

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Engrossed: S3/11/03 S3/18/03 S3/27/03*

2 84th General Assembly

A Bill

3 Regular Session, 2003

SENATE BILL 503

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5 By: Senators Broadway, Bryles, Critcher, Gullett, Miller, Faris, Salmon, Womack, Argue, Steele, Brown

6 By: Representatives Cleveland, White, Ormond, Childers, Hutchinson, Wood, Dickinson, Weaver,

7 Hickinbotham, Milligan, Chesterfield, Fite, Elliott, S. Prater, Rosenbaum, J. Johnson, Martin, Napper,

8 Bright, Ledbetter, Scrimshire, Bond, Bradford, Creekmore, Dobbins, Lendall, Lewellen, Mathis, Moore,

9 R. Smith, Bennett

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For An Act To Be Entitled

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AN ACT TO MAKE AN APPROPRIATION FOR PROVIDING

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ADDITIONAL FUNDING AND APPROPRIATION TO THE TWO

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YEAR COLLEGES FOR EQUITY AND FULLY FUNDING

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EXISTING STUDENTS BY THE DEPARTMENT OF HIGHER

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EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30,

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2005; TO CREATE THE TWO YEAR COLLEGE MODEL

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FORMULA FUND; AND FOR OTHER PURPOSES.

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Subtitle

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AN ACT FOR THE DEPARTMENT OF HIGHER

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EDUCATION - TWO YEAR COLLEGE MODEL

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FORMULA FUND APPROPRIATION FOR THE

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2003-2005 BIENNIUM.

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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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31 SECTION 1. APPROPRIATION - TWO YEAR COLLEGE MODEL FORMULA FUND. There is
32 hereby appropriated, to the Department of Higher Education, to be payable
33 from the Two Year College Model Formula Fund, for providing additional
34 funding and appropriation for transfer to the fund from which each of the
35 various two year colleges draws its general revenue support, for equity and
36 fully funding existing students, *first as set out in Section 2 of this Act*



1 and then based upon and in accordance with the computations included in the
 2 formula adopted and recommended by the Arkansas Higher Education Coordinating
 3 Board in July, 2002 in the order of first, the "Cost of 2.7% Increase", then
 4 "Restoration of 70% of WF2000 Loss 1997-98 to 2001-02" and then "The Greater
 5 of a Distribution Based on Mini-Model or a Distribution Based on a 2.7%
 6 Increase on General Revenue Portion of Salaries", by the Department of Higher
 7 Education for the biennial period ending June 30, 2005, the following:

ITEM	FISCAL YEARS	
NO.	2003-2004	2004-2005
(01) APPROPRIATION & FUND TRANSFERS TO VARIOUS TWO YEAR COLLEGES-EQUITY & STUDENT FUNDING	<u>\$ 29,872,890</u>	<u>\$ 34,026,223</u>

15 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TWO YEAR
 17 COLLEGE MODEL FORMULA FUND ALLOCATIONS-FIRST DISTRIBUTION. The Department of
 18 Higher Education shall transfer the following amounts of appropriation and
 19 funds as contained in Section 1 of this Act to the fund from which each of
 20 the various two year colleges draws its general revenue support until a total
 21 of \$6,281,607 has been distributed for the 2003-05 biennium:

24 ALLOCATION

<u>TWO YEAR COLLEGE</u>	<u>FY2003-04</u>	<u>FY2004-05</u>
<u>PULASKI TECHNICAL COLLEGE</u>	<u>\$1,503,611</u>	<u>\$1,503,611</u>
<u>NORTHWEST ARKANSAS COMM COLL</u>	<u>732,480</u>	<u>732,480</u>
<u>SOUTHEAST ARKANSAS COLLEGE</u>	<u>452,201</u>	<u>452,201</u>
<u>ASU-MOUNTAIN HOME</u>	<u>182,334</u>	<u>182,334</u>
<u>ASU-NEWPORT</u>	<u>238,701</u>	<u>238,701</u>
<u>UA-COMM COLL AT BATESVILLE</u>	<u>258,597</u>	<u>258,597</u>
<u>UA-COMM COLL AT MORRILTON</u>	<u>347,143</u>	<u>347,143</u>
<u>ASU-BEEBE</u>	<u>241,695</u>	<u>241,695</u>
<u>MISSISSIPPI COUNTY COMM COLL</u>	<u>155,875</u>	<u>155,875</u>
<u>OZARKA COLLEGE</u>	<u>225,041</u>	<u>225,041</u>
<u>GARLAND COUNTY COMM COLL</u>	<u>377,100</u>	<u>377,100</u>

