

**Stricken language will be deleted and underlined language will be added.
Act 286 of the Fiscal Session**

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010
4

As Engrossed: S2/11/10 S2/24/10

A Bill

SENATE BILL 89

5 By: Joint Budget Committee
6
7

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, 2011; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF HIGHER
17 EDUCATION APPROPRIATION FOR THE 2010-
18 2011 FISCAL YEAR.
19
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 2010-2011 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.
35
36

Maximum Annual

Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Year 2010-2011
4	(1) U024U	DHE DIRECTOR	1	\$189,255
5	(2) U089U	DHE DEPUTY DIRECTOR	1	\$136,173
6	(3) N002N	DHE SENIOR ASSOC DIRECTOR	1	GRADE N913
7	(4) N041N	DHE ASSOC DIR FOR ACADEMIC AFFAIRS	1	GRADE N909
8	(5) N055N	DHE ASSOCIATE DIRECTOR	3	GRADE N908
9	(6) N054N	DHE CAREER PATHWAYS DIRECTOR	1	GRADE N908
10	(7) G019C	GENERAL COUNSEL	1	GRADE C127
11	(8) G043C	DHE FINANCIAL AID MANAGER	1	GRADE C126
12	(9) G058C	DHE FEDERAL PROGRAM MANAGER	3	GRADE C125
13	(10) G071C	DHE PROGRAM COORDINATOR	3	GRADE C124
14	(11) D022C	SYSTEMS SPECIALIST	1	GRADE C124
15	(12) P005C	DHE COMMUNICATIONS COORDINATOR	1	GRADE C123
16	(13) D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
17	(14) G102C	DHE PROGRAM SPECIALIST	20	GRADE C122
18	(15) D052C	SOFTWARE SUPPORT ANALYST	4	GRADE C121
19	(16) A052C	ACCOUNTING COORDINATOR	1	GRADE C121
20	(17) C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
21	(18) R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
22	(19) A089C	ACCOUNTANT I	1	GRADE C116
23	(20) C056C	ADMINISTRATIVE SPECIALIST III	5	GRADE C112
24	(21) C073C	ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE C109
25	MAX. NO. OF EMPLOYEES		54	

26

27 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby authorized,
 28 for the Department of Higher Education for the 2010-2011 fiscal year, the
 29 following maximum number of part-time or temporary employees, to be known as
 30 "Extra Help", payable from funds appropriated herein for such purposes: nine
 31 (9) temporary or part-time employees, when needed, at rates of pay not to
 32 exceed those provided in the Uniform Classification and Compensation Act, or
 33 its successor, or this act for the appropriate classification.

34

35 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 36 appropriated, to the Department of Higher Education, to be payable from the

1 Department of Higher Education Fund Account, for personal services, operating
 2 expenses and grants of the Department of Higher Education for the fiscal year
 3 ending June 30, 2011, the following:

4

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2010-2011</u>
7 (01) REGULAR SALARIES	\$ 2,470,973
8 (02) EXTRA HELP	10,000
9 (03) PERSONAL SERVICES MATCHING	689,954
10 (04) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	481,831
12 (B) CONF. & TRAVEL	25,000
13 (C) PROF. FEES	15,000
14 (D) CAP. OUTLAY	25,000
15 (E) DATA PROC.	0
16 (05) YOUTH OPPORTUNITIES UNLIMITED	
17 GRANTS/AID	<u>40,000</u>
18 TOTAL AMOUNT APPROPRIATED	<u>\$ 3,757,758</u>

19

20 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS
 21 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
 22 Education, to be payable from the Higher Education Grants Fund Account, for
 23 providing student assistance grants and various scholarships as provided by
 24 law by the Department of Higher Education for the fiscal year ending June 30,
 25 2011, the following:

26

27 ITEM	FISCAL YEAR
28 <u>NO.</u>	<u>2010-2011</u>
29 (01) NATIONAL GUARD TUITION INCENTIVE PROG	\$ 1,500,000
30 (02) SECOND EFFORT SCHOLARSHIPS	20,000
31 (03) SREB MINORITY DOCTORAL SCHOLARS	200,000
32 (04) TUITION ADJUSTMENT	350,000
33 (05) STATE TEACHER ASSISTANCE RESOURCE	
34 PROGRAM	3,581,717
35 (06) AR ACADEMIC CHALLENGE SCHOLARSHIPS	28,000,000
36 (07) ARKANSAS GOVERNOR'S SCHOLARS	10,750,000

