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## 93rd General Assembly Thursday, Feb. 11, 2021 – Session Day 32

### TODAY AT THE CAPITOL

The House and Senate are in recess until Monday, February 15, at 1 p.m.

### LEGISLATIVE COMMITTEE MEETINGS

No meetings.

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

### NEW BILLS

#### CREATION OF INDEPENDENT TAX APPEALS COMMISSION

**HB 1468** by Rep. Joe Jett and Sen. Blake Johnson would create the Independent Tax Appeals Commission within the Department of the Inspector General to resolve disputes between taxpayers and the Department of Finance and Administration. If adopted, it would:

Set the membership, selected from a pool of candidates recommended by various entities or officials, each required to be licensed to practice law or certified public accountants.

Set regulations for members, including a limit of two terms of nine years each and salaries comparable to those of state district court judges.

Authorize various employees, including a staff attorney and accountant.  
Authorize the Commission to issue refunds and alter or remedy actions by the Department and take other appropriate action.

Define the limits of the Commission's jurisdiction, set procedures, including for pleadings, hearings, decisions, and judicial relief of decisions.

Provide that decisions of the Commission have the same effect and are enforced in the same manner as a decision of a circuit court.

Require the Tax Appeals Commission to file the final rules with the Secretary of State by December 1, 2022.

*This bill has been assigned to the House Revenue & Taxation Committee.*

This is a State Chamber/AIA Priority bill, which we support.

### CONSTITUTIONAL AMENDMENTS

Yesterday was the deadline to file Joint Resolutions that seek to refer measures to the 2022 General Election Ballot. In the Senate, 13 new Joint Resolutions were filed bringing the Senate's total SJR filings to 18. House members filed 17 new Joint Resolutions bringing their total HJR filings to 25.

Included in yesterday's Senate filings were constitutional amendment proposals to create open primaries, allow the legislature to set damage caps and court rules, legislatively called special sessions, voting qualifications, habitability warranty, right to keep and bear arms, religious freedom, define athletic competitions, federal actions, and the U.S. Supreme Court.

The House filings include changes to the Highway Commission, Racing Commission authority, casinos, damage caps, court rules, partisan elections, lottery scholarships, frivolous lawsuits, keep and bear arms, and religious freedom.

All have been assigned to their respective State Agencies Committees. The determination of which and how many measures are referred will occur near the end of the session. The maximum number that can be referred is three.

To review full summaries of all 43 Joint Resolutions, click [here](#).

## YESTERDAY AT THE CAPITOL

### 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. It sets the effective date of tax years beginning on or after January 1, 2019.

*Amendments adopted in committee, in which the bill received a Do Pass recommendation, were formally adopted on the House floor on Feb. 10. The bill awaits assignment to the House Calendar.*

[The State Chamber/AIA Supports.](#)

### UNEMPLOYMENT INSURANCE TAX EXEMPTION

**SB 236** Sen. Jonathan Dismang and Rep. Joe Jett would exempt from income tax 2020 and 2021 unemployment compensation benefits paid from federal unemployment funds or from Title IV of the Social Security Act.

*Amendments adopted in committee, in which the bill received a Do Pass recommendation, were formally adopted on the House floor Feb. 10. The bill awaits assignment to the House Calendar.*

[The State Chamber/AIA Supports.](#)

### 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 elections 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 Feb. 4 and notice of reconsideration was filed Feb. 8. The House agreed to reconsider on Feb. 10 and the bill failed 46 Yea to 46 No.*

[The State Chamber/AIA joins local chambers and other organizations in opposition to this bill.](#)

## 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 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 has been amended and awaits consideration by the House Revenue & Taxation Committee.*

The State Chamber/AIA Supports.

## **BILLS WE SUPPORT**

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

### **DAMAGE DEFINITION CLAIRIFICATION**

**SB 255** by Sen. Missy Irvin would define recoverable damages for necessary medical care, treatment, or services as only those costs actually paid by or on behalf of the plaintiff or that remain unpaid and for which the plaintiff or any third party is legally responsible.

*This bill awaits consideration in the Senate Judiciary 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.

### **FREEDOM OF INFORMATION ACT EXPANSION**

**SB 195** by Sen. Dan Sullivan seeks to expand the impact of FOIA laws to private entities in specific circumstances.

*After adoption of a substantive amendment, 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 seeks to redefine “meeting” for application of FOIA laws.

*After adoption of a substantive amendment, this bill awaits consideration in the Senate State Agencies Committee.*

The State Chamber/AIA Opposes.

### **PARTISAN LOCAL ELECTIONS**

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

*This bill awaits consideration by the House City, County & Local committee.*

The State Chamber/AIA Opposes.

### **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 on February 4 but remains on the committee’s agenda.*

The State Chamber/AIA opposes this bill.

### **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 awaits consideration in the Senate Transportation, Technology & Legislative Affairs Committee.*

The State Chamber/AIA Opposes.

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

\*Total Bills Filed: 883 | New Bills Filed: 59 | House 35 – Senate 29

Bills and resolutions added to State Chamber/AIA Tracking: 45 | Total Tracked: 311

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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