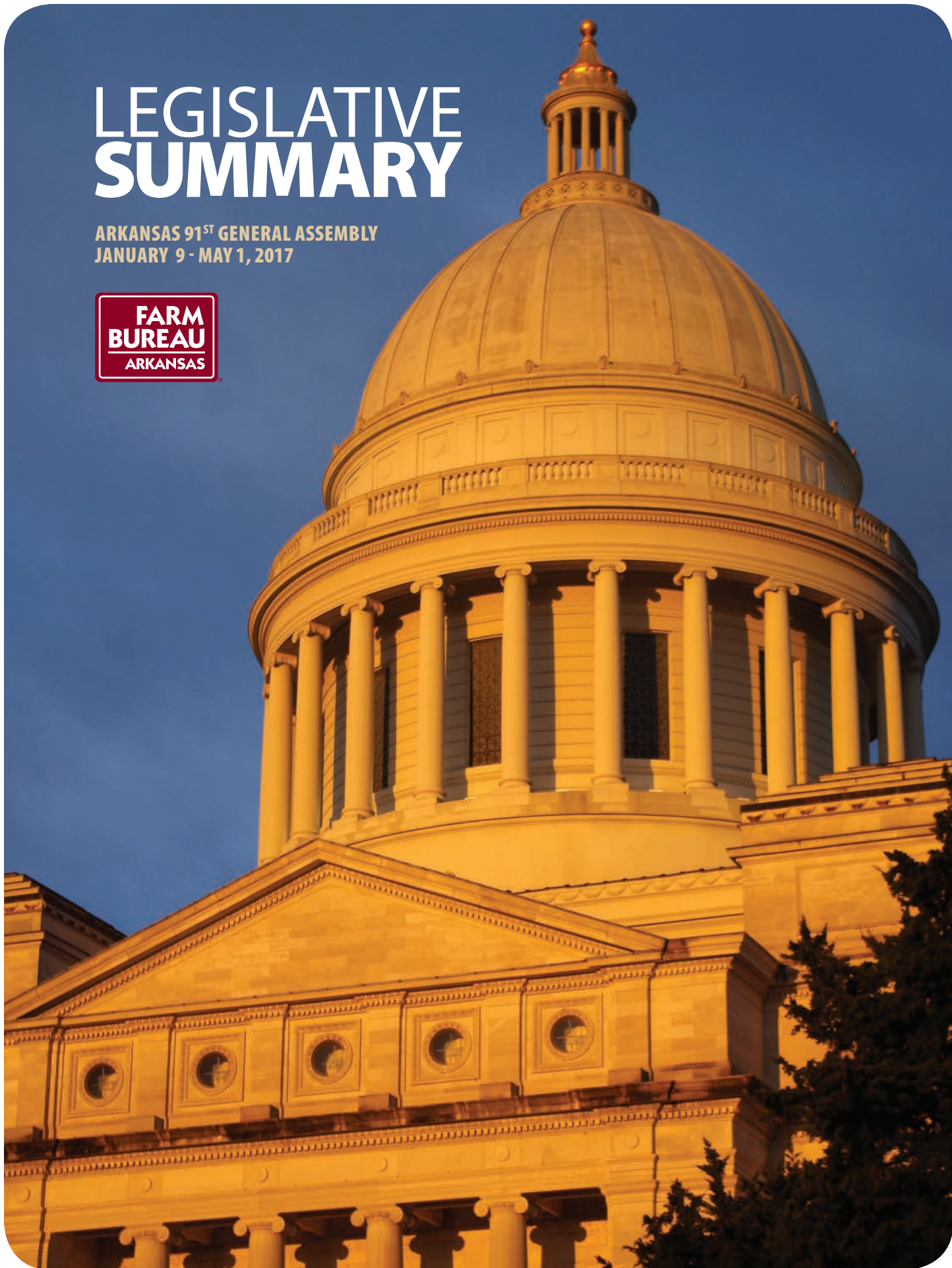


LEGISLATIVE SUMMARY

ARKANSAS 91ST GENERAL ASSEMBLY
JANUARY 9 - MAY 1, 2017



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91st General Assembly

Every legislative session, I am inspired by the passion of our membership and their efforts to make Arkansas a better environment for agriculture. A key part of our mission is to advocate the interests of agriculture in the public arena. Our Farm Bureau leaders go above and beyond. They are constant advocates for agriculture. Thank you for being that voice for agriculture when it would be easier to let someone else speak up.

I also want to thank members of the General Assembly and Gov. Asa Hutchinson for being receptive to our work. They have helped us have a great session and we appreciate their support. Farm Bureau loves working with you to make Arkansas a better place. We must continue to work on issues that affect our ability to provide food, fiber and shelter for citizens of our state, this country and many parts of the world.

I also want to credit our amazing staff who represent Farm Bureau at the Capitol and across the state. They make us better advocates and are vital to our success.

Arkansas Farm Bureau has a long history of advocacy. It is our heritage. Our goal is that advocacy will always be synonymous with our name. I thank you again for your hard work on behalf of Arkansas agriculture and the people of the great state of Arkansas.

God bless you and your families, God bless the farmers and ranchers of our state and God bless Arkansas Farm Bureau.



—Randy Veach
Arkansas Farm Bureau President

KEY VOTES

These are the votes of the General Assembly on priority bills and the waste tire bill. The votes are included as a reference for our leadership to inform them about the votes of their elected officials.

