

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

A Bill

SENATE BILL 636

4
5 By: Senator Bradford
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For An Act To Be Entitled

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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

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

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

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

24 "(7) "Employee" includes any individual employed by an employer but
25 shall not include:

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

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

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

35 (D) Any individual engaged in the activities of any
36 educational, charitable, religious, or nonprofit organization where the

1 employer-employee relationship does not in fact exist or where the services
2 are rendered to the organizations gratuitously;

3 (E) Any bona fide independent contractor;

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

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

9 (H) An individual who:

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

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

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

18 (I) A migrant who:

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

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

24 (iii) Is employed on the same farm as his parents;
25 and

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

28 (J) Any employee principally engaged in the range
29 production of livestock; and

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

35 (L) An employee employed by a non-profit recreational or
36 educational camp that does not operate for more than seven months in any

1 calendar year;"

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

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

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

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