

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 1416 of the Regular Session

1 State of Arkansas *As Engrossed: S2/4/09 S2/23/09 S3/23/09 S3/30/09 S4/6/09 S4/7/09*

2 87th General Assembly

A Bill

3 Regular Session, 2009

SENATE BILL 205

4
5 By: Joint Budget Committee

6
7
8 **For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF HIGHER EDUCATION FOR THE FISCAL
12 YEAR ENDING JUNE 30, 2010; AND FOR OTHER
13 PURPOSES.

14
15
16 **Subtitle**

17 AN ACT FOR THE DEPARTMENT OF HIGHER
18 EDUCATION APPROPRIATION FOR THE
19 2009-2010 FISCAL YEAR.

20
21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
25 established for the Department of Higher Education for the 2009-2010 fiscal
26 year, the following maximum number of regular employees whose salaries shall
27 be governed by the provisions of the Uniform Classification and Compensation
28 Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws
29 amendatory thereto. Provided, however, that any position to which a specific
30 maximum annual salary is set out herein in dollars, shall be exempt from the
31 provisions of said Uniform Classification and Compensation Act. All persons
32 occupying positions authorized herein are hereby governed by the provisions
33 of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-
34 101), or its successor.



Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2009-2010
(1)	U024U	DHE DIRECTOR	1	\$185,000
(2)	U089U	DHE DEPUTY DIRECTOR	1	\$133,112
(3)	N002N	DHE SENIOR ASSOC DIRECTOR	1	GRADE N913
(4)	N041N	DHE ASSOC DIR FOR ACADEMIC AFFAIRS	1	GRADE N909
(5)	N055N	DHE ASSOCIATE DIRECTOR	2	GRADE N908
(6)	N054N	DHE CAREER PATHWAYS DIRECTOR	1	GRADE N908
(7)	G011C	DHE ACADEMIC AFFAIRS MANAGER	1	GRADE C128
(8)	G019C	GENERAL COUNSEL	1	GRADE C127
(9)	G043C	DHE FINANCIAL AID MANAGER	1	GRADE C126
(10)	G058C	DHE FEDERAL PROGRAM MANAGER	3	GRADE C125
(11)	G071C	DHE PROGRAM COORDINATOR	3	GRADE C124
(12)	D022C	SYSTEMS SPECIALIST	1	GRADE C124
(13)	P005C	DHE COMMUNICATIONS COORDINATOR	1	GRADE C123
(14)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
(15)	G102C	DHE PROGRAM SPECIALIST	20	GRADE C122
(16)	D052C	SOFTWARE SUPPORT ANALYST	4	GRADE C121
(17)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
(18)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
(19)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
(20)	A089C	ACCOUNTANT I	1	GRADE C116
(21)	C056C	ADMINISTRATIVE SPECIALIST III	5	GRADE C112
(22)	C073C	ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE C109
MAX. NO. OF EMPLOYEES			54	

28

SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby authorized, for the Department of Higher Education for the 2009-2010 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: nine (9) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

36

1 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 2 appropriated, to the Department of Higher Education, to be payable from the
 3 Department of Higher Education Fund Account, for personal services, operating
 4 expenses and grants of the Department of Higher Education for the fiscal year
 5 ending June 30, 2010, the following:

6	7 ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2009-2010</u>
9	(01) REGULAR SALARIES	\$ 2,418,013
10	(02) EXTRA HELP	10,000
11	(03) PERSONAL SERVICES MATCHING	678,878
12	(04) MAINT. & GEN. OPERATION	
13	(A) OPER. EXPENSE	481,831
14	(B) CONF. & TRAVEL	25,000
15	(C) PROF. FEES	15,000
16	(D) CAP. OUTLAY	25,000
17	(E) DATA PROC.	0
18	(05) YOUTH OPPORTUNITIES UNLIMITED	
19	GRANTS/AID	<u>40,000</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 3,693,722</u>

21

22 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS
 23 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
 24 Education, to be payable from the Higher Education Grants Fund Account, for
 25 providing student assistance grants and various scholarships as provided by
 26 law by the Department of Higher Education for the fiscal year ending June 30,
 27 2010, the following:

28

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2009-2010</u>
31	(01) NATIONAL GUARD TUITION INCENTIVE PROG	\$ 1,500,000
32	(02) SECOND EFFORT SCHOLARSHIPS	20,000
33	(03) SREB MINORITY DOCTORAL SCHOLARS	200,000
34	(04) TUITION ADJUSTMENT	350,000
35	(05) STATE TEACHER ASSISTANCE RESOURCE	
36	PROGRAM	3,581,717

