

## **Tracked Bills That Became Law**

Angela DeLille, Director of Governmental Affairs

Arkansas State Chamber of Commerce/Associated Industries of Arkansas, Inc.

### **BANKING AND FINANCE**

**Act 285** (HB 1371, Rep. Allen Kerr) Requires a motor vehicle owner or lienholder who receives a total-loss insurance settlement to forward the endorsed title to the insurance company within 15 days; provides for a salvage title issuance if title is not obtained.

**Act 338** (SB 362, Sen. Larry Teague and Rep. Keith Ingram) Amends the Arkansas Securities Act to revise the definition and residency requirements for broker-dealers and investment advisers.

**Act 339** (SB 363, Sen. Larry Teague and Rep. Keith Ingram) Amends the Arkansas Securities Act to revise requirements for agents and registration statements.

**Act 720** (SB 259, Sen. Sue Madison and Rep. Darrin Williams) Makes technical language corrections to provision concerning mortgage loan transactions and repeals the Check Cashers Act.

**Act 733** (SB 785, Sen. Johnny Key) Requires persons providing money transmission service to hold an Arkansas money transmission license and increasing the required amount of the licensee's surety bond from \$250,000 to \$300,000.

**Act 796** (SB 739, Sen. Jeremy Hutchinson) Revises state banking law to conform with federal law, amending provisions relative to out-of-state bank branches and operations in Arkansas by out-of-state banks.

**Act 894** (HB 1981, Rep. John Edwards) Amends various provisions and regulations of the Fair Mortgage Lending Act.

**Act 992** (SB 410, Sen. Jonathan Dismang) Requires all suits on accounts, including credit card and other revolving credit accounts, to be accompanied by an affidavit as to the correctness of the account.

### **CONSTRUCTION AND CONTRACTING**

**Act 4** (HB 1089, Rep. Tiffany Rogers) Amends procedures for contractor licensing, specifying that financial statements are required upon submission of renewal applications and making technical changes.

**Act 146** (HB 1385, Rep. Fred Allen) Requires low-voltage carbon monoxide detectors on each floor in new home construction beginning in 2012; creates a Class A misdemeanor for violation and exempts all-electric homes.

**Act 719** (SB 243, Sen. Sue Madison and Rep. Darrin Williams) Makes technical language corrections concerning the hold harmless clause in construction contracts and the Tobacco Control Board.

**Act 782** (SB 304, Sen. Bill Pritchard and Rep. Tiffany Rogers) Makes changes to provisions related to on-call contracting, emergency contracting procedures and the work of subcontractors in law governing the award of capital improvement contracts by the Arkansas Building Authority.

**Act 886** (HB 1814, Rep. Barry Hyde) Provides that the Insurance Commissioner may implement and enforce rules to enforce provisions relating to the construction of insurance contracts.

## **ECONOMIC DEVELOPMENT**

**Act 52** (SB 225, Joint Budget Committee) Reappropriates to the Economic Development Commission the unspent balance of funds appropriated in Act 290 of 2010 for training investments and various grants to cities, counties and other entities.

**Act 210** (HB 1185, Rep. Jane English) Provides procedures for improvement districts that use county collectors for improvement district assessment collection, including requirements for annual reporting and delinquent levies. Adds improvement districts to the Freedom of Information Act.

**Act 276** (SB 400, Sen. Bill Sample) Authorizes the use of all revenue from a county-wide sales and use tax to retire capital improvement bonds, notwithstanding provision for allocation prescribed in ACA 26-74-414(b).

**Act 282** (HB 1306, Rep. Kathy Webb) Provides that public corporations for economic development are subject to the control of local governments.

**Act 287** (HB 1416, Rep. Fred Allen) Removes the interest rate limit on capital improvement bonds in accordance with the approval of Issue No. 2 at the general election.

**Act 706** (HB 2048, Rep. Uvalde Lindsey) Creates the Arkansas Acceleration Committee and the Acceleration Fund within the Science and Technology Authority for support and growth of knowledge-based and high-tech jobs through state initiatives and programs.

**Act 738** (HB 1421, Rep. Mike Patterson and Sen. Jimmy Jeffress) Expands the Delta Geotourism Incentive Act to apply the income tax credit to businesses within 30 miles of a national scenic byway and to increase the maximum investment for the tax credit to \$250,000.

**Act 828** (HB 1898, Rep. Keith Ingram and Sen. Jake Files) Creates the Local Sales and Use Tax Economic Development Project Funding Act, authorizing the levy, by ordinance and subsequent special election, of local sales tax up to one percent to fund projects and capital improvement bonds.

**Act 829** (HB 1899, Rep. Keith Ingram) Limits the total award of an equity investment tax credit to nine years; requires the award be determined jointly by the Presidents of the Development Finance Authority, Science and Technology Authority, and Economic Development Commission Director.

**Act 895** (HB 1988, Rep. Tracy Pennartz) Provides for the creation of regional economic development partnerships among at least two counties, plus other local governments joining by ordinance; authorizes state funding arrangements through the Economic Development Commission.

**Act 896** (HB 2002, Rep. Kelley Linck) Creates the Arkansas Great Places Program under the Department of Arkansas Heritage to provide planning and assistance to eligible community development organizations.

**Act 897** (HB 2028, Rep. Mark Perry) Amends various provisions for professional licensure of engineers, including authorization for the Board to establish continuing education requirements, exemptions, and competency for professional engineers and engineer-interns.

**Act 921** (SB 110, Joint Budget Committee) Appropriates funds to the Economic Development Commission for 2011-12 operations.

**Act 1047** (HB 1955, Rep. Walls McCrary) Changes Amendment 82 consistent with changes enacted at the November 2010 election, removing the minimum amount of one half billion dollars for qualification of investments for bond financing under Amendment 82.

**Act 1048** (HB 1980, Rep. Bruce Westerman) Lowers the application fee for the Retirement Community Program Act from \$5,000 to \$2,500, setting a minimum annual renewal fee of \$2,500; initiates the program as a pilot program limited to 10 communities.

**Act 1225** (HB 2045, Rep. Ed Garner) Requires improvement districts established to provide electric utility services for municipal purposes to file an annual financial report with the city clerk or recorder of the city or town by June 1 each year, more.

## **EDUCATION – K-12**

**Act 65** (HB 1099, Rep. Homer Lenderman) Allows public school districts to set their first day of school as early as Aug. 14 but not later than Aug. 26.

