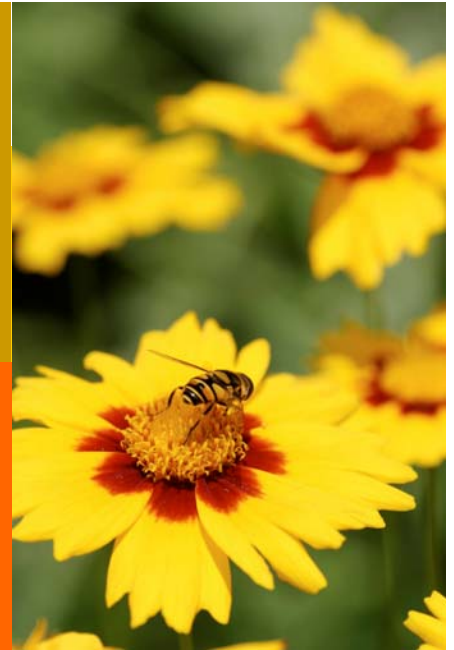


# *The M.A.P.*

*The Municipal Attorney Periodical* September 1, 2009



## **United States Supreme Court Decides Race Discrimination Case Involving New Haven, Connecticut Firefighters**

*The City of New Haven, Connecticut discarded promotional tests taken by firefighters. A lawsuit was filed by white and Hispanic firefighters in the United States Court of Appeals for the Second Circuit alleging that by discarding the test results, the City discriminated against the plaintiffs (firefighters bringing the action) based on their race in violation of Title VII of the Civil Rights Act of 1964 and the Equal Protection Clause of the Fourteenth Amendment. On June 29, 2009, the United States Supreme Court found that the City of New Haven, Connecticut's action in discarding the promotional tests of firefighters violated Title VII, and the case was remanded to the Second Circuit for further proceedings consistent with their opinion.*

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## **2009 Acts of Interest To Municipalities**

*A summary of the 2009 Acts of interest to municipalities can be found on page 2 of this edition of The M.A.P. To view an Act in full, go to the General Assembly website at [www.arkleg.state.ar.us](http://www.arkleg.state.ar.us), click on "Acts" to the left and then you can search for the particular Act you want to review.*

## **United States Supreme Court Decides Race Discrimination Case Involving New Haven, Connecticut Firefighters**

**Facts Taken From the Opinion:** In the fire department of New Haven, Connecticut—as in emergency-service agencies throughout the Nation—firefighters prize their promotion to and within the officer ranks. An agency's officers command respect within the department and in the whole community; and, of course, added responsibilities command increased salary and benefits. Aware of the intense competition for promotions, New Haven, like many cities, relies on objective examinations to identify the best qualified candidates.

In 2003, 118 New Haven firefighters took examinations to qualify for promotion to the rank of lieutenant or captain. Promotion examinations in New Haven (or City) were infrequent, so the stakes were high. The results would determine which firefighters would be considered for promotions during the next two years, and the order in which they would be considered. Many firefighters studied for months, at considerable personal and financial cost.

When the examination results showed that white candidates had outperformed minority candidates, the mayor and other local politicians opened a public debate that turned rancorous. Some firefighters argued the tests should be discarded because the results showed the tests to be discriminatory. They threatened a discrimination lawsuit if the City made promotions based on the tests. Other firefighters said the exams were neutral and fair. And they, in turn, threatened a discrimination lawsuit if the

City, relying on the statistical racial disparity, ignored the test results and denied promotions to the candidates who had performed well. In the end the City took the side of those who protested the test results. It threw out the examinations.

Certain white and Hispanic firefighters who likely would have been promoted based on their good test performance sued the City and some of its officials. The suit alleged that, by discarding the test results, the City and the named officials discriminated against the plaintiffs based on their race, in violation of both Title VII of the Civil Rights Act of 1964, 78 Stat. 253, as amended, 42 U. S. C. §2000e et seq., and the Equal Protection Clause of the Fourteenth Amendment. The City and the officials defended their actions, arguing that if they had certified the results, they could have faced liability under Title VII for adopting a practice that had a disparate impact on the minority firefighters. The District Court granted summary judgment for the defendants, and the United States Court of Appeals for the Second Circuit affirmed the decision. The case was then subsequently appealed to the United States Supreme Court.

