

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H2/7/97 H2/11/97 H3/21/97

A Bill

HOUSE BILL 1277

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES,
10 OPERATING EXPENSES AND GRANTS FOR THE DEPARTMENT OF HIGHER
11 EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1999;
12 AND FOR OTHER PURPOSES."

Subtitle

15 "AN ACT FOR THE DEPARTMENT OF HIGHER
16 EDUCATION APPROPRIATION FOR THE 1997-99
17 BIENNIUM."
18

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

21 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
22 established for the Department of Higher Education - General Operations for
23 the 1997-99 biennium, the following maximum number of regular employees whose
24 salaries shall be governed by the provisions of the Uniform Classification and
25 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all
26 laws amendatory thereto. Provided, however, that any position to which a
27 specific maximum annual salary is set out herein in dollars, shall be exempt
28 from the provisions of said Uniform Classification and Compensation Act. All
29 persons occupying positions authorized herein are hereby governed by the
30 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
31 Code §21-5-101), or its successor.
32

Item	Class	No. of	Maximum Annual
		Employees	Salary Rate
			Fiscal Years
No.	Code	Title	1997-98 1998-99

1	(1) 9960 HIGHER ED DIRECTOR	1	\$103,026	\$105,910
2	(2) 7243 HIGHER EDUCATION DEPUTY DIRECTOR	1	\$ 95,396	\$ 98,067
3	(3) 9774 HIGHER ED ASSOC DIR FOR FISCAL AFF	1	\$ 75,466	\$ 77,579
4	(4) 9620 NSF ASSOC DIR-SSI MATH PROG	1	\$ 66,484	\$
5	68,345			
6	(5) 9626 NSF ASSOC DIR-SSIC SCIENCE PROG	1	\$ 66,484	\$ 68,345
7	(6) 9627 NSF ASSOC DIR-SSI PROJECT EVAL	1	\$ 60,943	\$ 62,649
8	(7) 9966 HIGHER ED STUDENT FIN AID MANAGER	1	\$ 57,622	\$ 59,235
9	(8) 9623 H E COORD OF INSTITUTIONAL FINANCE	1	\$ 57,622	\$ 59,235
10	(9) 9983 HIGHER ED COORDINATOR OF Y.O.U. PGM	1	\$ 57,622	\$ 59,235
11	(10) 7091 DHE COORD OF FEDERAL PROGRAMS	1	\$ 57,622	\$ 59,235
12	(11) D064 SR SYSTEMS PROGRAMMER	1		GRADE 24
13	(12) R088 HIGHER ED FINANCIAL OFFICER	1		GRADE 22
14	R096 HIGHER ED ASST COORD STDNT FIN AID	3		
15	A032 AGENCY FISCAL MANAGER	1		
16	(13) D036 SR PROGRAMMER/ANALYST	1		GRADE 21
17	R488 GRANTS ADMIN SUPV	1		
18	(14) R264 MANAGEMENT PROJECT ANALYST I	3		GRADE 18
19	(15) K011 ADMINISTRATIVE OFFICE SUPERVISOR	1		GRADE 15
20	(16) K153 SECRETARY II	<u>7</u>		GRADE 13
21				
	MAX NO. OF EMPLOYEES	29		

SECTION 2. REGULAR SALARIES - TECHNICAL EDUCATION IMPLEMENTATION - STATE. There is hereby established for the Department of Higher Education - Technical Education Implementation - State for the 1997-99 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

35

			Maximum Annual		
			Maximum	Salary Rate	
Item	Class	No. of	Fiscal Years		
No.	Code	Title	Employees	1997-98	1998-99
(1)	9092	HE COORD OF GENERAL ADMIN	1	\$ 57,622	\$ 59,235
(2)	9093	HE COORD 2-YR INST FINANCE	1	\$ 57,622	\$ 59,235
(3)	A252	DHE FINANCIAL MANAGER	1	GRADE 24	
	D064	SR SYSTEMS PROGRAMMER	1		
(4)	K153	SECRETARY II	<u>1</u>	GRADE 13	
MAX NO. OF EMPLOYEES			5		

SECTION 3. EXTRA HELP. There is hereby authorized, for the Department of Higher Education for the 1997-99 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: thirteen (13) 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.

