

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/17/11 S3/28/11 S3/30/11

A Bill

SENATE BILL 104

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES FOR THE
10 DEPARTMENT OF HIGHER EDUCATION FOR THE FISCAL
11 YEAR ENDING JUNE 30, 2012; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE DEPARTMENT OF HIGHER
16 EDUCATION APPROPRIATION FOR THE 2011-2012
17 FISCAL YEAR.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
24 established for the Department of Higher Education for the 2011-2012 fiscal
25 year, the following maximum number of regular employees.
26

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2011-2012
31	(1) U024U	DHE DIRECTOR	1	\$192,775
32	(2) U089U	DHE DEPUTY DIRECTOR	1	\$138,705
33	(3) N002N	DHE SENIOR ASSOC DIRECTOR	1	GRADE N913
34	(4) N041N	DHE ASSOC DIR FOR ACADEMIC AFFAIRS	1	GRADE N909
35	(5) N055N	DHE ASSOCIATE DIRECTOR	3	GRADE N908
36	(6) N054N	DHE CAREER PATHWAYS DIRECTOR	1	GRADE N908



1	(7)	G019C	GENERAL COUNSEL	1	GRADE C127
2	(8)	G043C	DHE FINANCIAL AID MANAGER	1	GRADE C126
3	(9)	G058C	DHE FEDERAL PROGRAM MANAGER	3	GRADE C125
4	(10)	G071C	DHE PROGRAM COORDINATOR	4	GRADE C124
5	(11)	D022C	SYSTEMS SPECIALIST	1	GRADE C124
6	(12)	P005C	DHE COMMUNICATIONS COORDINATOR	1	GRADE C123
7	(13)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
8	(14)	G102C	DHE PROGRAM SPECIALIST	21	GRADE C122
9	(15)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
10	(16)	D052C	SOFTWARE SUPPORT ANALYST	2	GRADE C121
11	(17)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
12	(18)	A089C	ACCOUNTANT I	1	GRADE C116
13	(19)	C056C	ADMINISTRATIVE SPECIALIST III	5	GRADE C112
14	(20)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
15			MAX. NO. OF EMPLOYEES	52	

16

17 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby
 18 authorized, for the Department of Higher Education for the 2011-2012 fiscal
 19 year, the following maximum number of part-time or temporary employees, to be
 20 known as "Extra Help", payable from funds appropriated herein for such
 21 purposes: seventeen (17) temporary or part-time employees, when needed, at
 22 rates of pay not to exceed those provided in the Uniform Classification and
 23 Compensation Act, or its successor, or this act for the appropriate
 24 classification.

25

26 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 27 appropriated, to the Department of Higher Education, to be payable from the
 28 Department of Higher Education Fund Account, for personal services and
 29 operating expenses of the Department of Higher Education for the fiscal year
 30 ending June 30, 2012, the following:

31

32	ITEM	FISCAL YEAR
33	<u>NO.</u>	<u>2011-2012</u>
34	(01) REGULAR SALARIES	\$2,443,116
35	(02) EXTRA HELP	3,000
36	(03) PERSONAL SERVICES MATCHING	654,270

1	(04) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	966,755
3	(B) CONF. & TRAVEL	20,270
4	(C) PROF. FEES	10,000
5	(D) CAP. OUTLAY	0
6	(E) DATA PROC.	<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	<u><u>\$4,097,411</u></u>

8

9 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS
10 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
11 Education, to be payable from the Higher Education Grants Fund Account, for
12 providing student assistance grants and various scholarships as provided by
13 law by the Department of Higher Education for the fiscal year ending June 30,
14 2012, the following:

15

16	ITEM		FISCAL YEAR
17	<u>NO.</u>		<u>2011-2012</u>
18	(01) HIGHER EDUCATION OPPORTUNITIES GRANT	S	\$11,000,000
19	(02) JR/SR MINORITY TEACHER SCHOLARSHIPS		300,000
20	(03) MINORITY MASTERS FELLOWS		280,000
21	(04) SECOND EFFORT SCHOLARSHIPS		20,000
22	(05) SREB MINORITY DOCTORAL SCHOLARS		200,000
23	(06) WASHINGTON CENTER SCHOLARSHIPS		120,000
24	(07) TUITION ADJUSTMENT		350,000
25	(08) STATE TEACHER ASSISTANCE RESOURCE		
26	PROGRAM		3,581,717
27	(09) AR ACADEMIC CHALLENGE SCHOLARSHIPS		28,000,000
28	(10) ARKANSAS GOVERNOR'S SCHOLARS		10,750,000
29	(11) STUDENT UNDERGRADUATE RESEARCH		
30	FELLOWSHIP PROGRAM (SURF)		307,974
31	(12) NATIONAL GUARD TUITION INCENTIVE		
32	PROGRAM		1,500,000
33	(13) SINGLE PARENT SCHOLARSHIP PROGRAM		175,000
34	(14) STATE TEACHER EDUCATION PROGRAM		5,000,000
35	(15) TEACHER OPPORTUNITY PROGRAM		2,000,000
36	(16) WORKFORCE IMPROVEMENT GRANTS		4,277,169

