

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

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S2/26/97

A Bill

ACT 342 OF 1997
SENATE BILL 281

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 "AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL
10 IMPROVEMENT APPROPRIATIONS FOR THE INSTITUTIONS OF HIGHER
11 EDUCATION; AND FOR OTHER PURPOSES."
12

Subtitle

13
14 "AN ACT FOR THE INSTITUTIONS OF HIGHER
15 EDUCATION REAPPROPRIATION."
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. REAPPROPRIATION - SAU-TECH. There is hereby appropriated, to
20 the Southern Arkansas University - Tech, to be payable from the General
21 Improvement Fund or its successor fund or fund accounts, for the Southern
22 Arkansas University - Tech, the following:

23 (A) Effective July 1, 1997, the balance of the appropriation provided
24 in Item (A) of Section 2 of Act 1166 of 1995, for expenses of the SAU-Tech
25 Fire Training Academy satellite at Jonesboro, in a sum not to exceed
26 \$50,000.
27

28 (B) Effective July 1, 1997, the balance of the appropriation provided
29 in Item (A) of Section 2 of Act 274 of 1995, for constructing and equipping
30 Fire Training Satellite facilities located in the Washington/Benton County
31 area, in a sum not to exceed \$123,147.
32

33 SECTION 2. REAPPROPRIATION - ARKANSAS STATE UNIVERSITY-BEEBE. There is
34 hereby appropriated, to the Arkansas State University - Beebe, to be payable
35 from the Arkansas State University - Beebe Fund, for the Arkansas State
36 University - Beebe/Newport, the following:

1 (A) Effective July 1, 1997, the balance of the appropriation provided
 2 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
 3 operating expenses, construction, reconstruction, renovations, purchase of
 4 equipment and other capital outlay for technical colleges as determined by the
 5 State Board of Higher Education, in a sum not to exceed\$35,000.

6
 7 SECTION 3. REAPPROPRIATION - ARKANSAS STATE UNIVERSITY. There is hereby
 8 appropriated, to the Arkansas State University, to be payable from the General
 9 Improvement Fund or its successor fund or fund accounts, for the Arkansas
 10 State University, the following:

11 (A) Effective July 1, 1997, the balance of the appropriation provided
 12 in Item (A) of Section 1 of Act 602 of 1995, for cooperative programs for
 13 institutional development - Delta Studies Center, in a sum not to exceed
 14 \$1,274,227.

15
 16 SECTION 4. REAPPROPRIATION - ASU-MOUNTAIN HOME. There is hereby
 17 appropriated, to the Arkansas State University - Mountain Home, to be payable
 18 from the Arkansas State University - Mountain Home Fund, for the Arkansas
 19 State University - Mountain Home, the following:

20 (A) Effective July 1, 1997, the balance of the appropriation provided
 21 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
 22 operating expenses, construction, reconstruction, renovations, purchase of
 23 equipment and other capital outlay for technical colleges, as determined by
 24 the State Board of Higher Education, in a sum not to exceed\$639,115.

25
 26 SECTION 5. REAPPROPRIATION - ARKANSAS TECH UNIVERSITY. There is hereby
 27 appropriated, to the Arkansas Tech University, to be payable from the General
 28 Improvement Fund or its successor fund or fund accounts, for the Arkansas Tech
 29 University, the following:

30 (A) Effective July 1, 1997, the balance of the appropriation provided
 31 in Item (A) of Section 1 of Act 538 of 1995, for planning, constructing,
 32 equipping and other associated costs of a Student Services Building, in a sum
 33 not to exceed\$2,750,000.

34
 35 (B) Effective July 1, 1997, the balance of the appropriation provided

1 in Item (C) of Section 1 of Act 679 of 1995, for the renovation and repair of
2 various state buildings to meet the requirements of the Americans with
3 Disabilities Act, in a sum not to exceed\$63,000.
4

5 SECTION 6. REAPPROPRIATION - UNIVERSITY OF ARKANSAS. There is hereby
6 appropriated, to the University of Arkansas, to be payable from the General
7 Improvement Fund or its successor fund or fund accounts, for the University of
8 Arkansas, the following:

9 (A) Effective July 1, 1997, the balance of the appropriation provided
10 in Item (A) of Section 4 of Act 274 of 1995, for constructing, equipping, and
11 associated costs of a Chemistry or Physics Building, or both, in a sum not to
12 exceed\$113,996.
13

14 (B) Effective April 10, 1997, the balance of the appropriation provided
15 in Item (A) of Section 1 of Act 1055 of 1995, for research grant matching
16 funds for the Mack-Blackwell Rural Transportation Center, in a sum not to
17 exceed\$1,200,000.
18