SECTION 4. APPROPRIATIONS - GENERAL OPERATIONS. There is hereby appropriated, to the Department of Higher Education, to be payable from the Department of Higher Education Fund Account, for personal services, operating expenses and grants of the Department of Higher Education for the biennial period ending June 30, 1999, the following:

ITEM	FISCAL YEARS	
NO.	1997-98	1998-99
(01) REGULAR SALARIES	\$ 872,618	\$ 897,045
(02) EXTRA HELP	5,101	5,101
(03) PERSONAL SERV MATCHING	214,489	219,148
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	186,884	186,884
(B) CONF. & TRVL.	37,525	37,525
(C) PROF. FEES	4,000	4,000
(D) CAP. OUTLAY	30,000	30,000

1	(E) DATA PROC.	0	0
2	(05) YOUTH OPPORTUNITIES UNLIMITED GRANTS/AIDS	91,591	91,591
3	(06) PROGRAM EVALUATION	<u>45,000</u>	<u>45,000</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,487,208</u>	<u>\$ 1,516,294</u>

5
 6 SECTION 5. APPROPRIATIONS - TECHNICAL EDUCATION IMPLEMENTATION. There
 7 is hereby appropriated, to the Department of Higher Education, to be payable
 8 from the Department of Higher Education Fund Account, for personal services,
 9 operating expenses and grants for technical education implementation and
 10 restructuring of the Department of Higher Education for the biennial period
 11 ~~ending June 30, 1999, the following:~~

13	ITEM	FISCAL YEARS	
14	NO.	1997-98	1998-99
15	(01) REGULAR SALARIES	\$ 214,563	\$ 220,570
16	(02) EXTRA HELP	20,000	20,000
17	(03) PERSONAL SERV MATCHING	50,343	51,685
18	(04) MAINT. & GEN. OPERATION		
19	(A) OPER. EXPENSE	220,297	220,297
20	(B) CONF. & TRVL.	26,376	26,376
21	(C) PROF. FEES	0	0
22	(D) CAP. OUTLAY	0	0
23	(E) DATA PROC.	0	0
24	(05) EVALUATION/ACCREDITATION	<u>65,000</u>	<u>65,000</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 596,579</u>	<u>\$ 603,928</u>

26
 27 SECTION 6. APPROPRIATIONS - HIGHER EDUCATION PROMOTIONAL GRANTS. There
 28 is hereby appropriated, to the Department of Higher Education, to be payable
 29 from the Department of Higher Education Fund Account, for the State Board of
 30 Higher Education to utilize in the promotion of statewide Higher Education
 31 priorities of the State Board of Higher Education for the biennial period
 32 ~~ending June 30, 1999, the following:~~

34	ITEM	FISCAL YEARS	
35	NO.	1997-98	1998-99

1 (01) HIGHER EDUCATION PROMOTIONAL GRANTS \$ 3,002,285 \$ 3,002,285

2

3 SECTION 7. APPROPRIATIONS - SREB INSTITUTE. There is hereby
 4 appropriated, to the Department of Higher Education, to be payable from the
 5 Department of Higher Education Fund Account, for making the contribution of
 6 the State of Arkansas to the SREB Institute for higher educational opportunity
 7 ~~by the Department of Higher Education for the biennial period ending June 30,~~
 8 1999, the following:

9

10 ITEM	FISCAL YEARS	
11 NO.	1997-98	1998-99
12 (01) STATE'S CONTRIBUTION - SREB INSTITUTE	\$ <u>152,600</u>	\$ <u>152,600</u>

13

14 SECTION 8. APPROPRIATIONS - STUDENT ASSISTANCE GRANTS AND VARIOUS
 15 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
 16 Education, to be payable from the Higher Education Grants Fund Account, for
 17 providing student assistance grants and various scholarships as provided by
 18 ~~law by the Department of Higher Education for the biennial period ending June~~
 19 30, 1999, the following:

20

21 ITEM	FISCAL YEARS	
22 NO.	1997-98	1998-99
23 (01) SCHOLARSHIPS TO DEPENDENTS - MIA/KIA		
24 TUITION WAIVERS	\$ 48,000	\$ 48,000
25 (02) TEACHER RETRAINING GRANTS	179,544	179,544
26 (03) MATH/SCIENCE TEACHER LOAN AWARDS	81,717	81,717
27 (04) GOVERNOR'S SCHOLARS PROGRAM		
28 AWARDS	3,198,450	4,824,452
29 (05) JUNIOR/SENIOR MINORITY		
30 SCHOLARSHIPS	450,000	450,000
31 (06) FRESHMAN/SOPHOMORE MINORITY		
32 SCHOLARSHIPS	250,000	250,000
33 (07) MINORITY TEACHER RECRUITMENT &		
34 TRAINING PROGRAM - PAYMENT OF HONORARIUMS	25,000	25,000
35 (08) SECOND EFFORT SCHOLARSHIPS	50,000	50,000

1	(09)	SREB MINORITY FACULTY		
2		RECRUITMENT SCHOLARSHIPS	200,000	200,000
3	(10)	STATE SCHOLARSHIP PROGRAM	5,099,506	5,099,506
4	(11)	ACADEMIC CHALLENGE SCHOLARSHIPS	13,100,000	14,675,000
5	(12)	MINORITY MASTERS PROGRAM	80,000	80,000
6	(13)	SURVIVING CHILDREN SCHOLARSHIPS	60,000	60,000
7	(14)	FACULTY/ADMINISTRATOR		
8		DEVELOPMENT MATCHING	30,000	30,000
9	(15)	TUITION ADJUSTMENT	<u>800,000</u>	<u>800,000</u>
10		TOTAL AMOUNT APPROPRIATED	<u>\$ 23,652,217</u>	<u>\$ 26,853,219</u>

11

12 SECTION 9. APPROPRIATIONS - STATE SCHOLARSHIP - FEDERAL. There is
 13 hereby appropriated, to the Department of Higher Education, to be payable from
 14 ~~the federal funds as designated by the Chief Fiscal Officer of the State, for~~
 15 Grants-in-Aid of the State Scholarship - Federal Program of the Department of
 16 Higher Education for the biennial period ending June 30, 1999, the following:

17

18	ITEM		FISCAL YEARS	
19	NO.		1997-98	1998-99
20	(01)	GRANTS/AIDS - ST. SCHOLARSHIPS - FEDERAL	<u>\$ 198,382</u>	<u>\$ 198,382</u>

21

22 SECTION 10. APPROPRIATIONS - DWIGHT D. EISENHOWER GRANTS. There is
 23 hereby appropriated, to the Department of Higher Education, to be payable from
 24 the federal funds as designated by the Chief Fiscal Officer of the State, for
 25 ~~operating expenses and grants/aids of the Dwight D. Eisenhower Program of the~~
 26 Department of Higher Education for the biennial period ending June 30, 1999,
 27 the following:

28

29	ITEM		FISCAL YEARS	
30	NO.		1997-98	1998-99
31	(01)	MAINT. & GEN. OPERATION		
32		(A) OPER. EXPENSE	24,761	24,761
33		(B) CONF. & TRVL.	5,000	5,000
34		(C) PROF. FEES	2,500	2,500
35		(D) CAP. OUTLAY	0	0

1	(E) DATA PROC.		0	0
2	(02) DWIGHT D. EISENHOWER GRANTS/AIDS	\$	<u>639,182</u>	<u>\$ 639,182</u>
3	TOTAL AMOUNT APPROPRIATED	\$	<u>671,443</u>	<u>\$ 671,443</u>

