

As Engrossed: 3/21/91 3/21/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: *Joint Budget Committee***

A BILL ACT 1246 OF 1991

HOUSE BILL 1979

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PROVIDING ADDITIONAL
9 SUPPORT FOR VOCATIONAL TECHNICAL EDUCATION TO BE DISBURSED
10 BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION AS
11 DIRECTED BY THE STATE BOARD OF HIGHER EDUCATION AND THE
12 STATE BOARD OF VOCATIONAL EDUCATION FOR THE BIENNIAL
13 PERIOD ENDING JUNE 30, 1993; AND FOR OTHER PURPOSES."

14
15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16
17 SECTION 1. APPROPRIATIONS . There is hereby appropriated, to the
18 Department of *Finance and Administration*, to be payable from the Work Force
19 2000 Development Fund, for additional support for vocational technical
20 education for the biennial period ending June 30, 1993, the following:

22 ITEM	FISCAL YEARS	
23 NO.	1991-92	1992-93
24 1) CONSTRUCTION, RECONSTRUCTION, RENOVATIONS,		
25 PURCHASE OF EQUIPMENT AND OTHER CAPITAL OUTLAY	\$10,750,000	
26 2) ADDITIONAL PERSONAL SERVICES AND OPERATING		
27 EXPENSES	\$10,000,000	\$10,000,000

28
29 SECTION 2. FUND TRANSFERS. *The Chief Fiscal Officer of the State shall*
30 *during May and June of 1991, determine the amount of net general revenue for*
31 *the month due to the increases and other adjustments enacted by the 78th*
32 *General Assembly which were included in Arkansas Code §19-6-201 prior to any*
33 *enactments of the 78th General Assembly. The first ten million seven hundred*
34 *and fifty thousand dollars (\$10,750,000) of the amount so determined and*
35 *certified to the State Treasurer shall be transferred to the Work Force 2000*
36 *Development Fund from the net general revenues after making the required*

1 deductions as set out in Arkansas Code §19-5-202(b)(2)(B)(i) therefrom.

2

3 SECTION 3. Notwithstanding the provisions of any other act passed by
4 the Seventy Eighth General Assembly, and specifically the provisions of
5 Section 28 of the Act which was enacted from SB 357, as engrossed on 2/28/91,
6 the State Board of Vocational Education shall remain the sole state agency to
7 administer any and all state and federal adult education funds. The State
8 Board of Vocational Education shall distribute federal adult education funds
9 to participating institutions under the effective and efficient funding
10 formula as established by the State Board of Vocational Education.

11 (b) It is the specific intent of the General Assembly that the
12 provisions of Section 28 of the Act which was enacted from SB 357, as
13 engrossed 2/28/91, pertaining to the administration and funding of adult
14 education programs are superseded by the provisions of this Section.

15 (c) The State Board of Vocational Education shall be the sole state
16 agency to award funding for the demonstration youth apprenticeship programs
17 established and authorized by Acts 546 and 553 of 1991. The authority of the
18 State Board of Higher Education to participate jointly in such funding
19 determinations is hereby rescinded and superseded.

20

21 SECTION 4. Definition. The term "technical college" as used herein
22 shall include those vocational education institutions which convert to
23 technical colleges under the provisions of the "Two-Year Postsecondary
24 Education Reorganization Act of 1991"; any technical college which converts to
25 a community college; and any vocational technical education institution which
26 consolidates with a four-year state institution or with a two-year branch
27 campus of a four-year institution. Provided, the two-year branch campus of a
28 four-year institution with which a technical college or vocational technical
29 institution consolidates shall not be included in the term "technical
30 college".

31

32 SECTION 5. CAPITAL IMPROVEMENT. The funds and appropriation as
33 appropriated by item (1) of Section 1 of this Act are to be transferred by the
34 Department of Finance and Administration as follows:

35 (a) \$750,000 is to be transferred to the General Improvement Fund,
36 there to be used by the Department of Education-Vocational Education Division

1 for matching local funds on a one-to-one basis for repair, renovation or both
2 of secondary vocational education centers.

