1 State of Arkansas

As Engrossed: S3/13/17

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 668

4

5 By: Senator Hester

6 *By: Representative Bentley*

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8 ## For An Act To Be Entitled

9 AN ACT TO PROHIBIT POLITICAL SUBDIVISIONS OF THE

10 STATE FROM REQUIRING MORE THAN FEDERAL OR STATE

11 REQUIREMENTS FROM EMPLOYERS; AND FOR OTHER PURPOSES.

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14 ## Subtitle

15 TO PROHIBIT POLITICAL SUBDIVISIONS OF THE

16 STATE FROM REQUIRING MORE THAN FEDERAL OR

17 STATE REQUIREMENTS FROM EMPLOYERS.

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. DO NOT CODIFY. Legislative intent.

23 The General Assembly finds that:

24 (1)(A) Arkansas employers are best able to grow and invest in

25 their communities when operating under a clear, consistent regulatory system

26 that imposes only those burdens absolutely necessary to promote the public

27 welfare.

28 (B) Allowing localities to mandate employer-provided

29 benefits would create a patchwork of local regulations discouraging employers

30 from growing and investing and imposing significant compliance burdens on

31 them; and

32 (C) Furthermore, locally mandated benefits frustrate the

33 General Assembly's goal of a thriving statewide economy and place Arkansas

34 employers at a competitive disadvantage to employers in other states not

35 burdened with unnecessary local regulations; and

36 (2) Preemption of burdensome and unnecessary local government

1   mandates on employers to provide employee benefits provides a stable

2   environment for Arkansas employers and promotes economic development.

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4   SECTION 2. Arkansas Code Title 11, Chapter 4, Subchapter 2, is amended

5   to add an additional section to read as follows:

6   11-4-221. Political subdivisions prohibited from requiring more than

7   federal or state requirements from employers - Definitions.

8   (a) As used in this section:

9   (1) "Employee" means an individual employed in this state by an

10 employer;

11   (2)(A) "Employer" means an individual, sole proprietorship,

12 partnership, limited liability company, corporation, or other entity that

13 does business in this state.

14   (B) However, "employer" does not include a public

15 employer;

16   (3) "Employment benefit" means anything of value that an

17 employee may receive from an employer in addition to wages and salary,

18 including without limitation:

19   (A) Health, disability, retirement, profit-sharing, and

20 death benefits;

21   (B) Group accidental death and dismemberment benefits;

22   (C) Paid or unpaid days off from work for holidays, sick

23 leave, vacation, and personal necessity; and

24   (D) Terms of employment, notice of scheduling, attendance,

25 or leave policies;

26   (4) "Political subdivision" means a county, city, or town in

27 this state; and

28   (5) "Public employer" means the State of Arkansas and each

29 political subdivision of the state.

30   (b) A political subdivision shall not establish, mandate, or otherwise

31 require an employer to provide to an employee a minimum or living wage rate

32 or employment benefit

33 that exceeds the requirements of federal laws or regulations or state laws or

34 rules.

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36   SECTION 3. DO NOT CODIFY. Applicability.

1   Section 2 of this act does not preempt any state law or local minimum

2 wage ordinance requirements in effect on the effective date of this act.

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4   /s/Hester

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