**Act 266** (HB 1527, Rep. Eddie Cheatham) Clarifies the formula for school districts in determining the rate in which they calculate projected revenue for purposes of bonded debt assistance.

**Act 593** (SB 711, Sen. Johnny Key and Rep. Eddie Cheatham) Requires the House and Senate Committees on Education study issues relevant to the adoption of an extended school year and report findings by Oct. 1, 2012.

**Act 701** (HB 1878, Rep. Bobby Pierce) Requires categorization of state funds and other reporting regarding funds received by a school under a desegregation settlement agreement.

**Act 725** (SB 330, Sen. Jimmy Jeffress) Requires the school funding study required in ACA 10-3-2102 to include a school cost impact study of legislation enacted and rules promulgated each biennium; requires the Education Committees to publish the report 14 days before submitting it.

**Act 743** (HB 1620, Rep. Eddie Cheatham) Establishes college and career readiness standards for career and technical education programs in the public schools; requires the Department of Career Education to provide technical skills assessments.

**Act 871** (HB 1296, Rep. Les “Skip” Carnine) Reduces incrementally the amount of local tax revenue receipts that school districts can accrue from the current 40% to zero in the 2020-2021 school year.

**Act 987** (SB 346, Sen. Gilbert Baker) Authorizes the State Board of Education to increase the maximum number of open enrollment charter schools by five annually, if the number of charters available is within two charters of meeting any existing limitation or cap.

**Act 989** (SB 383, Sen. Jimmy Jeffress and Rep. Eddie Cheatham) Amends various provisions relating to public school and makes technical corrections.

**Act 996** (SB 648, Sen. Randy Laverty) Provides that isolated school district funding follows the students when an isolated school is consolidated or annexed.

**Act 1039** (HB 1901, Rep. Keith Ingram) Sets school foundation funding and other funding amounts for the 2011-12 and 2012-13 school years; removes entirely the \$35 per student Enhanced Educational Funding amount.

**Act 1124** (SB 303, Sen. Johnny Key) Adds provision specifying federal desegregation court orders govern in any conflict with provisions of the Opportunity Public School Choice Act of 2004; deletes requirement parent is responsible for school choice student taking assessment tests.

**Act 1131** (SB 353, Sen. Michael Lamoureux) Makes various revisions in the calculation of funding for isolated school districts.

**Act 1178** (HB 1893, Rep. Debra Hobbs) Recognizes valid teaching licenses from other states, plus other requirements, as sufficient qualification for a standard teaching license; recognizes Teach for America or master's teaching degrees for nontraditional licensure, more.

**Act 1220** (HB 1910, Rep. Bobby Pierce) Requires a school district to spend at least 85% of national school lunch categorical funding each year; requires a school district's total aggregate categorical fund balance to be less than 20% of the total categorical funding amount for that year.

## **EDUCATION – HIGHER EDUCATION**

**Act 337** (SB 354, Sen. Robert Thompson) Provides unused sick leave for non-classified employees of institutions of higher education accrue at the same rate as for classified employees for calculations related to compensation for the unused leave upon retirement or death.

**Act 696** (HB 1454, Rep. Johnnie Roebuck and Sen. Gilbert Baker) Amends requirements for the Comprehensive Arkansas Higher Education Annual Report.

**Act 747** (HB 1772, Rep. Johnnie Roebuck and Sen. Gilbert Baker) Makes various changes to higher education course credit systems, including a statewide common course numbering system. Requires identification of classes that are eligible for automatic transfer as part of completed degree and core curriculums.

**Act 1163** (HB 1017, Rep. Ed Garner) Creates The Arkansas Open Checkbook Act, requiring the Finance and Administration Department to develop a website for public access to all state agency expenditures, including those of colleges and universities.

**Act 1184** (HB 2050, Rep. Johnnie Roebuck) Authorizes reassessment of students who score below 15 on an ACT exam; requires student scoring below the ability-to-benefit assessment score to be enrolled only in a specific program approved by the Coordinating Board.

**Act 1203** (SB 766, Sen. Gilbert Baker and Rep. Johnnie Roebuck) Revises provisions of the higher education funding formula model, adding outcome-centered goals and accountability.

## **EDUCATION – FACILITIES**

**Act 1006** (SB 786, Sen. Johnny Key and Rep. Randy Stewart) Revises various provisions related to public school facilities and school transportation.

## **EMPLOYMENT SECURITY**

**Act 861** (SB 593, Sen. Jonathan Dismang and Rep. Davy Carter) Sets minimum weekly unemployment benefit of \$81.00 and a maximum weekly benefit of \$451.00; reduces

maximum benefit for a benefit year from 26 to 25 times the weekly benefit amount or 1/3 of wages for work in the base period.

**Act 980** (SB 244, Sen. Sue Madison and Rep. Darrin Williams) Makes technical language corrections concerning charging employees for employment for physicals or drug tests, mine inspector's annual reports, agency fund transfers, definition of employer for purposes of employment security.

**Act 1040** (HB 1909, Rep. Fred Allen and Sen. Jack Crumbly) Extends the expiration date from 2011 to 2015 for mandatory deposit of portions of proceeds from the stabilization tax in the Workforce Services Unemployment Trust Fund and the Workforce Services Training Trust Fund.

**Act 1125** (SB 305, Sen. Jeremy Hutchinson) Authorizes the issuance of up to \$500 million of general obligation bonds to finance the retirement of Unemployment Trust Fund debt to the federal government; bonds repaid with revenue from an increase in the wage base.

**Act 1229** (HB 2127, Rep. Ann Clemmer) Authorizes e-mail notice to employers regarding applications for unemployment benefits; sets the period allowed for response at 15 calendar days; requires the Workforce Services Department to enable employers to choose e-mail notification.

## **ENERGY**

**Act 734** (SB 875, Sen. Jake Files) Adds biogas to the definition of biofuels for purposes of the Alternative Fuels Development Act.

**Act 735** (SB 876, Sen. Jake Files) Adds natural gas public utilities to the Clean Energy Development Act and allows the use of biofuel to satisfy a public utility's energy efficiency and conservation goals.

**Act 803** (SB 823, Sen. Jimmy Jeffress and Rep. Tiffany Rogers) Requires each public agency occupying a state-owned building to complete an energy audit by June 30, 2016 and report findings to the Arkansas Energy Office.

