

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

# A Bill

HOUSE BILL 1768

4  
5 By: Representative D. Hutchinson  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING STATE AGENCY PERSONNEL CHANGES DUE  
9 TO A SHORTAGE OF FUNDS; TO DECLARE AN EMERGENCY; AND  
10 FOR OTHER PURPOSES.  
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## Subtitle

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13 CONCERNING STATE AGENCY PERSONNEL CHANGES  
14 DUE TO A SHORTAGE OF FUNDS AND TO DECLARE  
15 AND EMERGENCY.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. TEMPORARY LANGUAGE - DO NOT CODIFY. (a) As used in this  
22 act, "state agency" means:

- 23 (1) The Department of Education;  
24 (2) The Department of Correction;  
25 (3) The Department of Community Correction;  
26 (4) The Department of Health;  
27 (5) The Department of Human Services; and  
28 (6) An institution of higher education.

29 (b) For the fiscal year beginning July 1, 2011, and ending June 30,  
30 2012, a state agency that elects to terminate employees or eliminate  
31 employment positions due to a shortage of funds available to the state agency  
32 shall not, solely on the basis of a shortage of funds available to the state  
33 agency:

- 34 (1) Terminate an employee whose primary job function is to  
35 interact with members of the public; or  
36 (2) Eliminate a position with a primary function of interacting



1 with the public.

2 (c) If a state agency elects to terminate employees or eliminate  
 3 employment positions due to a shortage of funds available to the state  
 4 agency, the state agency shall:

5 (1) Terminate employees in management positions who do not  
 6 interact with the public as a primary function of their job; or

7 (2) Eliminate management positions for which interaction with  
 8 the public is not a primary function of the job.

9 (d) This section does not prohibit a state agency from terminating an  
 10 employee or eliminating an employment position for reasons other than a  
 11 shortage of funds available to the state agency.

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 13 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
 14 General Assembly of the State of Arkansas that this act concerns personnel  
 15 decisions by state agencies due to a shortage of available funds during the  
 16 fiscal year beginning July 1, 2011; and that this act should become effective  
 17 at the beginning of the fiscal year to be operative throughout its effective  
 18 period. Therefore, an emergency is declared to exist and this act being  
 19 necessary for the preservation of the public peace, health, and safety shall  
 20 become effective on July 1, 2011.