

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senators Malone and Bell**

# **A Bill**

**ACT 198 OF 1995**  
**SENATE BILL 139**

## **For An Act To Be Entitled**

8 "AN ACT DESIGNATING THE STATE BOARD OF HIGHER EDUCATION AS  
9 THE STATE POSTSECONDARY REVIEW ENTITY FOR ARKANSAS UNDER  
10 TITLE IV, PART H, OF THE FEDERAL HIGHER EDUCATION ACT  
11 AMENDMENTS OF 1992; TO DECLARE AN EMERGENCY; AND FOR OTHER  
12 PURPOSES."

## **Subtitle**

15 "DESIGNATING THE STATE BOARD OF HIGHER  
16 EDUCATION AS THE STATE POSTSECONDARY  
17 REVIEW ENTITY UNDER THE FEDERAL HIGHER  
18 EDUCATION ACT AMENDMENTS OF 1992."

20 WHEREAS, the Governor of the State of Arkansas, pursuant to the  
21 applicable provision of the federal Higher Education Act of 1965, as amended  
22 by the Higher Education Act Amendments of 1992, has designated the Arkansas  
23 Department of Higher Education to be the State Postsecondary Review Entity for  
24 Arkansas for the purpose of participating in the program established by the  
25 Higher Education Act Amendments of 1992; and

27 WHEREAS, the Arkansas Department of Higher Education, created by Act 38  
28 of 1971, consists of the State Board of Higher Education and any other  
29 divisions which may be created by law and placed under the Department of  
30 Higher Education; and

32 WHEREAS, the purpose of this Act is to establish the State Board of  
33 Higher Education as the body having final administrative authority, pursuant  
34 to Act 38 of 1971, over the State Postsecondary Review Program in Arkansas,  
35 and to confirm this designation and confer additional authority and powers  
36 upon the State Board of Higher Education as may be necessary.

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2 NOW THEREFORE,

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

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5 SECTION 1. The State Board of Higher Education, created by and pursuant  
6 to the provisions of Act 38 of 1971, as codified in § 25-7-101, is hereby  
7 designated as the State Postsecondary Review Entity for Arkansas under Title  
8 IV, Part H, of the Higher Education Act Amendments of 1992, in order to  
9 provide for the continuing eligibility for federal student financial aid of  
10 existing postsecondary institutions located in the state and for any  
11 postsecondary institution hereafter established.

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13 SECTION 2. In fulfilling the duties specified under this act, the State  
14 Board of Higher Education shall comply with the Arkansas Administrative  
15 Procedure Act, codified at § 25-15-201 et seq.

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17 SECTION 3. All provisions of this act of a general and permanent nature  
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 4. If any provision of this act or the application thereof to  
22 any person or circumstance is held invalid, such invalidity shall not affect  
23 other provisions or applications of the act which can be given effect without  
24 the invalid provision or application, and to this end the provisions of this  
25 act are declared to be severable.

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27 SECTION 5. All laws and parts of laws in conflict with this act are  
28 hereby repealed.

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30 SECTION 6. EMERGENCY. It is hereby found and determined by the General  
31 Assembly of the State of Arkansas that in order to provide for the continuing  
32 eligibility for federal student financial aid of existing postsecondary  
33 institutions located in the state and for any postsecondary institution  
34 hereafter established, this Act should be given immediate effect. Therefore,  
35 an emergency is hereby declared to exist and this Act being necessary for the

1 immediate preservation of the public peace, health and safety shall be in full  
2 force and effect from and after its passage and approval.

3 */s/Malone and Bell*

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5 APPROVED: 2-9-95

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