Notes:

- The Speaker of the House rarely casts a vote for bills on the House floor.
- Not Voting can indicate an excused absence that will not be reflected on the state website
- Source: The Arkansas General Assembly website: <http://www.arkleg.state.ar.us/assembly/2017/2017R/Pages/Home.aspx>

HB 1206 – Seed Standardization Law (Farm Bureau Supported)

House Vote:

Yeas: 96

Allen, Ballinger, Baltz, Barker, Beck, Bentley, Blake, Boyd, Bragg, Branscum, Brown, Burch, Capp, Cavanaugh, Coleman, Collins, Cozart, Dalby, Davis, Deffenbaugh, Della Rosa, Dan Douglas, Drown, Eaves, Eubanks, Farrer, Deborah Ferguson, Kenneth Ferguson, Fielding, Charlene Fite, Lanny Fite, Flowers, Fortner, Gates, Gazaway, Gonzales, Michael John Gray, Michelle Gray, Hammer, Henderson, Hendren, Hillman, Grant Hodges, Monte Hodges, Holcomb, Hollowell, House, Jean, Jett, Johnson, Ladyman, Leding, Lemons, Love, Lowery, Lundstrum, Lynch, Maddox, Magie, Mayberry, McCollum, McElroy, McGill, McNair, David Meeks, Stephen Meeks, Miller, Murdock, Nicks, Payton, Penzo, Petty, Pilkington, Pitsch, Richey, Richmond, Rushing, Rye, Sabin,

ARKANSAS FARM BUREAU PRIORITIES FOR THE 91ST GENERAL ASSEMBLY

Protection of Agriculture Exemptions

SB 608 (Files) was filed as a shell bill to sunset all sales and use tax exemptions in the state. The bill was never amended and never considered. **SB 115 (Hendren & Pitsch)**, now **Act 78**, lowered the state's income tax and created a legislative task force to review the state tax code. **SB 115** was one of two bills in Gov. Asa Hutchinson's tax-cut package. The task force was appointed within 30 days of the session's adjournment. The task force includes 16 members of the legislature and will file its initial report before Dec. 1, 2017 and the final report by Sept. 1, 2018. Farm Bureau will actively engage in the work of this task force.

Task Reform and Relief Legislative Task Force:

- (A) The President Pro Tempore of the Senate or his designee who is a member of the Senate;
- (B) Five members of the Senate appointed by the President Pro Tempore of the Senate;

- (C) The Senate Majority Leader or his designee who is a member of the Senate;
- (D) The Senate Minority Leader or his designee who is a member of the Senate;
- (E) The Speaker of the House of Representatives or his designee who is a member of the House of Representatives;
- (F) Five members of the House of Representatives appointed by the Speaker of the House of Representatives;
- (G) The House Majority Leader or his designee who is a member of the House of Representatives; and
- (H) The House Minority Leader or his designee who is a member of the House of Representatives.

House Speaker Jeremy Gillam and Senate President Jonathan Dismang named their appointees to the Tax Reform and Relief Legislative Task Force on May 8. The Senate members are Senators Bart Hester, Missy Irvin, Dave Wallace, Johnathan Dismang, Jim Hendren, Keith Ingram, Joyce Elliott and Larry Teague. The House members are Representatives Joe Jett, Frances Cavanaugh, Jim Dotson, Lane Jean, Mathew Pitsch, Bob Johnson, Warwick Sabin and Kenneth Ferguson.

Additional Funding for the University of Arkansas System Division of Agriculture

House Budget Chairman Representative Lane Jean confirmed that the University of Arkansas System Division of Agriculture was "taken care of" in the



budget. The money will be approximately \$2.5 million of one-time funds coming from a settlement negotiated by the Attorney General's office.

Retention of Current Structure of the Commodity Research and Promotion Programs

There were no attempts to restructure the commodity research and promotion boards. Arkansas Agriculture Department Secretary Wes Ward is on record saying that is not one of the objectives of the administrative branch.

HB 1104 (Joint Budget), now **Act 21**, appropriates funds, \$8,300,000, to the Soybean Promotion Board for operations and research and development expenses.

HB 1105 (Joint Budget), now **Act 320**, appropriates funds, \$447,995, to the Wheat Promotion Board for operations and research and development expenses.

HB 1106 (Joint Budget), now **Act 22**, appropriates funds, \$6,980,696, to the Rice Research and Promotion Board for operations and research and development expenses.

HB 1107 (Joint Budget), now **Act 23**, appropriates funds, \$2,000,000, to the Corn and Grain Sorghum Promotion Board for operations and research and development expenses.

SB 83 (Joint Budget), now **Act 39**, appropriates funds, \$1,100,000, to the Arkansas Beef Council for operations.

SB 84 (Joint Budget) now **Act 40**, appropriates funds, \$120,000, to the Catfish Promotion Board for operations, research, promotion and consumer activities.

Seed Standardization Law

HB 1206, now **Act 156 (Hillman & Caldwell)** restricts the regulation of seed to state agencies. This mirrors the state's law on fertilizer and chemicals. The law states a political subdivision shall not regulate the registration, packaging, labeling, sale, storage, distribution, cultivation, any other use, or application of seeds; or

adopt or continue in effect local legislation relating to the registration, packaging, labeling, sale, storage, distribution, cultivation, any other use, or application of seeds. Local legislation in violation of this section is void and unenforceable.

Protection of Livestock Farming and Ranching Practices

HB 1665, now **Act 606 (Vaught & Stubblefield)** creates a civil cause of action against a person who has gained access to a nonpublic area of another person's property and engaged in an act that exceeds their authority within the non-public area. Act 606 prohibits employees from removing the employer's data, paper, records or any other documents. It



also prohibits recording images or sound occurring within an employer's commercial property and using the recording in a manner that damages the employer.

