

MUNICIPAL **LAW**

2025 LEGISLATIVE SESSION

NEED TO KNOW

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Accounting & Budgets

ACT 24 – BUDGETS

Sponsors: Senator Ben Gilmore (R – Crossett); Representative Glenn Barnes (D – Pine Bluff)

Who: Mayor, Governing Body, Treasurer

What: Authorizing municipalities to operate under previous years' budget in limited circumstances.

Explanation: Act 24 authorizes a municipality that has not adopted a budget by January 1 to pay for certain expenditures in accordance with the budget from the previous year until a new budget for the year is adopted by the governing body. However, expenditures are limited to necessary operational expenses of the municipality, including without limitation:

- (1) Expenditures to ensure all regular and usual government services offered by the municipality are maintained;
- (2) Expenditures necessary to protect the peace, health, and safety of the residents of the municipality;
- (3) Payroll and benefits of employees of the municipality as the employee's salary existed on December 31;
- (4) Payments of contracts for commodities or services previously entered into by the municipality in which payment is due; and
- (5) Payments of outstanding debt or bonds, including interest, as authorized under applicable law.

The municipality will not be allowed to make new capital purchases based on the previous budget's authorization of capital purchases. The purpose of Act 24 is to give municipalities leeway in operating throughout the month of January and onward until a new budget is adopted. However, it limits this authorization to only expenditures on those items necessary to continue the operation of the municipality.

ACT 107 – BIDDING

Sponsors: Senator Ricky Hill (R – Cabot); Representative Jim Wooten (R – Beebe)

Who: Mayor, Governing Body, Finance



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What: Increases the threshold in which a municipality may exceed the fleet price when purchasing a new motor vehicle in Arkansas without soliciting bids.

Explanation: Prior to Act 107, the law authorized municipalities to purchase after-market equipment for new motor vehicles up to \$1,200 without the need to solicit bids; the law also allowed for the purchase amount of the new motor vehicle to include additional options up to \$600 without the need to solicit bids. Act 107 increased both these thresholds to \$2,000.

ACT 111 – UNIFORM CHART OF ACCOUNTS

Sponsors: Senator Jim Petty (R – Van Buren); Representative Robin Lundstrum (R – Elm Springs)

Who: Mayor, Governing Body, Treasurer

What: Establishing a uniform chart of accounts for cities of the second class and incorporated towns.

Explanation: Act 111 requires Arkansas Legislative Audit to establish a uniform chart of accounts for cities of the second class and incorporated towns by ~ August 2028. Legislative Audit will provide for a uniform account coding structure over revenues, expenditures, and balances and will include budgeting and fund classification aspects designed to classify the receipt of funds and the appropriations and disbursements of funds in accordance with the object and purpose for the expenditures in sufficient details to ensure that current information will always be available concerning the financial condition of municipalities. This may sound like a burden, but Legislative Audit has promised to work with the League in developing the uniform chart of accounts. Additionally, Legislative Audit will aid in future training of municipal treasurers and finance officers on the use of the new chart of accounts.

ACT 371 – DISTRICT COURT FUNDING

Sponsors: Senator Alan Clark (R – Lonsdale); Representative Carol Dalby (R – Texarkana)

Who: Mayor, Governing Body, Clerk/Recorder/Treasurer

What: Robust changes to district court funding.

Explanation: Act 371 makes robust changes to the district court funding scheme, removing the obligation of cities and counties to pay district court judges' salaries. Municipalities will need to adjust their budgets to reflect the removal of district court



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judges' salary obligations, allocate funds from the city administration of justice funds to specified programs, manage and report the retention and use of these funds, follow specified procedures for fund management and disbursement, implement new installment payment procedures and fee structures, consider specified factors when authorizing salary increases, and collect and remit the court technology fee as specified.

ACT 720 – SALES AND USE TAX EXPIRATION NOTICE

Sponsors: Senator Jim Petty (R – Van Buren); Representative Brad Hall (R – Van Buren)

Who: Mayor, Governing Body

What: Requires the Arkansas Department of Finance and Administration to send notification to municipalities regarding expiring sales taxes.

Explanation: Act 720 requires the Arkansas Department of Finance and Administration to notify the governing body of a municipality that a sales and use tax is expiring at least 120 days prior to the expiration.

ACT 993 – COLLECTION & DISTRIBUTION OF DISTRICT COURT SUMS

Sponsors: Senator Dave Wallace (R – Leachville); Representative R. Scott Richardson (R – Bentonville)

Who: Mayor, Governing Body, Clerk/Recorder/Treasurer

What: Provides mechanism for municipalities without a district court or police department to receive appropriate distributions of district court sums.

Explanation: Act 993 clarifies the law concerning the collection and distribution of sums collected by a district court and provides a mechanism for cities and incorporated towns that do not operate a district court and do not have a police department to receive the appropriate distribution of sums collected by the district court to ensure remediation. Moreover, the Act provides accounting procedures for all fines, penalties, forfeitures, fees, and costs received by the district court or any officers of the town or city.



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Employment

ACT 242 – LIBRARY DIRECTORS

Sponsors: Senator Dan Sullivan (R – Jonesboro); Representative Rebecca Burkes (R – Lowell)

Who: Mayor, Governing Body, City Attorney in municipalities with regional libraries

What: Changes the requirements for library directors for regional library systems.

Explanation: Act 242 adjusts the requirements of a library director for regional library systems to allow work experience in the field of library operations to be substituted for a master's degree from an accredited program in library operations if approved by the regional library system board of trustees employing the director.

ACT 413 – RETIREMENT BENEFITS PASSING TO SPOUSES

Sponsors: Senator Scott Flipppo (R – Bull Shoals); Representative Stetson Painter (R – Mountain Home)

Who: Governing Body, City Attorney, Deputy City Clerk, Mayor, Treasurer

What: Authorizes the governing body to provide retirement benefits to the spouse of certain municipal officials upon the death of the official.

Explanation: Prior to Act 413, the Arkansas Code only authorized retirement benefits for city clerks, city clerk/treasurers, and mayors in cities of the first class to be passed on to the official's spouse if the municipal official passed way *and* if approved by the governing body. In other words, there was no option for the governing body to elect to authorize spouses to receive retirement benefits in the event the retired municipal official passed away for any other official other than city clerks, city clerk/treasurers, and mayors in cities of the first class.

Act 413 amends the Arkansas Code to authorize the spouse of deceased city attorneys, deputy city clerks, mayors in cities of the second class and incorporated towns, and city treasurers to receive those retirement benefits. This is purely optional for cities and towns; there is no requirement to provide such benefits to spouses.



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ACT 414 – CLAIMS TO SURVIVORS OF CERTAIN PUBLIC EMPLOYEES KILLED IN THE LINE OF DUTY

Sponsors: Senator Kim Hammer (R – Benton); Representative Wade Andrews (R – Camden)

Who: Governing Body, Law Enforcement, First Responders, Parks & Recreation

What: Amends A.C.A. § 21-5-705 to increase the amount the state pays out to the survivors of certain specified public employees killed in the line of duty from \$150,000 to \$250,000

Explanation: Act 414 increases the death benefits paid to designated beneficiaries or survivors of certain public employees killed in the line of duty. Those public employees covered under this Act are:

- (1) police officers, wildlife enforcement officers, game wardens, commissioned law enforcement officers, emergency response employees of the Department of Parks, Heritage, and Tourism, Division of Community Correction employees, Division of Correction employees, jailers, coroners, or state highway employees, and
- (2) firefighters, emergency medical technicians, or Arkansas Forestry Commission employees.

For employees under (1), the covered occurrences are deaths that occurred either in the official line of duty as a result of a criminal or negligent act of another person(s) or as a result of the engagement in exceptionally hazardous duty; or in the line of duty while the officer or employee was performing emergency medical activities.

For employees under (2), the covered occurrences are deaths that occurred while responding to, engaging in, or returning from a fire, rescue incident, a hazardous material or bomb incident, an emergency medical activity, or a simulated training thereof. Additionally, firefighters killed in the line of duty after January 1, 2012, including death from certain types of cancer or a cancer that has been found by research and statistics to show higher instances of occurrence in firefighters than the general population, if he or she was exposed to a known carcinogen as determined by the Arkansas Department of Health.



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ACT 523 – APPOINTMENT, ELECTION, CONTRACTING OF CITY ATTORNEYS

Sponsors: Senator Steve Crowell (R – Magnolia); Representative RJ Hawk (R – Bryant)

Who: Mayor, Governing Body, City Attorney

What: Makes uniform across all municipalities the process in which a municipality elects, appoints, or contracts with a city attorney.

