

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 1114 OF 1997
HOUSE BILL 2076

4

5 By: Representatives Wagner, Ammons, Angel, Baker, Beatty, Bennett, Booker, Broadway, Capps, Choate, Critcher, Davis, Dietz,
6 Faris, Ferguson, Flanagan, George, Goodwin, Hale, Hall, Harris, Horn, D. Hudson, Hunton, Johnson, Lancaster, Maddox, Malone,
7 B.McGee, McGehee, McGinnis, McJunkin, McKissack, Miller, Newman, Northcutt, Pollan, Purdom, Roberts, Rodgers, Rorie,
8 Schexnayder, Shoffner, Simmons, J. Smith, T. Smith, Stalnaker, Thicksten, Vess, Walker, Wallis, Whorton, Wilkins, Wilkinson, Wilson,
9 and Young

10 By: Senator Wilson

11

12

For An Act To Be Entitled

13 "AN ACT TO CREATE THE ARKANSAS HIGHER EDUCATION
14 COORDINATING BOARD; TO ABOLISH THE STATE BOARD OF HIGHER
15 EDUCATION; AND FOR OTHER PURPOSES."

16

17

Subtitle

18 "AN ACT TO CREATE THE ARKANSAS HIGHER
19 EDUCATION COORDINATING BOARD; TO ABOLISH
20 THE STATE BOARD OF HIGHER EDUCATION."

21

22

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

24

25 SECTION 1. The State Board of Higher Education is abolished and its
26 powers, duties, and functions, records, personnel, property, unexpended
27 balances of appropriations, allocations, or other funds are transferred to the
28 Arkansas Higher Education Coordinating Board created by this act.

29

30 SECTION 2. Arkansas Code 6-61-201 is amended to read as follows:

31 ~~6-61-201. Members - Meetings.~~

32 ~~— (a)(1) The State Board of Higher Education shall consist of thirteen~~
33 ~~(13) members appointed by the Governor and confirmed by the Senate.~~

34 ~~— (2) No more than three (3) members of the board shall be appointed from~~
35 ~~any one (1) congressional district, as such districts were established by Acts~~
36 ~~1951, No. 297 [repealed].~~

1 ~~———— (3) No more than three (3) members of the board at any one (1) time may~~
 2 ~~be graduates of any one (1) state university or college with no more than two~~
 3 ~~(2) graduates of the one (1) state university or college serving on a panel,~~
 4 ~~and no members of the board of trustees of any state-supported college or~~
 5 ~~university shall be eligible for membership on the board.~~

6 ~~———— (b) The terms of members of the board shall be ten (10) years.~~

7 ~~———— (c) The board shall elect from its own number a chairman and such other~~
 8 ~~officers as may be necessary to carry on its business.~~

9 ~~———— (d)(1) The board shall meet at least once during each calendar quarter~~
 10 ~~and at such other times upon call of the chairman or any other four (4)~~
 11 ~~members.~~

12 ~~———— (2) The board or each panel may, at such times as it desires, meet on~~
 13 ~~the campuses of the respective institutions of higher learning in this state.~~

14 ~~———— (e) Members of the board shall serve without compensation but shall be~~
 15 ~~reimbursed for their actual expenses of attending meetings of the board and~~
 16 ~~performing their official duties.~~

17 ~~———— (f)(1) In order to more effectively serve the institutions under the~~
 18 ~~jurisdiction of the State Board of Higher Education, the board composed of~~
 19 ~~thirteen (13) members shall divide itself into two (2) seven-member panels.~~

20 ~~———— (2) The chairman of the board shall serve as chairman of each panel.~~

21 ~~———— (3)(A) One (1) panel, to be known as the College Panel, shall act as a~~
 22 ~~coordinating body of all two-year institutions in the Arkansas technical and~~
 23 ~~community college system. The College Panel shall be composed of board~~
 24 ~~members knowledgeable in business, labor, industry, or economic development.~~

25 ~~———— (B) One (1) panel, to be known as the University Panel, shall act~~
 26 ~~as a coordinating body of all four-year institutions of higher education in~~
 27 ~~this state.~~

28 ~~———— (4) Each panel shall have such other responsibilities as may be~~
 29 ~~delegated to the panel by a vote of the entire board.~~

30 ~~———— (g) The full board shall serve as the final coordinating body for all~~
 31 ~~two-year and four-year institutions under its jurisdiction. All final~~
 32 ~~decisions shall require a vote of the full board.~~

