

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas *As Engrossed: S3/8/99 S3/17/99 S3/25/99 S3/31/99*

2 82nd General Assembly

A Bill

Act 1180 of 1999

3 Regular Session, 1999

SENATE BILL 164

4

5 By: Joint Budget Committee

6

7

8

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES, OPERATING EXPENSES AND GRANTS FOR THE
11 DEPARTMENT OF HIGHER EDUCATION FOR THE BIENNIAL PERIOD
12 ENDING JUNE 30, 2001; AND FOR OTHER PURPOSES."

13

14

Subtitle

15 "AN ACT FOR THE DEPARTMENT OF HIGHER
16 EDUCATION APPROPRIATION FOR THE 1999-2001
17 BIENNIUM."

18

19

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

21

22 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
23 established for the Department of Higher Education - General Operations for
24 the 1999-2001 biennium, the following maximum number of regular employees
25 whose salaries shall be governed by the provisions of the Uni form
26 Classi fication and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its
27 successor, and all laws amendatory thereto. Provided, however, that any
28 position to which a speci fic maximum annual salary is set out herein in
29 dollars, shall be exempt from the provisions of said Uni form Classi fication
30 and Compensation Act. All persons occupying positions authorized herein are
31 hereby governed by the provisions of the Regular Salaries Procedures and
32 Restrictions Act (Arkansas Code §21-5-101), or its successor.

33

34

Maximum Annual

35

Maximum

Salary Rate

36

Item Class

No. of

Fiscal Years

JKD042

	No.	Code	Title	Employees	1999-2000	2000-2001
1						
2	(1)	9960	HIGHER ED DIRECTOR	1	\$111,417	\$114,536
3	(2)	7243	HIGHER EDUCATION DEPUTY DIRECTOR	1	\$103,165	\$106,053
4	(3)	9773	HIGHER ED SENIOR ASSOC DIR	1	\$94,434	\$97,078
5	(4)	9774	HIGHER ED ASSOC DIR FOR FISCAL AFF	1	\$81,612	\$83,897
6	(5)	9922	DHE ASSOC DIR FOR ACADEMIC AFFAIRS	1	\$81,612	\$83,897
7	(6)	9090	HE ASST DIR OF INFO SERVICES	1	\$69,436	\$71,380
8	(7)	9978	ASST DIR FOR PLNG & ACCOUNTABILITY	1	\$69,436	\$71,380
9	(8)	9983	HIGHER ED COORDINATOR OF Y. O. U. PGM	1	\$62,315	\$64,059
10	(9)	9022	HE COORD ACADEMIC CERTIFICATION	1	\$62,315	\$64,059
11	(10)	9965	HIGHER ED COORD OF ACADEMIC PROGRAM	1	\$62,315	\$64,059
12	(11)	9966	HIGHER ED STUDENT FIN AID MANAGER	1	\$62,315	\$64,059
13	(12)	9623	H E COORD OF INSTITUTIONAL FINANCE	1	\$62,315	\$64,059
14	(13)	9092	HE COORD OF GENERAL ADMIN	1	\$62,315	\$64,059
15	(14)	9093	HE COORD 2-YR INST FINANCE	1	\$62,315	\$64,059
16	(15)	7091	DHE COORD OF FEDERAL PROGRAMS	1	\$62,315	\$64,059
17	(16)		HE COORDINATOR OF HEALTH ED	1	\$62,315	\$64,059
18	(17)	A252	DHE FINANCIAL MANAGER	2		GRADE 24
19	(18)	D064	SR SYSTEMS PROGRAMMER	1		GRADE 24
20	(19)	A032	AGENCY FISCAL MANAGER	1		GRADE 22
21	(20)	R096	HIGHER ED ASST COORD STUD FIN AID	3		GRADE 22
22	(21)	R088	HIGHER ED FINANCIAL OFFICER	1		GRADE 22
23	(22)	D036	SR PROGRAMMER/ANALYST	1		GRADE 21
24	(23)	R240	DHE DATA COLLECTION ANALYST	1		GRADE 20
25	(24)	R264	MANAGEMENT PROJECT ANALYST I	2		GRADE 18
26	(25)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	1		GRADE 15
27	(26)	R444	BUSINESS CONTROLLER I	1		GRADE 15
28	(27)	K153	SECRETARY II	<u>5</u>		GRADE 13
29			MAX. NO. OF EMPLOYEES	35		

