

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Engrossed: S2/22/01 S3/16/01 S3/29/01 S4/2/01 S4/10/01*

2 83rd General Assembly

A Bill

Act 1612 of 2001

3 Regular Session, 2001

SENATE BILL 137

4

5 By: Joint Budget Committee

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For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES,
10 OPERATING EXPENSES AND GRANTS FOR THE DEPARTMENT OF
11 HIGHER EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE
12 30, 2003; AND FOR OTHER PURPOSES.

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14

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Subtitle

16

AN ACT FOR THE DEPARTMENT OF HIGHER
17 EDUCATION APPROPRIATION FOR THE 2001-2003
18 BIENNIAL PERIOD.

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

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23 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
24 established for the Department of Higher Education - General Operations for
25 the 2001-2003 biennium, the following maximum number of regular employees
26 whose salaries shall be governed by the provisions of the Uniform
27 Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its
28 successor, and all laws amendatory thereto. Provided, however, that any
29 position to which a specific maximum annual salary is set out herein in
30 dollars, shall be exempt from the provisions of said Uniform Classification
31 and Compensation Act. All persons occupying positions authorized herein are
32 hereby governed by the provisions of the Regular Salaries Procedures and
33 Restrictions Act (Arkansas Code §21-5-101), or its successor.

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Maximum Annual

Item	Class		Maximum	Salary Rate	
No.	Code	Title	No. of	Fiscal Years	
			Employees	2001-2002	2002-2003
(1)	9960	HIGHER ED DIRECTOR	1	\$117,513	\$120,568
(2)	7243	HIGHER EDUCATION DEPUTY DIRECTOR	1	\$108,810	\$111,639
(3)	9773	HIGHER ED SENIOR ASSOC DIR	1	\$99,602	\$102,191
(4)	9774	HIGHER ED ASSOC DIR FOR FISCAL AFF	1	\$86,078	\$88,316
(5)	9922	DHE ASSOC DIR FOR ACADEMIC AFFAIRS	1	\$86,078	\$88,316
(6)	9090	HE ASST DIR OF INFO SERVICES	1	\$73,235	\$75,139
(7)	9978	ASST DIR FOR PLNG & ACCOUNTABILITY	1	\$73,235	\$75,139
(8)	9965	HIGHER ED COORD OF ACADEMIC PROGRAM	1	\$65,724	\$67,432
(9)	9966	HIGHER ED STUDENT FIN AID MANAGER	1	\$65,724	\$67,432
(10)	9623	H E COORD OF INSTITUTIONAL FINANCE	1	\$65,724	\$67,432
(11)	9092	HE COORD OF GENERAL ADMIN	1	\$65,724	\$67,432
(12)	9093	HE COORD 2-YR INST FINANCE	1	\$65,724	\$67,432
(13)	9983	HIGHER ED COORDINATOR OF Y. O. U. PGM	1	\$65,724	\$67,432
(14)	9022	HE COORD ACADEMIC CERTIFICATION	1	\$65,724	\$67,432
(15)	9059	HIGHER ED COORD OF HEALTH EDUCATION	1	\$65,724	\$67,432
(16)	7091	DHE COORD OF FEDERAL PROGRAMS	1	\$65,724	\$67,432
(17)		HE COORD OF FINANCIAL AID	1	\$65,724	\$67,432
(18)	9716	HE COORD OF COMMUNICATION	1	\$65,266	\$66,963
(19)	A252	DHE FINANCIAL MANAGER	2	GRADE 24	
(20)	D064	SR SYSTEMS PROGRAMMER	1	GRADE 24	
(21)	A032	AGENCY FISCAL MANAGER	1	GRADE 22	
(22)	R096	HIGHER ED ASST COORD STUD FIN AID	3	GRADE 22	
(23)	R088	HIGHER ED FINANCIAL OFFICER	1	GRADE 22	
(24)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
(25)	R240	DHE DATA COLLECTION ANALYST	1	GRADE 20	
(26)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18	
(27)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	1	GRADE 15	
(28)	R444	BUSINESS CONTROLLER I	1	GRADE 15	
(29)	K153	SECRETARY II	6	GRADE 13	
		MAX. NO. OF EMPLOYEES	38		

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35 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby authorized,
 36 for the Department of Higher Education - General Operations for the 2001-2003

1 biennium, the following maximum number of part-time or temporary employees, to
 2 be known as "Extra Help", payable from funds appropriated herein for such
 3 purposes: seven (7) temporary or part-time employees, when needed, at rates
 4 of pay not to exceed those provided in the Uniform Classification and
 5 Compensation Act, or its successor, or this act for the appropriate
 6 classification.

