

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: S2/4/09 S2/23/09 S3/23/09 S3/30/09 S4/6/09 S4/7/09*

2 87th General Assembly

A Bill

3 Regular Session, 2009

SENATE BILL 205

4
5 By: Joint Budget Committee

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.

Subtitle

16 AN ACT FOR THE DEPARTMENT OF HIGHER
17 EDUCATION APPROPRIATION FOR THE
18 2009-2010 FISCAL YEAR.

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	\$185,000
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	3	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	20	GRADE C122
19	(16)	D052C	SOFTWARE SUPPORT ANALYST	4	GRADE C121
20	(17)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
21	(18)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
22	(19)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
23	(20)	A089C	ACCOUNTANT I	1	GRADE C116
24	(21)	C056C	ADMINISTRATIVE SPECIALIST III	5	GRADE C112
25	(22)	C073C	ADMINISTRATIVE SPECIALIST II	2	GRADE C109
26			MAX. NO. OF EMPLOYEES	54	

27

28 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby authorized,
 29 for the Department of Higher Education for the 2009-2010 fiscal year, the
 30 following maximum number of part-time or temporary employees, to be known as
 31 "Extra Help", payable from funds appropriated herein for such purposes: nine
 32 (9) temporary or part-time employees, when needed, at rates of pay not to
 33 exceed those provided in the Uniform Classification and Compensation Act, or
 34 its successor, or this act for the appropriate classification.

35

36 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby

1 appropriated, to the Department of Higher Education, to be payable from the
 2 Department of Higher Education Fund Account, for personal services, operating
 3 expenses and grants of the Department of Higher Education for the fiscal year
 4 ending June 30, 2010, the following:

5		
6	ITEM	FISCAL YEAR
7	<u>NO.</u>	<u>2009-2010</u>
8	(01) REGULAR SALARIES	\$ 2,418,013
9	(02) EXTRA HELP	10,000
10	(03) PERSONAL SERVICES MATCHING	678,878
11	(04) MAINT. & GEN. OPERATION	
12	(A) OPER. EXPENSE	481,831
13	(B) CONF. & TRAVEL	25,000
14	(C) PROF. FEES	15,000
15	(D) CAP. OUTLAY	25,000
16	(E) DATA PROC.	0
17	(05) YOUTH OPPORTUNITIES UNLIMITED	
18	GRANTS/AID	<u>40,000</u>
19	TOTAL AMOUNT APPROPRIATED	<u>\$ 3,693,722</u>

20

21 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS
 22 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
 23 Education, to be payable from the Higher Education Grants Fund Account, for
 24 providing student assistance grants and various scholarships as provided by
 25 law by the Department of Higher Education for the fiscal year ending June 30,
 26 2010, the following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2009-2010</u>
30	(01) NATIONAL GUARD TUITION INCENTIVE PROG	\$ 1,500,000
31	(02) SECOND EFFORT SCHOLARSHIPS	20,000
32	(03) SREB MINORITY DOCTORAL SCHOLARS	200,000
33	(04) TUITION ADJUSTMENT	350,000
34	(05) STATE TEACHER ASSISTANCE RESOURCE	
35	PROGRAM	3,581,717
36	(06) AR ACADEMIC CHALLENGE SCHOLARSHIPS	28,000,000

1	(07)	ARKANSAS GOVERNOR'S SCHOLARS	10,750,000
2	(08)	STUDENT UNDERGRADUATE RESEARCH	
3		FELLOWSHIP PROGRAM (SURF)	307,974
4	(09)	TEACHER OPPORTUNITY PROGRAM	2,000,000
5	(10)	WORKFORCE IMPROVEMENT GRANTS	4,277,169
6	(11)	AR GEOGRAPHICAL CRITICAL NEEDS	
7		MINORITY TEACHER SCHOLARSHIPS	200,000
8	(12)	DEPENDENTS OF LAW ENFORCEMENT	
9		OFFICERS, ETC SCHOLARSHIPS	200,000
10	(13)	DEPENDENTS OF POWS, MIAS, KIAS-	
11		TUITION WAIVER SCHOLARSHIPS	250,000
12	(14)	SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
13	(15)	JR/SR MINORITY TEACHER SCHOLARSHIPS	300,000
14	(16)	MINORITY MASTERS FELLOWS	280,000
15	(17)	HIGHER EDUCATION OPPORTUNITIES	
16		GRANTS	11,000,000
17	(18)	WASHINGTON CENTER SCHOLARSHIPS	<u>120,000</u>
18		TOTAL AMOUNT APPROPRIATED	<u>\$ 63,511,860</u>

