



FAMILY COUNCIL

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UPDATE LETTER

DEAR FRIENDS,

Not long ago, passing a pro-life bill in the Arkansas Legislature was like beating the University of Alabama in football—it rarely happened. Today, the legislature is so pro-life that we passed over half a dozen pro-life bills. Not long ago, it was a fight just to keep the legislature from putting home schooling out of business. This year, we passed 5 home school bills with virtually no opposition. I remember dreading the introduction of hate crimes legislation and bills to create special rights for homosexuals. Today, those bills go down in defeat without us even having to lift a finger against them. Altogether, the legislature passed 13 of our 20 bills. **Against the backdrop of this great success there are three disturbing trends.**

The first trend is a new breed of lawmaker who is guided too much by legislative leadership and the Governor instead of the party platform, their core beliefs, or the constituents back home who helped them get elected. For example, Governor Hutchinson mobilized the Health Department, the Surgeon General, and three of his staff members to persuade members of the House Public Health Committee to defeat our healthcare rights of conscience bill. The bill would have strengthened the rights of healthcare workers to opt out of abortion procedures. Eighty-percent of the committee membership is pro-life Republicans, but the bill still failed.

The second trend is the powerful influence of marijuana. A senator said that wealthy marijuana industry representatives had already promised to establish a political action committee to fund candidates in return for favors when contracts to grow, process, and sell marijuana are issued. At least a dozen Arkansas lobbying firms are under contract with the marijuana industry to protect their interests. Speaker of the House Jeremy Gillam made the marijuana lobbyist's job easier when he assigned every marijuana bill to the House Rules Committee, a select committee that he appoints. He put State Representative Doug House in charge of all marijuana legislation. All the marijuana lobbyists had to do was gain the allegiance of 8 out of 15 members of that committee in order to block any good legislation. Several of our good bills to regulate marijuana were blocked by Speaker Gillam, Representative Doug House, and the Rules Committee.

Intimidation and harassment is the third disturbing trend. The small contingent of men dressed like women who came to the Capitol daily to oppose our SB 774 bathroom privacy bill didn't have to do much to see the bill die. With the help of Senate Judiciary Committee Chairman Sen. Jeremy Hutchinson, the bill was never brought to a vote. At the end of the session the governor expressed relief. "This is not a problem in Arkansas. It does not cry out for a solution. It could be harmful for this state," he said. Unfortunately, the fear of harassment by LGBTQ activists and the accompanying backlash from large corporations has intimidated too many elected officials. This fear has left Arkansas with no law to prevent men from entering a facility where women and girls are in a state of undress, including showers and restrooms at public schools.

So, is the glass half full or half empty? The answer is yes. **This legislative session reminds me of an old 45 rpm record with your favorite group singing your favorite song on one side and with the same group singing a really awful-sounding song on the flip side.** The pro-life and home schooling side sounds great. The conscience protection, bathroom privacy, and marijuana side is one you don't want to play.

414 S. Pulaski St., Suite 2 • Little Rock, AR 72201 • 501-375-7000 • info@familycouncil.org



Above: Family Council
President Jerry Cox

MY THOUGHTS ON THE LEGISLATIVE SESSION

What if you could pass a law today that would save a child's life several years down the road? Our bills requiring the medical staff to work to save any child that survives an abortion and our law that prevents the doctor from being sued for saving the child may have done just that. With the passage of 7 new laws, Arkansas could become the nation's most pro-life state. We now have laws that pretty much shut down the market for aborted baby parts and require more stringent inspections of abortion facilities.

On the home schooling front we had great success with the passage of 5 laws opening doors for home schoolers to take classes at their public school, enjoy greater opportunity to participate in interscholastic activities, and not be discriminated against if they try to return to public school. In addition, we have simplified the annual home school registration process.

We were able to pass two bills to regulate marijuana; one regulated smoking, and the other required child proof packaging, prohibited marijuana vending machines, limited access to marijuana stores, and prohibited use of marijuana at marijuana facilities. Unfortunately, our efforts to ban marijuana edibles failed.

Overall, this was one of our most productive legislative sessions. Now we must ensure that the rules written by state agencies for implementing these good laws follow suit.

GOOD BILLS PASSED AT THE ARKANSAS LEGISLATURE

We faced some strong opposition from Planned Parenthood, the ACLU, and members of the marijuana industry. Despite this, we were able to pass a long list of good, pro-life bills this year. We also passed several bills that benefit home schoolers as well as legislation restricting the marijuana industry in Arkansas. Here's a look at the good bills we helped pass:

Pro-Life

Passed: Protecting Babies Who Survive an Abortion.

Act 392 of 2017 by Sen. Gary Stubblefield (R – Branch) and Rep. Charlene Fite (R – Van Buren) protects babies who survive an abortion from being killed or denied medical treatment after birth. In other states we have heard reports of live babies killed or left to die following botched abortions. Act 392 forces abortion doctors to call 911 if a baby is born alive during an abortion procedure. It requires doctors to give the baby medical treatment, and it prevents people from withholding nourishment from a newborn baby.

Passed: Preventing the Buying and Selling of Baby Parts.

Act 603 of 2017 by Rep. Kim Hammer (R – Benton) and Sen. Missy Irvin (R – Mountain View) helps ensure aborted babies are respectfully buried or cremated and that their organs are not bought or sold for experimentation. In 2015 a series of undercover videos revealed Planned Parenthood officials discussing the harvest and sale of organs taken from aborted babies. Earlier this year, a report from Congress found that an Arkansas abortion clinic may have violated state laws when it provided organs taken from aborted babies to the same companies with which

Planned Parenthood was doing business. Act 603 prohibits its experimentation on organs and tissue harvested from unborn babies, and it generally requires aborted babies be respectfully cremated or buried. This law may not seem like much, but it helps humanize aborted babies. It also potentially cuts into the profit margins of abortion businesses by preventing them from buying or selling baby parts.