1	(08)	STUDENT UNDERGRADUATE RESEARCH	
2		FELLOWSHIP PROGRAM (SURF)	307,974
3	(09)	TEACHER OPPORTUNITY PROGRAM	2,000,000
4	(10)	WORKFORCE IMPROVEMENT GRANTS	4,277,169
5	(11)	AR GEOGRAPHICAL CRITICAL NEEDS	
6		MINORITY TEACHER SCHOLARSHIPS	200,000
7	(12)	DEPENDENTS OF LAW ENFORCEMENT	
8		OFFICERS, ETC SCHOLARSHIPS	200,000
9	(13)	DEPENDENTS OF POWS, MIAS, KIAS-	
10		TUITION WAIVER SCHOLARSHIPS	250,000
11	(14)	SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
12	(15)	JR/SR MINORITY TEACHER SCHOLARSHIPS	300,000
13	(16)	MINORITY MASTERS FELLOWS	280,000
14	(17)	HIGHER EDUCATION OPPORTUNITIES	
15		GRANTS	11,000,000
16	(18)	WASHINGTON CENTER SCHOLARSHIPS	120,000
17	(19)	STATE TEACHER EDUCATION PROGRAM	<u>5,000,000</u>
18		TOTAL AMOUNT APPROPRIATED	<u>\$ 68,511,860</u>

20 SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is hereby
 21 appropriated, to the Department of Higher Education, to be payable from the
 22 federal funds as designated by the Chief Fiscal Officer of the State, for
 23 grants-in-aid of the Department of Higher Education - State Scholarship -
 24 Federal Program for the fiscal year ending June 30, 2011, the following:

26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2010-2011</u>
28	(01) GRANTS AND AID-STATE	
29	SCHOLARSHIPS-FEDERAL	<u>\$ 500,000</u>

31 SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS. There
 32 is hereby appropriated, to the Department of Higher Education, to be payable
 33 from the federal funds as designated by the Chief Fiscal Officer of the
 34 State, for personal services and operating expenses of the Department of
 35 Higher Education - Technical Education - Federal Programs for the fiscal year
 36 ending June 30, 2011, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2010-2011</u>
4	(01) REGULAR SALARIES	\$ 200,636
5	(02) PERSONAL SERVICES MATCHING	51,274
6	(03) MAINT. & GEN. OPERATION	
7	(A) OPER. EXPENSE	95,000
8	(B) CONF. & TRAVEL	19,000
9	(C) PROF. FEES	90,000
10	(D) CAP. OUTLAY	0
11	(E) DATA PROC.	<u>0</u>
12	TOTAL AMOUNT APPROPRIATED	<u>\$ 455,910</u>

13

14 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby
 15 appropriated, to the Department of Higher Education, to be payable from the
 16 federal funds as designated by the Chief Fiscal Officer of the State, for
 17 operating expenses and grants-in-aid of the Department of Higher Education -
 18 Improving Teacher Quality Program for the fiscal year ending June 30, 2011,
 19 the following:

20

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2010-2011</u>
23	(01) MAINT. & GEN. OPERATION	
24	(A) OPER. EXPENSE	\$ 26,856
25	(B) CONF. & TRAVEL	13,000
26	(C) PROF. FEES	8,000
27	(D) CAP. OUTLAY	0
28	(E) DATA PROC.	0
29	(02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>1,517,402</u>
30	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,565,258</u>

31

32 SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is hereby
 33 appropriated, to the Department of Higher Education, to be payable from the
 34 Higher Education Research Development Fund, for providing Arkansas Research
 35 Development Program Grants to Institutions of Higher Education by the
 36 Department of Higher Education for the fiscal year ending June 30, 2011, the

1 fol lowi ng:
2

3 I T E M	F I S C A L Y E A R
4 <u>NO.</u>	<u>2010-2011</u>
5 (01) RESEARCH DEVELOPMENT PROGRAM	
6 GRANTS	\$ <u>1,000,000</u>

7
8 SECTION 9. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is
9 hereby appropriated, to the Department of Higher Education, to be payable
10 from the Higher Education Grants Fund Account, for payments of the contracts
11 with participating out-of-state institutions of higher learning in the fields
12 of dentistry, optometry, osteopathy, veterinary medicine, chiropractic and
13 podiatry for the education of Arkansas citizens by the Department of Higher
14 Education for the fiscal year ending June 30, 2011, the following:
15

