

INDEX OF COUNTY GOVERNMENT ACTS

2009 LEGISLATIVE SESSION



Association of Arkansas Counties
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Foreword

The following list of Acts of the 2009 Regular Session of the 87th General Assembly has been compiled for your information by the staff of the Association of Arkansas Counties. We have made every effort to identify all Acts that relate to county government. However if we missed any, we ask you to please let us know.

Of the 2,285 bills filed during the session, 1,501 became Acts. AAC tracked over 500 bills during the session that could affect county government. More than 270 of those bills became law. The full text of each Act is available on the internet at the AAC website, www.arcounties.org or the Arkansas General Assembly website, www.arkleg.state.ar.us

Eddie A. Jones
Executive Director

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Quorum Court

Gene Raible, Johnson County (479) 754-8637
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2009
Index of County Government Acts
87th General Assembly

ACT	APPROPRIATION ACTS
90	Appropriates funds to the Auditor of State for operation of the continuing education program for county clerks, treasurers, collectors, and circuit clerks. (E)
105	Appropriates supplemental funds to the Department of Correction for reimbursement to counties housing state inmates.
122	Appropriates funds to the Treasurer of State for refund of local sales and use taxes.
124	Appropriates funds to the Treasurer of State for distribution of Amendment 74 funds to counties.
132	Appropriates supplemental funds to the Assessment Coordination Department for paying counties and professional reappraisal companies for the cost of reappraisal of real property. (E)
306	Appropriates funds to the State Board of Election Commissioners for 2009-10 operations.
353	Appropriates supplemental funds to the Department of Finance and Administration Disbursing Officer from the Disaster Assistance Fund for disaster grants.
599	Appropriates funds to the Assessment Coordination Department for 2009/10 operations, Assessors continuing education, and county cyclical reappraisals. This Act also requires the Tax Collection Data Report be prepared annually by the preparer of the tax books and provides a means for paying the additional cost of a county reappraisal if the cost exceeds seven dollars per parcel. (E)
627	Appropriates funds to the Auditor of State for District Court Judges 2009-10 operations.
751	Supplemental appropriation of \$40,000 to the Administrative Office of the Courts for 2008-09 reimbursements to Arkansas counties for the costs of jurors.
1276	Appropriates funds to County and Municipal Aid Funds for state turnback for 2009-10.
1285	Appropriates funds to the Department of Correction for 2009-10 operations as well as for reimbursements to counties housing prisoners for the Department.
1319	Appropriates funds to the Public Defender Commission for 2009/10 operations and provides that a portion of bail bond fees collected by the Public Defender Commission be remitted to each county for the purpose of defraying the operating expenses of the local public defender's office.
1389	Appropriates funds to the Community Correction Department for 2009-10 operations as well as for reimbursements to

ACT**APPROPRIATION ACTS (cont.)**

- counties housing prisoners for the Department.
- 1424 Appropriates funds to the Administrative Office of the Courts for 2009-10 operations, including \$150,000.00 for court technology grants and \$250,000.00 in court security grants.
- 1442 Funding of the 87th General Improvement Fund Projects
& 1443 Account including \$2,500,000 for Arkansas Counties based on the general revenue turnback formula; grant money available to counties through various state agencies; more.

ACT**ASSESSORS**

- 132 Appropriates supplemental funds to the Assessment Coordination Department for paying counties and professional reappraisal companies for the cost of reappraisal of real property. (E)
- 151 Requires homesteads used as a taxpayer's principal place of residence bought after 1/1/2001 by persons disabled or 65 years or older be assessed for property tax at the lower of the value when purchased or a later lower assessed value.
- 276 Prohibits county equalization boards from adjusting any property assessment other than the assessment made during the year the board meets to consider the application for adjustment.
- 277 Requires personal property assessment based on the value at the date of acquisition, rather than January 1 of the year of the assessment, if the date of acquisition is between January 2 and May 31.
- 278 Deletes the requirement for original valuations of newly acquired personal property in assessment year 2010 and after.
- 347 Authorizes quorum courts to designate by ordinance the county clerk as preparer of the county's tax books.
- 421 Provides that a nonproducing mineral right has zero value for property tax assessment purposes.
- 599 Appropriates funds to the Assessment Coordination Department for 2009/10 operations, Assessors continuing education, and county cyclical reappraisals. This Act also requires the Tax Collection Data Report be prepared annually by the preparer of the tax books and provides a means for paying the additional cost of a county reappraisal if the cost exceeds seven dollars per parcel. (E)
- 655 Amends various sections of Title 26, the Taxation Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 721 Allows quorum courts of counties using electronic data processing to process and produce county tax records to designate the county officer responsible for the processing and to designate the county official responsible for tax settlements.

ACT ASSESSORS (cont.)

- 1183 Requires mineral lease holders to notify the owner of the mineral rights by mail upon transfer of the lease to another person.
- 1189 Establishes the procedure for equalization boards to follow when changing property values in a year when a county is not completing reappraisal.

ACT CIRCUIT CLERKS

- 90 Appropriates funds to the Auditor of State for operation of the continuing education program for county clerks, treasurers, collectors, and circuit clerks. (E)
- 160 Provides the circuit clerk is the recorder of the county, unless the duties of county recorder have been assigned by law to the county clerk, in which case all relevant Code references to circuit clerk shall mean the county clerk.
- 165 Provides that the office or official responsible for the collection of fines shall remit the drug crime special assessment directly to the Arkansas Dept. of Finance and Administration of Justice Fund as well as amending various sections of Title 12, the Law Enforcement, Emergency Management, and Military Affairs Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 202 Excludes writs of execution and writs of garnishment from the uniform \$15 for one page and \$5 for each additional page charged by county recorders.
- 221 Requires the reports of the Supreme Court and the Court of Appeals to be made publicly available for viewing at no charge via the internet.
- 236 Requires court security officers complete training recommended by the Supreme Court Security and Emergency Preparedness Advisory Committee within one year.
- 290 Specifies that a summons required as an action on a bail bond shall be served on the surety by certified mail in the manner provided in Rule 4 of the Arkansas Rules of Civil Procedure.
- 301 Provides a guardianship petition may be filed either in Arkansas or in the state where a juvenile who is the subject of an open case under the Arkansas Juvenile Code resides under the Interstate Compact on Placement of Children.
- 311 Amends various provisions of the Residential Landlord-Tenant Act of 2007.
- 328 Provides for the staffing, operation, and fee-based funding of the Automated Court Management System by increasing certain fees charged by the Clerk of the Supreme Court, levying a new "Court Technology Fee" of fifteen dollars (\$15.00) to be charged by the court clerk in all civil case filings in district and circuit court. In addition, in the office of circuit clerk, this act eliminates certain antiquated charges required by A.C.A. § 21-6-402, increases the charge for the

ACT**CIRCUIT CLERKS (cont.)**

- issuance of writs to twenty dollars (\$20.00) and increases the charge for transcript preparation to \$2.50 per page.
- 334 Adds school principals, assistant principals, assistant superintendents, and the employees responsible for alternative learning environments to the list of persons who receive notice when court orders amend juvenile safety plans. (E)
- 454 Makes various changes to provisions for mechanic's and materialmen's liens.
- 464 Provides procedures for the eviction of tenants who use or allow others to use the tenants leased premises for certain common nuisance, gambling, prostitution or unlawful sale of alcohol.
- 475 Increases the uniform filing fee for initiating a cause of action in circuit court from \$140 to \$150.
- 477 Requires copies of the uniform petition for sealing of a criminal record to be filed also with any city or district court where the individual appeared before the transfer of the case to circuit court.
- 480 Divides the nine-member County and Circuit Clerks Continuing Education Board into two separate seven-member boards.
- 490 Authorizes drug court judges to order offenders to pay authorized fees due to the Department of Community Correction; directs all court costs and program user fees to be paid by the court clerk into the county treasury for the benefit of the County Administration of Justice Fund or the Drug Court Program Fund.
- 633 Makes various changes to the payment and collection of court fine, fee, and restitution payments.
- 635 Provides that child support payment responsibilities terminates along with the termination of parental rights and responsibilities upon the entry of a final degree of adoption.
- 644 Clarifies that the portion of proceeds the Arkansas Towing and Recovery Board receives from criminal fines for towing Violations is to be disbursed through the Administration of Justice Fund Section of DF&A.
- 655 Amends various sections of Title 26, the Taxation Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 698 Makes various revisions to the Domestic Abuse Act of 1991, addressing court jurisdiction, petitions for orders of protection, juvenile respondents to orders of protection, and child custody matters.
- 725 Expires the term of current members of the Electronic Recording Commission on Sept. 1, 2009; sets two-year terms for members and authorizes reimbursement of expenses for commission members and the Automated Records Systems Fund Committee.
- 749 Creates the Child Maltreatment Act; provides a system for reporting child maltreatment and insuring prompt