**Decision by U.S. Supreme Court:** The United States Supreme Court decided the case on June 29, 2009 and held that the City's action in discarding the test violated Title VII: a "race-based action like the City's in this case is impermissible under Title VII unless the employer can demonstrate a strong basis in evidence that, had it not taken the action, it would have been liable under the disparate-impact statute." The Court determined that the City could not meet that threshold standard. Fear of litigation alone could not justify the City's reliance on race to the detriment of

individuals who passed the examinations and qualified for the promotions. The Court concluded that the petitioners (the firefighters who sued) had met their obligation to demonstrate that there is no genuine issue as to any material fact and that they are entitled to judgment as a matter of law. The Court further held that if, after it certifies the test results, the City faces a disparate-impact suit, then in light of the U.S. Supreme Court's holding, the City can avoid disparate-impact liability based on the strong basis and evidence that had it not certified the results, it would have been subject to disparate treatment liability. The case was therefore reversed, and the case was remanded for further proceedings consistent with the U.S. Supreme Court's opinion.

**Case:** This case was decided by the United States Supreme Court on June 29, 2009. The case cite is *Ricci v. DeSteffano*, 557 U.S. \_\_\_\_ (2009).

Jeff Harper  
City Attorney

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**Acts of Interest to Municipalities**

The 2009 Arkansas General Assembly passed numerous Acts of interest to municipalities. Below is a summary of these Acts which was compiled by our office. Unless the particular Act specifically sets out an effective date, it will go into effect on Friday, July 31, 2009. If you want to view the full text of an Act, go to the General Assembly website at [www.arkleg.state.ar.us](http://www.arkleg.state.ar.us), click on "Acts" to the left and then you can search for the particular Act. After

reviewing the Acts, if you should have any questions, please let me know.

In addition to the Acts of interest to municipalities, there were numerous Acts which effect law enforcement. These Acts will be set out in the October 1, 2009 edition of *C.A.L.L.* If you would like for me to email you a separate attachment setting out the Acts effecting law enforcement, please let me know.

\*\*\*\*\*

**Act 25 – “An Act to Modify the Requirement that Three (3) Copies of Certain Municipal Ordinances shall be Filed with the City Clerk”**

This Act amends Ark. Code Ann. §14-55-206 to provide that the City Clerk must keep 3 copies of certain technical codes only "if there is no electronic form of the code available for examination by the public". This Act amends Ark. Code Ann. §14-55-207 to provide that these technical codes can be filed "either electronically or by hard copy" with the City Clerk prior to their passage. The Act requires that the publication notice state that these codes are open to public examination "either electronically or by hard copy" before passage of the ordinance adopting the code. This Act contained no Emergency Clause.

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**Act 30 – "An Act to Honor and Pay Tribute to a Soldier Who is Killed in Action by Lowering All State Flags to Half-Mast on Public Buildings."**

This Act creates a new statute to be codified at Ark. Code Ann. §1-4-128. The law provides that the State of Arkansas shall honor and pay tribute to a member of the

armed services who is killed in action by lowering all State flags located on public buildings to half-mast from the time notice of a death of a member of the armed services is received and for a period of three days thereafter. Public building is defined under the statute as a structure occupied by an agency of the State of Arkansas or its political subdivisions. This Act contained no emergency clause.

\*\*\*\*\*

**Act 73 – “An Act Concerning the Selection of Members of Municipal Airport Commissions”**

This Act amends Ark. Code Ann. §14-359-105 to provide that in municipalities located in a metropolitan statistical area having a population of 1,000,000 or more, municipal airport commissioners need only be confirmed by a simple majority of the City Council, as opposed to 3/4 of the City Council in all other municipalities. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 143 – “An Act to Modify the Power of a Municipality to Regulate Unsanitary Conditions”**

