

# DAILY LEGISLATIVE UPDATE



*Business matters.*

## Daily Legislative Update

94<sup>th</sup> Arkansas General Assembly  
Monday, February 27, 2023 | Day 50

### TODAY'S MEETINGS

Senate Transportation and Judiciary committees meet this morning. The Senate will convene at 1:00 p.m., and the House will convene at 1:30 p.m.

### NEW TRACKED BILLS

We began tracking [4 additional bills](#) today. These bills address PBMs, manufactured home regulations, the home inspector board and the barber licensing board.

### TODAY'S BILLS

#### **Spendthrift Trusts - Domestic Asset Protection Trusts**

#### **HB 1394 by Rep. John Maddox and Sen. Clint Penzo**

This bill makes various changes to spendthrift trust law, allowing the creation of third-party spendthrift trusts and domestic asset protection trusts. This bill is on today's House calendar.

#### **Decanting of Trusts**

#### **HB 1431 by Rep. Robin Lundstrum and Sen. Clint Penzo**

This bill allows for the decanting of trusts and provides discretionary powers for trustees for the appointment of property from one trust to another trust. This bill is on today's House calendar.

### THIS WEEK'S BILLS

#### **Education – Arkansas LEARNS Act**

#### **SB 294 by Sen. Breanne Davis and Rep. Keith Brooks**

Governor Sarah Huckabee Sanders' comprehensive education reform measure cleared the Senate 25-7 last Thursday and will be taken up by the House Education Committee tomorrow. The House Education Committee plans to spend as much time as needed to hear comments from the public in Big MAC A beginning at 9:00 a.m.

The Senate Education Committee heard hours of testimony on the 144-page measure last Wednesday. The bill contains a number of sweeping reforms, including the creation of a voucher program. Students would receive Education Freedom Accounts that will allocate 90 percent of a student's state per-pupil funding to allow the student to attend private school or home school (about \$7,413 per student, under the 2023 funding formula). Other key components of the bill include increasing minimum starting teacher pay to \$50,000 per year and repealing the Teacher Fair Dismissal Act. The measure will be funded through general revenue and cost an estimated \$297.5 million this year, with an increase to \$343.3 million next year, as more students become eligible for the accounts.

The Rogers Lowell Chamber of Commerce published an excellent summary of the bill in their newsletter Friday afternoon: [RLC SB 294 Summary](#)

### **Petitions – Ballot Titles**

#### **HB 1320 by Rep. David Ray and Sen. John Payton**

This bill seeks to require sponsors of initiative petitions or referendum petitions to file with the attorney general before being circulated for signatures. It allows the attorney general to ratify or change the ballot title and popular name for each amendment/act. This bill is on tomorrow's agenda in the Senate State Agencies Committee.

### **LAST WEEK'S BILLS**

#### **Net-Metering**

#### **HB 1370 and SB 295 by Rep. Lanny Fite and Senator Jonathan Dismang**

These highly debated and publicized measures were considered last week. The bills would change the state's net-metering structure. The measures would reduce the current one-to-one compensation that solar users receive for the energy they produce and return to the grid. Utilities and supporters of the measure argue that there has been a cost-shift to electric ratepayers because solar users are being reimbursed at retail energy rates and that lowering the reimbursement to wholesale rates would help address that issue. Opponents of the bill said changing the process will hinder solar investment in the state and drive up consumer costs. After hours of testimony, the bills were amended in agreement with the Arkansas Advanced Energy Association and passed out of the House and Senate Insurance and Commerce Committees.

#### **Publication of Public Notices**

#### **HB 1399 by Rep. Fran Cavanaugh**

Last week, legislators debated a measure that would allow cities and counties to publish certain public notices on a website instead of in a local newspaper, as currently required. Proponents say it is a cost-saving measure for cities and counties. Opponents say it decreases transparency and would result in closure of many newspapers, who depend on the revenue. Opponents, including many newspaper owners packed the committee room on Wednesday. The vote on the measure was delayed, pending a request for a fiscal impact statement.

### **BILLS TO WATCH**

#### **Repeal of Certificates to Hire Under 16 Years of Age**

#### **HB 1410 by Rep. Rebecca Burkes and Sen. Clint Penzo**

This bill repeals the requirement that an employer of a child under the age of 16 must procure an employment certificate. This bill cleared the House last week and has been assigned to the Senate Public Health, Welfare and Labor Committee.

We are concerned about this bill because it removes needed protections for children, parents and employers. Supporters of this bill have said that the government should be removed from an employers' hiring decisions. However, these employment certificates are designed to ensure that an employer knows a prospective employee's correct age, make parents aware of their child's employment, and alert the employer, prospective employee, and his or her parents about applicable state and federal child labor laws. The bill makes no changes to the existing labor laws.

#### **Healthcare - Prior Authorization**

#### **HB 1271/SB 143 by Rep. Lee Johnson and Sen. Missy Irvin**

These bills seek to eliminate the current prior authorization processes for all fully insured individuals and small businesses. The bill applies to insurance companies, health maintenance organizations, hospital and medical service corporations, risk-based provider organizations and sponsors of nonfederal self-funded governmental health plans.

The bill would suspend prior authorization for the first six months of 2024. The bill would then require health plans to conduct a utilization analysis of claims submitted for the first six months of 2024 with historical claims data, historical prior authorization approval and denial rates. The bill would also give medical providers who meet certain thresholds an ongoing exemption from prior authorization requirements – a “Gold Card” status.

### **Healthcare - Cost-Sharing Collection Act**

#### **HB 1259/SB 122 by Rep. Lee Johnson and Sen. Missy Irvin**

This bill seeks to require a healthcare insurer to pay a healthcare provider all costs of care including deductibles, coinsurance and copays, which are currently the responsibility of the patient/health plan enrollee. The insurer must then collect the deductibles, coinsurance and copays from the patient/enrollee. The bill would prohibit the insurer from withholding any amount for cost-sharing and also prohibit any decrease in reimbursements or increase in premiums. Further, the insurer cannot cancel a policy for unpaid amounts.

### **BILL TRACKING**

826 Bills Filed | Senate: 6 new – 323 filed | House: 4 new – 503 filed  
State Chamber Tracking: 318 - 4 added today

To view all tracked bills by category, click [State Chamber AIA Bill Tracking Categories](#)

### **2023 STATE CHAMBER AIA LEGISLATIVE AGENDA**

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#### **LEGISLATIVE SESSION INFORMATION**

To view schedules, calendars, bill information, and legislator information, click [www.arkleg.state.ar.us](http://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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