ACT**CIRCUIT CLERKS (cont.)**

- investigation, protecting the child, enhancing support of law enforcement, and stabilizing home environments when possible.
- 751 Supplemental appropriation of \$40,000 to the Administrative Office of the Courts for 2008-09 reimbursements to Arkansas counties for the costs of jurors.
- 760 Creates a task force to study the funding of the Arkansas judicial system.
- 770 Requires a five dollar (\$5) monthly fee be assessed if the court authorizes payment of restitution by a defendant in installments, with proceeds remitted to the collecting official to defray the cost of restitution collection.
- 782 Authorizes courts to accept payments through a third party for the collection of fines paid by credit card.
- 942 Requires financing statements for agricultural liens, and related continuation or termination statements, be filed with the Secretary of State after Jan. 1, 2010, rather than the circuit clerk in the county in which the debtor is located.
- 956 Establishes a mandatory five day waiting period for the issuance of marriage licenses to underage applicants and revises various provisions concerning juveniles, the Juvenile Code, and juvenile justice, including driving citations, arrest and arrest records, adjudication hearings, permanency planning, youth services aftercare, etc. (E)
- 1190 Revises the Title Insurance Act regarding title insurance and title insurance agents and provides that a title insurance agent or his or her personnel shall have free access to records affecting real property and may occupy reasonable space for the access of such records.
- 1209 Provides that court clerks that save digitized versions of judgments on an internet-based system where they are accessible and searchable by name and case number do not have to index them in a judgment book.
- 1292 Requires the Office of Child Support Enforcement of the Department of Finance and Administration to provide monthly reports to county circuit clerks of money received in payment of arrearages for child support.
- 1366 Provides that records, correspondence, case histories, medical records and other materials compiled by child advocacy centers are exempt from disclosure requirements of the Freedom of Information Act.
- 1399 Requires the reporting of certain adoption data, by petitioners, to the Department of Human Services on forms provided by the Department and the transmittal of such completed forms to the Department by the court clerk.
- 1424 Appropriates funds to the Administrative Office of the Courts for 2009-10 operations, including \$150,000.00 for court technology grants and \$250,000.00 in court security grants.
- 1491 Defines instances in which a felony conviction is not counted against the offender for purposes of gun ownership if the

ACT

CIRCUIT CLERKS (cont.)

offender subsequently receives a pardon explicitly reinstating his or her right to gun ownership; provides that a drug court judge may, on his or her own motion or upon a request from an offender, order expungement and dismissal of certain cases.

ACT

COLLECTORS

- 90 Appropriates funds to the Auditor of State for operation of the continuing education program for county clerks, treasurers, collectors, and circuit clerks. (E)
- 151 Requires homesteads used as a taxpayer's principal place of residence bought after 1/1/2001 by persons disabled or 65 years or older be assessed for property tax at the lower of the value when purchased or a later lower assessed value.
- 300 Authorizes volunteer fire departments to provide coverage to towns and cities of the second class that are not served by a fire department; provides for collection procedures, including court enforcement, of delinquent dues by a fire department.
- 347 Authorizes quorum courts to designate by ordinance the county clerk as preparer of the county's tax books.
- 400 Requires the Commissioner of State Lands to transmit to each county, from the proceeds of a sale of tax-delinquent land, an amount equal to the delinquent personal property taxes, plus penalty, of the owners of the land.
- 531 Deletes the requirement that ad valorem taxes on mineral interests must outweigh the cost of collecting the tax in order for the tax to be collected rather than recorded for accounting purposes only.
- 555 Authorizes and prescribes requirements for the county collector to distrain goods or chattels of persons for delinquent personal property taxes on personal property owned by the business.
- 655 Amends various sections of Title 26, the Taxation Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 721 Allows quorum courts of counties using electronic data processing to process and produce county tax records to designate the county officer responsible for the processing and to designate the county official responsible for tax settlements.

ACT

CORONERS

- 1275 Creates the Coroner's Advisory Task Force to develop standards and policy recommendations, including recommendations to the 88th General Assembly regarding the duties and proper compensation of coroners.

ACT**CORONERS (cont.)**

- 1286 Adds the prosecuting attorney to the list of officials who must be notified of certain deaths and clarifies that either the sheriff of the county or the chief of police of the municipality in which a death has occurred must also be notified.
- 1288 Provides that a coroner's preliminary report shall include a pronouncement of death, that the Arkansas State Medical Board shall enforce by rule the requirement that the medical certification shall be returned to the funeral director within two (2) business days after receipt of the death certificate and adds hospice RN as a person who may pronounce deaths.

ACT**COUNTY CLERKS**

- 26 Repeals provisions for the February presidential preferential primary elections, effectively restoring it to the third week in May.
- 27 An Act concerning residency requirements in a city form of government.
- 90 Appropriates funds to the Auditor of State for operation of the continuing education program for county clerks, treasurers, collectors, and circuit clerks. (E)
- 160 Provides the circuit clerk is the recorder of the county, unless the duties of county recorder have been assigned by law to the county clerk, in which case all relevant Code references to circuit clerk shall mean the county clerk.
- 165 Provides that the office or official responsible for the collection of fines shall remit the drug crime special assessment directly to the Arkansas Dept. of Finance and Administration of Justice Fund as well as amending various sections of Title 12, the Law Enforcement, Emergency Management, and Military Affairs Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 188 Increases the period in which petitions for qualifications as an independent candidate may be circulated from the 60 days prior to the filing deadline to 90 days prior; increases from 60 to 90 days the petition period for qualifying new parties.
- 202 Excludes writs of execution and writs of garnishment from the uniform \$15 for one page and \$5 for each additional page charged by county recorders.
- 217 Amends notification requirements for estates of deceased persons and increases the period for claims against the estate from three to six months from the first publication of notice.
- 250 Amends various sections of Title 7, the Elections Code, making technical changes, deleting obsolete language, and substituting clarifying language.
- 281 Provides that ballot forms must list statewide measures in the specified order as Issues, beginning with Issue 1, and list

ACT**COUNTY CLERKS (cont.)**

- local measures separately and in order.
- 292 Requires county election boards to consult with each school district regarding the number and location of polling sites for the district's annual school election; allows districts to deduct expenses for election officials from reimbursement.
- 294 Increases the permit fees for sales of alcoholic beverages; provides for temporary issuance of temporary sales permits; sets requirements for a local Sunday sales referendum; repeals 3-9-4; regarding Sunday sales of alcoholic beverages. (E)
- 300 Authorizes volunteer fire departments to provide coverage to towns and cities of the second class that are not served by a fire department; provides for collection procedures, including court enforcement, of delinquent dues by a fire department.
- 306 Appropriates funds to the State Board of Election Commissioners for 2009-10 operations.
- 310 Requires all statements appearing in a newspaper, on radio, TV or on the web that is intended to influence the vote of electors and for which consideration is paid to clearly state that it is a paid political message and to identify the true sponsor of the statement.
- 315 Requires the annual county financial report include a statement of the short-term indebtedness of the county, as well as the statement of bonded indebtedness.
- 328 Provides for the staffing, operation, and fee-based funding of the Automated Court Management System by increasing certain fees charged by the Clerk of the Supreme Court, levying a new "Court Technology Fee" of fifteen dollars (\$15.00) to be charged by the court clerk in all civil case filings in district and circuit court. In addition, in the office of circuit clerk, this act eliminates certain antiquated charges required by A.C.A. § 21-6-402, increases the charge for the issuance of writs to twenty dollars (\$20.00) and increases the charge for transcript preparation to \$2.50 per page.
- 347 Authorizes quorum courts to designate by ordinance the county clerk as preparer of the county's tax books.
- 348 Allows county clerks to use both the automation fund and the county clerk's cost fund for distribution of the additional marriage license fee authorized at ACA 16-20-407 for support of automating county clerk record systems.
- 362 Provides a procedure for petition and election to recall elected municipal officials elected to four-year terms in mayor-council form of governments.
- 370 Requires regional water districts including four or more counties to file a service area map with the county clerk no later than Jan. 31 before the general election and board nomination petitions no later than July 1 before the general election.
- 375 Repeals provision for an Arkansas presidential preferential primary election now separate from the preferential primary and set for the first Tuesday in February in presidential

