

DAILY LEGISLATIVE UPDATE



Business matters.

Daily Legislative Update

94th Arkansas General Assembly
Monday, March 20, 2023 | Day 71

TODAY'S MEETINGS

The General Assembly is in recess until Monday, March 27.

Week Ten Update

The General Assembly ended its tenth week of session on Thursday before recessing for Spring Break March 20-March 24. Legislative leaders have said they are still pushing to end the session in early April. With adjournment looming, members are working hard to get their bills filed and moving through the process. There is no deadline to file bills. Public safety legislation, tax cuts and the budget are the major remaining issues.

NEW TRACKED BILLS

We began tracking [3 additional bills](#). They address veterinary tech licensing, a study of Name Image and Likeness (NIL) for high school athletes and the creation of an Arkansas private lands conservation income tax, equal to the value of the certified conservation practices for which the taxpayer has received a certification of completion, up to \$10,000 per year.

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

Workers' Compensation

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

While the legislators are home for spring break, please speak with them and encourage them to oppose **HB 1611** and **HB 1612**.

These two bills would significantly increase employers' workers' compensation costs!

HB 1611 would remove the current prohibition against the Workers' Compensation Commission approving attorneys' fees in relation to a claim on medical benefits or services awarded.

HB 1612 would remove the current caps on total disability payments an injured employee and his or her dependents can receive.

Both measures will be heard in the House Public Health, Welfare and Labor Committee.

Please ask your legislators to vote NO on HB 1611 and HB 1612.

BILLS WE OPPOSE

Prohibition of Covenants Not to Compete Agreements

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

We oppose this bill, which seeks to repeal the existing state law governing non-compete agreements and replaces it with language to prohibit *all* “covenants not to compete” in the state. **This is a blanket prohibition, regardless of industry.** It is unclear whether the ban would only apply to agreements in the future or whether it could also apply retroactively. Further, “employee” is not defined, so it is not clear whether the prohibition applies to current and *prospective* employees.

The bill *does* make clear that it excludes non-solicitation and confidentiality agreements, along with agreements entered into upon the sale of a business. *However*, those terms are not defined. We are told that a second bill banning non-compete agreements may be filed soon, as well. With currently proposed federal regulations on this issue, passing this legislation could put Arkansas employers in the overly burdensome position of having to interpret and comply with conflicting state and federal requirements around non-compete agreements.

This bill awaits consideration in the House Insurance & Commerce Committee.

Public Notice Requirements

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

We oppose this bill, which would require counties and municipalities to publish specified public notices on a website rather than in a newspaper.

This bill awaits consideration in the House City, County, & Local Affairs Committee.

Elimination of Daylight Savings Time

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

We oppose this bill, which 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.

This bill awaits consideration on the House floor.

Pharmaceutical Executives – Felony for Drug Misinformation

SB 7 and SB 8 by Sen. Bryan King

We oppose these bills because of the precedent they would set in creating a felony for actions by corporate executives. We also have concerns about the bills' 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 await consideration in the Senate Judiciary Committee.

BILLS WE SUPPORT

Possessory Liens

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

We support this bill, which 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 customers.

This bill awaits consideration on the House floor.

Career and Technical Education - Weighted Credit

SB 369 by Senators Jim Dotson, Josh Bryant, Jane English and Rep. Rick Beck

We support this bill under the condition that the bill's proposed amendment of the Computer Science Education Advancement Act of 2021 be modified or removed. This 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). The bill also requires a platinum, gold, silver or bronze credential through the ACT WorkKeys to be equal to participation and completion in an advanced placement course, an International Baccalaureate Diploma Program course, and an honors class, and to be eligible for weighted credit equal to the numeric grade awarded in an advanced placement course, an International Baccalaureate Diploma Program course, and an honors class.

This bill has been assigned to the House Education Committee.

Arkansas Adult Diploma Program

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

We support this bill, which 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.

This bill awaits consideration in the House Education 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. 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 awaits consideration on the Senate floor.

Arkansas State Apprenticeship Agency - Arkansas Apprenticeship Council

SB 425 by Sen. Jane English

We support this bill, which 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 awaits consideration in the Senate Education Committee.

BILLS OF INTEREST

Homestead Tax Credit

HB 1032 by Rep. Lanny Fite

This bill will raise the state's homestead tax credit from \$375 to \$425 each year. The impact will be about \$34 million to state revenue. The tax credit was first put in place by a constitutional amendment in 2000. It has been increased three times since then.

This bill has been sent to the governor for her signature.

BILL TRACKING

1128 Bills Filed | Senate bills: 2 new – 448 filed | House bills: 8 new – 680 filed
State Chamber Tracking Bills & Resolutions: 446 – 3 bills added today

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

2023 STATE CHAMBER AIA LEGISLATIVE AGENDA

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/>

STATE CHAMBER/AIA GOVERNMENTAL AFFAIRS TEAM

- Randy Zook, President/CEO

rzook@arkansasstatechamber.com

- Kenny Hall, Executive Vice President

khall@arkansasstatechamber.com

- Andrew Parker, Director of Governmental Affairs

aparker@arkansasstatechamber.com

• Toni Lindsey, Director of Governmental Affairs
tlindsey@arkansasstatechamber.com

Visit our website



1200 W. Capitol Ave., P.O. Box 3645
Little Rock, AR 72203-3645

501-372-2222
FAX 372-2722

STAY CONNECTED



Arkansas State Chamber of Commerce/Associated Industries of Arkansas
1200 W. Capitol Ave., Little Rock, AR 72201
P.O. Box 3645, Little Rock, AR 72203
501-372-2222 | arkansasstatechamber.com