

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

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/15/17

A Bill

HOUSE BILL 2125

5 By: Representative Hollowell
6

For An Act To Be Entitled

8 *TO AMEND ARKANSAS LAW CONCERNING THE EFFICIENT*
9 *OPERATION OF CERTAIN STATE AGENCIES; TO SPECIFY THE*
10 *PROCESS FOR A MERGER OF CROWLEY'S RIDGE TECHNICAL*
11 *INSTITUTE TO EAST ARKANSAS COMMUNITY COLLEGE IF THE*
12 *INSTITUTIONS CHOOSE TO MERGE; TO DECLARE AN*
13 *EMERGENCY; AND FOR OTHER PURPOSES.*

Subtitle

14
15
16
17 *CONCERNING THE EFFICIENT OPERATION OF*
18 *CERTAIN STATE AGENCIES; TO SPECIFY THE*
19 *PROCESS FOR A POSSIBLE MERGER OF*
20 *CROWLEY'S RIDGE TECHNICAL INSTITUTE TO*
21 *EAST ARKANSAS COMMUNITY COLLEGE; AND TO*
22 *DECLARE AN EMERGENCY.*

23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 *SECTION 1. Arkansas Code Title 6, Chapter 51, is amended to add an*
28 *additional subchapter to read as follows:*

Subchapter 11 –

31 *Procedures to Follow Upon Merger of Crowley's Ridge Technical Institute to*
32 *East Arkansas Community College*

33
34 *6-51-1101. Merger.*

35 *(a)(1) This subchapter shall govern the merger of Crowley's Ridge*
36 *Technical Institute and East Arkansas Community College if:*



1 (A) The Board of Directors of Crowley's Ridge Technical
2 Institute votes to merge with East Arkansas Community College;

3 (B) The Board of Directors of East Arkansas Community
4 College votes to accept the merger; and

5 (C) The merger is approved under § 6-53-401.

6 (2)(A)(i) When voting to accept a merger under subdivision
7 (a)(1)(B) of this section, the Board of Directors of East Arkansas Community
8 College shall designate a date for the merger to become effective.

9 (ii) The Board of Directors of East Arkansas
10 Community College shall consult the Board of Directors of Crowley's Ridge
11 Technical Institute in determining the date under subdivision (a)(2)(A)(i) of
12 this section.

13 (B) If a merger of Crowley's Ridge Technical Institute and
14 East Arkansas Community College is approved under § 6-53-401, the merger
15 shall become effective on the date designated under subdivision (a)(2)(A)(i)
16 of this section.

17 (b) On the effective date of a merger under subdivision (a)(2) of this
18 section, all statutory authority, powers, duties, functions, records,
19 personnel, property, unexpended balances of appropriations, allocations, or
20 other funds, including the functions of budgeting or purchasing, of Crowley's
21 Ridge Technical Institute shall be transferred to East Arkansas Community
22 College.

23
24 6-51-1102. Board of directors.

25 On the effective date of a merger under § 6-51-1101(a)(2):

26 (1) The Board of Directors of Crowley's Ridge Technical
27 Institute shall be abolished; and

28 (2) The Board of Directors of East Arkansas Community College
29 shall assume the powers and duties of the Board of Directors of Crowley's
30 Ridge Technical Institute.

31
32 6-51-1103. Purchasing.

33 (a) Upon the vote of the Board of Directors of Crowley's Ridge
34 Technical Institute to merge with East Arkansas Community College under § 6-
35 51-1101(a)(1)(A) and before the effective date of a merger under § 6-51-
36 1101(a)(2):

1 (1) Purchases by Crowley's Ridge Technical Institute shall be
2 made under the Arkansas Procurement Law, § 19-11-201; and

3 (2) Purchases by East Arkansas Community College may continue to
4 be made under procedures that were applicable to East Arkansas Community
5 College.

6 (b) This section shall not apply if a merger is not subsequently
7 approved under § 6-51-1101(a).

8
9 6-51-1104. Transfer of assets, obligations, records, personnel,
10 property, unexpended balances, and legal authority.

11 Beginning on the effective date of a merger under § 6-51-1101(a)(2):

12 (1) All property and other rights, claims, and assets of
13 Crowley's Ridge Technical Institute shall be transferred to East Arkansas
14 Community College;

15 (2) All obligations of Crowley's Ridge Technical Institute shall
16 be obligations of East Arkansas Community College;

17 (3)(A) Except as provided in subdivision (3)(B) of this section,
18 all records, personnel, property, unexpended balances, and legal authority
19 shall be transferred from Crowley's Ridge Technical Institute to East
20 Arkansas Community College.