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>

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	1,950,000
20 (03) OPTOMETRY AID - GRANTS	410,000
21 (04) OSTEOPATHY AID	230,000
22 (05) PODIATRY AID	130,400
23 (06) VETERINARY AID	1,100,000
24 (07) DENTAL AID - LOANS	400,000
25 (08) OPTOMETRY AID - LOANS	<u>140,000</u>
26 TOTAL AMOUNT APPROPRIATED	<u>\$ 4,620,400</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. APPROPRIATION - ARKANSAS GOVERNMENT WORKER LOAN REPAYMENT*

13 *PROGRAM. There is hereby appropriated, to the Department of Higher Education,*

14 *to be payable from the Higher Education Grants Fund Account, for costs*

15 *associated with the reimbursement/repayment of federal student loans made to*

16 *qualifying state government workers as determined by the Department of Higher*

17 *Education for the fiscal year ending June 30, 2010, the following:*

18		
19	ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2009-2010</u>
21	(01) AR GOVERNMENT WORKER LOAN	
22	REPAYMENT PROGRAM	<u>\$ 5,000,000</u>

23

24 *SECTION 14. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby*

25 *appropriated, to the Department of Higher Education, to be payable from the*

26 *Higher Education Grants Fund Account, for personal services and operating*

27 *expenses associated with web based applications of the Department of Higher*

28 *Education for the fiscal year ending June 30, 2010, the following:*

29		
30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2009-2010</u>
32	(01) WEB BASED APPLICATIONS PERSONAL	
33	SERVICES AND OPERATING EXPENSE	<u>\$ 800,000</u>

34

35 *SECTION 15. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is hereby*

36 *appropriated, to the Department of Higher Education, to be payable from the*

1 Higher Education Grants Fund Account, for personal services and operating
2 expenses of the Department of Higher Education - Scholarship Administration
3 for the fiscal year ending June 30, 2010, the following:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2009-2010</i></u>
<i>(01) REGULAR SALARIES</i>	\$ 296,917
<i>(02) PERSONAL SERV MATCHING</i>	111,359
<i>(03) MAINT. & GEN. OPERATION</i>	
<i>(A) OPER. EXPENSE</i>	315,000
<i>(B) CONF. & TRAVEL</i>	0
<i>(C) PROF. FEES</i>	0
<i>(D) CAP. OUTLAY</i>	0
<i>(E) DATA PROC.</i>	<u>0</u>
<i>TOTAL AMOUNT APPROPRIATED</i>	<u>\$ 723,276</u>

16
17 SECTION 16. APPROPRIATION - SCHOLARSHIPS AND GRANTS CONTINGENCY. There
18 is hereby appropriated, to the Department of Higher Education, to be payable
19 from the Higher Education Grants Fund Account, for transfer to the various
20 scholarship and grant appropriations authorized in this act, for the fiscal
21 year ending June 30, 2010, the sum of \$20,000,000.

22
23 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER
25 EDUCATION GRANTS FUND ACCOUNT SET-ASIDE. Immediately upon the effective date
26 of this act, the Director of the Department of Higher Education shall set-
27 aside in reserve twenty million dollars (\$20,000,000), or so much thereof as
28 is available, of the un-obligated balance in the Department of Higher
29 Education Grants Fund Account, for the sole purpose of funding lottery
30 scholarship and grant programs administered by the department in the event
31 the department determines that less than a sufficient amount of moneys are
32 available from the net lottery proceeds to fund such scholarships or grants
33 or both.

34
35 Any moneys set-aside in the Department of Higher Education Grants Fund
36 Account that are utilized to fund scholarships or grants or both as

1 authorized herein shall be reimbursed by the Arkansas Lottery Commission from
2 the net lottery proceeds and credited to the Department of Higher Education
3 Grants Fund Account.