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8 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 9 appropriated, to the Department of Higher Education, to be payable from the
 10 Department of Higher Education Fund Account, for personal services, operating
 11 expenses and grants of the Department of Higher Education for the biennial
 12 period ending June 30, 2003, the following:

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15 ITEM	FISCAL YEARS	
16 NO.	2001-2002	2002-2003
17 (01) REGULAR SALARIES	\$ 1,943,905	\$ 1,994,438
18 (02) EXTRA HELP	15,000	15,000
19 (03) PERSONAL SERV MATCHING	447,251	456,725
20 (04) MAINT. & GEN. OPERATION		
21 (A) OPER. EXPENSE	450,985	450,985
22 (B) CONF. & TRAVEL	45,000	45,000
23 (C) PROF. FEES	4,000	4,000
24 (D) CAP. OUTLAY	15,000	15,000
25 (E) DATA PROC.	0	0
26 (05) YOUTH OPPORTUNITIES UNLIMITED		
27 GRANTS/AIDS	91,591	91,591
28 (06) ACCREDITATION/EVALUATION	25,000	25,000
29 (07) FINANCIAL AID WEBSITE-PROF. FEES	<u>20,000</u>	<u>20,000</u>
30 TOTAL AMOUNT APPROPRIATED	<u>\$ 3,057,732</u>	<u>\$ 3,117,739</u>

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32 SECTION 4. APPROPRIATION - SREB INSTITUTE. There is hereby appropriated, to
 33 the Department of Higher Education, to be payable from the Department of
 34 Higher Education Fund Account, for making the contribution of the State of
 35 Arkansas to the SREB Institute for higher educational opportunity by the
 36 Department of Higher Education for the biennial period ending June 30, 2003,

1 the following:

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4 ITEM	5 FISCAL YEARS	
	6 NO.	7
8 (01) STATE'S CONTRIBUTION-SREB INSTITUTE	9 \$ 165,350	10 \$ 168,500

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8 SECTION 5. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS
 9 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
 10 Education, to be payable from the Higher Education Grants Fund Account, for
 11 providing student assistance grants and various scholarships as provided by
 12 law by the Department of Higher Education for the biennial period ending June
 13 30, 2003, the following:

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16 ITEM	17 FISCAL YEARS	
	18 NO.	19
20 (01) DEPENDENTS OF POWS, MIAS, KIAS-TUITION		
21 WAI VER SCHOLARSHIPS	22 \$ 15,000	23 \$ 15,000
24 (02) TEACHER/ADMINISTRATOR GRANTS	25 179,544	26 179,544
27 (03) EMERGENCY SECONDARY EDUCATION LOANS	28 81,717	29 81,717
30 (04) AR GOVERNOR'S SCHOLARS	31 4,876,588	32 4,876,588
33 (05) JR/SR MINORITY TEACHER SCHOLARS	34 500,000	35 500,000
36 (06) AR GEOGRAPHICAL CRITICAL NEEDS MINORITY		
TEACHER SCHOLARSHIPS	200,000	200,000
(07) SECOND EFFORT SCHOLARSHIPS	20,000	20,000
(08) SREB MINORITY DOCTORAL SCHOLARS	200,000	200,000
(09) STUDENT ASSISTANCE GRANTS	3,710,345	3,710,345
(10) AR ACADEMIC CHALLENGE SCHOLARSHIPS	31,736,366	35,459,871
(11) MINORITY MASTERS FELLOWS	80,000	80,000
(12) DEPENDENTS OF LAW ENF. OFFICERS,		
ETC, SCHOLARSHIPS	100,000	100,000
(13) FACULTY/ADMINISTRATOR DEVELOPMENT		
FELLOWS MATCHING	30,000	30,000
(14) TUITION ADJUSTMENT	350,000	350,000
(15) NATIONAL GUARD TUITION ASSISTANCE		

1	PROG	750,000	750,000
2	(16) NON-TRADITIONAL SCHOLARSHIPS	<u>500,000</u>	<u>500,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 43,329,560</u>	<u>\$ 47,053,065</u>

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SECTION 6. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is hereby appropriated, to the Department of Higher Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for grants-in-aid of the Department of Higher Education - State Scholarship - Federal Program for the biennial period ending June 30, 2003, the following:

12	ITEM	FISCAL YEARS	
13	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
14	(01) GRANTS/AIDS-STATE SCHOLARSHIPS-FEDERAL	<u>\$ 160,866</u>	<u>\$ 160,866</u>

