

1 State of Arkansas As Engrossed: S2/25/19 S3/27/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 93

4

5 By: Joint Budget Committee

6

7

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, 2020;

11

AND FOR OTHER PURPOSES.

12

13

14

Subtitle

15

AN ACT FOR THE DEPARTMENT OF HIGHER

16

EDUCATION APPROPRIATION FOR THE 2019-2020

17

FISCAL YEAR.

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 2019-2020 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

2019-2020

30

(1) U024U DHE DIRECTOR

1

GRADE SE05

31

(2) U089U DHE DEPUTY DIRECTOR

1

GRADE SE02

32

(3) D022N IT SENIOR PROJECT MANAGER

1

GRADE IT09

33

(4) D007C INFORMATION SYSTEMS MANAGER

1

GRADE IT08

34

(5) D028C SENIOR SOFTWARE SUPPORT SPECIALIST

2

GRADE IT07

35

(6) D016C SENIOR TECHNOLOGY ANALYST

1

GRADE IT06

36

(7) N002N DHE SENIOR ASSOC DIRECTOR

3

GRADE GS15



1	(8)	N055N DHE ASSOCIATE DIRECTOR	1	GRADE GS14
2	(9)	A010C AGENCY CONTROLLER II	1	GRADE GS13
3	(10)	N054N DHE CAREER PATHWAYS DIRECTOR	1	GRADE GS13
4	(11)	G019C GENERAL COUNSEL	1	GRADE GS13
5	(12)	N106N PRIVATE CAREER EDUCATION BOARD DIR.	1	GRADE GS13
6	(13)	A027C ACCOUNTING OPERATIONS MANAGER	1	GRADE GS11
7	(14)	G058C DHE FEDERAL PROGRAM MANAGER	2	GRADE GS11
8	(15)	G071C DHE PROGRAM COORDINATOR	6	GRADE GS10
9	(16)	G102C DHE PROGRAM SPECIALIST	16	GRADE GS09
10	(17)	A038C FISCAL SUPPORT MANAGER	1	GRADE GS09
11	(18)	P005C DHE COMMUNICATIONS COORDINATOR	1	GRADE GS08
12	(19)	R014C PERSONNEL MANAGER	1	GRADE GS08
13	(20)	A084C PROGRAM/FIELD AUDIT SPECIALIST	1	GRADE GS06
14	(21)	C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
15		MAX. NO. OF EMPLOYEES	45	

16

17 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby
 18 authorized, for the Department of Higher Education for the 2019-2020 fiscal
 19 year, the following maximum number of part-time or temporary employees, to be
 20 known as "Extra Help", payable from funds appropriated herein for such
 21 purposes: fifteen (15) temporary or part-time employees, when needed, at
 22 rates of pay not to exceed those provided in the Uniform Classification and
 23 Compensation Act, or its successor, or this act for the appropriate
 24 classification.

25

26 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 27 appropriated, to the Department of Higher Education, to be payable from the
 28 Department of Higher Education Fund Account, for personal services and
 29 operating expenses of the Department of Higher Education for the fiscal year
 30 ending June 30, 2020, the following:

31

32	ITEM	FISCAL YEAR
33	<u>NO.</u>	<u>2019-2020</u>
34	(01) REGULAR SALARIES	\$2,305,455
35	(02) EXTRA HELP	3,000
36	(03) PERSONAL SERVICES MATCHING	696,650

1	(04) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	912,755
3	(B) CONF. & TRAVEL	25,000
4	(C) PROF. FEES	100,000
5	(D) CAP. OUTLAY	50,000
6	(E) DATA PROC.	0
7	(05) STATEWIDE SCHOLARSHIP AND GRANT	
8	PROMOTION	<u>295,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u><u>\$4,387,860</u></u>

10

11 SECTION 4. APPROPRIATION - STATE BOARD OF PRIVATE CAREER EDUCATION
 12 OPERATIONS. There is hereby appropriated, to the Department of Higher
 13 Education, to be payable from the Private Career Education Fund, for personal
 14 services and operating expenses of the State Board of Private Career
 15 Education for the fiscal year ending June 30, 2020, the following:

16

17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2019-2020</u>
19	(01) REGULAR SALARIES	\$124,926
20	(02) EXTRA HELP	20,000
21	(03) PERSONAL SERVICES MATCHING	39,219
22	(04) MAINT. & GEN. OPERATION	
23	(A) OPER. EXPENSE	63,000
24	(B) CONF. & TRAVEL	4,000
25	(C) PROF. FEES	6,000
26	(D) CAP. OUTLAY	0
27	(E) DATA PROC.	<u>0</u>
28	TOTAL AMOUNT APPROPRIATED	<u><u>\$257,145</u></u>

