

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1555

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES AND FOR GRANTS
11 AND AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL
12 PROGRAMS FOR THE DEPARTMENT OF WORKFORCE
13 EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30,
14 2007; AND FOR OTHER PURPOSES.
15

Subtitle

16
17
18 AN ACT FOR THE DEPARTMENT OF WORKFORCE
19 EDUCATION APPROPRIATION FOR THE
20 2005-2007 BIENNIUM.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. REGULAR SALARIES. There is hereby established for the
26 Department of Workforce Education for the 2005-2007 biennium, the following
27 maximum number of regular employees whose salaries shall be governed by the
28 provisions of the Uniform Classification and Compensation Act (Arkansas Code
29 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
30 Provided, however, that any position to which a specific maximum annual
31 salary is set out herein in dollars, shall be exempt from the provisions of
32 said Uniform Classification and Compensation Act. All persons occupying
33 positions authorized herein are hereby governed by the provisions of the
34 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
35 or its successor.
36



| | | | | | Maximum Annual | |
|----|------|-------|------------------------------------|-----------|----------------|-----------|
| | | | | Maximum | Salary Rate | |
| | Item | Class | | No. of | Fiscal Years | |
| | No. | Code | Title | Employees | 2005-2006 | 2006-2007 |
| 5 | (1) | 9795 | ED DIR - VOCATION TECH DIVISION | 1 | \$125,038 | \$127,823 |
| 6 | (2) | 9052 | ED DEP DIR CAREER & TECH EDUC | 1 | \$90,711 | \$92,981 |
| 7 | (3) | 9756 | DEPUTY DIR VO-TECH EDUCATION | 1 | \$90,710 | \$92,980 |
| 8 | (4) | 9088 | SCHOOL FOR WORK COORDINATOR | 1 | \$63,114 | \$64,863 |
| 9 | (5) | 7092 | DIR, GOV COMM ON ADULT LITERACY | 1 | \$61,909 | \$63,635 |
| 10 | (6) | 100Z | VOC ED ASSOC DIR FOR VOC SCHOOLS | 1 | GRADE 26 | |
| 11 | (7) | 105Z | VOC ED ASSOC DIR FOR FINANCE | 1 | GRADE 26 | |
| 12 | (8) | 218Z | ED ASSOC DIR VOC SUPPORT SERVICES | 1 | GRADE 26 | |
| 13 | (9) | 845Z | ED COORD ADULT ED PROGRAMS | 1 | GRADE 23 | |
| 14 | (10) | 143Z | FED SURPLUS PROPERTY MGR | 1 | GRADE 23 | |
| 15 | (11) | A123 | ED INTERNAL AUDITOR | 1 | GRADE 23 | |
| 16 | (12) | E102 | ED CURRICULUM SUPV-VOCATIONAL | 1 | GRADE 23 | |
| 17 | (13) | A047 | GENERAL FINANCE COORDINATOR | 1 | GRADE 22 | |
| 18 | (14) | 840Z | ED VOC ED PROGRAM SUPPORT MGR | 14 | GRADE 22 | |
| 19 | (15) | A008 | ACCOUNTING SUPERVISOR II | 2 | GRADE 21 | |
| 20 | (16) | R028 | ED PROGRAM ANALYST | 1 | GRADE 21 | |
| 21 | (17) | R137 | ED INTERNAL SERVICES MANAGER | 1 | GRADE 21 | |
| 22 | (18) | R290 | PUBLIC SCHOOL PROGRAM ADVISOR | 29 | GRADE 21 | |
| 23 | (19) | R298 | AGENCY PROGRAM COORDINATOR | 1 | GRADE 21 | |
| 24 | (20) | V080 | MGR PURCHASING & PROPERTY MGT | 1 | GRADE 21 | |
| 25 | (21) | V066 | FED SURPLUS PROPERTY SUPERVISOR | 1 | GRADE 20 | |
| 26 | (22) | V034 | PLANT WAREHOUSE FOREMAN | 1 | GRADE 18 | |
| 27 | (23) | R035 | ED VOC ED EXECUTIVE ASSISTANT | 1 | GRADE 18 | |
| 28 | (24) | A111 | ACCOUNTANT | 2 | GRADE 18 | |
| 29 | (25) | R010 | ADMINISTRATIVE ASSISTANT II | 6 | GRADE 17 | |
| 30 | (26) | V018 | SURPLUS PROP INVENTORY CONTROL MGR | 1 | GRADE 17 | |
| 31 | (27) | R166 | GRANTS COORDINATOR I | 1 | GRADE 17 | |
| 32 | (28) | V053 | SURPLUS PROPERTY AGENT | 7 | GRADE 16 | |
| 33 | (29) | V070 | FED SURPLUS PROP UTILIZATION INSP | 1 | GRADE 16 | |
| 34 | (30) | A063 | PAYROLL OFFICER | 1 | GRADE 15 | |
| 35 | (31) | A108 | ACCOUNTING TECHNICIAN II | 4 | GRADE 15 | |
| 36 | (32) | K153 | SECRETARY II | 19 | GRADE 13 | |