4

5 SECTION 11. APPROPRIATIONS - SYSTEMIC INITIATIVE PROJECT. There is

6 hereby appropriated, to the Department of Higher Education, to be payable from

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

8 personal services, operating expenses and grants to support math/science

9 education of the Department of Higher Education for the biennial period ending

10 June 30, 1999, the following:

11				
12	ITEM		FISCAL YEARS	
13	NO.		1997-98	1998-99
14	(01) REGULAR SALARIES	\$	287,049	\$ 294,841
15	(02) EXTRA HELP		6,000	6,000
16	(03) PERSONAL SERV MATCHING		69,737	71,194
17	(04) MAINT. & GEN. OPERATION			
18	(A) OPER. EXPENSE		111,700	111,700
19	(B) CONF. & TRVL.		16,000	16,000
20	(C) PROF. FEES		138,000	138,000
21	(D) CAP. OUTLAY		0	0
22	(E) DATA PROC.		0	0
23	(05) GRANTS TO SUPPORT MATH/SCIENCE EDUCATION		<u>1,842,767</u>	<u>1,842,767</u>
24	TOTAL AMOUNT APPROPRIATED	\$	<u>2,471,253</u>	<u>\$ 2,480,502</u>

25

26 SECTION 12. APPROPRIATIONS - TECHNICAL EDUCATION - FEDERAL PROGRAMS.

27 ~~There is hereby appropriated, to the Department of Higher Education, to be~~

28 payable from the federal funds as designated by the Chief Fiscal Officer of

29 the State, for personal services and operating expenses of the Department of

30 Higher Education for the biennial period ending June 30, 1999, the following:

31				
32	ITEM		FISCAL YEARS	
33	NO.		1997-98	1998-99
34	(01) REGULAR SALARIES	\$	57,622	\$ 59,235
35	(02) PERSONAL SERV MATCHING		13,303	13,592

1	(03) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	4,000	4,000
3	(B) CONF. & TRVL.	9,000	9,000
4	(C) PROF. FEES	68,268	68,268
5	(D) CAP. OUTLAY	0	0
6	(E) DATA PROC.	0	0
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 152,193</u>	<u>\$ 154,095</u>

8

9 SECTION 13. APPROPRIATIONS. There is hereby appropriated, to the
10 Department of Higher Education, to be payable from the Higher Education
11 Building Maintenance Fund, for maintenance of various buildings at the
12 Institutions of Higher Education by the Department of Higher Education for the
13 biennial period ending June 30, 1999, the sum of\$26,000,000.

14

15 SECTION 14. APPROPRIATIONS. There is hereby appropriated, to the
16 Department of Higher Education, to be payable from the Research Development
17 Fund, for providing Arkansas Research Development Program Grants to
18 Institutions of Higher Education by the Department of Higher Education for the
19 biennial period ending June 30, 1999, the sum of.....\$10,000,000.

20

21 SECTION 15. SPECIAL LANGUAGE - REPORTING REQUIREMENTS. The reports of
22 college achievement of high school graduates, as appropriated by the Eighty-
23 First General Assembly, shall be provided to high school and school district
24 administrators and may also be provided to the State Board of Higher
25 Education, the Governor, the Joint Interim Committee on Education, the Board
26 of Education and the Department of Education, as designated by the Department
27 of Higher Education.

28

29 SECTION 16. SPECIAL LANGUAGE - TRANSFER PROVISION. Upon certification
30 by the Director of the Department of Higher Education that transfers are
31 needed to make maximum utilization of funds and appropriations provided for
32 financial aid programs, and with the approval of the Chief Fiscal Officer of
33 the State and a review by the Arkansas Legislative Council, funds and
34 appropriations may be transferred between financial aid programs except that
35 funds and appropriations may not be transferred for such purposes from either

1 the Governor's Scholars Program or the Academic Challenge Scholarships Program
2 in excess of \$1,000,000 in the aggregate in either fiscal year.

3

4 SECTION 17. SPECIAL LANGUAGE - HIGHER EDUCATION PROMOTIONAL GRANTS.

5 Upon certification by the Chairman of the State Board of Higher Education to
6 the Chief Fiscal Officer of the State, funds and appropriation provided to the
7 Department of Higher Education for Higher Education Promotional Grants shall
8 be transferred each fiscal year to each institution of higher education which
9 received such funds in Fiscal Year 1995-96, in the proportion of the amount
10 each institution received to the total amount which was distributed in Fiscal
11 Year 1995-96 applied to the total amount of funds available each year, there
12 to be used for the same purposes.