ACT**COUNTY CLERKS (cont.)**

- years.
- 382 Authorizes municipalities to refer to the voters a change to extend the expiration date for a local sales and use tax beyond the expiration date previously approved.
- 383 Authorizes counties to refer to the voters a change to extend the expiration date for a local sales and use tax beyond the expiration date previously approved.
- 385 Repeals provision for special elections to fill vacancies in alderman positions in cities with populations 20,000 and over and 50,000 and over, leaving all city council vacancies to be filled by majority vote of the remaining elected members.
- 386 Requires levee, drainage, irrigation, watershed and river improvement districts to file a report with the county annually that contains the districts' information, including names and addresses of board members and meeting information, maps of the district boundaries, etc.
- 420 Amends municipal annexation election procedures for circumstances when two municipalities vote to annex an area by providing for a third annexation election.
- 473 Prohibits specific political contributions from prohibited political action committees; requires registration of independent expenditure committees, prohibits public employees from devoting office time to gathering signatures, more.
- 475 Increases the uniform filing fee for initiating a cause of action in circuit court from \$140 to \$150.
- 480 Divides the nine-member County and Circuit Clerks Continuing Education Board into two separate seven-member boards.
- 529 Authorizes planning and development districts to apply with a municipality for designation as a public corporation for one or more projects.
- 658 Creates a Class D felony for persons who receive or cast an absentee ballot in violation of provisions of ACA 7-5-409.
- 659 Revises voter registration; revises Sec. 10 of Amd. 51 to provide revised voter information must be received four days prior to the election; provides for members of the merchant marine and military families to use absentee voting.
- 680 Provides that the proper venue for filing a petition for involuntary admission of persons with mental illness is with the probate clerk of the county in which the person is detained, rather than the county where initially detained.
- 703 Removes the overseas absentee ballot preparation requirement for non-partisan judicial elections.
- 721 Allows quorum courts of counties using electronic data processing to process and produce county tax records to designate the county officer responsible for the processing and to designate the county official responsible for tax settlements.
- 802 Revises various provisions of the Department of Workforce Service law with respect to employment, discharge, and

ACT**COUNTY CLERKS (cont.)**

- recovery of overpayments, other clean-up and technical changes and increasing the amount of wages on which unemployment tax is paid. (E)
- 812 Allows county boards of election commissioners to reduce or eliminate the number of open polling places on primary election day if there are only unopposed candidates and no other ballot issues for consideration.
- 956 Establishes a mandatory five day waiting period for the issuance of marriage licenses to underage applicants and revises various provisions concerning juveniles, the Juvenile Code, and juvenile justice, including driving citations, arrest and arrest records, adjudication hearings, permanency planning, youth services aftercare, etc. (E)
- 959 Amends various provisions of election law, including limiting nonpartisan judicial candidates to three given names on the ballot and limiting the use of titles to the prefix of the judicial office currently held.
- 1186 Provides for the timely and accurate receipt of data needed to calculate and adjust foundation funding amounts distributed to public school districts.
- 1189 Establishes the procedure for equalization boards to follow when changing property values in a year when a county is not completing reappraisal.
- 1294 Requires at least one polling site in each county that has registered electors in a contested school election for a school district that has territory in that county.
- 1399 Requires the reporting of certain adoption data, by petitioners, to the Department of Human Services on forms provided by the Department and the transmittal of such completed forms to the Department by the court clerk.
- 1407 Revises qualifications required of candidates seeking the office of district judge.
- 1454 Requires the petition for removal of a director or a city manager form of government be filed with the city clerk within 90 days after collection of signatures began; requires a certified letter be mailed to the incumbent.
- 1480 Amends various laws concerning the administration of elections and special elections.

ACT**COUNTY JUDGES**

- 74 Adds meal tips as a reimbursable expense for county personnel, but limits the reimbursable amount to 15% of the purchase amount of the meal.
- 105 Appropriates supplemental funds to the Department of Correction for reimbursement to counties housing state inmates.
- 145 Excepts producers of natural gas from the required report of severed natural resources within 25 days of the end of each

ACT**COUNTY JUDGES (cont.)**

- month, allowing them to file the report by the 25th day of the second month following the month covered by the report.
- 159 Revises rabies control laws, authorizing the State Board of Health to establish vaccination regulations, repeals the exemptions for cities with vaccination ordinances and border cities, authorizes euthanization of animals, more.
- 163 Deletes obsolete language specifying state aid amounts to be paid to local governments in past years.
- 165 Provides that the office or official responsible for the collection of fines shall remit the drug crime special assessment directly to the Arkansas Dept. of Finance and Administration of Justice Fund as well as amending various sections of Title 12, the Law Enforcement, Emergency Management, and Military Affairs Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 166 Amends various sections of Title 16, the Practice, Procedure and Courts Code, making technical changes, deleting obsolete language, and substituting clarifying language.
- 189 Exempts the Keep Arkansas Beautiful and Keep America Beautiful organizations from landfill fees during those organizations' annual campaigns.
- 204 Exempts county inspectors and code enforcement officers from law enforcement training requirements, as are inspectors and code enforcement officers of cities and towns.
- 209 Increases the maximum fines for misdemeanor violations; authorizes the quorum court to increase the additional dedicated fine per conviction from five to twenty dollars and clarifies the prescribed incarceration-related uses, including merit pay for county deputies and jail personnel, for those funds.
- 229 Provides for county judges and sheriffs to each designate three persons in succession to fill the vacancies of their offices should the judge or sheriff die or become otherwise incapacitated during a declared emergency situation.
- 232 Clarifies the Governor's power to order the Arkansas National Guard into active service to work with agencies in the planning and training for emergencies or disasters, as well as to respond to emergencies and disasters.
- 236 Requires court security officers complete training recommended by the Supreme Court Security and Emergency Preparedness Advisory Committee within one year.
- 293 Creates an additional circuit judgeship in the Fourth Judicial District.
- 294 Increases the permit fees for sales of alcoholic beverages; provides for temporary issuance of temporary sales permits; sets requirements for a local Sunday sales referendum; repeals 3-9-4; regarding Sunday sales of alcoholic beverages. (E)
- 298 Authorizes counties to set a later effective date for county sales taxes, allowing a delay of up to 36 months if the delayed

ACT

COUNTY JUDGES (cont.)

- effective date is indicated on the ordinance levying the tax and on the ballot.
- 300 Authorizes volunteer fire departments to provide coverage to towns and cities of the second class that are not served by a fire department; provides for collection procedures, including court enforcement, of delinquent dues by a fire department.
- 319 Increases the maximum fine a county is authorized to levy for violations of a county ordinance from \$500 to \$1,000 and increases the maximum daily fine for each day the violation is continued from \$250 to \$500.
- 345 Increases district court filing fees, establishes additional pilot state district court judgeships and consolidates city courts with district courts.
- 353 Appropriates supplemental funds to the Department of Finance and Administration Disbursing Officer from the Disaster Assistance Fund for disaster grants.
- 369 Requires operators of oil and gas drilling fluid disposal sites to provide to the Arkansas Dept. of Environmental Quality a plan to close such disposal facilities along with an estimate of
- the costs of closure along with financial assurance that the operator of the permitted facility is capable of closing such disposal site per such plan.
- 374 Creates the Blue Ribbon Committee on Highway Finance to define an equitable system to finance highway, road and street improvements; includes legislators and members from the public, the Highway Commission; other stakeholders.
- 383 Authorizes counties to refer to the voters a change to extend the expiration date for a local sales and use tax beyond the expiration date previously approved.
- 384 Amends sales tax provisions to be consistent with the Streamlined Sales and Use Tax Agreement and provides that sales tax is levied on the withdrawal of goods from the stock of an established business.
- 386 Requires levee, drainage, irrigation, watershed and river improvement districts to file a report with the county annually that contains the districts' information, including names and addresses of board members and meeting information, maps of the district boundaries, etc.
- 390 Creates a Class D felony for the offense of damaging wires and other fixtures of telephone, cable and electric power companies; adds new restrictions and requirements on scrap metal dealers.
- 399 Increases the amount of funds fire protection districts established under A.C.A. § 14-284-101 et seq are authorized to borrow from \$50,000 to \$150,000.
- 407 Provides that public facilities boards in metropolitan areas with over one million in population will appoint successor members by a majority vote of the board.
- 410 Amends county procurement procedures, authorizing counties to cancel the lease of property that is no longer used, trade

