

1 State of Arkansas
2 89th General Assembly
3 Fiscal Session, 2014
4

A Bill

SENATE BILL 95

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HIGHER
10 EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2015;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF HIGHER
15 EDUCATION APPROPRIATION FOR THE 2014-2015
16 FISCAL YEAR.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
23 established for the Department of Higher Education for the 2014-2015 fiscal
24 year, the following maximum number of regular employees.
25

26				Maximum Annual	
27			Maximum	Salary Rate	
28	Item	Class	No. of	Fiscal Year	
29	No.	Code	Title	Employees	2014-2015
30	(1)	U024U	DHE DIRECTOR	1	\$201,310
31	(2)	U089U	DHE DEPUTY DIRECTOR	1	\$144,846
32	(3)	N002N	DHE SENIOR ASSOC DIRECTOR	2	GRADE N913
33	(4)	N041N	DHE ASSOC DIR FOR ACADEMIC AFFAIRS	1	GRADE N909
34	(5)	N055N	DHE ASSOCIATE DIRECTOR	2	GRADE N908
35	(6)	N054N	DHE CAREER PATHWAYS DIRECTOR	1	GRADE N908
36	(7)	G019C	GENERAL COUNSEL	1	GRADE C127



1	(8)	G043C	DHE FINANCIAL AID MANAGER	1	GRADE C126
2	(9)	G058C	DHE FEDERAL PROGRAM MANAGER	3	GRADE C125
3	(10)	G071C	DHE PROGRAM COORDINATOR	5	GRADE C124
4	(11)	D022C	SYSTEMS SPECIALIST	1	GRADE C124
5	(12)	P005C	DHE COMMUNICATIONS COORDINATOR	1	GRADE C123
6	(13)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
7	(14)	G102C	DHE PROGRAM SPECIALIST	21	GRADE C122
8	(15)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
9	(16)	D052C	SOFTWARE SUPPORT ANALYST	2	GRADE C121
10	(17)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
11	(18)	A089C	ACCOUNTANT I	1	GRADE C116
12	(19)	C056C	ADMINISTRATIVE SPECIALIST III	5	GRADE C112
13	(20)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
14			MAX. NO. OF EMPLOYEES	53	

15

16 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby
 17 authorized, for the Department of Higher Education for the 2014-2015 fiscal
 18 year, the following maximum number of part-time or temporary employees, to be
 19 known as "Extra Help", payable from funds appropriated herein for such
 20 purposes: seventeen (17) temporary or part-time employees, when needed, at
 21 rates of pay not to exceed those provided in the Uniform Classification and
 22 Compensation Act, or its successor, or this act for the appropriate
 23 classification.

24

25 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 26 appropriated, to the Department of Higher Education, to be payable from the
 27 Department of Higher Education Fund Account, for personal services and
 28 operating expenses of the Department of Higher Education for the fiscal year
 29 ending June 30, 2015, the following:

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2014-2015</u>
33	(01) REGULAR SALARIES	\$2,483,295
34	(02) EXTRA HELP	3,000
35	(03) PERSONAL SERVICES MATCHING	728,952
36	(04) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	840,755
2	(B) CONF. & TRAVEL	20,270
3	(C) PROF. FEES	10,000
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$4,086,272</u></u>

7

8 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS

9 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher

10 Education, to be payable from the Higher Education Grants Fund Account, for

11 providing student assistance grants and various scholarships as provided by

12 law, of the Department of Higher Education for the fiscal year ending June

13 30, 2015, the following:

15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2014-2015</u>
17	(01) HIGHER EDUCATION OPPORTUNITIES GRANT	\$8,000,000
18	(02) SREB MINORITY DOCTORAL SCHOLARS	200,000
19	(03) AR ACADEMIC CHALLENGE SCHOLARSHIPS	25,000,000
20	(04) ARKANSAS GOVERNOR'S SCHOLARS	13,200,000
21	(05) STUDENT UNDERGRADUATE RESEARCH	
22	FELLOWSHIP PROGRAM (SURF)	150,000
23	(06) NATIONAL GUARD TUITION INCENTIVE	
24	PROGRAM	1,500,000
25	(07) SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
26	(08) STATE TEACHER EDUCATION PRGM.	4,000,000
27	(09) TEACHER OPPORTUNITY PROGRAM	1,500,000
28	(10) WORKFORCE IMPROVEMENT GRANTS	3,500,000
29	(11) AR GEOGRAPHICAL CRITICAL NEEDS	
30	MINORITY TEACHER SCHOLARSHIPS	150,000
31	(12) DEPENDENTS OF LAW ENFORCEMENT	
32	OFFICERS, ETC. SCHOLARSHIPS	400,000
33	(13) DEPENDENTS OF POWS, MIAS,	
34	KIAS-TUITION WAIVER	
35	SCHOLARSHIPS	450,000
36	(14) TUITION ADJUSTMENT	350,000

