

SUMMARY OF GENERAL LEGISLATION

.....

94TH GENERAL ASSEMBLY
OF THE STATE OF ARKANSAS

2023

First Extraordinary Session
September 11, 2023 – September 14, 2023



Bureau of Legislative Research
September 2023

SUMMARY OF GENERAL LEGISLATION

.....

94TH GENERAL ASSEMBLY
OF THE STATE OF ARKANSAS

2023

First Extraordinary Session
September 11, 2023 – September 14, 2023

**Bureau of Legislative Research
September 2023**

A summary of legislation is published following each session of the General Assembly of the State of Arkansas by:

Bureau of Legislative Research
One Capitol Mall
5th Floor
Little Rock, Arkansas 72201

Telephone: 501.682.1937
Fax: 501.682.1936
Website: www.arkleg.state.ar.us

SUMMARY OF CONTENTS

FIRST EXTRAORDINARY SESSION ACTS

CRIMINAL LAW AND PROCEDURE 1
EDUCATION - GENERAL 1
FREEDOM OF INFORMATION ACT 2
PUBLIC FINANCE 2
STATE AGENCIES, BOARDS, AND COMMISSIONS 3
TAXES 3
GENERAL ASSEMBLY MEETING DATES SINCE 1969 4

TABLE OF CONTENTS

FIRST EXTRAORDINARY SESSION ACTS 1

CRIMINAL LAW AND PROCEDURE 1

 SENTENCING 1

Felony with a Firearm 1

EDUCATION - GENERAL 1

 FACILITIES 1

Exterior Doors Required To Be Closed and Locked 1

 STUDENTS - GENERALLY 1

School Choice Programs - Eligibility for Additional Funds 1

FREEDOM OF INFORMATION ACT 2

 EXEMPTIONS 2

Records Concerning Security Services 2

PUBLIC FINANCE 2

 REVENUE STABILIZATION 2

Arkansas Reserve Fund Set-Aside 2

STATE AGENCIES, BOARDS, AND COMMISSIONS 3

 GENERALLY 3

Prohibition on Mandatory COVID-19 Vaccine Requirements 3

TAXES 3

 INCOME TAX 3

Rate Reduction - One-Time Inflationary Relief Tax Credit 3

GENERAL ASSEMBLY MEETING DATES 4

FIRST EXTRAORDINARY SESSION ACTS

The effective date for acts of the 94th General Assembly that were considered by the General Assembly during the First Extraordinary Session and that do not contain an emergency clause or a specified effective date is December 14, 2023.

CRIMINAL LAW AND PROCEDURE

SENTENCING

Felony with a Firearm

ACT 2 (SB6) and ACT 8 (HB1006) are identical acts that clarify that Arkansas Code § 16-90-120(e)(1), concerning the minimum time a person must serve of his or her enhanced sentence before being eligible for early release when he or she received an enhanced sentence for employing a firearm while committing or escaping from a felony, applies to offenses committed on or after July 2, 2007, but before January 1, 2024, and Arkansas Code § 16-90-120(g), concerning the ineligibility of a person for early release for an enhanced sentence for employing a firearm while committing or escaping from a felony, applies to sentencing for offenses committed on or after January 1, 2024. The acts are effective on and after January 1, 2024.

EDUCATION - GENERAL

FACILITIES

Exterior Doors Required To Be Closed and Locked

ACT 3 (SB4) and ACT 9 (HB1005) are identical acts that amend Arkansas Code § 20-22-1011(a), concerning fire drills, to remove inconsistent language and clarify that all public and private schools and all educational institutions shall keep all exterior doors closed and locked during school hours with the exception of transition times. The acts declare an emergency and are effective on and after September 14, 2023.

STUDENTS - GENERALLY

School Choice Programs - Eligibility for Additional Funds

ACT 5 (SB5) amends the definition of a "qualified student" under the Philanthropic Investment in Arkansas Kids Program Act to include a student with a disability identified under the Individuals with Disabilities Education Act and creates an exception to the enrollment requirement for a first-time recipient under the Philanthropic Investment in Arkansas Kids Program Act for a student with a disability identified under the Individuals with Disabilities Education Act. The act requires that a student participating in the Arkansas Children's Educational Freedom Account Program who participated in the Succeed Scholarship Program during the 2022-2023 school year receive one hundred percent (100%) of the prior year's statewide foundation funding amount allocated per student. The act declares an emergency and is effective on and after September 14, 2023.

