

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 997

5 By: Senators J. Key, R. Thompson
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS SCHOLARSHIP LOTTERY ACT;
9 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
10
11

Subtitle

12 TO AMEND THE ARKANSAS SCHOLARSHIP LOTTERY
13 ACT; TO DECLARE AN EMERGENCY.
14
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Ark. Code § 6-60-901(1), concerning definitions for the
20 Arkansas Higher Education Information System, is amended to read as follows:

21 (1) "Arkansas Higher Education Information System" means the database
22 maintained by the Department of Higher Education containing student data
23 files that the department and institutions of higher education in Arkansas
24 are required to collect under §§ 6-85-214, ~~6-85-215~~ 6-85-216, and 6-85-217,
25 other state law, and federal law; and
26

27 SECTION 2. Arkansas Code § 6-60-902(b)(3)(B), concerning the Arkansas
28 Higher Education Information System, is amended to read as follows:

29 (B)(i) The bureau staff shall inform the Department of
30 Higher Education of any warehouse data used in the preparation of reports and
31 provide the Department of Higher Education at least one (1) working day to
32 review any student-related warehouse data used in preparation of reports
33 before publicly releasing that student-related data without personally
34 identifiable information of a student.

35 (ii) This subdivision does not waive the
36 confidentiality of a request of a member of the General Assembly under § 10-



1 2-129.

2

3 SECTION 3. Arkansas Code § 6-85-204(5), concerning the definition of
4 continuously enrolled, is amended to amend subdivisions (5)(C) and (D) and
5 add an additional subdivision to read as follows:

6 (C) For a full-time current achiever student, he or she:

7 (i) Before receiving a scholarship under this
8 subchapter, successfully completed at least twelve (12) semester hours of
9 courses in consecutive semesters, not including a summer term; and

10 (ii) As a recipient of a scholarship under this
11 subchapter, successfully completes at an approved institution of higher
12 education at least fifteen (15) semester hours of courses in consecutive
13 semesters, not including a summer term; ~~and~~

14 (D) For a part-time nontraditional student, he or she
15 successfully completes at an approved institution of higher education at
16 least six (6) semester hours of courses in consecutive semesters, not
17 including a summer term; and

18 (E) For a student who is enrolled in a degree plan that
19 has a maximum number of semester hours in a semester that is less than the
20 requirements of subdivisions (5)(A)-(D) of this section, he or she
21 successfully completes at an approved institution of higher education the
22 maximum number of hours required by the degree plan for the semester;

23

24 SECTION 4. Arkansas Code § 6-85-204, concerning the definitions for
25 the Arkansas Academic Challenge Scholarship Program, is amended to add
26 additional subdivisions to read as follows:

27 (23) "Arkansas resident" means a natural person who provides
28 evidence deemed sufficient by the Department of Higher Education that:

29 (A) For the twelve-month period required under § 6-85-
30 206(1) the person:

31 (i) Maintained a permanent home in Arkansas where
32 the person resides for an average of no less than four (4) days and nights
33 per calendar week; and

34 (ii) Either:

35 (a) Is an Arkansas registered voter;

36 (b) Holds a valid Arkansas motor vehicle

1 driver's license;

2 (c) Receives benefits under an Arkansas public
3 assistance program;

4 (d) Uses an Arkansas residence address for
5 federal or state tax purposes; or

6 (e) Claims Arkansas as a residence to hold
7 public office or for judicial actions; or

8 (B) Before the deadline for filing a scholarship
9 application under this subchapter the applicant is:

10 (i) On active military status;

11 (ii) Qualifies for in-state tuition and fees under §
12 6-80-205; and

13 (iii) Meets one of the conditions under subdivision
14 (24)(A)(ii);

15 (24) "Enrolled" means that the approved institution of higher
16 education where the student is attending class counts the student as enrolled
17 for the hours claimed on the last day to add or drop a class at the approved
18 institution of higher education;

19 (25) "Semester" means one-half (1/2) of a traditional academic
20 year at an institution of higher education, or an equivalent approved by the
21 Department of Higher Education, in which a student enrolls for not less than:

22 (A) Twelve (12) credit hours as a full-time student; or

23 (B) Six (6) credit hours as a part-time student; and

24 (26) "Smart Core" means:

25 (A) The college and career readiness curriculum by that
26 name under rules of the State Board of Education; or

27 (B) A college and career readiness curriculum that is:

28 (i) Established by rules of the state board in
29 coordination with the Department of Higher Education; and

30 (ii) Substituted for the curriculum named "Smart
31 Core".