4
5 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
7 SCHOLARSHIPS AND GRANTS CONTINGENCY APPROPRIATION TRANSFER. In the event the
8 Director of the Department of Higher Education determines that the dollar
9 amount of scholarships or grants or both committed by the Department of
10 Higher Education makes it necessary for the Director to request approval of
11 the Chief Fiscal Officer of the State to transfer an amount of appropriation
12 from the Scholarships and Grants Contingency Appropriation authorized in this
13 act, the Chief Fiscal Officer of the State shall, upon recommendation of the
14 Arkansas Lottery Commission Legislative Oversight Committee and review by the
15 Arkansas Legislative Council or Joint Budget Committee, transfer on his or
16 her books and those of the State Treasurer and Auditor of State the amount of
17 appropriation from the Scholarships and Grants Contingency Appropriation to
18 the appropriate scholarship or grant, or both, appropriation authorized by
19 this act.

20
21 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY
23 GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an
24 emergency/disaster event resulting in all or a significant portion of campus
25 operations being interrupted, may request disaster assistance through the
26 Arkansas Department of Higher Education. Upon the declaration of an
27 emergency by the Governor, the institution may request, subject to the
28 recommendation of the Director of the Department of Higher Education and
29 approval of the Governor, a grant from the Disaster Relief Fund to assist in
30 returning that campus to operation and/or to a sister campus providing
31 services to the students from the affected campus. Certified law enforcement
32 officers employed by an institution of higher education may be granted
33 jurisdiction at the sister institution, upon agreement of both institutions.
34 The Department of Higher Education is authorized a pool of 500 extra help
35 positions for use in such emergency situations. These positions may be
36 assigned to the campus suffering the disaster event or to a sister campus

1 providing services to the students from the affected campus. The Governor
2 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
3 pool positions.

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

6
7 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
9 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon
10 determination by the president or chancellor of an institution of higher
11 education that a reallocation of resources for purposes of reorganization or
12 consolidation of administrative functions within the institution is necessary
13 for efficient and effective operations of the institution, the president or
14 chancellor, with approval of the institution's board of trustees, may have
15 the authority to transfer positions, appropriations and related funds between
16 campuses, divisions, branches, and other budgetary units of the institution,
17 after receiving prior approval of the Legislative Council or Joint Budget
18 Committee. The transfers of positions, programs, or activities shall be used
19 for those purposes for which the appropriations were approved by the General
20 Assembly. The transfers, consolidations, or reorganizations which involve
21 academic programs shall be reviewed by the Department of Higher Education
22 prior to submission to the Legislative Council or Joint Budget Committee.
23 Provided, however, that the institution shall be limited to submitting no
24 more than ~~four (4)~~ two (2) individual transaction transfer *requests* during
25 any fiscal year and shall be further limited to no more than five percent
26 (5%) of the total General Revenue and Special Revenue appropriation, funding,
27 positions specific to each institution, and no Tobacco Settlement funds or
28 appropriations may be reallocated pursuant to this section.
29 Determining the maximum number of employees and the maximum amount of
30 appropriation and general revenue funding for institutions of higher
31 education each fiscal year is the prerogative of the General Assembly. This
32 is usually accomplished by delineating such maximums in the appropriation
33 act(s) for institutions of higher education and the general revenue
34 allocations authorized for each fund and fund account by amendment to the
35 Revenue Stabilization law. Further, the General Assembly has determined that
36 institutions of higher education may operate more efficiently if some

1 flexibility is provided to institutions of higher education authorizing broad
2 powers under this Section. Therefore, it is both necessary and appropriate
3 that the General Assembly maintain oversight by requiring prior approval of
4 the Legislative Council or Joint Budget Committee as provided by this
5 section. The requirement of approval by the Legislative Council or Joint
6 Budget Committee is not a severable part of this section. If the requirement
7 of approval by the Legislative Council or Joint Budget Committee is ruled
8 unconstitutional by a court of competent jurisdiction, this entire section is
9 void.

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

24 The provisions of this section shall be in effect only from July 1, ~~2007~~
25 2009 through June 30, ~~2009~~ 2010.

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

1 ~~biennial period ending June 30, 2009.~~

2 In the event that a technical institute or comprehensive lifelong learning
3 center which receives support from the Work Force 2000 Development Fund as
4 determined by law transfers or merges into the Arkansas Technical College and
5 Community College System for which Work Force 2000 Development Fund monies
6 are determined by law, then the actual amount of support from the Work Force
7 2000 Development Fund in the preceding fiscal year for such educational
8 institution shall be made available irrespective of any other provision of
9 law which sets out maximum levels of support from such fund.

