

# SUMMARY OF GENERAL LEGISLATION

.....

89TH GENERAL ASSEMBLY  
OF THE STATE OF ARKANSAS

2013

January 14, 2013 – May 17, 2013

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**Bureau of Legislative Research**  
**May 2013**



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## REGULAR SESSION ACTS

### AGRICULTURE

#### AGRICULTURE DEPARTMENT

##### ***International Agricultural Exchanges***

ACT 1501 (SB845) requires the Arkansas Agriculture Department to evaluate the potential economic benefits to Arkansas and Arkansas farmers of entering into agricultural exchanges with Israel and other countries that will foster the development of trade, mutual assistance, and business relations between Arkansas and the other country. The act requires the department to report its findings to the House Committee on Agriculture, Forestry, and Economic Development and the Senate Committee on Agriculture, Forestry, and Economic Development.

#### AGRONOMY

##### ***Membership of State Plant Board***

ACT 591 (HB2024) amends the membership of the State Plant Board by adding a representative of the livestock industry and a representative of the forage industry.

##### ***Sales and Use Tax Exemption - Certain Horticulture Equipment***

ACT 1441 (HB1039) creates an exemption from the sales and use tax, beginning January 1, 2014, for utilities used by qualifying agricultural structures, including a commercial poultry or livestock facility, a cattle and dairy facility, and a commercial greenhouse, and qualifying aquaculture and horticulture equipment, including commercial cooling, collection, and irrigation equipment, pumping and aeration equipment, and a holding and sorting tank.

#### FARMS AND FARMING

##### ***Priority in Allocation of Water***

ACT 593 (HB2088) removes minimum streamflow from the reserved uses of water before allocation and provides for the priority of uses in allocating water.

##### ***Sales and Use Tax Exemption - Certain Agricultural Structures***

ACT 1441 (HB1039) creates an exemption from the sales and use tax, beginning January 1, 2014, for utilities used by qualifying agricultural structures, including a commercial poultry or livestock facility, a cattle and dairy facility, and a commercial greenhouse, and qualifying aquaculture and horticulture equipment, including commercial cooling, collection, and irrigation equipment, pumping and aeration equipment, and a holding and sorting tank.

##### ***Sales and Use Tax Exemption - Certain Expendable Supplies***

ACT 1392 (SB11) exempts from the sales and use tax expendable supplies for farm machinery that are used for baling, packaging, tying, wrapping, or sealing animal feed products. The act is effective on and after October 1, 2013.

##### ***Sales and Use Tax Exemption - Utilities for Grain Drying and Storage***

ACT 1401 (SB298) exempts from the sales and use tax electric, liquefied petroleum gas, and natural gas utilities used by grain drying and storage facilities. The act is effective on and after July 1, 2014.

#### FISH

##### ***Sales and Use Tax Exemption - Certain Aquaculture Equipment***

ACT 1441 (HB1039) creates an exemption from the sales and use tax, beginning January 1, 2014, for utilities used by qualifying agricultural structures, including a commercial poultry or livestock facility, a cattle and dairy facility, and a commercial greenhouse, and qualifying aquaculture and horticulture equipment, including commercial cooling, collection, and irrigation equipment, pumping and aeration equipment, and a holding and sorting tank.

## AGRICULTURE

### FOOD

#### ***Nonpasteurized Milk***

ACT 1209 (HB1536) allows the sale of nonpasteurized milk at the place where the milk is produced.

### GENERALLY

#### ***“Fence” Defined - Criminal Trespass***

ACT 960 (SB906) clarifies the definition of “fence” as it is used in agriculture and amends the offense of criminal trespass to include removal of a posted sign or fence.

### LIVESTOCK AND POULTRY

#### ***Capture, Release, and Transport of Feral Hogs***

ACT 1104 (HB1478) amends the definition of “feral hog”; regulates the capturing and killing of feral hogs on public and private property; increases the penalties for releasing hogs into the wild; creates criminal penalties for purchasing, selling, offering for sale, receiving, possessing, importing, distributing, or transporting live feral hogs; and provides for the forfeiture of feral hogs and any equipment used to violate the laws regarding the capture, release, or transport of feral hogs.

#### ***Creation of Livestock Owner’s Lien***

ACT 499 (HB1705) grants a livestock owner a lien on livestock for any unpaid portion of the sales price for the livestock and regulates the perfection, priority, transfer, waiver, release, and expiration of the livestock owner’s lien.

#### ***Extradition for Theft of Livestock***

ACT 498 (HB1704) allows the Governor to request extradition of persons charged with theft by deception relating to the sale of livestock at an auction.

#### ***Immunity Relating to Certain Livestock Activities***

ACT 430 (HB1413) provides immunity for livestock owners, livestock activity sponsors, livestock facilities, and livestock auction markets with respect to certain livestock activities and requires livestock activity sponsors to post and maintain warning signs regarding the immunity provided under the act.

#### ***Nonpasteurized Milk***

ACT 1209 (HB1536) allows the sale of nonpasteurized milk at the place where the milk is produced.

#### ***Representation on State Plant Board***

ACT 591 (HB2024) amends the membership of the State Plant Board by adding a representative of the livestock industry and a representative of the forage industry.

#### ***Special Permits for Hauling Animal Feed***

ACT 1267 (SB1072) provides that the Arkansas Highway Commission may, subject to certain limitations and upon payment of a fee, issue a special permit for a single trip or for one (1) year that authorizes movement on state highways of a truck tractor and single semi-trailer combination with five (5) axles hauling animal feed to livestock or poultry that exceeds maximum gross weight limits.

### PLANT BOARD

#### ***Membership***

ACT 591 (HB2024) amends the membership of the State Plant Board by adding a representative of the livestock industry and a representative of the forage industry.



## AGRICULTURE

### PRIMATES

#### ***Primate Registration and Regulation***

ACT 1337 (HB1391) prohibits, except at qualified facilities, the importation, possession, sale, and breeding of nonhuman primates other than apes, macaques, and baboons; requires registration of all primates; and creates penalties for the mistreatment of primates.

### TECHNICAL CORRECTIONS - AGRICULTURE - TITLE 2

ACT 1122 (SB175) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 2 of the Arkansas Code.

## ALCOHOLIC BEVERAGES

### ALCOHOLIC BEVERAGE CONTROL DIVISION

#### ***Authority of the Deputy Director of Education***

ACT 1101 (HB1110) authorizes the Deputy Director of Education of the Alcoholic Beverage Control Enforcement Division to enter and search a licensed premise and seize contraband.

#### ***Regulation Book Fee***

ACT 1318 (SB761) provides that the Alcoholic Beverage Control Division may charge ten dollars (\$10.00) for a regulation book.

### BEER AND WINE

#### ***Direct Shipment of Wine***

ACT 483 (HB1749) permits the direct shipment of wine from a winery to a resident of Arkansas.

#### ***Shipment of Sparkling Wine or Champagne to a Small Farm Winery***

ACT 1001 (HB1974) permits a small farm winery to receive shipments of sparkling wine or champagne in bottles with or without labels from an out-of-state or in-state small farm winery.

### GENERALLY

#### ***Donations and Restrictions on Handling***

ACT 527 (SB474) creates an industry standard for the donation of alcoholic beverages, amends the restrictions for handling alcoholic beverages, repeals the limitation on the transfer of a retailer's permit, and permits a private club to advertise the price and service of alcoholic beverages.

### LOCAL OPTION

#### ***Election for a Territorial Subdivision Located in a Defunct Voting District***

ACT 1018 (SB374) permits a local option election for a territorial subdivision that is located in a wet county and was voted dry by a defunct voting district. The act declares an emergency and is effective on and after April 9, 2013.

#### ***Paid Canvassers and Verification of Signatures***

ACT 1432 (SB1118) requires the sponsors of local option election petitions to train paid canvassers on the relevant Arkansas law and to provide records on paid canvassers to the Secretary of State before the solicitation of signatures on the petitions. The act also amends the law concerning the verification of the signatures on the petitions.

#### ***Referendum Election - Exception***

ACT 1008 (HB2087) creates an exception to the requirement that a city or town have a referendum election to authorize the sale of alcoholic beverages for on-premises consumption.

### ON-PREMISES CONSUMPTION

#### ***"Restaurant" Defined***

ACT 1100 (HB1109) defines which restaurants may be issued a permit for the on-premises consumption of alcohol. The act declares an emergency and is effective on and after April 11, 2013.

## ALCOHOLIC BEVERAGES

### ON-PREMISES CONSUMPTION

#### ***Advertising***

ACT 527 (SB474) creates an industry standard for the donation of alcoholic beverages, amends the restrictions for handling alcoholic beverages, repeals the limitation on the transfer of a retailer's permit, and permits a private club to advertise the price and service of alcoholic beverages.

#### ***Population Ratio***

ACT 1068 (SB432) changes the population ratio concerning the number of permits that may be issued by the Alcoholic Beverage Control Division to sell vinous, spirituous, or malt liquor for on-premises consumption.

#### ***Referendum Election - Exception***

ACT 1008 (HB2087) creates an exception to the requirement that a city or town have a referendum election to authorize the sale of alcoholic beverages for on-premises consumption.

#### ***Warning Sign to Pregnant Women***

ACT 1300 (HB2277) requires a private club that does not hold itself out as a food service establishment to post a sign warning women of the dangers of consuming alcoholic beverages while pregnant.

### PERMITS

#### ***"Restaurant" Defined***

ACT 1100 (HB1109) defines which restaurants may be issued a permit for the on-premises consumption of alcohol. The act declares an emergency and is effective on and after April 11, 2013.

#### ***Notice of Application for a Retail Liquor Business***

ACT 292 (HB1275) requires that the notice given concerning an application for a retail liquor permit be published in a newspaper in the county in which the retail liquor business is located.

#### ***Off-premises Consumption Based on Population***

ACT 1068 (SB432) changes the population ratio concerning the number of permits that may be issued by the Alcoholic Beverage Control Division to sell vinous, spirituous, or malt liquor for on-premises consumption.

#### ***Retailer - Limitation on Transfer***

ACT 527 (SB474) creates an industry standard for the donation of alcoholic beverages, amends the restrictions for handling alcoholic beverages, repeals the limitation on the transfer of a retailer's permit, and permits a private club to advertise the price and service of alcoholic beverages.

#### ***Shareholder Records***

ACT 325 (HB1368) relieves the Alcoholic Beverage Control Division of keeping a record of the names of all shareholders of a permit holder that holds at least ten (10) permits.

#### ***Wholesaler Permit***

ACT 1434 (SB1150) provides that an alcoholic beverage wholesaler permit shall no longer be issued after September 1, 2013, and that permits held before that date may be renewed or transferred to another wholesaler.

### RETAIL SALE

#### ***Firearm in a Retail Liquor Store***

ACT 760 (HB2025) permits an employee of a retail liquor store to possess a firearm on-premises.

## ALCOHOLIC BEVERAGES

### TECHNICAL CORRECTIONS - ALCOHOLIC BEVERAGES - TITLE 3

ACT 1123 (SB176) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 3 of the Arkansas Code.

### WHOLESALERS

#### *Permits*

ACT 1434 (SB1150) provides that an alcoholic beverage wholesaler permit shall no longer be issued after September 1, 2013, and that permits held before that date may be renewed or transferred to another wholesaler.

#### *Registration of a Brand Label*

ACT 1105 (HB1480) requires that wholesalers register the brand label of spirituous liquor and vinous liquor before shipping the brand label or extending the brand label into the state.

#### *Storage of Alcoholic Beverages*

ACT 305 (SB227) permits a wholesaler to store alcohol in a dry territory.

## ANIMALS

### DOMESTIC

#### *Creation of Livestock Owner's Lien*

ACT 499 (HB1705) grants a livestock owner a lien on livestock for any unpaid portion of the sales price for the livestock and regulates the perfection, priority, transfer, waiver, release, and expiration of the livestock owner's lien.

#### *Extradition for Theft of Livestock*

ACT 498 (HB1704) allows the Governor to request extradition of persons charged with theft by deception relating to the sale of livestock at an auction.

#### *Immunity Relating to Certain Livestock Activities*

ACT 430 (HB1413) provides immunity for livestock owners, livestock activity sponsors, livestock facilities, and livestock auction markets with respect to certain livestock activities and requires livestock activity sponsors to post and maintain warning signs regarding the immunity provided under the act.

### HUNTING AND FISHING

#### *Chemical Tests - Implied Consent*

ACT 361 (SB357) provides that a person involved in a hunting accident resulting in death or serious bodily injury gives implied consent to an additional, mandatory, saliva chemical test or tests.

#### *Offense - Removal of Transmittal Device*

ACT 1094 (SB902) creates the offense of removal of an animal's transmittal device, which is designated a Class C misdemeanor. The act applies only to dogs used in hunting or raptors used in falconry, and the act includes provisions for restitution.

### SEIZURE BY LAW ENFORCEMENT

ACT 1175 (SB1016) amends the law regarding the appropriate place of custody for an animal seized by law enforcement. The act also provides that an animal may be returned to an out-of-state owner if the prosecuting attorney has decided against filing charges against the owner.

#### *Responsibility for Expenses*

ACT 1160 (SB13) provides that an owner of an animal seized by law enforcement is responsible only for reasonable expenses incurred while the animal was in custody.

## ANIMALS

### WILDLIFE

#### ***Capture, Release, and Transport of Feral Hogs***

ACT 1104 (HB1478) amends the definition of “feral hog”; regulates the capturing and killing of feral hogs on public and private property; increases the penalties for releasing hogs into the wild; creates criminal penalties for purchasing, selling, offering for sale, receiving, possessing, importing, distributing, or transporting live feral hogs; and provides for the forfeiture of feral hogs and any equipment used to violate the laws regarding the capture, release, or transport of feral hogs.

## CHILDREN

### ABUSE AND NEGLECT

#### ***Child Abuse Hotline***

ACT 1486 (HB1940) clarifies that the Child Abuse Hotline may accept qualifying reports of child maltreatment and that the Child Abuse Hotline shall not accept a report of environmental neglect pertaining to head lice unless the head lice is chronic or the child has sores that require medical attention or a report of educational neglect from a school unless the school has complied with school policy.

#### ***Child Maltreatment Act***

ACT 1006 (HB2037) modifies the Child Maltreatment Act by expanding the definitions of “abuse” and “neglect”; increases the age of “sexual abuse” to fourteen (14) years; expands the confidentiality of records to include data, records, reports, and documents; modifies the notice requirement when an alleged offender is engaged in child-related activities, is a juvenile, or works with children, the elderly, an individual with a disability, or an individual with a mental illness; and clarifies reporting of a Child Abuse Hotline report on a child in the custody of the Department of Human Services who is the subject of the child maltreatment report.

#### ***Child Safety Centers***

ACT 568 (SB976) clarifies the definition of a “child safety center” and allows access to specialized mental health services at child safety centers.

#### ***Child Welfare, Mandated Reporting, and Related Criminal Offenses***

ACT 1086 (SB829) provides for the implementation of recommendations made by the Task Force on Abused and Neglected Children, expands the statute of limitations for the failure of a mandated reporter to report, clarifies sexual assault in the second degree, creates the offense of possession of sexually explicit digital material, expands the unlawful restriction of child abuse reporting to apply to the employers of all mandated reporters, addresses the disclosure of a child maltreatment report, and expands the list of mandated reporters to include paraprofessionals, public or private school counselors, and school officials of institutions of higher education.

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

ACT 1055 (HB1848) amends provisions of the juvenile code, including the definitions of “abandonment”, “aggravated circumstances”, “cash assistance”, “dependent juvenile”, “family services”, “neglect”, “paternity hearing”, “permanent custody”, “sexual abuse”, “significant other”, and “temporary custody”; clarifies what should be contained in a judge’s order when a child is removed from his or her parent; clarifies the duties and responsibilities of a custodian in a dependency-neglect case; and amends the provisions of the foster youth transition service provided by the Department of Human Services.

## CHILDREN

### ABUSE AND NEGLECT

#### ***Mental Health Services***

ACT 1200 (HB1029) provides for mental health services for alleged sex offenders under eighteen (18) years of age and the victims of the alleged sex offenders.

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

ACT 1181 (SB1038) clarifies the reporting requirements for the Department of Human Services or a division of the department related to child maltreatment.

#### ***Sexual Grooming of a Child***

ACT 1114 (HB1973) creates the offense of sexual grooming of a child and requires the person convicted of the offense to register as a sex offender.

#### ***Shaken Baby Syndrome - Carter's Law***

ACT 1208 (HB1492) creates Carter's Law, requires that birthing facilities provide parents with education regarding shaken baby syndrome before the discharge of an infant, and requires the Department of Human Services to collect and report data concerning abusive head trauma, nonaccidental head trauma, and shaken baby syndrome.

#### ***Study of Child Abuse and Neglect Registry and Website***

ACT 1503 (SB946) requires a study to determine the feasibility of creating a child abuse and neglect registry and public website and requires the Arkansas Crime Information Center to submit a report of the study's findings to Legislative Council by September 1, 2014.

#### ***Time Frame for Investigation***

ACT 426 (HB1574) extends the time frame to investigate certain crimes involving a child from thirty (30) days to forty-five (45) days regardless of whether the investigation is conducted by the Department of Human Services, the Crimes Against Children Division of the Department of Arkansas State Police, or local law enforcement.

#### ***Use of Controlled Substance Database for Investigations***

ACT 1090 (SB862) authorizes the Department of Human Services to petition a circuit court for access to the controlled substance database during a child maltreatment investigation.

### ADOPTION

#### ***Child Maltreatment Central Registry***

ACT 471 (HB1446) provides for a Child Maltreatment Central Registry check for all household members age fourteen (14) and older as a part of a foster care home study.

#### ***Consent of Father***

ACT 1054 (HB1790) provides that the adoption of a minor requires the consent of a father who has acknowledged paternity under § 9-10-120.

#### ***Identity of Parent Confidential***

ACT 1004 (HB2010) states that the identity of a parent who relinquishes a child is confidential except upon request of a law enforcement agency or prosecuting attorney if abuse or neglect is suspected.

### CHILD ADVOCACY CENTERS

#### ***Child Safety Centers***

ACT 568 (SB976) clarifies the definition of a "child safety center" and allows access to specialized mental health services at child safety centers.

#### ***Confidentiality of Records***

ACT 1174 (SB1005) provides for the confidentiality of records kept in a case of child abuse or neglect by a child advocacy center, hospital, or clinic involved in a suspected case of child abuse or neglect.

## CHILDREN

### CHILD CARE

#### ***Filing of Floor Plans***

ACT 1159 (HB1894) requires licensed child care facilities to file a copy of the child care facility's floor plan with the local office of emergency management or interjurisdictional office of emergency management where the child care facility is located and allows school districts to file a copy of the floor plan of facilities owned or operated by the school district with the local office of emergency management or interjurisdictional office of emergency management where the school district is located.

### CHILD SUPPORT

#### ***Child Support Actions***

ACT 1119 (HB2175) repeals the law requiring suspension of court action regarding failure to provide child support when a person pleads insanity.

### CHILD WELFARE

#### ***Adoption - Identity of Parent Confidential***

ACT 1004 (HB2010) states that the identity of a parent who relinquishes a child is confidential except upon request of a law enforcement agency or prosecuting attorney if abuse or neglect is suspected.

#### ***Child Maltreatment Act***

ACT 1006 (HB2037) modifies the Child Maltreatment Act by expanding the definitions of "abuse" and "neglect"; increases the age of "sexual abuse" to fourteen (14) years; expands the confidentiality of records to include data, records, reports, and documents; modifies the notice requirement when an alleged offender is engaged in child-related activities, is a juvenile, or works with children, the elderly, an individual with a disability, or an individual with a mental illness; and clarifies reporting of a Child Abuse Hotline report on a child in the custody of the Department of Human Services who is the subject of the child maltreatment report.

#### ***Child Safety Centers***

ACT 568 (SB976) clarifies the definition of a "child safety center" and allows access to specialized mental health services at child safety centers.

#### ***Child Welfare Agency Licensing Act - Definitions***

ACT 1275 (HB1706) amends the definition of "child" and clarifies the meaning of "foster home" and other provisions under the Child Welfare Agency Licensing Act.

#### ***Interstate Compact on the Placement of Children - "Foster Care" Defined***

ACT 751 (HB1849) amends the interstate compact on the placement of children by clarifying the definition of "foster care".

#### ***School Districts - Administration of Epinephrine***

ACT 1437 (SB1173) provides for the administration of epinephrine by authorized school personnel under the Insect Sting and Other Allergic Reactions Emergency Treatment Act to children experiencing a life-threatening anaphylactic reaction. The act also revises Act 757 of 2013 to clarify the act's applicability to all school teachers and other school employees.

### DEPENDENCY-NEGLECT

#### ***Foster Care***

ACT 1037 (SB779) prohibits the placement of children determined dependency-neglected in a foster home that has been closed or suspended by a child placement agency.

## CHILDREN

### DEPENDENCY-NEGLECT

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

ACT 1055 (HB1848) amends provisions of the juvenile code, including the definitions of “abandonment”, “aggravated circumstances”, “cash assistance”, “dependent juvenile”, “family services”, “neglect”, “paternity hearing”, “permanent custody”, “sexual abuse”, “significant other”, and “temporary custody”; clarifies what should be contained in a judge’s order when a child is removed from his or her parent; clarifies the duties and responsibilities of a custodian in a dependency-neglect case; and amends the provisions of the foster youth transition service provided by the Department of Human Services.

#### ***Permanency Planning Hearings***

ACT 490 (SB433) makes technical changes to the manner and administration of permanency planning hearings in cases of child dependency and neglect.

#### ***Right to Counsel***

ACT 761 (HB2029) amends the definition of “custodian” for the purposes of who has a right to counsel in dependency-neglect proceedings.

### FOSTER CARE

#### ***Child Maltreatment Central Registry Checks***

ACT 471 (HB1446) provides for a Child Maltreatment Central Registry check for all household members age fourteen (14) and older as a part of a foster care home study.

#### ***Interstate Compact on the Placement of Children - “Foster Care” Defined***

ACT 751 (HB1849) amends the interstate compact on the placement of children by clarifying the definition of “foster care”.

### GUARDIANSHIP

#### ***Subsidy***

ACT 577 (HB1693) clarifies who may receive a guardianship subsidy from the Department of Human Services and when a guardianship subsidy may be terminated. The act also allows the Department of Human Services to intervene in a guardianship case.

### HUMAN SERVICES DEPARTMENT

#### ***Guardianship Subsidy***

ACT 577 (HB1693) clarifies who may receive a guardianship subsidy from the Department of Human Services and when a guardianship subsidy may be terminated. The act also allows the Department of Human Services to intervene in a guardianship case.

#### ***Reporting Requirements - Child Maltreatment***

ACT 1181 (SB1038) clarifies the reporting requirements for the Department of Human Services or a division of the department related to child maltreatment.

#### ***Youth Services - Submission of Contracts***

ACT 321 (HB1328) requires that Division of Youth Services of the Department of Human Services to submit all contracts and contract modifications made with community-based providers to the Subcommittee on Administrative Rules and Regulations of the Legislative Council and provides a window of forty-five (45) days for community-based providers to be notified and comment on proposed contract modifications or amendments.

### JUVENILE LAW

#### ***Alternative Nicotine Products***

ACT 1188 (SB1087) prohibits the distribution of alternative nicotine products to minors.

#### ***Arkansas Coalition for Juvenile Justice Board***

ACT 1513 (HB2278) establishes the Arkansas Coalition for Juvenile Justice Board, including the membership and duties of the board.

## CHILDREN

### JUVENILE LAW

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

ACT 1055 (HB1848) amends provisions of the juvenile code, including the definitions of “abandonment”, “aggravated circumstances”, “cash assistance”, “dependent juvenile”, “family services”, “neglect”, “paternity hearing”, “permanent custody”, “sexual abuse”, “significant other”, and “temporary custody”; clarifies what should be contained in a judge’s order when a child is removed from his or her parent; clarifies the duties and responsibilities of a custodian in a dependency-neglect case; and amends the provisions of the foster youth transition service provided by the Department of Human Services.

#### ***Placement with Fictive Kin***

ACT 478 (HB1684) provides for a juvenile to be placed with fictive kin as a placement option.

#### ***Youth Services - Submission of Contracts***

ACT 1258 (SB883) provides for professional or consultant service contracts over twenty-five thousand dollars (\$25,000) between the Division of Youth Services of the Department of Human Services and community-based providers to be reviewed by the Legislative Council or the Joint Budget Committee of the General Assembly and requires the division to post a notification of a proposed modification or amendment to a contract on the website of the Department of Human Services for at least forty-five (45) days before the execution date of the contract.

### NEWBORNS

#### ***Genetic Testing***

ACT 428 (SB423) requires additional types of genetic testing to be provided for newborns.

#### ***Pulse Oximetry Tests***

ACT 768 (HB1468) requires a birthing facility to perform a pulse oximetry screening for critical congenital heart disease before discharging a newborn.

#### ***Shaken Baby Syndrome - Carter’s Law***

ACT 1208 (HB1492) creates Carter’s Law, requires that birthing facilities provide parents with education regarding shaken baby syndrome before the discharge of an infant, and requires the Department of Human Services to collect and report data concerning abusive head trauma, nonaccidental head trauma, and shaken baby syndrome.

### SEXUALLY EXPLOITED CHILDREN

ACT 1257 (SB869) provides for a number of different provisions related to human trafficking of children. The act creates an additional fine of two hundred fifty dollars (\$250) for a conviction for human trafficking, prostitution, and sexual solicitation, to be payable into the newly created Safe Harbor Fund for Sexually Exploited Children. The act requires the Department of Finance and Administration to develop a statewide protocol for helping to coordinate the delivery of services to sexually exploited children. The act also provides for training to appropriate state agencies and officers regarding sexually exploited children.

## CITIES AND COUNTIES

### ABSENTEE MAYOR PROCEDURES

ACT 753 (HB1888) modifies the procedures for municipalities in the event of an absentee mayor.

### ACCESS EASEMENTS

#### ***Landlocked Owners***

ACT 1083 (SB819) modifies the process for a county judge to establish access easements for landlocked owners of real property to prevent a taking of property without due process.



## **CITIES AND COUNTIES**

### ANNEXATION

#### ***Contiguous Lands***

ACT 1072 (SB531) provides additional situations in which contiguous lands shall not be annexed and states that enclaves should be avoided.

#### ***Enclaves Prohibited - Schedule of Service***

ACT 1071 (SB530) provides a prohibition of the creation of enclaves in annexation matters and amends the law concerning schedules of service in annexation petitions.

#### ***Hearings and Services***

ACT 1455 (HB1542) provides changes to annexation law concerning hearings and the requirements for providing services to annexed residents.

#### ***Land Surrounded by a Municipality on Three Sides***

ACT 1243 (SB585) provides that when a municipality is annexing lands surrounded by the municipality on three (3) sides that the fourth side is deemed to be surrounded if it is a boundary line with another state, a military base, a state park, or a national forest.

#### ***Services to Annexed Residents***

ACT 1502 (SB861) provides an additional subchapter on annexation law to address matters related to the provision of services to annexed residents.

#### ***Validity of County Permits and Approvals***

ACT 1506 (SB1058) provides that a municipality shall honor county permits and approvals in use on unincorporated lands that are being annexed by the municipality.

### AUTHORITY

#### ***Towing and Recovery***

ACT 1319 (SB842) extends authority to regulate towing and recovery to counties.

### BOARDS AND COMMISSIONS

#### ***Levee Districts***

ACT 570 (HB1025) creates an elective alternative method of assessments for a levee district that includes more than two (2) counties and provides a system of appeals for a person aggrieved by an assessment.

#### ***Waterworks Commissions***

ACT 752 (HB1850) authorizes an increase in the number of commissioners and modifies the terms of a waterworks commission in a city of the first or second class.

### CITY ADMINISTRATOR FORM OF GOVERNMENT

#### ***Elections***

ACT 313 (HB1210) modifies the filing period for candidates for mayor or director in a city administrator form of government.

### CITY MANAGER FORM OF GOVERNMENT

#### ***Elections - Petition Requirements***

ACT 1291 (HB2229) amends the law concerning petition requirements for an election on changing a city manager form of government to an aldermanic form of government.

#### ***Wards***

ACT 314 (HB1233) authorizes a city manager form of government to approve new ward boundaries.

### CITY STREETS

#### ***Golf Carts***

ACT 170 (HB1274) authorizes cities and towns to regulate by ordinance the operation of golf carts on certain city streets and removes the restriction on cities and towns to limit golf cart usage between residences and golf courses.

## CITIES AND COUNTIES

### CIVIL SERVICE

#### ***“Quorum” Defined***

ACT 750 (HB1827) modifies the definition of a quorum in civil service matters in cities of the first class.

#### ***Arkansas Legislative Committee on Local 911 Systems***

ACT 1171 (SB974) establishes the Legislative Arkansas Blue Ribbon Committee on Local 911 Systems to study the current status of local 911 systems in the state, including gathering input from state, county, and municipal officials and other states related to 911 systems; researching the number, location, staffing, and equipment of each Public Safety Answering Point in each county; evaluating the effectiveness of local 911 systems; identifying funding, training, and solutions to improve 911 systems in the state; and submitting a report of the committee’s recommendations to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The act also provides for the committee to expire on January 1, 2015. The act declares an emergency and is effective on and after April 12, 2013.

#### ***Attorney’s Fees***

ACT 994 (HB1851) allows attorney’s fees in certain actions arising from civil service employment.

#### ***List for Promotion - Certification***

ACT 468 (HB1392) provides that the eligible list for promotion shall be certified within ninety (90) days upon completion of the examination process for advancement.

### CORONERS

#### ***Death Investigation Training***

ACT 551 (HB1566) creates new training programs concerning death investigations for county clerks, circuit clerks, county treasurers, county collectors, and coroners.

### COUNTY ACCOUNTING PROCEDURES

ACT 451 (SB199) provides an alternative to county bookkeeping methods by allowing computer equipment for check preparation if certain auditing conditions are met.

### COUNTY BOUNDARIES

#### ***Boone County and Carroll County***

ACT 1067 (SB389) changes the boundaries of Boone County and Carroll County. The act is effective on and after January 1, 2014.

### COUNTY BRIDGES

ACT 326 (HB1388) repeals outdated statutes concerning county bridges.

### COUNTY COMPETITIVE BIDDING

#### ***Exemption for Single-source Goods and Services***

ACT 465 (HB1278) provides that goods or services that are available only from a single source are exempt from the county competitive bidding requirement when certain conditions are met.

### COUNTY ELECTIVE OFFICES

#### ***Vacancies***

ACT 378 (SB420) provides that any county elected officer who resigns during a term of office is ineligible for appointment to any county elective office during the term for which he or she resigned. The act declares an emergency and is effective on and after March 14, 2013.

### COUNTY LAW LIBRARY BOARDS

ACT 43 (SB94) authorizes a county law library board to dispose of certain personal property if the property is junk, scrap, discarded, or otherwise of no value.

## CITIES AND COUNTIES

### COUNTY OFFICERS

#### ***Death Investigation Training***

ACT 551 (HB1566) creates new training programs concerning death investigations for county clerks, circuit clerks, county treasurers, county collectors, and coroners.

### COUNTY QUORUM COURTS

#### ***Drug Enforcement Fund***

ACT 154 (SB154) increases the maximum amount for a quorum court drug enforcement fund to fifty thousand dollars (\$50,000).

#### ***Legislative Powers***

ACT 127 (HB1201) authorizes a quorum court to increase fines for certain matters and modifies procedural requirements for meetings of the quorum court.

#### ***Special Meetings***

ACT 985 (HB1569) modifies the method of notice for certain special meetings of the quorum court and provides that a regular or special committee shall not consist of more than a quorum of the whole body without the consent of the county judge.

### COURTS

#### ***Appeals***

ACT 749 (HB1826) amends the law concerning the procedure for appeals to circuit court in certain municipal planning matters.

#### ***Appeals of Equalization Board Decisions - Filing Fee Prohibited***

ACT 544 (HB1755) prohibits a county court clerk from charging a fee for filing an appeal from a county equalization board regarding the assessment of property for tax purposes.

#### ***Seals***

ACT 469 (HB1406) provides that the seal for the county court and the circuit clerk shall be clear, legible, and capable of photographic reproduction.

### ECONOMIC DEVELOPMENT

#### ***Poultry Capital of the World***

ACT 767 (SB949) provides that Springdale, Arkansas shall be known as the "Poultry Capital of the World".

### ELECTED OFFICERS

#### ***Aldermen***

ACT 1325 (SB1047) provides that a vacancy in the office of alderman in a city of the second class that is filled by the city council for the unexpired term is not subject to veto by the mayor.

#### ***Vacancies***

ACT 978 (HB1463) provides a procedure for the filling of a vacancy in the office of alderman in an incorporated town.

### ELECTIONS

#### ***Initiatives and Referendums - Sufficiency of Signatures***

ACT 1413 (SB821) requires sponsors to file certain information regarding paid canvassers of initiative and referendum petitions with the Secretary of State before canvassing, amends the criminal penalties available for illegal acts relating to initiative and referendum petitions, regulates the counting of signatures on initiative and referendum petitions, requires sponsors to provide training to paid canvassers, and repeals provisions of Arkansas law providing for review of the legal sufficiency of statewide initiative petitions and ballot titles before completed petitions are filed. The act declares an emergency and is effective on and after April 22, 2013.

## CITIES AND COUNTIES

### ELECTIONS

#### ***Municipal Filings***

ACT 1066 (SB215) provides that a person filing for a municipal office may file for only one (1) municipal office during the municipal filing period.

### FINANCE

#### ***Arkansas Video Service Act***

ACT 276 (SB101) establishes the Arkansas Video Service Act, allows a video service provider to obtain a certificate of franchise authority from the Secretary of State instead of the political subdivision in which video service is provided, and regulates video service providers.

#### ***County Sales and Use Taxes - Use for Community College Capital Improvements***

ACT 1087 (SB832) allows for an extension of the period during which a county sales and use tax levied for capital improvements of a community college may be levied and an extension of the period during which the tax shall not be replaced or reduced.

#### ***County Voting System Grant Fund***

ACT 1311 (SB251) clarifies the procedure for remitting certain funds associated with Uniform Commercial Code activities from the Secretary of State to the Treasurer of State for deposit into the County Voting System Grant Fund. The act declares an emergency and is effective on and after April 18, 2013.

#### ***Investment of Public Funds***

ACT 458 (SB535) authorizes the investment of public funds in additional investments insured by the Federal Deposit Insurance Corporation. The act declares an emergency and is effective on and after March 21, 2013.

#### ***Local Government Bond Act***

ACT 538 (HB1461) amends local sales and use tax laws to conform to the Streamlined Sales and Use Tax Agreement by clarifying the effective dates for rate changes for catalog sales and boundary changes in the Local Government Bond Act.

#### ***School District Coordinator***

ACT 958 (SB839) provides that a county may abolish the position of school district coordinator when the position has been vacant for five (5) years and may transfer the funds used for that position to the county's general fund.

#### ***Short-term Financing - Maximum Term and Interest Rate***

ACT 1139 (SB502) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 14 of the Arkansas Code.

#### ***Use of Amendment 91 Tax Revenue***

ACT 1241 (SB541) allows revenues from the temporary sales and use tax levied under Amendment 91 to the Arkansas Constitution to be pledged to retire local capital improvement bonds issued for surface transportation projects. The act declares an emergency and is effective on and after April 16, 2013.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1150 (HB1726) provides for the repeal of obsolete provisions in Title 14, including statutes on bond redemption funds, nurses' training schools, amusement places, carriages for hire, livery stables, and public exhibitions and shows.

### HOUSING AUTHORITIES

#### ***Fictitious Name***

ACT 1038 (SB799) allows housing authorities to register fictitious names with the county clerk. The act is effective on and after January 1, 2014.

## **CITIES AND COUNTIES**

### IMPROVEMENT DISTRICTS

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

ACT 290 (HB1192) provides a limitation on the power of eminent domain for rights-of-way outside the boundaries of a property owners' improvement district. The act declares an emergency and is effective on and after March 6, 2013.

### INSURANCE PREMIUM TAXES

#### ***Authorized Uses***

ACT 91 (HB1129) provides that insurance premium taxes may be used for insurance for buildings and utility costs in addition to other authorized uses.

### MAYOR/COUNCIL FORM OF GOVERNMENT

#### ***City of Second Class - Alderman***

ACT 1325 (SB1047) provides that a vacancy in the office of alderman in a city of the second class that is filled by the city council for the unexpired term is not subject to veto by the mayor.

### MUNICIPAL OFFICIALS

#### ***Salary***

ACT 523 (SB217) provides that the salary of a municipal official may cease by action of the governing body if the official's professional license or registration has been suspended and provides for a resumption of salary if the license or registration is restored.

### MUNICIPAL POLICE OFFICERS

ACT 726 (HB1465) modifies the law concerning municipal police officers, the appointment of subordinate police officers, and the power to arrest.

### MUNICIPAL SEWAGE

ACT 992 (HB1771) amends the law concerning contracts with other political subdivisions made by a municipality that operates a sewage collection system or sewage works.

### MUNICIPAL TERRITORIAL JURISDICTION

ACT 1053 (HB1773) modifies the framework for determining the territorial jurisdiction of municipalities and limits zoning authority of municipalities in the territorial jurisdiction area.

### PROFESSIONAL DEVELOPMENT RECOGNITION PAYMENTS

ACT 707 (SB793) provides that full-time employees of county assessors' offices and state employees who actively work with ad valorem taxes are eligible for professional development recognition payments.

### PROPERTY

#### ***Property Assessed Energy Improvement Districts***

ACT 1074 (SB640) authorizes governmental entities to establish property assessed energy improvement districts to manage property assessed clean energy (PACE) programs under which real property owners can finance energy efficiency improvements, renewable energy projects, and water conservation improvements on real property. The act regulates the establishment of the districts, the membership and powers of the board of directors of the districts, the reporting requirements for collecting assessments, guidelines for the PACE programs, and the districts' authority to issue bonds.

### PUBLIC HEALTH AND WELFARE

#### ***Asbestos Abatement Grant Program***

ACT 489 (SB410) creates the Asbestos Abatement Grant Program, which allows the Arkansas Department of Environmental Quality to award grants to eligible cities and counties for certain activities relating to asbestos abatement, stabilization, and remediation.

## CITIES AND COUNTIES

### QUORUM COURTS

#### ***Private Communities***

ACT 567 (SB910) authorizes a quorum court to regulate by ordinance animals in private communities.

### SALARIES

ACT 572 (HB1533) clarifies how monthly, bimonthly, biweekly, weekly, and hourly salaries are paid and determined for county and municipal employees.

### SCENIC HIGHWAYS

ACT 714 (SB1136) designates State 90 in Pocahontas, Randolph County, from the Court Square to Ravenden, Lawrence County, and State 90 in Pocahontas, from the Court Square to Dalton on State 93 as Arkansas scenic highways.

### SOLID WASTE

#### ***Municipal Sewage Systems - Limitations***

ACT 1470 (HB1797) allows a municipal board of health to order or compel the building of a sewer by a property owner for a distance greater than three hundred feet (300') from the point where the sewer exits a building on the property owner's property through or into a street or alley to a place where a connection can be made with a sewer only if the existing sewer on the property owner's property is the subject of an enforcement action by the Arkansas Department of Environmental Quality or a prosecuting attorney.

#### ***Single-county Solid Waste Management Districts***

ACT 371 (SB385) provides that an approved single-county regional solid waste management district does not cease to be a valid district if the population of the single county composing the district is determined to be less than fifty thousand (50,000) according to a decennial census occurring after the approval of the single-county district.

### SUBORDINATE SERVICE DISTRICTS

ACT 537 (HB1403) provides that service charges for subordinate service districts shall be entered on tax statements by the county sheriff or county collector.

### TAXES

#### ***Collection of Delinquent Taxes on Mineral Rights***

ACT 1279 (HB1766) provides additional measures to collect delinquent property taxes, penalties, and interest on mineral rights by allowing a county collector to initiate proceedings using a certified statement or account to collect delinquent property taxes, penalties, and interest on mineral rights from a person who possesses funds that are derived from the property and that are owed to the delinquent taxpayer. The act also provides that the certified statement or account operates as a levy on the person served, releases the person making the payment from liability to the taxpayer, and provides for an additional ten percent (10%) penalty, half of which shall be paid to the person making the payment under the act. The act is effective for assessment years beginning on and after January 1, 2013.

### TECHNICAL CORRECTIONS - LOCAL GOVERNMENT - TITLE 14

ACT 1139 (SB502) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 14 of the Arkansas Code.

### UNDERGROUND FACILITIES

ACT 1344 (HB1583) modifies the Arkansas Underground Facilities Damage Prevention Act concerning definitions, penalties, remedies, and notice.

### WATER AND WASTEWATER

#### ***Levee Districts***

ACT 570 (HB1025) creates an elective alternative method of assessments for a levee district that includes more than two (2) counties and provides a system of appeals for a person aggrieved by an assessment.

**CITIES AND COUNTIES**

WATER AND WASTEWATER

***Small Water Systems***

ACT 662 (SB670) exempts small water systems and small sewage systems from regulation by the Public Service Commission.

**CIVIL LAW AND PROCEDURE**

ATTORNEY'S FEES

***Usury***

ACT 1124 (SB177) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 4 of the Arkansas Code.

CIVIL ACTIONS

***Institutions of Higher Education***

ACT 1324 (SB1037) provides that an institution of higher education may bring a civil action against an athlete agent who violates the Uniform Athlete Agents Act and whose actions result in damages caused by violations of athletic association or conference regulations. The act also provides that the institution may bring a civil action against a person who knowingly induces or otherwise knowingly causes a student athlete to take actions that result in damages caused by violations of athletic association or conference regulations.

EVIDENCE AND WITNESSES

***Attestation of State Crime Laboratory Records***

ACT 297 (HB1359) allows attestation of records and reports of autopsies, evidence analyses, drug analyses, and investigations made by the State Crime Laboratory in civil cases and protects a defendant's right to cross-examine in civil cases involving the attestation of certain records and reports of the State Crime Laboratory.

***Court-appointed Interpreters***

ACT 237 (HB1325) amends the process for appointment, certification, and regulation of court-appointed interpreters.

***Defective Acknowledgments***

ACT 999 (HB1907) prescribes acceptable forms of acknowledgements and relaxes the requirements for the recording and use in court proceedings of instruments with errors, deficiencies, or irregularities in acknowledgements. The act declares an emergency and is effective on and after April 8, 2013.

***Privileged Communications***

ACT 1353 (HB1971) provides that a communication made by an emergency responder to a certified peer support member, such as a law enforcement officer, firefighter, or emergency medical technician, during a peer support event is privileged. The act provides that a peer support event is any debriefing, defusing, or counseling session that involves the emotional or moral support of an emergency responder who needs support as a result of job-related stress or a job-related incident.

***Scrivener's Affidavits***

ACT 1045 (SB1137) regulates the use of a scrivener's affidavit to correct errors in instruments affecting real property.

GENERALLY

***Repeal of Obsolete Laws***

ACT 1148 (HB1724) repeals obsolete provisions in Title 16, including statutes already governed by the Arkansas Rules of Civil Procedure, the Arkansas Rules of Criminal Procedure, the Arkansas Rules of Evidence, the Court Rules, and statutes superseded by Amendment 80 of the Arkansas Constitution.

## CIVIL LAW AND PROCEDURE

### IMMUNITY

#### ***Livestock Activities***

ACT 430 (HB1413) provides immunity for livestock owners, livestock activity sponsors, livestock facilities, and livestock auction markets with respect to certain livestock activities and requires livestock activity sponsors to post and maintain warning signs regarding the immunity provided under the act.

#### ***Places of Worship - Polling Sites***

ACT 1118 (HB2145) provides for charitable immunity on the day of an election for churches or other places of worship that are used as polling sites.

#### ***Recreational Use Statute***

ACT 84 (HB1020) provides a limitation of liability for a landowner that permits the free use of the landowner's property for an aircraft's take off, flight, or landing.

### JUDGMENTS

#### ***Garnishments***

ACT 229 (HB1264) amends the number of days from twenty (20) to thirty (30) in which a person must file an answer in a garnishment proceeding.

#### ***Interest***

ACT 1140 (SB503) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 16 of the Arkansas Code.

#### ***Joint Tortfeasors***

ACT 1116 (HB2022) provides that the rights afforded to joint tortfeasors apply with equal force after the modification of joint and several liability; that none of the rights granted to joint tortfeasors, including allocation of fault and credits for settlements entered into by other joint tortfeasors, shall be denied to joint tortfeasors; and that the act is remedial and applies to all causes of action accruing on and after March 25, 2003.

#### ***Writs of Execution***

ACT 319 (HB1324) clarifies that an officer is personally liable only for a willful failure to deliver an execution and extends the time period for returning an execution to ninety (90) days.

### MEDICAL MALPRACTICE

ACT 1196 (SB1162) subsumes various causes of action for health care injuries under a single remedy.

### PROCEDURAL RULES

#### ***Child Support Actions***

ACT 1119 (HB2175) repeals the law requiring suspension of court action regarding failure to provide child support when a person pleads insanity.

#### ***Distribution of Small Estates - Notice***

ACT 230 (HB1265) amends the form of notice required when a small estate is distributed without administration.

#### ***Garnishments***

ACT 229 (HB1264) amends the number of days from twenty (20) to thirty (30) in which a person must file an answer in a garnishment proceeding.

#### ***Health Care Injuries***

ACT 1196 (SB1162) subsumes various causes of action for health care injuries under a single remedy.



## CIVIL LAW AND PROCEDURE

### PROCEDURAL RULES

#### ***Joint Tortfeasors***

ACT 1116 (HB2022) provides that the rights afforded to joint tortfeasors apply with equal force after the modification of joint and several liability; that none of the rights granted to joint tortfeasors, including allocation of fault and credits for settlements entered into by other joint tortfeasors, shall be denied to joint tortfeasors; and that the act is remedial and applies to all causes of action accruing on and after March 25, 2003.

### PROCEEDINGS

#### ***Adult Maltreatment Custody Act***

ACT 583 (HB1812) makes various changes to the Adult Maltreatment Custody Act, adds definitions, and describes the process for less-than-custody orders.

#### ***Arkansas Human Trafficking Act of 2013***

ACT 132 (SB242) creates the Arkansas Human Trafficking Act of 2013, which comprehensively amends certain statutes associated with human trafficking and prostitution, creates a statewide task force, and provides a civil cause of action. The act is identical to Act 133 of 2013.

#### ***Arkansas Human Trafficking Act of 2013***

ACT 133 (HB1203) creates the Arkansas Human Trafficking Act of 2013, which comprehensively amends certain statutes associated with human trafficking and prostitution, creates a statewide task force, and provides a civil cause of action. The act is identical to Act 132 of 2013.

#### ***Frivolous Lawsuits - Mental Disease or Defect***

ACT 981 (HB1498) expands the definition of “qualified psychiatrist” and allows dismissals of frivolous lawsuits concerning the conditional release of individuals placed in custody of the Department of Human Services after a criminal defense of mental disease or defect.

#### ***Medical Malpractice***

ACT 1196 (SB1162) subsumes various causes of action for health care injuries under a single remedy.

#### ***Partition Actions***

ACT 1184 (SB1048) allows a court in a partition action to order the sale of all or part of the property to be sold by a negotiated sale and establish the terms and conditions of the negotiated sale. The act declares an emergency and is effective on and after April 12, 2013.

#### ***Stalker Liability Act***

ACT 1014 (HB2146) creates the offense of stalking in the third degree, removes the defense of lack of notice for stalking, and creates a civil right of action for victims of stalking.

#### ***Statutes of Limitation - Wrongful Death***

ACT 1426 (SB1086) amends the statute of limitations for wrongful death claims and amends the existing provision that a person may not benefit economically from the commission of a criminal act.

#### ***Wrongful Death Actions - “Unborn Child” Defined***

ACT 1032 (SB417) changes the definition of “unborn child” in the criminal code and in wrongful death actions to specify that “unborn child” means the offspring of human beings from conception until birth. The act exempts various medical procedures under the criminal code.

### REMEDIES

#### ***Acts of Terrorism***

ACT 1295 (SB630) provides for certain civil remedies, including forfeiture of property, against a person who engages in an act of terrorism.

## CIVIL LAW AND PROCEDURE

### REMEDIES

#### ***Garnishments***

ACT 229 (HB1264) amends the number of days from twenty (20) to thirty (30) in which a person must file an answer in a garnishment proceeding.

#### ***Joint Tortfeasors***

ACT 1116 (HB2022) provides that the rights afforded to joint tortfeasors apply with equal force after the modification of joint and several liability; that none of the rights granted to joint tortfeasors, including allocation of fault and credits for settlements entered into by other joint tortfeasors, shall be denied to joint tortfeasors; and that the act is remedial and applies to all causes of action accruing on and after March 25, 2003.

#### ***Partition Actions***

ACT 1464 (HB1722) repeals an obsolete property law contained in Title 18 of the Arkansas Code concerning verified pleadings in partition actions rendered obsolete by the Arkansas Rules of Civil Procedure.

#### ***Securities Litigation***

ACT 460 (SB665) amends the state securities laws to clarify the civil rights and remedies of parties to securities transactions.

#### ***Slayer Statute***

ACT 1351 (HB1920) enacts what is commonly referred to as a “slayer statute” to prohibit the acquisition of property rights through the unlawful killing of another person.

#### ***Stalker Liability Act***

ACT 1014 (HB2146) creates the offense of stalking in the third degree, removes the defense of lack of notice for stalking, and creates a civil right of action for victims of stalking.

#### ***Usury***

ACT 1124 (SB177) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 4 of the Arkansas Code.

#### ***Writs of Execution***

ACT 319 (HB1324) clarifies that an officer is personally liable only for a willful failure to deliver an execution and extends the time period for returning an execution to ninety (90) days.

### SECURITIES LITIGATION

ACT 460 (SB665) amends the state securities laws to clarify the civil rights and remedies of parties to securities transactions.

### STATUTES OF LIMITATION

#### ***Wrongful Death***

ACT 1426 (SB1086) amends the statute of limitations for wrongful death claims and amends the existing provision that a person may not benefit economically from the commission of a criminal act.

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

ACT 1140 (SB503) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 16 of the Arkansas Code.

### VENUE

ACT 1315 (SB590) provides that an action against a school district, except those under § 16-60-103 or § 16-60-112, shall be brought in the county or in the judicial district of the county in which the public school district is situated or has its principal office. The act declares an emergency and is effective on and after April 18, 2013.

## COMMERCIAL LAW

### BONDS

#### ***Insurance - Premium Rate Approval***

ACT 1187 (SB1071) clarifies the insurance premium rate approval process and allows an insurer to collect rate increases under bond after the Insurance Commissioner has disapproved the rate increase.

#### ***Surety Company***

ACT 1015 (HB2202) clarifies that a bond under § 22-9-401 or § 19-4-1405 is required to be from a surety company that is listed on the current United States Department of the Treasury's Listing of Approved Sureties.

### BUSINESS ORGANIZATIONS

#### ***Arkansas Benefit Corporation Act***

ACT 1388 (HB1510) establishes the Arkansas Benefit Corporation Act, which requires a benefit corporation to organize under the Arkansas Business Corporation Act and have a business purpose of creating a general public benefit.

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

ACT 1093 (SB899) changes the deadline for paying corporate franchise taxes to May 1. The act declares an emergency and is effective on and after April 11, 2013.

### BUSINESS TRANSACTIONS

#### ***Credit Card Practices***

ACT 1495 (HB2028) defines terms used in credit card transactions and clarifies the liability for the charges and interest incurred in the account, the applicable interest rate, and the calculation for the account balance.

#### ***Electronic Fund Transfers***

ACT 111 (SB207) amends Article 4A of the Uniform Commercial Code as adopted in Arkansas to regulate certain remittance transfers that would otherwise be unregulated by Article 4A or the federal Electronic Fund Transfer Act. The act declares an emergency and is effective on and after February 19, 2013.

### CONTRACTS

#### ***Interest Rate***

ACT 1223 (HB2090) provides that if an interest rate is not specified under a contract, the rate of interest is six percent (6%) per annum.

#### ***Lease - Personal Property***

ACT 1320 (SB919) regulates procedures concerning the automatic renewal of a lease of personal property.

#### ***Prepaid Funeral Benefits Contracts and Investments***

ACT 476 (HB1572) regulates prepaid funeral benefits contracts and investments under the Arkansas Prepaid Funeral Benefits Law. The act clarifies that with respect to a "nonspecified prepaid contract" for funeral benefits that does not specify funeral merchandise or a funeral service when the contract is executed, the beneficiary is allowed to select the merchandise or service at the time of need and the contract funds are applied to the cost subject to regulation by the Insurance Commissioner. The act also allows the commissioner to permit a continued investment in a permissible bond that is subsequently downgraded for the contract period in the amounts established by the commissioner.

### DEBTORS AND CREDITORS

#### ***Creation of Livestock Owner's Lien***

ACT 499 (HB1705) grants a livestock owner a lien on livestock for any unpaid portion of the sales price for the livestock and regulates the perfection, priority, transfer, waiver, release, and expiration of the livestock owner's lien.

## COMMERCIAL LAW

### DEBTORS AND CREDITORS

#### ***Interest Rate***

ACT 1223 (HB2090) provides that if an interest rate is not specified under a contract, the rate of interest is six percent (6%) per annum.

#### ***Partial Payments on Consumer Loans***

ACT 1214 (HB1748) clarifies the calculation of interest and application of payments for partial payments on consumer loans.

#### ***Sewer Utility Collection Act***

ACT 1210 (HB1688) enacts the Sewer Utility Collection Act to assist a sewer utility that does not control its customers' water service by providing a mechanism to collect unpaid sewer utility service fees from customers and by requiring cooperation from the entity that provides water service to the sewer utility's customers.

### FAIR MORTGAGE LENDING ACT

#### ***License Regulation Updates***

ACT 1167 (SB871) amends the definitions of an "exempt person", a "loan officer", and a "mortgage servicer" under the Fair Mortgage Lending Act. The act also makes it a violation of the Fair Mortgage Lending Act for a mortgage servicer to fail to make escrow payments for a mortgage loan; obtain hazard, homeowners, or flood insurance on mortgaged property in certain instances; and fail to refund unearned premiums for hazard, homeowners, or flood insurance.

### FINANCIAL INSTITUTIONS

#### ***Banking - Branch Fees***

ACT 153 (SB151) removes the usage fee limitation to allow out-of-state branches of an Arkansas bank to charge the maximum usage fee authorized by law in the state where the out-of-state branch is located. The act declares an emergency and is effective on and after February 26, 2013.

#### ***Electronic Fund Transfers***

ACT 111 (SB207) amends Article 4A of the Uniform Commercial Code as adopted in Arkansas to regulate certain remittance transfers that would otherwise be unregulated by Article 4A or the federal Electronic Fund Transfer Act. The act declares an emergency and is effective on and after February 19, 2013.

### LANDLORDS AND TENANTS

#### ***Lead-based Paint***

ACT 974 (HB1355) aligns Arkansas's penalties related to violations of lead-based paint rules with federal law.

### MORTGAGES AND LIENS

#### ***Mobile and Manufactured Home Titles***

ACT 592 (HB2043) provides a procedure to obtain or cancel the title to a mobile home or manufactured home that has been severed from real property described in the original legal description or is to be affixed to new real property and authorizes a title fee of ten dollars (\$10.00) for issuing a certificate of title for a mobile home or manufactured home.

### PROFESSIONS AND OCCUPATIONS

#### ***Self-service Storage Insurance***

ACT 588 (HB1933) authorizes the Insurance Commissioner to issue a limited license for the sale of self-service storage insurance by the owner or operator of a self-service storage facility and to regulate self-service storage insurance.

## COMMERCIAL LAW

### REAL ESTATE

#### ***Acknowledgments of Instruments***

ACT 999 (HB1907) prescribes acceptable forms of acknowledgements and relaxes the requirements for the recording and use in court proceedings of instruments with errors, deficiencies, or irregularities in acknowledgements. The act declares an emergency and is effective on and after April 8, 2013.

#### ***Broker's Price Opinions***

ACT 516 (HB2056) repeals the prohibition that an appraisal management company shall not hire, employ, or in any way contract with or pay a real estate broker to perform a broker's price opinion or comparative market analysis unless the broker's price opinion or comparative market analysis will be used for listing or selling property that the appraisal management company owns.

#### ***Carbon Monoxide Detectors***

ACT 565 (SB840) repeals the requirement that low-voltage carbon monoxide detectors be placed in newly constructed homes.