## **ENVIRONMENT**

**Act 174** (HB 1091, Rep. Sheila Lampkin) Authorizes county solid waste management systems to levy an additional ten percent annual fee for invoicing and collecting fees and charges from tenants rather than property owners.

**Act 209** (HB 1060, Rep. Uvalde Lindsey and Sen. Michael Lamoureux) Authorizes solid waste management district boards to charge fees related to the district's direct involvement with disposal or treatment of solid waste within the district.

**Act 281** (HB 1299, Rep. Buddy Lovell) Repeals provisions authorizing hazardous duty pay for pollution control and hazardous waste inspectors employed with the Department of Environmental Quality.

**Act 333** (SB 47, Sen. Gilbert Baker) Creates a marketing incentive for premium biosolids, which consist of solid, semisolid, or liquid residue generated during treatment of domestic sewage. Application limited to land where water pollution is not likely.

**Act 518** (HB 1171, Rep. Mike Patterson and Sen. Bill Sample) Repeals licensure for professional mold investigators.

**Act 602** (HB 1434, Rep. Clark Hall) Temporarily reduces landfill disposal fees that support the computer and electronic equipment recycling program and adds exemptions for certain solid waste transporters and private landfill permittees.

**Act 731** (SB 764, Sen. Jonny Key and Rep. Josh Johnston) Authorizes the Environmental Quality Department to issue statewide water pollution control permits for activities that involve the same or substantially similar types of activities.

**Act 749** (HB 1903, Rep. Robert Moore, Jr.) Declares state policy for the management and use of surface water to protect critical groundwater supplies.

**Act 819** (HB 1627, Rep. Sheila Lampkin) Expands the definition of recycling to include waste stream reduction activities such as composting and waste to energy practices; includes additional diversion activities, operations and construction costs as eligible for grant assist.

## **HEALTH CARE**

**Act 19** (SB 134, Sen. Larry Teague and Rep. Keith Ingram) Authorizes the hospital assessment fee to be greater than one percent of net patient revenue; authorizes DHS to intercept a state tax refund claimed by delinquent hospitals; amends fee cessation provisions.

**Act 68** (HB 1211, Rep. Andy Mayberry and Sen. Randy Laverty) Adds spinal bifida and Down syndrome to the list of physical and mental impairments that establish categorical eligibility for developmental disability services.

**Act 196** (HB 1315, Rep. Uvalde Lindsey and Sen. Mary Anne Salmon) Requires health benefit plans to cover the treatment of autism spectrum disorders and an annual review of the treatment.

**Act 269** (HB 1428, Rep. Donna Hutchinson) Requires the Insurance Commissioner to establish a mandatory open-enrollment period for health insurers to offer child-only individual health insurance policies to children under 19 years old.

**Act 588** (SB 437, Sen. Percy Malone) Authorizes pharmacists to make professional determination to provide products containing ephedrine and related substances to persons without a prescription; authorizes Pharmacy Board to review those decisions; exempts pharmacists from liability.

**Act 855** (SB 66, Sen. Jimmy Jeffress) Requires state and public school employee health benefit plans to provide coverage for treatment of morbid obesity.

**Act 1042** (HB 1915, Rep. Linda Tyler) Requires health benefit plans to provide coverage for gastric pacemakers for people with the neuromuscular stomach disorder gastroparesis or other medical necessity.

**Act 1119** (SB 213, Sen. Jonny Key) Requires insurance coverage for in vitro fertilization services also includes procedures performed at state health departments other than the Department of Health.

## **INSURANCE**

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**Act 269** (HB 1428, Rep. Donna Hutchinson) Requires the Insurance Commissioner to establish a mandatory open-enrollment period for health insurers to offer child-only individual health insurance policies to children under 19 years old.

**Act 285** (HB 1371, Rep. Allen Kerr) Requires a motor vehicle owner or lienholder who receives a total-loss insurance settlement to forward the endorsed title to the insurance company within 15 days; provides for a salvage title issuance if title is not obtained.

**Act 332** (SB 45, Sen. Jeremy Hutchinson) Establishes licensure requirements for a domestic surplus lines insurer holding at least \$20,000,000 policy holder surplus.

**Act 566** (HB 1425, Rep. Prissy Hickerson) Provides that an agreement between an insurance company, or other health plan provider, and a dentist establishing a dental fee for a noncovered service is unenforceable.

**Act 604** (HB 1439, Rep. Barry Hyde and Sen. Steve Harrelson) Requires commercial liability insurance policies to be approved by the Insurance Commissioner; requires policies to include coverage for faulty workmanship, accidents and repeated exposure to harmful conditions.

**Act 760** (HB 1806, Rep. Barry Hyde and Sen. Larry Teague) The State Insurance Department's General Omnibus Bill.

**Act 797** (SB 768, Sen. Jeremy Hutchinson) Exempts from the prohibition against rebates and discounts by property and casualty insurers adjustments or refunds to his fees by a licensed insurance consultant who is also a licensed producer to a client paying \$75,000+ in premiums.

**Act 886** (HB 1814, Rep. Barry Hyde) Provides that the Insurance Commissioner may implement and enforce rules to enforce provisions relating to the construction of insurance contracts.

**Act 887** (HB 1815, Rep. Barry Hyde and Sen. Larry Teague) Revises the applicability of the Insurance Holding Company Regulatory Act to domestic and international companies and subsidiaries.

**Act 1034** (HB 1813, Rep. Barry Hyde) Requires insurers to file market conduct statements when filing annual statements with the Insurance Commission; requires insurers that report over seven million dollars in premiums to also file policies and complaints regarding claims.

**Act 1042** (HB 1915, Rep. Linda Tyler) Requires health benefit plans to provide coverage for gastric pacemakers for people with the neuromuscular stomach disorder gastroparesis or other medical necessity.

**Act 1054** (HB 2137, Rep. Barry Hyde and Sen. Larry Teague) Limits reasons for rescission of life and health insurance policies related to application statements by the insured to those that were either fraudulent or material to the acceptance of the risk or hazard assumed by the insurer.

**Act 1055** (HB 2143, Rep. Barry Hyde and Sen. Larry Teague) Authorizes the Insurance Commissioner to enter into multi-state agreements to aid in the administration of taxes on surplus lines insurers, with approval of the House and Senate Insurance & Commerce Committees.