Strengthen Private Property Protection

HB 1554, now **Act 877 (Drown & Irvin)** enhances the penalty for criminal trespass if the trespasser was in possession of a killing device, a harvesting device, a device used to locate and unearth buried artifacts or a tool designed to gain

HB 1206 continued

Shepherd, Smith, Sorvillo, Speaks, Sturch, Sullivan, Tosh, Tucker, Vaught, Walker, Wardlaw, Warren, Watson, Whitaker, Williams, Wing, Womack,

Not Voting:

Armstrong, Dotson, Charlotte Douglas, Gillam

Senate Vote:

Yeas: 34

Bledsoe, Bond, Caldwell, E. Cheatham, L. Chesterfield, Collins-Smith, J. Cooper, J. Dismang, L. Eads, Elliott, J. English, Files, Flippo, S. Flowers, T. Garner, J. Hendren, Hester, Hickey, J. Hutchinson, Ingram, Irvin, Johnson, King, Lindsey, Maloch, Rapert, Rice, Sample, Sanders, Standridge, Stubblefield, Teague, Wallace, Williams

Excused:

Clark

HB 1665 – Unauthorized Access Bill *(Farm Bureau Supported)*

House Vote (final passage: concurrence in the Senate Amendment)

Yeas: 77

Ballinger, Baltz, Barker, Beck, Bentley, Boyd, Bragg, Branscum, Brown, Burch, Capp, Cavanaugh, Coleman, Collins, Cozart, Dalby, Davis, Della Rosa, Dotson, Dan Douglas, Charlotte Douglas, Drown, Eubanks, Farrer, David Ferguson, Kenneth Ferguson, Charlene Fite, Gates, Gazaway, Gonzales, Hammer, Hendren, Hillman, Monte Hodges, Grant Hodges, Holcomb, Hollowell, House, Jean, Jett, Ladyman, Leding, Lemons, Love, Lowery, Lundstrum,

continues

HB 1665 continued

Maddox, Magie, A. Mayberry, McCollum, McElroy, McGill, McNair, David Meeks, Stephen Meeks, Nicks, Payton, Penzo, Petty, Pilkington, Pitsch, Richey, Richmond, Rushing, Rye, Sabin, Shepherd, Smith, Speaks, Sturch, Sullivan, Vaught, Wardlaw, Warren, Watson, Williams, Wing

Nays: 1
D. Whitaker

entry into a structure by breaking a lock or bolt.

Criminal Trespass is a Class D felony if the trespasser has two or more misdemeanor convictions of trespassing. It is a Class A misdemeanor if at the time of the trespass you are in possession of: a killing device when not used in lawful taking of game, a harvesting device, a device

open to the public;

- Person owns or is employed by a person or entity that owns property adjoining the premises and is traveling over the premises with good faith for a legitimate reason;
- If the person who enters the premises of another person is:

(A) Temporarily on the premises of the other person for the sole purpose of recovering livestock, a dog or any other domesticated animal; and is

(B) either:

- (i) the owner of the livestock, dog or other domesticated animal; or
- (ii) an employee or agent of the owner of the livestock, dog or other domesticated animal.

Act 877 does not apply to individuals acting in the line of duty such as law enforcement, emergency or government officials with a duty to enter the property. Upon the second offense with items such as an ATV, harvesting device, killing device, those items can be seized or forfeited.

Exemption for Forestry Commission Rehires During Emergencies

HB 1187, now Act 245 (Bragg & Garner) will allow the part-time employment of retired Arkansas Forestry Commission, State Plant Board, and Livestock and Poultry Commission personnel for emergencies, disaster cleanup or extreme weather conditions. The agencies will also be allowed to rehire part-time individuals to train others for those conditions. The act should generate cost savings for the state and improve response during extreme situations.

State Government Reorganization

HB 1725 (D. Douglas) would have made type 4 transfers of the Abandoned



Not Voting: 22

Allen, Armstrong, Blake, Deffenbaugh, Eaves, Fielding, Lanny Fite, Flowers, Fortner, Michelle Gray, Michael John Gray, Henderson, Johnson, Lynch, Miller, Murdock, Sorvillo, Tosh, Tucker, Walker, Womack, Gillam

Senate Vote:

Yeas: 28

Bledsoe, Caldwell, Cheatham, Chesterfield, Collins-Smith, Cooper, Dismang, Eads, Elliott, English, Files, Flippo, Garner, Hendren, Hester, Hickey, Irvin, Johnson, King, Maloch, Rapert, Rice, Sample, Standridge, Stubblefield, Teague, Wallace, Williams

primarily used to unearth artifacts, a tool designed to gain entry into a structure, the person is on the premises of a commercial fishing or fish breeding operation and at that time is in possession of a fishing pole or net or the person has a prior conviction of trespassing.

These are the legal defenses:

- Guests or invitees;
- Required to enter for business or health/safety reason;
- Authorized by law to enter;
- Privately owned premises are made

Pesticide Advisory Board, Forestry Commission, Livestock and Poultry Commission, State Plant Board, Farm Mediation Office, Veterinary Medical Examining Board and Forester Registration Board to the Arkansas Agriculture Department. The State Plant Board, Forestry Commission, and Livestock and Poultry Commission are a part of the department under type 1 transfers currently. All records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and purchasing would have transferred to the principal department under this bill. Additional, language added later stated, “all revenue, including cash funds, special revenue, trust fund income, federal grants, aid, and reimbursements, non-revenue receipts or other moneys held in accounts by the boards or commissions being transferred, including unexpended balances that may be carried forward, shall continue to be held in the accounts and shall be used solely for the purposes for which the revenue was collected as provided by law.”

HB 1725 would have allowed the agency to designate employees who have powers of peace officers in the enforcement of criminal laws of this state and promulgate rules necessary to carry out the marketing, promotion and education programs of the department. The Arkansas Agriculture Board would have reported annually to the Legislative Council. After receiving a “do pass” recommendation from the House committee, the bill failed twice on the House floor. *Farm Bureau Opposed*

OTHER SESSION HIGHLIGHTS

The Budget

The House and Senate approved **HB 1548** and **SB 295** to adopt the state budget. The identical bills will distribute \$5.49 billion to state programs through

the Revenue Stabilization Act in fiscal 2018, which starts July 1. A \$163 million increase over the amount set to be distributed in fiscal 2017 and includes \$15.8 million for the state’s rainy-day fund. For the first time in a long time, no General Improvement Funds will be routed at legislators’ discretion.

Most of the increased spending in fiscal 2018 would go for the state Department of Human Services. The Human Services Department’s general-revenue funding would be \$1.55 billion, an increase of \$112.8 million over fiscal 2017. Increases will be in the Medicaid and Children and Family Services divisions, and in foster care services.