#### ***Compensation for Repairs to Tax-delinquent Land***

ACT 556 (SB300) provides compensation for the cost of repairs to land purchased at a sale of tax-delinquent land if the repairs are necessary to prevent deterioration or to comply with a state, county, or city code requirement. The act also provides that the compensation is a charge upon the land. The act declares an emergency and is effective on and after April 2, 2013.

#### ***Lead-based Paint***

ACT 974 (HB1355) aligns Arkansas's penalties related to violations of lead-based paint rules with federal law.

#### ***Residential Repair Contracts***

ACT 1360 (HB2208) regulates residential real estate repair practices and contracts that are typical in an emergency situation, including a cancellation procedure if the anticipated proceeds of an insurance policy do not cover the amount of damage caused in an emergency situation.

#### ***Scrivener's Affidavits***

ACT 1045 (SB1137) regulates the use of a scrivener's affidavit to correct errors in instruments affecting real property.

### SECURITIES

ACT 460 (SB665) amends various state securities laws and clarifies the definition of an "agent" and a "representative" under the Arkansas Securities Act. The act also amends the funding mechanism for the Securities Department Fund, clarifies the civil rights and remedies of parties to securities transactions, and clarifies the Security Commissioner's authority to regulate securities transactions, concurrent registrations, investment advisers, and covered securities.

#### ***Uniform Money Services Act***

ACT 531 (SB786) adds the regulation of "prepaid access" by the State Securities Department under the Uniform Money Services Act, makes technical corrections to the Uniform Money Services Act, and repeals the provisions of the Uniform Money Services Act that provided for license transitions.

## COMMERCIAL LAW

### SELF-SERVICE STORAGE FACILITIES

ACT 364 (SB377) revises notification procedures for self-service storage facilities, including storage policies and procedures. The act provides that under certain conditions, the use of electronic mail notification is allowed, the value of stored property may be limited for liability purposes, and reasonable late fees may be imposed.

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

#### *Usury*

ACT 1124 (SB177) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 4 of the Arkansas Code.

### UNIFORM COMMERCIAL CODE

#### *Article 9*

ACT 138 (SB219) amends Article 9 of the Uniform Commercial Code. The act is effective on and after July 1, 2013.

#### *Electronic Fund Transfers*

ACT 111 (SB207) amends Article 4A of the Uniform Commercial Code as adopted in Arkansas to regulate certain remittance transfers that would otherwise be unregulated by Article 4A or the federal Electronic Fund Transfer Act. The act declares an emergency and is effective on and after February 19, 2013.

#### *Remittance of UCC Funds*

ACT 1311 (SB251) clarifies the procedure for remitting certain funds associated with Uniform Commercial Code activities from the Secretary of State to the Treasurer of State for deposit into the County Voting System Grant Fund. The act declares an emergency and is effective on and after April 18, 2013.

#### *Secured Transaction - Fees*

ACT 1042 (SB928) authorizes the Secretary of State to accept a prepaid account as a method of payment for secured transactions. The act declares an emergency and is effective on and after April 10, 2013.

## CONSTITUTIONAL OFFICERS

### ATTORNEY GENERAL

#### *Confirmation of Negotiated Tax-delinquent Land Sales*

ACT 1231 (SB297) regulates the administration, sale, and conveyance of tax-delinquent lands; requires a minimum bid at a sale of tax-delinquent land of the amount of delinquent taxes, penalties, interest, and the costs of the sale; permits a negotiated sale of the land if the minimum bid is not received; requires the Attorney General to approve a negotiated sale if made within two (2) years of the sale; provides that an action to contest the validity of a tax sale or a negotiated sale is barred if not commenced within ninety (90) days after the land is conveyed; and permits an action to quiet and confirm title to tax-delinquent land purchased from the state by the grantee of a purchaser, donee, or redeemptor of the real property from the state.

#### *Use of Consumer Protection Settlement Funds*

ACT 763 (HB2083) regulates the spending and distribution of settlement funds from a consumer protection investigation by the Attorney General.

### COMMISSIONER OF STATE LANDS

#### *Administration of Records and Documents*

ACT 553 (HB1665) regulates the maintenance and preservation of records of the Commissioner of State Lands, establishes the Adopt a Document Program to be administered by the Commissioner of State Lands, and clarifies that the Commissioner of State Lands may accept an electronic certification of tax delinquent parcels from a county.

## CONSTITUTIONAL OFFICERS

### COMMISSIONER OF STATE LANDS

#### ***Islands and Submerged Lands***

ACT 552 (HB1653) regulates the ownership, administration, and regulation of islands, submerged lands, and property located on islands and submerged lands within the state and clarifies the duties of the Commissioner of State Lands concerning the islands, submerged lands, and property located on the islands and submerged lands.

#### ***Tax-delinquent Land - Redemption or Set Aside of Sale***

ACT 574 (HB1654) clarifies that cash or certified funds, including without limitation a money order, cashier's check, or certified bank check, are required to redeem tax-delinquent land or to attempt to set aside a sale of tax-delinquent land.

#### ***Tax-delinquent Land Sales***

ACT 1231 (SB297) regulates the administration, sale, and conveyance of tax-delinquent lands; requires a minimum bid at a sale of tax-delinquent land of the amount of delinquent taxes, penalties, interest, and the costs of the sale; permits a negotiated sale of the land if the minimum bid is not received; requires the Attorney General to approve a negotiated sale if made within two (2) years of the sale; provides that an action to contest the validity of a tax sale or a negotiated sale is barred if not commenced within ninety (90) days after the land is conveyed; and permits an action to quiet and confirm title to tax-delinquent land purchased from the state by the grantee of a purchaser, donee, or redeemer of the real property from the state.

#### ***Tax-delinquent Lands - Electronic Certification***

ACT 553 (HB1665) regulates the maintenance and preservation of records of the Commissioner of State Lands, establishes the Adopt a Document Program to be administered by the Commissioner of State Lands, and clarifies that the Commissioner of State Lands may accept an electronic certification of tax delinquent parcels from a county.

### GOVERNOR

#### ***Designation of Artist Laureate***

ACT 167 (HB1209) authorizes the Governor to designate a visual, performing, or literary artist who was nominated by one (1) or more Arkansans as the Artist Laureate of the State of Arkansas. The act provides that the Governor may consult with educational institutions, state agencies, and members of the public to facilitate the selection process.

#### ***Extradition Power***

ACT 498 (HB1704) allows the Governor to request extradition of persons charged with theft by deception relating to the sale of livestock at an auction.

### SECRETARY OF STATE

#### ***Arkansas Video Service Act***

ACT 276 (SB101) establishes the Arkansas Video Service Act, allows a video service provider to obtain a certificate of franchise authority from the Secretary of State instead of the political subdivision in which video service is provided, and regulates video service providers.

## CONSTITUTIONAL OFFICERS

### SECRETARY OF STATE

#### ***Initiatives and Referendums - Sufficiency of Signatures***

ACT 1413 (SB821) requires sponsors to file certain information regarding paid canvassers of initiative and referendum petitions with the Secretary of State before canvassing, amends the criminal penalties available for illegal acts relating to initiative and referendum petitions, regulates the counting of signatures on initiative and referendum petitions, requires sponsors to provide training to paid canvassers, and repeals provisions of Arkansas law providing for review of the legal sufficiency of statewide initiative petitions and ballot titles before completed petitions are filed. The act declares an emergency and is effective on and after April 22, 2013.

#### ***Prepaid Accounts***

ACT 1042 (SB928) authorizes the Secretary of State to accept a prepaid account as a method of payment for secured transactions. The act declares an emergency and is effective on and after April 10, 2013.

#### ***Proclamation on Corporate Charter Forfeitures - Deadline***

ACT 1079 (SB798) changes the deadline for the Secretary of State's proclamation regarding corporate charter forfeitures for failure to pay corporate franchise taxes to January 31 of each year.

#### ***Remittance of UCC Funds***

ACT 1311 (SB251) clarifies the procedure for remitting certain funds associated with Uniform Commercial Code activities from the Secretary of State to the Treasurer of State for deposit into the County Voting System Grant Fund. The act declares an emergency and is effective on and after April 18, 2013.

#### ***Rental or Lease of Capitol Property***

ACT 1179 (SB1033) allows the Secretary of State to establish rental or other charges for the renting or leasing of property under an existing rental contract or lease to the Secretary of State as of January 1, 2013, within the State Capitol Building, the Capitol Hill Building, and the parking areas adjacent to the State Capitol Building and the Capitol Hill Building.

#### ***Voting System Grant Fund***

ACT 277 (SB133) provides discretion to the Secretary of State in the distribution of the Voting System Grant Fund.

### TREASURER OF STATE

#### ***Remittance of UCC Funds***

ACT 1311 (SB251) clarifies the procedure for remitting certain funds associated with Uniform Commercial Code activities from the Secretary of State to the Treasurer of State for deposit into the County Voting System Grant Fund. The act declares an emergency and is effective on and after April 18, 2013.

#### ***State Treasury Management***

ACT 1088 (SB838) provides increased regulation and oversight of State Treasury management practices, procedures, and personnel to provide for the prudent investment and management of state treasury funds.

## CONSUMER PROTECTION

### DEBTORS AND CREDITORS

#### ***Partial Payments on Consumer Loans***

ACT 1214 (HB1748) clarifies the calculation of interest and application of payments for partial payments on consumer loans.



## CONSUMER PROTECTION

### DEBTORS AND CREDITORS

#### *Usury*

ACT 1124 (SB177) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 4 of the Arkansas Code.

### DECEPTIVE TRADE PRACTICES

#### *Residential Real Estate Repair Contracts*

ACT 1360 (HB2208) regulates residential real estate repair practices and contracts that are typical in an emergency situation, including a cancellation procedure if the anticipated proceeds of an insurance policy do not cover the amount of damage caused in an emergency situation.

### ELECTRIC UTILITIES

#### *Regulation of Electric Demand Response Act*

ACT 1078 (SB795) enacts the Regulation of Electric Demand Response Act to allow the Arkansas Public Service Commission or a local authority to regulate and, if in the best interest of the public, authorize the marketing, selling, or marketing and selling of demand response, which is a reduction in the consumption of on-peak or off-peak electric energy by a retail customer served by an electric public utility or a municipally owned electric utility or consolidated municipal utility improvement district relative to the retail customer's expected consumption in response to changes in the price of electric energy to the retail customer over time or incentive payments designed to induce lower consumption of electric energy. The act also defines "demand response" to include any demand response resources capable of providing demand response.

### HEALTH AND SAFETY

#### *"Novelty Lighter" Defined*

ACT 232 (HB1280) amends the definition of what constitutes a "novelty lighter".

#### *Carbon Monoxide Detectors*

ACT 565 (SB840) repeals the requirement that low-voltage carbon monoxide detectors be placed in newly constructed homes.

#### *Lead-based Paint*

ACT 974 (HB1355) aligns Arkansas's penalties related to violations of lead-based paint rules with federal law.

### INSURANCE

#### *Limited Lines Travel Insurance Producer*

ACT 1494 (HB2009) establishes a procedure for the Insurance Commission to issue a license for a Limited Lines Travel Insurance Producer to provide travel insurance coverage.

#### *Self-service Storage Insurance*

ACT 588 (HB1933) authorizes the Insurance Commissioner to issue a limited license for the sale of self-service storage insurance by the owner or operator of a self-service storage facility and to regulate self-service storage insurance.

### LEASE

#### *Personal Property*

ACT 1320 (SB919) regulates procedures concerning the automatic renewal of a lease of personal property.

### PADDLESPOUT ACTIVITIES

#### *Liability*

ACT 221 (HB1217) establishes liability protection for outfitters and guides of paddlesport activities and requires that a warning notice be posted for paddlesport participants.

## CONSUMER PROTECTION

### PREPAID FUNERAL BENEFITS CONTRACTS

ACT 476 (HB1572) regulates prepaid funeral benefits contracts and investments under the Arkansas Prepaid Funeral Benefits Law. The act clarifies that with respect to a “nonspecified prepaid contract” for funeral benefits that does not specify funeral merchandise or a funeral service when the contract is executed, the beneficiary is allowed to select the merchandise or service at the time of need and the contract funds are applied to the cost subject to regulation by the Insurance Commissioner. The act also allows the commissioner to permit a continued investment in a permissible bond that is subsequently downgraded for the contract period in the amounts established by the commissioner.

### PRODUCT LIABILITY

#### ***Portable Electronics - Insurance***

ACT 340 (SB263) amends a vendor’s reporting requirements regarding changes in portable electronics insurance policies.

## CORRECTIONS

### DEPARTMENT OF COMMUNITY CORRECTION

ACT 1190 (SB1095) requires the Department of Community Correction to establish meetings with a number of state agencies and submit written findings designed to create a holistic and seamless approach for reentry into society for persons incarcerated in the Department of Correction.

#### ***“Recidivism” Defined***

ACT 1030 (SB260) provides a definition of “recidivism “ as meaning a criminal act that results in the rearrest, reconviction, or return to incarceration of a person with or without a new sentence during a three-year period following the person’s release from custody.

#### ***Inmates - Medicaid***

ACT 467 (HB1351) provides that if an inmate in the Department of Correction or a person in the custody of the Department of Community Correction receives medical services that meet the criteria for Medicaid coverage, the departments are authorized to apply for Medicaid benefits.

#### ***Parole Violations***

ACT 1029 (SB258) requires the Department of Community Correction to provide the Parole Board with information that a parolee has violated the terms and conditions of his or her parole, which in turn requires the Parole Board to issue a warrant for the parolee’s arrest if the parolee was found to have committed a felony involving violence or a sexual act.

#### ***Reimbursement from Inmate***

ACT 289 (HB1138) provides that the Department of Community Correction may collect reimbursement from a person residing in a community correction facility.

#### ***Reimbursement to County Jail***

ACT 1282 (HB1831) concerns reimbursement to a county jail by the Department of Community Correction for holding a person who is being sanctioned for a violation of supervision conditions.

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

ACT 287 (HB1021) designates the state agency or local correctional facility that is responsible for the cost of transporting an inmate in the Department of Correction or Department of Community Correction to and from a legal proceeding.

## **CORRECTIONS**

### DEPARTMENT OF CORRECTION

#### ***“Recidivism” Defined***

ACT 1030 (SB260) provides a definition of “recidivism “ as meaning a criminal act that results in the rearrest, reconviction, or return to incarceration of a person with or without a new sentence during a three-year period following the person’s release from custody.

#### ***HIV Testing***

ACT 440 (SB654) removes the requirement that the Department of Correction test an inmate for human immunodeficiency virus (HIV) before releasing the inmate.

#### ***Inmate Health Care Requests***

ACT 462 (SB803) provides that the Board of Correction may implement a copay charge for inmate-initiated health care requests.

#### ***Inmates - Medicaid***

ACT 467 (HB1351) provides that if an inmate in the Department of Correction or a person in the custody of the Department of Community Correction receives medical services that meet the criteria for Medicaid coverage, the departments are authorized to apply for Medicaid benefits.

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

ACT 287 (HB1021) designates the state agency or local correctional facility that is responsible for the cost of transporting an inmate in the Department of Correction or Department of Community Correction to and from a legal proceeding.

### GENERALLY

ACT 1335 (HB1350) makes technical corrections to provisions of Act 570 of 2011 concerning criminal defendants, the Department of Correction, and the Department of Community Correction.

### INMATES

#### ***Capital Punishment - Lethal Injection***

ACT 139 (SB237) provides for a revised procedure and protocol for the administration of a lethal injection as capital punishment at the Department of Correction. The act declares an emergency and is effective on and after February 20, 2013.

#### ***Debit Cards***

ACT 1158 (HB1822) provides that a county sheriff may issue a debit card to a person released from custody in order to clear the person’s commissary trust account.

#### ***Health Care Requests***

ACT 462 (SB803) provides that the Board of Correction may implement a copay charge for inmate-initiated health care requests.

#### ***HIV Testing***

ACT 440 (SB654) removes the requirement that the Department of Correction test an inmate for human immunodeficiency virus (HIV) before releasing the inmate.

#### ***Medicaid***

ACT 467 (HB1351) provides that if an inmate in the Department of Correction or a person in the custody of the Department of Community Correction receives medical services that meet the criteria for Medicaid coverage, the departments are authorized to apply for Medicaid benefits.

#### ***Reimbursement from Inmate***

ACT 289 (HB1138) provides that the Department of Community Correction may collect reimbursement from a person residing in a community correction facility.

## CORRECTIONS

### INMATES

#### ***Reimbursement to County Jail***

ACT 1282 (HB1831) concerns reimbursement to a county jail by the Department of Community Correction for holding a person who is being sanctioned for a violation of supervision conditions.

#### ***Terminology***

ACT 295 (HB1309) amends the terminology used to reference inmates in prisons and jails.

#### ***Transportation***

ACT 287 (HB1021) designates the state agency or local correctional facility that is responsible for the cost of transporting an inmate in the Department of Correction or Department of Community Correction to and from a legal proceeding.

### LOCAL JAILS

#### ***Concealed Handgun Licensing Exemptions***

ACT 1220 (HB2014) exempts an employee of a local detention facility or an auxiliary law enforcement officer from the concealed handgun licensing requirements.

#### ***Debit Cards***

ACT 1158 (HB1822) provides that a county sheriff may issue a debit card to a person released from custody in order to clear the person's commissary trust account.

#### ***Inmates***

ACT 295 (HB1309) amends the terminology used to reference inmates in prisons and jails.

#### ***Medicaid Coverage***

ACT 1117 (HB2034) establishes how an inmate in a local correctional facility may apply for Medicaid coverage and how a local correctional facility may apply for Medicaid coverage on behalf of an inmate.

#### ***Prohibited Articles***

ACT 129 (HB1242) expands the offense of furnishing, possessing, or using prohibited articles to include all correctional facilities.

#### ***Reimbursement to County Jail***

ACT 1282 (HB1831) concerns reimbursement to a county jail by the Department of Community Correction for holding a person who is being sanctioned for a violation of supervision conditions.

### PARDONS AND COMMUTATIONS

#### ***Waiver of Waiting Period for Application***

ACT 131 (HB1254) provides that the Parole Board shall promulgate rules that will establish a waiver of a waiting period for an application for pardon, commutation of sentence, or remission of a fine or forfeiture.

### PROBATION AND PAROLE

#### ***"Recidivism" Defined***

ACT 1030 (SB260) provides a definition of "recidivism" as meaning a criminal act that results in the rearrest, reconviction, or return to incarceration of a person with or without a new sentence during a three-year period following the person's release from custody.

#### ***Eligibility of Certain Offenders***

ACT 485 (SB259) provides that parole is discretionary for persons convicted of certain sexual or violent felonies.

#### ***Eligibility of Felony Sex Offenders***

ACT 136 (SB150) amends the parole eligibility for persons convicted of a felony sex offense. The act declares an emergency and is effective on and after February 20, 2013.

## **CORRECTIONS**

### PROBATION AND PAROLE

#### ***Intermediate Sanctions for Violations***

ACT 1415 (SB860) amends the number of times a person may be subject to an intermediate sanction and reduces the number of days a person may be given incarceration as an intermediate sanction for a violation of parole.

#### ***Parole Violations***

ACT 1029 (SB258) requires the Department of Community Correction to provide the Parole Board with information that a parolee has violated the terms and conditions of his or her parole, which in turn requires the Parole Board to issue a warrant for the parolee's arrest if the parolee was found to have committed a felony involving violence or a sexual act.

### PROBATION AND PAROLE - REVOCATION

ACT 130 (HB1253) provides that unless a parole revocation hearing is knowingly and intelligently waived by the parolee, a parole shall not be revoked except after a revocation hearing.

### PROBATION AND PAROLE OFFICERS

#### ***Parole Board - Concealed Handguns***

ACT 320 (HB1326) provides that a member of the Parole Board, an investigator employed by the Parole Board, or a parole revocation judge may carry a concealed handgun.

### STATE PRISONS

#### ***Inmates***

ACT 295 (HB1309) amends the terminology used to reference inmates in prisons and jails.

#### ***Lease or Rental of Land***

ACT 294 (HB1308) amends the provisions regarding the lease or rental of land owned by the state and used by the Board of Corrections.

## **COURTS**

### ADMINISTRATIVE OFFICE OF THE COURTS

ACT 375 (SB411) repeals the requirement for the Administrative Office of the Courts to develop a web-based mandated reporter training curriculum.

### APPELLATE COURTS

#### ***Appeals from Arkansas Pollution Control and Ecology Commission***

ACT 1021 (HB1687) streamlines the process for the review of certain determinations of the Arkansas Department of Environmental Quality and the Arkansas Pollution Control and Ecology Commission, amends the appeal provisions of the Arkansas Water and Pollution Control Act, and provides for a direct appeal of a determination by the commission to the Court of Appeals.

### ATTORNEYS

#### ***Investigations***

ACT 1115 (HB1987) provides for the sharing of investigatory information between the Arkansas Ethics Commission, Judicial Discipline and Disability Commission, and Supreme Court Committee on Professional Conduct.

### CIRCUIT COURTS

#### ***Pre-adjudication Probation Program***

ACT 1340 (HB1470) provides that each judicial district may create a probation program in circuit court that would operate before an adjudication in a manner similar to existing drug courts, and the act states that only certain defendants charged with lower-level felonies would be eligible.

## COURTS

### COUNTY COURTS

#### ***Appeals of Equalization Board Decisions - Filing Fee Prohibited***

ACT 544 (HB1755) prohibits a county court clerk from charging a fee for filing an appeal from a county equalization board regarding the assessment of property for tax purposes.

### COURT COSTS

ACT 1357 (HB2108) provides for an additional court cost of twenty-five dollars (\$25.00) for each conviction for an offense under § 5-26-301 et seq. for the benefit of the Domestic Peace Fund to be used by the Arkansas Child Abuse/Rape/Domestic Violence Commission as provided under the Arkansas Domestic Peace Act.

### DISTRICT COURTS

#### ***District Court Program***

ACT 1489 (HB1990) provides that Hot Spring County and Grant County will become part of the state district court program on January 1, 2017.

#### ***Fees***

ACT 1365 (HB2289) amends the requirements regarding the payment of the twenty-dollar fee authorized under § 16-17-129.

#### ***Judges and Clerks - Salary***

ACT 1346 (HB1713) amends the salary ranges for certain district court judges and clerks.

### FEES

ACT 1365 (HB2289) amends the requirements regarding the payment of the twenty-dollar fee authorized under § 16-17-129.

#### ***Funding for Courts and Court-related Services***

ACT 282 (SB307) provides funding for courts and court-related services by amending certain fees and fines assessed by the courts. The act also amends the assessment, collection, and remittance of funding for the State Administration of Justice Fund. The act declares an emergency and is effective on and after March 6, 2013.

### FUNDING

#### ***Administration of Justice Fund***

ACT 504 (HB1366) amends the law concerning distribution of the Administration of Justice Fund. The act declares an emergency and is effective on and after March 26, 2013.

#### ***Courts and Court-related Services***

ACT 282 (SB307) provides funding for courts and court-related services by amending certain fees and fines assessed by the courts. The act also amends the assessment, collection, and remittance of funding for the State Administration of Justice Fund. The act declares an emergency and is effective on and after March 6, 2013.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1148 (HB1724) repeals obsolete provisions in Title 16, including statutes already governed by the Arkansas Rules of Civil Procedure, the Arkansas Rules of Criminal Procedure, the Arkansas Rules of Evidence, the Court Rules, and statutes superseded by Amendment 80 of the Arkansas Constitution.

### JUDGES

#### ***Investigations***

ACT 1115 (HB1987) provides for the sharing of investigatory information between the Arkansas Ethics Commission, Judicial Discipline and Disability Commission, and Supreme Court Committee on Professional Conduct.

## COURTS

### PARTITION ACTIONS

ACT 1184 (SB1048) allows a court in a partition action to order the sale of all or part of the property to be sold by a negotiated sale and establish the terms and conditions of the negotiated sale. The act declares an emergency and is effective on and after April 12, 2013.

### PERSONNEL

ACT 282 (SB307) provides funding for courts and court-related services by amending certain fees and fines assessed by the courts. The act also amends the assessment, collection, and remittance of funding for the State Administration of Justice Fund. The act declares an emergency and is effective on and after March 6, 2013.

#### ***Concealed Handgun Licensing Exemption***

ACT 415 (HB1417) extends the concealed handgun license exemption to current and former certified law enforcement officers, auxiliary law enforcement officers, court bailiffs, and retired law enforcement officers.

#### ***Court-appointed Interpreters***

ACT 237 (HB1325) amends the process for appointment, certification, and regulation of court-appointed interpreters.

### PROBATE COURTS

#### ***Public Guardian***

ACT 582 (HB1811) amends the Public Guardianship Law to require the consent of the Public Guardian before appointment and to authorize the employment of Deputy Public Guardians.

### PROSECUTING ATTORNEYS

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

ACT 539 (HB1571) provides that a prosecuting attorney and his or her deputies are eligible to carry a concealed handgun. The act declares an emergency and is effective on and after March 28, 2013.

### RECORDS

ACT 470 (HB1440) provides that certain officials may access the registry at the Arkansas Crime Information Center that lists all persons who were adjudicated to have a mental disease or defect or were involuntarily committed.

### SEALING RECORDS

ACT 1460 (HB1638) amends, consolidates, clarifies, and simplifies the process for sealing a person's criminal record. The act concerns who is eligible to have a record sealed, which criminal offenses are able to be sealed, and the court procedures required to have the record sealed. The act is effective on and after January 1, 2014.

#### ***Human Trafficking***

ACT 1157 (HB1581) provides for the posting of certain information about the National Human Trafficking Resource Center Hotline in different places and businesses throughout the state. The act also provides for the sealing of certain criminal records when the person was being subjected to human trafficking.

#### ***Misdemeanors and Violations***

ACT 1301 (SB932) provides the requirements for sealing a record of a conviction of a misdemeanor or violation. The act is effective on and after January 1, 2014.

## CRIMINAL LAW AND PROCEDURE

### BAIL

ACT 1281 (HB1829) amends the law concerning the charging, collection, and remission of certain fees associated with bail bonds.

## CRIMINAL LAW AND PROCEDURE

### BURDEN OF PROOF

#### ***Arson***

ACT 982 (HB1514) abolishes the common law presumption that a fire was caused by an accident or natural causes.

### CONTROLLED SUBSTANCES

#### ***Common Nuisance Abatement***

ACT 1219 (HB1972) clarifies which common nuisances may be declared and abated when the nuisances are being used for the manufacture, sale, and use of controlled substances and states who may bring suit to have the common nuisance abated and who will be assessed the costs of litigation.

#### ***Heightened Sentence***

ACT 530 (SB778) provides for a heightened sentence when a person is convicted of delivering more than fourteen grams (14g) of a Schedule VI controlled substance and he or she has four (4) or more prior convictions of delivery of a controlled substance.

#### ***Obtaining by Fraud***

ACT 1192 (SB1123) provides that a second or subsequent conviction for attempt to obtain controlled substance by fraud is a Class D felony.

#### ***Schedule VI***

ACT 329 (HB1415) provides for additional substances to be classified as Schedule VI controlled substances.

#### ***Weight Thresholds***

ACT 529 (SB766) amends various weight thresholds and other elements for controlled substances criminal offense statutes.

### CONTROLLED SUBSTANCES DATABASE

#### ***Use for Child Maltreatment Investigations***

ACT 1090 (SB862) authorizes the Department of Human Services to petition a circuit court for access to the controlled substance database during a child maltreatment investigation.

### DEFENSES AND JUSTIFICATION

#### ***Mental Disease or Defect***

ACT 981 (HB1498) expands the definition of “qualified psychiatrist” and allows dismissals of frivolous lawsuits concerning the conditional release of individuals placed in custody of the Department of Human Services after a criminal defense of mental disease or defect.

#### ***Mental Disease or Defect - Evaluations***

ACT 506 (HB1484) clarifies the procedures a criminal defendant is required to go through to get a mental health evaluation for the purposes of his or her defense as well as what is required of the examiner and the written opinion itself. The act concerns both fitness-to-proceed and criminal responsibility evaluations.

#### ***Pregnant Woman’s Use of Deadly Force***

ACT 156 (SB170) authorizes a pregnant woman to use deadly force to protect her fetus.

### ELECTIONS

#### ***Destruction of Ballots***

ACT 1261 (SB961) creates an unclassified felony for the destruction of ballots and ballot-related materials.

### EVIDENCE AND WITNESSES

#### ***Confessions***

ACT 983 (HB1515) provides that a defendant’s in-court confession supported by substantial independent evidence that would tend to establish the trustworthiness of the confession may warrant a conviction.



## CRIMINAL LAW AND PROCEDURE

### EVIDENCE AND WITNESSES

#### ***Court-appointed Interpreters***

ACT 237 (HB1325) amends the process for appointment, certification, and regulation of court-appointed interpreters.

#### ***Driving While Intoxicated - Chemical Tests***

ACT 361 (SB357) provides additional, saliva chemical tests to show that a person was driving while intoxicated, operating a motorboat while intoxicated, operating or navigating an aircraft while intoxicated, or driving under the influence while underage. The act also provides the additional chemical tests to be used regarding commercial driver's licenses, driver's licenses, and hunting licenses.

#### ***Privileged Communications***

ACT 1353 (HB1971) provides that a communication made by an emergency responder to a certified peer support member, such as a law enforcement officer, firefighter, or emergency medical technician, during a peer support event is privileged. The act provides that a peer support event is any debriefing, defusing, or counseling session that involves the emotional or moral support of an emergency responder who needs support as a result of job-related stress or a job-related incident.

### EXTRADITION

#### ***Theft of Livestock***

ACT 498 (HB1704) allows the Governor to request extradition of persons charged with theft by deception relating to the sale of livestock at an auction.

### GENERALLY

ACT 1335 (HB1350) makes technical corrections to provisions of Act 570 of 2011 concerning criminal defendants, the Department of Correction, and the Department of Community Correction.

#### ***Repeal of Obsolete Laws***

ACT 1348 (HB1735) repeals obsolete provisions in Title 5, including those allowing animals into enclosures and those concerning certain animals running at large, larceny of animals, destruction of native growth, unlawful entry up on enclosed grazing land, vagrancy, use of symbols that advocate criminal acts, contempt for or destruction of the United States flag, and certain statutes already covered by other criminal offense statutes or by the Arkansas Rules of Criminal Procedure.

### JUVENILES

#### ***Capital Punishment***

ACT 1490 (HB1993) reaffirms and codifies a recent United States Supreme Court holding that a person cannot be sentenced to death for capital murder if the person was a juvenile at the time of the offense. The act provides that the juvenile may be sentenced to only life without parole or life with the possibility of parole after serving a minimum of twenty-eight (28) years imprisonment.

### OFFENSES AGAINST PROPERTY

#### ***All-terrain Vehicles***

ACT 1363 (HB2250) provides for the seizure and forfeiture of an all-terrain vehicle used in the commission of a second or subsequent offense for criminal trespass under Arkansas Code § 5-39-203 that occurs within five (5) years of a prior offense of criminal trespass.

#### ***Arson - Burden of Proof***

ACT 982 (HB1514) abolishes the common law presumption that a fire was caused by an accident or natural causes.

## CRIMINAL LAW AND PROCEDURE

### OFFENSES AGAINST PROPERTY

#### ***Criminal Impersonation***

ACT 1178 (SB1032) provides that second-degree criminal impersonation is a Class D felony if the victim is an animal owner and the animal is seized as a result of the offense.

#### ***Criminal Trespass***

ACT 960 (SB906) clarifies the definition of “fence” as it is used in agriculture and amends the offense of criminal trespass to include removal of a posted sign or fence.

#### ***Forgery***

ACT 1515 (HB2297) amends the offense of forgery to include a representation by a fictitious person or by a person who falsely holds himself or herself out as authorized to act.

#### ***Hot Checks***

ACT 425 (HB1558) amends the methods the state may employ to aggregate hot checks for the purpose of prosecuting a person under the Arkansas Hot Check Law.

#### ***Pawn Shops - Unlawful Transfer of Stolen Property***

ACT 1290 (HB2168) creates the offense of unlawful transfer of stolen property to a pawn shop or pawnbroker, which is a Class A misdemeanor unless it is a second or subsequent offense within five (5) years, which is a Class D felony.

#### ***Scrap Metal Dealers***

ACT 1354 (HB1975) provides for criminal sentence enhancements when scrap metal is involved in theft or criminal mischief, requires heightened record keeping with criminal and civil penalties for noncompliance, and requires a license to sell certain scrap metal.

#### ***Theft by Receiving a Firearm***

ACT 548 (HB1856) amends the dollar value threshold between a Class C and a Class D felony for theft by receiving a firearm.

#### ***Use of Software or Devices to Evade Taxes***

ACT 1076 (SB718) creates criminal and civil penalties for manufacturing, selling, renting, leasing, making available, purchasing, installing, transferring, possessing, or using software or other devices and mechanisms that modify or falsify electronic records for the purpose of evading taxes.

### OFFENSES AGAINST PUBLIC HEALTH, SAFETY, OR WELFARE

#### ***“Novelty Lighter” Defined***

ACT 232 (HB1280) amends the definition of what constitutes a “novelty lighter”.

#### ***“Unborn Child” Defined***

ACT 1032 (SB417) changes the definition of “unborn child” in the criminal code and in wrongful death actions to specify that “unborn child” means the offspring of human beings from conception until birth. The act exempts various medical procedures under the criminal code.

#### ***Capture, Release, and Transport of Feral Hogs***

ACT 1104 (HB1478) amends the definition of “feral hog”; regulates the capturing and killing of feral hogs on public and private property; increases the penalties for releasing hogs into the wild; creates criminal penalties for purchasing, selling, offering for sale, receiving, possessing, importing, distributing, or transporting live feral hogs; and provides for the forfeiture of feral hogs and any equipment used to violate the laws regarding the capture, release, or transport of feral hogs.

## CRIMINAL LAW AND PROCEDURE

### OFFENSES AGAINST PUBLIC HEALTH, SAFETY, OR WELFARE

#### ***Criminal Possession of Body Armor***

ACT 542 (HB1708) amends the offense of criminal possession of body armor by expanding its applicability to include a person who is committing or attempting to commit certain criminal offenses. The act also amends the offense to make it a Class D felony.

#### ***Driving While Intoxicated - Chemical Tests***

ACT 361 (SB357) provides additional, saliva chemical tests to show that a person was driving while intoxicated, operating a motorboat while intoxicated, operating or navigating an aircraft while intoxicated, or driving under the influence while underage. The act also provides the additional chemical tests to be used regarding commercial driver's licenses, driver's licenses, and hunting licenses.

#### ***Driving While Intoxicated - Ignition Interlock Device***

ACT 479 (HB1694) provides that a restricted driver's license shall be available immediately to a person who has been charged with driving while intoxicated if he or she is allowed to use an ignition interlock device.

#### ***Driving While Intoxicated - Seizure of Motor Vehicle***

ACT 412 (HB1271) increases the look-back period allowable for the seizure of a person's motor vehicle when he or she is convicted of a fourth offense of driving while intoxicated.

#### ***E-Cigarettes - Minors***

ACT 1451 (HB1398) prohibits the transfer of e-cigarettes and other nicotine products to minors and prohibits minors from possessing or buying e-cigarettes.

#### ***Fireworks***

ACT 1000 (HB1930) provides that a fireworks importer license does not authorize a person to sell fireworks at wholesale or retail, that a jobber that does not possess an importer license shall not purchase fireworks other than from a vendor that holds an importer and distributor license, and that the sale or use of sky lanterns is prohibited. The act is effective on and after January 1, 2014.

#### ***Insurance Fraud in Procurement of Medical Services***

ACT 513 (HB1874) creates the criminal offense of insurance fraud by use of a procurer and enumerates the prohibited acts by a procurer. The act also expands the authority of the Arkansas State Board of Chiropractic Examiners to take administrative action in certain cases.

#### ***Natural Gas Pipeline Safety***

ACT 1343 (HB1582) increases the penalties for violating the Arkansas Natural Gas Pipeline Safety Act of 1971 and clarifies the state law criminal offenses and penalties for pipeline safety infractions.

#### ***Obtaining Controlled Substances by Fraud***

ACT 1192 (SB1123) provides that a second or subsequent conviction for attempt to obtain controlled substance by fraud is a Class D felony.

#### ***Primate Registration and Regulation***

ACT 1337 (HB1391) prohibits, except at qualified facilities, the importation, possession, sale, and breeding of nonhuman primates other than apes, macaques, and baboons; requires registration of all primates; and creates penalties for the mistreatment of primates.

#### ***Removal of Animal Transmittal Device***

ACT 1094 (SB902) creates the offense of removal of an animal's transmittal device, which is designated a Class C misdemeanor. The act applies only to dogs used in hunting or raptors used in falconry, and the act includes provisions for restitution.

**CRIMINAL LAW AND PROCEDURE**

OFFENSES AGAINST PUBLIC HEALTH, SAFETY, OR WELFARE

***Sex Offender Registration Fees***

ACT 42 (SB56) provides, subject to good faith defenses for nonpayment, that a person who relocates to this state and was convicted of an offense in another state that requires registration as a sex offender in this state shall pay a fee of two hundred fifty dollars (\$250) within ninety (90) days from the date of registration, and the act states that the failure to do so upon conviction is a Class A misdemeanor. The act also provides that the fee will be collected and paid into the Sex and Child Offenders Registration Fund.

***Stalking***

ACT 1014 (HB2146) creates the offense of stalking in the third degree, removes the defense of lack of notice for stalking, and creates a civil right of action for victims of stalking.

***Unlawful Procurement of a Firearm***

ACT 507 (HB1503) creates the offense of unlawful procurement of a firearm, which is intended to stop certain straw-man purchases for persons otherwise prohibited from purchasing or possessing a firearm.

OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT

***Criminal Impersonation***

ACT 433 (SB171) amends the offense of criminal impersonation in the second degree.

***Destruction of Ballots***

ACT 1261 (SB961) creates an unclassified felony for the destruction of ballots and ballot-related materials.

***Failure to Appear***

ACT 1193 (SB1134) amends the criminal penalties for failure to appear by making it a Class D felony if the person fails to appear for a revocation hearing under § 16-93-307 and the person was on probation or had a suspended sentence for a felony offense.

***Fraud Relating to Initiative and Referendum Petitions***

ACT 1413 (SB821) amends the criminal penalties available for illegal acts relating to initiative and referendum petitions.

***Prohibited Articles***

ACT 129 (HB1242) expands the offense of furnishing, possessing, or using prohibited articles to include all correctional facilities.

OFFENSES AGAINST THE PERSON

***Aggravated Assault on a Family or Household Member***

ACT 418 (HB1450) amends the offense of aggravated assault on a family or household member to include additional acts that fall under the offense.

***Arkansas Human Trafficking Act of 2013***

ACT 132 (SB242) creates the Arkansas Human Trafficking Act of 2013, which comprehensively amends certain statutes associated with human trafficking and prostitution, creates a statewide task force, and provides a civil cause of action. The act is identical to Act 133 of 2013.

***Arkansas Human Trafficking Act of 2013***

ACT 133 (HB1203) creates the Arkansas Human Trafficking Act of 2013, which comprehensively amends certain statutes associated with human trafficking and prostitution, creates a statewide task force, and provides a civil cause of action. The act is identical to Act 132 of 2013.

***Cyberbullying***

ACT 1492 (HB2000) amends the offense of cyberbullying.

**CRIMINAL LAW AND PROCEDURE**  
**OFFENSES AGAINST THE PERSON**

***Domestic Battery - Sentences***

ACT 417 (HB1449) amends the sentences available upon a person's second or subsequent conviction for domestic battering in the first, second, or third degree.

***Driving While Intoxicated - Battery***

ACT 429 (HB1250) amends the criminal offense of battery in the second degree to reflect when injury to another person occurs as a result of driving while intoxicated.

***Human Trafficking of Children***

ACT 1257 (SB869) provides for a number of different provisions related to human trafficking of children. The act creates an additional fine of two hundred fifty dollars (\$250) for a conviction for human trafficking, prostitution, and sexual solicitation, to be payable into the newly created Safe Harbor Fund for Sexually Exploited Children. The act requires the Department of Finance and Administration to develop a statewide protocol for helping to coordinate the delivery of services to sexually exploited children. The act also provides for training to appropriate state agencies and officers regarding sexually exploited children.

***Limitations Period for Certain Sex Offenses Involving Minors***

ACT 144 (SB92) amends the limitations period during which the state may bring charges for certain sex offenses involving minors.

***Negligent Homicide***

ACT 1296 (SB874) amends the negligent homicide statute to provide that a person is criminally liable if he or she negligently causes the death of another while operating a vehicle while fatigued, which is defined as having been without sleep for a period of twenty-four (24) hours.

***No Contact Orders***

ACT 1103 (HB1448) provides that a court may enter an extended, post-conviction no contact order stemming from a conviction for certain serious violent, sexual, or family-centric felony offenses.

***Sexual Assault by Person in a Position of Trust or Authority***

ACT 1044 (SB977) clarifies the elements for sexual assault in the first degree to add the requirement that a teacher, principal, athletic coach, or counselor in a public or private school be in a position of trust or authority over the victim.

***Sexual Grooming of a Child***

ACT 1114 (HB1973) creates the offense of sexual grooming of a child and requires the person convicted of the offense to register as a sex offender.

***Slayer's Beneficiaries***

ACT 1019 (SB781) prohibits children of a person who murders his or her spouse from collecting from the murdered spouse's estate if the murdered spouse died without a will unless the children were also children of the murdered spouse.

**OFFENSES INVOLVING FAMILIES AND DEPENDENTS**

***Aggravated Assault on a Family or Household Member***

ACT 418 (HB1450) amends the offense of aggravated assault on a family or household member to include additional acts that fall under the offense.

***Child Maltreatment and Sex Offenses***

ACT 1086 (SB829) expands the statute of limitations for the failure of a mandated reporter to report, clarifies sexual assault in the second degree, and creates the offense of possession of sexually explicit digital material.

## CRIMINAL LAW AND PROCEDURE

### OFFENSES INVOLVING FAMILIES AND DEPENDENTS

#### ***Child Maltreatment Investigations***

ACT 426 (HB1574) extends the time frame to investigate certain crimes involving a child from thirty (30) days to forty-five (45) days regardless of whether the investigation is conducted by the Department of Human Services, the Crimes Against Children Division of the Department of Arkansas State Police, or local law enforcement.

#### ***Domestic Battery - Sentences***

ACT 417 (HB1449) amends the sentences available upon a person's second or subsequent conviction for domestic battering in the first, second, or third degree.

#### ***No Contact Orders***

ACT 1103 (HB1448) provides that a court may enter an extended, post-conviction no contact order stemming from a conviction for certain serious violent, sexual, or family-centric felony offenses.

#### ***Slayer's Beneficiaries***

ACT 1019 (SB781) prohibits children of a person who murders his or her spouse from collecting from the murdered spouse's estate if the murdered spouse died without a will unless the children were also children of the murdered spouse.

### PROCEDURAL RULES

#### ***Capital Punishment - Lethal Injection***

ACT 139 (SB237) provides for a revised procedure and protocol for the administration of a lethal injection as capital punishment at the Department of Correction. The act declares an emergency and is effective on and after February 20, 2013.

#### ***Limitations Period for Certain Sex Offenses Involving Minors***

ACT 144 (SB92) amends the limitations period during which the state may bring charges for certain sex offenses involving minors.

#### ***Mental Disease or Defect - Evaluations***

ACT 506 (HB1484) clarifies the procedures a criminal defendant is required to go through to get a mental health evaluation for the purposes of his or her defense as well as what is required of the examiner and the written opinion itself. The act concerns both fitness-to-proceed and criminal responsibility evaluations.

#### ***Pre-adjudication Probation Program***

ACT 1340 (HB1470) provides that each judicial district may create a probation program in circuit court that would operate before an adjudication in a manner similar to existing drug courts, and the act states that only certain defendants charged with lower-level felonies would be eligible.

### PUBLIC DEFENDERS

#### ***Recovery of Fees***

ACT 961 (SB921) provides for the recovery of public defender usage fees through placing a lien on a former defendant's state income tax refund, lottery winnings, or legal settlements, among other revenue streams. The act also provides a nonbinding fee schedule for the defense of different classes of offenses.

### RESTITUTION, FORFEITURE, AND DISPOSITION OF PROPERTY

ACT 225 (HB1241) provides that restitution is excluded from the court-ordered fines that may be reduced by a period of imprisonment.

#### ***Acts of Terrorism***

ACT 1295 (SB630) provides for certain civil remedies, including forfeiture of property, against a person who engages in an act of terrorism.

## CRIMINAL LAW AND PROCEDURE

### RESTITUTION, FORFEITURE, AND DISPOSITION OF PROPERTY

#### ***All-terrain Vehicles***

ACT 1363 (HB2250) provides for the seizure and forfeiture of an all-terrain vehicle used in the commission of a second or subsequent offense for criminal trespass under Arkansas Code § 5-39-203 that occurs within five (5) years of a prior offense of criminal trespass.

#### ***Driving While Intoxicated***

ACT 412 (HB1271) increases the look-back period allowable for the seizure of a person's motor vehicle when he or she is convicted of a fourth offense of driving while intoxicated.

#### ***Wrongful Death***

ACT 1426 (SB1086) amends the statute of limitations for wrongful death claims and amends the existing provision that a person may not benefit economically from the commission of a criminal act.

### SEARCH AND SEIZURE

#### ***Animals - Custody***

ACT 1175 (SB1016) amends the law regarding the appropriate place of custody for an animal seized by law enforcement. The act also provides that an animal may be returned to an out-of-state owner if the prosecuting attorney has decided against filing charges against the owner.

#### ***Animals - Responsibility for Expenses***

ACT 1160 (SB13) provides that an owner of an animal seized by law enforcement is responsible only for reasonable expenses incurred while the animal was in custody.

### SENTENCING AND PENALTIES

#### ***All-terrain Vehicles***

ACT 1363 (HB2250) provides for the seizure and forfeiture of an all-terrain vehicle used in the commission of a second or subsequent offense for criminal trespass under Arkansas Code § 5-39-203 that occurs within five (5) years of a prior offense of criminal trespass.

#### ***Capital Punishment - Juveniles***

ACT 1490 (HB1993) reaffirms and codifies a recent United States Supreme Court holding that a person cannot be sentenced to death for capital murder if the person was a juvenile at the time of the offense. The act provides that the juvenile may be sentenced to only life without parole or life with the possibility of parole after serving a minimum of twenty-eight (28) years imprisonment.

#### ***Capital Punishment - Lethal Injection***

ACT 139 (SB237) provides for a revised procedure and protocol for the administration of a lethal injection as capital punishment at the Department of Correction. The act declares an emergency and is effective on and after February 20, 2013.

#### ***Criminal Impersonation***

ACT 1178 (SB1032) provides that second-degree criminal impersonation is a Class D felony if the victim is an animal owner and the animal is seized as a result of the offense.

#### ***Domestic Battery***

ACT 417 (HB1449) amends the sentences available upon a person's second or subsequent conviction for domestic battering in the first, second, or third degree.

#### ***Driving While Intoxicated - Excessive Offenses***

ACT 1268 (SB1133) provides that driving while intoxicated, sixth offense or higher, is a Class B felony. The act provides that the look-back period for this offense is ten (10) years.

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

***Failure to Appear***

ACT 1193 (SB1134) amends the criminal penalties for failure to appear by making it a Class D felony if the person fails to appear for a revocation hearing under § 16-93-307 and the person was on probation or had a suspended sentence for a felony offense.

***Human Trafficking of Children***

ACT 1257 (SB869) provides for a number of different provisions related to human trafficking of children. The act creates an additional fine of two hundred fifty dollars (\$250) for a conviction for human trafficking, prostitution, and sexual solicitation, to be payable into the newly created Safe Harbor Fund for Sexually Exploited Children. The act requires the Department of Finance and Administration to develop a statewide protocol for helping to coordinate the delivery of services to sexually exploited children. The act also provides for training to appropriate state agencies and officers regarding sexually exploited children.

***No Contact Orders***

ACT 1103 (HB1448) provides that a court may enter an extended, post-conviction no contact order stemming from a conviction for certain serious violent, sexual, or family-centric felony offenses.

***Obtaining Controlled Substances by Fraud***

ACT 1192 (SB1123) provides that a second or subsequent conviction for attempt to obtain controlled substance by fraud is a Class D felony.

***Pre-adjudication Probation Program***

ACT 1340 (HB1470) provides that each judicial district may create a probation program in circuit court that would operate before an adjudication in a manner similar to existing drug courts, and the act states that only certain defendants charged with lower-level felonies would be eligible.

***Precious Metals***

ACT 1213 (HB1747) amends the laws concerning certain dealers in precious metals and purchasers of gold, silver, and other precious metals, including residency, registration, and record-keeping requirements, and the act establishes criminal penalties for noncompliance.

***Restitution***

ACT 225 (HB1241) provides that restitution is excluded from the court-ordered fines that may be reduced by a period of imprisonment.

***Scrap Metal Dealers***

ACT 1354 (HB1975) provides for criminal sentence enhancements when scrap metal is involved in theft or criminal mischief, requires heightened record keeping with criminal and civil penalties for noncompliance, and requires a license to sell certain scrap metal.

***Uniform Motor Vehicle Driver's License Act - Violations***

ACT 85 (SB55) provides that a person who violates the Uniform Motor Vehicle Driver's License Act may be punished by a fine, imprisonment, or both.

**SEX OFFENDERS**

***Adam Walsh Child Protection and Safety Act***

ACT 508 (HB1525) amends the obligations of persons and law enforcement concerning the registration of sex offenders to bring the state into further compliance with the Adam Walsh Child Protection and Safety Act.

***Arkansas Legislative Task Force for Review of Travel Restrictions for Sex Offenders***

ACT 1060 (HB2159) creates the Arkansas Legislative Task Force for Review of Travel Restrictions for Sex Offenders.



## CRIMINAL LAW AND PROCEDURE

### SEX OFFENDERS

#### ***Lifetime Registration***

ACT 1248 (SB653) makes technical corrections to the provision that requires lifetime registration as a sex offender and adds persons assessed as Level 4 sexually dangerous persons.

#### ***Limitations Period for Certain Sex Offenses Involving Minors***

ACT 144 (SB92) amends the limitations period during which the state may bring charges for certain sex offenses involving minors.

#### ***No Contact Orders***

ACT 1103 (HB1448) provides that a court may enter an extended, post-conviction no contact order stemming from a conviction for certain serious violent, sexual, or family-centric felony offenses.

#### ***Parole Eligibility - Certain Sexual or Violent Offenders***

ACT 485 (SB259) provides that parole is discretionary for persons convicted of certain sexual or violent felonies.

#### ***Parole Eligibility - Felony Sex Offenders***

ACT 136 (SB150) amends the parole eligibility for persons convicted of a felony sex offense. The act declares an emergency and is effective on and after February 20, 2013.

#### ***Prohibited in Certain Areas of State Parks***

ACT 39 (SB12) provides that a Level 3 or Level 4 sex offender is prohibited from being at a swimming area or children's playground contained within an Arkansas state park. The act declares an emergency and is effective on and after February 6, 2013.

#### ***Sexual Assault by Person in a Position of Trust or Authority***

ACT 1044 (SB977) clarifies the elements for sexual assault in the first degree to add the requirement that a teacher, principal, athletic coach, or counselor in a public or private school be in a position of trust or authority over the victim.

#### ***Sexual Grooming of a Child***

ACT 1114 (HB1973) creates the offense of sexual grooming of a child and requires the person convicted of the offense to register as a sex offender.

#### ***Sexually Dangerous Persons***

ACT 505 (HB1409) amends the term "sexually violent predator" throughout the Arkansas Code to now read "sexually dangerous person".

### TECHNICAL CORRECTIONS - CRIMINAL OFFENSES - TITLE 5

ACT 1125 (SB178) makes technical corrections recommended by the Arkansas Code Revisions Commission to Title 5 of the Arkansas Code.

### VICTIMS

#### ***Human Trafficking of Children***

ACT 1257 (SB869) provides for a number of different provisions related to human trafficking of children. The act creates an additional fine of two hundred fifty dollars (\$250) for a conviction for human trafficking, prostitution, and sexual solicitation, to be payable into the newly created Safe Harbor Fund for Sexually Exploited Children. The act requires the Department of Finance and Administration to develop a statewide protocol for helping to coordinate the delivery of services to sexually exploited children. The act also provides for training to appropriate state agencies and officers regarding sexually exploited children.

#### ***No Contact Orders***

ACT 1103 (HB1448) provides that a court may enter an extended, post-conviction no contact order stemming from a conviction for certain serious violent, sexual, or family-centric felony offenses.

## CRIMINAL LAW AND PROCEDURE

### WARRANTS AND CITATIONS

#### ***Parole Violations***

ACT 1029 (SB258) requires the Department of Community Correction to provide the Parole Board with information that a parolee has violated the terms and conditions of his or her parole, which in turn requires the Parole Board to issue a warrant for the parolee's arrest if the parolee was found to have committed a felony involving violence or a sexual act.

### WEAPONS

#### ***"Journey" Doctrine***

ACT 746 (HB1700) defines a "journey" as "travel beyond the county in which a person lives" for the purpose of possessing a handgun. The act also amends the mental state to require that a person have the purpose to attempt to unlawfully employ the weapon as a weapon against a person.

#### ***Concealed Handgun License - National Guard Members and Spouses***

ACT 989 (HB1631) waives the 90-day residency requirement for a concealed handgun license for the spouse of an active-duty member of the United States Armed Forces. The act also amends certain requirements for a member of the Arkansas National Guard or an armed forces reservist who applies for a concealed handgun license.

#### ***Concealed Handgun Licensing - Reciprocity***

ACT 1089 (SB858) provides that a person who has a valid concealed handgun license from another state is automatically given reciprocity in Arkansas.

#### ***Concealed Handgun Licensing Exemption***

ACT 415 (HB1417) extends the concealed handgun license exemption to current and former certified law enforcement officers, auxiliary law enforcement officers, court bailiffs, and retired law enforcement officers.

#### ***Concealed Handgun Licensing Exemptions***

ACT 1220 (HB2014) exempts an employee of a local detention facility or an auxiliary law enforcement officer from the concealed handgun licensing requirements.

#### ***Concealed Handguns - Prosecuting Attorneys***

ACT 539 (HB1571) provides that a prosecuting attorney and his or her deputies are eligible to carry a concealed handgun. The act declares an emergency and is effective on and after March 28, 2013.

#### ***Electronic Copy of License***

ACT 419 (HB1458) provides that an electronic copy of a concealed handgun license is sufficient for presentment and that presentment in an electronic format does not authorize a search of the electronic device or expand or restrict the authority of law enforcement to conduct a search.

#### ***Institutions of Higher Education - Concealed Handguns***

ACT 226 (HB1243) provides that a person who has a license to carry a concealed handgun may possess a concealed handgun in the buildings and on the grounds of the institute of higher education where he or she is employed unless otherwise prohibited. The act requires the licensee to be a staff member and allows the governing board of the institute of higher education to adopt a policy that expressly disallows the carrying of a concealed handgun by staff members in the buildings or on the grounds of the institute of higher education.

## CRIMINAL LAW AND PROCEDURE

### WEAPONS

#### ***Nondisclosure of Information Concerning Concealed Carry License***

ACT 145 (SB131) exempts from disclosure under the Freedom of Information Act of 1967 the name and corresponding zip code of an applicant, licensee, or past licensee for a license to carry a concealed handgun. The act declares an emergency and is effective on and after February 22, 2013.

#### ***Parole Board - Concealed Handguns***

ACT 320 (HB1326) provides that a member of the Parole Board, an investigator employed by the Parole Board, or a parole revocation judge may carry a concealed handgun.

#### ***Prohibited Areas - Churches***

ACT 67 (SB71) provides that a church or other place of worship may determine if a person who has a license to carry a concealed handgun may carry a concealed handgun into the church or other place of worship. The act declares an emergency and is effective on and after February 11, 2013.

#### ***Prohibited Areas - Private School Operated by a Church or Other Place of Worship***

ACT 1390 (SB896) provides a defense to prosecution for the possession of a firearm on school property if the person has a concealed handgun license and is carrying on the developed property of a private school operated by a church or other place of worship and if the church or other place of worship allows a person to carry a concealed handgun on its property.

