

1 State of Arkansas *As Engrossed: S3/8/17 S3/20/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 264

4

5 By: Joint Budget Committee

6

7

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF HIGHER
10 EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2018;
11 AND FOR OTHER PURPOSES.

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Subtitle

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AN ACT FOR THE DEPARTMENT OF HIGHER
EDUCATION APPROPRIATION FOR THE 2017-2018
FISCAL YEAR.

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

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22 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
23 established for the Department of Higher Education for the 2017-2018 fiscal
24 year, the following maximum number of regular employees.

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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2017-2018
(1)	U024U	DHE DIRECTOR	1	\$205,357
(2)	U089U	DHE DEPUTY DIRECTOR	1	\$147,758
(3)	N002N	DHE SENIOR ASSOC DIRECTOR	3	GRADE N913
(4)	N055N	DHE ASSOCIATE DIRECTOR	1	GRADE N908
(5)	N054N	DHE CAREER PATHWAYS DIRECTOR	1	GRADE N908
(6)	D022N	IT SENIOR PROJECT MANAGER	1	GRADE N904
(7)	A010C	AGENCY CONTROLLER II	1	GRADE C128



1	(8)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
2	(9)	G019C	GENERAL COUNSEL	1	GRADE C127
3	(10)	D016C	SENIOR TECHNOLOGY ANALYST	1	GRADE C126
4	(11)	A027C	ACCOUNTING OPERATIONS MANAGER	1	GRADE C125
5	(12)	G058C	DHE FEDERAL PROGRAM MANAGER	2	GRADE C125
6	(13)	G071C	DHE PROGRAM COORDINATOR	6	GRADE C124
7	(14)	D028C	SENIOR SOFTWARE SUPPORT SPECIALIST	2	GRADE C124
8	(15)	P005C	DHE COMMUNICATIONS COORDINATOR	1	GRADE C123
9	(16)	A038C	FISCAL SUPPORT MANAGER	1	GRADE C123
10	(17)	G102C	DHE PROGRAM SPECIALIST	16	GRADE C122
11	(18)	R014C	PERSONNEL MANAGER	<u>1</u>	GRADE C121
12			MAX. NO. OF EMPLOYEES	42	

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14 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby
 15 authorized, for the Department of Higher Education for the 2017-2018 fiscal
 16 year, the following maximum number of part-time or temporary employees, to be
 17 known as "Extra Help", payable from funds appropriated herein for such
 18 purposes: fifteen (15) temporary or part-time employees, when needed, at
 19 rates of pay not to exceed those provided in the Uniform Classification and
 20 Compensation Act, or its successor, or this act for the appropriate
 21 classification.

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23 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 24 appropriated, to the Department of Higher Education, to be payable from the
 25 Department of Higher Education Fund Account, for personal services and
 26 operating expenses of the Department of Higher Education for the fiscal year
 27 ending June 30, 2018, the following:

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29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2017-2018</u>
31	(01) REGULAR SALARIES	\$2,094,840
32	(02) EXTRA HELP	3,000
33	(03) PERSONAL SERVICES MATCHING	643,871
34	(04) MAINT. & GEN. OPERATION	
35	(A) OPER. EXPENSE	912,755
36	(B) CONF. & TRAVEL	25,000

1	(C) PROF. FEES	100,000
2	(D) CAP. OUTLAY	35,000
3	(E) DATA PROC.	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$3,814,466</u></u>

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6 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS

7 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher

8 Education, to be payable from the Higher Education Grants Fund Account, for

9 providing student assistance grants and various scholarships as provided by

10 law of the Department of Higher Education for the fiscal year ending June 30,

11 2018, the following:

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13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2017-2018</u>
15	(01) HIGHER EDUCATION OPPORTUNITIES GRANT	\$6,000,000
16	(02) SREB MINORITY DOCTORAL SCHOLARS	175,000
17	(03) WASHINGTON CENTER SCHOLARSHIPS	100,000
18	(04) TUITION ADJUSTMENT	350,000
19	(05) AR ACADEMIC CHALLENGE SCHOLARSHIPS	25,000,000
20	(06) ARKANSAS GOVERNOR'S SCHOLARS	15,200,000
21	(07) STUDENT UNDERGRADUATE RESEARCH	
22	FELLOWSHIP PROGRAM (SURF)	150,000
23	(08) NATIONAL GUARD TUITION ASSISTANCE	
24	PROGRAM	1,400,000
25	(09) SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
26	(10) STATE TEACHER EDUCATION PROGRAM	2,000,000
27	(11) TEACHER OPPORTUNITY PROGRAM	1,500,000
28	(12) WORKFORCE IMPROVEMENT GRANTS	3,000,000
29	(13) AR GEOGRAPHICAL CRITICAL NEEDS	
30	MINORITY TEACHER SCHOLARSHIPS	150,000
31	(14) DEPENDENTS OF LAW ENFORCEMENT	
32	OFFICERS, ETC. SCHOLARSHIPS	400,000
33	(15) DEPENDENTS OF POWS, MIAS,	
34	KIAS-TUITION WAIVER	
35	<i>SCHOLARSHIPS</i>	<i>450,000</i>
36	(16) <i>ARKANSAS FUTURE GRANT</i>	<u><u>9,000,000</u></u>

