

Subtitle 5. Postsecondary And Higher Education Generally

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Chapter 60 General Provisions

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Subchapter 1 — General Provisions

6-60-101. Acceptance of land grants.
6-60-102. Consolidations and mergers.

Preambles. Acts 1867, No. 28, contained a preamble which read:

“Whereas, By an act of congress, entitled ‘an act to amend the 5th section of an act entitled an act donating public lands to the several states and territories, which may provide colleges for the benefit of agriculture and the mechanic arts,’ approved July 2nd, 1862, so as to extend the time within which the provisions of said act shall be accepted, and such colleges established, approved 23rd July 1866, it is enacted, among other things, ‘that the time in which the several states may comply with the provisions of the act of July two, eighteen hundred and sixty-two, entitled an act donating public lands to the several states and territories, which may provide colleges for the benefit of agriculture and the mechanic arts,’ is thereby extended, so that the acceptance of the benefits of said act may be expressed within three years from the passage of said amendatory act, and that the colleges required by the said act may be provided within five years from the date of the filing such acceptance with the commissioner of the general land office; and, whereas, the state of Arkansas has not, heretofore, passed any valid act of acceptance of the grant aforesaid by her legislature, in accordance with the requirements of said act of congress; and, whereas, said state is not in a condition of rebellion or insurrection against the government of the United States, now, therefore, to enable the state of Arkansas to receive the benefits of said grant by congress, and to express and signify her acceptance of the same in conformity to its provisions....”

6-60-101. Acceptance of land grants.

(a) The State of Arkansas signifies and declares her assent to the grant of land and land scrip as authorized and contained in the Act of Congress entitled, "An act donating public lands to the several states and territories, which may provide colleges for the benefit of agriculture and the mechanic arts", approved July 2, 1862, and altogether on the terms and conditions provided in the act, and also to the Act of Congress entitled, "An act to amend the fifth section of an act entitled, "An act donating public lands to the several states and territories, which may provide colleges for the benefit of agriculture and the mechanic arts", approved July 2, 1862, "so as to extend the time, within which the provisions of said act shall be accepted, and such colleges established", approved July 23, 1866.

(b) The State of Arkansas shall observe and perform the conditions contained and provided in the enactment, that is to say:

(1) The State of Arkansas will replace any portion of the fund provided by section four (4) of the act, or any portion of the interest thereon, which shall by any action or contingency be diminished or lost, so that the capital fund shall remain forever undiminished, and will apply the annual interest thereon regularly, without diminution, to the purposes mentioned in the fourth section 7 U.S.C. § 304, subject only to the exception contained in section five (5) of the Act of Congress approved July 23, 1866;

(2) The State of Arkansas, further assenting, agrees that no portion of the fund, nor the interest thereon, shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any buildings;

(3) The State of Arkansas further agrees to provide at least one (1) college, as described in section four (4) of the Act of Congress approved July 2, 1862, and in accordance with the act amendatory of that act; and also to pay the United States the amount received of any lands previously sold to which the title of purchasers was valid;

(4) The State of Arkansas further agrees that an annual report shall be made regarding the progress of each college in accordance with paragraph four (4) of section five (5) of the Act of Congress.

History. Acts 1867, No. 28, §§ 1, 2, p. 84; C. & M. Dig., § 9504; Pope's Dig., § 13123; A.S.A. 1947, §§ 80-2849, 80-2850.

U.S. Code. Act of Congress of July 2, 1862, referred to in this section, is codified as 7 U.S.C. §§ 301-308. Act of Congress of July 23, 1866, referred to in this section, is codified as 7 U.S.C. § 305.

Case Notes

Cited: Arkansas v. Texas, 346 U.S. 368, 74 S. Ct. 109, 98 L. Ed. 80 (1953).

6-60-102. Consolidations and mergers.

(a) The purpose of this section is to create incentives for more efficient management of the public higher education resources of the State of Arkansas by allowing public higher education institutions and their boards of trustees to merge or consolidate on a voluntary basis and to consolidate administrative functions by transferring them to another institution.

(b) (1) A fund account is hereby established called the Higher Education Consolidation Matching Fund.

(2) Moneys deposited in this account shall be made available to match documented savings at public institutions of higher education that consolidate or merge.

(3) The amount of matching funds to be made available from the Higher Education Consolidation Matching Fund shall be determined by the Arkansas Higher Education Coordinating Board.

(4) Upon review and approval of the Chief Fiscal Officer of the State, the funds shall be transferred to the newly constituted or merged institution from the Higher Education Consolidation Matching Fund.

(c) The institutional consolidations and mergers eligible for matching funds under the terms of this section include:

(1) Two (2) or more public universities;

(2) Two (2) or more public two-year colleges;

(3) Community colleges and technical institutes located in the same city or the same county;

(4) New systems of public higher education institutions composed of two-year and four-year institutions under the control of a single board of trustees;

(5) Existing systems of public higher education institutions that add two-year and/or four-year institutions to the system; and

(6) Administrative function consolidation with similar services or operations at another institution.

(d) (1) Consolidations or mergers involving community colleges shall be subject to the provisions of § 6-61-519, where applicable, when the result of a consolidation or a merger requires dissolution of the community college district.

(2) Any agreements made by community colleges with other public colleges or universities to consolidate or merge are declared to be consistent with the provisions of § 6-61-524, which permits the sharing of facilities, personnel, and services by community colleges.

(e) The board is authorized, in consultation with the public colleges and universities, to develop policies, rules, and regulations to implement the provisions of this section.

History. Acts 1995, No. 287, §§ 1-5; 1995, No. 388, §§ 1-5.

Subchapter 2 **— Enrollment and Tuition**

6-60-201. Regulation of admission and enrollment — Out-of-state students.

6-60-202. Enrollment of qualified high school students as part-time students.

6-60-203. Off-campus enrollments.

6-60-204. Waiver of general student fee charges for senior citizens.

6-60-205. In-state tuition for military personnel and dependents.

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6-60-207. Purpose.

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6-60-210. Minor child as legal resident.

6-60-211. Tuition waiver for Arkansas National Guard soldiers and airmen — Tuition assistance for soldiers.

6-60-212. Admissions — Applicants from medically underserved areas.

6-60-213. Reduced tuition for certain police officers.

Preambles. Acts 1923, No. 638 contained a preamble which read:

"Whereas, there are now in the State of Arkansas, hundreds of Veterans of the World War who were receiving their education at the outbreak of the war, and,

"Whereas, they left school to devote their services to the country in the hour of need, and

"Whereas, these same veterans at the close of the war did not have sufficient means to continue their education,

"Therefore...."

Effective Dates. Acts 1923, No. 638, § 3: approved Mar. 23, 1923. Emergency clause provided:

"This act being necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared, and this act shall take effect and be in force from and after its passage."

Acts 1975, No. 145, § 2: Feb. 12, 1975. Emergency clause provided: "It is hereby found and determined by the General Assembly that there has been much difficulty in classifying dependents of members of the Armed Forces as "in-state" or "out-of-state" students for the purpose of paying fees at state supported colleges and universities; that the immediate passage of this Act is necessary to clarify this problem and to accord equity and fairness to the students and at the same time protect the interests of the Arkansas higher educational institutions and that of Arkansas taxpayers. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1975, No. 678, § 3: Mar. 31, 1975. Emergency clause provided: "It is hereby found and determined by the General Assembly that in many State-supported institutions of higher learning in the State, enrollment is at a low level and that some classes at such institutions are unusually small; that it is in the best interest of the citizens of this State that the educational opportunities at such institutions be made available to older citizens who wish to improve their education without the payment of tuition and fees normally charged students; that many older citizens would take advantage of the opportunity for furthering their education if such opportunity was made available without the necessity for paying tuition, and that such program would also be beneficial to the State-supported institutions in the State; that this Act is designed to permit such persons to attend college without the payment of tuition and fees and should be given effect at the earliest possible date. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1975, No. 885, § 13: July 1, 1975. Emergency clause provided: "It is hereby found and determined by the Seventieth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1975 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1975 could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after July 1, 1975."

Acts 1991, No. 1000, § 6: Apr. 8, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly that a statewide effort is being made to adequately train the workforce for the year 2000; that persons who did not consider postsecondary education important following their high school graduation, drop out of postsecondary education only to return at a later stage in their life when they have grown to appreciate such; that a "fresh start" should be given such students to permit them to improve their academic records upon their return to postsecondary education. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1995, No. 1185, § 40: July 1, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly, that the Constitution of the State of Arkansas

prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1995 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1995 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995.”

Acts 2003, No. 1045, § 2: July 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that competition from adjoining states causes recruits for the Arkansas National Guard to leave the state for educational opportunities and funding; that the competition depletes the recruits for the military units located within the state; and that this act is immediately necessary to provide comparable educational opportunities in the state for recruits for the Arkansas National Guard. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003.”

Research References

ALR.

Absence from or inability to attend school or college as affecting liability for or right to recover payments for tuition or board. 20 A.L.R.4th 303.

Am. Jur. 15A Am. Jur. 2d, Colleges & U., § 18 et seq.

C.J.S. 14A C.J.S., Colleges & U., §§ 30-32.

6-60-201. Regulation of admission and enrollment — Out-of-state students.

(a) Each board of trustees of each educational institution of higher learning supported, in whole or in part, by the State of Arkansas, shall have the right to adopt rules and regulations for the admission and enrollment of students in the respective institutions of higher learning under the control of such board of trustees, expressly including the right to refuse admission and enrollment to any person who comes to the State of Arkansas solely for the purpose of securing admission, enrollment, and educational advantages at the expense of the State of Arkansas.

(b) Each board of trustees may conduct hearings for the purpose of determining whether or not any applicant for admission and enrollment has come to the State of Arkansas for such wrongful purpose, and the findings of any such board of trustees in the State of Arkansas, after the hearing, if based on any evidence, shall be conclusive.

History. Acts 1939, No. 88, § 1; A.S.A. 1947, § 80-3301.

6-60-202. Enrollment of qualified high school students as part-time students.

(a) It is declared to be the policy of this state that qualified students enrolled in a public or private high school in this state shall upon request be accepted for enrollment in a public institution of higher education as part-time students.

(b) For purposes of this section, “qualified student” shall mean a student who is recommended for enrollment in the institution by the principal of the high school in which the student is enrolled and who meets the minimum criteria for advanced placement.

History. Acts 1983 (Ex. Sess.), No. 57, § 1; A.S.A. 1947, § 80-3393.

6-60-203. Off-campus enrollments.

In order to provide needed off-campus services to Arkansas citizens who do not happen to reside in the location of the main campus of a college or university, the Department of

Higher Education is instructed to count and otherwise treat off-campus class enrollments consistent with the enrollments for those same classes on the main campus of the institution.

History. Acts 1975, No. 885, § 10.

6-60-204. Waiver of general student fee charges for senior citizens.

When any person sixty (60) years of age or older is admitted and enrolls as a student in any state-supported institution of higher learning in this state, the board of trustees of the institution or other appropriate institutional officials shall waive all the general student fee charges for each student on a space-available basis in existing classes. Fees will be waived only for courses organized to grant credit and recognized by the Department of Higher Education for credit.

History. Acts 1975, No. 678, § 1; 1977, No. 525, § 1; A.S.A. 1947, § 80-3367.

6-60-205. In-state tuition for military personnel and dependents.

If a member of the armed forces is stationed in the State of Arkansas pursuant to military orders, he or she and his or her unemancipated dependents shall be entitled to classification as “in-state” for the purpose of paying fees at state-supported colleges and universities.

History. Acts 1975, No. 145, § 1; A.S.A. 1947, § 80-3366.

6-60-206. Free tuition to World War I veterans.

All honorably discharged veterans of World War I who were citizens of the State of Arkansas at the outbreak of World War I, and who are otherwise properly qualified, shall be admitted to any school or university supported by state funds without tuition or matriculation fees. However, this section shall not apply to those veterans who are being trained under contract with the United States Government and whose tuition and matriculation fees are being paid by the government.

History. Acts 1923, No. 638, § 1; Pope's Dig., § 13173; A.S.A. 1947, § 80-3302.

6-60-207. Purpose.

(a) (1) The General Assembly hereby acknowledges that too often, persons enrolled in institutions of higher education do not appreciate the value of their postsecondary educational experience and, following a brief history of poor and failing grades, such persons decide to pursue other worldly pursuits outside the academic world. The General Assembly further finds that following a considerable passage of time, the appreciation for postsecondary educational opportunities increases in such persons to the point that they seek to return to the institution only to find that the grades they acquired during their earlier experience act as a barrier and hindrance to their academic progress.

(2) The purpose of this section is to provide a mechanism for institutions of higher education to disregard the records of such persons which prevent or impede their academic success.

(b) A student enrolled in an institution of higher education April 8, 1991, shall be eligible for academic clemency.

History. Acts 1991, No. 1000, §§ 1, 2.

A.C.R.C. Notes. Acts 1991, No. 1000, § 2, provided, in part:

“Beginning with the 1991-92 school year, the State Board of Higher Education in cooperation with the institutions of higher education, shall develop guidelines which may be incorporated into the policies of the colleges and universities that provide for academic clemency for undergraduate students. Under this program of academic clemency, a student returning to a college or university after a separation of a defined number of years may petition the appropriate dean to have previously earned grades and credits removed from the calculations of their cumulative grade point average. Grades and credits earned at any other college or university shall be disregarded under this program.”

6-60-208. Requirements.

(a) (1) Beginning with the 2002-2003 academic year, any public school student who graduates from a public high school after May 1, 2002, must have successfully completed the core curriculum recommended by the Arkansas Higher Education Coordinating Board after consultation with the State Board of Education and pursuant to § 6-61-217 with a minimum cumulative grade point average of 2.0 on a 4.0 scale in order to be eligible for unconditional admission as an undergraduate to a public four-year institution of higher education.

(2) Nothing in this subsection (a) shall prevent a student from enrolling for the purpose of obtaining a degree or a certificate offered by a public four-year institution.

(b) (1) Subject to subsection (c) of this section and beginning with the 2002-2003 academic year, any public school student who graduates from a public high school after May 1, 2002, must have successfully completed the core curriculum recommended by the coordinating board after consultation with the state board and pursuant to § 6-61-217 in order to be eligible for unconditional admission to a public two-year institution of higher education.

(2) Nothing in this subsection (b) shall prevent a student from enrolling for the purpose of obtaining a degree or a certificate offered by a public two-year institution.

(c) (1) (A) The colleges and universities shall develop standards for collegiate admissions based on the mission of each institution and establish a conditional collegiate admissions process for each institution, subject to the recommendations of the coordinating board.

(B) The colleges and universities are hereby directed to establish standards for conditional admission for public school students who have not completed the core curriculum, subject to the recommendations of the coordinating board. At a minimum, these conditional admissions standards shall require the following:

(i) For a public school student seeking an associate of arts degree or a baccalaureate degree who failed to successfully complete the core curriculum, completion of twelve (12) hours of core academic courses and any necessary remedial courses with a cumulative grade point average of 2.0 on a 4.0 scale; or

(ii) For a public school student seeking a diploma, a technical certificate, or an associate of applied science degree who failed to successfully complete the core curriculum, completion of six (6) hours of core academic courses, six (6) hours of technical courses required for the diploma, technical certificate, or associate of applied science degree, and any necessary remedial courses with a cumulative grade point average of 2.0 on a 4.0 scale.

(2) (A) Conditional admissions standards should appropriately reflect the

mission of each institution and shall be implemented by the institutions as a condition of receiving state funds.

(B) If the coordinating board does not approve the conditional collegiate admissions standards and process for an institution, no state funds shall be used to subsidize or pay for any portion of the cost associated with the conditional students.

(3) The admissions criteria set forth in this section shall not apply to those individuals who graduate from a public high school prior to May 1, 2002.

(d) (1) Beginning with the 1997-1998 academic year, conditional admissions standards for nontraditional students shall be based on the student's score on the American College Test composite or its equivalent as defined by the Department of Higher Education, which shall issue guidelines to assist two-year and four-year institutions of higher education in developing conditional admissions standards.

(2) As used in this subsection (d), "nontraditional students" shall include those who are home-schooled or who attended private or parochial secondary schools.

(e) Nothing in this section shall prevent an institution of higher education from setting higher admissions standards for enrolling freshmen.

(f) Nothing in this section shall prevent a student from enrolling for the purpose of obtaining a degree or a certificate offered by a public two- year or four-year institution of higher education.

History. Acts 1993, No. 969, § 1; 1995, No. 1296, § 33; 1997, No. 977, § 3; 1997, No. 1290, § 1; 1999, No. 520, § 1.

Amendments. The 1999 amendment, in (a) and (b), substituted "2002-2003" for "1999-2000" and "May 1, 2002" for "May 1, 1999"; substituted "May 1, 2002" for "May 1, 1999" in (c)(3); and made stylistic changes.

6-60-209. Enrollment data.

(a) (1) The Legislative Joint Auditing Committee shall provide for the verification of student enrollment data of each state-supported institution of higher education.

(2) Verification of such enrollment data shall be performed during the regularly scheduled annual audit of each institution and shall be included in the final audit report for each institution.

(3) Such reports shall be made available to the Arkansas Higher Education Coordinating Board and the Legislative Council.

(b) Criteria to be used by the Division of Legislative Audit in making the verifications of enrollment data shall be established by the Legislative Joint Auditing Committee.

History. Acts 1995, No. 1185, § 33.

6-60-210. Minor child as legal resident.

(a) As used in this section, "minor child" means a child under twenty-one (21) years of age.

(b) Any minor child of a parent who is a legal resident of Arkansas shall be considered a legal resident of Arkansas for the following purposes:

(1) Admission and enrollment in a public institution of higher education; and

(2) Eligibility for a postsecondary scholarship offered by the State of Arkansas or by a public institution of higher education.

(c) In determining admission or scholarship eligibility, a public institution of higher education shall give the same consideration to an official high school transcript issued by an out-of-state school or school district on behalf of any minor child of a parent who is a legal resident of Arkansas as a high school transcript issued by a school or school district in Arkansas.

History. Acts 1997, No. 692, § 1.

Cross References. Student assistance grant program, § 6-82-201 et seq.

6-60-211. Tuition waiver for Arkansas National Guard soldiers and airmen — Tuition assistance for soldiers.

(a) Colleges, universities, community colleges, technical schools, and other postsecondary institutions of higher learning located in the State of Arkansas that directly receive funds appropriated by the General Assembly may waive up to twenty-five percent (25%) of the tuition at the institution for soldiers and airmen of the Arkansas National Guard.

(b) (1) The Adjutant General of Arkansas shall establish and publish regulations for the eligibility and implementation of tuition assistance programs sponsored by the armed services.

(2) The Adjutant General's regulations shall conform to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(3) The Adjutant General shall provide each postsecondary institution of higher learning located in the State of Arkansas a copy of the regulations within thirty (30) days after publication.

History. Acts 2003, No. 1045, § 1; 2005, No. 82, § 1.

Amendments. The 2005 amendment deleted “who are participants in the Arkansas National Guard Tuition Assistance Plan” from the end of (a); deleted former (b); redesignated former (c) as present (b); and substituted “tuition assistance programs sponsored by the armed services” for “the Plan” in present (b)(1).

6-60-212. Admissions — Applicants from medically underserved areas.

(a) In an effort to address health disparities and the current shortage of nursing professionals in the state, each board of trustees of a publicly supported institution of higher education may establish a program under which additional consideration in admission to the institution and to the nursing or health career program is given to an applicant from a rural, medically underserved area of the state who is interested in pursuing a nursing or other health care career in a rural, medically underserved area of the state.

(b) The program for additional consideration under subsection (a) of this section may include, without limitation, the following measures:

(1) Early targeting of potential candidates from rural, medically underserved areas of the state who are interested in nursing and other health care professions, including junior high school, high school, two-year college, and four-year college students;

(2) Recruiting and guiding individuals from rural, medically underserved areas of the state who are interested in pursuing nursing and other health care professions in rural,

medically underserved areas;

(3) Offering programs to prepare identified nursing and other health career candidates from rural, medically underserved areas of the state for meeting admission requirements to a postsecondary nursing program, including, without limitation, preparatory programs offered with the aid of video and distance learning tools; and

(4) Providing that individuals from a rural, medically underserved area of the state who are interested in nursing or other health care professions receive an equal opportunity for success.

(c) Upon request, the Arkansas Higher Education Coordinating Board shall provide assistance to publicly supported institutions of higher education in implementing programs offered under this section.

(d) The coordinating board shall report annually to the House Interim Committee on Public Health, Welfare and Labor and the Senate Interim Committee on Public Health, Welfare and Labor regarding implementation of this section.

History. Acts 2005, No. 1256, § 1.

6-60-213. Reduced tuition for certain police officers.

(a) As used in this section:

(1) (A) “Covered police officer” means:

(i) Any employee of the Department of Arkansas State Police

who:

(a) Holds the rank of state trooper or a higher rank; and

(b) Has been an employee of the department for ten (10) or

more years;

(ii) Any highway police officer who has been an employee of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department for ten (10) or more years;

(iii) Any officer of the State Capitol Police who has been an employee of the State Capitol Police for ten (10) or more years; or

(iv) Any wildlife officer who has been an employee of the Arkansas State Game and Fish Commission for ten (10) or more years.

(B) “Covered police officer” does not include:

(i) A civilian employee; or

(ii) A person who is temporarily employed as a covered police officer due to an emergency situation;

(2) “Dependent” means:

(A) Any natural child, stepchild, or adopted child of a covered police officer; and

(B) Any individual of whom a covered police officer is the legal guardian;

(3) “Public institution of higher education” means a public university, college, technical college, or community college; and

(4) (A) “Tuition” means charges levied for attendance at an institution of higher education.

(B) “Tuition” does not include any fees charged or used for student activities, including without limitation any student athletic fee.

(b) (1) Any covered police officer or his or her dependent who is enrolled or has been accepted for enrollment in a public institution of higher education in Arkansas may have tuition reduced at a rate equal to the reduced rate of tuition provided to employees of that public institution of higher education if his or her employer elects to offer reduced tuition.

(2) An employer of a covered police officer may elect to offer reduced tuition based on the amount of funds available.

(3) If the employer of the covered police officer elects to offer reduced tuition, the employer shall pay to the public institution of higher education the difference between the regular tuition rate and the reduced rate of tuition provided to employees of the public institution of higher education.

(c) No covered police officer or his or her dependent may utilize the reduced rate of tuition for educational purposes beyond the baccalaureate degree.

(d) The employer of a covered police officer electing to offer reduced tuition for covered police officers shall develop criteria regarding the awarding of reduced tuition, including without limitation:

(1) Academic requirements to continue receiving reduced tuition;

(2) The length of time reduced tuition may be offered;

(3) Procedures to be followed in the event the covered police officer or his or her dependent experiences a severe personal illness, a medical disability, or activation for full-time military service; and

(4) Appeal procedures that a covered police officer may follow if his or her reduced tuition is discontinued by the employer.

History. Acts 2007, No. 291, § 1.

Subchapter 3 **— Tuition in Neighboring States**

6-60-301, 6-60-302. [Repealed.]

6-60-303. Higher Education Tuition Adjustment Fund.

Publisher's Notes. Former subchapter 3, concerning students studying outside the state, was repealed by Acts 1993, No. 1259, § 13. The subchapter was derived from the following sources: 6-60-301. Acts 1970 (Ex. Sess.), No. 18, §§ 1-3; 1975, No. 152, § 11; A.S.A. 1947, §§ 80-2874, 80-2876, 80-2877.

6-60-302. Acts 1973, No. 745, §§ 1-3; A.S.A. 1947, §§ 80-2891, 80-2891.1, 80-2891.2.

6-60-303. Acts 1969, No. 483, §§ 1-4; 1977, No. 614, § 1; A.S.A. 1947, §§ 80-2879 — 80-2882.

6-60-304. Acts 1985, No. 218, §§ 1-3; A.S.A. 1947, §§ 80-2896 — 80-2896.2.

6-60-305. Acts 1973, No. 113, §§ 1-3.

For present law, see §§ 6-81-1101 and 6-81-1102.

Effective Dates. Acts 1997, No. 1211, § 40: July 1, 1997. Emergency clause provided: "It is hereby found and determined by the Eighty-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1997 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental programs.

Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997."

Acts 2001, No. 1612, § 42: July 1, 2001. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2001 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2001 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2001."

6-60-301, 6-60-302. [Repealed.]

Publisher's Notes. These sections, concerning the Higher Education Tuition Adjustment Fund, were repealed by Acts 2001, No. 1612, §§ 30, 31. The sections were derived from the following sources:

6-60-301. Acts 1995, No. 1185, § 34.

6-60-302. Acts 1997, No. 342, § 39.

6-60-303. Higher Education Tuition Adjustment Fund.

(a) Higher Education Tuition Adjustment Fund.

(1) The Higher Education Tuition Adjustment Fund is hereby created upon the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.

(2) The fund shall consist of those revenues that are allocated to it by law.

(b) Purpose of the Fund.

(1) It is the intent of the General Assembly that this fund ensure that bona fide Arkansas income taxpayers and their dependents who are residents of a bordering state in a contiguous county to the Arkansas state line which is contiguous to a county where an institution of higher education is located receive the same higher education opportunities as all other taxpayers.

(2) In establishing this policy, it is the intent of the General Assembly that taxpayers should have affordable access to the state's higher education institutions.

(c) Tracking and Reporting.

(1) Furthermore, the Department of Higher Education will require each institution to track and report the number of qualifying students each year.

(2) (A) A list of students who benefit from the out-of-state tuition waiver, including their social security numbers or their Arkansas taxpaying parents' or guardians' names and social security numbers, will be furnished by the Department of Higher Education to the Department of Finance and Administration for confirmation that they or their parents are employed in Arkansas at a wage in excess of five thousand five hundred dollars (\$5,500) per annum.

(B) Documentation should be either an official W-2 form from an Arkansas employer reflecting wages of at least five thousand five hundred dollars (\$5,500) in the tax year prior to enrollment in college or official employer verification of a current year salary minimum of at least five thousand five hundred dollars (\$5,500), which the college will keep on file for enrollment audit purposes.

(d) Appropriation Transfer Procedures.

(1) The Director of the Department of Higher Education shall determine the

difference between the amount of tuition revenue which would have been generated by charging the Arkansas Higher Education Coordinating Board-approved out-of-state tuition rate to the students as compared to the approved in-state or out-of-district rate.

(2) Upon the determination, the director shall certify to the Chief Fiscal Officer of the State and the Treasurer of State those amounts that are required to be transferred from the fund.

(3) Upon receiving the certification, the Chief Fiscal Officer of the State and the Treasurer of State shall cause to be transferred the necessary funds and appropriation to the fund account of the institution receiving certification from the director.

(4) In order to provide funding for the appropriation set out in the line item entitled Tuition Adjustment in the biennial operations appropriation act for the Department of Higher Education, the Chief Fiscal Officer of the State shall transfer to the Higher Education Tuition Adjustment Fund from the Higher Education Grants Fund Account three hundred fifty thousand dollars (\$350,000) for each year of the biennium.

History. Acts 1997, No. 1211, § 28; 2001, No. 1612, § 32.

Amendments. The 2001 amendment, in (d)(4), substituted “the line item ... Department of Higher Education” for “Item (15) of Section 6 of this act,” and “three hundred fifty thousand dollars (\$350,000)” for “two hundred fifty thousand dollars (\$250,000).”

Cross References. Higher Education Tuition Adjustment Fund, § 19-5-1076.

Subchapter 4 **— Extension Courses**

6-60-401. Purpose and intent of subchapter.

6-60-402. Authorization to establish extension courses.

6-60-403. Guidelines.

6-60-404. Facilities.

6-60-401. Purpose and intent of subchapter.

(a) The purpose of this subchapter is to make available to an increasing number of citizens of this state opportunities to obtain the benefits of courses of instruction at a college level.

(b) It is the intent of this subchapter to authorize state-supported institutions of higher learning to establish within communities in the areas served by the institutions extension courses designed to meet the specific educational and training needs of the communities served, without the necessity of constructing new or additional campuses, or without the construction of new classroom buildings or facilities.

History. Acts 1975, No. 717, §§ 1, 3; A.S.A. 1947, §§ 80-3368, 80-3370.

6-60-402. Authorization to establish extension courses.

(a) The boards of trustees of state-supported institutions of higher learning of this state are authorized to establish in communities in the areas served by the respective institutions, where there is an established need therefor, extension courses of higher education instruction leading to a certificate or college credit.

(b) Such courses or programs of instruction or training may be scheduled on a daily or night basis, whichever is necessary to meet the educational or training needs of the

communities served.

History. Acts 1975, No. 717, § 1; A.S.A. 1947, § 80-3368.

6-60-403. Guidelines.

All extension courses offered by colleges and universities shall meet the guidelines of the “State Plan for Off-Campus Higher Education Instruction”, as adopted by the Arkansas Higher Education Coordinating Board.

History. Acts 1975, No. 717, § 2; A.S.A. 1947, § 80-3369.

6-60-404. Facilities.

(a) The courses of instruction and training provided for in this subchapter shall be provided in local facilities in the communities served which are made available by the community without cost to the state-supported institution of higher learning, or which are made available on a rental or lease basis whereby the institution's rental or lease obligation shall not exceed fifty percent (50%) of the rental or lease cost therefor, with the remainder of the rental or lease cost to be provided from local sources within the communities served.

(b) The courses of instruction or training programs may be established on the campuses of vocational-technical schools or in existing public classroom facilities, upon agreements entered into by the boards of trustees of the state-supported institutions of higher learning involved and the administrators or boards in charge of the vocational-technical school programs or school districts.

History. Acts 1975, No. 717, § 1; A.S.A. 1947, § 80-3368.

Subchapter 5 — Immunization

6-60-501. Purpose.

6-60-502. Proof of immunity.

6-60-503. Rules and regulations — Enforcement.

6-60-504. Physical disabilities — Religious objections.

Effective Dates. Acts 2003, No. 999, § 4[5]: Apr. 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the federal District Courts for the Eastern and Western Districts of Arkansas have held the state's school immunization statute to be unconstitutional, that the courts have stayed the effect of the finding, that if the stay is lifted before this act becomes effective, some students will be excluded from school attendance. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-60-501. Purpose.

(a) Immunizations against measles, rubella, and other communicable diseases have resulted in a dramatic decrease in the incidence of these diseases in this country.

(b) However, these diseases continue to occur on campuses of American colleges and

universities, and a more intensified effort is needed to prevent and control these diseases.

(c) A requirement that certain college and university enrollees furnish proof that they have immunity against certain communicable diseases will alleviate the potential for an outbreak of those diseases.

(d) The purpose of this legislation is to assure that certain enrollees of public and private colleges and universities in Arkansas, prior to attendance, furnish proof of immunity against measles, rubella, and other diseases designated by the State Board of Health.

History. Acts 1987, No. 141, § 1.

6-60-502. Proof of immunity.

No part-time student housed in on-campus premises and no full-time student may attend a public or private college or university in this state unless he or she has furnished proof, within such time as set by the college or university, but not to exceed thirty (30) calendar days after enrollment, by way of an official record from another educational institution in Arkansas or a certificate from a licensed medical doctor or an authorized public health department representative, that he or she has immunity against measles, rubella, and such other diseases as delineated by the State Board of Health.

History. Acts 1987, No. 141, § 2.

6-60-503. Rules and regulations — Enforcement.

(a) The State Board of Health is empowered to promulgate rules and regulations for the proper enforcement of the provisions of this subchapter, including, but not limited to, the authority to examine records and conduct investigations to assure compliance.

(b) The responsibility for the enforcement of these requirements rests with the directors of admissions or registration at each college or university.

History. Acts 1987, No. 141, § 3.

6-60-504. Physical disabilities — Religious objections.

(a) If, at the discretion of a medical doctor licensed to practice in Arkansas, an individual is deemed to have a physical disability which may contraindicate one (1) or more of the vaccinations required by this subchapter, a certificate approved by the Department of Health and signed by the medical doctor may be accepted in lieu of proof of vaccination.

(b) (1) The provisions of this subchapter shall not apply if the individual furnishes to the college or university a letter of exemption from the department.

(2) (A) The individual shall complete an annual application process developed in the rules and regulations of the department for medical, religious, and philosophical exemptions.

(B) The rules and regulations developed by the department for medical, religious, and philosophical exemptions shall include, but not be limited to:

(i) A notarized statement requesting a religious, philosophical, or medical exemption from the department by the individual regarding the objection;

(ii) Completion of an educational component developed by the department that includes information on the risks and benefits of vaccination;

(iii) An informed consent from the individual that shall include a signed statement of refusal to vaccinate based on the department's refusal-to-vaccinate form; and

(iv) A signed statement of understanding that:

(a) At the discretion of the department, the unimmunized child or individual may be removed from day care or school during an outbreak if the child or individual is not fully vaccinated; and

(b) The child or individual shall not return to school until the outbreak has been resolved and the department approves the return to school.

(3) No exemptions may be granted under this subsection until the application process has been implemented by the department and completed by the applicant.

History. Acts 1987, No. 141, § 4; 2003, No. 999, § 2.

Amendments. The 2003 amendment redesignated former (b) as present (b)(1) and substituted “a letter of exemption from the department” for “written proof from a church or denomination official that the immunization conflicts with the religious tenets and practices of the recognized church or religious denomination of”; and added (b)(2) and (3).

Research References

U. Ark. Little Rock L. Rev.

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, Immunization Requirements, 26 U. Ark. Little Rock L. Rev. 384.

Subchapter 6 — Textbooks and Course Materials

6-60-601. Adoption of textbooks and course materials.

6-60-602. Inducements to require textbooks prohibited.

6-60-603. Website links for textbooks and course materials.

6-60-604. Textbook royalties.

6-60-605. Campus bookstore advertising.

Effective Dates. Acts 2007, No. 105, § 2: Feb. 14, 2007. Emergency clause provided: It is found and determined by the General Assembly of the State of Arkansas that institution of higher education professors may be offered financial incentives to select certain textbooks and course materials rather than others, and may personally benefit from the selection of certain textbooks and course materials; that in order to provide the best state-supported higher education possible, the best available textbooks and course materials should be objectively selected without regard to any personal financial gain; and that the passage of this act is immediately necessary to help students receive the best available textbooks and course materials needed for a quality education. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

Acts 2007, No. 106, § 2: Feb. 14, 2007. Emergency clause provided: It is found and determined by the General Assembly of the State of Arkansas that state-supported institution of higher education professors may be offered financial incentives to select certain textbooks and course materials rather than others, and may personally benefit from the selection of certain textbooks and course materials; that in order to provide the best state-supported higher education possible, the best available textbooks and course materials should be objectively selected without regard to any personal financial gain; and that the passage of this act is immediately necessary to help students receive the best available textbooks and course materials needed for a quality education. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

Acts 2007, No. 277, § 2: Mar. 16, 2007. Emergency clause provided: It is found and determined by the General Assembly of the State of Arkansas that many retailers of textbooks outside of the State of Arkansas do not pay sales and use taxes to the state for in-state sales; that the additional revenue to be generated by the passage of this act is needed to help provide the best state-supported higher education possible; and that the loss of such sales and use tax revenue should be stopped or limited immediately. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

Acts 2007, No. 1205, § 2: Apr. 5, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that textbooks and course materials for state-supported institution of higher education students are often purchased at higher prices than necessary or not at all due to a lack of competitive advertising; that students sometimes do not purchase needed textbooks and course materials due to a lack of funds; and that the passage of this act is immediately necessary to enable students to obtain the textbooks and course materials needed to help ensure a quality education at a more affordable price. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-60-601. Adoption of textbooks and course materials.

(a) (1) For each full semester and collectively for summer sessions, a state-supported institution of higher education in this state shall distribute a list of all textbooks and course materials required or assigned for an undergraduate course by:

(A) Publication on its website; and

(B) Posting at its bookstore.

(2) The list shall be distributed no later than noon on:

(A) April 1 for the following fall semester;

(B) November 1 for the following spring semester; and

(C) April 1 for all following summer sessions.

(b) For each textbook or course material the list shall include:

(1) A brief description of the textbook or course material;

(2) The author or authors;

(3) The title and edition; and

(4) Any special instructions or circumstances for the purchase or use of the textbook or course material.

(c) A textbook or course material for an undergraduate course may be adopted after the time specified in subsection (a) of this section for distributing the list if:

(1) The adoption is approved by the department chair and the dean or division head of the affected college; and

(2) The dean or division head of the college forwards to the chief academic officer of the affected state-supported institution of higher education the following information:

- (A) A list of each late adoption;
- (B) The names of the person or persons responsible for each late adoption; and
- (C) A written statement explaining why each adoption was late.

History. Acts 2007, No. 175, § 1.

6-60-602. Inducements to require textbooks prohibited.

- (a) No state-supported institution of higher education in this state or a department or employee of the institution of higher education shall demand or receive any present or promised gift, payment, loan, subscription, advance, deposit of money, services, or any other thing of value as an inducement for requiring students to purchase a specific textbook for coursework or instruction.
- (b) This section shall not prevent an employee of the institution of higher education from receiving either:
 - (1) Sample copies, instructor's copies, or instructional material of a specific textbook required for coursework or instruction; or
 - (2) Royalties or other compensation from the sale or publication of a textbook that includes the employee's own writing or work.
- (c) A violation of this section:
 - (1) Shall be reported within ten (10) business days by the state-supported institution of higher education to the:
 - (A) Chief academic officer of the institution;
 - (B) Chief legal counsel of the institution; and
 - (C) Legislative Council; and
 - (2) May be reported to the parties identified in subdivision (c)(1) of this section by any business or consumer.

History. Acts 2007, No. 105, § 1.

6-60-603. Website links for textbooks and course materials.

- (a) No state-supported institution of higher education in this state shall place or permit to be placed on its website or its bookstore's website a link to the website of a retailer of textbooks or other educational materials if the retailer :
 - (1) Is not required to report and pay Arkansas sales and use taxes; and
 - (2) Does not obtain a use tax permit from the Department of Finance and Administration and report and pay Arkansas sales and use taxes on sales of textbooks and other educational materials to residents of this state.
- (b) This section is intended to promote the state's ability to provide a quality but affordable higher education by strengthening the state's relationship with textbook retailers that support the state's educational mission by:
 - (1) Paying Arkansas sales and use taxes; and
 - (2) Interacting locally with state-supported institutions of higher education.
- (c) Nothing in this section prevents a faculty member from referring students to any source for required or suggested textbooks or course materials.
- (d) (1) A violation of subsection (a) of this section shall be reported to the department.
 - (2) If the department determines that a violation of subsection (a) of this section has occurred, it shall notify the state-supported institution of higher education of the

violation.

History. Acts 2007, No. 277, § 1.

6-60-604. Textbook royalties.

(a) A state-supported institution of higher education shall establish guidelines for the use of royalties received by a faculty member from the sale of textbooks and course materials for classes taught by the faculty member.

(b) The guidelines shall:

(1) Be designed to acknowledge the conflict of interest; and

(2) Specify how the royalties may be used, giving priority consideration to programs that benefit students academically.

History. Acts 2007, No. 106, § 1.

6-60-605. Campus bookstore advertising.

(a) (1) If any state-supported institution of higher education advertises or allows an on-campus bookstore to submit advertising for inclusion in orientation packets or through the electronic media services of the state-supported institution of higher education or as part of a presentation to any student group, then the state-supported institution of higher education shall allow a private local textbook vendor access to distribute the private local textbook vendor's advertising by the same distribution method if requested in writing by the private local textbook vendor.

(2) The state-supported institution of higher education:

(A) Shall distribute the advertising of a private local textbook vendor contemporaneously with the advertising of the on-campus bookstore;

(B) May request a modification of the advertising of the on-campus bookstore or a private local textbook vendor if the advertising does not reflect the public interests of the state; and

(C) Is under no obligation to accept advertising from the on-campus bookstore or a private local textbook vendor.

(3) An on-campus bookstore and a private local textbook vendor shall be responsible for the costs related to the preparation and production of all advertising material.

(b) As used in this section:

(1) "Advertising" means not more than two (2) pages of promotional material describing the availability and terms of sale of textbooks or course materials; and

(2) "State-supported institution of higher education" means any college, university, vocational school, trade school, or other postsecondary educational institution that receives any funding from the state.

(c) A violation of subsection (a) of this section:

(1) Shall be reported within ten (10) business days by the state-supported institution of higher education to the:

(A) Chief fiscal officer of the institution;

(B) Chief legal counsel of the institution; and

(C) Legislative Council; and

(2) May be reported to the parties identified in subdivision (c)(1) of this section by any business or consumer.

History. Acts 2007, No. 1205, § 1.

Chapter 61 **Postsecondary Institutions Generally**

- Subchapter 1 — General Provisions
- Subchapter 2 — Arkansas Higher Education Coordinating Board
- Subchapter 3 — Establishment and Expansion
- Subchapter 4 — Grant Programs
- Subchapter 5 — Community Colleges Generally
- Subchapter 6 — Community Colleges — Finances
- Subchapter 7 — Rich Mountain Community College
- Subchapter 8 — Arkansas Research Development Act
- Subchapter 9 — Office of Accountability
- Subchapter 10 — Technical College and Community College Capital Improvement Act
- Subchapter 11 — University of Arkansas at Fort Smith
- Subchapter 12 — Southwest Arkansas Higher Education Consortium
- Subchapter 13 — Productivity Enhancement for Undergraduate Higher Education Act

A.C.R.C. Notes. References to “this chapter” in subchapters 1-9 may not apply to §§ 6-61-113 — 6-61-124, 6-61-127 — 6-61-130, 6-61-222 — 6-61-230, 6-61-525, 6-21-526, 6-61-528 — 6-61-533, 6-61-613, 6-61-708, and subchapters 10-12 which were enacted subsequently.

Acts 1995, No. 1297, § 2, provided:

“(a) There is created the Arkansas Higher Education Funding Study Commission. It shall be composed of four (4) persons appointed by the Arkansas Higher Education Council, four (4) persons appointed by the State Board of Higher Education, six (6) persons appointed by the Co-Chairmen of the Joint Interim Committee on Education, and six (6) persons appointed by the Governor.

“(b) The Arkansas Higher Education Funding Study Commission shall conduct its study of institutional missions, funding for capital projects, and other funding issues related to institutional missions and report the results of its study, along with any recommendations, to the Governor and the Joint Interim Committee on Education on or before December 1, 1995.”

Research References

ALR.

Liability of university, college, or other school for failure to protect student from crime. 1 A.L.R.4th 1099.

Tort liability of public schools and institutions of higher learning for educational malpractice. 1 A.L.R.4th 1139.

Mental or physical illness as basis of dismissal of student from school, college, or university. 17 A.L.R.4th 519.

Privileged nature of statements or utterances by members of governing body of public institution of higher learning in course of official proceedings. 33 A.L.R.4th 632.

Subchapter 1 **— General Provisions**

6-61-101. Definition.

6-61-102. Applicability of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306

- [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed].
- 6-61-103. Powers and duties of existing governing boards unaffected by §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed].
- 6-61-104. Program transfers.
- 6-61-105. Course in American history and civil government required.
- 6-61-106. Course in United States Constitution and American institutions and ideals required.
- 6-61-107. Courses in conservation of natural resources — Teachers required to take course.
- 6-61-108. Eye protection required.
- 6-61-109. Driver education and training programs.
- 6-61-110. Testing of entering freshmen for remedial courses.
- 6-61-111. Student assessment programs.
- 6-61-112. A student or a student's spouse called into military service.
- 6-61-113. References to race.
- 6-61-114. [Repealed.]
- 6-61-115. Arkansas Institution for Advocacy for the Blind.
- 6-61-116. Arkansas Board for the Institution for Advocacy for the Blind — Created.
- 6-61-117. Arkansas Board for the Institution for Advocacy for the Blind — Powers.
- 6-61-118. Arkansas Institution for Advocacy for the Deaf.
- 6-61-119. Arkansas Board for the Institution for Advocacy for the Deaf — Created.
- 6-61-120. Arkansas Board for the Institution for Advocacy for the Deaf — Powers.
- 6-61-121. Higher education minority retention programs — Definition.
- 6-61-122. Higher education minority retention programs — Establishment — Reports.
- 6-61-123. Meningococcal disease warning.
- 6-61-124. Reporting minority enrollment.
- 6-61-125. American Sign Language as foreign language.
- 6-61-126. Electronic communication — Privacy policy.
- 6-61-127. Arkansas Higher Education Performance Reporting System.
- 6-61-128. Restrictions on use of social security numbers.
- 6-61-129. Establishment of centers of excellence.
- 6-61-130. Institutional advice for university course work and degree completion.
- 6-61-131. Student accounts receivable policies at two-year institutions of higher education.
- 6-61-132. Academic advising on transferability of coursework.
- 6-61-133. Training for mandatory reporters.

Preambles. Acts 1939, No. 312 contained a preamble which read:

“Whereas, Natural Resources are the foundation of all social and industrial prosperity, the very existence of our youth being dependent upon them; and

“Whereas, the conservation of our natural resources is so intimately connected with the welfare of our people and should, therefore, be considered as proper subject matter of fundamental

education....”

Effective Dates. Acts 1923 (1st Ex. Sess.), No. 31, § 6: approved Oct. 20, 1923. Emergency clause provided: “This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and said Act shall take effect and be in force from and after its passage.”

Acts 1939, No. 312, § 8: Mar. 15, 1939.

Acts 1965, No. 48, § 4: effective at beginning of 1965-66 school year.

Acts 1977, No. 560, § 30: Mar. 21, 1977. Emergency clause provided: “It has been found and is hereby determined by the General Assembly that comprehensive planning for post-secondary education in Arkansas must be given greater emphasis. Further delay would possibly affect the educational opportunities available to citizens of the State and the quality of these opportunities. Therefore, an emergency is declared to exist, and this Act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after passage and approval.”

Acts 1979, No. 820, § 4: Apr. 10, 1979. Emergency clause provided: “It has been found by the General Assembly that coordination of acquisitions of data processing equipment or services by public colleges or universities is important to the effective expenditure of public funds. Therefore, an emergency is declared to exist, and this Act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after its passage and approval.”

Acts 1991, No. 1101, § 45: Apr. 9, 1991. Emergency clause provided: “It is hereby found and determined by the Seventy-Eighth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1991 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1991 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1991.”

Acts 1992 (1st Ex. Sess.), No. 25, § 7: Mar. 5, 1992. Emergency clause provided: “It is hereby found and determined by the General Assembly that some of the language in the law establishing the University of Central Arkansas is obsolete and should be eliminated as soon as possible. Since this act will eliminate the obsolete language, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 2005, No. 85, § 2: Feb. 8, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that since September 11, 2001, members of the National Guard and Reserves are being called into active duty more frequently for homeland security duties, for duties related to the fight against terrorism, and for peacekeeping efforts in Iraq; that one of the main recruiting tools used to attract young men and women into military service in the National Guard and Reserves is the offer of financial aid for college tuition and expenses; that students who are members of the National Guard or Reserves are often activated or deployed, which interrupts their educational pursuits and causes them monetary losses; that this act is immediately necessary to prevent the soldiers who serve our country from incurring monetary losses because of their service. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-61-101. Definition.

As used in §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed], unless the

context otherwise requires, “data processing” shall mean an automated process for data collection and the conversion of data into usable form or storage, including the planning, development, and implementation thereof, through the use of electronic or analogous data processing equipment, including computer systems, components of computer systems, and other necessary support equipment used in the automated process. This definition may be altered to include or exclude equipment or services in response to changes in data processing technology with the approval of the Arkansas Communications Study Committee as established by § 10-3-1201 et seq. [repealed].

History. Acts 1977, No. 560, § 4; 1979, No. 820, § 1; A.S.A. 1947, § 80-4904.

6-61-102. Applicability of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed].

SAU-Tech and the El Dorado Branch of Southern Arkansas University shall be exempt from the provisions of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed].

History. Acts 1977, No. 560, § 6; A.S.A. 1947, § 80-4906; Acts 1993, No. 447, § 1.

Publisher's Notes. Acts 1993, No. 447, § 11, provided:

“Hereafter the institution formally known as the Southwest Technical Institute Division of Southern Arkansas University or the Southwest Technical Branch shall be known and referred to as SAU-Tech.”

6-61-103. Powers and duties of existing governing boards unaffected by §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed].

Nothing in §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed] shall in any way affect the terms of office or tenure of the governing boards, nor any of the powers and duties vested in the boards in the internal management of the affairs of their respective institutions.

History. Acts 1977, No. 560, § 25; A.S.A. 1947, § 80-4925.

6-61-104. Program transfers.

In the event that a program is transferred from one state-supported university to another state-supported university which such transfer was not proposed to or acted upon by the Arkansas Higher Education Coordinating Board prior to the final consideration by the General Assembly of the receiving university's budget request for the next biennium and such program has been recommended by the board under the provisions of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-

601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed], the receiving university may use the transferring university's maximum annual salary limits for similar faculty positions which were transferred.

History. Acts 1983, No. 147, § 12, as added by Acts 1985, No. 845, § 2; A.S.A. 1947, § 80-5612.

6-61-105. Course in American history and civil government required.

(a) No college or university, normal school, or chartered institution of learning shall, under the authority of the State of Arkansas, grant to any student any baccalaureate degree unless he or she has passed a course in American history or civil government.

(b) Any teacher, official, officer, or person violating any of the provisions of this section shall be liable for a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or imprisonment in the county jail for a term of not less than thirty (30) days and not more than six (6) months, or both.

(c) A violation of any of the provisions of this section shall be sufficient grounds for the discharge or removal of the teacher, official, or officer violating this section and, in the case of a corporation, shall be sufficient grounds for revoking its charter.

(d) The Department of Higher Education is directed to see to the strict carrying out of this section and is authorized to take such steps and measures as may be necessary to effectuate its provisions.

History. Acts 1923, No. 614, §§ 4, 5; Pope's Dig., §§ 3602, 3603, 11732, 11733; A.S.A. 1947, §§ 80-1615, 80-1616; Acts 2003, No. 267, § 1.

Publisher's Notes. Acts 1923, No. 614, § 5, was also codified as § 6-16-109 [repealed].

Amendments. The 2003 amendment substituted "any baccalaureate degree unless he or she has passed a course in American history or civil government" for "any degree unless he has passed a course in American history and civil government equivalent to that provided for in § 6-16-109" in (a).

Cross References. Applicability of §§ 6-61-105 and 6-61-106 to medical and pharmacy school students, § 6-64-415.

Research References

U. Ark. Little Rock L. Rev.

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, High School Graduation Requirements, 26 U. Ark. Little Rock L. Rev. 382.

6-61-106. Course in United States Constitution and American institutions and ideals required.

(a) All colleges and universities in this state that are sustained or in any manner supported by public funds shall give instructions in the essentials of the United States Constitution, including the study of and devotion to American institutions and ideals.

(b) No student in the colleges, universities, or other educational institutions shall receive a certificate of graduation without previously passing a satisfactory examination upon the provisions and principles of the United States Constitution.

(c) The instruction provided for in subsection (a) of this section shall be given in all junior and senior classes of colleges, universities, and educational institutions.

(d) Willful neglect or failure on the part of the president or teacher or other officer of any normal or other school or college to observe and carry out the requirements of this section shall be sufficient cause for the dismissal or removal of that party from his or her

position.

History. Acts 1923 (1st Ex. Sess.), No. 31, §§ 1, 2, 4; 2003, No. 267, § 2.

Publisher's Notes. Acts 1923 (1st Ex. Sess.), No. 31, §§ 1, 2, and 4, were also codified as § 6-16-110.

Amendments. The 2003 amendment substituted “colleges and universities” for “colleges, universities, and other educational institutions” in (a).

Cross References. Applicability of §§ 6-61-105 and 6-61-106 to medical and pharmacy school students, § 6-64-415.

Research References

U. Ark. Little Rock L. Rev.

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, High School Graduation Requirements, 26 U. Ark. Little Rock L. Rev. 382.

6-61-107. Courses in conservation of natural resources — Teachers required to take course.

All of the state institutions of higher education shall give instruction in nature study and the conservation of natural resources, including fish and game, soil fertility and erosion, forests and minerals, and all students in the institutions preparing to be teachers shall be required to take such courses of instruction.

History. Acts 1939, No. 312, § 1; A.S.A. 1947, § 80-1620.

6-61-108. Eye protection required.

(a) Every student and teacher in the colleges and universities of this state participating in any of the following courses is required to wear industrial-quality eye protective devices at all times while participating in the following courses or laboratories:

- (1) Vocational or industrial arts shops or laboratories involving experience with:
 - (A) Hot molten metals;
 - (B) Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials;
 - (C) Heat treatment, tempering, or kiln firing of any metal or other materials;
 - (D) Gas or electric arc welding;
 - (E) Any of the processes listed in this section which may be used for repairing a vehicle; and
 - (F) Caustic or explosive materials; and

(2) Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

(b) The boards of trustees of the state-supported institutions of higher learning in this state may in their discretion:

- (1) Purchase eye protective devices and furnish them free to students and teachers;
- (2) Purchase eye protective devices and sell or rent the devices to students and teachers; or
- (3) Require students and teachers to furnish their own protective devices without cost to the school, college, or university.

(c) As used in this section, “industrial-quality eye protective devices” means devices meeting the standards of the American standard safety code for head, eye, and respiratory

protection, Z2. 1-1959, promulgated by the American Standards Association, Incorporated.

History. Acts 1965, No. 48, §§ 1-3; A.S.A. 1947, §§ 80-1634 — 80-1636.

Publisher's Notes. Acts 1965, No. 48, §§ 1-3, are also codified as §§ 6-10-113 and 6-51-102.

6-61-109. Driver education and training programs.

(a) Any state-supported institution of higher learning offering an approved driver education and training course as a part of a program for the training of teachers of driver education may apply for and shall receive from the Department of Education the sum of twenty dollars (\$20.00) for each high school student completing the course.

(b) Any state-supported institution of higher learning receiving funds under this section and §§ 6-16-501 — 6-16-506 [repealed] must offer the training to high school students subject to the rules and regulations promulgated by the State Board of Education for accredited driver education courses in the high schools.

History. Acts 1967, No. 335, § 1; A.S.A. 1947, § 80-1637.

Publisher's Notes. Acts 1967, No. 335, § 1, was also codified as § 6-16-501 [repealed].

6-61-110. Testing of entering freshmen for remedial courses.

(a) All first-time entering freshmen at all state-supported colleges and universities in Arkansas who are admitted to enroll in all associate or bachelor's degree programs shall be tested by the admitting institution for purposes of placement in either college-level credit courses in English and mathematics or remedial courses in English composition, reading, and mathematics.

(b) Remedial courses shall not provide credit toward a degree.

(c) (1) The Arkansas Higher Education Coordinating Board shall determine the tests to be used, the testing procedures and exemptions, and the minimum scores below which students at all institutions must take remedial courses.

(2) The board shall base these decisions on consultation with representatives of the institutions of higher education, analysis of the placement procedures presently used by institutions in Arkansas, statewide placement testing programs in other states, and pilot projects involving testing of entering freshmen at selected institutions in Arkansas.

History. Acts 1991, No. 1101, § 23; 1999, No. 508, § 3.

A.C.R.C. Notes. Former § 6-61-110, concerning the testing of entering freshmen for remedial courses, is deemed to be superseded by this section. The former section was derived from Acts 1989 (1st Ex. Sess.), No. 160, § 21. A similar provision which was also codified as § 6-61-110, and was previously superseded, was derived from Acts 1987, No. 1052, §§ 19, 20.

Amendments. The 1999 amendment substituted "Arkansas Higher Education Coordinating Board" for "State Board of Higher Education" in (c); and made stylistic changes.

6-61-111. Student assessment programs.

(a) Beginning with the fall 1991 semester, each state-supported institution of higher education shall implement an assessment program to evaluate student learning of general education core curriculum.

(b) The student outcomes assessment program developed by each institution shall be

approved by the Arkansas Higher Education Coordinating Board prior to implementation.
History. Acts 1989, No. 98, § 3.

6-61-112. A student or a student's spouse called into military service.

(a) A student who ceases attendance at a state-supported postsecondary educational institution without completing and receiving a grade in one (1) or more courses shall receive compensation for the resulting monetary loss as provided under this section if the student ceases attendance because:

(1) The student is activated or deployed by the military; or

(2) The student's spouse is activated or deployed by the military and the student or the student's spouse has dependent children residing in the household.

(b) (1) To be eligible for the compensation described under this section, the student must provide, prior to activation or deployment, an original or official copy of the military activation or deployment orders to the registrar or other designated school official of the state-supported postsecondary educational institution at which the student is enrolled at the time of military activation or deployment.

(2) To be eligible for the compensation described under this section, a student whose spouse is a service member shall provide proof of registration with the Defense Enrollment Eligibility Reporting System of the Department of Defense that establishes that dependent children reside in the household of the student and service member.

(c) (1) The student shall choose from one (1) of the following three (3) compensatory options regarding tuition:

(A) A complete refund of tuition and general fees that are assessed against all students at the institution;

(B) At least one (1) year to complete the course work after the student's or student's spouse's deactivation; or

(C) (i) Free tuition for one (1) semester at the institution where the student's attendance was interrupted unless federal aid is made available to compensate the student for the resulting monetary loss related to the student's or student's spouse's activation or deployment.

(ii) Federal aid shall not include Pell Grants, other federal grants, or other monetary benefits paid to the student directly or at the student's direction.

(iii) If a student or student's spouse is activated or deployed during a semester, the student shall not receive more than one (1) semester of free tuition under this subdivision (c)(1)(C).

(2) This subsection shall not allow a student to recover any amount in excess of the student's actual monetary loss.

(d) (1) The student shall receive a proportionate refund of room, board, and other fees that were paid to the institution based on the date of the student's notice of withdrawal from the institution.

(2) If an institution contracts for room, board, or other services from a third party, then the third-party contractor shall provide a refund to the institution for the services or fees in an amount equal to the student's monetary loss under subdivision (c)(1) of this section;

(e) The student shall receive the maximum price, based on condition, for the textbooks related to the uncompleted courses if the institution has a policy of repurchasing

textbooks.

(f) (1) A student's eligibility for a state-supported scholarship, grant, or loan for attendance at a postsecondary educational institution shall not be affected by the student's failure to complete any course work because of the student's or student's spouse's military activation or deployment.

(2) The Department of Higher Education shall adopt the necessary rules to ensure that state-supported scholarship, grant, and loan programs comply with the provisions of this section.

(g) (1) For each fiscal year, each state-supported institution of higher education in the state shall report the type and amount of compensatory options provided under this section to the department.

(2) The department shall report to the House Interim Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth regarding the type and amount of compensatory options provided under this section by each state-supported institution of higher education no later than October 1 of each year beginning in 2006 and each year thereafter.

History. Acts 1991, No. 310, §§ 1-3; 2005, No. 85, § 1; 2007, No. 16, § 1.

Amendments. The 2005 amendment rewrote this section.

The 2007 amendment substituted "A student or a student's spouse" for "Students" in the section heading; inserted "or a student's spouse" following "student" or similar language throughout the section; in (a), deleted "due to military activation or deployment" following "one (1) or more courses," added "if the student ceases attendance because" at the end, and added (1) and (2); and added (b)(2).

6-61-113. References to race.

All public institutions of higher education in this state shall remove all unconstitutional or illegal references to race from the charters, bylaws, or rules of the institutions.

History. Acts 1992 (1st Ex. Sess.), No. 25, § 3.

A.C.R.C. Notes. References to "this chapter" in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-114. [Repealed.]

Publisher's Notes. This section, concerning standardized rising junior test - annual report, was repealed by Acts 2007, No. 274, § 1. The section was derived from Acts 1993, No. 874, §§ 1, 2; 1999, No. 478, § 3; 2001, No. 1085, § 1.

6-61-115. Arkansas Institution for Advocacy for the Blind.

(a) There is created the Arkansas Institution for Advocacy for the Blind. The institution shall be an institution of learning to train individuals to become advocates for the blind and to provide the information to the public concerning the needs and rights of blind citizens.

(b) The institution may provide educational services through a cooperative venture with one (1) or more institutions of higher education.

(c) The educational program of the institution shall not duplicate any social,

rehabilitative, or educational programs for the blind that are in existence in the state on July 30, 1999.

History. Acts 1999, No. 853, § 1.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-116. Arkansas Board for the Institution for Advocacy for the Blind — Created.

(a) There is created the Arkansas Board for the Institution for Advocacy for the Blind.

(b) (1) The members of the board shall be appointed by the Governor as follows:

(A) Two (2) members shall be persons certified or degreed in the education of children who are visually impaired;

(B) One (1) member shall be a person who is legally blind;

(C) One (1) member shall be the parent of a legally blind child; and

(D) One (1) member shall be appointed from the general public.

(2) Appointments shall be made so that no more than two (2) members of the board shall reside in the same congressional district.

(3) The racial makeup of the board should reflect the racial population of the state as accurately as possible.

(c) The members of the board shall serve for terms of five (5) years. The initial appointees shall determine their terms by lot so that the term of one (1) member shall expire each year.

(d) The members of the board shall annually elect a chair.

(e) Meetings of the board shall be held during evening hours or on Saturdays. At least twenty (20) minutes shall be reserved at the end of each board meeting for members of the public to address the board.

(f) Each member of the board may receive expense reimbursement in accordance with § 25-16-902.

History. Acts 1999, No. 853, § 2.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-117. Arkansas Board for the Institution for Advocacy for the Blind — Powers.

The Arkansas Board for the Institution for Advocacy for the Blind may:

(1) Enter into cooperative ventures with one (1) or more institutions of higher education for the provision of facilities, equipment, and staff necessary for the institution; and

(2) Accept donations, gifts, and contributions in money, services, materials, or otherwise from any source and use or expend such moneys, services, materials, or other contributions in carrying on its operations, and accept appropriations from the state upon such terms and conditions as may be imposed by law to be used in the furtherance of this section, § 6-61-115, and § 6-61-116.

History. Acts 1999, No. 853, § 3.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-118. Arkansas Institution for Advocacy for the Deaf.

(a) There is created the Arkansas Institution for Advocacy for the Deaf. The institution shall be an institution of learning to train individuals to become advocates for the deaf and to provide the information to the public concerning the needs and rights of deaf citizens.

(b) The institution may provide educational services through a cooperative venture with one (1) or more institutions of higher education.

(c) The educational program of the institution shall not duplicate any social, rehabilitative, or educational programs for the deaf that are in existence in the state on July 30, 1999.

History. Acts 1999, No. 928, § 1.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-119. Arkansas Board for the Institution for Advocacy for the Deaf — Created.

(a) There is created the Arkansas Board for the Institution for Advocacy for the Deaf.

(b) (1) The members of the board shall be appointed by the Governor as follows:

(A) Two (2) members shall be persons certified or degreed in the education of children who are deaf;

(B) One (1) member shall be a person who is legally deaf;

(C) One (1) member shall be the parent of a legally deaf child; and

(D) One (1) member shall be appointed from the general public.

(2) Appointments shall be made so that no more than two (2) members of the board shall reside in the same congressional district.

(3) The racial makeup of the board should reflect the racial population of the state as accurately as possible.

(c) The members of the board shall serve for terms of five (5) years. The initial appointees shall determine their terms by lot so that the term of one (1) member shall expire each year.

(d) The members of the board shall annually elect a chair.

(e) Meetings of the board shall be held during evening hours or on Saturdays. At least twenty (20) minutes shall be reserved at the end of each board meeting for members of the public to address the board.

(f) Each member of the board may receive expense reimbursement in accordance with § 25-16-902.

History. Acts 1999, No. 928, § 2.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-120. Arkansas Board for the Institution for Advocacy for the Deaf — Powers.

The Arkansas Board for the Institution for Advocacy for the Deaf may:

(1) Enter into cooperative ventures with one (1) or more institutions of higher education for the provision of facilities, equipment, and staff necessary for the institution; and

(2) Accept donations, gifts, and contributions in money, services, materials, or otherwise from any source and use or expend such moneys, services, materials, or other contributions in carrying on its operations, and accept appropriations from the state upon such terms and conditions as may be imposed by law to be used in the furtherance of this section, § 6-61-118, and § 6-61-119.

History. Acts 1999, No. 928, § 3.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-121. Higher education minority retention programs — Definition.

For purposes of this section and § 6-61-122, the term “minority” refers to African-Americans, Hispanic Americans, Asian Americans, and Native Americans.

History. Acts 1999, No. 1091, § 1.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-122. Higher education minority retention programs — Establishment — Reports.

(a) All state-supported colleges and universities shall establish a program for the retention of blacks and other members of minority groups as students, faculty, and staff. Retention action plans shall be prepared on a continuing basis for future five-year periods.

(b) Each state-supported college and university shall annually prepare a progress report on the steps that have been taken to reach the goals of the plan. The report shall include information relative to students, faculty, and staff within the institution.

(c) Copies of each institution's five-year plan and annual report shall be filed by June 30 with the Department of Higher Education, the board of trustees of the institution, the House Interim Committee on Education and the Senate Interim Committee on Education, and the board of visitors of the institution, if applicable.

(d) The department shall develop appropriate forms for reporting and shall monitor the retention plans and annual reports.

(e) In carrying out the retention action plans, each institution shall provide for a part-time or full-time employee by reassignment, appointment, or employment to assist the institution in the retention of blacks and members of other minority groups for faculty and staff positions.

History. Acts 1999, No. 1091, § 2.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-123. Meningococcal disease warning.

Each college or university shall advise students and their parents or guardians of the increased risk of meningococcal disease in students who live in close quarters, such as college or university dormitories. The college or university shall also advise students and their parents or guardians that a vaccination is available against the potentially fatal meningococcal disease.

History. Acts 1999, No. 1233, § 1.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-124. Reporting minority enrollment.

(a) For the purposes of this section:

(1) Endorsed areas include, but are not limited to, library media specialists, gifted and talented specialists, and curriculum specialists; and

(2) The term “minority” means African-Americans, Hispanic Americans, Asian Americans, and Native Americans.

(b) (1) All state-supported colleges and universities in Arkansas shall report to the Department of Education as soon as possible after each semester a list of each minority student who:

(A) Has completed college or university requirements to receive a recommendation for licensure as a public school teacher, administrator, counselor, and other endorsed areas; and

(B) Has signed a consent form authorizing the college or university to report such information to the department.

(2) The list required in subdivision (b)(1) of this section shall indicate the name, address, and major of the student graduating with an education degree.

(c) (1) The department shall maintain a database based upon the reports provided by each college and university under subsections (a) and (b) of this section.

(2) The database shall also include the name, address, and major of any minority Arkansas resident with an education degree who requests such information to be added to the database.

(3) (A) The database shall be made accessible upon request to every public school superintendent in this state or other official designated by the superintendent for the purpose of recruiting faculty and staff.

(B) The database provided for in this section shall not be made available to any school or person located outside this state.

History. Acts 1999, No. 905, §§ 1-3.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-125. American Sign Language as foreign language.

The American Sign Language may qualify as a foreign language for the purpose of meeting general elective credit requirements for graduation from state-supported colleges and universities in Arkansas if the language is taught by a qualified instructor of American Sign Language and if the course is conducted under the supervision of an instructor at the college or university as approved by that college or university.

History. Acts 1999, No. 1269, § 1.

6-61-126. Electronic communication — Privacy policy.

- (a) Each public postsecondary institution in Arkansas shall adopt a privacy policy governing electronic communications transmitted over the institution's computer network system that are originated or received by a faculty member, staff member, or a student.
- (b) No later than January 1, 2004, the computer policy shall be included in each institution's student handbook and shall be available on each institution's website.
- (c) The privacy policy shall include provisions identifying:
 - (1) The types of electronic communications that are not confidential;
 - (2) Methods to be used by the institution to protect the confidentiality of personally identifiable electronic communications that are originated or received by a faculty member, staff member, or a student;
 - (3) Procedures for releasing any confidential personally identifiable electronic communication that is originated or received by a faculty member, staff member, or a student; and
 - (4) Any other information necessary for the institution's faculty, staff, and students to understand their rights and obligations under the policy.
- (d) For purposes of this section, "electronic communication" includes any electronic mail message transmitted through the international network of interconnected government, educational, and commercial computer networks and includes messages transmitted from or to any address affiliated with an Internet site.

History. Acts 2003, No. 1799, § 1.

6-61-127. Arkansas Higher Education Performance Reporting System.

- (a) The Department of Higher Education, in consultation with the institutions of higher education, shall develop an Arkansas Higher Education Performance Reporting System. The Legislative Council shall have final approval of the form and content of the performance reports to be provided to the General Assembly, the various interim committees, and the public after considering the recommendations of the House Education Committee and Senate Education Committee.
- (b) To the extent possible, the Arkansas Higher Education Performance Reporting System will utilize information from the North Central Association assessment outcomes measures which are required for reaffirmation of accreditation, federal Integrated Postsecondary Education Data System report data, and data collected annually through the department's Statewide Student Information System.
- (c) In developing the Arkansas Higher Education Performance Reporting System, the department will review and analyze higher education performance reporting systems used in other states so as to incorporate the best aspects of those plans.
- (d) The Arkansas Higher Education Performance Reporting System will provide the General Assembly and the public with quantitative, objective information which will reveal institutional weaknesses and strengths. Performance-based reports shall be provided annually to the House Education Committee and Senate Education Committee and to the Legislative Council.
- (e) To the extent possible, and taking into account the differences in institutional missions, the Arkansas Higher Education Performance Reporting System will contain

uniform accountability elements which reveal trends, strengths, and weaknesses and assist policy makers, prospective students, and their parents in comparing institutions and judging the extent to which they are effectively and efficiently accomplishing their missions.

History. Acts 2003, No. 1463, § 12.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

Acts 2005, No. 2124, § 25, provided:

“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) 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, 2005 through June 30, 2007.”

6-61-128. Restrictions on use of social security numbers.

No public or private institution of higher education shall:

- (1) Print a student's or employee's social security number or any part of the number on the student's or employee's identification card; or
- (2) Make a student's or employee's social security number available by reading the magnetic strip or other encoded information on the student's or employee's identification card.

History. Acts 2003, No. 108, § 1.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-129. Establishment of centers of excellence.

(a) For purposes of this section, “center of excellence” means a consortium of two (2) or more institutions of higher education working in collaboration with regional economic developers. The purpose of the centers of excellence shall be to address the workforce education and training needs for existing, expanding, or attracting new business and industry in each of the economic development regions of the state.

(b) (1) In order to improve the state's ability to compete in the knowledge-based economy, the Arkansas Higher Education Coordinating Board may create acknowledged centers of excellence.

(2) (A) Institutions of higher education may submit proposals to the Department of Higher Education to become centers of excellence.

(B) In each proposal for creation of a center of excellence, institutions shall identify the center's:

(i) Technical alignment, academic alignment, or both, to existing or future businesses and industries in the state; and

(ii) Collaboration plan to serve a particular occupation.

(c) (1) Two (2) representatives of the Department of Higher Education as designated by the Director of the Department of Higher Education, and one (1) representative each of the Arkansas Economic Development Commission and the Arkansas Science and Technology Authority shall meet jointly as needed to review applications.

(2) The Department of Higher Education, the Arkansas Economic Development

Commission, and the Arkansas Science and Technology Authority shall jointly make a recommendation to the board regarding which institutions shall be acknowledged as centers of excellence in a particular program or field of study based on factors, including, but not limited to:

- (A) Number, type, and demand for related jobs;
- (B) Quality of related instructional or research programs, or both;
- (C) Availability of faculty;
- (D) Student accessibility;
- (E) Feasibility of expected program cost; and
- (F) Research capability.

(d) Final approval of centers of excellence shall be made by the board.

(e) The designation of centers of excellence shall be fully reviewed at least one (1) time every five (5) years.

History. Acts 2005, No. 265, § 1.

A.C.R.C. Notes. References to "this chapter" in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-130. Institutional advice for university course work and degree completion.

(a) The purpose of this section is to ensure that faculty advisors at universities provide students with course selection advice that will enable a full-time student to obtain most bachelor's degrees within eight (8) semesters.

(b) Any person assigned by a university to provide course selection advice to incoming freshman students shall provide any student who has declared a major with a written, eight-semester course of study signed by either the institution's chief operating officer, president, or dean that provides a recommended sequence for all course requirements for completion of most bachelor's degrees within eight (8) semesters.

(c) (1) (A) Any student who chooses a bachelor's degree designed to be completed within eight (8) semesters may commit to completion of the degree requirements within eight (8) semesters by signing and returning a copy of the written, eight-semester course of study to the university's advising center or the student's assigned academic advisor.

(B) If a student does not choose to commit to completion of the degree requirements within eight (8) semesters, the institution shall obtain a signed, written waiver from the student that clearly outlines the student's rights under this section and verifies that the student chooses not to enter into the commitment. If no waiver is obtained, the institution will be deemed to have guaranteed a bachelor's degree as provided by this section.

(2) A student shall be guaranteed a bachelor's degree at the end of the eight (8) semesters if the student:

(A) Commits to completion of his or her bachelor's degree requirements within eight (8) semesters as set forth under subdivision (c)(1) of this section;

(B) Makes satisfactory academic progress;

(C) Fulfills all of the course requirements set forth in the signed, written, eight-semester course of study in the recommended sequence; and

(D) Does not change his or her declared major.

(d) (1) Each university shall publish a recommended course sequence and recommended

schedule by semester for each degree offered by the university.

(2) The recommended course sequence schedule shall be included in the university's course catalog and departmental publications and on the university's website.

(3) Each university shall offer and make available courses in a time, sequence, and manner that will enable students to complete requirements for a degree within the time frame set out in the recommended course sequence schedule.

(e) Only universities that implement procedures in compliance with this section shall be approved by the Arkansas Higher Education Coordinating Board to receive funding from the Arkansas Academic Challenge Scholarship Program or the Arkansas Governor's Scholars Program.

History. Acts 2005, No. 1014, § 1.

A.C.R.C. Notes. References to "this chapter" in §§ 6-61-101 — 6-61-112, 6-61-125, 6-61-126 and subchapters 2-9 may not apply to this section which was enacted subsequently.

6-61-131. Student accounts receivable policies at two-year institutions of higher education.

(a) As used in this section, "two-year institution of higher education" means:

(1) A state-supported two-year institution of higher education; or

(2) A two-year branch campus of a four-year institution of higher education.

(b) A two-year institution of higher education shall:

(1) Develop and adopt policies concerning:

(A) Student accounts receivable;

(B) The collection of delinquent accounts; and

(C) The prevention of students with long-standing delinquent account balances from registering for courses or completing courses; and

(2) (A) Review its policies and practices to ensure its compliance with census reporting guidelines promulgated by the Department of Higher Education.

(B) A review under subdivision (b)(2) of this section shall occur at the beginning of each fall semester.

(c) A policy developed under subdivision (b)(1) of this section shall be:

(1) Issued in written form by the two-year institution of higher education;

(2) Published in the two-year institution of higher education's student handbook and on its website; and

(3) Filed with the department no later than thirty (30) days after the adoption of the policy.

History. Acts 2007, No. 50, § 1.

6-61-132. Academic advising on transferability of coursework.

(a) The General Assembly finds that:

(1) Academic advising is an important service provided to students;

(2) The Arkansas Course Transfer System is an important tool for the advising process that is to be used by professors and advising staff to improve graduation rates; and

(3) Freshmen should be advised of the importance of academic advising, the availability of the Arkansas Course Transfer System, and how to use the Arkansas Course

Transfer System.

(b) Each public institution of higher education shall inform each student at registration as to how the Arkansas Course Transfer System can be used to assist the student to understand which course will transfer to another public institution of higher education.

(c) The information provided to the student under this section shall help the student use the Arkansas Course Transfer System to determine which public institutions of higher education accept various courses for transfer.

History. Acts 2007, No. 472, § 1.

6-61-133. Training for mandatory reporters.

For each degree program at an institution of higher learning in this state that is a prerequisite for licensure or certification in a profession in which the professional is a child maltreatment mandated reporter under the Arkansas Child Maltreatment Act, § 12-12-501 et seq., the Department of Higher Education shall coordinate with all the higher education institutions to ensure that before receiving a degree each graduate receives, including without limitation, training in:

(1) Recognizing the signs and symptoms of child abuse and neglect;

(2) The legal requirements of the Arkansas Child Maltreatment Act, § 12-12-501 et seq., and the duties of mandated reporters under the act; and

(3) Methods for managing disclosures regarding child victims.

History. Acts 2007, No. 703, § 3.

Subchapter 2

— Arkansas Higher Education Coordinating Board

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- 6-61-223. Funding formula — Arkansas Higher Education Coordinating Board.
- 6-61-224. Funding formula — Department of Higher Education.
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- 6-61-228. Creation of funding formula model for universities.
- 6-61-229. Funding formula model for two-year colleges.
- 6-61-230. Review of funding formulas.

A.C.R.C. Notes. Acts 2005, No. 1974, §§ 1-4, provided:

“SECTION 1. “(a) The General Assembly finds that:

“(1) One of Arkansas' most formidable challenges in the next decade is to increase the number of its citizens who have obtained a college degree or technical certificate;

“(2) College graduation rates are an important indicator of a state's ability to compete in the new economy;

“(3) The graduation rates of Arkansas college students must be improved; and

“(4) Institutions that are successfully graduating students should be recognized for their efforts and achievements.

“(b) Appropriation and funding for the 2007-2009 biennium for institutions that improve graduation rates shall be linked to the percentage of full-time first-time degree seeking students who complete an associate's degree in no more than three (3) years or a baccalaureate degree in no more than six (6) years or a technical certificate in no more than five (5) semesters.

“(c) The annual graduation rate will be determined for the academic year.

“(d) (1) (A) An institution shall be eligible for incentive funding if:

“(i) Its graduation rate shows improvement over the previous year; or

“(ii) It meets or exceeds the anticipated graduation rate as determined by a regression model using student variables including but not limited to:

“(a) Entrance exam scores;

“(b) High school grade-point-average;

“(c) Rank in high school class;

“(d) Diversity of student population;

“(e) On- or off-campus residence of students;

“(f) State resident and non-resident student status;

“(g) Academic major;

“(h) Family income; or

“(i) Institutional variables such as: student-to-faculty ratio, tuition, cost of attendance, financial aid, percent of freshman receiving Pell Grants, percent of freshmen receiving financial aid, financial aid as a percent of cost of attendance and financial aid as a percent of the institution's budget, percent of part-time faculty, percent of faculty with terminal degrees, percent of budget spent on instruction, and percent of freshmen living in residence halls where appropriate.

“(B) Although a statistical regression model will determine the variables that optimize the model's ability to accurately predict graduation rates, the Arkansas Higher Education Coordinating Board will have final approval of the variables and the model.

“(2) (A) The two-year and university funding models shall be amended to include multipliers for the Student Semester Credit Hour portions of the model for institutions that demonstrate improvement over the previous year's graduation rate or whose graduation rate exceeds the anticipated graduation rate.

“(B) The multiplier shall be 1.00 for institutions that do not improve their graduation rate and do not meet the anticipated graduation rate.

“(C) The multipliers for institutions that exhibit either improvement in graduation rates or meet and exceed their anticipated graduation rate, or both will vary from 1.00 to 1.03 depending upon the degree of their improvement or success.

“(e) (1) An institution's base funding shall not be impacted.

“(2) (A) However, the distribution of incentive funds shall include factors of an institution's success in graduating students.

“(B) Incentive pool funds shall be allocated among the qualifying institutions on the basis of the relative degree of improvement in their graduation rate or success in meeting or exceeding the anticipated graduation rate, or both.

“SECTION 2. (a) The General Assembly finds that many two-year college students enroll in one-year certificate programs or to complete courses with no intention of completing a degree and the retention rate from semester-to-semester would best capture this characteristic of two-year colleges. The General Assembly further finds that the improvement of the semester-to-semester retention rate of full-time students would be overlooked when only measuring graduation rates.

“(b) (1) Incentive funding for two-year colleges shall be linked to the semester-to-semester retention rates of full-time degree or certificate seeking students.

“(2) (A) The multiplier shall be 1.00 for two-year colleges that do not improve their semester-to-semester retention rate.

“(B) The multiplier for two-year colleges that exhibit improvement in the semester-to-semester retention rate will vary from 1.00 to 1.02 depending upon the degree improvement.

“SECTION 3. (a) (1) The General Assembly finds that the retention from the freshman year to the sophomore year at a university, referred to as the one-year retention rate, is critical in increasing the likelihood that a full-time student will graduate and improving the one-year retention rate is imperative in order to improve graduation rates.

“(2) The General Assembly further finds that the improvement of the first-to-second year retention rate of full-time students would be overlooked when only measuring graduations rates of universities.

“(b) (1) Incentive funding for universities shall be linked to the one-year retention rate of first-time, full-time degree-seeking students.

“(2) (A) The multiplier shall be 1.00 for universities that do not improve their one-year retention rate.

“(B) The multiplier for universities that exhibit improvement in the first-to-second year retention rate will vary from 1.00 to 1.02 depending upon the degree of improvement.

“SECTION 4. (a) (1) An incentive pool of one million dollars (\$1,000,000) shall be established to award two-year colleges and universities based upon Sections 1 through 3 of this act during each year of the 2007-2009 biennium.

“(2) The Arkansas Higher Education Coordinating Board shall have the authority to recommend a larger incentive appropriation and funding for the second year of the biennium when the impact upon the funding formulas is better understood and after the level of funding for the 2008 fiscal year is determined.

“(b) The funds awarded to the two-year colleges and universities based upon Sections 1 through 3 of this act shall not impact an institution's base funding.”

Effective Dates. Acts 1971, No. 697, § 6: Apr. 20, 1971. Emergency clause provided: “It is hereby found and determined that it may be necessary to extend the regular session of the Sixty-Eighth General Assembly as authorized in the Constitution; that under the provisions of Amendment 7 to the Constitution, enactments of the General Assembly that do not have an emergency clause do not become effective until ninety (90) days after the date of final adjournment of the General Assembly; that the extended session of the General Assembly may not adjourn in time for this Act to take effect prior to July 1, 1971, thereby depriving the agency for which funds are appropriated herein of necessary operating funds to commence the next fiscal biennium; and in order that the appropriation made herein may be available on July 1, 1971, the General Assembly hereby determines that the immediate passage of the Act is necessary for the maintenance and operation of the essential governmental services. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval, provided that the appropriation authorized herein shall not be available until July 1, 1971.”

Acts 1977, No. 560, § 30: Mar. 21, 1977. Emergency clause provided: "It has been found and is hereby determined by the General Assembly that comprehensive planning for post-secondary education in Arkansas must be given greater emphasis. Further delay would possibly affect the educational opportunities available to citizens of the State and the quality of these opportunities. Therefore, an emergency is declared to exist, and this Act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after its passage and approval."

Acts 1979, No. 820, § 4: Apr. 10, 1979. Emergency clause provided: "It has been found by the General Assembly that coordination of acquisitions of data processing equipment or services by public colleges or universities is important to the effective expenditure of public funds. Therefore, an emergency is declared to exist, and this Act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after its passage and approval."

Acts 1985, No. 565, § 3: Mar. 25, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that the Arkansas Department of Higher Education is in urgent need of authority to assist in the administration of programs funded from private endowments and grants and that this Act is designed to give the Department such authority and should be given effect at the earliest practical date. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 267, § 5: Mar. 1, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that current guidelines regarding the developing and reporting of accurate information in relation to the retention and graduation rates of students and student athletes attending state-supported institution of higher education are inconsistent and inadequate and informed decisions regarding coordination, governance, financing, and academic policies of higher education would be significantly aided by the adoption of the provisions of this Act. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 1244, § 43: Apr. 17, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly that the restructuring of the delivery system of adult education and vocational education in this state is necessary to provide higher quality educational programs which are accessible by all segments of the population in this state; that recent studies have shown that in the year 2000, workers must have a minimum of fourteen (14) years education to function in the work force; that the state is in desperate need of training, retraining and upgrading the work force; that this act will provide a means to establish more institutions working closely with business and industry to provide every citizen with an opportunity to participate in vocational-technical training or college transfer programs within a reasonable driving distance of their homes; that it is necessary for this Act to become effective immediately so needed changes can be made prior to the date the institutions contained herein are transferred to the new system. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 112, § 40: Feb. 7, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 10 of the First Extraordinary Session of 1995 abolished the Joint Interim Committee on Education and in its place established the House Interim Committee and Senate Interim Committee on Education; that various sections of the Arkansas Code refer to the Joint Interim Committee on Education and should be corrected to refer to the House and Senate Interim Committees on Education; that this act so provides; and that this act should go into effect immediately in order to make the laws compatible as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state

boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1997, No. 1059, § 21: July 1, 1997. Emergency clause provided: "It is hereby found and determined by the Eighty-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1997 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997."

Acts 1997, No. 1114, § 18: May 1, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act abolishes the State Board of Higher Education and replaces the board with the Arkansas Higher Education Coordinating Board; and that to provide for an efficient transition and to allow the Governor a sufficient time to make appointments, this act shall become effective May 1, 1997. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on May 1, 1997."

Acts 1997, No. 1211, § 40: July 1, 1997. Emergency clause provided: "It is hereby found and determined by the Eighty-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1997 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997."

Acts 2003 (1st Ex. Sess.), No. 25, § 40: July 1, 2003. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2003 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2003 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2003."

Acts 2007, No. 591, § 2: Mar. 28, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act concerns the funding formula for the fiscal year beginning July 1, 2007; that the changes in this act are necessary to determine the funding for two-year colleges; and that these changes are immediately necessary for the distribution of funds to be in accordance with the revised funding formula. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-61-201. Members — Meetings.

(a) (1) The Arkansas Higher Education Coordinating Board shall consist of twelve (12) members appointed by the Governor as follows:

(A) Three (3) members shall be selected from the current or recent membership of the boards of public two-year colleges. If the person selected is serving on the membership of the board of a public two-year campus, the person shall relinquish his or her membership on the board;

(B) Three (3) members shall be selected from the current or recent membership of the boards of public four-year colleges or university campuses. If the person selected is serving on the membership of the board of a public four-year campus, the person shall relinquish his or her membership on the board; and

(C) Six (6) members shall be selected from business, industry, education, an agriculturally related industry, and medical services and shall not be current members of a board of a public two-year or four-year campus. At least one (1) of the appointees shall have a strong interest in and commitment to economic and workforce development. At least one (1) of the appointees shall have experience in the knowledge-based technology field.

(2) No more than four (4) members of the board shall be appointed from any one (1) congressional district as the districts exist at the time of the appointment.

(3) No more than two (2) members of the board at any one (1) time shall be graduates of an undergraduate program of any one (1) state university or college.

(b) After the appointment of the initial board, the members to be appointed from recent or current boards of two-year and four-year campuses shall be appointed by the Governor from a list of names submitted by the Presidents Council.

(c) Vacancies on the board shall be filled for the unexpired terms, and the appointments shall be made in the same manner for the positions vacated.

(d) (1) The members of the board shall serve staggered terms of six (6) years. The terms of two (2) members shall expire each year.

(2) The members may serve no more than two (2) terms.

(e) An intensive orientation program designed by the council shall be mandatory for board members.

(f) The board shall annually elect from its membership a chair and other officers necessary to carry on its business.

(g) (1) The board shall meet at least one (1) time during each calendar quarter and at other times upon the call of the chair or of any other four (4) members.

(2) The board shall, at the times that it desires, meet on the campuses of the respective institutions of higher learning in the state.

(h) Members of the board shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-901 et seq.

History. Acts 1977, No. 560, §§ 2, 3; A.S.A. 1947, §§ 80-4902, 80-4903; Acts 1991, No. 1244, § 4; 1997, No. 250, § 25; 1997, No. 1114, § 2; 1999, No. 1352, § 1; 2003 (1st Ex. Sess.), No. 25, § 36.

A.C.R.C. Notes. As enacted, subdivision (f)(1) provided that the board divide itself “on July 1, 1991, or as soon thereafter as is practicable.”

Acts 1991, No. 1244, § 36, provided:

“(a) As soon as practicable upon the passage of this act, the Governor shall appoint the three (3) additional members to the State Board of Higher Education as provided in Section 4 hereof.

“(b) In addition to the qualifications set forth in Section 4 such members shall be knowledgeable in vocational education, postsecondary adult education or federal job training programs and shall be knowledgeable in business, industry, labor or economic development communities of the state, or any combination of these characteristics.

“(c) The three (3) vacancies which next occur in membership on the State Board of Higher Education shall be filled by persons meeting the qualifications set forth herein. The board shall restructure itself at such time to place such new members on the College Panel of the State Board of Higher Education.”

Pursuant to § 1-2-207, this section is set out above as amended by Acts 1997, No. 1114.

Subsection (e) of this section was also amended by Acts 1997, No. 250, § 25, to read as follows:

“(e) Members of the board shall serve without compensation but may receive expense reimbursement in accordance with 25-16-901 et seq.”

Acts 1997, No. 1114, § 1, provided:

“The State Board of Higher Education is abolished and its powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds are transferred to the Arkansas Higher Education Coordinating Board created by this act.”

As enacted, Acts 1997, No. 1114, § 2, also provided, “The terms of the members of the initial board shall be determined by lot so that the terms of two (2) members shall expire each year.”

Acts 2003, No. 1791, §§ 1-3 provides:

“**SECTION 1. (a) (1)** There is established a legislative committee to be known as the ‘Two-Year College And Technical Institute Study Committee’.

“(b) The committee shall consist of thirteen (13) members as follows:

“(1) The Director of the Department of Higher Education, or his or her designee;

“(2) The Director of the Department of Workforce Education, or his or her designee;

“(3) The Executive Director of the Arkansas Association of Two-year Colleges, or his or her designee;

“(4) Three (3) persons appointed by the Governor with one (1) selected from each list of no less than five (5) names submitted by the following:

“(A) Economic Developers Association;

“(B) Arkansas Higher Education Coordinating Board; and

“(C) Arkansas Association of Two-Year Colleges;

“(5) (A) Three (3) persons appointed the President Pro Tempore of the Senate with one (1) selected from each list of no less than five (5) names submitted by the following:

“(i) Arkansas Department of Economic Development;

“(ii) The Executive Council of the Arkansas Higher Education Coordinating Board; and

“(iii) Arkansas Association of Educational Administrators; and

“(B) One (1) persons appointed the President Pro Tempore of the Senate from the Senate Committee on Education; and

“(6) (A) Three (3) persons appointed by the Speaker of the House of Representatives with one (1) selected from each list of no less than five (5) names submitted by the following:

“(1) Arkansas Chamber of Commerce;

“(2) Teamwork Arkansas; and

“(3) Farm Bureau; and

“(B) One (1) persons appointed the Speaker of the House of Representatives from the House Committee on Education.

“(c) Any list required under this act shall be submitted within twenty (20) days of the effective date of this act for initial appointments or within thirty (30) days following a vacancy.

“(d) The appointed committee members shall be:

“(1) Individuals who own, operate, or have special knowledge regarding the workforce training needs of Arkansas business and industry; and

“(2) Residents of the State of Arkansas at the time of appointment and throughout his or her term.

“(e) (1) If a vacancy occurs in an appointed position, for any reason, the vacancy shall

be filled in the same manner as the original appointment.

“(2) The new appointee shall serve for the remainder of the unexpired term.

“(f) The Speaker of the House of Representatives shall name one of his or her appointees to serve as chairperson to call and chair the first organizational meeting of the committee until the membership elects a chairperson from among themselves.

“(g) (1) The committee shall meet at times and places the chairperson deems necessary, but no meetings shall be held outside of the State of Arkansas.

“(2) A majority of the members of the committee shall constitute a quorum for the purpose of transacting business.

“(3) All action of the committee shall be by a majority vote of the full membership of the committee.

“(h) (1) The committee shall:

“(1) Make recommendations to the Arkansas Higher Education Coordinating Board on the mission, role, and scope of technical institutes and two-year colleges in the state; and

“(2) Determine a method of structuring the technical institutes and two-year colleges in the state to ensure that Arkansas' business and industry workforce needs are being met;

“(3) Develop a set of proposal that would provide full utilization of the technical institutes and two-year colleges in shaping the future in Arkansas, a model for funding technical institutes and two-year colleges, a recommendation for the service areas of technical institutes and two-year colleges and identify sources of revenue to implement proposals;

“(4) Submit a report of its findings and recommendations to the House Interim Committee on Education and the Senate Interim Committee on Education no later than September 1, 2003.

“(i) (1) To provide support and continuity to the study, a member of the Arkansas Higher Education Coordinating Board shall be eligible to serve as many one (1) year terms as chairman of the Arkansas Higher Education Coordinating Board as deemed appropriate and necessary.

“(2) (A) Members of the committee shall serve without pay.

“(B) Non-legislative members of the committee may receive expense reimbursement in accordance with Arkansas Code § 25-16-902, to be paid by the Department of Higher Education to the extent money is available.

“(C) Legislative members of the committee shall receive per diem as allowed by Legislative Council for attendance at interim committees.

“SECTION 2. This act shall expire on March 30, 2005.

“SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that mission, [sic] role and scope of technical institutes and two-year colleges in the state are rapidly being lost by the various mergers and acquisitions; that vital sources of training for industry is being affected during 2003; and that this act is immediately necessary because the states training of its workforce is vital to the stability of the state.

Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

Publisher's Notes. The terms of the members of the Arkansas Higher Education Coordinating Board are arranged so that one term expires on January 1 of each year.

Amendments. The 1999 amendment added the last sentence in (a)(1)(C); and made stylistic changes.

The 2003 (1st Ex. Sess.) amendment deleted former (f)(2); and made related changes.

Case Notes

Cited: Hadley v. North Ark. Community Technical College, 76 F.3d 1437 (8th Cir. 1996).

6-61-202. Powers and duties generally.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the following powers and duties:

(1) (A) To receive within one (1) year of their appointment and each year thereafter a minimum of eight (8) clock hours of instruction and training, to include higher education issues, policies, laws, and the duties and responsibilities associated with the position of board member;

(B) The members of the boards of all publicly supported institutions of higher education shall receive similar instruction and training within one (1) year of their appointment or election and each year thereafter, which shall be conducted by the individual institutions;

(2) Along with its director, to be responsible, within fiscal and staff capabilities, for directing an integrated program for defining, popularizing, and securing acceptance of the major goals and objectives of higher education in Arkansas and for relating them to the state's various problems;

(3) To request and receive any information from the publicly supported institutions of higher education as the board deems necessary for the performance of its duties;

(4) To promulgate and adopt uniform definitions and forms in such matters as financial reporting, academic statistics, and resident status of students for use in making financial recommendations and standard enrollment data to be followed by the institutions of higher learning;

(5) To determine the need for and recommend to the Governor and the General Assembly the establishment and location of any new institutions and to recommend, when appropriate, changes in the names of existing state-supported institutions of higher learning;

(6) To recommend the level of funding and the method of distribution of state-supported scholarships and loan programs, and to seek the cooperation of the state-supported institutions of higher learning to develop policies to coordinate all student loan and scholarship programs, including those federally financed; and

(7) To review all proposed bond issues to be made by any public institution of higher learning and to advise the board of trustees of each of the respective institutions as to the economic feasibility thereof, as set forth in § 6-62-306.

(b) The board shall encourage the cooperation of private institutions of higher learning in its efforts to plan more effectively for the coordinated development of higher education in this state.

History. Acts 1977, No. 560, §§ 4, 24; 1979, No. 820, § 1; A.S.A. 1947, §§ 80-4904, 80-4924; Acts 1993, No. 1171, § 1.

6-61-203. Director and staff — Funds — Central office.

(a) (1) (A) The Arkansas Higher Education Coordinating Board shall appoint a director through a search and selection process that includes substantial input, review, and recommendation from the Presidents Council, subject to confirmation by the Governor.

(B) The director shall serve at the pleasure of the Governor.

(2) The director shall serve as a member of the Governor's cabinet as the

advocate for higher education.

(3) The director shall be an experienced educator in the field of higher education who demonstrates competence in the field of institutional management and finance. The director and key staff must have relevant experience on a campus of higher education.

(b) The professional qualifications and salary of the director and other members of the staff employed by the board shall be comparable to those in colleges and universities.

(c) The staff of the board shall be under the direction and supervision of the director.

(d) The board shall be provided sufficient operating funds to enable it to carry out adequately the programs and functions assigned to the Department of Higher Education.

(e) The central office of the department shall be maintained in Little Rock.

(f) (1) The board shall evaluate the director annually.

(2) The council shall provide an evaluation report of the department and the director to the board at least annually.

History. Acts 1977, No. 560, § 23; A.S.A. 1947, § 80-4923; Acts 1997, No. 1114, § 3.

6-61-204. Advisory committees and councils.

(a) The Arkansas Higher Education Coordinating Board and the Presidents Council are authorized to establish advisory committees and councils as may be deemed necessary for the effective development and coordination of higher education in this state.

(b) (1) The Presidents Council shall be composed of all presidents and chancellors of public two-year and four-year colleges and universities.

(2) The council shall meet at least quarterly.

(3) This council shall serve in a strong advisory capacity to the director and to the board.

(4) All board items must be reviewed by this council prior to being placed on the board's agenda.

(c) (1) (A) There is created the Executive Council, which shall be selected by the Presidents Council from its membership.

(B) The Executive Council shall consist of four (4) members from two-year campuses and four (4) members from four-year campuses.

(2) Executive Council members shall serve for staggered terms of two (2) years.

(3) The Executive Council shall elect officers as it deems necessary.

(4) The Executive Council shall meet at least monthly, or more frequently as needed, with the director and senior staff.

(5) (A) All items to be considered as board agenda items must be reviewed by the Executive Council before being placed on any board agenda.

(B) In the event that the director and staff shall not be in agreement with the Executive Council on a matter to be considered by the board, the Executive Council's recommendation will be placed on the board agenda automatically for a presentation and explanation of the Executive Council's position. The board will then make a decision based on both positions.

(d) (1) (A) A working committee structure shall be established involving the Presidents Council or its designees.

(B) Examples of possible committees include but are not limited to accountability, graduate studies, undergraduate studies, workforce development, continuing education, and financial and funding.

(2) The committees shall make recommendations to the Presidents Council and the director when policy or funding issues are to be decided.

(3) The department employees shall staff each committee.

History. Acts 1977, No. 560, § 24; A.S.A. 1947, § 80-4924; Acts 1997, No. 1114, § 4.

6-61-205. Master plan.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty to accept responsibility for continuous master planning.

(b) The board shall involve a broadly representative advisory committee in the development of a comprehensive master plan for all of postsecondary education and shall continually use the committee to keep the master plan updated.

(c) This plan shall include all senior colleges and universities which are state supported, community colleges, branches of state-supported institutions, independent or private colleges and universities, proprietary institutions, and postsecondary efforts of area vocational-technical schools.

(d) Broad citizen participation shall be sought by the board in the development of this plan.

History. Acts 1977, No. 560, § 4; 1979, No. 820, § 1; A.S.A. 1947, § 80-4904.

6-61-206. Studies, surveys, evaluations, etc.

In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty:

(1) To conduct or cause to be made such studies, surveys, and evaluations of postsecondary education as the board believes necessary to carry out its duties, to include, but not be limited to, studies of space utilization and development of guidelines for space utilization; studies of manpower needs and their implications for program development; studies of programs for purposes of identifying and reducing unnecessary program duplication and identifying needs for new programs; analysis of class size, faculty loads, and cost of instruction, sabbatical leave, and other fringe benefits; analysis of enrollments, extension programs, sources of students, and retention of students; and advise institutions of plans and needed improvements.

(2) To conduct continuing studies as to public universities and colleges in all matters affecting these institutions and from time to time submit recommendations to the Governor, the General Assembly, and each institution of higher learning based upon its findings, together with recommended plans for implementing such recommendations.

History. Acts 1977, No. 560, § 4; 1979, No. 820; § 1; A.S.A. 1947, § 80-4904.

6-61-207. Role and scope designations.

(a) (1) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty to establish, in consultation with college and university personnel,

appropriate role and scope designations within which boards of trustees must operate the institution or institutions under their jurisdiction.

(2) The board shall establish such role and scope designations by January 1, 1990. The designations may be changed at any time as determined by the board. They shall be fully reviewed at least once every five (5) years.

(3) Prior to their establishment of or making a change in role and scope designations, the board shall carefully study the change in consultation with institutional personnel, announce the intent to consider a change, and publicly reveal the change that is being proposed at a regular quarterly meeting, with the vote to come no sooner than the next regular quarterly meeting.

(b) To assist the board and the Department of Higher Education in their effort to promote a coordinated system of higher education in Arkansas that addresses and responds to the changing economic needs of the state and the new economy, the Arkansas Economic Development Commission shall provide the Department of Higher Education a list of the state's overall and regional economic development goals within ten (10) days of August 12, 2005, and by September 1 of each year thereafter.

(c) (1) The Department of Higher Education may retain the services of consultants or other experts as may be necessary to carry out the review, and the Department of Higher Education staff shall work directly with the consultants to handle the logistics of needed discussion groups, meeting minutes, and recommendation dissemination.

(2) The review process shall include an opportunity for institutions to provide input, as well as a time for public and business comment.

(3) Upon completion of the review, the Department of Higher Education shall provide a report regarding its findings to the board, the Governor, the cochairs of the Legislative Council, and the Director of the Bureau of Legislative Research.

(4) The requirements for a review under this section shall be contingent upon the appropriation and availability of funding for that purpose.

History. Acts 1977, No. 560, § 4; 1979, No. 820, § 1; A.S.A. 1947, § 80-4904; Acts 1989, No. 397, § 1; 2005, No. 502, § 1.

Amendments. The 2005 amendment redesignated former (a)-(c) as present (a)(1)-(3); and added present (b) and (c).

6-61-208. New units of instruction, research, and public service.

(a) (1) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty to request, receive, evaluate, and approve proposals for all new units of instruction, research, and public service, consistent with established role and scope designations which have been approved by the board of trustees and the president of an institution, and to determine, based upon established policies, whether new units of instruction, research, or public service are justified.

(2) (A) "Established policies" as used in this subsection means a written statement developed by the board in consultation with and upon the advice of representatives of each of the state's institutions of higher learning which shall set forth the relevant criteria which a proposal for a new unit of instruction must meet before its

establishment by an institution is justified.

(B) (i) The term “new unit of instruction, research, or public service” used in this subsection includes establishment of a college, school, division, institute, center, department, new curricula, majors leading to a new degree program, or an extension service not presently included in the program of the institution.

(ii) The term does not include reasonable and moderate extensions, as defined by the board, of existing curricular research or public service programs which have a direct relationship to existing programs at the several public institutions of higher learning.

(b) General revenues appropriated by the General Assembly shall not be expended for new programs that have not been recommended by the board.

History. Acts 1977, No. 560, § 4; 1979, No. 820, § 1; A.S.A. 1947, § 80-4904; Acts 1989, No. 397, § 2.

6-61-209. Budgets.

In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the following powers and duties:

(1) To review, evaluate, and coordinate budget requests for the state-supported universities and colleges and present to the General Assembly and to the Governor prior to each regular session of the General Assembly a single budget report containing the recommendations for separate appropriations to each of the respective institutions.

(A) The recommendations will be consistent with a comprehensive master plan of postsecondary education in Arkansas as developed by the board.

(B) The recommendations, insofar as possible, will be based upon standard techniques of objective measurement of need and unit cost figures arrived at through comparative data secured from the several institutions.

(C) Specific needs of institutions based upon existing programs and deficiencies will be given consideration.

(2) To develop, in conjunction with the institutions of higher learning, the Governor, and the Legislative Council, a single set of budget forms which will be utilized by all parties in making requests and recommendations for the funding of state-supported colleges and universities. The forms and process will require that the total income and expenditures of each institution must be considered in the request process.

History. Acts 1977, No. 560, § 4; 1979, No. 820, § 1; A.S.A. 1947, § 80-4904.

Case Notes

Cited: Hadley v. North Ark. Community Technical College, 76 F.3d 1437 (8th Cir. 1996).

6-61-210. Allocation of additional state funds.

(a) The Arkansas Higher Education Coordinating Board is authorized and directed to establish criteria and standards for the allocation of additional state funds provided for such purposes to state-supported institutions of higher learning experiencing enrollment increases greater than were anticipated at the time the board prepared its budget recommendations for allocations of funds to the respective institutions prior to each

biennial legislative session.

(b) (1) The criteria and standards shall be applicable to all state-supported institutions of higher learning experiencing enrollment growth.

(2) However, with respect to the State Medical Center, the board shall develop criteria and standards for measuring and determining the additional financial support required, within the limitation of funds provided therefor, because of unusual factors which create additional spending responsibilities of the State Medical Center.

(c) The criteria and standards developed by the board for allocating additional financial support to state-supported institutions of higher learning from moneys provided therefor shall be subject to review and approval of the Governor, and the amount to be allocated to each institution shall be upon certification and approval by the Governor.

History. Acts 1971, No. 697, § 1.

6-61-211. [Repealed.]

Publisher's Notes. This section, concerning data processing equipment or services, was repealed by Acts 1997, No. 798, § 1. The section was derived from Acts 1977, No. 560, § 4; 1979, No. 820, § 1; 1985, No. 463, § 2; A.S.A. 1947, § 80-4904; Acts 1989, No. 16, § 1.

6-61-212. State agency for federal programs.

In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty to serve as the state agency of this state for such federal programs which can most appropriately be administered by it.

History. Acts 1977, No. 560, § 4; A.S.A. 1947, § 80-4904.

6-61-213. Administration of trusts, endowments, etc.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty to provide administrative assistance in accordance with terms agreed upon by both the Department of Higher Education and parties establishing trusts, endowments, or otherwise providing funds in support of scholarships, research, or other educational activities at Arkansas institutions of higher education.

(b) (1) The department is not authorized to be the custodian of, or to in any way participate in, the financial management of trusts, endowments, or other funds established for purposes of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed].

(2) The assistance of the department is limited to administrative support in the allocation or awarding of funds to be disbursed by the donor or a properly authorized trustee.

(c) The department is authorized to supplement administrative costs for such assistance by charging a minimal administrative fee acceptable to the department and the parties establishing the endowments or providing the funds.

History. Acts 1977, No. 560, § 4; 1985, No. 565, § 2; A.S.A. 1947, § 80-4904.

Publisher's Notes. Acts 1985, No. 565, § 1, provided that the purpose of the act was to authorize the Department of Higher Education to provide administrative assistance in the establishment of endowments or grants for scholarships, research, or other educational activities, or in the distribution of funds for such activities and to provide for the department to charge a minimal administrative fee acceptable to the department and the provider of the funds.

6-61-214. Review of existing degree programs — Minimum standards.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty to establish minimum standards of quality and cost effectiveness, and review each existing academic degree program in the state institutions of higher education at least every ten (10) years, but no more frequently than every seven (7) years.

(b) Such programs shall either be certified as having met established standards or placed on two-year probationary status. During the probationary period, at the request of the institution, the board shall provide guidance to the institutions in an attempt to qualify the programs to meet the minimum standards for quality and cost effectiveness.

(c) At the end of the two-year period, the board shall make recommendations to the institutions, the Governor, and the General Assembly concerning the continuation, or termination, or extended probation of the program.

(d) General revenues shall not be expended for operation of degree programs beyond the deadline set by the board without the specific approval of the General Assembly. The deadline shall coincide with the end of the biennium.

History. Acts 1977, No. 560, § 4; A.S.A. 1947, § 80-4904; Acts 1989, No. 397, § 3.

6-61-215. Student fees.

In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty to establish the level of student fees for funding purposes for both in-state and out-of-state students for all public institutions of higher learning in the state. The level of fees shall be determined after careful study of fees charged in other states in similar institutions.

History. Acts 1977, No. 560, § 4; A.S.A. 1947, § 80-4904.

Case Notes

Foreign Students.
Residence.

Foreign Students.

Student with certification for F-1 nonimmigrant status held not to be an Arkansas resident for in-state tuition purposes. *Hein v. Arkansas State Univ.*, 972 F. Supp. 1175 (1997).

Residence.

Pursuant to this section, the Department of Higher Education has promulgated rules defining in-state versus out-of-state students; the residency requirements include a six-month continuous presence in the State, coupled with an intent to make Arkansas one's permanent home. *Hein v.*

Arkansas State Univ., 972 F. Supp. 1175 (1997).

6-61-216. Transfer students.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall have the power and duty to develop, with the assistance of institutional advisory committees, policies for transfer students from community colleges to senior institutions, for transfer of students among institutions of the same type, and for transfer of students from vocational and technical schools to other institutions.

(b) These policies should be a part of the comprehensive master plan and should receive review from appropriate citizens throughout the state prior to adoption by the board for their recommendation to the boards of trustees of institutions.

History. Acts 1977, No. 560, § 4; A.S.A. 1947, § 80-4904.

6-61-217. Minimum core courses for college prep.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board, after consultation with the State Board of Education, shall identify a minimum core of high school courses recommended for preparation for college.

(b) The board shall communicate this information at least annually to public school superintendents, who shall make copies available each year to public school students enrolled in grades seven through twelve (7-12).

(c) The board may revise the list of high school courses from time to time, as needed.

History. Acts 1989, No. 98, § 1.

6-61-218. Minimum college core — Transferability.

In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the publicly supported institutions of higher education, the Arkansas Higher Education Coordinating Board shall establish in consultation with the colleges and universities a minimum core of courses which shall apply toward the general education core curriculum requirements for baccalaureate degrees at state-supported institutions of higher education and which shall be fully transferable between state institutions.

History. Acts 1989, No. 98, § 2.

Publisher's Notes. This section may be affected by §§ 6-61-225, 6-61-226, and 6-61-227.

6-61-219. [Repealed.]

Publisher's Notes. This section, concerning the annual faculty performance review, was repealed by Acts 1999, No. 477, § 1. The section was derived from Acts 1989, No. 244, § 1; 1995, No. 465, § 1. For present law, see § 6-63-104.

6-61-220. Retention and graduation rate information.

(a) (1) Accurate information about the retention and graduation rates of students at state-supported colleges and universities is needed in order for the Arkansas Higher Education Coordinating Board, institutional boards of trustees, the General Assembly, and institutional faculty members and administrators to make informed decisions related to the coordination, governance, financing, and academic policies of higher education in Arkansas.

(2) Special attention to the retention and graduation rates of students who participate in intercollegiate athletics is needed because the percentage of student athletes who graduate is lower than for students who do not participate in athletics at many institutions throughout the nation.

(b) (1) (A) The Department of Higher Education shall, in consultation with the colleges and universities, recommend a system for the collection of information as to the retention and graduation rates of students at state-supported colleges and universities to the board, the Governor, the House and Senate Committees on Education, and the colleges and universities.

(B) In addition to retention and graduation rates for all students, the report shall also include the retention and graduation rates of all students who participate in intercollegiate athletics.

(2) Except as provided in subsection (c) of this section, officials of state colleges and universities shall provide the information requested by the department to the department by December 1 of each year, beginning in 2000.

(c) (1) Subject to an adequate appropriation for the personnel and equipment necessary to implement the system recommended under subdivision (b)(1) of this section, the department shall collect the information described in subdivision (b)(1) of this section and report its findings to the board, the Governor, the committees, and the colleges and universities by May 1 of each year, beginning in 2000.

(2) Notwithstanding the provisions of subdivision (c)(1) of this section, colleges and universities shall commence the collection of information as to the retention and graduation rates of all students who participate in intercollegiate athletics beginning in the fall semester of 1989 and shall report this information to the department by December 1 of each year, beginning in 2000.

(d) The board is hereby authorized to promulgate rules and regulations consistent with the intent and purpose of this section.

History. Acts 1989, No. 267, §§ 1, 2; 1999, No. 478, § 7.

Amendments. The 1999 amendment rewrote this section.

6-61-221. Reporting of graduates requiring postsecondary remediation.

(a) (1) The Department of Higher Education shall have the authority to collect from the public institutions of higher education in the state such information as may be necessary to prepare reports of college achievement of high school graduates.

(2) The department shall have the authority to contract with appropriate organizations for the preparation of the reports, contingent upon the availability of funds.

(b) (1) The department and the Office of Accountability of the Department of Education shall work together to develop a compatible system of reporting the number of students who required remediation during their first year of enrollment in a public institution of

higher education in this state if the enrollment occurred within two (2) years of graduation from a secondary school in this state.

(2) The public school districts shall work with the department and the office to develop a compatible system of reporting the number of students requiring remediation who graduated with a 3.0 or higher grade point average on a 4.0 scale and who graduated from a program of the minimum core of high school courses recommended for preparation for postsecondary education by the Arkansas Higher Education Coordinating Board and the State Board of Education pursuant to § 6-61-217.

(c) The compilation report generated by the department shall not include individual student information if the information is reported in a manner which would identify a particular student. Any information gathered which identifies a particular student shall be confidential.

(d) (1) The Department of Higher Education shall provide the reports to the Department of Education and the Department of Workforce Education and may also provide the reports to the coordinating board, the Governor, the House and Senate Committees on Education, and the state board.

(2) The reports developed pursuant to this section shall be provided to each public high school and to school district administrators by the Department of Education.

History. Acts 1991, No. 880, § 1; 1999, No. 508, § 4.

Amendments. The 1999 amendment rewrote this section.

6-61-222. Uniform reporting standards.

(a) (1) The Arkansas Higher Education Coordinating Board is authorized and directed to establish uniform reporting standards to report biennially all current funds' revenues and expenditures associated with each academic department and, within each department, with the academic programs offered at each state-supported institution of higher education.

(2) Such reports shall be subject to biennial review by the board and House Interim Committee on Education and the Senate Interim Committee on Education.

(3) The reports shall be predicated on the following definitions:

(A) "Academic department" means each organizational and budgetary unit associated with the delivery of instruction, research, and public service activities;

(B) "Academic program" means any program of study leading to a degree or certificate and any other program as defined by the Department of Higher Education;

(C) "Academic department and program revenues" shall include tuition and fees, both undergraduate and graduate, endowments, gifts and grants, sponsored research, and all other revenues associated with each academic department and with specific academic programs;

(D) "Academic department and program expenditures" shall include all direct and prorated indirect expenses:

(i) Direct expenses include faculty salaries, staff salaries, fringe benefits, scholarships and fellowships, graduate stipends and graduate assistant tuition, student labor, materials and supplies, equipment, travel, and telephone.

(ii) Indirect expenses include central administrative management, institution-wide services, departmental administration, student services, research, indirect

cost recovery, public services and information, financial aid, plant operations and maintenance, utilities, debt service, nonmandatory transfers, and all other indirect expenses.

(iii) Total academic department and program expenditures should equal the current funds' expenditures as reported in the institution's financial statement;

(E) "State subsidy" means that within each academic department, any difference between academic program revenues and academic program expenditures shall be determined to be the "state subsidy" of that academic program; and

(F) "Productivity by academic program" means the number of declared majors, the number of undergraduate and graduate student semester credit hours produced, and the number of degrees and certificates conferred in each program.

(4) The board is authorized to promulgate any rules or regulations necessary for the implementation of this section and shall report to the House Interim Committee on Education and the Senate Interim Committee on Education the failure of an institution to comply with the provisions of this section.

(b) (1) By September 15 of each year, all state-supported institutions of higher education shall report academic department and program revenues, expenditures, and productivity utilizing the uniform report established by the board.

(2) The academic department and program report shall identify undergraduate and graduate programs that produce fewer graduates than are required to meet the degree productivity standards set by the board.

(3) The board shall review the institutional reports and submit them to the House Interim Committee on Education and the Senate Interim Committee on Education by January 15 of each odd-numbered year.

(c) The board is further authorized and directed to establish uniform reporting standards to report any other information that may be required to meet any other state or federal statutory or regulatory requirements.

History. Acts 1993, No. 376, §§ 1, 2; 1993, No. 537, §§ 1, 2; 1995, No. 392, § 1; 1997, No. 112, §§ 15, 16; 1999, No. 523, § 1.

A.C.R.C. Notes. References to "this chapter" in subchapters 1 and 3-9, and §§ 6-61-201 — 6-61-221, may not apply to this section, which was enacted subsequently.

Amendments. The 1999 amendment substituted "Arkansas Higher Education Coordinating Board" for "State Board of Higher Education" throughout; substituted "biennially" for "annually" in (a)(1); substituted "biennial" for "annual" in (a)(2); substituted "degree or certificate" for "degree, certificate, or diploma" in (a)(3)(B); redesignated (a)(3)(D)(1)-(3) as (a)(3)(D)(i)-(a)(3)(D)(iii); deleted "and reported annually" following "academic program" in (a)(3)(E); in (a)(3)(F), substituted "undergraduate" for "upper division" and "degrees and certificates" for "degrees, certificates, and diplomas"; substituted "September 15" for "December 1" in (b)(1)(A); rewrote (b)(2); inserted "odd numbered" preceding "year" in (b)(3); added (c); and made stylistic changes.

6-61-223. Funding formula — Arkansas Higher Education Coordinating Board.

(a) The Arkansas Higher Education Coordinating Board will work with the state college and university Presidents Council to review, revise, and develop funding formulas which will, in principle, seek to provide fair and equitable state support to all postsecondary students across the state, regardless of the state institution attended, while at the same time recognizing:

(1) The different needs for lower level, upper level, and graduate level instruction

at the various institutions;

(2) The requirements for specialized equipment, labs, and smaller class sizes in some disciplines; and

(3) Unique missions such as agricultural extension services, research, medical sciences, workforce development, and public service; and

(4) Growth, economies of scale, and other appropriate factors.

(b) The formulas will be developed in consensus with the state college and university President's Council and presented to the Joint Budget Committee for review.

History. Acts 1997, No. 1059, § 15.

A.C.R.C. Notes. References to “this chapter” in subchapters 1 and 3-9 and §§ 6-61-201 to 6-61-222 may not apply to this section which was enacted subsequently.

Publisher's Notes. This section may be affected by § 6-61-228.

6-61-224. Funding formula — Department of Higher Education.

(a) The Department of Higher Education will work with the state college and university Presidents Council to review, revise, and develop funding formulas which will, in principle, seek to provide fair and equitable state support to all postsecondary students across the state, regardless of the state institution attended, while at the same time recognizing:

(1) The different needs for lower level, upper level, and graduate level instruction at the various institutions;

(2) The requirements for specialized equipment, labs, and smaller class sizes in some disciplines;

(3) Unique missions such as agricultural extension services, research, medical sciences, workforce development, and public service; and

(4) Growth, economies of scale, and other appropriate factors.

(b) The formulas will be developed in consensus with the state college and university President's Council and presented to the Arkansas Higher Education Coordinating Board and the Joint Budget Committee for review.

History. Acts 1997, No. 1211, § 25.

A.C.R.C. Notes. References to “this chapter” in subchapters 1 and 3-9 and §§ 6-61-201 to 6-61-222 may not apply to this section which was enacted subsequently.

Publisher's Notes. This section may be affected by § 6-61-228.

6-61-225. Creation of a statewide comprehensive transfer policy.

(a) (1) By December 1, 2006, the Arkansas Higher Education Coordinating Board shall implement a transfer curriculum for all state public colleges and universities.

(2) (A) The transfer curriculum shall be known as the “State Minimum Core Curriculum” and shall incorporate and replace the existing state minimum core as set forth in § 6-61-218.

(B) The curriculum shall include freshman-level and sophomore-level general education courses offered at the Arkansas public colleges and universities and shall be accepted for full credit in that subject-matter area of emphasis at all public colleges and universities.

(3) Private institutions of higher education in Arkansas may participate in the

curriculum.

(4) If a course is included in the curriculum, the course shall be accepted for full credit in that area of emphasis at all public colleges and universities in Arkansas.

(b) The board, in consultation with the colleges and universities, shall develop the criteria and guidelines for the development of the curriculum.

(c) (1) By December 1, 2006, the board shall publish an Internet-based student manual that identifies and describes how general education courses at public institutions of higher education transfer to other public institutions of higher education within Arkansas.

(2) General information concerning the curriculum, including the web-page link, shall be published in all versions of course catalogs of all public colleges and universities.

History. Acts 2005, No. 672, § 1.

A.C.R.C. Notes. References to “this chapter” in subchapters 1 and 3-9 and §§ 6-61-201 — 6-61-221 may not apply to this section, which was enacted subsequently.

6-61-226. Guidelines for course review.

(a) (1) Arkansas public colleges and universities shall submit to the Arkansas Higher Education Coordinating Board an application for courses to be included in the State Minimum Core Curriculum.

(2) Courses shall be reviewed and recommended by a peer review project team established in the discipline.

(b) (1) (A) The Department of Higher Education shall establish peer review project teams composed of faculty members of Arkansas universities and two-year colleges.

(B) The peer review project team for each discipline shall include no fewer than four (4) faculty members equally divided between two-year and four-year institutions who teach in the discipline. Members shall be appointed by a majority vote of the Executive Council.

(2) (A) The peer review project team for each discipline shall review and recommend to the department courses in the applicable discipline to be recommended to the board for inclusion in the curriculum.

(B) (i) Courses not receiving a recommendation by the peer review project team shall receive from the peer review project team suggested improvements or revisions for the course or its application.

(ii) Colleges and universities may resubmit course applications to the peer review project team if the original application is not recommended to the board after appropriate adjustments have been made based on the suggested improvements or revisions from the peer review project team.

History. Acts 2005, No. 672, § 2.

A.C.R.C. Notes. References to “this chapter” in subchapters 1 and 3-9 and §§ 6-61-201 — 6-61-221 may not apply to this section, which was enacted subsequently.

6-61-227. Reporting.

All public institutions of higher education and any participating private institutions of higher education shall file a report annually with the Department of Higher Education identifying the number of students who requested transfer credit for a completed course in the State Minimum Core Curriculum but were not given credit.

History. Acts 2005, No. 672, § 3.

A.C.R.C. Notes. References to “this chapter” in subchapters 1 and 3-9 and §§ 6-61-201 — 6-61-221 may not apply to this section, which was enacted subsequently.

6-61-228. Creation of funding formula model for universities.

(a) (1) The funding formula model for universities shall serve as a tool for implementing the broad goals of the State of Arkansas and the Arkansas Higher Education Coordinating Board

(2) The model shall ensure adequate, equitable, and stable funding and be based on reliable and uniform data.