#### ***Reduced Concealed Handgun Licensing Fee for Seniors***

ACT 1271 (HB1329) reduces to fifty dollars (\$50.00) the fee charged to a person sixty-five (65) years of age or older for a concealed handgun license. The act declares an emergency and is effective on and after April 16, 2013.

#### ***Theft by Receiving a Firearm***

ACT 548 (HB1856) amends the dollar value threshold between a Class C and a Class D felony for theft by receiving a firearm.

#### ***Unlawful Procurement of a Firearm***

ACT 507 (HB1503) creates the offense of unlawful procurement of a firearm, which is intended to stop certain straw-man purchases for persons otherwise prohibited from purchasing or possessing a firearm.

## ECONOMIC DEVELOPMENT

### BUSINESS AND INDUSTRY DEVELOPMENT

ACT 1095 (SB929) implements recommendations to expand opportunities to create high-technology, knowledge-based jobs and fosters economic development by restructuring certain programs and program requirements and expanding the duties of the Arkansas Research Alliance. The act declares an emergency and is effective on and after April 11, 2013.

#### ***Amendment 82 Steel Mill Project***

ACT 1084 (SB820) declares a steel mill to be a large economic development project that qualifies as an Amendment 82 project, authorizes the issuance of general obligation bonds under Amendment 82 to the Arkansas Constitution to assist in the development of the steel mill project, approves and authorizes the execution of an Amendment 82 agreement, exempts from the sales and use tax sales of natural gas and electricity to qualified manufacturers of steel under Amendment 82, and extends the carry-forward period for the income tax credit for the purchase of waste reduction, reuse, or recycling equipment by qualified manufacturers of steel under Amendment 82. The act is identical to Act 1476 of 2013. The act declares an emergency and is effective on and after April 11, 2013.

**ECONOMIC DEVELOPMENT****BUSINESS AND INDUSTRY DEVELOPMENT*****Amendment 82 Steel Mill Project***

ACT 1476 (HB1870) declares a steel mill to be a large economic development project that qualifies as an Amendment 82 project, authorizes the issuance of general obligation bonds under Amendment 82 to the Arkansas Constitution to assist in the development of the steel mill project, approves and authorizes the execution of an Amendment 82 agreement, exempts from the sales and use tax sales of natural gas and electricity to qualified manufacturers of steel under Amendment 82, and extends the carry-forward period for the income tax credit for the purchase of waste reduction, reuse, or recycling equipment by qualified manufacturers of steel under Amendment 82. The act is identical to Act 1084 of 2013. The act declares an emergency and is effective on and after April 11, 2013.

***Incentives for Digital Products and Motion Pictures***

ACT 496 (HB1633) increases the production and postproduction rebate amounts available under the Digital Product and Motion Picture Industry Development Act of 2009, increases the amount of expenditures necessary to be eligible for a production rebate, addresses the expenditures that are eligible for a rebate, and requires weekly expenditure reports by production companies.

***Major Maintenance and Improvement Projects - Incentive***

ACT 1404 (SB334) provides a refund for all of the sales and use tax paid for major maintenance and improvement projects that are approved by the Arkansas Economic Development Commission. The act is effective on and after July 1, 2014.

***New Market Tax Credit***

ACT 1474 (HB1832) allows a business entity that makes a qualified equity investment to earn a vested right to a tax credit against state premium tax liability, regulates the transferability and recapture of the tax credit, provides for certification and decertification of the investments eligible for the tax credit, and requires reports and revenue impact assessments by taxpayers eligible for the credit. The act declares an emergency and is effective on and after April 22, 2013.

***Qualified Drop-in Biofuels Manufacturers - Incentive***

ACT 1418 (SB941) creates an income tax exemption for qualified drop-in biofuels manufacturers for up to twenty (20) years if the qualified drop-in biofuels manufacturers invest at least twenty million dollars (\$20,000,000) in a new or expanded facility in the state and create at least one hundred (100) new jobs. The act is effective for tax years beginning on and after January 1, 2013.

***Regional Economic Development Partnerships***

ACT 1112 (HB1931) amends the requirements for regional economic development partnerships, amends the application requirements for entities seeking approval as a regional economic development partnership, amends the allocation of state funding and the eligible uses of state funds, and amends the reporting requirements for regional economic development partnerships.

**DEVELOPMENT FINANCE AUTHORITY (ADFA)*****Amendment 89 Enabling Legislation***

ACT 1252 (SB824) provides the enabling legislation for Amendment 89 to the Arkansas Constitution relating to energy efficiency bonds authorized by state entities, provides for the authorization and issuance of bonds for energy efficiency projects, allows the Arkansas Development Finance Authority to issue bonds at the request of a state entity for energy efficiency projects, and regulates energy efficiency project bonds.

## ECONOMIC DEVELOPMENT

### DEVELOPMENT FINANCE AUTHORITY (ADFA)

#### ***Capital Access Program - Arkansas Credit Reserve Program***

ACT 1222 (HB2047) creates the Arkansas Credit Reserve Program within the Arkansas Capital Access Program For Small Business and allows alternative methods of paying fees under the Arkansas Capital Access Program For Small Business.

### ECONOMIC DEVELOPMENT COMMISSION (AEDC)

#### ***Functions, Powers, and Duties***

ACT 1185 (SB1065) updates and amends the laws concerning the functions, powers, duties, and reporting requirements of the Arkansas Economic Development Council and the Arkansas Economic Development Commission.

### ENERGY CONSERVATION AND DEVELOPMENT

#### ***Incentives for Clean-burning Motor Fuel Development***

ACT 532 (SB792) provides rebates for approved compressed natural gas, liquefied natural gas, and liquefied petroleum gas refueling stations and for qualified clean-burning motor vehicle fuel property and requires the Arkansas Energy Office to administer the rebates provided for in the act.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1149 (HB1725) repeals obsolete provisions in Title 15, including provisions concerning the powers and duties of the Arkansas Workforce Investment Board, an expired tax credit for biodiesel suppliers, previous grants to the Arkansas Development Finance Authority's Bond Guaranty Reserve Account, and previously received moneys for the Correction Facilities Construction Fund.

### SCIENCE AND TECHNOLOGY

ACT 1095 (SB929) implements recommendations to expand opportunities to create high-technology, knowledge-based jobs and fosters economic development by restructuring certain programs and program requirements and expanding the duties of the Arkansas Research Alliance. The act declares an emergency and is effective on and after April 11, 2013.

## EDUCATION - GENERAL

### ADMINISTRATION - GENERALLY

ACT 581 (HB1810) repeals the laws establishing the following commissions and councils relating to public education: the Arkansas Project Graduation Commission, the Compact for Education with the Education Commission of the States, the Arkansas Public Schools Accountability Advisory Council, the Arkansas Pygmalion Commission on Nontraditional Education, and the Commission on Improving Public Schools' Basic Skills Opportunities Through Technology.

#### ***Compressed Natural Gas School Bus Pilot Program***

ACT 1195 (SB1146) creates the Compressed Natural Gas School Bus Pilot Program to run during the 2014 and 2015 fiscal years. The act provides that any school district may apply, and one will be chosen from each of the four congressional school districts to receive from the Division of Public School Academic Facilities and Transportation ten (10) compressed natural gas school buses. The act also increases the amount that a school district may borrow from the Revolving Loan Fund to one million five hundred thousand dollars (\$1,500,000) for participating school districts.

## EDUCATION - GENERAL

### ADMINISTRATION - GENERALLY

#### ***Council on Postsecondary Education and Career Readiness***

ACT 585 (HB1838) establishes the Council on Postsecondary Education and Career Readiness to facilitate the collaboration of kindergarten, elementary, secondary, and postsecondary educational institutions in Arkansas in developing college and career readiness standards that align school curriculum and graduation standards with postsecondary education requirements and business community expectations for employability. The act also provides that before a student's graduation from high school, a high school shall assess the student's college readiness based on the statewide college and career readiness standards determined and implemented by the State Board of Education, and for each student who does not meet the college and career standards, the school shall provide transitional courses and related strategies that allow for accelerated skill and knowledge development consistent with the college and career readiness standards.

#### ***Professional Licensure Standards Board***

ACT 1070 (SB518) amends the membership of the Professional Licensure Standards Board.

#### ***School District Coordinator***

ACT 958 (SB839) provides that a county may abolish the position of school district coordinator when the position has been vacant for five (5) years and may transfer the funds used for that position to the county's general fund.

#### ***Veterans Preference***

ACT 444 (HB1517) extends statutory veterans preference in interviewing and hiring to school districts.

### BOARD OF EDUCATION

#### ***Administrative Reorganization***

ACT 1412 (SB794) requires legislative review of the administrative reorganization of school districts and the assumption of administrative authority of a school district by the State Board of Education.

### CHARTER SCHOOLS

#### ***Open Enrollment Public Charter School Capital Grant Program***

ACT 1064 (SB117) establishes the Open Enrollment Public Charter School Capital Grant Program to provide funding assistance to open enrollment public charter schools through grants.

#### ***Open-Enrollment Public Charter School Facilities Loan Fund***

ACT 1255 (SB836) establishes the Open-Enrollment Public Charter School Facilities Loan Fund.

### CURRICULUM STANDARDS

#### ***Academic Study of the Bible***

ACT 1440 (HB1017) allows a school district to voluntarily adopt a curriculum standard for an academic study of the Bible elective course and sets requirements for teaching the course.

### DEPARTMENT OF CAREER EDUCATION

#### ***Fees - General Educational Development Assessment***

ACT 1063 (HB2201) provides that the Department of Career Education may charge fees for administering the general educational development assessment (GED).

#### ***Transfer of Excess Military Property***

ACT 1097 (SB942) allows the Law Enforcement Office of the Department of Career Education to transfer excess military property to state and local agencies and administer a service charge.

## **EDUCATION - GENERAL**

### EARLY CHILDHOOD EDUCATION

ACT 403 (HB1363) expands the membership of the Arkansas Early Childhood Commission from twenty-four (24) members to twenty-five (25) members.

### EDUCATION DEPARTMENT

#### ***Advanced Placement Training and Incentive Program***

ACT 625 (SB509) establishes the Advanced Placement Training and Incentive Program to help prepare students for success in higher education, postsecondary training, and careers in science, technology, engineering, and mathematics.

#### ***Arts-Enriched Curriculum Program***

ACT 1108 (HB1689) establishes the Arts-Enriched Curriculum Program, a five-year pilot program funded through grants administered by the Department of Education to implement an arts-enriched curriculum, training, and research at fifteen (15) schools over the five-year period.

#### ***Educator Licensure***

ACT 454 (SB456) amends teacher licensure laws for issuing an Arkansas teaching license to a teacher from another state and for issuing a nontraditional teaching license. The act also amends certain provisions concerning the Professional Licensure Standards Board.

#### ***Educator Licensure - Background Check***

ACT 455 (SB457) provides that a background check for teacher licensure shall include certain additional offenses concerning domestic battering, violation of an order of protection, sexual solicitation and prostitution, stalking, and failure to notify by a mandated reporter. The act provides a process for an unlicensed individual to seek a waiver from denial of a teaching license. The act adds the same additional offenses to the background check for employment of nonlicensed school personnel and provides the process for requesting a waiver. The act also requires a criminal records check for fraudulent acts for the employment of a fiscal officer of an education service cooperative and requires a student admitted to a teacher education program in Arkansas to apply for a criminal records check and Child Maltreatment Registry check. The act requires a teacher education program to bar a student from enrollment due to a disqualifying criminal conviction or true report in the Child Maltreatment Registry.

#### ***Free Textbook Act***

ACT 511 (HB1535) amends the Free Textbook Act to provide that an individual, a partnership, a corporation, a company, or an association operating in Arkansas shall not charge a school district a price for instructional materials that exceeds the lowest contracted price currently bid in another state on the same product, shall sell instructional materials at the same price to all school districts in the state, and shall guarantee the price for the remainder of the school year. The act also repeals provisions that required the State Board of Education to recommend textbooks to be used in Arkansas public schools and to enter into contracts with textbook distributors. The act further repeals provisions requiring textbook distributors to file bids with the Commissioner of Education for the pricing of textbooks.

## EDUCATION - GENERAL

### EDUCATION DEPARTMENT

#### ***Student Discipline Tracking and Reporting***

ACT 1329 (SB1147) provides that by July 1 of each year beginning in 2014, the Department of Education shall prepare and provide a report to the State Board of Education and to all school districts that includes information regarding the number of students enrolled in each school district, the disciplinary rate for each discipline measure for each school district, and the rate of disciplinary disparity for each discipline measure. The act also requires the department to track and report on the progress of schools in reducing the disciplinary rate and rate of disciplinary disparity and to provide information concerning the resources needed by school districts to reduce discipline, the restraint of students with disabilities using positive behavior interventions and support systems, and restorative justice.

#### ***Study of Education and Assistance Provided to Certain Children***

ACT 1182 (SB1043) requires the Department of Education to study the education and assistance provided to children who are unable to physically attend school on a regular basis due to a medical condition.

#### ***Study on Testing and Remediation of Freshmen***

ACT 1479 (HB1896) requires the Department of Education and the Department of Higher Education to jointly study issues concerning the testing and remediation of entering freshman.

#### ***Transportation Study***

ACT 1288 (HB2095) requires school districts to report specific information concerning student transportation to the Division of Public School Academic Facilities and Transportation and requires the division and the Bureau of Legislative Research to conduct a study of student transportation times in Arkansas school districts to determine the current costs related to school bus route times and of the costs related to proposed state maximums for student transportation time.

### EDUCATION SERVICE COOPERATIVES

ACT 1481 (HB1910) authorizes an education service cooperative to receive funding from a local law enforcement agency, a state agency, or a federal agency or through private donations to employ one (1) or more truancy officers for a school district with a high dropout rate. The act also provides the requirements for the training and qualification of truancy officers by an education service cooperative.

### ELECTIONS

ACT 1215 (HB1754) clarifies that ballots in school elections may be counted by hand or by electronic means.

### FIREARMS

#### ***Prohibited Areas - Private School Operated by a Place of Worship***

ACT 1390 (SB896) provides a defense to prosecution for the possession of a firearm on school property if the person has a concealed handgun license and is carrying on the developed property of a private school operated by a church or other place of worship and if the church or other place of worship allows a person to carry a concealed handgun on its property.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1155 (HB1734) repeals or amends obsolete provisions in Title 6, including provisions concerning audits of educational institutions, institutes and commissions that have ceased to exist, the repeal of county boards of education, the naming of school districts, school district boards of directors, certain definitions, school uniform policies, family resource centers, certain task forces, and college savings bonds.



**EDUCATION - GENERAL**  
**HEALTH CARE STUDY**

ACT 414 (HB1411) creates the Public School Health Services Advisory Committee and requires the advisory committee to conduct a one-year study of various aspects of the on-campus health care needs of public school students and to develop guidelines for addressing those on-campus health care needs, including without limitation the number of full-time school nurses needed, the qualifications of a school nurse, job requirements for a school nurse, management and storage of medical records and medications, other facilities and equipment needs, and best practices for exemplary school health care. The act requires the advisory committee to report by September 1, 2014.

**PUBLIC CHARTER SCHOOLS**

ACT 509 (HB1528) establishes that the Department of Education is the primary public charter school authorizer.

**SCHOOL DISTRICTS - FACILITIES**

***Advisory Committee on Public School Academic Facilities***

ACT 1422 (SB1050) amends the membership of the Advisory Committee on Public School Academic Facilities.

***Community Use of School Buildings***

ACT 1507 (SB1062) clarifies that school districts may allow for community use of school buildings and may charge a fee, accept donations, or accept other state, federal, or private funds to offset the costs of the community use of the building. The act also provides that a school district may enter into a joint use agreement with a public agency, public entity, private entity, or nonprofit organization for shared use and responsibility of the school land or public school facility.

**SCHOOL DISTRICTS - FINANCE**

***Alternative Learning Environment - Transportation Funding***

ACT 1482 (HB1911) provides that a school district that transports students to a regional community alternative learning environment center that serves three (3) or more contiguous counties in which the most recent census indicates high rates of poverty or declining population may receive transportation funding aid from the Department of Education, other state agencies, federal agencies or through private donations, or the school district may use national school lunch state categorical funding to fund the transportation.

***Athletic Spending - Accounting***

ACT 1358 (HB2128) revises and simplifies the tracking of and accounting for interscholastic athletic programs and interscholastic activity program funds.

***Deficiency in Bond Payments - Cure***

ACT 110 (SB139) revises the procedure for curing a deficiency in bond payments by a school district.

***Density Ratio - Funding***

ACT 1005 (HB2023) provides that when the prior-year three-quarter average daily membership density ratio of a school district that receives funding under this subchapter is greater than the prior-year three-quarter average daily membership density ratio for which the school district qualifies for the funding, the funding shall be reduced over a period of ten (10) years by ten percent (10%) per year of the funding received in the school year immediately preceding the school year in which the density ratio increased due to the Department of Education's use of different technology for determining the area of the school district. The act is effective on and after July 1, 2014.

## EDUCATION - GENERAL

### SCHOOL DISTRICTS - FINANCE

#### ***Educational Excellence Trust Fund - Salary Increase***

ACT 1278 (HB1761) amends the definition of “salary increase” for purposes of the Educational Excellence Trust Fund to state that the term shall include increments for experience or advanced hours or degrees.

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

ACT 1467 (HB1774) establishes public school funding amounts for the 2013-2014 and 2014-2015 school years. The act also provides for a study of the effectiveness and calculation of national school lunch state categorical funding. The act declares an emergency and is effective on and after July 1, 2013.

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

ACT 557 (SB425) amends the law for distributing state foundation funding aid to school districts to ensure that a school district receives not less than ninety-eight percent (98%) of the uniform rate of tax multiplied by the property assessment of the school district. The act permits the Department of Education to make payments of state foundation funding aid up to an amount that is not more than ninety-eight percent (98%) of the school district’s foundation funding amount for providing an adequate education under § 6-20-2305(a)(2) regardless of the school district’s actual tax collection rate and taking into consideration the school district’s actual revenues. The act declares an emergency and is effective on and after April 2, 2013.

#### ***Miscellaneous Funds***

ACT 322 (HB1353) defines “miscellaneous funds” for purposes of public school funding and establishes the method of calculating miscellaneous funds.

### SCHOOL DISTRICTS - GENERALLY

ACT 128 (HB1230) removes the requirement for a school district to mail to every parent a notice of the school district’s obligation to offer certain classes and a list of those classes.

#### ***Academic Study of the Bible***

ACT 1440 (HB1017) allows a school district to voluntarily adopt a curriculum standard for an academic study of the Bible elective course and sets requirements for teaching the course.

#### ***Academic, Fiscal, or Facilities Distress***

ACT 600 (HB1770) amends the laws concerning academic, fiscal, or facilities distress to extend the time for which a public school or school district may be classified as in academic, fiscal, or facilities distress; allow a public school to be classified as in academic distress; modify the criteria, sanctions, and procedures for a public school or school district in academic, fiscal, or facilities distress; provide for capacity building and interim leadership in a public school or school district in academic, fiscal, or facilities distress; amend the Arkansas Opportunity Public School Choice Act of 2004; and clarify the terminology of the Academic Facilities Distress Program. The act declares an emergency and is effective on and after April 4, 2013.

#### ***Administration of Epinephrine***

ACT 1437 (SB1173) provides for the administration of epinephrine by authorized school personnel under the Insect Sting and Other Allergic Reactions Emergency Treatment Act to children experiencing a life-threatening anaphylactic reaction. The act also revises Act 757 of 2013 to clarify the act’s applicability to all school teachers and other school employees.

#### ***Administrative Reorganization***

ACT 1412 (SB794) requires legislative review of the administrative reorganization of school districts and the assumption of administrative authority of a school district by the State Board of Education.

## EDUCATION - GENERAL

### SCHOOL DISTRICTS - GENERALLY

#### ***Arkansas School Recognition and Reward Program***

ACT 1429 (SB1100) amends the Arkansas School Recognition and Reward Program, including provisions related to school improvement and academic distress and clarifies the components used to calculate a school's performance category.

#### ***Board of Directors - Ethics***

ACT 608 (SB250) clarifies the definition of "directly" or "directly interested" as it concerns ethical guidelines and prohibitions for school board members, administrators, and employees. The act also clarifies the requirements for record retention by school boards.

#### ***Board of Directors - Holdover***

ACT 558 (SB731) provides that a member of a school district board of directors shall not serve more than one (1) full term as a holdover. The act also provides that a school board will elect its officers at the first regular meeting following the later of the certification of the results of the annual school election or the certification of the results of a run-off election.

#### ***Board of Directors - Meetings***

ACT 559 (SB732) provides that a school board meeting may be called at a time other than the regular monthly meeting by the petition of fifty (50) qualified electors and requires that the petition contain the printed name and address of each qualified elector signing the petition, be accompanied by the verified statement of the person obtaining the signatures on the petition, and state the purpose for the meeting. The act clarifies that a meeting of the school board or a school board committee that does not deal with personnel or personnel policies may occur at any time and on any day. The act also amends the law concerning the placement of an item on the school board's agenda, the taking of minutes of the meeting, and the counting of members present for a quorum.

#### ***Common Spring Break***

ACT 75 (HB1134) repeals temporary language and makes permanent the common spring break for public schools.

#### ***Compressed Natural Gas School Bus Pilot Program***

ACT 1195 (SB1146) creates the Compressed Natural Gas School Bus Pilot Program to run during the 2014 and 2015 fiscal years. The act provides that any school district may apply, and one will be chosen from each of the four congressional school districts to receive from the Division of Public School Academic Facilities and Transportation ten (10) compressed natural gas school buses. The act also increases the amount that a school district may borrow from the Revolving Loan Fund to one million five hundred thousand dollars (\$1,500,000) for participating school districts.

#### ***Creation of District by Detachment***

ACT 1274 (HB1632) amends provisions concerning the creation of a school district by detaching territory from an existing school district.

#### ***Curriculum - American Sign Language***

ACT 328 (HB1410) provides that American Sign Language may be taught in Arkansas public schools as a modern language or foreign language and that an American Sign Language student may receive academic credit equal to other foreign language courses.

#### ***Curriculum - Arts-Enriched Curriculum Program***

ACT 1108 (HB1689) establishes the Arts-Enriched Curriculum Program, a five-year pilot program funded through grants administered by the Department of Education to implement an arts-enriched curriculum, training, and research at fifteen (15) schools over the five-year period.

## EDUCATION - GENERAL

### SCHOOL DISTRICTS - GENERALLY

#### ***Curriculum - Cardiopulmonary Resuscitation***

ACT 1016 (HB2224) requires a public school student in grades nine through twelve (9-12), beginning with the 2014-2015 school year, to be trained in quality psychomotor skill bases in cardiopulmonary resuscitation before the student graduates from high school.

#### ***Curriculum - Combined or Embedded Courses***

ACT 421 (HB1477) provides that the State Board of Education may waive a standard for accreditation for up to one (1) school year for a school district that combines or embeds the curriculum frameworks from two (2) separate courses into one (1) combined or embedded course.

#### ***Disclosure of Employment Information***

ACT 1039 (SB843) authorizes school districts and officers, agents, servants, and employees of school districts to disclose a current or former employee's employment information with or without the consent of the current or former employee.

#### ***Districts or Schools of Innovation - Designation***

ACT 601 (SB66) allows the Commissioner of Education to designate a school district or a public school as a district or school of innovation and allows districts or schools of innovation to waive certain rules or requirements. The act declares an emergency and is effective on and after April 4, 2014.

#### ***E-cigarettes Prohibited***

ACT 1099 (SB953) modifies the prohibition against smoking or the use of tobacco or tobacco products on a public school campus or public charter school to include e-cigarettes.

#### ***Elections - Rezoning***

ACT 968 (HB1249) amends the deadline for a school district board of directors to complete rezoning following a decennial census from ninety (90) days to one hundred (100) days before the annual school election.

#### ***Electronic Transcripts***

ACT 330 (HB1469) requires Arkansas public schools and institutions of higher education to use electronic transcripts and requires an electronic transcript from a high school to identify that a student has completed the core curriculum with a grade point average between 2.75 and 4.0.

#### ***Employees - Ethics***

ACT 1323 (SB1011) codifies Standard 1 of the Code of Ethics for Educators and requires an educator in a supervisory role in an Arkansas school to file an ethics complaint if he or she observes or has reasonable cause to suspect that an educator has violated Standard 1 in a manner that involves the sexual abuse of a student. The act also provides that beginning March 1, 2014, before an educator who holds an Arkansas teaching license or administrator's license may be hired for employment at an Arkansas school, the school hiring officer shall check the website required to be established and maintained by the Department of Education to determine if the State Board of Education has acted upon an ethics complaint concerning a violation of Standard 1 of the code of ethics involving the sexual abuse of a student by the applicant.

#### ***Employees - Release of Personal Contact Information***

ACT 411 (HB1248) provides that release of personal contact information of nonelected school employees, including without limitation home or mobile telephone numbers, personal email addresses, and home addresses, is exempt from disclosure under the Freedom of Information Act of 1967.

## **EDUCATION - GENERAL**

### **SCHOOL DISTRICTS - GENERALLY**

#### ***Filing of Floor Plans***

ACT 1159 (HB1894) requires licensed child care facilities to file a copy of the child care facility's floor plan with the local office of emergency management or interjurisdictional office of emergency management where the child care facility is located and allows school districts to file a copy of the floor plan of facilities owned or operated by the school district with the local office of emergency management or interjurisdictional office of emergency management where the school district is located.

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

ACT 517 (SB332) increases the employer contribution rate for the public school employees' health insurance program to one hundred fifty dollars (\$150), and provides that the contribution shall increase annually by the same percentage that the legislature increases the salary and benefit component of the per-student foundation funding amount under § 6-20-2305.

#### ***Home-schooled Students***

ACT 1469 (HB1789) provides that a resident school shall permit a home-schooled student to pursue participation in an interscholastic activity of the resident school if the student or the student's parent provides a timely notice and informs the principal in the notice that the student has demonstrated academic eligibility.

#### ***Lawsuits***

ACT 1315 (SB590) provides that an action against a school district, except those under § 16-60-103 or § 16-60-112, shall be brought in the county or in the judicial district of the county in which the public school district is situated or has its principal office. The act declares an emergency and is effective on and after April 18, 2013.

#### ***Military Dependents***

ACT 514 (HB1945) provides that a public school shall report to the Department of Education the enrollment of a student who is a military dependent.

#### ***Parental Involvement Plans***

ACT 1423 (SB1064) requires a school district to provide a parent-friendly version of the school district's parental involvement plan to parents.

#### ***Period of Silence***

ACT 576 (HB1690) provides for a period of silence at the beginning of each school day in a public school.

#### ***Policies for Student Use of Personal Electronic Devices***

ACT 71 (HB1015) allows a school district to establish a written student discipline policy and exemptions concerning the possession and use by a student of a personal electronic device on school property, at an after-school activity, or at a school-related function.

#### ***Public Access to Information***

ACT 228 (HB1260) requires a school district to provide a direct link titled "State-Required Information" on its website for easy public access to information that is required to be published on the school district's website.

**EDUCATION - GENERAL**

**SCHOOL DISTRICTS - GENERALLY**

***Public School Choice***

ACT 1334 (HB1294) provides that if a public school choice request is approved by a nonresident district under a provision of law that is later declared unconstitutional by a court or is repealed, the student may continue to attend school in the nonresident district until the student completes his or her secondary education. The act further provides that a present or future sibling of a student who continues enrollment in the nonresident district under this section may enroll in or continue enrollment in the nonresident district until the sibling completes his or her secondary education if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms and without exceeding the regulations and standards established in law. The act declares an emergency and is effective on and after April 18, 2013.

***Public School Choice - "Sibling" Defined***

ACT 1508 (HB2124) provides that for the purpose of a school choice transfer, "sibling" means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care.

***Real Property***

ACT 318 (HB1310) allows school districts that have been consolidated to sell, preserve, lease, or donate real property that is no longer utilized by the school district and provides for the determination of fair market value for the purpose of disposing of the real property.

***Safe School Initiative Act***

ACT 484 (SB140) creates the Safe School Initiative Act, which requires public schools to participate in active shooter drills and provide education and training for employees to prepare for incidents of campus violence beginning with the 2014-2015 school year. The act requires the Criminal Justice Institute to train law enforcement officers, designated school personnel, and others to conduct active shooter drills for public schools and provide education and training for public school campus safety.

***Salary Increase - Review and Approval***

ACT 1120 (HB2204) requires a school district board of directors to review and approve by a written resolution a proposed increase in salary of five percent (5%) or more for a school district employee.

***School Performance***

ACT 696 (SB752) provides that, effective beginning the 2014-2015 school year, school and school district annual report cards shall identify the levels of improvement and performance on the report as: "A" for schools that are rated "exemplary" by the Department of Education; "B" for schools that are rated "achieving"; "C" for schools that are rated "needs improvement"; "D" for schools that are rated "needs improvement - focus"; and "F" for schools that are rated "needs improvement - priority". The act provides that the State Board of Education may adjust these ratings to be consistent with Common Core State Standards and assessments or other rule-making authority.

***Transportation***

ACT 1288 (HB2095) requires school districts to report specific information concerning student transportation to the Division of Public School Academic Facilities and Transportation and requires the division and the Bureau of Legislative Research to conduct a study of student transportation times in Arkansas school districts to determine the current costs related to school bus route times and of the costs related to proposed state maximums for student transportation time.

## **EDUCATION - GENERAL**

### **SCHOOL DISTRICTS - GENERALLY**

#### ***Truancy Officers***

ACT 1481 (HB1910) authorizes an education service cooperative to receive funding from a local law enforcement agency, a state agency, or a federal agency or through private donations to employ one (1) or more truancy officers for a school district with a high dropout rate. The act also provides the requirements for the training and qualification of truancy officers by an education service cooperative.

#### ***Tuberculosis Screening***

ACT 231 (HB1270) repeals the requirement for tuberculosis screening for public school employees and volunteers.

#### ***Universal ACT Assessment Program***

ACT 1462 (HB1714) provides that school districts may administer ACT assessments to students in grades nine (9), ten (10), and eleven (11) and renames the Voluntary Universal ACT Assessment Program as the Universal ACT Assessment Program. The act is effective on and after July 1, 2014.

#### ***Visual and Performing Arts Instruction***

ACT 599 (HB1616) requires a student enrolled in grade seven (7) or grade eight (8) to participate in visual or performing arts instruction, appreciation, and application.

#### ***Volunteers***

ACT 575 (HB1686) amends the definition of “volunteer organization” to include public school, school district, person, or organization designated by a public school or school district to organize volunteers for the public school or school district for the purpose of conducting criminal background checks of volunteers. The act further specifies the conditions under which the Department of Human Services may provide to a school official a report of a true finding on the Child Maltreatment Central Registry concerning a school volunteer. The act declares an emergency and is effective on and after April 2, 2013.

### **SCHOOL SAFETY**

#### ***Study***

ACT 107 (SB93) provides that the Senate Committee on Education and the House Committee on Education shall conduct a study of public school facilities, personnel, and policies to determine the readiness and capabilities of public schools in this state that enroll students in pre-kindergarten through grade twelve (PreK-12) to prevent and respond adequately to acts of violence against students and school personnel on a school campus. The act requires a report on the study by September 1, 2014.

### **SPECIAL EDUCATION**

#### ***Dyslexia***

ACT 1294 (SB33) provides for each student in Kindergarten through grade two (K-2) and others required by the Department of Education to be screened for dyslexia and other reading difficulties using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS). The act clarifies the method for school districts to provide interventions and services to students with dyslexia or other reading difficulties and requires the Department of Education to employ at least one (1) dyslexia specialist to provide support and assistance to school districts and to provide a dyslexia professional awareness program for teachers.

### **STUDENT ACHIEVEMENT**

#### ***Advanced Placement Training and Incentive Program***

ACT 625 (SB509) establishes the Advanced Placement Training and Incentive Program to help prepare students for success in higher education, postsecondary training, and careers in science, technology, engineering, and mathematics.

## EDUCATION - GENERAL

### STUDENT ACHIEVEMENT

#### ***Arkansas School Recognition and Reward Program***

ACT 1429 (SB1100) amends the Arkansas School Recognition and Reward Program, including provisions related to school improvement and academic distress and clarifies the components used to calculate a school's performance category.

#### ***Assessments***

ACT 1081 (SB814) repeals existing high-stakes end-of-course assessments for Algebra I and English II for Arkansas high school students and replaces them with the next-generation assessments that will determine whether students are college and career ready. The act declares an emergency and is effective on and after April 11, 2013.

#### ***Digital Learning***

ACT 1280 (HB1785) provides for digital learning opportunities for public schools students and allows digital learning to be a primary method of instruction. The act requires the entering ninth grade class of 2014-2015 to complete at least one digital learning course before graduation and establishes a pilot program for the 2013-2014 school year. The act also requires a study of the current and necessary infrastructure and bandwidth required to sufficiently facilitate and deliver a quality digital learning environment.

#### ***Districts or Schools of Innovation - Designation***

ACT 601 (SB66) allows the Commissioner of Education to designate a school district or a public school as a district or school of innovation and allows districts or schools of innovation to waive certain rules or requirements. The act declares an emergency and is effective on and after April 4, 2014.

#### ***Dyslexia Screening***

ACT 1294 (SB33) provides for each student in Kindergarten through grade two (K-2) and others required by the Department of Education to be screened for dyslexia and other reading difficulties using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS). The act clarifies the method for school districts to provide interventions and services to students with dyslexia or other reading difficulties and requires the Department of Education to employ at least one (1) dyslexia specialist to provide support and assistance to school districts and to provide a dyslexia professional awareness program for teachers.

#### ***Study on Testing and Remediation of Freshmen***

ACT 1479 (HB1896) requires the Department of Education and the Department of Higher Education to jointly study issues concerning the testing and remediation of entering freshman.

#### ***Universal ACT Assessment Program***

ACT 1462 (HB1714) provides that school districts may administer ACT assessments to students in grades nine (9), ten (10), and eleven (11) and renames the Voluntary Universal ACT Assessment Program as the Universal ACT Assessment Program. The act is effective on and after July 1, 2014.

### STUDENTS - FINANCE

ACT 1473 (HB1817) provides that a school district may use national school lunch state categorical funding to implement a school-wide, evidence-based program intended to close achievement gaps with an arts-infused curriculum.

### STUDENTS - GENERALLY

#### ***Absences***

ACT 1322 (SB996) amends various provisions of law concerning excessive and unexcused absences, generally repealing the use of "excessive" and substituting "unexcused".



**EDUCATION - GENERAL**

**STUDENTS - GENERALLY**

***Arkansas National Guard Members - Additional School Absences***

ACT 1289 (HB2110) requires additional absences be granted to a student who joins the Arkansas National Guard at age seventeen (17) at the discretion of the school district superintendent in order to complete basic training between grades eleven (11) and twelve (12).

***College and Career Coaches Program***

ACT 1285 (HB2039) establishes the College and Career Coaches Program to assist students in preparing for postsecondary education or careers.

***Cyberbullying of School Employee***

ACT 1431 (SB1115) clarifies that cyberbullying of a school employee is a Class A misdemeanor and expands the definition of “delinquent juvenile” to include a juvenile who is found to cyberbully a school employee.

***Discipline***

ACT 1329 (SB1147) provides that by July 1 of each year beginning in 2014, the Department of Education shall prepare and provide a report to the State Board of Education and to all school districts that includes information regarding the number of students enrolled in each school district, the disciplinary rate for each discipline measure for each school district, and the rate of disciplinary disparity for each discipline measure. The act also requires the department to track and report on the progress of schools in reducing the disciplinary rate and rate of disciplinary disparity and to provide information concerning the resources needed by school districts to reduce discipline, the restraint of students with disabilities using positive behavior interventions and support systems, and restorative justice.

***E-cigarettes Prohibited***

ACT 1099 (SB953) modifies the prohibition against smoking or the use of tobacco or tobacco products on a public school campus or public charter school to include e-cigarettes.

***Glucagon Administration - Volunteers***

ACT 1232 (SB361) allows school volunteers to administer glucagon to students for any type of diabetes.

***Health - Epinephrine Auto-Injector***

ACT 757 (HB2011) provides that a school district or public charter school may authorize a school nurse to provide an epinephrine auto-injector to a student or to any personnel authorized under a student’s individualized health care plan to administer to the student. The act also provides that the school nurse may provide an epinephrine auto-injector to a student who the school nurse in good faith professionally believes is having an anaphylactic reaction. The act also provides immunity from suit or liability for any damage, loss, injury, or liability in administering an epinephrine auto-injector to a student unless caused by the intentional or willful and wanton misconduct of the person administering the epinephrine auto-injector.

***Health Curriculum***

ACT 1016 (HB2224) requires a public school student in grades nine through twelve (9-12), beginning with the 2014-2015 school year, to be trained in quality psychomotor skill bases in cardiopulmonary resuscitation before the student graduates from high school.

***Home School Student Participation in Extracurricular Activities***

ACT 1469 (HB1789) provides that a resident school shall permit a home-schooled student to pursue participation in an interscholastic activity of the resident school if the student or the student’s parent provides a timely notice and informs the principal in the notice that the student has demonstrated academic eligibility.

**EDUCATION - GENERAL**

**STUDENTS - GENERALLY**

***Interstate Compact on Educational Opportunity for Military Children***

ACT 146 (SB15) adopts the Interstate Compact on Educational Opportunity for Military Children and repeals former provisions concerning military children. The act provides a comprehensive approach to the treatment of transitioning military students by providing a uniform policy in every school district in every state that chooses to join.

***Kindergarten - Age Requirement***

ACT 424 (HB1509) extends the minimum age requirement exception for a student entering public school from a kindergarten or first grade in another state to a student entering from a kindergarten equivalent or a first grade equivalent attended in another country.

***Military Dependents***

ACT 514 (HB1945) provides that a public school shall report to the Department of Education the enrollment of a student who is a military dependent.

***Public School Choice***

ACT 1227 (SB65) repeals the Arkansas Public School Choice Act of 1989 and establishes the Public School Choice Act of 2013. The act declares an emergency and is effective on and after April 16, 2013.

***Public School Choice***

ACT 1334 (HB1294) provides that if a public school choice request is approved by a nonresident district under a provision of law that is later declared unconstitutional by a court or is repealed, the student may continue to attend school in the nonresident district until the student completes his or her secondary education. The act further provides that a present or future sibling of a student who continues enrollment in the nonresident district under this section may enroll in or continue enrollment in the nonresident district until the sibling completes his or her secondary education if the district has the capacity to accept the sibling without adding teachers, staff, or classrooms and without exceeding the regulations and standards established in law. The act declares an emergency and is effective on and after April 18, 2013.

***Public School Choice - "Sibling" Defined***

ACT 1508 (HB2124) provides that for the purpose of a school choice transfer, "sibling" means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care.

**TASK FORCES**

ACT 1298 (HB1988) establishes the Arkansas Task Force for the Prevention Through Education of Child Sexual Abuse to study "Erin's Law".

***Whole Child - Whole Community Recognition Working Group***

ACT 1326 (SB1051) establishes a Whole Child - Whole Community Recognition Working Group to create a framework for recognizing community and state efforts to ensure all children receive comprehensive support of the whole community to realize their whole potential to experience the fullness of life through high-quality access healthy options, safety, active engagement, adult support, and an intellectually stimulating environment.

**TEACHERS - GENERALLY**

***Accelerated Teaching - Nontraditional Licensure***

ACT 413 (HB1364) provides that a teacher from an accelerated teaching program is eligible for licensure under the nontraditional licensure program.

## **EDUCATION - GENERAL**

### **TEACHERS - GENERALLY**

#### ***Code of Ethics for Educators***

ACT 1323 (SB1011) codifies Standard 1 of the Code of Ethics for Educators and requires an educator in a supervisory role in an Arkansas school to file an ethics complaint if he or she observes or has reasonable cause to suspect that an educator has violated Standard 1 in a manner that involves the sexual abuse of a student. The act also provides that beginning March 1, 2014, before an educator who holds an Arkansas teaching license or administrator's license may be hired for employment at an Arkansas school, the school hiring officer shall check the website required to be established and maintained by the Department of Education to determine if the State Board of Education has acted upon an ethics complaint concerning a violation of Standard 1 of the code of ethics involving the sexual abuse of a student by the applicant.

#### ***Cyberbullying of School Employee***

ACT 1431 (SB1115) clarifies that cyberbullying of a school employee is a Class A misdemeanor and expands the definition of "delinquent juvenile" to include a juvenile who is found to cyberbully a school employee.

#### ***Evaluations***

ACT 709 (SB833) provides further explanation of how external measurements for both tested content areas and nontested content areas will be chosen for the purpose of a teacher evaluation under the Teacher Excellence and Support System.

#### ***Licensure***

ACT 454 (SB456) amends teacher licensure laws for issuing an Arkansas teaching license to a teacher from another state and for issuing a nontraditional teaching license. The act also amends certain provisions concerning the Professional Licensure Standards Board.

#### ***Licensure - Background Checks***

ACT 455 (SB457) provides that a background check for teacher licensure shall include certain additional offenses concerning domestic battering, violation of an order of protection, sexual solicitation and prostitution, stalking, and failure to notify by a mandated reporter. The act provides a process for an unlicensed individual to seek a waiver from denial of a teaching license. The act adds the same additional offenses to the background check for employment of nonlicensed school personnel and provides the process for requesting a waiver. The act also requires a criminal records check for fraudulent acts for the employment of a fiscal officer of an education service cooperative and requires a student admitted to a teacher education program in Arkansas to apply for a criminal records check and Child Maltreatment Registry check. The act requires a teacher education program to bar a student from enrollment due to a disqualifying criminal conviction or true report in the Child Maltreatment Registry.

#### ***Master School Principal Program***

ACT 459 (SB583) redefines a "high-need public school" for the Master School Principal Program as an Arkansas public school that, at the time a master principal first becomes entitled to a high-need school salary bonus, is identified as failing to meet certain established levels of academic achievement under rules adopted by the State Board of Education.

## **EDUCATION - GENERAL**

### TEACHERS - GENERALLY

#### ***Professional Development***

ACT 969 (HB1262) repeals the requirement for professional development for higher education awareness, redefines “professional development”, amends various other professional development requirements, and establishes a four-year alternating schedule for some professional development that was formerly required to be obtained annually. The act declares an emergency and is effective on and after April 8, 2013.

### TECHNICAL CORRECTIONS - EDUCATION - TITLE 6

ACT 1073 (SB554) makes various technical corrections to Title 6 of the Arkansas Code.

ACT 1138 (SB264) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 6 of the Arkansas Code.

ACT 420 (HB1476) makes technical corrections to Title 6 of the Arkansas Code concerning public school transportation and academic facilities.

### TRANSPORTATION

#### ***Compressed Natural Gas School Bus Pilot Program***

ACT 1195 (SB1146) creates the Compressed Natural Gas School Bus Pilot Program to run during the 2014 and 2015 fiscal years. The act provides that any school district may apply, and one will be chosen from each of the four congressional school districts to receive from the Division of Public School Academic Facilities and Transportation ten (10) compressed natural gas school buses. The act also increases the amount that a school district may borrow from the Revolving Loan Fund to one million five hundred thousand dollars (\$1,500,000) for participating school districts.

### WORKFORCE

ACT 755 (HB1948) provides for an increase in the instructional hour rate under the Arkansas Existing Workforce Training Act of 1995 from eighty dollars (\$80.00) to one hundred dollars (\$100.00) per hour.

## **EDUCATION - HIGHER**

### ACCREDITATION AND CERTIFICATION

ACT 971 (HB1297) provides that the law concerning accrediting agencies of institutions of higher education does not apply to an accrediting agency that accredits only schools operated solely to provide programs of study that prepare students for religious vocations.

### EMPLOYEES

ACT 998 (HB1902) prohibits an institution of higher education from requiring or requesting a current or prospective employee or student to disclose his or her username or password for a social media account or to provide access to the content of his or her social media account.

### HIGHER EDUCATION COORDINATING BOARD

#### ***Employee Requirements***

ACT 533 (SB812) amends the requirements for the Director of the Department of Higher Education and other staff of the Arkansas Higher Education Coordinating Board.

#### ***Vision 2025 Legislative Commission on the Future of Higher Education***

ACT 1082 (SB816) establishes the Vision 2025 Legislative Commission on the Future of Higher Education to study, research, and brainstorm ways in which higher education can transform and positively impact the state by 2025 and beyond. The act requires the commission to report to the legislature on April 30, 2014, and October 15, 2014. The act also provides that the commission expires on January 1, 2017.

**EDUCATION - HIGHER**

HIGHER EDUCATION DEPARTMENT

***Council on Postsecondary Education and Career Readiness***

ACT 585 (HB1838) establishes the Council on Postsecondary Education and Career Readiness to facilitate the collaboration of kindergarten, elementary, secondary, and postsecondary educational institutions in Arkansas in developing college and career readiness standards that align school curriculum and graduation standards with postsecondary education requirements and business community expectations for employability. The act also provides that before a student's graduation from high school, a high school shall assess the student's college readiness based on the statewide college and career readiness standards determined and implemented by the State Board of Education, and for each student who does not meet the college and career standards, the school shall provide transitional courses and related strategies that allow for accelerated skill and knowledge development consistent with the college and career readiness standards.

***Employee Requirements***

ACT 533 (SB812) amends the requirements for the Director of the Department of Higher Education and other staff of the Arkansas Higher Education Coordinating Board.

***Study on Testing and Remediation of Freshmen***

ACT 1479 (HB1896) requires the Department of Education and the Department of Higher Education to jointly study issues concerning the testing and remediation of entering freshman.

***Vision 2025 Legislative Commission on the Future of Higher Education***

ACT 1082 (SB816) establishes the Vision 2025 Legislative Commission on the Future of Higher Education to study, research, and brainstorm ways in which higher education can transform and positively impact the state by 2025 and beyond. The act requires the commission to report to the legislature on April 30, 2014, and October 15, 2014. The act also provides that the commission expires on January 1, 2017.

INSTITUTIONS OF HIGHER EDUCATION

***Civil Actions***

ACT 1324 (SB1037) provides that an institution of higher education may bring a civil action against an athlete agent who violates the Uniform Athlete Agents Act and whose actions result in damages caused by violations of athletic association or conference regulations. The act also provides that the institution may bring a civil action against a person who knowingly induces or otherwise knowingly causes a student athlete to take actions that result in damages caused by violations of athletic association or conference regulations.

***Electronic Transcripts***

ACT 330 (HB1469) requires Arkansas public schools and institutions of higher education to use electronic transcripts and requires an electronic transcript from a high school to identify that a student has completed the core curriculum with a grade point average between 2.75 and 4.0.

***Institutional Energy Research Committee***

ACT 280 (SB246) requires all state-supported institutions of higher education that participate in energy research activities to form an Institutional Energy Research Committee in coordination with the Arkansas Higher Education Coordinating Board, which shall coordinate ongoing statewide energy research efforts and create the Arkansas Energy Summary and Report.

***Job Order Contracting***

ACT 526 (SB446) increases the maximum job order contracting bid award amount to seven hundred fifty thousand dollars (\$750,000) per construction job for the first year of the contract.

**EDUCATION - HIGHER****INSTITUTIONS OF HIGHER EDUCATION*****Law Enforcement***

ACT 227 (HB1252) authorizes a private university to create and maintain a law enforcement agency on its campus. The act also delineates the powers and responsibilities of a private university law enforcement agency and its officers, requires certain record keeping, and provides for motor vehicle regulation.

***Staff - Concealed Handguns***

ACT 226 (HB1243) provides that a person who has a license to carry a concealed handgun may possess a concealed handgun in the buildings and on the grounds of the institute of higher education where he or she is employed unless otherwise prohibited. The act requires the licensee to be a staff member and allows the governing board of the institute of higher education to adopt a policy that expressly disallows the carrying of a concealed handgun by staff members in the buildings or on the grounds of the institute of higher education.

***Technical Institutes***

ACT 594 (HB2096) provides that the duties of a local board of a technical institute include determining a minimum level for student tuition and fees to be charged by the technical institute, including without limitation penalty fees. The act declares an emergency and is effective on and after July 1, 2013.

***UAMS Admissions Board***

ACT 515 (HB2032) requires that at least four (4) of the regional members of the University of Arkansas College of Medicine Admissions Board have faculty appointments in the University of Arkansas College of Medicine.

***University of Arkansas College of Agriculture - Transportation***

ACT 278 (SB148) repeals § 6-64-105, which provided free railway transportation for certain employees of the College of Agriculture of the University of Arkansas.

**PROGRAMS OF STUDY*****Accelerated Teaching - Nontraditional Licensure***

ACT 413 (HB1364) provides that a teacher from an accelerated teaching program is eligible for licensure under the nontraditional licensure program.

***Criminal and Child Maltreatment Records Checks Required***

ACT 455 (SB457) requires a student admitted to a teacher education program in Arkansas to apply for a criminal records check and Child Maltreatment Registry check. The act requires that a teacher education program bar a student from enrollment due to a disqualifying criminal conviction or true report in the Child Maltreatment Registry.

**REMEDICATION, RETENTION, AND TRANSFER*****Study on Testing and Remediation of Freshmen***

ACT 1479 (HB1896) requires the Department of Education and the Department of Higher Education to jointly study issues concerning the testing and remediation of entering freshman.

**SCHOLARSHIPS, GRANTS, AND FINANCIAL AID*****Arkansas Academic Challenge Scholarship - "Traditional Student" Defined***

ACT 1263 (SB1002) amends the definition of "traditional student" and the eligibility requirements for a traditional student to include a student who will enter postsecondary education as a full-time, first-time freshman on or before the fall semester of the academic year that begins immediately following the last day of the school year that would have been the student's junior or senior year of high school and in which the student completes the requirements for high school graduation and obtains a General Educational Development certificate instead of receiving a diploma.

**EDUCATION - HIGHER****SCHOLARSHIPS, GRANTS, AND FINANCIAL AID*****Arkansas Academic Challenge Scholarship - Forfeit of Award***

ACT 1106 (HB1489) states that a recipient of an Arkansas Academic Challenge Scholarship forfeits the scholarship award if the recipient does not make academic progress in a semester. The act also requires that forfeited scholarships be used to increase the aggregate amount of nontraditional student awards.

***Arkansas Academic Challenge Scholarship - Report***

ACT 1269 (SB1184) requires the Department of Higher Education to report annually to the Arkansas Lottery Commission Legislative Oversight Committee certain information on recipients of the Arkansas Academic Challenge Scholarship Program, Part 2, who applied as of June 1.

***Arkansas Academic Challenge Scholarship Program***

ACT 1173 (SB997) makes various amendments to the Arkansas Scholarship Lottery Act concerning the Arkansas Academic Challenge Scholarship Program, including amending the definition of “continuously enrolled” and adding definitions for “Arkansas resident”, “enrolled”, and “semester”; amending eligibility requirements for clarity and consistency; repealing the student consent form requirements; and amending reporting requirements of institutions of higher education and the Department of Higher Education. The act also provides authority for the Arkansas Lottery Commission to set lottery retailer fees. The act declares an emergency and is effective on and after April 12, 2013.

***Arkansas Academic Challenge Scholarship Program - Award Amounts***

ACT 234 (HB1295) sets the scholarship award amounts under the Arkansas Academic Challenge Scholarship Program, Part 2, beginning with the 2013-2014 academic year. The act also increases the aggregate amount of scholarships under this program for nontraditional students. The act declares an emergency and is effective on and after March 1, 2013.

***Arkansas Governor’s Scholars Program - Criteria***

ACT 416 (HB1438) expands the criteria for the Arkansas Governor’s Scholars Program to include status as a finalist in the National Hispanic Recognition Program.

***Arkansas Governor’s Scholars Program - Equal Opportunity***

ACT 512 (HB1629) requires the Department of Higher Education to utilize a formula for the Arkansas Governor’s Scholars Program that provides an equal opportunity for public, private, and home-schooled students. The act declares an emergency and is effective on and after March 26, 2013.

***Military - Exemption from Financial Aid Stacking Provisions***

ACT 957 (SB712) exempts from student financial aid stacking provisions the federal aid, state aid, or other aid received by a student or the spouse of a person who is an active member of the armed forces of the United States, the National Guard, or the reserve components of the armed forces.

***Workforce Improvement Grant Program***

ACT 1416 (SB909) provides for an eligible student to be enrolled in a combined General Education Development program and a postsecondary credential program.

**STUDENT HOUSING**

ACT 422 (HB1485) allows a community college or technical college to construct, maintain, or operate a dormitory or barracks to house students if the community college or technical college operates a law enforcement training academy or fire training academy and the dormitory or barracks are used to house students enrolled in those programs.

## EDUCATION - HIGHER

### STUDENTS

ACT 998 (HB1902) prohibits an institution of higher education from requiring or requesting a current or prospective employee or student to disclose his or her username or password for a social media account or to provide access to the content of his or her social media account.

### TUITION AND FUNDING

#### *Millage Election*

ACT 7 (SB4) expands the purposes for which a community college may call a millage election. The act declares an emergency and is effective on and after February 1, 2013.

#### *National Guard*

ACT 1012 (HB2109) changes the definition of “qualified applicant” to remove the requirement of enlistment in a critical military occupation specialty or Air Force Skill Code for purposes of the National Guard Tuition Incentive Program.

#### *Technical Institutes*

ACT 594 (HB2096) provides that the duties of a local board of a technical institute include determining a minimum level for student tuition and fees to be charged by the technical institute, including without limitation penalty fees. The act declares an emergency and is effective on and after July 1, 2013.

#### *Waiver - Arkansas National Guard*

ACT 1011 (HB2106) allows colleges, universities, community colleges, technical schools, and other post-secondary institutions of higher learning in the state directly receiving funds from the General Assembly to waive up to one hundred percent (100%) of tuition for soldiers and airmen of the Arkansas National Guard.

### UAMS

#### *Unrestricted Faculty Medical Licenses*

ACT 549 (HB2033) authorizes the Arkansas State Medical Board to issue unrestricted licenses to practice medicine to foreign-trained faculty of the University of Arkansas for Medical Sciences.

## ELECTIONS

### ABSENTEE VOTING

#### *Members of Armed Services*

ACT 466 (HB1283) requires that an absentee ballot cast by a member of the armed services be counted if the member dies before election day.

#### *Procedures and Records*

ACT 1424 (SB1067) amends the procedures for and records kept regarding application for, obtaining, and returning an absentee ballot and amends procedures concerning voting with an assistant.

### CAMPAIGN PRACTICES

#### *Campaign Funds*

ACT 382 (SB427) amends various ethics laws of the State of Arkansas, including providing that the use of campaign funds to pay a candidate’s own personal expenses for food, lodging, or travel to attend a national presidential nominating convention is not a taking of campaign funds as personal income; requiring the first quarterly report of a political party receiving contributions and disbursing money before the calendar quarter in which it meets petition requirements to include certain information occurring before the quarter in which the political party met the petition requirements; clarifying the definitions of “ballot question committee” and “legislative question committee”; and making other clarifying changes concerning reports of contributions.



## ELECTIONS

### CAMPAIGN PRACTICES

#### ***Candidacy***

ACT 1471 (HB1805) prevents a person from being a candidate for two (2) or more offices in one (1) election.

#### ***Local Option Petitions***

ACT 1432 (SB1118) requires the sponsors of local option election petitions to train paid canvassers on the relevant Arkansas law and to provide records on paid canvassers to the Secretary of State before the solicitation of signatures on the petitions. The act also amends the law concerning the verification of the signatures on the petitions.

#### ***Use of Public Funds to Support or Oppose Ballot Measures Prohibited***

ACT 312 (HB1187) defines key terms and provides that it is unlawful for a public servant or a governmental body to expend or permit the expenditure of public funds to support or oppose a ballot measure.

### CONDUCT

#### ***Election Monitors***

ACT 1456 (HB1551) requires that at least one (1) certified election monitor be appointed in each congressional district for an election.

#### ***Election Results***

ACT 1211 (HB1737) limits precinct size, establishes guidelines for reporting preliminary election results, and requires that early votes be counted before election day.

#### ***Electronic Poll Books***

ACT 1297 (HB1984) allows poll workers to utilize electronic voter registration records in the form of electronic poll books.

#### ***Electronic Voter Registration Records***

ACT 1059 (HB2084) requires the county clerk to update electronic voter registration records promptly after an elector votes.

#### ***Electronic Voter Registration Records***

ACT 979 (HB1466) requires the county clerk to update electronic voter registration records promptly after an elector votes.

#### ***Training of Poll Workers***

ACT 1457 (HB1552) requires all members of county boards of election commissioners, poll workers, and certified election monitors to attend the election training coordinated by the State Board of Election Commissioners.

