

1 State of Arkansas
2 91st General Assembly
3 Fiscal Session, 2018
4

A Bill

SENATE BILL 10

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, 2019;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF HIGHER
15 EDUCATION APPROPRIATION FOR THE 2018-2019
16 FISCAL YEAR.
17
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 2018-2019 fiscal
24 year, the following maximum number of regular employees.
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2018-2019
30	(1) U024U	DHE DIRECTOR	1	GRADE SE05
31	(2) U089U	DHE DEPUTY DIRECTOR	1	GRADE SE02
32	(3) D022N	IT SENIOR PROJECT MANAGER	1	GRADE IT09
33	(4) D007C	INFORMATION SYSTEMS MANAGER	1	GRADE IT08
34	(5) D028C	SENIOR SOFTWARE SUPPORT SPECIALIST	2	GRADE IT07
35	(6) D016C	SENIOR TECHNOLOGY ANALYST	1	GRADE IT06
36	(7) N002N	DHE SENIOR ASSOC DIRECTOR	3	GRADE GS15



1	(8)	N055N DHE ASSOCIATE DIRECTOR	1	GRADE GS14
2	(9)	A010C AGENCY CONTROLLER II	1	GRADE GS13
3	(10)	N054N DHE CAREER PATHWAYS DIRECTOR	1	GRADE GS13
4	(11)	G019C GENERAL COUNSEL	1	GRADE GS13
5	(12)	N106N PRIVATE CAREER EDUCATION BOARD DIR	1	GRADE GS13
6	(13)	A027C ACCOUNTING OPERATIONS MANAGER	1	GRADE GS11
7	(14)	G058C DHE FEDERAL PROGRAM MANAGER	2	GRADE GS11
8	(15)	G071C DHE PROGRAM COORDINATOR	6	GRADE GS10
9	(16)	G102C DHE PROGRAM SPECIALIST	16	GRADE GS09
10	(17)	A038C FISCAL SUPPORT MANAGER	1	GRADE GS09
11	(18)	P005C DHE COMMUNICATIONS COORDINATOR	1	GRADE GS08
12	(19)	R014C PERSONNEL MANAGER	1	GRADE GS08
13	(20)	A084C PROGRAM/FIELD AUDIT SPECIALIST	1	GRADE GS06
14	(21)	C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
15		MAX. NO. OF EMPLOYEES	45	

16

17 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby
 18 authorized, for the Department of Higher Education for the 2018-2019 fiscal
 19 year, the following maximum number of part-time or temporary employees, to be
 20 known as "Extra Help", payable from funds appropriated herein for such
 21 purposes: fifteen (15) temporary or part-time employees, when needed, at
 22 rates of pay not to exceed those provided in the Uniform Classification and
 23 Compensation Act, or its successor, or this act for the appropriate
 24 classification.

25

26 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 27 appropriated, to the Department of Higher Education, to be payable from the
 28 Department of Higher Education Fund Account, for personal services and
 29 operating expenses of the Department of Higher Education for the fiscal year
 30 ending June 30, 2019, the following:

31

32	ITEM	FISCAL YEAR
33	<u>NO.</u>	<u>2018-2019</u>
34	(01) REGULAR SALARIES	\$2,096,240
35	(02) EXTRA HELP	3,000
36	(03) PERSONAL SERVICES MATCHING	645,054

1	(04) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	912,755
3	(B) CONF. & TRAVEL	25,000
4	(C) PROF. FEES	100,000
5	(D) CAP. OUTLAY	35,000
6	(E) DATA PROC.	<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	<u><u>\$3,817,049</u></u>

8

9 SECTION 4. APPROPRIATION - STATE BOARD OF PRIVATE CAREER EDUCATION

10 OPERATIONS. There is hereby appropriated, to the Department of Higher
 11 Education, to be payable from the Private Career Education Fund, for personal
 12 services and operating expenses of the State Board of Private Career
 13 Education for the fiscal year ending June 30, 2019, the following:

14

15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2018-2019</u>
17	(1) REGULAR SALARIES	\$185,260
18	(2) EXTRA HELP	20,000
19	(3) PERSONAL SERVICES MATCHING	59,702
20	(4) MAINT. & GEN. OPERATION	
21	(A) OPER. EXPENSE	63,000
22	(B) CONF. & TRAVEL	4,000
23	(C) PROF. FEES	6,000
24	(D) CAP. OUTLAY	0
25	(E) DATA PROC.	<u>0</u>
26	TOTAL AMOUNT APPROPRIATED	<u><u>\$337,962</u></u>

27

28 SECTION 5. EXTRA HELP - STATE BOARD OF PRIVATE CAREER EDUCATION

29 OPERATIONS. There is hereby authorized, for the State Board of Private
 30 Career Education for the 2018-2019 fiscal year, the following maximum number
 31 of part-time or temporary employees, to be known as "Extra Help", payable
 32 from funds appropriated herein for such purposes: two (2) temporary or part-
 33 time employees, when needed, at rates of pay not to exceed those provided in
 34 the Uniform Classification and Compensation Act, or its successor, or this
 35 act for the appropriate classification.

36

SECTION 6. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Grants Fund Account, for providing student assistance grants and various scholarships as provided by law of the Department of Higher Education for the fiscal year ending June 30, 2019, the following:

ITEM	FISCAL YEAR
NO.	2018-2019
(01) HIGHER EDUCATION OPPORTUNITIES GRANT	\$6,000,000
(02) SREB MINORITY DOCTORAL SCHOLARS	175,000
(03) WASHINGTON CENTER SCHOLARSHIPS	100,000
(04) TUITION ADJUSTMENT	350,000
(05) AR ACADEMIC CHALLENGE SCHOLARSHIPS	25,000,000
(06) AR GOVERNOR'S SCHOLAR	15,200,000
(07) STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP PROGRAM (SURF)	150,000
(08) NATIONAL GUARD TUITION ASSISTANCE PROGRAM	1,400,000
(09) SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
(10) STATE TEACHER EDUCATION PROGRAM	2,000,000
(11) TEACHER OPPORTUNITY PROGRAM	1,500,000
(12) WORKFORCE IMPROVEMENT GRANTS	3,000,000
(13) AR GEOGRAPHICAL CRITICAL NEEDS MINORITY TEACHER SCHOLARSHIPS	150,000
(14) DEPENDENTS OF LAW ENFORCEMENT OFFICERS, ETC. SCHOLARSHIPS	400,000
(15) DEPENDENTS OF POWS, MIAS, KIAS-TUITION WAIVER SCHOLARSHIPS	450,000
(16) ARKANSAS FUTURE GRANT	<u>9,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$65,050,000</u>

SECTION 7. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS. There is hereby appropriated, to the Department of Higher Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of

1 the State, for personal services and operating expenses of the Department of
 2 Higher Education - Technical Education - Federal Programs for the fiscal year
 3 ending June 30, 2019, the following:

4

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2018-2019</u>
7 (01) REGULAR SALARIES	\$141,909
8 (02) PERSONAL SERVICES MATCHING	42,336
9 (03) MAINT. & GEN. OPERATION	
10 (A) OPER. EXPENSE	77,251
11 (B) CONF. & TRAVEL	40,700
12 (C) PROF. FEES	85,000
13 (D) CAP. OUTLAY	0
14 (E) DATA PROC.	<u>0</u>
15 TOTAL AMOUNT APPROPRIATED	<u><u>\$387,196</u></u>

16

17 SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is
 18 hereby appropriated, to the Department of Higher Education, to be payable
 19 from the Higher Education Research Development Fund, for providing Arkansas
 20 Research Development Program Grants to Institutions of Higher Education by
 21 the Department of Higher Education for the fiscal year ending June 30, 2019,
 22 the following:

23

24 ITEM	FISCAL YEAR
25 <u>NO.</u>	<u>2018-2019</u>
26 (01) RESEARCH AND DEVELOPMENT PROGRAM	
27 GRANTS	<u><u>\$1,000,000</u></u>