Explanation: Prior to Act 523, there existed five different statutes governing how a municipality retained a city attorney that differed depending on the classification of the city. Act 523 eliminates three of the five statutes, making the process in which a city attorney is elected/appointed/contracted uniform across all municipalities regardless a municipality's classification. As such, municipalities are authorized to hold an election to elect a city attorney, or the municipality may pass an ordinance authorizing the appointment of a city attorney. If a city of the second class or incorporated town chooses not to elect or appoint a city attorney, those cities or towns may contract with an attorney to provide city attorney services.

ACT 671 – MANDATORY TRAINING OF MUNICIPAL TREASURERS

Sponsors: Senator Kim Hammer (R – Benton); Representative Jon Milligan (R – Lake City)

Who: Treasurer, Mayor, Governing Body

What: Mandated training for municipal treasurers.

Explanation: Act 671 requires municipal treasurers, whether elected or appointed, to complete 8 hours of training provided by the Arkansas Municipal League in cooperation with Arkansas Legislative Audit. For newly elected and appointed treasurers, the training must be completed within 180 days of taking office. Failure to get the training will result in an audit finding.

Act 671 also clarifies that the municipality may assign the treasurer duties to a "private, qualified person," which means a person who, at a minimum, is a resident of Arkansas and has: (1) previous experience in government or municipal accounting in Arkansas; or (2) received the training under Act 671.



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POLICE & FIRE

ACT 317 – LAW ENFORCEMENT LEAVE COMPENSATION

Sponsors: Senator Breanne Davis (R – Russellville); Representative Dwight Tosh (R – Jonesboro)

Who: Mayor, Governing Body, Clerk/Treasurer/Recorder, Police Chief

What: Clarifies the law on who is entitled to receive holiday compensation, annual vacation leave, and sick leave compensation.

Explanation: We have long advised that municipalities were only required under A.C.A. § 14-52-105 – 107 to provide holiday compensation, annual sick leave, and vacation leave compensation to full-time law enforcement officers. A recent attorney general opinion interpreted these statutes differently and opined these statutes were applicable to all law enforcement officers and not limited to only those who are employed full time. Act 371 simply clarified that statutory benefits only apply to full-time law enforcement officers.

ACT 398 – LICENSED COUNSELING COVERAGE FOR TRAUMATIC EVENTS

Sponsors: Senator Clark Tucker (R – Little Rock); Representative Carlton Wing (R – North Little Rock)

Who: Mayor, Governing Body, Human Resources, Police Chief, Fire Chief

What: Mandate to provide coverage for licensed counseling for public safety employees who have experienced a traumatic event.

Explanation: Act 398 mandates public employers to cover licensed counseling for public safety employees (such as probation officers, surveillance officers, detention officers, police officers, and firefighters) who experience a traumatic event. A "traumatic event" includes: (1) extraordinary traumatic bodily injury or death; (2) serious injury, death, abuse, or exploitation of a minor; (3) an immediate threat to life; and (4) a mass casualty event. Act 398 requires coverage for up to 12 counseling visits per calendar year when a traumatic event occurs, with unused visits carried over but not exceeding 18 in a year.

As a reminder, the League offers the Trauma Assistance Program; for more information, please visit <https://sweapconnections.com/tap-intake/>.



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ACT 415 – FIREFIGHTER HEALTH BENEFITS PLAN ELIGIBILITY

Sponsors: Senator Mark Johnson (R – Little Rock); Representative Cameron Cooper (R – Romance)

Who: Mayor, Governing Body, Human Resources, Treasurer

What: Authorizes eligible retired firefighters to stay on a municipality's health benefit plan.

Explanation: Act 415 amends the Arkansas Code to allow eligible firefighters to remain on a municipality's health benefit plan until they qualify for Medicare. This does not alter the current requirements for retirees to stay on the health plan, and they may still need to pay premiums as determined by the municipality.

ACT 417 – SCHEDULE OF EQUIPMENT RATES; FIRE SERVICES

Sponsors: Senator Kim Hammer (R – Benton); Representative Wade Andrews (R – Camden)

Who: Mayor, Governing Body, Fire Chief, Firefighters

What: Removes requirement that rates be the same as FEMA rates from January 1, 2013.

Explanation: Permits municipalities and fire services to use the most updated FEMA equipment rates rather than requiring the use of the January 1, 2013, FEMA rates.

ACT 594 – LAW ENFORCEMENT; CROSS-DEPUTIZATION

Sponsors: Senator Justin Boyd (R – Fort Smith); Representative Zack Gramlich (R – Fort Smith)

Who: Mayor, Governing Body, Police Chief

What: Allows cross deputization of municipal, county, state, and tribal law enforcement on federally recognized tribal land.

Explanation: A municipality may enter into an agreement with a tribal nation having federally recognized tribal land within the borders of the State of Arkansas for the cross deputization of law enforcement officers.



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ACT 673 – VOLUNTEER FIRE DEPARTMENTS LEVYING DUES FOR SERVICES IN UNINCORPORATED AREAS

Sponsors: Senator Kim Hammer (R – Benton); Representative Lee Johnson (R – Greenwood)

Who: Mayor, Governing Body, Volunteer Firefighters

What: Permits collection of dues for volunteer fire departments whose fire protection district covers an unincorporated area of the county.

Explanation: Act 673 permits the quorum court to levy dues on those residents upon adoption of an ordinance by the quorum court authorizing a county official to collect and remit those dues to the volunteer fire department whose fire protection district covers an unincorporated area of the county.

ACT 686 – FIREFIGHTERS' BILL OF RIGHTS

Sponsors: Senator Clark Tucker (R – Little Rock); Representative Andrew Collins (D – Little Rock)

Who: Mayor, Governing Body, Fire Chief, Firefighters

What/Explanation: Authorizes municipalities to elect to adopt a Firefighters' Bill of Rights as prescribed in Act 686. Nearly identical to Police Officers' Bill of Rights.

ACT 748 – REIMBURSEMENT FOR POLICE TRAINING

Sponsors: Senator Breanne Davis (R – Russellville); Representative Steve Unger (R – Springdale)

Who: Mayor, Police Chief, Governing Body, Treasurer

What: Amends the law concerning reimbursement for costs and expenses for training a law enforcement officer who leaves the agency that paid for the training.

Explanation: Act 748 primarily extends the period for how long a law enforcement agency has to recoup the costs and expenses of training an officer when the officer leaves the agency that paid for the training. If a law enforcement agency pays the costs or expenses for training an officer and another agency employs the officer within 24 months (previously 18 months) after completion of the training, the agency that hired the officer must reimburse the agency that paid for the officer's training. However, if the officer is employed within 12 months (previously 2 months) after completion of the training, the employing agency shall reimburse the total of the costs or expense



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of training. If the officer is employed more than 12 months (previously 2 months) but not more than 24 months (previously 6 months) after completion of training, the employing agency shall reimburse 50% (previously 80%) of the costs or expenses of training. Act 748 also authorizes the agency that paid the costs or expenses of training to seek reimbursement from each successive law enforcement agency that employed the officer after the first law enforcement agency paid the costs or expenses of training within the 24-month period after the date of the officer's completion of training.

ACT 751 – POLICE & FIRE - EXAMINATIONS

Sponsors: Senator Breanne Davis (R – Russellville); Representative Carlton Wing (R – North Little Rock)

Who: Mayor, Governing Body, City Attorney, Fire Chief, Police Chief of municipalities with Civil Service Commissions

What: Amends examination process for police and fire departments in municipalities with Civil Service Commissions.

Explanation: Act 751 amends the Civil Service statutes to allow examinations for fire and police departments to be held as needed by the chief of the fire department or police department who shall determine the: time of the exams; date of the exams; and frequency of the exams. The Civil Service Commission is only authorized to have an indirect role in an examination and excludes the commission from engaging in interviews or proctoring the exams. However, the Commission is allowed to observe an examination so long as the Commission does not interfere with the examination schedule.

ACT 1020 – STATE FIRE CODE AMENDMENTS

Sponsors: Senator Joshua Bryant (R – Rogers); Representative Paul Childress (R – Benton)

Who: Mayor, Governing Body, Fire Chief, Firefighters, Code Enforcement

What: Eliminates requirement for 2 fire apparatus access roads for residential developments not located in the city limits with a lot size of at least 1 acre.

Explanation: Act 1020 amends A.C.A. § 18-10-101 to prohibit the Arkansas Fire Prevention Code from requiring a residential development to maintain 2 or more separate and approved fire apparatus access roads if the residential development is not located in a city of the first or second class or in an incorporated town and each lot located in the residential development is at least 1 acre in size.



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ELECTIONS

ACT 250 – FINANCIAL CONTRIBUTIONS & EXPENDITURE REPORTS

Sponsors: Senator Kim Hammer (R – Benton); Representative Andrew Collins (R – Little Rock)

Who: Candidates for office

What: Campaign contributions or expenditure reports.