1	(17)	AR GEOGRAPHICAL CRITICAL NEEDS	
2		MINORITY TEACHER SCHOLARSHIPS	200,000
3	(18)	DEPENDENTS OF LAW ENFORCEMENT	
4		OFFICERS, ETC SCHOLARSHIPS	200,000
5	(19)	DEPENDENTS OF POWS, MIAS,	
6		KIAS - TUITION WAIVER	
7		SCHOLARSHIPS	<u>250,000</u>
8		TOTAL AMOUNT APPROPRIATED	<u><u>\$68,511,860</u></u>

9

10 SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is

11 hereby appropriated, to the Department of Higher Education, to be payable

12 from the federal funds as designated by the Chief Fiscal Officer of the

13 State, for grants-in-aid of the Department of Higher Education - State

14 Scholarship - Federal Program for the fiscal year ending June 30, 2012, the

15 following:

16			
17	ITEM		FISCAL YEAR
18	<u>NO.</u>		<u>2011-2012</u>
19	(01)	GRANTS AND AID-STATE	
20		SCHOLARSHIPS-FEDERAL	<u><u>\$750,000</u></u>

21

22 SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS.

23 There is hereby appropriated, to the Department of Higher Education, to be

24 payable from the federal funds as designated by the Chief Fiscal Officer of

25 the State, for personal services and operating expenses of the Department of

26 Higher Education - Technical Education - Federal Programs for the fiscal year

27 ending June 30, 2012, the following:

28			
29	ITEM		FISCAL YEAR
30	<u>NO.</u>		<u>2011-2012</u>
31	(01)	REGULAR SALARIES	\$215,678
32	(02)	PERSONAL SERVICES MATCHING	57,400
33	(03)	MAINT. & GEN. OPERATION	
34		(A) OPER. EXPENSE	95,000
35		(B) CONF. & TRAVEL	69,000
36		(C) PROF. FEES	90,000

1	(D) CAP. OUTLAY	15,000
2	(E) DATA PROC.	<u>0</u>
3	TOTAL AMOUNT APPROPRIATED	<u><u>\$542,078</u></u>

4

5 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby
6 appropriated, to the Department of Higher Education, to be payable from the
7 federal funds as designated by the Chief Fiscal Officer of the State, for
8 operating expenses and grants-in-aid of the Department of Higher Education -
9 Improving Teacher Quality Program for the fiscal year ending June 30, 2012,
10 the following:

11

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2011-2012</u>
14	(01) MAINT. & GEN. OPERATION	
15	(A) OPER. EXPENSE	\$26,856
16	(B) CONF. & TRAVEL	13,000
17	(C) PROF. FEES	8,000
18	(D) CAP. OUTLAY	0
19	(E) DATA PROC.	0
20	(02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>1,517,402</u>
21	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,565,258</u></u>

22

23 SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is
24 hereby appropriated, to the Department of Higher Education, to be payable
25 from the Higher Education Research Development Fund, for providing Arkansas
26 Research Development Program Grants to Institutions of Higher Education by
27 the Department of Higher Education for the fiscal year ending June 30, 2012,
28 the following:

29

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2011-2012</u>
32	(01) RESEARCH AND DEVELOPMENT PROGRAM	
33	GRANTS	<u><u>\$5,000,000</u></u>

34

35 SECTION 9. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is
36 hereby appropriated, to the Department of Higher Education, to be payable

1 from the Higher Education Grants Fund Account, for payments of the contracts
 2 with participating out-of-state institutions of higher learning in the fields
 3 of dentistry, optometry, osteopathy, veterinary medicine, chiropractic and
 4 podiatry for the education of Arkansas citizens by the Department of Higher
 5 Education for the fiscal year ending June 30, 2012, the following:

6	7 ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2011-2012</u>
9	(01) CHIROPRACTIC AID	\$260,000
10	(02) DENTAL AID - GRANTS	2,133,900
11	(03) OPTOMETRY AID - GRANTS	410,000
12	(04) OSTEOPATHY AID	230,000
13	(05) PODIATRY AID	130,400
14	(06) VETERINARY AID	1,100,000
15	(07) DENTAL AID - LOANS	987,370
16	(08) OPTOMETRY AID - LOANS	<u>140,000</u>
17	TOTAL AMOUNT APPROPRIATED	<u><u>\$5,391,670</u></u>

18

19 SECTION 10. APPROPRIATION - CASH. There is hereby appropriated, to the
 20 Department of Higher Education, to be payable from the cash fund deposited in
 21 the State Treasury as determined by the Chief Fiscal Officer of the State,
 22 for operating expenses of the Department of Higher Education for the fiscal
 23 year ending June 30, 2012, the following:

24

25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2011-2012</u>
27	(01) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	\$378,070
29	(B) CONF. & TRAVEL	60,620
30	(C) PROF. FEES	401,310
31	(D) CAP. OUTLAY	0
32	(E) DATA PROC.	0
33	(02) SCHOLARSHIPS	100,000
34	(03) REFUNDS/REIMBURSEMENTS	<u>5,000</u>
35	TOTAL AMOUNT APPROPRIATED	<u><u>\$945,000</u></u>

36

1 SECTION 11. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby
 2 appropriated, to the Department of Higher Education, to be payable from the
 3 federal funds as designated by the Chief Fiscal Officer of the State, for
 4 personal services and operating expenses of the Department of Higher
 5 Education - TANF Program - Federal for the fiscal year ending June 30, 2012,
 6 the following:

8	ITEM	FISCAL YEAR
9	<u>NO.</u>	<u>2011-2012</u>
10	(01) REGULAR SALARIES	\$403,906
11	(02) EXTRA HELP	25,000
12	(03) PERSONAL SERVICES MATCHING	111,011
13	(04) MAINT. & GEN. OPERATION	
14	(A) OPER. EXPENSE	160,000
15	(B) CONF. & TRAVEL	75,000
16	(C) PROF. FEES	130,000
17	(D) CAP. OUTLAY	15,000
18	(E) DATA PROC.	0
19	(05) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>14,100,000</u>
20	TOTAL AMOUNT APPROPRIATED	<u><u>\$15,019,917</u></u>

21

22 SECTION 12. APPROPRIATION - COLLEGE ACCESS CHALLENGE GRANT. There is
 23 hereby appropriated, to the Department of Higher Education, to be payable
 24 from the federal funds as designated by the Chief Fiscal Officer of the
 25 State, for operating expenses of the Department of Higher Education - College
 26 Access Challenge Grant Program - Federal for the fiscal year ending June 30,
 27 2012, the following:

28

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2011-2012</u>
31	(01) MAINT. & GEN. OPERATION	
32	(A) OPER. EXPENSE	\$595,000
33	(B) CONF. & TRAVEL	25,000
34	(C) PROF. FEES	880,000
35	(D) CAP. OUTLAY	0
36	(E) DATA PROC.	<u>0</u>

1 TOTAL AMOUNT APPROPRIATED \$1,500,000

2

3 SECTION 13. APPROPRIATION - ARKANSAS GOVERNMENT WORKER LOAN REPAYMENT
4 PROGRAM. There is hereby appropriated, to the Department of Higher
5 Education, to be payable from the Higher Education Grants Fund Account, for
6 costs associated with the reimbursement/repayment of federal student loans
7 made to qualifying state government workers as determined by the Department
8 of Higher Education for the fiscal year ending June 30, 2012, the following:

9

10 ITEM	FISCAL YEAR
11 <u>NO.</u>	<u>2011-2012</u>
12 (01) AR GOVERNMENT WORKER LOAN REPAYMENT	
13 PROGRAM	<u>\$5,000,000</u>

14

15 SECTION 14. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby
16 appropriated, to the Department of Higher Education, to be payable from the
17 Higher Education Grants Fund Account, for personal services and operating
18 expenses associated with web based applications of the Department of Higher
19 Education for the fiscal year ending June 30, 2012, the following:

20

21 ITEM	FISCAL YEAR
22 <u>NO.</u>	<u>2011-2012</u>
23 (01) WEB BASED APPLICATIONS PERSONAL	
24 SERVICES AND OPERATING EXPENSES	<u>\$1,300,000</u>

25

26 SECTION 15. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is
27 hereby appropriated, to the Department of Higher Education, to be payable
28 from the Higher Education Grants Fund Account, for personal services and
29 operating expenses of the Department of Higher Education - Scholarship
30 Administration for the fiscal year ending June 30, 2012, the following:

31

32 ITEM	FISCAL YEAR
33 <u>NO.</u>	<u>2011-2012</u>
34 (01) REGULAR SALARIES	\$283,154
35 (02) EXTRA HELP	30,000
36 (03) PERSONAL SERVICES MATCHING	87,324

1	(04) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	165,000
3	(B) CONF. & TRAVEL	0
4	(C) PROF. FEES	400,000
5	(D) CAP. OUTLAY	0
6	(E) DATA PROC.	<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	<u><u>\$965,478</u></u>

8

9 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY
 11 GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an
 12 emergency/disaster event resulting in all or a significant portion of campus
 13 operations being interrupted, may request disaster assistance through the
 14 Arkansas Department of Higher Education. Upon the declaration of an
 15 emergency by the Governor, the institution may request, subject to the
 16 recommendation of the Director of the Department of Higher Education and
 17 approval of the Governor, a grant from the Disaster Relief Fund to assist in
 18 returning that campus to operation and/or to a sister campus providing
 19 services to the students from the affected campus. Certified law enforcement
 20 officers employed by an institution of higher education may be granted
 21 jurisdiction at the sister institution, upon agreement of both institutions.
 22 The Department of Higher Education is authorized a pool of 500 extra help
 23 positions for use in such emergency situations. These positions may be
 24 assigned to the campus suffering the disaster event or to a sister campus
 25 providing services to the students from the affected campus. The Governor
 26 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
 27 pool positions.

28 The provisions of this section shall be in effect only from July 1,
 29 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

30

31 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 33 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon
 34 determination by the president or chancellor of an institution of higher
 35 education that a reallocation of resources for purposes of reorganization or
 36 consolidation of administrative functions within the institution is necessary

1 for efficient and effective operations of the institution, the president or
2 chancellor, with approval of the institution's board of trustees, may have
3 the authority to transfer positions, appropriations and related funds between
4 campuses, divisions, branches, and other budgetary units of the institution,
5 after receiving prior approval of the Legislative Council or Joint Budget
6 Committee. The transfers of positions, programs, or activities shall be used
7 for those purposes for which the appropriations were approved by the General
8 Assembly. The transfers, consolidations, or reorganizations which involve
9 academic programs shall be reviewed by the Department of Higher Education
10 prior to submission to the Legislative Council or Joint Budget Committee.
11 Provided, however, that the institution shall be limited to submitting no
12 more than two (2) individual transaction transfer requests during any fiscal
13 year and shall be further limited to no more than five percent (5%) of the
14 total General Revenue and Special Revenue appropriation, funding, positions
15 specific to each institution, and no Tobacco Settlement funds or
16 appropriations may be reallocated pursuant to this section.

17 Determining the maximum number of employees and the maximum amount of
18 appropriation and general revenue funding for institutions of higher
19 education each fiscal year is the prerogative of the General Assembly. This
20 is usually accomplished by delineating such maximums in the appropriation
21 act(s) for institutions of higher education and the general revenue
22 allocations authorized for each fund and fund account by amendment to the
23 Revenue Stabilization law. Further, the General Assembly has determined that
24 institutions of higher education may operate more efficiently if some
25 flexibility is provided to institutions of higher education authorizing broad
26 powers under this Section. Therefore, it is both necessary and appropriate
27 that the General Assembly maintain oversight by requiring prior approval of
28 the Legislative Council or Joint Budget Committee as provided by this
29 section. The requirement of approval by the Legislative Council or Joint
30 Budget Committee is not a severable part of this section. If the requirement
31 of approval by the Legislative Council or Joint Budget Committee is ruled
32 unconstitutional by a court of competent jurisdiction, this entire section is
33 void.

34 The provisions of this section shall be in effect only from July 1,
35 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

36

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

12 The provisions of this section shall be in effect only from July 1,
13 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

14
15 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
17 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
18 available to the various technical colleges have been determined as set out
19 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be
20 processed so that funds may be transferred from the Work Force 2000
21 Development Fund to the State Treasury fund or fund account from which the
22 technical college draws its general revenue support. Such funds as may be
23 transferred shall not exceed 93.691% of the total funds available from the
24 Work Force 2000 Development Fund during the fiscal year.

