

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
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/4/09 S2/23/09

A Bill

SENATE BILL 205

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, 2010; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF HIGHER
17 EDUCATION APPROPRIATION FOR THE
18 2009-2010 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 2009-2010 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



1			Maximum	Salary Rate	
2	Item	Class	No. of	Fiscal Year	
3	No.	Code	Title	Employees	2009-2010
4	(1)	U024U	DHE DIRECTOR	1	\$143,445
5	(2)	U089U	DHE DEPUTY DIRECTOR	1	\$133,112
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	2	GRADE N908
9	(6)	N054N	DHE CAREER PATHWAYS DIRECTOR	1	GRADE N908
10	(7)	G011C	DHE ACADEMIC AFFAIRS MANAGER	1	GRADE C128
11	(8)	G019C	GENERAL COUNSEL	1	GRADE C127
12	(9)	G043C	DHE FINANCIAL AID MANAGER	1	GRADE C126
13	(10)	G058C	DHE FEDERAL PROGRAM MANAGER	3	GRADE C125
14	(11)	G071C	DHE PROGRAM COORDINATOR	2	GRADE C124
15	(12)	D022C	SYSTEMS SPECIALIST	1	GRADE C124
16	(13)	P005C	DHE COMMUNICATIONS COORDINATOR	1	GRADE C123
17	(14)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
18	(15)	G102C	DHE PROGRAM SPECIALIST	17	GRADE C122
19	(16)	D052C	SOFTWARE SUPPORT ANALYST	3	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	48	

26

27 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby authorized,
 28 for the Department of Higher Education for the 2009-2010 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, 2010, the following:

4		
5	ITEM	FISCAL YEAR
6	<u>NO.</u>	<u>2009-2010</u>
7	(01) REGULAR SALARIES	\$ 2,376,458
8	(02) EXTRA HELP	10,000
9	(03) PERSONAL SERVICES MATCHING	639,146
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>\$ 3,612,435</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 2010, the following:

26

27	ITEM	FISCAL YEAR
28	<u>NO.</u>	<u>2009-2010</u>
29	(01) NATIONAL GUARD TUITION INCENTIVE PROG	\$ 500,000
30	(02) SECOND EFFORT SCHOLARSHIPS	40,000
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	30,174,734
36	(07) ARKANSAS GOVERNOR'S SCHOLARS	10,750,000

1	(08)	STUDENT UNDERGRADUATE RESEARCH	
2		FELLOWSHIP PROGRAM (SURF)	153,987
3	(09)	TEACHER OPPORTUNITY PROGRAM	2,000,000
4	(10)	WORKFORCE IMPROVEMENT GRANTS	3,710,345
5	(11)	AR GEOGRAPHICAL CRITICAL NEEDS	
6		MINORITY TEACHER SCHOLARSHIPS	200,000
7	(12)	DEPENDENTS OF LAW ENFORCEMENT	
8		OFFICERS, ETC SCHOLARSHIPS	250,000
9	(13)	DEPENDENTS OF POWS, MIAS, KIAS-	
10		TUITION WAIVER SCHOLARSHIPS	250,000
11	(14)	FACULTY/ADMINISTRATOR DEVELOPMENT	
12		FELLOWS MATCHING	30,000
13	(15)	JR/SR MINORITY TEACHER SCHOLARSHIPS	300,000
14	(16)	MINORITY MASTERS FELLOWS	280,000
15	(17)	HIGHER EDUCATION OPPORTUNITIES	
16		GRANTS	11,200,000
17	(18)	WASHINGTON CENTER SCHOLARSHIPS	<u>120,000</u>
18		TOTAL AMOUNT APPROPRIATED	<u>\$ 64,090,783</u>

19
 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, 2010, the following:

26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2009-2010</u>
28	(01) GRANTS AND AID-STATE	
29	SCHOLARSHIPS-FEDERAL	<u>\$ 500,000</u>

30
 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, 2010, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2009-2010</u>
4	(01) REGULAR SALARIES	\$ 197,205
5	(02) PERSONAL SERVICES MATCHING	50,631
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>\$ 451,836</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, 2010,