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

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

21
22 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
24 EXPENDITURES. Proceeds derived from the repayment of loans as authorized in
25 Items (15), (16) and (05) of Section 4 of this Act for the JR/SR Minority
26 Teacher Scholars, the Minority Masters Fellows and the State Teacher
27 Assistance Resource Program shall be deposited into the State Treasury fund
28 from which it originated. ~~as "Refunds to Expenditures."~~

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 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
34 GUARD TUITION ~~ASSISTANCE~~ INCENTIVE PROGRAM. In addition to any other
35 provisions of law, any student who receives assistance from the appropriation
36 made for the "National Guard Tuition ~~Assistance~~ Incentive Program" in this

1 Act shall repay any loans and/or assistance if the student receives a
2 discharge that is a less than Honorable Discharge. Priority for funding shall
3 be given to students already receiving assistance from the National Guard
4 Tuition ~~Assistance~~ Incentive Program.

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 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
10 SAVINGS BONDS. The Department of Higher Education shall adopt rules and
11 regulations for the allocation of the funds reappropriated for the
12 development of projects at State Institutions of Higher Education and the
13 payment of project costs and expenses of the issuance of the bonds of the
14 Arkansas College Savings General Obligation Bonds Program to ensure that
15 funds are allocated and expended in a manner consistent with the provisions
16 of the Internal Revenue Code applicable to the Arkansas College Savings
17 General Obligation Bond Program (Program). The funds reappropriated for the
18 development of projects at State Institutions of Higher Education and the
19 payment of project costs and expenses of the issuance of the bonds of the
20 Arkansas College Savings General Obligation Bonds Program shall be allocated
21 and expended pursuant to the provisions of Arkansas Code 6-62-701 et. seq.
22 and other laws of this State. The expenditure and allocation of funds shall
23 be exempt from any other provisions of state law which conflicts with any
24 provision of the rules and regulations which rules and regulations are
25 required to ensure the compliance of the Program with the applicable
26 provisions of the Internal Revenue Code.

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

29
30 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
32 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued
33 during any fiscal biennium shall not exceed three-hundred million dollars
34 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
35 time have debt service requirements in excess of twenty-four million dollars
36 (\$24,000,000) in any one fiscal year from all state revenue sources.

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

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4 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
6 FORWARD - HEALTH EDUCATION GRANTS AND LOANS. The balance of the funds ~~and~~
7 ~~appropriations~~ as provided for "Health Education Grants and Loans" in this
8 Act which remain on June 30, ~~2008~~ 2010, shall be carried forward and made
9 available for the same purposes for the fiscal year ending June 30, ~~2009~~
10 2011.

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

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

16 (2) The Department of Finance and Administration Office of Budget shall
17 report to the Arkansas Legislative Council all amounts carried forward ~~from~~
18 ~~the first fiscal year of the biennium to the second fiscal year of the~~
19 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget
20 Committee meeting ~~in the second fiscal year of the biennial period~~ which
21 report shall include the name of the Agency, Board, Commission or Institution
22 and the amount of ~~the appropriation and/or~~ funding carried forward ~~from the~~
23 ~~first fiscal year to the second fiscal year~~, the program name or line item,
24 the funding source ~~of that appropriation~~ and a copy of the written request
25 set forth in (1) above;

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

34 (4) Thereupon, the Department of Finance and Administration shall include
35 all information obtained in item (3) above in the ~~biennial~~ budget manuals
36 and/or a statement of non-compliance by the Agency, Board, Commission or

1 Institution.

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

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5 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
7 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
8 Coordinating Board, after consulting with the recognized associations of each
9 of the applicable medical professions and other interested persons, shall
10 determine the priorities for the applicable programs enumerated in the
11 appropriation made for "Health Education Grants and Loans" in this Act. The
12 Arkansas Department of Higher Education, if necessary, shall re-adjust the
13 number of positions for entering students to be funded for each applicable
14 program based upon the priorities determined by the board.

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

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

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

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28 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
30 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
31 receives state scholarship funds administered by the Arkansas Department of
32 Higher Education shall be subject to audit/review of such funds by the
33 Division of Legislative Audit, upon approval of the Legislative Joint Audit
34 Committee.