29

30 SECTION 5. EXTRA HELP - STATE BOARD OF PRIVATE CAREER EDUCATION
 31 OPERATIONS. There is hereby authorized, for the State Board of Private
 32 Career Education for the 2019-2020 fiscal year, the following maximum number
 33 of part-time or temporary employees, to be known as "Extra Help", payable
 34 from funds appropriated herein for such purposes: two (2) temporary or part-
 35 time employees, when needed, at rates of pay not to exceed those provided in
 36 the Uniform Classification and Compensation Act, or its successor, or this

1 act for the appropriate classification.

2

3 SECTION 6. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS
 4 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
 5 Education, to be payable from the Higher Education Grants Fund Account, for
 6 providing student assistance grants and various scholarships as provided by
 7 law of the Department of Higher Education for the fiscal year ending June 30,
 8 2020, the following:

9

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2019-2020</u>
12	(01) ARKANSAS FUTURE GRANT	\$9,000,000
13	(02) HIGHER EDUCATION OPPORTUNITIES GRANT	2,500,000
14	(03) NATIONAL GUARD TUITION ASSISTANCE	
15	PROGRAM	1,400,000
16	(04) SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
17	(05) STATE TEACHER EDUCATION PROGRAM	2,000,000
18	(06) TEACHER OPPORTUNITY PROGRAM	2,500,000
19	(07) AR GEOGRAPHICAL CRITICAL NEEDS	
20	MINORITY TEACHER SCHOLARSHIPS	150,000
21	(08) DEPENDENTS OF LAW ENFORCEMENT	
22	OFFICERS, ETC. SCHOLARSHIPS	400,000
23	(09) DEPENDENTS OF POWS, MIAS,	
24	KIAS-TUITION WAIVER SCHOLARSHIPS	1,500,000
25	(10) SREB MINORITY DOCTORAL SCHOLARS	175,000
26	(11) WASHINGTON CENTER SCHOLARSHIPS	100,000
27	(12) TUITION ADJUSTMENT	350,000
28	(13) AR ACADEMIC CHALLENGE SCHOLARSHIPS	25,000,000
29	(14) AR GOVERNOR'S SCHOLAR	22,000,000
30	(15) STUDENT UNDERGRADUATE RESEARCH	
31	FELLOWSHIP PROGRAM (SURF)	<u>150,000</u>
32	TOTAL AMOUNT APPROPRIATED	<u>\$67,400,000</u>

33

34 SECTION 7. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS.
 35 There is hereby appropriated, to the Department of Higher Education, to be
 36 payable from the federal funds as designated by the Chief Fiscal Officer of

1 the State, for personal services and operating expenses of the Department of
 2 Higher Education - Technical Education - Federal Programs for the fiscal year
 3 ending June 30, 2020, the following:

4	5 ITEM	FISCAL YEAR
6	<u>NO.</u>	<u>2019-2020</u>
7	(01) REGULAR SALARIES	\$145,978
8	(02) PERSONAL SERVICES MATCHING	43,233
9	(03) MAINT. & GEN. OPERATION	
10	(A) OPER. EXPENSE	77,251
11	(B) CONF. & TRAVEL	40,700
12	(C) PROF. FEES	85,000
13	(D) CAP. OUTLAY	0
14	(E) DATA PROC.	<u>0</u>
15	TOTAL AMOUNT APPROPRIATED	<u><u>\$392,162</u></u>

16
 17 SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is
 18 hereby appropriated, to the Department of Higher Education, to be payable
 19 from the Higher Education Research Development Fund, for providing Arkansas
 20 Research Development Program Grants to Institutions of Higher Education by
 21 the Department of Higher Education for the fiscal year ending June 30, 2020,
 22 the following:

23	24 ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2019-2020</u>
26	(01) RESEARCH AND DEVELOPMENT PROGRAM	
27	GRANTS	<u><u>\$1,000,000</u></u>