1	(06)	AR ACADEMIC CHALLENGE SCHOLARSHIPS	28,000,000
2	(07)	ARKANSAS GOVERNOR'S SCHOLARS	10,750,000
3	(08)	STUDENT UNDERGRADUATE RESEARCH	
4		FELLOWSHIP PROGRAM (SURF)	307,974
5	(09)	TEACHER OPPORTUNITY PROGRAM	2,000,000
6	(10)	WORKFORCE IMPROVEMENT GRANTS	4,277,169
7	(11)	AR GEOGRAPHICAL CRITICAL NEEDS	
8		MINORITY TEACHER SCHOLARSHIPS	200,000
9	(12)	DEPENDENTS OF LAW ENFORCEMENT	
10		OFFICERS, ETC SCHOLARSHIPS	200,000
11	(13)	DEPENDENTS OF POWS, MIAS, KIAS-	
12		TUITION WAIVER SCHOLARSHIPS	250,000
13	(14)	SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
14	(15)	JR/SR MINORITY TEACHER SCHOLARSHIPS	300,000
15	(16)	MINORITY MASTERS FELLOWS	280,000
16	(17)	HIGHER EDUCATION OPPORTUNITIES	
17		GRANTS	11,000,000
18	(18)	WASHINGTON CENTER SCHOLARSHIPS	120,000
19		TOTAL AMOUNT APPROPRIATED	<u>\$ 63,511,860</u>

21 SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is hereby
 22 appropriated, to the Department of Higher Education, to be payable from the
 23 federal funds as designated by the Chief Fiscal Officer of the State, for
 24 grants-in-aid of the Department of Higher Education - State Scholarship -
 25 Federal Program for the fiscal year ending June 30, 2010, the following:

27	ITEM	FISCAL YEAR
28	<u>NO.</u>	<u>2009-2010</u>
29	(01) GRANTS AND AID-STATE	
30	SCHOLARSHIPS-FEDERAL	<u>\$ 500,000</u>

32 SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS. There
 33 is hereby appropriated, to the Department of Higher Education, to be payable
 34 from the federal funds as designated by the Chief Fiscal Officer of the
 35 State, for personal services and operating expenses of the Department of
 36 Higher Education - Technical Education - Federal Programs for the fiscal year

1 ending June 30, 2010, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2009-2010</u>
5 (01) REGULAR SALARIES	\$ 197,205
6 (02) PERSONAL SERVICES MATCHING	50,631
7 (03) MAINT. & GEN. OPERATION	
8 (A) OPER. EXPENSE	95,000
9 (B) CONF. & TRAVEL	19,000
10 (C) PROF. FEES	90,000
11 (D) CAP. OUTLAY	0
12 (E) DATA PROC.	<u>0</u>
13 TOTAL AMOUNT APPROPRIATED	<u>\$ 451,836</u>

14

15 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby
 16 appropriated, to the Department of Higher Education, to be payable from the
 17 federal funds as designated by the Chief Fiscal Officer of the State, for
 18 operating expenses and grants-in-aid of the Department of Higher Education -
 19 Improving Teacher Quality Program for the fiscal year ending June 30, 2010,
 20 the following:

21

22 ITEM	FISCAL YEAR
23 <u>NO.</u>	<u>2009-2010</u>
24 (01) MAINT. & GEN. OPERATION	
25 (A) OPER. EXPENSE	\$ 26,856
26 (B) CONF. & TRAVEL	13,000
27 (C) PROF. FEES	8,000
28 (D) CAP. OUTLAY	0
29 (E) DATA PROC.	0
30 (02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>1,517,402</u>
31 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,565,258</u>

32

33 SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is hereby
 34 appropriated, to the Department of Higher Education, to be payable from the
 35 Higher Education Research Development Fund, for providing Arkansas Research
 36 Development Program Grants to Institutions of Higher Education by the

1 Department of Higher Education for the fiscal year ending June 30, 2010, the
 2 following:

3

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2009-2010</u>
6 (01) RESEARCH DEVELOPMENT PROGRAM	
7 GRANTS	<u>\$ 1,000,000</u>

