

1 State of Arkansas As Engrossed: S2/25/19 S3/27/19 S4/1/19 S4/3/19

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

16

17

18

19

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

21

22

23

24

25

SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby established for the Department of Higher Education for the 2019-2020 fiscal year, the following maximum number of regular employees.

26

27

28

29

30

31

32

33

34

35

36

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
(1)	U024U	DHE DIRECTOR	1	GRADE SE05
(2)	U089U	DHE DEPUTY DIRECTOR	1	GRADE SE02
(3)	D022N	IT SENIOR PROJECT MANAGER	1	GRADE IT09
(4)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE IT08
(5)	D028C	SENIOR SOFTWARE SUPPORT SPECIALIST	2	GRADE IT07
(6)	D016C	SENIOR TECHNOLOGY ANALYST	1	GRADE IT06
(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)	<i>G295C OSTEOPATHIC RURAL MED. PROG. ADMIN.</i>	<i>1</i>	<i>GRADE GS09</i>
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	150,000
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>\$67,450,000</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>\$7,150,000</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>\$711,351</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.	<u>2019-2020</u>
8 (01) WORKFORCE INITIATIVE ACT OF 2015	
9 EXPENSES	<u>\$8,000,000</u>

10
11 *SECTION 17. APPROPRIATION - OSTEOPATHIC RURAL MEDICAL PRACTICE STUDENT*
12 *LOAN AND SCHOLARSHIP PROGRAM. There is hereby appropriated, to the Department*
13 *of Higher Education, to be payable from the Higher Education Grants Fund*
14 *Account, for Osteopathic Rural Medical Practice Student Loan & Scholarship*
15 *Program loans and/or scholarships, in a sum not to exceed.....\$400,000.*

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

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

25 Determining the maximum number of employees and the maximum amount of
26 appropriation and general revenue funding for institutions of higher
27 education each fiscal year is the prerogative of the General Assembly. This
28 is usually accomplished by delineating such maximums in the appropriation
29 act(s) for institutions of higher education and the general revenue
30 allocations authorized for each fund and fund account by amendment to the
31 Revenue Stabilization law. Further, the General Assembly has determined that
32 institutions of higher education may operate more efficiently if some
33 flexibility is provided to institutions of higher education authorizing broad
34 powers under this section. Therefore, it is both necessary and appropriate
35 that the General Assembly maintain oversight by requiring prior approval of
36 the Legislative Council or Joint Budget Committee as provided by this

1 section. The requirement of approval by the Legislative Council or Joint
2 Budget Committee is not a severable part of this section. If the requirement
3 of approval by the Legislative Council or Joint Budget Committee is ruled
4 unconstitutional by a court of competent jurisdiction, this entire section is
5 void.

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

8

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

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

22

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

1 are determined by law, then the actual amount of support from the Work Force
2 2000 Development Fund in the preceding fiscal year for such educational
3 institution shall be made available irrespective of any other provision of
4 law which sets out maximum levels of support from such fund.

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

15 The provisions of this section shall be in effect only from July 1, ~~2018~~
16 2019 through June 30, ~~2019~~ 2020.

17

18 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
20 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
21 Higher Education Building Maintenance Fund, any additional deposits are to be
22 transferred to the Research Development Fund there to be used as provided by
23 law.

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

26

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

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

33

34 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
36 GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law,

1 any student who receives assistance from the appropriation made for the
2 "National Guard Tuition Incentive Program" in this Act shall repay any loans
3 and/or assistance if the student receives a discharge that is a less than
4 Honorable Discharge. Priority for funding shall be given to students already
5 receiving assistance from the National Guard Tuition Incentive Program.

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

8
9 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
11 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
12 Coordinating Board, after consulting with the recognized associations of each
13 of the applicable medical professions and other interested persons, shall
14 determine the priorities for the applicable programs enumerated in the
15 appropriation made for "Health Education Grants and Loans" in this Act. The
16 Arkansas Department of Higher Education, if necessary, shall re-adjust the
17 number of positions for entering students to be funded for each applicable
18 program based upon the priorities determined by the board.