1 *TOTAL AMOUNT APPROPRIATED* \$65,050,000

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3 SECTION 5. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS.

4 There is hereby appropriated, to the Department of Higher Education, to be
 5 payable from the federal funds as designated by the Chief Fiscal Officer of
 6 the State, for personal services and operating expenses of the Department of
 7 Higher Education - Technical Education - Federal Programs for the fiscal year
 8 ending June 30, 2018, the following:

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10 ITEM	FISCAL YEAR
11 <u>NO.</u>	<u>2017-2018</u>
12 (01) REGULAR SALARIES	\$141,709
13 (02) PERSONAL SERVICES MATCHING	42,291
14 (03) MAINT. & GEN. OPERATION	
15 (A) OPER. EXPENSE	77,251
16 (B) CONF. & TRAVEL	40,700
17 (C) PROF. FEES	85,000
18 (D) CAP. OUTLAY	0
19 (E) DATA PROC.	<u>0</u>
20 TOTAL AMOUNT APPROPRIATED	<u><u>\$386,951</u></u>

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22 SECTION 6. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby
 23 appropriated, to the Department of Higher Education, to be payable from the
 24 federal funds as designated by the Chief Fiscal Officer of the State, for
 25 operating expenses and grants-in-aid of the Department of Higher Education -
 26 Improving Teacher Quality Program for the fiscal year ending June 30, 2018,
 27 the following:

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29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2017-2018</u>
31 (01) MAINT. & GEN. OPERATION	
32 (A) OPER. EXPENSE	\$4,500
33 (B) CONF. & TRAVEL	1,500
34 (C) PROF. FEES	0
35 (D) CAP. OUTLAY	0
36 (E) DATA PROC.	0

1	(02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>500,000</u>
2	TOTAL AMOUNT APPROPRIATED	<u><u>\$506,000</u></u>

3 SECTION 7. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is
 4 hereby appropriated, to the Department of Higher Education, to be payable
 5 from the Higher Education Research Development Fund, for providing Arkansas
 6 Research Development Program Grants to Institutions of Higher Education by
 7 the Department of Higher Education for the fiscal year ending June 30, 2018,
 8 the following:

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2017-2018</u>
12	(01) RESEARCH AND DEVELOPMENT PROGRAM	
13	GRANTS	<u><u>\$1,000,000</u></u>

15 SECTION 8. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is
 16 hereby appropriated, to the Department of Higher Education, to be payable
 17 from the Higher Education Grants Fund Account, for payments of the contracts
 18 and loans with participating out-of-state institutions of higher learning in
 19 the fields of dentistry, optometry, osteopathy, veterinary medicine,
 20 chiropractic, and podiatry for the education of Arkansas citizens, by the
 21 Department of Higher Education for the fiscal year ending June 30, 2018, the
 22 following:

24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2017-2018</u>
26	(01) CHIROPRACTIC AID	\$260,000
27	(02) DENTAL AID - GRANTS	2,133,900
28	(03) OPTOMETRY AID - GRANTS	410,000
29	(04) OSTEOPATHY AID	50,000
30	(05) PODIATRY AID	130,400
31	(06) VETERINARY AID	1,100,000
32	(07) DENTAL AID - LOANS	987,370
33	(08) OPTOMETRY AID - LOANS	140,000
34	(09) VETERINARY MED. LOAN FORGIVENESS	
35	PROGRAM	<u>250,000</u>
36	TOTAL AMOUNT APPROPRIATED	<u><u>\$5,461,670</u></u>

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SECTION 9. APPROPRIATION - CASH. There is hereby appropriated, to the Department of Higher Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of the Department of Higher Education for the fiscal year ending June 30, 2018, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2017-2018</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$262,000
(B) CONF. & TRAVEL	30,000
(C) PROF. FEES	63,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) SCHOLARSHIPS	<u>50,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$405,000</u></u>

