

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
88th General Assembly  
Fiscal Session, 2012

As Engrossed: H2/14/12 H2/28/12  
**A Bill**

HOUSE BILL 1063

By: Joint Budget Committee

**For An Act To Be Entitled**

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES AND FOR GRANTS AND AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF CAREER EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2013; AND FOR OTHER PURPOSES.

**Subtitle**

AN ACT FOR THE DEPARTMENT OF CAREER EDUCATION APPROPRIATION FOR THE 2012-2013 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Department of Career Education for the 2012-2013 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
(1)	U061U	ACE DIRECTOR	1	\$148,964
(2)	U077U	ACE DEPUTY DIR CAREER & TECH ED	1	\$108,358
(3)	U065U	ACE DEPUTY DIRECTOR	1	\$108,357
(4)	U098U	DIR GOV COMM ON ADULT LITERACY	1	\$74,158
(5)	G010C	ACE DIVISION MANAGER	4	GRADE C128



(6)	A031C	ASSISTANT CONTROLLER	1	GRADE C124
(7)	E061C	ACE PROGRAM COORDINATOR	15	GRADE C123
(8)	E062C	ACE PROGRAM ADVISOR	33	GRADE C122
(9)	R014C	PERSONNEL MANAGER	1	GRADE C121
(10)	R019C	BUDGET MANAGER	1	GRADE C120
(11)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
(12)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
(13)	A074C	FISCAL SUPPORT SUPERVISOR	1	GRADE C118
(14)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
(15)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
(16)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
(17)	C056C	ADMINISTRATIVE SPECIALIST III	8	GRADE C112
(18)	A098C	FISCAL SUPPORT SPECIALIST	3	GRADE C112
(19)	C073C	ADMINISTRATIVE SPECIALIST II	16	GRADE C109
(20)	C088C	MAIL SERVICES ASSISTANT	<u>1</u>	GRADE C105
		MAX. NO. OF EMPLOYEES	93	

SECTION 2. EXTRA HELP - VOCATIONAL, TECHNICAL AND ADULT EDUCATION.

There is hereby authorized, for the Department of Career Education - Vocational, Technical and Adult Education for the 2012-2013 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: forty-six (46) 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 - VOCATIONAL, TECHNICAL AND ADULT EDUCATION.

There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Career Education Fund Account, for personal services and operating expenses of the Department of Career Education - Vocational, Technical and Adult Education for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$3,104,788

(02) EXTRA HELP	3,923
(03) PERSONAL SERVICES MATCHING	955,410
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	884,297
(B) CONF. & TRAVEL	28,751
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) APPRENTICESHIP PROGRAM	1,611,456
(06) MOTOR VEHICLE EDUCATION PROGRAM	<u>2,500</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$6,591,125</u></u>

SECTION 4. APPROPRIATION - ADULT BASIC EDUCATION. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Career Education Fund Account, for personal services and operating expenses of the Department of Career Education - Adult Basic Education for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$384,908
(02) PERSONAL SERVICES MATCHING	113,619
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	25,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$523,527</u></u>

SECTION 5. APPROPRIATION - HIGH-TECH SCHOLARSHIP AWARD PROGRAM. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Career Education Fund Account, for scholarships of the Department of Career Education - High-Tech Scholarship Award Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) SCHOLARSHIPS	<u>\$10,000</u>

SECTION 6. EXTRA HELP - FEDERAL VOCATIONAL, TECHNICAL AND ADULT EDUCATION. There is hereby authorized, for the Department of Career Education - Federal Vocational, Technical and Adult Education for the 2012-2013 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: twenty-seven (27) 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 7. APPROPRIATION - FEDERAL VOCATIONAL, TECHNICAL AND ADULT EDUCATION. There is hereby appropriated, to the Department of Career Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services, operating expenses and grants by the Department of Career Education - Federal Vocational, Technical and Adult Education for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REGULAR SALARIES	\$801,631
(02) EXTRA HELP	5,000
(03) PERSONAL SERVICES MATCHING	259,936
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,673,936
(B) CONF. & TRAVEL	46,175
(C) PROF. FEES	748,350
(D) CAP. OUTLAY	0
(05) VOCATIONAL EDUCATION GRANTS	<u>16,922,876</u>
TOTAL AMOUNT APPROPRIATED	<u>\$20,457,904</u>

