

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

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 842

By: Senator D. Sanders

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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



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

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

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

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

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

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

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

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