(3) The model shall be simple to understand, sensitive to universities' differing missions, and responsive to changes within the universities and shall make provisions for special-purpose units.

(b) (1) The model shall determine the funding needs of universities using six (6) student-semester-credit-hour-based expenditure functions, one (1) square-footage-based function for facilities, and two (2) or more special-mission functions.

(2) The model shall also provide for economy or diseconomy of scale for universities with fewer than three thousand five hundred (3,500) full-time-equivalent student enrollment.

(c) (1) The six (6) student-semester-credit-hour-based expenditure functions shall be:

- (A) Teaching salaries;
- (B) Other instructional costs;
- (C) Library costs;
- (D) General institutional support;
- (E) Research; and
- (F) Public service.

(2) The square-footage-based expenditure function shall be for facilities maintenance and operations.

(3) The special missions to receive consideration in the funding formula model shall be universities with a traditional minority mission or a land grant mission, or both.

(d) (1) **Teaching Salaries.** To determine the teaching salary needs of the universities, the student-semester-credit-hour component of each university shall be summarized into four (4) discipline cost categories:

(A) Cost Category I shall include the following instructional discipline classifications:

- (i) English;
- (ii) General studies;
- (iii) Mathematics;
- (iv) Interdisciplinary studies;
- (v) Health-related knowledge;
- (vi) Interpersonal skills;
- (vii) Leisure and recreational activities;
- (viii) Personal awareness;
- (ix) Philosophy;
- (x) Psychology;

- (xi) Public administration; and
- (xii) Social sciences;
- (B) Cost category II shall include:
 - (i) Ethnic and cultural studies;
 - (ii) Marketing;
 - (iii) Communications;
 - (iv) Education;
 - (v) Languages;
 - (vi) Home economics;
 - (vii) Law;
 - (viii) Biological sciences;
 - (ix) Parks and recreation;
 - (x) Basic skills;
 - (xi) Construction trades;
 - (xii) Mechanics;
 - (xiii) Precisions;
 - (xiv) Production;
 - (xv) Transportation; and
 - (xvi) Business management;
- (C) Cost Category III shall include:
 - (i) Agriculture;
 - (ii) Conservation;
 - (iii) Architecture;
 - (iv) Communication technologies;
 - (v) Computer and information sciences;
 - (vi) Library science;
 - (vii) Physical sciences;
 - (viii) Science technology;
 - (ix) Visual and performing arts; and
 - (x) Health professions; and
- (D) Cost Category IV shall include:
 - (i) Engineering; and
 - (ii) Engineering-related technology.

(2) A university's annualized student semester credit hours component in each cost category shall be summarized into three (3) instructional levels: undergraduate, graduate, and doctoral to produce a four-by-three (4x3) matrix or table containing the university's student semester credit hours in each cost category and level.

(3) (A) Teaching salary computations shall be determined by dividing each of the twelve (12) cells of the table by the number of student semester credit hours that have been determined by research to be needed to produce a full-time-equivalent faculty member.

(B) Those student semester credit hour standards shall be:
Click to view table.

(4) (A) A university's student semester credit hours in each cost category shall be divided by the applicable standards in subdivision (d)(3)(B) of this section to determine the number of full-time-equivalent faculty needed at each of the three (3) instructional

levels.

(B) (i) The number of faculty at each instructional level shall be multiplied by an average Southern Regional Education Board faculty salary for a university at that level to ensure that every university receives the same funds for the same discipline and level of student semester credit hours.

(ii) The sum of the teaching salaries at the three (3) instructional levels shall constitute the teaching salaries need of the university.

(e) Other Instructional Costs. Other instructional costs of the university shall be calculated as an amount equal to forty-five percent (45%) of teaching salaries of the university.

(f) Library Costs. Library costs shall be calculated as an amount equal to eleven percent (11%) of the sum of the teaching salaries and other instructional costs of the university.

(g) General Institutional Support. General institutional support of the university shall be calculated as an amount equal to fifty-four percent (54%) of the sum of teaching salaries and other instructional costs of the university.

(h) Research. Research funding of the university shall be calculated as an amount equal to five percent (5%) of the undergraduate teaching salaries need plus twenty-five percent (25%) of graduate teaching salaries plus fifty percent (50%) of doctoral teaching salaries.

(i) Public Service. Public service funding of the university shall be an amount equal to three percent (3%) of teaching salaries of the university.

(j) (1) Facilities Maintenance and Operations. Facilities maintenance and operations funding of the university shall be based upon the university's needed square footage as determined by the Five-Factor Academic Space Prediction Model that considers the discipline and level of the student semester credit hours of each university.

(2) For each year of a biennium, the Arkansas Higher Education Coordinating Board staff shall determine a funding rate per square foot based upon the most recent cost experiences of the universities.

(3) The rate calculated in subdivision (j)(2) of this section shall be multiplied by the university's actual square footage that the space prediction model has determined the university needs.

(4) Excess square footage above the space prediction model's established need shall be funded at one-half (½) that rate.

(5) Universities with less square footage than the space prediction model-determined need will receive one-half (½) the established rate for the additional square footage needed.

(k) (1) Special Missions. A federally designated land grant university shall receive special mission funding in the amount of ten percent (10%) of teaching salaries of the university in recognition of its federally mandated research and public service mission.

(2) The universities with a traditional minority mission shall receive an additional amount equal to ten percent (10%) of all student semester credit hours or full-time-equivalent-based portions of the funding formula.

(l) (1) Economy/Diseconomy of Scale. The funding formula shall include an economy/diseconomy of scale provision for universities with fewer than three thousand five hundred (3,500) full-time-equivalent student enrollment.

(2) The Arkansas Higher Education Coordinating Board staff in consultation with

the presidents and chancellors of the universities shall determine the method of calculation.

(3) For the 2005-2007 biennium, that method is:

Click to view table.

(m) (1) Funding Formula Model. The total expenditure needs of each university shall be determined by adding all of the funding needs determined under subsections (d)-(l) of this section.

(2) Appropriation needs for a university shall be determined by subtracting from the total expenditure needs the tuition and fee revenues calculated as the sum of one hundred thirty dollars (\$130) for each undergraduate student semester credit hour, one hundred ninety dollars (\$190) for each graduate student semester credit hour, and two hundred thirty dollars (\$230) for each doctoral student semester credit hour.

(3) (A) This funding formula model is designed to produce educational and general operating funds for universities of higher education that generate student semester credit hours.

(B) This model does not determine the funding needs of special units, such as the medical school, division of agriculture, and system offices.

(4) This model does not provide for capital or personal services recommendations.

(5) This model does not provide funds for institutional scholarships, debt service, or fund transfers.

(6) (A) The revenue domain for the funding formula model shall include only state appropriations and student tuition and fee income and does not include private contributions and other discretionary funds.

(B) The revenue domain shall exclude funding at the universities from all sources other than from state appropriations and student tuition, including, but not limited to, the federal government, private sources, and self-supporting activities.

(C) Since the general definition specifies operating funds, the funding formula model also does not consider the appropriation and allocation of capital funds.

(n) (1) The funding formula model shall be utilized only to allocate funds to the universities.

(2) This funding formula model shall not be used to prescribe the allocation of those funds within the universities.

History. Acts 2005, No. 1429, § 1.

A.C.R.C. Notes. References to "this chapter" in subchapters 1 and 3-9 and §§ 6-61-201 — 6-61-221 may not apply to this section, which was enacted subsequently.

6-61-229. Funding formula model for two-year colleges.

(a) The funding formula model for two-year colleges shall:

(1) Serve as a tool for implementing the broad goals of the State of Arkansas and the Arkansas Higher Education Coordinating Board;

(2) Be based on reliable and uniform data;

(3) Be simple to understand, sensitive to colleges' differing missions, and responsive to changes within them; and

(4) Make provisions for special-purpose units.

(b) (1) The model shall determine the funding needs of two-year colleges in four (4) student-semester-credit-hour or full-time-equivalent, student-based expenditure functions, one (1) square-footage-based expenditure function, and one (1) contact hour expenditure function.

(2) (A) The student semester credit hour or full-time equivalent-based expenditure functions shall include:

- (i)** Teaching salaries;
- (ii)** Academic support;
- (iii)** Student services; and
- (iv)** Institutional support.

(B) The square footage-based expenditure function shall be designated for facilities maintenance and operations.

(C) Funding for workforce education programs shall be determined from student contact hours.

(c) In order to determine the teaching salaries needs of the two-year colleges, the student semester credit hour shall be summarized into four (4) academic discipline categories based upon the relative costs of academic programs as determined by historical expenditure patterns.

(d) The cost categories shall be designated as general education, technical education, basic skills, and allied health as follows:

(1) General education shall include the following academic disciplines:

- (A)** Agriculture business;
- (B)** Natural resources;
- (C)** Archeology;
- (D)** Communications;
- (E)** Education;
- (F)** Engineering;
- (G)** Foreign languages;
- (H)** Home economics;
- (I)** Law;
- (J)** Letters;
- (K)** Liberal studies;
- (L)** Biology or life sciences, or both;
- (M)** Mathematics;
- (N)** Interdisciplinary;
- (O)** Health;
- (P)** Recreation;
- (Q)** Philosophy;
- (R)** Physical sciences;
- (S)** Psychology;
- (T)** Public administration;
- (U)** Social sciences;
- (V)** Transportation;
- (W)** Visual arts; and
- (X)** Performing arts;

(2) Technical education shall include the following academic disciplines:

- (A) Agriculture;
- (B) Marketing;
- (C) Communications technology;
- (D) Engineering technology;
- (E) Technical education;
- (F) Science technology;
- (G) Protective services;
- (H) Construction trades;
- (I) Mechanics;
- (J) Precision production; and
- (K) Business management;

(3) Basic skills shall include remedial or developmental, or both, student semester credit hours; and

(4) Allied health shall include health professions.

(e) (1) The number of full-time-equivalent faculty needed by a college shall be determined using the established workload standards required to produce a need for one (1) full-time-equivalent faculty member.

(2) The workload standards to produce a full-time-equivalent faculty member shall be:

(A) Six hundred sixty (660) student semester credit hours for general education;

(B) Four hundred eighty (480) student semester credit hours for technical education and basic skills; and

(C) Three hundred sixty (360) student semester credit hours for allied health.

(f) (1) The full-time-equivalent faculty needs of each college shall be determined by dividing the workload standards into the college's student semester credit hours in that cost category.

(2) Funding for teaching salaries for each college shall be determined by multiplying the total or full-time-equivalent faculty needs of each college by the predicted Southern Regional Education Board average salary for two-year colleges with no academic rank.

(3) The teaching salary funding shall be adjusted for the use of part-time faculty or full-time-equivalent faculty needs generated by student semester credit hours taught by part-time faculty and shall be funded at one-half (1/2) of the rate of those student semester credit hours taught by full-time faculty members.

(4) The part-time faculty adjustment for each college will be determined each biennium by the Department of Higher Education staff.

(5) The fringe benefits for teaching salaries shall be determined by multiplying the teaching salaries funding by the current average fringe benefit rate, which shall be determined for the biennium by the department staff.

(6) The total teaching salaries needs of a college shall include the fringe benefits and teaching salary needs.

(g) (1) Funding needs for the academic support functions shall be equal to sixty percent (60%) of adjusted teaching salaries plus thirty-five thousand dollars (\$35,000) for a staff salary in public service.

(2) Fringe benefits for academic support shall be determined by multiplying the fringe benefit rate determined for the biennium by sixty percent (60%) of the academic support funding described in subdivision (g)(1) of this section.

(h) (1) The funding needs for student services shall be calculated based on a variable rate per student using the mean of full-time-equivalent enrollment and headcount enrollment.

(2) Student services funding shall include an economy-of-scale component that will provide progressively less funding per student over established enrollment levels.

(3) For the 2005-2007 biennium, student services funding for the first seven hundred fifty (750) students shall be funded at a higher rate to be determined each biennium; the next two thousand two hundred fifty (2,250) students shall be funded at a lesser rate; and all students in excess of a three thousand (3,000) full-time-equivalent enrollment level shall be funded at a lower rate.

(4) The funding rates for each level shall have a full-time-equivalent enrollment level that shall be adjusted biennially for inflation.

(5) Full-time-equivalent enrollment levels shall be reviewed annually to determine whether they require adjustment.

(6) Fringe benefits for student services shall be calculated as an amount equal to the biennial fringe benefit rate multiplied by sixty percent (60%) of the calculated student services funding needs under subdivision (h)(3) of this section.

(i) Institutional support funding shall be as follows based on the college's full-time-equivalent student enrollment:

(1) For one thousand (1,000) or fewer students enrolled, an amount equal to twenty-one percent (21%) of the total teaching salaries, academic support, student services, and facilities maintenance and operations;

(2) For one thousand one (1,001) to three thousand (3,000) students enrolled, an amount equal to eighteen percent (18%) of the total of the teaching salaries, academic support, student services, and facilities maintenance and operations;

(3) For more than three thousand (3,000) students enrolled, an amount equal to fifteen percent (15%) of the total teaching salaries, academic support, student services, and facilities maintenance and operations.

(j) (1) Facilities maintenance and operations funding shall be based upon each college's square footage needs as determined by the Space Need Model that determines need based on the college's full-time equivalent enrollment and the mix of academic programs that the college offers.

(2) (A) For each year of the biennium, the Arkansas Higher Education Coordinating Board shall determine a funding rate per square foot based on the most recent cost experiences of the college.

(B) That rate shall be multiplied by the college's actual square footage that does not exceed one hundred fifty percent (150%) of the Space Need Model's determined need of the college.

(C) Square footage in excess of one hundred fifty percent (150%) of the Space Need Model's determined need of the college shall be funded at a lower rate.

(D) Colleges with a deficit in square footage as defined by the Space Need Model will have the square footage shortfall partially funded to compensate for the intensity of the use of the facilities.

(k) Funding for workforce education shall be based on contact hours and shall be calculated by using an established rate for the first ten thousand (10,000) contact hours, a lesser rate for the next ten thousand (10,000), and a lesser rate for all noncredit contact hours in excess of twenty thousand (20,000).

(l) The total expenditure needs of each college shall be equal to the sum of teaching salaries, academic support, student services, institutional support, facilities maintenance and operations, and workforce education.

(m) (1) The appropriation needs of each college shall be the total expenditure needs of the college less the calculated tuition and fee income.

(2) The Arkansas Higher Education Coordinating Board shall establish biennially a tuition rate per credit hour for two-year colleges with revenue derived from a local tax, including, but not limited to, a sales tax or an ad valorem tax, and a higher per credit hour tuition rate for those colleges without revenue derived from a local tax.

(n) (1) The formula does not provide funds for institutional scholarships, debt service, or fund transfers.

(2) The revenue domain for the funding model shall include only state appropriations and student tuition and fee income and shall not include private contributions and other discretionary funds.

(3) The revenue domain shall exclude funding at the colleges from all sources other than from student tuition and state appropriations, including, but not limited to, local tax levies, the federal government, private sources, and self-supporting activities.

(4) Since the general definition specifies operating funds, the funding model also does not consider the appropriation and allocation of capital funds.

(o) (1) The funding formula model shall only be utilized to allocate funds to the two-year colleges.

(2) It shall not be used to prescribe the allocation of those funds within the colleges.

(p) Notwithstanding the provisions of this section, each two-year college shall receive a minimum base funding equal to the greater of three million dollars (\$3,000,000) per fiscal year or an amount equal to the previous year's funding per fiscal year.

History. Acts 2005, No. 1760, § 1; 2007, No. 591, § 1.

A.C.R.C. Notes. References to "this chapter" in subchapters 1 and 3-9 and §§ 6-61-201 — 6-61-221 may not apply to this section, which was enacted subsequently.

Amendments. The 2007 amendment substituted "Three hundred sixty (360)" for "Four hundred twenty (420)" in (e)(2)(C); in (h)(3), substituted "funded at a higher rate to be determined each biennium" for "six hundred fifty dollars (\$650); four hundred fifty dollars (\$450) for each of," inserted "shall be funded at a lesser rate," deleted "two hundred fifty dollars (\$250) for" preceding "all students," and added "shall be funded at a lower rate"; and rewrote (i) and (j).

6-61-230. Review of funding formulas.

The Arkansas Higher Education Coordinating Board, in collaboration with the Executive Council of the Presidents Council, shall review the funding formulas set forth in this subchapter biennially and make written recommendations for appropriate modifications or changes to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor by October 15 of the year prior to each regular session of the General Assembly.

History. Acts 2005, No. 1760, § 2; 2007, No. 827, § 119.

A.C.R.C. Notes. References to “this chapter” in subchapters 1 and 3-9 and §§ 6-61-201 — 6-61-221 may not apply to this section, which was enacted subsequently.

Publisher’s Notes. The “funding formula” referred to in this section means the “funding formula” set out in § 6-61-229.

Amendments. The 2007 amendment substituted “formulas” for “formula” in the section heading, and substituted “formulas set forth in this subchapter” for “formula.”

Subchapter 3 **— Establishment and Expansion**

6-61-301. Incorporation generally.

6-61-302. Incorporation and certification — Advisory committee.

6-61-303. Expansion of institutions.

6-61-304. Review of existing programs of higher education.

6-61-305. Encouragement of participation by private institutions.

6-61-306. [Repealed.]

Effective Dates. Acts 1977, No. 560, § 30: Mar. 21, 1977. Emergency clause provided: “It has been found and is hereby determined by the General Assembly that comprehensive planning for post-secondary education in Arkansas must be given greater emphasis. Further delay would possibly affect the educational opportunities available to citizens of the State and the quality of these opportunities. Therefore, an emergency is declared to exist, and this Act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after its passage and approval.”

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: “It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 2003, No. 1473, § 74: July 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act includes technical corrects to Act 923 of 2003 which establishes the classification and compensation levels of state employees covered by the provisions of the Uniform Classification and Compensation Act; that Act 923 of 2003 will become effective on July 1, 2003; and that to avoid confusion this act must also be effective on July 1, 2003. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003.”

Research References

Am. Jur. 15A Am. Jur. 2d, Colleges & U., § 3.

C.J.S. 14A C.J.S., Colleges & U., §§ 4, 5.

6-61-301. Incorporation generally.

(a) (1) (A) Individuals desiring to establish a postsecondary education institution in the State of Arkansas, other than a state-supported institution, a school as defined by § 6-51-

601 et seq., or a school that is regulated by the State Board of Cosmetology, shall be required to incorporate under the applicable laws of the State of Arkansas and to receive certification for offering educational programs from the Arkansas Higher Education Coordinating Board.

(B) Any postsecondary education institution located in another state, other than those covered by § 6-51-601 et seq. or those regulated by the State Board of Cosmetology, which desires to offer course work or degrees in the State of Arkansas shall be required, prior to offering any course work, to obtain certification to do so from the Arkansas Higher Education Coordinating Board.

(C) Any postsecondary education institution in the State of Arkansas desiring to offer programs leading to a degree that is customarily granted by colleges or universities shall be required to obtain certification to grant such degree from the Arkansas Higher Education Coordinating Board.

(2) State-supported vocational and technical schools, institutions covered under § 6-51-601 et seq., or institutions regulated by the State Board of Cosmetology shall be required to obtain approval for programs in which such degrees would be granted from both the Arkansas Higher Education Coordinating Board and the State Board of Education.

(3) Nonpublic colleges and universities currently incorporated and operating under the applicable laws of this state shall not be required to receive such certification.

(b) The Arkansas Higher Education Coordinating Board shall be empowered to establish the criteria required for certification and to promulgate rules and regulations for the purpose of carrying out the provisions of this chapter and shall be charged with the final responsibility for decisions as required by the chapter.

(c) Any person violating the provisions of subdivision (a)(1)(B) or (C) or subsection (b) of this section shall be guilty of a Class B misdemeanor.

(d) (1) To secure legal existence by act of incorporation, the individuals desiring to become a corporation as trustees of a college, university, or other postsecondary institution shall prepare a charter for the proposed institution and shall present the charter to the Arkansas Higher Education Coordinating Board.

(2) If the Arkansas Higher Education Coordinating Board determines that the charter is in accordance with the provisions of the laws of the State of Arkansas and the rules and regulations of the Arkansas Higher Education Coordinating Board, the Arkansas Higher Education Coordinating Board shall issue to the trustees a certificate appended to a copy of the charter with the Great Seal of the State of Arkansas attached.

(3) The certificate shall state that the accompanying charter is granted to the trustees, that they have complied with the provisions of law, and that they are thereby constituted the board of directors of that institution and invested with all powers prescribed in the charter.

(4) A copy of the charter and certificate shall be filed with the Secretary of State and recorded by him or her in a book to be kept for the purpose.

(5) The Arkansas Higher Education Coordinating Board shall have the power, after giving thirty (30) days' notice in writing to the trustees to show cause why such action should not be taken, to revoke any certification issued by the Arkansas Higher Education Coordinating Board whenever the Arkansas Higher Education Coordinating Board shall find, after proper investigation, that the institution is conferring degrees or

diplomas without requiring sufficient work therefor or is in violation of any of the provisions of the laws of this state or the regulations of the Arkansas Higher Education Coordinating Board relative thereto.

History. Acts 1911, No. 375, § 9; 1975, No. 903, §§ 1-6; 1977, No. 560, § 5; A.S.A. 1947, § 80-4905; Acts 2005, No. 1994, § 388.

Amendments. The 2005 amendment, in (c), inserted “Class B” and deleted “and shall, upon conviction, be fined not more than one thousand dollars (\$1,000) or be imprisoned in the county jail not more than three (3) months.”

Case Notes

Exceptions to Certification Requirements.

Exceptions to Certification Requirements.

Writ of mandamus was properly denied where a church and its affiliated university sought an exception from the certification requirements of the Arkansas Department of Higher Education, as the church could have brought a declaratory action to determine whether or not the exception for programs that were predominantly religious in nature applied, and that was a determination for the Arkansas Higher Education Coordinating Board. *Axley v. Hardin*, 353 Ark. 529, 110 S.W.3d 766 (2003).

6-61-302. Incorporation and certification — Advisory committee.

(a) To assist the Arkansas Higher Education Coordinating Board in its responsibilities regarding incorporation and certification of postsecondary educational institutions, the board shall appoint an advisory committee.

(b) The advisory committee shall include:

(1) Two (2) nonpublic postsecondary education institution chief administrators;

(2) Two (2) public postsecondary education institution chief administrators;

(3) Two (2) chief administrators of proprietary schools which are licensed under § 6-51-601 et seq.;

(4) The Director of the Department of Workforce Education or his or her designated representative; and

(5) Two (2) legal residents of the state who are not officially affiliated with any postsecondary institution in any state as an employee or board member or in any other capacity.

(c) The members shall serve nine-year terms.

(d) Members shall serve without compensation but may be reimbursed for expenses in accordance with § 25-16-901 et seq.

History. Acts 1975, No. 903, § 4; 1977, No. 560, § 5; A.S.A. 1947, § 80-4905; Acts 1997, No. 250, § 26; 2003, No. 1473, § 6.

Publisher's Notes. Acts 1977, No. 560, § 5, provided in part that the original members of the advisory committee to the State Board of Higher Education would draw lots to determine who would serve staggered terms of from one year to nine years with the term of one member to expire each year.

Amendments. The 2003 amendment inserted “and certification” following “regarding incorporation” in (a).

6-61-303. Expansion of institutions.

(a) The General Assembly recognizes the necessity of the state having an orderly and

planned system of higher education and determines that the Arkansas Higher Education Coordinating Board should establish reasonable and necessary criteria and factors to be used in determining and controlling the expansion of existing state-supported institutions of higher learning and community college programs, in order to prevent an overextension of the state's resources or unnecessary duplication of programs or facilities.

(b) (1) The board is authorized to promulgate and adopt reasonable rules, regulations, criteria, guidelines, and standards to be followed by the respective state-supported institutions of higher learning and to be applied by the board with respect to the planning, establishment, location, or development of any branch campus of the existing state-supported institutions of higher learning or community colleges.

(2) The standards, rules, regulations, criteria, and guidelines shall be developed and approved after public hearings held by the board in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(3) Upon the development and adoption thereof, the standards, rules, regulations, criteria, and guidelines shall be followed by the board in reviewing, rejecting, or approving the establishment and location of all future branch campuses of existing state-supported institutions of higher learning or community colleges.

(c) (1) Each state-supported institution of higher learning and community college desiring to establish a branch campus or program shall present to the board a request in writing to establish the branch campus or program, outlining the justifications and reasons therefor.

(2) The board shall review the application in accordance with the standards, rules and regulations, criteria, and guidelines promulgated by the board and may grant the application only if the establishment of a branch campus is within these guidelines and standards.

(3) If the board rejects the application, the institution shall not establish the branch campus or program.

History. Acts 1977, No. 560, § 6; A.S.A. 1947, § 80-4906.

6-61-304. Review of existing programs of higher education.

In order to provide for the orderly development, coordination, financing, and expansion of the higher education program of this state, the Department of Higher Education shall review the existing programs of higher education in this state and assist in the orderly development and expansion of higher education in this state in accordance with the procedures outlined in §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603 and 6-61-604 — 6-61-612 [repealed].

History. Acts 1977, No. 560, § 1; A.S.A. 1947, § 80-4901.

6-61-305. Encouragement of participation by private institutions.

The Department of Higher Education staff and the Arkansas Higher Education Coordinating Board shall invite and encourage the participation of private colleges and universities, proprietary schools, and all other postsecondary institutions in Arkansas in planning for the programs of education beyond high school.

History. Acts 1977, No. 560, § 27; A.S.A. 1947, § 80-4927.

6-61-306. [Repealed.]

Publisher's Notes. Acts 1991, No. 343, § 10, provided:

"The Occupational Education Advisory Committee created under Arkansas Code § 6-61-306 is abolished."

This section, concerning the Occupational Education Advisory Committee, was repealed by Acts 1991, No. 343, § 10. The section was derived from Acts 1977, No. 560, § 26; A.S.A. 1947, § 80-4926.

Subchapter 4 — Grant Programs

6-61-401. State Student Incentive Grant Program.

6-61-402. Contracts and cooperation with Board of Control for Southern Regional Education.

Effective Dates. Acts 1977, No. 560, § 30: Mar. 21, 1977. Emergency clause provided: "It has been found and is hereby determined by the General Assembly that comprehensive planning for post-secondary education in Arkansas must be given greater emphasis. Further delay would possibly affect the educational opportunities available to citizens of the State and the quality of these opportunities. Therefore, an emergency is declared to exist, and this Act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after its passage and approval."

6-61-401. State Student Incentive Grant Program.

(a) The Department of Higher Education, in accordance with policy established by the Arkansas Higher Education Coordinating Board, shall administer the federal State Student Incentive Grant Program.

(b) (1) The board is authorized, empowered, and directed to prepare and submit an application for federal funds to support a program under this federal act and, upon the approval thereof, to administer such program and otherwise to do, or cause to be done, all things and acts of every nature which are necessary or desirable:

(A) To meet and comply with all requirements of the federal act, regulations pursuant to the federal act, and regulations of the departments and agencies of the United States that administer the federal act;

(B) To administer the state program; and

(C) To obtain and utilize or cause to be utilized all grants, funds, and benefits to which the State of Arkansas or students in attendance at state and private colleges and universities or other postsecondary institutions of education are entitled under the federal act.

(2) Specifically, but without limiting any other authority, powers, or duties as assigned in this section, the board is authorized, empowered, and directed to operate the State Student Incentive Grant Program and to make and cancel grants to individual students according to rules and regulations of the board.

(c) (1) Sections 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, 6-61-604 — 6-61-612 [repealed] shall be liberally construed in order that the State of Arkansas and students in attendance at state

and private colleges and universities and other postsecondary institutions of education which are entitled to benefits under the federal act may receive fully and promptly all benefits conferred and intended by the federal act and §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603 and 6-61-604 — 6-61-612 [repealed] and that the intended public benefits and purposes be achieved and accomplished.

(2) Sections 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603 and 6-61-604 — 6-61-612 [repealed] shall be liberally construed as being supplemental to any existing purposes and powers of the board in order that it may accomplish in the most expeditious and efficient manner the purposes and intent of the federal act for this state.

History. Acts 1977, No. 560, § 21; A.S.A. 1947, § 80-4921.

U.S. Code. The State Student Incentive Grant Program referred to in this section is codified as 20 U.S.C. § 1070c et seq.

6-61-402. Contracts and cooperation with Board of Control for Southern Regional Education.

(a) (1) The boards of trustees of the state-supported senior colleges and universities and the community colleges which presently exist and those which will be established are authorized to cooperate or enter into contracts with the Board of Control for Southern Regional Education in order that students from states comprising the Southern Regional Education Board area may attend Arkansas state-supported institutions through the Academic Common Market while paying the same level of student fees as an Arkansas resident.

(2) Participation shall be authorized only after the program of the Arkansas institution is classified as an uncommon program of the region by the Board of Control for Southern Regional Education staff and final approval is granted by the Arkansas Higher Education Coordinating Board.

(b) The Arkansas Higher Education Coordinating Board is authorized to cooperate, or enter into contracts, with the Board of Control for Southern Regional Education or institutions of higher education in order that Arkansas residents shall participate in uncommon programs in other states of the Board of Control for Southern Regional Education area through the Academic Common Market.

(c) The Department of Higher Education staff, at the direction of the Arkansas Higher Education Coordinating Board, is empowered to conduct necessary administrative duties in connection with this program.

History. Acts 1977, No. 560, § 22; A.S.A. 1947, § 80-4922.

Cross References. Southern Regional Education Compact, § 6-4-101 et seq.

Subchapter 5 — Community Colleges Generally

6-61-501. Definitions.

- 6-61-502. Establishment authorized.
- 6-61-503. Millage tax.
- 6-61-504. Division of Community Junior Colleges created.
- 6-61-505. State Community College Board.
- 6-61-506. Administration of funds.
- 6-61-507. Formation of districts — Feasibility study.
- 6-61-508. Formation of district — Minimum requirements for establishment.
- 6-61-509. Formation of district — Limitation on number.
- 6-61-510. Formation of district — Election — Petition.
- 6-61-511. Formation of district — Election — Notification to county board of election commissioners.
- 6-61-512. Formation of district — Election — Date.
- 6-61-513. Formation of district — Election — Ballot.
- 6-61-514. Formation of district — Election — Conduct.
- 6-61-515. Formation of district — Election — Results.
- 6-61-516. Formation of district — Election — Reconstituted district.
- 6-61-517. Formation of district — Ad valorem taxes.
- 6-61-518. Reconstituted districts.
- 6-61-519. Dissolution of district — Reduction or repeal of tax.
- 6-61-520. Local boards — Establishment — Members.
- 6-61-521. Local boards — Powers and duties.
- 6-61-522. Limitations on operations.
- 6-61-523. Student fees.
- 6-61-524. Agreements for sharing of facilities, personnel, and services.
- 6-61-525. Housing allowance.
- 6-61-526. Phillips Community College of the University of Arkansas — Building trades construction program.
- 6-61-527. [Repealed.]
- 6-61-528. University Center of the Mississippi County Community College.
- 6-61-529. Local boards — Appointment or election of members.
- 6-61-530. Local boards — School district representation.
- 6-61-531. Arkansas Heavy Equipment Operator Training Academy — Establishment.
- 6-61-532. Arkansas Heavy Equipment Operator Training Academy — Operation.
- 6-61-533. Arkansas Heavy Equipment Operator Training Academy — Funding.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-61-501 — 6-61-524 may not apply to §§ 6-61-525 — 6-61-533 which were enacted subsequently.

Acts 1991, No. 595, § 10, provided:

“The Garland County Community College shall be exempt from the provisions of Arkansas Code 19-4-1707 to the extent that the Garland County Community College shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the Garland County Community College does not exceed 25% of that required for a full-time employee.”

Acts 1991, No. 597, § 6, provided:

“The East Arkansas Community College shall be exempt from the provisions of Arkansas Code 19-4-1707 to the extent that the East Arkansas Community College shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting

services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the East Arkansas Community College does not exceed 25% of that required for a full-time employee.”

Acts 1991, No. 598, § 10, provided:

“The Mississippi County Community College shall be exempt from the provisions of Arkansas Code 19-4-1707 to the extent that the Mississippi County Community College shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the Mississippi County Community College does not exceed 25% of that required for a full-time employee.”

Acts 1991, No. 641, § 12, provided:

“The Northwest Arkansas Community College shall be exempt from the provisions of Arkansas Code 19-4-1707 to the extent that the Northwest Arkansas Community College shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the Northwest Arkansas Community College does not exceed 25% of that required for a full-time employee.”

Acts 1991, No. 642, § 5, provided:

“The Phillips County Community College shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the Phillips County Community College shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the Phillips County Community College does not exceed 25% of that required for a full-time employee.”

Acts 1991, No. 1119, § 6 provided:

“The Westark Community College shall be exempt from the provisions of Arkansas Code 19-4-1707 to the extent that Westark Community College shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with Westark Community College does not exceed 25% of that required for a full-time employee.”

Acts 1991, No. 1122, § 11 provided:

“The North Arkansas Community College shall be exempt from the provisions of Arkansas Code 19-4-1707 to the extent that the North Arkansas Community College shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the North Arkansas Community College does not exceed 25% of that required for a full time employee.”

Effective Dates. Acts 1977, No. 560, § 30: Mar. 21, 1977. Emergency clause provided: “It has been found and is hereby determined by the General Assembly that comprehensive planning for post-secondary education in Arkansas must be given greater emphasis. Further delay would possibly affect the educational opportunities available to citizens of the State and the quality of these opportunities. Therefore, an emergency is declared to exist, and this Act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after its passage and approval.”

Acts 1989 (1st Ex. Sess.), No. 37, § 10: July 1, 1989. Emergency clause provided: “It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable

harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.”

Acts 1989 (1st Ex. Sess.), No. 48, § 9: July 1, 1989. Emergency clause provided: “It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.”

Acts 1989 (1st Ex. Sess.), No. 130, § 9: July 1, 1989. Emergency clause provided: “It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.”

Acts 1989 (1st Ex. Sess.), No. 203, § 10: July 1, 1989. Emergency clause provided: “It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.”

Acts 1989 (1st Ex. Sess.), No. 245, § 9: July 1, 1989. Emergency clause provided: “It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.”

Acts 1989 (1st Ex. Sess.), No. 252, § 13: July 1, 1989. Emergency clause provided: “It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.”

Acts 1989 (1st Ex. Sess.), No. 262, § 11: July 1, 1989. Emergency clause provided: “It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the

State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989."

Acts 1991, No. 641, § 13: July 1, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1991 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1991 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1991."

Acts 1992 (1st Ex. Sess.), No. 65, § 9: Mar. 20, 1992. Emergency clause provided: "It is hereby found and declared by the General Assembly that community college districts in this state have an immediate need to finance capital improvements and that existing laws must be clarified in order to insure the use of those laws to accomplish the same. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 307, § 12: July 1, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1993 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1993 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1993."

Acts 1993, No. 765, § 13: July 1, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1993 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1993 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1993."

Acts 1995, No. 70, § 9: July 1, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly, that changes in various accounting and expenditure provisions of the State are necessary in order to promote efficiency; and that the provisions of this Act provide such changes. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995."

Acts 1995, No. 1349, § 5: became law without Governor's signature. Noted Apr. 19, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that any delay in the effective date of this act could work irreparable harm to the continuity of the 1995-96 academic year and, consequently, to students enrolled in community colleges throughout the state of Arkansas. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace,

health, and safety, shall be in full force and effect from and after its passage and approval.” Acts 2003, No. 683, § 4: July 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the failure to establish the Arkansas Heavy Equipment Operator Training Academy as a single-source academy under the South Arkansas Community College will result in the expiration of the academy’s training program and in the academy’s inability to finish training its currently enrolled students; that the Arkansas Constitution prohibits the appropriation of funds for more than a two (2) year period; that it is essential to the operation of the academy that this become effective on July 1, 2003; and that in the event of an extension of the Regular Session, a delay in the effective date of this act beyond July 1, 2003, could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003.”

Acts 2003, No. 1473, § 74: July 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act includes technical corrects to Act 923 of 2003 which establishes the classification and compensation levels of state employees covered by the provisions of the Uniform Classification and Compensation Act; that Act 923 of 2003 will become effective on July 1, 2003; and that to avoid confusion this act must also effective on July 1, 2003. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003.”

Acts 2005, No. 1010, § 2: Mar. 18, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the failure of the Arkansas Heavy Equipment Operator Training Academy as a single-source academy under the University of Arkansas at Monticello could result in the academy’s inability to finish training its currently enrolled students; that the changes in this act are essential to the continued efficient operation of the academy. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2007, No. 819, § 4: Apr. 2, 2007. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the failure of the Arkansas Heavy Equipment Operator Training Academy as a single-source academy under the University of Arkansas at Monticello could result in the academy’s inability to finish training its currently enrolled students; and that the changes in this act are immediately necessary for the continued efficient operation of the academy. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Case Notes

Immunity.

Immunity.

Because Arkansas calls North Arkansas Community Technical College a State agency, allows for substantial local autonomy but provides ultimate state control, and — most importantly — funds the agency’s general operations primarily from the State Treasury, the college is entitled to Eleventh Amendment immunity. *Hadley v. North Ark. Community Technical College*, 76 F.3d 1437 (8th Cir. 1996), cert. denied, 519 U.S. 1148, 117 S. Ct. 1080 (1997).

6-61-501. Definitions.

As used in §§ 6-61-501 — 6-61-524, 6-61-601 — 6-61-603 and 6-61-604 — 6-61-612 [repealed], unless the context otherwise requires:

(1) “Capital outlay expense” means those funds devoted to or required for the acquisition and improvement of land; acquisition, construction, remodeling, alteration, addition, or enlargement of buildings or other structures; and initial purchase of furniture, apparatus, and other equipment;

(2) “Community college” means an educational institution established or to be established by one (1) or more counties or cities of this state offering a comprehensive program designed to serve the postsecondary educational needs of its district and the state including specifically, but without limitation, occupational programs of varying types and levels of difficulty, the first two (2) years of a baccalaureate degree, community service offerings, and student guidance and counseling services;

(3) “District” means the geographic area included within one (1) or more contiguous or noncontiguous counties or cities, or any described combination thereof, or any described contiguous area which may be in one (1) or more counties or parts of counties, participating in or intending to participate in the establishment and maintenance of a community college;

(4) “Local board” means the governing body of a community college established pursuant to the provisions of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603 and 6-61-604 — 6-61-612 [repealed];

(5) “Operating expense” means those funds devoted to or required for the regular or ordinary expense of the college, including administrative, maintenance, and salary expenses, but excluding capital outlay expenses, student activity expenses, and expenses for intercollegiate athletics; and

(6) “State Community College Board” means the Arkansas Higher Education Coordinating Board.

History. Acts 1977, No. 560, § 7; A.S.A. 1947, § 80-4907; Acts 1991, No. 336, § 1; 1991, No. 354, § 1.

Cross References. Consolidations and mergers, § 6-60-102.

Case Notes

Cited: Hadley v. North Ark. Community Technical College, 76 F.3d 1437 (8th Cir. 1996).

6-61-502. Establishment authorized.

Pursuant to the authority granted by Arkansas Constitution, Amendment 52, there is authorized the establishment of community college districts to be formed, financed, and governed as provided in §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, 6-61-604 — 6-61-612 [repealed].

History. Acts 1977, No. 560, § 8; A.S.A. 1947, § 80-4908.

6-61-503. Millage tax.

(a) The tax authorized to be levied under Arkansas Constitution, Amendment 52, shall not exceed ten (10) mills on the taxable real and personal property of the district.

(b) The millage approved by the electors shall be a continuing levy until reduced as provided in §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603 and 6-61-604 — 6-61-612 [repealed].

History. Acts 1977, No. 560, § 8; A.S.A. 1947, § 80-4908.

6-61-504. Division of Community Junior Colleges created.

The Director of the Department of Higher Education shall establish a separate Division of Community Junior Colleges within the Department of Higher Education.

History. Acts 1977, No. 560, § 19; A.S.A. 1947, § 80-4919.

6-61-505. State Community College Board.

(a) The Arkansas Higher Education Coordinating Board is authorized to act and shall act as the statewide coordinating board for the community colleges established in conformity with §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603.

(b) When the board is acting as the State Community College Board, the Director of the Department of Education shall be an ex officio nonvoting member of that board.

(c) The State Community College Board shall have the following duties and powers:

(1) (A) It shall function as the coordinating agency between the community colleges, the public schools, the universities, the state colleges, and the other educational institutions in Arkansas.

(B) In relation to the senior institutions of the state, it shall work with them and with the community colleges to develop the criteria for transfer of credits of students entering senior institutions from community colleges;

(2) (A) It shall set forth the criteria in conformity with, but not limited to, the provisions of §§ 6-61-507 and 6-61-510 — 6-61-519 for the establishment of community college districts.

(B) In addition to the specific requirements set forth in §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603, the criteria shall provide for the size and location of sites for the proposed community college, the nature and extent of the program, and the size and type of buildings required;

(3) It shall develop objective criteria for the determination of the requirements in § 6-61-508;

(4) It shall upon request of a citizens' group develop a tentative budget to determine the annual cost of the operation;

(5) It shall act in an advisory capacity concerning changes and expansion of the overall program for community colleges and the program for each community college;

(6) It shall develop a uniform budget format and accounting and reporting procedures to be used by all community colleges;

(7) It shall, with the Legislative Joint Auditing Committee, determine that state funds are used in conformity with the grants of the funds; and

(8) (A) (i) It shall develop criteria for determining if an institution is adequately comprehensive.

(ii) In developing criteria to determine if an institution is

adequately comprehensive, the board shall require that each community college fulfill all aspects of the definition of a community college as contained in § 6-61-501 and shall specifically provide for occupational programs that do not require academic transfer courses for completion.

(B) It must make an annual determination, and may do so more often, as to whether each community college is adequately comprehensive or is becoming adequately comprehensive.

(C) If it is determined that any community college is not adequately comprehensive and is not becoming adequately comprehensive, that institution shall not be eligible for state funds until it has corrected the deficiencies and has received a favorable determination by the board.

(d) In furtherance of the purposes of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603 and in addition to the powers and duties vested in the board, the board shall have authority to make agreements with agencies of this state, the federal government, political subdivisions of this state, and their institutions and agencies, not inconsistent with the Constitution and laws of the State of Arkansas, when these agreements are to the advantage of the State of Arkansas in the furtherance of the state community college program as authorized by law.

History. Acts 1977, No. 560, §§ 9, 17; A.S.A. 1947, §§ 80-4909, 80-4917; Acts 1999, No. 478, § 5.

Amendments. The 1999 amendment deleted former (c)(6) and redesignated former (c)(7), (c)(8), and (c)(9) as present (c)(6), (c)(7), and (c)(8); substituted “It” for “State Community College Board” in present (c)(8)(A); and made stylistic changes.

Cross References. Audit of educational institutions, § 6-1-101.

Case Notes

Cited: Hadley v. North Ark. Community Technical College, 76 F.3d 1437 (8th Cir. 1996).

6-61-506. Administration of funds.

(a) All federal and other funds provided to the state for support of community colleges and vocational and technical education in community colleges shall be administered by the State Community College Board.

(b) In the event there are legal requirements that the funds be granted to another agency of the state, that other agency shall contract with the board for the administration of the funds under the appropriate conditions.

History. Acts 1977, No. 560, § 17; A.S.A. 1947, § 80-4917.

6-61-507. Formation of districts — Feasibility study.

Upon request of a citizens' group representing a proposed community college district, the State Community College Board shall assist in the study of the proposed district to determine whether its formation would meet the requirements of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed] and the criteria established by the board for the formation of the district. As provided in § 6-61-505, the board shall make all necessary studies to determine the feasibility of the proposed district.

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911.

6-61-508. Formation of district — Minimum requirements for establishment.

Prior to the calling of an election for the establishment of a community college district, the State Community College Board must certify that the proposed college will meet the following requirements:

(1) **Site:** That a site which meets the criteria established by the board is available;

(2) **Students:** That by objective analysis and projection the full-time student equivalent would be a minimum of three hundred (300) at the fall enrollment of the third year of operation;

(3) **Local Income:** That the assessment for ad valorem tax purposes of the proposed district, as published by the Assessment Coordination Department, at the millage rate proposed would produce sufficient income for the district to discharge its financial obligation as required in §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed]. However, a district may be created without a local millage by following all applicable provisions of the law if it is demonstrated to the board that all capital costs of the district required to provide an adequate comprehensive program will be met without local millage, at least during the first five (5) years that instruction is offered by the district, through available existing facilities, contributions already secured or committed to the satisfaction of the board, establishment of a permanent endowment fund, or through any other method or any combination of methods; and

(4) **Size of District:** The size of the district shall be such that all students within the district are within commuting distance of the college.

History. Acts 1977, No. 560, § 13; A.S.A. 1947, § 80-4913.

6-61-509. Formation of district — Limitation on number.

(a) (1) No certificate of feasibility for the formation of a community college district in excess of eight (8) locations in Arkansas as authorized by Acts 1973, No. 103, § 5(b) [repealed], shall be issued by the State Community College Board.

(2) It is the specific intent of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed] to provide that the authority of the board to create an unlimited number of community colleges under Acts 1973, No. 103, is repealed, and no other interpretation shall be given to §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed].

(b) In computing the maximum of eight (8) community college districts permitted under §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed], auxiliary locations which may or may not establish additional taxing units but are included as a part of a community college district previously established shall be counted as a separate

community college district.

(c) The General Assembly shall be the sole authority for creating community college districts subsequent to the creation of a maximum of eight (8), as stated elsewhere in §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed], by the board.

History. Acts 1977, No. 560, § 18; A.S.A. 1947, § 80-4918.

6-61-510. Formation of district — Election — Petition.

(a) Upon certification of the State Community College Board that the formation of the proposed district is feasible and would conform to the requirements of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed], qualified electors of the proposed district may, by petition, have an election called to determine whether the district shall be formed.

(b) (1) The petition calling for such an election shall be signed by not less than ten percent (10%) of the qualified electors of the district, based upon the total number of votes cast therein for all candidates for the office of Governor in the last general election.

(2) Where there is more than one (1) county or city in a proposed district, the petitions shall include signatures of not less than ten percent (10%) of the qualified electors of each county or city, and the aggregate of the signatures shall represent not less than ten percent (10%) of the qualified electors of the entire proposed district as determined by the total votes cast for all candidates for the office of Governor at the last general election in each such county or city.

(3) Signatures shall be separately required from a particular city only if the boundaries of the city are used to describe the district separate from the boundaries of the county in which the city is located.

(c) The petitions calling for the special election shall describe the area of the proposed district, the proposed maximum rate of millage to be levied for the support of the district, if any, and the millage that may be pledged for bonded indebtedness purposes of the district.

(d) The petition shall be filed with the Secretary of State.

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911.

6-61-511. Formation of district — Election — Notification to county board of election commissioners.

Within ten (10) days of the receipt and verification by the Secretary of State of the sufficiency of the petitions, he or she shall notify the county board of election commissioners of each county of which any portion is in the proposed community college district that an election shall be held in the area described in the petition, as certified by the Secretary of State, to determine whether the district shall be formed.

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911.

6-61-512. Formation of district — Election — Date.

The date of the election shall be set by the Secretary of State in accordance with § 7-5-

103(b).

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911; Acts 2005, No. 2145, § 8; 2007, No. 1049, § 10.

Amendments. The 2005 amendment added (b).
The 2007 amendment rewrote the section.

6-61-513. Formation of district — Election — Ballot.

(a) The State Community College Board shall specify the wording of the ballot to be used for each election to create a community college district utilizing appropriate language similar to that provided in subdivision (c)(1) of this section.

(b) (1) The ballot for the election shall state the purpose of the election, giving the names of the counties or cities in the proposed district, the proposed rate of ad valorem tax to be voted upon, if any, and the purposes for which such tax shall be used, including the amount thereof which may be pledged for bonded indebtedness purposes.

(2) A city shall be listed separately only if the boundaries of the city are used to describe the district separate from the boundaries of the county in which the city is located.

(c) (1) The form of the ballot may be as follows:

Click to view form.

(2) The material enclosed in parentheses is inserted if a local tax is to be voted on and deleted if no local tax is to be voted on.

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911.

6-61-514. Formation of district — Election — Conduct.

The election shall be conducted by the county board of election commissioners in the manner provided by law for special elections, and the ballots shall be marked by each elector, and the returns thereof shall be tabulated, certified, and reported as provided by law.

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911.

6-61-515. Formation of district — Election — Results.

(a) (1) If a majority of the qualified electors of the proposed district voting thereon at such election shall vote FOR the establishment of the district, the district shall be established in the manner provided in §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed].

(2) If a majority of the qualified electors of the proposed district voting thereon at the election vote AGAINST the establishment of the district, the district shall not be established, and no new election for the establishment thereof shall be held for a period of one (1) year thereafter.

(3) However, if the proposed district includes more than one (1) county or city, the majority required for the purposes of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-

604 — 6-61-612 [repealed] shall include not only a majority of the electors of the proposed district voting on the issue at the election but shall also include a majority of the electors voting on the issue in each county or city of the proposed district, or if the proposed district consists of described contiguous territory in one (1) or more counties or cities, the majority required for the purposes of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed] shall include not only a majority of the electors of the proposed district voting on such issue but shall also include a majority of the electors voting on the issue in the portion of any county or city of the proposed described district.

(b) The vote in a particular city shall be considered separately only if the boundaries of the city are used to describe the district separate from the boundaries of the county in which the city is located.

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911.

6-61-516. Formation of district — Election — Reconstituted district.

If the election fails because of an adverse vote in one (1) or more counties or cities in a proposed district of multiple counties or cities, a proposed reconstituted district eliminating the counties or cities which cast the adverse vote in an election may be called within ninety (90) days, provided the State Community College Board certifies that the proposed new district meets all of the criteria for such an election.

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911.

6-61-517. Formation of district — Ad valorem taxes.

(a) The ad valorem tax levied by a district, or so much thereof as shall be necessary, shall be a continuing levy until reduced in the manner provided in this subchapter.

(b) The tax shall be collected in the manner provided by law for the collection of county general taxes and promptly remitted to the district.

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911.

6-61-518. Reconstituted districts.

(a) When it is proposed that a county or city join an existing community college district, an election may be held in the proposed city or county to be added to determine whether the proposed reconstituted district shall be established after a petition requesting that the county or city be permitted to join the district has been signed by a committee broadly representative of the county or city to be added and approved by the local board of the existing district.

(b) The procedures for an election to be held in the petitioning county or city to determine whether the proposed reconstituted district shall be formed, including the adoption of the millage tax for support of the community college in effect in the existing district, shall be the same as required in establishing an original community college district.

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911.

6-61-519. Dissolution of district — Reduction or repeal of tax.

(a) A community college district may be dissolved or the millage tax voted reduced or repealed, with the exception of the millage required to service any outstanding bonds, upon approval thereof by a majority of the qualified electors of the district voting on the issue at an election called for such purpose.

(b) The question of dissolving the district or reducing or repealing the millage tax shall be submitted to the electors of the district at a special or general election upon petitions therefor if the initiation of petitions calling for the election and the procedures calling for the election shall be in accordance with the requirements set forth in §§ 6-61-510(b)-(d), 6-61-511, and 6-61-512 for the formation of the district.

History. Acts 1977, No. 560, § 11; A.S.A. 1947, § 80-4911.

Cross References. Consolidations and mergers, § 6-60-102.

6-61-520. Local boards — Establishment — Members.

(a) The local control of each community college shall be vested in a local board composed of nine (9) members who are residents and qualified electors of the community college district.

(b) (1) All members shall be elected for terms of six (6) years by the qualified electors of the community college district at the general election immediately preceding the expiration of the expiring terms, and the newly elected members shall take office on January 1 next following the date of their election.

(2) However, the election shall be held at the annual school election if the community college district is composed solely of one (1) or more entire school districts, other than any portion of the school district that is in another county, and whose boundary is contiguous with that portion of the school district that is located in the county in which the community college is located.

(c) (1) Candidates for membership on the local board shall run by position and shall be elected on a nonpartisan basis, and there shall be no mark or designation on the ballot indicating the party affiliation of the candidates. The names of the candidates for each position shall be arranged alphabetically on the ballot.

(2) Any person desiring to be a candidate for a position on the local board shall, not less than forty-five (45) days prior to the general or annual school election at which the position on the board is to be filled, file a notarized statement of such candidacy with the county board of election commissioners of each county of which any portion is in the community college district, in substantially the following form:
Click to view form.

(3) At the time of filing the statement of candidacy, the candidate shall pay a ballot fee of three dollars (\$3.00) and shall file a petition containing the signatures of at least fifty (50) qualified electors of the district, requesting that the name of such person be placed on the ballot as a candidate for the position on the local board.

(4) (A) The county board of election commissioners of each county of which a portion is a part of the community college district shall certify the results of the election in that county to the local board of the community college.

(B) The local board of the community college shall officially canvass the returns, declare the candidate elected for each position, and make a record of the election upon its minutes.

(5) The candidate receiving the highest number of votes for each position on the local board to be filled at the election shall be elected to fill the particular position, and it shall not be necessary that the person elected receive a majority of all votes cast for all candidates for such position.

(d) (1) Vacancies on any local board due to death, resignation, or other causes shall be filled by appointment of the Governor.

(2) When the term of office in which the vacancy occurs expires on December 31 of the year in which the next general or annual school election is to be held, the person appointed by the Governor shall serve the remainder of the unexpired term.

(3) When the term of office in which the vacancy occurs extends beyond December 31 of the year in which the next general or annual school election is to be held, the person appointed by the Governor shall serve only until the general or annual school election, at which election a person shall be elected by the qualified electors of the district to fill the remainder of the unexpired term.

(4) When a vacancy occurs, the local board shall officially recognize that the vacancy exists, enter the recognition of the vacancy upon its minutes, and notify the Governor, requesting that he or she make an appointment to fill the vacancy as provided by law.

(5) The Governor shall officially notify the local board of his or her appointment of the new member, which the local board shall enter upon its minutes.

History. Acts 1977, No. 560, § 10; A.S.A. 1947, § 80-4910; Acts 1993, No. 981, § 1; 1999, No. 470, § 1.

Publisher's Notes. Acts 1977, No. 560, § 10 provides, in part, that the initial members of each local board shall be appointed by the Governor with the advice and consent of the Senate and that the initial board members shall draw lots and position numbers. The section further provides that the terms of the members of each local board are arranged so that three (3) terms expire on December 31 of each even-numbered year.

Amendments. The 1999 amendment deleted "or at the annual school election for any community college district which is composed solely of one (1) or more entire school districts and whose boundary is contiguous with those school districts" following "general election" in (b)(1); added (b)(2); and made minor punctuation changes.

Case Notes

Cited: Hadley v. North Ark. Community Technical College, 76 F.3d 1437 (8th Cir. 1996).

6-61-521. Local boards — Powers and duties.

The powers and duties of the local board shall be as follows:

(1) To select its own chairman and such other officers as it may deem desirable from among its own membership;

(2) To adopt and use a seal;

(3) To determine, with the advice of the Arkansas Higher Education Coordinating Board, the educational program of the community college;

(4) To appoint and fix the compensation and the term of office of a president of the community college, who shall be the executive officer for the local board and for the community college;

(5) To appoint, upon the nomination of the president, members of the administrative and teaching staffs and to fix their compensation and terms of employment;

(6) Upon the recommendation of the president, to appoint or employ such other officers, agents, and employees of the community college as may be required to carry out the provisions of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603 and to fix and determine their qualifications, duties, compensation, and terms and conditions of employment;

(7) To grant diplomas and certificates;

(8) To enter into contracts;

(9) (A) To accept from any government or governmental agency, from any other public or private body, or from any other source, grants or contributions of money or property, which the local board may use for or in aid of any of its purposes.

(B) If acceptance of a grant is conditioned upon the local board's obtaining interim financing from a local financial institution and if the grant makes a provision for the repayment of the interim loan from the grant itself, then the local board is authorized to contract for the required interim financing;

(10) To acquire, own, lease, use, and operate property, whether real, personal, or mixed, which is necessary for purposes of the community college;

(11) To dispose of property owned by the community college which is no longer necessary for purposes of the community college upon such terms and conditions as shall meet the requirements for state agencies;

(12) To exercise the right of eminent domain to condemn property necessary for the use of the community college. The procedure to be followed in the exercise of the right of eminent domain by a local board shall be that prescribed for the boards of trustees of certain state colleges by § 6-62-201;

(13) To make rules and regulations not inconsistent with the provisions of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603 or with the rules and regulations of the state board as are necessary for the proper administration and operation of the community college; and

(14) To exercise all other powers not inconsistent with the provisions of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603 which may be reasonably necessary to the establishment, maintenance, and operation of a community college.

History. Acts 1977, No. 560, § 10; A.S.A. 1947, § 80-4910; Acts 1999, No. 478, § 6.

Amendments. The 1999 amendment substituted "Arkansas Higher Education Coordinating Board" for "State Community College Board" in (3); deleted "with the advice of the State Community College Board" following "To appoint" in (4); deleted "6-61-306 [repealed]" and "6-61-604 - 6-61-612 [repealed]" in (6), (13), and (14); and made stylistic changes.

6-61-522. Limitations on operations.

(a) No tax shall ever be levied or collected for the construction of dormitories, nor shall any community college construct, maintain, or operate any dormitory for the housing of students.

(b) (1) Participation of community colleges in intercollegiate athletic programs shall be limited to basketball, volleyball, and spring sports, except as provided in subdivision

(b)(2) of this section.

(2) Community colleges may participate in an intercollegiate football program provided that state funds, either directly or indirectly, or funds derived from property taxes or student fees are not expended to support the program.

History. Acts 1977, No. 560, § 15; 1979, No. 756, § 1; A.S.A. 1947, § 80-4915; Acts 2001, No. 1649, § 1.

Amendments. The 2001 amendment redesignated former (b) as present (b)(1), added “except... section” to the end, and made related changes; and added (b)(2).

6-61-523. Student fees.

(a) Tuition.

(1) The intent of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-401, 6-61-402, 6-61-501 — 6-61-524, and 6-61-601 — 6-61-603 is to make community college programs available to as many citizens of Arkansas as possible. To this end, tuition and fees should be maintained at a reasonable level so as not to exclude citizens because of cost.

(2) The local board shall determine the minimum student tuition and fees to be charged.

(3) The student fees or tuition authorized in §§ 6-61-215 and 6-53-304 shall be used for educational purposes only.

(b) Out-of-District Tuition.

(1) (A) Students who come from within the state but without the district may be charged a fee in addition to the fee charged students who are residents of the district.

(B) The out-of-district fee is to be determined by the local board but is not to exceed the pro rata share of the per student cost annually paid for buildings and operations from local tax revenues.

(C) However, when one (1) or more residents of a county not in a community college district attend a community college, the county of residence of these students may, when funds are appropriated therefor by the quorum court of the county, pay the tuition of these students which exceeds the tuition charged in-district students.

(2) Out-of-state students may be charged a fee in addition to the fee charged students who are residents of the district in the amount determined by the local board.

(c) **Activity Fees.** To provide for a student activity program at the college, the local board may levy a student activity fee.

(d) **Special Fees.** The local board of each community college may levy special fees for special programs, short courses, seminars, or like activities at a level to defray the cost of special activities.

History. Acts 1977, No. 560, § 14; A.S.A. 1947, § 80-4914; Acts 1989 (3rd Ex. Sess.), No. 12, § 1; 1999, No. 1107, § 3.

Amendments. The 1999 amendment rewrote this section.

6-61-524. Agreements for sharing of facilities, personnel, and services.

(a) Community colleges established under the authority of Arkansas Constitution, Amendment 52 and the laws enacted pursuant thereto, are authorized, upon application,

review, and approval thereof by the State Community College Board, to enter into agreements with any postsecondary educational institution, or with agencies or institutions of this state, of any city or county, or of the federal government for the sharing of facilities, personnel, or services or the providing and furnishing of services for such duration and under such conditions and financial arrangements therefor as are not inconsistent with the purposes for which the community colleges are established.

(b) In addition to the powers enumerated in this subchapter, it is the specific intention of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed] to authorize community colleges, upon application, review, and approval by the State Community College Board, to enter into agreements with the State Board of Workforce Education and Career Opportunities for the sharing of facilities, personnel, and services of vocational and technical schools of this state whereby, at a single location, community college instruction, including vocational and technical training, may be offered. The agreements shall include means of financing the sharing of such facilities, personnel, or services, provided, that the community college and the vocational and technical school shall each receive financial support in the manner provided by law.

History. Acts 1977, No. 560, § 16; A.S.A. 1947, § 80-4916.

Cross References. Consolidations and mergers, § 6-60-102.

6-61-525. Housing allowance.

Upon approval by the appropriate community college or technical college board of trustees, the president or the chancellor of each community college or technical college may receive a housing allowance in an amount not to exceed one thousand five hundred dollars (\$1,500) per month in lieu of college housing.

History. Acts 1989 (1st Ex. Sess.), No. 37, § 5; 1989 (1st Ex. Sess.), No. 48, § 5; 1989 (1st Ex. Sess.), No. 130, § 5; 1989 (1st Ex. Sess.), No. 203, § 5; 1989 (1st Ex. Sess.), No. 245, § 5; 1989 (1st Ex. Sess.), No. 252, § 7; 1989 (1st Ex. Sess.), No. 262, § 6; 1991, No. 641, § 6; 1993, No. 765, § 7; 1995, No. 70, 1, § 3; 2007, No. 1041, § 1.

A.C.R.C. Notes. Former § 6-61-525, concerning the housing allowance for presidents of certain schools, is deemed to be superseded by this section. The former section was derived from Acts 1987, No. 691, § 5; 1987, No. 747, § 5; 1987, No. 748, § 5; 1987, No. 749, § 5; 1987, No. 756, § 5; 1987, No. 788, § 5.

References to “this chapter” in subchapters 1-4 and 6-9 and references to “this chapter” and “this subchapter” in §§ 6-61-501 — 6-61-524 may not apply to this section which was enacted subsequently.

Amendments. The 2007 amendment inserted “or chancellor” and substituted “one thousand five hundred dollars (\$1,500)” for “four hundred dollars (\$400).”

6-61-526. Phillips Community College of the University of Arkansas — Building trades construction program.

Phillips Community College of the University of Arkansas is authorized to participate in a building trades construction program as may be authorized and under the same restriction provided by laws for the area vocational technical schools. Funding for the programs shall be only from revenues received by Phillips Community College of the

University of Arkansas that are not required by law to be deposited in the State Treasury.
History. Acts 1987, No. 748, § 6.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-4 and 6-9 and references to “this chapter” and “this subchapter” in §§ 6-61-501 — 6-61-524 may not apply to this section which was enacted subsequently.

6-61-527. [Repealed.]

Publisher's Notes. This section, concerning the University Center at Westark Community College, was repealed by Acts 2003, No. 1473, § 7. The section was derived from Acts 1989, No. 259, §§ 1, 2; 1991, No. 1119, § 5; 1993, No. 307, § 6; 1997, No. 112, § 17; 1997, No. 540, § 11.

6-61-528. University Center of the Mississippi County Community College.

(a) In order to provide the residents of northeastern Arkansas with greater access to higher education opportunities beyond those which can be provided by the Mississippi County Community College, there is hereby created the university center at the Mississippi County Community College. The primary purpose of the General Assembly in creating this center is to meet the needs of persons who cannot, because of family or work responsibilities, leave the area to become students at universities in other communities. It is the intent of the General Assembly, in creating this center, to avoid the establishment of an additional institution of higher education or branch of such institution and to avoid the duplication of administrative personnel and services.

(b) The university center at the Mississippi County Community College shall be managed and administered by the Board of Trustees of the Mississippi County Community College, utilizing the administrative staff and support services of the college.

(c) The Mississippi County Community College shall determine, in cooperation with the public universities and with the approval of the Arkansas Higher Education Coordinating Board, the need for various upper-level and graduate programs and courses and shall encourage such institutions to offer the needed programs and courses.

(d) It is the responsibility of the Mississippi County Community College District to provide facilities for approved courses and programs at the university center at the Mississippi County Community College.

(e) This section does not authorize the Mississippi County Community College to assume the status of a four-year institution.

(f) For the purposes of this section:

(1) “Graduate course” means a university course intended for students who have completed a baccalaureate degree;

(2) “Graduate program” means a prescribed series of graduate courses which lead to a post-baccalaureate degree;

(3) “Upper-level course” means a university course which is considered junior or senior level at the institution offering the course and is not offered at the freshman or sophomore level at the Mississippi County Community College; and

(4) “Upper-level program” means a prescribed series of university courses offered at the junior and senior level, which, when combined with a prescribed series of freshman and sophomore courses, qualify successful students for the baccalaureate degree.

History. Acts 1992 (1st Ex. Sess.), No. 64, §§ 1, 2; 1992 (1st Ex. Sess.), No. 65, §§ 1, 2.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-4 and 6-9 and references to “this chapter” and “this subchapter” in §§ 6-61-501 — 6-61-524 may not apply to this section which was enacted subsequently.

6-61-529. Local boards — Appointment or election of members.

(a) (1) Within sixty (60) days after April 19, 1995, the local board of each community college shall, by resolution, choose:

(A) To continue as a board whose members are elected; or

(B) To become a newly constituted board whose members are appointed by the Governor under the provisions of this section.

(2) The board of the local community college shall immediately thereafter notify the Governor of its decision.

(b) (1) (A) If the local community college board chooses to become an appointed board, positions on the board shall become vacant as current terms expire, and persons who are residents and qualified electors of the community college district shall be appointed by the Governor for terms of six (6) years.

(B) To the extent possible, the Governor shall assure equitable representation on the board with regard to race and geographic distribution from throughout the district.

(2) (A) Vacancies on the appointed board due to death, resignation, or other causes shall be filled by appointment of the Governor to serve the remainder of an unexpired term.

(B) A person so appointed is eligible for appointment to a subsequent full term on the board.

(c) (1) Except as provided in subsection (d) of this section, if the local community college board chooses to remain an elected board, beginning with the 1996 general election, the qualified electors of a community college district having a ten percent (10%) or greater population in any one (1) racial minority, as reported by the most recent federal decennial census information, shall elect the members of the local board as follows, utilizing selection procedures in compliance with the federal Voting Rights Act of 1965:

(A) At least ninety (90) days before the election, the local board shall, with approval of the county board of election commissioners of any county in which the community college is located, divide the district into nine (9) zones, or the local board may, by resolution, utilize existing quorum court districts. Zones shall have substantially equal population, with boundaries based on the most recent available federal decennial census information;

(B) A candidate for election from a zone or a quorum court district must be a qualified elector and a resident of the zone or district.

(2) (A) A board member shall serve a six-year term.

(B) A term shall commence after the county court declares the results of the election by an order entered of record and on January 1 next following the date of the election.

(3) (A) After each federal decennial census and at least ninety (90) days before the general election, the local board shall, with approval of the county board of election commissioners of any county in which the community college is located, divide the

district into nine (9) zones, or the local board may, by resolution, utilize quorum court districts. The zones or quorum court districts shall be based on the most recent federal decennial census information and be substantially equal in population.

(B) At the general election following the rezoning, a new local board shall be elected in accordance with procedures set forth in this section.

(d) If division into zones for election purposes would not create a voting zone with twenty percent (20%) or greater population in any one (1) racial minority, the district shall be exempt from subsection (c) of this section.

History. Acts 1995, No. 1349, § 1; 2001, No. 1366, §§ 1, 2.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-4 and 6-9 and references to “this chapter” and “this subchapter” in §§ 6-61-501 — 6-61-524 may not apply to this section which was enacted subsequently.

As enacted by Acts 1995, No. 1349, subdivision (c)(2)(A) began:
“Except as provided in subsection (d) of this section.”

As enacted by Acts 1995, No. 1349, this section also contained a subsection (d) which read:
“**(d)** At the first meeting of a new local board, the members shall establish initial terms by lot so that, to the extent possible, an equal number of positions are filled every two (2) years and not more than five (5) members' terms expire every two (2) years.”

Amendments. The 2001 amendment added “Except as provided in subsection (d) of this section” in (c)(1); and added (d).

U.S. Code. The Voting Rights Act of 1965, referred to in this section, is codified as 42 U.S.C. § 1971 et seq.

6-61-530. Local boards — School district representation.

(a) If the members of the local board of a community college are elected at large and if the community college district is composed of more than one (1) school district, but not all the school districts in the county, the board may apportion a certain number of positions on the board for each school district according to the most recent census information.

(b) The board shall reapportion the positions on the board for each school district following each decennial census thereafter.

(c) If at the time of either the initial apportionment or the decennial reapportionment, a board member's position is apportioned to a school district in which he or she does not reside at that time, he or she shall nevertheless continue to hold office until the end of his or her term.

(d) After such apportionment, the qualified electors of each school district shall vote at large only for the board positions apportioned to their school district.

(e) Following apportionment, all board members and all candidates for board positions shall be residents and qualified electors of the school district to which their positions are apportioned, except as provided in subsection (c) of this section.

(f) If any board member shall cease to reside in the school district to which his or her position is apportioned, then that board member shall be disqualified to hold office, and a vacancy shall exist which shall be filled as prescribed by law.

(g) The provisions of this section shall not be applicable to or in any way affect the qualifications or current term of any person serving on a community college board on March 1, 1999.

History. Acts 1997, No. 1258, § 1; 1999, No. 771, § 1.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-4 and 6-9 and references to “this chapter” and “this subchapter” in §§ 6-61-501 — 6-61-524 may not apply to this section which was enacted subsequently.

Amendments. The 1999 amendment added (b)-(g); in (a), substituted “If” for “Beginning with the 1998 election, if” at the beginning of the sentence and deleted “so long as all board members are residents and qualified electors of the community college district and the school district” following “census information”; and made stylistic changes.

Case Notes

Cited: Parsons v. State, 341 Ark. 150, 15 S.W.3d 339 (2000).

6-61-531. Arkansas Heavy Equipment Operator Training Academy — Establishment.

(a) The Arkansas Heavy Equipment Operator Training Academy is established as a satellite center of the University of Arkansas at Monticello.

(b) The academy shall be the Arkansas single-source academy offering statewide services and satellite training for the operation of heavy equipment.

(c) The academy may operate programs in cooperation with the University of Arkansas at Monticello colleges of technology located in Crossett and McGehee and the Southeast Arkansas Community-Based Education Center located in Warren.

History. Acts 2003, No. 683, § 1; 2005, No. 1010, § 1; 2007, No. 819, § 1.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-4 and 6-9 and references to “this chapter” and “this subchapter” in §§ 6-61-501 — 6-61-524 may not apply to this section which was enacted subsequently.

Amendments. The 2005 amendment substituted “the University of Arkansas at Monticello” for “South Arkansas Community College” in (a); and added (d).

The 2007 amendment deleted former (c); redesignated former (d) as present (c); and added “and the Southeast Arkansas Community-Based Education Center located in Warren” in present (c).

6-61-532. Arkansas Heavy Equipment Operator Training Academy — Operation.

(a) (1) (A) The Director of the Arkansas Heavy Equipment Operator Training Academy shall follow hiring procedures consistent with the policies of the University of Arkansas at Monticello in recommending academy personnel for hire.

(B) The Chancellor of the University of Arkansas at Monticello shall exercise final approval over the hiring of academy personnel.

(2) Persons employed by the academy as of July 1, 2003, shall be retained unless:

(A) They fail to fulfill their assigned duties; or

(B) Lack of enrollment in or funding of the academy necessitates staff reduction.

(3) The salaries of persons who are employed by the academy as of July 1, 2003, shall not be reduced as a result of this section and §§ 6-61-531 and 6-61-533.

(4) Persons who are nonclassified employees and faculty of the academy as of July 1, 2003, will remain under the academy's pay schedule.

(5) Persons employed by the academy as of July 1, 2003, may join the university's fringe benefits package, which includes the Arkansas Teacher Retirement System.

(6) The university will accept any leave balance for academy personnel that has

accrued as of July 1, 2003, if the leave balance does not exceed the maximum leave allowed under Arkansas law.

(b) (1) The director will report directly to the chancellor regarding the operation of the academy.

(2) The director shall be appointed by the Chancellor of the University of Arkansas at Monticello or his or her designee.

(c) The university shall continue to offer the technical certificates previously approved by the Arkansas Higher Education Coordinating Board for the training of heavy equipment operators.

(d) The Arkansas Heavy Equipment Operator Training Academy Advisory Committee shall continue to make recommendations regarding the operation of the academy and its curriculum.

History. Acts 2003, No. 683, § 2; 2005, No. 1010, § 1; 2007, No. 819, § 2.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-4 and 6-9 and references to “this chapter” and “this subchapter” in §§ 6-61-501 — 6-61-524 may not apply to this section which was enacted subsequently.

Amendments. The 2005 amendment, in (a)(1)(A), inserted “Director of the” and substituted “consistent with the policies of the University of Arkansas at Monticello” for “approved by the President of South Arkansas Community College”; substituted “Chancellor of the University of Arkansas at Monticello” for “president” in (a)(1)(B) and (b); substituted “university’s fringe benefits package” for “South Arkansas Community College’s” in (a)(5); substituted “The university” for “South Arkansas Community College” in (a)(6); and, in (c), substituted “university” for “academy” and “the technical certificates previously approved by the Arkansas Higher Education Coordinating Board” for “and diplomas”.

The 2007 amendment added (b)(2) and made a related change.

6-61-533. Arkansas Heavy Equipment Operator Training Academy — Funding.

(a) (1) All legislatively appropriated funds, tuitions, grant moneys, and donations designated for the Arkansas Heavy Equipment Operator Training Academy shall be specifically used for the operation of the academy.

(2) If the General Assembly does not provide funding for the academy, the University of Arkansas at Monticello may choose not to fund the academy.

(3) The Director of the Arkansas Heavy Equipment Operator Training Academy will develop, recommend, and monitor the academy’s annual budget.

(4) The chief fiscal officer of the university or his or her designee shall regularly monitor academy books, banking records, accounts, and expenditures.

(b) The academy shall remain under the supervision of the director, who shall be assisted by the academy coordinator.

History. Acts 2003, No. 683, § 3; 2005, No. 1010, § 1; 2007, No. 819, § 3.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-4 and 6-9 and references to “this chapter” and “this subchapter” in §§ 6-61-501 — 6-61-524 may not apply to this section which was enacted subsequently.

Amendments. The 2005 amendment substituted “the University of Arkansas at Monticello” for “South Arkansas Community College” in (a)(2)(A); substituted “university” for “South Arkansas Community College” in (a)(4); and substituted “shall serve” for “may serve” in (b)(2).

The 2007 amendment rewrote (a)(2); and deleted former (b)(2) and made a related change.

Subchapter 6

— Community Colleges — Finances

- 6-61-601. General operations — State funds.
- 6-61-602. General operations — Millage taxes.
- 6-61-603. Capital outlays generally.
- 6-61-604 — 6-61-612. [Repealed.]
- 6-61-613. Purchases from board members and employees.

Effective Dates. Acts 1977, No. 560, § 30: Mar. 21, 1977. Emergency clause provided: "It has been found and is hereby determined by the General Assembly that comprehensive planning for post-secondary education in Arkansas must be given greater emphasis. Further delay would possibly affect the educational opportunities available to citizens of the State and the quality of these opportunities. Therefore, an emergency is declared to exist, and this Act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after its passage and approval."

Acts 1981, No. 29, § 3: Feb. 6, 1981. Emergency clause provided: "It has been found and is hereby declared by the General Assembly of the State of Arkansas that the financing of capital improvements for community colleges is not feasible under existing maximum interest rate limitations, that these capital improvements are essential to the continued development of the community college program in this State and the continued improvement of educational opportunities for her people, and that necessary capital improvements can be accomplished only by the immediate effect of this Act. Therefore, an emergency is declared to exist and this Act, being necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

6-61-601. General operations — State funds.

- (a) Funds for the general operation of an adequate comprehensive educational program shall be provided by the state.
 - (b) (1) Prior to the beginning of each biennium, the local board of each community college shall develop an estimate of budget requirements for the operation of the community college for each year of the biennium and shall submit it to the State Community College Board for review.
 - (2) The estimate of budget requirements shall include both expected expenditures and incomes.
 - (c) (1) Based on the estimates submitted by the community colleges and estimates of funds required for additional institutions that may be created during the ensuing biennium, the board shall recommend to the General Assembly and the Governor its estimate of funds necessary to support existing community colleges and ones that may be established.
 - (2) The amount of state revenues to be recommended for the general operation of each community college shall be the difference between the recommended budget and the total of income for general operation, including student fees and any other income except local taxes. The recommended budget for general operation shall be sufficient to provide an adequate comprehensive educational program which serves the needs of the state and the community college's service area as determined by the board.
 - (d) Replacement of initial equipment shall be considered as an operating cost.
- History.** Acts 1977, No. 560, § 12; 1981, No. 29, § 1; A.S.A. 1947, § 80-4912.

Case Notes

Cited: Hadley v. North Ark. Community Technical College, 76 F.3d 1437 (8th Cir. 1996).

6-61-602. General operations — Millage taxes.

(a) In the event the local board of a community college wishes to spend larger sums of money than the state funds provided for general operation of the community college for whatever reasons consistent with the state law, it shall be lawful for millage to be levied from time to time to provide additional operation funds.

(b) The millage can be approved at the election to create the community college district or the question of approving the millage can be submitted to the voters of the district from time to time thereafter at special or general elections.

(c) (1) The local board of each community college shall certify, within the time provided by law, to the appropriate tax levying authority of each county or city of the district the aggregate millage to be levied for the district for operating purposes and indebtedness purposes, and the millage shall be levied and collected in the manner provided by law.

(2) If the amount of the budget to be supported from taxes levied by the district is in excess of the amount to be produced from taxes then authorized for the district, after allowing for tax proceeds pledged for indebtedness purposes, the local board of the community college shall certify, at least sixty (60) days before any election upon which the millage may be voted, the additional millage required to the county board of election commissioners of each county of which any portion is in the community college district. However, millage together with the rate then levied will not exceed ten (10) mills.

(3) The question of the levy shall be placed on the ballot at the next following general election or a special election called for that purpose pursuant to § 7-5-103(b) as determined by the local board.

(d) (1) When the local board of a community college determines that the question of a tax levy in the district should be submitted to the electors of the district at a special election, it shall adopt a resolution to that effect and shall file a certified copy of the resolution with the county board of election commissioners of each county of which any portion is in the district that a special election shall be held in the district and shall set the date of the election, which shall be not more than ninety (90) days after the date of the proclamation required by § 7-5-103(b).

(2) The county board of election commissioners in each county of which any portion is included in a community college district shall prepare the ballots, furnish the election supplies, select the election judges and clerks, and make all necessary arrangements for conducting such elections.

(3) All laws applicable to the conduct of general elections, counting of ballots, and certification of the results thereof, and other matters relating to the holding of general elections, so far as the laws are appropriate shall be applicable to special elections held pursuant to the provisions of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed].

(4) All expenses of conducting special elections held pursuant to the provisions of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-

61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed] shall be paid from funds of the respective community college districts in which the elections are held.

(e) If the proposed additional millage is approved by the majority of the qualified electors of the district voting on such issue at a general or special election, the additional millage shall be a continuing levy until reduced as provided in subsection (f) of this section.

(f) Whenever the local board of any college determines that the rate of tax levied by the district, including the amount thereof pledged for indebtedness purposes, is greater than is necessary, the local board shall certify the reduced rate of millage to the appropriate tax levying authority of each county or city of the district, and the reduced rate of millage shall be levied and shall be extended on the tax books as the rate of tax due that community college district until a greater amount of tax shall be certified by the local board of the college as authorized in this section.

(g) In the case of community college districts existing at the time this law is enacted, existing millages which have been approved by the voters of the district may continue to be levied by the district at the discretion of the local board except that upon the petition of voters, as provided in § 6-61-510, or upon request of the local board, an election may be called to repeal operating millage, reduce operating millage, or authorize the transfer of operating millage to capital uses.

History. Acts 1977, No. 560, § 12; A.S.A. 1947, § 80-4912; Acts 2005, No. 2145, § 9; 2007, No. 1049, § 11.

Publisher's Notes. In reference to the term "at the time this law is enacted," Acts 1977, No. 560, § 30 provided that the act would become effective from and after its passage and approval. The act was signed by the Governor on March 21, 1977.

Amendments. The 2005 amendment redesignated former (d)(1) as present (d)(1)(A); and added (d)(1)(B).

The 2007 amendment, in (c), inserted "at least sixty (60) days before any election upon which the millage may be voted" in (2), and inserted "pursuant to § 7-5-103(b)" in (3); in (d)(1), substituted "not more than ninety (90)" for "not less than thirty (30) days nor more than sixty (60)" and "proclamation required by § 7-5-103(b)" for "notice to the county board of election commissioners," and deleted former (B); and made related changes.

Case Notes

Cited: Hadley v. North Ark. Community Technical College, 76 F.3d 1437 (8th Cir. 1996).

6-61-603. Capital outlays generally.

(a) [Repealed.]

(b) Capital outlay expenses shall be paid from gifts, grants, profits from auxiliary enterprises, tuition, fees, local millages, and other local funds and may be paid from state funds appropriated for such purposes.

History. Acts 1977, No. 560, § 12; 1981, No. 29, § 1; A.S.A. 1947, § 80-4912; Acts 1991, No. 1242, § 1; 1993, No. 374, § 15; 1993, No. 423, § 2; 1995, No. 1297, § 3.

A.C.R.C. Notes. Pursuant to § 1-2-207 this section is set out above as amended by Acts 1993, No. 423, § 2.

Acts 1993, No. 374, § 15, also amended subsection (b) to read as follows:

"While capital outlay expenses may not be paid from funds from the general operating budget, such as state funds, capital outlay expenses may be paid from funds outside of the general operating budget, such as gifts, grants, or profits from auxiliary enterprises."

Acts 1993, No. 382, § 2 also amended subsection (b) to read as follows:

“While capital outlay expenses may not be paid from funds from the current year's general operating budget such as state funds, tuition, or fees, capital outlay expenses may be paid from funds from outside of the current year's general operating budget such as gifts, grants, unexpended cash funds from previous years' operating budgets, or profits from auxiliary enterprises.”

Case Notes

Cited: Hadley v. North Ark. Community Technical College, 76 F.3d 1437 (8th Cir. 1996).

6-61-604 — 6-61-612. [Repealed.]

Publisher's Notes. These sections, concerning bond issues to finance capital outlay expenses, were repealed by Acts 1993, No. 374, § 16. The sections were derived from the following sources:

6-61-604. Acts 1977, No. 560, § 12; 1981, No. 29, §§ 1, 2; A.S.A. 1947, § 80-4912.

6-61-605. Acts 1977, No. 560, § 12; 1981, No. 29, § 1; A.S.A. 1947, § 80-4912.

6-61-606. Acts 1977, No. 560, § 12; 1981, No. 29, § 1; A.S.A. 1947, § 80-4912.

6-61-607. Acts 1977, No. 560, § 12; 1981, No. 29, § 1; A.S.A. 1947, § 80-4912.

6-61-608. Acts 1977, No. 560, § 12; A.S.A. 1947, § 80-4912.

6-61-609. Acts 1977, No. 560, § 12; A.S.A. 1947, § 80-4912.

6-61-610. Acts 1977, No. 560, § 12; 1981, No. 29, § 2; A.S.A. 1947, § 80-4912.

6-61-611. Acts 1977, No. 560, § 12; 1985, No. 459, § 1; 1985, No. 787, § 1; A.S.A. 1947, § 80-4912; Acts 1992 (1st Ex. Sess.), No. 65, § 3; 1993, No. 321, § 1.

6-61-612. Acts 1977, No. 560, § 12; A.S.A. 1947, § 80-4912; Acts 1992 (1st Ex. Sess.), No. 65, § 4.

6-61-613. Purchases from board members and employees.

(a) (1) The board of directors of each community college may adopt written policies authorizing the community college to purchase commodities and services from members of the board and employees of the community college.

(2) The board may restrict the purchases to competitive bids or negotiated purchases, or both.

(3) When any board member would derive financial gain from a sale to the community college, and if the board is required to vote on the purchase, that board member shall not vote on that issue.

(b) The president of each community college shall maintain a file of all documents pertaining to sales to the community college by members of its board or its employees. Such documents shall be maintained for five (5) years and shall be open to public inspection under the Freedom of Information Act of 1967, § 25-19-101 et seq., and shall be audited by the Division of Legislative Audit.

(c) No member of a community college board of directors and no employee of a community college shall, in an effort to influence the college to purchase commodities or services from him or her:

(1) Coerce, bribe, or threaten economic sanctions against any board member or employee of the college in an effort to influence the decision on the purchase; or

(2) Purposely omit, conceal, or falsify material facts to a board member or employee regarding the transaction.

History. Acts 1989, No. 248, §§ 1-3.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-5, 7-9 and §§ 6-61-601 — 6-61-

603 may not apply to this section which was enacted subsequently.

Subchapter 7 **— Rich Mountain Community College**

- 6-61-701. Legislative findings and purpose.
- 6-61-702. Definition — Name of district and college.
- 6-61-703. Subchapter cumulative.
- 6-61-704. Transfer of title to certain land.
- 6-61-705. Operation as a comprehensive institution.
- 6-61-706. Employees.
- 6-61-707. [Repealed.]
- 6-61-708. Building trades construction program.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-61-701 — 6-61-706 may not apply to § 6-61-708 which was enacted subsequently.

Acts 1991, No. 640, § 10, provided:

“The Rich Mountain Community College shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the Rich Mountain Community College shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the Rich Mountain Community College does not exceed 25% of that required for a full time employee.”

Acts 2007, No. 936, § 5, provided:

“Contingent upon legislative appropriation and the availability of funding, Rich Mountain Community College shall develop a two-year pilot program implementing endorsed concurrent enrollment courses for public high school students at no cost to the enrolled students.”

Effective Dates. Acts 1983, No. 16, § 5: Feb. 2, 1983. Emergency clause provided: “It is hereby found and determined by the General Assembly that the State Board of Higher Education, acting in its capacity as a State Community College Board, has conducted studies and has given its approval to the establishment of a community college district in Polk County, Arkansas, conditioned upon the electors of said County voting in favor thereof and levying sufficient millage to provide the monies necessary for the construction of buildings and facilities required by the district; that the State Board of Higher Education has determined it would be in the best interest of a community college district established in Polk County, if established, that the Mena off-campus Branch program of Henderson State University now operated in Mena, Polk County, Arkansas, be terminated in the event said district is created, and, that the educational and technical training needs of the area to be served by said community college could best be met by transferring the properties, buildings, and facilities, and the monies provided for the operation of the Rich Mountain Vocational-Technical School to the community college district in Polk County, to be operated as a vocational-technical program of said district; and that the creation of said district is dependent upon the passage of this Act, in order that the electors of Polk County may, in the manner provided by law, file petitions for a special election on the question of creating said community college district, and that the immediate passage of this Act is necessary to implement the recommendations of the State Board of Higher Education, and to authorize the holding of an election on the question of creating said community college district in Polk County without further delay, to meet the educational and technical training needs of the area to be served. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.”

Acts 1989 (1st Ex. Sess.), No. 281, § 10: July 1, 1989. Emergency clause provided: “It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the

effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.”

6-61-701. Legislative findings and purpose.

(a) In the passage of this subchapter, the General Assembly is cognizant of the fact that the Arkansas Higher Education Coordinating Board, acting under the authority of §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed] and under criteria and standards promulgated thereunder for the establishment of community college districts, has, at the request of interested citizens of Polk County, Arkansas, made a study and has given its approval for the establishment of a community college in Mena, Polk County, Arkansas, if the electors of Polk County vote to establish the district in the manner provided by law and approve a levy of tax deemed by the board to be necessary for providing buildings and other facilities necessary for the operation of the community college.

(b) In order to meet the postsecondary educational needs of the area to be served by a Polk County community college, the Arkansas Higher Education Coordinating Board, acting in its capacity as the State Community College Board, has determined that the establishment of a community college district in Polk County should be conditioned upon the assumption by the community college of the off-campus branch instruction now being provided citizens of the area through the Mena Off-Campus Branch of Henderson State University and that the funds now allocated to the operation of the Henderson State University, Mena Off-Campus Branch, be allocated to and made available for the operation of the community college established in Polk County, and has further provided that the Rich Mountain Vocational-Technical School operated by the Department of Workforce Education be taken over and operated by the Polk County community college, with all properties, furniture, equipment, personnel, and funds now provided for the operation of the Rich Mountain Vocational-Technical School to be turned over to the community college district established in Polk County, to be used in the operation of a vocational-technical program by the community college.

(c) The purpose of this subchapter is to authorize the appropriate officials of the State of Arkansas to take the necessary steps to implement the aforementioned recommendations of the Arkansas Higher Education Coordinating Board, which are conditions for the establishment of a community college district in the event a majority of the electors of Polk County voting on the issue vote “for” the establishment of a community college district in Polk County.

History. Acts 1983, No. 16, § 1; A.S.A. 1947, § 80-4911n.

Publisher's Notes. The establishment of the district and the tax levy, referred to in this section, were approved by the electors.

6-61-702. Definition — Name of district and college.

(a) Whenever the term “Polk County community college district”, “the Polk County community college”, or “the Polk County community college district board” is used in this subchapter, the term is used solely for the purpose of referring to a community college district to be established in Polk County in the manner provided by law and is not intended to establish the legal name of the community college district or of the community college itself.

(b) The community college district shall bear such name as proposed therefor in the petition filed by the electors of Polk County calling for an election on the question of creating the community college district, and the name of the institution operated by the community college district shall be selected by the board of trustees of the district subject to approval thereof by the Arkansas Higher Education Coordinating Board.

History. Acts 1983, No. 16, § 1; A.S.A. 1947, § 80-4911n.

Publisher's Notes. The Polk County community college established pursuant to this subchapter is named “Rich Mountain Community College.”

6-61-703. Subchapter cumulative.

The provisions of this subchapter shall be cumulative to the laws of this state governing the creation and operation of community colleges and vocational-technical school programs operated by community colleges.

History. Acts 1983, No. 16, § 4; A.S.A. 1947, § 80-4911n.

6-61-704. Transfer of title to certain land.

Title to the following-described lands in Polk County, State of Arkansas, belonging to the State Board of Workforce Education and Career Opportunities and used for the operation of the Rich Mountain Vocational-Technical School, is transferred to and shall become the property of the board of trustees of the community college district established in Polk County, to be used in connection with the vocational-technical programs and educational programs of such community college: “The Northwest Quarter of the Southeast Quarter (NW ¼ of SE ¼) of Section Eight (8), Township Two (2) South, of Range Thirty (30) West, containing forty (40) acres, more or less, in Polk County, Arkansas, subject to the reservation of a twenty-five foot (25’) strip of land off of the north side of the tract, for roadway purposes.”

History. Acts 1983, No. 16, § 2; A.S.A. 1947, § 80-4911n.

Publisher's Notes. Acts 1983, No. 16, § 2, provided, in part, that, following the election approving the establishment of a Polk County community college district and a tax assessment for the construction and operation of such a community college, the Director of the Department of Higher Education would certify to certain officials that a community college district had been established and that the board of the district had been selected and organized to assume the control and management of the district. The transfer by warranty deed of the property described in this section was to occur within ten (10) days after receipt of the certification although failure to furnish the deed would not nullify the transfer of the property.

Additionally, § 2 provided for the transfer of all buildings, fixtures, improvements, and personal property of, and funds appropriated for, the Rich Mountain Vocational-Technical School and the Mena Branch off-campus program of Henderson State University to the Polk County community college. The section further provided that any leases, rental agreements, or other contractual obligations of Henderson State University in connection with the Mena Branch off-campus

program would be assumed by the Polk County community college district for the remainder of the unexpired portions of the leases or contracts.

6-61-705. Operation as a comprehensive institution.

The community college in Polk County shall be operated as a comprehensive institution providing community college and vocational-technical instruction and programs in the same manner as provided by law as other community colleges of this state under the jurisdiction of the State Community College Board.

History. Acts 1983, No. 16, § 3; A.S.A. 1947, § 80-4911n.

6-61-706. Employees.

(a) (1) If the presidents and the boards of trustees of the community college in Polk County and Henderson State University determine that it would be in the best interest of the educational programs of the community college that employees of Henderson State University assigned to the Mena Off-Campus Branch of the university continue to provide educational services until the community college can employ sufficient staff to take over the operation of the educational program of the community college, the boards of trustees may enter into necessary contracts and agreements to provide for the orderly transition of the taking-over of the educational programs of the community college by its board of trustees.

(2) The contracts and agreements may also include the necessary financial agreements for payments to be made by the community college to Henderson State University for services rendered to the community college during the transition period.

(3) The agreements may include the employment by the community college in Polk County of staff persons of Henderson State University engaged in teaching and instructional duties at the Mena Off-Campus Branch of Henderson State University at the time of the implementation of the operation of the community college or may include agreements for the community college to contract with Henderson State University for the providing of the educational and training services of such instructors under such financial agreements as may be mutually agreed to by the respective institutions.

(b) (1) Employees of Henderson State University whose services are contracted to the community college in Polk County for teaching duties during the transition period shall continue to participate in the retirement systems, as authorized by law, for Henderson State University during the period of the contract services, but in the event any such employee terminates service with Henderson State University and is employed by the community college district, the employee shall be eligible to become a member of, and participate in, a retirement plan, as authorized by law, for the community college district.

(2) Other employees of the vocational-technical program of the community college established in Polk County who were not employees of the Rich Mountain Vocational-Technical School at the time of the transfer of the school to the community college shall be eligible to participate in such retirement plans as are operated by the community college, as authorized by law.

History. Acts 1983, No. 16, §§ 2, 3; A.S.A. 1947, § 80-4911n.

Publisher's Notes. Acts 1983, No. 16, § 3, provided in part that the employees of the Rich Mountain Vocational-Technical School employed at the time of the transfer of the school to the Polk County community college could continue to participate in the retirement plans they were

participating in during their employment by the Division of Vocational and Technical Education of the Department of Education; however, within one year after the transfer, they could make application for and receive retirement coverage under some other retirement plan operated by the community college district.

6-61-707. [Repealed.]

Publisher's Notes. This section, concerning a housing allowance for the Rich Mountain Community College president, was repealed by Acts 1995, No. 70, § 4. The section was derived from Acts 1989 (1st Ex. Sess.), No. 281, § 5. For present law, see § 6-61-525.

6-61-708. Building trades construction program.

Rich Mountain Community College is hereby authorized to participate in a building trades construction program as may be authorized, and under the same restriction provided, by laws for the area vocational and technical schools. Funding for such programs shall be only from revenues received by Rich Mountain Community College that are not required by law to be deposited in the State Treasury.

History. Acts 1989 (1st Ex. Sess.), No. 281, § 6.

A.C.R.C. Notes. Former § 6-61-708, concerning building trades construction program, is deemed to be superseded by this section. The former section was derived from Acts 1987, No. 746, § 6. References to “this chapter” in subchapters 1-6, 8, and 9 and references to “this chapter” and “this subchapter” in §§ 6-61-701 — 6-61-706 may not apply to this section which was enacted subsequently.

Subchapter 8
— Arkansas Research Development Act

6-61-801. Title.

6-61-802. Intent.

6-61-803. Arkansas Research Development Program created — Administration.

6-61-804 — 6-61-806. [Repealed.]

6-61-807. Funds — Uses.

6-61-808. Applications for funds.

6-61-809. [Repealed.]

6-61-801. Title.

This subchapter may be cited as the “Arkansas Research Development Act”.

History. Acts 1985, No. 583, § 1; A.S.A. 1947, § 80-4928.

6-61-802. Intent.

It is the intent of this subchapter to provide a source of funding to established research groups in publicly supported universities in this state in order to secure long-term benefits for such groups so that they may become recognized as leaders in their fields of endeavor and thereby attract outstanding scientists to this state as well as industries which rely upon scientific support.

History. Acts 1985, No. 583, § 2; A.S.A. 1947, § 80-4929.

6-61-803. Arkansas Research Development Program created — Administration.

There is created a program to be known as the Arkansas Research Development Program which shall be administered by the Director of the Department of Higher Education.

History. Acts 1985, No. 583, § 3; A.S.A. 1947, § 80-4930; Acts 1991, No. 343, § 4.

6-61-804 — 6-61-806. [Repealed.]

Publisher's Notes. Acts 1991, No. 343, § 4, provided:

"The Board of Advisors for the Development of Research in Higher Education created under Arkansas Code § 6-61-804 is abolished."

These sections, concerning the Board of Advisors, were repealed by Acts 1991, No. 343, § 4.

They were derived from the following sources:

6-61-804. Acts 1985, No. 583, §§ 3, 4; A.S.A. 1947, §§ 80-4930, 80-4931.

6-61-805. Acts 1985, No. 583, § 3; A.S.A. 1947, § 80-4930.

6-61-806. Acts 1985, No. 583, § 4; A.S.A. 1947, § 80-4931.

6-61-807. Funds — Uses.

Funds may be made available for administration of the Arkansas Research Development Program, for purchasing state-of-the-art equipment, for minor renovation of laboratory space, for publication of findings, for employing scientists or research assistants, and for providing any other assistance to scientists in order to develop a continuing research capacity in this state which is recognized by other scientists as exemplary.

History. Acts 1985, No. 583, § 2; A.S.A. 1947, § 80-4929.

6-61-808. Applications for funds.

(a) Application for the funds provided for the Arkansas Research Development Program may be made by any publicly supported university in the State of Arkansas.

(b) (1) The Director of the Department of Higher Education shall review the applications and shall approve applications in the amount he or she determines appropriate, after seeking the advice of the Legislative Council.

(2) The director shall prepare a voucher in the name of the successful applicant in the amount approved by the director.

(c) In determining the successful applicant, the director shall ensure that the funds will be used to:

(1) Assist the state in its competition with other states and communities in attracting technology-based industry or in strengthening such industries currently in the state;

(2) Develop a continuous research and development program such that high quality research capability is available to high-technology industries; and

(3) Assist established and relatively successful research programs to gain national or regional recognition.

History. Acts 1985, No. 583, § 4; A.S.A. 1947, § 80-4931; Acts 1991, No. 343, § 4.

6-61-809. [Repealed.]

Publisher's Notes. This section, concerning disbursement of funds, was repealed by Acts 1991,

No. 343, § 4. The section was derived from Acts 1985, No. 583, § 4; A.S.A. 1947, § 80-4931.

Subchapter 9 **— Office of Accountability**

6-61-901. Purpose.

6-61-902. Office of Accountability within the Department of Higher Education.

6-61-903 — 6-61-905. [Repealed.]

A.C.R.C. Notes. Acts 1991, No. 856, § 6, provided:

“Establishment of the Office of Accountability and implementation of the provisions of this legislation which directly affect the operation of the Arkansas Department of Higher Education shall be contingent on the appropriation and funding of the staff and operating budget necessary to allow the Department of Higher Education to carry out the duties assigned to the Department in this act. If no specific appropriation and funding to establish the Office of Accountability is enacted during the 78th Regular Session of the General Assembly, it shall be inoperative until such specific appropriation and funding is enacted.”

The contingency of Acts 1991, No. 856, § 6 is deemed to have been met by appropriations contained in Acts 1991, No. 1120, § 9.

Effective Dates. Acts 1997, No. 112, § 40: Feb. 7, 1997. Emergency clause provided: “It is hereby found and determined by the General Assembly that Act 10 of the First Extraordinary Session of 1995 abolished the Joint Interim Committee on Education and in its place established the House Interim Committee and Senate Interim Committee on Education; that various sections of the Arkansas Code refer to the Joint Interim Committee on Education and should be corrected to refer to the House and Senate Interim Committees on Education; that this act so provides; and that this act should go into effect immediately in order to make the laws compatible as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

6-61-901. Purpose.

In order to enhance the public's access to performance indicators and to better measure the dividends paid on the increasing public investment in Arkansas' institutions of higher education, the General Assembly finds that a separate office of accountability should be established within the Department of Higher Education.

History. Acts 1991, No. 856, § 1; 1997, No. 112, § 18; 1999, No. 479, § 2.

Amendments. The 1999 amendment deleted the former second and third sentences.

6-61-902. Office of Accountability within the Department of Higher Education.

- (a) There is created the Office of Accountability within the Department of Higher Education.
- (b) The office is authorized and directed to collect and analyze information that may be required to meet any state or federal requirement.
- (c) Under the direction of the Director of the Department of Higher Education, the staff of the office shall work cooperatively with and provide any necessary assistance to the House Interim Committee on Education and the Senate Interim Committee on Education.

History. Acts 1991, No. 856, § 2; 1999, No. 479, § 3.

Amendments. The 1999 amendment rewrote (b); and added (c).

6-61-903 — 6-61-905. [Repealed.]

Publisher's Notes. Former §§ 6-61-903 — 6-61-905, concerning duties, reports, cooperation with legislative committees, and the advisory committee, were repealed by Acts 1999, No. 479, §§ 4-6. They were derived from the following sources:

6-61-903. Acts 1991, No. 856, § 3.

6-61-904. Acts 1991, No. 856, § 4.

6-61-905. Acts 1991, No. 856, § 5.

Subchapter 10

— Technical College and Community College Capital Improvement Act

6-61-1001. Title.

6-61-1002. Definitions.

6-61-1003. Issuance of bonds.

6-61-1004. Authorization of bond issue — Terms of authorizing resolution.

6-61-1005. Additional terms of authorizing resolution.

6-61-1006. Signature on bonds.

6-61-1007. Interest on bonds.

6-61-1008. Sale of bonds.

6-61-1009. Liability.

6-61-1010. Authority of Arkansas Higher Education Coordinating Board.

6-61-1011. Authority of board of trustees — Issuance of bonds.

6-61-1012. Authority of board of trustees — Financing a project.

6-61-1013. Authority of board of trustees — Refunding bonds.

6-61-1014. Authority of board of trustees — Use of available funds.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-9 may not apply to this subchapter which was enacted subsequently.

Effective Dates. Acts 1993, No. 374, § 19: Mar. 5, 1993. Emergency clause provided: “It is hereby found and determined by the Seventy-Ninth General Assembly that technical colleges and community colleges are necessary components of higher education in Arkansas in order for quality educational programs to be available in all areas of the state and to all people; that the technical and community colleges must achieve accreditation from the North Central Association — Commission on Institutions of Higher Education by 1997 or they will be abolished by the State Board of Higher Education; that in order to achieve accreditation, new sources for funding capital outlay expenses for technical colleges, as well as an improvement in the method whereby community colleges can issue bonds, must be found at once; that it is necessary for this act to become effective immediately so that Arkansas technical and community colleges can be fully accredited before the 1997 deadline. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval.”

6-61-1001. Title.

This subchapter shall be known as and may be cited as the “Technical College and Community College Capital Improvement Act of 1993”.

History. Acts 1993, No. 374, § 1.

6-61-1002. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) “Board of trustees” means the local board of trustees of a technical or a community college that is a member of the Arkansas Technical and Community College System under the coordination of the Arkansas Higher Education Coordinating Board;

(2) “Bonds” means any evidences of indebtedness issued by a board of trustees pursuant to this subchapter;

(3) “Capital improvements” means the construction, repair, or renovation of buildings, including, without limitation, laboratories, libraries, portable classrooms, special events centers, training facilities, student housing, parking facilities, theaters, meeting halls, dining facilities, and administrative offices; the purchase of existing buildings or structures; the renovation or demolition of existing structures; the purchase of sites for the construction of capital improvements; the purchase of equipment, apparatus, or library materials for any facilities used by the technical college or the community college; any improvement that may be the subject of a capital outlay expense as defined in § 6-53-103(2); or any other improvements that a board of trustees deems reasonable and necessary for the development of the technical college or the community college;

(4) “Community college” means a two-year institution of higher education established pursuant to §§ 6-61-101 — 6-61-103, 6-61-201 — 6-61-209, 6-61-211 [repealed], 6-61-212 — 6-61-216, 6-61-301 — 6-61-305, 6-61-306 [repealed], 6-61-401, 6-61-402, 6-61-501 — 6-61-524, 6-61-601 — 6-61-603, and 6-61-604 — 6-61-612 [repealed] and the Two-Year Postsecondary Education Reorganization Act, § 6-53-101 et seq., and a member of the Arkansas Technical and Community College System under the coordination of the Arkansas Higher Education Coordinating Board.

(5) “Costs of issuance” means all costs associated with the issuance of bonds, including, without limitation, printing, publication, and notice expenses; the fees and expenses of trustees and paying agents; and the fees and expenses of financial advisors, underwriters, attorneys, consultants, and other professionals engaged to assist a board of trustees in issuing bonds;

(6) “Debt service” means the payment of principal, interest, redemption premiums, if any, the fees of trustees and paying agents, and servicing fees relating to the bonds;

(7) “Project” means the development, construction, or acquisition of any capital improvement authorized by this subchapter;

(8) “Project costs” means all or any part of the costs of developing any project hereunder, and all or any part of costs incidental thereto, including, without limitation, planning, design, and engineering fees and expenses, payment of capitalized interest, and the funding of appropriate reserves;

(9) “State” means the State of Arkansas;

(10) “State board” means the Arkansas Higher Education Coordinating Board;

(11) “Technical college” means a two-year institution of higher education established pursuant to the Two-Year Postsecondary Education Reorganization Act of 1991, § 6-53-101 et seq., or § 6-54-101 et seq., and a member of the Arkansas Technical

and Community College System under the coordination of the Arkansas Higher Education Coordinating Board.

History. Acts 1993, No. 374, § 2.

6-61-1003. Issuance of bonds.

The board of trustees is authorized and empowered to issue its bonds with a specific pledge for the payment of debt service and costs of issuance thereof from all or any part of the following:

- (1) The gross tolls, fees, rents, and other charges to be derived as income from the project;
- (2) Any surplus not pledged of the gross tolls, fees, rents, and other charges to be derived from other projects financed in whole or in part by bonds issued by the board;
- (3) All or any part of revenues derived from any auxiliary enterprise authorized by law;
- (4) Tuition and fees collected from students;
- (5) All or any part of the proceeds of any tax or special millage now or hereafter approved by the General Assembly for the accomplishment of the purposes of this subchapter;
- (6) All or any part of the revenues described in § 6-53-207(d) and (e) and § 6-61-603(b); and
- (7) (A) Any funds received from the United States, or any department or agency thereof, pursuant to any act of the United States Congress, providing for grants or payments to educational institutions in connection with, or in any way pertaining to, the financing of acquiring lands and constructing and equipping buildings and improvements thereon.

(B) In regard to the funds referred to in subdivision (7)(A) of this section, the board of trustees is authorized to take such action, comply with such terms and conditions, and execute such agreements as may be necessary to apply for, receive, pledge, or use such funds for the purposes specified in this subchapter or any other lawful purpose.

History. Acts 1993, No. 374, § 5.

6-61-1004. Authorization of bond issue — Terms of authorizing resolution.

(a) The bonds shall be authorized by resolution of the board of trustees of the technical college or the community college.

(b) The authorizing resolution may contain terms, covenants, and conditions that are deemed desirable by the board of trustees, including, without limitation, provisions:

- (1) Authorizing the issuance of bonds in series from time to time;
- (2) Pertaining to the custody and application of bond proceeds;
- (3) Pertaining to the maintenance of various funds and reserves;
- (4) Pertaining to the collection, depositing, securing, and disbursing of tax proceeds and other revenues;
- (5) Pertaining to the nature and extent of the security; and
- (6) Pertaining to the rights, duties, and obligations of the board and the holders and registered owners of the bonds.

History. Acts 1993, No. 374, § 7.

6-61-1005. Additional terms of authorizing resolution.

(a) The authorizing resolution may provide for the execution by the board of trustees of the technical college or the community college with a bank or trust company within or without the State of Arkansas of a trust indenture.

(b) The trust indenture may contain terms, covenants, and conditions that are deemed desirable by the board of trustees, including, without limitation, provisions:

(1) Authorizing the issuance of bonds in series from time to time;

(2) Pertaining to the custody and application of bond proceeds;

(3) Pertaining to the maintenance of various funds and reserves;

(4) Pertaining to the collection, depositing, securing, and disbursing of tax proceeds and other revenues;

(5) Pertaining to the nature and extent of the security; and

(6) Pertaining to the rights, duties, and obligations of the local board, the trustees, and the holders and registered owners of the bonds.

History. Acts 1993, No. 374, § 9; 1995, No. 1296, § 34.

6-61-1006. Signature on bonds.

Bonds shall be executed by the manual or facsimile signature of the chair and secretary of the board of trustees of a technical college or a community college. In case any of the officers whose signatures appear on the bonds shall cease to be an officer before the delivery date of the bonds, his or her signature shall nevertheless be valid and sufficient for all purposes.

History. Acts 1993, No. 374, § 10.

6-61-1007. Interest on bonds.

The bonds shall be registrable as to principal and interest, and the bonds may be in such form and denominations, may have such date or dates, may mature at such time or times not exceeding thirty (30) years from their date of issuance, may bear interest payable on such dates and at such rate or rates not exceeding the maximum rate allowed by law, may be payable at such place or places within or without the State of Arkansas, may be subject to such terms of redemption in advance of maturity at such prices, including such premiums, and may contain such terms and provisions, all as the board of trustees of the technical college or the community college shall specify in the authorizing resolution or in the trust indenture authorized by § 6-61-1005.

History. Acts 1993, No. 374, § 8.

6-61-1008. Sale of bonds.

(a) Bonds issued pursuant to this subchapter may be sold by negotiation or at public sale, as shall be determined by the board of trustees.

(b) If the bonds are sold by negotiation, the board of trustees is authorized to enter a bond purchase agreement upon such terms regarding discount and underwriting fees and at such interest rates as the board shall determine in the exercise of its reasonable discretion.

(c) If the bonds are sold at public sale, notice of such public sale shall be published in a newspaper of general circulation throughout the state at least twenty (20) days prior to the

date of sale, and the sale of the bonds shall be awarded to the bidder whose bid results in the lowest net interest cost, taking into account any premium or discount contained in such bid.

History. Acts 1993, No. 374, § 11.

6-61-1009. Liability.

(a) The bonds shall be revenue bonds secured solely by the revenues pledged thereto, and in no event shall they be considered a debt for which the faith and credit of the State of Arkansas or any of its revenues are pledged.

(b) No member of any board shall be personally liable for the notes or bonds or for any damages sustained by anyone in connection with contracts for loans or the construction of the buildings, unless it shall be made to appear that he or she has acted with a corrupt intent.

History. Acts 1993, No. 374, § 12.

6-61-1010. Authority of Arkansas Higher Education Coordinating Board.

(a) The board of trustees shall not issue any bonds under the provisions of this subchapter unless, prior to the issuance of such notes or bonds, the board shall have obtained the advice of the Arkansas Higher Education Coordinating Board as to the economic feasibility of the particular project to be financed, in whole or in part, by those bonds.

(b) The board of trustees shall submit to the Arkansas Higher Education Coordinating Board information pertaining to the proposed project and other information deemed pertinent to, and requested by, the Arkansas Higher Education Coordinating Board.

(c) The Arkansas Higher Education Coordinating Board shall notify the board of trustees within thirty (30) days from the date the information is submitted to the state board of its advice with respect to the economic feasibility of the particular project.

(d) The advice of the Arkansas Higher Education Coordinating Board under this section shall not be binding on the board of trustees.

(e) The authority conferred upon the Arkansas Higher Education Coordinating Board by this section shall not extend to the feasibility of the bonds proposed to be issued by the board of trustees or to any of the terms, conditions, and provisions thereof, and this section shall not be construed to impair in any way the validity of any bonds issued by the board of trustees under this subchapter or to impair or affect in any way the obligations of the board of trustees or the rights of any holder or registered owner of the bonds.

History. Acts 1993, No. 374, § 6.

6-61-1011. Authority of board of trustees — Issuance of bonds.

(a) For the purpose of and in connection with the issuance of bonds, the board of trustees may execute such documents and enter into such agreements as it may deem necessary or proper in connection therewith.

(b) (1) Any agreement entered into by the board of trustees shall be binding in all respects upon the board of trustees and their successors from time to time in accordance with the terms and all of the provisions of the agreement.

(2) The terms and provisions shall be enforceable by appropriate proceedings at

law or in equity, or otherwise, provided no mortgage or other lien shall be executed on any of the lands or buildings belonging to the State of Arkansas.

History. Acts 1993, No. 374, § 13.

6-61-1012. Authority of board of trustees — Financing a project.

The board of trustees is authorized and empowered to enter into the necessary contracts for the borrowing of all or any part of the funds that the board may determine will be required in connection with the financing of a project.

History. Acts 1993, No. 374, § 3.

6-61-1013. Authority of board of trustees — Refunding bonds.

(a) The board of trustees has the power to and is authorized to refinance, in whole or in part, from time to time, its valid outstanding obligations issued under this subchapter and any amendments hereto.

(b) (1) To that end, the board of trustees may issue refunding bonds.

(2) This power may be exercised successively, and any obligations which have once been refunded may thereafter from time to time be refunded.

(3) Refunding bonds shall be issued in the same manner as provided in this subchapter for original obligations.

History. Acts 1993, No. 374, § 14.

6-61-1014. Authority of board of trustees — Use of available funds.

The board of trustees is authorized to utilize any funds available to finance temporarily all or any part of the project and to make reimbursement of the funds from the proceeds of the sale of any bonds issued to finance a project permanently.

History. Acts 1993, No. 374, § 4.

Subchapter 11 — University of Arkansas at Fort Smith

6-61-1101 — 6-61-1103. [Repealed.]

6-61-1104. [Repealed.]

6-61-1105. Model programs.

6-61-1106. Employment models.

6-61-1107. [Repealed.]

6-61-1108. Sports programs.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-9 may not apply to this subchapter which was enacted subsequently.

Effective Dates. Acts 1997, No. 740, § 15: July 1, 1997. Emergency clause provided: “It is hereby found and determined by the Eighty-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1997 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental programs.

Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from

and after July 1, 1997.”

Acts 2003, No. 1473, § 74: July 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act includes technical corrects to Act 923 of 2003 which establishes the classification and compensation levels of state employees covered by the provisions of the Uniform Classification and Compensation Act; that Act 923 of 2003 will become effective on July 1, 2003; and that to avoid confusion this act must also effective on July 1, 2003. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003.”

6-61-1101 — 6-61-1103. [Repealed.]

Publisher's Notes. This section, concerning Westark Community College's special status, was repealed by Acts 2003, No. 1473, § 8. The section was derived from Acts 1997, No. 971, § 1.

6-61-1104. [Repealed.]

Publisher's Notes. This section, concerning Westark Community College's baccalaureate degree programs, was repealed by Acts 2003, No. 1473, § 11. The section was derived from Acts 1997, No. 740, § 7; 1997, No. 971, § 3; 1999, No. 459, § 7.

6-61-1105. Model programs.

(a) The University of Arkansas at Fort Smith shall seek a systemic change in the current higher education model by realigning its programs to a model that meets the needs of an information-driven and technology-driven era.

(b) (1) Each educational program offered by the University of Arkansas at Fort Smith, whether certificate, associate, or bachelor's degree, will have clearly defined expectations of learners in terms of knowledge, skills, competencies, and capacities for further learning.

(2) Certification of mastery, competency, and demonstrated capacities for individual graduates to customer standards will be required, as opposed to outcomes measured solely by the number of courses taken, seat time, and grade point average.

(3) Students will be actively involved in the learning process, with curricula designed around fewer lectures and with more responsibility placed on the learner and groups of learners.

History. Acts 1997, No. 971, § 4.

6-61-1106. Employment models.

In order to accommodate the development and delivery of curricula, the University of Arkansas at Fort Smith is hereby authorized to experiment with and to utilize employment models other than tenure such as the employment of new faculty on a twelve-month, forty-hour-week basis, with rewards for administrative staff and faculty based upon results.

History. Acts 1997, No. 740, § 8; 1997, No. 971, § 5.

A.C.R.C. Notes. Acts 2001, No. 282, § 8, provided:

“EMPLOYMENT MODELS. Westark is hereby authorized to experiment with and utilize employment models other than tenure to accommodate the development and delivery of

curriculum, such as the employment of new faculty on a twelve-month, forty-hour week basis, with rewards for administrative staff and faculty based upon results. The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.”

Acts 2003, No. 1616, § 6 provided:

“EMPLOYMENT MODELS. The University of Arkansas at Fort Smith is hereby authorized to experiment with and utilize employment models other than tenure to accommodate the development and delivery of curriculum, such as the employment of new faculty on a twelve-month, forty-hour week basis, with rewards for administrative staff and faculty based upon results. The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005.”

Acts 2005, No. 2302, § 6, provided:

“EMPLOYMENT MODELS. The University of Arkansas at Fort Smith is hereby authorized to experiment with and utilize employment models other than tenure to accommodate the development and delivery of curriculum, such as the employment of new faculty on a twelve-month, forty-hour week basis, with rewards for administrative staff and faculty based upon results.”

“The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.”

6-61-1107. [Repealed.]

Publisher's Notes. This section, concerning Westark Community College's administration, was repealed by Acts 2003, No. 1473, § 12. The section was derived from Acts 1997, No. 740, § 9; 1997, No. 971, § 6; 1999, No. 459, § 9.

6-61-1108. Sports programs.

(a) The University of Arkansas at Fort Smith's participation in intercollegiate athletic programs shall continue to be limited to basketball, volleyball, and spring sports, except as provided in subsection (b) of this section.

(b) The university may participate in an intercollegiate football program provided that state funds, either directly or indirectly, or funds derived from property taxes or student fees are not expended to support the program.

History. Acts 1997, No. 971, § 7; 2001, No. 1649, § 2.

Amendments. The 2001 amendment redesignated former section as present (a), added “except... subsection” to the end, and made related changes; and added (b).

Subchapter 12

— Southwest Arkansas Higher Education Consortium

6-61-1201. Creation — Duties — Funding.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-9 may not apply to this subchapter which was enacted subsequently.

Effective Dates. Acts 1997, No. 845, § 8: July 1, 1997. Emergency clause provided: “It is hereby found and determined by the Eighty-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1997 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997.”

6-61-1201. Creation — Duties — Funding.

(a) There is created the Southwest Arkansas Higher Education Consortium, composed of Cossatot Community College of the University of Arkansas, National Park Community College, Henderson State University, Ouachita Technical College, Pulaski Technical College, Rich Mountain Community College, Southern Arkansas University, SAU-Tech, and South Arkansas Community College, to establish and utilize high bandwidth connectivity within the consortium.

(b) The consortium will provide a mixture of full-motion interactive video, compressed video, and ISDN video and data to member institutions.

(c) Funding will be allocated through the Henderson State University Fund and distributed by an executive council composed of one (1) representative per institution in the consortium.

History. Acts 1997, No. 845, § 2.

A.C.R.C. Notes. References to “this chapter” in §§ 6-61-101 to 6-61-1014 may not apply to this section which was enacted subsequently.

Subchapter 13

— Productivity Enhancement for Undergraduate Higher Education Act

6-61-1301. Title.

6-61-1302. Findings.

6-61-1303. Definitions.

6-61-1304. Creation — Purpose.

6-61-1305. Base funding not impacted.

6-61-1306. Retention rate improvement incentives for two-year colleges.

6-61-1307. Associate degree graduation rate improvement incentives for two-year colleges.

6-61-1308. Technical certificate completion rate improvement incentives for two-year colleges.

6-61-1309. Retention rate improvement incentives for universities.

6-61-1310. Graduation rate improvement incentives for universities.

6-61-1311. Duties of the Arkansas Higher Education Coordinating Board.

6-61-1312. Implementation Date.

6-61-1301. Title.

This subchapter shall be known and may be cited as the “Productivity Enhancement for Undergraduate Higher Education Act”.

History. Acts 2007, No. 1592, § 1.

6-61-1302. Findings.

The General Assembly finds that:

(1) Higher education productivity is a state, national, and international issue that impacts the ability of Arkansans to compete on the state, national, and global levels;

(2) Public institutions of higher education have a heightened duty for the efficient use and accountability for the expenditure of tax dollars;

(3) Incentive funding is often successful to encourage public institutions to improve efficiency, accountability, and outcomes;

(4) As applied to public institutions of higher education, incentive funding that encourages public institutions of higher education to maximize the efficiency of tax dollars and tuition receipts to improve outcomes for the students and the institution should improve the productivity of the public institutions; and

(5) A statewide coordinated plan that uses incentive funding to improve retention and graduation rates at public institutions of higher education is necessary to enhance productivity and empower Arkansans to compete in the global economy.

History. Acts 2007, No. 1592, § 1.

6-61-1303. Definitions.

As used in this subchapter:

(1) "Certificate-seeking student" means a student who is:

(A) Enrolled in courses for credit; and

(B) Recognized by the institution as seeking a formal award in a vocational program or an occupational program;

(2) "Completion rate for technical certificates" means the ratio of the number of first-time, full-time students who complete a technical certificate program in no more than five (5) consecutive semesters at the institution compared to the total number of first-time, full-time students who were enrolled at the institution in a technical certificate program five (5) semesters earlier, expressed as a percentage value;

(3) "Degree-seeking student" means a student who is:

(A) Enrolled in courses for credit; and

(B) Recognized by the institution as seeking a degree;

(4) "Full-time student" means an individual who:

(A) Is a student at a public institution of higher education;

(B) Is enrolled in a course of study leading to an associate's or bachelor's degree or completion of a technical certificate; and

(C) Is enrolled in at least twelve (12) semester hours or some other reasonable academic equivalent as defined by the Department of Higher Education;

(5) "Graduation rate for the two-year college" means the ratio of the number of first-time, full-time degree-seeking students who complete an associate degree in no more than three (3) years at the institution compared to the total number of first-time, full-time degree-seeking students who began at the two-year college as first-time, full-time degree-seeking students three (3) years earlier, expressed as a percentage value;

(6) "Graduation rate for the university" means the ratio of the number of first-time, full-time degree-seeking students who complete a baccalaureate degree at the institution in no more than six (6) years compared to the total number of first-time, full-time degree-seeking students who began at the university as first-time, full-time degree-seeking students six (6) years earlier, expressed as a percentage value;

(7) (A) "Institution" means a public institution of higher education.