13

14 SECTION 18. SPECIAL LANGUAGE. In order to provide timely payments under
15 financial aid appropriations made in this Act, the Chief Fiscal Officer of the
16 State is authorized to provide loans from the Budget Stabilization Trust Fund
17 to make available all funds attributable to the financial aid programs under
18 the then current official revenue estimates. In the event of an unanticipated
19 state revenue shortfall, any such loans remaining at the end of a fiscal year
20 shall be repaid from revenues distributed in the first two months of the next
21 fiscal year. Funds for appropriations made in this Act for purposes other
22 than financial aid shall not be affected by the application of this provision.

23

24 SECTION 19. SPECIAL LANGUAGE - CARRY FORWARD. The unexpended balances
25 of funding and appropriation authorized in Section 4 of this Act, General
26 Operations, for capital outlay that pertain to the completion of the
27 acquisition of a telecommunications system, that remains on June 30, 1998,
28 shall be carried forward for the same purposes for the fiscal year ending June
29 30, 1999.

30

31 SECTION 20. SPECIAL LANGUAGE. On June 30, 1999, after the initial
32 transition period and accreditation has been achieved for the various
33 technical colleges, the remaining nine (9) positions authorized for the
34 purpose of providing personnel resources necessary to implement the technical
35 college legislation enacted by the Seventy-Eighth General Assembly will be

1 deleted from the Department's appropriation.

2

3 SECTION 21. SPECIAL LANGUAGE. The unexpended balances of the
4 appropriations and funding authorized in Section 5 of this Act as of June 30,
5 1998, shall be carried forward and made available for the purpose of
6 continuing the technical education implementation/restructuring through the
7 fiscal year ending June 30, 1999.

8

9 SECTION 22. SPECIAL LANGUAGE. After the amounts to be made available to
10 the various technical colleges have been determined by the State Board of
11 Higher Education under the provisions of Act 1244 of 1991 and Act 1246 of
12 1991, and upon the review and approval of the Chief Fiscal Officer of the
13 State, such documents as may be necessary shall be processed so that funds may
14 be transferred from the Work Force 2000 Development Fund to the State Treasury
15 fund or fund account from which the technical college draws its general
16 revenue support. Be it further provided that such funds as may be transferred
17 shall not exceed 74.45% of the total funds available from the Work Force 2000
18 Development Fund during each fiscal year of the biennial period ending June
19 30, 1999.

20

21 In the event that an educational institution which receives support from the
22 Work Force 2000 Development Fund as determined by law or the State Board of
23 Vocational Education transfers or merges into the Arkansas Technical College
24 and Community College System for which Work Force 2000 Development Fund monies
25 are determined by law or the State Board of Higher Education, or vice versa,
26 then the actual amount of support from the Work Force 2000 Development Fund in
27 the preceding fiscal year for such educational institution shall be made
28 available irregardless of any other provision of law which sets out maximum
29 levels of support from such fund.

30

31 SECTION 23. SPECIAL LANGUAGE. After the sum of \$13,200,000 has been
32 deposited into the Higher Education Building Maintenance Fund, the next
33 \$10,000,000 or so much as is collected, is to be transferred to the Research
34 Development Fund there to be used as provided by law.

35

1 SECTION 24. SPECIAL LANGUAGE. REFUND TO EXPENDITURES. Proceeds
2 derived from the repayment of loans as authorized in Item (03) of Section 8 of
3 this act for the Math/Science Teacher Loan Awards Program shall be deposited
4 into the State Treasury as "Refunds to Expenditures."

5
6 SECTION 25. SPECIAL LANGUAGE - CARRY FORWARD. The balance of the
7 funds and appropriations as provided in Section 8 of this Act for the
8 Governor's Scholars Program and the Academic Challenge Scholarships Program
9 which remain on June 30, 1998, shall be carried forward and made available for
10 the same purpose for the fiscal year ending June 30, 1999.