3 (b) \$3,500,000 is to be made available to the various technical
4 colleges to further their accreditation. Such funds and appropriations are to
5 be made available to a technical college only after the Department of Finance
6 and Administration has received notice from the Department of Higher Education
7 that they have reviewed the plans for the utilization of the funds to insure
8 that such plans will make progress towards removing accreditation deficiencies
9 under guidelines of the State Board of Higher Education.

10 (c) \$1,000,000 is to be made available to the technical institutes and
11 comprehensive lifelong learning centers, except Riverside, to further the
12 accreditation of the institutions. Such funds and appropriations are to be
13 made available to a technical institute or comprehensive lifelong learning
14 center only after the Department of Finance and Administration has received
15 notice from the Department of Education-Vocational and Technical Division that
16 it has reviewed the plans for the utilization of the funds and that such
17 planned uses will make progress towards removing accreditation deficiencies
18 under guidelines of the State Board of Vocational Education.

19 (d) Any balance remaining in the appropriation, or so much thereof as
20 may be available, is to be made available to each technical college or
21 community college for improvements in the educational environment and after
22 certification that an equal amount has been raised for the same purpose from
23 local funds or private contributions. The usage of such monies by the
24 technical colleges and community colleges shall be consistent with the
25 regulations and guidelines promulgated by the State Board of Higher Education.
26 Such regulations shall include an application period and procedure that will
27 insure that each institution has adequate opportunity to meet the requirements
28 for such funds, it being the intent of the General Assembly that no
29 institution nor group of institutions shall be given an advantage in the
30 application process.

31 (e) The balance of the appropriation and funds remaining on June 30,
32 1992 shall be carried forward to the fiscal year ending June 30, 1993 there to
33 be used for the same purposes.

34

35 SECTION 6. The funds and appropriation as appropriated by item (2) of

1 Section 1 of this Act are to be transferred by the Department of Finance and
2 Administration as follows:

3 (a) \$3,300,000 per year is to be used to provide supplemental
4 assistance in meeting personal services and operating expense requirements of
5 the technical colleges, technical institutes and of the comprehensive lifelong
6 learning centers. Such supplemental assistance shall be distributed by the
7 Department of Finance and Administration to the technical colleges as directed
8 by and under regulations as promulgated by the State Board of Higher
9 Education. The supplemental assistance for each technical institute and each
10 comprehensive lifelong learning center shall be distributed by the Department
11 of Finance and Administration in such amounts as certified and under the
12 distribution criterion set by the State Board of Vocational Education. The
13 total supplemental assistance available to the technical institutes and
14 comprehensive lifelong learning centers shall be \$1,425,591 per year. The
15 State Board of Higher Education and the State Board of Vocational Education
16 regulations and distribution criteria shall be on the basis of enrollment,
17 courses offerings, accreditation deficiencies and other indices of need as
18 determined by the respective board.

19 (b) \$5,450,000 per year shall be transferred by the Department of
20 Finance and Administration to the various technical colleges to assist them in
21 meeting the state-wide vocational education goals as set forth in the "Two-
22 Year Postsecondary Education Reorganization Act of 1991" and in removing
23 accreditation deficiencies in such amounts as certified by the State Board of
24 Higher Education.

25 (c) \$1,250,000 per year shall be transferred to the various technical
26 institutes and comprehensive lifelong learning centers in such amounts for
27 each as certified by the State Board of Vocational Education. Such funds and
28 appropriations are to be made available to a technical institute or
29 comprehensive lifelong learning center only after the Department of Finance
30 and Administration has received notice from the Department of Education-
31 Vocational and Technical Division that it has reviewed the plans for the
32 utilization of the funds and that such planned uses will make progress towards
33 removing accreditation deficiencies under guidelines of the State Board of
34 Vocational Education.

