

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S2/1/99
A Bill

SENATE BILL 81

5 By: Joint Budget Committee
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8 **For An Act To Be Entitled**

9 "AN ACT TO AMEND ARKANSAS CODE 6-63-305 TO PROVIDE NEW
10 OR ADDITIONAL POSITIONS FOR THE INSTITUTIONS OF HIGHER
11 EDUCATION; AND FOR OTHER PURPOSES"
12

13 **Subtitle**

14 "AN ACT TO AMEND ARKANSAS CODE 6-63-305
15 TO PROVIDE NEW OR ADDITIONAL POSITIONS
16 FOR THE INSTITUTIONS OF HIGHER EDUCATION"
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 6-63-305 is amended to read as follows:
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23 "6-63-305. New or additional positions.

24 (a)(1)(A) In the event that additional federal funds, grants, gifts, or
25 collections become available that were not authorized or contemplated at the
26 time of the passage of the biennial appropriation act for operations for each
27 institution enumerated in subsection (b) of this section, that such new funds
28 make it possible for the recipient institution to engage in educational
29 projects that would be of benefit to the State of Arkansas, and that such
30 projects would make it necessary to employ additional personnel, the president
31 of the recipient institution, upon authorization by the appropriate board of
32 trustees, and after review and approval by the Office of Personnel Management
33 and the Legislative Council of the requested classifications or maximum annual
34 salaries set out in dollars, may establish such positions, as necessary.

35 (B) The source of funding for positions established under this
36 subsection shall be reported to the Office of Personnel Management and the

1 Legislative Council by the institution at the time of the request.

2 (C) ~~Institutions may request that classifications and/or maximum annual~~
3 ~~salary determinations made by the Office of Personnel Management be submitted~~
4 ~~to the Legislative Council for review, where the recipient institution has~~
5 ~~determined that such recommendations do not adequately describe the purposes~~
6 ~~of the intended program or programs. Determining the number of personnel to~~
7 ~~be employed by a state agency is the prerogative of the General Assembly and~~
8 ~~is usually accomplished by delineating the maximum number of personnel by~~
9 ~~identifying the job titles and the maximum grade or salary attached to those~~
10 ~~salaries. The General Assembly has determined that the Institutions of Higher~~
11 ~~Education could be operated more efficiently if some flexibility is given to~~
12 ~~the institutions. That flexibility is being accomplished by providing new or~~
13 ~~additional positions in subsection (b) of this section and since the General~~
14 ~~Assembly has granted the institutions broad powers under the new or additional~~
15 ~~position concept, it is both necessary and appropriate that the General~~
16 ~~Assembly maintain oversight of the utilization of the new or additional~~
17 ~~positions by requiring prior approval of the Legislative Council in the~~
18 ~~utilization of the new or additional positions. Therefore, the requirement of~~
19 ~~approval by the Legislative Council is not a severable part of this section.~~
20 ~~If the requirement of approval by the Legislative Council is ruled~~
21 ~~unconstitutional by a court of competent jurisdiction, this entire section is~~
22 ~~void.~~

23 (2) The Director of the Office of Personnel Management shall report all
24 such approvals to the Legislative Council in the month following approval and
25 shall certify all additional positions established under the provisions of
26 this subsection to the Director of the Department of Finance and
27 Administration and the Auditor of State.

28 (b) The following maximum number of new additional positions is
29 established for the biennium for the following institutions of higher
30 education, at salary rates not to exceed the salary rate of comparable
31 positions established in the regular salaries section of the biennial
32 appropriations act for operations for each institution:

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34	<u>Maximum Number of</u>
35	<u>Additional Positions</u>
36	<u>Institution</u>

1	Arkansas State University	100	<u>200</u>
2	Arkansas State University - Mountain Home	20	<u>40</u>
3	Arkansas State University - Beebe	50	
4	Arkansas State University - Beebe /Newport	60	
5	Arkansas Tech University	40	<u>50</u>
6	ATU - Mining & Minerals Resources Research Inst.	15	
7	Black River Technical College	20	<u>40</u>
8	Cossatot Technical College	20	<u>40</u>
9	East Arkansas Community College	20	<u>40</u>
10	Garland County Community College	20	<u>40</u>
11	Gateway Technical College	20	
12	Henderson State University	40	<u>50</u>
13	Mid-South Community College	40	
14	Mississippi County Community College	40	
15	Mountain Home Technical College	20	
16	North Arkansas Community/Technical College	40	
17	North West Arkansas Community College	20	<u>40</u>
18	Ouachita Technical College	20	<u>40</u>
19	Ozarka Technical College	20	<u>40</u>
20	Petit Jean Technical College	20	<u>40</u>
21	Phillips County Community College <u>of the Univ. of Arkansas</u>	20	<u>40</u>
22	Pines Technical College	20	
23	Pulaski Technical College	20	<u>40</u>
24	Red River Technical College	20	
25	Rich Mountain Community College	20	<u>40</u>
26	<i>South Arkansas Community College</i>	40	
27	<u><i>Southeast Arkansas College</i></u>	<u>40</u>	
28	Southern Arkansas University	40	
29	SAU - Tech	30	<u>40</u>
30	University of Arkansas - Fayetteville	250	<u>400</u>
31	University of Arkansas - Exp. Stations	250	
32	<u>University of Arkansas - Cooperative Extension</u>	<u>150</u>	
33	University of Arkansas - Archaeological Survey	150	
34	<u>University of Arkansas - Criminal Justice Institute</u>	<u>150</u>	
35	University of Arkansas - Little Rock	250	
36	University of Arkansas - Medical Sciences	250	

1	University of Arkansas - Monticello	50
2	University of Arkansas - Pine Bluff	100
3	<u>University of Arkansas Community College at Batesville</u>	<u>40</u>
4	<u>University of Arkansas Community College at Hope</u>	<u>40</u>
5	University of Central Arkansas	50
6	Westark Community College	30 <u>40</u>

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SECTION 2. 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 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY CLAUSE. It is hereby found and determined by the Eighty-second General Assembly of the State of Arkansas that increases and clarification of new or additional positions at the various institutions of higher education are needed for the efficient and effective operations of the institutions. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

/s/ Joint Budget Committee