

Stricken language would be deleted from and underlined language would be added to present law.  
Act 636 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H2/24/17 H2/27/17

# A Bill

HOUSE BILL 1543

By: Representative Hollowell

By: Senator Caldwell

## For An Act To Be Entitled

*AN ACT CONCERNING MERGERS OF TECHNICAL INSTITUTES AND COMMUNITY COLLEGES; TO SPECIFY THE PROCESS FOR A MERGER OF CROWLEY'S RIDGE TECHNICAL INSTITUTE TO EAST ARKANSAS COMMUNITY COLLEGE IF THE INSTITUTIONS CHOOSE TO MERGE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.*

## Subtitle

*CONCERNING MERGERS OF TECHNICAL INSTITUTES AND COMMUNITY COLLEGES; TO SPECIFY THE PROCESS FOR A POSSIBLE MERGER OF CROWLEY'S RIDGE TECHNICAL INSTITUTE TO EAST ARKANSAS COMMUNITY COLLEGE; AND TO DECLARE AN EMERGENCY.*

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

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

### Subchapter 11 –

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

6-51-1101. Merger.

(a)(1) This subchapter shall govern the merger of Crowley's Ridge



Technical Institute and East Arkansas Community College if:

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

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

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

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

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

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

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

6-51-1102. Board of directors.

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

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

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

6-51-1103. Purchasing.

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

1101(a)(2):

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

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

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

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

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

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

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

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

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

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

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

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

College.

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

## SECTION 2. DO NOT CODIFY.

(a) The General Assembly finds that:

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

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

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

(1) Change its policies or procedures;

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

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

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

or

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

(c) Upon the approval of a merger of Crowley's Ridge Technical

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

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

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

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

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

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

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

| Item No.           | Class Code       | Title   | Maximum No. of Employees | Maximum Annual Salary Rate |
|--------------------|------------------|---|--------------------------|----------------------------|
|                    |                  |   |                          | Fiscal Year 2017-2018      |
| <del>(1)</del>     | <del>N150N</del> | <del>TECHNICAL INSTITUTE DIRECTOR</del>         | <del>1</del>             | <del>GRADE N902</del>      |
| <del>(2)</del>     | <del>E009C</del> | <del>TECHNICAL INSTITUTE ASST DIRECTOR</del>    | <del>3</del>             | <del>GRADE C125</del>      |
| (1)                |                  | VICE-PRESIDENT FOR CAREER & TECHNICAL EDUCATION | 1                        | GRADE GS11                 |
| <del>(3)</del> (2) | E018C            | SPECIALIZED TECHNICAL FACULTY                   | 42                       | GRADE C122                 |
| <del>(4)</del> (3) | E022C            | EDUCATION & INSTRUCTION MANAGER                 | 1                        | GRADE C121                 |

|                      |       |                              |                 |            |
|----------------------|-------|------------------------------|-----------------|------------|
| <del>(5)</del> (4)   | E027C | CAREER & TECHNICAL FACULTY   | <del>3020</del> | GRADE C120 |
| <del>(6)</del> (5)   | G207C | FINANCIAL AID ANALYST        | 1               | GRADE C115 |
| <del>(7)</del> (6)   | S033C | MAINTENANCE SUPERVISOR       | 1               | GRADE C115 |
| <del>(8)</del> (7)   | A090C | PAYROLL SERVICES SPECIALIST  | 1               | GRADE C115 |
| <del>(9)</del> (8)   | A098C | FISCAL SUPPORT SPECIALIST    | 2               | GRADE C112 |
| <del>(10)</del> (9)  | S050C | MAINTENANCE SPECIALIST       | 1               | GRADE C112 |
| <del>(11)</del> (10) | A097C | PAYROLL TECHNICIAN           | 1               | GRADE C112 |
| <del>(12)</del> (11) | C073C | ADMINISTRATIVE SPECIALIST II | 5               | GRADE C109 |
| <del>(13)</del> (12) | S065C | MAINTENANCE ASSISTANT        | <u>3</u>        | GRADE C108 |
|                      |       | MAX. NO. OF EMPLOYEES        | <u>5439</u>     |            |

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

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

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

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

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

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

*SECTION 5. Arkansas Code § 6-53-401 is amended to read as follows:  
6-53-401. Coordination with institutional boards of trustees.*

*A merger or consolidation of a state-supported postsecondary vocational-technical institution with an existing community college, with a branch campus of a four-year institution, or with a four-year institution, is subject to the approval of the: ~~board of trustees of the institution, the Arkansas Higher Education Coordinating Board, and an accrediting agency~~*

~~recognized by the federal Department of Education.~~

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

(2) Arkansas Higher Education Coordinating Board.

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

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

(2) Expire on June 30, 2018.

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

/s/Hollowell

APPROVED: 03/24/2017