

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/21/97 S4/2/97

A Bill

ACT 1211 OF 1997
HOUSE BILL 2075

4

5 By: Representatives Wagner, Ammons, Angel, Baker, Beatty, Bennett, Booker, Broadway, Capps, Choate, Critcher, Davis, Dietz, Faris,
6 Ferguson, Flanagan, George, Goodwin, Hale, Hall, Harris, Horn, D. Hudson, Hunton, Johnson, Lancaster, Maddox, Malone, B.
7 McGee, M. McGehee, McGinnis, McJunkin, McKissack, Miller, Newman, Northcutt, Pollan, Purdom, Roberts, Rodgers, Rorie,
8 Schexnayder, Shoffner, Simmons, J. Smith, T. Smith, Stalnaker, Thicksten, Vess, Walker, Wallis, Whorton, Wilkins, Wilkinson, Wilson,
9 Young

10 By: Senator Wilson

11

12

For An Act To Be Entitled

13 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES,
14 OPERATING EXPENSES AND GRANTS FOR THE DEPARTMENT OF HIGHER
15 EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1999;
16 AND FOR OTHER PURPOSES."

17

18

Subtitle

19 "AN ACT FOR THE DEPARTMENT OF HIGHER
20 EDUCATION APPROPRIATION FOR THE 1997-99
21 BIENNIUM."

22

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

24

25 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
26 established for the Department of Higher Education - General Operations for
27 the 1997-99 biennium, the following maximum number of regular employees whose
28 salaries shall be governed by the provisions of the Uniform Classification and
29 Compensation Act (Arkansas Code §21-5-201 et seq.), or its successor, and all
30 laws amendatory thereto. Provided, however, that any position to which a
31 specific maximum annual salary is set out herein in dollars, shall be exempt
32 from the provisions of said Uniform Classification and Compensation Act. All
33 persons occupying positions authorized herein are hereby governed by the
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
35 Code §21-5-101), or its successor.

36

Item	Class		Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
No. Code Title			Employees	1997-98	1998-99
1					
2					
3					
4					
5					
6	(1)	9960 HIGHER ED DIRECTOR	1	\$103,026	\$105,910
7	(2)	7243 HIGHER EDUCATION DEPUTY DIRECTOR	1	\$ 95,396	\$ 98,067
8	(2a)	9773 HIGHER ED SENIOR ASSOC DIR	1	\$ 87,322	\$ 89,767
9	(3)	9774 HIGHER ED ASSOC DIR FOR FISCAL AFF	1	\$ 75,466	\$ 77,579
10	(4)	9922 DHE ASSOC DIR ACAD AFF.	1	\$ 75,466	\$ 77,579
11	(4a)	9978 ASST DIR FOR PLANNING & ACCOUNTABILITY	1	\$ 64,208	\$ 66,006
12	(5)	9623 H E COORD OF INSTITUTIONAL FINANCE	1	\$ 57,622	\$ 59,235
13	(6)	9090 ASST DIRECTOR OF INFO SERVICES	1	\$ 64,208	\$ 66,006
14	(7)	9093 H E COORD 2-YR INST FINANCE	1	\$57,622	\$ 59,235
15	(8)	9965 HIGHER ED COORD OF ACADEMIC PROGRAMS	1	\$ 57,622	\$ 59,235
16	(9)	9966 HIGHER ED STUDENT FIN AID MANAGER	1	\$ 57,622	\$ 59,235
17	(10)	9092 HE COORD OF GENERAL ADMIN	1	\$ 57,622	\$ 59,235
18	(11)	A252 DHE FINANCIAL MANAGER	2		GRADE 24
19		D064 SR SYSTEMS PROGRAMMER	1		GRADE 24
20	(12)	R088 HIGHER ED FINANCIAL OFFICER	1		GRADE 22
21		A032 AGENCY FISCAL MANAGER	1		
22		R096 HIGHER ED ASST COORD STDNT FIN AID	3		
23	(13)	D036 SR PROGRAMMER/ANALYST	1		GRADE 21
24	(14)	R240 DHE DATA COLLECTION ANALYST	1		GRADE 20
25	(15)	R264 MANAGEMENT PROJECT ANALYST I	1		GRADE 18
26	(16)	K011 ADMINISTRATIVE OFFICE SUPERVISOR	1		GRADE 15
27		R444 BUSINESS CONTROLLER I	1		
28	(17)	K153 SECRETARY II	<u>4</u>		GRADE 13
29		MAX NO. OF EMPLOYEES	29		

