

1 State of Arkansas
2 90th General Assembly
3 Fiscal Session, 2016
4

A Bill

SENATE BILL 86

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, 2017;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF HIGHER
15 EDUCATION APPROPRIATION FOR THE 2016-2017
16 FISCAL YEAR.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
23 established for the Department of Higher Education for the 2016-2017 fiscal
24 year, the following maximum number of regular employees.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2016-2017
30	(1) U024U	DHE DIRECTOR	1	\$203,323
31	(2) U089U	DHE DEPUTY DIRECTOR	1	\$146,295
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) A010C	AGENCY CONTROLLER II	1	GRADE C128



1	(8)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
2	(9)	G019C	GENERAL COUNSEL	1	GRADE C127
3	(10)	G043C	DHE FINANCIAL AID MANAGER	1	GRADE C126
4	(11)	D016C	SENIOR TECHNOLOGY ANALYST	1	GRADE C126
5	(12)	G058C	DHE FEDERAL PROGRAM MANAGER	2	GRADE C125
6	(13)	G071C	DHE PROGRAM COORDINATOR	7	GRADE C124
7	(14)	D028C	SENIOR SOFTWARE SUPPORT SPECIALIST	2	GRADE C124
8	(15)	P005C	DHE COMMUNICATIONS COORDINATOR	1	GRADE C123
9	(16)	G102C	DHE PROGRAM SPECIALIST	21	GRADE C122
10	(17)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
11	(18)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
12	(19)	A089C	ACCOUNTANT I	<u>1</u>	GRADE C116
13			MAX. NO. OF EMPLOYEES	49	

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15 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby

16 authorized, for the Department of Higher Education for the 2016-2017 fiscal

17 year, the following maximum number of part-time or temporary employees, to be

18 known as "Extra Help", payable from funds appropriated herein for such

19 purposes: seventeen (17) temporary or part-time employees, when needed, at

20 rates of pay not to exceed those provided in the Uniform Classification and

21 Compensation Act, or its successor, or this act for the appropriate

22 classification.

23

24 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby

25 appropriated, to the Department of Higher Education, to be payable from the

26 Department of Higher Education Fund Account, for personal services and

27 operating expenses of the Department of Higher Education for the fiscal year

28 ending June 30, 2017, the following:

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2016-2017</u>
32	(01) REGULAR SALARIES	\$2,430,874
33	(02) EXTRA HELP	3,000
34	(03) PERSONAL SERVICES MATCHING	730,466
35	(04) MAINT. & GEN. OPERATION	
36	(A) OPER. EXPENSE	912,755

1	(B) CONF. & TRAVEL	25,000
2	(C) PROF. FEES	160,000
3	(D) CAP. OUTLAY	50,000
4	(E) DATA PROC.	<u>0</u>
5	TOTAL AMOUNT APPROPRIATED	<u><u>\$4,312,095</u></u>

6

7 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS

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

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

10 providing student assistance grants and various scholarships as provided by

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

12 30, 2017, the following:

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2016-2017</u>
16	(01) HIGHER EDUCATION OPPORTUNITIES GRANT	\$6,000,000
17	(02) SREB MINORITY DOCTORAL SCHOLARS	175,000
18	(03) WASHINGTON CENTER SCHOLARSHIPS	100,000
19	(04) TUITION ADJUSTMENT	350,000
20	(05) AR ACADEMIC CHALLENGE SCHOLARSHIPS	25,000,000
21	(06) ARKANSAS GOVERNOR'S SCHOLARS	15,200,000
22	(07) STUDENT UNDERGRADUATE RESEARCH	
23	FELLOWSHIP PROGRAM (SURF)	150,000
24	(08) NATIONAL GUARD TUITION INCENTIVE	
25	PROGRAM	1,400,000
26	(09) SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
27	(10) STATE TEACHER EDUCATION PROGRAM	2,000,000
28	(11) TEACHER OPPORTUNITY PROGRAM	1,500,000
29	(12) WORKFORCE IMPROVEMENT GRANTS	3,000,000
30	(13) AR GEOGRAPHICAL CRITICAL NEEDS	
31	MINORITY TEACHER SCHOLARSHIPS	150,000
32	(14) DEPENDENTS OF LAW ENFORCEMENT	
33	OFFICERS, ETC. SCHOLARSHIPS	400,000
34	(15) DEPENDENTS OF POWS, MIAS,	
35	KIAS-TUITION WAIVER	
36	SCHOLARSHIPS	<u>450,000</u>

