

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: S3/13/97 S3/19/97 S3/21/97

# A Bill

SENATE BILL 390

5 By: Senators Bell, Argue, Beebe, Boozman, Brown, Fitch, Gwatney, Hill, Hoofman, Hunter, Jeffries, Kennedy, Mahony, Malone,  
6 Roebuck, Russ, Scott, Smith, Walters, Webb, Wyrick  
7  
8

## For An Act To Be Entitled

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

## Subtitle

14  
15 "AN ACT FOR THE DEPARTMENT OF HIGHER  
16 EDUCATION APPROPRIATION FOR THE 1997-99  
17 BIENNIUM."  
18  
19

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

22 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby  
23 established for the Department of Higher Education - General Operations for  
24 the 1997-99 biennium, the following maximum number of regular employees whose  
25 salaries shall be governed by the provisions of the Uniform Classification and  
26 Compensation Act (Arkansas Code §21-5-201 et seq.), or its successor, and all  
27 laws amendatory thereto. Provided, however, that any position to which a  
28 specific maximum annual salary is set out herein in dollars, shall be exempt  
29 from the provisions of said Uniform Classification and Compensation Act. All  
30 persons occupying positions authorized herein are hereby governed by the  
31 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas  
32 Code §21-5-101), or its successor.  
33

34			Maximum Annual
35		Maximum	Salary Rate
36	Item Class	No. of	Fiscal Years

<del>No.</del>	<del>Code</del>	<del>Title</del>	<del>Employees</del>	<del>1997-98</del>	<del>1998-99</del>
2	(1) 9960	HIGHER ED DIRECTOR	1	\$103,026	\$105,910
3	(2) 7243	HIGHER EDUCATION DEPUTY DIRECTOR	1	\$ 95,396	\$ 98,067
4	(3) 9773	HIGHER ED SENIOR ASSOC DIR	1	\$ 87,322	\$ 89,767
5	(4) 9774	HIGHER ED ASSOC DIR FOR FISCAL AFF	1	\$ 75,466	\$ 77,579
6	(5) 9922	DHE ASOC DIR ACAD AFF.	1	\$ 75,466	\$ 77,579
7	(6) 9978	ASST DIR FOR PLNG & ACCOUNTABILITY	1	\$ 64,208	\$ 66,006
8	(7) 9090	HE ASST DIR OF INFO SERVICES	1	\$ 64,208	\$ 66,006
9	(8) 9623	HE COORD OF INSTITUTIONAL FINANCE	1	\$ 57,622	\$ 59,235
10	(9)	HE COORD OF WORKFORCE DEVELOPMENT	1	\$ 57,622	\$ 59,235
11	(10) 9093	HE COORD 2-YR INST FINANCE	1	\$ 57,622	\$ 59,235
12	(11) 9965	HE COORD OF ACADEMIC PROGRAMS	1	\$ 57,622	\$ 59,235
13	(12) 9983	HIGHER ED COORDINATOR OF Y.O.U. PGM	1	\$ 57,622	\$ 59,235
14	(13) 9966	HIGHER ED STUDENT FIN AID MANAGER	1	\$ 57,622	\$ 59,235
15	(14) 9092	HE COORD OF GENERAL ADMIN	1	\$ 57,622	\$ 59,235
16	(15) A252	DHE FINANCIAL MANAGER	2	GRADE 24	
17	D064	SR SYSTEMS PROGRAMMER	1		
18	(16) R088	HIGHER ED FINANCIAL OFFICER	1	GRADE 22	
19	A032	AGENCY FISCAL MANAGER	1		
20	R096	HIGHER ED ASST COORD STDNT FIN AID	3		
21	(17) D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
22	(18) R240	DHE DATA COLLECTION ANALYST	1	GRADE 20	
23	(19) R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18	
24	(20) K011	ADMINISTRATIVE OFFICE SUPERVISOR	1	GRADE 15	
25	(21) K153	SECRETARY II	7	GRADE 13	
26		MAX NO. OF EMPLOYEES	34		

SECTION 2. 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.

