

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: S4/5/13  
**A Bill**

SENATE BILL 1036

5 By: Senators K. Ingram, S. Flowers  
6 By: Representative Ferguson  
7

8 **For An Act To Be Entitled**

9 *AN ACT TO AMEND ARKANSAS CODE § 11-10-210 OF THE*  
10 *DEPARTMENT OF WORKFORCE SERVICES LAW; TO DECLARE AN*  
11 *EMERGENCY; AND FOR OTHER PURPOSES.*  
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14 **Subtitle**

15 *TO AMEND ARKANSAS CODE § 11-10-210 OF THE*  
16 *DEPARTMENT OF WORKFORCE SERVICES LAW; AND*  
17 *TO DECLARE AN EMERGENCY.*  
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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 § 11-10-210(f), concerning exclusions from*  
23 *the definition of employment, is amended to add an additional subdivision to*  
24 *read as follows:*

25 *(21)(A) Services performed as personal care services for a*  
26 *certified ElderChoices Provider licensed under § 20-10-2301 et seq., unless*  
27 *the provider is a state or local government entity or federally recognized*  
28 *Indian tribe as described in 26 U.S.C § 3306(c)(7) or a nonprofit*  
29 *organization as described in 26 U.S.C § 3309(a)(1).*

30 *(B) Subdivision (f)(21)(A) of this section is retroactive*  
31 *to January 1, 2010.*  
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33 *SECTION 2. EMERGENCY CLAUSE. It is found and determined by the*  
34 *General Assembly of the State of Arkansas that ElderChoices clients are among*  
35 *the state's most vulnerable citizens; that ElderChoices personal services*  
36 *caregivers provide essential assistance to ElderChoices clients to help them*



1 remain healthy and to keep them in their homes and out of institutions; that  
2 personal care services caregivers for ElderChoices clients are jeopardized by  
3 recent decisions by the Department of Workforce Services regarding the  
4 employment status of personal care services caregivers. Therefore, an  
5 emergency is declared to exist, and this act being immediately necessary for  
6 the preservation of the public peace, health, and safety shall become  
7 effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,  
10 the expiration of the period of time during which the Governor may veto the  
11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is  
13 overridden, the date the last house overrides the veto.

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15 /s/K. Ingram  
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18 **APPROVED: 04/12/2013**  
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