1 TOTAL AMOUNT APPROPRIATED \$56,050,000

2

3 SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is
 4 hereby appropriated, to the Department of Higher Education, to be payable
 5 from the federal funds as designated by the Chief Fiscal Officer of the
 6 State, for grants-in-aid of the Department of Higher Education - State
 7 Scholarship - Federal Program for the fiscal year ending June 30, 2017, the
 8 following:

9

10 ITEM	FISCAL YEAR
11 <u>NO.</u>	<u>2016-2017</u>
12 (01) GRANTS IN AID-STATE	
13 SCHOLARSHIPS-FEDERAL	<u>\$750,000</u>

14

15 SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS.

16 There is hereby appropriated, to the Department of Higher Education, to be
 17 payable from the federal funds as designated by the Chief Fiscal Officer of
 18 the State, for personal services and operating expenses of the Department of
 19 Higher Education - Technical Education - Federal Programs for the fiscal year
 20 ending June 30, 2017, the following:

21

22 ITEM	FISCAL YEAR
23 <u>NO.</u>	<u>2016-2017</u>
24 (01) REGULAR SALARIES	\$140,309
25 (02) PERSONAL SERVICES MATCHING	41,608
26 (03) MAINT. & GEN. OPERATION	
27 (A) OPER. EXPENSE	77,251
28 (B) CONF. & TRAVEL	15,200
29 (C) PROF. FEES	110,500
30 (D) CAP. OUTLAY	0
31 (E) DATA PROC.	<u>0</u>
32 TOTAL AMOUNT APPROPRIATED	<u>\$384,868</u>

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34 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby
 35 appropriated, to the Department of Higher Education, to be payable from the
 36 federal funds as designated by the Chief Fiscal Officer of the State, for

1 operating expenses and grants-in-aid of the Department of Higher Education -
 2 Improving Teacher Quality Program for the fiscal year ending June 30, 2017,
 3 the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2016-2017</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$2,500
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>713,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$715,500</u></u>

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 16 SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is
 17 hereby appropriated, to the Department of Higher Education, to be payable
 18 from the Higher Education Research Development Fund, for providing Arkansas
 19 Research Development Program Grants to Institutions of Higher Education by
 20 the Department of Higher Education for the fiscal year ending June 30, 2017,
 21 the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2016-2017</u>
(01) RESEARCH AND DEVELOPMENT PROGRAM	
GRANTS	<u><u>\$5,000,000</u></u>

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 28 SECTION 9. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is
 29 hereby appropriated, to the Department of Higher Education, to be payable
 30 from the Higher Education Grants Fund Account, for payments of the contracts
 31 and loans with participating out-of-state institutions of higher learning in
 32 the fields of dentistry, optometry, osteopathy, veterinary medicine,
 33 chiropractic, and podiatry for the education of Arkansas citizens, by the
 34 Department of Higher Education for the fiscal year ending June 30, 2017, the
 35 following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2016-2017</u>
3	(01) CHIROPRACTIC AID	\$260,000
4	(02) DENTAL AID - GRANTS	2,133,900
5	(03) OPTOMETRY AID - GRANTS	410,000
6	(04) OSTEOPATHY AID	230,000
7	(05) PODIATRY AID	130,400
8	(06) VETERINARY AID	1,100,000
9	(07) DENTAL AID - LOANS	987,370
10	(08) OPTOMETRY AID - LOANS	140,000
11	(09) VETERINARY MED. LOAN FORGIVENESS	
12	PROGRAM	<u>250,000</u>
13	TOTAL AMOUNT APPROPRIATED	<u><u>\$5,641,670</u></u>

