

1 State of Arkansas  
2 88th General Assembly  
3 Fiscal Session, 2012  
4

# A Bill

SENATE BILL 67

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE  
10 DEPARTMENT OF HIGHER EDUCATION FOR THE FISCAL  
11 YEAR ENDING JUNE 30, 2013; AND FOR OTHER  
12 PURPOSES.  
13  
14

## Subtitle

15 AN ACT FOR THE DEPARTMENT OF HIGHER  
16 EDUCATION APPROPRIATION FOR THE 2012-2013  
17 FISCAL YEAR.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby  
24 established for the Department of Higher Education for the 2012-2013 fiscal  
25 year, the following maximum number of regular employees.  
26

| Item | Class     |                                    | Maximum   | Maximum Annual |
|------|-----------|------------------------------------|-----------|----------------|
| No.  | Code      | Title                              | No. of    | Salary Rate    |
|      |           |                                    | Employees | Fiscal Year    |
|      |           |                                    |           | 2012-2013      |
| 31   | (1) U024U | DHE DIRECTOR                       | 1         | \$197,363      |
| 32   | (2) U089U | DHE DEPUTY DIRECTOR                | 1         | \$142,006      |
| 33   | (3) N002N | DHE SENIOR ASSOC DIRECTOR          | 1         | GRADE N913     |
| 34   | (4) N041N | DHE ASSOC DIR FOR ACADEMIC AFFAIRS | 1         | GRADE N909     |
| 35   | (5) N055N | DHE ASSOCIATE DIRECTOR             | 3         | GRADE N908     |
| 36   | (6) N054N | DHE CAREER PATHWAYS DIRECTOR       | 1         | GRADE N908     |



|    |      |       |                                     |          |            |
|----|------|-------|-------------------------------------|----------|------------|
| 1  | (7)  | G019C | GENERAL COUNSEL                     | 1        | GRADE C127 |
| 2  | (8)  | G043C | DHE FINANCIAL AID MANAGER           | 1        | GRADE C126 |
| 3  | (9)  | G058C | DHE FEDERAL PROGRAM MANAGER         | 3        | GRADE C125 |
| 4  | (10) | G071C | DHE PROGRAM COORDINATOR             | 4        | GRADE C124 |
| 5  | (11) | D022C | SYSTEMS SPECIALIST                  | 1        | GRADE C124 |
| 6  | (12) | P005C | DHE COMMUNICATIONS COORDINATOR      | 1        | GRADE C123 |
| 7  | (13) | D039C | NETWORK SUPPORT SPECIALIST          | 1        | GRADE C123 |
| 8  | (14) | G102C | DHE PROGRAM SPECIALIST              | 21       | GRADE C122 |
| 9  | (15) | A052C | ACCOUNTING COORDINATOR              | 1        | GRADE C121 |
| 10 | (16) | D052C | SOFTWARE SUPPORT ANALYST            | 2        | GRADE C121 |
| 11 | (17) | C010C | EXECUTIVE ASSISTANT TO THE DIRECTOR | 1        | GRADE C118 |
| 12 | (18) | A089C | ACCOUNTANT I                        | 1        | GRADE C116 |
| 13 | (19) | C056C | ADMINISTRATIVE SPECIALIST III       | 5        | GRADE C112 |
| 14 | (20) | C073C | ADMINISTRATIVE SPECIALIST II        | <u>1</u> | GRADE C109 |
| 15 |      |       | MAX. NO. OF EMPLOYEES               | 52       |            |

16

17 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby  
 18 authorized, for the Department of Higher Education for the 2012-2013 fiscal  
 19 year, the following maximum number of part-time or temporary employees, to be  
 20 known as "Extra Help", payable from funds appropriated herein for such  
 21 purposes: seventeen (17) temporary or part-time employees, when needed, at  
 22 rates of pay not to exceed those provided in the Uniform Classification and  
 23 Compensation Act, or its successor, or this act for the appropriate  
 24 classification.