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SECTION 7. APPROPRIATION - DWIGHT D. EISENHOWER GRANTS. There is hereby appropriated, to the Department of Higher Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for operating expenses and grants and aids of the Department of Higher Education - Dwight D. Eisenhower Program for the biennial period ending June 30, 2003, the following:

24	ITEM	FISCAL YEARS	
25	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
26	(01) MAINT. & GEN. OPERATION		
27	(A) OPER. EXPENSE	24,761	24,761
28	(B) CONF. & TRAVEL	5,000	5,000
29	(C) PROF. FEES	2,500	2,500
30	(D) CAP. OUTLAY	0	0
31	(E) DATA PROC.	0	0
32	(02) DWIGHT D. EISENHOWER GRANTS/AIDS	<u>639,182</u>	<u>639,182</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$ 671,443</u>	<u>\$ 671,443</u>

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SECTION 8. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS. There is hereby appropriated, to the Department of Higher Education, to be payable from

1 the federal funds as designated by the Chief Fiscal Officer of the State, for
 2 personal services and operating expenses of the Department of Higher Education
 3 - Technical Education - Federal Programs for the biennial period ending June
 4 30, 2003, the following:

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7 ITEM	8 FISCAL YEARS	
	2001-2002	2002-2003
9 (01) REGULAR SALARIES	\$ 65,724	\$ 67,432
10 (02) PERSONAL SERV MATCHING	14,604	14,906
11 (03) MAINT. & GEN. OPERATION		
12 (A) OPER. EXPENSE	4,000	4,000
13 (B) CONF. & TRAVEL	9,000	9,000
14 (C) PROF. FEES	53,495	53,495
15 (D) CAP. OUTLAY	0	0
16 (E) DATA PROC.	<u>0</u>	<u>0</u>
17 TOTAL AMOUNT APPROPRIATED	<u>\$ 146,823</u>	<u>\$ 148,833</u>

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19 SECTION 9. APPROPRIATION - TEACHER QUALITY ENHANCEMENT - FEDERAL. There is
 20 hereby appropriated, to the Department of Higher Education, to be payable from
 21 the federal funds as designated by the Chief Fiscal Officer of the State, for
 22 personal services, operating expenses and grants-in-aid of the Department of
 23 Higher Education - Teacher Quality Enhancement - Federal Program for the
 24 biennial period ending June 30, 2003, the following:

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27 ITEM	28 FISCAL YEARS	
	2001-2002	2002-2003
29 (01) REGULAR SALARIES	\$ 22,977	\$ 23,574
30 (02) PERSONAL SERV MATCHING	7,034	7,138
31 (03) MAINT. & GEN. OPERATION		
32 (A) OPER. EXPENSE	31,111	31,111
33 (B) CONF. & TRAVEL	12,000	12,000
34 (C) PROF. FEES	45,000	45,000
35 (D) CAP. OUTLAY	3,000	3,000
36 (E) DATA PROC.	0	0

1	(04) TEACHER QUALITY ENHANCEMENT GRANTS/AI DS	<u>936,432</u>	<u>936,432</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,057,554</u>	<u>\$ 1,058,255</u>

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4 SECTION 10. APPROPRIATION - HIGHER EDUCATION BUILDING MAINTENANCE. There is

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

6 the Higher Education Building Maintenance Fund, for maintenance of various

7 buildings at the Institutions of Higher Education by the Department of Higher

8 Education for the biennial period ending June 30, 2003, the sum of

9 \$26,000,000.

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11 SECTION 11. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is hereby

12 appropriated, to the Department of Higher Education, to be payable from the

13 Higher Education Research Development Fund, for providing Arkansas Research

14 Development Program Grants to Institutions of Higher Education by the

15 Department of Higher Education for the biennial period ending June 30, 2003,

16 the sum of \$10,000,000.

17

18 SECTION 12. APPROPRIATIONS - CASH. There is hereby appropriated, to the

19 Department of Higher Education, to be payable from cash funds as defined by

20 Arkansas Code 19-4-801 of the Department of Higher Education, for operating

21 expenses of the Department of Higher Education for the biennial period ending

22 June 30, 2003, the following:

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24			
25	ITEM	FISCAL YEARS	
26	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
27	(01) MAINT. & GEN. OPERATION		
28	(A) OPER. EXPENSE	15,000	15,000
29	(B) CONF. & TRAVEL	5,000	5,000
30	(C) PROF. FEES	0	0
31	(D) CAP. OUTLAY	0	0
32	(E) DATA PROC.	<u>0</u>	<u>0</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$ 20,000</u>	<u>\$ 20,000</u>

