Stricken language would be deleted from and underlined language would be added to present law. Act 796 of the Regular Session

1	State of Arkansas	As Engrossed: H4/8/21	
2	93rd General Assembly	A Bill	
3	Regular Session, 2021		HOUSE BILL 1779
4			
5	By: Representatives Wooten,	K. Ferguson	
6	By: Senator K. Hammer		
7			
8		For An Act To Be Entitled	
9	AN ACT CON	CERNING THE IDENTIFICATION AND EI	LIMINATION
10	OF UNUSED	AND UNNECESSARY POSITIONS FROM TH	HE BUDGETS
11	OF STATE A	GENCIES; TO DECLARE AN EMERGENCY	; AND FOR
12	OTHER PURP	OSES.	
13			
14			
15		Subtitle	
16	CONCE	ERNING THE IDENTIFICATION AND	
17	ELIMI	INATION OF UNUSED AND UNNECESSARY	
18	POSIT	TIONS FROM THE BUDGETS OF STATE	
19	AGENC	CIES; AND TO DECLARE AN EMERGENCY	•
20			
21			
22	BE IT ENACTED BY THE G	ENERAL ASSEMBLY OF THE STATE OF A	ARKANSAS:
23			
24	SECTION 1. Arka	nsas Code Title 21, Chapter 5, Su	ibchapter 2, is amended
25	to add an additional s	ection to read as follows:	
26	<u>21-5-226. Vacan</u>	t positions — Legislative finding	<u>ss — Reporting</u>
27	requirements.		
28		ral Assembly finds that determini	_
29		the purpose for the expenditure of	
30	funding and personnel	for a state agency, state department	nent, or state
31	institution each fisca	l year is the prerogative of the	General Assembly.
32	(2) Deter	minations under subdivision (a)(l) of this section are
33	typically accomplished	by delineating the maximums and	purposes in the
34	appropriation act for	a state agency, including without	<u>limitation</u>
35	authorizing appropriat	ions for each fund and fund accou	<u>int.</u>
36	<u>(3) It is</u>	both necessary and appropriate t	that the General

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1	Assembly maintain oversight by requiring approval of the Legislative Council,
2	or the Joint Budget Committee if the General Assembly is in regular, fiscal,
3	or extraordinary session as provided by this section

- 4 (4)(A) The requirement of approval by the Legislative Council or
 5 the Joint Budget Committee under this section is not a severable part of this
- 6 <u>section</u>.
- 7 <u>(B) If the requirement of approval under this section is</u>
- 8 found unconstitutional by a court of competent jurisdiction, the entire
- 9 <u>section</u> is void.
- 10 (b)(1) On or before June 15 of each calendar year, the Office of
- 11 Personnel Management shall identify each position authorized for the use of a
- 12 state agency that has been vacant for two (2) or more years.
- 13 (2) Positions identified under subdivision (b)(1) of this
- 14 <u>section shall be annually reported to the Personnel Subcommittee of the</u>
- 15 <u>Legislative Council at its first meeting after June 15.</u>
- 16 (3) A state agency shall not fill or otherwise utilize a
- 17 position identified under subdivision (b)(1) of this section without the
- 18 prior approval of the:
- 19 <u>(A) Legislative Council; or</u>
- 20 (B) The Joint Budget Committee if the General Assembly is
- 21 in regular, fiscal, or extraordinary session.
- 22 (4)(A) The office shall submit an updated report of the state
- 23 agency positions that have been vacant for two (2) years or more to the
- 24 Legislative Council and the Joint Budget Committee at least five (5) days
- 25 <u>before the beginning of the presession budget hearings preceding each regular</u>
- 26 <u>session and fiscal session of the General Assembly.</u>
- 27 (B) The updated report under subdivision (b)(4)(A) of this
- 28 section shall:
- 29 (i) Exclude positions filled or utilized upon the
- 30 approval of the Legislative Council or Joint Budget Committee under
- 31 <u>subdivision (b)(3) of this section; and</u>
- 32 (ii) Include any state agency positions vacant for
- 33 two (2) years or more that were subsequently identified by the office.
- 34 (C) A state agency shall not request the further
- 35 authorization of a vacant position identified in the report under subdivision
- 36 (b)(4)(A) of this section.

1	(c)(1) If a state agency determines that a position authorized for use		
2	by the state agency is no longer required for the necessary and efficient		
3	operation of the state agency, the state agency may submit a request to the		
4	office that the position be:		
5	(A) Terminated for the remainder of the fiscal year; and		
6	(B) Identified as a position not requested for continued		
7	authorization at the next presession budget hearings of the Legislative		
8	Council and Joint Budget Committee preceding each regular session and fiscal		
9	session of the General Assembly.		
10	(2)(A) The office shall submit a report of the state agency		
11	positions identified as a position not requested for continued authorization		
12	under subdivision (c)(l) of this section to the Legislative Council and the		
13	Joint Budget Committee at least five (5) days before the beginning of the		
14	presession budget hearings preceding each regular session and fiscal session		
15	of the General Assembly.		
16	(B) A state agency shall not request the further		
17	authorization of a position identified in the report under subdivision		
18	(c)(2)(A) of this section.		
19			
20	SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Study of State		
21	employee position management, control, and efficiency.		
22	(a) The Legislative Council shall study state employee position		
23	management, control and efficiency to identify means by which the state can		
24	increase efficiency and transparency in state budgeting through the		
25	elimination of unnecessary or unused positions at executive branch agencies.		
26	(b) The study shall include:		
27	(1) Studying possible plans for increasing efficiency and		
28	transparency in state budgeting by eliminating unnecessary or unused		
29	positions at state agencies within the executive branch; and		
30	(2) Developing recommendations for ways in which the state can		
31	increase efficiency and transparency in state budgeting.		
32	(c) The Legislative Council may assign the study under this section to		
33	a subcommittee of the Legislative Council.		
34	(d) A report summarizing the results of the study shall be filed with		
35	the Legislative Council no later than December 1, 2022.		

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1	SECTION 3. EMERGENCY CLAUSE. It is found and determined by the			
2	General Assembly of the State of Arkansas that the efficient and effective			
3	use of state funds is critical to the preservation of the public peace,			
4	health and safety; that this act allows for the identification and			
5	elimination of unused and unnecessary state agency positions, which enhances			
6	the efficient and transparent operation of state government and reflects the			
7	prudent use of state funds; and that this act should become effective at the			
8	earliest opportunity to preserve the public peace, health, and safety by			
9	ensuring that state funds are used appropriately and that unnecessary state			
10	agency positions may be identified and eliminated to promote the efficient			
11	and transparent operation of state government. Therefore, an emergency is			
12	declared to exist, and this act being immediately necessary for the			
13	preservation of the public peace, health, and safety shall become effective			
14	on:			
15	(1) The date of its approval by the Governor;			
16	(2) If the bill is neither approved nor vetoed by the Governor,			
17	the expiration of the period of time during which the Governor may veto the			
18	bill; or			
19	(3) If the bill is vetoed by the Governor and the veto is			
20	overridden, the date the last house overrides the veto.			
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22	/s/Wooten			
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25	APPROVED: 4/20/21			
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