Passed: Clinic Inspections. Arkansas has a lot of really good regulations on abortion clinics. But how do we know abortion clinics are following these laws? Act 383 of 2017 by Rep. Robin Lundstrum (R – Elm Springs) and Sen. Scott Flippo (R – Bull Shoals) says that abortion clinics must be inspected at least annually. The inspections will be unannounced—meaning abortion clinics won't have any warning ahead of time. It lets health department officials inspect clinic records to make sure clinics are following laws like Arkansas' informed-consent and parental-consent laws.



Right: Lawmakers Gather on the First Day of the Session.

Most importantly, it lets the Health Department immediately close any abortion clinic that fails inspection. It also closes some loopholes abortion clinics have been using to skirt some of Arkansas' other really good, pro-life laws. Act 383 literally gives the State of Arkansas the tools it needs to shut down abortion clinics.

Passed: Banning "Wrongful Birth" Lawsuits. A growing problem in many states is "wrongful birth" lawsuits. Typically, these lawsuits are brought by the parents of a baby born with a disability or genetic disorder. Oftentimes the parents sue their doctors or the hospital at which their child was born, claiming that had they known their child was at risk of being born with a disability, they would have had an abortion. Some parents will even go so far as to call their children financial burdens or claim their children never should have been born. Act 385 of 2017 by Sen. Jeremy Hutchinson (R – Little Rock) and Rep. Aaron Pilkington (R – Clarksville) prohibits "wrongful birth" lawsuits in Arkansas. This good law affirms human life by prohibiting people from suing doctors and hospitals based on the claim a child should have been aborted.

Passed: Sex-Selection Abortion Ban. In many parts of the world, unborn girls are more likely to be aborted than unborn boys. This is known as sex-selection abortion, and it is a real problem. Countries like India actually prohibit doctors from telling parents the sex of their unborn baby because sex-selection abortion is so common. A few years ago, pro-life activists in America released undercover videos of abortion clinic workers counseling women on how to have sex-selection abortions. Act 733 of 2017 by Rep. Charlie Collins (R – Fayetteville) and Sen. Missy Irvin (R – Mountain View) prohibits sex-selection abortion in Arkansas. It requires an abortionist to inform a woman seeking an abortion that sex-selection abortion is illegal. A doctor that performs a sex-selection abortion can be criminally prosecuted. This is a good bill that will make Arkansas a more pro-life state.

Act 45 of 2017 could translate into as many as 600 fewer abortions every year in Arkansas.

Passed: Dismemberment Abortion Ban. Act 45 of 2017 by Rep. Andy Mayberry (R – Hensley) and Sen. Missy Irvin (R – Mountain View) bans some abortion procedures in which an unborn baby is physically dismembered. It is similar to legislation passed in other states. This could translate into as many as 600 fewer abortions every year in Arkansas. We were proud to stand with our friends at Arkansas Right to Life in support of this good bill.

Passed: End of Life Legislation. One of the trickiest issues we face is trying to make sure people are able to make end-of-life decisions without making it possible for someone to help end another person's life prematurely. Act 504 of 2017, the Physician Order for Life Sustaining Treatment Act by Sen. Missy Irvin (R – Mountain View) and Rep. Mary Bentley (R – Perryville), makes it easy for people to make healthcare decisions as they near the end of life, but it's carefully worded to prevent euthanasia or assisted-suicide in Arkansas. By working with the bill's sponsor, our friends at Arkansas Right to Life, and others, we were able to ensure the bill did not carry any unintended consequences or undermine Arkansas' laws against physician-assisted suicide and euthanasia.

Act 504 of 2017 makes it easy for people to make healthcare decisions, but it's carefully worded to prevent euthanasia or assisted-suicide in Arkansas.

Passed: Resolution Calls for Federal Pro-Life Amendment. The Arkansas Legislature passed SJR 9 by Sen. Jason Rapert (R – Bigelow) and Rep. Bob Ballinger (R – Hindsville); this is a resolution calling on Congress to refer out a federal pro-life amendment effectively ending abortion. The resolution initially called for a convention of states to propose a pro-life amendment, but was amended to ask Congress to propose the amendment.

Passed: Increased Abortion Reporting Requirements. Currently, Arkansas law requires abortion clinics to notify the State Crime Lab and appropriate authorities after performing an abortion on a girl under 14. This helps investigators determine if the girl has been the victim of sexual assault. H.B. 2024 by Rep. Sonia Barker (R – Smackover) and Sen. Blake Johnson (R – Corning) increases the reporting requirements to include any girl under 17.

Home Schooling

Passed: Simplifying the Notice of Intent to Home School. Act 635 of 2017 by Rep. Mark Lowery (R – Maumelle) simplifies and clarifies the Notice of Intent to Home School. It makes it easier for home schoolers to file their notice online or by mail. It reduces the amount of information required on the form. Parents will no longer be required to list their curriculum or class schedule. It replaces the waiver home schoolers are required to sign with an agreement that simply says the home school parent will be responsible for their child's education. It also ensures local school districts do not try to force additional requirements on home school families, and it codifies past Attorney General opinions saying information on the Notice of Intent is confidential and cannot be used for anything besides recordkeeping and administrative purposes.

Last year we saw firsthand what happens when the Department of Education changes the Notice of Intent without authorization or gives school districts faulty information. Many home school families had trouble filing their notices last August. In the past few months we have also seen a number of public school districts contact home schoolers—apparently by misusing confidential information home schoolers provided on the Notice of Intent. Act 635 will help avoid these problems in the future.