#### ***Vote Centers***

ACT 1389 (HB1875) allows vote centers to be opened on election day where any person may vote regardless of his or her assigned precinct.

### COUNTY ELECTIONS

#### ***Election Materials***

ACT 236 (HB1311) provides that stub boxes may be delivered to the county treasurer after an election and modifies the law concerning the preservation of certain election materials.

#### ***Prosecutor***

ACT 1110 (HB1855) establishes the office of Prosecuting Attorney as a nonpartisan office.

### DEADLINES

#### ***Filing of Petition - Independent Candidate or New Party Candidate***

ACT 1356 (HB2036) requires independent candidates to file petitions during the party filing period and a newly formed political party to nominate its candidate during the party filing period.

## ELECTIONS

### DEADLINES

#### ***Judicial Candidate***

ACT 1286 (HB2065) revises the deadlines and procedures for filing as a nonpartisan judicial candidate.

#### ***Transmission of Election Results***

ACT 1058 (HB2067) clarifies the procedure for transmission of election results to the Secretary of State.

### ELIGIBILITY TO HOLD OFFICE

#### ***Infamous Crime***

ACT 724 (HB1354) defines what is considered an “infamous crime” for the purposes of who is eligible to be a candidate or hold public office.

### FINANCE

#### ***County Board of Election Commissioners***

ACT 443 (HB1467) requires that the financial reports of members of county boards of election commissioners be filed by January 31 each calendar year.

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

ACT 381 (SB426) provides for the reporting of expenditures made by an advertising agency, public relations firm, or political consultant on behalf of a ballot question committee, legislative question committee, individual person, public servant, or governmental body.

#### ***Voting System Grant Fund***

ACT 277 (SB133) provides discretion to the Secretary of State in the distribution of the Voting System Grant Fund.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1154 (HB1733) repeals an obsolete provision of Title 7 concerning the filling of vacancies on a county board of election commissioners if no county chair or county vice chair has been elected for the majority or minority party.

### INITIATED OR REFERRED MEASURES

#### ***Paid Canvassers and Sufficiency of Signatures***

ACT 1413 (SB821) requires sponsors to file certain information regarding paid canvassers of initiative and referendum petitions with the Secretary of State before canvassing, amends the criminal penalties available for illegal acts relating to initiative and referendum petitions, regulates the counting of signatures on initiative and referendum petitions, requires sponsors to provide training to paid canvassers, and repeals provisions of Arkansas law providing for review of the legal sufficiency of statewide initiative petitions and ballot titles before completed petitions are filed. The act declares an emergency and is effective on and after April 22, 2013.

#### ***Requirements for Financial Reports***

ACT 1085 (SB822) amends the requirements for the financial report filed by a ballot question committee, a legislative question committee, an individual person, a public servant, or a governmental body and requires a final financial report regardless of whether a ballot question committee, individual, public servant, or governmental body received contributions or made expenditures in excess of five hundred dollars (\$500).

#### ***Use of Public Funds to Support or Oppose Prohibited***

ACT 312 (HB1187) defines key terms and provides that it is unlawful for a public servant or a governmental body to expend or permit the expenditure of public funds to support or oppose a ballot measure.

## **ELECTIONS**

### JUDICIAL ELECTIONS

ACT 1075 (SB694) amends the requirements and limitations for a ballot form for a judicial election.

### LOCAL OPTION

#### *Petitions*

ACT 1432 (SB1118) requires the sponsors of local option election petitions to train paid canvassers on the relevant Arkansas law and to provide records on paid canvassers to the Secretary of State before the solicitation of signatures on the petitions. The act also amends the law concerning the verification of the signatures on the petitions.

### MUNICIPAL ELECTIONS

#### *Alderman*

ACT 503 (HB1314) requires municipalities to maintain records designating which official holds each aldermanic position.

### POLLING SITES

ACT 1118 (HB2145) provides for charitable immunity on the day of an election for churches or other places of worship that are used as polling sites.

### SPECIAL ELECTIONS

#### *Unopposed Candidates*

ACT 580 (HB1756) requires that if only one person files for candidacy in a special primary election, the political party may certify that candidate as its nominee without holding a special primary election.

### STATE BOARD OF ELECTION COMMISSIONERS

ACT 977 (HB1457) allows the chair of the State Board of Election Commissioners to appoint a voting member of the board to sit in his or her absence.

### TECHNICAL CORRECTIONS - ELECTIONS - TITLE 7

ACT 1126 (SB180) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 7 of the Arkansas Code.

### VOTING PROCEDURES

#### *Notice of Change in Polling Site*

ACT 546 (HB1800) requires notice of a change in polling site be mailed to affected registered voters at least fifteen (15) days before an election.

#### *Proof of Identity When Voting*

ACT 595 (SB2) requires that a voter provide proof of identity when voting and provides for the issuance of a voter identification card upon request. The act is effective upon the later of January 1, 2014, or the appropriation and availability of funding to the Secretary of State for the issuance of voter identification cards.

#### *Voter Privacy*

ACT 1461 (HB1712) amends the voting procedures concerning voter privacy.

## **EMERGENCY SERVICES**

### 911 ADMINISTRATION AND FUNDING

#### *Telecommunications Regulatory Reform Act of 2013*

ACT 442 (SB797) enacts the Telecommunications Regulatory Reform Act of 2013 to ensure continued broadband expansion and provide 911 emergency service to rural areas within the state, enhance the 911 emergency system and assist its funding, regulate the administration and use of the Arkansas High Cost Fund and the duties of the Arkansas High Cost Fund Administrator, and adopt certain regulatory reforms for the deregulation of telecommunications carriers. The act declares an emergency and is effective on and after March 19, 2013.

## **EMERGENCY SERVICES**

### AMBULANCE SERVICE IMPROVEMENT DISTRICTS

ACT 1172 (SB989) clarifies the purposes for which an ambulance service improvement district is created and modifies the number of commissioners who may serve a district.

### EMERGENCY MANAGEMENT DEPARTMENT

#### ***Arkansas Emergency Telephone Services Board***

ACT 1170 (SB973) revises the membership of the Arkansas Emergency Telephone Services Board to include the Director of the Arkansas Department of Emergency Management and two (2) consumer members, one (1) to be appointed by the President Pro Tempore of the Senate and one (1) to be appointed by the Speaker of the House of Representatives.

#### ***Fee Increase***

ACT 996 (HB1886) increases certain fees under the Arkansas Hazmat Emergency Management Act.

### MANAGEMENT

#### ***Sale of Firearms During a Disaster***

ACT 547 (HB1819) prohibits the Governor from stopping the sale of firearms during a disaster emergency.

### NATURAL DISASTERS

#### ***Arkansas Emergency Contact Information System***

ACT 590 (HB2007) provides that the Arkansas State Police in conjunction with other entities may establish the Arkansas Emergency Contact Information System to help law enforcement notify the next of kin or other designated emergency contact of an eligible participant in times of emergency, that information maintained in the system may be used by law enforcement only for emergency notification purposes or pursuant to a court order and shall not be used in a criminal investigation or for any other purpose, that participation in the system by the public is voluntary, and that the participant is responsible for the accuracy of the emergency contact information.

#### ***Counties***

ACT 973 (HB1315) provides a compensation method for a county to reimburse a property owner for reasonable damage to the property if the county damaged the property as a result of use during a natural disaster under certain conditions.

#### ***Local Disaster Emergency - Declaration***

ACT 169 (HB1247) provides for a clarification of the effect of a declaration of a local disaster emergency and modifies the personnel procedures during a disaster emergency. The act declares an emergency and is effective on and after February 26, 2013.

#### ***Residential Real Estate Repair***

ACT 1360 (HB2208) regulates residential real estate repair practices and contracts that are typical in an emergency situation, including a cancellation procedure if the anticipated proceeds of an insurance policy do not cover the amount of damage caused in an emergency situation.

#### ***Sale of Firearms During a Disaster***

ACT 547 (HB1819) prohibits the Governor from stopping the sale of firearms during a disaster emergency.

### PATIENT TRANSPORTS

ACT 1218 (HB1958) provides modifications to the statutes concerning emergency medical service patient transports.

## EMERGENCY SERVICES

### PREPAID WIRELESS E911 CHARGES

ACT 623 (SB500) regulates the imposition, administration, and use of a charge on the purchase of prepaid wireless telecommunications service to assist funding for the 911 emergency response system and requires that the charge be remitted to the Department of Finance and Administration at the same time and in the same manner as the gross receipts tax. The act is effective on and after January 1, 2014.

## ENERGY

### ALTERNATIVE ENERGY

#### ***Incentives for Conversion of Motor Vehicles***

ACT 152 (SB125) amends the Arkansas Alternative Fuels Development Program to provide rebate incentives for the differential costs and conversion costs related to converting diesel-powered motor vehicles and gasoline-powered motor vehicles to motor vehicles powered by compressed natural gas or propane gas. The act declares an emergency and is effective on and after July 1, 2013.

### CONSERVATION

#### ***Amendment 89 Enabling Legislation***

ACT 1252 (SB824) provides the enabling legislation for Amendment 89 to the Arkansas Constitution relating to energy efficiency bonds authorized by state entities, provides for the authorization and issuance of bonds for energy efficiency projects, allows the Arkansas Development Finance Authority to issue bonds at the request of a state entity for energy efficiency projects, and regulates energy efficiency project bonds.

#### ***Guaranteed Energy Cost Savings Contracts***

ACT 554 (SB340) amends the Guaranteed Energy Cost Savings Act by revising the qualifications for a qualified provider, providing guidelines for state agencies' evaluation of solicitations for guaranteed energy cost savings contracts, providing for administration of the act by the Arkansas Energy Office, and allowing state agencies to use maintenance and operations appropriations for debt service related to guaranteed energy cost savings contracts.

#### ***Opt Out of Utility Energy Conservation Programs and Measures***

ACT 253 (HB1386) allows certain large nonresidential business consumers to opt out of utility-sponsored energy conservation programs and measures and direct their own energy conservation programs and measures. The act prohibits a public utility company from billing a nonresidential business consumer that opts out for the rates and charges approved by the Arkansas Public Service Commission for the utility-sponsored energy conservation programs and measures. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Property Assessed Clean Energy Programs***

ACT 1074 (SB640) authorizes governmental entities to establish property assessed energy improvement districts to manage property assessed clean energy (PACE) programs under which real property owners can finance energy efficiency improvements, renewable energy projects, and water conservation improvements on real property. The act regulates the establishment of the districts, the membership and powers of the board of directors of the districts, the reporting requirements for collecting assessments, guidelines for the PACE programs, and the districts' authority to issue bonds.

### DEVELOPMENT

#### ***Incentives for Clean-burning Motor Fuel Development***

ACT 532 (SB792) provides rebates for approved compressed natural gas, liquefied natural gas, and liquefied petroleum gas refueling stations and for qualified clean-burning motor vehicle fuel property and requires the Arkansas Energy Office to administer the rebates provided for in the act.

## ENERGY

### DEVELOPMENT

#### ***Incentives for Qualified Drop-in Biofuels Manufacturers***

ACT 1418 (SB941) creates an income tax exemption for qualified drop-in biofuels manufacturers for up to twenty (20) years if the qualified drop-in biofuels manufacturers invest at least twenty million dollars (\$20,000,000) in a new or expanded facility in the state and create at least one hundred (100) new jobs. The act is effective for tax years beginning on and after January 1, 2013.

#### ***Limited Net-metering Credit Rollover***

ACT 1221 (HB2019) allows an amount of net excess generation credit up to four (4) months' average usage during the annual billing cycle that is closing to be credited to a net-metering customer's account for use during the next annual billing cycle.

## ENVIRONMENTAL LAW

### AIR POLLUTION AND CONTROL

#### ***State Implementation Plans***

ACT 1302 (SB796) clarifies the responsibilities of the Arkansas Department of Environmental Quality and the Arkansas Pollution Control and Ecology Commission with respect to the adoption of state implementation plans and outlines the requirements for the development and implementation of state implementation plans, including National Ambient Air Quality Standards state implementation plans. The act declares an emergency and is effective on and after April 18, 2013.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1153 (HB1732) repeals obsolete provisions in Title 8, including provisions concerning the implementation of recommendations by the nonexistent Mercury Task Force, outdated requirements for solid waste management plans, and outdated requirements for the development and implementation of a statewide solid waste management plan.

### HAZARDOUS SUBSTANCES

#### ***Petroleum Storage Tank Trust Fund Act***

ACT 406 (HB1397) amends the Petroleum Storage Tank Trust Fund Act, clarifies the law regarding the payment of consultants for the purchase of equipment needed to undertake corrective action, and provides that the initial party responsible for a release retains all liability for third-party damage claims, even if another party assumes responsibility or payments for the same release by agreement or other means.

#### ***Underground Storage Tanks - Corrective Action***

ACT 1509 (HB2196) provides a definition for "release site property owner"; allows the Arkansas Department of Environmental Quality or the owner or operator of an underground storage tank to undertake investigation, site assessment, or corrective action that minimizes to the most reasonable extent practicable interference with the use and enjoyment of property, taking into consideration any private and commercial interests and the release site property owner's or adjacent property owner's need for access; and prohibits release site property owners from impeding or interfering with site access to investigate or remediate a release from an underground storage tank.

### HEALTH

#### ***Asbestos Abatement Grant Program***

ACT 489 (SB410) creates the Asbestos Abatement Grant Program, which allows the Arkansas Department of Environmental Quality to award grants to eligible cities and counties for certain activities relating to asbestos abatement, stabilization, and remediation.

## ENVIRONMENTAL LAW

### POLLUTION PREVENTION

#### ***Petroleum Pipelines in Public Water Supply Watersheds***

ACT 1484 (HB1922) encourages owners and operators of petroleum pipelines that cross a water course that empties into a public surface water supply to install cut-off valves, provide training to critical staff, and create a detailed risk mitigation and response plan for each petroleum pipeline in the watershed of a public surface water supply.

#### ***Tax Exemption for Certain Machinery and Equipment***

ACT 233 (HB1281) amends the sales and use tax exemption for certain machinery and equipment to include machinery and equipment required by state or federal law or regulations to be used in the refining of petroleum-based products to remove sulfur pollutants from a refined product and any repair parts and repair labor for machinery or equipment required by state or federal law or regulations to be used in the refining of petroleum-based products to remove sulfur pollutants from a refined product. The act is effective on and after October 1, 2013.

### SOLID WASTE MANAGEMENT

#### ***Municipal Sewage Systems - Limitations***

ACT 1470 (HB1797) allows a municipal board of health to order or compel the building of a sewer by a property owner for a distance greater than three hundred feet (300') from the point where the sewer exits a building on the property owner's property through or into a street or alley to a place where a connection can be made with a sewer only if the existing sewer on the property owner's property is the subject of an enforcement action by the Arkansas Department of Environmental Quality or a prosecuting attorney.

#### ***Regional Districts***

ACT 316 (HB1245) provides that appointed board members of regional solid waste management districts serve at the pleasure of the appointing body for a minimum term of one (1) year.

#### ***Single-county Districts – Decrease in Population***

ACT 371 (SB385) provides that an approved single-county regional solid waste management district does not cease to be a valid district if the population of the single county composing the district is determined to be less than fifty thousand (50,000) according to a decennial census occurring after the approval of the single-county district.

#### ***Single-county Districts - Population Requirement***

ACT 1244 (SB598) allows for the creation of a new single-county regional solid waste management district if the county has a population of at least twenty-five thousand (25,000) and is served by a county sanitation authority.

#### ***Solid Waste Management and Recycling Fund***

ACT 1333 (HB1215) reduces the maximum amount of money in the Solid Waste Management and Recycling Fund that the Arkansas Department of Environmental Quality may use for administrative purposes to twenty percent (20%), eliminates the grant program under the Solid Waste Management and Recycling Fund Act, and provides for the distribution of money in the Solid Waste Management and Recycling Fund to each approved regional solid waste management district based on a set formula.

### TECHNICAL CORRECTIONS - ENVIRONMENTAL LAW - TITLE 8

ACT 1127 (SB181) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 8 of the Arkansas Code.

## ENVIRONMENTAL LAW

### WATER POLLUTION AND CONTROL

#### ***Appeals Procedure***

ACT 1021 (HB1687) streamlines the process for the review of certain determinations of the Arkansas Department of Environmental Quality and the Arkansas Pollution Control and Ecology Commission, amends the appeal provisions of the Arkansas Water and Pollution Control Act, and provides for a direct appeal of a determination by the commission to the Court of Appeals.

#### ***Concentrated Animal Feeding Operations Permit - Notice of Intent***

ACT 1511 (HB2252) creates a committee to adopt policies instituting the appropriate method for public notice of the intent to apply for a permit for Concentrated Animal Feeding Operations.

#### ***Financial Assurance for Nonmunicipal Domestic Sewage Treatment Works***

ACT 402 (HB1197) clarifies the financial assurance requirements for a commercial nonmunicipal domestic sewage treatment works that does not include residential services, establishes additional financial assurance requirements for nonmunicipal domestic sewage treatment works, and creates the Water Performance Bond Fund, which allows the Arkansas Department of Environmental Quality to hire a third-party contractor to take remedial action or maintain and operate a nonmunicipal sewage treatment works.

#### ***Minimum Streamflow***

ACT 593 (HB2088) removes minimum streamflow from the reserved uses of water before allocation and provides for the priority of uses in allocating water.

#### ***Promulgation of Water Quality Standards***

ACT 954 (HB1929) requires the Arkansas Pollution Control and Ecology Commission to follow certain procedures and consider certain criteria in promulgating water quality standards for minerals.

## ETHICS

### CAMPAIGN FINANCE

ACT 382 (SB427) amends various ethics laws of the State of Arkansas, including providing that the use of campaign funds to pay a candidate's own personal expenses for food, lodging, or travel to attend a national presidential nominating convention is not a taking of campaign funds as personal income; requiring the first quarterly report of a political party receiving contributions and disbursing money before the calendar quarter in which it meets petition requirements to include certain information occurring before the quarter in which the political party met the petition requirements; clarifying the definitions of "ballot question committee" and "legislative question committee"; and making other clarifying changes concerning reports of contributions.

#### ***Use of Public Funds to Support or Oppose Ballot Measures Prohibited***

ACT 312 (HB1187) defines key terms and provides that it is unlawful for a public servant or a governmental body to expend or permit the expenditure of public funds to support or oppose a ballot measure.

### CONFLICTS OF INTEREST

#### ***State Employees and State Officials***

ACT 486 (SB331) restricts certain state employees and officials from obtaining new employment in ethical conflict with their current employment or official capacity.



## ETHICS

### ETHICS COMMISSION

#### ***Investigations***

ACT 1115 (HB1987) provides for the sharing of investigatory information between the Arkansas Ethics Commission, Judicial Discipline and Disability Commission, and Supreme Court Committee on Professional Conduct.

### FINANCIAL DISCLOSURES

ACT 381 (SB426) provides for the reporting of expenditures made by an advertising agency, public relations firm, or political consultant on behalf of a ballot question committee, legislative question committee, individual person, public servant, or governmental body.

#### ***Advertising and Promotion Commission Members***

ACT 88 (HB1034) requires a member of an advertising and promotion commission and a member of a research park authority board to file a statement of financial interest.

#### ***District Judges***

ACT 475 (HB1554) requires a district judge file his or her statement of financial interest with the county clerk.

#### ***Research Park Authority Board Member***

ACT 88 (HB1034) requires a member of an advertising and promotion commission and a member of a research park authority board to file a statement of financial interest.

#### ***Statements of Financial Interest***

ACT 706 (SB785) provides that a statement of financial interest shall include the name and address of each governmental body to which a public servant or candidate is legally obligated to pay a past-due amount and a description of the nature and amount of the obligation.

### STATE EMPLOYEES

#### ***Arkansas Whistle-Blower Act - Confidentiality***

ACT 1080 (SB805) amends Act 211 of 2013, concerning rewards to state employees when a communication under the Arkansas Whistle-Blower Act results in a savings of state funds, to provide that the name and identifying information of a state employee requesting confidentiality under Act 211 of 2013 shall not be disclosed under applicable state or federal law.

#### ***Arkansas Whistle-Blower Act - Reward***

ACT 211 (HB1043) permits a reward to a state employee when a communication under the Arkansas Whistle-Blower Act results in a savings of state funds.

### STATE OFFICIALS

#### ***State Treasury Management***

ACT 1088 (SB838) provides increased regulation and oversight of State Treasury management practices, procedures, and personnel to provide for the prudent investment and management of state treasury funds.

## FAMILY LAW

### ADOPTION

#### ***Child Maltreatment Central Registry***

ACT 471 (HB1446) provides for a Child Maltreatment Central Registry check for all household members age fourteen (14) and older as a part of a foster care home study.

#### ***Consent of Father***

ACT 1054 (HB1790) provides that the adoption of a minor requires the consent of a father who has acknowledged paternity under § 9-10-120.

## FAMILY LAW

### ADOPTION

#### ***Identity of Parent Confidential***

ACT 1004 (HB2010) states that the identity of a parent who relinquishes a child is confidential except upon request of a law enforcement agency or prosecuting attorney if abuse or neglect is suspected.

### CHILD SUPPORT

ACT 317 (HB1257) clarifies that the payment of child support arrearages continues after the duty to support ceases.

### CHILD WELFARE

#### ***Adoption - Identity of Parent Confidential***

ACT 1004 (HB2010) states that the identity of a parent who relinquishes a child is confidential except upon request of a law enforcement agency or prosecuting attorney if abuse or neglect is suspected.

#### ***Child Maltreatment Act***

ACT 1006 (HB2037) modifies the Child Maltreatment Act by expanding the definitions of “abuse” and “neglect”; increases the age of “sexual abuse” to fourteen (14) years; expands the confidentiality of records to include data, records, reports, and documents; modifies the notice requirement when an alleged offender is engaged in child-related activities, is a juvenile, or works with children, the elderly, an individual with a disability, or an individual with a mental illness; and clarifies reporting of a Child Abuse Hotline report on a child in the custody of the Department of Human Services who is the subject of the child maltreatment report.

#### ***Interstate Compact on the Placement of Children - “Foster Care” Defined***

ACT 751 (HB1849) amends the interstate compact on the placement of children by clarifying the definition of “foster care”.

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

ACT 1055 (HB1848) amends provisions of the juvenile code, including the definitions of “abandonment”, “aggravated circumstances”, “cash assistance”, “dependent juvenile”, “family services”, “neglect”, “paternity hearing”, “permanent custody”, “sexual abuse”, “significant other”, and “temporary custody”; clarifies what should be contained in a judge’s order when a child is removed from his or her parent; clarifies the duties and responsibilities of a custodian in a dependency-neglect case; and amends the provisions of the foster youth transition service provided by the Department of Human Services.

#### ***Permanency Planning Hearings***

ACT 490 (SB433) makes technical changes to the manner and administration of permanency planning hearings in cases of child dependency and neglect.

#### ***Use of Controlled Substance Database for Investigations***

ACT 1090 (SB862) authorizes the Department of Human Services to petition a circuit court for access to the controlled substance database during a child maltreatment investigation.

### CHILD WELFARE, MANDATED REPORTING, AND RELATED CRIMINAL OFFENSES

ACT 1086 (SB829) provides for the implementation of recommendations made by the Task Force on Abused and Neglected Children, expands the statute of limitations for the failure of a mandated reporter to report, clarifies sexual assault in the second degree, creates the offense of possession of sexually explicit digital material, expands the unlawful restriction of child abuse reporting to apply to the employers of all mandated reporters, addresses the disclosure of a child maltreatment report, and expands the list of mandated reporters to include paraprofessionals, public or private school counselors, and school officials of institutions of higher education.

## FAMILY LAW

### CUSTODY AND VISITATION

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

ACT 477 (HB1620) authorizes a court to ask a law enforcement official other than the county sheriff to conduct a background check in child custody or visitation cases.

#### ***Grandparent Visitation***

ACT 1512 (HB2267) provides for the visitation rights of grandparents when a child is not in the custody of his or her parent to be similar to the visitation schedule provided to grandparents when a child is in the custody of his or her parent and clarifies a judge's discretion in awarding or modifying a grandparent visitation order.

#### ***Joint Custody***

ACT 1156 (SB901) provides clarification for awarding joint custody in divorce cases.

#### ***Termination of Certain Parental Rights***

ACT 210 (HB1002) provides for the termination of certain parental rights for putative fathers convicted of rape with respect to a child that was conceived as a result of the rape. The act declares an emergency and is effective on and after March 1, 2013.

### DOMESTIC VIOLENCE

ACT 1357 (HB2108) provides for an additional court cost of twenty-five dollars (\$25.00) for each conviction for an offense under § 5-26-301 et seq. for the benefit of the Domestic Peace Fund to be used by the Arkansas Child Abuse/Rape/Domestic Violence Commission as provided under the Arkansas Domestic Peace Act.

#### ***Slayer's Beneficiaries***

ACT 1019 (SB781) prohibits children of a person who murders his or her spouse from collecting from the murdered spouse's estate if the murdered spouse died without a will unless the children were also children of the murdered spouse.

### FOSTER CARE

#### ***Child Maltreatment Central Registry***

ACT 471 (HB1446) provides for a Child Maltreatment Central Registry check for all household members age fourteen (14) and older as a part of a foster care home study.

#### ***Interstate Compact on the Placement of Children - "Foster Care" Defined***

ACT 751 (HB1849) amends the interstate compact on the placement of children by clarifying the definition of "foster care".

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1152 (HB1731) repeals obsolete provisions in Title 9, including the effects of marriage on women, the prohibition on the placement of children with unmarried persons, the removal of disabilities of married women, the authority of women to execute contracts and powers of attorney, and the reformation of deeds, the Common Ground Program, and the Arkansas After-School Enrichment Program.

### GUARDIANSHIP

#### ***Adult Maltreatment Custody Act***

ACT 583 (HB1812) makes various changes to the Adult Maltreatment Custody Act, adds definitions, and describes the process for less-than-custody orders.

#### ***Public Guardian***

ACT 582 (HB1811) amends the Public Guardianship Law to require the consent of the Public Guardian before appointment and to authorize the employment of Deputy Public Guardians.

## **FAMILY LAW**

### GUARDIANSHIP

#### ***Subsidy***

ACT 577 (HB1693) clarifies who may receive a guardianship subsidy from the Department of Human Services and when a guardianship subsidy may be terminated. The act also allows the Department of Human Services to intervene in a guardianship case.

### HUMAN SERVICES DEPARTMENT

#### ***Adult Maltreatment Custody Act***

ACT 583 (HB1812) makes various changes to the Adult Maltreatment Custody Act, adds definitions, and describes the process for less-than-custody orders.

#### ***Guardianship Subsidy***

ACT 577 (HB1693) clarifies who may receive a guardianship subsidy from the Department of Human Services and when a guardianship subsidy may be terminated. The act also allows the Department of Human Services to intervene in a guardianship case.

### JUVENILE LAW

#### ***Placement with Fictive Kin***

ACT 478 (HB1684) provides for a juvenile to be placed with fictive kin as a placement option.

### ORGAN DONATIONS

#### ***Information Confidential***

ACT 1199 (SB1192) makes organ donor information confidential and requires that both parents of a minor agree to the release of information regarding an organ donor if both parents are living.

### SPOUSAL SUPPORT

ACT 1487 (HB1962) revises the alimony statutes to provide that alimony shall automatically cease when a person receiving alimony is living full time with another person in an intimate, cohabitating relationship. The act provides that either party may be entitled to petition the court for review of the order awarding alimony upon a showing of a significant or material change of circumstances. The act also provides guidelines for the award of rehabilitative alimony.

## **FIRE PROTECTION**

### BOARDS

#### ***Arkansas Fire Protection Services Board***

ACT 1256 (SB866) modifies the membership and makeup of the Arkansas Fire Protection Services Board.

#### ***Arkansas Fire Training Academy***

ACT 1091 (SB865) modifies the process by which the Arkansas Fire Protection Services Board and Southern Arkansas University work together on the selection of the director of the Arkansas Fire Training Academy.

### FINANCE

#### ***Forest Fire Protection Tax***

ACT 1391 (SB5) increases the forest fire protection tax to twenty cents (20¢) per acre. The act is effective for assessment years beginning on and after January 1, 2013.

## **FIRE PROTECTION**

### **FIREFIGHTERS**

#### ***Income Tax Deduction for Volunteer Firefighters***

ACT 1452 (HB1399) creates an income tax deduction of up to one thousand dollars (\$1,000) for the amount paid by a volunteer firefighter to purchase required firefighting equipment and the loss of value of personal property of a volunteer firefighter that is damaged or destroyed in the course of his or her participation in fire suppression, rescue, pump operation, or other firefighting activity as a volunteer firefighter. The act is effective on and after January 1, 2014.

#### ***Privileged Communications***

ACT 1353 (HB1971) provides that a communication made by an emergency responder to a certified peer support member, such as a law enforcement officer, firefighter, or emergency medical technician, during a peer support event is privileged. The act provides that a peer support event is any debriefing, defusing, or counseling session that involves the emotional or moral support of an emergency responder who needs support as a result of job-related stress or a job-related incident.

### **LICENSING AND CERTIFICATION**

#### ***Fees***

ACT 1505 (SB1007) authorizes the Arkansas Fire Protection Licensing Board to charge a fee for the duplication of certificates, licenses, and permits and the issuance of new documents due to a change in information. The act also authorizes the imposition of a fee in connection with additional certificates of registration for additional locations. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Fireworks***

ACT 1000 (HB1930) provides that a fireworks importer license does not authorize a person to sell fireworks at wholesale or retail, that a jobber that does not possess an importer license shall not purchase fireworks other than from a vendor that holds an importer and distributor license, and that the sale or use of sky lanterns is prohibited. The act is effective on and after January 1, 2014.

### **SYSTEMS AND PROCEDURES**

#### ***Reimbursement***

ACT 1345 (HB1695) provides modifications concerning reimbursement methods for municipal and volunteer fire departments for accident responses and fire fighting in certain situations.

## **FIREARMS**

### **CONCEALED HANDGUN LICENSING**

#### ***Appeal of License Denial***

ACT 1328 (SB1111) provides that the denial of a concealed handgun license by the Director of the Arkansas State Police may be appealed under the Administrative Procedures Act.

#### ***Exemptions***

ACT 1220 (HB2014) exempts an employee of a local detention facility or an auxiliary law enforcement officer from the concealed handgun licensing requirements.

#### ***Exemptions***

ACT 415 (HB1417) extends the concealed handgun license exemption to current and former certified law enforcement officers, auxiliary law enforcement officers, court bailiffs, and retired law enforcement officers.

## **FIREARMS**

### **CONCEALED HANDGUN LICENSING**

#### ***National Guard Members and Spouses - Requirements***

ACT 989 (HB1631) waives the 90-day residency requirement for a concealed handgun license for the spouse of an active-duty member of the United States Armed Forces. The act also amends certain requirements for a member of the Arkansas National Guard or an armed forces reservist who applies for a concealed handgun license.

#### ***Nondisclosure of Information Concerning Concealed Carry License***

ACT 145 (SB131) exempts from disclosure under the Freedom of Information Act of 1967 the name and corresponding zip code of an applicant, licensee, or past licensee for a license to carry a concealed handgun. The act declares an emergency and is effective on and after February 22, 2013.

#### ***Reciprocity***

ACT 1089 (SB858) provides that a person who has a valid concealed handgun license from another state is automatically given reciprocity in Arkansas.

#### ***Reduced Concealed Handgun Licensing Fee for Seniors***

ACT 1271 (HB1329) reduces to fifty dollars (\$50.00) the fee charged to a person sixty-five (65) years of age or older for a concealed handgun license. The act declares an emergency and is effective on and after April 16, 2013.

### **CONCEALED HANDGUNS - GENERALLY**

#### ***Parole Board***

ACT 320 (HB1326) provides that a member of the Parole Board, an investigator employed by the Parole Board, or a parole revocation judge may carry a concealed handgun.

#### ***Prosecuting Attorneys***

ACT 539 (HB1571) provides that a prosecuting attorney and his or her deputies are eligible to carry a concealed handgun. The act declares an emergency and is effective on and after March 28, 2013.

### **POSSESSION**

#### ***“Journey” Doctrine***

ACT 746 (HB1700) defines a “journey” as “travel beyond the county in which a person lives” for the purpose of possessing a handgun. The act also amends the mental state to require that a person have the purpose to attempt to unlawfully employ the weapon as a weapon against a person.

#### ***Electronic Copy of License***

ACT 419 (HB1458) provides that an electronic copy of a concealed handgun license is sufficient for presentment and that presentment in an electronic format does not authorize a search of the electronic device or expand or restrict the authority of law enforcement to conduct a search.

#### ***Firearm in a Retail Liquor Store***

ACT 760 (HB2025) permits an employee of a retail liquor store to possess a firearm on-premises.

### **PROHIBITED AREAS**

#### ***“Journey” Doctrine***

ACT 746 (HB1700) defines a “journey” as “travel beyond the county in which a person lives” for the purpose of possessing a handgun. The act also amends the mental state to require that a person have the purpose to attempt to unlawfully employ the weapon as a weapon against a person.

## **FIREARMS**

### PROHIBITED AREAS

#### ***Churches***

ACT 67 (SB71) provides that a church or other place of worship may determine if a person who has a license to carry a concealed handgun may carry a concealed handgun into the church or other place of worship. The act declares an emergency and is effective on and after February 11, 2013.

#### ***Concealed Handgun Licensees - Institutions of Higher Education***

ACT 226 (HB1243) provides that a person who has a license to carry a concealed handgun may possess a concealed handgun in the buildings and on the grounds of the institute of higher education where he or she is employed unless otherwise prohibited. The act requires the licensee to be a staff member and allows the governing board of the institute of higher education to adopt a policy that expressly disallows the carrying of a concealed handgun by staff members in the buildings or on the grounds of the institute of higher education.

#### ***Private School Operated by a Church or Other Place of Worship***

ACT 1390 (SB896) provides a defense to prosecution for the possession of a firearm on school property if the person has a concealed handgun license and is carrying on the developed property of a private school operated by a church or other place of worship and if the church or other place of worship allows a person to carry a concealed handgun on its property.

### SALE AND PURCHASE

ACT 547 (HB1819) prohibits the Governor from stopping the sale of firearms during a disaster emergency.

#### ***Unlawful Procurement of a Firearm***

ACT 507 (HB1503) creates the offense of unlawful procurement of a firearm, which is intended to stop certain straw-man purchases for persons otherwise prohibited from purchasing or possessing a firearm.

### THEFT BY RECEIVING A FIREARM

ACT 548 (HB1856) amends the dollar value threshold between a Class C and a Class D felony for theft by receiving a firearm.

## **FREEDOM OF INFORMATION ACT**

### CONFIDENTIAL RECORDS

#### ***Arkansas Whistle-Blower Act***

ACT 1080 (SB805) amends Act 211 of 2013, concerning rewards to state employees when a communication under the Arkansas Whistle-Blower Act results in a savings of state funds, to provide that the name and identifying information of a state employee requesting confidentiality under Act 211 of 2013 shall not be disclosed under applicable state or federal law.

### EXEMPTIONS

#### ***Nondisclosure of Information Concerning Concealed Carry License***

ACT 145 (SB131) exempts from disclosure under the Freedom of Information Act of 1967 the name and corresponding zip code of an applicant, licensee, or past licensee for a license to carry a concealed handgun. The act declares an emergency and is effective on and after February 22, 2013.

#### ***Public Water System Security***

ACT 235 (HB1300) provides a permanent exemption from disclosure under the Freedom of Information Act for public water system security.

## **FREEDOM OF INFORMATION ACT**

### EXEMPTIONS

#### ***School Employees - Personal Contact Information***

ACT 411 (HB1248) provides that release of personal contact information of nonelected school employees, including without limitation home or mobile telephone numbers, personal email addresses, and home addresses, is exempt from disclosure under the Freedom of Information Act of 1967.

## **GAMBLING AND RACING**

### GREYHOUND RACING

#### ***Hours of Racing***

ACT 351 (SB330) permits a dog racing franchise holder to request to hold races on the days and during the hours permitted by the Arkansas Racing Commission.

### RACING COMMISSION

#### ***Powers and Duties***

ACT 350 (SB329) amends the powers and duties of the Arkansas Racing Commission and permits a patron of a horse racing track to place a bet by telephone or other electronic device. The act declares an emergency and is effective on and after March 14, 2013.

## **GENERAL ASSEMBLY**

### APPOINTMENTS

ACT 1287 (HB2089) provides for appointments by the Speaker of the House of Representatives and President Pro Tempore of the Senate to certain boards and compacts in lieu of service by members of the General Assembly.

#### ***Arkansas Fair Housing Commission***

ACT 1359 (HB2197) specifies the procedure for appointments to the Arkansas Fair Housing Commission by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

### COMMISSIONS

#### ***Vision 2025 Legislative Commission on the Future of Higher Education***

ACT 1082 (SB816) establishes the Vision 2025 Legislative Commission on the Future of Higher Education to study, research, and brainstorm ways in which higher education can transform and positively impact the state by 2025 and beyond. The act requires the commission to report to the legislature on April 30, 2014, and October 15, 2014. The act also provides that the commission expires on January 1, 2017.

### COMMITTEES

#### ***Arkansas Legislative Committee on Local 911 Systems***

ACT 1171 (SB974) establishes the Legislative Arkansas Blue Ribbon Committee on Local 911 Systems to study the current status of local 911 systems in the state, including gathering input from state, county, and municipal officials and other states related to 911 systems; researching the number, location, staffing, and equipment of each Public Safety Answering Point in each county; evaluating the effectiveness of local 911 systems; identifying funding, training, and solutions to improve 911 systems in the state; and submitting a report of the committee's recommendations to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The act also provides for the committee to expire on January 1, 2015. The act declares an emergency and is effective on and after April 12, 2013.

### GENERALLY

#### ***Disabilities Legislature***

ACT 769 (HB1780) requires the House of Representatives and the Senate to establish the People First Advisory Legislative Session concerning disability issues.



## GENERAL ASSEMBLY

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1465 (HB1730) repeals obsolete provisions in Title 10, including obsolete provisions regarding subpoena power of legislative committees, personnel of the Joint Performance Review Subcommittee, the authority of the Joint Interim Committee on Legislative Facilities to provide rented quarters to house agencies that are temporarily relocated, the disbursing agent for a specific appropriation, a mandatory report on a feasibility study regarding a final resolution of various desegregation cases for which the due date has passed, and the replacement of members of the General Assembly in emergency situations.

### LEGISLATIVE AUDIT

#### ***Distribution of Ad Valorem Tax Fund***

ACT 1165 (SB782) requires that eighty percent (80%) of the funds in the Ad Valorem Tax Fund be transferred to the State Central Services Fund for local audits by the Division of Legislative Audit, five percent (5%) to the Tax Division of the Arkansas Public Service Commission, and fifteen percent (15%) to the Assessment Coordination Department. The act declares an emergency and is effective on and after July 1, 2013.

### REPORTS

#### ***Revised Forecast of General Revenues Required***

ACT 1224 (HB2184) requires the Chief Fiscal Officer of the State to provide a revised forecast of general revenues for the current fiscal year and requires that the official forecast of general revenues for the upcoming fiscal year be revised if necessary based on the revised forecast of general revenues for the current fiscal year.

### TASK FORCES

#### ***Arkansas Legislative Task Force for Review of Travel Restrictions for Sex Offenders***

ACT 1060 (HB2159) creates the Arkansas Legislative Task Force for Review of Travel Restrictions for Sex Offenders.

#### ***Arkansas Legislative Task Force on Athletic Training in Public Schools***

ACT 1177 (SB1028) creates the Arkansas Legislative Task Force on Athletic Training in Public Schools.

#### ***Child Abuse Task Force***

ACT 149 (SB42) adds a member to and extends the existence of the Arkansas Legislative Task Force on Abused and Neglected Children until 2015.

#### ***Legislative Task Force on Intermodal Transportation and Commerce***

ACT 1430 (SB1108) creates the temporary Legislative Task Force on Intermodal Transportation and Commerce, which shall study issues, develop recommendations, and report its findings to the General Assembly relating to intermodal transportation and commerce policy for review, consideration, and implementation by the General Assembly. The act provides for the expiration of the task force on the earlier of the day after it reports its findings and recommendations or December 16, 2014.

#### ***Sickle Cell Disease***

ACT 1009 (HB2094) amends the membership of the Arkansas Legislative Task Force on Sickle Cell Disease and extends the duration of the task force.

## GENERAL ASSEMBLY

### TASK FORCES

#### ***Task Force to Study Taxation of Nonalcoholic Beverages***

ACT 1425 (SB1080) creates the Legislative Task Force on the Taxation of Nonalcoholic Beverages, which shall perform a detailed and comprehensive study of the wholesale taxes imposed on nonalcoholic beverages in the state, including without limitation the taxes levied under the Arkansas Soft Drink Tax Act, and report its written findings and recommendations by September 1, 2014. The act provides for the expiration of the task force on January 1, 2015.

### TECHNICAL CORRECTIONS - GENERAL ASSEMBLY - TITLE 10

ACT 1161 (SB182) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 10 of the Arkansas Code.

## HEALTH

### ABORTION

#### ***Abortion Tissue***

ACT 725 (HB1447) requires physicians to retain and submit to the State Crime Laboratory abortion-related tissue and prohibits assisting a minor to obtain an abortion without parental consent.

#### ***After the Twelfth Week***

ACT 301 (SB134) prohibits abortions after the twelfth week of pregnancy if a heartbeat is detected.

#### ***Health Insurance Exchange Policies***

ACT 72 (HB1100) prohibits health insurance exchange policies from offering insurance coverage for abortions except through a separate rider.

#### ***Minors***

ACT 725 (HB1447) requires physicians to retain and submit to the State Crime Laboratory abortion-related tissue and prohibits assisting a minor to obtain an abortion without parental consent.

#### ***Pain Capable Protection***

ACT 171 (HB1037) prohibits abortions after the twentieth week of pregnancy. The act declares an emergency and is effective on and after February 28, 2013.

### ABUSED AND NEGLECTED CHILDREN

#### ***Child Abuse Task Force***

ACT 149 (SB42) adds a member to and extends the existence of the Arkansas Legislative Task Force on Abused and Neglected Children until 2015.

### ADULT MALTREATMENT

ACT 583 (HB1812) makes various changes to the Adult Maltreatment Custody Act, adds definitions, and describes the process for less-than-custody orders.

#### ***Adult and Long-Term Care Facility Resident Maltreatment Act***

ACT 584 (HB1813) makes various changes to the Adult and Long-Term Care Facility Resident Maltreatment Act, adds definitions, and describes procedures for the Department of Human Services.

### BIRTHING FACILITIES

#### ***Genetic Testing***

ACT 428 (SB423) requires additional types of genetic testing to be provided for newborns.

#### ***Pulse Oximetry Tests***

ACT 768 (HB1468) requires a birthing facility to perform a pulse oximetry screening for critical congenital heart disease before discharging a newborn.

## HEALTH

### BOARDS AND COMMISSIONS

#### ***Arkansas Cemetery Board***

ACT 390 (SB462) amends the examination procedures of perpetually maintained cemeteries, revises the regulation of permanent maintenance funds, and amends the requirements of an annual report.

#### ***Director of the Department of Health***

ACT 435 (SB482) provides that either a medical doctor or a doctor of public health may serve as the Director of the Department of Health.

### BODY ARTISTS

#### ***Procedures Expanded***

ACT 596 (SB388) adds to the types of procedures that body artists may perform and clarifies penalties for violations of laws and rules regarding body artists.

#### ***Procedures Prohibited***

ACT 597 (SB387) prohibits body artists from performing certain procedures.

### CRANIOFACIAL ANOMALY

#### ***Coverage Required***

ACT 1226 (HB2121) requires health benefit plans to provide insurance coverage for corrective surgery and treatment of a craniofacial anomaly.

### DENTISTRY

#### ***Dental Hygienist Collaborative Agreements***

ACT 137 (SB168) allows direct insurance payments to collaborative dental hygienists for hygiene services if the collaborative dentist is not enrolled with the insurance company.

### DIABETES

#### ***Glucagon Administration - School Volunteers***

ACT 1232 (SB361) allows school volunteers to administer glucagon to students for any type of diabetes.

### DISABILITIES

#### ***Interpreters for the Disabled***

ACT 1314 (SB442) creates a licensure program for Licensed Qualified Interpreters to assist individuals who are deaf, deafblind, hard of hearing, or oral deaf. The act is effective on and after November 1, 2013.

#### ***People First Advisory Legislative Session - Disabilities***

ACT 769 (HB1780) requires the House of Representatives and the Senate to establish the People First Advisory Legislative Session concerning disability issues.

#### ***Working Disabled Individuals***

ACT 1048 (HB1486) removes the earned income limit on Medicaid eligibility for working persons with disabilities.

### EMERGENCY SERVICES

ACT 970 (HB1276) provides an alternative method of disbursement of service charges for emergency medical service areas.

## HEALTH

### EMERGENCY SERVICES

#### ***Arkansas Legislative Committee on Local 911 Systems***

ACT 1171 (SB974) establishes the Legislative Arkansas Blue Ribbon Committee on Local 911 Systems to study the current status of local 911 systems in the state, including gathering input from state, county, and municipal officials and other states related to 911 systems; researching the number, location, staffing, and equipment of each Public Safety Answering Point in each county; evaluating the effectiveness of local 911 systems; identifying funding, training, and solutions to improve 911 systems in the state; and submitting a report of the committee's recommendations to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The act also provides for the committee to expire on January 1, 2015. The act declares an emergency and is effective on and after April 12, 2013.

### ENVIRONMENT

#### ***Asbestos Abatement Grant Program - Creation***

ACT 489 (SB410) creates the Asbestos Abatement Grant Program, which allows the Arkansas Department of Environmental Quality to award grants to eligible cities and counties for certain activities relating to asbestos abatement, stabilization, and remediation.

### FOOD

#### ***Nonpasteurized Milk***

ACT 1209 (HB1536) allows the sale of nonpasteurized milk at the place where the milk is produced.

### FOREIGN MEDICAL CORPORATIONS

ACT 135 (SB53) authorizes foreign medical corporations to obtain certificates of registration in Arkansas. The act declares an emergency and is effective on and after February 20, 2013.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1145 (HB1720) repeals obsolete laws in Title 20 of the Arkansas Code, including provisions concerning the Arkansas Rx Program and the associated fund, the residential care facilities task force, the marking of cold-storage eggs, the ownership of Little Rock Milk Program assets by the Division of Sanitarian Services of the Department of Health, and the designation of the poppy as the official flower of World War I Veterans.

### HEALTH CARE PROVIDERS

#### ***Abuse Registries Automated***

ACT 748 (HB1799) requires the Department of Human Services to automate the review of abuse registries maintained by the department and to streamline the process for requesting an abuse registry check.

#### ***Coverage and Benefits for Certain Therapy***

ACT 342 (SB277) requires a health care insurer to pay comparable reimbursement to physical therapists, occupational therapists, speech-language pathologists, and physicians and state in its health benefit plan the availability of and all related limitations, conditions, and exclusions concerning coverage for physical therapy, occupational therapy, and speech-language pathology under its health benefit plan.

#### ***Health Maintenance Organizations***

ACT 1433 (SB1122) transfers the regulatory responsibilities of the Department of Health over health maintenance organizations to the Insurance Commissioner.

## HEALTH

### HEALTH CARE PROVIDERS

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

ACT 990 (HB1691) allows certain persons to become or continue to serve as health care providers even if a criminal background check finds convictions for certain nonviolent offenses.

#### ***Healthcare Prior Authorization Form***

ACT 338 (SB218) creates a uniform prior authorization form that all health care insurers are required to use for prior authorizations for health care coverage.

#### ***Home Visitation Program***

ACT 528 (SB491) creates a regulatory program for home visitation by nurses, social workers, and other early childhood and health professionals or trained and supervised lay workers.

The act declares an emergency and is effective on and after March 28, 2013.

#### ***In-home Care Training***

ACT 1410 (SB755) establishes training requirements for nonlicensed, compensated in-home caregivers. The act is effective on and after April 1, 2014.

#### ***Massage Therapy Tuberculosis Testing***

ACT 550 (HB2049) eliminates the requirement that massage therapy school students be tested for tuberculosis.

#### ***Medicaid Fairness Act - Appeals***

ACT 562 (SB788) amends the appeals process for providers who deliver Medicaid services under the Medicaid Fairness Act.

#### ***Mental Illness - Notice of Credible Threat***

ACT 1212 (HB1746) requires a mental health services provider to warn a law enforcement agency of a credible threat by a patient.

#### ***Orthotics Payment Process***

ACT 1233 (SB455) authorizes the Insurance Commissioner to establish a health insurance payment process for orthotic devices and prosthetic services.

#### ***Preexisting Conditions - Arkansas Comprehensive Health Insurance Pool***

ACT 713 (SB1107) provides for the orderly cessation of the operations of the Arkansas Comprehensive Health Insurance Pool after December 31, 2013, which was created to provide health care coverage for individuals to whom comprehensive health care coverage is not available in the individual health insurance market because of preexisting health conditions. The act is effective on and after January 1, 2014.

#### ***Tax Law Compliance***

ACT 1436 (SB1159) requires persons and entities to provide evidence of compliance with Arkansas tax law in order to qualify as Medicaid providers.

### HEALTH DEPARTMENT

#### ***Health Maintenance Organizations***

ACT 1433 (SB1122) transfers the regulatory responsibilities of the Department of Health over health maintenance organizations to the Insurance Commissioner.

#### ***Lead-based Paint***

ACT 974 (HB1355) aligns Arkansas's penalties related to violations of lead-based paint rules with federal law.

#### ***Reimbursement***

ACT 564 (SB810) allows the Department of Health to be appropriately reimbursed for medical supplies and services provided.

**HEALTH****HEALTH DEPARTMENT*****Transfer of Arkansas Board of Health Education***

ACT 480 (HB1758) transfers the authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, and allocations or other funds of the Arkansas Board of Health Education to the Department of Health to be administered by the Director of the Department of Health and prohibits the Director of the Department of Health from realigning the functions and records of the Arkansas Board of Health Education before July 1, 2014. The act declares an emergency and is effective on and after July 1, 2013.

***Transfer of Arkansas State Board of Sanitarians***

ACT 481 (HB1759) transfers the authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, and allocations or other funds of the Arkansas State Board of Sanitarians to the Department of Health to be administered by the Director of the Department of Health and prohibits the Director of the Department of Health from realigning the functions and records of the Arkansas State Board of Sanitarians before July 1, 2014. The act declares an emergency and is effective on and after July 1, 2013.

***Transfer of State Athletic Commission***

ACT 482 (HB1760) transfers the authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, and allocations or other funds of the State Athletic Commission to the Department of Health to be administered by the Director of the Department of Health and prohibits the Director of the Department of Health from realigning the functions and records of the State Athletic Commission before July 1, 2014. The act declares an emergency and is effective on and after July 1, 2013.

**HEALTH INSURANCE MARKETPLACE NAVIGATOR PROGRAM**

ACT 1439 (SB1189) establishes the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act to assist consumers to understand the availability of qualified health insurance plans offered through the Arkansas Health Insurance Marketplace. The act takes effect when the Arkansas Health Insurance Marketplace is established or when the state is notified as a matter of federal law to initiate the navigator program.

**HOME SAFETY*****Carbon Monoxide Detectors***

ACT 565 (SB840) repeals the requirement that low-voltage carbon monoxide detectors be placed in newly constructed homes.

**HOSPITALS*****Genetic Testing***

ACT 428 (SB423) requires additional types of genetic testing to be provided for newborns.

***Pulse Oximetry Tests***

ACT 768 (HB1468) requires a birthing facility to perform a pulse oximetry screening for critical congenital heart disease before discharging a newborn.

***Smoking Prohibited***

ACT 975 (HB1405) prohibits smoking tobacco in and on the grounds of all medical facilities.

***Surgical Prior Approval Process***

ACT 464 (HB1267) requires that health insurance companies establish a prior approval process for experimental and investigational surgical procedures and medical devices.

**HUMAN DEVELOPMENT CENTERS*****Smoking Prohibited***

ACT 975 (HB1405) prohibits smoking tobacco in and on the grounds of all medical facilities.

## HEALTH

### HUMAN SERVICES DEPARTMENT

#### ***Name Change - Behavioral Health Services Division***

ACT 980 (HB1497) changes the name of the Division of Mental Health Services of the Department of Human Services to the Division of Behavioral Health Services.

### INSURANCE

#### ***Drug Formularies - Multiple Sclerosis***

ACT 1260 (SB916) requires health insurance providers to give sixty (60) days' notice before making changes regarding certain drugs on a drug formulary. The act is effective on and after January 1, 2014.

#### ***State-based Health Insurance Marketplace***

ACT 1500 (HB1508) establishes the Arkansas Health Insurance Marketplace Act as a private, nonprofit health insurance marketplace to come into existence if a state-based marketplace is approved by the United States Department of Health and Human Services on or before July 1, 2015. The act declares an emergency and is effective on and after April 23, 2013.

### LONG-TERM CARE FACILITIES

#### ***Abuse Registries Automated***

ACT 748 (HB1799) requires the Department of Human Services to automate the review of abuse registries maintained by the department and to streamline the process for requesting an abuse registry check.

#### ***Adult and Long-Term Care Facility Resident Maltreatment Act***

ACT 584 (HB1813) makes various changes to the Adult and Long-Term Care Facility Resident Maltreatment Act, adds definitions, and describes procedures for the Department of Human Services.

#### ***Establishment of Veterans' Home***

ACT 165 (HB1013) authorizes the Director of the Department of Veterans' Affairs to establish and maintain a Veterans' Home at a location selected by the director and increases bed capacity to one hundred fifty (150).

### MALPRACTICE

#### ***Health Care Injuries***

ACT 1196 (SB1162) subsumes various causes of action for health care injuries under a single remedy.

### MANUFACTURE AND SALE OF BEDDING

ACT 1420 (SB1010) provides new regulations and requirements associated with the manufacture and sale of bedding, including bedding labels and materials and provisions for the inspection of the premises where bedding or bedding materials are manufactured.

### MASSAGE THERAPY

#### ***Omnibus Bill***

ACT 1445 (HB1183) amends various provisions of the Massage Therapy Act.

### MEDICAID

#### ***Abuse Registries Automated***

ACT 748 (HB1799) requires the Department of Human Services to automate the review of abuse registries maintained by the department and to streamline the process for requesting an abuse registry check.

#### ***Ambulatory Surgery Centers - Outpatient Clinics***

ACT 1352 (HB1968) provides that certain procedures performed on a Medicaid recipient at an ambulatory surgery center be reimbursed at eighty percent (80%) of the Hospital Outpatient Procedure Medicare rate.

**HEALTH**

**MEDICAID**

***Case Management Pilot Program***

ACT 1453 (HB1482) creates the Medicaid Primary Care Case Management Program Shared-Savings Pilot Program to cover numerous counties in the Arkansas Delta.

***Children***

ACT 1017 (HB2227) seeks to limit unnecessary expansion in Medicaid costs and services related to early intervention day treatment for children by requiring certification and licensure for operation as a child health management service program and the expansion of early intervention day treatment service in a county only if the Division of Developmental Disabilities Service determines that a county is underserved. The act declares an emergency and is effective on and after July 1, 2013.

***Contingency Fees for Recoupment Prohibited***

ACT 1109 (HB1853) prohibits the use of contingency fees for recoupment of payments for Medicaid healthcare providers. The act declares an emergency and is effective on and after April 11, 2013.

***Eligibility Verification***

ACT 1265 (SB1019) requires the Department of Human Services to create and maintain an electronic system to connect with a federal electronic system for verifying Medicaid eligibility.

***Home Care Background Checks***

ACT 1336 (HB1384) requires that in-home caregivers who are paid through Medicaid be tested for illegal drug use and undergo criminal background checks.

***Home Visitation Program***

ACT 528 (SB491) creates a regulatory program for home visitation by nurses, social workers, and other early childhood and health professionals or trained and supervised lay workers. The act declares an emergency and is effective on and after March 28, 2013.

***In-home Care Training***

ACT 1410 (SB755) establishes training requirements for nonlicensed, compensated in-home caregivers. The act is effective on and after April 1, 2014.

***Inmates***

ACT 1117 (HB2034) establishes how an inmate in a local correctional facility may apply for Medicaid coverage and how a local correctional facility may apply for Medicaid coverage on behalf of an inmate.