28

29 SECTION 9. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is
 30 hereby appropriated, to the Department of Higher Education, to be payable
 31 from the Higher Education Grants Fund Account, for payments of the contracts
 32 and loans with participating out-of-state institutions of higher learning in
 33 the fields of dentistry, optometry, osteopathy, veterinary medicine,
 34 chiropractic, and podiatry for the education of Arkansas citizens, by the
 35 Department of Higher Education for the fiscal year ending June 30, 2019, the
 36 following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2018-2019</u>
4	(01) CHIROPRACTIC AID	\$260,000
5	(02) DENTAL AID - GRANTS	2,133,900
6	(03) OPTOMETRY AID - GRANTS	410,000
7	(04) OSTEOPATHY AID	50,000
8	(05) PODIATRY AID	130,400
9	(06) VETERINARY AID	1,100,000
10	(07) DENTAL AID - LOANS	987,370
11	(08) OPTOMETRY AID - LOANS	140,000
12	(09) VETERINARY MED. LOAN FORGIVENESS	
13	PROGRAM	<u>250,000</u>
14	TOTAL AMOUNT APPROPRIATED	<u><u>\$5,461,670</u></u>
15		

16 SECTION 10. APPROPRIATION - CASH. There is hereby appropriated, to the
 17 Department of Higher Education, to be payable from the cash fund deposited in
 18 the State Treasury as determined by the Chief Fiscal Officer of the State,
 19 for operating expenses of the Department of Higher Education for the fiscal
 20 year ending June 30, 2019, the following:

21		
22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2018-2019</u>
24	(01) MAINT. & GEN. OPERATION	
25	(A) OPER. EXPENSE	\$262,000
26	(B) CONF. & TRAVEL	30,000
27	(C) PROF. FEES	63,000
28	(D) CAP. OUTLAY	0
29	(E) DATA PROC.	0
30	(02) SCHOLARSHIPS	<u>50,000</u>
31	TOTAL AMOUNT APPROPRIATED	<u><u>\$405,000</u></u>
32		

33 SECTION 11. APPROPRIATION - PRIVATE CAREER EDUCATION BOARD - CASH.
 34 There is hereby appropriated, to the Department of Higher Education, to be
 35 payable from the cash fund deposited in the State Treasury as determined by
 36 the Chief Fiscal Officer of the State, for operating expenses of the State

1 Board of Private Career Education for the fiscal year ending June 30, 2019,
2 the following:

3		
4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2018-2019</u>
6	(1) MAINT. & GEN. OPERATION	
7	(A) OPER. EXPENSE	\$28,087
8	(B) CONF. & TRAVEL	8,898
9	(C) PROF. FEES	8,000
10	(D) CAP. OUTLAY	0
11	(E) DATA PROC.	<u>0</u>
12	TOTAL AMOUNT APPROPRIATED	<u>\$44,985</u>

13
14 SECTION 12. APPROPRIATION - STUDENT PROTECTION TRUST. There is hereby
15 appropriated, to the Department of Higher Education, to be payable from the
16 Private Career School Student Protection Trust Fund, for expenses, claims,
17 and fees of the State Board of Private Career Education for the fiscal year
18 ending June 30, 2019, the following:

19		
20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2018-2019</u>
22	(1) EXPENSES/CLAIMS/FEES	<u>\$500,000</u>

23
24 SECTION 13. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby
25 appropriated, to the Department of Higher Education, to be payable from the
26 federal funds as designated by the Chief Fiscal Officer of the State, for
27 personal services and operating expenses of the Department of Higher
28 Education - TANF Program - Federal for the fiscal year ending June 30, 2019,
29 the following:

30		
31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2018-2019</u>
33	(01) REGULAR SALARIES	\$221,169
34	(02) PERSONAL SERVICES MATCHING	65,391
35	(03) MAINT. & GEN. OPERATION	
36	(A) OPER. EXPENSE	45,105

1	(B) CONF. & TRAVEL	10,000
2	(C) PROF. FEES	14,784
3	(D) CAP. OUTLAY	0
4	(E) DATA PROC.	0
5	(04) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>6,793,551</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$7,150,000</u></u>

7

8 SECTION 14. APPROPRIATION - COLLEGE ACCESS CHALLENGE GRANT. There is

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

10 from the federal funds as designated by the Chief Fiscal Officer of the

11 State, for operating expenses of the Department of Higher Education - College

12 Access Challenge Grant Program - Federal for the fiscal year ending June 30,

13 2019, the following:

15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2018-2019</u>
17	(01) MAINT. & GEN. OPERATION	
18	(A) OPER. EXPENSE	\$586,000
19	(B) CONF. & TRAVEL	14,000
20	(C) PROF. FEES	100,000
21	(D) CAP. OUTLAY	0
22	(E) DATA PROC.	<u>0</u>
23	TOTAL AMOUNT APPROPRIATED	<u><u>\$700,000</u></u>

24

25 SECTION 15. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby

26 appropriated, to the Department of Higher Education, to be payable from the

27 Higher Education Grants Fund Account, for personal services and operating

28 expenses associated with web based applications of the Department of Higher

29 Education for the fiscal year ending June 30, 2019, the following:

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2018-2019</u>
33	(01) WEB BASED APPLICATIONS PERSONAL	
34	SERVICES AND OPERATING EXPENSES	<u><u>\$1,000,000</u></u>

35

36 SECTION 16. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is

1 hereby appropriated, to the Department of Higher Education, to be payable
 2 from the Higher Education Grants Fund Account, for personal services and
 3 operating expenses of the Department of Higher Education - Scholarship
 4 Administration for the fiscal year ending June 30, 2019, the following:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2018-2019</u>
8 (01) REGULAR SALARIES	\$360,316
9 (02) EXTRA HELP	10,000
10 (03) PERSONAL SERVICES MATCHING	112,912
11 (04) MAINT. & GEN. OPERATION	
12 (A) OPER. EXPENSE	130,000
13 (B) CONF. & TRAVEL	0
14 (C) PROF. FEES	150,000
15 (D) CAP. OUTLAY	35,000
16 (E) DATA PROC.	<u>0</u>
17 TOTAL AMOUNT APPROPRIATED	<u><u>\$798,228</u></u>

18
 19 SECTION 17. APPROPRIATION - COMPLETE COLLEGE AMERICA GRANT PROGRAM.

20 There is hereby appropriated, to the Department of Higher Education, to be
 21 payable from the cash fund deposited in the State Treasury as determined by
 22 the Chief Fiscal Officer of the State, for operating expenses of the
 23 Department of Higher Education - Complete College America Grant Program for
 24 the fiscal year ending June 30, 2019, the following:

26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2018-2019</u>
28 (01) MAINT. & GEN. OPERATION	
29 (A) OPER. EXPENSE	\$75,000
30 (B) CONF. & TRAVEL	0
31 (C) PROF. FEES	0
32 (D) CAP. OUTLAY	0
33 (E) DATA PROC.	<u>0</u>
34 TOTAL AMOUNT APPROPRIATED	<u><u>\$75,000</u></u>

35
 36 SECTION 18. APPROPRIATION - OUTCOME-CENTERED FUNDING AWARDS. There is

1 hereby appropriated, to the Department of Higher Education, to be payable
 2 from the Department of Higher Education Fund Account, for distribution of
 3 Outcome-Centered Funding Awards to Institutions of Higher Education by the
 4 Department of Higher Education for the fiscal year ending June 30, 2019, the
 5 following:

7 ITEM	FISCAL YEAR
8 <u>NO.</u>	<u>2018-2019</u>
9 (01) OUTCOME-CENTERED AWARDS - UNIVERSITIES	\$40,320,284
10 (02) OUTCOME-CENTERED AWARDS - COLLEGES	<u>14,192,418</u>
11 TOTAL AMOUNT APPROPRIATED	<u><u>\$54,512,702</u></u>

12

13 SECTION 19. APPROPRIATION - WORKFORCE INITIATIVE ACT OF 2015. There is
 14 hereby appropriated, to the Department of Higher Education, to be payable
 15 from the Workforce Initiative Act of 2015 Fund, for workforce education
 16 grants, administrative, and operating expenses of the Department of Higher
 17 Education - Workforce Initiative Act of 2015 for the fiscal year ending June
 18 30, 2019, the following:

19

20 ITEM	FISCAL YEAR
21 <u>NO.</u>	<u>2018-2019</u>
22 (01) WORKFORCE INITIATIVE ACT OF 2015	
23 EXPENSES	<u><u>\$8,000,000</u></u>

