The act revises and modernizes the Access to Parking for Persons with Disabilities Act, Arkansas Code § 27-15-301 et seq., to improve the enforcement of parking restrictions in spaces reserved for a person with a disability. The act also adds a requirement that driver education programs and the driver's instruction manual include information about parking for persons with a disability.

#### ***Disabled Veterans***

Act 148 (HB1405) - The act provides for the issuance or renewal of an additional special Disabled Veteran or Disabled Veteran World War I license plate for a fee of one dollar (\$1.00).

Act 349 (HB1580) - The act clarifies the law to authorize the holders of disabled veteran special license plates to park in spaces designated for disabled parking.

#### ***Ex-Prisoner Of War, Pearl Harbor Survivor, and Medal Of Honor Recipients***

Act 101 (HB1307) - The act authorizes the Office of Motor Vehicle of the Department of Finance and Administration to issue an additional special license plate for a nominal fee for ex-prisoners of war, Pearl Harbor survivors, or Medal of Honor recipients.

#### ***Operation Enduring Freedom and Operation Iraqi Freedom***

Act 109 (HB1383) - The act authorizes the Office of Motor Vehicles of the Department of Finance and Administration to issue and renew special license plates for a nominal fee to veterans of Operation Enduring Freedom. The act also incorporated the law that initially authorized the special license plates for Operation Enduring Freedom and Operation Iraqi Freedom into the Special License Plate Act of 2005, Arkansas Code § 27-24-101 et seq. Finally, the act conditionally authorized a refund of a portion of the fees paid by a veteran of Operation Enduring Freedom to obtain the special license plate under prior law. The act became effective on February 14, 2007.

#### ***Professional Firefighters***

Act 590 (SB789) - The act amends the Special License Plate Act of 2005, Arkansas Code § 27-24-101 et seq., to define and distinguish professional firefighters and to authorize a special license plate for professional firefighters.

#### ***Public Entities***

Act 536 (HB1461) - The act clarifies the procedures for regional airports and regional water distribution districts to obtain special license plates.

#### ***Purple Heart Recipients***

Act 239 (HB1128) - The act authorizes the Office of Motor Vehicle of the Department of Finance and Administration to issue and renew an additional special license plate for a Purple Heart Recipient for a nominal fee.

#### ***Realtors®***

Act 451 (HB2281) - The act amends the Special License Plate Act of 2005, Arkansas Code § 27-24-101 et seq., for the purpose of clarifying the special license plates for Realtors®.

#### ***Street Rods and Custom Vehicles***

Act 340 (HB1453) - The act transfers the street rod special license plate law to the Special License Plate Act of 2005, Arkansas Code § 27-24-101 et seq., and modifies the law as necessary because of industry advancements and the growing popularity of street rods and custom vehicles.

## **MOTOR VEHICLES**

### **LICENSE PLATES**

#### ***United States Armed Forces Retired***

Act 393 (HB2401) - The act eliminates the ten-dollar handling and administrative fee for the United States Armed Forces Retired special license plate and allows retired members of the United States Armed Forces to obtain a special license plate for the standard fee required by law for the registration and licensing of a motor vehicle.

### **MOVING VIOLATIONS**

#### ***Driver Response to Emergency Vehicles on Roadway***

Act 1412 (HB2469) - The act requires motor vehicle operators to reduce speed or move to the lane that is the farthest away from an authorized emergency response vehicle or a law enforcement vehicle displaying flashing lights while parked or stopped at the scene of an emergency or traffic stop. The act also requires every wrecker or tow vehicle to register and receive a distinctive wrecker or tow license plate starting on January 1, 2008.

#### ***Passing a School Bus***

Act 718 (SB851) - The act simplifies the reporting to the prosecuting attorney of violations of passing a school bus; requires the local prosecuting attorney to provide written notice to the superintendent who reports a violation; and clarifies that any person who observes a vehicle passing a school bus can report the incident to the local prosecuting attorney.

#### ***Safe Passing of Bicycles***

Act 681 (HB2511) - The act requires that the driver of a motor vehicle must pass to the left when overtaking a bicycle at a safe distance of not less than three feet (3'), subject to a fine not to exceed one hundred dollars (\$100) or one thousand dollars (\$1,000) if the violation results in a collision causing death or serious physical injury.

#### ***Safety Protections for Towing Operations***

Act 626 (HB2284) - The act requires the driver of a motor vehicle that is approaching a towing operation on a highway or roadway to move to the farthest lane or position, if possible, and exercise due caution. A violation of this requirement is a traffic violation.

### **SPECIAL PERMITS**

Act 639 (HB2427) - The act amends various laws regulating special permits for vehicle size and weight.

### **SPEED LIMITS AND TRAFFIC CONTROL DEVICES**

Act 667 (HB1579) - The act clarifies the authority of county judges to establish speed limits on county roads within the jurisdictional boundaries of his or her county and requires a traffic-control device that is erected on a county road to conform to the uniform manual on traffic-control devices adopted by the State Highway Commission.

### **TITLES - RELEASE AND TRANSFER**

Act 589 (SB771) - The act assists in the administration of motor vehicle titles by providing procedures to expedite the release and transfer of motor vehicle titles.

### **TITLES - SIGNATURE OF OWNER**

Act 171 (HB1457) - The act requires the owner of a motor vehicle to sign the certificate of title for the motor vehicle on the front side of the certificate of title.

### **TOWING OPERATIONS**

#### ***Limitation On Possessory Liens***

Act 506 (HB1472) - The act amends current law to prohibit a possessory lien of a towing and storage firm from attaching to personal or legal documents, medications, child restraint seating, wallets or purses, prescription eyeglasses, prosthetics, cell phones, photographs, and books. The act also requires the towing and storage firm to release these items without charge to the owner or operator of the vehicle or his or her duly authorized representative. The act became effective on March 26, 2007.

## **MOTOR VEHICLES**

### **TOWING OPERATIONS**

#### ***Nonconsensual Towing***

Act 861 (SB805) - The act amends the procedures concerning the nonconsensual towing of a vehicle, including the powers and duties of the Arkansas Towing and Recovery Board, the regulation of the towing industry, the tow vehicle safety permit fee, the maximum civil penalty that the board can prescribe, and the notice required to be provided to lienholders. The act also authorizes the Department of Arkansas State Police, the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, and county and municipal authorities to enforce the laws related to nonconsensual towing and the removal of unattended or abandoned vehicles.

#### ***Nonconsent Towing***

Act 1053 (SB969) - The act made various modifications to the laws concerning nonconsent towing. Among those modifications were changes to the penalties, the law enforcement official's order to remove a vehicle, the law enforcement official's notice of release, the prohibition against a law enforcement officer's acceptance of a gift, the coverage of a possessory lien, a vehicle owner's rights, a lienholder's rights and duties, the disposition by sale or the vesting of ownership in the possessory lienholder, and the rights of a tower licensed out-of-state.

#### ***Out-Of-State Towing***

Act 607 (SB967) - The act authorizes the Arkansas Towing and Recovery Board to promulgate rules that permit towing vehicles licensed by another state to operate in this state.

#### ***Registration and License Plates***

Act 1412 (HB2469) - The act requires every wrecker or tow vehicle to register and receive a distinctive wrecker or tow license plate starting on January 1, 2008. The act also requires motor vehicle operators to reduce speed or move to the lane that is the farthest away from an authorized emergency response vehicle or a law enforcement vehicle displaying flashing lights while parked or stopped at the scene of an emergency or traffic stop.

#### ***Safety***

Act 626 (HB2284) - The act requires the driver of a motor vehicle that is approaching a towing operation on a highway or roadway to move to the farthest lane or position, if possible, and exercise due caution. A violation of this requirement is a traffic violation.

### **VEHICLE WEIGHT**

Act 640 (HB2430) - The act amends various laws pertaining to vehicle weight regulations.

## **NATURAL RESOURCES**

### **ELEVEN POINT RIVER**

Act 202 (HB1197) - The act provides that it shall be unlawful for any motorboat equipped with an engine greater than thirty horsepower (30 hp) at the propeller to operate or navigate on the Eleven Point River.

## **NATURAL RESOURCES**

### **GENERAL OBLIGATION BONDS FOR PROJECTS**

Act 631 (HB2339) - The act authorizes the Arkansas Natural Resources Commission to issue general obligation bonds to finance and refinance the development of water, waste disposal, pollution control, abatement and prevention, drainage, irrigation, flood control, and wetlands and aquatic resources projects in total principal amount not to exceed three hundred million dollars (\$300,000,000) with no more than one hundred million dollars (\$100,000,000) of the general obligation bonds to be issued to finance and refinance the development of irrigation facilities and to issue the bonds in series from time to time in principal amounts not to exceed, without prior approval of the General Assembly, sixty million dollars (\$60,000,000) in any fiscal biennium. The act submits the question of the issuance of the bonds to the voters at the 2008 general election or a special election called for that purpose and addresses related matters.

### **GEOLOGICAL COMMISSION, ARKANSAS**

Act 129 (SB198) - The Arkansas Geological Commission is renamed the Arkansas Geological Survey.

### **LIGNITE PRODUCTION AND USE**

Act 641 (HB2442) - The act creates the Arkansas Lignite Resources Pilot Program to be developed and administered by Southern Arkansas University, the Arkansas Geological Survey, and the Arkansas Economic Development Commission. The purpose of the program is to develop an energy utilization strategy for lignite production and use to reduce our dependency on foreign oil for the creation of electricity and other energy sources.

### **LIQUIFIED PETROLEUM GAS PROVIDER, AFFIRMATIVE DEFENSE**

Act 119 (HB1224) - The act creates an affirmative defense for a liquefied petroleum gas provider to a civil action for damage or injury caused by (1) an alteration or modification of liquefied petroleum gas equipment that makes the equipment unsafe; or (2) the end-user's misuse of liquefied petroleum gas equipment that the liquefied petroleum gas provider or manufacturer has warned against.

### **OIL AND GAS COMMISSION REGULATION**

Act 859 (SB790) - The act enhances the authority of the Oil and Gas Commission to regulate oil, gas, and brine production.

### **OIL AND GAS PRODUCTION**

Act 507 (SB206) - The act limits compensation for spills of crude oil or produced water to three (3) times the value of the land, requires restoration of the property in accordance with the rules and regulations of the Arkansas Department of Environmental Quality and the Oil and Gas Commission, permits an award of attorney's fees under certain conditions, is applicable to spills of crude oil or produced water that occur after the act's effective date, and becomes effective upon the final adoption of rules and regulations governing the remediation of spills of crude oil or produced water.

### **PETROLEUM PRODUCT SET-ASIDE FOR EMERGENCY**

Act 554 (HB2290) - The act requires the Director of the Arkansas Energy Office to promulgate rules directing suppliers to set aside a percentage of petroleum products for the Arkansas Energy Office to distribute in an emergency or time of hardship. The act also requires the director and any person who obtains designated confidential information to maintain the confidentiality of that information.

### **STATE BUTTERFLY**

Act 156 (HB1005) - The act designates the Diana Fritillary butterfly as the official butterfly of the State of Arkansas.

## **NATURAL RESOURCES**

### **WATER RESOURCES PROTECTION AND PLANNING**

Act 691 (HB2707) - The act modifies the duties of the Arkansas Natural Resources Commission in regard to protection of water service areas and gives the state more options concerning borrowers of water loans.

## **PROFESSIONS AND OCCUPATIONS**

### **ABSTRACTERS' BOARD OF EXAMINERS**

Act 1042 (SB779) - The act abolishes the Abstracters' Board of Examiners and transfers its powers and duties to the Arkansas Abstracters' Board.

### **APPRAISERS, REAL ESTATE BROKERS, AND REAL ESTATE SALES PERSONS**

Act 540 (HB1506) - The act removes interstate or federally related transactions from the exemption from the appraiser licensing and certification law for real estate brokers and sales persons issuing a market analysis or broker's price opinion or providing value testimony, and prohibits the use of the terms "appraisal" and "market value" in an interstate or federally related transaction.

### **BAIL BONDSMEN**

#### ***Bond Premiums***

Act 190 (HB1524) - The act provides that certain fee amounts charged by bail bond companies shall be remitted to each county in the state to provide additional funding for county public defenders.

#### ***Licensing***

Act 674 (HB2297) - The act updates several statutes concerning licensing procedures for bail bondsmen.

