

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 367

5 By: Senator Rapert  
6 By: Representative Gazaway  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 19 OF  
10 THE ARKANSAS CODE CONCERNING PUBLIC FINANCE; AND FOR  
11 OTHER PURPOSES.  
12  
13

## Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 19  
16 OF THE ARKANSAS CODE CONCERNING PUBLIC  
17 FINANCE.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

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

25 (a) In order to increase investment income with minimal risk, the  
26 Treasurer of State may loan securities held under this ~~section~~ subchapter,  
27 but only if at the time the loan is executed at least one hundred two percent  
28 (102%) of the full market value of the security loaned is collateralized by  
29 cash or securities guaranteed by the United States Government or an agency  
30 ~~thereof~~ of the United States Government.  
31

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

35 19-4-1601. Regular Salary Procedures and Restrictions Act.

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



1 the "Regular Salary Procedures and Restrictions Act".

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

12 (1) For any position authorized by the General Assembly for the  
13 benefit of any department, agency, board, commission, institution, or program  
14 for which the provisions of the Uniform Classification and Compensation Act,  
15 § 21-5-201 et seq., are to be applicable, it is declared to be the intent of  
16 the General Assembly that the Uniform Classification and Compensation Act, §  
17 21-5-201 et seq., shall govern with respect to:

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

20 granted; and

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

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

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

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

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

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

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

20  
 21 SECTION 3. Arkansas Code § 19-5-1096(a), concerning the Arkansas Real  
 22 Property Reappraisal Fund, is amended to read as follows to insert language  
 23 from the same fund codified in another location, to correct a reference, and  
 24 to conform the language of the section to Code style:

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

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

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

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

3 ~~19-5-1141. Health Care Independence Program Trust Fund.~~

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

7 ~~(b)(1) The Health Care Independence Program Trust Fund may consist of~~  
8 ~~moneys saved and accrued under the Health Care Independence Act of 2013, §~~  
9 ~~20-77-2401 et seq., including without limitation:~~

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

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

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

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

16 ~~(c) The Health Care Independence Program Trust Fund may be used by the~~  
17 ~~Department of Human Services to pay for future obligations under the Health~~  
18 ~~Care Independence Program created by the Health Care Independence Act of~~  
19 ~~2013, § 20-77-2401 et seq.~~

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

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

26  
27 SECTION 5. Arkansas Code § 19-5-1207 is repealed because the fund is  
28 also codified at § 19-5-1096.

29 ~~19-5-1207. Arkansas Real Property Reappraisal Fund—Uses.~~

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

35  
36 SECTION 6. Arkansas Code § 19-5-1210(b), concerning the Arkansas

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

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

6  
7 SECTION 7. Arkansas Code § 19-5-1250(c), concerning the Open  
8 Enrollment Public Charter School Capital Grant Program Fund, is amended to  
9 read as follows to correct a reference:

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

16  
17 SECTION 8. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

18 It is the intent of the General Assembly that:

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

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

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

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

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

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

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

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35 **APPROVED: 3/8/19**