14

15 SECTION 10. APPROPRIATION - CASH. There is hereby appropriated, to the
16 Department of Higher Education, to be payable from the cash fund deposited in
17 the State Treasury as determined by the Chief Fiscal Officer of the State,
18 for operating expenses of the Department of Higher Education for the fiscal
19 year ending June 30, 2017, the following:

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2016-2017</u>
23	(01) MAINT. & GEN. OPERATION	
24	(A) OPER. EXPENSE	\$878,070
25	(B) CONF. & TRAVEL	60,620
26	(C) PROF. FEES	551,310
27	(D) CAP. OUTLAY	100,000
28	(E) DATA PROC.	0
29	(02) SCHOLARSHIPS	100,000
30	(03) REFUNDS/REIMBURSEMENTS	<u>5,000</u>
31	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,695,000</u></u>

32

33 SECTION 11. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby
34 appropriated, to the Department of Higher Education, to be payable from the
35 federal funds as designated by the Chief Fiscal Officer of the State, for
36 personal services and operating expenses of the Department of Higher

1 Education - TANF Program - Federal for the fiscal year ending June 30, 2017,
 2 the following:

3

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2016-2017</u>
6 (01) REGULAR SALARIES	\$220,337
7 (02) PERSONAL SERVICES MATCHING	64,630
8 (03) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	56,698
10 (B) CONF. & TRAVEL	0
11 (C) PROF. FEES	14,784
12 (D) CAP. OUTLAY	0
13 (E) DATA PROC.	0
14 (04) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>6,793,551</u>
15 TOTAL AMOUNT APPROPRIATED	<u><u>\$7,150,000</u></u>

16

17 SECTION 12. APPROPRIATION - COLLEGE ACCESS CHALLENGE GRANT. There is
 18 hereby appropriated, to the Department of Higher Education, to be payable
 19 from the federal funds as designated by the Chief Fiscal Officer of the
 20 State, for operating expenses of the Department of Higher Education - College
 21 Access Challenge Grant Program - Federal for the fiscal year ending June 30,
 22 2017, the following:

23

24 ITEM	FISCAL YEAR
25 <u>NO.</u>	<u>2016-2017</u>
26 (01) MAINT. & GEN. OPERATION	
27 (A) OPER. EXPENSE	\$1,215,000
28 (B) CONF. & TRAVEL	14,000
29 (C) PROF. FEES	741,000
30 (D) CAP. OUTLAY	30,000
31 (E) DATA PROC.	<u>0</u>
32 TOTAL AMOUNT APPROPRIATED	<u><u>\$2,000,000</u></u>

33

34 SECTION 13. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby
 35 appropriated, to the Department of Higher Education, to be payable from the
 36 Higher Education Grants Fund Account, for personal services and operating

1 expenses associated with web based applications of the Department of Higher
 2 Education for the fiscal year ending June 30, 2017, the following:

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2016-2017</u>
6 (01) WEB BASED APPLICATIONS PERSONAL	
7 SERVICES AND OPERATING EXPENSES	<u>\$1,000,000</u>

8
 9 SECTION 14. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is
 10 hereby appropriated, to the Department of Higher Education, to be payable
 11 from the Higher Education Grants Fund Account, for personal services and
 12 operating expenses of the Department of Higher Education - Scholarship
 13 Administration for the fiscal year ending June 30, 2017, the following:

15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2016-2017</u>
17 (01) REGULAR SALARIES	\$330,320
18 (02) EXTRA HELP	30,000
19 (03) PERSONAL SERVICES MATCHING	106,776
20 (04) MAINT. & GEN. OPERATION	
21 (A) OPER. EXPENSE	130,000
22 (B) CONF. & TRAVEL	0
23 (C) PROF. FEES	250,000
24 (D) CAP. OUTLAY	35,000
25 (E) DATA PROC.	<u>0</u>
26 TOTAL AMOUNT APPROPRIATED	<u>\$882,096</u>