The public school fund would increase by \$6 million to \$2.194 billion, including an additional \$3 million for quality pre-kindergarten programs and \$2.5 million to fund teacher training for the governor’s computer science initiative. The state Department of Correction would receive an increase of nearly \$11

HB 1665 continued

Nays: 3

Bond, Ingram, Lindsey

Not voting: 4

Clark, Flowers, Hutchinson, Sanders

HB 1554 – Trespassing Bill

(Farm Bureau Supported)

House Vote: Final Passage Concurrence Vote on Senate Amendment 3

Yeas: 82

Ballinger, Baltz, Barke, Beck, Bentley, Blake, Boyd, Bragg, Branscum, Brown, Burch, Capp, Cavenaugh, Coleman, Collins, Dalby, Deffenbaugh, Della Rosa, Dotson, Dan Douglas, Charlotte Douglas, Drown, Eaves, Eubanks, Farrer, David Ferguson, Kenneth Ferguson, Fielding, Charlene Fite, Fortner, Gates, Michelle Gray, Hammer, Ken Henderson, Hendren, Hillman, Monte, Hodges, Holcomb, Hollowell, House, Jean, Jett, Johnson, Ladyman, Leding, Lemons, Lowery, Lundstrum, Lynch, Maddox, Maggie, Mayberry, McCollum, McElroy, McGill, McNair, Stephen Meeks, Nicks, Payton, Penzo, Petty, Pilkington, Pitsch, Richey, Richmond, Rushing, Rye, Sabin, Shepherd, Smith, Sorvillo, Speaks, Sturch, Sullivan, Tosh, Tucker, Vaught, Warren, Watson, Whitaker, Williams, Wing



continues

HB 1554 continued

Nays: 1
Gonzales

Not Voting: 17

Allen, Armstrong, Cozart, Davis, Lanny



Fite, Flowers, Gazaway, Michael John Gray, Grant Hodges, Love, David Meeks, Miller, Murdock, Walker, Wardlaw, Womack, Gillam

Senate Vote:

Yeas: 30

Bond, Caldwell, Cheatham, Chesterfield, Clark, Cooper, Dismang, Eads, Elliott, English, Files, Flippo, Garner, Hendren, Hester, Hickey, Hutchinson, Ingram, Irvin, Johnson, Lindsey, Maloch, Rapert, Sample, Sanders, Standridge, Stubblefield, Teague, Wallace, Williams

Nays: 1

Flowers

Not Voting: 2

Collins-Smith, Rice

Excused:

Bledsoe, King

HB 1187 – Emergency Rehiring Bill

(Farm Bureau Supported)

House Vote:

Yeas: 95

F. Allen, Ballinger, Baltz, Barker, Beck,

million, to \$351 million, and the Department of Community Correction would get a \$9 million increase to \$87.7 million.

Most all state agency budgets will be flat for the next two years. The budget

also includes reductions via Medicaid savings and payroll reductions.

The General Assembly also approved the expenditure of \$225 million in surplus funds. That budget includes, among other things, up to \$90 million for the Medicaid program, up to \$60 million for public school facilities and up to \$30 million to the Arkansas Economic Development Commission for the Quick Action Closing Fund. Matching funds for highways up to \$20 million to ensure that the state has about \$47.5 million to match \$200 million in federal highway dollars available this fall under a new federal highway law.

Taxes

The legislature adopted two bills early in the session for targeted tax cuts. **Act 79** cuts income taxes for individuals making less than \$21,000. That is more than 600,000 people in Arkansas, estimated to be about half the state's workforce. **Act 79**

also created the task force to review the state's tax code

Act 141 increases the tax on certain digital downloads, soda, candy and unemployment benefits and lowers the tax on soda syrup and military pension income. The bill originally applied sales tax to manufactured housing in order to balance out the reduction in state revenue. After push back from the manufactured housing industry, the legislature amended the bill to use digital downloads as "pay-fors" for the cut. It could be a sign of things to come.

The General Assembly ultimately rejected a pair of bills that would have aided in Arkansas' collection of taxes on internet sales. While Arkansas law requires the collection of taxes on goods purchased in other states and delivered to Arkansas, the collection of taxes on internet sales has never been enforced. Senator Jake Files and Representative Dan Douglas proposed bills that would have compelled compliance with the state's use tax laws and possibly increased state revenues by up to \$100 million annually. **SB 140** would have required out-of-state companies to collect taxes on sales to Arkansans if the seller's gross revenue from those sales exceeded \$100,000 or it had at least 200 transactions for delivery into Arkansas in the previous or current calendar year. **HB 1388** would have required out-of-state retailers to tell Arkansas customers and the Department of Finance and Administration (DFA) each year the total amount of each customer's purchases and taxes to be remitted. The consumer would have been responsible for remitting taxes and likely DFA would have issued bills for unpaid taxes. The bills advanced to opposite chambers, then stalled. SB 140 failed twice in the House committee. A late session deal put SB 140 on the House floor where the bill failed by eight votes. When SB 140 failed in the House, the Senate did not vote on HB 1388. A top priority of in-state retailers and supported by Farm Bureau policy,

the issue will resurface and undoubtedly be discussed by the legislative task force.

Highways

The General Assembly failed to adopt any legislation that would provide additional ongoing funds for highway maintenance or construction. Funding for highways has been stagnant for years with the bulk of funding coming from per gallon fuel taxes. Since modern vehicles are increasingly more fuel efficient, funding is flat while repair and construction costs climb. Representative Dan Douglas proposed two bills to set up a devoted revenue stream and a bond issue for 2018. **HB 1726** would have authorized the State Highway Commission to issue bonds for highway maintenance and improvements upon approval by voters in a statewide election. The initial vote on **HB 1726** failed, as did two subsequent motions to expunge the vote. When the House failed to pass **HB 1726**, it left little hope for **HB 1727** which would have referred a fuel sales tax to the 2018 ballot. The House never voted on **HB 1727**. Gov. Asa Hutchinson said the failure to address highway funding was one of the biggest disappointments of the session. He has suggested the business community should rally around an initiated act for 2018.

