

State of Arkansas

As Engrossed: S1/24/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 115

By: Senator B. Ballinger

By: Representative Cavanaugh

For An Act To Be Entitled

AN ACT TO AMEND THE MINIMUM WAGE ACT OF THE STATE OF ARKANSAS; TO PROVIDE AN EXCEPTION TO THE DEFINITION OF "EMPLOYEE"; TO PROVIDE EXCEPTIONS TO THE DEFINITION OF "EMPLOYER"; TO PROVIDE EXCEPTIONS TO THE MINIMUM WAGE ACT OF THE STATE OF ARKANSAS IMPACTING THE LAW RESULTING FROM INITIATED ACT 5 OF 2018; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE EXCEPTIONS TO THE MINIMUM WAGE LAW; TO AMEND THE LAW IMPACTING INITIATED ACT 5 OF 2018; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 11-4-203(3), concerning exclusions from the definition of "employee" under the Minimum Wage Act of the State of Arkansas, is amended to add an additional subdivision to read as follows:

(S) An individual under eighteen (18) years of age.

SECTION 2. Arkansas Code § 11-4-203(4)(B), concerning the definition of "employer" under the Minimum Wage Act of the State of Arkansas, is amended to read as follows:

(B) "Employer" ~~shall~~ does not include ~~any~~:



1 (i) An individual, partnership, association,
2 corporation, business trust, or ~~any~~ person or group of persons acting
3 directly or indirectly in the interest of an employer in relation to an
4 employee for any work week in which fewer than ~~four (4)~~ fifty (50) employees
5 are employed;

6 (ii) An educational institution, including without
7 limitation a public or private:

8 (a) Preschool;

9 (b) Elementary school;

10 (c) Secondary school;

11 (d) Vocational institution;

12 (e) Technical institution;

13 (f) Postsecondary institution; or

14 (g) Institution of higher education; or

15 (iii) A nonprofit organization described in 26
16 U.S.C. § 501(c)(3), as in effect on January 1, 2019;

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18 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly of the State of Arkansas that delay in implementation of
20 this act would cause disruption in the business market and that a need exists
21 for consistency in the implementation of the Minimum Wage Act of the State of
22 Arkansas, § 11-4-201 et seq. Therefore, an emergency is declared to exist,
23 and this act being immediately necessary for the preservation of the public
24 peace, health, and safety shall become effective on:

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

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

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

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33 /s/B. Ballinger
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