(B) "Institution" includes universities and two-year colleges;

(8) "Institutional baseline" means the institution's average rate for the previous three (3) years in a category established under this subchapter that is eligible for incentive funding, expressed as a percentage value;

(9) “Retention rate for the two-year college” means the ratio of the number of first-time, full-time degree-seeking or certificate-seeking students who remain at the institution for the following semester compared to the total number of full-time degree-seeking or certificate-seeking students at the institution during the previous semester, expressed as a percentage value; and

(10) “Retention rate for the university” means the ratio of the number of first-time, full-time, degree-seeking students who continue from their freshman year at the institution to their second year at the institution compared to the total number of first-time, full-time, degree-seeking students who began at the institution as freshmen during the previous year, expressed as a percentage value.

History. Acts 2007, No. 1592, § 1.

6-61-1304. Creation — Purpose.

(a) There is created the Productivity Enhancement for Undergraduate Higher Education Program to be administered by the Arkansas Higher Education Coordinating Board.

(b) The purpose of this program is to improve undergraduate education at public institutions of higher education by improving:

(1) The retention rates of first-year to second-year students; and

(2) The graduation rates.

History. Acts 2007, No. 1592, § 1.

6-61-1305. Base funding not impacted.

Nothing in this subchapter shall impact the base funding of an institution.

History. Acts 2007, No. 1592, § 1.

6-61-1306. Retention rate improvement incentives for two-year colleges.

A two-year college is eligible for incentive funding under this section if the retention rate for the two-year college is three percent (3%) more than the institutional baseline.

History. Acts 2007, No. 1592, § 1.

6-61-1307. Associate degree graduation rate improvement incentives for two-year colleges.

A two-year college is eligible for incentive funding under this section if the graduation rate for the two-year college is three percent (3%) or more than the institutional baseline.

History. Acts 2007, No. 1592, § 1.

6-61-1308. Technical certificate completion rate improvement incentives for two-year colleges.

A two-year college is eligible for incentive funding under this section if the completion rate for technical certificates is three percent (3%) or more than the institutional baseline.

History. Acts 2007, No. 1592, § 1.

6-61-1309. Retention rate improvement incentives for universities.

A university is eligible for incentive funding under this section if the retention rate for the university is three percent (3%) more than the institutional baseline.

History. Acts 2007, No. 1592, § 1.

6-61-1310. Graduation rate improvement incentives for universities.

A university is eligible for incentive funding under this section if the graduation rate for the university is three percent (3%) more than the institutional baseline.

History. Acts 2007, No. 1592, § 1.

6-61-1311. Duties of the Arkansas Higher Education Coordinating Board.

The Arkansas Higher Education Coordinating Board shall:

(1) Develop, implement, and administer the program as provided under this subchapter;

(2) Allocate any and all incentive funding that is appropriated for the program to each institution that qualifies in each category under this subchapter;

(3) Promulgate rules for the administration of this subchapter; and

(4) Report on the status of the program, including recommendations for any changes to the program, to the Legislative Council, the House Interim Committee on Education, and the Senate Interim Committee on Education no later than December 1 of each even-numbered year, beginning on December 1, 2008.

History. Acts 2007, No. 1592, § 1.

6-61-1312. Implementation Date.

This program shall be implemented on July 1, 2009.

History. Acts 2007, No. 1592, § 1.

Chapter 62

Property And Finances Of State Institutions

Subchapter 1 — General Provisions

Subchapter 2 — Eminent Domain

Subchapter 3 — Facilities — Construction or Purchase

Subchapter 4 — Facilities — Use

Subchapter 5 — Trust Conveyances

Subchapter 6 — Transfer or Lease of Property

Subchapter 7 — Arkansas College Savings Bond Act

Subchapter 8 — Athletic Programs

Subchapter 9 — Arkansas Tuition Trust Authority

Subchapter 10 — Workers' Compensation Insurance

Subchapter 11 — Higher Education Technology and Facility Improvement

Research References

Am. Jur. 15A Am. Jur. 2d, Colleges & Univ., § 35 et seq.

C.J.S. 14A C.J.S., Colleges & Univ., § 10 et seq.

Subchapter 1

— General Provisions

6-62-101. Sale of water.

- 6-62-102. Military training property and equipment.
- 6-62-103. Endowment of chairs — Attraction of exceptionally qualified academic and nonacademic personnel.
- 6-62-104. [Repealed.]
- 6-62-105. Private borrowing by institutions of higher education.
- 6-62-106. Uniform reporting of athletic expenditures.
- 6-62-107. Reduction of state funds expended on remediation.
- 6-62-108. Housing allowances.

Effective Dates. Acts 1955, No. 176, § 3: Mar. 8, 1955. Emergency clause provided: "It is hereby determined by the General Assembly that the educational institutions of this State that offer military training are in need of immediate passage of law authorizing such agencies to enter into agreements with the Federal Government relative to the use of property and equipment in such military training courses, and that the passage of this act is necessary to grant such authority. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1985, No. 335, § 4: Mar. 12, 1985. Emergency clause provided: "It is hereby found and determined by the Seventy-Fifth General Assembly that private contributors should be encouraged to support Arkansas higher education institutions; that such contributions will enhance the quality of academic and research efforts of said institutions; and that allowances are necessary to attract nationally recognized academic personnel. Therefore, an emergency is hereby declared to exist, and this Act being immediately necessary for the preservation of public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1987, No. 367, § 4: Mar. 23, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that the inability of the State Institutions of Higher Education to borrow from the State Budget Revolving Fund has created serious financial difficulties for many institutions and that alternative means must be found to maintain Arkansas' Institutions of Higher Education in sound fiscal condition. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval."

Acts 1997, No. 112, § 40: Feb. 7, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 10 of the First Extraordinary Session of 1995 abolished the Joint Interim Committee on Education and in its place established the House Interim Committee and Senate Interim Committee on Education; that various sections of the Arkansas Code refer to the Joint Interim Committee on Education and should be corrected to refer to the House and Senate Interim Committees on Education; that this act so provides; and that this act should go into effect immediately in order to make the laws compatible as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1999, No. 998, § 5: Mar. 31, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that private contributors should be encouraged to support Arkansas higher education institutions; that such contributions will enhance the quality of academic and research efforts of said institutions and further will enhance the ability of said institutions to attract and retain exceptionally qualified nonacademic personnel; and that competitive salaries are necessary to attract nationally recognized academic and nonacademic personnel. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by

the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 2007, No. 1229, § 45: July 1, 2007. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2007 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2007 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2007.”

6-62-101. Sale of water.

(a) (1) State-supported institutions of higher education are authorized to perform contracts with private persons, made and entered into prior to June 10, 1965, whereby the institutions have agreed to furnish surplus water to those persons from supplies owned by the institutions.

(2) However, state-supported institutions of higher education shall not make or enter into any new contract or renewal of an existing contract to furnish water to any private person from supplies owned by the institutions.

(3) Any such institution of higher education may cease to furnish water to any private person being furnished surplus waters if the board of the institution shall determine that the water is needed for the purposes of the institution.

(b) The provisions of this section shall not be applicable to the Agricultural Experiment Station or any other research facilities of the University of Arkansas.

(c) Any contract or renewal of a contract made and entered into in violation of the terms of this section shall be void.

History. Acts 1965, No. 388, §§ 1, 2; A.S.A. 1947, §§ 80-3335, 80-3336.

6-62-102. Military training property and equipment.

(a) The governing board of each state educational institution has authority to:

(1) Enter into contracts for the use of property and equipment for military training purposes; and

(2) Enter into any mutually agreeable contract incidental thereto as may be required by federal law or regulations of the Secretary of the Army, Navy, or Air Force, or other federal officer or agency, for the care and safekeeping of such property and equipment, or for similar purposes; and

(3) Make reimbursement for such property and equipment.

(b) The cost of any bonds or security and reimbursements shall be paid from funds available for the operation of the institution or school district. This includes, but is not limited to, the authority to obligate any funds available, whether by appropriation or otherwise, for the purpose of executing bonds to secure the safekeeping and return of United States Government property issued in connection with military training purposes.

History. Acts 1955, No. 176, § 1; A.S.A. 1947, § 80-3317.

Publisher's Notes. Acts 1955, No. 176, § 1, is also codified as § 6-21-103.

6-62-103. Endowment of chairs — Attraction of exceptionally qualified academic and nonacademic personnel.

(a) (1) Private contributors to state-supported colleges and universities frequently designate their gifts for the purpose of endowing academic chairs or attracting personnel with exceptional qualifications.

(2) In order to appropriately compensate these individuals from private funds contributed for such purposes, special provisions for payments exceeding maximum authorized compensation levels are necessary.

(b) The board of trustees of any state-supported college or university in Arkansas may authorize salary or salary-related payments to individuals from funds contributed for such purposes which exceed the maximum for positions established by state law, subject to the limitations established in this section.

(c) In order for the board of trustees of any state-supported college or university to authorize additional payments as established in subsection (b) of this section, the individuals to receive the payments must be:

(1) Selected and recommended by the appropriate department;

(2) Approved by appropriate administrative personnel, the president, and the board of trustees; and

(3) (A) The holders of academic/research chairs endowed wholly or in part by contributions from sources other than public funds;

(B) Exceptionally qualified academic or nonacademic personnel; or

(C) Visiting academic/research faculty members for a specified period

whose service is endowed or supported wholly or in part by contributions from sources other than public funds.

(d) All funds paid to any individual above the maximum established by law as authorized in this section must come from private contributions or from the proceeds from private contributions designated for such purposes.

(e) (1) The provisions of this section are supplemental to the fiduciary authority and powers of boards of trustees of public colleges and universities to expend funds as public trustees for the benefit of the institution to attract and retain exceptionally qualified academic and nonacademic employees.

(2) Nothing in this section shall prohibit or be construed to prohibit boards of trustees of public colleges and universities from authorizing salary or salary-related payments to exceptionally qualified academic or nonacademic personnel in excess of the maximum established by law or from approving or ratifying such payments previously made provided that the amount of any such payment above the maximum established by law and only such amount must come from private contributions or from the proceeds from private contributions designated for such purposes.

History. Acts 1985, No. 335, §§ 1-3; A.S.A. 1947, §§ 80-3394, 80-3394.1, 80-3394.2; Acts 1991, No. 822, § 1; 1999, No. 998, § 1.

Amendments. The 1999 amendment deleted “and recommended by” following “personnel” in (c)(2); in (c)(3), deleted “or” following “funds,” inserted “academic or,” and deleted “paid wholly from contributions from sources other than public funds” following “personnel”; rewrote (e); and made stylistic changes.

6-62-104. [Repealed.]

Publisher's Notes. This section, concerning transfer of appropriation, was repealed by Acts 2007, No. 1229, § 14. The section was derived from Acts 1983, No. 147, § 14, as added by Acts 1985, No. 845, § 2; A.S.A. 1947, § 80-5614.

6-62-105. Private borrowing by institutions of higher education.

(a) Upon approval of the board of trustees of the applicable institution, the Department of Higher Education, and the Chief Fiscal Officer of the State, the various state institutions of higher education in this state may borrow from private financial institutions funds determined by the board of trustees to be necessary to continue the operation of the applicable state institutions of higher education during the periods of time when the Revolving Loan Fund is insufficient, as certified by the Chief Fiscal Officer of the State, for state institutions of higher education to participate in the fund. No state institutions of higher education may have outstanding loans in the aggregate under this section in excess of eighty-five percent (85%) of the total of the actual May and June general revenues distributed during the immediately preceding fiscal year to the state institution.

(b) The principal amount of the loans described in subsection (a) of this section shall be repaid from general revenues distributed to the state institution of higher education during the months of May and June of the fiscal year in which the loans were obtained. All interest and other charges shall be paid from cash funds of the state institution. The Chief Fiscal Officer of the State shall promulgate rules and regulations necessary for the implementation of this section.

History. Acts 1987, No. 367, §§ 1, 2.

Cross References. Revolving Loan Fund, § 19-5-907.

6-62-106. Uniform reporting of athletic expenditures.

(a) The Arkansas Higher Education Coordinating Board, with the assistance of the Division of Legislative Audit, is authorized and directed to establish uniform reporting and auditing to report athletic costs and revenues of each state-supported institution of higher education.

(b) Such reports shall be subject to annual review by the Legislative Joint Auditing Committee and shall be made public by the board.

(c) The uniform report shall include the following definitions:

(1) "Athletic expenditures" means all direct and indirect expenses, prorated if necessary, including salaries, all fringe benefits such as medical and dental insurance, workers' compensation, pension plans, tuition waivers, and any other costs associated with recruitment and retention of staff, travel, equipment, scholarships, meals, housing/dormitory, supplies, property and medical insurance, medical expenses, utilities, and maintenance of facilities related to all intercollegiate teams and spirit groups excluding bands; and

(2) "Income" means all direct income from gate receipts, revenues from related concession sales, advertising and media revenue, gifts from private donors, deposited and expensed by the athletic account, and any fees in addition to regular tuition and fees paid by students as approved for support of the intercollegiate athletic program pursuant to procedures prescribed by the board, and all transfers from other funds or accounts.

(d) The board shall report to the Legislative Council or the Joint Budget Committee the failure of an institution to report athletic costs and revenue utilizing the uniform report required by this section.

(e) All state-supported institutions of higher education shall report athletic costs and revenues utilizing the uniform report developed by the board by October 1 of each year.

(f) The board shall compile the reports and make them available to the Legislative Joint Auditing Committee and the public by November 1 of each year.

History. Acts 1989, No. 245, §§ 1, 2.

A.C.R.C. Notes. Acts 1989, No. 245, § 3, provided:

"The State Board of Higher Education and State Department of Higher Education are directed to consider the issue of athletic expenditures and appropriate levels of state support of athletics and report their findings to the General Assembly prior to the 78th Session commencing January 1991."

6-62-107. Reduction of state funds expended on remediation.

(a) As a condition for receiving state funds, all public two-year and four-year institutions of higher education shall report the following information by October 1 of each year to the Department of Higher Education in a format developed by the department in consultation with the institutions:

(1) The total direct and indirect costs of remediation for the previous academic year; and

(2) All sources of revenue, by amount and source, used to fund direct and indirect costs of all remedial courses and programs.

(b) The department shall develop a system to calculate the total amount of state funds spent on remediation of first-time entering freshmen students.

(c) The amount spent on remediation at public four-year educational institutions shall not exceed the amount spent as of the 1996-1997 school year.

History. Acts 1993, No. 1141, §§ 1-4; 1997, No. 112, § 20; 1999, No. 508, § 5.

Amendments. The 1999 amendment redesignated former (a)(1) as present (a); redesignated former (a)(1)(A) and (a)(1)(B) as present (a)(1) and (a)(2); deleted former (a)(2); rewrote (b) and present (c); deleted former (c) and (d); and made stylistic changes.

6-62-108. Housing allowances.

The board of trustees of each state-funded, four-year university may approve a housing allowance not to exceed one thousand five hundred dollars (\$1,500) per month for the president or the chancellor of the university. The allowance shall be in lieu of any state-owned housing provided for the presidents and the chancellors.

History. Acts 1999, No. 240, § 1; 2007, No. 1041, § 2.

Amendments. The 2007 amendment substituted "one thousand five hundred dollars (\$1,500)" for "eight hundred dollars (\$800)," and made stylistic changes.

Cross References. Housing allowance, § 6-64-110.

Subchapter 2 — Eminent Domain

6-62-201. Grant of power to certain colleges and universities — Condemnation proceedings.

Cross References. Relocation assistance, § 22-9-701 et seq.

Effective Dates. Acts 1961, No. 167, § 5: Mar. 6, 1961. Emergency clause provided: "Whereas the enrollment of students at the University of Arkansas, and other state colleges named herein, has increased within recent months and will probably continue to increase; and whereas the service obligations of the University and such state colleges are in a period of growth and expansion; and whereas the present facilities of said University and such state colleges are not now sufficient to accommodate adequately the resident instruction and other service phases of the activities of the University and such state colleges; and whereas it may be that property located conveniently for the University and other state colleges' public uses may not be available except through condemnation; now, therefore, it is hereby determined that an emergency exists and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 539, § 5: Mar. 17, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the present laws relating to the power of public institutions of higher education to acquire property by eminent domain should be clarified and lack of immediate clarification could result in public institutions of higher education being unable to acquire property necessary for the use and benefit of such institutions. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

6-62-201. Grant of power to certain colleges and universities — Condemnation proceedings.

(a) (1) The right and power of eminent domain is granted to the Board of Trustees of the University of Arkansas and to the respective boards of trustees of Arkansas Tech University and University of Central Arkansas, hereinafter referred to as "state colleges," to condemn property whenever and wherever the acquisition of property is necessary for the use of the institutions.

(2) However, before this right and power are utilized in any individual case, the appropriate board of trustees shall exercise every reasonable effort to obtain the property in question at a reasonable price by negotiation, and the trial court shall so find.

(3) The power of eminent domain granted to the Board of Trustees of the University of Arkansas shall not be applicable to the acquisition of lands for Agricultural Experiment Stations of the University of Arkansas except in the county in which the main campus of the University of Arkansas is located.

(b) All suits for the condemnation of property under the provisions of this section shall be brought in the name of the Board of Trustees of the University of Arkansas or in the name of the respective boards of trustees of the other state colleges designated in subdivision (a)(1) of this section.

(c) (1) Before any suit may be instituted, it shall be necessary for the board of trustees to pass a resolution to the effect that the acquisition of the property sought to be condemned is necessary for the use and benefit of the public institution.

(2) The resolution shall also set forth the purpose for which the lands are to be condemned, the legal description of the lands, and the names of the owners, if known.

(d) (1) The procedure to be followed except as otherwise provided in this section, for the purposes of this section is that prescribed in §§ 18-15-301 — 18-15-307, inclusive, for the exercise of eminent domain by municipal corporations and counties.

(2) It shall be no objection to the exercise of the power of eminent domain that the property to be condemned is a cemetery provided that the purpose for which the cemetery is being taken is for buildings, facilities, grounds, or other purposes necessary for the use and benefit of the public institution.

(e) (1) The board of trustees may request the prosecuting attorney of the district in which the lands sought to be condemned are located to initiate or assist in the legal proceedings instituted under this section.

(2) If so requested, it shall then be the duty of the prosecuting attorney to comply with the request of the board of trustees.

(3) It shall be the duty of the Attorney General, if requested, to represent the board of trustees on appeals taken to the Supreme Court from any such action instituted.

History. Acts 1961, No. 167, §§ 1-4; A.S.A. 1947, §§ 80-3318 — 80-3321; Acts 1997, No. 539, § 1.

Publisher's Notes. Acts 1971, No. 9, § 5, purported to amend Acts 1961, No. 167, § 1, by deleting the reference to "Arkansas Agricultural and Mechanical College" which had been abolished by Acts 1971, No. 9, § 3, but did not set out the amended portion that is required by Arkansas Constitution, Article 5, Section 23. The name of that institution was subsequently changed to the University of Arkansas at Monticello, and it is operated by the Board of Trustees for the University of Arkansas. See § 6-64-302.

Case Notes

Reasonable Effort.

Reasonable Effort.

Evidence sufficient to show trustees made reasonable effort to obtain certain real estate by negotiation. *Kerr v. Raney*, 305 F. Supp. 1152 (W.D. Ark. 1969).

Subchapter 3

— Facilities — Construction or Purchase

6-62-301. Construction of subchapter.

6-62-302. Building construction, purchase, etc., authorized.

6-62-303. Financing authority.

6-62-304. Temporary financing authorized.

6-62-305. Bonds or notes — Authorization to issue — Pledge of revenues, funds, etc.

6-62-306. Bonds or notes — Issuance on advice of Arkansas Higher Education Coordinating Board.

6-62-307. Bonds or notes — Execution.

6-62-308. Bonds or notes — Terms and conditions.

6-62-309. Bonds or notes — Liability.

6-62-310. Bonds or notes — Related agreements authorized.

6-62-311. Rents, tolls, fees, etc. — Rules and regulations authorized.

6-62-312. Valid outstanding obligations — Refinancing or refunding — Cancellation.

6-62-313. State agency for participation in federal grant programs.

Cross References. Contractors' bonds, § 18-44-501 et seq.; § 22-9-401 et seq.

Preambles. Acts 1964 (Ex. Sess.), No. 16 contained a preamble which read:

"Whereas, the Governor of the State of Arkansas pursuant to the applicable provision of the Higher Education Facilities Act of 1963 of the Congress of the United States of America has heretofore designated the Commission on Coordination of Higher Educational Finance as the State Agency of the State of Arkansas for the purpose of participating in the grant program under Title I of said Federal Act; and

"Whereas, the purpose of this Act is to confirm said designation and to confer additional authority and powers upon the Commission on Coordination of Higher Educational Finance as may be necessary or desirable in connection therewith;

"Now, therefore...."

Effective Dates. Acts 1947, No. 62, § 9: approved Feb. 14, 1947. Emergency clause provided: "It is found and declared that there is an acute shortage of housing and other facilities in the schools referred to in section 1 of this act by reason of the great increase in their student bodies; that only the provisions of this act will expedite the construction of the buildings referred to herein and relieve the shortage; that for these reasons it is necessary for the preservation of the public peace, health and safety that this act shall become effective without delay. It is, therefore, declared that an emergency exists and that this act shall take effect and be in full force from and after its passage."

Acts 1949, No. 320, § 4: approved Mar. 19, 1949. Emergency clause provided: "It has been found and it is hereby determined by the General Assembly that there is an acute shortage of housing and other facilities in the schools referred to in Section 1 of this Act by reason of the great increase in their student bodies; that only by this Act can the said shortage of housing and other facilities in the schools be promptly remedied and for that reason it should take effect without delay; and for said reason it is hereby declared necessary for the preservation of the public peace, health and safety that this Act should become effective without delay. An emergency, therefore, is declared to exist and this Act shall take effect and be in force from and after its passage."

Acts 1951, No. 313, § 5: approved Mar. 19, 1951. Emergency clause provided: "It has been found and it is hereby determined by the General Assembly that there is an acute shortage of housing and other facilities in the schools referred to in Section 1 of this Act by reason of the great increase in their student bodies; that only by this Act can the said shortage of housing and other facilities in the schools be promptly remedied and for that reason this Act should take effect without delay; and for said reason it is hereby declared necessary for the preservation of the public peace, health and safety that this Act should become effective without delay. An emergency, therefore, is declared to exist and this Act shall take effect and be in force from and after its passage."

Acts 1957, No. 10, § 3: approved Feb. 1, 1957. Emergency clause provided: "It is hereby determined by the General Assembly that there is an acute shortage of housing and other facilities at the state educational institutions of higher learning by reason of increasing enrollments; that the General Assembly has previously provided by law for the issuance of revenue obligations in the best judgment of the respective Boards of Trustees of these institutions but limited the issuance and refunding of such obligations to bear a maximum of four per centum (4%) interest; that the present condition of available credit is such that said authority is rendered useless since credit is not available at such a low rate of interest, whereupon it is determined to raise such maximum rate to five per centum (5%); that only by this Act can the shortage of housing and other facilities be remedied promptly; for that reason this Act should take effect without delay; and for said reason it is hereby declared necessary for the preservation of the public peace, health, and safety that this Act should become effective without delay. An emergency, therefore, is declared to exist and this Act shall take effect and be in force from and after its passage."

Acts 1959, No. 242, § 3: approved Mar. 25, 1959. Emergency clause provided: "It has been found and it is hereby declared that there is an acute shortage of housing and other facilities in the schools and colleges covered by this Act by reason of the great increase in their student bodies; that this Act is necessary to remedy said shortage of housing and other facilities; and for that reason it is hereby declared necessary for the preservation of the public peace, health and safety that this Act shall become effective without delay. An emergency, therefore, is declared to exist

and this Act shall take effect and be in force from and after its passing.”

Acts 1963, No. 59, § 2: Feb. 15, 1963. Emergency clause provided: “It has been found and it is hereby declared by the General Assembly that there is an acute shortage of parking facilities at the State institutions for higher education by reason of the great increase in the student bodies and the great increase in the use of automobiles by the students and faculty of said institutions; that said shortage of parking facilities adversely affects the proper operation of said institutions and should be remedied at the earliest possible time; and that only by the immediate operation of this act may such condition be alleviated. Therefore, an emergency is hereby declared to exist, and this act being necessary for the preservation of the public peace, health and safety shall take effect and be in full force from and after its passage and approval.”

Acts 1964 (Ex. Sess.), No. 16, § 5: Mar. 27, 1965. Emergency clause provided: “That it is hereby found and declared that academic facilities must be made available at institutions of higher education in this State in order to accommodate to the fullest extent possible, the youth who aspire to a higher education and that the things authorized and directed by this Act are necessary to the achievement of this public purpose. It is, therefore, declared that an emergency exists, and this Act, being necessary for the immediate preservation of the public peace, health and safety, shall take effect and be in force from and after its passage and approval.”

Acts 1968 (1st Ex. Sess.), No. 8, § 6: Feb. 15, 1968. Emergency clause provided: “It is hereby found and determined by the General Assembly that money interest rates have increased significantly in recent years, that the maximum interest rate of five per cent (5%) prescribed by law on bonds issued by educational institutions is not adequate to permit such bonds to compete favorably in the bond market, and that it is immediately necessary to increase said maximum interest rate to 6% in order to correct this undesirable situation and to permit the accomplishment of the purpose for which such bonds are authorized by law. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in effect from the date of its passage and approval.”

Acts 1969, No. 183, § 4: Mar. 7, 1969. Emergency clause provided: “It has been found and is hereby declared by the General Assembly of the State of Arkansas that the state supported colleges and universities of this State are, at the present time, not authorized to participate in certain programs of assistance to education made available by the government of the United States; that the availability of this assistance is essential to the continued development of higher education in this State; and that only by the immediate effectiveness of this act can this purpose be accomplished. Therefore, an emergency is declared to exist and this act, being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from and after its passage and approval.”

Acts 1970 (Ex. Sess.), No. 30, § 5: Mar. 13, 1970. Emergency clause provided: “It has been found and is hereby declared by the General Assembly of the State of Arkansas that the financing of the public improvements to which this Act pertains is not feasible under existing maximum interest rate limitations, that the accomplishment of these public improvements is essential to the continued development of this State and the continued improvement of the economic conditions of her people, and that these public improvements can be accomplished only by the immediate effect of this Act. Therefore, an emergency is declared to exist and this Act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after its passage and approval.”

Acts 1975, No. 225, § 26: became law without Governor's signature, Feb. 19, 1975. Emergency clause provided: “It has been found and is hereby declared by the General Assembly of the state of Arkansas that the financing of the public improvements to which this Act pertains is not feasible under existing maximum interest rate limitations, that the accomplishment of these public improvements is essential to the continued development of this State and the continued improvement of the economic conditions of her people, and that these public improvements can be accomplished only by the immediate effect of this Act. Therefore, an emergency is declared to exist and this Act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after its passage and approval.”

Acts 1981, No. 425, § 54: Mar. 11, 1981. Emergency clause provided: “It has been found and is hereby declared by the General Assembly of the State of Arkansas that the financing of the public improvements to which this act pertains is not feasible under existing maximum interest rate

limitations, that the accomplishment of these public improvements is essential to the continued development of this state and the continued improvement of the economic conditions of her people, and that these public improvements can be accomplished only by the immediate effect of this act. Therefore, an emergency is declared to exist and this act, being necessary for the preservation of the public peace, health and safety, shall be in effect from and after its passage and approval.”

Acts 2007, No. 1229, § 45: July 1, 2007. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2007 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2007 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2007.”

6-62-301. Construction of subchapter.

This subchapter shall be liberally construed to effectuate the purposes thereof.

History. Acts 1947, No. 62, § 6; A.S.A. 1947, § 80-3316.

6-62-302. Building construction, purchase, etc., authorized.

(a) Subject to and in accordance with the terms of this subchapter, the boards of trustees of the University of Arkansas, Arkansas State University, University of Central Arkansas, Henderson State University, Arkansas Tech University, and Southern Arkansas University, respectively, are authorized and empowered as public agencies of the State of Arkansas to:

(1) Construct buildings, structures, parking facilities, or other improvements which the board deems proper or suitable for the school and to purchase sites therefor, if necessary;

(2) Purchase for such purpose buildings already constructed and the tracts of land on which they are situated;

(3) Reconstruct, enlarge or repair, and equip any buildings or structures of the university, including, but not limited to, buildings or structures constructed or purchased under authority of this subchapter; and

(4) Purchase for such purposes and pay the expense of tearing down, removing to the school, reconstructing, and equipping houses, buildings, or structures.

(b) No board of trustees of such public institutions of higher education shall be required to obtain any prior review, consultation, approval, assistance, or advice from Arkansas Building Authority for projects undertaken based on the foregoing powers and authority. Provided, however, nothing in this subsection shall prevent any board of trustees of such public institutions of higher education from entering into an agreement with the authority to provide review, consultation, approval, assistance, or advice for such projects.

However, public institutions of higher education exempt from project review, consultation, approval, assistance, or advice of the authority shall remain subject to other laws governing public works, including, without limitation, § 22-9-101 et seq. and § 19-4-1401 et seq.

History. Acts 1947, No. 62, § 1; 1949, No. 320, § 1; 1951, No. 313, § 1; 1963, No. 59, § 1; 1969, No. 183, § 1; A.S.A. 1947, § 80-3311; Acts 2001, No. 961, § 1.

Publisher's Notes. Acts 1971, No. 9, § 5, purported to amend Acts 1947, No. 62, § 1, by deleting the reference to “Arkansas Agricultural and Mechanical College” which had been abolished by Acts 1971, No. 9, § 1, but did not set out the amended portion that is required by Arkansas Constitution, Article 5, Section 23. The name of that institution was subsequently changed to the University of Arkansas at Monticello, and it is operated by the Board of Trustees for the University of Arkansas. See § 6-64-302.

Acts 1971, No. 512, § 7 purported to amend Acts 1947, No. 62, § 1, by deleting all references to “Arkansas Agricultural, Mechanical, and Normal College” or to that institution under the names by which it had previously been designated or operated (Branch Normal College, Agricultural, Mechanical, and Normal School for Negroes, State Agricultural, Mechanical, and Normal College, State A. M. & N. College, and Arkansas A. M. & N. College), and to its board of trustees. Acts 1971, No. 512, § 7, did not, however, set out the amended portion that is required by Arkansas Constitution, Article 5, Section 23. The name of that institution was subsequently changed to the University of Arkansas at Pine Bluff, and it is operated by the Board of Trustees of the University of Arkansas. See §§ 6-64-303, 6-64-304.

Amendments. The 2001 amendment redesignated the former introductory language as present (a) and substituted “public agencies” for “a public agency”; substituted “university” for “college” in (a)(3); and added (b).

Case Notes

Medical School Building.

Medical School Building.

The Board of Trustees of the University of Arkansas had authority to build a medical school building. *Lindsay v. White*, 212 Ark. 541, 206 S.W.2d 762 (1947).

Cited: *Arkansas v. Texas*, 346 U.S. 368, 74 S. Ct. 109, 98 L. Ed. 80 (1953).

6-62-303. Financing authority.

The board is authorized and empowered to enter into the necessary contracts for the borrowing of all or any part of the funds that the board may determine will be required in connection with the financing of the projects.

History. Acts 1947, No. 62, § 1; 1949, No. 320, § 1; 1951, No. 313, § 1; 1969, No. 183, § 1; A.S.A. 1947, § 80-3311.

Case Notes

Cited: *Arkansas v. Texas*, 346 U.S. 368, 74 S. Ct. 109, 98 L. Ed. 80 (1953).

6-62-304. Temporary financing authorized.

The board is authorized to utilize any funds available to temporarily finance all or part of the projects and to make reimbursement of the funds from the proceeds of the sale of any notes or bonds issued to permanently finance the projects.

History. Acts 1947, No. 62, § 1; 1951, No. 313, § 1; 1969, No. 183, § 1; A.S.A. 1947, § 80-3311.

Case Notes

Cited: *Arkansas v. Texas*, 346 U.S. 368, 74 S. Ct. 109, 98 L. Ed. 80 (1953).

6-62-305. Bonds or notes — Authorization to issue — Pledge of revenues, funds, etc.

(a) In evidence of any loan of funds, the board of trustees is authorized and empowered

to issue its negotiable interest-bearing notes or bonds with a specific pledge, for the payment of the principal and interest thereof, and the payment of agents' fees only, all or any part of the following:

- (1) The gross tolls, fees, rents, and other charges to be derived as income from the project;
 - (2) Any surplus not pledged of the gross tolls, fees, rents, and other charges to be derived from other projects financed in whole or in part by bonds or notes issued by the board;
 - (3) Tuition and fees collected from its students;
 - (4) The gate receipts of athletic contests participated in by its teams; and
 - (5) Any funds received from the United States, or any department or agency thereof, pursuant to any act of Congress, providing for grants or payments to educational institutions in connection with, or in anywise pertaining to, the financing of the accomplishing of the authorities and powers set forth in § 6-62-302.
- (b) In regard to the funds referred to in subdivision (a)(5) of this section, the board is authorized to take such action, comply with such terms and conditions, and execute such agreements as may be necessary to apply for, receive, pledge, or use such funds for the above specified or any other lawful purpose.
- (c) One (1) series of bonds may be issued for more than one (1) project and the revenues therefrom pledged for the payment of the bonds.

History. Acts 1947, No. 62, § 1; 1949, No. 320, § 1; 1951, No. 313, § 1; 1969, No. 183, § 1; A.S.A. 1947, § 80-3311; Acts 1991, No. 45, § 1.

Case Notes

Constitutionality.

Constitutionality.

Issuance of revenue bonds under this section does not violate Ark. Const. Amend. 20. *Jacobs v. Sharp*, 211 Ark. 865, 202 S.W.2d 964 (1947).

Cited: *Arkansas v. Texas*, 346 U.S. 368, 74 S. Ct. 109, 98 L. Ed. 80 (1953).

6-62-306. Bonds or notes — Issuance on advice of Arkansas Higher Education Coordinating Board.

(a) The boards of trustees of the University of Arkansas, University of Central Arkansas, Henderson State University, Arkansas State University, Arkansas Tech University, and Southern Arkansas University, hereinafter referred to as the “board of the institution involved”, shall not issue any notes or bonds under the provisions of this subchapter for any of the purposes authorized by this subchapter, unless prior to the issuance of such notes or bonds, the board of the institution involved shall have obtained the advice of the Arkansas Higher Education Coordinating Board as to the economic feasibility of the particular project to be financed, in whole or in part, by those notes or bonds.

(b) The board of the institution involved shall submit to the Arkansas Higher Education Coordinating Board information pertaining to the proposed project concerning existing and proposed buildings, improvements, equipment, and facilities of the institution involved; finances, revenues, appropriations, and cash funds of the institution involved; and enrollment, housing, and other information deemed pertinent to and requested by the Arkansas Higher Education Coordinating Board to enable the board to determine the

feasibility of the project.

(c) The Arkansas Higher Education Coordinating Board shall notify the board of the institution involved, within thirty (30) days from the date the information is submitted to the board, of the board's advice with respect to the economic feasibility of the particular project.

(d) The advice of the Arkansas Higher Education Coordinating Board under this section shall not be binding on the board of the institution involved.

(e) (1) This section shall not be construed to deprive, transfer, limit, or in any way alter or change any of the powers vested in the board of the institution involved under existing constitutional and statutory provisions.

(2) Furthermore, the authority conferred upon the Arkansas Higher Education Coordinating Board by this section shall not extend to the feasibility of the notes or bonds proposed to be issued by the board of the institution involved or to any of the terms, conditions, and provisions thereof, and this section shall not be construed to impair in any way the validity of any notes or bonds issued by the board of the institutions involved under this subchapter or impair or affect in any way the obligations of the board of the institution involved or the rights of any holder or registered owner of the notes or bonds.

History. Acts 1963, No. 242, §§ 1-4; A.S.A. 1947, §§ 80-3328 — 80-3331.

Publisher's Notes. Acts 1971, No. 9, § 5 purported to amend Acts 1963, No. 242, § 1 by deleting the reference to "Arkansas Agricultural and Mechanical College" which had been abolished by Acts 1971, No. 9, § 1, but did not set out the amended portion that is required by Ark. Const., Art. 5, § 23. The name of that institution was subsequently changed to the University of Arkansas at Monticello and it is operated by the Board of Trustees for the University of Arkansas. See § 6-64-302.

Acts 1971, No. 512, § 7 purported to amend Acts 1963, No. 242, § 1 by deleting all references to "Arkansas Agricultural, Mechanical, and Normal College" or to that institution under the names by which it had previously been designated or operated (Branch Normal College, Agricultural, Mechanical, and Normal School for Negroes, State Agricultural, Mechanical, and Normal College, State A. M. & N. College, and Arkansas A. M. & N. College), and to its board of trustees. Acts 1971, No. 512, § 7 did not, however, set out the amended portion that is required by Arkansas Constitution, Article 5, Section 23. The name of that institution was subsequently changed to the University of Arkansas at Pine Bluff and it is operated by the Board of Trustees of the University of Arkansas. See §§ 6-64-303, 6-64-304.

6-62-307. Bonds or notes — Execution.

(a) The notes or bonds shall be executed by the president or chair and secretary of the board.

(b) The coupon attached to the bonds may be executed by the facsimile signature of the president or chair.

(c) In case any of the officers whose signatures appear on the bonds or coupons shall cease to be officers before delivery, the signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery.

History. Acts 1947, No. 62, § 2; 1957, No. 10, § 1; 1959, No. 242, § 1; 1968 (1st Ex. Sess.), No. 8, § 1; 1970 (Ex. Sess.), No. 30, § 1; 1975, No. 225, § 19; 1981, No. 425, § 19; A.S.A. 1947, § 80-3312.

6-62-308. Bonds or notes — Terms and conditions.

(a) The notes or bonds shall be payable at such time or times and at such place or places, shall be in such form and denominations, may be subject to such terms of redemption, with or without a premium, shall bear such rate or rates of interest, shall be payable annually or semiannually, and shall be sold for such price and in such manner, as the board of trustees by resolution shall determine.

(b) In the resolution, the board of trustees may provide for the initial issuance of one (1) or more bonds aggregating the principal amount of the entire issue and may, in the resolution, make such provisions for installment payments of the principal amount of the bonds as it may consider desirable and may provide for the making of the bonds payable to bearer or otherwise, registrable as to principal or as to both principal and interest and where interest accruing thereon is not represented by interest coupons for the endorsement of payment of interest on the bonds.

(c) The board of trustees may make provision in the resolution for the manner and circumstances in which and under which the bonds may, in the future at the request of the holders thereof, be converted into bonds of smaller denomination, which bonds of smaller denomination may in turn be either coupon bonds or bonds registrable as to principal or registrable as to principal and interest.

History. Acts 1947, No. 62, § 2; 1957, No. 10, § 1; 1959, No. 242, § 1; 1968 (1st Ex. Sess.), No. 8, § 1; 1970 (Ex. Sess.), No. 30, § 1; 1975, No. 225, § 19; 1981, No. 425, § 19; A.S.A. 1947, § 80-3312.

6-62-309. Bonds or notes — Liability.

(a) The bonds or notes shall be general obligations only of the board of trustees, and in no event shall they be considered a debt for which the faith and credit of the State of Arkansas or any of its revenues are pledged.

(b) No member of any board shall be personally liable for the notes or bonds, or for any damages sustained by anyone in connection with contracts for loans or the construction of the buildings, unless it shall be made to appear that he or she has acted with a corrupt intent.

(c) Upon a determination of the board of trustees that a reallocation of resources is necessary for the purposes of preventing a default on its indebtedness, the board of trustees has specific authority to transfer funds between and among campuses, divisions, and other budgetary units of its institution of higher education. Upon exercising the authority to reallocate resources as provided by this section, the board of trustees shall report the reasons for and the details of such reallocations to the Legislative Council or Joint Budget Committee immediately thereafter.

History. Acts 1947, No. 62, § 1; 1949, No. 320, § 1; 1951, No. 313, § 1; 1969, No. 183, § 1; A.S.A. 1947, § 80-3311; Acts 2007, No. 1229, § 17.

Publisher's Notes. Acts 1949, No. 320, § 2 validated former obligations, but provided that the obligations would not be considered a debt of the state.

Amendments. The 2007 amendment added (c).

Case Notes

Cited: Arkansas v. Texas, 346 U.S. 368, 74 S. Ct. 109, 98 L. Ed. 80 (1953).

6-62-310. Bonds or notes — Related agreements authorized.

(a) For the purpose of obtaining any loan or carrying out any condition imposed by the

original purchaser of the notes or bonds in connection with any loan, the board of trustees may execute such documents and enter into such agreements as it may deem necessary or proper in connection therewith, including, but without limiting the generality of the foregoing, any agreement relating to:

- (1) The maintenance of a maximum percentage of occupancy of buildings;
- (2) The imposition of minimum rates for occupancy or use adequate to provide for the payment of the principal of and interest on any notes or bonds;
- (3) (A) The priority of the lien of notes or bonds on the gross tolls, fees, rents, other charges, surplus not pledged of gross tolls, fees, rents, and other charges, activity fees and gate receipts of athletic contests, and other revenues of whatever nature authorized to be pledged to the payment of the principal of and interest on the notes or bonds.

(B) It is the intention of this subdivision that the board of trustees, in any resolution authorizing the issuance of a particular series of notes or bonds, may provide that subsequent series of notes or bonds payable from the tolls, fees, rents, activity fees, and gate receipts pledged to the particular issue authorized by the resolution may not be issued, that subsequent series of notes or bonds shall be subordinate as to lien, or that subsequent series of notes or bonds shall enjoy parity of lien upon such conditions and restrictions as may be inserted by the board of trustees in the authorizing resolution; and

(4) The deposits in banks and the manner of withdrawal of revenues for payment of the principal of and interest on the notes or bonds and the deposits in banks and the manner of withdrawal of the proceeds of the sale of notes or bonds.

(b) (1) Any agreement entered into by the board of trustees shall be binding in all respects upon the board of trustees and their successors from time to time in accordance with the terms and all of the provisions of the agreement.

(2) The terms and provisions shall be enforceable by appropriate proceedings at law or in equity, or otherwise, provided no mortgage or other lien shall be executed on any of the lands or buildings belonging to the State of Arkansas.

History. Acts 1947, No. 62, § 2; 1957, No. 10, § 1; 1959, No. 242, § 1; 1968 (1st Ex. Sess.), No. 8, § 1; 1970 (Ex. Sess.), No. 30, § 1; 1975, No. 225, § 19; 1981, No. 425, § 19; A.S.A. 1947, § 80-3312.

6-62-311. Rents, tolls, fees, etc. — Rules and regulations authorized.

The board of trustees is further authorized and empowered to fix the rents, tolls, fees, other charges, activity fees, and gate receipts of athletic contests and to make and to enforce the rules and regulations with reference to or in connection with any building or structure authorized to be constructed, reconstructed, enlarged, repaired, or equipped and with reference to the use thereof as the board of trustees may deem desirable for the welfare of the institution or its student body.

History. Acts 1947, No. 62, § 2; 1957, No. 10, § 1; 1959, No. 242, § 1; 1968 (1st Ex. Sess.), No. 8, § 1; 1970 (Ex. Sess.), No. 30, § 1; 1975, No. 225, § 19; 1981, No. 425, § 19; A.S.A. 1947, § 80-3312.

6-62-312. Valid outstanding obligations — Refinancing or refunding — Cancellation.

(a) Any board of trustees has the power and is authorized to refinance, in whole or in

part, from time to time, its valid outstanding obligations issued under Acts 1933, No. 47 [repealed], or Acts 1939, No. 14 [repealed], or issued under this subchapter and any amendments hereto.

(b) (1) To that end, the board may issue negotiable refunding notes or refunding bonds.

(2) This power may be exercised successively, and any obligations which have once been refunded may thereafter from time to time be refunded.

(3) They shall be issued upon the same terms and conditions as provided in this subchapter for original obligations.

(4) They shall be secured in the same manner and to the same extent as provided in this subchapter for original obligations.

(5) They shall be obligations only of that board of trustees, and in no event shall they be considered a debt for which the faith and credit of the State of Arkansas or any of its revenues are pledged.

(6) They may be exchanged for the outstanding obligations to be refunded, or they may be sold for cash and the proceeds used to pay them, or part may be exchanged and part may be sold.

(c) The outstanding obligations refunded shall be cancelled and destroyed contemporaneously with the delivery of the refunding obligations, except as follows:

(1) If required by any agreement with the parties to whom the refunding obligations are to be delivered, the obligations refunded may be kept intact uncanceled until the refunding obligations and interest have been paid in full, whereupon they shall forthwith be cancelled and destroyed; each obligation so kept intact is to be stamped with a legend to the effect that the obligation has been refunded pursuant to this subchapter.

(2) If the obligations to be refunded are redeemable before maturity and have been duly called for payment in accordance with their terms, the refunding obligations may be executed and deposited with an escrow agent designated by the board of trustees, which escrow agent shall be a bank or trust company whose trust funds are secured in the manner provided by the national or state banking laws and regulations thereunder, under an agreement with the escrow agent to deliver them to the purchaser on payment of the purchase price in full and in cash at least five (5) days before the redemption date of the obligations called and to remit promptly the proceeds to the paying agent of the outstanding obligations for payment thereof, provided that the board shall deposit with the escrow agent for delivery also to the paying agent any additional funds required to make payment in full of the principal of and interest on and paying agent's fees of the bonds so called for redemption. When the outstanding bonds have been paid, they shall be cancelled and destroyed.

History. Acts 1947, No. 62, §§ 3, 4; 1951, No. 313, § 2; 1957, No. 10, § 2; 1968 (1st Ex. Sess.), No. 8, § 2; 1970 (Ex. Sess.), No. 30, § 2; 1975, No. 225, § 19; 1981, No. 425, § 19; A.S.A. 1947, §§ 80-3313, 80-3314.

Publisher's Notes. For acts validating previously issued obligations, see Acts 1947, No. 62, § 5; Acts 1949, No. 320, § 2; Acts 1951, No. 313, § 3.

6-62-313. State agency for participation in federal grant programs.

(a) The Arkansas Higher Education Coordinating Board is designated as the state agency of the State of Arkansas for the purpose of participating in the grant program under 20

U.S.C. § 1132a et seq., as enacted and now existing or as subsequently amended, supplemented, or implemented, which is herein referred to as the “federal act”.

(b) In addition to its presently existing authority, powers, and duties, the board is authorized, empowered, and directed to prepare and submit to the commissioner, who is referred to and identified in the federal act, a state plan for participation in the grant program under 20 U.S.C. § 1132a et seq. and, upon the approval of the state plan by the commissioner, to administer the plan and otherwise to do, or cause to be done, all things and acts of every nature whatever necessary or desirable:

(1) In meeting and complying with all requirements of the federal act, regulations under and pursuant to the federal act, and of the departments and agencies of the United States administering the federal act;

(2) In administering the state plan; and

(3) In obtaining and utilizing, or causing to be utilized, all grants, funds, and benefits to which the State of Arkansas is entitled under the federal act.

(c) (1) This section shall be liberally construed so that all institutions of higher education, as referred to and defined in the federal act, receive fully and promptly all benefits conferred and intended by the federal act and this section and that the intended public benefits and purposes be achieved and accomplished. To this end, the enumeration of any object, purpose, power, manner, method, and thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods, or things.

(2) This section shall be liberally construed as being supplemental to any existing purposes and powers of the board so as to accomplish in the most expeditious and efficient manner the purposes and intent of the federal act in this state.

History. Acts 1964 (Ex. Sess.), No. 16, §§ 1-3; A.S.A. 1947, §§ 80-3332 — 80-3334.

Subchapter 4 **— Facilities — Use**

6-62-401. Use by employees to conduct work for private compensation.

6-62-401. Use by employees to conduct work for private compensation.

(a) The boards of trustees of the state institutions of higher learning are authorized to grant permission to employees of those institutions to conduct, on and in campus facilities, certain outside work for private compensation as described below which are to be engaged in only after they have discharged fully their employment responsibilities to those institutions.

(b) However, in each instance where permission is granted, the governing board shall have the nondelegable duty to make express findings of fact that:

(1) The activity in question involves no conflict of interest with the mission and purpose of the institution itself; and

(2) The activity proposed would bring to the campus a significant number of persons who are potentially future students who might tend to enroll on that campus as a result of their exposure to its facilities and its personnel while engaged in this activity; and

(3) The contemplated activity will, as a part thereof, generate funds to be paid to the state institution for housing, meals, and for the use of other institutional resources which will produce significant revenues in support of the auxiliary functions of the

particular campus serving its enrolled students.

(c) (1) Each permission granted by a board of trustees pursuant to the findings of fact stated in subsection (b) of this section shall, with those findings of fact, be reduced to writing by the board of trustees and shall include a statement of charges to be paid to the state institution by the employee as the direct and indirect costs associated with operating and maintaining the facilities which will be temporarily devoted to the particular activity conducted by that employee.

(2) The charges shall be paid promptly, by the employee or by the participants at the direction of the employee, to the state institution.

(d) In conducting an activity permitted under this section, the employee shall make known in all advertising and other publicity involving the activity that participants are contracting with that employee and not with the institution and that the institution and the State of Arkansas do not assume any contractual obligations for the conduct of the employee's activity.

(e) (1) Each employee who is authorized under the provisions of this section to engage in outside work for private compensation on or in campus facilities shall, within a reasonable period of time after completion of the employment, submit a complete financial report relating to the employment to the chief financial officer of the institution.

(2) On an annual basis, the chief financial officer of the institution shall submit to the governing board a summary of all such financial reports received by him or her.

History. Acts 1981, No. 707, §§ 1-4; A.S.A. 1947, §§ 80-3390 — 80-3390.3.

Subchapter 5 **— Trust Conveyances**

6-62-501. Definitions.

6-62-502. Trust conveyances authorized.

6-62-503. Acceptance of conveyance — Administration.

6-62-504. Title — Encumbrances.

6-62-505. Status of property as that of private person.

6-62-506. Tax exemption.

6-62-507. Income from property.

Cross References. Validity as to creditors of gratuitous conveyances to educational institutions, § 4-59-206.

Effective Dates. Acts 1965, No. 565, § 9: Mar. 24, 1965. Emergency clause provided: "Whereas, many individuals have expressed a desire to convey properties for the use and benefit of the several tax supported institutions of higher learning in the State but have been uncertain as to the administration of such properties, the authority of the individual institution to own such property, and the proper method of conveying properties for the said purposes; and whereas, the said individuals desire to make such conveyances for the maximum benefit to the respective institutions without the burden of taxation on the properties; and whereas, on account of such uncertainties the respective institutions are delayed in obtaining said properties and may lose much property altogether; and whereas, such delay in receiving and such loss of properties add to the expense of public education in the State of Arkansas and thereby make college education impossible for many students; and whereas, only by the passage of this Act and giving it immediate effect can such uncertainties and difficulties be removed; now therefore an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety, shall take effect and be in full force from and after its passage and approval."

6-62-501. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) “Any tax-supported institution of higher learning” includes the University of Arkansas, University of Central Arkansas, Henderson State University at Arkadelphia, Arkansas Tech University, Arkansas State University at Jonesboro, and Southern Arkansas University at Magnolia, together with their respective branches and departments wherever located in the State of Arkansas, and any other institution offering courses in education beyond the twelfth grade of the public school system and supported primarily by appropriations from state funds;

(2) “Institution” refers to each of the tax-supported institutions of higher learning; and

(3) “Property” includes lands, buildings, and other property, real or personal, tangible or intangible.

History. Acts 1965, No. 565, § 1; A.S.A. 1947, § 80-3337.

Publisher's Notes. Acts 1971, No. 9, § 5, purported to amend Acts 1965, No. 565, § 1 by deleting the reference to “Arkansas Agricultural and Mechanical College” which had been abolished by Acts 1971, No. 9, § 1, but did not set out the amended portion that is required by Arkansas Constitution, Article 5, Section 23. The name of that institution was subsequently changed to the University of Arkansas at Monticello and it is operated by the Board of Trustees for the University of Arkansas. See § 6-64-302.

Acts 1971, No. 512, § 7, purported to amend Acts 1965, No. 565, § 1, by deleting all references to “Arkansas Agricultural, Mechanical, and Normal College” or to that institution under the names by which it had previously been designated or operated (Branch Normal College, Agricultural, Mechanical, and Normal School for Negroes, State Agricultural, Mechanical, and Normal College, State A. M. & N. College, and Arkansas A. M. & N. College), and to its board of trustees. Acts 1971, No. 512, § 7 did not, however, set out the amended portion that is required by Arkansas Constitution, Article 5, Section 23. The name of that institution was subsequently changed to the University of Arkansas at Pine Bluff and it is operated by the Board of Trustees of the University of Arkansas. See §§ 6-64-303, 6-64-304.

6-62-502. Trust conveyances authorized.

Property may be conveyed to the State of Arkansas in trust for any tax-supported institution of higher learning within the state, which property shall be held by the state, subject to the terms of the conveyance, for and on behalf of the institution for whose benefit the conveyance shall have been made.

History. Acts 1965, No. 565, § 2; A.S.A. 1947, § 80-3338.

6-62-503. Acceptance of conveyance — Administration.

(a) Acceptance of the conveyance by the State of Arkansas shall be evidenced by proclamation of the Governor.

(b) A copy of the proclamation certified by the Secretary of State shall be filed for record in the county or counties in which the real property is located.

(c) Upon acceptance of the conveyance, administration of the property shall be through the governing board of the particular institution for whose benefit the conveyance shall have been made.

History. Acts 1965, No. 565, § 3; A.S.A. 1947, § 80-3339.

6-62-504. Title — Encumbrances.

(a) The State of Arkansas shall take and hold title to any such lands, buildings, and other real property in fee simple or subject to existing encumbrances.

(b) However, the state shall not be required to discharge any encumbrance from funds other than those received from the administration of the property.

History. Acts 1965, No. 565, § 4; A.S.A. 1947, § 80-3340.

6-62-505. Status of property as that of private person.

Subject to any restrictions which may be provided in the instrument of conveyance, property so conveyed to the State of Arkansas in trust for any tax-supported institution of higher learning within the state may be sold, leased, rented, subjected to mortgage indebtedness, and dealt with generally by the appropriate governing board in the same manner as the property of any private person.

History. Acts 1965, No. 565, § 5; A.S.A. 1947, § 80-3341.

6-62-506. Tax exemption.

All property so conveyed to the State of Arkansas shall be deemed property owned by the state exclusively for a public purpose and shall be exempt from taxation.

History. Acts 1965, No. 565, § 7; A.S.A. 1947, § 80-3343.

6-62-507. Income from property.

(a) All income derived from the administration of any such property shall be deposited in a separate account appropriately designated and shall inure to the benefit of and be used solely for the institution for whose benefit the conveyance shall have been made.

(b) Income derived from any such property shall not be charged against any appropriation which, except for a conveyance to the State of Arkansas, would otherwise have been made for the institution for whose benefit the conveyance shall have been made.

History. Acts 1965, No. 565, §§ 6, 8; A.S.A. 1947, §§ 80-3342, 80-3344.

Subchapter 6
— Transfer or Lease of Property

6-62-601. Definitions.

6-62-602. Transfer and lease authorized.

6-62-603, 6-62-604. [Repealed.]

6-62-605. Execution of contracts.

6-62-606. Exemption from compliance with certain state and local laws — Review by Arkansas Building Authority.

6-62-607. Right to mortgage or encumber property — Right to cure default.

6-62-608. Resolution authorizing transfer and lease.

6-62-609. Negotiations — Terms of transfer.

6-62-610. Boards of appraisers — Determination of fair market value and fair market rental.

6-62-611. Agreement for transfer and lease of property — Instruments of conveyance

— Title insurance.

6-62-612. Lease agreement — Repurchase of property.

6-62-613. Bank funds.

Effective Dates. Acts 1983 (Ex. Sess.), No. 11, § 14 and No. 12, § 14: Oct. 31, 1983. Emergency clauses provided: “It has been found and it is hereby determined by the General Assembly that there is an acute shortage of funds available for the support of higher education in this State; that the Boards of Trustees of the Universities in the State own substantial property; and that the sale or leasing of such property would provide substantial additional moneys for use by such Boards in the operation of the respective Universities. Therefore, an emergency is declared to exist and this Act, being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from and after its passage and approval.”

6-62-601. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) “Bank funds” means any funds of a board that are neither appropriated from the State Treasury nor required to be deposited in the State Treasury;

(2) “Board” means the board of trustees of either the University of Arkansas, Arkansas State University, the University of Central Arkansas, Henderson State University, Arkansas Tech University, or Southern Arkansas University;

(3) “Lease agreement” means an agreement between an owner and a board pursuant to which the owner leases or subleases, or agrees to lease or sublease, property to the board;

(4) “Owner” means a person or group of persons to whom a board makes a transfer of property in accordance with the provisions of this subchapter. No member of the board shall have any interest, direct or indirect, in the owner;

(5) “Person” means a natural person, a firm, a general partnership, a limited partnership, an association, a corporation, or a public body;

(6) “Property” means any buildings or structures, utilities, on-site and off-site improvements, and other appurtenances and improvements, including the land upon which the building or structure is located, and undivided interests in any such property; and

(7) “Transfer” means to sell or to lease, as lessor or lessee.

History. Acts 1983 (Ex. Sess.), No. 11, § 1; 1983 (Ex. Sess.), No. 12, § 1; A.S.A. 1947, § 80-3391; Acts 1999, No. 823, § 1.

Amendments. The 1999 amendment deleted “if the building or structure is more than fifty (50) years old” in (6).

6-62-602. Transfer and lease authorized.

Subject to and in accordance with the provisions of this subchapter and in addition to any other statutory or inherent authority of a board, any board is authorized to transfer and simultaneously enter into a lease agreement concerning any property.

History. Acts 1983 (Ex. Sess.), No. 11, § 2; 1983 (Ex. Sess.), No. 12, § 2; A.S.A. 1947, § 80-3391.1; Acts 1999, No. 823, § 2.

Amendments. The 1999 amendment inserted “and in addition to any other statutory or inherent authority of a board.”

6-62-603, 6-62-604. [Repealed.]

Publisher's Notes. Former §§ 6-62-603 and 6-62-604, concerning the subchapter as exclusive authority for transfers and the time limitation on initiation of transfers, were repealed by Acts 1999, No. 823, § 3. The sections were derived from the following sources:

6-62-603. Acts 1983 (Ex. Sess.), No. 11, § 12; 1983 (Ex. Sess.), No. 12, § 12; A.S.A. 1947, § 80-3391.11.

6-62-604. Acts 1983 (Ex. Sess.), No. 11, § 3; 1983 (Ex. Sess.), No. 12, § 3; A.S.A. 1947, § 80-3391.2.

6-62-605. Execution of contracts.

Boards are authorized to execute all contracts and legal instruments necessary and convenient to effectuate the transfers and the transactions herein authorized.

History. Acts 1983 (Ex. Sess.), No. 11, § 9; 1983 (Ex. Sess.), No. 12, § 9; A.S.A. 1947, § 80-3391.8.

6-62-606. Exemption from compliance with certain state and local laws — Review by Arkansas Building Authority.

(a) A board and an owner proceeding under this subchapter shall be exempt from compliance with all municipal and county land use restrictions, including, without limitation, zoning laws and requirements for obtaining building permits.

(b) In proceeding under this subchapter, it shall not be necessary for the board to comply with any other laws relating to the procurement, disposal, or leasing of property, including, without limitation, laws concerning the appointment of appraisers in connection therewith, laws restricting the obligation of funds for construction, and laws dealing with the improvement of historic structures, except that the transfer and the lease agreement shall be subject to the review and approval of Arkansas Building Authority.

History. Acts 1983 (Ex. Sess.), No. 11, §§ 10, 12; 1983 (Ex. Sess.), No. 12, §§ 10, 12; A.S.A. 1947, §§ 80-3391.9, 80-3391.11.

6-62-607. Right to mortgage or encumber property — Right to cure default.

(a) The transfer of any property shall authorize the owner to mortgage or otherwise encumber the property.

(b) However, the board shall retain the right to cure any default of the owner that could result in loss of possession by the owner, including a default in the payment of property taxes owed by such owner.

History. Acts 1983 (Ex. Sess.), No. 11, § 11; 1983 (Ex. Sess.), No. 12, § 11; A.S.A. 1947, § 80-3391.10.

6-62-608. Resolution authorizing transfer and lease.

(a) Before proceeding with any transfer, the board shall first determine, by resolution adopted at a legal meeting of the board:

(1) That the property proposed for transfer continues to be needed in the operation of the university; and

(2) That it is in the best interest of the university to transfer the property and use it as lessee under a lease agreement as provided in this subchapter.

(b) The resolution shall designate one (1) or more persons to act on behalf of the board to negotiate with potential owners concerning the terms of the transfer and lease agreement for the property described in the resolution.

History. Acts 1983 (Ex. Sess.), No. 11, § 3; 1983 (Ex. Sess.), No. 12, § 3; A.S.A. 1947, § 80-3391.2.

6-62-609. Negotiations — Terms of transfer.

(a) Subject to any requirements or limitations specified in the resolution, the persons so designated by the board shall proceed to negotiate with one (1) or more potential owners the transfer and lease agreement concerning the property described in the resolution.

(b) The transfer may be either for cash or on credit upon such terms and conditions and with such security as shall be approved by the board.

(c) The transfer price shall be an amount equal to not less than the fair market value of the property, determined as provided in § 6-62-610.

(d) The rent to be paid by the board under the lease agreement shall be not more than the fair market rental of the property, determined as provided in § 6-62-610.

(e) All terms of the transfer and lease agreement shall be subject to the approval of the board.

History. Acts 1983 (Ex. Sess.), No. 11, § 4; 1983 (Ex. Sess.), No. 12, § 4; A.S.A. 1947, § 80-3391.3.

6-62-610. Boards of appraisers — Determination of fair market value and fair market rental.

(a) The fair market value and fair market rental of the property shall be determined by a board of qualified professional appraisers, consisting of one (1) appraiser appointed by the board, one (1) appraiser appointed by the owner, and one (1) appraiser appointed by the Governor.

(b) In determining fair market rental, the board of appraisers shall give consideration to any improvements or additions to the property which the owner is obligated to make.

(c) (1) If any two (2) of the appraisers agree on the fair market value or the fair market rental, this appraisal shall be taken as conclusive.

(2) If two (2) of the appraisers are unable to agree on either the fair market value or the fair market rental, the fair market value or fair market rental shall be determined by adding the fair market value or the fair market rental as determined by each of the three (3) appraisers and dividing the total by three (3).

(d) Each member of the board of appraisers shall, before entering upon his or her duties, make and subscribe, in duplicate, an affidavit that he or she is not in any manner interested either directly or indirectly in either the transfer of or lease agreement concerning said property and that he or she will well and truly, according to the best of his or her ability, appraise the fair market value or the fair market rental of the property in accordance with the provisions of his or her appointment.

(e) Copies of each instrument appointing an appraiser, copies of each affidavit of an appraiser, and copies of each appraisal made shall be filed with the board and with the owner.

(f) Each appraiser shall be entitled to reasonable compensation for his or her services and to reimbursement of his or her reasonable and necessary expenses incurred in connection

with his or her services.

(g) (1) The board shall have the responsibility of paying the appraiser appointed by it.

(2) The owner shall have the responsibility of paying the appraiser appointed by it.

(3) The charges of the appraiser appointed by the Governor shall be shared equally by the board and the owner.

History. Acts 1983 (Ex. Sess.), No. 11, § 5; 1983 (Ex. Sess.), No. 12, § 5; A.S.A. 1947, § 80-3391.4.

6-62-611. Agreement for transfer and lease of property — Instruments of conveyance — Title insurance.

(a) (1) Upon completion of the determination of the fair market value and the fair market rental of the property, the board may enter into an agreement with the owner for the transfer of, which may be by lease from the board, as lessor, to the owner, as lessee, and lease agreement concerning the property.

(2) The agreement may provide that the owner will make improvements or additions to the property subject to the inspection and approval of all improvements and additions to the property by Arkansas Building Authority.

(b) Thereafter, as part of a simultaneous transaction, the board shall cause to be delivered to the owner appropriate instruments of conveyance to transfer the property to the owner, and the owner and the board shall enter into a lease agreement concerning the property.

(c) The instruments of conveyance shall contain such warranties and covenants of title as the parties shall have agreed to, and the board may furnish the owner title insurance or a commitment for title insurance.

History. Acts 1983 (Ex. Sess.), No. 11, § 6; 1983 (Ex. Sess.), No. 12, § 6; A.S.A. 1947, § 80-3391.5.

6-62-612. Lease agreement — Repurchase of property.

(a) Except as otherwise provided in this subchapter, the lease agreement may be for such term and may contain such covenants and provisions to which the parties agree.

(b) (1) The board's obligations under the lease agreement and under any other contract entered into pursuant to this subchapter shall be obligations only of the board, and in no event shall they constitute obligations for which the faith and credit of the State of Arkansas or any of its revenues are pledged.

(2) No member of the board shall be personally liable to perform any obligations under the lease agreement or under any other contract entered into pursuant to this subchapter or for any damages sustained by any person in connection with the lease agreement, any other contract entered into, or any actions taken pursuant to this subchapter unless he or she shall have acted with a corrupt intent.

(c) The lease agreement or any other contract entered into pursuant to this subchapter may provide that the obligations of the board are limited obligations payable solely from bank funds, or it may provide that the board's obligations are general obligations payable from any funds, including appropriated funds, available to the board.

(d) The lease agreement shall not pledge to the payment of rent any funds appropriated or to be appropriated from the State Treasury.

(e) To the extent that the obligations of the board are general obligations, the lease agreement or any other contract shall expressly provide that these obligations are subject to appropriations and that these obligations either terminate, or are subject to termination at the option of the board, not later than the end of each biennial period of the state.

(f) (1) The lease agreement may give the board an option, a right of first refusal, to repurchase the property covered by the lease agreement, or a portion thereof, for a purchase price equal to not less than its fair market value at the time the option is exercised, determined as provided in § 6-62-610, and upon such other terms and conditions as provided therein.

(2) If the lease agreement provides for a purchase option, the board is authorized, upon determination of the repurchase price, to repurchase the property or to contract for the repurchase of the property.

History. Acts 1983 (Ex. Sess.), No. 11, § 7; 1983 (Ex. Sess.), No. 12, § 7; A.S.A. 1947, § 80-3391.6.

6-62-613. Bank funds.

(a) All moneys received by a board as consideration for the transfer of property, whether in the form of payment of the principal of or interest on the purchase price for property sold, rent for property leased or in any other form, and all investment earnings thereon, are specifically declared to be bank funds.

(b) Such moneys shall not be deposited in the State Treasury but shall be deposited in accounts of the board in one (1) or more banks selected by the board.

(c) (1) Such moneys may be used for any lawful purpose specified by the board without the necessity of legislative authorization or voucher examination and approval under §§ 19-4-801 et seq.

(2) However, no part of the moneys shall ever be used to pay current operating expenses of the university other than in connection with the property for which such moneys were received.

(d) The board may invest and reinvest all or part of such moneys. Such investments and expenditures shall be subject to audit as provided by law.

History. Acts 1983 (Ex. Sess.), No. 11, § 8; 1983 (Ex. Sess.), No. 12, § 8; A.S.A. 1947, § 80-3391.7.

Subchapter 7

— Arkansas College Savings Bond Act

6-62-701. Title.

6-62-702. Legislative findings and declaration of public necessity.

6-62-703. Definitions.

6-62-704. Construction.

6-62-705. Power and duties of Arkansas Development Finance Authority and
Arkansas Higher Education Coordinating Board.

6-62-706. Financial resources or financial aid or assistance.

6-62-707. Bonds — Authorization — Amount outstanding.

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Board and Arkansas Development Finance Authority.

- 6-62-710. Bonds — Financial incentives.
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- 6-62-712. Bonds — Terms and conditions generally.
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- 6-62-714. Bonds — Resolution or trust indenture — Selection of projects.
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- 6-62-716. Bonds — Execution.
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- 6-62-718. Bonds — General obligations — Pledge of revenues.
- 6-62-719. Bonds — Payment — Bond fund — Debt Service Reserve Fund.
- 6-62-720. Bond — Tax exemption — Legal investments.
- 6-62-721. Bonds — Rights and liabilities — Enforcement.
- 6-62-722. Bonds — Rights and liabilities — Commencement.
- 6-62-723. Bonds — Deposit of proceeds.
- 6-62-724. Bonds — Investment and disbursement of funds.
- 6-62-725. Judicial review — Priority.
- 6-62-726. Rules and regulations — Acts 1997, No. 342.
- 6-62-727. Rules and regulations — Acts 1997, No. 1211.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-62-701 to 6-62-725 may not apply to §§ 6-62-726 and 6-62-727, which were enacted subsequently.

Acts 1989, No. 683, § 17, provided:

“No bonds shall be issued under this act except by and with the consent of a majority of the qualified electors of the State voting on the question at the general election of 1990. Notice thereof shall be published by the Secretary of State in a newspaper of general circulation in the State at least sixty (60) days prior to the general election, and notice thereof shall be mailed to the County Board of Election Commissioners and the Sheriff of each county at least sixty (60) days prior to the general election. It shall not be necessary, to publish this act itself, but the notice shall state that it is issued for the purpose of having the people vote on substantially the following question:

“Shall the Arkansas Development Finance Authority be authorized to issue College Savings General Obligation Bonds under the authority of the Arkansas College Savings Bond Act of 1989 in the total Principal amount of not exceeding \$300,000,000, in series from time to time in principal amounts not to exceed without prior approval of the General Assembly, \$100,000,000, in any fiscal biennium, which bonds shall be secured by a pledge of the full faith and credit of the State of Arkansas?

“Whether the question is presented at the general election of 1990, the title of this act shall be the ballot title, and there shall be printed on the ballot the proposition as stated above, and the following:

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“The county boards of election commissioners of the several counties of this State shall hold and conduct the election, and each such board is hereby authorized and directed to take such action with respect to the appointment of election officials and such other matters as the law requires; and the vote shall be canvassed and the result thereof declared in each county by such several county boards. The results shall within ten (10) days after the date of the election be certified by such county boards to the Secretary of State who shall forthwith tabulate all returns so received by him and certify to the Governor the total vote for and against the proposition submitted as in this section provided.

“The result of the election shall be proclaimed by the Governor by publication one time in a newspaper published in the City of Little Rock, Arkansas, and the result as proclaimed shall be conclusive unless attacked in the courts within thirty (30) days after the date of such publication.”

Acts 1989, No. 683 was approved at the general election held on Nov. 6, 1990.

Acts 1989, No. 683, § 18 provided:

"If a majority of the qualified electors voting on the proposition shall vote for the issuance of the bonds, the Authority and the State Board shall proceed with the sale and the issuance of the bonds as provided in this act. If a majority of the qualified electors voting on the proposition vote against the issuance of the bonds, none of the bonds authorized by this act shall ever be sold and issued, and all provisions of this act shall be of no further effect."

Acts 1989, No. 683, § 26, in part, provided:

"If, for any reason any section or provision of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not affect the remainder of this act, but this act, insofar as it is not in conflict with the Constitution of this State or the Constitution of the United States, shall be permitted to stand, and the various provisions of this act are hereby declared to be severable for that purpose."

Publisher's Notes. Acts 1991, No. 102, § 2 provided:

"Subsection (e) of Section 4 of Act 683 of 1989 is hereby amended to read as follows", but presumed subdivision (3) was intended.

Effective Dates. Acts 1989, No. 683, § 29: Emergency failed to pass. Emergency clause provided: "It has been found and it is hereby declared by the General Assembly that there is an immediate need for the development of the State's higher education resources and to further assist the higher education goals and aspirations of its inhabitants, and other essential purposes. For these reasons, it is declared necessary for the preservation of the public peace, health, and safety that this act become effective without delay. It is therefore, declared that an emergency exists, and this Act shall take effect from the date of its passage and approval."

Acts 1991, No. 102, § 12: Feb. 12, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly, that the people of this state approved the issuance of general obligation bonds for the improvement of higher education institutions on this state; that in approving these bonds certain statements were made by various public officials concerning the use of the proceeds of the bonds issue and the costs associated with said issue; and that clarification of this act is required immediately before the bonds are made available to the public. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval."

Acts 1995, No. 1167, § 11: July 1, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1995 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1995 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995."

Acts 1997, No. 342, § 51: Mar. 5, 1997. Emergency clause provided: "It is hereby found and determined by the Eighty-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that previous General Assemblies have provided appropriations for the projects provided or enumerated in this act; that certain appropriations will expire before the adjournment of the General Assembly; and that if such appropriations expire, the projects and programs authorized herein will cease thereby depriving the citizens of the State of the benefits to be derived from such projects. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval."

Acts 1997, No. 1211, § 40: July 1, 1997. Emergency clause provided: "It is hereby found and determined by the Eighty-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1997 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in

the effective date of this Act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997.”

6-62-701. Title.

This subchapter may be referred to and cited as the “Arkansas College Savings Bond Act of 1989”.

History. Acts 1989, No. 683, § 1.

Publisher's Notes. Acts 1991, No. 102, § 3[8], provided:

“It is the intent of the Arkansas General Assembly that participation in the purchasing of the bonds issued under Act 683 of 1989 by many Arkansas investors should be maximized. To this end, the Arkansas Development Finance Authority is urged to issue the bonds in small denominations so that they can be purchased by individual Arkansas citizens for college-bound students.”

6-62-702. Legislative findings and declaration of public necessity.

The General Assembly hereby finds:

(1) The availability of higher educational opportunities for families in the state with school-age children has become increasingly necessary in order to preserve and protect the health, welfare, and prosperity of the state and its citizens and the increasing competitiveness and technological sophistication of today's products, services, and markets and the growing importance of our dynamic economy requires a highly educated and well-trained work force in order for the state to preserve, protect, and promote employment opportunities;

(2) A strong system of higher education has been and will continue to be not only a wellspring for the enhancement of the state's cultural well-being, but also a substantial contributing factor to the growth of the state's economy by stimulating the development of new products and services, and the ability of families who are residents of the state to provide the means to afford the cost of higher education for the children in the family is a matter of highest concern to those families;

(3) The state has made a substantial investment in higher education through direct support of public higher education through appropriations, grants, subsidies, and loans, through support of student assistance, and its citizens, and through charitable and philanthropic support to public and private institutions of higher education from individuals and organizations within the state. As a result of this investment, the state has a major financial interest in assisting families in providing themselves with the means to bear the cost of higher education;

(4) In recent years tuition and other costs such as required fees and charges, room and board, and similar expenses have increased at rates in excess of the average inflation rate, while available sources of student assistance have not kept pace with those costs. Families have not found convenient and simple methods to make secure investments which meet the rising cost of higher education. The state would benefit from a program which would decrease families' reliance on borrowed funds and increase their opportunity to invest and save to meet college expenses;

(5) There is a growing need for the state to undertake projects to renew and expand the state's higher education facilities and physical plant, including the

construction, repair, expansion, and renewal of various education facilities, and to provide for the acquisition of teaching and research equipment and library assets;

(6) As a consequence of the importance to the state in providing an appropriate vehicle for state residents in which to invest for the cost of higher education at a time when there is a present and growing need for the state to finance major improvements for its state institutions of higher education, an opportunity exists to address those combined and interrelated objectives of the state through a program which provides for the financing of a portion of the state institutions' higher education needs through a financing program also designed to meet the needs of families who desire a suitable investment to provide against the rising cost of higher education; and

(7) The General Assembly therefore finds that the public policies and responsibilities of the state as set out in this section cannot be fully obtained without the use of public financing and that such public financing can only be provided by the adoption of this subchapter by the General Assembly and its approval by the electors of the state.

History. Acts 1989, No. 683, § 2.

6-62-703. Definitions.

In this subchapter, unless the context otherwise requires:

(1) “Authority” means the Arkansas Development Finance Authority;

(2) “Cost of higher education” shall include, but not be limited to, the cost of tuition, room and board related to instruction, books, laboratory materials, tools, and other supplies necessary and related to a course of instruction at an institution of higher education;

(3) “Debt service” means principal, interest, and redemption premiums, if any, and trustees' and paying agents' and like servicing fees relative to the bonds;

(4) “Develop” means to construct, acquire by purchase or, as set forth herein, by eminent domain, install or equip any lands, buildings, improvements, machinery, equipment, or other properties of whatever nature, real, personal, or mixed;

(5) “Institution of higher education” means any public university, college, technical college, and community college now or hereafter established or authorized by the General Assembly or any nonpublicly supported not-for-profit college or university;

(6) “Person” means any individual, partnership, or corporation, or any county, municipality, or school district of the State of Arkansas, or agency thereof, or any agency of the State of Arkansas;

(7) “Project” means any lands, buildings, improvements, machinery, equipment, or other property, real, personal, or mixed, or any combination thereof, developed in pursuance of all or any of the purposes of this subchapter;

(8) “Project costs” means all or any part of the costs of developing any project hereunder, costs incidental or appropriate thereto, and costs incidental or appropriate to the financing thereof, including, without limitation, capitalized interest, appropriate reserves and fees and costs for engineering, legal, and other administrative and consultant services;

(9) “State” means the State of Arkansas;

(10) “State board” means the Arkansas Higher Education Coordinating Board;

and

(11) “State institution of higher education” means any public university, college, technical college, and community college now or hereafter established or authorized by the General Assembly.

History. Acts 1989, No. 683, § 4; 1991, No. 102, §§ 2, 3; 1993, No. 171, § 1.

Publisher's Notes. As to legislative intent of Acts 1991, No. 102, see Publisher's Note to § 6-62-701.

6-62-704. Construction.

(a) This subchapter shall be liberally construed to accomplish the purposes hereof. This subchapter shall constitute the sole authority necessary to accomplish the purposes hereof, and to this end it shall not be necessary that the provisions of other laws pertaining to the development of public facilities and properties and the financing thereof be complied with.

(b) This subchapter shall be interpreted to supplement existing laws conferring rights and powers upon the Arkansas Development Finance Authority and the Arkansas Higher Education Coordinating Board, and the rights and powers set forth herein shall be regarded as alternative methods for the accomplishment of the purposes of this subchapter.

History. Acts 1989, No. 683, § 27.

6-62-705. Power and duties of Arkansas Development Finance Authority and Arkansas Higher Education Coordinating Board.

(a) The Arkansas Development Finance Authority and the Arkansas Higher Education Coordinating Board, jointly, in addition to powers conferred under other laws, shall have the power under this subchapter to:

(1) Provide loans from bond proceeds to state institutions of higher education, including technical colleges, community colleges, or agencies and instrumentalities of the state for payment of project costs;

(2) Construct or cause to be constructed with proceeds of the bonds or loans by the authority and the state board, lease as lessee, and in any manner acquire, own, hold, maintain, operate, sell, dispose of, lease as lessor, exchange, mortgage, or lend with respect to all or any part of any project;

(3) Acquire, own, hold, use, exercise, sell, mortgage, pledge, hypothecate, and in any manner to dispose of franchises, rights, privileges, licenses, rights-of-way, and easements necessary, useful, or appropriate for the exercise of the powers or implementation or the purposes set forth in this subchapter;

(4) Sell and convey, mortgage, pledge, lease as lessor, and otherwise dispose of all or any part of any project or other properties, tangible or intangible, including, without limitation, franchises, rights, privileges, licenses, rights-of-way, and easements;

(5) Have and exercise the right of eminent domain for the purpose of acquiring lands, the fee title thereto or any easement, right-of-way, or other interest or estate therein, for projects or portions thereof, by the procedure now provided for condemnation by railroads by §§ 18-15-1201 — 18-15-1207;

(6) Make or accept gifts or grants of moneys, services, franchises, rights, privileges, licenses, rights-of-way, easements, or other property, real or personal or

mixed;

(7) Make any and all contracts necessary or convenient for the exercise of the powers or implementation of the purposes set forth in this subchapter;

(8) Fix, regulate, and collect rates, fees, rents, or other charges for the use of any properties or services furnished by the authority or the state board;

(9) Require audits of any or all accounts related to construction, operation, or maintenance of any project funded by this subchapter;

(10) Take reasonable actions necessary to ensure that debt service requirements are met; and

(11) Take such other action as may be appropriate to accomplish the purposes of this subchapter.

(b) The state board and the authority are authorized to promulgate rules and regulations with respect to their powers and duties pursuant to this subchapter.

History. Acts 1989, No. 683, §§ 14, 25; 1993, No. 171, § 2.

6-62-706. Financial resources or financial aid or assistance.

(a) The Arkansas Development Finance Authority, with the assistance of the Arkansas Higher Education Coordinating Board, shall develop and implement an educational program with marketing strategies designed to inform parents of the options available for financing a college education and the need to accumulate financial resources necessary to pay for a college education.

(b) In evaluating the financial situation of a student, proceeds of bonds or accumulated bonds and interest in an amount not in excess of five thousand dollars (\$5,000) annually for undergraduate students, and not in excess of seven thousand five hundred dollars (\$7,500) for postgraduate students shall not be deemed a financial resource or a form of financial aid or assistance to such student, for the purposes of determining the eligibility of such student for any scholarship, grant, or monetary assistance awarded by the state or any agency thereof, nor shall such annual amounts of proceeds of any bond or accumulated bonds and interest provided for a qualified student under this subchapter reduce the amount of any scholarship, grant, or monetary assistance that such student is entitled to be awarded by the state or any agency thereof in accordance with the provisions of any other section of this subchapter or any other law of this state.

History. Acts 1989, No. 683, §§ 23, 24.

A.C.R.C. Notes. Acts 1989, No. 683, § 24, provided, in part, that the Authority “shall report to the Governor and the General Assembly on the program developed and its operation no later than September 30, 1991.”

6-62-707. Bonds — Authorization — Amount outstanding.

The Arkansas Development Finance Authority, the “authority”, on behalf of the State of Arkansas is hereby authorized to issue bonds and to have bonds outstanding which shall be general obligations of the State of Arkansas, to be known as Arkansas college savings general obligation bonds, the “bonds”, in the total principal amount of not exceeding three hundred million dollars (\$300,000,000), for the purposes set forth herein.

History. Acts 1989, No. 683, §§ 3(a), 20; 1991, No. 102, § 1.

Publisher's Notes. As to legislative intent of Acts 1991, No. 102, see Publisher's Note to § 6-62-

701.

6-62-708. Bonds — Principal amount.

The total principal amount of bonds to be issued during any fiscal biennium shall not exceed three hundred million dollars (\$300,000,000), nor shall the principal amount of bonds outstanding at any time have debt service requirements in excess of twenty-four million dollars (\$24,000,000) in any one (1) fiscal year from all sources.

History. Acts 1989, No. 683, § 3(b); 1991, No. 102, § 1; 1995, No. 1167, § 5; 1997, No. 342, § 43; 1997, No. 1211, § 32.

A.C.R.C. Notes. Acts 2001, No. 1612, § 23, provided:

“COLLEGE SAVINGS BONDS LIMITATIONS. Arkansas Code 6-62-708 is amended to read as follows: ‘The total principal amount of bonds to be issued during any fiscal biennium shall not exceed three-hundred million dollars (\$300,000,000), nor shall the principal amount of bonds outstanding at any time have debt service requirements in excess of twenty-four million dollars (\$24,000,000) in any one fiscal year from all sources.’

“The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.” Acts 2003 (1st Ex. Sess.), No. 25, § 26, provided:

“The total principal amount of bonds to be issued during any fiscal biennium shall not exceed three-hundred million dollars (\$300,000,000), nor shall the principal amount of bonds outstanding at any time have debt service requirements in excess of twenty-four million dollars (\$24,000,000) in any one fiscal year from all sources.

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

Acts 2005, No. 2124, § 20, provided:

“COLLEGE SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued during any fiscal biennium shall not exceed three-hundred million dollars (\$300,000,000), nor shall the principal amount of bonds outstanding at any time have debt service requirements in excess of twenty-four million dollars (\$24,000,000) in any one fiscal year from all state revenue sources.

“The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.”

Publisher's Notes. As to legislative intent of Acts 1991, No. 102, see Publisher's Note to § 6-62-701.

The language set forth in Acts 2001, No. 1612, § 23 was not incorporated into this section at the direction of the General Assembly.

6-62-709. Bonds — Issuance — Duties of Arkansas Higher Education Coordinating Board and Arkansas Development Finance Authority.

(a) Provided further that, before any bonds may be issued during any fiscal biennium, the Arkansas Higher Education Coordinating Board shall submit to the Governor a written plan for projects to be performed with the proceeds derived from the sale of such bonds, the need for, the estimated benefits thereof, and the anticipated debt service requirements. None of the proceeds from the issuance of the bonds as authorized herein shall be used for athletic facilities.

(b) Upon receipt thereof, the Governor shall confer with the Chief Fiscal Officer of the State concerning the amount available in the state General Improvement Fund, which such funds shall be used to defray said debt service requirements in such amounts as are determined to be available. The Chief Fiscal Officer of the State shall then determine whether the annual amount of general revenue funds required to be set aside from the net general revenue as such term is defined in the Revenue Stabilization Law, § 19-5-101 et seq., for payment of the remaining debt service requirements in connection with the

bonds during either year of the fiscal biennium in which the bonds are to be issued, would work undue hardship upon any agency or program supported from general revenues under the provisions of the Revenue Stabilization Law, § 19-5-101 et seq.

(c) In connection with its duties and powers hereunder, the Arkansas Development Finance Authority shall have the following responsibilities:

(1) To make recommendations to the Governor and the Chief Fiscal Officer of the State regarding the marketing of the bonds to ensure, to the extent possible, their broad distribution throughout the state for educational purposes;

(2) To advise the Governor and the Chief Fiscal Officer of the State on an effective advertising campaign to inform the general public about the bonds and their availability;

(3) To advise the Governor and the Chief Fiscal Officer of the State regarding the increments in which to market the bonds and recommend maturity dates which will make funds available to purchasers at a time when such funds are needed for educational purposes;

(4) To advise the Governor and the Chief Fiscal Officer of the State regarding additional financial incentives as provided in this subchapter;

(5) To advise the Governor and the Chief Fiscal Officer of the State on the minimum denominations to market the bonds so that they are affordable by individuals;

(6) To evaluate the feasibility of staggered or periodic forms of payment for bonds, and to advise the Governor and Chief Fiscal Officer of the State regarding such evaluation;

(7) After the initial sale of bonds, to assess the effectiveness of the program and recommend constructive changes to the Governor and the Chief Fiscal Officer of the State regarding future bond sales;

(8) To study and review alternative investment instruments with respect to their suitability for a college savings program.

(d) Upon conclusion of such studies, the Governor shall, if he or she deems the same to be in the public interest, by proclamation, authorize the state board and the authority to proceed with the issuance of the bonds as provided herein.

(e) If the Governor shall decline or refuse to give his or her approval for the issuance of such bonds, and shall decline to issue a proclamation approving the issuance thereof, the Governor shall promptly notify the state board and the authority, in writing, and the authority shall not issue such bonds, but the state board may resubmit a request to the Governor for the issuance thereof within one (1) year from the date of notice of the Governor's refusal to grant approval for the issuance thereof.

(f) The issue as resubmitted to the Governor shall be dealt with in the same manner as provided for the initial request for authority to issue the bonds.

History. Acts 1989, No. 683, § 3; 1991, No. 102, § 1.

Publisher's Notes. As to legislative intent of Acts 1991, No. 102, see Publisher's Note to § 6-62-701.

6-62-710. Bonds — Financial incentives.

(a) The proceedings of the Arkansas Higher Education Coordinating Board, the Arkansas Development Finance Authority and the Governor authorizing the issuance of

bonds may also provide for additional financial incentives to be provided to holders of such bonds to encourage the enrollment of students at institutions of higher education located within the state.

(b) (1) Such financial incentives shall be in the form as recommended by the state board and approved by the Governor and Chief Fiscal Officer of the State at the time of the authorization of such bonds and may include, among others, supplemental payments to the holders of such bonds at maturity when such proceeds are to be applied to the cost of higher education as defined in § 6-62-703(2) at an institution of higher education located within the state.

(2) Such financial incentives shall be provided only if, in the sole judgment of the Governor and the Chief Fiscal Officer of the State that the cost of such incentives shall not cause the cost to the state of the proceeds of the bonds being sold to be increased by more than one-half of one percent (.05%).

(c) No such financial incentives shall be paid to assist in the financing of an education of a student:

(1) In a school or department of divinity for any religious denomination; or

(2) Pursuing a course of study consisting of training to become a minister, priest, rabbi, or professional person in the field of religion.

History. Acts 1989, No. 683, § 19.

6-62-711. Bonds — Purposes.

Bonds issued under this subchapter shall be issued for the purpose of financing the development of higher education projects at state institutions of higher education, and the proceeds of any bonds issued under this subchapter shall be applied for the payment of project costs or the refunding of bonds outstanding as authorized in §§ 6-62-709(b) and (c) and 6-62-715.

History. Acts 1989, No. 683, § 6.

6-62-712. Bonds — Terms and conditions generally.

The bonds:

(1) May be issued in the form of coupon bonds, payable to bearer, or as bonds registered as to principal only with interest coupons, or as bonds registered as to both principal and interest without coupons;

(2) May be in such denominations;

(3) May be made exchangeable for bonds of another form or denomination, bearing the same rate of interest and date of maturity;

(4) May be made payable as to principal and interest at such places within or without the state;

(5) May be made subject to redemption prior to maturity in such manner and for such redemption prices; and

(6) May contain such other terms and conditions all as the Arkansas Development Finance Authority shall determine.

History. Acts 1989, No. 683, § 5.

6-62-713. Bonds — Terms and conditions — Series bonds.

(a) The bonds shall be issued whether or not the interest is subject to federal income

taxation, in series, as set forth herein, in amounts sufficient to finance all or any part of project costs with the respective series to be designated in alphabetical order or by the year in which issued.

(b) The bonds of each series shall:

(1) Have such date as the Arkansas Development Finance Authority shall determine and shall mature semiannually or annually, or be subject to mandatory sinking fund redemption, over a period ending not later than thirty (30) years after the date of the bonds of each series so as to provide annual debt service of approximately equal amounts insofar as practicable each year throughout the term of the bonds, as determined by the authority. Pending the issuance of bonds hereunder, the authority may issue temporary notes, to be exchanged for or paid from the proceeds of bonds at such times as bonds may be issued;

(2) Bear interest at the rate or rates accepted by the authority at the sale of the bonds. Interest shall be payable at such times and in such manner as the authority shall determine, including the utilization of zero coupon or capital appreciation bonds; and

(3) Have all the qualities of negotiable instruments under the laws of the State of Arkansas, subject to the provisions regarding registration of ownership set forth above.

History. Acts 1989, No. 683, § 5.

6-62-714. Bonds — Resolution or trust indenture — Selection of projects.

(a) All bonds issued hereunder shall be authorized by resolution of the Arkansas Development Finance Authority. Each such resolution shall contain such terms, covenants, and conditions as are deemed desirable, including, without limitation, those pertaining to the establishment and maintenance of funds and accounts, to the deposit and investment of revenues and of bond proceeds, and to the rights and obligations of the state, its officers and officials, the authority, and the holders and registered owners of the bonds. All bonds issued under this subchapter shall be on a parity as to security. The resolution of the authority may provide for the execution and delivery by the authority of a trust indenture or trust indentures, with a bank or banks located within or without the state, containing any of the terms, covenants, and conditions referred to above, which trust indenture or trust indentures shall be binding upon the state and its officers and officials to the extent set forth in this subchapter.

(b) Any resolution or trust indenture adopted or executed under this section shall provide that power is reserved to apply to the payment of debt service on the bonds issued or secured thereunder all or any part of the revenues derived from any program or project financed by such bonds, and, to the extent of such revenues, to release from any requirement of such resolution or trust indenture other revenues and resources of the state, including, without limitation, the net general revenue required to be transferred under § 6-62-719.

(c) Any resolution of trust indenture adopted or executed under this section may provide for the retirement and defeasance of the bonds by the depositing in trust of cash or investments maintained for that purpose, and, when the provisions of such resolution or trust indenture are complied with, such bonds being refunded shall not be deemed to be bonds outstanding for the purposes of this subchapter.

(d) The Arkansas Higher Education Coordinating Board may select projects for financing and development under this subchapter which offer reasonable and realistic

prospects for the production of revenues, whether by direct user fees, sales, royalties, program or gate receipts, or otherwise.

History. Acts 1989, No. 683, § 7; 1991, No. 102, § 4.

Publisher's Notes. As to legislative intent of Acts 1991, No. 102, see Publisher's Note to § 6-62-701.

6-62-715. Refunding bonds.

(a) Bonds may also be issued for the purpose of refunding, either at maturity or in advance of maturity, any bonds issued under this subchapter.

(b) (1) Such refunding bonds may either be sold or delivered in exchange the bonds being refunded.

(2) If sold, the proceeds may either be applied to the payment of the bonds being refunded or deposited in trust and there maintained in cash or investments for the retirement of the bonds refunded, as shall be specified by the Arkansas Development Finance Authority and the authorizing resolution or trust indenture securing such refunding bonds.

(c) The authorizing resolution or trust indenture securing the refunding bonds may provide that the refunding bonds shall have the same security for their payment as provided for the bonds being refunded. Refunding bonds shall be sold and secured in accordance with provisions of this subchapter pertaining to the sale and security of the bonds.

History. Acts 1989, No. 683, § 20.

6-62-716. Bonds — Execution.

(a) Each bond shall be signed with the facsimile signatures of the Governor, the Secretary of State, and the Chair of the Arkansas Development Finance Authority and by the manual or facsimile signature of the Treasurer of State or by a deputy of the Treasurer of State, and shall have affixed or imprinted thereon the Great Seal of the State of Arkansas.

(b) Interest coupons attached to the bonds, if any, shall be signed with the facsimile signature of the Treasurer of State.

(c) Delivery of bonds and coupons so executed shall be valid, notwithstanding any change in persons holding such offices occurring after the bonds have been executed.

History. Acts 1989, No. 683, § 8.

6-62-717. Bonds — Sale — Employment of administrative agents, fiscal agents, and legal counsel.

(a) The bonds may be sold in such manner, either at public or private sale, and upon such terms as the Arkansas Development Finance Authority shall determine to be reasonable and expedient for effectuating the purposes of this subchapter. The bonds may be sold at such prices as the authority may accept, including, but not limited to, sale at discount or a premium.

(b) (1) If the bonds are sold at public sale, such public sale shall be on sealed bids, after notice published by the chair of the authority for at least one (1) insertion not less than twenty (20) days before the date of sale in a newspaper published in Little Rock,

Arkansas, and in a financial newspaper or journal published in the Borough of Manhattan, City and State of New York, which notice shall contain such other terms and provisions as the authority determines to be desirable.

(2) The authority shall award the sale to the bidder offering to purchase the bonds at a price which results in the lowest net interest cost or true interest to the State of Arkansas determined by computing the total interest cost from date of the issue to maturity, and deducting therefrom any premium bid and adding thereto the amount of any discount bid.

(3) Provided, however, the authority shall reserve the right to reject all bids tendered at such public sale.

(c) If the bonds are sold at a private or negotiated sale, within ninety (90) days following the close of such bond issue, the authority shall file with the Legislative Council a written report of the details of the bond sale, which report shall include a listing of the firms to whom the sale was made, the rate or rates of interest paid for the bonds, the underwriting fee or discount, and other details of the underwriting of the bonds.

(d) The costs of publication of notices, bond printing, official statements, other documents, and other costs associated with the sale, issuance, and delivery of the bonds shall be paid from the proceeds of the bonds.

(e) The authority may employ administrative agents, fiscal agents, and legal counsel and may pay them reasonable compensation out of the proceeds of the bonds.

History. Acts 1989, No. 683, § 9.

6-62-718. Bonds — General obligations — Pledge of revenues.

(a) The bonds shall be direct general obligations of the State of Arkansas, for the payment of the debt service on which the full faith and credit of the State of Arkansas are hereby irrevocably pledged so long as any such bonds are outstanding.

(b) The bonds shall be payable from the general revenues of the state as such term is defined in the Revenue Stabilization Law, § 19-5-101 et seq., and such amount of general revenues as is necessary is hereby pledged to the payment of debt service on the bonds and shall be and remain pledged for such purposes.

History. Acts 1989, No. 683, § 11.

6-62-719. Bonds — Payment — Bond fund — Debt Service Reserve Fund.

(a) On or before the commencement of each fiscal year, the Chief Fiscal Officer of the State shall determine the estimated amount required for payment of all or a part of debt service on the bonds issued under this subchapter during such fiscal year, after making deductions therefrom of estimated moneys to be available to the authority from other sources therefor and making the necessary transfer of such moneys, and shall certify such estimated amount to the Treasurer of State, who shall make monthly transfers from the State Apportionment Fund to the bond fund to provide for payment of all or part of the debt service on the bonds issued under this subchapter, of such amount of net general revenue as such term is defined in the Revenue Stabilization Law, § 19-5-101 et seq., as shall be required to pay the maturing debt service on bonds issued under this subchapter.

(b) The Treasurer of State shall make such additional monthly transfer or transfers of net general revenue as the Chief Fiscal Officer of the State shall certify to him or her as being required to enable the Arkansas Development Finance Authority to establish and

thereafter maintain a debt service reserve fund, to provide a reserve or reserves for payment of debt service on the bonds. The obligation to make monthly transfers of net general revenue from the State Apportionment Fund to the bond fund and to the debt service reserve fund shall constitute a first charge against said net general revenue prior to all other uses to which said net general revenue are devoted, either under present law or under any laws that may be enacted in the future; provided, however, that, to the extent other general obligation bonds of the state may subsequently be incurred, all such general obligation bonds shall rank on a priority of security with respect to payment from net general revenue.

(c) Moneys credited to the bond fund and the debt service reserve fund shall be used only for the purpose of paying debt service on the bonds, either at maturity or upon redemption prior to maturity, and for such purposes, the Treasurer of State is hereby designated disbursing officer to administer such funds in accordance with the provisions of this subchapter.

(d) The debt service reserve fund shall be held and used to ensure prompt payment of debt service on the bonds in such manner and pursuant to such conditions as may be specified by the authority in the resolution or trust indenture authorizing or securing such bonds.

(e) Moneys in the bond fund and the debt service reserve fund over and above the amount necessary to ensure the prompt payment of debt service on the bonds, and the establishment and maintenance of a reserve fund, if any, may be used for the redemption of bonds prior to maturity in the manner and in accordance with the provisions pertaining to redemption prior to maturity, as set forth in the resolution or trust indenture authorizing or securing such bonds.

History. Acts 1989, No. 683, § 12; 1991, No. 102, § 6.

Publisher's Notes. As to legislative intent of Acts 1991, No. 102, see Publisher's Note to § 6-62-701.

6-62-720. Bond — Tax exemption — Legal investments.

(a) All bonds issued under this subchapter, and interest thereon, shall be exempt from all taxes of the State of Arkansas, including income, inheritance, and property taxes.

(b) The bonds shall be eligible to secure deposits of all public funds and shall be legal for investment of municipal, county, bank, fiduciary, insurance company, and trust funds.

History. Acts 1989, No. 683, § 13.

6-62-721. Bonds — Rights and liabilities — Enforcement.

(a) This subchapter shall constitute a contract between the State of Arkansas and the holders and registered owners of all bonds issued hereunder which shall never be impaired, and any violation of its terms, whether under purported legislative authority or otherwise, shall be enjoined by the courts at the suit of any bondholder or of any taxpayer.

(b) The courts, in like suit against the Arkansas Development Finance Authority or the state board, the Treasurer of State, or other appropriate officer or official of the state, shall prevent a diversion of any revenues pledged hereunder and shall compel the restoration of diverted revenues, by injunction or mandamus.

(c) Also and without limitation as to any other appropriate remedy at law or in equity, any bondholder, by an appropriate action, including without limitation, injunction or mandamus, may compel the performance of all covenants and obligations of the state, its officers and officials, hereunder.

History. Acts 1989, No. 683, § 15.

6-62-722. Bonds — Rights and liabilities — Commencement.

This subchapter shall not create any right of any character, and no right of any character shall arise under or pursuant to it unless and until the first series of bonds authorized by this subchapter shall have been sold and delivered.

History. Acts 1989, No. 683, § 16.

6-62-723. Bonds — Deposit of proceeds.

(a) The proceeds from the sale of the bonds, together with all revenues derived from any project financed under this subchapter shall be deposited by the Arkansas Development Finance Authority, as received, into trust funds in the State Treasury, to accomplish the purposes of this subchapter, specifically, in amounts or portions as may be set forth in the resolution or trust indenture authorizing or securing the bonds issued to finance the development of such project, into trust funds created hereby and designated as follows:

(1) Into the Higher Education Projects Development Fund, to provide for the development of projects at state institutions of higher education and the payment of project costs and expenses of the issuance of the bonds;

(2) Into the College Savings Bond Fund, to provide for payment of all or a part of debt service on bonds issued under this subchapter;

(3) Into the College Savings Bond Debt Service Reserve Fund, to provide a reserve or reserves for payment of debt service on the bonds.

(b) The Treasurer of State is authorized and directed to establish separate accounts within such funds to correspond to the applicable series of bonds. In addition, there may be created in the State Treasury such other funds or accounts as the authority may determine in said resolution or trust indenture to be necessary to accomplish the purposes of this subchapter.

History. Acts 1989, No. 683, § 10.

6-62-724. Bonds — Investment and disbursement of funds.

(a) Any moneys held in any fund created under this subchapter shall be invested by the State Board of Finance to the full extent practicable pending disbursement for the purposes intended. Notwithstanding any other provision of law, such investments shall be in accordance with the terms of the resolution or trust indenture are applicable.

(b) Moneys on deposit in the Higher Education Projects Development Fund shall only be disbursed for a project when requisitioned by the chair of the Arkansas Higher Education Coordinating Board, or duly authorized designee, and approved by the Chief Fiscal Officer of the State, or duly authorized designee, which requisition shall certify that the funds disbursed thereby are for the payment of project costs of a higher education project duly approved by the Arkansas Higher Education Coordinating Board.

History. Acts 1989, No. 683, §§ 21, 22; 1991, No. 102, §§ 5, 7.

Publisher's Notes. As to legislative intent of Acts 1991, No. 102, see Publisher's Note to § 6-62-701.

6-62-725. Judicial review — Priority.

All cases involving the validity of this subchapter or any portion thereof, or in any way arising under this subchapter or involving the bonds issued hereunder, shall be deemed of public interest and shall be advanced by all courts and heard as a preferred cause, and all appeals from judgments or decrees rendered in such cases must be taken within thirty (30) days after the rendition of such judgment or decree.

History. Acts 1989, No. 683, § 26.

6-62-726. Rules and regulations — Acts 1997, No. 342.

(a) The Department of Higher Education or other agency to which the appropriation for college savings bonds is provided shall adopt rules and regulations for the allocation of the funds reappropriated for the development of projects at state institutions of higher education and the payment of project costs and expenses of the issuance of the bonds under this subchapter in order to ensure that funds are allocated and expended in a manner consistent with the applicable provisions of the Internal Revenue Code.

(b) The funds reappropriated for the development of projects at state institutions of higher education and the payment of project costs and expenses of the issuance of the bonds under this subchapter shall be allocated and expended pursuant to the provisions of this subchapter and other laws of this state.

(c) The expenditure and allocation of funds shall be exempt from any other provisions of state law which conflict with any provision of the rules and regulations which are required to ensure the compliance of the program with the applicable provisions of the Internal Revenue Code.

History. Acts 1997, No. 342, § 42.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-62-701 to 6-62-725 may not apply to this section which was enacted subsequently.

6-62-727. Rules and regulations — Acts 1997, No. 1211.

(a) The Department of Higher Education shall adopt rules and regulations for the allocation of the funds reappropriated for the development of projects at state institutions of higher education and the payment of project costs and expenses of the issuance of the bonds under this subchapter in order to ensure that funds are allocated and expended in a manner consistent with the applicable provisions of the Internal Revenue Code.

(b) The funds reappropriated for the development of projects at state institutions of higher education and the payment of project costs and expenses of the issuance of the bonds under this subchapter shall be allocated and expended pursuant to the provisions of this subchapter and other laws of this state.

(c) The expenditure and allocation of funds shall be exempt from any other provisions of state law which conflict with any provision of the rules and regulations which are required to ensure the compliance of the program with the applicable provisions of the Internal Revenue Code.

History. Acts 1997, No. 1211, § 31.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-62-701 to 6-62-725 may not apply to this section which was enacted subsequently.

Acts 2001, No. 1612, § 22, provided:

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

“The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.”

Acts 2003 (1st Ex. Sess.), No. 25, § 25, provided:

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

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

Acts 2005, No. 2124, § 19, provided:

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

“The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.”

Subchapter 8 **— Athletic Programs**

6-62-801. Purpose.

- 6-62-802. Definitions.
- 6-62-803. Limits on funding.
- 6-62-804. Deficits — Assessment of student athletic fee.
- 6-62-805. Certification by board of trustees.
- 6-62-806. Regulations — Nondiscriminatory application.
- 6-62-807. Reporting expenditures.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-62-801 — 6-62-806 may not apply to § 6-62-807 which was enacted subsequently.

Effective Dates. Acts 1997, No. 954, § 6: July 1, 1997. Emergency clause provided: “It is hereby found and determined by the General Assembly that the state-supported institutions of higher education should be authorized to utilize additional unrestricted educational and general funds for providing gender equity in intercollegiate athletic programs; that such authority should begin at the beginning of the next fiscal year; that this act grants such authority; and that this act will not go into effect until after the beginning of the next fiscal year unless this emergency clause is adopted. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997.”

Acts 1999, No. 1180, § 44: July 1, 1999. Emergency clause provided: “It is hereby found and determined by the Eighty-second General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1999 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1999 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1999.”

Acts 2005, No. 2288, § 3: July 1, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the limitations on athletic expenditure has not been adjusted as necessary to allow for increases in inflation; that this adjustment is necessary to allow necessary expenditures for institutions of higher education; and that it is necessary for this act to begin on July 1, 2005, because that is the beginning of the fiscal year. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2005.”

6-62-801. Purpose.

The Arkansas Higher Education Coordinating Board is authorized and directed to limit unrestricted educational and general funds used to support intercollegiate athletic programs and to provide fair and equitable treatment in the amount of state subsidy of athletic program expenditures at state-supported institutions of higher education.

History. Acts 1991, No. 366, § 1.

6-62-802. Definitions.

As used in this subchapter:

(1) “Athletic deficit” means the amount of athletic expenditures offset by the amount of athletic revenues, including:

- (A) Athletic-generated income;
- (B) Profits from other auxiliary enterprises;
- (C) The federally funded portion of college work-study students in the intercollegiate athletic program;

(D) Transfers from funds other than the unrestricted educational and general fund; and

(E) The allowable unrestricted educational and general transfer for four-year institutions, for two-year branches of four-year institutions, and for other two-year institutions of higher education;

(2) “Athletic expenditures” means:

(A) All direct and indirect expenses, prorated if necessary, including salaries;

(B) All fringe benefits such as medical and dental insurance, workers' compensation, pension plans, tuition waivers, and any other cost associated with recruitment and retention of staff;

(C) Travel;

(D) Equipment;

(E) Scholarships;

(F) Meals;

(G) Housing and dormitory supplies;

(H) Supplies;

(I) Property and medical insurance;

(J) Medical expenses;

(K) Utilities; and

(L) Maintenance of facilities related to all intercollegiate teams and spirit groups, excluding bands; and

(3) “Athletic program” means intercollegiate athletics.

History. Acts 1991, No. 366, § 2; 1997, No. 954, § 1; 2005, No. 2288, § 1.

Amendments. The 2005 amendment inserted “the amount of” twice in (1).

6-62-803. Limits on funding.

(a) Beginning in fiscal year 1991-1992, the amount of unrestricted educational and general funds for intercollegiate athletic programs at state-supported institutions of higher education shall be limited to four hundred fifty thousand dollars (\$450,000) at four-year institutions and to fifty-one dollars (\$51.00) per full-time-equivalent student per year at two-year branches of four-year institutions and at other two-year institutions of higher education.

(b) (1) Beginning in fiscal year 1997-1998, state-supported four-year institutions of higher education may use an additional three hundred thousand dollars (\$300,000) per fiscal year of unrestricted educational and general funds to provide gender equity in intercollegiate athletic programs.

(2) Two-year branches of the four-year institutions and other two-year institutions of higher education may use an additional amount of unrestricted educational and general funds for providing gender equity in intercollegiate athletic programs in the amount of thirty-four dollars (\$34.00) per full-time-equivalent student per year.

(c) (1) Beginning in fiscal year 2005-2006, the limits on the amount of unrestricted educational and general funds for intercollegiate athletic programs at state-supported institutions of higher education set forth in subsections (a) and (b) of this section shall be adjusted as determined by the Department of Higher Education based on the consumer

price index.

(2) (A) For fiscal year 2005-2006, the adjustments shall take into account the inflation increases since the figures set forth in subsections (a) and (b) of this section were established or last adjusted.

(B) In subsequent years, the adjustment shall be for the period from the last adjustment to the beginning of the relevant fiscal year.

History. Acts 1991, No. 366, § 3; 1997, No. 954, § 2; 2005, No. 2288, § 2.

Amendments. The 2005 amendment added (c).

6-62-804. Deficits — Assessment of student athletic fee.

(a) Any athletic deficit of an institution shall be funded by a student athletic fee authorized by the board of trustees of each institution.

(b) The student athletic fee shall be assessed on the basis of student semester credit hour and shall be clearly defined in all publications and institutional board minutes as being for the support of intercollegiate athletics, separate and distinct from other tuition or student activity fees.

History. Acts 1991, No. 366, § 4.

6-62-805. Certification by board of trustees.

The board of trustees of each institution shall certify annually by June 15 of each year to the Arkansas Higher Education Coordinating Board:

(1) That the intercollegiate athletic program will generate sufficient revenue through athletic-generated revenue, other auxiliary profits, other coordinating board-approved revenue sources, and the allowable state support as set out in § 6-62-803; or

(2) That any athletic deficit will be met by separate institutional board-sanctioned student athletic fees within the limitations established in this subchapter.

History. Acts 1991, No. 366, § 5.

6-62-806. Regulations — Nondiscriminatory application.

(a) The Arkansas Higher Education Coordinating Board is authorized to promulgate any rules or regulations necessary for the implementation of this subchapter.

(b) The provisions of this subchapter shall not be implemented in such a way as to discriminate against women's athletic programs.

History. Acts 1991, No. 366, §§ 6, 7.

6-62-807. Reporting expenditures.

In accordance with the uniform reporting and auditing of intercollegiate athletic expenditures of state-supported institutions of higher education, maintenance of facilities expenditures related to all intercollegiate teams and spirit groups, excluding bands, shall be reported as actual costs of operating such athletic facilities or a proration of actual costs based on athletic usage.

History. Acts 1999, No. 1180, § 37.

A.C.R.C. Notes. References to "this subchapter" in §§ 6-62-801 — 6-62-806 may not apply to this section which was enacted subsequently.

Acts 2001, No. 1612, § 29, provided:

"In accordance with the uniform reporting and auditing of intercollegiate athletic expenditures of state-supported institutions of higher education, maintenance of facilities expenditures related to all intercollegiate teams and spirit groups, excluding bands, shall be reported as actual costs of operating such athletic facilities or a proration of actual costs based on athletic usage.

"The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003."

Subchapter 9 **— Arkansas Tuition Trust Authority**

6-62-901 — 6-62-911. [Repealed.]

6-62-901 — 6-62-911. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 1999, No. 996, § 14. The subchapter was derived from the following sources:

6-62-901. Acts 1993, No. 1222, § 1; 1997, No. 861, § 1.

6-62-902. Acts 1993, No. 1222, § 1.

6-62-903. Acts 1993, No. 1222, § 1; 1997, No. 250, § 27; 1997, No. 861, § 3; 1997, No. 1354, § 8.

6-62-904. Acts 1993, No. 1222, § 1.

6-62-905. Acts 1993, No. 1222, § 1.

6-62-906. Acts 1993, No. 1222, § 1; 1997, No. 861, § 2.

6-62-907. Acts 1993, No. 1222, § 1.

6-62-908. Acts 1993, No. 1222, § 1.

6-62-909. Acts 1993, No. 1222, § 1.

6-62-910. Acts 1993, No. 1222, § 1.

6-62-911. Acts 1993, No. 1222, § 1.

Subchapter 10 **— Workers' Compensation Insurance**

6-62-1001. Coverage required.

6-62-1002. Election to provide self-funded coverage.

6-62-1003. Private, municipal, or self-funded coverage.

6-62-1004. Election to provide coverage through Public Employee Claims Division.

Effective Dates. Acts 1997, No. 1202, § 8: July 1, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act requires all two-year and four-year public institutions of higher education to provide workers' compensation for their employees; and that it is in the best interest of the employees shall become effective on July 1, 1997. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective July 1, 1997."

6-62-1001. Coverage required.

(a) All two-year and four-year public institutions of higher education shall be required to provide workers' compensation coverage for their employees.

(b) Coverage shall be provided for losses incurred while performing work for the two-year or four-year public institution of higher education.

History. Acts 1997, No. 1202, § 1.

6-62-1002. Election to provide self-funded coverage.

(a) Claims incurred on and after the effective date that a public institution of higher education elects to provide self-funded coverage under this subchapter shall be the responsibility of the two-year or four-year public institution of higher education.

(b) Claims incurred prior to the effective date that a public institution of higher education elects to provide self-funded coverage under this subchapter shall become the responsibility of the two-year or four-year public institution of higher education, and the workers' compensation trust fund maintained for each institution by the Department of Finance and Administration shall be paid to the institution by the Public Employee Claims Division on the effective date of the election.

(c) The division shall assist and provide necessary records to institutions making an election under this subchapter or to their designees.

History. Acts 1997, No. 1202, § 2.

6-62-1003. Private, municipal, or self-funded coverage.

(a) Two-year and four-year public institutions of higher education may provide workers' compensation coverage through private carriers, municipal self-funding groups, or one (1) or more self-funded entities or groups.

(b) Self-funding groups established for this purpose shall meet the following requirements:

(1) Any group established to provide coverage to public institutions of higher education only shall offer coverage to any two-year or four-year public institution of higher education in the state that applies for coverage;

(2) (A) Any group established to provide workers' compensation coverage to public institutions of higher education shall offer coverage at rates promulgated by the Workers' Compensation Commission.

(B) Premiums for public institutions of higher education participating in any group shall be revised annually based on the loss experience of the particular institution of higher education or group of public institutions of higher education.

(C) Each board governing a self-funding group shall be permitted to declare dividends or to give credits against renewal premiums based on annual loss experience and subject to commission approval;

(3) Any self-funding group of participating public institutions of higher education shall be subject to the regulations of the commission applicable to self-insured groups or providers;

(4) (A) All self-funded groups shall obtain excess reinsurance from an admitted or approved insurance company doing business in Arkansas.

(B) In lieu of the reinsurance requirements in subdivision (b)(4)(i) of this section, any self-funded group under this section with one million five hundred thousand dollars (\$1,500,000) or more in annually collected premiums may provide excess reserves of twenty percent (20%) of annual premiums by any one (1) of the following ways:

(i) Cash or certificates of deposit in Arkansas banks; or

(ii) Letters of credit from an Arkansas bank; and

(5) Two-year and four-year public institutions of higher education shall not be required to enter into an indemnity agreement binding them jointly and severally.

History. Acts 1997, No. 1202, § 3.

6-62-1004. Election to provide coverage through Public Employee Claims Division.

Nothing in this subchapter shall require two-year or four-year public institutions of higher education to provide workers' compensation coverage through one (1) or more self-funded entities or groups, and an institution may elect to provide coverage through the Public Employee Claims Division in the same manner as do other state agencies.

History. Acts 1997, No. 1202, § 4.

Subchapter 11
— Higher Education Technology and Facility Improvement

- 6-62-1101. Title.
- 6-62-1102. Legislative findings.
- 6-62-1103. Definitions.
- 6-62-1104. Power and duties.
- 6-62-1105. Authorization — Purposes.
- 6-62-1106. Bonds — Debt service limitation.
- 6-62-1107. Projects to be financed.
- 6-62-1108. Election.
- 6-62-1109. Procedure for issuing bonds.
- 6-62-1110. Terms of bonds.
- 6-62-1111. Sale of bonds.
- 6-62-1112. Transfer of funds for debt service.
- 6-62-1113. Sources of repayment.
- 6-62-1114. Deposit and investment of proceeds.
- 6-62-1115. Use of bond proceeds.
- 6-62-1116. Refunding bonds.
- 6-62-1117. Tax exemption.
- 6-62-1118. Employment of professionals.
- 6-62-1119. Construction.
- 6-62-1120. Rights and liabilities — Enforcement.
- 6-62-1121. Rights and liabilities — Commencement.
- 6-62-1122. Judicial review — Priority.

Effective Dates. Acts 2005, No. 1282, § 2: Mar. 29, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that there is an immediate need for a program to finance the design, development, equipping, acquisition, improvement, and construction of technology projects and facility improvement projects at state institutions of higher education within the state; that such a program cannot be accomplished without the issuance of bonds secured by the general revenues of the state to finance the program; and that this act authorizes the issuance of the necessary bonds. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-62-1101. Title.

This subchapter may be referred to and cited as the “Arkansas Higher Education Technology and Facility Improvement Act of 2005”.

History. Acts 2005, No. 1282, § 1.

6-62-1102. Legislative findings.

The General Assembly finds that:

(1) Expanded availability of higher educational opportunities for families in this state with school-age children has become increasingly necessary in order to preserve and protect the health, welfare, and prosperity of this state and its citizens;

(2) The increasing competitiveness and technological sophistication of today's products, services, and markets and the growing importance of our dynamic economy require a highly educated and well-trained work force in order for this state to preserve, protect, and promote employment opportunities;

(3) A strong system of higher education has been and will continue to be not only a wellspring for the enhancement of this state's cultural well-being but also a substantial contributing factor to the growth of this state's economy by stimulating the development of new products and services;

(4) There is a growing need for this state to undertake projects to upgrade and expand this state's higher education technology equipment and to improve this state's higher education and physical plant; and

(5) The public policies and responsibilities of this state as described in this section cannot be fully obtained without the use of public financing and that the public financing can only be provided by the adoption of this subchapter by the General Assembly and its approval by the electors of the State of Arkansas.

History. Acts 2005, No. 1282, § 1.

6-62-1103. Definitions.

As used in this subchapter:

(1) “Athletic facilities” means facilities used primarily for intercollegiate or intramural sports;

(2) “Bonds” means the State of Arkansas Higher Education General Obligation Bonds as authorized in this subchapter;

(3) “Debt service” means all amounts required for the payment of principal, interest, and premium, if any, due with respect to the bonds in any fiscal year, along with all associated costs, including the fees and costs of paying agents and trustees, remarketing agent fees, credit enhancement costs, arbitrage rebate costs, administrative costs, and other amounts necessary in connection with the repayment of and security for the bonds;

(4) “Develop” or “development” means the construction, repair, renovation, design, expansion, improvement, acquisition, installation, or equipping of any lands, buildings, improvements, machinery, equipment, or other properties of whatever nature, real, personal, or mixed;

(5) “Facility improvement projects” means any lands, buildings, improvements, machinery, equipment, or other property, real, personal, or mixed or any combination of

property developed in pursuance of all or any of the purposes of this subchapter as promulgated by the rules established by the Arkansas Higher Education Coordinating Board that are not technology projects as defined in this subchapter;

(6) “General revenues” means the general revenues defined in § 19-6-201;

(7) “Project costs” means all or any part of the costs of developing any projects under this subchapter, costs of refunding bonds issued under this subchapter or under the Arkansas College Savings Bond Act of 1989, § 6-62-701 et seq., costs incidental or appropriate to the projects or bonds, and costs incidental or appropriate to the financing of the projects or bonds, including, without limitation, costs of issuance of the bonds, capitalized interest, liquidity facility fees, appropriate reserves, credit enhancement, bond insurance or surety bond premiums, the administrative fees of the issuer, and fees and costs for engineering, legal, and other professional, administrative, and consultant services;

(8) “State institution of higher education” means any public university, college, technical college, or community college established or authorized by the General Assembly; and

(9) “Technology projects” means any lands, buildings, improvements, machinery, equipment, or other property, real, personal, tangible or intangible, or mixed, or any combination thereof, developed in pursuance of all or any of the purposes of this subchapter but specifically for the purpose of upgrading or expanding this state's higher education technology equipment and facilities as promulgated by the rules established by the Arkansas Higher Education Coordinating Board.

History. Acts 2005, No. 1282, § 1.

6-62-1104. Power and duties.

(a) Before any bonds may be issued during a fiscal biennium, except for refunding purposes, the Arkansas Higher Education Coordinating Board shall submit to the Governor a written plan for technology and facility improvement projects to be funded with the proceeds derived from the sale of the State of Arkansas Higher Education General Obligation Bonds, the need for the projects, the estimated benefits of the projects, and the anticipated debt service requirements for the bonds.

(b) (1) Upon receipt of the plan, the Governor shall confer with the Chief Fiscal Officer of the State concerning the amount and availability of unrestricted funds in the General Improvement Fund that would be used to meet the debt service requirements.

(2) The Chief Fiscal Officer of the State shall determine whether the annual amount of the net general revenues required to be set aside from general revenues for payment of the remaining debt service requirements in connection with the bonds to be issued under this subchapter during either year of the fiscal biennium in which the bonds are to be issued would work undue hardship upon any agency or program supported from general revenues under the provisions of the Revenue Stabilization Law, § 19-5-101 et seq.