16 I T E M	F I S C A L Y E A R
17 <u>NO.</u>	<u>2010-2011</u>
18 (01) CHI ROPRACTI C A I D	\$ 260,000
19 (02) DENTAL A I D - GRANTS	2,133,900
20 (03) DENTAL A I D - LOANS	987,370
21 (04) OPTOMETRY A I D - GRANTS	410,000
22 (05) OPTOMETRY A I D - LOANS	140,000
23 (06) OSTEOPATHY A I D	230,000
24 (07) PODI ATRY A I D	130,400
25 (08) VETERI NARY A I D	<u>1,100,000</u>
26 TOTAL AMOUNT APPROPRIATED	\$ <u>5,391,670</u>

27
28 SECTION 10. APPROPRIATION - CASH. There is hereby appropriated, to the
29 Department of Higher Education, to be payable from the cash fund deposited in
30 the State Treasury as determined by the Chief Fiscal Officer of the State,
31 for operating expenses of the Department of Higher Education for the fiscal
32 year ending June 30, 2011, the following:
33

34 I T E M	F I S C A L Y E A R
35 <u>NO.</u>	<u>2010-2011</u>
36 (01) MAI NT. & GEN. OPERATION	

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

9

10 SECTION 11. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby

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

12 federal funds as designated by the Chief Fiscal Officer of the State, for

13 personal services and operating expenses of the Department of Higher

14 Education - TANF Program - Federal for the fiscal year ending June 30, 2011,

15 the following:

16			
17	ITEM		FISCAL YEAR
18	<u>NO.</u>		<u>2010-2011</u>
19	(01) REGULAR SALARIES	\$	381,762
20	(02) EXTRA HELP		25,000
21	(03) PERSONAL SERVICES MATCHING		103,993
22	(04) MAINT. & GEN. OPERATION		
23	(A) OPER. EXPENSE		257,000
24	(B) CONF. & TRAVEL		20,000
25	(C) PROF. FEES		65,000
26	(D) CAP. OUTLAY		0
27	(E) DATA PROC.		0
28	(05) SELF SUFFICIENCY/JOB TRAINING GRANTS		<u>11,644,793</u>
29	TOTAL AMOUNT APPROPRIATED	\$	<u>12,497,548</u>

30

31 SECTION 12. APPROPRIATION - COLLEGE ACCESS CHALLENGE GRANT. There is

32 hereby appropriated, to the Department of Higher Education, to be payable

33 from the federal funds as designated by the Chief Fiscal Officer of the

34 State, for operating expenses of the Department of Higher Education - College

35 Access Challenge Grant Program - Federal for the fiscal year ending June 30,

36 2011, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2010-2011</u>
4	(01) MAINT. & GEN. OPERATION	
5	(A) OPER. EXPENSE	\$ 391,129
6	(B) CONF. & TRAVEL	25,000
7	(C) PROF. FEES	275,000
8	(D) CAP. OUTLAY	15,000
9	(E) DATA PROC.	<u>0</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 706,129</u>

11

12 SECTION 13. APPROPRIATION - ARKANSAS GOVERNMENT WORKER LOAN REPAYMENT
 13 PROGRAM. There is hereby appropriated, to the Department of Higher Education,
 14 to be payable from the Higher Education Grants Fund Account, for costs
 15 associated with the reimbursement/repayment of federal student loans made to
 16 qualifying state government workers as determined by the Department of Higher
 17 Education for the fiscal year ending June 30, 2011, the following:

18

19	ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2010-2011</u>
21	(01) AR GOVERNMENT WORKER LOAN REPAYMENT	
22	PROGRAM	<u>\$ 5,000,000</u>

23

24 SECTION 14. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby
 25 appropriated, to the Department of Higher Education, to be payable from the
 26 Higher Education Grants Fund Account, for personal services and operating
 27 expenses associated with web based applications of the Department of Higher
 28 Education for the fiscal year ending June 30, 2011, the following:

29

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2010-2011</u>
32	(01) WEB BASED APPLICATIONS PERSONAL	
33	SERVICES AND OPERATING EXPENSE	<u>\$ 800,000</u>