### **BURIAL ASSOCIATIONS**

Act 583 (SB275) - The act amends the documents and information required to be filed with the Burial Association Board when applying for a certificate of authority by removing the requirement that a surety bond of five thousand dollar (\$5,000) be filed with the board.

### **CONTRACTORS**

Act 275 (HB1284) - The act includes demolition work under the contractors licensing law.

### **CONTRACTORS, RESIDENTIAL BUILDING**

Act 398 (SB79) - The act requires the Residential Building Contractors Committee to require proof of current workers' compensation coverage before issuing or renewing a license to a residential building contractor.

### **COSMETOLOGY LAW**

Act 223 (SB229) - The act updates cosmetology statutes.

### **COSMETOLOGY, STATE BOARD OF**

Act 244 (HB1368) - The act changes the composition and requirements of the State Board of Cosmetology. The act became effective on March 9, 2007.

### **ELECTRICAL WORK - INSPECTIONS**

Act 993 (HB2417) - The act permits the inspection of the installation of electricity in residential buildings by an owner that performs electrical work or the construction, maintenance, or installation of electrical facilities upon the existing primary residence of the owner or a primary residence of the owner that is under construction.

### **ELECTRICIAN TEMPORARY LICENSES AND PERMITS**

Act 495 (SB928) - The act establishes a fee schedule for temporary licenses for electricians and allows an electrician apprentice who has successfully completed a certified training program to continue to renew his or her card without enrolling in a school or training program. The act became effective on March 26, 2007.



## **PROFESSIONS AND OCCUPATIONS**

### **HUMAN SERVICES WORKERS IN SCHOOLS**

Act 1050 (SB868) - The act establishes the Human Services Workers in the Schools program to provide children and families with social services including crisis intervention, home visits, transportation for group counseling sessions, and parental training. The act became effective on April 4, 2007.

### **LICENSED SURVEYOR**

Act 1040 (SB600) - The act requires a licensed surveyor to file a plat within thirty (30) days after receiving payment or completing the plat, whichever date is the latest.

### **LIQUIFIED PETROLEUM GAS DEALER PERMITS**

Act 733 (SB994) - The act modifies the composition of the Liquefied Petroleum Gas Board, authorizes the board to issue permits that may be statewide, and increases the fees for various permits.

### **MEDICAL MALPRACTICE ACTIONS**

Act 750 (HB2487) - The act provides that any self-insurance fund, pooled liability fund, or similar fund maintained by a medical care provider for the payment or indemnification of the medical care provider's liabilities for medical malpractice may be sued under the direct action statute.

### **OPTOMETRIST EXAMINATION QUALIFICATIONS**

Act 431 (SB680) - Under this act, an applicant for an optometrist examination is required to have passed all parts of the National Board of Optometry examination since January 1, 1997. The act became effective on March 22, 2007.

### **PHARMACIES**

#### ***Audit Bill of Rights***

Act 843 (HB2626) - The act creates the "Arkansas Pharmacy Audit Bill of Rights" and provides a pharmacy with certain rights concerning an audit of its records conducted by a managed care company, an insurance company, or a third-party payor. The law will not apply to audits, reviews, or investigations that involve alleged fraud, willful misrepresentation, or abuse.

#### ***Internet Pharmacies***

Act 128 (SB189) - The act prohibits Internet sales into Arkansas of prescription drugs if the patient has not actually consulted a prescribing practitioner and authorizes the Arkansas State Board of Pharmacy to regulate Internet prescription drug sales. The act became effective on February 21, 2007.

#### ***Pharmacy Technicians in Charitable Clinics***

Act 435 (SB800) - The act allows the Arkansas State Board of Pharmacy to waive permit fees for pharmacy technicians working as volunteers in charitable clinics.

#### ***Real-Time Electronic Logbook***

Act 508 (SB296) - The act requires a pharmacy to enter certain transactions involving the sale of ephedrine, pseudoephedrine, or phenylpropanolamine into the real-time electronic logbook maintained by the Arkansas Crime Information Center. The act makes information recorded in the logbook confidential and prohibits its disclosure unless specifically authorized by law. Unauthorized disclosure of logbook information or the obtaining of unauthorized logbook information is a Class A misdemeanor.

### **RADIOLOGY ASSISTANTS**

Act 655 (HB2678) - The act transfers regulatory authority over radiologist assistants and radiology practitioner assistants to the Arkansas State Medical Board.

## **PROFESSIONS AND OCCUPATIONS**

### **REAL ESTATE LICENSE LAW**

Act 53 (SB120) - The act provides that applicants for the real estate examination may sit for the examination so long as a request for a background check has been sent to the appropriate parties. No license shall be issued until the Real Estate Commission receives and approves the results of the background check. The act became effective on February 6, 2007.

Act 263 (HB1527) - The act amends the laws concerning the licensing and regulation of real estate professionals and allows certain leasing activities to be performed by a nonlicensed assistant at the direction of a licensed real estate agent.

### **RESIDENTIAL BUILDING CONTRACTORS**

Act 84 (HB1287) - The act provides a maximum of three (3) three-year terms for members of the Residential Building Contractors Committee.

### **SCRAP METAL DEALERS**

Act 749 (HB2443) - The act rewrites Arkansas Code §§ 17-44-101 et seq. to streamline and strengthen nonferrous scrap metal recordkeeping requirements and to assist law enforcement in investigating thefts. The act also provides that a scrap metal recycler shall not purchase scrap metal that is claimed by a minor unless the minor is accompanied by his or her parent or guardian.

### **SURVEYOR COMPLAINTS**

Act 1051 (SB900) - The act directs the State Surveyor to receive and refer any complaint against a surveyor to the State Board of Registration for Professional Engineers and Land Surveyors and to participate in the review of a survey if requested by board.

### **TRANSIENT MERCHANTS**

Act 1603 (HB2713) - The act amends various provisions of the Transient Merchant Licensing Act of 1983, including clarifying the purpose of the act, revising certain definitions, and providing for the registration of businesses.

## **PROPERTY RIGHTS AND INTERESTS**

### **ASSESSMENT DATA**

Act 685 (HB2621) - The act authorizes the Assessment Coordination Department to view and obtain data from various electronic technologies available for computer-assisted mass appraisal systems.

### **BENEFICIARY DEEDS**

Act 243 (HB1362) - The act clarifies the law and tax-exempt status of beneficiary deeds and provides for the recovery or disclaimer of benefits under a beneficiary deed by the Department of Health and Human Services.

### **LANDLORD AND TENANT**

#### ***Arkansas Residential Landlord-Tenant Act***

Act 1004 (HB2540) - The act, to be known as the "Arkansas Residential Landlord-Tenant Act of 2007", repeals current landlord-tenant laws and creates a new chapter in the Arkansas Code on the topic, including creating a new process for evictions.

#### ***Evictions***

Act 535 (HB1384) - The act permits jurisdiction in district courts over eviction proceedings for forcible entry and detainer actions and unlawful detainer actions concurrent with the jurisdiction of the circuit court if permitted by rule or order of the Arkansas Supreme Court.

## **PROPERTY RIGHTS AND INTERESTS**

### **LANDLORD AND TENANT**

#### ***Evictions***

Act 728 (SB971) - The act requires the deposit of rent into the registry of the court pending the determination of a forcible entry and detainer complaint or unlawful detainer complaint, makes the failure to deposit the rent grounds for issuing a writ of possession, and provides for the disposition of any rent deposited.

#### ***Protection for Victims of Domestic Abuse***

Act 682 (HB2534) - The act prohibits discrimination in connection with a residential lease against a residential tenant who is a victim of domestic abuse, a sex crime, or stalking as evidenced by a court order; permits the victim or landlord to change the locks of the residential tenant's residence at the residential tenant's expense; permits a landlord to evict a domestic abuse offender; and provides limited immunity to landlords that in good faith takes any actions authorized under the act.

### **LIENS**

#### ***Mechanic's and Materialmen's Liens***

Act 810 (HB1631) - The act requires a mechanic's and materialmen's lien filing to include an affidavit of notice containing a sworn statement evidencing compliance with the notice provisions of Arkansas Code §§ 18-44-114 — 18-44-116 and a copy of each notice given under §§ 18-44-114 — 18-44-116; and requires the clerk to refuse to file a lien account that does not contain the required affidavits and attachments.

#### ***Notice***

Act 1411 (HB2459) - The act requires notice of a lien to be published if the lien is filed after August 13, 2001 and does not display the name, address, and telephone number of the lienholder and the name of the person authorized to release the lien.

#### ***Property Cleanup***

Act 854 (SB372) - The act provides cities and towns with the ability to secure a clean-up lien on property after work has been undertaken to remove, abate, or eliminate a condition in violation of local codes.

### **LIMITED LIABILITY OF A LANDOWNER**

Act 677 (HB2324) - The act limits the liability of a landowner who allows the public to use his or her property for recreation.

### **REMEDIATION OF PROPERTY CONTAMINATED BY DRUG MANUFACTURE**

Act 864 (SB829) - The act creates a program for remediation of property and notification of owners of property contaminated by the manufacture of controlled substances.

### **QUIET TITLE**

Act 1037 (SB377) - The act makes various changes to quiet title statutes.

### **STATUTORY FORECLOSURE ACT**

Act 721 (SB907) - The act provides that the mortgagor may assert a claim of fraud or failure to strictly comply with certain provisions of the Statutory Foreclosure Act as a defense to the foreclosure.

### **SURFACE INTEREST VALUE WHEN SEVERED MINERAL INTEREST EXISTS**

Act 660 (HB2742) - The act creates a presumption that when the surface interest and mineral interest are severed and the mineral interest holder is utilizing its mineral interest, the value of the surface right is diminished. The presumption allows an assessor to reduce the value of the surface estate for the purpose of property tax assessment in an amount not to exceed twenty-five percent (25%) less than surrounding comparable property.

## **PROPERTY RIGHTS AND INTERESTS**

### **TAX DELINQUENT PROPERTY**

#### ***Amendments To Tax Delinquent Property Law***

Act 1036 (SB373) - The act makes various changes to laws pertaining to tax delinquent property.

#### ***Sale Of Tax Delinquent Lands***

Act 706 (SB355) - The act amends various sections of the Arkansas Code concerning the sale of tax delinquent lands, including requiring the notice of sale to contain a list of all interested parties, requiring a notice to all interested parties of the right to redeem after the sale, and requiring the Commissioner of State Lands to set aside the sale or notify the owner or interested parties why the sale should not be set aside if the owner and all interested parties did not receive the notice of sale and right to redeem.

### **UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT**

Act 734 (HB1298) - The act adopts the Uniform Real Property Electronic Recording Act of the National Conference of Commissioners on Uniform State Laws and makes conforming changes to existing law.

### **UNIFORM STATUTORY RULE AGAINST PERPETUITIES**

Act 240 (HB1130) - The act adopts the Uniform Statutory Rule Against Perpetuities Act of the National Conference of Commissioners on Uniform State Laws, abolishes the common law rule against perpetuities, and makes conforming changes to existing law. The act became effective March 9, 2007.

## **PUBLIC OFFICERS AND EMPLOYEES**

### **ALTERNATE DISPUTE RESOLUTION**

Act 1206 (HB1630) - The act attempts to ensure that all elements of state and local government may use arbitration, private judging, mediation-arbitration, fact finding, mini-trials, and summary jury trials to resolve any and all disputes, cases, or controversies in which they may be directly or indirectly involved, whether between themselves and members of the public, or their employees or bona fide employee organizations, or corporations, or nonprofit organizations, or any other state or local officer, agency, government, or entity of this state or of any other state or any element or entity of the federal government, so long as the parties have agreed to participate in the alternate dispute resolution process. The act became effective on April 5, 2007.

### **AUTOPSY OF EMERGENCY PERSONNEL**

Act 69 (HB1026) - The act authorizes the state medical examiner to perform autopsies on emergency personnel who die within twenty-four (24) hours of participating in an emergency situation to ensure that survivors will receive benefits under the federal Hometown Heroes program. The act became effective February 8, 2007.

### **CITY CLERK AND CITY TREASURER FINANCIAL REPORTS**

Act 71 (HB1183) - The act clarifies that in cities of the first class the city clerk, the city clerk-treasurer, or the city treasurer, as the case may be, shall be required to submit financial reports.

### **COUNTY ASSESSOR CONTINUING EDUCATION**

Act 259 (HB1492) - The act increases the amount of funding for a county assessor's continuing education to six hundred dollars (\$600) per year.

