

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 358

By: Senator J. Dotson

By: Representative Maddox

For An Act To Be Entitled

AN ACT TO AMEND VARIOUS LAWS RELATED TO HIGHER EDUCATION; TO CODIFY THE ARKANSAS RESEARCH EDUCATION AND OPTICAL NETWORK; TO REPEAL THE REQUIREMENT FOR AFFIRMATIVE ACTION PROGRAMS AT INSTITUTIONS OF HIGHER EDUCATION; TO REPEAL CERTAIN REPORTING REQUIREMENTS RELATED TO AFFIRMATIVE ACTION; TO REPEAL THE LAW RELATED TO DUPLICATION OF SERVICES; TO AMEND CERTAIN LAWS RELATED TO REPORTING; TO REPEAL THE ARKANSAS ENERGY SUMMARY AND REPORT; TO AMEND THE LAW CONCERNING CONSTRUCTION PROJECT EXEMPTIONS; TO AMEND THE LAW RELATED TO CERTAIN PERSONNEL AT THE UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES; TO AMEND THE LAW RELATED TO THE SALE OF DONATED LAND; TO AMEND VARIOUS LAW UNDER THE UNIFORM ATTENDANCE AND LEAVE POLICY ACT RELATED TO INSTITUTIONS OF HIGHER EDUCATION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND VARIOUS LAWS RELATED TO HIGHER EDUCATION.

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

SECTION 1. Arkansas Code § 6-60-703(b)(1)(H), concerning the inclusion of affirmative action program summaries in the Comprehensive Arkansas Higher Education Annual Report, is repealed.

~~(H) Affirmative action programs summaries, § 6-63-103;~~



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SECTION 2. Arkansas Code § 6-60-703(b)(2) and (3), concerning the contents of the Comprehensive Arkansas Higher Education Annual Report biennially and every five (5) years, is amended to read as follows:

(2) Biennially, each even-numbered year:

(A) A financial condition report, § 6-61-222; and

(B) ~~Changes to affirmative action program plans, § 6-63-103; and~~

(C) Economic development goals and educational efforts, § 6-61-207; ~~and~~

~~(3) Every five (5) years, beginning in 2015:~~

~~(A) Minority retention plans, § 6-61-122; and~~

~~(B) Affirmative action program plans, § 6-63-103(e).~~

SECTION 3. Arkansas Code § 6-61-141 is repealed.

~~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 4. Arkansas Code § 6-61-221(d)(2), concerning the inclusion of reporting of graduates requiring postsecondary remediation within the Comprehensive Arkansas Higher Education Annual Report, is amended to read as follows:

(2) The reports developed under this section shall be prepared on or before October 1 each year ~~and include the cost of remediation~~ for each state-supported institution of higher education, which shall be submitted to the Division of Higher Education according to standards developed by the Division of Higher Education ~~and shall include for each state-supported institution of higher education:~~

~~(A) The amount of institutional revenue spent on remediation;~~

~~(B) The total general revenue subsidy spent on remediation;~~

~~(C) The total institutional expenditure for remediation;~~
and

~~(D) The general revenue percentage of total expenditures for remediation.~~

SECTION 5. Arkansas Code Title 6, Chapter 61, Subchapter 16, is repealed.

~~6-61-1601. Findings.~~

~~The General Assembly finds that:~~

~~(1) There is a need to create and promote a comprehensive energy summary and report for the state.~~

~~(2) The collaboration of all state-supported institutions of higher education that participate in energy research activities is vital to ensure an orderly and effective set of data and other research necessary to promote energy conservation and develop alternative energy sources on a statewide level.~~

~~6-61-1602. Institutional Energy Research Committee — Creation — Purpose.~~

~~(a) The Arkansas Higher Education Coordinating Board shall coordinate the efforts of all state-supported institutions that participate in energy research activities in the development of the Arkansas Energy Summary and Report.~~

~~(b) The Division of Higher Education, in collaboration with state-supported institutions of higher education that participate in energy research activities, shall appoint at least one (1) member of the research faculty at each state-supported institution of higher education that participates in energy research activities to serve on the Institutional Energy Research Committee.~~

~~(c)(1) The purpose of the committee is to coordinate ongoing energy research efforts taking place at each state-supported institution of higher education and create the Arkansas Energy Summary and Report.~~

~~(2) The committee shall modify the Arkansas Energy Summary and Report as necessary to ensure it is updated with the latest energy research available.~~

~~6-61-1603. Arkansas Energy Summary and Report.~~

~~(a) The Institutional Energy Research Committee shall create and adopt the Arkansas Energy Summary and Report that includes without limitation the:~~