**Act 1119** (SB 213, Sen. Johnny Key) Requires insurance coverage for in vitro fertilization services also includes procedures performed at state health departments other than the Department of Health.

**Act 1154** (SB 838, Sen. Jeremy Hutchinson) Establishes the False Claims Act, relating to recovery of false Medicaid claims; creates procedure for citizen reporter to receive a portion of the funds recovered.

**Act 1206** (HB 1559, Rep. Allen Kerr) Authorizes insurance companies to remove total-loss vehicles from storage facilities; requires facility owners to allow the release of the vehicle upon notice from the insurance company.

## **LABOR AND EMPLOYMENT**

**Act 1197** (HB 2160, Rep. Mark Biviano) Includes employees who do not work at a facility for business incentives that are based on the creation of full-time employees.

## **LEGAL**

**Act 39** (HB 1004, Rep. John Edwards) Prohibits the Public Defender Commission from paying for privately retained counsel to defend indigent persons, except when the counsel meets the standards that would govern the appointment of counsel "in a case with similar facts."

**Act 170** (SB 262, Sen. Robert Thompson and Rep. Nate Steel) Expands the subpoena power of the Attorney General to include criminal matters.

**Act 190** (HB 1398, Rep. Butch Wilkins) Applies the civil penalty schedule from ACA 20-10-206 to long-term care facilities that fail to comply with incident reporting requirements. Removes requirement that notification be made in writing as well as by telephone.

**Act 202** (SB 302, Sen. Steve Harrelson and Rep. Darrin Williams) Creates a revised Uniform Unincorporated Nonprofit Association Act.

**Act 336** (SB 333, Sen. Jonathan Dismang and Rep. Davy Carter) Authorizes plaintiffs seeking damages in a circuit or district court to state an amount in controversy to establish subject-matter jurisdiction and to determine if the amount sought is within the jurisdictional limits of the court.

**Act 695** (HB 1438, Rep. Darin Williams and Sen. Robert Thompson) Creates the Arkansas Arbitration Act.

**Act 758** (HB 1631, Rep. Randy Stewart) Changes the definition of restaurant for the concealed handgun law.

**Act 858** (SB 300, Sen. Robert Thompson) Allows nonprofit corporations and voluntary associations lawfully engaged in assisting indigent, poor or disadvantaged persons to represent those persons in civil and criminal matters.

**Act 992** (SB 410, Sen. Jonathan Dismang) Requires all suits on accounts, including credit card and other revolving credit accounts, to be accompanied by an affidavit as to the correctness of the account.

**Act 1132** (SB 517, Sen. Sue Madison) Makes technical language corrections and deletes obsolete language and references in Title 16, the practice and procedures and courts code.

**Act 1145** (SB 762, Sen. Mary Anne Salmon) Decreases the cost of preparing a case record on appeal for each page over 1,000 pages.

**Act 1154** (SB 838, Sen. Jeremy Hutchinson) Establishes the False Claims Act, relating to recovery of false Medicaid claims; creates procedure for citizen reporter to receive a portion of the funds recovered.

**Act 1183** (HB 2047, Rep. Davy Carter) Abolishes the common-law doctrine of necessities, providing that neither a husband nor a wife is liable for the other's debt obligations, including those for food, clothing, and shelter.

## **LOCAL GOVERNMENT**

**Act 174** (HB 1091, Rep. Sheila Lampkin) Authorizes county solid waste management systems to levy an additional ten percent annual fee for invoicing and collecting fees and charges from tenants rather than property owners.

**Act 197** (SB 359, Sen. David Johnson and Rep. Fred Allen) Requires water systems serving 5000 persons or more to maintain a fluoride content in its water as established by the Department of Health; requires the Health Department to adopt rules relating to fluoridation of water systems.

**Act 209** (HB 1060, Rep. Uvalde Lindsey and Sen. Michael Lamoureux) Authorizes solid waste management district boards to charge fees related to the district's direct involvement with disposal or treatment of solid waste within the district.

**Act 210** (HB 1185, Rep. Jane English) Provides procedures for improvement districts that use county collectors for improvement district assessment collection, including requirements for annual reporting and delinquent levies. Adds improvement districts to the Freedom of Information Act.

**Act 276** (SB 400, Sen. Bill Sample) Authorizes the use of all revenue from a county-wide sales and use tax to retire capital improvement bonds, notwithstanding provision for allocation prescribed in ACA 26-74-414(b).

**Act 282** (HB 1306, Rep. Kathy Webb) Provides that public corporations for economic development are subject to the control of local governments.

**Act 569** (HB 1601, Rep. Mary Lou Slinkard) Changes the date and designated agency for county equalization boards' submission of resolutions.

**Act 605** (HB 1441, Rep. Loy Mauch and Sen. Mike Fletcher) Increases the threshold size triggering annual financial audits for entities that provide water or sewage services from 500 to 750 service connections.

**Act 698** (HB 1488, Rep. Darrin Williams) Sets the statute of limitations for municipal code violations at one year unless changed by the municipal government to a time period of up to three years.

**Act 740** (HB 1474, Rep. James McLean) Increases the time period following an annexation during which land may be detached from a municipality that has not provided utility services to the land, from three to eight years.

**Act 752** (HB 1774, Rep. Linda Tyler and Sen. David Wyatt) Removes limitations for the amount of turnback funds that cities may use for public transportation and allows those funds to be spent on both public transportation and other transportation systems improvements or services.

**Act 778** (SB 253, Sen. Sue Madison and Rep. Darrin Williams) Makes technical language corrections concerning local governments.

**Act 828** (HB 1898, Rep. Keith Ingram and Sen. Jake Files) Creates the Local Sales and Use Tax Economic Development Project Funding Act, authorizing the levy, by ordinance and subsequent special election, of local sales tax up to one percent to fund projects and capital improvement bonds.

**Act 882** (HB 1790, Rep. John Edwards) Requires state agencies to attempt to ensure that 5% of public construction moneys and purchased goods and services are paid to businesses owned and operated by service-disabled veterans.

**Act 1030** (HB 1760, Rep. Tim Summers) Authorizes cities and counties to create arts and cultural districts under rules promulgated by the Arkansas Arts Council.

**Act 1187** (HB 2068, Rep. Jon Eubanks) Applies local governance authorizations for large cities to cities of the second class and incorporated towns; provides that Dillon's Rule is inapplicable to municipal affairs.

