

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.

Act 857 of the Regular Session

1 State of Arkansas

As Engrossed: S3/15/07 S3/19/07

2 86th General Assembly

A Bill

3 Regular Session, 2007

SENATE BILL 703

4
5 By: Senators Critcher, Altes, Baker, Broadway, Crumbly, Glover, B. Johnson, Laverty, Salmon, Steele,
6 Wilkins, Wilkinson, Womack

7 By: Representatives E. Brown, Allen, T. Baker, Blount, Chesterfield, Garner, R. Green, Kenney, Kidd,
8 Norton, Rosenbaum, Sumpter, Wills

For An Act To Be Entitled

9
10
11 AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT
12 OF WORKFORCE SERVICES FOR TRUCKING,
13 TRANSPORTATION AND LOGISTICS FIELDS TUITION
14 FORGIVENESS; AND FOR OTHER PURPOSES.
15
16
17

Subtitle

18
19 AN ACT FOR THE DEPARTMENT OF WORKFORCE
20 SERVICES - TRUCKING, TRANSPORTATION AND
21 LOGISTICS FIELDS TUITION FORGIVENESS
22 GENERAL IMPROVEMENT APPROPRIATION.
23
24

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

26
27 SECTION 1. APPROPRIATIONS - TRUCKING, TRANSPORTATION AND LOGISTICS FIELDS
28 TUITION FORGIVENESS. There is hereby appropriated, to the Department of
29 Workforce Services, to be payable from the General Improvement Fund or its
30 successor fund or fund accounts, the following:

31 (A) For implementation, operating, and personal services costs of a tuition forgiveness program for qualified
32 Arkansas residents securing jobs in the trucking, transportation and logistics fields, the sum of.....\$9,000,000.
33

34 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR
35 PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADMINISTRATION. (a) The



1 Arkansas Department of Workforce Services will serve as the fiscal agent and
2 coordinator of the Transportation Workforce Economic Development Program in
3 consultation and cooperation with the Arkansas Department of Economic
4 Development, the Department of Workforce Education, the Arkansas Department
5 of Higher Education, and the Arkansas Workforce Investment Board.

6 (b) The Arkansas Department of Workforce Services shall adopt rules to
7 administer the program, develop and certify eligibility requirements for a
8 tuition forgiveness program as defined herein, monitor all residents after
9 they have secured jobs in the trucking and transportation industry to
10 encourage that they remain employed and to determine tuition forgiveness
11 eligibility, and consult with industry for program recommendations. The
12 Department of Workforce Services may contract with, or provide grants to,
13 experienced third parties as required to promote, recruit, qualify, and
14 enroll eligible residents.

15 The provisions of this section shall be in effect only from July 1, 2007 through June 30, 2009.

16
17 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR
18 PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EDUCATIONAL
19 FACILITIES/EXPENDITURES. (a) Expenditures to institutions of higher education
20 may be through grants or contracts and shall provide for tuition costs,
21 housing, meals, travel and related equipment expenses necessary to train
22 qualified Arkansas residents for careers in the trucking or transportation
23 industries at Mid-South Community College, Arkansas State University -
24 Newport, Arkansas State University - Mountain Home, Cossatot Community
25 College - U of A, University of Arkansas-Fort Smith, North Arkansas College,
26 Northwest Arkansas Community College, Phillips Community College - U of A,
27 Pulaski Technical College, South Arkansas Community College, and U of A
28 Community College - Hope. The participating institutions shall receive prior
29 approval from the Department of Workforce Services for the curriculums
30 applicable under this Act.

31 (b) Expenditures by the Department of Workforce Services for
32 administration, contracting and implementation shall not exceed eight hundred
33 fifty thousand dollars (\$850,000) in either fiscal year of the biennium;
34 expenditures by institutions for equipment and infrastructure shall occur
35 only in the fiscal year ending June 30, 2008 and shall not exceed one million
36 dollars (\$1,000,000).

1 The provisions of this section shall be in effect only from July 1, 2007 through June 30, 2009.

2
3 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR
4 PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TUITION FORGIVENESS
5 PROGRAM. (a) Students must meet the following eligibility requirements to
6 qualify for tuition forgiveness:

7 (A) Are residents of the State of Arkansas and citizens of the United
8 States;

9 (B) Meet all federal and state eligibility requirements to qualify for a
10 commercial driver license;

11 (C) Complete all training requirements and examinations necessary at a
12 designated public institution of higher education identified herein to be a
13 professional truck driver, technician, or an occupation in trucking and
14 transportation for which courses are offered at the institutions of higher
15 education identified herein and are determined for eligibility by the
16 Arkansas Department of Workforce Services;

17 (D) Become employed in a job occupation for which they were trained within
18 ninety days of graduation;

19 (E) Remain employed in their trained occupation for twelve months from the
20 date of their original employment.