24

25 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY
 27 GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an
 28 emergency/disaster event resulting in all or a significant portion of campus
 29 operations being interrupted, may request disaster assistance through the
 30 Arkansas Department of Higher Education. Upon the declaration of an
 31 emergency by the Governor, the institution may request, subject to the
 32 recommendation of the Director of the Department of Higher Education and
 33 approval of the Governor, a grant from the Disaster Relief Fund to assist in
 34 returning that campus to operation and/or to a sister campus providing
 35 services to the students from the affected campus. Certified law enforcement
 36 officers employed by an institution of higher education may be granted

1 jurisdiction at the sister institution, upon agreement of both institutions.
2 The Department of Higher Education is authorized a pool of 500 extra help
3 positions for use in such emergency situations. These positions may be
4 assigned to the campus suffering the disaster event or to a sister campus
5 providing services to the students from the affected campus. The Governor
6 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
7 pool positions.

8 The provisions of this section shall be in effect only from July 1, ~~2017~~
9 2018 through June 30, ~~2018~~ 2019.

10
11 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

33 Determining the maximum number of employees and the maximum amount of
34 appropriation and general revenue funding for institutions of higher
35 education each fiscal year is the prerogative of the General Assembly. This
36 is usually accomplished by delineating such maximums in the appropriation

1 act(s) for institutions of higher education and the general revenue
2 allocations authorized for each fund and fund account by amendment to the
3 Revenue Stabilization law. Further, the General Assembly has determined that
4 institutions of higher education may operate more efficiently if some
5 flexibility is provided to institutions of higher education authorizing broad
6 powers under this Section. Therefore, it is both necessary and appropriate
7 that the General Assembly maintain oversight by requiring prior approval of
8 the Legislative Council or Joint Budget Committee as provided by this
9 section. The requirement of approval by the Legislative Council or Joint
10 Budget Committee is not a severable part of this section. If the requirement
11 of approval by the Legislative Council or Joint Budget Committee is ruled
12 unconstitutional by a court of competent jurisdiction, this entire section is
13 void.

14 The provisions of this section shall be in effect only from July 1, ~~2017~~
15 2018 through June 30, ~~2018~~ 2019.

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

28 The provisions of this section shall be in effect only from July 1, ~~2017~~
29 2018 through June 30, ~~2018~~ 2019.

30
31 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
33 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
34 available to the various technical colleges have been determined as set out
35 in Arkansas Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B), such documents as
36 may be necessary shall be processed so that funds may be transferred from the

1 Work Force 2000 Development Fund to the State Treasury fund or fund account
2 from which the technical college draws its general revenue support. Such
3 funds as may be transferred shall not exceed 93.691% of the total funds
4 available from the Work Force 2000 Development Fund during the fiscal year.
5 In the event that a technical institute or comprehensive lifelong learning
6 center which receives support from the Work Force 2000 Development Fund as
7 determined by law transfers or merges into the Arkansas Technical College and
8 Community College System for which Work Force 2000 Development Fund monies
9 are determined by law, then the actual amount of support from the Work Force
10 2000 Development Fund in the preceding fiscal year for such educational
11 institution shall be made available irrespective of any other provision of
12 law which sets out maximum levels of support from such fund.

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

23 The provisions of this section shall be in effect only from July 1, ~~2017~~
24 2018 through June 30, ~~2018~~ 2019.

25

26 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
28 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
29 Higher Education Building Maintenance Fund, any additional deposits are to be
30 transferred to the Research Development Fund there to be used as provided by
31 law.

32 The provisions of this section shall be in effect only from July 1, ~~2017~~
33 2018 through June 30, ~~2018~~ 2019.

34

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

1 EXPENDITURES. Proceeds derived from the repayment of loans, grants, or
2 scholarships funded by the Higher Education Grants Fund Account shall be
3 deposited into the State Treasury fund from which it originated.

4 The provisions of this section shall be in effect only from July 1, ~~2017~~
5 2018 through June 30, ~~2018~~ 2019.

6
7 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
9 GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law,
10 any student who receives assistance from the appropriation made for the
11 "National Guard Tuition Incentive Program" in this Act shall repay any loans
12 and/or assistance if the student receives a discharge that is a less than
13 Honorable Discharge. Priority for funding shall be given to students already
14 receiving assistance from the National Guard Tuition Incentive Program.

