

SUMMARY OF GENERAL LEGISLATION

.....

94TH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS

2023

Regular Session
January 9, 2023 – May 1, 2023



Bureau of Legislative Research
May 2023

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SUMMARY OF CONTENTS

REGULAR SESSION ACTS

AGRICULTURE..... 1

ALCOHOLIC BEVERAGES 4

ANIMALS..... 5

CHILDREN..... 5

CITIES AND COUNTIES 10

CIVIL LAW AND PROCEDURE..... 18

COMMERCIAL LAW..... 20

CONSTITUTIONAL OFFICERS..... 23

CONSUMER PROTECTION 26

CORRECTIONS 28

COURTS 29

CRIMINAL LAW AND PROCEDURE..... 31

ECONOMIC DEVELOPMENT 38

EDUCATION - GENERAL..... 39

EDUCATION - HIGHER 59

ELECTIONS 65

EMERGENCY SERVICES 69

ENERGY 70

ENVIRONMENTAL LAW 71

ETHICS..... 72

FAMILY LAW..... 73

FIRE PROTECTION 75

FIREARMS 76

FREEDOM OF INFORMATION ACT..... 77

GAMBLING AND RACING..... 78

GENERAL ASSEMBLY..... 79

HEALTH..... 81

HIGHWAYS AND TRANSPORTATION..... 93

IMPROVEMENT DISTRICTS 96

IINDIVIDUALS WITH DISABILITIES..... 96

INSURANCE 97

LABOR AND INDUSTRIAL RELATIONS	104
LAW ENFORCEMENT	105
MILITARY AND VETERANS	109
MOTOR VEHICLES.....	110
NATURAL RESOURCES	114
PROFESSIONS AND OCCUPATIONS.....	116
PROPERTY RIGHTS AND INTERESTS	121
PUBLIC FINANCE.....	122
PUBLIC OFFICERS AND EMPLOYEES.....	125
PUBLIC PROPERTY	126
RETIREMENT	127
STATE AGENCIES, BOARDS, AND COMMISSIONS.....	131
TAXES.....	142
TECHNOLOGY	147
TOURISM	148
UTILITIES.....	148
WELFARE AND GOVERNMENTAL ASSISTANCE.....	150
WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS	152
PROPOSED CONSTITUTIONAL AMENDMENT	154
EFFECTIVE DATE OF ACTS	155
GENERAL ASSEMBLY MEETING DATES	156
INDEX OF ACTS	159

TABLE OF CONTENTS

AGRICULTURE.....	1
AGRICULTURE DEPARTMENT	1
<i>Consolidation of Boards and Commissions</i>	<i>1</i>
<i>Fund Accounts - Agri Scholarship Program Fund - Veterinary Examiners Board</i>	
<i>Fund</i>	<i>1</i>
<i>Powers and Duties - Catfish Processors and Commercial Bait and Ornamental Fish... 1</i>	<i>1</i>
<i>Promotion Boards - Transfer</i>	<i>1</i>
<i>Scholarship Program - Degree Programs Related to Agriculture or Veterinary</i>	
<i>Medicine</i>	<i>1</i>
<i>Scholarship Program - Rural Veterinary Scholarship Program - Agri Scholarship</i>	
<i>Program.....</i>	<i>1</i>
<i>Veterinary Technician Specialist - Collaborative Practice - Rabies Vaccinations.....</i>	<i>2</i>
<i>Veterinary Technician Specialist - No Compensation.....</i>	<i>2</i>
FARMS AND FARMING	2
<i>Agricultural Land - Ownership by Prohibited Foreign Party Prohibited.....</i>	<i>2</i>
<i>Agricultural Operation - Nuisance - Burden of Proof.....</i>	<i>2</i>
<i>Farm Mediation - Initial Meeting.....</i>	<i>2</i>
LIVESTOCK AND POULTRY	2
<i>Arkansas Livestock and Poultry Commission - Rules.....</i>	<i>2</i>
<i>Canine Brucellosis - Testing.....</i>	<i>2</i>
<i>Livestock - Impounding</i>	<i>3</i>
<i>Sales and Use Tax Exemption - Mortality Composting Devices.....</i>	<i>3</i>
PLANT BOARD	3
<i>Civil Penalty Funds - Distribution - Scholarship Program.....</i>	<i>3</i>
<i>Membership.....</i>	<i>3</i>
<i>Transfer of Power - Catfish Processors and Commercial Bait and Ornamental Fish ...</i>	<i>3</i>
PROMOTION BOARDS	3
<i>Transfer.....</i>	<i>3</i>
ALCOHOLIC BEVERAGES	4
BEER AND WINE.....	4
<i>Tasting Event</i>	<i>4</i>
DISTRIBUTION	4
<i>Minimum Container Size - Spirituous Liquor</i>	<i>4</i>
LOCAL OPTION	4
<i>Defunct Townships</i>	<i>4</i>
ON-PREMISES CONSUMPTION	4
<i>Dispensing Machine Sales.....</i>	<i>4</i>
<i>Microbrewery-Restaurant Private Club - Spirituous Liquor</i>	<i>4</i>
<i>Private Club - Advertising.....</i>	<i>4</i>
<i>State Parks.....</i>	<i>4</i>
PERMITS	4
<i>Expansion of Outdoor Dining</i>	<i>4</i>
<i>Issuance of Certain Permits in Dry Area.....</i>	<i>4</i>
<i>Liquor Permit - Sale of Additional Merchandise.....</i>	<i>5</i>
<i>Microbrewery-Restaurant - Ready-to-Drink Products</i>	<i>5</i>

<i>Microbrewery-Restaurant Licensee - Self-Distribution</i>	5
<i>Microbrewery-Restaurant Private Club - Spirituous Liquor</i>	5
<i>Private Club in Wet Area</i>	5
WHOLESALEERS	5
<i>Residency Requirements</i>	5
ANIMALS	5
DOMESTIC	5
<i>Emotional Support Animals</i>	5
<i>Exemption for Sale or Shipping of Veterinary Medical Use Drugs</i>	5
<i>Owner Confinement If Animal Bites a Person</i>	5
CHILDREN	5
ABUSE AND NEGLECT.....	5
<i>Active Duty Service Members</i>	5
<i>Child Abuse Hotline - Reports</i>	6
<i>Electronic Signatures for Maltreatment Registry Checks</i>	6
<i>Mandated Reporters - Licensed Massage Therapists</i>	6
<i>Mandated Reporters - Statute of Limitations and Exceptions for Failure to Notify</i>	6
<i>Neglect - Sexual Abuse - Grooming - Child Maltreatment Investigations</i>	6
ADOPTION	6
<i>Home Study and Health, Genetic, and Social History - Exceptions</i>	6
<i>Residency, Putative Father Registry, and Exchange of Identifying Information</i>	7
CHILD CARE.....	7
<i>Local Regulations - Childcare Facilities</i>	7
CHILD WELFARE	7
<i>Background Checks - Child Welfare Agency</i>	7
<i>Commission for Parent Counsel</i>	7
<i>Psychiatric Residential Treatment Facilities</i>	7
<i>Standards for Psychiatric Residential Treatment Facilities for Children</i>	7
<i>Use of Term "Child Sexual Abuse Material"</i>	7
<i>Voluntary Delivery of a Child - Safe Haven Act</i>	8
DEPENDENCY-NEGLECT	8
<i>Family Treatment Specialty Courts</i>	8
<i>Safe Haven Act</i>	8
FOSTER CARE	8
<i>Foster Care Leave</i>	8
<i>Foster Care Placement and Family Time - Juvenile's Preferences</i>	8
<i>Guardianship Subsidies, Extended Foster Care, Family Time, and Board Payments</i>	8
<i>Waiver of Fees</i>	9
HEALTH AND SAFETY	9
<i>Child Labor - Civil and Criminal Penalties</i>	9
<i>Child Labor - Repeals Employment Certificate</i>	9
<i>Protection of Minors from Distribution of Harmful Material</i>	9
<i>Social Media Platform - Parental Consent</i>	9
JUVENILE LAW.....	9
<i>Extended Juvenile Jurisdiction Designation</i>	9
<i>Records of Delinquency Adjudications</i>	9

CITIES AND COUNTIES 10

ANNEXATION..... 10
Regional Airport Authority..... 10

BOARDS AND COMMISSIONS 10
Regional Airport Authority - Petition for Detachment..... 10
Regional Airport Authority Board of Directors - Conflict of Interest..... 10

BUILDING AND ZONING REGULATIONS 10
Property Within Multiple Municipalities - Option to Choose Development Regulations..... 10

CIVIL SERVICE..... 10
Municipal Fire and Police - Maximum Age - Appointments and Promotions..... 10

COUNTY GOVERNMENT 10
Professional Development Recognition Payments 10
Salaries and Per Diems - Elected County Officers and Justices of the Peace - COLA. 10

COURTS 11
Fee for Safekeeping of Wills 11
Marriage License Fees 11
Speed Trap Law - Failure to Appear - Failure to Pay..... 11

ECONOMIC DEVELOPMENT 11
Payments in Lieu of Ad Valorem Taxes - Payment and Collection..... 11
Rural Economic Development Initiative..... 11

ELECTED OFFICERS..... 11
Assessor - Reappraisal Schedule 11
City Attorney - Appointed..... 11
Coroner - Eligibility and Training Requirements 11
Coroner - Postmortem Examinations - Submission of Decedent by Coroner 11
Coroner - Records..... 12
County Clerk - Marriage License Fees 12
County Continuing Education Funds..... 12
County Sheriff and Tax Collector - Separate in Hempstead County..... 12
Sheriff, Tax Collector, and Treasurer - Ouachita County 12

ELECTIONS 12
Conservation Districts..... 12
County Use of Paper Ballots..... 12
Early Voting - County Holidays 12
Party Primaries - Filing Deadlines - Nomination Petitions..... 13
Tabulation of Unopposed Office - City Clerk 13

ENTERTAINMENT DISTRICTS 13
Microbrewery-Restaurant Private Club..... 13
Removal of Advertising and Promotion Tax Requirement 13

FINANCE..... 13
Audits - Failure of Municipality to File Required Report..... 13
Bonds - Use of Revenues from Amendment 101 13
Capital Improvements - Cemetery Facilities..... 13
Definition of "General Revenue" as Applied to Repayments to Street Fund 13
FUN Parks Grants Program..... 13
Purchases and Contracts - Method of Evaluation..... 14
Redevelopment Districts - Bonds..... 14
Revenue Bonds - Water and Sewer Systems in Receivership..... 14

GENERALLY	14
<i>Adult-Oriented Performances</i>	14
<i>Leave for Military Service</i>	14
POLICE AND FIRE	14
<i>Duties Prescribed by Municipality</i>	14
<i>Municipal Bomb Squad Members - Carrying a Handgun</i>	14
PROCEDURES	14
<i>Arkansas Self-Insured Cyber Response Program</i>	14
<i>Arkansas Underground Facilities Damage Prevention Act - Violations</i>	15
<i>Battery-Charged Fences</i>	15
<i>County Treasurer - Financial Records</i>	15
<i>Digital Asset Mining Business</i>	15
<i>Municipal Airports - Peer-to-Peer Car Sharing</i>	15
<i>Municipal Regulation - Use of Refrigerant</i>	15
<i>Pet Sales - Prohibition</i>	15
<i>Pro-Life Designation</i>	15
<i>Regulation - Underground Gas Storage Facility</i>	16
<i>Universal Basic Income Program - Prohibited</i>	16
PROPERTY	16
<i>Fast-Track Permits</i>	16
<i>Leased Motor Vehicles - Special License Plate for Public Use</i>	16
<i>Presenting Deeds and Plats for Recording</i>	16
<i>Property Within Multiple Municipalities - Option to Choose Development</i>	
<i>Regulations</i>	16
<i>Vacating Street or Alley - Abutting Property Owned by Museum</i>	16
PUBLIC HEALTH AND WELFARE.....	16
<i>Rural Community Projects - FUN Parks Grants Program</i>	16
<i>Sky Lantern Use Permits</i>	16
PURCHASING	17
<i>Professional Services Definitions</i>	17
RETIREMENT	17
<i>Cities of the First Class - Retirement Systems or Plans</i>	17
<i>Health Benefits - Police Officers</i>	17
<i>Mayors of Cities of the First Class</i>	17
STREETS AND ROADS	17
<i>Automated Enforcement Devices - Highway Work Zones</i>	17
TAXES.....	17
<i>Election Required to Levy or Increase Advertising and Promotion Tax</i>	17
<i>Prohibition on Levying Local Income Tax</i>	17
TECHNICAL CORRECTIONS - LOCAL GOVERNMENT.....	17
<i>Title 14</i>	17
WATER AND WASTEWATER.....	18
<i>Retail Water Providers</i>	18
ZONING	18
<i>Childcare Facilities</i>	18
CIVIL LAW AND PROCEDURE	18
ACTIONS AGAINST THE STATE	18
<i>Religious Freedom Restoration Act - Cause of Action</i>	18

<i>Settlement Funds</i>	18
ATTORNEY'S FEES	18
<i>Guardianship Proceedings</i>	18
CAUSES OF ACTION	18
<i>Damage to or Destruction of Bridge by Overweight Vehicle</i>	18
<i>Liability for Human Trafficking</i>	19
<i>Protection from Civil Liability - Firearms</i>	19
EVIDENCE AND WITNESSES	19
<i>Medical Records - Fees</i>	19
JUDGMENTS	19
<i>Thresholds for Settlement Agreements Involving Minors - Procedures</i>	19
LIMITATIONS	19
<i>Gender Transition Procedure Performed on a Minor - Medical Malpractice</i>	19
<i>Proving or Disproving Paternity</i>	19
<i>Retroactive Child Support</i>	20
<i>Vulnerable Victims - Age Limitation</i>	20
PROCEEDINGS	20
<i>Antisemitism Defined for Discrimination Actions</i>	20
<i>Civil Rights - Natural, Protective, or Cultural Hairstyle</i>	20
COMMERCIAL LAW	20
BUSINESS ORGANIZATIONS.....	20
<i>Annual Report or Disclosure Statement - Name Availability</i>	20
<i>Charging Order</i>	20
<i>Charitable Organizations - Annual Financial Report</i>	20
<i>Charitable Organizations - Contributions</i>	21
<i>Name Availability - Standards</i>	21
<i>Nonprofit Agricultural Membership Organization - Health Benefits</i>	21
<i>Real Estate License Law - Professional Limited Liability Company</i>	21
<i>Unincorporated Nonprofit Association - Governing Principles</i>	21
BUSINESS TRANSACTIONS	21
<i>Event Tickets - Resale</i>	21
<i>Franchise Agreements</i>	21
<i>Secretary of State - Processing Fees</i>	21
CONTRACTS	22
<i>Publicity Rights - Student-Athletes</i>	22
DEBTORS AND CREDITORS	22
<i>Legal Tender</i>	22
FINANCIAL INSTITUTIONS	22
<i>Bank Commissioner - Background Check</i>	22
<i>Bank Commissioner - Emergency Powers</i>	22
PROFESSIONS AND OCCUPATIONS	22
<i>Sports Tournaments</i>	22
<i>Loan Officer - License</i>	22
SECURITIES	23
<i>Arkansas Securities Act - Offenses</i>	23
<i>Uniform Money Services Act</i>	23
TECHNICAL CORRECTIONS - BUSINESS AND COMMERCIAL LAW	23
<i>Title 4</i>	23

CONSTITUTIONAL OFFICERS 23

ATTORNEY GENERAL23
Election Integrity Unit.....23
Reports of Improper or Illegal Practices23
One Call Center.....24
Settlement Funds.....24
 COMMISSIONER OF STATE LANDS24
Errors - Erroneous Sales.....24
Funds.....24
 GOVERNOR24
Pardon Applications Denied with Prejudice.....24
Submission of Appointments for Senate Confirmation24
 MEMBER OF THE GENERAL ASSEMBLY24
Reimbursement for Attendance at National or Regional Conferences.....24
 SECRETARY OF STATE.....25
Annual Report - Name Availability.....25
Code of Arkansas Rules25
Name Availability - Standards25
New Federal Election Guidance - Notification.....25
Processing Fees.....25
 TREASURER OF STATE.....26
Environmental, Social Justice, or Governance Scores.....26
Withholding of Turnback Funds upon Failure to File Required Report26

CONSUMER PROTECTION 26

DECEPTIVE TRADE PRACTICES26
Net Metering - Bond and Financial Security.....26
Net Metering - Customer Protections26
 HEALTH AND SAFETY26
Digital Currency Tracker - Prohibited26
Event Ticketing and Resale.....27
Protection of Minors from Distribution of Harmful Material.....27
Social Media Platform - Parental Consent.....27
 INSURANCE.....27
Nonprofit Agricultural Membership Organization - Health Benefits.....27
 MOTOR VEHICLES.....27
Used Motor Vehicle Buyers Protection - Fines.....27
 PROFESSIONS AND OCCUPATIONS.....27
Auctioneer's Licensing Board - Online Auctions and Estate Sales27
Availability of Reports of Adult or Long-Term Care Facility Resident Maltreatment ..28
Criminal Background Checks - Child Welfare Agency.....28
 UNFAIR PRACTICES28
Name, Image, and Likeness - Prohibition for State-Funded Medical Schools.....28
Publicity Rights - Student-Athletes.....28

CORRECTIONS 28

DEPARTMENT OF CORRECTIONS28

<i>Protect Arkansas Act - Repeal of Cost Impact Statement Requirement</i>	28
<i>Reimbursement Paid to County Jails</i>	29
INMATES	29
<i>Protect Arkansas Act - Postpartum Inmates - Family Visitation</i>	29
LOCAL JAILS	29
<i>Department of Public Safety - Criminal Detention Facility Review Committees</i>	29
<i>Reimbursement for Holding State Inmates, Probationers, and Parolees</i>	29
PROBATION AND PAROLE.....	29
<i>Arkansas State Council for the Interstate Commission for Adult Offender Supervision</i>	29
COURTS.....	29
CIRCUIT COURTS	29
<i>Protect Arkansas Act - Standardized Sentencing Order</i>	29
<i>Writ of Possession - Issuance by Court Clerk</i>	29
DISTRICT COURTS	29
<i>Fee for Issuing or Sealing a Summons or Subpoena</i>	29
<i>Revision of Twenty-First District</i>	29
<i>Salaries</i>	30
<i>Sixteenth Judicial District</i>	30
FEES.....	30
<i>Fee for Issuing or Sealing a Summons or Subpoena</i>	30
<i>Fee for Safekeeping of Will</i>	30
<i>Installment Payments</i>	30
GENERALLY	30
<i>Legislative Study of Financial Matters Related to Court System</i>	30
<i>Protect Arkansas Act - Certified Facility Dog Program</i>	30
JUVENILE DIVISION	30
<i>Extended Juvenile Jurisdiction Designation</i>	30
<i>Family Treatment Specialty Courts</i>	30
<i>Records of Delinquency Adjudications</i>	31
PERSONNEL.....	31
<i>District Court Clerk</i>	31
<i>District Court Salaries</i>	31
PROBATE COURTS	31
<i>Fee for Safekeeping of Will</i>	31
RECORDS	31
<i>Schedule of Property - Judgment Debtor</i>	31
SPECIALTY COURT PROGRAMS	31
<i>Family Treatment Specialty Courts</i>	31
<i>Protect Arkansas Act - Contracts with Attorneys and Treatment Providers</i>	31
TECHNICAL CORRECTIONS - PRACTICE, PROCEDURE, AND COURTS	31
<i>Title 16</i>	31
CRIMINAL LAW AND PROCEDURE.....	31
BAIL.....	31
<i>Protect Arkansas Act - Bail Bond Premium</i>	31
CONTROLLED SUBSTANCES.....	32

<i>Fentanyl Enforcement and Accountability</i>	32
<i>Hemp-Derived Intoxicating Substances</i>	32
<i>Knowingly Exposing Another Person to Fentanyl</i>	32
DEFENSES AND JUSTIFICATION	32
<i>Definitions for Purposes of Criminal Justifications</i>	32
<i>Obscenity - Schools and Public Libraries</i>	32
<i>Use of Physical Force - Justifiable</i>	32
EVIDENCE AND WITNESSES	32
<i>Implied Consent - Commercial Vehicle Drivers</i>	32
JUVENILES	33
<i>Extended Juvenile Jurisdiction Designation</i>	33
<i>Records of Delinquency Adjudications</i>	33
OFFENSES AGAINST PROPERTY	33
<i>Catalytic Converter - Presumption of Valid Business Purpose Repealed</i>	33
<i>Commercial Burglary of a Pharmacy</i>	33
<i>Damage or Destruction of Property - Critical Infrastructure</i>	33
<i>Motor Vehicle Theft - Chop Shops</i>	33
<i>Protect Arkansas Act - Aggravated Residential Burglary</i>	33
<i>Protect Arkansas Act - Theft with Prior Conviction</i>	33
<i>Removal or Alteration of Serial Number</i>	33
<i>Residential Burglary</i>	33
<i>Theft and Unauthorized Possession of a Catalytic Converter</i>	34
OFFENSES AGAINST PUBLIC HEALTH, SAFETY, OR WELFARE	34
<i>Driving or Boating While Intoxicated - Sealing Conviction</i>	34
<i>Eliminate Premises Used in Criminal Offenses - Civil Action</i>	34
<i>Loitering - Lingering for Purpose of Asking for Charity or Gift</i>	34
<i>Obscenity - Schools and Libraries</i>	34
<i>Sexual Solicitation of a Minor</i>	34
OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT	34
<i>Disarming a Law Enforcement Officer</i>	34
<i>Fleeing</i>	34
<i>Protect Arkansas Act - Furnishing a Prohibited Article</i>	34
OFFENSES AGAINST THE PERSON	34
<i>Athletic Contest Officials</i>	34
<i>Distracted Driving - Penalties</i>	35
<i>Human Trafficking - Knowledge of Victim</i>	35
<i>Human Trafficking - Serious Harm</i>	35
<i>Protect Arkansas Act - Negligent Homicide</i>	35
<i>Protect Arkansas Act - Sexual Extortion</i>	35
<i>Sexual Indecency with a Child - Use of Changing Room for Opposite Sex</i>	35
<i>Use of Term "Child Sexual Abuse Material"</i>	35
OFFENSES GENERALLY	35
<i>Culpable Mental States</i>	35
OFFENSES INVOLVING FAMILIES AND DEPENDENTS	35
<i>Abuse, Neglect, and Exploitation of a Vulnerable Person - Penalties</i>	35
<i>Domestic Battering - Qualification as Repeat Offender</i>	36
<i>Furnishing Harmful Items to Minors</i>	36
<i>Offensive Relations with a Child</i>	36
<i>Use of Term "Child Sexual Abuse Material"</i>	36
PROCEDURAL RULES	36
<i>DNA Collection - Rapid DNA Technology</i>	36

<i>Rapid DNA Technology - Retention of Sample Prohibited</i>	36
PROSECUTION	36
<i>Commencement of Prosecution</i>	36
RESTITUTION, FORFEITURE, AND DISPOSITION OF PROPERTY	36
<i>Disposal of Firearms and Other Contraband</i>	36
<i>Installment Payments</i>	36
SENTENCING AND PENALTIES	36
<i>Governor Pardon Applications Denied with Prejudice</i>	36
<i>Parole - Termination - Offenses Committed as a Minor</i>	37
<i>Protect Arkansas Act - Post-Release Supervision</i>	37
<i>Protect Arkansas Act - Recidivism Reduction Task Force</i>	37
<i>Safe Arkansas App</i>	37
<i>Sealing Conviction - Driving or Boating While Intoxicated</i>	37
SEX OFFENDERS.....	37
<i>Disclosure of Physical Address</i>	37
<i>Termination of Obligation to Register - Victim Notification</i>	37
<i>Use and Ownership of Unmanned Aircraft Prohibited</i>	37
TECHNICAL CORRECTIONS - CRIMINAL LAW	37
<i>Title 5</i>	37
VICTIMS	38
<i>Notification of Sex Offender Application to Terminate Registration</i>	38
<i>Reparations - Victims of Human Trafficking and Sex Offenses</i>	38
<i>Rights - Violent Crime - Misdemeanor Offenses</i>	38
ECONOMIC DEVELOPMENT	38
BUSINESS AND INDUSTRY DEVELOPMENT.....	38
<i>Eligibility for Incentives - Disposal of Nonhazardous Solid Waste</i>	38
<i>Local Industry - Payments in Lieu of Ad Valorem Taxes</i>	38
<i>Motion Picture Incentives - Hiring, Expenditures, and Multi-Project Productions</i>	38
ECONOMIC DEVELOPMENT COMMISSION (AEDC)	38
<i>Projects in Rural Areas</i>	38
<i>Spaceport Feasibility Study</i>	38
NATURAL AND CULTURAL RESOURCES	38
<i>Arkansas Geographic Information Systems Board - Annual Report</i>	38
PLANNING AND DEVELOPMENT DISTRICTS	39
<i>Rural Economic Development Initiative - Creation</i>	39
SCIENCE AND TECHNOLOGY	39
<i>Spaceport Feasibility Study</i>	39
TECHNICAL CORRECTIONS - NATURAL RESOURCES AND ECONOMIC DEVELOPMENT	39
<i>Title 15</i>	39
EDUCATION - GENERAL	39
ADMINISTRATION - GENERALLY	39
<i>Development of Cyber Security Policy and Technology Resources Policy</i>	39
ATTENDANCE	39
<i>Excused Absences - Participation in 4-H Activities or Programs</i>	39
<i>Excused Absences - Voting</i>	39

<i>Nonresident School District - Completion of School Year Following Relocation</i>	39
<i>Public School Choice Act 2015 - Limitations on Student Transfers</i>	40
<i>Residency in Multiple School Districts - School District Choice</i>	40
<i>Residency Requirement - International Exchange Student</i>	40
<i>School Calendar</i>	40
<i>LEARNS Act - Charter Schools - Applications and Renewals</i>	40
<i>LEARNS Act - Transformation Campuses - School Choice</i>	40
CHARTER SCHOOLS.....	41
<i>Minimum Teacher Compensation Schedule - Required</i>	41
CURRICULUM.....	41
<i>Adoption Awareness Education - Instruction Required</i>	41
<i>Agricultural Education Pilot Program</i>	41
<i>Computer Science - Career and Technical Education</i>	41
<i>Health - Breastfeeding Curriculum Requirement</i>	41
<i>Holocaust Education Week - Established</i>	41
<i>LEARNS Act - Career and Technical Education - Career Readiness</i>	41
<i>LEARNS Act - Course Choice Program - Creation</i>	42
<i>LEARNS Act - Diploma Pathways - Career-Ready Pathways</i>	42
<i>LEARNS Act - Prohibited Topics of Instruction</i>	42
<i>Mental Health Awareness Week - Established</i>	42
<i>Weighted Credit - Career and Technical Courses</i>	42
DISTRICT BOARDS OF EDUCATION.....	42
<i>Election Zones - Terms</i>	42
<i>Employee Grievances - Consolidation of Multiple, Identical Grievances</i>	43
<i>Filing Deadline</i>	43
<i>Meetings - Agendas - Transfer Petitions - Requirements</i>	43
<i>Meetings - Report or Presentation - Academic Data or Performance</i>	43
<i>Members - Vacancies, Requirements, and Conflicts</i>	43
<i>Review and Approval - Salary Increase - Repeal</i>	43
<i>Vacancies - No Candidate for Position</i>	43
EARLY CHILDHOOD.....	44
<i>LEARNS Act - Unified Early Childhood Care and Education System</i>	44
<i>Literacy - Imagination Library of Arkansas Program</i>	44
<i>Program Assessments - Responsible Agency</i>	44
EDUCATIONAL COOPERATIVES.....	44
<i>Boards of Directors - Appointment Requirements and Membership</i>	44
<i>Boards of Directors - Meetings and Duties</i>	44
<i>Public School Educational Cooperative Act of 1981 - Repealed</i>	45
ELEMENTARY AND SECONDARY EDUCATION DIVISION.....	45
<i>Academic Standards - Career and Technical Education - Substitution for Core</i>	
<i>Classes</i>	45
<i>Child Nutrition Programs - Elimination of Reduced-Price Breakfast or Lunch</i>	
<i>Copayment</i>	45
<i>Curriculum - Pilot Program - Agricultural Education</i>	45
<i>Educational Standards and Quality - School Performance Report - Dropout Count</i> ...	45
EMPLOYEES.....	45
<i>Classified Employees - Committee on Personnel Policies</i>	45
<i>Criminal Liability for Prohibited Conduct</i>	46
<i>Criminal Misconduct - Sexual Misconduct</i>	46
<i>LEARNS Act - Employee Requirements - Trainings and Orientations - Prohibited</i>	
<i>Topics</i>	46

<i>LEARNS Act - Employment Benefits and Procedures</i>	46
<i>Leave of Absence - Emergency and Rescue Training Programs</i>	46
<i>Professional Organizations - Deduction of Dues and Fees in Paychecks</i>	46
<i>Reduction-in-Force Policies - Criteria for Layoffs and Recalls</i>	46
<i>Registered Volunteers - Criminal Records Checks</i>	47
<i>Speech - Addressing Students - Limitations</i>	47
<i>Training - Implicit Bias Training - Prohibitions and Limitations</i>	47
<i>Training and Administration of Seizure Rescue Drugs</i>	47
FACILITIES.....	47
<i>Exterior Doors - Building Egress</i>	47
<i>Possession of a Handgun on School Property</i>	47
<i>Restrooms - Designation Based on Sex</i>	48
<i>Storm Shelters - Requirements</i>	48
FUNDING.....	48
<i>Academic Facilities Wealth Index - Calculation</i>	48
<i>Foundation Funding - Categorical Funding</i>	48
<i>Foundation Funding - Homeschooled Students - Enrollment in Interscholastic Activities</i>	48
GRADUATION REQUIREMENTS.....	48
<i>Alternative to Traditional High School Diploma - Employment Purposes</i>	48
<i>Community Service Requirements - Approved Programs and Activities</i>	48
<i>Early Issuance of a Diploma - Terminally Ill Students</i>	49
<i>LEARNS Act - Community Service Diploma Requirements</i>	49
<i>Statewide Student Assessments - College and Career Readiness - ACT WorkKeys</i>	49
LIBRARIES AND MEDIA CENTERS.....	49
<i>Loans - Selection, Relocation, and Retention of Materials</i>	49
SCHOOL CHOICE	49
<i>Children of Members of the Military</i>	49
<i>Children of Uniformed Services Families</i>	49
<i>International Exchange Student - School District Limits</i>	49
<i>Participation in Extracurricular Activity</i>	50
SCHOOL DISTRICTS - GENERALLY.....	50
<i>Alternative Methods of Instruction - Limitations - Alternate School Calendars</i>	50
<i>Annual School Election - Date Language Submitted</i>	50
<i>Annual School Election - Effect of Minority Population on Election</i>	50
<i>Arkansas Self-Funded Cyber Response Program</i>	50
<i>Assumption of Authority of State Board of Education - Return to Local Control</i>	50
<i>Automated External Defibrillator at School-Sponsored Sporting Event</i>	50
<i>Computer Science Teacher</i>	51
<i>Discrimination Prohibited - Natural, Protective, or Cultural Hairstyle</i>	51
<i>Expelled Students - Courses Offered</i>	51
<i>Free and Reduced-Price Breakfast and Lunch - Elimination of Reduced-Price Copayment</i>	51
<i>Health - Opioid Overdose Rescue Kits - Placement - School Duties</i>	51
<i>Information Required to be Provided to Students - Water Safety</i>	51
<i>LEARNS Act - Public School District Superintendents</i>	51
<i>LEARNS Act - Safety - Required Instruction - Child Sexual Abuse and Human Trafficking</i>	52
<i>LEARNS Act - School Safety - Safe Schools Initiative</i>	52
<i>LEARNS Act - Transformation Campuses - School Choice</i>	52
<i>Prohibited Transactions by School - Abortion Referrals</i>	52

<i>Virtual Schools - Statewide Student Assessments - Virtual Testing</i>	52
SCHOOL RESOURCE OFFICERS	52
<i>LEARNS Act - Training - Youth Mental Health First Aid</i>	52
STATE BOARD OF EDUCATION.....	52
<i>Development of Curriculum - Adoption Awareness Instruction</i>	52
<i>Public Education Reorganization - Administrative Consolidation - Limitations</i>	53
<i>Public Education Reorganization - Consolidations - Voluntary and Administrative</i>	53
<i>Waivers - Criteria for Granting Public School District Waivers</i>	53
STUDENT ACHIEVEMENT	53
<i>Arkansas Adult Diploma Program</i>	53
STUDENTS - GENERALLY.....	53
<i>Discipline - Limitation</i>	53
<i>English Learners</i>	53
<i>Expelled Students - Courses Offered</i>	53
<i>Interscholastic Activities - Eligibility to Participate - Homeless Students</i>	54
<i>Interscholastic Activities - Homeschooled Students</i>	54
<i>LEARNS Act - Arkansas Children's Educational Freedom Account Program -</i> <i>Funds</i>	54
<i>LEARNS Act - Arkansas Children's Educational Freedom Account Program -</i> <i>Schools</i>	54
<i>LEARNS Act - Arkansas Children's Educational Freedom Account Program -</i> <i>Students</i>	54
<i>LEARNS Act - Literacy - Numeracy</i>	55
<i>Military Child School Transitions - Arkansas Council for Military Children</i>	55
<i>Overnight Trips - Assigned Sleeping Quarters</i>	55
<i>Student Personally Identifiable Information - Student Data Vendor Security</i>	55
<i>Student Speech and Expression - Religious Viewpoints - School District Treatment</i> ...	55
<i>Students with Disabilities - Funds from Multiple Programs</i>	55
<i>Support for Pregnant and Parenting Students</i>	56
<i>Training and Administration of Seizure Rescue Drugs</i>	56
TEACHERS - GENERALLY.....	56
<i>Committee on Personnel Policies - Membership and Meetings</i>	56
<i>Computer Science</i>	56
<i>LEARNS Act - Compensation - Salaries, Loan Forgiveness, and Incentives</i>	56
<i>LEARNS Act - Employment Generally</i>	57
TEACHERS - LICENSURE.....	57
<i>Competency Demonstration</i>	57
<i>Professional Development Requirements</i>	57
<i>Requirements - Implicit Bias</i>	57
<i>Scientific Reading Instruction - Applicability</i>	57
<i>Tiered System of Licensure</i>	58
<i>Tiered System of Licensure - Alternative Educator Preparation Program</i>	58
<i>Waiver</i>	58
TECHNICAL CORRECTIONS - EDUCATION.....	58
<i>Title 6</i>	58
TRANSPORTATION.....	58
<i>Enhanced Transportation Funding</i>	58
<i>LEARNS Act - Transportation Modernization Grant Program - Creation</i>	58
EDUCATION - HIGHER.....	59

CAREER EDUCATION	59
<i>Career Education and Workforce Development Board Membership and Duties</i>	59
DEGREES	59
<i>Nursing Earn-to-Learn - Hours Worked Count Toward Nursing Degree</i>	59
EMPLOYEES	59
<i>Employment - Generally</i>	59
<i>Maximum Number of New or Additional Positions</i>	59
<i>Speech - Addressing Students - Limitations</i>	59
<i>Training - Implicit Bias Training - Prohibitions and Limitations</i>	59
HIGHER EDUCATION COORDINATING BOARD	59
<i>Automated External Defibrillators on Campus and Training</i>	59
<i>Duties</i>	60
HIGHER EDUCATION DIVISION	60
<i>Director of the Division of Higher Education - Appointment</i>	60
<i>Finances - Higher Education Grants Fund Account</i>	60
<i>Funding - Sustainable Building Maintenance Program</i>	60
<i>Health - Opioid Overdose Rescue Kits - Required on Higher Education Campuses</i> ...	60
<i>Rules - Scholarships Funded with State Funds and Lottery Proceeds - Summer</i>	
<i>Term</i>	60
INSTITUTIONS OF HIGHER EDUCATION	60
<i>Community Colleges - Community College Boards - Exceptions to Formation</i>	60
<i>Community Colleges - Community College Districts - Reconstitution - Additional</i>	
<i>Zones</i>	61
<i>Community Colleges - Formation of Community College Districts - Feasibility</i>	
<i>Studies</i>	61
<i>Employees - Generally</i>	61
<i>Event Ticketing and Resale - Collegiate Sporting Event</i>	61
<i>Expression on Campus - Limitations</i>	61
<i>Health - Opioid Overdose Rescue Kits - Duties</i>	61
<i>Job Order Contracting - Increase Maximum Bid Award</i>	61
<i>Motor Vehicle Restrictions - Definition of "Passenger Motor Vehicles"</i>	62
<i>Name - South Arkansas Community College</i>	62
<i>Prohibition on Spending Funds on Name, Image, and Likeness of Student-Athlete</i> ...	62
<i>University of Arkansas - Generally</i>	62
SCHOLARSHIPS, GRANTS, AND FINANCIAL AID	62
<i>Academic Challenge Scholarship Program - Approved Institutions of Higher</i>	
<i>Education</i>	62
<i>Arkansas Academic Challenge Scholarship Program - Definition of "Semester"</i>	62
<i>Arkansas Academic Challenge Scholarship Program - Eligibility - Dependents</i>	62
<i>Arkansas Concurrent Challenge Scholarship Program - Definition of "Student"</i>	62
<i>Division of Higher Education - Financial Aid Appeals Committee - Creation</i>	63
<i>Lottery-Funded Scholarship - Arkansas Challenge Plus Scholarship Program -</i>	
<i>Creation</i>	63
<i>Psychological and Neuropsychological Testing Workforce Incentives</i>	63
<i>Tuition Benefits for Soldiers and Airmen of the Arkansas National Guard</i>	63
<i>Tuition Waivers - Dependents of Veterans - Funds and Eligibility</i>	63
STUDENTS	64
<i>Disciplinary Proceedings - Student Due Process</i>	64
<i>Discrimination Prohibited - Natural, Protective, or Cultural Hairstyle</i>	64
<i>Rights of Students - Applicability</i>	64
<i>Speech - Addressing Students - Limitations</i>	64

Unaccompanied Homeless Youth and Youth in Foster Care - Transcripts..... 64

ELECTIONS..... 65

ABSENTEE VOTING..... 65

Ballots - Date Received..... 65

Drop Box Prohibited..... 65

Observance of Religious Discipline or Religious Holiday..... 65

Unsolicited Absentee Ballots - Pre-Filled Absentee Ballots - Assistance..... 65

BOARD OF ELECTION COMMISSIONERS 65

Arkansas Election Integrity Database - Reports..... 65

County Board - Member Compensation..... 65

County Board - Vacancy - Appointment..... 65

Poll Watchers..... 65

State Board - Complaint - Settlement Process..... 65

State Board - Election Integrity Review Process..... 65

CAMPAIGN PRACTICES..... 65

Display of Certain Election Material on State Capitol Grounds..... 65

COUNTY ELECTIONS 66

County Use of Paper Ballots..... 66

Early Voting - County Holidays..... 66

Paper Ballots - Use..... 66

FINANCE 66

Campaign Finance Reports - Contributions - Complaint Process..... 66

Candidate Contributions - Fourth Quarter Reports 66

Political Action Committee - Registration..... 66

Political Action Committee - Contribution Amount..... 66

GENERALLY 66

Delegates to an Article V Constitutional Convention 66

Election Expenses - Acceptance of Funds..... 66

Election Media Definitions 67

Poll Watchers..... 67

Secretary of State - New Federal Election Guidance..... 67

Write-in Candidates..... 67

INITIATED OR REFERRED MEASURES 67

Certification - Signatures from Fifty Counties 67

Paid Petition Blockers..... 67

Review of Petition by Attorney General..... 67

MUNICIPAL ELECTIONS..... 67

Party Primaries - Filing Deadlines - Nomination Petitions..... 67

MUNICIPAL ELECTIONS..... 67

Tabulation of Unopposed Office - City Clerk..... 67

POLITICAL PARTIES..... 67

Political Party Filing Period and Petition Requirements 67

RUNOFF ELECTIONS 68

Vote Centers - Location..... 68

SCHOOL ELECTIONS..... 68

Date to Submit Language - Tax Increase..... 68

Filing Period..... 68

SPECIAL ELECTIONS..... 68

<i>Conservation Districts</i>	68
<i>Date</i>	68
VOTER REGISTRATION.....	68
<i>Secretary of State - Voter Registration List Management</i>	68
VOTING PROCEDURES.....	68
<i>Ballot Error Correction</i>	68
<i>Damaged Ballots</i>	68
<i>Early Voting - Standard Hours</i>	68
<i>Early Voting - Transfer of Equipment</i>	69
<i>Paper Ballots - Marking and Counting</i>	69
<i>Paper Ballots - Use</i>	69
<i>Recount</i>	69
<i>Transportation - Security - Chain of Custody</i>	69
EMERGENCY SERVICES	69
EMERGENCY MANAGEMENT DIVISION.....	69
<i>State Fire Marshal - Office of Fire Protection Services</i>	69
PERSONNEL.....	69
<i>Community Paramedic Training Hours</i>	69
<i>Criminal Background Checks</i>	69
<i>Emergency Medical Responders - Licensure and Reimbursement</i>	69
<i>Traumatic Event - Licensed Counseling</i>	70
PREVENTION AND PROTECTION	70
<i>Storm Shelters - Requirements for Educational Facilities</i>	70
TECHNICAL CORRECTIONS - LAW ENFORCEMENT, EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS.....	70
<i>Title 12</i>	70
ENERGY.....	70
ALTERNATIVE ENERGY	70
<i>Bioenergy - Carbon Capture Technology</i>	70
<i>Net Metering</i>	70
<i>Net Metering - Customer Protection</i>	70
<i>Spent Nuclear Fuel - Arkansas Nuclear Recycling Program</i>	71
ENVIRONMENTAL LAW.....	71
AIR POLLUTION AND CONTROL	71
<i>Arkansas Pollution Control and Ecology Commission - Membership</i>	71
<i>Liquid Animal Waste Management Systems - Authority</i>	71
<i>National Pollutant Discharge Elimination System - Exemptions for Certain Associations</i>	71
<i>Permit Fees</i>	71
<i>Vegetation Disposal Burning</i>	71
HAZARDOUS SUBSTANCES.....	71
<i>Petroleum Storage Tank Trust Fund - Corrective Action Payments</i>	71
RECYCLING	71
<i>Electronic Waste Collection, Recycling, and Reuse Act - Repeal</i>	71

<i>Spent Nuclear Fuel - Arkansas Nuclear Recycling Program</i>	71
<i>Used Tire Recycling</i>	72
SOLID WASTE MANAGEMENT	72
<i>Landfills - Landfill Post-Closure Trust Fund</i>	72
TECHNICAL CORRECTIONS - ENVIRONMENTAL LAW	72
<i>Title 8</i>	72
WASTEWATER DISPOSAL	72
<i>Permit Fees</i>	72
ETHICS	72
CAMPAIGN FINANCE	72
<i>Campaign Finance Reports - Contributions - Complaint Process</i>	72
<i>Candidate Contributions - Fourth Quarter Reports</i>	72
<i>Political Action Committee - Registration</i>	72
<i>Political Action Committee - Contribution Amount</i>	73
ETHICS COMMISSION	73
<i>Duties - School District Boards of Directors</i>	73
<i>Statutory Duties of the Commission - Contribution Limit - Reports - Complaints</i>	73
FAMILY LAW	73
ADOPTION	73
<i>Home Study and Health, Genetic, and Social History - Exceptions</i>	73
<i>Residency, Putative Father Registry, and Exchange of Identifying Information</i>	73
CHILD SUPPORT.....	73
<i>Failure to Pay Support or Engage in or Seek Work - Incarceration</i>	73
<i>Limitations Period - Retroactive Child Support</i>	74
HUMAN SERVICES DEPARTMENT	74
<i>Administrative Adjudication - Email</i>	74
NAME CHANGE.....	74
<i>Petition and Order for Name Change</i>	74
PATERNITY	74
<i>Statute of Limitations - Proving or Disproving Paternity</i>	74
PROPERTY SETTLEMENT	74
<i>Community Property</i>	74
TECHNICAL CORRECTIONS - FAMILY LAW	74
<i>Title 9</i>	74
FIRE PROTECTION	75
BOARDS	75
<i>State Fire Prevention Commission - Abolished</i>	75
DEPARTMENTS	75
<i>Municipal - Establishment of Duties, Powers, and Policies</i>	75
EDUCATION	75
<i>School Doors - Building Egress</i>	75
FIREFIGHTERS.....	75
<i>Instructor Training for Certain Health Conditions</i>	75
<i>Leave for Military Service</i>	75

<i>Maximum Age - Appointments and Promotions</i>	75
<i>Residency Requirement - Hiring Preference</i>	75
FIREARMS	76
CONCEALED HANDGUN LICENSING.....	76
<i>License for Reciprocity Purpose Only</i>	76
<i>Qualifying Patients for Medical Marijuana</i>	76
<i>Voluntary Mental Health Treatment</i>	76
CONCEALED HANDGUNS - GENERALLY	76
<i>Board of Corrections Members - Employees of Department of Corrections</i>	76
<i>Department of Transportation Buildings and Grounds</i>	76
<i>Members of Municipal Fire Department Bomb Squad</i>	76
POSSESSION	76
<i>Journey - Possession on School Property</i>	76
<i>Loaded Firearm - Definition</i>	76
<i>Protect Arkansas Act - Felony Possession</i>	76
<i>Protection from Civil Liability - Property Owner</i>	77
FREEDOM OF INFORMATION ACT	77
EXEMPTIONS.....	77
<i>Arkansas Cyber Response Board</i>	77
<i>Coroner's Investigations</i>	77
<i>Drafting Requests and Information Requests to Legislative Employees</i>	77
<i>Healthcare Insurer Rebates</i>	77
<i>Legislative Meetings - Cybersecurity Incidents</i>	78
<i>List of Corrections Employees Authorized to Carry Concealed Handgun</i>	78
<i>Nutrient Management Plans - Poultry Litter Management Plans</i>	78
<i>Records Related to Depression Screenings</i>	78
MEETINGS.....	78
<i>Executive Session - School District Board of Directors</i>	78
RECORDS	78
<i>Personnel or Evaluation Records - Opinion from Attorney General</i>	78
<i>Records Custodian - Written Responses</i>	78
GAMBLING AND RACING	78
CASINOS.....	78
<i>Service Industry License - Background Check</i>	78
CHARITABLE BINGO AND RAFFLES	79
<i>Raffles - Electronic Advertising</i>	79
RACING COMMISSION	79
<i>Service Industry License - Background Checks</i>	79
GENERAL ASSEMBLY	79
BUREAU OF LEGISLATIVE RESEARCH.....	79
<i>Code of Arkansas Rules</i>	79

Code Revisor 79
Confidential Communications 79
 COMMITTEES 79
 Arkansas Legislative Study on Mental and Behavioral Health..... 79
 City, County, Local Committee - Review - Architect Licensure 80
 Education Committee - Recommendation for Health Insurance Contribution Rate 80
 Joint Committee on Advanced Communications and Information Technology..... 80
 Judiciary Committee - Study of Financial Matters Related to Court System 80
 Senate Rules Committee - Confirmation of Appointments..... 80
 EXPENSES AND REIMBURSEMENT 80
 Reimbursement for Attendance at National or Regional Conferences 80
 LEGISLATIVE AUDIT 80
 Department of Education Child Nutrition Unit - Audit..... 80
 Failure of Municipality to File Required Report 81
 Reports of Improper or Illegal Practices 81
 MEMBERS - GENERALLY 81
 Confidential Communications 81
 TASK FORCES 81
 Protect Arkansas Act - Legislative Recidivism Reduction 81
 TECHNICAL CORRECTIONS - GENERAL ASSEMBLY 81
 Title 10 81

HEALTH 81

ABORTION..... 81
 Abortion Facilities - Licensing Requirement Repealed..... 81
 Abortion Referral - Ultrasound Viewing..... 82
 Abortion-Inducing Drugs - Revocation of License as Sanction..... 82
 Continuum of Care Program - Transfer of Certain Programs..... 82
 Performance Only in Hospital or Emergency Room 82
 Prohibited Transaction by a School - Abortion Referrals 82
 Repeals Legislative Declaration Language 82
 ADULT MALTREATMENT 82
 Abuse, Neglect, and Exploitation of a Vulnerable Person - Penalties..... 82
 Availability of Reports of Adult or Long-Term Care Facility Resident Maltreatment.. 82
 Electronic Signatures for Maltreatment Registry Checks 82
 ASSISTED LIVING FACILITIES 83
 Annual Reports and Consideration of Assisted Living Provider Costs 83
 Cost Reporting..... 83
 Dementia Training 83
 ATHLETICS..... 83
 Youth Injury Mitigation and Information Course Requirement..... 83
 BOARDS AND COMMISSIONS 83
 Alzheimer's Disease and Dementia Advisory Council - Members..... 83
 Arkansas Psychology Board - Psychological and Neuropsychological Programs 83
 Graduate Medical Education Residency Expansion Board - Membership..... 83
 Osteopathic Rural Medical Practice Student Loan and Scholarship Board - Members..... 83
 Reduction of Regulatory Fees or Charges..... 84
 Social Work Board - Repeal Racial Requirement..... 84

DENTISTRY	84
<i>Assignment of Benefits</i>	84
EMERGENCY SERVICES	84
<i>Ambulance Services</i>	84
<i>Community Paramedic Training Hours</i>	84
<i>Criminal Background Checks</i>	84
<i>Ground Ambulance Services - Reimbursement</i>	84
<i>Opioid Antagonist Access</i>	85
<i>Triage, Treat, and Transport to Alternative Destination - Coverage</i>	85
ENVIRONMENT	85
<i>Cemetery Company - Duty to Maintain</i>	85
FOOD	85
<i>Egg Marketing</i>	85
<i>Egg Marketing - Number of Hens</i>	85
<i>Food Service Establishment - Daycare Center Exemption Number Increased</i>	85
GENERALLY	85
<i>Boiler Inspections</i>	85
<i>Clergy Member Visitation</i>	85
<i>Definition of "Intellectual and Developmental Disability" Clarified</i>	85
<i>Dementia Services Coordinator</i>	86
<i>Rabies - Owner Confinement</i>	86
<i>Rabies Vaccinations - Veterinary Technician Specialists</i>	86
<i>Sky Lanterns - Authorization for Use and Purchase</i>	86
<i>Surrogate Authority to Apply for Public Benefits</i>	86
HEALTH CARE PROVIDERS	86
<i>Audiology and Speech-Language Pathology Interstate Compact</i>	86
<i>Background Checks for Employees or Agents of Community Services Providers</i>	86
<i>Chiropractors - License Application Deadline</i>	86
<i>Counselors - Counseling Compact</i>	86
<i>Counselors and Marriage and Family Therapists - Removal of Certain Requirements</i>	86
<i>Home Caregivers - Dementia Training</i>	86
<i>Massage Therapy - Student and Apprentice Level Licensing</i>	86
<i>Master Massage Therapist</i>	87
<i>Naturopathic Physicians</i>	87
<i>Occupational Therapists - Occupational Therapy Licensure Compact</i>	87
<i>Physician Assistants - Billing</i>	87
<i>Prior Authorization Transparency - Exemption</i>	87
<i>Psychological Examiners</i>	87
<i>Relocation of Practice - Penalties</i>	87
<i>Veterinary Technician Specialist</i>	87
HEALTH CENTERS	87
<i>Notice of Felony If Attacking a Healthcare Professional</i>	87
<i>Psychiatric Residential Treatment Facilities</i>	87
HEALTH DEPARTMENT	88
<i>Central Registry of Persons with a Disability Resulting from Traumatic Head Injury</i>	88
<i>Prescription Drug Monitoring Program - New Members and Disclosure of Information</i>	88
<i>Reduction of Regulatory Fees and Charges</i>	88
<i>Universal Newborn Screening for Medical Conditions</i>	88
HOSPITALS	88

<i>Pricing Transparency</i>	88
<i>Rural Emergency Hospital</i>	88
<i>Screening for Depression - Birth Mother</i>	88
HUMAN SERVICES DEPARTMENT.....	88
<i>Healthcare Quality and Payment Policy Advisory Committee - Repeal</i>	88
<i>Peer Support Specialist - Offense Involving Violence</i>	88
<i>Standards for Psychiatric Residential Treatment Facilities for Children</i>	89
LONG-TERM CARE FACILITIES.....	89
<i>Division of Provider Services and Quality Assurance</i>	89
MEDICAID.....	89
<i>Behavioral Health Services in Outpatient Setting</i>	89
<i>Continuous Glucose Monitors</i>	89
<i>Cost Reporting for Assisted Living Facilities</i>	89
<i>Depression Screening for Pregnant Women</i>	89
<i>Emergency Medical Responders</i>	89
<i>Long-Acting Reversible Contraception Coverage</i>	89
<i>Nonemergency Transportation Rideshare Expansion Study</i>	89
<i>Preventive Mental Health Services for Children</i>	89
<i>Prior Authorization Transparency Act - Medication-Assisted Treatment</i>	89
<i>Psychiatric Collaborative Care Model</i>	90
<i>Third-Party Liability - Requirements</i>	90
MEDICAL MARIJUANA.....	90
<i>Extend Sunset Date for Special Privilege Tax</i>	90
MENTAL HEALTH.....	90
<i>Arkansas Legislative Study on Mental and Behavioral Health</i>	90
<i>Concealed Carry Permit - Voluntary Mental Health Treatment</i>	90
<i>Good Samaritan - Suicide Prevention Intervention</i>	90
<i>Preventative Services for Children</i>	90
<i>Psychiatric Collaborative Care Model</i>	91
<i>Step Therapy Protocols - Exempt Antipsychotic Prescription Drugs</i>	91
NURSES.....	91
<i>Alternative to Discipline Broadened</i>	91
<i>Clinical Nurse Education Portal for Clinical Placements</i>	91
<i>Expansion of Full, Independent Practice Authority</i>	91
NURSES.....	91
<i>Nursing Data Collection and Tracking</i>	91
<i>Nursing Earn-to-Learn - Hours Worked Count Toward Nursing Degree</i>	91
PHARMACISTS AND PHARMACIES.....	92
<i>Exemption for Veterinary Medical Use</i>	92
<i>HIV Preexposure and Postexposure Prophylaxis</i>	92
<i>Hospital Pharmacy Continuity of Care Endorsement</i>	92
PHYSICIANS.....	92
<i>Fee Modification</i>	92
SCHOOL DISTRICTS.....	92
<i>Automated External Defibrillators</i>	92
<i>Training and Administration of Seizure Rescue Drugs</i>	92
TECHNICAL CORRECTIONS - PUBLIC HEALTH AND WELFARE.....	92
<i>References to Individuals with Disabilities</i>	92
<i>Title 20</i>	92
TOBACCO.....	93
<i>Suspension of Retailer Permit for Failure to Pay Debt</i>	93

HIGHWAYS AND TRANSPORTATION	93
AERONAUTICS AND AVIATION.....	93
<i>Operation of Prohibited Aircraft.....</i>	<i>93</i>
<i>Operation of Small Unmanned Aircraft System by Public Entity - Prohibited.....</i>	<i>93</i>
<i>Spaceport Feasibility Study</i>	<i>93</i>
<i>Use and Ownership of Unmanned Aircraft Prohibited - Sex Offenders</i>	<i>93</i>
CITY STREETS.....	93
<i>Driving in Left Lane - Overtaking Vehicle Turning Left.....</i>	<i>93</i>
<i>Operation of All-Terrain Vehicles - Public Utility Employees.....</i>	<i>93</i>
COUNTY ROADS.....	93
<i>Driving in Left Lane - Overtaking Vehicle Turning Left.....</i>	<i>93</i>
<i>Revenue for Local Aid - State Aid Roads.....</i>	<i>93</i>
FINANCE AND FUNDING	94
<i>Definition of General Revenue as Applied to Repayments to Street Fund.....</i>	<i>94</i>
<i>Highway Revenue Distribution Law - Additional Fee for Electric and Hybrid Vehicles</i>	<i>94</i>
<i>Intern Housing Stipends.....</i>	<i>94</i>
<i>Tool Allowance - Carpenters.....</i>	<i>94</i>
HIGHWAY COMMISSION	94
<i>Director of State Highways and Transportation - Duties.....</i>	<i>94</i>
<i>Intern Housing Stipends.....</i>	<i>94</i>
INTERSTATES.....	94
<i>Vehicle Weight Limits - Logging Vehicles.....</i>	<i>94</i>
SAFETY.....	94
<i>Racing on a Public Highway - Penalties.....</i>	<i>94</i>
SPEED LIMITS	94
<i>Arkansas Speed Trap Law - Affected Highway.....</i>	<i>94</i>
STATE HIGHWAYS.....	95
<i>Controlled-Access Highways - Pedestrians Prohibited</i>	<i>95</i>
<i>Designation - Arkansas Rocks! Mining and Mineral Trail.....</i>	<i>95</i>
<i>Driving in Left Lane - Overtaking Vehicle Turning Left.....</i>	<i>95</i>
<i>Operation of All-Terrain Vehicles - Public Utility Employees.....</i>	<i>95</i>
<i>Racing on a Public Highway - Penalties.....</i>	<i>95</i>
<i>Rules of the Road - Driver-Assistive Truck Platooning System.....</i>	<i>95</i>
<i>Speed Trap Law - Definition of "Affected Highway"</i>	<i>95</i>
<i>Unattended Vehicles - Rules of the Road.....</i>	<i>95</i>
<i>Use of Automated Enforcement Device in Highway Work Zones</i>	<i>95</i>
TOLL ROADS AND BRIDGES.....	95
<i>Damage or Destruction of Bridge by Overweight Vehicle - Civil Liability.....</i>	<i>95</i>
TRANSPORTATION DEPARTMENT	96
<i>Construction Manager-General Contractor Method of Procurement Pilot Program ..</i>	<i>96</i>
<i>Intern Housing Stipends.....</i>	<i>96</i>
<i>Tool Allowance - Carpenters.....</i>	<i>96</i>
IMPROVEMENT DISTRICTS.....	96
CONSERVATION DISTRICTS.....	96
<i>Elections.....</i>	<i>96</i>
SERVICE DISTRICTS	96

Purposes - Street, Sidewalk, and Drainage System Maintenance and Redevelopment. 96

INDIVIDUALS WITH DISABILITIES..... 96

ACCESSIBILITY96
 Definition of "Intellectual and Developmental Disability" Clarified 96
 ACCESSIBILITY96
 Prosthetic Device - Athletics or Bathing.....96
 SERVICES.....96
 Dementia Services Coordinator 96
 Section 14(c) Certificates 96
 USE OF RESPECTFUL LANGUAGE97
 Repeal Certain Uses of Term "Handicapped" 97

INSURANCE 97

AGENTS, ADJUSTERS, AND CONSULTANTS97
 Rebates - Token Gifts 97
 Value-Added Products.....97
 CLAIMS97
 Physician Assistants - Billing.....97
 COMPANIES AND ASSOCIATIONS97
 Examinations - Penalties 97
 Nonprofit Agricultural Membership Organization - Exemption.....97
 Prior Authorization Transparency Act - Applicability.....97
 Reports - Manuals - Place of Business.....97
 COVERAGE AND BENEFITS98
 Behavioral Health Services in Outpatient Setting.....98
 Biomarker Testing - Coverage.....98
 Emergency Medical Responders.....98
 HIV or AIDS Preexposure and Postexposure Prophylaxis98
 Intravenous Immunoglobulin - PANS/PANDAS.....98
 Prior Authorization Transparency Act - Appeal Process.....99
 Prior Authorization Transparency Act - Medication-Assisted Treatment99
 Prostate Cancer99
 Prosthetic Devices.....99
 Rebates - Cost-Sharing.....99
 Screening for Depression - Birth Mothers99
 DENTAL INSURANCE.....99
 Assignment of Benefits.....99
 FUNERAL AND BURIAL INSURANCE.....99
 Perpetually Maintained Cemeteries - Duty to Maintain99
 Annual Report99
 Prepaid Funeral Benefits - Permit Expiration.....100
 Substitute Service-Providing Funeral Home.....100
 HEALTH INSURANCE.....100
 Arkansas Pharmacy Benefits Manager Licensure Act - Examination100
 Electronic Access - Medical Records.....100
 Minimum Allowable Reimbursement - Ground Ambulance Services.....100
 Network Leasing.....100

<i>Patient Right-to-Know Act - Relocation of Healthcare Provider</i>	100
<i>Prior Authorization Transparency - Exemption</i>	101
<i>Psychiatric Collaborative Care Model - Mental Illness and Substance Abuse Disorders</i>	101
<i>Rebates</i>	101
<i>Step Therapy Protocols - Biosimilar Medical Products</i>	101
<i>Step Therapy Protocols - Exempt Antipsychotic Prescription Drugs</i>	101
<i>Transportation Benefit Manager Act - Ambulance Services</i>	101
<i>Triage, Treat, and Transport to Alternative Destinations - Ambulance Services</i>	102
INSURANCE DEPARTMENT	102
<i>State Audit Process - No Surprises Act - Qualified Payment Amount</i>	102
LIFE INSURANCE AND ANNUITIES	102
<i>Exemption from Actions of Creditor and Representatives</i>	102
<i>Standard Valuation Law - Exemption</i>	102
MOTOR VEHICLES	102
<i>Peer-to-Peer Car-Sharing Program</i>	102
<i>Self-Insurers - Religious Denominations</i>	102
<i>Vehicles Used for Hire</i>	102
PAYMENTS, PROCEEDS, AND SETTLEMENTS	102
<i>Thresholds for Settlement Agreements Involving Minors</i>	102
POLICIES	103
<i>Deductible - Disclosure</i>	103
<i>Family Leave Insurance</i>	103
<i>Short-Term Limited Duration Insurance - Identification Card</i>	103
REGULATION	103
<i>General Omnibus</i>	103
<i>Rebates - Token Gifts</i>	103
<i>Repeal - Arkansas Legal Insurance Act</i>	103
<i>Value-Added Products</i>	103
LABOR AND INDUSTRIAL RELATIONS	104
LABOR DEPARTMENT.....	104
<i>Employment Eligibility - High School Diploma Alternatives</i>	104
<i>Reduction of Regulatory Fees or Charges</i>	104
<i>Secretary Designee - Elevator Safety Board</i>	104
UNEMPLOYMENT ELIGIBILITY AND BENEFITS	104
<i>Fraud - Penalty</i>	104
<i>Unemployment Compensation Benefits</i>	104
<i>Unemployment Compensation Benefits - Disqualification</i>	104
<i>Wages</i>	104
<i>Work Search Contact Requirements</i>	104
WORKERS' COMPENSATION	105
<i>Child Labor Violations</i>	105
<i>Coverage for Student Employees</i>	105
WORKFORCE SERVICES DEPARTMENT	105
<i>Disclosure of Information - Judicial Review - Claims Recovery</i>	105
WORKING CONDITIONS	105
<i>Child Labor - Civil and Criminal Penalties</i>	105
<i>Child Labor - Repeals Employment Certificate</i>	105

LAW ENFORCEMENT 105

COUNTY SHERIFFS AND DEPUTIES 105
 Health Benefits - Retirees 105
 Leave for Military Service 105
 CRIME INFORMATION CENTER 105
 Protect Arkansas Act - Public Portal 105
 CRIME LABORATORY 106
 Postmortem Examinations - Submission of Decedent by Coroner 106
 CRIMINAL INVESTIGATION - GENERALLY 106
 Coroner's Investigation 106
 DNA Collection - Rapid DNA Technology 106
 Drug Task Forces - Special Assessments 106
 Rapid DNA Technology - Retention of Sample Prohibited 106
 Sexual Assault Collection Kits and Anonymous Kits - Submission and Audit 106
 GENERALLY 106
 Digitized Driver's Licenses - Limitations on Law Enforcement 106
 Law Enforcement Safety Office - Uniforms 106
 Police Report - Healthcare Professional Use of Work Address 107
 Report Accident to Law Enforcement - Amount of Property Damage 107
 Transport of Person in Crisis from Intoxicating Substance to Sobering Center 107
 Use of Automated Enforcement Device in Highway Work Zones 107
 Violent Crime Clearance Grant Fund 107
 MUNICIPAL LAW ENFORCEMENT 107
 Establishment of Duties, Powers, and Policies 107
 Health Benefits - Retirees 107
 Leave for Military Service 107
 Officers - Appointments and Promotions 108
 Speed Trap Law - Definition of "Revenue" 108
 Speed Trap Law - Failure to Appear - Failure to Pay 108
 STATE POLICE 108
 Food and Medical Care for Retired Canines 108
 Noncriminal Background Checks - Livescan 108
 Unaccompanied Homeless Youth and Youth in Foster Care - Driver Education 108
 Used Motor Vehicle Buyers Protection - Fines 108
 TECHNICAL CORRECTIONS - LAW ENFORCEMENT, EMERGENCY
 MANAGEMENT, AND MILITARY AFFAIRS 108
 Title 12 108
 TRAINING AND QUALIFICATIONS 109
 Instructor Training of Certain Health Conditions 109
 Training on Alzheimer's Disease and Other Dementias 109
 VEHICLES 109
 Distracted Driving - Reporting Requirements 109
 Racing on a Public Highway - Penalties 109

MILITARY AND VETERANS 109

MILITARY INSTALLATIONS 109
 Military-Type Canteens and Exchanges - Establishment and Operations 109
 MILITARY JUSTICE 109