27
 28 SECTION 15. APPROPRIATION - COMPLETE COLLEGE AMERICA GRANT PROGRAM.
 29 There is hereby appropriated, to the Department of Higher Education, to be
 30 payable from the cash fund deposited in the State Treasury as determined by
 31 the Chief Fiscal Officer of the State, for operating expenses of the
 32 Department of Higher Education - Complete College America Grant Program for
 33 the fiscal year ending June 30, 2017, the following:

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2016-2017</u>

1	(01) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	\$100,000
3	(B) CONF. & TRAVEL	0
4	(C) PROF. FEES	0
5	(D) CAP. OUTLAY	0
6	(E) DATA PROC.	<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	<u><u>\$100,000</u></u>

8

9 SECTION 16. APPROPRIATION - OUTCOME CENTERED FUNDING AWARDS. There is
 10 hereby appropriated, to the Department of Higher Education, to be payable
 11 from the Department of Higher Education Fund Account, for distribution of
 12 Outcome-Centered Funding Awards to Institutions of Higher Education by the
 13 Department of Higher Education for the fiscal year ending June 30, 2017, the
 14 following:

15

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2016-2017</u>
18	(01) OUTCOME-CENTERED AWARDS- UNIVERSITIES	\$40,320,284
19	(02) OUTCOME-CENTERED AWARDS - COLLEGES	<u>14,192,418</u>
20	TOTAL AMOUNT APPROPRIATED	<u><u>\$54,512,702</u></u>

21

22 SECTION 17. APPROPRIATION - WORKFORCE INITIATIVE ACT OF 2015. There is
 23 hereby appropriated, to the Department of Higher Education, to be payable
 24 from the Workforce Initiative Act of 2015 Fund, for workforce education
 25 grants, administrative, and operating expenses of the Department of Higher
 26 Education - Workforce Initiative Act of 2015 for the fiscal year ending June
 27 30, 2017, the following:

28

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2016-2017</u>
31	(01) WORKFORCE INITIATIVE ACT OF 2015	
32	EXPENSES	<u><u>\$2,000,000</u></u>

33

34 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY
 36 GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an

1 emergency/disaster event resulting in all or a significant portion of campus
2 operations being interrupted, may request disaster assistance through the
3 Arkansas Department of Higher Education. Upon the declaration of an
4 emergency by the Governor, the institution may request, subject to the
5 recommendation of the Director of the Department of Higher Education and
6 approval of the Governor, a grant from the Disaster Relief Fund to assist in
7 returning that campus to operation and/or to a sister campus providing
8 services to the students from the affected campus. Certified law enforcement
9 officers employed by an institution of higher education may be granted
10 jurisdiction at the sister institution, upon agreement of both institutions.
11 The Department of Higher Education is authorized a pool of 500 extra help
12 positions for use in such emergency situations. These positions may be
13 assigned to the campus suffering the disaster event or to a sister campus
14 providing services to the students from the affected campus. The Governor
15 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
16 pool positions.

17 The provisions of this section shall be in effect only from July 1, 2015
18 2016 through June 30, ~~2016~~ 2017.

19
20 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
22 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon
23 determination by the president or chancellor of an institution of higher
24 education that a reallocation of resources for purposes of reorganization or
25 consolidation of administrative functions within the institution is necessary
26 for efficient and effective operations of the institution, the president or
27 chancellor, with approval of the institution's board of trustees, may have
28 the authority to transfer positions, appropriations and related funds between
29 campuses, divisions, branches, and other budgetary units of the institution,
30 after receiving prior approval of the Legislative Council or Joint Budget
31 Committee. The transfers of positions, programs, or activities shall be used
32 for those purposes for which the appropriations were approved by the General
33 Assembly. The transfers, consolidations, or reorganizations which involve
34 academic programs shall be reviewed by the Department of Higher Education
35 prior to submission to the Legislative Council or Joint Budget Committee.
36 Provided, however, that the institution shall be limited to submitting no

1 more than two (2) individual transaction transfer requests during any fiscal
2 year and shall be further limited to no more than five percent (5%) of the
3 total General Revenue and Special Revenue appropriation, funding, positions
4 specific to each institution, and no Tobacco Settlement funds or
5 appropriations may be reallocated pursuant to this section.