SECTION 2. SPECIAL LANGUAGE. PROVISIONAL POSITIONS. In the event federal funds or grants are received during the biennium, the Department of Higher Education may establish up to seven (7) provisional positions to be paid from such federal funds, which are in addition to those already appropriated in this Act, so long as the salary rates do not exceed the

1 maximum salaries or grades established for comparable positions in the regular
 2 salary section of this Act. The establishment of such positions shall be
 3 subject to the approval of the Director of the Department of Finance and
 4 Administration.

5
 6 SECTION 3. APPROPRIATIONS - GENERAL OPERATIONS. There is hereby
 7 appropriated, to the Department of Higher Education, to be payable from the
 8 Department of Higher Education Fund Account, for personal services, operating
 9 expenses and grants of the Department of Higher Education for the biennial
 10 period ending June 30, 1999, the following:

ITEM	FISCAL YEARS	
NO.	1997-98	1998-99
(01) REGULAR SALARIES	\$ 1,371,258	\$ 1,409,652
(02) PERSONAL SERV MATCHING	342,815	352,414
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	407,181	407,181
(B) CONF. & TRVL.	63,901	63,901
(C) PROF. FEES	4,000	4,000
(D) CAP. OUTLAY	30,000	30,000
(E) DATA PROC.	0	0
(04) YOUTH OPPORTUNITIES UNLIMITED GRANTS/AIDS	91,591	91,591
(05) ACCREDITATION/EVALUATION	<u>65,000</u>	<u>65,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,375,746</u>	<u>\$ 2,423,739</u>

25
 26 SECTION 4. APPROPRIATIONS - HIGHER EDUCATION PROMOTIONAL GRANTS. There
 27 is hereby appropriated, to the Department of Higher Education, to be payable
 28 from the Department of Higher Education Fund Account, for the State Board of
 29 Higher Education to utilize in the promotion of statewide Higher Education
 30 priorities of the State Board of Higher Education for the biennial period
 31 ending June 30, 1999, the following:

ITEM	FISCAL YEARS	
NO.	1997-98	1998-99
(01) HIGHER EDUCATION PROMOTIONAL GRANTS	<u>\$ 3,002,285</u>	<u>\$ 3,002,285</u>

1

2 SECTION 5. APPROPRIATIONS - SREB INSTITUTE. There is hereby
 3 appropriated, to the Department of Higher Education, to be payable from the
 4 Department of Higher Education Fund Account, for making the contribution of
 5 the State of Arkansas to the SREB Institute for higher educational opportunity
 6 by the Department of Higher Education for the biennial period ending June 30,
 7 1999, the following:

8

9 ITEM	FISCAL YEARS	
10 NO.	1997-98	1998-99
11 (01) STATE'S CONTRIBUTION - SREB INSTITUTE	\$ <u>152,600</u>	\$ <u>152,600</u>

12

13 SECTION 6. APPROPRIATIONS - STUDENT ASSISTANCE GRANTS AND VARIOUS
 14 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
 15 Education, to be payable from the Higher Education Grants Fund Account, for
 16 providing student assistance grants and various scholarships as provided by
 17 law by the Department of Higher Education for the biennial period ending June
 18 30, 1999, the following:

19

20 ITEM	FISCAL YEARS	
21 NO.	1997-98	1998-99
22 (01) SCHOLARSHIPS TO DEPENDENTS - MIA/KIA		
23 TUITION WAIVERS	\$ 48,000	\$ 48,000
24 (02) TEACHER RETRAINING GRANTS	179,544	179,544
25 (03) MATH/SCIENCE TEACHER LOAN AWARDS	81,717	81,717
26 (04) GOVERNOR'S SCHOLARS PROGRAM		
27 AWARDS	3,198,450	4,824,452
28 (05) JUNIOR/SENIOR MINORITY		
29 SCHOLARSHIPS	450,000	450,000
30 (06) FRESHMAN/SOPHOMORE MINORITY		
31 SCHOLARSHIPS	250,000	250,000
32 (07) MINORITY TEACHER RECRUITMENT &		
33 TRAINING PROGRAM - PAYMENT OF HONORARIUMS	25,000	25,000
34 (08) SECOND EFFORT SCHOLARSHIPS	50,000	50,000
35 (09) SREB MINORITY FACULTY		

