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93rd General Assembly Monday, Feb. 9, 2021 – Session Day 30

TODAY AT THE CAPITOL

The House and Senate convene at 1 p.m. this afternoon.

LEGISLATIVE COMMITTEE MEETINGS

8:00 a.m. – Joint Budget Personnel

9:30 a.m. – Senate Agriculture, City/County/Local and Transportation | House Education and Health

2:00 p.m. – Senate Insurance/Commerce and State Agencies | House Judiciary, Tax and Transportation

To view the full schedule of floor calendars, committee meetings, their agendas and video access, click [here](#).

NEW BILLS

CONSTITUTIONAL AMENDMENTS

Tomorrow is the deadline to file Joint Resolutions that seek to refer measures to the 2022 General Election Ballot. To date, the House has filed six Joint Resolutions and the Senate has filed three. Historically, each Chamber has filed around 20 Joint Resolutions. The State Agencies Committees of each Chamber consider the proposals filed in their Chamber. The General Assembly can refer up to three measures to each General Election ballot. Three were filed in the House yesterday:

PROPERTY TAX REPEAL

HJR1004 by Rep. Stephen Meeks is a constitutional amendment that would authorize the General Assembly to reduce and make exemptions to property taxes and requiring the General Assembly to abolish property taxes by 2047. It sets an effective date of January 1, 2023.

BALLOT REFERRALS AND BALLOT INITIATIVE PROCESS

HJR1005 by Rep. David Ray would require sixty percent (60%) approval in each legislative chamber to refer a constitutional amendment to the ballot and sixty percent (60%) approval by the electors to adopt a referred amendment or an amendment submitted through the initiative process. It sets an effective date of January 1, 2023.

ELECTED OFFICIAL RECALL ELECTIONS

HJR1006 by Rep. Frances Cavanaugh is a proposed constitutional amendment to create a petition process for demanding the recall of an elected official at special election.

- Requires the petition to be signed by at least 25% of the electors who voted for Governor at the last election, either within the state or district depending on the jurisdiction of the official.
- Requires filing of a notice of intent to circulate the petition with the Secretary of State and notification of the official.
- Requires petitions to be filed 60-80 days after filing of the notice, requires the Secretary to determine sufficiency within 30 days, and provides for amendment to the petition.
- Requires the Governor to immediately call a special election after receiving notification

from the Secretary, to be held within 90 days of the call or at the next general election if it is within 120 days.

- Provides that upon recall, the office will be immediately vacant.
- Authorizes one recall petition and election per official per term.
- Provides that a recall proposal is considered a ballot question for purposes of applicable laws on measures referred to voters.
- Sets effective date of January 1, 2023.

TODAY AT THE CAPITOL

LOCAL ELECTIONS

HB 1368 by Rep. David Ray and Sen. Bart Hester seeks to set the date for most special elections as the presidential preferential primary date or the general election date in a year in which those elections are held, otherwise on the third Tuesday in May or the Tuesday after the first Monday in November. It also seeks to: require the local board or acting local board to publish the proclamation at least 90 days before the election date, require authorized documents calling for a special election to be filed at least 75 days before the date the special election is to be held, exempt special elections to fill vacancies in office, special runoff elections, local option elections, or special election otherwise provided for by the Arkansas Constitution. It also seeks to provide that an emergency special election may be held on a date other than the dates specified in this act; defines emergency as a substantial change in the interpretation of the law by federal or state courts, circumstances due to fire, flood, tornado, or other natural disaster, circumstances determined by the governing body of the entity requesting the election to be an imminent danger to the public health and safety, and a delay of the special election that would cause a substantial and undue hardship to the governing entity.

This bill was defeated 40 Yea to 49 No on the House floor on February 4 and notice of reconsideration was filed February 8 to allow the bill to be reconsidered.

The State Chamber/AIA joins local chambers and other organizations in opposition to this bill.

CLOSE AEDC OFFICE IN CHINA

SB 252 by Sen. Trent Garner would prohibit the Arkansas Economic Development Commission from establishing or maintaining an office in China. It also would require the commission to close any existing offices in China as of the effective date of the act. *This bill was defeated in the Senate State Agencies Committee last week but is back on today's committee agenda.* The State Chamber/AIA opposes this bill.

PPP INCOME TAX EXEMPTION

HB 1361 by Rep. Les Eaves and Sen. Jonathan Dismang seeks to adopt federal statutes for the purpose of computing Arkansas income tax liability from the Paycheck Protection Program, loan forgiveness, and emergency grants. It excludes payments received under the Coronavirus Food Assistance Program. Sets effective date of tax years beginning on or after January 1, 2019. *This bill is on today's House Revenue and Taxation Committee agenda.* The State Chamber/AIA supports this bill.

YESTERDAY AT THE CAPITOL

HEALTHCARE

SB 99 by Sen. Cecile Bledsoe and Rep. DeAnn Vaught would require healthcare insurers to base step therapy protocols on appropriate clinical practice guidelines or published peer-reviewed data developed by independent experts and establishes exceptions from protocols and procedures for requesting them. *This bill was approved 96 to 0 in the House yesterday afternoon.*

STATE CHAMBER/AIA PRIORITY AGENDA BILLS:

We support the following bills because they meet criteria of the Priority Section of our 2021 Legislative Agenda. For details on each bill, click [here](#).

PROTECTING CRITICAL INFRASTRUCTURE

HB 1321 by Rep. Jimmy Gazaway

This bill awaits consideration by the House Judiciary Committee.

The State Chamber/AIA Supports.

ELECTIVE PASSTHROUGH ENTITY TAX

HB 1209 by Rep. Joe Jett

This bill awaits consideration in the House Revenue and Taxation Committee.

