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93rd General Assembly Thursday, Feb. 15, 2021 – Session Day 35

TODAY AT THE CAPITOL

The House and Senate are in recess until at least Wednesday, February 17.

LEGISLATIVE COMMITTEE MEETINGS

No meetings.

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

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](#).

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.

The State Chamber/AIA Supports.

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

The State Chamber/AIA Supports.

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.

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 awaits consideration on the House floor.

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 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.

This bill awaits consideration on the House floor.

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.

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

MEDICAL ETHICS AND DIVERSITY

SB 289 by Sen. Kim Hammer and Rep. Brandt Smith seeks to ensure a right of conscience for all healthcare institutions, healthcare payers and medical practitioners, prohibiting discrimination based on medical decisions made due to religious, moral, ethical, or philosophical principles with limited exceptions.

It exempts negotiation or purchase of insurance by a nongovernment entity from the definition of discrimination and medical practitioners, healthcare institutions, or healthcare payers from civil, criminal, or administrative liability for denying healthcare service that violates his, her, or its conscience and emergency medical care from the right of conscience.

Provides that medical practitioners, healthcare institutions, or healthcare payers who hold himself, herself, or itself out to the public as religious, has the right to make employment, staffing, contracting, and admitting privilege decisions consistent with his, her, or its religious beliefs.

Requires a healthcare payer to file its conscience policies annually with the State Insurance Department, requiring a comprehensive list by billing code of any and all products, services, and procedures that the healthcare payer will not pay for reasons of conscience.

Requires the healthcare payer to provide the annual filing to each beneficiary and on the website of the payer, but an annual filing will not be required for years that the healthcare payer will not exercise its conscience rights.

Prevents healthcare payers from using a conscience objection to refuse or reduce payments to a healthcare provider, healthcare institution, or beneficiary for any product, service, or procedure that is not included in the annual filing.

Prohibits a healthcare payer from compelling healthcare providers, healthcare institutions, or beneficiaries to accept a contract that violates the conscience of the healthcare provider, healthcare institution, or beneficiary.

Authorizes civil action for damages or injunctive relief to be brought by a medical practitioner, healthcare institution, or healthcare payer for violating right conscience.

Provides that claims brought up to prevent an additional burden or expense are not an affirmative defense.

Provides that an aggrieved party will be entitled to recover three times the amount of any damages incurred, including the cost of the civil action, and reasonable attorney's fees; provides that the minimum amount of damages is \$7,500 per violation, in addition to cost of the civil action and reasonable attorney's fees.

Provides that damages are cumulative and are not exclusive of other remedies that may be afforded under state or federal law.

Authorizes a court to reward injunction relief, including ordering the reinstatement of a medical practitioner to his or her prior employment position or board certification or relicensure of a healthcare institution or healthcare payer.

This bill was approved by the Senate 27 to 6 on Feb. 10. It awaits consideration by the House Public Health, Welfare and Labor Committee.

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

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.
The State Chamber/AIA Opposes, but is looking for a way to provide local governments information they need for budgeting purposes without disclosing businesses' private tax information.*

MAJOR CHANGE IN OPERATION 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.

PROHIBIT CONTRACT AND PROCUREMENT EXPERIENCE MODIFICATION FACTOR

HB 260 by Sen. Kim Hammer and Rep. Keith Brooks would prohibit the use of an experience modification factor in a contract for construction services as a means of determining eligibility to participate in the solicitation or to be awarded a contract.

This bill awaits consideration in the Senate Insurance and Commerce 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.

PATISAN 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/PROHIBIT 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 await consideration in the Senate Transportation, Technology & Legislative Affairs Committee.

The State Chamber/AIA Opposes.

LOCAL ELECTIONS

HB 1368 by Rep. David Ray and Sen. Bart Hester sought 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 and other changes.

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.

CONSTITUTIONAL AMENDMENT PROPOSALS

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

STATE CHAMBER/AIA BILL TRACKING

*Total Bills Filed: 883 | New Bills Filed: 0 | House 0 – Senate 0

Bills and resolutions added to State Chamber/AIA Tracking: 0 | Total Tracked: 311

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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