8

9 SECTION 9. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is
 10 hereby appropriated, to the Department of Higher Education, to be payable
 11 from the Higher Education Grants Fund Account, for payments of the contracts
 12 with participating out-of-state institutions of higher learning in the fields
 13 of dentistry, optometry, osteopathy, veterinary medicine, chiropractic and
 14 podiatry for the education of Arkansas citizens by the Department of Higher
 15 Education for the fiscal year ending June 30, 2010, the following:

16

17 ITEM	FISCAL YEAR
18 <u>NO.</u>	<u>2009-2010</u>
19 (01) CHIROPRACTIC AID	\$ 260,000
20 (02) DENTAL AID - GRANTS	1,950,000
21 (03) OPTOMETRY AID - GRANTS	410,000
22 (04) OSTEOPATHY AID	230,000
23 (05) PODIATRY AID	130,400
24 (06) VETERINARY AID	1,100,000
25 (07) DENTAL AID - LOANS	400,000
26 (08) OPTOMETRY AID - LOANS	<u>140,000</u>
27 TOTAL AMOUNT APPROPRIATED	<u>\$ 4,620,400</u>

28

29 SECTION 10. APPROPRIATION - CASH. There is hereby appropriated, to the
 30 Department of Higher Education, to be payable from the cash fund deposited in
 31 the State Treasury as determined by the Chief Fiscal Officer of the State,
 32 for operating expenses of the Department of Higher Education for the fiscal
 33 year ending June 30, 2010, the following:

34

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2009-2010</u>

1	(01) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	\$	178,070
3	(B) CONF. & TRAVEL		60,620
4	(C) PROF. FEES		176,310
5	(D) CAP. OUTLAY		0
6	(E) DATA PROC.		0
7	(02) SCHOLARSHIPS		100,000
8	(03) REFUNDS/REIMBURSEMENTS		<u>5,000</u>
9	TOTAL AMOUNT APPROPRIATED	\$	<u>520,000</u>

10

11 SECTION 11. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby
 12 appropriated, to the Department of Higher Education, to be payable from the
 13 federal funds as designated by the Chief Fiscal Officer of the State, for
 14 personal services and operating expenses of the Department of Higher
 15 Education - TANF Program - Federal for the fiscal year ending June 30, 2010,
 16 the following:

17

18	ITEM		FISCAL YEAR
19	<u>NO.</u>		<u>2009-2010</u>
20	(01) REGULAR SALARIES	\$	374,138
21	(02) EXTRA HELP		25,000
22	(03) PERSONAL SERVICES MATCHING		102,567
23	(04) MAINT. & GEN. OPERATION		
24	(A) OPER. EXPENSE		257,000
25	(B) CONF. & TRAVEL		20,000
26	(C) PROF. FEES		65,000
27	(D) CAP. OUTLAY		0
28	(E) DATA PROC.		0
29	(05) SELF SUFFICIENCY/JOB TRAINING GRANTS		<u>11,644,793</u>
30	TOTAL AMOUNT APPROPRIATED	\$	<u>12,488,498</u>

31

32 SECTION 12. APPROPRIATION - COLLEGE ACCESS CHALLENGE GRANT. There is
 33 hereby appropriated, to the Department of Higher Education, to be payable
 34 from the federal funds as designated by the Chief Fiscal Officer of the
 35 State, for operating expenses of the Department of Higher Education - College
 36 Access Challenge Grant Program - Federal for the fiscal year ending June 30,

1 2010, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2009-2010</u>
5 (01) MAINT. & GEN. OPERATION	
6 (A) OPER. EXPENSE	\$ 391,129
7 (B) CONF. & TRAVEL	25,000
8 (C) PROF. FEES	275,000
9 (D) CAP. OUTLAY	15,000
10 (E) DATA PROC.	<u>0</u>
11 TOTAL AMOUNT APPROPRIATED	<u>\$ 706,129</u>

12

13 *SECTION 13. APPROPRIATION - ARKANSAS GOVERNMENT WORKER LOAN REPAYMENT*
 14 *PROGRAM. There is hereby appropriated, to the Department of Higher Education,*
 15 *to be payable from the Higher Education Grants Fund Account, for costs*
 16 *associated with the reimbursement/repayment of federal student loans made to*
 17 *qualifying state government workers as determined by the Department of Higher*
 18 *Education for the fiscal year ending June 30, 2010, the following:*

19

20 ITEM	FISCAL YEAR
21 <u>NO.</u>	<u>2009-2010</u>
22 (01) AR GOVERNMENT WORKER LOAN	
23 REPAYMENT PROGRAM	<u>\$ 5,000,000</u>