30

31 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby authorized,
 32 for the Department of Higher Education - General Operations for the 1999-2001
 33 biennium, the following maximum number of part-time or temporary employees, to
 34 be known as "Extra Help", payable from funds appropriated herein for such
 35 purposes: seven (7) temporary or part-time employees, when needed, at rates
 36 of pay not to exceed those provided in the Uniform Classification and

1 Compensation Act, or its successor, or this act for the appropriate
2 classification.

3

4 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
5 appropriated, to the Department of Higher Education, to be payable from the
6 Department of Higher Education Fund Account, for personal services, operating
7 expenses and grants of the Department of Higher Education for the biennial
8 period ending June 30, 2001, the following:

9

10	ITEM	FISCAL YEARS	
11	NO.	1999-2000	2000-2001
12	(01) REGULAR SALARIES	\$ 1,699,847	\$ 1,747,434
13	(02) EXTRA HELP	7,500	7,500
14	(03) PERSONAL SERV MATCHING	403,504	411,879
15	(04) MAINT. & GEN. OPERATION		
16	(A) OPER. EXPENSE	485,581	485,581
17	(B) CONF. & TRAVEL	63,901	63,901
18	(C) PROF. FEES	4,000	4,000
19	(D) CAP. OUTLAY	30,000	30,000
20	(E) DATA PROC.	0	0
21	(05) YOUTH OPPORTUNITIES UNLIMITED		
22	GRANTS/AIDS	95,255	95,255
23	(06) ACCREDITATION/EVALUATION	<u>65,000</u>	<u>65,000</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,854,588</u>	<u>\$ 2,910,550</u>

25

26 SECTION 4. APPROPRIATION - HIGHER EDUCATION PROMOTIONAL GRANTS. There is
27 hereby appropriated, to the Department of Higher Education, to be payable from
28 the Department of Higher Education Fund Account, for the Arkansas Higher
29 Education Coordinating Board to utilize in the promotion of statewide Higher
30 Education priorities of the Arkansas Higher Education Coordinating Board by
31 the Department of Higher Education for the biennial period ending June 30,
32 2001, the following:

33

34	ITEM	FISCAL YEARS	
35	NO.	1999-2000	2000-2001
36	(01) HIGHER EDUCATION PROMOTIONAL GRANTS	\$ <u>3,002,285</u>	\$ <u>3,002,285</u>

1
2 SECTION 5. APPROPRIATION - SREB INSTITUTE. There is hereby appropriated, to
3 the Department of Higher Education, to be payable from the Department of
4 Higher Education Fund Account, for making the contribution of the State of
5 Arkansas to the SREB Institute for higher educational opportunity by the
6 Department of Higher Education for the biennial period ending June 30, 2001,
7 the following:

ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) STATE'S CONTRIBUTION - SREB INSTITUTE \$	<u>159,950</u>	<u>162,990</u>

12
13 SECTION 6. APPROPRIATION - 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, 2001, the following:

ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) SCHOLARSHIPS TO DEPENDENTS-MIA/KIA TUI TION WAI VERS	\$ 15,000	\$ 15,000
(02) TEACHER RETRAINING GRANTS	179,544	179,544
(03) MATH/SCIENCE TEACHER LOAN AWARDS	81,717	81,717
(04) GOVERNOR'S SCHOLARS PROGRAM AWARDS	4,556,338	4,872,000
(05) JUNIOR/SENIOR MINORITY SCHOLARSHIPS	450,000	450,000
(06) FRESHMAN/SOPHOMORE MINORITY SCHOLARSHIPS	250,000	250,000
(07) SECOND EFFORT SCHOLARSHIPS	20,000	20,000
(08) SREB MINORITY FACULTY RECRUITMENT SCHOLARSHIPS	200,000	200,000
(09) STATE SCHOLARSHIP PROGRAM	5,099,506	5,099,506
(10) ACADEMIC CHALLENGE SCHOLARSHIPS	18,863,500	21,892,500
(11) MINORITY MASTERS PROGRAM	80,000	80,000
(12) SURVIVING CHILDREN SCHOLARSHIPS	60,000	60,000
(13) FACULTY/ADMINISTRATOR DEVELOPMENT		