HB 2085 (Rye) would have earmarked online sales tax revenues above \$15 million for roads. It passed the House but was never considered by the Senate.

Elections

The legislature passed several election-related bills. Two of the most notable are **HB 1047** and **HB 1621**.

HB 1047 (Lowery & Rapert) now **Act 633**, to amend the constitution to require voters to show photo identification at the polls.

HB 1621 (Lowery & English) now **Act 910**, sets the date of annual school elections to be the date of the preferential primary election or the general election,

allows the local school district to determine which date.

Constitutional Amendments

Both of the following items will be on the ballot in the General Election for 2018.

HJR 1016 establishes that voters must present a valid form of identification with a photo when voting. Absentee ballots must be accompanied by a photocopy of a photo identification. The General Assembly shall establish the forms of identification that are considered acceptable. The state will furnish identification free of charge to an eligible voter who does not have a form of photographic identification. If a voter does not have an acceptable form of identification, they may cast a provisional ballot. A provisional ballot shall be counted only



if the voter subsequently certifies the provisional ballot in a manner provided by law. The General Assembly can allow exemptions to the photo identification requirement.

SJR 8 is the tort reform measure supported by the business community. It caps contingency fees for attorneys in civil actions at 33 percent of the net re-

HB 1187 continued

Bentley, Blake, Boyd, Bragg, Branscum, Brown, Burch, Capp, Cavenaugh, Coleman, Collins, Cozart, Dalby, Davis, Deffenbaugh, Della Rosa, Dotson, Dan Douglas, Charlotte Douglas, Drown, Eubanks, Farrer, David Ferguson, Kenneth Ferguson, Fielding, Charlene Fite, Lanny Fite, Vivian Flowers, Fortner, Gates, Gazaway, Gonzales, Michael John Gray, Hammer, Henderson, Ken. Hendren, Hillman, Monte Hodges, Grant Hodges, Holcomb, Hollowell, House, Jean, Jett, Ladyman, Leding, Lemons, Love, Lowery, Lundstrum, Lynch, Maddox, Maggie, Mayberry, McCollum, McElroy, McGill, McNair, David Meeks, Stephen Meeks, Miller, Murdock, Nicks, Payton, Penzo, Petty, Pilkington, Pitsch, Richey, Richmond, Rushing, Rye, Sabin, Shepherd, Smith, Sorvillo, Speaks, Sturch, Sullivan, Tosh, Tucker, Vaught, Walker, Wardlaw, Warren, Watson, Whitaker, Williams, Wing, Womack

Not Voting: 5

E. Armstrong, Eaves, Michelle Gray, Johnson, Gillam

Senate Vote:

Yeas: 33

Bledsoe, Bond, Caldwell, Cheatham, Chesterfield, Clark, Collins-Smith, Cooper, Dismang, Eads, Elliott, English, Files, Flippo, Garner, Hendren, Hester, Hickey, Hutchinson, Ingram, Irvin, Johnson, Lindsey, Maloch, Rapert, Rice, Sample, Sanders, Standridge, Stubblefield, Teague, Wallace, Williams

HB 1187 continued

Not Voting: 1

S. Flowers

Excused : King

HB 1725 – Arkansas Agriculture Department Reorganization Bill

(Farm Bureau Opposed)

House First Vote on March 17

Yeas: 30

Ballinger, Baltz, Barker, Beck, Bentley, Bragg, Branscum, Brown, Coleman, Collins, Davis, Dotson, Dan Douglas, Charlotte Douglas, Eubanks, Charlene Fite, Lanny Fite, Grant Hodges, Ladyman, Lowery, Lundstrum, McCollum, Meeks, Pilkington, Richmond, Shepherd, Smith, Sullivan, Williams, Wing

Nays: 31

Blake, Capp, Cavanaugh, Cozart, Dalby, Della Rosa, Drown, Ferguson, Flowers,

covery. **SJR 8** also authorizes the General Assembly to adopt legislation establishing the process for calculating the fee and setting penalties for violation and adjust the fee cap with 2/3 vote of each chamber. The amendment will cap punitive damage awards in actions for wrongful death or injury to person or property at the greater of \$500,000 or 3 times the compensatory damage award for each claimant while creating an exception to the cap for intentional conduct. The General Assembly is authorized to increase – but not decrease – the cap with 2/3 vote of each house. **SJR 8** caps non-economic damage awards in actions for wrongful death or injury to person or property at \$500,000 for each claimant, not to exceed \$500,000

General Assembly is authorized, by 3/5 vote of each chamber, to 1) adopt rules of pleading, practice and procedure for the courts; and 2) amend or repeal rules of pleading, practice and procedure prescribed by the Arkansas Supreme Court. In the event of a conflict between a rule adopted by the General Assembly and a rule adopted by the Arkansas Supreme Court, the rule adopted by the General Assembly will control. The right to a jury trial is preserved.

OTHER BILLS OF INTEREST

Agriculture Products Transportation Bill

HB 2211 (M.J. Gray) now **Act 1085**, creates a special permit for hauling agromonic or horticultural crops at a heavier weight than currently allowed. The Arkansas State Highway and Transportation Department in cooperation with the Arkansas Agriculture Department may promulgate the rules for implementation. Trucks will have to have a minimum of five axles and the bill doesn't let them exceed 100,000 lbs. The permit could end up at 90,000 lbs. or another amount and permit fees are not defined. The highway department could also create more axle, inspection or equipment requirements for the permit.

Livestock and Poultry Commission Code Revision

HB 2175 (D. Douglas) now **Act 1011**, revises numerous sections of code governing the Livestock and Poultry Commission laws. The 50-page bill repeals archaic language in Title 2 of the Arkansas Code relative to authorities, programs and operations of the Livestock and Poultry Commission.

