

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010
4

A Bill

SENATE BILL 89

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF HIGHER EDUCATION FOR THE FISCAL
12 YEAR ENDING JUNE 30, 2011; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF HIGHER
17 EDUCATION APPROPRIATION FOR THE 2010-
18 2011 FISCAL YEAR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
25 established for the Department of Higher Education for the 2010-2011 fiscal
26 year, the following maximum number of regular employees whose salaries shall
27 be governed by the provisions of the Uniform Classification and Compensation
28 Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws
29 amendatory thereto. Provided, however, that any position to which a specific
30 maximum annual salary is set out herein in dollars, shall be exempt from the
31 provisions of said Uniform Classification and Compensation Act. All persons
32 occupying positions authorized herein are hereby governed by the provisions
33 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
34 101), or its successor.
35

36 Maximum Annual



1			Maximum	Salary Rate	
2	Item	Class	No. of	Fiscal Year	
3	No.	Code	Title	Employees	2010-2011
4	(1)	U024U	DHE DIRECTOR	1	\$189,255
5	(2)	U089U	DHE DEPUTY DIRECTOR	1	\$136,173
6	(3)	N002N	DHE SENIOR ASSOC DIRECTOR	1	GRADE N913
7	(4)	N041N	DHE ASSOC DIR FOR ACADEMIC AFFAIRS	1	GRADE N909
8	(5)	N055N	DHE ASSOCIATE DIRECTOR	3	GRADE N908
9	(6)	N054N	DHE CAREER PATHWAYS DIRECTOR	1	GRADE N908
10	(7)	G019C	GENERAL COUNSEL	1	GRADE C127
11	(8)	G043C	DHE FINANCIAL AID MANAGER	1	GRADE C126
12	(9)	G058C	DHE FEDERAL PROGRAM MANAGER	3	GRADE C125
13	(10)	G071C	DHE PROGRAM COORDINATOR	3	GRADE C124
14	(11)	D022C	SYSTEMS SPECIALIST	1	GRADE C124
15	(12)	P005C	DHE COMMUNICATIONS COORDINATOR	1	GRADE C123
16	(13)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
17	(14)	G102C	DHE PROGRAM SPECIALIST	20	GRADE C122
18	(15)	D052C	SOFTWARE SUPPORT ANALYST	4	GRADE C121
19	(16)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
20	(17)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
21	(18)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
22	(19)	A089C	ACCOUNTANT I	1	GRADE C116
23	(20)	C056C	ADMINISTRATIVE SPECIALIST III	5	GRADE C112
24	(21)	C073C	ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE C109
25			MAX. NO. OF EMPLOYEES	54	

26

27 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby authorized,
 28 for the Department of Higher Education for the 2010-2011 fiscal year, the
 29 following maximum number of part-time or temporary employees, to be known as
 30 "Extra Help", payable from funds appropriated herein for such purposes: nine
 31 (9) temporary or part-time employees, when needed, at rates of pay not to
 32 exceed those provided in the Uniform Classification and Compensation Act, or
 33 its successor, or this act for the appropriate classification.

34

35 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 36 appropriated, to the Department of Higher Education, to be payable from the

1 Department of Higher Education Fund Account, for personal services, operating
 2 expenses and grants of the Department of Higher Education for the fiscal year
 3 ending June 30, 2011, the following:

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5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2010-2011</u>
7 (01) REGULAR SALARIES	\$ 2,470,973
8 (02) EXTRA HELP	10,000
9 (03) PERSONAL SERVICES MATCHING	689,954
10 (04) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	481,831
12 (B) CONF. & TRAVEL	25,000
13 (C) PROF. FEES	15,000
14 (D) CAP. OUTLAY	25,000
15 (E) DATA PROC.	0
16 (05) YOUTH OPPORTUNITIES UNLIMITED	
17 GRANTS/AID	<u>40,000</u>
18 TOTAL AMOUNT APPROPRIATED	<u>\$ 3,757,758</u>

19

20 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS
 21 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
 22 Education, to be payable from the Higher Education Grants Fund Account, for
 23 providing student assistance grants and various scholarships as provided by
 24 law by the Department of Higher Education for the fiscal year ending June 30,
 25 2011, the following:

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27 ITEM	FISCAL YEAR
28 <u>NO.</u>	<u>2010-2011</u>
29 (01) NATIONAL GUARD TUITION INCENTIVE PROG	\$ 1,500,000
30 (02) SECOND EFFORT SCHOLARSHIPS	20,000
31 (03) SREB MINORITY DOCTORAL SCHOLARS	200,000
32 (04) TUITION ADJUSTMENT	350,000
33 (05) STATE TEACHER ASSISTANCE RESOURCE	
34 PROGRAM	3,581,717
35 (06) AR ACADEMIC CHALLENGE SCHOLARSHIPS	28,000,000
36 (07) ARKANSAS GOVERNOR'S SCHOLARS	10,750,000

1	(08)	STUDENT UNDERGRADUATE RESEARCH	
2		FELLOWSHIP PROGRAM (SURF)	307,974
3	(09)	TEACHER OPPORTUNITY PROGRAM	2,000,000
4	(10)	WORKFORCE IMPROVEMENT GRANTS	4,277,169
5	(11)	AR GEOGRAPHICAL CRITICAL NEEDS	
6		MINORITY TEACHER SCHOLARSHIPS	200,000
7	(12)	DEPENDENTS OF LAW ENFORCEMENT	
8		OFFICERS, ETC SCHOLARSHIPS	200,000
9	(13)	DEPENDENTS OF POWS, MIAS, KIAS-	
10		TUITION WAIVER SCHOLARSHIPS	250,000
11	(14)	SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
12	(15)	JR/SR MINORITY TEACHER SCHOLARSHIPS	300,000
13	(16)	MINORITY MASTERS FELLOWS	280,000
14	(17)	HIGHER EDUCATION OPPORTUNITIES	
15		GRANTS	11,000,000
16	(18)	WASHINGTON CENTER SCHOLARSHIPS	<u>120,000</u>
17		TOTAL AMOUNT APPROPRIATED	<u>\$ 63,511,860</u>

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19 SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is hereby
 20 appropriated, to the Department of Higher Education, to be payable from the
 21 federal funds as designated by the Chief Fiscal Officer of the State, for
 22 grants-in-aid of the Department of Higher Education - State Scholarship -
 23 Federal Program for the fiscal year ending June 30, 2011, the following:

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25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2010-2011</u>
27	(01) GRANTS AND AID-STATE	
28	SCHOLARSHIPS-FEDERAL	<u>\$ 500,000</u>

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30 SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS. There
 31 is hereby appropriated, to the Department of Higher Education, to be payable
 32 from the federal funds as designated by the Chief Fiscal Officer of the
 33 State, for personal services and operating expenses of the Department of
 34 Higher Education - Technical Education - Federal Programs for the fiscal year
 35 ending June 30, 2011, the following:

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1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2010-2011</u>
3	(01) REGULAR SALARIES	\$ 200,636
4	(02) PERSONAL SERVICES MATCHING	51,274
5	(03) MAINT. & GEN. OPERATION	
6	(A) OPER. EXPENSE	95,000
7	(B) CONF. & TRAVEL	19,000
8	(C) PROF. FEES	90,000
9	(D) CAP. OUTLAY	0
10	(E) DATA PROC.	<u>0</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 455,910</u>

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13 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby
 14 appropriated, to the Department of Higher Education, to be payable from the
 15 federal funds as designated by the Chief Fiscal Officer of the State, for
 16 operating expenses and grants-in-aid of the Department of Higher Education -
 17 Improving Teacher Quality Program for the fiscal year ending June 30, 2011,
 18 the following:

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20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2010-2011</u>
22	(01) MAINT. & GEN. OPERATION	
23	(A) OPER. EXPENSE	\$ 26,856
24	(B) CONF. & TRAVEL	13,000
25	(C) PROF. FEES	8,000
26	(D) CAP. OUTLAY	0
27	(E) DATA PROC.	0
28	(02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>1,517,402</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,565,258</u>