32
33 SECTION 5. Arkansas Code § 6-85-206(1), concerning basic eligibility
34 requirements, is amended to add an additional subdivision to read as follows:

35 (D) During the twelve (12) months immediately preceding
36 the date an applicant will enroll in an approved institution of higher

1 education if the person for whom the twelve-month period is calculated under
 2 subdivision (1)(A) or (B) of this section is deployed outside of Arkansas
 3 under military orders, the Department of Higher Education shall calculate the
 4 twelve (12) months by:

5 (i) Excluding months of military deployment outside
 6 of Arkansas that are within the twelve (12) months immediately preceding the
 7 date the applicant will enroll in an approved institution of higher
 8 education; and

9 (ii) Including months the person maintained Arkansas
 10 residency immediately preceding the military deployment outside of Arkansas.

11
 12 SECTION 6. Arkansas Code § 6-85-206(4), concerning basic eligibility
 13 requirements, is amended to read as follows:

14 ~~(4)(A)~~ The applicant has not met the maximum continuing education
 15 eligibility requirements under § 6-85-210+

16 ~~(i) Earned a baccalaureate degree; or~~

17 ~~(ii) Completed one hundred thirty (130) semester hours of~~
 18 ~~credit at an institution of higher education.~~

19 ~~(B) An applicant is not eligible for a scholarship to a two-year~~
 20 ~~approved institution of higher education if the applicant has:~~

21 ~~(i) Earned an associate degree; or~~

22 ~~(ii) Completed sixty-six (66) semester hours of credit at~~
 23 ~~an institution of higher education;~~

24
 25 SECTION 7. Arkansas Code § 6-85-210(a), concerning continuing
 26 eligibility requirements, is amended to read as follows:

27 (a)(1) A recipient who meets continuing eligibility criteria under
 28 this subchapter shall receive a scholarship for one (1) academic year
 29 renewable annually until the recipient first:

30 ~~(1)(A)~~ Earns a baccalaureate degree;

31 ~~(2)(A)(B)~~ Attempts a transcript total of one hundred
 32 thirty (130) semester hours in Has enrolled in eight (8) semesters at any
 33 approved an institution of higher education as an undergraduate full-time
 34 student.

35 ~~(B) If the recipient's undergraduate degree requires~~
 36 ~~additional hours, the Department of Higher Education, in conjunction with the~~

1 ~~institution of higher education where the recipient is enrolled, shall~~
2 ~~determine the maximum period of time for renewal of the scholarship; or~~

3 ~~(3)(C) Attempts a transcript total of one hundred thirty~~
4 ~~(130) semester hours in~~ Has enrolled in sixteen (16) semesters at ~~any~~
5 ~~approved an~~ institution of higher education as an undergraduate part-time
6 student.

7 (2) A semester in which a student withdraws or fails to complete
8 the number of credit hours for which the student first enrolled is counted
9 toward the maximum number of semesters for which the student may receive a
10 scholarship award under this subchapter.

11 (3) The maximums under this subsection (a) apply to any degree
12 program, regardless of whether or not the degree program requires additional
13 semesters.

14
15 SECTION 8. Arkansas Code § 6-85-110(b)(5), concerning continuing
16 eligibility requirements, is amended to read as follows:

17 (5) A recipient shall enroll in courses that lead toward a
18 baccalaureate degree program after attempting the lesser of:

19 (A) Sixty-six (66) semester hours; or

20 (B) The completion of an associate degree program, ~~unless~~
21 ~~the number of hours required to complete the associate degree program exceeds~~
22 ~~sixty-six (66) semester hours, in which case the higher number of hours for~~
23 ~~completion shall be used for this subdivision (b)(5); and~~

24
25 SECTION 9. Arkansas Code § 6-85-110(c)-(e), concerning continuing
26 eligibility requirements, is amended to read as follows:

27 (c)(1)(A) If a recipient becomes ineligible for the scholarship
28 because the recipient's postsecondary grade point average or number of
29 successfully completed credit hours no longer meets the minimum requirement
30 for the scholarship, the recipient may regain eligibility under this
31 subsection (c) one (1) time only in an the academic year in which the student
32 became ineligible.

33 (B) The Department of Higher Education shall by rule
34 define "academic year".

