

Stricken language would be deleted from and underlined language would be added to present law.
Act 796 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H4/8/21
A Bill

HOUSE BILL 1779

By: Representatives Wooten, K. Ferguson

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT CONCERNING THE IDENTIFICATION AND ELIMINATION
OF UNUSED AND UNNECESSARY POSITIONS FROM THE BUDGETS
OF STATE AGENCIES; TO DECLARE AN EMERGENCY; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING THE IDENTIFICATION AND
ELIMINATION OF UNUSED AND UNNECESSARY
POSITIONS FROM THE BUDGETS OF STATE
AGENCIES; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 21, Chapter 5, Subchapter 2, is amended
to add an additional section to read as follows:

21-5-226. Vacant positions – Legislative findings – Reporting
requirements.

(a)(1) The General Assembly finds that determining the maximum amount
of an appropriation, the purpose for the expenditure of appropriations, and
funding and personnel for a state agency, state department, or state
institution each fiscal year is the prerogative of the General Assembly.

(2) Determinations under subdivision (a)(1) of this section are
typically accomplished by delineating the maximums and purposes in the
appropriation act for a state agency, including without limitation
authorizing appropriations for each fund and fund account.

(3) It is both necessary and appropriate that the General



Assembly maintain oversight by requiring approval of the Legislative Council, or the Joint Budget Committee if the General Assembly is in regular, fiscal, or extraordinary session, as provided by this section.

(4)(A) The requirement of approval by the Legislative Council or the Joint Budget Committee under this section is not a severable part of this section.

(B) If the requirement of approval under this section is found unconstitutional by a court of competent jurisdiction, the entire section is void.

(b)(1) On or before June 15 of each calendar year, the Office of Personnel Management shall identify each position authorized for the use of a state agency that has been vacant for two (2) or more years.

(2) Positions identified under subdivision (b)(1) of this section shall be annually reported to the Personnel Subcommittee of the Legislative Council at its first meeting after June 15.

(3) A state agency shall not fill or otherwise utilize a position identified under subdivision (b)(1) of this section without the prior approval of the:

(A) Legislative Council; or

(B) The Joint Budget Committee if the General Assembly is in regular, fiscal, or extraordinary session.

(4)(A) The office shall submit an updated report of the state agency positions that have been vacant for two (2) years or more to the Legislative Council and the Joint Budget Committee at least five (5) days before the beginning of the pre-session budget hearings preceding each regular session and fiscal session of the General Assembly.

(B) The updated report under subdivision (b)(4)(A) of this section shall:

(i) Exclude positions filled or utilized upon the approval of the Legislative Council or Joint Budget Committee under subdivision (b)(3) of this section; and

(ii) Include any state agency positions vacant for two (2) years or more that were subsequently identified by the office.

(C) A state agency shall not request the further authorization of a vacant position identified in the report under subdivision (b)(4)(A) of this section.

(c)(1) If a state agency determines that a position authorized for use by the state agency is no longer required for the necessary and efficient operation of the state agency, the state agency may submit a request to the office that the position be:

(A) Terminated for the remainder of the fiscal year; and

(B) Identified as a position not requested for continued authorization at the next pre-session budget hearings of the Legislative Council and Joint Budget Committee preceding each regular session and fiscal session of the General Assembly.

(2)(A) The office shall submit a report of the state agency positions identified as a position not requested for continued authorization under subdivision (c)(1) of this section to the Legislative Council and the Joint Budget Committee at least five (5) days before the beginning of the pre-session budget hearings preceding each regular session and fiscal session of the General Assembly.

(B) A state agency shall not request the further authorization of a position identified in the report under subdivision (c)(2)(A) of this section.

SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Study of State employee position management, control, and efficiency.

(a) The Legislative Council shall study state employee position management, control and efficiency to identify means by which the state can increase efficiency and transparency in state budgeting through the elimination of unnecessary or unused positions at executive branch agencies.

(b) The study shall include:

(1) Studying possible plans for increasing efficiency and transparency in state budgeting by eliminating unnecessary or unused positions at state agencies within the executive branch; and

(2) Developing recommendations for ways in which the state can increase efficiency and transparency in state budgeting.

(c) The Legislative Council may assign the study under this section to a subcommittee of the Legislative Council.

(d) A report summarizing the results of the study shall be filed with the Legislative Council no later than December 1, 2022.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the efficient and effective use of state funds is critical to the preservation of the public peace, health and safety; that this act allows for the identification and elimination of unused and unnecessary state agency positions, which enhances the efficient and transparent operation of state government and reflects the prudent use of state funds; and that this act should become effective at the earliest opportunity to preserve the public peace, health, and safety by ensuring that state funds are used appropriately and that unnecessary state agency positions may be identified and eliminated to promote the efficient and transparent operation of state government. 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/Wooten

APPROVED: 4/20/21