Passed: “Tim Tebow” Law at Public Schools. Arkansas’ “Tim Tebow” law lets home schoolers participate in interscholastic activities at their local public schools. Act 592 of 2017 by Rep. Mark Lowery (R - Maumelle) lets home schoolers participate in interscholastic activities outside their resident school district if both school districts agree. Public school students who live close to a district boundary sometimes can transfer to the neighboring school district. Act 592 gives home schoolers flexibility to do the same thing when utilizing the “Tim Tebow” law.

Passed: “Tim Tebow” Law at Private Schools. Act 453 of 2017 by Rep. Andy Davis (R – Little Rock) and Rep. Mark Lowery (R – Maumelle) amends the state’s “Tim Tebow” law by letting home schoolers participate in interscholastic activities at any private school within 25 miles of the student’s home if the private school is a member of the Arkansas Activities Association and agrees to let the home schooler participate. This will give home schoolers greater flexibility when it comes to utilizing the “Tim Tebow” law.

Passed: Taking Academic Courses in Public School. For years, state rules and regulations, and memos from the Department of Education have let home schoolers and private school students enroll in individual courses at a local public school. This gives students who do not attend public school the ability to take certain higher-level courses, such as chemistry or advanced algebra. In return, the public schools receive additional state funding for enrolling home schoolers and private school students in these courses—making it a good program both for students and for public schools. Act 173 of 2017 by Rep. Mark Lowery (R – Maumelle) and Sen. Jane English (R – North Little Rock) formally writes these provisions into state law. Act 173 lets home schoolers take courses at their local public schools if the school is willing to enroll them.

Passed: Re-Enrollment in Public School. Home schooled students who re-enroll in public school often face discrimination from public school officials. Students are sometimes asked to repeat grades, pass final exams from public school classes, or meet other unreasonable requirements in order to re-enroll in a public school. Act 863 of 2017 by Rep. Mark Lowery (R – Maumelle) addresses this problem. It requires public schools to give home schoolers who re-enroll in school the very same rights and privileges as public school students. It also generally prevents the school from denying a home schooler appropriate class credits, proper grade level placement, and the ability to graduate.



Above: Rep. Robin Lundstrum (R – Elm Springs) presents good legislation to restrict marijuana in Arkansas.

Marijuana

Passed: Regulations on Marijuana Smoking. The Arkansas Medical Marijuana Amendment passed last November lets practically anyone smoke marijuana. A four-year-old could smoke “medical marijuana” under the amendment, the way it is written. Act 740 by Rep. Robin Lundstrum (R – Elm Springs) and Sen. Jason Rapert (R – Conway) enacts good, commonsense restrictions on marijuana-smoking. It prohibits marijuana smoking anywhere tobacco smoking is prohibited by law, such as restaurants; around children under age 14; in the presence of pregnant women; in a motor vehicle; and around anyone who might become high from the secondhand marijuana smoke. The bill also prohibits anyone under 21 from smoking marijuana.

We worked closely with Sen. Jason Rapert (R – Conway) on legislation to ban marijuana smoking completely in Arkansas. The Arkansas Senate voted two times on Sen. Rapert’s bill, but failed to pass it. Act 740 doesn’t ban marijuana smoking completely, but does significantly restrict it.

Passed: Restrictions on Marijuana Edibles and Marijuana Dispensaries. H.B. 1991 by Rep. Robin Lundstrum (R – Elm Springs) restricts marijuana edibles. It limits the amount of THC in food or drink that is infused with marijuana. It also requires marijuana products be sold in childproof packaging. It regulates who can come or go at a marijuana dispensary so that no one can be at a marijuana dispensary unless they have business to do there, and it prohibits people from using marijuana at a dispensary; this will help prevent marijuana dispensaries from turning into marijuana bars.

Passed: Marijuana At School. H.B. 1935 by Rep. Mark Lowery (R – Maumelle) and Sen. Alan Clark (R – Lonsdale) clarifies that public schools do not have to allow any student impaired by “medical marijuana” on campus. This will help public schools maintain a drug-free environment and protect other students from anyone under the influence of marijuana.



Other Good Bills Passed

Passed: Monuments On Capitol Grounds. Act 274 of 2017 by Rep. Kim Hammer (R – Benton) and Sen. Jason Rapert (R – Conway) strengthens the Arkansas Legislature’s oversight of permanent monuments placed on the State Capitol Grounds. This will help address the talk circulating about attempts to place satanic or atheist monuments on the Capitol grounds.

Passed: Bible as State Book. H.R. 1047 is a resolution by Rep. Dwight Tosh (R – Jonesboro) supporting recognition of the Bible as the state book. Arkansas already has a state bird; state butterfly; state drink; and state song; there’s no reason we shouldn’t have a state book also, and what better book is there than the Bible?

BAD BILLS DEFEATED OR AMENDED

Besides passing a number of really good bills, we also helped defeat several bad laws. Here’s a rundown of some of the bad bills we were able to stop:

Defeated: Unintentionally Gutting the Covenant Marriage Act. In the late 1990’s Family Council lobbied the Arkansas Legislature for legislation that would strengthen marriage in Arkansas. Eventually, we were able to work with then-Governor Mike Huckabee as well as Republicans and Democrats in the House and Senate to pass the Covenant Marriage Act of 2001. The Covenant Marriage Act is one of the few laws ever passed specifically to address our state’s alarming divorce rate.

