

Act 160 of the First Special Session of 1989.

Act 160

HB1008

By:Joint Budget Committee

For An Act To Be Entitled
"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES,
OPERATING EXPENSES, AND GRANTS OF THE DEPARTMENT OF HIGHER
EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND
FOR OTHER PURPOSES."

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

SECTION 1. REGULAR SALARIES. There is hereby established for the
Department of Higher Education for the 1989-91 biennium, the following maximum
number of regular employees whose salaries shall be governed by the provisions
of the Uniform Classification and Compensation Act, or its successor, and all
laws amendatory thereto. Provided, however, that any position to which a
specific maximum annual salary is set out herein in dollars, shall be exempt
from the provisions of said Uniform Classification and Compensation Act. All
persons occupying positions authorized herein are hereby governed by the
provisions of the Regular Salaries Procedures and Restrictions Act, or its
successor.

Table with 5 columns: Item No., Class Code, Title, Maximum No. of Employees, and Maximum Annual Salary Rate (Fiscal Years 1989-90 and 1990-91). Rows include positions like HIGHER ED DIRECTOR, DEPUTY DIRECTOR, ASSOC DIR, etc., with corresponding employee counts and salary rates.

SECTION 2. EXTRA HELP. There is hereby authorized, for the Department
of Higher Education for the 1989-91 biennium, 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, for the

appropriate classification.

SECTION 3. APPROPRIATIONS - 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, operating expenses and grants of the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 747,209	\$ 769,257
(02) EXTRA HELP	5,101	5,101
(03) PERSONAL SERV MATCHING	164,961	173,806
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 264,538	\$ 274,538
(B) CONF. & TRAVEL	34,525	37,525
(C) PROF. FEES	2,000	2,100
(D) CAPITAL OUTLAY	80,000	75,000
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	381,063	389,163
(05) GRANTS/DP SERV/SUPPLIES-STATE SCHOLARSHIP PROG.	3,874,000	4,474,000
(06) DEPT OF CORRECTION/COLLEGE COURSES	24,500	24,500
(07) FACULTY/ADMINISTRATOR DEVELOPMENT MATCHING	30,000	30,000
(08) PROGRAM EVALUATION	49,602	49,602
(09) COMMUNITY LEADER DEVELOPMENT	35,000	35,000
(10) OFF-CAMPUS MATCHING	40,000	40,000
TOTAL AMOUNT APPROPRIATED	\$ 5,351,436	\$ 5,990,429

SECTION 4. APPROPRIATIONS - CASH FUNDS. There is hereby appropriated, to the Department of Higher Education, to be payable from cash funds of the Department of Higher Education, for operating expenses of the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 12,782	\$ 12,782
(B) CONF. & TRAVEL	6,215	6,215
(C) PROF. FEES	0	0
(D) CAPITAL OUTLAY	0	0
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	18,997	18,997
TOTAL AMOUNT APPROPRIATED	\$ 18,997	\$ 18,997

SECTION 5. APPROPRIATIONS - SCHOLARSHIPS TO DEPENDENTS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Fund Account, for provision of the scholarships to state-supported institutions of higher education and vocational-technical schools for the dependents of certain Arkansas citizens killed or missing in action, as provided by Ark. Code 6-82-601 by the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) MIA/KIA TUITION WAIVERS	\$ 40,000	\$ 40,000

SECTION 6. APPROPRIATIONS - SREB INSTITUTE. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Fund Account, for making the contribution of the State of Arkansas to the SREB Institute for Higher Educational Opportunity by the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) STATE'S CONTRIBUTION-SREB INSTITUTE	\$ 100,000	\$ 100,000
	=====	=====

SECTION 7. APPROPRIATIONS - STATE SCHOLARSHIP - FEDERAL. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Federal Fund, for grants-in-aid of the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) GRANTS-IN-AID	\$ 485,278	\$ 485,278
	=====	=====

SECTION 8. APPROPRIATIONS - TEACHER RETRAINING GRANTS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Fund Account, for teacher retraining grants, as may be provided by law, by the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) TEACHER RETRAINING GRANTS	\$ 179,544	\$ 179,544
	=====	=====

SECTION 9. APPROPRIATIONS - HIGHER EDUCATION PROMOTIONAL GRANTS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Fund Account, for the State Board of Higher Education to utilize in the promotion of statewide higher education priorities of the State Board of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) HIGHER EDUCATION PROMOTIONAL GRANTS	\$ 3,160,300	\$ 3,160,300
	=====	=====

SECTION 10. APPROPRIATIONS - MATH/SCIENCE TEACHER LOAN AWARDS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Fund Account, for math/science teacher loan awards, as may be provided by law, by the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) MATH/SCIENCE TEACHER LOAN AWARDS	\$ 110,746	\$ 110,746
	=====	=====

SECTION 11. APPROPRIATIONS - GOVERNOR'S SCHOLARS PROGRAM AWARDS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Fund Account, for Governor's Scholars Program awards by the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) GOVERNOR'S SCHOLARS PROGRAM AWARDS	\$ 1,080,000	\$ 1,080,000
	=====	=====