19 (C) Effective July 1, 1997, the balance of the appropriation provided
20 in Item (A) of Section 1 of Act 602 of 1995, for cooperative programs for
21 institutional development - Poultry Center, in a sum not to exceed ..\$52,163.
22

23 (D) Effective July 1, 1997, the balance of the appropriation provided
24 in Item (A) of Section 1 of Act 602 of 1995, for cooperative programs for
25 institutional development-Agricultural Experiment Station Headquarters, in a
26 sum not to exceed\$240,310.
27

28 (E) Effective July 1, 1997, the balance of the appropriation provided
29 in Item (A) of Section 1 of Act 602 of 1995, for cooperative programs for
30 institutional development - Agricultural Experiment Station Cattle Handling
31 Facility, in a sum not to exceed\$49,881.
32

33 (F) Effective July 1, 1997, the balance of the appropriation provided
34 in Item (A) of Section 1 of Act 602 of 1995, for cooperative programs for
35 institutional development - Agriculture Experiment Station, in a sum not to

1 exceed \$525,000.

2

3 SECTION 7. REAPPROPRIATION -UNIVERSITY OF ARKANSAS AT LITTLE ROCK.

4 There is hereby appropriated, to the University of Arkansas at Little Rock, to
5 be payable from the General Improvement Fund or its successor fund or fund
6 accounts, for the University of Arkansas at Little Rock, the following:

7 (A) Effective July 1, 1997, the balance of the appropriation provided
8 in Item (A) of Section 1 of Act 874 of 1995, for the operation of the Arkansas
9 Small Business Development Center, in a sum not to exceed \$500,000.

10

11 (B) Effective July 1, 1997, the balance of the appropriation provided
12 in Item (A) of Section 5 of Act 274 of 1995, for planning, constructing,
13 equipping and other associated costs of a Science Complex, in a sum not to
14 exceed \$189,349.

15

16 SECTION 8. REAPPROPRIATION - UNIVERSITY OF ARKANSAS AT PINE BLUFF.

17 There is hereby appropriated, to the University of Arkansas at Pine Bluff, to
18 be payable from the General Improvement Fund or its successor fund or fund
19 accounts, for the University of Arkansas at Pine Bluff, the following:

20 (A) Effective July 1, 1997, the balance of the appropriation provided
21 in Item (A) of Section 6 of Act 274 of 1995, for major maintenance projects,
22 in a sum not to exceed \$114,672.

23

24 SECTION 9. REAPPROPRIATION - UNIVERSITY OF CENTRAL ARKANSAS. There is

25 hereby appropriated, to the University of Central Arkansas, to be payable from
26 the General Improvement Fund or its successor fund or fund accounts, for the
27 University of Central Arkansas, the following:

28 (A) Effective July 1, 1997, the balance of the appropriation provided
29 in Item (A) of Section 1 of Act 424 of 1995, for the construction of a Health,
30 Physical Education and Recreation Building, in a sum not to exceed
31 \$1,000,000.

32

33 (B) Effective July 1, 1997, the balance of the appropriation provided
34 in Item (A) of Section 5 of Act 1036 of 1995, for the operation of the Small
35 Business Advancement National Center/Small Business Institute National Data

1 Center, in a sum not to exceed \$1,000,000.

2

3 SECTION 10. REAPPROPRIATION - UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE
4 AT HOPE. There is hereby appropriated, to the University of Arkansas
5 Community College at Hope, to be payable from the General Improvement Fund or
6 its successor fund or fund accounts, for the University of Arkansas Community
7 College at Hope, the following:

8 (A) Effective July 1, 1997, the balance of the appropriation provided
9 in Item (A) of Section 1 of Act 378 of 1995, for renovating, remodeling and
10 re-roofing a classroom building to provide additional science labs and
11 renovating and remodeling various buildings to meet requirements of the
12 Americans with Disabilities Act, in a sum not to exceed \$638,000.

13

14 SECTION 11. REAPPROPRIATION - UNIVERSITY OF ARKANSAS COMMUNITY COLLEGE
15 AT HOPE. There is hereby appropriated, to the University of Arkansas
16 Community College at Hope, to be payable from the University of Arkansas
17 Community College at Hope Fund, for the University of Arkansas Community
18 College at Hope, the following:

19 (A) Effective July 1, 1997, the balance of the appropriation provided
20 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
21 operating expenses, construction, reconstruction, renovations, purchase of
22 equipment and other capital outlay for technical colleges, as determined by
23 the State Board of Higher Education, in a sum not to exceed \$90,791.

