

Visit our Website



93rd General Assembly Wednesday, Feb. 24, 2021 – Session Day 44

TODAY AT THE CAPITOL

The House and Senate convened at 1 p.m. today.

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

STATE CHAMBER/AIA PRIORITY BILLS

Three important bills from our Priority Legislative agenda are coming up in the *House Public Health, Welfare and Labor Committee tomorrow*. These bills are:

HB 1488 by Rep. Justin Gonzales and Sen. Ben Gilmore is designed to allow an employee to make a claim under workers' compensation for COVID-19 if the employee proves it is a workplace exposure. On the other hand, it provides protection for employers against workers' compensation claims becoming tort claims simply because the employer knows exposure to COVID-19 is possible, likely, or certain.

Workers' Compensation is the exclusive remedy for workers injured on the job in Arkansas, which means that they cannot sue their employers in court for on-the-job injuries. The Arkansas Supreme Court has ruled that intentional acts by the employer are exempt from the exclusive remedy doctrine, allowing employees to sue employers in court for intentional acts.

HB 1488 will do two things: 1) Clarify that employees can make a workers' compensation claim for COVID-19 illness if the employee proves that it was a workplace exposure that led to the illness. Current law is unclear as to whether COVID-19 can be a recoverable injury, and 2) Clarify that requiring an employee to perform employment services when the employer has knowledge that exposure to COVID-19 is possible, likely, or certain is not intentional conduct that removes an employer from the protections of the exclusive remedy doctrine of workers' compensation.

HB 1488 will expire on May 1, 2023. That will require the General Assembly to revisit this law in the next regular session, evaluate the status of COVID-19 and decide whether to renew it, let it expire or modify and extend it.

HB 1487 by Rep. Justin Gonzales and Sen. Ben Gilmore will provide some level of protection against COVID-19 personal injury claims against businesses for any claims for damages, injuries, or death caused by or resulting from exposure to COVID-19 as follows.

A business or its agent are immune from civil liability for damages or injuries caused by or resulting from exposure of an individual to COVID-19 on the business premises owned or operated by the person or during an activity managed by the person. The immunity from civil liability will not apply to willful, reckless, or intentional misconduct resulting in injury or damages to another person.

It is presumed that a business or its agent is not committing willful, reckless, or intentional misconduct if the business or its agent are substantially complying with health and safety directives or guidelines issued by the Governor, the Secretary of the Department of Health, the Centers for Disease Control and Prevention, and the Centers for Medicare & Medicaid Services concerning COVID-19; or are acting in good faith while attempting to comply with health and safety directives or guidelines issued by the Governor or the Secretary concerning Covid-19.

HB 1521 by Rep. Austin McCollum and Sen. Ben Gilmore will provide some level of protection against COVID-19 personal injury claims against healthcare workers for any damages, injuries, or death caused by or resulting from COVID-19 as follows:

A healthcare worker is protected if the alleged act or omission occurs as a result of a good faith effort of the healthcare provider to provide a healthcare service for the diagnosis, treatment, cure, mitigation, or prevention of COVID-19, and the injury was the direct result of the healthcare provider's providing a healthcare service to a patient for the treatment and mitigation of COVID-19 or its symptoms. The protection will not apply to an act or omission that is willful, reckless, or intentional misconduct.

HB 1487 and **HB 1521** will expire on May 1, 2023. That will require the General Assembly to revisit this law in the next regular session, evaluate the status of COVID-19 and decide whether to renew it, let it expire or modify and extend it.

Other states have taken steps to provide some protections through both Executive Orders and legislation. Twenty-four states have issued executive orders, including Arkansas. Twenty-three states have adopted legislation providing liability protections to business and/or healthcare. Many others are currently in session and are likely to adopt similar legislation. This includes Florida, Missouri, and Alabama.

The State Chamber/AIA supports HB 1488, HB 1487, and HB 1521.

TODAY'S BILLS

** State Chamber/AIA Priority Agenda Bill*

^See Status Report link below for bill summaries.

BUSINESS TAXPAYER REPORTING

SB 293 by Sen. Bill Sample was not considered this morning by the Senate Revenue and Taxation Committee. Meetings involving critical parties were held this morning and an amendment is expected.

***PPP INCOME TAX EXEMPTION^**

HB 1361 by Rep. Les Eaves and Sen. Jonathan Dismang

Received a Do Pass recommendation this morning in the Senate Revenue & Taxation Committee.

The State Chamber supports.

