

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

A Bill

SENATE BILL 163

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 "AN ACT TO AMEND THE ARKANSAS CODE SECTIONS §19-5-304,
10 §19-5-305, AND §19-5-1004 IN ORDER TO IMPLEMENT
11 CERTAIN PROVISIONS OF THE ADULT EDUCATION
12 REORGANIZATION ACT OF 1997 BY CREATING SEPARATE FUND
13 ACCOUNTS FOR THE TECHNICAL INSTITUTES AND THE
14 COMPREHENSIVE LIFELONG LEARNING CENTERS; AND FOR OTHER
15 PURPOSES. "
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Subtitle

17
18 "AMEND GENERAL EDUCATION FUND AND CREATE
19 SEPARATE FUND ACCOUNTS FOR TECHNICAL
20 INSTITUTES AND COMPREHENSIVE LIFELONG
21 LEARNING CENTERS; CREATE FUND ACCOUNTS
22 WITHIN THE PUBLIC SCHOOL FUND. "
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code 19-5-304 is amended to read as follows:
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29 "§ 19-5-304. ~~General~~ Education Fund.
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31 The ~~General~~ Education Fund shall consist of the following funds and fund
32 accounts made available for the support of the Department of Education and the
33 Department of Workforce Education and shall be used for the same purposes as
34 set out for the following fund accounts:

35 (1)(A)(i) Department of Education Fund Account. The Department of
36 Education Fund Account shall be used to provide for the maintenance,

1 operation, and improvement of the Department of Education as created by § 6-
 2 10-101 et seq., and any other laws imposing functions, powers, and duties upon
 3 the State Board of Education, ~~the State Board of Vocational Education,~~ the
 4 Department of Education, the Director of General Education, ~~and the Director~~
 5 ~~of the Division of Vocational and Technical Education,~~ including, but not
 6 necessarily limited thereto, history textbooks expenses, the Publishing
 7 Revolving Account, audio-visual services, textbooks operation, compact for
 8 education, including the state's membership, and the state's contribution to
 9 the Southern Regional Education Board, ~~except those appropriations payable~~
 10 ~~from the Vocational Education Administration Fund Account.~~

11 (ii) The fund account shall consist of:

12 (a) Those general revenues as may be provided by the Revenue
 13 Stabilization Law, § 19-5-101 et seq.;

14 ~~(b) [Repealed.]~~

15 ~~(c)~~(b) Nonrevenue income derived from services provided by those
 16 programs supported from the Department of Education Fund Account, including
 17 any rental property located on the State Capitol grounds owned by the
 18 department.

19 (B2)(iA) ~~Vocational Education Administration~~ Department of Workforce
 20 Education Fund Account. The ~~Vocational Education Administration~~ Department of
 21 Workforce Education Fund Account shall be used to provide support for those
 22 programs placed under the direction of the Director of ~~Vocational and~~
 23 ~~Technical Education~~ of the Department of Workforce Education as authorized by
 24 §§ 6-11-101, 6-11-102, and 25-6-101 - 25-6-103 and Acts 1981, No. 64, § 4, and
 25 any other laws imposing functions, powers, and duties upon the State Board of
 26 Workforce Education and Career Opportunities, including, but not necessarily
 27 limited to the following: Vocational, technical, and adult education; adult
 28 basic education; operations of the Arkansas Education Service Center at Black
 29 Rock; manpower training; vocational standards; industry training programs; and
 30 those functions, programs, and responsibilities transferred to the ~~Division~~
 31 Department of ~~Vocational and Technical~~ Workforce Education of the ~~Department~~
 32 ~~of Education~~, as authorized by these statutes.

33 (iiB) The Department of Workforce Education Fund Account ~~fund account~~
 34 shall consist of those general revenues as may be provided by the Revenue
 35 Stabilization Law, § 19-5-101 et seq.

36 ~~(2)(A) Vocational-Technical Schools Fund Account. The Vocational-~~

~~1 Technical Schools Fund Account shall be used for the maintenance, operation,
2 and improvement of the various area vocational-technical schools and shall
3 consist of:-~~

~~4 (i) Those general revenues as may be provided by law;~~

~~5 (ii) Federal reimbursement;~~

~~6 (iii) Nonrevenue income derived from the services provided by the
7 various area vocational-technical schools; and~~

~~8 (iv) Any other funds provided by law.~~

~~9 (B) The fund account is to be administered under the direction of the
10 State Board of Vocational Education and in accordance with the provisions of
11 the various fiscal laws of the state.~~

12 (3) (A) Educational Television Fund Account. The Educational Television
13 Fund Account shall be used for the maintenance, operation, and improvement
14 required by the Educational Television Division in carrying out those powers,
15 functions, and duties as set out in § 6-3-101 et seq., or other duties imposed
16 by law upon the Educational Television Commission, which was transferred to
17 the Department of Education by §§ 6-11-101, 6-11-102, and 25-6-102.

