

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

A Bill

SENATE BILL 488

4
5 By: Senators Wilson, Bearden, Canada, Dowd, Everett, Gordon, Hopkins, Lewellen, Todd, and Walker
6 By: Representatives Goodwin, Allison, Ammons, Baker, Beatty, Bennett, Booker, Broadway, Choate, Critcher, Davis, Faris, Ferguson,
7 French, George, Hale, Hall, Harris, Horn, D. Hudson, Jeffress, Johnson, Kidd, Laverty, Maddox, Malone, McGehee, McKissack, Miller,
8 Milum, Newman, Northcutt, Pappas, Pollan, Purdom, Rodgers, Rorie, Sheppard, Simmons, J. Smith, T. Smith, Stalnaker, Thicksten,
9 Trammell, Vess, Wagner, Wallis, Wilkins, Wilkinson, and Wilson

For An Act To Be Entitled

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

Subtitle

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

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

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

27
28 SECTION 2. Arkansas Code 6-61-201 is amended to read as follows:

29 ~~§~~ 6-61-201. Members - Meetings.

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

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33 ~~established by Acts 1951, No. 297 [repealed].~~

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

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

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

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

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

7 ~~_____ (e) Members of the board shall serve without compensation but shall be reimbursed for their actual expenses of attending meetings of~~
8 ~~the board and performing their official duties.~~

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

11 ~~_____ (2) The chairman of the board shall serve as chairman of each panel.~~

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

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

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

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

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

21 (A) Three (3) members shall be selected from the current or recent membership of the boards of public two-year
22 colleges. If the person selected is serving on the membership of the board of a public two-year campus, the person shall relinquish his or her
23 membership on the board;

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

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

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

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

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

36 (c) After the appointment of the initial board, the members to be appointed from recent or current boards of two-year and four-year

1 campuses shall be appointed by the Governor from a list of names submitted by the Council of Presidents.

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

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

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

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

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

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

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

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

17 ~~§~~6-61-203. Director and staff - Funds - Central office.

18 (a)(1) ~~The board shall employ a director, subject to confirmation by the Governor, who shall serve at the pleasure of the Governor.~~

19 The Arkansas Higher Education Coordinating Board shall appoint a director through a search process and selection that includes substantial
20 input, review and recommendation from the Presidents Council, subject to confirmation by the Governor. The director shall serve at the pleasure of
21 the Governor.

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

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

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

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

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

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

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

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

35 ~~§~~6-61-204. Advisory committees and councils.

36 (a) The board is and the Presidents Council are authorized to establish advisory committees and councils, including a president's

1 ~~committee and an advisory commission on community junior colleges,~~ as may be deemed necessary for the effective development and coordination of
2 higher education in this state.

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

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

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

7 (c)(1) There is created the Executive Council which shall be selected by the Presidents Council from its membership. Executive
8 Council members shall serve for staggered terms of two (2) years. The Executive Council shall consist of four (4) members from two-year
9 campuses, and four (4) members from four-year campuses. The Executive Council shall elect officers as it deems necessary.
10 (2) The Executive Council shall meet at least monthly or more frequently as needed with the director and senior staff.
11 (3) Policy and funding recommendations from the director and committees must be reviewed by the Executive Council before
12 going before the board.

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

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

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

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22 SECTION 5. Arkansas Code Title 6, Chapter 61, Subchapter 2, is amended to add the following new section:

23 §6-61-223. Policy and non-policy functions of the board.

24 (a) The functions of the Arkansas Higher Education Coordinating Board may be divided into two broad categories: policy making and
25 non-policy making.

26 (b) The policy-making function includes: academic programs; institutional mission, role, and scope; and coordination of budgets.

27 (c) The non-policy making responsibilities include any activities that are not related to decision or policy making, i.e., data
28 gathering, processing and analysis; and implementation of financial aid programs. The non-policy function implements existing policy and reports
29 state data to appropriate sources. ✕

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31 SECTION 6. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated
32 and the Arkansas Code Revision Commission shall incorporate the same in the Code.

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34 SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity
35 shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the
36 provisions of this act are declared to be severable.

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2 SECTION 8. *All laws and parts of laws in conflict with this act are hereby repealed.*

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4 SECTION 9. EMERGENCY. It is found and determined by the General Assembly of the State of Arkansas that this act
5 abolishes the State Board of Higher Education and replaces the board with the Arkansas Higher Education Coordinating Board; and that to
6 provide for an efficient transition and to allow the Governor a sufficient time to make appointments, this act shall become effective May 1, 1997.
7 Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety
8 shall become effective on May 1, 1997.

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