

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.

State of Arkansas
83rd General Assembly
Regular Session, 2001

A Bill

SENATE BILL 620

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE DELTA TECHNICAL
INSTITUTE FOR THE BIENNIAL PERIOD ENDING JUNE 30,
2003; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DELTA TECHNICAL INSTITUTE
APPROPRIATION FOR THE 2001-2003 BIENNIUM.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Delta Technical Institute for the 2001-2003 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

	Maximum Annual
Maximum	Salary Rate

Item	Class		No. of Employees	Fiscal Years	
	No.	Code Title		2001-2002	2002-2003
(1)	9752	VO TECH TECHNICIAN II	1	\$58,778	\$60,306
(2)	9046	WORKFORCE ED FACULTY	30	\$49,723	\$51,015
(3)	9047	WORKFORCE ED PART TIME FACULTY	18	\$16,929	\$17,369
(4)	247Z	ED VO TECH SCHOOL DIRECTOR	1	GRADE 25	
(5)	482Z	ED VO TECH SCHOOL ASST DIR	4	GRADE 23	
(6)	G028	BLDG PLANT MAINTENANCE SUPV II	1	GRADE 18	
(7)	A111	ACCOUNTANT	1	GRADE 18	
(8)	R010	ADMINISTRATIVE ASSISTANT II	3	GRADE 17	
(9)	G087	LANDSCAPE SUPERVISOR I	1	GRADE 15	
(10)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15	
(11)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14	
(12)	K014	LIBRARY ACADEMIC TECH III	1	GRADE 14	
(13)	K153	SECRETARY II	3	GRADE 13	
(14)	K155	SECRETARY I	1	GRADE 11	
(15)	G177	MAINTENANCE WORKER SUPERVISOR	2	GRADE 07	
(16)	T061	WATCHMAN	<u>1</u>	GRADE 03	
		MAX. NO. OF EMPLOYEES	70		

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SECTION 2. EXTRA HELP. There is hereby authorized, for the Delta 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: sixty four (64) 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.

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

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ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>

36

1	(01)	REGULAR SALARIES	\$ 2,362,723	\$ 2,424,128
2	(02)	EXTRA HELP	30,000	30,000
3	(03)	PERSONAL SERV MATCHING	671,439	684,314
4	(04)	MAINT. & GEN. OPERATION		
5	(A)	OPER. EXPENSE	316,246	332,058
6	(B)	CONF. & TRAVEL	350	350
7	(C)	PROF. FEES	0	0
8	(D)	CAP. OUTLAY	50,000	50,000
9	(E)	DATA PROC.	<u>0</u>	<u>0</u>
10		TOTAL AMOUNT APPROPRIATED	<u>\$ 3,430,758</u>	<u>\$ 3,520,850</u>

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

17	ITEM	FISCAL YEARS	
18	NO.	2001-2002	2002-2003
19	(01) REGULAR SALARIES	\$ 66,652	\$ 68,384
20	(02) EXTRA HELP	150,000	150,000
21	(03) PERSONAL SERV MATCHING	30,540	30,881
22	(04) MAINT. & GEN. OPERATION		
23	(A) OPER. EXPENSE	175,000	175,000
24	(B) CONF. & TRAVEL	25,129	25,129
25	(C) PROF. FEES	98,000	98,000
26	(D) CAP. OUTLAY	125,000	125,000
27	(E) DATA PROC.	0	0
28	(05) RESALE	<u>125,000</u>	<u>125,000</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 795,321</u>	<u>\$ 797,394</u>

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31 SECTION 5. APPROPRIATION - FEDERAL. There is hereby appropriated, to the
 32 Delta Technical Institute, to be payable from the federal funds as designated
 33 by the Chief Fiscal Officer of the State, for personal services and operating
 34 expenses of the Delta Technical Institute for the biennial period ending June
 35 30, 2003, the following:

36	ITEM	FISCAL YEARS
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1	NO.	2001-2002	2002-2003
2	(01) EXTRA HELP	\$ 22,775	\$ 22,775
3	(02) PERSONAL SERV MATCHING	1,742	1,742
4	(03) MAINT. & GEN. OPERATION		
5	(A) OPER. EXPENSE	143,908	143,908
6	(B) CONF. & TRAVEL	4,000	4,000
7	(C) PROF. FEES	0	0
8	(D) CAP. OUTLAY	30,000	30,000
9	(E) DATA PROC.	<u>0</u>	<u>0</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 202,425</u>	<u>\$ 202,425</u>