| | | | |
|---|-----------------------------------|----------|----------|
| 1 | (33) A106 ACCOUNTING TECHNICIAN I | <u>1</u> | GRADE 12 |
| 2 | MAX. NO. OF EMPLOYEES | 108 | |

3

4 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of

5 Workforce Education for the 2005-2007 biennium, the following maximum number

6 of part-time or temporary employees, to be known as "Extra Help", payable

7 from funds appropriated herein for such purposes: seventy nine (79)

8 temporary or part-time employees, when needed, at rates of pay not to exceed

9 those provided in the Uniform Classification and Compensation Act, or its

10 successor, or this act for the appropriate classification.

11

12 SECTION 3. APPROPRIATION - ADMINISTRATION PROGRAM. There is hereby

13 appropriated, to be payable from the funds and fund accounts as set out

14 herein, to the Department of Workforce Education for the biennial period

15 ending June 30, 2007, the following:

16 (a) For the Workforce Education-Admin, the sum of \$1,952,308 for the 2005-

17 2006 fiscal year and \$1,983,566 for the 2006-2007 fiscal year.

18 (1) Program Description. The Agency Administration program determines

19 agency priorities and develops plans to meet those priorities. The program

20 also provides tactical and strategic oversight for agency operations.

21 (2) Appropriation payable from:

| | FISCAL YEARS | |
|--------------------------------|------------------|------------------|
| | <u>2005-2006</u> | <u>2006-2007</u> |
| 22 | | |
| 23 (A) General Revenue: | | |
| 24 Department of Workforce | | |
| 25 Education Fund Account | \$ 1,698,424 | \$ 1,728,158 |
| 26 Miscellaneous Agencies Fund | | |
| 27 Account | \$ <u>15,864</u> | \$ <u>15,864</u> |
| 28 TOTAL General Revenue | \$ 1,714,288 | \$ 1,744,022 |

29 (B) Federal Funds as designated by

30 the Chief Fiscal Officer of the

31 State

| | | |
|--|-----------|-----------|
| | \$ 60,839 | \$ 60,839 |
|--|-----------|-----------|

32 (C) Other Funds

| | | |
|--|------------|------------|
| | \$ 266,421 | \$ 209,240 |
|--|------------|------------|

33 (3) Performance Targets:

34 (A) Number of prior year audit

35 findings repeated in subsequent

36 audits

| | | |
|--|-----------|---|
| | 1 or less | 0 |
|--|-----------|---|

| | | | |
|---|------------------------------------|------|------|
| 1 | (B) Percentage of agency budget in | | |
| 2 | the administration program | | |
| 3 | compared to the total agency | | |
| 4 | budget | 3.5% | 3.5% |
| 5 | (C) Percentage of agency staff in | | |
| 6 | the administration program | | |
| 7 | compared to the total agency | | |
| 8 | positions | 25% | 25% |

10 SECTION 4. APPROPRIATION - DEVELOPMENT OVERSIGHT AND SUPPORT SERVICES

11 PROGRAM. There is hereby appropriated, to be payable from the funds and fund
 12 accounts as set out herein, to the Department of Workforce Education for the
 13 biennial period ending June 30, 2007, the following:

14 (a) For the Dev Oversight & Support Srvs, the sum of \$7,590,013 for the
 15 2005-2006 fiscal year and \$7,692,324 for the 2006-2007 fiscal year.

