

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

State of Arkansas *As Engrossed: S1/24/19 S3/6/19 S3/13/19*
92nd General Assembly **A Bill**
Regular Session, 2019

SENATE BILL 115

By: Senator B. Ballinger
By: Representative Cavenaugh

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 *additional subdivisions* to read as follows:

- (S) An individual under eighteen (18) years of age; or*
- (T) An individual who has been convicted of a felony.*

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~~ an individual, partnership, association, corporation, business trust, nonprofit organization, or ~~any~~ person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee for any work week in which fewer than ~~four~~ (4) twenty-five (25) employees are employed;

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that delay in implementation of this act would cause disruption in the business market and that a need exists for consistency in the implementation of the Minimum Wage Act of the State of Arkansas, § 11-4-201 et seq. 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/B. Ballinger