This Act amends Ark. Code Ann. §14-54-903 to remove the requirement that a lienholder be notified prior to a municipality taking action to remedy conditions on private property, if the City plans on asserting a clean-up lien on the property. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 161 – “An Act Regarding the Requirements of Annual Reports by Mayors of Cities of the First Class”**

This Act amends Ark. Code Ann. §14-43-504 to require the Mayor in a city of the first class to report to the City Council within the first 90 days of each year regarding the affairs of the city. Previously, this was to be done at the second regular council meeting each year. This Act also amends Ark. Code Ann. §14-58-302 to require the Mayor in a city of the first class to report to the City Council in the first 90 days of each year regarding the financial affairs and administrative activities of the city for the previous year. Previously, this was to be done within sixty (60) days after the end of each fiscal year. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 185 – “An Act to Clarify the Process for Selection of Certain City Council Members in Cities of the First Class”**

This Act amends Ark. Code Ann. §14-42-103 to provide that the procedure for filling a vacancy in a municipal office does not also apply to filling an alderman vacancy. This Act also amends Ark. Code Ann. §14-43-411 and 14-43-501 to provide that the mayor does not have veto power in those two situations (alderman vacancy and city council organizational decisions). This Act also amends Ark. Code Ann. §14-43-504, pertaining to the mayor's veto power, to specifically exclude these two situations. This Act contained no Emergency Clause. See also ACT 385.

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**Act 239 – “An Act to Require Firework Sales to be at Least Fifty Feet from Motor Vehicle Fuel Dispensing Station Dispensers, Retail Propane Dispensing Station Dispensers, Above-Ground Storage Tanks for Flammable or Combustible Liquids, Flammable Gases or Flammable Liquefied Gases, and Compressed Natural Gas Dispensing Facilities; to Require "No Smoking" Signs at each Entrance to a Firework Retail Sales Area"**

This Act amends Ark. Code Ann. §20-22-710 to provide that consumer fireworks retail sales facilities and stores shall not be located within fifty (50) feet of a motor vehicle fuel dispensing station dispensers, retail propane dispensing station dispensers, above-ground storage tanks for flammable or combustible liquids, flammable gases or flammable liquefied gases, or compressed natural gas dispensing facilities. This Act also requires "No Smoking" signs to be posted at each entrance to a firework retail sales area. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 274 – “An Act to Amend Arkansas Code §26-75-602 to add Certain Rentals to the List of Authorized Municipal Sale and Use Taxes"**

This Act amends Ark. Code Ann. §26-75-602 to add "house, cabin, bed and breakfast, campground", or other similar rental accommodations to the list of items subject to the sales and use tax. The Act should be consulted for the details and contained no Emergency Clause.

\*\*\*\*\*

**Act 288 – “An Act Concerning the Withholding of Turnback for Noncompliance with Municipal Accounting Laws; to Change the Deadlines for Substantial Compliance by a Municipality"**

This Act amends Ark. Code Ann. §14-59-117, which is the statute dealing with the withholding of turnback funds for noncompliance with state accounting laws. This Act changes the time deadlines in which to respond should the State determine that the municipality is not in substantial compliance with the state accounting laws. The Act also provides for action that is to be taken by the municipality if substantial compliance has not been obtained after the deadlines. The Act should be consulted for the details. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 294 – “An Act to Increase the Permit Fees for the Manufacture, Sale, and Distribution of Alcoholic Beverages; to Amend the Penalty Provisions Related to Alcoholic Beverages"**

This Act repeals many of the alcoholic beverage statutes, and revised many others. This Act authorizes the on-premises consumption of alcohol from 10:00 a.m. to midnight on Sundays. This Act authorizes a referendum election for off-premises sales of alcohol on Sundays. This Act also creates a new permit, called a restaurant beer and wine permit. The Act should be consulted for the details. This Act contained an Emergency Clause and went into effect on March 3, 2009. See also ACT 763.

