

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1102

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
SERVICES AND OPERATING EXPENSES FOR THE NORTHWEST
TECHNICAL INSTITUTE FOR THE FISCAL YEAR ENDING
JUNE 30, 2010; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE NORTHWEST TECHNICAL
INSTITUTE APPROPRIATION FOR THE
2009-2010 FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the
Northwest Technical Institute for the 2009-2010 fiscal year, the following
maximum number of regular employees whose salaries shall be governed by the
provisions of the Uniform Classification and Compensation Act (Arkansas Code
§§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
Provided, however, that any position to which a specific maximum annual
salary is set out herein in dollars, shall be exempt from the provisions of
said Uniform Classification and Compensation Act. All persons occupying
positions authorized herein are hereby governed by the provisions of the
Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
or its successor.

	Maximum Annual
Maximum	Salary Rate



Item	Class	No. of	Fiscal Year
No.	Code Title	Employees	2009-2010
(1)	N150N TECHNICAL INSTITUTE DIRECTOR	1	GRADE N902
(2)	E009C TECHNICAL INSTITUTE ASSISTANT DIR	2	GRADE C125
(3)	E008C VO TECH TECHNICIAN I	1	GRADE C125
(4)	E018C SPECIALIZED TECHNICAL FACULTY	4	GRADE C122
(5)	D054C COMPUTER SUPPORT COORDINATOR	1	GRADE C121
(6)	E022C EDUCATION & INSTRUCTION MANAGER	2	GRADE C121
(7)	R014C PERSONNEL MANAGER	1	GRADE C121
(8)	E027C CAREER & TECHNICAL FACULTY	28	GRADE C120
(9)	E030C LIBRARY COORDINATOR	1	GRADE C119
(10)	M020C LICENSED PROFESSIONAL COUNSELOR	2	GRADE C119
(11)	G144C TECHNICAL INSTITUTE PROGRAM COORD	2	GRADE C119
(12)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
(13)	D068C INFORMATION SYSTEMS ANALYST	1	GRADE C117
(14)	S017C MAINTENANCE COORDINATOR	1	GRADE C117
(15)	C035C ASST REGISTRAR	1	GRADE C115
(16)	C056C ADMINISTRATIVE SPECIALIST III	6	GRADE C112
(17)	A098C FISCAL SUPPORT SPECIALIST	1	GRADE C112
(18)	S050C MAINTENANCE SPECIALIST	1	GRADE C112
(19)	C064C BOOKSTORE OFFICE MANAGER	1	GRADE C110
(20)	A100C PAYROLL OFFICER	1	GRADE C110
(21)	C073C ADMINISTRATIVE SPECIALIST II	3	GRADE C109
(22)	S065C MAINTENANCE ASSISTANT	<u>4</u>	GRADE C108
MAX. NO. OF EMPLOYEES		66	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Northwest Technical Institute for the 2009-2010 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: one hundred seven (107) 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 - STATE. There is hereby appropriated, to the Northwest Technical Institute, to be payable from the Northwest Technical

Institute Fund, for personal services and operating expenses of the Northwest Technical Institute - State for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
NO.	2009-2010
(01) REGULAR SALARIES	\$ 2,447,173
(02) EXTRA HELP	314,400
(03) PERSONAL SERVICES MATCHING	836,023
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	621,448
(B) CONF. & TRAVEL	11,500
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
TOTAL AMOUNT APPROPRIATED	<u>\$ 4,230,544</u>

SECTION 4. APPROPRIATION - FEDERAL. There is hereby appropriated, to the Northwest Technical Institute, 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 Northwest Technical Institute - Federal for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
NO.	2009-2010
(01) REGULAR SALARIES	\$ 69,162
(02) EXTRA HELP	27,680
(03) PERSONAL SERVICES MATCHING	27,349
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	20,313
(B) CONF. & TRAVEL	2,000
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
TOTAL AMOUNT APPROPRIATED	<u>\$ 146,504</u>