~~(1) Energy production and usage in Arkansas, including:~~

~~(A) Current sources of energy in Arkansas by percentage and cost;~~

~~(B) Current energy demand and percentage of use of each energy source, including the production capacity of each energy source;~~

~~(C) Projected energy use for the next:~~

~~(i) Ten (10) years; and~~

~~(ii) Twenty (20) years;~~

~~(D) Current and projected cost per kilowatt of additional energy production capabilities for the following energy sources:~~

~~(i) Coal;~~

~~(ii) Hydroelectric;~~

~~(iii) Natural gas;~~

~~(iv) Nuclear;~~

~~(v) Solar;~~

~~(vi) Wind;~~

~~(vii) Lignite; and~~

~~(viii) Other; and~~

~~(E) Environmental challenges and the impact of each energy source listed in subdivision (a)(1)(D) of this section;~~

~~(2) Energy production capacity compared to projected energy growth;~~

~~(3) Economical methods for additional energy sources into the market; and~~

~~(4) Current and possible tax incentives or governmental policies to promote an increase in energy production capacity for state energy consumption or export to other states.~~

~~(b) The committee shall submit the Arkansas Energy Summary and Report and relevant data, research, and findings to the Joint Committee on Energy no later than July 1, 2014.~~

SECTION 6. Arkansas Code Title 6, Chapter 61, is amended to add an additional subchapter to read as follows:

Subchapter 18 – Arkansas Research Education and Optical Network6-61-1801. Legislative findings and intent.(a) The General Assembly finds that:

(1) The purpose of the Arkansas Research Education and Optical Network is to provide a high-speed, fiber-based optical communications network to higher education and healthcare institutions in Arkansas;

(2) The Arkansas Research Education and Optical Network began as a collaboration between Arkansas public colleges and universities in 2005 with an initial investment from state funds;

(3) State positions and funds have been appropriated for the Arkansas Research Education and Optical Network through the University of Arkansas system since 2007; and

(4) Since 2007, the University of Arkansas system has provided administrative support to the Arkansas Research Education and Optical Network.

(b) It is the intent of the General Assembly to formally codify the Arkansas Research Education and Optical Network as a state entity.

6-61-1802. Purpose – Users.

(a) The Arkansas Research Education and Optical Network is a public instrumentality that provides a high-speed, fiber-based optical communications network and other technology resources to participating higher education and healthcare institutions in the state.

(b) Users of the Arkansas Research Education and Optical Network services shall be billed at rates to be determined by the Board of Directors of the Arkansas Research Education and Optical Network.

6-61-1803. Board of directors – Creation.

(a) There is created the Board of Directors of the Arkansas Research Education and Optical Network.

(b) The Arkansas Research Education and Optical Network shall be governed by a board of directors consisting of seven (7) voting members or designees, as follows:

(1) The President of the University of Arkansas system;

(2) The President of the Arkansas State University system;

(3) One (1) at-large member selected by a majority vote of the current user institutions, who shall serve a two-year term;

(4) Two (2) presidents or chancellors of a four-year state-supported member institution of higher education to be selected by a majority vote of the current user institutions, who shall serve staggered two-year terms; and

(5) Two (2) presidents or chancellors of a two-year state-supported member institution of higher education to be selected by a majority vote of the current user institutions, who shall serve staggered two-year terms.

(c)(1) The President of the University of Arkansas system or his or her designee shall serve as the chair of the board.

(2) The board shall elect as vice-chair a board member who represents an institution outside of the University of Arkansas system, who shall serve a one-year term.

(d)(1) Four (4) members of the board shall constitute a quorum.

(2) An affirmative vote of four (4) members shall be necessary for any action taken by the board.

6-61-1804. Director – Personnel.

(a)(1) The executive head of the Arkansas Research Education and Optical Network shall be the Executive Director of the Arkansas Research Education and Optical Network who shall be appointed by and serve at the pleasure of the Board of Directors of the Arkansas Research Education and Optical Network.

(2) The executive director shall carry out the day-to-day affairs of the Arkansas Research Education and Optical Network subject to the approval of the board.

(b) All personnel of the Arkansas Research Education and Optical Network shall be employees of the University of Arkansas system for purposes of payroll and benefits.

(c) All expenditures of the Arkansas Research Education and Optical Network shall:

(1) Comply with state procurement laws; and

(2) Follow University of Arkansas system policies and procedures relating to procurement.

(d) This subchapter does not mean that the:

(1) Arkansas Research Education and Optical Network is a campus, division, or unit of an institution of higher education or any other entity, including without limitation the University of Arkansas system; or

(2) University of Arkansas system or its member campuses, divisions, and units are agents or principals of the Arkansas Research Education and Optical Network.