1	(15) SECOND EFFORT SCHOLARSHIPS	20,000
2	(16) WASHINGTON CENTER SCHOLARSHIPS	<u>100,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$58,695,000</u>

4

5 SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is
 6 hereby appropriated, to the Department of Higher Education, to be payable
 7 from the federal funds as designated by the Chief Fiscal Officer of the
 8 State, for grants-in-aid of the Department of Higher Education - State
 9 Scholarship - Federal Program for the fiscal year ending June 30, 2015, the
 10 following:

11	ITEM	FISCAL YEAR
12		
13	<u>NO.</u>	<u>2014-2015</u>
14	(01) GRANTS IN AID-STATE	
15	SCHOLARSHIPS-FEDERAL	<u>\$750,000</u>

16

17 SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS.
 18 There is hereby appropriated, to the Department of Higher Education, to be
 19 payable from the federal funds as designated by the Chief Fiscal Officer of
 20 the State, for personal services and operating expenses of the Department of
 21 Higher Education - Technical Education - Federal Programs for the fiscal year
 22 ending June 30, 2015, the following:

23	ITEM	FISCAL YEAR
24		
25	<u>NO.</u>	<u>2014-2015</u>
26	(01) REGULAR SALARIES	\$140,477
27	(02) PERSONAL SERVICES MATCHING	40,674
28	(03) MAINT. & GEN. OPERATION	
29	(A) OPER. EXPENSE	120,000
30	(B) CONF. & TRAVEL	20,000
31	(C) PROF. FEES	120,000
32	(D) CAP. OUTLAY	0
33	(E) DATA PROC.	<u>0</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$441,151</u>

35

36 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby

1 appropriated, to the Department of Higher Education, to be payable from the
 2 federal funds as designated by the Chief Fiscal Officer of the State, for
 3 operating expenses and grants-in-aid of the Department of Higher Education -
 4 Improving Teacher Quality Program for the fiscal year ending June 30, 2015,
 5 the following:

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2014-2015</u>
9 (01) MAINT. & GEN. OPERATION	
10 (A) OPER. EXPENSE	\$26,856
11 (B) CONF. & TRAVEL	13,000
12 (C) PROF. FEES	8,000
13 (D) CAP. OUTLAY	0
14 (E) DATA PROC.	0
15 (02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>1,517,402</u>
16 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,565,258</u></u>

17
 18 SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is
 19 hereby appropriated, to the Department of Higher Education, to be payable
 20 from the Higher Education Research Development Fund, for providing Arkansas
 21 Research Development Program Grants to Institutions of Higher Education by
 22 the Department of Higher Education for the fiscal year ending June 30, 2015,
 23 the following:

25 ITEM	FISCAL YEAR
26 <u>NO.</u>	<u>2014-2015</u>
27 (01) RESEARCH AND DEVELOPMENT PROGRAM	
28 GRANTS	<u><u>\$5,000,000</u></u>

29
 30 SECTION 9. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is
 31 hereby appropriated, to the Department of Higher Education, to be payable
 32 from the Higher Education Grants Fund Account, for payments of the contracts
 33 and loans with participating out-of-state institutions of higher learning in
 34 the fields of dentistry, optometry, osteopathy, veterinary medicine,
 35 chiropractic, and podiatry for the education of Arkansas citizens, by the
 36 Department of Higher Education for the fiscal year ending June 30, 2015, the

1 following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2014-2015</u>
5 (01) CHIROPRACTIC AID	\$260,000
6 (02) DENTAL AID - GRANTS	2,133,900
7 (03) OPTOMETRY AID - GRANTS	410,000
8 (04) OSTEOPATHY AID	230,000
9 (05) PODIATRY AID	130,400
10 (06) VETERINARY AID	1,100,000
11 (07) DENTAL AID - LOANS	987,370
12 (08) OPTOMETRY AID - LOANS	140,000
13 (09) VETERINARY MED. LOAN FORGIVENESS	
14 PROGRAM	<u>250,000</u>
15 TOTAL AMOUNT APPROPRIATED	<u><u>\$5,641,670</u></u>

16

17 SECTION 10. APPROPRIATION - CASH. There is hereby appropriated, to the
 18 Department of Higher Education, to be payable from the cash fund deposited in
 19 the State Treasury as determined by the Chief Fiscal Officer of the State,
 20 for operating expenses of the Department of Higher Education for the fiscal
 21 year ending June 30, 2015, the following:

22

23 ITEM	FISCAL YEAR
24 <u>NO.</u>	<u>2014-2015</u>
25 (01) MAINT. & GEN. OPERATION	
26 (A) OPER. EXPENSE	\$878,070
27 (B) CONF. & TRAVEL	60,620
28 (C) PROF. FEES	551,310
29 (D) CAP. OUTLAY	100,000
30 (E) DATA PROC.	0
31 (02) SCHOLARSHIPS	100,000
32 (03) REFUNDS/REIMBURSEMENTS	<u>5,000</u>
33 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,695,000</u></u>

34

35 SECTION 11. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby
 36 appropriated, to the Department of Higher Education, to be payable from the

1 federal funds as designated by the Chief Fiscal Officer of the State, for
 2 personal services and operating expenses of the Department of Higher
 3 Education - TANF Program - Federal for the fiscal year ending June 30, 2015,
 4 the following:

6 ITEM	FISCAL YEAR
7 NO.	2014-2015
8 (01) REGULAR SALARIES	\$347,558
9 (02) EXTRA HELP	15,000
10 (03) PERSONAL SERVICES MATCHING	102,046
11 (04) MAINT. & GEN. OPERATION	
12 (A) OPER. EXPENSE	90,000
13 (B) CONF. & TRAVEL	25,000
14 (C) PROF. FEES	30,000
15 (D) CAP. OUTLAY	0
16 (E) DATA PROC.	0
17 (05) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>10,375,000</u>
18 TOTAL AMOUNT APPROPRIATED	<u><u>\$10,984,604</u></u>

19
 20 SECTION 12. APPROPRIATION - COLLEGE ACCESS CHALLENGE GRANT. There is
 21 hereby appropriated, to the Department of Higher Education, to be payable
 22 from the federal funds as designated by the Chief Fiscal Officer of the
 23 State, for operating expenses of the Department of Higher Education - College
 24 Access Challenge Grant Program - Federal for the fiscal year ending June 30,
 25 2015, the following:

27 ITEM	FISCAL YEAR
28 NO.	2014-2015
29 (01) MAINT. & GEN. OPERATION	
30 (A) OPER. EXPENSE	\$1,215,000
31 (B) CONF. & TRAVEL	55,000
32 (C) PROF. FEES	1,700,000
33 (D) CAP. OUTLAY	30,000
34 (E) DATA PROC.	<u>0</u>
35 TOTAL AMOUNT APPROPRIATED	<u><u>\$3,000,000</u></u>

36

SECTION 13. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Grants Fund Account, for personal services and operating expenses associated with web based applications of the Department of Higher Education for the fiscal year ending June 30, 2015, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2014-2015</u>
(01) WEB BASED APPLICATIONS PERSONAL SERVICES AND OPERATING EXPENSES	<u>\$1,300,000</u>

SECTION 14. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Grants Fund Account, for personal services and operating expenses of the Department of Higher Education - Scholarship Administration for the fiscal year ending June 30, 2015, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2014-2015</u>
(01) REGULAR SALARIES	\$328,864
(02) EXTRA HELP	30,000
(03) PERSONAL SERVICES MATCHING	108,940
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	165,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	400,000
(D) CAP. OUTLAY	35,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$1,067,804</u>

SECTION 15. APPROPRIATION - COMPLETE COLLEGE AMERICA GRANT PROGRAM. There is hereby appropriated, to the Department of Higher 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 Higher Education - Complete College America Grant Program for the fiscal year ending June 30, 2015, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2014-2015</u>
4	(01) MAINT. & GEN. OPERATION	
5	(A) OPER. EXPENSE	\$100,000
6	(B) CONF. & TRAVEL	0
7	(C) PROF. FEES	100,000
8	(D) CAP. OUTLAY	0
9	(E) DATA PROC.	0
10	(02) COMPLETE COLLEGE AMERICA GRANTS	<u>800,000</u>
11	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,000,000</u></u>

12

13 SECTION 16. APPROPRIATION - OUTCOME CENTERED FUNDING AWARDS. There is

14 hereby appropriated, to the Department of Higher Education, to be payable

15 from the Department of Higher Education Fund Account, for distribution of

16 Outcome-Centered Funding Awards to Institutions of Higher Education by the

17 Department of Higher Education for the fiscal year ending June 30, 2015, the

18 following:

19		
20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2014-2015</u>
22	(01) OUTCOME-CENTERED AWARDS -	
23	UNIVERSITIES	\$40,006,106
24	(02) OUTCOME-CENTERED AWARDS - COLLEGES	<u>14,192,418</u>
25	TOTAL AMOUNT APPROPRIATED	<u><u>\$54,198,524</u></u>