### **COUNTY COLLECTOR AND TREASURER CONTINUING EDUCATION FUNDS**

Act 246 (HB1378) - The act increases county treasurer and county collector continuing education funds.

### **COUNTY OFFICER SALARIES**

Act 526 (HB1186) - The act increases the minimum and maximum compensation schedule for elected county officers.

## **PUBLIC OFFICERS AND EMPLOYEES**

### **COUNTY TREASURERS**

Act 122 (HB1320) - The act modernizes the procedure for appointment of a deputy treasurer to require that the appointment be in writing, signed by the county treasurer, and recorded in the county recorder's office.

### **DEATH BENEFITS FOR EMERGENCY MEDICAL TECHNICIANS**

Act 806 (HB1409) - The act amends provisions of the Arkansas Code to provide additional death benefits for emergency medical technicians. The surviving spouse or surviving children may be entitled to a payment of seventy-five thousand dollars (\$75,000) and children may also receive a scholarship benefit.

### **HAZARDOUS DUTY BENEFITS**

Act 172 (HB1466) - The act clarifies the law pertaining to scholarships for the children and spouse of a law enforcement officer, full-time or volunteer firefighter, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee who is fatally injured or who is permanently and totally disabled as a result of injuries that occurred during the performance of a hazardous duty within the scope of his or her employment. The act became effective on February 28, 2007.

### **LEAVE FOR EDUCATIONAL ACTIVITIES**

Act 1028 (HB1796) - The act provides that all state employees shall be entitled to eight (8) hours of leave during any one (1) calendar year for the purpose of attending or assisting with the educational activities of a child. The act became effective April 4, 2007.

### **LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS**

#### ***Amendments to Police and Fire Pension and Relief Funds Statutes***

Act 1056 (HB1099) - The act amends various statutes concerning local police and fire pension and relief funds concerning active member and retired member benefits.

#### ***Funeral Expenses***

Act 1571 (SB144) - The act provides that whenever an active or a retired police officer dies, the board of trustees of the local police and fire pension and relief fund of which the officer was a member shall appropriate from the fund a sum not less than one hundred dollars (\$100) nor more than six thousand five hundred dollars (\$6,500) to pay the funeral expenses of the decedent.

#### ***Future Supplement Funds***

Act 849 (SB156) - The act provides that future supplement funds to local police and fire pension and relief funds may distribute one hundred percent (100%) of the amount added to the future supplement funds the previous June 30 and any current reserve funds. The act became effective April 3, 2007.

#### ***Minimum Asset Management Standards***

Act 851 (SB158) - The act establishes minimum asset management standards for local pension and relief funds.

### **LOCAL POLICE AND FIRE RETIREMENT SYSTEM, ARKANSAS**

#### ***Benefits***

Act 1569 (SB105) - The act provides that the capped amount of total benefits under the Arkansas Local Police and Fire Retirement System shall not exceed at the time of retirement eighty-five percent (85%) of the final average pay plus the amounts provided for volunteer service.

#### ***Purchased Service***

Act 1057 (HB1237) - The act amends the process for purchasing other local police and fire service by members of the Arkansas Local Police and Fire Retirement System.

## **PUBLIC OFFICERS AND EMPLOYEES**

### **LOCAL POLICE AND FIRE RETIREMENT SYSTEM, ARKANSAS**

#### ***Staff Hired After January 1, 1999***

Act 803 (HB1279) - The act provides that the retirement assets and accrued time of all Arkansas Local Police and Fire Retirement System staff hired after January 1, 1999, shall be transferred from the Arkansas Public Employees Retirement System to the Arkansas Local Police and Fire Retirement System. The act is effective July 1, 2007.

### **MILITARY DEPARTMENT, STATE**

Act 606 (SB965) - The act provides that retiring fire and emergency service employees of the State Military Department shall be entitled to lump sum payments of unused annual leave not to exceed forty-five (45) working days and payments of unused sick leave not to exceed one hundred eighty (180) days.

### **POLICE HIGHWAY DEDICATION PROGRAM, STATE**

Act 848 (SB154) - The act creates a state police officer highway dedication program for state police officers killed on active duty within the State of Arkansas.

### **PUBLIC DEFENDER FUNDING**

Act 190 (HB1524) - The act provides that certain fee amounts charged by bail bond companies shall be remitted to each county in the state to provide additional funding for county public defenders.

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM, ARKANSAS**

#### ***Municipal Police, Retirement***

Act 290 (HB1023) - The act provides that Arkansas Code § 24-10-304(b) concerning the transfer of municipal police department officers from the Arkansas Public Employees' Retirement System does not apply if an employee hired after July 1, 1997, is a member of the Arkansas Public Employees' Retirement System at the time of the hiring and continues to receive public safety credit from prior and current employment.

#### ***Public Safety Credit***

Act 850 (SB157) - The act provides that if a public safety member leaves his or her employment as a police officer or firefighter for employment as a police officer or firefighter in a position covered by the Arkansas Public Employees' Retirement System, Arkansas State Highway Employees' Retirement System, State Police Retirement System, or Arkansas Local Police and Fire Retirement System and returns to his or her previous employment as a police officer or firefighter, the public safety member shall resume receiving credited service at one and one-half (1 1/2) times the regular rate for crediting service.

### **REIMBURSEMENT FOR TIPS**

Act 715 (SB816) - The act provides that state employees may receive personal reimbursement for the payment of tips while traveling on official business so long as the tips do not exceed fifteen percent (15%) of the meal amount expended and total reimbursement does not exceed the maximum rates prescribed by the Arkansas Financial Management Guide published by the Office of Accounting of the Department of Finance and Administration.

### **RETIREE COST-OF-LIVING ADJUSTMENTS**

Act 293 (HB1085) - The act allows for cost-of-living adjustments for mayors, city clerk-treasurers, recorder-treasurers, and treasurers in cities of the first class and cities of the second class who retire under state-authorized local plans under certain circumstances.

### **STATE POLICE RETIREMENT SYSTEM, ARKANSAS**

Act 404 (SB149) - The act makes the disability process for members of the Tier 2 State Police Retirement System identical to that of Tier 1, modifies the annual transfer formula, and modifies the interest calculation of the deferred retirement option plan to conform to the Pension Protection Act of 2006. The act became effective on March 22, 2007.

## **PUBLIC OFFICERS AND EMPLOYEES**

### **STATEMENT OF FINANCIAL INTEREST**

Act 267 (HB1707) - The act provides that a candidate for elective office shall file the statement of financial interest for the previous calendar year on the first Monday following the close of the period to file as a candidate for the elective office.

### **UNIFORM CLASSIFICATION AND COMPENSATION ACT**

Act 376 (HB2274) - The act revises the classification of state employee positions covered by the uniform classification and compensation act. The act becomes effective on July 1, 2007.

### **WAGES, INTERIM STUDY**

Act 868 (SB963) - The act requires the Office of Personnel Management to conduct a study of the current state employee pay plan and classification system.

Recommendations and changes shall be presented to the Legislative Council or Joint Budget Committee no later than October 1, 2008.

## **PUBLIC PROPERTY**

### **BUILDING AUTHORITY, ARKANSAS**

Act 186 (HB1429) - The act gives the Arkansas Building Authority certain powers previously vested in State Building Services, amends provisions concerning inspection and observation reports, and repeals the Arkansas Building Authority Fund.

### **CONSTRUCTION CONTRACTS**

Act 874 (HB1387) - The act makes unlawful a clause in a construction contract that purports to hold the second party liable for the sole negligence of the first party.

### **HIGH EFFICIENCY LIGHTING**

Act 1597 (HB2551) - The act provides that whenever a state agency purchases or requires a bid for the purchase of an indoor lamp, a preference for high efficiency lighting shall be exercised if the use of high efficiency lighting is technically feasible and the price is competitive with consideration given to the long-term cost effectiveness and savings of high efficiency lighting.

### **PROCUREMENT LAW**

Act 478 (HB2583) - The act makes various revisions to the procurement laws of the State of Arkansas, including defining the term "design professional contract", revising the definition of "local public procurement unit", and amending the information required to be maintained in the files of the Office of State Procurement.

### **PUBLIC ART PROGRAM FOR NEW STATE BUILDINGS**

Act 1273 (SB983) - The act provides for a certain percentage of the cost to construct and equip a new state building be used for the purchase or commission of art through the Arkansas Public Art Program.

### **PUBLIC PARK OR YOUTH CENTER, SEX OFFENDER RESTRICTIONS**

Act 818 (HB2266) - The act provides that it is a Class D felony for a sex offender who is required to register under the Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq., and who has been assessed as a Level 3 or Level 4 offender to reside within two thousand feet (2,000') of the property of a public park or youth center.

### **STATE CAPITAL IMPROVEMENT PROJECTS**

Act 471 (HB2585) - The act amends various provisions of Arkansas law concerning state capital improvements, including providing that the contracting authority may terminate negotiations with the lowest bidder and negotiate with the next lowest bidder if negotiations with the lowest responsible bidder are unsuccessful and further negotiations are not in the contracting authority's best interests.

## **RACING**

### **ALCOHOLIC BEVERAGE SALES IN PARI-MUTUAL WAGERING FACILITY**

Act 1017 (HB2754) - The act provides that a large attendance facility in which pari-mutual wagering has been authorized and which has a valid and current license or permit to sell alcoholic beverages for consumption on its premises may sell alcoholic beverages on Sundays between the hours of 12:00 a.m. and 2:00 a.m. and on Sundays between the hours of 12:00 noon and 2:00 a.m. on the following Monday in addition to other times authorized by law for selling alcoholic beverages for consumption on the premises. The act became effective on April 3, 2007.

### **BACKGROUND CHECKS**

Act 856 (SB588) - The act permits the Arkansas Racing Commission to set license fees and conduct criminal background checks on license applicants and employees. The act became effective on April 3, 2007.

## **RETIREMENT**

### **DISTRICT JUDGE RETIREMENT SYSTEM, ARKANSAS**

Act 177 (SB90) - The act abolishes the Arkansas District Judge Retirement System and transfers its powers, duties, and plan liabilities to the Arkansas Public Employees' Retirement System. The act becomes effective on July 1, 2007.

### **FIRE AND POLICE PENSION REVIEW BOARD, ARKANSAS**

Act 73 (HB1234) - The act makes technical corrections to several statutes concerning the operation of the Arkansas Fire and Police Pension Review Board.

### **HIGHER EDUCATION EMPLOYEES RETIREMENT OPTIONS**

Act 831 (HB2555) - The act requires a college or university to provide each new employee with a written document explaining his or her retirement options. The employee shall sign the form and it shall be placed in his or her personnel file.

### **HIGHWAY EMPLOYEES' RETIREMENT SYSTEM, ARKANSAS**

Act 399 (SB100) - The act requires the executive secretary of the Arkansas State Highway Employees' Retirement System to operate the system in a manner necessary to permit the system to be operated as a qualified trust under the Internal Revenue Code.

### **LOCAL MILLAGE MODIFICATION**

Act 608 (HB1095) - The act requires local millage modification if a local fire or police pension plan consolidates with the Arkansas Local Police and Fire Retirement System.

### **LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS**

#### ***Amendments to Police and Fire Pension and Relief Fund Statutes***

Act 1056 (HB1099) - The act amends various statutes concerning local police and fire pension and relief funds concerning active member and retired member benefits.

#### ***Death Benefits To Surviving Spouses Of Deceased Firefighters***

Act 614 (HB1277) - The act authorizes the payment of retroactive benefit increases to surviving spouses of deceased firefighters killed while in official performance of his or her duties upon approval of the board of trustees after obtaining results of an actuarial study to determine its effect on the fund. The act became effective on March 28, 2007.

#### ***Minimum Asset Management Standards***

Act 851 (SB158) - The act establishes minimum asset management standards for local pension and relief funds.

#### ***Revenue Allocation***

Act 609 (HB1097) - The act modifies statutes concerning allocation of revenues under plans administered by the Arkansas Fire and Police Pension Review Board. The act repeals a statute concerning transfer of subsidy account funds. The act became effective on March 28, 2007.



## **RETIREMENT**

### **LOCAL POLICE AND FIRE RETIREMENT SYSTEM, ARKANSAS**

#### ***Interim Study***

Act 802 (HB1258) - The act mandates the creation of an interim study group to study and review certain issues concerning the Arkansas Local Police and Fire Retirement System, including without limitation funding and the deferred retirement option plan. The study group shall make a report to the Joint Interim Committee on Public Retirement and Social Security Programs by October 31, 2008.