<i>Appointment of Judge Advocates</i>	109
<i>Court-Martial - Sentences</i>	109
MILITARY LEAVE	109
<i>Deputy Sheriffs - Municipal Police Officers - Firefighters</i>	109
NATURAL DISASTERS AND EMERGENCIES	109
<i>Leave for Emergency and Rescue Training Programs - School District Employees</i> ..	109
RETIREMENT.....	110
<i>Income Tax Exemption for Retirement Benefits</i>	110
VETERANS	110
<i>Property Tax Exemption - Definition of "Homestead"</i>	110
<i>State Memorial Day - Women Veterans</i>	110
MOTOR VEHICLES	110
ALL-TERRAIN VEHICLES	110
<i>Rules of the Road - Public Utility Employees</i>	110
COMMERCIAL DRIVER LICENSE.....	110
<i>Commercial Driver's License Drug and Alcohol Clearinghouse - Application</i>	110
COMMERCIAL MOTOR VEHICLES	110
<i>Implied Consent of Blood Testing Repealed</i>	110
DRIVER'S LICENSE.....	110
<i>Certified Unaccompanied Homeless Youth and Youth in Foster Care - Issuance</i>	110
<i>Digitized Driver's Licenses - Issuance</i>	110
<i>Driver's Examination - Waiting Periods</i>	111
<i>Issuance to Military Licensee</i>	111
<i>Restricted Driving Permits - Probationer or Parolee</i>	111
FINANCIAL RESPONSIBILITY AND INSURANCE	111
<i>Self-Insurers - Religious Denominations</i>	111
<i>Vehicles Used for Hire</i>	111
HYBRID AND ELECTRIC VEHICLES.....	111
<i>Additional Fees - Distribution of Revenues</i>	111
<i>Rules for Towing, Recovery, and Storage of Electric Vehicles</i>	111
<i>Warranty Work - Definition of "Routine Maintenance"</i>	111
LICENSE PLATES	111
<i>Temporary Preprinted Paper Buyer's Tags - Validity Period</i>	111
MOTOR VEHICLE COMMISSION	112
<i>Special Event Vehicles</i>	112
<i>Unlawful Practices</i>	112
<i>Warranty Agreements - Compensation</i>	112
<i>Warranty Work - Definition of "Routine Maintenance"</i>	112
NEW VEHICLES.....	112
<i>Temporary Preprinted Paper Buyer's Tags - Validity Period</i>	112
OFFICE OF DRIVER SERVICES	112
<i>Certified Unaccompanied Homeless Youth and Youth in Foster Care - Driver's License</i>	112
OFFICE OF MOTOR VEHICLES	112
<i>Commercial Driver License Fund - Use of Funds</i>	112
REGISTRATION	112
<i>Additional Fee for Electric and Hybrid Vehicles - Distribution</i>	112
<i>Period of Registration</i>	113

<i>Removal or Alteration of Serial Number</i>	113
RULES OF THE ROAD.....	113
<i>Controlled-Access Highways - Pedestrians Prohibited</i>	113
<i>Distracted Driving - Penalties</i>	113
<i>Driving in Left Lane - Overtaking Vehicle Turning Left</i>	113
<i>Following Closely - Driver-Assistive Truck Platooning System</i>	113
<i>Report Accident to Law Enforcement - Amount of Property Damage</i>	113
<i>Unattended Vehicles</i>	113
SPECIAL LICENSE PLATES.....	113
<i>Creation - Arkansas Dyslexia Support Group</i>	113
<i>Creation - Little Rock Central High National Historic Site</i>	113
<i>Leased Motor Vehicles - Special License Plate for Public Use</i>	114
<i>National Historic Sites</i>	114
TOWING AND STORAGE.....	114
<i>Rules for Electric Vehicles</i>	114
TRANSPORTATION DEPARTMENT.....	114
<i>Vehicle Weight Limits - Logging Vehicles</i>	114
USED VEHICLES.....	114
<i>Temporary Preprinted Paper Buyer's Tags - Validity Period</i>	114
<i>Used Motor Vehicle Buyers Protection - Fines</i>	114
WATERCRAFT.....	114
<i>Removal or Alteration of Serial Number</i>	114
NATURAL RESOURCES.....	114
ALTERNATIVE FUELS.....	114
<i>Bioenergy - Carbon Capture Technology</i>	114
FORESTRY.....	114
<i>Prescribed Burning</i>	114
LAND.....	115
<i>Liquid Animal Waste Management Systems - Authority</i>	115
<i>Soil Nutrient Application and Poultry Litter - Records</i>	115
LOGGING AND TIMBER.....	115
<i>Timber Sales - Unknown or Unlocatable Co-Owners or Coheirs</i>	115
MINERALS.....	115
<i>Arkansas Geological Survey - Abolishment - Creation of Office of State Geologist</i>	115
NATURAL RESOURCES COMMISSION.....	115
<i>Poultry Feeding Operations - Transfer of Duties</i>	115
OIL, GAS, AND BRINE.....	115
<i>Liquefied Petroleum Gas Fund</i>	115
<i>Underground Storage of Gas</i>	115
PUBLICITY AND TOURISM.....	115
<i>Tourism Development - Natural State Initiative Pilot Program - Tourism Attraction</i>	115
STATE PARKS.....	115
<i>Keep Arkansas Beautiful Commission</i>	115
<i>Alcoholic Beverages</i>	116
WATER.....	116
<i>Arkansas Port, Intermodal, and Waterway Development Grant Program</i>	116
<i>Liquid Animal Waste Management Systems - Authority</i>	116
WILDLIFE.....	116

<i>Hunting and Fishing - Resident Lifetime License</i>	116
PROFESSIONS AND OCCUPATIONS	116
ACCOUNTANTS	116
<i>State Board of Public Accountancy - Membership</i>	116
APPRAISERS	116
<i>Arkansas Appraiser Licensing and Certification Board - Abolished</i>	116
ARCHITECTS	116
<i>License Exemption</i>	116
AUCTIONEERS	117
<i>Online Auctions and Estate Sales</i>	117
BARBERS.....	117
<i>Definitions - Membership of the State Board of Barber Examiners</i>	117
COLLECTION AGENCIES	117
<i>Membership of Board</i>	117
CONTRACTORS AND SUBCONTRACTORS	117
<i>Lifetime License</i>	117
COSMETOLOGISTS	117
<i>Body Art - Tattoo Artists - Permanent Cosmetic Artists - Piercing Artists</i>	117
<i>Exemption from Criminal Background Licensing Restrictions</i>	117
<i>Lifetime License</i>	117
ELECTRICIANS.....	117
<i>Residential Electricians</i>	117
FUNERAL HOMES AND BURIAL ASSOCIATIONS	117
<i>Annual Report</i>	117
<i>Contracts</i>	117
<i>License - Renewal</i>	118
GENERALLY	118
<i>Automatic Occupational Licensing for New Residents</i>	118
<i>Military Members, Veterans, and Spouses - National Certification</i>	118
HEALTH CARE WORKERS - OTHER.....	118
<i>Audiology and Speech-Language Pathology Interstate Compact</i>	118
<i>Chiropractors - License Application Deadline</i>	118
<i>Counselors - Counseling Compact</i>	118
<i>Dentists - Dental Colleges</i>	118
<i>Naturopathic Physicians</i>	118
<i>Occupational Therapists - Occupational Therapy Licensure Compact</i>	118
<i>Physician Assistants - Billing</i>	119
HVACR.....	119
<i>HVACR Licensing Board - Codes - Use of Refrigerant</i>	119
MESSAGE THERAPY	119
<i>Licensed Massage Therapists as Mandated Reporters</i>	119
<i>Master Massage Therapist - New Licensure Pathway</i>	119
<i>Student and Apprentice Level Licensing</i>	119
NURSES.....	119
<i>Alternative to Discipline Broadened</i>	119
<i>Clinical Nurse Education Portal for Clinical Placements</i>	119
<i>Expansion of Full, Independent Practice Authority</i>	119
<i>Nursing Data Collection and Tracking</i>	119

<i>Nursing Earn-to-Learn - Hours Worked Count Toward Nursing Degree</i>	119
PHARMACIES AND PHARMACISTS	119
<i>Exemption for Veterinary Medical Use</i>	119
<i>HIV Preexposure and Postexposure Prophylaxis</i>	120
<i>Hospital Pharmacy Continuity of Care Endorsement</i>	120
PHYSICIANS	120
<i>Abortion-Inducing Drugs - Revocation of License as Sanction</i>	120
PSYCHOLOGISTS	120
<i>Psychological Examiners</i>	120
REAL ESTATE LICENSEES	120
<i>Exemption - Arkansas Licensed Residential Construction Company</i>	120
<i>Professional Limited Liability Company</i>	120
SANITARIANS	120
<i>Septic Tank Cleaning License - Pumper Vehicle</i>	120
SCRAP METAL DEALERS	120
<i>Catalytic Converters - Alternate Vehicle Identification Number</i>	120
<i>Catalytic Converters - Record Keeping</i>	120
TECHNICAL CORRECTIONS - PROFESSIONS, OCCUPATIONS, AND BUSINESSES	121
<i>Title 17</i>	121

PROPERTY RIGHTS AND INTERESTS 121

BUILDING AND ZONING REGULATIONS	121
<i>Property Within Multiple Municipalities - Option to Choose Development Regulations</i>	121
EVICTIONS	121
<i>Writ of Possession - Issuance by Court Clerk</i>	121
HOUSING	121
<i>Fast-Track Permits</i>	121
MORTGAGES AND LIENS.....	121
<i>Lien - Sale of Personal Property</i>	121
PERSONAL PROPERTY	121
<i>Requirements for Sale by Lienholder</i>	121
<i>Schedule of Property - Judgment Debtor</i>	121
REAL PROPERTY - GENERALLY	121
<i>Eliminate Premises Used in Criminal Offenses - Civil Remedies</i>	121
<i>Lands Previously in Lakes or Rivers</i>	122
<i>Ownership of Land Prohibited</i>	122
<i>Rule Against Perpetuity</i>	122
<i>Schedule of Property - Judgment Debtor</i>	122
REAL PROPERTY - TRANSFERS AND COVENANTS.....	122
<i>Uniform Easement Relocation Act - Civil Action</i>	122
WAIVER OR FORFEITURE.....	122
<i>Community Property</i>	122

PUBLIC FINANCE 122

ACCOUNTING AND BUDGETARY PROCEDURES	122
<i>Failure of Municipality to File Required Report</i>	122

<i>Financial Management - Annual Comprehensive Financial Report</i>	123
<i>Job Order Contracting - Increase Maximum Bid Award</i>	123
<i>Maximum Number of Passenger Vehicles</i>	123
<i>Motor Vehicle Restrictions - Definition of "Passenger Motor Vehicles"</i>	123
<i>Reports of Improper or Illegal Practices</i>	123
BOND ISSUES	123
<i>Redevelopment Districts</i>	123
<i>Self-Insured Fidelity Bond Program - Direct Pecuniary Loss of Value</i>	123
<i>Self-Insured Fidelity Bond Program - Statutorily Required Bond Requirements</i>	123
CLAIMS AGAINST THE STATE	123
<i>Notices of Appeal</i>	123
PURCHASING AND CONTRACTS	124
<i>Arkansas Procurement Law - Exempt Commodities and Services</i>	124
<i>Construction Manager-General Contractor Method of Procurement Pilot Program</i>	124
<i>Professional and Consultant Services Contracts - Cap on Design Professional</i>	
<i>Contracts</i>	124
<i>Professional Services Definitions - "Construction Management" and "Political</i>	
<i>Subdivision"</i>	124
<i>State Procurement Director - Non-Mandatory State Contracts</i>	124
REVENUE STABILIZATION LAW	124
<i>Deductions for State Funds - Amendment 101 Revenues</i>	124
<i>General Revenue Fund Account - Transfer for Food Insecurity and Health Needs</i> ..	124
STATE TREASURY	125
<i>Environmental, Social Justice, or Governance Scores</i>	125
PUBLIC OFFICERS AND EMPLOYEES	125
APPOINTMENT AND HIRING	125
<i>Code Revisor</i>	125
ATTENDANCE AND LEAVE	125
<i>Foster Care Leave</i>	125
<i>Maternity Leave - Twelve Weeks</i>	125
COMPENSATION AND BENEFITS	125
<i>District Court Judges and Personnel</i>	125
<i>Traumatic Event Counseling</i>	125
<i>Uniform Classification and Compensation Act - Revisions</i>	126
<i>Voluntary Products</i>	126
TECHNICAL CORRECTIONS - PUBLIC OFFICERS AND EMPLOYEES	126
<i>Title 21</i>	126
PUBLIC PROPERTY.....	126
BUILDING AUTHORITY (ABA)	126
<i>Unpaved Trail Projects</i>	126
PUBLIC BUILDINGS, FACILITIES, AND PROPERTY	126
<i>State Capitol - Monument Repairs and Upkeep</i>	126
<i>State Capitol - Monument to the Unborn</i>	126
<i>State Capitol Grounds - Display of Campaign Material</i>	126
PUBLIC WORKS	126
<i>Capital Improvements of the Department of Parks, Heritage, and Tourism</i>	126

<i>Publication of Notice of Intention to Receive Bids</i>	127
TECHNICAL CORRECTIONS - PUBLIC PROPERTY	127
<i>Title 22</i>	127
RETIREMENT	127
JUDICIAL RETIREMENT SYSTEM	127
<i>Contributions After Forfeiture of Right to Retirement Benefits</i>	127
<i>Survivor Benefits - Effective Date</i>	127
LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS	127
<i>Allocation of Insurance Premium Tax Determination</i>	127
LOCAL POLICE AND FIRE RETIREMENT SYSTEM	127
<i>Contribution Rate</i>	127
<i>Deferred Retirement Option Plan</i>	127
<i>Distribution of Benefits</i>	127
PUBLIC EMPLOYEES' RETIREMENT SYSTEM	128
<i>Reemployment of Essential Seasonal Staff Members</i>	128
<i>Restoration of Service Credit and Lump Sum Payment in Lieu of Minimum</i>	128
<i>Survivor Benefits</i>	128
RETIREMENT SYSTEMS - GENERALLY	128
<i>Cities of the First Class - Retirement Systems or Plans</i>	128
<i>Mayors of Cities of the First Class</i>	128
<i>Prohibiting Consideration of Environmental, Social, and Governance Factors</i>	128
STATE POLICE RETIREMENT SYSTEM	129
<i>Effective Date of Survivor Benefit Payments</i>	129
<i>Employer Contribution Rate and Exception to Prohibition Against Subjecting Annuity Rights</i>	129
<i>Survivor Benefits</i>	129
TEACHER RETIREMENT SYSTEM	129
<i>Annuity Options</i>	129
<i>Board of Trustees Membership - Survivor Benefits</i>	129
<i>Contributory or Noncontributory Status</i>	129
<i>Federal Service Credit - Change of Noncontributory Service to Contributory Service</i>	130
<i>Final Average Salary Calculation</i>	130
<i>Lump-Sum Death Benefit</i>	130
<i>Purchase of Permissive Service Credit</i>	130
<i>References, Definitions, and Administration</i>	130
<i>Refund of Unused Purchased Service Credit</i>	130
<i>Special Contributory and Noncontributory Multiplier Rates</i>	130
<i>Surcharges and Outsourcing</i>	131
<i>Survivor Application and Dependent Child Annuity</i>	131
<i>Termination Separation Period</i>	131
TECHNICAL CORRECTIONS - RETIREMENT AND PENSIONS	131
<i>Title 24</i>	131
STATE AGENCIES, BOARDS, AND COMMISSIONS	131
ADMINISTRATIVE RULES - GENERALLY	131
<i>Code of Arkansas Rules</i>	131

Cybersecurity Incidents - State Agency..... 131

AGRICULTURE..... 132

Consolidation of Agricultural Boards and Commissions..... 132

Transfer of Power - Catfish Processors and Commercial Bait and Ornamental Fish 132

ARKANSAS CODE REVISION COMMISSION 132

Powers and Duties..... 132

ARKANSAS REHABILITATION SERVICES 132

Technical Corrections..... 132

BURIAL ASSOCIATION 132

Annual Report..... 132

Certificate for Benefits..... 132

CAPITOL ARTS AND GROUNDS 132

National Statuary Hall Collection Statues - Secretary of State Duties..... 132

CEMETERIES 132

Duty to Maintain..... 132

CLAIMS AGAINST THE STATE 133

Notices of Appeal 133

COLLECTION AGENCIES 133

Appointment..... 133

COMMERCE 133

Transitional Employment Assistance Program - Administration 133

CORRECTIONS 133

Secretary - Authorize Employees to Carry Concealed Handgun..... 133

Secretary - Service at the Pleasure of the Governor..... 133

*Transfer - Criminal Detention Facility Review Committees and Review Coordinator*133

COSMETOLOGY 133

Cosmetology Technical Advisory Committee - Inclusion of Body Artists 133

EMBALMERS AND FUNERAL DIRECTORS 134

License - Renewal 134

EMPLOYEES - GENERALLY 134

Antisemitism Defined for Training 134

Catastrophic Leave - Maternity Leave - Twelve Weeks..... 134

Uniform Classification and Compensation Act - Revisions..... 134

ETHICS 134

Duties of Arkansas Ethics Commission..... 134

Reports - Campaign Contributions - Mandatory Fine 134

FINANCE AND ADMINISTRATION (DFA)..... 135

Annual Notice of State Tax Litigation 135

Assessment Coordination - Power to Grant Exception to Reappraisal Schedule..... 135

FINANCIAL TRANSPARENCY - GENERALLY 135

ESG Oversight Committee..... 135

GAME AND FISH..... 135

Change in Official Title of Certain Employees..... 135

Instructor Training for Certain Health Conditions..... 135

GENERALLY 135

Boards and Commissions - Senate Confirmation of Appointments..... 135

Cyber Security Policy - Technology Resource Policy..... 135

Elevator Safety Board - Secretary of Department of Labor and Licensing Designee. 135

Inactive State Entities Abolished..... 136

Prohibited Contracts - Boycott of Energy, Fossil Fuel, Firearms, or Ammunition Industries..... 136

<i>Purchase of Flags with Public Funds</i>	136
<i>Universal Basic Income Program - Prohibited</i>	136
HEALTH	136
<i>Audiology and Speech-Language Pathology Interstate Compact</i>	136
<i>Central Registry of Persons with a Disability Resulting from Traumatic Head Injury</i>	136
<i>Chiropractor - License Application Deadline</i>	136
<i>Clinical Nurse Education Portal for Clinical Placements</i>	136
<i>Counselors - Counseling Compact</i>	137
<i>Dietetics Licensing Board - Procedural Changes</i>	137
<i>Hospital Pricing Transparency</i>	137
<i>Naturopathic Physicians Study</i>	137
<i>Reduction of Regulatory Fees or Charges</i>	137
<i>Rural Emergency Hospital Licensure</i>	137
<i>Social Work Board - Repeal Racial Requirement</i>	137
<i>Universal Newborn Screening for Medical Conditions</i>	137
HUMAN SERVICES.....	137
<i>Annual Reports and Consideration of Assisted Living Provider Costs</i>	137
<i>Dementia Services Coordinator</i>	137
<i>Division of Provider Services and Quality Assurance - Long-Term Care Facilities</i> ...	138
<i>Email Notification of Administrative Adjudications - Department of Human Services</i>	138
<i>Nonemergency Transportation Rideshare Expansion Study</i>	138
<i>Peer Support Specialist - Offenses Involving Violence</i>	138
<i>Repeals Healthcare Quality and Payment Policy Advisory Committee</i>	138
<i>Standards for Psychiatric Residential Treatment Facilities for Children</i>	138
<i>Supplemental Nutrition Assistance Program - Waiver for Asset Limit</i>	138
<i>Supplemental Nutrition Assistance Program - Waiver for Veteran Disability Benefits</i>	138
<i>Transfer of Certain Abortion-Related Programs - Continuum of Care Program</i>	139
<i>Transitional Employment Assistance Program - Administration</i>	139
INFORMATION SYSTEMS.....	139
<i>Shared Services Data Hub</i>	139
LABOR AND LICENSING	139
<i>Claimant Agency for Purpose of Setoff Against Tax Return</i>	139
<i>Reduction of Regulatory Fees or Charges</i>	139
MANUFACTURED HOMES	139
<i>Membership - Penalties Established by Rule</i>	139
MEDICAL BOARD	139
<i>Fee Modification</i>	139
<i>Occupational Therapy - Occupational Therapy Licensure Compact</i>	139
MUSEUMS.....	140
<i>Delta Cultural Center Policy Advisory Board</i>	140
NATURAL RESOURCES	140
<i>Arkansas Natural Heritage Commission - Member Qualifications</i>	140
<i>Poultry Feeding Operations Registration - Transfer of Duties</i>	140
NURSING BOARD.....	140
<i>Alternative to Discipline Broadened</i>	140
PARKS, HERITAGE, AND TOURISM	140
<i>Capital Improvements</i>	140
<i>Commission Makeup, Calling of Meeting, and Quorum</i>	140

<i>Keep Arkansas Beautiful Commission</i>	140
PAROLE BOARD	140
<i>Protect Arkansas Act - Name Change - Post-Prison Transfer Board</i>	140
POLLUTION CONTROL AND ECOLOGY	140
<i>Membership</i>	140
PROCUREMENT	141
<i>Prohibited Contracts - People's Republic of China</i>	141
<i>Small Unmanned Aircraft System - Purchase from Foreign Entity Prohibited</i>	141
REAL ESTATE.....	141
<i>Creation of the State Board of Appraiser, Abstracters, and Home Inspectors</i>	141
RECORDS AND REPORTS - GENERALLY	141
<i>Bank Commissioner</i>	141
<i>Written Report Concerning Identification of Cost Savings</i>	141
SECURITIES	141
<i>Environmental, Social Justice, or Governance Scores</i>	141
<i>Offenses</i>	141
<i>State Securities Department - Transfer to State Bank Department</i>	142
STATE HOLIDAYS	142
<i>Lupus Awareness Day</i>	142
<i>Women Veterans Day</i>	142
TECHNICAL CORRECTIONS - STATE GOVERNMENT	142
<i>Title 25</i>	142
TOWING AND RECOVERY	142
<i>Rules for Towing, Recovery, and Storage of Electric Vehicles</i>	142
TRANSPORTATION	142
<i>Independent Consultant Study of Procurement Methods</i>	142
TAXES	142
ADMINISTRATION OF LOCAL TAXES	142
<i>Assessor - Explanation of Value of Exempt Intangible Personal Property</i>	142
<i>Distribution of Revenues in Property Tax Relief Trust Fund</i>	142
ADMINISTRATION OF STATE TAXES	142
<i>Tax Appeals Commission - Appointment and Qualifications of Commissioners</i>	142
<i>Tax Appeals Commission - Delivery of Petition</i>	143
<i>Training for Field Auditors - Annual Notice of State Tax Litigation</i>	143
COLLECTION AND ENFORCEMENT	143
<i>Corporate Franchise Tax - Processing Fees</i>	143
<i>Setoff Against Tax Return - Claimant Agencies</i>	143
<i>Tax-Delinquent Property - Dishonored Payment Instruments</i>	143
<i>Tax-Delinquent Property - Incorrect Certification</i>	143
<i>Tax-Delinquent Property - Procedure to Sell or Redeem</i>	143
INCOME TAX.....	143
<i>Apportionment - Organizations Operating Railroads</i>	143
<i>Credit - Child with Developmental Disability - Remove Recertification Requirement</i>	144
<i>Credit - Historic Rehabilitation - Amount Based on Population</i>	144
<i>Credit - Major Historic Rehabilitation - Extension of Application Period</i>	144
<i>Credit - Surface Water Conservation in Chicot County</i>	144
<i>Credit - Waste Reduction, Reuse, or Recycling Equipment - Closing Date for Facility</i>	144

<i>Credit - Waterways Investments</i>	144
<i>Credit - Wood Energy Products and Forest Maintenance Expansion Projects</i>	144
<i>Exemption - Retirement Benefits - Total Exemption for Military and Other Retirement</i>	144
<i>Phase out Throwback Rule</i>	144
<i>Prohibition on Levying Local Income Tax</i>	144
<i>Reduce Top Individual and Corporate Rate</i>	144
<i>Withholding - Requirement to File Withholding Statement Electronically</i>	145
LOCAL SALES AND USE TAXES	145
<i>Advertising and Promotion Tax - Election Required to Levy or Increase</i>	145
PRIVILEGE TAXES	145
<i>Medical Marijuana Special Privilege Tax - Extend Sunset Date</i>	145
<i>Tobacco Products - Suspension of Permit for Failure to Pay Debt</i>	145
PROPERTY TAX.....	145
<i>Distribution - County Continuing Education Funds</i>	145
<i>Exemption - Disabled Veterans - Definition of "Homestead"</i>	145
<i>Exemption for Intangible Personal Property - Self-Service Storage Facility</i>	145
<i>Homestead - Dwelling Owned by Limited Liability Company</i>	145
<i>Increase Homestead Property Tax Credit</i>	145
<i>Reappraisal Required Every Four Years</i>	146
STATE SALES AND USE TAXES.....	146
<i>Exemption - Certain Machinery and Equipment Placed in Inventory</i>	146
<i>Exemption - Data Centers</i>	146
<i>Exemption - Disabled American Veterans Organization</i>	146
<i>Exemption - Electronic Prescriptions</i>	146
<i>Exemption - Hunting and Fishing Club Membership Dues</i>	146
<i>Exemption - Machinery and Equipment Used to Retread Tires</i>	146
<i>Exemption - Mortality Composting Devices</i>	146
<i>Exemption - Nonprofit Youth Organization Concession Stand Sales</i>	146
<i>Prepayment Based on Fiscal Year</i>	147
<i>Refunds - Amendment 101 Excise Tax</i>	147
<i>Returns - Requirement to Submit Electronically</i>	147
TECHNICAL CORRECTIONS - TAXATION	147
<i>Title 26</i>	147
TECHNOLOGY	147
COMPUTERS AND SOFTWARE	147
<i>Data Centers</i>	147
INFORMATION SYSTEMS.....	147
<i>Arkansas Self-Funded Cyber Response Program - Coverage</i>	147
STATE GOVERNMENT	147
<i>Cybersecurity Incidents - Public Entity</i>	147
<i>Shared Services Data Hub</i>	148
TOURISM	148
CULTURAL RESOURCES, MUSEUMS, AND LIBRARIES	148
<i>Delta Cultural Center Policy Advisory Board</i>	148

<i>Libraries - Selection, Relocation, and Retention of Materials - Confidentiality of Records</i>	148
<i>Vacating Street or Alley - Abutting Property Owned by Museum</i>	148
PROMOTION AND DEVELOPMENT	148
<i>Special Event Vehicles</i>	148
UTILITIES	148
ELECTRIC	148
<i>Interruption Service - Contract</i>	148
<i>Net Metering</i>	149
<i>Report on Remaining Useful Lives of Certain Existing Electric Generating Units</i>	149
GAS	149
<i>Pipelines - Exempt</i>	149
PUBLIC SERVICE COMMISSION.....	149
<i>Affected Utility</i>	149
<i>One Call Center</i>	149
RATES AND CHARGES	149
<i>Formula Rate Review Act - Timeframe</i>	149
TECHNICAL CORRECTIONS - PUBLIC UTILITIES AND REGULATED INDUSTRIES.....	150
<i>Title 23</i>	150
TELECOMMUNICATIONS	150
<i>Video Service - Use of Public Right-of-Way</i>	150
TRANSPORTATION	150
<i>Operation of All-Terrain Vehicles</i>	150
WELFARE AND GOVERNMENTAL ASSISTANCE	150
ASSISTANCE PROGRAMS.....	150
<i>Cash Assistance - Duration</i>	150
<i>Public Housing Authority - Work Requirement for Able-Bodied Adults</i>	150
<i>Supplemental Nutrition Assistance Program - Asset Limit</i>	150
<i>Supplemental Nutrition Assistance Program - Income - Veteran Disability Benefits</i>	150
<i>Transitional Employment Assistance Program - Transfer of Administration</i>	150
GENERALLY	150
<i>Surrogate Authority to Apply for Public Benefits</i>	150
INDIVIDUALS WITH DISABILITIES	151
<i>References to Individuals with Disabilities</i>	151
MEDICAID	151
<i>Annual Reports and Consideration of Assisted Living Provider Costs</i>	151
<i>Behavioral Health Services in Outpatient Setting</i>	151
<i>Continuous Glucose Monitors</i>	151
<i>Cost Reporting for Assisted Living Facilities</i>	151
<i>Depression Screenings for Pregnant Women</i>	151
<i>Emergency Medical Responders</i>	151
<i>Long-Acting Reversible Contraception Coverage</i>	151
<i>Nonemergency Transportation Rideshare Expansion Study</i>	151
<i>Preventive Services for Children</i>	151
<i>Third-Party Liability - Requirements</i>	151

WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS 152

 BENEFICIARIES 152

Community Property 152

 CONSTRUCTION AND OPERATION 152

Decanting of Trusts 152

Third-Party Spendthrift Trusts and Domestic Asset Protection Trusts 152

 GUARDIANS AND GUARDIANSHIP 152

Attorney's Fees and Costs 152

Guardianship Subsidies, Extended Foster Care, Family Time, and Board Payments 152

 PROBATE 152

Bonds and Sureties 152

Fee for Safekeeping of Will 153

Residency, Putative Father Registry, and Exchange of Identifying Information 153

PROPOSED CONSTITUTIONAL AMENDMENT 154

EFFECTIVE DATE OF ACTS 155

GENERAL ASSEMBLY MEETING DATES 156

REGULAR SESSION ACTS

AGRICULTURE

AGRICULTURE DEPARTMENT

Consolidation of Boards and Commissions

ACT 691 (SB403) abolishes the Arkansas Milk Stabilization Board; Arkansas Seed Arbitration Committee; Arkansas State Board of Registration for Foresters; Arkansas State Board of Registration for Professional Soil Classifiers; Commission on Water Well Construction; Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee; Veterinary Medical Examining Board; Abandoned Pesticide Advisory Board; Arkansas Agriculture Board; and Red River Commission. The act moves the duties of each of the abolished entities to other agricultural boards. The act also changes the membership of the Arkansas Natural Resources Commission, Arkansas Forestry Commission, and Arkansas Livestock and Poultry Commission. The act declares an emergency and is effective on and after July 1, 2023.

Fund Accounts - Agri Scholarship Program Fund - Veterinary Examiners Board Fund

ACT 706 (SB476) creates the Agri Scholarship Program Fund to be used by the Department of Agriculture to create and maintain the Agri Scholarship Program. The act expands the uses of funds in the Veterinary Examiners Board Fund to include requiring the department to fund the Agri Scholarship Program and the Rural Veterinary Student Scholarship Program.

Powers and Duties - Catfish Processors and Commercial Bait and Ornamental Fish

ACT 588 (HB1618) transfers the powers, duties, and responsibilities of the State Plant Board regarding catfish processors and commercial bait and ornamental fish to the Department of Agriculture.

Promotion Boards - Transfer

ACT 712 (SB506) transfers the following agricultural promotion boards to the Department of Agriculture by a cabinet-level department transfer: the Arkansas Catfish Promotion Board, the Arkansas Soybean Promotion Board, the Arkansas Rice Research and Promotion Board, the Arkansas Wheat Promotion Board, the Arkansas Corn and Grain Sorghum Promotion Board, and the Arkansas Beef Council. The act also amends the membership selection process for each of the promotion boards. The act declares an emergency and is effective on and after July 1, 2023.

Scholarship Program - Degree Programs Related to Agriculture or Veterinary Medicine

ACT 706 (SB476) authorizes the Department of Agriculture to award scholarships to Arkansas residents who are enrolled in or entering an undergraduate degree program at an institution of higher education located in the state that is related to agriculture or a post-graduate degree program at an institution of higher education located either in the state or outside of the state that is related to agriculture or veterinary medicine. The act provides certain requirements for a recipient of a scholarship disbursed by the department.

Scholarship Program - Rural Veterinary Scholarship Program - Agri Scholarship Program

ACT 706 (SB476) establishes the Rural Veterinary Scholarship Program for individuals to locate veterinary practices in rural Arkansas communities and to receive specialized training targeted to meet the needs of livestock producers and rural communities in Arkansas. The act requires the Department of Agriculture to give preference to certain students and requires scholarship recipients to meet certain requirements. The act creates the Agri Scholarship Program within the department for students who are seeking degrees in agriculture-related fields.

AGRICULTURE

AGRICULTURE DEPARTMENT

Veterinary Technician Specialist - Collaborative Practice - Rabies Vaccinations

ACT 161 (HB1182) authorizes a collaborative practice agreement between a veterinarian and a veterinary technician specialist and sets up procedures for the collaborative practice agreement. The act also allows a veterinary technician, veterinary technologist, or veterinary technician specialist to administer rabies vaccinations.

Veterinary Technician Specialist - No Compensation

ACT 452 (HB1566) removes a reference to prescriptive authority of a veterinary technician specialist under Act 161 of 2023 because prescriptive authority was not granted to a veterinary technician specialist under Act 161 of 2023. The act also prohibits a veterinary technician specialist from receiving compensation for performing the practice of specialized veterinary technology outside of his or her employment.

FARMS AND FARMING

Agricultural Land - Ownership by Prohibited Foreign Party Prohibited

ACT 636 (SB383) prohibits a prohibited foreign party from acquiring by grant, purchase, devise, descent, or otherwise any interest in agricultural land in this state and prohibits a prohibited foreign-party-controlled business from acquiring by grant, purchase, devise, descent, or otherwise any interest in public or private land in this state. The act requires that land held in violation of this prohibition be divested or sold through judicial foreclosure.

Agricultural Operation - Nuisance - Burden of Proof

ACT 367 (HB1434) places the burden of proof on a party bringing an action against an agricultural operation as a public or private nuisance.

Farm Mediation - Initial Meeting

ACT 592 (HB1675) removes the requirement that an initial farm mediation meeting last at least one (1) hour and removes language strongly encouraging other creditors of the farmer to attend mediation meetings.

LIVESTOCK AND POULTRY

Arkansas Livestock and Poultry Commission - Rules

ACT 593 (HB1676) authorizes the Arkansas Livestock and Poultry Commission to promulgate rules concerning services performed by the Arkansas Veterinary Diagnostic Laboratory.

Canine Brucellosis - Testing

ACT 593 (HB1676) requires that positive tests for canine brucellosis be reported to the Department of Agriculture and that a dog that has tested positive for canine brucellosis and has been neutered or spayed have a subsequent negative test before leaving the premises.

AGRICULTURE**LIVESTOCK AND POULTRY*****Livestock - Impounding***

ACT 594 (HB1677) amends various provisions of Arkansas law concerning livestock, including replacing the term "take up" with "impound" and the term "animal" with "livestock," requiring certain notification to the Department of Agriculture upon impounding livestock, changing the amount of time an owner has to reclaim impounded livestock, authorizing the Arkansas Livestock and Poultry Commission to impose a civil penalty against an owner whose livestock is running at large, providing that the owner of livestock running at large is liable for damages and subject to a lien for the damages, addressing the duties of the Division of Arkansas State Police and county judges related to livestock running at large along or on a public highway, providing that a county is entitled to ten dollars (\$10.00) per day for impounded livestock, and authorizing different penalties related to livestock that breaks into an enclosure. The act also repeals various provisions of Arkansas law related to the taking up of livestock, including the law related to fencing districts, required oaths and bonds of the taker-up, certificates of appraisal, posted advertisements and publication, payment of expenses, judgments for costs, certain rights related to the person taking up the livestock, liability for injuring animals, and the sufficiency of and requirement for the viewing of a fence.

Sales and Use Tax Exemption - Mortality Composting Devices

ACT 534 (HB1172) creates a sales and use tax exemption for mortality composting devices sold to a person engaged in the commercial production of livestock or poultry. The act is effective on and after October 1, 2023.

PLANT BOARD***Civil Penalty Funds - Distribution - Scholarship Program***

ACT 706 (SB476) repeals the requirement that moneys collected through a civil penalty assessed by the State Plant Board be distributed for purposes of the Arkansas State Plant Board Scholarship Program and requires that those moneys be distributed for purposes of the Agri Scholarship Program.

Membership

ACT 135 (SB191) requires members of the State Plant Board to be actively or principally engaged, currently or previously, in the industries they represent. The act also removes the requirement that some members be selected from a list of names submitted by various organizations. The act declares an emergency and is effective on and after February 24, 2023.

Transfer of Power - Catfish Processors and Commercial Bait and Ornamental Fish

ACT 588 (HB1618) transfers the powers, duties, and responsibilities of the State Plant Board regarding catfish processors and commercial bait and ornamental fish to the Department of Agriculture.

PROMOTION BOARDS***Transfer***

ACT 712 (SB506) transfers the following agricultural promotion boards to the Department of Agriculture by a cabinet-level department transfer: the Arkansas Catfish Promotion Board, the Arkansas Soybean Promotion Board, the Arkansas Rice Research and Promotion Board, the Arkansas Wheat Promotion Board, the Arkansas Corn and Grain Sorghum Promotion Board, and the Arkansas Beef Council. The act also amends the membership selection process for each of the promotion boards. The act declares an emergency and is effective on and after July 1, 2023.

ALCOHOLIC BEVERAGES

BEER AND WINE

Tasting Event

ACT 319 (HB1380) authorizes a wholesaler or manufacturing representative to conduct a tasting event on behalf of a retail liquor permit holder or assist a retail liquor permit holder with a tasting event, decreases the permit fee for tasting event permits, and increases the sample sizes allowed at a tasting event.

DISTRIBUTION

Minimum Container Size - Spirituous Liquor

ACT 95 (HB1344) sets the minimum container size of spirituous liquor sold for off-premises consumption.

LOCAL OPTION

Defunct Townships

ACT 671 (SB201) authorizes a wet city that has annexed a portion of a defunct township to hold a one-time local option election within the boundaries of the annexed area within the defunct township related to the issuance of permits for the sale of alcoholic beverages for off-premises consumption. The act applies only to wet cities and defunct township areas meeting certain requirements, and the act expires on December 31, 2024.

ON-PREMISES CONSUMPTION

Dispensing Machine Sales

ACT 705 (SB475) authorizes the sale of alcoholic beverages by an on-premises consumption permit holder via a dispensing machine that meets certain requirements.

Microbrewery-Restaurant Private Club - Spirituous Liquor

ACT 334 (HB1498) authorizes a microbrewery-restaurant private club permittee to store and sell spirituous liquor to members for on-premises consumption, provides the Alcoholic Beverage Control Division with discretion regarding the revocation of a microbrewery-restaurant private club permit, and amends the law to include a microbrewery-restaurant private club as an entity in an entertainment district.

Private Club - Advertising

ACT 801 (HB1177) provides that the prohibition regarding advertising of alcoholic beverages at a private club does not require a private club to block visibility through the private club's windows or doors, including without limitation through the use of window tinting.

State Parks

ACT 655 (SB472) authorizes a state park to sell alcoholic beverages and a third-party vendor to serve alcoholic beverages for on-premises consumption at the state park without obtaining a permit from the Alcoholic Beverage Control Division upon approval by the Secretary of the Department of Parks, Heritage, and Tourism.

PERMITS

Expansion of Outdoor Dining

ACT 882 (SB523) amends the law concerning the expansion of outdoor dining at restaurants to include bars as it relates to those establishments holding a valid alcoholic beverage permit from the Alcoholic Beverage Control Division.

Issuance of Certain Permits in Dry Area

ACT 747 (HB1714) authorizes the Alcoholic Beverage Control Division to issue a distiller or manufacturer permit to a distiller or manufacturer in a dry area that sells exclusively to wholesalers and authorizes the Alcoholic Beverage Control Board to issue a small farm winery license to a small farm winery in a dry area that sells exclusively to wholesalers.

ALCOHOLIC BEVERAGES

PERMITS

Liquor Permit - Sale of Additional Merchandise

ACT 684 (SB372) allows the holder of a liquor permit to sell clothing or other promotional or marketing merchandise with logos or graphics of the permittee's business at the permitted premises.

Microbrewery-Restaurant - Ready-to-Drink Products

ACT 169 (HB1162) authorizes a microbrewery-restaurant to manufacture and sell ready-to-drink products.

Microbrewery-Restaurant Licensee - Self-Distribution

ACT 207 (HB1021) authorizes a microbrewery-restaurant licensee to self-distribute up to five thousand (5,000) barrels per year of beer, malt beverage, or hard cider manufactured by the microbrewery-restaurant licensee to licensed retailers after obtaining a microbrewery-restaurant wholesale permit.

Microbrewery-Restaurant Private Club - Spirituous Liquor

ACT 334 (HB1498) authorizes a microbrewery-restaurant private club permittee to store and sell spirituous liquor to members for on-premises consumption, provides the Alcoholic Beverage Control Division with discretion regarding the revocation of a microbrewery-restaurant private club permit, and amends the law to include a microbrewery-restaurant private club as an entity in an entertainment district.

Private Club in Wet Area

ACT 540 (HB1432) authorizes a private club located in a wet area to serve alcoholic beverages in a sealed container with a food purchase for delivery or for consumption off-premises.

WHOLESALERS

Residency Requirements

ACT 839 (HB1760) repeals the residency requirements for wholesaler permits related to alcoholic beverages. The act declares an emergency and is effective on and after April 13, 2023.

ANIMALS

DOMESTIC

Emotional Support Animals

ACT 268 (HB1420) requires that certain written notice be provided to a buyer or recipient of an emotional support animal, places requirements on a healthcare provider related to the documentation of a need for an emotional support animal, and provides civil penalties for misrepresentations related to emotional support animals.

Exemption for Sale or Shipping of Veterinary Medical Use Drugs

ACT 591 (HB1662) exempts from the licensure requirements for a pharmacist and a pharmacy the sale or shipping of antibiotics and microbials for veterinary medical use directly from a wholesaler, distributor, pharmacy, or farm store to a client if based on a prescription from a licensed veterinarian. The act declares an emergency and is effective on and after April 11, 2023.

Owner Confinement If Animal Bites a Person

ACT 522 (HB1629) allows an owner of an animal to confine an animal that has received a current vaccination against rabies if the animal has bitten a person.

CHILDREN

ABUSE AND NEGLECT

Active Duty Service Members

ACT 528 (HB1695) amends the definition of "active duty service member" under the Child Maltreatment Act to include a member of the armed forces on full-time duty status.

CHILDREN

ABUSE AND NEGLECT

Child Abuse Hotline - Reports

ACT 727 (HB1560) requires the Child Abuse Hotline to document a report of an allegation of abuse, sexual abuse, or sexual exploitation of an alleged victim who is eighteen (18) years of age or older and refer the report to local law enforcement if the alleged victim is enrolled in high school or in the extended foster care program. Additionally, the act prohibits the Child Abuse Hotline from accepting an anonymous report.

Electronic Signatures for Maltreatment Registry Checks

ACT 710 (SB492) allows a request for a Child Maltreatment Central Registry or Adult and Long-Term Care Facility Resident Maltreatment Central Registry check to be signed by electronic signature of the subject of the request as an alternative to the requirement that the subject of the request provide a notarized signature agreeing to the registry check. The act declares an emergency and is effective on and after April 11, 2023.

Mandated Reporters - Licensed Massage Therapists

ACT 531 (HB1729) includes a licensed massage therapist in the list of persons who are mandated reporters under the Child Maltreatment Act.

Mandated Reporters - Statute of Limitations and Exceptions for Failure to Notify

ACT 727 (HB1560) amends the Child Maltreatment Act to include a person who is eighteen (18) years of age or older and observes abuse, sexual abuse, or sexual exploitation of a child in the list of mandated reporters of child maltreatment. The act provides the statute of limitations for failure to notify by a mandated reporter in the first degree and in the second degree and provides exceptions to the offense of failure to notify by a mandated reporter in both the first degree and second degree.

Neglect - Sexual Abuse - Grooming - Child Maltreatment Investigations

ACT 364 (SB347) amends definitions under the Arkansas Juvenile Code of 1989 and the Child Maltreatment Act, including the definitions for "neglect" and "sexual abuse." The act creates a definition for "grooming" and classifies grooming as an act that qualifies as sexual abuse under the Arkansas Juvenile Code of 1989 and the Child Maltreatment Act. The act requires the Child Abuse Hotline to accept a report from a medical provider concerning a child eleven (11) years of age or younger if there is evidence of the child being pregnant or having a sexually transmitted disease. The act also changes provisions concerning the persons to whom information concerning a child maltreatment investigation may be released.

ADOPTION

Home Study and Health, Genetic, and Social History - Exceptions

ACT 326 (HB1448) provides additional exceptions to the requirements for a home study and for a detailed, written health history and genetic and social history in an adoption case, including without limitation when the petitioner and the child to be adopted are related to each other within the third degree of consanguinity and when the petitioner has had a guardianship of the person over the proposed adoptee for a period of at least one (1) year immediately before the date the petition for adoption was filed.

CHILDREN

ADOPTION

Residency, Putative Father Registry, and Exchange of Identifying Information

ACT 639 (SB408) provides that the requirement that a description and estimate of value of any property of an individual to be adopted must be stated in a petition for adoption applies only to an adoption of a minor. The act provides that the residency requirement for a petition for adoption of a minor does not apply to a minor who is less than six (6) months of age. The act also states that the Putative Father Registry does not need to be checked when an order terminating the rights of the minor's parents has been entered before the filing of the petition for adoption or when the minor was previously adopted in a separate adoption proceeding. Additionally, the act allows the exchange of health, genetic, and social history information that would identify the prospective adoptee's birth parents.

CHILD CARE

Local Regulations - Childcare Facilities

ACT 60 (HB1155) requires a childcare facility to comply with zoning and land use development regulations of the municipality and county where the childcare facility is located in order to be licensed. The act requires a local governing authority to treat a childcare family home as residential property when the local governing authority applies its regulations. The act also restricts a local governing authority from imposing additional requirements on a childcare family home that do not also apply to other residential properties and restricts a local governing authority from imposing stricter requirements on a childcare family home than the restrictions stated in the Arkansas Fire Prevention Code.

CHILD WELFARE

Background Checks - Child Welfare Agency

ACT 186 (SB212) removes the requirement that a request for a criminal background check be notarized for the licensing of a child welfare agency. The act also provides for the submission of an electronic signature on a form for a criminal background check and requires a criminal background check to be fully complete before a person begins employment or volunteers with a child welfare agency. The act declares an emergency and is effective on and after March 2, 2023.

Commission for Parent Counsel

ACT 618 (SB266) provides qualification requirements for certain appointments to the Commission for Parent Counsel and provides preferences regarding the qualifications of other members of the commission.

Psychiatric Residential Treatment Facilities

ACT 464 (SB309) requires that the license of a psychiatric residential treatment facility be terminated if the facility has not been in operation for a consecutive twelve-month period.

Standards for Psychiatric Residential Treatment Facilities for Children

ACT 806 (HB1446) sets standards for the admission of children into a psychiatric residential treatment facility and requires the Department of Human Services to promulgate rules regarding minimum standards and metrics governing quality of care provided by a licensed psychiatric residential treatment facility or a psychiatric hospital that admits children for behavioral health treatment.

Use of Term "Child Sexual Abuse Material"

ACT 21 (HB1028) replaces the term "child pornography" with the term "child sexual abuse material" in the Arkansas Code.

CHILDREN**CHILD WELFARE*****Voluntary Delivery of a Child - Safe Haven Act***

ACT 68 (HB1098) amends the Safe Haven Act to allow a parent to anonymously surrender a child who is thirty (30) days old or younger without a court order if the parent of the child, without expressing an intent to return for the child, leaves the child in a newborn safety device. The act also amends the definitions under the Safe Haven Act to clarify that "fire department" includes an organization that, although not staffed twenty-four (24) hours per day by a medical services provider, has a dual alarm system that will dispatch the nearest applicable first responder to retrieve a child left in a newborn safety device. The act also provides that a parent may surrender a newborn child under the Safe Haven Act if the parent leaves the newborn child with medical staff after the birth of the newborn child. The act further provides that a volunteer fire department may install a newborn safety device if certain safety requirements are met by the volunteer fire department.

DEPENDENCY-NEGLECT***Family Treatment Specialty Courts***

ACT 61 (HB1144) creates a family treatment specialty court within the Arkansas court system. The act specifies that the family treatment specialty court is an available disposition within a dependency-neglect proceeding that provides additional supervision for and treatment of families who are affected by substance use disorders or mental health disorders. The act provides eligibility requirements for participation in a family treatment specialty court program and creates a fund to support, benefit, and administer the family treatment specialty court program.

Safe Haven Act

ACT 348 (SB195) provides that if a parent's or child's identity is accidentally released to the Department of Human Services when a child thirty (30) days of age or younger is surrendered under the Safe Haven Act, the parents will retain the same protections from criminal and civil liability as they would if their identities had remained anonymous. The act regulates when and how parental rights are terminated after a surrender of a child under the Safe Haven Act in order for the department to proceed with the filing of a petition for adoption of the child.

FOSTER CARE***Foster Care Leave***

ACT 756 (HB1775) creates foster care leave with pay for state employees and provides forty (40) hours of foster care leave within a calendar year for a state employee.

Foster Care Placement and Family Time - Juvenile's Preferences

ACT 168 (HB1153) allows a juvenile court to consider a juvenile's preferences as to his or her foster care placement and the exercise of supervised or unsupervised family time during a dependency-neglect proceeding if the juvenile is of a sufficient age and capacity to reason.

Guardianship Subsidies, Extended Foster Care, Family Time, and Board Payments

ACT 363 (SB346) provides additional considerations for subsidies for guardianships and adoptions of children in foster care. The act allows a juvenile who is at least eighteen (18) years of age to reenter extended foster care if the juvenile submits a verbal or written request to the Department of Human Services and allows the department to provide unsupervised family time between a juvenile and a parent at any time unless the court has restricted unsupervised family time. The act also provides that a home study is not required to transfer custody of a juvenile to the juvenile's parent. Additionally, the act provides board payments to a relative or fictive kin whose home is opened as a provisional foster home for a period of no more than six (6) months, unless the home is fully opened as a foster home. The act also changes the definition of "relative" under the Arkansas Juvenile Code of 1989 to include a person within the fifth degree of kinship by virtue of marriage.

CHILDREN

FOSTER CARE

Waiver of Fees

ACT 506 (HB1462) waives the cost for the issuance of a certified copy of a person's birth certificate, a driver's license or identification card, or a copy of the person's transcript from a public college or university for a youth in foster care or a certified unaccompanied homeless youth. The act also waives the fee required to participate in a driver education course for a youth in foster care or a certified unaccompanied homeless youth.

HEALTH AND SAFETY

Child Labor - Civil and Criminal Penalties

ACT 687 (SB390) increases the fine amounts of civil penalties and the length of time for assessing civil penalties related to child labor violations and establishes criminal penalties for an employer that knowingly violates child labor laws and willfully engages in certain actions related to child labor violations. The act also clarifies the benefits under the workers' compensation law related to child labor violations that result in an injury to or the death of a minor.

Child Labor - Repeals Employment Certificate

ACT 195 (HB1410) revises the child labor laws, creates the Youth Hiring Act of 2023, and repeals the requirement that an employment certificate be issued by the Director of the Division of Labor for children under sixteen (16) years of age to be employed.

Protection of Minors from Distribution of Harmful Material

ACT 612 (SB66) establishes liability for the publication or distribution of material harmful to minors or pornography on the internet except for news or public interest broadcasts, website videos, reports, or events. The act requires a commercial entity to use a reasonable age verification method before allowing access to a website that contains a substantial portion of material that is harmful to minors and clarifies what constitutes a reasonable age verification method. The act prohibits a commercial entity or third-party vendor that performs a reasonable age verification from retaining any identifying information of the individual after access to the material has been granted.

Social Media Platform - Parental Consent

ACT 689 (SB396) prohibits a social media company from permitting a minor in this state to create a new account on the social media company's social media platform unless the minor has the express consent of a parent or legal guardian. The act requires reasonable age verification through a third-party vendor, establishes liability for failure to perform age verification for use of social media and illegal retention of data, and provides for penalties for violations, court costs, reasonable attorney's fees, and damages resulting from a minor assessing a social media platform without parental consent. The act is effective on and after September 1, 2023.

JUVENILE LAW

Extended Juvenile Jurisdiction Designation

ACT 692 (SB406) allows the state to request an extended juvenile jurisdiction designation in a delinquency petition or in a separate motion in a delinquency case if the juvenile is fourteen (14) or fifteen (15) years of age at the time of the alleged offense and is charged with certain crimes listed in the act or if the juvenile is at least sixteen (16) years of age when he or she engages in conduct that, if committed by an adult, would be a felony.

Records of Delinquency Adjudications

ACT 271 (HB1472) requires records of a delinquency adjudication under the Arkansas Juvenile Code of 1989 for a felony involving violence to be kept for ten (10) years after the last adjudication of delinquency, the date of entry of a guilty or nolo contendere plea, or a finding of guilty as an adult prior to expungement.

CITIES AND COUNTIES

ANNEXATION

Regional Airport Authority

ACT 769 (SB414) prohibits the annexation of property owned by a regional airport authority that is not within the corporate limits of a municipality without a two-thirds (2/3) vote of approval by the members of the authority's board of directors. The act also allows a regional airport authority to petition a municipality for voluntary annexation.

BOARDS AND COMMISSIONS

Regional Airport Authority - Petition for Detachment

ACT 769 (SB414) creates a procedure by which a regional airport authority may petition for detachment of the property owned by the authority from one (1) or more municipalities in which the authority's property is located upon the passage of a resolution approved by a vote of at least two-thirds (2/3) of the members of the board and provides the procedure to be followed when there is outstanding debt that is secured by or payable from taxes derived from the operations of the authority.

Regional Airport Authority Board of Directors - Conflict of Interest

ACT 769 (SB414) provides that a member of a regional airport board of directors shall not participate in, vote on, influence, or attempt to influence an official decision of the board of directors if he or she has a pecuniary interest in or may exclusively benefit from the matter being considered by the board of directors subject to certain exceptions.

BUILDING AND ZONING REGULATIONS

Property Within Multiple Municipalities - Option to Choose Development Regulations

ACT 884 (SB547) provides that, subject to certain notice requirements, a property owner who has contiguous and substantial property within more than one (1) municipality and who plans to obtain a permit for the development of a permitted use for the contiguous property may choose to have the development regulations for one (1) municipality where a substantial portion of the property lies apply for the entire project.

CIVIL SERVICE

Municipal Fire and Police - Maximum Age - Appointments and Promotions

ACT 440 (HB1358) increases the maximum age limit for appointment to a position with a municipal fire department; provides for the filling of entry-level positions for firefighters; sets a timeline for filling vacancies for entry-level firefighters; and amends the law concerning the rules and regulations required to be established in relation to appointments and promotions in municipal fire departments, the probation period for potential municipal fire department appointees, when temporary promotions and appointments for vacancies in municipal fire and police departments are allowed, and the timeline for making promotions when there is a current eligibles list.

COUNTY GOVERNMENT

Professional Development Recognition Payments

ACT 357 (SB305) authorizes professional development recognition payments to be made by a county or a state agency to a county assessor, full-time employee of a county assessor's office, or a state employee who actively works with property taxes. The act declares an emergency and is effective on and after March 21, 2023.

Salaries and Per Diems - Elected County Officers and Justices of the Peace - COLA

ACT 366 (SB290) authorizes a one-time cost-of-living adjustment of ten percent (10%) to the minimum and maximum salaries and per diems of elected county officers and the maximum per diem compensation of justices of the peace.

CITIES AND COUNTIES

COURTS

Fee for Safekeeping of Wills

ACT 272 (HB1493) increases the fee charged by a clerk of the court to file a will for safekeeping to five dollars (\$5.00).

Marriage License Fees

ACT 273 (HB1494) sets out the fees to be charged and collected by a county clerk when an application for a marriage license is made.

Speed Trap Law - Failure to Appear - Failure to Pay

ACT 520 (HB1621) amends the definition of "revenue" under the Arkansas Speed Trap Law to exclude moneys resulting from ancillary actions related to the enforcement of a traffic offense, including failure to appear and failure to pay.

ECONOMIC DEVELOPMENT

Payments in Lieu of Ad Valorem Taxes - Payment and Collection

ACT 524 (HB1641) provides for the billing and collection of payments in lieu of ad valorem taxes related to certain leased or purchased property.

Rural Economic Development Initiative

ACT 746 (HB1710) establishes the Rural Economic Development Initiative to provide funds to planning and development districts for distribution to projects in rural areas to further rural economic development and revitalization. The act authorizes planning and development districts to apply to the Arkansas Economic Development Commission for funds to be distributed to projects within the planning and development district.

ELECTED OFFICERS

Assessor - Reappraisal Schedule

ACT 139 (SB198) requires each county to reappraise all real property in the county every four (4) years and authorizes the Director of the Assessment Coordination Division to grant an exception to this requirement in order to reach a substantially equal number of counties undergoing a reappraisal each year.

City Attorney - Appointed

ACT 116 (HB1335) allows the office of the city attorney to be appointed in a city with a population of fewer than fifty thousand (50,000). The act is effective on and after September 1, 2023.

Coroner - Eligibility and Training Requirements

ACT 33 (HB1014) allows death investigation training for county coroners to be provided remotely through an online program and authorizes the training requirements to be met by a training course in medicolegal death investigation that meets the requirements of the American Board of Medicolegal Death Investigators. The act also provides that a person is not eligible to be a deputy coroner if the person has pleaded guilty or nolo contendere to or has been found guilty of a felony.

Coroner - Postmortem Examinations - Submission of Decedent by Coroner

ACT 553 (HB1617) lists instances in which a county coroner should submit a decedent to the State Crime Laboratory for a postmortem examination and requires the county coroner to submit a decedent to the State Crime Laboratory for a postmortem examination when the death is by an apparent drug, alcohol, or poison toxicity unless certain circumstances exist.

CITIES AND COUNTIES**ELECTED OFFICERS*****Coroner - Records***

ACT 340 (HB1557) provides that if a death subject to a coroner's investigation is the subject of an open and ongoing investigation by a law enforcement agency, all reports issued by the coroner and the records, files, and information gathered and created during the coroner's investigation are confidential and deemed exempt from the Freedom of Information Act of 1967 until the conclusion of the open and ongoing investigation by a law enforcement agency. The act provides that, if a coroner submits a decedent or records, files, or information related to a decedent to the State Crime Laboratory for forensic examination, then the records, files, and information received by the coroner from the State Crime Laboratory regarding the decedent are privileged and confidential in the same manner as records, files, and information kept, obtained, or retained by the State Crime Laboratory.

County Clerk - Marriage License Fees

ACT 273 (HB1494) sets out the fees to be charged and collected by a county clerk when an application for a marriage license is made.

County Continuing Education Funds

ACT 449 (HB1541) increases the amount to be paid annually by the quorum court of each county into the County Treasurers' Continuing Education Fund and the County Collectors' Continuing Education Fund to eight hundred dollars (\$800). The act increases the distribution of net revenue from the real property transfer tax to sixty thousand five hundred dollars (\$60,500) each to the County Clerks Continuing Education Fund, the Circuit Clerks Continuing Education Fund, and the County Coroners Continuing Education Fund.

County Sheriff and Tax Collector - Separate in Hempstead County

ACT 12 (HB1090) separates the offices of sheriff and tax collector in Hempstead County, effective January 1, 2026, and requires the separate positions to be voted on at the 2026 general election.

Sheriff, Tax Collector, and Treasurer - Ouachita County

ACT 447 (HB1517) separates the offices of sheriff and tax collector and consolidates the offices of tax collector and treasurer in Ouachita County, effective January 1, 2026. The act provides that at the 2026 general election, the electors shall elect a sheriff and a tax collector - treasurer.

ELECTIONS***Conservation Districts***

ACT 690 (SB402) establishes the procedure for the election of directors to a conservation district and provides requirements for elected directors seeking reelection. The act also specifies the voting procedures to be used, the requirements for reporting election results, and the process for challenging the election process.

County Use of Paper Ballots

ACT 743 (HB1687) amends election procedures concerning the marking and counting of paper ballots, including requiring the cost of hand-counted paper ballots to rest with the county choosing to use the hand-counted paper ballots, establishing the procedure used to hand count the paper ballots, and providing for the watermark required for paper ballots. The act provides an exception to the requirement that paper ballots be run through an electronic vote tabulation device before a hand count is conducted. The act also establishes the manner in which paper ballot votes shall be tabulated, reported, and stored. The act declares an emergency and is effective on and after April 12, 2023.

Early Voting - County Holidays

ACT 92 (HB1198) removes the restriction on early voting on county holidays.

CITIES AND COUNTIES

ELECTIONS

Party Primaries - Filing Deadlines - Nomination Petitions

ACT 328 (HB1469) standardizes processes and procedures for cities, towns, and municipalities concerning the conduct of party primaries for municipal offices, filing deadlines, nomination petitions, and other pre-election and election proceedings.

Tabulation of Unopposed Office - City Clerk

ACT 647 (SB447) removes the city clerk from the list of races that shall be tabulated if the position is an unopposed position.

ENTERTAINMENT DISTRICTS

Microbrewery-Restaurant Private Club

ACT 334 (HB1498) amends the law to include a microbrewery-restaurant private club as an entity in an entertainment district.

Removal of Advertising and Promotion Tax Requirement

ACT 34 (HB1024) eliminates the requirement that a city, a municipality, or an incorporated town levy an advertising and promotion tax to be able to establish an entertainment district.

FINANCE

Audits - Failure of Municipality to File Required Report

ACT 453 (HB1571) provides that if certain required reports are not filed with the Legislative Auditor on behalf of a municipality within eighteen (18) months after the end of the fiscal year that the required report covers, the Legislative Joint Auditing Committee may give notice of that fact to the Treasurer of State, who shall then withhold the municipality's turnback funds in escrow until notified by the Legislative Joint Auditing Committee that all required reports covering periods through the most recent fiscal year have been filed, at which time the escrowed turnback funds shall be released to the municipality. The act provides that, if turnback funds are held longer than twelve (12) months, the turnback funds shall be redistributed to all other municipalities receiving turnback funds, and the municipality shall not accrue additional turnback funds until all required reports covering periods through the most recent fiscal year have been filed. The act is effective on and after June 30, 2024.

Bonds - Use of Revenues from Amendment 101

ACT 130 (HB1308) authorizes the use of revenues received from Arkansas Constitution, Amendment 101, for bonds for surface transportation projects and provides that the revenues received from Arkansas Constitution, Amendment 101, are not subject to sales and use tax refunds or deductions, transfers, or distributions to the Constitutional Officers Fund or the State Central Services Fund. The act declares an emergency and is effective on and after February 24, 2023.

Capital Improvements - Cemetery Facilities

ACT 718 (SB533) amends the definition of "capital improvements of a public nature" under the Local Government Bond Act of 1985 to include cemetery facilities and apparatus.

Definition of "General Revenue" as Applied to Repayments to Street Fund

ACT 127 (HB1031) defines the term "general revenue" for purposes of the law concerning the repayments required to be made to the street fund by a city or incorporated town that has spent funds credited to the street fund in a manner that is inconsistent with statutory purposes. The act also repeals language concerning a one-time transfer of funds under the Highway Improvement Revenue Act of 2007.

FUN Parks Grants Program

ACT 668 (SB560) amends the FUN Parks Grants Program to remove the limitation on the number of new FUN parks that may be constructed and increases the maximum population for a community to be eligible for an outdoor recreation facility under the program.

CITIES AND COUNTIES

FINANCE

Purchases and Contracts - Method of Evaluation

ACT 208 (HB1318) authorizes a city to base its award of a contract to purchase supplies, apparatus, equipment, materials, and other items on the lowest immediate cost, the lowest demonstrated life cycle cost, the lowest demonstrated term costs, or a combination of one (1) or more of these costs if the city provides notice of the method of evaluation based on these costs in the bid notice.

Redevelopment Districts - Bonds

ACT 838 (HB1759) repeals the law prohibiting a redevelopment district from being in existence for a period longer than forty (40) years and requires that bonds or notes issued with respect to a redevelopment district mature over a period not to exceed thirty (30) years.

Revenue Bonds - Water and Sewer Systems in Receivership

ACT 555 (HB1636) authorizes revenue bonds to be issued on behalf of a municipality, public facilities board, or public water authority that owns a water system, sewer system, or combined water and sewer system for which a receiver has been appointed.

GENERALLY

Adult-Oriented Performances

ACT 131 (SB43) prohibits an adult-oriented performance from being performed on public property, admitting a minor for attendance, or being funded in whole or part with public funds.

Leave for Military Service

ACT 529 (HB1703) requires a county or municipality to provide leave for military service to a full-time deputy sheriff, police officer, or firefighter under certain circumstances.

POLICE AND FIRE

Duties Prescribed by Municipality

ACT 103 (HB1175) authorizes the governing body of a city or town to prescribe the duties, define the powers, and promulgate the policies applicable to municipal police departments and fire departments.

Municipal Bomb Squad Members - Carrying a Handgun

ACT 166 (HB1018) allows members of a municipal fire department bomb squad to carry a handgun in certain locations and to carry a concealed handgun without a license if they meet certain requirements.

PROCEDURES

Arkansas Self-Insured Cyber Response Program

ACT 846 (HB1780) establishes the Arkansas Self-Funded Cyber Response Program, the Arkansas Cyber Response Board, and the Arkansas Self-Funded Cyber Response Program to provide coverage for cybersecurity incidents and risks, damages, or losses caused by a cyberattack committed against a county, municipality, or school district. The act establishes the duties of the board, including establishing minimum cybersecurity standards and criteria for participating governmental entities and creating a cyber response panel, and establishes the duties of the Insurance Commissioner. The act authorizes the board to establish security requirements for a participating governmental entity that has been subject to a cyberattack and determinations of coverage and remediation and provides a procedure for future enrollment by the State of Arkansas and higher education entities to participate in the program.