The law gives couples who have gone through several hours of premarital counseling the option of applying for a covenant marriage license instead of a typical marriage license. Couples with a covenant marriage cannot divorce as easily. Couples with a covenant marriage may divorce if one spouse has been unfaithful; committed physical or sexual abuse; committed a felony; or if the couple has been separated for two years. The two best ways to prevent divorce are to encourage couples to go through premarital counseling and encourage couples considering divorce to attempt reconciliation. That’s what the Covenant Marriage Act of 2001 does.

The two best ways to prevent divorce are to encourage couples to go through premarital counseling and encourage couples considering divorce to attempt reconciliation. That’s what the Covenant Marriage Act of 2001 does.

H.B. 1361 by Rep. Nelda Speaks (R – Mountain Home) and Sen. Missy Irvin (R – Mountain View) would have unintentionally gutted the Covenant Marriage Act of 2001. The bill initially let couples with a covenant marriage divorce in cases of “mental abuse,” but the bill failed to define “mental

abuse.” This effectively would have given couples an easy excuse to divorce quickly—much like vague terms such as “general indignities” or “irreconcilable differences” do for other married couples.

The bill was later amended to permit divorce in cases of “emotional abuse,” and a very vague definition of “emotional abuse” was added to the bill. Again, because the bill’s language was so subjective, couples with a covenant marriage would have been able to divorce very quickly without having to show sufficient cause or try to work through their differences.

This bad bill passed the Arkansas House of Representatives. We were able to defeat it in the Senate Judiciary Committee, but only after the Arkansas Senate was flooded with phone calls from concerned Arkansans. We even managed to get former Governor Mike Huckabee to contact senators to express his opposition to the bill. The bill was soundly defeated in the end, but it’s troubling that such a bad bill came so close to passing.

Defeated: Making It Harder for Citizens to Amend the Constitution. HJR 1003 by Rep. Jeremy Gilliam (R – Judsonia) and Sen. Eddie Joe Williams (R – Cabot) was a proposed constitutional amendment. In a nutshell, it would have made it more difficult for citizens to mobilize petition drives and campaigns to amend the Arkansas Constitution. It would have required constitutional amendments to receive 60% of the vote at an election in order to be added to the Arkansas Constitution. This would have favored wealthy special-interest groups who can afford to hire petition canvassers and pay for expensive advertising campaigns to turn out voters. It would have hurt volunteer-led efforts to amend the constitution. The intent of this legislation was to reduce the number of misleading measures that appear on the ballot. Even though portions of the bill were good, overall it would not have accomplished what the sponsors intended. We were able to defeat this proposal in the Arkansas Senate, but the fight lasted until the very end of the session.





Defeated: Hate Crimes Legislation. Since the early 1990's Family Council has successfully opposed state "hate crimes" laws. Hate crimes laws typically enhance penalties for crimes committed against a person based on the victim's race, ethnicity, religion, sexual orientation, gender identity, or similar classification.

Sometimes it's appropriate to enhance penalties for certain crimes—such as for crimes committed against helpless children, the elderly, the disabled, or others who are physically vulnerable. However, enhancing penalties because a crime was allegedly motivated by the victim's identity or status is another matter.

H.B. 2088 by Rep. Greg Leding (D – Fayetteville) would have enhanced penalties for crimes committed because of the victim's race, color, religion, ethnicity, ancestry, national origin, sexual orientation, gender identity, or disability. Laws like these create inequality. They give special protections to certain individuals, but they fail to protect others. Fortunately, this bill did not make any headway at the Arkansas Legislature this year.

Defeated: Adding Sexual Orientation and Gender Identity to the Arkansas Civil Rights Act. In 1993 the legislature passed the Arkansas Civil Rights Act. This is an anti-discrimination law that closely tracks with federal civil rights laws. It generally prohibits discrimination on the basis of race, color, ethnicity, ancestry, national origin, religion, gender, or disability. In 1993 we fought to keep sexual orientation out of the Civil Rights Act, because we knew that provision might be exploited by homosexual activists.

H.B. 1797 would have added sexual orientation and gender identity to the list of protected classes in the Arkansas Civil Rights Act of 1993. Fortunately, this bill did not make any headway at the Arkansas Legislature.

In other states, bakers, florists, photographers, and others who have declined to participate in same-sex weddings or ceremonies have been accused of violating state civil rights laws. Some have faced lawsuits. Others have faced criminal prosecution. Many have lost businesses or been forced to pay expensive fines. We don't need those problems in Arkansas.

H.B. 1797 by Rep. Greg Leding (D – Fayetteville) would have added sexual orientation and gender identity to the list of protected classes in the Arkansas Civil Rights Act of 1993. Fortunately, this bill did not make any headway at the Arkansas Legislature.

Defeated: Upending a Good Birth Certificate Ruling from the Arkansas Supreme Court. In 2015 three lesbian couples sued the State of Arkansas over its birth certificate laws. Each couple had a child that had been born by means of artificial insemination. Their lawsuit essentially claimed state law prevented them from listing two "mothers" on their children's birth certificates. The case went all the way to the Arkansas Supreme Court, who ruled last December that it is entirely reasonable for a birth certificate to have space listing a mother and a father—after all, every child born in Arkansas has a father and a mother. No one is born with two mothers.

S.B. 580 by Sen. Joyce Elliott (D – Little Rock) would have changed state birth certificate laws and upended the Arkansas Supreme Court's good ruling. It essentially would have let birth certificates list two "mothers" rather than a mother and a father. The bill was defeated in committee.

