

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

*As Engrossed: H3/17/99*

## A Bill

Act 1369 of 1999  
HOUSE BILL 2182

5 By: Representatives Carson, Haak  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 11-4-203 TO PROVIDE  
10 THAT EMPLOYEES OF SEASONAL NON-PROFIT RECREATIONAL OR  
11 EDUCATIONAL CAMPS ARE EXEMPT FROM MINIMUM WAGE AND  
12 OVERTIME REQUIREMENTS; AND FOR OTHER PURPOSES. "

### Subtitle

15 "AN ACT TO AMEND ARKANSAS CODE 11-4-203  
16 TO PROVIDE THAT EMPLOYEES OF SEASONAL  
17 NON-PROFIT RECREATIONAL OR EDUCATIONAL  
18 CAMPS ARE EXEMPT FROM MINIMUM WAGE AND  
19 OVERTIME REQUIREMENTS; AND FOR OTHER  
20 PURPOSES. "

21  
22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 SECTION 1. Arkansas Code 11-4-203(7) is amended to read as follows:

26 "(7) 'Employee' includes any individual employed by an employer but  
27 shall not include:

28 (A) Any individual employed in a bona fide executive,  
29 administrative, or professional capacity, or as an outside commission-paid  
30 salesman, who customarily performs his services away from his employer's  
31 premises, taking orders for goods or services;

32 (B) Students performing services for any school, college,  
33 or university in which they are enrolled and are regularly attending classes;

34 (C) Any individual employed by the United States or by the  
35 state or any political subdivision thereof, except public schools and school  
36 districts;

\*LAM066\*

0303990429.LAM066

1                   (D) Any individual engaged in the activities of any  
2 educational, charitable, religious, or nonprofit organization where the  
3 employer-employee relationship does not in fact exist or where the services  
4 are rendered to the organizations gratuitously;

5                   (E) Any bona fide independent contractor;

6                   (F) Any individual employed by an agricultural employer who  
7 did not use more than five hundred (500) man-days of agricultural labor in any  
8 calendar quarter of the preceding calendar year;

9                   (G) The parent, spouse, child, or other member of an  
10 agricultural employer's immediate family;

11                   (H) An individual who:

12                   (i) Is employed as a hand-harvest laborer and is paid  
13 on a piece-rate basis in an operation which has been, and is customarily and  
14 generally recognized as having been, paid on a piece-rate basis in the region  
15 of employment;

16                   (ii) Commutes daily from his permanent residence to  
17 the farm on which he is so employed; and

18                   (iii) Has been employed in agriculture less than  
19 thirteen (13) weeks during the preceding calendar year;

20                   (I) A migrant who:

21                   (i) Is sixteen (16) years of age or under and is  
22 employed as a hand-harvest laborer;

23                   (ii) Is paid on a piece-rate basis in an operation  
24 which has been, and is customarily and generally recognized as having been,  
25 paid on a piece-rate basis in the region of employment;

26                   (iii) Is employed on the same farm as his parents;  
27 and

28                   (iv) Is paid the same piece-rate as employees over  
29 age sixteen (16) are paid on the same farm; or

30                   (J) Any employee principally engaged in the range  
31 production of livestock; and

32                   (K) Any employee employed in planting or tending trees,  
33 cruising, surveying, or felling timber, or in preparing or transporting logs  
34 or other forestry products to the mill, processing plants, or railroad or  
35 other transportation terminal if the number of employees employed by his  
36 employer in such forestry or lumbering operations does not exceed eight (8);

1                    (L) An employee employed by a non-profit recreational or  
2 educational camp that does not operate for more than seven months in any  
3 calendar year;”

4  
5            SECTION 2. All provisions of this act of a general and permanent nature  
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
7 Revision Commission shall incorporate the same in the Code.

8  
9            SECTION 3. If any provision of this act or the application thereof to  
10 any person or circumstance is held invalid, such invalidity shall not affect  
11 other provisions or applications of the act which can be given effect without  
12 the invalid provision or application, and to this end the provisions of this  
13 act are declared to be severable.

14  
15            SECTION 4. All laws and parts of laws in conflict with this act are  
16 hereby repealed.

17  
18            SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the  
19 Eighty-second General Assembly, that those camps affected by this Act are in  
20 immediate need of relief so that they may plan and continue their operations.  
21 Therefore, an emergency is declared to exist and this act being immediately  
22 necessary for the preservation of the public peace, health and safety shall  
23 become effective on the date of its approval by the Governor. If the bill is  
24 neither approved nor vetoed by the Governor, it shall become effective on the  
25 expiration of the period of time during which the Governor may veto the bill.  
26 If the bill is vetoed by the Governor and the veto is overridden, it shall  
27 become effective on the date the last house overrides the veto.

28    /s/ Carson, et a

APPROVED: 4/12/1999