

Stricken language will be deleted and underlined language will be added.  
Act 978 of the Regular Session

1 State of Arkansas *As Engrossed: S3/9/15 S3/23/15 S3/26/15*

2 90th General Assembly

# A Bill

3 Regular Session, 2015

SENATE BILL 97

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, 2016;

11

AND FOR OTHER PURPOSES.

12

13

14

## Subtitle

15

AN ACT FOR THE DEPARTMENT OF HIGHER

16

EDUCATION APPROPRIATION FOR THE 2015-2016

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 2015-2016 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

2015-2016

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	

14

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

16 authorized, for the Department of Higher Education for the 2015-2016 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, 2016, the following:

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2015-2016</u>
32	(01) REGULAR SALARIES	\$2,429,974
33	(02) EXTRA HELP	3,000
34	(03) PERSONAL SERVICES MATCHING	729,697
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>\$4,310,426</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, 2016, the following:

13

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2015-2016</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, 2016, the  
8 following:

9

10 ITEM	FISCAL YEAR
11 <u>NO.</u>	<u>2015-2016</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, 2016, the following:

21

22 ITEM	FISCAL YEAR
23 <u>NO.</u>	<u>2015-2016</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>

33

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, 2016,  
 3 the following:

4	5 ITEM	FISCAL YEAR
6	<u>NO.</u>	<u>2015-2016</u>
7	(01) MAINT. & GEN. OPERATION	
8	(A) OPER. EXPENSE	\$2,500
9	(B) CONF. & TRAVEL	0
10	(C) PROF. FEES	0
11	(D) CAP. OUTLAY	0
12	(E) DATA PROC.	0
13	(02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>713,000</u>
14	TOTAL AMOUNT APPROPRIATED	<u><u>\$715,500</u></u>

15

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, 2016,  
 21 the following:

22

23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2015-2016</u>
25	(01) RESEARCH AND DEVELOPMENT PROGRAM	
26	GRANTS	<u><u>\$5,000,000</u></u>

27

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, 2016, the  
 35 following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2015-2016</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, 2016, the following:

20

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2015-2016</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, 2016,  
 2 the following:

3

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2015-2016</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 2016, the following:

23

24 ITEM	FISCAL YEAR
25 <u>NO.</u>	<u>2015-2016</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, 2016, the following:

4 ITEM	FISCAL YEAR
5 NO.	2015-2016
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, 2016, the following:

15 ITEM	FISCAL YEAR
16 NO.	2015-2016
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, 2016, the following:

35 ITEM	FISCAL YEAR
36 NO.	2015-2016



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, 2016, the

14 following:

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2015-2016</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, 2016, the following:

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

33

34 SECTION 18. APPROPRIATION. There is hereby appropriated, to the

35 Department of Higher Education, to be payable from the General Improvement

36 Fund or its successor fund or fund accounts, the following:

1 (A) for fund transfer to the Workforce Initiative Act of 2015 Fund, in  
2 a sum not to exceed.....\$2,000,000.

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

23 The provisions of this section shall be in effect only from July 1, ~~2014~~  
24 2015 through June 30, ~~2015~~ 2016.

25  
26 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
28 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon  
29 determination by the president or chancellor of an institution of higher  
30 education that a reallocation of resources for purposes of reorganization or  
31 consolidation of administrative functions within the institution is necessary  
32 for efficient and effective operations of the institution, the president or  
33 chancellor, with approval of the institution's board of trustees, may have  
34 the authority to transfer positions, appropriations and related funds between  
35 campuses, divisions, branches, and other budgetary units of the institution,  
36 after receiving prior approval of the Legislative Council or Joint Budget