30

31 SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is hereby
 32 appropriated, to the Department of Higher Education, to be payable from the
 33 Higher Education Research Development Fund, for providing Arkansas Research
 34 Development Program Grants to Institutions of Higher Education by the
 35 Department of Higher Education for the fiscal year ending June 30, 2011, the
 36 following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) RESEARCH DEVELOPMENT PROGRAM	
GRANTS	<u>\$ 1,000,000</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 with participating out-of-state institutions of higher learning in the fields of dentistry, optometry, osteopathy, veterinary medicine, chiropractic and podiatry for the education of Arkansas citizens by the Department of Higher Education for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) CHIROPRACTIC AID	\$ 260,000
(02) DENTAL AID - GRANTS	2,133,900
(03) DENTAL AID - LOANS	987,370
(04) OPTOMETRY AID - GRANTS	410,000
(05) OPTOMETRY AID - LOANS	140,000
(06) OSTEOPATHY AID	230,000
(07) PODIATRY AID	130,400
(08) VETERINARY AID	<u>1,100,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 5,391,670</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, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$ 178,070

1	(B) CONF. & TRAVEL	60,620
2	(C) PROF. FEES	176,310
3	(D) CAP. OUTLAY	0
4	(E) DATA PROC.	0
5	(02) SCHOLARSHIPS	100,000
6	(03) REFUNDS/REIMBURSEMENTS	<u>5,000</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 520,000</u>

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9 SECTION 11. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby
 10 appropriated, to the Department of Higher Education, to be payable from the
 11 federal funds as designated by the Chief Fiscal Officer of the State, for
 12 personal services and operating expenses of the Department of Higher
 13 Education - TANF Program - Federal for the fiscal year ending June 30, 2011,
 14 the following:

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16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2010-2011</u>
18	(01) REGULAR SALARIES	\$ 381,762
19	(02) EXTRA HELP	25,000
20	(03) PERSONAL SERVICES MATCHING	103,993
21	(04) MAINT. & GEN. OPERATION	
22	(A) OPER. EXPENSE	257,000
23	(B) CONF. & TRAVEL	20,000
24	(C) PROF. FEES	65,000
25	(D) CAP. OUTLAY	0
26	(E) DATA PROC.	0
27	(05) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>11,644,793</u>
28	TOTAL AMOUNT APPROPRIATED	<u>\$ 12,497,548</u>

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30 SECTION 12. APPROPRIATION - COLLEGE ACCESS CHALLENGE GRANT. There is
 31 hereby appropriated, to the Department of Higher Education, to be payable
 32 from the federal funds as designated by the Chief Fiscal Officer of the
 33 State, for operating expenses of the Department of Higher Education - College
 34 Access Challenge Grant Program - Federal for the fiscal year ending June 30,
 35 2011, the following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$ 391,129
(B) CONF. & TRAVEL	25,000
(C) PROF. FEES	275,000
(D) CAP. OUTLAY	15,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 706,129</u>

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11 SECTION 13. APPROPRIATION - ARKANSAS GOVERNMENT WORKER LOAN REPAYMENT
 12 PROGRAM. There is hereby appropriated, to the Department of Higher Education,
 13 to be payable from the Higher Education Grants Fund Account, for costs
 14 associated with the reimbursement/repayment of federal student loans made to
 15 qualifying state government workers as determined by the Department of Higher
 16 Education for the fiscal year ending June 30, 2011, the following:

17

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) AR GOVERNMENT WORKER LOAN REPAYMENT PROGRAM	<u>\$ 5,000,000</u>

22

23 SECTION 14. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby
 24 appropriated, to the Department of Higher Education, to be payable from the
 25 Higher Education Grants Fund Account, for personal services and operating
 26 expenses associated with web based applications of the Department of Higher
 27 Education for the fiscal year ending June 30, 2011, the following:

28

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) WEB BASED APPLICATIONS PERSONAL SERVICES AND OPERATING EXPENSE	<u>\$ 800,000</u>

33

34 SECTION 15. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is hereby
 35 appropriated, to the Department of Higher Education, to be payable from the
 36 Higher Education Grants Fund Account, for personal services and operating

1 expenses of the Department of Higher Education - Scholarship Administration
2 for the fiscal year ending June 30, 2011, the following:

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2010-2011</u>
6 (01) REGULAR SALARIES	\$ 303,746
7 (02) PERSONAL SERV MATCHING	113,920
8 (03) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	315,000
10 (B) CONF. & TRAVEL	0
11 (C) PROF. FEES	0
12 (D) CAP. OUTLAY	0
13 (E) DATA PROC.	<u>0</u>
14 TOTAL AMOUNT APPROPRIATED	<u>\$ 732,666</u>

15
16 SECTION 16. APPROPRIATION - SCHOLARSHIPS CONTINGENCY SET-ASIDE. There is
17 hereby appropriated, to the Department of Higher Education, to be payable
18 from the Higher Education Grants Fund Account, for transfer to the various
19 scholarship and grant appropriations authorized in this act for the fiscal
20 year ending June 30, 2011, the sum of\$20,000,000.

21
22 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
24 SCHOLARSHIPS CONTINGENCY SET-ASIDE. ~~Immediately upon the effective date of~~
25 ~~this act, the~~ The Director of the Department of Higher Education shall set-
26 aside in reserve twenty million dollars (\$20,000,000), or so much thereof as
27 is available, of the un-obligated balance in the Department of Higher
28 Education Grants Fund Account, for the sole purpose of funding lottery
29 scholarship and grant programs administered by the department in the event
30 the department determines that less than a sufficient amount of moneys are
31 available from the net lottery proceeds to fund such scholarships or grants
32 or both.

33 Any moneys set-aside in the Department of Higher Education Grants Fund
34 Account that are utilized to fund scholarships or grants or both as
35 authorized herein shall be reimbursed by the Arkansas Lottery Commission from
36 the net lottery proceeds and credited to the Department of Higher Education

1 Grants Fund Account.

2

3 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 5 SCHOLARSHIPS AND GRANTS CONTINGENCY APPROPRIATION TRANSFER. In the event the
 6 Director of the Department of Higher Education determines that the dollar
 7 amount of scholarships or grants or both committed by the Department of
 8 Higher Education makes it necessary for the Director to request approval of
 9 the Chief Fiscal Officer of the State to transfer an amount of appropriation
 10 from the Scholarships and Grants Contingency Appropriation authorized in this
 11 act, the Chief Fiscal Officer of the State shall, upon recommendation of the
 12 Arkansas Lottery Commission Legislative Oversight Committee and review by the
 13 Arkansas Legislative Council or Joint Budget Committee, transfer on his or
 14 her books and those of the State Treasurer and Auditor of State the amount of
 15 appropriation from the Scholarships and Grants Contingency Appropriation to
 16 the appropriate scholarship or grant, or both, appropriation authorized by
 17 this act.

18

19 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY
 21 GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an
 22 emergency/disaster event resulting in all or a significant portion of campus
 23 operations being interrupted, may request disaster assistance through the
 24 Arkansas Department of Higher Education. Upon the declaration of an
 25 emergency by the Governor, the institution may request, subject to the
 26 recommendation of the Director of the Department of Higher Education and
 27 approval of the Governor, a grant from the Disaster Relief Fund to assist in
 28 returning that campus to operation and/or to a sister campus providing
 29 services to the students from the affected campus. Certified law enforcement
 30 officers employed by an institution of higher education may be granted
 31 jurisdiction at the sister institution, upon agreement of both institutions.
 32 The Department of Higher Education is authorized a pool of 500 extra help
 33 positions for use in such emergency situations. These positions may be
 34 assigned to the campus suffering the disaster event or to a sister campus
 35 providing services to the students from the affected campus. The Governor
 36 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help

1 pool positions.

