

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 1398 of the Regular Session

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

As Engrossed: H4/2/09
A Bill

HOUSE BILL 2067

5 By: Representative Abernathy
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8 **For An Act To Be Entitled**

9 AN ACT TO AMEND ARKANSAS CODE § 21-1-402 TO
10 PROVIDE FOR EXCEPTIONS TO THE PROHIBITION ON
11 STATE EMPLOYMENT; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 TO AMEND ARKANSAS CODE § 21-1-402 TO
15 PROVIDE FOR EXCEPTIONS TO THE
16 PROHIBITION ON STATE EMPLOYMENT.
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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 § 21-1-402(a), regarding restrictions on
22 other employment, is amended to read as follows:

23 (a)(1) Subject to any restriction or condition prescribed by the
24 Arkansas Constitution and except as provided under subdivision (a)(2) of this
25 section, and unless the person resigns prior to entering into the employment,
26 no person elected to a constitutional office, after being elected to the
27 constitutional office and during the term for which elected, may enter into
28 employment with:

29 (A) Any state agency;

30 (B) Any public school district of this state in a
31 noncertified position;

32 (C) Any vocational education school funded by the state;

33 or

34 (D) Any education service cooperative.

35 (2)(A) A constitutional officer who was employed by a state



1 agency, a public school district of this state in a licensed or nonlicensed
 2 position, a state-supported vocational education school, an education service
 3 cooperative, or a state-supported college or university and who receives the
 4 prior approval of the Joint Budget Committee of the General Assembly during a
 5 legislative session or the Legislative Council between legislative sessions,
 6 and the Governor, may:

7 (i) Transfer employment to or become reemployed by
 8 another state agency, public school district of this state, state-supported
 9 vocational education school, an educational service cooperative, or a state-
 10 supported college or university;

11 (ii) Change positions under his or her current
 12 employer; or

13 (iii) Upon retirement from a state agency, public
 14 school district of this state, state-supported vocational education school,
 15 an education service cooperative, or a state-supported college or university,
 16 enter into a part-time or temporary employment with a state agency, public
 17 school district of this state, state-supported vocational education school,
 18 an educational service cooperative, or a state-supported college or
 19 university.

20 (B) Employment under this subdivision (a)(2) shall not be
 21 approved if the employment will violate § 19-11-701 -- § 19-11-709.

22 ~~(2)~~(3) Subject to any restriction or condition prescribed by the
 23 Arkansas Constitution, any constitutional officer who was employed by a state
 24 agency prior to being elected a constitutional officer may continue the
 25 employment, but the employment shall not thereafter be reclassified unless it
 26 is the result of a general reclassification affecting all positions of the
 27 class and grade equally, nor shall the constitutional officer receive any pay
 28 increase for that employment other than the cost-of-living increases
 29 authorized by the General Assembly without the prior approval of the Joint
 30 Budget Committee during a legislative session, the Legislative Council
 31 between legislative sessions, and the Governor.

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 33 SECTION 2. DO NOT CODIFY. The provisions of the Arkansas Code added
 34 by this act are nonseverable. In the event any part of the provisions of the
 35 Arkansas Code added by this act, including but not limited to the provisions
 36 requiring prior approval of the Joint Budget Committee or Legislative Counsel

1 and the Governor, are found to be unconstitutional by a court of competent
2 jurisdiction, the amendments to Arkansas Code § 21-1-402 contained in this
3 act shall be null and void and Arkansas Code § 21-1-402 before amendment by
4 this act shall remain in full force and effect.

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/s/ Abernathy

APPROVED: 4/9/2009