Stricken language would be deleted from and underlined language would be added to present law. Act 2 of the First Extraordinary Session

1 2	State of Arkansas 93rd General Assembly	A Bill	Call Item 2 and 3	
3	First Extraordinary Session, 2021		SENATE BILL 1	
4				
5	By: Senator J. Dismang			
6	By: Representative Wardlaw			
7				
8	For An Act To Be Entitled			
9	AN ACT CONCERNING UNEMPLOYMENT COMPENSATION; TO			
10	MODIFY THE DIVISION OF WORKFORCE SERVICES LAW; TO			
11	CLARIFY THE LAW CONCERNING THE STATE'S PARTICIPATION			
12	IN FEDERALLY FUNDED UNEMPLOYMENT PROGRAMS OFFERED ON			
13	A VOLUNTARY OF	R OPTIONAL BASIS; TO TERMINAT	E THE	
14	STATE'S PARTICIPATION IN CERTAIN FEDERAL UNEMPLOYMENT			
15	PROGRAMS; TO DECLARE AN EMERGENCY; AND FOR OTHER			
16	PURPOSES.			
17				
18		G 1441		
19		Subtitle		
20		FY THE LAW CONCERNING THE STA		
21		ATION IN CERTAIN FEDERALLY FU		
22		MENT PROGRAMS; TO TERMINATE T		
23		PARTICIPATION IN CERTAIN FEDE		
24 25	UNEMPLOY	MENT PROGRAMS; AND TO DECLARE	AN	
26	EFIERGENC	1.		
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28	RE IT ENACTED BY THE GENER	RAL ASSEMBLY OF THE STATE OF	ARKANSAS.	
29	DE II EMMOTED DI THE GENER	did nothing of the sixte of	21((4)((b)1)) •	
30	SECTION 1. DO NOT (CODIFY. <u>Termination of parti</u>	cipation - Legislative	
31	intent.	<u></u>		
32	· · · · · · · · · · · · · · · · · · ·	the General Assembly to:		
33		ith and approve the Governor'	s decision stated in	
34	his letter dated May 7, 2021, to the Director of the Division of Workforce			
35	Services terminating the State of Arkansas's participation in:			
36	(A) The	e Federal Pandemic Unemployme	nt Compensation	

1	program, 15 U.S.C. § 9023;		
2	(B) The Pandemic Unemployment Assistance program, 15		
3	U.S.C. § 9021;		
4	(C) The Pandemic Emergency Unemployment Compensation		
5	program, 15 U.S.C. § 9025;		
6	(D) The Mixed Earner Unemployment Compensation program, 15		
7	U.S.C. § 9023;		
8	(E) The Emergency Unemployment Relief for Governmental		
9	Entities and Nonprofit Organizations program, 42 U.S.C. § 1103; and		
10	(F) The Temporary Full Federal Funding of the First Week		
11	of Compensable Regular Unemployment for States with No Waiting Week program,		
12	15 U.S.C. § 9024; and		
13	(2) Concur with and approve the notice of intent to terminate		
14	the Agreement Implementing the Relief for Workers Affected by Coronavirus Act		
15	between the United States Department of Labor and the State of Arkansas		
16	transmitted by the Director of the Division of Workforce Services to the		
17	United States Department of Labor on May 19, 2021, with such termination to		
18	be effective as provided for therein.		
19			
20	SECTION 2. Arkansas Code § 11-10-311 is amended to read as follows:		
21	11-10-311. Employment stabilization.		
22	(a) The Director of the Division of Workforce Services shall take all		
23	appropriate steps to reduce and prevent unemployment, to encourage and assist		
24	in the adoption of practical methods of vocational training, retraining, and		
25	vocational guidance, to investigate, recommend, advise, and assist in the		
26	establishment and operation by municipalities, counties, planning districts,		
27	school districts, and the state of programs for public works to be used in		
28	times and places of economic downturn and high unemployment for the purpose		
29	of promoting the employment of unemployed and underemployed workers		
30	throughout the state, and to these ends, to carry on research and such		
31	investigations as he or she shall deem necessary and to publish the results		
32	thereof.		
33	(b) Subsection (a) of this section shall be construed as taking		
34	precedence over other provisions of this chapter.		