\*\*\*\*\*

**Act 316 – “An Act to Require that all Disbursements of Municipal Funds have Adequate Supporting Documentation”**

This Act amends Ark. Code Ann. §14-59-105 by adding a new section that says that a "disbursement of municipal funds shall have adequate supporting documentation for the disbursement". This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 340 – “An Act to Broaden the List of Recipients that may Receive Surplus Campaign Funds to Include Cities of the First Class, Cities of the Second Class, and Incorporated Towns”**

This Act amends Ark. Code Ann. §7-6-203, concerning surplus campaign funds, to broaden the list of recipients that may receive surplus campaign funds to include cities of the first class, second class, and incorporated towns. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 341 – “An Act to Increase the Maximum Fines for Violation of a Municipal Ordinance”**

This Act amends Ark. Code Ann. §14-55-504 to increase the maximum fine for a violation of a municipal ordinance from \$500 to \$1000, and increases the maximum per day penalty from \$250 to \$500. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 345 – “An Act to Increase District Court Filing Fees; Establish Additional Pilot State District Court Judgeships;**

**Consolidate City Courts with District Courts”**

Section 1 of this Act amends Ark. Code Ann. §16-17-705 and increases the filing fee in the civil division of district court from \$50 to \$65. This Act contained an Emergency Clause and goes into effect on July 1, 2009.

\*\*\*\*\*

**Act 362 – “An Act to Establish a Procedure for the Recall of Elected Municipal Officials Elected to Serve a Term of Four (4) Years”**

This Act creates a new statute, to be codified at Ark. Code Ann. §14-42-119, establishing a recall procedure for elected officials serving a 4 year term. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 382 – “An Act to Allow for the Extension of a Local Sales and Use Tax upon the Approval of the Voters of the Municipality”**

This Act amends Ark. Code Ann. §26-75-208 and §26-75-308 to allow for the extension of a local sales and use tax upon the approval of the voters of the municipality. The Act should be consulted for the details. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 385 – “An Act to Clarify the Process for Filling an Aldermanic Vacancy in a City of the First Class”**

This Act replaces Ark. Code Ann. §14-42-104 with Ark. Code Ann. §14-43-411, and

provides for a process of filling an alderman vacancy in a city of the first class. The Act should be consulted for the details. This Act contained no Emergency Clause. See also ACT 185.

\*\*\*\*\*

**Act 398 – “An Act Concerning District Courts and Territorial Jurisdiction”**

This Act amends Ark. Code Ann. §16-88-101 to provide that a district court has original jurisdiction over violations of ordinances not just in the city in which the district court is located, but also over violations of ordinances of any town, city, or county within the territorial jurisdiction of the district court. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 403 – “An Act Concerning the Filling of Vacancies in Certain Municipal Offices”**

This Act amends Ark. Code Ann. §14-42-107, by creating an exception to the statute which prohibits an alderman, or member of any council, or elected official of a municipal corporation, during the term for which he or she has been elected or one (1) year thereafter, from being appointed to any municipal office that was created or the emoluments of which were increased during the time for which he or she was elected. The exception created by the Act applies to filling a vacancy in the office of mayor, alderman, clerk, clerk-treasurer, recorder, or recorder-treasurer. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 407 – “An Act Concerning the Selection of Members of Public Facilities Boards”**

This Act amends Ark. Code Ann. §14-137-108, to provide that in a municipality located in a metropolitan statistical area having a population of 1,000,000 or more, successor members shall be appointed by a majority of the board, and appointments to serve out unexpired terms shall be done by the board. This Act also provides that a municipality located in a metropolitan statistical area having a population of 1,000,000 or more may not limit the number of terms a person may served on a public facilities board.

\*\*\*\*\*

**Act 473 – “An Act to Amend Provisions of the Arkansas Code Relating to Ethics; Amending Portions of Arkansas Law Resulting from Initiated Act 1 of 1988, Initiated Act 1 of 1990, and Initiated Act 1 of 1996”**

Section 1 of this Act amends Ark. Code Ann. §7-1-103, to provide that it is a Class A Misdemeanor for any public employee to gather signatures for a nominating petition during usual office hours. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 499 – “An Act Amending Arkansas Law Concerning Charitable Bingo and Raffle”**

This Act amends various sections of the Arkansas Code pertaining to charitable bingo and raffles. Most notably, this Act increases the maximum allowed raffle prize from \$500 to \$5,000. The Act should be consulted for the details. This Act contained

an Emergency Clause and went into effect on March 24, 2009.