1	RECRUITMENT SCHOLARSHIPS	200,000	200,000
2	(10) STATE SCHOLARSHIP PROGRAM	5,099,506	5,099,506
3	(11) ACADEMIC CHALLENGE SCHOLARSHIPS	13,000,000	14,675,000
4	(12) MINORITY MASTERS PROGRAM	80,000	80,000
5	(13) SURVIVING CHILDREN SCHOLARSHIPS	60,000	60,000
6	(14) FACULTY/ADMINISTRATOR		
7	DEVELOPMENT MATCHING	30,000	30,000
8	(15) TUITION ADJUSTMENT	800,000	800,000
9	(16) SCHOLARSHIPS FOR ARKANSAS		
10	REHABILITATION SERVICES CLIENTS	<u>500,000</u>	<u>500,000</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 24,152,217</u>	<u>\$ 27,353,219</u>

12

13 SECTION 7. APPROPRIATIONS - STATE SCHOLARSHIP - FEDERAL. There is

14 hereby appropriated, to the Department of Higher Education, to be payable from

15 the federal funds as designated by the Chief Fiscal Officer of the State, for

16 Grants-in-Aid of the State Scholarship - Federal Program of the Department of

17 ~~Higher Education for the biennial period ending June 30, 1999, the following:~~

19	ITEM	FISCAL YEARS	
20	NO.	1997-98	1998-99
21	(01) GRANTS/AIDS - ST. SCHOLARSHIPS - FEDERAL	<u>\$ 316,147</u>	<u>\$ 316,147</u>

22

23 SECTION 8. APPROPRIATIONS - DWIGHT D. EISENHOWER GRANTS. There is

24 hereby appropriated, to the Department of Higher Education, to be payable from

25 the federal funds as designated by the Chief Fiscal Officer of the State, for

26 operating expenses and grants/aids of the Dwight D. Eisenhower Program of the

27 Department of Higher Education for the biennial period ending June 30, 1999,

28 ~~the following:~~

30	ITEM	FISCAL YEARS	
31	NO.	1997-98	1998-99
32	(01) MAINT. & GEN. OPERATION		
33	(A) OPER. EXPENSE	24,761	24,761
34	(B) CONF. & TRVL.	5,000	5,000
35	(C) PROF. FEES	2,500	2,500

1	(D) CAP. OUTLAY	0	0
2	(E) DATA PROC.	0	0
3	(02) DWIGHT D. EISENHOWER GRANTS/AIDS	<u>\$ 639,182</u>	<u>\$ 639,182</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$ 671,443</u></u>	<u><u>\$ 671,443</u></u>

5

6 SECTION 9. APPROPRIATIONS - SYSTEMIC INITIATIVE PROJECT. There is

7 hereby appropriated, to the Department of Higher Education, to be payable from

8 the federal funds as designated by the Chief Fiscal Officer of the State, for

9 ~~personal services, operating expenses and grants to support math/science~~

10 education of the Department of Higher Education for the biennial period ending

11 June 30, 1999, the following:

12	13 ITEM	14 FISCAL YEARS	
14 NO.		1997-98	1998-99
15 (01)	REGULAR SALARIES	\$ 287,049	\$ 294,841
16 (02)	PERSONAL SERV MATCHING	69,737	71,194
17 (03)	MAINT. & GEN. OPERATION		
18 (A)	OPER. EXPENSE	111,700	111,700
19 (B)	CONF. & TRVL.	16,000	16,000
20 (C)	PROF. FEES	138,000	138,000
21 (D)	CAP. OUTLAY	0	0
22 (E)	DATA PROC.	0	0
23 (04)	GRANTS TO SUPPORT MATH/SCIENCE EDUCATION	<u>1,842,767</u>	<u>1,842,767</u>
24	TOTAL AMOUNT APPROPRIATED	<u><u>\$ 2,465,253</u></u>	<u><u>\$ 2,474,502</u></u>

