

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1289

By: Representatives Gazaway, M. Shepherd

By: Senators C. Tucker, J. Bryant

## For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 21 OF  
THE ARKANSAS CODE CONCERNING PUBLIC OFFICERS AND  
EMPLOYEES; AND FOR OTHER PURPOSES.

### Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 21  
OF THE ARKANSAS CODE CONCERNING PUBLIC  
OFFICERS AND EMPLOYEES.

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

SECTION 1. Arkansas Code § 21-5-104(b), concerning the prohibition on the deduction of jury duty fees from a public employee's salary, is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

(b)(1) Any state, county, or municipal employer who ~~shall violate the provisions of~~ violates this section ~~shall be~~ is guilty of a ~~misdemeanor violation~~ and upon conviction ~~therefor~~ shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250).

(2) A violation ~~shall constitute~~ of this section constitutes grounds for dismissal of the employer from his or her office or position of public employment.

SECTION 2. Arkansas Code § 21-5-1403 is amended to read as follows to correct a quote from the Arkansas Constitution and to correct word usage:

21-5-1403. Regular salary procedures and restrictions.



Arkansas Constitution, Article 16, § 4, provides: "The Except as provided in Arkansas Constitution, Article 19, § 31, the General Assembly shall fix the salaries and fees of all officers in the State, and no greater salary or fee than that fixed by law shall be paid to any officer, employee or other person, or at any rate other than par value; and the number and salaries of the clerks and employees of the different departments of the State shall be fixed by law." Therefore, the following provisions are 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 ~~of the State of Arkansas~~ for the benefit of any institution of higher education for which ~~the provisions of this subchapter are to be~~ is applicable, it is the intent of the General Assembly that this subchapter govern with respect to:

(A) The entry pay level;

(B) The frequency with which increases in pay may be granted; and

(C) The maximum annual salary that may be paid for the grade assigned each employee;

(2) For any position authorized by the General Assembly for the benefit of any institution of higher education for which a maximum annual salary is set out in dollars, it is the intent of the General Assembly that the position 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 annual salary authorized is for full-time employment;

(3)(A) For all positions authorized by the General Assembly for any institution of higher education, it is the intent of the General Assembly in determining the annual salaries of employees in those positions, that the head of the institution take into consideration the ability of the employee and length of service.

(B) It is not the intent of the General Assembly that the maximum annual salaries as authorized in the appropriation act or pay increases established for the various grades under this subchapter be paid unless the employee meets the qualifications associated with each pay level and then only within the limitations of the appropriations and funds available for that purpose.

(C) 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 annual salary for the employee, unless specific provisions are made by law; and

(4) An employee of an institution of higher education shall not be paid any additional cash allowances, including without limitation uniform allowance, clothing allowance, motor vehicle depreciation or replacement allowance, fixed transportation allowance, or 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 the allowances, and the maximum amount of such allowances are established by law for each employee or for each class of employees eligible to receive the allowances.

SECTION 3. Arkansas Code § 21-6-101 is amended to read as follows to repeal a reference to a Code section in which fees are no longer prescribed:

21-6-101. Fees in certain sections superseded.

The appropriate fee prescribed in §§ 21-6-306, 21-6-402, and 21-6-403 shall be in lieu of the fee prescribed in:

- (1) Section 18-44-117 for filing mechanics' and materialmen's liens;
- (2) Section 18-46-115 for filing medical, nursing, and hospital liens; and
- (3) Section 16-65-117 for filing judgments to establish judgment liens on lands; ~~and~~
- ~~(4) Section 17-90-303 for recording licenses of optometrists.~~

SECTION 4. 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-Fourth General Assembly;

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

(A) The act of the regular session of the Ninety-Fourth 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-Fourth 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: 3/2/23**