

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.

Act 1390 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/8/05
A Bill

HOUSE BILL 1161

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 FOR THE NORTHWEST
11 TECHNICAL INSTITUTE FOR THE BIENNIAL PERIOD
12 ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE NORTHWEST TECHNICAL
16 INSTITUTE APPROPRIATION FOR THE
17 2005-2007 BIENNIUM.
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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
24 Northwest Technical Institute for the 2005-2007 biennium, the following
25 maximum 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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35 Maximum Annual



			Maximum	Salary Rate		
	Item	Class	No. of	Fiscal Years		
	No.	Code	Title	Employees	2005-2006	2006-2007
4	(1)	9752	VO TECH TECHNICIAN II	10	\$65,182	\$66,970
5	(2)	9753	VO TECH TECHNICIAN I	3	\$59,436	\$61,115
6	(3)	9046	WORKFORCE ED FACULTY	27	\$55,351	\$56,952
7	(4)	247Z	ED VO TECH SCHOOL DIRECTOR	1	GRADE 25	
8	(5)	482Z	ED VO TECH SCHOOL ASST DIR	3	GRADE 23	
9	(6)	D036	SR PROGRAMMER/ANALYST	2	GRADE 21	
10	(7)	M100	VOCATIONAL COUNSELOR	2	GRADE 21	
11	(8)	R144	PROGRAM COORDINATOR	1	GRADE 20	
12	(9)	R032	ASST REGISTRAR	1	GRADE 18	
13	(10)	G028	BLDG PLANT MAINTENANCE SUPV II	1	GRADE 18	
14	(11)	R190	PERSONNEL OFFICER II	1	GRADE 17	
15	(12)	R010	ADMINISTRATIVE ASSISTANT II	1	GRADE 17	
16	(13)	R009	ADMINISTRATIVE ASSISTANT I	1	GRADE 15	
17	(14)	A063	PAYROLL OFFICER	1	GRADE 15	
18	(15)	A108	ACCOUNTING TECHNICIAN II	2	GRADE 15	
19	(16)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	2	GRADE 14	
20	(17)	R041	BOOKSTORE OFFICE MANAGER	1	GRADE 14	
21	(18)	K153	SECRETARY II	3	GRADE 13	
22	(19)	E017	INSTITUTION ASSISTANT LIBRARIAN	1	GRADE 13	
23	(20)	G165	WORK MAINTENANCE LEADER	1	GRADE 10	
24	(21)	G109	BLDG/EQUIP MAINT REPAIRMAN II	<u>2</u>	GRADE 08	
25			MAX. NO. OF EMPLOYEES	67		

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27 SECTION 2. EXTRA HELP. There is hereby authorized, for the Northwest
 28 Technical Institute for the 2005-2007 biennium, the following maximum number
 29 of part-time or temporary employees, to be known as "Extra Help", payable
 30 from funds appropriated herein for such purposes: one hundred seven (107)
 31 temporary or part-time employees, when needed, at rates of pay not to exceed
 32 those provided in the Uniform Classification and Compensation Act, or its
 33 successor, or this act for the appropriate classification.

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35 SECTION 3. APPROPRIATION - STATE. There is hereby appropriated, to the
 36 Northwest Technical Institute, to be payable from the Northwest Technical

1 Institute Fund, for personal services and operating expenses of the Northwest
 2 Technical Institute - State for the biennial period ending June 30, 2007, the
 3 following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) REGULAR SALARIES	\$ 2,778,329	\$ 2,858,058
(02) EXTRA HELP	361,093	361,093
(03) PERSONAL SERVICES MATCHING	922,008	941,126
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	676,377	676,377
(B) CONF. & TRAVEL	11,500	11,500
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 4,749,307</u>	<u>\$ 4,848,154</u>

