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Subject: Week 14 Update on the 93rd General Assembly



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Week 14 of Arkansas's 93rd General Assembly

As we near the end of the 93rd General Assembly's 2021 session, things are jumping into hyperdrive. Legislators are scrambling to have their bills heard in committees and on the chamber floors before the session concludes. Because of that, many of the bills we are following are on the agenda next week.

Below is an overview of bills that Arkansas Advocates either supports or opposes that were filed or that made progress this week, or that are on next week's legislative calendar. We are monitoring many more bills, [listed and frequently updated on our website](#). More information on AACF's overall legislative priorities [is here](#).

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Updates on some of the bills AACF supports

Child Welfare

Scheduled: Sen. Trent Garner's [SB 612](#) passed the Senate Judiciary Committee on Thursday. It would allow children 12 or younger to testify in criminal proceedings through video conference technology in order for the child to feel comfortable. Under current law, a child could just testify outside the courtroom through close-circuit TV. It is scheduled to be heard by the full Senate on Monday, April 19, at 1:00 PM.

Now Law: Rep. Karilyn Brown's [HB 1797](#) is now [Act 673](#). The new law allows the Child Welfare Agency Review Board to create and enforce rules that prohibit corporal discipline in any licensed facility.

Democracy and Voting Rights

Failed on the Floor: [HB 1517](#), sponsored by Rep. Justin Boyd and Sen. Breanne Davis, passed the Senate Committee on State Agencies and Governmental Affairs on Tuesday, but failed to pass the full Senate on Thursday. The vote was expunged, so the bill could be voted on again by the Senate before the session ends. The bill would allow people to register to vote online.

Family Economic Security

Scheduled: [SB 650](#), sponsored by Sen. Jonathan Dismang, passed the Senate Committee on Public Health, Welfare and Labor on Thursday after being amended. The bill would raise the asset limit for Supplemental Nutrition Assistance Program (SNAP or food stamps) benefits and account for inflationary increases. Under current law, most families can't have more than \$2,250 and still be eligible for SNAP benefits, and this legislation would double that amount to \$4,500. (The limit would be \$7,000 if someone in the family has a disability or is older than 60). It is scheduled to be heard by the Senate at 1:00 PM on Monday, April 19.

Health Care

Now Law: [HB 1176](#), sponsored by Reps. Lee Johnson and Aaron Pilkington, is now [Act 624](#). The new law allows Medicaid to pay for mental health services delivered through telemedicine through the end of 2021 or the end of the public health emergency, whichever is later.

Scheduled: [SB 55](#), sponsored by the Joint Budget Committee, is the appropriations bill to fund the state Medicaid program. It failed three times to

pass the House floor this week and is scheduled on the House Budget Calendar for 1:00 PM on Monday, April 19.

Immigrant Families

Scheduled: Rep. Clint Penzo's [HB 1387](#) would make it clear that migrants who live in the United States under a Compact of Free Association may obtain state teaching licenses. In Arkansas, this mostly applies to people born in the Marshall Islands. It is scheduled to be heard by the House Committee on Education at 9:30 AM on Tuesday, April 20.

Now Law: Rep. Megan Godfrey and Sen. Clarke Tucker's [HB 1451](#) is now [Act 663](#). The new law allows a public school district to adopt a bilingual program or a dual-immersion program as a means of instruction approved by the Division of Elementary and Secondary Education.

Scheduled: Rep. Clint Penzo's [HB 1554](#) passed the House Judiciary Committee on Tuesday. The bill would establish an affirmative defense to a prosecution if the accused was a victim of human trafficking. It would also expand protections for women coerced into giving their children up for adoption. It is scheduled to be heard by the full House at 1:00 PM on Monday, April 19.

Passed: Rep. Clint Penzo and Sen. Bart Hester's [HB 1735](#) passed the Senate on Monday and has been sent to the Governor for his signature. This bill will broaden the fields in which immigrants are allowed to work in Arkansas. It would allow any professional or occupational licensing entity to issue licenses to immigrants who qualify and have federal work permits. That includes those with status under the Deferred Action for Childhood Arrivals status, also known as DACA.