SECTION 8. APPROPRIATION - FEDERAL ADULT BASIC EDUCATION. There is hereby appropriated, to the Department of Career Education, to be payable

from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services, operating expenses and grants by the Department of Career Education - Federal Adult Basic Education for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$175,289
(02) PERSONAL SERVICES MATCHING	52,018
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	77,467
(B) CONF. & TRAVEL	25,200
(C) PROF. FEES	9,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) ADULT BASIC EDUCATION GRANTS	<u>7,149,060</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$7,488,034</u></u>

SECTION 9. APPROPRIATION - FEDERAL VETERANS APPROVING AGENCY. There is hereby appropriated, to the Department of Career Education, 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 Department of Career Education - Federal Veterans Approving Agency for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$175,237
(02) PERSONAL SERVICES MATCHING	56,819
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	53,546
(B) CONF. & TRAVEL	9,623
(C) PROF. FEES	600
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$295,825</u></u>

SECTION 10. APPROPRIATION - FEDERAL EQUIPMENT AND TRAINING. There is hereby appropriated, to the Department of Career Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for operating expenses of the Department of Career Education - Federal Equipment and Training for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$6,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$6,000</u></u>

SECTION 11. APPROPRIATION - CONSTRUCTION INDUSTRY CRAFT TRAINING PROGRAM. There is hereby appropriated, to the Department of Career Education, to be payable from the Arkansas Construction Industry Craft Training Trust Fund, for personal services, operating expenses and grants by the Department of Career Education - Construction Industry Craft Training Program for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$48,534
(02) PERSONAL SERVICES MATCHING	15,151
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	12,000
(B) CONF. & TRAVEL	7,500
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) GRANTS TO CONSTRUCTION INDUSTRY CRAFT	

TRAINING PROGRAM	<u>800,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$883,185</u></u>

SECTION 12. APPROPRIATION - ALTERNATIVE RETIREMENT PROGRAM - CASH.

There is hereby appropriated, to the Department of Career Education, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Career Education, for personal services and operating expenses of the Department of Career Education - Alternative Retirement Program - Cash for the fiscal year ending June 30, 2013, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2012-2013</u>
(01) PERSONAL SERVICES MATCHING	\$110,222
(02) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	12,300
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$122,522</u></u>

SECTION 13. APPROPRIATION - HOUSING CONSTRUCTION PROGRAM. There is hereby appropriated, to the Department of Career Education, to be payable from the Building Trades Revolving Fund, for loans to Secondary Area Technical Centers or other eligible entities, for the purchase of building materials, supplies, and fixtures to be used in the construction of a single family dwelling unit or other non-residential building project through the Housing Construction Program of the Department of Career Education for the fiscal year ending June 30, 2013, the following:

ITEM <u>NO.</u>	FISCAL YEAR <u>2012-2013</u>
(01) LOANS	<u><u>\$164,807</u></u>

SECTION 14. APPROPRIATION - LAW ENFORCEMENT SAFETY OFFICE - CASH.

There is hereby appropriated, to the Department of Career Education, to be

payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the Department of Career Education - Law Enforcement Safety Office - Cash for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) LAW ENFORCEMENT SAFETY PROGRAM	<u>\$15,000</u>

SECTION 15. APPROPRIATION - GOVERNOR'S COMMISSION ON ADULT LITERACY. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Career Education Public School Fund Account, for personal services, operating expenses, and grants by the Department of Career Education - Governor's Commission on Adult Literacy for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$30,451
(02) PERSONAL SERVICES MATCHING	9,534
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	52,242
(B) CONF. & TRAVEL	6,005
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) GRANTS TO LITERACY COUNCILS	<u>675,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$773,232</u>

SECTION 16. APPROPRIATION - ADULT BASIC AND GENERAL ADULT EDUCATION. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Career Education Public School Fund Account, for Adult Basic and General Adult Education grants and aid by the Department of Career Education for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
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<u>NO.</u>	<u>2012-2013</u>
(01) ADULT BASIC & GENERAL ADULT EDUCATION	<u>\$19,860,569</u>