### **MISCELLANEOUS**

**Act 37** (SB 154, Sen. Jerry Taylor and Rep. Fred Allen) Prohibits the use of handheld wireless telephones in highway work zones while workers are present, and in school zones when children are present.

**Act 67** (HB 1161, Rep. Kathy Webb) Authorizes notification of motor vehicle registration renewals to be sent by email to vehicle owners; clarifying that electronic registration renewal is authorized along with regular mail and telephone renewals.

**Act 72** (HB 1323, Rep. Lori Benedict and Sen. Missy Irvin) Exempts home food production and small farmers' market vendors from food processing, packaging, and food service establishment requirements.

**Act 174** (HB 1091, Rep. Sheila Lampkin) Authorizes county solid waste management systems to levy an additional ten percent annual fee for invoicing and collecting fees and charges from tenants rather than property owners.

**Act 202** (SB 302, Sen. Steve Harrelson and Rep. Darrin Williams) Creates a revised Uniform Unincorporated Nonprofit Association Act.

**Act 209** (HB 1060, Rep. Uvalde Lindsey and Sen. Michael Lamoureux) Authorizes solid waste management district boards to charge fees related to the district's direct involvement with disposal or treatment of solid waste within the district.

**Act 210** (HB 1185, Rep. Jane English) Provides procedures for improvement districts that use county collectors for improvement district assessment collection, including requirements for annual reporting and delinquent levies. Adds improvement districts to the Freedom of Information Act.

**Act 226** (HB 1248, Rep. Butch Wilkins) Removes the July 1, 2013 sunset provision for food establishment permit requirements, including a fee of up to \$105 per location.

**Act 281** (HB 1299, Rep. Buddy Lovell) Repeals provisions authorizing hazardous duty pay for pollution control and hazardous waste inspectors employed with the Department of Environmental Quality.

**Act 347** (HB 1452, Rep. Bobby Pierce) Adds propane gas to the definition of alternative fuels under the Alternative Fuels Development Act.

**Act 348** (HB 1555, Rep. Toni Bradford) Allows recyclers to purchase scrap metal parts from air conditioning units if the seller provides evidence of ownership, such as an invoice for the purchase of the unit or an affidavit from the dealer who sold the unit.

**Act 518** (HB 1171, Rep. Mike Patterson and Sen. Bill Sample) Repeals licensure for professional mold investigators.

**Act 570** (SB 750, Sen. Jim Luker and Rep. Robert Moore, Jr.) The omnibus corrections reform act, addressing restitution of costs from offenders, sentencing, probation, more.

**Act 609** (HB 1482, Rep. Linda Tyler) Authorizes the Department of Environmental Quality, as an alternative to the limits on civil or administrative penalties, to levy a penalty equal to the amount of pecuniary gain from mining without a permit or outside the area authorized in the permit.

**Act 733** (SB 785, Sen. Johnny Key) Requires persons providing money transmission service to hold an Arkansas money transmission license and increasing the required amount of the licensee's surety bond from \$250,000 to \$300,000.

**Act 748** (HB 1851, Rep. Darrin Williams) Increases the maximum meritorious good time award, allowing a reduction of up to 360 days for each program completion; authorizes pre-release programs and other assignments approved by the Board of Corrections to qualify for good time.

**Act 758** (HB 1631, Rep. Randy Stewart) Changes the definition of restaurant for the concealed handgun law.

**Act 818** (HB 1594, Rep. Fred Allen and Sen. Jack Crumbly) Changes Workforce Investment Board Executive committee meeting frequency requirements; amends overall membership criteria by adding the categories of representatives that previously comprised the one-stop partners councils.

**Act 821** (HB 1703, Rep. Jane English) Provides for the collection of delinquent taxes that are not paid in full following the sale of a business or related equipment and inventory, including an extra ten percent penalty when delinquent taxes are not paid in full by October 15.

**Act 857** (SB 265, Sen. Mary Anne Salmon) Deletes from provisions for expiration of a nonproductive oil or gas lease the exception that the lease is extended when production commences within one year of the primary lease's expiration.

**Act 858** (SB 300, Sen. Robert Thompson) Allows nonprofit corporations and voluntary associations lawfully engaged in assisting indigent, poor or disadvantaged persons to represent those persons in civil and criminal matters.

**Act 859** (SB 313, Sen. Sue Madison) Makes various changes to Title 17 concerning the regulation of professions, including architects, landscape architects, interior designers, mold inspectors, pharmacists, and acupuncturists.

**Act 862** (SB 594, Sen. Jonathan Dismang) Provides that defects in publishing notice of the sale of tax-delinquent lands does not invalidate an auction sale unless the owner did not receive the mailed notice; sets requirement for deposit prior to filing a complaint to set aside a sale.

**Act 863** (SB 595, Sen. Jonathan Dismang) Requires the Land Commissioner's notice to owner that a tax-delinquent property has been received to include a partial legal description and the parcel number of the property; revises other procedures regarding notice requirements.

**Act 864** (SB 596, Sen. Jonathan Dismang) Requires payment to redeem tax-delinquent land be made by cash or cashier's check within 60 days before the date of the scheduled sale or during the redemption period following the sale.

**Act 882** (HB 1790, Rep. John Edwards) Requires state agencies to attempt to ensure that 5% of public construction moneys and purchased goods and services are paid to businesses owned and operated by service-disabled veterans.

**Act 904** (SB 92, Sen. Cecile Bledsoe) Allows for two- or three-year registration of personal-use motor vehicles. Renewal of registration would require proof of insurance coverage and payment of property tax for the preceding two or three years.

**Act 980** (SB 244, Sen. Sue Madison and Rep. Darrin Williams) Makes technical language corrections concerning charging employees for employment for physicals or drug tests, mine inspector's annual reports, agency fund transfers, definition of employer for purposes of employment security.

**Act 1007** (SB 789, Sen. Johnny Key) Prohibits pharmacy benefits managers from interfering with pharmacists' exercise of professional responsibilities to their patients by terminating a contract, auditing a pharmacy, or intervening between a prescriber and the prescriber's patients.

**Act 1133** (SB 597, Sen. Jonathan Dismang) Allows the purchaser or redeemptor of property forfeited to the state, as well as the state to file suit for confirmation of title; revises procedures.

