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93rd General Assembly Thursday, April 15, 2021 – Session Day 95

TODAY AT THE CAPITOL

The House and Senate will convene at 1 p.m. today.

Committee Meetings

7:30 – Joint Budget Committee-Administrative Rule Review

8:30 a.m. – Joint Budget

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

10:00 a.m. – House Judiciary

10:30 a.m. – Senate Transportation

12:15 p.m. - Joint Energy

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

TODAY'S FLOOR VOTES

EXTEND MANUFACTURING SALES TAX EXEMPTION TO PRINTING – State Chamber/AIA Priority Agenda Bill

HB 1596 by Rep. Joe Jett and Sen. Jonathan Dismang seeks to extend the existing sales and use tax exemptions for items sold for resale to include property sold for use in printing. Sets the effective date on the first day of the calendar quarter following the effective date of the act.

This bill is on this afternoon's House Calendar.

We support this bill.

RELEASE OF TAXPAYER INFORMATION

SB 528 by Sen. Bill Sample and Rep. Les Warren seeks to require the Department of Finance and Administration to provide reports to counties and cities containing data on sales tax rebates and credits awarded for local sales and use tax rebates, and for purchased property used in construction contracts. The reports would be required to be delivered electronically on a monthly basis and to include the name of the taxpayer and the amount of the credit or rebate awarded.

This bill received a Do Pass recommendation yesterday from the House Revenue and Taxation Committee and is on this afternoon's House Calendar.

We sympathize with the problems that local governments are having and offered alternatives to provide information that would help.

We oppose the release of business taxpayers' confidential tax records.

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.

This bill is on this afternoon's House Calendar.

We support this concept, but the Department of Workforce Services computer system is running Cobol and using green screens. A new system needs to be in

place before attempting a complicated change like this.

FUNDING FOR ARHOME

SB 55 by the Joint Budget Committee is the DHS funding appropriation that includes funding for the important ARHOME program. If this bill fails, it will cost the state hundreds of millions of dollars in lost federal funding.

This bill was defeated on the House floor again yesterday 66 yes to 24 no (it needs 75 yes to pass), but is back on this afternoon's House Calendar.

We support this bill.

SALES TAX REDUCTION

SB 26 by Sen. James Sturch seeks to extend the reduced sales and use tax rates for utilities used by manufacturers to the use of coal. It provides that the sale of natural gas, electricity and coal will be subject to the excise tax levied in Amendment 101.

This bill received a Do Pass recommendation yesterday from the Senate Revenue and Taxation Committee and is on this afternoon's House Calendar.

We support this bill.

EMINENT DOMAIN

SB 334 by Sen. Bob Ballinger and Rep. Justin Gonzales seeks to place restrictions on the use of eminent domain by state agencies.

This bill is on this afternoon's House Calendar.

We oppose this bill.

CONSTITUTIONAL AMENDMENTS

HJR1005 by Rep. David Ray and Sen. Bart Hester would require 60 percent approval by both legislative chambers to refer a measure to the ballot and a 60 percent vote by the public to adopt a constitutional amendment or initiated act.

This Joint Resolution was given a Do Pass recommendation yesterday by the House State Agencies Committee and is on this afternoon's House Calendar.

SJR 18 by Sen. Alan Clark proposes an amendment to the U.S. Constitution to set the number of U.S. Supreme Court justices at nine.

This Joint Resolution is on this afternoon's Senate Calendar.

SJR 13 by Sen. Jason Rapert and Rep. Jimmy Gazaway addresses the fundamental right to keep and bear arms.

This Joint Resolution is on this afternoon's Senate Calendar.

BILLS ON TODAY'S COMMITTEE AGENDAS

DATA FOR ECONOMIC DEVELOPMENT

HB 1868 by Rep. Delia Haak seeks to expand exception to provisions for the confidentiality of tax records to include data related to sales and use tax revenues generated in a political subdivision that requests the data from DF&A.

This bill is on this afternoon's agenda in the House Revenue and Taxation Committee.

An amendment will be offered that we asked to be added, so we support this bill as amended.

RESTRICTIONS ON CORPORATE POLITICAL ACTIVITY

SB 651 by Sen. Greg Leding would restrict a corporation's political activity to those actions approved by 75 percent of the shareholders and directors of the corporation.

This bill is on this afternoon's agenda in the Senate Insurance and Commerce Committee.

We oppose this bill.

REQUIRE TWO-FIFTHS OF A CORPORATE BOARD TO BE ELECTED BY EMPLOYEES

SB 653 by Sen. Greg Leding would require two-fifths of the directors of any corporation with over \$50 million gross revenue to be elected by the employees of the corporation using an election process.

This bill is on this afternoon's agenda in the Senate Insurance and Commerce Committee.

We oppose this bill.

REPEAL ARKANSAS WORKS

HB 1428 by Rep. Josh Miller seeks to repeal the Arkansas Works Act of 2016.

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

We oppose this bill.

ACCESS TO EMPLOYMENT AND INCOME DATA

HB 1911 by Rep. Joshua Bryant seeks to establish a pilot program for real-time employment and income data to be used for determining an individual's eligibility for the Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families and Unemployment benefits.

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

We have concerns about this bill and are looking for input.

CONSTITUTIONAL AMENDMENTS

SJR 10 by Sen. Breanne Davis and Rep. Frances Cavanaugh will allow legislative leaders to call a Special Session.

This bill was re-referred to committee yesterday and is on this afternoon's agenda in the Senate State Agencies Committee.