\*\*\*\*\*

**Act 501 - "An Concerning Priority of Liens in Municipal Property Owners' Improvement Districts"**

This Act amends Ark. Code Ann. §14-94-106, which pertains to the creation of municipal property owners' improvement districts, to provide that the holder of a mortgage on property sought to be set off in such a district must be notified prior to the creation of the district. The Act should be consulted for the details. This Act contained no Emergency Clause. See also ACT 1408.

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**Act 503 - "An Act to Amend Notice Procedures to Violators of Municipal Ordinances Concerning Unsanitary Conditions"**

This Act amends Ark. Code Ann. §14-54-902 to provide that once a violation notice has been issued, an additional notice for a subsequent violation of that specific violation within the same calendar year shall not be required before the issuance of a citation. This Act contained no Emergency Clause.

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**Act 529 - "An Act to Allow a Planning and Development District to Incorporate and Act as a Public Corporation; to Provide an Additional Method for the Dissolution of the Public Corporation; to Provide for the Rescission of a Planning and Development District's Authorization to Act as a Public Corporation"**

This Act amends Ark. Code Ann. §14-138-102, 105, and 123, regarding planning and development districts. This Act amends the basis for the incorporation of such a district, amends the procedures by which a district may be formed, and amends the procedure to dissolve or rescind a district. The Act should be consulted for the details. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 545 - "An Act Concerning Issuance of Bonds by Municipalities and Counties"**

This Act amends Ark. Code Ann. §14-164-405 to authorize municipalities and counties to issue bonds for capital improvements and performance-based efficiency projects "within, near, or within and near the municipality or county". This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 546 - "An Act Concerning Suits Against Public Facilities Boards"**

This Act amends Ark. Code Ann. §16-60-111 to specify that suits against public facilities boards are to be brought in the county in which the public facilities board lies. This Act contained no Emergency Clause.

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**Act 553 - "An Act to Ensure that Patients can be Transported to the Facility of Choice without Regard to Service Area Restrictions"**

This Act amends Ark. Code Ann. §20-13-1003 to provide that patients can be

transported to the facility of their choice without regard to the service area restrictions of the ambulance provider. The Act should be consulted for the details. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 556 – “An Act to Authorize Code Enforcement Officers to Mail Citations”**

This Act amends Ark. Code Ann. §14-55-601 to provide that "except for moving traffic violations, it is proper service for a code enforcement officer to send a citation to a person charged with a violation of a municipal code, ordinance, or regulation to that person's last known place of residence by certified mail, return receipt requested, and delivery restricted to the addressee". This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 568 – “An Act to Allow One Member of a Municipal Airport Commission to have Financial Dealings or Interests in an Aeronautical Enterprise while he or she is a Member of the Commission”**

This Act amends Ark. Code Ann. §14-359-104, to provide that no more than one (1) member of a municipal airport commission may have financial dealings or interests in an aeronautical enterprise while a member of the commission. Previously, no member of the commission could have such dealings or interests while on the commission. This Act contained no Emergency Clause.

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**Act 621 – “An Act to Require Employers to Provide Unpaid Break Time and**

**Reasonable Locations for Expressing Breast Milk”**

This Act creates a new statute, to be codified at Ark. Code Ann. §11-5-116, to provide employers to provide unpaid break time and reasonable locations for employees who need to express breast milk. The Act should be consulted for the details. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 679 – “An Act to Provide Forfeiture of or Disqualification from Public Employment on Conviction of an Offense Related to Public Employment”**

This Act creates a new section of statutes, to be codified at Ark. Code Ann. §25-16-1101, *et seq.*, to provide that a public servant who is convicted of any felony offense relating to public employment must forfeit the job and thereafter be disqualified from holding any office, position, or employment with a governmental body. The Act should be consulted for the details. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 681 – “To Allow Municipalities to Regulate Nonconsensual Towing and Storage”**

This Act amends Ark. Code Ann. §27-50-1101 to provide that the City may adopt an ordinance regulating the nonconsensual towing and storage of vehicles. The Act should be consulted for the details. This Act contained an Emergency Clause and went into effect on March 27, 2009.