34

35 SECTION 15. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is hereby
 36 appropriated, to the Department of Higher Education, to be payable from the

Higher Education Grants Fund Account, for personal services and operating expenses of the Department of Higher Education - Scholarship Administration for the fiscal year ending June 30, 2011, the following:

ITEM NO.	FISCAL YEAR
	2010-2011
(01) REGULAR SALARIES	\$ 303,746
(02) PERSONAL SERV MATCHING	113,920
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	315,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
TOTAL AMOUNT APPROPRIATED	<u>\$ 732,666</u>

SECTION 16. APPROPRIATION - SCHOLARSHIP SHORTFALL RESERVE TRANSFER.

There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Grants Fund Account, for transfer by warrant of the set-aside funds for lottery scholarships to the Scholarship Shortfall Reserve Trust Account for the fiscal year ending June 30, 2011, the sum of..... \$20,000,000.

SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SCHOLARSHIP SHORTFALL RESERVE TRANSFER. Immediately upon the effective date of this act, the Director of the Department of Higher Education shall transfer by warrant the set-aside in reserve twenty million dollars (\$20,000,000) in the Department of Higher Education Grants Fund Account to the Scholarship Shortfall Reserve Trust Account of the Arkansas Lottery Commission, as appropriated in Section 16 of this Act, to be used as authorized by law.

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

1 operations being interrupted, may request disaster assistance through the
2 Arkansas Department of Higher Education. Upon the declaration of an
3 emergency by the Governor, the institution may request, subject to the
4 recommendation of the Director of the Department of Higher Education and
5 approval of the Governor, a grant from the Disaster Relief Fund to assist in
6 returning that campus to operation and/or to a sister campus providing
7 services to the students from the affected campus. Certified law enforcement
8 officers employed by an institution of higher education may be granted
9 jurisdiction at the sister institution, upon agreement of both institutions.
10 The Department of Higher Education is authorized a pool of 500 extra help
11 positions for use in such emergency situations. These positions may be
12 assigned to the campus suffering the disaster event or to a sister campus
13 providing services to the students from the affected campus. The Governor
14 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
15 pool positions.

16 The provisions of this section shall be in effect only from July 1, ~~2009~~
17 2010 through June 30, ~~2010~~ 2011.

18

19 *SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
20 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*
21 *REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION.* Upon
22 determination by the president or chancellor of an institution of higher
23 education that a reallocation of resources for purposes of reorganization or
24 consolidation of administrative functions within the institution is necessary
25 for efficient and effective operations of the institution, the president or
26 chancellor, with approval of the institution's board of trustees, may have
27 the authority to transfer positions, appropriations and related funds between
28 campuses, divisions, branches, and other budgetary units of the institution,
29 after receiving prior approval of the Legislative Council or Joint Budget
30 Committee. The transfers of positions, programs, or activities shall be used
31 for those purposes for which the appropriations were approved by the General
32 Assembly. The transfers, consolidations, or reorganizations which involve
33 academic programs shall be reviewed by the Department of Higher Education
34 prior to submission to the Legislative Council or Joint Budget Committee.
35 Provided, however, that the institution shall be limited to submitting no
36 more than two (2) individual transaction transfer requests during any fiscal

1 year and shall be further limited to no more than five percent (5%) of the
2 total General Revenue and Special Revenue appropriation, funding, positions
3 specific to each institution, and no Tobacco Settlement funds or
4 appropriations may be reallocated pursuant to this section.
5 Determining the maximum number of employees and the maximum amount of
6 appropriation and general revenue funding for institutions of higher
7 education each fiscal year is the prerogative of the General Assembly. This
8 is usually accomplished by delineating such maximums in the appropriation
9 act(s) for institutions of higher education and the general revenue
10 allocations authorized for each fund and fund account by amendment to the
11 Revenue Stabilization Law. Further, the General Assembly has determined that
12 institutions of higher education may operate more efficiently if some
13 flexibility is provided to institutions of higher education authorizing broad
14 powers under this Section. Therefore, it is both necessary and appropriate
15 that the General Assembly maintain oversight by requiring prior approval of
16 the Legislative Council or Joint Budget Committee as provided by this
17 section. The requirement of approval by the Legislative Council or Joint
18 Budget Committee is not a severable part of this section. If the requirement
19 of approval by the Legislative Council or Joint Budget Committee is ruled
20 unconstitutional by a court of competent jurisdiction, this entire section is
21 void.

