

1 State of Arkansas *As Engrossed: S1/24/19 S3/6/19*

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 115

4

5 By: Senator B. Ballinger

6 By: Representative Cavenaugh

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For An Act To Be Entitled

9 AN ACT TO AMEND THE MINIMUM WAGE ACT OF THE STATE OF
10 ARKANSAS; TO PROVIDE AN EXCEPTION TO THE DEFINITION
11 OF "EMPLOYEE"; TO PROVIDE EXCEPTIONS TO THE
12 DEFINITION OF "EMPLOYER"; TO PROVIDE EXCEPTIONS TO
13 THE MINIMUM WAGE ACT OF THE STATE OF ARKANSAS
14 IMPACTING THE LAW RESULTING FROM INITIATED ACT 5 OF
15 2018; TO DECLARE AN EMERGENCY; AND FOR OTHER
16 PURPOSES.

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Subtitle

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

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

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

31 *(S) An individual under eighteen (18) years of age;*

32 *(T) An individual who has been convicted of a felony; or*

33 *(U) An individual with a developmental disability.*

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35 SECTION 2. Arkansas Code § 11-4-203(4)(B), concerning the definition
36 of "employer" under the Minimum Wage Act of the State of Arkansas, is amended



1 to read as follows:

2 (B) "Employer" ~~shall~~ does not include ~~any~~ an individual,
3 partnership, association, corporation, business trust, nonprofit
4 organization, or ~~any~~ person or group of persons acting directly or indirectly
5 in the interest of an employer in relation to an employee for any work week
6 in which fewer than ~~four~~ (4) twenty-five (25) employees are employed;

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

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

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

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

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23 /s/B. Ballinger
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