Amended: Alcoholic Candy. There seems to be growing demand for candy and other sweets infused with alcohol. H.B. 1826 by Rep. Jana Della Rosa (R – Rogers) permits the sale of candy containing less than 5% alcohol by volume—which is roughly equal to beer. By its nature, candy appeals to children, and alcoholic candy is very likely to appeal to teenagers and others who are underage. The way the bill was initially written, we believe it would have let children buy alcoholic candy. Rep. Della Rosa was persuaded to amend H.B. 1826 to clarify that alcoholic candy won't be sold to anyone under 21 and to write other restrictions into the bill.

Amended: Permitting Whiskey at Fairs. Lately, "beer gardens" have become a popular feature at many community events—such as festivals and fairs. These are typically designated areas where anyone 21 or older can purchase and drink beer. S.B. 508 by Sen. Missy Irvin (R – Mountain View) would have allowed distilled alcohol to be sold and drunk at these events as well. It would have let fairs and festivals serve whiskey as well as beer. This would have made it easier for people attending family-friendly events like fairs and festivals to become publicly intoxicated. Fortunately, we were able to work with Larry Page at the Arkansas Faith and Ethics Council to persuade Sen. Irvin to take this provision out of her bill.

Defeated: Repealing the Intrastate Commerce Act. H.B. 2279 by Rep. Michael John Gray (D – Augusta) would have repealed Arkansas' Intrastate Commerce Act, which prevents cities and counties from adopting "civil rights" policies beyond those contained in state law. This effectively prevents local municipalities from carving out special rights, protections, or privileges based on sexual orientation, gender identity, and so on. H.B. 2279 would have repealed this good law. Fortunately, it was defeated in committee.



MINISTERS AND HOME SCHOOLERS COME TO CAPITOL IN DROVES

This year's Home School Day at the Capitol was a big success. Nearly 1,000 home schoolers participated. Governor Hutchinson and Lt. Governor Tim Griffin stopped by to share a few words with everyone. Families were able to meet their legislators, tour the Capitol Building, and see how government works.

Parents have a God-given right to manage their children's education. Some parents choose public school; some choose private school; and some home school. Unfortunately, that right comes into jeopardy from time to time. I have seen legislative sessions where home schoolers practically descended on the Capitol Building en masse to stop a bad bill that would hurt home schooling.

That's why I believe Home School Day at the Capitol is so important: It lets lawmakers meet home schoolers under more pleasant circumstances. The more legislators get to know and understand home schoolers, the less likely I believe they are to support legislation that hurts home schoolers.



Pastors Day at the Capitol 2017 was also very successful. In February, over 200 ministers and church leaders from across Arkansas gathered in the rotunda of the Arkansas Capitol Building. To put it simply, we held a church service in the Capitol.

We had a time of prayer and worship. Pastor Phillip Pointer of St. Mark Baptist Church in Little Rock preached a sermon. Pastors were able to meet with elected officials for prayer and encouragement. Pastors Day at the Capitol is one of the best things we do all year. It helps ministers fulfill the biblical mandate to pray for those in authority. It also helps bring a little of God's light into the dark halls of the Arkansas Capitol.

Pastors Day at the Capitol and Home School Day at the Capitol are two ways we help citizens and elected officials connect with one another. Home School Day at the Capitol makes home schooling more personal for many of our lawmakers while Pastors Day at the Capitol ministers to many of our lawmakers.

Left: Hundreds on the steps leading to the House of Representatives

SETBACKS AT THE LEGISLATURE

Despite our best efforts, a few good pieces of legislation did not pass this year and a few bad bills slipped through. Below are some of the setbacks we encountered at the 2017 legislature.

Healthcare Conscience Bill Fails in Committee. The legislature failed to pass H.B. 1628 by Rep. Brandt Smith (R – Jonesboro) and Sen. Jason Rapert (R – Conway). This is a good bill that protects medical professionals, healthcare companies, and their employees from being forced to participate in medical procedures—like abortion, birth control, or sex-change operations—that violate their consciences. It gives other healthcare employees and companies the same conscience protections currently enjoyed by doctors and hospitals.

At least three members of Governor Asa Hutchinson's staff were at the committee meeting in opposition to the bill the day it was debated. One lawmaker reported getting text messages from the governor's staff urging him to vote against the bill. The Arkansas Surgeon General—who serves at the pleasure of the governor—testified against the bill. The ACLU and individuals claiming to be trans-

gender also came out against the bill, even though the bill explicitly prevented anyone from being denied medical treatment because of their identity. The bill was amended to try to address concerns expressed by members of the committee, but ultimately failed to pass. Frankly, while it is disappointing H.B. 1628 did not pass, it's much more disappointing that the governor and Republican legislators would actively work against a very good bill like this one. The bill needed 11 votes to pass, but it only received 8. Supporters of the bill include: Rep. David Meeks, Rep. Josh Miller, Rep. Richard Womack, Rep. John Payton, Rep. Jack Ladyman, Rep. Robin Lundstrum, Rep. Mary Bentley, and Rep. Austin McCollum. The following did not support the bill: Rep. Fred Love, Rep. Kim Hammer, Rep. David Branscum, Rep. Chris Richey, Rep. Stephen Magie, Rep. Justin Boyd, Rep. Ken Henderson, Rep. Bruce Coleman, Rep. Aaron Pilkington, Rep. Deborah Ferguson, Rep. Justin Gonzalez, and Rep. Jeff Wardlaw.

Governor and Senate Committee Stop Privacy Legislation. The Arkansas Physical Privacy and Safety Act, S.B. 774 by Sen. Linda Collins-Smith (R – Pocahontas), would have

required anyone using public showers, locker rooms, restrooms, and similar facilities on government property to use the facility corresponding to his or her biological sex. The bill was narrowly-tailored to apply to government property—like public schools and state parks. It did not apply to private businesses. It also contained language accommodating transgender individuals. It was simply designed to help keep men out of girls' locker rooms and restrooms at public schools and other government buildings—something that has become a problem in other states, and could become a problem in Arkansas, if we don't address it.