15 The provisions of this section shall be in effect only from July 1, ~~2017~~
16 2018 through June 30, ~~2018~~ 2019.

17
18 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
20 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
21 Coordinating Board, after consulting with the recognized associations of each
22 of the applicable medical professions and other interested persons, shall
23 determine the priorities for the applicable programs enumerated in the
24 appropriation made for "Health Education Grants and Loans" in this Act. The
25 Arkansas Department of Higher Education, if necessary, shall re-adjust the
26 number of positions for entering students to be funded for each applicable
27 program based upon the priorities determined by the board.

28 The provisions of this section shall be in effect only from July 1, ~~2017~~
29 2018 through June 30, ~~2018~~ 2019.

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

1 for the following year.

2 The provisions of this section shall be in effect only from July 1, ~~2017~~
3 2018 through June 30, ~~2018~~ 2019.

4
5 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
7 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
8 receives state scholarship funds administered by the Arkansas Department of
9 Higher Education shall be subject to audit/review of such funds by the
10 Division of Legislative Audit, upon approval of the Legislative Joint Audit
11 Committee.

12 The provisions of this section shall be in effect only from July 1, ~~2017~~
13 2018 through June 30, ~~2018~~ 2019.

14
15 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT
17 DATA. All post-secondary institutions shall provide to the Arkansas
18 Department of Higher Education a copy of the Integrated Post-Secondary
19 Education Data System (IPEDS) data within three weeks following the IPEDS due
20 date, which shall be subject to audit by the Arkansas Department of Higher
21 Education.

22 The provisions of this section shall be in effect only from July 1, ~~2017~~
23 2018 through June 30, ~~2018~~ 2019.

24
25 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
27 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
28 determined by the Arkansas Department of Higher Education to have been for
29 salary increases for the fiscal year for Institutions of Higher Education
30 shall be used exclusively for salary increases. New funding actually received
31 for salary increases shall be spent exclusively for salary increases based
32 upon the state general revenue portion of total unrestricted educational and
33 general revenue. Funding received under this provision shall be used for no
34 purpose other than to provide such salary increases. Any designated funds not
35 used for salary increases shall be recouped at the end of each fiscal year
36 and transferred to the General Revenue Allotment Reserve Fund.

1 The provisions of this section shall be in effect only from July 1, ~~2017~~
2 2018 through June 30, ~~2018~~ 2019.

3
4 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE
6 PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall
7 transfer sufficient funding for the fiscal year from the Higher Education
8 Grants Fund Account to the Department of Higher Education Fund Account in
9 order to finance the personal services costs of a DHE Program Coordinator.

10 The provisions of this section shall be in effect only from July 1, ~~2017~~
11 2018 through June 30, ~~2018~~ 2019.

12
13 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
15 PROVISION. Upon certification by the Director of the Department of Higher
16 Education that transfers are needed to make maximum utilization of funds and
17 appropriations provided for financial aid programs, and with the approval of
18 the Chief Fiscal Officer of the State and a review by the Arkansas
19 Legislative Council or Joint Budget Committee, funds and appropriations may
20 be transferred between financial aid programs to more adequately align the
21 appropriation with the number of eligible students.

22 The provisions of this section shall be in effect only from July 1, ~~2017~~
23 2018 through June 30, ~~2018~~ 2019.

24
25 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
27 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
28 LOANS. Upon certification to and with the approval of the Chief Fiscal
29 Officer of the State, surplus funds and appropriations may be transferred
30 between the appropriations provided for "Health Education Grants and Loans"
31 by this Act by the General Assembly for Dental Aid Grants and Loans,
32 Optometry Aid, Veterinary Aid, Podiatry Aid, and Chiropractic Aid.