***Inmates***

ACT 467 (HB1351) provides that if an inmate in the Department of Correction or a person in the custody of the Department of Community Correction receives medical services that meet the criteria for Medicaid coverage, the departments are authorized to apply for Medicaid benefits.

***Long-term Care Eligibility***

ACT 1217 (HB1935) prohibits the Department of Human Services from changing the rules for long-term care eligibility under Medicaid before June 30, 2014.

***Medicaid Fairness Act***

ACT 562 (SB788) amends the appeals process for providers who deliver Medicaid services under the Medicaid Fairness Act.



## HEALTH

### MEDICAID

#### ***Medicaid Inspector General***

ACT 1499 (SB914) creates the offense of health care fraud, establishes the Office of the Medicaid Inspector General within the Governor's office to investigate Medicaid fraud, and removes Medicaid fraud investigations from the Department of Human Services. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Private Option***

ACT 1497 (SB1020) creates the Health Care Independence Act of 2013 to allow private insurance companies to provide health insurance coverage for Medicaid eligible persons. The act is identical to Act 1498 of 2013. The act declares an emergency and is effective on and after April 23, 2013.

#### ***Private Option***

ACT 1498 (HB1143) creates the Health Care Independence Act of 2013 to allow private insurance companies to provide health insurance coverage for Medicaid eligible persons. The act is identical to Act 1497 of 2013. The act declares an emergency and is effective on and after April 23, 2013.

#### ***Property Donation - Mental Health Clinics***

ACT 1251 (SB801) authorizes the Department of Human Services to donate property to community mental health clinics and centers.

#### ***Sex Offenders Excluded***

ACT 1504 (SB984) prohibits sex offenders from providing services through the Arkansas Medicaid program.

#### ***Tax Law Compliance***

ACT 1436 (SB1159) requires persons and entities to provide evidence of compliance with Arkansas tax law in order to qualify as Medicaid providers.

### MEDICAL CLINICS

#### ***Smoking Prohibited***

ACT 975 (HB1405) prohibits smoking tobacco in and on the grounds of all medical facilities.

### MEDICAL CONDITIONS

#### ***Alzheimer's Advisory Council***

ACT 1510 (HB2199) amends the membership and duties of the Alzheimer's Advisory Council.

### MEDICARE

#### ***Arkansas Life and Health Insurance Guaranty Association Act***

ACT 456 (SB464) amends the Arkansas Life and Health Insurance Guaranty Association Act to exclude from coverage certain increases in the value of a policy or contract providing hospital, medical, prescription drug, or other health care benefits under Medicare Part C and D, regulates the assumption of reinsurance contracts by the Arkansas Life and Health Insurance Guaranty Association, and adjusts the association's liability for individual claims and aggregate benefits.

#### ***Obsolete Medicare Waiver***

ACT 279 (SB205) repeals an obsolete law regarding Medicare waivers.

### MENTAL ILLNESS

#### ***Interstate Transfer***

ACT 573 (HB1555) creates a mechanism for transferring back to Arkansas any Arkansas citizen who has been detained in a private hospital in another state for the treatment of mental illness.

## HEALTH

### NEWBORNS

#### ***Shaken Baby Syndrome - Carter's Law***

ACT 1208 (HB1492) creates Carter's Law, requires that birthing facilities provide parents with education regarding shaken baby syndrome before the discharge of an infant, and requires the Department of Human Services to collect and report data concerning abusive head trauma, nonaccidental head trauma, and shaken baby syndrome.

### NURSES

#### ***Advanced Practice Registered Nurse***

ACT 604 (SB161) creates the title of Advanced Practice Registered Nurse and establishes the qualifications for advanced practice registered nursing.

#### ***Student Nurse Licensing Exam***

ACT 302 (SB6) allows an applicant for a nursing license to be informed of his or her eligibility to take the nurse licensing examination before entering a nursing education program.

### OPTOMETRISTS

#### ***Prescriptions - Hydrocodone***

ACT 1361 (HB2210) permits and regulates the prescription of hydrocodone combination drugs by optometrists.

### ORGAN DONATIONS

#### ***Information Confidential***

ACT 1199 (SB1192) makes organ donor information confidential and requires that both parents of a minor agree to the release of information regarding an organ donor if both parents are living.

### PHARMACISTS AND PHARMACIES

#### ***Chemically Similar Drugs***

ACT 274 (HB1185) modifies the definition of "prescription" under the Pharmacy Act to allow substitutions of chemically similar drugs.

#### ***Electronic Prescribing of Controlled Substances***

ACT 1331 (SB1171) authorizes electronic prescribing of controlled substances.

#### ***Pharmacy Benefits Managers***

ACT 1194 (SB1138) regulates the maintenance and use of Maximum Allowable Cost Lists for prescription drugs by pharmacy benefits managers.

#### ***Pseudoephedrine***

ACT 176 (SB268) simplifies the identification process for active duty personnel to purchase pseudoephedrine. The act declares an emergency and is effective on and after March 1, 2013.

#### ***Therapeutically Equivalent Drugs***

ACT 536 (SB965) amends uncodified section 1 of Act 274 of 2013 to prohibit the substitution of a therapeutically equivalent drug for a specifically prescribed drug for certain major illnesses.

### PHYSICIANS

#### ***Electronic Prescribing of Controlled Substances***

ACT 1331 (SB1171) authorizes electronic prescribing of controlled substances.

#### ***Medical Peer Review Confidentiality***

ACT 766 (SB887) allows confidentiality for in-house peer review deliberations by private physicians groups.

#### ***Medical Peer Reviews***

ACT 441 (SB790) provides for confidentiality of peer review committees for medical professional associations.

## HEALTH

### PHYSICIANS

#### ***Mental Illness - Notice of Credible Threat***

ACT 1212 (HB1746) requires a mental health services provider to warn a law enforcement agency of a credible threat by a patient.

#### ***Prescriptions - Legend Drugs***

ACT 1169 (SB968) authorizes the State Medical Board to regulate physician dispensing of legend drugs. The act declares an emergency and is effective on and after April 12, 2013.

#### ***Regulation of Physician-office Surgery***

ACT 587 (HB1881) transfers regulatory responsibilities for physician office-based surgery to the Arkansas State Medical Board.

#### ***Surgical Prior Approval Process***

ACT 464 (HB1267) requires that health insurance companies establish a prior approval process for experimental and investigational surgical procedures and medical devices.

#### ***Unrestricted Faculty Medical Licenses***

ACT 549 (HB2033) authorizes the Arkansas State Medical Board to issue unrestricted licenses to practice medicine to foreign-trained faculty of the University of Arkansas for Medical Sciences.

### PUBLIC HEALTH

#### ***Advance Directives - End of Life Forms***

ACT 1264 (SB1013) requires the Department of Health to create universal forms for Do Not Resuscitate and other end-of-life medical instructions.

#### ***Case Management Pilot Program***

ACT 1453 (HB1482) creates the Medicaid Primary Care Case Management Program Shared-Savings Pilot Program to cover numerous counties in the Arkansas Delta.

#### ***Concussion Protocol***

ACT 1435 (SB1158) requires the Department of Health to develop guidelines that may be used by private athletic organizations for the treatment of concussions that occur during athletic events involving minors.

#### ***E-Cigarettes - Minors***

ACT 1451 (HB1398) prohibits the transfer of e-cigarettes and other nicotine products to minors and prohibits minors from possessing or buying e-cigarettes.

#### ***Nonpasteurized Milk***

ACT 1209 (HB1536) allows the sale of nonpasteurized milk at the place where the milk is produced.

#### ***Primate Registration and Regulation***

ACT 1337 (HB1391) prohibits, except at qualified facilities, the importation, possession, sale, and breeding of nonhuman primates other than apes, macaques, and baboons; requires registration of all primates; and creates penalties for the mistreatment of primates.

### SAFETY

#### ***Amusement Ride Inspections***

ACT 540 (HB1635) authorizes the Director of the Department of Labor to reduce the number of safety inspections for certain portable rides to one (1) time every six (6) months if the portable rides are sufficiently safe.

**HEALTH**

SCHOOLS

***Administration of Epinephrine***

ACT 1437 (SB1173) provides for the administration of epinephrine by authorized school personnel under the Insect Sting and Other Allergic Reactions Emergency Treatment Act to children experiencing a life-threatening anaphylactic reaction. The act also revises Act 757 of 2013 to clarify the act’s applicability to all school teachers and other school employees.

***Epinephrine Auto-Injector***

ACT 757 (HB2011) provides that a school district or public charter school may authorize a school nurse to provide an epinephrine auto-injector to a student or to any personnel authorized under a student’s individualized health care plan to administer to the student. The act also provides that the school nurse may provide an epinephrine auto-injector to a student who the school nurse in good faith professionally believes is having an anaphylactic reaction. The act also provides immunity from suit or liability for any damage, loss, injury, or liability in administering an epinephrine auto-injector to a student unless caused by the intentional or willful and wanton misconduct of the person administering the epinephrine auto-injector.

TASK FORCES

***Sickle Cell Disease***

ACT 1009 (HB2094) amends the membership of the Arkansas Legislative Task Force on Sickle Cell Disease and extends the duration of the task force.

TECHNICAL CORRECTIONS - PUBLIC HEALTH AND WELFARE - TITLE 20

ACT 1132 (SB189) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 20 of the Arkansas Code.

TOBACCO

***Alternative Nicotine Products***

ACT 1188 (SB1087) prohibits the distribution of alternative nicotine products to minors.

UAMS

***UAMS Admissions Board***

ACT 515 (HB2032) requires that at least four (4) of the regional members of the University of Arkansas College of Medicine Admissions Board have faculty appointments in the University of Arkansas College of Medicine.

UNCLAIMED REMAINS OF A VETERAN

ACT 723 (HB1298) provides a manner in which the unclaimed remains of a veteran may be interred and establishes the Missing in America Project Act.

WOMEN

***Reimbursement for Digital Mammography***

ACT 1259 (SB888) requires health insurance providers in the state to pay a reimbursement amount for digital mammography services at Medicare rates.

**HIGHWAYS AND TRANSPORTATION**

AERONAUTICS AND AVIATION

***Driving While Intoxicated - Chemical Tests***

ACT 361 (SB357) provides for additional chemical tests to show that a person was driving while intoxicated, operating a motorboat while intoxicated, operating or navigating an aircraft while intoxicated, or driving under the influence while being underage.

BOATING

***Driving While Intoxicated - Chemical Tests***

ACT 361 (SB357) provides for additional chemical tests to show that a person was driving while intoxicated, operating a motorboat while intoxicated, operating or navigating an aircraft while intoxicated, or driving under the influence while being underage.

## HIGHWAYS AND TRANSPORTATION

### BOATING

#### ***Motorboats - Permit Requirements***

ACT 220 (HB1195) provides an exception to motorboat permit requirements for a dealer of motorboats when certain conditions are met.

### FINANCE AND FUNDING

#### ***Codification of Amendment 91***

ACT 1010 (HB2105) codifies the permanent language of Amendment 91 to the Arkansas Constitution and requires the Arkansas Code Revision Commission to direct the publisher of the Arkansas Code to print the text of Amendment 91 to the Arkansas Constitution in the Appendix to Arkansas Code Title 19.

#### ***Design-build Contracts***

ACT 541 (HB1702) authorizes the Arkansas Highway Commission to enter into design-build contracts for qualified design-build projects within ten (10) years of July 1, 2013, pursuant to Amendment 91 to the Arkansas Constitution.

#### ***Fees***

ACT 1362 (HB2248) authorizes the State Highway and Transportation Department and the State Highway Commission to charge fees for permits, licenses, and other administrative purposes to support the administration and operation of programs for which the fees are assessed.

#### ***Use of Amendment 91 Tax Revenue***

ACT 1241 (SB541) allows revenues from the temporary sales and use tax levied under Amendment 91 to the Arkansas Constitution to be pledged to retire local capital improvement bonds issued for surface transportation projects. The act declares an emergency and is effective on and after April 16, 2013.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1142 (HB1715) repeals obsolete provisions in Title 27, including the duplicate codification of the crime of unauthorized use of a vehicle, the regulation of bonuses for caretaker of motor vehicles from 1911, a reference to an obsolete requirement for proof to be furnished for each vehicle, the deposit or security procedures for issuance of a certificate as proof of financial responsibility, and the duplicate codification of § 27-36-233.

### HIGHWAY AND TRANSPORTATION DEPARTMENT

#### ***“State Highway Employee” Defined - Death Benefits***

ACT 543 (HB1751) defines “state highway employee” for purposes of determining eligibility for Arkansas State Claims Commission death benefits.

#### ***Commercial Motor Vehicles***

ACT 1176 (SB1023) creates the Commercial Truck Safety and Education Fund and sets a fee of an additional fifteen percent (15%) of the amount charged for full-size tractor trailers on vehicles registered with the International Registration Plan. The act is effective on and after October 1, 2013.

#### ***Fees***

ACT 1362 (HB2248) authorizes the State Highway and Transportation Department and the State Highway Commission to charge fees for permits, licenses, and other administrative purposes to support the administration and operation of programs for which the fees are assessed.

## HIGHWAYS AND TRANSPORTATION

### HIGHWAY AND TRANSPORTATION DEPARTMENT

#### ***Property***

ACT 764 (HB2157) authorizes the State Highway Commission and county and municipal authorities to enter into agreements with each other to exchange highways and authorizes the State Highway Commission to dispose of surplus property.

#### ***Trailer Length***

ACT 1092 (SB889) authorizes the State Highway and Transportation Department to issue a special permit increasing trailer length to fifty-seven feet (57') for either one (1) trip or for a one-year period.

### HIGHWAY COMMISSION

#### ***Design-build Contracts***

ACT 541 (HB1702) authorizes the Arkansas Highway Commission to enter into design-build contracts for qualified design-build projects within ten (10) years of July 1, 2013, pursuant to Amendment 91 to the Arkansas Constitution.

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

ACT 502 (HB1282) provides that in eminent domain cases initiated by the State Highway Commission, a party entitled to judgment shall be awarded attorney's fees and costs if the amount awarded exceeds ten percent (10%) of the amount offered by the commission.

#### ***Fees***

ACT 1362 (HB2248) authorizes the State Highway and Transportation Department and the State Highway Commission to charge fees for permits, licenses, and other administrative purposes to support the administration and operation of programs for which the fees are assessed.

#### ***Property***

ACT 764 (HB2157) authorizes the State Highway Commission and county and municipal authorities to enter into agreements with each other to exchange highways and authorizes the State Highway Commission to dispose of surplus property.

#### ***Special Permits for Hauling Animal Feed***

ACT 1267 (SB1072) provides that the Arkansas Highway Commission may, subject to certain limitations and upon payment of a fee, issue a special permit for a single trip or for one (1) year that authorizes movement on state highways of a truck tractor and single semi-trailer combination with five (5) axles hauling animal feed to livestock or poultry that exceeds maximum gross weight limits.

### INTERMODAL FACILITIES

#### ***Legislative Task Force on Intermodal Transportation and Commerce***

ACT 1430 (SB1108) creates the temporary Legislative Task Force on Intermodal Transportation and Commerce, which shall study issues, develop recommendations, and report its findings to the General Assembly relating to intermodal transportation and commerce policy for review, consideration, and implementation by the General Assembly. The act provides for the expiration of the task force on the earlier of the day after it reports its findings and recommendations or December 16, 2014.

### PORTS

#### ***Arkansas Port, Intermodal, and Waterway Development Grant Program***

ACT 1427 (SB1091) creates the Arkansas Port, Intermodal, and Waterway Development Grant Program Fund and requires that the ad valorem taxes and penalties collected from water transportation companies in excess of two million five hundred thousand dollars (\$2,500,000) be deposited into the fund to be used by the Arkansas Waterways Commission exclusively for the Arkansas Port, Intermodal, and Waterway Development Grant Program.

## HIGHWAYS AND TRANSPORTATION

### PROOF OF INSURANCE

#### ***Watercraft***

ACT 1468 (HB1779) provides that electronic display of proof of watercraft liability insurance coverage is sufficient for registration and to establish proof of insurance.

### REGIONAL MOBILITY AUTHORITIES

#### ***Membership, Expenditures, Financing, and Authority***

ACT 497 (HB1701) amends the Regional Mobility Authority Act with respect to the membership, expenditures, and financing of a regional mobility authority and the regional mobility authority's power to issue, sell, and use bond proceeds.

### SAFETY

#### ***All-terrain Vehicles***

ACT 69 (SB107) provides that officials performing official firefighting or emergency medical technician functions may operate all-terrain vehicles on public streets or highways.

#### ***Approaching Authorized Vehicle Stopped on Road***

ACT 579 (HB1750) requires drivers approaching an authorized vehicle stopped on a road, street, or highway to use caution, move to the farthest possible lane or position from the authorized vehicle, and remain in that lane until it has passed the authorized vehicle, or if the driver is unable to change lanes, then the driver shall reduce speed and use caution through the area where the authorized vehicle is stopped.

#### ***Child Safety Restraints***

ACT 224 (HB1232) provides that all passenger vehicles not operated for hire are required to comply with child safety restraint laws.

### SCENIC HIGHWAYS

ACT 714 (SB1136) designates State 90 in Pocahontas, Randolph County, from the Court Square to Ravenden, Lawrence County, and State 90 in Pocahontas, from the Court Square to Dalton on State 93 as Arkansas scenic highways.

### STATE AID ROADS

ACT 299 (HB1389) modifies the minimum bid amount under contracts for state aid roads and increases the amount to two hundred thousand dollars (\$200,000).

### STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM

#### ***"Lump-sum Service" Defined***

ACT 310 (HB1125) defines "lump-sum service" to mean that prior lump-sum payments of leave, salary, or other compensation are not considered for computing average earnings. The act declares an emergency and is effective on and after July 1, 2013.

#### ***"Prorate" Defined***

ACT 309 (HB1124) defines "prorate" to mean a ratio of years of service credit with the Arkansas State Highway Employees' Retirement System divided by all years of service credit with reciprocal systems. The act also continues current benefits to existing members.

### STATE HIGHWAYS

#### ***Designation***

ACT 26 (HB1022) provides that White County will be included in the designated route of Rock 'n' Roll Highway 67.

#### ***Trailer Length***

ACT 1092 (SB889) authorizes the State Highway and Transportation Department to issue a special permit increasing trailer length to fifty-seven feet (57') for either one (1) trip or for a one-year period.

## HIGHWAYS AND TRANSPORTATION

### STATE POLICE

#### ***Arkansas Emergency Contact Information System***

ACT 590 (HB2007) provides that the Arkansas State Police in conjunction with other entities may establish the Arkansas Emergency Contact Information System to help law enforcement notify the next of kin or other designated emergency contact of an eligible participant in times of emergency, that information maintained in the system may be used by law enforcement only for emergency notification purposes or pursuant to a court order and shall not be used in a criminal investigation or for any other purpose, that participation in the system by the public is voluntary, and that the participant is responsible for the accuracy of the emergency contact information.

### WATERWAYS

#### ***Arkansas Port, Intermodal, and Waterway Development Grant Program***

ACT 1427 (SB1091) creates the Arkansas Port, Intermodal, and Waterway Development Grant Program Fund and requires that the ad valorem taxes and penalties collected from water transportation companies in excess of two million five hundred thousand dollars (\$2,500,000) be deposited into the fund to be used by the Arkansas Waterways Commission exclusively for the Arkansas Port, Intermodal, and Waterway Development Grant Program.

#### ***Electronic Proof of Boater Education***

ACT 436 (SB487) provides that an electronic copy of a boater education certificate is sufficient for presentment and that presentment in an electronic format does not authorize a search of the electronic device or expand or restrict the authority of law enforcement to conduct a search.

### WEIGHT AND LOAD LIMITS AND PERMITS

#### ***Special Overweight Permit - Tow Vehicles***

ACT 1362 (HB2248) provides that a special overweight permit for tow vehicles must be obtained and paid for on each vehicle seeking to perform overweight towing.

## IMPROVEMENT DISTRICTS

### ASSESSMENTS

#### ***Levee Districts***

ACT 570 (HB1025) creates an elective alternative method of assessments for a levee district that includes more than two (2) counties and provides a system of appeals for a person aggrieved by an assessment.

### LEVEE DISTRICTS

#### ***Assessments***

ACT 570 (HB1025) creates an elective alternative method of assessments for a levee district that includes more than two (2) counties and provides a system of appeals for a person aggrieved by an assessment.

#### ***Delinquent Levies***

ACT 1186 (SB1070) provides another method for levee and drainage improvement districts to collect delinquent levies.

### PROCEDURES

ACT 1428 (SB1097) provides requirements for municipal improvement districts concerning maintenance of records, filings, notice, and reassessments.

ACT 563 (SB808) modifies the procedures and governance of certain municipal improvement districts.



## INDIVIDUALS WITH DISABILITIES

### ACCESSIBILITY

#### ***Procurement of Nonvisual Access Technology***

ACT 308 (SB440) amends the procurement requirements for nonvisual access technology to state that if technology that allows access for individuals who are blind or visually impaired is not reasonably available, then individuals who are blind or visually impaired shall be provided a reasonable accommodation. The act applies retroactively to information technology procured on or after July 30, 1999, and any upgrades or modifications to or replacement of information technology procured on or after July 30, 1999. The act declares an emergency and is effective on and after March 11, 2013.

## INSURANCE

### AGENTS, ADJUSTERS, AND CONSULTANTS

#### ***License***

ACT 754 (HB1936) provides that an employee of a licensed adjuster or agent is not considered an adjuster for purposes of portable electronic insurance claims if the licensed adjuster or agent is exempt from licensure under § 23-64-102(4)(D) and the employee conducts data entry and provides information only for claims. The act defines an automated claims adjudication system and clarifies the qualifications for an adjuster's license.

#### ***Limited Lines Travel Insurance Producer***

ACT 1494 (HB2009) establishes a procedure for the Insurance Commission to issue a license for a Limited Lines Travel Insurance Producer to provide travel insurance coverage.

#### ***Producer - Exemption***

ACT 534 (SB880) provides for the continuation of an exemption from the continuing education requirements for insurance producers.

### COMPANIES AND ASSOCIATIONS

#### ***Captive Insurance Companies***

ACT 461 (SB789) authorizes the Insurance Commissioner to permit certain captive insurance companies to take credit for reserves on risks or portions of risks ceded to reinsurers if the Insurance Commissioner approves the captive insurance company's business plan, reduces the premium tax rates paid by captive insurance companies, and limits the maximum annual premium tax payable by a captive insurance company to one hundred thousand dollars (\$100,000). The act declares an emergency and is effective on and after March 21, 2013.

#### ***Domestic Surplus Lines Insurance Companies***

ACT 157 (SB206) clarifies that a domestic surplus lines insurer is not responsible for remitting premium taxes and states that the insured is responsible for withholding the tax from the premium due and remitting the premium tax. The act also provides that a surplus lines broker is subject to the tax on brokers under § 23-65-315.

#### ***Guaranty Associations - Liquidation***

ACT 1327 (SB1106) authorizes the early distribution of assets of a rehabilitated and liquidated insurance company and establishes procedures for the early distribution of any assets.

### DENTAL INSURANCE

#### ***Claims Denials***

ACT 427 (HB1672) requires that a denial of a dental claim be decided by a licensed dentist. The act declares an emergency and is effective on and after March 13, 2013.

**INSURANCE**DENTAL INSURANCE***Rate Regulation***

ACT 1339 (HB1419) allows the Insurance Commissioner to consider a nonprofit insurer's surplus levels in determining whether a proposed rate is excessive and prohibits the accumulation of excess income by a nonprofit insurer in the course of providing health insurance. The act does not apply to a nonprofit insurer that offers only limited scope dental benefits.

FUNERAL AND BURIAL INSURANCE***Prepaid Funeral Benefits Contracts and Investments***

ACT 476 (HB1572) regulates prepaid funeral benefits contracts and investments under the Arkansas Prepaid Funeral Benefits Law. The act clarifies that with respect to a "nonspecified prepaid contract" for funeral benefits that does not specify funeral merchandise or a funeral service when the contract is executed, the beneficiary is allowed to select the merchandise or service at the time of need and the contract funds are applied to the cost subject to regulation by the Insurance Commissioner. The act also allows the commissioner to permit a continued investment in a permissible bond that is subsequently downgraded for the contract period in the amounts established by the commissioner.

GENERALLY***Repeal of Obsolete Laws***

ACT 1144 (HB1717) repeals obsolete provisions in Title 23, including the subsequent appropriation acts for the Arkansas Public Service Commission that superseded the maximum salary established for commissioners; appeals to the Supreme Court that have been superseded by the Arkansas Rules of Appellate Procedure and the Arkansas Rules for Inferior Courts; the investigatory powers of the Securities Commissioner as Supervisor of Savings and Loan Associations; the duplicate regulation of Title 23, Chapter 38, which is regulated under Arkansas Code Title 23, Chapter 37; and the references to Arkansas Code Title 23, Chapter 38.

HEALTH INSURANCE***Arkansas Life and Health Insurance Guaranty Association Act***

ACT 456 (SB464) amends the Arkansas Life and Health Insurance Guaranty Association Act to exclude from coverage certain increases in the value of a policy or contract providing hospital, medical, prescription drug, or other health care benefits under Medicare Part C and D, regulates the assumption of reinsurance contracts by the Arkansas Life and Health Insurance Guaranty Association, and adjusts the association's liability for individual claims and aggregate benefits.

***Coverage and Benefits for Certain Therapy***

ACT 342 (SB277) requires a health care insurer to pay comparable reimbursement to physical therapists, occupational therapists, speech-language pathologists, and physicians and state in its health benefit plan the availability of and all related limitations, conditions, and exclusions concerning coverage for physical therapy, occupational therapy, and speech-language pathology under its health benefit plan.

***Craniofacial Anomaly - Coverage Required***

ACT 1226 (HB2121) requires health benefit plans to provide insurance coverage for corrective surgery and treatment of a craniofacial anomaly.

**INSURANCE**

HEALTH INSURANCE

***Drug Formularies - Multiple Sclerosis***

ACT 1260 (SB916) requires health insurance providers to give sixty (60) days' notice before making changes regarding certain drugs on a drug formulary. The act is effective on and after January 1, 2014.

***Health Insurance Marketplace Navigator Program***

ACT 1439 (SB1189) establishes the Arkansas Health Insurance Marketplace Navigator, Guide, and Certified Application Counselors Act to assist consumers to understand the availability of qualified health insurance plans offered through the Arkansas Health Insurance Marketplace. The act takes effect when the Arkansas Health Insurance Marketplace is established or when the state is notified as a matter of federal law to initiate the navigator program.

***Health Maintenance Organizations***

ACT 1433 (SB1122) transfers the regulatory responsibilities of the Department of Health over health maintenance organizations to the Insurance Commissioner.

***Healthcare Prior Authorization Form***

ACT 338 (SB218) creates a uniform prior authorization form that all health care insurers are required to use for prior authorizations for health care coverage.

***Orthotics Payment Process***

ACT 1233 (SB455) authorizes the Insurance Commissioner to establish a health insurance payment process for orthotic devices and prosthetic services.

***Preexisting Conditions - Arkansas Comprehensive Health Insurance Pool***

ACT 713 (SB1107) provides for the orderly cessation of the operations of the Arkansas Comprehensive Health Insurance Pool after December 31, 2013, which was created to provide health care coverage for individuals to whom comprehensive health care coverage is not available in the individual health insurance market because of preexisting health conditions. The act is effective on and after January 1, 2014.

***Private Option***

ACT 1497 (SB1020) creates the Health Care Independence Act of 2013 to allow private insurance companies to provide health insurance coverage for Medicaid eligible persons. The act is identical to Act 1498 of 2013. The act declares an emergency and is effective on and after April 23, 2013.

***Private Option***

ACT 1498 (HB1143) creates the Health Care Independence Act of 2013 to allow private insurance companies to provide health insurance coverage for Medicaid eligible persons. The act is identical to Act 1497 of 2013. The act declares an emergency and is effective on and after April 23, 2013.

***Rate Regulation***

ACT 1339 (HB1419) allows the Insurance Commissioner to consider a nonprofit insurer's surplus levels in determining whether a proposed rate is excessive and prohibits the accumulation of excess income by a nonprofit insurer in the course of providing health insurance. The act does not apply to a nonprofit insurer that offers only limited scope dental benefits.

***Reimbursement for Digital Mammography***

ACT 1259 (SB888) requires health insurance providers in the state to pay a reimbursement amount for digital mammography services at Medicare rates.

## INSURANCE

### HEALTH INSURANCE

#### ***State-Based Health Insurance Marketplace***

ACT 1500 (HB1508) establishes the Arkansas Health Insurance Marketplace Act as a private, nonprofit health insurance marketplace to come into existence if a state-based marketplace is approved by the United States Department of Health and Human Services on or before July 1, 2015. The act declares an emergency and is effective on and after April 23, 2013.

#### ***Surgical Prior Approval Process***

ACT 464 (HB1267) requires that health insurance companies establish a prior approval process for experimental and investigational surgical procedures and medical devices.

#### ***Therapeutically Equivalent Drugs***

ACT 536 (SB965) amends uncodified section 1 of Act 274 of 2013 to prohibit the substitution of a therapeutically equivalent drug for a specifically prescribed drug for certain major illnesses.

### HEALTH INSURANCE EXCHANGE POLICIES

#### ***Abortion Coverage***

ACT 72 (HB1100) prohibits health insurance exchange policies from offering insurance coverage for abortions except through a separate rider.

### INSURANCE DEPARTMENT

ACT 984 (HB1529) establishes certain units and divisions of the State Insurance Department as a law enforcement agency and grants police powers to certain investigators for the department.

#### ***General Omnibus***

ACT 355 (SB339) enacts the State Insurance Department's general omnibus bill, updates numerous insurance laws, and improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department. The act revises the requirements for the commissioner's annual report, amends the procedure for examination expenses, clarifies the procedure for issuance of a charitable annuity permit, provides for the treasurer of an insurer to verify an annual statement, clarifies the requirements for a market conduct annual statement, amends the definitions in the Insurance Holding Company Regulatory Act, clarifies who can void an insurance contract made by a nonadmitted insurer, amends the requirements for foreign and alien surplus lines insurers, amends the definition of a "fraudulent insurance act", requires health maintenance organizations to report appointment terminations, revises the applicability of certain laws to title insurance, revises the requirements for a life settlement license, and makes a technical correction.

#### ***Orthotics Payment Process***

ACT 1233 (SB455) authorizes the Insurance Commissioner to establish a health insurance payment process for orthotic devices and prosthetic services.

#### ***State-based Health Insurance Marketplace***

ACT 1500 (HB1508) establishes the Arkansas Health Insurance Marketplace Act as a private, nonprofit health insurance marketplace to come into existence if a state-based marketplace is approved by the United States Department of Health and Human Services on or before July 1, 2015. The act declares an emergency and is effective on and after April 23, 2013.

### INTERSTATE INSURANCE PRODUCT REGULATION COMPACT

ACT 1330 (SB1170) enrolls Arkansas in the Interstate Insurance Product Compact and provides that the Interstate Insurance Product Commission shall review insurance products for compliance with uniform standards.

## INSURANCE

### LIABILITY INSURANCE

#### ***Amusement Ride Inspections***

ACT 540 (HB1635) authorizes the Director of the Department of Labor to reduce the number of safety inspections for certain portable rides to one (1) time every six (6) months if the portable rides are sufficiently safe.

### LIFE INSURANCE AND ANNUITIES

#### ***Arkansas Life and Health Insurance Guaranty Association Act***

ACT 456 (SB464) amends the Arkansas Life and Health Insurance Guaranty Association Act to exclude from coverage certain increases in the value of a policy or contract providing hospital, medical, prescription drug, or other health care benefits under Medicare Part C and D, regulates the assumption of reinsurance contracts by the Arkansas Life and Health Insurance Guaranty Association, and adjusts the association's liability for individual claims and aggregate benefits.

### MEDICAID

#### ***Medicaid Inspector General***

ACT 1499 (SB914) creates the offense of health care fraud, establishes the Office of the Medicaid Inspector General within the Governor's office to investigate Medicaid fraud, and removes Medicaid fraud investigations from the Department of Human Services. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Private Option***

ACT 1497 (SB1020) creates the Health Care Independence Act of 2013 to allow private insurance companies to provide health insurance coverage for Medicaid eligible persons. The act is identical to Act 1498 of 2013. The act declares an emergency and is effective on and after April 23, 2013.

#### ***Private Option***

ACT 1498 (HB1143) creates the Health Care Independence Act of 2013 to allow private insurance companies to provide health insurance coverage for Medicaid eligible persons. The act is identical to Act 1497 of 2013. The act declares an emergency and is effective on and after April 23, 2013.

### MOTOR VEHICLES

#### ***Electronic Display of Proof of Insurance***

ACT 175 (SB243) permits the electronic display of proof of motor vehicle liability insurance coverage as sufficient documentation for registration and proof of insurance purposes.

### POLICIES

#### ***Portable Electronics***

ACT 340 (SB263) amends a vendor's reporting requirements regarding changes in portable electronics insurance policies.

### PREMIUM TAXES

#### ***New Market Tax Credit***

ACT 1474 (HB1832) allows a business entity that makes a qualified equity investment to earn a vested right to a tax credit against state premium tax liability, regulates the transferability and recapture of the tax credit, provides for certification and decertification of the investments eligible for the tax credit, and requires reports and revenue impact assessments by taxpayers eligible for the credit. The act declares an emergency and is effective on and after April 22, 2013.

## INSURANCE

### PREMIUMS AND CHARGES

#### ***Bond - Premium Rate Approval***

ACT 1187 (SB1071) clarifies the insurance premium rate approval process and allows an insurer to collect rate increases under bond after the Insurance Commissioner has disapproved the rate increase.

### REGULATION

#### ***Exemption - Health Care Sharing Ministries***

ACT 1163 (SB362) exempts health care sharing ministries from state insurance laws. The act requires the health care ministry to set contribution amounts for participants with no guarantee of return, assumption of risk, or promise to pay a participant's medical provider for the medical needs of the participant; send monthly statements to participants; and provide a disclaimer to participants that clarifies a participant remains personally responsible for the payment of their own medical bills.

#### ***Health Maintenance Organizations***

ACT 1433 (SB1122) transfers the regulatory responsibilities of the Department of Health over health maintenance organizations to the Insurance Commissioner.

#### ***Insurance Fraud in Procurement of Medical Services***

ACT 513 (HB1874) creates the criminal offense of insurance fraud by use of a procurer and enumerates the prohibited acts by a procurer. The act also expands the authority of the Arkansas State Board of Chiropractic Examiners to take administrative action in certain cases.

#### ***Rate Regulation***

ACT 1339 (HB1419) allows the Insurance Commissioner to consider a nonprofit insurer's surplus levels in determining whether a proposed rate is excessive and prohibits the accumulation of excess income by a nonprofit insurer in the course of providing health insurance. The act does not apply to a nonprofit insurer that offers only limited scope dental benefits.

#### ***Self-service Storage Insurance***

ACT 588 (HB1933) authorizes the Insurance Commissioner to issue a limited license for the sale of self-service storage insurance by the owner or operator of a self-service storage facility and to regulate self-service storage insurance.

### SURPLUS LINES

#### ***Domestic***

ACT 157 (SB206) clarifies that a domestic surplus lines insurer is not responsible for remitting premium taxes and states that the insured is responsible for withholding the tax from the premium due and remitting the premium tax. The act also provides that a surplus lines broker is subject to the tax on brokers under § 23-65-315.

## LABOR AND INDUSTRIAL RELATIONS

### AMUSEMENT RIDES

#### ***Amusement Ride Inspections***

ACT 540 (HB1635) authorizes the Director of the Department of Labor to reduce the number of safety inspections for certain portable rides to one (1) time every six (6) months if the portable rides are sufficiently safe.

## **LABOR AND INDUSTRIAL RELATIONS**

### CENTRAL REGISTRY CHECKS

ACT 993 (HB1784) increases the number of days for the central registry to notify a state agency of the results of a central registry check from three (3) to seven (7), expands the list of offenses that disqualify an individual from certain employment, and modifies the requirement for a national criminal history check under certain circumstances.

### EMPLOYMENT

ACT 1480 (HB1901) prohibits employers from requiring or requesting that a current or prospective employee disclose his or her username or password for a social media account or provide access to the content of his or her social media account.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1151 (HB1729) repeals obsolete laws in Title 11, including provisions concerning the requirement for the Secretary of State to provide office space to the Department of Labor, wage assignments made only by married men, and an employment program that was never created or funded.

### TECHNICAL CORRECTIONS - LABOR AND INDUSTRIAL RELATIONS - TITLE 11

ACT 1128 (SB183) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 11 of the Arkansas Code.

### UNEMPLOYMENT

#### ***ElderChoices Providers***

ACT 1180 (SB1036) exempts, retroactive to January 1, 2010, ElderChoices service providers from the definition of “employment” for unemployment insurance and compensation purposes. The act declares an emergency and is effective on and after April 12, 2013.

### UNEMPLOYMENT ELIGIBILITY AND BENEFITS

#### ***Misconduct Discharge***

ACT 1077 (SB780) clarifies the conditions under which a person may be disqualified from receiving unemployment benefits after discharge for misconduct.

### VOLUNTARY VETERAN’S PREFERENCE

ACT 598 (HB1575) permits a private employer or a local government employer to have a voluntary veteran’s preference employment policy, requires the Department of Workforce Services to maintain a registry of employers with a voluntary veteran’s preference policy, and requires the Department of Veterans’ Affairs and the Department of Workforce Services to assist in determining whether an applicant is a veteran, spouse of a disabled veteran, or surviving spouse of a veteran.

### WAGES

#### ***Minimum Wage Exemption - Educational Conference Centers***

ACT 457 (SB533) exempts individuals employed by organized camps and religious and nonprofit educational conference centers from the definition of “employee” under the minimum wage law. The act declares an emergency and is effective on and after March 21, 2013.

### WORKERS’ COMPENSATION

ACT 1166 (SB802) provides that an owner-operator may obtain workers’ compensation coverage from a motor carrier with which the owner-operator has contracted without affecting the independent contractor status of the owner-operator.

### WORKFORCE SERVICES DEPARTMENT

#### ***Contributions***

ACT 1191 (SB1116) amends the computation of future contribution rates for employers under the Department of Workforce Services Law.

## LABOR AND INDUSTRIAL RELATIONS

### WORKFORCE SERVICES DEPARTMENT

#### ***False Statement Penalties***

ACT 1242 (SB542) clarifies the penalties for making false statements in applications for unemployment benefits and requires the Department of Workforce Services to track false statements and report to the Legislative Council.

#### ***Omnibus Bill***

ACT 956 (SB575) makes various changes to the Department of Workforce Services Law, including changes concerning misconduct discharges, shared work programs, and funds used to pay unemployment benefits.

#### ***Refusal to Seek Work - Quarterly Reports***

ACT 1040 (SB857) clarifies the duty of the Department of Workforce Services regarding unemployment ineligibility for failure to accept or seek suitable work and requires quarterly reports to the Legislative Council.

#### ***Unemployment - Misconduct Discharge***

ACT 1077 (SB780) clarifies the conditions under which a person may be disqualified from receiving unemployment benefits after discharge for misconduct.

## LAW ENFORCEMENT

### AUXILIARY LAW ENFORCEMENT OFFICERS

ACT 705 (SB777) authorizes the appointment of additional auxiliary law enforcement officers in certain situations.

#### ***Concealed Handgun Licensing Exemptions***

ACT 1220 (HB2014) exempts an employee of a local detention facility or an auxiliary law enforcement officer from the concealed handgun licensing requirements.

### COMMUNICATIONS

#### ***Alternate Mailing Address***

ACT 1514 (HB2283) provides that a law enforcement officer may receive mail from a state agency at a post office box or another alternative address.

### CONSTABLES

ACT 1113 (HB1956) amends the uniform requirements for constables acting in an official capacity.

#### ***Special License Plate***

ACT 569 (SB1059) provides for the creation and issuance of a constable special license plate. The act is effective on and after January 1, 2014.

### COUNTY SHERIFFS AND DEPUTIES

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

ACT 477 (HB1620) authorizes a court to ask a law enforcement official other than the county sheriff to conduct a background check in child custody or visitation cases.

#### ***Concealed Handgun Licensing Exemption***

ACT 415 (HB1417) extends the concealed handgun license exemption to current and former certified law enforcement officers, auxiliary law enforcement officers, court bailiffs, and retired law enforcement officers.

#### ***Writs of Execution***

ACT 319 (HB1324) clarifies that an officer is personally liable only for a willful failure to deliver an execution and extends the time period for returning an execution to ninety (90) days.



## LAW ENFORCEMENT

### CRIME INFORMATION CENTER

ACT 470 (HB1440) provides that certain officials may access the registry at the Arkansas Crime Information Center that lists all persons who were adjudicated to have a mental disease or defect or were involuntarily committed.

#### ***Study of Child Abuse and Neglect Registry and Website***

ACT 1503 (SB946) requires a study to determine the feasibility of creating a child abuse and neglect registry and public website and requires the Arkansas Crime Information Center to submit a report of the study's findings to Legislative Council by September 1, 2014.

### CRIME LABORATORY

#### ***Attestation of Records and Reports in Civil Cases***

ACT 297 (HB1359) allows attestation of records and reports of autopsies, evidence analyses, drug analyses, and investigations made by the State Crime Laboratory in civil cases and protects a defendant's right to cross-examine in civil cases involving the attestation of certain records and reports of the State Crime Laboratory.

#### ***Communication with Next of Kin***

ACT 298 (HB1362) provides that the State Crime Laboratory may communicate, without prior authorization, with the decedent's next of kin or the next of kin's designee in cases in which the cause and manner of death are not criminal in nature.

#### ***Fees***

ACT 296 (HB1358) clarifies that the fees collected by the State Crime Laboratory include fees for autopsies requested by the Department of Health for sudden infant death syndrome cases or by the Federal Bureau of Prisons.

#### ***Functions***

ACT 323 (HB1360) amends the functions of the State Crime laboratory to include DNA analysis, DNA database administration, and computer forensic analysis.

### CRIMINAL INVESTIGATION - GENERALLY

#### ***Automatic License Plate Reader System***

ACT 1491 (HB1996) prohibits the use of an automatic license plate reader system except by law enforcement or parking enforcement or for the purpose of entry to secure areas. The act requires that data captured by the automatic license plate reader system be destroyed after one hundred fifty (150) days unless preserved longer for an ongoing investigation and requires compilation and publication of statistical data and rules on obtaining, retaining, and destroying data.

#### ***Chemical Tests***

ACT 361 (SB357) provides additional, saliva chemical tests to show that a person was driving while intoxicated, operating a motorboat while intoxicated, operating or navigating an aircraft while intoxicated, or driving under the influence while underage. The act also provides the additional chemical tests to be used regarding commercial driver's licenses, driver's licenses, and hunting licenses.

#### ***Child Maltreatment Registry***

ACT 575 (HB1686) amends the definition of "volunteer organization" to include public school, school district, person, or organization designated by a public school or school district to organize volunteers for the public school or school district for the purpose of conducting criminal background checks of volunteers. The act further specifies the conditions under which the Department of Human Services may provide to a school official a report of a true finding on the Child Maltreatment Central Registry concerning a school volunteer. The act declares an emergency and is effective on and after April 2, 2013.

## LAW ENFORCEMENT

### CRIMINAL INVESTIGATION - GENERALLY

#### ***Pawn Shops and Pawnbrokers***

ACT 404 (HB1369) requires pawn shops and pawnbrokers to electronically maintain and upload records to assist law enforcement and the investigation of crimes.

#### ***Time Frame for Child Maltreatment Investigations***

ACT 426 (HB1574) extends the time frame to investigate certain crimes involving a child from thirty (30) days to forty-five (45) days regardless of whether the investigation is conducted by the Department of Human Services, the Crimes Against Children Division of the Department of Arkansas State Police, or local law enforcement.

### EMPLOYEES OF A LOCAL DETENTION FACILITY

#### ***Concealed Handgun Licensing Exemptions***

ACT 1220 (HB2014) exempts an employee of a local detention facility or an auxiliary law enforcement officer from the concealed handgun licensing requirements.

### FALLEN LAW ENFORCEMENT OFFICERS' BENEFICIARY FUND

ACT 586 (HB1857) provides for the creation and issuance of special license plates for certified law enforcement officers, to support law enforcement, and for the Arkansas Sheriff's Association. The act also provides for the distribution and use of the special license plate revenues and the creation of the Fallen Law Enforcement Officers' Beneficiary Fund to be used by the Arkansas Commission on Law Enforcement Standards and Training to provide support and assistance to beneficiaries of fallen law enforcement officers. The act is effective on and after January 1, 2014.

### GENERALLY

#### ***Automatic License Plate Reader System***

ACT 1491 (HB1996) prohibits the use of an automatic license plate reader system except by law enforcement or parking enforcement or for the purpose of entry to secure areas. The act requires that data captured by the automatic license plate reader system be destroyed after one hundred fifty (150) days unless preserved longer for an ongoing investigation and requires compilation and publication of statistical data and rules on obtaining, retaining, and destroying data.

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

ACT 477 (HB1620) authorizes a court to ask a law enforcement official other than the county sheriff to conduct a background check in child custody or visitation cases.

#### ***Mental Illness - Notice of Credible Threat***

ACT 1212 (HB1746) requires a mental health services provider to warn a law enforcement agency of a credible threat by a patient.

#### ***Repeal of Obsolete Laws***

ACT 1277 (HB1728) repeals obsolete provisions in Title 12, including the repeal of the Arkansas Crime Prevention Office Act and the requirement that land leased by the Board of Corrections be within five (5) miles of an established camp or stockade.

#### ***Repeal of Obsolete Laws***

ACT 143 (HB1236) repeals obsolete provisions in Title 12, including removing certain positions that no longer exist from the State Police additional salary payment provisions.

## LAW ENFORCEMENT

### GENERALLY

#### ***Reports***

ACT 1229 (SB225) provides that the name and address of a minor occupant shall be included as required in any accident or investigation report but shall be redacted on copies and is not available under the Freedom of Information Act of 1967 unless the requestor is a parent or guardian of the minor or a representative of an insurance company. The act is effective on and after January 1, 2015.

#### ***Vehicles***

ACT 1183 (SB1044) requires a policy and supervisor approval for civilian passengers in law enforcement patrol vehicles.

### JURISDICTION

ACT 423 (HB1505) provides for a revised list of which full-time federal, state, county, or municipal law enforcement officers may make an arrest with or without a warrant.

### MUNICIPAL LAW ENFORCEMENT

#### ***Concealed Handgun Licensing Exemption***

ACT 415 (HB1417) extends the concealed handgun license exemption to current and former certified law enforcement officers, auxiliary law enforcement officers, court bailiffs, and retired law enforcement officers.

### NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE

ACT 1157 (HB1581) provides for the posting of certain information about the National Human Trafficking Resource Center Hotline in different places and businesses throughout the state. The act also provides for the sealing of certain criminal records when the person was being subjected to human trafficking.

### NUISANCE ABATEMENT

ACT 1219 (HB1972) clarifies which common nuisances may be declared and abated when the nuisances are being used for the manufacture, sale, and use of controlled substances and states who may bring suit to have the common nuisance abated and who will be assessed the costs of litigation.

### PRIVILEGED COMMUNICATIONS

ACT 1353 (HB1971) provides that a communication made by an emergency responder to a certified peer support member, such as a law enforcement officer, firefighter, or emergency medical technician, during a peer support event is privileged. The act provides that a peer support event is any debriefing, defusing, or counseling session that involves the emotional or moral support of an emergency responder who needs support as a result of job-related stress or a job-related incident.

### SERVICE FIREARMS

ACT 307 (SB338) provides that the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department may award to an officer or his or her spouse the service pistol, the shotgun, or both carried or used by an officer while on duty at the time of his or her death or retirement.

### SEX OFFENDER REGISTRATION

#### ***Adam Walsh Child Protection and Safety Act***

ACT 508 (HB1525) amends the obligations of persons and law enforcement concerning the registration of sex offenders to bring the state into further compliance with the Adam Walsh Child Protection and Safety Act.

## LAW ENFORCEMENT

### SEX OFFENDER REGISTRATION

#### ***Fees***

ACT 42 (SB56) provides, subject to good faith defenses for nonpayment, that a person who relocates to this state and was convicted of an offense in another state that requires registration as a sex offender in this state shall pay a fee of two hundred fifty dollars (\$250) within ninety (90) days from the date of registration, and the act states that the failure to do so upon conviction is a Class A misdemeanor. The act also provides that the fee will be collected and paid into the Sex and Child Offenders Registration Fund.

#### ***Lifetime Registration***

ACT 1248 (SB653) makes technical corrections to the provision that requires lifetime registration as a sex offender and adds persons assessed as Level 4 sexually dangerous persons.

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

ACT 172 (SB57) amends certain reporting requirements of the Sex Offender Registration Act of 1997, including what constitutes residency.

#### ***Sexually Dangerous Persons***

ACT 505 (HB1409) amends the term “sexually violent predator” throughout the Arkansas Code to now read “sexually dangerous person”.

### SPECIAL LICENSE PLATES

ACT 586 (HB1857) provides for the creation and issuance of special license plates for certified law enforcement officers, to support law enforcement, and for the Arkansas Sheriff’s Association. The act also provides for the distribution and use of the special license plate revenues and the creation of the Fallen Law Enforcement Officers’ Beneficiary Fund to be used by the Arkansas Commission on Law Enforcement Standards and Training to provide support and assistance to beneficiaries of fallen law enforcement officers. The act is effective on and after January 1, 2014.

### STATE POLICE

#### ***Arkansas Emergency Contact Information System***

ACT 590 (HB2007) provides that the Arkansas State Police in conjunction with other entities may establish the Arkansas Emergency Contact Information System to help law enforcement notify the next of kin or other designated emergency contact of an eligible participant in times of emergency, that information maintained in the system may be used by law enforcement only for emergency notification purposes or pursuant to a court order and shall not be used in a criminal investigation or for any other purpose, that participation in the system by the public is voluntary, and that the participant is responsible for the accuracy of the emergency contact information.

### TECHNICAL CORRECTIONS - LAW ENFORCEMENT, EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS - TITLE 12

ACT 1129 (SB184) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 12 of the Arkansas Code.

### TRAINING AND QUALIFICATIONS

#### ***Canine Officers***

ACT 168 (HB1237) establishes minimum training and certification requirements for law enforcement canine officers utilizing canines as an aid for performing searches, seizures, and other law enforcement functions.

## LAW ENFORCEMENT

### TRAINING AND QUALIFICATIONS

#### ***Institutions of Higher Education***

ACT 227 (HB1252) authorizes a private university to create and maintain a law enforcement agency on its campus. The act also delineates the powers and responsibilities of a private university law enforcement agency and its officers, requires certain record keeping, and provides for motor vehicle regulation.

#### ***Probationary Period***

ACT 1061 (HB2161) extends the probationary period for prospective certified law enforcement officers.

#### ***Safe School Initiative Act***

ACT 484 (SB140) creates the Safe School Initiative Act, which requires public schools to participate in active shooter drills and provide education and training for employees to prepare for incidents of campus violence beginning with the 2014-2015 school year. The act requires the Criminal Justice Institute to train law enforcement officers, designated school personnel, and others to conduct active shooter drills for public schools and provide education and training for public school campus safety.

### VEHICLES

ACT 1183 (SB1044) requires a policy and supervisor approval for civilian passengers in law enforcement patrol vehicles.

#### ***Travel Out of State***

ACT 311 (HB1175) allows law enforcement officers to travel out of state in an emergency vehicle for the funeral of a law enforcement officer, victim of a crime, or witness to a crime.

## LOTTERY

### ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM

ACT 1173 (SB997) provides authority for the Arkansas Lottery Commission to set lottery retailer fees. The act also makes various amendments to the Arkansas Scholarship Lottery Act concerning the Arkansas Academic Challenge Scholarship Program.

#### ***Award Amounts***

ACT 234 (HB1295) sets the scholarship award amounts under the Arkansas Academic Challenge Scholarship Program, Part 2, beginning with the 2013-2014 academic year. The act also increases the aggregate amount of scholarships under this program for nontraditional students. The act declares an emergency and is effective on and after March 1, 2013.

### LOTTERY COMMISSION

#### ***Report of Claims***

ACT 1131 (SB188) requires the Arkansas Lottery Commission to file with the Arkansas Lottery Commission Legislative Oversight Committee a written report of certain claims filed with the Arkansas Claims Commission to which the Arkansas Lottery Commission admits liability.

#### ***Retailer Fees***

ACT 1173 (SB997) provides authority for the Arkansas Lottery Commission to set lottery retailer fees. The act also makes various amendments to the Arkansas Scholarship Lottery Act concerning the Arkansas Academic Challenge Scholarship Program.

### RETAILERS

#### ***Fees***

ACT 1173 (SB997) provides authority for the Arkansas Lottery Commission to set lottery retailer fees. The act also makes various amendments to the Arkansas Scholarship Lottery Act concerning the Arkansas Academic Challenge Scholarship Program.

## MILITARY AND VETERANS

### ACTIVE DUTY SERVICE

#### ***Income Tax Exemption***

ACT 1408 (SB463) creates an exemption from the income tax for service pay or allowances received by active duty members of the armed services, including members of the National Guard and Reserve units. The act is effective on and after January 1, 2014.

#### ***Licensure of Spouse***

ACT 8 (SB7) provides that state boards and commissions may allow the spouse of an active duty military service member stationed in this state to secure employment with a temporary license, certificate, or permit while completing the application process for full licensure, certification, or permit if the applicant is a holder of a substantially equivalent license, certificate, or permit issued by another state. The act also allows state boards and commissions to expedite the full license, certificate, or permit process for the spouse of an active duty military service member in this state.

#### ***Pseudoephedrine***

ACT 176 (SB268) simplifies the identification process for active duty personnel to purchase pseudoephedrine. The act declares an emergency and is effective on and after March 1, 2013.

### DISABLED VETERANS

#### ***Special Motorcycle License Plates***

ACT 473 (HB1475) provides for the creation and issuance of special disabled veterans motorcycle license plates for qualifying individuals free of charge. The act is effective on and after January 1, 2014.

### MEMBERS OF THE ARMED SERVICES

#### ***Absentee Voting***

ACT 466 (HB1283) requires that an absentee ballot cast by a member of the armed services be counted if the member dies before election day.

### NATIONAL GUARD AND RESERVES

#### ***Additional School Absences***

ACT 1289 (HB2110) requires additional absences be granted to a student who joins the Arkansas National Guard at age seventeen (17) at the discretion of the school district superintendent in order to complete basic training between grades eleven (11) and twelve (12).

#### ***Concealed Handgun License - Requirements for Members and Spouses***

ACT 989 (HB1631) waives the 90-day residency requirement for a concealed handgun license for the spouse of an active-duty member of the United States Armed Forces. The act also amends certain requirements for a member of the Arkansas National Guard or an armed forces reservist who applies for a concealed handgun license.

#### ***Rental Fees - Readiness Center***

ACT 1013 (HB2111) provides that the Arkansas National Guard may charge a fee for rental of its readiness centers and use the funds for expenses and for Arkansas National Guard morale, welfare, and recreation events.

#### ***Tuition Incentive Program***

ACT 1012 (HB2109) changes the definition of “qualified applicant” to remove the requirement of enlistment in a critical military occupation specialty or Air Force Skill Code for purposes of the National Guard Tuition Incentive Program.

## MILITARY AND VETERANS

### NATIONAL GUARD AND RESERVES

#### ***Tuition Waiver***

ACT 1011 (HB2106) allows colleges, universities, community colleges, technical schools, and other post-secondary institutions of higher learning in the state directly receiving funds from the General Assembly to waive up to one hundred percent (100%) of tuition for soldiers and airmen of the Arkansas National Guard.

### SERVICE-DISABLED VETERANS

#### ***Special License Plates***

ACT 1292 (HB2247) provides that a veteran who is thirty percent (30%) disabled, a lifelong member of the Disabled American Veterans, and is the owner of a motor vehicle that is used by or for the disabled veteran may obtain disabled veteran motor vehicle license plates. The act is effective on and after January 1, 2014.

### SPECIAL LICENSE PLATES

#### ***Decal for Vietnam Veterans***

ACT 495 (HB1527) defines “Vietnam Veteran” and “Vietnam Veteran” and authorizes the Director of the Department of Finance and Administration to create a permanent decal for Vietnam Era Veterans. The act is effective on and after January 1, 2014.