SECTION 10. APPROPRIATION - TANF PROGRAM - 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 personal services and operating expenses of the Department of Higher Education - TANF Program - Federal for the fiscal year ending June 30, 2018, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2017-2018</u>
(01) REGULAR SALARIES	\$221,169
(02) PERSONAL SERVICES MATCHING	65,391
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	45,105
(B) CONF. & TRAVEL	10,000
(C) PROF. FEES	14,784
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>6,793,551</u>

1 TOTAL AMOUNT APPROPRIATED \$7,150,000

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3 SECTION 11. APPROPRIATION - COLLEGE ACCESS CHALLENGE GRANT. There is
4 hereby appropriated, to the Department of Higher Education, to be payable
5 from the federal funds as designated by the Chief Fiscal Officer of the
6 State, for operating expenses of the Department of Higher Education - College
7 Access Challenge Grant Program - Federal for the fiscal year ending June 30,
8 2018, the following:

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10 ITEM	FISCAL YEAR
11 <u>NO.</u>	<u>2017-2018</u>
12 (01) MAINT. & GEN. OPERATION	
13 (A) OPER. EXPENSE	\$586,000
14 (B) CONF. & TRAVEL	14,000
15 (C) PROF. FEES	100,000
16 (D) CAP. OUTLAY	0
17 (E) DATA PROC.	<u>0</u>
18 TOTAL AMOUNT APPROPRIATED	<u>\$700,000</u>

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20 SECTION 12. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby
21 appropriated, to the Department of Higher Education, to be payable from the
22 Higher Education Grants Fund Account, for personal services and operating
23 expenses associated with web based applications of the Department of Higher
24 Education for the fiscal year ending June 30, 2018, the following:

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26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2017-2018</u>
28 (01) WEB BASED APPLICATIONS PERSONAL	
29 SERVICES AND OPERATING EXPENSES	<u>\$1,000,000</u>

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31 SECTION 13. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is
32 hereby appropriated, to the Department of Higher Education, to be payable
33 from the Higher Education Grants Fund Account, for personal services and
34 operating expenses of the Department of Higher Education - Scholarship
35 Administration for the fiscal year ending June 30, 2018, the following:

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1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2017-2018</u>
3	(01) REGULAR SALARIES	\$360,316
4	(02) EXTRA HELP	10,000
5	(03) PERSONAL SERVICES MATCHING	112,912
6	(04) MAINT. & GEN. OPERATION	
7	(A) OPER. EXPENSE	130,000
8	(B) CONF. & TRAVEL	0
9	(C) PROF. FEES	150,000
10	(D) CAP. OUTLAY	35,000
11	(E) DATA PROC.	<u>0</u>
12	TOTAL AMOUNT APPROPRIATED	<u><u>\$798,228</u></u>

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14 SECTION 14. APPROPRIATION - COMPLETE COLLEGE AMERICA GRANT PROGRAM.

15 There is hereby appropriated, to the Department of Higher Education, to be
 16 payable from the cash fund deposited in the State Treasury as determined by
 17 the Chief Fiscal Officer of the State, for operating expenses of the
 18 Department of Higher Education - Complete College America Grant Program for
 19 the fiscal year ending June 30, 2018, the following:

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2017-2018</u>
23	(01) MAINT. & GEN. OPERATION	
24	(A) OPER. EXPENSE	\$75,000
25	(B) CONF. & TRAVEL	0
26	(C) PROF. FEES	0
27	(D) CAP. OUTLAY	0
28	(E) DATA PROC.	<u>0</u>
29	TOTAL AMOUNT APPROPRIATED	<u><u>\$75,000</u></u>

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31 SECTION 15. APPROPRIATION - OUTCOME-CENTERED FUNDING AWARDS. There is
 32 hereby appropriated, to the Department of Higher Education, to be payable
 33 from the Department of Higher Education Fund Account, for distribution of
 34 Outcome-Centered Funding Awards to Institutions of Higher Education by the
 35 Department of Higher Education for the fiscal year ending June 30, 2018, the
 36 following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2017-2018</u>
(01) OUTCOME-CENTERED AWARDS - UNIVERSITIES	\$40,320,284
(02) OUTCOME-CENTERED AWARDS - COLLEGES	<u>14,192,418</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$54,512,702</u></u>

