

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

JBC 03/29/2001 & 03/30/2001 (1)

Subtitle of Senate Bill No. 137

"AN ACT FOR THE DEPARTMENT OF HIGHER EDUCATION APPROPRIATION FOR
THE 2001-2003 BIENNIUM."

Amendment No. 10 to Senate Bill No. 137.

Amend Senate Bill No. 137 as engrossed, 3/29/01:

Insert the additional sections immediately following Section 33 to read as follows:

" SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AR ACADEMIC CHALLENGE SCHOLARSHIPS EXPENDITURE RESTRICTIONS. In the event that the Department of Higher Education spends or commits to expend in excess of \$28,857,500 in Fiscal Year 2001-02 or \$29,582,500 in Fiscal Year 2002-03 for the appropriation authorized in this Act for the "AR ACADEMIC CHALLENGE SCHOLARSHIPS", then the Department of Higher Education shall be required to obtain the approval of the Legislative Council and the House and Senate Interim Committees on Education before any monies are expended or committed to be expended for the Distinguished Governors Scholars Program in Fiscal Year 2002-03 and Fiscal Year 2003-04. There shall be a maximum of 5,000 new AR Academic Challenge Scholarships and 250 new Distinguished Governors Scholars Program Scholarships each fiscal year.

In the event that the official general revenue forecast is lower in each fiscal year than the level upon which the restrictions in this Section were based, then the Department of Higher Education shall make the necessary proportionate reductions in the number of scholarships after approval of the Legislative Council and the House and Senate Interim Committees on Education.

The General Assembly has determined that the agency in this act could be operated more efficiently if some flexibility is given to that agency and that flexibility is being accomplished by providing authority to transfer between certain items of appropriation made by this act. Since the General Assembly has granted the agency broad powers under the transfer of appropriations, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the transfers by requiring prior approval of the Legislative Council in the utilization of the transfer authority. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court jurisdiction, this entire section is void.

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

SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT DATA. All post-secondary institutions shall provide to the Arkansas Department of Higher Education a copy of the Integrated Post-Secondary Education Data System (IPEDS) which shall be subject to audit by the Arkansas Department of Higher Education fiscal personnel.

SECTION 37. SPECIAL LANGUAGE. Arkansas Code 19-4-1705(b), concerning institutions of higher education exempt from contract provisions, is amended to add a new subdivision to read as follows:

(3) Are for services related to workforce development, incumbent workforce training, or specialized business or industry training."

AND

Appropriately renumber the subsequent sections.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senators D. Malone, P. Malone

JKD/JKD - 033020011043

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Secretary