K-12 Education

Failed on the Floor: [SB 140](#), sponsored by Sen. Jonathan Dismang, passed the House Committee on Education on Tuesday but failed to pass the full House on Thursday. This bill would require school district boards of directors to include in student discipline policies the requirement that an administrator or designee request and review information related to adverse childhood experiences that may have impacted the behavior of a public school student before placing that student in an alternative learning environment or levying an exclusionary disciplinary action against the student. It would also require that every public school implement positive behavioral supports.

Now Law: [SB 160](#), sponsored by Sen. Bart Hester and Rep. DeAnn Vaught, is now [Act 611](#). The new law requires that, beginning in 2022-23, all public school districts include teaching of the Holocaust and its causes. The curriculum must encourage tolerance of diversity "and reverence for human dignity for all citizens in a pluralistic society."

Passed: Sen. Irvin and Rep. Lee Johnson's [SB 291](#), which was amended in the House last week, passed the Senate Education Committee on Tuesday and the full Senate on Wednesday, and it has been delivered to the Governor for his signature. This new law defines characteristics and strategies for community schools, which include integrated student supports, expanded learning times, active community and family engagement, and collaborative leadership practices.

Scheduled: [SB 314](#), sponsored by Sen. Joyce Elliott and Rep. Andrew Collins, would require that a public school district be returned to full local control if the district has been under the authority of the state board for five years; and has democratically elected a public school board during a special election or an annual school election. The biggest and most immediate impact of this bill would have been to require that the Little Rock School District be returned to full local control. It is scheduled to be heard by the Senate Committee on Education at 2:00 PM on Monday, April 19.

Scheduled: [SB 501](#), sponsored by Sen. Missy Irvin and Rep. DeAnn Vaught, was amended and passed by the Senate Committee on Education on Thursday. This bill would expand the prohibition against corporal punishment in public schools to include all special education students with an individual education plan under the federal IDEA law, unless parental consent is obtained. Current law only prohibits its use against students with the most severe physical or developmental disabilities. It is scheduled to be heard by the full Senate on Monday, April 19, at 1:00 PM.

Scheduled: Sen. Missy Irvin and Rep. DeAnn Vaught's [SB 502](#) passed the House Education Committee on Thursday. This bill would expand the current ban against expulsions and out-of-school suspensions for kids in grades K-5 to all students in foster care. It is scheduled to be heard by the full Senate on Monday, April 19, at 1:00 PM.

Progressed: Rep. David Tollett's [HB 1157](#) passed the House Committee on Revenue and Taxation on Tuesday and the full House on Wednesday. The bill would increase the state personal income deduction for teachers' qualified classroom investment expenses from \$250 to \$500 for each taxpayer, or from

\$500 to \$1,000 for married taxpayers filing jointly, if each spouse is a taxpayer. It is now assigned to the Senate Revenue and Taxation Committee.

Scheduled: Rep. Jimmy Gazaway's [HB 1610](#) would require that each public school district implement positive behavioral supports for prevention, strategic intervention, and intensive services or crisis management for students at various stages of exhibiting social, emotional, or behavioral problems or crisis; and would place major limits on schools' use of physical restraints on students and outlines and requires training of school personnel and the adoption of policies concerning the use of physical restraints. It is scheduled to be heard by the Senate Committee on Education at 2:00 PM on Monday, April 19.

Now Law: Rep. Bruce Cozart's [HB 1614](#) is now [Act 680](#). The new law sets a statewide target average annual teacher salary of \$51,822 for the 2021-22 and 2022-23 school years. It requires the House and Senate Committee on Education to jointly set the statewide target average annual salary for future years as part of the adequacy review process. Districts with an average annual teacher salary below the statewide target average annual salary will receive teacher salary equalization funding equal to \$185 multiplied by the average daily membership of the district for the previous year.

Now Law: Rep. Cozart and Sen. Irvin's [HB 1677](#) is now [Act 614](#). The new law increases per-student funding amounts for state education foundation funding (from \$6,899 to \$7,183 for 2021-22 school year and to \$7,349 for the 2022-23 school year); alternative learning environments funding (increases from \$4,700 to \$4,794 for the 2021-22 school year and to \$4,890 for 2022-23 school year); English language learners funding (from \$345 to \$359 for the 2021-22 school year and to \$366 for the 2022-23 school year); Enhanced Student Achievement funding (by various amounts depending on the percentage of low-income students); as well as other funding increases.