6-61-1805. Powers and duties.

(a) The Arkansas Research Education and Optical Network shall have the following duties:

(1) To develop, implement, and maintain a high-speed, fiber-based optical communications network and associated campus connections for use by higher education and healthcare institutions in the state;

(2) To lease and own real property necessary to fulfill its purpose; and

(3) To explore and implement additional cost-effective technology services and network solutions that would be beneficial to its users.

(b) The University of Arkansas system and its various institutions shall provide assistance to the Arkansas Research Education and Optical Network as may be agreed upon for the achievement of its purpose.

(c) The Board of Trustees of the University of Arkansas may own and lease real property on behalf of the Arkansas Research Education and Optical Network.

SECTION 7. Arkansas Code § 6-62-314 is amended to read as follows:

6-62-314. Construction project exemption.

The following state-supported institutions of higher education shall be exempt as allowed by § 19-4-1415(b)(5) for construction projects exceeding five million dollars (\$5,000,000) if they have adopted policies and procedures in compliance with state law involving the awarding and oversight of the contracts for design and construction services:

- (1) Henderson State University;
- (2) Southern Arkansas University;
- (3) University of Central Arkansas;

(4) ~~National Park College;~~
 (5) ~~Northwest Arkansas Community College~~ State-supported two-
year colleges; and
 (6)(5) Arkansas Tech University.

SECTION 8. Arkansas Code § 6-62-606(b), concerning the review by the Building Authority Division of transfer and lease agreements, is amended to read as follows:

(b) In proceeding under this subchapter, it shall not be necessary for the board to comply with any other laws relating to the procurement, disposal, or leasing of property, including without limitation laws concerning the appointment of appraisers in connection therewith, laws restricting the obligation of funds for construction, and laws dealing with the improvement of historic structures, ~~except that the transfer and the lease agreement shall be subject to the review and approval of the Building Authority Division.~~

SECTION 9. Arkansas Code § 6-63-103 is repealed.

~~6-63-103. Affirmative action programs — Plans — Annual reports.~~

~~(a)(1) Each state supported institution of higher education shall prepare an affirmative action program for the recruitment of African-Americans and other members of minorities for faculty and staff positions and for enrollment as students.~~

~~(2) Affirmative action plans shall be prepared on a continuing basis for future five year periods.~~

~~(b)(1) Each state supported institution of higher education shall prepare annually a summary report on the steps that have been taken to reach the goals of the plan.~~

~~(2) The report shall:~~

~~(A) Include information on the progress made by each institution for the various levels of employment within the institution; and~~

~~(B) Be presented in a table format limited to no more than five (5) pages.~~

~~(c) Copies of the five year plan and annual reports summaries of each institution of higher education shall be included in the Comprehensive Arkansas Higher Education Annual Report, filed with the Governor, the~~

~~Division of Higher Education, the president and board of trustees of the institution, the board of visitors of the institution, if applicable, and the House Committee on Education and the Senate Committee on Education.~~

~~(d) In carrying out the affirmative action plans, each institution of higher education shall provide for a part time or full time employee to assist the institution in the recruitment of African Americans and other members of minorities for faculty and staff positions and for enrollment as students.~~

SECTION 10. Arkansas Code § 6-63-321 is amended to read as follows:

6-63-321. Overtime, incentives, and differentials for direct and indirect ~~unclassified~~ patient care personnel at University of Arkansas for Medical Sciences.

(a) All ~~unclassified~~ positions employed to provide or support patient care at the University of Arkansas for Medical Sciences are eligible for overtime at the rate of one and one-half (1½) times their regular hourly rate.

(b) In addition to overtime, ~~unclassified~~ direct and indirect patient care employees scheduled to work shifts outside of normal operating schedules may be eligible to receive up to twenty-four percent (24%) of the hourly rate paid as a shift differential.

(c)(1) All ~~unclassified~~ positions employed to provide or support patient care at the University of Arkansas for Medical Sciences shall be eligible to receive incentive pay not to exceed one and two-tenths (1.2) times their base hourly rate.

(2) All ~~unclassified~~ employees required to work in specialty areas shall be eligible to receive up to ten percent (10%) of the hourly rate paid as a specialty differential while working in such areas.

(d)(1) When overtime, shift differentials, standby pay, incentive pay, or specialty differentials are provided to employees as stated in this section, the total may exceed the line item maximum salaries for those positions.

(2) This section does not apply to the positions of Patient Care Administrator, Associate Administrator, or Assistant Administrator of Patient Care.

