

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/7/17
A Bill

SENATE BILL 528

5 By: Senator Hickey
6 By: Representative C. Douglas
7

8 **For An Act To Be Entitled**

9 AN ACT TO CREATE THE ARKANSAS WORKFORCE CHALLENGE
10 SCHOLARSHIP; TO PROVIDE FOR THE USE OF EXCESS LOTTERY
11 PROCEEDS TO FUND SCHOLARSHIPS FOR STUDENTS ENROLLED
12 IN HIGHER EDUCATION PROGRAMS THAT WILL LEAD TO THE
13 STUDENTS BEING QUALIFIED TO WORK IN HIGH-NEEDS
14 OCCUPATIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER
15 PURPOSES.
16
17

18 **Subtitle**

19 TO CREATE THE ARKANSAS WORKFORCE
20 CHALLENGE SCHOLARSHIP; AND TO DECLARE AN
21 EMERGENCY.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 6-85-212(e)(2)(A) and (B), concerning
27 scholarship awards, are amended to read as follows:

28 (2)(A)~~(i)~~ The department shall award an aggregate amount of
29 scholarship awards to nontraditional students beginning with the ~~2010-2011~~
30 2017-2018 academic year of up to twelve million dollars (\$12,000,000).

31 ~~(ii) Beginning with the 2014-2015 academic year, the~~
32 ~~department shall award an aggregate amount of scholarship awards to~~
33 ~~nontraditional students of up to sixteen million dollars (\$16,000,000).~~

34 (B)(i) The department shall return to the Office of the
35 Arkansas Lottery the excess funding, if any, for scholarship awards under
36 this subchapter the department received under § 23-115-801.



1 (ii) The office shall deposit any funds received
2 from the department under this subdivision (e)(2)(B) into a trust account
3 established under § 23-115-801(b).

4 SECTION 2. Arkansas Code § 6-85-212(j), concerning recommendations to
5 the Legislative Council for the award of scholarships when sufficient funds
6 exist to fund all eligible students, is repealed.

7 ~~(j) When the General Assembly determines that sufficient net lottery~~
8 ~~proceeds exist to fund students enrolling in certificate, associate degree,~~
9 ~~and baccalaureate degree programs, the department shall submit~~
10 ~~recommendations to the Legislative Council for the award of scholarships and~~
11 ~~grants to certain graduate and professional programs at approved institutions~~
12 ~~of higher education.~~

13
14 SECTION 3. Arkansas Code Title 6, Chapter 85, is amended to add an
15 additional subchapter to read as follows:

16
17 Subchapter 3 — Arkansas Workforce Challenge Scholarship Program

18
19 6-85-301. Creation.

20 There is created the Arkansas Workforce Challenge Scholarship Program.

21
22 6-85-302. Definitions.

23 As used in this section:

24 (1) "Approved institution of higher education" means an
25 institution of higher education approved by the Department of Higher
26 Education to participate in the Arkansas Workforce Challenge Scholarship
27 Program and that is:

28 (A) A state-supported two-year or four-year college or
29 university; or

30 (B) A private, nonprofit two-year or four-year college or
31 university with its primary headquarters located in Arkansas that is eligible
32 to receive Title IV federal student aid funds; and

33 (2)(A) "Certificate program" means a program that is offered or
34 made available to a student by an approved institution of higher education
35 that leads to the obtainment of a certification or license, including without
36 limitation a program operated or sponsored by a third party.

1 (B) The credit hours or contact hours awarded for a
2 certificate program may include credit hours or contact hours that are not
3 creditable toward an associate or a baccalaureate degree.

4
5 6-85-303. Funding.

6 (a) For an academic year, the following shall be used to fund Arkansas
7 Workforce Challenge Scholarships under this subchapter:

8 (A) Excess funding returned to the Office of the Arkansas
9 Lottery under § 6-85-212(e)(2)(B)(i) from the previous academic year; and

10 (B) Net proceeds remaining from the previous academic year
11 after the office:

12 (i) Transfers the funds requested by the Department
13 of Higher Education under § 23-115-801(c)(2); and

14 (ii) Deposits the amount necessary to maintain the
15 Scholarship Shortfall Reserve Trust Account under § 23-115-802 in an amount
16 equal to twenty million dollars (\$20,000,000).