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12 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

14 CONTINGENCY. (a) To address needs emerging from the restructuring of the
 15 Technical Institutes, Delta Technical Institute shall establish and maintain
 16 for the ~~1999-2001~~ 2001-2003 biennium a pool of four (4) unclassified
 17 positions and three (3) classified positions, payable from funds appropriated
 18 for Delta Technical Institute. These positions are to be used by Delta
 19 Technical Institute in the event that the number and level of positions
 20 available to address the needs emerging from business and industry driven
 21 program expansions exceeds the number of positions regularly authorized for
 22 Delta Technical Institute.

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24 (b) Delta Technical Institute shall provide justification to the Department
 25 of Finance and Administration's Office of Personnel Management (OPM) for the
 26 need to allocate titles from this position pool. No classifications will be
 27 assigned to the pool until such time as specific positions are requested and
 28 justified by Delta Technical Institute, recommended by OPM and approved by
 29 the Legislative Council. Delta Technical Institute may transfer positions
 30 from this pool to any pay schedule the agency currently maintains or any pay
 31 schedule the agency receives during the ~~1999-2001~~ 2001-2003 biennium.

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33 (c) Determining the number of personnel to be employed by a state agency is
 34 the prerogative of the General Assembly and is usually accomplished by
 35 delineating the maximum number of personnel by identifying job titles and the
 36 maximum grade or salary attached to those titles. The General Assembly has

determined that Delta Technical Institute could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing growth pools in subsection (a) of this section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the growth pool by requiring prior approval of the Legislative Council in the utilization of the growth pool. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void.

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

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

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

SECTION 8. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all appropriations as provided in this Act, the agency disbursing officer shall monitor the level of fund balances in relation to expenditures on a monthly basis. If any proposed expenditures would cause a fund balance to decline to less than fifty percent (50%) of the balance available on July 1, 2001, the disbursing officer shall immediately notify the executive head of the agency. Prior to any obligations being made under these circumstances, the agency head shall file written documentation with the Chief Fiscal Officer of the State requesting approval of the expenditures. Such documentation shall provide sufficient financial data to justify the expenditures and shall include the following:

- 1) a plan that clearly indicates the specific fiscal impact of such

1 expenditures on the fund balance.

2 2) information clearly indicating and explaining what programs would be cut
3 or any other measures to be taken by the agency to restore the fund balance.

4 3) the extent to which any of the planned expenditures are for one-time costs
5 or one-time purchase of capitalized items.

6 4) a statement certifying that the expenditure of fund balances will not
7 jeopardize the financial health of the agency, nor result in a permanent
8 depletion of the fund balance.

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

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13 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
14 by this act shall be limited to the appropriation for such agency and funds
15 made available by law for the support of such appropriations; and the
16 restrictions of the State Purchasing Law, the General Accounting and
17 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
18 Procedures and Restrictions Act, or their successors, and other fiscal
19 control laws of this State, where applicable, and regulations promulgated by
20 the Department of Finance and Administration, as authorized by law, shall be
21 strictly complied with in disbursement of said funds.

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23 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General Assembly
24 that any funds disbursed under the authority of the appropriations contained
25 in this act shall be in compliance with the stated reasons for which this act
26 was adopted, as evidenced by the Agency Requests, Executive Recommendations
27 and Legislative Recommendations contained in the budget manuals prepared by
28 the Department of Finance and Administration, letters, or summarized oral
29 testimony in the official minutes of the Arkansas Legislative Council or
30 Joint Budget Committee which relate to its passage and adoption.

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32 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General
33 Assembly, that the Constitution of the State of Arkansas prohibits the
34 appropriation of funds for more than a two (2) year period; that the
35 effectiveness of this Act on July 1, 2001 is essential to the operation of
36 the agency for which the appropriations in this Act are provided, and that in

1 the event of an extension of the Regular Session, the delay in the effective
2 date of this Act beyond July 1, 2001 could work irreparable harm upon the
3 proper administration and provision of essential governmental programs.
4 Therefore, an emergency is hereby declared to exist and this Act being
5 necessary for the immediate preservation of the public peace, health and
6 safety shall be in full force and effect from and after July 1, 2001.