(e)(1) In addition, the Board of Trustees of the University of

Arkansas for Medical Sciences may also make special compensation allowances available, in such amounts as the board may determine or justify equitable in view of the current requirements for registered nurses in the Clinical Programs of the University of Arkansas for Medical Sciences and the availability of registered nurses for employment in the Little Rock metropolitan area.

(2) However, the special compensation allowances approved by the board for a single individual shall not exceed the state line item maximum by more than twenty percent (20%) for those positions.

SECTION 11. Arkansas Code § 6-64-218 is amended to read as follows:
6-64-218. Sale of donated land.

(a) The Board of Trustees of the University of Arkansas may sell any land donated to the University of Arkansas by individuals.

(b) When the purchase price is paid to the treasurer of the university, the president and secretary of the board or designee shall execute a deed conveying the lands to the purchaser.

SECTION 12. Arkansas Code § 19-4-1415(c)(2), concerning the requirement for institutions of higher education to submit a summary of contract amendments to the Legislative Council, is amended to read as follows:

(2)~~(A)~~ The institutions of higher education stated in subdivision (b)(5) of this section shall perform all duties and responsibilities stated in subdivision (c)(1) of this section under policies and procedures adopted by their governing boards.

~~(B) They shall submit a summary of all contract amendments to the Legislative Council.~~

SECTION 13. Arkansas Code § 21-3-101(b), concerning reports under the equal employment hiring program, is amended to read as follows:

(b)~~(1)~~ Every state department, agency, board, commission, and institution of higher education and every constitutional officer shall report to the Legislative Council on June 30 of each year regarding its efforts to achieve its equal employment hiring program goal.

~~(2) However, the report required of any institution by § 6-63-~~

~~103 may be used in lieu of the report required under this subsection and shall be filed as provided in this subsection.~~

SECTION 14. Arkansas Code § 21-4-203(12), concerning the definition of "state agencies" under the Uniform Attendance and Leave Policy Act, is amended to read as follows:

(12) "State agencies" means all agencies, departments, boards, commissions, bureaus, councils, ~~state supported institutions of higher education,~~ or other agencies except the following excluded agencies or positions within agencies:

(A) The elected constitutional officers of this state and their employees;

(B) The General Assembly and its employees, including employees of the Bureau of Legislative Research and Arkansas Legislative Audit;

(C) Members of the Supreme Court, members of the Court of Appeals, the Administrative Office of the Courts, circuit courts, and prosecuting attorneys, but not including deputy prosecuting attorneys;

(D) The Arkansas Department of Transportation; and

(E) ~~All administrative, academic, or other nonclassified employees of the state~~ State-supported institutions of higher education;

SECTION 15. Arkansas Code § 21-4-503 is amended to read as follows:
21-4-503. Applicability of subchapter.

(a) The provisions of §§ 21-4-501 and 21-4-504 apply to:

(1) Employees of the Arkansas State Game and Fish Commission;

(2) Employees of the Arkansas Department of Transportation; and

(3) ~~Classified employees of state supported institutions of higher education; and~~

~~(4)~~ Employees of all agencies of this state whether in the executive, legislative, or judicial branch of government.

(b) The provisions of this section or any amendments to this section shall not change any employee benefits or agreements established under § 6-57-103, § 6-58-105, or § 6-59-105.

SECTION 16. Arkansas Code § 21-4-505 is amended to read as follows:

21-4-505. Compensation for unused sick leave of ~~nonclassified~~ employees of state-supported institutions of higher education – Calculation for unused sick leave.

(a) At its discretion, a state-supported institution of higher education may compensate a ~~nonclassified~~ an employee of the state-supported institution of higher education for accumulated unused sick leave by providing to the ~~nonclassified~~ employee the same compensation for accumulated unused sick leave ~~provided to a classified employee of the state-supported institution of higher education~~ under § 21-4-501.

(b) Compensation for accumulated unused sick leave under this section shall not be used by the Arkansas Public Employees' Retirement System in the calculation of final average compensation under § 24-4-101.

(c) Unused sick leave for ~~nonclassified~~ employees of state-supported institutions of higher education shall accrue at the same rate as unused sick leave accrues under § 21-4-207 for ~~classified employees for~~ calculations made under this section.

SECTION 17. Arkansas Code § 22-2-114(c), concerning exemption from regulation and supervision of leasing responsibilities by the Building Authority Division, is amended to read as follows:

(c) This section shall not apply to an institution of higher education, the State Highway Commission, the Arkansas Department of Transportation, or the Arkansas State Game and Fish Commission.