

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 252 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/4/09

A Bill

SENATE BILL 74

5 By: Senator Madison
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7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 21 OF
10 THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13 AN ACT TO MAKE VARIOUS CORRECTIONS TO
14 TITLE 21 OF THE ARKANSAS CODE OF 1987
15 ANNOTATED.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 21-4-211(5) and (6) are amended to read as
22 follows to conform to code style:

23 (5) The amount of salary paid during the training period ~~will~~ shall be
24 as agreed ~~on~~ by the employee and agency director but shall not exceed the
25 regular salary paid the employee; and

26 (6)(A) Payment of tuition, fees, books, and transportation may be made
27 if moneys have been specifically appropriated by the General Assembly for
28 those purposes or if the Department of Health provides assistance to
29 employees of the ~~Division of Health of the Department of Health~~ department
30 who are seeking a master's degree, ~~DrPH~~ a doctor of public health degree, or
31 ~~PhD~~ a doctor of philosophy degree in public health.

32 (B) The department shall not provide the assistance
33 authorized under subdivision (6)(A) of this section to more than twelve (12)
34 employees in any fiscal year.
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1 SECTION 2. Arkansas Code § 21-5-407(2) is amended to read as follows
2 to further subdivide the subdivision:

3 (2)(A) "Alternate retirement plan retiree" means a retiree in an
4 alternate retirement plan as defined in §24-7-801 of a certain ~~institutions~~
5 institution whose employer does not contribute to the State or Public School
6 Health Insurance Plan during his or her active employment ~~as defined in § 24-~~
7 ~~7-801~~.

8 (B) Further, an "alternate retirement plan", for the
9 purposes of this section, is a defined contribution plan allowed under the
10 Internal Revenue Service regulations and allowed but not created by Arkansas
11 state law;

12
13 SECTION 3. Arkansas Code § 21-5-410(c) is amended to read as follows
14 to add missing words:

15 (c) ~~Employees~~ An employee is one whose actual performance of duty
16 requires one thousand (1,000) or more working hours per year.

17
18 SECTION 4. Arkansas Code § 21-5-1003 is amended to read as follows to
19 correct a reference and to remove temporary language:

20 21-5-1003. Performance evaluation process.

21 (a) Each agency, board, commission, or institution of higher education
22 shall revise or develop an evaluation process suited to the mission of the
23 agency, board, commission, or institution of higher education, ~~provided if:~~

24 (1) The employee's evaluation is+ conducted annually;

25 ~~(A) Conducted annually; and~~

26 ~~(B)(2)~~ (2) The process of evaluation begins at least ninety (90)
27 days before the employee's eligibility date, as defined by the guidelines of
28 the Office of Personnel Management of the Division of Management Services of
29 the Department of Finance and Administration as they existed on January 1,
30 2007; ~~and~~

31 ~~(C)(3)~~ (3) The employee's evaluation is completed thirty (30) days
32 before the employee's eligibility date unless the agency director has
33 extended for good cause the employer's date for completing the employee's
34 evaluation;

35 ~~(2)(4)~~ (4) The evaluation process identifies performance that is
36 "unsatisfactory", "satisfactory", "above average", and "exceeds standards";

1 and

2 ~~(3)(5)~~ The evaluation process complies with the guidelines
3 established by the ~~Office of Personnel Management of the Division of~~
4 ~~Management Services of the Department of Finance and Administration~~ office.

5 (b) The agency, board, commission, or institution of higher education
6 shall implement the performance evaluation process required by subsection (a)
7 of this section after it is approved by the office.

8 ~~(c)(1) Each agency, board, commission, or institution of higher~~
9 ~~education shall submit its performance evaluation process and associated~~
10 ~~forms to the office for its review and approval by April 1, 2008.~~

11 ~~(2)(A) By July 1, 2008, the office shall:~~

12 ~~(i) Complete its review of each performance~~
13 ~~evaluation process; and~~

14 ~~(ii) Return each performance evaluation process with~~
15 ~~any required change in the performance evaluation process or associated~~
16 ~~forms; and~~

17 ~~(B) After completing its initial review under subdivision~~
18 ~~(c)(2)(A) of this section, the office shall review:~~

19 ~~(i) For approval the performance evaluation process~~
20 ~~and associated forms of any agency, board, commission, or institution created~~
21 ~~after July 1, 2008; and~~

22 ~~(ii) Periodically the performance evaluation process~~
23 ~~and associated forms of any agency, board, commission, or institution of~~
24 ~~higher education covered by this section for the purpose of recommending~~
25 ~~improvements.~~

26 ~~(3) After the office has returned the performance evaluation~~
27 ~~process and associated forms, the agency, board, commission, or institution~~
28 ~~of higher education shall implement the approved performance evaluation~~
29 ~~process and forms.~~

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31 SECTION 5. Arkansas Code § 21-15-112(a)(3)(B)(i) is amended to read as
32 follows to insert necessary words:

33 (i) Use the Online Criminal Background Check System
34 to obtain the criminal history or forward the criminal history check form to
35 the Identification Bureau of the Department of Arkansas State Police; and

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SECTION 6. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the 87th General Assembly. All such acts shall have full effect and, so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts and as amending or repealing the appropriate parts of the Arkansas Code of 1987.

/s/ Madison

APPROVED: 2/26/2009