25

26 SECTION 10. APPROPRIATIONS - TECHNICAL EDUCATION - FEDERAL PROGRAMS.

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

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

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

30 Higher Education for the biennial period ending June 30, 1999, the following:

31	32 ITEM	33 FISCAL YEARS	
33 NO.		1997-98	1998-99
34 (01)	REGULAR SALARIES	\$ 57,622	\$ 59,235
35 (02)	PERSONAL SERV MATCHING	13,303	13,592

1	(03) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	4,000	4,000
3	(B) CONF. & TRVL.	9,000	9,000
4	(C) PROF. FEES	68,268	68,268
5	(D) CAP. OUTLAY	0	0
6	(E) DATA PROC.	0	0
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 152,193</u>	<u>\$ 154,095</u>

8

9 SECTION 11. APPROPRIATIONS. There is hereby appropriated, to the

10 Department of Higher Education, to be payable from the Higher Education

11 Building Maintenance Fund, for maintenance of various buildings at the

12 Institutions of Higher Education by the Department of Higher Education for the

13 biennial period ending June 30, 1999, the sum of\$26,000,000.

14

15 SECTION 12. APPROPRIATIONS. There is hereby appropriated, to the

16 Department of Higher Education, to be payable from the Research Development

17 Fund, for providing Arkansas Research Development Program Grants to

18 Institutions of Higher Education by the Department of Higher Education for the

19 biennial period ending June 30, 1999, the sum of.....\$10,000,000.

20

21 SECTION 13. SPECIAL LANGUAGE - REPORTING REQUIREMENTS. The reports of

22 college achievement of high school graduates, as appropriated by the Eighty-

23 First General Assembly, shall be provided to high school and school district

24 administrators and may also be provided to the State Board of Higher

25 Education, the Governor, the Joint Interim Committee on Education, the Board

26 of Education and the Department of Education, as designated by the Department

27 of Higher Education.

28

29 SECTION 14. SPECIAL LANGUAGE - TRANSFER PROVISION. Upon certification

30 by the Director of the Department of Higher Education that transfers are

31 needed to make maximum utilization of funds and appropriations provided for

32 financial aid programs, and with the approval of the Chief Fiscal Officer of

33 the State and a review by the Arkansas Legislative Council, funds and

34 appropriations may be transferred between financial aid programs, except that

35 funds and appropriations may not be transferred for such purposes from either

1 the Governor's Scholars Program or the Academic Challenge Scholarships Program
2 in excess of \$1,000,000 in the aggregate in either fiscal year.

3

4 SECTION 15. SPECIAL LANGUAGE - HIGHER EDUCATION PROMOTIONAL GRANTS.

5 Upon certification by the Chairman of the State Board of Higher Education to
6 the Chief Fiscal Officer of the State, funds and appropriation provided to the
7 Department of Higher Education for Higher Education Promotional Grants shall
8 be transferred each fiscal year to each institution of higher education which
9 received such funds in Fiscal Year 1995-96, in the proportion of the amount
10 each institution received to the total amount which was distributed in Fiscal
11 Year 1995-96 applied to the total amount of funds available each year, there
12 to be used for the same purposes.

13

14 SECTION 16. SPECIAL LANGUAGE. In order to provide timely payments under
15 financial aid appropriations made in this Act, the Chief Fiscal Officer of the
16 State is authorized to provide loans from the Budget Stabilization Trust Fund
17 to make available all funds attributable to the financial aid programs under
18 the then current official revenue estimates. In the event of an unanticipated
19 state revenue shortfall, any such loans remaining at the end of a fiscal year
20 shall be repaid from revenues distributed in the first two months of the next
21 fiscal year. Funds for appropriations made in this Act for purposes other
22 than financial aid shall not be affected by the application of this provision.

