

Stricken language would be deleted from and underlined language would be added to present law.

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

As Engrossed: H2/1/21

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.
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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.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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 (1) Service in the Arkansas National
33 Guard; or

34 (2) Work performed as a physician or
35 otherwise related to a professional license or certification;

36 (b) The United States Government, unless the



1 payment is for service in the United States Armed Forces;

2 (c) A public entity;

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

4 organization;

5 (e) A private entity; or

6 (f) A private individual; or

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

10 (a) The state, unless the payment is for:

11 (1) Service in the Arkansas National
 12 Guard; or

13 (2) Work performed as a physician or
 14 otherwise related to a professional license or certification;

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

17 (c) A public entity;

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

19 organization;

20 (e) A private entity; or

21 (f) A private individual.

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

25 (C) Work performed as a physician or otherwise related to
 26 a professional license or certification is not be considered other employment
 27 or consulting work under subdivision (b)(5)(B)(ii) of this section.

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

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

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

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

3 (a) The state, unless the payment is for:

4 (1) Service in the Arkansas National
5 Guard; or

6 (2) Work performed as a physician or
7 otherwise related to a professional license or certification;

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

10 (c) A public entity;

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

13 (e) A private entity; or

14 (f) A private individual; or

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

18 (a) The state, unless the payment is for:

19 (1) Service in the Arkansas National
20 Guard; or

21 (2) Work performed as a physician or
22 otherwise related to a professional license or certification;

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

25 (c) A public entity;

26 (d) A nonprofit or not-for-profit
27 organization;

28 (e) A private entity; or

29 (f) A private individual.

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

33 (C) Work performed as a physician or otherwise related to
34 a professional license or certification is not be considered other employment
35 or consulting work under subdivision (b)(5)(B)(ii) of this section.

36 (D) This subdivision (b)(5) does not prohibit a cabinet-

1 level department secretary from accepting or receiving expense reimbursements
2 and employee benefits as provided by state law.

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

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

6 (a) Arkansas Constitution, Article 16, § 4, provides: "The General
7 Assembly shall fix the salaries and fees of all officers in the State, and no
8 greater salary or fee than that fixed by law shall be paid to any officer,
9 employee or other person, or at any rate other than par value; and the number
10 and salaries of the clerks and employees of the different departments of the
11 State shall be fixed by law." Therefore, the following provisions are
12 applicable to all authorized regular salary positions in appropriation acts
13 unless specific exception is made otherwise by law:

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

18 (A) The entry pay level;

19 (B) The frequency with which increases in pay may be
20 granted; and

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

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

29 (3)(A) For all positions authorized by the General Assembly for
30 any institution of higher education, it is the intent of the General Assembly
31 in determining the annual salaries of employees in those positions, that the
32 head of the institution take into consideration the ability of the employee
33 and length of service.

34 (B) It is not the intent of the General Assembly that the
35 maximum annual salaries as authorized in the appropriation act or pay
36 increases established for the various grades under this subchapter be paid

1 unless the employee meets the qualifications associated with each pay level
2 and then only within the limitations of the appropriations and funds
3 available for that purpose.

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

9 (4) An employee of an institution of higher education shall not
10 be paid any additional cash allowances, including without limitation uniform
11 allowance, clothing allowance, motor vehicle depreciation or replacement
12 allowance, fixed transportation allowance, or meals and lodging allowance
13 other than for reimbursement for costs actually incurred by the employee
14 unless the allowances are specifically set out by law as to eligibility of
15 employees to receive the allowances, and the maximum amount of such
16 allowances are established by law for each employee or for each class of
17 employees eligible to receive the allowances.

18 (b) This section does not apply to the Secretary of the Department of
19 Education.

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/s/Cavanaugh