

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 221 OF 1997
SENATE BILL 208

4
5 By: Senator Wilson
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE 11-4-218 AND ARKANSAS CODE
10 22-9-306 TO PROVIDE FOR THE ENFORCEMENT OF THE DIRECTOR OF
11 LABOR'S FINAL ADMINISTRATIVE ORDER IN MINIMUM WAGE CASES
12 AFTER ADMINISTRATIVE REVIEW PURSUANT TO THE
13 ADMINISTRATIVE PROCEDURES ACT."
14

Subtitle

15
16 "TO AMEND ARKANSAS CODE 11-4-218 AND
17 ARKANSAS CODE 22-9-306."
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Subsection (d) of Arkansas Code 11-4-218 is amended to read
23 as follows:

24 (d) The Director of the Department of Labor shall have the authority to
25 fully enforce this subchapter by instituting legal action to recover any wages
26 which he determines to be due to employees under this subchapter. No legal
27 action shall be brought by the director until after notice and opportunity for
28 hearing pursuant to the Arkansas Administrative Procedures Act (Arkansas Code
29 Annotated 25-15-201 et seq.) and entry of a final administrative order.
30 Following any appeals taken pursuant to the Administrative Procedures Act, the
31 director shall be entitled to enforce his final administrative order in any
32 court of competent jurisdiction. The director's findings of fact shall be
33 conclusive in any such proceeding.
34

35 SECTION 2. Subsection (e) of Arkansas Code 22-9-306 is hereby amended
36 to read as follows:

1 §(e)(1) The director is authorized to institute legal action in the name
 2 of the State of Arkansas, without paying costs or giving bond for costs, to
 3 recover any wages which he determines to be due to employees or workmen under
 4 this subchapter. No legal action shall be brought by the director until after
 5 notice and opportunity for hearing pursuant to the Arkansas Administrative
 6 Procedures Act (Arkansas Code Annotated 25-15-201 et seq.) and entry of a
 7 final administrative order. Following any appeals taken pursuant to the
 8 Administrative Procedures Act, the director shall be entitled to enforce his
 9 final administrative order in any court of competent jurisdiction. The
 10 director's findings of fact shall be conclusive in any such proceeding.

11

12 SECTION 3. All provisions of this act of a general and permanent nature
 13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 14 Revision Commission shall incorporate the same in the code.

15

16 SECTION 4. If any provisions of this act or the application thereof to
 17 any person or circumstance is held invalid, such invalidity shall not affect
 18 other provisions or applications of the
 19 act which can be given effect without the invalid provision or application,
 20 and to this end the provision of this act are declared to be severable.

21

22 SECTION 5. All laws and parts of laws in conflict with this act are
 23 hereby repealed.

24

25 SECTION 6. EMERGENCY. It is hereby found and determined by the General
 26 Assembly that the present law regarding the enforcement by the Director of the
 27 Department of Labor of the state's minimum wage laws is both time consuming
 28 and costly, resulting in unnecessary delay in recovery of wages for wage
 29 earners and unnecessary costs to the state. Therefore, an emergency is
 30 declared to exist and this act being immediately necessary for the
 31 preservation of the public peace, health and safety shall become effective on
 32 the date of its approval by the Governor. If the bill is neither approved nor
 33 vetoed by the Governor, it shall become effective on the expiration of the
 34 period of time during which the Governor may veto the bill. If the bill is
 35 vetoed by the Governor and the veto is overridden, it shall become effective
 36 on the date the last house overrides the veto.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

APPROVED: 2-20-97