Explanation: Act 250 requires a candidate for office to file a final report 20 days after the end of the month following the month in which the candidate's name appeared on the ballot in any primary, runoff, general, or special election covering all contributions received and expenditures made for that election which have not been disclosed on reports previously filed through the month following the month during which an election is held.

ACT 283 – ORDINANCES FOR ELECTIONS

Sponsors: Senator Kim Hammer (R – Benton); Representative Rick Beck (R – Center Ridge)

Who: Mayor, Governing Body, Clerk/Recorder

What: Requires municipalities to send a copy of the municipal ordinance detailing whether the election for council members will be by ward or at-large.

Explanation: Cities of the first and second class are required to pass an ordinance changing the way council members are elected. The default is that council members are all elected at-large. If a city chooses to elect council members by ward, or some by ward and some at-large, an ordinance is required to make this change. Most cities have had an ordinance on their books for decades making this change, but the ordinance was never required to be sent to those in charge of running elections (the county clerk and election commission).

Act 283 requires those cities that have already passed an ordinance on this issue to submit the ordinance to the county clerk by January 1, 2026. This is a one-time submission to the county clerk and will be all the city needs to do unless the city amends the way council members are elected. For those cities that currently elect council members at-large, if these cities ever pass an ordinance in the future, then the



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ordinance must be submitted by August 31 of the calendar year before the election of council members.

ACT 360 – CANDIDATE PETITIONS

Sponsors: Senator Steve Crowell (R – Magnolia); Representative Jeremy Wooldridge (R – Marmaduke)

Who: All public officials

What: Clarifies the beginning period when independent municipal officials nominating petitions are required to be filed.

Explanation: Act 360 simply adds “beginning at 12:00 noon and” to the current law to read that petitions for independent candidates for municipal office are required to be filed during a one-week period “beginning at 12:00 noon and ending at 12:00 noon 90 days before the general election with the county clerk.”

ACT 405 – SPECIAL ELECTION DATES

Sponsors: Senator Bart Hester (R – Cave Springs); Representative Jeremy Wooldridge (R – Marmaduke)

Who: Mayor, Governing Body, Clerk/Recorder

What: Slightly changes the dates in which special elections on measures and questions may be held.

Explanation: Act 405 amends the dates during which the preferential primary election will be held to the first Tuesday after the first Monday in March. If you recall, a few sessions back, the General Assembly amended the dates in which we could hold local special elections to coincide with the primary and general elections. With the changes made under Act 405, the special election dates also changed. Special elections may now be held on (1) the first Tuesday after the first Monday in March and/or (2) the second Tuesday of November. The good news is, this change still provides municipalities two dates a year to hold a special election, and it will also be in March and November regardless of if the president is on the ballot or not.

ACT 768 – LOCAL INITIATIVES & REFERENDUM PETITIONS

Sponsors: Senator Kim Hammer (R – Benton); Representative RJ Hawk (R – Bryant)

Who: Governing Body, County Clerk



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What: Amends the law regarding local initiatives and referendum petitions to require that the sponsor submit to the county clerk all information required to be submitted to the Attorney General for statewide petitions.

Explanation: Under Act 768, the sponsor of each local initiative and referendum petition must submit to the county clerk:

1. The original draft of the initiative or referendum petition,
2. Ballot title for approval or denial,
3. All canvasser affidavits,
4. Complete list of all paid canvassers' names and current addresses,
5. Copy of signed statement provided by the paid canvasser; and
6. Sponsor certification that each paid canvasser has no disqualifying offenses.

The county clerk must certify that the ballot title (or "substitute and certify a more suitable and correct ballot title"), each canvasser who collected signatures submitted an affidavit certifying that the canvasser complied with the Arkansas Constitution and all Arkansas laws regarding canvassing, perjury, forgery, etc., in the procurement of petition signatures, the sponsor must submit a list of all paid canvassers who collected signatures (updated upon any changes) with the canvasser's name, current address, a signature card, and a copy of the signed statement discussed above. The Act also requires that each initiative and referendum petition contain the full ballot title at the top of EACH signature page.

ACT 991 – RUNOFF ELECTIONS FOR MUNICIPAL OFFICES

Sponsor: Senator Mark Johnson (R – Little Rock)

Who: Candidates for municipal office

What: Amends runoff election procedure for municipal offices to mirror that of county elected offices

Explanation: Act 991 amends the law concerning runoff elections to mirror the procedure for runoff elections in county elected offices. Where there are more than 2 candidates for election to a municipal office at any general election held in Arkansas, and no candidate receives a majority of the votes cast for that office, there shall be a runoff election held in the municipality, 4 weeks following the date of the general election at which the names of the 2 candidates receiving the highest number of votes, but not a majority, shall be placed on the ballot to be voted on by qualified electors of the municipality.



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ACT 995 – UNIFORM PROCEDURES FOR FILLING VACANCIES

Sponsors: Senator Bart Hester (R – Cave Springs); Representative Stetson Painter (R – Mountain Home)

Who: Governing Body, all elected or appointed municipal officials

What: Establishes uniformity in the procedures and process for filling a vacancy of a municipal office.

Explanation: Regardless of the classification or form of government of the municipality, a vacancy of a municipal office shall be filled according to one of the following methods:

- (1) At the first council meeting after the vacancy is declared, the governing body shall elect, by a majority vote, a person to serve the unexpired term. In a city with a population of 50,000 or less, the governing body can vote to appoint a member of the governing body of the municipality to fill the vacancy. Such an appointment is not subject to veto by the mayor.
- (2) At the first council meeting after the vacancy is declared, the governing body shall *either* 1) call a special election to fill the vacancy to be held at the next special election date under A.C.A. § 7-11-101 *et seq.* to fill the vacant position for the remainder of the term *or* 2) appoint a qualified elector, including a member of the governing body of the municipality—if the population is less than 50,000—to serve in office until the special election.

PLANNING & ZONING

ACT 313 – ACCESSORY DWELLING UNITS

Sponsors: Senator Bart Hester (R – Cave Springs); Representative Nicole Clowney (D – Fayetteville)

Who: Mayor, Governing Body, Planning, City Attorney

What: Limits regulations on Accessory Dwelling Units (ADUs).

Explanation: “Accessory dwelling unit” is defined in Act 313 as a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies or is otherwise exempt from any applicable regulatory requirements. Act 313 prohibits a municipality from adopting a policy, regulation, or ordinance that



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restricts, prohibits, or otherwise regulates the use of at least one ADU by right on a lot or parcel that contains a single-family dwelling.

Municipalities cannot: (1) require extra parking or fees for ADUs; (2) mandate ADU designs match the main dwelling; (3) require owner occupancy in either unit; (4) enforce relationships between occupants of both units; (5) charge more than \$250 in development impact fees for ADUs; (6) demand public street or sidewalk improvements unless construction disturbs them; (7) set stricter building heights, setbacks, lot sizes, coverages, or frontages for ADUs compared to the main dwelling; (8) impose harsher development standards on ADUs; (9) require restrictive covenants for ADUs on residential lots; or (10) mandate separate water and sewer systems from the main structure. There are certain limitations on the size and of the ADU in Act 313, as well, to keep in mind.

ACT 314 – EXTRATERRITORIAL JURISDICTIONS

Sponsors: Senator Gary Stubblefield (R – Branch); Representative Justin Gonzales (R – Okolona)

Who: Mayor, Governing Body, Planning

What: Eliminates extraterritorial jurisdictions.

Explanation: For over 50 years, municipalities have had some limited authority to certain powers outside of the corporate limits of the city—anywhere from 1-3 miles outside of the corporate limits depending on the size and certain characteristics of the municipality. Municipalities could exercise jurisdiction over subdivisions, the construction, installation, and inspection of electrical work, and in some limited cases zoning authority in this extraterritorial jurisdiction. After the passage of Act 314, extraterritorial jurisdiction no longer exists.

ACT 323 – INSPECTIONS; PROHIBITION ON ADVANCED NOTICE

Sponsors: Senator Joshua Bryant (R – Rogers); Representative Steve Unger (R – Springdale)

Who: All public officials and employees

What: Prohibits public officials and employees from providing advanced notice of an inspection to be conducted by a governmental body.

Explanation: Act 323 prohibits public officials and employees from providing advanced notice of an inspection to be conducted by a governmental body to any



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person, business, or entity subject to an inspection when the purpose of the disclosure is to improperly influence the outcome of the inspection. Public officials and employees violate the Act when they knowingly communicates information, directly or indirectly, regarding the timing, scope, or details of an upcoming inspection with the intent to: (1) alter or manipulate conditions to evade detection of noncompliance or violations; (2) provide an unfair advantage to the inspected party; or (3) otherwise interfere with the integrity or impartiality of the inspection process.