- Adds that persons appointed to the Commission “shall be actively engaged in the Arkansas livestock



Hammer, Hendren, Hillman, Holcomb, Hol-lowell, Jett, Johnson, Love, Lynch, Maddox, David Meeks, Nicks, Penzo, Richey, Rye, Speaks, Tucker, Vaught, Wardlaw, Warren, Watson, Whitaker

Not voting: 26

Allen, Boyd, Deffenbaugh, Eaves, Farrer, Ferguson, Gillam, Michelle Gray, Hender-son, Monte Hodges, Jean, Lemons, Magie, McElroy, McNair, Miller, Payton, Petty,

to be shared among the beneficiaries of a decedent in a wrongful death action and the General Assembly is allowed to increase – but not decrease – the cap with 2/3 vote of each house. The General As-sembly can also adopt legislation estab-lishing the process for adjusting the dam-age caps based on inflation/deflation. The

and poultry industries.”

- Alters language associated with the executive director (renaming this position deputy director) and the state veterinarian by removing all the functions previously assigned by law to them regarding fiscal matters, financial accountability and employment of personnel duties. It states that these two positions within the commission will be appointed by the secretary of the AAD as opposed to the governor.
- Section 6 of the bill relative to “powers and duties” of the commission, adds language which would expand the authority of the commission to include; “authority to promulgate rules governing the handling, sale and use of vaccines, antigens, and other biological products used in connection with livestock and poultry.”
- Removes all language on the commission’s authority to stop vehicles transporting livestock or poultry – for inspecting animals, checking health documents, checking vehicle conditions, etc.
- Section 57 of the bill removes all the statutes relative to “requiring” brucellosis calf hood vaccination. The provision in existing statutes is retained that states the “Legislative Intent” that the commission will continue to vaccinate heifers on farms and in markets.
- In several sections of existing statutes, where penalties are specified for violations of animal health laws or regulations, this proposal changes these penalties from “a Class A Misdemeanor” to “subject to an administrative penalty.” This change is proposed because many prosecutors and law enforcement are hesitant to apply criminal penalties for such violations. This change could actually increase the application of penalties.

Feral Hogs

SB 534, now Act 697 (Rice) allows individuals to capture feral hogs on private property and not immediately kill the hogs; as long as the hogs never leave private property.

HB 2063, now Act 1010 (Hammer) creates a feral hog eradication task force. The task force will include:

- (1) The Director of the Arkansas State Game and Fish Commission;
- (2) The Secretary of the Arkansas Agriculture Department;
- (3) The Executive Director of the Arkansas Livestock and Poultry Commission;
- (4) The Executive Director of the



- Arkansas Natural Resources Commission;
- (5) The Director of the Department of Arkansas Heritage;
 - (6) The Director of the Rural Services Division;
 - (7) The Director of the Department of Parks and Tourism; and

HB 1725 continued

Pitsch, Rushing, Sabin, Sorvillo, Sturch, Tosh, Walker, Womack

Present: 13

Armstrong, Burch, Fielding, Fortner, Gates, Gazaway, Gonzales, Michael John Gray, House, Leding, Mayberry, McGill, Murdock

Absent:

Deffenbaugh, Henderson, Tosh, Womack

House Second Vote on March 20

Yeas: 44

Armstrong, Ballinger, Baltz, Barker, Bentley, Boyd, Bragg, Branscum, Brown, Burch, Capp, Coleman, Collins, Cozart, Davis, Dotson, Dan Douglas, Eubanks, Fielding, Charlene Fite, Lanny Fite, Hammer, Henderson, Grant Hodges, Holcomb, House, Ladyman, Leding, Lowery, Lundstrum, McCollum, Stephen Meeks, Payton, Petty, Pilkington, Richmond, Rushing, Sabin, Shepherd, Smith, Sorvillo, Sullivan, Warren, Womack

Nays: 25

Allen, Beck, Cavenaugh, Dalby, Deffenbaugh, Della Rosa, Drown, Deborah Ferguson, Fortner, Michael John Gray, Hendren, Hillman, Johnson, Lemons, Lynch, McElroy, Miller, Nicks, Penzo, Rye, Speaks, Tosh, Tucker, Walker, Watson

Not Voting: 31

Charlotte Douglas, Eaves, Farrer, Kenneth Ferguson, Gazaway, Gillam, Gonzales,

continues

HB 1725 continued

Michelle Gray, Jean, Jett, Love, Maddox, Magie, McGill, McNair, Murdock, Pitsch, Sturch, Vaught, Wardlaw, Williams

Present: 11

Blake, Flowers, Gates, Michael John Gray, Monte Hodges, Hollowell, Mayberry, David Meeks, Richey, Whitaker, Wing

HB 1267 Waste Tire Bill

(Farm Bureau Supported)

House Vote: (final passage vote on Feb. 14)

Yeas: 56

Allen, Armstrong, Baltz, Barker, Bentley, Blake, Boyd, Bragg, Brown, Burch, Capp, Coleman, Collins, Cozart, Dalby, Davis, Dan Douglas, Eubanks, Deborah Ferguson, Kenneth Ferguson, Charlene Fite, Lanny Fite, Gillam, Michelle Gray, Hammer, Henderson, Hillman, Hollowell, House, Jett, Lemons, Love, Lynch, Maddox, Magie, Mayberry, McElroy, McGill, McNair, Murdock, Nicks, Pilkington, Pitsch, Richey, Rushing, Sabin, Shepherd, Sorvillo, Tucker, Walker, Wardlaw, Warren, Watson, Whitaker, Williams, Wing

Nays: 27

Ballinger, Beck, Deffenbaugh, Della Rosa, Dotson, Farrer, Fielding, Fortner, Gates, Gazaway, Gonzales, K. Hendren, Ladyman, Lowery, Lundstrum, McCollum, David Meeks, Stephen Meeks, Miller, Payton, Penzo, Rye, Smith, Speaks, Sturch, Sullivan, Tosh

