

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1289

5 By: Representatives Gazaway, M. Shepherd  
6 By: Senators C. Tucker, J. Bryant  
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; AND FOR OTHER PURPOSES.  
12  
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 § 21-5-104(b), concerning the prohibition on  
23 the deduction of jury duty fees from a public employee's salary, is amended  
24 to read as follows to correct the classification of a criminal offense  
25 pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

26 (b)(1) Any state, county, or municipal employer who ~~shall violate the~~  
27 ~~provisions of~~ violates this section ~~shall be~~ is guilty of a ~~misdemeanor~~  
28 violation and upon conviction ~~therefor~~ shall be fined not less than twenty-  
29 five dollars (\$25.00) nor more than two hundred fifty dollars (\$250).

30 (2) A violation ~~shall constitute~~ of this section constitutes  
31 grounds for dismissal of the employer from his or her office or position of  
32 public employment.  
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34 SECTION 2. Arkansas Code § 21-5-1403 is amended to read as follows to  
35 correct a quote from the Arkansas Constitution and to correct word usage:

36 21-5-1403. Regular salary procedures and restrictions.



1           Arkansas Constitution, Article 16, § 4, provides: "The Except as  
2 provided in Arkansas Constitution, Article 19, § 31, the General Assembly  
3 shall fix the salaries and fees of all officers in the State, and no greater  
4 salary or fee than that fixed by law shall be paid to any officer, employee  
5 or other person, or at any rate other than par value; and the number and  
6 salaries of the clerks and employees of the different departments of the  
7 State shall be fixed by law." Therefore, the following provisions are  
8 applicable to all authorized regular salary positions in appropriation acts  
9 unless specific exception is made otherwise by law:

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

14                   (A) The entry pay level;

15                   (B) The frequency with which increases in pay may be  
16 granted; and

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

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

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

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

36                   (C) An employee authorized by the General Assembly shall

1 not receive from appropriated or cash funds, either from state, federal, or  
 2 other sources, compensation in an amount greater than that established by the  
 3 General Assembly as the maximum annual salary for the employee, unless  
 4 specific provisions are made by law; and

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

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 15 SECTION 3. Arkansas Code § 21-6-101 is amended to read as follows to  
 16 repeal a reference to a Code section in which fees are no longer prescribed:

17 21-6-101. Fees in certain sections superseded.

18 The appropriate fee prescribed in §§ 21-6-306, 21-6-402, and 21-6-403  
 19 shall be in lieu of the fee prescribed in:

20 (1) Section 18-44-117 for filing mechanics' and materialmen's  
 21 liens;

22 (2) Section 18-46-115 for filing medical, nursing, and hospital  
 23 liens; and

24 (3) Section 16-65-117 for filing judgments to establish judgment  
 25 liens on lands; ~~and~~

26 ~~(4) Section 17-90-303 for recording licenses of optometrists.~~

27  
 28 SECTION 4. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

29 It is the intent of the General Assembly that:

30 (1) The enactment and adoption of this act shall not expressly  
 31 or impliedly repeal an act passed during the regular session of the Ninety-  
 32 Fourth General Assembly;

33 (2) To the extent that a conflict exists between an act of the  
 34 regular session of the Ninety-Fourth General Assembly and this act:

35 (A) The act of the regular session of the Ninety-Fourth  
 36 General Assembly shall be treated as a subsequent act passed by the General

1 Assembly for the purposes of:

2 (i) Giving the act of the regular session of the  
3 Ninety-Fourth General Assembly its full force and effect; and

4 (ii) Amending or repealing the appropriate parts of  
5 the Arkansas Code of 1987; and

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

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

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