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35 SECTION 13. APPROPRIATION - HEALTH EDUCATION GRANTS. There is hereby

36 appropriated, to the Department of Higher Education, to be payable from the

1 Higher Education Grants Fund Account, for payments of the contracts with
 2 participating out-of-state institutions of higher learning in the fields of
 3 dentistry, optometry, osteopathy, veterinary medicine, chiropractic and
 4 podiatry for the education of Arkansas citizens by the Department of Higher
 5 Education for the biennial period ending June 30, 2003, the following:

8	ITEM	FISCAL YEARS	
9	<u>NO.</u>	<u>2001-2002</u>	<u>2002-2003</u>
10	(01) DENTAL AID	\$ 1,162,900	\$ 1,208,025
11	(02) VETERINARY AID	626,675	600,983
12	(03) CHIROPRACTIC AID	300,000	300,000
13	(04) OPTOMETRY AID	239,400	247,800
14	(05) OSTEOPATHY AID	117,379	136,141
15	(06) PODIATRY AID	<u>72,600</u>	<u>97,500</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,518,954</u>	<u>\$ 2,590,449</u>

17
 18 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 20 PROVISION. Upon certification by the Director of the Department of Higher
 21 Education that transfers are needed to make maximum utilization of funds and
 22 appropriations provided for financial aid programs, and with the approval of
 23 the Chief Fiscal Officer of the State and a review by the Arkansas Legislative
 24 Council, funds and appropriations may be transferred between financial aid
 25 programs, except that funds and appropriations may not be transferred for such
 26 purposes from either the Governor's Scholars Program or the Academic Challenge
 27 Scholarships Program in excess of \$1,000,000 in the aggregate in either fiscal
 28 year.

29
 30 The provisions of this section shall be in effect only from July 1, 2001
 31 through June 30, 2003.

32
 33 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In
 35 order to provide timely payments under financial aid appropriations made in
 36 this Act, the Chief Fiscal Officer of the State is authorized to provide loans

1 from the Budget Stabilization Trust Fund to make available all funds
2 attributable to the financial aid programs under the then current official
3 revenue estimates. In the event of an unanticipated state revenue shortfall,
4 any such loans remaining at the end of a fiscal year shall be repaid from
5 revenues distributed in the first two months of the next fiscal year. Funds
6 for appropriations made in this Act for purposes other than financial aid
7 shall not be affected by the application of this provision.

8
9 The provisions of this section shall be in effect only from July 1, 2001
10 through June 30, 2003.

11
12 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK FORCE
14 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made available to
15 the various technical colleges have been determined as set out in Arkansas
16 Code 26-51-205(d)(2), such documents as may be necessary shall be processed so
17 that funds may be transferred from the Work Force 2000 Development Fund to the
18 State Treasury fund or fund account from which the technical college draws its
19 general revenue support. Such funds as may be transferred shall not exceed
20 74.45% of the total funds available from the Work Force 2000 Development Fund
21 during each fiscal year of the biennial period ending June 30, ~~2001~~ 2003.

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

30
31 The provisions of this section shall be in effect only from July 1, 2001
32 through June 30, 2003.

33
34 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
36 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the

1 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much as
2 is collected, is to be transferred to the Research Development Fund there to
3 be used as provided by law.

4
5 The provisions of this section shall be in effect only from July 1, 2001
6 through June 30, 2003.

7
8 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
10 EXPENDITURES. Proceeds derived from the repayment of loans as authorized in
11 ~~Item~~ Items (03), (05), (06) and (11) of Section ~~6~~ 5 of this Act for the
12 ~~Math/Science Teacher Loan Awards Program~~ Emergency Secondary Education Loans,
13 the JR/SR Minority Teacher Scholars, the Freshman/Sophomore Minority Grants,
14 and the Minority Masters Fellows shall be deposited into the State Treasury as
15 "Refunds to Expenditures."

16
17 The provisions of this section shall be in effect only from July 1, 2001
18 through June 30, 2003.

19
20 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
22 FORWARD. The balance of the funds and appropriations as provided in Section ~~6~~
23 5 of this Act for the Governor's Scholars Program and the Academic Challenge
24 Scholarships Program which remain on June 30, ~~2000~~ 2002, shall be carried
25 forward and made available for the same purpose for the fiscal year ending
26 June 30, ~~2001~~ 2003.

27
28 The provisions of this section shall be in effect only from July 1, 2001
29 through June 30, 2003.