#### ***Staff Hired After January 1, 1999***

Act 803 (HB1279) - The act provides that the retirement assets and accrued time of all Arkansas Local Police and Fire Retirement System staff hired after January 1, 1999, shall be transferred from the Arkansas Public Employees Retirement System to the Arkansas Local Police and Fire Retirement System. The act is effective July 1, 2007.

#### ***Technical Corrections***

Act 294 (HB1159) - The act makes technical corrections to various Arkansas Local Police and Fire Retirement System statutes.

### **MILITARY DEPARTMENT, STATE**

Act 606 (SB965) - The act provides that retiring fire and emergency service employees of the State Military Department shall be entitled to lump sum payments of unused annual leave not to exceed forty-five (45) working days and payments of unused sick leave not to exceed one hundred eighty (180) days.

### **MUNICIPAL PUBLIC OFFICERS AND EMPLOYEES**

#### ***Cost-Of-Living Adjustments***

Act 293 (HB1085) - The act allows for cost-of-living adjustments for mayors, city clerk-treasurers, recorder-treasurers, and treasurers in cities of the first class and cities of the second class who retire under state-authorized local plans under certain circumstances.

#### ***Death Benefits***

Act 158 (HB1084) - The act allows death benefits to be granted at the option of the municipality's governing body to a spouse upon the death of a city clerk, clerk-treasurer, recorder-treasurer, or treasurer in cities of the first class and cities of the second class who retired or is eligible to retire from the position.

### **POLICE PENSION AND RELIEF FUNDS**

#### ***Deferred Retirement Option Plan***

Act 1572 (SB155) - The act provides that a member of a police pension and relief fund of a city of the first class whose participation in the fund's deferred retirement option plan has concluded may enter into employment with a participating municipality other than the municipality he or she was employed by at the time of retirement so long as the member has a break of service from his or her previous employer of at least thirty (30) days.

#### ***Spouses***

Act 611 (HB1172) - The act provides that if a retired member of a police pension and relief fund dies from any cause and leaves a surviving former spouse who was receiving a portion of the retired member's retirement benefit and also leaves a surviving spouse entitled to benefits, then until the surviving former spouse or surviving spouse dies or remarries, the surviving former spouse shall continue to receive the same benefit he or she was receiving when the retired member died.

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM, ARKANSAS**

#### ***Benefits***

Act 220 (SB43) - The act amends the provisions for calculating benefit payments in the Arkansas Public Employees' Retirement System.

## **RETIREMENT**

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM, ARKANSAS**

#### ***Lump Sum Payments***

Act 799 (HB1236) - The act specifies that certain payments, including career service recognition payments, shall be considered recurring remuneration for personal services for the purposes of determining retirement benefits. The act becomes effective on July 1, 2007.

#### ***Membership***

Act 295 (HB1185) - The act includes the employees of economic development districts recognized as planning and development districts under Arkansas Code § 14-166-202 among the nonstate employees permitted to join the Arkansas Public Employees' Retirement System.

#### ***Monthly Retirement Benefits***

Act 1568 (SB95) - The act provides that the monthly retirement benefit payable to retirants and beneficiaries of the Arkansas Public Employees' Retirement System who retired on or before June 1, 2007, shall be increased by one percent (1%) of the benefit payable on June 1, 2007. The act becomes effective on July 1, 2007.

#### ***Participating Public Employer***

Act 299 (HB1242) - The acts adds suburban improvement districts to the definition of "participating public employer".

#### ***Purchased Service***

Act 1570 (SB112) - The act amends the criteria for the purchase of out-of-state governmental service by a member of the Arkansas Public Employees' Retirement System to provide that a member seeking to purchase service shall have at least five (5) years of credited service at the time of application or have at least two (2) years of actual service with the Arkansas Public Employees' Retirement System, at least seven (7) years of actual service credit with a retirement system outside the State of Arkansas, and be at least sixty-five (65) years of age.

#### ***Technical Corrections***

Act 176 (SB57) - The act makes technical corrections to the provisions governing the Arkansas Public Employees' Retirement System, including provisions concerning the Arkansas National Guard and armed forces reserve service credit and the definition of "participating public employer".

### **PUBLIC RETIREMENT AND SOCIAL SECURITY PROGRAMS, JOINT COMMITTEE ON**

Act 237 (SB302) - The act repeals the requirement that certain retirement bills contain language concerning the passage of bills which cause a retirement system's unfunded actuarial accrued liabilities to exceed thirty (30) years. The act became effective on March 9, 2007.

### **TEACHER RETIREMENT SYSTEM, ARKANSAS**

#### ***Benefits***

Act 297 (HB1189) - The act provides that the Board of Trustees of the Arkansas Teacher Retirement System shall not increase monthly benefits more than seventy-five dollars (\$75.00) per month. The act becomes effective on July 1, 2007.

#### ***Contributory and Noncontributory Status***

Act 93 (SB80) - The act allows noncontributory members of the Arkansas Teacher Retirement System to make an irrevocable election to become contributory members on July 1 of each year. The act becomes effective on July 1, 2007.

## **RETIREMENT**

### **TEACHER RETIREMENT SYSTEM, ARKANSAS**

#### ***Disability Retirement***

Act 487 (SB140) - The act amends laws governing disability retirement under the Arkansas Teacher Retirement System, including providing that a disability retirant who returns to full-time service after sixty (60) years of age shall be treated as if he or she retired.

#### ***Earnings Limitation***

Act 612 (HB1187) - The act extends the length of a waiver from the earnings limitation for a retired teacher to teach in a critical need area to six (6) years.

Act 698 (SB139) - The act provides that retired members of the Arkansas Teacher Retirement System entering into employment with the Department of Education shall be exempt from the Arkansas Teacher Retirement System earnings limitation.

#### ***Employer Contribution Rate***

Act 403 (SB142) - The act provides that the employer contribution rate for the fiscal years ending June 30, 2008, and June 30, 2009, shall not exceed fourteen percent (14%).

#### ***Lump Sum Benefit Payments***

Act 296 (HB1188) - The act amends Arkansas law concerning lump sum benefit payments to active members of the Arkansas Teacher Retirement System, including changing the amounts of the lump sum benefits and eligibility for those benefits. The act becomes effective on July 1, 2007.

#### ***Teacher Deferred Retirement Option Plan***

Act 298 (HB1191) - The act makes various changes to the provisions of the Arkansas Teacher Retirement Deferred Retirement Option Plan, including revising the employer contribution rate, providing that a member's participation in the plan shall not exceed ten (10) years, and authorizing the Board of Trustees of the Arkansas Teacher Retirement System to make necessary adjustments to render the plan cost-neutral. The act becomes effective on July 1, 2007.

#### ***Technical Corrections***

Act 97 (SB166) - The act makes various technical corrections to the laws governing the Arkansas Teacher Retirement System, including adding defined terms and amending provisions concerning option annuities and spouse annuities. The act becomes effective on July 1, 2007.

## **STATE AGENCIES**

### **ADMINISTRATIVE RULES**

Act 143 (SB55) - The act requires state agencies to prepare economic impact statements for administrative rules that impact small businesses. The act became effective on February 23, 2007.

### **ALTERNATE DISPUTE RESOLUTION**

Act 1206 (HB1630) - The act attempts to ensure that all elements of state and local government may use arbitration, private judging, mediation-arbitration, fact finding, mini-trials, and summary jury trials to resolve any and all disputes, cases, or controversies in which they may be directly or indirectly involved, whether between themselves and members of the public, or their employees or bona fide employee organizations, or corporations, or nonprofit organizations, or any other state or local officer, agency, government, or entity of this state or of any other state or any element or entity of the federal government, so long as the parties have agreed to participate in the alternate dispute resolution process. The act became effective on April 5, 2007.

## **STATE AGENCIES**

### **BACKGROUND CHECKS**

Act 991 (HB2295) - The act makes various changes to the criminal background check law, including expanding the definition of "designated position" to include a person having direct contact with an elderly, a mentally ill, or a developmentally disabled person. The act permits state agencies to utilize the online criminal background check system to obtain criminal history information on applicants for relevant positions.

### **BIOFUELS STANDARD FOR STATE VEHICLES AND EQUIPMENT**

Act 699 (SB237) - The act establishes a biofuels standard of a minimum of two percent (2%) biofuels by volume for state vehicles and state equipment beginning on January 1, 2009. The act allows the Director of the Department of Finance and Administration to grant a waiver for a variance from the standard. The act requires the Arkansas Bureau of Standards of the State Plant Board to test and ensure the quality of alternative fuels used in the state.

### **CANCER RESEARCH**

Act 427 (SB381) - The act creates the University of Arkansas for Medical Sciences Cancer Research Center Matching Fund to provide matching funds for construction and endowment of the UAMS Cancer Research Center. The act becomes effective on July 1, 2007.

### **COMMISSIONER OF STATE LANDS**

Act 752 (HB2628) - The act transfers the Division of Land Survey in the Office of Commissioner of State Lands to the Arkansas Agriculture Department. The act becomes effective on July 1, 2007.

### **COMPUTER NETWORK INTEGRATION**

Act 339 (HB1410) - The act requires the chief administrative officer of each state agency to establish a policy that prohibits the integration of hardware, software, or peripherals owned by an authorized user of a state agency's network or workstation without the approval of the state agency's chief administrative officer or his or her designee.

### **CONFIDENTIAL RECORDS**

Act 726 (SB958) - The act provides protection for Department of Health and Human Services records, investigations, studies, reports and information related to a risk or security assessment.

### **CONTRACT REVIEW**

Act 870 (HB1315) - The act provides that certain contracts for technical and general services exceeding one hundred thousand dollars (\$100,000) shall be presented to the Legislative Council or the Joint Budget Committee.

### **ELECTRONIC RECORDS AND SIGNATURES**

Act 722 (SB918) - The act requires all state agencies to use or permit the use of electronic records and electronic signatures by June 30, 2009. The act further provides that the Executive Chief Information Officer (now the Director of the Department of Information Systems under Act 751) shall establish standards and policies governing the use of electronic records and electronic signatures by state agencies by June 30, 2008.

### **EMPLOYEE EVALUATIONS**

Act 449 (HB1890) - The act provides that by April 1, 2008, each agency, board, commission, or institution of higher education shall submit its performance evaluation process and associated forms to the Office of Personnel Management for its review and approval. After the office has approved the performance evaluation process and associated forms, the agency, board, commission, or institution of higher education shall implement the approved performance evaluation process and forms.

## **STATE AGENCIES**

### **EXECUTIVE CHIEF INFORMATION OFFICER**

Act 751 (HB2586) - The act eliminates the Office of Information Technology and the Executive Chief Information Officer and transfers their duties among other state agencies. The act becomes effective on July 1, 2007.

### **GOVERNMENT EFFICIENCY AND ACCOUNTABILITY ACT**

Act 153 (SB225) - The act continues certain agencies scheduled to be abolished on June 30, 2007, abolishes four (4) state agencies, and repeals the Government Efficiency and Accountability Act. The act became effective on February 28, 2007.

### **HIGH EFFICIENCY LIGHTING**

Act 1597 (HB2551) - The act provides that whenever a state agency purchases or requires a bid for the purchase of an indoor lamp, a preference for high efficiency lighting shall be exercised if the use of high efficiency lighting is technically feasible and the price is competitive with consideration given to the long-term cost effectiveness and savings of high efficiency lighting.

### **ILLEGAL IMMIGRANT EMPLOYMENT PROHIBITED**

Act 157 (HB1024) - The act prohibits state agencies from contracting with businesses that employ illegal immigrants.

### **JUVENILE HEALTH RECORDS**

Act 742 (HB2248) - The act provides protection against the release of confidential juvenile health records and information compiled and received by a juvenile detention facility or a community-based provider for the Division of Youth Services of the Department of Health and Human Services. The act provides numerous exceptions for the released health-related documents.

### **LUMP SUM PAYMENTS**

Act 799 (HB1236) - The act specifies that certain payments, including career service recognition payments, shall be considered recurring remuneration for personal services for the purposes of determining retirement benefits. The act becomes effective on July 1, 2007.

### **MEMBERS OF GENERAL ASSEMBLY FINANCIAL INTEREST REPORTING**

Act 567 (HB2662) - The act provides that all state contracts with a member of the General Assembly, his or her spouse, or a business in which the member owns more than ten percent (10%) of the stock shall be presented to the Legislative Council or the Joint Budget Committee before the execution date of the contract. The act also provides that, on or before October 1, 2007, each state agency shall report to the Legislative Council all contracts with a member of the General Assembly, his or her spouse, or a business in which the member owns more than ten percent (10%) of the stock in the five (5) years prior to the effective date of the act.

