

**ARKANSAS SENATE**  
89th General Assembly - Regular Session, 2013  
**Amendment Form**

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**Subtitle of Senate Bill No. 1036**

TO AMEND ARKANSAS CODE ANNOTATED §11-10-210 OF THE ARKANSAS DEPARTMENT OF  
WORKFORCE SERVICES LAW.

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**Amendment No. 1 to Senate Bill No. 1036**

Amend Senate Bill No. 1036 as originally introduced:

Add Senator S. Flowers as a cosponsor of the bill

AND

Add Representative Ferguson as a cosponsor of the bill

AND

Page 1, delete lines 8 through 10 and substitute the following"  
"AN ACT TO AMEND ARKANSAS CODE § 11-10-210 OF THE DEPARTMENT OF WORKFORCE  
SERVICES LAW; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

AND

Page 1, delete lines 14 through 16 and substitute the following:  
"TO AMEND ARKANSAS CODE § 11-10-210 OF THE DEPARTMENT OF WORKFORCE SERVICES  
LAW; AND TO DECLARE AN EMERGENCY."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 11-10-210(f), concerning exclusions from the definition of employment, is amended to add an additional subdivision to read as follows:

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

(B) Subdivision (f)(21)(A) of this section is retroactive to January 1, 2010.



SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that ElderChoices clients are among the state's most vulnerable citizens; that ElderChoices personal services caregivers provide essential assistance to ElderChoices clients to help them remain healthy and to keep them in their homes and out of institutions; that personal care services caregivers for ElderChoices clients are jeopardized by recent decisions by the Department of Workforce Services regarding the employment status of personal care services caregivers. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator K. Ingram

MGF/NJR - 04-05-2013 09:57:43

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Secretary