ACT 421 – PRIVATE CLUB PERMITTING

Sponsors: Senator Missy Irvin (R – Mountain View); Representative Carol Dalby (R – Texarkana)

Who: Governing Body, Business Owners

What: Removes the requirement that private club permit holders be organized as a nonprofit corporation.

Explanation: Act 421 removes the requirement that private club permit holders be organized as a nonprofit corporation. With Act 421, private club permits may be issued to hotels, restaurants, or large-event facilities whether those entities are organized as a corporation, partnership, individual, or limited liability company.

ACT 459 – RENTAL REGULATION RESTRICTIONS

Sponsors: Senator Clint Penzo (R – Springdale); Representative David Ray (R – Maumelle)

Who: Mayor, Governing Body

What: Prohibits municipalities from enacting restrictions on what a property owner may charge for certain cost of renting.

Explanation: Act 459 prohibits municipalities from enacting, maintaining, or enforcing an ordinance or resolution that would have the effect of controlling the amount charged for rent, rental application fees, or rental deposits for the leasing of private residential or commercial properties.

ACT 520 – LAND VACATED BY CITY INCORPORATES R.O.W.

Sponsors: Senator Clint Penzo (R – Springdale); Representative Les Warren (R – Hot Springs)

Who: Mayor, Governing Body, Planning Officials



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What: Allows for street Right of Way (ROW) to be incorporated into the plat or legal description of the abutting property.

Explanation: Prior to the passage of Act 520, A.C.A. § 14-301-306 stated that “upon adoption of the ordinance, the absolute ownership of the property abandoned by the city or town shall vest in the owners of the real estate abutting thereon.”

Act 520 makes clear that unless an express reservation is made by the abutting owner, the street ROW is incorporated into that abutting property upon adoption of the ordinance to vacate the property. Moreover, Act 520 applies retroactively to “all the streets and alleys abandoned by a city or town with real estate abutting the streets and alleys after February 6, 1945.”

ACT 591 – THIRD-PARTY INSPECTORS

Sponsors: Senator Joshua Bryant (R – Rogers); Representative Aaron Pilkington (R – Knoxville)

Who: Mayor, Planning Officials

What: Authorizes municipalities and private developers to utilize third-party inspectors in certain situations.

Explanation: Act 591 allows third-party inspectors for plan reviews and inspections. Within 5 days of receiving a permit request, municipal officials must notify applicants if the city can meet certain requirements. If the application is complete, municipal officials inform whether the city can review the plan within 60 days. If not, applicants can hire private providers at government expense. Applicants may still choose private providers in other circumstances but must cover costs if officials can meet the timeframe. Private providers must be unaffiliated with the applicant and must be an engineer, architect, or other licensed individual.

Private reviews must match the thoroughness of local reviews. Once compliance is determined, providers certify that plans were reviewed by authorized personnel, meet regulations, and match previously submitted plans. Providers can review civil, construction, and plumbing plans (if permitted by the Department of Health).

Applicants can also use private inspectors for requested inspections at their own expense, with local officials possibly present. Private inspectors can handle footings, foundations, slabs, sidewalks, streets, framing, electrical, plumbing, HVAC, drainage, and utilities.



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There is a lot to Act 591; please consult with your city attorney and building inspector as soon as possible.

ACT 595 – ADMINISTRATIVE REZONINGS

Sponsors: Senator Joshua Bryant (R – Rogers); Representative Brit McKenzie (R – Rogers)

Who: Mayor, Governing Body, Planning Personnel

What: Authorizes the creation of an administrative procedure for changing the zone or district designation of a property.

Explanation: The governing body of a municipality may establish, by ordinance, an administrative procedure for changing the zone or district designation of a property when the request is: (1) made by the property owner; and (2) consistent with the adopted land use plan. Decisions rendered on administrative changes of a zone or district designation may be appealed to the planning commission of the municipality.

ACT 834 –REDUCTION IN CLASS OF CITY

Sponsors: Senator Jim Petty (R – Van Buren); Representative Nicole Clowney (D – Fayetteville)

Who: Mayor, Governing Body

What: Amends the law concerning reductions in class of city.

Explanation: Act 834 amends the code to allow cities of the first class with a population of less than 7,500 to be reduced to a city of the second class upon adoption of an ordinance. The law previously required a city of the first class be reduced to a population under 5,000 to have the option to be reduced to a city of the second class.

ACT 1002 – PROHIBITION ON MUNICIPAL ZONING OF COUNTY PROPERTY

Sponsors: Senator Jim Petty (R – Van Buren); Representative Chad Puryear (R – Hindsville)

Who: Mayor, Governing Body, Planning Personnel

What/Explanation: Act 1002 prohibits a municipality from enforcing municipal building or zoning regulations on county property that is: (1) used for a public purpose; and (2) located within the corporate limits of the municipality. However, county



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property that is used for a public purpose and located within the city limits must comply with the building and zoning regulations of the county.

UTILITIES

ACT 699 – ARDOT AND UTILITY RELOCATION AGREEMENT

Sponsors: Senator Joshua Bryant (R – Rogers); Representative Robin Lundstrum (R – Elm Springs)

Who: Mayor, Utility Personnel

What: Utility relocation agreements with ARDOT when required to move out of the state right-of-way.

Explanation: Act 699 outlines the procedures between ARDOT and utilities when the utilities need to be moved out of the state's right-of-way. When a utility is located within the state's right-of-way and needs to be removed, relocated, or adjusted to accommodate changes, ARDOT and the utility must negotiate a relocation agreement. This agreement will define a reasonable schedule for the relocation and outline the responsibilities of each party. The agreement will include a timeline for relocating the utility.

If the municipal utility cannot comply with this timeline, ARDOT has the authority to relocate the utility. However, if the municipality provides ARDOT with a list of at least three approved engineers and contractors or design specifications for the utility relocation within 10 days of receiving notice from ARDOT, ARDOT will contract only with those approved by the municipality. Additionally, if the municipality supplies design specifications within 10 days of receiving notice, ARDOT will adhere to these specifications. The municipal utility also has the right to inspect the relocation process, including any underground utility before it is covered, and may pursue claims against any person or entity other than ARDOT related to the relocation, whether under the contract with ARDOT or by law.

ACT 712 – AMENDING DEFINITION OF PUBLIC UTILITY

Sponsors: Senator Blake Johnson (R – Corning); Representative Jimmy Gazaway (R – Paragould)

Who: Mayor, Governing Body, Water Commission/Service Providers

What: Amends the definition of “public utility” to exclude a water or light commission under A.C.A. §§ 14-201-101 — 14-201-129.



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Explanation: Act 712 excludes from the definition of “public utility” those water and light commissions created in cities of the first class by the governing body for the purpose of operating and managing the waterworks and distribution system or electrical light plant system or both.

ACT 736 – ELIGIBILITY FOR WATER DEVELOPMENT STATE PROGRAMS

Sponsors: Senator Bart Hester (R – Cave Springs); Representative Howard Beaty Jr. (R – Crossett)

Who: Mayor, Governing body, Public Water Authorities

What: Expands eligibility for water development state programs to include any governmental entity that engages in water services.

Explanation: Act 736 expands the eligibility for water development state programs to include, in addition to nonprofit corporations, any governmental entity, municipal nonprofit entity, municipal authority, governmental authority, investor-owned water or wastewater utility, improvement district, or rural development authority that provides, distributes, transmits, treats, pumps, or stores raw or potable water to or for the benefit of members of the general public and commercial, industrial, and other users that proposes to accomplish, develop, or construct any of the foregoing.

ACT 742 – PROVIDING WATER SERVICES TO COUNTY PROPERTIES

Sponsors: Senator Jim Petty (R – Van Buren); Representative Chad Puryear (R – Hindsville)

Who: Mayor, Governing Body

What: Requires municipality to provide water and wastewater services to county properties.

Explanation: Act 720 requires a municipality that owns or operates a waterworks system to provide services to any property owned by the county located within the corporate limits at the request of the county judge. The county is required to pay for the cost associated with the connection to the waterworks system operated by the municipality for the property owned by the county and services at the rates charged to other customers of the waterwork system. The same applies for municipalities that own or operate a sewage collection system or a sewage treatment plant.



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ACT 812 – ESTABLISHMENT OF WATER & SEWER TREATMENT FACILITY GRANT PROGRAMS

Sponsors: Senator Joshua Bryant (R – Rogers); Representative DeAnn Vaught (R – Horatio)

Who: Mayor, Governing Body, Public Water Authorities

What: Creates the Water and Sewer Treatment Facilities Grant Program

Explanation: Act 812 establishes the Water and Sewer Treatment Facilities Grand Program Fund to be used by the Arkansas Natural Resources Commission to award grants for primarily shovel-ready infrastructure and improvement projects for eligible water and sewer treatment facilities. The Commission is tasked with creating and awarding grants for shovel-ready projects and will award up to 80%.