28
 29 SECTION 9. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is
 30 hereby appropriated, to the Department of Higher Education, to be payable
 31 from the Higher Education Grants Fund Account, for payments of the contracts
 32 and loans with participating out-of-state institutions of higher learning in
 33 the fields of dentistry, optometry, veterinary medicine, chiropractic, and
 34 podiatry for the education of Arkansas citizens, by the Department of Higher
 35 Education for the fiscal year ending June 30, 2020, the following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2019-2020</u>
3	(01) CHIROPRACTIC AID	\$260,000
4	(02) DENTAL AID - GRANTS	2,950,000
5	(03) OPTOMETRY AID - GRANTS	650,000
6	(04) PODIATRY AID	130,400
7	(05) VETERINARY AID	1,750,000
8	(06) DENTAL AID - LOANS	987,370
9	(07) OPTOMETRY AID - LOANS	140,000
10	(08) <i>VETERINARY MED. LOAN FORGIVENESS PROGRAM</i>	<u>250,000</u>
11	TOTAL AMOUNT APPROPRIATED	<u><u>\$7,117,770</u></u>

12

13 SECTION 10. APPROPRIATION - CASH. There is hereby appropriated, to the
 14 Department of Higher Education, to be payable from the cash fund deposited in
 15 the State Treasury as determined by the Chief Fiscal Officer of the State,
 16 for operating expenses of the Department of Higher Education for the fiscal
 17 year ending June 30, 2020, the following:

18

19	ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2019-2020</u>
21	(01) MAINT. & GEN. OPERATION	
22	(A) OPER. EXPENSE	\$262,000
23	(B) CONF. & TRAVEL	30,000
24	(C) PROF. FEES	63,000
25	(D) CAP. OUTLAY	0
26	(E) DATA PROC.	0
27	(02) SCHOLARSHIPS	<u>50,000</u>
28	TOTAL AMOUNT APPROPRIATED	<u><u>\$405,000</u></u>

29

30 SECTION 11. APPROPRIATION - PRIVATE CAREER EDUCATION BOARD - CASH.
 31 There is hereby appropriated, to the Department of Higher Education, to be
 32 payable from the cash fund deposited in the State Treasury as determined by
 33 the Chief Fiscal Officer of the State, for operating expenses of the State
 34 Board of Private Career Education for the fiscal year ending June 30, 2020,
 35 the following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2019-2020</u>
3	(01) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	\$28,087
5	(B) CONF. & TRAVEL	8,898
6	(C) PROF. FEES	8,000
7	(D) CAP. OUTLAY	0
8	(E) DATA PROC.	<u>0</u>
9	TOTAL AMOUNT APPROPRIATED	<u><u>\$44,985</u></u>

10

11 SECTION 12. APPROPRIATION - STUDENT PROTECTION TRUST. There is hereby
 12 appropriated, to the Department of Higher Education, to be payable from the
 13 Private Career School Student Protection Trust Fund, for expenses, claims,
 14 and fees of the State Board of Private Career Education for the fiscal year
 15 ending June 30, 2020, the following:

16

17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2019-2020</u>
19	(01) EXPENSES/CLAIMS/FEES	<u><u>\$300,000</u></u>

20

21 SECTION 13. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby
 22 appropriated, to the Department of Higher Education, to be payable from the
 23 federal funds as designated by the Chief Fiscal Officer of the State, for
 24 personal services and operating expenses of the Department of Higher
 25 Education - TANF Program - Federal for the fiscal year ending June 30, 2020,
 26 the following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2019-2020</u>
30	(01) REGULAR SALARIES	\$198,484
31	(02) PERSONAL SERVICES MATCHING	60,196
32	(03) MAINT. & GEN. OPERATION	
33	(A) OPER. EXPENSE	45,105
34	(B) CONF. & TRAVEL	10,000
35	(C) PROF. FEES	14,784
36	(D) CAP. OUTLAY	0

1	(E) DATA PROC.	0
2	(04) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>6,821,431</u>
3	TOTAL AMOUNT APPROPRIATED	<u><u>\$7,150,000</u></u>

4

5 SECTION 14. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby
6 appropriated, to the Department of Higher Education, to be payable from the
7 Higher Education Grants Fund Account, for personal services and operating
8 expenses associated with web based applications of the Department of Higher
9 Education for the fiscal year ending June 30, 2020, the following:

10

11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2019-2020</u>
13	(01) WEB BASED APPLICATIONS PERSONAL	
14	SERVICES AND OPERATING EXPENSES	<u>\$1,000,000</u>

15

16 SECTION 15. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is
17 hereby appropriated, to the Department of Higher Education, to be payable
18 from the Higher Education Grants Fund Account, for personal services and
19 operating expenses of the Department of Higher Education - Scholarship
20 Administration for the fiscal year ending June 30, 2020, the following:

21

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2019-2020</u>
24	(01) REGULAR SALARIES	\$289,231
25	(02) EXTRA HELP	10,000
26	(03) PERSONAL SERVICES MATCHING	97,120
27	(04) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	130,000
29	(B) CONF. & TRAVEL	0
30	(C) PROF. FEES	150,000
31	(D) CAP. OUTLAY	35,000
32	(E) DATA PROC.	<u>0</u>
33	TOTAL AMOUNT APPROPRIATED	<u><u>\$711,351</u></u>

34

35 SECTION 16. APPROPRIATION - WORKFORCE INITIATIVE ACT OF 2015. There is
36 hereby appropriated, to the Department of Higher Education, to be payable

1 from the Workforce Initiative Act of 2015 Fund, for workforce education
 2 grants, administrative, and operating expenses of the Department of Higher
 3 Education - Workforce Initiative Act of 2015 for the fiscal year ending June
 4 30, 2020, the following:

6 ITEM	FISCAL YEAR
7 NO.	2019-2020
8 (01) WORKFORCE INITIATIVE ACT OF 2015	
9 EXPENSES	<u>\$8,000,000</u>

10

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

30 The provisions of this section shall be in effect only from July 1, ~~2018~~
 31 2019 through June 30, ~~2019~~ 2020.

32

33 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 35 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon
 36 determination by the president or chancellor of an institution of higher

1 education that a reallocation of resources for purposes of reorganization or
2 consolidation of administrative functions within the institution is necessary
3 for efficient and effective operations of the institution, the president or
4 chancellor, with approval of the institution's board of trustees, may have
5 the authority to transfer positions, appropriations and related funds between
6 campuses, divisions, branches, and other budgetary units of the institution,
7 after receiving prior approval of the Legislative Council or Joint Budget
8 Committee. The transfers of positions, programs, or activities shall be used
9 for those purposes for which the appropriations were approved by the General
10 Assembly. The transfers, consolidations, or reorganizations which involve
11 academic programs shall be reviewed by the Department of Higher Education
12 prior to submission to the Legislative Council or Joint Budget Committee.
13 Provided, however, that the institution shall be limited to submitting no
14 more than two (2) individual transaction transfer requests during any fiscal
15 year and shall be further limited to no more than five percent (5%) of the
16 total General Revenue and Special Revenue appropriation, funding, positions
17 specific to each institution, and no Tobacco Settlement funds or
18 appropriations may be reallocated pursuant to this section.

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

36 The provisions of this section shall be in effect only from July 1, ~~2018~~

1 2019 through June 30, ~~2019~~ 2020.

2

3 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In
5 order to provide timely payments under financial aid appropriations made in
6 this Act, the Chief Fiscal Officer of the State is authorized to provide
7 loans from the Budget Stabilization Trust Fund to make available all funds
8 attributable to the financial aid programs under the then current official
9 revenue estimates. In the event of an unanticipated state revenue shortfall,
10 any such loans remaining at the end of a fiscal year shall be repaid from
11 revenues distributed in the first two months of the next fiscal year. Funds
12 for appropriations made in this Act for purposes other than financial aid
13 shall not be affected by the application of this provision.

14 The provisions of this section shall be in effect only from July 1, ~~2018~~
15 2019 through June 30, ~~2019~~ 2020.

16

17 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
19 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
20 available to the various technical colleges have been determined as set out
21 in Arkansas Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B), such documents as
22 may be necessary shall be processed so that funds may be transferred from the
23 Work Force 2000 Development Fund to the State Treasury fund or fund account
24 from which the technical college draws its general revenue support. Such
25 funds as may be transferred shall not exceed 93.691% of the total funds
26 available from the Work Force 2000 Development Fund during the fiscal year.
27 In the event that a technical institute or comprehensive lifelong learning
28 center which receives support from the Work Force 2000 Development Fund as
29 determined by law transfers or merges into the Arkansas Technical College and
30 Community College System for which Work Force 2000 Development Fund monies
31 are determined by law, then the actual amount of support from the Work Force
32 2000 Development Fund in the preceding fiscal year for such educational
33 institution shall be made available irrespective of any other provision of
34 law which sets out maximum levels of support from such fund.

35 The funds distributed under Arkansas Code 26-51-205(d)(2)(C) in excess of
36 those amounts collected and distributed prior to June 30, 2014 shall be

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

9 The provisions of this section shall be in effect only from July 1, ~~2018~~
10 2019 through June 30, ~~2019~~ 2020.

11
12 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
14 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
15 Higher Education Building Maintenance Fund, any additional deposits are to be
16 transferred to the Research Development Fund there to be used as provided by
17 law.