33 (a)(1) The Arkansas Higher Education Coordinating Board shall consist
 34 of twelve (12) members appointed by the Governor as follows:

35 (A) Three (3) members shall be selected from the current or
 36 recent membership of the boards of public two-year colleges. If the person

1 selected is serving on the membership of the board of a public two-year
2 campus, the person shall relinquish his or her membership on the board;

3 (B) Three (3) members shall be selected from the current or
4 recent membership of the boards of public four-year colleges or university
5 campuses. If the person selected is serving on the membership of the board of
6 a public four-year campus, the person shall relinquish his or her membership
7 on the board; and

8 (C) Six (6) members shall be selected from business,
9 industry, education, agriculturally-related industry, and medical services and
10 shall not be current members of a board of a public two-year or four-year
11 campus. At least one of the appointees shall have strong interest and
12 commitment to economic and workforce development.

13 (2) No more than four (4) members of the board shall be appointed
14 from any one congressional district, as the districts exist at the time of the
15 appointment.

16 (3) No more than two (2) members of the board at any one time
17 shall be graduates of an undergraduate program of any one (1) state university
18 or college.

19 (b) The terms of the members of the initial board shall be determined
20 by lot so that the terms of two (2) members shall expire each year.

21 (c) After the appointment of the initial board, the members to be
22 appointed from recent or current boards of two-year and four-year campuses
23 shall be appointed by the Governor from a list of names submitted by the
24 Council of Presidents.

25 (d) Vacancies on the board shall be filled for the unexpired term and
26 the appointment shall be made in the same manner for the position vacated.

27 (e) The members of the board shall serve staggered terms of six (6)
28 years. The terms of two (2) members shall expire each year. The members may
29 serve no more than two (2) terms.

30 (f) An intensive orientation program designed by the Presidents Council
31 shall be mandatory for board members.

32 (g) The board shall annually elect from its membership a chairman and
33 such other officers as necessary to carry on its business. A member shall not
34 be eligible to serve for more than two (2), one (1) year terms as chairman of
35 the board.

36 (h)(1) The board shall meet at least once during each calendar quarter

1 and at such other times upon call of the chairman or any other four (4)
 2 members.

3 (2) The board shall, at such times as it desires, meet on the
 4 campuses of the respective institutions of higher learning in the state.

5 (i) Members of the board shall serve without compensation but may
 6 receive expense reimbursement in accordance with § 25-16-901 et seq. ✕

7

8 SECTION 3. Arkansas Code 6-61-203 is amended to read as follows:

9 §6-61-203. Director and staff - Funds - Central office.

10 ~~(a)(1) The board shall employ a director, subject to confirmation by~~
 11 ~~the Governor, who shall serve at the pleasure of the Governor. The Arkansas~~
 12 Higher Education Coordinating Board shall appoint a director through a search
 13 process and selection that includes substantial input, review and
 14 recommendation from the Presidents Council, subject to confirmation by the
 15 Governor. The director shall serve at the pleasure of the Governor.

16 (2) The director shall serve as a member of the Governor's
 17 cabinet as the advocate for higher education.

18 ~~—————(2)(3)~~ (2)(3) The director shall be an experienced educator in the field
 19 of higher education who demonstrates competence in the field of institutional
 20 management and finance. The director and key staff must have relevant
 21 experience on a campus of higher education.

22 (b) The professional qualifications and salary of the director and
 23 other members of the staff employed by the board shall be comparable to those
 24 in colleges and universities.

25 (c) The staff of the board shall be under the direction and supervision
 26 of the director.

27 (d) The board shall be provided sufficient operating funds to enable it
 28 to carry out adequately the programs and functions assigned to the Department
 29 of Higher Education.

30 (e) The central office of the department shall be maintained in Little
 31 Rock.

32 (f) The board shall evaluate the director annually. The Presidents
 33 Council shall provide an evaluation report of the department and the director
 34 to the Arkansas Higher Education Coordinating Board at least annually."

35

36 SECTION 4. Arkansas Code 6-61-204 is amended to read as follows:

1 §6-61-204. Advisory committees and councils.

2 (a) The board ~~is~~ and the Presidents Council are authorized to establish
 3 advisory committees and councils, ~~including a president's committee and an~~
 4 ~~advisory commission on community junior colleges,~~ as may be deemed necessary
 5 for the effective development and coordination of higher education in this
 6 state.