1 Committee. The transfers of positions, programs, or activities shall be used  
2 for those purposes for which the appropriations were approved by the General  
3 Assembly. The transfers, consolidations, or reorganizations which involve  
4 academic programs shall be reviewed by the Department of Higher Education  
5 prior to submission to the Legislative Council or Joint Budget Committee.  
6 Provided, however, that the institution shall be limited to submitting no  
7 more than two (2) individual transaction transfer requests during any fiscal  
8 year and shall be further limited to no more than five percent (5%) of the  
9 total General Revenue and Special Revenue appropriation, funding, positions  
10 specific to each institution, and no Tobacco Settlement funds or  
11 appropriations may be reallocated pursuant to this section.  
12 Determining the maximum number of employees and the maximum amount of  
13 appropriation and general revenue funding for institutions of higher  
14 education each fiscal year is the prerogative of the General Assembly. This  
15 is usually accomplished by delineating such maximums in the appropriation  
16 act(s) for institutions of higher education and the general revenue  
17 allocations authorized for each fund and fund account by amendment to the  
18 Revenue Stabilization law. Further, the General Assembly has determined that  
19 institutions of higher education may operate more efficiently if some  
20 flexibility is provided to institutions of higher education authorizing broad  
21 powers under this Section. Therefore, it is both necessary and appropriate  
22 that the General Assembly maintain oversight by requiring prior approval of  
23 the Legislative Council or Joint Budget Committee as provided by this  
24 section. The requirement of approval by the Legislative Council or Joint  
25 Budget Committee is not a severable part of this section. If the requirement  
26 of approval by the Legislative Council or Joint Budget Committee is ruled  
27 unconstitutional by a court of competent jurisdiction, this entire section is  
28 void.

29 The provisions of this section shall be in effect only from July 1, ~~2014~~  
30 2015 through June 30, ~~2015~~ 2016.

31

32 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In  
34 order to provide timely payments under financial aid appropriations made in  
35 this Act, the Chief Fiscal Officer of the State is authorized to provide  
36 loans from the Budget Stabilization Trust Fund to make available all funds

1 attributable to the financial aid programs under the then current official  
2 revenue estimates. In the event of an unanticipated state revenue shortfall,  
3 any such loans remaining at the end of a fiscal year shall be repaid from  
4 revenues distributed in the first two months of the next fiscal year. Funds  
5 for appropriations made in this Act for purposes other than financial aid  
6 shall not be affected by the application of this provision.

7 The provisions of this section shall be in effect only from July 1, ~~2014~~  
8 2015 through June 30, ~~2015~~ 2016.

9  
10 *SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*  
11 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK*  
12 *FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made*  
13 *available to the various technical colleges have been determined as set out*  
14 *in Arkansas Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B), such documents as*  
15 *may be necessary shall be processed so that funds may be transferred from the*  
16 *Work Force 2000 Development Fund to the State Treasury fund or fund account*  
17 *from which the technical college draws its general revenue support. Such*  
18 *funds as may be transferred shall not exceed 93.691% of the total funds*  
19 *available from the Work Force 2000 Development Fund during the fiscal year.*

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

28 *The funds distributed under Arkansas Code 26-51-205(d)(2)(C) in excess of*  
29 *those amounts collected and distributed prior to June 30, 2014 shall be*  
30 *deposited into the Skills Development Fund to be used only for personal*  
31 *services, grants, operation, support, and improvement of occupational,*  
32 *vocational, technical, and workforce development programs by the Department*  
33 *of Career Education - Office of Skills Development. The distributions of*  
34 *funds under Arkansas Code 21-51-205(d)(2)(C) in excess of those amounts*  
35 *collected and distributed prior to June 30, 2014 shall not apply to proceeds*  
36 *allocated to schools, colleges and educational institutions under Arkansas*

1 Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B).

2 *The provisions of this section shall be in effect only from July 1, ~~2014~~*  
3 *2015 through June 30, ~~2015~~ 2016.*

4  
5 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING  
7 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the  
8 Higher Education Building Maintenance Fund, any additional deposits are to be  
9 transferred to the Research Development Fund there to be used as provided by  
10 law.

11 The provisions of this section shall be in effect only from July 1, ~~2014~~  
12 2015 through June 30, ~~2015~~ 2016.