16 (1) Program Description. The State Workforce Development Oversight and
 17 Support Services program provides tactical and strategic oversight of and
 18 support services to workforce development programs.

| | | | |
|----|------------------------------------|------------------|------------------|
| 19 | (2) Appropriation payable from: | FISCAL YEARS | |
| 20 | | <u>2005-2006</u> | <u>2006-2007</u> |
| 21 | (A) General Revenue: | | |
| 22 | Department of Workforce | | |
| 23 | Education Fund Account | \$ 1,038,664 | \$ 934,566 |
| 24 | Department of Workforce | | |
| 25 | Education Public School Fund | | |
| 26 | Account | \$ <u>93,774</u> | \$ <u>94,746</u> |
| 27 | | | |
| 28 | TOTAL General Revenue | \$ 1,132,438 | \$ 1,029,312 |
| 29 | (B) Federal Funds as designated by | | |
| 30 | the Chief Fiscal Officer of the | | |
| 31 | State | \$ 2,833,525 | \$ 2,866,086 |
| 32 | (C) Special Revenue | \$ 73,016 | \$ 74,506 |
| 33 | (D) Trust Funds | \$ 3,180,979 | \$ 3,342,368 |

34 (3) Performance Targets:
 35 (A) Number of veterans' training and
 36 education programs reviewed by

| | | | |
|----|-------------------------------------|---------|---------|
| 1 | staff for approval | 80-100% | 80-100% |
| 2 | (B) Percentage of state and federal | | |
| 3 | compliance and technical | | |
| 4 | assistance reports for secondary | | |
| 5 | career and technical education | | |
| 6 | programs reviewed by staff | 100% | 100% |
| 7 | (C) Percentage of state and federal | | |
| 8 | compliance reports and technical | | |
| 9 | assistance reports for adult | | |
| 10 | education programs reviewed by | | |
| 11 | staff | 100% | 100% |
| 12 | | | |

13 SECTION 5. APPROPRIATION - FEDERAL SURPLUS PROPERTY ADMINISTRATION
 14 PROGRAM. There is hereby appropriated, to be payable from the funds and fund
 15 accounts as set out herein, to the Department of Workforce Education for the
 16 biennial period ending June 30, 2007, the following:

17 (a) For the Federal Surplus Property Admin, the sum of \$2,020,266 for the
 18 2005-2006 fiscal year and \$1,937,277 for the 2006-2007 fiscal year.

19 (1) Program Description. The Federal Surplus Property Agency acquires
 20 surplus property from the federal government and donates the property to
 21 eligible Arkansas recipients.

22 (2) Appropriation payable from:

FISCAL YEARS

| | | <u>2005-2006</u> | <u>2006-2007</u> |
|----|---------------------|------------------|------------------|
| 23 | | | |
| 24 | (A) Special Revenue | \$ 1,680,697 | \$ 1,684,127 |
| 25 | (B) Other Funds | \$ 527,033 | \$ 187,464 |

26 (3) Performance Targets:

| | | | |
|----|---------------------------------|--------------------|--------------------|
| 27 | (A) Increase in the acquisition | | |
| 28 | value of property donated | +2%/year increase | +2%/ year increase |
| 29 | | over base year | over base year |
| 30 | | (\$8,081,000 total | (\$8,242,000 total |
| 31 | | w/increase) | w/increase) |
| 32 | | | |

33 SECTION 6. APPROPRIATION - ADULT EDUCATION GRANTS PROGRAM. There is hereby
 34 appropriated, to be payable from the funds and fund accounts as set out
 35 herein, to the Department of Workforce Education for the biennial period
 36 ending June 30, 2007, the following:

1 (a) For the Adult Education Grants, the sum of \$26,583,048 for the 2005-2006
 2 fiscal year and \$26,583,048 for the 2006-2007 fiscal year.

