

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

JBC 03/24/09 (1)

Subtitle of Senate Bill No. 417

"AN ACT FOR THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES
APPROPRIATION FOR THE 2009-2010 FISCAL YEAR."

Amendment No. 4 to Senate Bill No. 417.

Amend Senate Bill No. 417 as engrossed, S3/23/09 (version: 03-23-2009 15:53)

Delete Section 38 in its entirety and substitute:

" SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CLINICAL EXPANSION AND RESEARCH POOL. (a) In order to address personnel needs emerging from expanding medical research and patient care issues and the necessity of recruiting and retaining qualified medical, research, and related support personnel, the University of Arkansas for Medical Sciences or its successor is authorized for the 2009-2010 fiscal year a pool of one thousand five hundred (1,500) "Clinical Expansion and Research Pool" positions. These positions are to be used by the University of Arkansas for Medical Sciences in the event that the personal services needs resulting from unanticipated clinical or research programs that are initiated during the 2009-2010 fiscal year require additional positions, either in title, in classification, or in number, that are not authorized or contemplated by the General Assembly in Section 1 of this Act.

These "Clinical Expansion and Research Pool" positions may also be used to properly classify positions when the University of Arkansas for Medical Sciences does not have a vacant position available with the appropriate title, grade, or salary level. The salary rates for these positions shall not exceed the highest maximum annual salary rate or the highest grade level position authorized by the General Assembly in Section 1 of this Act, as governed by the uniform Classification and Compensation Act of 1969, §21-5-201 et seq., or its successor.

(b) The University of Arkansas for Medical Sciences is authorized to access the "Clinical Expansion and Research Pool" positions authorized in this Section at any time during the fiscal year when it is determined by the Chancellor of the University of Arkansas for Medical Sciences, subject to the review and approval by the Board of Trustees, that the need for additional positions exists. The Chancellor of the University of Arkansas for Medical Sciences shall provide a quarterly report detailing the justification of allocation of positions from this "Clinical Expansion and Research Pool" to



the Chief Fiscal Officer of the State, to the Department of Higher Education, and to the Arkansas Legislative Council or Joint Budget Committee for review. The report shall also include an accounting of the names, titles and salaries of personnel who have been employed in positions established from this pool and the source and duration of funds associated with the positions.

(c) If the University of Arkansas for Medical Sciences requests continuation of any "Clinical Expansion and Research Pool" position(s) as established herein during the next fiscal year, the position(s) must be requested as a new position(s) in the agency's budget request.

(d) Determining the number of personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that the University of Arkansas for Medical Sciences could be operated more efficiently if some flexibility is given to that institution. That flexibility is being accomplished by providing a position pool in Subsection (a) of this Section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the position pool by requiring review of the Legislative Council or Joint Budget Committee in the utilization of the position pool. Therefore, the requirement of review by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of review by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, 2009 through June 30, 2010."

AND

Delete Section 41 in its entirety and substitute:

" SECTION 41. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2009 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2009 could work irreparable harm upon the proper administration and provision of essential governmental programs. 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 July 1, 2009."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senators J. Key, Horn

TWV/TWV - 03-24-2009 10:09

TWV221

Secretary