26

27 SECTION 17. APPROPRIATION - INSURANCE EXCHANGE TRAINING GRANTS -

28 FEDERAL. There is hereby appropriated, to the Department of Higher

29 Education, to be payable from the federal funds as designated by the Chief

30 Fiscal Officer of the State, for insurance exchange training grants, to

31 assisting entities and institutions of higher education, of the Department of

32 Higher Education for the fiscal year ending June 30, 2015, the following:

33		
34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2014-2015</u>
36	(01) INSURANCE EXCHANGE TRAINING GRANTS	<u><u>\$2,500,000</u></u>

1
2 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY
4 GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an
5 emergency/disaster event resulting in all or a significant portion of campus
6 operations being interrupted, may request disaster assistance through the
7 Arkansas Department of Higher Education. Upon the declaration of an
8 emergency by the Governor, the institution may request, subject to the
9 recommendation of the Director of the Department of Higher Education and
10 approval of the Governor, a grant from the Disaster Relief Fund to assist in
11 returning that campus to operation and/or to a sister campus providing
12 services to the students from the affected campus. Certified law enforcement
13 officers employed by an institution of higher education may be granted
14 jurisdiction at the sister institution, upon agreement of both institutions.
15 The Department of Higher Education is authorized a pool of 500 extra help
16 positions for use in such emergency situations. These positions may be
17 assigned to the campus suffering the disaster event or to a sister campus
18 providing services to the students from the affected campus. The Governor
19 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
20 pool positions.

21 The provisions of this section shall be in effect only from July 1, ~~2013~~
22 2014 through June 30, ~~2014~~ 2015.

23
24 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
26 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon
27 determination by the president or chancellor of an institution of higher
28 education that a reallocation of resources for purposes of reorganization or
29 consolidation of administrative functions within the institution is necessary
30 for efficient and effective operations of the institution, the president or
31 chancellor, with approval of the institution's board of trustees, may have
32 the authority to transfer positions, appropriations and related funds between
33 campuses, divisions, branches, and other budgetary units of the institution,
34 after receiving prior approval of the Legislative Council or Joint Budget
35 Committee. The transfers of positions, programs, or activities shall be used
36 for those purposes for which the appropriations were approved by the General

1 Assembly. The transfers, consolidations, or reorganizations which involve
2 academic programs shall be reviewed by the Department of Higher Education
3 prior to submission to the Legislative Council or Joint Budget Committee.
4 Provided, however, that the institution shall be limited to submitting no
5 more than two (2) individual transaction transfer requests during any fiscal
6 year and shall be further limited to no more than five percent (5%) of the
7 total General Revenue and Special Revenue appropriation, funding, positions
8 specific to each institution, and no Tobacco Settlement funds or
9 appropriations may be reallocated pursuant to this section.

10 Determining the maximum number of employees and the maximum amount of
11 appropriation and general revenue funding for institutions of higher
12 education each fiscal year is the prerogative of the General Assembly. This
13 is usually accomplished by delineating such maximums in the appropriation
14 act(s) for institutions of higher education and the general revenue
15 allocations authorized for each fund and fund account by amendment to the
16 Revenue Stabilization law. Further, the General Assembly has determined that
17 institutions of higher education may operate more efficiently if some
18 flexibility is provided to institutions of higher education authorizing broad
19 powers under this Section. Therefore, it is both necessary and appropriate
20 that the General Assembly maintain oversight by requiring prior approval of
21 the Legislative Council or Joint Budget Committee as provided by this
22 section. The requirement of approval by the Legislative Council or Joint
23 Budget Committee is not a severable part of this section. If the requirement
24 of approval by the Legislative Council or Joint Budget Committee is ruled
25 unconstitutional by a court of competent jurisdiction, this entire section is
26 void.

27 The provisions of this section shall be in effect only from July 1, ~~2013~~
28 2014 through June 30, ~~2014~~ 2015.

29
30 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In
32 order to provide timely payments under financial aid appropriations made in
33 this Act, the Chief Fiscal Officer of the State is authorized to provide
34 loans from the Budget Stabilization Trust Fund to make available all funds
35 attributable to the financial aid programs under the then current official
36 revenue estimates. In the event of an unanticipated state revenue shortfall,

1 any such loans remaining at the end of a fiscal year shall be repaid from
2 revenues distributed in the first two months of the next fiscal year. Funds
3 for appropriations made in this Act for purposes other than financial aid
4 shall not be affected by the application of this provision.

