

STATE OF ARKANSAS
EXECUTIVE DEPARTMENT

PROCLAMATION

TO ALL TO WHOM THESE PRESENTS SHALL COME - GREETINGS:

WHEREAS: An extraordinary occasion has arisen making it necessary to convene the 91st General Assembly into extraordinary session; and

WHEREAS: There is a need to make technical corrections to definitions in the Arkansas code concerning offenses regarding alcoholic beverages, motor vehicles, and open alcoholic beverage container, that are necessary to avoid future federal highway spending penalties; and

WHEREAS: There is a need to amend the Arkansas code to allow certain electronic devices or machines to play an electronic blotter; and

WHEREAS: There is a need to alter the Arkansas code by adding a new section concerning a contractual waiver of the right to a jury trial pursuant to Article 2 § 7 of the Arkansas Constitution; and

WHEREAS: There is a need to amend and alter the Arkansas code concerning licensure of pharmacy benefit managers and regulation of their conduct; and

WHEREAS: There is a need to amend the Arkansas code concerning review of permits and applications for modification of existing state permits issued by Arkansas Department of Environmental Quality for liquid animal waste management systems; and

WHEREAS: There is a need to amend the Arkansas code concerning the operation of an all-terrain vehicle on a public street or highway; and

WHEREAS: There is a need to amend the Arkansas code concerning design and construction of certain trail projects to be managed by the State Parks, Recreation and Travel Commission rather than the Building Authority Division of the Department of Finance and Administration; and

WHEREAS: There is a need to amend the Arkansas code concerning tax deferred tuition savings programs that may be deducted from the taxpayer's adjusted gross income for the purpose of calculating Arkansas income tax within limits; and

WHEREAS: There is a need to amend the Arkansas code concerning limitations on the transfer of students who are siblings between school districts; and

NOW THEREFORE, I, ASA HUTCHINSON, Governor of the State of Arkansas, by virtue of the power and authority vested in me by Article 6, Section 19 of the Arkansas Constitution, do hereby call an Extraordinary Session of the General Assembly to convene in Little Rock on Tuesday, March 13, 2018 at 9:00 a.m., and I do hereby specify that the General Assembly is convened in such Session to consider, and, if so advised, enact laws for the following purposes:

1. To provide for the payment of expenses and per diem of the House of Representatives and the Senate for this Extraordinary Session.
2. To make technical corrections to Ark. Code Ann. § 5-71-101 for the purpose of aligning state law with federal law to avoid federal highway

penalties, by adding changes to the definitions of alcoholic beverages, motor vehicle, and open alcoholic beverage container, also by making changes to Ark. Code Ann. § 5-71-218 regarding areas within a motor vehicle where it is illegal for a person to possess an alcoholic beverage in an open beverage container.

3. To make technical corrections to Ark. Code Ann. § 23-114-102 concerning the definition of equipment to be used by charitable organizations in licensed games under Ark. Code Ann. § 23-114-101, et seq., for visually impaired participants to include electronic devices used to mark a bingo face or an electronic facsimile of a paper bingo sheet, within certain limitations and conditions approved by the Director of the Department of Finance and Administration.
4. To alter Arkansas code title 16, Chapter 30, by adding a new section concerning a contractual waiver of the right to a jury trial pursuant to Article 2 § 7 of the Arkansas Constitution by creating an enforceable agreement whereby the parties agree to waive their respective rights to a jury trial before or after a lawsuit is filed.
5. To alter Arkansas code concerning the licensure of pharmacy benefit managers providing services for health benefit plans under the Arkansas Insurance Department; amend applicable definitions; require a reasonably adequate and accessible pharmacy benefits manager network; regulate the conduct of pharmacy benefit managers; authorize the Arkansas Insurance Department to examine and audit pharmacy benefit manager records; establish reporting requirements for pharmacy benefits managers; prohibit deceptive and unconscionable trade practices pursuant to the Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 et seq., the Arkansas Pharmacy Benefits Manager Licensure Act, Ark. Code Ann. § 23-92-501 et seq., and the Trade Practices Act, Ark. Code Ann. § 23-66-201 et seq.; and authorize the Arkansas Insurance Department to establish rules concerning the licensing, application fees, financial solvency requirements, network adequacy, prohibited practices, reporting requirements, compliance, enforcement requirements, rebates, compensation, and the listing of plans, by pharmacy benefits managers in the State of Arkansas.
6. To amend Arkansas code to provide that only those permit conditions subject to the modification are open for review when an application for modification of an existing state permit for a liquid animal waste management system is filed with the Arkansas Department of Environmental Quality and an existing state permit for a liquid animal waste management system that is in good standing is not subject to review or third-party appeal for siting or location issues that were not raised during the applicable review or appeal period at the time of the permit issuance.
7. To amend Ark. Code Ann. § 27-21-109 in order to provide a defense to the prosecution of operation of an all-terrain vehicle on a public street or highway: if it is the most reasonable route from an off-road trail to another or to their private property, the operator's purpose was to get from one off-road trail to another or to his or her own private property and removing the limitation of driving more than three miles on the public street or highway as well as removing the requirement of providing proof of their property interest.
8. To amend the Arkansas code concerning the design and construction of certain trail projects that are donated to and managed by the State Parks, Recreation and Travel Commission rather than the Building

Authority Division of the Department of Finance and Administration, these projects must still adhere to the minimum standards and criteria established by the Building Authority Division of the Department of Finance and Administration.

9. There is a need to amend the Arkansas code concerning tax deferred tuition savings programs established under 26 U.S.C. § 529 as it existed on January 1, 2018 that may be deducted from the taxpayer's adjusted gross income for the purpose of calculating Arkansas income tax. The aforementioned deductible contributions cannot exceed \$5,000 per taxpayer in any tax year, and if established by another state the deductible contribution cannot exceed \$3,000 per taxpayer in any tax year. Further, the deductible contributions that are rolled over into a tuition savings account shall not exceed \$7,500 per taxpayer in the tax year in which they were rolled over. The aforementioned deductions are to be made available to tuition being paid to both institutions of higher education as well as primary and secondary educational institutions.
10. There is a need to amend the Arkansas code concerning how siblings are to be treated in the counting of transfer students pursuant to Ark. Code Ann. § 6-18-1906(b)(1)(B) by allowing siblings to meet or exceed the 3% cap found in Ark. Code Ann. § 6-18-1906(b)(1)(A).
11. To confirm gubernatorial appointees.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 12th day of March, in the year of our Lord 2018.



Asa Hutchinson, Governor



Attest:



Mark Martin, Secretary Of State