11
12 SECTION 26. The funds which shall be available during either year of
13 the biennium for any Item No. or category of financial aid in Section 8 shall
14 not be reallocated or reduced below the amount of funds expended during the
15 fiscal year ending June 30, 1997, for the purpose of funding any increase in
16 the Governor's Scholars Program or Academic Challenge Scholarship Program
17 approved by the Eighty First General Assembly. Any funds distributed through
18 the provisions of the Revenue Stabilization Law to the Higher Education Grants
19 Fund Account during the 1997-99 biennium above \$7,436,548 each fiscal year
20 shall be used exclusively to provide additional funding for appropriations
21 made for the Academic Challenge Scholarships Program and the Governor's
22 Scholars Program.

23
24 SECTION 27. Should the funding of Governor's Scholars Program exceed the
25 funding level of the fiscal year ending June 30, 1997, and the number of
26 scholarships awarded increases to 200 or more as a result of the actions of
27 the Eighty First General Assembly, the Department of Higher Education shall
28 make every effort to assure a geographic distribution of the awards without
29 compromising the academic criteria established for such awards.

30
31 SECTION 28. In calculating the amount of an award under Arkansas Code
32 6-82-312(b), the Department of Higher Education shall presume that the amount
33 of tuition, room and board, and fees are the amounts which were published by
34 the approved institution for the 1996-97 academic year, adjusted annually for
35 inflation.

1

2 SECTION 29. SPECIAL LANGUAGE - SPECIAL PROVISIONS. (1) Effective July
3 1, 1993, those students who currently receive or who have been accepted to
4 receive financial assistance from the appropriations providing for payments of
5 the contracts with schools of higher learning for the education of Arkansas
6 citizens at out-of-state institutions of higher learning in the fields of
7 dental medicine, optometry, osteopathy, veterinary medicine, chiropractic
8 education and podiatry education shall continue to receive such financial
9 assistance;

10 (2) Effective July 1, 1993, the State Board of Higher Education shall
11 determine the priorities for the applicable programs enumerated in item (1)
12 above and the disbursing officer for the appropriations shall re-adjust the
13 number of positions funded for new freshman positions for the applicable
14 programs according to the need of the State for each profession, based upon
15 the priorities determined by the board after hearing testimony from the
16 recognized associations of each of the applicable medical professionals; and

17 (3) The State Board of Higher Education shall conduct a study during the
18 1997-99 biennium as to the need for health care providers in Arkansas and
19 report its findings to the General Assembly on or before October 1, 1998.

20

21 SECTION 30. SPECIAL LANGUAGE. (a) HIGHER EDUCATION TUITION ADJUSTMENT
22 FUND. The Higher Education Tuition Adjustment Fund is hereby created upon the
23 books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the
24 State. The fund shall consist of such revenues as are allocated to it by law.

25 (b) PURPOSE OF THE FUND. It is the intent of the Arkansas General Assembly
26 that this fund ensures that bonafide Arkansas income taxpayers and their
27 dependents who are residents of a bordering state in a contiguous county to
28 the Arkansas State line which is contiguous to a county where an insitution of
29 higher education is located receive the same higher education opportunities as
30 all other said taxpayers. In establishing this policy, it is the intent of
31 the General Assembly that taxpayers should have affordable access to the
32 state's higher education institutions.

33 Further, the Arkansas Department of Higher Education will require each
34 institution to track and report the number of qualifying students each year.
35 A list of students who benefit from the out-of-state tuition waiver including

1 their social security number or their Arkansas taxpaying parents' or
2 guardians' names and social security numbers will be furnished by the Arkansas
3 Department of Higher Education to the Department of Finance and Administration
4 for confirmation that they or their parents are employed in Arkansas at a wage
5 in excess of five thousand five hundred dollars (\$5,500) per annum.
6 Documentation should be either an official W-2 form from an Arkansas employer
7 reflecting wages of at least five thousand five hundred dollars (\$5,500) in
8 the tax year prior to enrollment in college; or official employer verification
9 of a current year salary minimum of at least five thousand five hundred
10 dollars (\$5,500) which the college will keep on file for enrollment audit
11 purposes.