35 (2)(A) A traditional student recipient who becomes ineligible
36 for a scholarship may use this subsection (c) to become eligible as a first-

1 time nontraditional student applicant but may not use this subsection (c)
 2 again to regain lost eligibility for the nontraditional student scholarship.

3 (B) A recipient who loses eligibility for the scholarship
 4 and does not regain eligibility under subdivision (c)(1) of this section is
 5 not eligible to apply for a scholarship under any eligibility provision of
 6 this subchapter.

7 (3) The recipient shall complete the requirements for regaining
 8 eligibility under this subsection (c):

9 (i) In the same academic year in which the student
 10 failed to maintain eligibility; and

11 (ii) At the student's own expense.

12 ~~(2)(4)~~ Except as provided under § 6-85-211(a)(3) and unless the
 13 requirements of this subsection (c) are waived by the ~~Department of Higher~~
 14 ~~Education~~ department under subsection (d), to regain eligibility for the
 15 scholarship:

16 (A) As a traditional or nontraditional full-time
 17 student, the student shall:

18 (i) Successfully complete at least fifteen (15)
 19 semester hours of courses for credit for which the approved institution of
 20 higher education certifies that the courses meet the satisfactory academic
 21 progress standards of the institution; and

22 (ii) Achieve a 2.5 grade point average for the
 23 semester hours completed under this subdivision ~~(e)(2)(A)(c)(4)(A)~~; and

24 (B) As a nontraditional part-time student, the student
 25 shall:

26 (i) Successfully complete at least six (6) semester
 27 hours of courses for credit for which the approved institution of higher
 28 education certifies that the courses meet the satisfactory academic progress
 29 standards of the institution; and

30 (ii) Achieve a 2.5 grade point average for the
 31 semester hours successfully completed under this subdivision
 32 ~~(e)(2)(B)(c)(4)(B)~~.

33 ~~(d)(1) If a recipient becomes ineligible for the scholarship because~~
 34 ~~the recipient has not successfully completed the required number of hours for~~
 35 ~~continuing eligibility, the recipient may regain eligibility under this~~
 36 ~~subsection for one (1) time only.~~

1 ~~information under this section does not apply to nonindividually identifiable~~
 2 ~~information released under any other section of this subchapter or under any~~
 3 ~~other law.~~

4 ~~(B) In order to provide better statistical data, each~~
 5 ~~institution shall report the number of students who refuse to authorize the~~
 6 ~~release of information.~~

7 ~~(3)(A) Before any state funds for state-supported student~~
 8 ~~financial assistance are released on behalf of a student, the form signed by~~
 9 ~~the student or the student's parent or guardian indicating either the~~
 10 ~~student's authorization to release or the refusal to authorize the release of~~
 11 ~~information under this section shall be obtained by:~~

12 ~~(i) The department if the department awards the~~
 13 ~~state-supported student financial assistance; or~~

14 ~~(ii) The institution of higher education if the~~
 15 ~~state-supported student financial assistance is awarded solely by the~~
 16 ~~institution.~~

17 ~~(B) The form shall state that:~~

18 ~~(i) The purpose for the bureau's collecting data is~~
 19 ~~to guide the General Assembly's evaluation of the need for adjustments to~~
 20 ~~scholarship program eligibility and funding levels; and~~

21 ~~(ii) A refusal to authorize the release of~~
 22 ~~information under this section will not affect the student's eligibility for~~
 23 ~~a scholarship.~~

24 ~~(C) A high school student enrolled in a course for~~
 25 ~~concurrent credit is exempt under this section.~~

26 ~~(4) The form shall list the categories of information authorized~~
 27 ~~for release under this section.~~

28 ~~(5) The Director of the Bureau of Legislative Research may:~~

29 ~~(A) Seek an opinion from the Family Policy Compliance~~
 30 ~~Office of the United States Department of Education concerning the~~
 31 ~~requirement to authorize or refuse to authorize the release of information~~
 32 ~~under this section; or~~

33 ~~(B) Request the Department of Higher Education to seek the~~
 34 ~~opinion on behalf of the bureau.~~

35 ~~(b) The information consented to be released by the student shall~~
 36 ~~include:~~

- 1 ~~(1) A unique student identifier;~~
- 2 ~~(2) Status for Federal Pell Grant;~~
- 3 ~~(3) Postsecondary grade point average;~~
- 4 ~~(4) Number of semester hours attempted;~~
- 5 ~~(5) Number of semester hours completed;~~
- 6 ~~(6) Gender, race, ethnicity, and age;~~
- 7 ~~(7) High school graduated from or General Educational~~
- 8 ~~Development test score;~~
- 9 ~~(8) High school grade point average; and~~
- 10 ~~(9) ACT score or ACT equivalent score, if available.~~

