



## Daily Legislative Update

91st General Assembly

Wednesday, February 8, 2017 – Day 31

### 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 \* \* \*

#### UNEMPLOYMENT INSURANCE

**HB 1405** by Rep. Robin Lundstrum, R-Springdale, 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 and will be considered tomorrow morning in the House Public Health, Welfare and Labor Committee.

**Please ask your legislators to support HB 1460!**

#### 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. It 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.

A growing list of several other groups, businesses and individuals have joined the original nine associations in 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)**

For details about **SJR 8**, 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. The purpose is 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 will be presented on Wednesday, February 15.

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 legislators to support HB 1460!**

### **TODAY AT THE CAPITOL**

#### **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 today.

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

### **ARKANSAS HISTORIC REHABILITATION CREDIT**

**SB 253** by Sen. Bill Sample, R-Hot Springs, and Rep. Joe Jett, R-Success, is back on the Senate Revenue and Taxation Committee today after receiving a Do Pass recommendation last week. 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.

### **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.

## **CONSTITUTIONAL AMENDMENTS**

Today is the last day to file Joint Resolutions that seek to refer an issue to the 2018 General Election Ballot.

## **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.
- 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.

## **YESTERDAY 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, passed the House yesterday by a vote of 54-26. It has been assigned to the Senate Insurance & Commerce Committee.

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

## **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 was not considered yesterday 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.

## **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 was not considered yesterday by the House Revenue and Taxation Committee's agenda.

We **support** this bill.

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

The House has filed 472 bills.

The Senate has filed 297 bills.

We are tracking 199 bills.

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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