

# DAILY LEGISLATIVE UPDATE



*Business matters.*

## Daily Legislative Update

94<sup>th</sup> Arkansas General Assembly  
Wednesday, March 15, 2023 | Day 66

**\*\*\* CALL TO ACTION \*\*\***

### Workers' Compensation

#### **HB 1611 and 1612 by Rep. Josh Miller and Sen. John Payton**

These bills will cause significant cost increases for employers. We have requested an actuarial analysis that will take about a week to complete.

**HB 1611** would allow attorney's fees on medical expenses.

**HB 1612** would remove the caps on total disability payments to injured employees and to surviving dependents.

**PLEASE ASK YOUR LEGISLATORS TO VOTE NO ON HB 1611 AND HB 1612**

### TODAY'S MEETINGS

Click [here](#) to see today's Legislative schedule.

### NEW TRACKED BILLS

We began tracking [12 additional](#) bills. In addition to the four bills described immediately below, today's new bills address civil liability for damaging a bridge, transfer of some State Plant Board duties, community college districts, firearm registry in financial institutions, sales and income tax exemptions and beer alcohol content.

### Prohibition of Covenants Not to Compete Agreements

#### **HB 1628 by Rep. Stephen Meeks et. al and Sen. Mark Johnson**

This bill seeks to prohibit covenant not to compete agreements in Arkansas. But it provides that a covenant not to compete does not include a non-solicitation agreement, confidentiality agreement, covenant prohibiting use/disclosure of trade secrets or inventions, covenant entered into by a person purchasing/selling the goodwill or ownership interest of a business, or covenant entered into by a franchisee when the franchise sale complies with the Arkansas Franchise Practices Act.

This bill has been assigned to the House Insurance & Commerce Committee.

**Arkansas State Apprenticeship Agency - Arkansas Apprenticeship Council  
SB 425 by Sen. Jane English**

Would repeal the Apprenticeship Training Programs and create the Arkansas State Apprenticeship Agency within the Office of Skills Development. It also creates the Arkansas Apprenticeship Council. It declares the Apprenticeship Agency to be the state registration agency for apprenticeships and the entity that resolves disputes over apprenticeship contracts.

This bill has been assigned to the Senate Education Committee.

**Commercial Vehicle Driver - Blood Test Consent  
HB 1632 Rep. Shad Pierce and Sen. Jim Petty**

Removes a blood test from the list of tests that a person who drives a commercial vehicle is considered to be deemed to have given consent to take.

This bill has been assigned to the House Public Transportation Committee.

**Public Employee Maternity Leave – Lengthened & Extended to Foster Child  
SB 426 by Sen. Missy Irvin and Rep. Jimmy Gazaway**

Extends public employee catastrophic leave for maternity purposes from 4 weeks to 12 weeks. Allows an employee to use catastrophic leave for maternity purposes after the foster placement of an infant under 1 year of age.

This bill has been assigned to the Senate State Agencies Committee.

**TODAY'S BILLS**

**Gas Royalties - Calculation/Distribution**

**HB 1549 by Rep. Rick Beck and Sen. Breanne Davis**

We oppose this bill that seeks to amend the calculation and distribution of royalties on gas sold from a drilling unit following an integration order. The bill defines proceeds and seeks to clarify that a royalty owner is not prohibited from being paid in excess of the one-eighth minimum gas royalty. President & CEO Randy Zook testified against the bill with others and the bill failed on an oral vote in committee last Wednesday.

This bill is on today's agenda in the House Agriculture, Forestry & Economic Development committee.

**Truth in Sentencing and Parole Reform Act**

**SB 2 by Sen. Ben Gilmore and Rep. Jimmy Gazaway**

This bill was prefiled as a shell bill and has not yet been amended. This bill may be amended as part of the anticipated public safety/criminal law reform.

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

**Child Labor Violations - Enhanced Penalties**

**SB 390 by Sen. Clint Penzo and Rep. Rebecca Burkes**

Increases fines and the length of time for the assessment of civil penalties related to child labor violations. It provides criminal penalties related to child labor violations for first and subsequent offenses. It also,

- Increases the maximum fine for child labor violations from \$1,000 to \$5,000 and extends the time a civil penalty may be assessed for a child labor violation from 2 years to 3 years from the date of occurrence.
- Provides criminal penalties for child labor violations; first violation is a Class C misdemeanor, subsequent violations are Class B misdemeanors. If the

violation results in injury or death to a child, it is a Class A misdemeanor, subsequent offenses are Class C felonies.

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

### **Pharmaceutical Executives – Felony for Drug Misinformation SB 7 and SB 8 by Sen. Bryan King**

We oppose these bills because of the precedent these bills would set in creating a felony for actions by corporate executives. We also have concerns about the bill's attempt to apply Arkansas criminal law to individuals who are not in Arkansas. SB 7 applies to prescription drugs and SB 8 applies to vaccines.

