



Daily Legislative Update

92nd General Assembly

Wednesday, February 6, 2019 – Session Day 24

TODAY AT THE CAPITOL

The Senate will convene at 1:00 p.m. and the House at 1:30 p.m. this afternoon.

Legislative Calendar: www.arkleg.state.ar.us

* * * CALL TO ACTION * * *

TAX REDUCTIONS

SB 211 by Sen. Jonathan Dismang and Rep. Joe Jett, the Governor's plan for reducing income taxes did not pass on the Senate floor yesterday afternoon. A 75% majority (27) of votes were needed and the vote was 25 yes, 5 no and 5 did not vote. There are 26 Republicans in the Senate. **SB 211** is on this afternoon's Senate Calendar.

Please ask your Senator to vote FOR SB 211. Also, please begin discussing support for SB 211 with your State Representatives.

One Democrat voted yes, and two Republicans did not vote. This paragraph from a story posted today by Wesley Brown of *Talk Business & Politics*, addresses yesterday's vote:

"After the Senate adjourned, [Senate President Pro Tem Sen. Jim] Hendren told reporters that SB 211 could come back up as early as tomorrow or sometime next week as questions immediately began swirling as to why the two Republicans, [Sen. Terry] Rice and [Sen. Bill] Sample, failed to vote for the governor's tax plan. Hendren said both senators and other legislators had expressed some desire to tie the discussion of tax cuts and highway funding together."

You can read Brown's entire article by clicking this link:

https://arkansasstatechamber-my.sharepoint.com/:w:/p/khall/EcHkPYCAK1JAglQWyjchWQUBnZd2C64dnWZO06nlxY_bqA?e=wSx7NJ

SCIENCE OF READING LITERACY

SB 153 by Sen. Jane English and Rep. Sonia Barker received a Do Pass recommendation from the House Education Committee yesterday and is on this afternoon's House Calendar. The bill would require public school districts and open-enrollment public charter schools to include a literacy plan in the school-level improvement plan that complies with established standards and incorporates an approved list of sources to be identified by 2020.

The State Chamber/AIA supports this bill and endorses it as its own bill. Please ask your State Representative to vote FOR SB 153.

HB 1268 by Rep. Sonia Barker and Sen. Jane English is identical to **SB 153** and is on today's House Calendar for withdrawal.

ACTIVE BILLS

ECONOMIC DEVELOPMENT

SB 226 by Sen. Mat Pitsch was approved yesterday by the Senate 35 to 0. It has been assigned to the House Revenue & Taxation Committee, which meets tomorrow. This bill makes changes to the income tax credit for donations or sales of machinery and equipment to certain educational institutions. Specifically, it makes provisions for cash donations for the purchase of new machinery or equipment. It received a Do Pass recommendation this morning by the Senate Revenue & Taxation Committee and is on this afternoon's Senate Calendar.

SB 225 by Sen. Mat Pitsch and Rep. Carlton Wing seeks to make various changes to the operations of the Arkansas Economic Development Council and Arkansas Economic Development Commission including assistance to rural communities and agencies, support of women-owned and minority-owned businesses, etc. It would authorize the council to dissolve committees and subcommittees as needed. It is on today's Senate Calendar.

SB 196 by Sen. Mat Pitsch and Rep. Robin Lundstrum seeks to define the location of opportunity zones, for the purpose of computing Arkansas income tax liability, as a population census tract that is designated in federal law as a qualified opportunity zone as of January 1, 2019. It is on this afternoon's Senate Calendar.

SB 151 By Sen. Missy Irvin, Rep. Michelle Gray and others was approved 35 to 0 in the Senate yesterday. It has been assigned to the House Public Health Welfare and Labor Committee. This bill creates the UAMS National Cancer Institute Designation Fund to be funded by private grants and other sources and used by the Rockefeller Cancer Institute at UAMS to achieve and maintain status as a National Cancer Institute (NCI)-Designated Cancer Center. It suggests the recruitment of an expert cancer researcher, nationally recognized medical professionals and a stream of funding between \$10-\$20 million to achieve the NCI status. The bill sunsets by 2027 if NCI status has not been achieved.