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26 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby  
 27 appropriated, to the Department of Higher Education, to be payable from the  
 28 Department of Higher Education Fund Account, for personal services and  
 29 operating expenses of the Department of Higher Education for the fiscal year  
 30 ending June 30, 2013, the following:

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| 32 | ITEM                            | FISCAL YEAR      |
|----|---------------------------------|------------------|
| 33 | <u>NO.</u>                      | <u>2012-2013</u> |
| 34 | (01) REGULAR SALARIES           | \$2,495,956      |
| 35 | (02) EXTRA HELP                 | 3,000            |
| 36 | (03) PERSONAL SERVICES MATCHING | 664,017          |

|   |                              |                           |
|---|------------------------------|---------------------------|
| 1 | (04) MAINT. & GEN. OPERATION |                           |
| 2 | (A) OPER. EXPENSE            | 765,755                   |
| 3 | (B) CONF. & TRAVEL           | 20,270                    |
| 4 | (C) PROF. FEES               | 10,000                    |
| 5 | (D) CAP. OUTLAY              | 0                         |
| 6 | (E) DATA PROC.               | <u>0</u>                  |
| 7 | TOTAL AMOUNT APPROPRIATED    | <u><u>\$3,958,998</u></u> |

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9 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS  
 10 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher  
 11 Education, to be payable from the Higher Education Grants Fund Account, for  
 12 providing student assistance grants and various scholarships as provided by  
 13 law by the Department of Higher Education for the fiscal year ending June 30,  
 14 2013, the following:

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| 16 | ITEM                                       | FISCAL YEAR      |
|----|--|------------------|
| 17 | <u>NO.</u>                                 | <u>2012-2013</u> |
| 18 | (01) HIGHER EDUCATION OPPORTUNITIES GRANTS | \$11,000,000     |
| 19 | (02) JR/SR MINORITY TEACHER SCHOLARSHIPS   | 300,000          |
| 20 | (03) MINORITY MASTERS FELLOWS              | 280,000          |
| 21 | (04) SECOND EFFORT SCHOLARSHIPS            | 20,000           |
| 22 | (05) SREB MINORITY DOCTORAL SCHOLARS       | 200,000          |
| 23 | (06) WASHINGTON CENTER SCHOLARSHIPS        | 120,000          |
| 24 | (07) TUITION ADJUSTMENT                    | 350,000          |
| 25 | (08) STATE TEACHER ASSISTANCE RESOURCE     |                  |
| 26 | PROGRAM                                    | 3,581,717        |
| 27 | (09) AR ACADEMIC CHALLENGE SCHOLARSHIPS    | 28,000,000       |
| 28 | (10) ARKANSAS GOVERNOR'S SCHOLARS          | 10,750,000       |
| 29 | (11) STUDENT UNDERGRADUATE RESEARCH        |                  |
| 30 | FELLOWSHIP PROGRAM (SURF)                  | 307,974          |
| 31 | (12) NATIONAL GUARD TUITION INCENTIVE      |                  |
| 32 | PROGRAM                                    | 1,500,000        |
| 33 | (13) SINGLE PARENT SCHOLARSHIP PROGRAM     | 175,000          |
| 34 | (14) STATE TEACHER EDUCATION PROGRAM       | 5,000,000        |
| 35 | (15) TEACHER OPPORTUNITY PROGRAM           | 2,000,000        |
| 36 | (16) WORKFORCE IMPROVEMENT GRANTS          | 4,277,169        |

|   |      |                                |                            |
|---|------|--------------------------------|----------------------------|
| 1 | (17) | AR GEOGRAPHICAL CRITICAL NEEDS |                            |
| 2 |      | MINORITY TEACHER SCHOLARSHIPS  | 200,000                    |
| 3 | (18) | DEPENDENTS OF LAW ENFORCEMENT  |                            |
| 4 |      | OFFICERS, ETC SCHOLARSHIPS     | 200,000                    |
| 5 | (19) | DEPENDENTS OF POWS, MIAS,      |                            |
| 6 |      | KIAS - TUITION WAIVER          |                            |
| 7 |      | SCHOLARSHIPS                   | <u>250,000</u>             |
| 8 |      | TOTAL AMOUNT APPROPRIATED      | <u><u>\$68,511,860</u></u> |

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10 SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is