### **OFFICE OF INFORMATION TECHNOLOGY**

Act 751 (HB2586) - The act eliminates the Office of Information Technology and the Executive Chief Information Officer and transfers their duties among other state agencies. The act becomes effective on July 1, 2007.

### **PROCUREMENT LAW**

Act 478 (HB2583) - The act makes various revisions to the procurement laws of the State of Arkansas, including defining the term "design professional contract", revising the definition of "local public procurement unit", and amending the information required to be maintained in the files of the Office of State Procurement.

## **STATE AGENCIES**

### **PUBLIC SERVICE COMMISSION, ARKANSAS**

Act 385 (SB780) - The act provides for the transition from the Arkansas Universal Services Fund to the Arkansas High Cost Fund as soon as administratively reasonable. The act also provides for the selection of a fund administrator, the surcharge to be applied to create the fund, and new methodologies for calculating the support that an eligible telecommunications carrier can withdraw from the fund. The act became effective on March 19, 2007.

### **PUBLIC WATER SYSTEMS, FREEDOM OF INFORMATION ACT EXEMPTION**

Act 268 (HB1732) - The act creates vulnerability assessments for public water systems to assess the terroristic threat level to the state's drinking water supply. The act became effective on March 9, 2007.

Act 998 (HB2471) - The act extends a public water system's exemption from the Freedom of Information Act's public disclosure requirements until July 1, 2009. The act is effective July 1, 2007.

### **REFUNDS**

Act 716 (SB817) - The act allows federal reimbursements of expenses paid in advance by the state on behalf of the federal government and allows reimbursements by vendors or their agents on warranties, product rebates, and service adjustments to be processed as refunds to expenditures.

### **SECRETARY OF STATE FILING FEES**

Act 646 (HB2500) - The act eliminates the filing fees collected by the Secretary of State for the change of registered agent information and makes minor changes to other fee provisions. The act became effective March 28, 2007.

## **TAXES**

### **ADMISSION TICKETS**

Act 657 (HB2692) - The act gives counties the same tax benefits as municipalities when selling admission tickets to certain events.

### **ADVERTISING AND PROMOTION TAXES**

Act 390 (HB1789) - The act authorizes advertising and promotion commissions to purchase and own property.

Act 464 (HB1586) - The act modifies the law related to the advertising and promotion taxes levied by cities of the first class with a population of fewer than five thousand (5,000) to ensure that the taxes are levied and collected on all entities that provide lodging and sales by retail businesses. The act also amends the composition of the advertising and promotion commissions created under this act to ensure adequate representation. Procedures for filling the vacancies that occur on these cities' advertising and promotions commissions are also added to clarify current law.

### **BEER TAX**

Act 869 (SB1004) - The act levies a special alcoholic beverage excise tax of one percent (1%) on the retail sales on beer beginning July 1, 2007. The act became effective on April 3, 2007.

### **CORPORATE FRANCHISE TAX REPORTS**

Act 865 (SB882) - The act provides that in the case of a franchise tax report filed by an organization formed under the Small Business Entity Tax Pass Through Act, confidentiality provisions shall apply to the names of members of the organization, except those designated in the organization's franchise tax report as a manager, president, vice-president, secretary, treasurer, or controller of the organization unless the organization has no registered agent for service of process, in which case the confidentiality provisions shall not apply. The act became effective on April 3, 2007.

## **TAXES**

### **CORPORATE INCOME TAX**

Act 369 (HB2220) - The act provides for an extension of time up to one hundred eighty (180) days for the filing of corporate income tax returns. The act also conforms the income tax return filing date for exempt organizations to the corresponding federal income tax return filing date. The act is effective for tax years beginning on or after January 1, 2007.

### **COUNTY COLLECTION OF DELINQUENT TAXES**

Act 553 (HB2267) - The act adds county tax collectors or treasurers to the statute that provides for the collection of delinquent taxes through a setoff against a state tax refund.

### **ELECTRONIC GAMES OF SKILL WINNINGS WITHHOLDING**

Act 732 (SB990) - The act requires the withholding of three percent (3%) on winnings paid on gaming winnings from an electronic game of skill that exceed one thousand dollars (\$1,000) and are more than three hundred (300) times the amount wagered. The act became effective on May 15, 2007.

### **ESTATE TAXES**

Act 276 (HB1360) - The act, effective January 1, 2008, adopts the Uniform Estate Tax Apportionment Act recommended for adoption in all states by the National Conference of Commissioners on Uniform State Laws.

### **EXCISE TAX**

#### ***Alcohol***

Act 666 (HB1518) - The act allows civil penalties to be administered by the Department of Finance and Administration for persons who buy liquor out of state and fail to pay the excise tax when the liquor is transported and sold or consumed in this state.

#### ***Rental Tax***

Act 182 (SB282) - The act removes the special excise taxes for rentals and tourism from the gross receipts section of the Arkansas Code and places these special excise taxes in a separate section of the Code in order to provide consistency with the Streamlined Sales and Use Tax Agreement. The act becomes effective on January 1, 2008.

#### ***Tobacco***

Act 817 (HB2236) - The act allows the Director of the Department of Finance and Administration to directly assess an excise tax on any person who has an untaxed tobacco product or unstamped cigarette.

#### ***Tourism Tax***

Act 182 (SB282) - The act removes the special excise taxes for rentals and tourism from the gross receipts section of the Arkansas Code and places these special excise taxes in a separate section of the Code in order to provide consistency with the Streamlined Sales and Use Tax Agreement. The act becomes effective on January 1, 2008.

### **FISHING GUIDE SERVICES**

Act 1011 (HB2719) - The act requires the levying of taxes on the gross receipts or gross proceeds derived from a fishing guide service provided as a part of a fishing trip involving the sale or lease of taxable tangible personal property.

### **HOMESTEAD AND PERSONAL PROPERTY EXEMPTIONS**

Act 411 (SB308) - Effective January 1, 2007, this act removes the disqualification caused by a surviving spouse's remarriage to claim a homestead or property exemption when the surviving spouse's subsequent marriage terminates.

## TAXES

### INCOME TAX

#### ***Charitable Rollovers From IRA***

Act 196 (SB5) - The act provides for a tax-free charitable distribution from an individual retirement account consistent with the federal Pension Protection Act of 2006. The act applies to persons seventy (70) years of age or older for taxable years 2006 and 2007, up to an amount of one hundred thousand dollars (\$100,000). The act became effective on March 5, 2007.

#### ***Credit For Geotourism Investment***

Act 518 (HB2278) - The act allows an income tax credit equal to twenty-five percent (25%) of a minimum investment of twenty-five thousand dollars (\$25,000) up to a maximum income tax credit of one hundred thousand dollars (\$100,000) in geotourism-supporting business. A geotourism-supporting business is a business that attracts tourists to enjoy the natural aesthetics, environment, and culture of an area that contains natural phenomena or scenic beauty. The income tax credit expires on December 31, 2011. The act became effective on March 28, 2007.

#### ***Depreciable Business Assets***

Act 613 (HB1223) - The act increases the amount allowed for the expensing of certain depreciable business assets to the amount currently allowed by the Internal Revenue Code. The act becomes effective when the Chief Fiscal Officer of the State certifies that additional funding has been provided to state general revenues from other funding sources and is available for use during fiscal year 2008 and fiscal year 2009 in an amount sufficient to replace the general revenue reduction created by this act.

#### ***Matching Grant Program for the Arkansas Tax-Deferred Tuition Savings Program***

Act 597 (SB822) - The act authorizes the Section 529 Plan Review Committee to create a pilot program to be known as the "Aspiring Scholars Matching Grant Program" to match the contribution made into an account for a designated beneficiary established under the Arkansas Tax-Deferred Tuition Savings Program Act, Arkansas Code § 6-84-101 et seq. The act also creates an advisory committee for the program.

#### ***Military Officers, Income Tax Exemption***

Act 160 (HB1184) - The act allows military officers of the armed services to receive the same income tax exemption as enlisted personnel of the armed services. The act is effective for tax years beginning January 1, 2007.

#### ***Subchapter S Corporation Requirements***

Act 380 (HB2218) - The act requires that an Arkansas Subchapter S corporation attach to its Arkansas Subchapter S income tax return a complete copy of the corporation's federal Subchapter S income tax return filed with the Internal Revenue Service for that taxable year and to require that the Subchapter S election and shareholder consent be filed on forms prescribed by the Director of the Department of Finance and Administration.

#### ***Tax Deferred Savings Accounts***

Act 218 (HB1484) - The act amends several sections of the tax code regarding tax deferred savings accounts to adopt recent changes in the Internal Revenue Code.

#### ***Windmill Blade Manufacturing Exemption***

Act 990 (HB2280) - The act provides an income tax exemption for qualified windmill blade manufacturers. The act is effective for tax years beginning on or after 2007.



## TAXES

### INCOME TAX CREDIT

#### ***Consolidated Incentive Act***

Act 1596 (HB2521) - The act makes various changes to the Consolidated Incentive Act and provides an enhancement in the availability of tax credits for technology and business development.

#### ***Credits for Donation to Universities***

Act 1607 (HB2800) - The act raises the amount of income tax credit a taxpayer may claim for a donation to a college or university from fifty percent (50%) to one hundred percent (100%). The act also increases the number of years that the credit may be carried forward on an income tax return from three (3) years to nine (9) years.

#### ***Equity Investment***

Act 566 (HB2552) - The act establishes an equity investment incentive program through income tax credits to be administered by the Arkansas Economic Development Commission. The act became effective March 28, 2007.

#### ***Low Income Tax Credit***

Act 195 (HB1443) - The act provides an income tax exemption for taxpayers with income below the federal poverty level by raising the amount below which income is exempt and by providing a graduated income tax credit for those taxpayers falling just above the federal poverty level. There will be an annual cost-of-living adjustment made to the tax credit. The act shall apply to tax years beginning on and after January 1, 2007.

### LOCAL TAXES

#### ***Advertising and Promotion Tax***

Act 473 (HB2283) - The act provides consistency in the language of Arkansas Code §§ 14-20-112, 26-75-602 and 26-75-701 by correcting an ambiguity in the language of the law concerning the ability of a city or county to levy a tax on hotels, motels, restaurants, "or" similar establishments. The act replaces the word "and" with the word "or" after the series of taxable businesses establishments in the three cited code sections. The act became effective on March 23, 2007.

#### ***Surface Interest Value When Severed Mineral Interest Exists***

Act 660 (HB2742) - The act creates a presumption that when the surface interest and mineral interest are severed and the mineral interest holder is utilizing its mineral interest, the value of the surface right is diminished. The presumption allows an assessor to reduce the value of the surface estate for the purpose of property tax assessment in an amount not to exceed twenty-five percent (25%) less than surrounding comparable property.

### MOTOR FUEL

#### ***Cooking Oil Fuels***

Act 690 (HB2706) - The act provides that for purposes of taxation, alternative motor fuels made from cooking oils are not motor fuels, distillate special fuels, or liquefied gas special fuels.

#### ***Dyed Distillate Special Fuel***

Act 87 (HB1202) - The act exempts biodiesel fuel and dyed distillate special fuel from sales tax and imposes an excise tax at the rate of six cents (6¢) per gallon on all dyed distillate special fuel. If the dyed distillate special fuel contains biodiesel fuel, the gallonage excise tax is levied only on the portion of the fuel that is not biodiesel fuel. The act becomes effective on July 1, 2007.

## TAXES

### PROPERTY TAX

#### ***Homestead Exemption***

Act 467 (HB1446) - The act requires the county collector to send taxpayers notice of their right to lower assessments on the taxpayer's homestead that is used as a principal place of residence.

#### ***Payment, Timely Receipt***

Act 215 (HB1526) - The act clarifies that property tax payments are timely received by a county if postmarked by October 10 of each year. The act also provides that if October 10 is a weekend or holiday, the first day to pay property tax is the following business day.

#### ***Reduction for Homestead***

Act 142 (HB1030) - The act reduces the amount of real property taxes assessed on the homestead of each property owner by three hundred fifty dollars (\$350).