3 (1) Program Description. The Adult Education Grants program provides
 4 resources through federal and state grants to enable the local adult
 5 education programs to provide adult instructional services to the target
 6 populations.

| | | | | |
|----|------------------------------------|----|------------------|---------------------|
| 7 | (2) Appropriation payable from: | | FISCAL YEARS | |
| 8 | | | <u>2005-2006</u> | <u>2006-2007</u> |
| 9 | (A) General Revenue: | | | |
| 10 | Department of Workforce | | | |
| 11 | Education Public School Fund | | | |
| 12 | Account | \$ | <u>8,587,599</u> | \$ <u>8,587,599</u> |
| 13 | TOTAL General Revenue | \$ | 8,587,599 | \$ 8,587,599 |
| 14 | (B) Federal Funds as designated by | | | |
| 15 | the Chief Fiscal Officer of the | | | |
| 16 | State | \$ | 8,008,048 | \$ 8,008,048 |
| 17 | (C) Trust Funds | \$ | 9,987,401 | \$ 9,987,401 |
| 18 | (D) Other Funds | \$ | 1,855,962 | \$ 1,855,962 |

| | | | | |
|----|--------------------------------------|--|---------------|---------------|
| 19 | (3) Performance Targets: | | | |
| 20 | (A) Percentage of adult learners who | | | |
| 21 | exited the program who were | | | |
| 22 | placed in postsecondary | | | |
| 23 | education, training, unsubsidized | | | |
| 24 | employment, or career development | | 1% over | 1% over |
| 25 | | | previous year | previous year |
| 26 | (B) Percentage of adult learners | | | |
| 27 | with a high school completion | | | |
| 28 | goal who exited the program and | | | |
| 29 | earned a high school diploma or | | | |
| 30 | equivalent | | 1% over | 1% over |
| 31 | | | previous year | previous year |
| 32 | (C) Percentage of adults enrolled in | | | |
| 33 | adult education programs who | | | |
| 34 | demonstrated improvements in | | | |
| 35 | literacy skill levels in reading, | | | |
| 36 | writing, and speaking the English | | | |

1 language 1% over 1% over
 2 previous year previous year
 3
 4 (D) Percentage of eligible adults
 5 (functioning below the 8.9 grade
 6 level) served by local literacy
 7 councils at a rate equal to or
 8 greater than the national average 6% 6%

9
 10 SECTION 7. APPROPRIATION - CAREER AND TECHNICAL EDUCATION GRANTS PROGRAM.
 11 There is hereby appropriated, to be payable from the funds and fund accounts
 12 as set out herein, to the Department of Workforce Education for the biennial
 13 period ending June 30, 2007, the following:

14 (a) For the Career & Technical Educ Grants, the sum of \$30,134,816 for the
 15 2005-2006 fiscal year and \$30,134,816 for the 2006-2007 fiscal year.

16 (1) Program Description. The Career and Technical Education Grants
 17 program provides resources for activities designed to provide technical
 18 instruction and services at the secondary, postsecondary, and adult levels.

19 (2) Appropriation payable from: FISCAL YEARS

| | <u>2005-2006</u> | <u>2006-2007</u> |
|---------------------------------------|----------------------|----------------------|
| 20 | | |
| 21 (A) General Revenue: | | |
| 22 Department of Workforce | | |
| 23 Education Fund Account | \$ 9,000 | \$ 9,000 |
| 24 Department of Workforce | | |
| 25 Education Public School Fund | | |
| 26 Account | \$ <u>13,778,683</u> | \$ <u>13,778,683</u> |
| 27 TOTAL General Revenue | \$ 13,787,683 | \$ 13,787,683 |
| 28 (B) Federal Funds as designated by | | |
| 29 the Chief Fiscal Officer of the | | |
| 30 State | \$ 14,900,000 | \$ 14,900,000 |
| 31 (C) Special Revenue | \$ 400,000 | \$ 400,000 |
| 32 (D) Trust Funds | \$ 611,641 | \$ 1,149,392 |
| 33 (E) Other Funds | \$ 965,672 | \$ 530,180 |
| 34 (3) Performance Targets: | | |
| 35 (A) Average score of all CTE | | |
| 36 concentrators on end-of-course | | |

