

Stricken language would be deleted from and underlined language would be added to present law.
Act 643 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S3/13/17
A Bill

SENATE BILL 668

By: Senator Hester

By: Representative Bentley

For An Act To Be Entitled

AN ACT TO PROHIBIT POLITICAL SUBDIVISIONS OF THE
STATE FROM REQUIRING MORE THAN FEDERAL OR STATE
REQUIREMENTS FROM EMPLOYERS; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT POLITICAL SUBDIVISIONS OF THE
STATE FROM REQUIRING MORE THAN FEDERAL OR
STATE REQUIREMENTS FROM EMPLOYERS.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

The General Assembly finds that:

(1)(A) Arkansas employers are best able to grow and invest in their communities when operating under a clear, consistent regulatory system that imposes only those burdens absolutely necessary to promote the public welfare.

(B) Allowing localities to mandate employer-provided benefits would create a patchwork of local regulations discouraging employers from growing and investing and imposing significant compliance burdens on them; and

(C) Furthermore, locally mandated benefits frustrate the General Assembly's goal of a thriving statewide economy and place Arkansas employers at a competitive disadvantage to employers in other states not burdened with unnecessary local regulations; and

(2) Preemption of burdensome and unnecessary local government



mandates on employers to provide employee benefits provides a stable environment for Arkansas employers and promotes economic development.

SECTION 2. Arkansas Code Title 11, Chapter 4, Subchapter 2, is amended to add an additional section to read as follows:

11-4-221. Political subdivisions prohibited from requiring more than federal or state requirements from employers - Definitions.

(a) As used in this section:

(1) "Employee" means an individual employed in this state by an employer;

(2)(A) "Employer" means an individual, sole proprietorship, partnership, limited liability company, corporation, or other entity that does business in this state.

(B) However, "employer" does not include a public employer;

(3) "Employment benefit" means anything of value that an employee may receive from an employer in addition to wages and salary, including without limitation:

(A) Health, disability, retirement, profit-sharing, and death benefits;

(B) Group accidental death and dismemberment benefits;

(C) Paid or unpaid days off from work for holidays, sick leave, vacation, and personal necessity; and

(D) Terms of employment, notice of scheduling, attendance, or leave policies;

(4) "Political subdivision" means a county, city, or town in this state; and

(5) "Public employer" means the State of Arkansas and each political subdivision of the state.

(b) A political subdivision shall not establish, mandate, or otherwise require an employer to provide to an employee a minimum or living wage rate or employment benefit that exceeds the requirements of federal laws or regulations or state laws or rules.

SECTION 3. DO NOT CODIFY. Applicability.

Section 2 of this act does not preempt any state law or local minimum wage ordinance requirements in effect on the effective date of this act.

/s/Hester

APPROVED: 03/24/2017