

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1189

5 By: Representative Cavanaugh
6 By: Senator B. Ballinger
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE REGULAR SALARY PROCEDURES AND
10 RESTRICTIONS ACT; TO ELIMINATE ADDITIONAL SALARY
11 PAYMENTS TO CABINET-LEVEL DEPARTMENT SECRETARIES; AND
12 FOR OTHER PURPOSES.
13
14

Subtitle

15 TO AMEND THE REGULAR SALARY PROCEDURES
16 AND RESTRICTIONS ACT; AND TO ELIMINATE
17 ADDITIONAL SALARY PAYMENTS TO CABINET-
18 LEVEL DEPARTMENT SECRETARIES.
19
20
21

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

24 SECTION 1. Arkansas Code § 19-4-1601(b), concerning the Regular Salary
25 Procedures and Restrictions Act, is amended to add an additional subdivision
26 to read as follows:

27 (5)(A) A cabinet-level department secretary is prohibited from
28 accepting additional salary from an additional source for:

29 (i) The performance of his or her duties as a
30 cabinet-level department secretary, including without limitation salary from:

31 (a) The state, unless the payment is for
32 service in the Arkansas National Guard;

33 (b) The United States Government, unless the
34 payment is for service in the United States Armed Forces;

35 (c) A public entity;

36 (d) A nonprofit or not-for-profit



1 organization;

2 (e) A private entity; or

3 (f) A private individual; or

4 (ii) Other employment or consulting work relating to
 5 the scope of his or her duties as a cabinet-level department secretary,
 6 including without limitation salary from:

7 (a) The state, unless the payment is for
 8 service in the Arkansas National Guard;

9 (b) The United States Government, unless the
 10 payment is for service in the United States Armed Forces;

11 (c) A public entity;

12 (d) A nonprofit or not-for-profit
 13 organization;

14 (e) A private entity; or

15 (f) A private individual.

16 (B) Service in the Arkansas National Guard or in the
 17 United States Armed Forces shall not be considered other employment or
 18 consulting work under subdivision (b)(5)(B)(ii) of this section.

19 (C) A cabinet-level department secretary shall devote all
 20 of his or her working time exclusively to the performance of his or her
 21 duties as a cabinet-level department secretary.

22 (D) This subdivision (b)(5) does not prohibit a cabinet-
 23 level department secretary from accepting or receiving expense reimbursements
 24 and employee benefits as provided by state law.

25
 26 SECTION 2. Arkansas Code § 21-5-101(b), concerning the Regular Salary
 27 Procedures and Restrictions Act, is amended to add an additional subdivision
 28 to read as follows:

29 (5)(A) A cabinet-level department secretary is prohibited from
 30 accepting additional salary from an additional source for:

31 (i) The performance of his or her duties as a
 32 cabinet-level department secretary, including without limitation salary from:

33 (a) The state, unless the payment is for
 34 service in the Arkansas National Guard;

35 (b) The United States Government, unless the
 36 payment is for service in the United States Armed Forces;

- 1 (c) A public entity;
- 2 (d) A nonprofit or not-for-profit
- 3 organization;
- 4 (e) A private entity; or
- 5 (f) A private individual; or
- 6 (ii) Other employment or consulting work relating to
- 7 the scope of his or her duties as a cabinet-level department secretary,
- 8 including without limitation salary from:
 - 9 (a) The state, unless the payment is for
 - 10 service in the Arkansas National Guard;
 - 11 (b) The United States Government, unless the
 - 12 payment is for service in the United States Armed Forces;
 - 13 (c) A public entity;
 - 14 (d) A nonprofit or not-for-profit
 - 15 organization;
 - 16 (e) A private entity; or
 - 17 (f) A private individual.
- 18 (B) Service in the Arkansas National Guard or in the
- 19 United States Armed Forces shall not be considered other employment or
- 20 consulting work under subdivision (b)(5)(B)(ii) of this section.
- 21 (C) A cabinet-level department secretary shall devote all
- 22 of his or her working time exclusively to the performance of his or her
- 23 duties as a cabinet-level department secretary.
- 24 (D) This subdivision (b)(5) does not prohibit a cabinet-
- 25 level department secretary from accepting or receiving expense reimbursements
- 26 and employee benefits as provided by state law.

27

28 SECTION 3. Arkansas Code § 21-5-1403 is amended to read as follows:

29 21-5-1403. Regular salary procedures and restrictions.

30 (a) Arkansas Constitution, Article 16, § 4, provides: “The General
 31 Assembly shall fix the salaries and fees of all officers in the State, and no
 32 greater salary or fee than that fixed by law shall be paid to any officer,
 33 employee or other person, or at any rate other than par value; and the number
 34 and salaries of the clerks and employees of the different departments of the
 35 State shall be fixed by law.” Therefore, the following provisions are
 36 applicable to all authorized regular salary positions in appropriation acts

1 unless specific exception is made otherwise by law:

2 (1) For any position authorized by the General Assembly of the
3 State of Arkansas for the benefit of any institution of higher education for
4 which the provisions of this subchapter are to be applicable, it is the
5 intent of the General Assembly that this subchapter govern with respect to:

6 (A) The entry pay level;

7 (B) The frequency with which increases in pay may be
8 granted; and

9 (C) The maximum annual salary that may be paid for the
10 grade assigned each employee;

11 (2) For any position authorized by the General Assembly for the
12 benefit of any institution of higher education for which a maximum annual
13 salary is set out in dollars, it is the intent of the General Assembly that
14 the position be paid at a rate of pay not to exceed the maximum established
15 for the position during any one (1) fiscal year and that the maximum annual
16 salary authorized is for full-time employment;

17 (3)(A) For all positions authorized by the General Assembly for
18 any institution of higher education, it is the intent of the General Assembly
19 in determining the annual salaries of employees in those positions, that the
20 head of the institution take into consideration the ability of the employee
21 and length of service.

22 (B) It is not the intent of the General Assembly that the
23 maximum annual salaries as authorized in the appropriation act or pay
24 increases established for the various grades under this subchapter be paid
25 unless the employee meets the qualifications associated with each pay level
26 and then only within the limitations of the appropriations and funds
27 available for that purpose.

28 (C) An employee authorized by the General Assembly shall
29 not receive from appropriated or cash funds, either from state, federal, or
30 other sources, compensation in an amount greater than that established by the
31 General Assembly as the maximum annual salary for the employee, unless
32 specific provisions are made by law; and

33 (4) An employee of an institution of higher education shall not
34 be paid any additional cash allowances, including without limitation uniform
35 allowance, clothing allowance, motor vehicle depreciation or replacement
36 allowance, fixed transportation allowance, or meals and lodging allowance

1 other than for reimbursement for costs actually incurred by the employee
2 unless the allowances are specifically set out by law as to eligibility of
3 employees to receive the allowances, and the maximum amount of such
4 allowances are established by law for each employee or for each class of
5 employees eligible to receive the allowances.

6 (b) This section does not apply to the Secretary of the Department of
7 Education.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36