17 (b)(1) A scholarship under this subchapter shall not be awarded for an
18 academic year if:

19 (A) Less than two hundred fifty thousand dollars
20 (\$250,000) is available under subsection (a) of this section; or

21 (B) The department received a loan from the Scholarship
22 Shortfall Reserve Trust Account under § 23-115-802 for the Arkansas Academic
23 Challenge Scholarship Program – Part 2, § 6-85-201 et seq., for the previous
24 academic year.

25 (2) Any funds under subsection (a) of this section that are not
26 disbursed for scholarships under this subchapter shall be carried over to the
27 next academic year to be used for scholarships under this subchapter.

28
29 6-85-304. Eligibility.

30 (a) A student is eligible to receive an Arkansas Workforce Challenge
31 Scholarship for an academic year if the student applies to the Department of
32 Higher Education by a date determined by the Department of Higher Education
33 preceding the academic year and:

34 (1) Is an Arkansas resident or, if the student is less than
35 twenty-one (21) years of age, either the student or one (1) parent of the
36 student is an Arkansas resident;

1 (2) Meets either of the following requirements:

2 (A) Graduated from a:

3 (i) Public high school in Arkansas or another state;

4 (ii) Private high school in Arkansas or another
5 state; or

6 (iii) Home school under § 6-15-501 et seq. or
7 recognized by another state; or

8 (B) Received a high school equivalency diploma approved by
9 the Department of Career Education or another state;

10 (3) Is not receiving a scholarship under the Arkansas Academic
11 Challenge Scholarship Program – Part 2, § 6-85-201 et seq.;

12 (4) Is accepted for admission in a program of study at an
13 approved institution of higher education that leads to an associate degree or
14 a certificate program in one (1) of the following high-demand fields:

15 (A) Industry;

16 (B) Health care; and

17 (C) Information technology; and

18 (5)(A) Whose program of study or certificate program will result
19 in the student's being qualified to work in an occupation identified by the
20 Department of Workforce Services under subdivision (a)(5)(B)(i) of this
21 section.

22 (B)(i) The Department of Workforce Services shall provide
23 annually to the Department of Higher Education by March 1 a list that
24 identifies the five (5) most in-demand occupations in this state in each
25 high-demand field under subdivision (a)(4) of this section that require the
26 completion of a program of study that leads to an associate degree or a
27 certificate program.

28 (ii) The Department of Workforce Services shall
29 publish on its website the list under subdivision (a)(5)(B)(i) of this
30 section and data supporting the list.

31 (b)(1) A student who received a scholarship under this subchapter and
32 successfully completed a program of study or certificate program that meets
33 the requirements under subdivision (a)(4) of this section is eligible to
34 reapply for a scholarship under this subchapter if the student is accepted
35 for admission in a different program of study or certificate program that
36 meets the requirements under subdivision (a)(4) of this section.

1 (2) A student who received a scholarship under this subchapter
2 and does not successfully complete the program of study or certificate
3 program is eligible to reapply for and receive a scholarship one (1) time
4 only.

5
6 6-85-305. Distribution – Award amounts.

7 (a) If funds are available, the Department of Higher Education shall
8 distribute Arkansas Workforce Challenge Scholarships to all students who meet
9 the requirements under § 6-85-304.

10 (b)(1) The department shall distribute scholarships from the funds
11 available in an equal amount to every student eligible to receive a
12 scholarship under this subchapter.

13 (2) Except as provided in subsection (c) of this section, the
14 maximum scholarship award a student may receive in an academic year shall be
15 the lesser of:

16 (A) Eight hundred dollars (\$800); or

17 (B)(i) The cost of the certificate program or program of
18 study.

19 (ii) The cost of a certificate program or program of
20 study shall include:

21 (a) Tuition, fees, or other charges;

22 (b) Textbooks or other course materials; and

23 (c) Equipment needed for a course.

24 (3) The scholarship awards may be used for expenses included in
25 the cost of the certificate program or program of study.

26 (4) A scholarship under this section shall be only for the
27 academic year for which it is awarded.

28 (c)(1) If the department has funds remaining after making the
29 distributions under subsection (b) of this section, the department shall
30 distribute scholarships to students for the summer term of the academic year.

31 (2) If funds are available under subdivision (c)(1) of this
32 section, a student shall apply for a scholarship for a summer term by a date
33 determined by the Department of Higher Education preceding the summer term.