CITIES AND COUNTIES**PROCEDURES*****Arkansas Underground Facilities Damage Prevention Act - Violations***

ACT 309 (SB297) clarifies that a person who violates the Arkansas Underground Facilities Damage Prevention Act is required to undergo training in underground facilities damage prevention and is subject to civil penalties. The act modifies the threshold amount of property damage to the federal standards for each violation for each day that the violation exists. The act authorizes the Attorney General, the county prosecutor, and the city attorney to settle with violators and requires the Attorney General to produce a quarterly report to the Legislative Council, the One Call Center, and the Office of Pipeline Safety of the Arkansas Public Service Commission concerning complaints and fines under the Arkansas Underground Facilities Damage Prevention Act. The act exempts from the notice requirements to the One Call Center the use of specialized equipment that is specifically designed to excavate without damaging underground facilities and clarifies the identification of the location of underground facilities. The act declares an emergency and is effective on and after March 16, 2023.

Battery-Charged Fences

ACT 267 (HB1406) clarifies the ability of a county or municipality to adopt or enforce an ordinance, order, or rule to regulate battery-charged fences. The act does not apply to a fence used for agricultural or aquacultural purposes.

County Treasurer - Financial Records

ACT 472 (SB374) requires a county treasurer to maintain all bank records, financial records, and bank deposits and to provide financial information to the county judge and the quorum court in certain circumstances.

Digital Asset Mining Business

ACT 851 (HB1799) clarifies the regulations and guidelines applicable to digital asset mining businesses operating in this state and prohibits local governments from engaging in certain regulatory activities in relation to digital asset mining businesses.

Municipal Airports - Peer-to-Peer Car Sharing

ACT 686 (SB388) requires insurance coverage for peer-to-peer car-sharing programs; allows an individual other than the owner of the motor vehicle to use the motor vehicle through a peer-to-peer car-sharing program; and establishes the requirements for notice of liens, record keeping, exemptions and vicarious liability, contributions against indemnification, consumer protection disclosures, driver's license verification and data retention, responsibility for equipment, and safety recalls.

Municipal Regulation - Use of Refrigerant

ACT 443 (HB1440) prohibits a municipality or the HVACR Licensing Board from limiting the use of refrigerants designated as acceptable for use under federal law if the refrigerant is installed in accordance with safety standards and use conditions.

Pet Sales - Prohibition

ACT 730 (HB1591) clarifies the applicability of the Arkansas Retail Pet Store Consumer Protection Act of 1991 to local governments and prohibits a local government from passing an ordinance, resolution, or regulation that prohibits a retail pet store from acquiring an animal from a cattery, kennel, or dealer or selling an animal that is acquired from a cattery, kennel, or dealer to a person.

Pro-Life Designation

ACT 699 (SB446) allows a county, municipality, or other political subdivision to state by resolution that it is a "Pro-Life City," a "Pro-Life County," or a "Pro-Life Political Subdivision" and to promote the designation through certain activities.

CITIES AND COUNTIES

PROCEDURES

Regulation - Underground Gas Storage Facility

ACT 551 (HB1572) prohibits a municipality, county, special district, or political subdivision from adopting or applying certain regulations, ordinances, policies, or resolutions related to underground gas storage facilities, fuel retailers, and related transportation infrastructure.

Universal Basic Income Program - Prohibited

ACT 822 (HB1681) prohibits a state agency or local government from administering, enacting, or enforcing a universal basic income program that provides individuals with a regular guaranteed cash payment.

PROPERTY

Fast-Track Permits

ACT 497 (HB1207) provides a pathway to obtain a local government official's approval of a permit related to the development of a residential, multifamily, commercial, or industrial improvement within sixty (60) days from the date the local government official receives the request for permit.

Leased Motor Vehicles - Special License Plate for Public Use

ACT 210 (HB1351) authorizes a county, city, or incorporated town that leases a motor vehicle for a period of twelve (12) months or more as property of the county, city, or incorporated town to display a special license plate issued for public use vehicles of local government.

Presenting Deeds and Plats for Recording

ACT 277 (SB287) provides certain prohibitions on and requirements for presenting a map, plat, survey, deed, other instrument of transfer, or other document for recording with the county recorder.

Property Within Multiple Municipalities - Option to Choose Development Regulations

ACT 884 (SB547) provides that, subject to certain notice requirements, a property owner who has contiguous and substantial property within more than one (1) municipality and who plans to obtain a permit for the development of a permitted use for the contiguous property may choose to have the development regulations for one (1) municipality where a substantial portion of the property lies apply for the entire project.

Vacating Street or Alley - Abutting Property Owned by Museum

ACT 843 (HB1777) allows a city or town council, under certain circumstances, to vacate a street or alley or a section of the street or alley when a museum owns all property abutting the street or alley to be vacated.

PUBLIC HEALTH AND WELFARE

Rural Community Projects - FUN Parks Grants Program

ACT 668 (SB560) amends the FUN Parks Grants Program to remove the limitation on the number of new FUN parks that may be constructed and increases the maximum population for a community to be eligible for an outdoor recreation facility under the program.

Sky Lantern Use Permits

ACT 112 (HB1258) amends the prohibition on the sale or use of sky lanterns and authorizes cities of the first class and cities of the second class to issue permits for use of sky lanterns and to revoke the permit in certain circumstances.

CITIES AND COUNTIES

PURCHASING

Professional Services Definitions

ACT 818 (HB1652) amends the definition of "construction management" for purposes of the procurement of professional services to include agency construction management and at-risk construction management involving a political subdivision and amends the definition of "political subdivision" for purposes of the procurement of professional services to include all bodies politic.

RETIREMENT

Cities of the First Class - Retirement Systems or Plans

ACT 437 (HB1303) authorizes a city of the first class that has a retirement benefit system or plan for members of the governing body of the city of the first class to amend, repeal, or reinstate the system or plan by ordinance.

Health Benefits - Police Officers

ACT 535 (HB1257) expands health benefit coverage for an eligible police officer retiree of a municipality or county who is eligible to retire with full retirement benefits but is not eligible for Medicare enrollment until the eligible police officer retiree is a Medicare-eligible person. The act is retroactive and applies to an eligible police officer retiree who retired between January 1, 2017, and August 1, 2023, to provide a guaranteed issue period of ninety (90) days.

Mayors of Cities of the First Class

ACT 496 (HB1203) allows a mayor of a city of the first class to count previous or subsequent years of service in employment with the same city that he or she is a mayor of toward the mayor's retirement. The act prohibits a mayor who receives a retirement benefit from a city in this manner from collecting any other retirement benefit based upon service for the same period from any other state authorized plan.

STREETS AND ROADS

Automated Enforcement Devices - Highway Work Zones

ACT 707 (SB481) authorizes a county government, a city government, or a department of state government to use an automated enforcement device to detect and enforce a violation of traffic laws or ordinances in a highway work zone. The act requires that a citation be issued to the violator by a certified law enforcement officer at the time of the violation. The act prohibits the retention of any automated enforcement device data that is not related to an active criminal or civil investigation.

TAXES

Election Required to Levy or Increase Advertising and Promotion Tax

ACT 190 (HB1027) requires that the question of levying or increasing an advertising and promotion tax be submitted to the voters at a special election. The act declares an emergency and is effective on and after March 6, 2023.

Prohibition on Levying Local Income Tax

ACT 96 (HB1026) prohibits local governments from levying an income tax.

TECHNICAL CORRECTIONS - LOCAL GOVERNMENT

Title 14

ACT 203 (HB1285) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 14 of the Arkansas Code.

CITIES AND COUNTIES

WATER AND WASTEWATER

Retail Water Providers

ACT 545 (HB1515) authorizes a retail water provider to implement a recommended rate increase over an extended period of time if recommended by a rate study, provides that a provider may spend any amount of the provider's cash savings at any time for refurbishment and replacement of the provider's water facilities and other real property, requires the provider to deposit a different amount of the provider's gross revenue into a dedicated refurbishment and replacement account if recommended by a rate study, amends the training requirement for a member of the provider board, and exempts certain providers subject to a federal court decree or judgment from certain requirements during the time that the provider is subject to the federal court decree or judgment.

ZONING

Childcare Facilities

ACT 60 (HB1155) requires a childcare facility to comply with zoning and land use development regulations of the municipality and county where the childcare facility is located in order to be licensed. The act requires a local governing authority to treat a childcare family home as residential property when the local governing authority applies its regulations. The act also restricts a local governing authority from imposing additional requirements on a childcare family home that do not also apply to other residential properties and restricts a local governing authority from imposing stricter requirements on a childcare family home than the restrictions stated in the Arkansas Fire Prevention Code.

CIVIL LAW AND PROCEDURE

ACTIONS AGAINST THE STATE

Religious Freedom Restoration Act - Cause of Action

ACT 733 (HB1615) amends the Arkansas Religious Freedom Restoration Act by providing that the act shall be construed in favor of a broad protection of free exercise of religious beliefs. The act also prohibits government discrimination against religious organizations based on the religious organizations' religious identity or conduct, creates a private right of action against the state government, and provides a defense in a judicial or administrative proceeding.

Settlement Funds

ACT 526 (HB1674) relocates the accounting and use of settlement funds in which the state is a party from the Consumer Protection Division of the Attorney General's office to the office of Attorney General.

ATTORNEY'S FEES

Guardianship Proceedings

ACT 326 (HB1448) allows the award of attorney's fees and costs in a guardianship proceeding in certain instances and upon reasonable notice and an opportunity to be heard by the parties, including in matters in which a party has acted in bad faith or with actual malice or when the court has found a party in contempt of court, if the bad faith, actual malice, or contemptuous behavior caused another party to incur attorney's fees.

CAUSES OF ACTION

Damage to or Destruction of Bridge by Overweight Vehicle

ACT 887 (SB567) creates civil liability for a person who damages or destroys a bridge, other than a wooden bridge that is less than twenty feet (20'), by operating an overweight vehicle over the bridge and provides for the damages that are recoverable under the civil action.

CIVIL LAW AND PROCEDURE**CAUSES OF ACTION*****Liability for Human Trafficking***

ACT 354 (SB282) permits a civil action to be brought by a victim of human trafficking against any person or entity that knew or should have known that the victim was a human trafficking victim and against any person or entity that benefitted financially from the human trafficking.

Protection from Civil Liability - Firearms

ACT 749 (HB1737) creates the Property Owner's Right to Allow Firearms Act and provides that, if a property owner allows for all nonemployees on the property to carry a loaded firearm, the property owner is not subject to civil liability for any damage, injury, or death resulting from a nonemployee using a loaded firearm on or near the property. The act provides that the fact that a property owner allows for all nonemployees on the property to carry a loaded firearm shall not be used to infer or impute liability in any cause of action against the property owner. The act provides that protection from civil liability does not apply to intentional or reckless conduct by the property owner and provides certain exceptions that allow a property owner to prohibit an individual from carrying a loaded firearm on the property and remain protected from civil liability.

EVIDENCE AND WITNESSES***Medical Records - Fees***

ACT 765 (SB359) amends the law concerning access to medical records for a legal proceeding to include access for the adjustment of an insurance claim or the processing and underwriting of a life insurance policy application. The act sets limits on the amounts that a medical provider may charge for medical records that are requested for a legal proceeding or insurance claim and regulates the format in which certain medical records must be provided.

JUDGMENTS***Thresholds for Settlement Agreements Involving Minors - Procedures***

ACT 468 (SB342) establishes standards and procedures for settling claims involving minors through settlement agreements. The act clarifies the circumstances in which a minor's guardian may enter into a settlement agreement with a person or party against whom the minor has a claim. The act provides requirements for the retention of records by the attorney representing the guardian or minor, if any, and provides a process for disbursements under settlement agreements. The act states that a guardian acting in good faith on behalf of a minor is not liable to the minor for moneys paid in the settlement or any other claim in relation to the settlement.

LIMITATIONS***Gender Transition Procedure Performed on a Minor - Medical Malpractice***

ACT 274 (SB199) establishes a statute of limitation of fifteen (15) years after the date on which a minor turns eighteen (18) years of age in cases in which a gender transition procedure is performed on a minor and the minor is injured by the procedure, related treatment, or the after-effects of the procedure or treatment. The act provides that consent to a gender transition procedure is voluntary and informed only if it meets certain criteria.

Proving or Disproving Paternity

ACT 763 (SB312) provides that a court proceeding to determine the parentage of a child may be commenced at any time, but if the child is eighteen (18) years of age or older, only the child may initiate a paternity proceeding. The act also provides that a proceeding to disprove the father-child relationship between a child and the child's presumed father may be brought at any time under certain circumstances.

CIVIL LAW AND PROCEDURE

LIMITATIONS

Retroactive Child Support

ACT 623 (SB311) limits the period of time for which retroactive child support may be awarded and provides for the effective date of a child support order if the parent ordered to pay child support was not served with the petition, complaint, or other initial pleading under Rule 4 of the Arkansas Rules of Civil Procedure and the parent was not intentionally evading service. The act additionally provides that, if the petitioner is the person for whom support was owed during his or her minority, the petitioner may be awarded support for the last three (3) years before the petitioner reached the age of majority.

Vulnerable Victims - Age Limitation

ACT 616 (SB204) removes the requirement that a vulnerable victim bring a civil action before he or she reaches fifty-five (55) years of age against a party who committed sexual abuse against the vulnerable victim or whose tortious conduct caused the vulnerable victim to be a victim of sexual abuse. The act also amends the commencement date for civil actions brought under the act.

PROCEEDINGS

Antisemitism Defined for Discrimination Actions

ACT 126 (SB118) defines the term “antisemitism” for purposes of reviewing, investigating, or determining whether there has been a violation of law or policy prohibiting discriminatory acts or practices based on race, religion, ethnicity, or national origin. The act also requires that, when educating state personnel on issues related to discrimination, diversity, equity, inclusion, and antibias training, the definition of “antisemitism” be used and incorporated as an educational tool.

Civil Rights - Natural, Protective, or Cultural Hairstyle

ACT 514 (HB1576) establishes the Creating a Respectful and Open World for Natural Hair (CROWN) Act that prohibits discrimination based upon natural, protective, or cultural hairstyles in public schools and in state-supported two-year and four-year institutions of higher education and adds definitions to the Arkansas Civil Rights Act of 1993 related to natural, protective, or cultural hairstyles.

COMMERCIAL LAW

BUSINESS ORGANIZATIONS

Annual Report or Disclosure Statement - Name Availability

ACT 715 (SB513) clarifies that a limited liability partnership, foreign limited liability partnership, nonprofit domestic corporation, nonprofit foreign corporation, or nonprofit corporation that does not file an annual report or annual disclosure statement on or before January 31 of each year shall be proclaimed by the Secretary of State as not current and delinquent and provides the requirements for an entity to be reinstated. The act allows the name of an entity to be available after five (5) years of the entity not filing an annual disclosure statement.

Charging Order

ACT 795 (HB1020) amends the Uniform Limited Liability Company Act to clarify the rights of members under a charging order.

Charitable Organizations - Annual Financial Report

ACT 338 (HB1532) modifies the requirements concerning annual financial reports of charitable organizations to be based on contributions rather than gross revenues and clarifies that certain charitable organizations are required to file an audited financial statement prepared by an independent certified public accountant.

COMMERCIAL LAW

BUSINESS ORGANIZATIONS

Charitable Organizations - Contributions

ACT 708 (SB484) excludes from a charitable organization's contribution calculation any bequests and testamentary distributions from trusts for purposes of the contribution threshold for charitable organizations to submit an audited financial statement.

Name Availability - Standards

ACT 256 (SB205) allows small business owners to form a legal entity in this state, clarifies the procedures and standards used for name availability for certain corporations and limited liability companies, establishes that the only standard to be used for name availability for a corporation or legal entity is that the name is distinguishable, and removes the standard of whether or not the name is confusingly similar.

Nonprofit Agricultural Membership Organization - Health Benefits

ACT 626 (SB324) exempts a nonprofit agricultural membership organization from the Arkansas Insurance Code, the rules promulgated by the Insurance Commissioner, and the laws concerning hospital and medical service corporations if the nonprofit agricultural membership organization meets certain requirements.

Real Estate License Law - Professional Limited Liability Company

ACT 93 (HB1265) allows a broker or salesman to do business as a professional limited liability company.

Unincorporated Nonprofit Association - Governing Principles

ACT 599 (HB1816) clarifies that members of an unincorporated nonprofit association retain the right to adopt, amend, restate, or repeal the governing principles by majority approval of its members under the Revised Uniform Unincorporated Nonprofit Association Act.

BUSINESS TRANSACTIONS

Event Tickets - Resale

ACT 590 (HB1650) repeals the criminal law prohibiting the resale of tickets in excess of their regular price to certain events, allows for the resale of tickets, prohibits a local government from regulating or prohibiting the sale or resale of a ticket for admission to a legal event at any price or prohibiting the charge of any fee in connection with the sale or resale, regulates the sale by an institution of higher education or its designee of a ticket to a collegiate sporting event held in this state, and regulates the refund process for event tickets. The act establishes criminal penalties for counterfeit event tickets and penalties for violations of the Event Ticketing and Resale Consumer Protection Act. The act declares an emergency and is effective on and after April 11, 2023.

Franchise Agreements

ACT 847 (HB1783) clarifies the relationship between a franchisee and a franchisor in this state and allows for the transfer of a franchise from a franchisee or franchise owner to the spouse, child, or heir of the franchisee or franchise owner in certain circumstances. Sections 1 and 3 of this act concerning legislative findings and the applicability of the Arkansas Franchise Practices Act are retroactive to the passage of Acts 1991, No. 411.

Secretary of State - Processing Fees

ACT 459 (SB207) modifies the Arkansas Corporate Franchise Tax Practices Act of 1979 to allow for the collection of processing fees for documents delivered by electronic means, creates the Secretary of State Business and Commercial Services Electronic Filing System Fund to pay for the maintenance and support of the business and commercial services electronic filing system of the Secretary of State, and substitutes "revocation" for "forfeiture." The act clarifies the restrictions on a corporation or limited liability company due to nonpayment of franchise taxes and clarifies the process for determining who is substantially connected to a corporation or limited liability company.

COMMERCIAL LAW**CONTRACTS*****Publicity Rights - Student-Athletes***

ACT 589 (HB1649) amends the Arkansas Student-Athlete Publicity Rights Act to apply to a student-athlete who has been accepted for admission or signed a National Letter of Intent or other written agreement to enroll in an institution of higher education within the state or who is enrolled in an institution of higher education. The act allows a charitable organization that is exempt under federal law to compensate student-athletes for the commercial use of the student-athlete's publicity rights; clarifies that a student-athlete may rescind a publicity rights contract if the student-athlete is no longer eligible to participate in any intercollegiate athletics program at an institution of higher education; clarifies that an institution of higher education, its supporting foundations, or its authorized entities are not required to compensate a student-athlete for any use of the student-athlete's publicity rights; clarifies that compensation or a promise to compensate for use of a student-athlete's publicity rights for purposes of recruiting or inducing the student-athlete to enroll at another institution of higher education is prohibited; creates a cause of action for violations; and clarifies liability for damages related to an intercollegiate student-athlete's ability or inability to earn compensation. The act declares an emergency and is effective on and after April 11, 2023.

DEBTORS AND CREDITORS***Legal Tender***

ACT 595 (HB1718) reaffirms gold and silver coin as legal tender in this state and clarifies that specie or legal tender may be recognized to pay debts.

FINANCIAL INSTITUTIONS***Bank Commissioner - Background Check***

ACT 297 (HB1483) requires the Bank Commissioner to retain a criminal background check for at least three (3) years from the commissioner's receipt of the criminal background check.

Bank Commissioner - Emergency Powers

ACT 298 (HB1484) expands the use of emergency powers of the Bank Commissioner in certain circumstances. The act allows for the temporary closure of a branch office due to an event beyond the bank's control if the bank receives the written permission of the commissioner and services at the site are expected to be restored in a timely manner.

PROFESSIONS AND OCCUPATIONS***Esports Tournaments***

ACT 439 (HB1349) allows paid esports tournaments to be conducted in this state, states that paid esports tournaments do not constitute gambling, clarifies that paid and nonpaid esports tournaments are exempt from criminal laws concerning gambling, and clarifies that income earned by esports tournament competitors or esports tournament organizers is taxable. The act prohibits wagering on the outcome of an esports tournament.

Loan Officer - License

ACT 325 (HB1439) clarifies the process of sponsorship under the Fair Mortgage Lending Act, amends the requirements for a license under the Fair Mortgage Lending Act, and defines "sponsor" to mean a mortgage broker or mortgage banker licensed under the Fair Mortgage Lending Act that has assumed the responsibility for and agrees to supervise the actions of a loan officer or transitional loan officer. The act provides that, if employment of a loan officer or transitional loan officer is surrendered or canceled, the sponsor may take certain actions, including terminating the sponsorship of the loan officer or transitional loan officer, extinguishing the rights of the loan officer or transitional loan officer to engage in any mortgage loan activity, and designating the license as approved-inactive until another sponsor files an application for the loan officer.

COMMERCIAL LAW

SECURITIES

Arkansas Securities Act - Offenses

ACT 324 (HB1436) allows the Securities Commissioner to deny, suspend, make conditional or probationary, or revoke registration under the Arkansas Securities Act if the applicant or registrant pled guilty or nolo contendere in a domestic, foreign, or military court to a misdemeanor involving fraud, false statements or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses.

Uniform Money Services Act

ACT 442 (HB1438) amends the definitions under the Uniform Money Services Act; excludes the exchange, transfer, or storage of virtual currency under the Uniform Money Services Act; and clarifies that an individual in control of a licensee or applicant, key individuals, or any individual who seeks to acquire control of a licensee shall submit fingerprint information unless certain circumstances exist, personal history and experience, and, for certain individuals, an investigative background report prepared by an independent search firm. The act requires a licensee to have a surety bond and establishes net worth requirements for determining the amount of the surety bond that is required. The act provides that the Securities Commissioner may request that documentation be provided to him or her with notice of seven (7) business days. The act also clarifies the procedure for the acquisition of control of a licensee, requires records maintained outside the state to be accessible and available to the commissioner, establishes a procedure for timely transmission of money received by a licensee, regulates the process for refunds of money transmission, and regulates the process for receipts. The act modifies the requirements related to the maintenance of permissible investments, allows the commissioner to establish rules related to the liquidity and quality of permissible investments, clarifies items that qualify as permissible investments, and details the requirements for a letter of credit under the Uniform Money Services Act. The act repeals the license terms for money transmission and currency exchange under the Uniform Money Services Act.

TECHNICAL CORRECTIONS - BUSINESS AND COMMERCIAL LAW

Title 4

ACT 108 (HB1278) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 4 of the Arkansas Code.

CONSTITUTIONAL OFFICERS

ATTORNEY GENERAL

Election Integrity Unit

ACT 544 (HB1513) creates the Election Integrity Unit within the Attorney General's Office and requires the unit to establish and maintain the Arkansas Election Integrity Database. The act requires the unit to track alleged election law violations, respond to complaints, and investigate alleged violations and allows the unit to institute civil proceedings to enforce election laws. The act also requires the State Board of Election Commissioners to prepare certain reports.

Reports of Improper or Illegal Practices

ACT 632 (SB363) provides that if an audit report related to an entity of the state is presented to the Legislative Joint Auditing Committee and reflects evidence of improper practices of financial administration or inadequacy of fiscal records, the Legislative Auditor shall report the findings to the Attorney General. The act also requires the Legislative Auditor to notify and cooperate with the Attorney General on all matters that appear to involve a criminal offense and to cooperate in other investigations by the Attorney General upon request and with the approval of the cochairs of the Legislative Joint Auditing Committee.

CONSTITUTIONAL OFFICERS

ATTORNEY GENERAL

One Call Center

ACT 309 (SB297) clarifies that a person who violates the Arkansas Underground Facilities Damage Prevention Act is required to undergo training in underground facilities damage prevention and is subject to civil penalties. The act modifies the threshold amount of property damage to the federal standards for each violation for each day that the violation exists. The act authorizes the Attorney General, the county prosecutor, and the city attorney to settle with violators and requires the Attorney General to produce a quarterly report to the Legislative Council, the One Call Center, and the Office of Pipeline Safety of the Arkansas Public Service Commission concerning complaints and fines under the Arkansas Underground Facilities Damage Prevention Act. The act exempts from the notice requirements to the One Call Center the use of specialized equipment that is specifically designed to excavate without damaging underground facilities and clarifies the identification of the location of underground facilities. The act declares an emergency and is effective on and after March 16, 2023.

Settlement Funds

ACT 526 (HB1674) relocates the accounting and use of settlement funds in which the state is a party from the Consumer Protection Division of the Attorney General's office to the office of Attorney General.

COMMISSIONER OF STATE LANDS

Errors - Erroneous Sales

ACT 53 (HB1164) establishes the authority of the Commissioner of State Lands to correct errors arising from erroneous sales.

Funds

ACT 172 (HB1191) requires all funds of the Commissioner of State Lands to be deposited into a financial institution in Arkansas or United States Treasury Securities. The act requires tax-delinquent parcels that are incorrectly certified to be returned to the county and repeals the reassessment of parcels of land outside of towns and cities based on the depreciation since forfeiture.

GOVERNOR

Pardon Applications Denied with Prejudice

ACT 742 (HB1678) authorizes the Governor to deny an application for pardon, commutation of sentence, and remission of fines and forfeitures with prejudice.

Submission of Appointments for Senate Confirmation

ACT 794 (SB413) requires the Governor to submit appointments that require approval of the Senate within ten (10) days of the appointment, authorizes the Rules Committee of the Senate to meet during the interim for the purpose of considering confirmation of board and commission appointees, and requires the President Pro Tempore of the Senate to call a Senate business meeting at least every three (3) months in the interim to consider recommendations from the Rules Committee concerning appointments. The act declares an emergency and is effective on and after April 12, 2023.

MEMBER OF THE GENERAL ASSEMBLY

Reimbursement for Attendance at National or Regional Conferences

ACT 767 (SB393) requires the Speaker of the House of Representatives or his or her designee and the President Pro Tempore of the Senate or his or her designee to determine the amount of reimbursement for attendance at national or regional conferences by members of the General Assembly.

CONSTITUTIONAL OFFICERS

SECRETARY OF STATE

Annual Report - Name Availability

ACT 715 (SB513) clarifies that a limited liability partnership, foreign limited liability partnership, nonprofit domestic corporation, nonprofit foreign corporation, or nonprofit corporation that does not file an annual report or annual disclosure statement on or before January 31 of each year shall be proclaimed by the Secretary of State as not current and delinquent and provides the requirements for an entity to be reinstated. The act allows the name of an entity to be available after five (5) years of the entity not filing an annual disclosure statement.

Code of Arkansas Rules

ACT 80 (SB87) amends the law concerning the creation and implementation of the Code of Arkansas Rules, including requiring the Secretary of State to work with the Bureau of Legislative Research to implement and maintain a system that notifies the Bureau of Legislative Research when a final rule is filed with the Secretary of State; allowing the Bureau of Legislative Research, in consultation with the Secretary of State, to develop an electronic filing system to facilitate filing a rule in conjunction with the Code of Arkansas Rules; and establishing a process for a proposed rule and an existing rule being amended or repealed by a proposed rule to remain valid for a period of time after the Code of Arkansas Rules becomes effective to allow for the proposed rule to become a final rule and then be incorporated into the Code of Arkansas Rules.

Name Availability - Standards

ACT 256 (SB205) clarifies the procedures and standards used for name availability for certain corporations and limited liability companies, establishes that the only standard to be used for name availability for a corporation or legal entity is that the name is distinguishable, and removes the standard of whether or not the name is confusingly similar.

New Federal Election Guidance - Notification

ACT 294 (HB1461) creates a legislative review process for new federal election guidance and requires the Secretary of State to collect and be notified of new federal election guidance.

Processing Fees

ACT 459 (SB207) modifies the Arkansas Corporate Franchise Tax Practices Act of 1979 to allow for the collection of processing fees for documents delivered by electronic means, creates the Secretary of State Business and Commercial Services Electronic Filing System Fund to pay for the maintenance and support of the business and commercial services electronic filing system of the Secretary of State, and substitutes "revocation" for "forfeiture." The act clarifies the restrictions on a corporation or limited liability company due to nonpayment of franchise taxes and clarifies the process for determining who is substantially connected to a corporation or limited liability company.

CONSTITUTIONAL OFFICERS**TREASURER OF STATE*****Environmental, Social Justice, or Governance Scores***

ACT 411 (HB1307) regulates the use of environmental, social justice, or governance scores and authorizes the Treasurer of State to divest investments or obligations due to the use of environmental, social justice, or governance-related metrics. The act creates the ESG Oversight Committee to determine whether a financial services provider is discriminating against energy companies or firearms entities or otherwise refusing to deal based on the use of environmental, social justice, or governance-related metrics and to compile a list of those financial services providers. The act requires the Treasurer of State to publish a list on the Treasurer of State's website of financial services providers that are discriminating against energy and firearms entities and allows a process for a financial services provider to be removed from the list. The act clarifies the sources of information that may be used by the committee to compile the list and requires that state investments be made in the sole interest of the beneficiary state taxpayer. The act prohibits a public entity from investing cash funds with a financial services provider if the financial services provider is on the list unless certain circumstances exist.

Withholding of Turnback Funds upon Failure to File Required Report

ACT 453 (HB1571) provides that if certain required reports are not filed with the Legislative Auditor on behalf of a municipality within eighteen (18) months after the end of the fiscal year that the required report covers, the Legislative Joint Auditing Committee may give notice of that fact to the Treasurer of State, who shall then withhold the municipality's turnback funds in escrow until notified by the Legislative Joint Auditing Committee that all required reports covering periods through the most recent fiscal year have been filed, at which time the escrowed turnback funds shall be released to the municipality. The act provides that, if turnback funds are held longer than twelve (12) months, the turnback funds shall be redistributed to all other municipalities receiving turnback funds, and the municipality shall not accrue additional turnback funds until all required reports covering periods through the most recent fiscal year have been filed. The act is effective on and after June 30, 2024.

CONSUMER PROTECTION**DECEPTIVE TRADE PRACTICES*****Net Metering - Bond and Financial Security***

ACT 476 (SB483) requires that a person who sells or leases a net-metering facility or provides a net-metering service to a net-metering customer have a bond, commercial general liability insurance coverage, and an applicable contractor's license. The act declares an emergency and is effective on and after April 4, 2023.

Net Metering - Customer Protections

ACT 278 (SB295) requires certain information to be provided to a net-metering customer and allows the Attorney General to enforce this requirement under the Arkansas Deceptive Trade Practices Act. The act declares an emergency and is effective on and after March 13, 2023.

HEALTH AND SAFETY***Digital Currency Tracker - Prohibited***

ACT 596 (HB1720) prohibits the tracking of an individual's location and purchases through the use of a digital currency tracker except when a warrant has been issued in a criminal or civil court case that expressly authorizes the tracking of the individual's purchases or the individual knows and consents to the digital currency tracker. The act clarifies the relationship between state and federal law regarding governmental access to financial records of a customer of a financial institution.

CONSUMER PROTECTION

HEALTH AND SAFETY

Event Ticketing and Resale

ACT 590 (HB1650) repeals the criminal law prohibiting the resale of tickets in excess of their regular price to certain events, allows for the resale of tickets, prohibits a local government from regulating or prohibiting the sale or resale of a ticket for admission to a legal event at any price or prohibiting the charge of any fee in connection with the sale or resale, regulates the sale by an institution of higher education or its designee of a ticket to a collegiate sporting event held in this state, and regulates the refund process for event tickets. The act establishes criminal penalties for counterfeit event tickets and penalties for violations of the Event Ticketing and Resale Consumer Protection Act. The act declares an emergency and is effective on and after April 11, 2023.

Protection of Minors from Distribution of Harmful Material

ACT 612 (SB66) establishes liability for the publication or distribution of material harmful to minors or pornography on the internet except for news or public interest broadcasts, website videos, reports, or events. The act requires a commercial entity to use a reasonable age verification method before allowing access to a website that contains a substantial portion of material that is harmful to minors and clarifies what constitutes a reasonable age verification method. The act prohibits a commercial entity or third-party vendor that performs a reasonable age verification from retaining any identifying information of the individual after access to the material has been granted.

Social Media Platform - Parental Consent

ACT 689 (SB396) prohibits a social media company from permitting a minor in this state to create a new account on the social media company's social media platform unless the minor has the express consent of a parent or legal guardian. The act requires reasonable age verification through a third-party vendor, establishes liability for failure to perform age verification for use of social media and illegal retention of data, and provides for penalties for violations, court costs, reasonable attorney's fees, and damages resulting from a minor assessing a social media platform without parental consent. The act is effective on and after September 1, 2023.

INSURANCE

Nonprofit Agricultural Membership Organization - Health Benefits

ACT 626 (SB324) exempts a nonprofit agricultural membership organization from the Arkansas Insurance Code, the rules promulgated by the Insurance Commissioner, and the laws concerning hospital and medical service corporations if the nonprofit agricultural membership organization meets certain requirements.

MOTOR VEHICLES

Used Motor Vehicle Buyers Protection - Fines

ACT 821 (HB1671) provides that, in addition to or in lieu of any other penalties prescribed by law for a violation of the used motor vehicle buyers protection laws, the Director of the Division of Arkansas State Police may issue a fine for each violation.

PROFESSIONS AND OCCUPATIONS

Auctioneer's Licensing Board - Online Auctions and Estate Sales

ACT 677 (SB320) authorizes the Auctioneer's Licensing Board to regulate in-state online auctions and estate sales. The act provides an exemption to regulation for used motor vehicle dealers and owners of e-commerce websites or online marketplaces that have protections in place.

CONSUMER PROTECTION

PROFESSIONS AND OCCUPATIONS

Availability of Reports of Adult or Long-Term Care Facility Resident Maltreatment

ACT 187 (SB213) provides that a screened-out report, a pending report, or an investigative report of adult maltreatment or long-term care facility resident maltreatment, if due process has been satisfied and the allegation was determined to be unfounded, may be made available to a current employer of the person named as the alleged offender, if the current employer made the initial report, and to a board or governmental entity responsible for licensing or registering the person named as the alleged offender. The act also authorizes the Department of Human Services to use a screened-out report of adult maltreatment or long-term care facility resident maltreatment only for administrative purposes.

Criminal Background Checks - Child Welfare Agency

ACT 186 (SB212) removes the requirement that a request for a criminal background check be notarized for the licensing of a child welfare agency. The act also provides for the submission of an electronic signature on a form for a criminal background check and requires a criminal background check to be fully complete before a person begins employment or volunteers with a child welfare agency. The act declares an emergency and is effective on and after March 2, 2023.

UNFAIR PRACTICES

Name, Image, and Likeness - Prohibition for State-Funded Medical Schools

ACT 880 (SB456) prohibits state-funded medical schools in this state from spending state general revenue funds from tax dollars on the name, image, and likeness of a student-athlete under the Arkansas Student-Athlete Publicity Rights Act.

Publicity Rights - Student-Athletes

ACT 589 (HB1649) amends the Arkansas Student-Athlete Publicity Rights Act to apply to a student-athlete who has been accepted for admission or signed a National Letter of Intent or other written agreement to enroll in an institution of higher education within the state or who is enrolled in an institution of higher education. The act allows a charitable organization that is exempt under federal law to compensate student-athletes for the commercial use of the student-athlete's publicity rights; clarifies that a student-athlete may rescind a publicity rights contract if the student-athlete is no longer eligible to participate in any intercollegiate athletics program at an institution of higher education; clarifies that an institution of higher education, its supporting foundations, or its authorized entities are not required to compensate a student-athlete for any use of the student-athlete's publicity rights; clarifies that compensation or a promise to compensate for use of a student-athlete's publicity rights for purposes of recruiting or inducing the student-athlete to enroll at another institution of higher education is prohibited; creates a cause of action for violations; and clarifies liability for damages related to an intercollegiate student-athlete's ability or inability to earn compensation. The act declares an emergency and is effective on and after April 11, 2023.

CORRECTIONS

DEPARTMENT OF CORRECTIONS

Protect Arkansas Act - Repeal of Cost Impact Statement Requirement

ACT 659 (SB495) repeals the statute that requires cost impact statements for certain bills of the General Assembly concerning the prison inmate population. The repeal in this section of the act is effective on and after January 1, 2024.

CORRECTIONS

DEPARTMENT OF CORRECTIONS

Reimbursement Paid to County Jails

ACT 133 (SB72) provides that the reimbursement the Division of Correction and Division of Community Correction are required to pay to county jails for holding state inmates, probationers, and parolees begins accruing on the date of sentencing or the date of placement on probation accompanied with incarceration and prohibits the divisions from providing reimbursement until they receive a complete and accurate sentencing order or an order or waiver for a sanction to a community correction center. The act declares an emergency and is effective on and after July 1, 2023.

INMATES

Protect Arkansas Act - Postpartum Inmates - Family Visitation

ACT 659 (SB495) permits bonding time for a female postpartum inmate and her newborn and provides for family visitation for male and female inmates. These provisions of the act are effective on and after January 1, 2024.

LOCAL JAILS

Department of Public Safety - Criminal Detention Facility Review Committees

ACT 306 (SB267) transfers the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator to the Department of Public Safety. The act declares an emergency and is effective on and after July 1, 2023.

Reimbursement for Holding State Inmates, Probationers, and Parolees

ACT 133 (SB72) provides that the reimbursement the Division of Correction and Division of Community Correction are required to pay to county jails for holding state inmates, probationers, and parolees begins accruing on the date of sentencing or the date of placement on probation accompanied with incarceration and prohibits the divisions from providing reimbursement until they receive a complete and accurate sentencing order or an order or waiver for a sanction to a community correction center. The act declares an emergency and is effective on and after July 1, 2023.

PROBATION AND PAROLE

Arkansas State Council for the Interstate Commission for Adult Offender Supervision

ACT 774 (SB455) amends the membership of the Arkansas State Council for the Interstate Commission for Adult Offender Supervision to include a prosecuting attorney and a county sheriff.

COURTS

CIRCUIT COURTS

Protect Arkansas Act - Standardized Sentencing Order

ACT 659 (SB495) requires a committee made up of designated officials to develop a standardized sentencing order for all circuit courts statewide. This provision of the act is effective on and after January 1, 2024.

Writ of Possession - Issuance by Court Clerk

ACT 414 (HB1424) requires that the court clerk issue a writ of possession for unlawful detainer upon order of the court.

DISTRICT COURTS

Fee for Issuing or Sealing a Summons or Subpoena

ACT 323 (HB1426) requires the district court clerk to collect a fee of two dollars and fifty cents (\$2.50) for issuing or sealing a summons or subpoena. The act prohibits the fee from being collected for actions brought in the small claims division.

Revision of Twenty-First District

ACT 40 (HB1165) provides that the Twenty-First District of the state district court system shall have six (6) departments and repeals the department located in Jennette.

COURTS

DISTRICT COURTS

Salaries

ACT 483 (HB1522) establishes the salaries of the judges and other personnel of the various district courts.

Sixteenth Judicial District

ACT 685 (SB373) repeals the Arkansas County and Monroe County District Courts and adds an additional judgeship to the Sixteenth Judicial District of the state district court system. Sections 1 and 2 of the act concerning the Arkansas County and Monroe County District Courts are effective on and after January 1, 2025.

FEES

Fee for Issuing or Sealing a Summons or Subpoena

ACT 323 (HB1426) requires the district court clerk to collect a fee of two dollars and fifty cents (\$2.50) for issuing or sealing a summons or subpoena. The act prohibits the fee from being collected for actions brought in the small claims division.

Fee for Safekeeping of Will

ACT 272 (HB1493) increases the fee charged by a clerk of the court to file a will for safekeeping to five dollars (\$5.00).

Installment Payments

ACT 450 (HB1550) provides that when a criminal defendant is making installment payments for restitution, court costs, and fines, the payments are applied first to restitution before court costs and fines.

GENERALLY

Legislative Study of Financial Matters Related to Court System

ACT 38 (HB1245) requires the House Committee on Judiciary and the Senate Committee on Judiciary, meeting jointly, to study the funding sources for the court system, the collections and distribution systems of the court system, and all other financial matters related to the court system and requires the consideration of legislative changes necessary to address any issues identified during the study. The act provides that the study expires on December 31, 2024.

Protect Arkansas Act - Certified Facility Dog Program

ACT 659 (SB495) allows the prosecutor coordinator to establish and administer a statewide courthouse certified facility dog program for children and other vulnerable victims throughout the criminal justice system. This provision of the act is effective on and after January 1, 2024.

JUVENILE DIVISION

Extended Juvenile Jurisdiction Designation

ACT 692 (SB406) allows the state to request an extended juvenile jurisdiction designation in a delinquency petition or in a separate motion in a delinquency case if the juvenile is fourteen (14) or fifteen (15) years of age at the time of the alleged offense and is charged with certain crimes listed in the act or if the juvenile is at least sixteen (16) years of age when he or she engages in conduct that, if committed by an adult, would be a felony.

Family Treatment Specialty Courts

ACT 61 (HB1144) creates a family treatment specialty court within the Arkansas court system. The act specifies that the family treatment specialty court is an available disposition within a dependency-neglect proceeding that provides additional supervision for and treatment of families who are affected by substance use disorders or mental health disorders. The act provides eligibility requirements for participation in a family treatment specialty court program and creates a fund to support, benefit, and administer the family treatment specialty court program.

COURTS

JUVENILE DIVISION

Records of Delinquency Adjudications

ACT 271 (HB1472) requires records of a delinquency adjudication under the Arkansas Juvenile Code of 1989 for a felony involving violence to be kept for ten (10) years after the last adjudication of delinquency, the date of entry of a guilty or nolo contendere plea, or a finding of guilty as an adult prior to expungement.

PERSONNEL

District Court Clerk

ACT 323 (HB1426) requires the district court clerk to collect a fee of two dollars and fifty cents (\$2.50) for issuing or sealing a summons or subpoena. The act prohibits the fee from being collected for actions brought in the small claims division.

District Court Salaries

ACT 483 (HB1522) establishes the salaries of the judges and other personnel of the various district courts.

PROBATE COURTS

Fee for Safekeeping of Will

ACT 272 (HB1493) increases the fee charged by a clerk of the court to file a will for safekeeping to five dollars (\$5.00).

RECORDS

Schedule of Property - Judgment Debtor

ACT 740 (HB1666) requires that a judgment debtor file a schedule of property whenever a final judgment order of a court is entered against the judgment debtor.

SPECIALTY COURT PROGRAMS

Family Treatment Specialty Courts

ACT 61 (HB1144) creates a family treatment specialty court within the Arkansas court system. The act specifies that the family treatment specialty court is an available disposition within a dependency-neglect proceeding that provides additional supervision for and treatment of families who are affected by substance use disorders or mental health disorders. The act provides eligibility requirements for participation in a family treatment specialty court program and creates a fund to support, benefit, and administer the family treatment specialty court program.

Protect Arkansas Act - Contracts with Attorneys and Treatment Providers

ACT 659 (SB495) permits the Administrative Office of the Courts to contract with attorneys to represent defendants in specialty courts and to contract with qualified treatment providers to provide behavioral health treatment for specialty court participants. These provisions of the act are effective on and after January 1, 2024.

TECHNICAL CORRECTIONS - PRACTICE, PROCEDURE, AND COURTS

Title 16

ACT 177 (HB1287) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 16 of the Arkansas Code.

CRIMINAL LAW AND PROCEDURE

BAIL

Protect Arkansas Act - Bail Bond Premium

ACT 659 (SB495) amends the premiums for bail bonds by requiring that the ten percent (10%) premium or compensation for bond be paid in full prior to the release of a defendant. This provision of the act is effective on and after January 1, 2024.

CRIMINAL LAW AND PROCEDURE**CONTROLLED SUBSTANCES*****Fentanyl Enforcement and Accountability***

ACT 584 (HB1456) creates death by delivery felony offenses, including aggravated death by delivery, death by delivery in the first degree, and death by delivery in the second degree, that apply when a person delivers or conveys fentanyl or another controlled substance that causes the death of another person. The act provides that trafficking of fentanyl is an unclassified felony that carries a penalty of twenty-five (25) to sixty (60) years or life imprisonment and a fine of one million dollars (\$1,000,000). The act creates the felony offense of predatory marketing of fentanyl to minors that applies when the packaging, shape, color, or other appearance of fentanyl is created in a way that appeals to minors. The act also decriminalizes fentanyl testing strips. The act declares an emergency and is effective on and after April 11, 2023.

Hemp-Derived Intoxicating Substances

ACT 629 (SB358) prohibits the possession and use of hemp-derived intoxicating substances; adds delta-8, delta-9, and delta-10 substances that contain a minimum percentage of hemp-derived cannabidiol to the list of Schedule VI controlled substances in the Uniform Controlled Substances Act; and provides an exception for industrial uses of hemp products. The act also creates regulatory provisions governed by Arkansas Tobacco Control for hemp-derived products. The act provides that certain provisions are effective only if the Attorney General certifies that the State of Arkansas is enjoined from enforcing the prohibition of delta-8 tetrahydrocannabinol and delta-10 tetrahydrocannabinol. The provisions of the act prohibiting certain types of tetrahydrocannabinol are effective on April 11, 2023, for persons who are under twenty-one (21) years of age and on August 1, 2023, for persons who are twenty-one (21) years of age or older. The act declares an emergency and is effective on and after April 11, 2023.

Knowingly Exposing Another Person to Fentanyl

ACT 739 (HB1663) creates the offense of knowingly exposing another person to fentanyl as a Class A felony if the victim is a first responder or employee of a correctional facility and a Class B felony otherwise.

DEFENSES AND JUSTIFICATION***Definitions for Purposes of Criminal Justifications***

ACT 165 (SB59) defines "school employee" as it pertains to justifications for the use of physical force upon another person to mean a person employed by a school under a written contract, which includes a classified school employee and a licensed school employee.

Obscenity - Schools and Public Libraries

ACT 372 (SB81) eliminates the defense to prosecution for disseminating material that is claimed to be obscene for schools and public libraries.

Use of Physical Force - Justifiable

ACT 165 (SB59) authorizes certain individuals, including parents, school employees, and guardians, to use reasonable and appropriate physical force upon a minor or incompetent person to the extent reasonably necessary to maintain discipline or to promote the welfare of the minor or incompetent person or if the parent, school employee, or guardian is otherwise authorized to use physical force.

EVIDENCE AND WITNESSES***Implied Consent - Commercial Vehicle Drivers***

ACT 735 (HB1632) amends the implied consent law to no longer require that the driver of a commercial vehicle be deemed to have given consent to take a test of his or her blood for the purpose of determining blood alcohol concentration or the presence of other drugs.

CRIMINAL LAW AND PROCEDURE**JUVENILES*****Extended Juvenile Jurisdiction Designation***

ACT 692 (SB406) allows the state to request an extended juvenile jurisdiction designation in a delinquency petition or in a separate motion in a delinquency case if the juvenile is fourteen (14) or fifteen (15) years of age at the time of the alleged offense and is charged with certain crimes listed in the act or if the juvenile is at least sixteen (16) years of age when he or she engages in conduct that, if committed by an adult, would be a felony.

Records of Delinquency Adjudications

ACT 271 (HB1472) requires records of a delinquency adjudication for a felony involving violence to be kept for ten (10) years after the last adjudication of delinquency or the date of entry of a guilty or nolo contendere plea or a finding of guilty as an adult prior to expungement.

OFFENSES AGAINST PROPERTY***Catalytic Converter - Presumption of Valid Business Purpose Repealed***

ACT 709 (SB485) allows the last eight (8) digits of a vehicle identification number or a stock number within an electronic database to be used to identify used catalytic converters. The act also repeals the list of professions entitled to an automatic presumption of a person possessing a used catalytic converter in the ordinary course of a person's business.

Commercial Burglary of a Pharmacy

ACT 837 (HB1758) provides enhanced penalties for burglary of a pharmacy under the offense of commercial burglary.

Damage or Destruction of Property - Critical Infrastructure

ACT 419 (HB1474) amends the criminal laws concerning damage or destruction of property to add an underground storage facility to the definition of "critical infrastructure."

Motor Vehicle Theft - Chop Shops

ACT 508 (HB1503) creates the offense of operating a chop shop, which criminalizes operating a location for the purpose of transferring, purchasing, or receiving a motor vehicle or motor vehicle part with an altered or removed vehicle identification number. The act provides that operating a chop shop is a Class C felony and dealing in stolen or forged motor vehicle parts is a Class D felony.

Protect Arkansas Act - Aggravated Residential Burglary

ACT 659 (SB495) provides that a person commits the offense of aggravated residential burglary if another person is inside the occupiable residential structure at the time of the burglary or if the offender uses a deadly weapon or represents by word or conduct that he or she possesses a deadly weapon. This provision of the act is effective on and after January 1, 2024.

Protect Arkansas Act - Theft with Prior Conviction

ACT 659 (SB495) makes theft a Class D felony when property that is valued at one thousand dollars (\$1,000) or less is stolen and the offender has a prior theft conviction within the past ten (10) years. This provision of the act is effective on and after January 1, 2024.

Removal or Alteration of Serial Number

ACT 762 (SB237) increases the classification of the offense of buying, receiving, disposing of, selling, offering for sale, or possessing a farm implement, a motor vehicle, or boating equipment with a removed, damaged, mutilated, or defaced serial number to a Class D felony.

Residential Burglary

ACT 683 (SB366) clarifies that a residential burglary offense committed before April 1, 2015, is not considered a violent felony offense for purposes of parole eligibility.

CRIMINAL LAW AND PROCEDURE

OFFENSES AGAINST PROPERTY

Theft and Unauthorized Possession of a Catalytic Converter

ACT 264 (HB1365) creates the offenses of theft of a catalytic converter and unauthorized possession of a catalytic converter. The act requires scrap metal dealers to perform additional record keeping when buying used catalytic converters.

OFFENSES AGAINST PUBLIC HEALTH, SAFETY, OR WELFARE

Driving or Boating While Intoxicated - Sealing Conviction

ACT 117 (HB1352) prohibits a person from filing a uniform petition to seal a record of a conviction for a felony offense of driving or boating while intoxicated until a certain period of time has passed based on the specific circumstances of the offense.

Eliminate Premises Used in Criminal Offenses - Civil Action

ACT 741 (HB1672) authorizes the commencement of a civil action by the Attorney General to eliminate the availability of premises used continually in the commission of criminal offenses.

Loitering - Lingering for Purpose of Asking for Charity or Gift

ACT 255 (SB271) removes lingering for the purpose of asking for anything as charity or gift from the list of conduct that constitutes loitering.

Obscenity - Schools and Libraries

ACT 372 (SB81) creates the offense of furnishing harmful items to a minor; eliminates the defense to prosecution for disseminating material that is claimed to be obscene for schools and public libraries; and adds loaning a book from a library to the list of actions that can constitute the offense of possessing, selling, or distributing obscene material. The act also establishes requirements for media centers and public libraries regarding the selection, relocation, and retention of physical materials that are available to the public and provides a process for challenging materials that are available to the public in media centers and public libraries if a person believes the material to be inappropriate. The act also allows libraries to disclose confidential library records to the parent or legal guardian of a library patron who is a minor.

Sexual Solicitation of a Minor

ACT 722 (HB1502) creates the offense of sexual solicitation of a minor as a Class B felony.

OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT

Disarming a Law Enforcement Officer

ACT 585 (HB1521) creates the offense of disarming an officer, which applies when a person purposely uses physical force to take a firearm or other protective gear from a law enforcement officer. The act provides that disarming an officer is a Class C felony.

Fleeing

ACT 734 (HB1623) provides that fleeing by means of any vehicle or conveyance is considered a Class D felony if the person operated the vehicle or conveyance in excess of the posted speed limit.

Protect Arkansas Act - Furnishing a Prohibited Article

ACT 659 (SB495) authorizes a sentence enhancement for furnishing a prohibited article, possessing a prohibited article, using a prohibited article, or delivering a prohibited article. This provision of the act is effective on and after January 1, 2024.

OFFENSES AGAINST THE PERSON

Athletic Contest Officials

ACT 420 (HB1496) increases the classification of the offense of abuse of athletic contest officials to a felony offense when an athletic contest official is seriously injured.

CRIMINAL LAW AND PROCEDURE

OFFENSES AGAINST THE PERSON

Distracted Driving - Penalties

ACT 445 (HB1486) provides that a person using a wireless telecommunications device at the time of a collision or accident that results in serious physical injury or death of another person is guilty of a Class A misdemeanor and may be ordered by the court to perform public service work in the amount of one hundred (100) hours or less.

Human Trafficking - Knowledge of Victim

ACT 327 (HB1459) amends the Human Trafficking Act of 2013 to include circumstances in which the actor should know that the victim was a victim of human trafficking or would be subjected to human trafficking. The act increases the fine for human trafficking offenses, solicitation of sex, and promoting prostitution and provides for the deposit of the fine into the Safe Harbor Fund for Sexually Exploited Children and the Human Trafficking Victim Support Fund.

Human Trafficking - Serious Harm

ACT 772 (SB448) amends the definition of "serious harm" under the Human Trafficking Act of 2013 to mean any harm, whether physical or nonphysical, including without limitation psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances as the victim to perform or to continue performing labor or service, commercial sexual activity, or a sexually explicit performance in order to avoid incurring that harm.

Protect Arkansas Act - Negligent Homicide

ACT 659 (SB495) increases the classification of the offense of negligent homicide when a person negligently causes the death of another person by means of a deadly weapon from a Class A misdemeanor to a Class D felony. This provision of the act is effective on and after January 1, 2024.

Protect Arkansas Act - Sexual Extortion

ACT 659 (SB495) provides that a person commits sexual extortion when the person knowingly demands money or anything of value by threatening to distribute a recording of a person engaging in sexually explicit conduct or depicted in a state of nudity. This provision of the act is effective on and after January 1, 2024.

Sexual Indecency with a Child - Use of Changing Room for Opposite Sex

ACT 619 (SB270) amends the law concerning sexual indecency with a child to prohibit a person from entering a public changing facility assigned to the opposite sex for the purpose of arousing or gratifying a sexual desire of himself, herself, or another person when a minor of the opposite sex is present.

Use of Term "Child Sexual Abuse Material"

ACT 21 (HB1028) replaces the term "child pornography" with the term "child sexual abuse material" in the Arkansas Code.

OFFENSES GENERALLY

Culpable Mental States

ACT 736 (HB1637) amends the culpable mental state for certain offenses to incorporate situations in which a person reasonably knows the conduct at issue was not permitted.

OFFENSES INVOLVING FAMILIES AND DEPENDENTS

Abuse, Neglect, and Exploitation of a Vulnerable Person - Penalties

ACT 783 (SB519) establishes additional criminal penalties for the abuse, neglect, and exploitation of a vulnerable person.

CRIMINAL LAW AND PROCEDURE

OFFENSES INVOLVING FAMILIES AND DEPENDENTS

Domestic Battering - Qualification as Repeat Offender

ACT 849 (HB1790) adds aggravated assault on a family member or household member to past conduct that qualifies a person as a repeat offender for purposes of domestic battering in the first degree and domestic battering in the second degree.

Furnishing Harmful Items to Minors

ACT 372 (SB81) creates the offense of furnishing harmful items to a minor as a Class A misdemeanor and adds loaning a book from a library to the list of actions that can constitute the offense of possessing, selling, or distributing obscene material.

Offensive Relations with a Child

ACT 738 (HB1647) creates the offense of offensive relations with a child as a Class A misdemeanor. The act declares an emergency and is effective on and after April 12, 2023.

Use of Term "Child Sexual Abuse Material"

ACT 21 (HB1028) replaces the term "child pornography" with the term "child sexual abuse material" in the Arkansas Code.

PROCEDURAL RULES

DNA Collection - Rapid DNA Technology

ACT 392 (SB401) authorizes the use of rapid DNA technology by criminal detention facilities that have been authorized by the State Crime Laboratory to use rapid DNA technology, allows DNA samples to be required as part of certain negotiated plea agreements, and provides an enforcement mechanism for failure to provide a DNA sample upon arrest.

Rapid DNA Technology - Retention of Sample Prohibited

ACT 785 (SB526) prohibits retention of a DNA sample from a person arrested for a felony taken by Rapid DNA technology after completion of the Rapid DNA identification process.

PROSECUTION

Commencement of Prosecution

ACT 507 (HB1501) provides that a prosecution is commenced when a person is arrested or issued a citation by a law enforcement officer based upon probable cause; when an arrest warrant is issued by a judge, provided that the arrest warrant is sought to be executed without unreasonable delay; or upon the filing of an indictment, information, or other charging instrument.

RESTITUTION, FORFEITURE, AND DISPOSITION OF PROPERTY

Disposal of Firearms and Other Contraband

ACT 412 (HB1327) allows a law enforcement agency to trade to a federally licensed firearms dealer a firearm or contraband that has been confiscated due to its involvement in criminal activity. The act requires a law enforcement agency that trades a firearm or contraband to submit a detailed report of traded property to the governing body that oversees the law enforcement agency. The act declares an emergency and is effective on and after March 30, 2023.

Installment Payments

ACT 450 (HB1550) provides that when a criminal defendant is making installment payments for restitution, court costs, and fines, the payments are applied first to restitution before court costs and fines.

SENTENCING AND PENALTIES

Governor Pardon Applications Denied with Prejudice

ACT 742 (HB1678) authorizes the Governor to deny an application for pardon, commutation of sentence, and remission of fines and forfeitures with prejudice.

CRIMINAL LAW AND PROCEDURE

SENTENCING AND PENALTIES

Parole - Termination - Offenses Committed as a Minor

ACT 771 (SB444) authorizes the Parole Board to discharge a person from parole if the person committed an offense as a minor and meets certain requirements.

Protect Arkansas Act - Post-Release Supervision

ACT 659 (SB495) replaces the parole system with a post-release supervision system and requires persons convicted of the most serious offenses to serve one hundred percent (100%) of their sentence prior to release and persons convicted of other specified felonies to serve eighty-five percent (85%) of their sentence before release. The act creates an earned release credit system for inmates who are eligible for earlier release to earn their way to early release from incarceration by completing a GED, completing other educational and rehabilitative courses, and maintaining good behavior. These provisions of the act are effective on and after January 1, 2024.

Protect Arkansas Act - Recidivism Reduction Task Force

ACT 659 (SB495) creates the Legislative Recidivism Reduction Task Force to study and recommend improvements to the criminal justice system outcomes in the state.

Safe Arkansas App

ACT 889 (SB575) creates the "Safe Arkansas App," a mobile application to be administered by the Parole Board to provide information to the public concerning persons who are on parole and inmates who are being considered for parole. The act provides a mobile alternative to the information that is required to be published on the Parole Board website.

Sealing Conviction - Driving or Boating While Intoxicated

ACT 117 (HB1352) prohibits a person from filing a uniform petition to seal a record of a conviction for a felony offense of driving or boating while intoxicated until a certain period of time has passed based on the specific circumstances of the offense.

SEX OFFENDERS

Disclosure of Physical Address

ACT 37 (HB1004) includes disclosure of a Level 3 or Level 4 sex offender's physical address, including without limitation the street name, house number, apartment or unit number, county, city, and zip code, in the information that is required to be made public about a sex offender. The act declares an emergency and is effective on and after February 9, 2023.

Termination of Obligation to Register - Victim Notification

ACT 613 (SB96) requires notification to a victim who has opted in through the computerized victim notification system when a sex offender applies to terminate an obligation to register as a sex offender.

Use and Ownership of Unmanned Aircraft Prohibited

ACT 35 (HB1125) prohibits a person required to register under the Sex Offender Registration Act of 1997 who has been assessed as a Level 3 or Level 4 sexual offender from purchasing, owning, possessing, using, or operating an unmanned aircraft unless he or she is required to purchase, own, possess, use, or operate an unmanned aircraft as part of his or her employment.

TECHNICAL CORRECTIONS - CRIMINAL LAW

Title 5

ACT 174 (HB1279) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 5 of the Arkansas Code.

CRIMINAL LAW AND PROCEDURE

VICTIMS

Notification of Sex Offender Application to Terminate Registration

ACT 613 (SB96) requires notification to a victim who has opted in through the computerized victim notification system when a sex offender applies to terminate an obligation to register as a sex offender.

Reparations - Victims of Human Trafficking and Sex Offenses

ACT 330 (HB1470) permits a victim of human trafficking or a minor victim of a sex offense to recover from the Crime Victims Reparations Revolving Fund regardless of whether the victim cooperated with law enforcement agencies.

Rights - Violent Crime - Misdemeanor Offenses

ACT 415 (HB1443) adds violent Class A misdemeanor offenses to the definition of "violent crime" that applies to the statutes concerning the rights of victims of crime.

ECONOMIC DEVELOPMENT

BUSINESS AND INDUSTRY DEVELOPMENT

Eligibility for Incentives - Disposal of Nonhazardous Solid Waste

ACT 834 (HB1746) amends the Arkansas Business and Technology Accelerator Act and the Consolidated Incentive Act of 2003 to provide that businesses primarily engaged in operating combustors and incinerators for the disposal of nonhazardous solid waste are eligible for economic development incentives under the acts.

Local Industry - Payments in Lieu of Ad Valorem Taxes

ACT 524 (HB1641) provides for the billing and collection of payments in lieu of ad valorem taxes related to certain leased or purchased property.

Motion Picture Incentives - Hiring, Expenditures, and Multi-Project Productions

ACT 517 (HB1592) increases the maximum production and post-production tax incentives on qualified production costs to twenty-five percent (25%) and creates additional production and post-production tax incentives of five percent (5%) for hiring below-the-line employees in Tier 3 or Tier 4 counties or paying expenditures to people or businesses located in a Tier 3 or Tier 4 county. The act also creates additional production and post-production tax incentives of five percent (5%) for producing a multi-project production. The act is effective for financial incentive agreements that are signed on and after August 1, 2023.

ECONOMIC DEVELOPMENT COMMISSION (AEDC)

Projects in Rural Areas

ACT 746 (HB1710) authorizes planning and development districts to apply to the Arkansas Economic Development Commission for funds to be distributed to projects in rural areas within the planning and development district.

Spaceport Feasibility Study

ACT 477 (HB1499) requires that the Arkansas Economic Development Commission conduct or hire a third party to conduct a study to determine the feasibility of developing a spaceport in Arkansas. The act requires the feasibility study be completed by January 1, 2024, if funding is available.

NATURAL AND CULTURAL RESOURCES

Arkansas Geographic Information Systems Board - Annual Report

ACT 287 (HB1328) repeals the annual reporting requirement by the Arkansas Geographic Information Systems Board concerning the Arkansas Spatial Data Infrastructure.

ECONOMIC DEVELOPMENT

PLANNING AND DEVELOPMENT DISTRICTS

Rural Economic Development Initiative - Creation

ACT 746 (HB1710) establishes the Rural Economic Development Initiative to provide funds to planning and development districts for distribution to projects in rural areas to further rural economic development and revitalization. The act authorizes planning and development districts to apply to the Arkansas Economic Development Commission for funds to be distributed to projects within the planning and development district.

SCIENCE AND TECHNOLOGY

Spaceport Feasibility Study

ACT 477 (HB1499) requires that the Arkansas Economic Development Commission conduct or hire a third party to conduct a study to determine the feasibility of developing a spaceport in Arkansas. The act requires the feasibility study be completed by January 1, 2024, if funding is available.

TECHNICAL CORRECTIONS - NATURAL RESOURCES AND ECONOMIC DEVELOPMENT

Title 15

ACT 204 (HB1286) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 15 of the Arkansas Code.

EDUCATION - GENERAL

ADMINISTRATION - GENERALLY

Development of Cyber Security Policy and Technology Resources Policy

ACT 504 (HB1369) requires public entities to create policies concerning the authorized use of technology resources and cyber security and to provide training on the policies. The act requires the State Cyber Security Office to approve public entities' cyber security plans.

ATTENDANCE

Excused Absences - Participation in 4-H Activities or Programs

ACT 448 (HB1527) clarifies that class absences of students who are participating in programs related to the National FFA Organization, the Arkansas Family, Career and Community Leaders of America, Inc., and 4-H are excused to the extent established by a public school district board of directors. The act further requires public school districts to grant absences for students who participate in 4-H activities or programs that are scheduled and approved by a county extension agent, 4-H educator, or other appropriate authority and establish the maximum number of excused absences a student may receive for purposes of participating in 4-H activities or programs.

Excused Absences - Voting

ACT 621 (SB285) prohibits a public school district from considering an enrolled student absent from the public school for the time during which the student accompanies his or her parent, legal guardian, or person standing in loco parentis to the student when the parent, legal guardian, or person standing in loco parentis to the student is exercising his or her right to vote in a scheduled election. The act limits the excused absence for an enrolled student to only one (1) time during each scheduled election.

Nonresident School District - Completion of School Year Following Relocation

ACT 189 (SB232) permits a child whose parent or legal guardian relocates him or her to a nonresident school district to complete all remaining school years at the school district in which he or she is enrolled at the time of the relocation, regardless of the residency status of the child.