11 hereby appropriated, to the Department of Higher Education, to be payable

12 from the federal funds as designated by the Chief Fiscal Officer of the

13 State, for grants-in-aid of the Department of Higher Education - State

14 Scholarship - Federal Program for the fiscal year ending June 30, 2013, the

15 following:

|    |            |                      |                  |
|----|------------|----------------------|------------------|
| 16 |            |                      |                  |
| 17 | ITEM       |                      | FISCAL YEAR      |
| 18 | <u>NO.</u> |                      | <u>2012-2013</u> |
| 19 | (01)       | GRANTS AND AID-STATE |                  |
| 20 |            | SCHOLARSHIPS-FEDERAL | <u>\$750,000</u> |

21

22 SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS.

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

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

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

26 Higher Education - Technical Education - Federal Programs for the fiscal year

27 ending June 30, 2013, the following:

|    |            |                            |                  |
|----|------------|----------------------------|------------------|
| 28 |            |                            |                  |
| 29 | ITEM       |                            | FISCAL YEAR      |
| 30 | <u>NO.</u> |                            | <u>2012-2013</u> |
| 31 | (01)       | REGULAR SALARIES           | \$219,585        |
| 32 | (02)       | PERSONAL SERVICES MATCHING | 58,190           |
| 33 | (03)       | MAINT. & GEN. OPERATION    |                  |
| 34 |            | (A) OPER. EXPENSE          | 95,000           |
| 35 |            | (B) CONF. & TRAVEL         | 69,000           |
| 36 |            | (C) PROF. FEES             | 90,000           |

|   |                           |                         |
|---|---------------------------|-------------------------|
| 1 | (D) CAP. OUTLAY           | 15,000                  |
| 2 | (E) DATA PROC.            | <u>0</u>                |
| 3 | TOTAL AMOUNT APPROPRIATED | <u><u>\$546,775</u></u> |

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SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby appropriated, to the Department of Higher Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for operating expenses and grants-in-aid of the Department of Higher Education - Improving Teacher Quality Program for the fiscal year ending June 30, 2013, the following:

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| ITEM                                      | FISCAL YEAR               |
|---|---------------------------|
| <u>NO.</u>                                | <u>2012-2013</u>          |
| (01) MAINT. & GEN. OPERATION              |                           |
| (A) OPER. EXPENSE                         | \$26,856                  |
| (B) CONF. & TRAVEL                        | 13,000                    |
| (C) PROF. FEES                            | 8,000                     |
| (D) CAP. OUTLAY                           | 0                         |
| (E) DATA PROC.                            | 0                         |
| (02) IMPROVING TEACHER QUALITY GRANTS/AID | <u>1,517,402</u>          |
| TOTAL AMOUNT APPROPRIATED                 | <u><u>\$1,565,258</u></u> |

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SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is hereby appropriated, to the Department of Higher Education, to be payable from the Higher Education Research Development Fund, for providing Arkansas Research Development Program Grants to Institutions of Higher Education by the Department of Higher Education for the fiscal year ending June 30, 2013, the following:

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| ITEM                                  | FISCAL YEAR               |
|---------------------------------------|---------------------------|
| <u>NO.</u>                            | <u>2012-2013</u>          |
| (01) RESEARCH AND DEVELOPMENT PROGRAM |                           |
| GRANTS                                | <u><u>\$5,000,000</u></u> |

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SECTION 9. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is hereby appropriated, to the Department of Higher Education, to be payable

1 from the Higher Education Grants Fund Account, for payments of the contracts  
 2 with participating out-of-state institutions of higher learning in the fields  
 3 of dentistry, optometry, osteopathy, veterinary medicine, chiropractic and  
 4 podiatry for the education of Arkansas citizens by the Department of Higher  
 5 Education for the fiscal year ending June 30, 2013, the following:

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| 7 ITEM                         | FISCAL YEAR               |
|--------------------------------|---------------------------|
| 8 <u>NO.</u>                   | <u>2012-2013</u>          |
| 9 (01) CHIROPRACTIC AID        | \$260,000                 |
| 10 (02) DENTAL AID - GRANTS    | 2,133,900                 |
| 11 (03) OPTOMETRY AID - GRANTS | 410,000                   |
| 12 (04) OSTEOPATHY AID         | 230,000                   |
| 13 (05) PODIATRY AID           | 130,400                   |
| 14 (06) VETERINARY AID         | 1,100,000                 |
| 15 (07) DENTAL AID - LOANS     | 987,370                   |
| 16 (08) OPTOMETRY AID - LOANS  | <u>140,000</u>            |
| 17 TOTAL AMOUNT APPROPRIATED   | <u><u>\$5,391,670</u></u> |