FREEDOM OF INFORMATION ACT

EXEMPTIONS

Records Concerning Security Services

ACT 7 (SB10) adds communications concerning certain security-related duties to the items compiled or possessed by the Division of Arkansas State Police that are confidential and not subject to disclosure under the Freedom of Information Act of 1967. The act also expands the items that are considered confidential and not subject to disclosure under the Freedom of Information Act of 1967 to include data, records, surveillance footage, security procedures, emergency plans, and other information compiled or possessed by the division concerning the safety and security of the Governor and his or her family and the State Capitol Building and State Capitol grounds. The act requires the division to submit to the Legislative Council a quarterly report that identifies categorized expenditures incurred by the Executive Protection Detail for services provided to the Governor. The act adds an additional exemption to the Freedom of Information Act of 1967 to include records that reflect the planning or provision of security services provided to constitutional officers, members of the General Assembly, and state appellate court judges. The act also specifies that it does not limit the ability of Arkansas Legislative Audit to report information it obtains to the Arkansas General Assembly. The section of the act expanding the items that are considered confidential and not subject to disclosure by the division and the section of the act creating an additional exemption to the Freedom of Information Act of 1967 for records that reflect the planning or provision of security services provided to the Governor are retroactive to June 1, 2022. The act declares an emergency and is effective on and after September 14, 2023.

PUBLIC FINANCE

REVENUE STABILIZATION

Arkansas Reserve Fund Set-Aside

ACT 1 (HB1004) and ACT 11 (SB1) are identical acts that create the Arkansas Reserve Fund Set-Aside as a sub-fund in the Restricted Reserve Fund and transfers seven hundred ten million six hundred twelve thousand five hundred eight dollars (\$710,612,508) of surplus funds to the Arkansas Reserve Fund Set-Aside. The acts allow the Chief Fiscal Officer of the State to request the release of funds from the Arkansas Reserve Fund Set-Aside after submitting a request demonstrating the need for the release and receiving approval by a two-thirds vote of the Arkansas Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, and the acts allow funds to be released to one (1) or more general revenue operating funds or fund accounts, the Miscellaneous Agencies Fund Account, and the State Central Services Fund. The acts further provide that funds released and transferred from the Arkansas Reserve Fund Set-Aside to any general revenue fund cannot exceed the total Revenue Stabilization Act allocation when combining the amount of the set-aside funds released with the general revenue funding received through the Revenue Stabilization Law.

STATE AGENCIES, BOARDS, AND COMMISSIONS

GENERALLY

Prohibition on Mandatory COVID-19 Vaccine Requirements

ACT 4 (SB3) and ACT 10 (HB1002) are identical acts that prohibit the state, a state agency or entity, and a political subdivision of the state from mandating a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both, or discriminating or coercing an individual for refusing to receive a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both. The acts require the Department of Health to maintain information and data on any potential risk and harms associated with the administration of the vaccine or immunization for coronavirus 2019 (COVID-19) and any subvariants of coronavirus 2019 (COVID-19) and make the information and data publicly available. The acts require approval by Legislative Council to mandate or require a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both, if the state, a state agency or entity, a political subdivision of the state, or a state or local official determines that necessary federal funding is dependent upon an individual receiving a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both. The acts declare an emergency and are effective on and after September 14, 2023.

TAXES

INCOME TAX

Rate Reduction - One-Time Inflationary Relief Tax Credit

ACT 6 (SB8) reduces the top income tax rate for individuals, trusts, and estates to four and four-tenths percent (4.4%), reduces the top income tax rate for domestic and foreign corporations to four and eight-tenths percent (4.8%), and provides that the rate reductions for individuals, trusts, estates, and corporations will be effective for tax years beginning on or after January 1, 2024. The act also creates a one-time inflationary relief income tax credit of one hundred fifty dollars (\$150) for certain individual taxpayers and three hundred dollars (\$300) for certain taxpayers filing a joint return and provides that the income tax credit is effective for the tax year beginning January 1, 2023. The act declares an emergency and is effective on and after September 14, 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
94 th – FES	2023	September 11 – September 14	12/14/23: #2023-089

* 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.