22 The provisions of this section shall be in effect only from July 1, ~~2009~~
23 2010 through June 30, ~~2010~~ 2011.

24

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

36 The provisions of this section shall be in effect only from July 1, ~~2009~~

1 2010 through June 30, ~~2010~~ 2011.

2

3 *SECTION 21.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
5 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
6 available to the various technical colleges have been determined as set out
7 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be
8 processed so that funds may be transferred from the Work Force 2000
9 Development Fund to the State Treasury fund or fund account from which the
10 technical college draws its general revenue support. Such funds as may be
11 transferred shall not exceed 93.691% of the total funds available from the
12 Work Force 2000 Development Fund during the fiscal year.
13 In the event that a technical institute or comprehensive lifelong learning
14 center which receives support from the Work Force 2000 Development Fund as
15 determined by law transfers or merges into the Arkansas Technical College and
16 Community College System for which Work Force 2000 Development Fund monies
17 are determined by law, then the actual amount of support from the Work Force
18 2000 Development Fund in the preceding fiscal year for such educational
19 institution shall be made available irrespective of any other provision of
20 law which sets out maximum levels of support from such fund.

21 The provisions of this section shall be in effect only from July 1, ~~2009~~
22 2010 through June 30, ~~2010~~ 2011.

23

24 *SECTION 22.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
26 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
27 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much
28 as is collected, is to be transferred to the Research Development Fund there
29 to be used as provided by law.

30 The provisions of this section shall be in effect only from July 1, ~~2009~~
31 2010 through June 30, ~~2010~~ 2011.

32

33 *SECTION 23.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
35 EXPENDITURES. Proceeds derived from the repayment of loans as authorized in
36 Items (15), (16) and (05) of Section 4 of this Act for the JR/SR Minority

1 Teacher Scholars, the Minority Masters Fellows and the State Teacher
2 Assistance Resource Program shall be deposited into the State Treasury fund
3 from which it originated.

4 The provisions of this section shall be in effect only from July 1, ~~2009~~
5 2010 through June 30, ~~2010~~ 2011.

6

7 *SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
8 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL*
9 *GUARD TUITION INCENTIVE PROGRAM.* In addition to any other provisions of law,
10 any student who receives assistance from the appropriation made for the
11 "National Guard Tuition Incentive Program" in this Act shall repay any loans
12 and/or assistance if the student receives a discharge that is a less than
13 Honorable Discharge. Priority for funding shall be given to students already
14 receiving assistance from the National Guard Tuition Incentive Program.

15 The provisions of this section shall be in effect only from July 1, ~~2009~~
16 2010 through June 30, ~~2010~~ 2011.

17

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

1 The provisions of this section shall be in effect only from July 1, ~~2009~~
2 2010 through June 30, ~~2010~~ 2011.

3
4 *SECTION 26.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
6 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued
7 during any fiscal biennium shall not exceed three-hundred million dollars
8 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
9 time have debt service requirements in excess of twenty-four million dollars
10 (\$24,000,000) in any one fiscal year from all state revenue sources.

11 The provisions of this section shall be in effect only from July 1, ~~2009~~
12 2010 through June 30, ~~2010~~ 2011.

13
14 *SECTION 27.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
16 FORWARD - HEALTH EDUCATION GRANTS AND LOANS. The balance of the funds as
17 provided for "Health Education Grants and Loans" in this Act which remain on
18 June 30, 2010, shall be carried forward and made available for the same
19 purposes for the fiscal year ending June 30, 2011.

20 Any carry forward of unexpended balance of funding as authorized herein, may
21 be carried forward under the following conditions:

22 (1) Prior to June 30, 2010 the Agency shall by written statement set forth
23 its reason(s) for the need to carry forward said funding to the Department of
24 Finance and Administration Office of Budget;

25 (2) The Department of Finance and Administration Office of Budget shall
26 report to the Arkansas Legislative Council all amounts carried forward by the
27 September Arkansas Legislative Council or Joint Budget Committee meeting
28 which report shall include the name of the Agency, Board, Commission or
29 Institution and the amount of funding carried forward, the program name or
30 line item, the funding source and a copy of the written request set forth in
31 (1) above;