SECTION 16. APPROPRIATION - WORKFORCE INITIATIVE ACT OF 2015. There is hereby appropriated, to the Department of Higher Education, to be payable from the Workforce Initiative Act of 2015 Fund, for workforce education grants, administrative, and operating expenses of the Department of Higher Education - Workforce Initiative Act of 2015 for the fiscal year ending June 30, 2018, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2017-2018</u>
(01) WORKFORCE INITIATIVE ACT OF 2015 EXPENSES	<u><u>\$8,000,000</u></u>

SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an emergency/disaster event resulting in all or a significant portion of campus operations being interrupted, may request disaster assistance through the Arkansas Department of Higher Education. Upon the declaration of an emergency by the Governor, the institution may request, subject to the recommendation of the Director of the Department of Higher Education and approval of the Governor, a grant from the Disaster Relief Fund to assist in returning that campus to operation and/or to a sister campus providing services to the students from the affected campus. Certified law enforcement officers employed by an institution of higher education may be granted jurisdiction at the sister institution, upon agreement of both institutions. The Department of Higher Education is authorized a pool of 500 extra help positions for use in such emergency situations. These positions may be assigned to the campus suffering the disaster event or to a sister campus providing services to the students from the affected campus. The Governor

1 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
2 pool positions.

3 The provisions of this section shall be in effect only from July 1, ~~2016~~
4 2017 through June 30, ~~2017~~ 2018.

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6 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

8 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon
9 determination by the president or chancellor of an institution of higher
10 education that a reallocation of resources for purposes of reorganization or
11 consolidation of administrative functions within the institution is necessary
12 for efficient and effective operations of the institution, the president or
13 chancellor, with approval of the institution's board of trustees, may have
14 the authority to transfer positions, appropriations and related funds between
15 campuses, divisions, branches, and other budgetary units of the institution,
16 after receiving prior approval of the Legislative Council or Joint Budget
17 Committee. The transfers of positions, programs, or activities shall be used
18 for those purposes for which the appropriations were approved by the General
19 Assembly. The transfers, consolidations, or reorganizations which involve
20 academic programs shall be reviewed by the Department of Higher Education
21 prior to submission to the Legislative Council or Joint Budget Committee.
22 Provided, however, that the institution shall be limited to submitting no
23 more than two (2) individual transaction transfer requests during any fiscal
24 year and shall be further limited to no more than five percent (5%) of the
25 total General Revenue and Special Revenue appropriation, funding, positions
26 specific to each institution, and no Tobacco Settlement funds or
27 appropriations may be reallocated pursuant to this section.

28 Determining the maximum number of employees and the maximum amount of
29 appropriation and general revenue funding for institutions of higher
30 education each fiscal year is the prerogative of the General Assembly. This
31 is usually accomplished by delineating such maximums in the appropriation
32 act(s) for institutions of higher education and the general revenue
33 allocations authorized for each fund and fund account by amendment to the
34 Revenue Stabilization law. Further, the General Assembly has determined that
35 institutions of higher education may operate more efficiently if some
36 flexibility is provided to institutions of higher education authorizing broad

1 powers under this Section. Therefore, it is both necessary and appropriate
2 that the General Assembly maintain oversight by requiring prior approval of
3 the Legislative Council or Joint Budget Committee as provided by this
4 section. The requirement of approval by the Legislative Council or Joint
5 Budget Committee is not a severable part of this section. If the requirement
6 of approval by the Legislative Council or Joint Budget Committee is ruled
7 unconstitutional by a court of competent jurisdiction, this entire section is
8 void.

9 The provisions of this section shall be in effect only from July 1, ~~2016~~
10 2017 through June 30, ~~2017~~ 2018.

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12 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In
14 order to provide timely payments under financial aid appropriations made in
15 this Act, the Chief Fiscal Officer of the State is authorized to provide
16 loans from the Budget Stabilization Trust Fund to make available all funds
17 attributable to the financial aid programs under the then current official
18 revenue estimates. In the event of an unanticipated state revenue shortfall,
19 any such loans remaining at the end of a fiscal year shall be repaid from
20 revenues distributed in the first two months of the next fiscal year. Funds
21 for appropriations made in this Act for purposes other than financial aid
22 shall not be affected by the application of this provision.