SECTION 17. APPROPRIATION - COORDINATED CAREER EDUCATION SERVICES. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Career Education Public School Fund Account, for Coordinated Career Education Services - Special Needs Students Program grants and aid by the Department of Career Education for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) COORDINATED CAREER EDUCATION SERVICES-SPECIAL NEEDS STUDENTS PROGRAM GRANTS & AID	<u>\$1,119,433</u>

SECTION 18. APPROPRIATION - VOCATIONAL CENTER AID. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Career Education Public School Fund Account, for Vocational Center grants and aid by the Department of Career Education - Vocational Center Aid for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) VOCATIONAL CENTER GRANTS AND AID	<u>\$20,136,383</u>

SECTION 19. APPROPRIATION - VOCATIONAL START-UP GRANTS AND AID. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Career Education Public School Fund Account, for Vocational Start-Up grants and aid by the Department of Career Education for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) VOCATIONAL START-UP GRANTS AND AID	<u>\$2,370,000</u>

SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEDERAL MATCHING. The funds appropriated in Sections for Adult Basic and General Adult Education, Coordinated Career Education Services, Vocational Center Aid and Vocational Start-up Grants and Aid of this Act may also be used to match any available federal funds from any agency in order to provide the maximum amount of money possible for the purposes enumerated in such section.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

VOCATIONAL START-UP. The funds and appropriations contained herein for Vocational Start-Up shall be allocated in accordance with rules and regulations established by the State Board of Career Education, after the rules and regulations have undergone a prior review by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

EDUCATIONAL TRAINING/RETRAINING. Of the funds and appropriation authorized by Item (01) in the section of this Act for Adult Basic and General Adult Education, a sum of \$300,000 each fiscal year shall be made available to eligible entities approved by the State Board of Career Education, in order to expand the vocational education and training opportunities available to area citizens in need of adult educational training or retraining due to changing technology.

Further, if the appropriation is not fully funded due to a decrease in the official revenue forecast or the available carryover balance of the Department of Workforce Education Public School Fund Account, the Department of Career Education may reduce proportionally the amount made available to eligible entities approved by the State Board of Career Education in order to expand the vocational education and training opportunities to area citizens

in need of adult educational training or retraining due to changing technology.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADULT EDUCATION DISTRIBUTION. All funds that become available for Adult Education shall be distributed to those administrative units determined to be operating efficient and effective adult education programs, under criteria established by the State Board of Career Education. The criteria shall include the relative efficiency of administration of the program in the counties served and achievement of federal performance indicators. The State Board of Career Education shall promulgate rules and regulations for the distribution of funds in accordance with criteria to be determined by the Board. In the distribution of funds to local units the Board shall consider performance in meeting state and federal performance indicators. Unallocated funds will be redistributed based upon need as determined by the State Board of Career Education.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF FUNDS – PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish, upon request from the Department of Career Education, a special appropriation line item to be used in the acquisition of promotional items. When the Department of Career Education wishes to transfer monies from its operating expenses appropriation to the Promotional Items line, the State Board of Career Education shall approve the request and forward it after receiving prior review and approval by the Arkansas Legislative Council or Joint Budget Committee, to the Chief Fiscal Officer of the State for processing.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by

delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Career Education may operate more efficiently if some flexibility is provided to the Department of Career Education authorizing broad powers under this Section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

SECTION 25. SPECIAL LANGUAGE NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SECONDARY TECHNICAL CENTER AID PROVISIONS.

(a)(1) Secondary technical center aid shall be calculated and distributed by the Department of Career Education based upon each secondary technical center's eligible student full-time equivalent count.

(2) Secondary technical center aid shall not be based upon the percentage of total enrollment from any one sending school.

(b) This section expires on June 30, 2013.

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

SECTION 27. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations

contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 28. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than one (1) year period; that the effectiveness of this Act on July 1, 2012 is essential to the operation of the agency for which the appropriations in this Act are provided; with the exception that SECTION 25 in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2012, could work irreparable harm upon the proper administration and provision of essential governmental programs, with the exception that SECTION 25 in this Act shall be in full force and effect from and after the date of its passage and approval. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after July 1, 2012; with the exception that SECTION 25 in this Act shall be in full force and effect from and after the date of its passage and approval.

/s/ Joint Budget Committee