32 (3) Each Agency, Board, Commission or Institution shall provide a written
33 report to the Arkansas Legislative Council or Joint Budget Committee
34 containing all information set forth in item (2) above, along with a written
35 statement as to the current status of the project, contract, purpose etc. for
36 which the carry forward was originally requested no later than thirty (30)

1 days prior to the time the Agency, Board, Commission or Institution presents
2 its budget request to the Arkansas Legislative Council/Joint Budget
3 Committee; and

4 (4) Thereupon, the Department of Finance and Administration shall include
5 all information obtained in item (3) above in the budget manuals and/or a
6 statement of non-compliance by the Agency, Board, Commission or Institution.
7

8 *SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
9 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH*
10 *EDUCATION GRANTS AND LOANS - PRIORITIES.* The Arkansas Higher Education
11 Coordinating Board, after consulting with the recognized associations of each
12 of the applicable medical professions and other interested persons, shall
13 determine the priorities for the applicable programs enumerated in the
14 appropriation made for "Health Education Grants and Loans" in this Act. The
15 Arkansas Department of Higher Education, if necessary, shall re-adjust the
16 number of positions for entering students to be funded for each applicable
17 program based upon the priorities determined by the board.

18 The provisions of this section shall be in effect only from July 1, ~~2009~~
19 2010 through June 30, ~~2010~~ 2011.

20

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

28 The provisions of this section shall be in effect only from July 1, ~~2009~~
29 2010 through June 30, ~~2010~~ 2011.

30

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

1 Committee.

2 The provisions of this section shall be in effect only from July 1, ~~2009~~
3 2010 through June 30, ~~2010~~ 2011.

4

5 *SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
6 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT*
7 *DATA. All post-secondary institutions shall provide to the Arkansas*
8 *Department of Higher Education a copy of the Integrated Post-Secondary*
9 *Education Data System (IPEDS) data within three weeks following the IPEDS due*
10 *date, which shall be subject to audit by the Arkansas Department of Higher*
11 *Education.*

12 The provisions of this section shall be in effect only from July 1, ~~2009~~
13 2010 through June 30, ~~2010~~ 2011.

14

15 *SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
16 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*
17 *APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY*
18 *TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of*
19 *Higher Education shall determine the amount available, up to \$200,000 per*
20 *fiscal year, to fund the Arkansas Geographical Critical Needs Minority*
21 *Teacher Scholarships and shall certify to the Chief Fiscal Officer of the*
22 *State and the State Treasurer such amount as is required to be transferred*
23 *from the Higher Education Grants Fund Account. Upon receiving such*
24 *certification, the Chief Fiscal Officer of the State and the State Treasurer*
25 *shall cause to be transferred the necessary funds and appropriation to the*
26 *fund account of the University of Arkansas at Pine Bluff for implementation*
27 *of this program. The University of Arkansas at Pine Bluff may use up to*
28 *twenty percent (20%) of the funds and appropriation for administration of the*
29 *program.*

30 The provisions of this section shall be in effect only from July 1, ~~2009~~
31 2010 through June 30, ~~2010~~ 2011.

32

33 *SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
34 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING*
35 *FOR SALARY INCREASES. New funding through the Revenue Stabilization Act*
36 *determined by the Arkansas Department of Higher Education to have been for*

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

9 The provisions of this section shall be in effect only from July 1, ~~2009~~
10 2010 through June 30, ~~2010~~ 2011.

11
12 *SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
13 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE*
14 *PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall*
15 *transfer sufficient funding for the fiscal year from the Higher Education*
16 *Grants Fund Account to the Department of Higher Education Fund Account in*
17 *order to finance the personal services costs of a DHE Program Coordinator.*

18 The provisions of this section shall be in effect only from July 1, ~~2009~~
19 2010 through June 30, ~~2010~~ 2011.

20
21 *SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
22 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER*
23 *PROVISION. Upon certification by the Director of the Department of Higher*
24 *Education that transfers are needed to make maximum utilization of funds and*
25 *appropriations provided for financial aid programs, and with the approval of*
26 *the Chief Fiscal Officer of the State and a review by the Arkansas*
27 *Legislative Council, funds and appropriations may be transferred between*
28 *financial aid programs, except that funds and appropriations may not be*
29 *transferred for such purposes from either the Governor's Scholars Program or*
30 *the Academic Challenge Scholarships Program in excess of \$1,000,000 in the*
31 *aggregate in a fiscal year. Any transfer restrictions contained in*
32 *appropriation acts for the Department of Higher Education relating to*
33 *appropriation transfers from Governor's Scholars Program and Academic*
34 *Challenge Scholarships shall not be applicable to transfers between*
35 *Governor's Scholars and Academic Challenge Scholarship appropriations.*

36 The provisions of this section shall be in effect only from July 1, ~~2009~~

1 2010 through June 30, ~~2010~~ 2011.