21 (B) If applicable, the personnel transferred from
22 Crowley's Ridge Technical Institute to East Arkansas Community College shall
23 comply with Acts 2017, No. 94, § 1, as amended by this act; and

24 (4) All cash fund balances of Crowley's Ridge Technical
25 Institute transferred to East Arkansas Community College shall be used for
26 the operation, support, and improvement of occupational, vocational,
27 technical, and workforce development programs of East Arkansas Community
28 College.

29
30 6-51-1105. Funding from the Work Force 2000 Development Fund.

31 Beginning on the effective date of a merger under § 6-51-1101(a)(2),
32 funding from the Work Force 2000 Development Fund, which would have been
33 provided to Crowley's Ridge Technical Institute, shall be provided to East
34 Arkansas Community College to fund workforce development, vocational,
35 occupational, and training programs offered by East Arkansas Community
36 College.

1
2 6-51-1106. Funding from the Federal Adult Basic Education Fund.
3 Beginning on the effective date of a merger under § 6-51-1101(a)(2),
4 funding from the Federal Adult Basic Education Fund, which would have been
5 provided to Crowley's Ridge Technical Institute, shall be provided to East
6 Arkansas Community College.

7
8 SECTION 2. DO NOT CODIFY.

9 (a) The General Assembly finds that:

10 (1) Significant changes in the day-to-day operations of
11 Crowley's Ridge Technical Institute before the effective date of a merger of
12 Crowley's Ridge Technical Institute to East Arkansas Community College under
13 § 6-51-1101 may impede the ability of Crowley's Ridge Technical Institute to
14 merge seamlessly into East Arkansas Community College; and

15 (2) Additional guidance and restrictions are necessary to assure
16 a smooth transition to the new institutional structure of East Arkansas
17 Community College provided for by this act.

18 (b) Except as provided in subsection (c) of this section, upon the
19 vote of the Board of Directors of Crowley's Ridge Technical Institute to
20 merge with East Arkansas Community College under § 6-51-1101(a)(1)(A) and
21 before the effective date of a merger under § 6-51-1101(a)(2), Crowley's
22 Ridge Technical Institute shall not:

23 (1) Change its policies or procedures;

24 (2) Terminate an employee of Crowley's Ridge Technical
25 Institute;

26 (3) Transfer an employee of Crowley's Ridge Technical Institute
27 to a different position;

28 (4) Hire a new employee of Crowley's Ridge Technical Institute;
29 or

30 (5) Destroy, mutilate, or alter documents, records, or other
31 property maintained by Crowley's Ridge Technical Institute or its employees
32 unless the destruction, mutilation, or alteration is made in the normal
33 course of business and the nature of and reason for the destruction,
34 mutilation, or alteration are recorded.

35 (c) Upon the approval of a merger of Crowley's Ridge Technical
36 Institute and East Arkansas Community College under § 6-51-1101(a)(1)(C) and

1 before the effective date of a merger under § 6-51-1101(a)(2), the Board of
 2 Directors of East Arkansas Community College shall designate an individual to
 3 assume administration of Crowley's Ridge Technical Institute.

4 (d) If Crowley's Ridge Technical Institute determines that performance
 5 of one (1) or more of the actions prohibited in subsection (b) of this
 6 section are necessary to appropriately perform the duties or functions of
 7 Crowley's Ridge Technical Institute:

8 (1) The Technical Institute Director or the Interim Technical
 9 Institute Director of Crowley's Ridge Technical Institute may request that
 10 the designee under subsection (c) of this section permit performance of the
 11 action; and

12 (2) The designee under subsection (c) of this section may grant
 13 or deny permission to perform the requested action.

14 (e) Upon the approval of a merger of Crowley's Ridge Technical
 15 Institute and East Arkansas Community College under § 6-51-1101(a)(1)(C) and
 16 before the effective date of a merger under § 6-51-1101(a)(2), Crowley's
 17 Ridge Technical Institute shall provide to the designee under subsection (c)
 18 of this section any document, record, testimony, explanation, or other
 19 information maintained by Crowley's Ridge Technical Institute or its
 20 employees upon the request of the designee.