ACT**COUNTY JUDGES (cont.)**

- used property for consideration, conduct a sale of used property over the internet, more.
- 411 Adds procedures for municipalities that do not have district or city courts to contribute to the operation of a nearby district court through prorated fines and fees.
- 417 Allows any current local government elected official, rather than only full-time officials, and retired as well as active employees of a local government to serve on local government joint investment trusts.
- 432 Provides for Health Department regulation of emergency volunteer health practitioners and related entities while emergency declarations are in effect.
- 456 Amends law enforcement provisions relating to traffic citation reporting and makes various changes to commercial driver license regulations including license qualifications, drug testing, violations, suspensions and penalties.
- 493 Increases the maximum weight allowed on the front or steering axle of a motor vehicle from 20,000 lbs to 24,000 lbs. (E)
- 529 Authorizes planning and development districts to apply with a municipality for designation as a public corporation for one or more projects.
- 545 Specifies that the authorization for municipalities and counties to issue bonds for capital improvements and efficiency-based projects extends to projects near the municipality or county.
- 546 Requires that a civil suit against a public facilities board, in which the city or county in which the board is located is also a defendant, concerning a debt, account, note, or goods or services be brought in the county in which the board lies.
- 567 Allows the Highway Commission to issue special permits for hauling sealed containerized cargo units across a county line, as well as within a county.
- 570 Specifies that maintenance and operation costs of county libraries include rental costs paid for the library facility.
- 599 Appropriates funds to the Assessment Coordination Department for 2009/10 operations, Assessors continuing education, and county cyclical reappraisals. This Act also requires the Tax Collection Data Report be prepared annually by the preparer of the tax books and provides a means for paying the additional cost of a county reappraisal if the cost exceeds seven dollars per parcel. (E)
- 627 Appropriates funds to the Auditor of State for District Court Judges 2009-10 operations.
- 655 Amends various sections of Title 26, the Taxation Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 678 Specifies that county judges may institute civil actions against persons or corporations on behalf of the county.
- 686 Creates the Wildlife Observation Trails Pilot Program, creating an advisory board and noting the agreement of the Game

ACT**COUNTY JUDGES (cont.)**

- and Fish Commission to give two million dollars to the Program from Fayetteville shale gas lease money.
- 692 Creates the Animal Rescue and Shelter Trust Fund, funded with proceeds from the special license plate created herein; support funds to be distributed to eligible registered, governmentally owned animal rescue shelters.
- 696 Increases the terms of county health officers from two to four years requires they be licensed to practice medicine in Arkansas, adds county emergency preparedness response planning and responsibilities to their duties.
- 711 Requires the Depart. Of Emergency Management and the Earthquake Authority to create a Disaster Preparedness Program to plan for the event of a major flood or earthquake.
- 732 Removes township officers from the list of those officials a county may reimburse for discretionary and nondiscretionary expenses. Authorizes allowances for expenses paid to county employees to be on a per diem basis, subject to quorum court approval; requires those reimbursements be made under an accountable plan as defined by 2009 IRS regulations.
- 747 Sets out new requirements and procedures for petitioning for an access easement.
- 751 Supplemental appropriation of \$40,000 to the Administrative Office of the Courts for 2008-09 reimbursements to Arkansas counties for the costs of jurors.
- 760 Creates a task force to study the funding of the Arkansas judicial system.
- 763 Authorizes local option regarding late night and Sunday alcohol sales. Authorizes retail liquor stores to sell small farm winery wine without possessing the separate small farm winery wine retail permit.
- 764 Prescribes how a library millage, under Amendment 38, can be used in "maintaining and operating" the public library.
- 765 Authorizes certain fire districts to assess landowners on a per-acre basis rather than the current per-parcel basis.
- 767 Exempts the purchase of thermal imaging equipment by county governments for use by law enforcement aircraft from sales and use tax.
- 792 Requires law enforcement equipment be removed from law enforcement vehicles before resale.
- 802 Revises various provisions of the Department of Workforce Service law with respect to employment, discharge, and recovery of overpayments, other clean-up and technical changes and increasing the amount of wages on which unemployment tax is paid. (E)
- 808 Authorizes the carryover by firefighters of certified training hours earned in excess of annual requirements; exempts members of fire departments not engaged in firefighting from requirements but eligible for workers' compensation.

ACT**COUNTY JUDGES (cont.)**

- 810 Authorizes county judges that do not have road maintenance agreements with entities hauling oil and gas production fluids to disposal sites to designate routes to disposal sites and assess a road maintenance fee of up to \$5 per load on haulers. (E)
- 840 Requires local sales taxes on aviation fuel to be remitted from the Treasurer of State directly to the publicly owned airport where the fuel purchase was made.
- 941 Provides a credit or rebate of local sales and use tax in excess of \$2,500 paid on the purchase of a trailer.
- 947 Allows all state agencies and entities to make grants available for the purpose of supporting the Connect Arkansas broadband nonprofit and declares the need for expanded broadband access through regional broadband collaborations.
- 956 Establishes a mandatory five day waiting period for the issuance of marriage licenses to underage applicants and revises various provisions concerning juveniles, the Juvenile Code, and juvenile justice, including driving citations, arrest and arrest records, adjudication hearings, permanency planning, youth services aftercare, etc. (E)
- 1177 Establishes the Task Force on Water Source Protection, defines membership, duties, and responsibilities, and requires the Task Force to report findings on or before December 31, 2009.
- 1181 Increases the period of time that redevelopment districts may exist from 25 to 40 years.
- 1185 Allows a firefighter or other emergency response worker or volunteer to request an employer to make a mandatory investigation if he or she may have been exposed to a life-threatening airborne or blood-borne disease while on duty.
- 1196 Requires the Arkansas Energy Office to collect data on aviation fuels; authorizes the Energy Office to require cities and counties issuing building permits to adopt the current Arkansas Energy Code for new building construction.
- 1220 Allows solid waste management facilities to collect methane gas created by yard waste for conversion to energy.
- 1221 Increases the emergency telephone (911) service fee on commercial mobile radio service connections, voice over internet protocol, and nontraditional telephone service from 50 cents per month to 65 cents per month and changes the distribution formula to increase the amount of funding to PSAPS.
- 1276 Appropriates funds to County and Municipal Aid Funds for state turnback for 2009-10.
- 1319 Appropriates funds to the Public Defender Commission for 2009/10 operations and provides that a portion of bail bond fees collected by the Public Defender Commission be remitted to each county or the purpose of defraying the operating expenses of the local public defender's office.

ACT**COUNTY JUDGES (cont.)**

- 1424 Appropriates funds to the Administrative Office of the Courts for 2009-10 operations, including \$150,000.00 for court technology grants and \$250,000.00 in court security grants.
- 1442 Funding of the 87th General Improvement Fund Projects
& 1443 Account including \$2,500,000 for Arkansas Counties based on the general revenue turnback formula; grant money available to counties through various state agencies; more.
- 1446 Sets the salaries for judges and other personnel of various district courts.
- 1448 Clarifies that cities of the second class are authorized to regulate ambulance patient transports.
- 1476 Provides procedures for distribution of money received by the Treasurer of State from the federal government for sale, lease and royalty of oil, gas or mineral rights on federal land within the state.
- 1482 Revises the cap on reimbursements to volunteer fire departments for services provided from \$500 to \$800.

