

1 State of Arkansas *As Engrossed: H3/14/17 H3/22/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 2008

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5 By: Representative Sturch

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For An Act To Be Entitled

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AN ACT TO AMEND THE LAW CONCERNING RESTRICTIONS ON

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PUBLIC EMPLOYMENT; TO AMEND THE LAW CONCERNING

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CONSTITUTIONAL OFFICERS; AND FOR OTHER PURPOSES.

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Subtitle

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TO AMEND THE LAW CONCERNING RESTRICTIONS

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ON PUBLIC EMPLOYMENT; AND TO AMEND THE

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LAW CONCERNING CONSTITUTIONAL OFFICERS.

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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), concerning restrictions*

22 *on 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~~ subdivisions*

25 *(a)(2) and (3) of this section, and unless the person resigns ~~prior to~~ before*

26 *entering into the employment, ~~no~~ a person elected to a constitutional office,*

27 *after being elected to the constitutional office and during the term for*

28 *which elected, ~~may~~ shall not enter into 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*

36 *agency, a public school district of this state in a licensed or nonlicensed*



1 position, a state-supported vocational education school, an education service
2 cooperative, or a state-supported college or university and who receives the
3 prior approval of the Joint Budget Committee during a legislative session or
4 the Legislative Council between legislative sessions, and the Governor, may:

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

9 (ii) Change positions under his or her current
10 employer; or

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

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

20 (3) If a constitutional officer is credentialed or certified as
21 a tutor, teacher, professor, or adjunct professor, he or she is not
22 prohibited from employment as a tutor, teacher, professor, or adjunct
23 professor with a public school district, educational service cooperative,
24 state-supported vocational education school, or state-supported college or
25 university in this state.

26 ~~(3)~~(4) Subject to any restriction or condition prescribed by the
27 Arkansas Constitution, any constitutional officer who was employed by a state
28 agency prior to being elected a constitutional officer may continue the
29 employment, but the employment shall not thereafter be reclassified unless it
30 is the result of a general reclassification affecting all positions of the
31 class and grade equally, nor shall the constitutional officer receive any pay
32 increase for that employment other than the cost-of-living increases
33 authorized by the General Assembly without the prior approval of the Joint
34 Budget Committee during a legislative session, the Legislative Council
35 between legislative sessions, and the Governor.

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/s/Sturch

APPROVED: 04/05/2017