| | | | |
|---|---------------------------------|-------------|---------------|
| 1 | exams | +1% of base | +1.5% of base |
| 2 | | year (2004) | year (2004) |
| 3 | (B) Number of CTE concentrators | | |
| 4 | placed in postsecondary | | |
| 5 | education, workforce, military | +1% of base | +1.5% of base |
| 6 | | year (2004) | year (2004) |

7

8 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEDERAL
10 MATCHING. The funds appropriated in ~~Sections 19, 20, 21 and 22~~ of this Act
11 from the Public School Fund for grants and aid for the Adult Education Grant
12 Program and the Career and Technical Education Grant Program may also be used
13 to match any available federal funds from any agency in order to provide the
14 maximum amount of money possible for the purposes enumerated in such section.

15 The provisions of this section shall be in effect only from July 1, 2003
16 2005 through June 30, ~~2005~~ 2007.

17

18 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
20 VOCATIONAL START-UP. The funds and appropriations contained herein for
21 Vocational Start-Up as provided for in the Career and Technical Education
22 Grants Program of this Act shall be allocated in accordance with rules and
23 regulations established by the State Board of Workforce Education and Career
24 Opportunities, after the rules and regulations have undergone a prior review
25 and approval by the Administrative Rules and Regulations Subcommittee of the
26 Arkansas Legislative Council or Joint Budget Committee.

27 Determining the maximum number of employees and the maximum amount of
28 appropriation and general revenue funding for a state agency each fiscal year
29 is the prerogative of the General Assembly. This is usually accomplished by
30 delineating such maximums in the appropriation act(s) for a state agency and
31 the general revenue allocations authorized for each fund and fund account by
32 amendment to the Revenue Stabilization law. Further, the General Assembly
33 has determined that the Department of Workforce Education may operate more
34 efficiently if some flexibility is provided to the Department of Workforce
35 Education authorizing broad powers under this Section. Therefore, it is both
36 necessary and appropriate that the General Assembly maintain oversight by

1 requiring prior approval of the Legislative Council or Joint Budget Committee
 2 as provided by this section. The requirement of approval by the Legislative
 3 Council or Joint Budget Committee is not a severable part of this section.
 4 If the requirement of approval by the Legislative Council or Joint Budget
 5 Committee is ruled unconstitutional by a court of competent jurisdiction,
 6 this entire section is void.

7 The provisions of this section shall be in effect only from July 1, 2003
 8 2005 through June 30, ~~2005~~ 2007.

9

10 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 12 EDUCATIONAL TRAINING/RETRAINING. Of the funds and appropriation authorized by
 13 ~~Item (01) in Section 19 of this Act~~ for Adult Basic and General Adult
 14 Education grants as provided in the Adult Education Grants Program of this
 15 Act, a sum of \$300,000 each fiscal year shall be made available to eligible
 16 entities approved by the State Board of Workforce Education and Career
 17 Opportunities, in order to expand the vocational education and training
 18 opportunities available to area citizens in need of adult educational
 19 training or retraining due to changing technology.

20 Further, if the appropriation is not fully funded due to a decrease in
 21 the official revenue forecast or the available carryover balance of the
 22 Department of Workforce Education Public School Fund Account, the Department
 23 of Workforce Education may reduce proportionally the amount made available to
 24 eligible entities approved by the State Board of Workforce Education and
 25 Career Opportunities in order to expand the vocational education and training
 26 opportunities to area citizens in need of adult educational training or
 27 retraining due to changing technology.

