



Daily Legislative Update

91st General Assembly

Monday, February 13, 2017 – Day 36

CAPITOL SCHEDULE

The House and Senate will both convene at 1:30 p.m. this afternoon.

To view schedules for all of today's activities, committee agendas, bills and other information related to the Session, visit www.arkleg.state.ar.us.

* * * STATE CHAMBER/AIA PRIORITY BILLS – CALL TO ACTION * * *

CIVIL JUSTICE REFORM

SJR 8 by Sen. Missy Irvin, R-Mountain View, 14 additional senators and Rep. Bob Ballinger, R-Hindsville, and 52 additional representatives would give Arkansas voters the chance to improve the state's civil-justice system, help economic development, and keep skilled professionals in the state.

Currently, Arkansas's legal system allows for unlimited judgments against businesses. This allows lawyers to pressure businesses into large settlements, regardless of a lawsuit's merit, to avoid the potential of a limitless jury verdict. The lawyers then keep large portions of those settlements for themselves.

“If approved by voters, **SJR8** will help businesses throughout Arkansas while still protecting the right to a jury trial for anyone harmed by a company,” said Randy Zook, President of the Arkansas State Chamber of Commerce. “Tort reform is not an issue about one or two business sectors, but rather one that impacts Arkansas businesses of all sizes.”

The language of **SJR8** would cap some categories of damages in civil cases, making Arkansas more competitive with surrounding states that have already enacted tort reform. It would also limit the portion of judgments or settlements that lawyers get to keep for themselves, ensuring that Arkansans who bring lawsuits keep a greater portion of resulting damages.

The Arkansas State Chamber of Commerce joined with business leaders and associations to send a letter of support to all members of the Arkansas General Assembly. You can view the letter by clicking [here](#).

If you'd like to join this letter, please email Holly Wilson at hwilson@arkansasstatechamber.com.

You can read the full text of the amendment by clicking [here](#).

To view a one page summary of **SJR 8**, click [here](#).

We urge everyone to contact your legislators and ask them to vote FOR SJR 8 or thank them for their support!

EMPLOYER PROTECTIONS

HB1126 by Rep. Charlie Collins, R-Fayetteville, has been adopted as part of our priority bill package, because we were developing a similar bill when it was filed. It is on this afternoon's Senate Calendar.

This bill seeks to improve employers' standing in civil suits with employees by:

- a) amending the definition of employer to clarify that a natural person acting as a supervisor is not an employer,
- b) amending the hate crime section to eliminate claims arising out of employment relationship, and
- c) creating a one-year limitation period for discrimination, retaliation and interference claims.

Please ask your Senator to vote FOR HB 1126!

UNEMPLOYMENT INSURANCE

HB 1405 by Rep. Robin Lundstrum, R-Elm Springs, and Sen. Jim Hendren, R-Gravette, seeks to lower the unemployment insurance taxes paid by employers by reducing the wage base from \$12,000 to \$10,000. It also makes changes in the weeks of coverage and a base measure in calculating benefits. This is one of our priority bills!

It will be run in the House Public Health, Welfare and Labor Committee soon.

Please ask your legislators to vote FOR HB 1405!

EMPLOYER CLARITY REGARDING MARIJUANA

HB 1460 by Rep. Carlton Wing, R-North Little Rock, and Sen. Missy Irvin, R-Mountain View, is a bill developed for us by a group of lawyers from about a half dozen employment law firms. Our Unemployment Insurance/Human Resource Committee thought it was important to provide clarity for employers following the adoption of the Medical Marijuana Amendment and to provide protection for employees from impaired co-workers.

This bill has been assigned to the House Rules Committee and is expected to be presented Wednesday.

This bill seeks to create new definitions or modify existing definitions for employers in matters related to the use of marijuana. These definitions include:

- Employer
- Under the Influence
- Current use of marijuana
- Good faith belief
- Safety-sensitive position
- Clarify that a “written certification” for marijuana is not a medical prescription

Please ask your State Representative to vote FOR HB 1460!

BILLS OF INTEREST

EMINENT DOMAIN

HB 1444, by Rep. Bob Ballinger, R-Hindsville; this 82-page bill seeks to make changes to the state’s eminent domain procedures. Specifically, it would:

- Require an entity exercising eminent domain to condemn private property to file a complaint for condemnation of the property in the circuit court of the county in which the private property is located.
- Establish requirements for the complaint of condemnation.
- Require an entity exercising eminent domain to deposit with the circuit clerk the amount of money estimated by the entity to be just compensation for the private property to be condemned.
- Require the circuit court to enter an order with the circuit clerk that evidences the right of the entity to the title to the property within five business days after the title vests.
- Provide that neither this subsection nor the Rules of Civil Procedure limits the right of an entity to immediately receive vested title upon the deposit of the estimated amount of just compensation or an order evidencing the entity's right to the title.
- Establish a circuit court’s duties in processing a complaint of condemnation.
- Revise code sections concerning eminent domain to reflect this section.