35

1 SECTION 3. APPROPRIATIONS - 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 biennial  
 5 period ending June 30, 1999, the following:

<del>ITEM</del>		<del>FISCAL YEARS</del>	
8 NO.		1997-98	1998-99
9 (01)	REGULAR SALARIES	\$ 1,527,921	\$ 1,570,700
10 (02)	EXTRA HELP	25,101	25,101
11 (03)	PERSONAL SERV MATCHING	381,980	392,675
12 (04)	MAINT. & GEN. OPERATION		
13	(A) OPER. EXPENSE	547,770	547,770
14	(B) CONF. & TRVL.	63,901	63,901
15	(C) PROF. FEES	4,000	4,000
16	(D) CAP. OUTLAY	30,000	30,000
17	(E) DATA PROC.	0	0
18 (05)	YOUTH OPPORTUNITIES UNLIMITED GRANTS/AIDS	91,591	91,591
19 (06)	PROGRAM EVALUATION/ACCREDIATION	<u>110,000</u>	<u>110,000</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,782,264</u>	<u>\$ 2,835,738</u>

21  
 22 SECTION 4 APPROPRIATIONS - HIGHER EDUCATION PROMOTIONAL GRANTS. There  
 23 is hereby appropriated, to the Department of Higher Education, to be payable  
 24 from the Department of Higher Education Fund Account, for the State Board of  
 25 Higher Education to utilize in the promotion of statewide Higher Education  
 26 priorities of the State Board of Higher Education for the biennial period  
 27 ending June 30, 1999, the following:

<del>ITEM</del>		<del>FISCAL YEARS</del>	
30 NO.		1997-98	1998-99
31 (01)	HIGHER EDUCATION PROMOTIONAL GRANTS	<u>\$ 3,002,285</u>	<u>\$ 3,002,285</u>

32  
 33 SECTION 5. APPROPRIATIONS - SREB INSTITUTE. There is hereby  
 34 appropriated, to the Department of Higher Education, to be payable from the  
 35 Department of Higher Education Fund Account, for making the contribution of

1 the State of Arkansas to the SREB Institute for higher educational opportunity  
 2 by the Department of Higher Education for the biennial period ending June 30,  
 3 1999, the following:

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

8  
 9 SECTION 6. APPROPRIATIONS - STUDENT ASSISTANCE GRANTS AND VARIOUS  
 10 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher  
 11 Education, to be payable from the Higher Education Grants Fund Account, for  
 12 providing student assistance grants and various scholarships as provided by  
 13 law by the Department of Higher Education for the biennial period ending June  
 14 30, 1999, the following:

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16 ITEM	FISCAL YEARS	
17 NO.	1997-98	1998-99
18 (01) SCHOLARSHIPS TO DEPENDENTS - MIA/KIA		
19 TUITION WAIVERS	\$ 48,000	\$ 48,000
20 (02) TEACHER RETRAINING GRANTS	179,544	179,544
21 (03) MATH/SCIENCE TEACHER LOAN AWARDS	81,717	81,717
22 (04) GOVERNOR'S SCHOLARS PROGRAM		
23 AWARDS	3,198,450	4,824,452
24 (05) JUNIOR/SENIOR MINORITY		
25 SCHOLARSHIPS	450,000	450,000
26 (06) FRESHMAN/SOPHOMORE MINORITY		
27 SCHOLARSHIPS	250,000	250,000
28 (07) MINORITY TEACHER RECRUITMENT &		
29 TRAINING PROGRAM - PAYMENT OF HONORARIUMS	25,000	25,000
30 (08) SECOND EFFORT SCHOLARSHIPS	50,000	50,000
31 (09) SREB MINORITY FACULTY		
32 RECRUITMENT SCHOLARSHIPS	200,000	200,000
33 (10) STATE SCHOLARSHIP PROGRAM	5,099,506	5,099,506
34 (11) ACADEMIC CHALLENGE SCHOLARSHIPS	13,100,000	14,675,000
35 (12) MINORITY MASTERS PROGRAM	80,000	80,000

1	(13)	SURVIVING CHILDREN SCHOLARSHIPS	60,000	60,000
2	(14)	FACULTY/ADMINISTRATOR		
3		DEVELOPMENT MATCHING	30,000	30,000
4	(15)	TUITION ADJUSTMENT	<u>800,000</u>	<u>800,000</u>
5		TOTAL AMOUNT APPROPRIATED	<u>\$ 23,652,217</u>	<u>\$ 26,853,219</u>