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

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

31
32 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
34 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
35 receives state scholarship funds administered by the Arkansas Department of
36 Higher Education shall be subject to audit/review of such funds by the

1 Division of Legislative Audit, upon approval of the Legislative Joint Audit
2 Committee.

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

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

28 The provisions of this section shall be in effect only from July 1, ~~2018~~
29 2019 through June 30, ~~2019~~ 2020.

30

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

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

3
4 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
6 PROVISION. Upon certification by the Director of the Department of Higher
7 Education that transfers are needed to make maximum utilization of funds and
8 appropriations provided for financial aid programs, and with the approval of
9 the Chief Fiscal Officer of the State and a review by the Arkansas
10 Legislative Council or Joint Budget Committee, funds and appropriations may
11 be transferred between financial aid programs to more adequately align the
12 appropriation with the number of eligible students.

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

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

1 made payable from each institution's State Treasury Fund including the
2 establishment of commitment items, and may transfer appropriation from the
3 contingency appropriation made payable from the Tobacco Settlement Program
4 Fund Accounts to any other appropriation made to the institution from Tobacco
5 Settlement Program Fund Accounts including the establishment of commitment
6 items.

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

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

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 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
28 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
29 Undergraduate Research Fellowship (SURF) Program is the continued development
30 of undergraduate academic research efforts at Arkansas colleges and
31 universities. The Arkansas Department of Higher Education shall adopt rules
32 and regulations necessary for the proper administration of the Student
33 Undergraduate Research Fellowship Program. Administrative functions and
34 responsibilities may include, but not necessarily be limited to, the
35 development of eligibility criteria, collection of applications, coordination
36 of student evaluations, distribution of public notices, and funding of grants

1 for academic research purposes. Staff of the Arkansas Department of Higher
2 Education shall administer this program. The Arkansas Department of Higher
3 Education shall be authorized to expense costs associated with the
4 administration of the program, from funds made payable from the Higher
5 Education Grants Fund Account for the Student Undergraduate Research
6 Fellowship Program as authorized in the Student Assistance Grants and Various
7 Scholarships appropriation section of this Act.

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

10
11 *SECTION 35 Arkansas Code Title 6, Chapter 61, Subchapter 1, is amended*
12 *to add an additional section to read as follows:*

13 *6-61-141. Duplication of services.*

14 *An institution of higher education that has its main campus, satellite*
15 *campus, or center located within a twenty-five-mile radius of another main*
16 *campus of an institution of higher education shall enter into a written*
17 *agreement with that institution of higher education that shall address*
18 *duplication of services between the institutions of higher education.*

19
20 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST
22 ALLOCATION. The Department of Higher Education may refund to the Higher
23 Education Fund Account or the Higher Education Grants Fund Account such
24 amounts determined by the Department to be reimbursements received from the
25 Office of the Arkansas Lottery for costs related to the administration of the
26 Arkansas Academic Challenge Scholarship Program.

27 The provisions of this section shall be in effect only from July 1, ~~2018~~
28 2019 through June 30, ~~2019~~ 2020.

29
30 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

32 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
33 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
34 Higher Education shall determine the amount available, up to \$200,000 per
35 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
36 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the

1 State and the State Treasurer such amount as is required to be transferred
2 from the Higher Education Grants Fund Account. Upon receiving such
3 certification, the Chief Fiscal Officer of the State and the State Treasurer
4 shall cause to be transferred the necessary funds and appropriation to the
5 fund account of the University of Arkansas at Pine Bluff for implementation
6 of this program. The University of Arkansas at Pine Bluff may use up to
7 twenty percent (20%) of the funds and appropriation for administration of the
8 program.

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 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

22
23 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE

25 WORKFORCE INITIATIVE ACT FUNDING. The Chief Fiscal Officer of the State may
26 transfer, on his or her books and those of the State Treasurer and the
27 Auditor of the State, funding up to the amount authorized in the Workforce
28 Initiative Act of 2015 appropriation section in this Act, from the Department
29 of Higher Education Fund Account to the Workforce Initiative Act of 2015 Fund
30 in order to finance the distribution of grants identified under §6-60-107.

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

36 WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in

1 this section, "Arkansas Works Program" means the Arkansas Works Program
2 established under the Identical Acts 2016 (2nd Ex. Sess.), Nos. 1 and 2,
3 Arkansas Code § 23-61-1001 et seq.

4 (b)(1) Determining the maximum number of employees, the maximum amount
5 of appropriation, for what purposes an appropriation is authorized, and
6 general revenue funding for a publicly supported institution of higher
7 education each fiscal year is the prerogative of the General Assembly.