30
31 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
33 GUARD TUITION ASSISTANCE PROGRAM. In addition to any other provisions of law,
34 any student who receives assistance from the appropriation made for the
35 "National Guard Tuition Assistance Program" in this Act shall repay any loans
36 and/or assistance if the student does not receive an Honorable Discharge.

1
2 The provisions of this section shall be in effect only from July 1, 2001
3 through June 30, 2003.

4
5 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GOVERNOR'S
7 SCHOLARS PROGRAM. Should the funding of Governor's Scholars Program exceed the
8 funding level of the previous fiscal year and the number of scholarships
9 awarded increases to 200 or more, the Department of Higher Education shall
10 make every effort to assure a geographic distribution of the awards without
11 compromising the academic criteria established for such awards.

12
13 The provisions of this section shall be in effect only from July 1, 2001
14 through June 30, 2003.

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

35
36 The provisions of this section shall be in effect only from July 1, 2001

1 through June 30, 2003.

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

11

12 The provisions of this section shall be in effect only from July 1, 2001
13 through June 30, 2003.

14

15 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
17 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS. Upon
18 certification to and with the approval of the Chief Fiscal Officer of the
19 State, surplus funds and appropriations may be transferred between the
20 appropriations provided for "Health Education Grants" by this Act by the
21 Eighty-~~Second~~ Third General Assembly for Dental Aid, Optometry Aid, Veterinary
22 Aid, Podiatry Aid, Chiropractic Aid and Osteopathic Aid.

23

24 The provisions of this section shall be in effect only from July 1, 2001
25 through June 30, 2003.

26

27 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
29 FORWARD - HEALTH EDUCATION GRANTS. The balance of the funds and
30 appropriations as provided for "Health Education Grants" in this Act which
31 remain on June 30, ~~2000~~ 2002, shall be carried forward and made available for
32 the same purposes for the fiscal year ending June 30, ~~2004~~ 2003.

33

34 The provisions of this section shall be in effect only from July 1, 2001
35 through June 30, 2003.

36

1 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REPORTING
3 REQUIREMENTS - HEALTH EDUCATION GRANTS. The Arkansas Department of Higher
4 Education shall annually compile information, as described herein, on students
5 who receive financial aid through the appropriations for health education
6 grants provided for in this Act. Such information shall include the number of
7 students receiving financial aid under each line item of the appropriation
8 made for "Health Education Grants" in this Act, the name of each out-of-state
9 school which each student is attending or has attended, and, if available, the
10 location and occupation of each student who has completed the course of study
11 for a period of three years following completion.

12 Such information shall be compiled into a report and presented in
13 conjunction with the biennial appropriation budget request for the
14 appropriation provided herein, to the Arkansas Legislative Council.
15

16 The provisions of this section shall be in effect only from July 1, 2001
17 through June 30, 2003.
18

19 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
21 EDUCATION GRANTS - PRIORITIES. ~~Effective July 1, 1999, the~~ The Arkansas Higher
22 Education Coordinating Board, after consulting with the recognized
23 associations of each of the applicable medical professions and other
24 interested persons, shall determine the priorities for the applicable programs
25 enumerated in the appropriation made for "Health Education Grants" in this
26 Act, ~~and the~~ The Arkansas Department of Higher Education, if necessary, shall
27 re-adjust the number of freshman positions to be funded for each applicable
28 program based upon the priorities determined by the board.
29

30 The provisions of this section shall be in effect only from July 1, 2001
31 through June 30, 2003.
32

33 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
35 EDUCATION GRANTS - STUDY. The Arkansas Higher Education Coordinating Board
36 shall conduct a study during the ~~1999-2001~~ 2001-2003 biennium as to the future

1 need for health care providers in dentistry, veterinary medicine,
 2 chiropractic, optometry, osteopathy and podiatry in Arkansas and shall report
 3 its findings to the ~~General Assembly~~ Legislative Council or Joint Budget
 4 Committee on or before October 1, ~~2000~~ 2002.

5
 6 The provisions of this section shall be in effect only from July 1, 2001
 7 through June 30, 2003.

8
 9 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. In
 11 accordance with the uniform reporting and auditing of intercollegiate athletic
 12 expenditures of state-supported institutions of higher education, maintenance
 13 of facilities expenditures related to all intercollegiate teams and spirit
 14 groups, excluding bands, shall be reported as actual costs of operating such
 15 athletic facilities or a proration of actual costs based on athletic usage.

16
 17 The provisions of this section shall be in effect only from July 1, 2001
 18 through June 30, 2003.

