

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 369

5 By: Senator Rapert  
6 By: Representative Gazaway  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 21 OF  
10 THE ARKANSAS CODE CONCERNING PUBLIC OFFICERS AND  
11 EMPLOYEES.  
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13

## Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 21  
16 OF THE ARKANSAS CODE CONCERNING PUBLIC  
17 OFFICERS AND EMPLOYEES.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 21-4-214(d)(1)(A), concerning employee  
23 eligibility for catastrophic leave, is amended to read as follows to close an  
24 unintended gap in eligibility:

25 (1)(A) The employee has been employed by the state for ~~more than~~  
26 one (1) year or more or was previously employed by a public school district  
27 or state-supported institution of higher education for ~~more than two (2)~~  
28 ~~years~~ one (1) year or more.  
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30 SECTION 2. Arkansas Code § 21-4-214(d)(2), concerning employee  
31 eligibility for catastrophic leave, is amended to read as follows to make the  
32 language consistently parallel throughout the subsection:

33 (2) ~~Catastrophic leave for maternity purposes may be granted to~~  
34 ~~a female employee~~ The employee is female, and the catastrophic leave is to be  
35 used for maternity purposes after:  
36

(A) The birth of the employee's biological child; or



1 (B) The placement of an adoptive child in the home of the  
2 employee;

3  
4 SECTION 3. Arkansas Code § 21-5-101 is amended to read as follows to  
5 reconcile the language of the section with language that is also codified as  
6 § 19-4-1601:

7 21-5-101. Regular Salary Procedures and Restrictions Act.

8 (a) This section and § 19-4-1601 shall be known as and may be cited as  
9 the "Regular Salary Procedures and Restrictions Act".

10 (b) Arkansas Constitution, Article 16, § 4, provides: "~~The~~ Except as  
11 provided in Arkansas Constitution, Article 19, § 31, the General Assembly  
12 shall fix the salaries and fees of all officers in the State~~;~~ and no greater  
13 salary or fee than that fixed by law shall be paid to any officer, employee,  
14 or other person, or at any rate other than par value; and the number and  
15 salaries of the clerks and employees of the different departments of the  
16 State shall be fixed by law." Therefore, the following provisions shall be  
17 applicable to all authorized regular salary positions in appropriation acts  
18 unless specific exception is made otherwise by law:

19 (1) For any position authorized by the General Assembly ~~of the~~  
20 ~~State of Arkansas~~ for the benefit of any department, agency, board,  
21 commission, institution, or program for which the provisions of the Uniform  
22 Classification and Compensation Act, § 21-5-201 et seq., are to be  
23 applicable, it is declared to be the intent of the General Assembly that the  
24 Uniform Classification and Compensation Act, § 21-5-201 et seq., shall govern  
25 with respect to:

26 (A) The entrance ~~salary~~ pay level;

27 (B) The ~~frequency with~~ procedures by which salary  
28 increases may be granted; and

29 (C) The maximum ~~annual salary~~ pay level that may be paid  
30 for the grade assigned each employee under the provisions of the Uniform  
31 Classification and Compensation Act, § 21-5-201 et seq.;

32 (2) For any position authorized by the General Assembly for the  
33 benefit of any department, agency, board, commission, institution, or program  
34 for which a maximum ~~annual salary~~ pay level is set out in dollars, it is the  
35 intent of the General Assembly that the position is to be paid at a rate of  
36 pay not to exceed the maximum established for the position during any one (1)

1 fiscal year and that the maximum ~~annual salary~~ pay level authorized is for  
2 full-time employment;

3 (3)(A) For all positions authorized by the General Assembly for  
4 any department, agency, board, commission, institution, or program, it is the  
5 intent of the General Assembly that in determining the annual salaries of  
6 ~~such these~~ employees, the administrative head of the department, agency,  
7 board, commission, institution, or program shall take into consideration  
8 ability of the employee and length of service.

9 (B) It is not the intent of the General Assembly that the  
10 maximum ~~annual salaries~~ pay level as authorized in the appropriation act, or  
11 ~~step any~~ increases established for the various grades under the provisions of  
12 the Uniform Classification and Compensation Act, § 21-5-201 et seq., be paid  
13 unless the ~~employee possesses such~~ qualifications are complied with and then  
14 only within the limitations of the appropriations and funds available for  
15 ~~that this~~ purpose.

16 (C) ~~No An~~ employee authorized by the General Assembly  
17 shall not receive from appropriated or cash funds, either from state,  
18 federal, or other sources, compensation in an amount greater than that  
19 established by the General Assembly as the maximum ~~annual salary~~ pay level  
20 for the employee, unless specific provisions are made therefor by law; and

21 (4) ~~No An~~ employee of the State of Arkansas shall not be paid  
22 any additional cash allowances, including, ~~but not limited to,~~ without  
23 limitation uniform allowance, clothing allowance, motor vehicle depreciation  
24 or replacement allowance, fixed transportation allowance, ~~or~~ and meals and  
25 lodging allowance, other than for reimbursement for costs actually incurred  
26 by the employee unless the allowances are specifically set out by law as to  
27 eligibility of employees to receive the allowances, and the maximum amount of  
28 ~~such the~~ allowances are established by law for each employee or for each  
29 class of employees eligible to receive the allowances.

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31 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

32 It is the intent of the General Assembly that:

33 (1) The enactment and adoption of this act shall not expressly  
34 or impliedly repeal an act passed during the regular session of the Ninety-  
35 Second General Assembly;

36 (2) To the extent that a conflict exists between an act of the

1 regular session of the Ninety-Second General Assembly and this act:

2 (A) The act of the regular session of the Ninety-Second  
3 General Assembly shall be treated as a subsequent act passed by the General  
4 Assembly for the purpose of:

5 (i) Giving the act of the regular session of the  
6 Ninety-Second General Assembly its full force and effect; and

7 (ii) Amending or repealing the appropriate parts of  
8 the Arkansas Code of 1987; and

9 (B) Section 1-2-107 shall not apply; and

10 (3) This act shall make only technical, not substantive, changes  
11 to the Arkansas Code of 1987.

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14 **APPROVED: 3/8/19**  
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