(c) After conferring with the Chief Fiscal Officer of the State pursuant to subsection (b) of this section, if the Governor determines that issuing bonds under this subchapter is in the public interest, the Governor shall authorize by proclamation the board and the Arkansas Development Finance Authority to proceed with the issuance of the bonds under this subchapter.

(d) The authority and the board, in addition to and not in replacement or limitation of powers conferred under other laws, each shall have the power under this subchapter to:

(1) Make available bond proceeds and investment earnings on the bond proceeds to state institutions of higher education for payment of project costs in accordance with this subchapter;

(2) Enter into any and all contracts necessary or convenient for the exercise of the powers or implementation of the purposes set forth in this subchapter;

(3) Require audits or other periodic reports of any or all accounts related to construction, operation, or maintenance of any projects funded by this subchapter;

(4) Take reasonable actions to ensure that debt service requirements are met; and

(5) Take other action as may be appropriate to accomplish the purposes of this subchapter.

(e) The authority and the board are authorized to promulgate rules with respect to their powers and duties pursuant to this subchapter.

(f) No member of the authority or the board shall be liable personally for any reason arising from the issuance of bonds pursuant to this subchapter unless the person shall have acted with corrupt intent.

History. Acts 2005, No. 1282, § 1.

6-62-1105. Authorization — Purposes.

The Arkansas Development Finance Authority, on behalf of the State of Arkansas, is authorized, subject to the approval of the voters in a statewide election, to issue bonds to be known as “State of Arkansas Higher Education General Obligation Bonds”, in a total principal amount not to exceed two hundred fifty million dollars (\$250,000,000) for the purpose of financing the development of technology projects and facility improvement projects for state institutions of higher education and for the purpose of refunding bonds issued under the Arkansas College Savings Bond Act of 1989, § 6-62-701 et seq.

History. Acts 2005, No. 1282, § 1.

6-62-1106. Bonds — Debt service limitation.

The total principal amount of bonds outstanding under this subchapter and under the Arkansas College Savings Bond Act of 1989, § 6-62-701 et seq., shall not have combined scheduled debt service payments in excess of twenty-four million dollars (\$24,000,000) in any one (1) fiscal year.

History. Acts 2005, No. 1282, § 1.

6-62-1107. Projects to be financed.

The proceeds of bonds issued under this subchapter for nonrefunding purposes shall be used to finance the development of technology projects and facility improvement projects. However, none of the projects shall be primarily for athletic facilities.

History. Acts 2005, No. 1282, § 1.

6-62-1108. Election.

(a) (1) No bonds shall be issued under this subchapter, except as otherwise provided in this subchapter, unless the issuance of bonds and the pledge of the full faith and credit of

the State of Arkansas have been approved by a majority of the qualified electors of this state voting on the question at a statewide election called by proclamation of the Governor.

(2) The election may be in conjunction with a general election, or it may be a special election.

(3) Notice of the election shall be:

(A) Published by the Secretary of State in a newspaper of general circulation in this state at least thirty (30) days prior to the election; and

(B) Mailed to each county board of election commissioners at least sixty (60) days prior to the election.

(b) The notice of election shall state that the election is to be held for the purpose of submitting to the people the following proposition, in substantially the following form: “Authorizing the Arkansas Development Finance Authority to issue State of Arkansas Higher Education General Obligation Bonds (the “bonds”) in a total principal amount not to exceed two hundred fifty million dollars (\$250,000,000) in one (1) or more series from time to time for the purpose of financing the cost of developing technology and facility improvement projects for state institutions of higher education and financing the cost of refunding bonds issued under the Arkansas College Savings Bond Act of 1989. However, that the outstanding principal amount of bonds issued under the Arkansas Higher Education Technology and Facility Improvement Act of 2005 and the Arkansas College Savings Bond Act of 1989 shall not have scheduled debt service payments on a combined basis in excess of twenty-four million dollars (\$24,000,000) in any one (1) fiscal year. “The bonds shall be general obligations of the State of Arkansas, payable from general revenues of the state and also secured by the full faith and credit of the State of Arkansas, including its general revenues. The bonds shall be issued pursuant to the authority of and the terms set forth in the Arkansas Higher Education Technology and Facility Improvement Act of 2005.”

(c) The ballot title shall be “Issuance of State of Arkansas Higher Education General Obligation Bonds and Pledge of Full Faith and Credit of the State of Arkansas”. On each ballot there shall be printed the title, the proposition set forth in § 6-62-1108(b), and the following:

“FOR issuance of State of Arkansas Higher Education General Obligation Bonds and Pledge the Full Faith and Credit of the State of Arkansas.”

“AGAINST issuance of State of Arkansas Higher Education General Obligation Bonds and Pledge the Full Faith and Credit of the State of Arkansas.”

(d) (1) The county boards of election commissioners in each of the counties of this state shall hold and conduct the election.

(2) Each county board of election commissioners shall take necessary action with respect to the appointment of election officials and other matters as required by law.

(3) The vote shall be canvassed and the result of the vote declared in each county by the board of election commissioners.

(4) Within ten (10) days after the date of the election, the results shall be certified by each board to the Secretary of State, who shall tabulate all returns received and certify to the Governor the total vote for and against the proposition submitted pursuant to this subchapter.

(e) The results of the election shall be proclaimed by the Governor by the publication of

the proclamation one (1) time in a newspaper of general circulation in this state. The results as proclaimed shall be conclusive unless a complaint is filed within thirty (30) days after the date of the publication in the Pulaski County Circuit Court challenging the results.

(f) (1) If a majority of the qualified electors voting on the proposition vote in favor of the issuance of the bonds, then the Arkansas Development Finance Authority and the Arkansas Higher Education Coordinating Board shall proceed with the issuance of bonds in the manner and on the terms set forth in this subchapter.

(2) If a majority of the qualified electors voting on the proposition vote against the issuance of the bonds, none of the bonds authorized by this subchapter shall be issued.

(3) Subsequent elections may be called by the Governor if the proposition fails, but each subsequent election may be held no earlier than six (6) months after the date of the preceding election.

History. Acts 2005, No. 1282, § 1.

6-62-1109. Procedure for issuing bonds.

(a) (1) Prior to the issuance of any series of bonds, the Arkansas Development Finance Authority shall adopt a resolution or trust indenture, which may be a general resolution, series resolution, master trust indenture, series indenture, supplemental indenture, or other form of resolution or indenture, as deemed necessary by the authority, authorizing the issuance of the series of State of Arkansas Higher Education General Obligation Bonds.

(2) Each resolution or trust indenture shall contain the terms, covenants, and conditions as are deemed desirable and consistent with this subchapter, including, without limitation, those pertaining to the establishment and maintenance of funds and accounts, the deposit and investment of the bond proceeds and any pledged revenues, and the rights and obligations of the State of Arkansas, its officers and officials, the authority, and the registered owners of the bonds.

(3) All bonds issued under this subchapter shall be on a parity as to security. The resolutions or trust indentures of the authority may provide for the execution and delivery by the authority of a trust indenture or trust indentures with one (1) or more banks or trust companies located within or without this state containing any of the terms, covenants, and conditions described in this section and any other terms and conditions deemed necessary by the authority, which trust indenture or trust indentures shall be binding upon the authority and the State of Arkansas, and their respective officers and officials.

(b) Any resolution or trust indenture adopted or executed under this section may provide for the retirement and defeasance of the bonds by the depositing of cash or investments in trust to be maintained for that purpose. When the provisions of the resolution or trust indenture are complied with, the bonds being refunded shall not be deemed to be bonds outstanding for the purposes of this subchapter.

History. Acts 2005, No. 1282, § 1.

6-62-1110. Terms of bonds.

The State of Arkansas Higher Education General Obligation Bonds shall be subject to the following terms and conditions:

(1) Whether or not the interest is subject to federal taxation, the bonds shall be issued in series, as set forth in this section, in amounts sufficient to finance all or part of project costs or to refund bonds, with the respective series to be designated by the year in which issued and by alphabetical designation if more than one (1) series is to be issued in a particular year;

(2) The bonds of each series shall have such date or dates as the Arkansas Development Finance Authority shall determine and shall mature or be subject to mandatory sinking fund redemption over a period ending not later than thirty (30) years after the date of issue of each series;

(3) The bonds of each series shall bear interest at the rate or rates determined by the authority at the time of the sale of the bonds. The bonds may bear interest at either a fixed or a variable rate, or may be convertible from one (1) interest rate mode to another, and the interest shall be payable at such times as the authority shall determine;

(4) As determined by the authority, the bonds:

(A) Shall be issued in the form of bonds registered as to both principal and interest without coupons;

(B) May be in any denominations and made exchangeable for bonds of another form or denomination bearing the same rate of interest;

(C) May be made payable at designated places within or without the State of Arkansas;

(D) May be made subject to redemption prior to maturity in any manner and for any redemption prices; and

(E) May contain other terms and conditions;

(5) Each bond shall be executed with the original or facsimile signatures of the Governor, the Secretary of State, and the Chair of the Arkansas Development Finance Authority and shall have affixed or imprinted on the bond the Great Seal of the State of Arkansas. Delivery of the bonds so executed shall be valid, notwithstanding any change in the persons holding the offices occurring after the bonds have been executed; and

(6) The bonds shall have all the qualities of negotiable instruments under the laws of the State of Arkansas, subject to the provisions regarding registration of ownership set forth in this section or in the resolution or trust indenture authorizing the bonds.

History. Acts 2005, No. 1282, § 1.

6-62-1111. Sale of bonds.

(a) The State of Arkansas Higher Education General Obligation Bonds may be sold in the manner, either at private or public sale, and upon terms as the Arkansas Development Finance Authority shall determine to be reasonable and expedient for effectuating the purposes of this subchapter. The bonds may be sold at a price acceptable to the authority, which may include a discount or a premium.

(b) If the bonds are to be sold at public sale, the authority shall give notice of the offering of the bonds in a manner reasonably designed to notify participants in the public finance industry that the offering is being made. The authority shall set the terms and conditions of bidding, including the basis on which the winning bid will be selected.

(c) The authority may:

(1) Structure the sale of bonds utilizing financing techniques recommended by its professional advisors in order to take advantage of market conditions and may obtain the

most favorable interest rates consistent with the purposes of this subchapter;

(2) Enter into ancillary agreements in connection with the sale of the bonds that are necessary and advisable, including, without limitation, bond purchase agreements, remarketing agreements, letters of credit, or reimbursement agreements; and

(3) Enter into an interest rate exchange agreement or similar agreement or contract with any person on a competitive or negotiated basis under the terms and conditions as the authority shall determine in compliance with § 15-5-317.

History. Acts 2005, No. 1282, § 1.

6-62-1112. Transfer of funds for debt service.

(a) (1) On or before the commencement of each fiscal year, the Chief Fiscal Officer of the State shall:

(A) Determine the estimated amount required for payment of all or a part of debt service on the State of Arkansas Higher Education General Obligation Bonds issued under this subchapter during the fiscal year less the amount available for the payment of debt service from estimated moneys to be available to the Arkansas Development Finance Authority from other sources, if any; and

(B) Certify the amount computed under subdivision (a)(1)(A) of this section to the Treasurer of State, who shall transfer the certified amount from the General Revenue Fund Account of the State Apportionment Fund to a trust fund established by the resolution or trust indenture authorizing the bonds as a bond or sinking fund in order to provide for payment of all or part of the debt service on the bonds issued under this subchapter.

(2) Payments shall be made into the bond or sinking fund not later than one (1) day prior to the due date for the payment of the debt service.

(b) The obligation to make periodic transfers from the General Revenue Fund Account of the State Apportionment Fund to the bond or sinking fund shall constitute a first charge against the General Revenue Fund Account prior to all other uses to which general revenues are devoted, either under present law or under any laws that may be enacted in the future. However, to the extent that other general obligation bonds of the State of Arkansas may subsequently be incurred, all general obligation bonds shall rank on a parity of security with respect to payment from the General Revenue Fund Account.

(c) The resolution or trust indenture authorizing or securing the bonds issued shall identify the funds to which moneys shall be credited and used for the purposes identified in this subchapter. For those purposes, the holder of the trust funds is designated as the disbursing officer to administer those funds in accordance with this subchapter.

(d) Moneys in the bond or sinking fund over and above the amount necessary to ensure the prompt payment of debt service on the bonds may be used for the redemption of bonds prior to maturity in the manner and in accordance with the provisions pertaining to redemption prior to maturity, as set forth in the resolution or trust indenture authorizing or securing the bonds.

History. Acts 2005, No. 1282, § 1.

6-62-1113. Sources of repayment.

(a) The State of Arkansas Higher Education General Obligation Bonds shall be direct general obligations of the State of Arkansas for the payment of the debt service on which

the full faith and credit of the state are irrevocably pledged so long as any of the bonds are outstanding.

(b) (1) The bonds shall be payable from the general revenues of the state, and the amount of general revenues necessary is pledged to the payment of debt service on the bonds and shall remain pledged for those purposes.

(2) Each authorizing resolution or trust indenture may provide for a reserve, credit enhancement, bond insurance, surety bond, or liquidity facility for the bonds.

History. Acts 2005, No. 1282, § 1.

6-62-1114. Deposit and investment of proceeds.

(a) The proceeds from the sale of the State of Arkansas Higher Education General Obligation Bonds shall be deposited by the recipient, as received, into trust funds or accounts in the name of the Arkansas Development Finance Authority established pursuant to the resolution or trust indenture authorizing or securing the bonds to accomplish the purposes of this subchapter in amounts or portions as set forth in the resolution or trust indenture securing the bonds.

(b) (1) The holder of the trust funds shall establish separate accounts and subaccounts within the applicable fund to correspond to the applicable series of bonds.

(2) In addition and under the resolution or trust indenture authorizing or securing the bonds, there may be created other funds, accounts, or subaccounts as the authority may determine to be necessary or desirable to accomplish the purposes of this subchapter.

(c) All procedures and methods for application of proceeds of any series of bonds to the financing of project costs shall be developed in consultation with the Arkansas Higher Education Coordinating Board and the Chief Fiscal Officer of the State, set forth in the resolution or trust indenture authorizing or securing the bonds, and maintained as part of the records of the authority.

(d) The holder and administrator of funds, comprised in whole or in part of proceeds of bonds or disbursements from funds established under this subchapter, shall be required by appropriate provision of the resolution or trust indenture authorizing or securing the bonds issued to assist the authority in preparing any report related to the bonds that may be required by this subchapter or other applicable federal or state law.

(e) The proceeds from the sale of the bonds and any money held in any funds created under or authorized by this subchapter may be invested and reinvested in accordance with the resolution or trust indenture authorizing or securing the bonds issued and shall be invested by or at the direction of the authority to the fullest extent practicable pending disbursement for the purposes intended in any of the following:

(1) Direct obligations of the United States, including obligations issued or held in book entry form on the books of the United States Department of the Treasury, or obligations the principal of and interest on which are unconditionally guaranteed by the United States;

(2) Bonds, debentures, notes, or other evidences of indebtedness issued or guaranteed by any United States government agency if the obligations are backed by the full faith and credit of the United States;

(3) Non full faith and credit senior debt obligations issued or guaranteed by United States government agencies;

(4) Money market funds investing exclusively in the investments described in

subdivisions (e)(1)-(3) of this section;

(5) (A) Certificates of deposit providing for deposits secured at all times by collateral described in subdivisions (e)(1)-(3) of this section.

(B) The certificates must be issued by commercial bank deposits which are insured by the Federal Deposit Insurance Corporation and collateral of which must be held by a third party.

(C) The holder of the trust funds must have a perfected first security interest in the collateral;

(6) Certificates of deposit, savings accounts, deposit accounts, or money market deposits, all of which are fully insured by the Federal Deposit Insurance Corporation;

(7) Bonds or notes issued by this state, any municipality, county, or school district in this state or by any agency or instrumentality of this state;

(8) Investment agreements with financial institutions or insurance companies that are rated in one (1) of the two (2) highest rating categories of a nationally recognized rating agency;

(9) (A) Repurchase agreements providing for the transfer of securities from a dealer bank or securities firm to the holder of the trust funds and the transfer of cash from the holder of the trust funds to the dealer bank or securities firm with an agreement that the dealer bank or securities firm will repay the cash plus a yield to the holder of the trust funds in exchange for the securities at a specified date.

(B) Repurchase agreements shall satisfy the following criteria:

(i) Repurchase agreements must be between the holder of the trust funds and a dealer bank or securities firm described as follows:

(a) Dealers with at least one hundred million dollars (\$100,000,000) in capital; or

(b) Banks whose deposits are insured by the Federal Deposit Insurance Corporation; and

(ii) The written repurchase agreement contract must include the following:

(a) Securities that are acceptable for transfer are those listed in subdivisions (e)(1)-(3) of this section;

(b) The term of the repurchase agreement may not exceed thirty (30) calendar days;

(c) The collateral must be delivered to the holder of the trust funds, a trustee if a trustee is not supplying the collateral, or a third party acting as agent for the trustee if the trustee is supplying the collateral before or simultaneously with payment; and

(d) (1) The securities must be valued weekly, marked-to-market at current market price plus accrued interest.

(2) (A) The value of collateral must be equal to one hundred three percent (103%) of the amount of cash transferred by the holder of the trust funds to the dealer bank or security firm under the repurchase agreement plus accrued interest.

(B) If the value of securities held as collateral declines below one hundred three percent (103%) of the value of the cash transferred by the holder of the trust funds, then additional cash or acceptable securities,

or both, must be transferred and held by the holder of the trust funds; and

(10) Any other investment authorized by state law.

History. Acts 2005, No. 1282, § 1.

6-62-1115. Use of bond proceeds.

(a) The proceeds of the State of Arkansas Higher Education General Obligation Bonds issued under this subchapter for nonrefunding purposes, after the funding of any necessary reserve and the costs associated with the issuance of and security for the bonds, shall only be disbursed for project costs when requisitioned by the Chair of the Arkansas Higher Education Coordinating Board or his or her designee and approved by the Chief Fiscal Officer of the State or his or her designee.

(b) The requisition under subsection (a) of this section shall certify that the funds disbursed are for the payment of project costs that are authorized to be financed under this subchapter and that have been duly approved by the board.

(c) The proceeds of the bonds issued pursuant to this subchapter for refunding purposes, after the funding of any necessary reserve and costs associated with the issuance of and security for the bonds and the defeasance of the bonds to be refunded, shall be used by the Arkansas Development Finance Authority to directly pay or establish a trust fund to serve as an escrow account for the purpose of payment or defeasance of bonds issued under this subchapter or under the Arkansas College Savings Bond Act of 1989, § 6-62-701 et seq.

History. Acts 2005, No. 1282, § 1.

6-62-1116. Refunding bonds.

(a) (1) The Arkansas Development Finance Authority may issue bonds for the purpose of refunding bonds previously issued pursuant to this subchapter or the Arkansas College Savings Bond Act of 1989, § 6-62-701 et seq.

(2) To the extent that the refunding bonds are issued to refund State of Arkansas Higher Education General Obligation Bonds issued under this subchapter and the principal amount of the refunding bonds is not in a greater principal amount than the outstanding principal amount of the bonds being refunded, the principal amount of the refunding bonds shall not be subject to the two hundred fifty million dollar limit in § 6-62-1105.

(b) The refunding bonds shall be general obligations of the State of Arkansas, secured as set forth in this subchapter, and secured and sold in accordance with the provisions of this subchapter.

(c) The proceeds of the refunding bonds may be either applied to the payment of the bonds being refunded or deposited in trust and there maintained in cash or investments for the retirement of the bonds refunded, as shall be specified by the authority and the authorizing resolution or trust indenture. The principal amount of the bonds refunded after payment and defeasance shall not be deemed outstanding for purposes of this subchapter.

(d) (1) The authorizing resolution or trust indenture securing the refunding bonds may provide, if the bonds being refunded were issued under this subchapter, that the refunding bonds shall have the same security for their payment as provided for the bonds being refunded.

(2) Refunding bonds shall be sold and secured in accordance with the provisions of this subchapter pertaining to the sale and security of the bonds.

(3) Other than approval of the resolution or trust indenture under which refunding bonds are issued by appropriate action of the authority, no additional action or approval for the issuance of refunding bonds shall be required to be taken by the Arkansas Higher Education Coordinating Board or the Chief Fiscal Officer of the State under this subchapter or as otherwise may be provided by other law.

History. Acts 2005, No. 1282, § 1.

6-62-1117. Tax exemption.

All State of Arkansas Higher Education General Obligation Bonds issued under this subchapter and interest on the bond proceeds shall be exempt from all state taxes, including income, inheritance, and property taxes. The bonds shall be eligible to secure deposits of all public funds and shall be legal for investment of municipal, county, bank, fiduciary, insurance company, and trust funds.

History. Acts 2005, No. 1282, § 1.

6-62-1118. Employment of professionals.

The Arkansas Development Finance Authority is authorized to retain those professionals as it deems necessary to accomplish the issuance and sale of the State of Arkansas Higher Education General Obligation Bonds, including, without limitation, legal counsel, financial advisors, underwriters, trustees, paying agents, and remarketing agents.

History. Acts 2005, No. 1282, § 1.

6-62-1119. Construction.

(a) This subchapter shall be liberally construed to accomplish its purposes. This subchapter shall constitute the sole authority necessary to accomplish the purposes of this subchapter, and the provisions of other laws pertaining to the development of technology projects and facility improvement projects and the financing shall not apply, except as specifically set forth in this subchapter.

(b) This subchapter shall supplement existing laws conferring rights and powers upon the Arkansas Development Finance Authority and the Arkansas Higher Education Coordinating Board, and the rights and powers set forth in this subchapter shall be alternative methods for the accomplishment of the purposes of this subchapter.

History. Acts 2005, No. 1282, § 1.

6-62-1120. Rights and liabilities — Enforcement.

(a) This subchapter shall constitute a contract between the State of Arkansas and the registered owners of all State of Arkansas Higher Education General Obligation Bonds issued under this subchapter that shall never be impaired. Any violation of terms of this subchapter, whether under purported legislative authority or otherwise, shall be enjoined by the courts at the suit of any bondholder or of any taxpayer.

(b) The courts in a suit against the Arkansas Development Finance Authority or the Arkansas Higher Education Coordinating Board, the Treasurer of State, or other appropriate officer or official of this state shall prevent a diversion of any revenues

pledged under this subchapter and shall compel the restoration of diverted revenues by injunction or mandamus.

(c) Without limitation as to any other appropriate remedy at law or in equity, any bondholder by an appropriate action, including without limitation, injunction or mandamus, may compel the performance of all covenants and obligations of the State of Arkansas and its officers and officials under this subchapter.

History. Acts 2005, No. 1282, § 1.

6-62-1121. Rights and liabilities — Commencement.

(a) This subchapter shall not create any right of any character and no right of any character shall arise under or pursuant to this subchapter until the first series of State of Arkansas Higher Education General Obligation Bonds authorized by this subchapter shall have been sold and delivered.

(b) The issuance of bonds authorized by this subchapter shall not impair or affect any outstanding bonds of the Arkansas Development Finance Authority issued under the Arkansas College Savings Bond Act of 1989, § 6-62-701 et seq.

History. Acts 2005, No. 1282, § 1.

6-62-1122. Judicial review — Priority.

All cases involving the validity of this subchapter or any portion of this subchapter or in any way arising under this subchapter or involving the State of Arkansas Higher Education General Obligation Bonds issued under this subchapter shall be deemed of public interest and shall be advanced by all courts and heard as a preferred cause. All appeals from judgments or decrees rendered in these cases must be taken within thirty (30) days after the rendition of the judgment or decree.

History. Acts 2005, No. 1282, § 1.

Chapter 63 Employees of State Institutions

Subchapter 1 — General Provisions

Subchapter 2 — Higher Education Employee Classification and Compensation Act

Subchapter 3 — Higher Education Expenditure Restriction Act

Subchapter 4 — Faculty/Administrator Development Fellows

Subchapter 5 — Requirement of Faculty Instruction in Public Schools

Subchapter 6 — Catastrophic Leave Bank Program

A.C.R.C. Notes. Acts 1995, No. 1270, § 1, provided:

"It is hereby found and determined by the General Assembly that limited growth of state financial support for colleges and universities requires that special care and consideration be given to increasing the efficiency and effectiveness of campus operations; that although public colleges and universities have made great progress in developing measures which reward institutions for increased productivity and in providing for a smooth transition of students who transfer from two-year institutions to four-year institutions, concern remains among members of the General Assembly regarding the effectiveness of the evaluations given tenured and untenured faculty members each year; and that it would be very beneficial to the General Assembly in carrying out its responsibility to the people to have greater assurance from the presidents and chancellors of the public supported universities and colleges that those institutions pursue a fair but rigorous

process of evaluating tenured and untenured faculty members on a regular basis. It is therefore the intent and purpose of this act to require the presidents and chancellors of the state supported universities and colleges in the state, in cooperation with the Department of Higher Education, to develop and implement a thorough and rigorous procedure or process for evaluating tenured and untenured faculty members at the respective institutions.”

Acts 1995, No. 1270, § 2, as amended by Acts 1997, No. 112, § 34, provided:

“**Section 2.** The presidents and chancellors of the public supported universities and colleges in the state in cooperation with the Department of Higher Education shall develop a procedure or process for making a thorough and rigorous evaluation of tenured and untenured faculty members at the several public supported universities and colleges in the state and file a written description of the evaluation procedure or process with the Joint Interim Committee on Education prior to December 1, 1995. The House and Senate Interim Committees on Education shall review the evaluation procedure or process. If the House and Senate Interim Committees on Education find the evaluation procedure or process as filed is satisfactory, they shall so notify the Department of Higher Education and the various presidents and chancellors. If the committees find the procedure or process so submitted to be unsatisfactory, it shall advise the Department of Higher Education and the presidents and chancellors of the several public supported colleges and universities of such finding and advise them in what respects the committees find the procedure or process to be unsatisfactory. If the procedure or process is found to be unsatisfactory, the presidents and chancellors in cooperation with the Department of Higher Education shall revise the procedure or process and resubmit it to the House and Senate Interim Committees on Education no later than July 1, 1996.”

Acts 2007, No. 618, § 1, provided:

“(a) (1) The Department of Higher Education shall establish and maintain for the 2007-2009 biennium a pool of two hundred (200) nonclassified positions at a salary not to exceed ninety-four thousand dollars (\$94,000) per year.

“(2) These positions may be used by the state-supported four-year institutions of higher education if the personal service needs of the state-supported four-year institutions of higher education during the 2007-2009 biennium because of enrollment growth exceed the number of positions allocated by the General Assembly.

“(3) The state-supported four-year institutions of higher education shall provide justification to the department for the need to allocate positions from this growth pool.

“(4) No titles will be assigned to the pool until such time as specific positions are requested by the state-supported four-year institutions of higher education, approved by the institution's board of trustees, recommended by the department, and reviewed by the Legislative Council.

“(b) (1) The Office of Personnel Management of the Department of Finance and Administration shall establish and maintain for the 2007-2009 biennium a pool of two hundred (200) classified positions at a maximum grade of twenty-six (26).

“(2) These positions are to be used by the state-supported four-year institutions of higher education if the personal service needs of the state-supported four-year institutions of higher education during the 2007-2009 biennium because of enrollment growth exceed the number of positions in a classification allocated to the four-year state-supported institutions of higher education allocated by the General Assembly.

“(3) The state-supported four-year institutions of higher education shall provide justification to the Office of Personnel Management for the need to allocate positions from this growth pool.

“(4) No titles will be assigned to the pool until such time as specific positions are requested by the state-supported four-year institutions of higher education and by the institution's board of trustees, recommended by the Office of Personnel Management, and reviewed by the Legislative Council.”

Research References

Am. Jur. 15A Am. Jur. 2d, Colleges & U., § 9 et seq.

C.J.S. 14A C.J.S., Colleges & U., § 19 et seq.

Subchapter 1

— General Provisions

- 6-63-101. Authority for teachers to wear religious clothing.
- 6-63-102. Deductions for group insurance premiums.
- 6-63-103. Affirmative action programs — Plans — Annual reports.
- 6-63-104. Faculty performance review.

Effective Dates. Acts 1951, No. 37, §§ 3, 4: Feb. 2, 1951. Emergency clause provided: "Section 3. Whereas, many of the institutions of higher learning of this state have been unable to provide group insurance for the members of their staffs because of the fact that payments for same cannot be withheld by agreement with the employees, this act is necessary for the preservation of the peace, health, and safety of the people of the State of Arkansas."

"Section 4. An emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 112, § 40: Feb. 7, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 10 of the First Extraordinary Session of 1995 abolished the Joint Interim Committee on Education and in its place established the House Interim Committee and Senate Interim Committee on Education; that various sections of the Arkansas Code refer to the Joint Interim Committee on Education and should be corrected to refer to the House and Senate Interim Committees on Education; that this act so provides; and that this act should go into effect immediately in order to make the laws compatible as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

6-63-101. Authority for teachers to wear religious clothing.

No person shall be prohibited from teaching in state institutions of higher learning for the reason that the person wears the clothing of any established and recognized religion while teaching.

History. Acts 1973, No. 196, § 1; A.S.A. 1947, § 80-1261.

Publisher's Notes. Acts 1973, No. 196, § 1, is also codified as § 6-17-108.

6-63-102. Deductions for group insurance premiums.

For the purpose of payment of group insurance policy premiums, upon the execution by any teacher or other school employee of an appropriate form of authorization and delivery thereof to the fiscal officer of the state college or university wherein that person is employed, the fiscal officer shall withhold the designated amount from that person's monthly salary payments and shall transmit the amount, on or before the tenth day of each succeeding month, to the insurance company named in the authorization.

History. Acts 1949, No. 316, § 1; 1951, No. 37, § 1; A.S.A. 1947, § 80-1324.

Publisher's Notes. Acts 1949, No. 316, § 1, as amended, is also codified as § 6-17-804.

6-63-103. Affirmative action programs — Plans — Annual reports.

(a) All state-supported colleges and universities shall prepare an affirmative action

program for the recruitment of blacks and other members of minorities for faculty and staff positions and for enrollment as students. Affirmative action plans shall be prepared on a continuing basis for future five-year periods.

(b) Each state-supported college and university shall annually prepare a report on the steps that have been taken to reach the goals of the plan. The report shall include information on the progress made by the institutions for the various levels of employment within the institution.

(c) Copies of each institution's five-year plan and annual reports shall be filed with the Governor, the Department of Higher Education, the president and board of trustees of the institution, the board of visitors of the institution, if applicable, and the House Interim Committee on Education and the Senate Interim Committee on Education.

(d) In carrying out the affirmative action plans, each institution shall provide for a part-time or full-time employee to assist the institution in the recruitment of blacks and other members of minorities for faculty and staff positions and for enrollment as students.

History. Acts 1989, No. 99, § 1; 1997, No. 112, § 21.

6-63-104. Faculty performance review.

(a) The president and chancellor of each state-supported institution of higher education in Arkansas shall work with the campus faculties to develop a framework to review faculty performance, including post-tenure review. The framework should be used to develop processes and procedures at each institution to ensure a consistently high level of performance of the faculty at Arkansas' publicly supported institutions of higher education. The effects of the review process of faculty performance should include rewarding productive faculty, redirecting faculty efforts to improve or to increase productivity, and correcting instances of substandard performance. The framework developed by each institution shall be reported to the House Interim Committee on Education and the Senate Interim Committee on Education, the Joint Interim Oversight Committee on Education Reform, and the Department of Higher Education no later than December 1, 1998, and shall be implemented on the respective campuses no later than January 1, 2001.

(b) Pursuant to subsection (a) of this section, each state-supported institution of higher education in Arkansas shall conduct a rigorous, consistently applied, annual review of the performance of all full-time faculty members. This review shall include assessments by peers, students, and administrators and shall be utilized to ensure a consistently high level of performance and serve in conjunction with other appropriate information as a basis for decisions on promotion, salary increases, and job tenure. The evaluation by students and administrative staff, shall be applicable to all teaching faculty, full-time, part-time, and graduate teaching assistants and shall include an assessment of the fluency in English of the faculty member or graduate teaching assistant. This review shall not be used to demote a tenured faculty member to a nontenured status.

(c) (1) Each college and university shall continually make efforts to identify any English fluency deficiencies of the teaching faculty and shall take reasonable measures to assist deficient faculty members in becoming proficient in English; however, the responsibility of acquiring the level of English proficiency required for the faculty member's teaching, research, or service assignments rests with the faculty member.

(2) Each college and university shall have a process for addressing concerns

raised by students concerning language proficiency problems of faculty members.

(d) The department shall be responsible for monitoring the evaluation process and shall report its findings to the Arkansas Higher Education Coordinating Board and to the Legislative Council by August 1 of each year.

(e) Each state-supported institution of higher education shall require full-time faculty members of the college of education and related disciplines to work collaboratively with the accredited public schools in this state, and such faculty involvement shall be included as part of the annual review of the faculty as required by subsection (b) of this section.

History. Acts 1997, No. 1330, § 1; 1999, No. 477, § 2; 1999, No. 1360, § 1.

A.C.R.C. Notes. As amended by Acts 1999, No. 1360, subsection (a) also provided:

“The framework developed by each institution shall be reported to the House and Senate Interim Committees on Education, the Joint Interim Oversight Committee on Higher Education Reform, and the State Department of Higher Education no later than December 1, 1998, and shall be implemented on the respective campuses no later than January 1, 2001.”

Acts 1999, No. 477, § 2, provided:

“**(a)** The president and chancellor of each state-supported institution of higher education in Arkansas shall work with the campus faculties to develop a framework to review faculty performance, including post tenure review. The framework should be used to develop processes and procedures at each institution to ensure a consistently high level of performance of the faculty at Arkansas' publicly supported institutions of higher education. The effects of the review process of faculty performance should include rewarding productive faculty, redirecting faculty efforts to improve or to increase productivity, and to correct instances of substandard performance. The framework developed by each institution shall be reported to the House and Senate Interim Committees on Education, the Joint Interim Oversight Committee on Higher Education Reform, and the State Department of Higher Education no later than December 1, 1998, and shall be implemented on the respective campuses no later than January 1, 2001.

“**(b)** Pursuant to subsection (a) of this section, each state-supported institution of higher education in Arkansas shall conduct a rigorous, consistently applied, annual review of the performance of all full-time faculty members. This review shall include assessments by peers, students, and administrators and shall be utilized to ensure a consistently high level of performance and serve in conjunction with other appropriate information as a basis for decisions on promotion, salary increases, and job retention. The evaluation by students shall be applicable to all teaching faculty, full-time, part-time and graduate teaching assistants and shall include an assessment of the fluency in English of the faculty member or graduate teaching assistant. This review shall not be used to demote a tenured faculty member to a non-tenured status.

“**(c)** The Department of Higher Education shall be responsible for monitoring the evaluation process and shall report its findings to the Arkansas Higher Education Coordinating Board each biennium.

“**(d)** Each state-supported institution of higher education shall require full-time faculty members of the college of education to work collaboratively with the accredited public schools in this state, and such faculty involvement shall be included as part of the annual review of the faculty as required by subsection (b) of this section.”

Amendments. The 1999 amendment by No. 1360, which superseded the amendment by No. 477, added (b)-(e); and made stylistic changes.

Subchapter 2

— Higher Education Employee Classification and Compensation Act

6-63-201 — 6-63-216. [Repealed.]

6-63-201 — 6-63-216. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 1989, No. 793, § 18. The subchapter was derived from the following sources:

6-63-201. Acts 1977, No. 410, § 1; A.S.A. 1947, § 80-4701.

6-63-202. Acts 1977, No. 410, § 2; A.S.A. 1947, § 80-4702.

6-63-203. Acts 1977, No. 410, § 3; 1981, No. 581, § 1; 1985, No. 832, § 1; A.S.A. 1947, § 80-4703.

6-63-204. Acts 1977, No. 410, § 7; 1979, No. 957, § 4; 1981, No. 598, § 5; 1985, No. 832, § 4; A.S.A. 1947, § 80-4707.

6-63-205. Acts 1977, No. 410, § 7; 1979 No. 957, § 4; 1981, No. 598, § 5; 1985, No. 832, § 4; A.S.A. 1947, § 80-4707.

6-63-206. Acts 1977, No. 410, § 6; 1979, No. 957, § 3; 1981, No. 598, § 4; 1985, No. 832, § 3; A.S.A. 1947, § 80-4706.

6-63-207. Acts 1977, No. 410, § 4; 1979, No. 957, § 1; 1981, No. 598, § 2; 1983, No. 896, §§ 1, 2; 1985, No. 832, § 2; A.S.A. 1947, § 80-4704.

6-63-208. Acts 1985, No. 832, § 9; A.S.A. 1947, § 80-4710.

6-63-209. Acts 1977, No. 410, §§ 3, 7; 1979, No. 957, § 4; 1981, No. 598, § 1; 1985, No. 832, §§ 1, 7; A.S.A. 1947, §§ 80-4703, 80-4707.

6-63-210. Acts 1977, No. 410, § 5; 1979, No. 957, § 2; 1981, No. 598, § 3; A.S.A. 1947, § 80-4705.

6-63-211. Acts 1977, No. 410, § 7; 1979, No. 957, § 4; 1981, No. 598, § 5; 1985, No. 832, § 7; A.S.A. 1947, § 80-4707.

6-63-212. Acts 1977, No. 410, § 7; 1979, No. 957, § 4; 1981, No. 598, § 5; 1985, No. 832, § 6; A.S.A. 1947, § 80-4707.

6-63-213. Acts 1977, No. 410, § 7; 1979, No. 957, § 4; 1981, No. 598, § 5; 1985, No. 832, § 5; A.S.A. 1947, § 80-4707.

6-63-214. Acts 1977, No. 410, § 7; 1985, No. 832, § 7; A.S.A. 1947, § 80-4707.

6-63-215. Acts 1977, No. 410, § 8; A.S.A. 1947, § 80-4708.

6-63-216. Acts 1977, No. 410, § 7; 1979, No. 957, § 4; 1981, No. 598, § 5; A.S.A. 1947, § 80-4707.

For present law, see §§ 24-7-101, 24-7-102.

Cross References. Retirement of Employees of Schools and Educational Institutions, § 24-7-101 et seq.

Subchapter 3 **— Higher Education Expenditure Restriction Act**

6-63-301. Title.

6-63-302. Applicability of subchapter — Other fiscal laws not superseded.

6-63-303. Nine-month and part-time employees — Maximum annual salary.

6-63-304. Payroll deductions and promotional items.

6-63-305. New or additional positions.

6-63-306. Additional compensation for additional duties.

6-63-307. Salary restrictions — Penalties.

6-63-308. Overtime for classified positions — Limitations.

6-63-309. Academic personnel recruitment — Exceptions to maximum salary levels
— Conditions — Reports.

6-63-310. [Repealed.]

6-63-311. Special authorization and contracts — National Center for Toxicological
Research.

6-63-312. Contingency appropriations — Transfers and reports.

6-63-313. [Repealed.]

6-63-314. Extra help restrictions.

6-63-315. Adjunct and visiting professors.

Publisher's Notes. References to "this subchapter" in §§ 6-63-301 — 6-63-313 may not apply to §§ 6-63-314 and 6-63-315 which were enacted subsequently.

Effective Dates. Acts 1985, No. 287, § 3: Mar. 8, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that institutions of higher education should be allowed to pay in twelve (12) monthly installments the salaries of their nine-month employees and part-time employees; that many such employees desire the twelve (12) equal monthly installments; and that until this Act becomes effective such employees will be unreasonably burdened. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 402, § 7: approved Mar. 8, 1989. Emergency clause provided: "It is hereby found and determined by the Seventy-Seventh General Assembly that current State accounting and budgetary procedures cause considerable expense to and place undo restrictions on Institutions of Higher Education; that the recovery of general revenue fund balances from the Vocational Technical Schools and the State Scholarship Assistance Grants Program restrict educational opportunities for the citizens of this State; and that the provisions of this Act will remedy such situations. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989."

Acts 1989, (3rd Ex. Sess.), No. 25, § 4: Nov. 6, 1989. Emergency clause provided: "It is hereby found and determined by the Seventy-Seventh General Assembly, meeting in Third Extraordinary Session that current State limitation on line-item maximum salaries cause considerable difficulty in recruiting and retaining exceptionally well-qualified academic personnel and place undue restrictions on Institutions of Higher Education, and these conditions restrict educational opportunities for the citizens of this State; and that the provisions of this Act will remedy such situations. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after November 15, 1989."

Acts 1989 (3rd Ex. Sess.), No. 42, § 5: Nov. 15, 1989. Emergency clause provided: "It is hereby found and determined by the Seventy-Seventh General Assembly, meeting in Third Extraordinary Session that current State limitation on line-item maximum salaries cause considerable difficulty in recruiting and retaining exceptionally well-qualified academic personnel and place undue restrictions on Institutions of Higher Education, and these conditions restrict educational opportunities for the citizens of this State; and that the provisions of this Act will remedy such situations. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after November 15, 1989."

Acts 1991, No. 1089, § 8: July 1, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly, that changes in various accounting and expenditure provisions of the State are necessary in order to promote efficiency; and that the provisions of this Act provide such changes. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1991."

Acts 1993, No. 823, § 9: July 1, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly, that changes in various accounting and expenditure provisions of the State are necessary in order to promote efficiency; and that the provisions of this Act provide such changes. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1993."

Acts 1995, No. 70, § 9: July 1, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly, that changes in various accounting and expenditure provisions of the State are necessary in order to promote efficiency; and that the

provisions of this Act provide such changes. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995.”

Acts 1995, No. 1164, § 8: July 1, 1995. Emergency clause provided: “It is hereby found and determined by the Eightieth General Assembly that changes in various accounting and expenditure provisions of the State are necessary in order to promote efficiency; and the provisions of this Act provide such changes. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995.”

Acts 1999, No. 664, § 4: Mar. 17, 1999. Emergency clause provided: “It is hereby found and determined by the Eighty-second General Assembly of the State of Arkansas that increases and clarification of new or additional positions at the various institutions of higher education are needed for the efficient and effective operations of the institutions. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 2001, No. 739, § 4: July 1, 2001. Emergency clause provided: “It is found and determined by the General Assembly that various changes in law are needed for the institutions of higher education including the authorization of additional positions due to additional funds received other than general revenue for various programs and additional vehicles to maintain efficient operations of campuses. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on July 1, 2001.”

Acts 2003, No. 1460, § 2: July 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that various changes in law are needed for the institutions of higher education including the authorization of additional positions due to additional funds received other than general revenue for various programs. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003.”

Acts 2003 (1st Ex. Sess.), No. 30, § 37: July 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2003 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2003 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2003.”

Acts 2005, No. 2123, § 38: July 1, 2005. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2005 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2005 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2005.”

Acts 2005, No. 2124, § 36: July 1, 2005. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2005 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2005 could work irreparable harm upon the proper administration

and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2005.”

Acts 2005, No. 2200, § 2: July 1, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas, that various changes in law are needed for the institutions of higher education including the authorization of additional positions due to additional funds received other than general revenue for various programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2005.”

Acts 2007, No. 620, § 2: July 1, 2007. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that institutions of higher education may receive additional revenue from sources other than general revenue; that revisions to the number of provisional positions may be necessary to serve the students enrolled for the 2007-2008 and 2008-2009 academic years; that this act is immediately necessary to prevent unnecessary delay in the education of students. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2007.”

Acts 2007, No. 1229, § 45: July 1, 2007. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2007 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2007 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2007.”

Acts 2007, No. 1255, § 42: July 1, 2007. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2007 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2007 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2007.”

6-63-301. Title.

This subchapter shall be cited and referred to as the “Higher Education Expenditure Restriction Act”.

History. Acts 1983, No. 147, § 1; A.S.A. 1947, § 80-5601.

6-63-302. Applicability of subchapter — Other fiscal laws not superseded.

The provisions of this subchapter shall be applicable to all publicly supported institutions of higher education in this state and shall not supersede the provisions of the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., the Uniform Classification and Compensation Act, § 21-5-201 et seq., the Arkansas Procurement Law, § 19-11-201 et seq., or other fiscal control laws of this state, and their successors.

History. Acts 1983, No. 147, § 2; A.S.A. 1947, § 80-5602.

6-63-303. Nine-month and part-time employees — Maximum annual salary.

(a) (1) The maximum annual salary established for any position established as a nine-

month educational and general academic position in the regular salaries section of the biennial operations appropriation act of any institution of higher education is declared to be the maximum annual salary for a nine-month contract, at a rate of pay not to exceed one-ninth ($\frac{1}{9}$) of the maximum authorized salary during any one (1) month.

(2) The employee's contract or subsequent contract may exceed nine (9) months, and the maximum annual salary authorized for such position may be exceeded by not more than one-ninth ($\frac{1}{9}$) of the maximum annual salary for each additional month or part thereof contracted.

(3) However, when a faculty member is assigned overload teaching responsibilities, as defined by the Arkansas Higher Education Coordinating Board, an amount in excess of one-ninth ($\frac{1}{9}$) of the maximum annual salary may be paid during any one (1) month if the applicable maximum authorized salary is not exceeded by more than ten percent (10%).

(b) For those positions identified as part-time in the biennial appropriations act for operations of any institution of higher education, payment may be made in one (1) or more payments each semester or term with the total of all payments made during a fiscal year not to exceed the applicable maximum authorized salary.

(c) (1) Any institution of higher education may, at the option of its board of trustees, enter into contracts for the hiring of nine-month and part-time employees to provide payment of annual salaries on the basis of twelve (12) equal monthly installments.

(2) In no case shall the monthly installments under such contracts commence earlier than the first day of the month in which the employee begins work.

History. Acts 1983, No. 147, § 5; 1985, No. 287, § 1; 1985, No. 845, § 3; A.S.A. 1947, §§ 80-5605, 80-5605.1.

6-63-304. Payroll deductions and promotional items.

(a) (1) (A) The governing board for each institution of higher education may permit deductions from the payrolls of the institution's employees for contributions to the various institutional fundraising, foundations, and capital campaigns of the institutions and its entities when authorized by such employees.

(B) Provided further, that the contributions shall be strictly voluntary and in no instance shall the institutions coerce or intimidate their employees to make such contributions.

(2) (A) In addition to other payroll deductions authorized by law, the governing board for each institution of higher education may permit deductions from the payrolls of the institution's employees for tuition, fees, or such other items as the governing board shall approve.

(B) No such deduction shall be allowed unless authorized in writing by the employee.

(b) The Chief Fiscal Officer of the State shall establish for each requesting postsecondary educational institution a special appropriation line item to be used in the acquisition of promotional items. When an institution wishes to transfer moneys from its operating expenses appropriation to the promotional items line, the board of trustees shall approve the request and forward it to the Chief Fiscal Officer of the State for processing.

History. Acts 1993, No. 823, § 1; 1995, No. 1164, § 2.

Publisher's Notes. Former § 6-63-304, concerning graduate assistants, was repealed by Acts 1987, No. 646, § 5. The former section was derived from Acts 1983, No. 147, § 9; A.S.A. 1947, § 80-5609.

6-63-305. New or additional positions.

(a) (1) (A) In the event that additional federal funds, grants, gifts, or collections become available that were not authorized or contemplated at the time of the passage of the biennial appropriation act for operations for each institution enumerated in subsection (b) of this section, that such new funds make it possible for the recipient institution to engage in educational projects that would be of benefit to the State of Arkansas, and that such projects would make it necessary to employ additional personnel, the president of the recipient institution, upon authorization by the appropriate board of trustees and after review and approval by the Office of Personnel Management and the Legislative Council of the requested classifications or maximum annual salaries set out in dollars, may establish such positions, as necessary.

(B) The source of funding for positions established under this subsection (a) shall be reported to the office and the Legislative Council by the institution at the time of the request.

(C) Determining the number of persons to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of persons by identifying the job titles and the maximum grades or salaries attached to them. The General Assembly has determined that the institutions of higher education could be operated more efficiently if some flexibility were given to the institutions. That flexibility is being accomplished by providing new or additional positions in subsection (b) of this section, and since the General Assembly has granted the institutions broad powers under the new or additional position concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the new or additional positions by requiring prior approval of the Legislative Council in the utilization of the new or additional positions. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(2) The Director of the Office of Personnel Management shall report all such approvals to the Legislative Council in the month following approval and shall certify all additional positions established under the provisions of this subsection (a) to the Director of the Department of Finance and Administration and the Auditor of State.

(b) The following maximum number of new additional positions is established for the biennium for the following institutions of higher education at salary rates not to exceed the salary rate of comparable positions established in the regular salaries section of the biennial appropriations act for operations for each institution:

Click to view table.

History. Acts 1983, No. 147, § 4; 1985, No. 845, § 1; A.S.A. 1947, § 80-5604; Acts 1989, No. 36, § 1; 1991, No. 1089, § 1; 1993, No. 823, § 2; 1995, No. 70, § 1; 1995, No. 1164, §§ 1, 3; 1999, No. 664, § 1; 2001, No. 739, § 1; 2003, No. 1460, § 1; 2003 (1st Ex. Sess.), No. 30, § 33; 2005, No. 2123, § 34; No. 2200, § 1; 2007, No. 620, § 1; No. 1255, § 38.

Amendments. The 1999 amendment inserted “and the Legislative Council” in (a)(1)(A); rewrote (a)(1)(C); rewrote the additional positions table; and made stylistic changes.

The 2001 amendment added the subdivision designations in (b); substituted “50” for “40” in (b)(8); substituted “250” for “150” in (b)(28) and (b)(30); substituted “300” for “250” in (b)(31); and substituted “350” for “250” in (b)(32).

The 2003 amendment substituted “80” for “50” in (b)(3); substituted “65” for “50” in (b)(5); repealed (b)(6); substituted “Cossatot Community College of the University of Arkansas” for “Cossatot Technical College” in (b)(8); substituted “National Park Community College” for “Garland County Community College” in (b)(10); substituted “60” for “50” in (b)(11); rewrote (b)(13) and (17); substituted “University of Arkansas Community College at Morrilton” for “Petit Jean College” in (b)(18); substituted “450” for “400” in (b)(26); substituted “1,000” for “350” in (b)(32); and substituted “University of Arkansas at Fort Smith” for “Westark College” in (b)(38).

The 2003 (1st Ex. Sess.) amendment substituted “1000” for “350” in (b)(32).

The 2005 amendment by No. 2123 made no change in (b)(32).

The 2005 amendment by No. 2200 substituted “44” for “40” in (7), “60” for “50” in (8), “50” for “40” in (12), “80” for “40” in (15), “60” for “40” in (20), “500” for “450” in (26), “100” for “50” in (33); and added (39) and (40).

The 2007 amendment by No. 620 substituted “300” for “200” in (b)(1); deleted former (b)(6) and redesignated the remaining subsections accordingly; substituted “70” for “60” in (7); substituted “75” for “50” in (11); substituted “70” for “50” in (12); substituted “50” for “40” in (13); substituted “80” for “60” in (19); substituted “60” for “40” in (23); substituted “130” for “100” in (33); and substituted “300” for “50” in (36).

The 2007 amendment by No. 1255 made a stylistic change in (b)(31).

6-63-306. Additional compensation for additional duties.

The state-supported institutions of higher education may pay additional compensation to classified employees for the performance of additional duties assigned to them at non-job-related institution-sanctioned events, provided that those additional duties are performed at times other than normal working hours.

History. Acts 1983, No. 147, § 11; A.S.A. 1947, § 80-5611.

6-63-307. Salary restrictions — Penalties.

(a) No employee drawing a salary or other form of compensation from an institution of higher education shall be paid an additional salary or receive additional compensation other than reimbursement for actual expenses from that institution or from any other agency or institution of higher education except upon written certification to and approval by the Chief Fiscal Officer of the State and by the head of each agency or institution that the work performed by the employee for the other agency or institution of higher education does not interfere with the proper and required performance of the employee's primary duties and that the combined salary payments from both agencies or institutions of higher education will not exceed the larger maximum annual salary of the line item position authorized for either agency from which the employee is to be paid.

(b) Any employee knowingly violating the provisions of this section shall be subject to immediate termination and shall be barred from employment by any agency or institution of the State of Arkansas for a period of not less than three (3) years or until the employee shall repay to the state any sums received by the employee in violation of this section, together with interest at a rate of ten percent (10%) per annum.

(c) Any compensation received by an employee for participation in a noncredit seminar, conference, or convention sponsored by an institution of higher education that is paid

from funds generated by the seminar, conference, or convention shall be excluded from the maximum salary restrictions provided for in § 6-63-303 and the salary restrictions provided for in this section.

History. Acts 1983, No. 147, § 7; A.S.A. 1947, § 80-5607; Acts 1989 (3rd Ex. Sess.), No. 42, § 2; 2001, No. 1191, § 1.

Publisher's Notes. Acts 1989 (3rd Ex. Sess.), No. 42, § 3, provided:

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

Amendments. The 2001 amendment substituted "an employee" for "a faculty member" in (c); and made minor stylistic changes throughout.

Cross References. Salary restrictions for persons working for more than one state agency or institution, § 19-4-1604.

6-63-308. Overtime for classified positions — Limitations.

(a) The institutions of higher education are authorized to pay overtime, in critical circumstances, to those employees occupying the positions enumerated in their biennial operations appropriation acts under the heading "classified positions".

(b) (1) In no event, however, shall the total of all overtime payments for any institution except the University of Arkansas for Medical Sciences, also known as UAMS, exceed in any one (1) fiscal year an amount equal to two percent (2%) of the expenditures in the immediately preceding fiscal year for regular salaries for such institution.

(2) The total of all overtime payments for the UAMS shall not exceed in any one (1) fiscal year, an amount equal to three percent (3%) of the expenditures of the UAMS in the immediately preceding fiscal year for regular salaries.

History. Acts 1983, No. 147, § 3; A.S.A. 1947, § 80-5603.

Cross References. Overtime pay for state employees, § 19-4-1612.

6-63-309. Academic personnel recruitment — Exceptions to maximum salary levels — Conditions — Reports.

(a) In order that exceptionally well-qualified academic personnel may be recruited and retained, each state-supported institution of higher education may exceed the maximum salary levels by no more than twenty-five percent (25%) for no more than ten percent (10%) of the positions authorized in its biennial operations appropriation act as president, chancellor, academic dean, division head or chair, department chair, distinguished professor, university professor, professor, associate professor, assistant professor, instructor, extension specialist IV, extension specialist III, extension specialist II, extension specialist I, county extension agent-chairman II, or county extension agent-chairman I.

(b) Within the ten percent (10%) limitation provided herein, the University of Arkansas for Medical Sciences may include no more than one (1) area health education center executive director, six (6) area health education center area directors, six (6) family

practice coordinators, six (6) associate family practice coordinators, and six (6) assistant family practice coordinators.

(c) In order that exceptionally well-qualified non-academic, non-classified personnel may be recruited and retained, each state-supported institution of higher education may exceed the maximum salary levels by no more than twenty-five percent (25%) for no more than six percent (6%) of the positions authorized in its biennial operations appropriation act for non-academic, non-classified personnel, provided that amounts paid in excess of the maximum salary levels for the personnel shall not exceed two and six-tenths percent (2.6%) of the aggregate appropriated for the personnel costs during the preceding fiscal year for the institution.

(d) Subsection (c) of this section shall not apply to athletic directors and coaches.

History. Acts 1983, No. 147, § 10; A.S.A. 1947, § 80-5610; Acts 1989, No. 402, § 2; 1989 (3rd Ex. Sess.), No. 25, § 1; 1989 (3rd Ex. Sess.), No. 42, § 1; 1991, No. 1089, § 2; 1995, No. 70, § 2; 2001, No. 1404, § 1.

Publisher's Notes. Acts 1989, No. 402, § 5, provided:

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

Acts 1989 (3rd Ex. Sess.), No. 25, § 3, and No. 42, § 3, provided:

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

Amendments. The 2001 amendment added (c) and (d).

6-63-310. [Repealed.]

Publisher's Notes. This section, concerning reorganization and consolidation of administrative functions; authorized transfers, was repealed by Acts 2007, No. 1229, § 15. The section was derived from Acts 1983, No. 147, § 15, as added by Acts 1985, No. 845, § 2; A.S.A. 1947, § 80-5615.

6-63-311. Special authorization and contracts — National Center for Toxicological Research.

(a) The boards of trustees of the University of Arkansas and Arkansas State University, after seeking the advice of the Legislative Council, may make a special allowance available, in such amounts as the boards may determine are justified and equitable in view of the complexities of the duties and in consideration of the competence of individual scientists, as part of the compensation of scientists employed by the University of Arkansas or Arkansas State University in connection with any contract entered into between the University of Arkansas or Arkansas State University and the United States

Government or any of its departments or agencies for conducting research and educational programs connected with the National Center for Toxicological Research at Pine Bluff, if:

(1) All of the compensation is paid from funds received by the University of Arkansas or Arkansas State University under terms of the contract; and

(2) (A) The special allowance for any scientist and related personnel employed by the University of Arkansas for Medical Sciences shall not exceed an amount equal to one and one-half (1½) that portion of his or her salary which could be paid from state funds if he or she were employed in a similar position, but unrelated to the National Center for Toxicological Research at Pine Bluff; and

(B) The special allowance for any scientist and related personnel employed by the other participating institutions shall not exceed an amount equal to that portion of his or her salary which could be paid from state funds if he or she were employed in a similar position, but unrelated to the National Center for Toxicological Research at Pine Bluff; and

(3) The Department of Higher Education will be notified of when and in what amount the special allowance will be paid prior to activation of the special allowance.

(b) In no event shall the boards of trustees of the University of Arkansas or Arkansas State University authorize or make special allowances, as provided for in this section, for more than twenty-five (25) scientist positions for the University of Arkansas for Medical Sciences nor more than ten (10) scientist positions for each of the other participating institutions.

(c) Furthermore, the gross salaries to be received by each of the scientists referred to above shall be limited to a maximum of seventy-three thousand four hundred sixty dollars (\$73,460) from all sources for each fiscal year of the biennium.

History. Acts 1983, No. 147, § 13, as added by Acts 1985, No. 845, § 2; A.S.A. 1947, § 80-5613.

6-63-312. Contingency appropriations — Transfers and reports.

(a) Upon approval by the Department of Higher Education and the Chief Fiscal Officer of the State, institutions of higher education may transfer appropriation from the cash contingency appropriation to any other appropriation made to the institution from cash funds and institutions may transfer appropriation from the contingency appropriation made payable from each institution's State Treasury Fund to the state operations appropriation made payable from each institution's State Treasury Fund.

(b) The department shall report monthly to the Legislative Council these appropriation transfers, and the report shall include, by institution, the amounts transferred, the reasons therefor, and the source of the funds.

History. Acts 1983, No. 147, § 8; A.S.A. 1947, § 80-5608; Acts 2005, No. 2124, § 31.

Amendments. The 2005 amendment, in (a), inserted “cash” preceding “contingency” and “and institutions may transfer appropriation from the contingency appropriation made payable from each institution's State Treasury Fund to the state operations appropriation made payable from each institution's State Treasury Fund”; and inserted “and the source of the funds” in (b) and made a related change.

6-63-313. [Repealed.]

Publisher's Notes. This section, concerning reporting requirements, was repealed by Acts 1999, No. 476, § 1. The section was derived from Acts 1983, No. 147, § 6; A.S.A. 1947, § 80-5606.

6-63-314. Extra help restrictions.

No employee of an institution of higher education who is employed as extra help may be employed for a period of time to exceed one thousand five hundred (1,500) hours per fiscal year.

History. Acts 1991, No. 1089, § 3; 2005, No. 251, § 1.

Publisher's Notes. References to “this subchapter” in §§ 6-63-301 — 6-63-313 may not apply to this section which was enacted subsequently.

Amendments. The 2005 amendment inserted “fiscal” preceding “year”.

6-63-315. Adjunct and visiting professors.

Institutions of higher education shall be exempt from the provisions of § 19-4-1707 [repealed] to the extent that they shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the institution of higher education does not exceed twenty-five percent (25%) of that required for a full-time employee.

History. Acts 1991, No. 1089, § 3.

Publisher's Notes. References to “this subchapter” in §§ 6-63-301 — 6-63-313 may not apply to this section which was enacted subsequently.

Subchapter 4 — Faculty/Administrator Development Fellows

6-63-401. Purpose.

6-63-402. Establishment.

6-63-403. Administration — Authority of department.

6-63-404. Matching funds.

6-63-405. Limitations.

6-63-406. Eligibility and qualifications generally.

6-63-407. Levels of support.

6-63-408. Current faculty, administrator, and other employee participants.

6-63-409. Alumni participants.

6-63-410. Written contract required.

6-63-411. Duration — Distribution of funds.

6-63-412. Renewal.

6-63-413. Postfellowship employment.

6-63-414. Termination of fellowship or employment.

6-63-415. Repayment.

6-63-401. Purpose.

There are significantly lower percentages of faculty members and administrators than students who are in a racial minority at Arkansas state institutions of higher education. It is difficult for Arkansas state institutions of higher education to employ senior faculty and administrative employees who are in a racial minority, and there are severe shortages of financial aid for individuals pursuing doctoral degrees as full-time resident students. It is the purpose of this subchapter to assist state institutions of higher education in increasing the academic qualifications of minority faculty, administrative, and other employees and alumni through the establishment of the Faculty/Administrator Development Fellows program.

History. Acts 1985, No. 229, § 1; A.S.A. 1947, § 80-4711.

6-63-402. Establishment.

There is established a program to be known as “Faculty/Administrator Development Fellows” to be administered by the Department of Higher Education.

History. Acts 1985, No. 229, § 2; A.S.A. 1947, § 80-4712.

6-63-403. Administration — Authority of department.

The Department of Higher Education shall administer the matching portions of the Faculty/Administrator Development Fellows program as provided in this subchapter and shall have the following authority and responsibility with respect to the programs:

- (1) To prepare application forms or such other forms as the department shall deem necessary to properly administer and carry out the purposes of this subchapter;
- (2) To establish such rules, regulations, definitions, and procedures as are necessary and consistent with this subchapter and to establish and consult as necessary with an advisory committee in determining rules, regulations, definitions, and procedures for the administration of these programs;
- (3) To select Faculty/Administrator Development Fellows from those persons nominated by the Arkansas state institutions of higher education pursuant to the provisions of this subchapter;
- (4) To establish the procedures for payment of matching funds;
- (5) To set one (1) or more termination dates for acceptance of nominations; and
- (6) To determine numbers and amounts of fellowships under the program and to allocate matching funds for the fellowships so that expenditures will not exceed anticipated revenues and to determine such prorations as are necessary in the event that anticipated revenues do not materialize.

History. Acts 1985, No. 229, § 6; A.S.A. 1947, § 80-4716.

6-63-404. Matching funds.

The matching funds provided by the Department of Higher Education for each Faculty/Administrator Development Fellow shall equal half of the fellowship budget as determined by the department unless anticipated state revenues do not materialize, thus necessitating proportional proration.

History. Acts 1985, No. 229, § 5; A.S.A. 1947, § 80-4715.

6-63-405. Limitations.

No institution may have more than four (4) persons receiving payments as Faculty/Administrator Development Fellows at any one (1) time.

History. Acts 1985, No. 229, § 5; A.S.A. 1947, § 80-4715; Acts 1993, No. 414, § 1.

6-63-406. Eligibility and qualifications generally.

(a) To qualify as a Faculty/Administrator Development Fellow, a person must be a member of a racial minority, a resident of Arkansas, and a citizen of the United States and be nominated by an Arkansas state institution of higher education and admitted to and enrolled as a full-time student in a doctoral program in a recognized institution of higher education.

(b) In determining a nominee's eligibility for a fellowship and in selecting fellowship recipients from among the qualified nominees, the Department of Higher Education shall consider:

- (1) Each nominee's academic ability;
- (2) The quality of the program the individual will enter;
- (3) The extent to which the nominee represents a racial minority underrepresented in the department or category of employment at the sponsoring institution;
- (4) The probability that the nominee will be advanced in full-time employment as a faculty member or administrator at the sponsoring institution;
- (5) The amount of time anticipated for completion of the doctoral program; and
- (6) The relative costs of the fellowship for each nominee.

(c) A Faculty/Administrator Development Fellow must enroll in a regionally accredited institution in a sound and recognized doctoral program which has specialized accreditation if such specialized accreditation is appropriate.

(d) During the period that an individual is receiving the fellowship, he or she shall not be employed or accept payment for services rendered to any other employer. The individual may accept tuition and fee waivers, grants, scholarships, or other awards that do not constitute payment for services rendered.

History. Acts 1985, No. 229, § 5; A.S.A. 1947, § 80-4715.

Cross References. Minorities in Arkansas Act of 2001, § 1-2-501 et seq.

6-63-407. Levels of support.

The Faculty/Administrator Development Fellow program shall provide different levels of support for current employees and alumni who are not current employees with appropriate different requirements and provisions for the two (2) types of fellows.

History. Acts 1985, No. 229, § 2; A.S.A. 1947, § 80-4712.

6-63-408. Current faculty, administrator, and other employee participants.

(a) (1) The Department of Higher Education shall provide matching funds to assist Arkansas state institutions of higher education in funding the assignment of selected faculty, administrators, and other employees who are in a racial minority to full-time, in-residence doctoral study at other institutions of higher education as Faculty/Administrator Development Fellows.

(2) During the time of assignment as a Faculty/Administrator Development

Fellow, a current employee shall remain a full-time employee of the institution eligible for payment of salary and other fringe benefits provided by the institution for other employees.

(b) For a current employee to qualify as a Faculty/Administrator Development Fellow, the person must be a full-time employee of the sponsoring institution for two (2) years prior to beginning study as a fellow, under contract to return to the sponsoring institution as a full-time employee for three (3) academic years immediately upon the completion of study under the fellowship, and meet the additional requirements outlined in § 6-63-406(a).

(c) (1) Upon selection of a current employee as a Faculty/Administrator Development Fellow by the department, the sponsoring institution is authorized to make regular salary payments to the individual and to provide the individual with other fringe benefits provided by the institution for other employees.

(2) In the event the assignment of an employee to full-time resident doctoral study results in the need for a position for an employee to perform the duties previously performed by the fellow, the institution is authorized to establish an appropriate regular salary-provisional position under the provisions of § 6-63-305 and such legislation as may amend or supersede that section.

(d) Institutional salary payments to a fellow who is a current employee shall be on a biweekly, monthly, or other basis as is customary for salary payments at the sponsoring institution as long as the individual continues to meet the requirements for the fellowship and is making satisfactory progress toward completion of the doctoral program for which the fellowship was granted.

(e) For the period of the fellowship, the salary paid a current employee selected as a Faculty/Administrator Development Fellow shall be at or above the salary earned prior to the fellowship.

(f) A Faculty/Administrator Development Fellow who is a current employee shall be responsible for tuition, fees, and all other costs related to his or her program of study.

History. Acts 1985, No. 229, § 3; A.S.A. 1947, § 80-4713.

6-63-409. Alumni participants.

(a) (1) The Department of Higher Education shall provide matching funds to assist Arkansas state institutions of higher education in funding the granting of fellowships to undergraduate or graduate alumni of the institutions who represent a racial minority and hold unusual promise for doctoral study and development into desirable faculty or administrators.

(2) The fellowship award to alumni shall include a stipend comparable to the higher stipends at the institution to be attended plus tuition, fees, and books.

(b) For an alumnus to qualify as a Faculty/Administrator Development Fellow, the person must be an alumnus of the sponsoring institution and under contract to return to the sponsoring institution as a full-time employee for two (2) academic years immediately upon the end of study under the fellowship and meet the additional requirements outlined in § 6-63-406(a).

(c) (1) Upon selection of an alumnus as a Faculty/Administrator Development Fellow by the department, the sponsoring institution is authorized to make regular fellowship payments to the individual even though the individual will not then be an employee of the

institution.

(2) Payment of the amount allocated for each semester or term for a fellow who is an alumnus shall be made so that the portion for tuition and fees is paid near the beginning of the semester or term and the stipend portion is paid in equal monthly portions.

History. Acts 1985, No. 229, § 4; A.S.A. 1947, § 80-4714.

6-63-410. Written contract required.

For each period that an individual is designated as a Faculty/Administrator Development Fellow, there must be a formal, written, signed contract between the fellow and the sponsoring institution specifying the terms of his or her fellowship and containing the requirement that the individual shall return to the sponsoring institution for the required period of full-time employment immediately following the end of study under the fellowship.

History. Acts 1985, No. 229, § 5; A.S.A. 1947, § 80-4715.

6-63-411. Duration — Distribution of funds.

Faculty/Administrator Development Fellows may be designated for one (1) academic year, but matching funds shall be equally allocated by the Department of Higher Education on a semester, trimester, or other reasonable academic calendar equivalent basis.

History. Acts 1985, No. 229, § 5; A.S.A. 1947, § 80-4715.

6-63-412. Renewal.

Faculty/Administrator Development Fellows designations may be renewed annually for a total of no more than three (3) years of graduate study if the fellow maintains not less than a 3.0 grade point average on a 4.0 scholastic grading scale, continues to meet other requirements of this subchapter, and is making satisfactory progress in the doctoral program for which the fellowship was awarded.

History. Acts 1985, No. 229, § 5; A.S.A. 1947, § 80-4715.

6-63-413. Postfellowship employment.

For the period of required full-time employment immediately after the fellowship, the salary paid the individual shall be the same as or above the salaries paid others who did not receive the fellowship but have similar qualifications and responsibilities at the sponsoring institution.

History. Acts 1985, No. 229, § 5; A.S.A. 1947, § 80-4715.

6-63-414. Termination of fellowship or employment.

Nothing contained in this subchapter shall limit the sponsoring institution's right to terminate a person's fellowship or employment during either the period of the fellowship or the three-year period of employment following the fellowship.

History. Acts 1985, No. 229, § 5; A.S.A. 1947, § 80-4715.

6-63-415. Repayment.

(a) (1) If a Faculty/Administrator Development Fellow does not return to the sponsoring institution or does not complete the required period of full-time employment immediately following the fellowship, the person shall repay a proportion of the full value of the fellowship equal to the proportion of the full-time employment obligation which the individual has not fulfilled.

(2) In such an event, it shall be the responsibility of the sponsoring institution to collect the repayment due and refund the collected matching portion of the fellowship to the Department of Higher Education.

(b) If the employment or payment of a fellowship to a Faculty/Administrator Development Fellow is terminated by the sponsoring institution during either the fellowship period or the required period of service, the individual is not responsible for repayment of the value of the fellowship.

History. Acts 1985, No. 229, § 5; A.S.A. 1947, § 80-4715.

Subchapter 5

— Requirement of Faculty Instruction in Public Schools

6-63-501. [Repealed.]

6-63-502. Participation in Education Faculty Involvement Program — Eligibility.

6-63-501. [Repealed.]

Publisher's Notes. This section, concerning the purpose, review, and report, was repealed by Acts 1999, No. 477, § 3. The section was derived from Acts 1991, No. 981, § 1; 1997, No. 112, § 22. For present law, see § 6-63-104.

6-63-502. Participation in Education Faculty Involvement Program — Eligibility.

(a) All public school districts shall assist through participation in the Education Faculty Involvement Program when requested.

(b) (1) Any certified person employed by a school district who has credentials acceptable to a publicly supported institution of higher education may serve as adjunct clinical faculty at the institution so long as the national accreditation of the institution is not jeopardized.

(2) Exemplary teachers may be selected by the school and college faculty as adjunct clinical faculty in the colleges of education upon approval of the school district.

(3) Teachers with experience in restructuring schools and outstanding teachers in mathematics and science shall be given special consideration for placement as adjunct clinical faculty by the school and college faculty.

History. Acts 1991, No. 981, § 2.

Subchapter 6

— Catastrophic Leave Bank Program

6-63-601. Definitions.

6-63-602. Administration.

Effective Dates. Acts 1999, No. 1176, § 8: Apr. 7, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that under the current law relating to the catastrophic leave program for state agency employees and for full-time employees of state institutions of higher education, catastrophic illness is defined as a medical condition of an employee only and does not include medical conditions of members of the employee's immediate family; that many times it is necessary that an employee miss work to care for a seriously ill member of the employee's immediate family; that if the employee has exhausted his or her accrued annual and sick leave and is not permitted to benefit from the catastrophic leave program he or she may suffer a substantial loss of income and serious hardship; that this act is designed to expand the term "catastrophic illness" as used in the law which establishes the catastrophic leave bank program to include catastrophic illness of a spouse or parent of an employee or of a child of the employee which may be claimed as a dependent under the Arkansas Income Tax Act of 1929 and should be given effect immediately to avoid serious hardship to certain employees of state agencies and of state-supported institutions of higher education. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

6-63-601. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Catastrophic illness" means a medical condition, as certified by a physician, of an employee or of the spouse or parent of the employee or of a child of the employee who may be claimed as a dependent under the Income Tax Act of 1929, § 26-51-101 et seq., which requires an employee's absence from duty for a prolonged period of time and which, except for the catastrophic leave program, would result in a substantial loss of income to the employee because of the exhaustion of all earned sick and annual leave;

(2) "Catastrophic leave" means leave granted to an employee as a result of a catastrophic illness, upon the employee's exhausting of all sick and annual leave;

(3) "Catastrophic leave bank" means a pool of accrued annual leave donated by employees; and

(4) "Employees" means nonfaculty nonclassified personnel employed by a state institution of higher education.

History. Acts 1993, No. 441, § 1; 1999, No. 1176, § 1.

Amendments. The 1999 amendment, in (1), inserted "or of the spouse or parent of the employee or of a child of the employee who may be claimed as a dependent under the Income Tax Act of 1929, § 26-51-101 et seq., which" and substituted "except for the catastrophic leave program, would result" for "results"; and made stylistic changes.

6-63-602. Administration.

(a) (1) The Department of Finance and Administration shall have administrative responsibility for developing, implementing, and maintaining a catastrophic leave bank program for nonfaculty benefits-eligible, full-time employees of the state institutions of higher education.

(2) Each state institution of higher education may participate in the catastrophic leave bank authorized by this section and administered by the Office of Personnel Management, or the institution may establish a catastrophic leave bank for its employees.

(b) Accrued annual leave and sick leave of employees may be donated to a catastrophic leave bank.

(c) Catastrophic leave with pay may be granted to an employee when such employee is unable to perform his or her duties due to a catastrophic illness.

(d) An employee may be eligible for catastrophic leave when:

(1) The employee has been employed by the state institution of higher education for more than two (2) years;

(2) An acceptable medical certificate from a physician supporting the continued absence is on file; and

(3) The employee has not been disciplined for any leave abuse during the past two (2) years.

(e) If the illness or injury is that of an employee and is covered by workers' compensation, the compensation based on catastrophic leave when combined with the weekly workers' compensation benefit received by the employee shall not exceed the compensation being received by the employee at the onset of the illness or injury.

(f) The Director of the Department of Finance and Administration or his or her designee shall promulgate necessary rules and regulations as deemed necessary to carry out the provisions of this section.

(g) Nothing in this subchapter shall be construed to repeal in any way the exclusion of nonclassified employees of state-supported institutions of higher learning under the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq.

History. Acts 1993, No. 441, § 2; 1999, No. 1176, § 2.

Amendments. The 1999 amendment substituted "benefits-eligible, full-time employees of the state" for "nonclassified personnel employed by the state" in (a); substituted "employee is unable to perform his or her duties" for "employee is incapacitated from the performance of the employee's duties" in (c); deleted former (d)(2) and (d)(3) and redesignated the remaining subdivisions accordingly; inserted present (e) and redesignated former (e) and (f) as present (f) and (g); and made stylistic changes.

Chapter 64 University of Arkansas

Subchapter 1 — General Provisions

Subchapter 2 — Board of Trustees

Subchapter 3 — Campuses Established

Subchapter 4 — Medical Department Generally

Subchapter 5 — State Medical Center — Admission of Patients

Subchapter 6 — School of Law

Subchapter 7 — Agricultural Experiment Stations

Subchapter 8 — Graduate Institute of Technology

Subchapter 9 — Center for Research, Education and Technical Extension, and
Graduate Education

Subchapter 10 — Finances

Subchapter 11 — College of Information Science and Systems Engineering

Subchapter 12 — Training of Law Enforcement Officials and Jail Personnel

A.C.R.C. Notes. Acts 2005, No. 2125, § 22, provided:

“SPECIAL LANGUAGE. TYPE 2 TRANSFER. Effective July 1, 2005, all duties, functions, records, property, obligations, personnel, and authority to levy and collect diagnostic and laboratory fees, pursuant to Arkansas Code § 2-33-111 and § 2-33-112, for the Springdale Laboratory of the Arkansas Livestock and Poultry Commission are hereby transferred by a Type 2 transfer from the Arkansas Livestock and Poultry Commission to the Division of Agriculture of the University of Arkansas.”

Publisher's Notes. Acts 1899, No. 155, § 4, p. 282, changed the name of the Arkansas Industrial University to the University of Arkansas.

Cross References. Ethics and Conflicts of Interest, § 21-8-101 et seq.

Case Notes

Immunity From Suit.

Immunity From Suit.

As an instrumentality of the State of Arkansas, the University of Arkansas and its officials are entitled to Eleventh Amendment immunity from damage claims brought under 42 U.S.C. § 1983. *Assaad-Faltas v. University of Ark. for Medical Sciences*, 708 F. Supp. 1026 (E.D. Ark. 1989), *aff'd without op.*, 902 F.2d 1572 (8th Cir. Ark. 1990).

Subchapter 1 — General Provisions

- 6-64-101. Courses of study.
- 6-64-102. Real estate research and education programs.
- 6-64-103. Marketing News Reporting Program.
- 6-64-104. Radio broadcasts of football and basketball games.
- 6-64-105. Free transportation.
- 6-64-106. Division of Agriculture — Service on boards or commissions.
- 6-64-107, 6-64-108. [Repealed.]
- 6-64-109. Housing allowance for chaplain.
- 6-64-110. Housing allowance.
- 6-64-111. Allowance in lieu of housing.

A.C.R.C. Notes. Acts 1991, No. 849, § 13, provided:

“The University of Arkansas shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the University of Arkansas shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the University of Arkansas does not exceed 25% of that required for a full-time employee.”

Preambles. Acts 1977, No. 76 contained a preamble which read:

“Whereas, Act 454 of 1973 charged the Livestock Marketing Division of the Arkansas Livestock and Poultry Commission with the responsibility of administering the Market News Reporting Service and authorized the Commission to establish a Market News Reporting Program in cooperation with the U.S. Department of Agriculture; and

“Whereas, the Market News Reporting Service is primarily an informational and educational service and is a service which could more appropriately be maintained by the University of Arkansas Cooperative Extension Service;

“Now, therefore....”

Effective Dates. Acts 1887, No. 95, § 17: effective on passage.

Acts 1891, No. 83, § 6: effective on passage.

Acts 1913, No. 224, § 11: approved Mar. 29, 1913. Emergency declared.

Acts 1975, No. 338, § 5: July 1, 1975. Emergency clause provided: “It is hereby found and determined by the Seventieth General Assembly that the Constitution of the State of Arkansas

prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1975 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1975 could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1975.”

Acts 1975, No. 341, § 5: July 1, 1975. Emergency clause provided: “It is hereby found and determined by the Seventieth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1975 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1975 could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1975.”

Acts 1977, No. 76, § 4: Jan. 31, 1977. Emergency clause provided: “It is hereby found and determined by the General Assembly that the Market News Reporting Service which is currently being administered under the Livestock Marketing Division of the Arkansas Livestock and Poultry Commission is primarily an informational and educational program which is more compatible with the service goals of the University of Arkansas Cooperative Extension Service; that it is the purpose and intent of this act to transfer the authority and responsibility for administering the Market News Reporting Program to the University of Arkansas Cooperative Extension Service and that this transfer of authority and responsibility should be effected at the beginning of the 1977-78 fiscal year, and that in order to assure that this act will become effective on or before July 1, 1977, it is essential that an emergency be declared. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1979, No. 1031, § 5: July 1, 1979. Emergency clause provided: “It is hereby found and determined by the Seventy-Second General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1979, is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1979, could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1979.”

Acts 1981, No. 599, § 1: Mar. 19, 1981. Emergency clause provided: “It is hereby found and determined by the General Assembly that the athletic programs of the University of Arkansas are conducted by an official and public agency of this State, and that discrimination in access to the radio broadcast rights to any football or basketball game by the Athletic Department of the University of Arkansas is contrary to the public interest, and is detrimental to the public support and the rights of the people of this State to enjoy the benefits of radio broadcasts of said games, and, that the immediate passage of this Act is necessary to clarify and prohibit the Athletic Department of the University of Arkansas from granting exclusive rights to only one or more radio broadcasting stations to broadcast such games, and to require that the broadcasting of such games be made available in accordance with uniform standards, fees and regulations to all radio broadcasting firms in this State, and that the immediate passage of this Act is necessary to clarify said problem. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1995, No. 1099, § 33: July 1, 1995. Emergency clause provided: “It is hereby found and determined by the Eightieth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1995 is essential to the operation of the agency for which the appropriations in

this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1995 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995.”

Acts 2003, No. 1473, § 74: July 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act includes technical corrects to Act 923 of 2003 which establishes the classification and compensation levels of state employees covered by the provisions of the Uniform Classification and Compensation Act; that Act 923 of 2003 will become effective on July 1, 2003; and that to avoid confusion this act must also effective on July 1, 2003. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003.”

6-64-101. Courses of study.

The course of study in the University of Arkansas shall embrace agricultural chemistry, animal and plant anatomy and physiology, the application of science and the mechanic arts to practical agriculture in the field, veterinary arts, entomology, rural and household economy and horticulture, practical mechanic arts as taught in the workshops, the English language and literature, mathematics, civil engineering, philosophy, history, and bookkeeping, military tactics, and such other branches of study as the Board of Trustees of the University of Arkansas may prescribe.

History. Acts 1887, No. 95, § 6, p. 178; 1891, No. 83, § 3, p. 151; C. & M. Dig., § 9544; Pope's Dig., § 13165; A.S.A. 1947, § 80-2826.

Case Notes

Immunity From Suit.

Immunity From Suit.

The University of Arkansas for Medical Sciences (UAMS) is the name of a campus which is a part of the University of Arkansas, an institution of higher education established under Arkansas law. UAMS is not a separate institution or a corporate body which has the capacity to sue or be sued. *Assaad-Faltas v. University of Ark. for Medical Sciences*, 708 F. Supp. 1026 (E.D. Ark. 1989), *aff'd without op.*, 902 F.2d 1572 (8th Cir. Ark. 1990).

Cited: *Murphy v. Morris*, 200 Ark. 932, 141 S.W.2d 518 (1940).

6-64-102. Real estate research and education programs.

(a) There is authorized and shall be conducted at the University of Arkansas at Little Rock a research and education program in real estate, to be known as the H. Clyde Buchanan Chair of Real Estate.

(b) There is established and shall be conducted at the University of Arkansas at Fayetteville a research and educational program in real estate, to be known as the Verdon M. Bennett Chair of Real Estate.

History. Acts 1975, No. 338, § 1; 1975, No. 341, § 1; 1979, No. 1031, § 1; A.S.A. 1947, §§ 80-2884.1, 80-2894.

6-64-103. Marketing News Reporting Program.

The University of Arkansas Cooperative Extension Service is authorized to establish and maintain the Market News Reporting Program in cooperation with the United States

Department of Agriculture.

History. Acts 1977, No. 76, § 1; A.S.A. 1947, § 80-2860.1.

Publisher's Notes. Acts 1957, No. 425, § 1, authorized the University of Arkansas to enter into cooperative agreements with the United States of America, acting through the Production and Marketing Administration of the United States Department of Agriculture, or such agency as was prescribed by the United States Congress, for the establishment of and maintenance of a market news program on livestock in and for the State of Arkansas. Acts 1977, No. 76, § 1, in part, transferred, effective July 1, 1977, the authority and responsibility for administering the Market News Reporting Service from the Livestock Marketing Division of the Arkansas Livestock and Poultry Commission to the University of Arkansas Cooperative Extension Service.

6-64-104. Radio broadcasts of football and basketball games.

(a) Unless otherwise prohibited or limited by Southeastern Conference rules, the University of Arkansas Athletic Department shall make available for radio broadcasts all football and basketball games of the University of Arkansas under uniform arrangements for the right to radio broadcast the games as may be provided by the department.

(b) However, no discrimination shall be made against any licensed radio broadcasting station in this state with respect to the access to and the rights to radio broadcast football or basketball games in accordance with a schedule of fees, standards, and regulations promulgated by the department making these broadcasts accessible and available to each Arkansas radio broadcasting station that desires to broadcast these games.

History. Acts 1981, No. 599, § 1; A.S.A. 1947, § 80-2895; Acts 2003, No. 1473, § 13.

Amendments. The 2003 amendment substituted "southeastern" for "Southwest" and "department" for "Athletic Department" in (a); and substituted "department" for "University of Arkansas Athletic Department" in (b).

6-64-105. Free transportation.

The president, the professor of secondary education, and members of the faculty of the College of Agriculture may accept free transportation over all railroads in the state.

History. Acts 1913, No. 224, § 7; C. & M. Dig., § 9538; Pope's Dig., § 13152; A.S.A. 1947, § 80-2825.

Cross References. Legislature to prevent by law free transportation of state employees, Ark. Const., Art. 17, § 7.

6-64-106. Division of Agriculture — Service on boards or commissions.

(a) No person employed by the Division of Agriculture of the University of Arkansas System may serve as a voting member of any board or commission which regulates activities in areas in which the division has responsibility for conducting research and extension programs.

(b) Such persons shall serve as ex officio members of such boards or commissions as required by statute.

(c) The division shall act in an advisory capacity to all such boards and commissions and is designated as the lead institution for such support.

(d) The Vice President for Agriculture, subject to approval by the President of the University of Arkansas System, shall determine the areas of responsibility of the division.

History. Acts 1995, No. 166, § 1.

Publisher's Notes. Former § 6-64-106, concerning the baccalaureate degree nursing program, was repealed by Acts 1991, No. 1101, § 28. The former section was derived from Acts 1987, No. 546, § 2.

6-64-107, 6-64-108. [Repealed.]

A.C.R.C. Notes. Former § 6-64-107, concerning a housing allowance for the president or chancellor, was deemed to be superseded. The former section was derived from Acts 1989 (1st Ex. Sess.), No. 120, § 11. A similar provision which was also codified as § 6-64-107, and was previously superseded, was derived from Acts 1987, No. 754, § 12.

Two former versions of § 6-64-108, concerning housing allowance for chancellor for medical sciences, were deemed to be superseded. The former sections were derived from Acts 1987, No. 703, § 14 and Acts 1991, No. 974, § 19.

Publisher's Notes. Section 6-64-108 was formerly codified as § 6-64-219.

Former §§ 6-64-107, 6-64-108, concerning the housing allowance for the president and chancellor of the University of Arkansas and for the chancellor of The University of Arkansas for Medical Sciences, were repealed by Acts 1999, No. 240, §§ 3, 4. The sections were derived from the following sources:

6-64-107. Acts 1991, No. 849, § 11.

6-64-108. Acts 1989 (1st Ex. Sess.), No. 278, § 15.

6-64-109. Housing allowance for chaplain.

The Chancellor of the University of Arkansas for Medical Sciences may designate up to forty-five per cent (45%) of the regular gross salary or stipend of a minister or other clergy employed as a chaplain or appointed as a chaplain resident as a housing allowance, to the extent used by the person to rent or provide a home, according to the guidelines of the Internal Revenue Code, Section 107, and § 26-51-404(b)(10) of this Code.

History. Acts 1995, No. 1099, § 22.

A.C.R.C. Notes. Acts 2001, No. 1669, § 22, provided:

“CHAPLAIN HOUSING ALLOWANCE. The Chancellor of the University of Arkansas for Medical Sciences may designate up to forty-five per cent (45%) of the regular gross salary (or stipend) of a minister or other clergy employed as a Chaplain or appointed as a Chaplain Resident, as a housing allowance, to the extent used by the person to rent or provide a home, according to the guidelines of the Internal Revenue Service Code, Section 107 and the Arkansas Code 26-51-404(11).

“The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.”

Acts 2003 (1st Ex. Sess.), No. 30, § 24, provided:

“The Chancellor of the University of Arkansas for Medical Sciences may designate up to forty-five per cent (45%) of the regular gross salary (or stipend) of a minister or other clergy employed as a Chaplain or appointed as a Chaplain Resident, as a housing allowance, to the extent used by the person to rent or provide a home, according to the guidelines of the Internal Revenue Service Code, Section 107 and the Arkansas Code 26-51-404(11).

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

Acts 2005, No. 2123, § 25, provided:

“CHAPLAIN HOUSING ALLOWANCE. The Chancellor of the University of Arkansas for Medical Sciences may designate up to forty-five per cent (45%) of the regular gross salary (or stipend) of a minister or other clergy employed as a Chaplain or appointed as a Chaplain Resident, as a housing allowance, to the extent used by the person to rent or provide a home, according to the guidelines of the Internal Revenue Service Code, Section 107 and the Arkansas Code 26-51-

404(11).

"The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007."

Publisher's Notes. This section was formerly codified as § 6-64-220.

U.S. Code. Section 107 of the Internal Revenue Code, referred to in this section, is codified as 26 U.S.C. § 107.

6-64-110. Housing allowance.

The proceeds from the sale of the state-owned home for the Chancellor of the University of Arkansas for Medical Sciences shall continue to be invested, and the earnings on the investment shall be used to defray the total cost of the housing allowance or as much as the investment earnings will provide, whichever is the lesser.

History. Acts 1999, No. 240, § 1.

Cross References. Housing allowance, § 6-62-108.

6-64-111. Allowance in lieu of housing.

Upon approval of the Board of Trustees of the University of Arkansas, the chancellors of the various two-year branch campuses of the University of Arkansas System may receive a housing allowance in an amount not to exceed four hundred dollars (\$400) per month in lieu of college housing.

History. Acts 1999, No. 240, § 2.

Subchapter 2 — Board of Trustees

6-64-201. Members — Meetings.

6-64-202. Board of Trustees of the University of Arkansas incorporated — Powers and authority.

6-64-203. Rules and regulations.

6-64-204. Charges brought against board or committee members, employees, etc. — Procedure.

6-64-205. Examinations by committee — Service of process.

6-64-206. Findings of examinations and inquiries reduced to writing.

6-64-207. President of the Board of Trustees of the University of Arkansas.

6-64-208. Faculty and assistants.

6-64-209. Leaves of absence of faculty.

6-64-210. Salaries and compensation of teachers and employees.

6-64-211. Financial officer.

6-64-212. Financial officer — Attendance at board meetings.

6-64-213. Purchasing Agent — Registrar.

6-64-214. Employment of relatives.

6-64-215. Records and reports regarding students and teachers.

6-64-216. Report as to expenditures.

6-64-217. Annual report of agricultural and mechanical departments.

6-64-218. Sale of donated land.

6-64-219, 6-64-220. [Transferred.]

Preambles. Acts 1943, No. 272, contained a preamble which read:

"Whereas, Amendment 33, voted on as Amendment 35, to the Constitution of the State of Arkansas, in effect and operation from and after January 15, 1943, provides that the term of office of the ten members of the Board of Trustees of the University of Arkansas shall be ten years, that such terms of office shall be arranged by the General Assembly to provide a membership with one term of office expiring every year from the effective date of the amendment and that the unexpired terms of members serving on the effective date of the amendment shall not be decreased,

"Therefore, in compliance with Amendment 33...."

Effective Dates. Acts 1871, No. 44, § 21: effective on passage.

Acts 1873, No. 33, § 4: effective on passage.

Acts 1887, No. 95, § 17: effective on passage.

Acts 1891, No. 83, § 6: effective on passage.

Acts 1903, No. 195, § 7: effective on passage.

Acts 1907, No. 87, § 2: effective on passage.

Acts 1909, No. 283, § 3: effective on passage.

Acts 1913, No. 224, § 11: approved Mar. 29, 1913. Emergency declared.

Acts 1915, No. 289, § 16: approved Mar. 27, 1915. Emergency declared.

Acts 1939, No. 9, § 3: Jan. 24, 1939. Emergency clause provided: "The General Assembly, realizing that there is no provision making it mandatory that former students of the University of Arkansas be represented on the Board of Trustees of said institution, and realizing that the activities of the University of Arkansas have been greatly increased during the past several years and that many of the subjects in the course of study are not represented on said Board, and knowing that the alumni of said institution are more interested in said institution than those who have never attended the University, and believing that said alumni should at all times be represented on said Board of Trustees and have an active interest in the conduct, operation and management of said institution, hereby declares that an emergency exists, and this Act being necessary for the immediate preservation of the public peace, health and safety shall be effective immediately upon its adoption and approval."

Acts 1941, No. 302, § 3: approved Mar. 26, 1941. Emergency clause provided: "It is hereby found and declared that the Board of Trustees of the University of Arkansas should be free of political influence to the greatest extent possible, and to that end the Governor and the Superintendent of Public Instruction should not be members of said Board, ex officio or otherwise; that the Board of Trustees should begin immediately the shaping of the policies of the school year beginning in September next; that delay in the effective date of this Act would have a tendency to render uncertain the policies and actions of the Board, in conflict with the best interests of the institution; that the preservation of the public peace, health and safety demands that this Act take effect without delay; an emergency is therefore declared, and this Act shall take effect and be in force from and after its passage."

Acts 1943, No. 272, § 4: approved Mar. 18, 1943. Emergency clause provided: "It is hereby found and declared that delay in the effective date of this act would be contrary to the will of the people of the State of Arkansas as expressed by the vote on Amendment 33 adopted at the General Election November 3, 1942, and would be in conflict with the purpose of the Amendment and would have a tendency to render uncertain the policies and actions of the Board of Trustees of the University of Arkansas; that the Board of Trustees, as constituted under Amendment 33, should begin immediately the shaping of the policies of the school; that the preservation of the public peace, health and safety demands this act take effect without delay; therefore, an emergency is declared and this act shall take effect and be in force from and after its passage."

Acts 1985, No. 464, § 5: Mar. 21, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that there still exists an obsolete law prohibiting the employment at the University of Arkansas of persons related within the fourth degree of consanguinity to any member of the Board of Trustees; that such law no longer comports to the public policy of this State and should be immediately modified to avoid inequitable treatment of such persons; that this Act will eliminate the inequity and should therefore be given immediate effect. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and

effect from and after its passage and approval.”

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: “It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

6-64-201. Members — Meetings.

- (a) The Board of Trustees of the University of Arkansas shall consist of ten (10) members.
- (b) The Governor shall appoint the trustees. These appointments shall be with the consent of the Senate, except as provided in Arkansas Constitution, Amendment 33, Section 5.
- (c) (1) Two (2) members shall be appointed from each of the four (4) congressional districts in existence on January 1, 1997.
 - (2) (A) Two (2) members shall be appointed from the state at large.
 - (B) The two (2) at-large members shall not reside in the same congressional district.
 - (3) In case of an increase or decrease in the number of congressional districts in the state, the number of members appointed from the state at large shall be increased or decreased in a manner to assure equal representation on the board for each congressional district.
 - (4) The member or members of the board, if any, appointed from the state at large shall be alumni of the University of Arkansas.
- (d) The term of office shall be ten (10) years.
- (e) The trustees shall make and subscribe to an affidavit before entering upon their respective duties to faithfully, diligently, and impartially discharge the duties of their office.
- (f) (1) The board, for any cause deemed sufficient by them, shall have power by a majority vote, taken at any meeting, to remove any member from the board. However, no member shall be so removed unless as many as five (5) of the trustees vote for removal.
 - (2) When any member of the board is so removed, the votes of the trustees shall be recorded, and the president of the board shall make a certificate showing the result of the vote and transmit the certificate without delay to the Governor, who shall at once declare the commission which had been issued to the removed trustee vacated, and he or she shall appoint and commission some competent person to fill the vacancy so occasioned.
- (g) (1) The annual meetings of the board shall be at the University Building on Monday of the last week of the commencement exercises of each year.
 - (2) The board shall elect a presiding officer.
 - (3) A lesser number than a quorum may adjourn from time to time.
 - (4) The board shall have the power to hold adjourned meetings when the business

of the university actually requires it, or the president of the board may call a meeting of the board when he or she is satisfied that the interest of the university so requires or when five (5) members of the board petition him or her so to do.

(h) The members of the board may receive expense reimbursement in accordance with § 25-16-901 et seq.

History. Acts 1871, No. 44, § 12, p. 201; 1873, No. 33, § 1, p. 65; 1874 (Spec. Sess.), No. 31, § 4, p. 39; 1875, No. 109, § 1, p. 234; 1887, No. 95, §§ 1, 2, p. 178; 1891, No. 83, § 2, p. 151; 1907, No. 87, § 1, p. 192; C. & M. Dig., §§ 9518, 9519, 9523, 9527-9529, 9533; Pope's Dig., §§ 13137, 13138, 13142, 13146-13148, 13156; Acts 1939, No. 9, §§ 1, 2; 1941, No. 302, §§ 1, 2; 1943, No. 272, §§ 1, 2; A.S.A. 1947, §§ 80-2802 — 80-2807, 80-2810; Acts 1997, No. 250, § 28; 1997, No. 1140, § 1.

A.C.R.C. Notes. As amended by Acts 1997, No. 1140, subsection (c) also provided:

"The members of the board in office on July 1, 1997, shall continue to serve their regular terms. As terms expire after that date, appointments to the board shall be made in such manner as to assure that as soon as practicable the members of the board will represent the different areas of the state as required by this act. Provided, when the first term expires after July 1, 1997, the person appointed to the position shall be a resident of the Fourth Congressional District."

Publisher's Notes. There are currently four congressional districts. See A.C.R.C. Notes to T. 7, Ch. 2. See also § 25-16-801 and notes thereto.

The terms of the members of the Board of Trustees of the University of Arkansas are arranged so that one term expires on March 1 of every year.

Cross References. Meetings required to be held once during each quarterly period, § 25-17-208. Compensation of state boards, § 25-16-901 et seq.

Case Notes

Cited: *Arkansas v. Texas*, 346 U.S. 368, 74 S. Ct. 109, 98 L. Ed. 80 (1953); *Jacobs v. Sharp*, 211 Ark. 865, 202 S.W.2d 964 (1947).

6-64-202. Board of Trustees of the University of Arkansas incorporated — Powers and authority.

The Board of Trustees of the University of Arkansas is made a body politic and corporate and shall have all the powers of a corporate body, subject to the Constitution and laws of the State of Arkansas, and the board possesses all the power and authority possessed by the board of trustees of the university under laws existing on March 30, 1887.

History. Acts 1887, No. 95, § 2, p. 178; C. & M. Dig., § 9523; Pope's Dig., § 13142; A.S.A. 1947, § 80-2804.

Publisher's Notes. Acts 1891, No. 130, p. 219, accepted and assented to the provisions of, and all sums due and becoming due to the State of Arkansas, pursuant to, Act of Congress, Aug. 30, 1890, ch. 841, 26 Stat. at Large 417, codified as 7 U.S.C. §§ 321 — 326a, 328. It apportioned the sums, though such apportionment is probably unconstitutional as racially discriminatory, and authorized the Treasurer of State to receive and pay out such sums on the orders of the Board of Trustees of the University of Arkansas.

Acts 1915, No. 289, § 7, authorized the College of Agriculture of the University of Arkansas to accept any sums coming due the state under the terms of and consented to the provisions of the Smith-Lever Agricultural Extension Act, codified as 7 U.S.C. §§ 341, 343.

Case Notes

Cited: *Jacobs v. Sharp*, 211 Ark. 865, 202 S.W.2d 964 (1947); *Lindsay v. White*, 212 Ark. 541, 206 S.W.2d 762 (1947); *Arkansas v. Texas*, 346 U.S. 368, 74 S. Ct. 109, 98 L. Ed. 80 (1953); *Cammack v. Chalmers*, 284 Ark. 161, 680 S.W.2d 689 (1984).

6-64-203. Rules and regulations.

The Board of Trustees of the University of Arkansas shall have power to prescribe all rules and regulations for the government and discipline of the University of Arkansas, subject to the provisions of this subchapter and such other acts of the General Assembly as may be prescribed.

History. Acts 1887, No. 95, § 4, p. 178; C. & M. Dig., § 9524; Pope's Dig., § 13143; A.S.A. 1947, § 80-2812.

Research References

Ark. L. Rev.

The Emerging Law of Students' Rights, 23 Ark. L. Rev. 619.

Case Notes

Cited: Gay & Lesbian Students Ass'n v. Gohn, 850 F.2d 361 (8th Cir. 1988).

6-64-204. Charges brought against board or committee members, employees, etc. — Procedure.

(a) The Board of Trustees of the University of Arkansas is fully empowered and authorized, either as a board or through any committee it may select or appoint, to inquire into and fully investigate any and all charges that have been or may be preferred against any trustee of the board or any member of any committee appointed by or under the direction of the board or any contractor, architect, builder, employee, agent, or other person acting by agreement with, or authority of, or under the board or any of the committees of the board, in any capacity whatever.

(b) For the purposes of such investigations or inquiry, the board or any committee that may be appointed by it shall and may hold meetings in the state, at such time and place as may be designated by the board, or by a committee so appointed.

(c) (1) The chair of the executive committee of the board shall have full and ample power to issue all necessary process for summoning and compelling the attendance of witnesses before the board or committee and may impose upon all witnesses who refuse to obey such process, or to testify fully and explicitly before such board or committee, in reference to any and all such matters as may be the subject of inquiry, all the pains or penalties that might or could be imposed upon the witnesses by the circuit court, in any case, if a witness were to fail and refuse to appear and testify before the proper circuit court of his or her county in a cause or matter legally pending therein after being summoned to so appear and testify therein.

(2) (A) The process issued by the chair of the executive committee may be directed to any sheriff, coroner, or constable in this state.

(B) If the officer fails, neglects, or refuses to execute the process, he or she shall be subject to all the forfeitures, pains, and penalties which might or could be imposed upon him or her for failing, neglecting, or refusing to serve necessary or proper process from a circuit court in his or her own county. The fine, imprisonment, and penalties as can be so assessed shall be enforced and carried out upon the order of the chair of the executive committee.

(3) The chair shall be required to have no commission to so act, except as a member of the board, and a certificate of his or her election or appointment to such place by the board of trustees or the president of such board.

History. Acts 1873, No. 33, § 2, p. 65; C. & M. Dig., § 9534; Pope's Dig., § 13157; A.S.A. 1947, § 80-2808.

6-64-205. Examinations by committee — Service of process.

(a) Process under §§ 6-64-201(f) and 6-64-204 shall run in the name of the state.

(b) The officers and witnesses shall execute and obey the same without any advanced fees or compensation, and their accounts or claims for service, attendance, or other costs arising in such investigation shall be presented to the Board of Trustees of the University of Arkansas, and shall, through its president, order certificates issued upon their treasurer for reasonable compensation.

History. Acts 1873, No. 33, § 3, p. 65; C. & M. Dig., § 9535; Pope's Dig., § 13158; A.S.A. 1947, § 80-2809.

6-64-206. Findings of examinations and inquiries reduced to writing.

The material parts of all examinations and inquiries had by any committee shall be reduced to writing and laid before the Board of Trustees of the University of Arkansas for its action.

History. Acts 1873, No. 33, § 3, p. 65; C. & M. Dig., § 9535; Pope's Dig., § 13158; A.S.A. 1947, § 80-2809.

6-64-207. President of the Board of Trustees of the University of Arkansas.

The President of the Board of Trustees of the University of Arkansas shall attend meetings of the Board of Trustees of the University of Arkansas at such times and places as named and required in this subchapter and shall perform all such duties as are required in this subchapter or may be directed by the board, without salary or fees or any compensation whatsoever, except such as he or she receives for other services for the state.

History. Acts 1871, No. 44, § 12, p. 201; C. & M. Dig., § 9529; Pope's Dig., § 13148; A.S.A. 1947, § 80-2810; Acts 1997, No. 250, § 29.

Cross References. Compensation of state boards, § 25-16-901 et seq.

6-64-208. Faculty and assistants.

(a) The faculty of the University of Arkansas shall consist of a president and such professors as the Board of Trustees of the University of Arkansas may deem necessary, whose compensation shall be fixed by the board.

(b) (1) One (1) of the professors shall be styled the Superintendent of Agriculture, whose duty it shall be to supervise the agricultural department and to perform such other duties as may be necessary in order to impart a theoretical and practical knowledge of the science of agriculture to the students over whom he or she shall have control.

(2) One (1) of the professors shall be styled the Superintendent of Mechanic Arts, whose duty it shall be to supervise the mechanical department and to perform such other duties as may be necessary in order to impart to those under his or her care a theoretical and practical knowledge of the mechanic arts.

(c) The board may employ such assistants as it may deem necessary, whose

compensation shall be fixed by the board.

(d) The manner of payment of all salaries shall be regulated by the board.

History. Acts 1887, No. 95, § 8, p. 178; 1891, No. 83, § 5, p. 151; C. & M. Dig., § 9536; Pope's Dig., § 13159; A.S.A. 1947, § 80-2823.

6-64-209. Leaves of absence of faculty.

(a) The matter of leaves of absence of the faculty shall rest with the Board of Trustees of the University of Arkansas.

(b) No person shall be entitled to any salary when on leave of absence, except when on university business.

History. Acts 1909, No. 283, § 2, p. 873; C. & M. Dig., § 9564; Pope's Dig., § 13150; A.S.A. 1947, § 80-2824.

6-64-210. Salaries and compensation of teachers and employees.

The Board of Trustees of the University of Arkansas shall fix and from time to time regulate the fees, allowances, salaries, and wages to be paid to architects, inspectors, professors, teachers, agents, committees, servants, or other necessary employees. It shall observe rigid economy in such expenditures and diligently discharge its duties according to law.

History. Acts 1871, No. 44, § 16, p. 201; C. & M. Dig., § 9530; Pope's Dig., § 13151; A.S.A. 1947, § 80-2813.

6-64-211. Financial officer.

(a) The Board of Trustees of the University of Arkansas at its meeting in June shall elect a financial officer for the University of Arkansas whose duty it shall be to perform all of the duties and services required of the secretary of the board and the treasurer of the university.

(b) He or she shall also keep in a well-bound book a true and correct record of the transactions of the board and shall also have the custody of all books and other property belonging to the board.

(c) (1) He or she shall also be auditor and bookkeeper of the university.

(2) As bookkeeper he or she shall keep a complete set of accounts in such manner as to afford a complete system of checking the funds and expenditures of the university and of its property.

(d) He or she shall keep accounts with the various appropriations for all purposes and make reports of them to the board and its officers showing the status of all appropriations.

(e) He or she shall collect all fees due the university for all purposes and keep and render accounts of the fees collected.

(f) (1) He or she shall audit all bills approved by officers authorized to spend any funds and shall issue his or her check in payment of these bills and shall file and preserve in his or her office all bills so paid and all checks issued in payment thereof.

(2) He or she shall pay no bills save by check.

(g) He or she shall give bond to the State of Arkansas for the faithful discharge of his or her duties in such sums as may be required by the board.

History. Acts 1913, No. 224, § 10; A.S.A. 1947, § 80-2821.

A.C.R.C. Notes. The operation of subsection (g) of this section was suspended by adoption of a self-insured fidelity bond program for public officers, officials and employees, effective July 20, 1987, pursuant to § 21-2-701 et seq. The subsection may again become effective upon cessation of coverage under that program. See § 21-2-703.

6-64-212. Financial officer — Attendance at board meetings.

The financial officer shall attend meetings of the Board of Trustees of the University of Arkansas at such times and places as named and required in this subchapter and shall perform all such duties as are required in this subchapter or may be directed by the board, without salary or fees or any compensation whatsoever, except such as he or she receives for other services for the state.

History. Acts 1871, No. 44, § 12, p. 201; C. & M. Dig., § 9529; Pope's Dig., § 13148; A.S.A. 1947, § 80-2810.

6-64-213. Purchasing Agent — Registrar.

(a) The Board of Trustees of the University of Arkansas may employ a purchasing agent and registrar. Their salaries are to be paid out of the maintenance funds of the various departments of all the divisions of the University of Arkansas located at Fayetteville.

(b) The purchasing agent and registrar shall each give bond in the sum of ten thousand dollars (\$10,000) conditioned for the faithful performance of their duties and for the faithful accounting for all funds handled by them.

(c) All purchases for the university shall be made through this purchasing agent, and he or she shall obtain competitive bids wherever possible and practicable before making purchases.

(d) The purchasing agent shall perform such other duties as shall be required of him or her by the board.

History. Acts 1915, No. 289, § 8; C. & M. Dig., § 9553; Pope's Dig., § 13202; A.S.A. 1947, § 80-2822.

A.C.R.C. Notes. The operation of subsection (b) of this section was suspended by adoption of a self-insured fidelity bond program for public officers, officials and employees, effective July 20, 1987, pursuant to § 21-2-701 et seq. The subsection may again become effective upon cessation of coverage under that program. See § 21-2-703.

Publisher's Notes. This section may be affected by § 19-11-201 et seq.

6-64-214. Employment of relatives.

(a) No person related by affinity or consanguinity within the first degree to any member of the Board of Trustees of the University of Arkansas shall be employed in the University of Arkansas in any capacity. However, the provisions of this subsection shall not be applicable with respect to any person who is already employed by the university as of March 21, 1985, or at the time a relative becomes a member of the board, or to any student doing work at the university.

(b) The secretary of the board is prohibited from drawing a warrant in favor of any such relative and shall be liable on his or her bond for any violation of this provision.

However, the provisions of this subsection shall not be applicable with respect to any person who is already employed by the university as of March 21, 1985, or at the time a relative becomes a member of the board.

History. Acts 1901, No. 164, § 5, p. 314; 1903, No. 195, § 5, p. 388; Pope's Dig., § 13153; Acts 1985, No. 464, §§ 1, 2; A.S.A. 1947, §§ 80-2819, 80-2820.

6-64-215. Records and reports regarding students and teachers.

(a) The Board of Trustees of the University of Arkansas shall keep or have kept a record showing:

- (1) The number of students enrolled;
- (2) The daily average attendance at classwork for each month and for the term;
- (3) The number of teachers employed and their salary;
- (4) The teachers' daily attendance on and absence from classwork; and
- (5) The number of hours the teacher is required to teach each day in each

department.

(b) This record shall be open to any citizen at all reasonable hours.

(c) The board shall report to each session of the General Assembly the number of students enrolled, the daily average attendance on classwork for the month and for the term, the number of teachers employed and their salaries and the hours each is to teach each day, and their absence from and attendance on classwork.

(d) A failure to keep or have kept this record and to report to the General Assembly as provided in this section shall be a violation, and upon conviction a person shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for each offense upon the part of each member of the board.

History. Acts 1913, No. 224, § 10; C. & M. Dig., §§ 9520-9522; Pope's Dig., §§ 13139-13141; A.S.A. 1947, §§ 80-2814 — 80-2816; Acts 2005, No. 1994, § 187.

Amendments. The 2005 amendment substituted "violation and upon... for each offense" for "misdemeanor" in (d).

6-64-216. Report as to expenditures.

The Board of Trustees of the University of Arkansas shall make a report to the General Assembly, showing by items how each appropriation is expended.

History. Acts 1913, No. 224, § 8; C. & M. Dig., § 9532; Pope's Dig., § 13155; A.S.A. 1947, § 80-2817.

Case Notes

Cited: Arkansas v. Texas, 346 U.S. 368, 74 S. Ct. 109, 98 L. Ed. 80 (1953).

6-64-217. Annual report of agricultural and mechanical departments.

The Board of Trustees of the University of Arkansas shall cause to be made an annual report of the operation and conditions of the agricultural and mechanical departments of the University of Arkansas, which shall include:

- (1) A statement of the number of acres in cultivation on the college farm, the kind of crops raised, and the number of acres of each kind;
- (2) The manner of the preparation of the soil for the various crops, methods of seeding and planting, kind and variety of seeds, and manner of cultivation and of harvesting;
- (3) The several kinds and descriptions of all implements used in the various

stages of the different crops, with reports on their utility and adaptation for the purposes used;

(4) The time of preparation of the soil, sowing, planting, cultivating, and harvesting and a general statement of the weather and its influence upon the several crops;

(5) The kinds of fertilizers used and crops to which they were applied, the time and manner of application, and the several results;

(6) A detailed and systematic account of the number of days' work, of ten (10) working hours each, of men and teams in the production of each separately treated crop. The statement of labor is to be in three (3) divisions:

(A) Up to the time the seeds are deposited in the ground;

(B) During cultivation;

(C) While harvesting and preparing the crop for market;

(7) A full and accurate yield per acre, by weight or measure, of all crops raised on the farm, distinguishing between the several kinds of treatment as to fertilizers used and the depth of plowing, difference of cultivation, times of harvesting, and kinds or variety of seed used;

(8) Kind and quantity of machinery and tools used in the mechanical department, the kind and quality of the products of each shop or division of said department, and an approximate cost of production of each article manufactured.

History. Acts 1887, No. 95, § 10, p. 178; C. & M. Dig., § 9525; Pope's Dig., § 13144; A.S.A. 1947, § 80-2818.

6-64-218. Sale of donated land.

(a) The Board of Trustees of the University of Arkansas may sell any land donated to the University of Arkansas by individuals.

(b) When the purchase price is paid to the treasurer of the university, the president and secretary of the board shall execute a deed conveying the lands to the purchaser.

History. Acts 1901, No. 164, § 4, p. 314; C. & M. Dig., § 9526; Pope's Dig., § 13145; A.S.A. 1947, § 80-2811.

6-64-219, 6-64-220. [Transferred.]

A.C.R.C. Notes. Sections 6-64-219 and 6-64-220 have been renumbered as §§ 6-64-108 [repealed] and 6-64-109, respectively.

Subchapter 3 — Campuses Established

6-64-301. Little Rock — Establishment.

6-64-302. Monticello — Establishment — Board of Visitors.

6-64-303. Pine Bluff — Establishment and programs.

6-64-304. Pine Bluff — Board of Visitors.

Cross References. Authorization for college extension courses, § 6-60-401 et seq.
Cooperative education program in state government, § 21-3-501 et seq.
Regulations as to establishment of branch campuses, § 6-61-101 et seq.

Preambles. Acts 1969, No. 35 contained a preamble which read:

“Whereas, the Board of Trustees of the University of Arkansas and the Board of Trustees of Little Rock University have made detailed studies and identified the proper scope of educational responsibilities for Central Arkansas, and have jointly concluded, as a matter of educational judgment, that imperative measures must be taken to satisfy the increasing demands for educational opportunity for the young people of Central Arkansas; and

“Whereas, to that end and purpose these Boards of Trustees have, after much deliberation, concluded an ‘Agreement of Merger and Plan of Transition’ which provides for the orderly merger of Little Rock University into the University of Arkansas; and

“Whereas, the ‘Agreement of Merger and Plan of Transition’ is conditioned upon the enactment by the General Assembly of a State appropriation for the purpose of operating the resulting University of Arkansas at Little Rock;

“Now, therefore....”

Acts 1971, No. 9 contained a preamble which read:

“Whereas, the Board of Trustees of the University of Arkansas and the Board of Trustees of Arkansas Agricultural and Mechanical College have made detailed studies and identified the benefits which will accrue to the people of the State of Arkansas and to each of these educational endeavors from a merger by which the University of Arkansas would be the resulting institution and Arkansas Agricultural and Mechanical College would be consolidated therein, all as provided in Arkansas Constitution, Amendment 33; and,

“Whereas, these Boards have developed a plan of response which will produce a significant accrual of benefits and economies in order to serve, more effectively and efficiently, the needs of the State relative to educational opportunities for an increasing number of our young people in Southeast Arkansas, and to develop research and educational services on a coordinated basis as resources become available for the forest, petroleum and other industries, and for the agricultural economy all of which are prominent in Southeast Arkansas; and,

“Whereas, this plan, incorporated in an ‘Agreement of Merger and Plan of Transition,’ has been jointly developed and agreed to contingent upon the approval of the General Assembly by authorizing the two existing institutions to merge, by transferring the appropriation of the merged institution, and by amending or repealing those statutes establishing and providing for Arkansas Agricultural and Mechanical College;

“Now, therefore”

Effective Dates. Acts 1969, No. 35, § 2: Feb. 2, 1969. Emergency clause provided: “It has been found and determined by the General Assembly that it is essential to the continued progress of higher education in this State that additional facilities be provided to meet the increasing demands for educational opportunity for the young people of the State; that it is imperative that the necessary measures be taken to provide such facilities as soon as possible; that it is necessary that this act take effect immediately so that a budget may be prepared and submitted to the Sixty-Seventh General Assembly to finance the University of Arkansas at Little Rock provided for in this act. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in effect from the date of its passage and approval.”

6-64-301. Little Rock — Establishment.

The Board of Trustees of the University of Arkansas is authorized to establish and operate, as a part thereof, a campus to be known as the University of Arkansas at Little Rock, incorporating therein the private institution formerly known as Little Rock University, which was transferred to the control of the board for purposes of this merger.

History. Acts 1969, No. 35, § 1; A.S.A. 1947, § 80-2884.

A.C.R.C. Notes. Acts 1991, No. 599, § 6, provided:

“The University of Arkansas at Little Rock shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the University of Arkansas at Little Rock shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting

services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the University of Arkansas at Little Rock does not exceed 25% of that required for a full-time employee.”

Acts 1997, No. 687, § 5, provided:

“SPECIAL ALLOWANCES. For the purpose of providing necessary allowances for housing and other unusual expenses incurred by or in behalf of the athletic director, assistant athletic director, head basketball coach, and assistant coaches at the University of Arkansas at Little Rock, the Board of Trustees may make special allowances available therefor in such amounts as the Board of Trustees may determine as justified, an equitable allowance in view of the unusual and exacting duties of said athletic director, assistant athletic director, head basketball coach, and assistant coaches, and for the purpose of providing such allowances, the Board of Trustees is authorized to expend from the auxiliary income of the University of Arkansas at Little Rock, which is derived from athletic event receipts, an amount not to exceed twenty thousand dollars (\$20,000) in the aggregate for such purposes during each year of the 1997-99 biennium for the athletic director and head basketball coach, and ten thousand dollars (\$10,000) in the aggregate for such purposes during the 1997-99 biennium for the assistant athletic director and assistant coaches. Provided that any such allowances shall be in addition to the regular salary of such athletic director, assistant athletic director, head basketball coach and assistant coaches, as established herein provided that the amount of such allowance shall not exceed ten thousand dollars (\$10,000) per annum for any one salaried position. Further, the University of Arkansas at Little Rock shall report annually to the Legislative Joint Auditing Committee the exact disposition of the special allowance funds authorized herein.”

Acts 2003, No. 1618, § 6, provided:

“SPECIAL ALLOWANCES. For the purpose of providing necessary allowances for housing and other unusual expenses incurred by or in behalf of the athletic director, assistant athletic directors, head coaches, and assistant coaches at the University of Arkansas at Little Rock, the Board of Trustees may make special allowances available therefor in such amounts as the Board of Trustees may determine as justified, an equitable allowance in view of the unusual and exacting duties of said athletic director, assistant athletic directors, head coaches, and assistant coaches, and for the purpose of providing such allowances, the Board of Trustees is authorized to expend from the auxiliary income of the University of Arkansas at Little Rock, which is derived from athletic event receipts, an amount not to exceed twenty thousand dollars (\$20,000) in the aggregate for such purposes during each year of the 2003-2005 biennium for the athletic director and head coaches, and ten thousand dollars (\$10,000) in the aggregate for such purposes during the 2003-2005 biennium for the assistant athletic directors and assistant coaches. Provided that any such allowances shall be in addition to the regular salary of such athletic director, assistant athletic directors, head coaches and assistant coaches, as established herein provided that the amount of such allowance shall not exceed ten thousand dollars (\$10,000) per annum for any one salaried position. Further, if the special allowance funds authorized herein are utilized the University of Arkansas at Little Rock shall report annually to the Legislative Joint Auditing Committee the exact disposition of those special allowances funds. The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005.”

Acts 2005, No. 2112, § 4, provided:

“NANOTECHNOLOGY CONTRACTS. In order to ensure the states investment in nanotechnology, the Department of Economic Development and the University of Arkansas at Little Rock shall enter into an interagency agreement that provides safeguards for the ongoing related research and projects involving the study and application of nanotechnology. The interagency agreement and any contractual agreement(s) that may be made between the University of Arkansas at Little Rock and the Nanotechnology research team shall be reviewed by the Office of Attorney General prior to the execution of said agreements, before any funds may be disbursed by the Department of Economic Development to the University of Arkansas at Little Rock for nanotechnology.”

Acts 2005, No. 2184, § 7, provided:

“SPECIAL ALLOWANCES. For the purpose of providing necessary allowances for housing and other unusual expenses incurred by or in behalf of the athletic director, assistant athletic

directors, head coaches, and assistant coaches at the University of Arkansas at Little Rock, the Board of Trustees may make special allowances available therefor in such amounts as the Board of Trustees may determine as justified, an equitable allowance in view of the unusual and exacting duties of said athletic director, assistant athletic directors, head coaches, and assistant coaches, and for the purpose of providing such allowances, the Board of Trustees is authorized to expend from the auxiliary income of the University of Arkansas at Little Rock, which is derived from athletic event receipts, an amount not to exceed twenty thousand dollars (\$20,000) in the aggregate for such purposes during each year of the 2005-2007 biennium for the athletic director and head coaches, and ten thousand dollars (\$10,000) in the aggregate for such purposes during the 2005-2007 biennium for the assistant athletic directors and assistant coaches. Provided that any such allowances shall be in addition to the regular salary of such athletic director, assistant athletic directors, head coaches and assistant coaches, as established herein provided that the amount of such allowance shall not exceed ten thousand dollars (\$10,000) per annum for any one salaried position. Further, if the special allowance funds authorized herein are utilized the University of Arkansas at Little Rock shall report annually to the Legislative Joint Auditing Committee the exact disposition of those special allowances funds.