Progressed: Rep. Julie Mayberry's [HB 1826](#) passed the House on Wednesday. This bill would require that each public school district provide a health services program under the direction of a licensed registered nurse, beginning with the 2021-22 school year. It is scheduled to be heard by the Senate Committee on Education at 2:00 PM on Monday, April 19.

Scheduled: Rep. Mark Lowery and Sen. Missy Irvin's [HB 1901](#) would require the secretary of the department of education to issue a guidance memorandum, in cooperation with stakeholders and others. The memo would describe the unique educational needs of students with dyslexia, dyscalculia, and dysgraphia; and clarify that schools may reference these terms in student evaluations, an

eligibility determination of the student; and in the development of an IEP under the Individuals with Disabilities Education Act. It is scheduled to be heard by the House Education Committee at 9:30 AM on Tuesday, April 20.

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Updates on some of the bills AACF opposes

Democracy and Voting Rights

Scheduled: Sen. Kim Hammer and Rep. Justin Gonzales' bill, [SB 485](#), failed to pass the Senate Committee on State Agencies and Governmental Affairs for the second time on Tuesday, and the vote was expunged again. This bill would cut early voting short by a day. Currently, early voting ends the Monday before the election. This bill would end early voting the Saturday before the election. It is scheduled to be heard for a third time by the Senate Committee on State Agencies and Governmental Affairs at 2:00 PM on Tuesday, April 20.

Scheduled: Sen. Kim Hammer and Rep. Jack Ladyman's [SB 643](#) passed the Senate Committee on State Agencies and Governmental Affairs on Monday and the full Senate on Tuesday. It would move up the deadline to return absentee ballots in person to the Friday before the election, except for an "authorized agent" delivering the ballot of someone who is medically unable to vote at their polling place. It is scheduled to be heard by the House Committee on State Agencies and Governmental Affairs at 9:30 AM on Monday, April 19.

Progressed: [SB 614](#), sponsored by Sen. Breanne Davis and Rep. Michelle Gray, passed the House Committee on State Agencies and Governmental Affairs on Tuesday and the full House on Wednesday. This bill would make it harder for citizen-led ballot measure campaigns to hire paid canvassers to collect signatures for ballot measure petitions. It has been referred back to the Senate State Agencies and Governmental Affairs Committee with an amendment from the House side.

Progressed: Rep. David Ray and Sen. Bart Hester's [HJR 1005](#) passed the House Committee on State Agencies and Governmental Affairs on Wednesday and passed the full House on Thursday. This resolution proposes to amend the Arkansas Constitution. Currently, for a ballot measure to pass and become law, a majority of voters must vote to approve the measure. This amendment would increase the threshold to at least 60 percent of voters. If this resolution passes, it will be referred to the voters for consideration on the 2022 ballot. It is now assigned to the Senate State Agencies and Governmental Affairs Committee.

Family Economic Security

Passed: [SB 295](#), sponsored by Sen. Scott Flippo and Rep. Robin Lundstrum, passed the House Committee on Public Health, Welfare and Labor on Tuesday and the full House on Thursday. This bill would change many aspects of eligibility for the Supplemental Nutrition Assistance Program (SNAP) and Medicaid. It would require that recipients update the state more often on changes in their financial status and would have state agencies and commissions share information more often to determine whether recipients have lottery or gambling winnings, whether they've gone to prison, or whether their job circumstances have changed. It will next be sent to the Governor for his signature.

Scheduled: Sen. Jonathan Dismang and Rep. Spencer Hawks' [SB 594](#) passed the Senate Insurance and Commerce Committee on Monday and the full Senate on Tuesday. This bill is a stripped-down version of a rental housing habitability standard. It does not include a mandate for necessary safety equipment like carbon monoxide detectors, and it puts too much of the onus on tenants to seek relief from unsafe living conditions. It is scheduled to be heard by the House Committee on Insurance and Commerce at 9:30 AM on Monday, April 19.