1	MATCHING	30,000	30,000
2	(14) TUITION ADJUSTMENT	<u>250,000</u>	<u>250,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 30,135,605</u>	<u>\$ 33,480,267</u>

4

5 SECTION 7. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. 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 grants-in-aid of the Department of Higher Education - State Scholarship -
9 Federal Program for the biennial period ending June 30, 2001, the following:

10

11	ITEM	FISCAL YEARS	
12	<u>NO.</u>	<u>1999-2000</u>	<u>2000-2001</u>
13	(01) GRANTS/AIDS - ST. SCHOLARSHIPS		
14	- FEDERAL	\$ <u>160,866</u>	\$ <u>160,866</u>

15

16 SECTION 8. APPROPRIATION - DWIGHT D. EISENHOWER GRANTS. There is hereby
17 appropriated, to the Department of Higher Education, to be payable from the
18 federal funds as designated by the Chief Fiscal Officer of the State, for
19 operating expenses and grants and aids of the Department of Higher Education -
20 Dwight D. Eisenhower Program for the biennial period ending June 30, 2001, the
21 following:

22

23	ITEM	FISCAL YEARS	
24	<u>NO.</u>	<u>1999-2000</u>	<u>2000-2001</u>
25	(01) MAINT. & GEN. OPERATION		
26	(A) OPER. EXPENSE	24,761	24,761
27	(B) CONF. & TRAVEL	5,000	5,000
28	(C) PROF. FEES	2,500	2,500
29	(D) CAP. OUTLAY	0	0
30	(E) DATA PROC.	0	0
31	(02) DWIGHT D. EISENHOWER GRANTS/AIDS	<u>639,182</u>	<u>639,182</u>
32	TOTAL AMOUNT APPROPRIATED	<u>\$ 671,443</u>	<u>\$ 671,443</u>

33

34 SECTION 9. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS. There is
35 hereby appropriated, to the Department of Higher Education, to be payable from
36 the federal funds as designated by the Chief Fiscal Officer of the State, for

1 personal services and operating expenses of the Department of Higher Education
 2 for the biennial period ending June 30, 2001, the following:

3

4 ITEM		FISCAL YEARS	
5 NO.		1999-2000	2000-2001
6 (01)	REGULAR SALARIES	\$ 62,315	\$ 64,059
7 (02)	PERSONAL SERV MATCHING	14,265	14,573
8 (03)	MAINT. & GEN. OPERATION		
9 (A)	OPER. EXPENSE	4,000	4,000
10 (B)	CONF. & TRAVEL	9,000	9,000
11 (C)	PROF. FEES	53,495	53,495
12 (D)	CAP. OUTLAY	0	0
13 (E)	DATA PROC.	0	0
14	TOTAL AMOUNT APPROPRIATED	<u>\$ 143,075</u>	<u>\$ 145,127</u>

15

16 SECTION 10. APPROPRIATION - HIGHER EDUCATION BUILDING MAINTENANCE. There is
 17 hereby appropriated, to the Department of Higher Education, to be payable from
 18 the Higher Education Building Maintenance Fund, for maintenance of various
 19 buildings at the Institutions of Higher Education by the Department of Higher
 20 Education for the biennial period ending June 30, 2001, the sum of
 21\$26,000,000.

22

23 SECTION 11. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is hereby
 24 appropriated, to the Department of Higher Education, to be payable from the
 25 Higher Education Research Development Fund, for providing Arkansas Research
 26 Development Program Grants to Institutions of Higher Education by the
 27 Department of Higher Education for the biennial period ending June 30, 2001,
 28 the sum of\$10,000,000.