#### ***Disabled American Veterans***

ACT 1292 (HB2247) provides that a veteran who is thirty percent (30%) disabled, a lifelong member of the Disabled American Veterans, and is the owner of a motor vehicle that is used by or for the disabled veteran may obtain disabled veteran motor vehicle license plates. The act is effective on and after January 1, 2014.

#### ***Disabled Veterans - Motorcycle Plates***

ACT 473 (HB1475) provides for the creation and issuance of special disabled veterans motorcycle license plates for qualifying individuals free of charge. The act is effective on and after January 1, 2014.

#### ***Former Prisoners of War***

ACT 765 (HB2179) amends the Special License Plate Act of 2005 to make special license plates for ex-prisoners of war free and allows an additional plate to be provided for free.

#### ***Issuance of Second Plate - Retired Service Members***

ACT 619 (SB484) amends the Special License Plate Act of 2005 to allow a retired member of the armed forces to obtain a second special license plate. The act is effective on and after January 1, 2014.

#### ***Issuance of Second Plate - Service Members and Veterans***

ACT 566 (SB905) provides for the issuance of a second special license plate to eligible military service members and veterans upon payment of regular licensing fees.

#### ***Little Rock Air Force Base***

ACT 407 (HB1511) provides for the creation and issuance of a special license plate for the Little Rock Air Force Base for fundraising purposes. The act is effective on and after January 1, 2014.

#### ***Surviving Spouse of a Disabled Veteran***

ACT 1069 (SB496) allows a special license plate issued to a disabled veteran who is deceased to be reissued to his or her surviving spouse upon payment of a nominal fee. The act is effective on and after January 1, 2014.

## MILITARY AND VETERANS

### SPECIAL LICENSE PLATES

#### ***Veterans of Foreign Wars***

ACT 991 (HB1699) provides for the creation and issuance of a special license plate and special motorcycle license plate for Veterans of Foreign Wars. The act is effective on and after January 1, 2014.

#### ***Veterans of Operation Urgent Fury***

ACT 1407 (SB441) authorizes the creation and issuance a special license plate for Veterans of Operation Urgent Fury for a reduced fee. The act is effective on and after January 1, 2014.

### TUITION AND SCHOLARSHIPS

#### ***Exemption from Financial Aid Stacking Provisions***

ACT 957 (SB712) exempts from student financial aid stacking provisions the federal aid, state aid, or other aid received by a student or the spouse of a person who is an active member of the armed forces of the United States, the National Guard, or the reserve components of the armed forces.

#### ***National Guard Tuition Incentive Program***

ACT 1012 (HB2109) changes the definition of “qualified applicant” to remove the requirement of enlistment in a critical military occupation specialty or Air Force Skill Code for purposes of the National Guard Tuition Incentive Program.

#### ***Waiver - Arkansas National Guard***

ACT 1011 (HB2106) allows colleges, universities, community colleges, technical schools, and other post-secondary institutions of higher learning in the state directly receiving funds from the General Assembly to waive up to one hundred percent (100%) of tuition for soldiers and airmen of the Arkansas National Guard.

### VETERANS

ACT 723 (HB1298) provides a manner in which the unclaimed remains of a veteran may be interred and establishes the Missing in America Project Act.

#### ***Arkansas Veterans’ Home***

ACT 165 (HB1013) authorizes the Director of the Department of Veterans’ Affairs to establish and maintain a Veterans’ Home at a location selected by the director and increases bed capacity to one hundred fifty (150).

#### ***Arkansas Veterans’ Home***

ACT 38 (SB3) creates the Arkansas Veterans’ Home Task Force to study issues related to opening a new Arkansas Veterans’ Home and to develop specific recommendations for review, consideration, and implementation by the General Assembly. The act requires the Task Force to conduct a needs assessment, examine locations for facilities, evaluate the cost of designing and constructing new facilities or using existing facilities, and study the manner and method of funding remodeling or new construction. The act requires the Task Force to report to the House Committee on Aging, Children, and Youth, Legislative and Military Affairs, the Senate Committee on State Agencies and Governmental Affairs, and the Legislative Council on or before October 31, 2013, after which the Task Force will be dissolved. The act declares an emergency and is effective on and after February 6, 2013.

#### ***Lifetime Hunting and Fishing License***

ACT 1253 (SB830) authorizes the Game and Fish Commission to issue lifetime hunting and lifetime fishing licenses for eligible state disabled veterans and provides for a fee of one dollar and fifty cents (\$1.50) for each license.



## MILITARY AND VETERANS

### VETERANS

#### ***Special License Plate - Surviving Spouse***

ACT 1069 (SB496) allows a special license plate issued to a disabled veteran who is deceased to be reissued to his or her surviving spouse upon payment of a nominal fee. The act is effective on and after January 1, 2014.

#### ***Special License Plate - Veterans of Operation Urgent Fury***

ACT 1407 (SB441) authorizes the creation and issuance a special license plate for Veterans of Operation Urgent Fury for a reduced fee. The act is effective on and after January 1, 2014.

#### ***Special License Plates - Veterans of Foreign Wars***

ACT 991 (HB1699) provides for the creation and issuance of a special license plate and special motorcycle license plate for Veterans of Foreign Wars. The act is effective on and after January 1, 2014.

#### ***Veterans Preference***

ACT 474 (HB1518) provides that if scoring is used in public employment to hire an applicant for a position, a veteran not hired for the position may obtain his or her base score, adjusted score, and the score of the successful candidate from the employer. The act provides that if the selection authority used a method other than numerical scoring, the veteran not hired for the position may obtain documentation to establish how the hiring decision was made. The act also allows a veteran not hired for a position to request the reason or reasons the veteran was not included on a list of qualified candidates or not selected for the position.

#### ***Veterans Preference - School Districts***

ACT 444 (HB1517) extends statutory veterans preference in interviewing and hiring to school districts.

#### ***Voluntary Veteran's Preference Employment Policy***

ACT 598 (HB1575) permits a private employer or a local government employer to have a voluntary veteran's preference employment policy, requires the Department of Workforce Services to maintain a registry of employers with a voluntary veteran's preference policy, and requires the Department of Veterans' Affairs and the Department of Workforce Services to assist in determining whether an applicant is a veteran, spouse of a disabled veteran, or surviving spouse of a veteran.

## MOTOR VEHICLES

### COMMERCIAL DRIVER'S LICENSE

ACT 758 (HB2013) amends the Arkansas Uniform Commercial Driver License Act to comply with federal commercial driver license regulations. Parts of the act are effective on and after July 8, 2014, and other parts are effective on and after September 1, 2014.

#### ***Driving While Intoxicated - Chemical Tests***

ACT 361 (SB357) provides additional chemical tests to be used regarding commercial driver's licenses, driver's licenses, and hunting licenses.

### COMMERCIAL MOTOR VEHICLES

ACT 1176 (SB1023) creates the Commercial Truck Safety and Education Fund and sets a fee of an additional fifteen percent (15%) of the amount charged for full-size tractor trailers on vehicles registered with the International Registration Plan. The act is effective on and after October 1, 2013.

**MOTOR VEHICLES****COMMERCIAL MOTOR VEHICLES**

ACT 758 (HB2013) amends the Arkansas Uniform Commercial Driver License Act to comply with federal commercial driver license regulations. Parts of the act are effective on and after July 8, 2014, and other parts are effective on and after September 1, 2014.

***Trailer Length***

ACT 1092 (SB889) authorizes the State Highway and Transportation Department to issue a special permit increasing trailer length to fifty-seven feet (57') for either one (1) trip or for a one-year period.

***Workers' Compensation***

ACT 1166 (SB802) provides that an owner-operator may obtain workers' compensation coverage from a motor carrier with which the owner-operator has contracted without affecting the independent contractor status of the owner-operator.

**DEALERS*****Recreational Vehicles***

ACT 1043 (SB934) authorizes the Arkansas Motor Vehicle Commission to regulate and license recreational vehicle dealers, manufacturers, distributors, factory representatives, manufacturer representatives, and salespersons and charge applicable fees. The act is effective on and after January 1, 2014.

***Temporary Preprinted Paper Buyer's Tag***

ACT 747 (HB1707) amends Arkansas law concerning temporary preprinted paper buyer's tags, including provisions concerning the applicable fee and a dealer's authority to issue temporary preprinted paper buyer's tags. The act declares an emergency and is effective on and after April 4, 2013.

**DRIVER'S LICENSE*****Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act***

ACT 487 (SB358) provides that the expiration date of the Arkansas Voluntary Enhanced Security Driver's License and Identification Card Act is extended until June 30, 2015. The act declares an emergency and is effective on and after June 30, 2013.

***Driving While Intoxicated - Chemical Tests***

ACT 361 (SB357) provides additional chemical tests to be used regarding commercial driver's licenses, driver's licenses, and hunting licenses.

***Eligible Nonimmigrant Employees***

ACT 1493 (HB2006) provides authority to issue or renew the driver's license of eligible nonimmigrant employees and their dependents for periods of extension or application for extension. The act is effective on and after January 1, 2014.

***Ignition Interlock Device***

ACT 479 (HB1694) provides that a restricted driver's license shall be available immediately to a person who has been charged with driving while intoxicated if he or she is allowed to use an ignition interlock device.

***Uniform Motor Vehicle Driver's License Act - Violations***

ACT 85 (SB55) provides that a person who violates the Uniform Motor Vehicle Driver's License Act may be punished by a fine, imprisonment, or both.

**DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS*****Battery***

ACT 429 (HB1250) amends the criminal offense of battery in the second degree to reflect when injury to another person occurs as a result of driving while intoxicated.

## **MOTOR VEHICLES**

### DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

#### ***Chemical Tests***

ACT 361 (SB357) provides additional, saliva chemical tests to show that a person was driving while intoxicated, operating a motorboat while intoxicated, operating or navigating an aircraft while intoxicated, or driving under the influence while underage. The act also provides the additional chemical tests to be used regarding commercial driver's licenses, driver's licenses, and hunting licenses.

#### ***Minor in Possession of Alcohol***

ACT 488 (SB359) makes technical corrections concerning the suspension of driving privileges for a minor in possession of alcohol.

#### ***Penalty for Excessive Offenses***

ACT 1268 (SB1133) provides that driving while intoxicated, sixth offense or higher, is a Class B felony. The act provides that the look-back period for this offense is ten (10) years.

#### ***Restricted Driver's License - Ignition Interlock Device***

ACT 479 (HB1694) provides that a restricted driver's license shall be available immediately to a person who has been charged with driving while intoxicated if he or she is allowed to use an ignition interlock device.

#### ***Seizure of Motor Vehicle***

ACT 412 (HB1271) increases the look-back period allowable for the seizure of a person's motor vehicle when he or she is convicted of a fourth offense of driving while intoxicated.

### EQUIPMENT

#### ***Child Safety Restraints***

ACT 224 (HB1232) provides that all passenger vehicles not operated for hire are required to comply with child safety restraint laws.

#### ***Lighting Devices***

ACT 1003 (HB2008) provides that covering a headlamp or other required lighting device is prohibited if the cover reduces the visibility of the headlamp or other required lighting device.

#### ***Medical Waiver Window Tinting***

ACT 293 (HB1307) provides that medically necessary window tinting may exceed state established requirements for light transmission, requires labeling from the installer affirming compliance with statutory requirements, and requires disclosure of medical waiver for window tinting or removal of the tinting on transfer of the vehicle.

#### ***Trailer Length***

ACT 1092 (SB889) authorizes the State Highway and Transportation Department to issue a special permit increasing trailer length to fifty-seven feet (57') for either one (1) trip or for a one-year period.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 142 (HB1235) repeals obsolete provisions of Title 27, including requirements for reporting and retaining records of stolen and recovered vehicles to the Department of Arkansas State Police.

### HIGHWAY AND TRANSPORTATION DEPARTMENT

#### ***Trailer Length***

ACT 1092 (SB889) authorizes the State Highway and Transportation Department to issue a special permit increasing trailer length to fifty-seven feet (57') for either one (1) trip or for a one-year period.

## **MOTOR VEHICLES**

### HIGHWAY AND TRANSPORTATION DEPARTMENT

#### ***Use of Left Lane***

ACT 965 (HB1180) amends the law regarding when a person may drive in the left lane of a roadway. The act also authorizes the Arkansas State Highway and Transportation Department to prohibit continuous driving in the left lane on certain designated highways or portions of multilane highways.

### HIGHWAY COMMISSION

#### ***Special Permits for Hauling Animal Feed***

ACT 1267 (SB1072) provides that the Arkansas Highway Commission may, subject to certain limitations and upon payment of a fee, issue a special permit for a single trip or for one (1) year that authorizes movement on state highways of a truck tractor and single semi-trailer combination with five (5) axles hauling animal feed to livestock or poultry that exceeds maximum gross weight limits.

### IDENTIFICATION CARDS FOR MINORS

ACT 986 (HB1584) permits the issuance of up to three (3) identification cards for a person five (5) to thirteen (13) years of age.

### MOTOR VEHICLE COMMISSION

ACT 561 (SB776) defines “motor vehicle” and “low speed vehicle” and repeals § 23-112-206 concerning fund transfers for motor vehicle education and training. The act requires a corporate surety bond be filed with the Arkansas Motor Vehicle Commission for new low speed vehicle dealers and provides that if a service and handling fee is charged, it is not required to be charged on all fleet sales. The act also increases the number of years during which a motor vehicle dealer is required to have improved the dealer’s facilities before the dealer may qualify for a new vehicle sales incentive program.

### MOTORCYCLES

#### ***Disabled Veterans Special License Plates***

ACT 473 (HB1475) provides for the creation and issuance of special disabled veterans motorcycle license plates for qualifying individuals free of charge. The act is effective on and after January 1, 2014.

### MOTORIZED SCOOTERS

#### ***Use in State Parks***

ACT 578 (HB1703) allows the Department of Parks and Tourism to authorize and regulate the use of motorized scooters on roads within areas under the control of the department.

### NEW VEHICLES

#### ***Temporary Preprinted Paper Buyer’s Tag***

ACT 747 (HB1707) amends Arkansas law concerning temporary preprinted paper buyer’s tags, including provisions concerning the applicable fee and a dealer’s authority to issue temporary preprinted paper buyer’s tags. The act declares an emergency and is effective on and after April 4, 2013.

### PARKING

#### ***Regulation of Wheel Clamps***

ACT 1421 (SB1024) provides authority to the Arkansas Towing and Recovery Board to regulate the use of wheel clamps used for purposes of immobilizing a vehicle.

#### ***Wheel Clamps - Regulation by Local Government***

ACT 1364 (HB2275) authorizes counties, cities, and incorporated towns to regulate the use of wheel clamps.

**MOTOR VEHICLES****REGISTRATION*****Commercial Motor Vehicles***

ACT 1176 (SB1023) creates the Commercial Truck Safety and Education Fund and sets a fee of an additional fifteen percent (15%) of the amount charged for full-size tractor trailers on vehicles registered with the International Registration Plan. The act is effective on and after October 1, 2013.

***Electronic Display of Proof of Insurance***

ACT 175 (SB243) permits the electronic display of proof of motor vehicle liability insurance coverage as sufficient documentation for registration and proof of insurance purposes.

***Multiyear Registration***

ACT 437 (SB501) provides that the owner of a personal-use vehicle may register the vehicle for multiple years upon payment of registration fees for the years registered and presentation of proof of all information otherwise necessary for registration. The act also requires proof of ownership of the vehicle for a twelve-month renewal period following initial registration. The act is effective on and after January 1, 2014.

***Temporary Preprinted Paper Buyer's Tag***

ACT 747 (HB1707) amends Arkansas law concerning temporary preprinted paper buyer's tags, including provisions concerning the applicable fee and a dealer's authority to issue temporary preprinted paper buyer's tags. The act declares an emergency and is effective on and after April 4, 2013.

**RULES OF THE ROAD*****Approaching Authorized Vehicle Stopped on Road***

ACT 579 (HB1750) requires drivers approaching an authorized vehicle stopped on a road, street, or highway to use caution, move to the farthest possible lane or position from the authorized vehicle, and remain in that lane until it has passed the authorized vehicle, or if the driver is unable to change lanes, then the driver shall reduce speed and use caution through the area where the authorized vehicle is stopped.

***Use of Left Lane***

ACT 965 (HB1180) amends the law regarding when a person may drive in the left lane of a roadway. The act also authorizes the Arkansas State Highway and Transportation Department to prohibit continuous driving in the left lane on certain designated highways or portions of multilane highways.

**SPECIAL LICENSE PLATES*****Arkansas Future Farmers of America***

ACT 1007 (HB2061) provides for the creation and issuance of an Arkansas Future Farmers of America motor vehicle special license plate for fundraising purposes. The act is effective on and after January 1, 2014.

***Arkansas Rice Council***

ACT 1121 (HB2230) provides for the creation of an Arkansas Rice Council license plate. The act is effective on and after January 1, 2014.

**MOTOR VEHICLES****SPECIAL LICENSE PLATES*****Arkansas Sheriff's Association***

ACT 586 (HB1857) provides for the creation and issuance of special license plates for certified law enforcement officers, to support law enforcement, and for the Arkansas Sheriff's Association. The act also provides for the distribution and use of the special license plate revenues and the creation of the Fallen Law Enforcement Officers' Beneficiary Fund to be used by the Arkansas Commission on Law Enforcement Standards and Training to provide support and assistance to beneficiaries of fallen law enforcement officers. The act is effective on and after January 1, 2014.

***Arkansas State Lodge Fraternal Order of Police***

ACT 711 (SB939) provides for the creation and issuance of an Arkansas State Lodge Fraternal Order of Police motor vehicle special license plate for fundraising purposes. The act is effective on and after January 1, 2014.

***Arkansas Tennis Association***

ACT 1250 (SB784) provides for the creation and issuance of an Arkansas Tennis Association motor vehicle special license plate for fundraising purposes. The act is effective on and after January 1, 2014.

***Certified Law Enforcement***

ACT 586 (HB1857) provides for the creation and issuance of special license plates for certified law enforcement officers, to support law enforcement, and for the Arkansas Sheriff's Association. The act also provides for the distribution and use of the special license plate revenues and the creation of the Fallen Law Enforcement Officers' Beneficiary Fund to be used by the Arkansas Commission on Law Enforcement Standards and Training to provide support and assistance to beneficiaries of fallen law enforcement officers. The act is effective on and after January 1, 2014.

***Children's Cancer Research***

ACT 762 (HB2048) provides for the creation and issuance of a children's cancer research motor vehicle special license plate for fundraising purposes. The act is effective on and after January 1, 2014.

***Constables***

ACT 569 (SB1059) provides for the creation and issuance of a constable special license plate. The act is effective on and after January 1, 2014.

***Decal for Vietnam Era Veterans***

ACT 495 (HB1527) defines "Vietnam Veteran" and "Vietnam Veteran" and authorizes the Director of the Department of Finance and Administration to create a permanent decal for Vietnam Era Veterans. The act is effective on and after January 1, 2014.

***Disabled American Veterans***

ACT 1292 (HB2247) provides that a veteran who is thirty percent (30%) disabled, a lifelong member of the Disabled American Veterans, and is the owner of a motor vehicle that is used by or for the disabled veteran may obtain disabled veteran motor vehicle license plates. The act is effective on and after January 1, 2014.

***Disabled Veterans Special Motorcycle License Plates***

ACT 473 (HB1475) provides for the creation and issuance of special disabled veterans motorcycle license plates for qualifying individuals free of charge. The act is effective on and after January 1, 2014.

**MOTOR VEHICLES****SPECIAL LICENSE PLATES*****Dr. Martin Luther King, Jr.***

ACT 1350 (HB1879) provides for the creation and issuance of a Dr. Martin Luther King, Jr. motor vehicle special license plate for fundraising purposes. The act is effective on and after January 1, 2014.

***Firefighters***

ACT 66 (SB70) provides for the issuance of up to two (2) special license plates to an authorized applicant for a Firefighters Special License Plate.

***Former Prisoners of War***

ACT 765 (HB2179) amends the Special License Plate Act of 2005 to make special license plates for ex-prisoners of war free and allows an additional plate to be provided for free.

***Limitation***

ACT 1355 (HB1999) provides that the number of types of special license plates is limited to the number in existence on January 1, 2014. The act prohibits the creation and issuance of a new type of special license plate unless an existing type is repealed.

***Little Rock Air Force Base***

ACT 407 (HB1511) provides for the creation and issuance of a special license plate for the Little Rock Air Force Base for fundraising purposes. The act is effective on and after January 1, 2014.

***Pancreatic Cancer Awareness***

ACT 1197 (SB1168) provides for the creation and issuance of the Pancreatic Cancer Awareness motor vehicle special license plate for fundraising purposes. The act is effective on and after January 1, 2014.

***Retired Service Members - Issuance of Second Plate***

ACT 619 (SB484) amends the Special License Plate Act of 2005 to allow a retired member of the armed forces to obtain a second special license plate. The act is effective on and after January 1, 2014.

***Rotary International PolioPlus***

ACT 1342 (HB1540) provides for the creation and issuance of a Rotary International PolioPlus motor vehicle special license plate for fundraising purposes. The act is effective on and after January 1, 2014.

***Service Members and Veterans - Issuance of Second Plate***

ACT 566 (SB905) provides for the issuance of a second special license plate to eligible military service members and veterans upon payment of regular licensing fees.

***Support Law Enforcement***

ACT 586 (HB1857) provides for the creation and issuance of special license plates for certified law enforcement officers, to support law enforcement, and for the Arkansas Sheriff's Association. The act also provides for the distribution and use of the special license plate revenues and the creation of the Fallen Law Enforcement Officers' Beneficiary Fund to be used by the Arkansas Commission on Law Enforcement Standards and Training to provide support and assistance to beneficiaries of fallen law enforcement officers. The act is effective on and after January 1, 2014.

***Support of Court Appointed Advocates***

ACT 545 (HB1781) provides for the creation and issuance of the Support of Court Appointed Advocates special license plate for fundraising purposes. The act is effective on and after January 1, 2014.

## MOTOR VEHICLES

### SPECIAL LICENSE PLATES

#### ***Support of Law Enforcement***

ACT 1270 (HB1246) provides for the creation and issuance of a support of law enforcement motor vehicle special license plate for fundraising purposes.

#### ***Surviving Spouse of a Disabled Veteran***

ACT 1069 (SB496) allows a special license plate issued to a disabled veteran who is deceased to be reissued to his or her surviving spouse upon payment of a nominal fee. The act is effective on and after January 1, 2014.

#### ***Veterans of Foreign Wars***

ACT 991 (HB1699) provides for the creation and issuance of a special license plate and special motorcycle license plate for Veterans of Foreign Wars. The act is effective on and after January 1, 2014.

#### ***Veterans of Operation Urgent Fury***

ACT 1407 (SB441) authorizes the creation and issuance a special license plate for Veterans of Operation Urgent Fury for a reduced fee. The act is effective on and after January 1, 2014.

### TECHNICAL CORRECTIONS - TRANSPORTATION - TITLE 27

ACT 1136 (SB193) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 27 of the Arkansas Code.

### TITLING

ACT 560 (SB757) provides that a motor vehicle that has been in existence for at least twenty-five (25) years may be transferred for salvage without a certificate of title by delivery of a bill of sale.

#### ***Mobile and Manufactured Home Titles***

ACT 592 (HB2043) provides a procedure to obtain or cancel the title to a mobile home or manufactured home that has been severed from real property described in the original legal description or is to be affixed to new real property and authorizes a title fee of ten dollars (\$10.00) for issuing a certificate of title for a mobile home or manufactured home.

### TOWING AND STORAGE

#### ***County Authority***

ACT 1319 (SB842) extends authority to regulate towing and recovery to counties.

#### ***Out-of-state Towing Entities***

ACT 1002 (HB1985) provides that a Towing Board licensed, permitted, or regulated entity shall allow the owner of a vehicle involuntarily towed to use any entity licensed, permitted, or regulated by the board when reclaiming the vehicle from storage and requires that an out-of-state towing entity may obtain a vehicle safety permit from the board only when the tow vehicle owner establishes operation of the tow vehicle in this state is compliant with this state's reciprocity law.

#### ***Reclamation of Vehicle***

ACT 1002 (HB1985) provides that a Towing Board licensed, permitted, or regulated entity shall allow the owner of a vehicle involuntarily towed to use any entity licensed, permitted, or regulated by the board when reclaiming the vehicle from storage and requires that an out-of-state towing entity may obtain a vehicle safety permit from the board only when the tow vehicle owner establishes operation of the tow vehicle in this state is compliant with this state's reciprocity law.



## MOTOR VEHICLES

### TOWING AND STORAGE

#### ***Regulation of Wheel Clamps***

ACT 1421 (SB1024) provides authority to the Arkansas Towing and Recovery Board to regulate the use of wheel clamps used for purposes of immobilizing a vehicle.

#### ***Regulation of Wheel Clamps by Local Government***

ACT 1364 (HB2275) authorizes counties, cities, and incorporated towns to regulate the use of wheel clamps.

## NATURAL RESOURCES

### FORESTRY

#### ***Forest Fire Protection Tax***

ACT 1391 (SB5) increases the forest fire protection tax to twenty cents (20¢) per acre. The act is effective for assessment years beginning on and after January 1, 2013.

### LAND

#### ***Islands and Submerged Lands***

ACT 552 (HB1653) regulates the ownership, administration, and regulation of islands, submerged lands, and property located on islands and submerged lands within the state and clarifies the duties of the Commissioner of State Lands concerning the islands, submerged lands, and property located on the islands and submerged lands.

### LOGGING AND TIMBER

#### ***Sales and Use Tax Exemption - Timber Harvesting Machinery and Equipment***

ACT 1402 (SB299) increases the partial sales and use tax exemption for timber harvesting machinery, equipment, and related attachments to create a full exemption from the sales and use tax. The act is effective on and after July 1, 2014.

### MINERALS

#### ***Annual Reappraisal of Mineral Interests***

ACT 1520 (SB817) requires that producing mineral interests be reappraised annually for ad valorem tax purposes. The act is effective on and after January 1, 2014.

#### ***Collection of Delinquent Taxes on Mineral Rights***

ACT 1279 (HB1766) provides additional measures to collect delinquent property taxes, penalties, and interest on mineral rights by allowing a county collector to initiate proceedings using a certified statement or account to collect delinquent property taxes, penalties, and interest on mineral rights from a person who possesses funds that are derived from the property and that are owed to the delinquent taxpayer. The act also provides that the certified statement or account operates as a levy on the person served, releases the person making the payment from liability to the taxpayer, and provides for an additional ten percent (10%) penalty, half of which shall be paid to the person making the payment under the act. The act is effective for assessment years beginning on and after January 1, 2013.

### OIL, GAS, AND BRINE

#### ***Enhanced Notice Required for Shale Operations***

ACT 1299 (HB2001) requires that enhanced notice of shale operations be given to surface owners before shale operations begin on the surface owner's property.

#### ***Fees***

ACT 1466 (HB1742) authorizes the Oil and Gas Commission to charge certain fees, including an application fee for carrying or pulling a transportation tank, a permit fee to construct or operate a jurisdictional pipeline system, and a hearing application fee for each person whose address is provided by an applicant for a hearing and whom the applicant has identified in the application or requested receive a copy of the order from the hearing.

## NATURAL RESOURCES

### OIL, GAS, AND BRINE

#### ***Liquefied Petroleum Gas Board Meetings***

ACT 327 (HB1401) provides that the Liquefied Petroleum Gas Board may meet one (1) time each calendar quarter.

#### ***Natural Gas Pipeline Safety***

ACT 1343 (HB1582) increases the penalties for violating the Arkansas Natural Gas Pipeline Safety Act of 1971 and clarifies the state law criminal offenses and penalties for pipeline safety infractions.

#### ***Payment of Oil and Gas Proceeds***

ACT 1062 (HB2198) amends the time frame and method of payment of the proceeds from the sale of an oil and gas production.

#### ***Penalty for Improper Disposal of Substances at a Well***

ACT 1262 (SB970) provides that a person who transports a liquid or other substance and violates a rule, regulation, or order of the Oil and Gas Commission by dumping or disposing of the liquid or other substance improperly or without authorization at a well or well site is subject to a penalty not to exceed one hundred thousand dollars (\$100,000) for each violation.

#### ***Petroleum Pipelines in Public Water Supply Watersheds***

ACT 1484 (HB1922) encourages owners and operators of petroleum pipelines that cross a water course that empties into a public surface water supply to install cut-off valves, provide training to critical staff, and create a detailed risk mitigation and response plan for each petroleum pipeline in the watershed of a public surface water supply.

### STATE PARKS

#### ***Sex Offenders Prohibited in Certain Areas***

ACT 39 (SB12) provides that a Level 3 or Level 4 sex offender is prohibited from being at a swimming area or children's playground contained within an Arkansas state park. The act declares an emergency and is effective on and after February 6, 2013.

### WATER

#### ***Allocation and Reserved Uses***

ACT 593 (HB2088) removes minimum streamflow from the reserved uses of water before allocation and provides for the priority of uses in allocating water.

#### ***Arkansas Port, Intermodal, and Waterway Development Grant***

ACT 1483 (HB1921) provides for the creation of the Arkansas Port, Intermodal, and Waterway Development Grant under the Arkansas Waterways Commission to provide assistance to port and intermodal authorities in funding port development projects. The act is effective on and after January 1, 2014.

#### ***Water Quality Standards***

ACT 954 (HB1929) requires the Arkansas Pollution Control and Ecology Commission to follow certain procedures and consider certain criteria in promulgating water quality standards for minerals.

### WILDLIFE

#### ***Electronic Copy of Hunter's Education Certificate***

ACT 472 (HB1459) provides that an electronic copy of a hunter education certificate is sufficient for presentment and that presentment in an electronic format does not authorize a search of the electronic device or expand or restrict the authority of law enforcement to conduct a search.

## NATURAL RESOURCES

### WILDLIFE

#### ***Game and Fish Commission - Interstate Authority***

ACT 1349 (HB1787) provides that the Arkansas State Game and Fish Commission may enter into interstate compacts and represent the state in matters pertaining to cooperation with other states and the federal government for wildlife conservation, management, and regulation purposes.

#### ***Lifetime Hunting and Fishing Licenses for Disabled Veterans***

ACT 1253 (SB830) authorizes the Game and Fish Commission to issue lifetime hunting and lifetime fishing licenses for eligible state disabled veterans and provides for a fee of one dollar and fifty cents (\$1.50) for each license.

## PROFESSIONS AND OCCUPATIONS

### ACCOUNTANTS

#### ***Regulations***

ACT 90 (HB1122) regulates certified public accountants; defines “home office”, “network firm”, and “principal place of business”; increases the penalty amounts for violations; allows for the assessment of investigative costs; regulates the use of unlawful or misleading designations for a network firm; revises the duties and powers of the Arkansas State Board of Public Accountancy; corrects the name of the examination and grading service used by the board; repeals the time frame provided to reinstate a license if that license expired before August 12, 2005; and adds a report period for the quality review of practice.

### ALCOHOLISM AND DRUG ABUSE COUNSELOR

#### ***Fees***

ACT 1249 (SB736) authorizes the State Board of Examiners of Alcoholism and Drug Abuse Counselors to set by rule a fee schedule for applications for licensure, examinations, renewal of licensure, late fees, fines, and administrative costs. The act also authorizes the board to assess monetary fines. The act declares an emergency and is effective on and after July 1, 2013.

### APPRAISERS

#### ***Broker's Price Opinions***

ACT 516 (HB2056) repeals the prohibition that an appraisal management company shall not hire, employ, or in any way contract with or pay a real estate broker to perform a broker's price opinion or comparative market analysis unless the broker's price opinion or comparative market analysis will be used for listing or selling property that the appraisal management company owns.

### ATTORNEYS

#### ***Investigations***

ACT 1115 (HB1987) provides for the sharing of investigatory information between the Arkansas Ethics Commission, Judicial Discipline and Disability Commission, and Supreme Court Committee on Professional Conduct.

### BAIL BONDSMEN

ACT 1281 (HB1829) amends the law concerning the charging, collection, and remission of certain fees associated with bail bonds.

ACT 1283 (HB1841) amends the bail bondsman statutes concerning sheriffs and certain fees.

### DEALERS IN PRECIOUS METALS

ACT 1213 (HB1747) amends the laws concerning certain dealers in precious metals and purchasers of gold, silver, and other precious metals, including residency, registration, and record-keeping requirements, and the act establishes criminal penalties for noncompliance.

## PROFESSIONS AND OCCUPATIONS

### DENTISTS

#### ***Dental Claims Denials***

ACT 427 (HB1672) requires that a denial of a dental claim be decided by a licensed dentist. The act declares an emergency and is effective on and after March 13, 2013.

#### ***Dental Hygienist Collaborative Agreements***

ACT 137 (SB168) allows direct insurance payments to collaborative dental hygienists for hygiene services if the collaborative dentist is not enrolled with the insurance company.

### DIETICIANS

ACT 173 (SB74) modernizes references to the National and State Academy of Nutrition and Dietetics.

### ELECTRICIANS

#### ***Electrical Inspectors***

ACT 756 (HB1983) provides for the licensure of electrical inspectors by the Board of Electrical Examiners of the State of Arkansas, including authorization to impose fees for licensure and the establishment of certain provisions applicable to electrical inspectors.

### ENGINEERS

ACT 589 (HB1950) authorizes the State Board of Licensure for Professional Engineers and Professional Surveyors to impose fees.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1147 (HB1723) repeals obsolete provisions in Title 17, including provisions concerning the prior rules of the State Plant Board, acts or violations of the real estate law occurring before August 1, 1997, the effect of previous legislation on acupuncture and related licenses existing as of August 1, 1997, and the grandfathering of certain licenses issued by the Arkansas Orthotics, Prosthetics, and Pedorthics Advisory Board.

### HEALTH CARE WORKERS - OTHER

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

ACT 990 (HB1691) allows certain persons to become or continue to serve as health care providers even if a criminal background check finds convictions for certain nonviolent offenses.

#### ***Insurance Fraud in Procurement of Medical Services***

ACT 513 (HB1874) creates the criminal offense of insurance fraud by use of a procurer and enumerates the prohibited acts by a procurer. The act also expands the authority of the Arkansas State Board of Chiropractic Examiners to take administrative action in certain cases.

### INTERPRETERS FOR THE DISABLED

ACT 1314 (SB442) creates a licensure program for Licensed Qualified Interpreters to assist individuals who are deaf, deafblind, hard of hearing, or oral deaf. The act is effective on and after November 1, 2013.

### LICENSURE - EXCEPTIONS

#### ***Spouse of Active Duty Military Service Member***

ACT 8 (SB7) provides that state boards and commissions may allow the spouse of an active duty military service member stationed in this state to secure employment with a temporary license, certificate, or permit while completing the application process for full licensure, certification, or permit if the applicant is a holder of a substantially equivalent license, certificate, or permit issued by another state. The act also allows state boards and commissions to expedite the full license, certificate, or permit process for the spouse of an active duty military service member in this state.

## PROFESSIONS AND OCCUPATIONS

### MARRIAGE AND FAMILY COUNSELORS

#### ***Board of Examiners in Counseling***

ACT 959 (SB852) authorizes the Arkansas Board of Examiners in Counseling to impose reasonable fees for applications, licenses, examinations, and other administrative purposes that the board deems necessary.

### MASSAGE THERAPY

#### ***Tuberculosis Testing***

ACT 550 (HB2049) eliminates the requirement that massage therapy school students be tested for tuberculosis.

### NURSES

#### ***Advanced Practice Registered Nurse***

ACT 604 (SB161) creates the title of Advanced Practice Registered Nurse and establishes the qualifications for advanced practice registered nursing.

#### ***Student Nurse Licensing Exam***

ACT 302 (SB6) allows an applicant for a nursing license to be informed of his or her eligibility to take the nurse licensing examination before entering a nursing education program.

### OPTOMETRISTS AND OPHTHALMOLOGISTS

#### ***Optometrist Prescriptions - Hydrocodone***

ACT 1361 (HB2210) permits and regulates the prescription of hydrocodone combination drugs by optometrists.

### ORTHOTICS

#### ***Payment Process***

ACT 1233 (SB455) authorizes the Insurance Commissioner to establish a health insurance payment process for orthotic devices and prosthetic services.

### PAWNBROKERS

ACT 1293 (HB2281) removes the requirement that one of the records kept by pawnbrokers be the amount paid by the pawnbroker for the item pawned.

#### ***Electronic Records***

ACT 404 (HB1369) requires pawn shops and pawnbrokers to electronically maintain and upload records to assist law enforcement and the investigation of crimes.

#### ***Repeal of Obsolete Laws***

ACT 1464 (HB1722) repeals certain obsolete property laws contained in Title 18 of the Arkansas Code concerning the procedure held to be unconstitutional by the Arkansas Supreme Court for claiming stolen property from a pawnbroker.

#### ***Unlawful Transfer of Stolen Property***

ACT 1290 (HB2168) creates the offense of unlawful transfer of stolen property to a pawn shop or pawnbroker, which is a Class A misdemeanor unless it is a second or subsequent offense within five (5) years, which is a Class D felony.

### PHARMACIES AND PHARMACISTS

#### ***Chemically Similar Drugs***

ACT 274 (HB1185) modifies the definition of “prescription” under the Pharmacy Act to allow substitutions of chemically similar drugs.

#### ***Electronic Prescribing of Controlled Substances***

ACT 1331 (SB1171) authorizes electronic prescribing of controlled substances.

## PROFESSIONS AND OCCUPATIONS

### PHARMACIES AND PHARMACISTS

#### ***Pharmacy Benefits Managers***

ACT 1194 (SB1138) regulates the maintenance and use of Maximum Allowable Cost Lists for prescription drugs by pharmacy benefits managers.

### PHYSICAL THERAPISTS AND ATHLETIC TRAINERS

#### ***Coverage and Benefits***

ACT 342 (SB277) requires a health care insurer to pay comparable reimbursement to physical therapists, occupational therapists, speech-language pathologists, and physicians and state in its health benefit plan the availability of and all related limitations, conditions, and exclusions concerning coverage for physical therapy, occupational therapy, and speech-language pathology under its health benefit plan.

### PHYSICIANS

#### ***Abortion Tissue***

ACT 725 (HB1447) requires physicians to retain and submit to the State Crime Laboratory abortion-related tissue and prohibits assisting a minor to obtain an abortion without parental consent.

#### ***Abortions After Twelve Weeks***

ACT 301 (SB134) prohibits abortions after the twelfth week of pregnancy if a heartbeat is detected.

#### ***Abortions After Twenty Weeks***

ACT 171 (HB1037) prohibits abortions after the twentieth week of pregnancy. The act declares an emergency and is effective on and after February 28, 2013.

#### ***Credentialing Organizations***

ACT 1035 (SB498) authorizes the State Medical Board to provide information to credentialing organizations for evaluations of health care practitioners.

#### ***Electronic Prescribing of Controlled Substances***

ACT 1331 (SB1171) authorizes electronic prescribing of controlled substances.

#### ***Foreign Medical Corporations***

ACT 135 (SB53) authorizes foreign medical corporations to obtain certificates of registration in Arkansas. The act declares an emergency and is effective on and after February 20, 2013.

#### ***Medical Peer Review Confidentiality***

ACT 766 (SB887) allows confidentiality for in-house peer review deliberations by private physicians groups.

#### ***Medical Peer Reviews***

ACT 441 (SB790) provides for confidentiality of peer review committees for medical professional associations.

#### ***Mental Illness - Notice of Credible Threat***

ACT 1212 (HB1746) requires a mental health services provider to warn a law enforcement agency of a credible threat by a patient.

#### ***Minors***

ACT 725 (HB1447) requires physicians to retain and submit to the State Crime Laboratory abortion-related tissue and prohibits assisting a minor to obtain an abortion without parental consent.

#### ***Prescriptions - Legend Drugs***

ACT 1169 (SB968) authorizes the State Medical Board to regulate physician dispensing of legend drugs. The act declares an emergency and is effective on and after April 12, 2013.

## PROFESSIONS AND OCCUPATIONS

### PHYSICIANS

#### ***Qualified Psychiatrist in Court Actions***

ACT 981 (HB1498) expands the definition of “qualified psychiatrist” and allows dismissals of frivolous lawsuits concerning the conditional release of individuals placed in custody of the Department of Human Services after a criminal defense of mental disease or defect.

#### ***Regulation of Physician-office Surgery***

ACT 587 (HB1881) transfers regulatory responsibilities for physician office-based surgery to the Arkansas State Medical Board.

#### ***Unrestricted Faculty Medical Licenses***

ACT 549 (HB2033) authorizes the Arkansas State Medical Board to issue unrestricted licenses to practice medicine to foreign-trained faculty of the University of Arkansas for Medical Sciences.

### PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES

ACT 1475 (HB1840) exempts certain agents, employees, or sales representatives of an alarm system company and certain certified public accountants from the regulation of investigation, security, and alarm systems businesses by the Arkansas Board of Private Investigators and Private Security Agencies.

### REAL ESTATE LICENSEES

#### ***Alternate Disciplinary Procedures***

ACT 112 (SB208) clarifies the authority of the Arkansas Real Estate Commission to allow the use of alternate disciplinary procedures to regulate real estate licensees.

#### ***Broker’s Price Opinions***

ACT 516 (HB2056) repeals the prohibition that an appraisal management company shall not hire, employ, or in any way contract with or pay a real estate broker to perform a broker’s price opinion or comparative market analysis unless the broker’s price opinion or comparative market analysis will be used for listing or selling property that the appraisal management company owns.

#### ***Education Requirements***

ACT 281 (SB293) clarifies the education requirements of a real estate licensee, authorizes the Arkansas Real Estate Commission to develop real estate education programs for the education of real estate licensees and applicants, authorizes the Arkansas Real Estate Commission to regulate education programs offered to real estate licensees and applicants, provides exemptions to the mandatory education requirements for certain institutions, authorizes the Arkansas Real Estate Commission to impose civil penalties for unlicensed providers offering real estate education programs, provides disciplinary action and penalties for licensed providers of real estate education programs for violations, and authorizes the Arkansas Real Estate Commission to renew real estate education licenses as of January 1, 2014, during the transition of licensing authority from the State Board of Private Career Education to the Arkansas Real Estate Commission.

#### ***Timeshare Sales***

ACT 710 (SB897) clarifies the jurisdiction and regulatory authority of the Arkansas Real Estate Commission concerning transactions involving timeshare property.

### SCRAP METAL DEALERS

ACT 1354 (HB1975) provides for criminal sentence enhancements when scrap metal is involved in theft or criminal mischief, requires heightened record keeping with criminal and civil penalties for noncompliance, and requires a license to sell certain scrap metal.

## **PROFESSIONS AND OCCUPATIONS**

### SELF-SERVICE STORAGE FACILITIES

ACT 364 (SB377) revises notification procedures for self-service storage facilities, including storage policies and procedures. The act provides that under certain conditions, the use of electronic mail notification is allowed, the value of stored property may be limited for liability purposes, and reasonable late fees may be imposed.

### SOCIAL WORK

#### *Fees*

ACT 409 (HB1526) makes certain fees for the Arkansas Social Work Licensing Board nonrefundable.

### SOCIAL WORKERS

#### *Mental Illness - Notice of Credible Threat*

ACT 1212 (HB1746) requires a mental health services provider to warn a law enforcement agency of a credible threat by a patient.

### SPEECH PATHOLOGY

ACT 219 (HB1172) amends various sections of the law concerning the Board of Examiners in Speech-Language Pathology and Audiology.

### SURVEYORS

ACT 589 (HB1950) authorizes the State Board of Licensure for Professional Engineers and Professional Surveyors to impose fees.

### TECHNICAL CORRECTIONS - PROFESSIONS, OCCUPATIONS, AND BUSINESSES - TITLE 17

ACT 1162 (SB186) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 17 of the Arkansas Code.

### VISUAL, PERFORMING, OR LITERARY ARTIST

#### *Designation of Artist Laureate*

ACT 167 (HB1209) authorizes the Governor to designate a visual, performing, or literary artist who was nominated by one (1) or more Arkansans as the Artist Laureate of the State of Arkansas. The act provides that the Governor may consult with educational institutions, state agencies, and members of the public to facilitate the selection process.

### WATER WELL CONSTRUCTORS

#### *Qualifications*

ACT 324 (HB1365) amends the applicant qualifications for a certified water well driller or a certified pump installer and repeals obsolete language from the Arkansas Water Well Construction Act.

## **PROPERTY RIGHTS AND INTERESTS**

### GENERALLY

#### *Repeal of Obsolete Laws*

ACT 1464 (HB1722) repeals certain obsolete property laws contained in Title 18 of the Arkansas Code concerning the procedure held to be unconstitutional by the Arkansas Supreme Court for claiming stolen property from a pawnbroker and verified pleadings in partition actions rendered obsolete by the Arkansas Rules of Civil Procedure.

### HOUSING

#### *Arkansas Fair Housing Commission*

ACT 1359 (HB2197) specifies the procedure for appointments to the Arkansas Fair Housing Commission by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.



## PROPERTY RIGHTS AND INTERESTS

### MANUFACTURED HOMES

#### ***Mobile and Manufactured Home Titles***

ACT 592 (HB2043) provides a procedure to obtain or cancel the title to a mobile home or manufactured home that has been severed from real property described in the original legal description or is to be affixed to new real property and authorizes a title fee of ten dollars (\$10.00) for issuing a certificate of title for a mobile home or manufactured home.

### OIL, GAS, AND MINERALS

#### ***Enhanced Notice Required for Shale Operations***

ACT 1299 (HB2001) requires that enhanced notice of shale operations be given to surface owners before shale operations begin on the surface owner's property.

#### ***Fees***

ACT 1466 (HB1742) authorizes the Oil and Gas Commission to charge certain fees, including an application fee for carrying or pulling a transportation tank, a permit fee to construct or operate a jurisdictional pipeline system, and a hearing application fee for each person whose address is provided by an applicant for a hearing and whom the applicant has identified in the application or requested receive a copy of the order from the hearing.

### PERSONAL PROPERTY

#### ***Lease***

ACT 1320 (SB919) regulates procedures concerning the automatic renewal of a lease of personal property.

#### ***Pawnbrokers***

ACT 1464 (HB1722) repeals certain obsolete property laws contained in Title 18 of the Arkansas Code concerning the procedure held to be unconstitutional by the Arkansas Supreme Court for claiming stolen property from a pawnbroker.

### REAL ESTATE LICENSE

#### ***Timeshare Sales***

ACT 710 (SB897) clarifies the jurisdiction and regulatory authority of the Arkansas Real Estate Commission concerning transactions involving timeshare property.

### REAL PROPERTY - GENERALLY

#### ***Partition Actions - Repeal of Obsolete Laws***

ACT 1464 (HB1722) repeals an obsolete property law contained in Title 18 of the Arkansas Code concerning verified pleadings in partition actions rendered obsolete by the Arkansas Rules of Civil Procedure.

#### ***Partition Actions - Sale***

ACT 1184 (SB1048) allows a court in a partition action to order the sale of all or part of the property to be sold by a negotiated sale and establish the terms and conditions of the negotiated sale. The act declares an emergency and is effective on and after April 12, 2013.

#### ***Recreational Use Statute***

ACT 84 (HB1020) provides a limitation of liability for a landowner that permits the free use of the landowner's property for an aircraft's take off, flight, or landing.

#### ***Residential Real Estate Repair - Contracts***

ACT 1360 (HB2208) regulates residential real estate repair practices and contracts that are typical in an emergency situation, including a cancellation procedure if the anticipated proceeds of an insurance policy do not cover the amount of damage caused in an emergency situation.

## **PROPERTY RIGHTS AND INTERESTS**

### **REAL PROPERTY - TRANSFERS AND COVENANTS**

#### ***Acknowledgments of Instruments***

ACT 999 (HB1907) prescribes acceptable forms of acknowledgements and relaxes the requirements for the recording and use in court proceedings of instruments with errors, deficiencies, or irregularities in acknowledgements. The act declares an emergency and is effective on and after April 8, 2013.

#### ***Scrivener's Affidavits***

ACT 1045 (SB1137) regulates the use of a scrivener's affidavit to correct errors in instruments affecting real property.

### **SELF-SERVICE STORAGE FACILITIES**

ACT 364 (SB377) revises notification procedures for self-service storage facilities, including storage policies and procedures. The act provides that under certain conditions, the use of electronic mail notification is allowed, the value of stored property may be limited for liability purposes, and reasonable late fees may be imposed.

### **TAX-DELINQUENT PROPERTY**

#### ***Compensation for Repairs***

ACT 556 (SB300) provides compensation for the cost of repairs to land purchased at a sale of tax-delinquent land if the repairs are necessary to prevent deterioration or to comply with a state, county, or city code requirement. The act also provides that the compensation is a charge upon the land. The act declares an emergency and is effective on and after April 2, 2013.

#### ***Payments to Redeem or Set Aside Sales***

ACT 574 (HB1654) clarifies that cash or certified funds, including without limitation a money order, cashier's check, or certified bank check, are required to redeem tax-delinquent land or to attempt to set aside a sale of tax-delinquent land.

### **TECHNICAL CORRECTIONS - PROPERTY - TITLE 18**

ACT 1130 (SB187) makes technical corrections recommended by the Arkansas Code Revisions Commission to Title 18 of the Arkansas Code.

### **WAIVER OR FORFEITURE**

#### ***Acts of Terrorism***

ACT 1295 (SB630) provides for certain civil remedies, including forfeiture of property, against a person who engages in an act of terrorism.

#### ***Slayer Statute***

ACT 1351 (HB1920) enacts what is commonly referred to as a "slayer statute" to prohibit the acquisition of property rights through the unlawful killing of another person.

#### ***Wrongful Death***

ACT 1426 (SB1086) amends the statute of limitations for wrongful death claims and amends the existing provision that a person may not benefit economically from the commission of a criminal act.

## **PUBLIC FINANCE**

### **ACCOUNTING AND BUDGETARY PROCEDURES**

#### ***Repeal of Obsolete Law***

ACT 1146 (HB1721) repeals obsolete provisions in Title 19, including certain exemptions from the laws regarding the expenditure of cash funds.

**PUBLIC FINANCE**ACCOUNTING AND BUDGETARY PROCEDURES***State Vehicles***

ACT 1405 (SB342) authorizes fund transfers to pay state and local sales and use taxes for the purchase of state vehicles. The act declares an emergency and is effective on and after April 23, 2013.

***Use of Maintenance and Operations for Energy Savings Contracts***

ACT 554 (SB340) amends the Guaranteed Energy Cost Savings Act by revising the qualifications for a qualified provider, providing guidelines for state agencies' evaluation of solicitations for guaranteed energy cost savings contracts, providing for administration of the act by the Arkansas Energy Office, and allowing state agencies to use maintenance and operations appropriations for debt service related to guaranteed energy cost savings contracts.

BOARD OF FINANCE***State Treasury Management***

ACT 1088 (SB838) provides increased regulation and oversight of State Treasury management practices, procedures, and personnel to provide for the prudent investment and management of state treasury funds.

BOND ISSUES***Amendment 82 Steel Mill Project***

ACT 1084 (SB820) declares a steel mill to be a large economic development project that qualifies as an Amendment 82 project, authorizes the issuance of general obligation bonds under Amendment 82 to the Arkansas Constitution to assist in the development of the steel mill project, approves and authorizes the execution of an Amendment 82 agreement, exempts from the sales and use tax sales of natural gas and electricity to qualified manufacturers of steel under Amendment 82, and extends the carry-forward period for the income tax credit for the purchase of waste reduction, reuse, or recycling equipment by qualified manufacturers of steel under Amendment 82. The act is identical to Act 1476 of 2013. The act declares an emergency and is effective on and after April 11, 2013.

***Amendment 82 Steel Mill Project***

ACT 1476 (HB1870) declares a steel mill to be a large economic development project that qualifies as an Amendment 82 project, authorizes the issuance of general obligation bonds under Amendment 82 to the Arkansas Constitution to assist in the development of the steel mill project, approves and authorizes the execution of an Amendment 82 agreement, exempts from the sales and use tax sales of natural gas and electricity to qualified manufacturers of steel under Amendment 82, and extends the carry-forward period for the income tax credit for the purchase of waste reduction, reuse, or recycling equipment by qualified manufacturers of steel under Amendment 82. The act is identical to Act 1084 of 2013. The act declares an emergency and is effective on and after April 11, 2013.

***Amendment 89 Energy Efficiency Bonds***

ACT 1252 (SB824) provides the enabling legislation for Amendment 89 to the Arkansas Constitution relating to energy efficiency bonds authorized by state entities, provides for the authorization and issuance of bonds for energy efficiency projects, allows the Arkansas Development Finance Authority to issue bonds at the request of a state entity for energy efficiency projects, and regulates energy efficiency project bonds.

***Codification of Amendment 91***

ACT 1010 (HB2105) codifies the permanent language of Amendment 91 to the Arkansas Constitution and requires the Arkansas Code Revision Commission to direct the publisher of the Arkansas Code to print the text of Amendment 91 to the Arkansas Constitution in the Appendix to Arkansas Code Title 19.

## **PUBLIC FINANCE**

### **BOND ISSUES**

#### ***Local Government Use of Amendment 91 Tax Revenue***

ACT 1241 (SB541) allows revenues from the temporary sales and use tax levied under Amendment 91 to the Arkansas Constitution to be pledged to retire local capital improvement bonds issued for surface transportation projects. The act declares an emergency and is effective on and after April 16, 2013.

#### ***Sureties***

ACT 1015 (HB2202) clarifies that a bond under § 22-9-401 or § 19-4-1405 is required to be from a surety company that is listed on the current United States Department of the Treasury's Listing of Approved Sureties.

### **DEPOSIT AND INVESTMENT OF PUBLIC FUNDS**

#### ***Cities and Counties***

ACT 405 (HB1393) modifies the procedures and requirements for city and county depository agreements.

### **GENERALLY**

#### ***Repeal of Obsolete Laws***

ACT 1146 (HB1721) repeals obsolete provisions in Title 19, including certain exemptions from the laws regarding the expenditure of cash funds, provisions relating to the transfer of funds at the direction of the Quality Management Board, and statutes creating the Public Defender Fund, the Arkansas Home Inspectors Registration Fund, and the Choose Life Adoption Assistance Program Fund.

### **LOCAL GOVERNMENT**

#### ***Joint Investment Trusts***

ACT 217 (HB1127) modifies the creation of local government joint investment trusts and the determination of which entities may join after the creation.

### **PURCHASING AND CONTRACTS**

#### ***Competitive Sealed Bidding***

ACT 1189 (SB1092) requires that contracts that exceed an estimated purchase price of fifty thousand dollars (\$50,000) be awarded by competitive sealed bidding and allows contracts between ten thousand dollars (\$10,000) and fifty thousand dollars (\$50,000) to be awarded by competitive sealed bidding.

#### ***Exempt Commodities and Services***

ACT 453 (SB422) provides for an expanded definition of "exempt commodities and services" under the Arkansas Procurement Law for Arkansas Correctional Industries and the Department of Correction.

#### ***Federal Surplus Property***

ACT 1097 (SB942) allows the Law Enforcement Office of the Department of Career Education to transfer excess military property to state and local agencies and administer a service charge.

#### ***Guaranteed Energy Cost Savings Contracts***

ACT 554 (SB340) amends the Guaranteed Energy Cost Savings Act by revising the qualifications for a qualified provider, providing guidelines for state agencies' evaluation of solicitations for guaranteed energy cost savings contracts, providing for administration of the act by the Arkansas Energy Office, and allowing state agencies to use maintenance and operations appropriations for debt service related to guaranteed energy cost savings contracts.

**PUBLIC FINANCE**

**PURCHASING AND CONTRACTS**

***Highway and Transportation Department Design-build Contracts***

ACT 541 (HB1702) authorizes the Arkansas Highway Commission to enter into design-build contracts for qualified design-build projects within ten (10) years of July 1, 2013, pursuant to Amendment 91 to the Arkansas Constitution.

***Job Order Contracting***

ACT 526 (SB446) increases the maximum job order contracting bid award amount to seven hundred fifty thousand dollars (\$750,000) per construction job for the first year of the contract.

***Minority Vendors***

ACT 1189 (SB1092) requires the State Procurement Director to track data regarding minority participation in contracts that exceed fifty thousand dollars (\$50,000).

***Nonvisual Access Technology***

ACT 308 (SB440) amends the procurement requirements for nonvisual access technology to state that if technology that allows access for individuals who are blind or visually impaired is not reasonably available, then individuals who are blind or visually impaired shall be provided a reasonable accommodation. The act applies retroactively to information technology procured on or after July 30, 1999, and any upgrades or modifications to or replacement of information technology procured on or after July 30, 1999. The act declares an emergency and is effective on and after March 11, 2013.