11 ~~(c) This section does not apply to scholarships or other forms of~~
 12 ~~student financial assistance that are completely privately funded.~~

13 ~~(d)(1) Approved institutions of higher education shall undertake any~~
 14 ~~procedures necessary to ensure the collection of the information under this~~
 15 ~~section and shall provide it to the bureau in a mutually agreed upon~~
 16 ~~electronic format by November 1 of each school year for students awarded for~~
 17 ~~that academic year state-supported student financial assistance.~~

18 ~~(2) An approved institution of higher education may lose its~~
 19 ~~approved status for receiving scholarship funds on behalf of a recipient~~
 20 ~~under this subchapter if it fails to make a good faith effort to:~~

21 ~~(A) Collect the student form required under this section;~~

22 ~~or~~

23 ~~(B) Comply with subdivision (d)(1) of this section.~~

24 ~~(3) In addition to the provisions of subdivision (d)(2), an~~
 25 ~~institution of higher education that is not in compliance with this section~~
 26 ~~shall not be eligible to accept state aid from the Higher Education Grants~~
 27 ~~Fund account on behalf of a student.~~

28 ~~(e)(1) The student data provided to the bureau under this section are~~
 29 ~~not subject to release under the Freedom of Information Act of 1967, § 25-19-~~
 30 ~~101 et seq.~~

31 ~~(2) The bureau shall not release any personally identifiable~~
 32 ~~student data received under this section.~~

33 ~~(f)(1) The bureau shall inform the Department of Higher Education of~~
 34 ~~any data used in the preparation of reports and provide the department at~~
 35 ~~least two (2) working days to review any student-related data used in~~
 36 ~~preparation of reports before publicly releasing that student-related data~~

1 ~~without personally identifiable data.~~

2 ~~(2) This subsection (f) does not waive the confidentiality of a~~
 3 ~~request of a member of the General Assembly under § 10-2-129.~~

4 ~~(g) The department shall collect the release of information form~~
 5 ~~required under this section during the application process for state-~~
 6 ~~supported student financial assistance for all formats of the application.~~

7 ~~(h) The department shall establish a standardized method to be used by~~
 8 ~~all institutions of higher education in the state to collect electronically~~
 9 ~~from all students the release of information form required under this~~
 10 ~~section.~~

11
 12 SECTION 12. Arkansas Code § 6-85-216(a), concerning reports from
 13 institutions of higher education to the Department of Higher Education, is
 14 amended to add an additional subdivision to read as follows:

15 (3)(A) An approved institution of higher education shall
 16 undertake the procedures necessary to ensure the collection and reporting of
 17 student information under this section.

18 (B) An approved institution of higher education may lose
 19 its approved status for receiving scholarship funds on behalf of a recipient
 20 under this subchapter if it fails to make a good-faith effort to comply with
 21 this section.

22 (C) In addition to the provisions of subdivision (a)(3)(B)
 23 of this section, an institution of higher education that does not comply with
 24 this section shall not be eligible to accept state aid from the Higher
 25 Education Grants Fund Account on behalf of a student.

26
 27 SECTION 13. Arkansas Code § 6-85-217, concerning information provided
 28 to the Bureau of Legislative Research by the Department of Higher Education,
 29 is amended to read as follows:

30 ~~(a)(1)~~ The Department of Higher Education shall provide the following
 31 data to the Bureau of Legislative Research through the Arkansas Higher
 32 Education Information System under § 6-60-901 et seq., the following data
 33 ~~when requested~~ for the purpose of assisting the General Assembly with
 34 evaluation and analysis under this subchapter:

35 ~~(A)(1)~~ Existing individual student data;

36 ~~(B)(2)~~ Institutional data;

1 ~~(C)~~(3) Financial data;

2 ~~(D)~~(4) Aggregate student scholarship and grant application and
3 award data; and

4 (5) Remedial course data; and

5 ~~(E)~~(6) Other data needed to track scholarship and grant students
6 receiving state-supported student financial assistance from year to year.