18 The provisions of this section shall be in effect only from July 1, ~~2018~~
19 2019 through June 30, ~~2019~~ 2020.

20
21 SECTION 22. Arkansas Code § 19-5-302(6), concerning the Department of
22 Higher Education Fund Account, is amended to add an additional subdivision to
23 read as follows:

24 (C) Proceeds derived from the repayment of loans, grants,
25 or scholarships funded by the Higher Education Grants Fund Account shall be
26 deposited into the State Treasury fund from which it originated;

27
28 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
30 GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law,
31 any student who receives assistance from the appropriation made for the
32 "National Guard Tuition Incentive Program" in this Act shall repay any loans
33 and/or assistance if the student receives a discharge that is a less than
34 Honorable Discharge. Priority for funding shall be given to students already
35 receiving assistance from the National Guard Tuition Incentive Program.

36 The provisions of this section shall be in effect only from July 1, ~~2018~~

1 2019 through June 30, ~~2019~~ 2020.

2

3 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
5 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
6 Coordinating Board, after consulting with the recognized associations of each
7 of the applicable medical professions and other interested persons, shall
8 determine the priorities for the applicable programs enumerated in the
9 appropriation made for "Health Education Grants and Loans" in this Act. The
10 Arkansas Department of Higher Education, if necessary, shall re-adjust the
11 number of positions for entering students to be funded for each applicable
12 program based upon the priorities determined by the board.

13 The provisions of this section shall be in effect only from July 1, ~~2018~~
14 2019 through June 30, ~~2019~~ 2020.

15

16 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL
18 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall
19 report by May 30 to the House and Senate Interim Committees on Education the
20 budgeted allocation for each financial aid program funded through the Higher
21 Education Grants Fund Account for the upcoming fiscal year and projections
22 for the following year.

23 The provisions of this section shall be in effect only from July 1, ~~2018~~
24 2019 through June 30, ~~2019~~ 2020.

25

26 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
28 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
29 receives state scholarship funds administered by the Arkansas Department of
30 Higher Education shall be subject to audit/review of such funds by the
31 Division of Legislative Audit, upon approval of the Legislative Joint Audit
32 Committee.

33 The provisions of this section shall be in effect only from July 1, ~~2018~~
34 2019 through June 30, ~~2019~~ 2020.

35

36 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT
2 DATA. All post-secondary institutions shall provide to the Arkansas
3 Department of Higher Education a copy of the Integrated Post-Secondary
4 Education Data System (IPEDS) data within three weeks following the IPEDS due
5 date, which shall be subject to audit by the Arkansas Department of Higher
6 Education.

7 The provisions of this section shall be in effect only from July 1, ~~2018~~
8 2019 through June 30, ~~2019~~ 2020.

9

10 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
12 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
13 determined by the Arkansas Department of Higher Education to have been for
14 salary increases for the fiscal year for Institutions of Higher Education
15 shall be used exclusively for salary increases. New funding actually received
16 for salary increases shall be spent exclusively for salary increases based
17 upon the state general revenue portion of total unrestricted educational and
18 general revenue. Funding received under this provision shall be used for no
19 purpose other than to provide such salary increases. Any designated funds not
20 used for salary increases shall be recouped at the end of each fiscal year
21 and transferred to the General Revenue Allotment Reserve Fund.

22 The provisions of this section shall be in effect only from July 1, ~~2018~~
23 2019 through June 30, ~~2019~~ 2020.

24

25 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE
27 PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall
28 transfer sufficient funding for the fiscal year from the Higher Education
29 Grants Fund Account to the Department of Higher Education Fund Account in
30 order to finance the personal services costs of a DHE Program Coordinator.

31 The provisions of this section shall be in effect only from July 1, ~~2018~~
32 2019 through June 30, ~~2019~~ 2020.

33

34 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
36 PROVISION. Upon certification by the Director of the Department of Higher

1 Education that transfers are needed to make maximum utilization of funds and
2 appropriations provided for financial aid programs, and with the approval of
3 the Chief Fiscal Officer of the State and a review by the Arkansas
4 Legislative Council or Joint Budget Committee, funds and appropriations may
5 be transferred between financial aid programs to more adequately align the
6 appropriation with the number of eligible students.

7 The provisions of this section shall be in effect only from July 1, ~~2018~~
8 2019 through June 30, ~~2019~~ 2020.

9

10 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
12 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
13 LOANS. Upon certification to and with the approval of the Chief Fiscal
14 Officer of the State, surplus funds and appropriations may be transferred
15 between the appropriations provided for "Health Education Grants and Loans"
16 by this Act by the General Assembly for Dental Aid Grants and Loans,
17 Optometry Aid Grants and Loans, Veterinary Aid, Veterinary Med. Loan
18 Forgiveness Program, Podiatry Aid, and Chiropractic Aid.