23 The provisions of this section shall be in effect only from July 1, ~~2016~~
24 2017 through June 30, ~~2017~~ 2018.

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26 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
28 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
29 available to the various technical colleges have been determined as set out
30 in Arkansas Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B), such documents as
31 may be necessary shall be processed so that funds may be transferred from the
32 Work Force 2000 Development Fund to the State Treasury fund or fund account
33 from which the technical college draws its general revenue support. Such
34 funds as may be transferred shall not exceed 93.691% of the total funds
35 available from the Work Force 2000 Development Fund during the fiscal year.
36 In the event that a technical institute or comprehensive lifelong learning

1 center which receives support from the Work Force 2000 Development Fund as
2 determined by law transfers or merges into the Arkansas Technical College and
3 Community College System for which Work Force 2000 Development Fund monies
4 are determined by law, then the actual amount of support from the Work Force
5 2000 Development Fund in the preceding fiscal year for such educational
6 institution shall be made available irrespective of any other provision of
7 law which sets out maximum levels of support from such fund.

8 The funds distributed under Arkansas Code 26-51-205(d)(2)(C) in excess of
9 those amounts collected and distributed prior to June 30, 2014 shall be
10 deposited into the Skills Development Fund to be used only for personal
11 services, grants, operation, support, and improvement of occupational,
12 vocational, technical, and workforce development programs by the Department
13 of Career Education - Office of Skills Development. The distributions of
14 funds under Arkansas Code 26-51-205(d)(2)(C) in excess of those amounts
15 collected and distributed prior to June 30, 2014 shall not apply to proceeds
16 allocated to schools, colleges and educational institutions under Arkansas
17 Code 26-51-205(d)(2)(A) and 26-51-205(d)(2)(B).

18 The provisions of this section shall be in effect only from July 1, ~~2016~~
19 2017 through June 30, ~~2017~~ 2018.

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21 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
23 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
24 Higher Education Building Maintenance Fund, any additional deposits are to be
25 transferred to the Research Development Fund there to be used as provided by
26 law.

27 The provisions of this section shall be in effect only from July 1, ~~2016~~
28 2017 through June 30, ~~2017~~ 2018.

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30 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
32 EXPENDITURES. Proceeds derived from the repayment of loans, grants, or
33 scholarships funded by the Higher Education Grants Fund Account shall be
34 deposited into the State Treasury fund from which it originated.

35 The provisions of this section shall be in effect only from July 1, ~~2016~~
36 2017 through June 30, ~~2017~~ 2018.

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

10 The provisions of this section shall be in effect only from July 1, ~~2016~~
11 2017 through June 30, ~~2017~~ 2018.

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13 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
15 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
16 Coordinating Board, after consulting with the recognized associations of each
17 of the applicable medical professions and other interested persons, shall
18 determine the priorities for the applicable programs enumerated in the
19 appropriation made for "Health Education Grants and Loans" in this Act. The
20 Arkansas Department of Higher Education, if necessary, shall re-adjust the
21 number of positions for entering students to be funded for each applicable
22 program based upon the priorities determined by the board.

23 The provisions of this section shall be in effect only from July 1, ~~2016~~
24 2017 through June 30, ~~2017~~ 2018.

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

33 The provisions of this section shall be in effect only from July 1, ~~2016~~
34 2017 through June 30, ~~2017~~ 2018.

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36 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
2 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
3 receives state scholarship funds administered by the Arkansas Department of
4 Higher Education shall be subject to audit/review of such funds by the
5 Division of Legislative Audit, upon approval of the Legislative Joint Audit
6 Committee.

7 The provisions of this section shall be in effect only from July 1, ~~2016~~
8 2017 through June 30, ~~2017~~ 2018.

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

17 The provisions of this section shall be in effect only from July 1, ~~2016~~
18 2017 through June 30, ~~2017~~ 2018.

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20 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
22 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
23 determined by the Arkansas Department of Higher Education to have been for
24 salary increases for the fiscal year for Institutions of Higher Education
25 shall be used exclusively for salary increases. New funding actually received
26 for salary increases shall be spent exclusively for salary increases based
27 upon the state general revenue portion of total unrestricted educational and
28 general revenue. Funding received under this provision shall be used for no
29 purpose other than to provide such salary increases. Any designated funds not
30 used for salary increases shall be recouped at the end of each fiscal year
31 and transferred to the General Revenue Allotment Reserve Fund.

32 The provisions of this section shall be in effect only from July 1, ~~2016~~
33 2017 through June 30, ~~2017~~ 2018.

34

35 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE

1 PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall
2 transfer sufficient funding for the fiscal year from the Higher Education
3 Grants Fund Account to the Department of Higher Education Fund Account in
4 order to finance the personal services costs of a DHE Program Coordinator.

