

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 369

5 By: Senator J. English
6

For An Act To Be Entitled

8 AN ACT TO REMOVE THE DUTY OF THE ARKANSAS HIGHER
9 EDUCATION COORDINATING BOARD TO DETERMINE SERVICE
10 AREAS FOR TWO-YEAR INSTITUTIONS OF HIGHER EDUCATION;
11 TO ELIMINATE SERVICE AREAS FOR TWO-YEAR COLLEGES AND
12 TECHNICAL SCHOOLS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO REMOVE THE DUTY OF THE ARKANSAS HIGHER
16 EDUCATION COORDINATING BOARD TO DETERMINE
17 SERVICE AREAS FOR TWO-YEAR INSTITUTIONS
18 OF HIGHER EDUCATION; TO ELIMINATE SERVICE
19 AREAS FOR TWO-YEAR COLLEGES AND TECHNICAL
20 SCHOOLS.
21
22
23

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

26 SECTION 1. Arkansas Code § 6-53-103 is amended to read as follows:
27 6-53-103. Definitions.

28 As used in this chapter, unless the context otherwise requires:

29 (1) "Branch campus of the community college" means an
30 institution with facilities located apart from the community college campus
31 but within the community college district;

32 (2)(A) "Capital outlay expense" means those funds devoted to or
33 required for:

34 (i) The acquisition and improvement of land;
35 (ii) The acquisition, construction, remodeling,
36 alteration, addition, or enlargement of buildings or other structures; and



1 (iii) The initial purchase of library holdings,
2 furniture, apparatuses, and other equipment for a new or expanded facility as
3 defined by the Arkansas Higher Education Coordinating Board.

4 (B) "Capital outlay expense" excludes those expenses used
5 for maintenance and replacement of equipment and furniture;

6 (3) "Community college" means an institution of higher education
7 established or to be established under the provisions of this chapter
8 ~~dedicated primarily to the educational needs of the service area and~~ offering
9 a comprehensive program, including, but without limitation, vocational,
10 trade, and technical specialty courses and programs, college transfer
11 courses, and courses in general adult education;

12 ~~(4) "Department" means the Department of Higher Education;~~

13 ~~(5)~~ "District" means the geographic area located within one (1)
14 or more counties or cities or any described combination thereof or any
15 described area ~~which~~ that may be in one (1) or more counties or parts of
16 counties but within the ~~same service area which~~ boundary that is directly
17 responsible for the local financial support and local administration of an
18 institution ~~located within its service area;~~

19 ~~(6)~~(5) "Existing community college" means a community college
20 established in accordance with the provisions of and presently operating in
21 conformity with Arkansas Constitution, Amendment 52, and §§ 6-61-101 – 6-61-
22 103, 6-61-201 – 6-61-209, 6-61-212 – 6-61-216, 6-61-301 – 6-61-305, 6-61-401,
23 6-61-402, 6-61-501 – 6-61-524, and 6-61-601 – 6-61-603;

24 ~~(7)~~(6) "Local board" means the governing body of a technical
25 college or community college;

26 ~~(8)~~(A)(7)(A) "Operating expense" means those educational and
27 general funds devoted to or required for the regular or ordinary expense of
28 the college, including administrative, maintenance, and salary expenses but
29 excluding capital outlay expenses, student activity expenses, and expenses
30 for intercollegiate athletics.

31 (B) "Operating expense" includes maintenance and
32 replacement of furniture and equipment, including motor vehicles;

33 ~~(9)~~(8) "Satellite campus" means an institution or off-campus
34 facility of a community college ~~located within a service area of a technical~~
35 ~~or community college but~~ not located within a community college district;

36 ~~(10)~~(A) "Service area" means the geographic area assigned by the

1 ~~Arkansas Higher Education Coordinating Board as the area to be served by the~~
2 ~~institution located within its borders.~~

3 ~~(B) Each county in the state shall be assigned to at least~~
4 ~~one (1) service area;~~

5 ~~(11) "State board", "board", or "full board" means the Arkansas~~
6 ~~Higher Education Coordinating Board;~~

7 ~~(12)(9) "System institution" means a technical college or~~
8 ~~community college; and~~

9 ~~(13)(10) "Technical college" means an institution of higher~~
10 ~~education established under this chapter dedicated primarily to the~~
11 ~~educational needs of the service area and offering a comprehensive program,~~
12 ~~including, but without limitation, vocational, trade, and technical specialty~~
13 ~~courses and programs, courses in general adult education, and courses~~
14 ~~comparable in content and quality to freshman and sophomore courses which~~
15 ~~that may carry transfer credit to a four-year institution in a chosen course~~
16 ~~of study.~~

17
18 SECTION 2. Arkansas Code § 6-53-203(a)(2), concerning the duties and
19 powers of the Arkansas Higher Education Coordinating Board, is repealed.