#### ***Sale of Tax Delinquent Lands***

Act 706 (SB355) - The act amends various sections of the Arkansas Code concerning the sale of tax delinquent lands, including requiring the notice of sale to contain a list of all interested parties, requiring a notice to all interested parties of the right to redeem after the sale, and requiring the Commissioner of State Lands to set aside the sale or notify the owner or interested parties why the sale should not be set aside if the owner and all interested parties did not receive the notice of sale and right to redeem.

#### ***Valuation Process of Agricultural, Pasture, and Timber Land***

Act 994 (HB2420) - The act requires the Assessment Coordination Department to develop valuation tables, formulas reflecting productivity valuation, and capitalization rates for use by county assessors for assessing land.

### SALES AND USE TAX

#### ***Aviation Fuel***

Act 166 (HB1376) - The act requires that sales tax on aviation fuel by a city or county be remitted by the Treasurer of State as cash funds directly to a bank designated by the airport for the airport's use. The act became effective on February 28, 2007.

#### ***Business Licenses***

Act 450 (HB2225) - The act repeals the requirement that carnival and fair licensees post a surety bond of two thousand five hundred dollars (\$2,500).

#### ***Dyed Distillate Special Fuel***

Act 87 (HB1202) - The act exempts biodiesel fuel and dyed distillate special fuel from sales tax and imposes an excise tax at the rate of six cents (6¢) per gallon on all dyed distillate special fuel. If the dyed distillate special fuel contains biodiesel fuel, the gallonage excise tax is levied only on the portion of the fuel that is not biodiesel fuel. The act becomes effective on July 1, 2007.

#### ***Exemption on Food***

Act 110 (SB185) - This bill reduces the sales tax on food and food ingredients to two and seven-eighths percent (2.875%). The act is effective on July 1, 1007.

#### ***Free Tickets to Recreational Events***

Act 154 (SB273) - The act removes free tickets to recreational or athletic events from the definition of "sale" under the Gross Receipts Act of 1941 so that no tax is due on a free ticket to a recreational or athletic event. The act became effective on February 28, 2007.

#### ***Local Tax Rebate***

Act 179 (SB279) - The act provides certain qualifying entities a rebate for local tax paid in excess of two thousand five hundred dollars (\$2,500) on single transactions. The act becomes effective on January 1, 2008.

## **TAXES**

### **SALES AND USE TAX**

#### ***Manufacturing Utilities***

Act 185 (HB1420) - The act provides for a lower state tax rate for the sale of natural gas and electricity to a manufacturer for use directly in the actual manufacturing process. Beginning July 1, 2007, the sales and use tax rate will be 4.375%, and will drop to 3.875% on July 1, 2008. These sales will continue to be subject to the excise tax levied under the Arkansas Constitution, Amendment 75, § 2, and all municipal and county sales and use taxes. The act became effective March 3, 2007.

#### ***Medical Equipment***

Act 140 (HB1357) - The act allows a patient to claim a sales or use tax exemption for a wheelchair lift or automobile hand controls by presenting his or her prescription at the time the motor vehicle is registered rather than prior to the sale. The act becomes effective on the first day of the calendar quarter following the effective date of this act.

#### ***Motor Vehicles Rented or Leased***

Act 550 (HB2226) - The act repeals language concerning the payment of tax on leased or rented motor vehicles that conflicts with other language in the tax code.

#### ***Portable Toilets***

Act 368 (HB1810) - The act levies a sales and use tax on the lease or rental of portable toilets and any associated services. The act becomes effective on July 1, 2007.

#### ***Streamlined Sales and Use Tax Agreement***

Act 179 (SB279) - The act provides certain qualifying entities a rebate for local tax paid in excess of two thousand five hundred dollars (\$2,500) on single transactions. The act becomes effective on January 1, 2008.

Act 180 (SB280) - The act changes the effective date of the previously enacted Streamlined Sales and Use Tax legislation to January 1, 2008. The act becomes effective on June 30, 2007.

Act 181 (SB281) - The act changes various sales and use tax laws in order to provide consistency with the Streamlined Sales and Use Tax Agreement. The act becomes effective on January 1, 2008.

Act 182 (SB282) - The act removes the special excise taxes for rentals and tourism from the gross receipts section of the Arkansas Code and places these special excise taxes in a separate section of the Code in order to provide consistency with the Streamlined Sales and Use Tax Agreement. The act becomes effective on January 1, 2008.

Act 860 (SB792) - The act changes various sales and use tax laws in order to provide consistency with the Streamlined Sales and Use Tax Agreement. It also allows the Department of Finance and Administration, under certain conditions, to amend the sourcing rules as those rules relate to florists. The act becomes effective on January 1, 2008.

#### ***Taxable Labor***

Act 361 (HB1622) - This bill provides that a person performing taxable labor for a retailer is not required to collect sales tax on the labor if the labor is charged to and sales tax is collected from the ultimate consumer.

#### ***Utilities Used in the Manufacturing of Tires***

Act 548 (HB1828) - The act exempts natural gas and electricity from sales and use tax when it is used in the manufacturing of tires. The act becomes effective on January 1, 2008.

### **SCHOOL DISTRICT TAXES**

Act 343 (HB1525) - The act modifies the number of times each month that the Treasurer of State processes documentation concerning school district taxes.

## **TAXES**

### **TAX REBATE**

Act 1203 (HB2564) - The act provides that certain manufacturers of beer and malt beverages are eligible for a tax rebate. The act became effective on April 4, 2007.

### **TAX-EXEMPT STATUS OF BENEFICIARY DEEDS**

Act 243 (HB1362) - The act clarifies the law and tax-exempt status of beneficiary deeds, and provides for the recovery or disclaimer of benefits under a beneficiary deed by the Department of Health and Human Services.

### **TAXPAYER**

#### ***Disclosure***

Act 437 (SB849) - The act adds disclosure requirements for a taxpayer utilizing tax incentives under the Consolidated Incentive Act of 2003, Arkansas Code § 15-4-2701, and allows the Arkansas Economic Development Commission to receive the disclosed information from the Department of Finance and Administration. The act requires that any information that is disclosed from a taxpayer or received by the Arkansas Economic Development Commission under this section of the law shall remain confidential.

#### ***Right to Protest Assessment***

Act 212 (HB1498) - The act amends the Arkansas Tax Procedure Act to extend the time from thirty (30) days to sixty (60) days allowed to protest an assessment of tax or to protest a denial of a claim for refund by the Director of the Department of Finance and Administration. The act also sets a period of twenty (20) days within which the taxpayer and the state may request that the Director of the Department of Finance and Administration revise the decision of the administrative hearing officer.

## **TECHNOLOGY**

### **BROADBAND EDUCATION AND DEPLOYMENT**

Act 604 (SB924) - The act provides for the creation and operation of the Connect Arkansas nonprofit organization to promote broadband education and deployment in Arkansas.

### **BROADBAND NETWORKS**

Act 739 (HB1589) - The act enables the use of electric utility power lines to deploy broadband networks.

### **EXECUTIVE CHIEF INFORMATION OFFICER**

Act 751 (HB2586) - The act eliminates the Office of Information Technology and the Executive Chief Information Officer and transfers their duties among other state agencies. The act becomes effective on July 1, 2007.

### **RISK CAPITOL MATCHING FUND, ARKANSAS**

Act 1025 (SB1000) - The act creates the Arkansas Risk Capitol Matching Fund for the purpose of providing financial assistance to technology-based enterprises located in Arkansas. The act became effective on April 4, 2007.

### **SCIENCE AND TECHNOLOGY AUTHORITY, ARKANSAS**

Act 988 (HB2216) - The act expressly provides that the Arkansas Science and Technology Authority and its board, employees, and agents shall be immune from civil liability for performing the duties of the authority and allows a manufacturer or other for-profit entity with which a director is affiliated to pay to the authority fees for services so long as the services are generally available to all manufacturers or other for-profit entities and are not available to the manufacturer or other for-profit entity solely due to its affiliation with a director.

## **TECHNOLOGY**

### **STATE AGENCY COMPUTER NETWORK INTEGRATION**

Act 339 (HB1410) - The act requires the chief administrative officer of each state agency to establish a policy that prohibits the integration of hardware, software, or peripherals owned by an authorized user of a state agency's network or workstation without the approval of the state agency's chief administrative officer or his or her designee.

### **TAX CREDITS FOR TECHNOLOGY**

Act 1596 (HB2521) - The act makes various changes to the Consolidated Incentive Act and provides an enhancement in the availability of tax credits for technology and business development.

## **TOBACCO**

### **MASTER SETTLEMENT AGREEMENT**

Act 285 (SB382) - The act amends the enforcement enhancement provisions of Arkansas Code § 26-57-1305 concerning the reporting of information and escrow installments under the tobacco Master Settlement Agreement. The act provides that required quarterly installments of escrow deposits be deposited into a qualified escrow account not later than twenty (20) calendar days after the end of the quarter in which the sales were made.

### **SELF-SERVICE DISPLAYS**

Act 165 (HB1370) - The act makes it unlawful for a person issued a permit under the Arkansas Tobacco Products Act to sell or distribute a cigarette product through a self-service display.

## **TOURISM**

### **AMUSEMENT PARKS**

Act 1039 (SB586) - The act amends the Arkansas Tourism Development Act. A portion of this act shall apply retroactively to July 1, 2006.

### **FAIR & LIVESTOCK SHOW ASSOCIATION, ARKANSAS STATE**

Act 491 (SB801) - The act provides funding for the Arkansas State Fair and Livestock Show Association. The act became effective on March 26, 2007.

### **GEOTOURISM INVESTMENT, INCOME TAX CREDIT**

Act 518 (HB2278) - The act allows an income tax credit equal to twenty-five percent (25%) of a minimum investment of twenty-five thousand dollars (\$25,000) up to a maximum income tax credit of one hundred thousand dollars (\$100,000) in geotourism-supporting business. A geotourism-supporting business is a business that attracts tourists to enjoy the natural aesthetics, environment, and culture of an area that contains natural phenomena or scenic beauty. The income tax credit expires on December 31, 2011. The act became effective on March 28, 2007.

### **RICE, OFFICIAL STATE GRAIN**

Act 513 (HB2434) - The act designates rice as the official grain of the State of Arkansas.

### **SPECIAL MOTORCYCLE EVENTS**

Act 235 (SB292) - The act provides an exemption to the Arkansas Motor Vehicle Commission Act, Arkansas Code § 23-112-101 et seq., for special motorcycle events to allow motor vehicle dealers to display and sell motorcycles at special events that have a significant positive economic impact on an area in the state.

### **STATE BUTTERFLY**

Act 156 (HB1005) - The act designates the Diana Fritillary butterfly as the official butterfly of the State of Arkansas.

## **TOURISM**

### **WORLD WAR II WAR RELOCATION CENTERS**

Act 1153 (HB1959) - The act authorizes signage for war relocation centers that were operated by the War Relocation Authority during World War II, the two (2) in the state being Jerome and Rohwer.

## **TRANSPORTATION**

### **ACCIDENTS**

Act 145 (HB1008) - The act imposes a duty on the driver of a vehicle involved in an accident resulting in injury to, or death of, any person or damage to any vehicle to remain at the scene of the accident for at least thirty (30) minutes if the driver knows that a law enforcement agency was contacted for assistance unless it is necessary for the driver to leave the scene of the accident to render aid.

### **BRIDGES**

Act 453 (HB2351) - The act clarifies statutes concerning weight limits posted on public bridges.

### **BUS DRIVER'S COMMERCIAL DRIVER'S LICENSE**

Act 256 (HB1469) - The act conforms the Arkansas requirements for the issuance of a commercial driver's license to federal standards by removing the authorization for a restricted commercial driver's license for a school bus driver.

### **COMMERCIAL DRIVER SAFETY**

Act 637 (HB2391) - The act improves commercial driver safety by requiring the reporting of certain alcohol or drug test results for an employee who holds a commercial driver's license and by requiring an employer to obtain a report from the commercial driver alcohol and drug testing database. The act applies to alcohol and drug testing beginning on January 1, 2008. However, the penalty for an employer who knowingly fails to check the database is not assessed until July 1, 2008.

### **FINANCING ROAD AND HIGHWAY CONSTRUCTION AND RENOVATION**

Act 511 (SB840) - The act authorizes a statewide election on the question of allowing the State Highway Commission to issue Federal Highway Grant Anticipation and Tax Revenue bonds (also known as GARVEE bonds) for the purposes of constructing and renovating roads and highways. The act became effective on March 27, 2007.