"The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007." Acts 2007, No. 1294, § 9, provided:

"For the purpose of providing necessary allowances for housing and other unusual expenses incurred by or in behalf of the athletic director, assistant athletic directors, head coaches, and assistant coaches at the University of Arkansas at Little Rock, the Board of Trustees may make special allowances available therefor in such amounts as the Board of Trustees may determine as justified, an equitable allowance in view of the unusual and exacting duties of said athletic director, assistant athletic directors, head coaches, and assistant coaches, and for the purpose of providing such allowances, the Board of Trustees is authorized to expend from the auxiliary income of the University of Arkansas at Little Rock, which is derived from athletic event receipts, an amount not to exceed twenty thousand dollars (\$20,000) in the aggregate for such purposes during each year of the 2007-2009 biennium for the athletic director and head coaches, and ten thousand dollars (\$10,000) in the aggregate for such purposes during the 2007-2009 biennium for the assistant athletic directors and assistant coaches. Provided that any such allowances shall be in addition to the regular salary of such athletic director, assistant athletic directors, head coaches and assistant coaches, as established herein provided that the amount of such allowance shall not exceed ten thousand dollars (\$10,000) per annum for any one salaried position. Further, if the special allowance funds authorized herein are utilized the University of Arkansas at Little Rock shall report annually to the Legislative Joint Auditing Committee the exact disposition of those special allowances funds.

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

Case Notes

Cited: Little Rock Univ. v. George W. Donaghey Found., 252 Ark. 1148, 483 S.W.2d 230 (1972).

6-64-302. Monticello — Establishment — Board of Visitors.

(a) The Board of Trustees of the University of Arkansas is authorized to establish and operate, as a part thereof, a campus to be known as the University of Arkansas at Monticello, consolidating and incorporating therein the state institution formerly known as Arkansas Agricultural and Mechanical College, which, together with its board of trustees, was abolished as a separate institution with responsibility transferred to the control of the Board of Trustees of the University of Arkansas as a part of the University of Arkansas effective July 1, 1971.

(b) (1) There is established the Board of Visitors for the University of Arkansas at Monticello, which shall consist of twelve (12) members appointed by the Governor.

(2) (A) First, the Governor shall make seven (7) appointments from a list of no fewer than twenty (20) names jointly prepared by the members of the House of Representatives representing the eighth, ninth, tenth, and twelfth house districts and the

Senator representing the twenty-fourth senate district.

(B) The seven (7) appointments shall include one (1) each from Ashley, Bradley, Chicot, Cleveland, Desha, Drew, and Lincoln counties.

(3) (A) Second, the Governor shall appoint two (2) members from:

(i) The Board of Directors of Forest Echoes Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-Crossett; and

(ii) The Board of Directors of Great Rivers Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-McGehee.

(B) The Board of Directors of Forest Echoes Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-Crossett, and Great Rivers Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-McGehee, shall be appointed by the Board of Trustees of the University of Arkansas.

(4) The remaining member of the board of visitors shall be appointed by the Governor.

(c) (1) (A) Appointments shall be bipartisan and be for terms of three (3) years.

(B) The Governor shall make appointments to the initial board of visitors and thereafter as terms expire and vacancies occur for any reason, so that at least seven (7) members of the board of visitors will be alumni of the University of Arkansas at Monticello.

(C) After the expiration of the terms of the members initially appointed under subdivision (b)(1)(B) of this section, the members appointed by the Governor in 2006 shall draw lots for staggered terms with the terms of four (4) members expiring in 2007, the terms of four (4) members expiring in 2008, and the terms of four (4) members expiring in 2009.

(D) Appointments after 2006 shall be for terms of three (3) years.

(2) Members may serve no more than two (2) consecutive terms but shall otherwise be eligible for reappointment to the board of visitors.

(3) When there is a vacancy in an unexpired term, the appointee shall serve for the remaining portion of the term.

(d) The general purposes of the board of visitors shall be to:

(1) Perform a liaison function between the University of Arkansas at Monticello and the President and the Board of Trustees of the University of Arkansas;

(2) Aid in securing financial support;

(3) Advise upon and interpret the educational and service needs of the State of Arkansas as they relate to the mission and programs of the University of Arkansas at Monticello;

(4) Aid in the continuing development of the University of Arkansas at Monticello as a major four-year campus of the University of Arkansas; and

(5) Furnish counsel and guidance by advice and recommendations for the University of Arkansas at Monticello.

(e) The Board of Trustees of the University of Arkansas shall maintain and operate the campus at Monticello as a major four-year campus of the University of Arkansas, offering at that location the highest possible quality of high educational programs, shall

provide for the sound growth and improvement of the quality of the academic programs, and shall expand its mission to include technical education at Forest Echoes Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-Crossett, and Great Rivers Technical Institute, which after July 1, 2003, shall be known as the University of Arkansas at Monticello College of Technology-McGehee.

History. Acts 1971, No. 9, § 1; A.S.A. 1947, § 80-2885; Acts 1997, No. 834, § 1; 2003, No. 1196, § 1; 2005, No. 1771, § 1.

A.C.R.C. Notes. Acts 1991, No. 638, § 5, provided:

“The University of Arkansas at Monticello shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the University of Arkansas at Monticello shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the University of Arkansas at Monticello does not exceed 25% of that required for a full-time employee.”

Acts 1997, No. 834, § 1, also provided for members of the initial board to draw lots for terms of from one (1) to three (3) years.

Publisher's Notes. Acts 1925, No. 45, § 1, in part changed the name of the fourth district agricultural school located at Monticello to Agricultural and Mechanical College, Fourth District. Acts 1943, No. 1 created an honorary board of managers for the Fourth District Agricultural and Mechanical College which succeeded to all the powers and duties of the board or commission charged with the management or control of that school which was abolished by that act. Acts 1971, No. 9, § 5 purported to amend Acts 1943, No. 1, § 2(14) by deleting the reference to “Arkansas Agricultural and Mechanical College” which had been abolished by Acts 1971, No. 9, § 1 (this section), but did not set out the amended portion that is required by Arkansas Constitution, Article 5, Section 23.

Acts 1971, No. 9, § 2, provided for the relinquishment of all responsibility, control, and supervision of the Arkansas Agricultural and Mechanical College by its Board of Trustees on July 1, 1971. Section 3 of that act provided that the Board of Trustees of the University of Arkansas would, on July 1, 1971, assume and be vested with all the rights, titles, powers, etc., of the Arkansas Agricultural and Mechanical College and its Board of Trustees, and be vested with all the rights, titles, and interests in and to all real and personal property acquired by or vested by law in or for the use of the Arkansas Agricultural and Mechanical College or its Board of Trustees. Section 3 also provided that the Arkansas Agricultural and Mechanical College be abolished as a separate institution. Section 4 of the act directed the appropriate state officials to transfer all funds, appropriations, credits, and equities of the Arkansas Agricultural and Mechanical College so that these funds, etc., would be credited to and made available to the University of Arkansas for use on its Monticello campus.

Amendments. The 2003 amendment rewrote (b); added (c)(1)(B)-(D); inserted “of visitors” in (c)(2); inserted “and shall expend ... McGehee” at the end of (e); and added (f).

The 2005 amendment substituted “twelve (12)” for “eleven (11)” in (b)(1); added (b)(4); in (c)(1)(C), substituted “subdivision (b)(1)(B) of this section, the members appointed by the Governor” for “(b)(1)(B), the members appointed” and “four (4)” for “three (3)”; and deleted former (f).

6-64-303. Pine Bluff — Establishment and programs.

(a) The Board of Trustees of the University of Arkansas is authorized to establish and operate, as a part thereof, a campus to be known as the University of Arkansas at Pine Bluff, consolidating and incorporating therein the facilities of the state institution formerly known as Arkansas Agricultural, Mechanical, and Normal College which,

together with its board of trustees, was abolished as a separate institution effective July 1, 1972.

(b) (1) The board of trustees shall maintain and operate the campus at Pine Bluff as a major campus of the University of Arkansas, offering at that location the highest possible quality of higher educational programs, and shall provide for the sound growth and improvement in the quality of the academic programs.

(2) The board shall continue to offer programs providing opportunities for those young people in Arkansas who are culturally, socially, and economically disadvantaged as well as programs attractive to students from other groups; and the composition of the administration, faculty, and staff shall reflect these purposes.

History. Acts 1971, No. 512, § 1; A.S.A. 1947, § 80-3201n.

A.C.R.C. Notes. Acts 1991, No. 600, § 8, provided:

“The University of Arkansas at Pine Bluff shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the University of Arkansas at Pine Bluff shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the University of Arkansas at Pine Bluff does not exceed 25% of that required for a full-time employee.”

Publisher's Notes. Acts 1971, No. 512, § 3, provided in part for the relinquishment of all responsibility and control of the Arkansas Agricultural, Mechanical, and Normal College by its Board of Trustees on July 1, 1972. Section 3 further provided that the Board of Trustees would be divested of all future obligations and duties regarding that institution upon delivery of its assets, books of account, and files to the Board of Trustees of the University of Arkansas.

Acts 1971, No. 512, § 4, provided in part for development of plans by the presidents and other officials, faculty, and staff members of the Arkansas Agricultural, Mechanical, and Normal College and the University of Arkansas for the orderly transition of the Arkansas Agricultural, Mechanical, and Normal College into the University of Arkansas. Section 4 further provided that the President of the Arkansas Agricultural, Mechanical, and Normal College would become the Chancellor of the University of Arkansas at Pine Bluff.

Acts 1971, No. 512, § 5, provided that on July 1, 1972, the Board of Trustees of the University of Arkansas would be vested with, and succeed to, all the rights, titles, powers, interests, properties, assets, funds, and credits of the Arkansas Agricultural, Mechanical, and Normal College and its board of trustees, including all rights, titles, and interests in and to all real and personal property acquired by or vested in that college or its board of trustees. Section 5 further provided that the Board of Trustees of the University of Arkansas would assume the future duties and responsibilities of higher education on the Pine Bluff, Arkansas campus from and after July 1, 1972.

Acts 1971, No. 512, § 6, directed the appropriate state officials to transfer all funds, appropriations, credits, and equities belonging to the Arkansas Agricultural, Mechanical, and Normal College so that they would be credited to and made available to the University of Arkansas for use on its Pine Bluff campus.

Acts 1971, No. 512, § 7, purported to amend several acts by deleting all references to “Arkansas Agricultural, Mechanical, and Normal College” or to that institution under the names by which it had previously been designated or operated (Branch Normal College, Agricultural, Mechanical, and Normal School for Negroes, State Agricultural, Mechanical, and Normal College, State A. M. & N. College, and Arkansas A. M. & N. College), and to its board of trustees. Acts 1971, No. 512, § 7, did not, however, set out the amended portion that is required by Arkansas Constitution, Article 5, Section 23.

Acts 1971, No. 512, § 10, contained a legislative recognition and declaration that any litigation or investigations arising from the operations of the Arkansas Agricultural, Mechanical, and Normal College prior to July 1, 1972, were not the responsibility of, nor should they be attributed to, the

University of Arkansas, its officials, or its Board of Trustees. Section 10 further provided that the University of Arkansas, its officials, or its board of trustees would have no responsibility to appear, defend, or otherwise answer to any such claims, damages, reimbursement, suits, or other matters.

Case Notes

Retirement of Professors.

Retirement of Professors.

After the merger of Arkansas Agricultural, Mechanical and Normal College into the University of Arkansas system, the University of Arkansas could take any action on employment rights which could have been taken by AM & N in the absence of the merger and could legally alter the mandatory retirement age. *Russell v. Board of Trustees*, 502 F. Supp. 916 (E.D. Ark. 1980), *aff'd*, 657 F.2d 1008 (8th Cir. Ark. 1981).

Barring procedural irregularities, a university may lower a previously established mandatory retirement age and may apply the lower age to an already tenured professor. *Russell v. Board of Trustees*, 502 F. Supp. 916 (E.D. Ark. 1980), *aff'd*, 657 F.2d 1008 (8th Cir. Ark. 1981).

Professor had property interest in teaching until he reached age 72, which brought into play the requirements of due process, and the property interest was not eliminated by merger. *Russell v. Board of Trustees*, 502 F. Supp. 916 (E.D. Ark. 1980), *aff'd*, 657 F.2d 1008 (8th Cir. Ark. 1981). Although plaintiff was a tenured professor at Arkansas Agricultural, Mechanical and Normal College prior to the merger into the University of Arkansas system, the board of trustees was not required to give plaintiff personalized notice of a contemplated change in the retirement age or to give him a personal hearing in which he could be heard individually by the trustees regarding the change. *Russell v. Board of Trustees*, 502 F. Supp. 916 (E.D. Ark. 1980), *aff'd*, 657 F.2d 1008 (8th Cir. Ark. 1981).

6-64-304. Pine Bluff — Board of Visitors.

(a) The Board of Trustees of Arkansas Agricultural, Mechanical, and Normal College shall be reconstituted as the Board of Visitors for the University of Arkansas at Pine Bluff.

(b) (1) As terms expire, and where vacancies occur for any reason, the Governor, with the advice and consent of the Senate, shall appoint the successor.

(2) The Governor shall endeavor to make appointments to the board of visitors so that at least four (4) of the seven (7) members of the board will be alumni of Arkansas Agricultural, Mechanical, and Normal College or the University of Arkansas at Pine Bluff.

(3) (A) The Governor shall select the appointee from a list of five (5) names submitted to him or her by a nominating committee composed of two (2) alumni, two (2) members of the faculty or administration, two (2) students, and three (3) members selected by the Governor to represent the general public.

(B) However, the Governor shall have the authority to request the names of additional nominees from the nominating committee.

(c) Appointments shall be for terms of seven (7) years each except where there is an unexpired term, which shall be filled for the remaining portion of the term.

(d) The general purpose of the board of visitors shall be to:

(1) Perform a liaison function between the University of Arkansas at Pine Bluff and the President and the Board of Trustees of the University of Arkansas;

(2) Aid in securing financial support;

(3) Advise upon and interpret the educational and service needs of the State of Arkansas as they relate to the mission and programs of the University of Arkansas at Pine

Bluff;

(4) Aid in the orderly transition of Arkansas Agricultural, Mechanical, and Normal College as it becomes a major campus of the University of Arkansas; and

(5) Furnish counsel and guidance, by advice and recommendations, for the University of Arkansas at Pine Bluff.

History. Acts 1971, No. 512, § 3; A.S.A. 1947, § 80-3201n.

Publisher's Notes. Acts 1971, No. 512, § 3 provided, in part, that the individuals serving on the Arkansas Agricultural, Mechanical, and Normal College Board of Trustees on July 1, 1972, would continue to serve as members of the Board of Visitors for the University of Arkansas at Pine Bluff, and that each individual would serve a term on the board of visitors equal to the unexpired portion of his tenure on the Arkansas Agricultural, Mechanical, and Normal College Board of Trustees.

Case Notes

Merger.

Merger.

The merger committee had only an advisory responsibility and a recommending function, for, prior to the merger, the ultimate authority remained with the boards of trustees of the two schools affected, but after July 1, 1972, the board of trustees of the University of Arkansas had the ultimate authority for the operation of both schools; Acts 1971, No. 512 (§§ 6-64-303, 24-7-1007 and this section) did not delegate to the merger committee powers otherwise reserved for the board of trustees. *Russell v. Board of Trustees*, 502 F. Supp. 916 (E.D. Ark. 1980), *aff'd*, 657 F.2d 1008 (8th Cir. Ark. 1981).

Subchapter 4

— Medical Department Generally

- 6-64-401. Maintenance as part of university.
- 6-64-402. Control and management.
- 6-64-403. Costs of maintenance.
- 6-64-404. Policies and practices of medical center.
- 6-64-405. University of Arkansas College of Medicine Admissions Board.
- 6-64-406. Admissions generally.
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- 6-64-408. Fees and scholarships.
- 6-64-409. Family Practice Department.
- 6-64-410. School of Pharmacy.
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- 6-64-413. Special allowances.
- 6-64-414. Special language and restrictions — Area health education centers.
- 6-64-415. Applicability of §§ 6-61-105 and 6-61-106.
- 6-64-416. Establishment and administration.
- 6-64-417. College of Nursing and College of Pharmacy program improvements.
- 6-64-418. College of Public Health collaboration.

A.C.R.C. Notes. Acts 1991, No. 974, § 20, provided:

“The University of Arkansas for Medical Sciences shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the University of Arkansas for Medical Sciences University of Arkansas for Medical Sciences shall be allowed to hire adjunct professors and

visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the University of Arkansas for Medical Sciences does not exceed 25% of that required for a full-time employee.”

Cross References. Acquisition of unclaimed bodies by University of Arkansas Medical School, § 20-17-701 et seq.

Preambles. Acts 1911, No. 360, p. 336 contained a preamble which read:

“Whereas, the ‘Arkansas Industrial University Medical Department,’ a corporation organized and existing in Pulaski County, Arkansas, under the laws of Arkansas providing for the incorporation of benevolent associations, is the owner of the following described real and personal property, to-wit:

“A parcel of ground and building thereon at the corner of East Second and Sherman streets, in the city of Little Rock, of the estimated value of thirty thousand dollars [\$30,000.00], a parcel of ground and building thereon at No. 611 East Markham street, in the city of Little Rock, of the estimated value of six thousand five hundred dollars [\$6,500.00], cash on hand twenty thousand dollars [\$20,000.00], office fixtures of the estimated value of four hundred dollars [\$400.00], operating room of the estimated value of three hundred dollars [\$300.00], dispensary of the estimated value of five hundred dollars [\$500.00], library of the estimated value of one thousand five hundred dollars [\$1,500.00], chemical laboratory, apparatus, supplies and chemicals of the estimated value of one thousand two hundred dollars [\$1,200.00], anatomical laboratory of the estimated value of three hundred dollars [\$300], pathology, bacteriology and histological laboratory of the estimated value of four thousand, seven hundred and three dollars [\$4,703], and physical laboratory, equipment and supplies of the estimated value of three hundred and fifty dollars [\$350], all said property of the aggregate value, estimated, of sixty-five thousand, seven hundred and fifty-three dollars [\$65,753], in which buildings and with which property a medical college is being conducted under authority of the University of Arkansas, but at the expense of the corporation aforesaid; and

“Whereas, said corporation is willing to convey all said property to the State of Arkansas for the use of the University of Arkansas, in consideration of the State maintaining and conducting a medical college as part of the University of Arkansas....”

Effective Dates. Acts 1911, No. 360, § 6: approved May 30, 1911. Emergency declared.

Acts 1967, No. 331, § 5: Mar. 14, 1967. Emergency clause provided: “It is hereby found and determined that the General Assembly has, by a vote of two-thirds (2/3) of the members elected to both houses, voted to extend the regular session of 66th General Assembly, as authorized in the Constitution; that under the provisions of Amendment 7 to the Constitution, enactments of the General Assembly that do not have an emergency clause do not become effective until ninety (90) days after the date of final adjournment of the General Assembly; that the session of the General Assembly may not adjourn in time for this Act to take effect prior to July 1, 1967, thereby depriving the agency for which funds are appropriated herein of necessary operating funds to commence the next fiscal biennium; and, in order that the appropriation made herein may be available on July 1, 1967, the General Assembly determines that the immediate passage of this Act is necessary. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval, provided, that the appropriation authorized herein shall not be available until July 1, 1967.”

Acts 1972 (Ex. Sess.), No. 43, § 8: Feb. 18, 1972. Emergency clause provided: “It has been found and determined by the Sixty-Eighth General Assembly, meeting in Extraordinary Session that Act 812 of 1971 did not provide sufficient appropriation to properly fund the Family Practice Program of the State Medical Center and that additional appropriation and funds for this program must be provided immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1973, No. 453, § 2: became law without Governor's signature, Mar. 26, 1973. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is a great need in the State of Arkansas for physicians interested in practicing family medicine or engaging in the general practice of medicine; that although there are many students at the University of

Arkansas Medical Center who are interested in the general practice of medicine or practice of family medicine, the present policies and curriculum of the Medical Center are not designed to encourage and prepare graduates to enter into the general practice of medicine; that this Act is designed to provide for a thorough review and study of the policies and curriculum at the University of Arkansas Medical Center to correct this undesirable situation, and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1987, No. 639, § 3: July 1, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that funding for a Chair on Alcoholism and Drug Abuse Prevention at the University of Arkansas for Medical Sciences is necessary for the support of such Chair; that alcoholism and drug abuse are a major public health problem in this State and that the funding of said Chair on Alcoholism and Drug Abuse Prevention is critical to the health and safety of the people of this State, and that the immediate passage of this Act is necessary to provide funding required for such Chair. Therefore, an emergency is hereby declared to exist and this Act, being immediately necessary for the preservation of the public health and safety, shall be in full force and effect from and after July 1, 1987."

Acts 1995, No. 1099, § 33: July 1, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1995 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1995 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995."

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2005, No. 2268, § 12: July 1, 2005. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2005 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2005 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2005."

6-64-401. Maintenance as part of university.

The Medical Department of the University of Arkansas shall be maintained at the cost of the State of Arkansas, shall be a department for the instruction of students in medical science, and shall be a part of the University of Arkansas but may be located in the City of Little Rock.

History. Acts 1911, No. 360, § 1; C. & M. Dig., § 9581; Pope's Dig., § 13247; A.S.A. 1947, § 80-2901.

Publisher's Notes. Acts 1911, No. 360, § 1, in part, changed the name of the medical college being operated in Little Rock under the authority of the University of Arkansas but maintained by and conducted in buildings owned by the Arkansas Industrial University Medical Department to the Medical Department of the University of Arkansas.

Acts 1911, No. 360, § 5, provided that the act would take effect upon the irrevocable transfer of all real and personal property of the Arkansas Industrial University Medical Department to the State of Arkansas for the use and benefit of the University of Arkansas for the purpose of maintaining and operating a first class medical college as a part of that university. The section further provided that the State of Arkansas would take property held by the Arkansas Industrial University Medical Department pursuant to a bequest, devise, gift, or conveyance subject to any conditions binding upon the Arkansas Industrial University Medical Department.

Case Notes

Immunity from Suit.

Immunity from Suit.

Medical malpractice claim against the University of Arkansas for Medical Sciences (UAMS) was dismissed, pursuant to an interlocutory appeal, because, as a department of the University of Arkansas, the UAMS was not an entity that could be sued; the doctrine of sovereign immunity barred a claim against the University of Arkansas and its Board of Trustees because a finding for the patient against the UAMS would necessarily subject the State of Arkansas to financial liability, and sovereign immunity barred such an action unless it had been waived. *Univ. of Ark. for Med. Scis. v. Adams*, 354 Ark. 21, 117 S.W.3d 588 (2003).

Cited: *Lindsay v. White*, 212 Ark. 541, 206 S.W.2d 762 (1947).

6-64-402. Control and management.

(a) The Medical Department of the University of Arkansas shall be under the management and control of the Board of Trustees of the University of Arkansas as fully and with like effect as the other departments of the University of Arkansas.

(b) (1) The Board of Trustees of the University of Arkansas shall employ all necessary supervisors, professors, teachers, agents, and servants required to carry on the medical department and shall cause the medical department to be operated in a first-class manner and with courses of study, methods of instruction, and equipment of a standard equal to that required of medical colleges by the Association of American Medical Colleges.

(2) They shall from time to time as the finances will allow and the advancement and necessity of the department require, add courses, fill professorships, and add buildings, furniture, libraries, apparatus, and other things so as to keep this department up to the standard required of medical colleges by the Association of American Medical Colleges.

History. Acts 1911, No. 360, § 2; C. & M. Dig., § 9582; Pope's Dig., § 13248; A.S.A. 1947, § 80-2902.

Case Notes

Immunity from Suit.

Immunity from Suit.

Medical malpractice claim against the University of Arkansas for Medical Sciences (UAMS) was dismissed, pursuant to an interlocutory appeal, because, as a department of the University of Arkansas, the UAMS was not an entity that could be sued; the doctrine of sovereign immunity barred a claim against the University of Arkansas and its Board of Trustees because a finding for the patient against the UAMS would necessarily subject the State of Arkansas to financial liability,

and sovereign immunity barred such an action unless it had been waived. Univ. of Ark. for Med. Scis. v. Adams, 354 Ark. 21, 117 S.W.3d 588 (2003).

6-64-403. Costs of maintenance.

(a) The expenses and costs of maintenance and operation of the Medical Department of the University of Arkansas shall be borne by the State of Arkansas.

(b) The General Assembly shall provide for the expenses and costs of maintenance by appropriations made in like manner as appropriations are made for the maintenance and operation of the University of Arkansas.

History. Acts 1911, No. 360, § 4; C. & M. Dig., § 9584; Pope's Dig., § 13250; A.S.A. 1947, § 80-2904.

Case Notes

Immunity from Suit.

Immunity from Suit.

Medical malpractice claim against the University of Arkansas for Medical Sciences (UAMS) was dismissed, pursuant to an interlocutory appeal, because, as a department of the University of Arkansas, the UAMS was not an entity that could be sued; the doctrine of sovereign immunity barred a claim against the University of Arkansas and its Board of Trustees because a finding for the patient against the UAMS would necessarily subject the State of Arkansas to financial liability, and sovereign immunity barred such an action unless it had been waived. Univ. of Ark. for Med. Scis. v. Adams, 354 Ark. 21, 117 S.W.3d 588 (2003).

6-64-404. Policies and practices of medical center.

The Board of Trustees of the University of Arkansas, the President of the University of Arkansas, and the Chancellor for Health Sciences of the University of Arkansas shall develop and follow appropriate policies and practices at the medical center which will:

(1) Provide for specific limitations on the duration of appointments of academic department and division heads, chairs, deans, associate deans, program directors, and similar academic and administrative positions, with each appointment to such positions to be made for a period of four (4) years, renewable only after thorough assessment of individual performance and attitude of the appointee in relation to the institutional goals of the medical center and the statewide health manpower needs of the State of Arkansas; and

(2) Establish and maintain a medical school curriculum that, beginning with the freshman year, will provide appropriate courses specifically designed to encourage and support the educational goals of those students interested in an appropriate education for and establishment of a family medicine practice or general practice of medicine.

History. Acts 1973, No. 453, § 1; A.S.A. 1947, § 80-2927.

6-64-405. University of Arkansas College of Medicine Admissions Board.

(a) There is established the University of Arkansas College of Medicine Admissions Board.

(b) (1) The board shall be composed of fifteen (15) members to be appointed by the Board of Trustees of the University of Arkansas and shall be selected from a list submitted by the Dean of the University of Arkansas College of Medicine subject to the

approval of the Chancellor for Health Sciences and the President of the University of Arkansas System.

(2) Six (6) of the members shall be members of the faculty of the University of Arkansas College of Medicine.

(3) Eight (8) of the members shall be appointed from each of the four (4) congressional districts as established by Acts 1971, No. 337 [repealed] and shall be apportioned on the basis of two (2) members from each congressional district.

(4) One (1) member shall be appointed from the state at large.

(c) All members of the board shall serve one-year terms and may be reappointed for not more than three (3) additional consecutive terms.

(d) The board shall promulgate reasonable rules and regulations necessary to the fair and competitive selection of freshmen medical students with due consideration being given scholastic standings, recommendations of the premedical advisory committees of the various schools where the applicants pursue their premedical studies, their performance on the Medical College Admission Test, and any other procedures that can be developed that would deal fairly with the applicant group as a whole.

(e) The board shall serve without compensation except that each board member may receive expense reimbursement in accordance with § 25-16-901 et seq.

History. Acts 1975, No. 310, §§ 1-3; A.S.A. 1947, §§ 80-2928 — 80-2930; Acts 1997, No. 250, § 30.

A.C.R.C. Notes. Acts 2003, No. 828, § 1 provided:
“Findings.

(1) (A) The University of Arkansas College of Medicine includes nonfaculty members on the fifteen (15) member admissions committee.

“(B) The Liaison Committee for Medical Education, the accrediting body for allopathic medical schools in the United States, mandates that the admissions committee that selects applicants for admission shall be faculty members.

“(C) However, state law mandates that the fifteen (15) member College of Medicine Admissions Committee consist of both faculty and nonfaculty members, two (2) from each of the four (4) congressional districts, and one (1) member at large.

“(D) The intent of the General Assembly mandate is to provide greater committee representation from the entire state, in particular the underserved areas of Arkansas.

“(E) Each time the University of Arkansas College of Medicine is reviewed for accreditation by the Liaison Committee for Medical Education, the college is required to explain the reasons for the inclusion of nonfaculty members on the admissions committee.

“(F) The College of Medicine Admissions Committee is the only medical school admissions committee in the United States that includes nonfaculty members.

(2) (A) Arkansas law mandates that seventy percent (70%) of the one hundred fifty (150) positions in the Freshman class each year be equally distributed among the four (4) congressional districts.

“(B) The seventy percent (70%) requirement increases the geographical distribution and number of applicants from underserved areas of the state who are accepted for admission.

“(C) The University of Arkansas College of Medicine is the only medical school in the United States that incorporates the seventy percent (70%) rule in the admissions process.

(3) (A) Many state medical schools have programs similar to the Arkansas program whose purpose is to increase the number of physicians practicing in rural communities in the state.

“(B) Arkansas has had a program since 1949, the Arkansas Rural Medical Practice Student Loan and Scholarship Program, that provides financial incentives to medical students who contract to practice medicine in rural communities in the state.

“(C) Medical students are given substantial amounts of loans during medical school with the contractual agreement that the loans will be converted to grants or forgiven, if they complete residency training and practice medicine in an underserved rural community in the state.

“(D) However, Act 114 of 1995 created a new program, the Community Match Student Loan and Scholarship Program, which significantly modified the existing Arkansas Rural Medical Practice Student Loan and Scholarship Program.

“(E) Act 1257 of 1995 strengthened the penalties for students who default on their contractual obligation to practice medicine in the state.

“(F) However, the unique feature of Act 1114 of 1995, a specific provision that no other medical school in the United States has, is that if an alternate on the waiting list contracts with a rural community to practice primary care in that rural community, and the application is approved by the Arkansas Rural Medical Practice Student Loan and Scholarship Board that administers the program, the alternate is advanced to the top of the waiting list and this greatly enhances the applicant's chances of being admitted to medical school.

“(G) This unique feature also applies to alternates who wish to apply for the Arkansas Rural Practice Program.

“(H) Alternates who contract to practice medicine in a rural underserved community in the state, if approved by the board, are advanced on the waiting list, just below the Community Match Alternates who are approved and advanced.

“(I) Since the program's inception in 1995, the University of Arkansas College of Medicine has had approximately one hundred twenty-five (125) physicians-in-training contract to return to underserved areas of the state to practice full time primary care medicine.

“(J) Applicants from underserved areas are typically given greater considerations for participation and approval for the rural loan and scholarship programs.”

6-64-406. Admissions generally.

(a) (1) The Board of Trustees of the University of Arkansas shall provide for the admission annually of not less than one hundred fifty (150) freshman students to the College of Medicine. However, the board of trustees may provide for a reduction in this number to any figure not less than ninety (90) during any school year if the admission of freshman students in excess of ninety (90) would endanger the accredited rating of the College of Medicine as determined by the standards of the Association of American Medical Colleges.

(2) Whenever the board of trustees at the University of Arkansas has developed the necessary policies and procedures to enable the Admissions Committee of the College of Medicine to comply with this subsection, the policies and procedures shall be published in the bulletin issued annually by the College of Medicine.

(b) (1) (A) The Board of Trustees of the University of Arkansas shall allocate the first seventy percent (70%) of the first one hundred fifty (150) enrollment positions for the freshman medical class among Arkansas congressional districts, using the population of each congressional district as determined by the last federal decennial census to determine that district's proportion of the freshman positions so allocated and shall assign those apportioned enrollment positions for each district to those applicants who are legal residents in that particular congressional district.

(B) The board of trustees shall give additional consideration to rural applicants from medically underserved areas in an effort to address health disparities.

(2) (A) The next fifteen percent (15%) of the first one hundred fifty (150) freshman enrollment positions shall be allocated to the state at large and assigned to applicants who are legal residents of any place within Arkansas.

(B) However, in allocating the fifteen percent (15%) to the state at large, the board of trustees may allocate not to exceed one-third (1/3) of the fifteen percent (15%) of the first one hundred fifty (150) freshman enrollment positions to applicants who do not actually reside in the state but who were born and reared and attended public schools in Arkansas and who in addition thereto shall meet two (2) or more of the following criteria:

- (i)** Applicant is a registered voter in Arkansas;
- (ii)** Applicant holds a current valid Arkansas driver's license;
- (iii)** Applicant or parents of applicant are Arkansas taxpayers;
- (iv)** Parent of applicant resides in or is employed in Arkansas;
- (v)** Applicant meets other related criteria as may be prescribed by

the board.

(3) The remaining fifteen percent (15%) of the first one hundred fifty (150) freshman enrollment positions may be assigned either to legal residents or to nonresidents, however, any qualified legal resident shall have a preference in securing an assignment to a position when compared to a nonresident, and the total number of nonresidents assigned positions shall not exceed fifteen percent (15%) of the first one hundred fifty (150) freshman enrollment positions assigned for any school year.

(4) The board of trustees may provide for an alteration in the percentages set forth in this subsection only if the adherence to these percentages would endanger the accredited rating of the College of Medicine as determined by the Standards of the Association of American Medical Colleges.

(c) (1) The board of trustees may provide for additional freshman enrollment positions if the College of Medicine determines it is necessary to address a projected shortage of practicing physicians in the state.

(2) The additional freshman enrollment positions shall be granted to the best qualified applicants as determined by the Admissions Committee of the College of Medicine without regard to residency status.

(d) The selection of freshman medical students shall be accomplished competitively without any favoritism or discrimination on the basis of sex or race, and with due consideration being given scholastic standings, recommendations of the premedical advisory committees of the various schools where the applicants pursue their premedical studies, their performance on the Medical College Admission Test, and any other procedures that can be developed that would deal fairly with the applicant group as a whole.

(e) (1) The board shall promulgate rules and provide resources to allow the area health education centers to offer programs to prepare identified medical school candidates from medically underserved areas of the state for the Medical College Admission Test.

(2) Preparation for the Medical College Admission Test shall include, but not be limited to:

(A) Recruitment and guidance of individuals interested in health care professions;

(B) Early targeting of potential candidates, including junior high school, high school, two-year college, and four-year college undergraduate students;

(C) Use of community colleges and four-year colleges and universities throughout the state to offer Med Prep and other targeted studies with the aid of video

and distance learning tools; and

(D) Ensurance that everyone interested in a medical profession receives an equal opportunity for success.

History. Acts 1967, No. 59, §§ 1-3; 1977, No. 231, § 1; 1981, No. 681, § 1; A.S.A. 1947, §§ 80-2906, 80-2906.1, 80-2907; Acts 2003, No. 828, § 2; 2007, No. 836, § 1.

A.C.R.C. Notes. Acts 1995, No. 1099, § 21, provided:

“ADMISSION POLICY. The University of Arkansas for Medical Sciences shall admit one hundred fifty (150) freshman students in each year of the 1995-97 biennium into the College of Medicine. Provided that no funds shall be expended to fund the positions of Chancellor, Dean of Medicine and any academic position until the Chancellor and Dean of Medicine certify to the Arkansas Legislative Council that the provision of this Section relating to the 1995-97 biennium requirement for one hundred fifty (150) freshman student admissions has been implemented.”

Acts 2001, No. 1669, § 21, provided:

“ADMISSION POLICY. The University of Arkansas for Medical Sciences shall admit one hundred fifty (150) freshman students in each year of the 2001-2003 biennium into the College of Medicine. Provided that no funds shall be expended to fund the positions of Chancellor, Dean of Medicine and any academic position until the Chancellor and Dean of Medicine certify to the Arkansas Legislative Council that the provision of this Section relating to the 2001-2003 biennium requirement for one hundred fifty (150) freshman student admissions has been implemented.

“The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.”

Acts 2003, No. 828, § 1 provided:

“Findings.

(1) (A) The University of Arkansas College of Medicine includes nonfaculty members on the fifteen (15) member admissions committee.

“(B) The Liaison Committee for Medical Education, the accrediting body for allopathic medical schools in the United States, mandates that the admissions committee that selects applicants for admission shall be faculty members.

“(C) However, state law mandates that the fifteen (15) member College of Medicine Admissions Committee consist of both faculty and nonfaculty members, two (2) from each of the four (4) congressional districts, and one (1) member at large.

“(D) The intent of the General Assembly mandate is to provide greater committee representation from the entire state, in particular the underserved areas of Arkansas.

“(E) Each time the University of Arkansas College of Medicine is reviewed for accreditation by the Liaison Committee for Medical Education, the college is required to explain the reasons for the inclusion of nonfaculty members on the admissions committee.

“(F) The College of Medicine Admissions Committee is the only medical school admissions committee in the United States that includes nonfaculty members.

“(2) (A) Arkansas law mandates that seventy percent (70%) of the one hundred fifty (150) positions in the Freshman class each year be equally distributed among the four (4) congressional districts.

“(B) The seventy percent (70%) requirement increases the geographical distribution and number of applicants from underserved areas of the state who are accepted for admission.

“(C) The University of Arkansas College of Medicine is the only medical school in the United States that incorporates the seventy percent (70%) rule in the admissions process.

“(3) (A) Many state medical schools have programs similar to the Arkansas program whose purpose is to increase the number of physicians practicing in rural communities in the state.

“(B) Arkansas has had a program since 1949, the Arkansas Rural Medical Practice Student Loan and Scholarship Program, that provides financial incentives to medical students who contract to practice medicine in rural communities in the state.

“(C) Medical students are given substantial amounts of loans during medical school with the contractual agreement that the loans will be converted to grants or forgiven, if they complete residency training and practice medicine in an underserved rural community in the

state.

“(D) However, Act 114 of 1995 created a new program, the Community Math Student Loan and Scholarship Program, which significantly modified the existing Arkansas Rural Medical Practice Student Loan and Scholarship Program.

“(E) Act 1257 of 1995 strengthened the penalties for students who default on their contractual obligation to practice medicine in the state.

“(F) However, the unique feature of Act 1114 of 1995, a specific provision that no other medical school in the United States has, is that if an alternate on the waiting list contracts with a rural community to practice primary care in that rural community, and the application is approved by the Arkansas Rural Medical Practice Student Loan and Scholarship Board that administers the program, the alternate is advanced to the top of the waiting list and this greatly enhances the applicant's chances of being admitted to medical school.

“(G) This unique feature also applies to alternates who wish to apply for the Arkansas Rural Practice Program.

“(H) Alternates who contract to practice medicine in a rural underserved community in the state, if approved by the board, are advanced on the waiting list, just below the Community Match Alternates who are approved and advanced.

“(I) Since the program's inception in 1995, the University of Arkansas College of Medicine has had approximately one hundred twenty-five (125) physicians-in-training contract to return to underserved areas of the state to practice full time primary care medicine.

“(J) Applicants from underserved areas are typically given greater considerations for participation and approval for the rural loan and scholarship programs.” Acts 2003 (1st Ex. Sess.), No. 30, § 23, provided:

“The University of Arkansas for Medical Sciences shall admit one hundred fifty (150) freshman students in each year of the 2003-2005 biennium into the College of Medicine. Provided that no funds shall be expended to fund the positions of Chancellor, Dean of Medicine and any academic position until the Chancellor and Dean of Medicine certify to the Arkansas Legislative Council that the provision of this Section relating to the 2003-2005 biennium requirement for one hundred fifty (150) freshman student admissions has been implemented.

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

Acts 2005, No. 2123, § 24, provided:

“ADMISSION POLICY. The University of Arkansas for Medical Sciences shall admit one hundred fifty (150) freshman students in each year of the 2005-2007 biennium into the College of Medicine. Provided that no funds shall be expended to fund the positions of Chancellor, Dean of Medicine and any academic position until the Chancellor and Dean of Medicine certify to the Arkansas Legislative Council that the provision of this Section relating to the 2005-2007 biennium requirement for one hundred fifty (150) freshman student admissions has been implemented.

“The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.”

Publisher's Notes. The language in Acts 2001, No. 1669, § 21, is similar to the language in this section. However, the act did not specifically amend or supersede this section, and apparently did not intend for this section to expire on June 30, 2003.

Amendments. The 2003 amendment added (b)(1)(B) and (d) and made related changes. The 2007 amendment substituted “one hundred fifty (150)” for “one hundred twenty (120)” in (a)(1); inserted “first one hundred fifty (150)” or similar language throughout the section, and substituted the same language for “all” in (b)(1)(A) and for “total” in (b)(3); inserted present (c); and redesignated the following subdivisions accordingly.

6-64-407. Admissions — Transfer students.

In considering and approving applicants for transfer to the University of Arkansas College of Medicine from other medical schools, the Board of Trustees of the University of Arkansas may give special consideration to those applicants for transfer who were born and reared and attended public school in Arkansas and who meet two (2) or more of the following criteria:

- (1) Applicant is a registered voter in Arkansas;

- (2) Applicant holds a current valid Arkansas license;
- (3) Applicant or parents of applicant are Arkansas taxpayers;
- (4) Parent of applicant resides in or is employed in Arkansas;
- (5) Applicant meets other related criteria as may be prescribed by the board.

History. Acts 1981, No. 681, § 2; A.S.A. 1947, § 80-2906.2.

6-64-408. Fees and scholarships.

(a) The Board of Trustees of the University of Arkansas shall fix a scale of matriculation and tuition fees, in reasonable sums, and shall prescribe terms and conditions for the payment of fees.

(b) The students attending the Medical Department of the University of Arkansas shall pay the fees, except that the board may provide honorary free scholarships in furtherance of the best interests of the department.

(c) The fees shall be collected under the direction of the board of trustees, which shall prescribe the method of collecting the fees, and when collected they shall be paid over to the financial officer of the University of Arkansas and kept as a fund for the department and shall be paid out by the orders of the board of trustees only for the use and benefit of the department.

History. Acts 1911, No. 360, § 3; C. & M. Dig., § 9583; Pope's Dig., § 13249; A.S.A. 1947, § 80-2903.

6-64-409. Family Practice Department.

(a) It is the intent of the General Assembly that the program in family practice at the University of Arkansas College of Medicine have full departmental status and that a member of the medical faculty of this department be a voting member of the Admissions Committee for the University of Arkansas College of Medicine.

(b) It is the recommendation of the General Assembly that the faculty members of the Family Practice Department of the University of Arkansas College of Medicine provide counseling services to any student at the institution at the request of the individual student.

(c) The Dean of the College of Medicine shall submit a report, through the offices of the Chancellor for Health Sciences and the President of the University of Arkansas, to the Governor and to the Chairman of the Legislative Council no later than September 1 of each year and covering the period of the preceding fiscal year, in which information shall be furnished as to the number of interns and residents in the various medical school programs, the number who completed the family practice program, the places where those who completed the various programs are practicing, including those in the military services, and any problems encountered in the education of students, interns, or residents in the family practice program which should be considered by the General Assembly, the Governor, or the Legislative Council.

History. Acts 1972 (Ex. Sess.), No. 43, §§ 3-5.

6-64-410. School of Pharmacy.

(a) The Board of Trustees of the University of Arkansas is authorized to establish an accredited School of Pharmacy at the University of Arkansas or the Medical College of the University of Arkansas.

(b) The board is further authorized and empowered to receive any grant, aid, gift, donation, or endowment for the use of the school and to do all things necessary for the establishment of an accredited school of pharmacy.

History. Acts 1951, No. 323, § 1; A.S.A. 1947, § 80-2858.

6-64-411. School of Dental Hygiene.

(a) There is established at the State Medical Center, under the direction of the Board of Trustees of the University of Arkansas, a University of Arkansas School of Dental Hygiene, which shall offer a program of clinical instruction leading to a degree or certificate in dental hygiene.

(b) The board of trustees shall establish rules and regulations governing admissions to the School of Dental Hygiene, programs of instruction therein, and the qualifications and requirements for a degree or certificate. However, rules and regulations for admissions, courses or programs of clinical instruction, and degrees or certificates for graduation therefrom shall be in accordance with the standards established by the recognized national accreditation association of dental hygiene schools or programs.

(c) Any degree or certificate granted by the School of Dental Hygiene shall also be in conformance with the standards for licensing as a dental hygienist under the applicable licensing laws of this state.

History. Acts 1967, No. 331, § 1; A.S.A. 1947, § 80-2878.

6-64-412. Chair on Alcoholism and Drug Abuse Prevention.

The University of Arkansas for Medical Sciences shall establish a Chair on Alcoholism and Drug Abuse Prevention.

History. Acts 1987, No. 639, § 1.

A.C.R.C. Notes. Former § 6-64-412, concerning chair on alcoholism and drug abuse prevention, is deemed to be superseded by this section. The former section was derived from Acts 1985, No. 1000, § 1; A.S.A. 1947, § 48-1409.1.

Acts 1987, No. 639, § 1, provided, in part, that, to assist in funding the chair, there shall be charged and collected a tax on all alcoholic beverages, as defined in § 3-9-201 et seq., sold for on-premises consumption; the tax shall be in an amount equal to three percent of the gross receipts derived from the sale of the alcoholic beverages; the tax receipts shall be deposited as special revenues into the State Treasury and credited to the University of Arkansas Medical Center Fund to be used exclusively to help defray the cost of a Chair on Alcoholism and Drug Abuse Prevention; the tax levied shall be in effect only from July 1, 1987, through January 1, 1988, inclusive; this act gives no additional taxing authority to any municipality; and the owner of any establishment who wilfully continues to collect the tax after January 1, 1988, shall be subject to a fine of \$1,000.

6-64-413. Special allowances.

(a) (1) The Board of Trustees of the University of Arkansas is hereby authorized to make available to the President of the University of Arkansas special allowances in such amounts as the board may determine to be justified at the University of Arkansas for Medical Sciences, for the use of the chancellor and his deans, representatives, department heads, and directors at the University of Arkansas for Medical Sciences in recruitment of faculty and staff members.

(2) Upon approval by the president and the board of trustees, such funds shall be

administered by the Chancellor of the University of Arkansas for Medical Sciences, who shall assure that the total amount expended for such purposes does not exceed one hundred fifty thousand dollars (\$150,000) each fiscal year, or so much thereof as may be authorized by the board of trustees.

(3) The funds authorized by this subsection shall come from a source other than state tax dollars appropriated by the General Assembly or charges made to students for tuition, fees, room and board, or other purposes.

(4) Each year, the chancellor shall furnish to the president, the board of trustees, and the Legislative Joint Auditing Committee a report showing for each expenditure the date, the amount, the names of persons to whom the expenditure was made, and the purpose for which the expenditure was made.

(b) (1) The board of trustees may make special allowances available in such amounts as the board of trustees may determine or justify as equitable in view of the exacting duties which are involved as a part of the salaries of the physicians, dentists, and other professional faculty employed by the University of Arkansas for Medical Sciences from receipts of professional income in the care of patients and funds received from federal agencies, foundations, and other private sponsors in support of research.

(2) Provided, any such allowance shall not exceed for any employee an amount equal to two (2) times that portion of the salary authorized by the General Assembly to be paid from the University of Arkansas Medical Center Fund.

History. Acts 1995, No. 1099, §§ 13, 14.

A.C.R.C. Notes. Acts 2001, No. 1669, § 13, provided:

"SPECIAL ALLOWANCES. The Board of Trustees may make special allowances available, in such amounts as the Board may determine or justify equitable in view of the exacting duties which are involved, as a part of the salaries of the physicians, dentists, and other professional faculty employed by the University of Arkansas for Medical Sciences from receipts of professional income in the care of patients and/or funds received from federal agencies, foundations, and other private sponsors in support of research. Provided that any such allowance shall not exceed, for any employee, an amount equal to two and one half (2 & ½) times that portion of the salary authorized by the General Assembly to be paid from the University of Arkansas Medical Center Fund.

"The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003."

Acts 2001, No. 1669, § 14, provided:

"SPECIAL ALLOWANCES. The Board of Trustees of the University of Arkansas is hereby authorized to make available to the President of the University of Arkansas special allowances in such amounts as the Board may determine to be justified at the University of Arkansas for Medical Sciences, for the use of the Chancellor and his deans, representatives, department heads, and directors at the University of Arkansas for Medical Sciences in recruitment of faculty and staff members. Upon approval by the President and the Board of Trustees, such funds shall be administered by the Chancellor, who shall assure that the total amount expended for such purposes does not exceed one hundred fifty thousand dollars (\$150,000) each fiscal year or so much thereof as may be authorized by the Board of Trustees. The funds authorized by this Section shall come from a source other than state tax dollars appropriated by the General Assembly or charges made to students for tuition, fees, room and board, or other purposes. Each year the Chancellor shall furnish to the President of the University of Arkansas, the Board of Trustees, and the Arkansas Legislative Joint Auditing Committee a report showing for each expenditure the date, the amount, the names of persons to whom the expenditure was made, and the purpose for which the expenditure was made.

"The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003."

Acts 2003 (1st Ex. Sess.), No. 30, § 15, provided:

"The Board of Trustees may make special allowances available, in such amounts as the Board may determine or justify equitable in view of the exacting duties which are involved, as a part of the salaries of the physicians, dentists, and other professional faculty employed by the University of Arkansas for Medical Sciences from receipts of professional income in the care of patients and/or funds received from federal agencies, foundations, and other private sponsors in support of research. Provided that any such allowance shall not exceed, for any employee, an amount equal to two and one half (2 & ½) times that portion of the salary authorized by the General Assembly to be paid from the University of Arkansas Medical Center Fund.

"The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005." Acts 2003 (1st Ex. Sess.), No. 30, § 16, provided:

"The Board of Trustees of the University of Arkansas is hereby authorized to make available to the President of the University of Arkansas special allowances in such amounts as the Board may determine to be justified at the University of Arkansas for Medical Sciences, for the use of the Chancellor and his deans, representatives, department heads, and directors at the University of Arkansas for Medical Sciences in recruitment of faculty and staff members. Upon approval by the President and the Board of Trustees, such funds shall be administered by the Chancellor, who shall assure that the total amount expended for such purposes does not exceed one hundred fifty thousand dollars (\$150,000) each fiscal year or so much thereof as may be authorized by the Board of Trustees. The funds authorized by this Section shall come from a source other than state tax dollars appropriated by the General Assembly or charges made to students for tuition, fees, room and board, or other purposes. Each year the Chancellor shall furnish to the President of the University of Arkansas, the Board of Trustees, and the Arkansas Legislative Joint Auditing Committee a report showing for each expenditure the date, the amount, the names of persons to whom the expenditure was made, and the purpose for which the expenditure was made.

"The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005." Acts 2005, No. 2123, § 16, provided:

"SPECIAL ALLOWANCES. The Board of Trustees may make special allowances available, in such amounts as the Board may determine or justify equitable in view of the exacting duties which are involved, as a part of the salaries of the physicians, dentists, and other professional faculty employed by the University of Arkansas for Medical Sciences from receipts of professional income in the care of patients and/or funds received from federal agencies, foundations, and other private sponsors in support of research. Provided that any such allowance shall not exceed, for any employee, an amount equal to two and one half (2 & ½) times that portion of the salary authorized by the General Assembly to be paid from the University of Arkansas Medical Center Fund.

"The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007." Acts 2005, No. 2123, § 17, provided:

"SPECIAL ALLOWANCES. The Board of Trustees of the University of Arkansas is hereby authorized to make available to the President of the University of Arkansas special allowances in such amounts as the Board may determine to be justified at the University of Arkansas for Medical Sciences, for the use of the Chancellor and his deans, representatives, department heads, and directors at the University of Arkansas for Medical Sciences in recruitment of faculty and staff members. Upon approval by the President and the Board of Trustees, such funds shall be administered by the Chancellor, who shall assure that the total amount expended for such purposes does not exceed one hundred fifty thousand dollars (\$150,000) each fiscal year or so much thereof as may be authorized by the Board of Trustees. The funds authorized by this Section shall come from a source other than state tax dollars appropriated by the General Assembly or charges made to students for tuition, fees, room and board, or other purposes. Each year the Chancellor shall furnish to the President of the University of Arkansas, the Board of Trustees, and the Arkansas Legislative Joint Auditing Committee a report showing for each expenditure the date, the amount, the names of persons to whom the expenditure was made, and the purpose for which the expenditure was made.

"The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007."

6-64-414. Special language and restrictions — Area health education centers.

The Chancellor of the University of Arkansas for Medical Sciences shall make periodic progress reports of area health education center programs to the Governor, the Legislative Council, and other interested interim committees of the General Assembly regarding the achievements and the expansion of the aforementioned programs and the amounts expended for the area health education centers.

History. Acts 1995, No. 1099, § 15.

A.C.R.C. Notes. Acts 2001, No. 1669, § 15, provided:

“SPECIAL LANGUAGE AND RESTRICTIONS — AREA HEALTH EDUCATION CENTERS. The Chancellor at the University of Arkansas for Medical Sciences shall make periodic progress reports of AHEC programs to the Governor, the Legislative Council, and other interested interim committees of the General Assembly regarding the achievements, the expansion of the aforementioned programs, and amounts expended for the Area Health Education Centers.

“The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.”

Acts 2003 (1st Ex. Sess.), No. 30, § 17, provided:

“The Chancellor at the University of Arkansas for Medical Sciences shall make periodic progress reports of AHEC programs to the Governor, the Legislative Council, and other interested interim committees of the General Assembly regarding the achievements, the expansion of the aforementioned programs, and amounts expended for the Area Health Education Centers.

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

Acts 2005, No. 2123, § 18, provided:

“SPECIAL LANGUAGE AND RESTRICTIONS - AREA HEALTH EDUCATION CENTERS. The Chancellor at the University of Arkansas for Medical Sciences shall make periodic progress reports of AHEC programs to the Governor, the Legislative Council, and other interested interim committees of the General Assembly regarding the achievements, the expansion of the aforementioned programs, and amounts expended for the Area Health Education Centers.

“The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.”

6-64-415. Applicability of §§ 6-61-105 and 6-61-106.

The provisions of §§ 6-61-105 and 6-61-106 shall not apply to students selected to be admitted to the University of Arkansas School of Medicine or the University of Arkansas School of Pharmacy.

History. Acts 1995, No. 1099, § 26.

A.C.R.C. Notes. Acts 2001, No. 1669, § 26, provided:

“COURSE REQUIREMENTS. The provisions of Arkansas Code 6-61-105 and 6-61-106 shall not apply to students selected to be admitted to the University of Arkansas School of Medicine or the University of Arkansas School of Pharmacy.

“The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.”

6-64-416. Establishment and administration.

(a) The University of Arkansas for Medical Sciences is authorized to create the North Central Area Health Education Center to serve the following counties: Baxter, Cleburne, Fulton, Marion, Independence, Izard, Stone, Searcy, Sharp, and Van Buren.

(b) (1) The center shall be administered in the same manner as other facilities in the University of Arkansas for Medical Sciences Area Health Education Center Program, including:

(A) Training students in the fields of medicine, nursing, pharmacy, and various allied health professions with an emphasis on primary care, general health education, and basic medical care for the whole family; and

(B) Providing medical residents specializing in family practice.

(2) Programs shall be conducted to the extent that funds are available.

(c) A director of the North Central Area Health Education Center shall be appointed in the same manner as and shall have the same powers as other center directors in the program.

(d) The program shall have offices in Mountain Home, Batesville, and Mountain View.

History. Acts 2003, No. 197, § 1.

6-64-417. College of Nursing and College of Pharmacy program improvements.

(a) Funds received from the State Board of Collection Agencies under § 17-24-305 by the University of Arkansas for Medical Sciences and any interest earnings on the funds by the university shall be used exclusively as follows:

(1) Two-thirds (2/3) of the funds shall be used within the College of Nursing for:

(A) Scholarships and stipends for nursing students who are candidates for bachelor's or master's degrees or degrees beyond a master's degree; and

(B) Salary improvements for purposes of retaining and attracting nursing school faculty; and

(2) One-third (1/3) of the funds shall be used within the College of Pharmacy for:

(A) Scholarships and stipends for pharmacy students;

(B) Facility improvements required to expand the enrollment of pharmacy students; and

(C) Salary improvements for purposes of retaining and attracting pharmacy school faculty.

(b) (1) The Dean of the University of Arkansas for Medical Sciences College of Nursing shall allocate the funds made available to the College of Nursing under this section.

(2) The Graduate Nurse Educator Loan and Scholarship Board shall make recommendations to the dean regarding the recipients of annual awards, stipends, and scholarships.

(3) A recipient of a scholarship or stipend under this subsection must be a resident of the State of Arkansas.

(c) (1) The Dean of the University of Arkansas for Medical Sciences College of Pharmacy shall allocate the funds made available to the College of Pharmacy under this section.

(2) Using financial aid and academic performance data, the University of Arkansas for Medical Sciences College of Pharmacy Awards and Financial Aid Committee will make recommendations to the faculty regarding the recipients of annual awards, stipends, and scholarships.

(3) A recipient of a stipend or scholarship under this subsection:

(A) Must be a resident of the State of Arkansas;

(B) Is not required to repay a stipend or scholarship; and

(C) Is not required to enter into any agreement with the university or College of Pharmacy requiring the recipient to practice pharmacy in any area of Arkansas after graduation in exchange for a stipend or scholarship.

(d) The university shall report annually the utilization of the funds received by the College of Nursing under this section to the Legislative Council and the Arkansas Legislative Commission on Nursing.

(e) Scholarships and other awards under this section may be granted in addition to other funds awarded to a student under other scholarship and assistance programs.

History. Acts 2005, No. 2268, § 8.

A.C.R.C. Notes. Acts 2007, No. 1217, § 8, provided: “College of Nursing and College of Pharmacy program improvements. (a) Funds received from the State Board of Collection Agencies under § 17-24-305 by the University of Arkansas for Medical Sciences and any interest earnings on the funds by the University of Arkansas for Medical Sciences shall be used exclusively as follows:“(1) Two-thirds (2/3) of the funds shall be used within the College of Nursing for:“(A) Scholarships and stipends for nursing students who are candidates for bachelor's or master's degrees or degrees beyond a master's degree; and“(B) Salary improvements for purposes of retaining and attracting nursing school faculty; and“(2) One-third (1/3) of the funds shall be used within the College of Pharmacy for:“(A) Scholarships and stipends for pharmacy students;“(B) Facility improvements required to expand the enrollment of pharmacy students; and“(C) Salary improvements for purposes of retaining and attracting pharmacy school faculty.”(b)(1) The Dean of the University of Arkansas for Medical Sciences College of Nursing shall allocate the funds made available to the College of Nursing under this section“(2) The Graduate Nurse Educator Loan and Scholarship Board shall make recommendations to the dean regarding the recipients of annual awards, stipends, and scholarships.”(3) A recipient of a scholarship or stipend under this subsection (b) must be a resident of the State of Arkansas.”(c)(1) The Dean of the University of Arkansas for Medical Sciences College of Pharmacy shall allocate the funds made available to the College of Pharmacy under this section.”(2) Using financial aid and academic performance data, the University of Arkansas for Medical Sciences College of Pharmacy Awards and Financial Aid Committee will make recommendations to the faculty regarding the recipients of annual awards, stipends, and scholarships.”(3) A recipient of a stipend or scholarship under this subsection (c):“(A) Must be a resident of the State of Arkansas;“(B) Is not required to repay a stipend or scholarship; and“(C) Is not required to enter into any agreement with the university or College of Pharmacy requiring the recipient to practice pharmacy in any area of Arkansas after graduation in exchange for a stipend or scholarship.”(d) The University of Arkansas for Medical Sciences shall report annually the utilization of the funds received by the College of Nursing under this section to the Legislative Council and the Arkansas Legislative Commission on Nursing.”(e) Scholarships and other awards under this section may be granted in addition to other funds awarded to a student under other scholarship and assistance programs.”

6-64-418. College of Public Health collaboration.

It is recommended that the Health Behavior/Health Education Department of the Fay W. Boozman College of Public Health of the University of Arkansas for Medical Sciences collaborate with each education service cooperative, community health agencies, school nurses, counselors, and educators to introduce age-appropriate, research-supported, child abuse prevention curriculum to the children of Arkansas in the public schools.

History. Acts 2007, No. 703, § 4.

Subchapter 5 — State Medical Center — Admission of Patients

6-64-501. Purpose of subchapter.

6-64-502. Admission of other patients not affected by subchapter.

6-64-503. Medical indigents — Determination of status.

6-64-504. Admission as medical indigent — Certification procedure.

6-64-505. Medical indigents — Quota of patients from counties and municipalities.

6-64-506. Medical indigents — Patients not charged against quotas.

6-64-507. Medical indigents — Charges for costs in excess of quota — Payment or collection.

6-64-508. Medical indigents — Collections from patients.

6-64-509. Admissions of paying patients.

Preambles. Acts 1959, No. 259 contained a preamble which read:

“Whereas, the Medical Center of the University of Arkansas, Little Rock, Arkansas, is a state institution supported from revenues derived from state taxes collected throughout the state; and
“Whereas, the use of the hospital, clinic and emergency facilities of such Center has been disproportionate according to the population resident in the several counties and municipalities of the state in that certain counties and municipalities have utilized said Center to the degree that other counties and municipalities will be denied fair use of the state institution unless additional facilities be made available;

“Now, therefore....”

Case Notes

Standards of Indigency.

Standards of Indigency.

Nothing in this subchapter mandates that a hospital adopt standards for determining medical indigency based upon the patient's ability to pay which follow national and local guidelines, since this subchapter plainly lacks language making it incumbent on a hospital to adopt specific standards. *Hubbard v. University of Ark. Medical Sciences*, 272 Ark. 500, 616 S.W.2d 10 (1981).

6-64-501. Purpose of subchapter.

It is the purpose and intent of this subchapter to provide for a fair and equitable apportionment for the use of the facilities and services of the State Medical Center among the various counties of this state, and among all cities having in excess of ten thousand (10,000) population for the treatment of medical indigents, and to provide a method and procedure for charging such counties, and cities having over ten thousand (10,000) population, for services received by medical indigents at the medical center in excess of the allowed quotas.

History. Acts 1959, No. 259, § 4; A.S.A. 1947, § 80-2925.

Case Notes

In General.

In General.

The basic purpose of this subchapter is not to require standards of indigency, but to establish a quota system to distribute proportionately the cost of indigent care among the counties, using population as a basis. *Hubbard v. University of Ark. Medical Sciences*, 272 Ark. 500, 616 S.W.2d 10 (1981).

6-64-502. Admission of other patients not affected by subchapter.

Nothing in this subchapter shall be construed to interfere with the admission of patients at the State Medical Center who have the ability to pay for medical care received, nor shall this subchapter interfere with or affect the admission of welfare patients at the medical center where the cost of such care is paid by the Department of Human Services according to an approved plan for medical care and hospitalization established for public welfare patients by the department.

History. Acts 1959, No. 259, § 2; 1963, No. 183, § 2; A.S.A. 1947, § 80-2923.

6-64-503. Medical indigents — Determination of status.

(a) As used in this subchapter, unless the context otherwise requires, medical indigents shall include all residents of this state who are unable to pay part or all of the cost of necessary medical and hospital services, but shall not include any person for whom medical and hospital services are paid by the Department of Human Services.

(b) Each county judge or chief administrative officer of a municipality affected by this subchapter is authorized to establish necessary rules and regulations to be followed in determining medical indigency of persons seeking admission to the medical center under the provisions of this subchapter.

History. Acts 1959, No. 259, § 4; A.S.A. 1947, § 80-2925.

Case Notes

Standards of Indigency.

Standards of Indigency.

This subchapter does not mandate that a hospital adopt standards for determining medical indigency based upon the patient's ability to pay which follow national and local guidelines, since this subchapter plainly lacks language making it incumbent on a hospital to adopt specific standards. *Hubbard v. University of Ark. Medical Sciences*, 272 Ark. 500, 616 S.W.2d 10 (1981). This section authorizes, but does not direct, county judges or chief administrative officers of municipalities to establish rules in determining medical indigency, and this is the mere delegation of authority. *Hubbard v. University of Ark. Medical Sciences*, 272 Ark. 500, 616 S.W.2d 10 (1981).

6-64-504. Admission as medical indigent — Certification procedure.

(a) (1) In all cases where a resident of a county or municipality assigned a quota in § 6-64-505 seeks to use the quota to defray any part of the expense of his or her medical service, including hospitalization, at the State Medical Center, the resident must first have been determined by his or her county judge or chief administrative officer of his or her municipality to be unable to pay for all or any part of the service.

(2) The county judge or chief administrative officer may then certify in writing that the resident is eligible for such care.

(3) There shall be no charge made against the county or municipality for medical care until the person shall be so certified, unless the certification is waived as authorized in this section.

(b) (1) (A) The county judge or chief administrative officer may elect to waive the above certification procedure, except that such waiver shall not apply to counties or cities which, in the preceding year, have recorded a total of two thousand (2,000) or more patient days at the medical center. In such event, individual certification of patients will be required as a prerequisite to admission of such patients to the medical center hospital.

(B) In counties and cities where waiver of individual certification is applicable, individual certification of patients will be required in all cases where the hospitalization of the patient would cause the current month's quota to be exceeded.

(2) The judge or officer waiving the certification procedure must so notify the medical center in writing.

(3) It shall be the duty of the medical center to notify the county judge or

administrative officer at the time the rate of use of his or her county or municipal quota shall have been exceeded. However, any county, or municipality of over ten thousand (10,000) population, may enter into an agreement in writing with the medical center for the admission of medical indigents with acute emergency conditions to be charged against the quota of such county or city without requiring the certification procedure mentioned above.

(c) Certification of patients by any municipality or county may be by telephone if the date of the telephone conversation, the name of the county judge, or chief administrative officer of the city, authorizing the certification, and all other necessary information is reduced to writing by the appropriate official of the medical center and maintained in a file as a public record.

(d) (1) Any person certified to the medical center as a medical indigent who has the ability to pay for a part of the cost of the medical or hospital care received shall pay such part of the cost of care received and that amount paid shall be allowed as a credit against any charge against the county or municipality for such service during the calendar month in which payment is received.

(2) In the case of those medical indigents who are able to pay a part of the cost of their medical and hospital care, such fact shall be so stated in the certification from the county or city, which certification may include an estimate of the portion of medical and hospital costs the patient is able to pay, if any.

(e) (1) In the case of any county having one (1) or more cities of over ten thousand (10,000) population therein, the county judge of the county and the chief administrative officer of each such city may enter into an agreement for the establishment of a central certifying office from which all patients admitted to the State Medical Center as medical indigents from such county and the cities therein shall be certified.

(2) Upon the establishment of such a central certifying office, notice thereof shall be given to the Chancellor for Health Sciences, and all patients certified to the State Medical Center from such county or any city of ten thousand (10,000) or over population therein shall be charged against the quota of such county or city, as the case may be.

(f) The Department of Human Services shall assist any county or municipality affected by this subchapter, upon request therefor, in determining the economic status of any person seeking admission to the medical center as a medical indigent.

(g) It also shall be the duty of the medical center to investigate the ability of the patient or others chargeable with his or her support to pay the expense of the treatment and care rendered, taking into consideration the recommendation of the certifying official of the county or municipality involved.

History. Acts 1959, No. 259, § 2; 1963, No. 183, § 2; A.S.A. 1947, § 80-2923.

6-64-505. Medical indigents — Quota of patients from counties and municipalities.

(a) There is assigned and made available to each county in Arkansas the following quotas of medical services, including hospitalization, at the University of Arkansas Medical Center, herein referred to as the State Medical Center, to be utilized by the citizens of the respective counties and the municipalities therein according to the provisions of §§ 6-64-502, 6-64-504, 6-64-506, and 6-64-508.

(b) The quotas shall be computed as follows:

(1) Hospital Quota.

(A) Annually, on or before July 1, the Board of Trustees of the University of Arkansas shall certify to the Chancellor for Health Sciences of the University of Arkansas the total number of hospital beds estimated to be available for use, based upon funds available, during the next twelve-month period at the State Medical Center;

(B) The chancellor shall then multiply the total available beds so certified by three hundred sixty-five (365), the days in the year, and multiply the result thereof by eighty-five percent (85%), which is determined by the General Assembly as being the average normal occupancy of hospital beds to be expected by a hospital of this type. The result of such calculations shall be the net annual patient-day usage of the State Medical Center for the next twelve (12) months;

(C) The chancellor shall then prorate the net annual patient-day usage of the State Medical Center among the counties of this state in proportion to each county that the population of such county bears to the total population of all the counties of this state according to the most recent federal census figures available at the time of the annual calculation of the quota. The pro rata apportionment shall be the annual quota of hospital usage at the State Medical Center for each county;

(2) Quotas of Cities of Over 10,000 Population. Each city of this state having a population of over ten thousand (10,000) according to the most recent federal census figures available at the time of figuring annual quotas under this subchapter shall be assigned an annual proportionate quota of hospital usage assigned to the county in which any such city is located, which city quota shall be computed in the proportion that the population of the city bears to the population of the county. The quotas assigned to any city of over ten thousand (10,000) population of hospital usage at the State Medical Center shall be deducted from the quota assigned to the county in which the city is located.

History. Acts 1959, No. 259, § 1; 1963, No. 183, § 1; A.S.A. 1947, § 80-2922.

Case Notes

Constitutionality.

Constitutionality.

Former similar law held unconstitutional where a city was singled out and included with the list of counties with an assigned quota. Since the effect of the law was to give preferential treatment to that city and its county, the law was invalid as special and local legislation. *Board of Trustees v. Pulaski County*, 229 Ark. 370, 315 S.W.2d 879 (1958) (decision under prior law).

6-64-506. Medical indigents — Patients not charged against quotas.

Any patient admitted to the State Medical Center as a public welfare patient certified by the Department of Human Services, or any patient admitted to the State Medical Center who on admittance can guarantee, either by hospitalization insurance or cash deposit, at least fifty percent (50%) of the anticipated costs of treatment, shall not be charged against the quota of any county or municipality established pursuant to this subchapter.

History. Acts 1959, No. 259, § 2; 1963, No. 183, § 2; A.S.A. 1947, § 80-2923.

6-64-507. Medical indigents — Charges for costs in excess of quota — Payment or collection.

(a) The actual cost of hospitalization utilized in any calendar month at the State Medical Center by medical indigents as determined as provided in § 6-64-503 which is in excess of the dollar value at prevailing average per diem cost of one-twelfth ($1/12$) of the quotas set out in § 6-64-505 shall be charged to the county in which the recipient of the medical service resides or, in case a quota is assigned to the municipality in which the recipient resides, to the municipality.

(b) (1) No unused quota amounts remaining in any month may thereafter be used as a credit against charges in any other month.

(2) Furthermore, no unused portion of a quota during any month by any county shall be allowed as a credit against any other county that may have exceeded its quota during such month.

(c) (1) Each thirty (30) days a statement of charges due to the State Medical Center shall be mailed to the county judge or chief administrative officer of the municipality for the net cost of excess services, as defined in subsection (a) of this section, rendered during the calendar month preceding.

(2) Whenever the county or municipality fails to pay to the State Medical Center, within thirty (30) days, the net charges billed to the county or municipality for services in excess of the quotas established in § 6-64-505, the medical center shall make a certification to the Treasurer of State setting forth the names of the county or municipality as the case may be, the amount owed by the county or municipal corporation, and the period during which the unpaid debt shall have accrued.

(3) Upon receipt of the certification, the Treasurer of State shall withhold from such moneys as would otherwise be due such county or municipality from the general revenues of this state the amount needed to liquidate the debt and transfer the amount thereof to the University of Arkansas Medical Sciences Fund. Any remaining balance of such general revenues which would otherwise have been payable to the county or municipality shall be paid to such county or municipality as in the instance in which no withholding was made.

History. Acts 1959, No. 259, §§ 2, 3; 1963, No. 183, § 2; A.S.A. 1947, §§ 80-2923, 80-2924.

6-64-508. Medical indigents — Collections from patients.

(a) It further shall be the duty of the medical center to collect fees from patients in all cases where it is established that the patient is able to pay, either through insurance coverage or his or her own resources, a part or all of the medical or hospital costs incurred.

(b) Billings to patients shall be made on a periodic basis.

(c) In cases of willful refusal to pay, the medical center is directed to take whatever legal action is necessary to satisfy the account.

History. Acts 1959, No. 259, § 2; 1963, No. 183, § 2; A.S.A. 1947, § 80-2923.

6-64-509. Admissions of paying patients.

(a) For the purpose of improving the teaching program of the University of Arkansas College of Medicine and to provide a source of additional funds for the operation of the State Medical Center, the medical center is authorized and directed to admit for medical

treatment persons who have the economic ability to pay for hospital and medical services rendered. However, before any such person shall be admitted for treatment as a paying patient, such person shall have agreed in writing for the supervised observation of his or her case by medical students of the College of Medicine.

(b) The State Medical Center shall, with the approval of the Board of Trustees of the University of Arkansas, establish a system of charges to be paid by paying patients for hospital and medical care rendered such paying patients at the medical center. If any person with ability to pay shall fail or refuse to pay for the cost of hospital and medical care received at the medical center, the medical center shall institute appropriate legal proceedings for the collection of the cost.

(c) Nothing in this section shall be construed to prohibit or limit the admission and treatment of charity or medical indigent patients at the medical center as may be authorized by law.

History. Acts 1959, No. 192, § 1; A.S.A. 1947, § 80-2926.

Subchapter 6 **— School of Law**

- 6-64-601. Construction — Subchapter exclusive authority.
- 6-64-602. Establishment — Name.
- 6-64-603. [Repealed.]
- 6-64-604. State Legal Education Fund generally.
- 6-64-605. Levy of costs — Cash funds.
- 6-64-606. Levy of costs — Use and priorities of funds collected.
- 6-64-607. Financing authority.
- 6-64-608. Bonds — Authorizing resolution — Trust indenture.
- 6-64-609. Bonds — Terms and conditions.
- 6-64-610. Bonds — Execution and seal.
- 6-64-611. Bonds — Liability.
- 6-64-612. Bonds — Pledge of costs levied by subchapter.
- 6-64-613. Bonds — Contract with holders and owner.
- 6-64-614. Bonds — Tax exemption.
- 6-64-615. Bonds — Investment of funds of retirement or pension systems.
- 6-64-616. Bonds — Construction fund.
- 6-64-617. Bonds — Use of excess costs.
- 6-64-618. Outstanding bonds — Change in costs for payments.
- 6-64-619. Refunding bonds.
- 6-64-620. Construction of legal education facilities — Employment of professionals.
- 6-64-621. Evening law school division.

Effective Dates. Acts 1973, No. 207, § 17: Mar. 2, 1973. Emergency clause provided: "It has been found and it is hereby declared by the General Assembly of the State of Arkansas that there are not available sufficient moneys to accomplish the improvement of legal education in this State and that the immediate improvement of legal education in this State is essential to the improvement of the administration of justice in this State and to the continued welfare and development of this State and her inhabitants. Therefore, an emergency is declared to exist, and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1975, No. 19, § 4: July 1, 1975. Emergency clause provided: "It is hereby found and determined by the Seventieth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1975 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1975 could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after July 1, 1975."
Acts 1977, No. 245, § 2: July 1, 1977.

6-64-601. Construction — Subchapter exclusive authority.

- (a) This subchapter shall be construed liberally.
- (b) The enumeration of any object, purpose, power, manner, method, and thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods, and things.
- (c) This subchapter shall be the sole authority required for the accomplishment of the purposes of this subchapter.

History. Acts 1973, No. 207, § 14; A.S.A. 1947, § 80-2890.13.

6-64-602. Establishment — Name.

There is established a full-time law school, to be operated in Little Rock, Pulaski County, Arkansas, under the control and direction of the University of Arkansas at Little Rock, to be known as the University of Arkansas at Little Rock William H. Bowen School of Law, and to offer classes of legal instruction both in the daytime and in the evening.

History. Acts 1969, No. 262, § 1; 1975, No. 19, § 1; A.S.A. 1947, § 80-2883.

6-64-603. [Repealed.]

A.C.R.C. Notes. The repeal of this section by Acts 1995, No. 1256, has been deemed to supersede its amendment by Acts 1995, No. 1296. Acts 1995, No. 1296, § 35, made stylistic changes in (a)(1).

Publisher's Notes. This section, concerning the Legal Education Fund, was repealed by Acts 1995, No. 1256, § 20, as amended by Acts 1995 (1st Ex. Sess.), No. 13, § 4. The section was derived from Acts 1973, No. 207, §§ 1, 8; 1977, No. 245, § 1; A.S.A. 1947, §§ 80-2890, 80-2890.7; Acts 1989, No. 543, § 1; 1991, No. 904, §§ 2, 20; 1995, No. 1296, § 35.

6-64-604. State Legal Education Fund generally.

- (a) As used in this subchapter:

- (1) "State Legal Education Fund" means the "University of Arkansas at Fayetteville Legal Education Fund" and the "University of Arkansas at Little Rock Legal Education Fund", respectively, and the moneys credited to each of the funds shall be used in connection with the legal education program of the of University of Arkansas at Fayetteville School of Law and the University of Arkansas at Little Rock William H. Bowen School of Law;

- (2) "University" means the University of Arkansas at Fayetteville School of Law and the University of Arkansas at Little Rock William H. Bowen School of Law, respectively.

(b) All collections of the costs levied by this subchapter shall be paid by the collecting officer to the county treasurer and by the county treasurer credited on his or her records to a fund to be designated and known as the legal education fund.

(c) On the tenth day of the next succeeding month, the county treasurer shall remit by check all such collections to the Board of Trustees of the University of Arkansas, for credit to the following funds:

(1) Fifty percent (50%) thereof to the University of Arkansas at Fayetteville Legal Education Fund; and

(2) Fifty percent (50%) thereof to the University of Arkansas at Little Rock Legal Education Fund.

History. Acts 1973, No. 207, § 1; 1977, No. 245, § 1; A.S.A. 1947, § 80-2890.

6-64-605. Levy of costs — Cash funds.

(a) All collections of the costs levied by this subchapter are specifically declared to be cash funds, restricted in their use and dedicated and to be used solely as provided in this subchapter.

(b) The moneys shall not be deposited in the State Treasury but shall be deposited by the board as and when received, and in such bank as the board may from time to time select, to the credit of the State Legal Education Fund, and applied for the purposes authorized by this subchapter.

History. Acts 1973, No. 207, § 2; A.S.A. 1947, § 80-2890.1.

6-64-606. Levy of costs — Use and priorities of funds collected.

(a) All collections of the costs levied by this subchapter shall be used by the board solely for purposes of legal education, including academic, clinical, and continuing education, operated under the auspices and academic administration of the University of Arkansas School of Law, including, without limitation, financing the costs of:

(1) The construction, expansion, improvement, or equipping of buildings and facilities for legal education on the sites owned by the board and located in or near the City of Fayetteville, Arkansas, or the City of Little Rock, Arkansas; and

(2) The operation of legal education programs.

(b) In determining the needs of legal education in Arkansas and in allocating funds to meet these needs from the levying of costs as provided in this subchapter, including funds derived from revenue bonds authorized in this subchapter, the board shall give first priority to the upgrading and maintenance of the University of Arkansas at Fayetteville School of Law to the end that such school shall, as quickly as funds permit, become a first class quality law school in the physical facilities, library content, faculty, administration, and operating program.

History. Acts 1973, No. 207, § 3; A.S.A. 1947, § 80-2890.2.

6-64-607. Financing authority.

The board is authorized and empowered to issue revenue bonds from time to time in sufficient principal amounts and to use the proceeds of the bonds, together with any other available funds, for defraying the costs of accomplishing the purposes set forth in § 6-64-606(a)(1), paying all incidental expenses in connection therewith, paying the expenses of authorizing and issuing bonds, creating debt service reserves to secure the payment of the

bonds, if the board deems that desirable, and making provision for the payment of interest on the bonds during construction, if the board deems that desirable.

History. Acts 1973, No. 207, § 4; A.S.A. 1947, § 80-2890.3.

6-64-608. Bonds — Authorizing resolution — Trust indenture.

(a) The bonds shall be authorized by authorizing resolution of the board.

(b) The authorizing resolution may contain or may provide for the execution with a bank or trust company within or without the State of Arkansas of a trust indenture which may contain any other terms, covenants, and conditions that are deemed desirable by the board, including, without limitation, those pertaining to:

(1) The maintenance of various funds and reserves;

(2) The nature and extent of the security;

(3) The issuance of additional bonds and the nature of the lien and pledge in that event;

(4) The custody and application of the proceeds of the bonds;

(5) The collection and disposition of revenues;

(6) The investing and reinvesting, in securities specified by the board, of any moneys during periods when the moneys are not needed for authorized purposes; and

(7) The rights, duties, and obligations of the board and of the holders and registered owners of the bonds.

History. Acts 1973, No. 207, § 4; A.S.A. 1947, § 80-2890.3.

6-64-609. Bonds — Terms and conditions.

(a) The bonds may be coupon bonds, payable to bearer, or may be registrable as to principal only or as to principal and interest, and may be made exchangeable for bonds of another denomination, may be in such form and denomination, may have such date or dates, may be stated to mature at such times, may bear interest payable at such times and at such rate or rates not exceeding ten percent (10%) per annum, may be made payable at such places within or without the State of Arkansas, may be sold by such method, may be made subject to such terms of redemption in advance of maturity at such prices, and may contain such terms and conditions, all as the board shall determine.

(b) The bonds shall have all the qualities of negotiable instruments under the laws of the State of Arkansas, subject to provisions as to registration, as set forth above.

History. Acts 1973, No. 207, § 4; A.S.A. 1947, § 80-2890.3; Acts 1989, No. 679, § 1.

6-64-610. Bonds — Execution and seal.

(a) (1) The bonds shall be executed by the manual or facsimile signature of the chair of the board and by the manual signature of the secretary of the board.

(2) The coupons attached to the bonds shall be executed by the facsimile signature of the chair of the board.

(b) In case any of the officers whose signatures appear on the bonds or coupons shall cease to hold those offices before the delivery of the bonds or coupons, their signatures shall, nevertheless, be valid and sufficient for all purposes.

(c) Each bond shall be sealed with the seal of the university.

History. Acts 1973, No. 207, § 4; A.S.A. 1947, § 80-2890.3.

6-64-611. Bonds — Liability.

- (a) It shall be plainly stated on the face of each bond that:
- (1) It has been issued under the provisions of this subchapter;
 - (2) The bonds shall be obligations only of the board;
 - (3) In no event shall they constitute an indebtedness for which the faith and credit of the State of Arkansas or any of its revenues are pledged; and
 - (4) The bonds are not secured by a mortgage or lien on any land or buildings belonging to the board or the State of Arkansas.
- (b) No member of the board shall be personally liable on the bonds or for any damages sustained by anyone in connection with any contracts entered into in carrying out the purposes and intent of this subchapter unless he or she shall have acted with a corrupt intent.

History. Acts 1973, No. 207, § 5; A.S.A. 1947, § 80-2890.4.

6-64-612. Bonds — Pledge of costs levied by subchapter.

- (a) The bonds, principal and interest, shall be special obligations of the board secured by and payable from a pledge of all or a portion of the collections of the costs levied by this subchapter.
- (b) The pledge of bonds shall constitute a prior pledge of, and claim on, such costs over any other claim arising out of, or pertaining to, any other authorized use of collections of such costs as specified in § 6-64-606.
- (c) The bonds, principal and interest, shall not be secured by a pledge of any other appropriated funds or cash funds of the board or the university.

History. Acts 1973, No. 207, § 5; A.S.A. 1947, § 80-2890.4.

6-64-613. Bonds — Contract with holders and owner.

- (a) Any authorizing resolution and trust indenture shall, together with this subchapter, constitute a contract between the board and the holders and registered owners of the bonds.
- (b) The contract and all covenants, agreements, and obligations therein shall be promptly performed in strict compliance with the terms and provisions of the contract.
- (c) The covenants, agreements, and obligations of the board may be enforced by mandamus or other appropriate proceedings at law or in equity.

History. Acts 1973, No. 207, § 6; A.S.A. 1947, § 80-2890.5.

6-64-614. Bonds — Tax exemption.

The principal and interest of bonds issued under this subchapter shall be exempt from all state, county, and municipal taxes, and the exemption shall include income, inheritance, and estate taxes.

History. Acts 1973, No. 207, § 9; A.S.A. 1947, § 80-2890.8.

A.C.R.C. Notes. Language excluding property taxes from the exemption provided by this section was deleted pursuant to Arkansas Constitution, Amendment 57, § 1 and § 26-3-302. Arkansas Constitution, Amendment 57, § 1 provides that the General Assembly may classify intangible personal property for assessment at lower percentages of value than other property and may exempt one or more classes of intangible personal property from taxation, or may provide for the

taxation of intangible personal property on a basis other than ad valorem. Section 26-3-302 exempts all intangible personal property in this state from all ad valorem tax levies of counties, cities, and school districts in the state as of January 1, 1976.

6-64-615. Bonds — Investment of funds of retirement or pension systems.

The board of trustees of any retirement or pension system created by the General Assembly of the State of Arkansas may, in its discretion, invest its funds in bonds issued under this subchapter.

History. Acts 1973, No. 207, § 10; A.S.A. 1947, § 80-2890.9.

Publisher's Notes. Acts 1977, No. 793, § 11, provided, in part, that after July 1, 1977, the authority of public retirement systems to invest in bonds, pursuant to this section should be construed to authorize the making of such investments only in accordance with procedures established by T. 24, ch. 3 with respect to the systems governed by T. 24, ch. 3.

6-64-616. Bonds — Construction fund.

(a) The board shall include necessary provisions in the authorizing resolution or trust indenture to require the deposit of the proceeds of each bond issue, except the accrued interest, which shall be deposited in the bond fund, into a special construction fund which shall be a trust fund in such depository as the board shall designate.

(b) The depository shall be a member of the Federal Deposit Insurance Corporation, and all moneys in excess of the amount insured by the Federal Deposit Insurance Corporation must be secured by direct obligations of the United States unless invested in securities specified by the board.

(c) The moneys in the construction fund shall be used solely for the purposes set forth in § 6-64-606.

History. Acts 1973, No. 207, § 12; A.S.A. 1947, § 80-2890.11.

6-64-617. Bonds — Use of excess costs.

Subject to the provisions of any authorizing resolution or trust indenture securing payment of any bonds outstanding under this subchapter, collections of the costs levied by this subchapter in excess of the amounts necessary to provide for the payment of bonds, including principal and interest, may be used as determined by the board from time to time for accomplishing any purposes set forth in § 6-64-606.

History. Acts 1973, No. 207, § 5; A.S.A. 1947, § 80-2890.4.

6-64-618. Outstanding bonds — Change in costs for payments.

So long as there are outstanding any bonds to which collections of the costs levied by this subchapter are pledged, the General Assembly may eliminate, modify, or otherwise change the costs levied by this subchapter. These changes may be made only on the condition that there is always maintained in effect and made available for the payment of outstanding bonds sources of revenue which produce revenues at least sufficient in amount to provide for the payment of the principal of and interest on the outstanding bonds and to comply with all covenants, including, without limitation, the maintenance of funds and reserves, in favor of the holders or registered owners of the outstanding bonds or the trustee for the holders or registered owners of the outstanding bonds.

History. Acts 1973, No. 207, § 7; A.S.A. 1947, § 80-2890.6.

6-64-619. Refunding bonds.

(a) Bonds may be issued for the purpose of refunding any bonds issued under this subchapter.

(b) (1) Refunding bonds may either be sold or delivered in exchange for the bonds being refunded.

(2) If sold, the proceeds may be either applied to the payment of the bonds being refunded or deposited in trust and there maintained in cash or investments for the retirement of the bonds being refunded as shall be specified by the board in the resolution or trust indenture securing the refunding bonds.

(c) The resolution or trust indenture securing the refunding bonds may provide that the refunding bonds shall have the same priority of pledge as was enjoyed by the bonds refunded.

(d) Refunding bonds shall be sold and secured in accordance with the provisions of this subchapter pertaining to the sale and security of bonds.

History. Acts 1973, No. 207, § 13; A.S.A. 1947, § 80-2890.12.

6-64-620. Construction of legal education facilities — Employment of professionals.

(a) The board is authorized to employ architects to prepare plans, specifications, and estimates of cost for the construction of legal education facilities and to supervise and inspect the construction.

(b) After the board has approved the plans and specifications prepared by the architect, it shall proceed to advertise for bids and contract for the construction of the public buildings in accordance with applicable laws governing the construction of public buildings.

(c) In addition, the board is authorized to engage and pay such professional, technical, and other help as it shall determine to be necessary or desirable in assisting it to carry out effectively the authorities, functions, powers, and duties conferred and imposed upon it by this subchapter.

History. Acts 1973, No. 207, § 11; A.S.A. 1947, § 80-2890.10.

6-64-621. Evening law school division.

The Board of Trustees of the University of Arkansas is directed and authorized to establish and operate at Little Rock, Arkansas, an evening division of its school of law as an expansion of its program of legal instruction, research, and extension.

History. Acts 1965, No. 525, § 10.

**Subchapter 7
— Agricultural Experiment Stations**

6-64-701. Acceptance of federal aid.

6-64-702. Course of study.

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- 6-64-705. Main Agricultural Experiment Station — Branch stations generally.
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- 6-64-712. Bureau of Research and Statistics generally.
- 6-64-713. Authority to make a contract with United States Government.
- 6-64-714. Cooperation of bureau with federal agencies — Reporting by state unaffected.
- 6-64-715. Use of material and information in publications.

Cross References. Soil conservation, university as agent for federal act, § 15-21-401 et seq.

Preambles. Acts 1921, No. 542 contained a preamble which read:

“Whereas, the Federal Government makes an annual appropriation to the Bureau of Soils of the United States Department of Agriculture for soil survey work; and,

“Whereas, said bureau has offered and agreed to cooperate with the State of Arkansas through the State Experiment Station in such work and to furnish and pay expenses of men to do such work provided the State can furnish an equal number of men to take care of the expenses of soil analysis and other incidental expenses; and,

“Whereas, a thorough scientific soil survey is the basis for further investigation of soil need, maintenance of fertility, and methods of handling soils and growing crops;

“Therefore....”

Acts 1935, No. 127 contained a preamble which read:

“Whereas, sections 7343-49, both inclusive, of Crawford & Moses Digest, authorized the State Plant Board, when read in connection with Act No. 65 of the General Assembly, approved March 2, 1933, to cooperate with the Bureau of Agricultural Economics of the United States Department of Agriculture in the work of collecting, tabulating, interpreting and disseminating statistical information concerning crops and livestock in Arkansas;

“And Whereas by Act 153 of the General Assembly, approved March 25, 1933, the status of the powers and duties as originally set forth in said Sections 7343-49, both inclusive, was inadvertently left open to legal questions;

“And Whereas it is deemed expedient by the General Assembly that the State Plant Board continue to cooperate with the said Bureau of Agricultural Economics;

“Therefore....”

Effective Dates. Acts 1905, No. 231, § 10: approved May 1, 1905.

Acts 1919, No. 664, § 10: approved Apr. 1, 1919. Emergency clause provided: “This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act shall take effect and be in force from and after its passage.”

Acts 1923, No. 753, § 9: approved Mar. 28, 1923. Emergency declared.

Acts 1923, No. 754, § 9: approved Mar. 28, 1923. Emergency declared.

Acts 1923, No. 755, § 9: approved Mar. 28, 1923. Emergency declared.

Acts 1927, No. 290, § 7: effective on passage.

Acts 1935, No. 127, § 8: approved Mar. 19, 1935. Emergency clause provided: “It is found as a fact that the law authorizing the State Plant Board to cooperate with the United States government in compiling crop and livestock statistics has been inadvertently left open to legal question and that it is very necessary that said cooperation be continued, thereby preventing a great loss in statistical information to the citizens of Arkansas. This act is declared to be necessary for the preservation of the public health, peace and safety, therefore, an emergency is declared and this act shall take effect and be in force from and after its passage.”

Acts 1937, No. 361, § 5: Mar. 25, 1937. Emergency clause provided: “Whereas, a large percentage of farm lands in the eastern Ozark region either remains undeveloped for agricultural

purposes, or has been developed but is now lying idle because of soil depletion, and,
“Whereas, there is immediate need for pasture development and otherwise for finding new uses for said land; and

“Whereas, the establishment of said experiment station is necessary for the proper protection of the public peace, health and safety; therefore an emergency is hereby declared to exist and this act shall become effective immediately upon its passage by the General Assembly and approval of the Governor.”

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: “It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

6-64-701. Acceptance of federal aid.

The assent of the General Assembly is given to the purpose of the grants made in 7 U.S.C. § 361a et seq., and the Board of Trustees of the University of Arkansas is authorized and empowered to accept any sums coming to the State of Arkansas under that federal act and to apply them for the benefit of the Agricultural Experiment Station in accordance with the terms and conditions expressed in the Act of Congress referred to above.

History. Acts 1927, No. 290, § 5.

Publisher's Notes. Acts 1889, No. 29, § 1 accepted the appropriation made to Arkansas by 7 U.S.C. §§ 301-305, 307, and 308, in trust, and assigned the moneys received for use and disbursement to the University of Arkansas at Fayetteville under the provisions of 7 U.S.C. §§ 301-305, 307, and 308.

6-64-702. Course of study.

The Board of Trustees of the University of Arkansas shall establish a course of study in connection with the Main Agricultural Experiment Station for the students who desire to be instructed in practical agriculture, horticulture, entomology, veterinary, and related subjects, in order that these branches of education may be developed as rapidly as possible and be diffused among those involved in agriculture.

History. Acts 1905, No. 231, § 1, p. 587; C. & M. Dig., § 9565; Pope's Dig., § 13166; A.S.A. 1947, § 80-2827.

6-64-703. Investigations and recommendations by director.

(a) The Director of the Main Agricultural Experiment Station shall make investigations in all sections of the state upon the subjects of agriculture, horticulture, veterinary, entomology, and related subjects and shall examine and advise remedies for diseased or infected crops, the proper care of cultivated lands, including how to restore wastelands, care of timber, care and treatment of orchards, and all matters relating to horticulture and agriculture.

(b) The director shall publish bulletins covering all investigations made and results obtained under the provisions of subsection (a) of this section and in connection with reports made from the station for dissemination throughout the state.

History. Acts 1905, No. 231, §§ 3, 6, p. 587; C. & M. Dig., §§ 9567, 9568; Pope's Dig., §§ 13168, 13169; A.S.A. 1947, §§ 80-3002, 80-3003.

6-64-704. Investigation and classification of soils.

(a) The Director of the Main Agricultural Experiment Station is authorized to expend such sums as may be provided and necessary for the purpose of conducting a scientific investigation of the soils of the counties of the State of Arkansas, classifying and locating the different soils, surveying and mapping such soils, describing, analyzing, and examining the soils and otherwise locating the various types and kinds of soil in the counties of this state and ascertaining their constituent elements of plant food, their plant food deficiencies, and any other information regarding the soils which will be helpful to the agricultural interest of the state and printing, publishing, and distributing reports and soil maps of the areas surveyed. This work may be conducted in cooperation with the Agricultural Research Service of the United States Department of Agriculture and with the several counties of the State of Arkansas.

(b) The director is authorized to employ competent assistants and soil surveyors to make surveys, to fix their compensation, to purchase necessary supplies and equipment, to pay travel and such other expenses as may be necessary to carry out the provisions of this section, including cost of printing, publishing, and distributing reports of the soil surveys.

(c) The county courts and tax levying boards are authorized and empowered to make appropriations out of the general revenue fund of the county for the purpose of cooperating with the Main Agricultural Experiment Station in carrying out the provisions of this section.

History. Acts 1921, No. 542, §§ 1-3; Pope's Dig., §§ 13170-13172; A.S.A. 1947, §§ 80-3004 — 80-3006.

6-64-705. Main Agricultural Experiment Station — Branch stations generally.

(a) The experiment station located at the University of Arkansas shall remain at that point as a permanent institution.

(b) It shall be known as the Main Agricultural Experiment Station of the University of Arkansas and shall continue as heretofore.

(c) All other agricultural experiment stations which may be established by this subchapter shall be considered as branch stations.

(d) The Director of the Main Agricultural Experiment Station shall establish and maintain such branch stations as the circumstances may require and as allowed by appropriations, provided there is one (1) established in southern Arkansas, one (1) in eastern Arkansas, and one (1) in central-western Arkansas, at locations where the best advantages are offered to accomplish the most good.

History. Acts 1905, No. 231, § 2, p. 587; 1919, No. 664, § 2; C. & M. Dig., § 9566; Pope's Dig., § 13167; A.S.A. 1947, § 80-3001.

6-64-706. Central Branch Station.

(a) There is created and established by the State of Arkansas an agricultural station and

model farm combined in central Arkansas, to be located as provided in subsection (j) of this section and to be known as the Central Branch Station of the Main Agricultural Experiment Station of the University of Arkansas.

(b) The scope and work of the institution shall be to:

- (1)** Conduct scientific experiments in the several branches of agriculture;
- (2)** Breed and distribute at reasonable prices pure-bred livestock and pure seed of high yielding strains of the staple field crops of the state with a view to further development of the agricultural industry of the state;
- (3)** Disseminate through bulletins and reports the results of experiments made at the station;
- (4)** Lay out and conduct a model farm of not less than forty (40) acres nor more than eighty (80) acres; and
- (5)** Furnish the farmers and planters of the state such information relative to the various plants and animals of the state as may be available to the assistant director.

(c) The branch station and the work and experiments conducted therein and thereon shall be under the direction of the Main Agricultural Experiment Station of the University of Arkansas.

(d) (1) An assistant director shall be placed in charge of the central branch station.

(2) The assistant director shall reside on or in close proximity to the central branch station and shall be learned and skilled in scientific and practical agriculture and acquainted with the farm conditions of the state, so far as possible.

(e) (1) In addition to his or her other duties, the assistant director in charge shall keep an itemized account of all receipts and expenditures of the branch station, a report of which, together with all other matters pertaining to the branch station, shall be made by him or her annually to the Board of Trustees of the University of Arkansas.

(2) A complete report of the branch station shall be made by the board of trustees to the Governor at least thirty (30) days before the meeting of each General Assembly.

(f) The assistant director shall perform such other duties as may be directed by the Agricultural Experiment Station of the University of Arkansas.

(g) The assistant director shall have such assistance and labor furnished him or her as may be necessary to properly carry on the work of the institution.

(h) (1) The employees of the central branch station shall be elected or appointed by the same authority as those of the main station and shall receive such compensation as may be fixed by the same authority.

(2) Salaries of employees and running expenses of the station shall be paid out of funds provided therefor.

(i) (1) For the purpose of this section, a commission of seven (7) members is created.

(2) The commission shall be composed of the Governor, the Director of the Main Agricultural Experiment Station of the University of Arkansas, the assistant director, who is appointed for the central branch station, and four (4) farmers and planters of the state, who shall be appointed by the Governor.

(3) A secretary shall be elected by the commission from its own body.

(j) (1) It shall be the duty of the commission to decide upon the location of the station at some suitable, convenient, and accessible point in central Arkansas.

(2) In locating the station, the commission provided for in this section is authorized to accept donations of land, lumber, timber, implements, money, notes, other

obligations, or any property which may be of use in establishing the station.

(3) The location shall be on a tract of not less than three hundred sixty (360) acres of tillable land of at least average fertility.

(4) The commission shall take a ten-year option on not less than six hundred forty (640) acres of adjoining land so that this adjoining land may later be purchased if found necessary.

(5) The location shall be within walking distance of a railroad station on some trunk line.

(k) (1) As soon as convenient after acquiring the property, there shall be erected thereon necessary buildings, outhouses, etc., and the station shall be properly supplied with tools, apparatus, stock, and other equipment necessary to successfully carry on the work of the station.

(2) For the details of buildings and equipment, the assistant director shall be primarily responsible, but he or she shall be directed by the commission and shall be responsible to the commission.

(l) The expenditures for all purposes shall not exceed the amount of the appropriation hereinafter provided to carry into effect this section.

(m) The members of the commission shall serve without special compensation but may receive expense reimbursement in accordance with § 25-16-901 et seq.

(n) All expense accounts are to be kept in itemized form and certified to by the Governor, who shall be the chair of the commission.

(o) The duties and authority of the commission shall terminate upon the completion of the establishment and proper equipment of the institution, after which time the board of trustees shall assume the same control of the station as they have over the Main Agricultural Experiment Station of the University of Arkansas.

(p) (1) The sum of fifty thousand dollars (\$50,000) is appropriated out of the funds of the State Treasury to carry this section into effect.

(2) (A) Not more than four-fifths (4/5) of this sum shall be expended by the commission created by this section in purchasing and optioning the necessary real estate, the erection of buildings, and in equipping the branch station.

(B) (i) No bills or accounts contracted or incurred shall be allowed or paid except upon the written order of the secretary of the commission directing the Auditor of State to draw his or her warrant on the Treasurer of State in favor of the person, firm, or corporation named in the order.

(ii) No such order is to be given by the secretary until all liens of whatever kind or character against the property involved shall have been first released or satisfied by the person holding the lien.

(3) (A) The remainder of the appropriation, the proceeds of the sales of the products of the branch station, and any other available funds which may be set apart by the board of trustees for the support of the station shall be expended in the same manner and through the same channels as other moneys expended for the Agricultural Experiment Station of the university.

(B) However, for the payment of small current accounts and bills, the trustees may provide a cash contingent fund from sales and any other moneys that may be available, to be paid out by the assistant director by check drawn against proper vouchers, under the general direction of the trustees. The assistant director shall keep an accurate

record of all such vouchers and checks and shall account to the trustees for them.

History. Acts 1919, No. 664, §§ 1, 3-9; 1997, No. 250, § 31.

6-64-707. Rice Branch Experiment Station.

(a) For the purpose of enabling the Main Agricultural Experiment Station to more fully carry out the purposes of the experiment station, to increase and make more efficient and useful the agricultural research and experimental work of the state, and to increase the facilities of the experiment station for its work in agriculture and horticulture, crops, soil, fertilizers, livestock, dairying, poultry production, and the insect enemies and plant and animal diseases injurious to the crops and livestock of the state, and the economic problem of farm management and marketing and the related problems of the farms of this state, and to make the results of the work available to all parts of the state, there is created a Rice Branch Experiment Station to be located at a point at or near the center of rice production.

(b) The Rice Branch Experiment Station shall be located on soils fairly representative of the soils in which rice is grown in the state and shall be devoted to investigational work relative to the problems of rice farmers, including rice production, rice varieties, soils, and soil management, irrigation, rotation, other crops for the rice farmer, livestock and poultry for the rice region, and the fruits and truck crops adapted to such system of farming together with the economic problems of the farmers of that section.

(c) It shall consist of not over three hundred twenty (320) acres of land.

(d) When selected, established, and equipped, the branch station shall be and remain the property of the State of Arkansas for the use and purposes set forth in this section and shall be under the administrative charge of the Board of Trustees of the University of Arkansas.

(e) (1) The director of the experiment station of the institution shall also be the Director of the Rice Branch Experiment Station, but there may be a superintendent at the station who shall be directly responsible to the Director of the Main Agricultural Experiment Station.

(2) The staff of scientists and the laboratories of the Main Agricultural Experiment Station shall serve, insofar as possible, the same purpose as the Rice Branch Experiment Station.

(3) The entire experimental work of the state shall be administered as one (1) institution for the benefit of the people of the state, including the Main Experiment Station, the Rice Branch Experiment Station, and the outlying field work in cooperation with farmers.

(f) (1) The Rice Branch Experiment Station shall be used by the board of trustees for the purpose of making investigations in and experiments of rice culture, and related subjects connected with the problems of the farmers and rice growers of the State of Arkansas, including crop production, animal production and breeding, plant breeding, soil and soil fertility, insect pests, diseases of plants and animals and methods of their control or eradication, farm management, marketing, storage, preservation of farm products, and all other problems affecting the farms and farm life of the rice-producing section of Arkansas.

(2) The director shall publish bulletins and reports from time to time giving the results of the work of the experiment station and use every endeavor to disseminate the

information secured.

History. Acts 1923, No. 753, §§ 1-3, 7; Pope's Dig., §§ 13194-13196, 13200; A.S.A. 1947, §§ 80-3009 — 80-3012.

6-64-708. Fruit and Truck Branch Experiment Station.

(a) For the purposes of enabling the Main Agricultural Experiment Station to more fully carry out the purpose of the experiment station, to increase and make more efficient and useful the agricultural research and experimental work of the state, to make the results of such work useful to the people of the state, to increase the facilities of the experiment station for its work in agriculture and horticulture, crops, soils, fertilizers, livestock, dairying, poultry production, the insect enemies and plant and animal diseases injurious to the crops and livestock of the state, the economic problems of farm management and marketing and the related problems of farms of this state, and to make the results of the experiment station's work available to all parts of the state, there is created a Fruit and Truck Branch Experiment Station to be located in southwest Arkansas at a point at or near the center of fruit and truck production in that area.

(b) The Fruit and Truck Branch Experiment Station shall be located on soils fairly representative of the soils on which the fruits and truck of the section are grown and shall be devoted to the investigational work relative to the problems of fruit and truck farmers, including fruit and truck production, varieties, soils and soil management, crop rotation, other crops for the fruit and truck farmers, livestock and poultry for the fruit and truck region, and any other crops adapted to such system of farming together with the economic problems of the farmers of that section.

(c) It shall consist of not over three hundred twenty (320) acres of land.

(d) When selected, established, and equipped, the branch station shall be and remain the property of the State of Arkansas for the use and purposes set forth in this section and shall be under the administrative charge of the Board of Trustees of the University of Arkansas.

(e) (1) The Director of the Main Agricultural Experiment Station of the University of Arkansas shall also be the Director of the Fruit and Truck Branch Experiment Station, but there may be a superintendent at such station, who shall be directly responsible to the Director of the Main Agricultural Experiment Station.

(2) The staff of scientists and the laboratories of the Main Agricultural Experiment Station shall serve, insofar as possible, for the same purpose as to the Fruit and Truck Branch Experiment Station.

(3) The entire experimental work of the state shall be administered as one (1) institution for the benefit of the people of the state, including the Main Agricultural Experiment Station, the Fruit and Truck Branch Experiment Station, and the outlying field work in cooperation with farmers.

(f) (1) The Fruit and Truck Branch Experiment Station shall be used by the board of trustees for the purpose of making investigations in and experiments of fruit and truck culture, and related subjects connected with the problems of the farmers and fruit and truck growers of the State of Arkansas, including crop production, animal production and breeding, plant breeding, soils and soil fertility, insect pests, diseases of plants and animals and methods of their control or eradication, farm management, marketing, storage, preservation of farm products, and all other problems affecting the farms and

farm life of that section of Arkansas.

(2) The director shall publish bulletins and reports from time to time giving the results of the work of the experiment station and use every endeavor to disseminate the information secured.

History. Acts 1923, No. 754, §§ 1-3, 7; Pope's Dig., §§ 13180-13182, 13186; A.S.A. 1947, §§ 80-3013 — 80-3016.

6-64-709. Cotton Branch Experiment Station.

(a) For the purpose of enabling the Main Agricultural Experiment Station to more fully carry out the purpose of that experiment station, to increase and make more efficient and useful the agricultural research and experiment work of the state, to make the results of such work useful to the people of the state, to increase the facilities of the experiment station for its work in agriculture and horticulture, crops, soil, fertilizers, livestock, dairying, poultry production, insect enemies, and plant and animal diseases injurious to the crops and livestock of the state, the economic problems of farm management and marketing, and the related problems of the farms of this state, and to make the results of the work available to all parts of the state, there is created a Cotton Branch Experiment Station to be located at a point at or near the center of cotton production.

(b) The Cotton Branch Experiment Station shall be located on soils fairly representative of the soils on which cotton is grown in the state and shall be devoted to investigational work relative to the problems of cotton farmers, including cotton production, varieties, soils, and soil management, irrigation, rotation, other crops for the cotton farmer, livestock and poultry for the cotton region, and the fruits and truck crops adapted to such system of farming together with the economic problems of the farmers of that section.

(c) It shall consist of not over three hundred twenty (320) acres of land.

(d) When selected, established, and equipped, the branch station shall be and remain the property of the State of Arkansas for the use and purpose set forth in this section and shall be under the administrative charge of the Board of Trustees of the University of Arkansas.

(e) (1) The director of the experiment station of the institution shall also be the Director of the Cotton Branch Experiment Station, but there may be a superintendent at such station who shall be directly responsible to the Director of the Main Agricultural Experiment Station.

(2) The staff of scientists and the laboratories of the Main Agricultural Experiment Station shall serve, insofar as possible, for the same purpose as to the Cotton Branch Experiment Station.

(3) The entire experimental work of the state shall be administered as one (1) institution for the benefit of the people of the state, including the Main Agricultural Experiment Station, the Cotton Branch Experiment Station, and the outlying field work in cooperation with farmers.

(f) (1) The Cotton Branch Experiment Station shall be used by the board of trustees for the purpose of making investigations in and experiments of cotton culture and related subjects connected with the problems of the farmers and the cotton growers of the State of Arkansas, including crop production, animal production and breeding, plant breeding, soils and soil fertility, insect pests, diseases of plants and animals and methods of their control or eradication, farm management, marketing, storage, preservation of farm

products, and all other problems affecting the farms and farm life of that section of the State of Arkansas.

(2) The director shall publish bulletins and reports from time to time giving the results of the work of the experiment station and use every endeavor to disseminate the information secured.

History. Acts 1923, No. 755, §§ 1-3, 7; Pope's Dig., §§ 13187-13189, 13193; A.S.A. 1947, §§ 80-3017 — 80-3020.

6-64-710. Livestock and Forestry Branch Experiment Station.

(a) For enabling the Main Agricultural Experiment Station to increase and make more efficient and useful the agricultural research and experimental work of the state and to increase the facilities for that work, with particular reference to livestock and poultry, pasture development, horticulture, soil erosion, land use, and forestry in the Ozark region, there is created a Livestock and Forestry Branch Experiment Station to be located in the north-northeastern part of the Ozark region.

(b) The Livestock and Forestry Branch Experiment Station shall be located on soils fairly representative of the soils on which livestock and forestry products are produced and shall be devoted to investigational work relative to the problems of the farmers producing such products, together with such supplementary crops as may be adaptable to the region, and the acreage of the experiment station shall be sufficient to study livestock, forestry, pastures, supplementary crops, and land use problems.

(c) When selected, established, and equipped, the branch experiment station shall be and remain the property of the State of Arkansas for the use and purposes set forth in this section and shall be under the administration of the Board of Trustees of the University of Arkansas.

(d) The Director of the Main Agricultural Experiment Station shall also be the Director of the Livestock and Forestry Branch Experiment Station, but there may be an assistant director at such station who shall be directly responsible to the Director of the Main Agricultural Experiment Station.

History. Acts 1937, No. 361, § 1; Pope's Dig., § 13201; A.S.A. 1947, § 80-3021.

6-64-711. Seed-testing laboratory.

(a) The University of Arkansas is authorized to establish a seed-testing laboratory at Fayetteville for the purpose of doing research work on seeds and for the instruction of students in seed testing.

(b) (1) The university is further authorized to test samples of seeds for Arkansas residents and to charge fees for testing such samples in an amount not exceeding the cost of the work.

(2) The fees are to be deposited by the university in a bank and are to be expended by the university for the support of the laboratory.

History. Acts 1953, No. 96, § 1; A.S.A. 1947, § 80-3028.

6-64-712. Bureau of Research and Statistics generally.

(a) The Bureau of Research and Statistics is created to be under the supervision of the Main Agricultural Experiment Station.

(b) (1) The Main Agricultural Experiment Station is authorized to appoint two (2)

competent assistants.

(2) (A) One (1) assistant shall be an efficient statistician who shall have had at least two (2) years' training in some college or university of recognized standing and who shall perform the work of gathering, compiling, and analyzing statistical data pertaining to the acreage, condition, yield, and production of crops, and numbers of various classes of livestock and farm values of each county in the state.

(B) The other assistant is to be a person competent to assist in collecting, compiling, and analyzing the statistical information.

(3) The assistants of the bureau shall take the oath of office prescribed by law before entering upon the discharge of their duties.

(c) The cooperative crop and livestock reporting work of the Bureau of Research and Statistics of the Main Agricultural Experiment Station shall be designated and known as the Federal-State Crop Reporting Service for Arkansas, which name shall appear at the top of all letterheads used in answering correspondence and letters of inquiry pertaining to crops and livestock in Arkansas.

History. Acts 1935, No. 127, §§ 1, 4, 5; Pope's Dig., §§ 12402, 12405, 12406; A.S.A. 1947, §§ 80-3022, 80-3025, 80-3026.

6-64-713. Authority to make a contract with United States Government.

The Main Agricultural Experiment Station is authorized to enter into a contract with the United States through the Secretary of Agriculture or any authorized representative by which the Bureau of Research and Statistics shall be the agency through which the experiment station shall cooperate with the Agricultural Marketing Service of the United States Department of Agriculture in the actual work of collecting, tabulating, interpreting, and disseminating statistical information concerning crops and livestock in Arkansas.

History. Acts 1935, No. 127, § 2; Pope's Dig., § 12403; A.S.A. 1947, § 80-3023.

6-64-714. Cooperation of bureau with federal agencies — Reporting by state unaffected.

(a) The Bureau of Research and Statistics shall collaborate with the representatives of the United States Agricultural Marketing Service in the collection and tabulation of crop statistics.

(b) However, nothing in §§ 6-64-712 — 6-64-715 shall prevent the State of Arkansas from collecting and publishing statistics concerning crops and livestock not reported by the Agricultural Marketing Service of the United States Department of Agriculture.

History. Acts 1935, No. 127, § 3; Pope's Dig., § 12404; A.S.A. 1947, § 80-3024.

6-64-715. Use of material and information in publications.

The Main Agricultural Experiment Station is authorized to use this material and information obtained through the Bureau of Research and Statistics in preparing, together with its assistants, publications on crops, livestock, and farm values.

History. Acts 1935, No. 127, § 6; Pope's Dig., § 12407; A.S.A. 1947, § 80-3027.

Subchapter 8 — Graduate Institute of Technology

- 6-64-801. Establishment.
- 6-64-802. Courses offered.
- 6-64-803. Funds.
- 6-64-804. Contributions, grants, etc.
- 6-64-805. Construction and improvements authorized.

Preambles. Acts 1957, No. 203 contained a preamble which read:

"Whereas, it has been found that there exists an extreme need for additional graduate education and research in Arkansas, especially in engineering and related physical and technical sciences, in order to equip personnel for roles in the state's expanding economy, and particularly to provide for professional engineers, scientists, and similar persons opportunities for the continuation and completion of post graduate instruction and research such as are available in other urban and industrialized centers of the country, and

"Whereas, it has been amply demonstrated that lack of complete implementation of this program of higher education in hampering the industrial location and expansion efforts of the State of Arkansas and its Arkansas Industrial Development Commission (AIDC), and, in fact, Arkansas has already lost at least two industries employing several thousand employees because of post-graduate facilities for its scientific and technical staff were not available, while other industries seeking sites, as well as those already in Arkansas, are now urging that such Graduate Institute be established, and

"Whereas, the expansion of an adequate financial support for an Institute of this kind would contribute to the general welfare of the whole state both in terms of educational opportunity and industrial development,

"Now, therefore...."

6-64-801. Establishment.

The Board of Trustees of the University of Arkansas is authorized to establish and operate at Little Rock the Graduate Institute of Technology as an expansion of its graduate program of instruction and research.

History. Acts 1957, No. 203, § 1; A.S.A. 1947, § 80-2861.

6-64-802. Courses offered.

The Graduate Institute of Technology and its staff may offer graduate resident instruction and opportunities for creative basic and applied research in the fields of physical, technical, and other sciences which include, but are not limited to, engineering, including electronics, advanced theoretical and applied chemistry, and advanced theoretical and applied physics. The institute and its staff may also engage in research projects.

History. Acts 1957, No. 203, § 2; A.S.A. 1947, § 80-2862.

6-64-803. Funds.

The Board of Trustees of the University of Arkansas may exercise its authority as required to establish and maintain the Graduate Institute of Technology to the extent that moneys are especially appropriated from state funds for that purpose or made available to the board according to § 6-64-804.

History. Acts 1957, No. 203, § 3; A.S.A. 1947, § 80-2863.

6-64-804. Contributions, grants, etc.

For the purpose of financing the Graduate Institute of Technology authorized to be

established by this subchapter, the Board of Trustees of the University of Arkansas may accept contributions of moneys, equipment, services, and property from cooperating industries or others and may receive grants-in-aid for such purpose and perform contractual and other research.

History. Acts 1957, No. 203, § 5; A.S.A. 1947, § 80-2865.

6-64-805. Construction and improvements authorized.

The authority of the Board of Trustees of the University of Arkansas to remodel, reconstruct, and improve property for the location of the Graduate Institute of Technology is recognized.

History. Acts 1957, No. 203, § 4; A.S.A. 1947, § 80-2864.

Subchapter 9

— Center for Research, Education and Technical Extension, and Graduate Education

6-64-901. Establishment and operation authorized.

6-64-902. Divisions of center.

6-64-903. Advanced instruction, research, and educational services — Purposes.

6-64-904. Computer and technical library facilities.

6-64-905. Authority to contract to perform research services — Acceptance of grants and gifts.

6-64-906. Research guidance and assistance to government, education, and business interests.

6-64-907. Expansion and reorganization to be from surplus financial resources — Authorized use of resources.

6-64-908. Leases and contracts authorized.

Preambles. Acts 1965, No. 443 contained a preamble which read:

“Whereas, the State of Arkansas has made rapid progress in recent years, through the efforts of all of its citizens, to improve educational opportunities from the elementary schools through doctoral programs in higher education, while at the same time we have acted concertedly to diversify the general economy of Arkansas and encourage industrial progress and business growth as a complement to the well-developed agricultural economy of which the State is so proud; and,

“Whereas, educational advancements of a space age have opened new vistas in basic and applied research and development, and in the application of the findings of higher education, and its techniques, to improvement of the economy, betterment of the condition of man in society, scientific development and the productivity of industry, as well as the application of technology, research and planning to the business community, and necessary instruction, training and advanced education to implement the wise utilization of these achievements of higher education are now required; and,

“Whereas, the beginning efforts made by the citizens of Arkansas toward uniting higher education of quality with the economic and material well-being of our State so well exemplified by the Industrial Research and Extension Center and the Graduate Institute of Technology should be enhanced and fostered for the acceleration of further progress in Arkansas;

“Now, therefore...”

Effective Dates. Acts 1965, No. 443, § 9: Mar. 20, 1965. Emergency clause provided: “It is hereby found and determined by the General Assembly that Arkansas is rapidly changing from an agricultural economy to an industrial economy; that it is essential to the industrial growth of

Arkansas that adequate facilities be provided in this State for providing instruction, research and training in the physical and natural sciences, engineering and technological fields, and for coordinating statewide research activities in order to avoid duplication of efforts; that the Arkansas Center for Research, Education and Technical Extension created by this Act will provide such facilities, research and training, and that this Act is immediately necessary in order that said facilities may be provided as soon as possible. Therefore an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in effect from the date of its passage and approval.”

6-64-901. Establishment and operation authorized.

The Board of Trustees of the University of Arkansas is authorized to establish and operate an Arkansas Center for Research, Education and Technical Extension, and Graduate Education and to provide for the location thereof in central Arkansas.

History. Acts 1965, No. 443, § 1; A.S.A. 1947, § 80-2866.

6-64-902. Divisions of center.

(a) The Arkansas Center for Research, Education and Technical Extension, and Graduate Education shall include as component divisions the Graduate Institute of Technology, the Industrial Research and Extension Center, and the Little Rock Graduate Center.

(b) As the Board of Trustees of the University of Arkansas effects the reorganization and expansion of its programs of instruction, research, and educational services, it may include other functions deemed to be related to the purposes of the center.

History. Acts 1965, No. 443, § 2; A.S.A. 1947, § 80-2867.

6-64-903. Advanced instruction, research, and educational services — Purposes.

The Arkansas Center for Research, Education and Technical Extension, and Graduate Education and its faculty and staff may offer advanced instruction and engage in research and educational services in the fields of physical and natural sciences, engineering, business, economics, and social sciences and related fields for the purpose of enhancing education in, research and development about, and application of the learning available now and in the future, from the academic disciplines named above in order to meet the educational needs of Arkansas and its people and bring about the close cooperation required between education and the scientific, business, and economic growth and development in Arkansas.

History. Acts 1965, No. 443, § 3; A.S.A. 1947, § 80-2868.

6-64-904. Computer and technical library facilities.

The Board of Trustees of the University of Arkansas is authorized to include within the Arkansas Center for Research, Education and Technical Extension, and Graduate Education, for the use of all of its divisions and personnel, computer facilities and technical library facilities to support the work of the center.

History. Acts 1965, No. 443, § 4; A.S.A. 1947, § 80-2869.

6-64-905. Authority to contract to perform research services — Acceptance of grants and gifts.

(a) The authority of the Board of Trustees of the University of Arkansas to enter into

agreements for the performance by the center of contract research for governmental bodies, private industries, private development organizations, and persons, firms, and associations engaged in industrial development, business, natural resource development and use, planning, and related activities is fully recognized.

(b) The board may also accept public or private grants, gifts, and donations for the use of the center.

History. Acts 1965, No. 443, § 5; A.S.A. 1947, § 80-2870.

6-64-906. Research guidance and assistance to government, education, and business interests.

The Arkansas Center for Research, Education and Technical Extension, and Graduate Education located and operated as provided in this subchapter will offer research, guidance, and assistance to government, education, and business interests in the State of Arkansas in order to achieve guidelines for Arkansas development and to minimize duplication of efforts.

History. Acts 1965, No. 443, § 6; A.S.A. 1947, § 80-2871.

6-64-907. Expansion and reorganization to be from surplus financial resources — Authorized use of resources.

(a) The expansion and reorganization provided for in this subchapter shall be effected by the Board of Trustees of the University of Arkansas as additional financial resources become available to it above the level of financial requirements for its present programs, including the Graduate Institute of Technology, the Industrial Research and Extension Center, and the Little Rock Graduate Center.

(b) Financial resources made available may be used for maintenance, operation, personnel services, construction of facilities, and improvement of the center.