EDUCATION - GENERAL**ATTENDANCE*****Public School Choice Act 2015 - Limitations on Student Transfers***

ACT 129 (HB1185) permits a student who is eligible to transfer to a nonresident district under the Public School Choice Act of 2015 to transfer to a nonresident district without counting against the cap of three percent (3%) of the resident district if the student attended a preschool operated by the nonresident district for at least one (1) year before the school year in which the student intends to enroll in a kindergarten class in the nonresident district.

Residency in Multiple School Districts - School District Choice

ACT 43 (HB1112) authorizes the school-age children of a person who owns an undivided tract of land on which the person's principal place of residence lies partially in one (1) school district and partially in another school district to be eligible to attend the public school in either of the public school districts on which the undivided tract of land is situated.

Residency Requirement - International Exchange Student

ACT 426 (HB1030) creates an exception to the residential address provision requirement for a host family of an international exchange student who is placed by an international student exchange visitor placement organization under the International Student Exchange Visitor Placement Organization Registration Act.

School Calendar

ACT 26 (HB1122) requires the first day of the school year for student attendance in public schools to be on or after the Monday of the week in which August 19 falls, not earlier than August 14, and not later than August 26. The act also permits the Division of Elementary and Secondary Education to grant a school district a waiver to begin school on an earlier date if the division determines that there exists a material and substantial reason for the school district to begin school on an earlier date. The act declares an emergency and is effective on and after January 30, 2023.

LEARNS Act - Charter Schools - Applications and Renewals

ACT 237 (SB294) repeals the limitation of the State Board of Education to grant no more than twenty-four (24) charters for open-enrollment public charter schools and repeals the prohibition against open-enrollment public charter schools opening in the service area of a public school district administratively reorganized by statute until after the third year of the administrative reorganization. The act creates an expedited renewal process for open-enrollment public charter schools that meet certain criteria, including having a school rating above the state average, demonstrating exceptional academic growth with enrolled students, and adhering to operational requirements. The act allows the Department of Education to provide for an open-enrollment public charter school facilities funding program and to contract with a third-party administrator to create a revolving loan fund for the purpose of financing open-enrollment public charter school facilities projects. The act declares an emergency, and these sections of the act are effective on and after March 8, 2023.

LEARNS Act - Transformation Campuses - School Choice

ACT 237 (SB294) states that a public school with a “D” or “F” school rating or a public school district classified as in need of Level 5 – Intensive support is eligible to partner with an open-enrollment public charter school or other approved entity to operate a public school district transformation campus. The act also prohibits the establishment of a maximum on school choice transfers into or from a public school unless the public school is required to do so according to an enforceable desegregation order or a public school district’s court-approved desegregation plan. The act declares an emergency, and these sections are effective on and after March 8, 2023.

EDUCATION - GENERAL

CHARTER SCHOOLS

Minimum Teacher Compensation Schedule - Required

ACT 850 (HB1795) requires that each open-enrollment public charter school pay classroom teachers a minimum base salary of fifty thousand dollars (\$50,000). The act requires each open-enrollment public charter school to meet certain requirements in order to be eligible for funds to implement the required minimum base salary.

CURRICULUM

Adoption Awareness Education - Instruction Required

ACT 637 (SB384) requires that, beginning with the 2023-2024 school year, each public school provide instruction on adoption awareness at the beginning of each school year to students enrolled in grades six through twelve (6-12).

Agricultural Education Pilot Program

ACT 243 (HB1336) authorizes the Division of Elementary and Secondary Education to consult with industry stakeholders to establish a pilot program to provide agricultural education in elementary schools beginning with the 2025-2026 school year. The act also authorizes the division to provide and report on a program evaluation regarding the success and impact of the pilot program.

Computer Science - Career and Technical Education

ACT 654 (SB470) allows a public high school student to meet the requirement to earn one (1) unit of credit in an approved high school computer science course by completing an approved high school computer science course or a computer science-related career and technical education course. The act requires the Division of Career and Technical Education to work with the Arkansas Computer Science Initiative within the Department of Education to establish by rule the minimum criteria by which a career and technical education course may be approved as a computer science-related career and technical education course.

Health - Breastfeeding Curriculum Requirement

ACT 723 (HB1526) requires that each health and safety course offered by a public school district or open-enrollment public charter school include information regarding breastfeeding, including without limitation the benefits of breastfeeding as health nutrition for all infants and for lactating mothers.

Holocaust Education Week - Established

ACT 48 (SB68) establishes Holocaust Education Week during the last full week of classes in January in all public schools in order to educate students about the significance and history of the Holocaust.

LEARNS Act - Career and Technical Education - Career Readiness

ACT 237 (SB294) requires that, beginning with the ninth grade class of 2024-2025, each public high school student have the option to earn a high school diploma through a career-ready pathway be developed by the Division of Elementary and Secondary Education. The act requires each public school district to offer at least one (1) career-ready pathway that is aligned to state and regional workforce demands. Further, the act requires each public school district and open-enrollment public charter school to incorporate career awareness and exploration activities for students in grades six through eight (6-8). The act requires the Arkansas Workforce Development Board, in consultation with the Department of Education, to develop a system for collecting, analyzing, and reporting public school student outcomes associated with the completion of high-wage, high-growth career-ready pathways. The act also requires a public school student who is in a work-based learning opportunity provided in coordination with a public school district or open-enrollment public charter school to be covered by the workers' compensation insurance of the student's employer. The act declares an emergency, and these sections of the act are effective on and after March 8, 2023.

EDUCATION - GENERAL**CURRICULUM*****LEARNS Act - Course Choice Program - Creation***

ACT 237 (SB294) creates the Course Choice Program, which authorizes the State Board of Education to approve a course provider that shall offer courses in-person and online. The act requires the Division of Elementary and Secondary Education to create a process for common course numbering of all courses listed in the course catalog and ensure courses are in compliance with Arkansas state academic standards. The act further requires each public school district to make the course catalog created by the division available to all enrolled students. The act requires aggregate test scores of eligible students enrolled with a course provider to be counted in the annual school performance report for the public schools in which the students are enrolled. The act provides a per-course funding amount for course providers to receive on behalf of each eligible student enrolled in a course. The act declares an emergency, and these sections of the act are effective on and after March 8, 2023.

LEARNS Act - Diploma Pathways - Career-Ready Pathways

ACT 237 (SB294) requires a student's selected diploma pathway to be included in his or her student success plan. The act requires each student, beginning with the ninth grade class of the 2024-2025 school year, to have the option to earn a high school diploma through a career-ready pathway. The act requires the Division of Elementary and Secondary Education to develop career-ready pathways that include challenging academic courses and modern career and technical studies that are aligned with high-wage, high-growth jobs in the state. The act declares an emergency, and these sections of the act are effective on and after March 8, 2023.

LEARNS Act - Prohibited Topics of Instruction

ACT 237 (SB294) prohibits a public school teacher from providing classroom instruction to students in kindergarten through grade four (K-4) on sexually explicit materials, sexual reproduction, sexual intercourse, gender identity, and sexual orientation. The act declares an emergency, and these sections of the act are effective on and after March 8, 2023.

Mental Health Awareness Week - Established

ACT 290 (HB1393) establishes Mental Health Awareness Week during the first full week of classes in May in order to raise awareness of mental illness, remove the stigma and misunderstandings associated with mental illness, and provide support for those who experience mental illness.

Weighted Credit - Career and Technical Courses

ACT 654 (SB470) requires the Division of Career and Technical Education to review new and existing career and technical pathways to determine which courses within the career and technical pathways meet criteria for weighted credit and to publish a list of all approved career and technical pathways annually by January 1. The act permits weighted credit to be awarded for a career and technical pathway to a student upon the completion of the relevant career and technical pathway and the student's earning of the high-value industry credential aligned with the career and technical pathway.

DISTRICT BOARDS OF EDUCATION***Election Zones - Terms***

ACT 547 (HB1531) permits the qualified electors of a public school district, by petition, to have placed on the ballot of an annual school election the issue of whether to elect the school district board of directors from single-member zones, at-large, or a combination of single-member zones and at-large. The act also increases the term length for a member of a school district board of directors to four (4) years.

EDUCATION - GENERAL**DISTRICT BOARDS OF EDUCATION*****Employee Grievances - Consolidation of Multiple, Identical Grievances***

ACT 745 (HB1691) allows a public school district board of directors to consolidate individual grievances submitted by multiple employees into a group grievance if the individual grievances are of the same nature. The act requires individuals whose grievances are consolidated to select one (1) or more individuals from the group to represent the group grievance holders. The act also requires that a public school district board of directors provide the group grievance representative or representatives at least ninety (90) minutes to present the group grievance.

Filing Deadline

ACT 276 (SB276) requires candidates for school board elections to file for office during a one-week period ninety (90) days before a school election held in November. The act declares an emergency and is effective on and after March 13, 2023.

Meetings - Agendas - Transfer Petitions - Requirements

ACT 731 (HB1604) establishes the requirements for providing notice to the board of directors and holding hearings on a transfer petition; requires a superintendent to provide a written explanation of a recommendation for denial of a transfer petition; and provides parents, guardians, and persons standing in loco parentis to a student who submits a transfer petition with certain rights, including the right to appeal the denial of the transfer petition.

Meetings - Report or Presentation - Academic Data or Performance

ACT 425 (HB1535) requires that a report or presentation regarding student academic data or performance be provided to each school district board of directors during each regular monthly meeting of the school district board of directors.

Members - Vacancies, Requirements, and Conflicts

ACT 883 (SB543) amends the circumstances in which a vacancy occurs on a school district board of directors; revises the process for a director to subscribe to a required oath; amends the situations in which a school district board of directors may meet in executive session; prohibits certain conduct by directors; provides that a board member, administrator, employee, or nonemployee who should have known his or her conduct was prohibited under certain laws is guilty of a Class A misdemeanor; and directs the Arkansas Ethics Commission to supervise compliance with certain laws by board members and to investigate citizen complaints alleging violations of certain laws by board members. The act is effective on and after May 1, 2024.

Review and Approval - Salary Increase - Repeal

ACT 418 (HB1471) repeals the requirement that a school district board of directors review and approve by a written resolution an increase in salary of five percent (5%) or more for a school district employee.

Vacancies - No Candidate for Position

ACT 750 (HB1739) requires that a position of a vacating director on a school district board of directors be deemed vacant and filled in accordance with state law if there is not an individual who has filed as a candidate to serve an unexpired term of the vacating director.

EDUCATION - GENERAL**EARLY CHILDHOOD*****LEARNS Act - Unified Early Childhood Care and Education System***

ACT 237 (SB294) transfers the Division of Child Care and Early Childhood Education from the Department of Human Services to the Department of Education. The act requires that the State Board of Education use available, eligible public and private funds to establish pilot programs administered by local childhood lead organizations identified by the state board. The act requires the Department of Education to establish a comprehensive, locally supported plan for early childhood programs and services and requires the state board to establish kindergarten readiness standards and a uniform accountability system for publicly funded early childhood education programs. The act requires that, by October 1, 2024, and before the cabinet-level transfer, the Secretary of the Department of Education engage with early childhood stakeholders to advise the Office of Early Childhood on recommendations on the transition of functions and funds between the agencies and the identification of opportunities to maximize the impact of the Unified Early Childhood Care and Education System. The act declares an emergency, and the sections concerning the cabinet-level transfer and early childhood education are effective on and after July 1, 2023.

Literacy - Imagination Library of Arkansas Program

ACT 640 (SB416) creates the Imagination Library of Arkansas Program to promote the development of a comprehensive statewide initiative for encouraging preschool children to develop a love of reading and learning. The act creates the Imagination Library of Arkansas Program Fund to provide, through Dolly Parton's Imagination Library, age-appropriate books to each registered child in each participating county. The act requires the state program fund to contribute available funds to meeting the match required of local programs participating in Dolly Parton's Imagination Library. The act requires the Department of Education to partner with a nonprofit entity to administer the program.

Program Assessments - Responsible Agency

ACT 793 (SB573) requires that the Division of Elementary and Secondary Education work with the Division of Child Care and Early Childhood Education to assess each early childhood program that receives state funding based on nationally recognized standards and assessments.

EDUCATIONAL COOPERATIVES***Boards of Directors - Appointment Requirements and Membership***

ACT 802 (HB1192) amends the means by which members are appointed to an education service cooperative board of directors and amends the qualifications criteria for certain members. The act requires a board of directors of an education service cooperative to elect a chair, establishes the term for a member of an education service cooperative board of directors, and requires that a member of an education service cooperative board of directors be paid per diem and mileage. The act is effective on and after January 1, 2024.

Boards of Directors - Meetings and Duties

ACT 802 (HB1192) requires that each meeting of an education service cooperative board of directors be public and that the education service cooperative board of directors make the minutes of each of its meetings publicly available within a reasonable amount of time following the conclusion of the meeting. The act requires each education service cooperative board of directors to compile data that demonstrates what, if any, improvement has been achieved with respect to student performance and provide this data annually by July 1 to each public school district within the boundary of the education service cooperative. The act repeals the authority of an education service cooperative board of directors to meet in executive committee. The act is effective on and after January 1, 2024.

EDUCATION - GENERAL

EDUCATIONAL COOPERATIVES

Public School Educational Cooperative Act of 1981 - Repealed

ACT 802 (HB1192) repeals the Public School Educational Cooperative Act of 1981, which authorizes public school districts to voluntarily agree to share programs, personnel, materials, and equipment via educational cooperatives. The act is effective on and after January 1, 2024.

ELEMENTARY AND SECONDARY EDUCATION DIVISION

Academic Standards - Career and Technical Education - Substitution for Core Classes

ACT 242 (HB1329) requires that the Division of Elementary and Secondary Education include in the academic standards a means by which a public school student may substitute comparable elective coursework pertaining to career and technical education for core academic classes that are required for graduation. The act also creates the Career and Technical Education with Embedded Academics Certification Committee for purposes of approving elective coursework pertaining to career and technical education as a substitute for core academic classes and demonstrating the alignment of relevant core academic standards to the career and technical education standards.

Child Nutrition Programs - Elimination of Reduced-Price Breakfast or Lunch Copayment

ACT 656 (SB477) requires the Department of Education to provide federal funds disbursed for purposes of funding child nutrition programs to each public school that serves a school breakfast or a school lunch to cover the cost of eliminating reduced-price copayments and requires the department to use funds to provide a school breakfast or a school lunch if federal funds appropriated to the department for child nutrition programs are insufficient. The act also requires the department to provide an annual report that includes an overview of each child nutrition program offered in public schools.

Curriculum - Pilot Program - Agricultural Education

ACT 243 (HB1336) authorizes the Division of Elementary and Secondary Education to consult with industry stakeholders to establish a pilot program to provide agricultural education in elementary schools beginning with the 2025-2026 school year. The act also authorizes the division to provide and report on a program evaluation regarding the success and impact of the pilot program.

Educational Standards and Quality - School Performance Report - Dropout Count

ACT 423 (HB1533) specifies that students who pass a General Education Development (GED) test and students in grades nine through twelve (9-12) who transfer from a public school to a home school, private school, or parochial school do not count towards a public school district's dropout rate for purposes of the school performance report for each public school district in the state.

EMPLOYEES

Classified Employees - Committee on Personnel Policies

ACT 782 (SB514) amends the law concerning a school district's committee on personnel policies for classified employees, including the requirements regarding the membership of the committee, the election of a non-management classified employee to the committee, meetings of the committee, and the written personnel policies for classified employees.

EDUCATION - GENERAL**EMPLOYEES*****Criminal Liability for Prohibited Conduct***

ACT 883 (SB543) amends the circumstances in which a vacancy occurs on a school district board of directors; revises the process for a director to subscribe to a required oath; amends the situations in which a school district board of directors may meet in executive session; prohibits certain conduct by directors; provides that a board member, administrator, employee, or nonemployee who should have known his or her conduct was prohibited under certain laws is guilty of a Class A misdemeanor; and directs the Arkansas Ethics Commission to supervise compliance with certain laws by board members and to investigate citizen complaints alleging violations of certain laws by board members. The act is effective on and after May 1, 2024.

Criminal Misconduct - Sexual Misconduct

ACT 792 (SB572) prohibits a superintendent or his or her designee from providing a favorable recommendation of employment on behalf of an employee if the superintendent finds probable cause that the employee has engaged in sexual misconduct with a minor.

LEARNS Act - Employee Requirements - Trainings and Orientations - Prohibited Topics

ACT 237 (SB294) prohibits public school employees, representatives, and guest speakers from compelling a person to adopt, affirm, or profess an idea that is in violation of Title IV and Title VI of the Civil Rights Act of 1964. The act prohibits a public school district from requiring employees or students to attend trainings or orientations based on prohibited indoctrination or Critical Race Theory. The act declares an emergency, and these sections are effective on and after March 8, 2023.

LEARNS Act - Employment Benefits and Procedures

ACT 237 (SB294) repeals the Arkansas Traveling Teacher Program, the Teacher Fair Dismissal Act, and the Public School Employees Fair Hearing Act. The act declares an emergency, and these sections are effective on and after June 30, 2023.

Leave of Absence - Emergency and Rescue Training Programs

ACT 20 (HB1017) provides a leave of absence with pay to an entitled employee of a school district for the purpose of participating in a training program for the United States Civil Air Patrol, the United States Coast Guard Auxiliary, or certain emergency and rescue services.

Professional Organizations - Deduction of Dues and Fees in Paychecks

ACT 776 (SB473) prohibits a public school district board of directors or its representatives of a public school district board of directors from deducting dues, fees, or contributions from the pay of a teacher or classified employee on behalf of any professional or labor organization or political fund.

Reduction-in-Force Policies - Criteria for Layoffs and Recalls

ACT 780 (SB510) requires a public school district to use specific criteria when considering a layoff or recall of employees, including an employee's merit, ability, attendance, performance, and effectiveness. The act prohibits an employee's seniority, length of service with the public school district, total professional development hours, and education level from factoring more than fifty percent (50%) of the total criteria used by a public school district in its written reduction-in-force policy.

EDUCATION - GENERAL**EMPLOYEES*****Registered Volunteers - Criminal Records Checks***

ACT 792 (SB572) requires a board of directors of a public school district to apply to the Identification Bureau of the Division of Arkansas State Police for statewide and nationwide criminal records checks on a person who applies to be a registered volunteer and who is in the process of obtaining a coaching certificate or who will be working with students in an athletic coaching capacity. The act prohibits a registered volunteer who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of certain offenses from being eligible for employment in an educational entity in a nonlicensed staff position.

Speech - Addressing Students - Limitations

ACT 542 (HB1468) prohibits a public school district or open-enrollment public charter school teacher or employee from addressing an unemancipated minor or student either with a pronoun or title that is inconsistent with the unemancipated minor's or student's biological sex or with a name other than the name listed on the unemancipated minor's or student's birth certificate, or a derivative of that name, unless there is written permission from the parent, legal guardian, or person standing in loco parentis to the unemancipated minor or student, if the student is under eighteen (18) years of age. The act creates a cause of action for a person who is harmed by a violation of the act and provides for the award of injunctive relief, monetary damages, reasonable attorney's fees and costs, and any other appropriate relief.

Training - Implicit Bias Training - Prohibitions and Limitations

ACT 511 (HB1559) prohibits a public school district and open-enrollment public charter school from requiring a school employee to complete or participate in implicit bias training and from taking adverse employment action against a school employee for the employee's failure or refusal to complete or participate in implicit bias training. The act further permits a school employee to leave a training that he or she is attending if he or she determines that the training addresses implicit bias.

Training and Administration of Seizure Rescue Drugs

ACT 286 (HB1315) requires at least two (2) school employees to have training to administer or assist with the self-administration of seizure rescue medication and prescribed electrical stimulation using a vagus nerve stimulator magnet to a student if the student's parent or legal guardian complies with certain requirements. The act applies only to a school that has a student enrolled who has a seizure disorder and has a seizure medication or other medication prescribed to treat seizure disorder symptoms.

FACILITIES***Exterior Doors - Building Egress***

ACT 787 (SB554) requires exterior doors of public and private schools and all educational institutions to be closed and locked during school hours except during transition times and prohibits building egress from being impeded for any person in compliance with the Arkansas Fire Prevention Code and the Americans with Disabilities Act.

Possession of a Handgun on School Property

ACT 773 (SB450) amends the law concerning the possession of a handgun by a minor or a person on school property to repeal language regarding the person being on a journey beyond the county in which the person lives.

EDUCATION - GENERAL FACILITIES

Restrooms - Designation Based on Sex

ACT 317 (HB1156) requires public school districts and open-enrollment public charter schools to designate each multiple occupancy restroom or changing area exclusively based on sex and provide a reasonable accommodation to an individual who is unwilling or unable to use a multiple occupancy restroom or changing area designated for the individual's sex. The act creates exceptions for certain individuals, including individuals with disabilities, and permits an individual to file a formal complaint regarding noncompliance with the act.

Storm Shelters - Requirements

ACT 764 (SB355) prohibits the Arkansas Fire Prevention Code, before January 1, 2025, from requiring an educational facility to have a storm shelter that has an occupant capacity that exceeds the total occupant load of the classrooms, vocational rooms, and offices in the building in which the storm shelter is located. The act also requires the Arkansas Fire Prevention Code, beginning January 1, 2025, to identify the educational facilities that must have a storm shelter and set certain requirements for the occupant capacity of the storm shelter.

FUNDING

Academic Facilities Wealth Index - Calculation

ACT 793 (SB573) amends the means by which the academic facilities wealth index is calculated by requiring that student millage rankings be allocated into percentages by calculating a cumulative total of the greater of either the prior-year average daily membership or the prior three-year average of the school district's average daily membership.

Foundation Funding - Categorical Funding

ACT 744 (HB1688) requires the House Committee on Education and Senate Committee on Education to provide to the General Assembly during its biennial adequacy review process a recommendation for the health insurance contribution rate to be paid by each public school district each month for each eligible employee electing to participate in the public school employees' health insurance program. The act increases the foundation funding amounts for the 2023-2024 school year and the 2024-2025 school year. The act increases alternative learning environment funding for the 2023-2024 school year and the 2024-2025 school year. The act clarifies that funding amounts for English learners and enhanced student achievement remain the same and increases the professional development funding amount. The act declares an emergency and is effective on and after April 12, 2023.

Foundation Funding - Homeschooled Students - Enrollment in Interscholastic Activities

ACT 630 (SB361) authorizes the disposition of an amount of funding equal to one-sixth (1/6) of the state foundation funding amount to a public school district that enrolls a homeschooled student for purposes of the homeschooled student's participation in an interscholastic activity for the duration of the homeschooled student's enrollment in the public school district.

GRADUATION REQUIREMENTS

Alternative to Traditional High School Diploma - Employment Purposes

ACT 100 (HB1091) requires that the receipt of a high school diploma through the passage of a nationally recognized high school equivalency exam, such as the GED test, be treated the same as the receipt of a high school diploma from an accredited secondary school for purposes of employment.

Community Service Requirements - Approved Programs and Activities

ACT 720 (HB1489) repeals the requirement that the State Board of Education approve programs and activities in which students participate in order to obtain community service hours and requires that programs and activities approved for purposes of community service satisfy certain criteria.

EDUCATION - GENERAL

GRADUATION REQUIREMENTS

Early Issuance of a Diploma - Terminally Ill Students

ACT 662 (SB505) allows a public school district or an open-enrollment public charter school to award a terminally ill student a high school diploma before the established graduation date if certain criteria are met. The act declares an emergency and is effective on and after April 11, 2023.

LEARNS Act - Community Service Diploma Requirements

ACT 237 (SB294) requires each public high school student, beginning with the graduating class of 2026-2027, to complete at least seventy-five (75) hours of documented community service in grades nine through twelve (9-12) with specific requirements established for each grade. The act declares an emergency, and this section is effective on and after March 8, 2023.

Statewide Student Assessments - College and Career Readiness - ACT WorkKeys

ACT 654 (SB470) permits a career readiness assessment administered to a student in grades ten through twelve (10-12) to include without limitation the ACT WorkKeys National Career Readiness Certificate and requires that a Platinum, Gold, Silver, or Bronze credential through the ACT WorkKeys be used by an institution of higher education as transcribable credit towards the attainment of a postsecondary technical degree.

LIBRARIES AND MEDIA CENTERS

Loans - Selection, Relocation, and Retention of Materials

ACT 372 (SB81) eliminates the defense to prosecution for disseminating material that is claimed to be obscene for schools and public libraries; and adds loaning a book from a library to the list of actions that can constitute the offense of possessing, selling, or distributing obscene material. The act also establishes requirements for media centers and public libraries regarding the selection, relocation, and retention of physical materials that are available to the public and provides a process for challenging materials that are available to the public in media centers and public libraries if a person believes the material to be inappropriate. The act also allows libraries to disclose confidential library records to the parent or legal guardian of a library patron who is a minor.

SCHOOL CHOICE

Children of Members of the Military

ACT 790 (SB570) provides that a student is eligible for enrollment in the public school district of his or her choice if he or she is a dependent of a uniformed service member in full-time active-duty status or a surviving spouse of a uniformed service member and submits an application to the student's nonresident district and resident district. The act prohibits the requirement of an application deadline for purposes of students who are eligible based on their military dependency status.

Children of Uniformed Services Families

ACT 649 (SB458) defines "uniformed service member" and "uniformed service veteran" for purposes of the Public School Choice Act of 2015. The act repeals the deadline by which students must apply for school transfers under the Public School Choice Act of 2015 for children of uniformed services families and allows a child to be eligible for enrollment in the public school of his or her choice if certain conditions are met.

International Exchange Student - School District Limits

ACT 426 (HB1030) amends the powers and duties of public schools under the Public School Choice Act of 2015 in relation to international exchange students placed with a host family. The act further allows a public school district to limit the total number of international exchange students that each public school within the public school district may accept for enrollment, within certain restrictions.

EDUCATION - GENERAL**SCHOOL CHOICE*****Participation in Extracurricular Activity***

ACT 768 (SB400) prohibits a public school from which a student transfers or to which a student transfers under the Arkansas Opportunity Public School Choice Act or the Public School Choice Act of 2015 from denying the student the ability to participate in an extracurricular activity based exclusively on the student's decision to transfer and from disciplining a transferring student in any manner based exclusively on the student's exercise of his or her right to transfer to another public school or nonresident district. The act requires a student who transfers to complete a Changing Schools/Athletic Participation form. The act also prohibits public school district personnel and registered volunteers from recruiting students for athletic purposes to the public school at which they are employed or volunteer.

SCHOOL DISTRICTS - GENERALLY***Alternative Methods of Instruction - Limitations - Alternate School Calendars***

ACT 729 (HB1590) repeals the provision that states that a public school district board of directors that elects to implement an alternate school calendar is not eligible to use alternative methods of instruction.

Annual School Election - Date Language Submitted

ACT 721 (HB1495) changes the date a school district is required to file the language of a rate of tax increase for an annual school election.

Annual School Election - Effect of Minority Population on Election

ACT 424 (HB1534) repeals the requirement that school districts that have a ten percent (10%) or greater minority population out of the total population elect the members of the school district board of directors according to state law and using selection procedures that are in compliance with the federal Voting Rights Act of 1965.

Arkansas Self-Funded Cyber Response Program

ACT 846 (HB1780) establishes the Arkansas Self-Funded Cyber Response Program, the Arkansas Cyber Response Board, and the Arkansas Self-Funded Cyber Response Program to provide coverage for cybersecurity incidents and risks, damages, or losses caused by a cyberattack committed against a county, municipality, or school district. The act establishes the duties of the board, including establishing minimum cybersecurity standards and criteria for participating governmental entities and creating a cyber response panel, and establishes the duties of the Insurance Commissioner. The act authorizes the board to establish security requirements for a participating governmental entity that has been subject to a cyberattack and determinations of coverage and remediation and provides a procedure for future enrollment by the state and higher education entities to participate in the program.

Assumption of Authority of State Board of Education - Return to Local Control

ACT 633 (SB364) requires the State Board of Education to establish the criteria, publicly and in writing, by which a public school district may exit Level 5 - Intensive support if the state board has not returned the public school district to local control. The act requires that a public school district classified as in need of Level 5 - Intensive support be returned to full local control as soon as the state board determines that the public school district meets its established criteria, and if the public school district does not meet the criteria, the state board shall either return the public school district to full local control or annex, consolidate, or reconstitute the public school district.

Automated External Defibrillator at School-Sponsored Sporting Event

ACT 737 (HB1643) requires automated external defibrillators at school-sponsored sporting events for grades seven through twelve (7-12) and on campuses of institutions of higher education. The act also requires the Arkansas Higher Education Coordinating Board to develop rules for automated external defibrillator and cardiopulmonary resuscitation training.

EDUCATION - GENERAL

SCHOOL DISTRICTS - GENERALLY

Computer Science Teacher

ACT 635 (SB378) removes the requirement that, beginning with the 2023-2024 school year, a public school district employ a computer science teacher at each high school within the public school district.

Discrimination Prohibited - Natural, Protective, or Cultural Hairstyle

ACT 514 (HB1576) establishes the Creating a Respectful and Open World for Natural Hair (CROWN) Act that prohibits discrimination based upon natural, protective, or cultural hairstyles in public schools and in state-supported two-year and four-year institutions of higher education and adds definitions to the Arkansas Civil Rights Act of 1993 related to natural, protective, or cultural hairstyles.

Expelled Students - Courses Offered

ACT 724 (HB1539) repeals the requirement that public school districts and open-enrollment public charter schools that expel a student offer to the expelled student digital learning courses or other alternative educational courses for which the student may receive academic credit that is at least equal to credit the expelled student may have received if he or she were still enrolled in his or her assigned public school district or open-enrollment public charter school.

Free and Reduced-Price Breakfast and Lunch - Elimination of Reduced-Price Copayment

ACT 656 (SB477) requires that federal funds appropriated to the Department of Education for a child nutrition program be used to provide school breakfast and school lunch at no cost to each qualifying student and prohibits a public school that serves school breakfast or school lunch as part of a child nutrition program from charging a qualifying student a reduced-price copayment for a school breakfast or a school lunch.

Health - Opioid Overdose Rescue Kits - Placement - School Duties

ACT 811 (HB1514) requires that by January 1, 2024, each public high school campus have a clearly visible and labeled opioid overdose rescue kit and requires that the location of each opioid overdose rescue kit be registered with the school nurse and school resource officer of each public high school. The act requires that an opioid overdose rescue kit meet certain requirements, including that it be located where it is readily available for public use, be placed within all storage locations that currently contain an automated external defibrillator for public use, and include Narcan, Naloxone, or another approved medication. The act also requires a public school nurse and school resource officer to carry Narcan, Naloxone, or another approved medication at all times and requires them to report to the office of the Arkansas Drug Director immediately following the use of an opioid overdose rescue kit.

Information Required to be Provided to Students - Water Safety

ACT 101 (HB1157) requires that public school districts and open-enrollment public charter schools, beginning with the 2023-2024 school year, provide to parents, legal guardians, and persons standing in loco parentis to students information on water safety education courses and swimming lessons, including local options for water safety education courses and swimming lessons.

LEARNS Act - Public School District Superintendents

ACT 237 (SB294) requires public school district boards of directors to employ one (1) or more assistant superintendents and establish, as part of a superintendent's employment contract, written performance targets for the public schools at both the school level and the district level, including student achievement targets and graduation rate targets. The act declares an emergency, and this section is effective on and after March 8, 2023.

EDUCATION - GENERAL**SCHOOL DISTRICTS - GENERALLY**

LEARNS Act - Safety - Required Instruction - Child Sexual Abuse and Human Trafficking
ACT 237 (SB294) requires public schools to implement a child sexual abuse and human trafficking prevention program, provide training for teachers on child sexual abuse and human trafficking prevention, notify parents and legal guardians when instruction on child sexual abuse and human trafficking prevention occurs, and allow parents and legal guardians to exempt their child from instruction on child sexual abuse and human trafficking prevention. The act requires the Division of Elementary and Secondary Education to enhance or adapt curriculum materials to assist public schools in providing the required instruction on child sexual abuse and human trafficking prevention. The act declares an emergency and is effective on and after March 8, 2023.

LEARNS Act - School Safety - Safe Schools Initiative

ACT 237 (SB294) requires public school districts and open-enrollment public charter schools to collaborate with medical professionals and fire departments in addition to local law enforcement and emergency management officials when forming emergency protocols; have a school safety expert review and advise on new construction facility plans; form District Safety and Security Teams to complete certain duties, including reviewing emergency responses; train school nurses and staff on emergency medical responses; and update and review cybersecurity policies annually. The act also requires the Department of Education to make crisis training available to school personnel and relevant stakeholders. The act declares an emergency, and these sections are effective on and after March 8, 2023.

LEARNS Act - Transformation Campuses - School Choice

ACT 237 (SB294) states that a public school with a “D” or “F” school rating or a public school district classified as in need of Level 5 – Intensive support is eligible to partner with an open-enrollment public charter school or other approved entity to operate a public school district transformation campus. The act also prohibits the establishment of a maximum on school choice transfers into or from a public school unless the public school is required to do so according to an enforceable desegregation order or a public school district’s court-approved desegregation plan. The act declares an emergency, and these sections are effective on and after March 8, 2023.

Prohibited Transactions by School - Abortion Referrals

ACT 653 (SB466) adds offering or providing abortion referrals as a prohibited transaction by a public school or open-enrollment charter school.

Virtual Schools - Statewide Student Assessments - Virtual Testing

ACT 643 (SB432) permits a public school that operates primarily as a virtual school to administer a statewide student assessment to a student enrolled in the public school in a virtual setting that best meets the educational needs of the student and requires the public school to meet certain requirements in order to administer a statewide student assessment in a virtual setting.

SCHOOL RESOURCE OFFICERS***LEARNS Act - Training - Youth Mental Health First Aid***

ACT 237 (SB294) requires that school resource officers attend a training in youth mental health rather than obtaining certification in Youth Mental Health First Aid. The act declares an emergency, and this section is effective on and after March 8, 2023.

STATE BOARD OF EDUCATION***Development of Curriculum - Adoption Awareness Instruction***

ACT 637 (SB384) requires the State Board of Education to develop curricula, standards, materials, and units relating to required adoption awareness instruction.

EDUCATION - GENERAL**STATE BOARD OF EDUCATION*****Public Education Reorganization - Administrative Consolidation - Limitations***

ACT 543 (HB1504) prohibits the State Board of Education from administratively consolidating a school district that is on the consolidation list and that does not submit a petition to voluntarily consolidate if the school district is currently classified as in need of Level 5 - Intensive support and a public school student enrolled in the school district would have to ride a bus for more than forty (40) miles in order to arrive at and attend a receiving district. The act requires the state board to assume authority of such a school district and prohibits the state board from closing a public school or public school facility within and removing permanently the superintendent and assistant superintendent of such a school district. The act declares an emergency and is effective on and after April 11, 2023.

Public Education Reorganization - Consolidations - Voluntary and Administrative

ACT 461 (SB262) repeals the requirement that the Division of Elementary and Secondary Education annually publish a list of all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in the school year immediately preceding the current school year and repeals the authority of the State Board of Education to administratively consolidate a school district that is on the list and that does not submit a petition for voluntary consolidation with another school district.

Waivers - Criteria for Granting Public School District Waivers

ACT 347 (SB190) amends the process by which a public school district may obtain a waiver from certain Division of Elementary and Secondary Education rules and state laws. The act requires the State Board of Education to use the same criteria as is used for open-enrollment public charter school waivers when granting waiver requests submitted by public school districts. The act also permits the state board to revoke a waiver granted to a public school district only upon showing cause.

STUDENT ACHIEVEMENT***Arkansas Adult Diploma Program***

ACT 546 (HB1529) creates an Arkansas Adult Diploma Program to assist adults twenty-one (21) years of age or older in obtaining a high school diploma and developing employability and career technical skills and provides the qualifications for and duties of an approved program provider. The act also requires the Department of Education to review data from each approved program provider.

STUDENTS - GENERALLY***Discipline - Limitation***

ACT 542 (HB1468) prohibits a public school district and open-enrollment public charter school from disciplining a student due to the student's declining to address a person using a name other than the name listed on the person's birth certificate or a pronoun or title that is inconsistent with the person's biological sex.

English Learners

ACT 793 (SB573) renames references from "English language learners" to "English learners" throughout applicable portions of the Arkansas Code and provides that English learners are identified under the Public School Funding Act of 2003 based upon approved English proficiency assessment instruments administered annually in the spring.

Expelled Students - Courses Offered

ACT 724 (HB1539) repeals the requirement that public school districts and open-enrollment public charter schools that expel a student offer the expelled student digital learning courses or other alternative educational courses for which the student may receive academic credit that is at least equal to credit the expelled student may have received if he or she were still enrolled in his or her assigned public school district or open-enrollment public charter school.

EDUCATION - GENERAL**STUDENTS - GENERALLY*****Interscholastic Activities - Eligibility to Participate - Homeless Students***

ACT 748 (HB1733) permits a student who is a member of a school athletic activity and who has engaged in a competition for an interscholastic activity to participate in a non-school athletic activity that is of the same sport as the school athletic activity during the same season without losing eligibility to participate in the school athletic activity, except in the case of football, basketball, baseball, softball, and volleyball. The act also requires that a student who is considered homeless be immediately eligible to participate in interscholastic activities at the school in which he or she is enrolled.

Interscholastic Activities - Homeschooled Students

ACT 630 (SB361) authorizes and regulates the participation of a homeschooled student in an interscholastic activity at his or her resident school or at a public school other than his or her resident school. The act further allows a student who withdraws from an Arkansas Activities Association member school and enrolls in a home school to be immediately eligible to participate in any interscholastic activity at a public school or private school except under certain circumstances.

LEARNS Act - Arkansas Children's Educational Freedom Account Program - Funds

ACT 237 (SB294) creates the Arkansas Children's Educational Freedom Account Program, which establishes a phased-in approach whereby qualifying students may attend a participating private school or a participating service provider and requires that funds allocated annually to participating student accounts be in an amount equal to ninety percent (90%) of the prior year's foundation funding amount allocated per student. The act regulates the use of the funds and permits the Department of Education to contract with a vendor or provider, including a private institution, to manage the required payment system. The act also requires the department to forward an audit that identifies the potential misuse of account funds to Arkansas Legislative Audit. The act declares an emergency, and these sections are effective on and after March 8, 2023.

LEARNS Act - Arkansas Children's Educational Freedom Account Program - Schools

ACT 237 (SB294) creates the Arkansas Children's Educational Freedom Account Program, which establishes a phased-in approach whereby qualifying students may attend a participating private school or a participating service provider and requires participating schools to meet certain accreditation requirements. The act also requires a number of additional certifications and agreements of participating schools. The act requires each participating service provider and participating school to provide for each participating student to annually take a State Board of Education-approved assessment, except in cases of participating students who are exempt from testing requirements, and requires the department to develop a process for the collection and aggregate reporting of participating student assessment results. The act declares an emergency, and these sections are effective on and after March 8, 2023.

LEARNS Act - Arkansas Children's Educational Freedom Account Program - Students

ACT 237 (SB294) creates the Arkansas Children's Educational Freedom Account Program, which establishes a phased-in approach whereby qualifying students may attend a participating private school or a participating service provider and establishes the qualifying conditions for students participating in the program during each year of the phase-in of the program. The act also provides limitations on student participation during each year of the phase-in until there is no limitation beginning with the 2025-2026 school year. The act includes a number of items as qualifying expenses during the 2023-2024 school year and expands the eligible qualifying expenses beginning with the 2024-2025 school year. The act declares an emergency, and these sections are effective on and after March 8, 2023.

EDUCATION - GENERAL**STUDENTS - GENERALLY*****LEARNS Act - Literacy - Numeracy***

ACT 237 (SB294) requires the existing statewide student assessment system to include high-quality, evidence-based literacy screeners for kindergarten through grade three (K-3) students, which shall be used to determine a student's progression in reading in kindergarten through grade three (K-3). The act requires the Division of Elementary and Secondary Education to collect and publish aggregated overall state literacy assessment results from public school districts and open-enrollment public charter schools annually and requires that a student who has not met the third-grade reading standard, as defined by the State Board of Education, or does not have a good-cause exemption, not be promoted to grade four (4). The act requires the division to provide, train, and assign literacy coaches to low-performing public schools based on the most recent kindergarten through grade three (K-3) literacy screener, subject to legislative appropriation. The act also requires each public school district and open-enrollment public charter school to develop a math intervention plan for each student in grades three through eight (3-8) who is not performing at or above grade level on the state assessment, which may include providing access to math tutoring and assigning the student to a teacher who meets certain qualifications. The act declares an emergency, and these sections are effective on and after March 8, 2023.

Military Child School Transitions - Arkansas Council for Military Children

ACT 638 (SB387) requires that each public school military family education coordinator be included in the establishment and adoption of a public school district's and public school's parent and family engagement plan required under state law. The act amends requirements for the membership and meetings of the Arkansas Council for Military Children, including the appointment of designees to the council and the requirements for having a quorum for a council meeting.

Overnight Trips - Assigned Sleeping Quarters

ACT 317 (HB1156) requires public school districts and open-enrollment public charter schools to ensure public school students attending a school-sponsored overnight trip either share sleeping quarters with a member or multiple members of the same sex or are provided single-occupancy sleeping quarters.

Student Personally Identifiable Information - Student Data Vendor Security

ACT 754 (HB1757) requires each local education agency to ensure that all contracts that disclose or make available student personally identifiable information to vendors include express provisions that safeguard the privacy and security of student personally identifiable information. The act specifies requirements for and certain authorizations given to school service contract providers and school service on-demand providers that a local education agency contracts with for school services in relation to the collection, use, and protection of student personally identifiable information. The act is effective on and after June 1, 2024.

Student Speech and Expression - Religious Viewpoints - School District Treatment

ACT 788 (SB556) prohibits a public school district from discriminating against a student based on a religious viewpoint expressed by the student on an otherwise permissible subject. The act requires each public school district to adopt a policy regarding students' voluntary expression of a religious viewpoint.

Students with Disabilities - Funds from Multiple Programs

ACT 669 (SB568) allows a student with a disability who meets certain income requirements to receive funds from both the Arkansas Children's Educational Freedom Account Program and the Philanthropic Investment in Arkansas Kids Program and clarifies that the student shall receive the funds only to the extent necessary to cover qualifying expenses. The act declares an emergency and is effective on and after April 11, 2023.

EDUCATION - GENERAL**STUDENTS - GENERALLY*****Support for Pregnant and Parenting Students***

ACT 128 (HB1161) creates requirements for public school districts and open-enrollment public charter schools in relation to pregnant and parenting students, including requiring schools to excuse absences due to conditions that are related to pregnancy or parenting; provide at least ten (10) school days of excused absences for both a parenting mother and a parenting father after the birth of a child; allow a student to make up missed work in a reasonable amount of time at the conclusion of a pregnancy-related or parenting-related period of absence; provide reasonable accommodations for a lactating student to express breast milk, breastfeed, or address other breastfeeding needs; and provide that a student shall not incur an academic penalty as a result of the use of these accommodations.

Training and Administration of Seizure Rescue Drugs

ACT 286 (HB1315) requires at least two (2) school employees to have training to administer or assist with the self-administration of seizure rescue medication and prescribed electrical stimulation using a vagus nerve stimulator magnet to a student if the student's parent or legal guardian complies with certain requirements. The act applies only to a school that has a student enrolled who has a seizure disorder and has a seizure medication or other medication prescribed to treat seizure disorder symptoms.

TEACHERS - GENERALLY***Committee on Personnel Policies - Membership and Meetings***

ACT 781 (SB512) provides requirements for the election and appointment of classroom teacher members of a public school district's committee on personnel policies, the meetings of the committee, and the minutes of the meetings of the committee.

Computer Science

ACT 635 (SB378) removes the requirement that, beginning with the 2023-2024 school year, a public school district employ a computer science teacher at each high school within the public school district.

LEARNS Act - Compensation - Salaries, Loan Forgiveness, and Incentives

ACT 237 (SB294) increases the amount of loan repayments under the State Teacher Education Program to six thousand dollars (\$6,000); establishes the minimum base salary for teachers to be fifty thousand dollars (\$50,000); and requires, during the 2023-2024 school year, each teacher to be paid at least two thousand dollars (\$2,000) more than his or her current salary amount. The act requires each public school district to meet specific conditions in order to receive state funds to implement the minimum base salary and subsequent salary increases for teachers. The act also provides for an annual bonus of up to ten thousand dollars (\$10,000) to qualifying teachers and establishes the categories into which a teacher may fall in order to be eligible for the annual bonus. The act creates the Arkansas Teacher Academy Scholarship Program, which provides annual scholarships of the cost of tuition and fees at an institution of higher education or the amount for obtaining a teaching license, including the cost of one (1) required examination, and requires program participants to agree to teach for at least one (1) full school year in a school that serves primarily public school students with disabilities. The act requires institutions of higher education that establish an Arkansas Teacher Academy to develop partnerships with public schools and requires the Division of Higher Education to create an administrative process and distribution criteria in order to implement the program. The act declares an emergency, and these sections are effective on and after March 8, 2023.

EDUCATION - GENERAL**TEACHERS - GENERALLY*****LEARNS Act - Employment Generally***

ACT 237 (SB294) repeals the requirement that specific information be included in school district employment contracts. The act requires a public school district superintendent to consult with teachers employed by the public school district before making decisions regarding the hiring or placement of a principal at the public school in which the teachers are employed. The act establishes the criteria for public school district hiring decisions, reduction-in-force procedures, and other employment-related decisions. The act establishes paid maternity leave for education personnel based on a cost-sharing agreement between the Division of Elementary and Secondary Education and a public school district or open-enrollment public charter school that elects to participate. The act repeals the statute that establishes incentives for teacher recruitment and retention in high-priority districts. The act declares an emergency, and these sections are effective on and after March 8, 2023.

TEACHERS - LICENSURE***Competency Demonstration***

ACT 732 (HB1609) repeals the requirement that teachers demonstrate competency in subject-matter content on identified assessments. The act requires teachers to demonstrate competency by obtaining passing scores on State Board of Education-approved assessments or by successfully completing a Division of Elementary and Secondary Education Alternate Assessment Plan. The act further authorizes an individual with an Aspiring Teacher permit to be assigned to teach a grade level or a subject for which he or she is not fully or provisionally licensed by the state board. The act repeals the requirement that a person applying for first-time licensure for an elementary education kindergarten through grade six (K-6) license or a special education kindergarten through grade twelve (K-12) license pass a subject-matter content assessment and demonstrate pedagogical competence.

Professional Development Requirements

ACT 548 (HB1538) amends the requirements under the professional development schedule for licensed teachers as it pertains to certain topics. The act requires that an applicant for an initial teaching license meet certain training requirements unless he or she is eligible for an exception. The act prohibits a public school district from requiring more than four (4) days of professional development in addition to the six (6) days of professional development included in a basic contract for a teacher.

Requirements - Implicit Bias

ACT 511 (HB1559) prohibits the State Board of Education from requiring an individual who is seeking to obtain or renew an educator license to complete or participate in implicit bias training as a requirement for obtaining or renewing an educator license or for professional development.

Scientific Reading Instruction - Applicability

ACT 791 (SB571) requires that all teachers employed in a classroom teaching position that requires a license to teach a special education course that directly relates to literacy for students in kindergarten through grade twelve (K-12) demonstrate proficiency in knowledge and practices of scientific reading instruction. The act adds an exception to the requirement that certain teachers demonstrate proficiency in knowledge and practices of scientific reading instruction for a teacher who has already demonstrated proficiency through an approved, prescribed pathway and is adding an endorsement to his or her teaching license.

EDUCATION - GENERAL**TEACHERS - LICENSURE*****Tiered System of Licensure***

ACT 732 (HB1609) repeals the authority of the State Board of Education to require that a provisional license may be issued if an applicant for a teaching license meets minimum qualifications applicable to an applicant for a teaching or an administrator license or partially meets full licensure requirements. The act authorizes the state board to include in its rules for a tiered system of licensure an Aspiring Teacher permit. The act further allows a person applying for a first-time provisional or standard license to be eligible to work under an Additional Licensure Plan. The act authorizes the state board to extend a provisional license in certain circumstances. The act also repeals the authority of the state board to establish certain requirements for licensure.

Tiered System of Licensure - Alternative Educator Preparation Program

ACT 416 (HB1463) eliminates the requirement that certain persons applying for licensure complete a test approved by the State Board of Education and submit the scores of the required test to the Division of Elementary and Secondary Education. The act also authorizes an individual who meets requirements for the issuance of a standard teaching license or a provisional license to be approved for an Additional Licensure Plan to add an area of endorsement to his or her teaching license. The act specifies that a provisional license issued by the state board shall be equivalent to a standard license for the purpose of applying for a Driver's Education Licensure Endorsement through the Additional Licensure Plan.

Waiver

ACT 732 (HB1609) increases the number of consecutive school days during which a class of students may be under the instruction of a teacher who is not licensed to teach the grade level or subject matter of the class to sixty (60) days. The act repeals the authority of the State Board of Education to waive or modify the requirement that an applicant seeking license as a special education teacher complete an additional performance-based program of study under certain conditions. The act amends the definition of a "long-term substitute" to increase the consecutive number of school days the long-term substitute may teach to sixty-one (61) days.

TECHNICAL CORRECTIONS - EDUCATION***Title 6***

ACT 109 (HB1280) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 6 of the Arkansas Code.

TRANSPORTATION***Enhanced Transportation Funding***

ACT 238 (HB1238) amends the enhanced transportation funding provided to certain public school districts by the Division of Elementary and Secondary Education for the 2023-2024 and 2024-2025 school years. The act declares an emergency and is effective on and after March 10, 2023.

LEARNS Act - Transportation Modernization Grant Program - Creation

ACT 237 (SB294) creates the Transportation Modernization Grant Program to improve access to transportation for students attending a public school district, an open-enrollment public charter school, or a licensed childcare center serving publicly funded students and to support transportation innovations and efficiency solutions. The act establishes the purposes for which grants under the program shall be used. The act requires the Department of Education to submit an interim report by December 15, 2023, and a final report by June 30, 2024, that describes the best practices used by grant recipients to transport students, provides a list of grant recipients and the amounts and purposes of the grants, and specifies the number of children impacted per grant recipient. The act declares an emergency, and these sections are effective on and after March 8, 2023.

EDUCATION - HIGHER

CAREER EDUCATION

Career Education and Workforce Development Board Membership and Duties

ACT 648 (SB451) amends the membership of the Career Education and Workforce Development Board, amends the duties of the Office of Skills Development and the Career Education and Workforce Development Board, and amends the law to coordinate various workforce development programs.

DEGREES

Nursing Earn-to-Learn - Hours Worked Count Toward Nursing Degree

ACT 672 (SB299) establishes nursing earn-to-learn programs that authorize a nursing student to earn direct patient care clinical credit hours towards a nursing degree for working certain jobs in a healthcare facility.

EMPLOYEES

Employment - Generally

ACT 778 (SB491) repeals the Higher Education Uniform Classification and Compensation Act, amends the duties of staff employed by the Arkansas Higher Education Coordinating Board, establishes extra help positions and position pools for institutions of higher education, establishes annual career service recognition payments for employees of institutions of higher education, and amends the law concerning additional compensation and overtime for certain employees of institutions of higher education. The act declares an emergency and is effective on and after July 1, 2023.

Maximum Number of New or Additional Positions

ACT 645 (SB436) amends the maximum number of new or additional positions that may be established by certain institutions of higher education and amends the maximum number of passenger motor vehicles for certain institutions of higher education.

Speech - Addressing Students - Limitations

ACT 542 (HB1468) prohibits a faculty member or an employee of a state-supported institution of higher education from addressing an unemancipated minor or student either with a pronoun or title that is inconsistent with the unemancipated minor's or student's biological sex or with a name other than the name listed on the unemancipated minor's or student's birth certificate, or a derivative, unless there is written permission from the parent, legal guardian, or person standing in loco parentis to the unemancipated minor or student, if the student is under eighteen (18) years of age. The act creates a cause of action for a person who is harmed by a violation of the act and provides for the award of injunctive relief, monetary damages, reasonable attorney's fees and costs, and any other appropriate relief.

Training - Implicit Bias Training - Prohibitions and Limitations

ACT 511 (HB1559) prohibits state-supported two-year and four-year institutions of higher education from requiring employees to complete or participate in implicit bias training and from taking adverse employment action against an employee for the employee's failure or refusal to complete or participate in implicit bias training. The act further permits an employee of a state-supported two-year or four-year institution of higher education to leave a training that he or she is attending if he or she determines that the training addresses implicit bias. The act permits state-supported two-year and four-year institutions of higher education to require implicit bias training if at least ninety-five percent (95%) of the implicit bias training is required by an accreditor, grantor, or licenser.

HIGHER EDUCATION COORDINATING BOARD

Automated External Defibrillators on Campus and Training

ACT 737 (HB1643) requires automated external defibrillators on campuses of institutions of higher education and requires the Arkansas Higher Education Coordinating Board to develop rules for automated external defibrillator and cardiopulmonary resuscitation training.

EDUCATION - HIGHER**HIGHER EDUCATION COORDINATING BOARD*****Duties***

ACT 778 (SB491) repeals the Higher Education Uniform Classification and Compensation Act, amends the duties of staff employed by the Arkansas Higher Education Coordinating Board, establishes extra help positions and position pools for institutions of higher education, establishes annual career service recognition payments for employees of institutions of higher education, and amends the law concerning additional compensation and overtime for certain employees of institutions of higher education. The act declares an emergency and is effective on and after July 1, 2023.

HIGHER EDUCATION DIVISION***Director of the Division of Higher Education - Appointment***

ACT 786 (SB551) eliminates the requirement that the Governor consult with the Arkansas Higher Education Coordinating Board when appointing the Director of the Division of Higher Education and changes the title of the Director of the Division of Higher Education to the Commissioner of the Division of Higher Education. The act declares an emergency and is effective on and after April 12, 2023.

Finances - Higher Education Grants Fund Account

ACT 539 (HB1417) requires the disbursement of additional funds allocated from the Higher Education Grants Fund Account for the Arkansas Academic Challenge Scholarship Program to account for the distribution of up to two million dollars (\$2,000,000) by the Division of Higher Education on behalf of students who are enrolled in a technical institute or a vocational-technical institute.

Funding - Sustainable Building Maintenance Program

ACT 751 (HB1743) creates the Sustainable Building Maintenance Program for State-Supported Institutions of Higher Education and authorizes the Division of Higher Education to loan money from the fund for the program to state-supported institutions of higher education for purposes of deferred maintenance, critical maintenance, or a renovation of a state-owned property.

Health - Opioid Overdose Rescue Kits - Required on Higher Education Campuses

ACT 811 (HB1514) requires that by January 1, 2024, each state-supported two-year and four-year institution of higher education campus have a clearly visible and labeled opioid overdose rescue kit and requires that the location of each opioid overdose rescue kit be registered with the campus police of each state-supported two-year and four-year institution of higher education. The act requires an opioid overdose rescue kit be located within certain locations on each campus of a state-supported two-year or four-year institution of higher education.

Rules - Scholarships Funded with State Funds and Lottery Proceeds - Summer Term

ACT 413 (HB1412) requires the Division of Higher Education to promulgate rules or update existing division rules to allow a student who is a recipient of a scholarship funded with state funds or lottery proceeds and administered by the division to enroll in and attend courses offered during a summer term at a postsecondary institution in which the student is enrolled. The act declares an emergency and is effective on and after July 1, 2023.

INSTITUTIONS OF HIGHER EDUCATION***Community Colleges - Community College Boards - Exceptions to Formation***

ACT 726 (HB1551) establishes an exception to the requirement that a community college board be established in the case of an institution of higher education that converts to a community college and is under the control of a board of trustees of a university system and clarifies that a board of trustees of certain technical or community colleges may also include the board of trustees of the university system that controls a community college.

EDUCATION - HIGHER**INSTITUTIONS OF HIGHER EDUCATION*****Community Colleges - Community College Districts - Reconstitution - Additional Zones***

ACT 519 (HB1619) permits a local board of a community college district that has been reconstituted to vote to establish additional zones within the reconstituted community college district and requires that any additional zones be substantially equal in population to the existing local community college board zones.

Community Colleges - Formation of Community College Districts - Feasibility Studies

ACT 726 (HB1551) repeals the requirement that, upon request of a citizens' group representing a proposed community college district, the State Community College Board assist in a feasibility study of the proposed district to determine whether its formation would meet statutory requirements and criteria established by the board for the formation of the district.

Employees - Generally

ACT 778 (SB491) repeals the Higher Education Uniform Classification and Compensation Act, amends the duties of staff employed by the Arkansas Higher Education Coordinating Board, establishes extra help positions and position pools for institutions of higher education, establishes annual career service recognition payments for employees of institutions of higher education, and amends the law concerning additional compensation and overtime for certain employees of institutions of higher education. The act declares an emergency and is effective on and after July 1, 2023.

Event Ticketing and Resale - Collegiate Sporting Event

ACT 590 (HB1650) repeals the criminal law prohibiting the resale of tickets in excess of their regular price to certain events, allows for the resale of tickets, prohibits a local government from regulating or prohibiting the sale or resale of a ticket for admission to a legal event at any price or prohibiting the charge of any fee in connection with the sale or resale, regulates the sale by an institution of higher education or its designee of a ticket to a collegiate sporting event held in this state, and regulates the refund process for event tickets. The act establishes criminal penalties for counterfeit event tickets and penalties for violations of the Event Ticketing and Resale Consumer Protection Act. The act declares an emergency and is effective on and after April 11, 2023.

Expression on Campus - Limitations

ACT 614 (SB125) prohibits a state-supported institution of higher education from limiting or restricting the expression of a member of the campus community in a campus forum based on the viewpoint of the expression or the reaction or opposition from listeners to or observers of the expression and clarifies the interpretation and scope of the prohibition and the rights of members of the campus community.

Health - Opioid Overdose Rescue Kits - Duties

ACT 811 (HB1514) requires each state-supported two-year and four-year institution of higher education to inspect each opioid overdose rescue kit and replace used or expired kits. The act requires a list of the location of each opioid overdose rescue kit to be available through the campus health center and the Department of Public Safety. The act also requires each state-supported two-year and four-year institution of higher education to provide training regarding the use and location of each opioid overdose rescue kit during a freshman student orientation program.

Job Order Contracting - Increase Maximum Bid Award

ACT 728 (HB1582) increases the cap on job order contracting bid awards for institutions of higher education to one million two hundred thousand dollars (\$1,200,000) and repeals the different threshold requirements for job order contracting bid awards based on the education and general appropriations for state agencies and institutions of higher education.

EDUCATION - HIGHER

INSTITUTIONS OF HIGHER EDUCATION

Motor Vehicle Restrictions - Definition of "Passenger Motor Vehicles"

ACT 817 (HB1642) amends the definition for "passenger motor vehicles" in relation to the motor vehicle restrictions and authorizations for state entities and institutions of higher education to exclude vehicles that are primarily used for health screenings or providing health treatment.

Name - South Arkansas Community College

ACT 245 (HB1383) changes the name of South Arkansas Community College to South Arkansas College throughout relevant sections of the Arkansas Code. The act declares an emergency and is effective on and after July 1, 2023.

Prohibition on Spending Funds on Name, Image, and Likeness of Student-Athlete

ACT 880 (SB456) prohibits state-funded medical schools in this state from spending state general revenue funds from tax dollars on the name, image, and likeness of a student-athlete under the Arkansas Student-Athlete Publicity Rights Act.

University of Arkansas - Generally

ACT 124 (SB101) amends various provisions of the Arkansas Code as they relate to the University of Arkansas, including repealing certain statutes regarding the community college in Polk County, Rich Mountain Community College, and the University of Arkansas at Fort Smith; repealing certain laws as they relate to the powers and duties of the Board of Trustees of the University of Arkansas; requiring the board of trustees to prescribe the course of study for the campuses, divisions, and units of the University of Arkansas system; renaming eVersity the University of Arkansas Grantham; and renaming the University of Arkansas Cooperative Extension Service the Division of Agriculture of the University of Arkansas.

SCHOLARSHIPS, GRANTS, AND FINANCIAL AID

Academic Challenge Scholarship Program - Approved Institutions of Higher Education

ACT 539 (HB1417) includes a public or private vocational-technical school and a public or private technical institute that is bonded and insured in the definition of an "approved institution of higher education" under the Arkansas Academic Challenge Scholarship Program. The act further requires that an applicant who has applied for a scholarship under the program and has applied to or is currently enrolled in a public or private vocational-technical school or a public or private technical institute is eligible for a scholarship only if he or she is accepted for admission in a program of study that leads to an associate degree or a certificate program in industry, health care, or information technology.

Arkansas Academic Challenge Scholarship Program - Definition of "Semester"

ACT 413 (HB1412) amends the definition of "semester" under the Arkansas Academic Challenge Scholarship Program to include summer courses offered at an institution of higher education. The act declares an emergency and is effective on and after July 1, 2023.

Arkansas Academic Challenge Scholarship Program - Eligibility - Dependents

ACT 387 (SB249) defines a "dependent" as a biological child, an adopted child, or a stepchild of an individual who otherwise meets required conditions for purposes of receipt of a scholarship under the Arkansas Academic Challenge Scholarship Program.

Arkansas Concurrent Challenge Scholarship Program - Definition of "Student"

ACT 438 (HB1333) expands the definition of "student" under the Arkansas Concurrent Challenge Scholarship Program to include students in grade ten (10).

EDUCATION - HIGHER**SCHOLARSHIPS, GRANTS, AND FINANCIAL AID*****Division of Higher Education - Financial Aid Appeals Committee - Creation***

ACT 244 (HB1347) creates the Financial Aid Appeals Committee for purposes of granting or denying appeals applications and determining individuals who are eligible for appealing a financial aid decision. The act establishes the requirements for the membership of the committee and creates eligibility criteria for individuals eligible to appeal to the Division of Higher Education to reinstate a scholarship or grant.

Lottery-Funded Scholarship - Arkansas Challenge Plus Scholarship Program - Creation

ACT 386 (SB248) creates the Arkansas Challenge Plus Scholarship Program, which awards scholarships to students who apply for and maintain eligibility for a scholarship under the Arkansas Academic Challenge Scholarship Program and who demonstrate financial need. The act requires that Arkansas Challenge Plus Scholarship Program scholarships be funded by available net proceeds remaining from the previous academic year after the transfer of the net lottery proceeds necessary to fund the Arkansas Academic Challenge Scholarship Program, Arkansas Workforce Challenge Scholarship Program, and Arkansas Concurrent Challenge Scholarship Program and the deposit of the amount necessary to maintain the Scholarship Shortfall Reserve Trust Account. The act further limits the total amount of scholarships awarded under the Arkansas Challenge Plus Scholarship Program for the 2023-2024 academic year and requires the Division of Higher Education to administer and promulgate rules to implement the Arkansas Challenge Plus Scholarship Program.

Psychological and Neuropsychological Testing Workforce Incentives

ACT 842 (HB1772) creates the Psychological and Neuropsychological Testing Workforce Scholarship, Stipend, and Incentive Program administered by the Arkansas Psychology Board and establishes eligibility requirements for recipients of a scholarship, stipend, or incentive under the program.

Tuition Benefits for Soldiers and Airmen of the Arkansas National Guard

ACT 275 (SB200) permits the Adjutant General to recommend an exception to the semester credit hour cap for a soldier or an airman of the Arkansas National Guard who is enrolled in a degree program that exceeds one hundred twenty (120) hours, subject to the availability of funds and the approval of the Division of Higher Education. The act also expands the conditions under which a soldier or an airman of the Arkansas National Guard may drop more than six (6) semester credit hours during the period in which the soldier or airman receives the tuition-free benefit to include a reason recommended for approval by the Adjutant General and approved by the division.

Tuition Waivers - Dependents of Veterans - Funds and Eligibility

ACT 387 (SB249) requires that excess tuition waiver awards that qualify for distribution be funded with any funds remaining after the allocation of sufficient funding to award scholarships at levels equivalent to the awards made in the previous academic year for the Arkansas Academic Challenge Scholarship Program, Arkansas Workforce Challenge Scholarship Program, and Arkansas Concurrent Challenge Scholarship Program in the event the number of students who qualify for a tuition waiver during an academic year exceeds the amount of funds appropriated for purposes of funding students who qualify for tuition waivers. The act also amends the definition of a "dependent" for purposes of eligibility for a tuition waiver for dependents of certain veterans to include a stepchild of a disabled veteran, prisoner of war, or person declared to be missing in action, killed in action, or killed on ordnance delivery.

EDUCATION - HIGHER

STUDENTS

Disciplinary Proceedings - Student Due Process

ACT 470 (SB365) establishes procedural protections that are applicable to student conduct disciplinary proceedings at public two-year and four-year institutions of higher education and creates a cause of action for a student or student organization with the Arkansas State Claims Commission to recover certain damages and fees upon a finding that rights under the act have been violated.

Discrimination Prohibited - Natural, Protective, or Cultural Hairstyle

ACT 514 (HB1576) establishes the Creating a Respectful and Open World for Natural Hair (CROWN) Act that prohibits discrimination based upon natural, protective, or cultural hairstyles in public schools and in state-supported two-year and four-year institutions of higher education and adds definitions to the Arkansas Civil Rights Act of 1993 related to natural, protective, or cultural hairstyles.