5 The provisions of this section shall be in effect only from July 1, ~~2016~~
6 2017 through June 30, ~~2017~~ 2018.

7

8 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
10 PROVISION. Upon certification by the Director of the Department of Higher
11 Education that transfers are needed to make maximum utilization of funds and
12 appropriations provided for financial aid programs, and with the approval of
13 the Chief Fiscal Officer of the State and a review by the Arkansas
14 Legislative Council or Joint Budget Committee, funds and appropriations may
15 be transferred between financial aid programs to more adequately align the
16 appropriation with the number of eligible students.

17 The provisions of this section shall be in effect only from July 1, ~~2016~~
18 2017 through June 30, ~~2017~~ 2018.

19

20 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
22 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
23 LOANS. Upon certification to and with the approval of the Chief Fiscal
24 Officer of the State, surplus funds and appropriations may be transferred
25 between the appropriations provided for "Health Education Grants and Loans"
26 by this Act by the General Assembly for Dental Aid Grants and Loans,
27 Optometry Aid, Veterinary Aid, Podiatry Aid, and Chiropractic Aid ~~and~~
28 ~~Osteopathy Aid~~.

29 The provisions of this section shall be in effect only from July 1, ~~2016~~
30 2017 through June 30, ~~2017~~ 2018.

31

32 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
34 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
35 the Department of Higher Education and the Chief Fiscal Officer of the State,
36 institutions of higher education may transfer appropriation from the cash

1 contingency appropriation to any other appropriation made to the institution
2 from cash funds including the establishment of commitment items, and may
3 transfer appropriation from the contingency appropriation made payable from
4 each institution's State Treasury Fund to the state operations appropriation
5 made payable from each institution's State Treasury Fund including the
6 establishment of commitment items, and may transfer appropriation from the
7 contingency appropriation made payable from the Tobacco Settlement Program
8 Fund Accounts to any other appropriation made to the institution from Tobacco
9 Settlement Program Fund Accounts including the establishment of commitment
10 items.

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

15 (c) The Department of Higher Education shall report contingency
16 appropriation transfers and the establishment of any commitment items
17 authorized by this Section to the Legislative Council or Joint Budget
18 Committee for review during its July meeting. The report shall include, by
19 institution, the establishment of, and the amounts transferred to, each
20 commitment item, the reasons therefor and the source of funds. Institutions
21 shall submit contingency appropriation transfer and commitment item
22 establishment requests authorized by this Section to the Department of Higher
23 Education no later than July 1. Upon the failure of an institution to submit
24 the required information by the July 1 deadline, the Department of Higher
25 Education shall immediately notify by written notification the chairpersons
26 of the Legislative Council or Joint Budget Committee.

27 The provisions of this section shall be in effect only from July 1, ~~2016~~
28 2017 through June 30, ~~2017~~ 2018.

29
30 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
32 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
33 Undergraduate Research Fellowship (SURF) Program is the continued development
34 of undergraduate academic research efforts at Arkansas colleges and
35 universities. The Arkansas Department of Higher Education shall adopt rules
36 and regulations necessary for the proper administration of the Student

1 Undergraduate Research Fellowship Program. Administrative functions and
2 responsibilities may include, but not necessarily be limited to, the
3 development of eligibility criteria, collection of applications, coordination
4 of student evaluations, distribution of public notices, and funding of grants
5 for academic research purposes. Staff of the Arkansas Department of Higher
6 Education shall administer this program. The Arkansas Department of Higher
7 Education shall be authorized to expense costs associated with the
8 administration of the program, from funds made payable from the Higher
9 Education Grants Fund Account for the Student Undergraduate Research
10 Fellowship Program as authorized in the Student Assistance Grants and Various
11 Scholarships appropriation section of this Act.

12 The provisions of this section shall be in effect only from July 1, ~~2016~~
13 2017 through June 30, ~~2017~~ 2018.

14

15 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
17 COOPERATION AGREEMENTS. Any institution of Higher Education that has its main
18 campus, satellite campus, or center located within a twenty five mile radius
19 of any other main campus of an institution of higher education shall enter
20 into a written agreement with that institution which must address duplication
21 of services between the institutions.

22 The provisions of this section shall be in effect only from July 1, ~~2016~~
23 2017 through June 30, ~~2017~~ 2018.

24

25 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST
27 ALLOCATION. The Department of Higher Education may refund to the Higher
28 Education Fund Account or the Higher Education Grants Fund Account such
29 amounts determined by the Department to be reimbursements received from the
30 Office of the Arkansas Lottery for costs related to the administration of the
31 Arkansas Academic Challenge Scholarship Program.