History. Acts 1965, No. 443, § 7; A.S.A. 1947, § 80-2872.

6-64-908. Leases and contracts authorized.

The Board of Trustees of the University of Arkansas is authorized to negotiate leases and enter into contracts with private and public agencies or organizations for the establishment of research and development facilities.

History. Acts 1965, No. 443, § 8; A.S.A. 1947, § 80-2873.

Subchapter 10 — Finances

6-64-1001. Penalty.

6-64-1002. Application of funds for specified purposes only.

6-64-1003. Bond given United States to secure use of arms for military.

6-64-1004. Athletics Instruction Fund.

6-64-1005. Employees to file monthly accounts.

6-64-1006. Dealers' accounts.

6-64-1007. Statement to be itemized for allowance and payment.

6-64-1008. Claims allowed and ordered paid to be listed.

6-64-1009. Funds excepted from application of §§ 6-64-1006 — 6-64-1008.

- 6-64-1010. Funding of transportation research and education program.
6-64-1011. [Repealed.]
6-64-1012. Additional compensation for athletic department.
6-64-1013. Diagnostic laboratory services.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-64-1001 — 6-64-1010 may not apply to § 6-64-1012 which was enacted subsequently.

Cross References. Method of presenting claims, § 25-17-102.

Preambles. Acts 1945, No. 286 contained a preamble which read:

“Whereas, Arkansas is represented in intercollegiate football competition with teams of all sections of the nation by the University of Arkansas; and

“Whereas, it is essential to the success of the University teams that the many outstanding athletes developed in the State’s High Schools attend the University and participate in its athletics program; and

“Whereas, the boys who make up University teams are entitled to the best possible instruction to enable them to complete credentials with other Universities;

“Whereas, Glen Rose, in 1944, his first year as head football coach attracted much favorable comment to his home State and his Alma Mater by producing a team that performed with notable success in and out of the Southwest Conference, despite the fact that most of the institutions which his team encountered included on their teams many Navy trainees, while Arkansas’ squad was made up necessarily of players classified 4-F by Selective Service or else too young to be drafted; and

“Whereas, continued success by Coach Rose inevitably will lead to tempting offers from other schools; and, whether or not he should choose to remain at the University of Arkansas, it is necessary that the institution be in position to provide its teams with as excellent coaching as can be had....”

Effective Dates. Acts 1901, No. 126, § 3: effective on passage.

Acts 1915, No. 289, § 16: approved Mar. 27, 1915. Emergency declared.

Acts 1945, No. 286, § 6: approved Mar. 20, 1945. Emergency clause provided: “It is a matter of vital concern to the students of the University of Arkansas, to their parents, and to the taxpayers who maintain the University, that the head football coach always be one who commands respect in this State and elsewhere, who instills in players a proper attitude of wholesome sportsmanship and who is capable of instructing them with such proficiency that the entire State will take pride in their records; therefore, the General Assembly finds and declares that an emergency exists and that this act, being necessary for the preservation of the public peace, health and safety shall be in full force and effect immediately upon its passage.”

Acts 1973, No. 200, § 5: Mar. 2, 1973. Emergency clause provided: “It is hereby found and determined by the General Assembly that the transportation policy of the State of Arkansas will be fostered and that sound economic conditions in transportation, vitally important in the regulation thereof, will result if immediate steps are undertaken to enhance transportation through studies, research, industry seminars, and similar educational activities relating to that subject; and whereas it is highly important to the achievement of these purposes that these activities be undertaken immediately so that the results thereof may be put into practical application at an early date; now therefore, it has been found, and is hereby declared by the General Assembly of the State of Arkansas that it is imperative that this Act become effective immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall take effect and be in full force from and after its passage and approval.”

Acts 1995, No. 1161, § 18: July 1, 1995. Emergency clause provided: “It is hereby found and determined by the Eightieth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1995 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1995 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is

hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995.”

Acts 2007, No. 1257, § 31: July 1, 2007. Emergency clause provided: “It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2007 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2007 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2007.”

6-64-1001. Penalty.

Any officer or employee who shall violate any of the provisions of § 6-64-213 or §§ 6-64-1005 — 6-64-1009 shall be guilty of a violation and fined any sum not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) and immediately removed from office.

History. Acts 1915, No. 289, § 15; C. & M. Dig., § 9560; Pope's Dig., § 13209; A.S.A. 1947, § 80-2847; Acts 2005, No. 1994, § 72.

Amendments. The 2005 amendment inserted “guilty of a violation and.”

6-64-1002. Application of funds for specified purposes only.

The General Assembly, in appropriating moneys for the benefit of the University of Arkansas, shall specify the precise amount that it intends to appropriate for each and every purpose; and the trustees of the institution shall apply each sum as thus directed, and in no other way.

History. Acts 1883, No. 30, § 1, p. 52; C. & M. Dig., § 9561; Pope's Dig., § 13210; A.S.A. 1947, § 80-2848.

Publisher's Notes. Acts 1945, No. 249, provided:

“Whereas, by acceptance of the grant of the United States, as provided by the Act of Congress, approved July 2, 1862, entitled, “An Act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts”, the State of Arkansas covenanted to invest the moneys, derived from the grants of land so received, in interest bearing obligations of the State of Arkansas or the United States of America; and “Whereas, the University of Arkansas was designated as the college to receive the endowment, which is now represented by \$132,666.67 principal amount of bonds of the State of Arkansas, known as University of Arkansas Endowment Fund Bonds maturing on July 1, 1947; and “Whereas, by reason of the improved financial condition of the State of Arkansas, the time is opportune (1), to reduce the bonded debt of the State of Arkansas and (2), to invest the University of Arkansas Endowment Fund in long term interest-bearing direct obligation bonds of the United States;

“NOW THEREFORE,

Be It Enacted by the General Assembly of the State of Arkansas:

“**Section 1.** The State Board of Fiscal Control, hereinafter referred to as the Board, without giving prior notice by publication of its intention of so doing, is hereby authorized and empowered, by use of the moneys and for the purposes hereafter in this Act provided, to subscribe to and purchase not to exceed \$132,700.00 principal amount of direct interest bearing obligations of the United States of America from the United State's Treasury Department, or its duly authorized fiscal officers, in those instances where the securities are part of a new issue and the original offering price does not exceed par and accrued interest.

"Whenever the balance in the Excess Par Value Bond Account, which shall hereafter be known as the Securities Reserve Fund, shall exceed \$100,000.00, the Board may, by resolution duly adopted, use not to exceed \$132,700.00 of the said balance in excess of \$100,000.00 in making the purchases hereinbefore provided.

"All obligations purchased under the provisions of this Act shall be delivered to the Treasurer of State and shall, by said Treasurer, be held in trust in and for the benefit of the University of Arkansas Endowment Fund. Upon receipt of the obligations so purchased by the Board, the Treasurer of State shall cancel, by perforation, an equal principal amount of University of Arkansas Endowment Fund Bonds. Provided, after retirement in the manner hereinbefore provided of all other bonds of the issue, the Treasurer of State shall cancel University of Arkansas Endowment Fund bond number 133 for \$666.67 principal amount, upon receipt from the Board of \$700.00 principal amount of United States Treasury bonds.

"All interest received on the obligations so purchased shall, by the Treasurer of State, be deposited in the University of Arkansas Fund, and shall be expended for the use and benefit of the University of Arkansas as its Board of Trustees shall direct. In the event the interest derived each year from investments in the University of Arkansas Endowment Fund amounts to less than \$6,633.34, the Treasurer of State shall transfer from the State Sinking Fund to the University of Arkansas fund such amounts as may be necessary to make the total income from interest, plus the transfers thus provided for, equal \$6,633.34.

"Section 2. For the purpose of making all or a portion of the moneys available for investment, as herein provided, the Treasurer of State shall, upon resolution of the Board, transfer from the State Sinking Fund to the Securities Reserve Fund such amounts as may be set forth in said resolution. Provided, the Board shall not authorize the transfer of any moneys from the State Sinking Fund to the Securities Reserve Fund which are pledged for the payment of the principal of or interest on any other bonds which are a charge against the said State Sinking Fund.

"Section 3. There is hereby appropriated, to be payable from any moneys in the Securities Reserve Fund in excess of \$100,000.00, for the fiscal year beginning July 1, 1945 and ending June 30, 1946, to be used in purchasing United States Treasury Bonds for the purposes herein provided, the sum of \$132,700.00. Provided, any unexpended balance in the appropriation on June 30, 1946 shall, upon resolution of the Board, be brought forward and made available for such purposes during the fiscal year beginning July 1, 1946 and ending June 30, 1947."

"Section 4. In the event all University of Arkansas Endowment Fund Bonds shall not have been retired on or before July 1, 1947, the maturity date thereof, the Board shall, from time to time, extend the maturity date of such outstanding bonds, but no single extension shall be for more than one year.

"Section 5. The following laws or parts of laws enacted by the General Assembly of the State of Arkansas are hereby repealed; Act 149, approved May 23, 1901 (Sections 13132, 13133 and 13134 of Pope's Digest); Act 208, approved May 23, 1901 (Sections 13135 and 13136 of Pope's Digest); and, Act 252, approved March 16, 1917 (Sections 11966 to 11970, inclusive, of Pope's Digest)."

Acts 1945, No. 249 was approved March 20, 1945.

6-64-1003. Bond given United States to secure use of arms for military.

(a) The Board of Trustees of the University of Arkansas or the president of the university may cause a bond to be executed to the United States, or to any person designated by the United States Department of Defense, for the purpose of securing the use of arms and accoutrements for the military department of the university and for the return of the arms and accoutrements.

(b) The bond may be executed by any guaranty or surety company acceptable to the United States for such amount and on such conditions as may be required, and the costs of executing the bond shall be paid from any funds of the university not otherwise appropriated.

History. Acts 1901, No. 126, §§ 1, 2, p. 196; C. & M. Dig., § 9531; Pope's Dig., § 13154; A.S.A. 1947, §§ 80-2828, 80-2829.

6-64-1004. Athletics Instruction Fund.

(a) The Board of Trustees of the University of Arkansas is empowered and directed to earmark a sufficient percentage of receipts from ticket sales for its football games and from concessions of any and all kinds related to the games, which percentage of receipts shall be set up on the books of the University of Arkansas and designated the Athletics Instruction Fund.

(b) In arriving at the percentage to be allocated to this fund, the board of trustees shall take into consideration the receipts from ticket sales and concessions during the preceding football season. This practice shall be followed each year, with the percentage for each year being that which, applied to the preceding year's receipts, would have produced twelve thousand five hundred dollars (\$12,500) for the fund.

(c) This fund shall be used for no purpose other than payment of the salary of the head football coach.

(d) (1) Authority is granted the board of trustees to enter into a contract of a period of time not to exceed five (5) years with a head football coach.

(2) In the event the fund should fall below the amount necessary to meet the salary requirements, the board of trustees may transfer to it from any available funds sufficient to make up the deficiency.

(e) It is not the purpose of this section to require that a salary of twelve thousand five hundred dollars (\$12,500) be paid to the head football coach; but the object of this section is to enable the board of trustees to provide a salary in that sum when, and if, it feels conditions justify or necessitate.

History. Acts 1945, No. 286, §§ 1-5; A.S.A. 1947, §§ 80-2836 — 80-2840.

A.C.R.C. Notes. Acts 2001, No. 1238, § 12, provided:

"ADDITIONAL PAYMENTS AUTHORIZED. The Board of Trustees of the University of Arkansas is hereby authorized to make additional payments to head coaches at the University of Arkansas, Fayetteville, from revenues generated by contracts with vendors of athletic apparel, shoes and other products in such amounts as may be established by the Board of Trustees for performance by the coaches of consulting and other obligations pursuant to contracts between the University and such vendors. Such additional payments to head coaches shall not be considered salary and shall not be deemed or construed to exceed the maximum salaries established for such coaches by the General Assembly. Nothing in this section shall be construed to reduce or eliminate the authority granted elsewhere in Arkansas statutes for the payment of allowances or bonuses to coaches at the University of Arkansas, Fayetteville.

"The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003."

Acts 2003, No. 1638, § 15 provided:

"ADDITIONAL PAYMENTS AUTHORIZED. The Board of Trustees of the University of Arkansas is hereby authorized to make additional payments to head coaches at the University of Arkansas, Fayetteville, from revenues generated by contracts with vendors of athletic apparel, shoes and other products in such amounts as may be established by the Board of Trustees for performance by the coaches of consulting and other obligations pursuant to contracts between the University and such vendors. Such additional payments to head coaches shall not be considered salary and shall not be deemed or construed to exceed the maximum salaries established for such coaches by the General Assembly. Nothing in this section shall be construed to reduce or eliminate the authority granted elsewhere in Arkansas statutes for the payment of allowances or bonuses to coaches at the University of Arkansas, Fayetteville. The provisions of this section shall be in

effect only from July 1, 2003 through June 30, 2005.”

6-64-1005. Employees to file monthly accounts.

Each employee of the institution shall present his or her account at the end of each month to the financial officer of the University of Arkansas, which account, when allowed, shall be so endorsed and filed with the Auditor of State, who shall draw his or her warrant on the Treasurer of State for the sum due, which shall be paid by the Treasurer of State out of any funds appropriated for that purpose.

History. Acts 1915, No. 289, § 9; C. & M. Dig., § 9554; Pope's Dig., § 13203; A.S.A. 1947, § 80-2841.

6-64-1006. Dealers' accounts.

(a) All persons who shall sell any goods, wares, merchandise, or supplies of any character for the use of the University of Arkansas or any of its departments, or who shall perform any services for the university or any of its departments the costs for which shall be charged against the institution shall be required at the end of each month, or more often, to present to the financial officer of the university an itemized account.

(b) (1) The claimant or his or her agent shall append to his or her demand an affidavit of its justice, which shall be immediately examined by the financial officer of the university.

(2) If found correct, the claim shall forthwith be marked correct and shall then be forwarded by the financial officer of the university to the Auditor of State, and filed by him or her, and he or she shall draw his or her warrant on the Treasurer of State for such sum due, which shall be paid by the Treasurer of State out of any funds appropriated for the purpose.

(c) All accounts filed for goods or supplies furnished shall be made in duplicate and in itemized form, and a copy shall be retained in the office of the financial officer of the university. Another copy shall be filed with the Auditor of State as a permanent record.

History. Acts 1915, No. 289, §§ 10, 11; C. & M. Dig., §§ 9555, 9556; Pope's Dig., §§ 13204, 13205; A.S.A. 1947, §§ 80-2842, 80-2843.

6-64-1007. Statement to be itemized for allowance and payment.

No claim whatsoever against the University of Arkansas or any of its departments shall be allowed or paid from any of the funds appropriated by the state in any other manner than provided in this subchapter, and the Auditor of State is forbidden to draw warrants on the Treasurer of the State for the payment of any moneys on any account for or against the university, except upon an itemized statement and in the manner prescribed in this subchapter.

History. Acts 1915, No. 289, § 12; C. & M. Dig., § 9557; Pope's Dig., § 13206; A.S.A. 1947, § 80-2844.

6-64-1008. Claims allowed and ordered paid to be listed.

All claims allowed and ordered paid by the financial officer of the University of Arkansas, as provided in this subchapter, shall be listed and a copy submitted to the Board of Trustees of the University of Arkansas at each meeting for their investigation and approval.

History. Acts 1915, No. 289, § 13; C. & M. Dig., § 9558; Pope's Dig., § 13207; A.S.A. 1947, § 80-2845.

6-64-1009. Funds excepted from application of §§ 6-64-1006 — 6-64-1008.

The provisions of §§ 6-64-1006 — 6-64-1008 shall not apply to the Student Labor Fund appropriated by the General Assembly, nor to student fees, student deposits, and other sums collected at Fayetteville, nor to any funds except those held in the State Treasury for the use of the University of Arkansas. However, not more than one thousand dollars (\$1,000) shall be drawn at any one (1) time from the State Treasury for this purpose.

History. Acts 1915, No. 289, § 14; C. & M. Dig., § 9559; Pope's Dig., § 13208; A.S.A. 1947, § 80-2846.

6-64-1010. Funding of transportation research and education program.

All funds received by the University of Arkansas under the provisions of Acts 1973, No. 200, § 2, and other funds heretofore made available to the university from the State Highway and Transportation Department Fund of the State Highway Commission for the funding of a program of research and education in transportation shall be deposited by the Board of Trustees of the University of Arkansas in an endowment trust fund, the principal of which shall be kept intact and the income from which shall be used to establish, operate, and maintain research and educational programs in transportation.

History. Acts 1973, No. 200, § 3; A.S.A. 1947, § 80-2892.

Publisher's Notes. Acts 1973, No. 200, § 2, appropriated funds for the establishment of an endowment fund for the establishment, operation, and maintenance of research and educational programs in transportation at the University of Arkansas.

6-64-1011. [Repealed.]

A.C.R.C. Notes. Former § 6-64-1011, concerning the housing allowance for the Chancellor of the Little Rock campus, was deemed to be superseded. The former section was derived from Acts 1987, No. 700, § 5.

Publisher's Notes. This section, concerning the housing allowance for the Chancellor of the University of Arkansas at Little Rock, was repealed by Acts 1999, No. 240, § 5. The section was derived from Acts 1989 (1st Ex. Sess.), No. 114, § 5.

6-64-1012. Additional compensation for athletic department.

In recognition of the extra work involved in the participation of intercollegiate athletic teams in post-season competition, and to promote exceptional achievement in the total sports program, the Chancellor of the University of Arkansas at Fayetteville, in accordance with policies issued by the Board of Trustees of the University of Arkansas, may approve additional compensation of up to one (1) month's salary for the athletic department and band personnel when any athletic team participates in post-season competition or achieves exceptional recognition, which shall be in addition to the regular salaries authorized by law, provided that the additional compensation shall be paid from contributions from sources other than public funds.

History. Acts 1995, No. 1161, § 10.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-64-1001 — 6-64-1010 may not apply to this section which was enacted subsequently.

Acts 2001, No. 1238, § 10, provided:

“SPECIAL ALLOWANCES. For the purpose of providing necessary allowances for housing and other unusual expenses incurred by or on behalf of the athletic directors, associate and assistant athletic directors, head coaches, assistant coaches, offensive coordinators, defensive coordinators, and head trainers in the men's and women's Athletic Departments at the University of Arkansas, Fayetteville, the Board of Trustees may make special allowances available therefor in such amounts as the Board of Trustees may determine as justified, an equitable allowance in view of the unusual and exacting duties of said athletic directors, associate and assistant athletic directors, head coaches, assistant coaches, offensive coordinators, defensive coordinators, and head trainers in the men's and women's Athletic Departments at the University of Arkansas, Fayetteville, and for the purpose of providing such allowances, the Board of Trustees is authorized to expend from the auxiliary income of the University of Arkansas, Fayetteville, which is derived from athletic event receipts, or from contributions from sources other than state funds, an amount not to exceed ten thousand dollars (\$10,000) each for such purposes during each year of the 2001-2003 biennium for the athletic directors, associate athletic directors, and head coaches, and an amount not to exceed one thousand dollars (\$1,000) each for the assistant athletic directors, assistant coaches, offensive coordinators, defensive coordinators, and head trainers. Any such allowances shall be in addition to the regular salary of such athletic directors, associate and assistant athletic directors, head coaches and assistant coaches. Further, if the special allowance funds authorized herein are utilized the University of Arkansas, Fayetteville shall report annually to the Arkansas Legislative Joint Auditing Committee the exact disposition of those special allowance funds. In recognition of the extra work involved in the participation of intercollegiate athletic teams in post-season competition, and to promote exceptional achievement in the total sports program, the Chancellor of the University of Arkansas, Fayetteville, in accordance with policies issued by the Board of Trustees of the University of Arkansas, may approve additional compensation of up to one month's salary for the Athletic Department and Band personnel when any athletic team participates in post-season competition or achieves exceptional recognition, which shall be in addition to the regular salaries authorized by law, provided that the additional compensation shall be paid from contributions from sources other than public funds.

“The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.”

Acts 2003, No. 1638, § 14, provided:

“SPECIAL ALLOWANCES. For the purpose of providing necessary allowances for housing and other unusual expenses incurred by or on behalf of the athletic directors, associate and assistant athletic directors, head coaches, assistant coaches, offensive coordinators, defensive coordinators, and head trainers in the men's and women's Athletic Departments at the University of Arkansas, Fayetteville, the Board of Trustees may make special allowances available therefor in such amounts as the Board of Trustees may determine as justified, an equitable allowance in view of the unusual and exacting duties of said athletic directors, associate and assistant athletic directors, head coaches, assistant coaches, offensive coordinators, defensive coordinators, and head trainers in the men's and women's Athletic Departments at the University of Arkansas, Fayetteville, and for the purpose of providing such allowances, the Board of Trustees is authorized to expend from the auxiliary income of the University of Arkansas, Fayetteville, which is derived from athletic event receipts, or from contributions from sources other than state funds, an amount not to exceed ten thousand dollars (\$10,000) each for such purposes during each year of the 2003-2005 biennium for the athletic directors, associate athletic directors, and head coaches, and an amount not to exceed one thousand dollars (\$1,000) each for the assistant athletic directors, assistant coaches, offensive coordinators, defensive coordinators, and head trainers. Any such allowances shall be in addition to the regular salary of such athletic directors, associate and assistant athletic directors, head coaches and assistant coaches. Further, if the special allowance funds authorized herein are utilized the University of Arkansas, Fayetteville shall report annually to the Arkansas Legislative Joint Auditing Committee the exact disposition of those special allowance funds. In recognition of the extra work involved in the participation of intercollegiate athletic teams in post-season competition, and to promote exceptional

achievement in the total sports program, the Chancellor of the University of Arkansas, Fayetteville, in accordance with policies issued by the Board of Trustees of the University of Arkansas, may approve additional compensation of up to one month's salary for the Athletic Department and Band personnel when any athletic team participates in post-season competition or achieves exceptional recognition, which shall be in addition to the regular salaries authorized by law, provided that the additional compensation shall be paid from contributions from sources other than public funds. The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005."

6-64-1013. Diagnostic laboratory services.

(a) The Division of Agriculture of the University of Arkansas may promulgate rules concerning services performed by its diagnostic laboratories.

(b) (1) A fee structure may be designed and maintained by the division for the purpose of defraying the cost of diagnostic services.

(2) (A) The fees collected shall be deposited in the State Treasury as special revenues and shall be credited to the University of Arkansas Fund to be used exclusively for the diagnostic laboratories of the division.

(B) Before the close of each fiscal year, the Chief Fiscal Officer of the State shall determine the amount of moneys which shall remain at the end of the fiscal year in the account from fees collected under the provisions of this section and shall allow the moneys to be carried forward and made available for the same purposes in the next succeeding fiscal year.

(c) Effective July 1, 2005, all duties, functions, records, property, obligations, personnel, and authority to levy and collect diagnostic and laboratory fees, pursuant to Arkansas Code §§ 2-33-111 and 2-33-112, for the Springdale Laboratory of the Arkansas Livestock and Poultry Commission are hereby transferred by a Type 2 transfer from the Arkansas Livestock and Poultry Commission to the Division of Agriculture of the University of Arkansas.

History. Acts 2005, No. 1374, § 1; 2007, No. 1257, § 27.

Amendments. The 2007 amendment added (c).

Subchapter 11

— College of Information Science and Systems Engineering

6-64-1101. Legislative findings.

6-64-1102. Creation.

6-64-1103. Funding.

Effective Dates. Acts 1999, No. 1447, § 6: Apr. 15, 1999. Emergency clause provided: "It is hereby found and determined by the General Assembly that there exists a significant shortfall in postsecondary education for persons seeking to become highly skilled in the use of information technology; this act is designed to address that shortfall; and that until this act goes into effect, the shortfall will not be addressed and the citizens of this state will continue to seek educational opportunities in other states. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

6-64-1101. Legislative findings.

(a) It has been determined that there is a significant shortfall in postsecondary education for persons seeking to become highly skilled in the use of information technology, which affects our entire economy. In fact, American employment in these fields has tripled in the last decade. Without action to meet the broad-based demand for a skilled and highly educated work force by industries involved in manufacturing, services, transportation, health care, education, government, and information systems, severe consequences could accrue to Arkansas' competitiveness and economic growth. By providing our citizens with the opportunity to acquire a high level of education in this discipline, job creation will result as firms locate and expand in Arkansas. These industries will form an important component in Arkansas' economy in the next century. To accomplish this goal, we must establish a new college of information science and systems engineering and form a partnership between the university, public schools, and the private sector so that the public schools may be best prepared to give the training necessary to students prior to entering college and so that the colleges are prepared to build on that training to provide the potential employees for companies which are currently located in this state or which we are attempting to attract to this state.

(b) The enhancement of educational opportunities in Arkansas in the field of information technologies and the development of a public and private partnership between the universities and the knowledge-based businesses will help assure that our graduates and their families will have the best opportunity to remain in this state in productive and rewarding careers. Furthermore, the program envisioned by this subchapter will help both traditional students and nontraditional students. It will provide traditional students with liberal arts majors an avenue to enhance their value and their ability to grow into future jobs, and it will offer majors to those who wish to specialize exclusively in the information technology fields. Nontraditional students will be given an option to continue their education in a field that will allow them more flexibility in today's job markets.

History. Acts 1999, No. 1447, §§ 1, 2.

6-64-1102. Creation.

(a) There is hereby created within the University of Arkansas at Little Rock a College of Information Science and Systems Engineering designed to accomplish the purposes set forth in § 6-64-1101.

(b) Cooperative efforts are anticipated with other two-year and four-year postsecondary state institutions. These efforts may include, but not be limited to, the creation of distance learning centers and semi-smart classrooms and the establishment of a formal bridge consisting of such elements as joint degree programs and jointly appointed faculties.

(c) The institutions shall enter into continued dialogue with the private sector to seek input as to the type of training that will be most beneficial to industry and, therefore, make the graduates most marketable.

History. Acts 1999, No. 1447, § 2.

6-64-1103. Funding.

In addition to funds appropriated by the General Assembly to fulfill the purposes of this subchapter, the University of Arkansas at Little Rock may also seek funding from the

federal government and the private sector, both profit and nonprofit.
History. Acts 1999, No. 1447, § 2.

Subchapter 12

— Training of Law Enforcement Officials and Jail Personnel

6-64-1201. Definitions.

6-64-1202. Law Enforcement Training Committee — Creation — Duties.

6-64-1201. Definitions.

As used in this subchapter:

(1) “Community mental health centers” means those private nonprofit organizations certified by the Division of Behavioral Health under § 20-47-202 as community mental health centers and contracted to perform designated public mental health services in the respective catchment areas of the state;

(2) “Crisis Intervention Team” means a community-based collaborative effort between law enforcement officers and jail personnel and mental health professionals to help law enforcement officers and jail personnel handle incidents involving persons with mental illnesses;

(3) “Inmate with mental illness” means a jail inmate who, after being assessed by a person qualified by licensure to conduct an assessment, meets the criteria for serious mental illness or is in danger of harm to himself or herself or to others;

(4) “Jail inmate” means a natural person who is in the custody of law enforcement authorities within the confines of a county jail; and

(5) “Person with mental illness arrested by a law enforcement officer” means a person who appears to be a danger to himself or herself or to others or to need mental health evaluation for treatment.

History. Acts 2007, No. 1013, § 1.

6-64-1202. Law Enforcement Training Committee — Creation — Duties.

(a) The Law Enforcement Training Committee is created to:

(1) Identify mental health training needs for law enforcement officers; and

(2) Develop a mental health training curriculum for law enforcement officers and jail personnel to be delivered statewide.

(b) (1) The committee shall be led by the Criminal Justice Institute.

(2) The committee shall include representatives of:

(A) The Arkansas Law Enforcement Training Academy;

(B) The Research and Training Institute of the Division of Behavioral

Health;

(C) The Department of Community Correction;

(D) The Mental Health Council of Arkansas;

(E) The Administrative Office of the Courts;

(F) Local, state, and county law enforcement officers; and

(G) Mental health practitioners.

(c) The training and delivery strategies may consist of:

(1) Basic level training for law enforcement officers and jail personnel to be

included in the entry-level training program curricula;

(2) Advanced level training for law enforcement officers and jail personnel that is designed to enhance the effectiveness of the response of law enforcement officers and jail personnel to persons with mental illnesses;

(3) Training, such as Crisis Intervention Team training, that includes methods for establishing a collaborative effort between law enforcement personnel and the community to provide appropriate services to those persons with mental illnesses who come into contact with the law enforcement system;

(4) Establishment of regional training teams, consisting of mental health and law enforcement officers; and

(5) A train-the-trainer model so that mental health training can be provided in each county jail at frequent and regular intervals as needed by a local person who has received formal training through curricula developed under this subchapter.

(d) Crisis Intervention Teams shall be:

(1) Supported by state funding; and

(2) Provided initial assistance in organization.

(e) (1) Local police departments and sheriff departments may apply to the Criminal Justice Institute for crisis intervention training under this subchapter.

(2) The Crisis Intervention Team training curriculum development and delivery under subdivision (c)(3) of this section shall be supported by state funding.

(f) (1) A graduate of the Crisis Intervention Team training shall provide the local department in which he or she serves with information and materials obtained at the crisis intervention training.

(2) (A) Each department that sends law enforcement officers to receive Crisis Intervention Team training shall convene a meeting at least annually to review and improve the program in the department.

(B) The meeting shall include without limitation representatives of:

(i) Local behavioral health service providers;

(ii) Community mental health centers within the jurisdiction of the

departments;

(iii) Consumers;

(iv) Courts;

(v) The National Alliance on Mental Illness; and

(vi) Local institutions of higher education, including without

limitation, the University of Arkansas for Medical Sciences and the Arkansas Area Health Education Centers of the University of Arkansas for Medical Sciences.

(g) The goal of the Crisis Intervention Team training program is to establish a collaborative effort between law enforcement officers and jail personnel and the community to provide appropriate services to persons with mental illnesses who come into contact with the law enforcement system.

History. Acts 2007, No. 1013, § 1.

Chapter 65 Agricultural Colleges

Subchapter 1 — General Provisions

Subchapter 2 — Arkansas State University

Subchapter 3 — Arkansas Tech University
Subchapter 4 — Southern Arkansas University

A.C.R.C. Notes. References to “this chapter” in subchapters 1-4 may not apply to §§ 6-65-225, 6-65-226, 6-65-409 and 6-65-410 which were enacted subsequently.

Subchapter 1 **— General Provisions**

- 6-65-101. State divided into districts.
- 6-65-102. School established in each district — Courses of study.
- 6-65-103. Boards of trustees.
- 6-65-104. Rural school teachers' training departments.
- 6-65-105. Tuition — Admissions.
- 6-65-106. Labor at schools performed by students.
- 6-65-107. Faculty and employees.
- 6-65-108. Free transportation to faculty members.
- 6-65-109. Cooperation of schools on research and publications.
- 6-65-110. Sale of farm products — Disposition of proceeds — Reports.
- 6-65-111. Rental of unused facilities authorized.
- 6-65-112. Reports regarding appropriations.

Cross References. Authorization for college extension courses, § 6-60-401 et seq.

Cooperative education program in state government, § 21-3-501 et seq.

Regulations as to establishment of branch campuses, § 6-61-303.

Effective Dates. Acts 1909, No. 100, § 12: effective on passage.

Acts 1911, No. 426, § 10: approved, except items vetoed, June 1, 1911. Emergency declared.

Acts 1913, No. 215, § 9: approved Mar. 29, 1913. Emergency declared.

Acts 1915, No. 279, § 8: approved Mar. 27, 1915.

Acts 1917, No. 467, § 8: approved Mar. 28, 1917. Emergency clause provided: “This Act being necessary for the immediate preservation of the public peace, health and safety, shall be in force from and after its passage.”

Acts 1923, No. 229, § 3: effective on passage. Emergency declared.

Acts 1925, No. 45, § 4: Feb. 10, 1925. Emergency clause provided: “This act being necessary for the preservation of the public peace, health and safety an emergency is declared to exist, and this act shall be in full force and effect from and after its passage and approval.”

Acts 1943, No. 1, § 9: Jan. 14, 1943. Emergency clause provided: “It is hereby found and declared that amendment No. 33 to the Constitution of the State of Arkansas, which will become effective on January 15, 1943, provides that the General Assembly shall arrange the terms of office of the members of boards charged with the management or control of all charitable, penal or correctional institutions and institutions of higher learning of the State of Arkansas in such manner that the term of office of one member of said board shall expire each year and that said amendment further provides that the unexpired terms of members serving on the effective date of the amendment shall not be decreased; and, it is further found and declared that the terms of members of all of said Boards do not expire in a manner which will make operative all of the provisions of said amendment. It is found, therefore, that delay in the effective date of this act will create confusion by reason of the uncertain status of present board members, and, that in order to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its passage and approval.”

Acts 1971, No. 84, § 5: Feb. 12, 1971. Emergency clause provided: “It is hereby found and determined by the General Assembly that the restructuring of the counties comprising the four districts of the State established for the regional colleges of this State are in need of restructuring

in order to enable said districts to consist of counties contiguous to and served by the respective district colleges, and that only by immediate passage of this Act may these objectives be accomplished. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1973, No. 23, § 2: Jan. 30, 1973. Emergency clause provided: “It is hereby found and determined by the General Assembly that the Boards of Trustees of the Agricultural and Mechanical Colleges of this State are appointed from the Agricultural and Mechanical Districts of this State, that the Agricultural and Mechanical Colleges of this State attract students from all parts of this State, and that the area from which a member of a Board of Trustees is appointed should be expanded to give broader representation on such boards; and only by the immediate operation of this Act may this end be accomplished. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety, shall take effect and be in full force from and after its passage and approval.”

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: “It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 2003, No. 634, § 3: Mar. 24, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Code contains language that is obsolete; that other states with similar obsolete language have been forced to engage in legal matters relating to the oversight; and that this act is immediately necessary because a delay in implementation would cause a disruption in the educational programs of this state and the ability to provide certain agricultural related programs. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-65-101. State divided into districts.

For the purpose of this chapter, the State of Arkansas is divided into the following districts:

(1) The First District shall be composed of the counties of Baxter, Fulton, Sharp, Randolph, Clay, Greene, Lawrence, Izard, Stone, Independence, Jackson, Craighead, Poinsett, Mississippi, Crittenden, Cross, St. Francis, Woodruff, White, and Cleburne;

(2) The Second District shall be composed of the counties of Marion, Boone, Carroll, Benton, Washington, Madison, Newton, Searcy, Van Buren, Conway, Pope, Johnson, Franklin, Crawford, Sebastian, Logan, Yell, Perry, Scott, Faulkner, Fulton, Stone, Cleburne, Izard, Saline, Montgomery, Polk, Pulaski, Garland, and Baxter; and

(3) The Third District shall be composed of the counties of Polk, Montgomery, Garland, Saline, Pulaski, Hot Spring, Pike, Howard, Sevier, Little River, Hempstead, Clark, Nevada, Ouachita, Columbia, Lafayette, Miller, and Union.

History. Acts 1909, No. 100, § 1, p. 295; C. & M. Dig., § 9603; Pope's Dig., § 12950; Acts 1971, No. 84, § 1; 1973, No. 23, § 1; A.S.A. 1947, § 80-3101.

Publisher's Notes. Acts 1971, No. 676, § 7, in part, transferred Garland County to, and provided that it would thereafter be a part of, the second district for the purpose of Acts 1909, No. 100, as amended.

Case Notes

Cited: Davis v. Board of Trustees, 270 F. Supp. 528 (E.D. Ark. 1967).

6-65-102. School established in each district — Courses of study.

(a) Within each of the districts established in § 6-65-101, there shall be a state agricultural school in which shall be taught agriculture, horticulture, mechanical arts, home economics, and the art of textile manufacturing.

(b) The colleges shall have the same educational status.

(c) The course of study shall be provided by the trustees of each school and shall consist of at least practical experiment, treatises, or lectures on agriculture and horticulture. There shall be established in connection therewith a textile school in which shall be taught the art of cotton manufacturing, and other textile manufacturing, should the board of trustees deem it expedient.

History. Acts 1909, No. 100, §§ 2, 6, p. 295; 1925, No. 45, § 3; C. & M. Dig., §§ 9604, 9608; Pope's Dig., §§ 12951, 12955, 12969; A.S.A. 1947, §§ 80-3102, 80-3104, 80-3108.

Publisher's Notes. Acts 1925, No. 45, § 1, in part, changed the names of the first, third, and fourth district Agricultural Schools located at Jonesboro, Magnolia, and Monticello to "Agricultural and Mechanical Colleges" of their respective districts, and changed the name of the Second District Agricultural School of Russellville, Arkansas, to Arkansas Polytechnic College.

Acts 1933, No. 222, § 5, in part, changed the name of the Agricultural and Mechanical College, First District to Arkansas State College. Acts 1967, No. 3, § 1 and Acts 1967, No. 18, § 1, subsequently changed the name of Arkansas State College to Arkansas State University.

Acts 1975, No. 343, § 1, provided, in part, that the board of trustees of any state-supported, accredited four-year institution of higher learning in Arkansas could by appropriate action of the board, taken only on or before September 1, 1976, provide university status for the institution and select and adopt an appropriate name for the institution. The section further provided that the name selected must be approved by the State Board of Higher Education, which was responsible for coordinating the name sections in order to prevent the selection of names which were duplications of, or would cause confusion with, the names of other state institutions of higher learning. The name of Arkansas Polytechnic College was subsequently changed to Arkansas Tech University.

Acts 1951, No. 11, § 1, changed the name of the Third District Agricultural and Mechanical College to Southern State College. The name of the school was subsequently changed to Southern Arkansas University.

Acts 1971, No. 9, abolished the Fourth District Agricultural and Mechanical College at Monticello and provided for its transfer to and consolidation into the University of Arkansas. Acts 1971, No. 9, § 5, purported to amend Acts 1925, No. 45, by deleting the reference to "Arkansas Agricultural and Mechanical College" which had been abolished by Acts 1971, No. 9, § 1, but did not set out the amended portion that is required by Arkansas Constitution, Article 5, § 23. The Fourth District Agricultural and Mechanical College is now operated as the University of Arkansas at Monticello. See § 6-64-302.

Acts 1909, No. 100, § 1, as amended, provided, in part, that the fourth agricultural and mechanical college district would be composed of the counties of Lonoke, Prairie, Monroe, Lee, Phillips, Arkansas, Jefferson, Grant, Dallas, Cleveland, Lincoln, Desha, Drew, Bradley, Calhoun, Ashley and Chicot.

As to millage taxes levied and collected for the support of agricultural schools, see Acts 1925, No. 45, § 2.

Case Notes

Cited: Davis v. Board of Trustees, 270 F. Supp. 528 (E.D. Ark. 1967).

6-65-103. Boards of trustees.

- (a) Each board shall elect one (1) of its members president, one (1) vice president, and one (1) secretary.
- (b) (1) Each board shall meet upon call of the president.
 - (2) The board meetings shall be held at the school.
 - (3) A majority shall constitute a quorum to do business.
- (c) (1) Members of the boards provided for in §§ 6-65-201 and 6-65-301 may receive expense reimbursement in accordance with § 25-16-901 et seq.
 - (2) All expenses shall be certified by the president or vice president, attested by the secretary, to the Auditor of State and paid out of the appropriations provided by the General Assembly.
- (d) The boards of trustees of the agricultural schools are authorized to prescribe the courses of study and grant certificates, diplomas, and degrees therefor.
- (e) Each board shall make a report to the General Assembly every two (2) years, giving an itemized statement showing the amount of each appropriation for each item and how and for what purpose it was expended.
- (f) If any board of any agricultural school or any member of the board of any agricultural school violates any of the provisions of § 6-65-110 or any other law of the state, the violation shall ipso facto vacate the office or offices of the one or ones so violating the law, and the Governor shall at once be notified of the violation and shall at once appoint someone to fill the vacancy or vacancies.

History. Acts 1909, No. 100, § 5, p. 295; 1911, No. 426, § 7, p. 372; 1917, No. 467, § 7, p. 2151; 1925, No. 45, § 1; C. & M. Dig., § 9607; Pope's Dig., §§ 12954, 12967; Acts 1943, No. 1, § 7; A.S.A. 1947, §§ 7-206, 80-3103, 80-3107; Acts 1997, No. 250, § 32.

Publisher's Notes. Those provisions of Acts 1943, No. 1 which established honorary boards and commissions governing various state institutions are codified in full as § 25-17-201 et seq. and are codified with respect to particular institutions in this section and §§ 6-43-101, 6-43-102, 6-65-201, 6-65-202, 6-65-301, 6-65-302, 6-66-101, 6-66-102, 6-67-102, 6-67-103.

Cross References. Meetings required to be held once during each quarterly period, § 25-17-208.

Case Notes

Legal Entity.

Legal Entity.

The Arkansas Agricultural and Mechanical College (now University of Arkansas at Monticello) is a body politic with a board vested in corporate powers and as such may sue and be sued as a legal entity. Davis v. Board of Trustees, 270 F. Supp. 528 (E.D. Ark. 1967), aff'd, 396 F.2d 730 (8th Cir. Ark. 1968).

Cited: Starnes v. Sadler, 237 Ark. 325, 372 S.W.2d 585 (1963); Davis v. Board of Trustees, 270 F. Supp. 528 (E.D. Ark. 1967).

6-65-104. Rural school teachers' training departments.

- (a) The board of trustees of each of the agricultural schools are given permission to provide in each of the schools a department for the training of rural school teachers. However, the provisions of this section shall not apply to Arkansas Tech University.

(b) (1) The courses of study in the rural teachers' training department in each of the schools shall be uniform in character and may provide adequate instruction in the teaching of agriculture and subjects pertaining to rural life.

(2) These courses shall be outlined by a committee consisting of the principal of each of the agricultural schools, the President of the University of Central Arkansas, and the Director of the Department of Education and the Director of the Department of Workforce Education.

(3) The curriculum shall be sufficiently comprehensive to satisfactorily prepare the teachers to meet the requirements of all characters and grades of license necessary to enable them to teach in the rural schools of Arkansas.

History. Acts 1923, No. 229, §§ 1, 2.

6-65-105. Tuition — Admissions.

(a) The tuition in each school shall be determined by the board of trustees.

(b) The trustees may limit the number of students from time to time according to the capacity and means of the institution and shall make such rules of admission as to equalize, as nearly as practicable, the privileges of the school among the counties according to population.

(c) No students under the age of fifteen (15) years shall be admitted as students at these schools.

History. Acts 1909, No. 100, § 9, p. 295; C. & M. Dig., § 9611; Pope's Dig., § 12958; A.S.A. 1947, § 80-3111; Acts 2003, No. 634, § 1.

Amendments. The 2003 amendment substituted "determined by the board of trustees" for "free" in (a).

Case Notes

Cited: State use of Agricultural School Dist. v. Craighead County, 114 Ark. 278, 169 S.W. 964 (1914).

6-65-106. Labor at schools performed by students.

All work in, on, and about schools, or on the farms, or on or in the barns connected with the schools, whether it is farming, building, care of stock, or whatever kind of work, shall be performed by students of each school under such regulations for the proper divisions and alterations in the work as may be provided by the trustees.

History. Acts 1909, No. 100, § 8, p. 295; C. & M. Dig., § 9610; Pope's Dig., § 12957; A.S.A. 1947, § 80-3110.

6-65-107. Faculty and employees.

(a) (1) (A) The faculty of each school shall consist of:

(i) A principal, who shall be a graduate of some reputable college or university;

(ii) One (1) instructor in stock raising and dairying;

(iii) A competent textile instructor; and

(iv) Assistants as may be necessary.

(B) The trustees may combine the duties of any two (2) of the above when practicable.

(2) (A) It shall be unlawful for the board of trustees of any of the schools to employ as teachers of the natural and domestic sciences any other than graduates of agricultural colleges or colleges of domestic science.

(B) Any member of the board of trustees violating subdivision (2)(A) of this section shall be guilty of a violation and upon conviction shall be fined not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) and shall be removed from office by the Governor.

(b) (1) The board of trustees of any of the agricultural schools shall not employ anyone related by consanguinity or affinity within the fourth degree to any trustee.

(2) Any member of the board of trustees violating any of the provisions of subdivision (b)(1) of this section shall be guilty of a violation and upon conviction shall be fined in any sum not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) and subject to removal by the Governor.

(c) All persons, including the principal, instructors, and other employees, except those participating in the student labor funds shall be paid by warrants drawn monthly against the Auditor of State on funds appropriated for that purpose.

History. Acts 1909, No. 100, § 7, p. 295; 1913, No. 215, §§ 6, 7; 1915, No. 279, § 6; C. & M. Dig., §§ 9609, 9612, 9615, 9616; Pope's Dig., §§ 12956, 12959, 12962, 12963; Acts 1949, No. 298, § 1; A.S.A. 1947, §§ 80-3109, 80-3112, 80-3115, 80-3116; Acts 2005, No. 1994, § 73.

Amendments. The 2005 amendment substituted "violation" for "misdemeanor" in (a)(2)(B) and (b)(2).

6-65-108. Free transportation to faculty members.

It shall be lawful for any and all railroads to give to the principals and heads of departments of the schools, and for them to accept and use, free transportation on all railroads in the state.

History. Acts 1913, No. 215, § 8; C. & M. Dig., § 9617; Pope's Dig., § 12964; A.S.A. 1947, § 80-3117.

Cross References. General Assembly to pass laws prohibiting free transportation to state officials, Ark. Const., Art. 17. § 7.

6-65-109. Cooperation of schools on research and publications.

The several agricultural schools provided for in this chapter shall cooperate by reporting to each other the results of their several experiments and shall mutually agree upon the publication of such bulletins for free distribution as they may deem to be in the best interest of those engaged in agricultural pursuits.

History. Acts 1909, No. 100, § 11, p. 295; C. & M. Dig., § 9618; Pope's Dig., § 12965; A.S.A. 1947, § 80-3118.

6-65-110. Sale of farm products — Disposition of proceeds — Reports.

(a) The proceeds from the sale of all farm products shall be deposited into the State Treasury to the credit of each of the schools and kept in a separate fund.

(b) The moneys may be drawn by warrant by the boards of trustees and expended for the

upbuilding and development of the school farms and used for no other purpose if an itemized account of all sales and receipts for all disbursements of moneys is kept by the boards of trustees and is audited annually and a report of the account filed with the Governor within thirty (30) days after the audit is made.

(c) Any one (1) of the boards of trustees or any member of either of the boards, or any member of the faculty of either of the schools, who violates any part of this section shall be guilty of a violation and upon conviction shall be fined in any sum not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100) for each offense or violation of this section.

History. Acts 1917, No. 467, §§ 6, 7, p. 2151; C. & M. Dig., § 9613; Pope's Dig., § 12960; A.S.A. 1947, § 80-3113; Acts 2005, No. 1994, § 188.

Amendments. The 2005 amendment, in (c), substituted "violation" for "misdemeanor" and inserted "nor more than one hundred dollars (\$100)".

6-65-111. Rental of unused facilities authorized.

The trustees of each school are authorized to rent to the best advantage from time to time any portion of the property of such schools not required for the immediate use of the school.

History. Acts 1909, No. 100, § 9, p. 295; C. & M. Dig., § 9611; Pope's Dig., § 12958; A.S.A. 1947, § 80-3111.

Case Notes

Cited: State use of Agricultural School Dist. v. Craighead County, 114 Ark. 278, 169 S.W. 964 (1914).

6-65-112. Reports regarding appropriations.

The trustees of each of the agricultural schools shall make a report to the General Assembly every two (2) years, giving itemized statements showing the amount of each appropriation for each item and how and for what purpose expended.

History. Acts 1913, No. 215, § 5; C. & M. Dig., § 9614; Pope's Dig., § 12961; A.S.A. 1947, § 80-3114.

Subchapter 2 **— Arkansas State University**

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- 6-65-224. Arkansas State Technical Institute — Reporting requirements.
- 6-65-225. [Repealed.]
- 6-65-226. Housing allowance.

A.C.R.C. Notes. Acts 1991, No. 596, § 5, provided:

“The Arkansas State University shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that Arkansas State University shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with Arkansas State University does not exceed 25% of that required for a full-time employee.”

Acts 1995, No. 1035, § 5, provided:

“SPECIAL ALLOWANCES. For the purpose of providing necessary allowances for housing and other unusual expenses incurred by or in behalf of the athletic director, assistant athletic directors, head coaches, and assistant coaches at Arkansas State University, the Board of Trustees may make special allowances available therefor in such amounts as the Board of Trustees may determine as justified, an equitable allowance in view of the unusual and exacting duties of said athletic director, assistant athletic directors, head coaches, and assistant coaches, and for the purpose of providing such allowances, the Board of Trustees is authorized to expend from the auxiliary income of the Arkansas State University, which is derived from athletic event receipts, an amount not to exceed twenty thousand dollars (\$20,000) in the aggregate for such purposes during each year of the 1995-97 biennium for the athletic director and head coaches, and ten thousand dollars (\$10,000) in the aggregate for such purposes during the 1995-97 biennium for the assistant athletic directors and assistant coaches. Provided that any such allowances shall be in addition to the regular salary of such athletic director, assistant athletic directors, head coaches and assistant coaches, as established herein provided that the amount of such allowance shall not exceed ten thousand dollars (\$10,000) per annum for any one salaried position. Further, Arkansas State University shall report annually to the Legislative Joint Auditing Committee the exact disposition of the special allowance funds authorized herein.”

Publisher's Notes. Acts 1925, No. 45, § 1, in part, changed the name of the first district agricultural school located in Jonesboro to the Agricultural and Mechanical College of the First District. Acts 1933, No. 222, § 5, in part, changed the name of the Agricultural and Mechanical College of the First District to Arkansas State College. Acts 1967, No. 3, § 1 and Acts 1967, No. 18, § 1 subsequently changed the name of Arkansas State College to Arkansas State University.

Effective Dates. Acts 1927, No. 132, § 12: effective on passage.

Acts 1939, No. 294, § 7: Mar. 10, 1939.

Acts 1941, No. 207, § 7: Mar. 25, 1941.

Acts 1943, No. 1, § 9: Jan. 14, 1943. Emergency clause provided: “It is hereby found and

declared that amendment No. 33 to the Constitution of the State of Arkansas, which will become effective on January 15, 1943, provides that the General Assembly shall arrange the terms of office of the members of boards charged with the management or control of all charitable, penal or correctional institutions and institutions of higher learning of the State of Arkansas in such manner that the term of office of one member of said board shall expire each year and that said amendment further provides that the unexpired terms of members serving on the effective date of the amendment shall not be decreased; and, it is further found and declared that the terms of members of all of said Boards do not expire in a manner which will make operative all of the provisions of said amendment. It is found, therefore, that delay in the effective date of this act will create confusion by reason of the uncertain status of present board members, and, that in order to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its passage and approval."

Acts 1947, No. 333, § 5: Mar. 28, 1947. Emergency clause provided: "Whereas the enrollment of students at the Arkansas State College has increased threefold within recent months; and whereas at the present time there are approximately six hundred veterans applying for admission to said College; and whereas the present dormitory facilities of said College are not sufficient to accommodate adequately the students now enrolled; and whereas no other facilities are available for the accommodation of students now enrolled and those seeking admission; and whereas the owners of property located adjacent to said College refuse to sell the property owned by them which is needed for the purpose of meeting the needs of said College, now, therefore, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval."

Acts 1967, No. 3, § 3: July 1, 1967.

Acts 1967, No. 18, §§ 3, 4: July 1, 1967. Emergency clause provided: "The General Assembly hereby finds and determines that Arkansas State College is presently performing the functions of a University and this Act is immediately necessary to properly reflect the status and functions of said institution. Therefore, an emergency is declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in effect from the date of its passage and approval." Approved January 27, 1967.

Acts 1975, No. 398, § 5: July 1, 1975. Emergency clause provided: "It is hereby found and determined by the Seventieth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1975 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1975 could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after July 1, 1975."

Acts 1975, No. 647, § 6: Mar. 28, 1975. Emergency clause provided: "It is hereby found and determined by the Seventieth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1975, is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1975, could work irreparable harm upon the proper administration and providing of essential government programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval."

Acts 1985, No. 496, § 15: July 1, 1985. Emergency clause provided: "It is hereby found and determined by the Seventy-Fifth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1985 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1985 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1985."

Acts 1995, No. 1035, § 13: July 1, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1995 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1995 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995."

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2003, No. 634, § 3: Mar. 24, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Code contains language that is obsolete; that other states with similar obsolete language have been forced to engage in legal matters relating to the oversight; and that this act is immediately necessary because a delay in implementation would cause a disruption in the educational programs of this state and the ability to provide certain agricultural related programs. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2007, No. 1229, § 45: July 1, 2007. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2007 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2007 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2007."

6-65-201. Board of Trustees of Arkansas State University.

(a) There is created an honorary board constituting the Board of Trustees of Arkansas State University.

(b) (1) The board shall consist of five (5) members appointed from the state at large.

(2) The Governor, by and with the advice and consent of the Senate, shall appoint the members of the board.

(3) The Secretary of State shall furnish a certificate to each board member within ten (10) days following appointment, whereupon the appointee shall notify the Governor and the Secretary of State in writing of his or her acceptance of the appointment within thirty (30) days, and if the appointee shall fail to give such notice of his or her acceptance within the time required, then the appointment shall be declared void and another appointment shall be made.

(c) (1) Members of the board appointed by the Governor under the provisions of this section, in addition to possessing the qualifications of an elector, shall reside in the State of Arkansas.

(2) (A) The Governor, Attorney General, Secretary of State, Auditor of State, Treasurer of State, Commissioner of State Lands, Justices of the Supreme Court, and the director or employees of any state department, state agency, or state institution shall be ineligible for membership on the board provided for in this section during the time for which he or she was elected or appointed.

(B) No individual may be a member of more than one (1) of the boards created under the provisions of § 25-17-201 at the same time.

(d) (1) The term of office for each member shall commence on January 15 and shall end on January 14 of the fifth year following the year in which the regular term commenced.

(2) On or before the fourteenth day following the commencement of each regular session of the General Assembly, the Governor shall submit to the Senate for approval the names of all unconfirmed appointments made by him or her to fill expired terms and the names of appointments to fill the terms expiring during the regular session of the General Assembly. The members appointed by the Governor to fill vacancies caused by the expiration of the terms of members may qualify and hold office until the appointments are rejected by the Senate.

(e) Vacancies on the board shall be filled by appointments by the Governor from the state at large.

(f) Any vacancies arising in the membership of the board for any reason other than the expiration of the regular terms for which the members were appointed shall be filled by the appointment of the Governor, subject to the approval by a majority of the remaining members of the board and shall be thereafter effective until the expiration of the regular terms.

(g) (1) Before entering upon his or her respective duties, each board member shall take and subscribe and file in the office of the Secretary of State an oath to support the United States Constitution and the Arkansas Constitution and to faithfully perform the duties of the office upon which he or she is about to enter and that he or she will not be or become interested, directly or indirectly, in any contract made by the board.

(2) (A) Any violation of the oath shall be a Class B misdemeanor.

(B) Any contract entered into in violation of the oath shall be void.

(h) Members of the board provided for in this section may receive expense reimbursement in accordance with § 25-16-901 et seq.

(i) (1) The Governor shall have the power to remove any member of the board before the expiration of his or her term for cause only, after notice and hearing.

(2) The removal shall become effective only when approved in writing by a majority of the total number of the board, but the member removed or his or her successor shall have no right to vote on the question of removal.

(3) The removal action shall be filed with the Secretary of State, together with a complete record of the proceedings at the hearing.

(4) (A) An appeal may be taken to the Pulaski County Circuit Court by the Governor or the member ordered removed, and the appeal shall be tried de novo on the record of the hearing before the Governor.

(B) An appeal may be taken from the circuit court to the Supreme Court,

which shall likewise be tried de novo.

History. Acts 1943, No. 1, §§ 2, 4-7; 1967, No. 3, § 2; 1967, No. 18, § 2; A.S.A. 1947, §§ 7-201, 7-203, 7-204 — 7-206, 80-3124.1; Acts 1997, No. 250, § 33; 2005, No. 1994, § 389.

Publisher's Notes. Arkansas Constitution, Amendment 33, Section 1 provides, in part, that the terms of office for five-member boards are five years. The terms of the members of the Board of Trustees of Arkansas State University are arranged so that one term expires every year.

Those provisions of Acts 1943, No. 1 which established honorary boards and commissions governing various state institutions are codified in full as § 25-17-201 et seq. and are codified with respect to particular institutions in this section and §§ 6-43-101, 6-43-102, 6-65-103, 6-65-202, 6-65-301, 6-65-302, 6-66-101, 6-66-102, 6-67-102, 6-67-103.

Acts 1943, No. 1, § 7, provided, in part, that as soon as practicable after January 14, 1943, the board created by this section would meet, organize, elect its officers, and transact such other business as might come before the meeting.

Amendments. The 2005 amendment, in (g)(2)(A), inserted "Class B" and deleted "and shall be punished by a fine of not less than five hundred dollars (\$500) or by imprisonment of not less than six (6) months, or by both fine and imprisonment" from the end.

Case Notes

Cited: Jackson v. Bishop, 404 F.2d 571 (8th Cir. 1968); Walther v. McDonald, 243 Ark. 912, 422 S.W.2d 854 (1968).

6-65-202. Powers and duties of board.

(a) The board created in § 6-65-201 is charged with the management and control of Arkansas State University.

(b) The board shall have the power, authority, and duties formerly conferred by law on the board it succeeds.

History. Acts 1943, No. 1, § 3; A.S.A. 1947, § 7-202.

A.C.R.C. Notes. Acts 2005, No. 2120, § 8, provided:

"LEASES. Notwithstanding any law to the contrary, the Board of Trustees of Arkansas State University may hereafter lease facilities for operations for room and board purposes in any manner and upon terms the board deems to be in the best interest of the university. Action taken under this act shall be by written resolution adopted by at least a majority of the members of the board.

"The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007."

Publisher's Notes. Acts 1943, No. 1, § 1, in part, abolished the board or commission charged with the management or control of Arkansas State College.

Acts 1967, No. 3, § 1, and Acts 1967, No. 18, § 1, subsequently changed the name of Arkansas State College to Arkansas State University.

As to codification of Acts 1943, No. 1, see Publisher's Notes to § 6-65-201.

Case Notes

Cited: Starnes v. Sadler, 237 Ark. 325, 372 S.W.2d 585 (1963); Jackson v. Bishop, 404 F.2d 571 (8th Cir. 1968).

6-65-203. Right of eminent domain.

(a) The right of eminent domain is granted to Arkansas State University located at Jonesboro, to condemn property, wherever and whenever the acquisition of property is necessary for the use of the university. However, homesteads as of March 28, 1947, shall not be deemed to come within the provisions of this section.

(b) All suits for condemnation of property under the provisions of this section shall be

brought by the university in the name of the State of Arkansas.

(c) (1) Before any suit can be instituted, it shall be necessary for the Board of Trustees of the university to pass a resolution to the effect that the acquisition of the property sought to be condemned is necessary for the use and benefit of the University.

(2) The resolution shall also set forth the purpose for which the lands are to be condemned, together with the legal description of the lands.

(d) (1) Upon adoption of the resolution, the board of trustees of Arkansas State University is authorized to request the prosecuting attorney of the district in which the lands are situated to assist in instituting proper proceedings for the condemnation of the lands.

(2) In the event any prosecuting attorney is requested to institute or to assist in instituting such proceedings, it shall then be the duty of that prosecuting attorney to comply with the request of the board of trustees.

(e) It shall be the duty of the Attorney General of the State of Arkansas to handle all appeals taken to the Supreme Court of the state from any such actions.

History. Acts 1947, No. 333, §§ 1-3; A.S.A. 1947, §§ 80-3121 — 80-3123.

6-65-204. Disbursing agent — Drawing vouchers.

(a) In view of the uncertainty as to the maximum amount of funds to be realized from tax sources, the disbursing agent is directed to inform himself or herself at all times as to the condition of the cash balance to the credit of his or her institution.

(b) No voucher shall be drawn unless at the time of its execution there is sufficient credit on the Treasurer of State's books to pay the voucher when converted into a warrant and all other warrants previously issued in pursuance of vouchers executed by the disbursing agent.

History. Acts 1939, No. 294, § 5; A.S.A. 1947, § 80-3120.

6-65-205. Participation in federal or state aid authorized.

Arkansas State University is designated and directed to provide for and to participate in the educational training activities which have been or are designated, and in the funds appropriated therefor, by the federal government for the support of educational programs, for the improved preparation of teachers, both general and vocational, for the support of the Civilian Conservation Corps and Farm Security Administration or other federal agencies engaged in agricultural conservation service, for transportation of children, for improved housing, for night schools, for noncredit educational service, for rural libraries, for vocational guidance, for experimentation and research, for educational planning and demonstrations, and such other federal and state funds as may be provided for the improvement of the administration and facilities of education in the public schools of Arkansas at the elementary, secondary, and collegiate levels.

History. Acts 1941, No. 207, § 4.

A.C.R.C. Notes. The Civilian Conservation Corps and the Farm Security Administration, referred to in this section, were federal programs that no longer exist.

6-65-206. Real estate research and educational program.

There is established and shall be conducted at Arkansas State University at Jonesboro a

research and educational program in real estate to be known as the Ray Worthington Chair of Real Estate.

History. Acts 1975, No. 647, § 1; A.S.A. 1947, § 80-3148.

Publisher's Notes. Acts 1975, No. 647, § 4, provided that the intent of the act was to replace and supersede the Verdon M. Bennett Chair of Real Estate established by Acts 1973, No. 418 with the Ray Worthington Chair of Real Estate.

6-65-207. College of Engineering Management.

(a) The General Assembly determines that:

(1) There is urgent need in the State of Arkansas to prepare persons with training and expertise in the field of engineering and the fundamentals of management;

(2) Current needs of Arkansas' diversified industry and the demands for future expansion will require engineers in managerial positions who have a broad-based education that would enable them to make managerial and administrative decisions from an engineering viewpoint;

(3) The orderly development of Arkansas in the areas of environmental control, energy recovery, waste processing, community hygiene, land utilization, and other related areas requires personnel who can translate engineering principles into effective action while performing as responsible managers;

(4) Studies have disclosed that approximately two-thirds (2/3) of engineers eventually assume managerial responsibility; and

(5) It is essential to the continued growth and development of the State of Arkansas that appropriate college-level training be provided in the state for persons in the area of engineering management.

(b) It is the intent and purpose of this section to fill this urgent need by establishing a college of engineering management at Arkansas State University at Jonesboro to provide college-level training for new entrants into the field of engineering management, in-service training for practicing engineers who will eventually assume managerial duties, for persons planning to assist municipalities with their systematic growth and development, and for other appropriate personnel in similar or related fields.

(c) There is created and established and there shall be maintained and operated at Arkansas State University at Jonesboro the College of Engineering Management.

(d) The curriculum, schedule, and administrative structure of the college shall be established and determined in the same manner as in other colleges at Arkansas State University.

History. Acts 1975, No. 398, §§ 1, 2; A.S.A. 1947, §§ 80-3149, 80-3150.

6-65-208. ASU-Beebe — Board of trustees.

The Board of Trustees of Arkansas State University is empowered to exercise any powers, rights, and obligations in regard to Arkansas State University-Beebe that it is now empowered and authorized by law to exercise in regard to Arkansas State University.

History. Acts 1955, No. 84, § 4; A.S.A. 1947, § 80-3138; Acts 2001, No. 90, § 1.

Publisher's Notes. Acts 1943, No. 1, in part, created an honorary board of management constituting the Board of Trustees of the Junior Agricultural College which succeeded to the

powers and duties of the board or commission formerly charged with the management or control of the Junior Agricultural College and which was abolished by section 1 of the act.

Acts 1955, No. 84, § 1, provided that the Junior Agricultural College located at Beebe, Arkansas, would become the Beebe Branch of the Arkansas State College of the First District (now Arkansas State University). Pursuant to §§ 2 and 3 of the act, all powers, duties, obligations, property, etc. of the Board of Trustees of the Junior Agricultural College were transferred to the Board of Trustees of Arkansas State College and all contractual obligations of the Junior Agricultural College were assumed by the Beebe Branch. Facilities of the Junior Agricultural College were incorporated into the Beebe Branch pursuant to § 4 of the act.

Acts 1967, No. 3, § 1, and No. 18, § 1, changed the name of Arkansas State College to Arkansas State University.

Amendments. The 2001 amendment substituted “Arkansas State University-Beebe” for “the Beebe Branch of Arkansas State University.”

6-65-209. ASU-Beebe — Counties composing district.

The Board of Trustees of Arkansas State University is empowered to designate the counties of Lonoke, Prairie, White, Pulaski, Grant, Saline, Cleburne, Stone, Independence, and Hot Spring as composing the district for Arkansas State University-Beebe.

History. Acts 1927, No. 132, § 3; Pope's Dig., § 12974; A.S.A. 1947, § 80-3136; Acts 2001, No. 90, § 2.

Amendments. The 2001 amendment substituted “Arkansas State University-Beebe” for “Arkansas State University, Beebe Branch.”

6-65-210. ASU-Beebe — Course of study.

The course of study shall be provided by the Board of Trustees of Arkansas State University and shall consist of actual experiments, treatises, or lectures on agriculture, horticulture, poultry raising, dairying, truck and small fruit growing, and their marketing.

History. Acts 1927, No. 132, § 5; Pope's Dig., § 12976; A.S.A. 1947, § 80-3139.

6-65-211. ASU-Beebe — Faculty and staff.

(a) The faculty of Arkansas State University-Beebe shall consist of:

(1) A principal, who shall be a graduate of some reputable school of agriculture and well versed in practical farming in such soils as surround the school;

(2) One (1) instructor in stock raising, poultry, and dairying, who shall have had practical work as such; and

(3) Such assistants as may be necessary.

(b) The trustees may combine the duties of any of the above when practical.

History. Acts 1927, No. 132, § 6; Pope's Dig., § 12977; A.S.A. 1947, § 80-3140; Acts 2001, No. 90, § 3.

A.C.R.C. Notes. Acts 1991, No. 1084, § 8, provides:

“The Arkansas State University — Beebe shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that Arkansas State University — Beebe shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with Arkansas State University — Beebe does not exceed 25% of that required for a full-time

employee.”

Amendments. The 2001 amendment substituted “Arkansas State University-Beebe” for “Arkansas State University, Beebe Branch.”

6-65-212. ASU-Beebe — Tuition and admissions.

(a) The tuition in Arkansas State University-Beebe shall be determined by the Board of Trustees of Arkansas State University.

(b) The trustees may limit the number of students from time to time according to the capacity and means of the institution and shall make such rules of admission as to equalize as nearly as practical the privileges of the school among the counties composing the district according to population.

(c) No student under the age of fifteen (15) years shall be admitted as a student of this school.

History. Acts 1927, No. 132, § 8; Pope's Dig., § 12979; A.S.A. 1947, § 80-3142; Acts 2003, No. 634, § 2.

Amendments. The 2003 amendment substituted “Arkansas State University-Beebe” for “Beebe Branch” in the section catchline; and substituted “determined by the board of trustees” for “free” in (a).

6-65-213. ASU-Beebe — Labor performed by students.

All work in, on, or about the school, or on the farm, or on or in the barns or poultry yards connected with this school, whether it is farming, building, care of stock, or work of whatsoever kind, shall be performed by students of the school under such regulations as the trustees may provide.

History. Acts 1927, No. 132, § 7; Pope's Dig., § 12978; A.S.A. 1947, § 80-3141.

6-65-214. ASU-Beebe — Rental of unused property authorized.

The trustees are authorized to rent to the best advantage from time to time any portion of the property of the school not required for the immediate use of the school.

History. Acts 1927, No. 132, § 8; Pope's Dig., § 12979; A.S.A. 1947, § 80-3142.

6-65-215. ASU-Beebe — Cooperation with other agricultural schools.

Arkansas State University-Beebe shall cooperate with other agricultural schools in operation by reporting to them the results of its experiments, and they shall mutually agree upon the publication of bulletins for free distribution as they deem to be of interest to those engaged in agricultural pursuits.

History. Acts 1927, No. 132, § 9; Pope's Dig., § 12980; A.S.A. 1947, § 80-3143; Acts 2001, No. 90, § 4.

Amendments. The 2001 amendment substituted “Arkansas State University-Beebe” for “The Beebe Branch of Arkansas State University”; and made a stylistic change.

6-65-216. ASU-Beebe — Fund created.

The Arkansas State University-Beebe Fund is created for the operation, maintenance, and improvement of Arkansas State University-Beebe.

History. Acts 1955, No. 84, § 5; A.S.A. 1947, § 80-3137; Acts 2001, No. 90, § 5.

Amendments. The 2001 amendment substituted “University-Beebe” for “University, Beebe Branch” throughout the section.

6-65-217. Arkansas State Technical Institute — Legislative findings, determinations, and intent.

(a) It is found and determined by the Seventy-Fifth General Assembly of the State of Arkansas that:

(1) The education and employment of its populace are two (2) of the highest goals of modern government;

(2) Technological advancements in industrial production and business are changing the means and methods in which business is conducted in world markets;

(3) Existing businesses and industries in Arkansas must respond to these changes in order to survive;

(4) If the state is to develop a stronger economic base, steps must be taken to provide existing businesses and industries with the tools necessary for continued development, and new industries must be convinced of the state's desire to have them locate within our borders;

(5) In both instances a highly educated and trained work force is an essential element;

(6) Although improvements have been and are being made in secondary and postsecondary vocational and technical education programs in the state, no program currently exists which combines applied advanced mathematics and science and general education with highly technical vocational programs at the certificate and associate degree level; and

(7) The financial resources of the state dictate that such a program should be established for the State of Arkansas.

(b) It is the intent of the General Assembly that the institute authorized by this section and §§ 6-65-218 — 6-65-224 should constantly evaluate its programs and modify or delete programs as the needs of business and industry change.

History. Acts 1985, No. 496, § 5; A.S.A. 1947, § 80-3151.

6-65-218. Arkansas State Technical Institute — Establishment.

The Board of Trustees of Arkansas State University is empowered and directed to design and establish a technical education program at Arkansas State University-Beebe to be known as the Arkansas State Technical Institute.

History. Acts 1985, No. 496, § 6; A.S.A. 1947, § 80-3152; Acts 2001, No. 90, § 6.

Amendments. The 2001 amendment substituted “Arkansas State University-Beebe” for “the Beebe Branch of Arkansas State University.”

6-65-219. [Repealed.]

Publisher's Notes. This section, concerning the Arkansas State Technical Institute advisory council, was repealed by Acts 1995, No. 366, § 1. The section was derived from Acts 1985, No. 496, § 7; A.S.A. 1947, § 80-3153.

6-65-220. Arkansas State Technical Institute — Courses of study and training.

(a) The Arkansas State Technical Institute shall provide educational programs which combine academic skills and vocational training in highly technical employment fields.

(b) The institute shall offer courses of study leading to certificates and associate degrees and shall also offer such short-term programs as needed.

History. Acts 1985, No. 496, § 6; A.S.A. 1947, § 80-3152.

6-65-221. Arkansas State Technical Institute — Operations generally.

The chief administrative officer of the Arkansas State Technical Institute shall be responsible to the Chancellor of Arkansas State University-Beebe and the President of Arkansas State University and Board of Trustees of Arkansas State University for the operation of the institute within the rules, regulations, and procedures adopted by the board of trustees.

History. Acts 1985, No. 496, § 8; A.S.A. 1947, § 80-3154; Acts 2001, No. 90, § 7.

Amendments. The 2001 amendment substituted “Arkansas State University-Beebe” for “the Beebe Branch of Arkansas State University.”

6-65-222. Arkansas State Technical Institute — Admissions, advanced placement, etc.

The Board of Trustees of Arkansas State University shall, upon the recommendation of the advisory council established in § 6-65-219 [repealed], adopt rules, regulations, procedures, and requirements for admission to, and advanced placement and continuation in, the Arkansas State Technical Institute.

History. Acts 1985, No. 496, § 8; A.S.A. 1947, § 80-3154.

6-65-223. Arkansas State Technical Institute — Tuition, fees, charges, etc.

The Board of Trustees of Arkansas State University shall also adopt policies regarding student payment of tuition, room and board, and such other fees and charges as deemed appropriate.

History. Acts 1985, No. 496, § 8; A.S.A. 1947, § 80-3154.

6-65-224. Arkansas State Technical Institute — Reporting requirements.

The Board of Trustees of Arkansas State University shall report to the Governor and the Legislative Council, biennially, the types and numbers of students and programs offered or planned to be offered at the Arkansas State Technical Institute.

History. Acts 1985, No. 496, § 9; A.S.A. 1947, § 80-3155.

6-65-225. [Repealed.]

Publisher's Notes. This section, concerning consolidation of administrative functions, was repealed by Acts 2007, No. 1229, § 16. The section was derived from Acts 1995, No. 1035, § 6.

6-65-226. Housing allowance.

Upon approval by the Board of Trustees of Arkansas State University, the chancellor, or

the director if there is no chancellor, of the various campuses of Arkansas State University may receive a housing allowance in an amount not to exceed four hundred dollars (\$400) per month in lieu of college housing.

History. Acts 1995, No. 1035, § 7; 2001, No. 90, § 8.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-4 may not apply to this section which was enacted subsequently.

Amendments. The 2001 amendment deleted “branch” preceding “campuses.”

Subchapter 3 **— Arkansas Tech University**

6-65-301. Board of Trustees of Arkansas Tech University.

6-65-302. Powers and duties of board.

6-65-303. Hot Springs Branch.

6-65-304. Lease of coal, oil, gas, and mineral lands.

6-65-305. Easements.

6-65-306. [Repealed.]

A.C.R.C. Notes. Acts 1991, No. 637, § 11, provided:

“The Arkansas Tech University shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that Arkansas Tech University shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with Arkansas Tech University does not exceed 25% of that required for a full-time employee.”

Acts 2005, No. 2185, § 7, provided:

“SPECIAL ALLOWANCES. The Board of Trustees of Arkansas Tech University may make special allowances available to any coach who coaches more than one sport in an amount not to exceed \$10,000 per year for any one coach during each year of the 2005-2007 biennium. Further, if the special allowance funds authorized herein are utilized, Arkansas Tech University shall report annually to the Legislative Joint Auditing Committee the exact disposition of those special allowance funds. The provisions of this section shall be in effect from July 1, 2005 through June 30, 2007.”

Acts 2005, No. 2185, § 8, provided:

“ARKANSAS TECH INSTITUTE. The Arkansas Tech Institute (ATI) shall be administered under the direction of Arkansas Tech University. Utilizing a multidisciplinary collaboration of professionals, ATI shall explore, develop, implement, and evaluate new and better ways to integrate the teaching, study and performance of business, engineering, and computer sciences for academic, economic, and economic development purposes in Arkansas. ATI priorities shall include, but are not limited to, economic development, technology development, and “cyber-park” development. Arkansas Tech University shall make annual reports to the Arkansas Legislative Council on all matters of funding, existing programs, and services offered through ATI. The provisions of this section shall be in effect from July 1, 2005 through June 30, 2007.”

Publisher's Notes. Acts 1925, No. 45, § 1, in part, changed the name of the Second District Agricultural School of Russellville, Arkansas, to Arkansas Polytechnic College.

Acts 1975, No. 343, § 1, provided, in part, that the board of trustees of any state-supported, accredited four-year institution of higher learning in Arkansas could, by appropriate action of the board taken only on or before September 1, 1976, provide university status for the institution and select and adopt an appropriate name for the institution. The section further provided that the name selected must be approved by the State Board of Higher Education, which was responsible for coordinating the name selections in order to prevent the selection of names which were duplications of, or would cause confusion with, the names of other state institutions of higher

learning. The name of Arkansas Polytechnic College was subsequently changed to Arkansas Tech University.

Effective Dates. Acts 1943, No. 1, § 9: Jan. 14, 1943. Emergency clause provided: "It is hereby found and declared that amendment No. 33 to the Constitution of the State of Arkansas, which will become effective on January 15, 1943, provides that the General Assembly shall arrange the terms of office of the members of boards charged with the management or control of all charitable, penal or correctional institutions and institutions of higher learning of the State of Arkansas in such manner that the term of office of one member of said board shall expire each year and that said amendment further provides that the unexpired terms of members serving on the effective date of the amendment shall not be decreased; and, it is further found and declared that the terms of members of all of said Boards do not expire in a manner which will make operative all of the provisions of said amendment. It is found, therefore, that delay in the effective date of this act will create confusion by reason of the uncertain status of present board members, and, that in order to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its passage and approval."

Acts 1959, No. 147, § 3: Mar. 3, 1959. Emergency clause provided: "It has been found and is declared by the General Assembly that certain responsible business concerns are engaged in securing leases on lands in the vicinity of and adjacent to lands belonging to Arkansas Polytechnic College or to the State and held for the benefit of the college for the purpose of exploring for and exploiting coal, oil, gas, or other minerals, and the power of the Board of Trustees of the college to execute such a lease is doubtful under existing law; that the college urgently needs the proceeds to be expected from the leasing of such lands; and that enactment of this measure will guarantee the college against possible loss because of any lack of power in the premises. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from the date of its approval."

Acts 1963, No. 201, § 3: Mar. 8, 1963. Emergency clause provided: "It has been found and is declared by the General Assembly that certain construction is proceeding on the Arkansas River in the vicinity of and adjacent to lands belonging to Arkansas Polytechnic College or to the State and held for the benefit of the college for the purpose of utilizing the Arkansas River by dams, flooding, bank control and levees, and the power of the Board of Trustees of the college to execute such an easement is doubtful under existing law; that the college urgently needs the authority to negotiate for the easement of lands or such lands will be condemned; and that enactment of this measure will guarantee the college against possible loss because of any lack of power in the premises. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from the date of its approval."

Acts 1971, No. 676, § 15: Apr. 7, 1971. Emergency clause provided: "It is hereby found and determined that it may be necessary to extend the regular session of the Sixty-Eighth General Assembly as authorized in the Constitution; that under the provisions of Amendment 7 to the Constitution, enactments of the General Assembly that do not have an emergency clause do not become effective until ninety (90) days after the date of final adjournment of the General Assembly; that the extended session of the General Assembly may not adjourn in time for this Act to take effect prior to July 1, 1971, thereby depriving the agency for which funds are appropriated herein of necessary operating funds to commence the next fiscal biennium; and in order that the appropriation made herein may be available on July 1, 1971, the General Assembly hereby determines that the immediate passage of this Act is necessary for the maintenance and operation of the essential governmental services. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval, provided that the appropriation authorized herein shall not be available until July 1, 1971."

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with

the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

6-65-301. Board of Trustees of Arkansas Tech University.

(a) There is created an honorary board constituting the Board of Trustees of Arkansas Tech University.

(b) (1) The board shall consist of five (5) members to be appointed from the counties in the Second Agricultural and Mechanical District.

(2) The Governor, by and with the advice and consent of the Senate, shall appoint the members of the board.

(3) The Secretary of State shall furnish a certificate to each board member within ten (10) days following appointment, whereupon the appointee shall notify the Governor and the Secretary of State in writing of his or her acceptance of the appointment within thirty (30) days, and if the appointee shall fail to give such notice of his or her acceptance within the time required, then the appointment shall be declared void and another appointment shall be made.

(c) (1) Members of the board appointed by the Governor under the provisions of this section, in addition to possessing the qualifications of an elector, shall reside in the State of Arkansas.

(2) (A) The Governor, Attorney General, Secretary of State, Auditor of State, Treasurer of State, Commissioner of State Lands, Justices of the Supreme Court, and the director or employees of any state department, state agency, or state institution shall be ineligible for membership on the board provided for in this section during the time for which he or she was elected or appointed.

(B) No individual may be a member of more than one (1) of the boards created under the provisions of § 25-17-201 at the same time.

(d) (1) The term of office for each member shall commence on January 15 and shall end on January 14 of the fifth year following the year in which the regular term commenced.

(2) The Governor shall submit to the Senate for approval, on or before the fourteenth day following the commencement of each regular session of the General Assembly the names of all unconfirmed appointments made by him or her to fill expired terms and the names of appointments to fill the terms expiring during the regular session of the General Assembly. The members appointed by the Governor to fill vacancies caused by the expiration of the terms of members may qualify and hold office until the appointments are rejected by the Senate.

(e) Any vacancies arising in the membership of the board for any reason other than the expiration of the regular terms for which the members were appointed shall be filled by the appointment of the Governor, subject to the approval by a majority of the remaining members of the board and shall be thereafter effective until the expiration of the regular terms.

(f) (1) Before entering upon his or her respective duties, each board member shall take and subscribe and file in the office of the Secretary of State an oath to support the United

States Constitution and the Arkansas Constitution and to faithfully perform the duties of the office upon which he or she is about to enter and that he or she will not be or become interested, directly or indirectly, in any contract made by the board.

(2) (A) Any violation of the oath shall be a Class B misdemeanor.

(B) Any contract entered into in violation of the oath shall be void.

(g) Members of the board provided for in this section may receive expense reimbursement in accordance with § 25-16-901 et seq.

(h) (1) The Governor shall have the power to remove any member of the board before the expiration of his or her term for cause only, after notice and hearing.

(2) The removal shall become effective only when approved in writing by a majority of the total number of the board, but the member removed or his or her successor shall have no right to vote on the question of removal.

(3) The removal action shall be filed with the Secretary of State together with a complete record of the proceedings at the hearing.

(4) (A) An appeal may be taken to the Pulaski County Circuit Court by the Governor or the member ordered removed, and the appeal shall be tried de novo on the record of the hearing before the Governor.

(B) An appeal may be taken from the circuit court to the Supreme Court, which shall likewise be tried de novo.

History. Acts 1943, No. 1, §§ 2, 4-7; A.S.A. 1947, §§ 7-201, 7-203, 7-204 — 7-206; Acts 1997, No. 250, § 34; 2005, No. 1994, § 390.

Publisher's Notes. Arkansas Constitution, Amendment 33, § 1, provided, in part, that the terms of office of five-member boards are five years. The terms of the members of the Board of Trustees of Arkansas Tech University are arranged so that one term expires every year. Those provisions of Acts 1943, No. 1 which established honorary boards and commissions governing various state institutions are codified in full as § 25-17-201 et seq. and are codified with respect to particular institutions in this section and §§ 6-43-101, 6-43-102, 6-65-103, 6-65-201, 6-65-202, 6-65-302, 6-66-101, 6-66-102, 6-67-102, 6-67-103.

Acts 1943, No. 1, § 7, provided, in part, that as soon as practicable after January 14, 1943, the board created by this section would meet, organize, elect their officers, and transact such other business as might come before the meeting.

Amendments. The 2005 amendment, in (f)(2)(A), inserted "Class B" and deleted "and shall be punished by a fine of not less than five hundred dollars (\$500) or by imprisonment of not less than six (6) months, or by both fine and imprisonment" from the end.

Case Notes

Cited: Jackson v. Bishop, 404 F.2d 571 (8th Cir. 1968); Walther v. McDonald, 243 Ark. 912, 422 S.W.2d 854 (1968).

6-65-302. Powers and duties of board.

(a) The board created in § 6-65-301 is charged with the management and control of Arkansas Tech University.

(b) The board shall have the power, authority, and duties formerly conferred by law on the board it succeeds.

History. Acts 1943, No. 1, § 3; A.S.A. 1947, § 7-202.

Publisher's Notes. The board created by § 6-65-301 succeeded to the powers, authority, and duties of the board or commission which was formerly charged with the management or control of the Arkansas Polytechnic College, now Arkansas Tech University, and which was abolished by

Acts 1943, No. 1, § 1.

As to codification of Acts 1943, No. 1, see Publisher's Notes to § 6-65-301.

Case Notes

Cited: *Starnes v. Sadler*, 237 Ark. 325, 372 S.W.2d 585 (1963); *Jackson v. Bishop*, 404 F.2d 571 (8th Cir. 1968).

6-65-303. Hot Springs Branch.

(a) The Board of Trustees of Arkansas Tech University is authorized to establish in Hot Springs, a branch of that university and shall operate thereat courses of instruction at less than baccalaureate degree programs.

(b) The board is authorized to establish appropriate rules and regulations for the operation of that campus.

History. Acts 1971, No. 676, § 7.

Publisher's Notes. Acts 1971, No. 676, § 7, in part, transferred Garland County to, and provided that it would thereafter be a part of, the second district for the purpose of Acts 1909, No. 100, as amended.

6-65-304. Lease of coal, oil, gas, and mineral lands.

(a) The Board of Trustees of Arkansas Tech University is empowered to lease lands belonging to Arkansas Tech University or to the state and held for the benefit of the university for the purpose of exploration for and exploitation of coal, oil, gas, or other minerals.

(b) To that end, the board may execute and deliver for and on behalf of the state and the university a lease or leases containing such terms and conditions as the board may deem proper and in the best interest of the state and the university.

(c) The proceeds from any such lease shall be placed in a bank account of the university and may be expended for the benefit of the university at the discretion of the board.

History. Acts 1959, No. 147, §§ 1, 2; A.S.A. 1947, §§ 80-3133, 80-3134.

6-65-305. Easements.

(a) The Board of Trustees of Arkansas Tech University is empowered to grant and convey easements of lands belonging to the university or to the state and held for the benefit of the university.

(b) To that end, the board may execute and deliver for and on behalf of the state and the university an easement or easements containing such terms and conditions as the board may deem proper and in the best interest of the state and the university.

(c) The proceeds from any such easement shall be placed in a bank account of the university and may be expended for the benefit of the university at the discretion of the board.

History. Acts 1963, No. 201, §§ 1, 2; A.S.A. 1947, §§ 80-3144, 80-3145.

6-65-306. [Repealed.]

Publisher's Notes. This section, concerning the housing allowance for the President of Arkansas Tech University, was repealed by Acts 1999, No. 240, § 6. The section was derived from Acts 1993, No. 761, § 11.

Subchapter 4 — Southern Arkansas University

- 6-65-401. Board of Trustees of Southern Arkansas University.
- 6-65-402. Board of trustees — Powers and duties.
- 6-65-403. Right of eminent domain.
- 6-65-404. SAU-Tech.
- 6-65-405. [Repealed.]
- 6-65-406. El Dorado Branch.
- 6-65-407. El Dorado Branch Advisory Committee.
- 6-65-408. Appropriations.
- 6-65-409. Housing allowance for chancellor — SAU-Tech.
- 6-65-410. Housing allowance for chancellor — El Dorado Branch.

A.C.R.C. Notes. Acts 1991, No. 1118, § 14, provided:

“The Southern Arkansas University — Southwest Technical Institute Division shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the Southern Arkansas University — Southwest Technical Institute Division shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the Southern Arkansas University — Southwest Technical Institute Division does not exceed 25% of that required for a full-time employee.”

Acts 1991, No. 1125, § 6, provided:

“The Southern Arkansas University shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the Southern Arkansas University shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the Southern Arkansas University does not exceed 25% of that required for a full-time employee.”

Publisher's Notes. Acts 1925, No. 45, § 1, in part, changed the name of the Third District Agricultural School located at Magnolia to Agricultural and Mechanical College, third district. Acts 1951, No. 11, § 1, changed the name of the Third District Agricultural and Mechanical College to Southern State College.

Acts 1975, No. 343, § 1, provided, in part, that the board of trustees of any state-supported, accredited four-year institution of higher learning in Arkansas could, by appropriate action of the board taken only on or before September 1, 1976, provide university status for the institution and select and adopt an appropriate name for the institution. The section further provided that the name selected must be approved by the State Board of Higher Education, which was responsible for coordinating the name selections in order to prevent the selection of names which were duplications of, or would cause confusion with, the names of other state institutions of higher learning. The name was subsequently changed to Southern Arkansas University.

Effective Dates. Acts 1945, No. 7, § 7: approved Jan. 26, 1945. Emergency clause provided: “It is hereby found and declared that Act Number One of the Acts of the General Assembly of 1943 abolished the Board of Trustees for the Third District Agricultural and Mechanical College and made no provisions for the appointment of a new Board of Trustees for said College and because of the present uncertain status of the Trustees for the Third District Agricultural and Mechanical College great confusion has arisen; and, that in order to preserve the public peace, health and safety, an emergency is hereby declared to exist and this act shall take effect and be in full force from and after its passage.”

Acts 1975, No. 171, § 4: July 1, 1975. Emergency clause provided: “It is hereby found and determined by the General Assembly that the higher educational needs of this State, and

especially of those citizens living in South Arkansas, may be better met by the expansion and coordination of educational and training services and facilities as provided in this Act, and that in order to enable the Board of Trustees and of Southern State College to make preparations for the expansion of duties of said Board of Trustees and of Southern State College, as authorized in this Act, it is necessary that this Act take effect on July 1, 1975, and that without the immediate passage hereof, and extension of the Regular Session of the Seventieth General Assembly could unduly delay the effectiveness of this Act. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1975.”

Acts 1989 (1st Ex. Sess.) No. 152, § 28: July 1, 1989. Emergency clause provided: “It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.”

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: “It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

6-65-401. Board of Trustees of Southern Arkansas University.

(a) The Governor, by and with the advice and consent of the Senate, shall appoint a board of five (5) members as trustees for Southern Arkansas University.

(b) The board shall constitute the Board of Trustees of Southern Arkansas University and shall be appointed from the counties in the Third Agricultural and Mechanical College District.

(c) (1) All board members appointed under the provisions of this section shall be qualified electors and shall reside in the State of Arkansas.

(2) The Governor, Attorney General, Secretary of State, Auditor of State, Treasurer of State, Commissioner of State Lands, and Justices of the Supreme Court and the director or employees of any state department, state agency, or state institution shall not be eligible for membership on the board appointed under this section.

(d) The Governor shall submit to the Senate for approval, on or before the fourteenth day following the commencement of each regular session of the General Assembly, the names of all unconfirmed appointments made by him or her to fill expired terms and the names of appointments to fill the terms expiring during the regular session of the General Assembly. However, members appointed by the Governor to fill vacancies caused by the expiration of the terms of members may qualify and hold office until such appointments shall be rejected by the Senate.

(e) (1) The Secretary of State shall furnish a certificate to each board member within ten

(10) days following appointment, whereupon the appointee shall notify the Governor and the Secretary of State in writing of his or her acceptance of the appointment within thirty (30) days.

(2) If the appointee fails to give such notice of his or her acceptance within the time required, then the appointment shall be declared void and another appointment shall be made.

(f) (1) The regular term of office of the members of the board to be appointed by the Governor under the provisions of this section shall be arranged in such a manner that the term of one (1) of the board members shall expire on January 14 of each year.

(2) The term of office shall commence on January 15 immediately following the expiration date of the preceding term and shall end on January 14 of the fifth year following the year in which the regular term commenced.

(g) Any vacancies arising in the membership of the board for any reason other than the expiration of the regular terms for which the members were appointed shall be filled by the appointment of the Governor, subject to the approval by a majority of the remaining members of the board and shall be thereafter effective until the expiration of the regular term unless the appointment is rejected by the Senate at the next regular session of the General Assembly.

(h) (1) Before entering upon his or her respective duties, each board member shall take, subscribe, and file in the office of the Secretary of State an oath to support the United States Constitution and the Arkansas Constitution and to faithfully perform the duties of the office upon which he or she is about to enter and that he or she will not be or become interested, directly or indirectly, in any contract made by the board.

(2) (A) Any violation of the oath shall be a Class B misdemeanor.

(B) Any contract entered into in violation of the oath shall be void.

(i) (1) The Governor shall have the power to remove any member of the board before the expiration of his or her term for cause only, after notice and hearing.

(2) The removal shall become effective only when approved in writing by a majority of the total number of the board but without the right to vote by the member to be removed or his or her successor, which action shall be filed with the Secretary of State with a complete record of the proceedings at the hearing.

(3) (A) An appeal may be taken to the Pulaski County Circuit Court by the Governor or the member ordered removed, and the cause shall be tried de novo on the record of the hearing before the Governor.

(B) An appeal may be taken from the circuit court to the Supreme Court, which shall likewise be tried de novo.

History. Acts 1945, No. 7, §§ 1, 3-5; A.S.A. 1947, §§ 80-3124, 80-3126 — 80-3128; Acts 2005, No. 1994, § 391.

Publisher's Notes. The terms of the members of the Board of Trustees of Henderson State University are arranged so that one (1) term expires every year.

Amendments. The 2005 amendment, in (h)(2)(A), inserted "Class B" and deleted "and shall be punished by a fine of not less than five hundred dollars (\$500) or by imprisonment of not less than six (6) months, or by both fine and imprisonment" from the end.

6-65-402. Board of trustees — Powers and duties.

The Board of Trustees for Southern Arkansas University appointed under the provisions

of § 6-65-401 is charged with the management and control of Southern Arkansas University.

History. Acts 1945, No. 7, § 2; A.S.A. 1947, § 80-3125.

Publisher's Notes. Acts 1945, No. 7, § 2, provided, in part, that the Board of Trustees for the Third District Agricultural and Mechanical College, now Southern Arkansas University, would have the powers and duties, and would take over all property and obligations of, the board abolished by Acts 1943, No. 1, § 1 and the honorary board of management established by Acts 1943, No. 1, § 2 (13).

6-65-403. Right of eminent domain.

(a) The right of eminent domain is granted to Southern Arkansas University located at Magnolia to condemn property wherever and whenever the acquisition of property is necessary for the use of the university.

(b) All suits for condemnation of property under the provisions of this section shall be brought by the university in the name of the State of Arkansas.

(c) (1) Before any suit can be instituted, it shall be necessary for the Board of Trustees of Southern Arkansas University to pass a resolution to the effect that the acquisition of the property sought to be condemned is necessary for the use and benefit of the university.

(2) The resolution shall also set forth the purpose for which the lands are to be condemned, together with the legal description of the lands.

(d) (1) Upon adoption of the resolution, the board of trustees is authorized to request the prosecuting attorney of the district in which the lands are situated to assist in instituting proper proceedings for the condemnation of the lands.

(2) In the event any prosecuting attorney is requested to institute or to assist in instituting such proceedings, it shall then be the duty of the prosecuting attorney to comply with the request of the board of trustees.

(e) Before this right and power is utilized in any individual case, the board of trustees shall exercise every reasonable effort to obtain the property in question at a reasonable price by negotiation, and the trial court shall so find.

(f) It shall be the duty of the Attorney General of the State of Arkansas to handle all appeals taken to the Supreme Court of the state from any such actions.

History. Acts 1957, No. 136, §§ 1-3; A.S.A. 1947, §§ 80-3130.1 — 80-3130.3.

6-65-404. SAU-Tech.

(a) The Board of Trustees of Southern Arkansas University and the President of Southern Arkansas University shall operate SAU-Tech as a technical division of Southern Arkansas University.

(b) The board of trustees, through the president, is authorized to establish appropriate rules and regulations for the operation of SAU-Tech.

(c) The board of trustees shall operate the properties belonging to the division in accordance with the terms of and for the respective purposes as set forth in the conveyances and agreements by which the properties were donated to the State Board of Workforce Education and Career Opportunities.

History. Acts 1975, No. 171, § 2; A.S.A. 1947, § 80-3125.2; Acts 1993, No. 447, § 2.

Publisher's Notes. Acts 1975, No. 171, § 2, provided, in part, for the transfer of Southwest Technical Institute at Camden to the control of the Board of Trustees of Southern State College, (now Southern Arkansas University). Section 2 further provided for the transfer of all properties and funds of the Southwest Technical Institute by the State Board of Vocational Education to Southern State College, (now Southern Arkansas University). The Board of Trustees of Southern State College was to assume all liabilities and obligations of Southwest Technical Institute. Section 2 further provided that all personnel of the Southwest Technical Institute who were members of the Teacher Retirement System of Arkansas would be eligible to continue to participate therein and that nothing in the act would deprive any member of the Southwest Technical Institute of any rights, privileges, or benefits they had acquired as employees of the institute prior to the date of its transfer to Southern Arkansas University.

6-65-405. [Repealed.]

Publisher's Notes. This section, concerning SAU-Tech advisory committee, was repealed by Acts 2007, No. 302, § 1. The section was derived from Acts 1975, No. 171, § 2; A.S.A. 1947, § 80-3125.2; Acts 1993, No. 447, § 3; 1997, No. 250, § 35.

6-65-406. El Dorado Branch.

(a) The Board of Trustees of Southern Arkansas University is authorized to establish and operate in or near El Dorado a branch of that university to be known as Southern Arkansas University, El Dorado Branch, and shall operate at the campus a program of junior college instruction, including offerings of community college instruction as contemplated by Acts 1973, No. 103 [repealed].

(b) The Arkansas Higher Education Coordinating Board is authorized to recognize the Southern Arkansas University, El Dorado Branch and shall have all powers and duties with respect to the El Dorado Branch as provided to the board for other state-supported community colleges and institutions of higher learning.

(c) (1) The Board of Trustees of Southern Arkansas University shall serve as the Board of Trustees of Southern Arkansas University, El Dorado Branch.

(2) The board of trustees shall exercise all powers and duties for the El Dorado Branch campus as the board is authorized by law to exercise for the Magnolia campus of the university.

(3) The board of trustees may acquire land and improvements thereon by gift, grant, donation, or purchase and may rent or lease buildings and facilities as deemed necessary for the efficient operation of the El Dorado Branch.

History. Acts 1975, No. 171, § 1; A.S.A. 1947, § 80-3125.1.

A.C.R.C. Notes. Acts 1991, No. 639, § 5, provided:

“The Southern Arkansas University — El Dorado Branch shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the Southern Arkansas University — El Dorado Branch shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the Southern Arkansas University — El Dorado Branch does not exceed 25% of that required for a full-time employee.”

6-65-407. El Dorado Branch Advisory Committee.

(a) There is established a Southern Arkansas University, El Dorado Branch Advisory

Committee.

(b) (1) The advisory committee shall consist of seven (7) members to be appointed by the Board of Trustees of Southern Arkansas University.

(2) The members of the advisory committee shall be qualified electors of this state residing in the area served by the El Dorado Branch. The advisory committee shall consist of persons interested in community college instruction.

(c) Members shall be appointed for terms of four (4) years.

(d) The advisory committee shall organize by electing one (1) of its members as chair and electing such other officers as the committee shall deem appropriate.

(e) Members of the committee shall serve without pay but may receive expense reimbursement in accordance with § 25-16-901 et seq.

(f) The advisory committee shall advise the Board of Trustees of Southern Arkansas University and the President of Southern Arkansas University and the Chancellor of Southern Arkansas University, El Dorado Branch and the administrative officers of Southern Arkansas University, El Dorado Branch, in regard to all aspects of the operation of that branch.

History. Acts 1975, No. 171, § 1; A.S.A. 1947, § 80-3125.1; Acts 1997, No. 250, § 36.

Publisher's Notes. The terms of the members of the Southern Arkansas University, El Dorado Branch Advisory Committee are arranged so that four (4) terms expire every two (2) years and three (3) terms expire every four (4) years.

6-65-408. Appropriations.

(a) Moneys appropriated by the General Assembly for the operation, construction, and equipment of the Magnolia campus, SAU-Tech, and the Southern Arkansas University, El Dorado Branch shall be made by separate appropriations in order to assure each campus of its intended level of support.

(b) Funds appropriated for construction and equipment or for the maintenance and operation of each campus shall not be used for any other purpose.

History. Acts 1975, No. 171, § 1; A.S.A. 1947, § 80-3125.1; Acts 1993, No. 447, § 4.

6-65-409. Housing allowance for chancellor — SAU-Tech.

Upon approval by the Board of Trustees of Southern Arkansas University, the Chancellor of SAU-Tech may receive a housing allowance in an amount not to exceed four hundred dollars (\$400) per month in lieu of college housing.

History. Acts 1989 (1st Ex. Sess.), No. 152, § 15; 1993, No. 447, § 5.

A.C.R.C. Notes. References to "this chapter" in subchapters 1-4 may not apply to this section which was enacted subsequently.

6-65-410. Housing allowance for chancellor — El Dorado Branch.

Upon approval by the Board of Trustees of Southern Arkansas University, the Chancellor of Southern Arkansas University, El Dorado Branch may receive a housing allowance in an amount not to exceed four hundred dollars (\$400) per month in lieu of college housing.

History. Acts 1989 (1st Ex. Sess.), No. 152, § 10.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-4 may not apply to this section which was enacted subsequently.

Chapter 66

Henderson State University

- 6-66-101. Board of Trustees of Henderson State University.
- 6-66-102. Powers and duties of board.
- 6-66-103. Participation in federal and state aid authorized.
- 6-66-104 — 6-66-109. [Repealed.]
- 6-66-110. Custodian of funds — Payment of bills and accounts.
- 6-66-111. Limitation of expenditures.
- 6-66-112. Right of eminent domain.
- 6-66-113. Report by board of trustees.
- 6-66-114, 6-66-115. [Repealed.]

A.C.R.C. Notes. Acts 1991, No. 700, § 7, provided:

“The Henderson State University shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the Henderson State University shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the Henderson State University does not exceed 25% of that required for a full-time employee.”

Acts 1995, No. 1158, § 7, provided:

“SPECIAL ALLOWANCE. The Board of Trustees of Henderson State University may make special allowances available to any coach who coaches more than one sport in an amount not to exceed \$5,000 per year for any one coach during each year of the 1995-97 biennium.”

Acts 1997, No. 685, § 6, provided:

“SPECIAL ALLOWANCE. The Board of Trustees of Henderson State University may make special allowances available to any coach who coaches more than one sport in an amount not to exceed \$5,000 per year for any one coach during each year of the 1997-99 biennium.”

Acts 2003, No. 1614, § 8 provided:

“SPECIAL ALLOWANCE. The Board of Trustees of Henderson State University may make special allowances available to any coach who coaches more than one sport in an amount not to exceed \$10,000 per year for any one coach during each year of the 2003-2005 biennium. Further, if the special allowance funds authorized herein are utilized, Henderson State University shall report annually to the Legislative Joint Auditing Committee the exact disposition of those special allowance funds. The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005.”

Acts 2005, No. 2182, § 7, provided:

“SPECIAL ALLOWANCE. The Board of Trustees of Henderson State University may make special allowances available to any coach who coaches more than one sport in an amount not to exceed \$10,000 per year for any one coach during each year of the 2005-2007 biennium. Further, if the special allowance funds authorized herein are utilized, Henderson State University shall report annually to the Legislative Joint Auditing Committee the exact disposition of those special allowance funds.

“The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.”

Acts 2007, No. 1298, § 7, provided:

“The Board of Trustees of Henderson State University may make special allowances available to any coach who coaches more than one sport in an amount not to exceed \$10,000 per year for any one coach during each year of the 2007-2009 biennium. Further, if the special allowance funds authorized herein are utilized, Henderson State University shall report annually to the

Legislative Joint Auditing Committee the exact disposition of those special allowance funds. "The provisions of this section shall be in effect only from July 1, 2007 through June 30, 2009."

Publisher's Notes. Acts 1929, No. 46, § 1, provided for the donation of the Henderson-Brown College in Arkadelphia, Arkansas, by the Chamber of Commerce of Arkadelphia, Clark County, Arkansas, and the Methodist Episcopal Church South to the State of Arkansas to be operated, maintained, and supported by the state as a standard teacher's college of the same class and standard as the State Teachers College at Conway, now University of Central Arkansas. Acts 1929, No. 46, § 16, provided that if no appropriation was made for the maintenance and operation of Henderson-Brown College after it was taken over and received by the state, the property would revert to the donors.

Acts 1975, No. 4, § 1, changed the name of Henderson State College to Henderson State University. Section 2 of that act provided that the Board of Trustees of Henderson State College would be known as the Board of Trustees of Henderson State University. Section 2 further provided that the Board of Trustees of Henderson State University would be selected in the manner then provided by law and that it would have all the rights, responsibilities, and liabilities with respect to the operation of Henderson State University formerly exercised with respect to Henderson State College. Section 3 of Acts 1975, No. 4, provided that all laws then in effect applicable to Henderson State College would remain in effect and be applicable to Henderson State University. The section further provided that all such laws referring to Henderson State College or its board of trustees would thereafter be taken and understood to refer to Henderson State University and to the Board of Trustees of Henderson State University, respectively.

Effective Dates. Acts 1929, No. 46, § 18: effective on passage.

Acts 1941, No. 128, § 7: approved Mar. 11, 1941. Emergency clause provided: "It is found and declared that the boards of the educational institutions of this State should be as free of politics as possible, and that elective or appointive officers of the State, because of the press of other duties, are not able to devote the time and attention to the interest of the educational institutions that should be devoted by board members; that some members of the Board of Henderson State Teachers' College and of Teachers' College at Conway do not reside in the territory from which the said colleges draw most of their students and were established to serve; that it would be to the best interests of the institutions to reorganize the boards governing them at the earliest possible date, and that it is therefore necessary for the preservation of the public peace, health and safety that this act become effective without delay; an emergency is hereby declared and this act shall take effect and be in force from and after its passage."

Acts 1943, No. 1, § 9: Jan. 14, 1943. Emergency clause provided: "It is hereby found and declared that amendment No. 33 to the Constitution of the State of Arkansas, which will become effective on January 15, 1943, provides that the General Assembly shall arrange the terms of office of the members of boards charged with the management or control of all charitable, penal or correctional institutions and institutions of higher learning of the State or Arkansas in such manner that the term of office of one member of said board shall expire each year and that said amendment further provides that the unexpired terms of members serving on the effective date of the amendment shall not be decreased; and, it is further found and declared that the terms of members of all of said Boards do not expire in a manner which will make operative all of the provisions of said amendment. It is found, therefore, that delay in the effective date of this act will create confusion by reason of the uncertain status of present board members, and, that in order to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its passage and approval."

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on

the date the last house overrides the veto.”

6-66-101. Board of Trustees of Henderson State University.

(a) There is created an honorary board constituting the Board of Trustees of Henderson State University, which is made and continued a body politic and corporate.

(b) (1) The board shall consist of seven (7) members.

(2) The Governor, by and with the advice and consent of the Senate, shall appoint the members of the board.

(3) The Secretary of State shall furnish a certificate to each board member within ten (10) days following appointment, whereupon the appointee shall notify the Governor and the Secretary of State in writing of his or her acceptance of the appointment within thirty (30) days, and if the appointee shall fail to give such notice of his or her acceptance within the time required, then the appointment shall be declared void and another appointment shall be made.

(c) (1) Members of the board appointed by the Governor under the provisions of this section, in addition to possessing the qualifications of an elector, shall reside in the State of Arkansas.

(2) (A) The Governor, Attorney General, Secretary of State, Auditor of State, Treasurer of State, Commissioner of State Lands, Justices of the Supreme Court, and the director or employees of any state department, state agency, or state institution shall be ineligible for membership on the board provided for in this section during the time for which he or she was elected or appointed.

(B) No individual may be a member of more than one (1) of the boards created under the provisions of § 25-17-201 at the same time.

(d) (1) The term of office for each member shall commence on January 15 and shall end on January 14 of the seventh year following the year in which the regular term commenced.

(2) The Governor shall submit to the Senate for approval, on or before the fourteenth day following the commencement of each regular session of the General Assembly the names of all unconfirmed appointments made by him or her to fill expired terms and the names of appointments to fill the terms expiring during the regular session of the General Assembly. The members appointed by the Governor to fill vacancies caused by the expiration of the terms of members may qualify and hold office until the appointments are rejected by the Senate.

(e) Any vacancies arising in the membership of the board for any reason other than the expiration of the regular terms for which the members were appointed shall be filled by the appointment of the Governor, subject to the approval by a majority of the remaining members of the board, and shall be thereafter effective until the expiration of the regular terms.

(f) (1) Before entering upon his or her respective duties, each board member shall take and subscribe and file in the office of the Secretary of State an oath to support the United States Constitution and the Arkansas Constitution and to faithfully perform the duties of the office upon which he or she is about to enter and that he or she will not be or become interested, directly or indirectly, in any contract made by the board.

(2) (A) Any violation of the oath shall be a Class B misdemeanor.

(B) Any contract entered into in violation of the oath shall be void.

(g) (1) (A) There shall be one (1) regular meeting of the board each year to be held within thirty (30) days after the close of commencement week.

(B) Called meetings may be held at the request of the president or of any two (2) members of the board if at least seven (7) days' written notice is given in advance to each member of the called meeting, except in cases of emergency, when three (3) days' notice will suffice.

(2) The board shall elect from its members a chair who shall preside at the meetings of the board, a vice chair who shall preside at the meetings of the board in the absence of the regular chair, and a secretary who shall keep the records of the meetings of the board. The secretary need not be a member of the board.

(3) A majority of the board shall constitute a quorum.

(4) Members of the board provided for in this section may receive expense reimbursement in accordance with § 25-16-901 et seq.

(h) (1) The Governor shall have the power to remove any member of the board before the expiration of his or her term for cause only, after notice and hearing.

(2) The removal shall become effective only when approved in writing by a majority of the total number of the board, but the member removed or his or her successor shall have no right to vote on the question of removal.

(3) The removal action shall be filed with the Secretary of State, together with a complete record of the proceedings at the hearing.

(4) (A) An appeal may be taken to the Pulaski County Circuit Court by the Governor or the member ordered removed, and the appeal shall be tried de novo on the record of the hearing before the Governor.

(B) An appeal may be taken from the circuit court to the Supreme Court, which shall likewise be tried de novo.

History. Acts 1929, No. 46, §§ 6, 7; Pope's Dig., §§ 13111, 13112; Acts 1941, No. 128, § 6; 1943, No. 1, §§ 2, 4-7; A.S.A. 1947, §§ 7-201, 7-203, 7-204 — 7-206, 80-2704, 80-2705; Acts 1997, No. 250, § 37; 2005, No. 1994, § 392.

Publisher's Notes. Arkansas Constitution, Amendment 33, § 1, provides, in part, that the terms of office of seven-member boards are seven years. The terms are arranged so that the term of one member expires in every year.

Those provisions of Acts 1943, No. 1 which established honorary boards and commissions governing various state institutions are codified in full as § 25-17-201 et seq. and are codified with respect to particular institutions in this section and §§ 6-43-101, 6-43-102, 6-65-103, 6-65-201, 6-65-202, 6-65-301, 6-65-302, 6-66-102, 6-67-102, 6-67-103.

Acts 1943, No. 1, § 7, provided, in part, that as soon as practicable after January 14, 1943, the board created by this section would meet, organize, elect their officers, and transact such other business as might come before the meeting.

Amendments. The 2005 amendment, in (f)(2)(A), inserted "Class B" and deleted "and shall be punished by a fine of not less than five hundred dollars (\$500) or by imprisonment of not less than six (6) months, or by both fine and imprisonment" from the end.

Cross References. Meetings required to be held once during each quarterly period, § 25-17-208.

Case Notes

Cited: Jackson v. Bishop, 404 F.2d 571 (8th Cir. 1968); Walther v. McDonald, 243 Ark. 912, 422 S.W.2d 854 (1968).

6-66-102. Powers and duties of board.

(a) The Board of Trustees of Henderson State University created in § 6-66-101 is

charged with the management and control of Henderson State University.

(b) The board shall have the power, authority, and duties formerly conferred by law on the board it succeeds, including those set forth in this section.

(c) The board shall be charged with the liabilities of the corporate body which it succeeds.

(d) (1) The board shall:

(A) Have perpetual succession of officers and members;

(B) Have the right to use and keep a common seal and to alter the seal at will;

(C) Have the right to contract and be contracted with;

(D) Have the right to own and purchase, sell, and convey property, real, personal, and mixed; and

(E) Be authorized and empowered to receive and hold donations, devises, bequests, and legacies for the use and benefit of the institution, provided that all property purchased under the authority of this chapter shall be free from liens and encumbrances, and the title of the property, as well as to any donation that the board may receive, shall be taken in the name of the members of the board and shall become the property of the State of Arkansas.

(2) The board shall have full power and authority from time to time to make, constitute, and establish such bylaws, rules, and orders not inconsistent with the laws of the land as seem necessary to it for the regulation, government, and control of themselves as trustees and all officers, teachers, and other persons in the institution, as well as with reference to limitations as to number of pupils to be admitted.

(3) The board shall fix and regulate tuition, all fees, costs, and other charges for attendance at the university.

(4) Admission requirements shall be established by the board in accordance with policies adopted by the board and consistent with the laws and regulations of this state.

(5) The board may:

(A) Hire and regulate faculty and staff;

(B) Establish and regulate the curriculum; and

(C) Grant diplomas and degrees.

History. Acts 1929, No. 46, § 3; Pope's Dig., § 13108; Acts 1941, No. 128, § 4; 1943, No. 1, § 3; A.S.A. 1947, §§ 7-202, 80-2703; Acts 2003, No. 1230, § 1.

Publisher's Notes. The board created by § 6-66-101 succeeded to the power, authority, and duties of the board or commission which was formerly charged with the management or control of Henderson State Teachers College, now Henderson State University, and was charged with the liabilities of the corporate body it succeeded, which was abolished by Acts 1943, No. 1, § 1. As to codification of Acts 1943, No. 1, see Publisher's Notes to § 6-66-101.

Amendments. The 2003 amendment added (d)(3)-(5).

Cross References. Authorization for college extension courses, § 6-60-401 et seq.

Cooperative education program in state government, § 21-3-501 et seq.

Regulations as to establishment of branch campuses, § 6-61-303.

Case Notes

Cited: *Starnes v. Sadler*, 237 Ark. 325, 372 S.W.2d 585 (1963); *Jackson v. Bishop*, 404 F.2d 571 (8th Cir. 1968).

6-66-103. Participation in federal and state aid authorized.

In order to qualify for federal aid to education in its several phases and at different levels of training and activities, Henderson State University is designated and directed to provide for and to participate in the educational training activities which have been or are designated and in the funds appropriated therefor by the federal government, for the support of educational programs for the improved preparation of teachers, both general and vocational, for transportation of children, for improved housing, for night schools, for noncredit educational service, for rural libraries, for vocational guidance, for experimentation and research, for educational planning and demonstrations, and such other federal and state funds as may be provided for the improvement of the administration and facilities of education in the public schools of Arkansas at the elementary, secondary, and collegiate levels.

History. Acts 1941, No. 173, § 5.

Case Notes

Cited: *Starnes v. Sadler*, 237 Ark. 325, 372 S.W.2d 585 (1963); *Jackson v. Bishop*, 404 F.2d 571 (8th Cir. 1968).

6-66-104 — 6-66-109. [Repealed.]

Publisher's Notes. These sections, concerning course of study, selection of instructors and pupils, admissions requirements, tuition and fees, degrees, and conservatory of fine arts, were repealed by Acts 2003, No. 1230, § 2. The sections were derived from the following sources:

6-66-104. Acts 1929, No. 46, § 8; Pope's Dig., § 13113; A.S.A. 1947, § 80-2706.

6-66-105. Acts 1929, No. 46, § 8; Pope's Dig., § 13113; A.S.A. 1947, § 80-2706.

6-66-106. Acts 1929, No. 46, § 9; Pope's Dig., § 13114; A.S.A. 1947, § 80-2707.

6-66-107. Acts 1929, No. 46, §§ 9, 13; Pope's Dig., §§ 13114, 13118; A.S.A. 1947, §§ 80-2707, 80-2711.

6-66-108. Acts 1929, No. 46, § 14; Pope's Dig., § 13119; A.S.A. 1947, § 80-2712.

6-66-109. Acts 1929, No. 46, § 15; Pope's Dig., § 13120; A.S.A. 1947, § 80-2713.

6-66-110. Custodian of funds — Payment of bills and accounts.

(a) The Treasurer of State shall be the custodian of the funds of the Board of Trustees of Henderson State University, and he or she shall pay out the funds of the institution only upon warrant issued by the Auditor of State.

(b) The Auditor of State shall issue warrants upon vouchers issued by the President of the Board of Trustees of Henderson State University and attested by the Secretary of the Board of Trustees of Henderson State University.

(c) All bills and accounts against the institution shall be made out and receipted in duplicate, and, when forwarding the payroll and expense list each month, the president shall also forward one (1) set of the bills and vouchers to be filed in the office of the Auditor of State and kept for public inspection.

History. Acts 1929, No. 46, §§ 10, 11; Pope's Dig., §§ 13115, 13116; A.S.A. 1947, §§ 80-2708, 80-2709.

6-66-111. Limitation of expenditures.

(a) It is made the duty of the Board of Trustees of Henderson State University to limit the number of teachers and their compensation and all the actual expenses thereof to the aggregate amount appropriated by the General Assembly for that purpose plus donations,

bequests, and the income that may be derived from the vested funds of the institution.

(b) All expenditures made by the board in excess of the funds mentioned in this section are declared unlawful and void.

History. Acts 1929, No. 46, § 12; Pope's Dig., §§ 13101, 13117; A.S.A. 1947, § 80-2710.

6-66-112. Right of eminent domain.

(a) (1) The right of eminent domain is granted to Henderson State University to condemn property located within not more than one-fourth ($\frac{1}{4}$) mile from the boundaries of the university campus, whenever the acquisition of such property is necessary for the use of the university.

(2) However, the right of eminent domain shall not apply to any property belonging to and used by any religious or educational organization.

(b) All suits for condemnation of property under the provisions of this section shall be brought by the university in the name of the State of Arkansas.

(c) (1) Before any suit may be instituted, it shall be necessary for the Board of Trustees of Henderson State University to pass a resolution to the effect that the acquisition of the property sought to be condemned is necessary for the use and benefit of the university.

(2) The resolution shall also set forth the purpose for which the lands are to be condemned, together with the legal description of the lands.

(d) (1) Upon adoption of the resolution, the board of trustees is authorized to request the prosecuting attorney of the district in which the lands are situated to assist in instituting proper proceedings for the condemnation of such lands.

(2) In the event the prosecuting attorney is requested to institute or to assist in instituting such proceedings, it shall then be the duty of the prosecuting attorney to comply with the request of the board of trustees.

(e) It shall be the duty of the Attorney General of the State of Arkansas to handle all appeals taken to the Supreme Court of the state from any such actions.

History. Acts 1959, No. 16, §§ 1-3; A.S.A. 1947, §§ 80-2716 — 80-2718.

6-66-113. Report by board of trustees.

(a) The Board of Trustees of Henderson State University shall biennially make a report to the General Assembly at the beginning of its session.

(b) The report shall be incorporated in the report of the Director of the Department of Education and shall set forth the financial and scholastic condition of Henderson State University, furnish such suggestions as in the judgment of the board of trustees are necessary for the improvement of the university, and make any further recommendations that may to the board of trustees seem wise and expedient.

History. Acts 1929, No. 46, § 17; Pope's Dig., § 13121; A.S.A. 1947, § 80-2715.

6-66-114, 6-66-115. [Repealed.]

Publisher's Notes. Former §§ 6-66-114 and 6-66-115, concerning housing allowances, were repealed by Acts 1999, No. 240, §§ 7, 8. The sections were derived from the following sources:

6-66-114. Acts 1995, No. 1158, § 8.

6-66-115. Acts 1997, No. 685, § 7.

Chapter 67

University of Central Arkansas

- 6-67-101. Establishment and purpose.
- 6-67-102. Board of Trustees of the University of Central Arkansas.
- 6-67-103. Powers and duties of board.
- 6-67-104. Participation in federal and state aid authorized.
- 6-67-105. Course of study.
- 6-67-106. Model school.
- 6-67-107. Selection of instructors and students.
- 6-67-108. [Repealed.]
- 6-67-109. [Repealed.]
- 6-67-110. [Repealed.]
- 6-67-111. Custodian of funds — Payment of bills and accounts.
- 6-67-112. Limitation of expenditures.
- 6-67-113. Payroll deductions.
- 6-67-114. Biennial report to General Assembly.

A.C.R.C. Notes. Acts 1991, No. 809, § 7, provided:

“The University of Central Arkansas shall be exempt from the provisions of Arkansas Code § 19-4-1707 to the extent that the University of Central Arkansas shall be allowed to hire adjunct professors and visiting professors who are currently providing professional and consulting services to the State of Arkansas, providing that they are not in a position to influence decisions regarding the awarding of grants or contracts, and providing that the term of their employment with the University of Central Arkansas does not exceed 25% of that required for a full-time employee.”

Acts 1997, No. 686, § 6, provided:

“SPECIAL ALLOWANCE. The Board of Trustees of the University of Central Arkansas may make special allowances available to any coach who coaches more than one sport in an amount not to exceed five thousand dollars (\$5,000) per year for any one coach during each year of the 1997-99 biennium.”

Acts 2005, No. 2119, § 7, provided:

“SPECIAL ALLOWANCE. The Board of Trustees of the University of Central Arkansas may make special allowances available to any coach who coaches more than one sport in an amount not to exceed ten thousand dollars (\$10,000) per year for any one coach during each year of the 2005-2007 biennium. Further, the Board of Trustees of the University of Central Arkansas is hereby authorized to make additional payments to head coaches at the University of Central Arkansas from revenues generated by contracts with vendors of athletic apparel, shoes and other products in such amounts as may be established by the Board of Trustees for performance by the coaches of consulting and other obligations pursuant to contracts between the University and such vendors. Such additional payments to head coaches shall not be considered salary and shall not be deemed or construed to exceed the maximum salaries established for such coaches by the Act. Nothing in this section shall be construed to reduce or eliminate the authority granted elsewhere in Arkansas statutes for the payment of allowances or bonuses to coaches at the University of Central Arkansas. Further, if the special allowance funds authorized herein are utilized, the University of Central Arkansas shall report annually to the Legislative Joint Auditing Committee the exact disposition of those special allowance funds.

“The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.”

Publisher's Notes. Acts 1925, No. 31, § 1, changed the name of Arkansas State Normal School to Arkansas State Teachers' College. Acts 1967, No. 5, § 1, changed the name of the Arkansas State Teachers' College to the State College of Arkansas. Acts 1975, No. 3, § 1, changed the name of the State College of Arkansas to the University of Central Arkansas and § 2 of the act

provided in part that the University of Central Arkansas would succeed to all the rights and benefits, and would assume all the responsibilities of, the State College of Arkansas.