33 The provisions of this section shall be in effect only from July 1, ~~2017~~
34 2018 through June 30, ~~2018~~ 2019.

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

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

2 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
3 the Department of Higher Education and the Chief Fiscal Officer of the State,
4 institutions of higher education may transfer appropriation from the cash
5 contingency appropriation to any other appropriation made to the institution
6 from cash funds including the establishment of commitment items, and may
7 transfer appropriation from the contingency appropriation made payable from
8 each institution's State Treasury Fund to the state operations appropriation
9 made payable from each institution's State Treasury Fund including the
10 establishment of commitment items, and may transfer appropriation from the
11 contingency appropriation made payable from the Tobacco Settlement Program
12 Fund Accounts to any other appropriation made to the institution from Tobacco
13 Settlement Program Fund Accounts including the establishment of commitment
14 items.

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

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

31 The provisions of this section shall be in effect only from July 1, ~~2017~~
32 2018 through June 30, ~~2018~~ 2019.

33
34 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
36 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student

1 Undergraduate Research Fellowship (SURF) Program is the continued development
2 of undergraduate academic research efforts at Arkansas colleges and
3 universities. The Arkansas Department of Higher Education shall adopt rules
4 and regulations necessary for the proper administration of the Student
5 Undergraduate Research Fellowship Program. Administrative functions and
6 responsibilities may include, but not necessarily be limited to, the
7 development of eligibility criteria, collection of applications, coordination
8 of student evaluations, distribution of public notices, and funding of grants
9 for academic research purposes. Staff of the Arkansas Department of Higher
10 Education shall administer this program. The Arkansas Department of Higher
11 Education shall be authorized to expense costs associated with the
12 administration of the program, from funds made payable from the Higher
13 Education Grants Fund Account for the Student Undergraduate Research
14 Fellowship Program as authorized in the Student Assistance Grants and Various
15 Scholarships appropriation section of this Act.

16 The provisions of this section shall be in effect only from July 1, ~~2017~~
17 2018 through June 30, ~~2018~~ 2019.

18
19 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
21 COOPERATION AGREEMENTS. Any institution of Higher Education that has its main
22 campus, satellite campus, or center located within a twenty five mile radius
23 of any other main campus of an institution of higher education shall enter
24 into a written agreement with that institution which must address duplication
25 of services between the institutions.

26 The provisions of this section shall be in effect only from July 1, ~~2017~~
27 2018 through June 30, ~~2018~~ 2019.

28
29 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST
31 ALLOCATION. The Department of Higher Education may refund to the Higher
32 Education Fund Account or the Higher Education Grants Fund Account such
33 amounts determined by the Department to be reimbursements received from the
34 Office of the Arkansas Lottery for costs related to the administration of the
35 Arkansas Academic Challenge Scholarship Program.

36 The provisions of this section shall be in effect only from July 1, ~~2017~~

1 2018 through June 30, ~~2018~~ 2019.

2
3 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
5 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
6 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
7 Higher Education shall determine the amount available, up to \$200,000 per
8 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
9 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
10 State and the State Treasurer such amount as is required to be transferred
11 from the Higher Education Grants Fund Account. Upon receiving such
12 certification, the Chief Fiscal Officer of the State and the State Treasurer
13 shall cause to be transferred the necessary funds and appropriation to the
14 fund account of the University of Arkansas at Pine Bluff for implementation
15 of this program. The University of Arkansas at Pine Bluff may use up to
16 twenty percent (20%) of the funds and appropriation for administration of the
17 program.

18 The provisions of this section shall be in effect only from July 1, ~~2017~~
19 2018 through June 30, ~~2018~~ 2019.

20
21 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OUTCOME-
23 CENTERED FUNDING AWARDS. Upon certification of the Director of the
24 Department of Higher Education, the Chief Fiscal Officer of the State shall
25 transfer to the Department of Higher Education Fund Account certified amounts
26 based upon the outcome-centered funding policy of the Arkansas Higher
27 Education Coordinating Board from the State Treasury funds of the
28 Institutions of Higher Education. The Department of Higher Education will
29 distribute funds from the Outcome-Centered Funding Awards Appropriation based
30 upon the outcome-centered funding policy of the Arkansas Higher Education
31 Coordinating Board.

32 The provisions of this section shall be in effect only from July 1, ~~2017~~
33 2018 through June 30, ~~2018~~ 2019.

34
35 SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

1 ADMINISTRATIVE FEES. The Department of Higher Education is authorized to
 2 recover non-refundable administrative fees related to the institutional
 3 certification and exemption process for out-of-state, non-public, and for-
 4 profit colleges and universities. These fees include a notification fee, an
 5 application processing fee, and travel expenses for the certification review
 6 teams.