23

24 SECTION 17. SPECIAL LANGUAGE - CARRY FORWARD. The unexpended balances
25 of funding and appropriation authorized in Section 3 of this Act, General
26 Operations, for capital outlay that pertain to the completion of the
27 acquisition of a telecommunications system, that remains on June 30, 1998,
28 shall be carried forward for the same purposes for the fiscal year ending June
29 30, 1999.

30

31 SECTION 18. SPECIAL LANGUAGE. After the amounts to be made available to
32 the various technical colleges have been determined by the State Board of
33 Higher Education under the provisions of Act 1244 of 1991 and Act 1246 of
34 1991, and upon the review and approval of the Chief Fiscal Officer of the
35 State, such documents as may be necessary shall be processed so that funds may

1 be transferred from the Work Force 2000 Development Fund to the State Treasury
2 fund or fund account from which the technical college draws its general
3 revenue support. Be it further provided that such funds as may be transferred
4 shall not exceed 74.45% of the total funds available from the Work Force 2000
5 Development Fund during each fiscal year of the biennial period ending June
6 30, 1999.

7
8 In the event that an educational institution which receives support from the
9 Work Force 2000 Development Fund as determined by law or the State Board of
10 Vocational Education transfers or merges into the Arkansas Technical College
11 and Community College System for which Work Force 2000 Development Fund monies
12 are determined by law or the State Board of Higher Education, or vice versa,
13 then the actual amount of support from the Work Force 2000 Development Fund in
14 the preceding fiscal year for such educational institution shall be made
15 available irregardless of any other provision of law which sets out maximum
16 levels of support from such fund.

17
18 SECTION 19. SPECIAL LANGUAGE. After the sum of \$13,200,000 has been
19 deposited into the Higher Education Building Maintenance Fund, the next
20 \$10,000,000 or so much as is collected, is to be transferred to the Research
21 Development Fund there to be used as provided by law.

22
23 SECTION 20. SPECIAL LANGUAGE. REFUND TO EXPENDITURES. Proceeds
24 derived from the repayment of loans as authorized in Item (03) of Section 6 of
25 this Act for the Math/Science Teacher Loan Awards Program shall be deposited
26 into the State Treasury as "Refunds to Expenditures."

27
28 SECTION 21. SPECIAL LANGUAGE - CARRY FORWARD. The balance of the
29 funds and appropriations as provided in Section 6 of this Act for the
30 Governor's Scholars Program and the Academic Challenge Scholarships Program
31 which remain on June 30, 1998, shall be carried forward and made available for
32 the same purpose for the fiscal year ending June 30, 1999.

33
34 SECTION 22. The funds which shall be available during either year of
35 the biennium for any Item No. or category of financial aid in Section 6 shall

1 not be reallocated or reduced below the amount of funds expended during the
2 fiscal year ending June 30, 1997, for the purpose of funding any increase in
3 the Governor's Scholars Program or Academic Challenge Scholarship Program
4 approved by the Eighty First General Assembly. Any funds distributed through
5 the provisions of the Revenue Stabilization Law to the Higher Education Grants
6 Fund Account during the 1997-99 biennium above \$7,436,548 each fiscal year
7 shall be used exclusively to provide additional funding for appropriations
8 made for the Academic Challenge Scholarships Program and the Governor's
9 Scholars Program.

10

11 SECTION 23. Should the funding of Governor's Scholars Program exceed the
12 funding level of the fiscal year ending June 30, 1997, and the number of
13 scholarships awarded increases to 200 or more as a result of the actions of
14 the Eighty First General Assembly, the Department of Higher Education shall
15 make every effort to assure a geographic distribution of the awards without
16 compromising the academic criteria established for such awards.

17

18 SECTION 24. In calculating the amount of an award under Arkansas Code
19 6-82-312(b), the Department of Higher Education shall presume that the amount
20 of tuition, room and board, and fees are the amounts which were published by
21 the approved institution for the 1996-97 academic year, adjusted annually for
22 inflation.