\*\*\*\*\*

**Act 689 – “To Provide for the Licensing of Emergency Medical Services Personnel”**

This Act should be consulted for the details. This Act contained no Emergency Clause.

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**Act 692 – “An Act to Create the Animal Rescue and Shelter Trust Fund; to Provide for and Issue a Special License Plate for the Support of Animal Rescue and Shelters”**

This Act creates a new statute, to be codified at Ark. Code Ann. §19-5-1136, which funding for counties and municipalities that have a "governmentally owned animal rescue shelter" and that make application with the state for such funding. This funding is to be used for the construction, maintenance, and operation of the shelter. The Act should be consulted for the details. This Act contained an Emergency Clause and goes into effect on July 1, 2009.

\*\*\*\*\*

**Act 738 – “An Act to Amend Arkansas Law Concerning Members of a Board of Civil Service Commissioners”**

This Act amends Ark. Code Ann. §14-51-202 to provide that a member of a board of civil service commissioners shall be a qualified elector of the city at all times during their appointment. This Act contained no Emergency Clause.

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**Act 756 – “An Act to Amend the Arkansas Motor Vehicle Commission Act”**

Section 23 of this Act creates a new statute, to be codified at Ark. Code Ann. §14-58-104, which provides that certain items may be purchase without the need for soliciting bids. The Act should be consulted for the details. This Act contained an Emergency Clause and went into effect on April 1, 2009.

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**Act 757 – “An Act Concerning the Disclosure of Personally Identifiable Information of a Library Patron”**

This Act amends Ark. Code Ann. §13-2-704, regarding when a library may disclose personally identifiable information concerning a patron, to provide that this information may be disclosed to any person with the informed written consent of the patron, and removes the requirement that the consent be given at the time the disclosure is sought. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 763 – “An Act to Amend Various Laws Concerning Alcoholic Beverages”**

This Act amends Ark. Code Ann. §3-3-210, as amended by Act 294 of 2009, to allow a city to pass an ordinance setting a lesser period of time during which on-premises consumption of alcoholic beverages may occur on Sundays. The Act should be consulted for the details. This Act contained an Emergency Clause and went into effect on April 1, 2009. See also ACT 294.

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**Act 770 – “An Act to Amend the Statute Regarding Victim Restitution”**

This Act amends Ark. Code Ann. §5-4-205, concerning victim restitution, to require a \$5 installment fee to be added to restitution that is being paid on installment payments. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 771 – “An Act to Prevent Retaliation Against Public Employees for Requesting Records under the Freedom of Information Act of 1967”**

This Act amends Ark. Code Ann. §21-1-503 to provide that a public employee shall not be prohibited from exercising a right or privilege under the Arkansas Freedom of Information Act, and shall not be retaliated against because of the exercise of that right. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 779 – “An Act to Extend the Ability to Purchase Rural Water Service Facilities to a Municipality after Annexation”**

This Act creates a new section of statutes, to be codified at Ark. Code Ann. §14-208-101, *et seq.*, which extends to a municipality the ability to purchase rural water service facilities and customers after annexation by a municipality, and places limits and conditions on the municipality's ability to provide water service in the newly annexed area. The Act should be consulted for the details. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 802 – “An Act to Amend Various Provisions of the Department of Workforce Services Law”**

This Act amends various sections of the Arkansas Code pertaining to employment regulations. The Act should be consulted for the details. This Act contained an Emergency Clause and went into effect on April 3, 2009.

\*\*\*\*\*

**Act 808 – “An Act Concerning the Certification Standards of Firefighters”**

This Act amends Ark. Code Ann. §20-22-806 concerning the certification standards of firefighters. The Act should be consulted for the details. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 840 – “An Act to Amend Various Sections of the Arkansas Code to Provide that Certain City and County Taxes on Aviation Fuel be Remitted Directly to the Publicly-Owned Airport where the Aviation Fuel was Sold”**

This Act amends Ark. Code Ann. §26-74-214, 26-74-313, 26-74-409, 26-75-217, 26-75-506, and 26-81-107, to provide that taxes on aviation fuel be remitted directly to the publicly-owned airport where the aviation fuel was sold. The Act should be consulted for the details. This Act contained no Emergency Clause.