Rights of Students - Applicability

ACT 589 (HB1649) amends the Arkansas Student-Athlete Publicity Rights Act to apply to a student-athlete who has been accepted for admission or signed a National Letter of Intent or other written agreement to enroll in an institution of higher education within the state or who is enrolled in an institution of higher education. The act allows a charitable organization that is exempt under federal law to compensate student-athletes for the commercial use of the student-athlete's publicity rights; clarifies that a student-athlete may rescind a publicity rights contract if the student-athlete is no longer eligible to participate in any intercollegiate athletics program at an institution of higher education; clarifies that an institution of higher education, its supporting foundations, or its authorized entities are not required to compensate a student-athlete for any use of the student-athlete's publicity rights; clarifies that compensation or a promise to compensate for use of a student-athlete's publicity rights for purposes of recruiting or inducing the student-athlete to enroll at another institution of higher education is prohibited; creates a cause of action for violations; and clarifies liability for damages related to an intercollegiate student-athlete's ability or inability to earn compensation. The act declares an emergency and is effective on and after April 11, 2023.

Speech - Addressing Students - Limitations

ACT 542 (HB1468) prohibits a faculty member or an employee of a state-supported institution of higher education from addressing an unemancipated minor or student either with a pronoun or title that is inconsistent with the unemancipated minor's or student's biological sex or with a name other than the name listed on the unemancipated minor's or student's birth certificate, or a derivative of that name, unless there is written permission from the parent, legal guardian, or person standing in loco parentis to the unemancipated minor or student, if the student is under eighteen (18) years of age. The act creates a cause of action for a person who is harmed by a violation of the act and provides for the award of injunctive relief, monetary damages, reasonable attorney's fees and costs, and any other appropriate relief.

Unaccompanied Homeless Youth and Youth in Foster Care - Transcripts

ACT 506 (HB1462) allows an individual between sixteen (16) and twenty-two (22) years of age who is not in the physical custody of a parent or guardian to be certified as an unaccompanied homeless youth and provides that an unaccompanied homeless youth or a youth in foster care may be issued a paper transcript or an electronic transcript from a public college or university without cost.

ELECTIONS

ABSENTEE VOTING

Ballots - Date Received

ACT 421 (HB1512) alters the date absentee ballots applied for by qualified electors outside the United States may be submitted and counted.

Drop Box Prohibited

ACT 353 (SB258) prohibits using a drop box to collect or deliver absentee ballots.

Observance of Religious Discipline or Religious Holiday

ACT 141 (SB247) allows a person to vote by absentee ballot if prevented from voting due to the observance of a religious discipline or religious holiday.

Unsolicited Absentee Ballots - Pre-Filled Absentee Ballots - Assistance

ACT 320 (HB1411) prohibits the delivery of an absentee ballot application with certain information pre-filled and unsolicited absentee ballots. The act requires a person giving assistance in filling out an application for an absentee ballot to provide certain information and creates a misdemeanor for certain violations related to absentee ballots.

BOARD OF ELECTION COMMISSIONERS

Arkansas Election Integrity Database - Reports

ACT 544 (HB1513) creates the Election Integrity Unit within the Attorney General's Office and requires the unit to establish and maintain the Arkansas Election Integrity Database. The act requires the unit to track alleged election law violations, respond to complaints, and investigate alleged violations and allows the unit to institute civil proceedings to enforce election laws. The act also requires the State Board of Election Commissioners to prepare certain reports.

County Board - Member Compensation

ACT 356 (SB292) establishes the compensation for members of a county board of election commissioners.

County Board - Vacancy - Appointment

ACT 138 (SB196) provides the manner of appointment of a member of a county board of election commissioners in the event of a vacancy.

Poll Watchers

ACT 444 (HB1457) establishes the rights and duties of poll watchers and county boards of election commissioners and requires the State Board of Election Commissioners to create a training program for poll watchers. The act also requires the State Board of Election Commissioners to promulgate rules concerning the training materials, procedures, and training program for poll watchers by January 1, 2024.

State Board - Complaint - Settlement Process

ACT 295 (HB1464) extends the deadline to certify a complaint of election law violations to the State Board of Election Commissioners and clarifies the complaint and settlement process with the board.

State Board - Election Integrity Review Process

ACT 620 (SB272) creates an election integrity review audit process to be conducted by the State Board of Election Commissioners of county elections and election processes. The act requires the board to adopt a report of the findings and provide it to the Attorney General's office and the Joint Performance Review Committee.

CAMPAIGN PRACTICES

Display of Certain Election Material on State Capitol Grounds

ACT 456 (HB1600) repeals the law restricting the display of campaign literature on vehicles of candidates or public officials while on State Capitol grounds.

ELECTIONS**COUNTY ELECTIONS*****County Use of Paper Ballots***

ACT 743 (HB1687) amends election procedures concerning the marking and counting of paper ballots, including requiring the cost of hand-counted paper ballots to rest with the county choosing to use the hand-counted paper ballots, establishing the procedure used to hand count the paper ballots, and providing for the watermark required for paper ballots. The act provides an exception to the requirement that paper ballots be run through an electronic vote tabulation device before a hand count is conducted. The act also establishes the manner in which paper ballot votes shall be tabulated, reported, and stored. The act declares an emergency and is effective on and after April 12, 2023.

Early Voting - County Holidays

ACT 92 (HB1198) removes the restriction on early voting on county holidays.

Paper Ballots - Use

ACT 350 (SB250) amends the procedure for the use of paper ballots, including the method and time in which paper ballots are marked and counted. The act declares an emergency and is effective on and after March 21, 2023.

FINANCE***Campaign Finance Reports - Contributions - Complaint Process***

ACT 753 (HB1756) amends multiple provisions of the law concerning campaign finance, including increasing the time period in which reports shall be filed to twenty (20) days after the end of each month, requiring the electronic format for filing reports to aggregate total campaign contributions by a contributor, and changing the aggregate amount of contributions to a candidate for reporting purposes to two hundred dollars (\$200). The act also clarifies the citizen complaint process and requires the Arkansas Ethics Commission to develop an online complaint form and a reporting calendar and promulgate rules concerning the complaint submission process. The act establishes a mandatory fine for the third and subsequent time that a candidate fails to file a campaign finance report.

Candidate Contributions - Fourth Quarter Reports

ACT 85 (SB114) provides that candidates are not required to file fourth quarter reports if no campaign finance activity has occurred and moves the date for filing to the last day of the month.

Political Action Committee - Registration

ACT 552 (HB1595) allows political action committees to remain registered and active unless termination is requested or the political action committee fails to file any quarterly reports for two (2) years.

Political Action Committee - Contribution Amount

ACT 455 (HB1599) increases the maximum contribution amount to political action committees to ten thousand dollars (\$10,000).

GENERALLY***Delegates to an Article V Constitutional Convention***

ACT 835 (HB1748) establishes the procedure for the selection of delegates to a convention called under Article V of the United States Constitution and provides the oaths that each delegate and alternate shall take before serving as a delegate.

Election Expenses - Acceptance of Funds

ACT 352 (SB255) restricts state and county employees or officials from accepting funds, grants, gifts, services, or anything of value for the purpose of paying for election-related expenses other than those from governmental sources.

ELECTIONS

GENERALLY

Election Media Definitions

ACT 292 (HB1405) updates the definition of "election media" under election law to remove technology references that are no longer used.

Poll Watchers

ACT 444 (HB1457) establishes the rights and duties of poll watchers and county boards of election commissioners and requires the State Board of Election Commissioners to create a training program for poll watchers. The act also requires the State Board of Election Commissioners to promulgate rules concerning the training materials, procedures, and training program for poll watchers by January 1, 2024.

Secretary of State - New Federal Election Guidance

ACT 294 (HB1461) creates a legislative review process for new federal election guidance and requires the Secretary of State to collect and be notified of new federal election guidance.

Write-in Candidates

ACT 305 (SB254) eliminates write-in candidates on ballots in elections.

INITIATED OR REFERRED MEASURES

Certification - Signatures from Fifty Counties

ACT 236 (HB1419) provides that in order to certify an initiative petition or referendum petition for the statewide election ballot, signatures on a statutory or constitutional initiative petition or referendum petition shall be from at least fifty (50) counties of the state and bear at least one-half (1/2) of the designated percentage of the electors of each of the fifty (50) counties. The act declares an emergency and is effective on and after March 7, 2023.

Paid Petition Blockers

ACT 766 (SB377) creates a Class A misdemeanor for a person who interferes with initiative petitions and proposed measures by changing, erasing, or intentionally destroying or discarding a signature. The act regulates the practice of hiring paid petition blockers and requires petition-blocking sponsors to take action to ensure there are no disqualifying offenses on record of a paid petition blocker and to submit specific information to the Secretary of State.

Review of Petition by Attorney General

ACT 194 (HB1320) amends the process concerning initiative petitions and referendum petitions to require review of the petition by the Attorney General before circulation. The act declares an emergency and is effective on and after March 6, 2023.

MUNICIPAL ELECTIONS

Party Primaries - Filing Deadlines - Nomination Petitions

ACT 328 (HB1469) standardizes processes and procedures for cities, towns, and municipalities concerning the conduct of party primaries for municipal offices, filing deadlines, nomination petitions, and other pre-election and election proceedings.

MUNICIPAL ELECTIONS

Tabulation of Unopposed Office - City Clerk

ACT 647 (SB447) removes the city clerk from the list of races that shall be tabulated if the position is an unopposed position.

POLITICAL PARTIES

Political Party Filing Period and Petition Requirements

ACT 462 (SB277) changes the political party filing period to end on the second day in March and establishes the petition requirements for the recognition of new political parties.

ELECTIONS

RUNOFF ELECTIONS

Vote Centers - Location

ACT 389 (SB273) requires vote centers for runoff elections to be located within a precinct of electors eligible to vote in that runoff election. The act requires the establishment of a vote center at the county seat if no polling site is available on election day for a runoff election.

The act also establishes when a vote center location may be changed.

SCHOOL ELECTIONS

Date to Submit Language - Tax Increase

ACT 721 (HB1495) changes the date a school district is required to file the language of a rate of tax increase for an annual school election.

Filing Period

ACT 276 (SB276) requires candidates for school board elections to file for office during a one-week period ninety (90) days before a school election held in November. The act declares an emergency and is effective on and after March 13, 2023.

SPECIAL ELECTIONS

Conservation Districts

ACT 690 (SB402) establishes the procedure for the election of directors to a conservation district and provides requirements for elected directors seeking reelection. The act also specifies the voting procedures to be used, the requirements for reporting election results, and the process for challenging the election process.

Date

ACT 300 (HB1510) changes the date for special elections on measures and questions to the preferential primary election or general election date and defines what constitutes an emergency special election. The act is effective on and after January 1, 2024.

VOTER REGISTRATION

Secretary of State - Voter Registration List Management

ACT 441 (HB1407) amends Arkansas Constitution, Amendment 51, to require the Secretary of State to ensure the security and accuracy of the statewide voter registration list by comparing the statewide voter registration list to other states, other verification services, and information from the Social Security Administration. The act requires additional notifications on voter registration applications concerning third-party voter registration organizations, requires all voter registration agencies to submit certain information concerning voter registration to the Legislative Council and the Secretary of State, and requires the State Board of Election Commissioners to perform an audit of the voter registration data annually. The act also requires the Secretary of State to promulgate rules concerning the processes used to secure the statewide voter registration list.

VOTING PROCEDURES

Ballot Error Correction

ACT 308 (SB293) provides a procedure for the correction of errors on ballots and how special error correction ballots are utilized and creates a procedure for a candidate to review his or her name on a ballot prior to an election.

Damaged Ballots

ACT 460 (SB253) creates the process for how damaged ballots are duplicated and counted during an election.

Early Voting - Standard Hours

ACT 263 (HB1325) standardizes the hours early voting is available at an early voting polling site.

ELECTIONS

VOTING PROCEDURES

Early Voting - Transfer of Equipment

ACT 246 (HB1404) provides the procedure to be used if equipment and materials are transferred from one (1) polling site to another polling site during early voting and establishes how the ballots cast shall be secured.

Paper Ballots - Marking and Counting

ACT 743 (HB1687) amends election procedures concerning the marking and counting of paper ballots, including requiring the cost of hand-counted paper ballots to rest with the county choosing to use the hand-counted paper ballots, establishing the procedure used to hand count the paper ballots, and providing for the watermark required for paper ballots. The act provides an exception to the requirement that paper ballots be run through an electronic vote tabulation device before a hand count is conducted. The act also establishes the manner in which paper ballot votes shall be tabulated, reported, and stored. The act declares an emergency and is effective on and after April 12, 2023.

Paper Ballots - Use

ACT 350 (SB250) amends the procedure for the use of paper ballots, including the method and time in which paper ballots are marked and counted. The act declares an emergency and is effective on and after March 21, 2023.

Recount

ACT 321 (HB1423) amends the procedure for the recount of ballots to address the time period during which a candidate may request a recount and the procedures a county board of election commissioners is required to follow when conducting a recount.

Transportation - Security - Chain of Custody

ACT 329 (HB1487) creates a process for the transportation, security, and chain of custody for marked absentee ballots and provisional ballots.

EMERGENCY SERVICES

EMERGENCY MANAGEMENT DIVISION

State Fire Marshal - Office of Fire Protection Services

ACT 841 (HB1766) abolishes the State Fire Prevention Commission and amends the duties and membership of the Arkansas Fire Protection Services Board. The act creates the position of State Fire Marshal within the Office of Fire Protection Services of the Arkansas Division of Emergency Management, assigns duties to the State Fire Marshal, and amends the duties of the Division of State Police. The act creates the Fire Services Fund and requires a portion of new revenues collected from the Fire Protection Premium Tax Fund to be deposited in the Fire Services Fund. The act declares an emergency and is effective on and after July 1, 2023.

PERSONNEL

Community Paramedic Training Hours

ACT 54 (HB1178) reduces the hours of training required for licensure of a community paramedic to one hundred sixty (160) hours and requires one (1) of the areas of clinical experience to be social determinants of health.

Criminal Background Checks

ACT 51 (HB1251) clarifies that the laws regarding a criminal background check apply to all emergency medical services personnel and amends the criminal background check law for emergency medical services personnel to include offenses prosecuted in other states or by federal courts as disqualifying offenses.

Emergency Medical Responders - Licensure and Reimbursement

ACT 258 (HB1128) allows emergency medical responders to be voluntarily licensed in this state and to be reimbursed by insurance companies and the Arkansas Medicaid Program.

EMERGENCY SERVICES

PERSONNEL

Traumatic Event - Licensed Counseling

ACT 537 (HB1302) requires a public employer who employs a public safety employee to provide coverage for licensed counseling to the public safety employee after experiencing a traumatic event while in the course of duty. The act expires January 1, 2025, unless extended by the General Assembly. The section of the act concerning traumatic event counseling is effective on and after January 1, 2024.

PREVENTION AND PROTECTION

Storm Shelters - Requirements for Educational Facilities

ACT 764 (SB355) prohibits the Arkansas Fire Prevention Code, before January 1, 2025, from requiring an educational facility to have a storm shelter that has an occupant capacity that exceeds the total occupant load of the classrooms, vocational rooms, and offices in the building in which the storm shelter is located. The act also requires the Arkansas Fire Prevention Code, beginning January 1, 2025, to identify the educational facilities that must have a storm shelter and set certain requirements for the occupant capacity of the storm shelter.

TECHNICAL CORRECTIONS - LAW ENFORCEMENT, EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS

Title 12

ACT 176 (HB1284) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 12 of the Arkansas Code.

ENERGY

ALTERNATIVE ENERGY

Bioenergy - Carbon Capture Technology

ACT 693 (SB407) amends the law concerning bioenergy and carbon capture technology, requires that energy produced from certain sources be considered carbon neutral, and requires that energy produced from certain sources in conjunction with carbon capture technologies be considered carbon negative.

Net Metering

ACT 278 (SB295) amends the Arkansas Renewable Energy Development Act of 2001 to provide rate structure options related to net-metering facilities; require interconnection by, at minimum, a two-channel digital meter; authorize an electric utility to impose certain charges to recover costs; authorize a standard one-time fee by an electric utility related to administrative and interconnection review costs; require that a net-metering customer retain a renewable energy credit; allow certain net-metering customers to remain under the rate structure, terms, and conditions in effect before December 31, 2022, until June 1, 2040; and authorize an electric utility to apply a monthly grid charge if following a specific rate structure. The act requires certain information to be provided to a net-metering customer and provides that violations may be enforced under the Arkansas Deceptive Trade Practices Act by the office of the Attorney General. The act requires the Arkansas Public Service Commission to modify its rules and approve modifications to an electric utility's rate schedule applicable to net metering by December 31, 2023. The act declares an emergency and is effective on and after March 13, 2023.

Net Metering - Customer Protection

ACT 476 (SB483) requires that a person who sells or leases a net-metering facility or provides a net-metering service to a net-metering customer have a bond, commercial general liability insurance coverage, and an applicable contractor's license. The act declares an emergency and is effective on and after April 4, 2023.

ENERGY

ALTERNATIVE ENERGY

Spent Nuclear Fuel - Arkansas Nuclear Recycling Program

ACT 259 (HB1142) creates the Arkansas Nuclear Recycling Program, develops a fiscal model for commercial application, and authorizes the Department of Energy and Environment to take certain actions related to spent nuclear fuel, including without limitation securing a federal charter to receive federal funding related to spent nuclear fuel.

ENVIRONMENTAL LAW

AIR POLLUTION AND CONTROL

Arkansas Pollution Control and Ecology Commission - Membership

ACT 704 (SB467) reduces the membership of the Arkansas Pollution Control and Ecology Commission to seven (7) members and amends the agency representatives on the commission.

Liquid Animal Waste Management Systems - Authority

ACT 824 (HB1706) transfers the authority related to liquid animal waste management systems from the Department of Energy and Environment to the Department of Agriculture in consultation with the Division of Environmental Quality.

National Pollutant Discharge Elimination System - Exemptions for Certain Associations

ACT 46 (HB1015) amends the Arkansas Water and Air Pollution Control Act to exempt certain property owners' associations and homeowners' associations from certain permit actions related to National Pollutant Discharge Elimination System permits or state permits for a nonmunicipal domestic sewage treatment works.

Permit Fees

ACT 390 (SB288) provides that certain environmental permit fees are annual, requires that the Arkansas Pollution Control and Ecology Commission set water permit fees and solid waste permit fees for Class I and Class III landfills, and requires that license and examination fees related to wastewater treatment plants not exceed reasonable administrative costs. The act specifies the term of a member appointed to the licensing committee by the commission.

Vegetation Disposal Burning

ACT 27 (HB1137) creates an exception for vegetation disposal burning for certain governmental entities under the Arkansas Water and Air Pollution Control Act.

HAZARDOUS SUBSTANCES

Petroleum Storage Tank Trust Fund - Corrective Action Payments

ACT 422 (HB1520) amends the Petroleum Storage Tank Trust Fund Act to increase the authorized payment amount for corrective action per occurrence to two million dollars (\$2,000,000). The act declares an emergency and is effective on and after March 30, 2023.

RECYCLING

Electronic Waste Collection, Recycling, and Reuse Act - Repeal

ACT 676 (SB310) repeals the Electronic Waste Collection, Recycling, and Reuse Act, which regulates the collection, recovery, transport, recycling, refurbishing, and marketing and distribution for reuse of consumer electronic items.

Spent Nuclear Fuel - Arkansas Nuclear Recycling Program

ACT 259 (HB1142) creates the Arkansas Nuclear Recycling Program, develops a fiscal model for commercial application, and authorizes the Department of Energy and Environment to take certain actions related to spent nuclear fuel, including without limitation securing a federal charter to receive federal funding related to spent nuclear fuel.

ENVIRONMENTAL LAW

RECYCLING

Used Tire Recycling

ACT 713 (SB508) amends the Used Tire Recycling and Accountability Act to authorize the Department of Finance and Administration to use business closure procedures to collect fees under the act, requires a business plan or a revised business plan that results in a business plan rate increase to be reviewed by Legislative Council, establishes four (4) used tire programs in the state to be governed by a tire accountability board, sets out the procedures for tire accountability board elections, and requires the Arkansas Pollution Control and Ecology Commission to waive the imposition of any permit fee on used tire programs. Sections 1 through 3 of the act, concerning business closure procedures for the Department of Finance and Administration related to rim removal, import, and commercial generator fees, are effective on and after October 1, 2023. The act also declares an emergency, and the remaining sections of the act are effective on and after April 11, 2023.

SOLID WASTE MANAGEMENT

Landfills - Landfill Post-Closure Trust Fund

ACT 833 (HB1744) requires that a landfill that has received moneys from the Landfill Post-Closure Trust Fund remain closed until the landfill has fully reimbursed the fund, a new certificate of need has been approved, and a public hearing has been held. The act declares an emergency and is effective on and after April 13, 2023.

TECHNICAL CORRECTIONS - ENVIRONMENTAL LAW

Title 8

ACT 110 (HB1281) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 8 of the Arkansas Code.

WASTEWATER DISPOSAL

Permit Fees

ACT 390 (SB288) provides that certain environmental permit fees are annual, requires that the Arkansas Pollution Control and Ecology Commission set water permit fees and solid waste permit fees for Class I and Class III landfills, and requires that license and examination fees related to wastewater treatment plants not exceed reasonable administrative costs. The act specifies the term of a member appointed to the licensing committee by the commission.

ETHICS

CAMPAIGN FINANCE

Campaign Finance Reports - Contributions - Complaint Process

ACT 753 (HB1756) amends multiple provisions of the law concerning campaign finance, including increasing the time period in which reports shall be filed to twenty (20) days after the end of each month, requiring the electronic format for filing reports to aggregate total campaign contributions by a contributor, and changing the aggregate amount of contributions to a candidate for reporting purposes to two hundred dollars (\$200). The act also clarifies the citizen complaint process and requires the Arkansas Ethics Commission to develop an online complaint form and a reporting calendar and promulgate rules concerning the complaint submission process. The act establishes a mandatory fine for the third and subsequent time that a candidate fails to file a campaign finance report.

Candidate Contributions - Fourth Quarter Reports

ACT 85 (SB114) provides that candidates are not required to file fourth quarter reports if no campaign finance activity has occurred and moves the filing date to the last day of the month.

Political Action Committee - Registration

ACT 552 (HB1595) allows political action committees to remain registered and active unless termination is requested or the political action committee fails to file any quarterly reports for two (2) years.

ETHICS**CAMPAIGN FINANCE*****Political Action Committee - Contribution Amount***

ACT 455 (HB1599) increases the maximum contribution amount to political action committees to ten thousand dollars (\$10,000).

ETHICS COMMISSION***Duties - School District Boards of Directors***

ACT 883 (SB543) amends the circumstances in which a vacancy occurs on a school district board of directors; revises the process for a director to subscribe to a required oath; amends the situations in which a school district board of directors may meet in executive session; prohibits certain conduct by directors; provides that a board member, administrator, employee, or nonemployee who should have known his or her conduct was prohibited under certain laws is guilty of a Class A misdemeanor; and directs the Arkansas Ethics Commission to supervise compliance with certain laws by board members and to investigate citizen complaints alleging violations of certain laws by board members. The act is effective on and after May 1, 2024.

Statutory Duties of the Commission - Contribution Limit - Reports - Complaints

ACT 307 (SB280) amends the duties of the Arkansas Ethics Commission by including complaints and violations related to additional statutes within the scope of the duties of the commission. The act clarifies how the maximum campaign contribution limit is established by rule of the commission, the timing of filing reports concerning independent expenditures, the materials required to accompany a complaint before the commission for the violation of a public trust crime, and the inclusion of "paid for by" language on double-sided signs and campaign materials. Section 7 of the act concerning campaign materials is effective on and after November 1, 2023.

FAMILY LAW**ADOPTION*****Home Study and Health, Genetic, and Social History - Exceptions***

ACT 326 (HB1448) provides additional exceptions to the requirements for a home study and for a detailed, written health history and genetic and social history in an adoption case, including without limitation when the petitioner and the child to be adopted are related to each other within the third degree of consanguinity and when the petitioner has had a guardianship of the person over the proposed adoptee for a period of at least one (1) year immediately before the date the petition for adoption was filed.

Residency, Putative Father Registry, and Exchange of Identifying Information

ACT 639 (SB408) provides that the requirement that a description and estimate of value of any property of an individual to be adopted must be stated in a petition for adoption applies only to an adoption of a minor. The act provides that the residency requirement for a petition for adoption of a minor does not apply to a minor who is less than six (6) months of age. The act also states that the Putative Father Registry does not need to be checked when an order terminating the rights of the minor's parents has been entered before the filing of the petition for adoption or when the minor was previously adopted in a separate adoption proceeding. Additionally, the act allows the exchange of health, genetic, and social history information that would identify the prospective adoptee's birth parents.

CHILD SUPPORT***Failure to Pay Support or Engage in or Seek Work - Incarceration***

ACT 789 (SB562) provides that a parent who is obligated to pay child support, who is not incapacitated, and who willfully refuses to pay past due support, willfully refuses to engage in work, or willfully refuses to seek work as ordered by the court may be ordered to be incarcerated.

FAMILY LAW

CHILD SUPPORT

Limitations Period - Retroactive Child Support

ACT 623 (SB311) limits the period of time for which retroactive child support may be awarded and provides for the effective date of a child support order if the parent ordered to pay child support was not served with the petition, complaint, or other initial pleading under Rule 4 of the Arkansas Rules of Civil Procedure and the parent was not intentionally evading service. The act additionally provides that, if the petitioner is the person for whom support was owed during his or her minority, the petitioner may be awarded support for the last three (3) years before the petitioner reached the age of majority.

HUMAN SERVICES DEPARTMENT

Administrative Adjudication - Email

ACT 474 (SB397) allows the Department of Human Services to serve administrative adjudication decisions by email under the Arkansas Administrative Procedure Act.

NAME CHANGE

Petition and Order for Name Change

ACT 331 (HB1473) requires a petition for a name change to be verified and requires certain information to be included in an order to change a person's name. The act requires the clerk of the court to deliver the unredacted order to the Arkansas Crime Information Center, Arkansas Driver Control, and the Division of Vital Records, if requested by the person petitioning for the name change, and requires the court to order the court file sealed if the person requesting the name change presents clear and convincing evidence that he or she would be endangered if the court file remains unsealed.

PATERNITY

Statute of Limitations - Proving or Disproving Paternity

ACT 763 (SB312) provides that a court proceeding to determine the parentage of a child may be commenced at any time, but if the child is eighteen (18) years of age or older, only the child may initiate a paternity proceeding. The act also provides that a proceeding to disprove the father-child relationship between a child and the child's presumed father may be brought at any time under certain circumstances.

PROPERTY SETTLEMENT

Community Property

ACT 582 (HB1409) repeals the Uniform Disposition of Community Property Rights at Death Act, a previously adopted uniform act regarding how community property is treated in the state, and replaces it with the Uniform Community Property Disposition at Death Act, an updated uniform act dealing with the state's treatment of community property, including what is presumed to be community property; the division of community property; and the treatment of community property and the rights of the surviving community-property spouse or any heirs, devisees, or other nonprobate transferees upon the death of the other community-property spouse.

TECHNICAL CORRECTIONS - FAMILY LAW

Title 9

ACT 111 (HB1282) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 9 of the Arkansas Code.

FIRE PROTECTION

BOARDS

State Fire Prevention Commission - Abolished

ACT 841 (HB1766) abolishes the State Fire Prevention Commission and amends the duties and membership of the Arkansas Fire Protection Services Board. The act creates the position of State Fire Marshal within the Office of Fire Protection Services of the Arkansas Division of Emergency Management, assigns duties to the State Fire Marshal, and amends the duties of the Division of State Police. The act creates the Fire Services Fund and requires a portion of new revenues collected from the Fire Protection Premium Tax Fund to be deposited in the Fire Services Fund. The act declares an emergency and is effective on and after July 1, 2023.

DEPARTMENTS

Municipal - Establishment of Duties, Powers, and Policies

ACT 103 (HB1175) authorizes the governing body of a city or town to prescribe the duties, define the powers, and promulgate the policies applicable to municipal police departments and fire departments.

EDUCATION

School Doors - Building Egress

ACT 787 (SB554) requires exterior doors of public and private schools and all educational institutions to be closed and locked during school hours except during transition times and prohibits building egress from being impeded for any person in compliance with the Arkansas Fire Prevention Code and the Americans with Disabilities Act.

FIREFIGHTERS

Instructor Training for Certain Health Conditions

ACT 199 (HB1458) requires physical fitness instructors of law enforcement, firefighters, or uniformed employees of the Arkansas State Game and Fish Commission to complete training on the recognition and management of certain health conditions and sets certain procedures if a cadet or officer receiving training has symptoms of a sudden cardiac arrest. The act declares an emergency and is effective on and after March 6, 2023.

Leave for Military Service

ACT 529 (HB1703) requires a county or municipality to provide leave for military service to a full-time deputy sheriff, police officer, or firefighter under certain circumstances.

Maximum Age - Appointments and Promotions

ACT 440 (HB1358) increases the maximum age limit for appointment to a position with a municipal fire department; provides for the filling of entry-level positions for firefighters; sets a timeline for filling vacancies for entry-level firefighters; and amends the law concerning the rules and regulations required to be established in relation to appointments and promotions in municipal fire departments, the probation period for potential municipal fire department appointees, when temporary promotions and appointments for vacancies in municipal fire and police departments are allowed, and the timeline for making promotions when there is a current eligibles list.

Residency Requirement - Hiring Preference

ACT 487 (HB1067) allows municipal fire departments and fire protection districts to establish a residency requirement for firefighters in certain circumstances, allows departments and districts to give preference in hiring to people who are residents of certain areas, and prohibits newly enacted residency requirements from affecting firefighters who are employed by the department or district at the time the residency requirement is adopted.

FIREARMS

CONCEALED HANDGUN LICENSING

License for Reciprocity Purpose Only

ACT 777 (SB480) clarifies that the purpose of the concealed carry licensing statutes is to provide licensees reciprocity in other states that require a license to carry a concealed handgun in order to carry a concealed handgun and clarifies that a person is not required to obtain a license to carry a concealed handgun in order to carry a concealed handgun in this state.

Qualifying Patients for Medical Marijuana

ACT 757 (HB1784) provides that a person shall not be prohibited from obtaining a license to carry a concealed handgun because the person is a qualifying patient under the Arkansas Medical Marijuana Amendment of 2016.

Voluntary Mental Health Treatment

ACT 30 (HB1123) authorizes an individual who has sought voluntary mental health treatment to obtain a concealed carry permit at least two (2) years after he or she completed mental health treatment upon a petition in the circuit court in which the person resides.

CONCEALED HANDGUNS - GENERALLY

Board of Corrections Members - Employees of Department of Corrections

ACT 752 (HB1750) allows employees of the Department of Corrections to carry a weapon in the parking lot of the department under certain circumstances, allows members of the Board of Corrections who have a license to carry a concealed handgun to carry a concealed handgun wherever a law enforcement officer may carry a concealed handgun, and authorizes the Secretary of the Department of Corrections to authorize an employee to carry a concealed handgun wherever a law enforcement officer may carry a concealed handgun if the employee meets certain requirements. The act declares an emergency and is effective on and after April 12, 2023.

Department of Transportation Buildings and Grounds

ACT 215 (SB211) repeals the law that states that a license to carry a concealed handgun does not authorize a person to carry a concealed handgun in a building of the Arkansas Department of Transportation or onto grounds adjacent to a building of the department.

Members of Municipal Fire Department Bomb Squad

ACT 166 (HB1018) allows members of a municipal fire department bomb squad to carry a handgun in certain locations and to carry a concealed handgun without a license if they meet certain requirements.

POSSESSION

Journey - Possession on School Property

ACT 773 (SB450) amends the law concerning the possession of a handgun by a minor or a person on school property to repeal language regarding the person being on a journey beyond the county in which the person lives.

Loaded Firearm - Definition

ACT 549 (HB1547) provides a definition for "loaded firearm" for purposes of the possession and use of a weapon.

Protect Arkansas Act - Felony Possession

ACT 659 (SB495) makes it a Class B felony to possess a firearm when a person has a prior felony conviction that included as an element of the offense the use or possession of a deadly weapon. This provision of the act is effective on and after January 1, 2024.

FIREARMS

POSSESSION

Protection from Civil Liability - Property Owner

ACT 749 (HB1737) creates the Property Owner's Right to Allow Firearms Act and provides that, if a property owner allows for all nonemployees on the property to carry a loaded firearm, the property owner is not subject to civil liability for any damage, injury, or death resulting from a nonemployee using a loaded firearm on or near the property. The act provides that the fact that a property owner allows for all nonemployees on the property to carry a loaded firearm shall not be used to infer or impute liability in any cause of action against the property owner. The act provides that protection from civil liability does not apply to intentional or reckless conduct by the property owner and provides certain exceptions that allow a property owner to prohibit an individual from carrying a loaded firearm on the property and remain protected from civil liability.

FREEDOM OF INFORMATION ACT

EXEMPTIONS

Arkansas Cyber Response Board

ACT 846 (HB1780) exempts meetings and records, except financial records, of the Arkansas Cyber Response Board from disclosure under the Freedom of Information Act of 1967 and provides that financial records of the Arkansas Self-Funded Cyber Response Program Trust Fund are not exempt from disclosure under the Freedom of Information Act of 1967.

Coroner's Investigations

ACT 340 (HB1557) provides that if a death subject to a coroner's investigation is the subject of an open and ongoing investigation by a law enforcement agency, all reports issued by the coroner and the records, files, and information gathered and created during the coroner's investigation are confidential and deemed exempt from the Freedom of Information Act of 1967 until the conclusion of the open and ongoing investigation by a law enforcement agency. The act provides that, if a coroner submits a decedent or records, files, or information related to a decedent to the State Crime Laboratory for forensic examination, then the records, files, and information received by the coroner from the State Crime Laboratory regarding the decedent are privileged and confidential in the same manner as records, files, and information kept, obtained, or retained by the State Crime Laboratory.

Drafting Requests and Information Requests to Legislative Employees

ACT 627 (SB353) amends the law concerning drafting requests and information requests to legislative employees, including defining terms, providing that a legislator has a privilege to refuse to disclose and to prevent a legislative employee from disclosing a confidential communication, providing that a confidential communication is not subject to the Freedom of Information Act of 1967 and is an absolutely privileged communication, and providing that a former legislative employee is guilty of a Class B misdemeanor if he or she knowingly discloses a confidential communication received while employed as a legislative employee or uses a confidential communication received while employed as a legislative employee for his or her personal gain or benefit.

Healthcare Insurer Rebates

ACT 333 (HB1481) provides that information regarding the actual amount of rebates a healthcare insurer receives on a product or therapeutic class of products, manufacturer, or pharmacy-specific basis is not subject to disclosure under the Freedom of Information Act of 1967.

FREEDOM OF INFORMATION ACT

EXEMPTIONS

Legislative Meetings - Cybersecurity Incidents

ACT 510 (HB1555) provides that meetings of the Joint Committee on Advanced Communications and Information Technology to review a cybersecurity incident involving or a cyberattack on a public entity and internal policies and guidelines concerning a cybersecurity incident involving or a cyberattack on a public entity are exempt from the Freedom of Information Act of 1967.

List of Corrections Employees Authorized to Carry Concealed Handgun

ACT 752 (HB1750) requires the Secretary of the Department of Corrections to maintain a list of employees of the Department of Corrections whom the secretary has authorized to carry a concealed handgun and exempts the list from disclosure under the Freedom of Information Act of 1967.

Nutrient Management Plans - Poultry Litter Management Plans

ACT 530 (HB1707) provides that a nutrient management plan or a poultry litter management plan developed and approved under the Arkansas Soil Nutrient Application and Poultry Litter Utilization Act is not a public record, is not available for public inspection, and is exempt from the Freedom of Information Act of 1967.

Records Related to Depression Screenings

ACT 316 (HB1035) requires a depression screening for birth mothers within six (6) weeks of giving birth, and provides that any records or information collected as part of the depression screening that could be used to identify a patient, healthcare provider, or institution is confidential and is not subject to disclosure under the Freedom of Information Act of 1967.

MEETINGS

Executive Session - School District Board of Directors

ACT 883 (SB543) amends the circumstances in which a vacancy occurs on a school district board of directors; revises the process for a director to subscribe to a required oath; amends the situations in which a school district board of directors may meet in executive session; prohibits certain conduct by directors; provides that a board member, administrator, employee, or nonemployee who should have known his or her conduct was prohibited under certain laws is guilty of a Class A misdemeanor; and directs the Arkansas Ethics Commission to supervise compliance with certain laws by board members and to investigate citizen complaints alleging violations of certain laws by board members. The act is effective on and after May 1, 2024.

RECORDS

Personnel or Evaluation Records - Opinion from Attorney General

ACT 36 (HB1099) allows a person, when the subject of a personnel or evaluation records request cannot be contacted within a twenty-four-hour period, to seek an opinion from the Attorney General before the close of the Office of the Attorney General the following business day regarding the release of personnel or evaluation records.

Records Custodian - Written Responses

ACT 879 (SB380) requires a custodian of records to respond in writing to a written request under the Freedom of Information Act of 1967 in certain circumstances and permits a custodian to respond by electronic mail.

GAMBLING AND RACING

CASINOS

Service Industry License - Background Check

ACT 289 (HB1389) requires a service industry license for certain persons or entities related to casino gaming and requires a background check for a service industry licensee that is employed by a franchise holder or a casino licensee.

GAMBLING AND RACING

CHARITABLE BINGO AND RAFFLES

Raffles - Electronic Advertising

ACT 188 (SB217) authorizes electronic advertising of raffles for licensed organizations and uncompensated volunteers of the licensed authorized organizations under the Charitable Bingo and Raffles Enabling Act.

RACING COMMISSION

Service Industry License - Background Checks

ACT 289 (HB1389) requires a service industry license for certain persons or entities related to casino gaming and requires a background check for a service industry licensee that is employed by a franchise holder or a casino licensee.

GENERAL ASSEMBLY

BUREAU OF LEGISLATIVE RESEARCH

Code of Arkansas Rules

ACT 80 (SB87) amends the law concerning the creation and implementation of the Code of Arkansas Rules, including requiring the Secretary of State to work with the Bureau of Legislative Research to implement and maintain a system that notifies the Bureau of Legislative Research when a final rule is filed with the Secretary of State; allowing the Bureau of Legislative Research, in consultation with the Secretary of State, to develop an electronic filing system to facilitate filing a rule in conjunction with the Code of Arkansas Rules; and establishing a process for a proposed rule and an existing rule being amended or repealed by a proposed rule to remain valid for a period of time after the Code of Arkansas Rules becomes effective to allow for the proposed rule to become a final rule and then be incorporated into the Code of Arkansas Rules.

Code Revisor

ACT 481 (HB1427) amends provisions of law regarding the employment of a Code Revisor by the Bureau of Legislative Research and provides that if the Code Revisor is terminated by the Director of the Bureau of Legislative Research, the director shall discuss the reasons for the termination with the Arkansas Code Revision Commission. The act also revises the powers and duties of the Arkansas Code Revision Commission. The act declares an emergency and is effective on and after April 6, 2023.

Confidential Communications

ACT 627 (SB353) amends the law concerning drafting requests and information requests to legislative employees, including providing that a legislator has a privilege to refuse to disclose and to prevent a legislative employee from disclosing a confidential communication, providing that a confidential communication is not subject to the Freedom of Information Act of 1967 and is an absolutely privileged communication, and providing that a former legislative employee is guilty of a Class B misdemeanor if he or she knowingly discloses a confidential communication or uses a confidential communication that he or she received while employed as a legislative employee for his or her personal gain or benefit.

COMMITTEES

Arkansas Legislative Study on Mental and Behavioral Health

ACT 512 (HB1565) creates the Arkansas Legislative Study on Mental and Behavioral Health to assess the strengths and weaknesses of the mental and behavioral health resources and care available in the state and to recommend related legislation. The act requires the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor to conduct the study. The act also outlines the specific issues to be studied by the committees and requires the committees to file a report with Legislative Council concerning their activities, findings, and recommendations.

**GENERAL ASSEMBLY
COMMITTEES**

City, County, Local Committee - Review - Architect Licensure

ACT 239 (HB1005) repeals the requirement for the review by the House Committee on City, County, and Local Affairs and the Senate Committee on City, County, and Local Affairs of the effects of an increase on the expanded exemption to the licensing requirements for architects and makes the expanded exemption amount permanent.

Education Committee - Recommendation for Health Insurance Contribution Rate

ACT 744 (HB1688) requires the House Committee on Education and Senate Committee on Education to provide to the General Assembly during their biennial adequacy review process a recommendation for the health insurance contribution rate to be paid by each public school district each month for each eligible employee electing to participate in the public school employees' health insurance program. The act declares an emergency and is effective on and after April 12, 2023.

Joint Committee on Advanced Communications and Information Technology

ACT 510 (HB1555) allows the Joint Committee on Advanced Communications and Information Technology to meet in a closed meeting on matters related to a cybersecurity incident involving or a cyberattack on a public entity if those cybersecurity issues are the only matters discussed at the meeting.

Judiciary Committee - Study of Financial Matters Related to Court System

ACT 38 (HB1245) requires the House Committee on Judiciary and the Senate Committee on Judiciary, meeting jointly, to study the funding sources for the court system, the collections and distribution systems of the court system, and all other financial matters related to the court system and requires the consideration of legislative changes necessary to address any issues identified during the study. The act provides that the study expires on December 31, 2024.

Senate Rules Committee - Confirmation of Appointments

ACT 794 (SB413) requires the Governor to submit appointments that require approval of the Senate within ten (10) days of the appointment, authorizes the Rules Committee of the Senate to meet during the interim for the purpose of considering confirmation of board and commission appointees, and requires the President Pro Tempore of the Senate to call a Senate business meeting at least every three (3) months in the interim to consider recommendations from the Rules Committee concerning appointments. The act declares an emergency and is effective on and after April 12, 2023.

EXPENSES AND REIMBURSEMENT

Reimbursement for Attendance at National or Regional Conferences

ACT 767 (SB393) requires the Speaker of the House of Representatives or his or her designee and the President Pro Tempore of the Senate or his or her designee to determine the amount of reimbursement for attendance at national or regional conferences by members of the General Assembly.

LEGISLATIVE AUDIT

Department of Education Child Nutrition Unit - Audit

ACT 656 (SB477) requires Arkansas Legislative Audit to audit the Arkansas Department of Education Child Nutrition Unit by December 15, 2023, and report the audit findings to the House Committee on Education and the Senate Committee on Education. The act requires the audit to determine whether each public school's participation in a child nutrition program effectively serves the intent of the General Assembly to expand students' access to free meals in public schools and complies with state law and rules.

GENERAL ASSEMBLY
LEGISLATIVE AUDIT

Failure of Municipality to File Required Report

ACT 453 (HB1571) provides that if certain required reports are not filed with the Legislative Auditor on behalf of a municipality within eighteen (18) months after the end of the fiscal year that the required report covers, the Legislative Joint Auditing Committee may give notice of that fact to the Treasurer of State, who shall then withhold the municipality's turnback funds in escrow until notified by the Legislative Joint Auditing Committee that all required reports covering periods through the most recent fiscal year have been filed, at which time the escrowed turnback funds shall be released to the municipality. The act provides that, if turnback funds are held longer than twelve (12) months, the turnback funds shall be redistributed to all other municipalities receiving turnback funds, and the municipality shall not accrue additional turnback funds until all required reports covering periods through the most recent fiscal year have been filed. The act is effective on and after June 30, 2024.

Reports of Improper or Illegal Practices

ACT 632 (SB363) provides that if an audit report related to an entity of the state is presented to the Legislative Joint Auditing Committee and reflects evidence of improper practices of financial administration or inadequacy of fiscal records, the Legislative Auditor shall report the findings to the Attorney General. The act also requires the Legislative Auditor to notify and cooperate with the Attorney General on all matters that appear to involve a criminal offense and to cooperate in other investigations by the Attorney General upon request and with the approval of the cochairs of the Legislative Joint Auditing Committee.

MEMBERS - GENERALLY

Confidential Communications

ACT 627 (SB353) amends the law concerning drafting requests and information requests to legislative employees, including defining terms, providing that a legislator has a privilege to refuse to disclose and to prevent a legislative employee from disclosing a confidential communication, providing that a confidential communication is not subject to the Freedom of Information Act of 1967 and is an absolutely privileged communication, and providing that a former legislative employee is guilty of a Class B misdemeanor if he or she knowingly discloses a confidential communication received while employed as a legislative employee or uses a confidential communication received while employed as a legislative employee for his or her personal gain or benefit.

TASK FORCES

Protect Arkansas Act - Legislative Recidivism Reduction

ACT 659 (SB495) creates the Legislative Recidivism Reduction Task Force to study and recommend improvements to the criminal justice system outcomes in the state.

TECHNICAL CORRECTIONS - GENERAL ASSEMBLY

Title 10

ACT 175 (HB1283) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 10 of the Arkansas Code.

HEALTH

ABORTION

Abortion Facilities - Licensing Requirement Repealed

ACT 162 (SB138) repeals the licensing requirement of clinics, health centers, and other facilities in which a pregnancy of a woman known to be pregnant is willfully terminated or aborted and repeals the abortion clinic license fees from the enumeration of special revenues. The act declares an emergency and is effective on and after February 27, 2023.

HEALTH

ABORTION

Abortion Referral - Ultrasound Viewing

ACT 559 (SB542) requires an abortion provider who knowingly performs or refers a patient for an abortion to comply with the right of the patient to view ultrasound images before an abortion.

Abortion-Inducing Drugs - Revocation of License as Sanction

ACT 702 (SB463) adds revocation of a physician's medical license to the professional sanctions authorized for failure to comply with the Abortion-Inducing Drugs Safety Act.

Continuum of Care Program - Transfer of Certain Programs

ACT 703 (SB465) creates the Continuum of Care Program and amends the Life Choices Lifeline Program and the resource access assistance offers under the Every Mom Matters Act to transfer the implementation of the program and resource access assistance offers from the Department of Health to the Department of Human Services. The effectiveness of the provision of the act concerning the Department of Human Services' implementation of the resource access assistance offers is contingent on certification by the Attorney General that certain conditions exist.

Performance Only in Hospital or Emergency Room

ACT 848 (HB1786) requires that an abortion to save the life of a pregnant woman in a medical emergency be performed only in a hospital or emergency room.

Prohibited Transaction by a School - Abortion Referrals

ACT 653 (SB466) adds offering or providing abortion referrals as a prohibited transaction by a public school or open-enrollment charter school.

Repeals Legislative Declaration Language

ACT 700 (SB452) removes statements from the legislative declaration of the Arkansas Family Planning Act concerning continuing population growth and contraceptive procedures, supplies, and information.

ADULT MALTREATMENT

Abuse, Neglect, and Exploitation of a Vulnerable Person - Penalties

ACT 783 (SB519) establishes additional criminal penalties for the abuse, neglect, and exploitation of a vulnerable person.

Availability of Reports of Adult or Long-Term Care Facility Resident Maltreatment

ACT 187 (SB213) provides that a screened-out report, a pending report, or an investigative report of adult maltreatment or long-term care facility resident maltreatment, if due process has been satisfied and the allegation was determined to be unfounded, may be made available to a current employer of the person named as the alleged offender, if the current employer made the initial report, and to a board or governmental entity responsible for licensing or registering the person named as the alleged offender. The act also authorizes the Department of Human Services to use a screened-out report of adult maltreatment or long-term care facility resident maltreatment only for administrative purposes.

Electronic Signatures for Maltreatment Registry Checks

ACT 710 (SB492) allows a request for a Child Maltreatment Central Registry or Adult and Long-Term Care Facility Resident Maltreatment Central Registry check to be signed by electronic signature of the subject of the request as an alternative to the requirement that the subject of the request provide a notarized signature agreeing to the registry check. The act declares an emergency and is effective on and after April 11, 2023.

HEALTH

ASSISTED LIVING FACILITIES

Annual Reports and Consideration of Assisted Living Provider Costs

ACT 820 (HB1667) requires the Department of Human Services to annually report certain information regarding assisted living provider costs and to consider these reports when making any amendment, alteration, rule change, or equitable reimbursement rate affecting the Living Choices waiver.

Cost Reporting

ACT 198 (HB1445) establishes cost reporting for assisted living facilities to the Department of Human Services as a condition of participation in the Arkansas Medicaid Program.

Dementia Training

ACT 335 (HB1518) sets minimum dementia training requirements for staff members who are employed by an assisted living facility and requires the Department of Human Services to adopt rules regarding the training requirements.

ATHLETICS

Youth Injury Mitigation and Information Course Requirement

ACT 642 (SB421) requires an organization that sponsors or conducts sports training or high-risk youth athletic activities on property that is owned, leased, managed, or maintained by the state, an agent of the state, or a political subdivision of the state for children who are fourteen (14) years of age and younger to require all coaches and athletics personnel to complete an online or residence youth injury mitigation and information course. The act also exempts certain individuals from the youth injury mitigation and information course requirement.

BOARDS AND COMMISSIONS

Alzheimer's Disease and Dementia Advisory Council - Members

ACT 102 (HB1166) adds additional members from the Arkansas Residential Assisted Living Association, Inc. and the Arkansas Home-Based Services Association, Inc. to the Alzheimer's Disease and Dementia Advisory Council.

Arkansas Psychology Board - Psychological and Neuropsychological Programs

ACT 842 (HB1772) creates the Psychological and Neuropsychological Testing Workforce Scholarship, Stipend, and Incentive Program administered by the Arkansas Psychology Board and establishes eligibility requirements for recipients of a scholarship, stipend, or incentive under the program.

Graduate Medical Education Residency Expansion Board - Membership

ACT 663 (SB520) changes the membership of the Graduate Medical Education Residency Expansion Board by requiring that certain members be appointed by the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. The act is identical to Act 844 of 2023.

Graduate Medical Education Residency Expansion Board - Membership

Graduate Medical Education Residency Expansion Board - Membership

ACT 844 (HB1778) changes the membership of the Graduate Medical Education Residency Expansion Board by requiring that certain members be appointed by the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. The act is identical to Act 663 of 2023.

Osteopathic Rural Medical Practice Student Loan and Scholarship Board - Members

ACT 725 (HB1544) amends the appointment process for members of the Osteopathic Rural Medical Practice Student Loan and Scholarship Board to require that each representative be appointed by the Governor after consultation with the statutorily required entities.

HEALTH**BOARDS AND COMMISSIONS*****Reduction of Regulatory Fees or Charges***

ACT 114 (HB1322) requires the Secretary of the Department of Health and the Secretary of the Department of Labor and Licensing to implement a reduction of one (1) or more regulatory fees or charges of a board or commission whose administrative functions have been transferred to the respective department when the board or commission accumulates a fund balance that is at least three (3) times greater than the board's or commission's annual average operating expenses. The act declares an emergency and is effective on and after July 1, 2023.

Social Work Board - Repeal Racial Requirement

ACT 254 (SB264) removes a racial requirement for membership on the Arkansas Social Work Licensing Board. The act declares an emergency and is effective on and after March 9, 2023.

DENTISTRY***Assignment of Benefits***

ACT 831 (HB1741) clarifies the applicability of assignment of benefits from a healthcare insurer or payor to a healthcare provider to dental-only insurance plans if annual consent is provided by an enrollee to the healthcare provider and the healthcare insurer or payor. The act requires that, before providing healthcare services to an enrollee, a healthcare provider must provide clarification in a statement to the enrollee that the healthcare provider may not be a participating provider under the enrollee's plan and that the healthcare provider may charge the enrollee for noncovered healthcare services and balance bill the enrollee for covered healthcare services. The act also requires the healthcare provider to include an estimate of the cost of healthcare services and any terms of payment that apply, including interest that the healthcare provider charges. The act is effective on and after January 1, 2024.

EMERGENCY SERVICES***Ambulance Services***

ACT 578 (HB1312) regulates contracts between an ambulance provider and a contracting entity as a network provider of ambulance services, clarifies an ambulance provider is not required to participate as an in-network provider of a transportation benefit manager, and prohibits a contracting entity from requiring prior authorization for certain transportation in order to obtain medically needed diagnostic or medical therapeutic services. The act allows for prior authorization by a contracting entity for nonurgent and nonemergent ground or air ambulance services by an air ambulance and provides a procedure to process claims for ambulance services.

Community Paramedic Training Hours

ACT 54 (HB1178) reduces the hours of training required for licensure of a community paramedic to one hundred sixty (160) hours and requires one (1) of the areas of clinical experience to be social determinants of health.

Criminal Background Checks

ACT 51 (HB1251) clarifies that the laws regarding a criminal background check apply to all emergency medical services personnel and amends the criminal background check law for emergency medical services personnel to include offenses prosecuted in other states or by federal courts as disqualifying offenses.

Ground Ambulance Services - Reimbursement

ACT 597 (HB1776) establishes a minimum allowable reimbursement for ground ambulance services.

HEALTH**EMERGENCY SERVICES*****Opioid Antagonist Access***

ACT 586 (HB1562) adds additional persons and entities that may be prescribed, dispensed, or supplied an opioid antagonist; requires those persons and entities to follow manufacturer instructions for storage, replacement, and disposal; and allows them to provide the opioid antagonist at no cost to certain persons. The act authorizes the Secretary of the Department of Health or his or her designee to issue a standing order for an individual to have an opioid antagonist. The act declares an emergency and is effective on and after April 11, 2023.

Triage, Treat, and Transport to Alternative Destination - Coverage

ACT 480 (HB1261) allows an ambulance service's operators to triage and transport a patient to an alternative destination or treat in place if the ambulance service is coordinating the care through telemedicine with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint. The act mandates insurance coverage for an ambulance service for certain triage, treatment, and transport services and regulates the reimbursement rate for these services.

ENVIRONMENT***Cemetery Company - Duty to Maintain***

ACT 509 (HB1543) establishes a duty to maintain for a cemetery company that owns and operates a perpetual care cemetery under the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services to properly care for, maintain, and preserve a perpetual care cemetery, except for faulty monument installation and upkeep by a monument company or other third party. The act provides for a penalty per violation and clarifies that a cemetery company is required to properly care for, maintain, and preserve a cemetery.

FOOD***Egg Marketing***

ACT 598 (HB1788) provides that the Arkansas Egg Marketing Act of 1969 does not apply to a retailer who sells eggs purchased directly from a producer who owns fewer than seven hundred (700) hens, requires certain duties related to egg marketing to be performed by the Department of Agriculture, regulates the use of certain terminology in relation to marketing eggs, prohibits retailers from placing eggs in a different container, regulates the handling of eggs, and specifies the temperature requirements related to selling eggs.

Egg Marketing - Number of Hens

ACT 467 (SB338) provides that the Arkansas Egg Marketing Act of 1969 does not apply to a retailer who sells eggs purchased directly from a producer who owns fewer than seven hundred (700) hens.

Food Service Establishment - Daycare Center Exemption Number Increased

ACT 829 (HB1731) increases the number of persons served by a daycare center that is exempt from the definition of "food service establishment" to twelve (12) or fewer.

GENERALLY***Boiler Inspections***

ACT 694 (SB410) allows the Chief Inspector of the Boiler Inspection Division to extend the date of a boiler inspection upon receipt of the applicable boiler inspection fee. The act declares an emergency and is effective on and after April 11, 2023.

Clergy Member Visitation

ACT 716 (SB517) amends the No Patient Left Alone Act to set certain requirements regarding clergy member visitation in a healthcare setting for patients.

Definition of "Intellectual and Developmental Disability" Clarified

ACT 214 (SB189) clarifies the definition of "intellectual and developmental disability" in the Arkansas Code for uniformity in the meaning of the definition.

HEALTH**GENERALLY*****Dementia Services Coordinator***

ACT 682 (SB345) creates the full-time position of Dementia Services Coordinator within the Division of Aging, Adult, and Behavioral Services of the Department of Human Services.

Rabies - Owner Confinement

ACT 522 (HB1629) allows an owner of an animal to confine an animal that has received a current vaccination against rabies if the animal has bitten a person.

Rabies Vaccinations - Veterinary Technician Specialists

ACT 161 (HB1182) amends the Rabies Control Act to allow a veterinary technician, veterinary technologist, or veterinary technician specialist to administer rabies vaccinations. The act also authorizes a collaborative practice agreement between a veterinarian and a veterinary technician specialist and sets up procedures for the collaborative practice agreement.

Sky Lanterns - Authorization for Use and Purchase

ACT 112 (HB1258) amends the prohibition on the sale or use of sky lanterns and authorizes cities of the first class and cities of the second class to issue permits for use of sky lanterns.

Surrogate Authority to Apply for Public Benefits

ACT 49 (SB74) amends the authority of a surrogate under the Arkansas Healthcare Decisions Act to allow a surrogate to apply for public benefits for the principal and have access to information regarding the principal's income, assets, and banking and financial records to the extent required to make an application for public benefits.

HEALTH CARE PROVIDERS***Audiology and Speech-Language Pathology Interstate Compact***

ACT 301 (SB91) establishes the Audiology and Speech-Language Pathology Interstate Compact in Arkansas, which allows audiologists and speech-language pathologists licensed in compact states to provide audiology and speech-language pathology services in a compact state without becoming licensed in the state. The act provides that the Board of Examiners in Speech-Language Pathology and Audiology is the administrator of the compact for this state.

Background Checks for Employees or Agents of Community Services Providers

ACT 184 (SB186) requires criminal background checks, Adult and Child Maltreatment Registry Checks, sex offender registry checks, and drug screenings for any employee or other agent of a community services provider who provides state or federally funded services to an individual with an intellectual and developmental disability.

Chiropractors - License Application Deadline

ACT 86 (SB132) reduces the license application deadline to thirty (30) days for applicants to practice chiropractic in this state.

Counselors - Counseling Compact

ACT 260 (HB1181) establishes the Counseling Compact in Arkansas, which allows counselors licensed in compact states to provide counseling services in a compact state without becoming licensed in the state. The act provides that the Arkansas Board of Examiners in Counseling is the administrator of the compact for this state.

Counselors and Marriage and Family Therapists - Removal of Certain Requirements

ACT 78 (SB42) removes the requirements for full-time employment and for seeking additional training and specializations for counselors and marriage and family therapists.

Home Caregivers - Dementia Training

ACT 70 (HB1267) requires at least four (4) hours of dementia training for home caregivers.

Massage Therapy - Student and Apprentice Level Licensing

ACT 45 (SB58) creates a student and apprentice level of licensing in the massage therapy profession.

HEALTH**HEALTH CARE PROVIDERS*****Master Massage Therapist***

ACT 167 (HB1115) amends the definition of and requirements for a "master massage therapist" within the Massage Therapy Act to allow licensure of a person as a master massage therapist who meets certain requirements.

Naturopathic Physicians

ACT 670 (SB86) requires the Department of Health to study and report on the status of naturopathic physicians in Arkansas and other states. The act requires that the study be completed by June 30, 2024.

Occupational Therapists - Occupational Therapy Licensure Compact

ACT 257 (HB1082) establishes the Occupational Therapy Licensure Compact in Arkansas, which allows occupational therapists licensed in compact states to provide occupational therapy services in a compact state without becoming licensed in the state. The act provides that the Arkansas State Medical Board is the administrator of the compact for this state.

Physician Assistants - Billing

ACT 303 (SB112) authorizes physician assistants to be identified as a treating healthcare provider for insurance billing and claims processes and allows a physician assistant to file insurance claims as the billing provider for medical services.

Prior Authorization Transparency - Exemption

ACT 575 (HB1271) exempts certain healthcare providers that provide certain healthcare services from prior authorization requirements if specific criteria are met. The act requires a healthcare provider be provided an opportunity to speak with the utilization review entity concerning an adverse determination decision.

Psychological Examiners

ACT 573 (HB1173) repeals the prohibition on licensing new psychological examiners, defines the term "forensic psychological assessment," prohibits psychological examiners from engaging in the independent practice of forensic psychological assessment, and prohibits a psychological examiner licensed after December 31, 2024, from being granted independent practice status.

Relocation of Practice - Penalties

ACT 830 (HB1734) prohibits certain conduct of a healthcare provider who is relocating his or her practice and who provides written notice of his or her new practice location or contact information and imposes penalties per violation. The act is applied retroactively to any pending cases accruing and filed before August 1, 2023.

Veterinary Technician Specialist

ACT 161 (HB1182) authorizes a collaborative practice agreement between a veterinarian and a veterinary technician specialist and sets up procedures for the collaborative practice agreement. The act also allows a veterinary technician, veterinary technologist, or veterinary technician specialist to administer rabies vaccinations.

HEALTH CENTERS***Notice of Felony If Attacking a Healthcare Professional***

ACT 313 (SB344) requires the posting of a written notice in healthcare facilities, emergency departments, clinics, and long-term care facilities that attacking a healthcare professional is a felony. The act also authorizes a law enforcement agency to allow a healthcare professional to list a work address when filing a police report or complaint related to an incident of battery in the second degree.

Psychiatric Residential Treatment Facilities

ACT 464 (SB309) requires that the license of a psychiatric residential treatment facility be terminated if the facility has not been in operation for a consecutive twelve-month period.

HEALTH**HEALTH DEPARTMENT*****Central Registry of Persons with a Disability Resulting from Traumatic Head Injury***

ACT 355 (SB291) transfers the Central Registry of Persons with a Disability Resulting from a Traumatic Head Injury from the Brain Injury Alliance of Arkansas to the Department of Health and updates language to be respectful of persons with disabilities.

Prescription Drug Monitoring Program - New Members and Disclosure of Information

ACT 67 (HB1250) amends the Prescription Drug Monitoring Program Advisory Committee to include two (2) additional members designated by the Department of Health and amends the confidentiality of and the provision of information by the Prescription Drug Monitoring Program to allow the State Medical Examiner to assess the information to investigate causes of deaths for causes under investigation and to allow a mortality review recognized by the department to be provided information upon request and at no cost.

Reduction of Regulatory Fees and Charges

ACT 114 (HB1322) requires the Secretary of the Department of Health and the Secretary of the Department of Labor and Licensing to implement a reduction of one (1) or more regulatory fees or charges of a board or commission whose administrative functions have been transferred to the respective department when the board or commission accumulates a fund balance that is at least three (3) times greater than the board's or commission's annual average operating expenses. The act declares an emergency and is effective on and after July 1, 2023.

Universal Newborn Screening for Medical Conditions

ACT 490 (HB1102) creates the advance universal newborn screening program administered by the Department of Health for core medical conditions as listed in the uniform screening panel recommended by the United States Secretary of Health and Human Services. The act amends the insurance provisions to cover all core medical conditions.

HOSPITALS***Pricing Transparency***

ACT 482 (HB1452) requires hospitals to comply with federal hospital pricing transparency regulations and requires the Department of Health to enforce compliance with the federal hospital pricing transparency regulations. The act is effective on and after six (6) months from the enactment of the act.

Rural Emergency Hospital

ACT 59 (HB1127) authorizes the Department of Health to license rural emergency hospitals. The act declares an emergency and is effective on and after February 13, 2023.

Screening for Depression - Birth Mother

ACT 316 (HB1035) requires screening for depression of birth mothers within the first six (6) weeks after birth and mandates that, beginning January 1, 2024, an insurance policy shall cover screening for depression of birth mothers within the first six (6) weeks after birth.

HUMAN SERVICES DEPARTMENT***Healthcare Quality and Payment Policy Advisory Committee - Repeal***

ACT 163 (SB187) repeals the Healthcare Quality and Payment Policy Advisory Committee Act and the Healthcare Quality and Payment Policy Advisory Committee, which make recommendations and provide advice and assistance to the Department of Human Services related to the development of episodes of care within the Arkansas Medicaid Program.

Peer Support Specialist - Offense Involving Violence

ACT 200 (HB1460) authorizes individuals with an offense that involves violence to work with individuals receiving substance abuse treatment as a peer support specialist or in similar positions if the Department of Human Services evaluates the individual and determines that he or she may be employed as a peer support specialist.

HEALTH**HUMAN SERVICES DEPARTMENT*****Standards for Psychiatric Residential Treatment Facilities for Children***

ACT 806 (HB1446) requires the Department of Human Services to promulgate rules regarding minimum standards and metrics governing quality of care provided by a licensed psychiatric residential treatment facility or a psychiatric hospital that admits children for behavioral health treatment.

LONG-TERM CARE FACILITIES***Division of Provider Services and Quality Assurance***

ACT 164 (SB188) clarifies that the Division of Provider Services and Quality Assurance of the Department of Human Services certifies and regulates long-term care facilities and services.

MEDICAID***Behavioral Health Services in Outpatient Setting***

ACT 494 (HB1129) requires the Arkansas Medicaid Program and insurance policies to reimburse for behavioral health services provided in a hospital outpatient clinic or a physician clinic.

Continuous Glucose Monitors

ACT 393 (HB1008) modifies the coverage of continuous glucose monitors in the Arkansas Medicaid Program to allow a Medicaid beneficiary to obtain a continuous glucose monitor through a prescription at a pharmacy and be eligible for rebates as a pharmacy benefit.

Cost Reporting for Assisted Living Facilities

ACT 198 (HB1445) establishes cost reporting for assisted living facilities to the Department of Human Services as a condition of participation in the Arkansas Medicaid Program.

Depression Screening for Pregnant Women

ACT 562 (HB1011) requires the Arkansas Medicaid Program to reimburse for depression screening for a pregnant woman.

Emergency Medical Responders

ACT 258 (HB1128) allows emergency medical responders to be reimbursed by insurance companies and the Arkansas Medicaid Program and to be voluntarily licensed.

Long-Acting Reversible Contraception Coverage

ACT 581 (HB1385) requires the Arkansas Medicaid Program to reimburse a healthcare provider for providing long-acting reversible contraception immediately and during postpartum in addition to the regular payments for services to pregnant women provided by a healthcare provider.

