

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 1863

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

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES  
10 AND OPERATING EXPENSES FOR THE ARKANSAS VALLEY  
11 TECHNICAL INSTITUTE FOR THE BIENNIAL PERIOD ENDING  
12 JUNE 30, 2003; AND FOR OTHER PURPOSES.  
13

## Subtitle

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15 AN ACT FOR THE ARKANSAS VALLEY TECHNICAL  
16 INSTITUTE APPROPRIATION FOR THE 2001-2003  
17 BIENNIAL PERIOD.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas  
24 Valley Technical Institute for the 2001-2003 biennium, the following maximum  
25 number of regular employees whose salaries shall be governed by the  
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
28 Provided, however, that any position to which a specific maximum annual  
29 salary is set out herein in dollars, shall be exempt from the provisions of  
30 said Uniform Classification and Compensation Act. All persons occupying  
31 positions authorized herein are hereby governed by the provisions of the  
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
33 or its successor.  
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Maximum Annual  
Maximum Salary Rate

Item	Class	No. of	Fiscal	Years	
No.	Code	Title	Employees	2001-2002	2002-2003
3	(1) 9752	VO TECH TECHNICIAN II	3	\$58,778	\$60,306
4	(2) 9753	VO TECH TECHNICIAN I	5	\$53,487	\$54,877
5	(3) 9046	WORKFORCE ED FACULTY	26	\$49,723	\$51,015
6	(4) 9047	WORKFORCE ED PART TIME FACULTY	14	\$16,929	\$17,369
7	(5) 247Z	ED VO TECH SCHOOL DIRECTOR	1	GRADE 25	
8	(6) 482Z	ED VO TECH SCHOOL ASST DIR	3	GRADE 23	
9	(7) 005Z	FINANCIAL AID DIRECTOR - TI	1	GRADE 21	
10	(8) M100	VOCATIONAL COUNSELOR	1	GRADE 21	
11	(9) G028	BLDG PLANT MAINTENANCE SUPV II	1	GRADE 18	
12	(10) N328	INFORMATION OFFICER II	1	GRADE 18	
13	(11) R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
14	(12) R440	BUSINESS CONTROLLER II	1	GRADE 16	
15	(13) A108	ACCOUNTING TECHNICIAN II	1	GRADE 15	
16	(14) K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14	
17	(15) K153	SECRETARY II	3	GRADE 13	
18	(16) K089	PERSONNEL ASSISTANT	1	GRADE 12	
19	(17) G109	BLDG/EQUIP MAINT REPAIRMAN II	<u>3</u>	GRADE 08	
20		MAX. NO. OF EMPLOYEES	67		

SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas Valley Technical Institute for the 2001-2003 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: fifty six (56) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - STATE. There is hereby appropriated, to the Arkansas Valley Technical Institute, to be payable from the Arkansas Valley Technical Institute Fund, for personal services and operating expenses of the Arkansas Valley Technical Institute - State for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 2,195,371	\$ 2,252,426
(02) EXTRA HELP	134,132	140,567
(03) PERSONAL SERV MATCHING	609,632	621,429
(04) OVERTIME	5,000	5,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	460,119	483,125
(B) CONF. & TRAVEL	3,500	3,500
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	297,686	286,452
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,705,440</u>	<u>\$ 3,792,499</u>

SECTION 4. APPROPRIATIONS - CASH. There is hereby appropriated, to the Arkansas Valley Technical Institute, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Arkansas Valley Technical Institute, for personal services and operating expenses of the Arkansas Valley Technical Institute - Cash for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 151,297	\$ 155,229
(02) EXTRA HELP	67,000	67,000
(03) PERSONAL SERV MATCHING	55,871	56,655
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	323,554	323,554
(B) CONF. & TRAVEL	15,500	15,500
(C) PROF. FEES	300,000	300,000
(D) CAP. OUTLAY	70,000	70,000
(E) DATA PROC.	0	0
(05) RESALE	200,000	200,000
(06) DEBT SERVICE	<u>86,494</u>	<u>86,494</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,269,716</u>	<u>\$ 1,274,432</u>

SECTION 5. APPROPRIATION - FEDERAL. There is hereby appropriated, to the Arkansas Valley Technical Institute, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Arkansas Valley Technical Institute - Federal for the biennial period ending June 30, 2003, the following:

ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 96,709	\$ 99,223
(02) EXTRA HELP	25,240	25,240
(03) PERSONAL SERV MATCHING	30,001	30,500
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	12,018	12,018
(B) CONF. & TRAVEL	1,000	1,000
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 164,968</u>	<u>\$ 167,981</u>

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CONTINGENCY. (a) To address needs emerging from the restructuring of the Technical Institutes, Arkansas Valley Technical Institute shall establish and maintain for the ~~1999-2001~~ 2001-2003 biennium a pool of four (4) unclassified positions and three (3) classified positions, payable from funds appropriated for Arkansas Valley Technical Institute. These positions are to be used by Arkansas Valley Technical Institute in the event that the number and level of positions available to address the needs emerging from business and industry driven program expansions exceeds the number of positions regularly authorized for Arkansas Valley Technical Institute.

