

FINAL SUMMARY
OF ACTION BY THE
FOURTH EXTRAORDINARY SESSION
OF THE
SEVENTY-SIXTH GENERAL ASSEMBLY
OF THE
STATE OF ARKANSAS

Monday, July 11, 1988

Thursday, July 14, 1988

Prepared by:
The Bureau of Legislative Research

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SUBSTANTIVE ACTS

ALCOHOLIC BEVERAGES

- Act 23 (House Bill 1017) Reps. Willems and Schexnayder
- allows the use of sacramental wine in correctional facilities.
Act 8 (Senate Bill 12) Sen. Bradford - same as Act 23.

BANKS

- Act 12 (House Bill 1002) Rep. Wilson
- authorizes regional reciprocal banking and phases in statewide branch banking over a ten (10) year period.
Act 2 (Senate Bill 2) Sen. Beebe - same as Act 12.

CABLE TELEVISION

- Act 26 (House Bill 1018) Rep. Todd
- allows cities and counties to issue bonds under the Local Government Bond Act of 1985 for the purpose of financing cable television facilities.
VETOED (Senate Bill 14) Sen. Bearden - same as Act 26.

- VETOED (House Bill 1019) Rep. Todd
- authorizes cities and counties to issue bonds under the Local Government Capital Improvement Revenue Bond Act of 1985 for the purpose of financing cable television facilities, and authorizes public facilities boards to issue bonds to finance cable television facilities,
VETOED (Senate Bill 13) Sen. Bookout - same as House Bill 1019.

CAPITAL IMPROVEMENTS BY CITIES AND COUNTIES

- Act 25 (House Bill 1016) Rep. Teague
- authorizes the legislative bodies of cities and counties to levy any local tax authorized by law for no longer than twelve (12) months in order to finance capital improvements of a public nature, provided that such tax levy and expenditure is authorized by the voters.
VETOED (Senate Bill 15) Sen. Allen
- same as Act 25 except the tax is limited to that authorized in the Local Government Bond Act of 1985 and the levy is not limited to twelve (12) months.

EMINENT DOMAIN

- Act 22 (House Bill 1014) Rep. Todd, McCuiston and Stockley
- grants first and second class cities eminent domain power for the construction, operation, repair and maintenance of flood control improvements.

FERTILIZER

- Act 24 (House Bill 1012) Rep. Fairchild
- defines and regulates natural, organic fertilizer.

NURSING HOMES

- Act 3 (Senate Bill 3) Senators Kinard, Nelson, Benham, Bearden
- Establishes a receivership procedure in chancery court for temporary operation of a long-term care facility when emergency conditions exist within the facility or substantial habitual violations have occurred.
Act 13 (House Bill 1003) Representatives Day, Landers, Flanagan - same as Act 3.

NURSING HOMES - contd.

Act 4 (Senate Bill 4) Senators Kinard, Nelson, Benham, Bearden

- Amends current sanctions law to eliminate the twenty-day correction period for Class A (life threatening/death occurred) violations.

Act 14 (House Bill 1004) Representatives Day, Landers, Flanagin - same as Act 4.

Act 5 (Senate Bill 5) Senators Kinard, Nelson, Benham, Bearden

- Amends adult abuse reporting law and child abuse reporting law to require reports of alleged abuse of long-term care facility residents to be made immediately to the county sheriff for investigation. Adds employees of the facility and the Department of Human Services to current list of individuals required to report under the law.

Act 15 (House Bill 1005) Representatives Day, Landers, Flanagin - same as Act 5.

Act 16 (House Bill 1006) Representatives Lipton, McGinnis

- Requires long-term care facilities to post for sixty days on the inside of the front door a Notice of Violation when a Class A or B violation has been imposed against the facility. Requires the posting of the annual survey with a compliance letter prepared by the Ombudsman reporting the facility's record for the past three years.