Nonemergency Transportation Rideshare Expansion Study

ACT 484 (HB1009) creates the Nonemergency Transportation Rideshare Expansion Study Workgroup within the Department of Human Services to study the need for expanded rideshare services for Medicaid beneficiaries, the benefits for using rideshare services, the costs of expanded rideshare services, and the use of other operational and nonemergency transportation program flexibilities. The act requires the Department of Human Services to report on the study by December 31, 2023.

Preventive Mental Health Services for Children

ACT 513 (HB1574) establishes supplemental reimbursement rates to physician practices enrolled in the patient-centered medical home program for preventive mental health and behavioral services for children covered under the Arkansas Medicaid Program.

Prior Authorization Transparency Act - Medication-Assisted Treatment

ACT 451 (HB1558) includes detoxification of opioid and alcohol addiction to the medication-assisted treatment for opioid addiction and removes the requirement to comply with medication-assisted treatment for opioid addiction for the Arkansas Medicaid Program.

HEALTH

MEDICAID

Psychiatric Collaborative Care Model

ACT 615 (SB178) requires the Arkansas Medicaid Program to apply for a grant for a psychiatric collaborative care model, work in consultation with nongovernmental entities that are recognized as having expertise in psychiatric collaborative care models, and report concerning the program's progress. The act is effective on and after October 1, 2023.

Third-Party Liability - Requirements

ACT 369 (SB348) subjects a third party to the same requirements as a health insurer for purposes of liability to the Department of Human Services for Arkansas Medicaid Program claims. The act requires a health insurer or third party to agree to certain requirements regarding the treatment of claims.

MEDICAL MARIJUANA

Extend Sunset Date for Special Privilege Tax

ACT 641 (SB419) extends the sunset date for the Arkansas Medical Marijuana Special Privilege Tax Act of 2017 to July 1, 2025. The act declares an emergency and is effective on and after April 11, 2023.

MENTAL HEALTH

Arkansas Legislative Study on Mental and Behavioral Health

ACT 512 (HB1565) creates the Arkansas Legislative Study on Mental and Behavioral Health to assess the strengths and weaknesses of the mental and behavioral health resources and care available in the state and to recommend related legislation. The act requires the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor to conduct the study. The act also outlines the specific issues to be studied by the committees and requires the committees to file a report with Legislative Council concerning their activities, findings, and recommendations.

Concealed Carry Permit - Voluntary Mental Health Treatment

ACT 30 (HB1123) authorizes an individual who has sought voluntary mental health treatment to obtain a concealed carry permit at least two (2) years after he or she completed mental health treatment upon a petition in the circuit court in which the person resides.

Good Samaritan - Suicide Prevention Intervention

ACT 47 (SB48) amends the "Good Samaritan" law to include persons who, without compensation, render suicide prevention interventions at the scene of a threatened suicide for and at the request of a nonprofit organization and nonprofit organizations that request, sponsor, or participate in providing suicide prevention interventions of individuals.

Preventative Services for Children

ACT 513 (HB1574) establishes supplemental reimbursement rates to physician practices enrolled in the patient-centered medical home program for preventive mental health and behavioral services for children covered under the Arkansas Medicaid Program.

HEALTH**MENTAL HEALTH*****Psychiatric Collaborative Care Model***

ACT 615 (SB178) provides reimbursement and benefits for mental illness and substance use disorders that are delivered through a psychiatric collaborative care model; clarifies how a primary care team will provide care under a psychiatric collaborative care model; and requires a psychiatric consultant on a primary care team to provide regular consultations, review the clinical status and care of the covered person, and make recommendations. The act clarifies that a healthcare insurer may deny reimbursement for healthcare services delivered through a psychiatric collaborative care model on the grounds of medical necessity only if certain conditions are met and clarifies that a healthcare insurer shall not limit the care provided through a psychiatric collaborative care model. The act requires the Arkansas Medicaid Program to apply for a grant for a psychiatric collaborative care model, work in consultation with nongovernmental entities that are recognized as having expertise in psychiatric collaborative care models, and report concerning the program's progress. The act is effective on and after October 1, 2023.

Step Therapy Protocols - Exempt Antipsychotic Prescription Drugs

ACT 577 (HB1276) excludes antipsychotic prescription drugs from step therapy protocols if the insurance policy provides coverage for the treatment of psychosis and serious mental illness through antipsychotic prescription drugs and clarifies that use of a generic drug equivalent approved by the United States Food and Drug Administration is not step therapy to enable access to both generic and name brand drugs for psychosis and serious mental illness.

NURSES***Alternative to Discipline Broadened***

ACT 234 (SB279) allows non-nurses regulated by the Arkansas State Board of Nursing to participate in the alternative to discipline program.

Clinical Nurse Education Portal for Clinical Placements

ACT 674 (SB302) creates the Clinical Nurse Education Portal within the Department of Health as a statewide management software system that provides clinical access and utilization data and contains compliance, orientation, clinical schedules, and affiliation information for a clinical nursing placement.

Expansion of Full, Independent Practice Authority

ACT 872 (SB79) allows clinical nurse specialists to obtain full, independent practice authority and authorizes experience in another state, territory, or foreign country to qualify toward the hours of practice required to be granted full, independent practice authority.

NURSES***Nursing Data Collection and Tracking***

ACT 673 (SB300) allows the Arkansas State Board of Nursing to create a data repository to collect, report, track, and trend data regarding nursing education and the nursing workforce in Arkansas.

Nursing Earn-to-Learn - Hours Worked Count Toward Nursing Degree

ACT 672 (SB299) establishes nursing earn-to-learn programs that authorize a nursing student to earn direct patient care clinical credit hours towards a nursing degree for working certain jobs in a healthcare facility.

HEALTH**PHARMACISTS AND PHARMACIES*****Exemption for Veterinary Medical Use***

ACT 591 (HB1662) exempts from the licensure requirements for a pharmacist and a pharmacy the sale or shipping of antibiotics and microbials for veterinary medical use directly from a wholesaler, distributor, pharmacy, or farm store to a client if based on a prescription from a licensed veterinarian. The act declares an emergency and is effective on and after April 11, 2023.

HIV Preexposure and Postexposure Prophylaxis

ACT 314 (HB1007) authorizes pharmacists to initiate therapy and administer or dispense, or both, HIV preexposure prophylaxis and HIV postexposure prophylaxis under a statewide protocol and sets standards for the requirements of administering and dispensing the HIV preexposure and postexposure prophylaxis. The act also prohibits a health benefit plan or healthcare insurer from requiring prior authorization or step therapy for antiretroviral drugs that are medically necessary for the prevention of HIV or AIDS, including HIV preexposure and postexposure prophylaxis, except in certain circumstances.

Hospital Pharmacy Continuity of Care Endorsement

ACT 233 (SB265) creates the hospital pharmacy continuity of care endorsement to allow licensed hospitals to dispense and sell at retail outpatient medications for emergency room patients or patients upon discharge from the hospital. The act clarifies that nonprofit hospitals can dispense medications for outpatient use for hospital employees and students.

PHYSICIANS***Fee Modification***

ACT 79 (SB57) modifies the fees charged by the Arkansas State Medical Board for medical corporations, osteopathic physicians, credentialing organizations, physicians, respiratory care practitioners, and physician assistants to authorize the board to reduce fees if the fee reduction is in the best interest of the state.

SCHOOL DISTRICTS***Automated External Defibrillators***

ACT 737 (HB1643) requires automated external defibrillators on campuses of institutions of higher education and requires the Arkansas Higher Education Coordinating Board to develop rules for automated external defibrillator and cardiopulmonary resuscitation training. The act requires automated external defibrillators at school-sponsored sporting events for grades seven through twelve (7-12).

Training and Administration of Seizure Rescue Drugs

ACT 286 (HB1315) requires at least two (2) school employees to have training to administer or assist with the self-administration of seizure rescue medication and prescribed electrical stimulation using a vagus nerve stimulator magnet to a student if the student's parent or legal guardian complies with certain requirements. The act applies only to a school that has a student enrolled who has a seizure disorder and has a seizure medication or other medication prescribed to treat seizure disorder symptoms.

TECHNICAL CORRECTIONS - PUBLIC HEALTH AND WELFARE***References to Individuals with Disabilities***

ACT 503 (HB1296) makes technical corrections to the Arkansas Code concerning the use of respectful language when referring to individuals with disabilities by repealing certain uses of the term "handicapped" in the Arkansas Code.

Title 20

ACT 205 (HB1288) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 20 of the Arkansas Code.

HEALTH

TOBACCO

Suspension of Retailer Permit for Failure to Pay Debt

ACT 813 (HB1606) creates a process for the suspension of permits and sales to retailers that fail to pay a wholesaler or manufacturer for tobacco products, vapor products, alternative nicotine products, or e-liquids.

HIGHWAYS AND TRANSPORTATION

AERONAUTICS AND AVIATION

Operation of Prohibited Aircraft

ACT 828 (HB1728) amends the definition of "aircraft" in relation to the offense of operation of a prohibited aircraft to include an unmanned aircraft and unmanned aircraft system.

Operation of Small Unmanned Aircraft System by Public Entity - Prohibited

ACT 525 (HB1653) prohibits a public entity from operating a small unmanned aircraft system manufactured or assembled by a covered foreign entity on or after May 1, 2027.

Spaceport Feasibility Study

ACT 477 (HB1499) requires that the Arkansas Economic Development Commission conduct or hire a third party to conduct a study to determine the feasibility of developing a spaceport in Arkansas. The act requires the feasibility study be completed by January 1, 2024, if funding is available.

Use and Ownership of Unmanned Aircraft Prohibited - Sex Offenders

ACT 35 (HB1125) prohibits a person required to register under the Sex Offender Registration Act of 1997 who has been assessed as a Level 3 or Level 4 sexual offender from purchasing, owning, possessing, using, or operating an unmanned aircraft unless he or she is required to purchase, own, possess, use, or operate an unmanned aircraft as part of his or her employment.

CITY STREETS

Driving in Left Lane - Overtaking Vehicle Turning Left

ACT 816 (HB1635) prohibits a person from driving a motor vehicle on the left side of a roadway in order to overtake and pass another motor vehicle when the motor vehicle being passed has signaled its intention to make a left turn.

Operation of All-Terrain Vehicles - Public Utility Employees

ACT 269 (HB1437) allows an employee or agent of a utility, telecommunications, or cable company to operate an all-terrain vehicle on a public street or highway while he or she is performing a function directly related to the operation of the utility, telecommunications, or cable company or while working during a time of emergency or severe weather.

COUNTY ROADS

Driving in Left Lane - Overtaking Vehicle Turning Left

ACT 816 (HB1635) prohibits a person from driving a motor vehicle on the left side of a roadway in order to overtake and pass another motor vehicle when the motor vehicle being passed has signaled its intention to make a left turn.

Revenue for Local Aid - State Aid Roads

ACT 212 (HB1368) increases the maximum mileage for the system of state aid roads to twenty thousand (20,000) miles and increases the maximum aggregate cost of bids for work to be performed on state aid roads. The act also allows the State Aid Road Fund to be used for micro surfacing and other methods of pavement preservation.

HIGHWAYS AND TRANSPORTATION

FINANCE AND FUNDING

Definition of General Revenue as Applied to Repayments to Street Fund

ACT 127 (HB1031) defines the term "general revenue" for purposes of the law concerning the repayments required to be made to the street fund by a city or incorporated town that has spent funds credited to the street fund in a manner that is inconsistent with statutory purposes. The act also repeals language concerning a one-time transfer of funds under the Highway Improvement Revenue Act of 2007.

Highway Revenue Distribution Law - Additional Fee for Electric and Hybrid Vehicles

ACT 211 (HB1354) provides that the additional fees for electric vehicles, hybrid vehicles, and plug-in hybrid electric vehicles are highway revenues that are distributed to the State Highway and Transportation Department Fund, the County Aid Fund, and the Municipal Aid Fund under the Highway Revenue Distribution Law. The act is effective on and after July 1, 2024.

Intern Housing Stipends

ACT 209 (HB1332) authorizes payment of a housing stipend to an intern of the Arkansas Department of Transportation in the maximum amount authorized by the State Highway Commission from the department's appropriation act.

Tool Allowance - Carpenters

ACT 265 (HB1384) authorizes payment of a tool allowance of five hundred forty dollars (\$540) to a carpenter employed by the Arkansas Department of Transportation who works on highway equipment and facilities.

HIGHWAY COMMISSION

Director of State Highways and Transportation - Duties

ACT 711 (SB494) requires that the Director of State Highways and Transportation request that the United States Congress amend the federal law to waive the application of any vehicle weight limit established by law for a covered logging vehicle transporting unprocessed forest products on certain segments of the Interstate Highway System in the state.

Intern Housing Stipends

ACT 209 (HB1332) authorizes payment of a housing stipend to an intern of the Arkansas Department of Transportation in the maximum amount authorized by the State Highway Commission from the department's appropriation act.

INTERSTATES

Vehicle Weight Limits - Logging Vehicles

ACT 711 (SB494) requires that the Director of State Highways and Transportation request that the United States Congress amend the federal law to waive the application of any vehicle weight limit established by law for a covered logging vehicle transporting unprocessed forest products on certain segments of the Interstate Highway System in the state.

SAFETY

Racing on a Public Highway - Penalties

ACT 714 (SB511) provides that a subsequent offense of the crime of racing on a public highway may result in the impoundment of the motor vehicle used in the race at the registered owner's expense.

SPEED LIMITS

Arkansas Speed Trap Law - Affected Highway

ACT 825 (HB1712) amends the definition of "affected highway" under the Arkansas Speed Trap Law to require that the affected highway have a decrease in the posted speed limit upon entering an affected municipality.

HIGHWAYS AND TRANSPORTATION**STATE HIGHWAYS*****Controlled-Access Highways - Pedestrians Prohibited***

ACT 779 (SB504) prohibits a pedestrian from being within the property boundaries of a controlled-access highway unless the person is directed by a police officer or is construction personnel in a highway work zone. The act provides penalties for a violation and makes it a defense to prosecution that the pedestrian was first within a motor vehicle upon the controlled-access highway and exited the motor vehicle due to a mechanical breakdown, a motor vehicle accident, or other emergency.

Designation - Arkansas Rocks! Mining and Mineral Trail

ACT 664 (SB534) designates certain routes in central Arkansas as the Arkansas Rocks! Mining and Mineral Trail.

Driving in Left Lane - Overtaking Vehicle Turning Left

ACT 816 (HB1635) prohibits a person from driving a motor vehicle on the left side of a roadway in order to overtake and pass another motor vehicle when the motor vehicle being passed has signaled its intention to make a left turn.

Operation of All-Terrain Vehicles - Public Utility Employees

ACT 269 (HB1437) allows an employee or agent of a utility, telecommunications, or cable company to operate an all-terrain vehicle on a public street or highway while he or she is performing a function directly related to the operation of the utility, telecommunications, or cable company or while working during a time of emergency or severe weather.

Racing on a Public Highway - Penalties

ACT 714 (SB511) provides that a subsequent offense of the crime of racing on a public highway may result in the impoundment of the motor vehicle used in the race at the registered owner's expense.

Rules of the Road - Driver-Assistive Truck Platooning System

ACT 94 (HB1321) amends the law to allow vehicles equipped with driver-assistive truck platooning systems to follow each other closely with a human operator required to be physically present only in the lead vehicle.

Speed Trap Law - Definition of "Affected Highway"

ACT 825 (HB1712) amends the definition of "affected highway" under the Arkansas Speed Trap Law to require that the affected highway have a decrease in the posted speed limit upon entering an affected municipality.

Unattended Vehicles - Rules of the Road

ACT 50 (SB47) repeals the law prohibiting a person from leaving a motor vehicle unattended on a highway without first stopping the engine, locking the ignition, and removing the key. The act repeals the requirement that a motor vehicle, when standing upon a perceptible grade, have the parking brake on and its front wheels turned to the curb or side of the highway.

Use of Automated Enforcement Device in Highway Work Zones

ACT 707 (SB481) authorizes a county government, a city government, or a department of state government to use an automated enforcement device to detect and enforce a violation of traffic laws or ordinances in a highway work zone. The act requires that a citation be issued to the violator by a certified law enforcement officer at the time of the violation. The act prohibits the retention of any automated enforcement device data that is not related to an active criminal or civil investigation.

TOLL ROADS AND BRIDGES***Damage or Destruction of Bridge by Overweight Vehicle - Civil Liability***

ACT 887 (SB567) creates civil liability for a person who damages or destroys a bridge, other than a wooden bridge that is less than twenty feet (20'), by operating an overweight vehicle over the bridge and provides for the damages that are recoverable under the civil action.

HIGHWAYS AND TRANSPORTATION

TRANSPORTATION DEPARTMENT

Construction Manager-General Contractor Method of Procurement Pilot Program

ACT 823 (HB1692) amends the Construction Manager-General Contractor Method of Procurement Pilot Program to create a second phase of the program for up to five (5) additional transportation projects, subject to certain restrictions concerning the total construction cost for all projects and the estimated construction cost for each project. The act also requires the Arkansas Department of Transportation to provide an independent consultant study of the costs and benefits of the pilot program as compared to the traditional design-build delivery method of procurement.

Intern Housing Stipends

ACT 209 (HB1332) authorizes payment of a housing stipend to an intern of the Arkansas Department of Transportation in the maximum amount authorized by the State Highway Commission from the department's appropriation act.

Tool Allowance - Carpenters

ACT 265 (HB1384) authorizes payment of a tool allowance of five hundred forty dollars (\$540) to a carpenter employed by the Arkansas Department of Transportation who works on highway equipment and facilities.

IMPROVEMENT DISTRICTS

CONSERVATION DISTRICTS

Elections

ACT 690 (SB402) establishes the procedure for the election of directors to a conservation district and provides requirements for elected directors seeking reelection. The act also specifies the voting procedures to be used, the requirements for reporting election results, and the process for challenging the election process.

SERVICE DISTRICTS

Purposes - Street, Sidewalk, and Drainage System Maintenance and Redevelopment

ACT 13 (HB1100) authorizes an urban service district to be created for purposes of street and sidewalk maintenance and redevelopment, including lighting, cleaning, repairing, resurfacing, and access ramp installation, and drainage system maintenance and redevelopment, including services provided by storm water management programs.

INDIVIDUALS WITH DISABILITIES

ACCESSIBILITY

Definition of "Intellectual and Developmental Disability" Clarified

ACT 214 (SB189) clarifies the definition of "intellectual and developmental disability" in the Arkansas Code for uniformity in the meaning of the definition.

ACCESSIBILITY

Prosthetic Device - Athletics or Bathing

ACT 805 (HB1252) requires coverage for prosthetic devices for athletics or recreation and prosthetic devices for showering or bathing and clarifies when a recreational device shall be deemed medically necessary by the treating or referring physician.

SERVICES

Dementia Services Coordinator

ACT 682 (SB345) creates the full-time position of Dementia Services Coordinator within the Division of Aging, Adult, and Behavioral Services of the Department of Human Services.

Section 14(c) Certificates

ACT 339 (HB1546) recognizes and protects organizations in the state holding a Section 14(c) certificate, which allows an employer to pay subminimum wages to people with disabilities working for the employer, as long as Section 14(c) certificates are issued by the United States Department of Labor.

INDIVIDUALS WITH DISABILITIES

USE OF RESPECTFUL LANGUAGE

Repeal Certain Uses of Term "Handicapped"

ACT 503 (HB1296) makes technical corrections to the Arkansas Code concerning the use of respectful language when referring to individuals with disabilities by repealing certain uses of the term "handicapped" in the Arkansas Code.

INSURANCE

AGENTS, ADJUSTERS, AND CONSULTANTS

Rebates - Token Gifts

ACT 337 (HB1525) modifies the definition of "rebates" as used in the business of insurance to provide that token gifts are not prohibited and increases the minimum threshold value of token gifts in the business of insurance to one hundred dollars (\$100) in wholesale value if those token gifts are used for advertisement purposes.

Value-Added Products

ACT 523 (HB1640) excludes from the definition of "rebates" or "unfair discrimination" as used in the business of insurance a value-added product or service at no or reduced cost if certain conditions are met. The act requires the value-added product or service to be offered in a manner that is not unfairly discriminatory and provides that token gifts of one hundred dollars (\$100) or less in wholesale value are not prohibited.

CLAIMS

Physician Assistants - Billing

ACT 303 (SB112) authorizes physician assistants to be identified as a treating healthcare provider for insurance billing and claims processes and allows a physician assistant to file insurance claims as the billing provider for medical services.

COMPANIES AND ASSOCIATIONS

Examinations - Penalties

ACT 469 (SB357) enacts the State Insurance Department's General Omnibus bill, allows the Insurance Commissioner to extend the amount of time to review the verified report from an examination, clarifies the mileage allowed for examiners on an examination, provides for a penalty for failure to file a timely market conduct annual statement, changes the examination of captive insurers to once every five (5) years, removes the waiver of examination option and deposit requirements for licensure as a health maintenance organization, and extends the examination of a health maintenance organization to every five (5) years.

Nonprofit Agricultural Membership Organization - Exemption

ACT 626 (SB324) exempts a nonprofit agricultural membership organization from the Arkansas Insurance Code, the rules promulgated by the Insurance Commissioner, and the laws concerning hospital and medical service corporations if the nonprofit agricultural membership organization meets certain requirements.

Prior Authorization Transparency Act - Applicability

ACT 87 (SB141) clarifies that an out-of-state healthcare insurer is subject to the Prior Authorization Transparency Act if the healthcare insurer has subscribers in this state.

Reports - Manuals - Place of Business

ACT 469 (SB357) enacts the State Insurance Department's General Omnibus bill, updates the manuals used in the valuation of assets of a reporting entity by the Insurance Commissioner, clarifies that an insurer has to maintain a place of business in this state and is not required to be the principal place of business, removes the requirement to be domiciled in this state to form a reciprocal insurer, and changes the due date of annual reports of automobile clubs or associations that are required by the commissioner to June 1.

INSURANCE**COVERAGE AND BENEFITS*****Behavioral Health Services in Outpatient Setting***

ACT 494 (HB1129) requires insurance policies and the Arkansas Medicaid Program to reimburse for behavioral health services provided in a hospital outpatient clinic or a physician clinic.

Biomarker Testing - Coverage

ACT 429 (HB1121) requires coverage for biomarker testing for the purpose of diagnosis, treatment, appropriate management, or ongoing monitoring of a subscriber's disease or condition if the biomarker test is supported by medical and scientific evidence. The act requires a utilization review entity to make a determination on the request for coverage of biomarker testing at the same scope, duration, and frequency as the health benefit plan otherwise provided to subscribers, and if prior authorization is required for biomarker testing, then a response to a request is required within seventy-two (72) hours for nonurgent healthcare services and within twenty-four (24) hours for urgent healthcare services.

Emergency Medical Responders

ACT 258 (HB1128) allows emergency medical responders to be reimbursed by insurance companies and the Arkansas Medicaid Program and to be voluntarily licensed.

HIV or AIDS Preexposure and Postexposure Prophylaxis

ACT 314 (HB1007) requires that a health benefit plan or healthcare insurer cannot require prior authorization or step therapy for antiretroviral drugs that are medically necessary for the prevention of HIV or AIDS, including HIV preexposure prophylaxis and HIV postexposure prophylaxis. The act clarifies that a health benefit plan or healthcare insurer is not required to cover all therapeutically equivalent versions without prior authorization or step therapy if at least one (1) therapeutically equivalent version is covered without prior authorization or step therapy. The act authorizes pharmacists to initiate therapy and administer or dispense, or both, HIV preexposure prophylaxis and HIV postexposure prophylaxis under a statewide protocol and sets standards for the requirements of administering and dispensing HIV preexposure prophylaxis and HIV postexposure prophylaxis under a statewide protocol.

Intravenous Immunoglobulin - PANS/PANDAS

ACT 876 (SB181) mandates insurance coverage for the use of intravenous immunoglobulin to treat pediatric acute-onset neuropsychiatric syndrome (PANS) or pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS) if the pediatric patient's primary care physician, in consultation with an Arkansas licensed pediatric psychiatrist and an Arkansas licensed physician who practices in at least one (1) pediatric subspecialty, determines and agrees that the treatment is necessary and follows a patient-specific treatment plan. The act clarifies that if the United States Food and Drug Administration approves of intravenous immunoglobulin to treat PANS or PANDAS, or both, the Insurance Commissioner shall adopt by rule a written statewide protocol that provides the consultation and the patient-specific treatment plan are no longer required for coverage under a health benefit plan. The act repeals the Arkansas PANS/PANDAS Advisory Council as of January 1, 2024, provides for continued off-label use of intravenous immunoglobulin to treat PANS or PANDAS, and requires a primary care physician who prescribes intravenous immunoglobulin to treat individuals with PANS or PANDAS to report to the Childhood Post-Infectious Autoimmune Encephalopathy Center of Excellence. The act declares an emergency and is effective on and after April 13, 2023.

INSURANCE

COVERAGE AND BENEFITS

Prior Authorization Transparency Act - Appeal Process

ACT 501 (HB1274) clarifies the appeal process for and the timelines related to an appeal for a denial of an urgent and nonurgent healthcare service. The act also adds a third-party administrator of a self-insured healthcare insurer to the definition of "utilization review entity."

Prior Authorization Transparency Act - Medication-Assisted Treatment

ACT 451 (HB1558) includes detoxification of opioid and alcohol addiction to the medication-assisted treatment for opioid addiction and removes the requirement to comply with medication-assisted treatment for opioid addiction for the Arkansas Medicaid Program.

Prostate Cancer

ACT 66 (HB1042) updates the reference to the National Comprehensive Cancer Network guidelines for coverage of prostate cancer screenings under a health benefit plan and allows the Insurance Commissioner to adopt by rule updated guidelines published by the National Comprehensive Cancer Network.

Prosthetic Devices

ACT 805 (HB1252) requires coverage for prosthetic devices for athletics or recreation and prosthetic devices for showering or bathing and clarifies when a recreational device shall be deemed medically necessary by the treating or referring physician.

Rebates - Cost-Sharing

ACT 333 (HB1481) clarifies an enrollee's cost sharing for a prescription drug at the point-of-sale based on a price that is reduced by an amount equal to at least one hundred percent (100%) of all rebates received, or to be received, in connection with the dispensing or administration of the prescription drug by a healthcare insurer and a pharmacy benefits manager.

Screening for Depression - Birth Mothers

ACT 316 (HB1035) requires screening for depression of birth mothers within the first six (6) weeks after birth and mandates that, beginning January 1, 2024, an insurance policy shall cover screening for depression of birth mothers within the first six (6) weeks after birth.

DENTAL INSURANCE

Assignment of Benefits

ACT 831 (HB1741) clarifies the applicability of assignment of benefits from a healthcare insurer or payor to a healthcare provider to dental-only insurance plans if annual consent is provided by an enrollee to the healthcare provider and the healthcare insurer or payor. The act requires a healthcare provider, before providing healthcare services to an enrollee, to provide clarification in a statement to the enrollee that the healthcare provider may not be a participating provider under the enrollee's plan and that the healthcare provider may charge the enrollee for noncovered healthcare services and balance bill the enrollee for covered healthcare services. The act also requires the healthcare provider to include an estimate of the cost of healthcare services and any terms of payment that apply, including interest that the healthcare provider charges. The act is effective on and after January 1, 2024.

FUNERAL AND BURIAL INSURANCE

Perpetually Maintained Cemeteries - Duty to Maintain

ACT 509 (HB1543) establishes a duty to maintain for a cemetery company that owns and operates a perpetual care cemetery to properly care for, maintain, and preserve a perpetual care cemetery, except for faulty monument installation and upkeep by a monument company or other third party.

Annual Report

ACT 82 (SB99) requires burial associations to file reports on an annual basis.

INSURANCE**FUNERAL AND BURIAL INSURANCE*****Prepaid Funeral Benefits - Permit Expiration***

ACT 345 (SB97) changes the expiration date of a permit to sell prepaid funeral benefits under the Arkansas Prepaid Funeral Benefits Law and clarifies that if a permit is not renewed within thirty (30) days of the deadline or is suspended or revoked, the licensee has to surrender certain documentation to the Insurance Commissioner, and if the permit is renewed, the information will be returned to the licensee. The act institutes penalties for failure to turn over documents to the commissioner due to nonrenewal of permits, changes the reporting requirement for per-contract fees to annual instead of quarterly reports, and regulates prepaid benefits contracts to determine the right to a refund or to change the provider. The act also repeals the Prepaid Funeral Contracts Recovery Program Board and reduces burdens on the administration of prepaid benefits contracts.

Substitute Service-Providing Funeral Home

ACT 81 (SB98) amends the certificate for benefits for burial associations and clarifies the percentage payable to substitute service-providing funeral homes based on membership data and proximity to the contract funeral home.

HEALTH INSURANCE***Arkansas Pharmacy Benefits Manager Licensure Act - Examination***

ACT 302 (SB94) amends the definition of "health benefit plan" under the Arkansas Pharmacy Benefits Manager Licensure Act to clarify that a plan is included if the plan meets certain requirements. The act clarifies the authority of the Insurance Commissioner to impose a penalty per violation if the commissioner finds that the pharmacy benefits manager has not followed the process established for determining pricing or costs under the Maximum Allowable Cost or used the national average drug acquisition cost. The act also allows the commissioner to revoke or suspend the license of a pharmacy benefits manager if the commissioner finds the pharmacy benefits manager has committed a pattern of violations or has not met certain requirements.

Electronic Access - Medical Records

ACT 502 (HB1275) regulates electronic medical records and allows access to a healthcare payor or a healthcare payor's authorized designee to evaluate potential health care to be provided to an enrollee and to review healthcare services already provided to an enrollee. The act provides for the rights and responsibilities of healthcare payors and healthcare providers in relation to electronic access to medical records, and the act clarifies that the offer of electronic access to medical records by the healthcare provider satisfies any request made by the healthcare payor. The act is effective on and after January 1, 2024.

Minimum Allowable Reimbursement - Ground Ambulance Services

ACT 597 (HB1776) establishes a minimum allowable reimbursement for ground ambulance services.

Network Leasing

ACT 576 (HB1272) amends the Healthcare Contracting Simplification Act to apply to dental plans; prohibits a healthcare insurer from leasing a healthcare contract or provider network unless certain conditions are met; and regulates the lease, rental, or sale of a healthcare contract or provider network of a health benefit plan to another healthcare insurer or third-party administrator.

Patient Right-to-Know Act - Relocation of Healthcare Provider

ACT 830 (HB1734) prohibits certain conduct of a healthcare provider who is relocating his or her practice and who provides written notice of his or her new practice location or contact information and imposes penalties per violation. The act is applied retroactively to any pending cases accruing and filed before August 1, 2023.

INSURANCE**HEALTH INSURANCE*****Prior Authorization Transparency - Exemption***

ACT 575 (HB1271) exempts certain healthcare providers that provide certain healthcare services from prior authorization requirements if specific criteria are met. The act requires a healthcare provider be provided an opportunity to speak with the utilization review entity concerning an adverse determination decision.

Psychiatric Collaborative Care Model - Mental Illness and Substance Abuse Disorders

ACT 615 (SB178) provides reimbursement and benefits for mental illness and substance use disorders that are delivered through a psychiatric collaborative care model; clarifies how a primary care team will provide care under a psychiatric collaborative care model; and requires a psychiatric consultant on a primary care team to provide regular consultations, review the clinical status and care of the covered person, and make recommendations. The act clarifies that a healthcare insurer may deny reimbursement for healthcare services delivered through a psychiatric collaborative care model on the grounds of medical necessity only if certain conditions are met and clarifies that a healthcare insurer shall not limit the care provided through a psychiatric collaborative care model. The act requires the Arkansas Medicaid Program to apply for a grant for a psychiatric collaborative care model, work in consultation with nongovernmental entities that are recognized as having expertise in psychiatric collaborative care models, and report concerning the program's progress. The act is effective on and after October 1, 2023.

Rebates

ACT 333 (HB1481) clarifies an enrollee's cost sharing for a prescription drug at the point-of-sale based on a price that is reduced by an amount equal to at least one hundred percent (100%) of all rebates received, or to be received, in connection with the dispensing or administration of the prescription drug by a healthcare insurer and a pharmacy benefits manager.

Step Therapy Protocols - Biosimilar Medical Products

ACT 136 (SB192) adds biosimilar medical products to the exceptions to step therapy protocols.

Step Therapy Protocols - Exempt Antipsychotic Prescription Drugs

ACT 577 (HB1276) excludes antipsychotic prescription drugs from step therapy protocols if the insurance policy provides coverage for the treatment of psychosis and serious mental illness through antipsychotic prescription drugs and clarifies that use of a generic drug equivalent approved by the United States Food and Drug Administration is not step therapy to enable access to both generic and name brand drugs for psychosis and serious mental illness.

Transportation Benefit Manager Act - Ambulance Services

ACT 578 (HB1312) regulates contracts between an ambulance provider and a contracting entity as a network provider of ambulance services, clarifies an ambulance provider is not required to participate as an in-network provider of a transportation benefit manager, and prohibits a contracting entity from requiring prior authorization for certain transportation in order to obtain medically needed diagnostic or medical therapeutic services. The act allows for prior authorization by a contracting entity for nonurgent and nonemergent ground or air ambulance services by an air ambulance and provides a procedure to process claims for ambulance services.

INSURANCE

HEALTH INSURANCE

Triage, Treat, and Transport to Alternative Destinations - Ambulance Services

ACT 480 (HB1261) allows an ambulance service's operators to triage and transport a patient to an alternative destination or treat in place if the ambulance service is coordinating the care through telemedicine with a physician for a medical-based complaint or with a behavioral health specialist for a behavioral-based complaint. The act mandates insurance coverage for an ambulance service for certain triage, treatment, and transport services and regulates the reimbursement rate for these services.

INSURANCE DEPARTMENT

State Audit Process - No Surprises Act - Qualified Payment Amount

ACT 580 (HB1348) requires the State Insurance Department to develop a state audit process to ensure compliance with the requirements in the No Surprise Act of the federal Consolidated Appropriations Act related to the calculation of a qualified payment amount.

LIFE INSURANCE AND ANNUITIES

Exemption from Actions of Creditor and Representatives

ACT 579 (HB1313) exempts life insurance proceeds from the actions of creditors and representatives in certain circumstances.

Standard Valuation Law - Exemption

ACT 469 (SB357) enacts the State Insurance Department's General Omnibus bill and repeals the small company exemption from the Standard Valuation Law for life insurance and annuities.

MOTOR VEHICLES

Peer-to-Peer Car-Sharing Program

ACT 686 (SB388) requires insurance coverage for peer-to-peer car-sharing programs during the various periods of time for peer-to-peer car-sharing; establishes the Peer-to-Peer Car-sharing Program Act to allow an individual other than the owner of the motor vehicle to use the motor vehicle through a peer-to-peer car-sharing program; and establishes certain notice, recordkeeping, and responsibility requirements for individuals participating in peer-to-peer car-sharing.

Self-Insurers - Religious Denominations

ACT 91 (HB1171) provides that a religious denomination qualifies as a self-insurer if it has more than twenty-five (25) members who own registered motor vehicles in the state and it discourages its members from purchasing insurance as contrary to the tenets of the religion.

Vehicles Used for Hire

ACT 804 (HB1237) requires certain disclosures by a business engaged in carrying passengers for hire, requires liability insurance coverage for each vehicle used for hire, removes the ability of a person to self-insure a vehicle used for hire, and raises the minimum bond amount to two hundred fifty thousand dollars (\$250,000).

PAYMENTS, PROCEEDS, AND SETTLEMENTS

Thresholds for Settlement Agreements Involving Minors

ACT 468 (SB342) establishes standards and procedures for settling claims involving minors through settlement agreements and clarifies that a minor's guardian may enter into a settlement agreement with a person or party against whom the minor has a claim if certain conditions exist.

INSURANCE POLICIES

Deductible - Disclosure

ACT 471 (SB368) requires disclosure by an insurance company of the monetary amount of a deductible that is based on a percentage of the insured value, other than a loss due to an earthquake under a residential property insurance policy, on the policy declaration page or notice of renewal of the policy.

Family Leave Insurance

ACT 84 (SB111) allows an insurer that is authorized to transact accident and health or life insurance business to offer and issue family leave insurance and establishes the events that are covered by family leave insurance.

Short-Term Limited Duration Insurance - Identification Card

ACT 500 (HB1273) requires identification cards under the Healthcare Payor Identification Card Act to reflect if the insurance is short-term, limited-duration insurance and requires a healthcare sharing ministry to provide an identification card to a participant that indicates the participant is a member of a healthcare sharing ministry.

REGULATION

General Omnibus

ACT 469 (SB357) enacts the State Insurance Department's General Omnibus bill, allows the Insurance Commissioner to extend the amount of time to review the verified report from an examination, clarifies the mileage allowed for examiners on an examination, and provides for a penalty for failure to file a timely market conduct annual statement. The act updates the manuals used in the valuation of assets of a reporting entity by the commissioner, changes the examination of captive insurers to once every five (5) years, clarifies that an insurer has to maintain a place of business in this state and is not required to be the principal place of business, removes the requirement to be domiciled in this state to form a reciprocal insurer, removes the waiver of examination option and deposit requirements for licensure as a health maintenance organization, extends the examination of a health maintenance organization to every five (5) years, changes the due date of annual reports of automobile clubs or associations that are required by the commissioner to June 1, and repeals the small company exemption from the Standard Valuation Law for life insurance and annuities.

Rebates - Token Gifts

ACT 337 (HB1525) modifies the definition of "rebates" as used in the business of insurance to provide that token gifts are not prohibited and increases the minimum threshold value of token gifts in the business of insurance to one hundred dollars (\$100) in wholesale value if those token gifts are used for advertisement purposes.

Repeal - Arkansas Legal Insurance Act

ACT 32 (HB1040) repeals the Arkansas Legal Insurance Act to clarify that the provision of legal insurance does not require a certificate of authority from the Insurance Commissioner.

Value-Added Products

ACT 523 (HB1640) excludes from the definition of "rebates" or "unfair discrimination" as used in the business of insurance a value-added product or service at no or reduced cost if certain conditions are met. The act requires the value-added product or service to be offered in a manner that is not unfairly discriminatory and provides that token gifts of one hundred dollars (\$100) or less in wholesale value are not prohibited.

LABOR AND INDUSTRIAL RELATIONS**LABOR DEPARTMENT*****Employment Eligibility - High School Diploma Alternatives***

ACT 100 (HB1091) requires that the receipt of a high school diploma through the passage of a nationally recognized high school equivalency exam, such as the GED test, be treated the same as the receipt of a high school diploma from an accredited secondary school for purposes of employment.

Reduction of Regulatory Fees or Charges

ACT 114 (HB1322) requires the Secretary of the Department of Health and the Secretary of the Department of Labor and Licensing to implement a reduction of one (1) or more regulatory fees or charges of a board or commission whose administrative functions have been transferred to the respective department when the board or commission accumulates a fund balance that is at least three (3) times greater than the board's or commission's annual average operating expenses. The act declares an emergency and is effective on and after July 1, 2023.

Secretary Designee - Elevator Safety Board

ACT 311 (SB323) allows the Secretary of the Department of Labor and Licensing to appoint a designee to serve on the Elevator Safety Board.

UNEMPLOYMENT ELIGIBILITY AND BENEFITS***Fraud - Penalty***

ACT 854 (HB1840) provides that an individual who commits fraud to collect or increase the amount of unemployment insurance program benefits paid to him or her of one thousand dollars (\$1,000) or more is not eligible for unemployment insurance program benefits for ten (10) years. The act is effective on and after October 1, 2023.

Unemployment Compensation Benefits

ACT 196 (HB1430) modifies the definition of "wages" under the Division of Workforce Services Law to exclude certain requirements beginning January 1, 2024, reduces the maximum potential unemployment compensation benefits on and after January 1, 2024, establishes the contribution rates of employers on and after January 1, 2024, regulates employer contributions under the Division of Workforce Services Law, revises the stabilization tax rate, and changes references to the "stabilization tax" to "administrative assessment." The act declares an emergency and is effective on and after March 6, 2023.

Unemployment Compensation Benefits - Disqualification

ACT 106 (HB1197) amends the Division of Workforce Services Law to disqualify an individual if he or she fails to accept suitable work within five (5) business days or fails to appear for a previously scheduled job interview on at least two (2) occasions without notification. The act is effective on and after January 1, 2024.

Wages

ACT 196 (HB1430) modifies the definition of "wages" under the Division of Workforce Services Law to exclude certain requirements beginning January 1, 2024. The act declares an emergency and is effective on and after March 6, 2023.

Work Search Contact Requirements

ACT 587 (HB1575) requires an individual who submits a claim for unemployment benefits to complete at least five (5) work search contacts per week to be eligible for unemployment benefits for the week. The act requires the Division of Workforce Services to audit at least one hundred (100) of all weekly work search reports for work search verification each week. The act is effective on and after January 1, 2024.

LABOR AND INDUSTRIAL RELATIONS

WORKERS' COMPENSATION

Child Labor Violations

ACT 687 (SB390) clarifies the benefits under the workers' compensation law related to child labor violations that result in an injury to or the death of a minor.

Coverage for Student Employees

ACT 237 (SB294) requires a public school student who is in a work-based learning opportunity provided in coordination with a public school district or open-enrollment public charter school to be covered by the workers' compensation insurance of the student's employer. The act declares an emergency and is effective on and after March 8, 2023.

WORKFORCE SERVICES DEPARTMENT

Disclosure of Information - Judicial Review - Claims Recovery

ACT 197 (HB1433) amends the Division of Workforce Services Law regarding rules and disclosure of information, amends the judicial review of unemployment benefits claim decisions by the Board of Review, and amends the law concerning claims recovery to clarify that the director may decide not to recover the amount of an overpayment if the overpayment was received without fault on the part of the recipient. The act declares an emergency and is effective on and after March 6, 2023.

WORKING CONDITIONS

Child Labor - Civil and Criminal Penalties

ACT 687 (SB390) increases the fine amounts of civil penalties and the length of time for assessing civil penalties related to child labor violations and establishes criminal penalties for an employer that knowingly violates child labor laws and willfully engages in certain actions related to child labor violations. The act also clarifies the benefits under the workers' compensation law related to child labor violations that result in an injury to or the death of a minor.

Child Labor - Repeals Employment Certificate

ACT 195 (HB1410) revises the child labor laws, creates the Youth Hiring Act of 2023, and repeals the requirement that an employment certificate be issued by the Director of the Division of Labor for children under sixteen (16) years of age to be employed.

LAW ENFORCEMENT

COUNTY SHERIFFS AND DEPUTIES

Health Benefits - Retirees

ACT 535 (HB1257) expands health benefit coverage for an eligible police officer retiree of a municipality or county who is eligible to retire with full retirement benefits but is not eligible for Medicare enrollment until the eligible police officer retiree is a Medicare-eligible person. The act is retroactive and applies to an eligible police officer retiree who retired between January 1, 2017, and August 1, 2023, to provide a guaranteed issue period of ninety (90) days.

Leave for Military Service

ACT 529 (HB1703) requires a county or municipality to provide leave for military service to a full-time deputy sheriff, police officer, or firefighter under certain circumstances.

CRIME INFORMATION CENTER

Protect Arkansas Act - Public Portal

ACT 659 (SB495) requires the Arkansas Crime Information Center to create a public portal that publishes information concerning arrests of criminal defendants and bail. This provision of the act is effective on and after January 1, 2024.

LAW ENFORCEMENT

CRIME LABORATORY

Postmortem Examinations - Submission of Decedent by Coroner

ACT 553 (HB1617) lists instances in which a county coroner should submit a decedent to the State Crime Laboratory for a postmortem examination and requires the county coroner to submit a decedent to the State Crime Laboratory for a postmortem examination when the death is by an apparent drug, alcohol, or poison toxicity unless certain circumstances exist.

CRIMINAL INVESTIGATION - GENERALLY

Coroner's Investigation

ACT 340 (HB1557) provides that if a death subject to a coroner's investigation is the subject of an open and ongoing investigation by a law enforcement agency, all reports issued by the coroner and the records, files, and information gathered and created during the coroner's investigation are confidential and deemed exempt from the Freedom of Information Act of 1967 until the conclusion of the open and ongoing investigation by a law enforcement agency. The act provides that, if a coroner submits a decedent or records, files, or information related to a decedent to the State Crime Laboratory for forensic examination, then the records, files, and information received by the coroner from the State Crime Laboratory regarding the decedent are privileged and confidential in the same manner as records, files, and information kept, obtained, or retained by the State Crime Laboratory.

DNA Collection - Rapid DNA Technology

ACT 392 (SB401) authorizes the use of rapid DNA technology by criminal detention facilities that have been authorized by the State Crime Laboratory to use rapid DNA technology, allows DNA samples to be required as part of certain negotiated plea agreements, and provides an enforcement mechanism for failure to provide a DNA sample upon arrest.

Drug Task Forces - Special Assessments

ACT 812 (HB1603) increases the dollar amount for the drug crime special assessment that is assessed against a person convicted of a drug crime and removes the cap on the amount of an equipment purchase by a drug task force.

Rapid DNA Technology - Retention of Sample Prohibited

ACT 785 (SB526) prohibits retention of a DNA sample from a person arrested for a felony taken by Rapid DNA technology after completion of the Rapid DNA identification process.

Sexual Assault Collection Kits and Anonymous Kits - Submission and Audit

ACT 558 (HB1829) requires that an anonymous kit be taken into custody and submitted to the State Crime Laboratory and requires the law enforcement agency with jurisdiction to request the results of a sexual assault collection kit from the State Crime Laboratory when the victim reports the sexual assault. The act also requires law enforcement agencies and licensed healthcare providers to audit the untested sexual assault collection kits and unsubmitted anonymous kits they have stored and report the information to the State Crime Laboratory, which is required to report the information to various state officials and legislative committees.

GENERALLY

Digitized Driver's Licenses - Limitations on Law Enforcement

ACT 261 (HB1244) prohibits a law enforcement officer from requiring a person to surrender a mobile device or to search, view, or access any other data or applications on the mobile device when viewing a person's digitized driver's license. Sections 2, 3, and, 4 of this act concerning the issuance of a digitized driver's license are effective on and after February 1, 2025.

Law Enforcement Safety Office - Uniforms

ACT 836 (HB1749) authorizes the Department of Public Safety to purchase uniforms for employees of the Law Enforcement Safety Office.

LAW ENFORCEMENT**GENERALLY*****Police Report - Healthcare Professional Use of Work Address***

ACT 313 (SB344) authorizes a law enforcement agency to allow a healthcare professional to list a work address when filing a police report or complaint related to an incident of battery in the second degree. The act also requires the posting of a written notice in healthcare facilities, emergency departments, clinics, or long-term care facilities that attacking a healthcare professional is a felony.

Report Accident to Law Enforcement - Amount of Property Damage

ACT 815 (HB1633) requires that the driver of a vehicle involved in an accident resulting in total property damage to an apparent extent of at least three thousand dollars (\$3,000) to notify the nearest law enforcement agency immediately and requires all persons involved in the accident to make themselves available to the investigating agency's officer.

Transport of Person in Crisis from Intoxicating Substance to Sobering Center

ACT 83 (SB100) permits a law enforcement officer to transport a person in crisis to a sobering center for recovery, detoxification, and recuperation from the effects of an intoxicating substance.

Use of Automated Enforcement Device in Highway Work Zones

ACT 707 (SB481) allows a city government or a department of state government that is operating outside of a municipality to use an automated enforcement device to detect and enforce a violation of traffic laws or ordinances in a highway work zone. The act also authorizes the use of an automated enforcement device by a municipality of a department of state government that is operating within the boundaries of the municipality to detect and enforce a violation of traffic laws or ordinances in a highway work zone. The act requires a citation be issued to the violator by a certified law enforcement office at the time of the violation. The act prohibits the retention of any automated enforcement device data that is not related to an active criminal or civil investigation.

Violent Crime Clearance Grant Fund

ACT 775 (SB469) establishes the Violent Crime Clearance Grant Fund and permits the Department of Public Safety and Arkansas Commission on Law Enforcement Standards and Training to award grants to local law enforcement agencies for strategies and initiatives that may help to reduce violent crime. The act declares an emergency and is effective on and after April 12, 2023.

MUNICIPAL LAW ENFORCEMENT***Establishment of Duties, Powers, and Policies***

ACT 103 (HB1175) authorizes the governing body of a city or town to prescribe the duties, define the powers, and promulgate the policies applicable to municipal police departments and fire departments.

Health Benefits - Retirees

ACT 535 (HB1257) expands health benefit coverage for an eligible police officer retiree of a municipality or county who is eligible to retire with full retirement benefits but is not eligible for Medicare enrollment until the eligible police officer retiree is a Medicare-eligible person. The act is retroactive and applies to an eligible police officer retiree who retired between January 1, 2017, and August 1, 2023, to provide a guaranteed issue period of ninety (90) days.

Leave for Military Service

ACT 529 (HB1703) requires a county or municipality to provide leave for military service to a full-time deputy sheriff, police officer, or firefighter under certain circumstances.

LAW ENFORCEMENT

MUNICIPAL LAW ENFORCEMENT

Officers - Appointments and Promotions

ACT 440 (HB1358) increases the maximum age limit for appointment to a position with a municipal fire department; provides for the filling of entry-level positions for firefighters; sets a timeline for filling vacancies for entry-level firefighters; and amends the law concerning the rules and regulations required to be established in relation to appointments and promotions in municipal fire departments, the probation period for potential municipal fire department appointees, when temporary promotions and appointments for vacancies in municipal fire and police departments are allowed, and the timeline for making promotions when there is a current eligibles list.

Speed Trap Law - Definition of "Revenue"

ACT 825 (HB1712) amends the definition of "revenue" under the Arkansas Speed Trap Law to clarify that only moneys received from a traffic offense citation written by or an arrest made by a law enforcement officer belonging to the affected municipality's law enforcement agency shall be used to determine if the affected municipality is abusing police power by conducting an unlawful speed trap.

Speed Trap Law - Failure to Appear - Failure to Pay

ACT 520 (HB1621) amends the definition of "revenue" under the Arkansas Speed Trap Law to exclude moneys resulting from ancillary actions related to the enforcement of a traffic offense, including failure to appear and failure to pay.

STATE POLICE

Food and Medical Care for Retired Canines

ACT 113 (HB1319) requires that the Department of Public Safety provide payment for the costs of food, flea and tick infestation prevention, and veterinarian bills for a canine that has retired from the Division of Arkansas State Police and has been adopted by a division canine handler.

Noncriminal Background Checks - Livescan

ACT 784 (SB524) clarifies that requests for noncriminal background checks for the Identification Bureau of the Division of Arkansas State Police may be made by livescan through the Online Criminal Background Check System.

Unaccompanied Homeless Youth and Youth in Foster Care - Driver Education

ACT 506 (HB1462) allows an individual who is between sixteen (16) years of age and twenty-two (22) years of age who is not in the physical custody of a parent or guardian to be certified as an unaccompanied homeless youth. The act requires the Arkansas State Police Commission to waive the fee required to participate in a driver education course if the student is in foster care or a certified unaccompanied homeless youth.

Used Motor Vehicle Buyers Protection - Fines

ACT 821 (HB1671) provides that, in addition to or in lieu of any other penalties prescribed by law for a violation of the used motor vehicle buyers protection laws, the Director of the Division of Arkansas State Police may issue a fine for each violation.

TECHNICAL CORRECTIONS - LAW ENFORCEMENT, EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS

Title 12

ACT 176 (HB1284) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 12 of the Arkansas Code.

LAW ENFORCEMENT**TRAINING AND QUALIFICATIONS*****Instructor Training of Certain Health Conditions***

ACT 199 (HB1458) requires physical fitness instructors of law enforcement, firefighters, or uniformed employees of the Arkansas State Game and Fish Commission to complete training on the recognition and management of certain health conditions and sets certain procedures if a cadet or officer receiving training has symptoms of a sudden cardiac arrest. The act declares an emergency and is effective on and after March 6, 2023.

Training on Alzheimer's Disease and Other Dementias

ACT 202 (HB1396) requires the Arkansas Commission on Law Enforcement Standards and Training to train new officers on the topic of interacting with persons who are affected by Alzheimer's disease or other dementias.

VEHICLES***Distracted Driving - Reporting Requirements***

ACT 445 (HB1486) requires that a law enforcement officer investigating a collision or accident indicate on the written accident form if the driver of the motor vehicle was using a wireless telecommunications device at the time of the collision or accident.

Racing on a Public Highway - Penalties

ACT 714 (SB511) allows a law enforcement officer to impound a motor vehicle used in the crime of racing on a public highway upon a person's subsequent offense of the crime of racing on a public highway.

MILITARY AND VETERANS**MILITARY INSTALLATIONS*****Military-Type Canteens and Exchanges - Establishment and Operations***

ACT 454 (HB1586) clarifies that the laws concerning the establishment, operations, inventory, sales, use of funds, and the conditional termination of military-type canteens also apply to exchanges. The act also authorizes the Adjutant General to enter into contracts or agreements with military focused non-profits, military focused non-profit foundations, or other entities for the operation of military-type canteens and exchanges.

MILITARY JUSTICE***Appointment of Judge Advocates***

ACT 322 (HB1425) allows the Adjutant General to appoint an attorney to serve as a judge advocate in the Arkansas National Guard without regard to his or her licensing state if the attorney is in good standing with the licensing authority admitting the attorney to the practice of law and is approved through the standard accession process for a judge advocate. The act also requires that the attorney be accessed through an interstate transfer into the Arkansas National Guard or that he or she be a judge advocate provided at the expense of the United States Government or another state.

Court-Martial - Sentences

ACT 322 (HB1425) authorizes a military judge to impose the sentence for a person convicted in a general or special court-martial.

MILITARY LEAVE***Deputy Sheriffs - Municipal Police Officers - Firefighters***

ACT 529 (HB1703) requires a county or municipality to provide leave for military service to a full-time deputy sheriff, police officer, or firefighter under certain circumstances.

NATURAL DISASTERS AND EMERGENCIES***Leave for Emergency and Rescue Training Programs - School District Employees***

ACT 20 (HB1017) provides a leave of absence with pay to an entitled employee of a school district for the purpose of participating in a training program for the United States Civil Air Patrol, the United States Coast Guard Auxiliary, or certain emergency and rescue services.

MILITARY AND VETERANS

RETIREMENT

Income Tax Exemption for Retirement Benefits

ACT 358 (SB313) amends the income tax exemption for retirement and disability benefits to provide that if a taxpayer claims an exemption for income from military retirement or survivor benefits, the taxpayer can claim additional retirement benefits as exempt up to the difference between the exemption claimed for income from military retirement or survivor benefits and six thousand dollars (\$6,000). The act is effective for tax years beginning on and after January 1, 2023.

VETERANS

Property Tax Exemption - Definition of "Homestead"

ACT 395 (HB1143) amends the definition of "homestead" for purposes of the property tax exemption for disabled veterans and surviving spouses and minor dependent children of disabled veterans. The act is effective for assessment years beginning on or after January 1, 2023.

State Memorial Day - Women Veterans

ACT 115 (HB1331) creates Women Veterans Day as a state memorial day to be celebrated on June 12 each year.

MOTOR VEHICLES

ALL-TERRAIN VEHICLES

Rules of the Road - Public Utility Employees

ACT 269 (HB1437) allows an employee or agent of a utility, telecommunications, or cable company to operate an all-terrain vehicle on a public street or highway while he or she is performing a function directly related to the operation of the utility, telecommunications, or cable company or while working during a time of emergency or severe weather.

COMMERCIAL DRIVER LICENSE

Commercial Driver's License Drug and Alcohol Clearinghouse - Application

ACT 681 (SB341) amends the Commercial Driver Alcohol and Drug Testing Act to comply with Federal Motor Carrier Safety Administration regulations concerning the application of the Commercial Driver's License Drug and Alcohol Clearinghouse and the maintenance of information.

COMMERCIAL MOTOR VEHICLES

Implied Consent of Blood Testing Repealed

ACT 735 (HB1632) amends the implied consent law to no longer require that the driver of a commercial vehicle be deemed to have given consent to take a test of his or her blood for the purpose of determining blood alcohol concentration or the presence of other drugs.

DRIVER'S LICENSE

Certified Unaccompanied Homeless Youth and Youth in Foster Care - Issuance

ACT 506 (HB1462) allows an individual who is between sixteen (16) years of age and twenty-two (22) years of age who is not in the physical custody of a parent or guardian to be certified as an unaccompanied homeless youth. The act prohibits the Office of Driver Services from charging a fee for the issuance of a driver's license or identification card to an eligible applicant in foster care or a certified unaccompanied homeless youth.

Digitized Driver's Licenses - Issuance

ACT 261 (HB1244) authorizes the issuance of a digitized driver's license that is downloaded through an application on a mobile device and provides that a digitized driver's license may be accepted by a public entity or a private entity for all state purposes for which a driver's license is required. Sections 2, 3, and 4 of this act concerning the issuance of a digitized driver's license are effective on and after February 1, 2025.

MOTOR VEHICLES**DRIVER'S LICENSE*****Driver's Examination - Waiting Periods***

ACT 550 (HB1548) repeals the thirty (30) day period of time a driver's license applicant is required to wait to complete the skills portion of the driver's examination after obtaining his or her instruction permit. The act declares an emergency and is effective on and after April 11, 2023.

Issuance to Military Licensee

ACT 698 (SB438) authorizes the issuance of a driver's license to a person sixteen (16) years of age or older who presents to the Office of Driver Services an expired driver's license issued by another state or by a branch of the United States Armed Forces if he or she is an active duty military member, the spouse of an active duty military member, or the dependent of an active duty military member. The act requires that an applicant present his or her unexpired military identification card or dependent's military identification card for the issuance of a driver's license.

Restricted Driving Permits - Probationer or Parolee

ACT 396 (HB1208) clarifies that a restricted driving permit issued to a probationer or parolee is valid for one (1) year from the date the restricted driving permit was issued and may be renewed annually. The act requires a person be qualified to operate a motor vehicle in order to be eligible to be issued a restricted permit.

FINANCIAL RESPONSIBILITY AND INSURANCE***Self-Insurers - Religious Denominations***

ACT 91 (HB1171) provides that a religious denomination qualifies as a self-insurer if it has more than twenty-five (25) members who own registered motor vehicles in the state and it discourages its members from purchasing insurance as contrary to the tenets of the religion.

Vehicles Used for Hire

ACT 804 (HB1237) requires certain disclosures by a business engaged in carrying passengers for hire, requires liability insurance coverage for each vehicle used for hire, removes the ability of a person to self-insure a vehicle used for hire, and raises the minimum bond amount to two hundred fifty thousand dollars (\$250,000).

HYBRID AND ELECTRIC VEHICLES***Additional Fees - Distribution of Revenues***

ACT 211 (HB1354) provides that the additional fees for electric vehicles, hybrid vehicles, and plug-in hybrid electric vehicles are highway revenues that are distributed to the State Highway and Transportation Department Fund, the County Aid Fund, and the Municipal Aid Fund under the Highway Revenue Distribution Law. The act is effective on and after July 1, 2024.

Rules for Towing, Recovery, and Storage of Electric Vehicles

ACT 840 (HB1765) requires that the Arkansas Towing and Recovery Board promulgate rules necessary for the towing, recovery, and storage of electric vehicles by October 31, 2023.

Warranty Work - Definition of "Routine Maintenance"

ACT 515 (HB1579) excludes electric vehicle batteries and hybrid vehicle propulsion batteries from the definition of "routine maintenance" concerning upkeep that is not covered under a motor vehicle manufacturer's warranty.

LICENSE PLATES***Temporary Preprinted Paper Buyer's Tags - Validity Period***

ACT 41 (HB1150) extends the validity period of a temporary preprinted paper buyer's tag issued until the earlier of the date on which the motor vehicle is registered or the sixtieth calendar day after the date of purchase.

MOTOR VEHICLESMOTOR VEHICLE COMMISSION***Special Event Vehicles***

ACT 696 (SB427) provides an exemption from regulation by the Arkansas Motor Vehicle Commission for special events to allow new motor vehicle dealers and new motor vehicle manufacturers or distributors to display and sell certain vehicles at certain special events if there is a significant positive economic impact.

Unlawful Practices

ACT 515 (HB1579) prohibits a manufacturer, distributor, distributor branch or division, factory branch or division, or their officer, agent, or other representative from failing to implement certain fair business practices in relation to their business with motor vehicle dealers. The act also provides it is unlawful to fail to provide a written disclosure concerning certain new motor vehicle accessories or functions and items that may be purchased rather than leased.

Warranty Agreements - Compensation

ACT 515 (HB1579) provides compensation to a motor vehicle dealer that provides assistance requested by a customer whose motor vehicle was subjected to an over-the-air or remote change, repair, or update to any part, system, accessory, or function by the motor vehicle manufacturer or distributor that was performed at the motor vehicle dealer's location or other manufacturer-authorized repair location of the motor vehicle dealer.

Warranty Work - Definition of "Routine Maintenance"

ACT 515 (HB1579) excludes electric vehicle batteries and hybrid vehicle propulsion batteries from the definition of "routine maintenance" concerning upkeep that is not covered under a motor vehicle manufacturer's warranty.

NEW VEHICLES***Temporary Preprinted Paper Buyer's Tags - Validity Period***

ACT 41 (HB1150) extends the validity period of a temporary preprinted paper buyer's tag issued by a licensed new motor vehicle dealer until the earlier of the date on which the motor vehicle is registered or the sixtieth calendar day after the date of purchase.

OFFICE OF DRIVER SERVICES***Certified Unaccompanied Homeless Youth and Youth in Foster Care - Driver's License***

ACT 506 (HB1462) allows an individual who is between sixteen (16) years of age and twenty-two (22) years of age who is not in the physical custody of a parent or guardian to be certified as an unaccompanied homeless youth. The act prohibits the Office of Driver Services from charging a fee for the issuance of a driver's license or identification card to an eligible applicant in foster care or a certified unaccompanied homeless youth.

OFFICE OF MOTOR VEHICLES***Commercial Driver License Fund - Use of Funds***

ACT 473 (SB375) amends the law to allow the use of motor vehicle registration, license, and expedited title processing fees deposited into the Commercial Driver License Fund for system enhancements to the Arkansas Motor Carrier System and for other related purposes as required by the Secretary of the Department of Finance and Administration in carrying out the functions, powers, and duties of the Revenue Division.

REGISTRATION***Additional Fee for Electric and Hybrid Vehicles - Distribution***

ACT 211 (HB1354) provides that the additional fees for electric vehicles, hybrid vehicles, and plug-in hybrid electric vehicles are highway revenues that are distributed to the State Highway and Transportation Department Fund, the County Aid Fund, and the Municipal Aid Fund under the Highway Revenue Distribution Law. The act is effective on and after July 1, 2024.

MOTOR VEHICLES

REGISTRATION

Period of Registration

ACT 41 (HB1150) extends the time period authorized for the registration of a motor vehicle to sixty (60) calendar days.

Removal or Alteration of Serial Number

ACT 762 (SB237) increases the classification of the offense of buying, receiving, disposing of, selling, offering for sale, or possessing a farm implement, a motor vehicle, or boating equipment with a removed, damaged, mutilated, or defaced serial number to a Class D felony.

RULES OF THE ROAD

Controlled-Access Highways - Pedestrians Prohibited

ACT 779 (SB504) prohibits a pedestrian from being within the property boundaries of a controlled-access highway unless he or she is directed by a police officer or he or she is construction personnel in a highway work zone. The act makes it a defense to prosecution that the pedestrian was first within a motor vehicle upon the controlled-access highway and exited the motor vehicle due to a mechanical breakdown, a motor vehicle accident, or other emergency.

Distracted Driving - Penalties

ACT 445 (HB1486) provides that a person using a wireless telecommunications device at the time of a collision or accident that results in serious physical injury or death of another person is guilty of a Class A misdemeanor and may be ordered by the court to perform public service work in the amount of one hundred (100) hours or less.

Driving in Left Lane - Overtaking Vehicle Turning Left

ACT 816 (HB1635) prohibits a person from driving a motor vehicle on the left side of a roadway in order to overtake and pass another motor vehicle when the motor vehicle being passed has signaled its intention to make a left turn.

Following Closely - Driver-Assistive Truck Platooning System

ACT 94 (HB1321) amends the law to allow vehicles equipped with driver-assistive truck platooning systems to follow each other closely with a human operator required to be physically present only in the lead vehicle.

Report Accident to Law Enforcement - Amount of Property Damage

ACT 815 (HB1633) requires that the driver of a vehicle involved in an accident resulting in total property damage to an apparent extent of at least three thousand dollars (\$3,000) to notify the nearest law enforcement agency immediately and requires all persons involved in the accident to make themselves available to the investigating agency's officer.

Unattended Vehicles

ACT 50 (SB47) repeals the law prohibiting a person from leaving a motor vehicle unattended upon a highway without first stopping the engine, locking the ignition, and removing the key. The act also repeals the requirement that a motor vehicle, when standing upon a perceptible grade, have the parking brake on and its front wheels turned to the curb or side of the highway.

SPECIAL LICENSE PLATES

Creation - Arkansas Dyslexia Support Group

ACT 885 (SB555) authorizes the issuance and reissuance of a special license plate to promote and support the Arkansas Dyslexia Support Group. The act also repeals the Hospice and Palliative Care Special License Plate.