Not Voting: 9

Branscum, Drown, Eaves, Flowers, Monte Hodges, Jean, Johnson. Leding. Richmond

Present: 8

Cavenaugh, Charlotte Douglas, Michael John Gray, Grant Hodges, Holcomb, Petty, Vaught, Womack

Senate Vote:**Yeas: 23**

Bledsoe, Bond, Caldwell, Cheatham, Chesterfield, Clark, Cooper, Eads, Elliott, English, Flowers, Hendren, Hester, Hickey, Hutchinson, Ingram, Lindsey, Maloch, Rappert, Sample, Standridge, Wallace, Williams

Nays: 1

T. Garner

Not Voting: 9

Collins-Smith, Files, Flippo, Irvin, Johnson, King, Rice, Sanders, Teague

Present: 2

Dismang, Stubblefield

(8) One (1) representative from each of the following groups:

- (A) Arkansas Association of Counties;
- (B) Arkansas Association of Conservation Districts;
- (C) Arkansas Farm Bureau Federation;
- (D) Arkansas Forestry Association;
- (E) Arkansas Pork Producers Association;
- (F) Nature Conservancy; and
- (G) Arkansas Dog Hunters Association.

The task force will study the feral hog problem and develop a plan of control and eradication and make recommendations for code revisions and regulatory changes. They will report to Arkansas Legislative Council on or before Dec. 31, 2017.

Embryo Transfer

SB 553, now Act 1074 (Cooper) requires a technician who performs livestock embryo transfer or transplant and livestock pregnancy determination to register with the Veterinary Medical Examining Board; requires an application fee of \$1,000 with a renewal fee of \$250. An applicant must submit a letter from a licensed veterinarian who has observed the applicant's abilities, a record of successfully completing a qualified course, proof that the applicant has 50 percent interest in equipment and proof of membership in either the International Embryo Transfer Society or the American Embryo Transfer Association.

Dog Sales

Three bills were filed addressing the sale and raising of dogs. None of the bills advanced beyond committee. Representative Jim Sorvillo, however, is trying to organize a ballot initiative to get the issue on the ballot.

HB 1717 (Sorvillo) would have required registration with the Department

of Health of anyone selling a dog or cat in Arkansas who advertises through public media including social media. It also banned sales that occur in commercial parking lots or flea markets among other areas. **HB 1717** would have required the registration of anyone who has three more females dogs or cats for the purposes of breeding. The Arkansas Agriculture Department would be the registering agency.

HB 2078 (Sorvillo) would have prohibited the sale of dogs or cats on the property of another person without written permission of the property owner.

HB 1715 (Richmond) gave buyers a remedy if they purchased a dog and the animal is found to be ill. The bill would have required anyone with five or more intact females who sells more than 20 puppies annually to register with their county sheriff. Rescue groups were not exempted from the registration requirement. USDA licensed breeders will register but their USDA inspection will stand in for any local inspection. The bill says a sheriff may inspect a dog seller upon a sworn complaint or at the discretion of the sheriff and only during normal business hours. **HB 1715** gave dog breeders time to remedy any violations found. It also placed restrictions on what can be done with any dogs seized from breeders. A trespassing charge could have been brought against an individual or an agent of a releasing agency, the Humane Society of the United States or a similar organization who confiscated a dog from a registered breeder.

Permit Efficiency Bill

HB 1511, now Act 501 (Wardlaw) compels ADEQ to make a final permitting decision on animal waste permits within 180 days of application.

Equine Infectious Anemia Paperwork

SB 684, now Act 716 (Stubblefield) allows proof of negative equine infectious anemia by original test record document,

an official electronic copy or other form prescribed by the Livestock and Poultry Commission.

State Plant Board Penalty Matrix

SB 501, now **Act 778 (Blake & Jett)** authorizes the State Plant Board to assess fines between \$1,000 and \$25,000, only for violations in which significant off-target crop damage occurred as a result of dicamba, other auxin-containing herbicides or new herbicides. The first \$1,000 of any fine will be used for the State Plant Board scholarship fund. The portion of a fine more than \$1,000 will be divided 60 percent to the scholarship fund and 40 percent to the Cooperative Extension Service.

Waste Tire Bill

HB 1267, now **Act 317 (Lanny Fite)** will increase funding to the state's waste-tire districts while improving record keeping for used tires in the state. Each county will set up a drop off point for tires. Individuals will be able to recycle up to four tires, including large implement tires daily. Funds will also be used for grants for clean-up efforts where there are large volumes of tires.

Tail Water Recovery Credits

Senator Cheatham's **SB 729**, now **Act 1125**, extends the carryover period for unused income tax credits allowed for water impoundments, from 9 to 15 years following the year in which the credit originated. The extension should further incentivize tail water recovery construction.

Other Acts of Interest

HB 1030 (Bentley) removes designated specialties from the Rural Medical Practice Student Loan Relief Program; adds specific population limits to the definition of qualified rural communities; changes penalties for breach of community income match contracts. Signed by the governor (**Act 132**).

HB 1148 (Tosh) sets a maximum distance of three miles for ATVs traveling on public highways in order to get from one off-road trail to another or to travel from an off-road trail to the ATV owner's private property. Signed by the governor (**Act 272**).

HB 1401 (Gillam & Hester) creates an exemption from ethics laws for food, beverages and items provided to a public official by the host of a civic/social organization's meeting. Exempts an event of a recognized political party that invites all party members of either chamber. Signed by the governor (**Act 312**).

HB 1426 (Della Rosa & Johnson) creates the Arkansas Future Grant Program for grants to students seeking higher

education in high-needs areas. Signed by the governor (**Act 316**).

HB 1442 (Davis & Chesterfield) amends personal finance curriculum standard to include job seeking skills, soft job skills, and employment benefits; requires high school students to earn a course credit under this curriculum for graduation. Signed by the governor (**Act 480**).

HB 1667 (Beck) requires a written good faith offer to a property owner from a condemning entity before initiation of a condemnation proceeding; entitles property owners to costs incurred that exceed the entity's written good faith offer. Signed by the governor (**Act 731**).