ACT**COUNTY SHERIFFS**

- 33 Establishes cruelty, abandonment, or neglect of an animal as an unclassified misdemeanor with penalties including a fine of no less than \$150 and no more than \$1,000 and either up to one year imprisonment or community service and psychiatric counseling.
- 105 Appropriates supplemental funds to the Department of Correction for reimbursement to counties housing state inmates.
- 159 Revises rabies control laws, authorizing the State Board of Health to establish vaccination regulations, repeals the exemptions for cities with vaccination ordinances and border cities, authorizes euthanization of animals, more.
- 165 Provides that the office or official responsible for the collection of fines shall remit the drug crime special assessment directly to the Arkansas Dept. of Finance and Administration of Justice Fund as well as amending various sections of Title 12, the Law Enforcement, Emergency Management, and Military Affairs Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 168 Authorizes the state police to access and use the National Fingerprinting File and Interstate Identification Index in instances where Arkansas law authorizes a fingerprint check for a noncriminal justice purpose.
- 181 Prohibits the use of handheld cellular telephones for text messaging or emailing while driving.
- 186 Declares a misdemeanor to alter motor vehicle temporary cardboard buyer's tags, punishable by a fine of \$100 - \$500.
- 194 Adds to the offenses of domestic battering in the first and second degrees, making violence against household

ACT**COUNTY SHERIFFS (cont.)**

- members who are over 60 years of age and under 12 years of age applicable to those offenses.
- 196 Makes performing a partial-birth abortion a Class D felony; increases Medical Board civil fines from \$10,000 to \$25,000 first violation, higher for subsequent; allows civil actions for \$50,000 in exemplary damages and triples actual damages.
- 197 Prohibits minors from using cell phones or other wireless devices while driving, and requires drivers between the ages of 18 and 21 to use a hands-free device.
- 205 Increases membership of the Commission on Law Enforcement Standards & Training from 9 to 10 and requires that one member be an officer of the Department of Arkansas State Police.
- 209 Increases the maximum fines for misdemeanor violations; authorizes the quorum court to increase the additional dedicated fine per conviction from five to twenty dollars and clarifies the prescribed incarceration-related uses, including merit pay for county deputies and jail personnel, for those funds.
- 229 Provides for county judges and sheriffs to each designate three persons in succession to fill the vacancies of their offices should the judge or sheriff die or become otherwise incapacitated during a declared emergency situation.
- 239 Requires retail fireworks sales facilities to be at least 50 feet from retail motor fuel, propane and compressed natural gas dispensing facilities, above-ground storage tanks for combustible liquids, and flammable gases or liquefied gases.
- 247 Prohibits drivers under the age of 18 from using a cellular telephone to talk, text message, or access the internet; specifies that a \$50.00 fine be issued for a second offense following a warning on the first offense.
- 290 Specifies that a summons required as an action on a bail bond shall be served on the surety by certified mail in the manner provided in Rule 4 of the Arkansas Rules of Civil Procedure.
- 294 Increases the permit fees for sales of alcoholic beverages; provides for temporary issuance of temporary sales permits; sets requirements for a local Sunday sales referendum; repeals 3-9-4; regarding Sunday sales of alcoholic beverages. (E)
- 308 Repeals ACA 27-37-704, which prohibited vehicle stops solely to determine compliance with seat belt laws. Forbids the suspension or revocation of a driver's license based on violation of seat belt laws. (E)
- 311 Amends various provisions of the Residential Landlord-Tenant Act of 2007.
- 313 Authorizes government-owned and government-operated motor vehicle storage facilities to require proof of insurance before releasing impounded motor vehicles.
- 318 Increases the fines for violation of the Uniform Motor Vehicle Administration, Certificate of Title, and Antitheft Act from

ACT**COUNTY SHERIFFS (cont.)**

- \$25 per misdemeanor violation to \$500 for the first offense, \$1,000 for the second, and \$1,500 thereafter.
- 328 Provides for the staffing, operation, and fee-based funding of the Automated Court Management System by increasing certain fees charged by the Clerk of the Supreme Court, levying a new "Court Technology Fee" of fifteen dollars (\$15.00) to be charged by the court clerk in all civil case filings in district and circuit court. In addition, in the office of circuit clerk, this act eliminates certain antiquated charges required by A.C.A. § 21-6-402, increases the charge for the issuance of writs to twenty dollars (\$20.00) and increases the charge for transcript preparation to \$2.50 per page.
- 329 Prohibits the sale, gift or distribution of novelty lighters.
- 330 Increases the penalty for certain acts of voyeurism if the resulting video recording, film, or photograph is transferred to another person or posed on the internet.
- 331 Creates a Class D felony offense for violation of an order of protection, if it occurs within five years of a previous conviction for an order of protection violation. (E)
- 332 Adds to the offenses of aggravated assault and assault in the first degree the act of smothering or strangulation.
- 333 Adds aggravated assault on a family or household member to the list of prior offenses which increase the penalty for domestic battering in the third degree to a felony.
- 336 Creates the offense of fraudulent filing of a uniform commercial code financing statement, a Class A misdemeanor for the first offense, Class C felony for a subsequent offense, and provides for civil causes of action.
- 339 Provides additional prohibited actions to the offenses of criminal distribution and criminal possession of explosives, including distribution to persons having mental disease or defect, under 21 years of age, having alien status, more.
- 342 Adds code enforcement officers and animal control officers to the criminal offense of obstructing governmental operations.
- 343 Adds code enforcement officers and animal control officers to the criminal offense of obstructing interference with a law enforcement officer.
- 344 Adds code enforcement officer and animal control officers to the criminal offense of battery in the second degree.
- 352 Changes the offense of furnishing alcohol to a minor from a Class C misdemeanor to a Class A misdemeanor.
- 359 Prohibits issue of an ignition interlock restricted driving permit to persons whose license has been revoked or suspended for driving while intoxicated by use of a controlled substance.
- 363 Allows meritorious good time to inmates sentenced under the 75 percent rule regardless of the date of the offense; requires the notice of eligibility for parole to prosecuting attorneys noting the inmate was sentenced under the 75 percent rule.
- 364 Requires sheriffs to transport inmates from the institution of

ACT**COUNTY SHERIFFS (cont.)**

- their confinement to a court in his jurisdiction for the Department of Community Correction, as well as for the Department of Correction.
- 390 Creates a Class D felony for the offense of damaging wires and other fixtures of telephone, cable and electric power companies; adds new restrictions and requirements on scrap metal dealers.
- 394 Prohibits persons with a learner's license or an intermediate driver's license from using a cellular phone or other interactive wireless communication devices while operating a vehicle, and other restrictions.
- 413 Creates a Class A misdemeanor offense for persons acting as a real estate appraiser without certification and for persons with an interest in a real estate transaction improperly influencing the real estate appraisal.
- 423 Makes driving a vehicle with any amount of a controlled substance in one's body a violation of the DWI Act or the Underage DUI Act.
- 428 Renames the offense of patronizing a prostitute to the offense of sexual solicitation and adds as an offense to offer to pay for a person to engage in sexual activity with another person.
- 431 Provides that drivers of vehicles are deemed to have given consent to multiple chemical tests, rather than a chemical test.
- 456 Amends law enforcement provisions relating to traffic citation reporting and makes various changes to commercial driver license regulations including license qualifications, drug testing, violations, suspensions and penalties.
- 464 Provides procedures for the eviction of tenants who use or allow others to use the tenants leased premises for certain common nuisance, gambling, prostitution or unlawful sale of alcohol.
- 466 Adds inhalation of ethyl alcohol and alcohol vaporizing devices to the provisions that prohibit use of inhalants and prohibits possession, manufacture and sale of substances currently listed in the prohibition against inhaling substances.
- 478 Increases the penalties for first degree, second degree and third degree escape for the offense of assisting in an escape from the Correction Department, Community Correction Department or a law enforcement agency.
- 484 Provides for the issuance of temporary motor vehicle buyer's tags, with preprinted vehicle identification information, to dealers and manufacturers; requiring buyers to obtain temporary tags within five days if not provided by the seller.
- 525 Revises various provisions of the Adult and Long-Term Care Facility Resident Maltreatment Act; expands definition of exploration; changes procedures for Human Services Dept. investigations; expands definition of various offenses.
- 530 Creates the offense of purposely interfering with or obstructing