20 ~~(2) To determine service areas containing all counties within~~
21 ~~the state and to recommend adoption of such service areas to the full board,~~
22 ~~who shall designate which system institution within the service area shall be~~
23 ~~responsible for fulfillment of the two-year postsecondary educational needs~~
24 ~~of the service area;~~

25
26 SECTION 3. Arkansas Code § 6-53-301(e), concerning the Arkansas
27 Technical and Community College System, is amended to read as follows:

28 (e) The local board shall be responsible for the administration and
29 operation of the institution and shall be further responsible for the
30 provision of services to meet the two-year postsecondary educational needs of
31 those citizens located within the ~~service area of the institution~~ state.

32
33 SECTION 4. Arkansas Code § 6-53-302(c), concerning local
34 administration, is amended to read as follows:

35 (c) Members of the local board shall be qualified electors of the
36 ~~service area~~ district of the technical college and knowledgeable in business,

1 labor, industry, or economic development.

2

3 SECTION 5. Arkansas Code §§ 6-53-304 – 6-53-306 are amended to read as
4 follows:

5 6-53-304. Student tuition – Fees.

6 (a) The intent of this chapter is to make technical and community
7 college programs available to as many citizens of Arkansas as possible. To
8 this end, tuition and fees should be maintained at a reasonable level so as
9 not to exclude citizens because of cost.

10 (b) The local board shall determine the minimum student tuition and
11 fees to be charged by institutions within the system.

12 (c) The local board shall set both in-district and out-of-district
13 student tuition and fees for each institution within its ~~service area~~
14 district. Students residing outside a community college district may be
15 subject to extra tuition and fees.

16

17 6-53-305. Transportation.

18 A technical or community college may establish and operate a
19 transportation system for students within the ~~service area~~ district of the
20 institution ~~assigned by the Arkansas Higher Education Coordinating Board.~~

21

22 6-53-306. Coordination with secondary vocational-technical education
23 and literacy programs.

24 Upon the approval of the Arkansas Higher Education Coordinating Board,
25 the local board may contract with the Department of Career Education, a
26 nonprofit organization, or a local school district board of directors ~~within~~
27 ~~its service area~~ to offer secondary-level vocational and technical courses
28 and programs, adult literacy courses, and industry training.

29

30 SECTION 6. Arkansas Code § 6-53-402(b)-(e), concerning two-year
31 branches, is amended to read as follows:

32 (b) Upon approval by the board and the Higher Learning Commission ~~and~~
33 ~~upon assignment of a service area for the institution~~, the two-year branch
34 campus shall be known as a technical college.

35 (c) All records, personnel, property, unexpended balances of
36 appropriations, allocations, or other funds of the two-year branch campus

1 shall be transferred to the board until a local board is appointed.

2 (d) Upon the appointment of a local board, all records, personnel,
3 property, unexpended balances of appropriations, allocations, or other funds
4 of the technical college shall be transferred to the local board.

5 (e) The local board shall be responsible for the administration and
6 operation of the technical college and such other state-supported
7 institutions within the system ~~located in the service area designated by the~~
8 ~~state board~~ as necessary to adequately meet the two-year postsecondary
9 educational needs of ~~those citizens located within the service area assigned~~
10 ~~to the technical college.~~

11
12 SECTION 7. Arkansas Code § 6-53-403(b), concerning technical colleges
13 and two-year branches, is amended to read as follows:

14 (b) Prior to the election, the Arkansas Higher Education Coordinating
15 Board shall assist any group of citizens representing a proposed community
16 college district ~~within the service area~~ containing the technical college in
17 determining the feasibility of the proposed district and the adequacy of the
18 proposed millage levy, if any.

19
20 SECTION 8. Arkansas Code § 6-53-404(a)-(c), concerning technical
21 colleges, is amended to read as follows:

22 (a) A board of trustees of a community college may, by resolution or
23 when requested, petition the Arkansas Higher Education Coordinating Board to
24 accept a technical college ~~located in the same service area~~ to be a branch
25 campus of the community college.

26 (b) All records, personnel, property, unexpended balances of
27 appropriations, allocations, or other funds of above-listed state-supported
28 institutions ~~within the service area of the community college~~ shall be
29 transferred to the local board.

30 (c) The local board of the community college ~~shall be~~ is responsible
31 for the administration and operation of all state-supported postsecondary
32 vocational-technical institutions ~~located within its service area and~~
33 consolidated by this chapter.

34
35
36