19 the following:

20		
21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2009-2010</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, 2010, the

1 following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2009-2010</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, 2010, the following:

15

16 ITEM	FISCAL YEAR
17 <u>NO.</u>	<u>2009-2010</u>
18 (01) CHIROPRACTIC AID	\$ 260,000
19 (02) DENTAL AID - GRANTS	1,610,000
20 (03) OPTOMETRY AID - GRANTS	341,600
21 (04) OSTEOPATHY AID	179,800
22 (05) PODIATRY AID	111,800
23 (06) VETERINARY AID	913,347
24 (07) DENTAL AID - LOANS	360,000
25 (08) OPTOMETRY AID - LOANS	<u>140,000</u>
26 TOTAL AMOUNT APPROPRIATED	\$ <u>3,916,547</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, 2010, the following:

33

34 ITEM	FISCAL YEAR
35 <u>NO.</u>	<u>2009-2010</u>
36 (01) MAINT. & 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, 2010,
 15 the following:

16

17	ITEM		FISCAL YEAR
18	<u>NO.</u>		<u>2009-2010</u>
19	(01) REGULAR SALARIES	\$	374,138
20	(02) EXTRA HELP		25,000
21	(03) PERSONAL SERVICES MATCHING		102,567
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>12,488,498</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 2010, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2009-2010</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. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY
 14 GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an
 15 emergency/disaster event resulting in all or a significant portion of campus
 16 operations being interrupted, may request disaster assistance through the
 17 Arkansas Department of Higher Education. Upon the declaration of an
 18 emergency by the Governor, the institution may request, subject to the
 19 recommendation of the Director of the Department of Higher Education and
 20 approval of the Governor, a grant from the Disaster Relief Fund to assist in
 21 returning that campus to operation and/or to a sister campus providing
 22 services to the students from the affected campus. Certified law enforcement
 23 officers employed by an institution of higher education may be granted
 24 jurisdiction at the sister institution, upon agreement of both institutions.
 25 The Department of Higher Education is authorized a pool of 500 extra help
 26 positions for use in such emergency situations. These positions may be
 27 assigned to the campus suffering the disaster event or to a sister campus
 28 providing services to the students from the affected campus. The Governor
 29 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
 30 pool positions.

31 The provisions of this section shall be in effect only from July 1, ~~2007~~
 32 2009 through June 30, ~~2009~~ 2010.

33
 34 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 36 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon

1 determination by the president or chancellor of an institution of higher
2 education that a reallocation of resources for purposes of reorganization or
3 consolidation of administrative functions within the institution is necessary
4 for efficient and effective operations of the institution, the president or
5 chancellor, with approval of the institution's board of trustees, may have
6 the authority to transfer positions, appropriations and related funds between
7 campuses, divisions, branches, and other budgetary units of the institution,
8 after receiving prior approval of the Legislative Council or Joint Budget
9 Committee. The transfers of positions, programs, or activities shall be used
10 for those purposes for which the appropriations were approved by the General
11 Assembly. The transfers, consolidations, or reorganizations which involve
12 academic programs shall be reviewed by the Department of Higher Education
13 prior to submission to the Legislative Council or Joint Budget Committee.
14 Provided, however, that the institution shall be limited to submitting no
15 more than ~~four (4)~~ two (2) individual transaction transfer *requests* during
16 any fiscal year and shall be further limited to no more than five percent
17 (5%) of the total General Revenue and Special Revenue appropriation, funding,
18 positions specific to each institution, and no Tobacco Settlement funds or
19 appropriations may be reallocated pursuant to this section.