19 The provisions of this section shall be in effect only from July 1, ~~2018~~
20 2019 through June 30, ~~2019~~ 2020.

21

22 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
24 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
25 the Department of Higher Education and the Chief Fiscal Officer of the State,
26 institutions of higher education may transfer appropriation from the cash
27 contingency appropriation to any other appropriation made to the institution
28 from cash funds including the establishment of commitment items, and may
29 transfer appropriation from the contingency appropriation made payable from
30 each institution's State Treasury Fund to the state operations appropriation
31 made payable from each institution's State Treasury Fund including the
32 establishment of commitment items, and may transfer appropriation from the
33 contingency appropriation made payable from the Tobacco Settlement Program
34 Fund Accounts to any other appropriation made to the institution from Tobacco
35 Settlement Program Fund Accounts including the establishment of commitment
36 items.

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

5 (c) The Department of Higher Education shall report contingency
6 appropriation transfers and the establishment of any commitment items
7 authorized by this Section to the Legislative Council or Joint Budget
8 Committee for review during its July meeting. The report shall include, by
9 institution, the establishment of, and the amounts transferred to, each
10 commitment item, the reasons therefor and the source of funds. Institutions
11 shall submit contingency appropriation transfer and commitment item
12 establishment requests authorized by this Section to the Department of Higher
13 Education no later than July 1. Upon the failure of an institution to submit
14 the required information by the July 1 deadline, the Department of Higher
15 Education shall immediately notify by written notification the chairpersons
16 of the Legislative Council or Joint Budget Committee.

17 The provisions of this section shall be in effect only from July 1, ~~2018~~
18 2019 through June 30, ~~2019~~ 2020.

19
20 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
22 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
23 Undergraduate Research Fellowship (SURF) Program is the continued development
24 of undergraduate academic research efforts at Arkansas colleges and
25 universities. The Arkansas Department of Higher Education shall adopt rules
26 and regulations necessary for the proper administration of the Student
27 Undergraduate Research Fellowship Program. Administrative functions and
28 responsibilities may include, but not necessarily be limited to, the
29 development of eligibility criteria, collection of applications, coordination
30 of student evaluations, distribution of public notices, and funding of grants
31 for academic research purposes. Staff of the Arkansas Department of Higher
32 Education shall administer this program. The Arkansas Department of Higher
33 Education shall be authorized to expense costs associated with the
34 administration of the program, from funds made payable from the Higher
35 Education Grants Fund Account for the Student Undergraduate Research
36 Fellowship Program as authorized in the Student Assistance Grants and Various

1 Scholarships appropriation section of this Act.

2 The provisions of this section shall be in effect only from July 1, 2018
3 2019 through June 30, ~~2019~~ 2020.

4

5 *SECTION 34. Arkansas Code Title 6, Chapter 61, Subchapter 1, is*
6 *amended to add an additional section to read as follows:*

7 6-61-141. Duplication of services.

8 An institution of higher education that has its main campus, satellite
9 campus, or center located within a twenty-five-mile radius of another main
10 campus of an institution of higher education shall enter into a written
11 agreement with that institution of higher education that shall address
12 duplication of services between the institutions of higher education.

13

14 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST
16 ALLOCATION. The Department of Higher Education may refund to the Higher
17 Education Fund Account or the Higher Education Grants Fund Account such
18 amounts determined by the Department to be reimbursements received from the
19 Office of the Arkansas Lottery for costs related to the administration of the
20 Arkansas Academic Challenge Scholarship Program.

21 The provisions of this section shall be in effect only from July 1, ~~2018~~
22 2019 through June 30, ~~2019~~ 2020.

23

24 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

26 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
27 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
28 Higher Education shall determine the amount available, up to \$200,000 per
29 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
30 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
31 State and the State Treasurer such amount as is required to be transferred
32 from the Higher Education Grants Fund Account. Upon receiving such
33 certification, the Chief Fiscal Officer of the State and the State Treasurer
34 shall cause to be transferred the necessary funds and appropriation to the
35 fund account of the University of Arkansas at Pine Bluff for implementation
36 of this program. The University of Arkansas at Pine Bluff may use up to

1 twenty percent (20%) of the funds and appropriation for administration of the
2 program.