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

23 The provisions of this section shall be in effect only from July 1, ~~2015~~
24 2016 through June 30, ~~2016~~ 2017.

25
26 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In
28 order to provide timely payments under financial aid appropriations made in
29 this Act, the Chief Fiscal Officer of the State is authorized to provide
30 loans from the Budget Stabilization Trust Fund to make available all funds
31 attributable to the financial aid programs under the then current official
32 revenue estimates. In the event of an unanticipated state revenue shortfall,
33 any such loans remaining at the end of a fiscal year shall be repaid from
34 revenues distributed in the first two months of the next fiscal year. Funds
35 for appropriations made in this Act for purposes other than financial aid
36 shall not be affected by the application of this provision.

1 The provisions of this section shall be in effect only from July 1, ~~2015~~
2 2016 through June 30, ~~2016~~ 2017.

3
4 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
6 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
7 available to the various technical colleges have been determined as set out
8 in Arkansas Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B), such documents as
9 may be necessary shall be processed so that funds may be transferred from the
10 Work Force 2000 Development Fund to the State Treasury fund or fund account
11 from which the technical college draws its general revenue support. Such
12 funds as may be transferred shall not exceed 93.691% of the total funds
13 available from the Work Force 2000 Development Fund during the fiscal year.
14 In the event that a technical institute or comprehensive lifelong learning
15 center which receives support from the Work Force 2000 Development Fund as
16 determined by law transfers or merges into the Arkansas Technical College and
17 Community College System for which Work Force 2000 Development Fund monies
18 are determined by law, then the actual amount of support from the Work Force
19 2000 Development Fund in the preceding fiscal year for such educational
20 institution shall be made available irrespective of any other provision of
21 law which sets out maximum levels of support from such fund.

22 The funds distributed under Arkansas Code 26-51-205(d)(2)(C) in excess of
23 those amounts collected and distributed prior to June 30, 2014 shall be
24 deposited into the Skills Development Fund to be used only for personal
25 services, grants, operation, support, and improvement of occupational,
26 vocational, technical, and workforce development programs by the Department
27 of Career Education - Office of Skills Development. The distributions of
28 funds under Arkansas Code 26-51-205(d)(2)(C) in excess of those amounts
29 collected and distributed prior to June 30, 2014 shall not apply to proceeds
30 allocated to schools, colleges and educational institutions under Arkansas
31 Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B).

32 The provisions of this section shall be in effect only from July 1, ~~2015~~
33 2016 through June 30, ~~2016~~ 2017.

34
35 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING

1 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
2 Higher Education Building Maintenance Fund, any additional deposits are to be
3 transferred to the Research Development Fund there to be used as provided by
4 law.

5 The provisions of this section shall be in effect only from July 1, ~~2015~~
6 2016 through June 30, ~~2016~~ 2017.

7
8 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
10 EXPENDITURES. Proceeds derived from the repayment of loans, grants, or
11 scholarships funded by the Higher Education Grants Fund Account shall be
12 deposited into the State Treasury fund from which it originated.

13 The provisions of this section shall be in effect only from July 1, ~~2015~~
14 2016 through June 30, ~~2016~~ 2017.

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

24 The provisions of this section shall be in effect only from July 1, ~~2015~~
25 2016 through June 30, ~~2016~~ 2017.

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

1 The provisions of this section shall be in effect only from July 1, ~~2015~~
2 2016 through June 30, ~~2016~~ 2017.

3
4 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL
6 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall
7 report by May 30 to the House and Senate Interim Committees on Education the
8 budgeted allocation for each financial aid program funded through the Higher
9 Education Grants Fund Account for the upcoming fiscal year and projections
10 for the following year.

