

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/1/21
A Bill

HOUSE BILL 1189

By: Representative Cavenaugh
By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND THE REGULAR SALARY PROCEDURES AND RESTRICTIONS ACT; TO ELIMINATE ADDITIONAL SALARY PAYMENTS TO CABINET-LEVEL DEPARTMENT SECRETARIES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE REGULAR SALARY PROCEDURES AND RESTRICTIONS ACT; AND TO ELIMINATE ADDITIONAL SALARY PAYMENTS TO CABINET-LEVEL DEPARTMENT SECRETARIES.

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

SECTION 1. Arkansas Code § 19-4-1601(b), concerning the Regular Salary Procedures and Restrictions Act, is amended to add an additional subdivision to read as follows:

(5)(A) A cabinet-level department secretary is prohibited from accepting additional salary from an additional source for:

(i) The performance of his or her duties as a cabinet-level department secretary, including without limitation salary from:

(a) The state, unless the payment is for:

(1) Service in the Arkansas National Guard; or

(2) Work performed as a physician or otherwise related to a professional license or certification;

(b) The United States Government, unless the



payment is for service in the United States Armed Forces;

(c) A public entity;

(d) A nonprofit or not-for-profit

organization;

(e) A private entity; or

(f) A private individual; or

(ii) Other employment or consulting work relating to the scope of his or her duties as a cabinet-level department secretary, including without limitation salary from:

(a) The state, unless the payment is for:

(1) Service in the Arkansas National

Guard; or

(2) Work performed as a physician or

otherwise related to a professional license or certification;

(b) The United States Government, unless the

payment is for service in the United States Armed Forces;

(c) A public entity;

(d) A nonprofit or not-for-profit

organization;

(e) A private entity; or

(f) A private individual.

(B) Service in the Arkansas National Guard or in the United States Armed Forces shall not be considered other employment or consulting work under subdivision (b)(5)(B)(ii) of this section.

(C) Work performed as a physician or otherwise related to a professional license or certification is not be considered other employment or consulting work under subdivision (b)(5)(B)(ii) of this section.

(D) This subdivision (b)(5) does not prohibit a cabinet-level department secretary from accepting or receiving expense reimbursements and employee benefits as provided by state law.

SECTION 2. Arkansas Code § 21-5-101(b), concerning the Regular Salary Procedures and Restrictions Act, is amended to add an additional subdivision to read as follows:

(5)(A) A cabinet-level department secretary is prohibited from accepting additional salary from an additional source for:

(i) The performance of his or her duties as a cabinet-level department secretary, including without limitation salary from:

(a) The state, unless the payment is for:

(1) Service in the Arkansas National Guard; or

(2) Work performed as a physician or otherwise related to a professional license or certification;

(b) The United States Government, unless the payment is for service in the United States Armed Forces;

(c) A public entity;

(d) A nonprofit or not-for-profit organization;

(e) A private entity; or

(f) A private individual; or

(ii) Other employment or consulting work relating to the scope of his or her duties as a cabinet-level department secretary, including without limitation salary from:

(a) The state, unless the payment is for:

(1) Service in the Arkansas National Guard; or

(2) Work performed as a physician or otherwise related to a professional license or certification;

(b) The United States Government, unless the payment is for service in the United States Armed Forces;

(c) A public entity;

(d) A nonprofit or not-for-profit organization;

(e) A private entity; or

(f) A private individual.

(B) Service in the Arkansas National Guard or in the United States Armed Forces shall not be considered other employment or consulting work under subdivision (b)(5)(B)(ii) of this section.

(C) Work performed as a physician or otherwise related to a professional license or certification is not be considered other employment or consulting work under subdivision (b)(5)(B)(ii) of this section.

(D) This subdivision (b)(5) does not prohibit a cabinet-

level department secretary from accepting or receiving expense reimbursements and employee benefits as provided by state law.

SECTION 3. Arkansas Code § 21-5-1403 is amended to read as follows:

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

(a) Arkansas Constitution, Article 16, § 4, provides: "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 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.

(b) This section does not apply to the Secretary of the Department of Education.

/s/Cavanaugh