18 (B) The fund account shall consist of those general revenues as may be
19 provided by law and nonrevenue income derived from services provided by the
20 division and any other nonfederal grant funds provided by law.

21 (4)(A) State Library Fund Account. The State Library Fund Account shall
22 be used for the maintenance, operation, and improvement required by the
23 Library Division of the Department of Education in carrying out the powers,
24 functions, and duties as set out in § 13-2-201 et seq., or any other duties
25 imposed by law upon the State Library Commission, which was transferred to the
26 Department of Education by §§ 6-11-101, 6-11-102, and 25-6-102.

27 (B) The fund account shall consist of those general revenues as may be
28 provided by law and nonrevenue income derived from services provided by the
29 division and any other nonfederal grant funds provided by law.

30 (5)(A) School for the Blind Fund Account. The School for the Blind Fund
31 Account shall be used for the maintenance, operation, and improvement required
32 by the Arkansas School for the Blind in carrying out those powers, functions,
33 and duties as set out in Acts 1879, No. 64, § 1 [superseded], or other duties
34 imposed by law upon the Arkansas School for the Blind, which was transferred
35 to the Department of Education by §§ 6-11-101, 6-11-102, and 25-6-102.

36 (B) The fund account shall consist of those general revenues as may be

1 provided by law and nonrevenue income derived from services provided by the
 2 school and any other nonfederal grant funds provided by law.

3 (C) Federal reimbursement funds received on account of vocational
 4 education programs conducted by the school shall not be deposited to this
 5 account.

6 (6)(A) School for the Deaf Fund Account. The School for the Deaf Fund
 7 Account shall be used for the maintenance, operation, and improvement required
 8 by the Arkansas School for the Deaf in carrying out the powers, functions, and
 9 duties as set out in § 6-43-301 et seq., or other duties imposed by law upon
 10 the Arkansas School for the Deaf, which was transferred to the Department of
 11 Education by §§ 6-11-101, 6-11-102, and 25-6-102.

12 (B) The fund account shall consist of those general revenues as may be
 13 provided by law and nonrevenue income derived from services provided by the
 14 school fund account and any other nonfederal grant funds provided by law.

15 (C) Federal reimbursement funds received on account of vocational
 16 education programs conducted by the school shall not be deposited to this
 17 account.

18 (7)(A) Rehabilitation Services Fund Account. The Rehabilitation Services
 19 Fund Account shall be used for the maintenance, operation, and improvement
 20 required by the Arkansas Rehabilitation Services of the Department of
 21 Workforce Education, Division of Vocational and Technical Education in
 22 carrying out the powers, functions, and duties, as set out in § 6-52-101 et
 23 seq.; § 20-79-201 et seq.; and § 25-6-201 et seq., and the adult handicapped
 24 program at the Benton Services Center.

25 (B) The fund account shall consist of:

26 (i) Those general revenues as may be provided by law;

27 (ii) Nonrevenue income derived from services provided by rehabilitation
 28 programs of the Arkansas Rehabilitation Services of the department; and

29 (iii) Any other nonfederal grant funds provided by law.

30 (8) Technical Institute and Other Education Fund Accounts

31 (A) The Arkansas Valley Technical Institute Fund Account shall be used for
 32 the maintenance, operation, and improvement of the Arkansas Valley Technical
 33 Institute. The Fund Account shall consist of:

34 (i) Such general revenues as may be provided by law; and

35 (ii) Any other funds made available for the support of the Arkansas Valley
 36 Technical Institute which are required to be deposited into the State Treasury

1 by law.

2 (B) The Cotton Boll Technical Institute Fund Account shall be used for the
3 maintenance, operation, and improvement of the Cotton Boll Technical
4 Institute. The Fund Account shall consist of:

5 (i) Such general revenues as may be provided by law; and

6 (ii) Any other funds made available for the support of the Cotton Boll
7 Technical Institute which are required to be deposited into the State Treasury
8 by law.

9 (C) The Crowley's Ridge Technical Institute Fund Account shall be used for
10 the maintenance, operation, and improvement of the Crowley's Ridge Technical
11 Institute. The Fund Account shall consist of:

12 (i) Such general revenues as may be provided by law; and

13 (ii) Any other funds made available for the support of the Crowley's Ridge
14 Technical Institute which are required to be deposited into the State Treasury
15 by law.