6

7 SECTION 7. APPROPRIATIONS - STATE SCHOLARSHIP - FEDERAL. There is

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

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

10 Grants-in-Aid of the State Scholarship - Federal Program of the Department of

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

13	ITEM	FISCAL YEARS	
14	NO.	1997-98	1998-99
15	(01) GRANTS/AIDS - ST. SCHOLARSHIPS - FEDERAL	<u>\$ 316,147</u>	<u>\$ 316,147</u>

16

17 SECTION 8. APPROPRIATIONS - DWIGHT D. EISENHOWER GRANTS. There is

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

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

20 operating expenses and grants/aids of the Dwight D. Eisenhower Program of the

21 Department of Higher Education for the biennial period ending June 30, 1999,

22 ~~the following:~~

24	ITEM	FISCAL YEARS	
25	NO.	1997-98	1998-99
26	(01) MAINT. & GEN. OPERATION		
27	(A) OPER. EXPENSE	24,761	24,761
28	(B) CONF. & TRVL.	5,000	5,000
29	(C) PROF. FEES	2,500	2,500
30	(D) CAP. OUTLAY	0	0
31	(E) DATA PROC.	0	0
32	(02) DWIGHT D. EISENHOWER GRANTS/AIDS	<u>\$ 639,182</u>	<u>\$ 639,182</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$ 671,443</u>	<u>\$ 671,443</u>

34

35 SECTION 9. APPROPRIATIONS - SYSTEMIC INITIATIVE PROJECT. There is

1 hereby appropriated, to the Department of Higher Education, to be payable from  
 2 the federal funds as designated by the Chief Fiscal Officer of the State, for  
 3 personal services, operating expenses and grants to support math/science  
 4 ~~education of the Department of Higher Education for the biennial period ending~~  
 5 June 30, 1999, the following:

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

20

21 SECTION 10. APPROPRIATIONS - TECHNICAL EDUCATION - FEDERAL PROGRAMS.

22 There is hereby appropriated, to the Department of Higher Education, to be  
 23 payable from the federal funds as designated by the Chief Fiscal Officer of  
 24 ~~the State, for personal services and operating expenses of the Department of~~  
 25 Higher Education for the biennial period ending June 30, 1999, the following:

27 ITEM		FISCAL YEARS	
28 NO.		1997-98	1998-99
29 (01)	REGULAR SALARIES	\$ 57,622	\$ 59,235
30 (02)	PERSONAL SERV MATCHING	13,303	13,592
31 (03)	MAINT. & GEN. OPERATION		
32	(A) OPER. EXPENSE	4,000	4,000
33	(B) CONF. & TRVL.	9,000	9,000
34	(C) PROF. FEES	68,268	68,268
35	(D) CAP. OUTLAY	0	0

1	(E) DATA PROC.	<u>0</u>	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 152,193</u>	<u>\$ 154,095</u>

3

4 SECTION 11. APPROPRIATIONS. There is hereby appropriated, to the

5 Department of Higher Education, to be payable from the Higher Education

6 Building Maintenance Fund, for maintenance of various buildings at the

7 Institutions of Higher Education by the Department of Higher Education for the

8 biennial period ending June 30, 1999, the sum of .....\$26,000,000.

9

10 SECTION 12. APPROPRIATIONS. There is hereby appropriated, to the

11 Department of Higher Education, to be payable from the Research Development

12 Fund, for providing Arkansas Research Development Program Grants to

13 Institutions of Higher Education by the Department of Higher Education for the

14 biennial period ending June 30, 1999, the sum of.....\$10,000,000.

15

16 SECTION 13. SPECIAL LANGUAGE - REPORTING REQUIREMENTS. The reports of

17 college achievement of high school graduates, as appropriated by the Eighty-

18 First General Assembly, shall be provided to high school and school district

19 administrators and may also be provided to the State Board of Higher

20 Education, the Governor, the Joint Interim Committee on Education, the Board

21 of Education and the Department of Education, as designated by the Department

22 of Higher Education.