Effective Dates. Acts 1907, No. 317, § 20: effective on passage.

Acts 1909, No. 100, § 12: effective on passage.

Acts 1941, No. 128, § 7: approved Mar. 11, 1941. Emergency clause provided: "It is found and declared that the boards of the educational institutions of this State should be as free of politics as possible, and that elective or appointive officers of the State, because of the press of other duties, are not able to devote the time and attention to the interest of the educational institutions that should be devoted by board members; that some members of the Board of Henderson State Teachers' College and of Teachers' College at Conway do not reside in the territory from which the said colleges draw most of their students and were established to serve; that it would be to the best interests of the institutions to reorganize the boards governing them at the earliest possible date, and that it is therefore necessary for the preservation of the public peace, health and safety that this act become effective without delay; an emergency is hereby declared and this act shall take effect and be in force from and after its passage."

Acts 1943, No. 1, § 9: Jan. 14, 1943. Emergency clause provided: "It is hereby found and declared that amendment No. 33 to the Constitution of the State of Arkansas, which will become effective on January 15, 1943, provides that the General Assembly shall arrange the terms of office of the members of boards charged with the management or control of all charitable, penal or correctional institutions and institutions of higher learning of the State of Arkansas in such manner that the term of office of one member of said board shall expire each year and that said amendment further provides that the unexpired terms of members serving on the effective date of the amendment shall not be decreased; and, it is further found and declared that the terms of members of all of said Boards do not expire in a manner which will make operative all of the provisions of said amendment. It is found, therefore, that delay in the effective date of this act will create confusion by reason of the uncertain status of present board members, and, that in order to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this act shall take effect and be in full force from and after its passage and approval."

Acts 1975, No. 3, § 5: Jan. 21, 1975. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that this Act is immediately necessary to meet the expanding needs and responsibilities of the State College of Arkansas to provide additional educational activities on a university level on a statewide basis, and to more adequately fulfill its changing role as a multi-purpose institution of higher learning. The General Assembly further finds that the enrollment of this State-supported institution of higher learning and the expanded needs and demands for additional services to meet the higher educational needs of the State of Arkansas and its people necessitates the immediate implementation of steps to convert and expand the programs of said institution to include educational opportunities at the university level, and that the immediate passage of this Act is necessary to accomplish the aforementioned purposes. Therefore an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall take effect and be in full force from and after its passage and approval."

Acts 1989 (1st Ex. Sess.), No. 45, § 11: July 1, 1989. Emergency clause provided: "It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to be the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989."

Acts 1992 (1st Ex. Sess.), No. 24, § 6 and No. 25, § 7: Mar. 5, 1992. Emergency clause provided: "It is hereby found and determined by the General Assembly that some of the language in the law establishing the University of Central Arkansas is obsolete and should be eliminated as soon as possible. Since this act will eliminate the obsolete language, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health

and safety shall be in full force and effect from and after its passage and approval.”
Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: “It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 2005, No. 891, § 2: Mar. 16, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the University of Central Arkansas is in dire need of additional student housing; that the provisions of this act will enable the University of Central Arkansas to acquire and lease student housing; and that it is necessary that this act become effective May 15, 2005 to enable the University of Central Arkansas to complete student housing plans before the beginning of the 2005 fall semester. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-67-101. Establishment and purpose.

For the purposes of providing educational opportunities at the university level on a statewide basis and more adequately fulfilling its changing role as a multipurpose, comprehensive institution of higher learning, there is established and maintained an institution to be known as the University of Central Arkansas.

History. Acts 1907, No. 317, § 1, p. 762; C. & M. Dig., § 9586; Pope's Dig., § 13083; A.S.A. 1947, § 80-2601; Acts 1992 (1st Ex. Sess.), No. 24, § 1; 1992 (1st Ex. Sess.), No. 25, § 1.

6-67-102. Board of Trustees of the University of Central Arkansas.

(a) There is created an honorary board constituting the Board of Trustees of the University of Central Arkansas, which is made and constituted a body politic and corporate.

(b) (1) The board shall consist of seven (7) members.

(2) The Governor, by and with the advice and consent of the Senate, shall appoint the members of the board.

(3) The Secretary of State shall furnish a certificate to each board member within ten (10) days following appointment, whereupon the appointee shall notify the Governor and the Secretary of State in writing of his or her acceptance of the appointment within thirty (30) days, and if the appointee shall fail to give such notice of his or her acceptance within the time required, then the appointment shall be declared void and another appointment shall be made.

(c) (1) Members of the board appointed by the Governor under the provisions of this section, in addition to possessing the qualifications of an elector, shall reside in the State of Arkansas.

(2) (A) The Governor, Attorney General, Secretary of State, Auditor of State,

Treasurer of State, Commissioner of State Lands, Justices of the Supreme Court, and the director or employees of any state department, state agency, or state institution shall be ineligible for membership on the board provided for in this section during the time for which he or she was elected or appointed.

(B) No individual may be a member of more than one (1) of the boards created under the provisions of § 25-17-201 at the same time.

(d) (1) The term of office for each member shall commence on January 15 and shall end on January 14 of the seventh year following the year in which the regular term commenced.

(2) The Governor shall submit to the Senate for approval, on or before the fourteenth day following the commencement of each regular session of the General Assembly, the names of all unconfirmed appointments made by him or her to fill expired terms and the names of appointments to fill the terms expiring during the regular session of the General Assembly. The members appointed by the Governor to fill vacancies caused by the expiration of the terms of members may qualify and hold office until the appointments are rejected by the Senate.

(e) Any vacancies arising in the membership of the board for any reason other than the expiration of the regular terms for which the members were appointed shall be filled by the appointment of the Governor, subject to the approval by a majority of the remaining members of the board, and shall be thereafter effective until the expiration of the regular terms.

(f) Before entering upon his or her respective duties, the trustee shall make and subscribe to an affidavit to faithfully, diligently, and impartially discharge the duties of his or her office.

(g) (1) (A) There shall be one (1) regular meeting of the board each year, to be held within thirty (30) days after the close of commencement week.

(B) Called meetings may be held at the request of the president or of any two (2) members of the board if at least seven (7) days' written notice is given in advance to each member of the called meeting, except in cases of emergency, when three (3) days' notice is sufficient.

(2) The board shall elect from its members a chair who shall preside at the meetings of the board, a vice chair who shall preside at the meetings of the board in the absence of the regular chair, and a secretary who shall keep the records of the meetings of the board. The secretary need not be a member of the board.

(3) A majority of the board shall constitute a quorum.

(4) Members of the board provided for in this section may receive expense reimbursement in accordance with § 25-16-901 et seq.

(h) (1) The Governor shall have the power to remove any member of the board before the expiration of his or her term for cause only, after notice and hearing.

(2) The removal shall become effective only when approved in writing by a majority of the total number of the board, but the member removed or his or her successor shall have no right to vote on the question of removal.

(3) The removal action shall be filed with the Secretary of State together with a complete record of the proceedings at the hearing.

(4) (A) An appeal may be taken to the Pulaski County Circuit Court by the Governor or the member ordered removed, and the appeal shall be tried de novo on the

record of the hearing before the Governor.

(B) An appeal may be taken from the circuit court to the Supreme Court, which shall likewise be tried de novo.

History. Acts 1907, No. 317, §§ 5, 6, p. 762; 1909, No. 100, § 5; C. & M. Dig., §§ 9590, 9591; Pope's Dig., §§ 13094, 13095; Acts 1941, No. 128, § 3; 1943, No. 1, §§ 2, 4-7; A.S.A. 1947, §§ 7-201, 7-203, 7-204 — 7-206, 80-2606, 80-2607; Acts 1997, No. 250, § 38; 2005, No. 891, § 1; No. 1994, § 393.

A.C.R.C. Notes. Pursuant to § 1-2-207, this section is set out as amended by Acts 2005, No. 891, § 1. Subsection (f) of this section was also amended by Acts 2005, No. 1994, § 393, to read as follows:

“(f) (1) Before entering upon his or her respective duties, each board member shall take and subscribe, and file in the office of the Secretary of State, an oath to support the United States Constitution and the Arkansas Constitution, to faithfully perform the duties of the office upon which he or she is about to enter, and that he or she will not be or become interested, directly or indirectly, in any contract made by the board.

“(2) (A) Any violation of the oath shall be a Class B misdemeanor.

“(B) Any contract entered into in violation of the oath shall be null and void.”

Publisher's Notes. Arkansas Constitution, Amendment 33, § 1, provided, in part, that the terms of office of seven-member boards are seven years.

Those provisions of Acts 1943, No. 1 which established honorary boards and commissions governing various state institutions are codified in full as § 25-17-201 et seq. and are codified with respect to particular institutions in this section and §§ 6-43-101, 6-43-102, 6-65-103, 6-65-201, 6-65-202, 6-65-301, 6-65-302, 6-66-101, 6-66-102, 6-67-103.

Acts 1943, No. 1, § 7, provided, in part, that as soon as practicable after January 14, 1943, the board created by this section would meet, organize, elect their officers, and transact such other business as might come before the meeting.

Acts 1975, No. 3, § 2, provided, in part, that the Board of Trustees of the State College of Arkansas would thereafter be designated as the Board of Trustees of the University of Central Arkansas.

Acts 1975, No. 3, § 3, provided that nothing in the act would have the effect of making any change in the personnel or tenure of office of any member of the Board of Trustees of the State College of Arkansas. The section further provided that the Board of Trustees of the State College of Arkansas would continue to serve as members of the Board of Trustees of the University of Central Arkansas as if the University of Central Arkansas had been the school's name at the time of the appointment of the then-existing members of the board.

Amendments. The 2005 amendment rewrote (f).

Cross References. Semiannual meetings required, § 25-17-208.

Case Notes

Cited: Jackson v. Bishop, 404 F.2d 571 (8th Cir. 1968); Walther v. McDonald, 243 Ark. 912, 422 S.W.2d 854 (1968).

6-67-103. Powers and duties of board.

(a) The Board of Trustees of the University of Central Arkansas created in § 6-67-102 is charged with the management and control of the University of Central Arkansas.

(b) The board shall have the power, authority, and duties formerly conferred by law on the board which it succeeds, including those set forth in this section.

(c) The board shall be charged with the liabilities of the corporate body which it succeeds.

(d) (1) The board shall:

(A) Have perpetual succession of officers and members;

(B) Have the right to use and keep a common seal and to alter the seal at

will;

(C) Have the right to contract and be contracted with; and

(D) Have the right to own, purchase, sell, and convey property, real, personal, and mixed, and be authorized and empowered to receive and hold donations, devises, bequests, and legacies for the use and benefit of the institution, provided that all property purchased under the authority of this chapter shall be free from liens and encumbrances and that the title to the property as well as to any donation that the board may receive shall be taken in the name of the members of the board and shall become the property of the State of Arkansas.

(2) The board shall have full power and authority from time to time to make, constitute, and establish such bylaws, rules, and orders not inconsistent with law as to them seem necessary for the regulation, government, and control of themselves as trustees and all officers, teachers, and other persons by them employed in and about the university, all persons in the institution, and regarding limitations as to number of pupils to be admitted.

(3) The board shall fix and regulate tuition and all fees, costs, and other charges for attendance at the university.

(4) Admission requirements shall be established by the board, in accordance with policies adopted by the board, consistent with the laws and regulations of this state.

(5) The board shall have the authority to grant diplomas and degrees.

History. Acts 1907, No. 317, § 2, p. 762; C. & M. Dig., § 9587; Pope's Dig., § 13091; Acts 1941, No. 128, § 1; 1943, No. 1, § 3; 1975, No. 3, § 2; A.S.A. 1947, § 7-202, 80-2602.2, 80-2605; Acts 2003, No. 207, § 1.

Publisher's Notes. The board created by § 6-67-102 succeeded to the power, authority, and duties of the board which was charged with the management or control of Arkansas State Teachers College, and was charged with the liabilities of the corporate body it succeeded, which was abolished by Acts 1943, No. 1, § 1.

Acts 1975, No. 3, § 2 provided, in part, that the Board of Trustees of the University of Central Arkansas would possess all the rights, power and authority of the Board of Trustees of the State College of Arkansas, which was also known as Arkansas State Teachers College.
As to codification of Acts 1943, No. 1, see Publisher's Notes to § 6-67-102.

Amendments. The 2003 amendment inserted present (d)(3) and (d)(4) and redesignated former (d)(3) as present (d)(5); and made minor stylistic changes.

Cross References. Authorization for college extension courses, § 6-60-401 et seq.
Cooperative education program in state government, § 21-3-501 et seq.
Regulations as to establishment of branch campuses, § 6-61-303.

Case Notes

Cited: Parsons v. Burns, 846 F. Supp. 1372 (W.D. Ark. 1993).

6-67-104. Participation in federal and state aid authorized.

In order to qualify for federal aid to education in its several phases and at different levels of training and activities, the University of Central Arkansas is designated and directed to provide for and to participate in the educational training activities which have been or may be designated, and in the funds appropriated therefor by the federal government, for the support of educational programs, for the improved preparation of teachers, both general and vocational, for transportation of children, for improved housing, for night schools, for noncredit educational service, for rural libraries, for vocational guidance, for experimentation and research, for educational planning and demonstrations, and such

other federal and state funds as may be provided for the improvement of the administration and facilities of education in the schools of Arkansas at the elementary, secondary, and collegiate levels.

History. Acts 1943, No. 349, § 3.

6-67-105. Course of study.

The Board of Trustees of the University of Central Arkansas shall prescribe the course of study for the University of Central Arkansas.

History. Acts 1907, No. 317, § 9, p. 762; C. & M. Dig., § 9594; Pope's Dig., § 13098; A.S.A. 1947, § 80-2609.

6-67-106. Model school.

The Board of Trustees of the University of Central Arkansas may provide for the establishment of a model school for practice in connection with the University of Central Arkansas and shall make the necessary regulations for the government and support of the model school.

History. Acts 1907, No. 317, § 8, p. 762; C. & M. Dig., § 9593; Pope's Dig., § 13097; A.S.A. 1947, § 80-2608; Acts 2003, No. 207, § 2.

Amendments. The 2003 amendment substituted “may provide” for “shall provide” and made minor stylistic changes.

6-67-107. Selection of instructors and students.

The Board of Trustees of the University of Central Arkansas shall elect instructors and fix their salaries and determine the conditions, subject to limitations specified in this chapter, on which pupils shall be admitted to the privileges of the school, but no election shall be valid unless at least four (4) members of the board shall vote in favor of the applicant whose name is being considered.

History. Acts 1907, No. 317, § 9, p. 762; C. & M. Dig., § 9594; Pope's Dig., § 13098; A.S.A. 1947, § 80-2609.

Case Notes

Due Process.

Election.

Due Process.

Board held to fully satisfy constitutional requirements for notice and a hearing before it offered instructor one year terminal contract. *House v. University of Cent. Ark. ex rel. Bd. of Trustees*, 684 F. Supp. 222 (E.D. Ark. 1988).

Election.

A property interest in tenured status did not arise from the vote by three trustees to award a special tenured contract. Since the requisite four votes needed to comply with this section were lacking, the action was, in effect, a nullity. *House v. University of Cent. Ark. ex rel. Bd. of Trustees*, 684 F. Supp. 222 (E.D. Ark. 1988).

6-67-108. [Repealed.]

Publisher's Notes. This section, concerning admissions requirements, was repealed by Acts 2003, No. 207, § 3. The section was derived from Acts 1907, No. 317, § 11, p. 762; C. & M. Dig., § 9596; Pope's Dig., § 13100; A.S.A. 1947, § 80-2611.

6-67-109. [Repealed.]

Publisher's Notes. This section, concerning tuition and fees, was repealed by Acts 2003, No. 207, § 4. The section was derived from Acts 1907, No. 317, §§ 8, 15, p. 762; C. & M. Dig., §§ 9593, 9600; Acts 1927, No. 26, § 4; Pope's Dig., §§ 13090, 13097, 13104; A.S.A. 1947, §§ 80-2604, 80-2608, 80-2615.

6-67-110. [Repealed.]

Publisher's Notes. This section, concerning scholarships, was repealed by Acts 1992 (1st Ex. Sess.), Nos. 24 and 25, § 2. The section was derived from Acts 1907, No. 317, § 10, p. 762; C. & M. Dig., § 9595; Pope's Dig., § 13099; A.S.A. 1947, § 80-2610.

6-67-111. Custodian of funds — Payment of bills and accounts.

(a) The Treasurer of State shall be the custodian of the funds of the Board of Trustees of the University of Central Arkansas, and he or she shall pay out the funds of the institution only upon warrant issued by the Auditor of State.

(b) The Auditor of State shall issue warrants upon vouchers issued by the President of the Board of Trustees of the University of Central Arkansas and attested by the Secretary of the Board of Trustees of the University of Central Arkansas.

(c) All bills and accounts against the institution shall be made out and receipted in duplicate, and when forwarding the payroll and expense list each month, the president of the board shall forward one (1) set of such bills and vouchers to be filed in the office of the Auditor of State and kept for public inspection.

History. Acts 1907, No. 317, §§ 12, 13, p. 762; C. & M. Dig., §§ 9597, 9598; Pope's Dig., §§ 13101, 13102; A.S.A. 1947, §§ 80-2612, 80-2613.

6-67-112. Limitation of expenditures.

(a) It is made the duty of the Board of Trustees of the University of Central Arkansas to limit the number of teachers and their compensation and all the actual expenses thereof to the aggregate amount appropriated by the General Assembly for that purpose plus donations and bequests and the income that may be derived from the vested funds of the institution.

(b) All expenditures made by the board in excess of the funds mentioned in this section are declared unlawful and void.

History. Acts 1907, No. 317, § 14, p. 762; C. & M. Dig., § 9599; Pope's Dig., § 13103; A.S.A. 1947, § 80-2614.

6-67-113. Payroll deductions.

The Board of Trustees of the University of Central Arkansas may permit deductions from the payrolls of university employees, if the employees authorize the deduction, for contributions to:

- (1) The University of Central Arkansas Foundation, Inc.; or

(2) Other programs or services authorized by the board and provided by the university to its employees.

History. Acts 1989 (1st Ex. Sess.), No. 45, § 7; 2003, No. 207, § 5.

A.C.R.C. Notes. Former § 6-67-113, concerning the University of Central Arkansas Foundation, Inc. — payroll deductions, is deemed to be superseded by this section. The former section was derived from Acts 1987, No. 695, § 7. A similar provision which was also codified as § 6-67-113, and was previously superseded, was derived from Acts 1985, No. 627, § 7.

Acts 2005, No. 2119, § 10, provided:

“MEMBERSHIP AUTHORIZATION. The Board of Trustees of the University of Central Arkansas is hereby authorized to enact voluntary payroll deductions for employees using on-campus programs and facilities. All such deductions shall be entirely voluntary in nature, shall require written authorization from each participant electing to use such deductions and shall not be made on a pre-tax basis. Nothing in this section shall be construed to reduce or eliminate the payroll regulations established elsewhere in Arkansas Statutes.

“The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.”

Amendments. The 2003 amendment inserted the subdivision (1) designation; inserted “if the employees authorize the deduction” in the introductory language; deleted “when authorized by university employees” following “Foundation, Inc.,” in present (1); and added (2).

6-67-114. Biennial report to General Assembly.

(a) The Board of Trustees of the University of Central Arkansas shall biennially make a report to the General Assembly at the beginning of its session.

(b) The report shall be incorporated in the report of the Director of the Department of Education and shall set forth the financial and scholastic condition of the school, furnish such suggestions as in the board's judgment are necessary for the improvement of the university, and shall make any further recommendations that may seem wise and expedient to the board.

History. Acts 1907, No. 317, § 19, p. 762; C. & M. Dig., § 9602; Pope's Dig., § 13105; A.S.A. 1947, § 80-2616.

Chapter 68

ELECTRONIC INSTRUCTIONAL MATERIAL

6-68-101. Definitions.

6-68-102. Electronic version of printed instructional material.

6-68-103. Student use requirement.

6-68-104. Electronic versions of nonprinted instructional material.

6-68-105. Transcription into braille — Requests for electronic instructional material.

6-68-106. Copyright protection.

6-68-107. Guidelines.

6-68-108. Violation.

6-68-101. Definitions.

For purposes of this chapter:

(1) “Institution of higher education” means any accredited post- secondary educational institution, college, or university in this state;

(2) “Instructional material or materials” means textbooks and other materials written and published primarily for use by students that are required or essential to a

student's success in a course of study in which a student with a disability is enrolled. The determination of which materials are required or essential to student success shall be made by the instructor of the course in consultation with the official making the request pursuant to § 6-68-102(4) in accordance with guidelines issued pursuant to § 6-68-107. "Instructional material or materials" includes nontextual mathematics and science materials to the extent that software is commercially available to permit the conversion of existing electronic files of the materials into a format that is compatible with braille translation software of alternative media for students with disabilities;

(3) "Nonprinted instructional materials" means instructional materials in formats other than print and includes instructional materials that require the availability of electronic equipment in order to be used as a learning resource, including, but not limited to, software programs, video disks, and video and audio tapes;

(4) "Printed instruction material or materials" means instructional material or materials in book or other printed form;

(5) "Specialized format" means braille, audio, or digital text that is exclusively for use by blind or other persons with disabilities; and

(6) (A) "Structural integrity" means all of the printed instructional material, including, but not limited to, the text of the material sidebars, the table of contents, chapter headings and subheadings, footnotes, indexes, glossaries, and bibliographies.

(B) "Structural integrity" need not include nontextual elements such as pictures, illustrations, graphs, or charts. If good faith efforts fail to produce an agreement pursuant to § 6-68-102 between the publisher or manufacturer and the official making the request pursuant to § 6-68-102(4) in accordance with guidelines issued pursuant to § 6-68-107, as to an electronic format that will preserve the structural integrity of the printed instructional material, the publisher or manufacturer shall provide the instructional material in American Standard Code for Information Interchange text and shall preserve as much of the structural integrity of the printed instructional material as possible.

History. Acts 2001, No. 758, § 1.

Research References

U. Ark. Little Rock L. Rev.

Survey of Legislation, 2001 Arkansas General Assembly, Education Law, 24 U. Ark. Little Rock L. Rev. 453.

6-68-102. Electronic version of printed instructional material.

An individual, firm, partnership, or corporation that publishes or manufactures printed instructional materials for students attending any institution of higher education in the State of Arkansas shall provide to the accredited institution of higher education for use by students of that school any printed instructional material in an electronic format mutually agreed upon by the publisher or manufacturer and the school. Computer files or electronic versions of printed instructional materials shall maintain the structural integrity of the printed instructional material, be compatible with commonly used braille translation and speech synthesis software, and include corrections and revisions as may be necessary. The computer files or electronic versions of the printed instructional material shall be provided to the institution of higher education, at no additional cost and in a timely manner, upon receipt of a written request that does all of the following:

(1) Certifies that the institution of higher education has purchased the printed

instructional material for use by a student with a disability or that a student with a disability attending or registered to attend that school has purchased the printed instructional material;

(2) Certifies that the student has a disability that prevents him or her from using standard instructional materials;

(3) Certifies that the printed instructional material is for use by the student in connection with a course in which he or she is registered or enrolled; and

(4) Is signed by the coordinator of services for students with disabilities at the institution of higher education and by an official responsible for monitoring compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. At the request of the institution of higher education, the Division of State Services for the Blind of the Department of Human Services or the Department of Workforce Education may prepare and sign the certification.

History. Acts 2001, No. 758, § 1.

6-68-103. Student use requirement.

(a) An individual, firm, partnership, or corporation specified in § 6-68-102 may also require that, in addition to the conditions enumerated in § 6-68-102, the request shall include a statement signed by the student, or if the student is a minor, the student's parent or legal guardian, agreeing to both of the following:

(1) The student will use the electronic copy of the printed instructional material in specialized format solely for his or her own educational purposes; and

(2) The student will not copy or duplicate the printed instructional material for use by others.

(b) If an institution of higher education permits a student to directly use the electronic version of an instructional material, the disk or file shall be copy-protected or reasonable precautions shall be taken to ensure that students do not copy or distribute electronic versions of instructional materials in violation of the Copyright Revisions Act of 1976, 17 U.S.C. § 101 et seq.

History. Acts 2001, No. 758, § 1.

6-68-104. Electronic versions of nonprinted instructional material.

An individual, firm, partnership, or corporation that publishes or manufactures nonprinted instructional materials for students attending any accredited institution of higher education in the State of Arkansas shall provide computer files or other electronic versions of the nonprinted instructional materials for use by students attending the institution, subject to the same conditions set forth in §§ 6-68-102 and 6-68-103(a) for printed instructional materials, when technology is available to convert these nonprinted instructional materials to a format that maintains the structural integrity of the nonprinted instructional materials that is compatible with braille translation and speech synthesis software.

History. Acts 2001, No. 758, § 1.

6-68-105. Transcription into braille — Requests for electronic instructional material.

(a) Nothing in this chapter shall be construed to prohibit a school or any educational

assistant, instructor, or tutor from assisting a student with a disability by using the electronic version of printed instructional material provided pursuant to this chapter solely to transcribe or arrange for the transcription of the printed instructional material into braille or to otherwise assist the student. In the event that a transcription is made, the school shall have the right to share the braille copy of the printed instructional material with other students with disabilities.

(b) The president of each institution of higher education may each or in combination with others establish one (1) or more centers to process requests for electronic versions of instructional materials pursuant to this chapter. If a center or centers is established, each of the following shall apply:

(1) The student and the educational institution shall submit requests for instructional material made pursuant to § 6-68-102(4) to the center, which shall transmit the request to the publisher or manufacturer with the appropriate certification;

(2) If there is more than one (1) center, each center shall make every effort to coordinate requests within its segment;

(3) The publisher or manufacturer of instructional material shall be required to honor and respond only to those requests submitted through a designated center; and

(4) If a publisher or manufacturer has responded to a request for instructional materials by a center, or on behalf of all the centers within a segment, all subsequent requests for these instructional materials shall be satisfied by the center to which the request is made.

History. Acts 2001, No. 758, § 1.

6-68-106. Copyright protection.

Nothing in this chapter shall be deemed to authorize any use of instructional materials that would constitute an infringement of copyright under the Copyright Revision Act of 1976, 17 U.S.C. § 101 et seq.

History. Acts 2001, No. 758, § 1.

6-68-107. Guidelines.

The institution of higher education or any center which requests instructional material pursuant to this chapter shall each adopt guidelines consistent with this chapter for its implementation and administration. At a minimum, the guidelines shall address all of the following:

(1) The designation of materials deemed required or essential to student success;

(2) The determination of the availability of technology for the conversion of nonprinted materials pursuant to § 6-68-104 and the conversion of mathematics and science materials pursuant to § 6-68-104;

(3) The procedures and standards relating to distribution of files and materials pursuant to §§ 6-68-102 and 6-68-103(a); and

(4) Other matters as are deemed necessary or appropriate to carry out the purposes of this chapter.

History. Acts 2001, No. 758, § 1.

6-68-108. Violation.

Failure to comply with the requirements of this chapter shall be an act of discrimination

pursuant to § 16-123-107(a)(2).

History. Acts 2001, No. 758, § 1.

Chapters 69-70 **[Reserved.]**

[Reserved]

Chapter 71 **Improvement Districts for Colleges and Universities**

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- 6-71-141. Construction and maintenance of college or university — Inducing existing institutions to move to district.
- 6-71-142. Requirements for receipt of benefits.

Effective Dates. Acts 1949, No. 260, § 52: Mar. 8, 1949. Emergency clause provided: "That it is found and determined as a fact that the provisions contained in this Act are immediately necessary in order that cities of the first class having a commission form of government may immediately furnish themselves with adequate college and university facilities and an emergency is hereby declared to exist and this act shall be in full force and effect from and after the date of its passage and approval."

6-71-101. Definitions.

As used in this chapter, unless the context otherwise requires:

- (1) "Assessors" means the assessors named by the improvement district commissioners as provided for in this chapter;
- (2) "Collector" means the improvement district collector named by the commissioners of the district;
- (3) "Commission" means the five-member board to be appointed as provided for in this chapter;
- (4) "Commissioner" means the board of improvement district commissioners appointed by the county judge of the county in which the district is located;
- (5) "Corporate limits" means the municipal or city limits of any city of the first class;
- (6) "District" means the special improvement districts provided for in this chapter; and
- (7) "Real property" shall have the same meaning and signification as are attached to the words in the acts providing for the collection of state, county, and city revenue.

History. Acts 1949, No. 260, § 1; A.S.A. 1947, § 80-3601.

6-71-102. Applicability.

Nothing in this chapter shall apply to cities having a commission form of government.

History. Acts 1949, No. 260, § 2; 1951, No. 119, § 1; A.S.A. 1947, § 80-3602.

6-71-103. City of first class — Special improvement district.

- (a) Any city of the first class in this state is created and constituted a special improvement district and shall be a public agency and body politic and corporate under the name of the city with the words "Special Improvement District", and by that name may sue and be sued, plead and be impleaded, and have perpetual succession for the purposes hereinafter designated.
- (b) The district may have a common seal and may make such bylaws and regulations from time to time as may be deemed proper, not inconsistent with this chapter or the laws of this state, for the purpose of carrying into effect the object of its creation.
- (c) The district may appoint all officers and agents which it deems necessary and suitable

for the conduct of the business of the corporation and may do all other acts and things not inconsistent with the laws of this state which may be proper to carry into effect the purposes and object of this chapter.

History. Acts 1949, No. 260, § 2; 1951, No. 119, § 1; A.S.A. 1947, § 80-3602.

6-71-104. Management commission.

- (a) The affairs of the district shall be managed and controlled and all improvements authorized shall be made by a commission which shall be composed of five (5) landowners who are residents of the district.
- (b) Within fifteen (15) days after the passage of this act, the members of the commission shall be appointed by the county judge of the county in which the district is located, and they shall serve during the existence of the district.
- (c) The commissioners shall not be paid any salary but shall be paid on a per diem basis for the time actually engaged by them in the discharge of the duties of their office.
- (d) The commissioners shall qualify by taking an oath that they will faithfully discharge the duties of their position.
- (e) They shall elect one (1) of their number president, who shall preside at all meetings of the commission. The president shall vote on all questions and shall be the chief officer of the district.
- (f) They shall appoint a secretary who shall hold office at their pleasure, who shall keep a record of the proceedings of the commission and shall receive such compensation as the commission may determine.
- (g) A majority of the commission shall constitute a quorum for the transaction of business, and the commission may prescribe rules for its own government and fix its time of meeting.
- (h) The commission shall have the right to employ such other persons and agents not mentioned in this chapter as may, in its judgment, be necessary to carry out the objects and purposes of this chapter.
- (i) The commission shall make an annual statement showing in full all the transactions of the commission for the year, and a copy of the annual statement shall be filed with the county clerk of the county.

History. Acts 1949, No. 260, §§ 5, 6, 41; A.S.A. 1947, §§ 80-3605, 80-3606, 80-3643.

Publisher's Notes. In reference to the term "passage of this act," Acts 1949, No. 260, § 52, provided that the act would take effect from and after its passage and approval. The act was signed by the Governor on March 8, 1949.

Meaning of "this act". Acts 1949, No. 260, codified as §§ 6-71-101 — 6-71-142.

6-71-105. Public notice of passage of chapter — Methods of approval.

- (a) Immediately upon the organization of the commission, or as soon thereafter as it is convenient, it shall give public notice of the passage of this chapter and of the commission's organization and the purposes of this chapter, and that the public improvement contemplated in this chapter is conditioned upon its approval by a majority in value of the owners of real estate within the district or a majority of the electors voting in a special election that may be held upon this chapter.
- (b) This chapter may be submitted in either or both of the following modes to determine whether it shall become operative:

(1) (A) If at any time within five (5) years from the passage of this chapter a petition purporting to be signed by a majority in value of the owners of real property within the district is filed with the commission, the commission shall give public notice of that fact in at least one (1) daily newspaper published in the county and set a day and place for the hearing not less than twenty (20) days after the first publication of the notice.

(B) At the place and time so designated, the commissioners shall examine the petition filed and examine the assessment of the real property within the district and, for the purpose of the hearing, may adjourn from day to day from time to time until the hearing is completed.

(C) At the hearing, any landowner in the district may be heard and evidence may be taken in such a manner as the commission may deem proper to determine the fact as to whether the petition is signed by a majority in value of the landowners of the district, as shown by the last county assessment of the lands within the district.

(D) (i) (a) If at the hearing the commissioners find that the petition is not signed by a majority in value of the landowners of the district, as shown by the last county assessment, they shall so declare. Such findings shall terminate proceedings under this chapter unless within the term herein limited another petition purporting to be signed by a majority in value of owners of real estate in the district is filed with the commission, when like proceedings shall again be had to determine whether a majority in value of the landowners of the district have signed the petition.

(b) However, the finding that a majority in value has not petitioned for the improvement shall not bar the chapter from becoming effective as provided in subdivision (b)(2) and subsection (c) of this section.

(ii) If the commission finds that the petition is signed by a majority in value of the landowners of the district as shown by the last county assessment, they shall so declare and shall proceed to carry out the purposes of this chapter.

(iii) In either event, public notice shall be given in at least one (1) daily paper published in the county of that fact, and a copy of the findings shall be filed with the county court of the county.

(2) (A) The commission may call at any time within five (5) years an election in accordance with § 7-5-103(b) to determine whether this chapter shall become operative and may call subsequent elections in accordance with § 7-5-103(b) after the chapter has failed to carry if the commission has good reasons to believe that a majority of the electors then favor this chapter.

(B) The election held under this section shall be held conformable as nearly as possible to the laws of the state governing general elections.

(C) The commission shall perform the duties of county election commissioners as nearly as applicable.

(D) All citizens of the city in which the district is located who possess a right to vote if the election were a general election for state officers, and no other, shall be entitled to vote in the election.

(E) The commission shall canvass the votes cast at the special elections. If the commission finds that a majority of the votes cast in the election were in favor of

this chapter's becoming operative, they shall so declare and shall proceed to carry out the purposes of this chapter.

(F) Public notice shall be given of their findings in either event in at least one (1) daily newspaper published in the county in which the district is located, and a copy of their findings shall be filed with the county clerk of such a county.

(c) It is the intent of this section to permit this chapter to become operative if it is approved at any time within five (5) years in either of the foregoing methods and not to become operative unless approved within this period by one (1) or the other of the methods provided in this section.

History. Acts 1949, No. 260, § 7; A.S.A. 1947, §§ 80-3607 — 80-3609; Acts 2005, No. 2145, § 10; 2007, No. 1049, § 12.

Publisher's Notes. In reference to the term "passage of this act," see note to § 6-71-104.

Amendments. The 2005 amendment deleted "Petition Method" at the beginning of (b)(1)(A); deleted "Election Method" at the beginning of (b)(2)(A); added (b)(2)(C); and redesignated former (b)(2)(C)-(F) as present (b)(2)(D)-(G).

The 2007 amendment, in (b)(2), twice inserted "in accordance with § 7-5-103(b)" in (A), and deleted former (C).

Meaning of "this act". See note to § 6-71-104.

6-71-106. Multidistrict counties.

In all counties where there are two (2) levying courts, thereby creating separate districts, each district shall be a county for the purpose of this chapter.

History. Acts 1949, No. 260, § 7; A.S.A. 1947, § 80-3609.

6-71-107. Board of assessors — Assessment procedure.

(a) Immediately after ascertaining the cost of the public improvement contemplated by this chapter, the commission shall appoint three (3) assessors.

(b) Each of the assessors shall, before entering upon the discharge of his or her duty, take an oath to well and truly assess, to the best of his or her ability, the value of all benefits to be received by each landowner by reason of the proposed improvement as affecting each tract of land within the district.

(c) They shall ascertain the value of the real property within the district without the improvement and the value thereof as benefited by the improvement, and they shall charge against each lot, tract, or parcel of real estate in said district an assessment according to the value of the benefit that will accrue to it by reason of the construction of the college or university.

(d) (1) The board of assessors shall, within ninety (90) days after its organization, complete its duties by filing with the commission a list showing the description of the property of the district, the owners' names as far as they appear from the last county assessments, such corrections as they may ascertain should be made, the valuation of each lot, tract, or parcel without the improvement, the valuation with the improvement, and the benefit estimated to accrue to each lot, tract, or parcel by reason of the improvement.

(2) The board shall file with the county clerk of the county the list for the inspection of all persons interested.

(e) Notice of the filing of the assessments shall be given by publication in at least one (1)

daily newspaper published in the county, and the notice shall state a date not less than thirty (30) days distant and the place where complaint may be made by any landowner before the board of assessors of any assessment made against his or her property.

(f) The board shall correct any inequalities, injustices, or errors which it may find in the assessment and shall hold meetings for the purpose of hearing the complaints of the owners of land in the district as to the assessment so as to adjust the burden of the assessment to the benefit to accrue to the real property of the complainant.

(g) The board may adjourn from day to day until the hearings are completed.

(h) (1) (A) Any landowner aggrieved by the action of the board may take an appeal to the commission within thirty (30) days from the action of the board upon his or her complaint, or any landowner may appeal from the action of the board from any assessment which acts unequally upon his or her property.

(B) The commission shall hear all appeals and determine them.

(2) Appeals may be taken from the commission to the county court in the same manner as is now provided by law that appeals may be taken from the county equalization boards to the county court, which appeal shall be taken within thirty (30) days from the action of the commission complained of and not thereafter.

(i) The assessors shall be paid on a per diem basis, the amount to be fixed by the commission for the time actually engaged by them in the discharge of the duties of their office.

History. Acts 1949, No. 260, § 8; A.S.A. 1947, § 80-3610.

6-71-108. Apportionment of assessments — Annual installments.

(a) As soon as all of the assessments have been equalized and adjusted as aforesaid, the commission shall, by resolution, charge each lot, tract, and parcel of real estate in the district with an assessment equal to the benefit estimated in the assessment list to accrue to the lot, tract, or parcel of land.

(b) The commission shall apportion the assessment into annual installments so as to realize annually only that sum of money as will be necessary to meet the expenses incurred in each year for interest and a sinking fund to pay the bonded indebtedness with twenty percent (20%) for contingencies.

History. Acts 1949, No. 260, § 9; A.S.A. 1947, § 80-3611.

6-71-109. Assessment as lien on real property.

The assessment of benefits shall be a charge and a lien against all the real property in the district from the date of the resolution and shall be entitled to preference over all judgments, executions, encumbrances, or liens whenever created and shall continue until the local assessments, with any penalty and cost that may accrue thereon, shall be paid. However, between grantor and grantee all payments not due at the date of the transfer of such real property shall be payable by the grantee.

History. Acts 1949, No. 260, § 9; A.S.A. 1947, § 80-3611.

6-71-110. Deferral of levy.

(a) The commission is given the authority to defer the levying of assessments for the first five (5) years after the assessments are made a lien upon the real property of the district if the district has funds with which to meet its interest charges and other debts in the five

(5) years from the sale of bonds or other sources.

(b) The authority conferred by this section shall not prevent the annual levying of the assessments unless funds are provided to meet all maturing obligations of the district during the period that the commission is authorized to withhold the annual levies, and any creditors or bondholder may compel by mandamus a levy of an annual assessment equal to one-twentieth ($\frac{1}{20}$) of the indebtedness of the district whenever it is shown that the district does not have sufficient funds to meet its annual maturing indebtedness and the levy has not been made.

(c) The object and purpose of this authority conferred upon the commission is to permit it to withhold, in whole or in part, annual levies for a proportional part of the obligations of the district if in the first five (5) years the district has from the sale of bonds or other sources sufficient funds to meet all its obligations due in the period; otherwise, the levy is to be made and a collection enforced of an assessment equal to one-twentieth ($\frac{1}{20}$) of the entire indebtedness of the district.

History. Acts 1949, No. 260, § 9; A.S.A. 1947, § 80-3611.

6-71-111. Limitation on assessments.

The improvements undertaken by this chapter shall not exceed ten percent (10%) of the valuation of the real property in the district, subject to improvement district assessment, as ascertained by the county assessment of the property referred to heretofore. However, this limitation of ten percent (10%) of valuation shall not prevent an annual assessment as provided in this chapter for the maintenance of the improvement.

History. Acts 1949, No. 260, § 9; A.S.A. 1947, § 80-3611.

6-71-112. Assessment of railroads, tramroads, etc.

(a) All railroads, tramroads, right-of-ways, roadbeds, and appurtenances in the district shall be assessed according to the betterments and increase in value in like manner as is herein prescribed for real estate, except that the assessment shall be made per mile.

(b) No error in the name and residence of the owners or the description thereof shall invalidate the assessment if sufficient description of the property sought to be taxed is given to ascertain where it is situated.

(c) (1) The commissioner shall annually appoint a board of assessors, which shall each year perform the duties provided in this chapter.

(2) The board of assessors shall continue as far as possible the assessments first made but shall take into consideration improvements and enhanced values so as to equalize the burden of taxation within the district.

History. Acts 1949, No. 260, § 9; A.S.A. 1947, § 80-3611.

6-71-113. Maintenance assessments.

(a) For the purpose of maintaining and keeping the improvements in good state, when authorized in the petition provided for in § 6-71-105, the board of assessors shall each year assess the value of all benefits to be received by each lot, tract, or parcel of land in the district by reason of the maintenance and keeping of the improvement for the following year as affecting each of the lots, tracts, or parcels of land and shall at once proceed to record in the assessment book of the district the value of such benefits to

accrue to each of the lots, tracts, or parcels of land.

(b) Immediately upon the recording of the assessment of benefits, notice thereof shall be inserted in a newspaper published in the county, and the assessment shall become final unless attacked within thirty (30) days thereafter in the circuit court of the county in which the district is located.

(c) Each annual assessment for such maintenance shall be in addition to the ten percent (10%) limitation permitted for the original cost of the improvement by § 6-71-111 but shall not be in excess of one-fifth of one percent (0.2%) of the valuation of the real property in the district, as ascertained by the county assessment of the property referred to heretofore.

(d) The commission shall provide by resolution for the levy of the assessment of the benefits for the purpose of maintenance as made by the assessors.

(e) The assessment shall be a charge and lien against all the real property in the district from the date of the resolution and shall be entitled to preference over all judgments, executions, encumbrances, or liens whensoever created, except the lien for original assessments, and shall continue until such assessments, with any penalty and costs that may accrue, shall be paid. However, as between grantor and grantee, all payments not due at the date of transfer of such real property shall be payable by the grantee.

(f) Notice and collection of the assessment, the infliction of a penalty for nonpayment, and the enforcement and foreclosure of the lien shall all be had and done in the same manner as is provided in reference to the original assessment.

History. Acts 1949, No. 260, § 9; A.S.A. 1947, § 80-3611.

6-71-114. Collector and treasurer.

(a) The commission shall appoint a collector and a treasurer for the district.

(b) These officers shall execute bonds to the commission in sums equal to twice the amount of money which will probably come into their hands, with good and sufficient security to be approved by the commission, conditioned that they will faithfully discharge the duties of their office and account for and pay over all moneys that may come into their hands, according to law and the order of the commission.

(c) The collector shall receive a sum not to exceed two percent (2%) and the treasurer not to exceed one percent (1%) of the moneys that come into his or her hands for the services performed.

History. Acts 1949, No. 260, § 10; A.S.A. 1947, § 80-3612.

A.C.R.C. Notes. Subsection (b) may be affected by optional blanket bond provisions adopted pursuant to § 21-2-601 et seq.

6-71-115. Borrowing of money — Bonds.

(a) In order to hasten the completion of the improvement, the commission is authorized to borrow money not exceeding the estimated cost of improvement, including in the cost of the improvement the interest which may accrue upon the bonds which may be issued to raise funds to pay for the improvement, and to issue interest-bearing bonds therefor. The commission may pledge all the uncollected assessment, or so much thereof as may be necessary for the payment therefor, except such assessment as may be required to be pledged for the acquisition of the real estate on which the improvement is to be located

and such as may be necessary to create a sinking fund to pay the bonds or to retire them.

(b) The bonds shall be a lien upon the real estate of the district.

(c) The commission shall create a sinking fund from the annual assessments in order that the bonds may be paid at maturity or retired earlier, if possible, or the commission may provide for the annual retirement of a portion of the bonds from the assessment levied.

History. Acts 1949, No. 260, § 12; A.S.A. 1947, § 80-3614.

6-71-116. Warrant for collection of assessments — Form.

(a) Within ten (10) days after the completion of the assessment list and apportionment thereof for the first year, the secretary of the commission shall deliver to the collector a warrant authorizing the collector to collect the assessment of that year from the land in the district.

(b) The warrant may be in the following form:

[Click to view form.](#)

(c) The secretary shall annually thereafter extend against each of the lots, tracts, and parcels of real estate the payment due thereon for such year, and shall issue like warrants annually to the collector until the assessment shall be fully paid.

History. Acts 1949, No. 260, § 13; A.S.A. 1947, § 80-3615.

6-71-117. Publication of notice for collection.

(a) The collector shall immediately upon receipt of the assessment list cause to be published in a newspaper of general circulation in the district a notice which shall be in the following form:

[Click to view form.](#)

(b) The notice shall be published for two (2) weeks.

History. Acts 1949, No. 260, § 14; A.S.A. 1947, § 80-3616.

6-71-118. Delinquent assessment — Penalty.

If any assessment made under this chapter is not paid within the time mentioned in the notice published by the collector, the collector shall add thereto a penalty of twenty percent (20%) and shall at once return a list of the property on which the assessments have not been paid to the commission of the district as delinquent.

History. Acts 1949, No. 260, § 15; A.S.A. 1947, § 80-3617.

6-71-119. Suit to enforce lien.

(a) The commission shall straightway cause a complaint in equity to be filed in the court having jurisdiction of suits for the enforcement of liens upon real property for the condemnation and sale of such delinquent property for the payment of such assessments, penalty, and costs of suit.

(b) In the complaint it shall not be necessary to state more than the fact of the assessment and the nonpayment thereof within the time required by law, without any further statement of any step required to be taken by the commission or any other officer whatever, concluding with the prayer that the delinquent property be charged with the amount of the assessment, penalty, and costs of suit and be condemned and sold for the payment thereof.

History. Acts 1949, No. 260, § 16; A.S.A. 1947, § 80-3618.

6-71-120. Exhibition of resolutions or documents unnecessary.

It shall not be necessary to exhibit with the complaint any copy of any resolutions or other document or paper connected with the assessment and collection for the sums assessed under this chapter.

History. Acts 1949, No. 260, § 17; A.S.A. 1947, § 80-3619.

6-71-121. Suits against several owners may be joined.

It shall be no objection to any suit brought for the purpose that the land of two (2) or more owners are joined in the same proceedings, and such suits may be brought against one (1) or more owners, providing the suit is brought in the county in which the land is situated.

History. Acts 1949, No. 260, § 18; A.S.A. 1947, § 80-3620.

6-71-122. Owner as defendant — Proceedings in rem.

(a) The owner of property assessed shall be made a defendant if known.

(b) If he or she is not known, that fact shall be stated in the complaint and the suit shall proceed as a proceeding in rem against the property assessed.

History. Acts 1949, No. 260, § 19; A.S.A. 1947, § 80-3621.

6-71-123. Summons — Return day — Default.

(a) Summons shall be issued, and the defendant shall be required to appear and respond within five (5) days after service.

(b) Upon default a decree shall be rendered against such property for the amount of such assessment, penalty, costs, and attorney's fees.

History. Acts 1949, No. 260, § 20; A.S.A. 1947, § 80-3622.

6-71-124. Constructive service.

(a) If the sheriff or other officer to whom the writ may be directed shall return that the defendant is not to be found in his or her county, or if the owner is stated in the complaint to be unknown, service shall be made by affixing a copy of the summons to the property assessed or to some part thereof, for fifteen (15) days and by publishing a copy of the summons in some daily paper published in the county for one (1) insertion, and the cause shall be made ready for hearing within fifteen (15) days after such publication. A decree shall be rendered as in case of actual service.

(b) The publication shall be made by the officer having the writ of service and shall be shown by his or her return.

History. Acts 1949, No. 260, §§ 21, 23; A.S.A. 1947, §§ 80-3623, 80-3625.

6-71-125. Suits have precedence over other cases.

For the purpose of taking every step in such suits as herein referred to, the court shall be always open. All cases brought under this chapter shall have the precedence of all other cases pending in the court and shall be decided within thirty (30) days after service of publication.

History. Acts 1949, No. 260, § 22; A.S.A. 1947, § 80-3624.

6-71-126. Form of decree.

If the decree is in favor of the district and for the condemnation of the land, it shall be for the penalty and costs of suit as well as for the amount of assessment.

History. Acts 1949, No. 260, § 24; A.S.A. 1947, § 80-3626.

6-71-127. Suit in name of district.

The suit shall be brought in the name of the district.

History. Acts 1949, No. 260, § 25; A.S.A. 1947, § 80-3627.

6-71-128. Direction for sale of property.

(a) In its decree of condemnation, the court shall direct that if the sum adjudged shall not be paid within ten (10) days, the property shall be sold by a special commissioner, appointed for that purpose, upon twenty (20) days' notice.

(b) However, only so much of the property shall be sold as will pay the assessment, costs, and penalty, and no more.

History. Acts 1949, No. 260, § 25; A.S.A. 1947, § 80-3627.

6-71-129. Correction of description of property.

In the event that the description of any lot, tract, or parcel of property upon the list of the assessment hereinbefore provided to be made shall for any reason be uncertain, indefinite, or insufficient, then, in any suit brought to enforce the payment of any assessment, the court shall have power to correct such description and enforce the collection of any assessment therein, having due regard for the right of any party who may have intervened.

History. Acts 1949, No. 260, § 26; A.S.A. 1947, § 80-3628.

6-71-130. Commissioner's deed to purchaser.

(a) If any land sold under a decree as herein mentioned is not redeemed within the time allowed herein, the court in which the suit is brought for condemnation shall direct the special commissioner to execute to the purchaser or his or her assignee a deed, which may be in the form and have the force and effect of a deed of a special commissioner who has sold lands in a suit brought by an improvement district as prescribed in § 14-90-1303.

(b) The deed mentioned in subsection (a) of this section shall only be made on the filing of the certificate of purchase in the court, unless proof of the loss thereof shall be made to the satisfaction of the court.

History. Acts 1949, No. 260, §§ 27, 28; A.S.A. 1947, §§ 80-3629, 80-3630.

6-71-131. Sale to best bidder or district.

(a) The property shall be offered to the person who will pay the assessment, penalty, and costs for the least amount of the land.

(b) (1) If none should offer the amount of the assessment, penalty, and costs, then the delinquent land shall be stricken to the special improvement district, and a deed shall be made to it in like manner as to an individual purchaser.

(2) It shall be lawful for the district to hold the land until such time as it may be sold advantageously in the judgment of the commission.

History. Acts 1949, No. 260, § 29; A.S.A. 1947, § 80-3631.

6-71-132. Allowance to special commissioner for sale of land.

No allowance to the special commissioner for his or her service shall exceed five dollars (\$5.00) for each lot, tract, or parcel of land sold and certificate made by him or her.

History. Acts 1949, No. 260, § 30; A.S.A. 1947, § 80-3632.

6-71-133. Certificate of purchase.

The special commissioner shall execute to the purchaser a certificate of purchase in which shall be stated the whole sum paid by the purchaser.

History. Acts 1949, No. 260, § 31; A.S.A. 1947, § 80-3633.

6-71-134. Redemption.

(a) The owner may redeem from the purchaser any time within one (1) year after the sale by paying the purchaser the amount paid by the purchaser with twenty percent (20%) thereon, which redemption shall be noted upon the margin of the decree by the purchaser.

(b) (1) If the purchaser cannot be found, the court may redeem by paying the amount to the clerk of the court wherein the decree is rendered, who shall then note the redemption as aforesaid.

(2) The clerk shall hold the redemption money subject to the order of the purchaser, free of charge or commission, and pay it over on demand.

(3) If the redemption money is not called for in twenty (20) days, the clerk shall advertise the receipt of the money by a notice inserted one (1) time in some newspaper published in the county.

History. Acts 1949, No. 260, §§ 32, 33; A.S.A. 1947, §§ 80-3634, 80-3635.

A.C.R.C. Notes. The operation of this section may be affected by § 18-40-101 et seq.

6-71-135. Reimbursement for assessments paid by purchaser.

If, in the period allowed for redemption, the purchaser pays any other assessment or tax lawfully levied upon the property, the owner, upon making redemption, shall repay the assessment or tax to the purchaser, with twenty percent (20%) added thereto.

History. Acts 1949, No. 260, § 34; A.S.A. 1947, § 80-3636.

6-71-136. Appeals to Supreme Court.

(a) If any appeal is taken from any decree mentioned in this chapter, the Supreme Court shall advance the cause on its docket and shall hear and decide the cause on as early a day as practicable.

(b) The transcript shall be filed in the office of the Clerk of the Supreme Court within twenty (20) days after rendering the decree appealed from.

(c) The Supreme Court shall either affirm or reverse the decree appealed from or render such a decree as should have been rendered by the lower court or shall remand the decree to the inferior court without delay.

(d) In taking such an appeal, the appellant shall only include in the transcript so much of the records as are related to his or her own land.

(e) No appeal shall be prosecuted from any decree after the expiration of the twenty (20) days herein granted for filing the transcript in the office of the Clerk of the Supreme Court.

History. Acts 1949, No. 260, §§ 35-38; A.S.A. 1947, §§ 80-3637 — 80-3640.

6-71-137. Notice by publication.

If the owners of such property are nonresidents of this state, infants, or persons of unsound mind, notice shall be given by publication in any newspaper in the county where the land is situated which is authorized by law to publish legal notices, which notice shall be published for the same length of time as may be required in other civil causes.

History. Acts 1949, No. 260, § 39; A.S.A. 1947, § 80-3641.

6-71-138. Appointment of guardian ad litem.

In all cases of infants or persons of unsound mind where no legal representative or guardian appears in their behalf at the hearing, it shall be the duty of the court to appoint a guardian ad litem who shall represent their interest for all purposes.

History. Acts 1949, No. 260, § 40; A.S.A. 1947, § 80-3642.

6-71-139. Power to hold and acquire property.

(a) The special improvement district created in this chapter shall have the power to acquire and hold real and personal property and may receive gifts, donations, and bonuses for the purpose of carrying out the object and purpose of the chapter.

(b) The district shall have power to acquire such real estate as may be necessary for the reestablishment and expansion of the college or university, and the commission is clothed with authority to contract for the necessary land for the improvement and to pledge so much of the revenues of the district as may be necessary to pay for the improvement.

(c) The improvement district herein created may construct, operate, and maintain the improvement on the lands of private individuals or corporations, provided that, just damages shall be paid to the private owners of land taken or used for the improvement.

History. Acts 1949, No. 260, § 42; A.S.A. 1947, § 80-3644.

6-71-140. Acquisition of private property.

(a) In the event that the special improvement district fails to obtain, by agreement with the owner, property for the improvement or the right thereto, it may apply to the circuit court of the county in which the property is assessed, giving the owner of such property at least ten (10) days' notice in writing of the time and place where the petition will be heard.

(b) The petition shall, as nearly as may be, describe the real estate which is sought and for which damages are asked to be assessed, whether improved or unimproved, and be sworn to by one (1) of the commissioners.

(c) It shall be the duty of the court to impanel a jury of twelve (12) persons, as in other civil cases, to ascertain the amount of compensation which the district shall pay, and the matter shall proceed and then be determined as in other civil causes.

(d) The amount of damages to be paid the owner of the lands for the use of such district shall be determined and assessed irrespective of any benefit the owner may receive from any improvement proposed by such district.

(e) In all cases where damages for the site of expansion for the use of the district have been assessed in the manner hereinbefore provided, it shall be the duty of such improvement district to deposit with the court or pay to the owners the amount so assessed and pay such costs as may, in the discretion of the court, be adjudged against it, within thirty (30) days after such assessment; whereupon it shall and may be lawful for such special improvement district to enter upon and use such lands forever.

(f) Where the determination of questions in controversy in such proceedings is likely to retard the progress of the work on the special improvement, the court or judge, in vacation, shall designate an amount of money to be deposited by such district, subject to the order of the court, for the purpose of making compensation when the amount thereof shall have been assessed as aforesaid, and the judge shall designate the place of such deposit.

(g) Whenever a deposit shall have been made in compliance with the order of the court or judge, it shall be lawful for such district to enter upon the land and proceed with its work through and over the land in controversy prior to the assessment and payment of damages for the use and right to be determined as aforesaid.

History. Acts 1949, No. 260, §§ 43-49; A.S.A. 1947, §§ 80-3645 — 80-3651.

6-71-141. Construction and maintenance of college or university — Inducing existing institutions to move to district.

The district shall have power to construct and maintain a college or university within the boundaries of the district and shall have power to negotiate and contract with and grant inducements to any other college or university now in existence for the removal of the college or university now in existence to that district. However, new buildings shall be constructed by the special improvement district.

History. Acts 1949, No. 260, § 3; A.S.A. 1947, § 80-3603.

6-71-142. Requirements for receipt of benefits.

(a) No college or university shall be established or reestablished under the provisions of this chapter in the district created by this chapter or shall be made the recipient of or receive any benefits under provisions of this chapter or by reason thereof unless the college or university has conferred upon its graduates at the time of their graduation regular written degrees of bachelor of arts and bachelor of science for at least ten (10) years prior to January 1, 1949.

(b) No college or university shall be made the recipient of or receive any benefits under the provisions of or by reason of this chapter unless the college or university shall conduct regular four-year academic and scientific courses of study which are adequate and properly qualified for conferring the degrees of bachelor of arts and bachelor of science and other degrees and unless all the buildings occupied by the college or university in the district are wholly new and not in existence on January 1, 1949, and to be constructed thereafter for such college or university.

History. Acts 1949, No. 260, § 4; A.S.A. 1947, § 80-3604.

Chapters 72-79 [RESERVED.]

[Reserved]

Subtitle 6. Postsecondary Education — Financial Assistance Programs

Chapter 80 General Provisions
Chapter 81 Student Loans
Chapter 82 Scholarships
Chapter 83 Tax-Deferred Tuition Savings Program
Chapter 84 Tax-Deferred Tuition Savings Program

Chapter 80 General Provisions

6-80-101. Records — Reports.
6-80-102. Compliance with Selective Service Act required.
6-80-103. [Repealed.]
6-80-104. Selective Service registration.
6-80-105. Student financial aid — Antistacking.
6-80-106. Definitions and limitations on expenditures for academic and performance scholarships.
6-80-107. Transcripts.

Effective Dates. Acts 1973, No. 745, § 15: July 1, 1973. Emergency clause provided: "It is hereby found and determined by the Sixty-Ninth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1973 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1973 could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1973."

Acts 1999, No. 1180, § 44: July 1, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1999 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1999 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1999."

6-80-101. Records — Reports.

(a) The University of Arkansas at Fayetteville shall maintain records of all applicants applying for financial assistance and shall adopt proper administrative procedures to

ensure that students attending any state-supported or private institution in Arkansas shall be given the same consideration for receiving financial assistance from the appropriations provided for financial assistance.

(b) In addition, records shall be maintained in a manner such that timely reports shall be filed with the Governor, the General Assembly, and its interim committee stating by name of individual:

- (1) The applications received;
- (2) The schools in which the applicant did his or her undergraduate college study;
- (3) The action taken by the administrator of these aid programs at the university;

and

- (4) The reason for the action if the financial assistance was denied.

History. Acts 1973, No. 745, § 13.

6-80-102. Compliance with Selective Service Act required.

(a) “Institution of higher education” has the meaning assigned by the Department of Higher Education;

(b) “Statement of selective service status” means a statement certifying that:

(1) The individual filing the statement is registered with the selective service system in accordance with the Military Selective Service Act; or

(2) The individual filing the statement is not required to register with the selective service system because the individual is:

(A) Under eighteen (18) years of age;

(B) In the armed forces of the United States on active duty, other than in a reserve or national guard unit;

(C) Neither a United States citizen nor a resident alien;

(D) A permanent resident of the trust territory of the Pacific Islands or the Northern Mariana Islands; or

(E) Excused from registration for some other reason provided by federal law and that reason is included in the filed statement.

(c) A male under twenty-six (26) years of age is not eligible to receive any loan, grant, scholarship, or other financial assistance for educational expenses that is partially or fully funded by the state or a state agency unless the individual has filed a statement of selective service status with the institution in which the individual plans to enroll.

(d) The department shall, by rule, specify the form of statements of selective service status and the supporting documents to be filed to be in compliance with this section. The department shall distribute to each institution of higher education a copy of all rules adopted under this section.

History. Acts 1989, No. 188, §§ 1-3.

U.S. Code. The Military Selective Service Act referred to in this section, is codified as 50 U.S.C. Appx. § 451 et seq.

6-80-103. [Repealed.]

Publisher's Notes. This section, concerning federal loan program default fees, was repealed by Acts 1999, No. 478, § 8. The section was derived from Acts 1995, No. 260, § 1; 1995, No. 261, § 1.

6-80-104. Selective Service registration.

(a) “Statement of selective service status” means a statement on an application for employment with the State of Arkansas or for admission to any public institution of higher education, sworn under penalty of perjury, that:

(1) The person filing the certificate is registered with the Selective Service System in accordance with the Military Selective Service Act; or

(2) The person filing the certificate is not required to register with the Selective Service System because the person is:

(A) Under eighteen (18) years of age;

(B) In the armed forces of the United States on active duty, other than in a reserve or national guard unit;

(C) An alien lawfully admitted to the United States as a non-immigrant under Section 101(A)(15) of the Immigration and Nationality Act, 8 U.S.C. § 1101, for so long as he continues to maintain a lawful non-immigrant status in the United States;

(D) A permanent resident of the trust territory of the Pacific Islands or the Northern Mariana Islands; or

(E) Excused from registration for other reason provided by federal law and that reason is included in the certificate.

(b) No person who is required to register with the Selective Service System shall be eligible for employment by any agency of the State of Arkansas or for admission to any public institution of higher education unless the person has signed a statement of selective service status.

History. Acts 1997, No. 228, § 1.

A.C.R.C. Notes. Because Acts 1997, No. 228, § 1, codified as this section and noted under § 21-3-101, deals with both education and employment, it should be codified in Title 21 as well as in Title 6. See § 1-2-303.

Cross References. Students called into military service, § 6-61-112.

U.S. Code. The Military Selective Service Act, referred to in subdivision (a)(1), is codified as 50 U.S.C. Appx. § 451 et seq.

6-80-105. Student financial aid — Antistacking.

(a) (1) No postsecondary institution shall use public funds in a student aid package which exceeds the recognized cost of attendance at the institution where the student enrolls.

(2) Public funds are defined to include Department of Higher Education scholarships and grants, state general revenues, tuition, or local tax revenue.

(b) All postsecondary institutions shall report to the department the total amount of financial aid from all sources for any student who receives an award from a department program.

(c) (1) When a student receives a total aid package that includes public funds and exceeds the cost of attendance, the institution shall repay public funds in the amount exceeding total cost of attendance.

(2) Such funds repaid shall be credited to the Higher Education Grants Fund Account.

History. Acts 1999, No. 1180, § 14.

6-80-106. Definitions and limitations on expenditures for academic and performance scholarships.

(a) For the purpose of this section:

- (1) (A) “Academic scholarships” means scholarships awarded:
 - (i) On a basis of criteria, including entrance exam scores, high school grade point averages, and rank in high school graduating class; or
 - (ii) For merit or academic performance.
- (B) “Academic scholarships” does not include:
 - (i) Graduate assistantships or fellowships;
 - (ii) Tuition waivers based on age, military service, or occupation and out-of-state tuition waivers for graduate students or students from contiguous states in close proximity to a college or university; and
 - (iii) Scholarships for transfers from two-year institutions; and
- (2) “Performance scholarships” means scholarships for band, musical performing groups, arts, theater, forensics, and similar activities that are not awarded on the basis of entrance exam scores or high school academic achievement.

(b) Beginning with the 2006-2007 fiscal year, each public college and public university shall not exceed its educational and general spending for academic and performance scholarships by more than thirty percent (30%) of its unrestricted educational and general tuition and fee income.

History. Acts 2005, No. 1795, § 1.

6-80-107. Transcripts.

(a) (1) By May 1, 2007, the Department of Higher Education, in cooperation with the Department of Education, shall prescribe a uniform method of formatting and transmitting transcripts that shall be used by all grades nine through twelve (9-12) public high schools and institutions of higher education in the state.

(2) The uniform transcripts shall be transmitted electronically:

(A) To the Department of Higher Education as necessary to process state financial aid applications for both high school students and higher education students; and

(B) Between public high schools to correctly enroll and place students transferring between public high schools and school districts.

(3) All public high schools in Arkansas shall begin submitting electronic transcripts to the Department of Higher Education for state scholarship programs by January 1, 2008.

(4) Except as provided under subdivision (b)(2) of this section, all institutions of higher education in Arkansas shall begin submitting electronic transcripts to the Department of Higher Education by July 1, 2008.

(b) (1) Except as provided under subdivision (b)(2) of this section, after implementation of the uniform method prescribed under subsection (a) of this section, an institution of higher education shall not be eligible to receive state financial aid on behalf of students unless the institution provides uniform, electronic transcripts as prescribed by the Department of Higher Education under this section.

(2) Any institution of higher education with less than ten (10) students who are recipients of financial aid programs administered by the Department of Higher Education

is exempt from the requirements under subsection (a) of this section and the penalty under this subsection (b).

(c) (1) The Department of Education shall prescribe a uniform method of formatting and electronically transmitting transcripts which shall be used by all kindergarten through grade eight (K-8) public elementary or middle schools in this state.

(2) The uniform transcripts shall be transmitted electronically between public schools as necessary to correctly enroll and place students transferring between schools and school districts.

History. Acts 2005, No. 2203, § 1; 2007, No. 820, § 1; No. 1573, § 41.

A.C.R.C. Notes. Pursuant to § 1-2-207, § 6-80-107 (a)(2) and (c) are set out above as amended by Acts 2007, No. 1573, § 41. Arkansas Code § 6-80-107 (a)(2) and (c) were also amended by Acts 2007, No. 820, § 1 to read as follows:

“(a) (2) The uniform transcripts shall be transmitted electronically to the Department of Higher Education as necessary to process state financial aid applications for both high school students and higher education students and between public high schools to correctly enroll and place students that transfer between public schools.”

“(c) (1) The Department of Education shall prescribe a uniform method of formatting and electronically transmitting transcripts that shall be used by all kindergarten through grade eight (K-8) public elementary and middle schools in the state.

(2) The uniform transcripts shall be transmitted electronically between all kindergarten through grade twelve (K-12) public schools as necessary to correctly enroll and place students transferring between public schools.”

Amendments. The 2007 amendment by No. 820, in (a), inserted “and transmitting” and “public” in (1), added “and between public high schools to correctly enroll and place students that transfer between public schools” in (2), and added (3) and (4); in (b), inserted “Except as provided under subdivision (b)(2) of this section” in (1), and added (2); added (c); and made related changes. The 2007 amendment by No. 1573, in (a), inserted “and transmitting” and “public” in (1), and added (2)(B); added (c); and made related and stylistic changes.

Chapter 81 Student Loans

Subchapter 1 — General Provisions

Subchapter 2 — Student Loan Guarantee Foundation of Arkansas

Subchapter 3 — Nursing Student Loans

Subchapter 4 — University of Arkansas Revolving Loan Fund

Subchapter 5 — Emergency Secondary Education Loan Program

Subchapter 6 — Teacher and Administrator Enhancement and Retraining Grant Program

Subchapter 7 — Rural Medical Practice Student Loans and Scholarships

Subchapter 8 — Minority Teacher Education Loan Program

Subchapter 9 — Freshman/Sophomore Minority Prospective Teacher Loan Program

Subchapter 10 — Grant Program for Nurse Midwife Students

Subchapter 11 — Financing Postsecondary Out-of-State Education

Subchapter 12 — Graduate Nursing Practice and Nurse Educator Student Loans and Scholarships

Subchapter 13 — University Assisted Teacher Recruitment and Retention Grant Program

Subchapter 14 — Nursing Student Loan Program

Subchapter 1 **— General Provisions**

- 6-81-101. Definitions.
- 6-81-102. Arkansas Student Loan Authority.
- 6-81-103. Nonprofit corporation in lieu of authority allowed.
- 6-81-104. Regulations.
- 6-81-105. Cooperation by Student Loan Guarantee Foundation of Arkansas.
- 6-81-106. Financing authority.
- 6-81-107. Bonds, notes, etc. — Consent of State Board of Finance — Maximum amount of outstanding obligations.
- 6-81-108. Bonds, notes, etc. — Governor's consent.
- 6-81-109. Bonds, notes, etc. — Authorizing resolution — Terms and conditions.
- 6-81-110. Bonds, notes, etc. — Trust indentures.
- 6-81-111. Bonds, notes, etc. — Execution and seal.
- 6-81-112. Bonds, notes, etc. — Sale.
- 6-81-113. Bonds, notes, etc. — Liability.
- 6-81-114. Bonds, notes, etc. — Pledge of revenues.
- 6-81-115. Bonds, notes, etc. — Contract between Arkansas Student Loan Authority and obligation holder.
- 6-81-116. Bonds, notes, etc. — Tax exemption.
- 6-81-117. [Repealed.]
- 6-81-118. Cash funds — Sufficient redemption fund required.
- 6-81-119. Refunding obligations.
- 6-81-120. Obligations designated as legal and authorized investments.
- 6-81-121. Bonds, notes, etc. — Sufficient security for state and local funds.
- 6-81-122. Bonds, notes, etc. — Investment of excess funds.
- 6-81-123. [Repealed.]
- 6-81-124. Student loan funds.
- 6-81-125. Contractual capacity of students — Minority defense.
- 6-81-126. Purchase of student loan note.
- 6-81-127. Students of proprietary institutions — Reports.
- 6-81-128. Collection of defaulted loans.
- 6-81-129. Contracts with entities for certain services authorized.
- 6-81-130. Annual audit.
- 6-81-131. Administration of existing programs.

A.C.R.C. Notes. References to this “subchapter” in §§ 6-81-101 through 6-81-130 may not apply to § 6-81-131 which was enacted subsequently.

Publisher's Notes. Acts 1983, No. 937, § 8; 1983 (Ex. Sess.), No. 39, § 2; 1983 (Ex. Sess.), No. 51, § 2; 1985, No. 429, § 11, and 1985, No. 449, § 11, all provided that it was the intent of those acts that the provisions of Acts 1977, No. 873 which were not specifically affected by those acts were to remain in full force and effect.

Acts 1987, No. 631, § 6, provided that it was the intention of the act to amend such provisions of Acts 1977, No. 873, as amended, as were specifically mentioned in the act, and the remainder of the 1977 act, as amended, would remain in full force and effect as enacted until further amended

or repealed.

Preambles. Acts 1979, No. 1072 contained a preamble which read:

"Whereas, the institutions of higher education have been participating in the National Defense/Direct Student Loan Program, established under Title II of the National Defense Education Act of 1958 (Public Law 85-64 as amended), and, the National Direct Student Loan Program in accordance with Section 503 of the Education Amendment of 1972 (Public Law 92-318); and

"Whereas, an institution of higher education that participates in the NDSL Program must make a capital contribution in an amount equal to not less than one-ninth ($\frac{1}{9}$) of the amount of the federal capital contribution; and

"Whereas, over the past several years many recipients have defaulted on NDSL notes and those notes have been deemed uncollectible; and

"Whereas, the Department of Health, Education and Welfare has agreed to accept those defaulted loans for collection and not consider said defaulted loans in the default rate of the institution in the coming fiscal year; and

"Whereas, institutions of higher education with excessive default rates will no longer be allowed to participate in the national direct Student Loan Program, and it is in the best interest of the State of Arkansas to transfer these loans to the Department of Health, Education and Welfare for collection;

"Now, therefore...."

Effective Dates. Acts 1977, No. 873, § 25: Mar. 30, 1977. Emergency clause provided: "It is hereby found and determined by the General Assembly that there is an urgent need for providing a secondary market for student loan notes and establishing a fund for the making of student loans; that at the present time the only operating program for providing such funds is dependent upon private financial institutions furnishing the funds for such loans with such loans being guaranteed by the government, but being investments which considering their rate of return, maturity and servicing requirements, private financial institutions have been unable to make to the extent required; that it is urgent that a new program be established whereby bonds may be issued by a state agency or nonprofit corporation with the proceeds of such bonds to be used for making student loans and purchasing student loan notes thereby making more readily available educational loans to deserving young people who may now find it difficult to obtain a loan from private institutions and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1977, No. 951, § 7: July 1, 1977. Emergency clause provided: "It is hereby found and determined by the Seventy-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1977 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1977 could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after July 1, 1977."

Acts 1979, No. 633, § 4: Mar. 28, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that there is an urgent need to amend the requirements for appointing members to the Arkansas Student Loan Authority in order that existing vacancies may be filled and to clarify that fully secured repurchase agreements are authorized investments for Authority funds and that this Act should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1979, No. 1072, § 3: Apr. 18, 1979. Emergency clause provided: "It has been found and determined by the General Assembly of the State of Arkansas that the Department of Health, Education and Welfare will accept for collection the NDSL loans which have been deemed in default and uncollectible by the various institutions of higher education in the nation, without

considering the transferred loans in the institutions default rate for the coming fiscal year, and, that those institutions who do not wish to participate in this transfer program and have an abnormally high default rate will no longer be eligible to participate in the National Direct Student Loan Program. Therefore, an emergency is declared to exist, and this Act, being necessary for the immediate preservation of public peace, health and safety shall be in effect from and after its passage and approval.”

Acts 1981, No. 296, § 9: Mar. 3, 1981. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need to continue and expand the student loan program previously established for the purpose of making educational loans more readily available to deserving young people; and that the amendment of certain of the provisions of the enabling legislation will serve to further and accomplish this purpose. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1981, No. 762, § 3: July 1, 1981. Emergency clause provided: “It is hereby found and determined that the provisions of this Act are now contained in the appropriation act for the Arkansas Student Loan Authority for the biennium ending June 30, 1981; that the contents of this Act should be general law as opposed to provisions of an appropriation bill; therefore the provisions of this Act should go into effect July 1, 1981 and without an emergency being declared this Act would not go into effect until after July 1, 1981. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1981.”

Acts 1983, No. 937, § 10: Apr. 11, 1983. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need to continue and to expand the student loan program previously established for the purpose of making educational loans more readily available to deserving young people; that the financing of the program of the Arkansas Student Loan Authority to which this Act pertains is not feasible under existing maximum interest rate limitations; that the continuation and extension of the program of the Arkansas Student Loan Authority is essential to the continued development of the Authority and the education of the deserving persons of this State or persons attending educational institutions in this State; and that the amendment of certain of the provisions of the enabling legislation will serve to further and accomplish this purpose. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect, from and after its passage and approval.”

Acts 1983 (Ex. Sess.), No. 39, § 3: Nov. 1, 1983. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need to continue and to expand the student loan program previously established for the purpose of making educational loans more readily available to deserving young people; that the Arkansas Student Loan Authority may need to expand its program and cannot do so under existing restrictions on the size of its outstanding obligations; that the continuation and extension of the program of the Arkansas Student Loan Authority is essential to the continued development of the Authority and the education of the deserving persons of this State or persons attending educational institutions in this State; and that the amendment of certain of the provisions of the enabling legislation will serve to further and accomplish this purpose. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect, from and after its passage and approval.”

Acts 1983 (Ex. Sess.), No. 51, § 3: Nov. 1, 1983. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need to continue and to expand the student loan program previously established for the purpose of making educational loans more readily available to deserving young people; that the financing of the program of the Arkansas Student Loan Authority to which this Act pertains is not feasible under existing restrictions on the sale of its obligations; that the continuation and extension of the program of the Arkansas Student Loan Authority is essential to the continued development of the Authority and the education of the deserving persons of this State or persons attending educational institutions in this State; and that the amendment of certain of the provisions of the enabling legislation will serve to further and accomplish this purpose. Therefore, an emergency is hereby declared to

exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.”

Acts 1983 (Ex. Sess.), No. 62, § 2: Nov. 4, 1983. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need to continue and to expand the student loan program previously established for the purpose of making educational loans more readily available to deserving young people; that the Arkansas Student Loan Authority may need to expand its program and cannot do so under existing restrictions on the size of its outstanding obligations; that the continuation and extension of the program of the Arkansas Student Loan Authority is essential to the continued development of the Authority and the education of the deserving persons of this State or persons attending educational institutions in this State; and that the amendment of certain of the provisions of the enabling legislation will serve to further and accomplish this purpose. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.”

Acts 1985, No. 429, § 12 and No. 449, § 12: Mar. 20, 1985. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need to continue and to expand the student loan program previously established for the purpose of making educational loans more readily available to deserving young people; that the escalating cost of education makes it desirable to permit the Arkansas Student Loan Authority to make and/or purchase guaranteed educational loans in addition to the Guaranteed Student Loans now authorized; and that the amendment of certain of the provisions of the enabling legislation will serve to further and accomplish this purpose. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1987, No. 631, § 7: Apr. 4, 1987; Acts 1987, No. 705, § 7: Apr. 7, 1987. Emergency clauses provided: “It is hereby found and determined by the General Assembly that there is an urgent need to permit the Arkansas Student Loan Authority to make and/or purchase guaranteed educational loans that have been or will be insured by guarantors other than the Secretary of Education or the Student Loan Guarantee Foundation of Arkansas, in order that the Authority may better serve the needs of student borrowers in Arkansas. It is further found that removing the existing limitation on the issuance of obligations by the Authority and permitting the Authority to issue obligations, the proceeds of which may be used to acquire investment contracts, will provide the Authority with the flexibility and financial resources that it requires to carry out the purposes for which it was created. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and in effect from and after its passage and approval.”

Acts 1989, No. 377, § 3: Mar. 7, 1989. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need to make clear the ability of the Arkansas Student Loan Authority to sell guaranteed educational loan notes where appropriate to its operations and that the amendment of § 6-81-102 of the Arkansas Code of 1987, as amended, will serve to further and accomplish this purpose. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1993, No. 1284, § 12: Apr. 21, 1993. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need to make clear the power and authority of the Arkansas Student Loan Authority to participate in loan programs supplemental to those programs authorized by the federal Higher Education Act of 1965, as amended, in order to better serve the educational needs of the citizens of the state, and that the amendment of Title 6, Chapter 8 of the Arkansas Code will serve to further and accomplish this purpose. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1997, No. 112, § 40: Feb. 7, 1997. Emergency clause provided: “It is hereby found and determined by the General Assembly that Act 10 of the First Extraordinary Session of 1995 abolished the Joint Interim Committee on Education and in its place established the House Interim Committee and Senate Interim Committee on Education; that various sections of the

Arkansas Code refer to the Joint Interim Committee on Education and should be corrected to refer to the House and Senate Interim Committees on Education; that this act so provides; and that this act should go into effect immediately in order to make the laws compatible as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1997, No. 923, § 8: July 1, 1997. Emergency clause provided: "It is found and determined by the General Assembly that there is an urgent need to change the program offering annual tuition support for Arkansas students attending out-of-state schools in dentistry, optometry, veterinary medicine, podiatry, osteopathy, and chiropractic as one providing grants instead of loans, and that in the event of an extension of the Regular session, any delay in the effective date of this act beyond July 1, 1997, could work irreparable harm upon the proper administration and provision of such program. Therefore an emergency is declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997."

6-81-101. Definitions.

As used in this subchapter:

- (1) "Arkansas Student Loan Authority" or "the authority" means the Arkansas Student Loan Authority established for the purpose described in § 6-81-102;
- (2) "Board of Finance" means the State Board of Finance created by § 19-3-101;
- (3) "Guaranteed educational loan" means a loan made in accordance with Title IV, Part B, of the Higher Education Act of 1965 or pursuant to an alternative educational loan program undertaken by the authority and consistent with the provisions of this subchapter, to a qualified borrower for payment of educational expenses incurred by a student while attending a participating institution, the payment of principal of and interest on which is insured by the United States Secretary of Education under the Higher Education Act of 1965, by the Student Loan Guarantee Foundation of Arkansas, or by other guarantors as the authority may approve;
- (4) "Obligation", or "bond", or "bonds" means any bond, note, certificate, or other evidence of indebtedness, whether or not the interest on the obligation shall be subject to federal income taxation;
- (5) "Participating institution" means any post-high school educational institution, public or private, whose students are eligible for guaranteed educational loans; and
- (6) "Qualified borrower" means a student, or the parent of a student, who:
 - (A) Qualifies for a guaranteed educational loan; and
 - (B) Is a resident of the State of Arkansas or has been accepted for

enrollment at or is attending a participating institution within the State of Arkansas or is borrowing from a lender doing business within the State of Arkansas, including the authority.

History. Acts 1977, No. 873, § 2; 1981, No. 296, § 1; 1983, No. 937, § 1; 1985, No. 429, § 1; 1985, No. 449, § 1; A.S.A. 1947, § 80-4032; Acts 1987, No. 631, § 1; 1987, No. 705, § 1; 1993, No. 1284, § 1; 1997, No. 923, § 3; 1999, No. 1218, § 5.

A.C.R.C. Notes. Acts 2003 (1st Ex. Sess.), No. 25, § 31, provided:

“The Arkansas Higher Education Coordinating Board shall conduct a study during the 2003-2005 biennium as to the future need for health care providers in dentistry, veterinary medicine, chiropractic, optometry, osteopathy and podiatry in Arkansas and shall report its findings to the Legislative Council or Joint Budget Committee on or before October 1, 2004.

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

Amendments. The 1999 amendment deleted former (3) and redesignated the remaining subsections accordingly; deleted “unless the context otherwise requires” following “subchapter” in the introductory language; deleted (8); and made stylistic changes.

U.S. Code. The Higher Education Act of 1965, referred to in this section, is codified primarily as 20 U.S.C. § 1001 et seq. Title IV, Part B of that act is codified as 20 U.S.C. § 1071 et seq.

Case Notes

Cited: Turner v. Woodruff, 286 Ark. 66, 689 S.W.2d 527 (1985).

6-81-102. Arkansas Student Loan Authority.

(a) At the request of the Department of Higher Education to the Governor, by Governor's proclamation, there is authorized to be established an authority to be known as the Arkansas Student Loan Authority.

(b) The authority authorized to be established is created for the purpose of making guaranteed educational loans and dealing in, by buying or selling, guaranteed educational loan notes.

(c) The authority shall operate solely and exclusively to exercise those powers enacted in this subchapter and shall devote any income after payment of expenses, debt service, and the creation of reserves for the aforementioned to the making of guaranteed educational loans and the purchase of guaranteed educational loan notes.

(d) The authority shall be a public body politic and corporate, with corporate succession, and shall be the instrumentality of the state charged with a portion of the responsibility of the state to provide educational opportunities in keeping with all applicable state and federal laws, and its scope and purpose shall be complementary and supplementary to the authority of the Student Loan Guarantee Foundation of Arkansas, as established by § 6-81-201 et seq.

(e) (1) The authority shall be composed of seven (7) members to be appointed by the Governor.

(2) At least one (1) member of the authority shall be a representative of a bank or other private lending institution, and at least one (1) member shall be a financial aid officer from a participating institution. At least one (1) member of the authority shall be a female and at least one (1) member shall be a member of a racial minority.

(f) All appointments shall be for a term of four (4) years each.

(g) All vacancies in membership on the authority occurring during a term shall be filled by appointment of the Governor for the unexpired portion of the term.

(h) The authority shall meet at such times and at such places and shall remain in session

for such periods of time as the authority shall deem necessary to properly carry out its responsibilities under this subchapter.

(i) The members of the authority shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-901 et seq.

(j) The authority shall select from its membership a chair and secretary.

(k) The authority shall employ a director and such other professional and clerical assistance, including legal assistance, as it shall deem necessary or appropriate to properly carry out its responsibilities.

(l) The authority shall adopt such rules and regulations to be followed by the authority in conducting its business as it deems appropriate.

History. Acts 1977, No. 873, §§ 3, 5; 1979, No. 633, §§ 1, 2; 1985, No. 429, § 2; 1985, No. 449, § 2; A.S.A. 1947, §§ 80-4033, 80-4035; Acts 1989, No. 377, § 1; 1997, No. 250, § 39; 1997, No. 923, § 4; 1999, No. 1218, § 6.

A.C.R.C. Notes. The operation of this section may be affected by the enactment of Acts 1995, No. 1211, codified as § 25-16-901 et seq.

Publisher's Notes. The terms of the members of the Arkansas Student Loan Authority are arranged so that one term expires every year and two terms expire in each of the succeeding three years.

Amendments. The 1999 amendment deleted “grants and” following “making” in (b).

Case Notes

Proper Party.

Proper Party.

Where service was made upon “Latrell L. Dixon, Student Loan Services”, the Arkansas Student Loan Authority was not properly served. *McElhaney v. Student Loan Servs.*, 142 B.R. 311 (Bankr. E.D. Ark. 1992).

Research References

Ark. L. Rev.

Watkins, Open Meetings Under the Arkansas Freedom of Information Act, 38 Ark. L. Rev. 268.

6-81-103. Nonprofit corporation in lieu of authority allowed.

(a) In lieu of establishing an authority under the provisions of this subchapter, the Department of Higher Education may make a request to the Governor, who, by proclamation, may authorize the organization of a nonprofit corporation to exercise the powers enumerated and provided for in this subchapter for and on its behalf.

(b) A corporation agreeing to exercise these powers shall also be charged with the obligations of the authority under the provisions of this subchapter.

(c) The board of directors of the nonprofit corporation shall have the same composition as the Arkansas Student Loan Authority as established in § 6-81-102.

History. Acts 1977, No. 873, § 19; A.S.A. 1947, § 80-4049.

Case Notes

Cited: *Turner v. Woodruff*, 286 Ark. 66, 689 S.W.2d 527 (1985).

6-81-104. Regulations.

The Arkansas Student Loan Authority may adopt such regulations, not inconsistent with this subchapter, as it shall deem necessary and proper in carrying out the purposes and intentions of this subchapter.

History. Acts 1977, No. 873, § 21; A.S.A. 1947, § 80-4051.

6-81-105. Cooperation by Student Loan Guarantee Foundation of Arkansas.

The director and staff of the Student Loan Guarantee Foundation of Arkansas shall cooperate with and assist the Arkansas Student Loan Authority in carrying out its responsibilities under this subchapter.

History. Acts 1977, No. 873, § 4; A.S.A. 1947, § 80-4034.

Research References

Ark. L. Rev.

Watkins, Open Meetings Under the Arkansas Freedom of Information Act, 38 Ark. L. Rev. 268.

6-81-106. Financing authority.

In order to provide the necessary funds to carry out the purposes of this subchapter, the Arkansas Student Loan Authority is authorized and empowered to issue obligations from time to time in such principal amounts as it may deem necessary.

History. Acts 1977, No. 873, § 6; 1981, No. 296, § 2; 1983 (Ex. Sess.), No. 39, § 1; 1983 (Ex. Sess.), No. 51, § 1; 1983 (Ex. Sess.), No. 62, § 1; A.S.A. 1947, § 80-4036.

Case Notes

Electoral Approval.

Electoral Approval.

Student Loan Authority bonds which will be repaid from income derived from the loan notes and investments, with interest payments coming from the federal government and which clearly state on their face that they do not constitute an indebtedness or obligation of the State of Arkansas, can be issued without the approval of the electorate which is required under Ark. Const., Art. 16, § 1 and Amend. 20. *Turner v. Woodruff*, 286 Ark. 66, 689 S.W.2d 527 (1985).

6-81-107. Bonds, notes, etc. — Consent of State Board of Finance — Maximum amount of outstanding obligations.

Prior to the issuance of any obligation or the advertisement of revenue bonds for public sale as provided in § 6-81-112, the obligation shall be authorized by resolution of the Arkansas Student Loan Authority, and the State Board of Finance shall first give its consent by resolution adopted at any regular or special meeting of the board to the issuance of any obligation by the Arkansas Student Loan Authority under the authority provided herein.

History. Acts 1977, No. 873, § 6; 1981, No. 296, § 2; 1983 (Ex. Sess.), No. 39, § 1; 1983 (Ex. Sess.), No. 62, § 1; A.S.A. 1947, § 80-4036; Acts 1987, No. 631, § 2; 1987, No. 705, § 2.

Case Notes

Electoral Approval.

Electoral Approval.

Student Loan Authority bonds which will be repaid from income derived from the loan notes and investments, with interest payments coming from the federal government and which clearly state on their face that they do not constitute an indebtedness or obligation of the State of Arkansas,

can be issued without the approval of the electorate which is required under Ark. Const., Art. 16, § 1 and Amend. 20. *Turner v. Woodruff*, 286 Ark. 66, 689 S.W.2d 527 (1985).

6-81-108. Bonds, notes, etc. — Governor's consent.

The powers of the Arkansas Student Loan Authority created by this subchapter are limited in that no bonds which are to be issued pursuant to this subchapter shall be sold until the bond issue has the written approval of the Governor after he or she has received the advice of the Legislative Council.

History. Acts 1981, No. 762, § 1; 1983, No. 937, § 9; A.S.A. 1947, § 80-4056.

6-81-109. Bonds, notes, etc. — Authorizing resolution — Terms and conditions.

(a) The obligations of each series shall be authorized by resolution of the Arkansas Student Loan Authority.

(b) The obligations may have coupons attached and may be payable to bearer or may be registrable as to principal only or as to principal and interest, may be made exchangeable for obligations of another denomination, may be in such form and denomination, may have such date or dates, may be stated to mature at such times, may bear interest payable at such times and at such rate or rates, may be made payable at such places within or without the State of Arkansas, may be made subject to such terms of redemption in advance of maturity at such prices, and may contain such terms and conditions, all as the authority shall determine.

(c) The obligations shall have all the qualities of negotiable instruments under the laws of the State of Arkansas, subject to provisions as to registration as set forth in subsection (b) of this section.

(d) The authorizing resolution may contain such other terms, covenants, and conditions not inconsistent with this subchapter that are deemed desirable by the authority, including, without limitation, those pertaining to:

- (1) The maintenance of various funds and reserves;
- (2) The nature and extent of the security;
- (3) The issuance of additional obligations and nature of the lien and pledge, parity or priority, in that event;
- (4) The custody and application of the proceeds of the obligations;
- (5) The collection and disposition of revenues;
- (6) The investing in securities specified by the authority of any funds during periods of time when the funds are not needed for authorized purposes; and
- (7) The rights and duties of the authority and the holders and registered owners of the obligations.

History. Acts 1977, No. 873, § 6; 1983, No. 937, § 2; A.S.A. 1947, § 80-4036.

Case Notes

Cited: *Turner v. Woodruff*, 286 Ark. 66, 689 S.W.2d 527 (1985).

6-81-110. Bonds, notes, etc. — Trust indentures.

The authorizing resolution may provide for the execution by the Arkansas Student Loan Authority with a bank or trust department within or without the State of Arkansas of a trust indenture containing such terms, covenants, and conditions not inconsistent with this

subchapter as are deemed desirable by the authority, including, without limitation, those pertaining to:

- (1) The maintenance of various funds and reserves, the nature and extent of the security;
- (2) The issuance of additional obligations and the nature of the lien and pledge, parity or priority, in that event;
- (3) The custody and application of the proceeds of the obligations;
- (4) The collection and disposition of revenues;
- (5) The investing and reinvesting in securities specified by the authority of any funds during periods of time when the funds are not needed for authorized purposes; and
- (6) The rights and duties of the authority, of the trustee, and of the holders and registered owners of the obligations.

History. Acts 1977, No. 873, § 6; 1983, No. 937, § 2; A.S.A. 1947, § 80-4036.

Case Notes

Cited: Turner v. Woodruff, 286 Ark. 66, 689 S.W.2d 527 (1985).

6-81-111. Bonds, notes, etc. — Execution and seal.

(a) (1) Obligations shall be executed by the manual or facsimile signature of the chair and the manual or facsimile signature of the secretary of the Arkansas Student Loan Authority.

(2) Coupons attached to obligations shall be executed by the manual or facsimile signature of the chair of the authority.

(b) In case any of the officers whose signatures appear on the obligations or coupons shall cease to be such officers before the delivery of such obligations or coupons, their signatures shall, nevertheless, be valid and sufficient for all purposes.

(c) The authority shall adopt and use a seal in the execution and issuance of obligations, and each obligation shall be sealed with the seal of the authority or a facsimile thereof.

History. Acts 1977, No. 873, § 6; 1983, No. 937, § 2; A.S.A. 1947, § 80-4036.

Case Notes

Cited: Turner v. Woodruff, 286 Ark. 66, 689 S.W.2d 527 (1985).

6-81-112. Bonds, notes, etc. — Sale.

(a) Obligations may be sold at public sale on sealed bids or by negotiation.

(b) (1) If obligations are sold at public sale, notice of the sale shall be published at least once in a newspaper published in Little Rock, Arkansas, and having a general circulation through the State of Arkansas, with the first publication to be at least ten (10) days prior to the date of sale. Notice may be published in such other publications as the Arkansas Student Loan Authority may determine.

(2) If obligations are sold at a negotiated sale, the authority shall solicit proposals from prospective purchasers after reasonable public notice of the solicitation. Requests for proposals may be solicited from prospective purchasers upon the advice of the authority's financial advisor.

(c) All obligations may be sold at such price as the authority may accept, including sale at a discount.

(d) The authority shall have the right to reject any and all bids at a public sale and the

right to reject any and all proposals for a negotiated sale.

History. Acts 1977, No. 873, § 6; 1983, No. 937, § 2; 1983 (Ex. Sess.), No. 51, § 1; A.S.A. 1947, § 80-4036.

Case Notes

Cited: Turner v. Woodruff, 286 Ark. 66, 689 S.W.2d 527 (1985).

6-81-113. Bonds, notes, etc. — Liability.

(a) It shall be plainly stated on the face of each obligation that:

(1) It has been issued under the provisions of this subchapter;

(2) The obligations shall be obligations only of the Arkansas Student Loan Authority;

(3) In no event shall they constitute an indebtedness for which the faith and credit of the State of Arkansas or any of its revenues are pledged; and

(4) They are not secured by a mortgage or lien on any land or buildings belonging to the State of Arkansas.

(b) No member of the authority shall be personally liable on the obligations or for any damages sustained by anyone in connection with any contracts entered into in carrying out the purpose and intent of this subchapter unless he or she has acted with a corrupt intent.

History. Acts 1977, No. 873, § 7; 1981, No. 296, § 3; A.S.A. 1947, § 80-4037.

Case Notes

Cited: Turner v. Woodruff, 286 Ark. 66, 689 S.W.2d 527 (1985).

6-81-114. Bonds, notes, etc. — Pledge of revenues.

The obligations of the Arkansas Student Loan Authority shall be payable from and secured by a pledge of revenues derived from or by reason of ownership of guaranteed educational loan notes and investment income after deduction of expenses of operating the authority's program.

History. Acts 1977, No. 873, § 12; 1981, No. 296, § 5; 1985, No. 429, § 6; 1985, No. 449, § 6; A.S.A. 1947, § 80-4042.

6-81-115. Bonds, notes, etc. — Contract between Arkansas Student Loan Authority and obligation holder.

(a) Any authorizing resolution by the Arkansas Student Loan Authority and any trust indenture or other loan agreement shall, together with this subchapter, constitute a contract between the authority and the holders of any obligation of the authority.

(b) The contract and all covenants, agreements, and duties therein shall be promptly performed in strict compliance with the terms and provisions of such contract, and the covenants, agreements, and duties of the authority may be enforced by mandamus or other appropriate proceedings at law or in equity.

History. Acts 1977, No. 873, § 14; 1981, No. 296, § 6; 1983, No. 937, § 4; A.S.A. 1947, § 80-4044.

6-81-116. Bonds, notes, etc. — Tax exemption.

(a) Obligations issued under the provisions of this subchapter and the interest thereon shall be exempt from all state, county, and municipal taxes; and

(b) The exemption shall include income, inheritance, and estate taxes.

History. Acts 1977, No. 873, § 20; 1981, No. 296, § 7; A.S.A. 1947, § 80-4050.

A.C.R.C. Notes. Arkansas Constitution, Amendment 57, § 1 provides that the General Assembly may classify intangible personal property for assessment at lower percentages of value than other property and may exempt one or more classes of intangible personal property from taxation, or may provide for the taxation of intangible personal property on a basis other than ad valorem. Section 26-3-302 exempts all intangible personal property in this state from all ad valorem tax levies of counties, cities, and school districts in the state as of January 1, 1976.

6-81-117. [Repealed.]

Publisher's Notes. This section, concerning bond redemption and interest funds, was repealed by Acts 1993, No. 1284, § 2. The section was derived from Acts 1977, No. 873, § 12; 1981, No. 296, § 5; 1985, No. 429, § 6; 1985, No. 449, § 6; A.S.A. 1947, § 80-4042.

6-81-118. Cash funds — Sufficient redemption fund required.

(a) All moneys received by the authority of its trustee as repayment of principal or interest, including payments by the United States as subsidies, in payment of the guarantee on guaranteed educational loans made or purchased under the authority of this subchapter or as income on any other investment authorized by this subchapter are hereby specifically declared to be cash funds.

(b) The moneys shall not be deposited in the State Treasury but shall be deposited as required by the agreement or trust indenture for each different series of obligations of the Arkansas Student Loan Authority.

(c) A sufficient amount of such money shall always be made available to any redemption fund securing outstanding obligations of the authority to ensure their payment and interest thereon as they mature.

History. Acts 1977, No. 873, § 13; 1983, No. 937, § 3; 1985, No. 429, § 7; 1985, No. 449, § 7; A.S.A. 1947, § 80-4043; Acts 1987, No. 631, § 4; 1987, No. 705, § 4.

6-81-119. Refunding obligations.

(a) The Arkansas Student Loan Authority may, by resolution, provide for the issuance of refunding obligations to refund any outstanding obligations issued under this subchapter together with accrued interest thereon.

(b) Provisions governing the issuance and sale of obligations under this subchapter shall govern the issuance and sale of refunding obligations hereunder insofar as such provisions are applicable.

(c) Refunding obligations may be exchanged for the outstanding obligations or may be sold and the proceeds used to retire the outstanding obligations.

History. Acts 1977, No. 873, § 16; 1983, No. 937, § 5; A.S.A. 1947, § 80-4046.

6-81-120. Obligations designated as legal and authorized investments.

All the obligations issued under this subchapter are legal and authorized investments for banks, savings banks, trust companies, savings and loan associations, insurance

companies, fiduciaries, trustees and guardians, any public funds of the State of Arkansas or its political subdivisions, and for any retirement system created by the General Assembly.

History. Acts 1977, No. 873, § 17; 1983, No. 937, § 6; A.S.A. 1947, § 80-4047.

6-81-121. Bonds, notes, etc. — Sufficient security for state and local funds.

When accompanied by unmatured coupons appurtenant thereto, if any, the obligations issued pursuant to this subchapter are sufficient security for all deposits of state funds or funds of political subdivisions of this state at the par value of the obligations.

History. Acts 1977, No. 873, § 17; 1983, No. 937, § 6; A.S.A. 1947, § 80-4047.

6-81-122. Bonds, notes, etc. — Investment of excess funds.

Moneys in funds created by resolution or trust indenture of the Arkansas Student Loan Authority in excess of the amount then necessary for making guaranteed educational loans and purchasing guaranteed educational loan notes under this subchapter or in excess of the amount necessary to meet current debt service may be invested by the authority or on its behalf in:

(1) Direct obligations or obligations whose principal and interest are guaranteed by the United States;

(2) Direct obligations of or participation certificates guaranteed by the Federal Financing Bank, Federal Intermediate Credit Bank, federal land banks, Federal Home Loan Bank, Government National Mortgage Association, or banks for cooperatives;

(3) Certificates of deposit of any bank, savings and loan association, or trust company whose deposits are fully secured by a pledge of securities of any kind specified in subdivision (1) or subdivision (2) of this section;

(4) Certificates of deposit of any bank, savings and loan association, or trust company, which deposit is fully insured by the Federal Deposit Insurance Corporation;

(5) Repurchase agreements sold by any bank, savings and loan association, or trust company, provided that the repurchase agreement is fully secured by a pledge of securities of any kind specified in subdivision (1) or subdivision (2) of this section;

(6) General obligations of the state or its political subdivisions;

(7) Obligations, including investment agreements, of any bank, savings and loan association, trust company, or other financial institution, or a holding company thereof, whose credit is rated in either of the top two (2) rating categories by a nationally recognized credit rating service or corporation;

(8) Money market funds that invest only in obligations described in subdivision (1) or subdivision (2) of this section, or which are rated in the highest two (2) categories by one (1) or more nationally recognized rating agencies; and

(9) Any other investment permitted by the indenture under which such funds are held, provided that such investment is rated as investment grade by one (1) or more nationally recognized rating agencies.

History. Acts 1977, No. 873, § 18; 1979, No. 633, § 2; 1983, No. 937, § 7; 1985, No. 429, § 9; 1985, No. 449, § 9; A.S.A. 1947, § 80-4048; Acts 1993, No. 1284, § 3.

6-81-123. [Repealed.]

Publisher's Notes. This section, concerning repayment of outstanding obligations, was repealed by Acts 1993, No. 1284, § 4. The section was derived from Acts 1977, No. 873, § 6; 1981, No. 296, § 2; 1983 (Ex. Sess.), No. 39, § 1; 1983 (Ex. Sess.), No. 62, § 1; A.S.A. 1947, § 80-4036; Acts 1987, No. 631, § 2; 1987, No. 705, § 2.

6-81-124. Student loan funds.

(a) All proceeds derived from a particular obligation under the provisions of this subchapter shall be deposited in a fund to be known as the proceeds fund which shall be maintained in such bank or banks as shall be determined by the Arkansas Student Loan Authority, and funds deposited in the fund shall be expended only on approval of the authority.

(b) A separate and distinct proceeds fund shall be maintained for each different obligation issued by the authority.

(c) Funds credited to a proceeds fund may be used for any or all of the following purposes:

(1) The payment of the necessary expenses, including, without limitation, the costs of issuing the authority's obligations, incurred by the authority in carrying out its responsibilities under this subchapter;

(2) The establishment of a debt service reserve account to secure the payment of obligations;

(3) The making of guaranteed educational loans to qualified borrowers, so long as the authority does not compete with participating private lending institutions in the making of guaranteed educational loans;

(4) The purchase, either directly or acting through a bank with trust powers for its account, of guaranteed educational loan notes executed after March 30, 1977, by qualified borrowers; and

(5) The acquisition of an investment contract or contracts or any other investments permitted under an indenture of the authority securing its obligations. However, the income from the contract, contracts, or investments, after payment of the obligations and all expenses associated therewith, shall be used by the authority to assist in carrying out its purposes under this subchapter.

History. Acts 1977, No. 873, § 8; 1981, No. 296, § 4; 1985, No. 429, § 3; 1985, No. 449, § 3; A.S.A. 1947, § 80-4038; Acts 1987, No. 631, § 3; 1987, No. 705, § 3; 1993, No. 1284, § 5.

6-81-125. Contractual capacity of students — Minority defense.

(a) For the purpose of this subchapter, a student who is a qualified borrower is vested with full capacity to contract and is bound by any contract executed by him or her under the provisions of this subchapter.

(b) The fact that the student was a minor at the time he or she executed the note shall not be a defense in any action arising on the note.

History. Acts 1977, No. 873, § 10; 1985, No. 429, § 4; 1985, No. 449, § 4; A.S.A. 1947, § 80-4040.

6-81-126. Purchase of student loan note.

Prior to purchasing a guaranteed educational loan note under the provisions of this

subchapter, the Arkansas Student Loan Authority shall reasonably determine:

- (1) That the note represents a loan actually disbursed to a qualified borrower;
- (2) That due diligence both in making and collecting the loan has been exercised with respect to that loan;
- (3) That such loan meets such other reasonable criteria as may be established from time to time by the authority; and
- (4) That no other defects exist affecting the ability of the loan to be guaranteed.

History. Acts 1977, No. 873, §§ 11, 15; 1985, No. 429, §§ 5, 8; 1985, No. 449, §§ 5, 8; A.S.A. 1947, §§ 80-4041, 80-4045; Acts 1993, No. 1284, § 6.

6-81-127. Students of proprietary institutions — Reports.

(a) No more than twenty-five percent (25%) of the funds available to the Arkansas Student Loan Authority for the purchase of guaranteed student loan notes and for making original student loans shall be used to purchase guaranteed student loan notes or to make original student loans to students attending proprietary institutions, as defined by 20 U.S.C. § 1088(b).

(b) The authority shall annually file a report with the House Interim Committee on Education and the Senate Interim Committee on Education showing the aggregate amount of student loans originated or acquired by the authority during the preceding year to students attending four-year, two-year, and vocational schools.

History. Acts 1977, No. 951, §§ 5, 6; A.S.A. 1947, §§ 80-4053, 80-4054; Acts 1993, No. 1284, § 7; 1997, No. 112, § 23.

6-81-128. Collection of defaulted loans.

The state-supported institutions of higher education are authorized to employ collection agencies or use other means to collect defaulted loans or to transfer to the United States Department of Education those defaulted and uncollectible loans which were made under the National Defense Student Loan Program and the National Direct Student Loan Program.

History. Acts 1979, No. 1072, § 1; A.S.A. 1947, § 80-4055.

U.S. Code. The National Defense Student Loan Program, referred to in this section, was established by Title II of the National Defense Education Act of 1958, which was omitted due to lack of funding. The National Direct Student Loan Program was established by Title IV-E of the Higher Education Act of 1965, codified as 20 U.S.C. § 1087aa et seq.

Case Notes

Bankruptcy Proceedings.

Bankruptcy Proceedings.

Collection agency hired to collect and process educational loan payments had no authority to appear in bankruptcy court on behalf of the loan company; similarly, notice served upon the collection agency, rather than on the loan company, was inappropriate. In re Smith, 217 B.R. 567 (Bankr. E.D. Ark. 1998).

6-81-129. Contracts with entities for certain services authorized.

(a) The Arkansas Student Loan Authority may contract with an agency, financial institution, or corporation, whether organized under the laws of this state or otherwise,

whereby such agency, financial institution, or corporation shall provide certain billing, accounting, reporting, or administrative services required for guaranteed educational loan programs administered by the authority or in which the authority participates.

(b) (1) The authority may form one (1) or more nonprofit special purpose corporations for accomplishing the purposes set forth in this subchapter.

(2) Members of the board and officers of the authority may serve as directors of any such nonprofit corporation.

(3) Obligations issued by such nonprofit corporation shall be subject to the approvals contained in §§ 6-81-107 and 6-81-108.

(4) The authority may contract with any such nonprofit corporation, as set forth in subsection (a) of this section.

History. Acts 1977, No. 873, § 15; 1985, No. 429, § 8; 1985, No. 449, § 8; A.S.A. 1947, § 80-4045; Acts 1993, No. 1284, § 8.

Case Notes

Proper Party.

Proper Party.

There is no authority for suing or serving an entity authorized to collect and service student loans with a complaint to determine dischargeability. *McElhaney v. Student Loan Servs.*, 142 B.R. 311 (Bankr. E.D. Ark. 1992).

6-81-130. Annual audit.

The proceeds fund and the accounts of the Arkansas Student Loan Authority shall be audited annually by the Division of Legislative Audit of the Legislative Joint Auditing Committee.

History. Acts 1977, No. 873, § 22; 1985, No. 429, § 10; 1985, No. 449, § 10; A.S.A. 1947, § 80-4052; Acts 1987, No. 631, § 5; 1987, No. 705, § 5.

6-81-131. Administration of existing programs.

(a) The Arkansas Higher Education Coordinating Board is authorized to continue the administration of the following financial assistance programs of grants and forgivable loans which were created by its predecessor, the State Board of Higher Education, under authority granted to it by Section 8 of Act 1259 of 1993:

(1) Freshman/Sophomore Minority Grant Program;

(2) Minority Teacher Scholars Program;

(3) Minority Masters Fellows Program; and

(4) Southern Regional Education Board Doctoral Scholars Program.

(b) The provisions of this section are contingent on the availability of funding for the programs.

(c) The board is authorized to promulgate regulations as necessary to carry out the requirements of this section.

History. Acts 2001, No. 1607, § 1.

Publisher's Notes. References to "this subchapter" in §§ 6-81-101 through 6-81-130 may not apply to this section which was enacted subsequently.

Subchapter 2

— Student Loan Guarantee Foundation of Arkansas

- 6-81-201. Administration of student loan provisions of federal laws.
- 6-81-202. Administration of funds.
- 6-81-203. Disbursing officer.
- 6-81-204. Use of funds, securities, etc.
- 6-81-205. Sale of securities.
- 6-81-206. Annual audit.

A.C.R.C. Notes. Acts 1968 (1st Ex. Sess.), No. 27, § 2, in part, abolished the Arkansas Student Loan Board which was established pursuant to Acts 1961, No. 498, and transferred all funds in the State Treasury credited to the Student Loan Fund and all assets, both cash and securities, equities, and all outstanding loans on which the principal and interest are payable to the Arkansas Student Loan Board to the Student Loan Guarantee Foundation. Section 2 further provided that all such funds transferred to the Student Loan Guarantee Foundation under the act, and the interest earned thereon, and all moneys received from repayment of loans would be administered as trust funds to be used exclusively for the purposes provided in the act.

Acts 1968 (1st Ex. Sess.), No. 27, § 3, provided, in part, that all notes or other obligations transferred to the Student Loan Guarantee Foundation pursuant to the act as evidence of loans made by the Student Loan Board would be held by the foundation and the principal and interest thereon would be paid to the foundation subject to such penalties and other provisions as provided in Acts 1961, No. 498. Section 3 further provided that these loans would be administered and collected by the foundation in accordance with the procedures, powers, and duties provided in Acts 1961, No. 498. Section 3 additionally provided that the foundation would make no new student loans under the provisions of Acts 1961, No. 498.

Acts 1987, No. 574, § 2, provided that all assets held by the Student Loan Guarantee Foundation of Arkansas by virtue of the transfer of assets of the Student Loan Board by Acts 1968 (1st Ex. Sess.), No. 26 shall be transmitted to the Treasurer of State within 60 days after the effective date of this Act to be deposited as special revenues into the 76th Session Transfer Fund.

Preambles. Acts 1968 (1st Ex. Sess.), No. 27, contained a preamble which read:

“Whereas, Public Law 89-329, enacted by the United States Congress, commonly referred to as the ‘Higher Education Act of 1965,’ established a program to implement federal, state and private programs of low-interest insured loans to students in institutions of higher education; and
“Whereas, Public Law 89-287, enacted by the United States Congress, commonly referred to as ‘The National Vocational Student Loan Insurance Act of 1965,’ established a program of providing low interest insured loans to students attending vocational-technical training schools; and
“Whereas, the Student Loan Guarantee Foundation of Arkansas, a nonprofit corporation organized under the provisions of Act 176 of 1963, was established, and designated by the Governor of the State of Arkansas, as the agency in this State to administer the student loan provisions under Public Law 89-329 and 89-287; and

“Whereas, the Student Loan Guarantee Foundation of Arkansas has been approved by the Federal Government as the appropriate agency in this State to administer such student loan guarantee programs, yet such Foundation does not presently have sufficient assets by which to establish the necessary reserves required in connection with student loans guaranteed by federal funds; and

“Whereas, the Arkansas Student Loan Board has assets which, if made available to said Foundation, would enable it to approve federal guaranteed loans to needy and deserving Arkansas students;

“Now, therefore...”

Effective Dates. Acts 1968, (1st Ex. Sess.), No. 27, § 6: Feb. 20, 1968. Emergency clause provided: “It is hereby found and determined by the General Assembly that the Student Loan Guarantee Foundation of Arkansas has approved a number of federal guaranteed student loans under the provisions of Public Laws 89-329 and 89-287; that said Foundation is administering

said loan program under direct authorization from the Governor of Arkansas and has been approved by the Federal Government as the agency in this State to administer such student guarantee loan program; that said Foundation is without sufficient funds to continue to provide the necessary matching reserve requirements required for guaranteeing federal student loans; that unless funds are immediately provided to said Foundation to meet such reserve requirements hundreds of deserving students in this State will be deprived of educational opportunities; and that the immediate passage of this act is necessary to provide a source of funds to said Foundation to continue to administer the federal student loan guarantee program for the benefit of deserving college and vocational-technical students of this State. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

6-81-201. Administration of student loan provisions of federal laws.

(a) The Student Loan Guarantee Foundation of Arkansas, a private nonprofit corporation organized under the laws of this state for the purposes, as stated in its articles of incorporation, “to do any and all necessary things to implement the student loan fund program as provided for in Pub. L. No. 89-329 and in such other programs of like or similar nature which may be established by the federal or state governments in the future”, and which has been designated by the Governor and recognized by the federal government as the appropriate agency in this state to administer such student loan programs, is recognized and confirmed as the agency in this state to administer the student loan provisions of that United States law, or comparable laws enacted by the United States Congress, for the purpose of providing guaranteed student loans to citizens of this state attending institutions of higher learning or vocational and technical training schools.

(b) (1) The provisions of this subchapter recognize and confirm the foundation, a private nonprofit corporation, as the agency in this state to administer the student loan provisions of federal law. The foundation has been recognized as the agency in this state to administer the student loan laws, but that fact did not result in the foundation being made an agency of this state.

(2) The foundation is not a state agency and therefore is not subject to the Arkansas Procurement Law, § 19-11-201 et seq., to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or to other enactments of the General Assembly which are applicable to state agencies. Therefore, the foundation is not required to deposit into the State Treasury any federal funds or other funds received by it.

History. Acts 1968 (1st Ex. Sess.), No. 27, § 1; A.S.A. 1947, § 80-4013; Acts 1987, No. 574, § 1.

U.S. Code. Public Law 89-329, referred to in this section, is known as the Higher Education Act of 1965 and is codified primarily as 20 U.S.C. § 1001 et seq.

Case Notes

Cited: In re Smith, 217 B.R. 567 (Bankr. E.D. Ark. 1998).

6-81-202. Administration of funds.

(a) (1) All moneys received by the Student Loan Guarantee Foundation of Arkansas under the provisions of this subchapter shall be deposited by the foundation in bank accounts in one (1) or more banks of this state, or the moneys may be placed on deposit in savings and loan associations in this state, the deposits of which are insured by the

Federal Deposit Insurance Corporation.

(2) However, the amount of the deposits in any bank or savings and loan association in this state shall not exceed the amount insured by the Federal Deposit Insurance Corporation unless the amount of all deposits in excess of the amount insured by the Federal Deposit Insurance Corporation is secured to the full amount thereof at any time remaining on hand by the deposit, under a special depository agreement with another Arkansas bank of the foundation's selection, and approved by the Chief Fiscal Officer of the State, of direct obligations of the United States or the State of Arkansas having at all times a market value of not less than the amount of the balance.

(b) The foundation shall deposit in savings accounts or certificates of deposit in such banks or savings and loan associations the maximum amount of such funds which are not otherwise required to be maintained in checking accounts to meet the obligations of the foundation under the provisions of this subchapter or applicable federal laws and regulations.

History. Acts 1968 (1st Ex. Sess.), No. 27, § 2; A.S.A. 1947, § 80-4014.

6-81-203. Disbursing officer.

(a) The Student Loan Guarantee Foundation of Arkansas shall designate a disbursing officer who shall administer the trust funds made available to the foundation under the provisions of this subchapter.

(b) (1) The disbursing officer shall file a surety bond of a corporate surety authorized to do business in this state with the Secretary of State and an executed counterpart thereof with the Auditor of State in such amount and form as may be provided by the Auditor of State and the Chief Fiscal Officer of the State conditioned upon the faithful administration and accounting of all funds received by the foundation in accordance with the provisions of this subchapter.

(2) The bond shall be renewed annually and proof of the renewal furnished to the Secretary of State and Auditor of State.

History. Acts 1968 (1st Ex. Sess.), No. 27, § 3; A.S.A. 1947, § 80-4015.

6-81-204. Use of funds, securities, etc.

All of the funds, securities, equities, and assets received by the Student Loan Guarantee Foundation of Arkansas under the provisions of this subchapter shall be used exclusively for the purposes of providing the state's matching reserves requirements or other obligations under Pub. L. No. 89-329, as the funds, securities, equities, and assets relate to insured loans made to students attending institutions of higher learning, and in meeting other obligations required by that federal law. None of the funds, securities, equities, or assets shall be used for maintenance, operation, or support of the foundation.

History. Acts 1968 (1st Ex. Sess.), No. 27, § 3; A.S.A. 1947, § 80-4015.

U.S. Code. Public Law 89-329, referred to in this section, is known as the Higher Education Act of 1965 and is codified primarily as 20 U.S.C. § 1001 et seq.

6-81-205. Sale of securities.

(a) Whenever moneys made available to the Student Loan Guarantee Foundation of Arkansas under the provisions of this subchapter are insufficient to meet cash obligations

of the foundation pursuant to applicable federal laws, the foundation is authorized to sell for cash any securities transferred to the foundation under the provisions of this subchapter, except the notes or other obligations received by the foundation as evidence of loans made by the Arkansas Student Loan Board.

(b) Before selling any such securities, the foundation shall notify the Chief Fiscal Officer of the State of its intent to sell the securities.

(c) The Chief Fiscal Officer of the State shall establish the procedures which the foundation shall follow with respect to the sale of any securities.

(d) The Chief Fiscal Officer of the State shall, before any sale is final, give his or her written approval thereof.

History. Acts 1968 (1st Ex. Sess.), No. 27, § 3; A.S.A. 1947, § 80-4015.

6-81-206. Annual audit.

The Student Loan Guarantee Foundation of Arkansas is not subject to audit by the Legislative Joint Auditing Committee but shall, at least annually, contract for an audit by a certified public accountant and transmit a copy of the audit to the Legislative Joint Auditing Committee.

History. Acts 1987, No. 574, § 1.

A.C.R.C. Notes. Former § 6-81-206, which concerned annual audits, is deemed to be superseded by this section. The former section derived from Acts 1968 (1st Ex. Sess.), No. 27, § 3; A.S.A. 1947, § 80-4015.

Subchapter 3 — Nursing Student Loans

6-81-301 — 6-81-312. [Repealed.]

6-81-301 — 6-81-312. [Repealed.]

Publisher's Notes. This subchapter, concerning nursing student loans, was repealed by Acts 2001, No. 1692, § 4. The subchapter was derived from the following sources:

6-81-301. Acts 1977, No. 411, § 1; A.S.A. 1947, § 80-4801.

6-81-302. Acts 1977, No. 411, § 9; A.S.A. 1947, § 80-4809.

6-81-303. Acts 1977, No. 411, § 9; A.S.A. 1947, § 80-4809.

6-81-304. Acts 1977, No. 411, §§ 2, 3; A.S.A. 1947, §§ 80-4802, 80-4803.

6-81-305. Acts 1977, No. 411, § 5; A.S.A. 1947, § 80-4805.

6-81-306. Acts 1977, No. 411, §§ 3, 4; A.S.A. 1947, §§ 80-4803, 80-4804.

6-81-307. Acts 1977, No. 411, § 4; A.S.A. 1947, § 80-4804.

6-81-308. Acts 1977, No. 411, § 4; A.S.A. 1947, § 80-4804.

6-81-309. Acts 1977, No. 411, § 5; A.S.A. 1947, § 80-4805.

6-81-310. Acts 1977, No. 411, § 6; A.S.A. 1947, § 80-4806.

6-81-311. Acts 1977, No. 411, § 7; A.S.A. 1947, § 80-4807.

6-81-312. Acts 1977, No. 411, § 8; A.S.A. 1947, § 80-4808.

Subchapter 4 — University of Arkansas Revolving Loan Fund

6-81-401. Creation and purpose.

- 6-81-402. Eligibility.
- 6-81-403. Board of Trustees to accept or reject applications.
- 6-81-404. Promissory note — Interest.
- 6-81-405. Maximum loan amount.
- 6-81-406. Regulations as to repayment.
- 6-81-407. Defenses invalid.
- 6-81-408. Interest added to revolving perpetual fund.
- 6-81-409. Disbursement of funds.

Effective Dates. Acts 1925, No. 115, § 8: effective on passage.
Acts 1993, No. 455, § 5: Mar. 11, 1993. Emergency clause provided: "It is hereby found and determined by the General Assembly that the current statute, "The Committee to Accept or Reject Applications," A.C.A. 6-81-403, is inadequate. Therefore in order to keep the Board of Trustees at the University of Arkansas at Fayetteville, functioning properly, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Research References

Ark. L. Rev.

Minors Liable as Adults on Certain Contracts, 21 Ark. L. Rev. 565.

6-81-401. Creation and purpose.

A revolving loan fund of three hundred thousand dollars (\$300,000) is provided for making loans to the students of the University of Arkansas in order to assist worthy young men and women who are residents of Arkansas to pursue their studies at the university.

History. Acts 1925, No. 115, § 1; Pope's Dig., § 13174; A.S.A. 1947, § 80-2830; Acts 1991, No. 902, § 1.

6-81-402. Eligibility.

Any person who is a student in the University of Arkansas and who is a bona fide resident of this state shall be eligible to participate under the provisions of this subchapter.

History. Acts 1925, No. 115, § 2; Pope's Dig., § 13175; A.S.A. 1947, § 80-2831.

6-81-403. Board of Trustees to accept or reject applications.

The Board of Trustees of the University of Arkansas shall annually review and approve a procedure to accept or reject applications for loans from this fund.

History. Acts 1925, No. 115, § 4; Pope's Dig., § 13177; A.S.A. 1947, § 80-2833; Acts 1993, No. 455, § 1.

6-81-404. Promissory note — Interest.

The person securing a loan shall give his or her promissory note with interest to be established by the Board of Trustees of the University of Arkansas which shall be not less than four percent (4%) nor more than eight percent (8%) per annum.

History. Acts 1925, No. 115, § 3; Pope's Dig., § 13176; Acts 1955, No. 226, § 1; A.S.A. 1947, § 80-2832; Acts 1991, No. 902, § 2.