2 The provisions of this section shall be in effect only from July 1, 2009
3 2010 through June 30, ~~2010~~ 2011.

4

5 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
7 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon
8 determination by the president or chancellor of an institution of higher
9 education that a reallocation of resources for purposes of reorganization or
10 consolidation of administrative functions within the institution is necessary
11 for efficient and effective operations of the institution, the president or
12 chancellor, with approval of the institution's board of trustees, may have
13 the authority to transfer positions, appropriations and related funds between
14 campuses, divisions, branches, and other budgetary units of the institution,
15 after receiving prior approval of the Legislative Council or Joint Budget
16 Committee. The transfers of positions, programs, or activities shall be used
17 for those purposes for which the appropriations were approved by the General
18 Assembly. The transfers, consolidations, or reorganizations which involve
19 academic programs shall be reviewed by the Department of Higher Education
20 prior to submission to the Legislative Council or Joint Budget Committee.
21 Provided, however, that the institution shall be limited to submitting no
22 more than two (2) individual transaction transfer requests during any fiscal
23 year and shall be further limited to no more than five percent (5%) of the
24 total General Revenue and Special Revenue appropriation, funding, positions
25 specific to each institution, and no Tobacco Settlement funds or
26 appropriations may be reallocated pursuant to this section.
27 Determining the maximum number of employees and the maximum amount of
28 appropriation and general revenue funding for institutions of higher
29 education each fiscal year is the prerogative of the General Assembly. This
30 is usually accomplished by delineating such maximums in the appropriation
31 act(s) for institutions of higher education and the general revenue
32 allocations authorized for each fund and fund account by amendment to the
33 Revenue Stabilization law. Further, the General Assembly has determined that
34 institutions of higher education may operate more efficiently if some
35 flexibility is provided to institutions of higher education authorizing broad
36 powers under this Section. Therefore, it is both necessary and appropriate

1 that the General Assembly maintain oversight by requiring prior approval of
2 the Legislative Council or Joint Budget Committee as provided by this
3 section. The requirement of approval by the Legislative Council or Joint
4 Budget Committee is not a severable part of this section. If the requirement
5 of approval by the Legislative Council or Joint Budget Committee is ruled
6 unconstitutional by a court of competent jurisdiction, this entire section is
7 void.

8 The provisions of this section shall be in effect only from July 1, ~~2009~~
9 2010 through June 30, ~~2010~~ 2011.

10
11 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In
13 order to provide timely payments under financial aid appropriations made in
14 this Act, the Chief Fiscal Officer of the State is authorized to provide
15 loans from the Budget Stabilization Trust Fund to make available all funds
16 attributable to the financial aid programs under the then current official
17 revenue estimates. In the event of an unanticipated state revenue shortfall,
18 any such loans remaining at the end of a fiscal year shall be repaid from
19 revenues distributed in the first two months of the next fiscal year. Funds
20 for appropriations made in this Act for purposes other than financial aid
21 shall not be affected by the application of this provision.

22 The provisions of this section shall be in effect only from July 1, ~~2009~~
23 2010 through June 30, ~~2010~~ 2011.

24
25 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
27 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
28 available to the various technical colleges have been determined as set out
29 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be
30 processed so that funds may be transferred from the Work Force 2000
31 Development Fund to the State Treasury fund or fund account from which the
32 technical college draws its general revenue support. Such funds as may be
33 transferred shall not exceed 93.691% of the total funds available from the
34 Work Force 2000 Development Fund during the fiscal year.

35 In the event that a technical institute or comprehensive lifelong learning
36 center which receives support from the Work Force 2000 Development Fund as

1 determined by law transfers or merges into the Arkansas Technical College and
2 Community College System for which Work Force 2000 Development Fund monies
3 are determined by law, then the actual amount of support from the Work Force
4 2000 Development Fund in the preceding fiscal year for such educational
5 institution shall be made available irrespective of any other provision of
6 law which sets out maximum levels of support from such fund.

7 The provisions of this section shall be in effect only from July 1, ~~2009~~
8 2010 through June 30, ~~2010~~ 2011.

9
10 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
12 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
13 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much
14 as is collected, is to be transferred to the Research Development Fund there
15 to be used as provided by law.

16 The provisions of this section shall be in effect only from July 1, ~~2009~~
17 2010 through June 30, ~~2010~~ 2011.

18
19 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
21 EXPENDITURES. Proceeds derived from the repayment of loans as authorized in
22 Items (15), (16) and (05) of Section 4 of this Act for the JR/SR Minority
23 Teacher Scholars, the Minority Masters Fellows and the State Teacher
24 Assistance Resource Program shall be deposited into the State Treasury fund
25 from which it originated.