***Professional Services Contracts***

ACT 1189 (SB1092) increases the threshold amount for professional services contracts that must be submitted to Legislative Council to fifty thousand dollars (\$50,000).

***Small Procurements***

ACT 1189 (SB1092) provides for an increase in the maximum small procurement amount up to ten thousand dollars (\$10,000).

***State Vehicles***

ACT 1405 (SB342) authorizes fund transfers to pay state and local sales and use taxes for the purchase of state vehicles. The act declares an emergency and is effective on and after April 23, 2013.

**REVENUE CLASSIFICATION LAW**

***Choose Life Adoption Assistance Program Fund - Repeal of Obsolete Law***

ACT 1146 (HB1721) repeals obsolete provisions in Title 19, including a provision relating to the Choose Life Adoption Assistance Program Fund.

**REVENUE STABILIZATION LAW**

***Arkansas Home Inspectors Registration Fund - Repeal of Obsolete Law***

ACT 1146 (HB1721) repeals obsolete provisions in Title 19, including a provision relating to the Arkansas Home Inspectors Registration Fund.

***Distribution of Ad Valorem Tax Fund***

ACT 1165 (SB782) requires that eighty percent (80%) of the funds in the Ad Valorem Tax Fund be transferred to the State Central Services Fund for local audits by the Division of Legislative Audit, five percent (5%) to the Tax Division of the Arkansas Public Service Commission, and fifteen percent (15%) to the Assessment Coordination Department. The act declares an emergency and is effective on and after July 1, 2013.

***Public Defender Fund - Repeal of Obsolete Law***

ACT 1146 (HB1721) repeals obsolete provisions in Title 19, including a provision concerning the Public Defender Fund.

## **PUBLIC FINANCE**

### REVENUE STABILIZATION LAW

#### ***Quality Management Board - Repeal of Obsolete Law***

ACT 1146 (HB1721) repeals obsolete provisions in Title 19, including provisions relating to the transfer of funds at the direction of the Quality Management Board.

### STATE TREASURY

#### ***State Treasury Management***

ACT 1088 (SB838) provides increased regulation and oversight of State Treasury management practices, procedures, and personnel to provide for the prudent investment and management of state treasury funds.

### TECHNICAL CORRECTIONS - PUBLIC FINANCE - TITLE 19

ACT 1131 (SB188) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 19 of the Arkansas Code.

## **PUBLIC OFFICERS AND EMPLOYEES**

### APPOINTMENT AND HIRING

ACT 1287 (HB2089) provides for appointments by the Speaker of the House of Representatives and President Pro Tempore of the Senate to certain boards and compacts in lieu of service by members of the General Assembly.

### ATTENDANCE AND LEAVE

ACT 134 (HB1244) amends the definition of “child” for purposes of a state employee’s leave for participation in children’s educational activities to include a child who is over eighteen (18) years of age and has a developmental disability.

### COMPENSATION AND BENEFITS

ACT 1321 (SB952) revises the compensation plan under the Uniform Classification And Compensation Act for the 2013-2015 biennial period by limiting the authority to apply for a salary for a new appointment to a career service position at a rate greater than the entry pay level established for the grade of the position, authorizing merit-based compensation bonuses, and making technical corrections to the Uniform Classification And Compensation Act. The act also authorizes a two percent (2%) cost-of-living adjustment for fiscal year 2014. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Donation of Leave***

ACT 997 (HB1895) allows employees to donate accrued sick leave or accrued annual leave to another employee who is employed by the same state employer and has a severe illness or has an immediate family member who is severely ill.

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

ACT 331 (HB1128) allows certain retirees to elect to return to a state health insurance program.

#### ***Payment of a Health Insurance Premium***

ACT 87 (SB231) permits a retired participant in a state group health insurance plan to pay premiums by a bank account draft.

#### ***Repayment for Breach of Public Trust***

ACT 995 (HB1867) permits a judge after a hearing to order a public servant or public official to repay a certain amount of his or her salary and benefits as a penalty for theft from the state.

#### ***State-sponsored Deferred Compensation Program - Automatic Enrollment***

ACT 452 (SB232) requires that a new state employee hired on or after January, 1, 2014, be automatically enrolled in the state deferred compensation plan and provides opt-out provisions for the new state employee.

## **PUBLIC OFFICERS AND EMPLOYEES**

### **ETHICS AND CONFLICTS OF INTEREST**

#### ***Arkansas Whistle-Blower Act - Confidentiality***

ACT 1080 (SB805) amends Act 211 of 2013, concerning rewards to state employees when a communication under the Arkansas Whistle-Blower Act results in a savings of state funds, to provide that the name and identifying information of a state employee requesting confidentiality under Act 211 of 2013 shall not be disclosed under applicable state or federal law.

#### ***Arkansas Whistle-Blower Act - Reward***

ACT 211 (HB1043) permits a reward to a state employee when a communication under the Arkansas Whistle-Blower Act results in a savings of state funds.

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

ACT 381 (SB426) provides for the reporting of expenditures made by an advertising agency, public relations firm, or political consultant on behalf of a ballot question committee, legislative question committee, individual person, public servant, or governmental body.

#### ***Use of Public Funds to Support or Oppose Ballot Measures Prohibited***

ACT 312 (HB1187) defines key terms and provides that it is unlawful for a public servant or a governmental body to expend or permit the expenditure of public funds to support or oppose a ballot measure.

### **GOVERNOR**

#### ***Office of the Medicaid Inspector General***

ACT 1499 (SB914) creates the offense of health care fraud, establishes the Office of the Medicaid Inspector General within the Governor's office to investigate Medicaid fraud, and removes Medicaid fraud investigations from the Department of Human Services. The act declares an emergency and is effective on and after July 1, 2013.

### **GRIEVANCE PROCEDURES**

ACT 1448 (HB1205) provides that the Office of Personnel Management shall establish a procedure for the filing, hearing, adjudication, and appeal of grievances by state agencies and specifies certain situations in which a party, after a state agency hearing, may file a request for nonbinding mediation to resolve the issue raised by the grievance before appealing to the Office of Personnel Management. The act requires the Office of Personnel Management to begin offering nonbinding mediation on July 1, 2014.

### **JUDGES**

#### ***Investigations***

ACT 1115 (HB1987) provides for the sharing of investigatory information between the Arkansas Ethics Commission, Judicial Discipline and Disability Commission, and Supreme Court Committee on Professional Conduct.

### **LIABILITY**

#### ***Civil Remedies Under Self-Insured Fidelity Bond Program***

ACT 1056 (HB1892) allows the Governmental Bonding Board to seek civil remedies on behalf of a public official, officer, or employee if seeking civil remedies would be cost effective.

### **LOCALLY ELECTED OFFICIALS**

#### ***Aldermen***

ACT 1325 (SB1047) provides that a vacancy in the office of alderman in a city of the second class that is filled by the city council for the unexpired term is not subject to veto by the mayor.

## **PUBLIC OFFICERS AND EMPLOYEES**

### LOCALLY ELECTED OFFICIALS

#### ***Circuit Clerk Fees***

ACT 68 (SB96) clarifies the amount per page that a circuit clerk charges for miscellaneous transcripts.

#### ***Circuit Clerks***

ACT 291 (HB1193) provides a framework for the fees awarded to a circuit clerk's office when the office acts as commissioner for sales of real or personal property and limits the use of the fees to the circuit clerk's office.

#### ***County Clerk Filing of Equalization Board Appeal***

ACT 544 (HB1755) prohibits a county court clerk from charging a fee for filing an appeal from a county equalization board regarding the assessment of property for tax purposes.

### NOTARIES PUBLIC

ACT 492 (SB807) amends the qualifications for notary publics.

### RECORDS AND REPORTING

#### ***Internet Publication***

ACT 501 (HB1216) provides for Internet publication as the primary means of publishing state agency publications.

#### ***Statements of Financial Interest***

ACT 706 (SB785) provides that a statement of financial interest shall include the name and address of each governmental body to which a public servant or candidate is legally obligated to pay a past-due amount and a description of the nature and amount of the obligation.

## **PUBLIC PROPERTY**

### CAPITOL ZONING DISTRICT COMMISSION

ACT 1338 (HB1395) amends the provisions concerning enforcement measures and appeals in the Capitol Zoning District Commission statutes.

### CONTRACT BIDDING

ACT 494 (HB1383) modifies the law concerning bids on contracts for public property work to make the requirements uniform for all taxing entities.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1463 (HB1719) repeals obsolete provisions in Title 22, including the annual report of the State Parks, Recreation, and Travel Commission, the classification and disposition of certain state lands, references to agricultural land owned by the state, and the method by which a list of lands sold is furnished to county clerks.

### PUBLIC BUILDINGS, FACILITIES, AND PROPERTY

#### ***Arkansas Veterans' Home***

ACT 38 (SB3) creates the Arkansas Veterans' Home Task Force to study issues related to opening a new Arkansas Veterans' Home and to develop specific recommendations for review, consideration, and implementation by the General Assembly. The act requires the Task Force to conduct a needs assessment, examine locations for facilities, evaluate the cost of designing and constructing new facilities or using existing facilities, and study the manner and method of funding remodeling or new construction. The act requires the Task Force to report to the House Committee on Aging, Children, and Youth, Legislative and Military Affairs, the Senate Committee on State Agencies and Governmental Affairs, and the Legislative Council on or before October 31, 2013, after which the Task Force will be dissolved. The act declares an emergency and is effective on and after February 6, 2013.



## **PUBLIC PROPERTY**

### PUBLIC BUILDINGS, FACILITIES, AND PROPERTY

#### ***Emergency Vehicles***

ACT 311 (HB1175) allows law enforcement officers to travel out of state in an emergency vehicle for the funeral of a law enforcement officer, victim of a crime, or witness to a crime.

#### ***Flags***

ACT 955 (SB200) raises the number of Arkansas and United States flags to be given to various civic groups by elected officials.

#### ***Islands and Submerged Lands***

ACT 552 (HB1653) regulates the ownership, administration, and regulation of islands, submerged lands, and property located on islands and submerged lands within the state and clarifies the duties of the Commissioner of State Lands concerning the islands, submerged lands, and property located on the islands and submerged lands.

#### ***Naming***

ACT 1225 (HB2211) provides that a building, structure, or facility paid for in whole or in part with public funds shall not be named for an individual living at the time of completion of the building, structure, or facility who, in the ten (10) years preceding the construction of the public building, structure, or facility, was elected to or held a federal, state, county, or municipal office and received a salary for his or her service. The act states certain exceptions to this prohibition.

#### ***Rental and Lease of Property in State Capitol Building and Capitol Hill Building***

ACT 1179 (SB1033) allows the Secretary of State to establish rental or other charges for the renting or leasing of property under an existing rental contract or lease to the Secretary of State as of January 1, 2013, within the State Capitol Building, the Capitol Hill Building, and the parking areas adjacent to the State Capitol Building and the Capitol Hill Building.

#### ***War Memorial Stadium Bonds***

ACT 1141 (SB504) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 22 of the Arkansas Code.

### PUBLIC WORKS

#### ***Surety Company***

ACT 1015 (HB2202) clarifies that a bond under § 22-9-401 or § 19-4-1405 is required to be from a surety company that is listed on the current United States Department of the Treasury's Listing of Approved Sureties.

### SALE OF PUBLIC PROPERTY

ACT 1020 (HB2031) allows public property to be sold to not-for-profit organizations before being offered for sale to the general public.

### TECHNICAL CORRECTIONS - PUBLIC PROPERTY - TITLE 22

ACT 1141 (SB504) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 22 of the Arkansas Code.

## **RETIREMENT**

### LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS

#### ***Death Benefit***

ACT 1206 (HB1171) permits the Local Police and Fire Pension and Relief Funds to pay death benefits to certain persons.

#### ***Death Benefits - Surviving Spouse***

ACT 520 (SB144) requires the surviving spouse of an active or retired member who is entitled to death benefits to have been married to the member within five (5) years of the retirement date.

**RETIREMENT****LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS*****Deferred Retirement Option Plan***

ACT 1102 (HB1164) permits a police officer to return to work for his or her former employer that participates in the Arkansas Local Police and Fire Retirement System after the police officer has entered into the Deferred Retirement Option Plan and has had a break in service of at least thirty (30) days.

***Technical Changes***

ACT 41 (SB51) provides multiple technical and administrative changes to the Arkansas Fire and Police Pension Review Board statutes. The act declares an emergency and is effective on and after February 6, 2013.

***Technical Changes - Allocation for Underfunded Plans***

ACT 500 (SB41) provides a technical change to an Arkansas Fire and Police Pension Review Board statute concerning an additional allocation for certain underfunded plans. The act declares an emergency and is effective on and after March 26, 2013.

**LOCAL POLICE AND FIRE RETIREMENT SYSTEM**

ACT 1065 (SB137) provides technical changes, doubles the amount of service required to be eligible for certain retirement benefits, extends the length of time for participation in the Deferred Retirement Option Plan, and addresses cost of living increases. The act declares an emergency and is effective on and after July 1, 2013.

ACT 1444 (HB1170) amends the emergency clause of Act 1065 of 2013 to include a finding that the act is immediately necessary to preserve public peace, health, and safety.

***Benefit Programs***

ACT 315 (HB1239) provides a new benefit annuity program under the Arkansas Local Police and Fire Retirement System. The act declares an emergency and is effective on and after March 11, 2013.

***Eligibility***

ACT 522 (SB169) provides that an instructor at the Arkansas Fire Training Academy or the Arkansas Law Enforcement Training Academy is included in the definition of “employee” and is entitled to membership under certain conditions. The act declares an emergency and is effective on and after March 28, 2013.

***Technical Changes***

ACT 40 (SB40) provides multiple technical and administrative changes to the Arkansas Local Police and Fire Retirement System statutes. The act declares an emergency and is effective on and after February 6, 2013.

**PUBLIC EMPLOYEES’ RETIREMENT SYSTEM*****Local Elected Public Officials***

ACT 288 (HB1123) restricts the amount of credited service that may be earned by a contributory local elected public official to one (1) year of retirement credit for each year worked unless additional contributions are provided. The act is effective on and after January 1, 2014.

***Membership***

ACT 332 (SB105) clarifies who may be a contributory member or a noncontributory member of the Arkansas Public Employees’ Retirement System, provides that a failure to properly terminate his or her employment does not revoke a member’s retirement election to receive benefits, and requires a participating employer to promptly provide information, upon request, concerning the status of an employee. The act declares an emergency and is effective on and after March 14, 2013.

## RETIREMENT

### RETIREMENT SYSTEMS - GENERALLY

ACT 337 (SB214) clarifies the conditions for participation of an employee of a campus, unit, or division of the University of Arkansas System in a public retirement system. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Exemption of Funds from Unclaimed Property Act***

ACT 86 (SB115) excludes funds distributed from a trust account established by a state-supported retirement system from the Unclaimed Property Act.

#### ***Qualified Domestic Relations Order***

ACT 44 (SB118) allows a state-supported retirement system to require a qualified domestic relations order to substantially comply with the state-supported retirement system's uniform legal form of a qualified domestic relations order.

### STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM

#### ***"Lump-sum Service" Defined***

ACT 310 (HB1125) defines "lump-sum service" to mean that prior lump-sum payments of leave, salary, or other compensation are not considered for computing average earnings. The act declares an emergency and is effective on and after July 1, 2013.

#### ***"Prorate" Defined***

ACT 309 (HB1124) defines "prorate" to mean a ratio of years of service credit with the Arkansas State Highway Employees' Retirement System divided by all years of service credit with reciprocal systems. The act also continues current benefits to existing members.

#### ***Board Members***

ACT 73 (HB1126) provides for the addition of the Director of State Highways and Transportation to the Board of Trustees of the Arkansas State Highway Employees' Retirement System. The act declares an emergency and is effective on and after July 1, 2013.

### TEACHER RETIREMENT SYSTEM

#### ***"Salary" Defined***

ACT 521 (SB160) modifies the definition of "salary" under the Arkansas Teacher Retirement System to clarify that the term includes income on which a federal income tax is required to be withheld. The act also clarifies that a member shall not receive service credit or salary awarded under a settlement agreement or court order unless permitted under a claim of wrongful termination. The act declares an emergency and is effective on and after March 28, 2013.

#### ***Appeal by Benefit Participant or Employer***

ACT 45 (SB129) provides that a benefit participant or employer may appeal a final administrative decision of the Board of Trustees of the Arkansas Teacher Retirement System by filing a complaint in the Pulaski County Circuit Court.

#### ***Buyout Plan for Inactive Members***

ACT 605 (SB163) provides that the Board of Trustees of the Arkansas Teacher Retirement System may establish a voluntary buyout plan for inactive members of the Arkansas Teacher Retirement System and allows payees entitled to a future benefit from the system to receive a one-time lump sum payment. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Buyout Plan for Inactive Members***

ACT 606 (SB164) authorizes the Board of Trustees of the Arkansas Teacher Retirement System to establish a voluntary buyout plan for inactive members of the Arkansas Teacher Retirement System and others who are entitled to a future benefit.

**RETIREMENT****TEACHER RETIREMENT SYSTEM*****Contracts - Prudent Investor Rule***

ACT 304 (SB111) provides for the prudent investor rule to govern the renewal and review of contracts for the investment and management of assets of the Arkansas Teacher Retirement System. The act declares an emergency and is effective on and after March 11, 2013.

***Correction of Errors***

ACT 336 (SB197) provides for the correction of errors on a member's account when the member owes a balance to the Arkansas Teacher Retirement System, including the option for the member to cancel any service credit for the fiscal year in which there is a balance due. The act declares an emergency and is effective on and after March 14, 2013.

***Cost-of-living Adjustments***

ACT 967 (HB1200) provides for the Board of Trustees of the Arkansas Teacher Retirement System to reset the benefit base amount for compounding cost-of-living adjustment rates. The act declares an emergency and is effective on and after July 1, 2013.

***Delinquent Employer Contributions***

ACT 448 (SB113) provides that the Arkansas Teacher Retirement System may collect delinquent employer contributions, penalties, and interest owed by a school district from the Department of Education, which shall deduct the amount owed from certain operating funds designated to the employer and remit the funds directly to the Arkansas Teacher Retirement System. The act declares an emergency and is effective on and after July 1, 2013.

***Disability Retirement - Requirements and Eligibility***

ACT 493 (HB1136) clarifies the disability retirement requirements and eligibility under the Arkansas Teacher Retirement System, including clarification of the effective date for disability retirement. The act declares an emergency and is effective on and after July 1, 2013.

***Employer Contribution - Increase by Board of Trustees***

ACT 1446 (HB1199) provides for the Board of Trustees of the Arkansas Teacher Retirement System to raise the employer contribution rate under certain circumstances.

***Employer Contribution - Increase If Required***

ACT 1399 (SB162) provides for the Board of Trustees of the Arkansas Teacher Retirement System to increase the employer contribution rate if actuarially required and caps the maximum employer contribution rate at fifteen percent (15%).

***Errors - Meaning of "Manifest Injustice"***

ACT 303 (SB110) clarifies the meaning of "manifest injustice" as it applies to the decisions of the Arkansas Teacher Retirement System in correcting errors.

***Final Average Salary***

ACT 720 (HB1137) provides that service credit and current salary may be used in the calculation of final average salary for a member who retires on a day other than the first day of a calendar quarter within a fiscal year. The act declares an emergency and is effective on and after July 1, 2013.

***Final Average Salary - Limitation***

ACT 555 (SB116) limits the use of a reciprocal system's calculation of final average salary for an Arkansas Teacher Retirement System member if the member's reciprocal service credit is less than the number of years of service credit used to calculate the final average salary for the system. The act declares an emergency and is effective on and after July 1, 2013.

**RETIREMENT**

**TEACHER RETIREMENT SYSTEM**

***Internal Revenue Service Regulations***

ACT 109 (SB112) authorizes the Board of the Trustees of the Arkansas Teacher Retirement System to issue rules to align with Internal Revenue Service regulations as necessary. The act declares an emergency and is effective on and after February 19, 2013.

***Life Annuity Multipliers***

ACT 966 (HB1194) provides for the Board of Trustees of the Arkansas Teacher Retirement System to adjust the multipliers for a life annuity if actuarially appropriate. The act declares an emergency and is effective on and after July 1, 2013.

***Member Contributions - Increase by Board of Trustees***

ACT 602 (SB123) provides for the Board of Trustees to increase the member contribution rate under certain circumstances. The act declares an emergency and is effective on and after April 4, 2013.

***Participation of School Resource Officers***

ACT 449 (SB146) provides for the participation of school resource officers paid indirectly by a school district in the Arkansas Teacher Retirement System under certain circumstances.

***Participation Options***

ACT 607 (SB174) provides more options for employees or employers of post-secondary institutions of higher education to participate in the Arkansas Teacher Retirement System. The act declares an emergency and is effective on and after July 1, 2013.

***Service Credit - Private School Service***

ACT 223 (HB1227) provides for the purchase of limited previous private school service for classified employees of public schools.

***Stipend Benefit***

ACT 603 (SB130) provides that the Board of Trustees of the Arkansas Teacher Retirement System may increase or decrease the stipend benefit for members as actuarially appropriate. The act declares an emergency and is effective on and after July 1, 2013.

***Survivor Benefit***

ACT 174 (SB195) provides that the Arkansas Teacher Retirement System may pay a survivor benefit up to twenty thousand dollars (\$20,000) per year to a minor beneficiary's parent, legal guardian, or legal custodian on behalf of a minor beneficiary without a guardianship.

***Survivor Benefits - Receipt***

ACT 571 (HB1135) provides for eligible survivors to receive benefits from the Arkansas Teacher Retirement System from the date that an application for survivor benefits is filed with the system and clarifies the date on which a surviving spouse may begin receiving benefits. The act declares an emergency and is effective on and after July 1, 2013.

***Technical Corrections***

ACT 140 (HB1188) makes technical corrections to the Arkansas Teacher Retirement System Act, including modifying definitions, membership requirements, service credit, refund of member contributions, and benefits.

**TECHNICAL CORRECTIONS - RETIREMENT AND PENSIONS - TITLE 24**

ACT 1134 (SB191) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 24 of the Arkansas Code.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### ACCOUNTANTS

#### ***Regulations***

ACT 90 (HB1122) regulates certified public accountants; defines “home office”, “network firm”, and “principal place of business”; increases the penalty amounts for violations; allows for the assessment of investigative costs; regulates the use of unlawful or misleading designations for a network firm; revises the duties and powers of the Arkansas State Board of Public Accountancy; corrects the name of the examination and grading service used by the board; repeals the time frame provided to reinstate a license if that license expired before August 12, 2005; and adds a report period for the quality review of practice.

#### ***Stipend***

ACT 89 (HB1121) revises the stipend amount of the Arkansas State Board of Public Accountancy.

### ADMINISTRATIVE RULES - GENERALLY

#### ***Board of Examiners in Counseling***

ACT 959 (SB852) authorizes the Arkansas Board of Examiners in Counseling to impose reasonable fees for applications, licenses, examinations, and other administrative purposes that the board deems necessary.

#### ***Financial Impact Statement***

ACT 759 (HB2021) requires state agencies to consider the financial impact of a proposed rule, alternatives to the proposed rule, and other factors before promulgation of the rule.

#### ***The Arkansas Register***

ACT 1057 (HB2066) allows the Secretary of State to publish “The Arkansas Register” on his or her website.

### AGRICULTURE

#### ***International Agricultural Exchanges***

ACT 1501 (SB845) requires the Arkansas Agriculture Department to evaluate the potential economic benefits to Arkansas and Arkansas farmers of entering into agricultural exchanges with Israel and other countries that will foster the development of trade, mutual assistance, and business relations between Arkansas and the other country. The act requires the department to report its findings to the House Committee on Agriculture, Forestry, and Economic Development and the Senate Committee on Agriculture, Forestry, and Economic Development.

### ALCOHOL AND DRUG ABUSE

#### ***State Board of Examiners of Alcoholism and Drug Abuse Counselors***

ACT 1249 (SB736) authorizes the State Board of Examiners of Alcoholism and Drug Abuse Counselors to set by rule a fee schedule for applications for licensure, examinations, renewal of licensure, late fees, fines, and administrative costs. The act also authorizes the board to assess monetary fines. The act declares an emergency and is effective on and after July 1, 2013.

### ALZHEIMER’S ADVISORY COUNCIL

ACT 1510 (HB2199) amends the membership and duties of the Alzheimer’s Advisory Council.

### APPOINTMENTS

ACT 1287 (HB2089) provides for appointments by the Speaker of the House of Representatives and President Pro Tempore of the Senate to certain boards and compacts in lieu of service by members of the General Assembly.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### ARKANSAS COALITION FOR JUVENILE JUSTICE BOARD

#### *Creation*

ACT 1513 (HB2278) establishes the Arkansas Coalition for Juvenile Justice Board, including the membership and duties of the board.

### ARKANSAS FAIR HOUSING COMMISSION

#### *Appointments*

ACT 1359 (HB2197) specifies the procedure for appointments to the Arkansas Fair Housing Commission by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

### ARKANSAS MOTOR VEHICLE COMMISSION

#### *Recreational Vehicles*

ACT 1043 (SB934) authorizes the Arkansas Motor Vehicle Commission to regulate and license recreational vehicle dealers, manufacturers, distributors, factory representatives, manufacturer representatives, and salespersons and charge applicable fees. The act is effective on and after January 1, 2014.

### ARTS COUNCIL

ACT 715 (SB1141) clarifies the fees that may be established and collected by the Arkansas Arts Council. The act declares an emergency and is effective on and after July 1, 2013.

### ASSESSMENT COORDINATION DEPARTMENT

#### *Distribution of Ad Valorem Tax Fund*

ACT 1165 (SB782) requires that eighty percent (80%) of the funds in the Ad Valorem Tax Fund be transferred to the State Central Services Fund for local audits by the Division of Legislative Audit, five percent (5%) to the Tax Division of the Arkansas Public Service Commission, and fifteen percent (15%) to the Assessment Coordination Department. The act declares an emergency and is effective on and after July 1, 2013.

### ATHLETICS

ACT 1096 (SB935) amends the membership of the State Athletic Commission, authority for fee regulation by the commission, licensing and training requirements for referees and judges, and other administrative details.

### BARBERS

#### *Licensing*

ACT 1417 (SB940) allows the State Board of Barber Examiners to license secondary educational institutions as schools or colleges of barbering, requires the board to set a curriculum that distinguishes between secondary and postsecondary education, and requires that the school or college of barbering's license indicate whether it is a secondary or postsecondary educational institution.

### BOARD OF ELECTRICAL EXAMINERS OF THE STATE OF ARKANSAS

#### *Electrical Inspectors*

ACT 756 (HB1983) provides for the licensure of electrical inspectors by the Board of Electrical Examiners of the State of Arkansas, including authorization to impose fees for licensure and the establishment of certain provisions applicable to electrical inspectors.

### BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES

ACT 1475 (HB1840) exempts certain agents, employees, or sales representatives of an alarm system company and certain certified public accountants from the regulation of investigation, security, and alarm systems businesses by the Arkansas Board of Private Investigators and Private Security Agencies.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### CEMETERIES

#### ***Cemetery Board - Cemetery Act for Perpetually Maintained Cemeteries***

ACT 390 (SB462) amends the examination procedures of perpetually maintained cemeteries, revises the regulation of permanent maintenance funds, and amends the requirements of an annual report.

### CHILD ABUSE/RAPE/DOMESTIC VIOLENCE COMMISSION

ACT 1357 (HB2108) provides for an additional court cost of twenty-five dollars (\$25.00) for each conviction for an offense under § 5-26-301 et seq. for the benefit of the Domestic Peace Fund to be used by the Arkansas Child Abuse/Rape/Domestic Violence Commission as provided under the Arkansas Domestic Peace Act.

### CLAIMS AGAINST THE STATE

#### ***Death Benefits - State Highway Employee***

ACT 543 (HB1751) defines “state highway employee” for purposes of determining eligibility for Arkansas State Claims Commission death benefits.

#### ***Jurisdiction - Claims Against Division of Youth Services***

ACT 1478 (HB1878) provides that the Arkansas State Claims Commission has no jurisdiction over claims against the Division of Youth Services of the Department of Human Services for acts committed by juveniles released by the division regardless of whether the juvenile is subject to conditions of aftercare or probation.

#### ***Report of Claims***

ACT 1131 (SB188) requires a state agency to file with the Litigation Reports Oversight Subcommittee of the Legislative Council a written report of certain claims filed with the Arkansas Claims Commission to which the state agency admits liability.

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

ACT 1161 (SB182) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 10 of the Arkansas Code.

### CODE REVISION COMMISSION

#### ***Codification of Amendment 91***

ACT 1010 (HB2105) codifies the permanent language of Amendment 91 to the Arkansas Constitution and requires the Arkansas Code Revision Commission to direct the publisher of the Arkansas Code to print the text of Amendment 91 to the Arkansas Constitution in the Appendix to Arkansas Code Title 19.

### CORRECTIONS

#### ***Exempt Commodities and Services***

ACT 453 (SB422) provides for an expanded definition of “exempt commodities and services” under the Arkansas Procurement Law for Arkansas Correctional Industries and the Department of Correction.

#### ***HIV Testing***

ACT 440 (SB654) removes the requirement that the Department of Correction test an inmate for human immunodeficiency virus (HIV) before releasing the inmate.

#### ***Inmate Health Care Requests***

ACT 462 (SB803) provides that the Board of Correction may implement a copay charge for inmate-initiated health care requests.

#### ***Lease or Rental of Land***

ACT 294 (HB1308) amends the provisions regarding the lease or rental of land owned by the state and used by the Board of Corrections.



**STATE AGENCIES, BOARDS, AND COMMISSIONS**

COSMETOLOGY

ACT 1198 (SB1174) distinguishes between secondary and postsecondary schools of cosmetology and requires the Department of Health to establish a standard curriculum for each type of school.

DEVELOPMENT FINANCE AUTHORITY (ADFA)

***Amendment 89 Enabling Legislation***

ACT 1252 (SB824) provides the enabling legislation for Amendment 89 to the Arkansas Constitution relating to energy efficiency bonds authorized by state entities, provides for the authorization and issuance of bonds for energy efficiency projects, allows the Arkansas Development Finance Authority to issue bonds at the request of a state entity for energy efficiency projects, and regulates energy efficiency project bonds.

ECONOMIC DEVELOPMENT COMMISSION (AEDC)

***Functions, Powers, and Duties***

ACT 1185 (SB1065) updates and amends the laws concerning the functions, powers, duties, and reporting requirements of the Arkansas Economic Development Council and the Arkansas Economic Development Commission.

***Major Maintenance and Improvement Project Incentive***

ACT 1404 (SB334) provides a refund for all of the sales and use tax paid for major maintenance and improvement projects that are approved by the Arkansas Economic Development Commission. The act is effective on and after July 1, 2014.

***Weatherization Assistance Program***

ACT 1111 (HB1887) provides for a Type 3 transfer of the Weatherization Assistance Program from the Division of County Operations of the Department of Human Services to the Arkansas Energy Office of the Arkansas Economic Development Commission. The act declares an emergency and is effective on and after July 1, 2013.

EMERGENCY MANAGEMENT

***Arkansas Emergency Telephone Services Board***

ACT 1170 (SB973) revises the membership of the Arkansas Emergency Telephone Services Board to include the Director of the Arkansas Department of Emergency Management and two (2) consumer members, one (1) to be appointed by the President Pro Tempore of the Senate and one (1) to be appointed by the Speaker of the House of Representatives.

***Arkansas Legislative Committee on Local 911 Systems***

ACT 1171 (SB974) establishes the Legislative Arkansas Blue Ribbon Committee on Local 911 Systems to study the current status of local 911 systems in the state, including gathering input from state, county, and municipal officials and other states related to 911 systems; researching the number, location, staffing, and equipment of each Public Safety Answering Point in each county; evaluating the effectiveness of local 911 systems; identifying funding, training, and solutions to improve 911 systems in the state; and submitting a report of the committee's recommendations to the Governor, President Pro Tempore of the Senate, and the Speaker of the House of Representatives. The act also provides for the committee to expire on January 1, 2015. The act declares an emergency and is effective on and after April 12, 2013.

EMPLOYEES - GENERALLY

ACT 993 (HB1784) increases the number of days for the central registry to notify a state agency of the results of a central registry check from three (3) to seven (7), expands the list of offenses that disqualify an individual from certain employment, and modifies the requirement for a national criminal history check under certain circumstances.

**STATE AGENCIES, BOARDS, AND COMMISSIONS****EMPLOYEES - GENERALLY*****Grievance Procedures***

ACT 1448 (HB1205) provides that the Office of Personnel Management shall establish a procedure for the filing, hearing, adjudication, and appeal of grievances by state agencies and specifies certain situations in which a party, after a state agency hearing, may file a request for nonbinding mediation to resolve the issue raised by the grievance before appealing to the Office of Personnel Management. The act requires the Office of Personnel Management to begin offering nonbinding mediation on July 1, 2014.

***Veterans Preference***

ACT 474 (HB1518) provides that if scoring is used in public employment to hire an applicant for a position, a veteran not hired for the position may obtain his or her base score, adjusted score, and the score of the successful candidate from the employer. The act provides that if the selection authority used a method other than numerical scoring, the veteran not hired for the position may obtain documentation to establish how the hiring decision was made. The act also allows a veteran not hired for a position to request the reason or reasons the veteran was not included on a list of qualified candidates or not selected for the position.

**ENERGY*****Administration of Clean-burning Motor Fuel Incentives***

ACT 532 (SB792) provides rebates for approved compressed natural gas, liquefied natural gas, and liquefied petroleum gas refueling stations and for qualified clean-burning motor vehicle fuel property and requires the Arkansas Energy Office to administer the rebates provided for in the act.

***Administration of Guaranteed Energy Cost Savings Act***

ACT 554 (SB340) amends the Guaranteed Energy Cost Savings Act by revising the qualifications for a qualified provider, providing guidelines for state agencies' evaluation of solicitations for guaranteed energy cost savings contracts, providing for administration of the act by the Arkansas Energy Office, and allowing state agencies to use maintenance and operations appropriations for debt service related to guaranteed energy cost savings contracts.

***Amendment 89 Energy Efficiency Bonds***

ACT 1252 (SB824) provides the enabling legislation for Amendment 89 to the Arkansas Constitution relating to energy efficiency bonds authorized by state entities, provides for the authorization and issuance of bonds for energy efficiency projects, allows the Arkansas Development Finance Authority to issue bonds at the request of a state entity for energy efficiency projects, and regulates energy efficiency project bonds.

**ENVIRONMENTAL QUALITY (ADEQ)*****Asbestos Abatement Grant Program***

ACT 489 (SB410) creates the Asbestos Abatement Grant Program, which allows the Arkansas Department of Environmental Quality to award grants to eligible cities and counties for certain activities relating to asbestos abatement, stabilization, and remediation.

***Elimination of Grant Program for Solid Waste Management and Recycling***

ACT 1333 (HB1215) reduces the maximum amount of money in the Solid Waste Management and Recycling Fund that the Arkansas Department of Environmental Quality may use for administrative purposes to twenty percent (20%), eliminates the grant program under the Solid Waste Management and Recycling Fund Act, and provides for the distribution of money in the Solid Waste Management and Recycling Fund to each approved regional solid waste management district based on a set formula.

**STATE AGENCIES, BOARDS, AND COMMISSIONS**

ENVIRONMENTAL QUALITY (ADEQ)

***Nonmunicipal Sewage Treatment Works***

ACT 402 (HB1197) clarifies the financial assurance requirements for a commercial nonmunicipal domestic sewage treatment works that does not include residential services, establishes additional financial assurance requirements for nonmunicipal domestic sewage treatment works, and creates the Water Performance Bond Fund, which allows the Arkansas Department of Environmental Quality to hire a third-party contractor to take remedial action or maintain and operate a nonmunicipal sewage treatment works.

***State Implementation Plans***

ACT 1302 (SB796) clarifies the responsibilities of the Arkansas Department of Environmental Quality and the Arkansas Pollution Control and Ecology Commission with respect to the adoption of state implementation plans and outlines the requirements for the development and implementation of state implementation plans, including National Ambient Air Quality Standards state implementation plans. The act declares an emergency and is effective on and after April 18, 2013.

***Underground Storage Tanks - Investigation, Site Assessment, and Corrective Action***

ACT 1509 (HB2196) provides a definition for “release site property owner”; allows the Arkansas Department of Environmental Quality or the owner or operator of an underground storage tank to undertake investigation, site assessment, or corrective action that minimizes to the most reasonable extent practicable interference with the use and enjoyment of property, taking into consideration any private and commercial interests and the release site property owner’s or adjacent property owner’s need for access; and prohibits release site property owners from impeding or interfering with site access to investigate or remediate a release from an underground storage tank.

ETHICS

***Statements of Financial Interest***

ACT 706 (SB785) provides that a statement of financial interest shall include the name and address of each governmental body to which a public servant or candidate is legally obligated to pay a past-due amount and a description of the nature and amount of the obligation.

FEES AND PENALTIES - GENERALLY

***Arkansas Arts Council***

ACT 715 (SB1141) clarifies the fees that may be established and collected by the Arkansas Arts Council. The act declares an emergency and is effective on and after July 1, 2013.

***Arkansas Fire Protection Licensing Board***

ACT 1505 (SB1007) authorizes the Arkansas Fire Protection Licensing Board to charge a fee for the duplication of certificates, licenses, and permits and the issuance of new documents due to a change in information. The act also authorizes the imposition of a fee in connection with additional certificates of registration for additional locations. The act declares an emergency and is effective on and after July 1, 2013.

***Historic Arkansas Museum Commission***

ACT 716 (SB1142) authorizes the Historic Arkansas Museum Commission to charge a facility rental fee as it deems appropriate. The act declares an emergency and is effective on and after July 1, 2013.

**STATE AGENCIES, BOARDS, AND COMMISSIONS****FEES AND PENALTIES - GENERALLY*****Oil and Gas Commission***

ACT 1466 (HB1742) authorizes the Oil and Gas Commission to charge certain fees, including an application fee for carrying or pulling a transportation tank, a permit fee to construct or operate a jurisdictional pipeline system, and a hearing application fee for each person whose address is provided by an applicant for a hearing and whom the applicant has identified in the application or requested receive a copy of the order from the hearing.

***Old State House Commission***

ACT 717 (SB1143) authorizes the Old State House Commission to charge reasonable rental fees. The act declares an emergency and is effective on and after July 1, 2013.

***State Board of Examiners of Alcoholism and Drug Abuse Counselors***

ACT 1249 (SB736) authorizes the State Board of Examiners of Alcoholism and Drug Abuse Counselors to set by rule a fee schedule for applications for licensure, examinations, renewal of licensure, late fees, fines, and administrative costs. The act also authorizes the board to assess monetary fines. The act declares an emergency and is effective on and after July 1, 2013.

***State Board of Licensure for Professional Engineers and Professional Surveyors***

ACT 589 (HB1950) authorizes the State Board of Licensure for Professional Engineers and Professional Surveyors to impose fees.

**FINANCE AND ADMINISTRATION (DFA)*****Employer Web Page***

ACT 1458 (HB1570) requires the Department of Finance and Administration and the Department of Workforce Services to create a web page to provide links to employer-related state web applications for reporting of information about tax submissions, employment reports, and child support submissions.

***Payment Plan for Delinquent Taxes***

ACT 160 (SB254) allows the Department of Finance and Administration to enter into a payment plan with a taxpayer who has delinquent individual income tax liability of less than two thousand dollars (\$2,000) if the installment agreement is for a period of twelve (12) months or less and the installments are to be paid electronically.

***Revised Forecast of General Revenues Required***

ACT 1224 (HB2184) requires the Chief Fiscal Officer of the State to provide a revised forecast of general revenues for the current fiscal year and requires that the official forecast of general revenues for the upcoming fiscal year be revised if necessary based on the revised forecast of general revenues for the current fiscal year.

***Statewide Protocol - Services to Sexually Exploited Children***

ACT 1257 (SB869) provides for a number of different provisions related to human trafficking of children. The act creates an additional fine of two hundred fifty dollars (\$250) for a conviction for human trafficking, prostitution, and sexual solicitation, to be payable into the newly created Safe Harbor Fund for Sexually Exploited Children. The act requires the Department of Finance and Administration to develop a statewide protocol for helping to coordinate the delivery of services to sexually exploited children. The act also provides for training to appropriate state agencies and officers regarding sexually exploited children.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### FIRE PREVENTION AND PROTECTION

#### ***Arkansas Fire Protection Licensing Board***

ACT 1505 (SB1007) authorizes the Arkansas Fire Protection Licensing Board to charge a fee for the duplication of certificates, licenses, and permits and the issuance of new documents due to a change in information. The act also authorizes the imposition of a fee in connection with additional certificates of registration for additional locations. The act declares an emergency and is effective on and after July 1, 2013.

### GAME AND FISH

#### ***Electronic Copy of Hunter's Education Certificate***

ACT 472 (HB1459) provides that an electronic copy of a hunter education certificate is sufficient for presentment and that presentment in an electronic format does not authorize a search of the electronic device or expand or restrict the authority of law enforcement to conduct a search.

#### ***Interstate Authority***

ACT 1349 (HB1787) provides that the Arkansas State Game and Fish Commission may enter into interstate compacts and represent the state in matters pertaining to cooperation with other states and the federal government for wildlife conservation, management, and regulation purposes.

#### ***Lifetime Hunting and Fishing Licenses for Disabled Veterans***

ACT 1253 (SB830) authorizes the Game and Fish Commission to issue lifetime hunting and lifetime fishing licenses for eligible state disabled veterans and provides for a fee of one dollar and fifty cents (\$1.50) for each license.

#### ***Primate Registration and Regulation***

ACT 1337 (HB1391) prohibits, except at qualified facilities, the importation, possession, sale, and breeding of nonhuman primates other than apes, macaques, and baboons; requires registration of all primates; and creates penalties for the mistreatment of primates.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1276 (HB1718) repeals obsolete provisions of Title 25, including obsolete provisions concerning state agency smoking policies, printing expenditures of the Department of Arkansas Heritage, the printing of blanks for commissions for state officers and teacher licenses by the Auditor of State, the examination of the books of the Auditor of State during a legislative session, the providing by the Auditor of State of a revenue report to the Governor before each legislative session and quarterly reports to the Governor of the funds available to the Treasurer, and the reporting of railroad aid, levee bonds, and Holford bonds as part of the indebtedness of the state by the Treasurer of State.

### HEALTH

#### ***Advance Directives - End of Life Forms***

ACT 1264 (SB1013) requires the Department of Health to create universal forms for Do Not Resuscitate and other end-of-life medical instructions.

#### ***Concussion Protocol***

ACT 1435 (SB1158) requires the Department of Health to develop guidelines that may be used by private athletic organizations for the treatment of concussions that occur during athletic events involving minors.

#### ***Department of Health Reimbursement***

ACT 564 (SB810) allows the Department of Health to be appropriately reimbursed for medical supplies and services provided.

**STATE AGENCIES, BOARDS, AND COMMISSIONS**HEALTH***Director of the Department of Health***

ACT 435 (SB482) provides that either a medical doctor or a doctor of public health may serve as the Director of the Department of Health.

***Transfer of Arkansas Board of Health Education***

ACT 480 (HB1758) transfers the authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, and allocations or other funds of the Arkansas Board of Health Education to the Department of Health to be administered by the Director of the Department of Health and prohibits the Director of the Department of Health from realigning the functions and records of the Arkansas Board of Health Education before July 1, 2014. The act declares an emergency and is effective on and after July 1, 2013.

***Transfer of State Athletic Commission***

ACT 482 (HB1760) transfers the authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, and allocations or other funds of the State Athletic Commission to the Department of Health to be administered by the Director of the Department of Health and prohibits the Director of the Department of Health from realigning the functions and records of the State Athletic Commission before July 1, 2014. The act declares an emergency and is effective on and after July 1, 2013.

HIGHWAYS AND TRANSPORTATION

ACT 307 (SB338) provides that the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department may award to an officer or his or her spouse the service pistol, the shotgun, or both carried or used by an officer while on duty at the time of his or her death or retirement.

***“State Highway Employee” Defined - Death Benefits***

ACT 543 (HB1751) defines “state highway employee” for purposes of determining eligibility for Arkansas State Claims Commission death benefits.

***Property***

ACT 764 (HB2157) authorizes the State Highway Commission and county and municipal authorities to enter into agreements with each other to exchange highways and authorizes the State Highway Commission to dispose of surplus property.

HISTORIC ARKANSAS MUSEUM COMMISSION***Fees***

ACT 716 (SB1142) authorizes the Historic Arkansas Museum Commission to charge a facility rental fee as it deems appropriate. The act declares an emergency and is effective on and after July 1, 2013.

HUMAN SERVICES***Adult and Long-Term Care Facility Resident Maltreatment Act***

ACT 584 (HB1813) makes various changes to the Adult and Long-Term Care Facility Resident Maltreatment Act, adds definitions, and describes procedures for the Department of Human Services.

***Aging and Adult Services***

ACT 1477 (HB1871) provides the funding formula for the distribution of money to the eight (8) area agencies on aging to consider the geographical distribution of older individuals and those with the greatest economic and social needs and requires the Division of Aging and Adult Services of the Department of Human Services to create a task force to develop the funding formula no later than July 1, 2014.

**STATE AGENCIES, BOARDS, AND COMMISSIONS****HUMAN SERVICES*****Eligibility Verification***

ACT 1265 (SB1019) requires the Department of Human Services to create and maintain an electronic system to connect with a federal electronic system for verifying Medicaid eligibility.

***Jurisdiction - Claims Against Division of Youth Services***

ACT 1478 (HB1878) provides that the Arkansas State Claims Commission has no jurisdiction over claims against the Division of Youth Services of the Department of Human Services for acts committed by juveniles released by the division regardless of whether the juvenile is subject to conditions of aftercare or probation.

***Long-term Care Eligibility***

ACT 1217 (HB1935) prohibits the Department of Human Services from changing the rules for long-term care eligibility under Medicaid before June 30, 2014.

***Medicaid Inspector General***

ACT 1499 (SB914) creates the offense of health care fraud, establishes the Office of the Medicaid Inspector General within the Governor's office to investigate Medicaid fraud, and removes Medicaid fraud investigations from the Department of Human Services. The act declares an emergency and is effective on and after July 1, 2013.

***Name Change - Behavioral Health Services Division***

ACT 980 (HB1497) changes the name of the Division of Mental Health Services of the Department of Human Services to the Division of Behavioral Health Services.

***Office of Alcohol and Drug Abuse Prevention***

ACT 1107 (HB1499) removes the name of the Office of Alcohol and Drug Abuse Prevention from the Arkansas Code.

***Private Option***

ACT 1497 (SB1020) creates the Health Care Independence Act of 2013 to allow private insurance companies to provide health insurance coverage for Medicaid eligible persons. The act is identical to Act 1498 of 2013. The act declares an emergency and is effective on and after April 23, 2013.

***Private Option***

ACT 1498 (HB1143) creates the Health Care Independence Act of 2013 to allow private insurance companies to provide health insurance coverage for Medicaid eligible persons. The act is identical to Act 1497 of 2013. The act declares an emergency and is effective on and after April 23, 2013.

***Property Donation - Mental Health Clinics***

ACT 1251 (SB801) authorizes the Department of Human Services to donate property to community mental health clinics and centers.

***Reporting Requirements - Child Maltreatment***

ACT 1181 (SB1038) clarifies the reporting requirements for the Department of Human Services or a division of the department related to child maltreatment.

***Rules Review Advisory Committee***

ACT 1266 (SB1039) creates the Healthcare Quality and Payment Policy Advisory Committee to review rules related to the development of episodes of care for patient-centered physician services, hospital services, and long-term care services and support.

***Sex Offenders Excluded from Medicaid***

ACT 1504 (SB984) prohibits sex offenders from providing services through the Arkansas Medicaid program.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### HUMAN SERVICES

#### ***Transfer of Mentally Ill***

ACT 573 (HB1555) creates a mechanism for transferring back to Arkansas any Arkansas citizen who has been detained in a private hospital in another state for the treatment of mental illness.

#### ***Use of Controlled Substance Database for Child Maltreatment Investigations***

ACT 1090 (SB862) authorizes the Department of Human Services to petition a circuit court for access to the controlled substance database during a child maltreatment investigation.

#### ***Weatherization Assistance Program***

ACT 1111 (HB1887) provides for a Type 3 transfer of the Weatherization Assistance Program from the Division of County Operations of the Department of Human Services to the Arkansas Energy Office of the Arkansas Economic Development Commission. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Youth Services - Submission of Contracts***

ACT 1258 (SB883) provides for professional or consultant service contracts over twenty-five thousand dollars (\$25,000) between the Division of Youth Services of the Department of Human Services and community-based providers to be reviewed by the Legislative Council or the Joint Budget Committee of the General Assembly and requires the division to post a notification of a proposed modification or amendment to a contract on the website of the Department of Human Services for at least forty-five (45) days before the execution date of the contract.

### INFORMATION SYSTEMS

#### ***Access for Visually Impaired***

ACT 308 (SB440) amends the procurement requirements for nonvisual access technology to state that if technology that allows access for individuals who are blind or visually impaired is not reasonably available, then individuals who are blind or visually impaired shall be provided a reasonable accommodation. The act applies retroactively to information technology procured on or after July 30, 1999, and any upgrades or modifications to or replacement of information technology procured on or after July 30, 1999. The act declares an emergency and is effective on and after March 11, 2013.

#### ***State Broadband Manager***

ACT 1168 (SB926) designates the Director of the Department of Information Systems as the State Broadband Manager to promote, develop, and coordinate broadband expansion and appropriate broadband infrastructure for all areas of the state.

### INSURANCE

#### ***Captive Insurance Companies***

ACT 461 (SB789) authorizes the Insurance Commissioner to permit certain captive insurance companies to take credit for reserves on risks or portions of risks ceded to reinsurers if the Insurance Commissioner approves the captive insurance company's business plan, reduces the premium tax rates paid by captive insurance companies, and limits the maximum annual premium tax payable by a captive insurance company to one hundred thousand dollars (\$100,000). The act declares an emergency and is effective on and after March 21, 2013.



## STATE AGENCIES, BOARDS, AND COMMISSIONS

### INSURANCE

#### ***General Omnibus***

ACT 355 (SB339) enacts the State Insurance Department's general omnibus bill, updates numerous insurance laws, and improves the Insurance Commissioner's ability to administer the insurance laws and internal procedures of the department. The act revises the requirements for the commissioner's annual report, amends the procedure for examination expenses, clarifies the procedure for issuance of a charitable annuity permit, provides for the treasurer of an insurer to verify an annual statement, clarifies the requirements for a market conduct annual statement, amends the definitions in the Insurance Holding Company Regulatory Act, clarifies who can void an insurance contract made by a nonadmitted insurer, amends the requirements for foreign and alien surplus lines insurers, amends the definition of a "fraudulent insurance act", requires health maintenance organizations to report appointment terminations, revises the applicability of certain laws to title insurance, revises the requirements for a life settlement license, and makes a technical correction.

#### ***Guaranty Associations - Disbursal of Funds***

ACT 1327 (SB1106) authorizes the early distribution of assets of a rehabilitated and liquidated insurance company and establishes procedures for the early distribution of any assets.

### LAW ENFORCEMENT COMMUNICATIONS

#### ***Alternate Mailing Address***

ACT 1514 (HB2283) provides that a law enforcement officer may receive mail from a state agency at a post office box or another alternative address.

### LICENSURE OF SPOUSE OF ACTIVE DUTY MILITARY SERVICE MEMBER

ACT 8 (SB7) provides that state boards and commissions may allow the spouse of an active duty military service member stationed in this state to secure employment with a temporary license, certificate, or permit while completing the application process for full licensure, certification, or permit if the applicant is a holder of a substantially equivalent license, certificate, or permit issued by another state. The act also allows state boards and commissions to expedite the full license, certificate, or permit process for the spouse of an active duty military service member in this state.

### LIQUEFIED PETROLEUM GAS BOARD

#### ***Meetings***

ACT 327 (HB1401) provides that the Liquefied Petroleum Gas Board may meet one (1) time each calendar quarter.

### LOTTERY

#### ***Report of Claims***

ACT 1131 (SB188) requires the Arkansas Lottery Commission to file with the Arkansas Lottery Commission Legislative Oversight Committee a written report of certain claims filed with the Arkansas Claims Commission to which the Arkansas Lottery Commission admits liability.

### MASSAGE THERAPY

#### ***Omnibus Bill***

ACT 1445 (HB1183) amends various provisions of the Massage Therapy Act.

### MEDICAL BOARD

#### ***Credentialing Organizations***

ACT 1035 (SB498) authorizes the State Medical Board to provide information to credentialing organizations for evaluations of health care practitioners.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### MEDICAL BOARD

#### ***Physician Prescriptions - Legend Drugs***

ACT 1169 (SB968) authorizes the State Medical Board to regulate physician dispensing of legend drugs. The act declares an emergency and is effective on and after April 12, 2013.

#### ***Regulation of Physician-office Surgery***

ACT 587 (HB1881) transfers regulatory responsibilities for physician office-based surgery to the Arkansas State Medical Board.

### MOTOR VEHICLES

ACT 561 (SB776) defines “motor vehicle” and “low speed vehicle” and repeals § 23-112-206 concerning fund transfers for motor vehicle education and training. The act requires a corporate surety bond be filed with the Arkansas Motor Vehicle Commission for new low speed vehicle dealers and provides that if a service and handling fee is charged, it is not required to be charged on all fleet sales. The act also increases the number of years during which a motor vehicle dealer is required to have improved the dealer’s facilities before the dealer may qualify for a new vehicle sales incentive program.

### OIL AND GAS

#### ***Fees***

ACT 1466 (HB1742) authorizes the Oil and Gas Commission to charge certain fees, including an application fee for carrying or pulling a transportation tank, a permit fee to construct or operate a jurisdictional pipeline system, and a hearing application fee for each person whose address is provided by an applicant for a hearing and whom the applicant has identified in the application or requested receive a copy of the order from the hearing.

#### ***Penalty for Improper Disposal of Substances at a Well***

ACT 1262 (SB970) provides that a person who transports a liquid or other substance and violates a rule, regulation, or order of the Oil and Gas Commission by dumping or disposing of the liquid or other substance improperly or without authorization at a well or well site is subject to a penalty not to exceed one hundred thousand dollars (\$100,000) for each violation.

### OLD STATE HOUSE COMMISSION

#### ***Fees***

ACT 717 (SB1143) authorizes the Old State House Commission to charge reasonable rental fees. The act declares an emergency and is effective on and after July 1, 2013.

### PARKS, RECREATION, TOURISM, AND TRAVEL

#### ***Use of Motorized Scooters***

ACT 578 (HB1703) allows the Department of Parks and Tourism to authorize and regulate the use of motorized scooters on roads within areas under the control of the department.

### PAROLE BOARD

#### ***Application for Pardon, Commutation, or Remission***

ACT 131 (HB1254) provides that the Parole Board shall promulgate rules that will establish a waiver of a waiting period for an application for pardon, commutation of sentence, or remission of a fine or forfeiture.

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

ACT 320 (HB1326) provides that a member of the Parole Board, an investigator employed by the Parole Board, or a parole revocation judge may carry a concealed handgun.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### PAROLE BOARD

#### ***Parole Violations***

ACT 1029 (SB258) requires the Department of Community Correction to provide the Parole Board with information that a parolee has violated the terms and conditions of his or her parole, which in turn requires the Parole Board to issue a warrant for the parolee's arrest if the parolee was found to have committed a felony involving violence or a sexual act.

### PLANT BOARD

#### ***Membership***

ACT 591 (HB2024) amends the membership of the State Plant Board by adding a representative of the livestock industry and a representative of the forage industry.

### POLLUTION CONTROL AND ECOLOGY

#### ***Appeals***

ACT 1021 (HB1687) streamlines the process for the review of certain determinations of the Arkansas Department of Environmental Quality and the Arkansas Pollution Control and Ecology Commission, amends the appeal provisions of the Arkansas Water and Pollution Control Act, and provides for a direct appeal of a determination by the commission to the Court of Appeals.

#### ***Promulgation of Water Quality Standards***

ACT 954 (HB1929) requires the Arkansas Pollution Control and Ecology Commission to follow certain procedures and consider certain criteria in promulgating water quality standards for minerals.