SECTION 12. APPROPRIATIONS - SCHOLARSHIPS - SURVIVING CHILDREN. There is hereby appropriated, to the Department of Higher Education, to be payable from the Miscellaneous Revolving Fund, for payment of college scholarships to surviving children of the law enforcement officers and firemen killed in the official line of duty, as prescribed by law, by the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) SCHOLARSHIPS	\$ 20,000	\$ 20,000
	=====	=====

SECTION 13. APPROPRIATIONS - EDUCATION FOR ECONOMIC SECURITY. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Federal Fund, for operating expenses and grants of the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 13,440	\$ 13,440
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAPITAL OUTLAY	0	0
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	13,440	13,440
(02) GRANTS	380,364	380,364
TOTAL AMOUNT APPROPRIATED	\$ 393,804	\$ 393,804

SECTION 14. APPROPRIATIONS - CONGRESSIONAL TEACHER SCHOLARSHIP PROGRAM. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Federal Fund, for scholarships of the Department of Higher Education for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) SCHOLARSHIPS	\$ 225,000	\$ 225,000
	=====	=====

SECTION 15. APPROPRIATIONS - REPORTS OF COLLEGE ACHIEVEMENT OF HIGH SCHOOL GRADUATES. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Fund Account, for expenses incurred by the Department of Higher Education in collecting, analyzing, and providing reports of college achievement of high school graduates, including contracts with the American College Testing Service or other organizations, for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) EXPENSES FOR REPORTS OF COLLEGE ACIEVEMENT OF HIGH SCHOOL GRADUATES	\$ 10,000	\$ 10,000
	=====	=====

SECTION 16. REPORTING REQUIREMENTS. The reports of college achievement of high school graduates, as appropriated in Section 15 herein, shall be provided to high school and school district administrators and may also be provided to the State Board of Higher Education, the Governor, the Joint Interim Committee on Education, the Board of Education and the Department of Education, as designated by the Department of Higher Education.

SECTION 17. 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, funds and appropriations may be transferred between financial aid programs.

SECTION 18. TRANSFER PROVISION. Upon certification by the Chairman of the State Board of Higher Education to the Chief Fiscal Officer of the State, funds and appropriation provided in Section 9 of this Act may be transferred to Institutions of Higher Education as deemed appropriate by the State Board of Higher Education. Upon filing of any required plan by an Institution of Higher Education to the State Board of Higher Education, such plan shall be filed with the Arkansas Legislative Council for its review.

SECTION 19. TRANSFER PROVISION. Upon certification by the Director of the Department of Higher Education to the Chief Fiscal Officer of the State, funds and appropriations provided in Item (06) of Section 3 of this Act may be transferred to Institutions of Higher Education for the provision of courses at units of the Department of Correction.

SECTION 20. 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.

SECTION 21. All first-time entering freshmen at all state-supported colleges and universities in Arkansas who are admitted to enroll in a Bachelor's degree program or in associate degree programs which transfer to the Bachelor's degree shall be tested by the admitting institution for purposes of placement in either college-level credit courses in English and mathematics or remedial courses in English composition, reading, and mathematics. Remedial courses shall not provide credit toward a degree. The State Board of Higher Education shall determine the tests to be used, the testing procedures and exemptions, and minimum scores below which students at all institutions must take remedial courses. The State Board of Higher Education shall base these decisions on consultation with representatives of the institutions of higher education, analysis of the placement procedures presently used by institutions in Arkansas, statewide placement testing programs in other states, and pilot projects involving testing of entering freshmen at selected institutions in Arkansas.

SECTION 22. TRANSFER PROVISION. Upon Certification by the Chairman of

the State Board of Higher Education to the Chief Fiscal Officer of the State, funds and appropriation provided in Item (09) of Section 3 of this Act may be transferred to the University of Arkansas - Cooperative Extension Service for expenses of the Community Leader Development Program.

SECTION 23. INTENT. With the monies appropriated in Item (10) of Section 3 of this Act, the Department of Higher Education shall provide matching funds, on a one-for-one basis, for enhancing academic programs at existing off-campus locations at institutions where local or non-state funds are used to support the proposed match. The State Board of Higher Education shall develop rules and regulations to be used as the basis for the utilization of these monies.

SECTION 24. Of the maximum annual salary rates for unclassified positions established in Section 1 of this Act, the line item maximum salaries enumerated for the HIGHER ED DIRECTOR, HIGHER EDUCATION DEPUTY DIRECTOR, the three (3) HIGHER ED ASSOCIATE DIRECTORS, HIGHER EDUCATION DP COORDINATOR, HIGHER EDUCATION COORDINATOR OF ACADEMIC PROGRAM, and HIGHER EDUCATION STUDENT FINANCIAL AID MANAGER are recommended in an effort to establish compensational parity between the Department of Higher Education and comparable positions at public Institutions of Higher Education in Arkansas Code 6-61-203(b). It is the intent of this legislation that no incumbent in the positions indicated above shall be entitled to receive salary compensation in each year of the biennium in excess of ten percent (10%) above their salary levels existent as of June 30th of the previous year.

SECTION 25. 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 Purchasing 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 26. 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 27. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code. Act 467 of 1989 is hereby repealed.

SECTION 28. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 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 Regular Session, the delay in the effective date of this Act beyond July 1, 1989 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, 1989.

APPROVED: June 23, 1989