7 The provisions of this section shall be in effect only from July 1, ~~2017~~
 8 2018 through June 30, ~~2018~~ 2019.

9
 10 SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE
 12 WORKFORCE INITIATIVE ACT FUNDING. The Chief Fiscal Officer of the State may
 13 transfer, on his or her books and those of the State Treasurer and the
 14 Auditor of the State, funding up to the amount authorized in the Workforce
 15 Initiative Act of 2015 appropriation section in this Act, from the Department
 16 of Higher Education Fund Account to the Workforce Initiative Act of 2015 Fund
 17 in order to finance the distribution of grants identified under §6-60-107.

18 The provisions of this section shall be in effect only from July 1, ~~2017~~
 19 2018 through June 30, ~~2018~~ 2019.

20
 21 SECTION 43. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 23 WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in
 24 this section, "Arkansas Works Program" means the Arkansas Works Program
 25 established under the Identical Acts 2016 (2nd Ex. Sess.), Nos. 1 and 2,
 26 Arkansas Code § 23-61-1001 et seq.

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

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

- 33 (A) Identifying the purpose in the appropriation act;
 34 (B) Delineating such maximums in the appropriation act for
 35 a publicly supported institution of higher education; and
 36 (C) Delineating the general revenue allocations authorized

1 for each fund and fund account by amendment to the Revenue Stabilization Law,
2 Arkansas Code § 19-5-101 et seq.

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

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

12 (A) Unsolicited communications mailed to potential
13 recipients;

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

15 (C) Billboard or mobile billboard advertising;

16 (D) Advertisements printed in newspapers, magazines, or
17 other print media; and

18 (E) Internet websites and electronic media.

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

21 (A) Direct communications with licensed insurance agents;

22 (B) Solicited communications with potential recipients;

23 (C)(i) Responding to an inquiry regarding the coverage for
24 which a potential recipient might be eligible, including without limitation
25 providing educational materials or information regarding any coverage for
26 which the individual might qualify.

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

31 (D) Using an Internet website for the exclusive purpose of
32 enrolling individuals in the Arkansas Health Insurance Marketplace or the
33 Arkansas Works Program.

34 (d) The publicly supported institutions of higher education shall not
35 apply for or accept any funds, including without limitation federal funds,
36 for the purpose of advertisement, promotion, or other activities designed to

1 promote or encourage enrollment in the Arkansas Health Insurance Marketplace
2 or the Arkansas Works Program.

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

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

11 (ii) Subdivision (e)(1)(A)(i) of this section does
12 not apply to regulatory and training responsibilities related to navigators,
13 guides, certified application counselors, and certified licensed producers;
14 and

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

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

23 (f) An appropriation authorized by the General Assembly shall not be
24 subject to the provisions allowed through reallocation of resources or
25 transfer of appropriation authority for the purpose of transferring an
26 appropriation to any other appropriation authorized for a publicly supported
27 institutions of higher education to be allocated, budgeted, expended, or
28 utilized in a manner prohibited by this section.

29 (g) The provisions of this section are severable, and the invalidity
30 of any subsection or subdivision of this section shall not affect other
31 provisions of the section that can be given effect without the invalid
32 provision.

33 (h) This section expires on June 30, ~~2018~~ 2019.

34
35 SECTION 44. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
36 authorized by this act shall be limited to the appropriation for such agency

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

8
9 SECTION 45. LEGISLATIVE INTENT. It is the intent of the General
10 Assembly that any funds disbursed under the authority of the appropriations
11 contained in this act shall be in compliance with the stated reasons for
12 which this act was adopted, as evidenced by the Agency Requests, Executive
13 Recommendations and Legislative Recommendations contained in the budget
14 manuals prepared by the Department of Finance and Administration, letters, or
15 summarized oral testimony in the official minutes of the Arkansas Legislative
16 Council or Joint Budget Committee which relate to its passage and adoption.

17
18 SECTION 46. EFFECTIVE DATE. This act is effective on and after July 1,
19 2018.