(b) Arkansas Valley Technical Institute shall provide justification to the Department of Finance and Administration's Office of Personnel Management (OPM) for the need to allocate titles from this position pool. No classifications will be assigned to the pool until such time as specific

1 positions are requested and justified by Arkansas Valley Technical Institute,  
2 recommended by OPM and approved by the Legislative Council. Arkansas Valley  
3 Technical Institute may transfer positions from this pool to any pay schedule  
4 the agency currently maintains or any pay schedule the agency receives during  
5 the ~~1999-2001~~ 2001-2003 biennium.

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7 (c ) Determining the number of personnel to be employed by a state agency is  
8 the prerogative of the General Assembly and is usually accomplished by  
9 delineating the maximum number of personnel by identifying job titles and the  
10 maximum grade or salary attached to those titles. The General Assembly has  
11 determined that Arkansas Valley Technical Institute could be operated more  
12 efficiently if some flexibility is given to that agency. That flexibility is  
13 being accomplished by providing growth pools in subsection (a) of this  
14 section and since the General Assembly has granted the agency broad powers  
15 under the growth pool concept, it is both necessary and appropriate that the  
16 General Assembly maintain oversight of the utilization of the growth pool by  
17 requiring prior approval of the Legislative Council in the utilization of the  
18 growth pool. Therefore, the requirement of approval by the Legislative  
19 Council is not a severable part of this section. If the requirement of  
20 approval by the Legislative Council is ruled unconstitutional by a court  
21 jurisdiction, this entire section is void.

22 The provisions of this section shall be in effect only from July 1, 2001  
23 through June 30, 2003.

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25 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PART-TIME  
27 FACULTY. The Technical Institutes are not required to remit a state  
28 contribution to the state employee insurance trust fund on Workforce  
29 Education Part-time Faculty Positions unless the position will be utilized  
30 for more than 1,000 hours a year.

31 The provisions of this section shall be in effect only from July 1, 2001  
32 through June 30, 2003.

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34 SECTION 8. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED  
35 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all  
36 appropriations as provided in this Act, the agency disbursing officer shall

1 monitor the level of fund balances in relation to expenditures on a monthly  
2 basis. If any proposed expenditures would cause a fund balance to decline to  
3 less than fifty percent (50%) of the balance available on July 1, 2001, the  
4 disbursing officer shall immediately notify the executive head of the agency.  
5 Prior to any obligations being made under these circumstances, the agency  
6 head shall file written documentation with the Chief Fiscal Officer of the  
7 State requesting approval of the expenditures. Such documentation shall  
8 provide sufficient financial data to justify the expenditures and shall  
9 include the following:

- 10 1) a plan that clearly indicates the specific fiscal impact of such  
11 expenditures on the fund balance.
- 12 2) information clearly indicating and explaining what programs would be cut  
13 or any other measures to be taken by the agency to restore the fund balance.
- 14 3) the extent to which any of the planned expenditures are for one-time costs  
15 or one-time purchase of capitalized items.
- 16 4) a statement certifying that the expenditure of fund balances will not  
17 jeopardize the financial health of the agency, nor result in a permanent  
18 depletion of the fund balance.

19 (B) The Chief Fiscal Officer of the State shall review the request and  
20 approve or disapprove all or any part of the request , after having sought  
21 prior review by the Legislative Council.

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23 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
24 by this act shall be limited to the appropriation for such agency and funds  
25 made available by law for the support of such appropriations; and the  
26 restrictions of the State Purchasing Law, the General Accounting and  
27 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
28 Procedures and Restrictions Act, or their successors, and other fiscal  
29 control laws of this State, where applicable, and regulations promulgated by  
30 the Department of Finance and Administration, as authorized by law, shall be  
31 strictly complied with in disbursement of said funds.

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33 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General Assembly  
34 that any funds disbursed under the authority of the appropriations contained  
35 in this act shall be in compliance with the stated reasons for which this act  
36 was adopted, as evidenced by the Agency Requests, Executive Recommendations

1 and Legislative Recommendations contained in the budget manuals prepared by  
2 the Department of Finance and Administration, letters, or summarized oral  
3 testimony in the official minutes of the Arkansas Legislative Council or  
4 Joint Budget Committee which relate to its passage and adoption.

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6 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General  
7 Assembly, that the Constitution of the State of Arkansas prohibits the  
8 appropriation of funds for more than a two (2) year period; that the  
9 effectiveness of this Act on July 1, 2001 is essential to the operation of  
10 the agency for which the appropriations in this Act are provided, and that in  
11 the event of an extension of the Regular Session, the delay in the effective  
12 date of this Act beyond July 1, 2001 could work irreparable harm upon the  
13 proper administration and provision of essential governmental programs.  
14 Therefore, an emergency is hereby declared to exist and this Act being  
15 necessary for the immediate preservation of the public peace, health and  
16 safety shall be in full force and effect from and after July 1, 2001.

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