25 In the event that a technical institute or comprehensive lifelong learning
26 center which receives support from the Work Force 2000 Development Fund as
27 determined by law transfers or merges into the Arkansas Technical College and
28 Community College System for which Work Force 2000 Development Fund monies
29 are determined by law, then the actual amount of support from the Work Force
30 2000 Development Fund in the preceding fiscal year for such educational
31 institution shall be made available irrespective of any other provision of
32 law which sets out maximum levels of support from such fund.

33 The provisions of this section shall be in effect only from July 1,
34 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

35
36 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
2 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
3 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much
4 as is collected, is to be transferred to the Research Development Fund there
5 to be used as provided by law.

6 The provisions of this section shall be in effect only from July 1, ~~2010~~
7 2011 through June 30, ~~2011~~ 2012.

8

9 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
11 EXPENDITURES. Proceeds derived from the repayment of loans as authorized in
12 Items (02), (03) and (08) of Section 4 of this Act for the JR/SR Minority
13 Teacher Scholars, the Minority Masters Fellows and the State Teacher
14 Assistance Resource Program shall be deposited into the State Treasury fund
15 from which it originated.

16 The provisions of this section shall be in effect only from July 1,
17 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

18

19 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
21 GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law,
22 any student who receives assistance from the appropriation made for the
23 "National Guard Tuition Incentive Program" in this Act shall repay any loans
24 and/or assistance if the student receives a discharge that is a less than
25 Honorable Discharge. Priority for funding shall be given to students already
26 receiving assistance from the National Guard Tuition Incentive Program.

27 The provisions of this section shall be in effect only from July 1,
28 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

29

30 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
32 SAVINGS BONDS. The Department of Higher Education shall adopt rules and
33 regulations for the allocation of the funds reappropriated for the
34 development of projects at State Institutions of Higher Education and the
35 payment of project costs and expenses of the issuance of the bonds of the
36 Arkansas College Savings General Obligation Bonds Program to ensure that

1 funds are allocated and expended in a manner consistent with the provisions
2 of the Internal Revenue Code applicable to the Arkansas College Savings
3 General Obligation Bond Program (Program). The funds reappropriated for the
4 development of projects at State Institutions of Higher Education and the
5 payment of project costs and expenses of the issuance of the bonds of the
6 Arkansas College Savings General Obligation Bonds Program shall be allocated
7 and expended pursuant to the provisions of Arkansas Code 6-62-701 et seq. and
8 other laws of this State. The expenditure and allocation of funds shall be
9 exempt from any other provisions of state law which conflicts with any
10 provision of the rules and regulations which rules and regulations are
11 required to ensure the compliance of the Program with the applicable
12 provisions of the Internal Revenue Code.

13 The provisions of this section shall be in effect only from July 1,
14 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

15

16 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
18 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued
19 during any fiscal biennium shall not exceed three-hundred million dollars
20 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
21 time have debt service requirements in excess of twenty-four million dollars
22 (\$24,000,000) in any one fiscal year from all state revenue sources.

23 The provisions of this section shall be in effect only from July 1,
24 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

25

26 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
28 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
29 Coordinating Board, after consulting with the recognized associations of each
30 of the applicable medical professions and other interested persons, shall
31 determine the priorities for the applicable programs enumerated in the
32 appropriation made for "Health Education Grants and Loans" in this Act. The
33 Arkansas Department of Higher Education, if necessary, shall re-adjust the
34 number of positions for entering students to be funded for each applicable
35 program based upon the priorities determined by the board.

36 The provisions of this section shall be in effect only from July 1,

1 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

2

3 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL
5 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall
6 report by May 30 to the House and Senate Interim Committees on Education the
7 budgeted allocation for each financial aid program funded through the Higher
8 Education Grants Fund Account for the upcoming fiscal year and projections
9 for the following year.

10 The provisions of this section shall be in effect only from July 1,
11 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

12

13 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
15 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
16 receives state scholarship funds administered by the Arkansas Department of
17 Higher Education shall be subject to audit/review of such funds by the
18 Division of Legislative Audit, upon approval of the Legislative Joint Audit
19 Committee.