ACT 925 – UTILITY RATE STUDIES

Sponsors: Senator Gary Stubblefield (R – Branch); Representative Justin Gonzales (R – Okolona)

Who: Mayor, Governing Body, Water/Wastewater Personnel

What: Requires wastewater and sewer systems to obtain a rate study.

Explanation: By now, all municipalities should be familiar with Act 605 of 2023 which required rate studies be obtained by water systems. Act 925 is the companion bill for wastewater and sewer systems. All public and private providers of a sewage collection service or sewage treatment service will be determined to be in fiscal distress if the provider: (1) fails to obtain a rate study; (2) fails to implement the completed rate study required under the Act; or (3) has been found by the Arkansas Natural Resources Commission to be in significant noncompliance with rules of the commission because of inadequate funds for operation and maintenance or inadequate compliance with rules of the commission.

Providers shall obtain a rate study on the following schedule: (1) by July 1, 2028, and every 5 years thereafter for a provider that serves 500 or fewer customers; (2) by July 1, 2029, and every 5 years thereafter for a provider that serves not less than 501 and not more than 1,000 customers; and (3) by July 1, 2030, and every 5 years thereafter for a provider that serves more than 1,000 customers.

Rates must be implanted within 1 year of the receipt of the rate study, unless the rate study requires an increase in rates of 50% or more, in which it will be able to be



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implemented over a 2-year period. Like the water bill, Act 925 further requires a provider to deposit a minimum of 5% per annum of gross revenues in a dedicated refurbishment and replacement account. The Act also requires a provider's board members to receive 8 hours of training as promulgated by rule of the Arkansas Natural Resources Commission.

ACT 935 – LIMITATION ON ISSUANCE OF NEW WATER PERMITS

Sponsors: Senator Kim Hammer (R – Benton); Representative Mark Perry (D – Jacksonville)

Who: Mayor, Governing Body, Water/Wastewater Personnel

What: Prohibits issuing permits for a nonmunicipal domestic sewage treatment works within 5 miles of a publicly owned treatment works' collection system.

Explanation: The Division of Environmental Quality, or its successor, cannot issue new permits or modify existing permits to increase design flow for a nonmunicipal domestic sewage treatment works within 5 miles of an existing publicly owned treatment works' collection system unless:

- (a) The division determines that there is a significant threat to pollution without issuance or modification of the nonmunicipal domestic treatment works permit; or
- (b) The applicant seeking approval demonstrates that there is no other viable cost-effective alternative by submitting a feasibility study for the connection to the existing publicly owned treatment works that has a collection system within 5 miles of the proposed treatment works.

Moreover, the Act repeals A.C.A. § 8-4-203(b)(2), concerning the ability to reduce or waive the amount of the required financial assurance for a National Pollutant Discharge Elimination System, as its language approving such action expired January 1, 2016. Finally, the Act amends the initial trust fund contribution fee for water permittees from 10% to "eight percent (8%), not to exceed one hundred thousand dollars (\$100,000)."



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REGULATION

ACT 146 – PROHIBITION ON LIMITING CERTAIN LAWN CARE DEVICES

Sponsors: Senator Joshua Bryant (R – Rogers); Representative David Ray (R – Maumelle)

Who: Mayor, Governing Body

What: Municipality may not restrict the private use of certain lawn care devices.

Explanation: Act 146 prohibits local governments from restricting the use or sale of a lawn care device to a private person or entity based on the energy source used to power the lawn care device. It further prohibits local governments from imposing an excise tax or other fee on the use of a lawn care device based on the energy source that is used to power the lawn care device. This does not apply to normal sales and use taxes that are applicable to the sale of items, nor does it prohibit the municipality from choosing to only purchase or use a lawn care device that uses a particular energy source. For example, a municipality may not prohibit the private use of a lawn mower that uses gasoline, but the municipality may require that the municipality will only purchase electric-powered lawn mowers.

ACT 161 – PROHIBITION ON KNIVES REGULATION

Sponsors: Senator Terry Rice (R – Waldron); Representative Joey Carr (R – Blytheville)

Who: Mayor, Governing Body

What: Municipalities may not regulate knives or knife-making components.

Explanation: Under A.C.A. § 14-16-504, municipalities are currently prohibited from enacting any ordinance or regulations pertaining to, or regulating in any other manner, the ownership, transfer, transportation, carrying, or possession of firearms, ammunition for firearms, or components of firearms. Act 161 amends the law to also prohibit municipalities from enacting any ordinances or regulation pertaining to, or regulating, knives or knife-making components. While municipalities have home rule regarding municipal affairs, this Act officially makes the regulations of knives and knife-making components a state affair that municipalities may no longer regulate.



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ACT 248 – LIABILITY FOR SHOOTING SPORTS EVENTS

Sponsors: Senator Terry Rice (R – Waldron); Representative Chad Puryear (R – Hindsville)

Who: Mayor, Governing Body, City Attorney of municipalities that own or operate a municipal firing range that hosts shooting sports events.

What: Limit liability of the host of a shooting sports event.

Explanation: Act 248 provides that a host of a shooting sports event is not liable for an injury to or the death of a participant resulting from the inherent risks of a shooting sports event. However, Act 248 does not prevent or limit the liability of a host in the following situations:

- (1) The host provides the shooting equipment and knows or should know that the shooting equipment is faulty to the extent that the shooting equipment caused injury or death.
- (2) The host provides the shooting equipment and fails to make reasonable and prudent efforts to determine the ability of a participant to engage safely in the shooting event or to determine the ability of a participant to engage safely in the shooting event.
- (3) The host owns, leases, rents, or otherwise is in lawful possession and control of the facility at which a participant sustains an injury or dies because of dangerous latent condition at the facility that is known or should have been known to the host of a shooting sports event and for which warning signs had not been conspicuously posted.
- (4) The host commits an act or omission that constitutes willful or wanton disregard for the safety of a participant and causes an injury or death.
- (5) The host intentionally injures or causes the death of a participant.
- (6) The host gets sued under products liability laws.

The host of a shooting sports event must also post a warning in a clearly visible location at the facility or location where the event takes place that state the following: *"WARNING: Under Arkansas law, a host of a shooting sports event is not liable for an injury to or the death of a participant in a shooting sports event resulting from the inherent risk of shooting sports events."*



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ACT 529 – PROHIBITION ON REGULATION OF VEGETABLE GARDENS

Sponsors: Senator Breanne Davis (R – Russellville); Representative DeAnn Vaught (R – Horatio)

Who: Mayor, Governing Body

What: Municipalities cannot prohibit a vegetable garden on residential properties.

Explanation: Act 529 defines a vegetable garden as “a plot of ground or an elevated soil bed on a residential property where vegetables, herbs, fruits, flowers, pollinator plants, leafy greens, or other edible plants are cultivated.” A municipality cannot prohibit a person from cultivating a vegetable garden on his or her private property except that a municipality may regulate “certain specifics impacting vegetable gardens including without limitation the use of water during drought conditions, fertilizer use, control of invasive species and weeds, and reasonable size and location specifics related to permissible vegetable garden locations including, without limitation, side yards or backyards.”

ACT 573 – IN GOD WE TRUST & TEN COMMANDMENTS POSTINGS

Sponsors: Senator Jim Dotson (R – Bentonville); Representative Alyssa Brown (R – Heber Springs)

Who: All municipal officials and department heads

What: Requires the national motto “In God We Trust” and the Ten Commandments to be displayed in public buildings.

Explanation: Act 573 requires, under certain circumstances, every public building to have posted in the public building a durable poster or framed copy of the national motto of the United States “In God We Trust” and a durable poster or framed copy of the Ten Commandments in the version used in Act 573 (The Act specifies the exact verbiage to use for the Ten Commandments). The certain circumstances are as follows: “the copies or posters *shall either be donated or purchased solely with funds made available through voluntary contributions* to the local school boards, local building governing entity, or the Building Authority Division. If a copy or poster required under this Act does not meet the requirements, then the institution may replace the copy or poster with public funds or by accepting a private donation. The poster or frame must be at least sixteen inches by twenty inches (16” x 20”).



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ACT 605 – ID CARDS

Sponsors: Senator Joshua Bryant (R – Rogers); Representative Rebecca Burkes (R – Lowell)

Who: Mayor, Governing Body

What: Prohibits municipalities from issuing ID cards to persons who do not provide proof of lawful residence in the U.S.

Explanation: Act 605 prohibits municipalities from issuing identification cards to individuals who do not provide proof of lawful presence in the United States and further prohibits municipalities from providing funds to a person, entity, or organization for the purpose of issuing an identification card to an individual who does not provide proof of lawful presence in the United States.

