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4

*As Engrossed: S2/18/15*

# A Bill

SENATE BILL 372

5 By: Senators J. English, D. Sanders, U. Lindsey, E. Williams  
6 By: Representatives Gossage, C. Armstrong, Cozart, C. Douglas, Lampkin, Lowery  
7

## For An Act To Be Entitled

9 AN ACT TO REMOVE THE DUTY OF THE ARKANSAS HIGHER  
10 EDUCATION COORDINATING BOARD TO DETERMINE SERVICE  
11 AREAS FOR TWO-YEAR INSTITUTIONS OF HIGHER EDUCATION;  
12 TO ELIMINATE SERVICE AREAS FOR TWO-YEAR COLLEGES AND  
13 TECHNICAL SCHOOLS; AND FOR OTHER PURPOSES.  
14  
15

## Subtitle

16  
17 TO REMOVE THE DUTY OF THE ARKANSAS HIGHER  
18 EDUCATION COORDINATING BOARD TO DETERMINE  
19 SERVICE AREAS FOR TWO-YEAR INSTITUTIONS  
20 OF HIGHER EDUCATION; TO ELIMINATE SERVICE  
21 AREAS FOR TWO-YEAR COLLEGES AND TECHNICAL  
22 SCHOOLS.  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 6-53-103 is amended to read as follows:  
28 6-53-103. Definitions.

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

30 (1) "Branch campus of the community college" means an  
31 institution with facilities located apart from the community college campus  
32 but within the community college district;

33 (2)(A) "Capital outlay expense" means those funds devoted to or  
34 required for:

- 35 (i) The acquisition and improvement of land;
- 36 (ii) The acquisition, construction, remodeling,



1 alteration, addition, or enlargement of buildings or other structures; and

2 (iii) The initial purchase of library holdings,  
3 furniture, apparatuses, and other equipment for a new or expanded facility as  
4 defined by the Arkansas Higher Education Coordinating Board.

5 (B) "Capital outlay expense" excludes those expenses used  
6 for maintenance and replacement of equipment and furniture;

7 (3) "Community college" means an institution of higher education  
8 established or to be established under the provisions of this chapter  
9 ~~dedicated primarily to the educational needs of the service area and~~ offering  
10 a comprehensive program, including, but without limitation, vocational,  
11 trade, and technical specialty courses and programs, college transfer  
12 courses, and courses in general adult education;

13 ~~(4) "Department" means the Department of Higher Education;~~

14 ~~(5)~~ (4) "District" means the geographic area located within one (1)  
15 or more counties or cities or any described combination thereof or any  
16 described area ~~which~~ that may be in one (1) or more counties or parts of  
17 counties but within the ~~same service area which~~ boundary that is directly  
18 responsible for the local financial support and local administration of an  
19 institution ~~located within its service area;~~

20 ~~(6)~~(5) "Existing community college" means a community college  
21 established in accordance with the provisions of and presently operating in  
22 conformity with Arkansas Constitution, Amendment 52, and §§ 6-61-101 – 6-61-  
23 103, 6-61-201 – 6-61-209, 6-61-212 – 6-61-216, 6-61-301 – 6-61-305, 6-61-401,  
24 6-61-402, 6-61-501 – 6-61-524, and 6-61-601 – 6-61-603;

25 ~~(7)~~(6) "Local board" means the governing body of a technical  
26 college or community college;

27 ~~(8)~~(A)(7)(A) "Operating expense" means those educational and  
28 general funds devoted to or required for the regular or ordinary expense of  
29 the college, including administrative, maintenance, and salary expenses but  
30 excluding capital outlay expenses, student activity expenses, and expenses  
31 for intercollegiate athletics.

32 (B) "Operating expense" includes maintenance and  
33 replacement of furniture and equipment, including motor vehicles;

34 ~~(9)~~(8) "Satellite campus" means an institution or off-campus  
35 facility of a community college ~~located within a service area of a technical~~  
36 ~~or community college but~~ not located within a community college district;

1           ~~(10)(A) “Service area” means the geographic area assigned by the~~  
2 ~~Arkansas Higher Education Coordinating Board as the area to be served by the~~  
3 ~~institution located within its borders.~~

4           ~~(B) Each county in the state shall be assigned to at least~~  
5 ~~one (1) service area;~~

6           ~~(11) “State board”, “board”, or “full board” means the Arkansas~~  
7 ~~Higher Education Coordinating Board;~~

8           ~~(12)~~(9) “System institution” means a technical college or  
9 community college; and

10           ~~(13)~~(10) “Technical college” means an institution of higher  
11 education established under this chapter ~~dedicated primarily to the~~  
12 ~~educational needs of the service area and~~ offering a comprehensive program,  
13 including, ~~but~~ without limitation, vocational, trade, and technical specialty  
14 courses and programs, courses in general adult education, and courses  
15 comparable in content and quality to freshman and sophomore courses ~~which~~  
16 that may carry transfer credit to a four-year institution in a chosen course  
17 of study.