20 The provisions of this section shall be in effect only from July 1,
21 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

22

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

30 The provisions of this section shall be in effect only from July 1,
31 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

32

33 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
35 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
36 determined by the Arkansas Department of Higher Education to have been for

1 salary increases for the fiscal year for Institutions of Higher Education
2 shall be used exclusively for salary increases. New funding actually received
3 for salary increases shall be spent exclusively for salary increases based
4 upon the state general revenue portion of total unrestricted educational and
5 general revenue. Funding received under this provision shall be used for no
6 purpose other than to provide such salary increases. Any designated funds not
7 used for salary increases shall be recouped at the end of each fiscal year
8 and transferred to the General Revenue Allotment Reserve Fund.

9 The provisions of this section shall be in effect only from July 1,
10 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

11
12 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE
14 PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall
15 transfer sufficient funding for the fiscal year from the Higher Education
16 Grants Fund Account to the Department of Higher Education Fund Account in
17 order to finance the personal services costs of a DHE Program Coordinator.

18 The provisions of this section shall be in effect only from July 1,
19 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

20
21 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
23 PROVISION. Upon certification by the Director of the Department of Higher
24 Education that transfers are needed to make maximum utilization of funds and
25 appropriations provided for financial aid programs, and with the approval of
26 the Chief Fiscal Officer of the State and a review by the Arkansas
27 Legislative Council, funds and appropriations may be transferred between
28 financial aid programs, except that funds and appropriations may not be
29 transferred for such purposes from either the Governor's Scholars Program or
30 the Academic Challenge Scholarships Program in excess of \$1,000,000 in the
31 aggregate in a fiscal year. Any transfer restrictions contained in
32 appropriation acts for the Department of Higher Education relating to
33 appropriation transfers from Governor's Scholars Program and Academic
34 Challenge Scholarships shall not be applicable to transfers between
35 Governor's Scholars and Academic Challenge Scholarship appropriations.

36 The provisions of this section shall be in effect only from July 1,

1 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

2

3 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
5 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
6 LOANS. Upon certification to and with the approval of the Chief Fiscal
7 Officer of the State, surplus funds and appropriations may be transferred
8 between the appropriations provided for "Health Education Grants and Loans"
9 by this Act by the ~~Eighty-Seventh~~ General Assembly for Dental Aid Grants and
10 Loans, Optometry Aid, Veterinary Aid, Podiatry Aid, Chiropractic Aid and
11 Osteopathy Aid.

12 The provisions of this section shall be in effect only from July 1,
13 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

14

15 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
17 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
18 the Department of Higher Education and the Chief Fiscal Officer of the State,
19 institutions of higher education may transfer appropriation from the cash
20 contingency appropriation to any other appropriation made to the institution
21 from cash funds including the establishment of commitment items, and may
22 transfer appropriation from the contingency appropriation made payable from
23 each institution's State Treasury Fund to the state operations appropriation
24 made payable from each institution's State Treasury Fund including the
25 establishment of commitment items, and may transfer appropriation from the
26 contingency appropriation made payable from the Tobacco Settlement Program
27 Fund Accounts to any other appropriation made to the institution from Tobacco
28 Settlement Program Fund Accounts including the establishment of commitment
29 items.

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

34 (c) The Department of Higher Education shall report contingency
35 appropriation transfers and the establishment of any commitment items
36 authorized by this Section to the Legislative Council or Joint Budget

1 Committee for review during its July meeting. The report shall include, by
2 institution, the establishment of, and the amounts transferred to, each
3 commitment item, the reasons therefor and the source of funds. Institutions
4 shall submit contingency appropriation transfer and commitment item
5 establishment requests authorized by this Section to the Department of Higher
6 Education no later than July 1. Upon the failure of an institution to submit
7 the required information by the July 1 deadline, the Department of Higher
8 Education shall immediately notify by written notification the chairpersons
9 of the Legislative Council or Joint Budget Committee.

10
11 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
13 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
14 Undergraduate Research Fellowship (SURF) Program is the continued development
15 of undergraduate academic research efforts at Arkansas colleges and
16 universities. The Arkansas Department of Higher Education shall adopt rules
17 and regulations necessary for the proper administration of the Student
18 Undergraduate Research Fellowship Program. Administrative functions and
19 responsibilities may include, but not necessarily be limited to, the
20 development of eligibility criteria, collection of applications, coordination
21 of student evaluations, distribution of public notices, and funding of grants
22 for academic research purposes. Staff of the Arkansas Department of Higher
23 Education shall administer this program. The Arkansas Department of Higher
24 Education shall be authorized to expense costs associated with the
25 administration of the program, from funds made payable from the Higher
26 Education Grants Fund Account for the Student Undergraduate Research
27 Fellowship Program as authorized in Section 4 of this Act.