24

25 SECTION 12. REAPPROPRIATION - MID-SOUTH COMMUNITY COLLEGE. There is
26 hereby appropriated, to the Mid-South Community College, to be payable from
27 the General Improvement Fund or its successor fund or fund accounts, for the
28 Mid-South Community College, the following:

29 (A) Effective July 1, 1997, the balance of the appropriation provided
30 in Item (A) of Section 1 of Act 1169 of 1995, for institutional facilities and
31 operating expenses, in a sum not to exceed \$2,000,000.

32

33 SECTION 13. REAPPROPRIATION - MID-SOUTH COMMUNITY COLLEGE. There is
34 hereby appropriated, to the Mid-South Community College, to be payable from
35 the Mid-South Community College Fund, for the Mid-South Community College, the

1 following:

2 (A) Effective July 1, 1997, the balance of the appropriation provided
3 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
4 operating expenses, construction, reconstruction, renovations, purchase of
5 equipment and other capital outlay for technical colleges, as determined by
6 the State Board of Higher Education, in a sum not to exceed\$350,000.

7

8 SECTION 14. REAPPROPRIATION - NORTH ARKANSAS COMMUNITY/TECHNICAL

9 COLLEGE. There is hereby appropriated, to the North Arkansas

10 Community/Technical College, to be payable from the North Arkansas

11 Community/Technical College Fund, for the North Arkansas Community/Technical

12 College, the following:

13 (A) Effective July 1, 1997, the balance of the appropriation provided
14 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
15 operating expenses, construction, reconstruction, renovations, purchase of
16 equipment and other capital outlay for technical colleges, as determined by
17 the State Board of Higher Education, in a sum not to exceed\$35,000.

18

19 SECTION 15. REAPPROPRIATION - PHILLIPS COMMUNITY COLLEGE OF THE

20 UNIVERSITY OF ARKANSAS. There is hereby appropriated, to the Phillips

21 Community College of the University of Arkansas, to be payable from the

22 General Improvement Fund or its successor fund or fund accounts, for the

23 Phillips Community College of the University of Arkansas, the following:

24 (A) Effective July 1, 1997, the balance of the appropriation provided
25 in Item (A) of Section 1 of Act 602 of 1995, for cooperative programs for
26 institutional development, in a sum not to exceed\$49,708.

27

28 (B) Effective July 1, 1997, the balance of the appropriation provided
29 in Item (C) of Section 9 of Act 972 of 1995, for major maintenance, renovation
30 and repairs at the DeWitt Campus, formerly Rice Belt Technical Institute, in a
31 sum not to exceed\$6,455.

32

33 (C) Effective July 1, 1997, the balance of the appropriation provided
34 in Item (B) of Section 1 of Act 450 of 1995, for major maintenance, renovation
35 and repairs at the DeWitt Campus, formerly Rice Belt Technical Institute, in a

1 sum not to exceed \$17,020.

2

3 SECTION 16. REAPPROPRIATION - SOUTH ARKANSAS COMMUNITY COLLEGE. There
4 is hereby appropriated, to the South Arkansas Community College, to be payable
5 from the South Arkansas Community College Fund, for the South Arkansas
6 Community College, the following:

7 (A) Effective July 1, 1997, the balance of the appropriation provided
8 in Section 5 of Act 449 of 1995, for additional operating expenses of the
9 Arboretum, in a sum not to exceed \$19,685.

10

11 (B) Effective July 1, 1997, the balance of the appropriation provided
12 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
13 operating expenses, construction, reconstruction, renovations, purchase of
14 equipment and other capital outlay for technical colleges, as determined by
15 the State Board of Higher Education, in a sum not to exceed \$36,628.

16

17 SECTION 17. REAPPROPRIATION - BLACK RIVER TECHNICAL COLLEGE. There is
18 hereby appropriated, to the Black River Technical College, to be payable from
19 the General Improvement Fund or its successor fund or fund accounts, for the
20 Black River Technical College, the following:

21 (A) Effective July 1, 1997, the balance of the appropriation provided
22 in Item (A) of Section 1 of Act 602 of 1995, for cooperative programs for
23 institutional development-personal services, operating expenses, construction
24 and purchase of equipment, in a sum not to exceed \$2,506,861.

25

26 SECTION 18. REAPPROPRIATION - BLACK RIVER TECHNICAL COLLEGE. There is
27 hereby appropriated, to the Black River Technical College, to be payable from
28 the Black River Technical College Fund, for the Black River Technical College,
29 the following:

30 (A) Effective July 1, 1997, the balance of the appropriation provided
31 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
32 operating expenses, construction, reconstruction, renovations, purchase of
33 equipment and other capital outlay for technical colleges, as determined by
34 the State Board of Higher Education, in a sum not to exceed \$392,461.

