

As Engrossed: 2/15/91, 2/22/91, 2/25/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Bradford**

A Bill

SENATE BILL 401

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE, TITLE 21, CHAPTER 5,
9 SUBCHAPTER 2, TO PROVIDE FOR THE DUAL APPOINTMENT OF STATE
10 AGENCY DIRECTORS; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Arkansas Code, Title 21, Chapter 5, Subchapter 2, is hereby
15 amended to add the following new section:

16 "21-5-219. Dual Appointment of State Agency Directors.

17 A member of the teaching staff of a state supported institution of
18 higher education may be appointed by the Governor as Department Head of a
19 state agency, subject to confirmation by the Arkansas Senate. *A member of the*
20 *teaching staff of a state supported institution of higher education is not an*
21 *officer of state government. Provided, however, that nothing herein shall*
22 *affect the immunity from civil liability of such persons as employees of the*
23 *State of Arkansas under any statute, constitutional provision or otherwise.*
24 Such Department Head shall be eligible to receive a salary not to exceed one
25 *hundred and seventy-five percent (175%) of the line item maximum salary*
26 *provided for in the appropriation act of the agency to which they have been*
27 *appointed; and further said agency shall be authorized to make payment to the*
28 *respective institution to provide continued retirement, group health*
29 *insurance, and other fringe benefits."*

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31 SECTION 2. All provisions of this Act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 3. If any provision of this Act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the Act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 Act are declared to be severable.

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6 SECTION 4. All laws and parts of laws in conflict with this Act are
7 hereby repealed.

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9 SECTION 5. EMERGENCY. It is hereby found and determined by the
10 Seventy-Eighth General Assembly that the provision of dual appointment of
11 State Agency Directors is beneficial to the operation of state government.
12 Therefore, an emergency is hereby declared to exist and this Act being
13 immediately necessary for the preservation of the public peace, health and
14 safety shall be in full force and effect from and after its passage and
15 approval.

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/s/Bradford

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