7 (b)(1) The Presidents Council shall be composed of all presidents and
 8 chancellors of public two-year and four-year colleges and universities and
 9 shall meet at least quarterly.

10 (2) This council shall serve in a strong advisory capacity to the
 11 director and to the board.

12 (3) All board items must be reviewed by this council prior to
 13 being placed on the board agenda.

14 (c)(1) There is created the Executive Council which shall be selected
 15 by the Presidents Council from its membership. Executive Council members
 16 shall serve for staggered terms of two (2) years. The Executive Council shall
 17 consist of four (4) members from two-year campuses, and four (4) members from
 18 four-year campuses. The Executive Council shall elect officers as it deems
 19 necessary.

20 (2) The Executive Council shall meet at least monthly or more
 21 frequently as needed with the director and senior staff.

22 (3) All items to be considered as a board agenda item must be
 23 reviewed by the Executive Council before being placed on any board agenda.

24 (4) In the event that the director and staff shall not be in
 25 agreement with the Executive Council on a matter to be considered by the
 26 board, the Executive Council recommendation will be placed on the board agenda
 27 automatically for a presentation and explanation of the Executive Council's
 28 position. The board will then make a decision based on both positions.

29 (d)(1) A working committee structure shall be established involving the
 30 Presidents Council or its designees. The department employees shall staff
 31 each committee. Examples of possible committees include but are not limited
 32 to accountability, graduate studies, undergraduate studies, workforce
 33 development, continuing education, and financial/funding.

34 (2) The committees shall make recommendations to the Presidents
 35 Council and the director when policy or funding issues are to be decided.

36

1 SECTION 5. Arkansas Code 6-53-102 (c) is amended to read as follows:

2 ~~§(c) The system shall be served by a seven-member panel of the State~~
 3 ~~Board of Higher Education to be known as the College Panel, which shall act as~~
 4 ~~a coordinating body under the auspices of the board~~ The Arkansas Higher
 5 Education Coordinating Board shall serve as the coordinating body of the
 6 system to assure the orderly and effective development of the publicly
 7 supported institutions within the system. ~~»~~

8

9 SECTION 6. Arkansas Code 6-53-103 is amended to read as follows:

10 ~~§~~6-53-103. Definitions.

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

12 (1) Branch campus of the community college means an institution with
 13 facilities located apart from the community college campus but within the
 14 community college district;

15 (2)(A) Capital outlay expense means those funds devoted to or required
 16 for the acquisition and improvement of land; acquisition, construction,
 17 remodeling, alteration, addition, or enlargement of buildings or other
 18 structures; and the initial purchase of library holdings, furniture,
 19 apparatus, and other equipment for a new or expanded facility as defined by
 20 the state board;

21 (B) Capital outlay expense excludes those expenses used for
 22 maintenance and replacement of equipment and furniture;

23 ~~—— (3) "College Panel" or "panel" means the panel of seven (7) members of~~
 24 ~~the State Board of Higher Education, including the Chairman of the State Board~~
 25 ~~of Higher Education, which shall serve as the primary coordinating body for~~
 26 ~~all two-year institutions within the system;~~

27 ~~—— (4)~~(3) Community college means an institution of higher education
 28 established or to be established under the provisions of this chapter
 29 dedicated primarily to the educational needs of the service area and offering
 30 a comprehensive program, including, but without limitation, vocational, trade,
 31 and technical specialty courses and programs, college transfer courses, and
 32 courses in general adult education;

33 ~~—— (5)~~(4) Department means the Department of Higher Education;

34 ~~—— (6)~~(5) District means the geographic area, located within one (1) or
 35 more counties or cities, or any described combination thereof, or any
 36 described area which may be in one (1) or more counties or parts of counties

1 but within the same service area, directly responsible for the local financial
 2 support and local administration of an institution located within its service
 3 area;

4 ~~_____~~ (7)(6) Existing community college means a community college
 5 established in accordance with the provisions of, and presently operating in
 6 conformity with, Arkansas Constitution, Amendment 52, and §§ 6-61-101 - 6-61-
 7 103, 6-61-201 - 6-61-209, 6-61-211 - 6-61-216, 6-61-301 - 6-61-305, 6-61-306
 8 [repealed], 6-61-401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-603, and
 9 6-61-604 - 6-61-612 [repealed];

10 ~~_____~~ (8)(7) Local board means the governing body of a technical college or
 11 community college;

