



Daily Legislative Update

91st General Assembly

Wednesday, February 15, 2017 – Day 38

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.

*** * * STATE CHAMBER/AIA PRIORITY BILLS – CALL TO ACTION * * ***

CIVIL JUSTICE REFORM

SJR 8 by Sen. Missy Irvin, R-Mountain View, 14 additional senators and Rep. Bob Ballinger, R-Hindsville, and 52 additional representatives was approved yesterday afternoon by Senate State Agencies Committee on a 5-3 vote. It is expected to be considered by the full Senate tomorrow.

This Joint Resolution seeks to give Arkansas voters the chance to improve the state's civil-justice system, help economic development, and keep skilled professionals in the state.

Currently, Arkansas's legal system allows for unlimited judgments against businesses. This allows lawyers to pressure businesses into large settlements, regardless of a lawsuit's merit, to avoid the potential of a limitless jury verdict. The lawyers then keep large portions of those settlements for themselves.

“If approved by voters, **SJR8** will help businesses throughout Arkansas while still protecting the right to a jury trial for anyone harmed by a company,” said Randy Zook, President of the Arkansas State Chamber of Commerce. “Tort reform is not an issue about one or two business sectors, but rather one that impacts Arkansas businesses of all sizes.”

The language of **SJR8** would cap some categories of damages in civil cases, making Arkansas more competitive with surrounding states that have already enacted tort reform. It would also limit the portion of judgments or settlements that lawyers get to keep for themselves, ensuring that Arkansans who bring lawsuits keep a greater portion of resulting damages.

Thanks to all who joined the letter to the General Assembly asking for their support of **SJR 8**; it was co-signed by 57 businesses, business associations, other associations and individuals. It will be presented in committee today as well as to members of the General Assembly. You can view the letter by clicking [here](#).

We will continue to add names to the letter for another delivery later in the session. If you would 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](#).

We urge everyone to contact your legislators and ask them to vote FOR SJR 8 or thank them for their support!

EMPLOYER PROTECTIONS

HB1126 by Rep. Charlie Collins, R-Fayetteville, was approved by the Senate yesterday afternoon by a vote of 23-2. This bill eliminates supervisor liability for retaliation under the Arkansas Civil Rights Act. It now goes to the Governor.

We adopted this bill as one of our priorities because it addressed two issues we planned to address; amending the definition of employer to clarify that a natural person acting as a supervisor is not an employer and creating a one-year limitation period for discrimination, retaliation and interference claims.

The bill also amends the hate crime section to eliminate claims arising out of employment relationship, which is another plus for employers.

We will have a bill filed soon to address the third area of concern we had for employers.

Please thank any legislator you asked to support HB 1126!

UNEMPLOYMENT INSURANCE

HB 1405 by Rep. Robin Lundstrum, R-Elm Springs, and Sen. Jim Hendren, R-Gravette, was approved yesterday by the House Public Health, Welfare and Labor Committee and awaits assignment to the House Calendar.

This priority bill seeks to lower the unemployment insurance taxes paid by employers by reducing the wage base from \$12,000 to \$10,000. This change will save the business community about \$50 million. The bill also seeks to reduce the weeks of UI coverage and change a base measure in calculating benefits. These changes will reduce the expenses of the UI Trust Fund.

Please ask your Representative to vote FOR HB 1405!

EMPLOYER CLARITY REGARDING MARIJUANA

HB 1460 by Rep. Carlton Wing, R-North Little Rock, and Sen. Missy Irvin, R-Mountain View, is a bill developed for us by a group of lawyers that includes: Jennifer Chang and Bruce Cross at Cross Gunter Witherspoon & Galchus, Wayne Young at Friday, Eldridge

& Clark, and Jim Robertson at the Barber Firm. Justin Allen and Erika Gee from Wright Lindsey Jennings, Brian Vandiver from Cox, Sterling, McClure & Vandiver, and Steve Schulte also contributed to this effort. These lawyers did this work as volunteers and we very much appreciate their efforts to benefit all employers.

The idea for this bill was developed through our Unemployment Insurance/Human Resource Committee, of which the lawyers above participate in regularly. It was agreed that 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. It's on today's agenda but a pending amendment likely will delay its consideration.

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!

STUDENT READING

SB 328 by Sen. Alan Clark, R-Lonsdale, would require the State Board of Education to test applicants for first-time teacher licensure for elementary education K-6 and for special education K-12, in subject matter content, pedagogy, and knowledge of beginning reading instruction.

We **support** this bill and have added it to our Priority list because it meets our desire to improve student reading, particularly to promote the standard that every student should be able to read by the end of the third grade. It's on the Senate Education Committee agenda.

OTHER IMPORTANT BILLS WITH RECENT ACTION **COLLECTING SALES TAXES FROM REMOTE 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 presented in the House Revenue and Taxation Committee yesterday morning, but failed to receive a majority vote on a do pass motion. It can be reconsidered later.

HB 1388 by Rep. Dan Douglas, R-Bentonville, and Sen. Jake Files, R-Fort Smith, would require out-of-state sellers to provide notice to Arkansas purchasers that taxes are owed, provide information regarding purchases and apply fines for failure to implement

the requirements of this bill. It's on the Senate Revenue and Taxation Committee agenda but today's meeting has been cancelled.

We **support** these bills that seek to equalize the sales tax playing field between in-state brick & mortar sellers and out-of-state sellers.

CONSTITUTIONAL AMENDMENTS

Yesterday the Senate State Agencies Committee completed its review of 11 proposals. Only **SJR 8** received a Do Pass recommendation, as described above.

SJR 13 and 14 failed for lack of a motion. SJR 5, 10 and 16 received motions but only gained two votes.

The House State Agencies Committee will begin consideration of 20 House Joint Resolutions this afternoon.

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

BILLS OF INTEREST

WINE SALES IN GROCERY STORES

SB 284 by Sen. Bart Hester, R-Cave Springs, Sen. Linda Chesterfield, D-Little Rock, and Rep. Jon Eubanks, R-Paris, would permit grocery stores to sell wine for off-premises consumption. It will be considered by the Senate State Agencies Committee. We **support** this bill on behalf of our member grocers and retail merchants.

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 may be considered today.

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, has been assigned to the House Revenue and Taxation Committee, which meets today.

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.

BUSINESS EDUCATION

HB 1442, by Rep. Andy Davis, R-Little Rock, seeks to amend the personal finance curriculum standard to include job seeking skills, soft job skills and employment benefits. It also would require high school students to earn a course credit under this curriculum for graduation. We **support** this bill. It awaits consideration in the House Education Committee.

STATE BOARDS, COMMISSIONS AND COMMITTEES

SB 341 by Sen. Lance Eads, R-Springdale, nine additional senators and 14 representatives seeks to make various revisions to the composition and membership of numerous stage boards, committees, commissions, and other administrative bodies, including:

- Repealing the Commission for Coordination of Educational Efforts
- Repealing the Distance Learning Coordinating Council
- Amending the membership of the Apprenticeship Coordinating Steering Committee
- Amending the membership of the Coalition for Juvenile Justice Board
- Repealing the Museum of Natural Resources Advisory Committee
- Repealing the Commission on Information Age Communities Act
- Repealing the Scenic Resources Preservation Coordinating Committee
- Making members of the Board of Examiners in Counseling subject to Senate confirmation
- Repealing the Board of Health Education
- Various other changes

STATE CHAMBER/AIA BILL TRACKING TRACKED BILLS

The Senate has filed 349 bills.
The House has filed 550 bills.
We are tracking 258 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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