ACT 922 – REGULATION OF UTILITY TASK VEHICLES

Sponsors: Senator Tyler Dees (R – Siloam Springs); Representative Trey Steimel (R – Pocahontas)

Who: Mayor, Governing Body

What: Operation of “Utility Task Vehicles” on public roadways.

Explanation: Act 922 amends multiple subchapters of Arkansas Code Title 27. Transportation, Chapter 21 All-Terrain Vehicles to include within its definition “utility task vehicles,” (UTVs). Moreover, the Act makes it a Class C misdemeanor to violate the permissible uses of an all-terrain vehicle—including a UTV—on a public roadway. A UTV can operate under conditions in § 27-21-106(a) or on designated public roadways if it has at least two headlamps, rear turn signals, at least one brake light, seatbelts, and the operator has a valid driver's license, meets driver's license requirements (§ 27-16-804), has proper registration papers and decals (§ 27-14-701), proper insurance (§ 23-89-201), carries proof of insurance, and follows all road rules. Under § 27-21-106(a) a person is permitted to drive an all-terrain/utility task vehicle on a public roadway under the following conditions:

- Farming/Hunting: Operating an ATV/UTV on a public road is allowed for farming or hunting purposes to move between fields.
- Direct Crossing: ATV/UTVs can cross public roads directly if they stop, yield to traffic, and cross at approximately 90 degrees.
- Walking Disability: Individuals with serious walking disabilities, certified by a physician, may use ATV/UTVs on public roads if equipped with a red flag.



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- On-Duty First Responders: Law enforcement officers, firefighters, and EMTs may use ATV/UTVs on public roads.
- Utility/Telecom/Cable Employees: Employees may use ATV/UTVs on public roads for company operations or during emergencies.
- Parks Department: Employees of the Department of Parks, Heritage, & Tourism may operate ATV/UTVs on public roads.

FOIA

ACT 505 – PUBLIC MEETING VS. INFORMAL MEETING

Sponsors: Senator Clark Tucker (R – Little Rock); Representative Jon Eubanks (R – Paris)

Who: All municipal officials

What: Amends the Arkansas Freedom of Information Act (FOIA) to provide clearer guidance on what can be discussed outside of a public meeting.

Explanation: Since it was first signed into law in 1967, Arkansas's Freedom of Information Act (the FOIA) has gone through several amendments as the Legislature has attempted to ensure government transparency while also navigating the challenges of governing and the rapidly changing technological world we live in. Additionally, both the Courts and the Arkansas Attorney General have added to our understanding and interpretation of the FOIA through judicial holdings and AG opinions. With Act 505, the Legislature incorporated a fair amount of existing case law and AG opinions into the code to clarify and define specific elements of the FOIA—especially in the context of Open Public Meetings, as governed by Ark. Code Ann. § 25-19-106. Some, if not many, of the changes should sound familiar because most of the changes line up with the way League attorneys have advised for quite some time. Importantly, Act 505 also adds new definitions to Ark. Code Ann. § 25-19-103 regarding what constitutes a meeting and what types of conversations may occur outside of a public meeting.

A "Public Meeting" is defined by the Act as "the **formal** gathering together, in a special or regular gathering, of a governing body, whether in person or remotely." Notably, the term "informal" was removed from the previous definition of a public meeting. However, this does not mean that members of a municipal governing body can get together to talk about whatever they want, whenever they want, outside of a public meeting. Whether or not communication between members of a governing body must occur in an open public meeting hinges on whether the conversation between



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the official constitutes **deliberation** or whether the members are sharing **background information or non-decisional information**. Knowing the difference is critical to obeying the law, avoiding lawsuits, and maintaining the public's trust. The Act changes the language of § 25-19-106(g) to be crystal clear that "[a]n informal meeting that includes *deliberation* or that is for the purpose of exercising a responsibility, authority, power, or duty of a governing body is *strictly prohibited*." So, what is deliberation? The Act amends Ark. Code Ann. § 25-19-103(4) to define deliberation to be "an exchange of information or opinion between two (2) or more members of a governing body" that is related to a decision on a matter that the governing body could foreseeably act on, or that asks how the official might vote on a matter that the governing body could foreseeably act on...also known as polling. Meanwhile, the Legislature has also defined *background and non-decisional information* as "information that is not deliberation" in Ark. Code Ann. § 25-19-103(1). That isn't exactly a robust definition, so it may help to put the two definitions together: Background and non-decisional communication consists of information that is not an exchange of information or opinion between two (2) or more members of a governing body that relates to a decision on a matter that may come before the governing body or polls an official as to how he or she might vote on a matter that could foreseeably come before the governing body. Also, governing bodies are now allowed to gather to discuss the settlement of a lawsuit as part of a court ordered alternative dispute resolution process without being required to call a meeting, giving governing bodies more freedom to discuss settlements off the record without *showing our hand*, so to speak.

The Act also creates a few new notice requirements that local governments must comply with. Where possible, notification of the time and place of a public meeting must be provided at least three (3) days prior to the meeting, as required by Ark. Code Ann. § 25-19-106(b)(1)(B). Of course, this isn't possible for special or emergency public meetings, and the law maintains the status quo requirement that the governing body give the press a minimum of two (2) hours' notice before holding such a meeting. If the city maintains a website or social media page, the law now requires a government entity to publish the time, place, and date of the meeting on the website or social media page, along with the most current agenda for the meeting which must be published at least three (3) days prior to the meeting where possible, or at least two (2) hours prior to a special or emergency meeting. Fortunately, the law makes clear that the agenda may be modified, if need be, even after it has been published. Again, this only applies to public entities (like municipalities or municipal commissions) that maintain a website or social media, but the law *does not* require a governing body to create or maintain a website or social media account. Lastly, there were some slight



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changes made to the law governing Executive Sessions. All the same old rules apply, but now a governing body may also go into executive session to discuss policy and plans related to cybersecurity and the municipality's response to a cybersecurity breach in executive session. Also, the governing body may go into an executive session to discuss the security of a municipal water system or other utility system.

ACT 992 – FOIA AND BONDS

Sponsors: Senator Clark Tucker (R – Little Rock); Representative Jimmy Gazaway (R – Paragould)

Who: Mayor, Governing Body, City Attorney

What: Amendment to Act 505 (FOIA) to provide for additional relief if there is a violation of the FOIA when dealing with bond issues.

Explanation: Act 505 of 2025 authorized a circuit court to void an action of the governing body due to a violation of the FOIA. Act 992 amends that provision to provide that a circuit court may only invalidate an action of the governing body authorizing the issuance of bonds within 30 days of the date the action occurred. If the circuit court finds that the FOIA was violated in relation to the governing body authorizing the issuance of bonds 30 days after action was taken, then: (1) the governing body shall cure the violation within 30 days after the finding of the circuit court by: (a) providing notice of the violation; (b) disclosing the violation at a public meeting; and (c) authorizing the action in question at a public meeting; or (2) the circuit court shall impose a civil penalty of \$1,000 on each *individual* member of the governing body, up to the entire membership of the governing, who the circuit court finds committed or was otherwise responsible for the violation. The fine cannot be satisfied with public funds, so if this ever occurs, it would be beneficial for everyone on the governing body to cure the action.

CYBER

ACT 848 – AI POLICIES

Sponsors: Senator Jane English (R – North Little Rock); Representative Stephen Meeks (R – Greenbrier)

Who: Mayor, Governing Body, Information Technology personnel

What: Requires municipalities to have a policy on artificial intelligence (AI).



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Explanation: Act 848 requires municipalities to create an AI and automated decision tool policy that: (1) defines the authorized use of AI and automated decision tools for the public entity; and (2) requires an authorized human employee or designee to make any final decision in the course of his or her employment, regardless of what AI or automated decision tool the employee or designee recommends. The municipality will also be required to develop a training program on the AI and automated decision tool policy that includes training on the appropriate use of AI and automated decision tools in deciding an outcome in the course of an employee's employment.

ACT 929 – .GOV DOMAIN

Sponsors: Senator Joshua Bryant (R – Rogers); Representative Andrew Collins (R – Little Rock)

Who: Mayor, Governing Body, Information Technology Personnel

What: Requires municipalities to have a .gov domain for their website and official emails.

Explanation: By June 1, 2026, if the municipality's population is NOT fewer than 10,000, then by January 1, 2027, municipalities shall use a .gov sponsored domain for: (1) the website address for the website, if any, of the municipal government; and (2) any email addresses made available by the municipal government for use by the: (a) municipal government; and (2) employees of the municipal government.

DIVERSITY, EQUITY, AND INCLUSION (DEI)

ACT 116 – PROHIBITION ON DEI EMPLOYMENT POLICIES

Sponsors: Senator Dan Sullivan (R – Jonesboro); Representative Mary Bentley (R – Perryville)

Who: Mayor, Governing Body, Human Resources, all department heads

What: Prohibition on discrimination or preferential treatment.