23

24 SECTION 14. SPECIAL LANGUAGE - TRANSFER PROVISION. Upon certification

25 by the Director of the Department of Higher Education that transfers are

26 needed to make maximum utilization of funds and appropriations provided for

27 financial aid programs, and with the approval of the Chief Fiscal Officer of

28 the State and a review by the Arkansas Legislative Council, funds and

29 appropriations may be transferred between financial aid programs except that

30 funds and appropriations may not be transferred for such purposes from either

31 the Governor's Scholars Program or the Academic Challenge Scholarships Program

32 in excess of \$1,000,000 in the aggregate in either fiscal year.

33

34 SECTION 15. SPECIAL LANGUAGE - HIGHER EDUCATION PROMOTIONAL GRANTS.

35 Upon certification by the Chairman of the State Board of Higher Education to

1 the Chief Fiscal Officer of the State, funds and appropriation provided to the  
2 Department of Higher Education for Higher Education Promotional Grants shall  
3 be transferred each fiscal year to each institution of higher education which  
4 received such funds in Fiscal Year 1995-96, in the proportion of the amount  
5 each institution received to the total amount which was distributed in Fiscal  
6 Year 1995-96 applied to the total amount of funds available each year, there  
7 to be used for the same purposes.

8

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

18

19 SECTION 17. SPECIAL LANGUAGE - CARRY FORWARD. The unexpended balances  
20 of funding and appropriation authorized in Section 3 of this Act, General  
21 Operations, for capital outlay that pertain to the completion of the  
22 acquisition of a telecommunications system, that remains on June 30, 1998,  
23 shall be carried forward for the same purposes for the fiscal year ending June  
24 30, 1999.

25

26 SECTION 18. SPECIAL LANGUAGE. The unexpended balances of the  
27 appropriations and funding authorized in Section 3 Of this Act as of June 30,  
28 1998, shall be carried forward and made available for the purpose of  
29 continuing the technical education implementation/restructuring through the  
30 fiscal year ending June 30, 1999.

31

32 SECTION 19. SPECIAL LANGUAGE. After the amounts to be made available to  
33 the various technical colleges have been determined by the State Board of  
34 Higher Education under the provisions of Act 1244 of 1991 and Act 1246 of  
35 1991, and upon the review and approval of the Chief Fiscal Officer of the



1 State, such documents as may be necessary shall be processed so that funds may  
2 be transferred from the Work Force 2000 Development Fund to the State Treasury  
3 fund or fund account from which the technical college draws its general  
4 revenue support. Be it further provided that such funds as may be transferred  
5 shall not exceed 74.45% of the total funds available from the Work Force 2000  
6 Development Fund during each fiscal year of the biennial period ending June  
7 30, 1999.

8  
9 In the event that an educational institution which receives support from the  
10 Work Force 2000 Development Fund as determined by law or the State Board of  
11 Vocational Education transfers or merges into the Arkansas Technical College  
12 and Community College System for which Work Force 2000 Development Fund monies  
13 are determined by law or the State Board of Higher Education, or vice versa,  
14 then the actual amount of support from the Work Force 2000 Development Fund in  
15 the preceding fiscal year for such educational institution shall be made  
16 available irregardless of any other provision of law which sets out maximum  
17 levels of support from such fund.

18  
19 SECTION 20. SPECIAL LANGUAGE. After the sum of \$13,200,000 has been  
20 deposited into the Higher Education Building Maintenance Fund, the next  
21 \$10,000,000 or so much as is collected, is to be transferred to the Research  
22 Development Fund there to be used as provided by law.

23  
24 SECTION 21. SPECIAL LANGUAGE. REFUND TO EXPENDITURES. Proceeds  
25 derived from the repayment of loans as authorized in Item (03) of Section 6 of  
26 this act for the Math/Science Teacher Loan Awards Program shall be deposited  
27 into the State Treasury as "Refunds to Expenditures."

28  
29 SECTION 22. SPECIAL LANGUAGE - CARRY FORWARD. The balance of the  
30 funds and appropriations as provided in Section 6 of this Act for the  
31 Governor's Scholars Program and the Academic Challenge Scholarships Program  
32 which remain on June 30, 1998, shall be carried forward and made available for  
33 the same purpose for the fiscal year ending June 30, 1999.