Creation - Little Rock Central High National Historic Site

ACT 808 (HB1485) authorizes the issuance of a special license plate to promote and support the Little Rock Central High School National Historic Site.

MOTOR VEHICLES

SPECIAL LICENSE PLATES

Leased Motor Vehicles - Special License Plate for Public Use

ACT 210 (HB1351) authorizes a local government that leases a motor vehicle for a period of twelve (12) months or more as property of the county, city, or incorporated town to display a special license plate issued for public use vehicles of local government.

National Historic Sites

ACT 808 (HB1485) allows the creation and issuance of a special license plate for a place of historical significance located in Arkansas that is officially designated by the United States Congress as a "National Historic Site" without having to repeal or discontinue an already existing type of special license plate.

TOWING AND STORAGE

Rules for Electric Vehicles

ACT 840 (HB1765) requires that the Arkansas Towing and Recovery Board promulgate rules necessary for the towing, recovery, and storage of electric vehicles by October 31, 2023.

TRANSPORTATION DEPARTMENT

Vehicle Weight Limits - Logging Vehicles

ACT 711 (SB494) requires that the Director of State Highways and Transportation request that the United States Congress amend the federal law to waive the application of any vehicle weight limit established by law for a covered logging vehicle transporting unprocessed forest products on certain segments of the Interstate Highway System in the state.

USED VEHICLES

Temporary Preprinted Paper Buyer's Tags - Validity Period

ACT 41 (HB1150) extends the validity period of a temporary preprinted paper buyer's tag issued for a used motor vehicle until the earlier of the date on which the motor vehicle is registered or the sixtieth calendar day after the date of purchase.

Used Motor Vehicle Buyers Protection - Fines

ACT 821 (HB1671) provides that, in addition to or in lieu of any other penalties prescribed by law for a violation of the used motor vehicle buyers protection laws, the Director of the Division of Arkansas State Police may issue a fine for each violation.

WATERCRAFT

Removal or Alteration of Serial Number

ACT 762 (SB237) increases the classification of the offense of buying, receiving, disposing of, selling, offering for sale, or possessing a farm implement, a motor vehicle, or boating equipment with a removed, damaged, mutilated, or defaced serial number to a Class D felony.

NATURAL RESOURCES

ALTERNATIVE FUELS

Bioenergy - Carbon Capture Technology

ACT 693 (SB407) amends the law concerning bioenergy and carbon capture technology, requires that energy produced from certain sources be considered carbon neutral, and requires that energy produced from certain sources in conjunction with carbon capture technologies be considered carbon negative.

FORESTRY

Prescribed Burning

ACT 695 (SB415) provides protection from civil liability for prescribed burning conducted in compliance with the requirements established in the act. The act exempts a compliant prescribed burning from certain open-air fire provisions and requires the Department of Agriculture to promulgate rules for becoming a qualified prescribed burner.

NATURAL RESOURCES

LAND

Liquid Animal Waste Management Systems - Authority

ACT 824 (HB1706) transfers the authority related to liquid animal waste management systems from the Department of Energy and Environment to the Department of Agriculture in consultation with the Division of Environmental Quality.

Soil Nutrient Application and Poultry Litter - Records

ACT 530 (HB1707) provides that a nutrient management plan or a poultry litter management plan developed and approved under the Arkansas Soil Nutrient Application and Poultry Litter Utilization Act is not a public record, is not available for public inspection, and is exempt from the Freedom of Information Act of 1967.

LOGGING AND TIMBER

Timber Sales - Unknown or Unlocatable Co-Owners or Coheirs

ACT 253 (SB246) amends the law regarding timber sales to define "unknown or unlocatable co-owners or coheirs," amends the requirements related to the purchase of timber from unknown or unlocatable co-owners or coheirs, and amends the requirements related to contracts for a timber sale.

MINERALS

Arkansas Geological Survey - Abolishment - Creation of Office of State Geologist

ACT 697 (SB433) abolishes the Arkansas Geological Survey, establishes the Office of the State Geologist within the Oil and Gas Commission, and transfers the authority and duties of the Arkansas Geological Survey to the Office of the State Geologist. The act declares an emergency and is effective on and after July 1, 2023.

NATURAL RESOURCES COMMISSION

Poultry Feeding Operations - Transfer of Duties

ACT 600 (HB1827) transfers duties under the Arkansas Poultry Feeding Operations Registration Act from the Arkansas Natural Resources Commission to the Department of Agriculture.

OIL, GAS, AND BRINE

Liquefied Petroleum Gas Fund

ACT 349 (SB209) amends the discretionary suspension of inspection and registration fees when the Liquefied Petroleum Gas Fund exceeds five hundred thousand (\$500,000) and makes the suspension decision by the Liquefied Petroleum Gas Board effective for the fiscal year following the board decision.

Underground Storage of Gas

ACT 140 (SB210) amends the law regarding the underground storage of gas to include carbon oxides, ammonia, hydrogen, nitrogen, or noble gases.

PUBLICITY AND TOURISM

Tourism Development - Natural State Initiative Pilot Program - Tourism Attraction

ACT 652 (SB464) establishes the Natural State Initiative Pilot Program and authorizes the Director of the Arkansas Economic Development Commission to designate four (4) geographic areas of the state as Natural State Initiative Opportunity Zones for economic development related to the construction, operation, or intention to operate a tourism attraction project.

STATE PARKS

Keep Arkansas Beautiful Commission

ACT 304 (SB251) transfers the administrative office and reporting duties of the Keep Arkansas Beautiful Commission to the State Parks Division from the Department of Parks, Heritage, and Tourism.

NATURAL RESOURCES

STATE PARKS

Alcoholic Beverages

ACT 655 (SB472) authorizes a state park to sell alcoholic beverages and a third-party vendor to serve alcoholic beverages for on-premises consumption at the state park without obtaining a permit from the Alcoholic Beverage Control Division upon approval by the Secretary of the Department of Parks, Heritage, and Tourism.

WATER

Arkansas Port, Intermodal, and Waterway Development Grant Program

ACT 881 (SB478) amends the Arkansas Port, Intermodal, and Waterway Development Grant Program to include sharing expenses with the United States Army Corps of Engineers for certain projects and requires the Director of the Arkansas Waterways Commission to provide the Arkansas Waterways Commission with information concerning these projects. The act also increases the amount of the taxes and penalties collected from water transportation companies that is credited to the Arkansas Port, Intermodal, and Waterway Development Grant Program Fund. The act creates an income tax credit for capital improvements to a facility or property related to using water transportation in the state. The section of the act creating the income tax credit is effective for tax years beginning on or after January 1, 2024.

Liquid Animal Waste Management Systems - Authority

ACT 824 (HB1706) transfers the authority related to liquid animal waste management systems from the Department of Energy and Environment to the Department of Agriculture in consultation with the Division of Environmental Quality.

WILDLIFE

Hunting and Fishing - Resident Lifetime License

ACT 755 (HB1763) establishes a lifetime hunting and fishing license for residents who are ten (10) years of age or younger for a one-time fee of five hundred dollars (\$500) and authorizes the Arkansas State Game and Fish Commission to assess a transaction fee for certain transactions related to hunting and fishing licenses.

PROFESSIONS AND OCCUPATIONS

ACCOUNTANTS

State Board of Public Accountancy - Membership

ACT 759 (HB1802) amends the membership of the State Board of Public Accountancy to allow board members who have completed a full term to be reappointed for an additional five-year term. The act declares an emergency and is effective on and after April 12, 2023.

APPRAISERS

Arkansas Appraiser Licensing and Certification Board - Abolished

ACT 628 (SB354) creates the State Board of Appraisers, Abstracters, and Home Inspectors and establishes the membership and duties of the board. The act also abolishes the Arkansas Abstracters' Board, the Arkansas Home Inspector Registration Board, and the Arkansas Appraiser Licensing and Certification Board. The act declares an emergency, and the section of the act concerning the transfer of board member duties is effective on and after April 11, 2023, and the remaining sections are effective on and after July 1, 2023.

ARCHITECTS

License Exemption

ACT 239 (HB1005) repeals the requirement for the review by legislative committees of the effects of an increase on the expanded exemption to the licensing requirements for architects from one hundred thousand dollars (\$100,000) to two hundred fifty thousand dollars (\$250,000) and makes the expanded exemption amount permanent.

PROFESSIONS AND OCCUPATIONS**AUCTIONEERS*****Online Auctions and Estate Sales***

ACT 677 (SB320) authorizes the Auctioneer's Licensing Board to regulate in-state online auctions and estate sales. The act provides an exemption to regulation for used motor vehicle dealers and owners of e-commerce websites or online marketplaces that have protections in place.

BARBERS***Definitions - Membership of the State Board of Barber Examiners***

ACT 465 (SB322) defines "barbering," "barber," and "barber pole" under the Arkansas Barber Law and changes the membership of the State Board of Barber Examiners and the authority of the Director of the State Board of Barber Examiners. The act also clarifies when a certificate is required to practice under the Arkansas Barber Law.

COLLECTION AGENCIES***Membership of Board***

ACT 360 (SB321) clarifies the definition of "collection agency" and amends the membership of the State Board of Collection Agencies to clarify the requirements for appointment to each position on the board.

CONTRACTORS AND SUBCONTRACTORS***Lifetime License***

ACT 73 (SB6) creates a lifetime license for a contractor at the age of sixty-five (65) and establishes the eligibility requirements for the lifetime license.

COSMETOLOGISTS***Body Art - Tattoo Artists - Permanent Cosmetic Artists - Piercing Artists***

ACT 688 (SB392) makes terminology and definition changes to the law concerning body art. The act adds definitions of the terms "host," "institution," and "permanent cosmetics," lowers the fee for artists licensed in a state other than Arkansas to two hundred dollars (\$200), and amends the requirements for student artists. The act repeals the law concerning permanent cosmetics and semipermanent cosmetics and increases the membership of the Cosmetology Technical Advisory Committee to eleven (11) members to provide representation to licensed tattoo artists, permanent cosmetic artists, and piercing artists.

Exemption from Criminal Background Licensing Restrictions

ACT 516 (HB1580) exempts cosmetologists from licensing restrictions based on criminal records.

Lifetime License

ACT 583 (HB1449) lowers the requirements for a lifetime cosmetology license to allow individuals who are at least fifty-five (55) years of age with at least twenty (20) years practicing or teaching to qualify.

ELECTRICIANS***Residential Electricians***

ACT 318 (HB1360) allows residential journeyman electricians and residential master electricians to perform work on single-family dwellings, duplexes, triplexes, and quadraplexes.

FUNERAL HOMES AND BURIAL ASSOCIATIONS***Annual Report***

ACT 82 (SB99) requires burial associations to file reports on an annual basis.

Contracts

ACT 81 (SB98) amends the certificate for benefits for burial associations and clarifies the percentage payable to substitute service-providing funeral homes based on membership data and proximity to the contract funeral home.

PROFESSIONS AND OCCUPATIONS**FUNERAL HOMES AND BURIAL ASSOCIATIONS*****License - Renewal***

ACT 368 (SB95) changes the renewal date for a licensee under the law regarding embalmers and funeral directors to the last day of the calendar year and provides a renewal process to renew a license either annually or biennially.

GENERALLY***Automatic Occupational Licensing for New Residents***

ACT 457 (SB90) authorizes occupational licensing entities to provide for an automatic occupational licensure for new residents of this state who are licensed in another state, territory, or district of the United States if the new residents do not have a disqualifying criminal offense or a complaint, allegation, or investigation pending for his or her occupational activity. The act does not apply to medical professions, legal professions, individuals under reciprocity agreements, or existing multistate or interstate compacts.

Military Members, Veterans, and Spouses - National Certification

ACT 137 (SB193) adds consideration of national certifications toward initial occupational licensure and extends the application of the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021 to spouses. The act also eliminates the one-year limit for veterans to apply service education, training, or certifications toward initial occupational licensure.

HEALTH CARE WORKERS - OTHER***Audiology and Speech-Language Pathology Interstate Compact***

ACT 301 (SB91) establishes the Audiology and Speech-Language Pathology Interstate Compact in Arkansas, which allows audiologists and speech-language pathologists licensed in compact states to provide audiology and speech-language pathology services in a compact state without becoming licensed in the state. The act provides that the Board of Examiners in Speech-Language Pathology and Audiology is the administrator of the compact for this state.

Chiropractors - License Application Deadline

ACT 86 (SB132) reduces the license application deadline to thirty (30) days for applicants to practice chiropractic in this state.

Counselors - Counseling Compact

ACT 260 (HB1181) establishes the Counseling Compact in Arkansas, which allows counselors licensed in compact states to provide counseling services in a compact state without becoming licensed in the state. The act provides that the Arkansas Board of Examiners in Counseling is the administrator of the compact for this state.

Dentists - Dental Colleges

ACT 42 (SB93) repeals the qualifications and requirements of a dental college and clarifies that the Commission on Dental Accreditation is the accrediting entity for a college of dentistry.

Naturopathic Physicians

ACT 670 (SB86) requires the Department of Health to study and report on the status of naturopathic physicians in Arkansas and other states. The act requires that the study be completed by June 30, 2024.

Occupational Therapists - Occupational Therapy Licensure Compact

ACT 257 (HB1082) establishes the Occupational Therapy Licensure Compact in Arkansas, which allows occupational therapists licensed in compact states to provide occupational therapy services in a compact state without becoming licensed in the state. The act provides that the Arkansas State Medical Board is the administrator of the compact for this state.

PROFESSIONS AND OCCUPATIONS

HEALTH CARE WORKERS - OTHER

Physician Assistants - Billing

ACT 303 (SB112) authorizes physician assistants to be identified as a treating healthcare provider for insurance billing and claims processes and allows a physician assistant to file insurance claims as the billing provider for medical services.

HVACR

HVACR Licensing Board - Codes - Use of Refrigerant

ACT 443 (HB1440) prohibits a municipality or the HVACR Licensing Board from limiting the use of refrigerants designated as acceptable for use under federal law if the refrigerant is installed in accordance with safety standards and use conditions.

MASSAGE THERAPY

Licensed Massage Therapists as Mandated Reporters

ACT 531 (HB1729) includes a licensed massage therapist in the list of persons who are mandated reporters under the Child Maltreatment Act.

Master Massage Therapist - New Licensure Pathway

ACT 167 (HB1115) amends the definition of and requirements for a "master massage therapist" within the Massage Therapy Act to allow licensure of a person as a master massage therapist who meets certain requirements.

Student and Apprentice Level Licensing

ACT 45 (SB58) creates a student and apprentice level of licensing in the massage therapy profession.

NURSES

Alternative to Discipline Broadened

ACT 234 (SB279) allows non-nurses regulated by the Arkansas State Board of Nursing to participate in the alternative to discipline program.

Clinical Nurse Education Portal for Clinical Placements

ACT 674 (SB302) creates the Clinical Nurse Education Portal within the Department of Health as a statewide management software system that provides clinical access and utilization data and contains compliance, orientation, clinical schedules, and affiliation information for a clinical nursing placement.

Expansion of Full, Independent Practice Authority

ACT 872 (SB79) allows clinical nurse specialists to obtain full, independent practice authority and authorizes experience in another state, territory, or foreign country to qualify toward the hours of practice required to be granted full, independent practice authority.

Nursing Data Collection and Tracking

ACT 673 (SB300) allows the Arkansas State Board of Nursing to create a data repository to collect, report, track, and trend data regarding nursing education and the nursing workforce in Arkansas.

Nursing Earn-to-Learn - Hours Worked Count Toward Nursing Degree

ACT 672 (SB299) establishes nursing earn-to-learn programs that authorize a nursing student to earn direct patient care clinical credit hours towards a nursing degree for working certain jobs in a healthcare facility.

PHARMACIES AND PHARMACISTS

Exemption for Veterinary Medical Use

ACT 591 (HB1662) exempts from the licensure requirements for a pharmacist and a pharmacy the sale or shipping of antibiotics and microbials for veterinary medical use directly from a wholesaler, distributor, pharmacy, or farm store to a client if based on a prescription from a licensed veterinarian. The act declares an emergency and is effective on and after April 11, 2023.

PROFESSIONS AND OCCUPATIONS

PHARMACIES AND PHARMACISTS

HIV Preexposure and Postexposure Prophylaxis

ACT 314 (HB1007) authorizes pharmacists to initiate therapy and administer or dispense, or both, HIV preexposure prophylaxis and HIV postexposure prophylaxis under a statewide protocol and sets standards for the requirements of administering and dispensing the HIV preexposure and postexposure prophylaxis. The act also prohibits a health benefit plan or healthcare insurer from requiring prior authorization or step therapy for antiretroviral drugs that are medically necessary for the prevention of HIV or AIDS, including HIV preexposure and postexposure prophylaxis, except in certain circumstances.

Hospital Pharmacy Continuity of Care Endorsement

ACT 233 (SB265) creates the hospital pharmacy continuity of care endorsement to allow licensed hospitals to dispense and sell at retail outpatient medications for emergency room patients or patients upon discharge from the hospital. The act clarifies that nonprofit hospitals can dispense medications for outpatient use for hospital employees and students.

PHYSICIANS

Abortion-Inducing Drugs - Revocation of License as Sanction

ACT 702 (SB463) adds revocation of a physician's medical license to the professional sanctions authorized for failure to comply with the Abortion-Inducing Drugs Safety Act.

PSYCHOLOGISTS

Psychological Examiners

ACT 573 (HB1173) repeals the prohibition on licensing new psychological examiners, defines the term "forensic psychological assessment," prohibits psychological examiners from engaging in the independent practice of forensic psychological assessment, and prohibits a psychological examiner licensed after December 31, 2024, from being granted independent practice status.

REAL ESTATE LICENSEES

Exemption - Arkansas Licensed Residential Construction Company

ACT 31 (HB1147) creates an exemption to the licensing requirement under the Arkansas Real Estate License Law for a person employed by an Arkansas licensed residential construction company.

Professional Limited Liability Company

ACT 93 (HB1265) modifies the definition of "licensee" under the Real Estate License Law and allows a broker or salesman to do business as a professional limited liability company.

SANITARIANS

Septic Tank Cleaning License - Pumper Vehicle

ACT 99 (HB1076) clarifies that an annual fee for a septic tank cleaning licensee includes the first tank pumper vehicle and allows for licensure of additional pumper vehicles.

SCRAP METAL DEALERS

Catalytic Converters - Alternate Vehicle Identification Number

ACT 709 (SB485) allows the last eight (8) digits of a vehicle identification number or a stock number within an electronic database to be used to identify used catalytic converters. The act also repeals the list of professions entitled to an automatic presumption of a person possessing a used catalytic converter in the ordinary course of a person's business.

Catalytic Converters - Record Keeping

ACT 264 (HB1365) creates the offenses of theft of a catalytic converter and unauthorized possession of a catalytic converter. The act requires scrap metal dealers to perform additional record keeping when buying used catalytic converters.

PROFESSIONS AND OCCUPATIONS

TECHNICAL CORRECTIONS - PROFESSIONS, OCCUPATIONS, AND BUSINESSES

Title 17

ACT 270 (HB1455) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 17 of the Arkansas Code.

PROPERTY RIGHTS AND INTERESTS

BUILDING AND ZONING REGULATIONS

Property Within Multiple Municipalities - Option to Choose Development Regulations

ACT 884 (SB547) provides that, subject to certain notice requirements, a property owner who has contiguous and substantial property within more than one (1) municipality and who plans to obtain a permit for the development of a permitted use for the contiguous property may choose to have the development regulations for one (1) municipality where a substantial portion of the property lies apply for the entire project.

EVICTIONS

Writ of Possession - Issuance by Court Clerk

ACT 414 (HB1424) requires that the clerk of a court issue a writ of possession for unlawful detainer upon order of the court.

HOUSING

Fast-Track Permits

ACT 497 (HB1207) provides a pathway to obtain a local government official's approval of a permit related to the development of a residential, multifamily, commercial, or industrial improvement within sixty (60) days from the date the local government official receives the request for permit.

MORTGAGES AND LIENS

Lien - Sale of Personal Property

ACT 388 (SB263) amends the law concerning the procedure for the sale of personal property possessed by a lienholder to require that the lienholder determine the fair market value of the personal property to be sold and file a bond with the circuit court. The act prohibits the sale of personal property until the expiration of thirty (30) days from the date the lienholder makes demand for the debt by certified mail and requires the lienholder to post written notice of the proposed sale at or near the front door of his or her place of business if the debt is not paid within thirty (30) days.

PERSONAL PROPERTY

Requirements for Sale by Lienholder

ACT 388 (SB263) amends the law concerning the procedure for the sale of personal property possessed by a lienholder to require that the lienholder determine the fair market value of the personal property to be sold and file a bond with the circuit court. The act prohibits the sale of personal property until the expiration of thirty (30) days from the date the lienholder makes demand for the debt by certified mail and requires the lienholder to post written notice of the proposed sale at or near the front door of his or her place of business if the debt is not paid within thirty (30) days.

Schedule of Property - Judgment Debtor

ACT 740 (HB1666) requires that a judgment debtor file a schedule of property, real or personal, whenever a final judgment order of a court is entered against the judgment debtor.

REAL PROPERTY - GENERALLY

Eliminate Premises Used in Criminal Offenses - Civil Remedies

ACT 741 (HB1672) authorizes the commencement of a civil action by the Attorney General to eliminate the availability of premises used continually in the commission of criminal offenses.

PROPERTY RIGHTS AND INTERESTS

REAL PROPERTY - GENERALLY

Lands Previously in Lakes or Rivers

ACT 159 (HB1163) establishes the procedure the Commissioner of State Lands shall use to execute deeds to lands previously in lakes or rivers and requires the Commissioner of State Lands to promulgate rules concerning the procedure.

Ownership of Land Prohibited

ACT 636 (SB383) prohibits a prohibited foreign party from acquiring by grant, purchase, devise, descent, or otherwise any interest in agricultural land in this state and prohibits a prohibited foreign-party-controlled business from acquiring by grant, purchase, devise, descent, or otherwise any interest in public or private land in this state. The act requires that land held in violation of this prohibition be divested or sold through judicial foreclosure.

Rule Against Perpetuity

ACT 719 (HB1339) adopts a fixed period of three hundred sixty-five (365) years for the Rule Against Perpetuity.

Schedule of Property - Judgment Debtor

ACT 740 (HB1666) requires that a judgment debtor file a schedule of property, real or personal, whenever a final judgment order of a court is entered against the judgment debtor.

REAL PROPERTY - TRANSFERS AND COVENANTS

Uniform Easement Relocation Act - Civil Action

ACT 505 (HB1408) creates the Uniform Easement Relocation Act and allows the owner of real estate burdened by an easement to obtain a court order to relocate the easement if the relocation does not materially impair the utility of the easement to the easement holder or the physical condition, use, or value of the benefited property. The act requires that the burdened property owner file a civil action, give other potentially affected real-property interest owners notice, and bear the costs of the relocation. The act applies to an easement created before, on, or after August 1, 2023.

WAIVER OR FORFEITURE

Community Property

ACT 582 (HB1409) repeals the Uniform Disposition of Community Property Rights at Death Act, a uniform act regarding how community property is treated in the state, and replaces it with the Uniform Community Property Disposition at Death Act, an updated uniform act dealing with the state's treatment of community property, including what is presumed to be community property; the division of community property; and the treatment of community property and the rights of the surviving community-property spouse or any heirs, devisees, or other nonprobate transferees upon the death of the other community-property spouse.

PUBLIC FINANCE

ACCOUNTING AND BUDGETARY PROCEDURES

Failure of Municipality to File Required Report

ACT 453 (HB1571) provides that if certain required reports are not filed with the Legislative Auditor on behalf of a municipality within eighteen (18) months after the end of the fiscal year that the required report covers, the Legislative Joint Auditing Committee may give notice to the Treasurer of State, who shall then withhold the municipality's turnback funds in escrow until notified by the Legislative Joint Auditing Committee that all required reports covering periods through the most recent fiscal year have been filed, at which time the escrowed turnback funds shall be released to the municipality. The act provides that, if turnback funds are held longer than twelve (12) months, the turnback funds shall be redistributed to all other municipalities receiving turnback funds, and the municipality shall not accrue additional turnback funds until all required reports covering periods through the most recent fiscal year have been filed. The act is effective on and after June 30, 2024.

PUBLIC FINANCEACCOUNTING AND BUDGETARY PROCEDURES***Financial Management - Annual Comprehensive Financial Report***

ACT 88 (SB180) amends the law to adopt and use the term "annual comprehensive financial report" established by the Governmental Accounting Standards Board.

Job Order Contracting - Increase Maximum Bid Award

ACT 728 (HB1582) increases the cap on job order contracting bid awards for institutions of higher education to one million two hundred thousand dollars (\$1,200,000) and repeals the different threshold requirements for job order contracting bid awards based on the education and general appropriations for state agencies and institutions of higher education.

Maximum Number of Passenger Vehicles

ACT 645 (SB436) amends the maximum number of new or additional positions that may be established by certain institutions of higher education and amends the maximum number of passenger motor vehicles for certain institutions of higher education.

Motor Vehicle Restrictions - Definition of "Passenger Motor Vehicles"

ACT 817 (HB1642) amends the definition for "passenger motor vehicles" in relation to the motor vehicle restrictions and authorizations for state entities and institutions of higher education to exclude vehicles that are primarily used for health screenings or providing health treatment.

Reports of Improper or Illegal Practices

ACT 632 (SB363) provides that if an audit report related to an entity of the state is presented to the Legislative Joint Auditing Committee and reflects evidence of improper practices of financial administration or inadequacy of fiscal records, the Legislative Auditor shall report the findings to the Attorney General. The act also requires the Legislative Auditor to notify and cooperate with the Attorney General on all matters that appear to involve a criminal offense and to cooperate in other investigations by the Attorney General upon request and with the approval of the cochairs of the Legislative Joint Auditing Committee.

BOND ISSUES***Redevelopment Districts***

ACT 838 (HB1759) repeals the law prohibiting a redevelopment district from being in existence for a period longer than forty (40) years and requires that bonds or notes issued with respect to a redevelopment district mature over a period not to exceed thirty (30) years.

Self-Insured Fidelity Bond Program - Direct Pecuniary Loss of Value

ACT 826 (HB1713) amends the Self-Insured Fidelity Bond Program to rename the Fidelity Bond Trust Fund the Self-Insured Fidelity Bond Trust Fund; provides that a fidelity bond provides coverage for direct pecuniary loss of value instead of actual loss; and clarifies that the Self-Insured Fidelity Bond Program is established for the state and the counties, municipalities, and school districts of this state.

Self-Insured Fidelity Bond Program - Statutorily Required Bond Requirements

ACT 554 (HB1626) clarifies that a governmental entity that participates in the Self-Insured Fidelity Bond Program satisfies any other statutorily required bond requirements required under state law. The act declares an emergency and is effective on and after April 11, 2023.

CLAIMS AGAINST THE STATE***Notices of Appeal***

ACT 417 (HB1467) provides that the time period in which a party to a claim or action must file a notice of appeal or a motion for reconsideration of a final order of the Arkansas State Claims Commission begins when the commission transmits the final order. The act also prohibits the commission from accepting a notice of appeal for filing or transmitting a notice of appeal to the General Assembly for consideration if the notice of appeal or motion for reconsideration is not filed within the required timeframe.

PUBLIC FINANCE

PURCHASING AND CONTRACTS

Arkansas Procurement Law - Exempt Commodities and Services

ACT 660 (SB497) amends the definition of "exempt commodities and services" under the Arkansas Procurement Law to include commodities procured by the State Parks Division to furnish and supply overnight lodging facilities with amenities, linens, furniture, and general decor.

Construction Manager-General Contractor Method of Procurement Pilot Program

ACT 823 (HB1692) amends the Construction Manager-General Contractor Method of Procurement Pilot Program to create a second phase of the program for up to five (5) additional transportation projects, subject to certain restrictions concerning the total construction cost for all projects and the estimated construction cost for each project. The act also requires the Arkansas Department of Transportation to provide an independent consultant study of the costs and benefits of the pilot program as compared to the traditional design-build delivery method of procurement.

Professional and Consultant Services Contracts - Cap on Design Professional Contracts

ACT 667 (SB559) amends the definition of "design professional contract" in relation to the procurement of professional and consultant services contracts to include contracts that are primarily for remodeling projects that do not exceed two million dollars (\$2,000,000).

Professional Services Definitions - "Construction Management" and "Political Subdivision"

ACT 818 (HB1652) amends the definition of "construction management" for purposes of the procurement of professional services to include agency construction management and at-risk construction management involving a political subdivision and amends the definition of "political subdivision" for purposes of the procurement of professional services to include all bodies politic.

State Procurement Director - Non-Mandatory State Contracts

ACT 556 (HB1735) repeals obsolete language regarding the duty of the State Procurement Director to develop a plan to reduce the overall annual petroleum consumption of state agencies by January 1, 2009, and allows the State Procurement Director to negotiate and enter into non-mandatory state contracts with retailers for commodities or services, or both, under certain circumstances.

REVENUE STABILIZATION LAW

Deductions for State Funds - Amendment 101 Revenues

ACT 130 (HB1308) authorizes the use of revenues received from Arkansas Constitution, Amendment 101, for bonds for surface transportation projects and provides that the revenues received from Arkansas Constitution, Amendment 101, are not subject to sales and use tax refunds or deductions, transfers, or distributions to the Constitutional Officers Fund or the State Central Services Fund. The act declares an emergency and is effective on and after February 24, 2023.

General Revenue Fund Account - Transfer for Food Insecurity and Health Needs

ACT 657 (SB479) transfers revenues from the General Revenue Fund Account to the Restricted Reserve Fund to be used to address food insecurity and health needs.

PUBLIC FINANCE

STATE TREASURY

Environmental, Social Justice, or Governance Scores

ACT 411 (HB1307) regulates the use of environmental, social justice, or governance scores and authorizes the Treasurer of State to divest investments or obligations due to the use of environmental, social justice, or governance-related metrics. The act creates the ESG Oversight Committee to determine whether a financial services provider is discriminating against energy companies or firearms entities or otherwise refusing to deal based on the use of environmental, social justice, or governance-related metrics and to compile a list of those financial services providers. The act requires the Treasurer of State to publish a list on the Treasurer of State's website of financial services providers that are discriminating against energy and firearms entities and allows a process for a financial services provider to be removed from the list. The act clarifies the sources of information that may be used by the committee to compile the list and requires that state investments be made in the sole interest of the beneficiary state taxpayer. The act prohibits a public entity from investing cash funds with a financial services provider if the financial services provider is on the list unless certain circumstances exist.

PUBLIC OFFICERS AND EMPLOYEES

APPOINTMENT AND HIRING

Code Revisor

ACT 481 (HB1427) amends provisions of law regarding the employment of a Code Revisor by the Bureau of Legislative Research and provides that if the Code Revisor is terminated by the Director of the Bureau of Legislative Research, the director shall discuss the reasons for the termination with the Arkansas Code Revision Commission. The act also revises the powers and duties of the Arkansas Code Revision Commission. The act declares an emergency and is effective on and after April 6, 2023.

ATTENDANCE AND LEAVE

Foster Care Leave

ACT 756 (HB1775) creates foster care leave with pay for state employees and provides forty (40) hours of foster care leave within a calendar year for a state employee.

Maternity Leave - Twelve Weeks

ACT 770 (SB426) extends catastrophic leave for maternity purposes for state employees to a maximum of twelve (12) weeks and includes the placement of an adoptive child and the foster placement of an infant under one (1) year of age as eligible for the leave. The act declares an emergency and is effective on and after April 12, 2023.

COMPENSATION AND BENEFITS

District Court Judges and Personnel

ACT 483 (HB1522) establishes the salaries of the judges and other personnel of the various district courts.

Traumatic Event Counseling

ACT 537 (HB1302) requires a public employer who employs a public safety employee to provide coverage for licensed counseling to the public safety employee after experiencing a traumatic event while in the course of duty. The act expires January 1, 2025, unless extended by the General Assembly. The section of the act concerning traumatic event counseling is effective on and after January 1, 2024.

PUBLIC OFFICERS AND EMPLOYEES

COMPENSATION AND BENEFITS

Uniform Classification and Compensation Act - Revisions

ACT 886 (SB565) amends provisions of law concerning the Uniform Classification and Compensation Act, including amending the classification titles and grades for state agencies, increasing the pool of positions to be used to reclassify positions in state agencies to the proper classification and grade if the state agency does not have a vacant position available with the appropriate classification and grade from seven hundred (700) to one thousand five hundred (1,500), and establishing circumstances in which a merit payment may result in an employee's salary exceeding the maximum pay level for the grade assigned to the classification. The act declares an emergency and is effective on and after July 1, 2023.

Voluntary Products

ACT 533 (HB1160) clarifies the supervision of voluntary products under the State and Public School Life and Health Insurance Program, requires the Arkansas State Employees Association, Inc., or its designee that develops and administers a cafeteria plan to provide an annual report of voluntary products to be offered to state employees during open enrollment, and requires the Arkansas State Employees Association, Inc. or its designee to develop and administer a cafeteria plan for voluntary products on behalf of eligible state employees.

TECHNICAL CORRECTIONS - PUBLIC OFFICERS AND EMPLOYEES

Title 21

ACT 178 (HB1289) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 21 of the Arkansas Code.

PUBLIC PROPERTY

BUILDING AUTHORITY (ABA)

Unpaved Trail Projects

ACT 661 (SB498) amends the definition of "unpaved trail project" under the Building Authority Act to include maintenance projects and property related to the Department of Parks, Heritage, and Tourism.

PUBLIC BUILDINGS, FACILITIES, AND PROPERTY

State Capitol - Monument Repairs and Upkeep

ACT 362 (SB335) allows the Arkansas Capitol Grounds Monument and Memorial Preservation Fund to accept state funds in addition to private donations to make repairs, alterations, or additions; reconstruct; or provide for the upkeep of the monuments on State Capitol grounds. The act also allows the Arkansas Medal of Honor Commission to accept state appropriations to carry out these purposes.

State Capitol - Monument to the Unborn

ACT 310 (SB307) allows the development and placement of a monument to the unborn on State Capitol Grounds and requires the Secretary of State to establish the process.

State Capitol Grounds - Display of Campaign Material

ACT 456 (HB1600) repeals the law restricting the display of campaign literature on vehicles of candidates or public officials while on State Capitol grounds.

PUBLIC WORKS

Capital Improvements of the Department of Parks, Heritage, and Tourism

ACT 666 (SB558) excludes certain repair, alteration, and maintenance projects by the Department of Parks, Heritage, and Tourism from the definition of "capital improvement" for purposes of the laws concerning the powers and duties of the Building Authority Division in relation to the acquisition of properties and the supervision of capital improvements. The act also exempts certain repair, alteration, and maintenance projects by the Department of Parks, Heritage, and Tourism from the requirement that the plans, specifications, and estimates for certain public works projects be executed under the observation of a registered professional.

PUBLIC PROPERTY

PUBLIC WORKS

Publication of Notice of Intention to Receive Bids

ACT 336 (HB1524) removes the publication requirements for public improvement projects that are more than the quote bid limit but less than or equal to fifty thousand dollars (\$50,000) and provides that an agency may publish notice of an intention to receive bids in a trade journal reaching the construction industry as a form of notification that is in addition to publication in a newspaper of general circulation.

TECHNICAL CORRECTIONS - PUBLIC PROPERTY

Title 22

ACT 179 (HB1290) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 22 of the Arkansas Code.

RETIREMENT

JUDICIAL RETIREMENT SYSTEM

Contributions After Forfeiture of Right to Retirement Benefits

ACT 134 (SB78) provides that a judge or justice is not required to continue paying contributions to the Arkansas Judicial Retirement System if the judge or justice is eligible to retire and forfeits his or her right to retirement benefits as a result of not complying with the requirement that a judge or justice who is eligible to retire does so by his or her seventieth birthday. The act declares an emergency and is effective on and after July 1, 2023.

Survivor Benefits - Effective Date

ACT 262 (HB1246) provides that benefits under Tier 1 and Tier 2 of the Arkansas Judicial Retirement System are payable to a member or retirant's eligible survivor beginning on the first day of the calendar month following the month in which the member or retirant died.

LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS

Allocation of Insurance Premium Tax Determination

ACT 39 (HB1110) eliminates mapping requirements for premium tax revenues to be distributed to a city, town, or fire protection district for the purpose of funding local police and fire relief pension funds. Additionally, the act requires an actuary who is a member of the American Academy of Actuaries to evaluate information submitted under certain provisions of the Arkansas Code to determine the amount of the premium tax revenues to be directed to each city, town, or fire protection district.

LOCAL POLICE AND FIRE RETIREMENT SYSTEM

Contribution Rate

ACT 536 (HB1260) increases the contribution rate for various members of the Arkansas Local Police and Fire Retirement System depending on whether the member's covered employment is also covered by Social Security and what benefit program the member is enrolled in. The act declares an emergency and is effective on and after July 1, 2023.

Deferred Retirement Option Plan

ACT 458 (SB135) increases the maximum duration of participation in the Local Police and Fire Deferred Retirement Option Plan for active paid service police officers and firefighters to ten (10) years. The act declares an emergency and is effective on and after April 1, 2023.

Distribution of Benefits

ACT 44 (HB1111) amends the age at which members of certain plans under the Arkansas Local Police and Fire Retirement System and local police and fire pension and relief funds begin to receive fund distributions.

RETIREMENT**PUBLIC EMPLOYEES' RETIREMENT SYSTEM*****Reemployment of Essential Seasonal Staff Members***

ACT 527 (HB1690) provides that the one-hundred-eighty-day required termination period does not apply to a member of the Arkansas Public Employees' Retirement System who returns to employment with the Arkansas Forestry Commission, the Arkansas Livestock and Poultry Commission, or the State Plant Board as an essential seasonal staff member.

Restoration of Service Credit and Lump Sum Payment in Lieu of Minimum

ACT 248 (SB127) provides procedures through which a member who leaves employment covered by the Arkansas Public Employees' Retirement System requests a refund of his or her contributions to the system and is hired by another employer participating in the system may repay the refunded contributions with interest and thus restore his or her service credit. The act also allows a member to receive the reserve value in lieu of the monthly benefit as a lump sum or, in certain circumstances, the lump sum may be paid to a beneficiary if the member dies before retirement. The act requires that the member consent before the reserve value is paid by the system to the retiree or beneficiary. The act declares an emergency and is effective on and after July 1, 2023.

Survivor Benefits

ACT 247 (SB126) requires a retirant under the Arkansas Public Employees' Retirement System to make an application in writing to the system to cancel the designation of a beneficiary under Option B50 and Option B75 when certain conditions apply, at which point the member's election will return to a straight life, Option A60, or Option A120 annuity the month after the system receives the election. The act amends provisions regarding benefits payable when a member or former member dies before retirement. Additionally, the act requires the surviving spouse or dependent parents of a deceased member or former member to elect to receive a refund of the member's or former member's contributions in lieu of a benefit payable under the plan if they are the only persons who will be eligible for monthly benefits and are also the designated beneficiaries. The act also provides that the effective date of monthly benefits payable to a survivor of a deceased member or retirant is the first day of the calendar month following the month in which the member or retirant died. The act declares an emergency and is effective on and after July 1, 2023.

RETIREMENT SYSTEMS - GENERALLY***Cities of the First Class - Retirement Systems or Plans***

ACT 437 (HB1303) authorizes a city of the first class that has a retirement benefit system or plan for members of the governing body of the city of the first class to amend, repeal, or reinstate the system or plan by ordinance.

Mayors of Cities of the First Class

ACT 496 (HB1203) allows a mayor of a city of the first class to count previous or subsequent years of service in employment with the same city that he or she is a mayor of toward the mayor's retirement. The act prohibits a mayor who receives a retirement benefit from a city in this manner from collecting any other retirement benefit based upon service for the same period from any other state authorized plan.

Prohibiting Consideration of Environmental, Social, and Governance Factors

ACT 498 (HB1253) requires investments of a public retirement system or plan to be made upon consideration of only financial factors and not for the purpose of furthering an environmental, social, or corporate governance factors or a similar factor. The act also provides for new requirements for the voting of ownership interests that are held by a public retirement plan and authorizes the Attorney General to enforce the act through various mechanisms.

RETIREMENT**STATE POLICE RETIREMENT SYSTEM*****Effective Date of Survivor Benefit Payments***

ACT 240 (HB1247) provides that benefits under Tier 1 and Tier 2 of the State Police Retirement System are payable to a member's or retirant's eligible survivor beginning on the first day of the calendar month next following the month in which the member or retirant died.

Employer Contribution Rate and Exception to Prohibition Against Subjecting Annuity Rights

ACT 249 (SB128) increases the employer contribution rate under the State Police Retirement System to twenty-six percent (26%). The act also provides an exception to the prohibition against subjection of annuity rights to legal processes under the system in the case of a court ordering the monthly benefit of a retirant under the system to be paid into the registry of the court if the retirant is found by the court to be willfully refusing or failing to support his or her minor dependent children in violation of a court order for support of the dependent children. The act declares an emergency and is effective on and after July 1, 2023.

Survivor Benefits

ACT 250 (SB129) requires a retirant under the State Police Retirement System to make an application in writing to the system to cancel the designation of a beneficiary under Option B50 and Option B75 when certain conditions apply, at which point the member's election will return to a straight life, Option A60, or Option A120 annuity the month after the system receives the election. The act amends provisions regarding benefits payable when a member or former member dies before retirement and authorizes the surviving spouse or dependent parents of a deceased member or former member to elect to receive a refund of the member or former member's contributions in lieu of a benefit payable under the plan if they are the only persons who will be eligible for monthly benefits and are also the designated beneficiaries. The act declares an emergency and is effective on and after July 1, 2023.

TEACHER RETIREMENT SYSTEM***Annuity Options***

ACT 170 (HB1186) authorizes a retirant under the Arkansas Teacher Retirement System to designate both his or her surviving spouse and one (1) or more of his or her qualifying dependent children as option beneficiaries and specifies criteria for how a retiree's annuity shall be paid in this scenario. The act also provides for when a residue beneficiary who elects the Option A - 100% Survivor Annuity and is the surviving spouse of a disability retiree is entitled to begin receiving payments. The act declares an emergency and is effective on and after July 1, 2023.

Board of Trustees Membership - Survivor Benefits

ACT 105 (HB1193) provides that the designated beneficiary of a member who has not completed five (5) years of creditable service at the time of the member's death is eligible to receive the member's accumulated contributions and life insurance proceeds. The act allows, in certain circumstances, the surviving spouse or other beneficiary of a member with five (5) or more years of creditable service to elect an annuity that is computed in the same manner as if the member retired on the date of his or her death if the member elected certain annuity options. The act declares an emergency and is effective on and after July 1, 2023.

Contributory or Noncontributory Status

ACT 52 (HB1184) allows the Arkansas Teacher Retirement System to prorate the number of contracted days for a member when the member enters into a contract with a covered employer after the start of the fiscal year so that the system can determine whether the member should be classified as a contributory or noncontributory member. The act declares an emergency and is effective on and after July 1, 2023.

RETIREMENT**TEACHER RETIREMENT SYSTEM*****Federal Service Credit - Change of Noncontributory Service to Contributory Service***

ACT 69 (HB1200) clarifies that a member of the Arkansas Teacher Retirement System shall receive credit for his or her federal service after paying the cost of service, regardless of whether the member is active or inactive. The act also clarifies that a member of the system who has previous noncontributory credited service may change credited service on which a member contribution has not been paid to contributory credited service by paying the system the actuarial equivalent of the member benefits, regardless of whether the member is an active or inactive member of the system. The act declares an emergency and is effective on and after July 1, 2023.

Final Average Salary Calculation

ACT 104 (HB1188) requires full and partial service years recorded as service credit to be used in the calculation of a member's final average salary. The act also changes the term "salary differential" used in the Arkansas Teacher Retirement System laws to "anti-spiking amount" and changes the term "percentage increase" to "anti-spiking percentage." The act declares an emergency and is effective on and after July 1, 2023.

Lump-Sum Death Benefit

ACT 171 (HB1187) provides that, if an active member, T-DROP participant, or retired member with ten (10) or more years of actual service dies, his or her beneficiary is eligible to receive a lump-sum death benefit of up to ten thousand dollars (\$10,000) to be divided in equal shares in the case of more than one (1) beneficiary having been designated. The act also provides for the maximum lump-sum death benefit in the case of a member who has accrued at least ten (10) years of actual, contributory service, and allows the Board of Trustees of the Arkansas Teacher Retirement System to set up a lump-sum death benefit for noncontributory service. The act declares an emergency and is effective on and after July 1, 2023.

Purchase of Permissive Service Credit

ACT 125 (SB116) provides for the purchase of permissive service credit under the Arkansas Teacher Retirement System, establishes criteria for determining whether a member is eligible to purchase permissive service credit, and provides for the administration of permissive service credits. The act declares an emergency and is effective on and after July 1, 2023.

References, Definitions, and Administration

ACT 107 (HB1201) enacts the Arkansas Teacher Retirement System general omnibus act. The act corrects references to various terms used in the law concerning the system; creates new definitions applicable to the system; and makes changes to the administration of the system, including without limitation procedures for benefit increases and computation, deadlines, system assets, termination separation period, service credit, second reviews of disability retirement applications, a member's residue, and contract buyout settlement agreements. The act declares an emergency and is effective on and after July 1, 2023.

Refund of Unused Purchased Service Credit

ACT 55 (HB1199) allows the Arkansas Teacher Retirement System to refund certain purchased service credit that is unused by the purchasing member if the member ceases to be an active member before the service credit is established as credited service in the system or if the service credit is not used to establish the member's eligibility for retirement from the system. The act declares an emergency and is effective on and after July 1, 2023.

Special Contributory and Noncontributory Multiplier Rates

ACT 63 (HB1202) amends the law concerning the special contributory and noncontributory multiplier rates used to calculate a life annuity under the Arkansas Teacher Retirement System. The act declares an emergency and is effective on and after July 1, 2023.

RETIREMENT

TEACHER RETIREMENT SYSTEM

Surcharges and Outsourcing

ACT 64 (HB1183) repeals the previous surcharge to be remitted to the Arkansas Teacher Retirement System by a surcharge employer and requires a surcharge employer to remit a surcharge on the total salaries paid to all the embedded employees on an aggregate basis. The act authorizes the Board of Trustees of the Arkansas Teacher Retirement System to establish the surcharge rate and repeals the process by which a covered employer or outsource contractor may request a determination from the system as to whether an embedded employee performs or will perform a service common to the normal daily operation of a covered employer. The act declares an emergency and is effective on and after July 1, 2023.

Survivor Application and Dependent Child Annuity

ACT 77 (SB115) requires a survivor application for benefits in various scenarios to be submitted to the Arkansas Teacher Retirement System by the end of the sixth full calendar month following the date of the active member's death and provides eligibility criteria for a dependent child of a deceased active member or retiree who dies after returning to work. The act declares an emergency and is effective on and after July 1, 2023.

Termination Separation Period

ACT 183 (SB117) reduces the required termination separation period under the Arkansas Teacher Retirement System to four (4) full calendar months. The act declares an emergency and is effective on and after July 1, 2023.

TECHNICAL CORRECTIONS - RETIREMENT AND PENSIONS

Title 24

ACT 436 (HB1292) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 24 of the Arkansas Code.

STATE AGENCIES, BOARDS, AND COMMISSIONS

ADMINISTRATIVE RULES - GENERALLY

Code of Arkansas Rules

ACT 80 (SB87) amends the law concerning the creation and implementation of the Code of Arkansas Rules, including requiring the Secretary of State to work with the Bureau of Legislative Research to implement and maintain a system that notifies the Bureau of Legislative Research when a final rule is filed with the Secretary of State; allowing the Bureau of Legislative Research, in consultation with the Secretary of State, to develop an electronic filing system to facilitate filing a rule in conjunction with the Code of Arkansas Rules; and establishing a process for a proposed rule and an existing rule being amended or repealed by a proposed rule to remain valid for a period of time after the Code of Arkansas Rules becomes effective to allow for the proposed rule to become a final rule and then be incorporated into the Code of Arkansas Rules.

Cybersecurity Incidents - State Agency

ACT 510 (HB1555) clarifies that an internal policy or internal guideline of a state agency related to a cybersecurity incident involving or a cyberattack on a state agency is not considered a rule for purposes of review and approval of state agency rules or the Arkansas Administrative Procedure Act. The act allows the Joint Committee on Advanced Communications and Information Technology to meet in a closed meeting on matters related to a cybersecurity incident involving or a cyberattack on a public entity if those cybersecurity issues are the only matters discussed at the meeting.

STATE AGENCIES, BOARDS, AND COMMISSIONS

AGRICULTURE

Consolidation of Agricultural Boards and Commissions

ACT 691 (SB403) abolishes the Arkansas Milk Stabilization Board; Arkansas Seed Arbitration Committee; Arkansas State Board of Registration for Foresters; Arkansas State Board of Registration for Professional Soil Classifiers; Commission on Water Well Construction; Private Wetland and Riparian Zone Creation, Restoration, and Conservation Committee; Veterinary Medical Examining Board; Abandoned Pesticide Advisory Board; Arkansas Agriculture Board; and Red River Commission. The act moves the duties of each of the abolished entities to other agricultural boards. The act also changes the membership of the Arkansas Natural Resources Commission, Arkansas Forestry Commission, and Arkansas Livestock and Poultry Commission. The act declares an emergency and is effective on and after July 1, 2023.

Transfer of Power - Catfish Processors and Commercial Bait and Ornamental Fish

ACT 588 (HB1618) transfers the powers, duties, and responsibilities of the State Plant Board regarding catfish processors and commercial bait and ornamental fish to the Department of Agriculture.

ARKANSAS CODE REVISION COMMISSION

Powers and Duties

ACT 481 (HB1427) amends provisions of law regarding the employment of a Code Revisor by the Bureau of Legislative Research and provides that if the Code Revisor is terminated by the Director of the Bureau of Legislative Research, the director shall discuss the reasons for the termination with the Arkansas Code Revision Commission. The act also revises the powers and duties of the Arkansas Code Revision Commission. The act declares an emergency and is effective on and after April 6, 2023.

ARKANSAS REHABILITATION SERVICES

Technical Corrections

ACT 182 (HB1295) makes technical corrections to the Arkansas Code concerning Arkansas Rehabilitation Services, corrects references from "Director" to "Commissioner," and corrects agency names in various sections.

BURIAL ASSOCIATION

Annual Report

ACT 82 (SB99) requires burial associations to file reports on an annual basis.

Certificate for Benefits

ACT 81 (SB98) amends the certificate for benefits for burial associations and clarifies the percentage payable to substitute service-providing funeral homes based on membership data and proximity to the contract funeral home.

CAPITOL ARTS AND GROUNDS

National Statuary Hall Collection Statues - Secretary of State Duties

ACT 538 (HB1381) authorizes the Secretary of State to donate the existing statutes of U.M. Rose and James P. Clarke previously displayed in the National Statuary Hall Collection or place the statues or replicas in the State Capitol.

CEMETERIES

Duty to Maintain

ACT 509 (HB1543) establishes a duty to maintain for a cemetery company that owns and operates a perpetual care cemetery under the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services to properly care for, maintain, and preserve a perpetual care cemetery, except for faulty monument installation and upkeep by a monument company or other third party. The act provides for a penalty per violation and clarifies that a cemetery company is required to properly care for, maintain, and preserve a cemetery.

STATE AGENCIES, BOARDS, AND COMMISSIONS**CLAIMS AGAINST THE STATE*****Notices of Appeal***

ACT 417 (HB1467) provides that the time period in which a party to a claim or action must file a notice of appeal or a motion for reconsideration of a final order of the Arkansas State Claims Commission begins when the commission transmits the final order. The act also prohibits the commission from accepting a notice of appeal for filing or transmitting a notice of appeal to the General Assembly for consideration if the notice of appeal or motion for reconsideration is not filed within the required timeframe.

COLLECTION AGENCIES***Appointment***

ACT 360 (SB321) clarifies the definition of "collection agency" and amends the membership of the State Board of Collection Agencies to clarify the requirements for appointment to each position on the board.

COMMERCE***Transitional Employment Assistance Program - Administration***

ACT 832 (HB1742) transfers the administration of the Transitional Employment Assistance Program from the Department of Commerce to the Department of Human Services. The act declares an emergency and is effective on and after July 1, 2023.

CORRECTIONS***Secretary - Authorize Employees to Carry Concealed Handgun***

ACT 752 (HB1750) allows employees of the Department of Corrections to carry a weapon in the parking lot of the department under certain circumstances, allows members of the Board of Corrections who have a license to carry a concealed handgun to carry a concealed handgun wherever a law enforcement officer may carry a concealed handgun, and allows the Secretary of the Department of Corrections to authorize an employee to carry a concealed handgun wherever a law enforcement officer may carry a concealed handgun if the employee meets certain requirements. The act declares an emergency and is effective on and after April 12, 2023.

Secretary - Service at the Pleasure of the Governor

ACT 185 (SB194) establishes that the Secretary of the Department of Corrections serves at the pleasure of the Governor. The act declares an emergency and is effective on and after March 2, 2023.

Transfer - Criminal Detention Facility Review Committees and Review Coordinator

ACT 306 (SB267) transfers the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator to the Department of Public Safety. The act declares an emergency and is effective on and after July 1, 2023.

COSMETOLOGY***Cosmetology Technical Advisory Committee - Inclusion of Body Artists***

ACT 688 (SB392) makes terminology and definition changes to the law concerning body art. The act also adds definitions of the terms "host," "institution," and "permanent cosmetics" to the law concerning body art. The act also lowers the fee for artists licensed in a state other than Arkansas to two hundred dollars (\$200) and amends the requirements for student artists. The act repeals the law concerning permanent cosmetics and semipermanent cosmetics and increases the membership of the Cosmetology Technical Advisory Committee to eleven (11) members to provide representation to licensed tattoo artists, permanent cosmetic artists, and piercing artists.

STATE AGENCIES, BOARDS, AND COMMISSIONS**EMBALMERS AND FUNERAL DIRECTORS*****License - Renewal***

ACT 368 (SB95) changes the renewal date for a licensee under the law regarding embalmers and funeral directors to the last day of the calendar year and provides a renewal process to renew a license either annually or biennially.

EMPLOYEES - GENERALLY***Antisemitism Defined for Training***

ACT 126 (SB118) defines the term “antisemitism” for purposes of reviewing, investigating, or determining whether there has been a violation of law or policy prohibiting discriminatory acts or practices based on race, religion, ethnicity, or national origin. The act also requires that, when educating state personnel on issues related to discrimination, diversity, equity, inclusion, and antibias training, the definition of “antisemitism” be used and incorporated as an educational tool.

Catastrophic Leave - Maternity Leave - Twelve Weeks

ACT 770 (SB426) extends catastrophic leave for maternity purposes for state employees to a maximum of twelve (12) weeks and includes the placement of an adoptive child and the foster placement of an infant under one (1) year of age as eligible for the leave. The act declares an emergency and is effective on and after April 12, 2023.

Uniform Classification and Compensation Act - Revisions

ACT 886 (SB565) amends provisions of law concerning the Uniform Classification and Compensation Act, including amending the classification titles and grades for state agencies, increasing the pool of positions to be used to reclassify positions in state agencies to the proper classification and grade if the state agency does not have a vacant position available with the appropriate classification and grade from seven hundred (700) to one thousand five hundred (1,500), and establishing circumstances in which a merit payment may result in an employee's salary exceeding the maximum pay level for the grade assigned to the classification. The act declares an emergency and is effective on and after July 1, 2023.

ETHICS***Duties of Arkansas Ethics Commission***

ACT 883 (SB543) amends the circumstances in which a vacancy occurs on a school district board of directors; revises the process for a director to subscribe to a required oath; amends the situations in which a school district board of directors may meet in executive session; prohibits certain conduct by directors; provides that a board member, administrator, employee, or nonemployee who should have known his or her conduct was prohibited under certain laws is guilty of a Class A misdemeanor; and directs the Arkansas Ethics Commission to supervise compliance with certain laws by board members and to investigate citizen complaints alleging violations of certain laws by board members. The act is effective on and after May 1, 2024.

Reports - Campaign Contributions - Mandatory Fine

ACT 753 (HB1756) amends multiple provisions of the law concerning campaign finance, including increasing the time period for filing reports to twenty (20) days after the end of each month, requiring the electronic format for filing reports to aggregate total campaign contributions by a contributor, and changing the aggregate amount of contributions to a candidate to two hundred dollars (\$200). The act also clarifies the citizen complaint process and requires the Arkansas Ethics Commission to develop an online complaint form and a reporting calendar and to promulgate rules concerning the complaint submission process. The act establishes a mandatory fine of one thousand dollars (\$1,000) for the third and subsequent time that a candidate fails to file a campaign finance report.

STATE AGENCIES, BOARDS, AND COMMISSIONS**FINANCE AND ADMINISTRATION (DFA)*****Annual Notice of State Tax Litigation***

ACT 557 (HB1826) establishes training guidelines for field auditors of the Department of Finance and Administration, amends the qualifications for field auditors, and requires the department to provide an annual notice of state tax litigation to the Legislative Council and the Joint Budget Committee.

Assessment Coordination - Power to Grant Exception to Reappraisal Schedule

ACT 139 (SB198) requires each county to reappraise all real property in the county every four (4) years and authorizes the Director of the Assessment Coordination Division to grant an exception to this requirement in order to reach a substantially equal number of counties undergoing a reappraisal each year.

FINANCIAL TRANSPARENCY - GENERALLY***ESG Oversight Committee***

ACT 760 (HB1845) clarifies that it is the responsibility of the ESG Oversight Committee to determine if a financial services provider is discriminating against a business that provides services or products to the energy, fossil fuel, firearms, or ammunition industries or using environmental, social justice, or governance-related factors.

GAME AND FISH***Change in Official Title of Certain Employees***

ACT 852 (HB1813) substitutes the title "game warden" for "wildlife officer" in the law.

Instructor Training for Certain Health Conditions

ACT 199 (HB1458) requires physical fitness instructors of law enforcement, firefighters, or uniformed employees of the Arkansas State Game and Fish Commission to complete training on the recognition and management of certain health conditions and sets certain procedures if a cadet or officer receiving training has symptoms of a sudden cardiac arrest. The act declares an emergency and is effective on and after March 6, 2023.

GENERALLY***Boards and Commissions - Senate Confirmation of Appointments***

ACT 794 (SB413) requires the Governor to submit appointments that require approval of the Senate within ten (10) days of the appointment, authorizes the Rules Committee of the Senate to meet during the interim for the purpose of considering confirmation of board and commission appointees, and requires the President Pro Tempore of the Senate to call a Senate business meeting at least every three (3) months in the interim to consider recommendations from the Rules Committee concerning appointments. The act declares an emergency and is effective on and after April 12, 2023.

Cyber Security Policy - Technology Resource Policy

ACT 504 (HB1369) requires public entities to create policies concerning the authorized use of technology resources, create a cyber security policy, and provide employee training on the policies. The act requires the State Cyber Security Office to approve public entities' cyber security plans.

Elevator Safety Board - Secretary of Department of Labor and Licensing Designee

ACT 311 (SB323) allows the Secretary of the Department of Labor and Licensing to appoint a designee to serve on the Elevator Safety Board.

STATE AGENCIES, BOARDS, AND COMMISSIONS**GENERALLY*****Inactive State Entities Abolished***

ACT 365 (SB356) abolishes the following inactive state entities: Arkansas Commission on Eye and Vision Care of School-Age Children, Board of Advisors to Arkansas State University-Searcy, Youth Justice Reform Board, Arkansas Statewide Energy Consortium, Electrical Energy Advancement Program Fund Board, Academic Facilities Oversight Committee, Records Retention Committee, Arkansas Delta Music Commission, The Arkansas Housing Trust Fund Advisory Committee, Nongame Preservation Committee, Medication Assistive Person Advisory Committee, State Board of Disease Intervention Specialists, Electrical Energy Advancement Program Fund, Palliative Care and Quality of Life Interdisciplinary Task Force, Executive Board of the Governor's Commission on People with Disabilities, Arkansas Suicide Prevention Council, Children's Behavioral Health Care Commission, Healthcare Quality and Payment Policy Advisory Committee, Suggestion Award Board, Lottery Retailer Advisory Board, Arkansas Natural and Cultural Heritage Advisory Committee, and State Technology Council. The act declares an emergency and is effective on and after July 1, 2023.

Prohibited Contracts - Boycott of Energy, Fossil Fuel, Firearms, or Ammunition Industries

ACT 611 (SB62) prohibits public entities from contracting with companies that boycott energy, fossil fuel, firearms, and ammunition industries and prohibits public entities from boycotting energy, fossil fuel, firearms, or ammunition industries.

Purchase of Flags with Public Funds

ACT 11 (HB1023) requires flags of the United States and of Arkansas purchased by public entities using public funds to be made and manufactured in the United States.

Universal Basic Income Program - Prohibited

ACT 822 (HB1681) prohibits a state agency or local government from administering, enacting, or enforcing a universal basic income program that provides individuals with a regular guaranteed cash payment.

HEALTH***Audiology and Speech-Language Pathology Interstate Compact***

ACT 301 (SB91) establishes the Audiology and Speech-Language Pathology Interstate Compact in Arkansas, which allows audiologists and speech-language pathologists licensed in compact states to provide audiology and speech-language pathology services in a compact state without becoming licensed in the state. The act provides that the Board of Examiners in Speech-Language Pathology and Audiology is the administrator of the compact for this state.

Central Registry of Persons with a Disability Resulting from Traumatic Head Injury

ACT 355 (SB291) transfers the Central Registry of Persons with a Disability Resulting from a Traumatic Head Injury from the Brain Injury Alliance of Arkansas to the Department of Health and updates language to be respectful of persons with disabilities.

Chiropractor - License Application Deadline

ACT 86 (SB132) reduces the license application deadline to thirty (30) days for applicants to practice chiropractic in this state.

Clinical Nurse Education Portal for Clinical Placements

ACT 674 (SB302) creates the Clinical Nurse Education Portal within the Department of Health as a statewide management software system that provides clinical access and utilization data and contains compliance, orientation, clinical schedules, and affiliation information for a clinical nursing placement.

STATE AGENCIES, BOARDS, AND COMMISSIONSHEALTH***Counselors - Counseling Compact***

ACT 260 (HB1181) establishes the Counseling Compact in Arkansas, which allows counselors licensed in compact states to provide counseling services in a compact state without becoming licensed in the state. The act provides that the Arkansas Board of Examiners in Counseling is the administrator of the compact for this state.

Dietetics Licensing Board - Procedural Changes

ACT 56 (HB1108) modifies the number of members of the Arkansas Dietetics Licensing Board that constitutes a quorum and that may call a special meeting and authorizes the Arkansas Dietetics Licensing Board to use email for renewal notices.

Hospital Pricing Transparency

ACT 482 (HB1452) requires hospitals to comply with federal hospital pricing transparency regulations and requires the Department of Health to enforce compliance with the federal hospital pricing transparency regulations. The act is effective on and after six (6) months from the enactment of the act.

Naturopathic Physicians Study

ACT 670 (SB86) requires the Department of Health to study and report on the status of naturopathic physicians in Arkansas and other states. The act requires that the study be completed by June 30, 2024.

Reduction of Regulatory Fees or Charges

ACT 114 (HB1322) requires the Secretary of the Department of Health and the Secretary of the Department of Labor and Licensing to implement a reduction of one (1) or more regulatory fees or charges of a board or commission whose administrative functions have been transferred to the respective department when the board or commission accumulates a fund balance that is at least three (3) times greater than the board's or commission's annual average operating expenses. The act declares an emergency and is effective on and after July 1, 2023.

Rural Emergency Hospital Licensure

ACT 59 (HB1127) authorizes the Department of Health to license rural emergency hospitals. The act declares an emergency and is effective on and after February 13, 2023.

Social Work Board - Repeal Racial Requirement

ACT 254 (SB264) removes a racial requirement for membership on the Arkansas Social Work Licensing Board. The act declares an emergency and is effective on and after March 9, 2023.

Universal Newborn Screening for Medical Conditions

ACT 490 (HB1102) creates the advance universal newborn screening program administered by the Department of Health for core medical conditions as listed in the uniform screening panel recommended by the United States Secretary of Health and Human Services. The act amends the insurance provisions to cover all core medical conditions.

HUMAN SERVICES***Annual Reports and Consideration of Assisted Living Provider Costs***

ACT 820 (HB1667) requires the Department of Human Services to annually report certain information regarding assisted living provider costs and to consider these reports when making any amendment, alteration, rule change, or equitable reimbursement rate affecting the Living Choices waiver.

Dementia Services Coordinator

ACT 682 (SB345) creates the full-time position of Dementia Services Coordinator within the Division of Aging, Adult, and Behavioral Services of the Department of Human Services.

STATE AGENCIES, BOARDS, AND COMMISSIONS

HUMAN SERVICES***Division of Provider Services and Quality Assurance - Long-Term Care Facilities***

ACT 164 (SB188) clarifies that the Division of Provider Services and Quality Assurance of the Department of Human Services certifies and regulates long-term care facilities and services.

Email Notification of Administrative Adjudications - Department of Human Services

ACT 474 (SB397) allows the Department of Human Services to serve administrative adjudication decisions by email under the Arkansas Administrative Procedure Act.

Nonemergency Transportation Rideshare Expansion Study

ACT 484 (HB1009) creates the Nonemergency Transportation Rideshare Expansion Study Workgroup within the Department of Human Services to study the need for expanded rideshare services for Medicaid beneficiaries, the benefits for using rideshare services, the costs of expanded rideshare services, and the use of other operational and nonemergency transportation program flexibilities. The act requires the Department of Human Services to report on the study by December 31, 2023.