28
29 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
31 COOPERATION AGREEMENTS. Any two-year institution of Higher Education that has
32 its main or a satellite campus located within a twenty five mile radius of
33 any four-year institution of higher education shall enter into a written
34 agreement with that four-year institution which must address duplication of
35 services between the institutions.

36 The provisions of this section shall be in effect only from July 1,

1 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

2
3 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST
5 ALLOCATION. The Department of Higher Education may refund to the Higher
6 Education Fund Account or the Higher Education Grants Fund Account such
7 amounts determined by the Department to be reimbursements received from the
8 Arkansas Lottery Commission for costs related to the administration of the
9 Arkansas Academic Challenge Scholarship Program.

10
11 SECTION 37. SPECIAL LANGUAGE. Arkansas Code Title 6, Chapter 62,
12 Subchapter 3 is amended to add an additional section to read as
13 follows:

14 6-62-314. Construction Project Exemption.

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

- 21 (1) Henderson State University;
22 (2) Southern Arkansas University – Magnolia;
23 (3) University of Central Arkansas;
24 (4) Mid-South Community College;
25 (5) National Park Community College; and
26 (6) Northwest Arkansas Community College.

27
28 SECTION 38. SPECIAL LANGUAGE. Arkansas Code Title 6, Chapter
29 62, Subchapter 1 is amended to add an additional section to read
30 as follows:

31 6-62-109. Annual certification of solvency.

32 (a) Annually, the board of trustees and the president or
33 chancellor of each state-supported institution of higher
34 education shall certify to the Chief Fiscal Officer of the state
35 and the Legislative Council that as of December 31, sufficient
36 appropriations and funds:

1 (1) Are available to meet all current and anticipated
2 obligations for the current fiscal year as the obligations become
3 due; or

4 (2) Will become available to meet all current and
5 anticipated obligations for the current fiscal year as the
6 obligations become due.

7 (b) The certification from each state-supported institution of
8 higher education shall be:

9 (1) Signed by the chair of the board of trustees and the
10 president or chancellor;

11 (2) Sent no later than February 28 or upon release of the
12 previous year's audit by Legislative Audit to the Chief Fiscal
13 Officer of the state and the Legislative Council; and

14 (3) Accompanied by the published annual financial
15 statement for the preceding fiscal year approved by the board of
16 trustees.

17
18 *SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
19 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*

20 *APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY*
21 *TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of*
22 *Higher Education shall determine the amount available, up to \$200,000 per*
23 *fiscal year, to fund the Arkansas Geographical Critical Needs Minority*
24 *Teacher Scholarships and shall certify to the Chief Fiscal Officer of the*
25 *State and the State Treasurer such amount as is required to be transferred*
26 *from the Higher Education Grants Fund Account. Upon receiving such*
27 *certification, the Chief Fiscal Officer of the State and the State Treasurer*
28 *shall cause to be transferred the necessary funds and appropriation to the*
29 *fund account of the University of Arkansas at Pine Bluff for implementation*
30 *of this program. The University of Arkansas at Pine Bluff may use up to*
31 *twenty percent (20%) of the funds and appropriation for administration of the*
32 *program.*

33 *The provisions of this section shall be in effect only from July 1,*
34 *2011 through June 30, 2012.*

35
36 *SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER
2 EDUCATION CENTRAL POOL POSITIONS. a) Universities - (1) The Department of
3 Higher Education shall establish and maintain a central pool of three hundred
4 (300) positions to be used to establish additional positions when an
5 institution does not have sufficient positions available to meet
6 unanticipated enrollment growth, industry training demands, and its mandated
7 responsibilities.

8 (2) Central pool positions are to be used by the institutions if the
9 personnel service needs exceed the number of positions authorized by the
10 General Assembly and that were not anticipated at the time of the passage of
11 the institution's operating appropriation act.

12 (3) No position established under this section may exceed the salary rate of
13 the highest maximum annual salary rate or the highest grade level position
14 authorized by the General Assembly in the requesting institution's operating
15 appropriation act.

16 (4) The institution shall provide justification to the Department of Higher
17 Education for the need to allocate positions from the central pool.

