

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S4/5/13  
**A Bill**

SENATE BILL 1036

By: Senators K. Ingram, S. Flowers

By: Representative Ferguson

### For An Act To Be Entitled

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

### Subtitle

*TO AMEND ARKANSAS CODE § 11-10-210 OF THE  
DEPARTMENT OF WORKFORCE SERVICES LAW; AND  
TO DECLARE AN EMERGENCY.*

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

*SECTION 1. Arkansas Code § 11-10-210(f), concerning exclusions from the definition of employment, is amended to add an additional subdivision to read as follows:*

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

*(B) Subdivision (f)(21)(A) of this section is retroactive to January 1, 2010.*

*SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that ElderChoices clients are among the state's most vulnerable citizens; that ElderChoices personal services caregivers provide essential assistance to ElderChoices clients to help them*



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

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

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

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

/s/K. Ingram