2

3 *SECTION 36.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
5 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
6 LOANS. Upon certification to and with the approval of the Chief Fiscal
7 Officer of the State, surplus funds and appropriations may be transferred
8 between the appropriations provided for "Health Education Grants and Loans"
9 by this Act by the Eighty-Seventh General Assembly for Dental Aid Grants and
10 Loans, Optometry Aid, Veterinary Aid, Podiatry Aid, Chiropractic Aid and
11 Osteopathy Aid.

12 The provisions of this section shall be in effect only from July 1, ~~2009~~
13 2010 through June 30, ~~2010~~ 2011.

14

15 *SECTION 37.* SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
17 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
18 the Department of Higher Education and the Chief Fiscal Officer of the State,
19 institutions of higher education may transfer appropriation from the cash
20 contingency appropriation to any other appropriation made to the institution
21 from cash funds including the establishment of commitment items, and may
22 transfer appropriation from the contingency appropriation made payable from
23 each institution's State Treasury Fund to the state operations appropriation
24 made payable from each institution's State Treasury Fund including the
25 establishment of commitment items, and may transfer appropriation from the
26 contingency appropriation made payable from the Tobacco Settlement Program
27 Fund Accounts to any other appropriation made to the institution from Tobacco
28 Settlement Program Fund Accounts including the establishment of commitment
29 items.

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

34 (c) The Department of Higher Education shall report contingency
35 appropriation transfers and the establishment of any commitment items
36 authorized by this Section to the Legislative Council or Joint Budget

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

10
11 *SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
12 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT*
13 *UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student*
14 *Undergraduate Research Fellowship (SURF) Program is the continued development*
15 *of undergraduate academic research efforts at Arkansas colleges and*
16 *universities. The Arkansas Department of Higher Education shall adopt rules*
17 *and regulations necessary for the proper administration of the Student*
18 *Undergraduate Research Fellowship Program. Administrative functions and*
19 *responsibilities may include, but not necessarily be limited to, the*
20 *development of eligibility criteria, collection of applications, coordination*
21 *of student evaluations, distribution of public notices, and funding of grants*
22 *for academic research purposes. Staff of the Arkansas Department of Higher*
23 *Education shall administer this program. The Arkansas Department of Higher*
24 *Education shall be authorized to expense costs associated with the*
25 *administration of the program, from funds made payable from the Higher*
26 *Education Grants Fund Account for the Student Undergraduate Research*
27 *Fellowship Program as authorized in Section 4 of this Act.*

28
29 *SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
30 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*
31 *COOPERATION AGREEMENTS. Any two-year institution of Higher Education that has*
32 *its main or a satellite campus located within a twenty five mile radius of*
33 *any four-year institution of higher education shall enter into a written*
34 *agreement with that four-year institution which must address duplication of*
35 *services between the institutions.*

36 The provisions of this section shall be in effect only from July 1, ~~2009~~

1 2010 through June 30, ~~2010~~ 2011.

2

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

12

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

21

22 SECTION 42. EMERGENCY CLAUSE. It is found and determined by the General
23 Assembly, that the Constitution of the State of Arkansas prohibits the
24 appropriation of funds for more than a one (1) year period; that the
25 effectiveness of this Act on July 1, 2010 is essential to the operation of
26 the agency for which the appropriations in this Act are provided, and that in
27 the event of an extension of the legislative session, the delay in the
28 effective date of this Act beyond July 1, 2010 could work irreparable harm
29 upon the proper administration and provision of essential governmental
30 programs. Therefore, an emergency is hereby declared to exist and this Act
31 being necessary for the immediate preservation of the public peace, health
32 and safety shall be in full force and effect from and after July 1, 2010.

33

34

/s/ Joint Budget Committee

35

APPROVED: 2/26/2010