18 (5) Titles shall not be assigned to the institution from the central pool
19 until specific positions are requested by the institution, recommended by the
20 Department of Higher Education and approved by the Arkansas Legislative
21 Council or the Joint Budget Committee.

22 (6) If an institution requests any central pool position to be continued
23 during the subsequent fiscal year, the position must be requested as a new
24 position in the institution's subsequent fiscal year budget request.

25 (b) Colleges - (1) The Department of Higher Education shall establish and
26 maintain a central pool of two hundred fifty (250) positions to be used to
27 establish additional positions when an institution does not have sufficient
28 positions available to meet unanticipated enrollment growth, industry
29 training demands, and its mandated responsibilities.

30 (2) Central pool positions are to be used by the institutions if the
31 personnel service needs exceed the number of positions authorized by the
32 General Assembly and that were not anticipated at the time of the passage of
33 the institution's operating appropriation act.

34 (3) No position established under this section may exceed the salary rate of
35 the highest maximum annual salary rate or the highest grade level position
36 authorized by the General Assembly in the requesting institution's operating

1 appropriation act.

2 (4) The institution shall provide justification to the Department of Higher
3 Education for the need to allocate positions from the central pool.

4 (5) Titles shall not be assigned to the institution from the central pool
5 until specific positions are requested by the institution, recommended by the
6 Department of Higher Education and approved by the Arkansas Legislative
7 Council or the Joint Budget Committee.

8 (6) If an institution requests any central pool position to be continued
9 during the subsequent fiscal year, the position must be requested as a new
10 position in the institution's subsequent fiscal year budget request.

11 (c) Determining the maximum number of employees and the maximum amount
12 of appropriation and general revenue funding for institutions of higher
13 education each fiscal year is the prerogative of the General Assembly. This
14 is usually accomplished by delineating such maximums in the appropriation
15 act(s) for institutions of higher education and the general revenue
16 allocations authorized for each fund and fund account by amendment to the
17 Revenue Stabilization law. Further, the General Assembly has determined that
18 institutions of higher education may operate more efficiently if some
19 flexibility is provided to institutions of higher education authorizing broad
20 powers under this Section. Therefore, it is both necessary and appropriate
21 that the General Assembly maintain oversight by requiring prior approval of
22 the Legislative Council or Joint Budget Committee as provided by this
23 section. The requirement of approval by the Legislative Council or Joint
24 Budget Committee is not a severable part of this section. If the requirement
25 of approval by the Legislative Council or Joint Budget Committee is ruled
26 unconstitutional by a court of competent jurisdiction, this entire section is
27 void.

28 The provisions of this section shall be in effect only from July 1,
29 2011 through June 30, 2012.

30
31 SECTION 41. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
32 authorized by this act shall be limited to the appropriation for such agency
33 and funds made available by law for the support of such appropriations; and
34 the restrictions of the State Procurement Law, the General Accounting and
35 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
36 Procedures and Restrictions Act, or their successors, and other fiscal

1 control laws of this State, where applicable, and regulations promulgated by
2 the Department of Finance and Administration, as authorized by law, shall be
3 strictly complied with in disbursement of said funds.

4
5 SECTION 42. LEGISLATIVE INTENT. It is the intent of the General
6 Assembly that any funds disbursed under the authority of the appropriations
7 contained in this act shall be in compliance with the stated reasons for
8 which this act was adopted, as evidenced by the Agency Requests, Executive
9 Recommendations and Legislative Recommendations contained in the budget
10 manuals prepared by the Department of Finance and Administration, letters, or
11 summarized oral testimony in the official minutes of the Arkansas Legislative
12 Council or Joint Budget Committee which relate to its passage and adoption.

13
14 SECTION 43. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly, that the Constitution of the State of Arkansas prohibits
16 the appropriation of funds for more than a one (1) year period; that the
17 effectiveness of this Act on July 1, 2011 is essential to the operation of
18 the agency for which the appropriations in this Act are provided, and that in
19 the event of an extension of the legislative session, the delay in the
20 effective date of this Act beyond July 1, 2011 could work irreparable harm
21 upon the proper administration and provision of essential governmental
22 programs. Therefore, an emergency is hereby declared to exist and this Act
23 being necessary for the immediate preservation of the public peace, health
24 and safety shall be in full force and effect from and after July 1, 2011.

25
26 */s/Joint Budget Committee*
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