

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

2 90th General Assembly

A Bill

3 Regular Session, 2015

SENATE BILL 97

4

5 By: Joint Budget Committee

6

7

For An Act To Be Entitled

8

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES

9

AND OPERATING EXPENSES FOR THE DEPARTMENT OF HIGHER

10

EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2016;

11

AND FOR OTHER PURPOSES.

12

13

14

Subtitle

15

AN ACT FOR THE DEPARTMENT OF HIGHER

16

EDUCATION APPROPRIATION FOR THE 2015-2016

17

FISCAL YEAR.

18

19

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

21

22

SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby

23

established for the Department of Higher Education for the 2015-2016 fiscal

24

year, the following maximum number of regular employees.

25

26

Maximum Annual

27

Maximum

Salary Rate

28

Item Class

No. of

Fiscal Year

29

No. Code Title

Employees

2015-2016

30

(1) U024U DHE DIRECTOR

1

\$203,323

31

(2) U089U DHE DEPUTY DIRECTOR

1

\$146,295

32

(3) N002N DHE SENIOR ASSOC DIRECTOR

2

GRADE N913

33

(4) N041N DHE ASSOC DIR FOR ACADEMIC AFFAIRS

1

GRADE N909

34

(5) N055N DHE ASSOCIATE DIRECTOR

2

GRADE N908

35

(6) N054N DHE CAREER PATHWAYS DIRECTOR

1

GRADE N908

36

(7) A010C AGENCY CONTROLLER II

1

GRADE C128



1	(8)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
2	(9)	G019C	GENERAL COUNSEL	1	GRADE C127
3	(10)	G043C	DHE FINANCIAL AID MANAGER	1	GRADE C126
4	(11)	D016C	SENIOR TECHNOLOGY ANALYST	1	GRADE C126
5	(12)	G058C	DHE FEDERAL PROGRAM MANAGER	2	GRADE C125
6	(13)	G071C	DHE PROGRAM COORDINATOR	7	GRADE C124
7	(14)	D028C	SENIOR SOFTWARE SUPPORT SPECIALIST	2	GRADE C124
8	(15)	P005C	DHE COMMUNICATIONS COORDINATOR	1	GRADE C123
9	(16)	G102C	DHE PROGRAM SPECIALIST	21	GRADE C122
10	(17)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
11	(18)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
12	(19)	A089C	ACCOUNTANT I	<u>1</u>	GRADE C116
13			MAX. NO. OF EMPLOYEES	49	

14
 15 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby
 16 authorized, for the Department of Higher Education for the 2015-2016 fiscal
 17 year, the following maximum number of part-time or temporary employees, to be
 18 known as "Extra Help", payable from funds appropriated herein for such
 19 purposes: seventeen (17) temporary or part-time employees, when needed, at
 20 rates of pay not to exceed those provided in the Uniform Classification and
 21 Compensation Act, or its successor, or this act for the appropriate
 22 classification.

23
 24 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 25 appropriated, to the Department of Higher Education, to be payable from the
 26 Department of Higher Education Fund Account, for personal services and
 27 operating expenses of the Department of Higher Education for the fiscal year
 28 ending June 30, 2016, the following:

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2015-2016</u>
32	(01) REGULAR SALARIES	\$2,429,974
33	(02) EXTRA HELP	3,000
34	(03) PERSONAL SERVICES MATCHING	729,697
35	(04) MAINT. & GEN. OPERATION	
36	(A) OPER. EXPENSE	912,755

1	(B) CONF. & TRAVEL	25,000
2	(C) PROF. FEES	160,000
3	(D) CAP. OUTLAY	50,000
4	(E) DATA PROC.	<u>0</u>
5	TOTAL AMOUNT APPROPRIATED	<u><u>\$4,310,426</u></u>

6

7 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS
8 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
9 Education, to be payable from the Higher Education Grants Fund Account, for
10 providing student assistance grants and various scholarships as provided by
11 law, of the Department of Higher Education for the fiscal year ending June
12 30, 2016, the following:

13

14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2015-2016</u>
16	(01) HIGHER EDUCATION OPPORTUNITIES GRANT	\$6,000,000
17	(02) SREB MINORITY DOCTORAL SCHOLARS	175,000
18	(03) WASHINGTON CENTER SCHOLARSHIPS	100,000
19	(04) TUITION ADJUSTMENT	350,000
20	(05) AR ACADEMIC CHALLENGE SCHOLARSHIPS	25,000,000
21	(06) ARKANSAS GOVERNOR'S SCHOLARS	15,200,000
22	(07) STUDENT UNDERGRADUATE RESEARCH	
23	FELLOWSHIP PROGRAM (SURF)	150,000
24	(08) NATIONAL GUARD TUITION INCENTIVE	
25	PROGRAM	1,400,000
26	(09) SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
27	(10) STATE TEACHER EDUCATION PROGRAM	2,000,000
28	(11) TEACHER OPPORTUNITY PROGRAM	1,500,000
29	(12) WORKFORCE IMPROVEMENT GRANTS	3,000,000
30	(13) AR GEOGRAPHICAL CRITICAL NEEDS	
31	MINORITY TEACHER SCHOLARSHIPS	150,000
32	(14) DEPENDENTS OF LAW ENFORCEMENT	
33	OFFICERS, ETC. SCHOLARSHIPS	400,000
34	(15) DEPENDENTS OF POWS, MIAS,	
35	KIAS-TUITION WAIVER	
36	SCHOLARSHIPS	<u>450,000</u>