**Act 1164** (HB 1024, Rep. Jane English) Requires reemployment rights for military personnel called to duty regardless of the number of tours for which the employee enlists or reenlists.

**Act 1187** (HB 2068, Rep. Jon Eubanks) Applies local governance authorizations for large cities to cities of the second class and incorporated towns; provides that Dillon's Rule is inapplicable to municipal affairs.

**Act 1193** (HB 2119, Rep. Kim Hammer) Revises provisions regulating the sale of restricted scrap metal.

## **REAL ESTATE**

**Act 172** (HB 1045, Rep. Donna Hutchinson) Creating an enhanced Class C felony for filing an instrument adversely affecting title or interest in real property when the victim is a judge, prosecuting attorney, corrections employee, or law officer performing official duties.

**Act 340** (SB 401, Sen. David Burnett and Rep. Bruce Westerman) Revises various provisions of the Real Estate Lien Act, including requirement that a broker record a release off a claim of lien against proceeds upon his learning that he is not entitled to receive compensation under terms of the representation agreement.

**Act 515** (SB 309, Sen. Larry Teague and Rep. Darrin Williams) Authorizes title insurers to issue a closing protection letter to a party to a real estate closing transaction that is not conducted by a licensed title insurance agency.

**Act 762** (SB 720, Sen. Jonathan Dismang and Rep. Darrin Williams) Authorizes real estate licensees to prepare and charge for broker's price opinions, defined as an estimate detailing probable selling price of real estate and certain other information; authorizes the Real Estate Commission to prescribe rules.

**Act 865** (SB 636, Sen. Jake Files and Rep. Linda Tyler) Authorizes the Real Estate Commission to impose a civil penalty of up to \$5,000 and costs against persons it finds have engaged in unlicensed real estate activity.

**Act 877** (HB 1615, Rep. Linda Tyler and Sen. Jake Files) Details real estate agency duties in representing sellers, buyers, lessees and lessors during real estate relationships and provides a waiver statement form.

**Act 883** (HB 1793, Rep. Mike Patterson) Adds partnerships and employees to exemptions under real estate licensing law and adds qualifications to the exemption.

**Act 901** (HB 2085, Rep. Debra Hobbs) Provides additional regulations for statutory foreclosures and parties authorized to foreclose mortgages or deeds of trust.

## **RETAIL / MERCHANTS**

**Act 70** (HB 1282, Rep. Robert Dale and Sen. Michael Lamoureux) Provides that a retail liquor permit is valid only for a single location.

**Act 72** (HB 1323, Rep. Lori Benedict and Sen. Missy Irvin) Exempts home food production and small farmers' market vendors from food processing, packaging, and food service establishment requirements.

**Act 588** (SB 437, Sen. Percy Malone) Authorizes pharmacists to make professional determination to provide products containing ephedrine and related substances to persons without a prescription; authorizes Pharmacy Board to review those decisions; exempts pharmacists from liability.

**Act 1012** (SB 834, Sen. Jeremy Hutchinson) Increases the collection fee that may be charged persons who issue a hot check from \$25 to \$30.

## **RULES – ETHICS / LOBBYING / VOTING**

**Act 48** (SB 194, Sen. Paul Bookout and Rep. Robert Moore, Jr.) Requires legislators' travel to conferences be reimbursed at lower of reasonable airfare or private car mileage based on map mileage; requires one year hiatus after expiration of members' last term before they are eligible to lobby.

**Act 71** (HB 1284, Rep. Robert Moore, Jr. and Sen. Paul Bookout) Requires legislators' travel to conferences be reimbursed at lower of reasonable airfare or private car mileage based on map mileage; requires one year hiatus after expiration of members' last term before they are eligible to lobby.

**Act 721** (SB 290, Sen. Gilbert Baker) Makes various changes to the Arkansas Ethics Law related to disclosures on political ads, contributions from political parties, contribution reporting requirements, PAC record keeping requirements, more.

**Act 1185** (HB 2054, Rep. Mary Lou Slinkard) Changes various deadlines for election filing requirements.

**Act 1211** (HB 1295, Rep. Tommy Lee Baker) Requires local runoff elections when no candidate receives either a majority of the votes, or both 40% of the votes cast and 20% more votes than the second- place candidate; requires runoff to be held three weeks later.

**Act 1241** (SB 972, Sen. Sue Madison) Establishes the four congressional districts for 2011-2020.

**Act 1242** (HB 1836, Rep. Clark Hall) To establish the four congressional districts.

## **STATE GOVERNMENT**

**Act 191** (HB 1404, Rep. John Vines and Sen. Robert Thompson) Revises the Justice Building Act, deleting obsolete language regarding construction of the Justice Building and lease obligations.

**Act 273** (SB 264, Sen. Randy Laverty) Creates the Administrative Rule and Regulation Review Subcommittee of the Joint Budget Committee, providing a means to review administrative rules while in session.

**Act 303** (SB 221, Sen. Jonathan Dismang and Rep. James McLean) The Arkansas Transparency Act, requiring the Department of Finance and Administration to create and maintain a database of state agency expenditures that is available to the public on a website.

**Act 585** (SB 332, Sen. Jake Files) Requires a hearing for administrative review of protested tax assessments within 120 days of the protest; sets deadlines for decisions on protests and requests for revision; authorizes payment of prevailing parties' attorney fees.

**Act 609** (HB 1482, Rep. Linda Tyler) Authorizes the Department of Environmental Quality, as an alternative to the limits on civil or administrative penalties, to levy a penalty equal to the amount of pecuniary gain from mining without a permit or outside the area authorized in the permit.

**Act 724** (SB 316, Sen. Johnny Key and Rep. Karen Hopper) Changes the definition of debt for purposes of setoff from state income tax refunds from obligations that have been due and payable for more than one year to those that have been delinquent for more than six months.

**Act 782** (SB 304, Sen. Bill Pritchard and Rep. Tiffany Rogers) Makes changes to provisions related to on-call contracting, emergency contracting procedures and the work of subcontractors in law governing the award of capital improvement contracts by the Arkansas Building Authority.

**Act 785** (SB 351, Sen. Jake Files) Requires the Commissioner of State Lands to pay to the Department of Finance and Administration from proceeds from sale of a tax delinquent property the delinquent tax, penalty and interest owed to DFA by the former property owner.

