

ARKANSAS SENATE
91st General Assembly - Fiscal Session, 2018
Amendment Form

DRAFT

Subtitle of Senate Bill No. 10

AN ACT FOR THE DEPARTMENT OF HIGHER EDUCATION APPROPRIATION FOR THE 2018-2019
FISCAL YEAR.

Amendment No. ___ to Senate Bill No. 10

Amend Senate Bill No. 10 as originally introduced:

Insert additional sections immediately following SECTION 43 of the bill to read as follows:

" SECTION 44. 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

DRAFT

HAR076 - 02-13-2018 15:21:51

Page 1 of 3

without having to draw upon the trust account, then the trust account may be drawn upon as provided under § 23-115-802.

SECTION 45. SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 6-85-212(e)(2)(A), concerning scholarship awards to nontraditional students, is amended to read as follows:

(2)(A) The Department of Higher Education shall award an aggregate amount of scholarship awards to nontraditional students beginning with the 2017-2018 academic year of up to ~~twelve million dollars~~ (\$12,000,000) fifteen million dollars (\$15,000,000)."

AND

Appropriately renumber the SECTION numbers of the bill.

AND

Insert additional section immediately following SECTION 48. (EFFECTIVE DATE) to read as follows:

" SECTION 49. EMERGENCY CLAUSE. (a) It is found and determined by the General Assembly of the State of Arkansas that Section 44 - the Section regarding Arkansas Workforce Challenge Scholarship Fund transfers, of this act granting the Arkansas Department of Higher Education authority to make Arkansas Workforce Challenge Scholarship Fund transfers for scholarship awards for nontraditional students; and Section 45 - the Section regarding increasing the scholarship awards limit to nontraditional students, increasing the aggregate amount of scholarship awards to nontraditional students to fifteen million dollars (\$15,000,000), requires immediate implementation in order to facilitate a timely and efficient scholarship transfer and funding process and to ensure these processes are not interrupted or impaired. Therefore, an emergency is declared to exist, and Section 44, regarding Arkansas Workforce Challenge Scholarship Fund transfers, and Section 45, regarding the scholarship awards limit to nontraditional students, of this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Hickey

HAR/HAR - 02-13-2018 15:21:51

HAR076

Secretary

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

A Bill

SENATE BILL 10

4
5 By: Joint Budget Committee
6

For An Act To Be Entitled

7
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

Subtitle

13
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 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.