12 ~~_____~~ (9)(8) Operating expense means those educational and general funds
 13 devoted to or required for the regular or ordinary expense of the college,
 14 including administrative, maintenance, and salary expenses, but excluding
 15 capital outlay expenses, student activity expenses, and expenses for
 16 intercollegiate athletics. Operating expense includes maintenance and
 17 replacement of furniture and equipment, including motor vehicles;

18 ~~_____~~ (10)(9) Satellite campus means an institution or off-campus facility
 19 of a community college located within a service area of a technical or
 20 community college but not located within a community college district;

21 ~~_____~~ (11)(10) Service area means the geographic area assigned by the State
 22 Board of Higher Education as the area to be served by the institution located
 23 within its borders. Each county in the state shall be assigned to at least one
 24 (1) service area;

25 ~~_____~~ (12)(11) State board, board, or full board means the ~~State Board of~~
 26 ~~Higher Education composed of the chairman, the University Panel, and the~~
 27 ~~College Panel~~ Arkansas Higher Education Coordinating Board;

28 ~~_____~~ (13)(12) System institution means a technical college or community
 29 college;

30 ~~_____~~ (14)(13) Technical college means an institution of higher education
 31 established under this chapter dedicated primarily to the educational needs of
 32 the service area and offering a comprehensive program, including, but without
 33 limitation, vocational, trade, and technical specialty courses and programs,
 34 courses in general adult education, and courses comparable in content and
 35 quality to freshman and sophomore courses which may carry transfer credit to a
 36 four-year institution in a chosen course of study; ~~and~~

1 ~~_____ (15) "University Panel" means the panel of seven (7) members of the~~
 2 ~~State Board of Higher Education, including the Chairman of the State Board of~~
 3 ~~Higher Education, which shall serve as the primary coordinating body for all~~
 4 ~~four-year institutions within the system. "~~

5

6 SECTION 7. Arkansas Code 6-53-201 is amended to read as follows:

7 ~~¶~~6-53-201. System name.

8 All ~~courses, programs, and institutions~~ two-year institutions, their courses
 9 and programs within the jurisdiction of the ~~College Panel and the State Board~~
 10 ~~of Higher Education~~ Arkansas Higher Education Coordinating Board shall be
 11 identified and administered as the Arkansas technical and community college
 12 system. ~~»~~

13

14 SECTION 8. Arkansas Code 6-53-202 is repealed.

15 ~~_____ 6-53-202. College Panel of the State Board of Higher Education.~~

16 ~~(a) The College Panel of the State Board of Higher Education is hereby~~
 17 ~~established to serve all two-year institutions in the state technical and~~
 18 ~~community college system.~~

19 ~~_____ (b)(1) The Director of General Education of the Department of~~
 20 ~~Education, the Director of Vocational and Technical Education of the~~
 21 ~~Department of Education, and the Director of the Arkansas Industrial~~
 22 ~~Development Commission shall be ex officio, nonvoting members of the panel.~~

23 ~~_____ (2) The Director of the Department of Higher Education shall serve as~~
 24 ~~the ex officio secretary of the panel.~~

25 ~~_____ (c) The panel in addition to the ex officio members shall consist of~~
 26 ~~seven (7) members of the State Board of Higher Education, including the~~
 27 ~~Chairman of the State Board of Higher Education.~~

28 ~~_____ (d) The members of the panel shall be knowledgeable in vocational~~
 29 ~~education, postsecondary adult education or federal job training programs, and~~
 30 ~~some shall be knowledgeable in business, labor, industry, or economic~~
 31 ~~development interests in the state.~~

32

33 SECTION 9. Arkansas Code 6-53-203 is amended to read as follows:

34 ~~¶~~6-53-203. Duties and powers of ~~College Panel and~~ state board.

35 (a) In order to promote a coordinated system of two-year postsecondary
 36 education in Arkansas, to provide an effective delivery system for adult

1 education programs, and to assure an orderly and effective development of a
2 system of publicly and locally supported institutions, the ~~panel~~ Arkansas
3 Higher Education Coordinating Board shall have the following powers and
4 duties:

5 (1) To function as a coordinating body between the technical and
6 community colleges in the system and the public schools, universities, state
7 colleges, and other educational institutions in Arkansas;

8 (2) To determine service areas containing all counties within the
9 state and to recommend adoption of such service areas to the full board, who
10 shall designate which system institution within the service area shall be
11 responsible for fulfillment of the two-year postsecondary educational needs of
12 the service area;