20 Determining the maximum number of employees and the maximum amount of
21 appropriation and general revenue funding for institutions of higher
22 education each fiscal year is the prerogative of the General Assembly. This
23 is usually accomplished by delineating such maximums in the appropriation
24 act(s) for institutions of higher education and the general revenue
25 allocations authorized for each fund and fund account by amendment to the
26 Revenue Stabilization law. Further, the General Assembly has determined that
27 institutions of higher education may operate more efficiently if some
28 flexibility is provided to institutions of higher education authorizing broad
29 powers under this Section. Therefore, it is both necessary and appropriate
30 that the General Assembly maintain oversight by requiring prior approval of
31 the Legislative Council or Joint Budget Committee as provided by this
32 section. The requirement of approval by the Legislative Council or Joint
33 Budget Committee is not a severable part of this section. If the requirement
34 of approval by the Legislative Council or Joint Budget Committee is ruled
35 unconstitutional by a court of competent jurisdiction, this entire section is
36 void.

1 The provisions of this section shall be in effect only from July 1, ~~2007~~
2 2009 through June 30, ~~2009~~ 2010.

3
4 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In
6 order to provide timely payments under financial aid appropriations made in
7 this Act, the Chief Fiscal Officer of the State is authorized to provide
8 loans from the Budget Stabilization Trust Fund to make available all funds
9 attributable to the financial aid programs under the then current official
10 revenue estimates. In the event of an unanticipated state revenue shortfall,
11 any such loans remaining at the end of a fiscal year shall be repaid from
12 revenues distributed in the first two months of the next fiscal year. Funds
13 for appropriations made in this Act for purposes other than financial aid
14 shall not be affected by the application of this provision.

15 The provisions of this section shall be in effect only from July 1, ~~2007~~
16 2009 through June 30, ~~2009~~ 2010.

17
18 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
20 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
21 available to the various technical colleges have been determined as set out
22 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be
23 processed so that funds may be transferred from the Work Force 2000
24 Development Fund to the State Treasury fund or fund account from which the
25 technical college draws its general revenue support. Such funds as may be
26 transferred shall not exceed ~~93.69%~~ 93.691% of the total funds available from
27 the Work Force 2000 Development Fund during ~~each the~~ each fiscal year ~~of the~~
28 ~~biennial period ending June 30, 2009.~~

29 In the event that a technical institute or comprehensive lifelong learning
30 center which receives support from the Work Force 2000 Development Fund as
31 determined by law transfers or merges into the Arkansas Technical College and
32 Community College System for which Work Force 2000 Development Fund monies
33 are determined by law, then the actual amount of support from the Work Force
34 2000 Development Fund in the preceding fiscal year for such educational
35 institution shall be made available irrespective of any other provision of
36 law which sets out maximum levels of support from such fund.

1 The provisions of this section shall be in effect only from July 1, ~~2007~~
2 2009 through June 30, ~~2009~~ 2010.

3
4 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
6 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
7 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much
8 as is collected, is to be transferred to the Research Development Fund there
9 to be used as provided by law.

10 The provisions of this section shall be in effect only from July 1, ~~2007~~
11 2009 through June 30, ~~2009~~ 2010.

12
13 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
15 EXPENDITURES. Proceeds derived from the repayment of loans as authorized in
16 Items (15), (16) and (05) of Section 4 of this Act for the JR/SR Minority
17 Teacher Scholars, the Minority Masters Fellows and the State Teacher
18 Assistance Resource Program shall be deposited into the State Treasury fund
19 from which it originated. ~~as "Refunds to Expenditures."~~

20 The provisions of this section shall be in effect only from July 1, ~~2007~~
21 2009 through June 30, ~~2009~~ 2010.

22
23 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
25 GUARD TUITION ~~ASSISTANCE~~ INCENTIVE PROGRAM. In addition to any other
26 provisions of law, any student who receives assistance from the appropriation
27 made for the "National Guard Tuition ~~Assistance~~ Incentive Program" in this
28 Act shall repay any loans and/or assistance if the student receives a
29 discharge that is a less than Honorable Discharge. Priority for funding shall
30 be given to students already receiving assistance from the National Guard
31 Tuition ~~Assistance~~ Incentive Program.