7 ~~(2) Annually on the first business day of November, the~~
8 ~~department shall submit to the bureau a report created from the information~~
9 ~~under subdivision (a)(1) of this section from all students based on the~~
10 ~~previous academic year.~~

11 ~~(3) The department shall provide to the bureau the data files of~~
12 ~~students who have consented to the release of their information under § 6-85-~~
13 ~~215 on the following schedule:~~

14 ~~(A) Annually, for data collected from students who have~~
15 ~~consented, the department shall provide:~~

16 ~~(i) By October 31, the summer II end-of-term data~~
17 ~~files and the fall-term data files for the current academic year;~~

18 ~~(ii) By February 28, the fall end-of-term data files~~
19 ~~and the spring-term data files for the current academic year;~~

20 ~~(iii) By June 30, the spring end-of-term data files~~
21 ~~and the summer I-term data files for the current academic year; and~~

22 ~~(iv) By August 15:~~

23 ~~(a) The summer I end-of-term data files and~~
24 ~~the summer II-term data files for the current academic year; and~~

25 ~~(b) The end-of-year data file for the academic~~
26 ~~year just ended, containing data from all of the previous end-of-term data~~
27 ~~files for the academic year just ended; and~~

28 ~~(B) When requested by the bureau.~~

29 ~~(4) The bureau shall use only the data from end-of-term data~~
30 ~~files for official reporting.~~

31 ~~(5) Annually, the department shall provide to the bureau data~~
32 ~~files from all students who applied for state-supported student financial~~
33 ~~assistance for the upcoming academic year on the following schedule:~~

34 ~~(A) Within thirty (30) days of the submission deadline for~~
35 ~~the state-supported student financial assistance application, a file~~
36 ~~containing information on all students who applied for state-supported~~

1 ~~student financial assistance;~~

2 ~~(B) Within sixty (60) days of the submission deadline for~~
 3 ~~the state-supported student financial assistance application, a file~~
 4 ~~containing information on all applicants and their award status for state-~~
 5 ~~supported student financial assistance; and~~

6 ~~(C) Within thirty (30) days of the dispersal of state-~~
 7 ~~funded financial aid to the institutions, a file containing information on~~
 8 ~~all students who received state-supported student financial assistance.~~

9 ~~(b)(1) To maintain confidentiality of individual student records in~~
 10 ~~accordance with the Family Educational Right to Privacy Act, 20 U.S.C. §~~
 11 ~~1232g, the Department of Higher Education shall establish a system for~~
 12 ~~removing or recoding any personally identifiable student data in student~~
 13 ~~records that are used by the bureau for research and evaluation of~~
 14 ~~scholarships and grants funded with net proceeds from the state lottery and~~
 15 ~~those funded with nonlottery state educational resources.~~

16 ~~(2) The bureau shall assist the Department of Higher Education~~
 17 ~~by providing input concerning the development or modification of the system.~~

18 ~~(3)(A) The Director of the Bureau of Legislative Research may~~
 19 ~~seek an opinion from the Family Policy Compliance Office of the United States~~
 20 ~~Department of Education concerning the Department of Higher Education's~~
 21 ~~system, any proposed modification of the system, or any request for~~
 22 ~~information made by the bureau under this section.~~

23 ~~(B) The director may request the Department of Higher~~
 24 ~~Education to seek the opinion on behalf of the bureau.~~

25
 26 SECTION 14. Arkansas Code § 6-85-219, concerning reports to
 27 legislative committees, is amended to read as follows:

28 ~~(a)(1) Quarterly during fiscal years 2010 and 2011, the Department of~~
 29 ~~Higher Education shall report to the Arkansas Lottery Commission Legislative~~
 30 ~~Oversight Committee;~~

31 ~~(A) The information required by subsection (b) of this~~
 32 ~~section to the extent the information is available;~~

33 ~~(B) The costs of administering scholarships funded with~~
 34 ~~net proceeds from the state lottery;~~

35 ~~(C) Projected levels of state funding for scholarships and~~
 36 ~~grants;~~

1 ~~(D) Recommendations for changes to the program, including~~
 2 ~~without limitation adjustments to eligibility requirements of the Arkansas~~
 3 ~~Academic Challenge Scholarship Program and award levels; and~~

4 ~~(E) Other data the committee or the General Assembly may~~
 5 ~~require.~~

6 ~~(2) The Arkansas Lottery Commission Legislative Oversight~~
 7 ~~Committee may specify criteria related to any item of information required by~~
 8 ~~this section.~~

9 ~~(b)(1)(a)(1)~~ Annually by July 1 August 1, the ~~department~~ Department of
 10 Higher Education shall report to the Arkansas Lottery Commission Legislative
 11 Oversight Committee in the manner and format that the committee requires on
 12 all state-supported student financial assistance awarded by the department
 13 and awarded by approved institutions of higher education.