24

25 *SECTION 14. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby*
 26 *appropriated, to the Department of Higher Education, to be payable from the*
 27 *Higher Education Grants Fund Account, for personal services and operating*
 28 *expenses associated with web based applications of the Department of Higher*
 29 *Education for the fiscal year ending June 30, 2010, the following:*

30

31 ITEM	FISCAL YEAR
32 <u>NO.</u>	<u>2009-2010</u>
33 (01) WEB BASED APPLICATIONS PERSONAL	
34 SERVICES AND OPERATING EXPENSE	<u>\$ 800,000</u>

35

36 *SECTION 15. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is hereby*

1 appropriated, to the Department of Higher Education, to be payable from the
2 Higher Education Grants Fund Account, for personal services and operating
3 expenses of the Department of Higher Education - Scholarship Administration
4 for the fiscal year ending June 30, 2010, the following:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<i>NO.</i>	<i>2009-2010</i>
(01) REGULAR SALARIES	\$ 296,917
(02) PERSONAL SERV MATCHING	111,359
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	315,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 723,276</u>

17
18 SECTION 16. APPROPRIATION - SCHOLARSHIPS AND GRANTS CONTINGENCY. There
19 is hereby appropriated, to the Department of Higher Education, to be payable
20 from the Higher Education Grants Fund Account, for transfer to the various
21 scholarship and grant appropriations authorized in this act, for the fiscal
22 year ending June 30, 2010, the sum of \$20,000,000.

23
24 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER
26 EDUCATION GRANTS FUND ACCOUNT SET-ASIDE. Immediately upon the effective date
27 of this act, the Director of the Department of Higher Education shall set-
28 aside in reserve twenty million dollars (\$20,000,000), or so much thereof as
29 is available, of the un-obligated balance in the Department of Higher
30 Education Grants Fund Account, for the sole purpose of funding lottery
31 scholarship and grant programs administered by the department in the event
32 the department determines that less than a sufficient amount of moneys are
33 available from the net lottery proceeds to fund such scholarships or grants
34 or both.

35
36 Any moneys set-aside in the Department of Higher Education Grants Fund

1 Account that are utilized to fund scholarships or grants or both as
2 authorized herein shall be reimbursed by the Arkansas Lottery Commission from
3 the net lottery proceeds and credited to the Department of Higher Education
4 Grants Fund Account.

5
6 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
8 SCHOLARSHIPS AND GRANTS CONTINGENCY APPROPRIATION TRANSFER. In the event the
9 Director of the Department of Higher Education determines that the dollar
10 amount of scholarships or grants or both committed by the Department of
11 Higher Education makes it necessary for the Director to request approval of
12 the Chief Fiscal Officer of the State to transfer an amount of appropriation
13 from the Scholarships and Grants Contingency Appropriation authorized in this
14 act, the Chief Fiscal Officer of the State shall, upon recommendation of the
15 Arkansas Lottery Commission Legislative Oversight Committee and review by the
16 Arkansas Legislative Council or Joint Budget Committee, transfer on his or
17 her books and those of the State Treasurer and Auditor of State the amount of
18 appropriation from the Scholarships and Grants Contingency Appropriation to
19 the appropriate scholarship or grant, or both, appropriation authorized by
20 this act.

21
22 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY
24 GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an
25 emergency/disaster event resulting in all or a significant portion of campus
26 operations being interrupted, may request disaster assistance through the
27 Arkansas Department of Higher Education. Upon the declaration of an
28 emergency by the Governor, the institution may request, subject to the
29 recommendation of the Director of the Department of Higher Education and
30 approval of the Governor, a grant from the Disaster Relief Fund to assist in
31 returning that campus to operation and/or to a sister campus providing
32 services to the students from the affected campus. Certified law enforcement
33 officers employed by an institution of higher education may be granted
34 jurisdiction at the sister institution, upon agreement of both institutions.
35 The Department of Higher Education is authorized a pool of 500 extra help
36 positions for use in such emergency situations. These positions may be

1 assigned to the campus suffering the disaster event or to a sister campus
2 providing services to the students from the affected campus. The Governor
3 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
4 pool positions.

