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93rd General Assembly Monday, March 29, 2021 – Session Day 78

TODAY AT THE CAPITOL

The House and Senate are in recess until 1 p.m. today.

Committee Meetings

8:00 a.m. – Legislative Council

2:00 p.m. – Senate Education and Health | House Aging, Agriculture and City/County/Local

***** CALL TO ACTION – PLEASE ASK YOUR SENATOR TO VOTE YES ON SB 530 *****
*

WORKERS' COMPENSATION – State Chamber Priority Agenda Bill

SB 530 by Sen. Dave Wallace and Rep. Jack Ladyman *is on this afternoon's Senate Calendar.*

Please ask your State Senator to vote FOR SB 530.

Business owners and managers understand that if they have claims, their insurance costs are likely going to increase. This applies to workers' compensation coverage like any other insurance. In a situation where an employee is injured by the negligence of another person, workers' compensation is obligated to pay medical and temporary total disability and possibly long-term disability if the employee was injured while on the job.

Because the employee was injured by the fault of another person, the employee can make a liability claim against the person who caused their injury. Such claims include medical bills, lost wages, pain and suffering, property damage, etc.

SB 530 addresses these questions.

- a) Is it fair for the employee to have their medical bills paid by workers' comp and then recover those same medical costs from another person?
- b) Is it fair for the employee to collect part of their lost wages from workers' comp and then collect all of their lost wages from another person?

In cases where workers' compensation has paid a significant amount of medical bills, the likelihood of the employer's workers' compensation costs going up is quite likely and can be significant.

SB 530 limits the recovery of amounts paid by workers' compensation to half (50 percent) of the injured employee's settlement or judgement against the person that caused the injury.

SB 530 requires a two-thirds majority to pass.

It is vitally important that Senators hear from the business community.

TODAY'S BILLS

MEDICAID EXPANSION

SB 410 by Sen. Missy Irvin seeks to create the Arkansas Health and Opportunity for Me Act of 2021 (ARHOME), replacing the Arkansas Works Program for expanded Medicaid coverage. It creates incentives for individuals to gain qualified health insurance premium assistance.

This bill is on this afternoon's House Calendar.

We support this bill.

COVID CIVIL IMMUNITY

HB 1487 by Rep. Justin Gonzales and Sen. Ben Gilmore would create civil immunity for damages or injuries caused by or resulting from exposure to COVID-19 on business premises.

This bill is on this afternoon's agenda in the Senate Judiciary Committee.

The State Chamber/AIA supports this bill.

RIGHT TO REPAIR

SB 332 by Sen. Missy Irvin and Rep. Jim Dotson seeks to require the original equipment manufacturer of digital medical equipment to make available to an independent repair provider for a medical facility or an owner of digital electronic equipment documentation, parts, service tools, etc.

This bill is on this afternoon's Senate calendar.

CHANGES TO ADFA BOARD

SB 475 seeks to change the board composition and appointment process of the Arkansas Development Finance Authority and require house-related tax credits to be awarded equally among the four congressional districts each year.

This bill is on this afternoon's Senate Calendar.

CIVIL EVICTION

HB 1563 by Rep. Jimmy Gazaway would establish a civil eviction process, including provisions on notice, complaint requirements, jurisdiction, civil pleadings, etc. and prohibits certain terms and conditions in rental agreements and also create a duty that the landlord maintain habitable premises.

This bill is on this afternoon House Calendar.

The State Chamber/AIA is concerned about this bill.

TOMORROW'S BILLS

OCCUPATIONAL LICENSING

HB 1667 by Rep. Tony Furman would require all occupational licensing entities to recognize licenses from other states. The bill defines "applicant" as an individual seeking an occupational or professional license.

This bill is on tomorrow's agenda in the House Public Health, Welfare and Labor Committee.

The State Chamber/AIA opposes this very broad bill.

PROHIBIT MANDATORY COVID IMMUNIZATIONS OR VACCINES

HB 1547 by Rep. Robin Lundstrum and Sen. Breanne Davis proposes an Act to Prohibit Mandatory 2019 (COVID-19) Immunizations or Vaccines for students and employees.

This bill is on tomorrow's agenda in the House Public Health, Welfare and Labor Committee.

We oppose this bill.

INDEXING WEEKS OF UNEMPLOYMENT INSURANCE

HB1676 by Rep. Austin McCollum seeks to scale back the duration of unemployment compensation benefits in increments as indexed to the current unemployment rate. It would set the lower cap at 12 times the weekly benefit amount at or below 5.5 percent unemployment and sets the upper cap at 16 times the weekly benefit at more than 7

percent unemployment. The effective date would be January 1, 2022.