23

24 SECTION 25. SPECIAL LANGUAGE. The Department of Higher Education will
25 work with the state college and university president's council to review,
26 revise and develop funding formulae which will, in principle, seek to provide
27 fair and equitable state support to all postsecondary students across the
28 state, regardless of the state institution attended, while at the same time
29 recognizing (a) the different needs for lower level, upper level, and graduate
30 level instruction at the various institutions, (b) the requirements for
31 specialized equipment and labs and smaller class sizes in some disciplines and
32 (c) unique missions, such as agricultural extension services, research,
33 medical sciences, workforce development, and public service; and (d) growth,
34 economies of scale and other appropriate factors. The formula will be
35 developed in consensus with the state college and university president's

1 council and presented to the State Higher Education Coordinating Board and the
2 Joint Budget Committee of the General Assembly for review.

3

4 SECTION 26. SPECIAL LANGUAGE. SCHOLARSHIPS FOR ARKANSAS REHABILITATION
5 SERVICES CLIENTS. Upon certification of scholarship awards by the Arkansas
6 Rehabilitation Services, the Department of Higher Education shall award the
7 money to the institution of higher education. Monies appropriated in Item
8 (16) of Section 6 of this Act are restricted to the cost of tuition, fees,
9 books and other education-related expenses with no administrative costs
10 allowed.

11 Individuals eligible to receive funds are those individuals with physical
12 and/or mental disabilities who have completed an assessment process with ARS
13 Rehabilitation Counselors and who have been determined to be eligible for
14 vocational rehabilitation services and who have established a vocational goal
15 which would require participation in Post-Secondary Education programs in
16 order to achieve an appropriate employment outcome. Such individuals should
17 be required to meet ARS's existing economic need criteria in order to receive
18 services which require the expenditure of agency funds.

19 The Department of Higher Education shall not transfer funds and/or
20 appropriation from Item (16) of Section 6 of this Act to any other item in
21 this Act.

22

23 SECTION 27. SPECIAL LANGUAGE - SPECIAL PROVISIONS. (1) Effective July
24 1, 1993, those students who currently receive or who have been accepted to
25 receive financial assistance from the appropriations providing for payments of
26 the contracts with schools of higher learning for the education of Arkansas
27 citizens at out-of-state institutions of higher learning in the fields of
28 dental medicine, optometry, osteopathy, veterinary medicine, chiropractic
29 education and podiatry education shall continue to receive such financial
30 assistance;

31 (2) Effective July 1, 1993, the State Board of Higher Education shall
32 determine the priorities for the applicable programs enumerated in item (1)
33 above and the disbursing officer for the appropriations shall re-adjust the
34 number of positions funded for new freshman positions for the applicable
35 programs according to the need of the State for each profession, based upon

1 the priorities determined by the board after hearing testimony from the
2 recognized associations of each of the applicable medical professionals; and
3 (3) The State Board of Higher Education shall conduct a study during the
4 1997-99 biennium as to the need for health care providers in Arkansas and
5 report its findings to the General Assembly on or before October 1, 1998.

6
7 SECTION 28. SPECIAL LANGUAGE. (a) HIGHER EDUCATION TUITION ADJUSTMENT
8 FUND. The Higher Education Tuition Adjustment Fund is hereby created upon the
9 books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the
10 State. The fund shall consist of such revenues as are allocated to it by law.
11 (b) PURPOSE OF THE FUND. It is the intent of the Arkansas General Assembly
12 that this fund ensures that bonafide Arkansas income taxpayers and their
13 dependents who are residents of a bordering state in a contiguous county to
14 the Arkansas State line which is contiguous to a county where an insitution of
15 higher education is located receive the same higher education opportunities as
16 all other said taxpayers. In establishing this policy, it is the intent of
17 the General Assembly that taxpayers should have affordable access to the
18 state's higher education institutions.
19 Further, the Arkansas Department of Higher Education will require each
20 institution to track and report the number of qualifying students each year.
21 A list of students who benefit from the out-of-state tuition waiver including
22 their social security number or their Arkansas taxpaying parents' or
23 guardians' names and social security numbers will be furnished by the Arkansas
24 Department of Higher Education to the Department of Finance and Administration
25 for confirmation that they or their parents are employed in Arkansas at a wage
26 in excess of five thousand five hundred dollars (\$5,500) per annum.
27 Documentation should be either an official W-2 form from an Arkansas employer
28 reflecting wages of at least five thousand five hundred dollars (\$5,500) in
29 the tax year prior to enrollment in college; or official employer verification
30 of a current year salary minimum of at least five thousand five hundred
31 dollars (\$5,500) which the college will keep on file for enrollment audit
32 purposes.
33 (c) APPROPRIATION TRANSFER PROCEDURES. The Director of the Arkansas
34 Department of Higher Education shall determine the difference between the
35 amount of tuition revenue which would have been generated by charging the