5 The provisions of this section shall be in effect only from July 1, ~~2007~~
6 2009 through June 30, ~~2009~~ 2010.

7
8 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
10 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon
11 determination by the president or chancellor of an institution of higher
12 education that a reallocation of resources for purposes of reorganization or
13 consolidation of administrative functions within the institution is necessary
14 for efficient and effective operations of the institution, the president or
15 chancellor, with approval of the institution's board of trustees, may have
16 the authority to transfer positions, appropriations and related funds between
17 campuses, divisions, branches, and other budgetary units of the institution,
18 after receiving prior approval of the Legislative Council or Joint Budget
19 Committee. The transfers of positions, programs, or activities shall be used
20 for those purposes for which the appropriations were approved by the General
21 Assembly. The transfers, consolidations, or reorganizations which involve
22 academic programs shall be reviewed by the Department of Higher Education
23 prior to submission to the Legislative Council or Joint Budget Committee.
24 Provided, however, that the institution shall be limited to submitting no
25 more than ~~four (4)~~ two (2) individual transaction transfer *requests* during
26 any fiscal year and shall be further limited to no more than five percent
27 (5%) of the total General Revenue and Special Revenue appropriation, funding,
28 positions specific to each institution, and no Tobacco Settlement funds or
29 appropriations may be reallocated pursuant to this section.
30 Determining the maximum number of employees and the maximum amount of
31 appropriation and general revenue funding for institutions of higher
32 education each fiscal year is the prerogative of the General Assembly. This
33 is usually accomplished by delineating such maximums in the appropriation
34 act(s) for institutions of higher education and the general revenue
35 allocations authorized for each fund and fund account by amendment to the
36 Revenue Stabilization law. Further, the General Assembly has determined that

1 institutions of higher education may operate more efficiently if some
2 flexibility is provided to institutions of higher education authorizing broad
3 powers under this Section. Therefore, it is both necessary and appropriate
4 that the General Assembly maintain oversight by requiring prior approval of
5 the Legislative Council or Joint Budget Committee as provided by this
6 section. The requirement of approval by the Legislative Council or Joint
7 Budget Committee is not a severable part of this section. If the requirement
8 of approval by the Legislative Council or Joint Budget Committee is ruled
9 unconstitutional by a court of competent jurisdiction, this entire section is
10 void.

11 The provisions of this section shall be in effect only from July 1, ~~2007~~
12 2009 through June 30, ~~2009~~ 2010.

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

25 The provisions of this section shall be in effect only from July 1, ~~2007~~
26 2009 through June 30, ~~2009~~ 2010.

27
28 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
30 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
31 available to the various technical colleges have been determined as set out
32 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be
33 processed so that funds may be transferred from the Work Force 2000
34 Development Fund to the State Treasury fund or fund account from which the
35 technical college draws its general revenue support. Such funds as may be
36 transferred shall not exceed ~~93.69%~~ 93.691% of the total funds available from

1 the Work Force 2000 Development Fund during ~~each~~ the fiscal year ~~of the~~
2 ~~biennial period ending June 30, 2009.~~

3 In the event that a technical institute or comprehensive lifelong learning
4 center which receives support from the Work Force 2000 Development Fund as
5 determined by law transfers or merges into the Arkansas Technical College and
6 Community College System for which Work Force 2000 Development Fund monies
7 are determined by law, then the actual amount of support from the Work Force
8 2000 Development Fund in the preceding fiscal year for such educational
9 institution shall be made available irrespective of any other provision of
10 law which sets out maximum levels of support from such fund.

11 The provisions of this section shall be in effect only from July 1, ~~2007~~
12 2009 through June 30, ~~2009~~ 2010.

13
14 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
16 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
17 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much
18 as is collected, is to be transferred to the Research Development Fund there
19 to be used as provided by law.

20 The provisions of this section shall be in effect only from July 1, ~~2007~~
21 2009 through June 30, ~~2009~~ 2010.

22
23 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
25 EXPENDITURES. Proceeds derived from the repayment of loans as authorized in
26 Items (15), (16) and (05) of Section 4 of this Act for the JR/SR Minority
27 Teacher Scholars, the Minority Masters Fellows and the State Teacher
28 Assistance Resource Program shall be deposited into the State Treasury fund
29 from which it originated. ~~as "Refunds to Expenditures."~~

30 The provisions of this section shall be in effect only from July 1, ~~2007~~
31 2009 through June 30, ~~2009~~ 2010.

32
33 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
35 GUARD TUITION ~~ASSISTANCE~~ INCENTIVE PROGRAM. In addition to any other
36 provisions of law, any student who receives assistance from the appropriation

1 made for the "National Guard Tuition ~~Assistance~~ Incentive Program" in this
2 Act shall repay any loans and/or assistance if the student receives a
3 discharge that is a less than Honorable Discharge. Priority for funding shall
4 be given to students already receiving assistance from the National Guard
5 Tuition ~~Assistance~~ Incentive Program.

