

2 State of Arkansas

3 89th General Assembly

4 First Extraordinary Session, 2013

A Bill

DRAFT JAW/JAW

SENATE BILL

5
6 By: Senators B. King, A. Clark

7 Filed with: Interim Senate Committee on State Agencies and Governmental Affairs

8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO ENSURE OVERSIGHT OF CERTAIN STATE HIRES; TO
11 DISCOURAGE NEPOTISM; TO CREATE A SYSTEM OF REVIEW OF
12 CERTAIN STATE EMPLOYMENT DECISIONS; AND FOR OTHER
13 PURPOSES.

14 15 16 Subtitle

17 TO ENSURE OVERSIGHT OF CERTAIN STATE
18 HIRES; TO DISCOURAGE NEPOTISM; AND TO
19 CREATE A SYSTEM OF REVIEW OF CERTAIN
20 STATE EMPLOYMENT DECISIONS.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

27 21-1-106. Review of new employees in director and deputy director
28 positions.

29 A person hired or appointed to the position of agency director or
30 agency deputy director shall not enter into employment with a state agency
31 without prior review of the hiring or appointing decision by the House
32 Committee on State Agencies and Governmental Affairs and the Senate Committee
33 on State Agencies and Governmental Affairs meeting jointly.
34

1 SECTION 2. Arkansas Code § 21-1-402 (b)-(e), concerning restrictions
2 on state employment of spouse's of constitutional officers, is amended to
3 read as follows:

4 (b) No person whose spouse or former spouse is elected to a
5 constitutional office may, after the spouse or former spouse is elected to
6 the constitutional office and during the term for which the spouse or former
7 spouse is elected, enter into employment with any state agency without the
8 prior approval of the Joint Budget Committee during a legislative session,
9 the Legislative Council between legislative sessions, and the Governor.

10 (c) This subchapter does not prohibit the spouse or former spouse of
11 any constitutional officer from being elected and serving in an elected
12 office or from being appointed to fill the vacancy in any elected office.

13 (d) Any person who was employed by a state agency prior to the
14 person's spouse or former spouse being elected a constitutional officer and
15 any person who entered into employment with a state agency during the
16 spouse's or former spouse's service as a constitutional officer is subject to
17 the following:

18 (1) The person's position shall not thereafter be reclassified
19 unless it is the result of a general reclassification affecting all positions
20 of the class and grade equally, nor shall the person, while the spouse or
21 former spouse serves as a constitutional officer or within two (2) years
22 after the spouse or former spouse leaves office, be promoted or transferred
23 without the prior approval of the Joint Budget Committee during a legislative
24 session, the Legislative Council between legislative sessions, and the
25 Governor; and

26 (2) The person shall not receive any pay increase in excess of
27 fifteen percent (15%) without the prior approval of the Joint Budget
28 Committee during a legislative session, the Legislative Council between
29 legislative sessions, and the Governor.

30 (e) A former member of the General Assembly, ~~and~~ his or her spouse,
31 and his or her former spouse shall not be eligible to be employed by any
32 state agency within twenty-four (24) months after the member leaves office in
33 any job or position that:

34 (1) Was newly created by legislative action within the twenty-
35 four (24) months prior to the member's leaving office; or

1 (2) Had a maximum salary level increase of more than fifteen
2 percent (15%) authorized by legislative action within the twenty-four (24)
3 months prior to the member's leaving office.
4

5 SECTION 3. Arkansas Code § 21-1-407 is amended to read as follows:
6 21-1-407. Employment by state agency.

7 A person whose spouse or former spouse is elected to a constitutional
8 office may be employed by a state agency without the approval of the
9 employment required by § 21-1-402(b) if the person's entry salary does not
10 exceed the amount prescribed by Level 4 of Grade 13 of the state compensation
11 plan found in § 21-5-209.
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13 SECTION 4. Arkansas Code Title 21, Chapter 1, Subchapter 4, is amended
14 to add an additional section to read as follows:

15 21-1-409. Review of persons related to certain public officers before
16 entering into state employment.

17 (a) A person shall not enter into state employment without prior
18 review by the House Committee on State Agencies and Governmental Affairs and
19 the Senate Committee on State Agencies and Governmental Affairs meeting
20 jointly if the person is a relative of:

21 (1) A constitutional officer;

22 (2) An agency director; or

23 (3) An agency deputy director.

24 (b) Under this section "relative" means:

25 (1) A person who is related by consanguinity or affinity within
26 the second degree; and

27 (2) A former spouse.
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30 Referral requested by: Senator Bryan King and Senator Alan Clark

31 Prepared by: JAW/JAW
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