32 The provisions of this section shall be in effect only from July 1, ~~2007~~
33 2009 through June 30, ~~2009~~ 2010.

34
35 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE

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

18 The provisions of this section shall be in effect only from July 1, ~~2007~~
19 2009 through June 30, ~~2009~~ 2010.

20

21 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
23 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued
24 during any fiscal biennium shall not exceed three-hundred million dollars
25 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
26 time have debt service requirements in excess of twenty-four million dollars
27 (\$24,000,000) in any one fiscal year from all state revenue sources.

28 The provisions of this section shall be in effect only from July 1, ~~2007~~
29 2009 through June 30, ~~2009~~ 2010.

30

31 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
33 FORWARD - HEALTH EDUCATION GRANTS AND LOANS. The balance of the funds ~~and~~
34 ~~appropriations~~ as provided for "Health Education Grants and Loans" in this
35 Act which remain on June 30, ~~2008~~ 2010, shall be carried forward and made
36 available for the same purposes for the fiscal year ending June 30, ~~2009~~

1 2011.

2 Any carry forward of unexpended balance of ~~appropriation and/or~~ funding as
3 authorized herein, may be carried forward under the following conditions:

4 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set
5 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~
6 funding to the Department of Finance and Administration Office of Budget;

7 (2) The Department of Finance and Administration Office of Budget shall
8 report to the Arkansas Legislative Council all amounts carried forward ~~from~~
9 ~~the first fiscal year of the biennium to the second fiscal year of the~~
10 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget
11 Committee meeting ~~in the second fiscal year of the biennial period~~ which
12 report shall include the name of the Agency, Board, Commission or Institution
13 and the amount of ~~the appropriation and/or~~ funding carried forward ~~from the~~
14 ~~first fiscal year to the second fiscal year~~, the program name or line item,
15 the funding source ~~of that appropriation~~ and a copy of the written request
16 set forth in (1) above;

17 (3) Each Agency, Board, Commission or Institution shall provide a written
18 report to the Arkansas Legislative Council or Joint Budget Committee
19 containing all information set forth in item (2) above, along with a written
20 statement as to the current status of the project, contract, purpose etc. for
21 which the carry forward was originally requested no later than thirty (30)
22 days prior to the time the Agency, Board, Commission or Institution presents
23 its budget request to the Arkansas Legislative Council/Joint Budget
24 Committee; and

25 (4) Thereupon, the Department of Finance and Administration shall include
26 all information obtained in item (3) above in the ~~biennial~~ budget manuals
27 and/or a statement of non-compliance by the Agency, Board, Commission or
28 Institution.

29 ~~The provisions of this section shall be in effect only from July 1, 2007~~
30 ~~through June 30, 2009.~~

31

32 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
34 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
35 Coordinating Board, after consulting with the recognized associations of each
36 of the applicable medical professions and other interested persons, shall

1 determine the priorities for the applicable programs enumerated in the
2 appropriation made for "Health Education Grants and Loans" in this Act. The
3 Arkansas Department of Higher Education, if necessary, shall re-adjust the
4 number of positions for entering students to be funded for each applicable
5 program based upon the priorities determined by the board.

6 The provisions of this section shall be in effect only from July 1, ~~2007~~
7 2009 through June 30, ~~2009~~ 2010.

8
9 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL
11 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall
12 report by May 30 to the House and Senate Interim Committees on Education the
13 budgeted allocation for each financial aid program funded through the Higher
14 Education Grants Fund Account for the upcoming fiscal year and projections
15 for the following year.

16 The provisions of this section shall be in effect only from July 1, ~~2007~~
17 2009 through June 30, ~~2009~~ 2010.

18
19 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
21 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
22 receives state scholarship funds administered by the Arkansas Department of
23 Higher Education shall be subject to audit/review of such funds by the
24 Division of Legislative Audit, upon approval of the Legislative Joint Audit
25 Committee.

26 The provisions of this section shall be in effect only from July 1, ~~2007~~
27 2009 through June 30, ~~2009~~ 2010.

28
29 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT
31 DATA. All post-secondary institutions shall provide to the Arkansas
32 Department of Higher Education a copy of the Integrated Post-Secondary
33 Education Data System (IPEDS) data within three weeks following the IPEDS due
34 date, which shall be subject to audit by the Arkansas Department of Higher
35 Education.