14 (2) The information provided shall include without limitation:

15 (A) Current year expenditures for scholarships and grants
 16 under the program;

17 (B) Projected obligations for succeeding years from each
 18 scholarship or grant funding source;

19 (C) Fund balances for the:

20 (i) Higher Education Grants Fund Account; and

21 (ii) Trust accounts maintained by the Director of
 22 the Department of Higher Education to hold the net proceeds from the state
 23 lottery;

24 (D) An evaluation of whether the net proceeds from the
 25 state lottery available for the program supplements and does not supplant
 26 nonlottery state educational resources;

27 ~~(E) Recommendations for changes to the program, including~~
 28 ~~without limitation:~~

29 ~~(i) Adjustments to the eligibility requirements of~~
 30 ~~the program; and~~

31 ~~(ii) Increases or decreases in the amounts awarded~~
 32 ~~for an Arkansas Academic Challenge Scholarship based on the amount of net~~
 33 ~~proceeds from the state lottery available; and~~

34 ~~(F)(E)~~ Any other Other information that the Arkansas
 35 Lottery Commission Legislative Oversight Committee or the General Assembly
 36 may request requests.

1 banking processes necessary to implement and enforce this subchapter.

2
3 SECTION 17. Arkansas Code § 23-115-801(d), concerning lottery
4 proceeds, is amended to read as follows:

5 (d)(1) The General Assembly finds that:

6 (A) The administration of scholarships with proceeds from
7 the lottery are expenses of the commission; and

8 (B) Because the department has the expertise and
9 experienced staff needed to efficiently and appropriately administer the
10 scholarships, the commission shall use the services of the department to
11 administer scholarships funded with net proceeds from the lottery.

12 (2)(A) Annually by April 1, the department shall provide to the
13 commission and to the Arkansas Lottery Commission Legislative Oversight
14 Committee the department's budget for the administrative expenditures allowed
15 under this subsection.

16 (B) Annually by October 31, the department shall provide
17 an invoice to the commission for reimbursement of the administrative
18 expenditures allowed under this subsection including, without limitation:

19 (i) For each employee the:

20 (a) Type of position, whether full-time, part-
21 time, permanent or temporary; and

22 (b) Salary paid;

23 (ii) A description of other expenditures requested
24 in the invoice; and

25 (iii) An explanation of the increase, if any, of
26 actual expenditures over the budgeted expenditures.

27 (3)(A) Annually by November 1, the commission shall file a copy
28 of the invoice with the Arkansas Lottery Commission Legislative Oversight
29 Committee for its review.

30 (B) The Arkansas Lottery Commission Legislative Oversight
31 Committee shall review the invoice and forward its comments, if any, to the
32 commission.

33 (C) The commission shall reimburse the department for the
34 costs of administering the scholarship awards funded with net proceeds from
35 the lottery after ~~review of the reimbursement amount by the Arkansas Lottery~~
36 ~~Commission Legislative Oversight Committee~~ Arkansas Lottery Commission

1 Legislative Oversight Committee’s review under this subsection (d).

2
3 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the
4 General Assembly of the State of Arkansas that increasing the number of
5 Arkansans obtaining postsecondary credentials is critical to the economic
6 health of the state and its citizens; that the Arkansas Scholarship Lottery
7 provides the opportunity for tens of thousands of Arkansans to obtain
8 postsecondary education; that the deadline for scholarship applications is
9 June 1; that the financial integrity of the Arkansas Scholarship Lottery is
10 critical to the continued existence of the scholarships; and that this act is
11 immediately necessary because the Department of Higher Education must
12 promulgate rules to implement this act well before June 1, 2013, in order to
13 provide eligible Arkansans the opportunity to apply for the scholarship.
14 Therefore, an emergency is declared to exist and this act being immediately
15 necessary for the preservation of the public peace, health, and safety shall
16 become effective on:

17 (1) The date of its approval by the Governor;

18 (2) If the bill is neither approved nor vetoed by the Governor,
19 the expiration of the period of time during which the Governor may veto the
20 bill; or

21 (3) If the bill is vetoed by the Governor and the veto is
22 overridden, the date the last house overrides the veto.