1 State Board of Higher Education approved out-of-state tuition rate to said
2 students as compared to approved in-state or out-of-district rate. Upon such
3 determination, the Director of the Arkansas Department of Higher Education
4 shall certify to the Chief Fiscal Officer of the State and the State Treasurer
5 such amounts as are required to be transferred from the Higher Education
6 Tuition Adjustment Fund. Upon receiving such certification, the Chief Fiscal
7 Officer of the State and the State Treasurer shall cause to be transferred the
8 necessary funds and appropriation to the fund account of the institution
9 receiving such certification from the Director of the Arkansas Department of
10 Higher Education. In order to provide funding for the appropriation set out
11 in Item (15) of Section 6 of this Act, the Chief Fiscal Officer of the State
12 shall transfer to the Higher Education Tuition Adjustment Fund from the Higher
13 Education Grants Fund Account \$250,000 for each year of the biennium.

14
15 SECTION 29. SPECIAL LANGUAGE. Arkansas Code 19-4-522 is amended by
16 inserting an additional subsection at the end thereof to read as follows:

17 §(e) Notwithstanding Arkansas Code 19-4-522 or any other law to the
18 contrary state-supported colleges and universities may utilize maintenance and
19 operation appropriations for the payment of moving expenses of employees,
20 including new hires.

21
22 SECTION 30. SPECIAL LANGUAGE. The Board of Trustees of any institution
23 of higher education may waive the out-of-state portion of any full tuition
24 scholarship for any full-time student which is provided by unrestricted funds
25 of the institution. Such part as is waived shall not be considered as an
26 expenditure by any regulation of the Board of Higher Education.

27
28 SECTION 31. SPECIAL LANGUAGE. The Department of Higher Education shall
29 adopt rules and regulations for the allocation of the funds reappropriated for
30 the development of projects at State Institutions of Higher Education and the
31 payment of project costs and expenses of the issuance of the bonds of the
32 Arkansas College Savings General Obligation Bonds Program by the Eighty-First
33 General Assembly to ensure that funds are allocated and expended in a manner
34 consistent with the provisions of the Internal Revenue Code applicable to the
35 Arkansas College Savings General Obligation Bond Program (Program). The funds

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

10

11 SECTION 32. SPECIAL LANGUAGE. Arkansas Code §6-62-708 is amended to
 12 read as follows: "The total principal amount of bonds to be issued during any
 13 fiscal biennium shall not exceed three-hundred million dollars (\$300,000,000),
 14 nor shall the principal amount of bonds outstanding at any time have debt
 15 service requirements in excess of twenty-four million dollars (\$24,000,000) in
 16 any one fiscal year from all sources."

17

18 SECTION 33. SPECIAL LANGUAGE. UNALLOCATED COLLEGE SAVINGS BOND
 19 APPROPRIATION. The amount of appropriation for College Savings Bonds projects
 20 allocated for Other Strategic Needs of the State as authorized by Act 1167 of
 21 1995 shall be distributed by the State Board of Higher Education to the two
 22 year institutions of higher education as follows:

23

<u>COLLEGES & SCHOOLS</u>	<u>DISTRIBUTION</u>
26 <u>ASU-BEEBE</u>	<u>\$ 750,000</u>
27 <u>ASU-BEEBE/NEWPORT</u>	<u>449,862</u>
28 <u>EAST ARKANSAS COMM. COLL.</u>	<u>750,000</u>
29 <u>GARLAND COUNTY COMM. COLL.</u>	<u>750,000</u>
30 <u>MID-SOUTH COMM. COLL.</u>	<u>585,306</u>
31 <u>MISSISSIPPI CO. COMM. COLL.</u>	<u>750,000</u>
32 <u>NORTH ARK COMM/TECH COLL.</u>	<u>750,000</u>
33 <u>NORTHWEST ARK. COMM. COLL.</u>	<u>750,000</u>
34 <u>PHILLIPS COMM. COLL. OF UA</u>	<u>750,000</u>
35 <u>RICH MOUNTAIN COMM. COLL.</u>	<u>483,272</u>