6 The provisions of this section shall be in effect only from July 1, ~~2007~~
7 2009 through June 30, ~~2009~~ 2010.

8

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

28 The provisions of this section shall be in effect only from July 1, ~~2007~~
29 2009 through June 30, ~~2009~~ 2010.

30

31 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
33 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued
34 during any fiscal biennium shall not exceed three-hundred million dollars
35 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
36 time have debt service requirements in excess of twenty-four million dollars

1 (\$24,000,000) in any one fiscal year from all state revenue sources.

2 The provisions of this section shall be in effect only from July 1, 2007
3 2009 through June 30, ~~2009~~ 2010.

4
5 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
7 FORWARD - HEALTH EDUCATION GRANTS AND LOANS. The balance of the funds ~~and~~
8 ~~appropriations~~ as provided for "Health Education Grants and Loans" in this
9 Act which remain on June 30, ~~2008~~ 2010, shall be carried forward and made
10 available for the same purposes for the fiscal year ending June 30, ~~2009~~
11 2011.

12 Any carry forward of unexpended balance of ~~appropriation and/or~~ funding as
13 authorized herein, may be carried forward under the following conditions:

14 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set
15 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~
16 funding to the Department of Finance and Administration Office of Budget;

17 (2) The Department of Finance and Administration Office of Budget shall
18 report to the Arkansas Legislative Council all amounts carried forward ~~from~~
19 ~~the first fiscal year of the biennium to the second fiscal year of the~~
20 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget
21 Committee meeting ~~in the second fiscal year of the biennial period~~ which
22 report shall include the name of the Agency, Board, Commission or Institution
23 and the amount of ~~the appropriation and/or~~ funding carried forward ~~from the~~
24 ~~first fiscal year to the second fiscal year~~, the program name or line item,
25 the funding source ~~of that appropriation~~ and a copy of the written request
26 set forth in (1) above;

27 (3) Each Agency, Board, Commission or Institution shall provide a written
28 report to the Arkansas Legislative Council or Joint Budget Committee
29 containing all information set forth in item (2) above, along with a written
30 statement as to the current status of the project, contract, purpose etc. for
31 which the carry forward was originally requested no later than thirty (30)
32 days prior to the time the Agency, Board, Commission or Institution presents
33 its budget request to the Arkansas Legislative Council/Joint Budget
34 Committee; and

35 (4) Thereupon, the Department of Finance and Administration shall include
36 all information obtained in item (3) above in the ~~biennial~~ budget manuals

1 and/or a statement of non-compliance by the Agency, Board, Commission or
2 Institution.

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

5

6 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
8 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
9 Coordinating Board, after consulting with the recognized associations of each
10 of the applicable medical professions and other interested persons, shall
11 determine the priorities for the applicable programs enumerated in the
12 appropriation made for "Health Education Grants and Loans" in this Act. The
13 Arkansas Department of Higher Education, if necessary, shall re-adjust the
14 number of positions for entering students to be funded for each applicable
15 program based upon the priorities determined by the board.

16 The provisions of this section shall be in effect only from July 1, ~~2007~~
17 2009 through June 30, ~~2009~~ 2010.

18

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

26 The provisions of this section shall be in effect only from July 1, ~~2007~~
27 2009 through June 30, ~~2009~~ 2010.

28

29 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
31 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
32 receives state scholarship funds administered by the Arkansas Department of
33 Higher Education shall be subject to audit/review of such funds by the
34 Division of Legislative Audit, upon approval of the Legislative Joint Audit
35 Committee.

36 The provisions of this section shall be in effect only from July 1, ~~2007~~

1 2009 through June 30, ~~2009~~ 2010.

2

3 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT
5 DATA. All post-secondary institutions shall provide to the Arkansas
6 Department of Higher Education a copy of the Integrated Post-Secondary
7 Education Data System (IPEDS) data within three weeks following the IPEDS due
8 date, which shall be subject to audit by the Arkansas Department of Higher
9 Education.