5 The provisions of this section shall be in effect only from July 1, ~~2013~~
6 2014 through June 30, ~~2014~~ 2015.

7
8 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
10 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
11 available to the various technical colleges have been determined as set out
12 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be
13 processed so that funds may be transferred from the Work Force 2000
14 Development Fund to the State Treasury fund or fund account from which the
15 technical college draws its general revenue support. Such funds as may be
16 transferred shall not exceed 93.691% of the total funds available from the
17 Work Force 2000 Development Fund during the fiscal year.

18 In the event that a technical institute or comprehensive lifelong learning
19 center which receives support from the Work Force 2000 Development Fund as
20 determined by law transfers or merges into the Arkansas Technical College and
21 Community College System for which Work Force 2000 Development Fund monies
22 are determined by law, then the actual amount of support from the Work Force
23 2000 Development Fund in the preceding fiscal year for such educational
24 institution shall be made available irrespective of any other provision of
25 law which sets out maximum levels of support from such fund.

26 The provisions of this section shall be in effect only from July 1, ~~2013~~
27 2014 through June 30, ~~2014~~ 2015.

28
29 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
31 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
32 Higher Education Building Maintenance Fund, any additional deposits are to be
33 transferred to the Research Development Fund there to be used as provided by
34 law.

35 The provisions of this section shall be in effect only from July 1, ~~2013~~
36 2014 through June 30, ~~2014~~ 2015.

1
2 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
4 EXPENDITURES. Proceeds derived from the repayment of loans, grants, or
5 scholarships funded by the Higher Education Grants Fund Account shall be
6 deposited into the State Treasury fund from which it originated.

7 The provisions of this section shall be in effect only from July 1, ~~2013~~
8 2014 through June 30, ~~2014~~ 2015.

9
10 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
12 GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law,
13 any student who receives assistance from the appropriation made for the
14 "National Guard Tuition Incentive Program" in this Act shall repay any loans
15 and/or assistance if the student receives a discharge that is a less than
16 Honorable Discharge. Priority for funding shall be given to students already
17 receiving assistance from the National Guard Tuition Incentive Program.

18 The provisions of this section shall be in effect only from July 1, ~~2013~~
19 2014 through June 30, ~~2014~~ 2015.

20
21 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
23 SAVINGS BONDS. The Department of Higher Education shall adopt rules and
24 regulations for the allocation of the funds reappropriated for the
25 development of projects at State Institutions of Higher Education and the
26 payment of project costs and expenses of the issuance of the bonds of the
27 Arkansas College Savings General Obligation Bonds Program to ensure that
28 funds are allocated and expended in a manner consistent with the provisions
29 of the Internal Revenue Code applicable to the Arkansas College Savings
30 General Obligation Bond Program (Program). The funds reappropriated for the
31 development of projects at State Institutions of Higher Education and the
32 payment of project costs and expenses of the issuance of the bonds of the
33 Arkansas College Savings General Obligation Bonds Program shall be allocated
34 and expended pursuant to the provisions of Arkansas Code 6-62-701 et seq. and
35 other laws of this State. The expenditure and allocation of funds shall be
36 exempt from any other provisions of state law which conflicts with any

1 provision of the rules and regulations which rules and regulations are
2 required to ensure the compliance of the Program with the applicable
3 provisions of the Internal Revenue Code.

4 The provisions of this section shall be in effect only from July 1, ~~2013~~
5 2014 through June 30, ~~2014~~ 2015.

6
7 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
9 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued
10 during any fiscal biennium shall not exceed three-hundred million dollars
11 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
12 time have debt service requirements in excess of twenty-four million dollars
13 (\$24,000,000) in any one fiscal year from all state revenue sources.

14 The provisions of this section shall be in effect only from July 1, ~~2013~~
15 2014 through June 30, ~~2014~~ 2015.

16
17 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
19 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
20 Coordinating Board, after consulting with the recognized associations of each
21 of the applicable medical professions and other interested persons, shall
22 determine the priorities for the applicable programs enumerated in the
23 appropriation made for "Health Education Grants and Loans" in this Act. The
24 Arkansas Department of Higher Education, if necessary, shall re-adjust the
25 number of positions for entering students to be funded for each applicable
26 program based upon the priorities determined by the board.

27 The provisions of this section shall be in effect only from July 1, ~~2013~~
28 2014 through June 30, ~~2014~~ 2015.

29
30 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL
32 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall
33 report by May 30 to the House and Senate Interim Committees on Education the
34 budgeted allocation for each financial aid program funded through the Higher
35 Education Grants Fund Account for the upcoming fiscal year and projections
36 for the following year.