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19 SECTION 10. APPROPRIATION - CASH. There is hereby appropriated, to the  
 20 Department of Higher Education, to be payable from the cash fund deposited in  
 21 the State Treasury as determined by the Chief Fiscal Officer of the State,  
 22 for operating expenses of the Department of Higher Education for the fiscal  
 23 year ending June 30, 2013, the following:

24

| 25 ITEM                         | FISCAL YEAR             |
|---------------------------------|-------------------------|
| 26 <u>NO.</u>                   | <u>2012-2013</u>        |
| 27 (01) MAINT. & GEN. OPERATION |                         |
| 28 (A) OPER. EXPENSE            | \$378,070               |
| 29 (B) CONF. & TRAVEL           | 60,620                  |
| 30 (C) PROF. FEES               | 401,310                 |
| 31 (D) CAP. OUTLAY              | 0                       |
| 32 (E) DATA PROC.               | 0                       |
| 33 (02) SCHOLARSHIPS            | 100,000                 |
| 34 (03) REFUNDS/REIMBURSEMENTS  | <u>5,000</u>            |
| 35 TOTAL AMOUNT APPROPRIATED    | <u><u>\$945,000</u></u> |

36

SECTION 11. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby appropriated, to the Department of Higher Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Higher Education - TANF Program - Federal for the fiscal year ending June 30, 2013, the following:

| ITEM                                      | FISCAL YEAR                |
|---|----------------------------|
| <u>NO.</u>                                | <u>2012-2013</u>           |
| (01) REGULAR SALARIES                     | \$413,562                  |
| (02) EXTRA HELP                           | 25,000                     |
| (03) PERSONAL SERVICES MATCHING           | 112,939                    |
| (04) MAINT. & GEN. OPERATION              |                            |
| (A) OPER. EXPENSE                         | 160,000                    |
| (B) CONF. & TRAVEL                        | 75,000                     |
| (C) PROF. FEES                            | 130,000                    |
| (D) CAP. OUTLAY                           | 15,000                     |
| (E) DATA PROC.                            | 0                          |
| (05) SELF SUFFICIENCY/JOB TRAINING GRANTS | <u>14,100,000</u>          |
| TOTAL AMOUNT APPROPRIATED                 | <u><u>\$15,031,501</u></u> |

SECTION 12. APPROPRIATION - COLLEGE ACCESS CHALLENGE GRANT. There is hereby appropriated, to the Department of Higher Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for operating expenses of the Department of Higher Education - College Access Challenge Grant Program - Federal for the fiscal year ending June 30, 2013, the following:

| ITEM                         | FISCAL YEAR      |
|------------------------------|------------------|
| <u>NO.</u>                   | <u>2012-2013</u> |
| (01) MAINT. & GEN. OPERATION |                  |
| (A) OPER. EXPENSE            | \$595,000        |
| (B) CONF. & TRAVEL           | 25,000           |
| (C) PROF. FEES               | 880,000          |
| (D) CAP. OUTLAY              | 0                |
| (E) DATA PROC.               | <u>0</u>         |

1 TOTAL AMOUNT APPROPRIATED \$1,500,000

2

3 SECTION 13. APPROPRIATION - ARKANSAS GOVERNMENT WORKER LOAN REPAYMENT  
 4 PROGRAM. There is hereby appropriated, to the Department of Higher  
 5 Education, to be payable from the Higher Education Grants Fund Account, for  
 6 costs associated with the reimbursement/repayment of federal student loans  
 7 made to qualifying state government workers as determined by the Department  
 8 of Higher Education for the fiscal year ending June 30, 2013, the following:

9

| 10 ITEM                                     | FISCAL YEAR        |
|---|--------------------|
| 11 <u>NO.</u>                               | <u>2012-2013</u>   |
| 12 (01) AR GOVERNMENT WORKER LOAN REPAYMENT |                    |
| 13 PROGRAM                                  | <u>\$5,000,000</u> |

14

15 SECTION 14. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby  
 16 appropriated, to the Department of Higher Education, to be payable from the  
 17 Higher Education Grants Fund Account, for personal services and operating  
 18 expenses associated with web based applications of the Department of Higher  
 19 Education for the fiscal year ending June 30, 2013, the following:

20

| 21 ITEM                                 | FISCAL YEAR        |
|---|--------------------|
| 22 <u>NO.</u>                           | <u>2012-2013</u>   |
| 23 (01) WEB BASED APPLICATIONS PERSONAL |                    |
| 24 SERVICES AND OPERATING EXPENSES      | <u>\$1,300,000</u> |

25

26 SECTION 15. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is  
 27 hereby appropriated, to the Department of Higher Education, to be payable  
 28 from the Higher Education Grants Fund Account, for personal services and  
 29 operating expenses of the Department of Higher Education - Scholarship  
 30 Administration for the fiscal year ending June 30, 2013, the following:

31

| 32 ITEM                            | FISCAL YEAR      |
|------------------------------------|------------------|
| 33 <u>NO.</u>                      | <u>2012-2013</u> |
| 34 (01) REGULAR SALARIES           | \$287,857        |
| 35 (02) EXTRA HELP                 | 30,000           |
| 36 (03) PERSONAL SERVICES MATCHING | 88,272           |



|   |                              |                         |
|---|------------------------------|-------------------------|
| 1 | (04) MAINT. & GEN. OPERATION |                         |
| 2 | (A) OPER. EXPENSE            | 165,000                 |
| 3 | (B) CONF. & TRAVEL           | 0                       |
| 4 | (C) PROF. FEES               | 400,000                 |
| 5 | (D) CAP. OUTLAY              | 0                       |
| 6 | (E) DATA PROC.               | <u>0</u>                |
| 7 | TOTAL AMOUNT APPROPRIATED    | <u><u>\$971,129</u></u> |

8

9 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY  
 11 GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an  
 12 emergency/disaster event resulting in all or a significant portion of campus  
 13 operations being interrupted, may request disaster assistance through the  
 14 Arkansas Department of Higher Education. Upon the declaration of an  
 15 emergency by the Governor, the institution may request, subject to the  
 16 recommendation of the Director of the Department of Higher Education and  
 17 approval of the Governor, a grant from the Disaster Relief Fund to assist in  
 18 returning that campus to operation and/or to a sister campus providing  
 19 services to the students from the affected campus. Certified law enforcement  
 20 officers employed by an institution of higher education may be granted  
 21 jurisdiction at the sister institution, upon agreement of both institutions.  
 22 The Department of Higher Education is authorized a pool of 500 extra help  
 23 positions for use in such emergency situations. These positions may be  
 24 assigned to the campus suffering the disaster event or to a sister campus  
 25 providing services to the students from the affected campus. The Governor  
 26 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help  
 27 pool positions.

28 The provisions of this section shall be in effect only from July 1,  
 29 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

30

31 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 33 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon  
 34 determination by the president or chancellor of an institution of higher  
 35 education that a reallocation of resources for purposes of reorganization or  
 36 consolidation of administrative functions within the institution is necessary

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

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

34 The provisions of this section shall be in effect only from July 1,  
35 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

36

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

12 The provisions of this section shall be in effect only from July 1,  
13 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

14  
15 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK  
17 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made  
18 available to the various technical colleges have been determined as set out  
19 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be  
20 processed so that funds may be transferred from the Work Force 2000  
21 Development Fund to the State Treasury fund or fund account from which the  
22 technical college draws its general revenue support. Such funds as may be  
23 transferred shall not exceed 93.691% of the total funds available from the  
24 Work Force 2000 Development Fund during the fiscal year.

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

33 The provisions of this section shall be in effect only from July 1,  
34 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

35  
36 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING  
2 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the  
3 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much  
4 as is collected, is to be transferred to the Research Development Fund there  
5 to be used as provided by law.

6 The provisions of this section shall be in effect only from July 1,  
7 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

8  
9 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO  
11 EXPENDITURES. Proceeds derived from the repayment of loans as authorized in  
12 Items (02), (03) and (08) of Section 4 of this Act for the JR/SR Minority  
13 Teacher Scholars, the Minority Masters Fellows and the State Teacher  
14 Assistance Resource Program shall be deposited into the State Treasury fund  
15 from which it originated.