35

1 SECTION 19. REAPPROPRIATION - COSSATOT TECHNICAL COLLEGE. There is
2 hereby appropriated, to the Cossatot Technical College, to be payable from the
3 Cossatot Technical College Fund, for the Cossatot Technical College, the
4 following:

5 (A) Effective July 1, 1997, the balance of the appropriation provided
6 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
7 operating expenses, construction, reconstruction, renovations, purchase of
8 equipment and other capital outlay for technical colleges, as determined by
9 the State Board of Higher Education, in a sum not to exceed\$85,000.

10

11 SECTION 20. REAPPROPRIATION - GATEWAY TECHNICAL COLLEGE. There is
12 hereby appropriated, to the Gateway Technical College, to be payable from the
13 General Improvement Fund or its successor fund or fund accounts, for the
14 Gateway Technical College, the following:

15 (A) Effective July 1, 1997, the balance of the appropriation provided
16 in Item (A) of Section 2 of Act 1133 of 1995, for institutional facilities, in
17 a sum not to exceed\$1,000,000.

18

19 (B) Effective July 1, 1997, the balance of the appropriation provided
20 in Item (A) of Section 1 of Act 602 of 1995, for cooperative programs for
21 institutional development-construction, in a sum not to exceed\$500,000.

22

23 SECTION 21. REAPPROPRIATION - GATEWAY TECHNICAL COLLEGE. There is
24 hereby appropriated, to the Gateway Technical College, to be payable from the
25 Gateway Technical College Fund, for the Gateway Technical College, the
26 following:

27 (A) Effective July 1, 1997, the balance of the appropriation provided
28 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
29 operating expenses, construction, reconstruction, renovations, purchase of
30 equipment and other capital outlay for technical colleges, as determined by
31 the State Board of Higher Education, in a sum not to exceed\$35,000.

32

33 SECTION 22. REAPPROPRIATION - OUACHITA TECHNICAL COLLEGE. There is
34 hereby appropriated, to the Ouachita Technical College, to be payable from the
35 Ouachita Technical College Fund, for the Ouachita Technical College, the

1 following:

2 (A) Effective July 1, 1997, the balance of the appropriation provided
3 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
4 operating expenses, construction, reconstruction, renovations, purchase of
5 equipment and other capital outlay for technical colleges, as determined by
6 the State Board of Higher Education, in a sum not to exceed\$396,724.

7
8 SECTION 23. REAPPROPRIATION - OZARKA TECHNICAL COLLEGE. There is hereby
9 appropriated, to the Ozarka Technical College, to be payable from the General
10 Improvement Fund or its successor fund or fund accounts, for the Ozarka
11 Technical College, the following:

12 (A) Effective July 1, 1997, the balance of the appropriation provided
13 in Item (A) of Section 1 of Act 704 of 1995, for institutional facilities and
14 improvements, in a sum not to exceed\$500,000.

15
16 SECTION 24. REAPPROPRIATION - OZARKA TECHNICAL COLLEGE. There is hereby
17 appropriated, to the Ozarka Technical College, to be payable from the Ozarka
18 Technical College Fund, for the Ozarka Technical College, the following:

19 (A) Effective July 1, 1997, the balance of the appropriation provided
20 in Item (A) of Section 16 of Act 274 of 1995, for construction,
21 reconstruction, renovations, purchase of equipment and other capital outlay
22 for additional support for Vocational Technical Education, in a sum not to
23 exceed\$185,000.

24
25 SECTION 25. REAPPROPRIATION - PETIT JEAN TECHNICAL COLLEGE. There is
26 hereby appropriated, to the Petit Jean Technical College, to be payable from
27 the Petit Jean Technical College Fund, for the Petit Jean Technical College,
28 the following:

29 (A) Effective July 1, 1997, the balance of the appropriation provided
30 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
31 operating expenses, construction, reconstruction, renovations, purchase of
32 equipment and other capital outlay for technical colleges, as determined by
33 the State Board of Higher Education, in a sum not to exceed\$85,000.

34
35 SECTION 26. REAPPROPRIATION - SOUTHEAST ARKANSAS TECHNICAL COLLEGE.

1 There is hereby appropriated, to the Southeast Arkansas Technical College, to
2 be payable from the Southeast Arkansas Technical College Fund, for the
3 Southeast Arkansas Technical College, the following:

4 (A) Effective July 1, 1997, the balance of the appropriation provided
5 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
6 operating expenses, construction, reconstruction, renovations, purchase of
7 equipment and other capital outlay for technical colleges, as determined by
8 the State Board of Higher Education, in a sum not to exceed\$513,843.