**Act 789** (SB 428, Sen. Eddie Joe Williams) Allows the Director of the Department of Finance and Administration to collect state tax delinquencies of a taxpayer from any refund to which the debtor is entitled.

**Act 815** (HB 1491, Rep. Larry Cowling) Adds the Department of Health to the list of agencies that may obtain a state income tax setoff to recover outstanding debts.

**Act 882** (HB 1790, Rep. John Edwards) Requires state agencies to attempt to ensure that 5% of public construction moneys and purchased goods and services are paid to businesses owned and operated by service-disabled veterans.

**Act 1163** (HB 1017, Rep. Ed Garner) Creates The Arkansas Open Checkbook Act, requiring the Finance and Administration Department to develop a website for public access to all state agency expenditures, including those of colleges and universities.

## **TAXES – INCOME TAXES**

**Act 724** (SB316, Sen. Johnny Key and Rep. Karen Hopper) Changes the definition of debt for purposes of setoff from state income tax refunds from obligations that have

been due and payable for more than one year to those that have been delinquent for more than six months.

**Act 736** (HB 1056, Rep. Uvalde Lindsey and Sen. Linda Chesterfield) Raises the threshold for exemption from state income tax but provides a low income tax credit for certain head of household with two or more dependents.

**Act 738** (HB 1421, Rep. Mike Patterson and Sen. Jimmy Jeffress) Expands the Delta Geotourism Incentive Act to apply the income tax credit to businesses within 30 miles of a national scenic byway and to increase the maximum investment for the tax credit to \$250,000.

**Act 787** (SB 364, Sen. Larry Teague) Revises Arkansas income tax law to make technical corrections and to conform to changes in IRS code.

**Act 815** (HB 1491, Rep. Larry Cowling) Adds the Department of Health to the list of agencies that may obtain a state income tax setoff to recover outstanding debts.

**Act 831** (HB 1912, Rep. Robert Moore, Jr.) Extends the expiration of the tax credit for the rehabilitation of historic structures from 2015 to 2021.

**Act 1030** (HB 1760, Rep. Tim Summers) Authorizes cities and counties to create arts and cultural districts under rules promulgated by the Arkansas Arts Council.

**Act 1116** (HB 1118, Rep. Tracy Pennartz and Sen. Jake Files) Creates an income tax credit for expenses of qualified rehabilitation projects in central business districts of up to %25 of the first \$500,000 dollars invested for income-producing properties, \$200,000 for non-income producing.

## **TAXES – MISCELLANEOUS TAX ISSUES**

**Act 210** (HB 1185, Rep. Jane English) Provides procedures for improvement districts that use county collectors for improvement district assessment collection, including requirements for annual reporting and delinquent levies. Adds improvement districts to the Freedom of Information Act.

**Act 278** (HB 1160, Rep. Kathy Webb) Authorizes the DF&A director to notify taxpayers who owe minimal severance tax amounts that the monthly reporting requirement does not apply and that a quarterly or annual reporting schedule may be used.

**Act 291** (HB 1547, Rep. Buddy Lovell) Amends provisions of Title 26 to be consistent with the Streamlined Sales and Use Tax Agreement.

**Act 585** (SB 332, Sen. Jake Files) Requires a hearing for administrative review of protested tax assessments within 120 days of the protest; sets deadlines for decisions on protests and requests for revision; authorizes payment of prevailing parties' attorney fees.

**Act 754** (SB 275, Sen. Bill Sample) Provides a phased reduction of the excise tax on the purchase of natural gas used in the production of electricity.

**Act 788** (SB 377, Sen. Jake Files) Amends various provisions relating to taxation on motor fuel, distillate special fuel and liquified gas special fuel.

**Act 789** (SB 428, Sen. Eddie Joe Williams) Allows the Director of the Department of Finance and Administration to collect state tax delinquencies of a taxpayer from any refund to which the debtor is entitled

**Act 791** (SB 569, Sen. Bill Sample) Makes technical changes to clarify provisions allowing gas producers who provide for the disposal of salt water produced during

production to claim a severance tax credit on all oil and gas produced by the salt water producing wells.

**Act 813** (HB 1429, Rep. Jane English) Provides for a separate agreement for payment in lieu of property taxes for property owned by the Development Finance Authority that is sold under ACa 14-164-7.

**Act 821** (HB 1703, Rep. Jane English) Provides for the collection of delinquent taxes that are not paid in full following the sale of a business or related equipment and inventory, including an extra ten percent penalty when delinquent taxes are not paid in full by October 15.

**Act 829** (HB 1899, Rep. Keith Ingram) Limits the total award of an equity investment tax credit to nine years; requires the award be determined jointly by the Presidents of the Development Finance Authority, Science and Technology Authority, and Economic Development Commission Director.

**Act 836** (HB 1950, Rep. John Edwards) Makes various changes to the Tobacco Products Tax Act of 1977 and creates the Tobacco Products Reporting Act.

**Act 983** (SB 256, Sen. Sue Madison and Rep. Darrin Williams) Makes technical language corrections to various provisions concerning taxation.

## **TAXES – PROPERTY TAXES**

**Act 175** (HB 1255, Rep. Lane Jean and Sen. Cecile Bledsoe) Changes various dates for payment of property taxes.

**Act 867** (SB 849, Sen. Larry Teague) Requires county assessors to assess mineral interests separate from the fee simple interest in the land when there are separate ownership interests; authorizes termination of state reappraisal reimbursement funds for noncompliance.

## **TAXES – SALES AND USE TAXES**

**Act 753** (SB 274, Sen. Gilbert Baker) Increases the exemption from sales and compensating use tax on the purchase of a used motor vehicle from the first \$2,500 to the first \$4,000 of the purchase price.

**Act 754** (SB 275, Sen. Bill Sample and Rep. Lane Jean) Provides a phased reduction of the excise tax on the purchase of natural gas used in the production of electricity.

**Act 755** (SB 276, Sen. Larry Teague) Reduces the gross receipts tax on food and food ingredients from 1.875% to 1.375%.

**Act 757** (HB 1369, Rep. Matthew Shepherd and Sen. Gene Jeffress) Creates a sales tax exemption for school supplies and instructional material, clothing, and accessories for one week in August every year.

**Act 773** (HB 1902, Rep. Robert Moore, Jr.) Levies an additional \$.05 tax per gallon of motor vehicle fuel, conditioned upon elector's approval of the levy and of highway bond issuance.