HB 1745 (Mayberry) re-establishes the Task Force on Alpha-gal, tasked with making recommendations designed



to improve and increase knowledge and treatment for Alpha-gal throughout the state for emergency healthcare professionals. Signed by the governor (**Act 570**).

HB 1778 (Hillman) allows the State Plant Board to implement an optional program to promote research aimed at developing industrial hemp production in the state. Signed by the governor (**Act 981**).

HB 1812 (Hillman) specifies that the six-month time limit for landlord liens on crops applies following the final installment of the rental agreements, and that "rent" includes payments made by government entities on behalf of the lessee. Signed by the governor (**Act 569**).

HB 1839 (Beck) creates the Local Food, Farms, and Jobs Act, establishing a goal of 10 percent for fiscal year 2018 of any state agency's food budget to be spent on local farm or food products; directs the Agriculture Department to establish a program coordinator position. Signed by the governor (**Act 617**).

HB 1982 (Shepherd & Garner) increases the allowed conservation fee related to the Sparta Aquifer levied on major water users that do not connect to an alternate water source from \$.96 per 1,000 gallons to 1.5 times the conservation board's current rate for the alternate source. Signed by the governor (**Act 632**).

HB 2087 (Sabin) expands the capabilities of coopera-



tive corporations, including areas of business they may operate in, contracts they may enter into, products they may deal in, and others; allows a cooperative corporation to exist in perpetuity. Signed by the governor (**Act 748**).

SB 114 (Hester & Hammer) requires a county collector, before initiating collection on delinquent mineral interest taxes, to prepare a list of such delinquent taxes and the associated owners, to be referred to the Association of Arkansas Counties and published for public access. Signed by the governor (**Act 514**).

SB 117 (Irvin) provides that the county equalization board does not have jurisdiction over the valuation of agricultural land or timberland, or the county assessor's determination of a property's tax exempt status. Signed by the governor (**Act 162**).

SB 146 (Bledsoe & Ferguson) repeals the existing statutes governing telemedicine and establishes new standards for the practice of telemedicine, including the prior existence of a professional relationship between patient and physician, among other regulations. Signed by the governor (**Act 203**).

SB 249 (Sanders & Meeks) provides for matching grants of up to 50 percent for small business within certain fields such as agriculture, manufacturing, IT, and transportation that receive loans under the federal Small Business Innovation Research Program. Signed by the governor (**Act 166**).

SB 265 (Caldwell & Vaught) expands natural gas utility surcharges to allow production of annual revenues equal to the additional annualized revenue requirement a utility may be entitled to; requires proof of economic benefit to both the utility and ratepayers. Signed by the governor (**Act 280**).

SB 273 (Standridge & Drown) provides that state inmates that are housed with a county may assist the local political subdivisions in supporting local nonprofits. Signed by the governor (**Act 444**).

SB 280 (Williams) clarifies that animal cruelty and abuse laws applies to all equines rather than solely to horses. Signed by the governor (**Act 389**).

SB 288 (Hendren) authorizes the creation of workforce development center authorities, to include four or more sponsors including school districts, vocational schools, and cities or counties, to apply for funding and promote workforce development opportunities in an area. Signed by the governor (**Act 509**).

SB 363 (Maloch) adds incidents of damage to another person's personal property to the law that requires drivers to remain at the scene of an accident in which another person's vehicle has been damaged; expands criminal classification and monetary penalties. Signed by the governor (**Act 615**).

SB 415 (Caldwell) authorizes the State Highway Commission to issue a special permit for unlimited movement of a vehicle that is over 144 inches in width, that is used by a farm machinery equipment dealer to transport equipment. Signed by the governor (**Act 650**). Unless designated differently in the bill, the effective date for legislation is July 31, 2017.

OTHER BILLS OF INTEREST THAT WERE NOT PASSED

**All of these bills died at Sine Die unless otherwise noted.*

HB 1035 (Bentley & Bledsoe) names specific food products, drinks and supplements that a SNAP recipient is not allowed to purchase using benefits. Requires recipients to show identification when purchasing items, and requires vendors to verify identification at point of sale.

HB 1911 (Bragg) allows a taxpayer engaged in the business of reducing, reusing or recycling wood or wood fiber that is diverted from becoming solid waste for commercial purposes to qualify for the recycling income tax credit.

HB 1920 (Vaught) authorizes use of all-terrain vehicles on streets or highways, with specified exceptions. Dedicates 50 percent of ATV registration fees for reducing cost of handgun carry license.

HB 1926 (Davis) creates the Wireless Communications and Broadband Infrastructure Deployment Act; grants wireless providers all the rights, powers, and duties provided for telephone and telegraph companies.

HB 2097 (Meeks) creates an income tax credit of 1 per-

cent of the costs paid by a taxpayer to provide infrastructure to bring broadband access to underserved or unserved areas of the state; requires proof of location and costs paid in order to claim the credit.

HB 2099 (Meeks) requires the Economic Development Commission to establish a grant program to make grants available to internet service providers; requires providers requesting grants under this program to provide service to underserved or unserved areas..

HB 2148 (Penzo) directs the DHS to develop a list of luxury food items on conjunction with the Department of Health and to ensure that SNAP benefits are used only to purchase food items not included on the list of luxury food items.

HB 2176 (McCollum) establishes an individual's right to engage in a lawful occupation without being required to comply with a regulation that imposes substantial burdens and is not related to the state's interest in public health and safety.

HB 2180 (Rye) revises membership of the Northeast Arkansas District Fair Advisory Board and its executive board. Authorizes the Advisory Board to set date and location of the district fair.

SB 35 (Clark) requires water providers to provide service to all property within an infrastructure development within the provider's territory if adequate infrastructure exists or is installed by the consumer. Referred to interim committee, S-City, County and Local Affairs.

SB 270 (S. Flowers) requires operators of sport shooting ranges to acquire written consent of local property owners before establishing their ranges; exempts ranges already operating or constructed before Jan. 1, 2017.



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