1	<u>BLACK RIVER TECHNICAL COLL</u>	<u>309,849</u>	<u>309,849</u>
2	<u>OUACHITA TECHNICAL COLL</u>	<u>240,307</u>	<u>240,307</u>
3	<u>COSSATOT COMM COLL-UA</u>	<u>124,969</u>	<u>124,969</u>
4	<u>RICH MOUNTAIN COMM COLL</u>	<u>108,460</u>	<u>108,460</u>
5	<u>UA-COMM COLL AT HOPE</u>	<u>127,674</u>	<u>127,674</u>
6	<u>NORTH ARKANSAS COLLEGE</u>	<u>112,825</u>	<u>112,825</u>
7	<u>MID-SOUTH COMM COLL</u>	<u>165,504</u>	<u>165,504</u>
8	<u>PHILLIPS COMM COLL-UA</u>	<u>112,676</u>	<u>112,676</u>
9	<u>EAST ARKANSAS COMM COLL</u>	<u>123,650</u>	<u>123,650</u>
10	<u>SAU-TECH</u>	<u>92,380</u>	<u>92,380</u>
11	<u>SOUTH ARKANSAS COMM COLL</u>	<u>48,535</u>	<u>48,535</u>
12	<u>TOTAL AMOUNT ALLOCATED</u>	<u>\$6,281,607</u>	<u>\$6,281,607</u>

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14 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TWO YEAR
16 COLLEGE MODEL FORMULA FUND ALLOCATIONS-FIRST DISTRIBUTION DEFINED. The
17 allocation of funds and appropriations authorized in Section 2 of this Act
18 are based upon the sum of \$2,500,000 for growth funding per full time
19 equivalent student; \$2,500,000 for equity funding per full time equivalent
20 student, which is defined as any school which is receiving less than 75% of
21 the average of the highest six schools; and \$1,281,607 for restoration of
22 WF2000 loss in the 2002-03 fiscal year.

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24 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TWO YEAR
26 COLLEGE MODEL FORMULA FUND ALLOCATIONS. The Department of Higher Education
27 shall transfer the following amounts of appropriation and funds as contained
28 in Section 1 of this Act after making the distributions in Section 2 of this
29 Act or so much as is available to the fund from which each of the various two
30 year colleges draws its general revenue support, based upon and in accordance
31 with the computations included in the formula adopted and recommended by the
32 Arkansas Higher Education Coordinating Board in July, 2002 in the order of
33 first, the "Cost of 2.7% Increase", then "Restoration of 70% of WF2000 Loss
34 1997-98 to 2001-02" and then "The Greater of a Distribution Based on Mini-
35 Model or a Distribution Based on a 2.7% Increase on General Revenue Portion
36 of Salaries":