11 The provisions of this section shall be in effect only from July 1, ~~2015~~
12 2016 through June 30, ~~2016~~ 2017.

13
14 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
16 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
17 receives state scholarship funds administered by the Arkansas Department of
18 Higher Education shall be subject to audit/review of such funds by the
19 Division of Legislative Audit, upon approval of the Legislative Joint Audit
20 Committee.

21 The provisions of this section shall be in effect only from July 1, ~~2015~~
22 2016 through June 30, ~~2016~~ 2017.

23
24 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT
26 DATA. All post-secondary institutions shall provide to the Arkansas
27 Department of Higher Education a copy of the Integrated Post-Secondary
28 Education Data System (IPEDS) data within three weeks following the IPEDS due
29 date, which shall be subject to audit by the Arkansas Department of Higher
30 Education.

31 The provisions of this section shall be in effect only from July 1, ~~2015~~
32 2016 through June 30, ~~2016~~ 2017.

33
34 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
36 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act

1 determined by the Arkansas Department of Higher Education to have been for
2 salary increases for the fiscal year for Institutions of Higher Education
3 shall be used exclusively for salary increases. New funding actually received
4 for salary increases shall be spent exclusively for salary increases based
5 upon the state general revenue portion of total unrestricted educational and
6 general revenue. Funding received under this provision shall be used for no
7 purpose other than to provide such salary increases. Any designated funds not
8 used for salary increases shall be recouped at the end of each fiscal year
9 and transferred to the General Revenue Allotment Reserve Fund.

10 The provisions of this section shall be in effect only from July 1, ~~2015~~
11 2016 through June 30, ~~2016~~ 2017.

12
13 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE
15 PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall
16 transfer sufficient funding for the fiscal year from the Higher Education
17 Grants Fund Account to the Department of Higher Education Fund Account in
18 order to finance the personal services costs of a DHE Program Coordinator.

19 The provisions of this section shall be in effect only from July 1, ~~2015~~
20 2016 through June 30, ~~2016~~ 2017.

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22 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
24 PROVISION. Upon certification by the Director of the Department of Higher
25 Education that transfers are needed to make maximum utilization of funds and
26 appropriations provided for financial aid programs, and with the approval of
27 the Chief Fiscal Officer of the State and a review by the Arkansas
28 Legislative Council, funds and appropriations may be transferred between
29 financial aid programs to more adequately align the appropriation with the
30 number of eligible students.

31 The provisions of this section shall be in effect only from July 1, ~~2015~~
32 2016 through June 30, ~~2016~~ 2017.

33
34 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
36 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND

1 LOANS. Upon certification to and with the approval of the Chief Fiscal
2 Officer of the State, surplus funds and appropriations may be transferred
3 between the appropriations provided for "Health Education Grants and Loans"
4 by this Act by the General Assembly for Dental Aid Grants and Loans,
5 Optometry Aid, Veterinary Aid, Podiatry Aid, Chiropractic Aid and Osteopathy
6 Aid.

7 The provisions of this section shall be in effect only from July 1, ~~2015~~
8 2016 through June 30, ~~2016~~ 2017.

9
10 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

12 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
13 the Department of Higher Education and the Chief Fiscal Officer of the State,
14 institutions of higher education may transfer appropriation from the cash
15 contingency appropriation to any other appropriation made to the institution
16 from cash funds including the establishment of commitment items, and may
17 transfer appropriation from the contingency appropriation made payable from
18 each institution's State Treasury Fund to the state operations appropriation
19 made payable from each institution's State Treasury Fund including the
20 establishment of commitment items, and may transfer appropriation from the
21 contingency appropriation made payable from the Tobacco Settlement Program
22 Fund Accounts to any other appropriation made to the institution from Tobacco
23 Settlement Program Fund Accounts including the establishment of commitment
24 items.

