

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 367

By: Senator Rapert  
By: Representative Gazaway

## For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 19 OF  
THE ARKANSAS CODE CONCERNING PUBLIC FINANCE; AND FOR  
OTHER PURPOSES.

### Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 19  
OF THE ARKANSAS CODE CONCERNING PUBLIC  
FINANCE.

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

SECTION 1. Arkansas Code § 19-3-606(a), concerning the loan of securities by the Treasurer of State, is amended to read as follows to correct a reference and to clarify a reference:

(a) In order to increase investment income with minimal risk, the Treasurer of State may loan securities held under this ~~section~~ subchapter, but only if at the time the loan is executed at least one hundred two percent (102%) of the full market value of the security loaned is collateralized by cash or securities guaranteed by the United States Government or an agency ~~thereof~~ of the United States Government.

SECTION 2. Arkansas Code § 19-4-1601 is amended to read as follows to conform to Code style and to reconcile language of the section with the language that is also codified as § 21-5-101:

19-4-1601. Regular Salary Procedures and Restrictions Act.

(a) This section and § 21-5-101 shall be known as and may be cited as



the "Regular Salary Procedures and Restrictions Act".

(b) Arkansas Constitution, Article 16, § 4, provides: ~~that~~ "Except as provided in Arkansas Constitution, Article 19, § 31, the General Assembly shall fix the salaries and fees of all officers in the ~~state,~~ State, and no greater salary or fee than that fixed by the law shall be paid to any officer, employee, or other person, or at any rate other than par value~~;~~; and ~~that~~ the number and salaries of the clerks and employees of the different departments of the ~~state~~ State shall be fixed by law." Therefore, the following provisions shall be applicable to all authorized regular salary positions in appropriation acts unless specific exception is made otherwise by law:

(1) For any position authorized by the General Assembly for the benefit of any department, agency, board, commission, institution, or program for which the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., are to be applicable, it is declared to be the intent of the General Assembly that the Uniform Classification and Compensation Act, § 21-5-201 et seq., shall govern with respect to:

- (A) The entrance pay level;
- (B) The procedures by which salary increases may be

granted; and

(C) The maximum pay level that may be paid for the grade assigned each employee under the provisions of ~~these statutes~~ the Uniform Classification and Compensation Act, § 21-5-201 et seq.;

(2) For any position authorized by the General Assembly for the benefit of any department, agency, board, commission, institution, or program for which a maximum pay level is set out in dollars, it is the intent of the General Assembly that the position is to be paid at a rate of pay not to exceed the maximum established for the position during any one (1) fiscal year and that the maximum pay level authorized is for full-time employment;

(3)(A) For all positions authorized by the General Assembly for any department, agency, board, commission, institution, or program, it is the intent of the General Assembly that in determining the annual salaries of these employees, the administrative head of the department, agency, board, commission, institution, or program shall take into consideration ability of the employee and length of service.

(B) It is not the intent of the General Assembly that the

maximum pay level as authorized in the appropriation act, or any increases established for the various grades under the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., be paid unless the qualifications are complied with and then only within the limitations of the appropriations and funds available for this purpose.

(C) ~~No~~ An employee authorized by the General Assembly shall not receive from appropriated or cash funds, either from state, federal, or other sources, compensation in an amount greater than that established by the General Assembly as the maximum pay level for the employee unless specific provisions are made therefor by law; and

(4) ~~No~~ An employee of the State of Arkansas shall not be paid any additional cash allowances, including, ~~but not limited to,~~ without limitation uniform allowance, clothing allowance, motor vehicle depreciation or replacement allowance, fixed transportation allowance, and meals and lodging allowance, other than for reimbursement for costs actually incurred by the employee unless the allowances are specifically set out by law as to eligibility of employees to receive ~~allowance~~ the allowances, and the maximum amount of the allowances ~~are~~ is established by law for each employee or for each class of employee eligible to receive ~~such~~ the allowances.

SECTION 3. Arkansas Code § 19-5-1096(a), concerning the Arkansas Real Property Reappraisal Fund, is amended to read as follows to insert language from the same fund codified in another location, to correct a reference, and to conform the language of the section to Code style:

(a)(1) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the "Arkansas Real Property Reappraisal Fund".

(2)(A) The proceeds of the fund shall be used to pay counties and professional reappraisal companies for the reappraisal of real property required by ~~this subchapter~~ § 26-26-1901 et seq. and shall be in lieu of real property reappraisal funding by the local taxing units in each county of this state.

(B) There shall be no deduction from the proceeds of the fund to pay any other fees or expenses except as provided in § 26-26-1901 et seq.

SECTION 4. Arkansas Code § 19-5-1141 is repealed because the Health Care Independence Program Trust Fund expired January 1, 2017.

~~19-5-1141. Health Care Independence Program Trust Fund.~~

~~(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Health Care Independence Program Trust Fund".~~

~~(b)(1) The Health Care Independence Program Trust Fund may consist of moneys saved and accrued under the Health Care Independence Act of 2013, § 20-77-2401 et seq., including without limitation:~~

~~(A) Increases in premium tax collections;~~

~~(B) Reductions in uncompensated care; and~~

~~(C) Other spending reductions resulting from the Health Care Independence Act of 2013, § 20-77-2401 et seq.~~

~~(2) The Health Care Independence Program Trust Fund shall also consist of other revenues and funds authorized by law.~~

~~(c) The Health Care Independence Program Trust Fund may be used by the Department of Human Services to pay for future obligations under the Health Care Independence Program created by the Health Care Independence Act of 2013, § 20-77-2401 et seq.~~

~~(d)(1) The Health Care Independence Program Trust Fund expires on January 1, 2017.~~

~~(2) Any balance in the Health Care Independence Program Trust Fund on January 1, 2017, shall be transferred by the Chief Fiscal Officer of the State on his or her books and the books of the Treasurer of State and the Auditor of State to the Arkansas Works Program Trust Fund.~~

SECTION 5. Arkansas Code § 19-5-1207 is repealed because the fund is also codified at § 19-5-1096.

~~19-5-1207. Arkansas Real Property Reappraisal Fund — Uses.~~

~~The proceeds of the Arkansas Real Property Reappraisal Fund shall be used exclusively to pay counties and professional reappraisal companies for the reappraisal of real property as provided in § 26-26-1901 et seq. There shall be no deduction from the proceeds of the fund to pay any other fees or expenses except as provided in § 26-26-1901 et seq.~~

SECTION 6. Arkansas Code § 19-5-1210(b), concerning the Arkansas

Transitional Employment Fund, is amended to read as follows to correct and clarify references:

(b) The fund shall be used exclusively by the ~~Temporary Assistance for Needy Families Oversight Board [abolished]~~ Arkansas Workforce Development Board to fund ~~its~~ the programs, operations, and activities of the board.

SECTION 7. Arkansas Code § 19-5-1250(c), concerning the Open Enrollment Public Charter School Capital Grant Program Fund, is amended to read as follows to correct a reference:

(c) The fund shall be used for distributing grants for programs providing assistance to open enrollment public charter schools concerning academic facilities and equipment and the repayment of debt incurred relating to academic facilities and equipment under the Open Enrollment Public Charter School Capital Grant Program established in ~~§ 6-23-701 et seq.~~ § 6-23-801 et seq., and as may otherwise be provided by law.

SECTION 8. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Second General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Second General Assembly and this act:

(A) The act of the regular session of the Ninety-Second General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Second General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

APPROVED: 3/8/19