

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 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: H3/20/03*

# A Bill

HOUSE BILL 1378

5 By: Joint Budget Committee  
6  
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## For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE ARKANSAS  
11 VALLEY TECHNICAL INSTITUTE FOR THE BIENNIAL  
12 PERIOD ENDING JUNE 30, 2005; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE ARKANSAS VALLEY  
17 TECHNICAL INSTITUTE APPROPRIATION FOR  
18 THE 2003-2005 BIENNIUM.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. REGULAR SALARIES. There is hereby established for the Arkansas  
25 Valley Technical Institute for the 2003-2005 biennium, the following maximum  
26 number of regular employees whose salaries shall be governed by the  
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
29 Provided, however, that any position to which a specific maximum annual  
30 salary is set out herein in dollars, shall be exempt from the provisions of  
31 said Uniform Classification and Compensation Act. All persons occupying  
32 positions authorized herein are hereby governed by the provisions of the  
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
34 or its successor.  
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36 Maximum Annual



01302003KCA1547.KCA532

1		Maximum	Salary Rate	
2	Item Class	No. of	Fiscal Years	
3	No. Code Title	Employees	2003-2004	2004-2005
4	<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>			
5	<u>ADMINISTRATIVE POSITIONS</u>			
6	(1) Chancellor AVTI	1	\$113,049	\$115,482
7	(2) Chief Academic Officer	1	\$90,225	\$92,338
8	(3) Chief Fiscal Officer	1	\$84,492	\$86,497
9	(4) Chief Student Life Officer	1	\$84,492	\$86,497
10	(5) Counselor	1	\$68,500	\$70,202
11	(6) Registrar	1	\$65,617	\$67,264
12	(7) Director of Computer Services	1	\$64,318	\$65,940
13	(8) Director of Financial Aid	1	\$63,710	\$65,320
14	(9) Coord of Continuing Ed/Business Outreach	1	\$63,710	\$65,320
15	(10) Director of Admin. Support Services	1	\$43,401	\$44,573
16	<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>			
17	<u>CLASSIFIED POSITIONS</u>			
18	(11) Building Plant Maint. Supervisor II	1		Grade 18
19	(12) Information Officer II	1		Grade 18
20	(13) Assistant Registrar	1		Grade 18
21	(14) Vocational Instructor I	4		Grade 17
22	(15) Administrative Assistant II	1		Grade 17
23	(16) Business Controller II	1		Grade 16
24	(17) Accounting Technician II	1		Grade 15
25	(18) Executive Secy/Administrative Secy	1		Grade 14
26	(19) Secretary II	5		Grade 13
27	(20) Personnel Officer	1		Grade 13
28	(21) Bldg/Equip Maintenance Repairman II	3		Grade 08
29	<u>TWELVE MONTH EDUCATIONAL AND GENERAL</u>			
30	<u>ACADEMIC POSITIONS</u>			
31	(22) Librarian	1	\$71,368	\$73,124
32	<u>NINE MONTH EDUCATIONAL AND GENERAL</u>			
33	<u>ACADEMIC POSITIONS</u>			
34	(23) Workforce Ed Faculty	35	\$52,392	\$53,807
35	(24) Workforce Ed Part-Time Faculty	<u>25</u>	17,939	\$18,509
36	MAX. NO. OF EMPLOYEES	91		

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 2 SECTION 2. EXTRA HELP. There is hereby authorized, for the Arkansas  
 3 Valley Technical Institute for the 2003-2005 biennium, the following maximum  
 4 number of part-time or temporary employees, to be known as "Extra Help",  
 5 payable from funds appropriated herein for such purposes: fifty six (56)  
 6 temporary or part-time employees, when needed, at rates of pay not to exceed  
 7 those provided in the Uniform Classification and Compensation Act, or its  
 8 successor, or this act for the appropriate classification.

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 10 SECTION 3. APPROPRIATION - STATE. There is hereby appropriated, to the  
 11 Arkansas Valley Technical Institute, to be payable from the Arkansas Valley  
 12 Technical Institute Fund, for personal services and operating expenses of the  
 13 Arkansas Valley Technical Institute - State for the biennial period ending  
 14 June 30, 2005, the following:

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16 ITEM	FISCAL YEARS	
17 NO.	2003-2004	2004-2005
18 (01) REGULAR SALARIES	\$ 1,478,790	\$ 1,478,790
19 (02) EXTRA HELP	140,567	140,567
20 (03) PERSONAL SERV MATCH	525,448	525,448
21 (04) MAINT. & GEN. OPERATION		
22 (A) OPER. EXPENSE	370,246	370,246
23 (B) CONF. & TRAVEL	1,700	1,700
24 (C) PROF. FEES	0	0
25 (D) CAP. OUTLAY	78,198	78,198
26 (E) DATA PROC.	<u>0</u>	<u>0</u>
27 TOTAL AMOUNT APPROPRIATED	<u>\$ 2,594,949</u>	<u>\$ 2,594,949</u>

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 29 SECTION 4. APPROPRIATION - FEDERAL. There is hereby appropriated, to the  
 30 Arkansas Valley Technical Institute, to be payable from the federal funds as  
 31 designated by the Chief Fiscal Officer of the State, for personal services  
 32 and operating expenses of the Arkansas Valley Technical Institute - Federal  
 33 for the biennial period ending June 30, 2005, the following:

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 36 ITEM FISCAL YEARS

NO.		2003-2004	2004-2005
(01)	REGULAR SALARIES	\$ 65,835	\$ 67,060
(02)	EXTRA HELP	25,240	25,240
(03)	PERSONAL SERV MATCH	26,023	26,325
(04)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	30,340	31,340
(B)	CONF. & TRAVEL	0	0
(C)	PROF. FEES	0	0
(D)	CAP. OUTLAY	30,000	30,000
(E)	DATA PROC.	<u>0</u>	<u>0</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 177,438</u>	<u>\$ 179,965</u>

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13 SECTION 5. APPROPRIATIONS - CASH. There is hereby appropriated, to the  
 14 Arkansas Valley Technical Institute, to be payable from cash funds as defined  
 15 by Arkansas Code 19-4-801 of the Arkansas Valley Technical Institute, for  
 16 personal services and operating expenses of the Arkansas Valley Technical  
 17 Institute - Cash for the biennial period ending June 30, 2005, the following:

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ITEM NO.	FISCAL YEARS	
	2003-2004	2004-2005
(01) REGULAR SALARIES	\$ 532,633	\$ 658,014
(02) EXTRA HELP	67,000	67,000
(03) PERSONAL SERV MATCH	122,485	125,792
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	320,472	320,472
(B) CONF. & TRAVEL	15,746	15,746
(C) PROF. FEES	300,000	300,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
(05) RESALE	134,185	134,185
(06) DEBT SERVICE	44,000	44,000
(07) CONTINGENCY	1,500,00	1,500,000
(08) PROMOTIONAL ITEMS	<u>10,000</u>	<u>10,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 3,046,521</u>	<u>\$ 3,175,209</u>

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

3 CONTINGENCY. (a) To address needs emerging from the restructuring of the  
4 Technical Institutes, Arkansas Valley Technical Institute shall establish and  
5 maintain for the ~~2001-2003~~ 2003-2005 biennium a pool of four (4) unclassified  
6 positions and three (3) classified positions, payable from funds appropriated  
7 for Arkansas Valley Technical Institute. These positions are to be used by  
8 Arkansas Valley Technical Institute in the event that the number and level of  
9 positions available to address the needs emerging from business and industry  
10 driven program expansions exceeds the number of positions regularly  
11 authorized for Arkansas Valley Technical Institute.

12 (b) Arkansas Valley Technical Institute shall provide justification to the  
13 Department of Finance and Administration's Office of Personnel Management  
14 (OPM) for the need to allocate titles from this position pool. No  
15 classifications will be assigned to the pool until such time as specific  
16 positions are requested and justified by Arkansas Valley Technical Institute,  
17 recommended by OPM and approved by the Legislative Council. Arkansas Valley  
18 Technical Institute may transfer positions from this pool to any pay schedule  
19 the agency currently maintains or any pay schedule the agency receives during  
20 the ~~2001-2003~~ 2003-2005 biennium.

21 (c) Determining the number of personnel to be employed by a state agency is  
22 the prerogative of the General Assembly and is usually accomplished by  
23 delineating the maximum number of personnel by identifying job titles and the  
24 maximum grade or salary attached to those titles. The General Assembly has  
25 determined that Arkansas Valley Technical Institute could be operated more  
26 efficiently if some flexibility is given to that agency. That flexibility is  
27 being accomplished by providing growth pools in subsection (a) of this  
28 section and since the General Assembly has granted the agency broad powers  
29 under the growth pool concept, it is both necessary and appropriate that the  
30 General Assembly maintain oversight of the utilization of the growth pool by  
31 requiring prior approval of the Legislative Council in the utilization of the  
32 growth pool. Therefore, the requirement of approval by the Legislative  
33 Council is not a severable part of this section. If the requirement of  
34 approval by the Legislative Council is ruled unconstitutional by a court  
35 jurisdiction, this entire section is void.

36 If the agency requests continuation of a "Growth Pool" position(s) as

1 established herein during the next biennium, the position(s) must be  
2 requested as a new position(s) in the agencies biennial budget request.

3 The provisions of this section shall be in effect only from ~~July 1, 2001~~  
4 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

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

12 The provisions of this section shall be in effect only from ~~July 1, 2001~~  
13 July 1, 2003 through ~~June 30, 2003~~ June 30, 2005.

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15 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH  
17 INSURANCE. By November 30, 2003, employees who were employed on June 30,  
18 2003 by Arkansas Valley Technical Institute shall have the right to make a  
19 one-time choice between:

- 20 (i) The Arkansas Tech University Health Insurance Plan; or  
21 (ii) The health insurance plan adopted by the state and Public school  
22 life and Health Insurance Board for state employees.

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

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

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36 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General Assembly

1 that any funds disbursed under the authority of the appropriations contained  
2 in this act shall be in compliance with the stated reasons for which this act  
3 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
4 and Legislative Recommendations contained in the budget manuals prepared by  
5 the Department of Finance and Administration, letters, or summarized oral  
6 testimony in the official minutes of the Arkansas Legislative Council or  
7 Joint Budget Committee which relate to its passage and adoption.

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9 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General  
10 Assembly, that the Constitution of the State of Arkansas prohibits the  
11 appropriation of funds for more than a two (2) year period; that the  
12 effectiveness of this Act on July 1, 2003 is essential to the operation of  
13 the agency for which the appropriations in this Act are provided, and that in  
14 the event of an extension of the Regular Session, the delay in the effective  
15 date of this Act beyond July 1, 2003 could work irreparable harm upon the  
16 proper administration and provision of essential governmental programs.  
17 Therefore, an emergency is hereby declared to exist and this Act being  
18 necessary for the immediate preservation of the public peace, health and  
19 safety shall be in full force and effect from and after July 1, 2003.

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21 */s/ Joint Budget Committee*  
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