1 The provisions of this section shall be in effect only from July 1, ~~2013~~
2 2014 through June 30, ~~2014~~ 2015.

3
4 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
6 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
7 receives state scholarship funds administered by the Arkansas Department of
8 Higher Education shall be subject to audit/review of such funds by the
9 Division of Legislative Audit, upon approval of the Legislative Joint Audit
10 Committee.

11 The provisions of this section shall be in effect only from July 1, ~~2013~~
12 2014 through June 30, ~~2014~~ 2015.

13
14 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT
16 DATA. All post-secondary institutions shall provide to the Arkansas
17 Department of Higher Education a copy of the Integrated Post-Secondary
18 Education Data System (IPEDS) data within three weeks following the IPEDS due
19 date, which shall be subject to audit by the Arkansas Department of Higher
20 Education.

21 The provisions of this section shall be in effect only from July 1, ~~2013~~
22 2014 through June 30, ~~2014~~ 2015.

23
24 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
26 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
27 determined by the Arkansas Department of Higher Education to have been for
28 salary increases for the fiscal year for Institutions of Higher Education
29 shall be used exclusively for salary increases. New funding actually received
30 for salary increases shall be spent exclusively for salary increases based
31 upon the state general revenue portion of total unrestricted educational and
32 general revenue. Funding received under this provision shall be used for no
33 purpose other than to provide such salary increases. Any designated funds not
34 used for salary increases shall be recouped at the end of each fiscal year
35 and transferred to the General Revenue Allotment Reserve Fund.

36 The provisions of this section shall be in effect only from July 1, ~~2013~~

1 2014 through June 30, ~~2014~~ 2015.

2
3 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE
5 PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall
6 transfer sufficient funding for the fiscal year from the Higher Education
7 Grants Fund Account to the Department of Higher Education Fund Account in
8 order to finance the personal services costs of a DHE Program Coordinator.

9 The provisions of this section shall be in effect only from July 1, ~~2013~~
10 2014 through June 30, ~~2014~~ 2015.

11
12 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
14 PROVISION. Upon certification by the Director of the Department of Higher
15 Education that transfers are needed to make maximum utilization of funds and
16 appropriations provided for financial aid programs, and with the approval of
17 the Chief Fiscal Officer of the State and a review by the Arkansas
18 Legislative Council, funds and appropriations may be transferred between
19 financial aid programs to more adequately align the appropriation with the
20 number of eligible students.

21 The provisions of this section shall be in effect only from July 1, ~~2013~~
22 2014 through June 30, ~~2014~~ 2015.

23
24 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
26 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
27 LOANS. Upon certification to and with the approval of the Chief Fiscal
28 Officer of the State, surplus funds and appropriations may be transferred
29 between the appropriations provided for "Health Education Grants and Loans"
30 by this Act by the General Assembly for Dental Aid Grants and Loans,
31 Optometry Aid, Veterinary Aid, Podiatry Aid, Chiropractic Aid and Osteopathy
32 Aid.

33 The provisions of this section shall be in effect only from July 1, ~~2013~~
34 2014 through June 30, ~~2014~~ 2015.

35
36 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

2 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
3 the Department of Higher Education and the Chief Fiscal Officer of the State,
4 institutions of higher education may transfer appropriation from the cash
5 contingency appropriation to any other appropriation made to the institution
6 from cash funds including the establishment of commitment items, and may
7 transfer appropriation from the contingency appropriation made payable from
8 each institution's State Treasury Fund to the state operations appropriation
9 made payable from each institution's State Treasury Fund including the
10 establishment of commitment items, and may transfer appropriation from the
11 contingency appropriation made payable from the Tobacco Settlement Program
12 Fund Accounts to any other appropriation made to the institution from Tobacco
13 Settlement Program Fund Accounts including the establishment of commitment
14 items.

15 (b) Contingency appropriation transfers shall only establish and
16 supplement commitment items that were recommended by the Higher Education
17 Coordinating Board in the budget manuals presented to the Legislative Council
18 and Joint Budget Committee.

19 (c) The Department of Higher Education shall report contingency
20 appropriation transfers and the establishment of any commitment items
21 authorized by this Section to the Legislative Council or Joint Budget
22 Committee for review during its July meeting. The report shall include, by
23 institution, the establishment of, and the amounts transferred to, each
24 commitment item, the reasons therefor and the source of funds. Institutions
25 shall submit contingency appropriation transfer and commitment item
26 establishment requests authorized by this Section to the Department of Higher
27 Education no later than July 1. Upon the failure of an institution to submit
28 the required information by the July 1 deadline, the Department of Higher
29 Education shall immediately notify by written notification the chairpersons
30 of the Legislative Council or Joint Budget Committee.