Governor Hutchinson said on several occasions that there is no problem in Arkansas and that this legislation is not needed. Senate Judiciary Committee Chairman Sen. Jeremy Hutchinson (R – Little Rock) actively opposed this good bill. His committee never voted on the bill, despite extensive testimony and debate over the bill as well as numerous phone calls and emails from voters who supported the bill. After the session was over, Governor Hutchinson told reporters the one piece of legislation he was glad did not make it to his desk was the Arkansas Physical Privacy and Safety Act.

Again, while it is disappointing S.B. 774 did not pass, it's much more disappointing that the governor and Republican legislators would actively work against a very good bill designed to protect women and children.

While it is disappointing S.B. 774 did not pass, it's much more disappointing that the governor and Republican legislators would actively work against a very good bill designed to protect women and children.

"Tort" Proposal Heading to 2018 Ballot. The legislature passed SJR 8 by Senator Eddie Joe Williams (R – Cabot) and Rep. Bob Ballinger (R – Hindsville), a proposed constitutional amendment dealing with tort reform. This proposed amendment to the Arkansas State Constitution affects all personal-injury lawsuits. It limits how much an individual or family can collect in noneconomic damages to \$500,000 for an injury or death. Under current law there are no limits; juries award damages on a case-by-case basis. The intent of tort reform is to reduce the number of frivolous lawsuits



and to keep greedy lawyers from using lawsuits to enrich themselves. We applaud this effort. However, SJR 8 goes too far, because it limits the rights of victims to obtain justice in court.

I have spent hours talking to good people on both sides of this difficult issue. Family Council has never opposed responsible medical malpractice reforms, but we oppose SJR 8 in part because SJR 8 is not a good law for nursing home residents at risk of being abused or

neglected. Limiting how much juries can award in nursing home neglect cases makes it possible for nursing homes to cut staff, reduce care, and let patients suffer or die because the fear of a lawsuit is greatly reduced. Why? Because SJR 8 sets a limit of \$500,000 in noneconomic damages for an injury or death in these cases. It gives the legislature the power to restrict evidence that can be submitted in a personal-injury lawsuit. Without evidence, there is no case.

We lobbied for changes that Rep. Gazaway proposed to SJR 8 to make the measure less severe. His amendment would have raised the limit on noneconomic damages to \$1 million in cases of injury, and it would have removed the limit altogether in cases of death or gross negligence. Unfortunately, the Arkansas Legislature rejected Rep. Gazaway's proposal and passed SJR 8 with the \$500,000 limit.

Government Nondiscrimination Act Fails to Pass. H.B. 2232, the Government Nondiscrimination Act by Rep. Bob Ballinger (R – Hindsville) would have prevented the State of Arkansas from penalizing individuals and organizations who believe marriage ought to be the union of one man and one woman or that a person's sex is biologically-determined at birth. This would have provided good protections for ministers, churches, lawyers, counselors, charities, and others who hold biblical views of marriage and what it means to be male or female. Unfortunately, the Governor did not support this bill and it did not make any headway at the legislature.

Lawmakers Reject Resolution Calling for Federal Marriage Amendment. SJR 7 by Sen. Jason Rapert (R – Conway) and Rep. Mickey Gates (R – Hot Springs) was a resolution urging Congress to refer a federal marriage amendment defining "marriage" as the union of one man and one woman to the states for ratification. You may recall early drafts of SJR 7 called for a convention of states to propose a federal marriage amendment, but the resolution was amended to address concerns some lawmakers had about that language. The resolution passed the Arkansas



Senate, but was rejected by the Arkansas House of Representatives. Given the fact that public opinion polling shows most Arkansans still believe marriage ought to be defined as the union of one man and one woman, it seems odd that lawmakers would reject this good resolution.

School Choice Legislation Blocked. The Arkansas House failed to pass two pieces of legislation related to school choice: H.B. 1222 and S.B. 746 by Rep. Jim Dotson (R – Bentonville) and Sen. Blake Johnson (R – Corning). These bills created a four-year pilot program letting nonprofit organizations offer education savings accounts to K-12 students in Arkansas. Students could use money they receive from these accounts to cover educational expenses—such as private school tuition or home school expenses. Many people see this as a good alternative to school voucher proposals like those Arkansas has considered in the past. Both bills were strongly opposed by public school superintendents. H.B. 1222 failed to pass the Arkansas House of Representatives. S.B. 746 passed the Arkansas Senate, but was rejected by the Arkansas House of Representatives.

“Deceptive Trade” Legislation Passes. H.B. 1742 by Rep. Laurie Rushing (R – Hot Springs) and Sen. Bart Hester (R – Cave Springs) amends Arkansas’ Deceptive Trade Practices Act to make it more difficult for citizens to sue and collect damages in deceptive trade lawsuits. This bill benefits businesses such as payday lenders who thrive on customers who misunderstand contracts or advertisements.

New Law Will Allow More Wine in Walmart. Act 508 of 2017 by Sen. Bart Hester (R – Cave Springs) and Rep. Jon Eubanks (R – Paris) expands wine sales in grocery stores and big box stores like Walmart. Under current law, grocery stores in wet counties are generally limited to selling a few wines that are produced by farms in Arkansas. Act 508 lets grocery stores sell wines from other states, like California. Ultimately, many believe this bill will simply mean more alcohol in stores where children and families shop. Additionally, many are concerned that this could set the stage for legislation down the road letting grocery stores in Arkansas sell hard liquor the way grocery stores in states like Missouri do.