26 The provisions of this section shall be in effect only from July 1, ~~2009~~
27 2010 through June 30, ~~2010~~ 2011.

28
29 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
31 GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law,
32 any student who receives assistance from the appropriation made for the
33 "National Guard Tuition Incentive Program" in this Act shall repay any loans
34 and/or assistance if the student receives a discharge that is a less than
35 Honorable Discharge. Priority for funding shall be given to students already
36 receiving assistance from the National Guard Tuition Incentive Program.

1 The provisions of this section shall be in effect only from July 1, ~~2009~~
2 2010 through June 30, ~~2010~~ 2011.

3
4 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
6 SAVINGS BONDS. The Department of Higher Education shall adopt rules and
7 regulations for the allocation of the funds reappropriated for the
8 development of projects at State Institutions of Higher Education and the
9 payment of project costs and expenses of the issuance of the bonds of the
10 Arkansas College Savings General Obligation Bonds Program to ensure that
11 funds are allocated and expended in a manner consistent with the provisions
12 of the Internal Revenue Code applicable to the Arkansas College Savings
13 General Obligation Bond Program (Program). The funds reappropriated for the
14 development of projects at State Institutions of Higher Education and the
15 payment of project costs and expenses of the issuance of the bonds of the
16 Arkansas College Savings General Obligation Bonds Program shall be allocated
17 and expended pursuant to the provisions of Arkansas Code 6-62-701 et seq. and
18 other laws of this State. The expenditure and allocation of funds shall be
19 exempt from any other provisions of state law which conflicts with any
20 provision of the rules and regulations which rules and regulations are
21 required to ensure the compliance of the Program with the applicable
22 provisions of the Internal Revenue Code.

23 The provisions of this section shall be in effect only from July 1, ~~2009~~
24 2010 through June 30, ~~2010~~ 2011.

25
26 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
28 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued
29 during any fiscal biennium shall not exceed three-hundred million dollars
30 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
31 time have debt service requirements in excess of twenty-four million dollars
32 (\$24,000,000) in any one fiscal year from all state revenue sources.

33 The provisions of this section shall be in effect only from July 1, ~~2009~~
34 2010 through June 30, ~~2010~~ 2011.

35
36 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
2 FORWARD - HEALTH EDUCATION GRANTS AND LOANS. The balance of the funds as
3 provided for "Health Education Grants and Loans" in this Act which remain on
4 June 30, 2010, shall be carried forward and made available for the same
5 purposes for the fiscal year ending June 30, 2011.

6 Any carry forward of unexpended balance of funding as authorized herein, may
7 be carried forward under the following conditions:

8 (1) Prior to June 30, 2010 the Agency shall by written statement set forth
9 its reason(s) for the need to carry forward said funding to the Department of
10 Finance and Administration Office of Budget;

11 (2) The Department of Finance and Administration Office of Budget shall
12 report to the Arkansas Legislative Council all amounts carried forward by the
13 September Arkansas Legislative Council or Joint Budget Committee meeting
14 which report shall include the name of the Agency, Board, Commission or
15 Institution and the amount of funding carried forward, the program name or
16 line item, the funding source and a copy of the written request set forth in
17 (1) above;

18 (3) Each Agency, Board, Commission or Institution shall provide a written
19 report to the Arkansas Legislative Council or Joint Budget Committee
20 containing all information set forth in item (2) above, along with a written
21 statement as to the current status of the project, contract, purpose etc. for
22 which the carry forward was originally requested no later than thirty (30)
23 days prior to the time the Agency, Board, Commission or Institution presents
24 its budget request to the Arkansas Legislative Council/Joint Budget
25 Committee; and

26 (4) Thereupon, the Department of Finance and Administration shall include
27 all information obtained in item (3) above in the budget manuals and/or a
28 statement of non-compliance by the Agency, Board, Commission or Institution.
29

30 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
32 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
33 Coordinating Board, after consulting with the recognized associations of each
34 of the applicable medical professions and other interested persons, shall
35 determine the priorities for the applicable programs enumerated in the
36 appropriation made for "Health Education Grants and Loans" in this Act. The

1 Arkansas Department of Higher Education, if necessary, shall re-adjust the
2 number of positions for entering students to be funded for each applicable
3 program based upon the priorities determined by the board.

