

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

# A Bill

**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."

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

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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:

ITEM	FISCAL YEARS	
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

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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*

1 Development Fund from the net general revenues after making the required  
2 deductions as set out in Arkansas Code §19-5-202(b)(2)(B)(i) therefrom.

3

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

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15 education programs are superseded by the provisions of this Section.

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20 determinations is hereby rescinded and superseded.

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

32

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

36 (a) \$750,000 is to be transferred to the General Improvement Fund,

1 there to be used by the Department of Education-Vocational Education Division  
2 for matching local funds on a one-to-one basis for repair, renovation or both  
3 of secondary vocational education centers.

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

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

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

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

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1           SECTION 6. The funds and appropriation as appropriated by item (2) of  
2 Section 1 of this Act are to be transferred by the Department of Finance and  
3 Administration as follows:

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

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

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

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

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

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

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

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

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

SECTION 9. POSITIONS. (A) There is hereby established for the various

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

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

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

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

35 (2) The allocated amounts for the White River Vocational Technical

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

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

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

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

34

35 SECTION 12. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

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

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

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

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

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

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33         SECTION 17. EMERGENCY CLAUSE. It is hereby found and determined by the  
34 Seventy-Eighth General Assembly, that the Constitution of the State of  
35 Arkansas prohibits the appropriation of funds for more than a two (2) year



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

10 */s/ John E. Miller*

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