



Daily Legislative Update

91st General Assembly

Friday, February 10, 2017 – Day 33

CAPITOL SCHEDULE

The House will convene at 10:00 a.m. this morning and the Senate will convene at 1:30 p.m. on Monday, February 13.

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

* * * WEEKEND VISITS WITH YOUR LEGISLATORS * * *

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 week after next.

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 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.

This Joint Resolution was developed and supported by a group of nine business associations organized by the State Chamber/AIA.

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. We are not 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 urge 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

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. It is on Monday 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!

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 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 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.
- 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.

ARKANSAS HISTORIC REHABILITATION CREDIT

SB 253 by Sen. Bill Sample, R-Hot Springs, and Rep. Joe Jett, R-Success, is on Monday 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.

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, is awaiting consideration in 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 awaits consideration 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 remains on the House Revenue and Taxation Committee's agenda. We **support** this bill.

CONSTITUTIONAL AMENDMENTS

Yesterday, the Senate began hearing comments about the 13 Senate Joint Resolutions filed seeking to refer an issue to the 2018 General Election Ballot. Their consideration will continue next week.

The House will begin consideration of the 20 House Joint Resolutions next week.

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

STATE CHAMBER/AIA BILL TRACKING TRACKED BILLS

The House has filed 504 bills.
The Senate has filed 327 bills.
We are tracking 235 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.

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