21
 22 SECTION 3. Acts 2017, No. 94, § 1, is amended to read as follows:

23 SECTION 1. REGULAR SALARIES. There is hereby established for the
 24 Crowley's Ridge Technical Institute for the 2017-2018 fiscal year, the
 25 following maximum number of regular employees.
 26

| Item | Class | No. | Class Title | Maximum Annual | |
|--------------------|------------------|--------------|---|------------------|-------------------------|
| | | | | No. of Employees | Salary Rate Fiscal Year |
| (1) | N150N | 1 | TECHNICAL INSTITUTE DIRECTOR | 1 | GRADE N902 |
| (2) | E009C | 3 | TECHNICAL INSTITUTE ASST DIRECTOR | 3 | GRADE C125 |
| (1) | | 1 | VICE-PRESIDENT FOR CAREER & TECHNICAL EDUCATION | 1 | GRADE GS11 |
| (3) (2) | E018C | 42 | SPECIALIZED TECHNICAL FACULTY | 42 | GRADE C122 |
| (4) (3) | E022C | 1 | EDUCATION & INSTRUCTION MANAGER | 1 | GRADE C121 |
| (5) (4) | E027C | 3020 | CAREER & TECHNICAL FACULTY | 3020 | GRADE C120 |

| | | | | | |
|---|----------------------|-------|------------------------------|-------------|------------|
| 1 | (6) (5) | G207C | FINANCIAL AID ANALYST | 1 | GRADE C115 |
| 2 | (7) (6) | S033C | MAINTENANCE SUPERVISOR | 1 | GRADE C115 |
| 3 | (8) (7) | A090C | PAYROLL SERVICES SPECIALIST | 1 | GRADE C115 |
| 4 | (9) (8) | A098C | FISCAL SUPPORT SPECIALIST | 2 | GRADE C112 |
| 5 | (10) (9) | S050C | MAINTENANCE SPECIALIST | 1 | GRADE C112 |
| 6 | (11) (10) | A097C | PAYROLL TECHNICIAN | 1 | GRADE C112 |
| 7 | (12) (11) | C073C | ADMINISTRATIVE SPECIALIST II | 5 | GRADE C109 |
| 8 | (13) (12) | S065C | MAINTENANCE ASSISTANT | <u>3</u> | GRADE C108 |
| 9 | | | MAX. NO. OF EMPLOYEES | <u>5439</u> | |

10

11 SECTION 4. DO NOT CODIFY. (a)(1) Within two hundred ten (210) days
 12 of the effective date of a merger under § 6-51-1101(a)(2), active employees
 13 of Crowley’s Ridge Technical Institute on the effective date of a merger
 14 under § 6-51-1101(a)(2) who become employees of East Arkansas Community
 15 College may make a one-time choice between:

16 (A)(i) The health insurance plan adopted by the State and
 17 Public School Life and Health Insurance Board for state employees; or

18 (ii) The East Arkansas Community College health
 19 insurance plan; and

20 (B)(i) Remaining in his or her same retirement system
 21 under the same conditions then provided by law or as may later be provided by
 22 law; or

23 (ii) The East Arkansas Community College retirement
 24 system plan.

25 (b) The Board of Directors of East Arkansas Community College shall
 26 promulgate rules establishing the procedure for employees to exercise benefit
 27 options under subsection (a) of this section.

28

29 SECTION 5. Arkansas Code § 6-53-401 is amended to read as follows:

30 6-53-401. Coordination with institutional boards of trustees.

31 A merger or consolidation of a state-supported postsecondary
 32 vocational-technical institution with an existing community college, with a
 33 branch campus of a four-year institution, or with a four-year institution, is
 34 subject to the approval of the: ~~board of trustees of the institution, the~~
 35 ~~Arkansas Higher Education Coordinating Board, and an accrediting agency~~
 36 ~~recognized by the federal Department of Education.~~

1 (1) Board of directors or board of trustees of the existing
2 community college or four-year institution; and

3 (2) Arkansas Higher Education Coordinating Board.

4
5 SECTION 6. DO NOT CODIFY. EFFECTIVE DATE. (a) Section 3 of this act
6 shall:

7 (1) Become effective on the effective date of a merger under §
8 6-51-1101(a)(2); and

9 (2) Expire on June 30, 2018.

10 (b) Section 3 of this act shall not become effective if the effective
11 date under subdivision (a)(1) of this section occurs after June 30, 2018.

12
13 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that under current law the Board of
15 Directors of Crowley’s Ridge Technical Institute may choose to merge with
16 East Arkansas Community College; that if the board chooses to pursue such a
17 merger, it is critically important to the students and faculty of both
18 institutions that the merger occur in an organized and efficient manner; and
19 that this act is immediately necessary to allow a smooth transition in the
20 event of a merger of Crowley’s Ridge Technical Institute and East Arkansas
21 Community College. Therefore, an emergency is declared to exist, and this
22 act being immediately necessary for the preservation of the public peace,
23 health, and safety shall become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

30
31
32 /s/Hollowell