34  
35 SECTION 23. The funds which shall be available during either year of

1 the biennium for any Item No. or category of financial aid in Section 6 shall  
2 not be reallocated or reduced below the amount of funds expended during the  
3 fiscal year ending June 30, 1997, for the purpose of funding any increase in  
4 the Governor's Scholars Program or Academic Challenge Scholarship Program  
5 approved by the Eighty First General Assembly. Any funds distributed through  
6 the provisions of the Revenue Stabilization Law to the Higher Education Grants  
7 Fund Account during the 1997-99 biennium above \$7,436,548 each fiscal year  
8 shall be used exclusively to provide additional funding for appropriations  
9 made for the Academic Challenge Scholarships Program and the Governor's  
10 Scholars Program.

11

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

18

19 SECTION 25. In calculating the amount of an award under Arkansas Code  
20 6-82-312(b), the Department of Higher Education shall presume that the amount  
21 of tuition, room and board, and fees are the amounts which were published by  
22 the approved institution for the 1996-97 academic year, adjusted annually for  
23 inflation.

24

25 SECTION 26. SPECIAL LANGUAGE - SPECIAL PROVISIONS. (1) Effective July  
26 1, 1993, those students who currently receive or who have been accepted to  
27 receive financial assistance from the appropriations providing for payments of  
28 the contracts with schools of higher learning for the education of Arkansas  
29 citizens at out-of-state institutions of higher learning in the fields of  
30 dental medicine, optometry, osteopathy, veterinary medicine, chiropractic  
31 education and podiatry education shall continue to receive such financial  
32 assistance;

33 (2) Effective July 1, 1993, the State Board of Higher Education shall  
34 determine the priorities for the applicable programs enumerated in item (1)  
35 above and the disbursing officer for the appropriations shall re-adjust the

1 number of positions funded for new freshman positions for the applicable  
2 programs according to the need of the State for each profession, based upon  
3 the priorities determined by the board after hearing testimony from the  
4 recognized associations of each of the applicable medical professionals; and

5 (3) The State Board of Higher Education shall conduct a study during the  
6 1997-99 biennium as to the need for health care providers in Arkansas and  
7 report its findings to the General Assembly on or before October 1, 1998.

8

9 SECTION 27. SPECIAL LANGUAGE. (a) HIGHER EDUCATION TUITION ADJUSTMENT  
10 FUND. The Higher Education Tuition Adjustment Fund is hereby created upon the  
11 books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the  
12 State. The fund shall consist of such revenues as are allocated to it by law.

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

21 Further, the Arkansas Department of Higher Education will require each  
22 institution to track and report the number of qualifying students each year.  
23 A list of students who benefit from the out-of-state tuition waiver including  
24 their social security number or their Arkansas taxpaying parents' or  
25 guardians' names and social security numbers will be furnished by the Arkansas  
26 Department of Higher Education to the Department of Finance and Administration  
27 for confirmation that they or their parents are employed in Arkansas at a wage  
28 in excess of five thousand five hundred dollars (\$5,500) per annum.

29 Documentation should be either an official W-2 form from an Arkansas employer  
30 reflecting wages of at least five thousand five hundred dollars (\$5,500) in  
31 the tax year prior to enrollment in college; or official employer verification  
32 of a current year salary minimum of at least five thousand five hundred  
33 dollars (\$5,500) which the college will keep on file for enrollment audit  
34 purposes.

35 (c) APPROPRIATION TRANSFER PROCEDURES. The Director of the Arkansas

1 Department of Higher Education shall determine the difference between the  
2 amount of tuition revenue which would have been generated by charging the  
3 State Board of Higher Education approved out-of-state tuition rate to said  
4 students as compared to approved in-state or out-of-district rate. Upon such  
5 determination, the Director of the Arkansas Department of Higher Education  
6 shall certify to the Chief Fiscal Officer of the State and the State Treasurer  
7 such amounts as are required to be transferred from the Higher Education  
8 Tuition Adjustment Fund. Upon receiving such certification, the Chief Fiscal  
9 Officer of the State and the State Treasurer shall cause to be transferred the  
10 necessary funds and appropriation to the fund account of the institution  
11 receiving such certification from the Director of the Arkansas Department of  
12 Higher Education. In order to provide funding for the appropriation set out  
13 in Item (15) of Section 6 of this act, the Chief Fiscal Officer of the State  
14 shall transfer to the Higher Education Tuition Adjustment Fund from the Higher  
15 Education Grants Fund Account \$250,000 for each year of the biennium.