**Act 788** (SB 377, Sen. Jake Files) Amends various provisions relating to taxation on motor fuel, distillate special fuel and liquified gas special fuel.

**Act 824** (HB 1802, Rep. Tiffany Rogers) Creates a sales tax exemption for water provided by a public surface-water delivery project to replace or reduce in-ground water use for agricultural purposes.

**Act 828** (HB 1898, Rep. Keith Ingram and Sen. Jake Files) Creates the Local Sales and Use Tax Economic Development Project Funding Act, authorizing the levy, by ordinance and subsequent special election, of local sales tax up to one percent to fund projects and capital improvement bonds.

**Act 998** (SB 692, Sen. Joyce Elliott and Rep. Darrin Williams) Exempts purchases of the Arkansas Black Hall of Fame Foundation, Inc. from sales and use taxes.

**Act 1058** (HB 2188, Rep. Larry Cowling) Exempts from the gross receipts tax the sales of Class Six and Class Seven trucks if they are registered with the International Registration Plan and engaged in interstate commerce.

**Act 1001** (SB 738, Sen. Jake Files) Makes sellers with at least \$10,000 gross receipts in a year, and are affiliated with a person or company that promotes sales under the same or similar name and delivers or installs for seller's purchasers, subject to sales and use tax law.

**Act 1142** (SB 731, Sen. Larry Teague) Requires vendors with average net sales of more than \$200,000 per month to prepay compensating use tax electronically in the same manner as for sales taxes.

**Act 1226** (HB 2046, Rep. Ed Garner) To exempt a wholesale manufacturer of beer from paying sales and use tax on kegs used to sell beer wholesale.

## **TECHNOLOGY**

**Act 37** (SB 154, Sen. Jerry Taylor and Rep. Fred Allen) Prohibits the use of handheld wireless telephones in highway work zones while workers are present, and in school zones when children are present.

**Act 794** (SB 708, Sen. Mary Anne Salmon and Rep. Tiffany Rogers) Adds technical support, renewals, additional copies and license upgrades as relates to proprietary software to the list of exempt commodities and services under the Arkansas Procurement Law.

## **TRANSPORTATION**

**Act 67** (HB 1161, Rep. Kathy Webb) Authorizes notification of motor vehicle registration renewals to be sent by email to vehicle owners; clarifying that electronic registration renewal is authorized along with regular mail and telephone renewals.

**Act 192** (HB 1418, Rep. Jonathan Barnett and Sen. David Wyatt) Provides for the registration of fleets of 25 or more motor vehicles by nonprofit organizations.

**Act 534** (HB 1824, Rep. Jonathan Barnett) Authorizes regional mobility authorities to enter public-private partnership agreements for transportation projects concerning rail, waterway, or trail projects.

**Act 718** (SB 183, Sen. Michael Lamoureux) Doubles fee amounts for motor vehicle title applications and certificates of title, distributing 50% of net revenue to the State Police Retirement Fund.

**Act 752** (HB 1774, Rep. Linda Tyler and Sen. David Wyatt) Removes limitations for the amount of turnback funds that cities may use for public transportation and allows those funds to be spent on both public transportation and other transportation systems improvements or services.

**Act 773** (HB 1902, Rep. Robert Moore, Jr.) Levies and additional \$.05 tax per gallon of motor vehicle fuel, conditioned upon elector's approval of the levy and of highway bond issuance.

**Act 788** (SB 377, Sen. Jake Files) Amends various provisions relating to taxation on motor fuel, distillate special fuel and liquified gas special fuel.

**Act 904** (SB 92, Sen. Cecile Bledsoe) Allows for two- or three-year registration of personal-use motor vehicles. Renewal of registration would require proof of insurance coverage and payment of property tax for the preceding two or three years.

## **UTILITIES**

**Act 173** (HB 1062, Rep. Buddy Lovell) Authorizes the Public Service Commission to impose a surcharge of up to \$0.03 per telephone number per month on commercial mobile radio service providers to support the Telecommunications Equipment Fund.

**Act 197** (SB 359, Sen. David Johnson and Rep. Fred Allen) Requires water systems serving 5000 persons or more to maintain a fluoride content in its water as established by the Department of Health; requires the Health Department to adopt rules relating to fluoridation of water systems.

**Act 290** (HB 1525, Rep. Bobby Pierce) Requires the Public Service Commission to open a rule-making docket to replace any discontinued elements used to calculate telecommunications carriers' loop support or local switching support.

**Act 594** (SB 755, Sen. Robert Thompson) Prohibits the Public Service Commission from imposing any quality of service rules and standards or reporting on any telecommunications provider in certain exchanges in which electing companies are authorized to determine the rates.

**Act 605** (HB 1441, Rep. Loy Mauch and Sen. Mike Fletcher) Increases the threshold size triggering annual financial audits for entities that provide water or sewage services from 500 to 750 service connections.

**Act 735** (SB 876, Sen. Jake Files) Adds natural gas public utilities to the Clean Energy Development Act and allow the use of biofuel to satisfy a public utility's energy efficiency and conservation goals.

**Act 740** (HB 1474, Rep. James McLean) Increases the time period following an annexation during which land may be detached from a municipality that has not provided utility services to the land, from three to eight years.

**Act 803** (SB 823, Sen. Jimmy Jeffress and Rep. Tiffany Rogers) Requires each public agency occupying a state-owned building to complete an energy audit by June 30, 2016 and report findings to the Arkansas Energy Office.

**Act 910** (HB 1895, Rep. David "Bubba" Powers) Amends provisions relating to major utility facilities, creating a declaration-of-need proceeding, which exempts approved facilities from need for certificate of public convenience and necessity and jurisdiction of courts to stop construction.

**Act 1050** (HB 2033, Rep. John Vines) Specifically prohibits government entities from offering voice, data, broadband, video, wireless, or telecommunication service; explicitly authorizes entities to purchase those services through the Information Systems Department.

**Act 1165** (HB 1050, Rep. Bruce Westerman) Amends the alternative Fuels Development Act to include rebate incentives for the conversion or modification of school buses to run on compressed natural gas.

**WORKERS' COMPENSATION**

**Act 917** (SB 84, Joint Budget Committee) Appropriates funds to the Workers' Compensation Commission for 2011-12 operations.