

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
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H4/8/21

A Bill

HOUSE BILL 1779

5 By: Representatives Wooten, K. Ferguson
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE IDENTIFICATION AND ELIMINATION
10 OF UNUSED AND UNNECESSARY POSITIONS FROM THE BUDGETS
11 OF STATE AGENCIES; TO DECLARE AN EMERGENCY; AND FOR
12 OTHER PURPOSES.
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Subtitle

16 CONCERNING THE IDENTIFICATION AND
17 ELIMINATION OF UNUSED AND UNNECESSARY
18 POSITIONS FROM THE BUDGETS OF STATE
19 AGENCIES; AND TO DECLARE AN EMERGENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 21, Chapter 5, Subchapter 2, is amended
25 to add an additional section to read as follows:

26 21-5-226. Vacant positions – Legislative findings – Reporting
27 requirements.

28 (a)(1) The General Assembly finds that determining the maximum amount
29 of an appropriation, the purpose for the expenditure of appropriations, and
30 funding and personnel for a state agency, state department, or state
31 institution each fiscal year is the prerogative of the General Assembly.

32 (2) Determinations under subdivision (a)(1) of this section are
33 typically accomplished by delineating the maximums and purposes in the
34 appropriation act for a state agency, including without limitation
35 authorizing appropriations for each fund and fund account.

36 (3) It is both necessary and appropriate that the General



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 section.

7 (B) If the requirement of approval under this section is
8 found unconstitutional by a court of competent jurisdiction, the entire
9 section 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 section shall be annually reported to the Personnel Subcommittee of the
15 Legislative Council at its first meeting after June 15.

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 (A) Legislative Council; or

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 before the beginning of the pre-session budget hearings preceding each regular
26 session and fiscal session of the General Assembly.

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 subdivision (b)(3) of this section; and

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 pre-session 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)(1) of this section to the Legislative Council and the
13 Joint Budget Committee at least five (5) days before the beginning of the
14 pre-session 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.

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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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/s/Wooten

APPROVED: 4/20/21