12 (c) APPROPRIATION TRANSFER PROCEDURES. The Director of the Arkansas
13 Department of Higher Education shall determine the difference between the
14 amount of tuition revenue which would have been generated by charging the
15 State Board of Higher Education approved out-of-state tuition rate to said
16 students as compared to approved in-state or out-of-district rate. Upon such
17 determination, the Director of the Arkansas Department of Higher Education
18 shall certify to the Chief Fiscal Officer of the State and the State Treasurer
19 such amounts as are required to be transferred from the Higher Education
20 Tuition Adjustment Fund. Upon receiving such certification, the Chief Fiscal
21 Officer of the State and the State Treasurer shall cause to be transferred the
22 necessary funds and appropriation to the fund account of the institution
23 receiving such certification from the Director of the Arkansas Department of
24 Higher Education. In order to provide funding for the appropriation set out
25 in Item (15) of Section 8 of this act, the Chief Fiscal Officer of the State
26 shall transfer to the Higher Education Tuition Adjustment Fund from the Higher
27 Education Grants Fund Account \$250,000 for each year of the biennium.

28
29 SECTION 31. SPECIAL LANGUAGE. Arkansas Code 19-4-522 is amended by
30 inserting an additional subsection at the end thereof to read as follows:

31 §(e) Notwithstanding Arkansas Code 19-4-522 or any other law to the
32 contrary state-supported colleges and universities may utilize maintenance and
33 operation appropriations for the payment of moving expenses of employees,
34 including new hires.

35

1 SECTION 32. SPECIAL LANGUAGE. The Board of Trustees of any institution
2 of higher education may waive the out-of-state portion of any full tuition
3 scholarship for any full-time student which is provided by unrestricted funds
4 of the institution. Such part as is waived shall not be considered as an
5 expenditure by any regulation of the Board of Higher Education.

6
7 SECTION 33. SPECIAL LANGUAGE. The Department of Higher Education shall
8 adopt rules and regulations for the allocation of the funds reappropriated for
9 the development of projects at State Institutions of Higher Education and the
10 payment of project costs and expenses of the issuance of the bonds of the
11 Arkansas College Savings General Obligation Bonds Program by the Eighty-First
12 General Assembly to ensure that funds are allocated and expended in a manner
13 consistent with the provisions of the Internal Revenue Code applicable to the
14 Arkansas College Savings General Obligation Bond Program (Program). The funds
15 reappropriated for the development of projects at State Institutions of Higher
16 Education and the payment of project costs and expenses of the issuance of the
17 bonds of the Arkansas College Savings General Obligation Bonds Program by the
18 Eighty-First General Assembly shall be allocated and expended pursuant to the
19 provisions of Arkansas Code 6-62-701 et. seq. and other laws of this State.
20 The expenditure and allocation of funds shall be exempt from any other
21 provisions of state law which conflicts with any provision of the rules and
22 regulations which rules and regulations are required to ensure the compliance
23 of the Program with the applicable provisions of the Internal Revenue Code.

24
25 SECTION 34. SPECIAL LANGUAGE. Arkansas Code §6-62-708 is amended to
26 read as follows: "The total principal amount of bonds to be issued during any
27 fiscal biennium shall not exceed three-hundred million dollars (\$300,000,000),
28 nor shall the principal amount of bonds outstanding at any time have debt
29 service requirements in excess of twenty-four million dollars (\$24,000,000) in
30 any one fiscal year from all sources."

31
32 SECTION 35. SPECIAL LANGUAGE. UNALLOCATED COLLEGE SAVINGS BOND
33 APPROPRIATION. The amount of appropriation for College Savings Bonds projects
34 allocated for Other Strategic Needs of the State as authorized by Act 1167 of
35 1995 shall be distributed by the State Board of Higher Education to the two

1 year institutions of higher education as follows:

3 <u>COLLEGES & SCHOOLS</u>	DISTRIBUTION
4	
5 <u>ASU-BEEBE</u>	\$ 750,000
6 <u>ASU-BEEBE/NEWPORT</u>	449,862
7 <u>EAST ARKANSAS COMM. COLL.</u>	750,000
8 <u>GARLAND COUNTY COMM. COLL.</u>	750,000
9 <u>MID-SOUTH COMM. COLL.</u>	585,306
10 <u>MISSISSIPPI CO. COMM. COLL.</u>	750,000
11 <u>NORTH ARK COMM/TECH COLL.</u>	750,000
12 <u>NORTHWEST ARK. COMM. COLL.</u>	750,000
13 <u>PHILLIPS COMM. COLL. OF UA</u>	750,000
14 <u>RICH MOUNTAIN COMM. COLL.</u>	483,272
15 <u>SAU-TECH</u>	622,327
16 <u>SOUTH ARK. COMM. COLL.</u>	746,935
17 <u>UA COMM. COLL. AT HOPE</u>	750,000
18 <u>WESTARK COMM. COLL.</u>	750,000
19 <u>BLACK RIVER TECH. COLL.</u>	750,000
20 <u>COSSATOT TECH. COLL.</u>	541,964
21 <u>GATEWAY TECH. COLL.</u>	478,757
22 <u>OUACHITA TECH. COLL.</u>	504,040
23 <u>OZARKA TECH. COLL.</u>	469,727
24 <u>PETIT JEAN TECH. COLL.</u>	617,812
25 <u>PULASKI TECH. COLL.</u>	750,000
26 <u>SOUTHEAST ARK. TECH. COLL.</u>	750,000
27	
28 <u>TOTAL</u>	\$ 14,500,000

30 SECTION 36. The amount of College Savings Bond appropriation which is
 31 allocated in this Act for SAU-TECH may also be utilized for the Fire Training
 32 Academy and the Environmental Control Academy.

34 SECTION 37. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
 35 authorized by this Act shall be limited to the appropriation for such agency

1 and funds made available by law for the support of such appropriations; and
2 the restrictions of the State Purchasing Law, the General Accounting and
3 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
4 Procedures and Restrictions Act, or their successors, and other fiscal control
5 laws of this State, where applicable, and regulations promulgated by the
6 Department of Finance and Administration, as authorized by law, shall be
7 strictly complied with in disbursement of said funds.

8

9 SECTION 38. LEGISLATIVE INTENT. It is the intent of the General
10 Assembly that any funds disbursed under the authority of the appropriations
11 contained in this Act shall be in compliance with the stated reasons for which
12 this Act was adopted, as evidenced by the Agency Requests, Executive
13 Recommendations and Legislative Recommendations contained in the budget
14 manuals prepared by the Department of Finance and Administration, letters, or
15 summarized oral testimony in the official minutes of the Arkansas Legislative
16 Council or Joint Budget Committee which relate to its passage and adoption.

17

18 SECTION 39. CODE. All provisions of this Act of a general and
19 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the
20 Arkansas Code Revision Commission shall incorporate the same in the Code.

21

22 SECTION 40. SEVERABILITY. If any provision of this Act or the
23 application thereof to any person or circumstance is held invalid, such
24 invalidity shall not affect other provisions or applications of the Act which
25 can be given effect without the invalid provision or application, and to this
26 end the provisions of this Act are declared to be severable.

27

28 SECTION 41. GENERAL REPEALER. All laws and parts of laws in conflict
29 with this Act are hereby repealed.

30

31 SECTION 42. EMERGENCY CLAUSE. It is hereby found and determined by the
32 Eighty-First General Assembly, that the Constitution of the State of Arkansas
33 prohibits the appropriation of funds for more than a two (2) year period; that
34 the effectiveness of this Act on July 1, 1997 is essential to the operation of
35 the agency for which the appropriations in this Act are provided, and that in

1 the event of an extension of the Regular Session, the delay in the effective
2 date of this Act beyond July 1, 1997 could work irreparable harm upon the
3 proper administration and provision of essential governmental programs.
4 Therefore, an emergency is hereby declared to exist and this Act being
5 necessary for the immediate preservation of the public peace, health and
6 safety shall be in full force and effect from and after July 1, 1997.

7 /s/Rep. Thicksten
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