10 The provisions of this section shall be in effect only from July 1, ~~2007~~
11 2009 through June 30, ~~2009~~ 2010.

12

13 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
15 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
16 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
17 Higher Education shall determine the amount available, up to \$200,000 per
18 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
19 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
20 State and the State Treasurer such amount as is required to be transferred
21 from the Higher Education Grants Fund Account. Upon receiving such
22 certification, the Chief Fiscal Officer of the State and the State Treasurer
23 shall cause to be transferred the necessary funds and appropriation to the
24 fund account of the University of Arkansas at Pine Bluff for implementation
25 of this program. The University of Arkansas at Pine Bluff may use up to
26 twenty percent (20%) of the funds and appropriation for administration of the
27 program.

28 The provisions of this section shall be in effect only from July 1, ~~2007~~
29 2009 through June 30, ~~2009~~ 2010.

30

31 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
33 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
34 determined by the Arkansas Department of Higher Education to have been for
35 salary increases for ~~each~~ the fiscal year ~~of the 2007-2009 Biennium~~ for
36 Institutions of Higher Education shall be used exclusively for salary

1 increases. New funding actually received for salary increases shall be spent
2 exclusively for salary increases based upon the state general revenue portion
3 of total unrestricted educational and general revenue. Funding received under
4 this provision shall be used for no purpose other than to provide such salary
5 increases. Any designated funds not used for salary increases shall be
6 recouped at the end of each fiscal year and transferred to the General
7 Revenue Allotment Reserve Fund.

8 The provisions of this section shall be in effect only from July 1, ~~2007~~
9 2009 through June 30, ~~2009~~ 2010.

10
11 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~HIGHER~~
13 ~~EDUCATION COORDINATOR OF RECRUITMENT~~ DHE PROGRAM COORDINATOR FUNDING. The
14 Chief Fiscal Officer of the State shall transfer ~~the sums of ninety thousand,~~
15 ~~four hundred seventy four dollars (\$90,474)~~ sufficient funding for the fiscal
16 year ~~ending June 30, 2008 and ninety two thousand, seven hundred seventy six~~
17 ~~dollars (\$92,776) for fiscal year ending June 30, 2009~~ from the Higher
18 Education Grants Fund Account to the Department of Higher Education Fund
19 Account in order to finance the personal services costs of ~~the Higher~~
20 ~~Education Coordinator of Recruitment~~ a DHE Program Coordinator.

21 The provisions of this section shall be in effect only from July 1, ~~2007~~
22 2009 through June 30, ~~2009~~ 2010.

23
24 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
26 PROVISION. Upon certification by the Director of the Department of Higher
27 Education that transfers are needed to make maximum utilization of funds and
28 appropriations provided for financial aid programs, and with the approval of
29 the Chief Fiscal Officer of the State and a review by the Arkansas
30 Legislative Council, funds and appropriations may be transferred between
31 financial aid programs, except that funds and appropriations may not be
32 transferred for such purposes from either the Governor's Scholars Program or
33 the Academic Challenge Scholarships Program in excess of \$1,000,000 in the
34 aggregate in ~~either~~ a fiscal year. Any transfer restrictions contained in
35 appropriation acts for the Department of Higher Education relating to
36 appropriation transfers from Governor's Scholars Program and Academic

1 Challenge Scholarships shall not be applicable to transfers between
2 Governor's Scholars and Academic Challenge Scholarship appropriations.

3 The provisions of this section shall be in effect only from July 1, 2007
4 2009 through June 30, ~~2009~~ 2010.

5

6 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
8 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
9 LOANS. Upon certification to and with the approval of the Chief Fiscal
10 Officer of the State, surplus funds and appropriations may be transferred
11 between the appropriations provided for "Health Education Grants and Loans"
12 by this Act by the ~~Eighty-Sixth~~ Eighty-Seventh General Assembly for Dental
13 Aid Grants and Loans, Optometry Aid, Veterinary Aid, Podiatry Aid,
14 Chiropractic Aid and ~~Osteopathic~~ Osteopathy Aid.

15 The provisions of this section shall be in effect only from July 1, 2007
16 2009 through June 30, ~~2009~~ 2010.

17

18 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
20 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
21 the Department of Higher Education and the Chief Fiscal Officer of the State,
22 institutions of higher education may transfer appropriation from the cash
23 contingency appropriation to any other appropriation made to the institution
24 from cash funds including the establishment of commitment items, and may
25 transfer appropriation from the contingency appropriation made payable from
26 each institution's State Treasury Fund to the state operations appropriation
27 made payable from each institution's State Treasury Fund including the
28 establishment of commitment items, and may transfer appropriation from the
29 contingency appropriation made payable from the Tobacco Settlement Program
30 Fund Accounts to any other appropriation made to the institution from Tobacco
31 Settlement Program Fund Accounts including the establishment of commitment
32 items.