### POLYGRAPH EXAMINERS

ACT 1216 (HB1808) creates the position of Administrator of the Arkansas Board of Private Investigators and Private Security Agencies, amends certain registration and licensing requirements for polygraph examiners, adjusts fees and qualifications for licensing as a polygraph examiner, requires moneys collected be deposited into the Department of Arkansas State Police Fund, and designates appeals of the licensing process be pursuant to the Administrative Procedures Act.

### PROCUREMENT

#### ***Guaranteed Energy Cost Savings Contracts***

ACT 554 (SB340) amends the Guaranteed Energy Cost Savings Act by revising the qualifications for a qualified provider, providing guidelines for state agencies' evaluation of solicitations for guaranteed energy cost savings contracts, providing for administration of the act by the Arkansas Energy Office, and allowing state agencies to use maintenance and operations appropriations for debt service related to guaranteed energy cost savings contracts.

#### ***State Vehicles***

ACT 1405 (SB342) authorizes fund transfers to pay state and local sales and use taxes for the purchase of state vehicles. The act declares an emergency and is effective on and after April 23, 2013.

#### ***Tracking of Data Regarding Minority Vendors***

ACT 1189 (SB1092) requires the State Procurement Director to track data regarding minority participation in contracts that exceed fifty thousand dollars (\$50,000).

### PUBLIC SERVICE COMMISSION

#### ***Certificate of Public Convenience and Necessity***

ACT 341 (SB271) clarifies the requirements for obtaining a certificate of public convenience and necessity from the Arkansas Public Service Commission.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### PUBLIC SERVICE COMMISSION

#### ***Distribution of Ad Valorem Tax Fund***

ACT 1165 (SB782) requires that eighty percent (80%) of the funds in the Ad Valorem Tax Fund be transferred to the State Central Services Fund for local audits by the Division of Legislative Audit, five percent (5%) to the Tax Division of the Arkansas Public Service Commission, and fifteen percent (15%) to the Assessment Coordination Department. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Small Water Systems***

ACT 662 (SB670) exempts small water systems and small sewage systems from regulation by the Public Service Commission.

### REAL ESTATE

ACT 710 (SB897) clarifies the jurisdiction and regulatory authority of the Arkansas Real Estate Commission concerning transactions involving timeshare property.

#### ***Authority for Alternate Discipline Procedures***

ACT 112 (SB208) clarifies the authority of the Arkansas Real Estate Commission to allow the use of alternate disciplinary procedures to regulate real estate licensees.

#### ***Claimant Agency for Purposes of Setoff Against Tax Refunds***

ACT 158 (SB212) includes the Arkansas Real Estate Commission within the definition of “claimant agency” for the purpose of obtaining a setoff against state tax refunds for debts owed to the state.

#### ***Education Programs***

ACT 281 (SB293) clarifies the education requirements of a real estate licensee, authorizes the Arkansas Real Estate Commission to develop real estate education programs for the education of real estate licensees and applicants, authorizes the Arkansas Real Estate Commission to regulate education programs offered to real estate licensees and applicants, provides exemptions to the mandatory education requirements for certain institutions, authorizes the Arkansas Real Estate Commission to impose civil penalties for unlicensed providers offering real estate education programs, provides disciplinary action and penalties for licensed providers of real estate education programs for violations, and authorizes the Arkansas Real Estate Commission to renew real estate education licenses as of January 1, 2014, during the transition of licensing authority from the State Board of Private Career Education to the Arkansas Real Estate Commission.

### RECORDS AND REPORTS - GENERALLY

#### ***Internet Publication***

ACT 501 (HB1216) provides for Internet publication as the primary means of publishing state agency publications.

### SANITARIANS

#### ***Transfer of Arkansas State Board of Sanitarians***

ACT 481 (HB1759) transfers the authority, powers, duties, functions, records, authorized positions, property, unexpended balances of appropriations, and allocations or other funds of the Arkansas State Board of Sanitarians to the Department of Health to be administered by the Director of the Department of Health and prohibits the Director of the Department of Health from realigning the functions and records of the Arkansas State Board of Sanitarians before July 1, 2014. The act declares an emergency and is effective on and after July 1, 2013.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### SECURITIES

ACT 460 (SB665) amends various state securities laws and clarifies the definition of an “agent” and a “representative” under the Arkansas Securities Act. The act also amends the funding mechanism for the Securities Department Fund, clarifies the civil rights and remedies of parties to securities transactions, and clarifies the Security Commissioner’s authority to regulate securities transactions, concurrent registrations, investment advisers, and covered securities.

#### ***Uniform Money Services Act***

ACT 531 (SB786) adds the regulation of “prepaid access” by the State Securities Department under the Uniform Money Services Act, makes technical corrections to the Uniform Money Services Act, and repeals the provisions of the Uniform Money Services Act that provided for license transitions.

### SOCIAL WORK

#### ***Fees***

ACT 409 (HB1526) makes certain fees for the Arkansas Social Work Licensing Board nonrefundable.

### SPEECH PATHOLOGY

ACT 219 (HB1172) amends various sections of the law concerning the Board of Examiners in Speech-Language Pathology and Audiology.

### STATE CRIME LABORATORY

#### ***Abortion Tissue***

ACT 725 (HB1447) requires physicians to retain and submit to the State Crime Laboratory abortion-related tissue and prohibits assisting a minor to obtain an abortion without parental consent.

#### ***Attestation of Records and Reports in Civil Cases***

ACT 297 (HB1359) allows attestation of records and reports of autopsies, evidence analyses, drug analyses, and investigations made by the State Crime Laboratory in civil cases and protects a defendant’s right to cross-examine in civil cases involving the attestation of certain records and reports of the State Crime Laboratory.

#### ***Communication with Next of Kin***

ACT 298 (HB1362) provides that the State Crime Laboratory may communicate, without prior authorization, with the decedent’s next of kin or the next of kin’s designee in cases in which the cause and manner of death are not criminal in nature.

#### ***Fees***

ACT 296 (HB1358) clarifies that the fees collected by the State Crime Laboratory include fees for autopsies requested by the Department of Health for sudden infant death syndrome cases or by the Federal Bureau of Prisons.

#### ***Functions***

ACT 323 (HB1360) amends the functions of the State Crime laboratory to include DNA analysis, DNA database administration, and computer forensic analysis.

### STATE PARKS, RECREATION, AND TRAVEL COMMISSION

#### ***Membership***

ACT 141 (HB1226) increases the membership options for the State Parks, Recreation, and Travel Commission by permitting the selection of one (1) member who is active in either a recognized news media in the state or in the video service provider industry.

**STATE AGENCIES, BOARDS, AND COMMISSIONS****STATE POLICE*****Arkansas Emergency Contact Information System***

ACT 590 (HB2007) provides that the Arkansas State Police in conjunction with other entities may establish the Arkansas Emergency Contact Information System to help law enforcement notify the next of kin or other designated emergency contact of an eligible participant in times of emergency, that information maintained in the system may be used by law enforcement only for emergency notification purposes or pursuant to a court order and shall not be used in a criminal investigation or for any other purpose, that participation in the system by the public is voluntary, and that the participant is responsible for the accuracy of the emergency contact information.

**STATE-OWNED MOTOR VEHICLES - GENERALLY*****Procurement***

ACT 1405 (SB342) authorizes fund transfers to pay state and local sales and use taxes for the purchase of state vehicles. The act declares an emergency and is effective on and after April 23, 2013.

**TOBACCO*****Arkansas Tobacco Control - Powers and Duties***

ACT 1273 (HB1619) creates permits for manufacturers, sets the annual privilege tax for manufacturer permits, and amends other provisions of the Arkansas Tobacco Products Tax Act of 1977, including the powers and duties of the Arkansas Tobacco Control Board and Arkansas Tobacco Control and the maintenance of records by wholesalers, dealers, and manufacturers.

***Reports by Tobacco Wholesalers to Arkansas Tobacco Control***

ACT 1272 (HB1618) requires wholesalers to report certain information concerning their deliveries to retailers and other wholesalers to the Director of Arkansas Tobacco Control and provides that the required report satisfies the wholesaler's reporting requirements under federal and state law. The act is effective on and after September 1, 2013.

**TOWING AND RECOVERY*****Reclamation of Vehicles***

ACT 1002 (HB1985) provides that a Towing Board licensed, permitted, or regulated entity shall allow the owner of a vehicle involuntarily towed to use any entity licensed, permitted, or regulated by the board when reclaiming the vehicle from storage and requires that an out-of-state towing entity may obtain a vehicle safety permit from the board only when the tow vehicle owner establishes operation of the tow vehicle in this state is compliant with this state's reciprocity law.

***Regulation of Wheel Clamps***

ACT 1421 (SB1024) provides authority to the Arkansas Towing and Recovery Board to regulate the use of wheel clamps used for purposes of immobilizing a vehicle.

***Safety Permit - Out-of-state Towing Entities***

ACT 1002 (HB1985) provides that a Towing Board licensed, permitted, or regulated entity shall allow the owner of a vehicle involuntarily towed to use any entity licensed, permitted, or regulated by the board when reclaiming the vehicle from storage and requires that an out-of-state towing entity may obtain a vehicle safety permit from the board only when the tow vehicle owner establishes operation of the tow vehicle in this state is compliant with this state's reciprocity law.

## STATE AGENCIES, BOARDS, AND COMMISSIONS

### VOICE STRESS ANALYSIS EXAMINER

#### ***Licensing***

ACT 1472 (HB1809) amends certain registration and licensing requirements, adjusts fees and qualifications for licensing, requires moneys collected be deposited into the Department of Arkansas State Police Fund, and amends the law regarding the circumstances under which a voice stress analysis test may be conducted.

### WATERWAYS COMMISSION

#### ***Arkansas Port, Intermodal, and Waterway Development Grant Program***

ACT 1427 (SB1091) creates the Arkansas Port, Intermodal, and Waterway Development Grant Program Fund and requires that the ad valorem taxes and penalties collected from water transportation companies in excess of two million five hundred thousand dollars (\$2,500,000) be deposited into the fund to be used by the Arkansas Waterways Commission exclusively for the Arkansas Port, Intermodal, and Waterway Development Grant Program.

### WORKFORCE SERVICES

#### ***Department of Career Education***

ACT 1438 (SB1182) requires the director of the Department of Career Education to have a bachelor's degree from an accredited institution.

#### ***Employer Web Page***

ACT 1458 (HB1570) requires the Department of Finance and Administration and the Department of Workforce Services to create a web page to provide links to employer-related state web applications for reporting of information about tax submissions, employment reports, and child support submissions.

#### ***False Statement Penalties – Report to Legislative Council***

ACT 1242 (SB542) clarifies the penalties for making false statements in applications for unemployment benefits and requires the Department of Workforce Services to track false statements and report to the Legislative Council.

#### ***Misconduct Discharge***

ACT 1077 (SB780) clarifies the conditions under which a person may be disqualified from receiving unemployment benefits after discharge for misconduct.

#### ***Omnibus Bill***

ACT 956 (SB575) makes various changes to the Department of Workforce Services Law, including changes concerning misconduct discharges, shared work programs, and funds used to pay unemployment benefits.

#### ***Refusal to Seek Work - Quarterly Reports***

ACT 1040 (SB857) clarifies the duty of the Department of Workforce Services regarding unemployment ineligibility for failure to accept or seek suitable work and requires quarterly reports to the Legislative Council.

## TAXES

### ADMINISTRATION OF LOCAL TAXES

#### ***Appeals of Equalization Board Decisions - Filing Fee Prohibited***

ACT 544 (HB1755) prohibits a county court clerk from charging a fee for filing an appeal from a county equalization board regarding the assessment of property for tax purposes.

### ADMINISTRATION OF STATE TAXES

#### ***Corporate Franchise Taxes***

ACT 1093 (SB899) changes the deadline for paying corporate franchise taxes to May 1. The act declares an emergency and is effective on and after April 11, 2013.

**TAXES****ADMINISTRATION OF STATE TAXES*****Payment Plan for Delinquent Taxes***

ACT 160 (SB254) allows the Department of Finance and Administration to enter into a payment plan with a taxpayer who has delinquent individual income tax liability of less than two thousand dollars (\$2,000) if the installment agreement is for a period of twelve (12) months or less and the installments are to be paid electronically.

***Penalties for Using Software or Devices to Evade Taxes***

ACT 1076 (SB718) creates criminal and civil penalties for manufacturing, selling, renting, leasing, making available, purchasing, installing, transferring, possessing, or using software or other devices and mechanisms that modify or falsify electronic records for the purpose of evading taxes.

**COLLECTION AND ENFORCEMENT*****Collection of Delinquent Taxes on Mineral Rights***

ACT 1279 (HB1766) provides additional measures to collect delinquent property taxes, penalties, and interest on mineral rights by allowing a county collector to initiate proceedings using a certified statement or account to collect delinquent property taxes, penalties, and interest on mineral rights from a person who possesses funds that are derived from the property and that are owed to the delinquent taxpayer. The act also provides that the certified statement or account operates as a levy on the person served, releases the person making the payment from liability to the taxpayer, and provides for an additional ten percent (10%) penalty, half of which shall be paid to the person making the payment under the act. The act is effective for assessment years beginning on and after January 1, 2013.

***Payments to Redeem or Set Aside Sales of Tax-delinquent Land***

ACT 574 (HB1654) clarifies that cash or certified funds, including without limitation a money order, cashier's check, or certified bank check, are required to redeem tax-delinquent land or to attempt to set aside a sale of tax-delinquent land.

***Sale of Tax-delinquent Land - Solid Waste Fees***

ACT 1485 (HB1934) amends the law concerning distribution of funds following a sale of tax-delinquent lands to enhance the collection of solid waste fees by counties.

***Setoff Against Tax Refunds***

ACT 158 (SB212) includes the Arkansas Real Estate Commission within the definition of "claimant agency" for the purpose of obtaining a setoff against state tax refunds for debts owed to the state.

***Tax-delinquent Land Sales***

ACT 1231 (SB297) regulates the administration, sale, and conveyance of tax-delinquent lands; requires a minimum bid at a sale of tax-delinquent land of the amount of delinquent taxes, penalties, interest, and the costs of the sale; permits a negotiated sale of the land if the minimum bid is not received; requires the Attorney General to approve a negotiated sale if made within two (2) years of the sale; provides that an action to contest the validity of a tax sale or a negotiated sale is barred if not commenced within ninety (90) days after the land is conveyed; and permits an action to quiet and confirm title to tax-delinquent land purchased from the state by the grantee of a purchaser, donee, or redeemer of the real property from the state.

***Tax-delinquent Lands - Electronic Certification***

ACT 553 (HB1665) clarifies that the Commissioner of State Lands may accept an electronic certification of tax-delinquent parcels from a county.



**TAXES**

CORPORATE FRANCHISE TAXES

***Proclamation on Corporate Charter Forfeitures - Deadline***

ACT 1079 (SB798) changes the deadline for the Secretary of State’s proclamation regarding corporate charter forfeitures for failure to pay corporate franchise taxes to January 31 of each year.

FRANCHISE TAX

***Amnesty***

ACT 1041 (SB920) provides for a franchise tax penalty and interest amnesty program from September 1, 2013, through December 31, 2013.

INCOME TAX

***Active Duty Members of the Armed Services - Exemption***

ACT 1408 (SB463) creates an exemption from the income tax for service pay or allowances received by active duty members of the armed services, including members of the National Guard and Reserve units. The act is effective on and after January 1, 2014.

***Adoption of Changes to Federal Income Tax Law***

ACT 1254 (SB831) adopts recent changes to the Internal Revenue Code. Sections 5-8 and 10 of the act apply retroactively to tax years beginning on or after January 1, 2012. Sections 1-4, 9, and 11-16 of the act are effective for tax years beginning on and after January 1, 2013.

***Amendment 82 Steel Mill Project - Income Tax Credit***

ACT 1084 (SB820) extends the carry-forward period for the income tax credit for the purchase of waste reduction, reuse, or recycling equipment by qualified manufacturers of steel under Amendment 82 to the Arkansas Constitution. The act is identical to Act 1476 of 2013. The act declares an emergency and is effective on and after April 11, 2013.

***Amendment 82 Steel Mill Project - Income Tax Credit***

ACT 1476 (HB1870) extends the carry-forward period for the income tax credit for the purchase of waste reduction, reuse, or recycling equipment by qualified manufacturers of steel under Amendment 82 to the Arkansas Constitution. The act is identical to Act 1084 of 2013. The act declares an emergency and is effective on and after April 11, 2013.

***Capital Gains***

ACT 1488 (HB1966) increases the income tax exemption for net capital gains to fifty percent (50%) beginning January 1, 2015, and exempts from the income tax net capital gain in excess of ten million dollars (\$10,000,000) from a gain realized on or after January 1, 2014. The act is effective on and after January 1, 2014.

***Claim of Right***

ACT 1284 (HB1866) adopts federal law regarding the computation of income tax when a taxpayer restores a substantial amount held under a claim of right. The act does not adopt the federal methods of calculating the deduction or the special rules for net operating losses and capital losses. The act is effective for tax years beginning on and after January 1, 2013.

***Payment Plan for Delinquent Taxes***

ACT 160 (SB254) allows the Department of Finance and Administration to enter into a payment plan with a taxpayer who has delinquent individual income tax liability of less than two thousand dollars (\$2,000) if the installment agreement is for a period of twelve (12) months or less and the installments are to be paid electronically.

**TAXES****INCOME TAX*****Qualified Drop-in Biofuels Manufacturers - Exemption***

ACT 1418 (SB941) creates an income tax exemption for qualified drop-in biofuels manufacturers for up to twenty (20) years if the qualified drop-in biofuels manufacturers invest at least twenty million dollars (\$20,000,000) in a new or expanded facility in the state and create at least one hundred (100) new jobs. The act is effective for tax years beginning on and after January 1, 2013.

***Reduction of Rates and Adjustment of Brackets***

ACT 1459 (HB1585) adjusts the minimum and maximum dollar amounts in the income tax brackets for individuals, trusts, and estates to reflect the current, adjusted amounts used by the Department of Finance and Administration, reduces the lowest tax rate by one-tenth of one percentage point beginning January 1, 2014, and reduces the remaining tax rates by one-tenth of one percentage point beginning January 1, 2015.

***Standard Deduction***

ACT 1488 (HB1966) increases the standard deduction to two thousand two hundred dollars (\$2,200) per taxpayer beginning January 1, 2015. The act is effective on and after January 1, 2014.

***Volunteer Firefighters - Deduction***

ACT 1452 (HB1399) creates an income tax deduction of up to one thousand dollars (\$1,000) for the amount paid by a volunteer firefighter to purchase required firefighting equipment and the loss of value of personal property of a volunteer firefighter that is damaged or destroyed in the course of his or her participation in fire suppression, rescue, pump operation, or other firefighting activity as a volunteer firefighter. The act is effective on and after January 1, 2014.

**LOCAL SALES AND USE TAXES*****Changes to Conform to Streamlined Sales and Use Tax Agreement***

ACT 538 (HB1461) amends local sales and use tax laws to conform to the Streamlined Sales and Use Tax Agreement by clarifying the effective dates for rate changes for catalog sales and boundary changes in the Local Government Bond Act.

***Cost of Audit***

ACT 712 (SB1035) permits cities with an advertising and promotion tax to share the cost of an audit and requires that certain records be provided to the joint auditor.

***Extension of Tax for Capital Improvements of a Community College***

ACT 1087 (SB832) allows for an extension of the period during which a county sales and use tax levied for capital improvements of a community college may be levied and an extension of the period during which the tax shall not be replaced or reduced.

***Use of Amendment 91 Tax Revenue***

ACT 1241 (SB541) allows revenues from the temporary sales and use tax levied under Amendment 91 to the Arkansas Constitution to be pledged to retire local capital improvement bonds issued for surface transportation projects. The act declares an emergency and is effective on and after April 16, 2013.

**MOTION PICTURE INCENTIVE ACT*****Repeal of Obsolete Laws***

ACT 1143 (HB1716) repeals references to the Motion Picture Incentive Act of 1983, which expired on June 30, 1993, and repeals export incentives for native wines.

**TAXES**PREMIUM TAXES***Captive Insurance Companies***

ACT 461 (SB789) authorizes the Insurance Commissioner to permit certain captive insurance companies to take credit for reserves on risks or portions of risks ceded to reinsurers if the Insurance Commissioner approves the captive insurance company's business plan, reduces the premium tax rates paid by captive insurance companies, and limits the maximum annual premium tax payable by a captive insurance company to one hundred thousand dollars (\$100,000). The act declares an emergency and is effective on and after March 21, 2013.

***Domestic Surplus Lines Insurance Companies***

ACT 157 (SB206) clarifies that a domestic surplus lines insurer is not responsible for remitting premium taxes and states that the insured is responsible for withholding the tax from the premium due and remitting the premium tax. The act also provides that a surplus lines broker is subject to the tax on brokers under § 23-65-315.

***New Market Tax Credit***

ACT 1474 (HB1832) allows a business entity that makes a qualified equity investment to earn a vested right to a tax credit against state premium tax liability, regulates the transferability and recapture of the tax credit, provides for certification and decertification of the investments eligible for the tax credit, and requires reports and revenue impact assessments by taxpayers eligible for the credit. The act declares an emergency and is effective on and after April 22, 2013.

PREPAID WIRELESS E911 CHARGES

ACT 623 (SB500) regulates the imposition, administration, and use of a charge on the purchase of prepaid wireless telecommunications service to assist funding for the 911 emergency response system and requires that the charge be remitted to the Department of Finance and Administration at the same time and in the same manner as the gross receipts tax. The act is effective on and after January 1, 2014.

PRIVILEGE TAXES***Arkansas Tobacco Products Tax Act of 1977***

ACT 1273 (HB1619) creates permits for manufacturers, sets the annual privilege tax for manufacturer permits, and amends other provisions of the Arkansas Tobacco Products Tax Act of 1977, including the powers and duties of the Arkansas Tobacco Control Board and Arkansas Tobacco Control and the maintenance of records by wholesalers, dealers, and manufacturers.

***Limitation of Taxes on Cigars***

ACT 510 (HB1531) limits the total amount of the excise or privilege taxes levied on cigars to fifty cents (50¢) per cigar and provides for the proportional reduction of the excise or privilege taxes if the total amount exceeds fifty cents (50¢) per cigar. The act is effective on and after October 1, 2013.

***Reports by Tobacco Wholesalers***

ACT 1272 (HB1618) requires wholesalers to report certain information concerning their deliveries to retailers and other wholesalers to the Director of Arkansas Tobacco Control and provides that the required report satisfies the wholesaler's reporting requirements under federal and state law. The act is effective on and after September 1, 2013.

**TAXES****PRIVILEGE TAXES*****Task Force to Study Taxation of Nonalcoholic Beverages***

ACT 1425 (SB1080) creates the Legislative Task Force on the Taxation of Nonalcoholic Beverages, which shall perform a detailed and comprehensive study of the wholesale taxes imposed on nonalcoholic beverages in the state, including without limitation the taxes levied under the Arkansas Soft Drink Tax Act, and report its written findings and recommendations by September 1, 2014. The act provides for the expiration of the task force on January 1, 2015.

***Tobacco Products***

ACT 631 (SB540) clarifies that current law imposes an excise tax on all tobacco products offered for sale in the state based on the invoice price of the tobacco products.

**PROPERTY TAX*****Annual Reappraisal of Mineral Interests***

ACT 1520 (SB817) requires that producing mineral interests be reappraised annually for ad valorem tax purposes. The act is effective on and after January 1, 2014.

***Collection of Delinquent Taxes on Mineral Rights***

ACT 1279 (HB1766) provides additional measures to collect delinquent property taxes, penalties, and interest on mineral rights by allowing a county collector to initiate proceedings using a certified statement or account to collect delinquent property taxes, penalties, and interest on mineral rights from a person who possesses funds that are derived from the property and that are owed to the delinquent taxpayer. The act also provides that the certified statement or account operates as a levy on the person served, releases the person making the payment from liability to the taxpayer, and provides for an additional ten percent (10%) penalty, half of which shall be paid to the person making the payment under the act. The act is effective for assessment years beginning on and after January 1, 2013.

***Compensation for Repairs to Tax-delinquent Land***

ACT 556 (SB300) provides compensation for the cost of repairs to land purchased at a sale of tax-delinquent land if the repairs are necessary to prevent deterioration or to comply with a state, county, or city code requirement. The act also provides that the compensation is a charge upon the land. The act declares an emergency and is effective on and after April 2, 2013.

***Distribution of Ad Valorem Tax Fund***

ACT 1165 (SB782) requires that eighty percent (80%) of the funds in the Ad Valorem Tax Fund be transferred to the State Central Services Fund for local audits by the Division of Legislative Audit, five percent (5%) to the Tax Division of the Arkansas Public Service Commission, and fifteen percent (15%) to the Assessment Coordination Department. The act declares an emergency and is effective on and after July 1, 2013.

***Electronic Statements***

ACT 27 (HB1023) authorizes a county sheriff or collector to create an electronic registry for property tax statements for the purpose of enhanced delivery and reduction of costs.

**TAXES****PROPERTY TAX*****Tax-delinquent Land Sales***

ACT 1231 (SB297) regulates the administration, sale, and conveyance of tax-delinquent lands; requires a minimum bid at a sale of tax-delinquent land of the amount of delinquent taxes, penalties, interest, and the costs of the sale; permits a negotiated sale of the land if the minimum bid is not received; requires the Attorney General to approve a negotiated sale if made within two (2) years of the sale; provides that an action to contest the validity of a tax sale or a negotiated sale is barred if not commenced within ninety (90) days after the land is conveyed; and permits an action to quiet and confirm title to tax-delinquent land purchased from the state by the grantee of a purchaser, donee, or redeemptor of the real property from the state.

***Use of Ad Valorem Funds Collected from Water Transportation Companies***

ACT 1427 (SB1091) creates the Arkansas Port, Intermodal, and Waterway Development Grant Program Fund and requires that the ad valorem taxes and penalties collected from water transportation companies in excess of two million five hundred thousand dollars (\$2,500,000) be deposited into the fund to be used by the Arkansas Waterways Commission exclusively for the Arkansas Port, Intermodal, and Waterway Development Grant Program.

**SPECIAL EXCISE TAXES*****Long-term Rental Vehicle Tax***

ACT 1164 (SB688) requires that the long-term rental vehicle tax be paid on each rental and lowers the threshold for the expiration of the long-term rental vehicle tax to three percent (3%) of all new motor vehicles registered in Arkansas during a calendar year. The act is effective on and after October 1, 2013.

**STATE SALES AND USE TAXES*****Amendment 82 Steel Mill Project - Exemption for Utilities***

ACT 1084 (SB820) exempts from the sales and use tax sales of natural gas and electricity to qualified manufacturers of steel under Amendment 82 to the Arkansas Constitution. The act is identical to Act 1476 of 2013. The act declares an emergency and is effective on and after April 11, 2013.

***Amendment 82 Steel Mill Project - Exemption for Utilities***

ACT 1476 (HB1870) exempts from the sales and use tax sales of natural gas and electricity to qualified manufacturers of steel under Amendment 82 to the Arkansas Constitution. The act is identical to Act 1084 of 2013. The act declares an emergency and is effective on and after April 11, 2013.

***Certain Machinery and Equipment - Exemption***

ACT 233 (HB1281) amends the sales and use tax exemption for certain machinery and equipment to include machinery and equipment required by state or federal law or regulations to be used in the refining of petroleum-based products to remove sulfur pollutants from a refined product and any repair parts and repair labor for machinery or equipment required by state or federal law or regulations to be used in the refining of petroleum-based products to remove sulfur pollutants from a refined product. The act is effective on and after October 1, 2013.

***Dental Appliances - Exemption***

ACT 1414 (SB853) creates an exemption from the sales and use tax for dental appliances sold by or to a dentist, orthodontist, oral surgeon, maxillofacial surgeon, or endodontist. The act is effective on and after July 1, 2014.

**TAXES****STATE SALES AND USE TAXES*****Expendable Supplies for Farm Machinery - Exemption***

ACT 1392 (SB11) exempts from the sales and use tax expendable supplies for farm machinery that are used for baling, packaging, tying, wrapping, or sealing animal feed products. The act is effective on and after October 1, 2013.

***Food and Food Ingredients - Reduced Rate***

ACT 1398 (SB135) reduces the sales and use tax on food and food ingredients to zero percent (0%) if certain fund balances exist as determined by the Director of the Department of Finance and Administration on a monthly basis. The act is identical to Act 1450 of 2013. The act declares an emergency and is effective on and after July 1, 2013.

***Food and Food Ingredients - Reduced Rate***

ACT 1450 (HB1234) reduces the sales and use tax on food and food ingredients to zero percent (0%) if certain fund balances exist as determined by the Director of the Department of Finance and Administration on a monthly basis. The act is identical to Act 1398 of 2013. The act declares an emergency and is effective on and after July 1, 2013.

***Long-term Rental Vehicle Tax***

ACT 1164 (SB688) requires that the long-term rental vehicle tax be paid on each rental and lowers the threshold for the expiration of the long-term rental vehicle tax to three percent (3%) of all new motor vehicles registered in Arkansas during a calendar year. The act is effective on and after October 1, 2013.

***Nonprofit Blood Donation Organizations - Exemption***

ACT 1419 (SB1006) creates an exemption from the sales and use tax for tangible personal property and services sold to nonprofit blood donation organizations. The act is effective on and after October 1, 2013.

***Partial Replacement and Repair of Certain Machinery and Equipment - Refund***

ACT 1404 (SB334) provides a partial refund of the sales and use tax paid on machinery and equipment purchased to modify, replace, or repair existing machinery or equipment used directly in producing, manufacturing, fabricating, assembling, processing, finishing, or packaging articles of commerce at a manufacturing or processing plant or facility in Arkansas and services relating to the initial installation, alteration, addition, cleaning, refinishing, replacement, or repair of the machinery or equipment. The act is effective on and after July 1, 2014.

***Timber Harvesting Machinery and Equipment - Exemption***

ACT 1402 (SB299) increases the partial sales and use tax exemption for timber harvesting machinery, equipment, and related attachments to create a full exemption from the sales and use tax. The act is effective on and after July 1, 2014.

***Utilities Used by Grain Drying and Storage Facility - Exemption***

ACT 1401 (SB298) exempts from the sales and use tax electric, liquefied petroleum gas, and natural gas utilities used by grain drying and storage facilities. The act is effective on and after July 1, 2014.

***Utilities Used by Manufacturers - Reduced Rate***

ACT 1411 (SB791) reduces the sales and use tax on natural gas and electricity used by manufacturers to one percent (1%) in July 2014 and zero percent (0%) in July 2015 and amends the definition of “manufacturer” to include cotton gins. The act is effective on and after July 1, 2014.

## TAXES

### STATE SALES AND USE TAXES

#### ***Utilities Used for Agriculture, Horticulture, and Aquaculture***

ACT 1441 (HB1039) creates an exemption from the sales and use tax, beginning January 1, 2014, for utilities used by qualifying agricultural structures, including a commercial poultry or livestock facility, a cattle and dairy facility, and a commercial greenhouse, and qualifying aquaculture and horticulture equipment, including commercial cooling, collection, and irrigation equipment, pumping and aeration equipment, and a holding and sorting tank.

### TECHNICAL CORRECTIONS - TAXATION - TITLE 26

ACT 1135 (SB192) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 26 of the Arkansas Code.

### TIMBERLANDS TAX

#### ***Forest Fire Protection Tax***

ACT 1391 (SB5) increases the forest fire protection tax to twenty cents (20¢) per acre. The act is effective for assessment years beginning on and after January 1, 2013.

## TECHNOLOGY

### BROADBAND/CONNECTIVITY

#### ***State Broadband Manager***

ACT 1168 (SB926) designates the Director of the Department of Information Systems as the State Broadband Manager to promote, develop, and coordinate broadband expansion and appropriate broadband infrastructure for all areas of the state.

#### ***Telecommunications Regulatory Reform Act of 2013***

ACT 442 (SB797) enacts the Telecommunications Regulatory Reform Act of 2013 to ensure continued broadband expansion and provide 911 emergency service to rural areas within the state, enhance the 911 emergency system and assist its funding, regulate the administration and use of the Arkansas High Cost Fund and the duties of the Arkansas High Cost Fund Administrator, and adopt certain regulatory reforms for the deregulation of telecommunications carriers. The act declares an emergency and is effective on and after March 19, 2013.

### PORTABLE ELECTRONICS

#### ***Insurance Policies***

ACT 340 (SB263) amends a vendor's reporting requirements regarding changes in portable electronics insurance policies.

### STATE GOVERNMENT

#### ***State Broadband Manager***

ACT 1168 (SB926) designates the Director of the Department of Information Systems as the State Broadband Manager to promote, develop, and coordinate broadband expansion and appropriate broadband infrastructure for all areas of the state.

## TOBACCO

### REGULATION

#### ***E-Cigarettes - Minors***

ACT 1451 (HB1398) prohibits the transfer of e-cigarettes and other nicotine products to minors and prohibits minors from possessing or buying e-cigarettes.

### TAXES

#### ***Arkansas Tobacco Products Tax Act of 1977***

ACT 1273 (HB1619) creates permits for manufacturers, sets the annual privilege tax for manufacturer permits, and amends other provisions of the Arkansas Tobacco Products Tax Act of 1977, including the powers and duties of the Arkansas Tobacco Control Board and Arkansas Tobacco Control and the maintenance of records by wholesalers, dealers, and manufacturers.

## TOBACCO

### TAXES

#### ***Clarification of Application***

ACT 631 (SB540) clarifies that current law imposes an excise tax on all tobacco products offered for sale in the state based on the invoice price of the tobacco products.

#### ***Limitation of Taxes on Cigars***

ACT 510 (HB1531) limits the total amount of the excise or privilege taxes levied on cigars to fifty cents (50¢) per cigar and provides for the proportional reduction of the excise or privilege taxes if the total amount exceeds fifty cents (50¢) per cigar. The act is effective on and after October 1, 2013.

#### ***Reports by Tobacco Wholesalers***

ACT 1272 (HB1618) requires wholesalers to report certain information concerning their deliveries to retailers and other wholesalers to the Director of Arkansas Tobacco Control and provides that the required report satisfies the wholesaler's reporting requirements under federal and state law. The act is effective on and after September 1, 2013.

## TOURISM

### CULTURAL RESOURCES, MUSEUMS, AND LIBRARIES

#### ***Arkansas Arts Council***

ACT 715 (SB1141) clarifies the fees that may be established and collected by the Arkansas Arts Council. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Historic Arkansas Museum Commission***

ACT 716 (SB1142) authorizes the Historic Arkansas Museum Commission to charge a facility rental fee as it deems appropriate. The act declares an emergency and is effective on and after July 1, 2013.

#### ***Old State House Commission***

ACT 717 (SB1143) authorizes the Old State House Commission to charge reasonable rental fees. The act declares an emergency and is effective on and after July 1, 2013.

### GENERALLY

#### ***Repeal of Obsolete Laws***

ACT 1347 (HB1727) repeals obsolete provisions in Title 13, including provisions concerning the failure to return books or pay replacement costs because the Arkansas Library Materials Security Law supersedes the section.

### PADDLESPOUT ACTIVITIES

#### ***Liability***

ACT 221 (HB1217) establishes liability protection for outfitters and guides of paddlesport activities and requires that a warning notice be posted for paddlesport participants.

### PROMOTION AND DEVELOPMENT

#### ***Designation as Poultry Capital of the World***

ACT 767 (SB949) provides that Springdale, Arkansas shall be known as the "Poultry Capital of the World".

### STATE PARKS, RECREATION, AND TRAVEL COMMISSION

#### ***Membership***

ACT 141 (HB1226) increases the membership options for the State Parks, Recreation, and Travel Commission by permitting the selection of one (1) member who is active in either a recognized news media in the state or in the video service provider industry.

### TRAVEL INSURANCE

#### ***Licensing***

ACT 1494 (HB2009) establishes a procedure for the Insurance Commission to issue a license for a Limited Lines Travel Insurance Producer to provide travel insurance coverage.



**UTILITIES**

**ELECTRIC**

***Limited Net-metering Credit Rollover***

ACT 1221 (HB2019) allows an amount of net excess generation credit up to four (4) months' average usage during the annual billing cycle that is closing to be credited to a net-metering customer's account for use during the next annual billing cycle.

***Opt Out of Utility Energy Conservation Programs and Measures***

ACT 253 (HB1386) allows certain large nonresidential business consumers to opt out of utility-sponsored energy conservation programs and measures and direct their own energy conservation programs and measures. The act prohibits a public utility company from billing a nonresidential business consumer that opts out for the rates and charges approved by the Arkansas Public Service Commission for the utility-sponsored energy conservation programs and measures. The act declares an emergency and is effective on and after July 1, 2013.

***Regulation of Electric Demand Response Act***

ACT 1078 (SB795) enacts the Regulation of Electric Demand Response Act to allow the Arkansas Public Service Commission or a local authority to regulate and, if in the best interest of the public, authorize the marketing, selling, or marketing and selling of demand response, which is a reduction in the consumption of on-peak or off-peak electric energy by a retail customer served by an electric public utility or a municipally owned electric utility or consolidated municipal utility improvement district relative to the retail customer's expected consumption in response to changes in the price of electric energy to the retail customer over time or incentive payments designed to induce lower consumption of electric energy. The act also defines "demand response" to include any demand response resources capable of providing demand response.

**GENERALLY**

***Repeal of Obsolete Laws***

ACT 1144 (HB1717) repeals obsolete provisions in Title 23, including the subsequent appropriation acts for the Arkansas Public Service Commission that superseded the maximum salary established for commissioners; appeals to the Supreme Court that have been superseded by the Arkansas Rules of Appellate Procedure and the Arkansas Rules for Inferior Courts; the investigatory powers of the Securities Commissioner as Supervisor of Savings and Loan Associations; the duplicate regulation of Title 23, Chapter 38, which is regulated under Arkansas Code Title 23, Chapter 37; and the references to Arkansas Code Title 23, Chapter 38.

**PIPELINES**

***Natural Gas Pipeline Safety***

ACT 1343 (HB1582) increases the penalties for violating the Arkansas Natural Gas Pipeline Safety Act of 1971 and clarifies the state law criminal offenses and penalties for pipeline safety infractions.

**PUBLIC SERVICE COMMISSION**

ACT 341 (SB271) clarifies the requirements for obtaining a certificate of public convenience and necessity from the Arkansas Public Service Commission.

**UTILITIES**

RATES AND CHARGES

***Opt Out of Utility Energy Conservation Programs and Measures***

ACT 253 (HB1386) allows certain large nonresidential business consumers to opt out of utility-sponsored energy conservation programs and measures and direct their own energy conservation programs and measures. The act prohibits a public utility company from billing a nonresidential business consumer that opts out for the rates and charges approved by the Arkansas Public Service Commission for the utility-sponsored energy conservation programs and measures. The act declares an emergency and is effective on and after July 1, 2013.

SEWER

***Sewer Utility Collection Act***

ACT 1210 (HB1688) enacts the Sewer Utility Collection Act to assist a sewer utility that does not control its customers' water service by providing a mechanism to collect unpaid sewer utility service fees from customers and by requiring cooperation from the entity that provides water service to the sewer utility's customers.

TAXES

***Exemption for Agriculture, Horticulture, and Aquaculture***

ACT 1441 (HB1039) creates an exemption from the sales and use tax, beginning January 1, 2014, for utilities used by qualifying agricultural structures, including a commercial poultry or livestock facility, a cattle and dairy facility, and a commercial greenhouse, and qualifying aquaculture and horticulture equipment, including commercial cooling, collection, and irrigation equipment, pumping and aeration equipment, and a holding and sorting tank.

***Exemption for Utilities Used by Grain Drying and Storage Facility***

ACT 1401 (SB298) exempts from the sales and use tax electric, liquefied petroleum gas, and natural gas utilities used by grain drying and storage facilities. The act is effective on and after July 1, 2014.

***Reduced Rate for Manufacturers***

ACT 1411 (SB791) reduces the sales and use tax on natural gas and electricity used by manufacturers to one percent (1%) in July 2014 and zero percent (0%) in July 2015 and amends the definition of "manufacturer" to include cotton gins. The act is effective on and after July 1, 2014.

TECHNICAL CORRECTIONS - PUBLIC UTILITIES AND REGULATED INDUSTRIES - TITLE 23

ACT 1133 (SB190) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 23 of the Arkansas Code.

TELECOMMUNICATIONS

***Arkansas Video Service Act***

ACT 276 (SB101) establishes the Arkansas Video Service Act, allows a video service provider to obtain a certificate of franchise authority from the Secretary of State instead of the political subdivision in which video service is provided, and regulates video service providers.

***Prepaid Wireless E911 Charges***

ACT 623 (SB500) regulates the imposition, administration, and use of a charge on the purchase of prepaid wireless telecommunications service to assist funding for the 911 emergency response system and requires that the charge be remitted to the Department of Finance and Administration at the same time and in the same manner as the gross receipts tax. The act is effective on and after January 1, 2014.

**UTILITIES****TELECOMMUNICATIONS*****Rates - Jurisdiction of Arkansas Public Service Commission***

ACT 1098 (SB948) provides that an electing company that is authorized under Arkansas Code § 23-17-407(d) to determine the rates for basic local exchange service and switched-access services under Arkansas Code § 23-17-408(c), a competing local exchange carrier, or an interexchange carrier is not required to file or maintain with the Arkansas Public Service Commission a tariff or price list setting forth the rates, rentals, charges, privileges, facilities, rules, regulations, or forms of contract for telecommunications services if the electing company, a competing local exchange carrier, or an interexchange carrier posts on a publicly accessible Internet website its generally available prices and terms of service for telecommunications services. The act also clarifies that the commission retains jurisdiction over universal services, an entity's obligations under sections 251 and 252 of the Communications Act of 1934 and a right granted to an entity by sections 251 and 252 of the Communications Act of 1934.

***Telecommunications Regulatory Reform Act of 2013***

ACT 442 (SB797) enacts the Telecommunications Regulatory Reform Act of 2013 to ensure continued broadband expansion and provide 911 emergency service to rural areas within the state, enhance the 911 emergency system and assist its funding, regulate the administration and use of the Arkansas High Cost Fund and the duties of the Arkansas High Cost Fund Administrator, and adopt certain regulatory reforms for the deregulation of telecommunications carriers. The act declares an emergency and is effective on and after March 19, 2013.

**WELFARE AND GOVERNMENTAL ASSISTANCE****HUMAN SERVICES DEPARTMENT**

ACT 535 (SB911) requires the Department of Human Services to conduct a study on the current resource or asset limits for the Supplemental Nutrition Assistance Program (SNAP) and the Temporary Assistance for Needy Families (TANF) and to determine the effectiveness, consistency, and efficiency of the program administration.

**MEDICAID*****Abuse Registries Automated***

ACT 748 (HB1799) requires the Department of Human Services to automate the review of abuse registries maintained by the department and to streamline the process for requesting an abuse registry check.

***Ambulatory Surgery Centers - Outpatient Clinics***

ACT 1352 (HB1968) provides that certain procedures performed on a Medicaid recipient at an ambulatory surgery center be reimbursed at eighty percent (80%) of the Hospital Outpatient Procedure Medicare rate.

***Case Management Pilot Program***

ACT 1453 (HB1482) creates the Medicaid Primary Care Case Management Program Shared-Savings Pilot Program to cover numerous counties in the Arkansas Delta.

***Contingency Fees for Recoupment Prohibited***

ACT 1109 (HB1853) prohibits the use of contingency fees for recoupment of payments for Medicaid healthcare providers. The act declares an emergency and is effective on and after April 11, 2013.

**WELFARE AND GOVERNMENTAL ASSISTANCE****MEDICAID*****ElderChoices Providers***

ACT 1180 (SB1036) exempts, retroactive to January 1, 2010, ElderChoices service providers from the definition of “employment” for unemployment insurance and compensation purposes. The act declares an emergency and is effective on and after April 12, 2013.

***Eligibility Verification***

ACT 1265 (SB1019) requires the Department of Human Services to create and maintain an electronic system to connect with a federal electronic system for verifying Medicaid eligibility.

***Healthcare Criminal Background Checks***

ACT 990 (HB1691) allows certain persons to become or continue to serve as health care providers even if a criminal background check finds convictions for certain nonviolent offenses.

***Home Care Background Checks***

ACT 1336 (HB1384) requires that in-home caregivers who are paid through Medicaid be tested for illegal drug use and undergo criminal background checks.

***Home Visitation Program***

ACT 528 (SB491) creates a regulatory program for home visitation by nurses, social workers, and other early childhood and health professionals or trained and supervised lay workers. The act declares an emergency and is effective on and after March 28, 2013.

***In-home Care Training***

ACT 1410 (SB755) establishes training requirements for nonlicensed, compensated in-home caregivers. The act is effective on and after April 1, 2014.

***Long-term Care Eligibility***

ACT 1217 (HB1935) prohibits the Department of Human Services from changing the rules for long-term care eligibility under Medicaid before June 30, 2014.

***Medicaid Fairness Act - Appeals***

ACT 562 (SB788) amends the appeals process for providers who deliver Medicaid services under the Medicaid Fairness Act.

***Medicaid Inspector General***

ACT 1499 (SB914) creates the offense of health care fraud, establishes the Office of the Medicaid Inspector General within the Governor’s office to investigate Medicaid fraud, and removes Medicaid fraud investigations from the Department of Human Services. The act declares an emergency and is effective on and after July 1, 2013.

***Private Option***

ACT 1497 (SB1020) creates the Health Care Independence Act of 2013 to allow private insurance companies to provide health insurance coverage for Medicaid eligible persons. The act is identical to Act 1498 of 2013. The act declares an emergency and is effective on and after April 23, 2013.

***Private Option***

ACT 1498 (HB1143) creates the Health Care Independence Act of 2013 to allow private insurance companies to provide health insurance coverage for Medicaid eligible persons. The act is identical to Act 1497 of 2013. The act declares an emergency and is effective on and after April 23, 2013.

***Property Donation - Mental Health Clinics***

ACT 1251 (SB801) authorizes the Department of Human Services to donate property to community mental health clinics and centers.

## WELFARE AND GOVERNMENTAL ASSISTANCE

### MEDICAID

#### ***Rules Review Advisory Committee***

ACT 1266 (SB1039) creates the Healthcare Quality and Payment Policy Advisory Committee to review rules related to the development of episodes of care for patient-centered physician services, hospital services, and long-term care services and support.

#### ***Sex Offenders Excluded***

ACT 1504 (SB984) prohibits sex offenders from providing services through the Arkansas Medicaid program.

#### ***Tax Law Compliance***

ACT 1436 (SB1159) requires persons and entities to provide evidence of compliance with Arkansas tax law in order to qualify as Medicaid providers.

#### ***Unemployment - ElderChoices Providers***

ACT 1180 (SB1036) exempts, retroactive to January 1, 2010, ElderChoices service providers from the definition of “employment” for unemployment insurance and compensation purposes. The act declares an emergency and is effective on and after April 12, 2013.

#### ***Working Disabled Individuals***

ACT 1048 (HB1486) removes the earned income limit on Medicaid eligibility for working persons with disabilities.

## WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS

### BENEFICIARIES

#### ***Distribution of Small Estates - Notice***

ACT 230 (HB1265) amends the form of notice required when a small estate is distributed without administration.

#### ***Slayer Statute***

ACT 1351 (HB1920) enacts what is commonly referred to as a “slayer statute” to prohibit the acquisition of property rights through the unlawful killing of another person.

#### ***Slayer’s Beneficiaries***

ACT 1019 (SB781) prohibits children of a person who murders his or her spouse from collecting from the murdered spouse’s estate if the murdered spouse died without a will unless the children were also children of the murdered spouse.

### GUARDIANS AND GUARDIANSHIP

#### ***Advance Directives - End of Life Forms***

ACT 1264 (SB1013) requires the Department of Health to create universal forms for Do Not Resuscitate and other end-of-life medical instructions.

#### ***Public Guardian***

ACT 582 (HB1811) amends the Public Guardianship Law to require the consent of the Public Guardian before appointment and to authorize the employment of Deputy Public Guardians.

### PROBATE

#### ***Distribution of Small Estates - Notice***

ACT 230 (HB1265) amends the form of notice required when a small estate is distributed without administration.

#### ***Slayer’s Beneficiaries***

ACT 1019 (SB781) prohibits children of a person who murders his or her spouse from collecting from the murdered spouse’s estate if the murdered spouse died without a will unless the children were also children of the murdered spouse.

**WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS**

PROBATE

*Slayer's Statute*

ACT 1351 (HB1920) enacts what is commonly referred to as a "slayer statute" to prohibit the acquisition of property rights through the unlawful killing of another person.

TECHNICAL CORRECTIONS - WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS - TITLE 28

ACT 1137 (SB194) makes technical corrections to Title 28 recommended by the Arkansas Code Revision Commission.

## PROPOSED CONSTITUTIONAL AMENDMENTS

### REVIEW AND APPROVAL OF ADMINISTRATIVE RULES BY A LEGISLATIVE COMMITTEE (SJR 7)

The proposed amendment to the Arkansas Constitution provides that the General Assembly may provide by law for the review by a legislative committee of administrative rules promulgated by a state agency before the administrative rules become effective and may provide that administrative rules promulgated by a state agency shall not become effective until reviewed and approved by the legislative committee charged by law with the review of administrative rules.

### AMENDMENT TO ARTICLE 5, SECTION 1 OF THE ARKANSAS CONSTITUTION CONCERNING INITIATIVE AND REFERENDUM (SJR 16)

The proposed amendment to the Arkansas Constitution amends Article 5, Section 1 of the Arkansas Constitution concerning initiative and referendum to provide that correction or amendment of an insufficient state-wide petition shall be permitted only if the petition contains valid signatures of legal voters equal to at least seventy-five percent (75%) of the number of state-wide signatures of legal voters required and at least seventy-five percent (75%) of the required number of signatures of legal voters from each of at least fifteen (15) counties of the state.

### THE ARKANSAS ELECTED OFFICIALS ETHICS, TRANSPARENCY, AND FINANCIAL REFORM AMENDMENT OF 2014 (HJR 1009)

The proposed amendment to the Arkansas Constitution contains various provisions concerning elected state officials, including a prohibition on certain contributions, such as contributions by corporations, to candidates for public office; a requirement that a former member of the General Assembly shall not be eligible to register as a lobbyist until two (2) years after the expiration of his or her term of office; a prohibition on members of the General Assembly and elected constitutional officers of the Executive Department accepting gifts from lobbyists; the creation of an independent citizens commission to set salaries for members of the General Assembly, elected constitutional officers of the Executive Department, justices, and judges; a provision that members of the commission shall not accept gifts from lobbyists; and a provision that a member of the General Assembly shall serve no more than sixteen (16) years whether consecutive or nonconsecutive.

## EFFECTIVE DATE OF ACTS

Acts that do not contain an emergency clause or a specified effective date become effective on the ninety-first day following the date that the General Assembly adjourns sine die. According to the method of calculation stated in Ark. Atty. Gen. Op. 2013-049 (May 24, 2013), the effective date for acts of the 89th General Assembly that do not contain an emergency clause or a specified effective date is August 16, 2013.

GENERAL ASSEMBLY MEETING DATES  
AND EFFECTIVE DATES SINCE 1969

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
67 <sup>th</sup>	1969	January 13 – May 8	8/7/69 *
67 <sup>th</sup> – FES	1970	March 2 – March 7	6/6/70 *
68 <sup>th</sup>	1971	January 11 – April 19	7/19/71 *
68 <sup>th</sup> – FES	1972	February 7 – February 16	5/17/72 *
69 <sup>th</sup>	1973	January 8 – January 14, 1974	7/24/73: #73-120
69 <sup>th</sup> – FES	1974	June 24 – August 1	10/31/74 *
70 <sup>th</sup>	1975	January 13 – April 9	7/9/75 **
70 <sup>th</sup> – Exten	1976	January 12 – January 28	4/28/76: #76-50
70 <sup>th</sup> – FES	1976	September 8 – September 10	NA
71 <sup>st</sup>	1977	January 10 – August 14	7/6/77: #77-57
71 <sup>st</sup> – FES	1977	August 2 – August 5	11/4/77 **
72 <sup>nd</sup>	1979	January 8 – April 20	7/20/79: #79-88
72 <sup>nd</sup> – EXT.	1980	January 7 – January 17	(No legislation passed)
72 <sup>nd</sup> – FES	1980	January 17 – January 24	4/24/80: #80-42
72 <sup>nd</sup> – SES	1980	April 15 – April 18	NA
73 <sup>rd</sup>	1981	January 12 – March 18	6/17/81: #81-76
73 <sup>rd</sup> – FES	1981	November 16 – November 25	2/24/82 **
74 <sup>th</sup>	1983	January 10 – April 4	7/4/83: #83-74
74 <sup>th</sup> – FES	1983	October 4 – November 10	2/9/84: #83-228
75 <sup>th</sup>	1985	January 14 – March 29	6/28/85: #85-108
75 <sup>th</sup> – FES	1985	June 17 – June 21	9/20/85 **
75 <sup>th</sup> – SES	1986	April 28 – May 1	7/31/86: #86-337

\* Bureau Calculation  
\*\* Bureau Calculation, confirmed by Secretary of State



General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
76 <sup>th</sup>	1987	January 12 – April 20	7/20/87: #87-156
76 <sup>th</sup> – FES	1987	June 2 – June 5	9/4/87 **
76 <sup>th</sup> – SES	1987	October 6 – October 9	1/8/88 **
76 <sup>th</sup> – TES	1988	January 26 – February 5	5/6/88 **
76 <sup>th</sup> – 4 <sup>th</sup> ES	1988	July 11 – July 14	10/13/88 **
77 <sup>th</sup>	1989	January 9 – April 3	7/3/89: #89-078
77 <sup>th</sup> – FES	1989	June 20 – June 23	9/22/89 **
77 <sup>th</sup> – SES	1989	July 25 – July 27	10/26/89 **
77 <sup>th</sup> – TES	1989	October 23 – November 3	2/2/90 **
78 <sup>th</sup>	1991	January 14 – April 15	7/15/91: #91-119
78 <sup>th</sup> – FES	1992	February 24 – March 4	6/3/92: #92-114A & #93-025A
78 <sup>th</sup> – SES	1992	December 14 – December 18	3/19/93: #93-025A
79 <sup>th</sup>	1993	January 11 – May 14	8/13/93: #93-149A
79 <sup>th</sup> – FES	1994	February 28 – March 2	6/1/94: #94-076
79 <sup>th</sup> – SES	1994	August 15 – August 24	11/23/94: #94-273
80 <sup>th</sup>	1995	January 9 – April 28	7/28/95: #95-119
80 <sup>th</sup> – FES	1995	October 17 – October 20	1/19/96 *
81 <sup>st</sup>	1997	January 13 – May 2	8/1/97: #97-144
82 <sup>nd</sup>	1999	January 11 – April 30	7/30/99: #99-120
82 <sup>nd</sup> – FES	2000	April 3 – April 7	NA
82 <sup>nd</sup> – SES	2000	December 13 – 15	NA
83 <sup>rd</sup>	2001	January 8 – May 14	8/13/01: #2001-138
83 <sup>rd</sup> – FES	2002	June 10 – June 12	NA
84 <sup>th</sup>	2003	January 13 – April 16	7/16/03: #2003-119
84 <sup>th</sup> – FES	2003	May 5 – May 9	NA
84 <sup>th</sup> – SES	2003	Dec. 8, 2003 – June 9, 2004	6/3/04: #2004-186

\* Bureau Calculation

\*\* Bureau Calculation, confirmed by Secretary of State

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
85 <sup>th</sup>	2005	January 10 – May 13	8/12/05: #2005-110
85 <sup>th</sup> – FES	2006	April 3 – April 21	7/21/06: #2006-080
86 <sup>th</sup>	2007	January 8 – May 1	7/31/07: #2007-164
86 <sup>th</sup> – FES	2008	March 31 – April 2	NA
87 <sup>th</sup>	2009	January 12 – May 1	7/31/09: #2009-090
87 <sup>th</sup> – Fiscal	2010	February 8 – March 4	6/3/10: #2010-031
88 <sup>th</sup>	2011	January 10 – April 27	7/27/11: #2011-056
88 <sup>th</sup> – Fiscal	2012	February 13 – March 9	6/8/12 *
89 <sup>th</sup>	2013	January 14 – May 17	8/16/13: #2013-049

\* Bureau Calculation

\*\* Bureau Calculation, confirmed by Secretary of State

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