Explanation: Act 116 expressly prohibits the State of Arkansas, municipalities, counties, institutions of higher education, public schools, or any other political subdivision or governmental instrumentality of the state from discriminating against, or granting preferential treatment to, an individual or group on the basis of race, sex, color, ethnicity, or national origin in matters of employment, public education, or state procurement. However, Act 116 makes clear that the Act is not meant to: (1) prohibit the consideration by the state of bona fide qualifications based on sex that are



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reasonably necessary to the normal functions of employment, public education, or procurement; (2) invalidate a court order or consent decree that is in force as of the effective date of the act; (3) prohibit an action necessary to establish or maintain eligibility for a federal program if ineligibility would demonstrably result in a loss of federal funds to the state; (4) affect any preference given to veterans in matters of employment, public education, or procurement; and (5) preempt state discrimination law or federal discrimination law.

Act 116 authorizes a cause of action for any person who believes their rights have been impacted under this Act and the person may bring a civil action in circuit court to enjoin a violation of this section and recover reasonable court costs and attorney's fees. If a court finds a violation under Act 116, then the court shall award injunctive relief and court costs and attorney's fees against the defendant.

ACT 747 – PROHIBITION ON ESTABLISHING DEI INITIATIVES

Sponsors: Senator Dan Sullivan (R – Jonesboro); Representative Alyssa Brown (R – Heber Springs)

Who: All municipal officials, human resources, and department heads

What: Prohibition on local governments establishing or implanting a diversity, equity, and inclusion initiative and creating a cause of action.

Explanation: Act 747 restricts local governments from establishing or implementing a diversity, equity, and inclusion (DEI) initiative. It also prohibits the requirement for any current or prospective officer, agent, administrator, employee, or contractor of local government to submit a statement describing their views on matters related to race, ethnicity, sex, color, or national origin for purposes of hiring, evaluating, admitting, or promoting staff in local government.

A DEI initiative, as defined by Act 747, refers to an office, division, department, or administrative unit of local government aimed at: (1) influencing administrative, hiring, or employment practices at the local government; (2) promoting: (a) preferences based upon race, color, sex, ethnicity, or national origin; (b) differential treatment based on these characteristics; or (c) political or social activism considering these traits as factors in decision making, except when required by federal or state law.

Any citizen of Arkansas who believes that a local government has violated or is likely to violate Act 747 must notify the local government of the violation. If the local government does not stop the conduct within 30 days of receiving the notice, the



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citizen may file a civil action in circuit court to: (1) obtain an injunction against the violation and recover reasonable court costs and attorney's fees.

Additionally, Act 747 prohibits officers, agents, administrators, employees, or contractors of local government from treating individuals differently, either adversely or advantageously, based on race, ethnicity, sex, color, or national origin, except as otherwise required by federal law.

NOT PASSED BUT RELEVANT

Accounting/Budgeting

SB 394 – COUNTY SALES AND USE TAX REALLOCATION

Sponsors: Senator Joshua Bryant (R – Rogers); Representative Mindy McAlindon (R – Centerton)

Who: Governing Body, Quorum Court, Recorder/Treasurer, Treasurer

What/Explanation: This bill failed in committee, but if it passed it would have allowed the quorum court of a county to refer to the voters a change in the indicated use of revenues derived from a sales and use tax already approved by the voters and levied by the county or a change in the allocation or distribution of the revenues among the county and the municipalities within the county only if the population of the largest municipality in the county exceeds the population of the unincorporated areas of the county according to the most recent census.

HB 1973 – PROHIBITION ON USE OF LOCAL FUNDS TO CONTRACT WITH LOBBYISTS

Sponsors: Representative Brit McKenzie (R – Rogers)

Who: Governing Body, Recorder/Treasurer, Treasurer

What: If passed, it would have prohibited a governmental body from using state or local funds to enter into a contract with a lobbyist for the purpose of lobbying on behalf of the governmental body.

Explanation: This bill failed in committee, but if it passed the prohibition on the use of local funds to contract with a lobbyist to lobby on behalf of the governmental body would include without limitation, paying membership dues to an organization that



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engages in lobbying on behalf of the governmental body or similar bodies, including without limitation employing one or more persons registers as a lobbyist to lobby on behalf of the governmental body or similar bodies if state or local funds are used to pay membership dues. However, the governmental body would not be prohibited from employing one or more individuals to engage in lobbying on its behalf, including one or more individuals registered as lobbyists.

Elections

HB 1936 – PARTISAN ELECTIONS FOR MUNICIPAL OFFICIALS UNLESS OTHERWISE DESIGNATED

Sponsors: Representative Rebecca Burkes (R – Lowell); Senator Jim Dotson (R – Bentonville)

Who: Mayor, Governing Body, Municipal Candidates

What/Explanation: If passed, it would have the county party committees of recognized political parties under Arkansas laws to conduct party primaries for municipal offices unless the governing body, by resolution, states that it will conduct nonpartisan municipal elections. This bill failed in committee.

Planning & Zoning

SB 518 – PROHIBITION ON RESTRICTION IN EXCESS OF NAT'L FLOOD INSUR. PROGRAM

Sponsors: Senator Bart Hester (R – Cave Springs); Representative Justin Gonzales (R – Okolona)

Who: Mayor, Governing Body, Planning Officials

What: If passed, it would have prohibited a municipality from enacting more restrictive guidelines in a special flood hazard area than those guidelines under the National Flood Insurance Program (NFIP), 40 U.S.C. § 4011 *et seq.*

Explanation: This bill failed in committee, but if it passed it would have prohibited a municipality from adopting "an ordinance, building or zoning code, or other measure to regulate, restrict, or control the management and use of land, structures, or other developments in an area designated by the Federal Emergency Management Agency as a special flood hazard that is more restrictive than the specific guidelines by flood



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zone under the NFIP, as it existed on January 1, 2025, without compensation for diminution in value of the special flood hazard area."

SB 647 – CREATION & ENFORCEMENT OF ECONOMIC DEVELOPMENT DISTRICTS

Sponsors: Senator Jonathan Dismang (R – Little Rock); Representative Howard Beaty Jr. (R – Crossett)

Who: Mayor, Governing Body

What: Process for establishing, renewing, and terminating an economic development district.

Explanation: While not passed, this bill outlines the process for petitioning the governing body for the creation of an economic development district, the approval process, the powers of the economic development district's board, the renewal and termination process, the cooperative agreement process for these districts, as well as the powers, terms, and removal of board members for the economic development district.

PETITION & CREATION

A proposal to create an economic development district may be presented by owners of at least 25% of the assessed value of the property within the proposed economic development area, by the mayor or county judge to the establishing authority, or by the establishing authority itself. The establishing authority for a municipality or county is the governing body of the municipality or county.

A proposal to create an economic development district must include the following:

1. A map of the boundaries of the proposed economic development district;
2. A preliminary economic development plan; and
3. An assessment of the current economic conditions within the proposed district and the expected impact of the proposed district.

The establishing authority considering the creation of a proposed economic development district shall conduct a public hearing on such creation within 90 days after receiving the proposal. Notice of the public hearing must be posted in a newspaper of general circulation in the proposed economic development district or provided by means of public notification authorized by the establishing authority and reasonably calculated to provide notice to property owners within the proposed



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economic development district. After the hearing, the establishing authority, by adoption of an ordinance by majority vote of the establishing authority (must have mayor approval), may create the economic development district by approving its formation charter.

The formation charter must include all the following:

1. The boundaries of the economic development district;
2. The term of the economic development district, which shall not exceed 30 years;
3. The economic development plan for the district;
4. The number of members of the board of the district;
5. Any reserved property charge;
6. Any reserved sales charge; and
7. Any restrictions on the powers of the board of the district.

The establishing authority may amend the formation charter upon petitioning the mayor of the municipality, county judge of the county, mayor or judge of any municipality or county participating in a cooperative agreement, the board of the district, or the establishing authority. The amendment may expand or contract the boundaries of the district or the powers of the board. If the district is party to an executory contract or has outstanding bond obligations, the establishing authority may not alter its formation charter in a manner that would reasonably impair the performance of the contract or the repayment of the bonds unless the establishing authority agrees to assume the district's obligations under the contract or the repayment of outstanding bonds.

RENEWAL & TERMINATION

To renew a district after the economic development district's term has ended, the mayor of the municipality, county judge of the county, mayor or judge of any municipality or county participating in a cooperative agreement, the board of the district, or the establishing authority may petition the establishing authority for a successive 30-year term. The approval process for renewal is the same as the initial process for establishing the district.

