

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S4/5/13

A Bill

SENATE BILL 1036

5 By: Senators K. Ingram, S. Flowers
6 By: Representative Ferguson
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For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS CODE § 11-10-210 OF THE
10 DEPARTMENT OF WORKFORCE SERVICES LAW; TO DECLARE AN
11 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

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15 TO AMEND ARKANSAS CODE § 11-10-210 OF THE
16 DEPARTMENT OF WORKFORCE SERVICES LAW; AND
17 TO DECLARE AN EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. *Arkansas Code § 11-10-210(f), concerning exclusions from*
23 *the definition of employment, is amended to add an additional subdivision to*
24 *read as follows:*

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

30 *(B) Subdivision (f)(21)(A) of this section is retroactive*
31 *to January 1, 2010.*
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33 SECTION 2. *EMERGENCY CLAUSE. It is found and determined by the*
34 *General Assembly of the State of Arkansas that ElderChoices clients are among*
35 *the state's most vulnerable citizens; that ElderChoices personal services*
36 *caregivers provide essential assistance to ElderChoices clients to help them*



1 remain healthy and to keep them in their homes and out of institutions; that
2 personal care services caregivers for ElderChoices clients are jeopardized by
3 recent decisions by the Department of Workforce Services regarding the
4 employment status of personal care services caregivers. Therefore, an
5 emergency is declared to exist, and this act being immediately necessary for
6 the preservation of the public peace, health, and safety shall become
7 effective on:

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

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

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

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15 /s/K. Ingram
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