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

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

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

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

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

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

25 (A) Unsolicited communications mailed to potential
26 recipients;

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

28 (C) Billboard or mobile billboard advertising;

29 (D) Advertisements printed in newspapers, magazines, or
30 other print media; and

31 (E) Internet websites and electronic media.

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

34 (A) Direct communications with licensed insurance agents;

35 (B) Solicited communications with potential recipients;

36 (C)(i) Responding to an inquiry regarding the coverage for

1 which a potential recipient might be eligible, including without limitation
2 providing educational materials or information regarding any coverage for
3 which the individual might qualify.

4 (ii) Educational materials and information
5 distributed under subdivision (c)(2)(C)(i) of this section shall contain only
6 factual information and shall not contain subjective statements regarding the
7 coverage for which the potential recipient might be eligible; and

8 (D) Using an Internet website for the exclusive purpose of
9 enrolling individuals in the Arkansas Health Insurance Marketplace or the
10 Arkansas Works Program.

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

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

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

24 (ii) Subdivision (e)(1)(A)(i) of this section does
25 not apply to regulatory and training responsibilities related to navigators,
26 guides, certified application counselors, and certified licensed producers;
27 and

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

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

36 (f) An appropriation authorized by the General Assembly shall not be

1 subject to the provisions allowed through reallocation of resources or
2 transfer of appropriation authority for the purpose of transferring an
3 appropriation to any other appropriation authorized for publicly supported
4 institutions of higher education to be allocated, budgeted, expended, or
5 utilized in a manner prohibited by this section.

6 (g) The provisions of this section are severable, and the invalidity
7 of any subsection or subdivision of this section shall not affect other
8 provisions of the section that can be given effect without the invalid
9 provision.

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

11
12 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
14 WORKFORCE CHALLENGE SCHOLARSHIP FUNDS. The Department of Higher Education may
15 transfer Arkansas Workforce Challenge Scholarship funds to:

16 (1)(A) An Arkansas Academic Challenge Scholarship account in an
17 amount necessary to fund scholarship awards for nontraditional students for
18 the 2017-2018 academic year that were not funded due to the limitation on the
19 scholarship award amount for nontraditional students under § 6-85-
20 212(e)(2)(A) as it existed before the effective date of this act.

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

24 (2)(A) The Office of the Arkansas Lottery in an amount not to
25 exceed the amount required to fund scholarship awards to be distributed under
26 § 6-85-201 et seq. for the 2018-2019 or 2019-2020 academic years without
27 having to draw upon the Scholarship Shortfall Reserve Trust Account under §
28 23-115-802.

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

35 The provisions of this section shall be in effect only from July 1,
36 2019 through June 30, 2020.

1
2 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATEWIDE
4 SCHOLARSHIP AND GRANT PROMOTION. Of the general revenue that is received by
5 and distributed from the Higher Education Grants Fund Account, the Chief
6 Fiscal Officer of the State shall transfer two hundred ninety-five thousand
7 dollars (\$295,000) to the Department of Higher Education Fund Account to be
8 allocated, budgeted, committed and distributed to the Statewide Scholarship
9 and Grant Promotion line item in the General Operations section of this act
10 for the purpose of increasing public awareness of the scholarships and grants
11 offered by the State through the Arkansas Department of Higher Education. The
12 Department shall utilize a minimum of one hundred forty-seven five hundred
13 dollars (\$147,500) of the aforementioned total specifically for the promotion
14 of the Arkansas Futures Grant Program.

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

17
18 SECTION 43. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
19 authorized by this act shall be limited to the appropriation for such agency
20 and funds made available by law for the support of such appropriations; and
21 the restrictions of the State Procurement Law, the General Accounting and
22 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
23 Procedures and Restrictions Act, or their successors, and other fiscal
24 control laws of this State, where applicable, and regulations promulgated by
25 the Department of Finance and Administration, as authorized by law, shall be
26 strictly complied with in disbursement of said funds.

27
28 SECTION 44. LEGISLATIVE INTENT. It is the intent of the General
29 Assembly that any funds disbursed under the authority of the appropriations
30 contained in this act shall be in compliance with the stated reasons for
31 which this act was adopted, as evidenced by the Agency Requests, Executive
32 Recommendations and Legislative Recommendations contained in the budget
33 manuals prepared by the Department of Finance and Administration, letters, or
34 summarized oral testimony in the official minutes of the Arkansas Legislative
35 Council or Joint Budget Committee which relate to its passage and adoption.

36