These bills are on today's agenda in the Senate Judiciary Committee.

### **TOMORROW'S BILLS**

#### **Possessory Liens**

#### **HB 1563 by Rep. Brian Evans and Sen. Ricky Hill**

We support this bill that aims to change towing practices in Arkansas by creating a cargo exception within towing policy to prevent "hostage cargo." The bill would allow cargo being transported for hire to no longer be held hostage by tow operators while the truck owner and their insurance provider negotiate and pay for the tow service. Transport companies would be able to transload the cargo to another trailer and make delivery to their customer.

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

#### **Arkansas Adult Diploma Program**

#### **HB 1529 by Rep. David Ray and Sen. Breanne Davis**

We support this bill that seeks to establish the Arkansas Adult Diploma Program. It would require the Department of Education to annually issue a request for public, nonprofit, or other entities to apply to become approved program providers in the Arkansas Adult Diploma Program. It also would require the Department of Education to announce the approved program providers no later than October 15 annually. An approved program provider may begin enrolling students starting no later than November 15 of each year. The bill was amended yesterday and is on tomorrow's agenda in the House Education committee.

#### **Limits on Pharmacy Permit Applications**

#### **HB 1578 by Rep. Jim Wooten and three others and Sen. Reggie Murdock and one other**

We are very concerned about this bill that appears to limit the ability of multistate pharmacies being able to expand or place new pharmacies in Arkansas. The bill would require pharmacy permit applicants to be a licensed pharmacist, a partnership of licensed pharmacists, or certain corporations, associations, and limited liability companies. The bill also would require pharmacy permit applicants to be a licensed pharmacist, a partnership of licensed pharmacists, a corporation/association with licensed pharmacists as majority-owners, or a limited liability company in which the majority membership interests are owned by licensed pharmacists that are actively and regularly employed in and responsible for the management/operation of the pharmacy.

It exempts pharmacies with a pharmacy permit on or before the effective date of this act, a pharmacy chain that is headquartered in this state or a pharmacy within an institution such as a hospital.

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

### **Freedom of Information Act**

#### **SB 382 by Sen. Alan Clark**

We oppose this bill that seeks to amend certain open public meetings requirements under the [Freedom of Information Act](#). It would prohibit two or more members of a governing body of a public entity from discussing, deliberating, or deciding public business in circumvention of the Freedom of Information Act during any chance interaction, informal assemblage, or electronic communication. This bill was presented in the Senate State Agencies Committee yesterday but did not receive a motion. It is on tomorrow's committee agenda.

### **YESTERDAY'S BILLS**

#### **Career and Technical Education - Weighted Credit**

##### **SB 369 by Sen. Jim Dotson and Rep. Grant Hodges**

We support this bill, but it needs an amendment regarding computer science courses. The bill would require the Division of Career and Technical Education to review new and existing career and technical pathways to determine which courses meet criteria for weighted credit and to publish a list of approved pathways annually. It would also allow a career readiness assessment to include the ACT WorkKeys (NCRC). Other requirements include a Platinum, Gold, Silver, or Bronze credential through the ACT WorkKeys to be equal to the participation and completion in an advanced placement course, an International Baccalaureate Diploma Program course, an honor class, and eligible for weighted credit equal to the numeric grade awarded in advanced placement courses, International Baccalaureate Diploma Program courses, and honors classes. This bill was amended yesterday and awaits consideration in the Senate Education Committee.

#### **Special Election Dates**

##### **HB 1510 by Rep. David Ray and 42 Representatives and Sen. John Payton**

We oppose this bill that seeks to reduce the allowable dates for special elections on measures or questions referred to the voters by governmental entities. It also amends the conditions under which an emergency special election can be held. This bill passed the Senate yesterday by a vote of 30-4.

### **BILLS WE OPPOSE**

#### **Public Notice Requirements**

##### **HB 1399 by Rep. Frances Cavanaugh and Sen. Scott Flippo**

We oppose this bill that would require counties and municipalities to publish certain election, and ordinance, related information on a website rather than in a newspaper. It also would amend certain municipal and county posting requirements. After two amendments this bill awaits consideration in the House City, County, & Local Committee.

#### **Elimination of Daylight Savings Time**

##### **HB 1568 by Rep. Stephen Meeks and Sen. Missy Irvin**

We oppose this bill that would eliminate daylight saving time in Arkansas and require the standard time in Arkansas to be central standard time. Also would require state

employees to be allowed to adjust their work schedule one hour earlier to a time that corresponds to when other states observe daylight saving time if it may be reasonably accommodated.

It would be very disruptive for Arkansas to be on a different time than the rest of the country.

The bill has been amended and awaits consideration in the House State Agencies Committee.

### **BILL TRACKING**

1061 Bills Filed | Senate: 10 new – 426 filed | House: 19 new – 635 filed  
State Chamber Tracking: 420 - 12 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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