This bill is on tomorrow's agenda in the House Public Health, Welfare and Labor Committee.

This is a concept that is used in a few states. We have plans to consider this for the 2023 session. The current UI computer system is very old and most likely cannot handle this type of change before it is upgraded. We have discussed upgrading the system with DWS.

SB 349 by Sen. Alan Clark and Rep. Keith Brooks would prohibit schools from using reading programs of instruction that are not aligned with the science of reading.

This bill is on tomorrow's agenda in the House Education Committee.

We support the science of reading.

HB 1428 by Rep. Josh Miller and Sen. Dan Sullivan seeks to repeal the Arkansas Works Act of 2016 and move enrollees to the fee-for-service Medicaid Program.

This bill is on tomorrow's agenda in the House Public Health, Welfare and Labor Committee.

The State Chamber/AIA opposes this bill.

CONSTITUTIONAL AMENDMENT REFERRALS

The Senate State Agencies will consider **SJR 15, 16, 6, 13, and 14** in their meeting at 9:30 a.m. tomorrow. To view a report on all Joint Resolutions, click [here](#).

STATE CHAMBER/AIA PRIORITY AGENDA BILLS

INDEPENDENT TAX APPEALS COMMISSION-State Chamber/AIA Priority Agenda bill

HB 1468 by Rep. Joe Jett and Sen. Jonathan Dismang is our bill that seeks to create an Independent Tax Appeals Commission and a technical companion bill, **HB 1705**.

These bills await consideration in the Senate Revenue and Taxation Committee.

The State Chamber/AIA supports **HB 1468 & HB 1705**.

To view a summary and the status of bills from the State Chamber/AIA's Priority Agenda, click [here](#).

BILLS WE OPPOSE

PHARMACY BENEFITS MANAGEMENT

HB 1804 by Rep. Brian Evans and Sen. Ron Caldwell seeks to make changes to the Arkansas Pharmacy Benefits Manager Licensure Act.

This bill places self-insured groups under the provisions of the state PBM Licensure Act, a law that established a single rate system for every pharmacy in the state regardless of the quality of services provided. If passed:

Pharmacists will receive a guaranteed payment (NADAC or wholesale acquisition cost) for every drug dispensed at that pharmacy (brands, generics, and high-cost specialty drugs) for all self-insured consumers. Thus, the price paid is based on state-mandated minimums determination, not a competitive marketplace. Without competition, prices go up.

It will expand price regulation to self-insured employers/groups; and expand the pricing and revenue mandate for one segment (Pharmacy) of the healthcare delivery system.

All self-insured employers would be required to share proprietary contract information including rebates received and distributed to the employer/payor; detailed itemized payor payment data to a PBM; detailed itemized data paid by the PBM for pharmacists' services.

HB 1804 expands onerous reporting requirements to all self-insured groups. Currently, these rules apply to insurance carriers and PBMs for their fully insured blocks of business.

This bill would prohibit self-insured groups from negotiating contracts to establish specialized pharmacy networks that are created to control costs for their employees.

This bill is an intrusion into private contracts between large employers and entities providing pharmacy services and allows state oversight of those private contracts.

*This bill has been assigned to the House Public Health, Welfare and Labor Committee.
We oppose this bill.*

BILLS OF INTEREST

FIREARMS IN VEHICLES ON BUSINESS PARKING LOTS

SB 555 by Sen. Alan Clark seeks to repeal and replace the subsection that prohibits employers from restricting the storage of firearms inside employees' cars in an employer parking lot. It exempts parking lots owned by the Department of Corrections or an entity contracting with a division of the department to provide work release or post-incarceration housing services. It provides that an employer has the right to prohibit firearms for the following circumstances: a person who is not an employee storing a firearm in an employee's vehicle, having a firearm if the employee is using an employer owned vehicle, the employee is the subject of an active or pending employment disciplinary proceeding, and from bringing a firearm on a parking lot if the premises is being used for residential housing.

This bill awaits consideration in the House Judiciary Committee.

LIMITED LIABILITY COMPANY ACT

SB 601 by Senator Jonathan Dismang would create the Uniform Limited Liability Company Act and repeal the Small Business Entity Tax Pass Through Act. This is a 164-page bill.

The backers of this bill are interested in feedback about this bill. If you have any comments, please let us know.

STATE CHAMBER/AIA BILL TRACKING

Total Bills Filed: 1435 | New Bills Filed: Senate 0 | House 2

Bills and resolutions added to State Chamber/AIA Tracking: 0 | Total Tracked: 530

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 Session 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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