36 The provisions of this section shall be in effect only from July 1, ~~2007~~

1 2009 through June 30, ~~2009~~ 2010.

2

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

18 The provisions of this section shall be in effect only from July 1, ~~2007~~
19 2009 through June 30, ~~2009~~ 2010.

20

21 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
23 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
24 determined by the Arkansas Department of Higher Education to have been for
25 salary increases for ~~each~~ the fiscal year ~~of the 2007-2009 Biennium~~ for
26 Institutions of Higher Education shall be used exclusively for salary
27 increases. New funding actually received for salary increases shall be spent
28 exclusively for salary increases based upon the state general revenue portion
29 of total unrestricted educational and general revenue. Funding received under
30 this provision shall be used for no purpose other than to provide such salary
31 increases. Any designated funds not used for salary increases shall be
32 recouped at the end of each fiscal year and transferred to the General
33 Revenue Allotment Reserve Fund.

34 The provisions of this section shall be in effect only from July 1, ~~2007~~
35 2009 through June 30, ~~2009~~ 2010.

36

1 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~HIGHER~~
3 ~~EDUCATION COORDINATOR OF RECRUITMENT~~ DHE PROGRAM COORDINATOR FUNDING. The
4 Chief Fiscal Officer of the State shall transfer ~~the sums of ninety thousand,~~
5 ~~four hundred seventy four dollars (\$90,474)~~ sufficient funding for the fiscal
6 year ~~ending June 30, 2008 and ninety two thousand, seven hundred seventy six~~
7 ~~dollars (\$92,776) for fiscal year ending June 30, 2009~~ from the Higher
8 Education Grants Fund Account to the Department of Higher Education Fund
9 Account in order to finance the personal services costs of ~~the Higher~~
10 ~~Education Coordinator of Recruitment~~ a DHE Program Coordinator.

11 The provisions of this section shall be in effect only from July 1, ~~2007~~
12 2009 through June 30, ~~2009~~ 2010.

13
14 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
16 PROVISION. Upon certification by the Director of the Department of Higher
17 Education that transfers are needed to make maximum utilization of funds and
18 appropriations provided for financial aid programs, and with the approval of
19 the Chief Fiscal Officer of the State and a review by the Arkansas
20 Legislative Council, funds and appropriations may be transferred between
21 financial aid programs, except that funds and appropriations may not be
22 transferred for such purposes from either the Governor's Scholars Program or
23 the Academic Challenge Scholarships Program in excess of \$1,000,000 in the
24 aggregate in ~~either~~ a fiscal year. Any transfer restrictions contained in
25 appropriation acts for the Department of Higher Education relating to
26 appropriation transfers from Governor's Scholars Program and Academic
27 Challenge Scholarships shall not be applicable to transfers between
28 Governor's Scholars and Academic Challenge Scholarship appropriations.

29 The provisions of this section shall be in effect only from July 1, ~~2007~~
30 2009 through June 30, ~~2009~~ 2010.

31
32 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
34 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
35 LOANS. Upon certification to and with the approval of the Chief Fiscal
36 Officer of the State, surplus funds and appropriations may be transferred

1 between the appropriations provided for "Health Education Grants and Loans"
2 by this Act by the ~~Eighty-Sixth~~ Eighty-Seventh General Assembly for Dental
3 Aid Grants and Loans, Optometry Aid, Veterinary Aid, Podiatry Aid,
4 Chiropractic Aid and ~~Osteopathic~~ Osteopathy Aid.