29

30 SECTION 12. APPROPRIATIONS - CASH. There is hereby appropriated, to the
 31 Department of Higher Education, to be payable from cash funds as defined by
 32 Arkansas Code 19-4-801 of the Department of Higher Education, for operating
 33 expenses of the Department of Higher Education for the biennial period ending
 34 June 30, 2001, the following:

35

36 ITEM FISCAL YEARS

NO.	1999-2000	2000-2001
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	15,000	15,000
(B) CONF. & TRAVEL	5,000	5,000
(C) PROF. FEES	0	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
TOTAL AMOUNT APPROPRIATED	<u>\$ 20,000</u>	<u>\$ 20,000</u>

SECTION 13. APPROPRIATION - PERFORMANCE FUNDING - INSTITUTIONS OF HIGHER EDUCATION. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Institutions Performance Fund, for distributing funds for performance to the Institutions of Higher Education, as determined by the Arkansas Higher Education Coordinating Board and reported to the Legislative Council by the Department of Higher Education for the biennial period ending June 30, 2001, the following:

ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) 4 YEAR INST OF HIGHER ED PERFORMANCE	\$ 2,011,247	\$ 3,193,000
(02) 2 YEAR INST OF HIGHER ED PERFORMANCE	<u>799,693</u>	<u>1,269,571</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,810,940</u>	<u>\$ 4,462,571</u>

SECTION 14. SPECIAL LANGUAGE. STUDENT FINANCIAL AID - ANTI-STACKING. No postsecondary institution shall use public funds in a student aid package which exceeds the recognized cost of attendance at the institution where the student enrolls. Public funds are defined to include Arkansas Department of Higher Education (ADHE) scholarships and grants, state general revenues, tuition, or local tax revenue. All postsecondary institutions shall report to ADHE the total amount of financial aid from all sources for any student who receives an award from an ADHE program. When a student receives a total aid package that includes public funds and exceeds the cost of attendance, the institution shall repay public funds in the amount exceeding total cost of attendance. Such funds repaid shall be credited to the Higher Education Grants Fund Account.

1 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
3 PROVISION. Upon certification by the Director of the Department of Higher
4 Education that transfers are needed to make maximum utilization of funds and
5 appropriations provided for financial aid programs, and with the approval of
6 the Chief Fiscal Officer of the State and a review by the Arkansas Legislative
7 Council, funds and appropriations may be transferred between financial aid
8 programs, except that funds and appropriations may not be transferred for such
9 purposes from either the Governor's Scholars Program or the Academic Challenge
10 Scholarships Program in excess of \$1,000,000 in the aggregate in either fiscal
11 year.

12

13 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER
15 EDUCATION PROMOTIONAL GRANTS. Upon certification by the ~~Chairman~~ Director of
16 the ~~State Board~~ Arkansas Department of Higher Education to the Chief Fiscal
17 Officer of the State, funds and appropriation provided to the Department of
18 Higher Education for Higher Education Promotional Grants shall be transferred
19 each fiscal year to each institution of higher education which received such
20 funds in Fiscal Year 1995-96, in the proportion of the amount each institution
21 received to the total amount which was distributed in Fiscal Year 1995-96
22 applied to the total amount of funds available each year, there to be used for
23 the same purposes.

24

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

36

1 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK FORCE
3 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made available to
4 the various technical colleges have been determined ~~by the State Board of~~
5 ~~Higher Education under the provisions of Act 1244 of 1991 and Act 1246 of~~
6 ~~1991, and upon the review and approval of the Chief Fiscal Officer of the~~
7 ~~State as set out in Arkansas Code 26-51-205(d)(2),~~ such documents as may be
8 necessary shall be processed so that funds may be transferred from the Work
9 Force 2000 Development Fund to the State Treasury fund or fund account from
10 which the technical college draws its general revenue support. ~~Be it further~~
11 ~~provided that such~~ Such funds as may be transferred shall not exceed 74.45% of
12 the total funds available from the Work Force 2000 Development Fund during
13 each fiscal year of the biennial period ending June 30, ~~1999~~ 2001.

