

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 244

5 By: Senators Madison, D. Johnson  
6 By: Representatives Williams, J. Edwards  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 11 OF THE  
10 ARKANSAS CODE OF 1987 CONCERNING LABOR AND INDUSTRIAL  
11 RELATIONS; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO MAKE VARIOUS CORRECTIONS TO TITLE 11  
16 OF THE ARKANSAS CODE OF 1987 CONCERNING  
17 LABOR AND INDUSTRIAL RELATIONS.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 11-3-203(a)(1) and (2), concerning charging  
23 applicants or employees for a physical, medical examination, or drug test, is  
24 amended as follows to clarify the language:

25 (a)(1) It is unlawful for any person, partnership, association, or  
26 corporation, either for himself or herself or in a representative or  
27 fiduciary capacity, to require any employee or applicant for employment, as a  
28 condition of employment or continued employment, to submit to or take a  
29 physical, medical examination, or drug test unless the physical, medical  
30 examination, or drug test is provided at no cost to the employee or applicant  
31 for employment and unless a true and correct copy, either original or  
32 duplicate original, of the examiner's report of the physical, medical  
33 examination, or drug test is furnished free of charge to the applicant or  
34 employee upon a written request of the applicant or employee.

35 (2) It shall further be unlawful for any person, partnership,  
36 association, or corporation to require any employee or applicant for



1 employment to pay, either directly or indirectly, any part of the cost of the  
2 physical, medical examination, drug test, report, or copy of the report.

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4 SECTION 2. Arkansas Code § 11-7-206(c), concerning a mine inspector’s  
5 annual report, is amended as follows to make stylistic changes:

6 (c) In his or her annual report, the mine inspector shall:

7 (1) ~~enumerate~~ Enumerate all recommendations ~~which that~~ he or she  
8 has made for safety measures and the result thereof; and

9 (2) ~~in the report, he or she shall recommend~~ Recommend to each  
10 regular session of the General Assembly the measures as he or she ~~shall deem~~  
11 deems necessary for the promotion of safety in coal mines.

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13 SECTION 3. Arkansas Code § 11-9-307(c), concerning fund transfers, is  
14 amended as follows to correct a reference:

15 (c) After the certification has been received and approved by the  
16 Chief Fiscal Officer of the State, the Chief Fiscal Officer of the State  
17 shall transfer funds from the Public School Fund, the Municipal Aid Fund, the  
18 County Aid Fund, and from the various treasury funds of state agencies to the  
19 Miscellaneous Agencies ~~Services~~ Fund Account.

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21 SECTION 4. Arkansas Code § 11-10-209(4) and (5), concerning the  
22 definition of “employer”, is amended as follows to make stylistic changes and  
23 for clarity:

24 (4)(A) Any employing unit for which agricultural labor as  
25 defined in § 11-10-210(a)(5) is performed~~+~~.

26 (B) In determining whether or not an employing unit for  
27 which service other than agricultural labor is also performed is an employer  
28 under this subdivision (4)(B) or subdivisions (1)-(3) of this section, the  
29 wages earned or the employment of an employee performing service in  
30 agricultural labor shall not be taken into account. If an employing unit is  
31 determined an employer of agricultural labor, the employing unit shall be  
32 determined an employer for the purposes of subdivision (1) of this section;

33 (5)(A) Any employing unit for which domestic service in  
34 employment as defined in § 11-10-210(a)(6) is performed~~+~~.

35 ~~(5)(A)(B)~~ In determining whether or not an employing unit  
36 for which service other than domestic service is also performed is an

1 employer under subdivisions (1)-(4)(A) of this section, the wages earned or  
2 the employment of an employee performing domestic service shall not be taken  
3 into account.

4 ~~(B) In determining whether or not an employing unit for which  
5 service other than agricultural labor is also performed is an employer under  
6 subdivisions (1) (3) or (4)(B) of this section, the wages earned or the  
7 employment of an employee performing service in agricultural labor shall not  
8 be taken into account. If an employing unit is determined an employer of  
9 agricultural labor, the employing unit shall be determined an employer for  
10 the purposes of subdivision (1) of this section;~~

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12 SECTION 5. DO NOT CODIFY. The enactment and adoption of this act  
13 shall not repeal, expressly or impliedly, the acts passed at the regular  
14 session of the Eighty-Eighth General Assembly. All such acts shall have the  
15 full force and effect and, so far as those acts intentionally vary from or  
16 conflict with any provision contained in this act, those acts shall have the  
17 effect of subsequent acts and as amending or repealing the appropriate parts  
18 of the Arkansas Code of 1987.

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21 APPROVED: 04/01/2011  
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