5 The provisions of this section shall be in effect only from July 1, ~~2007~~
6 2009 through June 30, ~~2009~~ 2010.

7
8 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

10 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
11 the Department of Higher Education and the Chief Fiscal Officer of the State,
12 institutions of higher education may transfer appropriation from the cash
13 contingency appropriation to any other appropriation made to the institution
14 from cash funds including the establishment of commitment items, and may
15 transfer appropriation from the contingency appropriation made payable from
16 each institution's State Treasury Fund to the state operations appropriation
17 made payable from each institution's State Treasury Fund including the
18 establishment of commitment items, and may transfer appropriation from the
19 contingency appropriation made payable from the Tobacco Settlement Program
20 Fund Accounts to any other appropriation made to the institution from Tobacco
21 Settlement Program Fund Accounts including the establishment of commitment
22 items.

23 (b) Contingency appropriation transfers shall only establish and
24 supplement commitment items that were recommended by the Higher Education
25 Coordinating Board in the budget manuals presented to the Legislative Council
26 and Joint Budget Committee ~~for the 2007-2009 Biennium~~.

27 (c) The Department of Higher Education shall report contingency
28 appropriation transfers and the establishment of any commitment items
29 authorized by this Section ~~for the 2007-2009 Biennium~~ to the Legislative
30 Council or Joint Budget Committee for review during its July ~~2007~~
31 meeting. The report shall include, by institution, the establishment of, and the
32 amounts transferred to, each commitment item, the reasons therefor and the
33 source of funds. Institutions shall submit contingency appropriation transfer
34 and commitment item establishment requests ~~for the 2007-2009 Biennium~~
35 authorized by this Section to the Department of Higher Education no later
36 than July 1, ~~2007~~. Upon the failure of an institution to submit the required

1 information by the July 1, ~~2007~~ deadline, the Department of Higher Education
2 shall immediately notify by written notification the chairpersons of the
3 Legislative Council or Joint Budget Committee.

4 ~~The provisions of this section shall be in effect only from July 1, 2007~~
5 ~~through June 30, 2009.~~

6
7 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
9 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
10 Undergraduate Research Fellowship (SURF) Program is the continued development
11 of undergraduate academic research efforts at Arkansas colleges and
12 universities. The Arkansas Department of Higher Education shall adopt rules
13 and regulations necessary for the proper administration of the Student
14 Undergraduate Research Fellowship Program. Administrative functions and
15 responsibilities may include, but not necessarily be limited to, the
16 development of eligibility criteria, collection of applications, coordination
17 of student evaluations, distribution of public notices, and funding of grants
18 for academic research purposes. Staff of the Arkansas Department of Higher
19 Education shall administer this program. The Arkansas Department of Higher
20 Education shall be authorized to expense costs associated with the
21 administration of the program, from funds made payable from the Higher
22 Education Grants Fund Account for the Student Undergraduate Research
23 Fellowship Program as authorized in Section 4 of this Act.

24
25 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
27 COOPERATION AGREEMENTS. Any two-year institution of Higher Education that has
28 its main or a satellite campus located within a twenty five mile radius of
29 any four-year institution of higher education shall enter into a written
30 agreement with that four-year institution which must address duplication of
31 services between the institutions.

32 The provisions of this section shall be in effect only from July 1, ~~2007~~
33 2009 through June 30, ~~2009~~ 2010.

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

1 made available by law for the support of such appropriations; and the
2 restrictions of the State Procurement 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
5 control laws of this State, where applicable, and regulations promulgated by
6 the Department of Finance and Administration, as authorized by law, shall be
7 strictly complied with in disbursement of said funds.

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

17
18 SECTION 37. EMERGENCY CLAUSE. It is found and determined by the General
19 Assembly, that the Constitution of the State of Arkansas prohibits the
20 appropriation of funds for more than a one (1) year period; that the
21 effectiveness of this Act on July 1, 2009 is essential to the operation of
22 the agency for which the appropriations in this Act are provided, and that in
23 the event of an extension of the Regular Session, the delay in the effective
24 date of this Act beyond July 1, 2009 could work irreparable harm upon the
25 proper administration and provision of essential governmental programs.
26 Therefore, an emergency is hereby declared to exist and this Act being
27 necessary for the immediate preservation of the public peace, health and
28 safety shall be in full force and effect from and after July 1, 2009.

29
30 */s/ Joint Budget Committee*
31
32
33
34
35
36