3 The provisions of this section shall be in effect only from July 1, ~~2018~~
4 2019 through June 30, ~~2019~~ 2020.

5

6 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

14 The provisions of this section shall be in effect only from July 1, ~~2018~~
15 2019 through June 30, ~~2019~~ 2020.

16

17 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE
19 WORKFORCE INITIATIVE ACT FUNDING. The Chief Fiscal Officer of the State may
20 transfer, on his or her books and those of the State Treasurer and the
21 Auditor of the State, funding up to the amount authorized in the Workforce
22 Initiative Act of 2015 appropriation section in this Act, from the Department
23 of Higher Education Fund Account to the Workforce Initiative Act of 2015 Fund
24 in order to finance the distribution of grants identified under §6-60-107.

25 The provisions of this section shall be in effect only from July 1, ~~2018~~
26 2019 through June 30, ~~2019~~ 2020.

27

28 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
30 WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in
31 this section, "Arkansas Works Program" means the Arkansas Works Program
32 established under the Identical Acts 2016 (2nd Ex. Sess.), Nos. 1 and 2,
33 Arkansas Code § 23-61-1001 et seq.

34 (b)(1) Determining the maximum number of employees, the maximum amount
35 of appropriation, for what purposes an appropriation is authorized, and
36 general revenue funding for a publicly supported institution of higher

1 education each fiscal year is the prerogative of the General Assembly.

2 (2) The purposes of subdivision (b)(1) of this section are
3 typically accomplished by:

4 (A) Identifying the purpose in the appropriation act;

5 (B) Delineating such maximums in the appropriation act for
6 a publicly supported institution of higher education; and

7 (C) Delineating the general revenue allocations authorized
8 for each fund and fund account by amendment to the Revenue Stabilization Law,
9 Arkansas Code § 19-5-101 et seq.

10 (3) It is both necessary and appropriate that the General
11 Assembly restrict the use of appropriations authorized in the acts of
12 publicly supported institutions of higher education.

13 (c)(1) Except as provided in this subsection, the publicly supported
14 institutions of higher education shall not allocate, budget, expend, or
15 utilize any appropriation authorized by the General Assembly for the purpose
16 of advertisement, promotion, or other activities designed to promote or
17 encourage enrollment in the Arkansas Health Insurance Marketplace or the
18 Arkansas Works Program, including without limitation:

19 (A) Unsolicited communications mailed to potential
20 recipients;

21 (B) Television, radio, or online commercials;

22 (C) Billboard or mobile billboard advertising;

23 (D) Advertisements printed in newspapers, magazines, or
24 other print media; and

25 (E) Internet websites and electronic media.

26 (2) This subsection does not prohibit the publicly supported
27 institutions of higher education from:

28 (A) Direct communications with licensed insurance agents;

29 (B) Solicited communications with potential recipients;

30 (C)(i) Responding to an inquiry regarding the coverage for
31 which a potential recipient might be eligible, including without limitation
32 providing educational materials or information regarding any coverage for
33 which the individual might qualify.

34 (ii) Educational materials and information
35 distributed under subdivision (c)(2)(C)(i) of this section shall contain only
36 factual information and shall not contain subjective statements regarding the

1 coverage for which the potential recipient might be eligible; and

2 (D) Using an Internet website for the exclusive purpose of
3 enrolling individuals in the Arkansas Health Insurance Marketplace or the
4 Arkansas Works Program.

5 (d) The publicly supported institutions of higher education shall not
6 apply for or accept any funds, including without limitation federal funds,
7 for the purpose of advertisement, promotion, or other activities designed to
8 promote or encourage enrollment in the Arkansas Health Insurance Marketplace
9 or the Arkansas Works Program.

10 (e)(1) Except as provided in subdivision (e)(2) of this section, the
11 publicly supported institutions of higher education shall not:

12 (A)(i) Except as provided in subdivision (e)(1)(A)(ii) of
13 this section, allocate, budget, expend, or utilize an appropriation
14 authorized by the General Assembly for the purpose of funding activities of
15 navigators, guides, certified application counselors, and certified licensed
16 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
17 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

18 (ii) Subdivision (e)(1)(A)(i) of this section does
19 not apply to regulatory and training responsibilities related to navigators,
20 guides, certified application counselors, and certified licensed producers;
21 and

22 (B) Apply for or accept any funds, including without
23 limitation federal funds, for the purpose of funding activities of
24 navigators, guides, certified application counselors, and certified licensed
25 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
26 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

27 (2) Subdivision (e)(1) of this section does not apply to
28 certified application counselors at health related institutions, including
29 without limitation the University of Arkansas for Medical Sciences.