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

29 (c) The Department of Higher Education shall report contingency
30 appropriation transfers and the establishment of any commitment items
31 authorized by this Section to the Legislative Council or Joint Budget
32 Committee for review during its July meeting. The report shall include, by
33 institution, the establishment of, and the amounts transferred to, each
34 commitment item, the reasons therefor and the source of funds. Institutions
35 shall submit contingency appropriation transfer and commitment item
36 establishment requests authorized by this Section to the Department of Higher

1 Education no later than July 1. Upon the failure of an institution to submit
2 the required information by the July 1 deadline, the Department of Higher
3 Education shall immediately notify by written notification the chairpersons
4 of the Legislative Council or Joint Budget Committee.

5 The provisions of this section shall be in effect only from July 1, ~~2015~~
6 2016 through June 30, ~~2016~~ 2017.

7
8 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
10 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
11 Undergraduate Research Fellowship (SURF) Program is the continued development
12 of undergraduate academic research efforts at Arkansas colleges and
13 universities. The Arkansas Department of Higher Education shall adopt rules
14 and regulations necessary for the proper administration of the Student
15 Undergraduate Research Fellowship Program. Administrative functions and
16 responsibilities may include, but not necessarily be limited to, the
17 development of eligibility criteria, collection of applications, coordination
18 of student evaluations, distribution of public notices, and funding of grants
19 for academic research purposes. Staff of the Arkansas Department of Higher
20 Education shall administer this program. The Arkansas Department of Higher
21 Education shall be authorized to expense costs associated with the
22 administration of the program, from funds made payable from the Higher
23 Education Grants Fund Account for the Student Undergraduate Research
24 Fellowship Program as authorized in Section 4 of this Act.

25 The provisions of this section shall be in effect only from July 1, ~~2015~~
26 2016 through June 30, ~~2016~~ 2017.

27
28 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
30 COOPERATION AGREEMENTS. Any institution of Higher Education that has its main
31 campus, satellite campus, or center located within a twenty five mile radius
32 of any other main campus of an institution of higher education shall enter
33 into a written agreement with that institution which must address duplication
34 of services between the institutions.

35 The provisions of this section shall be in effect only from July 1, ~~2015~~
36 2016 through June 30, ~~2016~~ 2017.

1
2 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST
4 ALLOCATION. The Department of Higher Education may refund to the Higher
5 Education Fund Account or the Higher Education Grants Fund Account such
6 amounts determined by the Department to be reimbursements received from the
7 Arkansas Lottery Commission for costs related to the administration of the
8 Arkansas Academic Challenge Scholarship Program.

9 The provisions of this section shall be in effect only from July 1, ~~2015~~
10 2016 through June 30, ~~2016~~ 2017.

11
12 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
14 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
15 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
16 Higher Education shall determine the amount available, up to \$200,000 per
17 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
18 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
19 State and the State Treasurer such amount as is required to be transferred
20 from the Higher Education Grants Fund Account. Upon receiving such
21 certification, the Chief Fiscal Officer of the State and the State Treasurer
22 shall cause to be transferred the necessary funds and appropriation to the
23 fund account of the University of Arkansas at Pine Bluff for implementation
24 of this program. The University of Arkansas at Pine Bluff may use up to
25 twenty percent (20%) of the funds and appropriation for administration of the
26 program.

27 The provisions of this section shall be in effect only from July 1, ~~2015~~
28 2016 through June 30, ~~2016~~ 2017.

29
30 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER
32 EDUCATION CENTRAL POOL POSITIONS. (a) Universities - (1) The Department of
33 Higher Education shall establish and maintain a central pool of three hundred
34 (300) positions to be used to establish additional positions when an
35 institution does not have sufficient positions available to meet
36 unanticipated enrollment growth, industry training demands, and its mandated

1 responsibilities.

