

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/20/15

A Bill

HOUSE BILL 1540

5 By: Representatives Lundstrum, Ballinger, Bentley, Boyd, Bragg, Branscum, Brown, Collins, Cozart,
6 Davis, Dotson, Drown, Eads, C. Fite, V. Flowers, Gates, Gonzales, Harris, Henderson, G. Hodges, Jean,
7 Ladyman, Lowery, Neal, Richmond, Scott, Shepherd, B. Smith, Speaks, Sullivan, Vaught, Wallace,
8 Womack
9 By: Senator Hester

For An Act To Be Entitled

10
11 AN ACT TO AMEND THE DEFINITION OF EMPLOYMENT FOR THE
12 DEPARTMENT OF WORKFORCE SERVICES LAW; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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17 TO AMEND THE DEFINITION OF EMPLOYMENT FOR
18 THE DEPARTMENT OF WORKFORCE SERVICES LAW.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 11-10-210(e), concerning the definition of
25 "employment" for the Department of Workforce Services Law, is amended to read
26 as follows:

27 (e) Service performed by an individual for wages shall be deemed to be
28 employment subject to this chapter irrespective of whether the common law
29 relationship of master and servant exists, unless and until it is shown to
30 the satisfaction of the director that:

31 (1) ~~Such~~ The individual has been and will continue to be free
32 from control and direction in connection with the performance of the service,
33 both under his or her contract for the performance of service *and in fact*;
34 and

35 (2) (A) The service is performed either outside the usual course
36 of the business for which the service is performed or is performed outside



1 all the places of business of the enterprise for which the service is
2 performed; ~~and~~ or

3 ~~(3)(B)~~ The individual is customarily engaged in an independently
4 established trade, occupation, profession, or business of the same nature as
5 that involved in the service performed.

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7 *SECTION 2. EMERGENCY CLAUSE. It is found and determined by the*
8 *General Assembly of the State of Arkansas that employers struggle to*
9 *create and expand businesses in our sluggish economy; that developing*
10 *the state's workforce is the most effective route to economic growth;*
11 *and that this act is immediately necessary because lost time in meeting*
12 *the business crisis may set Arkansas at a disadvantage in the regional*
13 *economy. Therefore, an emergency is declared to exist, and this act*
14 *being immediately necessary for the preservation of the public peace,*
15 *health, and safety shall become effective on:*

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

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

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

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23 /s/Lundstrum
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