

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 97

5 By: Joint Budget Committee
6

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

Subtitle

14 AN ACT FOR THE DEPARTMENT OF HIGHER
15 EDUCATION APPROPRIATION FOR THE 2015-2016
16 FISCAL YEAR.
17
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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				Salary Rate
28	Item	Class	Maximum	Fiscal Year
29	No.	Code	No. of	2015-2016
	No.	Code	Employees	
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:

29

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:

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:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$2,500
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>713,000</u>
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:

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

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 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 <u>NO.</u>	<u>2015-2016</u>
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 <u>NO.</u>	<u>2015-2016</u>
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 <u>NO.</u>	<u>2015-2016</u>

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:

15

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

1 assigned to the campus suffering the disaster event or to a sister campus
2 providing services to the students from the affected campus. The Governor
3 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
4 pool positions.

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

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

30 Determining the maximum number of employees and the maximum amount of
31 appropriation and general revenue funding for institutions of higher
32 education each fiscal year is the prerogative of the General Assembly. This
33 is usually accomplished by delineating such maximums in the appropriation
34 act(s) for institutions of higher education and the general revenue
35 allocations authorized for each fund and fund account by amendment to the
36 Revenue Stabilization law. Further, the General Assembly has determined that

1 institutions of higher education may operate more efficiently if some
2 flexibility is provided to institutions of higher education authorizing broad
3 powers under this Section. Therefore, it is both necessary and appropriate
4 that the General Assembly maintain oversight by requiring prior approval of
5 the Legislative Council or Joint Budget Committee as provided by this
6 section. The requirement of approval by the Legislative Council or Joint
7 Budget Committee is not a severable part of this section. If the requirement
8 of approval by the Legislative Council or Joint Budget Committee is ruled
9 unconstitutional by a court of competent jurisdiction, this entire section is
10 void.

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

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 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
30 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
31 available to the various technical colleges have been determined as set out
32 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be
33 processed so that funds may be transferred from the Work Force 2000
34 Development Fund to the State Treasury fund or fund account from which the
35 technical college draws its general revenue support. Such funds as may be
36 transferred shall not exceed 93.691% of the total funds available from the

1 Work Force 2000 Development Fund during the fiscal year.

2 In the event that a technical institute or comprehensive lifelong learning
3 center which receives support from the Work Force 2000 Development Fund as
4 determined by law transfers or merges into the Arkansas Technical College and
5 Community College System for which Work Force 2000 Development Fund monies
6 are determined by law, then the actual amount of support from the Work Force
7 2000 Development Fund in the preceding fiscal year for such educational
8 institution shall be made available irrespective of any other provision of
9 law which sets out maximum levels of support from such fund.

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

12
13 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
15 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
16 Higher Education Building Maintenance Fund, any additional deposits are to be
17 transferred to the Research Development Fund there to be used as provided by
18 law.

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

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

1 receiving assistance from the National Guard Tuition Incentive Program.

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

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

17
18 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL
20 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall
21 report by May 30 to the House and Senate Interim Committees on Education the
22 budgeted allocation for each financial aid program funded through the Higher
23 Education Grants Fund Account for the upcoming fiscal year and projections
24 for the following year.

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

35 The provisions of this section shall be in effect only from July 1, ~~2014~~
36 2015 through June 30, ~~2015~~ 2016.

1
2 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT
4 DATA. All post-secondary institutions shall provide to the Arkansas
5 Department of Higher Education a copy of the Integrated Post-Secondary
6 Education Data System (IPEDS) data within three weeks following the IPEDS due
7 date, which shall be subject to audit by the Arkansas Department of Higher
8 Education.

9 The provisions of this section shall be in effect only from July 1, ~~2014~~
10 2015 through June 30, ~~2015~~ 2016.

11
12 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
14 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
15 determined by the Arkansas Department of Higher Education to have been for
16 salary increases for the fiscal year for Institutions of Higher Education
17 shall be used exclusively for salary increases. New funding actually received
18 for salary increases shall be spent exclusively for salary increases based
19 upon the state general revenue portion of total unrestricted educational and
20 general revenue. Funding received under this provision shall be used for no
21 purpose other than to provide such salary increases. Any designated funds not
22 used for salary increases shall be recouped at the end of each fiscal year
23 and transferred to the General Revenue Allotment Reserve Fund.

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

26
27 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE
29 PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall
30 transfer sufficient funding for the fiscal year from the Higher Education
31 Grants Fund Account to the Department of Higher Education Fund Account in
32 order to finance the personal services costs of a DHE Program Coordinator.

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 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
2 PROVISION. Upon certification by the Director of the Department of Higher
3 Education that transfers are needed to make maximum utilization of funds and
4 appropriations provided for financial aid programs, and with the approval of
5 the Chief Fiscal Officer of the State and a review by the Arkansas
6 Legislative Council, funds and appropriations may be transferred between
7 financial aid programs to more adequately align the appropriation with the
8 number of eligible students.

9 The provisions of this section shall be in effect only from July 1, ~~2014~~
10 2015 through June 30, ~~2015~~ 2016.

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12 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
14 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
15 LOANS. Upon certification to and with the approval of the Chief Fiscal
16 Officer of the State, surplus funds and appropriations may be transferred
17 between the appropriations provided for "Health Education Grants and Loans"
18 by this Act by the General Assembly for Dental Aid Grants and Loans,
19 Optometry Aid, Veterinary Aid, Podiatry Aid, Chiropractic Aid and Osteopathy
20 Aid.