LICENSING AND REGULATION BILLS

SB 264 by Sen. Trent Garner was filed yesterday. It would require professional licensing entities to revise existing rules to explicitly list the criminal convictions that could disqualify applicants. More specifically, it seeks to: eliminate the use of moral turpitude and of good moral character, limit disqualification for single, nonviolent offenses to five years from the date of the conviction, allow an individual with a criminal record to petition a licensing entity to determine if their record will disqualify them from licensure, require that the licensing entity inform the individual of their standing within 30 days of receiving the petition, require that a licensing entity inform an applicant in writing why they were disqualified, that they have a right to a hearing challenging the decision, the earliest date they may reapply, and that evidence of rehabilitation may be considered upon reapplication.

These bills are on committee agendas today:

HB1305 by Rep. Andy Davis & Sen. Bart Hester – Transformation for Labor and Licensing Department

SB171 by Sen. John Cooper – Sunrise Sunset

SB175 by Sen. John Cooper – Criminal Background

The following are on committee agenda for tomorrow:

HB1255 Rep. Jim Dotson & Sen. Bart Hester - Expedited Licensing/Permits

HB1301 Rep. Bruce Cozart – Expedited Licensing/Permits

HB1302 Rep. Bruce Cozart – Collective Rule Making

Licensing and regulation bill descriptions:

HB1255 by Rep. Jim Dotson and Sen. Bart Hester, as filed, sought to require professional licensing boards and other entities to adopt the least restrictive requirements for reciprocal licensing of persons who hold relevant licenses in other states, through issuance of temporary one-year licenses. This bill was amended in response to construction industry concerns and is in the House Public Health, Welfare & Labor Committee.

HB 1373 by Rep. Jana Della Rosa would make various changes to employment and licensure law, providing that criminal background checks that have been sealed do not disqualify those applicants. It would also remove permanent disqualifications for licenses and renewal, such as capital murder, murder in the first degree, kidnapping, sexual assault, etc.

SB 175 by Sen. John Cooper would permit an occupational licensing entity to waive disqualification or revocation of a license for offenses in the Arkansas Code upon the request of listed parties who meet enumerated criteria. It is in the Senate Public Health, Welfare and Labor Committee.

HB1301 by Rep. Bruce Cozart would require professional licensing boards and other entities to adopt the least restrictive requirements for reciprocal licensing of persons who hold relevant licenses in other states, through issuance of temporary one-year licenses. It would also allow for occupational licensing entities to grant one-year temporary licenses if the individual holds a previous or current licensing in another state. It is in the House Public Health, Welfare and Labor Committee.

HB1302 by Rep. Bruce Cozart provides for proposed state agency rules resulting from legislation that affects multiple agencies to be grouped together for purposes of providing notice, holding joint hearings, and moving the rules through the legislative review process. It also seeks to provide that enacted legislation regarding the adopting, amending, or repealing of rules for multiple state agencies on a similar subject matter may be reviewed as a whole by the Legislative Council, the council's Administrative Rules and Regulations Subcommittee or the Joint Budget Committee, after which they are required to provide a combined notice of the changes reviewed. Finally, it would allow agencies to hold a joint public hearing on the content reviewed in cases required by law. It is in the House Public Health, Welfare and Labor Committee.

SB 171 by Sen. John Cooper would create a seven-member Occupational Licensing Sunrise and Sunset Commission appointed by the Governor to review all legislation relating to licensure requirements, unregulated occupations inconsistent with the public health and safety, and other similar matters. It is in the Senate Public Health, Welfare and Labor Committee.

HB 1296 by Rep. Austin McCollum would prohibit suspension or revocation of an occupational license for defaulting or having delinquent payments or satisfaction of student loans or scholarships. It on today's House Calendar.

Other bills include:

SB 172-Social Workers, **SB 178**-athletic trainers **SB 189**-Advanced Practice Nurses, **SB 190**-Genetic Counselors, **HB 1264**-Veterinary supervision of chiropractic animal care, **HB 1265**-full independent practice authority to certain nurses, **HB 1271**-Real estate course deadline, **HB 1276**-Duties of Real Estate Commission, **HB 1282**-Advanced Practice Nurses' prescription authority and **HB 1283**-Registered Nurse Anesthetists.