21 (b) If a resident completes all eligibility requirements as defined and is
22 employed in the same job occupation for one year, the Arkansas Department of
23 Workforce Services shall forgive the tuition and related expenses for
24 training in an amount not to exceed \$3,500.

25 (c) Residents who do not graduate from the program or who do not work full-
26 time in the job for which they were trained for one-year shall repay the
27 tuition in accordance with the resident's agreement upon acceptance in the
28 Transportation Workforce Economic Development Program as promulgated in rules
29 by the Arkansas Department of Workforce Services.

30 (d) Any person participating in the Tuition Forgiveness Program pursuant to
31 this Act shall be liable to repay any sum paid to or on his/her behalf, to
32 the Department of Workforce Services, if such student fails to meet all
33 requirements of the Tuition Forgiveness Program.

34 (A) The Director of the Department of Workforce Services shall have
35 authority to institute and prosecute in his name, as such, all suits and
36 proceedings necessary for the collection of any sums paid on behalf of any

1 person(s) receiving payments under the Tuition Forgiveness Program and
2 subsequently failing to meet all requirements of the Program.

3 (B) Any person liable to repay tuition assistance received, as provided
4 herein, shall be subject to having any state income tax refund to which
5 he/she may be entitled intercepted pursuant to A.C.A. 26-36-301 et seq. as
6 administered by the Revenue Division of the Department of Finance and
7 Administration.

8 (C) All sums recovered by the Department of Workforce Services shall be
9 credited to the fund account out of which such assistance was first paid, or
10 to an appropriate training fund administered by the Department of Workforce
11 Services.

12 The provisions of this section shall be in effect only from July 1, 2007 through June 30, 2009.
13

14 SECTION 5. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
15 obligations otherwise incurred in relation to the project or projects
16 described herein in excess of the State Treasury funds actually available
17 therefor as provided by law. Provided, however, that institutions and
18 agencies listed herein shall have the authority to accept and use grants and
19 donations including Federal funds, and to use its unobligated cash income or
20 funds, or both available to it, for the purpose of supplementing the State
21 Treasury funds for financing the entire costs of the project or projects
22 enumerated herein. Provided further, that the appropriations and funds
23 otherwise provided by the General Assembly for Maintenance and General
24 Operations of the agency or institutions receiving appropriation herein shall
25 not be used for any of the purposes as appropriated in this act.

26 (B) The restrictions of any applicable provisions of the State Purchasing
27 Law, the General Accounting and Budgetary Procedures Law, the Revenue
28 Stabilization Law and any other applicable fiscal control laws of this State
29 and regulations promulgated by the Department of Finance and Administration,
30 as authorized by law, shall be strictly complied with in disbursement of any
31 funds provided by this act unless specifically provided otherwise by law.
32

33 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
34 that any funds disbursed under the authority of the appropriations contained
35 in this act shall be in compliance with the stated reasons for which this act
36 was adopted, as evidenced by the Agency Requests, Executive Recommendations

1 and Legislative Recommendations contained in the budget manuals prepared by
2 the Department of Finance and Administration, letters, or summarized oral
3 testimony in the official minutes of the Arkansas Legislative Council or
4 Joint Budget Committee which relate to its passage and adoption.

5
6 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
7 Assembly, that the Constitution of the State of Arkansas prohibits the
8 appropriation of funds for more than a two (2) year period; that the
9 effectiveness of this Act on July 1, 2007 is essential to the operation of
10 the agency for which the appropriations in this Act are provided, and that in
11 the event of an extension of the Regular Session, the delay in the effective
12 date of this Act beyond July 1, 2007 could work irreparable harm upon the
13 proper administration and provision of essential governmental programs.
14 Therefore, an emergency is hereby declared to exist and this Act being
15 necessary for the immediate preservation of the public peace, health and
16 safety shall be in full force and effect from and after July 1, 2007.

17
18 /s/ Critcher

19
20 APPROVED: 4/3/2007
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36