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19           SECTION 2. Arkansas Code § 6-53-203(a)(2), concerning the duties and  
20 powers of the Arkansas Higher Education Coordinating Board, is repealed.

21           ~~(2) To determine service areas containing all counties within~~  
22 ~~the state and to recommend adoption of such service areas to the full board,~~  
23 ~~who shall designate which system institution within the service area shall be~~  
24 ~~responsible for fulfillment of the two year postsecondary educational needs~~  
25 ~~of the service area;~~

26  
27           SECTION 3. Arkansas Code § 6-53-301(e), concerning the Arkansas  
28 Technical and Community College System, is amended to read as follows:

29           (e) The local board shall be responsible for the administration and  
30 operation of the institution and shall be further responsible for the  
31 provision of services to meet the two-year postsecondary educational needs of  
32 those citizens located within the ~~service area of the institution~~ state.

33  
34           SECTION 4. Arkansas Code § 6-53-302(c), concerning local  
35 administration, is amended to read as follows:

36           (c) Members of the local board shall be qualified electors of the

1 ~~service-area~~ district of the technical college and knowledgeable in business,  
2 labor, industry, or economic development.

3  
4 SECTION 5. Arkansas Code §§ 6-53-304 – 6-53-306 are amended to read as  
5 follows:

6 6-53-304. Student tuition – Fees.

7 (a) The intent of this chapter is to make technical and community  
8 college programs available to as many citizens of Arkansas as possible. To  
9 this end, tuition and fees should be maintained at a reasonable level so as  
10 not to exclude citizens because of cost.

11 (b) The local board shall determine the minimum student tuition and  
12 fees to be charged by institutions within the system.

13 (c) The local board shall set both in-district and out-of-district  
14 student tuition and fees for each institution within its ~~service-area~~  
15 district. Students residing outside a community college district may be  
16 subject to extra tuition and fees.

17  
18 6-53-305. Transportation.

19 A technical or community college may establish and operate a  
20 transportation system for students within the ~~service-area~~ district of the  
21 institution ~~assigned by the Arkansas Higher Education Coordinating Board.~~

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23 6-53-306. Coordination with secondary vocational-technical education  
24 and literacy programs.

25 Upon the approval of the Arkansas Higher Education Coordinating Board,  
26 the local board may contract with the Department of Career Education, a  
27 nonprofit organization, or a local school district board of directors ~~within~~  
28 ~~its service-area~~ to offer secondary-level vocational and technical courses  
29 and programs, adult literacy courses, and industry training.

30  
31 SECTION 6. Arkansas Code § 6-53-402(b)-(e), concerning two-year  
32 branches, is amended to read as follows:

33 (b) Upon approval by the board and the Higher Learning Commission ~~and~~  
34 ~~upon assignment of a service-area for the institution~~, the two-year branch  
35 campus shall be known as a technical college.

36 (c) All records, personnel, property, unexpended balances of

1 appropriations, allocations, or other funds of the two-year branch campus  
2 shall be transferred to the board until a local board is appointed.

3 (d) Upon the appointment of a local board, all records, personnel,  
4 property, unexpended balances of appropriations, allocations, or other funds  
5 of the technical college shall be transferred to the local board.

6 (e) The local board shall be responsible for the administration and  
7 operation of the technical college and such other state-supported  
8 institutions within the system ~~located in the service area designated by the~~  
9 ~~state board~~ as necessary to adequately meet the two-year postsecondary  
10 educational needs of ~~those citizens located within the service area assigned~~  
11 ~~to the technical college.~~

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13 SECTION 7. Arkansas Code § 6-53-403(b), concerning technical colleges  
14 and two-year branches, is amended to read as follows:

15 (b) Prior to the election, the Arkansas Higher Education Coordinating  
16 Board shall assist any group of citizens representing a proposed community  
17 college district ~~within the service area~~ containing the technical college in  
18 determining the feasibility of the proposed district and the adequacy of the  
19 proposed millage levy, if any.

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21 SECTION 8. Arkansas Code § 6-53-404(a)-(c), concerning technical  
22 colleges, is amended to read as follows:

23 (a) A board of trustees of a community college may, by resolution or  
24 when requested, petition the Arkansas Higher Education Coordinating Board to  
25 accept a technical college ~~located in the same service area~~ to be a branch  
26 campus of the community college.

27 (b) All records, personnel, property, unexpended balances of  
28 appropriations, allocations, or other funds of above-listed state-supported  
29 institutions ~~within the service area of the community college~~ shall be  
30 transferred to the local board.

31 (c) The local board of the community college ~~shall be~~ is responsible  
32 for the administration and operation of all state-supported postsecondary  
33 vocational-technical institutions ~~located within its service area and~~  
34 consolidated by this chapter.

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36 /s/J. English