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	<u>ALLOCATION</u>	
<u>TWO YEAR COLLEGE</u>	<u>FY2003-04</u>	<u>FY2004-05</u>
<u>PULASKI TECHNICAL COLLEGE</u>	<u>\$8,579,908</u>	<u>\$9,057,397</u>
<u>NORTHWEST ARKANSAS COMM COLL</u>	<u>4,362,927</u>	<u>4,692,317</u>
<u>SOUTHEAST ARKANSAS COLLEGE</u>	<u>2,381,544</u>	<u>2,597,538</u>
<u>ASU-MOUNTAIN HOME</u>	<u>1,616,684</u>	<u>1,748,433</u>
<u>ASU-NEWPORT</u>	<u>930,659</u>	<u>1,027,381</u>
<u>UA-COMM COLL AT BATESVILLE</u>	<u>1,695,757</u>	<u>1,842,073</u>
<u>UA-COMM COLL AT MORRILTON</u>	<u>1,761,748</u>	<u>1,930,707</u>
<u>ASU-BEEBE</u>	<u>342,085</u>	<u>610,305</u>
<u>MISSISSIPPI COUNTY COMM COLL</u>	<u>1,107,750</u>	<u>1,318,291</u>
<u>OZARKA COLLEGE</u>	<u>899,319</u>	<u>1,005,857</u>
<u>GARLAND COUNTY COMM COLL</u>	<u>1,016,438</u>	<u>1,237,112</u>
<u>BLACK RIVER TECHNICAL COLL</u>	<u>1,373,765</u>	<u>1,579,493</u>
<u>OUACHITA TECHNICAL COLL</u>	<u>863,929</u>	<u>978,325</u>
<u>COSSATOT COMM COLL-UA</u>	<u>928,831</u>	<u>1,043,178</u>
<u>RICH MOUNTAIN COMM COLL</u>	<u>437,314</u>	<u>534,799</u>
<u>UA-COMM COLL AT HOPE</u>	<u>346,624</u>	<u>488,782</u>
<u>NORTH ARKANSAS COLLEGE</u>	<u>233,652</u>	<u>462,372</u>
<u>MID-SOUTH COMM COLL</u>	<u>344,890</u>	<u>461,733</u>
<u>PHILLIPS COMM COLL-UA</u>	<u>273,007</u>	<u>538,957</u>
<u>EAST ARKANSAS COMM COLL</u>	<u>114,868</u>	<u>288,806</u>
<u>SAU-TECH</u>	<u>93,137</u>	<u>237,257</u>
<u>SOUTH ARKANSAS COMM COLL</u>	<u>168,054</u>	<u>345,110</u>
<u>TOTAL AMOUNT ALLOCATED</u>	<u>\$29,872,890</u>	<u>\$34,026,223</u>

SECTION 5. SPECIAL LANGUAGE. TWO YEAR COLLEGE MODEL FORMULA FUND
 CREATED. Arkansas Code Title 19, Chapter 5, Subchapter 3 is amended by adding
 the following new subsection:
(aa) (1) Two Year College Model Formula Fund. There is established on the
books of the Treasurer of State, the Auditor of State and the Chief Fiscal
Officer of the State a fund to be known as the Two Year College Model Formula
Fund, there to be used for the distribution of funds to the various two year

1 colleges by the Department of Higher Education as may be authorized by law.

2 (2) The fund shall consist of:

3 (A) Such general revenues as may be provided by law; and

4 (B) Any other funds made available by the General Assembly.

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6 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
8 RESTRICTIONS. If funding of any of the elements of the formula enumerated in
9 this act are provided through this or other legislation, then only the
10 remaining elements shall be financed through this act and only to the extent
11 necessary such that the additional funds, when added to the funds in this
12 act, do not exceed the appropriations provided herein.

13 The provisions of this section shall be in effect only from July 1, 2003
14 through June 30, 2005.

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16 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
17 by this act shall be limited to the appropriation for such agency and funds
18 made available by law for the support of such appropriations; and the
19 restrictions of the State Purchasing Law, the General Accounting and
20 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
21 Procedures and Restrictions Act, or their successors, and other fiscal
22 control laws of this State, where applicable, and regulations promulgated by
23 the Department of Finance and Administration, as authorized by law, shall be
24 strictly complied with in disbursement of said funds.

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26 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General Assembly
27 that any funds disbursed under the authority of the appropriations contained
28 in this act shall be in compliance with the stated reasons for which this act
29 was adopted, as evidenced by the Agency Requests, Executive Recommendations
30 and Legislative Recommendations contained in the budget manuals prepared by
31 the Department of Finance and Administration, letters, or summarized oral
32 testimony in the official minutes of the Arkansas Legislative Council or
33 Joint Budget Committee which relate to its passage and adoption.

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35 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
36 Assembly, that the Constitution of the State of Arkansas prohibits the

1 appropriation of funds for more than a two (2) year period; that the
2 effectiveness of this Act on July 1, 2003 is essential to the operation of
3 the agency for which the appropriations in this Act are provided, and that in
4 the event of an extension of the Regular Session, the delay in the effective
5 date of this Act beyond July 1, 2003 could work irreparable harm upon the
6 proper administration and provision of essential governmental programs.
7 Therefore, an emergency is hereby declared to exist and this Act being
8 necessary for the immediate preservation of the public peace, health and
9 safety shall be in full force and effect from and after July 1, 2003.

10 */s/ Broadway*