

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S2/2/11 S2/7/11

A Bill

SENATE BILL 160

5 By: Senator Files
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE WITHHOLDING OF AN ELECTED
9 OFFICIAL'S SALARY AND BENEFITS UPON THE SUSPENSION OF
10 A REQUIRED PROFESSIONAL LICENSE OR REGISTRATION; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

14 CONCERNING THE WITHHOLDING OF AN ELECTED
15 OFFICIAL'S SALARY AND BENEFITS UPON THE
16 SUSPENSION OF A REQUIRED PROFESSIONAL
17 LICENSE OR REGISTRATION.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 *SECTION 1. Arkansas Code § 14-42-113 is amended to read as follows:*

24 *14-42-113. Salaries of officials -- Salary withheld if professional*
25 *license or registration suspended.*

26 *(a)(1) The Except as provided in subsection (b) of this section, the*
27 *salary of an official of a city of the first class, a city of the second*
28 *class, or an incorporated town may be increased during the term for which the*
29 *official has been elected or appointed and may be decreased during the term*
30 *only if requested by the official.*

31 *~~(b)(2)~~ When any city official whose salary was decreased*
32 *pursuant to subsection (a)(1) of this section leaves office prior to the*
33 *expiration of his or her term, his or her successor shall receive a salary*
34 *not less than the salary for the office immediately prior to its being*
35 *decreased pursuant to subsection (a)(1) of this section.*

36 *(b)(1) The salary of an elected official of a city of the first class,*



1 a city of the second class, or an incorporated town shall be withheld if:

2 (A) The elected official is required to hold a
3 professional license or registration as a qualification of his or her
4 position; and

5 (B) The elected official's professional license or
6 registration is suspended.

7 (2) Upon suspending the professional license or registration of
8 an elected official of a city of the first class, a city of the second class,
9 or an incorporated town, the agency, board, commission, or other authority
10 that issues the professional license or registration at issue shall notify in
11 writing the appropriate municipality or incorporated town.

12 (3) Upon learning that an elected official's required
13 professional license or registration has been suspended, the city of the
14 first class, city of the second class, or incorporated town shall petition a
15 court of competent jurisdiction for an order mandating that the elected
16 official's salary be withheld.

17 (4)(A) Upon restoration of his or her professional license or
18 registration, an elected official of a city of the first class, a city of the
19 second class, or an incorporated town may petition a court of competent
20 jurisdiction for an order mandating that the elected official's salary
21 resume.

22 (B) An elected official who receives an order for the
23 resumption of his or her salary under subdivision (b)(4)(A) of this section
24 shall not receive his or her salary for the period that the salary was
25 withheld.

26 (5)(A) As used in this subsection (b), "salary" means the
27 compensation paid to an elected official of a city of the first class, a city
28 of the second class, or an incorporated town for service in that position.

29 (B) "Salary" includes without limitation any benefits
30 provided to the elected official by virtue of his or her position, including
31 without limitation:

32 (i) Health insurance;

33 (ii) Retirement contributions; and

34 (iii) Retirement benefits.

35
36 /s/Files