31
32 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
34 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
35 Undergraduate Research Fellowship (SURF) Program is the continued development
36 of undergraduate academic research efforts at Arkansas colleges and

1 universities. The Arkansas Department of Higher Education shall adopt rules
2 and regulations necessary for the proper administration of the Student
3 Undergraduate Research Fellowship Program. Administrative functions and
4 responsibilities may include, but not necessarily be limited to, the
5 development of eligibility criteria, collection of applications, coordination
6 of student evaluations, distribution of public notices, and funding of grants
7 for academic research purposes. Staff of the Arkansas Department of Higher
8 Education shall administer this program. The Arkansas Department of Higher
9 Education shall be authorized to expense costs associated with the
10 administration of the program, from funds made payable from the Higher
11 Education Grants Fund Account for the Student Undergraduate Research
12 Fellowship Program as authorized in Section 4 of this Act.

13
14 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
16 COOPERATION AGREEMENTS. Any institution of Higher Education that has its main
17 campus, satellite campus, or center located within a twenty five mile radius
18 of any other main campus of an institution of higher education shall enter
19 into a written agreement with that institution which must address duplication
20 of services between the institutions.

21 The provisions of this section shall be in effect only from July 1, ~~2013~~
22 2014 through June 30, ~~2014~~ 2015.

23
24 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST
26 ALLOCATION. The Department of Higher Education may refund to the Higher
27 Education Fund Account or the Higher Education Grants Fund Account such
28 amounts determined by the Department to be reimbursements received from the
29 Arkansas Lottery Commission for costs related to the administration of the
30 Arkansas Academic Challenge Scholarship Program.

31
32 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
34 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
35 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
36 Higher Education shall determine the amount available, up to \$200,000 per

1 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
2 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
3 State and the State Treasurer such amount as is required to be transferred
4 from the Higher Education Grants Fund Account. Upon receiving such
5 certification, the Chief Fiscal Officer of the State and the State Treasurer
6 shall cause to be transferred the necessary funds and appropriation to the
7 fund account of the University of Arkansas at Pine Bluff for implementation
8 of this program. The University of Arkansas at Pine Bluff may use up to
9 twenty percent (20%) of the funds and appropriation for administration of the
10 program.

11 The provisions of this section shall be in effect only from July 1, ~~2013~~
12 2014 through June 30, ~~2014~~ 2015.

13

14 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER
16 EDUCATION CENTRAL POOL POSITIONS. a) Universities - (1) The Department of
17 Higher Education shall establish and maintain a central pool of three hundred
18 (300) positions to be used to establish additional positions when an
19 institution does not have sufficient positions available to meet
20 unanticipated enrollment growth, industry training demands, and its mandated
21 responsibilities.

22 (2) Central pool positions are to be used by the institutions if the
23 personnel service needs exceed the number of positions authorized by the
24 General Assembly and that were not anticipated at the time of the passage of
25 the institution's operating appropriation act.

26 (3) No position established under this section may exceed the salary rate of
27 the highest maximum annual salary rate or the highest grade level position
28 authorized by the General Assembly in the requesting institution's operating
29 appropriation act.

30 (4) The institution shall provide justification to the Department of Higher
31 Education for the need to allocate positions from the central pool.

32 (5) Titles shall not be assigned to the institution from the central pool
33 until specific positions are requested by the institution, recommended by the
34 Department of Higher Education and approved by the Arkansas Legislative
35 Council or the Joint Budget Committee.

36 (6) If an institution requests any central pool position to be continued

1 during the subsequent fiscal year, the position must be requested as a new
2 position in the institution's subsequent fiscal year budget request.

3 (b) Colleges - (1) The Department of Higher Education shall establish and
4 maintain a central pool of two hundred fifty (250) positions to be used to
5 establish additional positions when an institution does not have sufficient
6 positions available to meet unanticipated enrollment growth, industry
7 training demands, and its mandated responsibilities.

8 (2) Central pool positions are to be used by the institutions if the
9 personnel service needs exceed the number of positions authorized by the
10 General Assembly and that were not anticipated at the time of the passage of
11 the institution's operating appropriation act.

12 (3) No position established under this section may exceed the salary rate of
13 the highest maximum annual salary rate or the highest grade level position
14 authorized by the General Assembly in the requesting institution's operating
15 appropriation act.

16 (4) The institution shall provide justification to the Department of Higher
17 Education for the need to allocate positions from the central pool.