14
15 In the event that ~~an educational institution~~ a technical institute or
16 comprehensive lifelong learning center which receives support from the Work
17 Force 2000 Development Fund as determined by law ~~or the State Board of~~
18 ~~Vocational Education~~ transfers or merges into the Arkansas Technical College
19 and Community College System for which Work Force 2000 Development Fund monies
20 are determined by law, ~~or the State Board of Higher Education, or vice versa~~
21 then the actual amount of support from the Work Force 2000 Development Fund in
22 the preceding fiscal year for such educational institution shall be made
23 available ~~irregardless~~ irrespective of any other provision of law which sets
24 out maximum levels of support from such fund.

25
26 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
28 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
29 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much as
30 is collected, is to be transferred to the Research Development Fund there to
31 be used as provided by law.

32
33 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
35 EXPENDITURES. Proceeds derived from the repayment of loans as authorized in
36 Item (03) of Section 6 of this Act for the Math/Science Teacher Loan Awards

1 Program shall be deposited into the State Treasury as "Refunds to
2 Expenditures."

3

4 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
6 FORWARD. The balance of the funds and appropriations as provided in Section 6
7 of this Act for the Governor's Scholars Program and the Academic Challenge
8 Scholarships Program which remain on June 30, ~~1998~~ 2000, shall be carried
9 forward and made available for the same purpose for the fiscal year ending
10 June 30, ~~1999~~ 2001.

11

12 SECTION 22. SPECIAL LANGUAGE. NATIONAL GUARD TUITION ASSISTANCE PROGRAM. In
13 addition to any other provisions of law, any student who receives assistance
14 from the appropriation made for the "National Guard Tuition Assistance
15 Program" in this Act shall repay any loans and/or assistance if the student
16 does not receive an Honorable Discharge.

17

18 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GOVERNOR'S
20 SCHOLARS PROGRAM. Should the funding of Governor's Scholars Program exceed the
21 funding level of the previous fiscal year ~~ending June 30, 1997,~~ and the number
22 of scholarships awarded increases to 200 or more ~~as a result of the actions of~~
23 ~~the Eighty First General Assembly,~~ the Department of Higher Education shall
24 make every effort to assure a geographic distribution of the awards without
25 compromising the academic criteria established for such awards.

26

27 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER
29 EDUCATION FORMULA DEVELOPMENT. The Department of Higher Education will work
30 with the state college and university president's council to review, revise
31 and develop funding formulae which will, in principle, seek to provide fair
32 and equitable state support to all postsecondary students across the state,
33 regardless of the state institution attended, while at the same time
34 recognizing (a) the different needs for lower level, upper level, and graduate
35 level instruction at the various institutions, (b) the requirements for
36 specialized equipment and labs and smaller class sizes in some disciplines and

1 (c) unique missions, such as agricultural extension services, research,
2 medical sciences, workforce development, and public service; and (d) growth,
3 economies of scale and other appropriate factors. The formula will be
4 developed in consensus with the state college and university president's
5 council and presented to the State Higher Education Coordinating Board and the
6 Joint Budget Committee of the General Assembly for review.

7
8 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TUITION
10 ADJUSTMENT FUND. (a) HIGHER EDUCATION TUITION ADJUSTMENT FUND. The Higher
11 Education Tuition Adjustment Fund is hereby created upon the books of the
12 State Treasurer, State Auditor, and Chief Fiscal Officer of the State. The
13 fund shall consist of such revenues as are allocated to it by law.

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

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

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

36 (c) APPROPRIATION TRANSFER PROCEDURES. The Director of the Arkansas

1 Department of Higher Education shall determine the difference between the
2 amount of tuition revenue which would have been generated by charging the
3 State Board of Higher Education approved out-of-state tuition rate to said
4 students as compared to approved in-state or out-of-district rate. Upon such
5 determination, the Director of the Arkansas Department of Higher Education
6 shall certify to the Chief Fiscal Officer of the State and the State Treasurer
7 such amounts as are required to be transferred from the Higher Education
8 Tuition Adjustment Fund. Upon receiving such certification, the Chief Fiscal
9 Officer of the State and the State Treasurer shall cause to be transferred the
10 necessary funds and appropriation to the fund account of the institution
11 receiving such certification from the Director of the Arkansas Department of
12 Higher Education. In order to provide funding for the appropriation set out
13 in Item (15 14) of Section 6 of this Act, the Chief Fiscal Officer of the
14 State shall transfer to the Higher Education Tuition Adjustment Fund from the
15 Higher Education Grants Fund Account \$250,000 for each year of the biennium.
16