13 (3) To review, evaluate, and coordinate budget requests for the
14 institutions in the system. The full board shall present to the General
15 Assembly and to the Governor prior to each regular session of the General
16 Assembly a single budget report containing the recommendations for separate
17 appropriations to each of the respective institutions;

18 (A) The recommendations will be consistent with a
19 comprehensive master plan of two-year postsecondary education in Arkansas ~~as~~
20 ~~developed by the panel and~~ adopted by the board;

21 (B) The recommendations, insofar as possible, will be based
22 upon standard techniques of objective measurement of need and unit cost
23 figures arrived at through comparative data secured from the several
24 institutions; and

25 (C) Specific needs of institutions based upon existing
26 programs and deficiencies will be given consideration;

27 (4) To develop, in conjunction with the institutions, the
28 Governor, and the Legislative Council, a single set of budget forms which will
29 be utilized by all parties in making requests and recommendations for the
30 funding of two-year postsecondary institutions in the system. The forms and
31 process will require that the total income and expenditures of each
32 institution must be considered in the request process;

33 (5) To determine, in coordination with the Legislative Joint
34 Auditing Committee, that state funds are used in conformity with the grants of
35 such funds;

36 (6) To determine a minimum level for student tuition and fees to

1 be charged by institutions within the system in regard to the funding formula;

2 (7) To plan, in cooperation with the State Board of Vocational
3 Education, the allocation of federal funds for instructional programs and
4 student services, including funds for vocational and technical education,
5 retraining, adult basic education, and general adult education;

6 (8) To recommend to ~~the full board for approval of~~ the General
7 Assembly the location and priorities for establishment or expansion of
8 institutions or abolition of institutions; and

9 (9) To develop ~~and recommend to the full board~~ a standardized
10 method of calculating the full-time equivalent enrollment for use by each two-
11 year postsecondary institution in this state. Such calculation shall provide
12 for the inclusion of students attending off-campus programs offered by the
13 institution.

14 (b) The ~~panel~~ board shall develop and maintain short-range and long-
15 range plans for providing current and appropriate occupational and technical
16 training for adults and may solicit information for its planning activities
17 from the State Board of Education, ~~the University Panel of the State Board of~~
18 ~~Higher Education~~, the Arkansas Employment Security Department, any industry
19 training program of the state, any apprenticeship training program of the
20 state, and other state agencies, institutions, and departments.

21 (c) The ~~full board, upon the advice of the College Panel,~~ shall have
22 approval or disapproval authority over all future conversions of state-
23 supported postsecondary vocational-technical institutions to technical
24 colleges and all consolidations of postsecondary vocational-technical
25 institutions with community colleges or four-year institutions or their
26 branches which must be authorized by the General Assembly.

27 (d) The ~~panel~~ board shall recommend and review proposals for the
28 establishment of curricula and for major changes in curricula of institutions
29 within the system. It shall emphasize flexibility in responding to local
30 business and industry needs.

31 (e) The board shall define the requirements of appropriate degrees and
32 certificates and authorize the award thereof in the institutions within the
33 system. The ~~State Board of Higher Education~~ board shall approve all degree
34 programs at the associate degree level or above at any state-supported
35 postsecondary institution including those established and administered under
36 6-51-701 et seq.

1 (f) The panel board shall cooperate with ~~the State Board of Education~~
 2 ~~and~~ the board of directors of any school district to encourage the use and
 3 sharing of facilities and staff in the offering of secondary vocational
 4 programs, including instruction in agricultural subjects, trades, or
 5 industrial subjects.

6 ~~— (g) The panel is authorized to recommend to the full board for adoption~~
 7 ~~rules and regulations consistent with the provisions of this chapter and to~~
 8 ~~effectively perform the duties of the panel and board pursuant to this~~
 9 ~~chapter.~~

10

11 SECTION 10. Arkansas Code 6-53-301 (d), concerning College Panel
 12 responsibility for the Arkansas technical and community college system, is
 13 repealed.

14 ~~— (d) The College Panel shall be responsible for the operation of all~~
 15 ~~technical colleges under this chapter until such time as a local board is~~
 16 ~~appointed.~~

17

18 SECTION 11. Arkansas Code 6-53-403 (a) and (b) are amended to read as
 19 follows:

20 (a)(1) The procedures for the conversion of the technical college or a
 21 two-year branch campus of a four-year institution to a community college
 22 shall, except as set forth herein, be the same as those in § 6-61-101 et seq.,
 23 concerning formation of a community college district, and the provisions of
 24 this section shall be cumulative to the laws of this state governing the
 25 creation and operation of community colleges.

