

# DAILY LEGISLATIVE UPDATE



*Business matters.*

## Daily Legislative Update

94<sup>th</sup> Arkansas General Assembly  
Monday, March 27, 2023 | Day 78

### TODAY'S MEETINGS

The General Assembly reconvenes today after a week off for spring break. Four committees meet this morning. The Senate convenes at 1:00 p.m., and the House convenes at 1:30 p.m. After adjournment, the House State Agencies & Governmental Affairs Committee will meet and begin consideration of constitutional amendment proposals.

### NEW TRACKED BILLS

We began tracking [4 additional bills](#) today. These bills address an income tax credit for waterways capital improvements, shifting medical marijuana tax revenue from UAMS's effort to achieve National Cancer Institute designation to food insecurity, a new public school funding formula and the addition of five transportation projects for the second phase of the Construction Management-General Contactor Method of Procurement Pilot Program.

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

### Workers' Compensation

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

These two bills are on tomorrow's agenda in the House Public Health, Welfare and Labor Committee.

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

**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.

**We are concerned about a significant cost increase on employers.**

**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 moving forward 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. This bill would be very disruptive for Arkansas to be on a different time than the rest of the country.

This bill is on this afternoon’s House calendar.

### **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 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 are on tomorrow’s agenda in the Senate Judiciary Committee.

### **Healthcare Mandate Bills with Cost Concerns**

A series of health care mandate bills are pending. Although these bills are well intentioned, they will raise healthcare costs on fully insured plans used by individual consumers and small businesses. A health insurance provider has provided us with the following cost estimates on these bills.

**HB 1261 by Rep. Lee Johnson** would mandate coverage for ambulance service to triage, treat and transport a patient to alternative destinations. The estimated cost is \$4.5 to \$6.8 million.

This bill is on this afternoon’s Senate calendar.

**HB 1252 by Rep. Lee Johnson** would require coverage for prosthetic devices for athletics or recreation and prosthetic devices for showering or bathing.

This bill is on this afternoon's House calendar.

The following bills are on tomorrow's agenda in the Senate Insurance and Commerce Committee:

**SB 181 by Sen. Kim Hammer** would mandate coverage for use of IVIG PANS/PANDA. The estimated cost is \$14.5 million or double this amount if adult population is included.

**HB 1121 by Rep. Fred Allen** would mandate coverage for biomarker testing for early detection of and management of cancer diagnoses. The estimated cost is \$14.3 to \$19.3 million.

**SB 137 by Sen. Missy Irvin** would mandate coverage for necessary maxillofacial services. The estimated cost is \$7 to \$9.4 million.

#### **Career and Technical Courses**

**SB 470 by Sen. Jim Dotson and Rep. Rick Beck**

This is a replacement bill for **SB 369**. It 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 publish a list of approved pathways annually. We oppose this bill because it weakens a nation leading computer science education requirement.

This bill was on this morning's agenda in the Senate Education 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 customer.

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

#### **BILL TRACKING**

1162 Bills Filed | Senate bills: 7 new - 481 filed | House bills:4 new - 692 filed  
State Chamber Tracking Bills & Resolutions: 467 – 4 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](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/>

### **STATE CHAMBER/AIA GOVERNMENTAL AFFAIRS TEAM**

- Randy Zook, President/CEO  
[rzook@arkansasstatechamber.com](mailto:rzook@arkansasstatechamber.com)
- Kenny Hall, Executive Vice President  
[khall@arkansasstatechamber.com](mailto:khall@arkansasstatechamber.com)
- Andrew Parker, Director of Governmental Affairs  
[aparker@arkansasstatechamber.com](mailto:aparker@arkansasstatechamber.com)
- Toni Lindsey, Director of Governmental Affairs  
[tlindsey@arkansasstatechamber.com](mailto: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](http://arkansasstatechamber.com)