13  
14 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO  
16 EXPENDITURES. Proceeds derived from the repayment of loans, grants, or  
17 scholarships funded by the Higher Education Grants Fund Account shall be  
18 deposited into the State Treasury fund from which it originated.

19 The provisions of this section shall be in effect only from July 1, ~~2014~~  
20 2015 through June 30, ~~2015~~ 2016.

21  
22 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL  
24 GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law,  
25 any student who receives assistance from the appropriation made for the  
26 "National Guard Tuition Incentive Program" in this Act shall repay any loans  
27 and/or assistance if the student receives a discharge that is a less than  
28 Honorable Discharge. Priority for funding shall be given to students already  
29 receiving assistance from the National Guard Tuition Incentive Program.

30 The provisions of this section shall be in effect only from July 1, ~~2014~~  
31 2015 through June 30, ~~2015~~ 2016.

32  
33 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH  
35 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education  
36 Coordinating Board, after consulting with the recognized associations of each

1 of the applicable medical professions and other interested persons, shall  
2 determine the priorities for the applicable programs enumerated in the  
3 appropriation made for "Health Education Grants and Loans" in this Act. The  
4 Arkansas Department of Higher Education, if necessary, shall re-adjust the  
5 number of positions for entering students to be funded for each applicable  
6 program based upon the priorities determined by the board.

7 The provisions of this section shall be in effect only from July 1, ~~2014~~  
8 2015 through June 30, ~~2015~~ 2016.

9

10 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL  
12 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall  
13 report by May 30 to the House and Senate Interim Committees on Education the  
14 budgeted allocation for each financial aid program funded through the Higher  
15 Education Grants Fund Account for the upcoming fiscal year and projections  
16 for the following year.

17 The provisions of this section shall be in effect only from July 1, ~~2014~~  
18 2015 through June 30, ~~2015~~ 2016.

19

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

27 The provisions of this section shall be in effect only from July 1, ~~2014~~  
28 2015 through June 30, ~~2015~~ 2016.

29

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

1 The provisions of this section shall be in effect only from July 1, ~~2014~~  
2 2015 through June 30, ~~2015~~ 2016.

3  
4 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
6 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act  
7 determined by the Arkansas Department of Higher Education to have been for  
8 salary increases for the fiscal year for Institutions of Higher Education  
9 shall be used exclusively for salary increases. New funding actually received  
10 for salary increases shall be spent exclusively for salary increases based  
11 upon the state general revenue portion of total unrestricted educational and  
12 general revenue. Funding received under this provision shall be used for no  
13 purpose other than to provide such salary increases. Any designated funds not  
14 used for salary increases shall be recouped at the end of each fiscal year  
15 and transferred to the General Revenue Allotment Reserve Fund.

16 The provisions of this section shall be in effect only from July 1, ~~2014~~  
17 2015 through June 30, ~~2015~~ 2016.

18  
19 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE  
21 PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall  
22 transfer sufficient funding for the fiscal year from the Higher Education  
23 Grants Fund Account to the Department of Higher Education Fund Account in  
24 order to finance the personal services costs of a DHE Program Coordinator.

25 The provisions of this section shall be in effect only from July 1, ~~2014~~  
26 2015 through June 30, ~~2015~~ 2016.

27  
28 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
30 PROVISION. Upon certification by the Director of the Department of Higher  
31 Education that transfers are needed to make maximum utilization of funds and  
32 appropriations provided for financial aid programs, and with the approval of  
33 the Chief Fiscal Officer of the State and a review by the Arkansas  
34 Legislative Council, funds and appropriations may be transferred between  
35 financial aid programs to more adequately align the appropriation with the  
36 number of eligible students.