9

10 SECTION 27. REAPPROPRIATION - PULASKI TECHNICAL COLLEGE. There is
11 hereby appropriated, to the Pulaski Technical College, to be payable from the
12 Pulaski Technical College Fund, for the Pulaski Technical College, the
13 following:

14 (A) Effective July 1, 1997, the balance of the appropriation provided
15 in Item (01) of Section 1 of Act 88 of 1995, for additional personal services,
16 operating expenses, construction, reconstruction, renovations, purchase of
17 equipment and other capital outlay for technical colleges, as determined by
18 the State Board of Higher Education, in a sum not to exceed\$85,000.

19

20 SECTION 28. REAPPROPRIATION - COLLEGE SAVINGS BOND PROGRAM. There is
21 hereby appropriated, to the Department of Higher Education, to be payable from
22 the Higher Education Projects Development Fund, the following:

23 (A) Effective July 1, 1997, the balance of the appropriation provided
24 in Section 1 of Act 1167 of 1995, for the development of projects at State
25 Institutions of Higher Education and the payment of project costs and expenses
26 of the issuance of the bonds of the Arkansas College Savings General
27 Obligation Bonds Program, in a sum not to exceed\$182,589,314.

28

29 (B) Effective July 1, 1997, the balance of the appropriation provided
30 in Item (B) of Section 18 of Act 274 of 1995, for the development of projects
31 at State Institutions of Higher Education and the payment of project costs and
32 expenses of the issuance of the bonds of the Arkansas College Savings General
33 Obligation Bonds Program, in a sum not to exceed\$15,425,733.

34

35 SECTION 29. SPECIAL LANGUAGE - REPORTING REQUIREMENTS. The reports of

1 college achievement of high school graduates, as appropriated by the Eighty-
2 First General Assembly, shall be provided to high school and school district
3 administrators and may also be provided to the State Board of Higher Education
4 or its successor, the Governor, the Interim Committees on Education, the Board
5 of Education and the Department of Education.

6
7 SECTION 30. SPECIAL LANGUAGE - TRANSFER PROVISION. Upon certification
8 by the Director of the Department of Higher Education or other disbursing
9 officer to which the appropriation for financial assistance is made, that
10 transfers are needed to make maximum utilization of funds and appropriations
11 provided for financial aid programs, and with the approval of the Chief Fiscal
12 Officer of the State and a review by the Arkansas Legislative Council, funds
13 and appropriations may be transferred between financial aid programs.

14
15 SECTION 31. SPECIAL LANGUAGE - HIGHER EDUCATION PROMOTIONAL GRANTS.
16 Upon certification by the Chairman of the State Board of Higher Education or
17 by the Chief Executive Officer of the agency to which the appropriation for
18 higher Education Promotional Grants is made, to the Chief Fiscal Officer of
19 the State, funds and appropriation provided to the Department of Higher
20 Education or other appropriate agency for Higher Education Promotional Grants
21 shall be transferred each fiscal year to each institution of higher education
22 which received such funds in Fiscal Year 1995-96, in the proportion of the
23 amount each institution received to the total amount which was distributed in
24 Fiscal Year 1995-96 applied to the total amount of funds available each year,
25 there to be used for the same purposes.

26
27 SECTION 32. SPECIAL LANGUAGE - FINANCIAL AID. In order to provide
28 timely payments under financial aid appropriations, the Chief Fiscal Officer
29 of the State is authorized to provide loans from the Budget Stabilization
30 Trust Fund to make available all funds attributable to the financial aid
31 programs under the then current official revenue estimates. In the event of
32 an unanticipated state revenue shortfall, any such loans remaining at the end
33 of a fiscal year shall be repaid from revenues distributed in the first two
34 months of the next fiscal year. Funds for appropriations for purposes other
35 than financial aid shall not be affected by the application of this provision.

1

2 SECTION 33. SPECIAL LANGUAGE - WORKFORCE 2000. After the amounts to be
3 made available to the various technical colleges have been determined by the
4 State Board of Higher Education or other appropriate agency as designated by
5 the Governor or by law, under the provisions of Act 1244 of 1991 and Act 1246
6 of 1991, and upon the review and approval of the Chief Fiscal Officer of the
7 State, such documents as may be necessary shall be processed so that funds may
8 be transferred from the Work Force 2000 Development Fund to the State Treasury
9 fund or fund account from which the technical college draws its general
10 revenue support. Be it further provided that such funds as may be transferred
11 shall not exceed 74.45% of the total funds available from the Work Force 2000
12 Development Fund during each fiscal year of the biennial period ending June
13 30, 1999.