SECTION 3. Arkansas Code § 11-10-312 is amended to read as follows:

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- 1 11-10-312. Federal-state cooperation.
- 2 (a) In the administration of this chapter, the Director of the
- 3 Division of Workforce Services shall cooperate with the United States
- 4 Department of Labor to the fullest extent consistent with the provisions of
- 5 this chapter and shall may take such action, through the adoption of such
- 6 appropriate rules, administrative methods, and standards as may be necessary
- 7 to secure to this state and its citizens all advantages available under the
- 8 provisions of the Social Security Act that relate to unemployment
- 9 compensation, the Federal Unemployment Tax Act, the Wagner-Peyser Act, and
- 10 the Federal-State Extended Unemployment Compensation Act of 1970.
- 11 (b) In the administration of the provisions in 11-10-534 11-10-
- 12 543, which are enacted to conform with the requirements of the Federal-State
- 13 Extended Unemployment Compensation Act of 1970, the director $\frac{1}{2}$ take
- 14 such action as may be necessary to:
- 15 (1) Ensure that the provisions are so interpreted and applied as
- 16 to meet the requirements of the federal act referred to in this subsection as
- 17 interpreted by the United States Department of Labor; and
- 18 (2) Secure To the extent benefits do not conflict with § 11-10-
- 19 311 and to the extent the director in his or her discretion deems it
- 20 necessary, secure to this state the full reimbursement of the federal share
- 21 of extended benefits paid under this chapter that are reimbursable under the
- 22 federal act referred to in this subsection.
- 23 (c) This section does not:
- 24 (1) Require the director to participate in, nor preclude the
- 25 director from ceasing to participate in, any voluntary, optional, special, or
- 26 <u>emergency program offered by the United States Government, including without</u>
- 27 limitation programs offered under the Social Security Act, the Federal
- 28 Unemployment Tax Act, the Wagner-Peyser Act, the Federal-State Extended
- 29 <u>Unemployment Compensation Act of 1970, the Coronavirus Aid, Relief, and</u>
- 30 Economic Security Act, or any other federal program enacted to address
- 31 <u>exceptional unemployment conditions; or</u>
- 32 (2) Conflict with § 11-10-105 or § 11-10-311.

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- 34 SECTION 4. DO NOT CODIFY. Retroactivity. This act is retroactive to
- 35 May 19, 2021.

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1	SECTION 5. EMERGENCY CLAUSE. It is found and determined by the		
2	General Assembly of the State of Arkansas that the coronavirus 2019 (COVID-		
3	19) pandemic negatively affected the economic health of the state in part		
4	because it led to higher unemployment rates; that the United States		
5	Government instituted extraordinary federal unemployment programs to assist		
6	states with their economic recovery, and Arkansas voluntarily participated in		
7	those federally funded programs; that Arkansas's economy is recovering, and		
8	the state's unemployment rate has decreased; that employers in this state		
9	have tens of thousands of job vacancies that need to be filled; that the		
10	continuation of these extraordinary federal unemployment programs could		
11	interfere with the ability of employers to fill job vacancies and complete		
12	the state's economic recovery; and that this act is immediately necessary		
13	because the state needs to return its unemployment compensation system to		
14	normal functioning to safeguard the progress the state has made and to		
15	complete the state's economic recovery, which is in the best interest of all		
16	Arkansans. Therefore, an emergency is declared to exist, and this act being		
17	immediately necessary for the preservation of the public peace, health, and		
18	safety shall become effective on:		
19	(1) The date of its approval by the Governor;		
20	(2) If the bill is neither approved nor vetoed by the Governor,		
21	the expiration of the period of time during which the Governor may veto the		
22	bill; or		
23	(3) If the bill is vetoed by the Governor and the veto is		
24	overridden, the date the last house overrides the veto.		
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27	APPROVED: 8/6/21		
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