To terminate a district before its term has expired, the establishing authority may terminate it upon petition by the board of the economic development district or by revoking its charter. If the district is party to an executory contract or has outstanding bond obligations, the establishing authority may not terminate its formation charter in a manner that would reasonably impair the performance of the contract or the



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repayment of the bonds unless the establishing authority agrees to assume the district's obligations under the contract or the repayment of outstanding bonds.

HB 1130 – HOUSING IMPROVEMENT ZONES

Sponsors: Representative Aaron Pilkington (R – Knoxville)

Who: Mayor, Governing Body, Planning Officials

What: If passed, this bill would have allowed for the creation of housing improvement zones which eliminate the municipal pre-inspection and permit requirements.

Explanation: This bill failed in committee, but if it had passed it would have authorized municipalities to designate housing improvement zones. Those zones are defined as “an area of land designated by the local governing body within the corporate limits for residential unit improvement projects.” Once designated as a housing improvement zone, property within that zone would be exempt from all permits related to the development of a residential unit improvement project within the jurisdiction of the local government or the state. A property in such a zone would still be required to pass a home inspection upon completion of the residential unit improvement project.

HB 1448 – NOTICE & COMPENSATION TO PROPERTY OWNERS IN PLANNING AREA

Sponsors: Representative Chad Puryear (R – Hindsville); Senator Jim Petty (R – Van Buren)

Who: Governing Body, Planning Officials, Private Developers

What: If passed, this bill would have required reasonable compensation for the diminished value of property as a result of delay in the development of the parcel by reservation of the parcel of land by the body having jurisdiction.

Explanation: HB 1448 would have required that when the planning board/commission/governing body does not execute a written refusal, a written option, or file a suit for condemnation within the 1-year period from the date such request was made by the property owner, then the land would be released from reservation and the planning board/commission/governing body would be required to pay the property owner reasonable compensation—the amount that the value of the land diminished as a result of the delay in the development of the land required



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by the reservation of the land by the board/commission/governing body—for the diminished value of the property.

HB 1695 – FORECLOSURE PROCESS FOR MUNICIPAL LIENS

Sponsors: Representative Jay Richardson (R – Fort Smith); Senator Steve Crowell (R – Magnolia)

Who: Governing Body, Circuit Court

What: If passed, this bill would have provided clarity to foreclosure process for property subject to municipal liens and provided priority for unrecorded municipal liens.

Explanation: This bill failed in committee, but if it passed it would have provided a process by which a municipality that has been granted a lien could file an action for foreclosure in the circuit court, provided a process for a court ordered public sale of the foreclosed property, and increases the amount that a municipality can collect for a clean-up lien.

HB 1754 – PRIVATE PROPERTY PROTECTION ACT

Sponsors: Representative Justin Gonzales (R – Okolona)

Who: Mayor, Governing Body, Planning Officials, Property Owners

What: If passed, would have prohibited property use restrictions unless there is a compelling governmental interest and the action is narrowly tailored to serve that interest.

Explanation: This bill failed in committee, but if passed it would have prohibited any private property use restrictions (excluding nuisance regulations, license or permit requirements, judicial determinations, and private restrictive covenants) unless those restrictions are “demonstrably necessary and narrowly tailored to fulfill a compelling governmental interest that cannot be achieved through less restrictive means.” The bill also would have provided a cause of action for private property owners to challenge property use restrictions and states that the owner shall prevail unless the government demonstrates to the court that (1) the restriction is demonstrably necessary and narrowly tailored to fulfill a compelling governmental interest; (2) the restriction is the least restrictive means to achieve the stated purpose of the restriction; and (3) reasonable alternatives could not achieve the stated purpose of the governmental entity.



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HB 1790 – REGULATION OF SHORT-TERM RENTALS

Sponsors: Representative Brit McKenzie (R – Rogers); Senator Joshua Bryant (R – Rogers)

Who: Mayor, Governing Body, Planning Officials

What: If passed, this bill would have prohibited a municipality from effectively prohibiting, banning, or limiting the number of short-term rental uses of residential property.

Explanation: This bill failed in committee, but if it passed it would have prohibited a local government from:

- (1) Effectively prohibiting the use of property as a short-term rental;
- (2) Imposing a rule or regulation creating a jurisdiction-wide ban on the use of properties as short-term rentals; or
- (3) Imposing a rule or regulation creating a jurisdiction-wide numerical limit on the use of properties as short-term rentals.

The municipality, under this bill, would still be able to require permits and applicable sales and use tax and advertising and promotion tax payments for the use of properties as short-term rentals. Moreover, the municipality would still be permitted to suspend or revoke (for as long as the short-term rental operator remains in noncompliance) a short-term rental permit for:

- (1) 3 violations within a 12-month period of a local ordinance due to actions of the owner, permit holder, or occupant. The permit may be suspended for 12 months under this violation;
- (2) Commission of a felonious criminal act that occurred at the short-term rental and was committed by the owner, permit holder, or an occupant. The permit may be suspended for 24 months under this violation;
- (3) Failure to comply with generally applicable federal, state, or local laws and with any rules or regulation allowed under this section.



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HB 1836 – VIDEO RECORDINGS & PUBLIC POSTING OF OPEN PUBLIC MEETINGS

Sponsors: Representative Robin Lundstrum (R – Elm Springs); Senator Kim Hammer (R – Benton)

Who: Mayor, Governing Body, City Council Members

What: If passed, it would have required that all open public meetings be video recorded (image and sound capture) and posted on the public entity's website within 24 hours of the meeting.

Explanation: This bill failed in committee, but if it passed every municipality would be required to record, with video and sound, each open public meeting (excluding executive sessions and volunteer fire departments), maintain that recording for a minimum of a year, and post that recording to the municipality's website within 24 hours of the meeting.

HB 1879 – RECORDING & POSTING CITY COUNCIL & QUORUM COURT MEETINGS

Sponsors: Representative Robin Lundstrum (R – Elm Springs); Senator Kim Hammer (R – Benton)

Who: City Council, Quorum Court, Governing Body

What: If passed, it would have required all officially scheduled, special, and open public meetings of the city council and the county quorum court to be recorded with at least sound capture and posted to the city or county website within 24 hours.

Explanation: This bill failed in committee but if it passed all officially scheduled, special, and open public meetings of the city council and the county quorum court would have to be recorded, with at least sound capture, maintained by the public entity for a minimum of a year, and posted to the city or county website within 24 hours. If the city or county did not have a website, under this bill the city or county would have to post the recording to a social media account maintained by the city or county within the same 24-hour period.



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Utilities

SB 468 – ALLOW COUNTY VOTERS TO ELECT “FOR” OR “AGAINST” WATER FLUORIDATION IN THE COUNTY

Sponsors: Senator Clint Penzo (R – Springdale); Representative Matt Duffield (R – Russellville)

Who: County Water System Personnel, Public Water System Board/Commission

What: If passed, it would have allowed, upon petition signed by at least 5% of the water customers, to present the question of fluoridation of the water to the voters to vote for or against it.

Explanation: This bill failed in committee, but if it passed residents of counties would have the option to hold an election of the qualified voters of each county supplied by the public water system to determine whether the public water system shall fluoridate the water. Such an election would be able to be called by petition of a minimum of 5% of the total votes cast within the county for office of circuit clerk in the last election or a majority vote of the quorum court of each county supplied by the public water system. Such an election would be held at the next general election and after being presented to the voters at that election, a subsequent election on fluoridation could not be held prior to 4 years. Moreover, this bill would have allowed the board of the public water system to elect to prohibit fluoridation of the water it supplies, however the results of an election on that question would supersede any board action.

SB 474 – ALLOW BOARD OF PUBLIC WATER SYSTEM TO PROHIBIT WATER FLUORIDATION IN THE COUNTY

Sponsors: Senator Clint Penzo (R – Springdale); Representative Matt Duffield (R – Russellville)

Who: County Water System Personnel, Public Water System Board/Commission

What/Explanation: This bill failed in committee, but if it passed it would have permitted the board of a public water system to elect to prohibit fluoridation of the water it supplies.



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Regulation

SB 445 – LICENSURE OF ELECTRICAL INSPECTORS

Sponsors: Senator Kim Hammer (R – Benton); Representative RJ Hawk (R – Bryant)

Who: Code Enforcement Officials

What/Explanation: If passed, it would have allowed for a master or journeyman electrician; an International Code Council Electrical Inspector with 6 months employment as a municipal building code enforcement official; an Arkansas Fire Training Academy International Fire Service Accreditation Congress Inspector 1 and 2 with 1 year of employment, or an Inspector 3 with 6 months employment, at a fire marshal's inspector's office; or a certified electrical inspector with a certified electrical inspector certification from the national fire protection association to submit their electrician licensure and certification and employment requirements to the board with the maximum of a \$50 license fee, and be approved within 30 days. Such approved inspectors would have to complete the Department of Labor and Licensing's 2-day training for electrical inspectors.



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