18 (5) Titles shall not be assigned to the institution from the central pool
19 until specific positions are requested by the institution, recommended by the
20 Department of Higher Education and approved by the Arkansas Legislative
21 Council or the Joint Budget Committee.

22 (6) If an institution requests any central pool position to be continued
23 during the subsequent fiscal year, the position must be requested as a new
24 position in the institution's subsequent fiscal year budget request.

25 (c) Determining the maximum number of employees and the maximum amount of
26 appropriation and general revenue funding for institutions of higher
27 education each fiscal year is the prerogative of the General Assembly. This
28 is usually accomplished by delineating such maximums in the appropriation
29 act(s) for institutions of higher education and the general revenue
30 allocations authorized for each fund and fund account by amendment to the
31 Revenue Stabilization law. Further, the General Assembly has determined that
32 institutions of higher education may operate more efficiently if some
33 flexibility is provided to institutions of higher education authorizing broad
34 powers under this Section. Therefore, it is both necessary and appropriate
35 that the General Assembly maintain oversight by requiring prior approval of
36 the Legislative Council or Joint Budget Committee as provided by this

1 section. The requirement of approval by the Legislative Council or Joint
2 Budget Committee is not a severable part of this section. If the requirement
3 of approval by the Legislative Council or Joint Budget Committee is ruled
4 unconstitutional by a court of competent jurisdiction, this entire section is
5 void.

6 The provisions of this section shall be in effect only from July 1, ~~2013~~
7 2014 through June 30, ~~2014~~ 2015.

8
9 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SREB
11 MINORITY DOCTORAL SCHOLARS PROGRAM REGULATIONS. The Department of Higher
12 Education is authorized to promulgate rules and regulations for the
13 administration of the Southern Regional Education Board (SREB) Minority
14 Doctoral Scholars program.

15
16 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OUTCOME-
18 CENTERED FUNDING AWARDS. Upon certification of the Director of the
19 Department of Higher Education, the Chief Fiscal Officer of the State shall
20 transfer to the Department of Higher Education Fund Account certified amounts
21 based upon the outcome-centered funding policy of the Arkansas Higher
22 Education Coordinating Board from the State Treasury funds of the
23 Institutions of Higher Education. The Department of Higher Education will
24 distribute funds from the Outcome-Centered Funding Awards Appropriation based
25 upon the outcome-centered funding policy of the Arkansas Higher Education
26 Coordinating Board.

27 The provisions of this section shall be in effect only from July 1,
28 ~~2013~~ 2014 through June 30, ~~2014~~ 2015.

29
30 SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
32 ADMINISTRATIVE FEES. The Department of Higher Education is authorized to
33 recover non-refundable administrative fees related to the institutional
34 certification and exemption process for out-of-state, non-public, and for-
35 profit colleges and universities. These fees include a notification fee, an
36 application processing fee, and travel expenses for the certification review

1 teams.

2 The provisions of this section shall be in effect only from July 1,
3 ~~2013~~ 2014 through June 30, ~~2014~~ 2015.

4

5 SECTION 44. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
6 authorized by this act shall be limited to the appropriation for such agency
7 and funds made available by law for the support of such appropriations; and
8 the restrictions of the State Procurement Law, the General Accounting and
9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
10 Procedures and Restrictions Act, or their successors, and other fiscal
11 control laws of this State, where applicable, and regulations promulgated by
12 the Department of Finance and Administration, as authorized by law, shall be
13 strictly complied with in disbursement of said funds.

14

15 SECTION 45. LEGISLATIVE INTENT. It is the intent of the General
16 Assembly that any funds disbursed under the authority of the appropriations
17 contained in this act shall be in compliance with the stated reasons for
18 which this act was adopted, as evidenced by the Agency Requests, Executive
19 Recommendations and Legislative Recommendations contained in the budget
20 manuals prepared by the Department of Finance and Administration, letters, or
21 summarized oral testimony in the official minutes of the Arkansas Legislative
22 Council or Joint Budget Committee which relate to its passage and adoption.

23

24 SECTION 46. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly, that the Constitution of the State of Arkansas prohibits
26 the appropriation of funds for more than a one (1) year period; that the
27 effectiveness of this Act on July 1, 2014 is essential to the operation of
28 the agency for which the appropriations in this Act are provided, and that in
29 the event of an extension of the legislative session, the delay in the
30 effective date of this Act beyond July 1, 2014 could work irreparable harm
31 upon the proper administration and provision of essential governmental
32 programs. Therefore, an emergency is hereby declared to exist and this Act
33 being necessary for the immediate preservation of the public peace, health
34 and safety shall be in full force and effect from and after July 1, 2014.

35

36 APPROVED: 02/25/2014