



93rd General Assembly
October 5, 2021 – Session Day 268

TODAY AT THE CAPITOL

The Speaker of the House declared **SB 730** did not meet the requirements of the Recess Resolution, therefore it should not be considered. The Speaker's ruling was upheld by the full House.

The House Public Health, Welfare and Labor Committee met this morning to consider two bills. After hearing from several people testifying on, for and against, including State Chamber/AIA President & CEO Randy Zook, **SB 730** was defeated on a roll call vote. After a brief discussion, **SB 739** received a Do Pass recommendation on a voice vote.

By a vote of 68 yes to 23 no, the House approved **HB 1977**, which is presented as doing the same things as **SB 739**. The Senate approved **SB 739** yesterday, but its Emergency Clause did not pass. The Emergency Clause in **HB 1977** did pass, so the entire bill will go to the Senate for consideration.

The effective date of bills is triggered when signed by the governor or when the General Assembly overrides a gubernatorial veto. Then bills with an Emergency Clause become law immediately and bills without an Emergency Clause go into effect after 90 days. Some bills have effective dates set in the language of the bill too.

A lot can happen over the next 90 days that would impact these bills.

We stand by the principal of protecting employers' right to run their business, and our position is that an Emergency Clause should NOT be adopted in **HB 1977** or **SB 739**.

HB 1977 by Rep. Joshua Bryant and Sen. Bob Ballinger would require employers to provide exemptions from COVID vaccine mandates for employees who provide evidence of recent negative tests or of the presence of COVID antibodies. It would also require DF&A to establish rules for reimbursement of the cost of testing through federal relief funds distributed through the American Rescue Plan Act of 2021.

SB 739 by Sen. Kim Hammer and Rep. Joshua Bryant would require employers to provide exemptions from COVID vaccine mandates for

employees who provide evidence of recent negative tests or of the presence of COVID antibodies. It would require the cost of testing to be covered through either the employee's health benefit plan or through state or federal funding, including relief funds distributed through the American Rescue Plan Act of 2021.

STATE CHAMBER CONCERNS

We are concerned that adoption of these bills exposes some employers to having to choose between obeying state or federal laws. Such conflict can:

- Cause employers to **lose liability protections**,
- Be **subject to OSHA fines and penalties**,
- Cause exposure to **EEOC violations**,
- Prevent employers from instituting policies they deem necessary to **protect the health and safety of their customers**, and
- **Prevent employers from being able to assure their customers and consumers that steps are being taken to help keep them safe.**

Other concerns include:

- Potential impact on the state's ability to collect federal Medicare and Medicaid funds, and
- Interference of private businesses with federal government contracts.

BILLS NO LONGER ACTIVE

SB 730 by Senator Trent Garner sought to prohibit disqualification from unemployment benefits on the basis of a person's refusal to be vaccinated against Covid-19 or its variants or based on a person's termination due solely to refusing to be vaccinated against Covid-19 or its variants.

SB 732 by Sen. Blake Johnson sought to prohibit employers from requiring COVID vaccination if the immunization is medically contraindicated for the individual, or if they assert an objection to the vaccine on religious or philosophical grounds. It would authorize affected employees to seek lost wages.

CONGRESSIONAL REDISTRICTING

Over 30 bills have been filed seeking to set the state's congressional districts for the next decade, including a handful filed yesterday. Some of the top debates are whether all of Sebastian County should be in the 3rd, whether Pope should move to the 4th or 2nd, and if or how much of east and southeast Pulaski County should move out of the 2nd into the 1st and/or 4th. There are also some maps that would move Van Buren out of the 2nd, move Cleburne into the 2nd, and move some or all of Lonoke into the 2nd. It seems settled that Desha and Chicot will remain in the 1st, but there is debate about Lincoln and Drew being in the 1st or 4th.

LEGISLATIVE SESSION INFORMATION

To view schedules, calendars, bill information, and legislator information, click www.arkleg.state.ar.us.

Legislative Message Center

House of Representatives: 501-682-6211

Senate: 501-682-2902

Live Streaming from the Capitol

The House and Senate have links to live streaming of their committee meetings and floor session online.

- House: <https://www.arkansashouse.org/>
- Senate: <http://www.arkansas.gov/senate/>

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