If you see any bill that impacts your business, please review it and let us know if you have concerns or see anything that might need to be amended.

PROCUREMENT RULES

All but one of the handful of bills related to procurement laws are in the Senate State Agencies Committee, which meets tomorrow morning. In addition to general changes to the procurement laws, the following specific changes are included in the bills:

HB 1161 by Rep. Jim Dotson and Sen. Scott Flipppo adds procedures and requirements for service contracts.

HB 1162 by Rep. Jim Dotson and Sen. Scott Flipppo adds contract review procedures and requires contractors to ensure compliance with this revised law in cooperation with state agencies.

HB 1179 by Rep. Jeff Wardlaw and Sen. Scott Flipppo relates to aggrieved bidders and the process for protesting solicitations and awards. It also seeks to require the State Procurement Director to create a written delegation order when delegating authority.

HB 1180 by Rep. Jeff Wardlaw and Sen. Scott Flipppo prioritizes opportunities for awarding mandatory state contracts under cooperative purchasing agreements.

HB 1181 by Rep. Jeff Wardlaw and Sen. Scott Flipppo seeks to prohibit firms that have an existing state contract under with it has demonstrated poor material performance from submitting additional bids.

HB 1178 by Rep. Jeff Wardlaw and Sen. Scott Flipppo would also authorize time discounts only in certain circumstances and provide procedures for the Office of Procurement in evaluating, entering and rejecting bids. Finally, it would require the State Procurement Director to enhance training on drafting of specifications for procures and require that the Director maintain records of bids that are rejected by the office for failure to follow mandatory requirements of solicitation. It is on this afternoon's House Calendar.

BILLS TO WATCH

COVENANANTS TO NOT COMPETE

HB 1068 by Rep. Brian Evans and Sen. Ricky Hill has been put on the deferred list in the House Insurance and Commerce Committee. The sponsors are working on an amendment with the Bureau of Legislative Research.

MEDICAL MARIJUANA

HB 1150 by Rep. Doug House seeks to greatly expand the list of qualifying medical conditions to use medical marijuana. Some of the proposed additional conditions are: asthma, attention deficit disorder, attention deficit hyperactivity disorder, chronic insomnia, complex regional pain syndrome Type I and Type II, general anxiety disorder, migraine, post-concussion syndrome and restless leg syndrome.

NIGHT SKY PROTECTION

HB 1309 by Rep. Stephen Meeks is on tomorrow's agenda in the House Public Health, Welfare and Labor Committee. It would create the Nighttime Environment Protection Act to regulate outdoor night lighting fixtures. It would also establish cost and other considerations for a state agency, public corporation, county, or municipality to use public funds to operate, maintain, install, or cause to be installed shielded outdoor lighting as a new or replacement outdoor lighting fixture.

STATE CHAMBER/AIA TRACKED BILLS

The House filed 10 bills yesterday, bringing their total to 388 bills. Senators filed 7 bills yesterday and their total is now 267 bills. We added 5 bills to our tracking and are now tracking 182 bills and resolutions.

Click this link to see the new bills added to our tracking: https://arkansasstatechamber-my.sharepoint.com/:w:/p/khall/Ec2ZL7ftu5lFrZqymhZZ_ksBOZUFnXGqtQhHvRrhWx6siw?e=uA7YPI

All bills we are tracking are posted on our website by category, click this link: <https://www.arkansasstatechamber.com/governmental-affairs/legislative-tracking/>

LEGISLATIVE SESSION INFORMATION

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

Legislative Message Center

House of Representatives: 501-682-6211

Senate: 501-682-2902

State Chamber/AIA 2019 Legislative Agenda

To review our 2019 Legislative Agenda, click this link: <https://arkansasstatechamber-my.sharepoint.com/:b/p/khall/EaL12Jp74lNJs5oLpIGDXw8BMAKxeaisr7hcr0VSIEIFRg?e=afChNW>

The House and Senate now both have live streaming of their business. Links to the live stream are on their webpages.

House: <https://www.arkansashouse.org/>

Senate: <http://www.arkansas.gov/senate/>

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