Good Birth Certificate Bill Defeated. H.B. 1894 by Rep. Mickey Gates (R – Hot Springs) clarified Arkansas’ law concerning how a person’s biological sex is determined and listed on a birth certificate. The bill was intended to address arguments transgender activists have made in recent years against biological sex and the significance of birth certificates. It was a very simple bill that should not have been controversial, but the bill was voted down in committee.

Exempting Religious Material Given to Lawmakers. Right now Arkansas’ ethics laws are written in such a way that it is arguably easier to give a Bible to a prisoner than a lawmaker—even though many people would say the

lawmaker needs the Bible more desperately than the prisoner. We worked with Rep. Carlton Wing (R – North Little Rock) on H.B. 2184. This was a shell bill Rep. Wing initially intended to flesh out with language amending Arkansas’ ethics laws to make it easier to give religious material to state legislators. However, after he filed the shell bill, Rep. Wing told us he was no longer interested in fleshing the bill out after presenting the idea to his colleagues.

Marijuana Restrictions Blocked. We worked with legislators on a number of really good laws related to medical marijuana, including a ban on marijuana smoking; a ban on marijuana edibles; legislation delaying implementation of medical marijuana until marijuana’s legality changes at the federal level; restrictions on dangerous marijuana extracts; and others. Unfortunately, many of these good bills were blocked in large part by Rep. Jeremy Gillam (R – Judsonia), Rep. Doug House (R – North Little Rock), and Sen. Jeremy Hutchinson (R – Little Rock). While lawmakers did eventually pass some good restrictions on marijuana, these were not as strong as the responsible legislation we supported.

Arkansas Lottery Accepting Debit Cards. Act 876 of 2017 by Sen. Trent Garner (R – El Dorado) lets the Arkansas Lottery accept debit cards when selling lottery tickets. Currently, all lottery ticket sales must be made with cash. Family Council opposed this legislation, because some debit cards can effectively turn into credit cards if a person overdrafts his or her bank account. Additionally, letting the Arkansas Lottery accept forms of payment besides cash paves the way for video lottery terminals—which look and function a lot like slot machines—and online lottery ticket sales.

Efforts have been made in the past to force the State of Arkansas to pay for abortions performed on women in state prisons as well as on girls in state foster care.

Abortions On Women in State Custody. The Arkansas Constitution prohibits public funding of abortion. However, efforts have been made in the past to force the State of Arkansas to pay for abortions performed on women in state prisons as well as on girls in state foster care. S.B. 745 would have generally prohibited publicly funded abortion in these cases. However, the bill failed to make any headway at the Arkansas Legislature.

Good Lawsuit Reform Measure Blocked. SJR 13 was a proposed constitutional amendment dealing with awards made in lawsuits. It helped the legislature cap punitive damages in lawsuits, and contained language penalizing people who file frivolous lawsuits. Unfortunately, the legislature chose not to pass SJR 13.



OTHER NOTEWORTHY BILLS

Besides the bills in which Family Council took an active interest, several other noteworthy pieces of legislation were proposed, including:

Internet Sales Tax. S.B. 140 by Sen. Jake Files (R – Fort Smith) and Rep. Dan Douglas (R – Bentonville) would have levied a state sales tax on internet businesses that are not physically located in Arkansas—such as Amazon. The bill ultimately failed to pass the Arkansas House of Representatives.

Used Tire Tax. Act 317 by Rep. Lanny Fite (R – Benton) levies taxes on used tires and increases taxes on new tires. It also imposes an “import fee” on used tires imported into Arkansas. According to Rep. Lanny Fite, the goal of this law is to incentivize recycling of waste tires in Arkansas.

Highway Tax. Rep. Dan Douglas (R – Bentonville) sponsored two pieces of legislation related to highway funding: H.B. 1726 and H.B. 1727. Together, these bills would have let voters authorize the Highway Commission to issue bonds to help pay for highway construction; the bonds would have been paid for by raising taxes on gasoline and diesel fuel.

Payday lenders have slowly tried to work their way back into Arkansas by offering “installment loans.”

Payday Lender Legislation. Payday lenders have slowly tried to work their way back into Arkansas by offering “installment loans.” S.B. 671 by Sen. Bart Hester (R – Cave Springs) and H.B. 1958 by Rep. Michelle Gray (R – Melbourne) would have made it easier for payday lenders to operate in Arkansas. Neither bill passed the Arkansas Legislature.

Separating MLK Day From Robert E. Lee Day. Currently the State of Arkansas observes Martin Luther King, Jr.’s birthday and General Robert E. Lee’s birthday on the same day. Act 561 of 2017 by Sen. David Wallace (R – Leachville) and Rep. Grant Hodges (R – Rogers) moves observance of Robert E. Lee’s birthday to the second Saturday in October.

Concealed Carry on College Campuses. Debate over concealed weapons on college and university campuses dominated much of the session. Act 562 of 2017 by Rep. Charlie Collins (R – Fayetteville) and Sen. Trent Garner (R – El Dorado) generally lets concealed carry permit-holders carry concealed firearms on public university and college campuses. Act 859 of 2017 by Sen. Jonathan Dismang (R – Beebe) amended these provisions, prohibiting concealed carry at athletic events—such as Razorback football games—and teaching hospitals like UAMS.

Some online fantasy sports leagues charge fees to play, and award cash prizes to winners—which can simply amount to gambling.