Scheduled: Rep. Austin McCollum and Sen. Bart Hester's [HB 1676](#) passed the House Committee on Public Health, Welfare and Labor on Tuesday and was amended on Thursday. This bill would reduce the maximum length of unemployment benefits from 16 weeks to 12 weeks in some circumstances. The amendment changed the implementation date from 2022 to 2023. It is scheduled to be heard by the full House at 1:00 PM on Monday, April 19.

Health Care

Scheduled: Sen. Trent Garner's [SB 590](#) passed the House Committee on Public Health, Welfare and Labor on Thursday. This bill would immediately end any government mask-wearing mandates in Arkansas, including those issued by cities and schools. It would reserve for the legislature the right to enact legislation regarding the mandatory use of face masks and coverings. It would allow mask requirements at private businesses and state-run health facilities, prisons and Division of Youth Services centers. It is scheduled to be heard by the full House at 1:00 PM on Monday, April 19.

Now Law: [HB 1570](#), sponsored by Rep. Robin Lundstrum and Sen. Alan Clark, is now [Act 626](#). The new law bans gender transition treatment for minors, including hormonal treatment and therapies that are provided now in Arkansas.

It is set to go into effect this summer, though opponents have vowed to sue to prevent that.

K-12 Education

Progressed: Sen. Jonathan Dismang and Rep. Ken Bragg filed [SB 680](#) on Monday. The bill passed the Senate Revenue and Taxation Committee on Wednesday and the full Senate on Thursday. This bill would create the Philanthropic Investment in Arkansas Kids Program, a private school voucher for grades K-12. It would create a state income tax credit for 100% off eligible contributions to a scholarship (school voucher) granting organization. The total amount of state income tax credits claimed could not exceed more than \$2 million per calendar year. It is now assigned to the House Committee on Revenue and Taxation.

Scheduled: Sen. Dismang's [SB 630](#) would create a new K-12 private school voucher program. Taxpayers would receive a direct state income tax credit for every dollar given to a nonprofit that would give scholarships (private school vouchers) to children whose families make less than 200 percent of the federal poverty level. The bill would allow the contributors to designate every dollar of income tax owed for donations to private schools. The vouchers would provide 80 percent of state foundation funding for elementary and 90 percent for high school students, up to \$5,600 to \$6,300 per year at current funding levels. It is scheduled to be heard at 2:00 PM on Monday, April 19 in the Senate Committee on Education.

New Bill: Sen. Jimmy Hickey, Jr., filed [SB 690](#) on Wednesday. This bill would abolish a number of governmental commissions, panels, and committees, including the Commission on Closing the Achievement Gap. It is assigned to the Senate State Agencies and Governmental Affairs Committee.

Now Law: Rep. David Ray and Sen. Jane English's [HB 1446](#) is now [Act 689](#). The new law expands the list of groups eligible to receive a Succeed Scholarship, used to pay private school K-12 vouchers with funding meant for public schools.

Scheduled: Rep. Mary Bentley and Sen. Gary Stubblefield's [HB 1749](#) is scheduled to be heard by the Senate Committee on Education at 2:00 PM on Monday, April 19. This bill would require that school employees only address students by the name and sex designated on their birth certificates.

Scheduled: Rep. Mark Lowery's [HB 1761](#) would prohibit public schools from teaching or providing materials that say that "any race or ethnicity should feel guilt or shame" or that "any race or ethnicity should be blamed for societal

problems." It also calls for the state to create a process for public schools to allow parents to review curricula and a system for complaints to be filed. After a lengthy discussion of the bill on Thursday, the House Committee on Education is scheduled to consider the bill again at 9:30 AM on Tuesday, April 20.

Tax and Budget

Failed on the Floor: [HB 1546](#) by Rep. Lanny Fite and Sen. David Wallace failed to pass out of the House twice on Tuesday and once on Wednesday. This bill would eliminate a tax on the manufacturers, wholesalers and distributors of soft drinks that could endanger the integrity of the Medicaid Trust Fund.

New Bill: Rep. David Ray and Sen. Ben Gilmore filed [HB 1902](#) on Monday. This bill would constrain the growth of state expenditures based on an arbitrary calculation of "disposable personal income." It is assigned to the House Committee on Revenue and Taxation.

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