32 The provisions of this section shall be in effect only from July 1, ~~2016~~
33 2017 through June 30, ~~2017~~ 2018.

34

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

1 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
2 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
3 Higher Education shall determine the amount available, up to \$200,000 per
4 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
5 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
6 State and the State Treasurer such amount as is required to be transferred
7 from the Higher Education Grants Fund Account. Upon receiving such
8 certification, the Chief Fiscal Officer of the State and the State Treasurer
9 shall cause to be transferred the necessary funds and appropriation to the
10 fund account of the University of Arkansas at Pine Bluff for implementation
11 of this program. The University of Arkansas at Pine Bluff may use up to
12 twenty percent (20%) of the funds and appropriation for administration of the
13 program.

14 The provisions of this section shall be in effect only from July 1, ~~2016~~
15 2017 through June 30, ~~2017~~ 2018.

16

17 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OUTCOME-
19 CENTERED FUNDING AWARDS. Upon certification of the Director of the
20 Department of Higher Education, the Chief Fiscal Officer of the State shall
21 transfer to the Department of Higher Education Fund Account certified amounts
22 based upon the outcome-centered funding policy of the Arkansas Higher
23 Education Coordinating Board from the State Treasury funds of the
24 Institutions of Higher Education. The Department of Higher Education will
25 distribute funds from the Outcome-Centered Funding Awards Appropriation based
26 upon the outcome-centered funding policy of the Arkansas Higher Education
27 Coordinating Board.

28 The provisions of this section shall be in effect only from July 1, ~~2016~~
29 2017 through June 30, ~~2017~~ 2018.

30

31 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
33 ADMINISTRATIVE FEES. The Department of Higher Education is authorized to
34 recover non-refundable administrative fees related to the institutional
35 certification and exemption process for out-of-state, non-public, and for-
36 profit colleges and universities. These fees include a notification fee, an

1 application processing fee, and travel expenses for the certification review
2 teams.

3 The provisions of this section shall be in effect only from July 1, ~~2016~~
4 2017 through June 30, ~~2017~~ 2018.

5

6 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE
8 WORKFORCE INITIATIVE ACT FUNDING. The Chief Fiscal Officer of the State may
9 transfer, on his or her books and those of the State Treasurer and the
10 Auditor of the State, funding up to the amount authorized in the Workforce
11 Initiative Act of 2015 appropriation section in this Act, from the Department
12 of Higher Education Fund Account to the Workforce Initiative Act of 2015 Fund
13 in order to finance the distribution of grants identified under §6-60-107.

14 The provisions of this section shall be in effect only from July 1, ~~2016~~
15 2017 through June 30, ~~2017~~ 2018.

16

17 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
19 WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in
20 this section+,

21 ~~(1) "Health Care Independence Program" means the Health Care~~
22 ~~Independence Program established under the Health Care Independence Act of~~
23 ~~2013, Arkansas Code § 20-77-2401 et seq.,; and~~

24 ~~(2) "Arkansas Works Program" means the Arkansas Works Program~~
25 ~~established under the Identical Acts 2016 (2nd Ex. Sess.), Nos. 1 and 2,~~
26 ~~Arkansas Code § 23-61-1001 et seq.~~

27 (b)(1) Determining the maximum number of employees, the maximum amount
28 of appropriation, for what purposes an appropriation is authorized, and
29 general revenue funding for a publicly supported institution of higher
30 education each fiscal year is the prerogative of the General Assembly.

31 (2) The purposes of subdivision (b)(1) of this section are
32 typically accomplished by:

33 (A) Identifying the purpose in the appropriation act;

34 (B) Delineating such maximums in the appropriation act for
35 a publicly supported institution of higher education; and

36 (C) Delineating the general revenue allocations authorized

1 for each fund and fund account by amendment to the Revenue Stabilization Law,
2 Arkansas Code § 19-5-101 et seq.

3 (3) It is both necessary and appropriate that the General
4 Assembly restrict the use of appropriations authorized in the acts of
5 publicly supported institutions of higher education.