30 (f) An appropriation authorized by the General Assembly shall not be
31 subject to the provisions allowed through reallocation of resources or
32 transfer of appropriation authority for the purpose of transferring an
33 appropriation to any other appropriation authorized for publicly supported
34 institutions of higher education to be allocated, budgeted, expended, or
35 utilized in a manner prohibited by this section.

36 (g) The provisions of this section are severable, and the invalidity

1 of any subsection or subdivision of this section shall not affect other
2 provisions of the section that can be given effect without the invalid
3 provision.

4 (h) This section expires on June 30, ~~2019~~ 2020.

5
6 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
8 WORKFORCE CHALLENGE SCHOLARSHIP FUNDS. The Department of Higher Education may
9 transfer Arkansas Workforce Challenge Scholarship funds to:

10 (1)(A) An Arkansas Academic Challenge Scholarship account in an
11 amount necessary to fund scholarship awards for nontraditional students for
12 the 2017-2018 academic year that were not funded due to the limitation on the
13 scholarship award amount for nontraditional students under § 6-85-
14 212(e)(2)(A) as it existed before the effective date of this act.

15 (B) The department may distribute scholarship awards to
16 nontraditional students for the 2017-2018 academic year from funds
17 transferred under subdivision (1)(A) of this section; and

18 (2)(A) The Office of the Arkansas Lottery in an amount not to
19 exceed the amount required to fund scholarship awards to be distributed under
20 § 6-85-201 et seq. for the 2018-2019 or 2019-2020 academic years without
21 having to draw upon the Scholarship Shortfall Reserve Trust Account under §
22 23-115-802.

23 (B) If the transfer under subdivision (2)(A) of this
24 section exhausts the department's Arkansas Workforce Challenge Scholarship
25 funds and there remain insufficient funds for distribution as scholarship
26 awards under § 6-85-201 et seq. for the 2018-2019 or 2019-2020 academic years
27 without having to draw upon the trust account, then the trust account may be
28 drawn upon as provided under § 23-115-802.

29 The provisions of this section shall be in effect only from July 1,
30 2019 through June 30, 2020.

31
32 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATEWIDE
34 SCHOLARSHIP AND GRANT PROMOTION. Of the general revenue that is received by
35 and distributed from the Higher Education Grants Fund Account, the Chief
36 Fiscal Officer of the State shall transfer two hundred ninety-five thousand

1 dollars (\$295,000) to the Department of Higher Education Fund Account to be
2 allocated, budgeted, committed and distributed to the Statewide Scholarship
3 and Grant Promotion line item in the General Operations section of this act
4 for the purpose of increasing public awareness of the scholarships and grants
5 offered by the State through the Arkansas Department of Higher Education. The
6 Department shall utilize a minimum of one hundred forty-seven five hundred
7 dollars (\$147,500) of the aforementioned total specifically for the promotion
8 of the Arkansas Futures Grant Program.

9 The provisions of this section shall be in effect only from July 1, 2019
10 through June 30, 2020.

11
12 SECTION 42. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
13 authorized by this act shall be limited to the appropriation for such agency
14 and funds made available by law for the support of such appropriations; and
15 the restrictions of the State Procurement Law, the General Accounting and
16 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
17 Procedures and Restrictions Act, or their successors, and other fiscal
18 control laws of this State, where applicable, and regulations promulgated by
19 the Department of Finance and Administration, as authorized by law, shall be
20 strictly complied with in disbursement of said funds.

21
22 SECTION 43. LEGISLATIVE INTENT. It is the intent of the General
23 Assembly that any funds disbursed under the authority of the appropriations
24 contained in this act shall be in compliance with the stated reasons for
25 which this act was adopted, as evidenced by the Agency Requests, Executive
26 Recommendations and Legislative Recommendations contained in the budget
27 manuals prepared by the Department of Finance and Administration, letters, or
28 summarized oral testimony in the official minutes of the Arkansas Legislative
29 Council or Joint Budget Committee which relate to its passage and adoption.

30
31 SECTION 44. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly, that the Constitution of the State of Arkansas prohibits
33 the appropriation of funds for more than a one (1) year period; that the
34 effectiveness of this Act on July 1, 2019 is essential to the operation of
35 the agency for which the appropriations in this Act are provided, and that in
36 the event of an extension of the legislative session, the delay in the

1 effective date of this Act beyond July 1, 2019 could work irreparable harm
2 upon the proper administration and provision of essential governmental
3 programs. Therefore, an emergency is hereby declared to exist and this Act
4 being necessary for the immediate preservation of the public peace, health
5 and safety shall be in full force and effect from and after July 1, 2019.

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8 */s/Joint Budget Committee*
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