33 (b) Contingency appropriation transfers shall only establish and
34 supplement commitment items that were recommended by the Higher Education
35 Coordinating Board in the budget manuals presented to the Legislative Council
36 and Joint Budget Committee ~~for the 2007-2009 Biennium~~.

1 (c) The Department of Higher Education shall report contingency
2 appropriation transfers and the establishment of any commitment items
3 authorized by this Section ~~for the 2007-2009 Biennium~~ to the Legislative
4 Council or Joint Budget Committee for review during its July 2007 meeting.
5 The report shall include, by institution, the establishment of, and the
6 amounts transferred to, each commitment item, the reasons therefor and the
7 source of funds. Institutions shall submit contingency appropriation transfer
8 and commitment item establishment requests ~~for the 2007-2009 Biennium~~
9 authorized by this Section to the Department of Higher Education no later
10 than July 1, ~~2007~~. Upon the failure of an institution to submit the required
11 information by the July 1, ~~2007~~ deadline, the Department of Higher Education
12 shall immediately notify by written notification the chairpersons of the
13 Legislative Council or Joint Budget Committee.

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

16
17 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
19 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
20 Undergraduate Research Fellowship (SURF) Program is the continued development
21 of undergraduate academic research efforts at Arkansas colleges and
22 universities. The Arkansas Department of Higher Education shall adopt rules
23 and regulations necessary for the proper administration of the Student
24 Undergraduate Research Fellowship Program. Administrative functions and
25 responsibilities may include, but not necessarily be limited to, the
26 development of eligibility criteria, collection of applications, coordination
27 of student evaluations, distribution of public notices, and funding of grants
28 for academic research purposes. Staff of the Arkansas Department of Higher
29 Education shall administer this program. The Arkansas Department of Higher
30 Education shall be authorized to expense costs associated with the
31 administration of the program, from funds made payable from the Higher
32 Education Grants Fund Account for the Student Undergraduate Research
33 Fellowship Program as authorized in Section 4 of this Act.

34
35 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

1 COOPERATION AGREEMENTS. Any two-year institution of Higher Education that has
2 its main or a satellite campus located within a twenty five mile radius of
3 any four-year institution of higher education shall enter into a written
4 agreement with that four-year institution which must address duplication of
5 services between the institutions.

6 The provisions of this section shall be in effect only from July 1, 2007
7 2009 through June 30, ~~2009~~ 2010.

8
9 *SECTION 41. SPECIAL LANGUAGE. Arkansas Code §22-5-809(c)(1) concerning the*
10 *distribution of severance taxes to institutions of higher education is*
11 *amended to read as follows:*

12 *(c) (1) Except for application and bid fees, all funds received by the*
13 *Commissioner of State Lands as fees, compensation, or royalties for leases or*
14 *permits issued for the taking of any sand, gravel, minerals, or timber for*
15 *lands owned or held in the name of a state agency ~~or institution~~ shall be*
16 *special revenues and shall be deposited in the State Treasury and credited to*
17 *the fund or account from which the agency ~~or institution~~ receives its support*
18 *and for lands owned or held in the name of a state institution of higher*
19 *education shall be deposited in the State Treasury and transferred by warrant*
20 *to the institution of higher education for deposit in the institution's cash*
21 *fund account established outside the State Treasury.*

22
23 *SECTION 42. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized*
24 *by this act shall be limited to the appropriation for such agency and funds*
25 *made available by law for the support of such appropriations; and the*
26 *restrictions of the State Procurement Law, the General Accounting and*
27 *Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary*
28 *Procedures and Restrictions Act, or their successors, and other fiscal*
29 *control laws of this State, where applicable, and regulations promulgated by*
30 *the Department of Finance and Administration, as authorized by law, shall be*
31 *strictly complied with in disbursement of said funds.*

32
33 *SECTION 43. 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 44. 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 one (1) year period; that the
9 effectiveness of this Act on July 1, 2009 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, 2009 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, 2009.

17
18 */s/ Joint Budget Committee*

19
20 **APPROVED: 4/9/2009**