SECTION 5. APPROPRIATION - 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 fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
NO.	2009-2010
(01) REGULAR SALARIES	\$ 294,908
(02) EXTRA HELP	556,450
(03) PERSONAL SERVICES MATCHING	152,826
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	353,500
(B) CONF. & TRAVEL	15,000
(C) PROF. FEES	350,000
(D) CAP. OUTLAY	200,000
(E) DATA PROC.	0
(05) RESALE	<u>275,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,197,684</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 ~~2007-2009 biennium~~ 2009-2010 fiscal year 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 classifications will be assigned to the pool until such time as specific positions are requested and justified by Northwest Technical Institute,

recommended by OPM and approved by the Legislative Council. Northwest Technical Institute may transfer positions from this pool to any pay schedule the agency currently maintains or any pay schedule the agency receives during the ~~2007-2009 biennium~~ 2009-2010 fiscal year.

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

If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next ~~biennium~~ fiscal year, the position(s) must be requested as a new position(s) in the agency's ~~biennial~~ budget request.

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

1 ADDITIONAL TEACHING LOAD. Instructional staff at Northwest Technical
 2 Institute, may be paid up to forty five dollars (\$45) per clock hour for the
 3 fiscal year ending June 30, ~~2008~~ 2010 ~~and up to fifty dollars (\$50) per clock~~
 4 ~~hour for the fiscal year ending June 30, 2009,~~ for non-credit teaching
 5 assignments; or up to five hundred dollars (\$500) per semester hour for the
 6 fiscal year ending June 30, ~~2008~~ 2010, ~~and up to five hundred fifty dollars~~
 7 ~~(\$550) per semester hour for the fiscal year ending June 30, 2009,~~ for
 8 teaching courses beyond the defined teaching load; and the employee's maximum
 9 allowable salary may be exceeded by such amount; provided, however, that such
 10 additional teaching load may not exceed one hundred fifty (150) clock hours
 11 or nine (9) semester credit hours per school year. Further, the provisions
 12 of this section shall only apply to credit and noncredit courses that are
 13 funded by Private Industry.

14 The provisions of this section shall be in effect only from July 1,
 15 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

17 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXTRA
 19 HELP RESTRICTION. No employee at Northwest Technical Institute, who is
 20 employed as "Extra Help" may exceed eighty-five percent (85%) of the maximum
 21 annual salary for a comparable position as authorized under Arkansas Code 21-
 22 5-201 et seq. during any fiscal year, nor shall such employee be employed for
 23 a period of time to exceed fourteen hundred (1400) hours in any single fiscal
 24 year.

25 The provisions of this section shall be in effect only from July 1,
 26 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

28 SECTION 10. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 29 by this act shall be limited to the appropriation for such agency and funds
 30 made available by law for the support of such appropriations; and the
 31 restrictions of the State Procurement Law, the General Accounting and
 32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 33 Procedures and Restrictions Act, or their successors, and other fiscal
 34 control laws of this State, where applicable, and regulations promulgated by
 35 the Department of Finance and Administration, as authorized by law, shall be
 36 strictly complied with in disbursement of said funds.

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2 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly
3 that any funds disbursed under the authority of the appropriations contained
4 in this act shall be in compliance with the stated reasons for which this act
5 was adopted, as evidenced by the Agency Requests, Executive Recommendations
6 and Legislative Recommendations contained in the budget manuals prepared by
7 the Department of Finance and Administration, letters, or summarized oral
8 testimony in the official minutes of the Arkansas Legislative Council or
9 Joint Budget Committee which relate to its passage and adoption.

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11 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General
12 Assembly, that the Constitution of the State of Arkansas prohibits the
13 appropriation of funds for more than a one (1) year period; that the
14 effectiveness of this Act on July 1, 2009 is essential to the operation of
15 the agency for which the appropriations in this Act are provided, and that in
16 the event of an extension of the Regular Session, the delay in the effective
17 date of this Act beyond July 1, 2009 could work irreparable harm upon the
18 proper administration and provision of essential governmental programs.
19 Therefore, an emergency is hereby declared to exist and this Act being
20 necessary for the immediate preservation of the public peace, health and
21 safety shall be in full force and effect from and after July 1, 2009.

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