1 The provisions of this section shall be in effect only from July 1, ~~2014~~  
2 2015 through June 30, ~~2015~~ 2016.

3  
4 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
6 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND  
7 LOANS. Upon certification to and with the approval of the Chief Fiscal  
8 Officer of the State, surplus funds and appropriations may be transferred  
9 between the appropriations provided for "Health Education Grants and Loans"  
10 by this Act by the General Assembly for Dental Aid Grants and Loans,  
11 Optometry Aid, Veterinary Aid, Podiatry Aid, Chiropractic Aid and Osteopathy  
12 Aid.

13 The provisions of this section shall be in effect only from July 1, ~~2014~~  
14 2015 through June 30, ~~2015~~ 2016.

15  
16 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
18 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by  
19 the Department of Higher Education and the Chief Fiscal Officer of the State,  
20 institutions of higher education may transfer appropriation from the cash  
21 contingency appropriation to any other appropriation made to the institution  
22 from cash funds including the establishment of commitment items, and may  
23 transfer appropriation from the contingency appropriation made payable from  
24 each institution's State Treasury Fund to the state operations appropriation  
25 made payable from each institution's State Treasury Fund including the  
26 establishment of commitment items, and may transfer appropriation from the  
27 contingency appropriation made payable from the Tobacco Settlement Program  
28 Fund Accounts to any other appropriation made to the institution from Tobacco  
29 Settlement Program Fund Accounts including the establishment of commitment  
30 items.

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

35 (c) The Department of Higher Education shall report contingency  
36 appropriation transfers and the establishment of any commitment items



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

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

13  
14 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT  
16 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student  
17 Undergraduate Research Fellowship (SURF) Program is the continued development  
18 of undergraduate academic research efforts at Arkansas colleges and  
19 universities. The Arkansas Department of Higher Education shall adopt rules  
20 and regulations necessary for the proper administration of the Student  
21 Undergraduate Research Fellowship Program. Administrative functions and  
22 responsibilities may include, but not necessarily be limited to, the  
23 development of eligibility criteria, collection of applications, coordination  
24 of student evaluations, distribution of public notices, and funding of grants  
25 for academic research purposes. Staff of the Arkansas Department of Higher  
26 Education shall administer this program. The Arkansas Department of Higher  
27 Education shall be authorized to expense costs associated with the  
28 administration of the program, from funds made payable from the Higher  
29 Education Grants Fund Account for the Student Undergraduate Research  
30 Fellowship Program as authorized in Section 4 of this Act.

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

33  
34 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
36 COOPERATION AGREEMENTS. Any institution of Higher Education that has its main

1 campus, satellite campus, or center located within a twenty five mile radius  
2 of any other main campus of an institution of higher education shall enter  
3 into a written agreement with that institution which must address duplication  
4 of services between the institutions.

5 The provisions of this section shall be in effect only from July 1, ~~2014~~  
6 2015 through June 30, ~~2015~~ 2016.

7

8 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST  
10 ALLOCATION. The Department of Higher Education may refund to the Higher  
11 Education Fund Account or the Higher Education Grants Fund Account such  
12 amounts determined by the Department to be reimbursements received from the  
13 Arkansas Lottery Commission for costs related to the administration of the  
14 Arkansas Academic Challenge Scholarship Program.

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

17

18 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
20 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY  
21 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of  
22 Higher Education shall determine the amount available, up to \$200,000 per  
23 fiscal year, to fund the Arkansas Geographical Critical Needs Minority  
24 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the  
25 State and the State Treasurer such amount as is required to be transferred  
26 from the Higher Education Grants Fund Account. Upon receiving such  
27 certification, the Chief Fiscal Officer of the State and the State Treasurer  
28 shall cause to be transferred the necessary funds and appropriation to the  
29 fund account of the University of Arkansas at Pine Bluff for implementation  
30 of this program. The University of Arkansas at Pine Bluff may use up to  
31 twenty percent (20%) of the funds and appropriation for administration of the  
32 program.

33 The provisions of this section shall be in effect only from July 1, ~~2014~~  
34 2015 through June 30, ~~2015~~ 2016.