35

1 SECTION 7. After the amount to be made available to a technical
2 college, technical institute or comprehensive lifelong learning center has
3 been determined by the State Board of Higher Education or State Board of
4 Vocational Education under the provisions of this Act, the Chief Fiscal
5 Officer of the State shall process the documents necessary so that the funds
6 may be transferred from the Work Force 2000 Development Fund to the State
7 Treasury fund or fund account from which the technical college, technical
8 institute, or comprehensive lifelong learning center draws its general revenue
9 support. The Chief Fiscal Officer of the State shall also cause an equal
10 amount of the appropriation provided in item (2) of Section 1 of this Act to
11 be transferred to the institutions' appropriate line item appropriation or
12 allocation, there to be supplemental and in addition to those appropriations
13 or allocations provided by the General Assembly for personal services and
14 operating expenses of the institution from the State Treasury Fund or fund
15 account.

16
17 SECTION 8. MOUNTAIN HOME\BAXTER COUNTY HIGHER EDUCATION CENTER. In the
18 event that the advisory board of the Mountain Home Education Center, also
19 known as the "Baxter County Higher Education Center" does not, by resolution
20 prior to July 1, 1991, elect not to be a technical college, the Board of
21 Higher Education shall :

22 (A) determine the level of state support for that institution based
23 upon comparable institutions;

24 (B) cause to be created on the books of the State Auditor and Chief
25 Fiscal Officer of the State such appropriation accounts as are necessary;

26 (C) cause to be created on the books of the State Treasurer and the
27 Chief Fiscal Officer of the State the Mountain Home Technical College Fund
28 which is to be used solely for the maintenance, operation and support of the
29 Mountain Home Technical College; and

30 (D) cause to be transferred the required appropriation, funds, and
31 positions from this act to the Mountain Home Technical College and to the
32 State Treasury Fund as created herein.

33

34 SECTION 9. POSITIONS. (A) There is hereby established for the various
35 technical colleges created under the authority of the "Two-Year Postsecondary

1 Education Reorganization Act of 1991", for the 1991-93 biennium, a maximum
2 number of one thousand nine hundred and nine (1,909) regular salary position
3 employees whose maximum annual salaries shall be comparable to those
4 authorized for regular salary position employees providing similar services
5 for other institutions of higher education. Such salaries shall be governed
6 by the provisions of the Regular Salary Procedures and Restrictions Act, the
7 provisions of the Higher Education Expenditures Restrictions Act and any other
8 legislation that governs the salaries of employees of higher education
9 institutions. The determination of comparability and the maximum salaries
10 thereof shall be as set by the State Board of Higher Education for non-
11 classified positions and the Office of Personnel Management of the Department
12 of Finance and Administration for classified positions, after review by the
13 Legislative Council.

14 (B) There is hereby authorized for the various technical colleges as
15 created under the authority of the "Two-Year Postsecondary Education
16 Reorganization Act of 1991", for the 1991-93 biennium, the following maximum
17 number of part-time or temporary employees, to be known as "Extra Help",
18 payable from funds appropriated herein for such purposes: five hundred and
19 seventy (570) temporary or part-time employees, when needed, at rates of pay
20 not to exceed those provided in the Uniform Classification and Compensation
21 Act, or its successor, or this act for the appropriate classification.

22
23 SECTION 10. WHITE RIVER & ASU-BEEBE MERGER. In the event that White
24 River Vocational Technical School is merged with Arkansas State University -
25 Beebe and enabling legislation regarding the same is passed, approved, and
26 implemented, the following procedures shall occur:

27 (1) Those positions authorized in the Department of Education -
28 Vocational Technical Schools 1991-93 biennial appropriation, which are
29 utilized in connection with the White River Vocational Technical School as
30 determined by the State Board for Vocational Education and the Chief Fiscal
31 Officer of the State, shall be transferred to and made available for
32 utilization by Arkansas State University - Beebe in the operation of the
33 vocational-technical program of said University.