35 The provisions of this section shall be in effect only from July 1, ~~2007~~
36 2009 through June 30, ~~2009~~ 2010.

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

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

SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of Higher Education shall determine the amount available, up to \$200,000 per fiscal year, to fund the Arkansas Geographical Critical Needs Minority Teacher Scholarships and shall certify to the Chief Fiscal Officer of the State and the State Treasurer such amount as is required to be transferred from the Higher Education Grants Fund Account. Upon receiving such certification, the Chief Fiscal Officer of the State and the State Treasurer shall cause to be transferred the necessary funds and appropriation to the fund account of the University of Arkansas at Pine Bluff for implementation of this program. The University of Arkansas at Pine Bluff may use up to twenty percent (20%) of the funds and appropriation for administration of the program.

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

SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING FOR SALARY INCREASES. New funding through the Revenue Stabilization Act determined by the Arkansas Department of Higher Education to have been for salary increases for ~~each~~ the fiscal year ~~of the 2007-2009 Biennium~~ for Institutions of Higher Education shall be used exclusively for salary increases. New funding actually received for salary increases shall be spent

1 exclusively for salary increases based upon the state general revenue portion
2 of total unrestricted educational and general revenue. Funding received under
3 this provision shall be used for no purpose other than to provide such salary
4 increases. Any designated funds not used for salary increases shall be
5 recouped at the end of each fiscal year and transferred to the General
6 Revenue Allotment Reserve Fund.

7 The provisions of this section shall be in effect only from July 1, ~~2007~~
8 2009 through June 30, ~~2009~~ 2010.

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10 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~HIGHER~~
12 ~~EDUCATION COORDINATOR OF RECRUITMENT~~ DHE PROGRAM COORDINATOR FUNDING. The
13 Chief Fiscal Officer of the State shall transfer ~~the sums of ninety thousand,~~
14 ~~four hundred seventy four dollars (\$90,474)~~ sufficient funding for the fiscal
15 year ~~ending June 30, 2008 and ninety two thousand, seven hundred seventy six~~
16 ~~dollars (\$92,776) for fiscal year ending June 30, 2009~~ from the Higher
17 Education Grants Fund Account to the Department of Higher Education Fund
18 Account in order to finance the personal services costs of ~~the Higher~~
19 ~~Education Coordinator of Recruitment~~ a DHE Program Coordinator.

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

1 Governor's Scholars and Academic Challenge Scholarship appropriations.

2 The provisions of this section shall be in effect only from July 1, 2007
3 2009 through June 30, ~~2009~~ 2010.

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5 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
7 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
8 LOANS. Upon certification to and with the approval of the Chief Fiscal
9 Officer of the State, surplus funds and appropriations may be transferred
10 between the appropriations provided for "Health Education Grants and Loans"
11 by this Act by the ~~Eighty-Sixth~~ Eighty-Seventh General Assembly for Dental
12 Aid Grants and Loans, Optometry Aid, Veterinary Aid, Podiatry Aid,
13 Chiropractic Aid and ~~Osteopathic~~ Osteopathy Aid.

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

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17 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
19 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
20 the Department of Higher Education and the Chief Fiscal Officer of the State,
21 institutions of higher education may transfer appropriation from the cash
22 contingency appropriation to any other appropriation made to the institution
23 from cash funds including the establishment of commitment items, and may
24 transfer appropriation from the contingency appropriation made payable from
25 each institution's State Treasury Fund to the state operations appropriation
26 made payable from each institution's State Treasury Fund including the
27 establishment of commitment items, and may transfer appropriation from the
28 contingency appropriation made payable from the Tobacco Settlement Program
29 Fund Accounts to any other appropriation made to the institution from Tobacco
30 Settlement Program Fund Accounts including the establishment of commitment
31 items.

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

36 (c) The Department of Higher Education shall report contingency

1 appropriation transfers and the establishment of any commitment items
2 authorized by this Section ~~for the 2007-2009 Biennium~~ to the Legislative
3 Council or Joint Budget Committee for review during its July 2007 meeting.
4 The report shall include, by institution, the establishment of, and the
5 amounts transferred to, each commitment item, the reasons therefor and the
6 source of funds. Institutions shall submit contingency appropriation transfer
7 and commitment item establishment requests ~~for the 2007-2009 Biennium~~
8 authorized by this Section to the Department of Higher Education no later
9 than July 1, ~~2007~~. Upon the failure of an institution to submit the required
10 information by the July 1, ~~2007~~ deadline, the Department of Higher Education
11 shall immediately notify by written notification the chairpersons of the
12 Legislative Council or Joint Budget Committee.

