



## Daily Legislative Update

91st General Assembly

Tuesday, February 7, 2017 – Day 30

### CAPITOL SCHEDULE

The House and Senate will 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](http://www.arkleg.state.ar.us).

### STATE CHAMBER/AIA PRIORITY BILLS

\* \* \* CALL TO ACTION \* \* \*

#### CIVIL JUSTICE REFORM

**SJR 8** by Sen. Missy Irvin, R-Mountain Home, 14 additional senators, and Rep. Bob Ballinger, R-Hindsville, and 52 additional representatives is a resolution that was developed and supported by a group of business associations organized by the State Chamber/AIA. The other organizations are: The Poultry Federation, the Arkansas Trucking Association, Arkansas Farm Bureau, Arkansas Grocers and Retail Merchants Association, Arkansas Health Care Association, Arkansas Medical Society, Arkansas Hospital Association, and Arkansas Osteopathic Medical Association.

A growing list of several other groups, businesses and individuals have joined a letter to members of the General Assembly supporting **SJR 8** You can view the letter and current list of supporters by clicking [here](#).

**If you would like to join this letter, please let Holly Wilson know by emailing her at [hwilson@arkansasstatechamber.com](mailto:hwilson@arkansasstatechamber.com)**

This Senate Joint Resolution seeks a legislative referral to the 2018 General Election ballot to provide Arkansans the opportunity to vote on tort reform that would set caps on non-economic and punitive damages in a manner like 33 other states, along with some other issues including a cap on attorney contingency fees.

For details about what the Resolution would do, click [here](#).

**Please join our support of SJR 8 and contact your legislators and ask them to support SJR 8!**

## **EMPLOYER CLARITY REGARDING MARIJUANA**

**HB 1460** by Rep. Carlton Wing, R-North Little Rock, and Sen. Missy Irvin, R-Mountain Home, is a bill we had developed with the assistance of about a half dozen employment law firms. We wanted to provide clarity for employers following the adoption of the Medical Marijuana Amendment and to provide protection for employees.

This bill seeks to create new definitions or modify existing definitions for employers in matters related to the use of marijuana. The 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 legislators to support HB 1460!**

## **UNEMPLOYMENT INSURANCE**

**HB 1405** by Rep. Robin Lundstrum, R-Springdale, and Sen. Jim Hendren, R-Gravette, is one of our priority bills for this session. This bill 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 bill is on the House Public Health, Welfare and Labor Committee agenda, but its consideration is pending as some compliance research is being done.

## **TODAY AT THE CAPITOL**

### **NOTICE TO PURCHASERS FROM REMOTE SELLERS REGARDING SALES TAX LIABILITY**

**HB 1388** by Rep. Dan Douglas, R-Bentonville, and Sen. Jake Files, R-Fort Smith, was not considered yesterday and is on this afternoon’s House Calendar.

This bill would require a seller, that does not have a physical presence in this state and does not collect Arkansas sales or use tax on sales made to Arkansas residents, to notify Arkansas purchasers that tax is due on certain purchases made from the seller and that Arkansas requires the purchaser to file a sales or use tax return. It would also subject any seller who fails to comply with this section to a penalty of \$5 For each failure to provide notice. Sellers that do not have a physical presence in this state and do not collect Arkansas sales or use tax on sales made to Arkansas would be required to file an annual report by March 1 or each year of sales to each purchaser with the Director of the Department of Finance and Administration showing the total amount paid by each Arkansas purchaser to the seller during the preceding calendar year. Those sellers that fail to file an annual report would be subject to a penalty of \$10 for each purchaser that should have been included in the report.

We **support** this bill, which is another effort to equalize the sales tax playing field between in-state brick and mortar sellers with out-of-state sellers.

## **RETAIL TAX PREPAYMENT**

**HB 1253** by Rep. Jeff Wardlaw, R-Warren, 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 is on today's agenda in the House Revenue and Taxation Committee's agenda.

We **support** this bill.

## **THIS WEEK AT THE CAPITOL**

### **EMPLOYER PROTECTIONS**

**HB1126** by Rep. Charlie Collins, R-Fayetteville, would 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.

We **support** this bill because two of its three provisions address issues that we planned to address in one of our priority bills. It awaits consideration in the Senate Judiciary Committee.

### **LIMITATIONS ON PURCHASES WITH FOOD STAMPS**

**HB 1035** by Rep. Mary Bentley, R-Perryville, and Sen. Cecile Bledsoe, R-Rogers, may be considered in the Senate Public Health, Welfare and Labor Committee tomorrow.

We **oppose this bill** because of the burdens and costs that food retailers and manufacturers would incur to comply with this bill's requirements.

### **EQUALIZING SALES TAXES FOR REMOTE SELLERS WITH IN-STATE SELLERS**

**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 passed the Senate yesterday afternoon by a vote of 23-9 and is on today's agenda in the House Revenue and Taxation Committee.

We **support** this bill to equalize the sales tax playing field between in-state brick and mortar sellers with out-of-state sellers.

## **YESTERDAY AT THE CAPITOL**

### **HIGHER EDUCATION FUNDING**

**HB 1209** by Rep. Mark Lowery, R-Maumelle, and Sen. Eddie Joe Williams, R-Cabot, would require the Arkansas Higher Education Coordinating Board to adopt a productivity-based funding model for institutions of higher education and repeal the funding model currently in place, which is based on student enrollment. It passed the Senate yesterday by a vote of 32-1. We **support** this bill.

### **ARKANSAS HISTORIC REHABILITATION CREDIT**

**SB 253** by Sen. Bill Sample, R-Hot Springs, and Rep. Joe Jett, R-Success, was referred back to the Senate Tax Committee yesterday. 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.

## **STATE CHAMBER/AIA BILL TRACKING**

### **NEW BILLS**

**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 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 courts duties in processing a complaint of condemnation.
- Revises 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.

### **EDUCATION CURRICULUM**

**HB 1442**, by Rep. Andy Davis, R-Little Rock, amends the personal finance curriculum standard to include job seeking skills, soft job skills, and employment benefits; requires high school students to earn a course credit under this curriculum for graduation.

### **TRACKED BILLS**

The House has filed 461 bills.

The Senate has filed 284 bills.

We are tracking 191bills.

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](http://www.arkleg.state.ar.us).

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