1 TOTAL AMOUNT APPROPRIATED \$56,050,000

2

3 SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is
4 hereby appropriated, to the Department of Higher Education, to be payable
5 from the federal funds as designated by the Chief Fiscal Officer of the
6 State, for grants-in-aid of the Department of Higher Education - State
7 Scholarship - Federal Program for the fiscal year ending June 30, 2016, the
8 following:

9

10 ITEM	FISCAL YEAR
11 <u>NO.</u>	<u>2015-2016</u>
12 (01) GRANTS IN AID-STATE	
13 SCHOLARSHIPS-FEDERAL	<u>\$750,000</u>

14

15 SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS.

16 There is hereby appropriated, to the Department of Higher Education, to be
17 payable from the federal funds as designated by the Chief Fiscal Officer of
18 the State, for personal services and operating expenses of the Department of
19 Higher Education - Technical Education - Federal Programs for the fiscal year
20 ending June 30, 2016, the following:

21

22 ITEM	FISCAL YEAR
23 <u>NO.</u>	<u>2015-2016</u>
24 (01) REGULAR SALARIES	\$140,309
25 (02) PERSONAL SERVICES MATCHING	41,608
26 (03) MAINT. & GEN. OPERATION	
27 (A) OPER. EXPENSE	77,251
28 (B) CONF. & TRAVEL	15,200
29 (C) PROF. FEES	110,500
30 (D) CAP. OUTLAY	0
31 (E) DATA PROC.	<u>0</u>
32 TOTAL AMOUNT APPROPRIATED	<u>\$384,868</u>

33

34 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby
35 appropriated, to the Department of Higher Education, to be payable from the
36 federal funds as designated by the Chief Fiscal Officer of the State, for

1 operating expenses and grants-in-aid of the Department of Higher Education -
 2 Improving Teacher Quality Program for the fiscal year ending June 30, 2016,
 3 the following:

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>

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>

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:

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. APPROPRIATION - WORKFORCE INITIATIVE ACT OF 2015. There is

23 hereby appropriated, to the Department of Higher Education, to be payable

24 from the Workforce Initiative Act of 2015 Fund, for workforce education

25 grants, administrative, and operating expenses of the Department of Higher

26 Education - Workforce Initiative Act of 2015 for the fiscal year ending June

27 30, 2016, the following:

28		
29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2015-2016</u>
31	(01) WORKFORCE INITIATIVE ACT OF 2015	
32	EXPENSES	<u><u>\$2,000,000</u></u>

33

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9

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

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

19

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

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

29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7
8 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST
10 ALLOCATION. The Department of Higher Education may refund to the Higher
11 Education Fund Account or the Higher Education Grants Fund Account such
12 amounts determined by the Department to be reimbursements received from the
13 Arkansas Lottery Commission for costs related to the administration of the
14 Arkansas Academic Challenge Scholarship Program.

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

17
18 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
20 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
21 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
22 Higher Education shall determine the amount available, up to \$200,000 per
23 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
24 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
25 State and the State Treasurer such amount as is required to be transferred
26 from the Higher Education Grants Fund Account. Upon receiving such
27 certification, the Chief Fiscal Officer of the State and the State Treasurer
28 shall cause to be transferred the necessary funds and appropriation to the
29 fund account of the University of Arkansas at Pine Bluff for implementation
30 of this program. The University of Arkansas at Pine Bluff may use up to
31 twenty percent (20%) of the funds and appropriation for administration of the
32 program.

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

35
36 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

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

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

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

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

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

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

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

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

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

1 appropriation act.

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

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

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

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

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

30

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

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

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

8
9 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

19
20 SECTION 42. SPECIAL LANGUAGE. *Arkansas Code §6-61-228(d)(4)(B)(ii),*
21 *concerning the funding formula model for universities, is amended to read as*
22 *follows:*

23
24 *(ii) The sum of the teaching salaries at the three (3) instructional levels*
25 *plus a fringe benefits rate that will be determined by the department staff*
26 *shall constitute the teaching salaries need of the university.*

27
28 SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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

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

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

32
33 */s/ Joint Budget Committee*
34
35
36