14

15 In the event that an educational institution which receives support from
16 the Work Force 2000 Development Fund as determined by law or the State Board
17 of Vocational Education transfers or merges into the Arkansas Technical
18 College and Community College System for which Work Force 2000 Development
19 Fund monies are determined by law or the State Board of Higher Education or
20 other agency as designated by the Governor or by law, or vice versa, then the
21 actual amount of support from the Work Force 2000 Development Fund in the
22 preceding fiscal year for such educational institution shall be made available
23 regardless of any other provision of law which sets out maximum levels of
24 support from such fund.

25

26 SECTION 34. SPECIAL LANGUAGE - HIGHER EDUCATION BUILDING MAINTENANCE
27 AND RESEARCH DEVELOPMENT. After the sum of \$13,200,000 has been deposited into
28 the Higher Education Building Maintenance Fund, the next \$10,000,000 or so
29 much as is collected, is to be transferred to the Research Development Fund
30 there to be used as provided by law.

31

32 SECTION 35. SPECIAL LANGUAGE. REFUND TO EXPENDITURES. Proceeds
33 derived from the repayment of loans as authorized for the Math/Science Teacher
34 Loan Awards Program shall be deposited into the State Treasury as "Refunds to
35 Expenditures".

1

2 SECTION 36. SPECIAL LANGUAGE - CARRY FORWARD. The balance of the
3 funds and appropriations as provided for the Academic Challenge Scholarships
4 Program which remain on June 30, 1998, shall be carried forward and made
5 available for the same purpose for the fiscal year ending June 30, 1999.

6

7 SECTION 37. SPECIAL LANGUAGE - ACADEMIC CHALLENGE SCHOLARSHIPS. Upon
8 certification by the State Board of Higher Education or the Chief Executive
9 Officer to which the appropriation for Academic Challenge Scholarships is
10 made, the Chief Fiscal Officer of the State is hereby authorized to transfer
11 from the balances remaining in appropriation and funds authorized for the
12 Academic Challenge Scholarships's line item, in such amounts as deemed
13 appropriate by the State Board of Higher Education or the Chief Executive
14 Officer to which the appropriation for Academic Challenge Scholarships is
15 made, in meeting the educational needs of the State through a financial
16 assistance program of grants and forgivable loans, designed to meet State
17 needs, based on comments and advice sought by the State Board of Higher
18 Education or another appropriate board as designated by the Governor or as set
19 out by law, to determine areas of critical and strategic needs for graduates
20 in specific courses of study and for racial and gender diversity.

21

22 SECTION 38. SPECIAL LANGUAGE - SPECIAL PROVISIONS. (1) Effective July
23 1, 1993, those students who currently receive or who have been accepted to
24 receive financial assistance from the appropriations providing for payments of
25 the contracts with schools of higher learning for the education of Arkansas
26 citizens at out-of-state institutions of higher learning in the fields of
27 dental medicine, optometry, osteopathy, veterinary medicine, chiropractic
28 education and podiatry education shall continue to receive such financial
29 assistance;

30 (2) Effective July 1, 1993, the State Board of Higher Education or
31 another appropriate board as designated by the Governor or as set out by law,
32 shall determine the priorities for the applicable programs enumerated in item
33 (1) above and the disbursing officer for the appropriations shall re-adjust
34 the 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 or other appropriate board as
4 designated by the Governor or as set out by law shall conduct a study during
5 the 1997-99 biennium as to the need for health care providers in Arkansas and
6 report its findings to the General Assembly on or before October 1, 1998.

7
8 SECTION 39. SPECIAL LANGUAGE. (a) HIGHER EDUCATION TUITION ADJUSTMENT
9 FUND. The Higher Education Tuition Adjustment Fund is hereby created upon the
10 books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the
11 State. The fund shall consist of such revenues as are allocated to it by law.

12 (b) PURPOSE OF THE FUND. It is the intent of the Arkansas General Assembly
13 that this fund ensures that bona fide Arkansas income taxpayers and their
14 dependents who are residents of a bordering state in a contiguous county to
15 the Arkansas State line which is contiguous to a county where an institution
16 of higher education is located receive the same higher education opportunities
17 as all other said taxpayers. In establishing this policy, it is the intent of
18 the General Assembly that taxpayers should have affordable access to the
19 state's higher education institutions.