16 The provisions of this section shall be in effect only from July 1,  
17 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

18  
19 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL  
21 GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law,  
22 any student who receives assistance from the appropriation made for the  
23 "National Guard Tuition Incentive Program" in this Act shall repay any loans  
24 and/or assistance if the student receives a discharge that is a less than  
25 Honorable Discharge. Priority for funding shall be given to students already  
26 receiving assistance from the National Guard Tuition Incentive Program.

27 The provisions of this section shall be in effect only from July 1,  
28 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

29  
30 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE  
32 SAVINGS BONDS. The Department of Higher Education shall adopt rules and  
33 regulations for the allocation of the funds reappropriated for the  
34 development of projects at State Institutions of Higher Education and the  
35 payment of project costs and expenses of the issuance of the bonds of the  
36 Arkansas College Savings General Obligation Bonds Program to ensure that

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

13 The provisions of this section shall be in effect only from July 1,  
14 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

15

16 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE  
18 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued  
19 during any fiscal biennium shall not exceed three-hundred million dollars  
20 (\$300,000,000), nor shall the principal amount of bonds outstanding at any  
21 time have debt service requirements in excess of twenty-four million dollars  
22 (\$24,000,000) in any one fiscal year from all state revenue sources.

23 The provisions of this section shall be in effect only from July 1,  
24 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

25

26 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH  
28 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education  
29 Coordinating Board, after consulting with the recognized associations of each  
30 of the applicable medical professions and other interested persons, shall  
31 determine the priorities for the applicable programs enumerated in the  
32 appropriation made for "Health Education Grants and Loans" in this Act. The  
33 Arkansas Department of Higher Education, if necessary, shall re-adjust the  
34 number of positions for entering students to be funded for each applicable  
35 program based upon the priorities determined by the board.

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

1 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

2  
3 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL  
5 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall  
6 report by May 30 to the House and Senate Interim Committees on Education the  
7 budgeted allocation for each financial aid program funded through the Higher  
8 Education Grants Fund Account for the upcoming fiscal year and projections  
9 for the following year.

10 The provisions of this section shall be in effect only from July 1,  
11 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

12  
13 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
15 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that  
16 receives state scholarship funds administered by the Arkansas Department of  
17 Higher Education shall be subject to audit/review of such funds by the  
18 Division of Legislative Audit, upon approval of the Legislative Joint Audit  
19 Committee.

20 The provisions of this section shall be in effect only from July 1,  
21 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

22  
23 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT  
25 DATA. All post-secondary institutions shall provide to the Arkansas  
26 Department of Higher Education a copy of the Integrated Post-Secondary  
27 Education Data System (IPEDS) data within three weeks following the IPEDS due  
28 date, which shall be subject to audit by the Arkansas Department of Higher  
29 Education.

30 The provisions of this section shall be in effect only from July 1,  
31 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

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33 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
35 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act  
36 determined by the Arkansas Department of Higher Education to have been for

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

9 The provisions of this section shall be in effect only from July 1,  
10 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

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12 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE  
14 PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall  
15 transfer sufficient funding for the fiscal year from the Higher Education  
16 Grants Fund Account to the Department of Higher Education Fund Account in  
17 order to finance the personal services costs of a DHE Program Coordinator.

18 The provisions of this section shall be in effect only from July 1,  
19 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

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

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

1 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

2  
3 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
5 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND  
6 LOANS. Upon certification to and with the approval of the Chief Fiscal  
7 Officer of the State, surplus funds and appropriations may be transferred  
8 between the appropriations provided for "Health Education Grants and Loans"  
9 by this Act by the General Assembly for Dental Aid Grants and Loans,  
10 Optometry Aid, Veterinary Aid, Podiatry Aid, Chiropractic Aid and Osteopathy  
11 Aid.

12 The provisions of this section shall be in effect only from July 1,  
13 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

14  
15 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
17 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by  
18 the Department of Higher Education and the Chief Fiscal Officer of the State,  
19 institutions of higher education may transfer appropriation from the cash  
20 contingency appropriation to any other appropriation made to the institution  
21 from cash funds including the establishment of commitment items, and may  
22 transfer appropriation from the contingency appropriation made payable from  
23 each institution's State Treasury Fund to the state operations appropriation  
24 made payable from each institution's State Treasury Fund including the  
25 establishment of commitment items, and may transfer appropriation from the  
26 contingency appropriation made payable from the Tobacco Settlement Program  
27 Fund Accounts to any other appropriation made to the institution from Tobacco  
28 Settlement Program Fund Accounts including the establishment of commitment  
29 items.