Peer Support Specialist - Offenses Involving Violence

ACT 200 (HB1460) authorizes individuals with an offense that involves violence to work with individuals receiving substance abuse treatment as a peer support specialist or in similar positions if the Department of Human Services evaluates the individual and determines that he or she may be employed as a peer support specialist.

Repeals Healthcare Quality and Payment Policy Advisory Committee

ACT 163 (SB187) repeals the Healthcare Quality and Payment Policy Advisory Committee Act and the Healthcare Quality and Payment Policy Advisory Committee, which make recommendations and provide advice and assistance to the Department of Human Services related to the development of episodes of care within the Arkansas Medicaid Program.

Standards for Psychiatric Residential Treatment Facilities for Children

ACT 806 (HB1446) sets standards for the admission of children into a psychiatric residential treatment facility and requires the Department of Human Services to promulgate rules regarding minimum standards and metrics governing quality of care provided by a licensed psychiatric residential treatment facility or a psychiatric hospital that admits children for behavioral health treatment.

Supplemental Nutrition Assistance Program - Waiver for Asset Limit

ACT 675 (SB306) requires the Department of Human Services to request a waiver from the United States Department of Agriculture to exempt Supplemental Nutrition Assistance Program enrollees from the federal resource limit. The act authorizes the Department of Human Services to request a broad-based categorical eligibility waiver if necessary to implement asset limits and to grant a temporary increase to the federal resource limit for certain households to five thousand five hundred dollars (\$5,500) for up to one (1) year.

Supplemental Nutrition Assistance Program - Waiver for Veteran Disability Benefits

ACT 201 (HB1340) requires the Department of Human Services to request a waiver from the United States Food and Nutrition Services to exclude veteran disability benefits as income for certain veterans for eligibility determinations for the Supplemental Nutrition Assistance Program benefits if allowed under federal law.

STATE AGENCIES, BOARDS, AND COMMISSIONS**HUMAN SERVICES*****Transfer of Certain Abortion-Related Programs - Continuum of Care Program***

ACT 703 (SB465) amends the Life Choices Lifeline Program and the resource access assistance offers under the Every Mom Matters Act to transfer the implementation of the program and offers from the Department of Health to the Department of Human Services. The act creates the Continuum of Care Program within the Department of Human Services. The effectiveness of the provision of the act concerning the Department of Human Services' implementation of the resource access assistance offers is contingent on certification by the Attorney General that certain conditions exist.

Transitional Employment Assistance Program - Administration

ACT 832 (HB1742) transfers the administration of the Transitional Employment Assistance Program from the Department of Commerce to the Department of Human Services. The act declares an emergency and is effective on and after July 1, 2023.

INFORMATION SYSTEMS***Shared Services Data Hub***

ACT 634 (SB376) requires the Data and Transparency Panel to develop a shared services data hub for statewide data sharing to collect, analyze, and exchange government information in carrying out the powers and duties of the executive state agency sharing the data and allows the Division of Information Systems to obtain government information from each executive state agency as allowable under applicable confidentiality and disclosure laws.

LABOR AND LICENSING***Claimant Agency for Purpose of Setoff Against Tax Return***

ACT 625 (SB316) adds the Contractors Licensing Board, the Residential Contractors Committee, and the Department of Labor and Licensing to the list of claimant agencies that may seek setoff against a person's state tax refund.

Reduction of Regulatory Fees or Charges

ACT 114 (HB1322) requires the Secretary of the Department of Health and the Secretary of the Department of Labor and Licensing to implement a reduction of one (1) or more regulatory fees or charges of a board or commission whose administrative functions have been transferred to the respective department when the board's or commission accumulates a fund balance that is at least three (3) times greater than the board or commission's annual average operating expenses. The act declares an emergency and is effective on and after July 1, 2023.

MANUFACTURED HOMES***Membership - Penalties Established by Rule***

ACT 391 (SB318) decreases the membership of the Arkansas Manufactured Home Commission to eight (8) members and requires civil penalties assessed by the commission to be established by rule.

MEDICAL BOARD***Fee Modification***

ACT 79 (SB57) modifies the fees charged by the Arkansas State Medical Board for medical corporations, osteopathic physicians, credentialing organizations, physicians, respiratory care practitioners, and physician assistants to authorize the board to reduce fees if the fee reduction is in the best interest of the state.

Occupational Therapy - Occupational Therapy Licensure Compact

ACT 257 (HB1082) establishes the Occupational Therapy Licensure Compact in Arkansas, which allows occupational therapists licensed in compact states to provide occupational therapy services in a compact state without becoming licensed in the state. The act provides that the Arkansas State Medical Board is the administrator of the compact for this state.

STATE AGENCIES, BOARDS, AND COMMISSIONS

MUSEUMS

Delta Cultural Center Policy Advisory Board

ACT 296 (HB1482) amends the membership of the Delta Cultural Center Policy Advisory Board and requires the changes to the membership to be implemented by the filling of vacancies.

NATURAL RESOURCES

Arkansas Natural Heritage Commission - Member Qualifications

ACT 665 (SB557) amends the qualifications for members of the Arkansas Natural Heritage Commission.

Poultry Feeding Operations Registration - Transfer of Duties

ACT 600 (HB1827) transfers duties under the Arkansas Poultry Feeding Operations Registration Act from the Arkansas Natural Resources Commission to the Department of Agriculture.

NURSING BOARD

Alternative to Discipline Broadened

ACT 234 (SB279) allows non-nurses regulated by the Arkansas State Board of Nursing to participate in the alternative to discipline program.

PARKS, HERITAGE, AND TOURISM

Capital Improvements

ACT 666 (SB558) excludes certain repair, alteration, and maintenance projects by the Department of Parks, Heritage, and Tourism from the definition of "capital improvement" for purposes of the laws concerning the powers and duties of the Building Authority Division in relation to the acquisition of properties and the supervision of capital improvements. The act also exempts certain repair, alteration, and maintenance projects by the Department of Parks, Heritage, and Tourism from the requirement that the plans, specifications, and estimates for certain public works projects be executed under the observation of a registered professional.

Commission Makeup, Calling of Meeting, and Quorum

ACT 631 (SB362) revises the makeup of the State Parks, Recreation, and Travel Commission and amends the law concerning the calling of and a quorum for meetings of the State Parks, Recreation, and Travel Commission. The act also eliminates commissioner emeritus positions related to the State Parks, Recreation, and Travel Commission and the Mississippi River Parkway Commission of Arkansas.

Keep Arkansas Beautiful Commission

ACT 304 (SB251) transfers the administrative office and reporting duties of the Keep Arkansas Beautiful Commission to the State Parks Division from the Department of Parks, Heritage, and Tourism.

PAROLE BOARD

Protect Arkansas Act - Name Change - Post-Prison Transfer Board

ACT 659 (SB495) changes the name of the Parole Board to the Post-Prison Transfer Board. The provisions of the act regarding the name change are effective on and after January 1, 2024.

POLLUTION CONTROL AND ECOLOGY

Membership

ACT 704 (SB467) reduces the membership of the Arkansas Pollution Control and Ecology Commission to seven (7) members and amends the agency representatives on the commission.

STATE AGENCIES, BOARDS, AND COMMISSIONSPROCUREMENT***Prohibited Contracts - People's Republic of China***

ACT 758 (HB1789) prohibits state agency contracts for goods or services with the government of the People's Republic of China or with a company owned in whole or with a majority ownership by the government of the People's Republic of China.

Small Unmanned Aircraft System - Purchase from Foreign Entity Prohibited

ACT 525 (HB1653) prohibits a public entity from purchasing a small unmanned aircraft system that is manufactured or assembled by a covered foreign entity and prohibits a public entity from operating a small unmanned aircraft system manufactured or assembled by a covered foreign entity on or after May 1, 2027.

REAL ESTATE***Creation of the State Board of Appraiser, Abstracters, and Home Inspectors***

ACT 628 (SB354) creates the State Board of Appraisers, Abstracters, and Home Inspectors and establishes the membership and duties of the board. The act also abolishes the Arkansas Abstracters' Board, the Arkansas Home Inspector Registration Board, and the Arkansas Appraiser Licensing and Certification Board. The act declares an emergency, and the section of the act concerning the transfer of board member duties is effective on and after April 11, 2023, and the remaining sections are effective on and after July 1, 2023.

RECORDS AND REPORTS - GENERALLY***Bank Commissioner***

ACT 297 (HB1483) requires the Bank Commissioner to retain a criminal background check for at least three (3) years from the commissioner's receipt of the criminal background check.

Written Report Concerning Identification of Cost Savings

ACT 312 (SB343) repeals a provision of law requiring cabinet-level departments to submit a written report identifying cost savings.

SECURITIES***Environmental, Social Justice, or Governance Scores***

ACT 411 (HB1307) regulates the use of environmental, social justice, or governance scores and authorizes the Treasurer of State to divest investments or obligations due to the use of environmental, social justice, or governance-related metrics. The act creates the ESG Oversight Committee to determine whether a financial services provider is discriminating against energy companies or firearms entities or otherwise refusing to deal based on the use of environmental, social justice, or governance-related metrics and to compile a list of those financial services providers. The act requires the Treasurer of State to publish a list on the Treasurer of State's website of financial services providers that are discriminating against energy and firearms entities and allows a process for a financial services provider to be removed from the list. The act clarifies the sources of information that may be used by the committee to compile the list and requires that state investments be made in the sole interest of the beneficiary state taxpayer. The act prohibits a public entity from investing cash funds with a financial services provider if the financial services provider is on the list unless certain circumstances exist.

Offenses

ACT 324 (HB1436) allows the Securities Commissioner to deny, suspend, make conditional or probationary, or revoke registration under the Arkansas Securities Act if the applicant or registrant pled guilty or nolo contendere in a domestic, foreign, or military court to a misdemeanor involving fraud, false statements or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses.

STATE AGENCIES, BOARDS, AND COMMISSIONS

SECURITIES

State Securities Department - Transfer to State Bank Department

ACT 475 (SB418) transfers the administrative functions of the State Securities Department to the State Bank Department and allows the Bank Commissioner to act as the Securities Commissioner.

STATE HOLIDAYS

Lupus Awareness Day

ACT 29 (HB1145) creates Lupus Awareness Day to be celebrated as a memorial day on April 23 each year.

Women Veterans Day

ACT 115 (HB1331) creates Women Veterans Day as a state memorial day to be celebrated on June 12 each year.

TECHNICAL CORRECTIONS - STATE GOVERNMENT

Title 25

ACT 206 (HB1293) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 25 of the Arkansas Code.

TOWING AND RECOVERY

Rules for Towing, Recovery, and Storage of Electric Vehicles

ACT 840 (HB1765) requires that the Arkansas Towing and Recovery Board promulgate rules necessary for the towing, recovery, and storage of electric vehicles by October 31, 2023.

TRANSPORTATION

Independent Consultant Study of Procurement Methods

ACT 823 (HB1692) amends the Construction Manager-General Contractor Method of Procurement Pilot Program to create a second phase of the program for up to five (5) additional transportation projects, subject to certain restrictions concerning the total construction cost for all projects and the estimated construction cost for each project. The act also requires the Arkansas Department of Transportation to provide an independent consultant study of the costs and benefits of the pilot program as compared to the traditional design-build delivery method of procurement.

TAXES

ADMINISTRATION OF LOCAL TAXES

Assessor - Explanation of Value of Exempt Intangible Personal Property

ACT 332 (HB1475) amends the property tax exemption for intangible personal property to identify the intangible personal property of a self-service storage facility and requires a county assessor, upon the request of a taxpayer, to provide a written explanation of the value of the taxpayer's intangible personal property and how that value was excluded from the levy of property taxes. The act is effective for assessment years beginning on or after January 1, 2023.

Distribution of Revenues in Property Tax Relief Trust Fund

ACT 610 (SB488) repeals an obsolete requirement concerning the distribution of revenues from the Property Tax Relief Trust Fund to the County Voting System Grant Fund.

ADMINISTRATION OF STATE TAXES

Tax Appeals Commission - Appointment and Qualifications of Commissioners

ACT 346 (SB185) amends the appointment procedure for the Tax Appeals Commission to allow the Governor discretion in appointments to the commission and removes the requirement that the Chief Commissioner of the Tax Appeals Commission be both licensed to practice law and licensed as a certified public accountant in this state. The act declares an emergency and is effective on and after March 21, 2023.

TAXES**ADMINISTRATION OF STATE TAXES*****Tax Appeals Commission - Delivery of Petition***

ACT 251 (SB184) provides that the postmark date on a petition to the Tax Appeals Commission is considered to be the date it is delivered to the commission if the petition is delivered after the prescribed date. The act also includes temporary language that provides that a petition to the commission is considered timely filed if it was submitted by mail before March 9, 2023, was postmarked on or before the applicable deadline, and was received by the commission. The act declares an emergency and is effective on and after March 9, 2023.

Training for Field Auditors - Annual Notice of State Tax Litigation

ACT 557 (HB1826) establishes training guidelines for field auditors of the Department of Finance and Administration, amends the qualifications for field auditors, and requires the department to provide an annual notice of state tax litigation to the Legislative Council and the Joint Budget Committee.

COLLECTION AND ENFORCEMENT***Corporate Franchise Tax - Processing Fees***

ACT 459 (SB207) allows for the collection of processing fees for documents delivered by electronic means, creates the Secretary of State Business and Commercial Services Electronic Filing System Fund to pay for the maintenance and support of the business and commercial services electronic filing system of the Secretary of State, and substitutes "revocation" for "forfeiture." The act clarifies the restrictions on a corporation or limited liability company due to nonpayment of franchise taxes and clarifies the process for determining who is substantially connected to a corporation or limited liability company.

Setoff Against Tax Return - Claimant Agencies

ACT 625 (SB316) adds the Contractors Licensing Board, the Residential Contractors Committee, and the Department of Labor and Licensing to the list of claimant agencies that may seek setoff against a person's state tax refund.

Tax-Delinquent Property - Dishonored Payment Instruments

ACT 173 (HB1224) allows a redemption deed or sale deed for tax-delinquent property to be canceled if the payment instrument used to redeem or purchase the tax-delinquent property fails or is dishonored. The act also provides a penalty for dishonored payment instruments used to redeem or purchase tax-delinquent property.

Tax-Delinquent Property - Incorrect Certification

ACT 172 (HB1191) requires all funds of the Commissioner of State Lands to be deposited into a financial institution in Arkansas or United States Treasury Securities. The act requires tax-delinquent parcels that are incorrectly certified to be returned to the county and repeals the reassessment of parcels of land outside of towns and cities based on the depreciation since forfeiture.

Tax-Delinquent Property - Procedure to Sell or Redeem

ACT 241 (HB1263) amends the procedure for selling tax-delinquent property at an in-person auction or online. The act also amends the procedure for redeeming tax-delinquent property and establishes the acceptable methods of payment when redeeming tax-delinquent property. The act declares an emergency and is effective on and after March 9, 2023.

INCOME TAX***Apportionment - Organizations Operating Railroads***

ACT 658 (SB482) authorizes an organization operating a railroad partly within this state and partly outside this state to choose between two options in apportioning its net operating income attributable to this state and provides that any rules adopted by the Department of Finance and Administration that conflict with the act are void. The act is effective for tax years beginning on or after January 1, 2023.

TAXES**INCOME TAX*****Credit - Child with Developmental Disability - Remove Recertification Requirement***

ACT 191 (HB1210) amends the income tax credit for the support of a child with a developmental disability to remove the requirement for recertification of a developmental disability that is expected to continue indefinitely. The act is effective for tax years beginning on or after January 1, 2022.

Credit - Historic Rehabilitation - Amount Based on Population

ACT 650 (SB461) provides that, beginning with fiscal year 2024, the amount of the Arkansas historic rehabilitation income tax credit will vary based on the population of the city in which the qualified rehabilitation expenses were incurred.

Credit - Major Historic Rehabilitation - Extension of Application Period

ACT 651 (SB462) extends the application period for Arkansas major historic rehabilitation income tax credits to June 30, 2030.

Credit - Surface Water Conservation in Chicot County

ACT 814 (HB1624) amends the income tax credit for surface water conservation within critical areas to make projects within Chicot County eligible for the income tax credit. The act is effective for tax years beginning on or after January 1, 2023.

Credit - Waste Reduction, Reuse, or Recycling Equipment - Closing Date for Facility

ACT 624 (SB314) amends the definition of "qualified steel specialty products manufacturing facility" for the purpose of the income tax credit for waste reduction, reuse, or recycling equipment to require that the qualified steel specialty products manufacturing facility have a closing date before October 1, 2023. The act is effective for tax years beginning on or after January 1, 2023. The act declares an emergency and is effective on and after April 11, 2023.

Credit - Waterways Investments

ACT 13 (HB1100) creates an income tax credit for capital improvements to a facility or property related to using water transportation in the state. The section of the act creating the income tax credit is effective for tax years beginning on or after January 1, 2024.

Credit - Wood Energy Products and Forest Maintenance Expansion Projects

ACT 845 (HB1779) allows an income tax credit for wood energy products and forest maintenance expansion projects. The act is effective for tax years beginning on or after January 1, 2023.

Exemption - Retirement Benefits - Total Exemption for Military and Other Retirement

ACT 358 (SB313) amends the income tax exemption for retirement and disability benefits to provide that if a taxpayer claims an exemption for income from military retirement or survivor benefits, the taxpayer can claim additional retirement benefits as exempt up to the difference between the exemption claimed for income from military retirement or survivor benefits and six thousand dollars (\$6,000). The act is effective for tax years beginning on or after January 1, 2023.

Phase out Throwback Rule

ACT 485 (HB1045) phases out the income tax apportionment throwback rule over seven (7) years, resulting in the elimination of the throwback rule beginning January 1, 2030. The sections of the act phasing out the throwback rule are effective for tax years beginning on or after January 1, 2024.

Prohibition on Levying Local Income Tax

ACT 96 (HB1026) prohibits local governments from levying an income tax.

Reduce Top Individual and Corporate Rate

ACT 532 (SB549) reduces the top individual income tax rate to four and seven-tenths percent (4.7%) and reduces the top corporate income tax rate to five and one-tenth percent (5.1%) for tax years beginning on or after January 1, 2023.

TAXESINCOME TAX***Withholding - Requirement to File Withholding Statement Electronically***

ACT 644 (SB434) reduces the number of employees required to trigger the mandate to file annual withholding statements electronically to one hundred twenty-five (125) and eliminates other methods of filing the annual withholding statement for employers that meet the threshold number of employees. The act is effective for tax years beginning on or after January 1, 2024.

LOCAL SALES AND USE TAXES***Advertising and Promotion Tax - Election Required to Levy or Increase***

ACT 190 (HB1027) requires that the question of levying or increasing an advertising and promotion tax be submitted to the voters at a special election. The act declares an emergency and is effective on and after March 6, 2023.

PRIVILEGE TAXES***Medical Marijuana Special Privilege Tax - Extend Sunset Date***

ACT 641 (SB419) extends the sunset date for the Arkansas Medical Marijuana Special Privilege Tax Act of 2017 to July 1, 2025. The act declares an emergency and is effective on and after April 11, 2023.

Tobacco Products - Suspension of Permit for Failure to Pay Debt

ACT 813 (HB1606) creates a process for the suspension of permits and sales to retailers that fail to pay a wholesaler or manufacturer for tobacco products, vapor products, alternative nicotine products, or e-liquids.

PROPERTY TAX***Distribution - County Continuing Education Funds***

ACT 449 (HB1541) increases the amount to be paid annually by the quorum court of each county into the County Treasurers' Continuing Education Fund and the County Collectors' Continuing Education Fund to eight hundred dollars (\$800). The act increases the distribution of net revenue from the real property transfer tax to sixty thousand five hundred dollars (\$60,500) each to the County Clerks Continuing Education Fund, the Circuit Clerks Continuing Education Fund, and the County Coroners Continuing Education Fund.

Exemption - Disabled Veterans - Definition of "Homestead"

ACT 395 (HB1143) amends the definition of "homestead" for purposes of the property tax exemption for disabled veterans and surviving spouses and minor dependent children of disabled veterans. The act is effective for assessment years beginning on or after January 1, 2023.

Exemption for Intangible Personal Property - Self-Service Storage Facility

ACT 332 (HB1475) amends the property tax exemption for intangible personal property to identify the intangible personal property of a self-service storage facility and requires a county assessor, upon the request of a taxpayer, to provide a written explanation of the value of the taxpayer's intangible personal property and how that value was excluded from the levy of property taxes. The act is effective for assessment years beginning on or after January 1, 2023.

Homestead - Dwelling Owned by Limited Liability Company

ACT 541 (HB1454) provides that certain dwellings owned by a limited liability company qualify as a homestead for purposes of property tax. The act is effective for assessment years beginning on or after January 1, 2024.

Increase Homestead Property Tax Credit

ACT 315 (HB1032) increases the amount of the homestead property tax credit to four hundred twenty-five dollars (\$425). The act is effective for assessment years beginning on or after January 1, 2023.

TAXES**PROPERTY TAX*****Reappraisal Required Every Four Years***

ACT 139 (SB198) requires each county to reappraise all real property in the county every four (4) years and authorizes the Director of the Assessment Coordination Division to grant an exception to this requirement in order to reach a substantially equal number of counties undergoing a reappraisal each year.

STATE SALES AND USE TAXES***Exemption - Certain Machinery and Equipment Placed in Inventory***

ACT 646 (SB441) clarifies that the partial replacement and repair of certain machinery and equipment is exempt from sales and use tax and amends the sales and use tax exemptions for certain machinery and equipment to repeal language related to machinery and equipment used to produce or repair replacement dies, molds, repair parts, and replacement parts that are used or consumed in the manufacturing process. The act also provides a sales and use tax exemption for machinery and equipment that is purchased for an exempt use and placed in inventory and requires that a taxpayer pay sales and use tax if the machinery or equipment is withdrawn from inventory for a non-exempt use. The act is effective on and after October 1, 2023.

Exemption - Data Centers

ACT 819 (HB1654) provides sales and use tax exemptions for data center equipment, data center costs, certain services provided to a data center, and electricity used by a data center and requires data centers to submit an application and satisfy certain criteria to be eligible for the sales and use tax exemptions. The act is effective on and after October 1, 2023.

Exemption - Disabled American Veterans Organization

ACT 518 (HB1594) creates a sales tax exemption for the Disabled American Veterans Organization. The act is effective on and after October 1, 2023.

Exemption - Electronic Prescriptions

ACT 827 (HB1719) creates a sales and use tax exemption for services providing for the electronic transmission of a drug prescription directly to a pharmacy or indirectly through a pharmacy software company or pharmacy management system. The act is effective on and after October 1, 2023.

Exemption - Hunting and Fishing Club Membership Dues

ACT 521 (HB1627) clarifies that membership dues paid to a hunting or fishing club for the purpose of obtaining access to land for the primary purpose of hunting or fishing are excluded from sales tax. The act is effective on and after October 1, 2023.

Exemption - Machinery and Equipment Used to Retread Tires

ACT 351 (SB252) amends the definitions of "manufacturing" and "processing" for purposes of the use tax exemption for machinery and equipment used to retread tires to match the definitions for the equivalent sales tax exemption. The act is effective on and after October 1, 2023.

Exemption - Mortality Composting Devices

ACT 534 (HB1172) creates a sales and use tax exemption for mortality composting devices sold to a person engaged in the commercial production of livestock or poultry. The act is effective on and after October 1, 2023.

Exemption - Nonprofit Youth Organization Concession Stand Sales

ACT 446 (HB1523) provides a sales and use tax exemption for sales of tangible personal property at a concession stand operated by a nonprofit youth organization if the people working the concession stand are members of the nonprofit youth organization or volunteers and all of the proceeds go to the nonprofit youth organization. The act is effective on and after October 1, 2023.

TAXES

STATE SALES AND USE TAXES

Prepayment Based on Fiscal Year

ACT 193 (HB1435) amends the law concerning the prepayment of sales tax to base the calculation of the amount to be prepaid on the preceding fiscal year rather than the preceding calendar year. The act declares an emergency and is effective on and after July 1, 2023.

Refunds - Amendment 101 Excise Tax

ACT 130 (HB1308) provides that the revenues received from Arkansas Constitution, Amendment 101, are not subject to sales and use tax refunds or deductions, transfers, or distributions to the Constitutional Officers Fund or the State Central Services Fund. The act declares an emergency and is effective on and after February 24, 2023.

Returns - Requirement to Submit Electronically

ACT 192 (HB1379) requires taxpayers who have an average monthly gross receipts tax or compensating use tax liability of at least five thousand dollars (\$5,000) for the preceding fiscal year to file all returns and remittances electronically. The act is effective for tax years beginning on or after January 1, 2024.

TECHNICAL CORRECTIONS - TAXATION

Title 26

ACT 181 (HB1294) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 26 of the Arkansas Code.

TECHNOLOGY

COMPUTERS AND SOFTWARE

Data Centers

ACT 851 (HB1799) clarifies the regulations and guidelines applicable to digital asset mining businesses operating in this state and prohibits local governments from engaging in certain regulatory activities in relation to digital asset mining businesses.

INFORMATION SYSTEMS

Arkansas Self-Funded Cyber Response Program - Coverage

ACT 846 (HB1780) establishes the Arkansas Self-Funded Cyber Response Program, the Arkansas Cyber Response Board, and the Arkansas Self-Funded Cyber Response Program to provide coverage for cybersecurity incidents and risks, damages, or losses caused by a cyberattack committed against a county, municipality, or school district. The act establishes the duties of the board, including establishing minimum cybersecurity standards and criteria for participating governmental entities and creating a cyber response panel, and establishes the duties of the Insurance Commissioner. The act authorizes the board to establish security requirements for a participating governmental entity that has been subject to a cyberattack and determinations of coverage and remediation and provides a procedure for future enrollment by the state and higher education entities to participate in the program.

STATE GOVERNMENT

Cybersecurity Incidents - Public Entity

ACT 510 (HB1555) clarifies that an internal policy or internal guideline of a state agency related to a cybersecurity incident involving or a cyberattack on a state agency is not considered a rule for purposes of review and approval of state agency rules or the Arkansas Administrative Procedure Act. The act allows the Joint Committee on Advanced Communications and Information Technology to meet in a closed meeting on matters related to a cybersecurity incident involving or a cyberattack on a public entity if those cybersecurity issues are the only matters discussed at the meeting.

TECHNOLOGY

STATE GOVERNMENT

Shared Services Data Hub

ACT 634 (SB376) requires the Data and Transparency Panel to develop a shared services data hub for statewide data sharing to collect, analyze, and exchange government information in carrying out the powers and duties of the executive state agency sharing the data and allows the Division of Information Systems to obtain government information from each executive state agency as allowable under applicable confidentiality and disclosure laws.

TOURISM

CULTURAL RESOURCES, MUSEUMS, AND LIBRARIES

Delta Cultural Center Policy Advisory Board

ACT 296 (HB1482) amends the membership of the Delta Cultural Center Policy Advisory Board and requires the changes to the membership to be implemented by the filling of vacancies.

Libraries - Selection, Relocation, and Retention of Materials - Confidentiality of Records

ACT 372 (SB81) creates the offense of furnishing harmful items to a minor; eliminates the defense to prosecution for disseminating material that is claimed to be obscene for schools and public libraries; and adds loaning a book from a library to the list of actions that can constitute the offense of possessing, selling, or distributing obscene material. The act also establishes requirements for media centers and public libraries regarding the selection, relocation, and retention of physical materials that are available to the public and provides a process for challenging materials that are available to the public in media centers and public libraries if a person believes the material to be inappropriate. The act also allows libraries to disclose confidential library records to the parent or legal guardian of a library patron who is a minor.

Vacating Street or Alley - Abutting Property Owned by Museum

ACT 843 (HB1777) allows a city or town council, under certain circumstances, to vacate a street or alley or a section of the street or alley when a museum owns all property abutting the street or alley to be vacated.

PROMOTION AND DEVELOPMENT

Special Event Vehicles

ACT 696 (SB427) provides an exemption from regulation by the Arkansas Motor Vehicle Commission for special events to allow new motor vehicle dealers and new motor vehicle manufacturers or distributors to display and sell certain vehicles at certain special events if there is a significant positive economic impact.

UTILITIES

ELECTRIC

Interruptible Service - Contract

ACT 701 (SB454) allows a public utility to contract for the sale of utility service, on an interruptible basis, if the contract is subject to approval by the Arkansas Public Service Commission and is in the public interest. The act establishes the parameters for an electric utility's rate schedule for interruptible service and provides that an electric utility customer's accounts that are taking interruptible service under an electric utility's rate schedule for interruptible service are not eligible for net metering and are not allowed to participate in net metering under the Arkansas Cost-Shifting Prevention Act of 2023 unless certain conditions are met.

UTILITIES**ELECTRIC*****Net Metering***

ACT 278 (SB295) amends the Arkansas Renewable Energy Development Act of 2001 to provide rate structure options related to net-metering facilities; require interconnection by, at minimum, a two-channel digital meter; authorize an electric utility to impose certain charges to recover costs; authorize a standard one-time fee by an electric utility related to administrative and interconnection review costs; require that a net-metering customer retain a renewable energy credit; allow certain net-metering customers to remain under the rate structure, terms, and conditions in effect before December 31, 2022, until June 1, 2040; and authorize an electric utility to apply a monthly grid charge if following a specific rate structure. The act requires certain information to be provided to a net-metering customer and provides that violations may be enforced under the Arkansas Deceptive Trade Practices Act by the office of the Attorney General. The act requires the Arkansas Public Service Commission to modify its rules and approve modifications to an electric utility's rate schedule applicable to net metering by December 31, 2023. The act declares an emergency and is effective on and after March 13, 2023.

Report on Remaining Useful Lives of Certain Existing Electric Generating Units

ACT 717 (SB536) requires electric utilities to produce a report once every three (3) years that discusses the remaining useful lives of existing electric generating units with a planned or announced retirement date.

GAS***Pipelines - Exempt***

ACT 361 (SB333) exempts gas pipelines that meet certain criteria from the Utility Facility Environmental and Economic Protection Act, which regulates the construction of major utility facilities. The act declares an emergency and is effective on and after March 21, 2023.

PUBLIC SERVICE COMMISSION***Affected Utility***

ACT 560 (SB576) increases the maximum amount that the Arkansas Public Service Commission may directly recover from an affected utility to five million dollars (\$5,000,000) per calendar year.

One Call Center

ACT 309 (SB297) clarifies that a person who violates the Arkansas Underground Facilities Damage Prevention Act is required to undergo training in underground facilities damage prevention and is subject to civil penalties. The act modifies the threshold amount of property damage to the federal standards for each violation for each day that the violation exists. The act authorizes the Attorney General, the county prosecutor, and the city attorney to settle with violators and requires the Attorney General to produce a quarterly report to the Legislative Council, the One Call Center, and the Office of Pipeline Safety of the Arkansas Public Service Commission concerning complaints and fines under the Arkansas Underground Facilities Damage Prevention Act. The act exempts from the notice requirements to the One Call Center the use of specialized equipment that is specifically designed to excavate without damaging underground facilities and clarifies the identification of the location of underground facilities. The act declares an emergency and is effective on and after March 16, 2023.

RATES AND CHARGES***Formula Rate Review Act - Timeframe***

ACT 299 (HB1497) changes the timeframe during which a public utility may file an application for a general change in rates and charges during an initial term of the formula rate review mechanism.

UTILITIES

TECHNICAL CORRECTIONS - PUBLIC UTILITIES AND REGULATED INDUSTRIES

Title 23

ACT 180 (HB1291) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 23 of the Arkansas Code.

TELECOMMUNICATIONS

Video Service - Use of Public Right-of-Way

ACT 288 (HB1338) provides that "video service" under the Arkansas Video Service Act excludes video programming that is provided to people through direct-to-home satellite services that are transmitted from a satellite directly to person's premises without using or accessing the public right-of-way.

TRANSPORTATION

Operation of All-Terrain Vehicles

ACT 269 (HB1437) allows an employee or agent of a utility, telecommunications, or cable company to operate an all-terrain vehicle on a public street or highway while he or she is performing a function directly related to the operation of the utility, telecommunications, or cable company or while working during a time of emergency or severe weather.

WELFARE AND GOVERNMENTAL ASSISTANCE

ASSISTANCE PROGRAMS

Cash Assistance - Duration

ACT 266 (HB1401) reduces the duration of the provision of cash assistance under public assistance programs to twelve (12) months.

Public Housing Authority - Work Requirement for Able-Bodied Adults

ACT 160 (HB1196) requires a public housing authority to request federal approval if necessary to implement a work requirement for able-bodied adults in households that receive housing assistance and requires a public housing authority to prioritize admission of households in which all able-bodied adults in the household are compliant with the work requirement. The act is effective on and after January 1, 2024.

Supplemental Nutrition Assistance Program - Asset Limit

ACT 675 (SB306) requires the Department of Human Services to request a waiver from the United States Department of Agriculture to exempt Supplemental Nutrition Assistance Program enrollees from the federal resource limit. The act authorizes the Department of Human Services to request a broad-based categorical eligibility waiver if necessary to implement asset limits and to grant a temporary increase to the federal resource limit for certain households to five thousand five hundred dollars (\$5,500) for up to one (1) year.

Supplemental Nutrition Assistance Program - Income - Veteran Disability Benefits

ACT 201 (HB1340) requires the Department of Human Services to request a waiver from the United States Food and Nutrition Services to exclude veteran disability benefits as income for certain veterans for eligibility determinations for the Supplemental Nutrition Assistance Program benefits if allowed under federal law.

Transitional Employment Assistance Program - Transfer of Administration

ACT 832 (HB1742) transfers the administration of the Transitional Employment Assistance Program from the Department of Commerce to the Department of Human Services. The act declares an emergency and is effective on and after July 1, 2023.

GENERALLY

Surrogate Authority to Apply for Public Benefits

ACT 49 (SB74) amends the authority of a surrogate under the Arkansas Healthcare Decisions Act to allow a surrogate to apply for public benefits for the principal and have access to information regarding the principal's income, assets, and banking and financial records to the extent required to make an application for public benefits.

WELFARE AND GOVERNMENTAL ASSISTANCE

INDIVIDUALS WITH DISABILITIES

References to Individuals with Disabilities

ACT 503 (HB1296) makes technical corrections to the Arkansas Code concerning the use of respectful language when referring to individuals with disabilities by repealing certain uses of the term "handicapped" in the Arkansas Code.

MEDICAID

Annual Reports and Consideration of Assisted Living Provider Costs

ACT 820 (HB1667) requires the Department of Human Services to annually report certain information regarding assisted living provider costs and to consider these reports when making any amendment, alteration, rule change, or equitable reimbursement rate affecting the Living Choices waiver.

Behavioral Health Services in Outpatient Setting

ACT 494 (HB1129) requires the Arkansas Medicaid Program and insurance policies to reimburse for behavioral health services provided in a hospital outpatient clinic or a physician clinic.

Continuous Glucose Monitors

ACT 393 (HB1008) modifies the coverage of continuous glucose monitors in the Arkansas Medicaid Program to allow a Medicaid beneficiary to obtain a continuous glucose monitor through a prescription at a pharmacy and be eligible for rebates as a pharmacy benefit.

Cost Reporting for Assisted Living Facilities

ACT 198 (HB1445) establishes cost reporting for assisted living facilities to the Department of Human Services as a condition of participation in the Arkansas Medicaid Program.

Depression Screenings for Pregnant Women

ACT 562 (HB1011) requires the Arkansas Medicaid Program to reimburse for depression screening for a pregnant woman.

Emergency Medical Responders

ACT 258 (HB1128) allows emergency medical responders to be reimbursed by insurance companies and the Arkansas Medicaid Program and to be voluntarily licensed.

Long-Acting Reversible Contraception Coverage

ACT 581 (HB1385) requires the Arkansas Medicaid Program to reimburse a healthcare provider for providing long-acting reversible contraception immediately and during postpartum in addition to the regular payments for services to pregnant women provided by a healthcare provider.

Nonemergency Transportation Rideshare Expansion Study

ACT 484 (HB1009) creates the Nonemergency Transportation Rideshare Expansion Study Workgroup within the Department of Human Services to study the need for expanded rideshare services for Medicaid beneficiaries, the benefits for using rideshare services, the costs of expanded rideshare services, and the use of other operational and nonemergency transportation program flexibilities. The act requires the Department of Human Services to report on the study by December 31, 2023.

Preventive Services for Children

ACT 513 (HB1574) establishes supplemental reimbursement rates to physician practices enrolled in the patient-centered medical home program for preventive mental health and behavioral services for children covered under the Arkansas Medicaid Program.

Third-Party Liability - Requirements

ACT 369 (SB348) subjects a third party to the same requirements as a health insurer for purposes of liability to the Department of Human Services for Arkansas Medicaid Program claims. The act requires a health insurer or third party to agree to certain requirements regarding the treatment of claims.

WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS**BENEFICIARIES*****Community Property***

ACT 582 (HB1409) repeals the Uniform Disposition of Community Property Rights at Death Act, a uniform act regarding how community property is treated in the state, and replaces it with the Uniform Community Property Disposition at Death Act, an updated uniform act dealing with the state's treatment of community property, including what is presumed to be community property; the division of community property; and the treatment of community property and the rights of the surviving community-property spouse or any heirs, devisees, or other nonprobate transferees upon the death of the other community-property spouse.

CONSTRUCTION AND OPERATION***Decanting of Trusts***

ACT 293 (HB1431) allows for the decanting of trusts or the appointment of property by a trustee of one (1) trust to another trust and provides specific powers and duties of a trustee in relation to the decanting of a trust.

Third-Party Spendthrift Trusts and Domestic Asset Protection Trusts

ACT 291 (HB1394) provides for the creation and maintenance of a domestic asset protection trust. The act provides that the discretionary power of a trustee of a third-party spendthrift trust or domestic asset protection trust is absolute and prohibits the assignment, alienation, acceleration, and anticipation of any interest of the beneficiary. The act further provides that the beneficiary of the third-party spendthrift trust or domestic asset protection trust does not have the power or capacity to make any disposition of the trust income and establishes additional provisions regarding the administration of third-party spendthrift trusts and domestic asset protection trusts.

GUARDIANS AND GUARDIANSHIP***Attorney's Fees and Costs***

ACT 326 (HB1448) allows the award of attorney's fees and costs in a guardianship proceeding in certain instances and upon reasonable notice and an opportunity to be heard by the parties, including in matters where a party has acted in bad faith or with actual malice or when the court has found a party in contempt of court, if the bad faith, actual malice, or contemptuous behavior caused another party to incur attorney's fees.

Guardianship Subsidies, Extended Foster Care, Family Time, and Board Payments

ACT 363 (SB346) provides additional considerations for subsidies for guardianships and adoptions of children in foster care. The act allows a juvenile who is at least eighteen (18) years of age to reenter extended foster care if the juvenile submits a verbal or written request to the Department of Human Services and allows the department to provide unsupervised family time between a juvenile and a parent at any time unless the court has restricted unsupervised family time. The act also provides that a home study is not required to transfer custody of a juvenile to the juvenile's parent. Additionally, the act provides board payments to a relative or fictive kin whose home is opened as a provisional foster home for a period of no more than six (6) months, unless the home is fully opened as a foster home. The act also changes the definition of "relative" under the Arkansas Juvenile Code of 1989 to include a person within the fifth degree of kinship by virtue of marriage.

PROBATE***Bonds and Sureties***

ACT 326 (HB1448) repeals the requirement that a court take a bond from the personal representative or a corporate surety in the administration of a decedent's estate and instead makes the requirement for a bond discretionary with the court. The act also repeals the law regarding sureties upon the bond of personal representatives in the administration of a decedent's estate.

WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS

PROBATE

Fee for Safekeeping of Will

ACT 272 (HB1493) increases the fee charged by a clerk of the court to file a will for safekeeping to five dollars (\$5.00).

Residency, Putative Father Registry, and Exchange of Identifying Information

ACT 639 (SB408) provides that the requirement that a description and estimate of value of any property of an individual to be adopted must be stated in a petition for adoption applies only to an adoption of a minor. The act provides that the residency requirement for a petition for adoption of a minor does not apply to a minor who is less than six (6) months of age. The act also states that the Putative Father Registry does not need to be checked when an order terminating the rights of the minor's parents has been entered before the filing of the petition for adoption or when the minor was previously adopted in a separate adoption proceeding. Additionally, the act allows the exchange of health, genetic, and social history information that would identify the prospective adoptee's birth parents.

PROPOSED CONSTITUTIONAL AMENDMENT

HJR 1006 - A CONSTITUTIONAL AMENDMENT TO PROVIDE THAT LOTTERY PROCEEDS MAY BE USED TO FUND OR PROVIDE SCHOLARSHIPS AND GRANTS TO ARKANSAS CITIZENS ENROLLED IN VOCATIONAL-TECHNICAL SCHOOLS AND TECHNICAL INSTITUTES.

If approved by voters at the 2024 general election, the amendment would require lottery proceeds to be used to fund or provide for scholarships and grants to citizens of Arkansas enrolled in a public or private vocational-technical school or a public or private technical institute located within the state and certified according to criteria established by the General Assembly.

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. 2023-031, the effective date for acts of the 94th General Assembly that do not contain an emergency clause or a specified effective date is August 1, 2023.

GENERAL ASSEMBLY MEETING DATES
AND EFFECTIVE DATES SINCE 1969

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
67 th	1969	January 13 – May 8	8/7/69 *
67 th – FES	1970	March 2 – March 7	6/6/70 *
68 th	1971	January 11 – April 19	7/19/71 *
68 th – FES	1972	February 7 – February 16	5/17/72 *
69 th	1973	January 8 – January 14, 1974	7/24/73: #73-120
69 th – FES	1974	June 24 – August 1	10/31/74 *
70 th	1975	January 13 – April 9	7/9/75 **
70 th – Exten	1976	January 12 – January 28	4/28/76: #76-50
70 th – FES	1976	September 8 – September 10	NA
71 st	1977	January 10 – August 14	7/6/77: #77-57
71 st – FES	1977	August 2 – August 5	11/4/77 **
72 nd	1979	January 8 – April 20	7/20/79: #79-88
72 nd – EXT.	1980	January 7 – January 17	(No legislation passed)
72 nd – FES	1980	January 17 – January 24	4/24/80: #80-42
72 nd – SES	1980	April 15 – April 18	NA
73 rd	1981	January 12 – March 18	6/17/81: #81-76
73 rd – FES	1981	November 16 – November 25	2/24/82 **
74 th	1983	January 10 – April 4	7/4/83: #83-74
74 th – FES	1983	October 4 – November 10	2/9/84: #83-228
75 th	1985	January 14 – March 29	6/28/85: #85-108
75 th – FES	1985	June 17 – June 21	9/20/85 **
75 th – SES	1986	April 28 – May 1	7/31/86: #86-337
76 th	1987	January 12 – April 20	7/20/87: #87-156
76 th – FES	1987	June 2 – June 5	9/4/87 **
76 th – SES	1987	October 6 – October 9	1/8/88 **
76 th – TES	1988	January 26 – February 5	5/6/88 **
76 th – 4 th ES	1988	July 11 – July 14	10/13/88 **
77 th	1989	January 9 – April 3	7/3/89: #89-078
77 th – FES	1989	June 20 – June 23	9/22/89 **
77 th – SES	1989	July 25 – July 27	10/26/89 **
77 th – TES	1989	October 23 – November 3	2/2/90 **

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
78 th	1991	January 14 – April 15	7/15/91: #91-119
78 th – FES	1992	February 24 – March 4	6/3/92: #92-114A #93-025A
78 th – SES	1992	December 14 – December 18	3/19/93: #93-025A
79 th	1993	January 11 – May 14	8/13/93: #93-149A
79 th – FES	1994	February 28 – March 2	6/1/94: #94-076
79 th – SES	1994	August 15 – August 24	11/23/94: #94-273
80 th	1995	January 9 – April 28	7/28/95: #95-119
80 th – FES	1995	October 17 – October 20	1/19/96 *
81 st	1997	January 13 – May 2	8/1/97: #97-144
82 nd	1999	January 11 – April 30	7/30/99: #99-120
82 nd – FES	2000	April 3 – April 7	NA
82 nd – SES	2000	December 13 – 15	NA
83 rd	2001	January 8 – May 14	8/13/01: #2001-138
83 rd – FES	2002	June 10 – June 12	NA
84 th	2003	January 13 – April 16	7/16/03: #2003-119
84 th – FES	2003	May 5 – May 9	NA
84 th – SES	2003	Dec. 8, 2003 – June 9, 2004	6/3/04: #2004-186
85 th	2005	January 10 – May 13	8/12/05: #2005-110
85 th – FES	2006	April 3 – April 21	7/21/06: #2006-080
86 th	2007	January 8 – May 1	7/31/07: #2007-164
86 th – FES	2008	March 31 – April 2	NA
87 th	2009	January 12 – May 1	7/31/09: #2009-090
87 th – Fiscal	2010	February 8 – March 4	6/3/10: #2010-031
88 th	2011	January 10 – April 27	7/27/11: #2011-056
88 th – Fiscal	2012	February 13 – March 9	6/8/12 *
89 th	2013	January 14 – May 17	8/16/13: #2013-049
89 th – FES	2013	October 17 – October 19	1/18/14 *
89 th – Fiscal	2014	February 10 – March 19	6/18/14 *
89 th – SES	2014	June 30 – July 2	10/1/14: #2014-078
90 th	2015	January 12 – April 22	7/22/15: #2015-044
90 th – FES	2015	May 26 – May 28	8/27/15: #2015-094
90 th – SES	2016	April 6 – April 8	7/8/16 *
90 th – Fiscal	2016	April 13 – May 9	8/8/16 *
90 th – TES	2016	May 19 – May 23	8/22/16 *

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
91 st	2017	January 9 – May 1	8/1/17: #2017-052
91 st – FES	2017	May 1 – May 3	8/2/17: #2017-061
91 st – Fiscal	2018	February 12 – March 12	6/12/18: #2018-073
91 st – SES	2018	March 13 – March 15	6/14/18: #2018-074
92 nd	2019	January 14 – April 24	7/24/19: #2019-034 7/30/19 (Act 1092)
92 nd – FES	2020	March 26 – March 28	6/29/20 *
92 nd – Fiscal	2020	April 8 – April 24	7/27/20 *
93 rd	2021	January 11 – April 28 [†]	7/28/21: #2021-029
	2021	September 29 – October 15	1/14/22: #2021-092
93 rd – FES	2021	August 4 – August 6	NA
93 rd – SES	2021	December 7 – December 9	3/10/22: #2021-099
93 rd – Fiscal	2022	February 14 – March 15	NA
94 th	2023	January 9 – May 1	8/1/23: #2023-031

* Bureau Calculation

** Bureau Calculation, confirmed by Secretary of State

† Under HCR1015 of 2021, the regular session went into an extended recess on April 28, 2021, and was extended until the Ninety-Third General Assembly was able to complete its work on congressional redistricting. The General Assembly reconvened on September 29, 2021, to complete the work of the regular session.

INDEX OF ACTS

ACT 11.....	136	ACT 79.....	92, 139
ACT 12.....	12	ACT 80.....	25, 79, 131
ACT 13.....	96, 144	ACT 81.....	100, 117, 132
ACT 20.....	46, 109	ACT 82.....	99, 117, 132
ACT 21.....	7, 35, 36	ACT 83.....	107
ACT 26.....	40	ACT 84.....	103
ACT 27.....	71	ACT 85.....	66, 72
ACT 29.....	142	ACT 86.....	86, 118, 136
ACT 30.....	76, 90	ACT 87.....	97
ACT 31.....	120	ACT 88.....	123
ACT 32.....	103	ACT 91.....	102, 111
ACT 33.....	11	ACT 92.....	12, 66
ACT 34.....	13	ACT 93.....	21, 120
ACT 35.....	37, 93	ACT 94.....	95, 113
ACT 36.....	78	ACT 95.....	4
ACT 37.....	37	ACT 96.....	17, 144
ACT 38.....	30, 80	ACT 99.....	120
ACT 39.....	127	ACT 100.....	48, 104
ACT 40.....	29	ACT 101.....	51
ACT 41.....	111, 112, 113, 114	ACT 102.....	83
ACT 42.....	118	ACT 103.....	14, 75, 107
ACT 43.....	40	ACT 104.....	130
ACT 44.....	127	ACT 105.....	129
ACT 45.....	86, 119	ACT 106.....	104
ACT 46.....	71	ACT 107.....	130
ACT 47.....	90	ACT 108.....	23
ACT 48.....	41	ACT 109.....	58
ACT 49.....	86, 150	ACT 110.....	72
ACT 50.....	95, 113	ACT 111.....	74
ACT 51.....	69, 84	ACT 112.....	16, 86
ACT 52.....	129	ACT 113.....	108
ACT 53.....	24	ACT 114.....	84, 88, 104, 137, 139
ACT 54.....	69, 84	ACT 115.....	110, 142
ACT 55.....	130	ACT 116.....	11
ACT 56.....	137	ACT 117.....	34, 37
ACT 59.....	88, 137	ACT 124.....	62
ACT 60.....	7, 18	ACT 125.....	130
ACT 61.....	8, 30, 31	ACT 126.....	20, 134
ACT 63.....	130	ACT 127.....	13, 94
ACT 64.....	131	ACT 128.....	56
ACT 66.....	99	ACT 129.....	40
ACT 67.....	88	ACT 130.....	13, 124, 147
ACT 68.....	8	ACT 131.....	14
ACT 69.....	130	ACT 133.....	29
ACT 70.....	86	ACT 134.....	127
ACT 73.....	117	ACT 135.....	3
ACT 77.....	131	ACT 136.....	101
ACT 78.....	86	ACT 137.....	118

ACT 138	65	ACT 206	142
ACT 139	11, 135, 146	ACT 207	5
ACT 140	115	ACT 208	14
ACT 141	65	ACT 209	94, 96
ACT 159	122	ACT 210	16, 114
ACT 160	150	ACT 211	94, 111, 112
ACT 161	2, 86, 87	ACT 212	93
ACT 162	81	ACT 214	85, 96
ACT 163	88, 138	ACT 215	76
ACT 164	89, 138	ACT 233	92, 120
ACT 165	32	ACT 234	91, 119, 140
ACT 166	14, 76	ACT 236	67
ACT 167	87, 119	ACT 237 40, 41, 42, 44, 46, 49, 51, 52, 54, 55, 56, 57, 58, 105	
ACT 168	8	ACT 238	58
ACT 169	5	ACT 239	80, 116
ACT 170	129	ACT 240	129
ACT 171	130	ACT 241	143
ACT 172	24, 143	ACT 242	45
ACT 173	143	ACT 243	41, 45
ACT 174	37	ACT 244	63
ACT 175	81	ACT 245	62
ACT 176	70, 108	ACT 246	69
ACT 177	31	ACT 247	128
ACT 178	126	ACT 248	128
ACT 179	127	ACT 249	129
ACT 180	150	ACT 250	129
ACT 181	147	ACT 251	143
ACT 182	132	ACT 253	115
ACT 183	131	ACT 254	84, 137
ACT 184	86	ACT 255	34
ACT 185	133	ACT 256	21, 25
ACT 186	7, 28	ACT 257	87, 118, 139
ACT 187	28, 82	ACT 258	69, 89, 98, 151
ACT 188	79	ACT 259	71
ACT 189	39	ACT 260	86, 118, 137
ACT 190	17, 145	ACT 261	106, 110
ACT 191	144	ACT 262	127
ACT 192	147	ACT 263	68
ACT 193	147	ACT 264	34, 120
ACT 194	67	ACT 265	94, 96
ACT 195	9, 105	ACT 266	150
ACT 196	104	ACT 267	15
ACT 197	105	ACT 268	5
ACT 198	83, 89, 151	ACT 269	93, 95, 110, 150
ACT 199	75, 109, 135	ACT 270	121
ACT 200	88, 138	ACT 271	9, 31, 33
ACT 201	138, 150	ACT 272	11, 30, 31, 153
ACT 202	109	ACT 273	11, 12
ACT 203	17	ACT 274	19
ACT 204	39	ACT 275	63
ACT 205	92		

ACT 276.....	43, 68	ACT 334.....	4, 5, 13
ACT 277.....	16	ACT 335.....	83
ACT 278.....	26, 70, 149	ACT 336.....	127
ACT 286.....	47, 56, 92	ACT 337.....	97, 103
ACT 287.....	38	ACT 338.....	20
ACT 288.....	150	ACT 339.....	96
ACT 289.....	78, 79	ACT 340.....	11, 77, 106
ACT 290.....	42	ACT 345.....	100
ACT 291.....	152	ACT 346.....	142
ACT 292.....	67	ACT 347.....	53
ACT 293.....	152	ACT 348.....	8
ACT 294.....	25, 67	ACT 349.....	115
ACT 295.....	65	ACT 350.....	66, 69
ACT 296.....	140, 148	ACT 351.....	146
ACT 297.....	22, 141	ACT 352.....	66
ACT 298.....	22	ACT 353.....	65
ACT 299.....	149	ACT 354.....	19
ACT 300.....	68	ACT 355.....	88, 136
ACT 301.....	86, 118, 136	ACT 356.....	65
ACT 302.....	100	ACT 357.....	10
ACT 303.....	87, 97	ACT 358.....	110, 144
ACT 304.....	115, 140	ACT 360.....	117, 133
ACT 305.....	67	ACT 361.....	149
ACT 306.....	29, 133	ACT 362.....	126
ACT 307.....	73	ACT 363.....	8, 152
ACT 308.....	68	ACT 364.....	6
ACT 309.....	15, 24, 149	ACT 365.....	136
ACT 310.....	126	ACT 366.....	10
ACT 311.....	104, 135	ACT 367.....	2
ACT 312.....	141	ACT 368.....	118, 134
ACT 313.....	87, 107	ACT 369.....	90, 151
ACT 314.....	92, 98, 120	ACT 372.....	32, 34, 36, 49, 148
ACT 315.....	145	ACT 386.....	63
ACT 316.....	78, 88, 99	ACT 387.....	62, 63
ACT 317.....	48, 55	ACT 388.....	121
ACT 318.....	117	ACT 389.....	68
ACT 319.....	4	ACT 390.....	71, 72
ACT 320.....	65	ACT 391.....	139
ACT 321.....	69	ACT 392.....	36, 106
ACT 322.....	109	ACT 393.....	89, 151
ACT 323.....	29, 30, 31	ACT 395.....	110, 145
ACT 324.....	23, 141	ACT 396.....	111
ACT 325.....	22	ACT 411.....	26, 125, 141
ACT 326.....	6, 18, 73, 152	ACT 412.....	36
ACT 327.....	35	ACT 413.....	60, 62
ACT 328.....	67	ACT 414.....	29, 121
ACT 329.....	69	ACT 415.....	38
ACT 330.....	38	ACT 416.....	58
ACT 331.....	74	ACT 417.....	123, 133
ACT 332.....	142, 145	ACT 418.....	43
ACT 333.....	77, 99, 101	ACT 419.....	33

ACT 420	34	ACT 483	30, 31, 125
ACT 421	65	ACT 484	89, 138, 151
ACT 422	71	ACT 485	144
ACT 423	45	ACT 487	75
ACT 424	50	ACT 490	88, 137
ACT 425	43	ACT 494	89, 98, 151
ACT 426	40, 49	ACT 496	17, 128
ACT 429	98	ACT 497	16, 121
ACT 436	131	ACT 498	128
ACT 437	17, 128	ACT 500	103
ACT 438	62	ACT 501	99
ACT 439	22	ACT 502	100
ACT 440	10, 75, 108	ACT 503	92, 97, 151
ACT 441	68	ACT 504	39, 135
ACT 442	23	ACT 505	122
ACT 443	15, 119	ACT 506	64, 108, 110, 112
ACT 444	65, 67	ACT 507	36
ACT 445	35, 109, 113	ACT 508	33
ACT 446	146	ACT 509	85, 99, 132
ACT 447	12	ACT 510	78, 80, 131, 147
ACT 448	39	ACT 511	47, 57, 59
ACT 449	12, 145	ACT 512	79, 90
ACT 450	30, 36	ACT 513	89, 90, 151
ACT 451	89, 99	ACT 514	20, 51, 64
ACT 452	2	ACT 515	111, 112
ACT 453	13, 26, 81, 122	ACT 516	117
ACT 454	109	ACT 517	38
ACT 455	66, 73	ACT 518	146
ACT 456	65, 126	ACT 519	61
ACT 457	118	ACT 520	11, 108
ACT 458	127	ACT 521	146
ACT 459	21, 25, 143	ACT 522	5, 86
ACT 460	68	ACT 523	97, 103
ACT 461	53	ACT 524	11, 38
ACT 462	67	ACT 525	93, 141
ACT 464	7, 87	ACT 526	18, 24
ACT 465	117	ACT 527	128
ACT 467	85	ACT 528	5
ACT 468	19, 102	ACT 529	14, 75, 105, 107, 109
ACT 469	97, 102, 103	ACT 530	78, 115
ACT 470	64	ACT 531	6, 119
ACT 471	103	ACT 532	144
ACT 472	15	ACT 533	126
ACT 473	112	ACT 534	3, 146
ACT 474	74, 138	ACT 535	17, 105, 107
ACT 475	142	ACT 536	127
ACT 476	26, 70	ACT 537	70, 125
ACT 477	38, 39, 93	ACT 538	132
ACT 480	85, 102	ACT 539	60, 62
ACT 481	79, 125, 132	ACT 540	5
ACT 482	88, 137	ACT 541	145

ACT 542.....	47, 53, 59, 64	ACT 614.....	61
ACT 543.....	53	ACT 615.....	90, 91, 101
ACT 544.....	23, 65	ACT 616.....	20
ACT 545.....	18	ACT 618.....	7
ACT 546.....	53	ACT 619.....	35
ACT 547.....	42	ACT 620.....	65
ACT 548.....	57	ACT 621.....	39
ACT 549.....	76	ACT 623.....	20, 74
ACT 550.....	111	ACT 624.....	144
ACT 551.....	16	ACT 625.....	139, 143
ACT 552.....	66, 72	ACT 626.....	21, 27, 97
ACT 553.....	106	ACT 627.....	77, 79, 81
ACT 554.....	123	ACT 628.....	116, 141
ACT 555.....	14	ACT 629.....	32
ACT 556.....	124	ACT 630.....	48, 54
ACT 557.....	135, 143	ACT 631.....	140
ACT 558.....	106	ACT 632.....	23, 81, 123
ACT 559.....	82	ACT 633.....	50
ACT 560.....	149	ACT 634.....	139, 148
ACT 562.....	89, 151	ACT 635.....	51, 56
ACT 573.....	87, 120	ACT 636.....	2, 122
ACT 575.....	87, 101	ACT 637.....	41, 52
ACT 576.....	100	ACT 638.....	55
ACT 577.....	91, 101	ACT 639.....	7, 73, 153
ACT 578.....	84, 101	ACT 640.....	44
ACT 579.....	102	ACT 641.....	90, 145
ACT 580.....	102	ACT 642.....	83
ACT 581.....	89, 151	ACT 643.....	52
ACT 582.....	74, 122, 152	ACT 644.....	145
ACT 583.....	117	ACT 645.....	59, 123
ACT 584.....	32	ACT 646.....	146
ACT 585.....	34	ACT 647.....	13, 67
ACT 586.....	85	ACT 648.....	59
ACT 587.....	104	ACT 649.....	49
ACT 588.....	1, 3, 132	ACT 650.....	144
ACT 589.....	22, 28, 64	ACT 651.....	144
ACT 590.....	21, 27, 61	ACT 652.....	115
ACT 591.....	5, 92, 119	ACT 653.....	52, 82
ACT 592.....	2	ACT 654.....	41, 42, 49
ACT 593.....	2	ACT 655.....	4, 116
ACT 594.....	3	ACT 656.....	45, 51, 80
ACT 595.....	22	ACT 657.....	124
ACT 596.....	26	ACT 658.....	143
ACT 597.....	84, 100	ACT 659 28, 29, 30, 31, 33, 34, 35, 37, 76, 81, 105, 140	
ACT 598.....	85	ACT 660.....	124
ACT 599.....	21	ACT 661.....	126
ACT 600.....	115, 140	ACT 662.....	49
ACT 610.....	142	ACT 663.....	83
ACT 611.....	136	ACT 664.....	95
ACT 612.....	9, 27	ACT 665.....	140
ACT 613.....	37, 38		

ACT 666	126, 140	ACT 720	48
ACT 667	124	ACT 721	50, 68
ACT 668	13, 16	ACT 722	34
ACT 669	55	ACT 723	41
ACT 670	87, 118, 137	ACT 724	51, 53
ACT 671	4	ACT 725	83
ACT 672	59, 91, 119	ACT 726	60, 61
ACT 673	91, 119	ACT 727	6
ACT 674	91, 119, 136	ACT 728	61, 123
ACT 675	138, 150	ACT 729	50
ACT 676	71	ACT 730	15
ACT 677	27, 117	ACT 731	43
ACT 681	110	ACT 732	57, 58
ACT 682	86, 96, 137	ACT 733	18
ACT 683	33	ACT 734	34
ACT 684	5	ACT 735	32, 110
ACT 685	30	ACT 736	35
ACT 686	15, 102	ACT 737	50, 59, 92
ACT 687	9, 105	ACT 738	36
ACT 688	117, 133	ACT 739	32
ACT 689	9, 27	ACT 740	31, 121, 122
ACT 690	12, 68, 96	ACT 741	34, 121
ACT 691	1, 132	ACT 742	24, 36
ACT 692	9, 30, 33	ACT 743	13, 69
ACT 693	70, 114	ACT 744	48, 80
ACT 694	85	ACT 745	43
ACT 695	114	ACT 746	11, 38, 39
ACT 696	112, 148	ACT 747	4
ACT 697	115	ACT 748	54
ACT 698	111	ACT 749	19, 77
ACT 699	15	ACT 750	43
ACT 700	82	ACT 751	60
ACT 701	148	ACT 752	76, 78, 133
ACT 702	82, 120	ACT 753	66, 72, 134
ACT 703	82, 139	ACT 754	55
ACT 704	71, 140	ACT 755	116
ACT 705	4	ACT 756	8, 125
ACT 706	1, 3	ACT 757	76
ACT 707	17, 95, 107	ACT 758	141
ACT 708	21	ACT 759	116
ACT 709	33, 120	ACT 760	135
ACT 710	6, 82	ACT 762	33, 113, 114
ACT 711	94, 114	ACT 763	19, 74
ACT 712	1, 3	ACT 764	48, 70
ACT 713	72	ACT 765	19
ACT 714	94, 95, 109	ACT 766	67
ACT 715	20, 25	ACT 767	24, 80
ACT 716	85	ACT 768	50
ACT 717	149	ACT 769	10
ACT 718	13	ACT 770	125, 134
ACT 719	122	ACT 771	37

ACT 772.....	35	ACT 824.....	71, 115, 116
ACT 773.....	47, 76	ACT 825.....	94, 95, 108
ACT 774.....	29	ACT 826.....	123
ACT 775.....	107	ACT 827.....	146
ACT 776.....	46	ACT 828.....	93
ACT 777.....	76	ACT 829.....	85
ACT 778.....	59, 60, 61	ACT 830.....	87, 100
ACT 779.....	95, 113	ACT 831.....	84, 99
ACT 780.....	46	ACT 832.....	133, 139, 150
ACT 781.....	56	ACT 833.....	72
ACT 782.....	45	ACT 834.....	38
ACT 783.....	35, 82	ACT 835.....	66
ACT 784.....	108	ACT 836.....	106
ACT 785.....	36, 106	ACT 837.....	33
ACT 786.....	60	ACT 838.....	14, 123
ACT 787.....	47, 75	ACT 839.....	5
ACT 788.....	55	ACT 840.....	111, 114, 142
ACT 789.....	73	ACT 841.....	69, 75
ACT 790.....	49	ACT 842.....	63, 83
ACT 791.....	57	ACT 843.....	16, 148
ACT 792.....	46, 47	ACT 844.....	83
ACT 793.....	44, 48, 53	ACT 845.....	144
ACT 794.....	24, 80, 135	ACT 846.....	14, 50, 77, 147
ACT 795.....	20	ACT 847.....	21
ACT 801.....	4	ACT 848.....	82
ACT 802.....	44, 45	ACT 849.....	36
ACT 804.....	102, 111	ACT 850.....	41
ACT 805.....	96, 99	ACT 851.....	15, 147
ACT 806.....	7, 89, 138	ACT 852.....	135
ACT 808.....	113, 114	ACT 854.....	104
ACT 811.....	51, 60, 61	ACT 872.....	91, 119
ACT 812.....	106	ACT 876.....	98
ACT 813.....	93, 145	ACT 879.....	78
ACT 814.....	144	ACT 880.....	28, 62
ACT 815.....	107, 113	ACT 881.....	116
ACT 816.....	93, 95, 113	ACT 882.....	4
ACT 817.....	62, 123	ACT 883.....	43, 46, 73, 78, 134
ACT 818.....	17, 124	ACT 884.....	10, 16, 121
ACT 819.....	146	ACT 885.....	113
ACT 820.....	83, 137, 151	ACT 886.....	126, 134
ACT 821.....	27, 108, 114	ACT 887.....	18, 95
ACT 822.....	16, 136	ACT 889.....	37
ACT 823.....	96, 124, 142		