1	<u>SAU-TECH</u>	<u>622,327</u>
2	<u>SOUTH ARK. COMM. COLL.</u>	<u>746,935</u>
3	<u>UA COMM. COLL. AT HOPE</u>	<u>750,000</u>
4	<u>WESTARK COMM. COLL.</u>	<u>750,000</u>
5	<u>BLACK RIVER TECH. COLL.</u>	<u>750,000</u>
6	<u>COSSATOT TECH. COLL.</u>	<u>541,964</u>
7	<u>GATEWAY TECH. COLL.</u>	<u>478,757</u>
8	<u>OUACHITA TECH. COLL.</u>	<u>504,040</u>
9	<u>OZARKA TECH. COLL.</u>	<u>469,727</u>
10	<u>PETIT JEAN TECH. COLL.</u>	<u>617,812</u>
11	<u>PULASKI TECH. COLL.</u>	<u>750,000</u>
12	<u>SOUTHEAST ARK. TECH. COLL.</u>	<u>750,000</u>
13		
14	<u>TOTAL</u>	<u>\$ 14,500,000</u>

16 SECTION 34. The amount of College Savings Bond appropriation which is
17 allocated in this Act for SAU-TECH may also be utilized for the Fire Training
18 Academy and the Environmental Control Academy.

20 SECTION 35. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
21 authorized by this Act shall be limited to the appropriation for such agency
22 and funds made available by law for the support of such appropriations; and
23 the restrictions of the State Purchasing Law, the General Accounting and
24 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
25 Procedures and Restrictions Act, or their successors, and other fiscal control
26 laws of this State, where applicable, and regulations promulgated by the
27 Department of Finance and Administration, as authorized by law, shall be
28 strictly complied with in disbursement of said funds.

30 SECTION 36. LEGISLATIVE INTENT. It is the intent of the General
31 Assembly that any funds disbursed under the authority of the appropriations
32 contained in this Act shall be in compliance with the stated reasons for which
33 this Act was adopted, as evidenced by the Agency Requests, Executive
34 Recommendations and Legislative Recommendations contained in the budget
35 manuals prepared by the Department of Finance and Administration, letters, or

1 summarized oral testimony in the official minutes of the Arkansas Legislative
2 Council or Joint Budget Committee which relate to its passage and adoption.

3

4 SECTION 37. CODE. All provisions of this Act of a general and
5 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the
6 Arkansas Code Revision Commission shall incorporate the same in the Code.

7

8 SECTION 38. SEVERABILITY. If any provision of this Act or the
9 application thereof to any person or circumstance is held invalid, such
10 invalidity shall not affect other provisions or applications of the Act which
11 can be given effect without the invalid provision or application, and to this
12 end the provisions of this Act are declared to be severable.

13

14 SECTION 39. GENERAL REPEALER. All laws and parts of laws in conflict
15 with this Act are hereby repealed.

16

17 SECTION 40. EMERGENCY CLAUSE. It is hereby found and determined by the
18 Eighty-First General Assembly, that the Constitution of the State of Arkansas
19 prohibits the appropriation of funds for more than a two (2) year period; that
20 the effectiveness of this Act on July 1, 1997 is essential to the operation of
21 the agency for which the appropriations in this Act are provided, and that in
22 the event of an extension of the Regular Session, the delay in the effective
23 date of this Act beyond July 1, 1997 could work irreparable harm upon the
24 proper administration and provision of essential governmental programs.
25 Therefore, an emergency is hereby declared to exist and this Act being
26 necessary for the immediate preservation of the public peace, health and
27 safety shall be in full force and effect from and after July 1, 1997.

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/s/Rep. Wagner, et al

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APPROVED:4-08-97

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