ACT**COUNTY SHERIFFS (cont.)**

- an animal used by a law enforcement agency as a Class A misdemeanor.
- 548 Amends various sections of Title 3, the Alcoholic Beverages Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 549 Amends various sections of Title 25, the State Government Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 555 Authorizes and prescribes requirements for the county collector to distrain goods or chattels of persons for delinquent personal property taxes on personal property owned by the business.
- 561 Prohibits felons, persons found convicted of domestic battering in the third degree, and registered sex offenders from purchasing or possessing emergency vehicle lights or sirens.
- 573 Prohibits the sale of tickets of admission to a live entertainment event by any person over the internet until the tickets have first been offered for sale to the public via an event-authorized outlet.
- 629 Adds various advocate and volunteer positions to the list of persons who are required to report to law enforcement when they have reasonable cause to suspect child abuse.
- 630 Amends the provisions for sexual assault in the fourth degree, declaring sexual contact by a corrections, human services, or jail employee with a person in custody a Class D felony.
- 633 Makes various changes to the payment and collection of court fine, fee, and restitution payments.
- 636 Provides for the registration of autocycles for operation on roads; defines autocycle as an enclosed, electric, three-wheel motorized cycle with a steering wheel that carries between one and four persons.
- 640 Prohibits the sale or distribution of human or synthetic urine used to defraud a drug or alcohol screening test; making a violation a Class B misdemeanor.
- 644 Clarifies that the portion of proceeds the Arkansas Towing and Recovery Board receives from criminal fines for towing violations is to be disbursed through the Administration of Justice Fund Section of DF&A.
- 650 Increases the classification of negligent homicide while driving while intoxicated from a Class C felony to a Class B felony; provides a prior conviction of negligent homicide constitute a previous offense for DWI sentence enhancement.
- 655 Amends various sections of Title 26, the Taxation Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 658 Creates a Class D felony for persons who receive or cast an absentee ballot in violation of provisions of ACA 7-5-409.
- 673 Expands the definition of prior convictions for purposes of repeat offender sentencing for second and subsequent offenses to include prior possession of controlled substances

ACT**COUNTY SHERIFFS (cont.)**

- under equivalent statutes of the US or any state.
- 683 Increases the membership of the Professional Bail Bondsmen Licensing Board from seven to eight and requires the additional member is a second lay member.
- 693 Makes operators of boats involved in a boating accident subject to alcohol and drug testing by law enforcement officers; raises the minimum age for persons to operate a personal watercraft from 14 to 16.
- 701 Clarifies the right of people with serious walking handicaps to use all-terrain vehicles on public roads and highways other than the federal highway system.
- 711 Requires the Depart. Of Emergency Management and the Earthquake Authority to create a Disaster Preparedness Program to plan for the event of a major flood or earthquake.
- 712 Enhances the criminal penalties for third and subsequent offenses of purchasing, selling or dispensing restricted amounts of ephedrine or related drugs.
- 723 Gives subpoena power to the Chief Counsel of the Department of Human Services for testimony and documents in child welfare hearings; prohibits foster or adoptive placement without background checks on all adults in the household.
- 734 Creates the Clean Air on Campus Act of 2009, prohibiting smoking on all state-funded college campuses.
- 748 Makes various technical changes and corrections to Arkansas Code Title 5 (criminal offenses).
- 749 Creates the Child Maltreatment Act; provides a system for reporting child maltreatment and insuring prompt investigation, protecting the child, enhancing support of law enforcement, and stabilizing home environments when possible.
- 758 Updates various Arkansas Code references to correspond with revisions made to the Child Maltreatment Act.
- 759 Allows a court to consider certain audio, video or otherwise recorded statements made by a juvenile when determining whether a confession or wavier of counsel by a juvenile was knowingly and intelligently make.
- 766 Creates the Legislative Task Force on Criminal Justice; prescribes qualifications of the 18-member panel; charges panel to examine criminal charges, sentencing costs of prosecution, and report recommendations by Aug. 15, 2010.
- 767 Exempts the purchase of thermal imaging equipment by county governments for use by law enforcement aircraft from sales and use tax.
- 768 Requires the Atty. General establish methods to receive complaints of racial profiling through a hotline or through the mail; requiring the AG to submit an annual report with statewide statistics no later than October 1st of each year.
- 770 Requires a five dollar (\$5) monthly fee be assessed if the court authorizes payment of restitution by a defendant in

ACT**COUNTY SHERIFFS (cont.)**

- installments, with proceeds remitted to the collecting official to defray the cost of restitution collection.
- 776 Requires those offices, whether law enforcement or the prosecuting attorney, coming into possession of a motor vehicle through asset forfeiture under A.C.A. §5-64-505 to sell such vehicle for scrap if it is determined that methamphetamines were manufactured in the vehicle.
- 782 Authorizes courts to accept payments through a third party for the collection of fines paid by credit card.
- 792 Requires law enforcement equipment be removed from law enforcement vehicles before resale.
- 793 Authorizes the Commission on Law Enforcement Standards and Training to develop and implement training and certification programs for chiefs of police and sheriffs.
- 807 Makes drivers under 18 years of age for whom age restrictions have been waived subject to restrictions in 27-16-804(g), including remaining free of serious accidents or traffic violations.
- 826 Creates a Class A misdemeanor crime of racing for persons driving in, riding in, or coordinating drag racing on a public highway, and a Class B misdemeanor crime of observing a drag race for spectators.
- 922 Reduces the minimum period that a restricted license is not available for a DWI offender from 1 year to 45 days and specifies the driving situations that are allowed under the ignition interlock restricted licenses.
- 936 Adds homicide to the offenses that are subject to an enhanced penalty when committed in the presence of a minor.
- 945 Requires business entities other than those engaged in construction, natural resource exploration, utilities and agriculture to register motor vehicles under 4,500 pounds, authorizing a \$10,000 civil penalty for noncompliance.
- 946 Requires persons convicted of driving while intoxicated to attend and pay a fee for a victim impact panel sponsored by an approved organization.
- 956 Establishes a mandatory five day waiting period for the issuance of marriage licenses to underage applicants and revises various provisions concerning juveniles, the Juvenile Code, and juvenile justice, including driving citations, arrest and arrest records, adjudication hearings, permanency planning, youth services aftercare, etc. (E)
- 973 Prohibits law enforcement agencies and government entities from imposing an accident response service fee on persons involved in an accident or related insurance companies; does not preclude billing for ambulance services ordered.
- 974 Creates new list of offenses for which a law enforcement official must take a DNA sample of the person arrested; creates new procedures for handling and use of DNA analysis by the State Crime Laboratory.
- 976 Declares private property owners/managers criminally liable for

ACT**COUNTY SHERIFFS (cont.)**

- furnishing alcohol to minors or persons who are visibly intoxicated.
- 1206 Requires school districts to implement a school bus safety plan in consultation with law enforcement officials that includes identification and prosecution of persons illegally passing a school bus that is loading or unloading children.
- 1210 Expands the offense of impairing the operation of a vital public facility to include engaging in a fight or violent and tumultuous behavior or other conduct causing a substantial disruption of a public facility a Class A misdemeanor; expands definition of public facility to include jails, detention facilities and temporary detention facilities.
- 1212 Makes performing body art on a person under 18 years of age in an unlicensed facility a Class D felony.
- 1277 Adds drug enforcement officers of judicial drug task forces to the definition of Public Safety Members for purposes of membership in the Public Employees Retirement System.
- 1285 Appropriates funds to the Department of Correction for 2009-10 operations as well as for reimbursements to counties housing prisoners for the Department.
- 1286 Adds the prosecuting attorney to the list of officials who must be notified of certain deaths and clarifies that either the sheriff of the county or the chief of police of the municipality in which a death has occurred must also be notified.
- 1291 Exempts concealed handgun licensee information from the Freedom of Information Act.
- 1293 Increases the driver's license suspension period for first offense DWI to 180 days and allows the Office of Driver Services to immediately issue an ignition interlock device to qualified defendants.
- 1295 Enhances the penalties for property theft during a declared emergency, making theft of property worth \$500 or more a Class B felony and theft of property between \$100 and \$500 a Class C felony under those circumstances.
- 1298 Increases penalty range for practicing as a marriage or family counselor without a license from a Class A misdemeanor for first offense to a Class D felony for subsequent offenses, and from a maximum \$1,000 fine to the greater of \$10,000 or the actual damages incurred.
- 1304 Requires a minimum of two days in jail for a person convicted of fleeing arrest by means of a vehicle.
- 1313 Increases death benefits for a law enforcement officer killed in the line of duty and allows law enforcement officers to choose a designated beneficiary for death benefits.
- 1366 Provides that records, correspondence, case histories, medical records and other materials compiled by child advocacy centers are exempt from disclosure requirements of the Freedom of Information Act.
- 1389 Appropriates funds to the Community Correction Department for 2009-10 operations as well as for reimbursements to