YESTERDAY'S BILLS

SOFT DRINK SYRUP EXCISE TAX PHASE OUT – State Chamber/AIA Priority Agenda Bill

HB 1546 by Rep. Lanny Fite and Sen. David Wallace that sought to sunset the soft drink syrup excise tax was *defeated a third and final time on the House floor yesterday.*

We supported this bill.

PROHIBIT MANDATORY COVID IMMUNIZATIONS OR VACCINES

HB 1547 by Rep. Robin Lundstrum and Sen. Breanne Davis seeks to prohibit mandatory 2019 (COVID-19) immunizations or vaccines.

This bill passed on the House floor 78 to 1 yesterday and has been assigned to the Senate Public Health, Welfare and Labor Committee.

We oppose this bill.

VACCINE PASSPORTS

SB 615 by Sen. Trent Garner would prohibit state and local authorities from using a vaccine passport as a condition of entry, travel, etc.

This bill received a Do Pass recommendation yesterday from the Senate Health Committee.

We could not find a way to amend this bill to make it acceptable .

CONSTITUTIONAL AMENDMENTS

HJR 1001 by Rep. Frances Cavanaugh and Sen. Breanne Davis would authorize the legislature to enter a special session by joint proclamation of the Speaker of the House and Senate President Pro Tempore.

An amendment was filed to this Joint Resolution .

BILLS WE SUPPORT

TAXABILITY OF NONRESIDENTS WORK IN AND OUT OF ARKANSAS – State Chamber/AIA Priority Agenda Bill

SB 484 by Sen. Jonathan Dismang Provides that a nonresident's work performed both inside and outside of the state is taxable only on the portion of the income allocated to work performed in-state. It exempts nonresidents' income if all of the following apply: compensation is paid for duties performed less than 30 days of in-state work in a year, duties were performed in multiple states during the calendar year, the compensation is not paid for duties in the individual's capacity as a professional athlete, entertainer, public figure, or qualified production employee; and either the individual's state or residence provides a similar income tax exemption or does not impose individual income tax.

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

BILLS WE OPPOSE

COVENANTS TO NOT COMPETE

SB 665 by Sen. Bob Ballinger and Rep. Justin Gonzales seeks to place limitations on the enforcement of covenant not-to-compete agreements and narrows the definition of the protectable business interest of the employer.

- a) Provides that the covenant may not unduly burden an employee's ability to obtain gainful employment and freedom of movement; or unduly burden the public.
 - b) Specifies that protectable business interest include customer lists that are not compiled as a result of action by an employee, goodwill with customers that is not based on the action of an employee, knowledge of the employer's business practices that are unique or peculiar to the employer, and methods that are specialized and unique to the employer.
 - c) Requires a covenant not-to-compete agreement be separately signed from any standard employment agreement and any other ancillary agreements with clear notice from the employer to the employee of the nature and scope of the agreement.
 - d) Requires an employer to provide a copy of the employee's job description to the employee at the time of execution of a covenant not-to-compete agreement; provides that if an employer fails to comply the agreement is unenforceable.
 - e) Places the burden of proof on the employer attempting to enforce a covenant not-to-compete agreement; provides that the employer will also be responsible for attorney fees incurred by the employee.
 - f) Exempts a person who holds a professional license under Arkansas Code 17-3 or who is a non-management employee; defines non-management employee as an employee who is not employed in a supervisory role as described in the employee's job description.
- This bill may be considered April 20 by the Senate Insurance and Commerce Committee.*

We oppose this bill.

EMPLOYER MANDATES – NEW HIRES, PAYROLL, WAGE PAYMENTS

SB 600 by Sen. Greg Leding would require employers to provide new hires with written notification regarding normal hours, agreed-upon wages and pay schedules. It would also add requirements for payroll process and unconditional payment of wages due in case of a dispute.

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

We oppose this bill.

CARBON DIOXIDE EMISSIONS DATA

SB 675 by Sen. Greg Leding and Rep. Denise Ennett would require electric utilities to provide customers and the public with carbon dioxide equivalent emissions data and information about carbon intensity per electrical unit produced. It would also require:

- a) the calculation to include the life cycle greenhouse gas content calculation for each type of energy resource in the electric utility company's electric system portfolio, and weighted average life cycle of greenhouse gas content calculation for the annual electricity production by the electric utility company's electric system portfolio.
- b) the Arkansas Pollution Control and Ecology Commission to require an electric utility to use median values for life cycle emission, monitor developments in life cycle emissions, and instruct electric utility companies to use updated values in carbon intensity calculations if more precise estimates become available; allows an eclectic utility to request permission from the commission to use an energy resource carbon intensity value that differs from the value required by the commission.
- c) the commission to consolidate the annual carbon intensity data and issue a report that details the carbon intensity and aggregate carbon intensity for the electric power sector in the state; requires that the commission provide a copy of the report to the General Assembly, the Public Service Commission, the Department of Health, the Department of Commerce, and each electric utility company in the state; requires the report to be published via press release, website posting, or other effective means for review by the public.

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

We oppose this bill.

CLEAN ELECTRICITY JOBS TASK FORCE

SB 681 by Sen. Greg Leding and Rep. Keith Brooks seeks to create the Clean Electricity

Jobs Task Force to study policies related to clean energy businesses, workforce training, consumer issues, etc. The Task Force would expire on October 31, 2022
This bill awaits consideration in the Senate Public Health, Welfare and Labor Committee.
We oppose this bill.

STATE CHAMBER/AIA BILL TRACKING

Total Bills Filed: 1627 | New Bills Filed: Senate 5 | House 11
Bills and resolutions added to State Chamber/AIA Tracking: 8 | Total Tracked: 609

To view a list of the new bills added to our tracking today 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 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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