6 (c)(1) Except as provided in this subsection, the publicly supported
7 institutions of higher education shall not allocate, budget, expend, or
8 utilize any appropriation authorized by the General Assembly for the purpose
9 of advertisement, promotion, or other activities designed to promote or
10 encourage enrollment in the Arkansas Health Insurance Marketplace, ~~the Health~~
11 ~~Care Independence Program~~, or the Arkansas Works Program, including without
12 limitation:

13 (A) Unsolicited communications mailed to potential
14 recipients;

15 (B) Television, radio, or online commercials;

16 (C) Billboard or mobile billboard advertising;

17 (D) Advertisements printed in newspapers, magazines, or
18 other print media; and

19 (E) Internet websites and electronic media.

20 (2) This subsection does not prohibit the publicly supported
21 institutions of higher education from:

22 (A) Direct communications with licensed insurance agents;

23 (B) Solicited communications with potential recipients;

24 (C)(i) Responding to an inquiry regarding the coverage for
25 which a potential recipient might be eligible, including without limitation
26 providing educational materials or information regarding any coverage for
27 which the individual might qualify.

28 (ii) Educational materials and information
29 distributed under subdivision (c)(2)(C)(i) of this section shall contain only
30 factual information and shall not contain subjective statements regarding the
31 coverage for which the potential recipient might be eligible; and

32 (D) Using an Internet website for the exclusive purpose of
33 enrolling individuals in the Arkansas Health Insurance Marketplace, ~~the~~
34 ~~Health Care Independence Program~~, or the Arkansas Works Program.

35 (d) The publicly supported institutions of higher education shall not
36 apply for or accept any funds, including without limitation federal funds,

1 for the purpose of advertisement, promotion, or other activities designed to
2 promote or encourage enrollment in the Arkansas Health Insurance Marketplace,
3 ~~the Health Care Independence Program~~, or the Arkansas Works Program.

4 (e)(1) Except as provided in subdivision (e)(2) of this section, the
5 publicly supported institutions of higher education shall not:

6 (A)(i) Except as provided in subdivision (e)(1)(A)(ii) of
7 this section, allocate, budget, expend, or utilize an appropriation
8 authorized by the General Assembly for the purpose of funding activities of
9 navigators, guides, certified application counselors, and certified licensed
10 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
11 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

12 (ii) Subdivision (e)(1)(A)(i) of this section does
13 not apply to regulatory and training responsibilities related to navigators,
14 guides, certified application counselors, and certified licensed producers;
15 and

16 (B) Apply for or accept any funds, including without
17 limitation federal funds, for the purpose of funding activities of
18 navigators, guides, certified application counselors, and certified licensed
19 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
20 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

21 (2) Subdivision (e)(1) of this section does not apply to
22 certified application counselors at health related institutions, including
23 without limitation the University of Arkansas for Medical Sciences.

24 (f) An appropriation authorized by the General Assembly shall not be
25 subject to the provisions allowed through reallocation of resources or
26 transfer of appropriation authority for the purpose of transferring an
27 appropriation to any other appropriation authorized for a publicly supported
28 institutions of higher education to be allocated, budgeted, expended, or
29 utilized in a manner prohibited by this section.

30 (g) The provisions of this section are severable, and the invalidity
31 of any subsection or subdivision of this section shall not affect other
32 provisions of the section that can be given effect without the invalid
33 provision.

34 (h) This section expires on June 30, ~~2017~~ 2018.

35
36 SECTION 41. COMPLIANCE WITH OTHER LAWS. Disbursement of funds

1 authorized by this act shall be limited to the appropriation for such agency
2 and funds made available by law for the support of such appropriations; and
3 the restrictions of the State Procurement Law, the General Accounting and
4 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
5 Procedures and Restrictions Act, or their successors, and other fiscal
6 control laws of this State, where applicable, and regulations promulgated by
7 the Department of Finance and Administration, as authorized by law, shall be
8 strictly complied with in disbursement of said funds.

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

18
19 SECTION 43. EMERGENCY CLAUSE. It is found and determined by the
20 General Assembly, that the Constitution of the State of Arkansas prohibits
21 the appropriation of funds for more than a one (1) year period; that the
22 effectiveness of this Act on July 1, 2017 is essential to the operation of
23 the agency for which the appropriations in this Act are provided, and that in
24 the event of an extension of the legislative session, the delay in the
25 effective date of this Act beyond July 1, 2017 could work irreparable harm
26 upon the proper administration and provision of essential governmental
27 programs. Therefore, an emergency is hereby declared to exist and this Act
28 being necessary for the immediate preservation of the public peace, health
29 and safety shall be in full force and effect from and after July 1, 2017.

30
31 */s/ Joint Budget Committee*

32
33
34 **APPROVED: 03/27/2017**