ACT**COUNTY SHERIFFS (cont.)**

- counties housing prisoners for the Department.
- 1395 Adds aggravated burglary to the list of serious violent felonies and felonies involving violence in the habitual offender statute, and as an underlying felony in the capital murder statute.
- 1396 Authorizes the issuance of special permits, by the State Highway Commission, to towing business for the operation of wreckers or towing vehicles used as emergency vehicles under A.C.A. § 27-36-305 (b) when the operation and movement of the vehicle or vehicles exceeds maximum size and weight limitations.
- 1400 Establishes the Safe Campus Security Task Force consisting of 9 members to review current security, develop best practices and develop partnerships with emergency management resources.
- 1401 Specifies that theft is committed when a person takes possession of cattle or other livestock won in an auction and subsequently fails to pay for the cattle or other livestock.
- 1406 Requires a condition of release from custody that a sex offender does not return to the location where he was residing that is located within 2000 feet of a school, park, youth center, or daycare facility until the charge is adjudicated.
- 1444 Removes the statute of limitations for the offenses of rape stating that prosecutions for those offenses may be commenced at any time when genetic information is present.
- 1447 Provides that persons charged with the offense of violation of an order of protection and those individuals found guilty of violating an order of protection may be required, as a condition of their release on bond or as part of their punishment if found guilty, to wear, at their own expense, a global positioning device.
- 1456 Authorizes law enforcement officers to arrest a person without a warrant if the person interferes with them making emergency communications.
- 1458 To re-establish a task force on racial profiling and concerning the collection of information by law enforcement stops of drivers for failing to wear a seat belt.
- 1491 Defines instances in which a felony conviction is not counted against the offender for purposes of gun ownership if the offender subsequently receives a pardon explicitly reinstating his or her right to gun ownership; provides that a drug court judge may, on his or her own motion or upon a request from an offender, order expungement and dismissal of certain cases.
- 1495 Provides that imitation firearms sold as toys are constructed and marked in a manner so as to reduce the possibility that those firearms might be mistaken for real weapons.

ACT**COUNTY TREASURERS**

- 90 Appropriates funds to the Auditor of State for operation of the continuing education program for county clerks, treasurers, collectors, and circuit clerks. (E)
- 105 Appropriates supplemental funds to the Department of Correction for reimbursement to counties housing state inmates.
- 122 Appropriates funds to the Treasurer of State for refund of local sales and use taxes.
- 124 Appropriates funds to the Treasurer of State for distribution of Amendment 74 funds to counties.
- 165 Provides that the office or official responsible for the collection of fines shall remit the drug crime special assessment directly to the Arkansas Dept. of Finance and Administration of Justice Fund as well as amending various sections of Title 12, the Law Enforcement, Emergency Management, and Military Affairs Code, making technical changes, deleting obsolete language and substituting clarifying language.
- 166 Amends various sections of Title 16, the Practice, Procedure and Courts Code, making technical changes, deleting obsolete language, and substituting clarifying language.
- 196 Makes performing a partial-birth abortion a Class D felony; increases Medical Board civil fines from \$10,000 to \$25,000 first violation, higher for subsequent; allows civil actions for \$50,000 in exemplary damages and triples actual damages.
- 209 Increases the maximum fines for misdemeanor violations; authorizes the quorum court to increase the additional dedicated fine per conviction from five to twenty dollars and clarifies the prescribed incarceration-related uses, including merit pay for county deputies and jail personnel, for those funds.
- 293 Creates an additional circuit judgeship in the Fourth Judicial District.
- 315 Requires the annual county financial report include a statement of the short-term indebtedness of the county, as well as the statement of bonded indebtedness.
- 328 Provides for the staffing, operation, and fee-based funding of the Automated Court Management System by increasing certain fees charged by the Clerk of the Supreme Court, levying a new "Court Technology Fee" of fifteen dollars (\$15.00) to be charged by the court clerk in all civil case filings in district and circuit court. In addition, in the office of circuit clerk, this act eliminates certain antiquated charges required by A.C.A. § 21-6-402, increases the charge for the issuance of writs to twenty dollars (\$20.00) and increases the charge for transcript preparation to \$2.50 per page.
- 348 Allows county clerks to use both the automation fund and the county clerk's cost fund for distribution of the additional marriage license fee authorized at ACA 16-20-407 for support of automating county clerk record systems.

ACT**COUNTY TREASURERS (cont.)**

- 384 Amends sales tax provisions to be consistent with the Streamlined Sales and Use Tax Agreement and provides that sales tax is levied on the withdrawal of goods from the stock of an established business.
- 464 Provides procedures for the eviction of tenants who use or allow others to use the tenants leased premises for certain common nuisance, gambling, prostitution or unlawful sale of alcohol.
- 490 Authorizes drug court judges to order offenders to pay authorized fees due to the Department of Community Correction; directs all court costs and program user fees to be paid by the court clerk into the county treasury for the benefit of the County Administration of Justice Fund or the Drug Court Program Fund.
- 500 Allows duplicate copies of checks to be retained by the county treasurer in electronic format and authorizes the quorum court, by ordinance, to establish an electronic warrants transfer system directly into payee's accounts in financial institutions in payment of any account allowed against the county.
- 599 Appropriates funds to the Assessment Coordination Department for 2009/10 operations, Assessors continuing education, and county cyclical reappraisals. This Act also requires the Tax Collection Data Report be prepared annually by the preparer of the tax books and provides a means for paying the additional cost of a county reappraisal if the cost exceeds seven dollars per parcel. (E)
- 633 Makes various changes to the payment and collection of court fine, fee, and restitution payments.
- 721 Allows quorum courts of counties using electronic data processing to process and produce county tax records to designate the county officer responsible for the processing and to designate the county official responsible for tax settlements.
- 751 Supplemental appropriation of \$40,000 to the Administrative Office of the Courts for 2008-09 reimbursements to Arkansas counties for the costs of jurors.
- 760 Creates a task force to study the funding of the Arkansas judicial system.
- 810 Authorizes county judges that do not have road maintenance agreements with entities hauling oil and gas production fluids to disposal sites to designate routes to disposal sites and assess a road maintenance fee of up to \$5 per load on haulers. (E)
- 840 Requires local sales taxes on aviation fuel to be remitted from the Treasurer of State directly to the publicly owned airport where the fuel purchase was made.
- 941 Provides a credit or rebate of local sales and use tax in excess of \$2,500 paid on the purchase of a trailer.
- 1180 Makes various changes to the powers and duties of school

ACT**COUNTY TREASURERS (cont.)**

- boards of directors, the posting of information on meetings, changes and additions to personnel policies, etc.
- 1186 Provides for the timely and accurate receipt of data needed to calculate and adjust foundation funding amounts distributed to public school districts.
- 1221 Increases the emergency telephone (911) service fee on commercial mobile radio service connections, voice over internet protocol, and nontraditional telephone service from 50 cents per month to 65 cents per month and changes the distribution formula to increase the amount of funding to PSAPS.
- 1276 Appropriates funds to County and Municipal Aid Funds for state turnback for 2009-10.
- 1319 Appropriates funds to the Public Defender Commission for 2009/10 operations and provides that a portion of bail bond fees collected by the Public Defender Commission be remitted to each county for the purpose of defraying the operating expenses of the local public defender's office.
- 1397 Revises the methods utilized by county treasurers to report and remit proceeds from the Uniform Rate of Tax.
- 1424 Appropriates funds to the Administrative Office of the Courts for 2009-10 operations, including \$150,000.00 for court technology grants and \$250,000.00 in court security grants.
- 1442 Funding of the 87th General Improvement Fund Projects
& 1443 Account including \$2,500,000 for Arkansas Counties based on the general revenue turnback formula; grant money available to counties through various state agencies; more.
- 1476 Provides procedures for distribution of money received by the Treasurer of State from the federal government for sale, lease and royalty of oil, gas or mineral rights on federal land within the state.