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

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

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

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

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

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

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

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

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

34 (5) Titles shall not be assigned to the institution from the central pool
35 until specific positions are requested by the institution, recommended by the
36 Department of Higher Education and approved by the Arkansas Legislative

1 Council or the Joint Budget Committee.

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

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

22 The provisions of this section shall be in effect only from July 1, ~~2015~~
23 2016 through June 30, ~~2016~~ 2017.

24
25 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OUTCOME-
27 CENTERED FUNDING AWARDS. Upon certification of the Director of the
28 Department of Higher Education, the Chief Fiscal Officer of the State shall
29 transfer to the Department of Higher Education Fund Account certified amounts
30 based upon the outcome-centered funding policy of the Arkansas Higher
31 Education Coordinating Board from the State Treasury funds of the
32 Institutions of Higher Education. The Department of Higher Education will
33 distribute funds from the Outcome-Centered Funding Awards Appropriation based
34 upon the outcome-centered funding policy of the Arkansas Higher Education
35 Coordinating Board.

36 The provisions of this section shall be in effect only from July 1, ~~2015~~

1 2016 through June 30, ~~2016~~ 2017.

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3 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

5 ADMINISTRATIVE FEES. The Department of Higher Education is authorized to
6 recover non-refundable administrative fees related to the institutional
7 certification and exemption process for out-of-state, non-public, and for-
8 profit colleges and universities. These fees include a notification fee, an
9 application processing fee, and travel expenses for the certification review
10 teams.

11 The provisions of this section shall be in effect only from July 1, ~~2015~~
12 2016 through June 30, ~~2016~~ 2017.

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14 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

16 NONTRADITIONAL STUDENT SCHOLARSHIPS AGGREGATE AMOUNT. Aggregate amounts of
17 scholarships awarded to nontraditional students, under the provisions of the
18 Arkansas Academic Challenge Scholarship Program - Part 2, ACA 6-85-201 et
19 seq., for the ~~2015-16~~ 2016-17 fiscal year shall be limited to thirteen
20 million dollars (\$13,000,000).

21 The provisions of this section shall be in effect only from July 1, ~~2015~~
22 2016 through June 30, ~~2016~~ 2017.

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24 SECTION 42. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
25 authorized by this act shall be limited to the appropriation for such agency
26 and funds made available by law for the support of such appropriations; and
27 the restrictions of the State Procurement Law, the General Accounting and
28 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
29 Procedures and Restrictions Act, or their successors, and other fiscal
30 control laws of this State, where applicable, and regulations promulgated by
31 the Department of Finance and Administration, as authorized by law, shall be
32 strictly complied with in disbursement of said funds.

33
34 SECTION 43. LEGISLATIVE INTENT. It is the intent of the General
35 Assembly that any funds disbursed under the authority of the appropriations
36 contained in this act shall be in compliance with the stated reasons for

1 which this act was adopted, as evidenced by the Agency Requests, Executive
2 Recommendations and Legislative Recommendations contained in the budget
3 manuals prepared by the Department of Finance and Administration, letters, or
4 summarized oral testimony in the official minutes of the Arkansas Legislative
5 Council or Joint Budget Committee which relate to its passage and adoption.
6

7 SECTION 44. EMERGENCY CLAUSE. It is found and determined by the
8 General Assembly, that the Constitution of the State of Arkansas prohibits
9 the appropriation of funds for more than a one (1) year period; that the
10 effectiveness of this Act on July 1, 2016 is essential to the operation of
11 the agency for which the appropriations in this Act are provided, and that in
12 the event of an extension of the legislative session, the delay in the
13 effective date of this Act beyond July 1, 2016 could work irreparable harm
14 upon the proper administration and provision of essential governmental
15 programs. Therefore, an emergency is hereby declared to exist and this Act
16 being necessary for the immediate preservation of the public peace, health
17 and safety shall be in full force and effect from and after July 1, 2016.
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