### **HIGHWAY COMMISSION, STATE**

Act 66 (SB176) - The act increases the amount the State Highway Commission is authorized to pay for a tool allowance for certain employees to four hundred eighty dollars (\$480) per year. The act becomes effective on July 1, 2007.

### **MOTOR VEHICLES**

#### ***Abandoned Vehicles***

Act 100 (HB1182) - The act gives municipal code enforcement officers the power to tag unattended or abandoned vehicles on a public way.

#### ***Damaged Motor Vehicles***

Act 410 (SB295) - The act makes various revisions to Arkansas law concerning damaged motor vehicles, including defining the term "salvage vehicle" and specifying the process for the issuance of a damage certificate.

#### ***Dealer Warranty and Franchise Agreements***

Act 746 (HB2345) - The act amends the Arkansas Motor Vehicle Commission Act, Arkansas Code § 23-112-101 et seq., regarding a manufacturer, distributor, or wholesaler and its warranty agreements with a motor vehicle dealer. The act also amends the prohibited conduct of a manufacturer, distributor, or wholesaler in relation to the failure to continue a motor vehicle dealer franchise agreement.

## **TRANSPORTATION**

### **MOTOR VEHICLES**

#### ***Suspension of License and Registration***

Act 673 (HB2271) - The act amends the Motor Vehicle Safety Responsibility Act, Arkansas Code § 27-19-101 et seq., to reconcile the provisions regarding the amount of an unsatisfied judgment required to be reported for purposes of suspension of a driver's license and motor vehicle registration.

### **RAILROAD INFRASTRUCTURE**

Act 747 (HB2346) - The act establishes procedures to allow a railroad to donate or sell a rail line that the railroad is abandoning to a regional mobility authority, a regional intermodal authority, a city, or a county to further economic development and rail transportation in the state.

### **REGIONAL AIRPORT**

Act 167 (HB1377) - The act removes the requirement that a regional airport authority only purchase land that is contiguous to property owned by the regional airport authority.

### **REGIONAL MOBILITY AUTHORITIES**

Act 389 (HB1698) - The act revises the Regional Mobility Authority Act by placing it in a stand-alone chapter in the Arkansas Code and by adding the necessary provisions to make it feasible for counties and cities to create regional mobility authorities to facilitate regional growth.

### **RULES OF THE ROAD**

#### ***Emergency Vehicles***

Act 338 (HB1408) - The act increases the fine for failure to yield to an emergency vehicle to an amount not to exceed four hundred dollars (\$400).

#### ***Signals to Stop or Turn***

Act 364 (HB1716) - The act amends Arkansas Code § 27-51-403 to require a signal of intention to change lanes in a vehicle before changing lanes.

### **SPEED LIMIT**

#### ***County Roads***

Act 667 (HB1579) - The act clarifies the authority of county judges to establish speed limits on county roads within the jurisdictional boundaries of his or her county and requires a traffic-control device that is erected on a county road to conform to the uniform manual on traffic-control devices adopted by the State Highway Commission.

#### ***Study***

Act 242 (HB1342) - The act requires the State Highway Commission to conduct a study of the Arkansas Primary Highway Network on or before September 15, 2008, to determine whether the minimum speed limits and maximum speed limits of the network can be raised in any locations on the network based on engineering, traffic, and other analyses of characteristics of each location.

### **STATE AID ROAD PROJECTS**

Act 164 (HB1359) - The act adjusts the limitation on bidding requirements for state aid road projects to one hundred sixty-five thousand dollars (\$165,000).

### **SURPLUS RAILROAD PROPERTY**

#### ***Rails And Railroad Track Material***

Act 679 (HB2383) - The act authorizes the Arkansas State Parks, Recreation, and Travel Commission and the Department of Parks and Tourism to dispose of surplus rail and railroad track material. The act became effective on March 29, 2007.

## **TRANSPORTATION**

### **SURPLUS RAILROAD PROPERTY**

#### ***Transportation Projects***

Act 562 (HB2386) - The act allows surplus rail and track material purchased in part with Federal Transportation Enhancement Funds to be disposed of by gift or contract to a regional intermodal facilities authority, a metropolitan port authority, or a planning and development district. The act became effective on March 28, 2007.

### **TOWING OPERATIONS**

#### ***Nonconsensual Towing***

Act 861 (SB805) - The act amends the procedures concerning the nonconsensual towing of a vehicle, including the powers and duties of the Arkansas Towing and Recovery Board, the regulation of the towing industry, the tow vehicle safety permit fee, the maximum civil penalty that the board can prescribe, and the notice required to be provided to lienholders. The act also authorizes the Department of Arkansas State Police, the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, and county and municipal authorities to enforce the laws related to nonconsensual towing and the removal of unattended or abandoned vehicles.

#### ***Out-Of-State Towing***

Act 607 (SB967) - The act authorizes the Arkansas Towing and Recovery Board to promulgate rules that permit towing vehicles licensed by another state to operate in this state.

#### ***Registration and License Plates***

Act 1412 (HB2469) - The act requires every wrecker or tow vehicle to register and receive a distinctive wrecker or tow license plate starting on January 1, 2008. The act also requires motor vehicle operators to reduce speed or move to the lane that is the farthest away from an authorized emergency response vehicle or a law enforcement vehicle displaying flashing lights while parked or stopped at the scene of an emergency or traffic stop.

#### ***Safety***

Act 626 (HB2284) - The act requires the driver of a motor vehicle that is approaching a towing operation on a highway or roadway to move to the farthest lane or position, if possible, and exercise due caution. A violation of this requirement is a traffic violation.

#### ***Towing and Recovery Board, Arkansas***

Act 1053 (SB969) - The act made various modifications to the laws concerning nonconsent towing. Among those modifications were changes to the penalties, the law enforcement official's order to remove a vehicle, the law enforcement official's notice of release, the prohibition against a law enforcement officer's acceptance of a gift, the coverage of a possessory lien, a vehicle owner's rights, a lienholder's rights and duties, the disposition by sale or the vesting of ownership in the possessory lienholder, and the rights of a tower licensed out-of-state.

#### ***Towing and Storage***

Act 506 (HB1472) - The act amends current law to prohibit a possessory lien of a towing and storage firm from attaching to personal or legal documents, medications, child restraint seating, wallets or purses, prescription eyeglasses, prosthetics, cell phones, photographs, and books. The act also requires the towing and storage firm to release these items without charge to the owner or operator of the vehicle or his or her duly authorized representative. The act became effective on March 26, 2007.

### **TRUCK LANE RESTRICTIONS**

Act 1054 (SB1001) - The act provides that the State Highway Commission may restrict certain trucks when traveling on freeways with six (6) or more lanes from traveling in the furthest-most left lane of the highways.



## **TRANSPORTATION**

### **UNIFIED CARRIER REGISTRATION ACT OF 2005**

Act 232 (SB278) - The act implements the federal Unified Carrier Registration Act of 2005, Pub. L. No. 109-59, § 4301 et seq., pertaining to the registration of motor carriers engaged in interstate commerce and gives the Director of the Department of Finance and Administration the authority to enable the state to participate in the Unified Carrier Registration Agreement. The act was adopted to ensure compliance with the federal law and secure the corresponding federal funding for compliance with federal law. The act became effective on March 12, 2007.

## **UTILITIES**

### **BROADBAND NETWORKS**

Act 739 (HB1589) - The act enables the use of electric utility power lines to deploy broadband networks.

### **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Act 468 (HB1367) - The act clarifies that a public utility does not have to obtain a certificate of public convenience and necessity from the Arkansas Public Service Commission if an increase in the width of an existing right-of-way is not required for the replacement or expansion of existing equipment or facilities with similar equipment or facilities in substantially the same location or the rebuilding, upgrading, modernizing, or reconstructing of equipment or facilities that increase capacity.

### **CONSOLIDATED UTILITY DISTRICTS**

Act 45 (HB1042) - The act confirms the power of consolidated utility districts to participate in the development, ownership, and operation of generation facilities with out-of-state public agencies. The act became effective on January 31, 2007.

### **DEAF AND HEARING IMPAIRED TELECOMMUNICATIONS SERVICES CORPORATION, ARKANSAS**

Act 102 (HB1340) - Effective September 1, 2007, the board of directors of the Arkansas Deaf and Hearing Impaired Telecommunications Services Corporation shall levy on providers of commercial mobile radio service an assessment that does not exceed ten cents (10¢) per customer account or number.

### **ELECTRIC PUBLIC UTILITY, RENEWABLE ENERGY RESOURCES**

Act 755 (HB2812) - The act authorizes the Arkansas Public Service Commission to require a regulated electric public utility to consider renewable energy resources as part of its resource plan. If the commission approves the renewable energy resource, it may allow the utility to implement a surcharge to recover a portion of the cost of that resource.

### **EMERGENCY TELEPHONE SERVICES**

Act 582 (SB236) - The act increases the service charge on commercial radio service and applies the service charge to wireless telephone service. The act also changes the name of the CMRS Emergency Telephone Service Board to the "Arkansas Emergency Telephone Services Board". The act became effective March 28, 2007.

### **HIGH COST FUND, ARKANSAS**

Act 385 (SB780) - The act provides for the transition from the Arkansas Universal Services Fund to the Arkansas High Cost Fund as soon as administratively reasonable. The act also provides for the selection of a fund administrator, the surcharge to be applied to create the fund, and new methodologies for calculating the support that an eligible telecommunications carrier can withdraw from the fund. The act became effective on March 19, 2007.

### **JOINT MUNICIPAL ELECTRIC POWER GENERATION**

Act 236 (SB299) - The act updates portions of the Joint Municipal Electric Power Generation Act.

## **UTILITIES**

### **LIGNITE DEVELOPMENT AND USE**

Act 641 (HB2442) - The act creates the Arkansas Lignite Resources Pilot Program to be developed and administered by Southern Arkansas University, the Arkansas Geological Survey, and the Department of Economic Development. The purpose of the program is to develop an energy utilization strategy for lignite production and use to reduce our dependency on foreign oil for the creation of electricity and other energy sources.

### **LOCAL EXCHANGE CARRIERS ASSESSMENT**

Act 102 (HB1340) - Effective September 1, 2007, the board of directors of the Arkansas Deaf and Hearing Impaired Telecommunications Services Corporation shall levy on providers of commercial mobile radio service an assessment that does not exceed ten cents (10¢) per customer account or number.

### **MAJOR ELECTRIC TRANSMISSION FACILITY**

Act 658 (HB2697) - The act prohibits the construction of a major electric transmission facility within a national interest electric transmission corridor until the Arkansas Public Service Commission issues a certificate of environmental compatibility and public need. The act also confers eminent domain power on any entity granting the certificate for the construction of the major electric transmission facility. The act became effective on March 28, 2007.

### **MUNICIPAL UTILITIES**

Act 475 (HB2221) - The act amends the Utility Facility Environmental and Economic Protection Act and the Arkansas Municipal Electric Utility Interlocal Cooperation Act of 2003.

Act 1609 (HB2308) - The act allows a municipal electric utility to use surplus revenues from the operation of a municipal electric utility to provide assistance to low-income customers of the utility under certain circumstances. The act became effective on April 10, 2007.

### **NET METERING**

Act 1026 (HB2334) - Effective January 1, 2008, the Arkansas Public Service Commission shall require each electric utility to credit a net-metering customer with any accumulated net excess generation in the next applicable billing period until the close of the utility's annual billing cycle when any net excess generation credit expires. Under this act, any renewable energy credit created as the result of electricity supplied by a net-metering customer is the property of the net-metering customer that generated the renewable credit.

### **NOTICE OF EMERGENCY EXCAVATION OR DEMOLITION**

Act 41 (SB82) - Effective January 1, 2008, this act amends the definitions of "operator", "person", and "underground facility"; provides that emergency notice be given to the One Call Center; and repeals the provision allowing municipalities, water associations, and improvement districts to opt out of One Call membership.

### **POLE ATTACHMENTS**

Act 740 (HB1636) - The act vests the Arkansas Public Service Commission with jurisdiction over pole attachment agreements and disputes among utilities regarding pole attachments.

### **PUBLIC SERVICE COMMISSION, ARKANSAS**

#### ***Authority to Order Withdrawal from Resource Planning***

Act 648 (HB2545) - The act authorizes the Arkansas Public Service Commission to order an electric public utility owned by a public holding company to withdraw from centralized resource planning. The act became effective March 29, 2007.