4 The provisions of this section shall be in effect only from July 1, ~~2009~~
5 2010 through June 30, ~~2010~~ 2011.

6
7 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL
9 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall
10 report by May 30 to the House and Senate Interim Committees on Education the
11 budgeted allocation for each financial aid program funded through the Higher
12 Education Grants Fund Account for the upcoming fiscal year and projections
13 for the following year.

14 The provisions of this section shall be in effect only from July 1, ~~2009~~
15 2010 through June 30, ~~2010~~ 2011.

16
17 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
19 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
20 receives state scholarship funds administered by the Arkansas Department of
21 Higher Education shall be subject to audit/review of such funds by the
22 Division of Legislative Audit, upon approval of the Legislative Joint Audit
23 Committee.

24 The provisions of this section shall be in effect only from July 1, ~~2009~~
25 2010 through June 30, ~~2010~~ 2011.

26
27 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT
29 DATA. All post-secondary institutions shall provide to the Arkansas
30 Department of Higher Education a copy of the Integrated Post-Secondary
31 Education Data System (IPEDS) data within three weeks following the IPEDS due
32 date, which shall be subject to audit by the Arkansas Department of Higher
33 Education.

34 The provisions of this section shall be in effect only from July 1, ~~2009~~
35 2010 through June 30, ~~2010~~ 2011.

36

1 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
3 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
4 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
5 Higher Education shall determine the amount available, up to \$200,000 per
6 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
7 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
8 State and the State Treasurer such amount as is required to be transferred
9 from the Higher Education Grants Fund Account. Upon receiving such
10 certification, the Chief Fiscal Officer of the State and the State Treasurer
11 shall cause to be transferred the necessary funds and appropriation to the
12 fund account of the University of Arkansas at Pine Bluff for implementation
13 of this program. The University of Arkansas at Pine Bluff may use up to
14 twenty percent (20%) of the funds and appropriation for administration of the
15 program.

16 The provisions of this section shall be in effect only from July 1, ~~2009~~
17 2010 through June 30, ~~2010~~ 2011.

18
19 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
21 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
22 determined by the Arkansas Department of Higher Education to have been for
23 salary increases for the fiscal year for Institutions of Higher Education
24 shall be used exclusively for salary increases. New funding actually received
25 for salary increases shall be spent exclusively for salary increases based
26 upon the state general revenue portion of total unrestricted educational and
27 general revenue. Funding received under this provision shall be used for no
28 purpose other than to provide such salary increases. Any designated funds not
29 used for salary increases shall be recouped at the end of each fiscal year
30 and transferred to the General Revenue Allotment Reserve Fund.

31 The provisions of this section shall be in effect only from July 1, ~~2009~~
32 2010 through June 30, ~~2010~~ 2011.

33
34 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE
36 PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall

1 transfer sufficient funding for the fiscal year from the Higher Education
2 Grants Fund Account to the Department of Higher Education Fund Account in
3 order to finance the personal services costs of a DHE Program Coordinator.

4 The provisions of this section shall be in effect only from July 1, ~~2009~~
5 2010 through June 30, ~~2010~~ 2011.

6
7 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
9 PROVISION. Upon certification by the Director of the Department of Higher
10 Education that transfers are needed to make maximum utilization of funds and
11 appropriations provided for financial aid programs, and with the approval of
12 the Chief Fiscal Officer of the State and a review by the Arkansas
13 Legislative Council, funds and appropriations may be transferred between
14 financial aid programs, except that funds and appropriations may not be
15 transferred for such purposes from either the Governor's Scholars Program or
16 the Academic Challenge Scholarships Program in excess of \$1,000,000 in the
17 aggregate in a fiscal year. Any transfer restrictions contained in
18 appropriation acts for the Department of Higher Education relating to
19 appropriation transfers from Governor's Scholars Program and Academic
20 Challenge Scholarships shall not be applicable to transfers between
21 Governor's Scholars and Academic Challenge Scholarship appropriations.