17 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MOVING
19 EXPENSES. Arkansas Code 19-4-522 is amended by inserting an additional
20 subsection at the end thereof to read as 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 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OUT-OF-
28 STATE TUITION WAIVER. The Board of Trustees of any institution of higher
29 education may waive the out-of-state portion of any full tuition scholarship
30 for any full-time student which is provided by unrestricted funds of the
31 institution. Such part as is waived shall not be considered as an expenditure
32 by any regulation of the ~~Board of Arkansas~~ Higher Education Coordinating
33 Board.
34

35 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE

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

18

19 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
 21 SAVINGS BONDS LIMITATIONS. Arkansas Code 6-62-708 is amended to read as
 22 follows: "The total principal amount of bonds to be issued during any fiscal
 23 biennium shall not exceed three-hundred million dollars (\$300,000,000), nor
 24 shall the principal amount of bonds outstanding at any time have debt service
 25 requirements in excess of twenty-four million dollars (\$24,000,000) in any one
 26 fiscal year from all sources."

27

28 SECTION 30. APPROPRIATION. NATIONAL GUARD TUITION ASSISTANCE PROGRAM.
 29 *There is hereby appropriated, to the Department of Higher Education, to be*
 30 *payable from the Higher Education Grants Fund Account, for tuition assistance*
 31 *payments of the State Military Department, for the biennial period ending June*
 32 *30, 2001, the sum of \$750,000.*

33

34 SECTION 31. APPROPRIATION - HEALTH EDUCATION GRANTS. *There is hereby*
 35 *appropriated, to the Department of Higher Education, to be payable from the*
 36 *Higher Education Grants Fund Account, for payments of the contracts with*

1 participating out-of-state institutions of higher learning in the fields of
 2 dentistry, optometry, osteopathy, veterinary medicine, chiropractic and
 3 podiatry for the education of Arkansas citizens by the Arkansas Department of
 4 Higher Education for the biennial period ending June 30, 2001, the following:

ITEM NO.	FISCAL YEARS	
	1999-2000	2000-2001
(01) DENTAL AID	\$ 1,070,675	\$ 1,170,000
(02) VETERINARY AID	637,200	638,300
(03) CHIROPRACTIC AID	250,000	245,000
(04) OPTOMETRY AID	232,725	231,700
(05) OSTEOPATHY AID	233,825	284,800
(06) PODIATRY AID	<u>80,100</u>	<u>83,100</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,504,525</u>	<u>\$ 2,652,900</u>

16 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 18 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS. Upon
 19 certification to and with the approval of the Chief Fiscal Officer of the
 20 State, surplus funds and appropriations may be transferred between the
 21 appropriations provided for "Health Education Grants" by this Act by the
 22 Eighty-Second General Assembly for Dental Aid, Optometry Aid, Veterinary Aid,
 23 Podiatry Aid, Chiropractic Aid and Osteopathic Aid.

25 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 27 FORWARD - HEALTH EDUCATION GRANTS. The balance of the funds and
 28 appropriations as provided for "Health Education Grants" in this Act which
 29 remain on June 30, 2000, shall be carried forward and made available for the
 30 same purposes for the fiscal year ending June 30, 2001.

32 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING
 34 REQUIREMENTS - HEALTH EDUCATION GRANTS. The Arkansas Department of Higher
 35 Education shall annually compile information, as described herein, on students
 36 who receive financial aid through the appropriations for health education

1 grants provided for in this Act. Such information shall include the number of
2 students receiving financial aid under each line item of the appropriation
3 made for "Health Education Grants" in this Act, the name of each out-of-state
4 school which each student is attending or has attended, and, if available, the
5 location and occupation of each student who has completed the course of study
6 for a period of three years following completion.

7 Such information shall be compiled into a report and presented in
8 conjunction with the biennial appropriation budget request for the
9 appropriation provided herein, to the Arkansas Legislative Council.

