

Stricken language will be deleted and underlined language will be added.
Act 873 of the Regular Session

State of Arkansas As Engrossed: S2/25/19 S3/27/19 S4/1/19 S4/3/19
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 93

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE DEPARTMENT OF HIGHER
EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2020;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HIGHER
EDUCATION APPROPRIATION FOR THE 2019-2020
FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby established for the Department of Higher Education for the 2019-2020 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
(1)	U024U	DHE DIRECTOR	1	GRADE SE05
(2)	U089U	DHE DEPUTY DIRECTOR	1	GRADE SE02
(3)	D022N	IT SENIOR PROJECT MANAGER	1	GRADE IT09
(4)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE IT08
(5)	D028C	SENIOR SOFTWARE SUPPORT SPECIALIST	2	GRADE IT07
(6)	D016C	SENIOR TECHNOLOGY ANALYST	1	GRADE IT06
(7)	N002N	DHE SENIOR ASSOC DIRECTOR	3	GRADE GS15



(8)	N055N DHE ASSOCIATE DIRECTOR	1	GRADE GS14
(9)	A010C AGENCY CONTROLLER II	1	GRADE GS13
(10)	N054N DHE CAREER PATHWAYS DIRECTOR	1	GRADE GS13
(11)	G019C GENERAL COUNSEL	1	GRADE GS13
(12)	<i>G295C OSTEOPATHIC RURAL MED. PROG. ADMIN.</i>	<i>1</i>	<i>GRADE GS09</i>
(13)	A027C ACCOUNTING OPERATIONS MANAGER	1	GRADE GS11
(14)	G058C DHE FEDERAL PROGRAM MANAGER	2	GRADE GS11
(15)	G071C DHE PROGRAM COORDINATOR	6	GRADE GS10
(16)	G102C DHE PROGRAM SPECIALIST	16	GRADE GS09
(17)	A038C FISCAL SUPPORT MANAGER	1	GRADE GS09
(18)	P005C DHE COMMUNICATIONS COORDINATOR	1	GRADE GS08
(19)	R014C PERSONNEL MANAGER	1	GRADE GS08
(20)	A084C PROGRAM/FIELD AUDIT SPECIALIST	1	GRADE GS06
(21)	C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
	MAX. NO. OF EMPLOYEES	45	

SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby authorized, for the Department of Higher Education for the 2019-2020 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: fifteen (15) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Fund Account, for personal services and operating expenses of the Department of Higher Education for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) REGULAR SALARIES	\$2,305,455
(02) EXTRA HELP	3,000
(03) PERSONAL SERVICES MATCHING	696,650

(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	912,755
(B) CONF. & TRAVEL	25,000
(C) PROF. FEES	100,000
(D) CAP. OUTLAY	50,000
(E) DATA PROC.	0
(05) STATEWIDE SCHOLARSHIP AND GRANT PROMOTION	<u>295,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$4,387,860</u></u>

SECTION 4. APPROPRIATION - STATE BOARD OF PRIVATE CAREER EDUCATION OPERATIONS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Private Career Education Fund, for personal services and operating expenses of the State Board of Private Career Education for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) REGULAR SALARIES	\$124,926
(02) EXTRA HELP	20,000
(03) PERSONAL SERVICES MATCHING	39,219
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	63,000
(B) CONF. & TRAVEL	4,000
(C) PROF. FEES	6,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$257,145</u></u>

SECTION 5. EXTRA HELP - STATE BOARD OF PRIVATE CAREER EDUCATION OPERATIONS. There is hereby authorized, for the State Board of Private Career Education for the 2019-2020 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: two (2) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this

act for the appropriate classification.

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, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) ARKANSAS FUTURE GRANT	\$9,000,000
(02) HIGHER EDUCATION OPPORTUNITIES GRANT	2,500,000
(03) NATIONAL GUARD TUITION ASSISTANCE PROGRAM	1,400,000
(04) SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
(05) STATE TEACHER EDUCATION PROGRAM	2,000,000
(06) TEACHER OPPORTUNITY PROGRAM	2,500,000
(07) AR GEOGRAPHICAL CRITICAL NEEDS MINORITY TEACHER SCHOLARSHIPS	150,000
(08) DEPENDENTS OF LAW ENFORCEMENT OFFICERS, ETC. SCHOLARSHIPS	400,000
(09) DEPENDENTS OF POWS, MIAS, KIAS-TUITION WAIVER SCHOLARSHIPS	1,500,000
(10) SREB MINORITY DOCTORAL SCHOLARS	175,000
(11) WASHINGTON CENTER SCHOLARSHIPS	150,000
(12) TUITION ADJUSTMENT	350,000
(13) AR ACADEMIC CHALLENGE SCHOLARSHIPS	25,000,000
(14) AR GOVERNOR'S SCHOLAR	22,000,000
(15) STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP PROGRAM (SURF)	<u>150,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$67,450,000</u></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

the State, for personal services and operating expenses of the Department of Higher Education - Technical Education - Federal Programs for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) REGULAR SALARIES	\$145,978
(02) PERSONAL SERVICES MATCHING	43,233
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	77,251
(B) CONF. & TRAVEL	40,700
(C) PROF. FEES	85,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$392,162</u></u>

SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Research Development Fund, for providing Arkansas Research Development Program Grants to Institutions of Higher Education by the Department of Higher Education for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) RESEARCH AND DEVELOPMENT PROGRAM	
GRANTS	<u><u>\$1,000,000</u></u>

SECTION 9. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Grants Fund Account, for payments of the contracts and loans with participating out-of-state institutions of higher learning in the fields of dentistry, optometry, veterinary medicine, chiropractic, and podiatry for the education of Arkansas citizens, by the Department of Higher Education for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) CHIROPRACTIC AID	\$260,000
(02) DENTAL AID - GRANTS	2,950,000
(03) OPTOMETRY AID - GRANTS	650,000
(04) PODIATRY AID	130,400
(05) VETERINARY AID	1,750,000
(06) DENTAL AID - LOANS	987,370
(07) OPTOMETRY AID - LOANS	140,000
(08) <i>VETERINARY MED. LOAN FORGIVENESS PROGRAM</i>	<u>250,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$7,117,770</u></u>

SECTION 10. APPROPRIATION - CASH. There is hereby appropriated, to the Department of Higher Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the Department of Higher Education for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$262,000
(B) CONF. & TRAVEL	30,000
(C) PROF. FEES	63,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) SCHOLARSHIPS	<u>50,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$405,000</u></u>

SECTION 11. APPROPRIATION - PRIVATE CAREER EDUCATION BOARD - CASH. There is hereby appropriated, to the Department of Higher Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the State Board of Private Career Education for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$28,087
(B) CONF. & TRAVEL	8,898
(C) PROF. FEES	8,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$44,985</u></u>

SECTION 12. APPROPRIATION - STUDENT PROTECTION TRUST. There is hereby appropriated, to the Department of Higher Education, to be payable from the Private Career School Student Protection Trust Fund, for expenses, claims, and fees of the State Board of Private Career Education for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) EXPENSES/CLAIMS/FEES	<u><u>\$300,000</u></u>

SECTION 13. APPROPRIATION - TANF PROGRAM - FEDERAL. 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 the State, for personal services and operating expenses of the Department of Higher Education - TANF Program - Federal for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REGULAR SALARIES	\$198,484
(02) PERSONAL SERVICES MATCHING	60,196
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	45,105
(B) CONF. & TRAVEL	10,000
(C) PROF. FEES	14,784
(D) CAP. OUTLAY	0

(E) DATA PROC.	0
(04) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>6,821,431</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$7,150,000</u></u>

SECTION 14. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Grants Fund Account, for personal services and operating expenses associated with web based applications of the Department of Higher Education for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) WEB BASED APPLICATIONS PERSONAL SERVICES AND OPERATING EXPENSES	<u>\$1,000,000</u>

SECTION 15. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Grants Fund Account, for personal services and operating expenses of the Department of Higher Education - Scholarship Administration for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REGULAR SALARIES	\$289,231
(02) EXTRA HELP	10,000
(03) PERSONAL SERVICES MATCHING	97,120
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	130,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	150,000
(D) CAP. OUTLAY	35,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$711,351</u></u>

SECTION 16. APPROPRIATION - WORKFORCE INITIATIVE ACT OF 2015. There is hereby appropriated, to the Department of Higher Education, to be payable

from the Workforce Initiative Act of 2015 Fund, for workforce education grants, administrative, and operating expenses of the Department of Higher Education - Workforce Initiative Act of 2015 for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) WORKFORCE INITIATIVE ACT OF 2015 EXPENSES	<u>\$8,000,000</u>

SECTION 17. APPROPRIATION - OSTEOPATHIC RURAL MEDICAL PRACTICE STUDENT LOAN AND SCHOLARSHIP PROGRAM. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Grants Fund Account, for Osteopathic Rural Medical Practice Student Loan & Scholarship Program loans and/or scholarships, in a sum not to exceed.....\$400,000.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~

2019 through June 30, ~~2019~~ 2020.

SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon determination by the president or chancellor of an institution of higher education that a reallocation of resources for purposes of reorganization or consolidation of administrative functions within the institution is necessary for efficient and effective operations of the institution, the president or chancellor, with approval of the institution's board of trustees, may have the authority to transfer positions, appropriations and related funds between campuses, divisions, branches, and other budgetary units of the institution, after receiving prior approval of the Legislative Council or Joint Budget Committee. The transfers of positions, programs, or activities shall be used for those purposes for which the appropriations were approved by the General Assembly. The transfers, consolidations, or reorganizations which involve academic programs shall be reviewed by the Department of Higher Education prior to submission to the Legislative Council or Joint Budget Committee. Provided, however, that the institution shall be limited to submitting no more than two (2) individual transaction transfer requests during any fiscal year and shall be further limited to no more than five percent (5%) of the total General Revenue and Special Revenue appropriation, funding, positions specific to each institution, and no Tobacco Settlement funds or appropriations may be reallocated pursuant to this section.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for institutions of higher education each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for institutions of higher education and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that institutions of higher education may operate more efficiently if some flexibility is provided to institutions of higher education authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or Joint Budget Committee as provided by this

section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made available to the various technical colleges have been determined as set out in Arkansas Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B), such documents as may be necessary shall be processed so that funds may be transferred from the Work Force 2000 Development Fund to the State Treasury fund or fund account from which the technical college draws its general revenue support. Such funds as may be transferred shall not exceed 93.691% of the total funds available from the Work Force 2000 Development Fund during the fiscal year. In the event that a technical institute or comprehensive lifelong learning center which receives support from the Work Force 2000 Development Fund as determined by law transfers or merges into the Arkansas Technical College and Community College System for which Work Force 2000 Development Fund monies

are determined by law, then the actual amount of support from the Work Force 2000 Development Fund in the preceding fiscal year for such educational institution shall be made available irrespective of any other provision of law which sets out maximum levels of support from such fund.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the Higher Education Building Maintenance Fund, any additional deposits are to be transferred to the Research Development Fund there to be used as provided by law.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 23. Arkansas Code § 19-5-302(6), concerning the Department of Higher Education Fund Account, is amended to add an additional subdivision to read as follows:

(C) Proceeds derived from the repayment of loans, grants, or scholarships funded by the Higher Education Grants Fund Account shall be deposited into the State Treasury fund from which it originated;

SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law,

any student who receives assistance from the appropriation made for the "National Guard Tuition Incentive Program" in this Act shall repay any loans and/or assistance if the student receives a discharge that is a less than Honorable Discharge. Priority for funding shall be given to students already receiving assistance from the National Guard Tuition Incentive Program.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall report by May 30 to the House and Senate Interim Committees on Education the budgeted allocation for each financial aid program funded through the Higher Education Grants Fund Account for the upcoming fiscal year and projections for the following year.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that receives state scholarship funds administered by the Arkansas Department of Higher Education shall be subject to audit/review of such funds by the

Division of Legislative Audit, upon approval of the Legislative Joint Audit Committee.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT DATA. All post-secondary institutions shall provide to the Arkansas Department of Higher Education a copy of the Integrated Post-Secondary Education Data System (IPEDS) data within three weeks following the IPEDS due date, which shall be subject to audit by the Arkansas Department of Higher Education.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

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

made payable from each institution's State Treasury Fund including the establishment of commitment items, and may transfer appropriation from the contingency appropriation made payable from the Tobacco Settlement Program Fund Accounts to any other appropriation made to the institution from Tobacco Settlement Program Fund Accounts including the establishment of commitment items.

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

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student Undergraduate Research Fellowship (SURF) Program is the continued development of undergraduate academic research efforts at Arkansas colleges and universities. The Arkansas Department of Higher Education shall adopt rules and regulations necessary for the proper administration of the Student Undergraduate Research Fellowship Program. Administrative functions and responsibilities may include, but not necessarily be limited to, the development of eligibility criteria, collection of applications, coordination of student evaluations, distribution of public notices, and funding of grants

for academic research purposes. Staff of the Arkansas Department of Higher Education shall administer this program. The Arkansas Department of Higher Education shall be authorized to expense costs associated with the administration of the program, from funds made payable from the Higher Education Grants Fund Account for the Student Undergraduate Research Fellowship Program as authorized in the Student Assistance Grants and Various Scholarships appropriation section of this Act.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 35 Arkansas Code Title 6, Chapter 61, Subchapter 1, is amended to add an additional section to read as follows:

6-61-141. Duplication of services.

An institution of higher education that has its main campus, satellite campus, or center located within a twenty-five-mile radius of another main campus of an institution of higher education shall enter into a written agreement with that institution of higher education that shall address duplication of services between the institutions of higher education.

SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST ALLOCATION. The Department of Higher Education may refund to the Higher Education Fund Account or the Higher Education Grants Fund Account such amounts determined by the Department to be reimbursements received from the Office of the Arkansas Lottery for costs related to the administration of the Arkansas Academic Challenge Scholarship Program.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of Higher Education shall determine the amount available, up to \$200,000 per fiscal year, to fund the Arkansas Geographical Critical Needs Minority Teacher Scholarships and shall certify to the Chief Fiscal Officer of the

State and the State Treasurer such amount as is required to be transferred from the Higher Education Grants Fund Account. Upon receiving such certification, the Chief Fiscal Officer of the State and the State Treasurer shall cause to be transferred the necessary funds and appropriation to the fund account of the University of Arkansas at Pine Bluff for implementation of this program. The University of Arkansas at Pine Bluff may use up to twenty percent (20%) of the funds and appropriation for administration of the program.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE

WORKFORCE INITIATIVE ACT FUNDING. The Chief Fiscal Officer of the State may transfer, on his or her books and those of the State Treasurer and the Auditor of the State, funding up to the amount authorized in the Workforce Initiative Act of 2015 appropriation section in this Act, from the Department of Higher Education Fund Account to the Workforce Initiative Act of 2015 Fund in order to finance the distribution of grants identified under §6-60-107.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in

this section, "Arkansas Works Program" means the Arkansas Works Program established under the Identical Acts 2016 (2nd Ex. Sess.), Nos. 1 and 2, Arkansas Code § 23-61-1001 et seq.

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

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

- (A) Identifying the purpose in the appropriation act;
- (B) Delineating such maximums in the appropriation act for a publicly supported institution of higher education; and
- (C) Delineating the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization Law, Arkansas Code § 19-5-101 et seq.

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

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

- (A) Unsolicited communications mailed to potential recipients;
- (B) Television, radio, or online commercials;
- (C) Billboard or mobile billboard advertising;
- (D) Advertisements printed in newspapers, magazines, or other print media; and
- (E) Internet websites and electronic media.

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

- (A) Direct communications with licensed insurance agents;
- (B) Solicited communications with potential recipients;
- (C)(i) Responding to an inquiry regarding the coverage for

which a potential recipient might be eligible, including without limitation providing educational materials or information regarding any coverage for which the individual might qualify.

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

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

(d) The publicly supported institutions of higher education shall not apply for or accept any funds, including without limitation federal funds, for the purpose of advertisement, promotion, or other activities designed to promote or encourage enrollment in the Arkansas Health Insurance Marketplace or the Arkansas Works Program.

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

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

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

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

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

(f) An appropriation authorized by the General Assembly shall not be

subject to the provisions allowed through reallocation of resources or transfer of appropriation authority for the purpose of transferring an appropriation to any other appropriation authorized for publicly supported institutions of higher education to be allocated, budgeted, expended, or utilized in a manner prohibited by this section.

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

(h) This section expires on June 30, ~~2019~~ 2020.

SECTION 41. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS WORKFORCE CHALLENGE SCHOLARSHIP FUNDS. The Department of Higher Education may transfer Arkansas Workforce Challenge Scholarship funds to:

(1)(A) An Arkansas Academic Challenge Scholarship account in an amount necessary to fund scholarship awards for nontraditional students for the 2017-2018 academic year that were not funded due to the limitation on the scholarship award amount for nontraditional students under § 6-85-212(e)(2)(A) as it existed before the effective date of this act.

(B) The department may distribute scholarship awards to nontraditional students for the 2017-2018 academic year from funds transferred under subdivision (1)(A) of this section; and

(2)(A) The Office of the Arkansas Lottery in an amount not to exceed the amount required to fund scholarship awards to be distributed under § 6-85-201 et seq. for the 2018-2019 or 2019-2020 academic years without having to draw upon the Scholarship Shortfall Reserve Trust Account under § 23-115-802.

(B) If the transfer under subdivision (2)(A) of this section exhausts the department's Arkansas Workforce Challenge Scholarship funds and there remain insufficient funds for distribution as scholarship awards under § 6-85-201 et seq. for the 2018-2019 or 2019-2020 academic years without having to draw upon the trust account, then the trust account may be drawn upon as provided under § 23-115-802.

The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020.

SECTION 42. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATEWIDE SCHOLARSHIP AND GRANT PROMOTION. Of the general revenue that is received by and distributed from the Higher Education Grants Fund Account, the Chief Fiscal Officer of the State shall transfer two hundred ninety-five thousand dollars (\$295,000) to the Department of Higher Education Fund Account to be allocated, budgeted, committed and distributed to the Statewide Scholarship and Grant Promotion line item in the General Operations section of this act for the purpose of increasing public awareness of the scholarships and grants offered by the State through the Arkansas Department of Higher Education. The Department shall utilize a minimum of one hundred forty-seven five hundred dollars (\$147,500) of the aforementioned total specifically for the promotion of the Arkansas Futures Grant Program.

The provisions of this section shall be in effect only from July 1, 2019 through June 30, 2020.

SECTION 43. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 44. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 45. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2019 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019.

/s/Joint Budget Committee

APPROVED: 4/11/19