19
 20 SECTION 30. Arkansas Code 6-60-301 is repealed.
 21 ~~—6-60-301. Higher Education Tuition Adjustment Fund—Acts 1995, No. 1185—~~
 22 ~~(a)(1) The Higher Education Tuition Adjustment Fund is hereby created upon~~
 23 ~~the books of the Treasurer of State, Auditor of State, and Chief Fiscal~~
 24 ~~Officer of the State.~~
 25 ~~(2) The fund shall consist of such revenues as are allocated to it by law.~~
 26 ~~(b)(1) It is the intent of the General Assembly that the Higher Education~~
 27 ~~Tuition Adjustment Fund ensures that bona fide Arkansas income taxpayers and~~
 28 ~~their dependents who are residents of a bordering state in a contiguous county~~
 29 ~~to the Arkansas state line, which is contiguous to a county where an~~
 30 ~~institution of higher education is located receive the same higher education~~
 31 ~~opportunities as all other said taxpayers.~~
 32 ~~(2) In establishing this policy, it is the intent of the General Assembly~~
 33 ~~that taxpayers should have affordable access to the state's higher education~~
 34 ~~institutions.~~
 35 ~~(c)(1) Further, the Department of Higher Education will require each~~
 36 ~~institution to track and report the number of qualifying students each year.~~

~~(2) A list of students who benefit from the out-of-state tuition waiver, including their social security numbers or their Arkansas taxpaying parents' or guardians' names and social security numbers, will be furnished by the Department of Higher Education to the Department of Finance and Administration for confirmation that they or their parents are employed in Arkansas at a wage in excess of five thousand five hundred dollars (\$5,500) per annum.~~

~~(3) Documentation should be either an official W-2 form from an Arkansas employer reflecting wages of at least five thousand five hundred dollars (\$5,500) in the tax year prior to enrollment in college or official employer verification of a current year salary minimum of at least five thousand five hundred dollars (\$5,500), which the college will keep on file for enrollment audit purposes.~~

~~(d)(1) The Director of the Department of Higher Education shall determine the difference between the amount of tuition revenue which would have been generated by charging the State Board of Higher Education approved out-of-state tuition rate to said students as compared to approved in-state or out-of-district rates.~~

~~(2) Upon such determination, the Director of the Department of Higher Education shall certify to the Chief Fiscal Officer of the State and the Treasurer of State such amounts as are required to be transferred from the Higher Education Tuition Adjustment Fund.~~

~~(3) Upon receiving such certification, the Chief Fiscal Officer of the State and the Treasurer of State shall cause to be transferred the necessary funds and appropriation to the fund account of the institution receiving such certification from the Director of the Department of Higher Education.~~

SECTION 31. Arkansas Code 6-60-302 is repealed.

~~—6-60-302. Higher Education Tuition Adjustment Fund—Acts 1997, No. 342.~~

~~(a) Higher Education Tuition Adjustment Fund.~~

~~(1) The Higher Education Tuition Adjustment Fund is hereby created upon the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.~~

~~(2) The fund shall consist of those revenues that are allocated to it by law.~~

~~(b)(1) Purpose of the Fund. It is the intent of the General Assembly that this fund ensure that bona fide Arkansas income taxpayers and their dependents who are residents of a bordering state in a contiguous county to the Arkansas~~

1 ~~state line which is contiguous to a county where an institution of higher~~
2 ~~education is located receive the same higher education opportunities as all~~
3 ~~other taxpayers.~~

4 ~~(2) In establishing this policy, it is the intent of the General Assembly~~
5 ~~that taxpayers should have affordable access to the state's higher education~~
6 ~~institutions.~~

7 ~~(c) Tracking and Reporting.~~

8 ~~(1) Furthermore, The Department of Higher Education or another appropriate~~
9 ~~board or agency as designated by the Governor or by law will require each~~
10 ~~institution to track and report the number of qualifying students each year.~~

11 ~~(2)(A) A list of students who benefit from the out-of-state tuition waiver,~~
12 ~~including their social security numbers or their Arkansas taxpaying parents'~~
13 ~~or guardians' names and social security numbers, will be furnished by the~~
14 ~~agency to the Department of Finance and Administration for confirmation that~~
15 ~~they or their parents are employed in Arkansas at a wage in excess of five~~
16 ~~thousand five hundred dollars (\$5,500) per annum.~~

17 ~~(B) Documentation should be either an official W-2 form from an Arkansas~~
18 ~~employer reflecting wages of at least five thousand five hundred dollars~~
19 ~~(\$5,500) in the tax year prior to enrollment in college or official employer~~
20 ~~verification of a current year salary minimum of at least five thousand five~~
21 ~~hundred dollars (\$5,500), which the college will keep on file for enrollment~~
22 ~~audit purposes.~~