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

15
16 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
18 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
19 Undergraduate Research Fellowship (SURF) Program is the continued development
20 of undergraduate academic research efforts at Arkansas colleges and
21 universities. The Arkansas Department of Higher Education shall adopt rules
22 and regulations necessary for the proper administration of the Student
23 Undergraduate Research Fellowship Program. Administrative functions and
24 responsibilities may include, but not necessarily be limited to, the
25 development of eligibility criteria, collection of applications, coordination
26 of student evaluations, distribution of public notices, and funding of grants
27 for academic research purposes. Staff of the Arkansas Department of Higher
28 Education shall administer this program. The Arkansas Department of Higher
29 Education shall be authorized to expense costs associated with the
30 administration of the program, from funds made payable from the Higher
31 Education Grants Fund Account for the Student Undergraduate Research
32 Fellowship Program as authorized in Section 4 of this Act.

33
34 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
36 COOPERATION AGREEMENTS. Any two-year institution of Higher Education that has

1 its main or a satellite campus located within a twenty five mile radius of
2 any four-year institution of higher education shall enter into a written
3 agreement with that four-year institution which must address duplication of
4 services between the institutions.

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 41. SPECIAL LANGUAGE. Arkansas Code §22-5-809(c)(1) concerning the*
9 *distribution of severance taxes to institutions of higher education is*
10 *amended to read as follows:*

11 *(c) (1) Except for application and bid fees, all funds received by the*
12 *Commissioner of State Lands as fees, compensation, or royalties for leases or*
13 *permits issued for the taking of any sand, gravel, minerals, or timber for*
14 *lands owned or held in the name of a state agency ~~or institution~~ shall be*
15 *special revenues and shall be deposited in the State Treasury and credited to*
16 *the fund or account from which the agency ~~or institution~~ receives its support*
17 *and for lands owned or held in the name of a state institution of higher*
18 *education shall be deposited in the State Treasury and transferred by warrant*
19 *to the institution of higher education for deposit in the institution's cash*
20 *fund account established outside the State Treasury.*

21
22 *SECTION 42. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized*
23 *by this act shall be limited to the appropriation for such agency and funds*
24 *made available by law for the support of such appropriations; and the*
25 *restrictions of the State Procurement Law, the General Accounting and*
26 *Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary*
27 *Procedures and Restrictions Act, or their successors, and other fiscal*
28 *control laws of this State, where applicable, and regulations promulgated by*
29 *the Department of Finance and Administration, as authorized by law, shall be*
30 *strictly complied with in disbursement of said funds.*

31
32 *SECTION 43. LEGISLATIVE INTENT. It is the intent of the General Assembly*
33 *that any funds disbursed under the authority of the appropriations contained*
34 *in this act shall be in compliance with the stated reasons for which this act*
35 *was adopted, as evidenced by the Agency Requests, Executive Recommendations*
36 *and Legislative Recommendations contained in the budget manuals prepared by*

1 the Department of Finance and Administration, letters, or summarized oral
2 testimony in the official minutes of the Arkansas Legislative Council or
3 Joint Budget Committee which relate to its passage and adoption.

4
5 SECTION 44. EMERGENCY CLAUSE. It is found and determined by the General
6 Assembly, that the Constitution of the State of Arkansas prohibits the
7 appropriation of funds for more than a one (1) year period; that the
8 effectiveness of this Act on July 1, 2009 is essential to the operation of
9 the agency for which the appropriations in this Act are provided, and that in
10 the event of an extension of the Regular Session, the delay in the effective
11 date of this Act beyond July 1, 2009 could work irreparable harm upon the
12 proper administration and provision of essential governmental programs.
13 Therefore, an emergency is hereby declared to exist and this Act being
14 necessary for the immediate preservation of the public peace, health and
15 safety shall be in full force and effect from and after July 1, 2009.

16
17 */s/ Joint Budget Committee*
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