



## Daily Legislative Update

91st General Assembly

Thursday, February 9, 2017 – Day 32

### CAPITOL SCHEDULE

The Senate will convene at 10:30 this morning and the House 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 this morning in the House Public Health, Welfare and Labor Committee.

**Please ask your legislators to vote FOR 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 was developed and supported by a group of nine business associations organized by the State Chamber/AIA. **SJR 8** seeks to allow a public vote on tort reform in the 2018 General Election.

If approved by voters, it would:

- Limit attorney fees in civil actions to no more than 1/3 of the award;
- Cap the amount that can be awarded for both punitive and non-economic damages in civil cases unless the injuring party acted intentionally; and,
- Authorize the General Assembly to set rules of practice, pleadings and procedure.

Improving the legal climate in Arkansas to attract jobs and improve our economy has been a legislative priority of the State Chamber/AIA for many years. The reforms we helped push through the 2003 General Assembly have been struck down by a State Supreme Court decision that said the legislature's action was unconstitutional. Consequently, it's up to the people of Arkansas to set caps in order for us to be competitive with 33 other states that have punitive and/or non-economic damages caps.

We cannot overstate the importance of passing **SJR 8**. Doing so will allow the voters of Arkansas to consider a measure that will create a fair and competitive business environment that will benefit professionals, businesses of all size, healthcare providers and industry.

**We hope you can join an effort to show broad support among the business community by contacting your State Senator & Representative and urging them to vote FOR SJR 8!**

You can also join a growing list of groups, businesses and individuals on a letter to all members of the General Assembly supporting SJR 8. The letter and current list of supporters can be viewed by clicking [here](#).

**If you'd like to join this letter, please email Holly Wilson at [hwilson@arkansasstatechamber.com](mailto: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](#).

**Again, please contact your legislators and ask them to vote FOR SJR 8!**

### **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. Yesterday afternoon, the Senate Judiciary Committee gave this bill a Do Pass recommendation.

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!**

### **EMPLOYER CLARITY REGARDING MARIJUANA**

**HB 1460** by Rep. Carlton Wing, R-North Little Rock, and Sen. Missy Irvin, R-Mountain Home, is a bill developed for us by 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 will be presented next 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 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.
- 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.

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

**HB 1035** by Rep. Mary Bentley, R-Perryville, and Sen. Cecile Bledsoe, R-Rogers, failed in the Senate Public Health, Welfare and Labor Committee yesterday afternoon. We opposed 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, received a Do Pass recommendation again yesterday by the Senate Revenue and Taxation Committee, following a third amendment, which will be formally adopted this morning.

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.

### **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 and remains on the House Revenue and Taxation Committee's agenda. We **support** this bill.

### **CONSTITUTIONAL AMENDMENTS**

Yesterday was the last day for Joint Resolutions to be filed that seek to refer issues to the 2018 General Election Ballot. The Senate added four SJRs to the nine previously filed SJRs. The House added 19 Joint Resolutions to one HJR filed Tuesday.

To view a list of all 33 Joint Resolutions, click [here](#).

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

The House has filed 479 bills.

The Senate has filed 308 bills.

We are tracking 228 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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