34 (3)(A) The department shall distribute scholarships for a summer
35 term in the same manner as under subsection (b) of this section.

36 (B) Scholarships for a summer term may be used in the same

1 manner as under subsection (b) of this section.

2 (4) A student who received a scholarship under subsection (b) of
3 this section may also receive a scholarship for a summer term.

4 (d) The department shall disburse scholarship awards on behalf of an
5 eligible student directly to the approved institution of higher education.

6
7 6-85-306. Agreements between institutions.

8 An approved institution of higher education may enter into agreements
9 with other institutions of higher education, including without limitation
10 technical institutes, to allow students enrolled in the approved institution
11 of higher education under this section to take courses at the other
12 institutions of higher education.

13
14 6-85-307. Rules.

15 The Department of Higher Education shall promulgate rules to implement
16 this subchapter.

17
18 SECTION 4. Arkansas Code § 23-115-103(22), concerning the definition
19 of "operating expenses", is amended to add an additional subdivision to read
20 as follows:

21 (M) Management fees charged by a financial institution to
22 manage a trust account or fund maintained by the Department of Higher
23 Education or the office.

24
25 SECTION 5. Arkansas Code § 23-115-801(b), concerning the transfer of
26 funds, is amended to read as follows:

27 (b)(1)(A) On or before the fifteenth day of each month, the office
28 shall deposit the net proceeds from the lottery into one (1) or more trust
29 accounts at one (1) or more financial institutions.

30 (B)(i) The office shall establish a trust account for the
31 Arkansas Workforce Challenge Scholarship Program, § 6-85-301 et seq., in a
32 financial institution into which the office shall transfer:

33 (a) Excess funding returned to the office
34 under § 6-85-212(e)(2)(B)(i) from the previous academic year; and

35 (b) Net proceeds remaining from the previous
36 academic year after the office:

1 (1) Transfers under subdivision (c)(2)
2 of this section the funds requested by the Department of Higher Education;
3 and

4 (2) Deposits the amount necessary into
5 the Scholarship Shortfall Reserve Trust Account under § 23-115-802 to
6 maintain an amount equal to twenty million dollars (\$20,000,000).

7 (ii) The funds transferred by the office into the
8 trust account for the Arkansas Workforce Challenge Scholarship Program, § 6-
9 85-301 et seq., established under subdivision (b)(1)(B)(i) of this section
10 shall be used for:

11 (a) Arkansas Workforce Challenge Scholarships;
12 and

13 (b) Any management fees charged by the
14 financial institution to manage the trust account for scholarship award
15 supplements.

16 (iii) Annually, the office shall transfer to the
17 Department of Higher Education the funds from the previous academic year, if
18 any, that were transferred by the office into the trust account for the
19 Arkansas Workforce Challenge Scholarship Program, § 6-85-301 et seq., under
20 subdivision (b)(1)(B)(i) of this section for distribution of Arkansas
21 Workforce Challenge Scholarships.

22 (2) The office shall follow the investment policy guidelines of
23 the State Board of Finance in selecting a financial institution and managing
24 the net proceeds from the lottery deposited into a ~~the~~ trust ~~account~~
25 accounts.

26
27 SECTION 6. Arkansas Code § 23-115-802(c), concerning the Scholarship
28 Shortfall Reserve Trust Account, is amended to read as follows:

29 (c)(1) Except as provided in subdivision (c)(2) of this section, If if
30 net proceeds in any year are not sufficient to meet the amount allocated for
31 higher education scholarships, the account may be drawn upon to meet the
32 deficiency.

33 (2) The account shall not be drawn upon to fund Arkansas
34 Workforce Challenge Scholarships under § 6-85-301 et seq.

35
36 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly of the State of Arkansas that this state is in need of a
2 more educated and skilled workforce; that the Arkansas Workforce Challenge
3 Scholarships available under this act will allow more Arkansans to pursue
4 higher education in order to obtain a skill or better education that will
5 lead to employment in a high-needs occupation in Arkansas; and that this act
6 is immediately necessary to allow the funding to be in place so that Arkansas
7 Workforce Challenge Scholarships can be awarded to Arkansans as soon as
8 possible. Therefore, an emergency is declared to exist, and this act being
9 immediately necessary for the preservation of the public peace, health, and
10 safety shall become effective on:

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

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

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

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18 */s/Hickey*

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21 **APPROVED: 3/23/2017**
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