28 The provisions of this section shall be in effect only from July 1, 2003
 29 2005 through June 30, ~~2005~~ 2007.

30

31 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEDERAL
 33 JTPA VOCATIONAL EDUCATION. No employee of the Department of Workforce
 34 Education, who is employed as "extra help" by the Dislocated Workers ~~Program~~
 35 Task Force as provided in the Development Oversight and Support Services
 36 Program of this Act may receive an amount to exceed eighty-five percent (85%)

1 of the maximum annual salary for a comparable position as authorized under
 2 Arkansas Code 21-5-201 et. seq. during any fiscal year, nor shall such
 3 employee be employed for a period of time to exceed fourteen hundred (1400)
 4 hours in any single fiscal year.

5 The provisions of this section shall be in effect only from July 1, ~~2003~~
 6 2005 through June 30, ~~2005~~ 2007.

7
 8 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
 10 FORCE 2000 DISTRIBUTION. After the amounts to be made available to the
 11 various technical institutes or comprehensive lifelong learning centers have
 12 been determined as set out in Arkansas Code 26-51-205(d)(2), such documents
 13 as may be necessary shall be processed so that funds may be transferred from
 14 the Work Force 2000 Development Fund to the State Treasury fund or fund
 15 account from which the technical institute or comprehensive lifelong learning
 16 center draws its general revenue support. Such funds as may be transferred
 17 shall not exceed ~~25.55%~~ 6.309% of the total funds available from the Work
 18 Force 2000 Development Fund during each fiscal year of the biennial period
 19 ending June 30, ~~2005~~ 2007.

20 In the event that a technical college, community college or educational
 21 institution which receives support from the Work Force 2000 Development Fund
 22 as determined by law transfers from the Arkansas Technical College and
 23 Community College System for which Work Force 2000 Development Fund monies
 24 are determined by law, then the actual amount of support from the Work Force
 25 2000 Development Fund in the preceding fiscal year for such educational
 26 institution shall be made available irrespective of any other provision of
 27 law which sets out maximum levels of support from such fund.

28 The provisions of this section shall be in effect only from July 1, ~~2003~~
 29 2005 through June 30, ~~2005~~ 2007.

30
 31 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADULT
 33 EDUCATION DISTRIBUTION. All funds that become available for Adult Education
 34 shall first be distributed to those administrative units determined to be
 35 operating efficient and effective adult education programs, under criteria
 36 established by the State Board of Workforce Education and Career

1 Opportunities. The criteria shall include the relative efficiency of
 2 administration of the program in the counties served and achievement of
 3 federal performance indicators. The State Board of Workforce Education and
 4 Career Opportunities shall promulgate rules and regulation for the
 5 distribution of funds in accordance with criteria to be determined by the
 6 Board. In the distribution of funds to local units the Board shall consider
 7 the literacy rate in each county and performance in meeting state and federal
 8 performance indicators. For the purposes of this Section, the term "literacy
 9 rate" shall be determined by the number of adults completing less than the
 10 twelfth grade as reported by the most recent decennial federal census.
 11 Unallocated funds will be redistributed based upon need as determined by the
 12 State Board of Workforce Education and Career Opportunities.

13 The provisions of this section shall be in effect only from July 1, ~~2003~~
 14 2005 through June 30, ~~2005~~ 2007.

15

16 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 18 APPROPRIATIONS CARRYOVER PROVISION. An appropriation received by the various
 19 technical institutes ~~or comprehensive lifelong learning centers~~ to support
 20 funds received from the Workforce 2000 Development Fund and which remains at
 21 the end of any fiscal year shall carry forward into the next fiscal year.