22 The provisions of this section shall be in effect only from July 1, ~~2009~~
23 2010 through June 30, ~~2010~~ 2011.

24
25 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
27 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
28 LOANS. Upon certification to and with the approval of the Chief Fiscal
29 Officer of the State, surplus funds and appropriations may be transferred
30 between the appropriations provided for "Health Education Grants and Loans"
31 by this Act by the Eighty-Seventh General Assembly for Dental Aid Grants and
32 Loans, Optometry Aid, Veterinary Aid, Podiatry Aid, Chiropractic Aid and
33 Osteopathy Aid.

34 The provisions of this section shall be in effect only from July 1, ~~2009~~
35 2010 through June 30, ~~2010~~ 2011.

36

1 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
3 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
4 the Department of Higher Education and the Chief Fiscal Officer of the State,
5 institutions of higher education may transfer appropriation from the cash
6 contingency appropriation to any other appropriation made to the institution
7 from cash funds including the establishment of commitment items, and may
8 transfer appropriation from the contingency appropriation made payable from
9 each institution's State Treasury Fund to the state operations appropriation
10 made payable from each institution's State Treasury Fund including the
11 establishment of commitment items, and may transfer appropriation from the
12 contingency appropriation made payable from the Tobacco Settlement Program
13 Fund Accounts to any other appropriation made to the institution from Tobacco
14 Settlement Program Fund Accounts including the establishment of commitment
15 items.

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

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

32
33 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
35 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
36 Undergraduate Research Fellowship (SURF) Program is the continued development

1 of undergraduate academic research efforts at Arkansas colleges and
2 universities. The Arkansas Department of Higher Education shall adopt rules
3 and regulations necessary for the proper administration of the Student
4 Undergraduate Research Fellowship Program. Administrative functions and
5 responsibilities may include, but not necessarily be limited to, the
6 development of eligibility criteria, collection of applications, coordination
7 of student evaluations, distribution of public notices, and funding of grants
8 for academic research purposes. Staff of the Arkansas Department of Higher
9 Education shall administer this program. The Arkansas Department of Higher
10 Education shall be authorized to expense costs associated with the
11 administration of the program, from funds made payable from the Higher
12 Education Grants Fund Account for the Student Undergraduate Research
13 Fellowship Program as authorized in Section 4 of this Act.

14
15 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
17 COOPERATION AGREEMENTS. Any two-year institution of Higher Education that has
18 its main or a satellite campus located within a twenty five mile radius of
19 any four-year institution of higher education shall enter into a written
20 agreement with that four-year institution which must address duplication of
21 services between the institutions.

22 The provisions of this section shall be in effect only from July 1, ~~2009~~
23 2010 through June 30, ~~2010~~ 2011.

24
25 SECTION 41. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
26 by this act shall be limited to the appropriation for such agency and funds
27 made available by law for the support of such appropriations; and the
28 restrictions of the State Procurement Law, the General Accounting and
29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
30 Procedures and Restrictions Act, or their successors, and other fiscal
31 control laws of this State, where applicable, and regulations promulgated by
32 the Department of Finance and Administration, as authorized by law, shall be
33 strictly complied with in disbursement of said funds.

34
35 SECTION 42. LEGISLATIVE INTENT. It is the intent of the General Assembly
36 that any funds disbursed under the authority of the appropriations contained

1 in this act shall be in compliance with the stated reasons for which this act
2 was adopted, as evidenced by the Agency Requests, Executive Recommendations
3 and Legislative Recommendations contained in the budget manuals prepared by
4 the Department of Finance and Administration, letters, or summarized oral
5 testimony in the official minutes of the Arkansas Legislative Council or
6 Joint Budget Committee which relate to its passage and adoption.

7
8 SECTION 43. EMERGENCY CLAUSE. It is found and determined by the General
9 Assembly, that the Constitution of the State of Arkansas prohibits the
10 appropriation of funds for more than a one (1) year period; that the
11 effectiveness of this Act on July 1, 2010 is essential to the operation of
12 the agency for which the appropriations in this Act are provided, and that in
13 the event of an extension of the legislative session, the delay in the
14 effective date of this Act beyond July 1, 2010 could work irreparable harm
15 upon the proper administration and provision of essential governmental
16 programs. Therefore, an emergency is hereby declared to exist and this Act
17 being necessary for the immediate preservation of the public peace, health
18 and safety shall be in full force and effect from and after July 1, 2010.