

Act 42 of the Third Special Session of 1989.

Act 42

SB15

By: Joint Budget Committee

CALL ITEM 32

For An Act To Be Entitled  
"AN ACT TO PROVIDE FLEXIBILITY IN RECRUITING AND RETAINING  
EXCEPTIONALLY WELL QUALIFIED ACADEMIC PERSONNEL; TO AMEND  
ARKANSAS CODE 6-63-307 TO EXCLUDE CERTAIN COMPENSATION  
RECEIVED BY FACULTY MEMBERS FROM THE MAXIMUM SALARY  
RESTRICTIONS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 6-63-309(a) and (b) are hereby amended to read as follows:

"(a) In order that exceptionally well-qualified academic personnel may be recruited and retained, each state supported institution of higher education may exceed the maximum salary levels by no more than twenty-five percent (25%) for no more than ten percent (10%) of the positions authorized in their biennial operations appropriation act as Academic Dean, Division Head or Chair, Department Chair, Distinguished Professor, University Professor, Professor, Associate Professor, Assistant Professor, Instructor, Extension Specialist IV, Extension Specialist III, Extension Specialist II, Extension Specialist I, County Extension Agent-Chairman I, or County Extension Agent-Chairman II.

(b)"

SECTION 2. Arkansas Code 6-63-307 is hereby amended to read as follows:  
"6-63-307. Salary restrictions - Penalties.

(a) No employee drawing a salary or other form of compensation from an institution of higher education shall be paid an additional salary or receive additional compensation other than reimbursement for actual expenses from that institution, nor from any other agency or institution of higher education, except upon written certification to and approval by the Chief Fiscal Officer of the State and by the head of each agency or institution that the work performed by the employee for the other agency or institution of higher education does not interfere with the proper and required performance of the employee's primary duties and that the combined salary payments from both agencies or institutions of higher education will not exceed the larger maximum annual salary of the line item position authorized for either agency from which the employee is to be paid.

(b) Any employee knowingly violating the provisions of this section shall be subject to immediate termination and shall be barred from employment by any agency or institution of the State of Arkansas for a period of not less than three (3) years or until the employee shall repay to the State of Arkansas any sums received by such employee in violation of this section, together with interest at a rate of ten percent (10%) per annum.

(c) Any compensation received by a faculty member for participation in a non-credit seminar, conference or convention sponsored by an institution of higher education that is paid from funds generated by such seminar, conference or convention shall be excluded from the maximum salary restrictions provided for in Arkansas Code 6-63-303 and the salary restrictions provided for in (a) and (b) of this section."

SECTION 3. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this Act shall be in compliance with the stated reasons for which this Act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 4. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, meeting in Third Extraordinary Session that current State limitation on line-item maximum salaries cause considerable difficulty in recruiting and retaining exceptionally well-qualified academic personnel and place undue restrictions on Institutions of Higher Education, and these conditions restrict educational opportunities for the citizens of this State; and that the provisions of this Act will remedy such situations. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after November 15, 1989.

APPROVED: November 8, 1989

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