21 The provisions of this section shall be in effect only from July 1, ~~2014~~
22 2015 through June 30, ~~2015~~ 2016.

23
24 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
26 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
27 the Department of Higher Education and the Chief Fiscal Officer of the State,
28 institutions of higher education may transfer appropriation from the cash
29 contingency appropriation to any other appropriation made to the institution
30 from cash funds including the establishment of commitment items, and may
31 transfer appropriation from the contingency appropriation made payable from
32 each institution's State Treasury Fund to the state operations appropriation
33 made payable from each institution's State Treasury Fund including the
34 establishment of commitment items, and may transfer appropriation from the
35 contingency appropriation made payable from the Tobacco Settlement Program
36 Fund Accounts to any other appropriation made to the institution from Tobacco

1 Settlement Program Fund Accounts including the establishment of commitment
2 items.

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

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

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

21

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

1 Education Grants Fund Account for the Student Undergraduate Research
2 Fellowship Program as authorized in Section 4 of this Act.

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

5
6 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

8 COOPERATION AGREEMENTS. Any institution of Higher Education that has its main
9 campus, satellite campus, or center located within a twenty five mile radius
10 of any other main campus of an institution of higher education shall enter
11 into a written agreement with that institution which must address duplication
12 of services between the institutions.

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

18 ALLOCATION. The Department of Higher Education may refund to the Higher
19 Education Fund Account or the Higher Education Grants Fund Account such
20 amounts determined by the Department to be reimbursements received from the
21 Arkansas Lottery Commission for costs related to the administration of the
22 Arkansas Academic Challenge Scholarship Program.

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

25
26 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

28 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
29 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
30 Higher Education shall determine the amount available, up to \$200,000 per
31 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
32 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
33 State and the State Treasurer such amount as is required to be transferred
34 from the Higher Education Grants Fund Account. Upon receiving such
35 certification, the Chief Fiscal Officer of the State and the State Treasurer
36 shall cause to be transferred the necessary funds and appropriation to the

1 fund account of the University of Arkansas at Pine Bluff for implementation
2 of this program. The University of Arkansas at Pine Bluff may use up to
3 twenty percent (20%) of the funds and appropriation for administration of the
4 program.

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. HIGHER
10 EDUCATION CENTRAL POOL POSITIONS. (a) Universities - (1) The Department of
11 Higher Education shall establish and maintain a central pool of three hundred
12 (300) positions to be used to establish additional positions when an
13 institution does not have sufficient positions available to meet
14 unanticipated enrollment growth, industry training demands, and its mandated
15 responsibilities.

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

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

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

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

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

33 (b) Colleges - (1) The Department of Higher Education shall establish and
34 maintain a central pool of two hundred fifty (250) positions to be used to
35 establish additional positions when an institution does not have sufficient
36 positions available to meet unanticipated enrollment growth, industry

1 training demands, and its mandated responsibilities.

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

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

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

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

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

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

36 The provisions of this section shall be in effect only from July 1, ~~2014~~

1 2015 through June 30, ~~2015~~ 2016.

2
3 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OUTCOME-
5 CENTERED FUNDING AWARDS. Upon certification of the Director of the
6 Department of Higher Education, the Chief Fiscal Officer of the State shall
7 transfer to the Department of Higher Education Fund Account certified amounts
8 based upon the outcome-centered funding policy of the Arkansas Higher
9 Education Coordinating Board from the State Treasury funds of the
10 Institutions of Higher Education. The Department of Higher Education will
11 distribute funds from the Outcome-Centered Funding Awards Appropriation based
12 upon the outcome-centered funding policy of the Arkansas Higher Education
13 Coordinating Board.

14 The provisions of this section shall be in effect only from July 1, ~~2014~~
15 2015 through June 30, ~~2015~~ 2016.

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17 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
19 ADMINISTRATIVE FEES. The Department of Higher Education is authorized to
20 recover non-refundable administrative fees related to the institutional
21 certification and exemption process for out-of-state, non-public, and for-
22 profit colleges and universities. These fees include a notification fee, an
23 application processing fee, and travel expenses for the certification review
24 teams.

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

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28 SECTION 40. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
29 authorized by this act shall be limited to the appropriation for such agency
30 and funds made available by law for the support of such appropriations; and
31 the restrictions of the State Procurement Law, the General Accounting and
32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
33 Procedures and Restrictions Act, or their successors, and other fiscal
34 control laws of this State, where applicable, and regulations promulgated by
35 the Department of Finance and Administration, as authorized by law, shall be
36 strictly complied with in disbursement of said funds.

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2 SECTION 41. LEGISLATIVE INTENT. It is the intent of the General
3 Assembly that any funds disbursed under the authority of the appropriations
4 contained in this act shall be in compliance with the stated reasons for
5 which this act was adopted, as evidenced by the Agency Requests, Executive
6 Recommendations and Legislative Recommendations contained in the budget
7 manuals prepared by the Department of Finance and Administration, letters, or
8 summarized oral testimony in the official minutes of the Arkansas Legislative
9 Council or Joint Budget Committee which relate to its passage and adoption.
10

11 SECTION 42. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly, that the Constitution of the State of Arkansas prohibits
13 the appropriation of funds for more than a one (1) year period; that the
14 effectiveness of this Act on July 1, 2015 is essential to the operation of
15 the agency for which the appropriations in this Act are provided, and that in
16 the event of an extension of the legislative session, the delay in the
17 effective date of this Act beyond July 1, 2015 could work irreparable harm
18 upon the proper administration and provision of essential governmental
19 programs. Therefore, an emergency is hereby declared to exist and this Act
20 being necessary for the immediate preservation of the public peace, health
21 and safety shall be in full force and effect from and after July 1, 2015.
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