30 (b) Contingency appropriation transfers shall only establish and  
31 supplement commitment items that were recommended by the Higher Education  
32 Coordinating Board in the budget manuals presented to the Legislative Council  
33 and Joint Budget Committee.

34 (c) The Department of Higher Education shall report contingency  
35 appropriation transfers and the establishment of any commitment items  
36 authorized by this Section to the Legislative Council or Joint Budget



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

10  
11 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT  
13 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student  
14 Undergraduate Research Fellowship (SURF) Program is the continued development  
15 of undergraduate academic research efforts at Arkansas colleges and  
16 universities. The Arkansas Department of Higher Education shall adopt rules  
17 and regulations necessary for the proper administration of the Student  
18 Undergraduate Research Fellowship Program. Administrative functions and  
19 responsibilities may include, but not necessarily be limited to, the  
20 development of eligibility criteria, collection of applications, coordination  
21 of student evaluations, distribution of public notices, and funding of grants  
22 for academic research purposes. Staff of the Arkansas Department of Higher  
23 Education shall administer this program. The Arkansas Department of Higher  
24 Education shall be authorized to expense costs associated with the  
25 administration of the program, from funds made payable from the Higher  
26 Education Grants Fund Account for the Student Undergraduate Research  
27 Fellowship Program as authorized in Section 4 of this Act.

28  
29 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
31 COOPERATION AGREEMENTS. Any two-year institution of Higher Education that has  
32 its main or a satellite campus located within a twenty five mile radius of  
33 any four-year institution of higher education shall enter into a written  
34 agreement with that four-year institution which must address duplication of  
35 services between the institutions.

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

1 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

2  
3 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST  
5 ALLOCATION. The Department of Higher Education may refund to the Higher  
6 Education Fund Account or the Higher Education Grants Fund Account such  
7 amounts determined by the Department to be reimbursements received from the  
8 Arkansas Lottery Commission for costs related to the administration of the  
9 Arkansas Academic Challenge Scholarship Program.

10  
11 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
13 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY  
14 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of  
15 Higher Education shall determine the amount available, up to \$200,000 per  
16 fiscal year, to fund the Arkansas Geographical Critical Needs Minority  
17 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the  
18 State and the State Treasurer such amount as is required to be transferred  
19 from the Higher Education Grants Fund Account. Upon receiving such  
20 certification, the Chief Fiscal Officer of the State and the State Treasurer  
21 shall cause to be transferred the necessary funds and appropriation to the  
22 fund account of the University of Arkansas at Pine Bluff for implementation  
23 of this program. The University of Arkansas at Pine Bluff may use up to  
24 twenty percent (20%) of the funds and appropriation for administration of the  
25 program.

26 The provisions of this section shall be in effect only from July 1,  
27 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

28  
29 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER  
31 EDUCATION CENTRAL POOL POSITIONS. a) Universities - (1) The Department of  
32 Higher Education shall establish and maintain a central pool of three hundred  
33 (300) positions to be used to establish additional positions when an  
34 institution does not have sufficient positions available to meet  
35 unanticipated enrollment growth, industry training demands, and its mandated  
36 responsibilities.

1 (2) Central pool positions are to be used by the institutions if the  
2 personnel service needs exceed the number of positions authorized by the  
3 General Assembly and that were not anticipated at the time of the passage of  
4 the institution's operating appropriation act.

5 (3) No position established under this section may exceed the salary rate of  
6 the highest maximum annual salary rate or the highest grade level position  
7 authorized by the General Assembly in the requesting institution's operating  
8 appropriation act.

9 (4) The institution shall provide justification to the Department of Higher  
10 Education for the need to allocate positions from the central pool.

11 (5) Titles shall not be assigned to the institution from the central pool  
12 until specific positions are requested by the institution, recommended by the  
13 Department of Higher Education and approved by the Arkansas Legislative  
14 Council or the Joint Budget Committee.

15 (6) If an institution requests any central pool position to be continued  
16 during the subsequent fiscal year, the position must be requested as a new  
17 position in the institution's subsequent fiscal year budget request.

