

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4
5 By: Senator D. Sanders

A Bill

SENATE BILL 842

For An Act To Be Entitled

8 AN ACT TO EXEMPT SERVICES PROVIDED BY CERTAIN LEGALLY
9 ADMITTED ALIENS FROM THE DEFINITION OF EMPLOYMENT
10 UNDER THE DEPARTMENT OF WORKFORCE SERVICES LAW; AND
11 FOR OTHER PURPOSES.

Subtitle

15 TO EXEMPT SERVICES PROVIDED BY CERTAIN
16 LEGALLY ADMITTED ALIENS FROM THE
17 DEFINITION OF EMPLOYMENT UNDER THE
18 DEPARTMENT OF WORKFORCE SERVICES LAW.

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

23 SECTION 1. Arkansas Code § 11-10-210(f)(1), concerning the definition
24 of "employment" for the Department of Workforce Services Law, § 11-10-101 et
25 seq., is amended to add an additional subdivision as follows:

26 (f) The term "employment" ~~shall~~ does not include:

27 (1) Service performed by an individual in agricultural labor,
28 except as provided in subdivision (a)(5) of this section. For purposes of
29 this subdivision (f)(1), the term "agricultural labor" means any service
30 performed which was agricultural labor as defined in this subsection prior to
31 January 1, 1972, and remunerated service performed:

32 (A) On a farm, in the employ of any person, in connection
33 with cultivating the soil, or in connection with raising or harvesting any
34 agricultural or horticultural commodity, including the raising, shearing,
35 feeding, caring for, training, and management of livestock, bees, poultry,
36 and furbearing animals and wildlife;



1 (B) In the employ of the owner or tenant or other operator
 2 of a farm, in connection with the operation, management, conservation,
 3 improvement, or maintenance of the farm and its tools and equipment, or in
 4 salvaging timber or clearing land of brush and other debris left by a
 5 hurricane if the major part of the service is performed on a farm;

6 (C) In connection with the production or harvesting of any
 7 commodity defined as an agricultural commodity in section 15(g) of the
 8 Agricultural Marketing Act or in connection with the ginning of cotton, or in
 9 connection with the operation or maintenance of ditches, canals, reservoirs,
 10 waterways, not owned or operated for profit, used exclusively for supplying
 11 and storing water for farming purposes;

12 (D)(i) In the employ of the operator of a farm in
 13 handling, planting, drying, packing, packaging, freezing, grading, storing,
 14 or delivering to storage or to market or to a carrier for transportation to
 15 market, in its unmanufactured state, any agricultural or horticultural
 16 commodity, but only if the operator produced more than one-half (1/2) of the
 17 commodity with respect to which the service is performed.

18 (ii) In the employ of a group of operators of farms,
 19 or a cooperative organization of which the operators are members, in the
 20 performance of service described in subdivision (f)(1)(D)(i) of this section,
 21 but only if the operators produced more than one-half (1/2) of the commodity
 22 with respect to which the service is performed.

23 (iii) The provisions of subdivisions (f)(1)(D)(i)
 24 and (ii) of this section shall not be deemed to be applicable with respect to
 25 service performed in connection with commercial canning or commercial
 26 freezing or in connection with any agricultural or horticultural commodity
 27 after its delivery to a terminal market for distribution for consumption; ~~or~~

28 (E) On a farm operated for profit if the service is not in
 29 the course of the employer's trade or business. As used in this subdivision
 30 (f)(1), the term "farm" includes stock, dairy, poultry, fruit, furbearing
 31 animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses
 32 or other similar structures used primarily for the raising of agricultural or
 33 horticultural commodities, and orchards; or

34 (F)(i) As an alien admitted to the United States under the
 35 Immigration and Nationality Act of 2011, 8 U.S.C. § 1184(c) and 8 U.S.C. §
 36 1101(a)(15)(H).

1 (ii) However, an alien exempted under subdivision
2 (f)(1)(F)(i) of this section shall be counted in determining whether an
3 agricultural employer meets the coverage requirements under § 11-10-
4 210(a)(5)(A);

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36