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**Act 957 – “An Act to Allow Municipalities to Establish an Effective Date for the Levy of Certain Municipal Sales and Use Taxes”**

This Act amends Ark. Code Ann. §26-75-207, 26-75-208, 26-75-209, 26-75-308, and

26-75-309, to allow a municipality to establish an effective date for the levy of certain municipal sales and use taxes. The Act should be consulted for the details. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 1188 – “An Act to Regulate the Installation of Electric Signs; to Provide for the Regulation and Licensing of Parties Involved in the Installation of Electric Signs”**

This Act amends various statutes to make a "specialist sign electrician" a separately licensed electrician and sets for the regulations and licensing requirements for a specialist sign electrician. The Act should be consulted for the details. This Act contained no Emergency Clause.

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**Act 1196 – “An Act to Add "Aviation Fuel" to the Data Collected by the Arkansas Energy Office; to Direct the Arkansas Energy Office to Issue a Rule that Requires an Arkansas City or County that Issues Building Permits to Adopt the 2004 Energy Code for New Building Construction”**

This Act amends Ark. Code Ann. §15-10-205 to give the Arkansas Energy Office the authority to require a city that issues building permits for new building construction to adopt the 2004 Arkansas Energy Code for New Building Construction, as it existed on January 1, 2009. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 1279 – “An Act to Provide Access to Health Benefits for Municipal Employees and Officials who have Retired”**

This Act creates a new statute, to be codified at Ark. Code Ann. §24-12-132, to provide for health benefits for municipal employees and officials who have retired. The Act should be consulted for the details. This Act contained no Emergency Clause.

\*\*\*\*\*

**Act 1313 – “An Act to Increase the Death Benefits for Covered Public Employees Killed in the Line of Duty; to Allow Covered Public Employees to Choose a Designated Beneficiary for Death Benefits”**

This Act amends Ark. Code Ann. §21-5-704, 705, 707, and 708, to increase the death benefits for covered public employees killed in the line of duty and to allow covered public employees to choose a designated beneficiary for death benefits. The Act should be consulted for the details. This Act contained an Emergency Clause and went into effect retroactively to July 1, 2008.

\*\*\*\*\*

**Act 1371 – “An Act to Amend the Interlocal Cooperation Act to Authorize Public Agencies to Create Consolidated Wastewater Systems”**

This Act creates a new section of statutes, to be codified at Ark. Code Ann. §25-20-501, to allow two or more public agencies to create consolidated wastewater systems. The Act should be consulted for the details. This Act contained no Emergency Clause.

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**Act 1408 - "An Act to Amend Improvement District Law"**

This Act amends Ark. Code Ann. §14-94-106, which pertains to the creation of municipal property owners' improvement districts, to provide that the holder of a mortgage on property sought to be in such a district must be notified prior to the district's creation. The Act should be consulted for the details. This Act contained no Emergency Clause. See also ACT 501.

**Act 1448 - "An Act to Clarify the Authority of a City of the First Class and a City of the Second Class to Regulate Ambulance Patient Transports"**

This Act amends Ark. Code Ann. §14-266-105, concerning what ambulance transfers a city is authorized to regulate. The Act should be consulted for the details. This Act contained no Emergency Clause.

Jeff Harper  
City Attorney  
Ernest Cate  
Senior Deputy City Attorney

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**Steve Harp Retires From Civil Service Commission**

In the picture to the left, Steve Harp (center) is congratulated at his retirement party by Fire Chief Duane Atha (left) and Police Chief Kathy O'Kelley (right) for his service to the City of Springdale. Steve Harp was appointed to the Civil Service Commission on April 1, 1986, and served on the Commission for 23 years, the longest service by any Civil Service Commissioner since the Commission was established on September 13, 1966.



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Springdale City Attorney's Office  
201 Spring Street  
Springdale, AR 72764  
479-750-8173