16

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

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

23

24 SECTION 29. SPECIAL LANGUAGE. The Board of Trustees of any institution  
25 of higher education may waive the out-of-state portion of any full tuition  
26 scholarship for any full-time student which is provided by unrestricted funds  
27 of the institution. Such part as is waived shall not be considered as an  
28 expenditure by any regulation of the Board of Higher Education.

29

30 SECTION 30. SPECIAL LANGUAGE. The Department of Higher Education shall  
31 adopt rules and regulations for the allocation of the funds reappropriated for  
32 the development of projects at State Institutions of Higher Education and the  
33 payment of project costs and expenses of the issuance of the bonds of the  
34 Arkansas College Savings General Obligation Bonds Program by the Eighty-First  
35 General Assembly to ensure that funds are allocated and expended in a manner

1 consistent with the provisions of the Internal Revenue Code applicable to the  
 2 Arkansas College Savings General Obligation Bond Program (Program). The funds  
 3 reappropriated for the development of projects at State Institutions of Higher  
 4 Education and the payment of project costs and expenses of the issuance of the  
 5 bonds of the Arkansas College Savings General Obligation Bonds Program by the  
 6 Eighty-First General Assembly shall be allocated and expended pursuant to the  
 7 provisions of Arkansas Code 6-62-701 et. seq. and other laws of this State.  
 8 The expenditure and allocation of funds shall be exempt from any other  
 9 provisions of state law which conflicts with any provision of the rules and  
 10 regulations which rules and regulations are required to ensure the compliance  
 11 of the Program with the applicable provisions of the Internal Revenue Code.  
 12

13 SECTION 31. SPECIAL LANGUAGE. Arkansas Code §6-62-708 is amended to  
 14 read as follows: "The total principal amount of bonds to be issued during any  
 15 fiscal biennium shall not exceed three-hundred million dollars (\$300,000,000),  
 16 nor shall the principal amount of bonds outstanding at any time have debt  
 17 service requirements in excess of twenty-four million dollars (\$24,000,000) in  
 18 any one fiscal year from all sources."  
 19

20 SECTION 32. SPECIAL LANGUAGE. UNALLOCATED COLLEGE SAVINGS BOND  
 21 APPROPRIATION. The amount of appropriation for College Savings Bonds projects  
 22 allocated for Other Strategic Needs of the State as authorized by Act 1167 of  
 23 1995 shall be distributed by the State Board of Higher Education to the two  
 24 year institutions of higher education as follows:  
 25

<u>COLLEGES &amp; SCHOOLS</u>	<u>DISTRIBUTION</u>
28 <u>ASU-BEEBE</u> -	<u>\$ 750,000</u>
29 <u>ASU-BEEBE/NEWPORT</u>	<u>449,862</u>
30 <u>EAST ARKANSAS COMM. COLL.</u>	<u>750,000</u>
31 <u>GARLAND COUNTY COMM. COLL.</u>	<u>750,000</u>
32 <u>MID-SOUTH COMM. COLL.</u>	<u>585,306</u>
33 <u>MISSISSIPPI CO. COMM. COLL.</u>	<u>750,000</u>
34 <u>NORTH ARK COMM/TECH COLL.</u>	<u>750,000</u>
35 <u>NORTHWEST ARK. COMM. COLL.</u>	<u>750,000</u>