## **UTILITIES**

### **PUBLIC SERVICE COMMISSION, ARKANSAS**

#### ***Retention of Attorneys and Consultants***

Act 647 (HB2543) - The act allows the Arkansas Public Service Commission to retain attorneys and consultants in federal proceedings and to recover the cost of retaining those persons from the affected public utility if it is an electric public utility owned by a public utility holding company. In that event, the electric public utility may surcharge its customers to recover any costs paid by the utility to the commission. The act became effective on March 28, 2007.

### **RURAL TELECOMMUNICATIONS COOPERATIVES**

Act 1579 (SB894) - The act makes changes to the law concerning the restrictions on a rural telecommunications cooperative to pay capital credits while the cooperative has outstanding and unapid obligations in excess of ten percent (10%) rather than sixty percent (60%).

### **TELEPHONE COMPANY FRANCHISE FEES**

Act 477 (HB1657) - The act authorizes cities and towns to collect an additional franchise fee from telephone companies.

### **UTILITIES USED IN THE MANUFACTURING OF TIRES**

Act 548 (HB1828) - The act exempts natural gas and electricity from sales and use tax when it is used in the manufacturing of tires. The act becomes effective on January 1, 2008.

### **WATER SYSTEM, PUBLIC**

Act 268 (HB1732) - The act creates vulnerability assessments for public water systems to assess the terroristic threat level to the state's drinking water supply. The act became effective on March 9, 2007.

Act 998 (HB2471) - The act extends the exemption for a public water system from the public disclosure requirements of the Freedom of Information Act until July 1, 2009. The act is effective July 1, 2007.

## **WELFARE AND GOVERNMENTAL ASSISTANCE**

### **BEHAVIORAL HEALTH CARE SERVICES**

Act 1593 (HB2358) - The act establishes a system of behavioral health care services for children and youth.

### **FAMILY SAVINGS INITIATIVE, AGENCY TRANSFER**

Act 252 (HB1423) - The act transfers the Family Savings Initiative from the Department of Health And Human Services to the Department of Workforce Services.

### **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

#### ***Beneficiary Deeds***

Act 243 (HB1362) - The act clarifies the law and tax-exempt status of beneficiary deeds, and provides for the recovery or disclaimer of benefits under a beneficiary deed by the Department of Health and Human Services.

#### ***Decouple Agencies***

Act 384 (SB191) - The act authorizes the Governor to create the Department of Health by separating the Division of Health of the Department of Health and Human Services from the Department of Human Services and transfers the authority, personnel, and funding of the division to the Department of Health. The act became effective on March 19, 2007.

### **HOMELESS**

Act 460 (HB1439) - The act creates the Taskforce for the Study of the Homeless, which shall provide its final report along with recommendations for proposed legislation to the Legislative Council no later than October 1, 2008.

## **WELFARE AND GOVERNMENTAL ASSISTANCE**

### **NEEDY FAMILIES**

Act 514 (SB996) - The act creates the Temporary Assistance For Needy Families Oversight Board and amends the law regarding public assistance. The act became effective on March 27, 2007.

## **WILLS, ESTATES, AND TRUSTS**

### **CLAIMS AGAINST AN ESTATE**

Act 231 (SB277) - Under existing law, claims for injury or death caused by the negligence of a decedent must be filed within six (6) months from the date of first publication of the notice to creditors and all other claims must be filed within three (3) months after the date of the first publication of the notice. The act standardizes the time periods for filing claims against an estate and provides that all claims must be filed within six (6) months after the date of the first publication of notice to creditors.

### **DELIVERY OF WILLS**

Act 652 (HB2581) - The act provides that the county clerk shall, upon the testator's death, deliver the will to the person named in the endorsement on the wrapper of the will if that person requests the will either in person or in writing.

### **ESTATE TAXES**

Act 276 (HB1360) - The act, effective January 1, 2008, adopts the Uniform Estate Tax Apportionment Act recommended for adoption in all states by the National Conference of Commissioners on Uniform State Laws.

### **IMPAIRED PERSON**

Act 121 (HB1305) - The act includes the definition of "impaired person" that appears in the Adult Maltreatment Custody Act within the definition of "incapacitated person" in the Arkansas guardianship law.

### **INCAPACITATED ADULTS, PUBLIC GUARDIANSHIP PROGRAM**

Act 862 (SB820) - The act provides for public guardianship of incapacitated adults who otherwise would have no one to make and communicate decisions necessary for the adult's health and safety. The act also creates the Office of Public Guardian for Adults within the Division of Aging and Adult Services of the Department of Health and Human Services to administer the public guardianship program.

### **LETTERS OF ADMINISTRATION**

Act 438 (SB904) - The act clarifies that letters of administration are not necessary to empower the person appointed to act for the estate, but rather for notice to third parties. The order appointing the administrator empowers the administrator to act for the estate.

## PROPOSED CONSTITUTIONAL AMENDMENTS

### **General Assembly (HJR 4)**

This resolution proposes that, beginning in 2010, the General Assembly shall meet in fiscal session on the second Monday in February of each even-numbered year to consider only appropriation bills. The General Assembly would meet in regular session on the second Monday in January of each odd-numbered year to consider any bill or resolution. A regular session would not exceed sixty (60) days unless extended by a vote of two-thirds (2/3) of each house of the General Assembly and would not exceed seventy-five (75) days without the vote of three-fourths (3/4) of each house of the General Assembly. A fiscal session would not exceed thirty (30) days unless extended by a vote of three-fourths (3/4) of each house of the General Assembly for no more than fifteen (15) days.

### **Voting and Elections (SJR 4)**

This resolution proposes to amend the Arkansas Constitution to clarify and update language concerning the qualifications of electors and the right to vote, to amend the date for holding general elections to be the date set by the General Assembly, and to give the General Assembly the authority to determine the qualifications of elections officers.

## EFFECTIVE DATE OF ACTS

Acts with no emergency clause or specified effective date become effective on the 91st day following the date the General Assembly adjourns *sine die*. Pursuant to Ark. Atty. Gen. Op. 2007-164 (May 7, 2007), the effective date for acts of the 86th General Assembly with no emergency clause or specified effective date is July 31, 2007.

### LEGISLATIVE SESSION DATES

General Assembly	Year	Dates in Session	Total Days
59 <sup>th</sup>	1953	January 12 – March 12	60
60 <sup>th</sup>	1955	January 10 – March 10	60
61 <sup>st</sup>	1957	January 14 – March 1	60
61 <sup>st</sup> – FES	1957	March 25 – March 27	3
61 <sup>st</sup> – SES	1958	August 26 – September 12	18
62 <sup>nd</sup>	1959	January 12 – March 12	60
62 <sup>nd</sup> – FES	1960	January 19 – January 21	3
63 <sup>rd</sup>	1961	January 9 – March 9	60
63 <sup>rd</sup> – FES	1961	August 24 – September 1	9
63 <sup>rd</sup> – SES	1961	September 18 – September 21	4
64 <sup>th</sup>	1963	January 14 – March 14	
64 <sup>th</sup> – FES	1964	March 24 – March 27	4
65 <sup>th</sup>	1965	January 11 – March 11	60
65 <sup>th</sup> – FES	1965	May 24 – June 8	16
65 <sup>th</sup> – SES	1965	November 2 – November 4	2½
65 <sup>th</sup> – TES	1965	November 4 – November 6	2½
66 <sup>th</sup>	1967	January 9 – Recessed March 9 Reconv. March 27 – Adjourned March 31	65
66 <sup>th</sup> – FES	1968	February 5 – February 21	17
66 <sup>th</sup> – SES	1968	May 20 – May 30	11
67 <sup>th</sup>	1969	January 13 – Recessed April 11 Reconv. May 5 – Adjourned May 8	93
67 <sup>th</sup> – FES	1970	March 2 – March 7	6
68 <sup>th</sup>	1971	January 11 – Recessed April 2 Reconv. April 19 – Adjourned April 19	82
68 <sup>th</sup> – FES	1972	February 7 – February 16	10
69 <sup>th</sup>	1973	January 8 – Recessed on April 5 Reconv. April 24 – Recessed until Jan. 14, 1974 – Adjourned Jan. 14, 1974	88
69 <sup>th</sup> – FES	1974	June 24 – Recessed July 12 Reconv. August 1 – Adjourned August 1	19
70 <sup>th</sup>	1975	January 13 – Recessed March 27 until April 9 – Adjourned April 9	74
70 <sup>th</sup> – EXT.	1976	January 12 – January 28	17
70 <sup>th</sup> – FES	1976	September 8 – September 10	3

## LEGISLATIVE SESSION DATES

General Assembly	Year	Dates in Session	Total Days
71 <sup>st</sup>	1977	January 10 – Recessed March 18 until April 6 – Recessed April 6 until August 14 – Adjourned August 14	68
71 <sup>st</sup> – FES	1977	August 2 – August 5	4
72 <sup>nd</sup>	1979	January 8 – Recessed April 4 Reconv. April 20 – Adjourned April 20	87
72 <sup>nd</sup> – EXT.	1980	January 7 – January 17	10½
72 <sup>nd</sup> – FES	1980	January 17 – January 24	7½
72 <sup>nd</sup> – SES	1980	April 15 – April 18	4
73 <sup>rd</sup>	1981	January 12 – March 18	66
73 <sup>rd</sup> – FES	1981	November 16 – November 25	10
74 <sup>th</sup>	1983	January 10 – Recessed March 18 Reconv. April 4 – Adjourned April 4	68
74 <sup>th</sup> – FES	1983	October 4 – November 10	37
75 <sup>th</sup>	1985	January 14 – Recessed March 22 Reconv. March 29 – Adjourned March 29	68
75 <sup>th</sup> – FES	1985	June 17 – June 21	5
75 <sup>th</sup> – SES	1986	April 28 – May 1	4
76 <sup>th</sup>	1987	January 12 – Recessed April 3 Reconv. April 20 – Adjourned April 20	82
76 <sup>th</sup> – FES	1987	June 2 – June 5	4
76 <sup>th</sup> – SES	1987	October 6 – October 9	4
76 <sup>th</sup> – TES	1988	January 26 – February 5	11
76 <sup>th</sup> – 4 <sup>th</sup> ES	1988	July 11 – July 14, 1988	4
77 <sup>th</sup>	1989	January 9 – Recessed March 17 until April 3 – Adjourned April 3	68
77 <sup>th</sup> – FES	1989	June 20 – June 23	4
77 <sup>th</sup> – SES	1989	July 25 – July 27	3
77 <sup>th</sup> – TES	1989	October 23 – November 3	12
78 <sup>th</sup>	1991	January 14 – March 27 – Recess until April 15 – Adjourned April 15	73
78 <sup>th</sup> – FES	1992	February 24 – Recessed February 27 until March 4 – Adjourned March 4	4
78 <sup>th</sup> – SES	1992	December 14 – December 18	5
79 <sup>th</sup>	1993	January 11 – Recessed April 8 until May 14 – Adjourned May 14	88
79 <sup>th</sup> – FES	1994	February 28 – March 2	3
79 <sup>th</sup> – SES	1994	August 15 – August 24	10

## LEGISLATIVE SESSION DATES

General Assembly	Year	Dates in Session	Total Days
80 <sup>th</sup>	1995	January 9 – Recessed April 7 until April 28 – Adjourned April 28	89
80 <sup>th</sup> – FES	1995	October 17 – October 20	4
81 <sup>st</sup>	1997	January 13 – Recessed April 17 until May 2 – Adjourned May 2	96
82 <sup>nd</sup>	1999	January 11 – Recessed April 9 until April 30 – Adjourned April 30	89
82 <sup>nd</sup> – FES	2000	April 3 – April 7	5
SES	2000	December 13 – 15	3
83 <sup>rd</sup>	2001	January 8 – Recessed April 13 until May 14 – Adjourned May 14	97
83 <sup>rd</sup> – FES	2002	June 10 – June 12, 2002	3
84 <sup>th</sup>	2003	January 13 – April 16, 2003	94
84 <sup>th</sup> – FES	2003	May 5, 2003 – May 9, 2003	5
84 <sup>th</sup> – SES	2003	December 8, 2003 – March 4, 2004 Recess until June 9 – Adjourned June 9	89
85 <sup>th</sup>	2005	January 10 – Recessed April 15 until May 13 – Adjourned May 13	97
85 <sup>th</sup> – FES	2006	April 3 – April 7, 2006 Adjourned April 21.	5
86 <sup>th</sup>	2007	January 8 – Recessed April 3 Reconv. April 30 – May 1 Adjourned May 1.	88



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