The State Chamber/AIA Supports.

UNEMPLOYMENT INSURANCE EXPERIENCE FORGIVENESS

HB 1212 by Rep. Jack Ladyman and Sen. Missy Irvin

This bill awaits consideration by the Senate Public Health, Welfare and Labor Committee.

The State Chamber/AIA Supports.

UNEMPLOYMENT INSURANCE – CAP STABILIZATION TAX IN 2021

HB 1407 by Rep. Robin Lundstrum and Sen. Ricky Hill

This bill has awaits consideration in the House Public Health, Welfare and Labor

Committee. The State Chamber/AIA Supports.

UNEMPLOYMENT INSURANCE – CAP WAGE BASE IN 2022

HB 1409 by Rep. Robin Lundstrum and Sen. Ricky Hill

This bill awaits consideration in the House Public Health, Welfare and Labor Committee.

The State Chamber/AIA Supports.

SOFT DRINK TAX PHASEOUT

HB 1316 by Rep. Lanny Fite and Sen. Dave Wallace

This bill awaits consideration by the House Revenue & Taxation Committee.

The State Chamber/AIA Supports.

BILLS WE SUPPORT

To view details of these bills click [here](#).

UNEMPLOYMENT INSURANCE TAX EXEMPTION

SB 236 Sen. Jonathan Dismang and Rep. Joe Jett

This bill awaits consideration in the House Revenue & Taxation Committee.

The State Chamber/AIA Supports.

EXPANSION OF EXISTING SALES TAX EXEMPTION

SB 26 by Sen. James Sturch

This bill was presented in the Senate Revenue & Taxation Committee on February 1, but a vote was delayed until later in the session.

The State Chamber/AIA Supports.

BILLS WE OPPOSE

To view details of these bills, click [here](#).

DISCLOSURE OF PRIVATE TAX INFORMATION

SB 293 by Sen. Bill Sample would require taxpayers claiming certain sales and use tax credits, refunds or rebates to provide notification to the executive head of the county or municipality that levied the tax, to complete prescribed forms and disclose pertinent tax information. *This bill has been assigned to the Senate Revenue & Taxation Committee.*

REPEAL OF ARKANSAS WORKS

HB 1428 by Rep. Josh Miller and Sen. Dan Sullivan

This bill awaits consideration in the House Public Health, Welfare and Labor Committee.

The State Chamber/AIA Opposes.

PATISAN LOCAL ELECTIONS

HB 1252 by Rep. Clint Penzo and Sen. Bart Hester

This bill has been assigned to the House City, County & Local committee.

The State Chamber/AIA Opposes.

FREEDOM OF INFORMATION ACT EXPANSION

SB 195 by Sen. Dan Sullivan

This bill awaits consideration in the Senate State Agencies Committee.

The State Chamber/AIA Opposes.

FREEDOM OF INFORMATION ACT EXPANSION

SB 208 by Sen. Dan Sullivan

This bill awaits consideration in the Senate State Agencies Committee.

The State Chamber/AIA Opposes.

HYBRID AUTO REGISTRATION FEE REPEAL

SB 117 by Sen. Mark Johnson

This bill awaits consideration in the Senate Transportation, Technology & Legislative Affairs Committee.

The State Chamber/AIA Opposes.

HYBRID AUTO REGISTRATION FEE REDUCTION

SB 225 by Sen. Blake Johnson

This bill await consideration in the Senate Transportation, Technology & Legislative Affairs Committee.

The State Chamber/AIA Opposes.

BILL OF INTEREST

SOVEREIGN IMMUNITY

SJR 3 by Sen. Alan Clark is a proposed constitutional amendment ballot referral to eliminate sovereign immunity and permit the State of Arkansas to be sued as a defendant in state court in the same circumstances as any other type of party. It would apply retroactively from the effective date of November 9, 2022. It would require the General Assembly to enact laws to permit the filing of a claim or action pending before the Arkansas State Claims Commission or on appeal with the General Assembly on the effective date of the amendment with a court of competent jurisdiction if the claim would otherwise be barred from being filed in a court. It also provides that claims or actions against the State of Arkansas that would have been barred from being litigated prior to the effective date of the amendment are pending before the State Claims Commission or on appeal to the General Assembly on the effective date, the plaintiff may continue to pursue the claim before the State Claims Commission or General Assembly or file the claim or action with a court of competent jurisdiction. *This Resolution has been assigned to the Senate State Agencies Committee.*

Our Legislative Agenda includes seeking a referral to the 2022 ballot a measure to address sovereign immunity. To date, we have not found any momentum of support or any bill language. We did not file SJR 3 but will explore its language and who might be backing the Resolution. [If you have interest in addressing this issue and/or have an opinion on the language of SJR 3, please let us know.](#)

STATE CHAMBER/AIA BILL TRACKING

Total Bills* Filed: 755 | New Bills* Filed: 30 | House 18 – Senate 12

Bills* added to State Chamber/AIA Tracking: 17 | Total Tracked Bills*: 258

To view a list of the new bills added to our tracking click [here](#).

To see all tracked bills saved by category click: [here](#).

**Resolutions are not included in our bill counts.*

LEGISLATIVE SESSION INFORMATION

To view schedules, calendars, bill information and legislator information, click [here](#).

To view the statement regarding Capitol access and committee attendance, click [here](#).

Legislative Message Center

House of Representatives: 501-682-6211

Senate: 501-682-2902

STATE CHAMBER/AIA INFORMATION

2021 LEGISLATIVE AGENDA

To view the State Chamber/AIA's legislative agenda, click [here](#).

BILL SCORING

Floor votes on bills that address issues in our Legislative Agenda and/or are discussed in a Daily Legislative Update are subject to being scored.

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