

# DAILY LEGISLATIVE UPDATE



*Business matters.*

## Daily Legislative Update

94<sup>th</sup> Arkansas General Assembly  
Thursday, March 16, 2023 | Day 67

### **TODAY'S MEETINGS**

Click [arkleg.state.ar.us](http://arkleg.state.ar.us) to see today's Legislative schedule. The General Assembly will be in recess after they adjourn today until Monday, March 27.

### **NEW TRACKED BILLS**

We began tracking [5 additional](#) bills today. These bills address business electronic income tax withholding filings, revenue bonds for municipal water systems, low/no cost insurance products, payment in lieu of property taxes in sales/lease agreements and lighting bids for public improvement contracts.

### **TODAY'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 will be heard as a Special Order of business this morning in the House Transportation Committee.

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

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

We support this bill that 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 has been amended three times, received a Do Pass recommendation yesterday from the Senate Education Committee and is on today's Senate calendar.

### **Elimination of Daylight Saving 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. It 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 received a Do Pass as amended recommendation yesterday from the House State Agencies Committee and is on this afternoon's House calendar.

### **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 is on this morning's agenda in the House Education 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 this morning's committee agenda.

### **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 this morning's agenda in the House Public Health, Welfare and Labor Committee.

### **Child Labor Violations - Enhanced Penalties**

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

This bill 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 two years to three years from the date of occurrence.
- provides criminal penalties for child labor violations; the first violation is a Class C misdemeanor, and 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 received a Do Pass recommendation yesterday from the Senate Judiciary Committee and is on this morning's Senate calendar.

### **BILLS WE SUPPORT**

#### **Arkansas State Apprenticeship Agency - Arkansas Apprenticeship Council**

##### **SB 425 by Sen. Jane English**

We support this bill that creates the Arkansas State Apprenticeship Agency within the Office of Skills Development. It replaces the Arkansas Apprenticeship Coordinating Steering Committee with 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.

### **BILLS WE OPPOSE**

**\*\*\* 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.

These bills may be considered in the House Public Health, Welfare and Labor Committee the week of March 27.

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

#### **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.

This bill is on this morning's agenda in the House City, County & Local Affairs Committee.

#### **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.

#### **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 were amended yesterday and await consideration in the Senate Judiciary Committee.

#### **BILL TRACKING**

1082 Bills Filed | Senate: 19 new – 435 filed | House: 12 new – 647 filed  
State Chamber Tracking: 425 - 5 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

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

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