10
11 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
13 EDUCATION GRANTS - PRIORITIES. Effective July 1, 1999, the Arkansas Higher
14 Education Coordinating Board, after consulting with the recognized
15 associations of each of the applicable medical professions and other
16 interested persons, shall determine the priorities for the applicable programs
17 enumerated in the appropriation made for "Health Education Grants" in this Act
18 and the Arkansas Department of Higher Education, if necessary, shall re-adjust
19 the number of freshman positions to be funded for each applicable program
20 based upon the priorities determined by the board.

21
22 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
24 EDUCATION GRANTS - STUDY. The Arkansas Higher Education Coordinating Board
25 shall conduct a study during the 1999-2001 biennium as to the future need for
26 health care providers in dentistry, veterinary medicine, chiropractic,
27 optometry, osteopathy and podiatry in Arkansas and shall report its findings
28 to the General Assembly on or before October 1, 2000.

29
30 SECTION 37. SPECIAL LANGUAGE. In accordance with the uniform reporting and
31 auditing of intercollegiate athletic expenditures of state-supported
32 institutions of higher education, maintenance of facilities expenditures
33 related to all intercollegiate teams and spirit groups, excluding bands, shall
34 be reported as actual costs of operating such athletic facilities or a
35 proration of actual costs based on athletic usage.

36

1 SECTION 38. APPROPRIATIONS. There is hereby appropriated, to the Department
 2 of Higher Education, to be payable from the General Improvement Fund or its
 3 successor fund or fund accounts, for grant(s) for the operational costs of the
 4 Arkansas Association of Two-Year Colleges WorkForce Training Consortium (WFTC)
 5 by the Department of Higher Education for the biennial period ending June 30,
 6 2001, the following:

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>1999-2000</u>	<u>2000-2001</u>
(01) ARK. ASSOC. OF TWO-YEAR COLL.		
WORKFORCE TRNG CONSORTIUM GRANT(S)	<u>\$227,880</u>	<u>\$247,770</u>

13 SECTION 39. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 14 by this act shall be limited to the appropriation for such agency and funds
 15 made available by law for the support of such appropriations; and the
 16 restrictions of the State Purchasing Law, the General Accounting and Budgetary
 17 Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures
 18 and Restrictions Act, or their successors, and other fiscal control laws of
 19 this State, where applicable, and regulations promulgated by the Department of
 20 Finance and Administration, as authorized by law, shall be strictly complied
 21 with in disbursement of said funds.

23 SECTION 40. LEGISLATIVE INTENT. It is the intent of the General Assembly
 24 that any funds disbursed under the authority of the appropriations contained
 25 in this act shall be in compliance with the stated reasons for which this act
 26 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 27 and Legislative Recommendations contained in the budget manuals prepared by
 28 the Department of Finance and Administration, letters, or summarized oral
 29 testimony in the official minutes of the Arkansas Legislative Council or Joint
 30 Budget Committee which relate to its passage and adoption.

32 SECTION 41. CODE. All provisions of this Act of a general and permanent
 33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
 34 Code Revision Commission shall incorporate the same in the Code.

36 SECTION 42. SEVERABILITY. If any provision of this act or the application

1 thereof to any person or circumstance is held invalid, such invalidity shall
2 not affect other provisions or applications of the act which can be given
3 effect without the invalid provision or application, and to this end the
4 provisions of this act are declared to be severable.

5
6 SECTION 43. GENERAL REPEALER. All laws and parts of laws in conflict with
7 this act are hereby repealed.

8
9 SECTION 44. EMERGENCY CLAUSE. It is hereby found and determined by the
10 Eighty-second General Assembly, that the Constitution of the State of Arkansas
11 prohibits the appropriation of funds for more than a two (2) year period; that
12 the effectiveness of this Act on July 1, 1999 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the Regular Session, the delay in the effective
15 date of this Act beyond July 1, 1999 could work irreparable harm upon the
16 proper administration and provision of essential governmental programs.
17 Therefore, an emergency is hereby declared to exist and this Act being
18 necessary for the immediate preservation of the public peace, health and
19 safety shall be in full force and effect from and after July 1, 1999.

20
21 /s/ Russ

22
23
24 APPROVED: 4/7/1999