18 (b) Colleges - (1) The Department of Higher Education shall establish and  
19 maintain a central pool of two hundred fifty (250) positions to be used to  
20 establish additional positions when an institution does not have sufficient  
21 positions available to meet unanticipated enrollment growth, industry  
22 training demands, and its mandated responsibilities.

23 (2) Central pool positions are to be used by the institutions if the  
24 personnel service needs exceed the number of positions authorized by the  
25 General Assembly and that were not anticipated at the time of the passage of  
26 the institution's operating appropriation act.

27 (3) No position established under this section may exceed the salary rate of  
28 the highest maximum annual salary rate or the highest grade level position  
29 authorized by the General Assembly in the requesting institution's operating  
30 appropriation act.

31 (4) The institution shall provide justification to the Department of Higher  
32 Education for the need to allocate positions from the central pool.

33 (5) Titles shall not be assigned to the institution from the central pool  
34 until specific positions are requested by the institution, recommended by the  
35 Department of Higher Education and approved by the Arkansas Legislative  
36 Council or the Joint Budget Committee.

1 (6) If an institution requests any central pool position to be continued  
2 during the subsequent fiscal year, the position must be requested as a new  
3 position in the institution's subsequent fiscal year budget request.

4 (c) Determining the maximum number of employees and the maximum amount  
5 of appropriation and general revenue funding for institutions of higher  
6 education each fiscal year is the prerogative of the General Assembly. This  
7 is usually accomplished by delineating such maximums in the appropriation  
8 act(s) for institutions of higher education and the general revenue  
9 allocations authorized for each fund and fund account by amendment to the  
10 Revenue Stabilization law. Further, the General Assembly has determined that  
11 institutions of higher education may operate more efficiently if some  
12 flexibility is provided to institutions of higher education authorizing broad  
13 powers under this Section. Therefore, it is both necessary and appropriate  
14 that the General Assembly maintain oversight by requiring prior approval of  
15 the Legislative Council or Joint Budget Committee as provided by this  
16 section. The requirement of approval by the Legislative Council or Joint  
17 Budget Committee is not a severable part of this section. If the requirement  
18 of approval by the Legislative Council or Joint Budget Committee is ruled  
19 unconstitutional by a court of competent jurisdiction, this entire section is  
20 void.

21 The provisions of this section shall be in effect only from July 1,  
22 ~~2011~~ 2012 through June 30, ~~2012~~ 2013.

23  
24 SECTION 39. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
25 authorized by this act shall be limited to the appropriation for such agency  
26 and funds made available by law for the support of such appropriations; and  
27 the restrictions of the State Procurement Law, the General Accounting and  
28 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
29 Procedures and Restrictions Act, or their successors, and other fiscal  
30 control laws of this State, where applicable, and regulations promulgated by  
31 the Department of Finance and Administration, as authorized by law, shall be  
32 strictly complied with in disbursement of said funds.

33  
34 SECTION 40. LEGISLATIVE INTENT. It is the intent of the General  
35 Assembly that any funds disbursed under the authority of the appropriations  
36 contained in this act shall be in compliance with the stated reasons for

1 which this act was adopted, as evidenced by the Agency Requests, Executive  
2 Recommendations and Legislative Recommendations contained in the budget  
3 manuals prepared by the Department of Finance and Administration, letters, or  
4 summarized oral testimony in the official minutes of the Arkansas Legislative  
5 Council or Joint Budget Committee which relate to its passage and adoption.  
6

7 SECTION 41. EMERGENCY CLAUSE. It is found and determined by the  
8 General Assembly, that the Constitution of the State of Arkansas prohibits  
9 the appropriation of funds for more than a one (1) year period; that the  
10 effectiveness of this Act on July 1, 2012 is essential to the operation of  
11 the agency for which the appropriations in this Act are provided, and that in  
12 the event of an extension of the legislative session, the delay in the  
13 effective date of this Act beyond July 1, 2012 could work irreparable harm  
14 upon the proper administration and provision of essential governmental  
15 programs. Therefore, an emergency is hereby declared to exist and this Act  
16 being necessary for the immediate preservation of the public peace, health  
17 and safety shall be in full force and effect from and after July 1, 2012.  
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