Act 17 (House Bill 1007) Representatives Lipton, McGinnis

- Omnibus Long-Term Care Reform Act of 1988. Includes a residents' bill of rights, prohibitions on new admissions for facilities with Class A violations, establishment of Residents' Councils, procedures to object to involuntary discharge or transfer from a facility, and prohibitions against retaliation of employees or residents who file a complaint under the Act. Civil penalties are provided for violations of the Act with proceeds being deposited in the Long-Term Care Trust Fund.

Act 18 (House Bill 1008) Representatives Lipton, McGinnis

- Changes composition of the Long-Term Care Advisory Board to require the nurse to be selected from a list provided by the Gerontological Council of the Arkansas State Nurses Association and restricts membership from having affiliations with nursing homes except for three members (nurse and two owner/administrators of long-term care facilities). Current members no longer qualifying under this change are permitted to serve out the balance of their term.

PROSECUTING ATTORNEYS

Act 20 (House Bill 1011) Rep, Gibson

- provides additional employees for prosecuting attorneys in the Eighth, Tenth, Thirteenth, Sixteenth and Twentieth Judicial Districts.

Act 10 (Senate Bill 16) Sen. Gibson - same as Act 20

WATER COMPANIES

Act 21 (House Bill 1013) Rep. Allen

- gives Public Service Commission authority over water companies which petition the PSC to exercise such authority or at least a majority of whose customers petition the PSC to exercise jurisdiction over the water company, provided that the combined annual operating revenues for the water company exceeded \$400,000 for the three fiscal years immediately preceding the petition; also authorizes the PSC to set rates to be paid by military installations for water and sewer services provided by municipalities located in a county with a population exceeding 200,000 persons if the governing body of the municipality requests the PSC to exercise such jurisdiction.

FISCAL LEGISLATION AFFECTING STATE AGENCIES

CLAIMS COMMISSION

Act 9 (Senate Bill 8) Joint Budget Committee

- provides additional appropriations to pay various approved claims.

DEPARTMENT OF HUMAN SERVICE§

Long-Term Care Facility Receivers

Act 9 (Senate Bill 7) Joint Budget Committee

- appropriates \$100,000 from the Long-Term Care Facility Receivership Fund Account for the payment of expenses of Long-Term Care Facility.

Long-Term Care Facility Residents Relocation

Act 19 (House Bill 1010) Joint Budget Committee

- appropriates \$50,000 from the Long-Term Care Trust Fund for the payment of costs of relocating residents of Long-Term Care Facilities to other facilities, maintenance and operation of a facility pending correction of deficiencies or closure, and reimbursement of residents for lost personal funds .

STUDENT LOAN AUTHORITY

Act 6 (Senate Bill 6) Joint Budget Committee

- increases salary of Director from \$29,461 to \$45,000 and adds two (2) new positions.

AMENDMENTS TO ARKANSAS CODE AT FOURTH EXTRAORDINARY SESSION, 1988

<u>Code</u>	<u>Acts</u>
5-28-101(1)	5 & 15
5-28-203	5 & 15
5-28-210(a)	5 & 15
55 41 01(10)	8 & 23
55 41 19	8 & 23
12 1z 504	5 & 15
12-29-109(a)	8 & 23
14-164-30(a)(2)	26
14-164-38	25
20-10-1001 through 1008	10
20-10-101(13)	10
20-10-201 through 206	4 & 14
20-10-203	06
20-10-204	4 & 14
20-10-301(a)	18
20-10-901 through 916	3 & 13
23-1-101(4)(A)(ii)	21
23-2-1201(3)	2 & 12
23-2-1202	2 & 12
23-2-1203(f)	2 & 12
23-2-1204	2 & 12
23-32-1801 through 1805	2 & 12
23-2-303(4)	2 & 12
23-2-104	2 & 12
23-2-401(4)	2 & 12
23-2-404(e) through (g)	2 & 12
<u>Uncodified Act</u>	<u>Act</u>
Section 1 of Act 100 of 1988	6