1	<u>PHILLIPS COMM. COLL. OF UA</u>	<u>750,000</u>
2	<u>RICH MOUNTAIN COMM. COLL.</u>	<u>483,272</u>
3	<u>SAU-TECH</u>	<u>622,327</u>
4	<u>SOUTH ARK. COMM. COLL.</u>	<u>746,935</u>
5	<u>UA COMM. COLL. AT HOPE</u>	<u>750,000</u>
6	<u>WESTARK COMM. COLL.</u>	<u>750,000</u>
7	<u>BLACK RIVER TECH. COLL.</u>	<u>750,000</u>
8	<u>COSSATOT TECH. COLL.</u>	<u>541,964</u>
9	<u>GATEWAY TECH. COLL.</u>	<u>478,757</u>
10	<u>OUACHITA TECH. COLL.</u>	<u>504,040</u>
11	<u>OZARKA TECH. COLL.</u>	<u>469,727</u>
12	<u>PETIT JEAN TECH. COLL.</u>	<u>617,812</u>
13	<u>PULASKI TECH. COLL.</u>	<u>750,000</u>
14	<u>SOUTHEAST ARK. TECH. COLL.</u>	<u>750,000</u>
15		
16	<u>TOTAL</u>	<u>\$ 14,500,000</u>

18 SECTION 33. The amount of College Savings Bond Appropriation which is  
19 allocated in this act for SAU-TECH may also be utilized for the Fire Training  
20 Academy and the Environmental Control Academy.

22 SECTION 34. SPECIAL LANGUAGE. PROVISIONAL POSITIONS. In the event  
23 federal funds or grants are received during the biennium, the Department of  
24 Higher Education may establish up to seven (7) provisional positions to be  
25 paid from such federal funds, which are in addition to those already  
26 appropriated in this Act, so long as the salary rates do not exceed the  
27 maximum salaries or grades established for comparable positions in the regular  
28 salary section of this Act. The establishment of such positions shall be  
29 subject to the approval of the Director of the Department of Finance and  
30 Administration.

32 SECTION 35. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
33 authorized by this Act shall be limited to the appropriation for such agency  
34 and funds made available by law for the support of such appropriations; and  
35 the restrictions of the State Purchasing Law, the General Accounting and

1 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
2 Procedures and Restrictions Act, or their successors, and other fiscal control  
3 laws of this State, where applicable, and regulations promulgated by the  
4 Department of Finance and Administration, as authorized by law, shall be  
5 strictly complied with in disbursement of said funds.

6  
7 SECTION 36. LEGISLATIVE INTENT. It is the intent of the General  
8 Assembly that any funds disbursed under the authority of the appropriations  
9 contained in this Act shall be in compliance with the stated reasons for which  
10 this Act was adopted, as evidenced by the Agency Requests, Executive  
11 Recommendations and Legislative Recommendations contained in the budget  
12 manuals prepared by the Department of Finance and Administration, letters, or  
13 summarized oral testimony in the official minutes of the Arkansas Legislative  
14 Council or Joint Budget Committee which relate to its passage and adoption.

15  
16 SECTION 37. CODE. All provisions of this Act of a general and  
17 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the  
18 Arkansas Code Revision Commission shall incorporate the same in the Code.

19  
20 SECTION 38. SEVERABILITY. If any provision of this Act or the  
21 application thereof to any person or circumstance is held invalid, such  
22 invalidity shall not affect other provisions or applications of the Act which  
23 can be given effect without the invalid provision or application, and to this  
24 end the provisions of this Act are declared to be severable.

25  
26 SECTION 39. GENERAL REPEALER. All laws and parts of laws in conflict  
27 with this Act are hereby repealed.

28  
29 SECTION 40. EMERGENCY CLAUSE. It is hereby found and determined by the  
30 Eighty-First General Assembly, that the Constitution of the State of Arkansas  
31 prohibits the appropriation of funds for more than a two (2) year period; that  
32 the effectiveness of this Act on July 1, 1997 is essential to the operation of  
33 the agency for which the appropriations in this Act are provided, and that in  
34 the event of an extension of the Regular Session, the delay in the effective  
35 date of this Act beyond July 1, 1997 could work irreparable harm upon the

1 proper administration and provision of essential governmental programs.  
2 Therefore, an emergency is hereby declared to exist and this Act being  
3 necessary for the immediate preservation of the public peace, health and  
4 safety shall be in full force and effect from and after July 1, 1997.

5 */s/Bell et al*

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