22 The provisions of this section shall be in effect only from July 1, ~~2003~~
 23 2005 through June 30, ~~2005~~ 2007.

24

25 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 27 OF FUNDS. The Chief Fiscal Officer of the State shall establish, upon request
 28 from the Department of Workforce Education, a special appropriation line item
 29 to be used in the acquisition of promotional items. When the Department of
 30 Workforce Education wishes to transfer monies from its operating expenses
 31 appropriation to the Promotional Items line, the State Board of Workforce
 32 Education and Career Opportunities shall approve the request and forward it
 33 after receiving prior review and approval by the Arkansas Legislative Council
 34 or Joint Budget Committee, to the Chief Fiscal Officer of the State for
 35 processing.

36 Determining the maximum number of employees and the maximum amount of

1 appropriation and general revenue funding for a state agency each fiscal year
 2 is the prerogative of the General Assembly. This is usually accomplished by
 3 delineating such maximums in the appropriation act(s) for a state agency and
 4 the general revenue allocations authorized for each fund and fund account by
 5 amendment to the Revenue Stabilization law. Further, the General Assembly
 6 has determined that the Department of Workforce Education may operate more
 7 efficiently if some flexibility is provided to the Department of Workforce
 8 Education authorizing broad powers under this Section. Therefore, it is both
 9 necessary and appropriate that the General Assembly maintain oversight by
 10 requiring prior approval of the Legislative Council or Joint Budget Committee
 11 as provided by this section. The requirement of approval by the Legislative
 12 Council or Joint Budget Committee is not a severable part of this section.
 13 If the requirement of approval by the Legislative Council or Joint Budget
 14 Committee is ruled unconstitutional by a court of competent jurisdiction,
 15 this entire section is void.

16

17 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. POSITION
 19 FUNDING RESTRICTION. One position of Surplus Property Inventory Control
 20 Manager, two positions of Surplus Property Agent, and one position of
 21 Secretary II authorized in this Act that are assigned to the Federal Surplus
 22 Property Program are to be paid solely from fees generated by the program.

23 The provisions of this section shall be in effect only from July 1, ~~2003~~
 24 2005 through June 30, ~~2005~~ 2007.

25

26 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 28 BALANCES. VOCATIONAL TECHNICAL RETIREMENT CASH FUND. (A) For all
 29 appropriations as provided in this Act, the agency disbursing officer shall
 30 monitor the level of fund balances in relation to expenditures on a monthly
 31 basis. If any proposed expenditures would cause the Vocational Technical
 32 Retirement Cash Fund to decline below Eighty One Thousand Five Hundred Thirty
 33 Dollars (\$81,530), the disbursing officer shall immediately notify the
 34 executive head of the agency. Prior to any obligations being made under
 35 these circumstances, the agency head shall file written documentation with
 36 the Chief Fiscal Officer of the State requesting approval of the

1 expenditures. Such documentation shall provide sufficient financial data to
2 justify the expenditures and shall include the following:

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

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

15 The provisions of this section shall be in effect only from July 1, ~~2003~~
16 2005 through June 30, ~~2005~~ 2007.

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

27
28 SECTION 19. LEGISLATIVE INTENT. It is the intent of the General Assembly
29 that any funds disbursed under the authority of the appropriations contained
30 in this act shall be in compliance with the stated reasons for which this act
31 was adopted, as evidenced by the Agency Requests, Executive Recommendations
32 and Legislative Recommendations contained in the budget manuals prepared by
33 the Department of Finance and Administration, letters, or summarized oral
34 testimony in the official minutes of the Arkansas Legislative Council or
35 Joint Budget Committee which relate to its passage and adoption.

36

1 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General
2 Assembly, that the Constitution of the State of Arkansas prohibits the
3 appropriation of funds for more than a two (2) year period; that the
4 effectiveness of this Act on July 1, 2005 is essential to the operation of
5 the agency for which the appropriations in this Act are provided, and that in
6 the event of an extension of the Regular Session, the delay in the effective
7 date of this Act beyond July 1, 2005 could work irreparable harm upon the
8 proper administration and provision of essential governmental programs.
9 Therefore, an emergency is hereby declared to exist and this Act being
10 necessary for the immediate preservation of the public peace, health and
11 safety shall be in full force and effect from and after July 1, 2005.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36