

Act 457 of the 1989 Regular Session.

Act 457

HB1735

By: Joint Budget Committee

"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR A PROPOSED COMMUNITY COLLEGE WITHOUT WALLS IN THE ROGERS/BENTONVILLE AREA FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER PURPOSES."

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

SECTION 1. STATEMENT OF LEGISLATIVE PURPOSE AND INTENT. In the passage of this Act, the General Assembly is cognizant of the fact that the State Board of Higher Education, acting under the authority of Arkansas Code Title 6, Chapter 61, Subchapter 5 and under criteria and standards promulgated thereunder for the establishment of community college districts, has received a request for the establishment of a Community College Without Walls in the Rogers/Bentonville area and has requested that the General Assembly provide an appropriation to be used in the event that the State Board of Higher Education approves the establishment of such a district and that the electors of the proposed district vote to establish such a district in the manner provided by law and approve a levy of tax deemed by the Board to be necessary for providing local funding for the operation of the Community College Without Walls.

Whenever the term "Community College Without Walls" is used in this Act, said term is used solely for the purpose of referring to a community college district to be established in the Rogers/Bentonville area in the manner provided by law, and is not intended to establish the legal name of said community college district, or of the community college itself. Whenever the term "Rogers/Bentonville area" is used in this Act, said term is used solely for the purpose of referring to the general area of location of the proposed community college, and is not intended to legally define the location of the district or the community college itself. The community college district shall bear such name and geographic definition as proposed therefore in the petition filed by the electors of the proposed district for an election on the question of creating such community college district and the name of the institution operated by the community college district shall be selected by the board of trustees of said district subject to the approval thereof by the State Board of Higher Education.

SECTION 2. LIMITATIONS. The appropriations provided in this Act and such funds as are made available to fund these appropriations shall be used only in the event that the community college district referred to herein is established with the necessary approvals of the State Board of Higher Education and the passage of a local millage at a rate of 3.0 mills or more.

SECTION 3. REGULAR SALARIES. There is hereby established for the Community College Without Walls for the 1989-91 biennium, a maximum number of fifty (50) full-time and two hundred (200) part-time regular employees whose salaries shall be comparable to those paid to regular employees providing similar services for other community colleges. Such salaries shall be governed by the provisions of the Regular Salary Procedures and Restrictions Act and the Higher Education Employee Classification and

Compensation Act, or their successors, and all laws amendatory thereto. Maximum annual salaries paid to such employees shall be approved by the State Board of Higher Education with prior review by the Legislative Council. The maximum annual salary paid to the President of the Community College Without Walls shall not exceed \$60,933.

SECTION 4. EXTRA HELP. There is hereby authorized, for the Community College Without Walls for the 1989-91 biennium, the following number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated for such purposes: One Hundred Eighty (180), when needed, at rates of pay not to exceed the rate of pay for comparable positions authorized by this Act, by the Uniform Classification and Compensation Act, and by the Higher Education Employee Classification and Compensation Act, or their successors, and all laws amendatory thereto.

SECTION 5. APPROPRIATIONS - GENERAL REVENUE. There is hereby appropriated, to the Community College as may be established under Sections 1 and 2 of this Act, to be payable from the Community College Fund, for personal services and operating expenses of the Community College Without Walls operating in the Rogers/Bentonville area for the biennial period ending June 30, 1991, the following:

| ITEM<br>NO.                     | FISCAL YEARS |            |
|---------------------------------|--------------|------------|
|                                 | 1989-90      | 1990-91    |
| (01) REGULAR SALARIES           | \$ 240,000   | \$ 240,000 |
| (02) PERSONAL SERVICES MATCHING | 60,000       | 60,000     |
| TOTAL AMOUNT APPROPRIATED       | \$ 300,000   | \$ 300,000 |
|                                 | =====        | =====      |

SECTION 6. APPROPRIATIONS - CASH FUNDS. There is hereby appropriated, to the Community College as may be established under Sections 1 and 2 of this Act, to be payable from cash funds as defined by Arkansas Code 19-4-801, for personal services and operating expenses of the Community College Without Walls for the biennial period ending June 30, 1991, the following:

| ITEM<br>NO.                                | FISCAL YEARS |              |
|--|--------------|--------------|
|  | 1989-90      | 1990-91      |
| (01) REGULAR SALARIES                      | \$ 1,910,835 | \$ 1,910,835 |
| (02) EXTRA HELP                            | 277,708      | 277,708      |
| (03) PERSONAL SERVICES MATCHING            | 597,135      | 597,135      |
| (04) MAINT. & GEN. OPERATION               |              |              |
| (A) OPER. EXPENSES                         | \$ 300,000   | \$ 300,000   |
| (B) CONF. & TRAVEL                         | 25,000       | 25,000       |
| (C) PROF. FEES                             | 25,000       | 25,000       |
| (D) CAPITAL OUTLAY                         | 300,000      | 300,000      |
| (E) DATA PROCESSING                        | 50,000       | 50,000       |
| TOTAL MAINT. & GEN. OPER.                  | 700,000      | 700,000      |
| (05) FUND TRANSFERS, REFUNDS & INVESTMENTS | 91,410       | 91,410       |
| (06) CONTINGENCY                           | 760,000      | 760,000      |
| (07) DEBT SERVICE                          | 40,000       | 40,000       |
| (08) CAPITAL IMPROVEMENTS                  | 400,000      | 400,000      |
| TOTAL AMOUNT APPROPRIATED                  | \$ 4,777,088 | \$ 4,777,088 |

SECTION 7. HOUSING ALLOWANCE. Upon approval by the Community College Without Walls Board of Trustees, the President of the Community College Without Walls may receive a Housing Allowance in an amount not to exceed four hundred dollars (\$400.00) per month in lieu of college housing.

SECTION 8. TRANSITIONAL AGREEMENTS. If the Boards of Trustees of the Community College Without Walls and North Arkansas Community College shall determine that it would be in the best interest of the educational programs of the Rogers/Bentonville area that employees of North Arkansas Community College continue to provide such educational services until the Community College Without Walls can employ sufficient staff to take over the operation of the educational programs, said Boards of Trustees may enter into necessary contracts and agreements to provide for the orderly transition of the administrative responsibility of the educational programs of said Community College Without Walls. Such contracts and agreements may also include the necessary financial agreements for payments to be made by the Community College Without Walls to North Arkansas Community College for services rendered during the transition period. Provided further, that such agreements may include the employment by the Community College Without Walls of staff persons of North Arkansas Community College engaged in duties in the Rogers/Bentonville area at the time of the implementation of the operation of said Community College Without Walls, or may include agreements for the Community College Without Walls to contract with North Arkansas Community College for the providing of the educational and training services under such such financial agreements as may be mutually agreed to by the respective institutions.

SECTION 9. ARKANSAS CODE 19-4-906(a) is hereby amended by adding the following new subdivision at the end thereof to read as follows:

"(140) COMMUNITY COLLEGE WITHOUT WALLS 10"

SECTION 10. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, the Higher Education Expenditure Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 11. 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 12. 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 13. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 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, 1989 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, 1989.

APPROVED: March 9, 1989

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