This bill has been assigned to the House Judiciary Committee and we encourage all businesses with an interest in eminent domain to look at this bill and let us know your thoughts. We have received some information about concerns and opposition.

CONSTITUTIONAL AMENDMENTS

Consideration of Joint Resolutions that seek to refer an issue to the 2018 General Election Ballot will be considered this week by the House and Senate State Agencies Committees.

SJR 8, discussed above, is our priority. The *Arkansas Democrat Gazette* had a detailed front page story about the Joint Resolutions and the legislative process on yesterday’s front page.

To view a list of all Joint Resolutions, click [here](#).

ARKANSAS HISTORIC REHABILITATION CREDIT

SB 253 by Sen. Bill Sample, R-Hot Springs, and Rep. Joe Jett, R-Success, is on this afternoon's Senate Calendar.

This bill seeks to increase the per-project cap for income-producing properties from \$125,000 in credits to \$400,000 in credits under the existing Arkansas Historic Rehabilitation Income Tax Credit Act for projects that start on or after July 1, 2017. The bill does not increase the current annual aggregate cap of \$4 million in credits. We **support** this bill.

COLLECTING SALES TAXES FROM REMOTE SELLERS

HB 1388 by Rep. Dan Douglas, R-Bentonville, and Sen. Jake Files, R-Fort Smith, would require out-of-state sellers to provide notice to Arkansas purchasers that taxes are owed, provide information regarding purchases and apply fines for failure to implement the requirements of this bill. It is awaiting consideration in the Senate Insurance & Commerce Committee.

SB 140 by Sen. Jake Files, R-Fort Smith, and Rep. Dan Douglas, R-Bentonville, would require certain high-volume merchants that sell products in Arkansas, but do not have a physical presence in Arkansas, to remit sales taxes to Arkansas. This bill awaits consideration in the House Revenue and Taxation Committee.

We **support** these bills that seek to equalize the sales tax playing field between in-state brick and mortar sellers and out-of-state sellers.

The *Arkansas Democrat-Gazette* reported Friday that Amazon will begin charging sales taxes on Arkansas residents' purchases beginning March 1.

RETAIL TAX PREPAYMENT

HB 1253 by Rep. Jeff Wardlaw, R-Hermitage, seeks to repeal the requirement that retailers with average net monthly sales of more than \$200,000 prepay a portion of their sales tax twice monthly. This bill remains on the House Revenue and Taxation Committee's agenda. We **support** this bill.

STATE CHAMBER/AIA BILL TRACKING

TRACKED BILLS

The House has filed 520 bills.

The Senate has filed 329 bills.

We are tracking 243 bills, which is 30 percent of the filings.

The most recent list of bills added to our tracking can be viewed [here](#).

Our entire list of tracked bills are posted on our website, by category, which you can access by clicking [here](#).

LEGISLATIVE SESSION INFORMATION AND MESSAGE CENTER

To view schedules, calendars, bill information and legislator information, visit www.arkleg.state.ar.us.

House of Representatives: 501-682-6211

Senate: 501-682-2902

State Chamber/AIA Governmental Affairs Team:

Randy Zook, President/CEO:

rzook@arkansasstatechamber.com

Kenny Hall, Executive Vice President:

khall@arkansasstatechamber.com

Andrew Parker, Director of Governmental Affairs:

aparker@arkansasstatechamber.com

Holly Wilson, Director of Governmental Affairs:

hwilson@arkansasstatechamber.com

Toni Bahn, Director of Governmental Affairs:

tbahn@arkansasstatechamber.com

State Chamber/AIA phone: (501) 372-2222

State Chamber/AIA web site: www.arkansasstatechamber.com

To unsubscribe to *Daily Legislative Updates*, please e-mail Deb Mathis at dmathis@arkansasstatechamber.com and write "unsubscribe" in the subject box.

The Daily Legislative Update is written by Kenny Hall and edited and distributed by Jeff Thatcher.



1200 W. Capitol Ave., P.O. Box 3645
Little Rock, AR 72203-3645

501-372-2222
FAX 372-2722
