



Daily Legislative Update

91st General Assembly

Thursday, February 16, 2017 – Day 39

CAPITOL SCHEDULE

The Senate will convene this morning at 10:30 a.m. 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.

*** * * 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 is expected to be considered by the full Senate this morning.

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. 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!

UNEMPLOYMENT INSURANCE

HB 1405 by Rep. Robin Lundstrum, R-Elm Springs, and Sen. Jim Hendren, R-Gravette, was approved yesterday in the House by a vote of 62 to 26 with 11 not voting and one present.

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 annually. The bill also seeks to reduce the weeks of UI coverage from five months to four months. A provision to lower the benefit calculation from 1/26th to 1/30th will be removed by amendment.

It has been assigned to the Senate Public Health, Welfare and Labor Committee.

Please ask your Senator 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 was not considered yesterday and an amendment is being added today to clarify some language. The Committee probably won't meet again until next Wednesday.

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, was given a Do Pass recommendation by the Senate Education Committee yesterday and is on this morning’s Senate Calendar.

We **support** this bill that 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 added this bill 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.

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.

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 and mortar sellers and out-of-state sellers. Neither bill is currently on a Committee agenda.

CONSTITUTIONAL AMENDMENTS

The House State Agencies Committee met yesterday and began debate on 20 House Joint Resolutions that seek to refer an issue to the 2018 General Election ballot. Five of these House Joint Resolutions are on today’s calendar for amendment: HJR 1003, 1008, 1009, 1011 and 1020.

For details on these proposals and a list of all constitutional amendment proposals, 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. This bill does not change existing laws regarding the ability to sell alcohol in a particular location in the state. It was adopted by the Senate on February 8 by a vote of 18-11 and is now on the House Rules Committee agenda. 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 awaits consideration in the House Judiciary Committee.

We encourage all businesses with an interest in eminent domain to look at this bill and let us know your thoughts. We have received additional reports of concerns about the bill.

ARKANSAS HISTORIC REHABILITATION CREDIT

SB 253 by Sen. Bill Sample, R-Hot Springs, and Rep. Joe Jett, R-Success, awaits consideration in the House Revenue and Taxation Committee.

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's on today's agenda 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

It is on this morning's agenda in the Senate State Agencies Committee.

EDUCATION

SB 31 by Sen. Jimmy Hickey, R-Texarkana, and Rep. Kim Hammer, R-Benton, received a Do Pass recommendation from the Senate Education Committee yesterday and is on this morning's Senate Calendar. It seeks to expand the definition of "traditional student" for purposes of lottery scholarships to include students who spent the previous academic year as a full-time freshman at higher learning institutions. We support this bill.

STATE CHAMBER/AIA BILL TRACKING

NEW BILLS

HB 1551 by Rep. Richard Womack, R-Arkadelphia, seeks to establish a right to engage in a lawful occupation without being required to comply with occupational regulations (licenses) that impose substantial burdens on private individuals or are not substantially related to the state's interest in protecting public health and safety. It awaits consideration in the House Public Health, Welfare and Labor Committee.

Specifically, the bill seeks to:

- establish a means of restricting an individual's right to engage in lawful occupation, with civil actions to remedy consumer harm as the least restrictive method and licensing based on personal qualifications as the most restrictive method.
- restrict an individual's ability to assert the right to engage in lawful occupation to assertion only as a defense in a proceeding to enforce an occupational regulation.
- require a private individual asserting a defense of this right to prove that the regulation at issue imposes a substantial burden.
- require the state to prove that the regulation at issue is related to the state's interest in protecting public health and safety and is no more restrictive than necessary.

This bill is an updated version of a bill that caused a great deal of concern in 2015. Rep. Womack has worked with a variety of groups as he developed this bill and has excluded many who were opposed two years ago. Also, this version has some groups in a neutral position that were opposed two years ago.

We will host a **meeting at 1:30 p.m. on Monday, February 20 to discuss this bill**. If you have concerns about this bill, please join us. The meeting will be in the State Chamber Bob Lamb Conference Room at 1200 W. Capitol in Little Rock. We informed Rep. Womack about the meeting last night.

TRACKED BILLS

The Senate has filed 355 bills

The House has filed 568 bills

We are tracking 271 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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