23 ~~(d) Appropriation Transfer Procedures.~~

24 ~~(1) The agency shall determine the difference between the amount of tuition~~
25 ~~revenue which would have been generated by charging the approved out-of-state~~
26 ~~tuition rate to the students as compared to the approved in-state or out-of-~~
27 ~~district rate.~~

28 ~~(2) Upon the determination, the agency shall certify to the Chief Fiscal~~
29 ~~Officer of the State and the Treasurer of State the amounts that are required~~
30 ~~to be transferred from the fund.~~

31 ~~(3) Upon receiving the certification, the Chief Fiscal Officer of the State~~
32 ~~and the Treasurer of State shall cause to be transferred the necessary funds~~
33 ~~and appropriation to the fund account of the institution receiving the~~
34 ~~certification from the agency.~~

35 ~~(4) In order to provide funding for the appropriation set out as tuition~~
36 ~~adjustment, the Chief Fiscal Officer of the State shall transfer to the Higher~~

1 Education Tuition Adjustment Fund from the Higher Education Grants Fund
 2 Account two hundred fifty thousand dollars (\$250,000) for each year of the
 3 biennium.

4 ~~(5) The remaining amounts required to finance the amount appropriated for~~
 5 ~~tuition adjustment shall be transferred from the Higher Education Grants Fund~~
 6 ~~Account after meeting the costs of scholarship and grant programs administered~~
 7 ~~by the agency.~~

8
 9 SECTION 32. SPECIAL LANGUAGE. Arkansas Code 6-60-303(d)(4), concerning the
 10 Higher Education Tuition Adjustment Fund, is amended to read as follows:

11 ~~(4) In order to provide funding for the appropriation set out in Item (15) of~~
 12 ~~Section 6 of this act the line item entitled "Tuition Adjustment" in the~~
 13 ~~biennial operations appropriation act for the Department of Higher Education,~~
 14 ~~the Chief Fiscal Officer of the State shall transfer to the Higher Education~~
 15 ~~Tuition Adjustment Fund from the Higher Education Grants Fund Account two~~
 16 ~~hundred fifty thousand dollars (\$250,000) three hundred fifty thousand dollars~~
 17 ~~(\$350,000) for each year of the biennium.~~

18
 19 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 20 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL AID
 21 PROGRAMS REPORTING. The Arkansas Department of Higher Education shall report
 22 by May 30 to the House and Senate Interim Committees on Education the budgeted
 23 allocation for each financial aid program funded through the Higher Education
 24 Grants Fund Account for the upcoming fiscal year and projections for the
 25 following year.

26
 27 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 28 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AR ACADEMIC
 29 CHALLENGE SCHOLARSHIPS EXPENDITURE RESTRICTIONS. In the event that the
 30 Department of Higher Education spends or commits to expend in excess of
 31 \$28,857,500 in Fiscal Year 2001-02 or \$29,582,500 in Fiscal Year 2002-03 for
 32 the appropriation authorized in this Act for the "AR ACADEMIC CHALLENGE
 33 SCHOLARSHIPS", then the Department of Higher Education shall be required to
 34 obtain the approval of the Legislative Council and the House and Senate
 35 Interim Committees on Education before any monies are expended or committed to
 36 be expended for the Distinguished Governors Scholars Program in Fiscal Year

1 2002-03 and Fiscal Year 2003-04. There shall be a maximum of 5,000 new AR
2 Academic Challenge Scholarships and 250 new Distinguished Governors Scholars
3 Program Scholarships each fiscal year.

4 In the event that the official general revenue forecast is lower in each
5 fiscal year than the level upon which the restrictions in this Section were
6 based, then the Department of Higher Education shall make the necessary
7 proportionate reductions in the number of scholarships after approval of the
8 Legislative Council and the House and Senate Interim Committees on Education.

9 The General Assembly has determined that the agency in this act could be
10 operated more efficiently if some flexibility is given to that agency and that
11 flexibility is being accomplished by providing authority to transfer between
12 certain items of appropriation made by this act. Since the General Assembly
13 has granted the agency broad powers under the transfer of appropriations, it
14 is both necessary and appropriate that the General Assembly maintain oversight
15 of the utilization of the transfers by requiring prior approval of the
16 Legislative Council in the utilization of the transfer authority. Therefore,
17 the requirement of approval by the Legislative Council is not a severable part
18 of this section. If the requirement of approval by the Legislative Council is
19 ruled unconstitutional by a court jurisdiction, this entire section is void.