YESTERDAY AT THE CAPITOL

***UNEMPLOYMENT INSURANCE EXPERIENCE FORGIVENESS^**

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

Was approved without opposition by the full Senate yesterday and has been referred back to the House Public Health, Welfare and Labor Committee for concurrence in Senate amendment.

The State Chamber supports.

PROHIBIT OR CLOSE AEDC OFFICE IN CHINA

SB 252 by Sen. Trent Garner seeks to prohibit the Arkansas Economic Development Commission from establishing or maintaining an office in China. It would also require AEDC to close any existing offices in China as of the effective date of the act.

This bill was defeated on February 4. It was on yesterday's Agenda in the Senate State Agencies Committee but was not considered.

The State Chamber/AIA opposes this bill.

CONSTRUCTION CONTRACTS

SB 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. *Was on yesterday's Agenda in the Senate Insurance & Commerce Committee but was not considered.*

The State Chamber/AIA opposes this bill.

PHASEOUT OF SOFT DRINK TAX

HB 1546 by Rep. Lanny Fite and Sen. Dave Wallace was filed yesterday to replace **HB 1316**, which was withdrawn from consideration yesterday. **HB 1546** seeks to sunset the Soft Drink Tax Act by 2025. Unlike the first bill, this one includes language to distribute additional funds to offset the effect of phasing out the tax on the Arkansas Medicaid Program Trust Fund.

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

The State Chamber/AIA supports this bill, which is part of our Priority Agenda.

ELECTIVE TAX BENEFIT FOR PASS-THROUGH ENTITIES

HB 1209 by Rep. Joe Jett and Sen. Jonathan Dismang would create an elective pass-through entity tax, which would allow these types of businesses to gain a 100% deduction of state and local taxes on their federal income tax return. This is estimated to save the business community around \$50 million and increase state revenue by around \$4 million. This bill was amended on February 23.

The State Chamber/AIA supports this bill, which is part of our Priority Agenda.

TOMORROW AT THE CAPITOL

MEDICAL ETHICS^

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.

This bill is on the Senate Public Health, Welfare and Labor Committee.

The State Chamber/AIA opposes this bill.

FOIA EXPANSIONS

SB 195 by Sen. Dan Sullivan and Rep. Richard Womack seeks to extend the entities subject to Freedom of Information Act provisions to include those whose primary purpose is providing direct support to a governmental agency or public entity financially or with labor if support provided has a determined value.

This bill is on the Agenda in the Senate State Agencies committee.

SB 208 by Sen. Dan Sullivan and Rep. Mary Bentley seeks to redefine a 'meeting' for the purposes of the Freedom of Information Act. It includes private entities that are supported wholly or in part by public funds, engaged in activities that would normally be provided by governmental entities or be provided by governmental entities in the absence of the private entity.

This bill is on the Agenda in the Senate State Agencies committee.

The State Chamber/AIA has been opposed to both bills, which have been recently amended a fourth time.

STATUS REPORT:

STATE CHAMBER/AIA PRIORITY AGENDA BILLS | SUPPORTED BILLS | OPPOSED BILLS

To view a complete list, summary and status of all bills that are part of our Priority Agenda, bills we support and bills we oppose, click [here](#).

STATE CHAMBER/AIA BILL TRACKING

Total Bills Filed: 930 | New Bills Filed: Senate 29 | House 23

Bills and resolutions added to State Chamber/AIA Tracking: 11 | Total Tracked: 343

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

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

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.

State Chamber/AIA Governmental Affairs Team

- Randy Zook, President/CEO
rzook@arkansasstatechamber.com
- Kenny Hall, Executive Vice President
khall@arkansasstatechamber.com
- Andrew Parker, Director of Governmental Affairs
aparker@arkansasstatechamber.com
- Toni Lindsey, Director of Governmental Affairs
tlindsey@arkansasstatechamber.com

State Chamber/AIA phone: (501) 372-2222

State Chamber/AIA web site: www.arkansasstatechamber.com

To unsubscribe to *Daily Legislative Updates*, please e-mail Deb Mathis at dmathis@arkansasstatechamber.com and write "Unsubscribe Daily Legislative Update" in the subject box.

The Daily Legislative Update is written by Kenny Hall, reviewed by Randy Zook, then edited and distributed by Jeff Thatcher.



1200 W. Capitol Ave., P.O. Box 3645
Little Rock, AR 72203-3645

501-372-2222
FAX 372-2722

STAY CONNECTED



Arkansas State Chamber of Commerce/Associated Industries of Arkansas
1200 W. Capitol Ave., Little Rock, AR 72201
P.O. Box 3645, Little Rock, AR 72203
501-372-2222 | arkansasstatechamber.com