16 (D) The Delta Technical Institute Fund Account shall be used for the
17 maintenance, operation, and improvement of the Delta Technical Institute. The
18 Fund Account shall consist of:

19 (i) Such general revenues as may be provided by law; and

20 (ii) Any other funds made available for the support of the Delta Technical
21 Institute which are required to be deposited into the State Treasury by law.

22 (E) The Foothills Technical Institute Fund Account shall be used for the
23 maintenance, operation, and improvement of the Foothills Technical Institute.
24 The Fund Account shall consist of:

25 (i) Such general revenues as may be provided by law; and

26 (ii) Any other funds made available for the support of the Foothills
27 Technical Institute which are required to be deposited into the State Treasury
28 by law.

29 (F) The Forest Echoes Technical Institute Fund Account shall be used for
30 the maintenance, operation, and improvement of the Forest Echoes Technical
31 Institute. The Fund Account shall consist of:

32 (i) Such general revenues as may be provided by law; and

33 (ii) Any other funds made available for the support of the Forest Echoes
34 Technical Institute which are required to be deposited into the State Treasury
35 by law.

36 (G) The Great Rivers Comprehensive Lifelong Learning Center Fund Account

1 shall be used for the maintenance, operation, and improvement of the Great
 2 Rivers Comprehensive Lifelong Learning Center. The Fund Account shall consist
 3 of:

- 4 (i) Such general revenues as may be provided by law; and
- 5 (ii) Any other funds made available for the support of the Great Rivers
 6 Comprehensive Lifelong Learning Center which are required to be deposited into
 7 the State Treasury by law.

8 (H) The Northwest Technical Institute Fund Account shall be used for the
 9 maintenance, operation, and improvement of the Northwest Technical Institute.
 10 The Fund Account shall consist of:

- 11 (i) Such general revenues as may be provided by law; and
- 12 (ii) Any other funds made available for the support of the Northwest
 13 Technical Institute which are required to be deposited into the State Treasury
 14 by law.

15 (I) The Quapaw Technical Institute Fund Account shall be used for the
 16 maintenance, operation, and improvement of the Quapaw Technical Institute.
 17 The Fund Account shall consist of:

- 18 (i) Such general revenues as may be provided by law; and
- 19 (ii) Any other funds made available for the support of the Quapaw
 20 Technical Institute which are required to be deposited into the State Treasury
 21 by law.

22 (J) The Riverside Vocational Technical School Fund Account shall be used
 23 for the maintenance, operation, and improvement of the Riverside Vocational
 24 Technical School. The Fund Account shall consist of:

- 25 (i) Such general revenues as may be provided by law; and
- 26 (ii) Any other funds made available for the support of the Riverside
 27 Vocational Technical School which are required to be deposited into the State
 28 Treasury by law."

29
 30 SECTION 2. Arkansas Code 19-5-305 is amended to read as follows:

31
 32 "§ 19-5-305. Public School Fund.

33 ~~(a)~~ The Public School Fund shall consist of the following fund accounts and
 34 funds made available for the support of the Department of Education and the
 35 Department of Workforce Education and shall be used for the same purposes as
 36 set out for the following fund accounts: ~~be used for grants and aids for the~~

1 ~~programs of:~~

2 (1) Department of Education Public School Fund Account: The Department of
3 Education Public School Fund Account shall be used for grants and aids for the
4 programs administered by the Department of Education consisting of, but not
5 limited to:

- 6
- 7 (A) ~~(1)~~ Teacher retirement matching;
- 8 (B) ~~(2)~~ Handicapped children;
- 9 (C) ~~(3)~~ Aid to the county general;
- 10 (D) ~~(4)~~ Guidance services;
- 11 (E) ~~(5)~~ Transportation aid;
- 12 (F) ~~(6)~~ ~~Minimum Foundation Program~~ State Equalization Aid;
- 13 (G) ~~(7)~~ State apportionment;
- 14 (H) ~~(8)~~ Orphans aid;
- 15 (I) ~~(9)~~ Child guidance center;
- 16 (J) ~~(10)~~ Surplus commodities distribution;
- 17 (K) ~~(11)~~ Crippled children;
- 18 (L) ~~(12)~~ Early childhood education;
- 19 (M) ~~(13)~~ School food services;
- 20 (N) ~~(14)~~ Economic education;
- 21 (O) ~~(15)~~ Textbook grants;
- 22 (P) ~~(16)~~ Library aid to counties;
- 23 (Q) Such other grant and aids as may be authorized by law for
24 disbursement by the Department of Education.

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26 (2) Department of Workforce Education Public School Fund Account. The
27 Department of Workforce Education Public School Fund Account shall be used for
28 grants and aids for the programs administered by the Department of Workforce
29 Education consisting of , but not limited to:

- 30
- 31 (A) ~~(17)~~ General adult education grants;
- 32 (B) ~~(18)~~ Adult basic education grants;
- 33 (C) ~~(19)~~ Manpower development and training grants;
- 34 (D) ~~(20)~~ Vocational -technical and adult education; and
- 35 (E) ~~(21)~~ Such other grants and aids as may be authorized by law for
36 disbursement by the Department of Workforce Education.