Paid Fantasy Sports. Fantasy sports leagues have become very popular in the past decade. These games are usually played online by sports fans. Some online fantasy sports leagues charge fees to play, and award cash prizes to winners—which can simply amount to gambling. H.B. 2250 by Rep. Jimmy Gazaway (R – Paragould) permits paid fantasy sports leagues in Arkansas, but contains restrictions on the methods used to determine wins and losses and award monetary prizes. The bill passed on the very last day of the legislative session.

Voter ID Amendment. HJR 1016 by Rep. Robin Lundstrum (R – Elm Springs) and Sen. Bryan King (R – Green Forest) was passed by lawmakers in March. It places a proposed constitutional amendment on the 2018 ballot dealing with voter identification. The amendment would require a voter to show a photo ID before voting. Anyone unable to show a valid photo ID would be allowed to cast a provisional ballot. In order for the provisional ballot to be counted, the voter must be able to follow up with a valid photo ID or provide a sworn statement concerning his or her identity.

Lawsuit Venue. Currently many lawsuits—especially lawsuits filed against the State of Arkansas—require Arkansans to travel to Little Rock so their lawsuit can be heard by a judge in Pulaski County. S.B. 648 by Sen. Trent Garner (R – El Dorado) gives people the option of filing suit in their local jurisdiction rather than in Pulaski County.

LET US HEAR FROM YOU

We would love to hear from you. Give us a call at (501) 375-7000 or email us at info@familycouncil.org. You can also drop a note to us in the mail. What are your thoughts on the 2017 legislative session? What issues are you and your family particularly concerned about? Is there anything we can do for you? Let us hear from you! It’s always encouraging to talk to our friends across the state. It helps us remember that we are not in this fight alone.



LOOKING AHEAD TO THE REST OF 2017

Here's a quick snapshot of some of our plans for the rest of the year.

Work on Commercial Surrogacy Ban. Companies and brokers are offering women in Arkansas \$50,000 or more to bear children as surrogate mothers. Once the children are born, they are turned over to whoever paid to have the woman give birth. Children are not for sale. No one should be able to pay tens of thousands of dollars for a baby. That's why many states prohibit commercial surrogacy, and that's why we teamed up with Rep. Greg Leding (D – Fayetteville) on legislation to prohibit commercial surrogacy in Arkansas. Unfortunately, the bill did not pass, but the Arkansas Legislature has agreed to look at the issue of commercial surrogacy over the next 18 months. We plan to work closely with lawmakers on this.

Lobby the Marijuana Commission and the Alcoholic Beverage Control Division. The legislature has handed a lot of its regulatory authority over marijuana in Arkansas to the Marijuana Commission and the Alcoholic Beverage Control Board. New rules and regulations regarding marijuana have been proposed. Other rules likely will be proposed in the coming months. We plan to take an active role in that rulemaking process.

Work with the Department of Health on Abortion Regulations. Some of our really good, pro-life laws that we passed this year will require new rules and regulations from the Health Department. Others will require the Health Department to step up its game when it comes to things like abortion clinic inspections. We plan to work with the Department of Health on these issues.

Work with the Department of Education on Home School Issues. Arkansas' rules and regulations for home schooling need to be revamped now that the Notice of Intent law has been revised. Also, the State Board of Education has never promulgated any rules and regulations outlining how public schools comply with Arkansas' "Tim Tebow" law. We plan to work on this.

Lottery Research. Right now only about 17 cents of every dollar the Arkansas Lottery makes gets spent on scholarships. That's well below average. We lobbied for legislation requiring the Lottery to allocate at least 25% of its gross revenue for scholarship funding. The bill was sent to Interim Study, meaning we will get to spend the next year or so working with lawmakers and others on the issue. This could help us pass lottery legislation in 2019, when the legislature reconvenes.

Educate Arkansans on SJR 8. Now that it has passed the Arkansas Legislature, SJR 8 will go on the ballot for 2018. This is a complicated issue that voters need to understand. That is something we plan to work on from now until November 2018.

Conduct an Interim Study on Bathroom Privacy Legislation. Our bill to protect the privacy and safety of women and girls in publicly-funded restrooms, changing areas, locker rooms, and other facilities designated for men or women has been referred for interim study by the Arkansas Legislature. This study period will enable us to make our case for the passage of this good law in 2019.





PHOTOS FROM THE ARKANSAS LEGISLATURE



Staff members Luke McCoy (center) and Charisse Dean (right) at the Capitol.



Charisse Dean (left) and Jerry Cox (right) discuss legislation.



Staff member Ken Yang testifies in a legislative committee meeting.



Jerry Cox is interviewed by news reporters at the Family Council office.

WE NEED YOUR HELP

We were able to accomplish a lot of really good work this session, because we have friends like you backing us. With your help—and by God's grace—we've done a lot over the past three months. Thank you for standing with us.

Since January, most of our energy and resources have been poured into the Arkansas Legislature. Now that the legislative session is over, we need to replenish our finances. That's why I hope you will send a generous, tax-deductible gift to Family Council today, if you are able.

Your gift will help us as we work on rules and regulations related to abortion and marijuana and continue to do all the other work that is before us. Please use the enclosed response card and return envelope to send a donation today.

Thank you for standing with us and helping us have a truly successful legislative session. I always say we have the very best supporters of anyone in Arkansas. Please let me know if there is ever anything my staff or I can do for you.

Sincerely,

 Thank you!!
Jerry Cox, President

P.S. The 2017 Arkansas Legislature is finished! We passed a long list of good, pro-life laws. We also passed good laws for home schoolers and some really good laws restricting marijuana-smoking and marijuana edibles in Arkansas. The rest of this year is going to be very busy for us. That's why I hope you will send a generous, tax-deductible gift to Family Council today, if you are able. **Thank you for your support.**