34 (2) The allocated amounts for the White River Vocational Technical
35 School contained within the Department of Education - Vocational Technical

1 Schools 1991-93 general revenue biennial appropriation shall be transferred to
2 and made available for utilization by Arkansas State University - Beebe in the
3 maintenance, operation and improvement of the vocational-technical program of
4 said University. During each fiscal year of the 1991-93 biennium, the Chief
5 Fiscal Officer of the State shall determine the percentage of the total amount
6 appropriated from the Vocational Technical Schools Fund Account which is
7 estimated to be funded from "Net General Revenues Available for Distribution"
8 as set out in Arkansas Code §§19-5-402&404. The percentage so determined
9 shall then be applied to the allocation determined to be available for the
10 White River Vocational Technical School and a transfer of funds from the
11 Vocational Technical Schools Fund Account in such amount after applying the
12 percentage as set out herein shall be made to the Arkansas State University -
13 Beebe Fund.

14 (3) The cash fund appropriation for the White River Vocational -
15 Technical School authorized within the Department of Education - Vocational
16 Technical Schools 1991-93 cash funds biennial appropriation shall be
17 transferred to and made available for utilization by Arkansas State University
18 - Beebe in the maintenance, operation and improvement of the vocational -
19 technical program of said University and funding for such appropriation shall
20 be made by a transfer of all cash funds from the White River Vocational
21 Technical School to Arkansas State University - Beebe.

22 (4) The funds, appropriations, and positions transferred under this
23 section from the White River Vocational Technical School to Arkansas State
24 University-Beebe shall be used exclusively for the operations, support and
25 improvements of the White River Campus.

26
27 SECTION 11. COST SHARE. In the event that an election is called for
28 the formation of a community college district which includes the formation of
29 a community college comprised of a two-year branch campus of a four year
30 institution and a technical college or a postsecondary vocational technical
31 institution, the costs of the election shall be paid for by the institutions
32 which will comprise the community college.

33
34 SECTION 12. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
35 authorized by this Act shall be limited to the appropriation for such agency

1 and funds made available by law for the support of such appropriations; and
2 the restrictions of the State Purchasing Law, the General Accounting and
3 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
4 Procedures and Restrictions Act, the Higher Education Expenditure Restrictions
5 Act, or their successors, and other fiscal control laws of this State, where
6 applicable, and regulations promulgated by the Department of Finance and
7 Administration, as authorized by law, shall be strictly complied with in
8 disbursement of said funds.

9

10 SECTION 13. LEGISLATIVE INTENT. It is the intent of the General
11 Assembly that any funds disbursed under the authority of the appropriations
12 contained in this Act shall be in compliance with the stated reasons for which
13 this Act was adopted, as evidenced by the Agency Requests, Executive
14 Recommendations and Legislative Recommendations contained in the budget
15 manuals prepared by the Department of Finance and Administration, letters, or
16 summarized oral testimony in the official minutes of the Arkansas Legislative
17 Council or Joint Budget Committee which relate to its passage and adoption.

18

19 SECTION 14. CODE. All provisions of this Act of a general and
20 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and
21 the Arkansas Code Revision Commission shall incorporate the same in the Code.

22

23 SECTION 15. SEVERABILITY. If any provision of this Act or the
24 application thereof to any person or circumstance is held invalid, such
25 invalidity shall not affect other provisions or applications of the Act which
26 can be given effect without the invalid provision or application, and to this
27 end the provisions of this Act are declared to be severable.

28

29 SECTION 16. GENERAL REPEALER. All laws and parts of laws in conflict
30 with this Act are hereby repealed.

31

32 SECTION 17. EMERGENCY CLAUSE. It is hereby found and determined by the
33 Seventy-Eighth General Assembly, that the Constitution of the State of
34 Arkansas prohibits the appropriation of funds for more than a two (2) year
35 period; that the effectiveness of this Act on July 1, 1991 is essential to the

1 operation of the agency for which the appropriations in this Act are provided,
2 and that in the event of an extension of the Regular Session, the delay in the
3 effective date of this Act beyond July 1, 1991 could work irreparable harm
4 upon the proper administration and provision of essential governmental
5 programs. Therefore, an emergency is hereby declared to exist and this Act
6 being necessary for the immediate preservation of the public peace, health and
7 safety shall be in full force and effect from and after the date of its
8 passage and approval.

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11

/s/ John E. Miller

APPROVED: 4-18-91