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~~(3) (b)~~ The Public School Fund shall consist of those general revenues as may be provided by:

~~(A) (1)~~ The Revenue Stabilization Law, § 19-5-101 et seq.;

~~(B) (2)~~ Balances of the Public School Fund Account-Grants and Aid Account and Vocational Grants-in-Aid Account remaining on June 30, 1973;

~~(C) (3)~~ Any federal mineral leasing funds, federal forest reserve funds, federal flood control funds, or any other similar turnback funds in the State Treasury for which the eligible county or school district cannot be identified;

~~(D) (4)~~ Fines collected pursuant to § 6-21-410 under the Free Textbook Act;

(E) Funds remitted by county treasurers for those school districts which have local revenue per student in excess of the local base per student, as set out in Ark. Code 26-80-101(c); and

~~(F) (5)~~ Such other funds as may be authorized by law.

(4) On July 1, 1999 the Chief Fiscal Officer of the state shall determine, from the unexpended balance of monies remaining in the Public School Fund and carried over from the previous fiscal year, the amount of monies that shall be credited to the Department of Education Public School Fund Account and to the Department of Workforce Education Public School Fund Account based on the unexpended amounts of funding allocated to the programs administered by the Department of Education and by the Department of Workforce Education during the 1998-99 fiscal year.

~~(5) (c)~~ There is authorized a transfer of up to two hundred thousand dollars (\$200,000) per year from the Public School Fund to the Department of Education Fund Account or the Department of Workforce Education Fund Account, or a portion thereof to both, by the Treasurer of State and the Chief Fiscal Officer of the State, upon certification as to the amount required by the Director of the Department of Education or by the Director of the Department of Workforce Education, or both, to the Chief Fiscal Officer of the State. This transfer shall be used to provide additional support for the administration of the handicapped children program and the vocational-technical and adult education program. "

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 2 SECTION 3. Arkansas Code 19-5-1004 (b) and (c) are amended to read as
 3 follows in order to change the fund account designation for the vocational
 4 technical schools and technical institutes in the General Revenue Allotment
 5 Reserve Fund in accordance with the Adult Education Reorganization Act of
 6 1997:

7
 8 " (b) This fund shall, unless otherwise provided by law, consist of:

9 (1) The remainder of the general revenues collected by the state,
 10 after deductions as specified in § 19-5-202 have been made, and which are not
 11 required to fulfill the requirements of the maximum allotments of general
 12 revenues as may be provided in the Revenue Stabilization Law, § 19-5-101 et
 13 seq., for the fiscal year in which the general revenues were collected and
 14 deposited into the State Treasury; and

15 (2) The portion not determined to be special revenues by § 19-6-
 16 110 of the year-end fund balances of the funds and fund accounts created in §
 17 19-5-302 except for subdivision (12)(A), and in §§ 19-5-304(1), (2), (3), (4),
 18 (5), (6) and (7), 19-5-306, 19-5-307, ~~19-5-309 [repealed]~~, 19-6-404, and 19-6-
 19 411, which fund balances are to be transferred on or before August 15 of the
 20 fiscal year next following the fiscal year during which balances accrued.

21 (c) Any funds which remain in the Vocational -Technical Schools Fund
 22 Account or the fund accounts created in Arkansas Code §19-5-304(8) at the end
 23 of a fiscal year due to the provisions of this section shall be transferred by
 24 the Chief Fiscal Officer of the State to the General Improvement Fund or its
 25 successor fund or fund accounts, there to be used exclusively to provide
 26 additional funding for appropriations for the applicable vocational and
 27 technical schools, technical institutes, or comprehensive lifelong learning
 28 centers which are made payable from the General Improvement Fund or its
 29 successor fund or fund accounts. "
 30

31 SECTION 4. All provisions of this act of a general and permanent nature
 32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 33 Revision Commission shall incorporate the same in the Code.
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35 SECTION 5. If any provision of this act or the application thereof to
 36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provision or application, and to this end the provisions of this
3 act are declared to be severable.

4
5 SECTION 6. All laws and parts of laws in conflict with this act are
6 hereby repealed.

7
8 SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the
9 Eighty-second General Assembly that changes to funds must take effect at the
10 time that appropriations become effective and that not do so will create
11 confusion in the state's financial records. Therefore, an emergency is
12 declared to exist and this act being immediately necessary for the
13 preservation of the public peace, health and safety shall become effective on
14 July 1, 1999.