26 (2) Any postsecondary vocational-technical school which converts
 27 to a technical college under the provisions of this chapter or any two-year
 28 branch campus whose board of trustees petitions the state board under this
 29 chapter shall be exempt from § 6-61-509(c), limiting the maximum number of
 30 community college districts in this state to eight (8), and may hereafter
 31 convert to become a community college with the approval of the ~~State Board of~~
 32 ~~Higher Education~~ Arkansas Higher Education Coordinating Board.

33 (b) Prior to the election, the panel board shall assist any group of
 34 citizens representing a proposed community college district within the service
 35 area containing the technical college to determine the feasibility of the
 36 proposed district and the adequacy of the proposed millage levy, if any.

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SECTION 12. Arkansas Code 6-53-602 (a) and (b) is amended to read as follows:

(a) Upon request of the local board of a technical college, or the State Board of Higher Education acting as a local board of a technical college, the ~~College Panel~~ Arkansas Higher Education Coordinating Board shall determine whether formation of a proposed technical college district, the boundaries of which are to be determined by the local board or the state board acting as the local board, is feasible according to criteria established by the state board for the formation of a technical college district.

(b)(1) Within ten (10) calendar days after the ~~College Panel~~ Arkansas Higher Education Coordinating Board determines that the formation of a proposed district is feasible, the local board or the state board acting as the local board shall notify the county board of election commissioners in each county of which any portion is in the proposed technical college district that an election will be held to determine whether the district shall be formed and whether an ad valorem tax shall be levied on property in the district to fund site acquisition, construction, equipping, and operation of the college.

(2) The local board or acting local board shall set a date for the election to be held at a time not less than thirty (30) calendar days after the local board or acting local board notifies the county boards.

(3) The local board or acting local board shall specify the wording of the ballot to be used for such elections, utilizing appropriate language similar to that found in § 6-61-513(b), and the county boards of election commissioners shall conduct the election in the manner provided by law for special elections.

SECTION 13. Arkansas Code 6-54-104 (c), concerning College Panel responsibility for technical colleges, is repealed.

~~(c) The College Panel of the State Board of Higher Education shall be responsible for the operation of the technical college until such time as a local board is appointed.~~

SECTION 14. Arkansas Code 25-7-101 is amended to read as follows:

25-7-101. Creation - Director - Organization - Personnel.

1 (a) There is created a Department of Higher Education.

2 (b) The executive head of the department shall be the Director of the
3 Department of Higher Education. The director shall be appointed by the ~~State~~
4 ~~Board of Higher Education~~ Arkansas Higher Education Coordinating Board through
5 a search process and selection that includes substantial input, review and
6 recommendation from the Presidents Council, subject to confirmation by the
7 Governor and shall serve at the pleasure of the Governor.

8 (c) The Department of Higher Education shall consist of the ~~State Board~~
9 ~~of Higher Education~~ Arkansas Higher Education Coordinating Board and any other
10 divisions which may be created by law and placed under the Department of
11 Higher Education.

12 (d) The Director of the Department of Higher Education, with the advice
13 and consent of the Governor, shall appoint the heads of the respective
14 divisions. All of the personnel of the Department of Higher Education shall be
15 employed by and serve at the pleasure of the Director of the Department of
16 Higher Education; provided, nothing in this section shall be so construed as
17 to reduce any right which an employee shall have under any civil service or
18 merit system.

19 (e) Each division of the Department of Higher Education shall be under
20 the direction, control, and supervision of the director. The director may
21 delegate his functions, powers, and duties to various divisions of the
22 Department of Higher Education as he shall deem desirable or necessary for the
23 effective and efficient operation of the department.

24 (f) The several institutions of higher education in this state shall be
25 requested to cooperate with the Department of Higher Education in an effort to
26 coordinate their programs. ✎

27

28 SECTION 15. All provisions of this act of a general and permanent
29 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
30 Code Revision Commission shall incorporate the same in the Code.

31

32 SECTION 16. If any provision of this act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this
36 act are declared to be severable.

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SECTION 17. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 18. EMERGENCY. It is found and determined by the General Assembly of the State of Arkansas that this act abolishes the State Board of Higher Education and replaces the board with the Arkansas Higher Education Coordinating Board; and that to provide for an efficient transition and to allow the Governor a sufficient time to make appointments, this act shall become effective May 1, 1997. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on May 1, 1997.

APPROVED: 4-04-97