ACT**ELECTION ACTS**

- 26 Repeals provisions for the February presidential preferential primary elections, effectively restoring it to the third week in May.
- 27 An Act concerning residency requirements in a city form of government.
- 188 Increases the period in which petitions for qualifications as an independent candidate may be circulated from the 60 days prior to the filing deadline to 90 days prior; increases from 60 to 90 days the petition period for qualifying new parties.
- 281 Provides that ballot forms must list statewide measures in the specified order as Issues, beginning with Issue 1, and list local measures separately and in order.
- 306 Appropriates funds to the State Board of Election Commissioners for 2009-10 operations.
- 310 Requires all statements appearing in a newspaper, on radio, TV

ACT**ELECTION ACTS (cont.)**

- or on the web that is intended to influence the vote of electors and for which consideration is paid to clearly state that it is a paid political message and to identify the true sponsor of the statement.
- 362 Provides a procedure for petition and election to recall elected municipal officials elected to four-year terms in mayor-council form of governments.
- 382 Authorizes municipalities to refer to the voters a change to extend the expiration date for a local sales and use tax beyond the expiration date previously approved.
- 383 Authorizes counties to refer to the voters a change to extend the expiration date for a local sales and use tax beyond the expiration date previously approved.
- 385 Repeals provision for special elections to fill vacancies in alderman positions in cities with populations 20,000 and over and 50,000 and over, leaving all city council vacancies to be filled by majority vote of the remaining elected members.
- 420 Amends municipal annexation election procedures for circumstances when two municipalities vote to annex an area by providing for a third annexation election.
- 659 Revises voter registration; revises Sec. 10 of Amd. 51 to provide revised voter information must be received four days prior to the election; provides for members of the merchant marine and military families to use absentee voting.
- 703 Removes the overseas absentee ballot preparation requirement for non-partisan judicial elections.
- 812 Allows county boards of election commissioners to reduce or eliminate the number of open polling places on primary election day if there are only unopposed candidates and no other ballot issues for consideration.
- 959 Amends various provisions of election law, including limiting nonpartisan judicial candidates to three given names on the ballot and limiting the use of titles to the prefix of the judicial office currently held.
- 1294 Requires at least one polling site in each county that has registered electors in a contested school election for a school district that has territory in that county.
- 1407 Revises qualifications required of candidates seeking the office of district judge.
- 1480 Amends various laws concerning the administration of elections and special elections.

ACT**FREEDOM OF INFORMATION**

- 184 Requires all new statutory exemptions to the Freedom of Information Act be specifically cross-referenced as exemptions to the FOIA of 1967, ACA 25-19-1.
- 771 Provides that a public employee shall not be prohibited from

ACT**FREEDOM OF INFORMATION (cont.)**

- exercising a right or privilege under the Freedom of Information Act.
- 1477 Creates the Electronic Records Study Commission to make recommendations on amending the Freedom of Information Act related to bulk commercial access to electronic records.

ACT**GENERAL**

- 30 Requires state flags to be flown at half-mast for three days on all public buildings in honor of each Arkansan killed in military action.
- 74 Adds meal tips as a reimbursable expense for county personnel, but limits the reimbursable amount to 15% of the purchase amount of the meal.
- 151 Requires homesteads used as a taxpayer's principal place of residence bought after 1/1/2001 by persons disabled or 65 years or older be assessed for property tax at the lower of the value when purchased or a later lower assessed value.
- 180 Levies an additional tax on cigarettes of \$28 per thousand; levies an additional tax on other tobacco products and soft snuff of \$19 percent of manufacturer's selling price.
- 192 Authorizes the Secretary of State to publish the book report of that office for 2008, revises the required distribution to election officials, and deletes the requirement that books be made available for sale to others.
- 287 Makes various changes to the Arkansas County Accounting Law of 1973.
- 320 Increases the minimum and maximum salaries of elected county officials and provides for an annual 3 percent increase in those minimum and maximum salaries beginning Jan. 1, 2011.
- 436 Reduces the state sales tax on food and food ingredients from 2.875% to 1.875%, effective July 1, 2009. (E)
- 473 Prohibits specific political contributions from prohibited political action committees; requires registration of independent expenditure committees, prohibits public employees from devoting office time to gathering signatures, more.
- 565 Separates the office of sheriff and collector and consolidates the tax collector and the county treasurer in Monroe County.
- 569 Requires that county officials who maintain public records in electronic form retain administrative rights to the data and complete access to all records; requires county contracts with electronic record providers include provisions to that effect. (E)
- 679 Requires that public servants guilty of criminal activity related to their public office or employment forfeit their office or employment and are disqualified from future public employment.
- 732 Removes township officers from the list of those officials a

ACT**GENERAL (cont.)**

- county may reimburse for discretionary and nondiscretionary expenses. Authorizes allowances for expenses paid to county employees to be on a per diem basis, subject to quorum court approval; requires those reimbursements be made under an accountable plan as defined by 2009 IRS regulations.
- 775 Requires all state, county, county school, municipal, and township officials be granted leave of absence from their offices to perform active military service, and allowed to resume their offices upon return.
- 963 Requires lobbyist activity reports to be filed in electronic form after Jan. 1, 2010.
- 1204 Requires candidates to disclose in a separate statement on his or her report of campaign contributions all loans to his or her campaign, including personal loans to the campaign by the candidate.

ACT**RETIREMENT ACTS**

- 79 Provides the trustees of state-supported retirement systems the authority to act as rapidly as necessary in the event it is necessary to retain or change investment managers.
- 295 Allows persons receiving federal military retirement pay to buy service credit in all state-supported retirement systems; increases service credit that may be purchased in the Public Employees System for Guard and Reserve duty from 1 to 5 years. (E)
- 616 Requires bonuses paid to county and municipal employees to be counted as compensation for purposes of retirement benefits. (E)
- 657 Specifies a range of 30 days to 180 days as the period that certain members of the Arkansas Public Employees Retirement System must terminate employment in order to qualify for retirement benefits before returning to work for a public entity covered by the Retirement System.
- 742 Adds district court clerks to the Public Employees Retirement System; amends APERS provisions to add final average compensation adjustments, adjusts the reduced annuity percentage, and set effective date for contributory coverage.
- 745 Authorizes the Public Employees Retirement System Board of Directors to adopt rules and regulations necessary for System compliance with federal laws and regulations.
- 1200 Provides that for each year of actual service in the Public Employees Retirement System in excess of twenty-eight (28) years that is rendered on or after July 1, 2009, a member shall receive a straight life annuity equal to an addition five-tenths (0.5%) of the member's final average compensation.
- 1242 Combines the investment programs of the State Police

ACT

RETIREMENT ACTS

Retirement System and the Public Employees Retirement System, with an independent investment board providing oversight of the combined investments beginning July 1, 2011. (E)

1280

To provide notice to an applicant for concurrent employment in a public employee position that the concurrent employments might affect the employee's retirement benefits and to allow the employee and employer an opportunity to consider an alternative method of employment that would allow an enhanced retirement benefit for the prospective employee.

WHEN AN ACT BECOMES LAW

- (1) Specific Effective Dates – a few Acts have a specified effective date in the law, if so, these are effective on that date.
- (2) Emergency Clauses – Many Acts have emergency clauses which make the Act effective on the date it is signed by the Governor or becomes law without signature.
- (3) Appropriation Acts – These Acts are effective July 1, 2009 or the first day of the fiscal year. The fiscal year for the State of Arkansas is July 1 – June 30.
- (4) General Acts – Acts which contain none of the above are effective 90 days after the General Assembly adjourns. (Amendment 7 to the Arkansas Constitution, as interpreted by Attorney General's Opinion #83-74.) The General Assembly adjourned sine die on May 1st, therefore, the effective date of the Acts, without emergency clause or built-in effective date, passed by the 87th General Assembly will be July 31, 2009.

PROPOSED CONSTITUTIONAL AMENDMENTS

- HJR 1004 PROPOSES AN AMENDMENT TO THE CONSTITUTION CONCERNING INTEREST RATE LIMITS ON GOVERNMENTAL BONDS AND LOANS, LOANS BY FEDERALLY INSURED DEPOSITORY INSTITUTIONS, OTHER LOANS NOT SPECIFICALLY DESCRIBED, AND AUTHORIZES THE ISSUANCE OF ENERGY EFFICIENCY PROJECT BONDS BY QUALIFYING GOVERNMENTAL ENTITIES.
- HJR 1007 PROPOSES AN AMENDMENT TO THE CONSTITUTION REMOVING THE REQUIREMENT THAT ECONOMIC DEVELOPMENT BONDS AUTHORIZED BY THE GENERAL ASSEMBLY MUST GO TO COMPANIES PLANNING TO INVEST OVER \$500,000,000 IN CAPITAL AND HIRE OVER 500 NEW EMPLOYEES.
- SJR 3 PROPOSES AN AMENDMENT TO THE CONSTITUTION DECLARING THE CONSTITUTIONAL RIGHT TO HUNT, FISH, TRAP AND HARVEST GAME, SUBJECT ONLY TO REASONABLE REGULATIONS OF THE AG&FC.

NOTES