20
21 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
22 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT/REVIEW OF
23 STATE SCHOLARSHIP FUNDS. Any post-secondary institution that receives state
24 scholarship funds administered by the Arkansas Department of Higher Education
25 shall be subject to audit/review of such funds by the Division of Legislative
26 Audit, upon approval of the Legislative Joint Audit Committee.

27
28 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
29 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT DATA. All
30 post-secondary institutions shall provide to the Arkansas Department of Higher
31 Education a copy of the Integrated Post-Secondary Education Data System
32 (IPEDS) which shall be subject to audit by the Arkansas Department of Higher
33 Education fiscal personnel.

34
35 SECTION 37. SPECIAL LANGUAGE. Arkansas Code 19-4-1705(b), concerning
36 institutions of higher education exempt from contract provisions, is amended

1 to add a new subdivision to read as follows:

2 (3) Are for services related to workforce development, incumbent workforce
3 training, or specialized business or industry training.

4
5 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
7 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
8 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of Higher
9 Education shall determine the amount available, up to \$200,000 per fiscal
10 year, to fund the Arkansas Geographical Critical Needs Minority Teacher
11 Scholarships and shall certify to the Chief Fiscal Officer of the State and
12 the State Treasurer such amount as is required to be transferred from the
13 Higher Education Grants Fund Account. Upon receiving such certification, the
14 Chief Fiscal Officer of the State and the State Treasurer shall cause to be
15 transferred the necessary funds and appropriation to the fund account of the
16 University of Arkansas at Pine Bluff for implementation of this program.

17
18 SECTION 39. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
19 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
20 appropriations as provided in this Act, the agency disbursing officer shall
21 monitor the level of fund balances in relation to expenditures on a monthly
22 basis. If any proposed expenditures would cause a fund balance to decline to
23 less than fifty percent (50%) of the balance available on July 1, 2001, the
24 disbursing officer shall immediately notify the executive head of the agency.
25 Prior to any obligations being made under these circumstances, the agency head
26 shall file written documentation with the Chief Fiscal Officer of the State
27 requesting approval of the expenditures. Such documentation shall provide
28 sufficient financial data to justify the expenditures and shall include the
29 following:

- 30 1) a plan that clearly indicates the specific fiscal impact of such
31 expenditures on the fund balance.
32 2) information clearly indicating and explaining what programs would be cut or
33 any other measures to be taken by the agency to restore the fund balance.
34 3) the extent to which any of the planned expenditures are for one-time costs
35 or one-time purchase of capitalized items.
36 4) a statement certifying that the expenditure of fund balances will not

1 jeopardize the financial health of the agency, nor result in a permanent
2 depletion of the fund balance.

3 (B) The Chief Fiscal Officer of the State shall review the request and
4 approve or disapprove all or any part of the request , after having sought
5 prior review by the Legislative Council.

6
7 *SECTION 40. COMPLIANCE WITH OTHER LAWS.* Disbursement of funds authorized
8 by this act shall be limited to the appropriation for such agency and funds
9 made available by law for the support of such appropriations; and the
10 restrictions of the State Purchasing Law, the General Accounting and Budgetary
11 Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures
12 and Restrictions Act, or their successors, and other fiscal control laws of
13 this State, where applicable, and regulations promulgated by the Department of
14 Finance and Administration, as authorized by law, shall be strictly complied
15 with in disbursement of said funds.

16
17 *SECTION 41. LEGISLATIVE INTENT.* It is the intent of the General Assembly
18 that any funds disbursed under the authority of the appropriations contained
19 in this act shall be in compliance with the stated reasons for which this act
20 was adopted, as evidenced by the Agency Requests, Executive Recommendations
21 and Legislative Recommendations contained in the budget manuals prepared by
22 the Department of Finance and Administration, letters, or summarized oral
23 testimony in the official minutes of the Arkansas Legislative Council or Joint
24 Budget Committee which relate to its passage and adoption.

25
26 *SECTION 42. EMERGENCY CLAUSE.* It is found and determined by the General
27 Assembly, that the Constitution of the State of Arkansas prohibits the
28 appropriation of funds for more than a two (2) year period; that the
29 effectiveness of this Act on July 1, 2001 is essential to the operation of the
30 agency for which the appropriations in this Act are provided, and that in the
31 event of an extension of the Regular Session, the delay in the effective date
32 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
33 administration and provision of essential governmental programs. Therefore, an
34 emergency is hereby declared to exist and this Act being necessary for the
35 immediate preservation of the public peace, health and safety shall be in full
36 force and effect from and after July 1, 2001.

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/s/ Joint Budget Committee

APPROVED: 4/16/2001