20 Further, the Arkansas Department of Higher Education or another
21 appropriate board or agency as designated by the Governor or by law ("agency")
22 will require each institution to track and report the number of qualifying
23 students each year. A list of students who benefit from the out-of-state
24 tuition waiver including their social security number or their Arkansas
25 taxpaying parents' or guardians' names and social security numbers will be
26 furnished by the "agency" to the Department of Finance and Administration for
27 confirmation that they or their parents are employed in Arkansas at a wage in
28 excess of five thousand five hundred dollars (\$5,500) per annum.

29 Documentation should be either an official W-2 form from an Arkansas employer
30 reflecting wages of at least five thousand five hundred dollars (\$5,500) in
31 the tax year prior to enrollment in college; or official employer verification
32 of a current year salary minimum of at least five thousand five hundred
33 dollars (\$5,500) which the college will keep on file for enrollment audit
34 purposes.

35 (c) APPROPRIATION TRANSFER PROCEDURES. The "agency" shall determine the

1 difference between the amount of tuition revenue which would have been
 2 generated by charging the approved out-of-state tuition rate to said students
 3 as compared to approved in-state or out-of-district rate. Upon such
 4 determination, the "agency" shall certify to the Chief Fiscal Officer of the
 5 State and the State Treasurer such amounts as are required to be transferred
 6 from the Higher Education Tuition Adjustment Fund. Upon receiving such
 7 certification, the Chief Fiscal Officer of the State and the State Treasurer
 8 shall cause to be transferred the necessary funds and appropriation to the
 9 fund account of the institution receiving such certification from the
 10 "agency". In order to provide funding for the appropriation set out as
 11 Tuition Adjustment, the Chief Fiscal Officer of the State shall transfer to
 12 the Higher Education Tuition Adjustment Fund from the Higher Education Grants
 13 Fund Account \$250,000 for each year of the biennium. The remaining amounts
 14 required to finance the amount appropriated for Tuition Adjustment shall be
 15 transferred from the Higher Education Grants Fund Account after meeting the
 16 costs of scholarship and grant programs administered by the "agency".

17

18 SECTION 40. SPECIAL LANGUAGE - MOVING EXPENSES. Arkansas Code 19-4-522
 19 is amended by inserting an additional subsection at the end thereof to read as
 20 follows:

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

25

26 SECTION 41. SPECIAL LANGUAGE - SCHOLARSHIPS. The Board of Trustees of
 27 any institution of higher education may waive the out-of-state portion of any
 28 full tuition scholarship for any full-time student which is provided by
 29 unrestricted funds of the institution. Such part as is waived shall not be
 30 considered as an expenditure by any regulation of the Board of Higher
 31 Education.

32

33 SECTION 42. SPECIAL LANGUAGE - COLLEGE SAVINGS BONDS. The Department
 34 of Higher Education or other agency to which the appropriation for College
 35 Savings Bonds is provided shall adopt rules and regulations for the allocation

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

17

18 SECTION 43. SPECIAL LANGUAGE - COLLEGE SAVINGS BONDS LIMITS. Arkansas
19 Code §6-62-708 is amended to read as follows: "The total principal amount of
20 bonds to be issued during any fiscal biennium shall not exceed three-hundred
21 million dollars (\$300,000,000), nor shall the principal amount of bonds
22 outstanding at any time have debt service requirements in excess of twenty-
23 four million dollars (\$24,000,000) in any one fiscal year from all sources."
24

25 SECTION 44. SPECIAL LANGUAGE. UNALLOCATED COLLEGE SAVINGS BOND
26 APPROPRIATION. The amount of appropriation for College Savings Bonds projects
27 allocated for Other Strategic Needs of the State as authorized by Act 1167 of
28 1995 shall be distributed by the State Board of Higher Education to the two
29 year institutions of higher education as follows:

30

<u>COLLEGES & SCHOOLS</u>	<u>DISTRIBUTION</u>
33 <u>ASU-BEEBE</u> -	<u>\$ 750,000</u>
34 <u>ASU-BEEBE/NEWPORT</u>	<u>449,862</u>
35 <u>EAST ARKANSAS COMM. COLL.</u>	<u>750,000</u>