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 18 SECTION 4. APPROPRIATION - FEDERAL. There is hereby appropriated, to the
 19 Northwest Technical Institute, to be payable from the federal funds as
 20 designated by the Chief Fiscal Officer of the State, for personal services
 21 and operating expenses of the Northwest Technical Institute - Federal for the
 22 biennial period ending June 30, 2007, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
(01) REGULAR SALARIES	\$ 76,547	\$ 78,783
(02) EXTRA HELP	20,598	20,598
(03) PERSONAL SERVICES MATCHING	28,131	28,669
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	10,539	10,539
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 135,815</u>	<u>\$ 138,589</u>

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SECTION 5. APPROPRIATIONS - CASH. There is hereby appropriated, to the Northwest Technical Institute, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Northwest Technical Institute, for personal services and operating expenses of the Northwest Technical Institute - Cash for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 306,649	\$ 315,719
(02) EXTRA HELP	562,500	562,500
(03) PERSONAL SERVICES MATCHING	160,740	162,918
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	353,500	353,500
(B) CONF. & TRAVEL	9,000	9,000
(C) PROF. FEES	250,000	250,000
(D) CAP. OUTLAY	200,000	200,000
(E) DATA PROC.	0	0
(05) RESALE	275,000	275,000
(06) DEBT SERVICE	<u>57,415</u>	<u>57,415</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,174,804</u>	<u>\$ 2,186,052</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, Northwest Technical Institute shall establish and maintain for the ~~2003-2005~~ 2005-2007 biennium a pool of four (4) unclassified positions and three (3) classified positions, payable from funds appropriated for Northwest Technical Institute. These positions are to be used by Northwest 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 Northwest Technical Institute. (b) Northwest 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

1 classifications will be assigned to the pool until such time as specific
2 positions are requested and justified by Northwest Technical Institute,
3 recommended by OPM and approved by the Legislative Council. Northwest
4 Technical Institute may transfer positions from this pool to any pay schedule
5 the agency currently maintains or any pay schedule the agency receives during
6 the ~~2003-2005~~ 2005-2007 biennium.

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 Northwest 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 of
21 competent jurisdiction, this entire section is void.

22 If the agency requests continuation of a "Growth Pool" position(s) as
23 established herein during the next biennium, the position(s) must be
24 requested as a new position(s) in the agency's biennial budget request.
25 The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
26 through June 30, ~~2005~~ 2007.

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

34 The provisions of this section shall be in effect only from July 1, ~~2003~~
35 2005 through June 30, ~~2005~~ 2007.

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1 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
3 ADDITIONAL TEACHING LOAD. Instructional staff at Northwest Technical
4 Institute, may be paid up to forty five (\$45) per clock hour for the fiscal
5 year ending June 30,2006 and up to fifty dollars (\$50) per clock hour for the
6 fiscal year ending June 30,2007, for non-credit teaching assignments; or up
7 to five hundred dollars (\$500) per semester hour for the fiscal year ending
8 June 30, 2006, and up to five hundred fifty (\$550) per semester hour for the
9 fiscal year ending June 30, 2007, for teaching courses beyond the defined
10 teaching load; and the employee's maximum allowable salary may be exceeded by
11 such amount; provided, however, that such additional teaching load may not
12 exceed one hundred fifty (150) clock hours or nine (9) semester credit hours
13 per school year. Further, the provisions of this section shall only apply to
14 credit and noncredit courses that are funded by Private Industry.

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16 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
18 HELP RESTRICTION. No employee at Northwest Technical Institute, who is
19 employed as "Extra Help" may exceed eighty-five percent of the maximum annual
20 salary for a comparable position as authorized under Arkansas Code 21-5-201
21 et seq. during any fiscal year, nor shall such employee be employed for a
22 period of time to exceed fourteen hundred (1400) hours in any single fiscal
23 year. The provisions of this section shall be in effect only from July 1,
24 2005 through June 30, 2007.

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26 SECTION 10. 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 Procurement 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 11. 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.

8
9 SECTION 12. 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, 2005 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, 2005 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, 2005.

20
21 */s/ Joint Budget Committee*

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24 *APPROVED: 3/30/2005*

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