35

36 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER  
2 EDUCATION CENTRAL POOL POSITIONS. (a) Universities - (1) The Department of  
3 Higher Education shall establish and maintain a central pool of three hundred  
4 (300) positions to be used to establish additional positions when an  
5 institution does not have sufficient positions available to meet  
6 unanticipated enrollment growth, industry training demands, and its mandated  
7 responsibilities.

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

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

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

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

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

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

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

34 (3) No position established under this section may exceed the salary rate of  
35 the highest maximum annual salary rate or the highest grade level position  
36 authorized by the General Assembly in the requesting institution's operating

1 appropriation act.

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

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

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

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

28 The provisions of this section shall be in effect only from July 1, ~~2014~~  
29 2015 through June 30, ~~2015~~ 2016.

30

31 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OUTCOME-  
33 CENTERED FUNDING AWARDS. Upon certification of the Director of the  
34 Department of Higher Education, the Chief Fiscal Officer of the State shall  
35 transfer to the Department of Higher Education Fund Account certified amounts  
36 based upon the outcome-centered funding policy of the Arkansas Higher

1 Education Coordinating Board from the State Treasury funds of the  
2 Institutions of Higher Education. The Department of Higher Education will  
3 distribute funds from the Outcome-Centered Funding Awards Appropriation based  
4 upon the outcome-centered funding policy of the Arkansas Higher Education  
5 Coordinating Board.

6 The provisions of this section shall be in effect only from July 1, ~~2014~~  
7 2015 through June 30, ~~2015~~ 2016.

8

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

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

17 The provisions of this section shall be in effect only from July 1, ~~2014~~  
18 2015 through June 30, ~~2015~~ 2016.

19

20 SECTION 42. SPECIAL LANGUAGE. *Arkansas Code §6-61-228(d)(4)(B)(ii),*  
21 *concerning the funding formula model for universities, is amended to read as*  
22 *follows:*

23

24 *(ii) The sum of the teaching salaries at the three (3) instructional levels*  
25 *plus a fringe benefits rate that will be determined by the department staff*  
26 *shall constitute the teaching salaries need of the university.*

27

28 SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

1  
2 SECTION 44. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
3 authorized by this act shall be limited to the appropriation for such agency  
4 and funds made available by law for the support of such appropriations; and  
5 the restrictions of the State Procurement Law, the General Accounting and  
6 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
7 Procedures and Restrictions Act, or their successors, and other fiscal  
8 control laws of this State, where applicable, and regulations promulgated by  
9 the Department of Finance and Administration, as authorized by law, shall be  
10 strictly complied with in disbursement of said funds.

11  
12 SECTION 45. LEGISLATIVE INTENT. It is the intent of the General  
13 Assembly that any funds disbursed under the authority of the appropriations  
14 contained in this act shall be in compliance with the stated reasons for  
15 which this act was adopted, as evidenced by the Agency Requests, Executive  
16 Recommendations and Legislative Recommendations contained in the budget  
17 manuals prepared by the Department of Finance and Administration, letters, or  
18 summarized oral testimony in the official minutes of the Arkansas Legislative  
19 Council or Joint Budget Committee which relate to its passage and adoption.

20  
21 SECTION 46. EMERGENCY CLAUSE. It is found and determined by the  
22 General Assembly, that the Constitution of the State of Arkansas prohibits  
23 the appropriation of funds for more than a one (1) year period; that the  
24 effectiveness of this Act on July 1, 2015 is essential to the operation of  
25 the agency for which the appropriations in this Act are provided, and that in  
26 the event of an extension of the legislative session, the delay in the  
27 effective date of this Act beyond July 1, 2015 could work irreparable harm  
28 upon the proper administration and provision of essential governmental  
29 programs. Therefore, an emergency is hereby declared to exist and this Act  
30 being necessary for the immediate preservation of the public peace, health  
31 and safety shall be in full force and effect from and after July 1, 2015.

32  
33 */s/ Joint Budget Committee*

34  
35 **APPROVED: 04/02/2015**