1	<u>GARLAND COUNTY COMM. COLL.</u>	<u>750,000</u>
2	<u>MID-SOUTH COMM. COLL.</u>	<u>585,306</u>
3	<u>MISSISSIPPI CO. COMM. COLL.</u>	<u>750,000</u>
4	<u>NORTH ARK COMM/TECH COLL.</u>	<u>750,000</u>
5	<u>NORTHWEST ARK. COMM. COLL.</u>	<u>750,000</u>
6	<u>PHILLIPS COMM. COLL. OF UA</u>	<u>750,000</u>
7	<u>RICH MOUNTAIN COMM. COLL.</u>	<u>483,272</u>
8	<u>SAU-TECH</u>	<u>622,327</u>
9	<u>SOUTH ARK. COMM. COLL.</u>	<u>746,935</u>
10	<u>UA COMM. COLL. AT HOPE</u>	<u>750,000</u>
11	<u>WESTARK COMM. COLL.</u>	<u>750,000</u>
12	<u>BLACK RIVER TECH. COLL.</u>	<u>750,000</u>
13	<u>COSSATOT TECH. COLL.</u>	<u>541,964</u>
14	<u>GATEWAY TECH. COLL.</u>	<u>478,757</u>
15	<u>OUACHITA TECH. COLL.</u>	<u>504,040</u>
16	<u>OZARKA TECH. COLL.</u>	<u>469,727</u>
17	<u>PETIT JEAN TECH. COLL.</u>	<u>617,812</u>
18	<u>PULASKI TECH. COLL.</u>	<u>750,000</u>
19	<u>SOUTHEAST ARK. TECH. COLL.</u>	<u>750,000</u>
20		
21	<u>TOTAL</u>	<u>\$ 14,500,000</u>

22

23 SECTION 45. SPECIAL LANGUAGE - SAU-TECH. The amount of College Savings

24 Bond Appropriation which is allocated in this act for SAU-TECH may also be

25 utilized for the Fire Training Academy and the Environmental Control Academy.

26

27 SECTION 46. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor

28 obligations otherwise incurred in relation to the project or projects

29 described herein in excess of the State Treasury funds actually available

30 therefor as provided by law. Provided, however, that institutions and

31 agencies listed herein shall have the authority to accept and use grants and

32 donations including Federal funds, and to use its unobligated cash income or

33 funds, or both available to it, for the purpose of supplementing the State

34 Treasury funds for financing the entire costs of the project or projects

35 enumerated herein. Provided further, that the appropriations and funds

1 otherwise provided by the General Assembly for Maintenance and General
2 Operations of the agency or institutions receiving appropriation herein shall
3 not be used for any of the purposes as appropriated in this Act.

4 (B) Any restrictions contained in the Acts enumerated in the
5 reappropriation sections of this Act, the restrictions of any applicable
6 provisions of the State Purchasing Law, the General Accounting and Budgetary
7 Procedures Law, the Revenue Stabilization Law and any other applicable fiscal
8 control laws of this State and regulations promulgated by the Department of
9 Finance and Administration, as authorized by law, shall be strictly complied
10 with in disbursement of any funds provided by this Act unless specifically
11 provided otherwise by law.

12

13 SECTION 47. LEGISLATIVE INTENT. It is the intent of the General
14 Assembly that any funds disbursed under the authority of the appropriations
15 contained in this Act shall be in compliance with the stated reasons for which
16 this Act was adopted, as evidenced by the Agency Requests, Executive
17 Recommendations and Legislative Recommendations contained in the budget
18 manuals prepared by the Department of Finance and Administration, letters, or
19 summarized oral testimony in the official minutes of the Arkansas Legislative
20 Council or Joint Budget Committee which relate to its passage and adoption.

21

22 SECTION 48. CODE. All provisions of this Act of a general and
23 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and
24 the Arkansas Code Revision Commission shall incorporate the same in the Code.

25

26 SECTION 49. SEVERABILITY. If any provision of this Act or the
27 application thereof to any person or circumstance is held invalid, such
28 invalidity shall not affect other provisions or applications of the Act which
29 can be given effect without the invalid provision or application, and to this
30 end the provisions of this Act are declared to be severable.

31

32 SECTION 50. GENERAL REPEALER. All laws and parts of laws in conflict
33 with this Act are hereby repealed.

34

35 SECTION 51. EMERGENCY CLAUSE. It is hereby found and determined by the

1 Eighty-First General Assembly, that the Constitution of the State of Arkansas
2 prohibits the appropriation of funds for more than a two (2) year period; that
3 previous General Assemblies have provided appropriations for the projects
4 provided or enumerated in this act; that certain appropriations will expire
5 before the adjournment of the General Assembly; and that if such
6 appropriations expire, the projects and programs authorized herein will cease
7 thereby depriving the citizens of the State of the benefits to be derived from
8 such projects. Therefore, an emergency is hereby declared to exist and this
9 Act being necessary for the immediate preservation of the public peace, health
10 and safety shall be in full force and effect from and after the date of its
11 passage and approval.

12
13
14
15
16
17

/s/Russ et al

APPROVED:3-05-97