6-81-405. Maximum loan amount.

Not more than the full cost of tuition shall be loaned to any one (1) person in any one (1) academic year under the provisions of this subchapter.

History. Acts 1925, No. 115, § 3; Pope's Dig., § 13176; Acts 1955, No. 226, § 1; A.S.A. 1947, § 80-2832; Acts 1991, No. 902, § 3.

6-81-406. Regulations as to repayment.

The Board of Trustees of the University of Arkansas shall establish regulations regarding the manner and time of the repayment of the note.

History. Acts 1925, No. 115, § 4; Pope's Dig., § 13177; A.S.A. 1947, § 80-2833.

6-81-407. Defenses invalid.

The statute of limitations shall not run against notes made pursuant to this subchapter, nor shall the fact that the maker of the note may be a minor when the note is executed impair its validity.

History. Acts 1925, No. 115, § 3; Pope's Dig., § 13176; Acts 1955, No. 226, § 1; A.S.A. 1947, § 80-2832.

6-81-408. Interest added to revolving perpetual fund.

The interest on the notes when paid in shall be added to the fund and the whole sum shall be used as a revolving perpetual fund to carry out the purposes of this subchapter.

History. Acts 1925, No. 115, § 5; Pope's Dig., § 13178; A.S.A. 1947, § 80-2834.

6-81-409. Disbursement of funds.

The disbursing agent of the University of Arkansas is authorized to draw the sums referred to in this subchapter in cash from the State Treasury as they may be needed but not exceeding forty thousand dollars (\$40,000) at any one (1) time.

History. Acts 1925, No. 115, § 7; Pope's Dig., § 13179; A.S.A. 1947, § 80-2835; Acts 1991, No. 902, § 4.

Subchapter 5 — Emergency Secondary Education Loan Program

6-81-501 — 6-81-511. [Repealed.]

6-81-501 — 6-81-511. [Repealed.]

Publisher's Notes. These sections, concerning legislative purpose, establishment, program termination, administration, advisory committee, eligibility, selection of loan recipients, maximum amount, duration and cancellation of loans and expansion of program, were repealed by Acts 2003, No. 1804, § 1. They were derived from the following sources:

6-81-501. Acts 1983, No. 390, § 1; A.S.A. 1947, § 80-4057.

6-81-502. Acts 1983, No. 390, § 2; A.S.A. 1947, § 80-4058.

6-81-503. Acts 1983, No. 390, § 5; A.S.A. 1947, § 80-4061.

6-81-504. Acts 1983, No. 390, § 4; A.S.A. 1947, § 80-4060.

6-81-505. Acts 1983, No. 390, § 4; A.S.A. 1947, § 80-4060.

6-81-506. Acts 1983, No. 390, § 3; A.S.A. 1947, § 80-4059.
6-81-507. Acts 1983, No. 390, § 4; A.S.A. 1947, § 80-4060.
6-81-508. Acts 1983, No. 390, § 4; A.S.A. 1947, § 80-4060.
6-81-509. Acts 1983, No. 390, § 4; A.S.A. 1947, § 80-4060.
6-81-510. Acts 1983, No. 390, § 4; A.S.A. 1947, § 80-4060.
6-81-511. Acts 1983, No. 390, § 3; 1985, No. 509, § 1; 1985, No. 1018, § 1; A.S.A. 1947, § 80-4059.

Subchapter 6

— Teacher and Administrator Enhancement and Retraining Grant Program

6-81-601. Purpose.
6-81-602. Establishment.
6-81-603. Administration.
6-81-604. Conditions.
6-81-605. Grants — Priority.
6-81-606. Discrimination prohibited.
6-81-607. Definitions.
6-81-608. Dual Certification Incentive Program.
6-81-609. Dual certification funding.
6-81-610. Dual certification bonus.

A.C.R.C. Notes. Acts 1987, No. 331, § 6, provided that all loan awards made under the Teacher and Administrator Enhancement and Retraining Loan Program as provided in Acts 1983, No. 109 (1st Ex. Sess.), as amended, are recognized as grants and all outstanding loan obligations under that legislation are terminated.

Publisher's Notes. Former subchapter 6, concerning Teacher and Administrator Enhancement and Retraining Loan Program, was repealed by Acts 1987, No. 331, § 7. The former subchapter was derived from the following sources:

6-81-601. Acts 1983 (Ex. Sess.), No. 109, § 1; A.S.A. 1947, § 80-1268.
6-81-602. Acts 1983 (Ex. Sess.), No. 109, § 2; A.S.A. 1947, § 80-1268.1.
6-81-603. Acts 1983 (Ex. Sess.), No. 109, § 4; A.S.A. 1947, § 80-1268.3.
6-81-604. Acts 1983 (Ex. Sess.), No. 109, § 3; A.S.A. 1947, § 80-1268.2.
6-81-605. Acts 1983 (Ex. Sess.), No. 109, § 4; A.S.A. 1947, § 80-1268.3.
6-81-606. Acts 1983 (Ex. Sess.), No. 109, § 4; 1985, No. 166, § 1; 1985, No. 230, § 1; A.S.A. 1947, § 80-1268.3.

Cross References. Personnel, § 6-17-101 et seq.

Effective Dates. Acts 1987, No. 331, § 8: Mar. 19, 1987. Emergency clause provided: "It is hereby found and determined that this program is necessary to improve the quality of instruction in the public schools in Arkansas. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval."

6-81-601. Purpose.

There is an existing need in the state to enhance the academic expertise of employed teachers in Arkansas by providing opportunities for them to pursue additional college instruction related to their employment.

History. Acts 1987, No. 331, § 1; 2005, No. 2196, § 1.

Amendments. The 2005 amendment deleted "and administrators" following "employed

teachers.”

6-81-602. Establishment.

There is established a program to be known as the “Teacher Opportunity Program”.

History. Acts 1987, No. 331, § 2; 2005, No. 2196, § 2.

Amendments. The 2005 amendment substituted “Teacher Opportunity Program” for “Teacher and Administrator Enhancement and Retraining Grant Program.”

6-81-603. Administration.

(a) The Teacher Opportunity Program shall be administered by the Department of Higher Education, which shall have the authority to establish necessary rules, regulations, procedures, and selection criteria for the administration of the program and to designate necessary forms and schedules.

(b) The department may utilize an appropriate advisory committee to assist it in its responsibilities in this program.

History. Acts 1987, No. 331, § 5; 2005, No. 2196, § 3.

Amendments. The 2005 amendment substituted “Teacher Opportunity Program” for “Teacher and Administrator Enhancement and Retraining Grant Program” in (a).

6-81-604. Conditions.

The Department of Higher Education may make initial and continuing grants to students under the following conditions:

(1) Grant recipients shall be bona fide residents of the State of Arkansas, as defined by the Department of Higher Education;

(2) Grant recipients shall maintain current certification with the Department of Education, allowing them to be employed by the public schools in Arkansas;

(3) Grant recipients shall be currently employed as teachers or administrators in Arkansas and declare an intention to continue that employment in Arkansas;

(4) Grant recipients shall be enrolled in an eligible accredited college or university in Arkansas;

(5) Grant recipients shall be enrolled in college-level courses directly related to their employment as certified by the Commissioner of Education; and

(6) Grant recipients shall maintain a grade point average in their college work of no less than 2.5 on a 4.0 scale or maintain an appropriate equivalent as determined by the Department of Higher Education.

History. Acts 1987, No. 331, § 3; 2005, No. 2196, § 4.

Amendments. The 2005 amendment deleted “and be citizens of the United States or permanent resident aliens” from the end of (1).

6-81-605. Grants — Priority.

(a) (1) The first priority for the award of funds under the Teacher Opportunity Program is the award of scholarships under the Dual Certification Incentive Program, §§ 6-81-607 — 6-81-610.

(2) If funds are available after all awards are made under the Dual Certification Incentive Program, then additional grants may be made in accordance with the following:

(A) Students may receive grants up to but not in excess of the cost of student fees, books, and instructional supplies at the public institution of higher education in this state assessing the highest rate of student fees; and

(B) The grant or grants made to one (1) individual within one (1) fiscal year may not exceed the costs associated with six (6) semester credit hours or the equivalent of six (6) semester credit hours.

(b) (1) The Department of Higher Education shall determine priorities for awarding grants in the event that there are more applicants than funds available.

(2) Priorities shall be determined in coordination with the Department of Education and shall be based on the needs of the state.

History. Acts 1987, No. 331, § 3; 2005, No. 2196, § 5.

Amendments. The 2005 amendment rewrote this section.

6-81-606. Discrimination prohibited.

This subchapter shall in no way discriminate on the basis of race, color, national origin, religion, sex, or area of teacher education.

History. Acts 1987, No. 331, § 4.

6-81-607. Definitions.

For purposes of this subchapter:

(1) “Classroom teacher” means an individual who is required to hold a teaching license from the Department of Education and who is:

(A) Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(B) A media specialist or librarian; or

(C) A guidance counselor;

(2) “Dual certification” means certification to teach in more than one (1) subject matter; and

(3) “Dual certification incentive bonus” means a bonus that is given one (1) time every school year following the year of obtaining dual certification under the Dual Certification Incentive Program.

History. Acts 2005, No. 2196, § 6.

6-81-608. Dual Certification Incentive Program.

(a) There is created the Dual Certification Incentive Program to encourage classroom teachers currently employed by school districts in the state to return to college to obtain certification in one (1) or more additional subject areas.

(b) The program shall be administered by the Department of Higher Education.

History. Acts 2005, No. 2196, § 6.

6-81-609. Dual certification funding.

(a) (1) (A) A classroom teacher employed by a school district in the state may receive a

scholarship from the Dual Certification Incentive Program if he or she:

(i) Is recommended for a scholarship by the local board of directors of the school district in which he or she is employed based on the recommendation of the teacher's building-level principal and superintendent;

(ii) Agrees to return to an approved institution of higher education to obtain certification in:

(a) An additional subject matter declared to be a shortage area by the Department of Education;

(b) An additional subject matter that he or she is currently teaching but for which he or she does not have a certification; or

(c) An additional subject matter and grade level in which the school district has requested a waiver under § 6-17-309; and

(iii) Agrees to maintain a minimum number of semester credit hours commensurate with the amount of the scholarship as determined by the Department of Higher Education.

(B) (i) (a) A scholarship from the Dual Certification Incentive Program shall include funding for the cost of tuition, books, and fees not to exceed three thousand dollars (\$3,000) each college year.

(b) The amount of the scholarship shall be commensurate with maintaining a minimum number of semester credit hours as determined by the Department of Higher Education.

(ii) Each scholarship awarded under the program shall be funded with a two-to-one match with the local school districts whereby the Department of Higher Education shall provide two dollars (\$2.00) for each dollar a local school district provides for scholarships.

(iii) The amount of the scholarship and the number of scholarship recipients selected by the Department of Higher Education shall be contingent on the appropriation and availability of funding for such a purpose.

(C) (i) Local school districts may use moneys appropriated from the public school funds or any other source to fund the school district's local match requirements for no more than four (4) scholarships under the program for classroom teachers currently employed by the school district who have no less than three (3) years of experience as licensed classroom teachers in a public school located in the State of Arkansas.

(ii) (a) Any school district that requests a waiver of teacher certification requirements under § 6-17-309 because the school district is not able to hire a qualified certified teacher to fill the position shall offer and fund a program scholarship to any qualified applicant willing to obtain dual certification in the grade level and subject matter for which the waiver was requested.

(b) Program scholarships provided under this subdivision (a)(1)(C)(ii) shall be funded in addition to the four (4) scholarships under subdivision (a)(1)(C)(i) of this section with the two-to-one match funding described in subdivision (a)(1)(B)(ii) of this section.

(2) To be eligible for a scholarship under the program, the person shall be:

(A) Employed as a classroom teacher by the same school district for no less than three (3) years of teaching immediately preceding the application; and

(B) Accepted for enrollment in a classroom teacher education program that will lead to a certification to teach in a subject area that:

(i) Is different from the classroom teacher's current area of certification; and

(ii) Either:

(a) Has been identified as a subject area with a shortage of classroom teachers as declared by the Department of Education; or

(b) Is in the grade level and subject matter area for which the school district has requested a waiver under § 6-17-309.

(b) The recipients of the program scholarships awarded by a school district shall be selected by that district's local board of directors based on the recommendation of the teacher's building-level principal and superintendent or as required by subdivision (a)(1)(C)(ii) of this section.

(c) (1) Any classroom teacher awarded a scholarship under the program may be allowed administrative leave with pay as provided under the district's certified personnel policies as is necessary for the classroom teacher to:

(A) Attend college classes necessary to obtain the additional certification;

(B) Travel to or from the college; and

(C) Take state-mandated tests as may be necessary to obtain the additional certification.

(2) The cost of a classroom teacher's administrative leave required under this subsection shall be credited toward the local district's funding match obligations under this section.

(d) (1) A classroom teacher who receives funds from the state or school district for participation in the program shall repay the Department of Education, the Department of Higher Education, or the school district the total amount of the scholarships received under the program if the classroom teacher:

(A) Does not receive an additional certification within three (3) calendar years after he or she first received funding under the program; or

(B) Becomes certified under the program but does not teach or serve as a classroom teacher in an Arkansas public school district for three (3) continuous years immediately following receipt of the additional certification.

(2) The State Board of Education may suspend the Arkansas classroom teacher's license of any individual who fails, when required to do so, to repay moneys contributed by the Department of Education, the Department of Higher Education, or a school district for participation in the program.

(3) Repayment of moneys contributed by the Department of Education, the Department of Higher Education, or the school district is not required if due to the death or disability of the classroom teacher, or other extenuating circumstances as may be recognized by the State Board of Education, the classroom teacher does not complete the certification process or does not teach in the Arkansas public school system for three (3) continuous school years after completing the certification funded by the program.

(e) (1) The Arkansas Higher Education Coordinating Board shall promulgate rules as necessary to implement the program.

(2) The number of classroom teacher participants each year shall be determined by the amount of funding available for the program and the limitations set under this

section.

History. Acts 2005, No. 2196, § 6.

6-81-610. Dual certification bonus.

(a) (1) Upon attainment of a dual certification under the Dual Certification Incentive Program, the Department of Education shall pay the school district on behalf of the dually certified classroom teacher a bonus of three thousand dollars (\$3,000) each school year that the classroom teacher:

(A) Is employed full time as a classroom teacher in an Arkansas public school district; and

(B) Is teaching no fewer than two (2) class periods in each of the different subject matter areas for which he or she received certification.

(2) The dual certification incentive bonus provided in this section shall not be retroactive.

(3) No person shall receive a dual certification incentive bonus irrespective of the person's past participation in the State Teacher Assistance Resource Program if he or she:

(A) Leaves the full-time employment of an Arkansas public school district;

(B) Becomes employed as a district-level central office administrator or any other position that does not include teaching students;

(C) Is employed by an Arkansas institution of higher education, the Department of Higher Education, or the Department of Education; or

(D) Is employed by an education service cooperative and does not teach in a classroom with students.

History. Acts 2005, No. 2196, § 6.

Subchapter 7

— Rural Medical Practice Student Loans and Scholarships

6-81-701. Definitions.

6-81-702. Arkansas Rural Medical Practice Student Loan and Scholarship Board.

6-81-703. Loan applications — Medical students and medical school graduates.

6-81-704. Medical students — Investigation after application.

6-81-705. Medical students — Purpose of loan.

6-81-706. Medical students — Eligibility for initial and renewal loans.

6-81-707. Maximum amount of loans.

6-81-708. Loan contracts — Rural Medical Practice Loans — Obligations and conditions.

6-81-709. [Repealed.]

6-81-710. Funding of loans.

6-81-711. Annual report.

6-81-712, 6-81-713. [Repealed.]

6-81-714. Dispute resolution — Determination of breach.

6-81-715. Medical school graduates — Community match contract — Eligibility for community match loans.

6-81-716. Medical school graduates — Community match contract — Obligations and conditions.

6-81-717. [Repealed.]

6-81-718. Medical school alternates — Rural medical practice loans.

6-81-719. Tracking loan contract compliance.

6-81-720. Rural Medical Practice Student Loan and Scholarship Program
administrator.

6-81-721. Noninterference with pending litigation.

6-81-722. Sunset clause.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-81-701 — 6-81-718 may not apply to § 6-81-719 which was enacted subsequently.

Acts 2003, No. 828, § 1 provided:

“Findings.

(1) (A) The University of Arkansas College of Medicine includes nonfaculty members on the fifteen (15) member admissions committee.

“(B) The Liaison Committee for Medical Education, the accrediting body for allopathic medical schools in the United States, mandates that the admissions committee that selects applicants for admission shall be faculty members.

“(C) However, state law mandates that the fifteen (15) member College of Medicine Admissions Committee consist of both faculty and nonfaculty members, two (2) from each of the four (4) congressional districts, and one (1) member at large.

“(D) The intent of the General Assembly mandate is to provide greater committee representation from the entire state, in particular the underserved areas of Arkansas.

“(E) Each time the University of Arkansas College of Medicine is reviewed for accreditation by the Liaison Committee for Medical Education, the college is required to explain the reasons for the inclusion of nonfaculty members on the admissions committee.

“(F) The College of Medicine Admissions Committee is the only medical school admissions committee in the United States that includes nonfaculty members.

(2) (A) Arkansas law mandates that seventy percent (70%) of the one hundred fifty (150) positions in the Freshman class each year be equally distributed among the four (4) congressional districts.

“(B) The seventy percent (70%) requirement increases the geographical distribution and number of applicants from underserved areas of the state who are accepted for admission.

“(C) The University of Arkansas College of Medicine is the only medical school in the United States that incorporates the seventy percent (70%) rule in the admissions process.

(3) (A) Many state medical schools have programs similar to the Arkansas program whose purpose is to increase the number of physicians practicing in rural communities in the state.

“(B) Arkansas has had a program since 1949, the Arkansas Rural Medical Practice Student Loan and Scholarship Program, that provides financial incentives to medical students who contract to practice medicine in rural communities in the state.

“(C) Medical students are given substantial amounts of loans during medical school with the contractual agreement that the loans will be converted to grants or forgiven, if they complete residency training and practice medicine in an underserved rural community in the state.

“(D) However, Act 114 of 1995 created a new program, the Community Math Student Loan and Scholarship Program, which significantly modified the existing Arkansas Rural Medical Practice Student Loan and Scholarship Program.

“(E) Act 1257 of 1995 strengthened the penalties for students who default on their contractual obligation to practice medicine in the state.

“(F) However, the unique feature of Act 114 of 1995, a specific provision that no other medical school in the United States has, is that if an alternate on the waiting list contracts with a rural community to practice primary care in that rural community, and the application is approved by the Arkansas Rural Medical Practice Student Loan and Scholarship

Board that administers the program, the alternate is advanced to the top of the waiting list and this greatly enhances the applicant's chances of being admitted to medical school.

“(G) This unique feature also applies to alternates who wish to apply for the Arkansas Rural Practice Program.

“(H) Alternates who contract to practice medicine in a rural underserved community in the state, if approved by the board, are advanced on the waiting list, just below the Community Match Alternates who are approved and advanced.

“(I) Since the program's inception in 1995, the University of Arkansas College of Medicine has had approximately one hundred twenty-five (125) physicians-in-training contract to return to underserved areas of the state to practice full time primary care medicine.

“(J) Applicants from underserved areas are typically given greater considerations for participation and approval for the rural loan and scholarship programs.”

Publisher's Notes. Acts 1971, No. 133, § 10; Acts 1971, No. 533, § 10; and Acts 1972 (Ex. Sess.), No. 62, § 2, provided that no provisions of those acts would impair any loan obligation then outstanding and not repaid or otherwise satisfied which had been entered into pursuant to the provisions of Acts 1949, No. 131, as amended, but the obligation was to remain due and payable and subject to satisfaction all in accordance with the terms of the prior legislation.

Preambles. Acts 1949, No. 131 contained a preamble which read:

“Whereas, the number of doctors within the State of Arkansas are not adequate enough to meet the constant demand of the people of this state and;

“Whereas, there are many rural communities within the State of Arkansas without medical care, it is the purpose of this Act to increase the number of doctors by financing those medical students who need such aid in order to complete their education....”

Effective Dates. Acts 1971, Nos. 133, 533, § 13: Feb. 22, 1971 and Apr. 5, 1971, respectively. Emergency clauses provided: “It has been found and determined by the General Assembly that there is a pressing and immediate need for additional physicians in the rural areas of Arkansas; that this Act has as its purpose the furnishing of financial assistance to medical students attending medical school in Arkansas who have the intent and desire to engage in rural community practice in Arkansas and will so obligate themselves; and that it is necessary in order to protect the lives, the health and the general welfare of citizens of Arkansas that additional physicians reside and practice in such areas. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.”

Acts 1972 (Ex. Sess.), No. 62, § 5: Mar. 6, 1972. Emergency clause provided: “It has been found and determined by the Sixty-Eighth General Assembly meeting in Extraordinary Session that there is a pressing and immediate need for additional physicians in the rural areas of Arkansas; that this Act has as its purpose the furnishing of financial assistance to medical students attending medical school in Arkansas who have the intent and desire to engage in rural community practice in Arkansas and will so obligate themselves; and that it is necessary in order to protect the lives, the health and the general welfare of citizens of Arkansas that additional physicians reside and practice in such areas. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.”

Acts 1981, No. 47, § 5: Feb. 11, 1981. Emergency clause provided: “It is hereby found and determined by the Seventy-Third General Assembly that the definition of rural community under the Rural Medical Practice Student Loan Scholarship Program is limited to communities with no more than six thousand (6,000) persons; that due to the increase in population in recent years this definition is too restrictive, and that this Act is immediately necessary to expand such definition and thereby provide increased medical services for rural Arkansas. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1985, No. 797, § 3: Apr. 3, 1985. Emergency clause provided: “It is hereby found and determined by the General Assembly that the definition of rural community as used in the Rural Medical Student Loan and Scholarship Act has been misconstrued; that it is the intention of this Act to redefine the term “rural community” for the purposes of that Act and to make it applicable to

persons who have in the past or now practice medicine in such rural communities; that some doctors have been denied the cancellation of their loans due to the misinterpretation of the law; and that this Act is immediately necessary to provide an equitable remedy to such persons. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1991, No. 359, § 7: Mar. 5, 1991. Emergency clause provided: “It is found and determined by the General Assembly that the Arkansas Rural Medical Practice Student Loan and Scholarship Program should be revised for the purpose of strengthening the program; that the definition of rural community as used in the Rural Medical Student Loan and Scholarship Act should be expanded to include a community which meets the definition at the time the loan recipient is required to enter into the practice of medicine in the community; that revision of the definition is necessary to provide encouragement for physicians to practice in rural communities; and that the change in the definition should be applied retroactively to loan contracts entered into prior to the effective date of the act in order to encourage more loan recipients to practice full time in such rural communities. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1995, No. 1114, § 10: Apr. 10, 1995. Emergency clause provided: “It is hereby found and determined by the Eightieth General Assembly that there is a pressing and immediate need for additional physicians in rural areas of Arkansas; that this act has as its purposes the furnishing of financial assistance to medical students attending the University of Arkansas College of Medicine who have the interest and desire to engage in rural community practice in Arkansas and will so obligate themselves. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: “It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 2007, No. 1058, § 10: Apr. 4, 2007. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that amendments and clarifications are needed in order for all rural communities to have more equal access to physician providers, for the Rural Medical Practice Student Loan and Scholarship Board to have more flexibility in working with loan recipients to remedy contractual obligations, and for attempts at resolution to occur; and that it is imperative that changes be made in state law to remedy these problems. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-81-701. Definitions.

As used in this subchapter:

- (1) “Board” means the Arkansas Rural Medical Practice Student Loan and Scholarship Board;
- (2) “Designated specialty” means a medical practice other than primary care that

a loan recipient and the board have agreed will be practiced in the qualified rural community, provided the loan recipient has identified a community or communities that have agreed to accept that loan recipient in the designated specialty;

(3) “Medically underserved” means an area that the board determines to have unmet needs for medical services due to factors including without limitation:

(A) The ratio of primary care physicians to population;

(B) The infant mortality rate;

(C) The percentage of:

(i) Population with incomes below the federal poverty level, as it existed on January 1, 2007;

(ii) Resident individuals sixty (60) years of age and older; and

(iii) Physicians sixty (60) years of age and older;

(D) Accessibility within the area to primary care medicine; and

(E) Other relevant criteria the board may deem necessary for a determination of unmet needs for medical services;

(4) “Primary care medicine” means health care provided in one (1) of the following areas of practice:

(A) Family medicine;

(B) General internal medicine;

(C) General internal medicine and pediatrics;

(D) General pediatrics;

(E) General obstetrics and gynecology;

(F) General surgery; and

(G) Emergency medicine; and

(5) “Qualified rural community” means an area reasonably determined by the board to be medically underserved.

History. Acts 1949, No. 131, § 9; 1955, No. 69, § 2; 1963, No. 181, § 1; 1971, No. 133, § 7; 1971, No. 533, § 7; 1972 (Ex. Sess.), No. 62, § 1; 1981, No. 47, § 2; 1983, No. 649, § 1; 1985, No. 797, § 1; A.S.A. 1947, § 80-2916; Acts 1987, No. 151, § 3; 1991, No. 359, § 2; 1995, No. 1114, § 1; 1995, No. 1257, § 1; 2003, No. 676, § 1; 2007, No. 1058, § 1.

A.C.R.C. Notes. Acts 1991, No. 359, § 3, provided that the amendments to this section by that act were to be applied retroactively to loan contracts entered into prior to March 5, 1991.

Acts 1995, No. 1257, § 4 provided “The provisions of this act shall not apply to any person entering a Rural Medical Practice Student Loan prior to the 1995-96 school year or to any subsequent Rural Medical Practice Student Loan contracts entered into by those persons.”

Publisher’s Notes. Acts 1995, No. 1114 took effect April 10, 1995.

Acts 1995, No. 1257 took effect July 28, 1995.

Amendments. The 2003 amendment added (3)(F) and made related changes.

The 2007 amendment substituted “As used in” for “For purposes of” in the introductory paragraph; added (2)(G) and (3) through (5); and deleted former (3).

Research References

U. Ark. Little Rock L. Rev.

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, Loan Programs for Students, 26 U. Ark. Little Rock L. Rev. 379.

Case Notes

Applicability.

Applicability.

This section was not meant to operate retrospectively. Arkansas Rural Medical Practice Student Loan & Scholarship Bd. v. Luter, 292 Ark. 259, 729 S.W.2d 402 (1987).

6-81-702. Arkansas Rural Medical Practice Student Loan and Scholarship Board.

(a) (1) There is established the Arkansas Rural Medical Practice Student Loan and Scholarship Board composed of:

(A) The Dean of the College of Medicine of the University of Arkansas for Medical Sciences as chair;

(B) One (1) representative of the Arkansas Medical Society as vice-chair;

(C) The Chancellor of the University of Arkansas for Medical Sciences;

(D) One (1) representative of the College of Medicine of the University of Arkansas for Medical Sciences, named by the dean of that school;

(E) Two (2) physician members appointed by the Arkansas Medical Society, giving preference to physicians who have received rural medical practice loans or community match loans; and

(F) Two (2) representatives appointed by the Arkansas Hospital Association.

(2) Vacancies shall be filled in a similar manner.

(b) The board shall:

(1) Promulgate reasonable rules and regulations as may be necessary to execute the provisions of this subchapter, including regulations addressing the requirements and in conformance with the requirements of the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and other appropriate state laws in promulgating and placing rules and regulations into effect:

(A) For a health professions shortage area;

(B) To become a qualified rural community eligible to participate in the Rural Medical Practice Student Loan and Scholarship Program or the Community Match Loan and Rural Physician Recruitment Program; and

(C) For a procedure to resolve disputes arising out of or relating to a rural practice or community match loan contract;

(2) Prescribe forms for and regulate the submission of loan applications;

(3) Determine eligibility of applicants;

(4) Allow or disallow loan applications;

(5) Contract, increase, decrease, terminate, and otherwise regulate all loan disbursements for these purposes, receipts for their repayment, and convert loans to scholarships or grants, as applicable;

(6) Manage, operate, and control all funds and property appropriated or otherwise contributed for this purpose;

(7) Accept gifts, grants, bequests, or devises and apply them as a part of this program;

(8) Sue and be sued as the board; and

(9) Accept moneys from federal programs that may be used for furtherance of the purposes of this subchapter.

(c) The members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(d) The Arkansas Rural Medical Practice Student Loan and Scholarship Board shall administer the Rural Medical Practice Student Loan and Scholarship Program and the Community Match Loan and Rural Physician Recruitment Program.

History. Acts 1949, No. 131, §§ 1-3; 1971, No. 133, §§ 1-3; 1971, No. 533, §§ 1-3; A.S.A. 1947, §§ 80-2908 — 80-2910; Acts 1987, No. 151, § 1; 1995, No. 1114, § 2; 1997, No. 250, § 40; 2007, No. 1058, § 1.

Publisher's Notes. As to the effect of the 1971 and 1972 amendments upon outstanding loan obligations, see Publisher's Notes to this subchapter.

Amendments. The 2007 amendment, in (a)(1)(B), substituted "One (1) representative of" for "The President of" and "Society" for "Association"; deleted "for Health Sciences" following "Chancellor" in (a)(1)(C); in (a)(1)(E), substituted "physician member appointed by" for "physicians named by the President of" and "Society, giving preference to physicians who have received rural medical practice loans or community match loans" for "Association"; added (a)(1)(F); inserted "and in conformance . . . regulations into effect" in (b)(1); in (b)(1)(B), substituted "Rural Medical Practice" for "Community Match" and added "or the Community Match Loan and Rural Physician Recruitment Program"; added (b)(1)(C); in (b)(2) and (b)(4), inserted "loan" and deleted "for financial assistance" following "applications"; in (b)(5), substituted "loan disbursements for these purposes" for "grants for this purpose" and added "or grants, as applicable"; added (d); and made related and stylistic changes.

6-81-703. Loan applications — Medical students and medical school graduates.

(a) Any student accepted for admission to or enrolled in good standing in the College of Medicine of the University of Arkansas for Medical Sciences in studies leading to the degree of Doctor of Medicine who is a bona fide resident of Arkansas may apply for a loan under this subchapter on forms prescribed by the Arkansas Rural Medical Practice Student Loan and Scholarship Board.

(b) A graduate of the College of Medicine of the University of Arkansas for Medical Sciences or any accredited medical school in the United States who is a bona fide resident of Arkansas may apply for a community match loan under this subchapter on forms prescribed by the board so long as the applicant satisfies the criteria set forth in § 6-81-715.

History. Acts 1949, No. 131, § 4; 1971, No. 133, § 4; 1971, No. 533, § 4; A.S.A. 1947, § 80-2911; Acts 2007, No. 1058, § 1.

Publisher's Notes. As to the effect of the 1971 and 1972 amendments upon outstanding loan obligations, see Publisher's Notes to this subchapter.

Amendments. The 2007 amendment rewrote the section heading; added the (a) designation; and added (b).

6-81-704. Medical students — Investigation after application.

When a rural medical practice loan application is filed with the Arkansas Rural Medical Practice Student Loan and Scholarship Board, the board shall examine the application, investigate the ability, character, and qualifications of the applicant, and investigate the financial standing of the applicant or his or her parents to determine whether the applicant is in need of a loan to advance his or her medical education.

History. Acts 1949, No. 131, § 5; A.S.A. 1947, § 80-2912; Acts 2007, No. 1058, § 2.

Amendments. The 2007 amendment inserted "rural medical practice."

6-81-705. Medical students — Purpose of loan.

Rural medical practice loans provided for in this subchapter shall be made for the sole purpose of paying the applicant's tuition, maintenance, and educational expenses and the necessary living expenses of his or her dependents while the applicant is enrolled in a program of medical education as described in this subchapter.

History. Acts 1949, No. 131, § 7; 1971, No. 133, § 6; 1971, No. 533, § 6; 1981, No. 47, § 1; A.S.A. 1947, § 80-2914; Acts 2007, No. 1058, § 2.

Publisher's Notes. As to the effect of the 1971 and 1972 amendments upon outstanding loan obligations, see Publisher's Notes to this subchapter.

Amendments. The 2007 amendment substituted "Rural medical practice" for "The."

6-81-706. Medical students — Eligibility for initial and renewal loans.

(a) The Arkansas Rural Medical Practice Student Loan and Scholarship Board may make rural medical practice loans to the applicant, each rural medical practice loan being expressly made subject to the provisions of §§ 6-81-708(c) and 6-81-710, if it finds that:

- (1) The applicant is a bona fide resident of Arkansas;
- (2) The applicant has been accepted for admission to or is enrolled in good standing in the College of Medicine of the University of Arkansas for Medical Sciences in studies leading to the degree of Doctor of Medicine;
- (3) The applicant is enrolled in a medically underserved and rural practice curriculum;
- (4) The applicant needs financial assistance to complete his or her medical studies;
- (5) The applicant desires to practice medicine in an eligible qualifying rural community as determined by the board; and
- (6) The applicant is a person of good moral character and one who has the talent and capacity to profit by medical studies.

(b) Subject to the availability of funds, an initial rural medical practice loan for one (1) academic year shall be renewable annually for the number of years required to complete studies leading to the Doctor of Medicine degree or for additional amounts, not to exceed the maximum amounts specified in § 6-81-707, but all subsequent rural medical practice loans shall be granted only upon application by the recipient and a finding by the board that:

- (1) The applicant has completed successfully the medical studies of the preceding academic year and remains in good standing as an enrolled student in the college;
- (2) The applicant is enrolled or participating in a medically underserved and rural practice curriculum;
- (3) The applicant continues to be a resident of Arkansas; and
- (4) The applicant's financial situation continues to warrant financial assistance made under the conditions of this section.

History. Acts 1949, No. 131, § 6; 1955, No. 69, § 1; 1971, No. 133, § 5; 1971, No. 533, § 5; A.S.A. 1947, § 80-2913; Acts 1987, No. 151, § 2; 1995, No. 1114, § 3; 2007, No. 1058, § 2.

A.C.R.C. Notes. As amended by Acts 1995, No. 1114, § 3, subdivision (a)(3) began:

"The applicant, beginning with the 1995-96 school year."

As amended by Acts 1995, No. 1114, § 3, subdivision (b)(2) began:

"That, beginning with the 1995-96 school year."

Publisher's Notes. As to the effect of the 1971 and 1972 amendments upon outstanding loan obligations, see Publisher's Notes to this subchapter.

Amendments. The 2007 amendment substituted "6-81-708(c)" for "6-81-708(d)" in (a).

6-81-707. Maximum amount of loans.

(a) The maximum amount of each rural practice loan for medical students shall not exceed sixteen thousand five hundred dollars (\$16,500) per academic year or those costs that are reasonable and necessary for the student's attendance as determined by the Arkansas Rural Medical Practice Student Loan and Scholarship Board.

(b) (1) The maximum amount of each community match loan shall not exceed eighty thousand dollars (\$80,000) or as the board otherwise shall determine payable under § 6-81-716.

(2) The Arkansas Rural Medical Practice Student Loan and Scholarship Board shall provide one-half (1/2) of the community match loan, and the qualified rural community shall provide the other one-half (1/2) of the loan.

(3) However, in the event the board does not have sufficient funds to match the community's portion of the loan, nothing precludes a qualified rural community from providing the total loan amount.

History. Acts 1949, No. 131, § 7; 1971, No. 133, § 6; 1971, No. 533, § 6; 1981, No. 47, § 1; A.S.A. 1947, § 80-2914; Acts 1989, No. 22, § 1; 2007, No. 1058, § 2.

Publisher's Notes. As to the effect of the 1971 and 1972 amendments upon outstanding loan obligations, see Publisher's Notes to this subchapter.

Amendments. The 2007 amendment deleted "Medical students" preceding "Maximum" in the section heading; added the (a) designation; in (a), inserted "for medical students" and substituted "sixteen thousand five hundred dollars (\$16,500)" for "twelve thousand dollars (\$12,000)"; added (b); and made related changes.

6-81-708. Loan contracts — Rural Medical Practice Loans — Obligations and conditions.

(a) The Arkansas Rural Medical Practice Student Loan and Scholarship Board shall enter into a loan contract with the applicant to whom a rural medical practice loan is made.

(b) The contract shall be approved by the Attorney General and shall be signed by the chair of the board, countersigned by the vice chair, and signed by the applicant.

(c) Each applicant to whom a rural medical practice loan or loans shall be granted by the board shall execute a written loan contract that shall incorporate the following obligations and conditions:

(1) (A) The recipient of a rural medical practice loan or loans shall bindingly contract that he or she shall practice primary care medicine or a designated specialty approved by the board full time in a qualified rural community upon completion of:

(i) His or her medical internship of one (1) year undertaken immediately following the earning of the degree of Doctor of Medicine;

(ii) Four (4) additional years of medical training beyond the internship if the training has been approved in advance by the board and includes practice

experience in a rural community or, if approved by the board, he or she shall practice a designated specialty in a qualified rural community or communities; or

(iii) At the request of the recipient of a rural medical practice loan, the board may approve the recipient's request to practice in more than one (1) qualified rural community to meet his or her obligation to practice full time if the board determines, on guidelines established by the board, that the physician need in the rural communities cannot sustain a full-time medical practice or other compelling circumstances exist.

(B) The recipient of a rural medical practice loan or loans shall bindingly contract that for each year's loan he or she shall practice medicine in accordance with subdivision (c)(1)(A) of this section for a whole year.

(C) For each continuous whole year of medical practice, in accordance with subdivision (c)(1)(A) of this section, subject to reasonable leave periods, including without limitation, vacation, sick leave, continuing medical education, jury duty, funerals, holidays, or military service, the board shall cancel, by converting to a scholarship grant, the full amount of one (1) year's loan plus accrued interest;

(2) (A) The recipient of a rural medical practice loan or loans shall bindingly contract that not engaging in the practice of medicine in accordance with the loan contract and with this subchapter may result in suspension of his or her license to practice medicine in this state.

(B) For any contract entered into after August 1, 2007, the recipient's medical license may not be suspended unless the recipient's contract contained a specific term that loss of license was a consequence of breach and the recipient signed a written acknowledgment of understanding that the suspension of license was explained to him or her orally as a potential consequence of breach of the contractual provisions.

(C) The suspension may be for a period of years equivalent to the number of years that the recipient is obligated to practice medicine in a rural area but has not so practiced and until the loan with interest together with any civil money penalties, as reduced by each full year of medical practice according to the terms of the loan contract, is paid in full;

(3) Any communication from the College of Medicine of the University of Arkansas for Medical Sciences with any state medical licensing board shall include a notation that the recipient of a rural medical practice loan has a contract with the State of Arkansas to practice medicine in a rural community and that breach of that contract may result in suspension of the recipient's Arkansas medical license;

(4) (A) In the event that any rural medical practice loan recipient under this subchapter does not engage in the practice of medicine in accordance with the terms of this section and of his or her loan contract in order to have the loan contract recognized as a scholarship, the recipient shall remain obligated to repay the loan or loans received, together with interest thereon at the maximum rate allowed by Arkansas law or the federal discount rate plus five percent (5%) per annum, whichever is the lesser, the interest to accrue from the date each payment of funds was received by the recipient.

(B) No interest shall accrue nor obligation to repay the principal sums accrued during any one (1) period of time that the recipient involuntarily serves on active duty in the United States armed forces.

(C) Repayment of principal with interest shall be due and payable in full

at the earliest to occur of the following events:

(i) Failure to remain enrolled in a medically underserved and rural practice curriculum;

(ii) Failure to remain in enrollment status continuously to completion of the degree of doctor of medicine for any reason other than temporary personal illness;

(iii) Failure to complete internship;

(iv) (a) Failure to engage in the full-time practice of medicine while residing in a qualified rural community in Arkansas as defined in § 6-81-701.

(b) However, the board may waive the residency requirement on a case-by-case basis; and

(v) Failure to establish such a practice within six (6) months following either internship or four (4) additional years of medical education that includes practice experience in a rural community or a designated specialty in accordance with subsection (c)(1)(A) of this section beyond his or her internship when approved by the board.

(D) In the event of the death of the recipient, the entire loan amount that has not been converted to a scholarship grant pursuant to the terms of the loan contract shall be due and payable;

(5) If an alternate on the waiting list for acceptance to the College of Medicine of the University of Arkansas for Medical Sciences enters into a rural medical practice program contract conditioned only upon the applicant's being accepted for admission to the college and otherwise meets the requirements of § 6-81-706 and if the applicant is moved to the top of the waiting list under § 6-81-718, the alternate's contract shall contain an additional term that breach of the contract may result in civil money penalties in the amount of one hundred percent (100%) of the loan amount; and

(6) Nothing stated in this subsection (c) shall be construed to prohibit the board from considering and entering into a negotiated settlement with the rural medical practice loan recipient involving the license suspension, the amount of the civil money penalty, and the terms of repayment of the loan.

(d) The board may amend agreements entered into with any loan recipient at any time prior to full performance of the recipient's contractual obligations.

(e) (1) A rural medical practice loan recipient may apply to the Dean of the College of Medicine of the University of Arkansas for Medical Sciences for a waiver of the contractual provisions set forth in subdivision (c)(2) of this section.

(2) (A) If the dean as chair of the board determines that exigent circumstances warrant a waiver, the loan recipient shall be notified in writing.

(B) The dean shall immediately notify the Arkansas State Medical Board of such determination.

History. Acts 1949, No. 131, §§ 8, 9; 1955, No. 69, § 2; 1963, No. 181, § 1; 1971, No. 133, § 7; 1971, No. 533, § 7; 1972 (Ex. Sess.), No. 62, § 1; 1981, No. 47, § 2; 1983, No. 649, § 1; 1985, No. 797, § 1; A.S.A. 1947, §§ 80-2915, 80-2916; Acts 1987, No. 151, §§ 3, 4; 1989, No. 22, § 2; 1991, No. 359, § 1; 1995, No. 1114, § 4; 1995, No. 1257, § 2; 2003, No. 676, §§ 2, 3; 2007, No. 1058, § 2.

A.C.R.C. Notes. Acts 1989, No. 823, § 1, provided:

"It is hereby found and determined by the General Assembly that Act 649 of 1983 amended the

Arkansas law pertaining to the Arkansas Rural Medical Practice Student Loan and Scholarship Board by specifically providing that for the portion of any loan granted that had not been repaid or canceled by July 1, 1983, the recipient of such loan would not be required to reside in the rural community in which he or she practices as a condition for converting the loan into a scholarship grant but that the person would be required to meet other requirements of Act 649 of 1983. Despite the clear language of Act 649 of 1983, the Arkansas Rural Medical Practice Student Loan and Scholarship Board has continued to attempt to enforce the residency requirement on persons who received loans before the effective date of Act 649 or 1983. Therefore, it is the purpose of this section to remove all doubt that the state has relinquished its right to enforce the residency requirement for those persons covered under Section 9(1)(C) of Act 131 of 1949, as amended by Act 649 of 1983.

“The State of Arkansas hereby waives all rights of the State and of the Arkansas Rural Medical Practice Student Loan and Scholarship Board to enforce the requirement in loans granted before July 1, 1983 that a person reside in the rural community in which he or she practices as a condition for converting a loan received from the Arkansas Rural Medical Practice Student Loan and Scholarship Board into a scholarship grant.”

Pursuant to § 1-2-207, this section is set out above as amended by Acts 1995, No. 1257.

Subsections (d) and (e) were also amended by Acts 1995, No. 1114, § 4, to read as follows:

“(d) Each applicant to whom a rural medical practice loan or loans shall be granted by the board after May 1, 1991, shall execute a written loan contract which shall incorporate the following obligations and conditions:

“(1) (A) The recipient of a rural medical practice loan or loans shall bindingly contract that upon completion of his or her medical internship of one (1) year undertaken immediately following the earning of the degree of Doctor of Medicine, or upon completion of three (3) additional years of medical training beyond the internship, if the training has been approved in advance by the board, he or she shall practice medicine full-time in a rural community.

“(B) For each continuous whole calendar year of medical practice in accordance with subdivision (d)(1)(A) of this section, the board shall cancel, by converting to a scholarship grant, the full amount of one year's loan plus accrued interest.

“(2) (A) In the event that any rural medical practice loan recipient under this subchapter does not engage in the practice of medicine in accordance with the terms of this section and of his or her loan contract in order to have the loan contract recognized as a scholarship, the recipient shall remain obligated to repay the loan or loans received, together with interest thereon, at the maximum rate allowed by Arkansas law, or the federal discount rate plus five percent (5%) per annum, whichever is the lesser, the interest to accrue from the date each payment of funds was received by the recipient.

“(B) No interest shall accrue, nor obligation to repay the principal sums accrued during any one (1) period of time that the recipient involuntarily serves on active duty in the United States armed forces.

“(C) Repayment of principal, with interest, shall be due and payable in full at the earliest to occur of the following events:

“(i) Failure, beginning with the 1995-96 school year, to remain enrolled in a medically underserved and rural practice curriculum;

“(ii) Failure to remain in enrollment status continuously to completion of the degree of Doctor of Medicine for any reason other than temporary personal illness;

“(iii) Failure to complete internship;

“(iv) Failure to practice medicine on a regularly sustained basis while residing in a rural community in Arkansas, as defined in § 6-81-701, provided however, that the board may waive the residency requirement on a case-by-case basis; and

“(v) Failure to establish such practice within six (6) months unless otherwise deferred by approval of the board, following either internship or three (3) additional years of medical education continuously beyond his or her internship where approved by the board.

“(D) In the event of the death of the recipient, all loans unpaid shall be due and payable.

“(e) The board may amend agreements entered into with any student who is currently enrolled

as a medical student or an intern or resident who has not completed his or her postdoctoral training as approved by the board pursuant to § 6-81-701 et seq.”

As amended by Acts 1995, No. 1257, § 2, subdivision (d)(4)(C)(i) began:

“Failure, beginning with the 1995-96 school year.”

Acts 1995, No. 1257, § 4 provided:

“The provisions of this act shall not apply to any person entering a Rural Medical Practice Student Loan prior to the 1995-96 school year or to any subsequent Rural Medical Practice Student Loan contracts entered into by those persons.”

Publisher's Notes. Acts 1981, No. 47, § 3, authorized the board to amend agreements with any currently enrolled medical students, interns, or residents who had not completed post-doctoral training as approved by the board pursuant to the provisions of Acts 1971, No. 533, as amended by the 1981 act.

As to the effect of the 1971 and 1972 amendments upon outstanding loan obligations, see Publisher's Notes to this subchapter.

Amendments. The 2003 amendment rewrote (d)(1)(A); and in (d)(4)(C)(v), substituted “four (4)” for “three (3)”; and made minor stylistic changes.

The 2007 amendment, in the section heading, deleted “Medical students” preceding “Loan” and inserted “Rural Medical Practice Loans”; deleted former (c); redesignated former (d) as present (c); deleted “after May 1, 1991” following “board” in present (c); substituted “primary care medicine, or a designated specialty approved by the board, full time in a qualified rural” for “medicine full time in a rural” in (c)(1)(A); added “or, if approved . . . community or communities” in (c)(1)(A)(ii); added (c)(1)(A)(iii); in (c)(1)(B) and (c)(1)(C), substituted “(c)(1)(A)” for “(d)(1)(A)” and deleted “calendar” following “whole”; inserted “subject to reasonable . . . or military service” in (c)(1)(C); substituted “subchapter may result in” for “section shall result in automatic” in (c)(2)(A); added (c)(2)(B); redesignated former (c)(2)(B) as present (c)(2)(C); substituted “but has not so . . . contract, is paid in full” for “and the suspension shall continue until the loan, with interest thereon, is paid in full” in (c)(2)(C); substituted “may result in” for “will result in automatic” in (c)(3); substituted “to engage in the full-time practice of medicine while residing in a qualified rural” for “to practice medicine on a regularly sustained basis while residing in a rural” in (c)(4)(C)(iv)(a); substituted “However” for “Provided, however” in (c)(4)(C)(iv)(b); inserted “or a designated specialty in accordance with subsection (c)(1)(A) of this section” in (c)(4)(C)(v); substituted “the entire loan . . . the loan contract” for “all loans unpaid” in (c)(4)(D); added (c)(6) and (c)(7) and redesignated the remaining subsections accordingly; rewrote (d); substituted “(c)(2)” for “(d)(2)” in (e)(1); in (e)(2)(A), substituted “determines” for “and the Director of the Department of Health agree” and deleted “that his or her license to practice medicine shall be automatically reinstated” following “writing”; and deleted “and the director” following “dean” in (e)(2)(B); and made related and stylistic changes.

Case Notes

Applicability.

Applicability.

This section was not meant to operate retrospectively. *Arkansas Rural Medical Practice Student Loan & Scholarship Bd. v. Luter*, 292 Ark. 259, 729 S.W.2d 402 (1987).

6-81-709. [Repealed.]

Publisher's Notes. This section, concerning medical students; disability of minority, is repealed by Acts 2007, No. 1058, § 3. The section is derived from Acts 1949, No. 131, § 10; A.S.A. 1947, § 80-2917.

6-81-710. Funding of loans.

(a) (1) All payments for rural practice loans and community match loans under this subchapter shall be made on requisitions signed by the Chair of the Arkansas Rural

Medical Practice Student Loan and Scholarship Board drawn against the funds held for the purpose of this subchapter.

(2) These funds, consisting of state appropriations so designated, revolving amounts received from repayment of loans and interest, and all funds and property and income therefrom received by the board under its authority to accept and apply gifts, bequests, and devises shall be held in trust and disbursed by the fiscal officers of the University of Arkansas for Medical Sciences for the aforesaid purposes.

(b) Funds collected as a result of a recipient's breach of a rural practice loan contract or community match loan contract shall be held in trust for the use of the Arkansas Rural Medical Practice Student Loan and Scholarship Program and the Community Match Loan and Rural Physician Recruitment Program, or as otherwise deemed appropriate by the board in its discretion, and disbursed by the fiscal officer of the University of Arkansas for Medical Sciences under this subchapter.

History. Acts 1949, No. 131, § 11; 1971, No. 133, § 8; 1971, No. 533, § 8; A.S.A. 1947, § 80-2918; Acts 1995, No. 1114, § 5; 2007, No. 1058, § 4.

Publisher's Notes. As to the effect of the 1971 and 1972 amendments upon outstanding loan obligations, see Publisher's Notes to this subchapter.

Amendments. The 2007 amendment deleted "Medical students" preceding "Funding" in the section heading; inserted "rural practice loans and community match" in (a)(1); in (b), substituted "Funds collected as . . . match loan contract" for "When collected, damages awarded pursuant to §§ 6-81-716 – 6-81-718," inserted "or as otherwise deemed appropriate by the board in its discretion" and substituted "under" for "pursuant to"; and made minor related stylistic changes.

6-81-711. Annual report.

(a) The Arkansas Rural Medical Practice Student Loan and Scholarship Board shall make an annual report to the Governor concerning the activities of the board and shall file a copy of its report with the Legislative Council.

(b) (1) This report shall include:

(A) The names of the recipients of the loans;

(B) The amount of each loan;

(C) An accounting of the funds granted, on hand, and expended for necessary expenses;

(D) The total amount of funds received during the year from gifts, federal grants, bequests, and devises; and

(E) The amount of loans which, during the year, become scholarships through compliance with the conditions of the loan contracts.

(2) This report shall include the names and addresses, and amount of loans to each person, of those recipients who are in default of repayment obligations.

History. Acts 1949, No. 131, § 12; 1971, No. 133, § 9; 1971, No. 533, § 9; A.S.A. 1947, § 80-2919.

Publisher's Notes. As to the effect of the 1971 and 1972 amendments upon outstanding loan obligations, see Publisher's Notes to this subchapter.

6-81-712, 6-81-713. [Repealed.]

Publisher's Notes. These sections, concerning nursing students' financial assistance, were

repealed by Acts 1995, No. 911, § 2. The sections were derived from the following sources:
6-81-712. Acts 1973, No. 751, § 1; A.S.A. 1947, § 80-2919.1.
6-81-713. Acts 1973, No. 751, § 3; A.S.A. 1947, § 80-2919.2.
For present law, see § 6-81-1201 et seq.

6-81-714. Dispute resolution — Determination of breach.

(a) Any applicant for a loan issued by the Arkansas Rural Medical Practice Student Loan and Scholarship Board, any person who has been granted a loan by the board, or any party to a rural medical practice or community match loan may appeal any decision or action by the board relating to the application for a loan or relating to a loan granted by the board pursuant to the dispute resolution procedure established under this subchapter.

(b) (1) The board, under § 6-81-702(b)(1), shall promulgate rules establishing a procedure that may be used by a loan recipient, the board, or a qualified rural community to resolve any dispute arising out of or relating to a rural practice or community match loan contract, including the validity or interpretation of a contract term, contract enforcement or defenses, the occurrence of an event of default or breach, loan repayment, the assessment or imposition of contract damages or civil money penalties, or other related disputes.

(2) The rules may provide for alternative dispute resolution, such as mediation, as appropriate.

(3) The dispute resolution procedure established by the board shall be followed before the initiation of any litigation related to a rural practice or community match loan contract.

(c) Nothing in this subchapter shall prohibit informal disposition by stipulation, settlement, or consent.

History. Acts 1989, No. 823, § 2; 2007, No. 1058, § 4.

Amendments. The 2007 amendment rewrote the section heading; added the (a) designation; in (a), deleted “and” preceding “any person”, inserted “or any party to a rural medical practice or community match loan,” inserted “by the board” and “pursuant to the dispute resolution procedure established under this subchapter,” and deleted the former second sentence; and added (b) and (c).

6-81-715. Medical school graduates — Community match contract — Eligibility for community match loans.

(a) (1) The Arkansas Rural Medical Practice Student Loan and Scholarship Board shall administer the Community Match Loan and Rural Physician Recruitment Program.

(2) (A) Interested rural communities may apply to the board to participate in the program as a qualified rural community.

(B) The board shall approve a designated representative or representatives of the qualified rural community to assist the board in matters relating to any community match contracts entered into by the board and the qualified rural community.

(b) The board, in conjunction with a qualified rural community, may make community match loans to applicants, each loan being expressly made subject to the provisions of § 6-81-716, if it finds that:

(1) The applicant is a bona fide resident of Arkansas;

(2) The applicant is a graduate of the College of Medicine of the University of

Arkansas for Medical Sciences or any accredited medical school in the United States;

(3) The applicant satisfies one (1) of the following criteria:

(A) He or she is enrolled in a residency or other training program in an area of primary care medicine or, upon approval of the board, in a designated specialty; or

(B) No more than two (2) years prior to the date of the loan application, he or she completed a residency or other training program in an area of primary care medicine or, upon approval of the board, in a designated specialty;

(4) The applicant desires to practice medicine in the qualified rural community; and

(5) The designated representative or representatives of the qualified rural community approve the applicant.

History. Acts 1995, No. 1114, § 6; 2007, No. 1058, § 6.

A.C.R.C. Notes. As enacted, subdivision (b)(3) began: "The applicant, beginning with the 1995-96 school year."

As enacted, subdivision (c)(2) began: "Beginning with the 1995-96 school year."

Amendments. The 2007 amendment, in the section heading, substituted "school graduates" for "students" and "community match loans" for "initial and renewal loans"; substituted "Rural Physician Recruitment" for "Scholarship" in (a)(1); in (b)(2), substituted "is a graduate of" for "has been accepted for admission to or is enrolled in good standing in" and "or any accredited medical school in the United States" for "in studies leading to the degree of Doctor of Medicine"; substituted "satisfies one (1) of the following criteria" for "is enrolled in a medically underserved and rural practice curriculum" in (b)(3); added (b)(3)(A) and (b)(3)(B); deleted "primary care" following "practice" in (b)(4); deleted former (b)(5) and redesignated former (b)(6) as present (b)(5); deleted former (c); and made related changes.

6-81-716. Medical school graduates — Community match contract — Obligations and conditions.

(a) (1) (A) The board and the qualified rural community shall enter a joint loan contract with the applicant to whom a loan is made.

(B) Any agreements made between the qualified rural community and a recipient regarding the loan contract, including establishing a medical practice in the community, shall be in writing and included as an addendum to the loan contract.

(2) The form of the community match loan contract shall be approved by the Attorney General and shall be signed by the chair of the board, the vice chair of the board, the designated representative or representatives of the qualified rural community, and the applicant.

(b) Each applicant to whom a community match loan is granted by the board shall execute a written loan contract that shall incorporate the following obligations and conditions:

(1) (A) The recipient of a community match loan shall bindingly contract that he or she shall practice primary care medicine full time in the contracting qualified rural community for a period of four (4) years or, if approved by the board, he or she shall practice a designated specialty full time in the contracting qualified rural community for a period of four (4) years.

(B) (i) The recipient shall receive the loan funds according to a

disbursement schedule acceptable to the board, the qualified rural community, and the recipient as set forth in writing in the loan contract.

(ii) For each three-month period of full-time medical practice by the recipient, according to the terms of the loan contract, the board and the qualified rural community shall cancel, by converting to a grant, a pro rata portion of the loan amount plus accrued interest;

(2) (A) In the event that any loan recipient does not begin or ceases the full-time practice of medicine in breach of the loan contract or otherwise breaches the loan contract, the recipient shall be obligated to repay the entire amount of the community match loan received with interest, together with any civil money penalties, as reduced by any amount that has been converted to a grant pursuant to the terms of the loan contract.

(B) The board may impose civil money penalties of up to fifty percent (50%) of the principal amount of the loan as a consequence of breach;

(3) No interest shall accrue, nor obligation to repay the principal sums accrued, during any one (1) period of time that the recipient involuntarily serves on active duty in the United States armed forces; and

(4) In the event of the death of the recipient, the entire loan amount that has not been converted to a grant pursuant to the terms of the loan contract shall be due and payable.

(c) Nothing in subsection (b) of this section shall be construed to prohibit the board from considering and entering into a negotiated settlement with the loan recipient involving the terms of repayment of the community match loan.

(d) Community match loan contracts may be amended at any time prior to the time that the loan has been repaid in full or fully converted to a grant.

(e) The board shall promulgate rules setting forth additional terms and conditions of community match loans.

History. Acts 1995, No. 1114, § 6; 2003, No. 676, § 4; 2005, No. 1682, § 1; 2007, No. 1058, § 6.

A.C.R.C. Notes. As enacted, subdivision (c)(2)(B)(i) began:
"Failure, beginning with the 1995-96 school year."

Amendments. The 2003 amendment, in (c)(3)(B)(iii), substituted "four (4)" for "three (3)."
The 2005 amendment added "or, if approved under subsection (d) of this section, he or she shall practice a designated specialty full time in the contracting qualified rural community" at the end in (c)(1)(A); inserted "or for each continuous whole calendar year of a designated specialty approved under subsection (d) of this section" in (c)(1)(B); in (c)(3)(A), substituted "a loan recipient" for "any loan recipient from the program under this section" and "in accordance with ... does not comply with the terms" for "in accordance with the terms of this section and"; added "or may waive the primary care practice requirement as provided in subsection (d) of this section" in (c)(3)(B)(ii); added "or as provided in subsection (d) of this section" in (c)(3)(B)(iii); and added (c)(5)(d).

The 2007 amendment substituted "school graduates" for "students" in the section heading; and rewrote the section.

6-81-717. [Repealed.]

Publisher's Notes. This section, concerning medical school alternates; community match loan, was repealed by Acts 2007, No. 1058, § 7. The section was derived from Acts 1995, No. 1114, § 6.

6-81-718. Medical school alternates — Rural medical practice loans.

(a) (1) If an alternate on the waiting list for acceptance to the College of Medicine of the University of Arkansas for Medical Sciences demonstrates a willingness to enter into a rural medical practice loan contract and meets the requirements of § 6-81-706, the applicant shall be moved to the top of the waiting list upon entering into a rural medical practice loan contract.

(2) The priority on the waiting list for those alternates who enter into a rural medical practice loan contract shall be determined by the date and time such alternate enters into the rural medical practice loan contract.

(b) The college shall meet the requirements set forth at § 6-64-406 for allocation of enrollment positions for medical students among congressional districts before accepting for admission an alternate who has entered into a rural medical practice loan contract with the Arkansas Rural Medical Practice Student Loan and Scholarship Board.

History. Acts 1995, No. 1114, § 6; 2007, No. 1058, § 8.

Amendments. The 2007 amendment redesignated former (a)(1)(A) and (a)(1)(B) as present (a)(1) and (a)(2); deleted “to a position just below alternates entering into community match contracts” following “list” in (a)(1); deleted former (a)(2); and deleted former (c).

6-81-719. Tracking loan contract compliance.

The College of Medicine of the University of Arkansas for Medical Sciences shall track graduates who were recipients of rural medical practice loans for the length of their contractual obligations and shall report to the Legislative Council by October 1 of each even-numbered year regarding the compliance of those graduates with the terms of their contracts.

History. Acts 1995, No. 1257, § 5.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-81-701 — 6-81-718 may not apply to this section which was enacted subsequently.

Acts 1995, No. 1257, § 4 provided:

“The provisions of this act shall not apply to any person entering a Rural Medical Practice Student Loan prior to the 1995-96 school year or to any subsequent Rural Medical Practice Student Loan contracts entered into by those persons.”

6-81-720. Rural Medical Practice Student Loan and Scholarship Program administrator.

(a) There is established a Rural Medical Practice Student Loan and Scholarship Program administrator.

(b) The administrator shall:

(1) Be employed by the University of Arkansas for Medical Sciences;

(2) Serve as liaison between loan recipients and rural communities by:

(A) Working with the communities to identify their unique needs, to develop profiles of their ideal candidates, and to prepare for recruitment visits; and

(B) Assisting medical students and residents to identify medically underserved and other rural communities that suit their personal and medical practice needs and to meet their contractual obligations;

(3) Collect and monitor program data, including demographic data of participants

and communities, service completion rates, retention rates beyond service completion, satisfaction of obligated physicians and communities, and other information;

- (4) Prepare annual program evaluations and present the evaluations to the board;
- (5) Assist with preparation and submission of program reports;
- (6) Attend board meetings in a nonvoting capacity; and
- (7) Perform other functions assigned by the board.

History. Acts 2007, No. 1058, § 9.

6-81-721. Noninterference with pending litigation.

Nothing in this subchapter is intended to affect pending litigation existing as of April 4, 2007.

History. Acts 2007, No. 1058, § 9.

6-81-722. Sunset clause.

(a) Loan recipients enrolled in the community match program on or before the day before April 4, 2007, shall not have their loan contracts impaired by the amendments to the community match program.

(b) (1) Subject to the availability of funds, the loan for the academic year shall be renewable annually for the number of years required to complete studies leading to the Doctor of Medicine degree or for additional amounts not to exceed sixteen thousand five hundred dollars (\$16,500).

(2) However, all subsequent loans shall be granted only upon application by the recipient and a finding by the board that the applicant:

(A) Has completed successfully the medical studies of the preceding academic year and remains in good standing as an enrolled student in the college;

(B) Is enrolled or participating in a medically underserved and rural practice curriculum; and

(C) Continues to be a resident of Arkansas.

(c) This section expires on August 31, 2014.

History. Acts 2007, No. 1058, § 9.

Subchapter 8 — Minority Teacher Education Loan Program

6-81-801 — 6-81-810. [Repealed.]

6-81-801 — 6-81-810. [Repealed.]

Publisher's Notes. This subchapter, concerning the Minority Teacher Education Loan Program, was repealed by Acts 2001, No. 1692, § 13. The subchapter was derived from the following sources:

- 6-81-801. Acts 1989, No. 144, § 1.
- 6-81-802. Acts 1989, No. 144, § 1.
- 6-81-803. Acts 1989, No. 144, § 1.
- 6-81-804. Acts 1989, No. 144, § 1.
- 6-81-805. Acts 1989, No. 144, § 1.
- 6-81-806. Acts 1989, No. 144, § 1.
- 6-81-807. Acts 1989, No. 144, § 1.

- 6-81-808. Acts 1989, No. 144, § 1.
6-81-809. Acts 1989, No. 144, § 1.
6-81-810. Acts 1989, No. 144, § 1.

Subchapter 9

— Freshman/Sophomore Minority Prospective Teacher Loan Program

6-81-901 — 6-81-910. [Repealed.]

6-81-901 — 6-81-910. [Repealed.]

Publisher's Notes. This subchapter, concerning the Freshman/Sophomore Minority Prospective Teacher Loan Program, was repealed by Acts 2001, No. 1692, § 14. The subchapter was derived from the following sources:

- 6-81-901. Acts 1989, No. 145, § 1.
6-81-902. Acts 1989, No. 145, § 1.
6-81-903. Acts 1989, No. 145, § 1.
6-81-904. Acts 1989, No. 145, § 1.
6-81-905. Acts 1989, No. 145, § 1.
6-81-906. Acts 1989, No. 145, § 1.
6-81-907. Acts 1989, No. 145, § 1.
6-81-908. Acts 1989, No. 145, § 1.
6-81-909. Acts 1989, No. 145, § 1.
6-81-910. Acts 1989, No. 145, § 1.

Subchapter 10

— Grant Program for Nurse Midwife Students

6-81-1001 — 6-81-1006. [Repealed.]

6-81-1001 — 6-81-1006. [Repealed.]

Publisher's Notes. This subchapter, concerning the Grant Program for Nurse Midwife Students, was repealed by Acts 2001, No. 1692, § 5. The subchapter was derived from the following sources:

- 6-81-1001. Acts 1989, No. 240, § 2.
6-81-1002. Acts 1989, No. 240, § 1.
6-81-1003. Acts 1989, No. 240, § 6.
6-81-1004. Acts 1989, No. 240, § 3.
6-81-1005. Acts 1989, No. 240, § 4.
6-81-1006. Acts 1989, No. 240, § 5.

Subchapter 11

— Financing Postsecondary Out-of-State Education

- 6-81-1101. Tuition assistance for certain professional schools.
6-81-1102. [Repealed.]
6-81-1103. Repayment of out-of-state tuition paid by the State of Arkansas.
6-81-1104. Applicability.

Cross References. Financial assistance to students, § 6-81-101 et seq.

Southern Regional Education Compact, § 6-4-101 et seq.

Effective Dates. Acts 1993, No. 1259, § 18: July 1, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1993 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1993 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1993."

Acts 1997, No. 923, § 8: July 1, 1997. Emergency clause provided: "It is found and determined by the General Assembly that there is an urgent need to change the program offering annual tuition support for Arkansas students attending out-of-state schools in dentistry, optometry, veterinary medicine, podiatry, osteopathy, and chiropractic as one providing grants instead of loans, and that in the event of an extension of the Regular session, any delay in the effective date of this act beyond July 1, 1997, could work irreparable harm upon the proper administration and provision of such program. Therefore an emergency is declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997."

6-81-1101. Tuition assistance for certain professional schools.

(a) The Department of Higher Education shall institute a program of making grants for the benefit of Arkansas residents to assist in paying tuition for attending certain accredited schools of dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy located outside the State of Arkansas but within the United States.

(b) In addition to the Southern Regional Education Compact Program for which the Arkansas Higher Education Coordinating Board serves as agent for the state and for which the department serves as disbursing agent pursuant to §§ 6-4-104 — 6-4-107, the board is authorized to enter into direct contracts with selected accredited schools of dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy which do not participate in the program if the board determines that the needs of the state are not being met by institutions participating in the program.

(c) For purposes of this section:

(1) "Grant" means a payment of tuition money made in accordance with this section to assist a qualified grantee in attending participating accredited schools of dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy located outside the State of Arkansas;

(2) "Participating institution" or "participating school" means a professional or graduate school that:

(A) Is located outside the State of Arkansas but within the United States;

(B) Offers a full-time course of instruction in dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy;

(C) Is accredited by an accrediting entity acceptable to the applicable licensing board of the profession;

(D) After completion of such course of instruction, grants a degree acceptable to the applicable licensing board as the sole requirement or as one (1) requirement for the board's granting of a professional license; and

(E) Is a party to a currently effective written agreement between the

participating institution and the department or the Board of Control for Southern Regional Education; and

(3) "Qualified grantee" means a student who:

(A) Is a resident of the State of Arkansas;

(B) Has been accepted for enrollment at or is attending a participating accredited school of dentistry, optometry, veterinary medicine, podiatry, osteopathy, or chiropractic located outside the State of Arkansas; and

(C) Has been certified under § 6-4-106 by the department as qualified to participate in the grant program authorized by this section and consistent with § 6-4-106.

(d) (1) For participating schools that charge different annual tuition amounts for in-state students and out-of-state students, the amount of the grant will be the difference between the in-state tuition and the out-of-state tuition. However, should the differential exceed the contract price approved for similar programs by the board of control in accordance with § 6-4-105(c), the lower amount will be paid.

(2) For participating schools which charge the same amount of annual tuition for in-state and out-of-state students and such annual tuition is extraordinary as determined by the department, the amount shall not be less than five thousand dollars (\$5,000) per student.

(e) (1) The program shall be administered by the department.

(2) The grants shall be made upon such terms and conditions as are prescribed by the department.

(3) The department shall promulgate such rules and regulations as are necessary to implement the provisions of this section.

(f) (1) The department will allocate, based upon funds appropriated, the number of eligible grant recipients to receive funds at each participating institution for each applicable academic period.

(2) Each participating institution will select eligible grant recipients for each applicable academic period. In the event that the number of eligible students accepted for enrollment at such participating institution exceeds the number of eligible grant recipients for whom funds have been allocated by the department from funds appropriated, such participating institution shall have sole discretion in selecting the eligible students to designate as eligible grant recipients.

(3) The department shall make grants according to the allocations made by the department and selections made by the participating institutions. The department shall have no obligation to make any grants except to the extent that funds have been appropriated and funded for the program.

History. Acts 1993, No. 1259, § 6; 1997, No. 923, § 1; 1999, No. 1218, § 7.

Amendments. The 1999 amendment rewrote (a); inserted (b) and (c) and redesignated the remaining subsections accordingly; deleted former (d); in present (d)(1), inserted "participating" and "of the grant" and added "however, should the differential ... lower amount will be paid"; inserted "participating" preceding "schools" in present (d)(2); substituted "department" for "Arkansas Student Loan Authority" in (e)(1)-(e)(3); added (f); and made stylistic changes.

6-81-1102. [Repealed.]

Publisher's Notes. This section, concerning deferred repayment, was repealed by Acts 1997,

No. 923, § 2. The section was derived from Acts 1993, No. 1259, § 11.

6-81-1103. Repayment of out-of-state tuition paid by the State of Arkansas.

- (a) The Department of Higher Education may provide loans from the Budget Stabilization Trust Fund in excess of the Southern Regional Education Board grant funds to dental students enrolled in professional programs outside the state for whom any part of the out-of-state tuition is paid by the State of Arkansas if the tuition paid to the out-of-state institution exceeds the board-contracted rate.
- (b) The amount of the loans in excess of the board grant funds may be the amount of the out-of-state tuition paid by the student, but the amount of the loan may not exceed the amount by which the tuition exceeds the rate established by the board.
- (c) The loans shall be made on an annual basis not to exceed the combined total of four (4) years.
- (d) The loans may be forgiven at the rate of one (1) year's loan for one (1) year's practice in Arkansas.
- (e) Repayment of the loan may be deferred but for no longer than five (5) years, for the following reasons:
- (1) Military service;
 - (2) Specialty training; or
 - (3) Extraordinary circumstances as determined by the department.
- (f) The loans shall be made at a rate of interest determined by the department but not to exceed four percent (4%).

History. Acts 2003, No. 1715, § 1.

Research References

U. Ark. Little Rock L. Rev.

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, Loan Programs for Students, 26 U. Ark. Little Rock L. Rev. 379.

6-81-1104. Applicability.

The provisions of § 6-81-1103 shall not apply to Southern Regional Education Board grant funds.

History. Acts 2003, No. 1715, § 2.

Subchapter 12

— Graduate Nursing Practice and Nurse Educator Student Loans and Scholarships

6-81-1201. Definitions.

6-81-1202. Graduate Nurse Educator Loan and Scholarship Board.

6-81-1203. Graduate nursing students — Eligibility for rural advanced nursing practice and nurse educator loans.

6-81-1204. Graduate nursing students — Rural advanced nursing practice or nurse educator loan contracts — Obligations and conditions.

6-81-1205 — 6-81-1208. [Repealed.]

6-81-1209. Effect of subchapter.

Effective Dates. Acts 1995, No. 911, § 6: Apr. 5, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly that there is a pressing and immediate need for additional nurse practitioners in rural areas of Arkansas; that this act has as its purposes the furnishing of financial assistance to those willing to commit to rural practice. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

6-81-1201. Definitions.

As used in this subchapter:

(1) (A) "Advanced nursing practice" means advanced nursing care provided in one (1) of the following areas of practice:

- (i) Family practice nursing;
- (ii) Pediatric nursing;
- (iii) Women's health nursing;
- (iv) Nurse midwifery;
- (v) Gerontology nursing;
- (vi) Adult nursing;
- (vii) Nurse anesthesia;
- (viii) Nursing administration;
- (ix) Psychiatric or mental health nursing;
- (x) Acute care nursing;
- (xi) Community or public health nursing; or
- (xii) Nursing education.

(B) (i) "Advanced nursing practice" occurs in the context of practice by a registered nurse who has:

- (a) Completed a master's or doctoral nursing education program;
- (b) Met the requirements for:
 - (1) National certification;
 - (2) Teaching in an Arkansas-accredited school of nursing; and
 - (3) Serving as a nurse administrator in an Arkansas complex health care agency.

(ii) "Advanced practice nursing" includes the roles of:

- (a) Clinical nurse specialist;
- (b) Nurse practitioner;
- (c) Nurse administrator;

- (d) Nurse educator;
- (e) Nurse midwife; and
- (f) Nurse anesthetist;

(2) “Arkansas school of nursing” means any school or school's department of nursing located in Arkansas;

(3) “Board” means the Graduate Nurse Educator Loan and Scholarship Board;

(4) “Complex Arkansas health care agency” means any hospital, long-term care facility, large hospital-based clinic, large medical practice, or the Department of Health;

(5) “Department of Health” means the Department of Health and any of Arkansas' public health units;

(6) “Master's or doctoral nursing education program” means Arkansas nursing education programs located in an Arkansas public or private institution of higher education that has a master's nursing program accredited by a recognized national nursing accreditation organization or a Doctor of Philosophy in nursing program accredited by the North Central Association of Colleges and Schools;

(7) “Nurse administrator” means a student enrolled in an Arkansas master's nursing education program or doctoral program who will serve as a nurse administrator in an Arkansas health care agency, including, but not limited to:

- (A) A hospital;
- (B) A long-term care facility;
- (C) A large hospital-owned clinic; or
- (D) A large medical clinic;

(8) “Nurse educator” means a student enrolled in an Arkansas master's nursing education program or doctoral nursing education program who will prepare to teach nursing in an Arkansas school of nursing; and

(9) “Rural community” means a community within a health professions shortage area, as determined by the board, or a community having a population of no more than fifteen thousand (15,000) persons according to the most recent federal census taken prior to the execution of the loan contract or the most recent federal census taken prior to the time the recipient of the loan or loans shall be required to practice full time in such a community as provided in §§ 6-81-1204 and 6-81-1206 [repealed].

History. Acts 1995, No. 911, § 1; 1999, No. 1311, § 1; 2001, No. 787, § 1; 2005, No. 1468, § 1.

Amendments. The 1999 amendment inserted “and Nurse Educator” in (2); inserted (1) and (3) and redesignated the remaining subdivisions accordingly; and made stylistic changes.

The 2001 amendment rewrote this section.

The 2005 amendment rewrote (1); inserted present (4), (5) and (7); deleted former (6); redesignated former (4), (5) and (7) as present (6), (8) and (9); deleted “rural” following “in such a” in present (9); and made related changes.

6-81-1202. Graduate Nurse Educator Loan and Scholarship Board.

(a) There is established the Graduate Nurse Educator Loan and Scholarship Board composed of:

(1) The dean, chair, or director of each of the accredited graduate nursing programs in the state that offers a nurse practitioner/clinical nurse specialist, nurse midwife, nurse anesthetist, or nursing administration graduate preparation or preparation

for nurse educators at the master's or doctoral levels;

(2) The President of the Council of Nurse Administrators of Nursing Education Programs in Arkansas;

(3) The President of the Arkansas State Board of Nursing or the president's designee;

(4) The Director of the Department of Health or the director's designee; and

(5) One (1) consumer, to be appointed by the Governor.

(b) The board shall:

(1) Promulgate reasonable rules and regulations as may be necessary to execute the provisions of this subchapter, including regulations addressing:

(A) The requirements for ensuring a pool of advanced nursing practitioners to serve the state with a priority on health professions shortage areas;

(B) The requirements for an Arkansas school of nursing;

(C) The requirements for a community having a population of no more than fifteen thousand (15,000) persons according to the most recent census;

(D) The requirements of the Department of Health;

(E) The establishment of a minimum scholastic standing which a baccalaureate or master's nursing graduate must have achieved and the academic or scholastic standing a student must maintain in an accredited school of nursing in this state as a condition of receiving scholarship funds or financial aid under the provisions of § 6-81-1208 [repealed];

(F) The establishment of standards for a determination of the financial needs of the applicant for scholarship funds or financial aid under § 6-81-1208 [repealed], including the ability of the applicant or the spouse or the parents or guardian of the applicant to furnish a part of the funds necessary to pay the expenses of the applicant while attending a school of nursing; and

(G) All matters relating directly to the agreement for providing these scholarship funds or financial aid, including the terms and conditions of providing financial aid to the student and relating to the obligation of the recipient of financial aid to engage in the nursing profession in a rural community or as a nurse educator in an Arkansas school of nursing;

(2) Prescribe forms for and regulate the submission of applications for financial assistance;

(3) Determine eligibility of applicants;

(4) Allow or disallow applications for financial assistance;

(5) Contract, increase, decrease, terminate, and otherwise regulate all grants for this purpose and receipt for their repayment and convert loans to scholarships;

(6) Manage, operate, and control all funds and property appropriated or otherwise contributed for this purpose;

(7) Accept gifts, grants, and bequests or devises and apply them as a part of this program;

(8) Sue and be sued as the board; and

(9) Accept moneys from federal programs which may be used for furtherance of the purposes of this subchapter.

(c) The members of the board may receive expense reimbursement in accordance with § 25-16-901 et seq.

History. Acts 1995, No. 911, § 1; 1997, No. 250, § 41; 1999, No. 1311, § 2; 2001, No. 787, § 2; 2005, No. 1468, § 2.

Amendments. The 1999 amendment inserted “and Nurse Educator” in the introductory paragraph of (a); added “or preparation for nurse educators” to the end of (a)(1); inserted “or the director’s designee” in (a)(4); inserted (b)(1)(B) and redesignated the remaining subdivisions accordingly; added “or as a nurse educator in an Arkansas school of nursing” to the end of (b)(1)(F); and made stylistic changes.

The 2001 amendment substituted “Graduate Nurse Educator Loan and Scholarship Board” for “Arkansas Primary Care Nursing Practice and Nurse Educator Student Loan and Scholarship Board” in the introductory language of (a); inserted “at the master’s or doctoral level” in (a)(1); deleted “in higher education” at the end of (b)(1)(B); substituted “for a community... recent census” for “to become a qualified rural community eligible to participate in the Advanced Nursing Practice Community Match Loan and Scholarship Program” in (b)(1)(C); inserted (b)(1)(D) and redesignated the remaining subdivisions accordingly; substituted “baccalaureate or master’s nursing graduate” for “high school graduate in (b)(1)(E); and substituted “and bequests or devises” for “bequests, or devises” in (b)(7).

The 2005 amendment inserted “clinical nurse specialist, specialty in primary care nurse midwife, nurse anesthetist, or nursing administration graduate preparation” in (a)(1); added “or the president’s designee” in (a)(3); and substituted “ensuring a pool of advanced nursing practitioners to serve the state with a priority on health professions shortage areas” for “a health professions shortage area” in (b)(1)(A).

6-81-1203. Graduate nursing students — Eligibility for rural advanced nursing practice and nurse educator loans.

(a) The Graduate Nurse Educator Loan and Scholarship Board may make advanced nursing practice or nurse educator loans to an applicant, each advanced nursing practice or nurse educator loan being expressly made subject to the provisions of § 6-81-1204 if it finds that:

- (1) The applicant is a bona fide resident of Arkansas;
- (2) The applicant has been accepted for admission to or is enrolled in good standing in an accredited master’s nursing program or Doctor of Philosophy in Nursing program in the state leading to a graduate degree in nursing;
- (3) The applicant is or will be a full-time or a part-time graduate student;
- (4) The applicant needs financial assistance to complete his or her nursing studies;
- (5) The applicant desires to practice advanced nursing practice in an Arkansas community or teach nursing in an Arkansas school of nursing; and
- (6) The applicant is a person of good moral character and one who has the talent and capacity to profit by graduate nursing studies.

(b) (1) Subject to the availability of funds, an initial rural advanced nursing practice or nurse educator loan for one (1) academic year shall be renewable annually for the number of years required to complete studies leading to a master’s in nursing or Doctor of Philosophy in Nursing degree, not to exceed the maximum amount specified in § 6-81-1204.

(2) All subsequent rural advanced nursing practice or nurse educator loans shall be granted only upon application by the recipient and a finding by the board that:

(A) The applicant has completed successfully the advanced nursing studies of the preceding academic year and remains in good standing as an enrolled

student in an accredited master's program or a Doctor of Philosophy in Nursing program in the state;

(B) The applicant continues to be a resident of Arkansas; and

(C) The applicant's financial situation continues to warrant financial

assistance made under the conditions of this section.

History. Acts 1995, No. 911, § 1; 1999, No. 1311, § 3; 2001, No. 787, § 3; 2005, No. 1468, § 3.

Publisher's Notes. Acts 2001, No. 787, § 3, did not accurately engross the amendments to § 6-81-1203(a)(2). The changes in subdivision (a)(2) set out above reflect the legislative intent of Acts 2001, No. 787, § 3.

Amendments. The 1999 amendment inserted "or nurse educator" throughout this section; inserted "or teach nursing in an Arkansas school of nursing" in (a)(5); and made minor punctuation changes.

The 2001 amendment substituted "Arkansas Primary Care ... Scholarship Board" for "board" in (a); substituted "master's nurse educator, master's nurse practitioner, or Doctor of Philosophy in Nursing program" for "graduate primary care nurse practitioner or nurse educator program" in (a)(2); added "or a part-time ... school of nursing" in (a)(3); substituted "graduate" for "advanced" in (a)(6); substituted "a master's in nursing ... degree not" for "a graduate degree in nursing, or additional amounts not" in (b)(1); inserted "or nurse educator" in (b)(2); and, in (b)(2)(A), deleted "full-time" following "as an enrolled," and substituted "master's program ... the state" for "graduate primary care nurse practitioner or nurse educator program in the state."

The 2005 amendment deleted "rural" twice in (a); substituted "nursing program" for "nurse educator, master's nurse practitioner" in (a)(2); in (a)(3), substituted "or a part-time graduate" for "graduate nursing student or a part time" and deleted "who is employed full time in an Arkansas school of nursing"; and substituted "advanced nursing practice in an Arkansas" for "primary care nursing in a rural" in (a)(5).

6-81-1204. Graduate nursing students — Rural advanced nursing practice or nurse educator loan contracts — Obligations and conditions.

(a) (1) (A) The maximum amount of each master's rural advanced nursing practice or nurse educator loan for full-time applicants shall not exceed eight thousand dollars (\$8,000) per academic year.

(B) The maximum amount of each Doctor of Philosophy in nursing loan for full-time applicants shall not exceed twenty thousand dollars (\$20,000) per academic year.

(C) Loans for part-time applicants shall be prorated as determined by the Graduate Nurse Educator Loan and Scholarship Board.

(2) (A) The maximum number of years a master's recipient may receive funding shall not exceed two (2) years or four (4) regular academic semesters of full-time enrollment or four (4) years or eight (8) regular academic semesters of part-time enrollment.

(B) The maximum number of years a doctoral recipient may receive funding shall not exceed four (4) years or eight (8) regular academic semesters of full-time enrollment or six (6) years or twelve (12) regular academic semesters of part-time enrollment.

(b) (1) The board shall enter a loan contract with the applicant to whom a rural advanced nursing practice or nurse educator loan is made.

(2) The rural advanced nursing practice or nurse educator loan contract shall be

approved by the Attorney General and shall be signed by the chair of the board and the applicant.

(c) Each applicant to whom an advanced nursing practice or nurse educator loan or loans is granted by the board shall execute a written loan contract which shall incorporate the following obligations and conditions:

(1) (A) (i) The recipient of an advanced nursing practice or nurse educator loan or loans shall bindingly contract that, upon completion of his or her graduate degree in nursing and upon national certification as a nurse practitioner, nurse anesthetist, nurse midwife, clinical nurse specialist, or nursing supervisor in the case of recipients of advanced nursing practice loans, he or she shall practice as an advanced nursing practitioner full time in an Arkansas rural community or the Department of Health.

(ii) In the case of the nurse educator recipient, he or she shall teach full time during the academic year in an Arkansas school of nursing or as a nurse administrator or work as a nursing administrator in an Arkansas complex health care agency for one (1) year.

(B) For each continuous whole calendar year of advanced nursing or academic calendar year for teaching or calendar year for nursing administration in accordance with subdivision (c)(1)(A) of this section, the board shall cancel, by converting to a scholarship grant, the full amount of one (1) year's loan, plus accrued interest; and

(2) (A) In the event that any advanced nursing practice or nurse educator loan recipient under this subchapter does not engage in the practice of advanced nursing practice, teach in an Arkansas school of nursing, or serve as a nursing administrator in an Arkansas complex health care agency in accordance with the terms of this section and of his or her loan contract in order to have the loan contract recognized as a scholarship, the recipient shall remain obligated to repay the loan or loans received together with interest thereon at the maximum rate allowed by Arkansas law or the federal discount rate plus five percent (5%) per annum, whichever is the lesser, the interest to accrue from the date each payment of funds was received by the recipient.

(B) No interest shall accrue nor obligation to repay the principal sums accrued during any period of time that the recipient involuntarily serves on active duty in the United States armed forces.

(C) Repayment of principal with interest shall be due and payable in full at the earliest to occur of the following events:

(i) Failure to remain enrolled continuously and in good academic standing to completion of a graduate nursing degree for any reason other than temporary personal illness;

(ii) (a) Failure to practice as an advanced nursing practitioner on a regularly sustained basis while residing in an Arkansas community or working in a department unit, as defined in § 6-81-1201, or failure to serve as a nursing faculty member in an Arkansas school of nursing or serve as a nursing administrator in an Arkansas complex health care agency.

(b) However, the board may waive the residency requirement on a case-by-case basis; or

(iii) Failure to establish an advanced nursing practice within six (6) months following graduation from an accredited graduate nursing program or within

six (6) months after receiving national certification, whichever is later, or failure to assume a nurse faculty position in an Arkansas school of nursing or to assume a nursing administrator position in an Arkansas complex healthcare agency within six (6) months following graduation unless otherwise deferred by approval of the board.

(D) In the event of the death of the recipient, all loans unpaid shall be due and payable.

(d) The board may amend agreements entered into with any student who is currently enrolled as a graduate nursing student as approved by the board pursuant to this section.

History. Acts 1995, No. 911, § 1; 1999, No. 1311, § 4; 2001, No. 787, § 4; 2005, No. 1468, § 4.

Amendments. The 1999 amendment inserted “or nurse educator” throughout this section; in (c)(1)(A), inserted “in the case of recipients of a rural advanced nursing practice loan” and added the last sentence; inserted “or academic calendar year for teaching” in (c)(1)(B); inserted “for those receiving the rural advanced nursing practice loan” in (c)(2)(C)(ii); inserted “or serve as a nursing faculty in an Arkansas school of nursing” in (c)(2)(C)(iii); inserted “or failure to assume a nurse faculty position in an Arkansas school of nursing within six (6) months following graduation” in (c)(2)(C)(iv); and made stylistic changes.

The 2001 amendment rewrote this section.

The 2005 amendment deleted “rural” preceding “advanced” in (c) and (c)(2)(A); rewrote (c)(1)(A); in (c)(1)(B), deleted “primary care” following “advanced” and inserted “or calendar year for nursing administration”; in (c)(2)(A), substituted “nursing practice” for “practice nursing” and inserted “or serve as ... health care agency”; deleted “one (1)” following “during any” in (c)(2)(B); and rewrote (c)(2)(C)(ii) and (iii).

6-81-1205 — 6-81-1208. [Repealed.]

Publisher's Notes. These sections, concerning the advanced nursing student loans, were repealed by Acts 2001, No. 787, § 5. The sections were derived from the following sources:

6-81-1205. Acts 1995, No. 911, § 1.

6-81-1206. Acts 1995, No. 911, § 1.

6-81-1207. Acts 1995, No. 911, § 1.

6-81-1208. Acts 1995, No. 911, § 1.

6-81-1209. Effect of subchapter.

Nothing in this subchapter shall be construed as establishing minimal requirements for schools of nursing or otherwise affecting the powers and duties of the Arkansas State Board of Nursing regarding schools of nursing.

History. Acts 1999, No. 1311, § 5; 2001, No. 787, § 6.

Subchapter 13

— University Assisted Teacher Recruitment and Retention Grant Program

6-81-1301. Program established — Purpose — Administration.

6-81-1301. Program established — Purpose — Administration.

(a) There is established the University Assisted Teacher Recruitment and Retention Grant Program within the Department of Higher Education.

(b) The purpose of the program shall be to attract qualified teachers to the Delta and those geographical areas of the state where there exists a critical shortage of teachers by making available scholarships to persons working toward a Master of Education degree at an institution of higher learning whose teacher education program is approved by the Arkansas Higher Education Coordinating Board.

(c) (1) Any institution of higher education in the State of Arkansas which offers a Master of Education degree may apply to the Department of Higher Education for participation in the program.

(2) Under the program, participating institutions shall collaborate with the Department of Education to identify, recruit, and place teacher education graduates, from both within the state and out of state, in school districts situated within those areas of the state where there exists a critical shortage of teachers, as designated by the Department of Education.

(d) (1) The Department of Higher Education shall provide funds to participating institutions of higher learning for the purpose of awarding scholarships to qualified persons pursuing a Master of Education degree at participating institutions while rendering service to the state as a licensed teacher in a school district in a geographical area of the state where there exists a critical shortage of teachers, as approved by the State Board of Education.

(2) The financial scholarship shall be two thousand dollars (\$2,000) per year.

(e) As a condition for approval to participate in the program, the institution of higher education shall agree to classify teachers who relocate within Arkansas from out of state in order to participate in the program as residents of the state for tuition purposes.

(f) (1) Students awarded financial scholarships under the program may receive the awards for a maximum of four (4) school years.

(2) The maximum number of awards which may be made shall not exceed the length of time required to complete the number of academic hours necessary to obtain a Master of Education degree.

(g) Financial scholarships under the program shall not be based upon an applicant's eligibility for financial aid.

(h) (1) Persons relocating to a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, to participate in the program shall be eligible for reimbursement from the State Board of Education for all or part of their moving expenses to the critical teacher-shortage area.

(2) The Department of Higher Education shall promulgate rules and regulations necessary for the administration of the relocation expense reimbursement component of the program.

(i) Subject to the availability of funds, the State Board of Education may provide for professional development and support services as may be necessary for the retention of teachers participating in the program in those geographical areas of the state where there exists a critical shortage of teachers.

(j) Any person participating in the program who fails to complete a program of study that will enable that person to obtain a Master of Education degree shall become liable immediately to the State Board of Education for the sum of all awards made to that person under the program, plus interest accruing at the current Stafford Loan rate at the time the person abrogates participation in the program.

(k) As a condition for participation in the program, a teacher shall agree to employment as a licensed teacher in a school district located in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, for a period of not less than three (3) years, which shall include those years of service rendered while obtaining the Master of Education degree or Educational Specialist degree.

(l) (1) (A) Students receiving an award from the program shall execute a note made payable to the Department of Higher Education for an amount equal to the award each semester that shall bear interest at the rate of ten percent (10%) per year beginning September 1 after completion of the program or immediately after termination of the student's participation in the program, whichever is earlier.

(B) Students in the program who receive reimbursement for moving expenses under subsection (h) of this section shall execute a note made payable to the Department of Education for an amount equal to the reimbursement that shall bear interest at the rate of ten percent (10%) per year.

(2) Any person failing to complete a program of study which will enable the person to become a licensed teacher shall begin repaying the note according to the note's terms for the sum of all awards made to that person less the corresponding amount of any awards for which service has been rendered.

(3) Any person failing to complete his or her teaching obligation, as required under subsection (k) of this section, shall begin repaying the notes according to the notes' terms for the sum of all awards made to that person less the corresponding amount of any awards for which service has been rendered, except in the case of a deferral of debt for cause approved by the State Board of Education if there is no employment position immediately available upon a teacher's completion of licensure requirements.

(4) After the period of the deferral, the person shall begin or resume teaching duties as required under subsection (k) of this section or shall become liable on the note under subsection (l) of this section. If a claim for payment of a note is placed into the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(5) The obligations made by the recipient of a program award shall not be voidable by reason of the age of the student at the time of receiving the scholarship.

(m) All funds received by the Department of Education from the repayment of scholarship awards and relocation expenses by program participants shall be deposited in the fund that provides funding for the program.

(n) The Department of Higher Education shall promulgate rules and regulations necessary for the proper administration of the program.

(o) The requirements of this section are contingent on the funding available for the program.

(p) The Department of Higher Education is authorized to determine the necessary procedures for the awarding of grants should the number of eligible applicants and recipients exceed the funds available.

History. Acts 2001, No. 1550, § 1.

Subchapter 14

— Nursing Student Loan Program

- 6-81-1401. Nursing Student Loan Revolving Fund.
- 6-81-1402. Program established — Administration.
- 6-81-1403. Arkansas State Board of Nursing — Powers and duties.
- 6-81-1404. Eligibility and requirements for loans.
- 6-81-1405. Amount of loans — Maximum.
- 6-81-1406. Term of loans.
- 6-81-1407. Renewal.
- 6-81-1408. Written contract required.
- 6-81-1409. Cancellation of principal and interest.
- 6-81-1410. Borrower's loss of good standing — Acceleration of due date.
- 6-81-1411. Repayment — Interest.
- 6-81-1412. Rules and regulations.

Effective Dates. Acts 2003, No. 84, § 14: Feb. 10, 2003. Emergency clause provided: "It is found and determined by the General Assembly, that to provide funds for Nursing Student Scholarships to help alleviate the nursing shortage crises and provide a mechanism for existing funds to be used to educate competent Nurses are necessary; that Nurses provide critical services to the citizens of the State and the shortage of qualified Nurses can cause irreparable damage to the community. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation, health and safety for the citizens of Arkansas and shall be in full force and effect from and after the date of its passage and approval. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

6-81-1401. Nursing Student Loan Revolving Fund.

There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a fund to be known as the Nursing Student Loan Revolving Fund. This fund shall consist of funds appropriated for the Nursing Student Loan Program, federal funds, gifts, grants, bequests, devises, donations, and general revenues, there to be used by the Arkansas State Board of Nursing for making loans for nursing scholarships.

History. Acts 2003, No. 84, § 2.

Publisher's Notes. Acts 2003, No. 84, § 2, is also codified at § 19-5-1222.

Research References

U. Ark. Little Rock L. Rev.

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, Loan Programs for Students, 26 U. Ark. Little Rock L. Rev. 379.

6-81-1402. Program established — Administration.

There is established a Nursing Student Loan Program, to be administered by the Arkansas State Board of Nursing in accordance with the provisions of this subchapter.

History. Acts 2003, No. 84, § 3.

6-81-1403. Arkansas State Board of Nursing — Powers and duties.

(a) The Arkansas State Board of Nursing shall:

- (1) Prescribe forms to be used in the Nursing Student Loan Program;

- (2) Regulate the submission of applications for loans;
- (3) Determine eligibility of applicants;
- (4) Allow or disallow applications for financial assistance;
- (5) Contract for, increase, decrease, terminate, and otherwise regulate all loans made under this subchapter and the repayment of these loans;
- (6) Forgive loans and portions of loans as provided for; and
- (7) Manage, operate, and control all funds and property appropriated or otherwise contributed for purposes of funding this program.

(b) The board is authorized to accept gifts, grants, bequests, devises, donations, and any federal funds available for this purpose and to deposit any funds so received in the Nursing Student Loan Revolving Fund, to be used together with funds appropriated for the program for making loans under the provisions of this subchapter.

History. Acts 2003, No. 84, § 5.

6-81-1404. Eligibility and requirements for loans.

(a) Any person who is enrolled in or has been accepted for admission to an approved school of nursing in this state or a nationally accredited school outside the state in a course of study leading to qualification as a registered nurse or licensed practical nurse shall be eligible to make application to the Arkansas State Board of Nursing for a loan under the provisions of this subchapter.

(b) The board may, depending upon available funds, make a loan to an applicant under the provisions of this subchapter when it determines that the applicant:

- (1) Is enrolled in or has been accepted for admission to an approved school of nursing in this state or a nationally accredited school outside the state in studies leading to qualification as a registered nurse or licensed practical nurse;
- (2) Is in need of financial assistance to complete his or her nursing studies;
- (3) Expresses an intention to engage in practice as a registered nurse or licensed practical nurse in the State of Arkansas upon graduation and licensure; and
- (4) Is a citizen of Arkansas.

History. Acts 2003, No. 84, § 6.

6-81-1405. Amount of loans — Maximum.

(a) The Arkansas State Board of Nursing may make a loan to any applicant in an amount calculated to pay the applicant's tuition, maintenance, and other education expenses while he or she is enrolled in a program of nursing education as described in this subchapter.

(b) The total of the loans made to any one (1) student under this subchapter shall not exceed six thousand dollars (\$6,000).

History. Acts 2003, No. 84, § 8.

6-81-1406. Term of loans.

Each loan made to an applicant under this subchapter shall be for one (1) academic year.

History. Acts 2003, No. 84, § 9.

6-81-1407. Renewal.

(a) Subject to the availability of funds, each loan made to an applicant under this

subchapter shall be renewable annually for the number of years required to complete studies leading to qualification as a registered nurse or licensed practical nurse.

(b) Any loan made to an applicant subsequent to an initial loan shall be made only upon application of the recipient and upon finding by the Arkansas State Board of Nursing that:

(1) The applicant has successfully completed the nursing studies of the preceding academic year and remains in good standing as an enrolled student in the appropriate school of nursing;

(2) The financial situation of the applicant warrants the making of a loan under the provisions of this subchapter;

(3) The applicant shall agree to practice nursing in Arkansas for the period specified in the loan contract; and

(4) The applicant continues to be a resident of Arkansas.

History. Acts 2003, No. 84, § 10.

6-81-1408. Written contract required.

Each recipient of a loan under the provisions of this subchapter shall execute a written loan contract with the Arkansas State Board of Nursing for the repayment of the loan under such terms as are provided in this subchapter and as the board shall prescribe.

History. Acts 2003, No. 84, § 7.

6-81-1409. Cancellation of principal and interest.

Each loan contract shall include a provision that if the recipient completes his or her nursing education and qualification as a registered nurse or licensed practical nurse, the Arkansas State Board of Nursing shall, for each year that the recipient practices in this state, cancel the full amount of one (1) year's loan, plus accrued interest, under the provisions of this subchapter.

History. Acts 2003, No. 84, § 11.

6-81-1410. Borrower's loss of good standing — Acceleration of due date.

If the recipient of the loan under this subchapter ceases to be enrolled in good standing in a recognized school of nursing prior to completion of the education requirements to qualify as a registered nurse or licensed practical nurse, all loans made under this subchapter to the person and the interest thereon shall become due and payable immediately or as may be otherwise provided in the contract for the loans.

History. Acts 2003, No. 84, § 13.

6-81-1411. Repayment — Interest.

(a) Any recipient of a loan under this subchapter who upon completion of his or her education does not engage in the practice of nursing in this state or does not continue practice in accordance with the provisions of this subchapter shall be obligated to repay the loans received under the provisions of this subchapter in accordance with the provisions of the loan contracts, together with interest at the maximum allowed by Arkansas law. The interest shall accrue from the date each payment of funds was received by the recipient.

(b) No interest shall accrue nor any obligation to repay the principal sums during any period of the time that the recipient involuntarily serves on active duty in the United States armed forces.

(c) In the event of the death of the recipient, all loans unpaid shall be due and payable.

(d) It shall be considered unprofessional conduct to fail to repay a loan as specified in this section.

History. Acts 2003, No. 84, § 12.

6-81-1412. Rules and regulations.

The Arkansas State Board of Nursing shall adopt such reasonable rules and regulations not inconsistent with this subchapter as it deems necessary to effectively and efficiently carry out the purposes of this subchapter.

History. Acts 2003, No. 84, § 4.

Subchapter 15 — State Teacher Assistance Resource Program

6-81-1501. Title.

6-81-1502. Definitions.

6-81-1503. Creation — Purpose.

6-81-1504. Administration of and authority of the Department of Higher Education.

6-81-1505. Eligibility.

6-81-1506. Duration — Amount — Repayment.

6-81-1507. State Teacher Assistance Resource Commission.

6-81-1501. Title.

This subchapter shall be known and may be cited as the “State Teacher Assistance Resource Program”.

History. Acts 2003, No. 1804, § 2.

Research References

U. Ark. Little Rock L. Rev.

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, Loan Programs for Students, 26 U. Ark. Little Rock L. Rev. 379.

6-81-1502. Definitions.

For purposes of this subchapter:

(1) “Five-year teacher education program” means a program within a regionally accredited institution of higher education in Arkansas that will lead to obtaining a teacher certification and is designed for completion in five (5) years with an award of a master's degree in education;

(2) “Four-year teacher education program” means a program within a regionally accredited institution of higher education in Arkansas that will lead to obtaining a teacher certification and is designed for completion in four (4) years with an award of a baccalaureate degree in education;

(3) (A) “Master of Arts in Teaching program” means a program within a regionally accredited institution of higher education in Arkansas that will allow graduate

students to teach in a middle school or secondary school while obtaining licensure.

(B) “Master of Arts in Teaching” shall include persons who are licensed in Arkansas through a program of nontraditional licensure; and

(4) “Two-year teacher education program” means a program within a regionally accredited institution of higher education in Arkansas that will introduce students to the profession of teaching.

History. Acts 2003, No. 1804, § 2; 2003 (2nd Ex. Sess.), No. 48, § 1.

Amendments. The 2003 (2nd Ex. Sess.) amendment added (3) and (4).

6-81-1503. Creation — Purpose.

(a) There is created the State Teacher Assistance Resource Program.

(b) While in college, the state teacher assistance resource should be exposed to a range of extracurricular activities geared toward instilling a strong motivation not only to remain in teaching but also to provide leadership for tomorrow's schools.

History. Acts 2003, No. 1804, § 2.

6-81-1504. Administration of and authority of the Department of Higher Education.

(a) The State Teacher Assistance Resource Program shall be administered by the Department of Higher Education.

(b) The department shall adopt standards for awarding the forgivable loans to ensure that students in their sophomore, junior, or senior year who are actively pursuing a degree in teaching, are admitted to a teacher education program, or are enrolled in a Master of Arts in Teaching program with the best potential for success receive a forgivable loan.

(c) The department shall administer the State Teacher Assistance Resource Program in cooperation with teacher training institutions selected by the department.

(d) (1) The requirements of this subchapter are contingent on the funding available for the State Teacher Assistance Resource Program.

(2) The department may use funds appropriated for the Emergency Secondary Education Loan Program, § 6-81-501 et seq. [repealed], and other available funds to fund the State Teacher Assistance Resource Program.

(e) The department may determine the necessary procedures for the awarding of forgivable loans should the number of eligible applicants and recipients exceed the funds available, but priority consideration shall be given based on a combination of factors, including, but not limited to:

(1) Full-time enrollment;

(2) Cumulative grade point average;

(3) Grade point average in courses required for the major;

(4) Subject area of intended teaching licensure;

(5) Geographical area in which the applicant or recipient intends to teach;

(6) (A) Prior loan awards.

(B) Prior recipients who remain qualified shall receive priority for future awards;

(7) Students enrolled in two-year teacher education programs; and

(8) Students enrolled in Master of Arts in Teaching programs.

History. Acts 2003, No. 1804, § 2; 2003 (2nd Ex. Sess.), No. 48, §§ 2, 3.

Publisher's Notes. Section 6-81-501 et seq., concerning the Emergency Secondary Education Loan Program, was repealed by Acts 2003, No. 1804, § 1.

Amendments. The 2003 (2nd Ex. Sess.) amendment, in (b), deleted "only" preceding "students," inserted "sophomore," substituted "or" for "year and," and inserted "actively pursuing a degree in teaching, are," and "or are enrolled in a Master of Arts in Teaching program"; added (e)(1) through (8); and added "a combination of factors, including, but not limited to" at the end of the introductory language in (e).

6-81-1505. Eligibility.

A student entering his or her sophomore, junior, or senior year and actively pursuing or admitted to a teacher education program shall be eligible to receive a forgivable loan under the State Teacher Assistance Resource Program if:

- (1) The recipient earns a cumulative grade point average of 2.75 or above on a 4.0 scale at an approved institution;
- (2) The recipient has completed at least one (1) year of full-time postsecondary course work; and
- (3) The recipient meets any other continuing eligibility criteria established by the Department of Higher Education.

History. Acts 2003, No. 1804, § 2; 2003 (2nd Ex. Sess.), No. 48, § 4.

Amendments. The 2003 (2nd Ex. Sess.) amendment, in the introductory language, inserted "sophomore" and "actively pursuing or"; substituted "at least one (1) year of full-time postsecondary course work; and" for "a total of at least twenty-seven (27) hours during the first full academic year and a total of at least thirty (30) hours per academic year thereafter" in (2); and deleted former (3) and redesignated former (4) as present (3).

6-81-1506. Duration — Amount — Repayment.

- (a) (1) The State Teacher Assistance Resource Program shall be used to provide:
- (A) A forgivable loan in the amount of three thousand dollars (\$3,000) per year for a sophomore, junior, or senior actively pursuing a degree in teaching, admitted to a teacher education program, or enrolled in a Master of Arts in Teaching program who commits to teach in a public school located in a geographical area of the state designated as having a critical shortage of teachers or in a subject matter area designated as having a critical shortage of teachers;
 - (B) A two-year forgivable loan if the recipient is in a four-year teacher education program or a three-year forgivable loan if the recipient is in a five-year teacher education program in the amount of six thousand dollars (\$6,000) per year for a junior or senior admitted to a teacher education program who commits to teach in a public school located in a geographical area of the state designated as having a critical shortage of teachers and in a subject matter area designated as having a critical shortage of teachers;
 - (C) A loan repayment for federal student loans in the amount of three thousand dollars (\$3,000) per year for each year a certified teacher who graduated from a teacher education program after April 2004 teaches in a public school located in a geographical area of the state designated as having a critical shortage of teachers; or
 - (D) A loan repayment for federal student loans in the amount of six thousand dollars (\$6,000) per year for each year a certified teacher who graduated from a

teacher education program after April 2004 teaches in a public school located in a geographical area of the state designated as having a critical shortage of teachers and in a subject matter designated as having a critical shortage of teachers.

(2) The Department of Education shall set the term of the loan with the goal of assisting the recipient to complete the recipient's teacher education program.

(3) No person receiving a forgivable loan under subdivision (a)(1)(A) or (B) of this section shall be eligible to receive a loan repayment under subdivision (a)(1)(C) or (D) of this section.

(b) (1) A student may receive a State Teacher Assistance Resource Program and Arkansas Academic Challenge Scholarship or Arkansas Governor's Distinguished Scholarships to the extent the receipt of both awards does not violate the provisions of § 6-80-105.

(2) For the purpose of compliance with § 6-80-105, the forgivable loans under this program shall be considered public funds.

(3) No student may participate in more than one (1) forgivable loan program supported with state money.

(c) Loan recipients shall execute a note made payable to the Department of Higher Education that shall bear interest at the rate to be determined by the department at the time of the award to begin accruing on September 1 after completion of the program or immediately after termination of the forgivable loan, whichever is earlier.

(d) The forgivable loan may be terminated if:

(1) The recipient withdraws from school;

(2) The recipient does not meet the standards set by the department; or

(3) For other reasons as designated by the department.

(e) (1) Within nine (9) months after completion of the teacher education program, the recipient of a forgivable loan under the State Teacher Assistance Resource Program shall begin to teach in a public school in the state in accordance with the student's initial commitment or shall begin to repay the loan in accordance with the terms of a note executed under subsection (c) of this section.

(2) The department shall forgive one (1) year of the loan for each consecutive year the recipient teaches full time in a shortage area in accordance with the terms of the recipient's initial commitment beginning nine (9) months from the date of graduation.

(3) The department may grant loan repayment deferrals to students who enrolled in masters or doctoral programs after completion of a four-year or five-year teacher education program or for other just cause as determined by the department.

(4) The department may also forgive the loan if it finds that it is impossible for the recipient to teach in an Arkansas public school as required because of the death or permanent disability of the recipient.

(f) Loan recipients required to repay loans as provided in subsection (e) of this section who fail to meet their repayment obligations may have added to their total obligation any costs for collection of the debt and shall have their teaching license in Arkansas revoked by the State Board of Education.

(g) (1) All funds appropriated to or otherwise received by the State Teacher Assistance Resource Program for forgivable loans, all funds received as repayment of forgivable loans, and all interest earned on these funds shall be placed in a revolving fund.

(2) This revolving fund shall be used for forgivable loans granted under the State

Teacher Assistance Resource Program.

(h) (1) The department, as administrator for the State Teacher Assistance Resource Program, may use up to fifty thousand dollars (\$50,000) annually from the fund balance for costs associated with administration of the State Teacher Assistance Resource Program.

(2) These funds are in addition to funds required for collection costs related to loan repayments.

(i) Any recipient of an emergency secondary education loan, § 6-81-501 et seq. [repealed], may qualify for a forgivable loan under the State Teacher Assistance Resource Program and shall continue to fulfill any existing obligation under the terms of any loans received under the Emergency Secondary Education Loan Program, § 6-81-501 et seq. [repealed].

(j) The department shall promulgate regulations necessary for the implementation of the State Teacher Assistance Resource Program.

History. Acts 2003, No. 1804, § 2; 2003 (2nd Ex. Sess.), No. 48, § 5.

Publisher's Notes. Section 6-81-501 et seq., concerning the Emergency Secondary Education Loan Program, was repealed by Acts 2003, No. 1804, § 1.

Amendments. The 2003 (2nd Ex. Sess.) amendment, in (a)(1)(A), deleted "two-year" preceding "forgivable loan," deleted "if the recipient is in a four-year teacher education program, or a three-year forgivable loan if the recipient is in a five-year teacher education program" following "forgivable loan," and inserted "sophomore," "actively pursuing a degree in teaching," and "or enrolled in a Master of Arts in Teaching program"; substituted "critical shortage of teachers" for "shortage of critical teachers" in (a)(1)(B); and inserted present (a)(2) and redesignated former (a)(2) as (a)(3).

6-81-1507. State Teacher Assistance Resource Commission.

(a) There is established a commission to be known as the State Teacher Assistance Resource Commission.

(b) The commission shall consist of eleven (11) members as follows:

- (1)** The Lieutenant Governor, or his or her designee;
- (2)** The chair of the State Board of Education, or his or her designee;
- (3)** Three (3) persons appointed by the Governor;
- (4)** Three (3) persons appointed by the President Pro Tempore of the Senate; and
- (5)** Three (3) persons appointed by the Speaker of the House of Representatives.

(c) The appointed commission members shall be:

- (1)** Individuals who have demonstrated a commitment to education; and
- (2)** Residents of the State of Arkansas at the time of appointment and throughout their terms.

(d) Appointments are for a term of four (4) years.

(e) (1) If, for any reason, a vacancy occurs in an appointed position, the vacancy shall be filled by appointment by the official that made the appointment.

(2) The new appointee shall serve for the remainder of the unexpired term.

(f) The Lieutenant Governor or his or her designee shall serve as chair.

(g) (1) The commission shall meet at times and places the chair deems necessary, but no meetings shall be held outside of the State of Arkansas.

(2) A majority of the members of the commission shall constitute a quorum for the purpose of transacting business.

(3) All action of the commission shall be by a majority vote of the full membership of the commission.

(h) The commission shall:

(1) Promote the State Teacher Assistance Resource Program and encourage participation by high school students; and

(2) Select the recipients of the State Teacher Assistance Resource forgivable loans.

(i) (1) The Department of Higher Education shall provide staff and office space to the commission.

(2) (A) Members of the commission shall serve without pay.

(B) Members of the commission may receive expense reimbursement in accordance with § 25-16-902, to be paid by the department to the extent money is available.

History. Acts 2003, No. 1804, § 2.

A.C.R.C. Notes. Acts 2003, No. 1804, § 2, also provided:

“(1) In 2003, three (3) members shall be appointed by the Speaker of the House of Representatives as follows:

“(A) One (1) for a term to expire June 30, 2005;

“(B) One (1) for a term to expire June 30, 2006; and

“(C) One (1) for a term to expire June 30, 2007.

“(2) In 2003, three (3) members shall be appointed by the President Pro Tempore of the Senate as follows:

“(A) One (1) for a term to expire June 30, 2005;

“(B) One (1) for a term to expire June 30, 2006; and

“(C) One (1) for a term to expire June 30, 2007.

“(3) In 2003, three (3) members shall be appointed by the Governor as follows:

“(A) One (1) for a term to expire June 30, 2005;

“(B) One (1) for a term to expire June 30, 2006; and

“(C) One (1) for a term to expire June 30, 2007.”

Chapter 82 Scholarships

Subchapter 1 — General Provisions

Subchapter 2 — Student Assistance Grant Program

Subchapter 3 — Arkansas Governor's Scholars Program

Subchapter 4 — Arkansas High Technology Scholarship Program

Subchapter 5 — Children of Law Enforcement Officers, Etc.

Subchapter 6 — Children of Veterans, Prisoners of War, Etc.

Subchapter 7 — Arkansas Literacy Corps

Subchapter 8 — Arkansas National Guard Scholarship Program

Subchapter 9 — Arkansas Opportunity Scholarship Act

Subchapter 10 — Arkansas Academic Challenge Scholarship Program

Subchapter 11 — Second Effort Scholarship Program

Subchapter 12 — Law Enforcement Officers

Subchapter 13 — Delta Region Scholarship Program

Subchapter 14 — Honors College Scholarship Program

Subchapter 15 — Arkansas Geographical Critical Needs Minority Teacher

Scholarship Program
Subchapter 16 — Arkansas Workforce Improvement Grant Program
Subchapter 17 — Higher Education Opportunities Grant Program

Research References

Am. Jur. 15A Am. Jur. 2d, Colleges & U., § 20.

C.J.S. 14A C.J.S., Colleges & U., § 33.

Subchapter 1
— **General Provisions**

6-82-101. [Repealed.]

6-82-102. Annual review of minority scholarship or grant program.

6-82-103. Out-of-state tuition.

6-82-104. [Repealed.]

6-82-105. Administration — Authority of Department of Higher Education.

6-82-106. Scholarship awards.

Effective Dates. Acts 1997, No. 112, § 40: Feb. 7, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 10 of the First Extraordinary Session of 1995 abolished the Joint Interim Committee on Education and in its place established the House Interim Committee and Senate Interim Committee on Education; that various sections of the Arkansas Code refer to the Joint Interim Committee on Education and should be corrected to refer to the House and Senate Interim Committees on Education; that this act so provides; and that this act should go into effect immediately in order to make the laws compatible as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1997, No. 1211, § 40: July 1, 1997. Emergency clause provided: "It is hereby found and determined by the Eighty-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1997 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997."

Acts 2007, No. 1046, § 3: April 4, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that new scholarships under the Arkansas Governor's scholarship program need to be awarded to students graduating in May of 2007; that the Department of Higher Education needs sufficient time to solicit and receive scholarship applications; and that this act is immediately necessary to ensure the proper administration of the scholarship program. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-82-101. [Repealed.]

Publisher's Notes. This section, concerning scholarships for students of Quapaw descent, was repealed by Acts 2001, No. 1692, § 6. The section was derived from Acts 1975, No. 553, § 1; A.S.A. 1947, § 80-2893.

6-82-102. Annual review of minority scholarship or grant program.

(a) The Arkansas Higher Education Coordinating Board shall review annually all minority scholarship or grant programs administered by the Department of Higher Education in order to ensure that the programs are in compliance with federal regulations.

(b) The board of trustees of each publicly supported institution of higher education shall review annually all minority scholarship or grant programs administered by the institution in order to ensure that the programs are in compliance with federal regulations.

History. Acts 1993, No. 301, §§ 1, 2; No. 330, §§ 1, 2; 1995, No. 1296, § 36; 1997, No. 112, § 24; 1999, No. 478, § 9.

Amendments. The 1999 amendment deleted former (a) and redesignated the remaining subsection accordingly; in present (a), substituted "Arkansas Higher Education Coordinating Board" for "board" and deleted "and shall report the board's findings no later than June 30 to the House and Senate Interim Committees on Education" following "federal regulations"; in (b), substituted "The board of trustees of each" for "Each" in the first sentence, and deleted the second sentence; and made stylistic changes.

6-82-103. Out-of-state tuition.

(a) The board of trustees of any institution of higher education may waive the out-of-state portion of any full tuition scholarship for any full-time student which is provided by unrestricted funds of the institution.

(b) The part that is waived shall not be considered as an expenditure by any regulation of the Arkansas Higher Education Coordinating Board.

History. Acts 1997, No. 342, § 41; 1997, No. 1211, § 30.

A.C.R.C. Notes. The State Board of Higher Education was abolished and transferred to the Arkansas Higher Education Coordinating Board by Acts 1997, No. 1114, § 1.

6-82-104. [Repealed.]

Publisher's Notes. This section, concerning annual report, was repealed by Acts 2007, No. 1573, § 63. The section was derived from Acts 2001, No. 1520, § 1.

6-82-105. Administration — Authority of Department of Higher Education.

The Department of Higher Education shall administer all state college financial assistance programs provided by legislation or by law and in so doing shall have the following authority and responsibility with respect to state college financial assistance programs provided by legislation or by law to:

(1) Adopt such rules as the department shall deem necessary or appropriate to carry out the purposes of this subchapter;

(2) Establish and consult, as necessary, an advisory committee representing the private and public sectors of postsecondary education in determining guidelines and

regulations for administration of the student financial aid programs, including, but not limited to, rules determining academic ability, financial need, and residency;

(3) Prepare application forms, parents' confidential financial statement forms, or any other forms as necessary to properly administer and carry out the purposes of this subchapter and to furnish the forms to persons desiring to make application for state financial aid;

(4) Consider all applications for state scholarships;

(5) Determine a termination date for the acceptance of applications;

(6) Require applicants to file additional information with the department as necessary and appropriate to carry out the purposes of this subchapter and to prevent fraud, misrepresentation, or misleading representation by applicants;

(7) Determine the necessary procedures for the awarding of grants should the number of eligible applicants exceed funds available;

(8) Disburse scholarship grants to qualified students through eligible postsecondary institutions;

(9) Approve or determine the eligibility of any state-supported institution of higher education to participate in or receive disbursements of financial aid on behalf of students awarded any state financial assistance provided by legislation or by law;

(10) Cooperate with and receive the cooperation of the approved private and public institutions of postsecondary education in the state and their governing bodies in the administration of the scholarship program;

(11) Employ or engage such professional, administrative, clerical, and other employees as may be necessary to assist the department in the performance of its duties and responsibilities; and

(12) Provide fair and equitable treatment to all approved institutions and students.

History. Acts 2005, No. 2142, § 2.

6-82-106. Scholarship awards.

(a) The Department of Higher Education is authorized to award scholarships to students who are accepted to a Washington, D.C. public policy academic internship, as determined by the department, if funding is appropriated and available.

(b) The department may promulgate rules to administer this section.

History. Acts 2007, No. 1046, § 2.

Subchapter 2 **— Student Assistance Grant Program**

6-82-201 — 6-82-213. [Repealed.]

Cross References. Minor child of legal resident of Arkansas as legal resident for limited purposes, § 6-60-210.

Effective Dates. Acts 1977, No. 627, § 11: Mar. 22, 1977; Acts 1977, No. 659, § 11: Mar. 23, 1977. Emergency clause provided: "It is hereby found and determined by the General Assembly that there is an urgent need for the establishment of a scholarship program to encourage the young people of the state to continue their education after high school; that there are many deserving young people in the state who are not financially able to attend a college without some financial assistance, that this Act is designed to provide a scholarship program whereby grants may be awarded such deserving students to enable them to attend a college of their choice, and

should be given effect immediately to accomplish this worthy purpose. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1979, No. 682, § 4: Apr. 2, 1979. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need for extending third year and fourth year students the opportunity to receive assistance through the State Scholarship program and to clarify certain administrative aspects of the program. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1979, No. 1048, § 4: Apr. 18, 1979. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need for extending third year and fourth year students the opportunity to receive assistance through the State Scholarship program and to clarify certain administrative aspects of the program. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1983 (Ex. Sess.), No. 50, § 3: July 1, 1984. Emergency clause provided: “It is hereby found and determined by the General Assembly that there is an urgent need for changing the maximum grant amount for students receiving assistance from the State Scholarship Program and to clarify certain administrative aspects of the program. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1984.”

Acts 1989, No. 965, § 3: July 1, 1989. Emergency clause provided: “It is hereby found and determined by the General Assembly that the current proportion of Arkansas attending institutions of higher education is extremely low and well below the national average; that an urgent need exists to provide greater financial assistance to the Student Assistance Grant Program to help accommodate the projected increase in the percentage of high school students seeking to pursue post-secondary educational goals. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of public peace, health, and safety, shall be in full force and effect July 1, 1989.”

6-82-201 — 6-82-213. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 2005, No. 2142, § 1. The subchapter was derived from the following sources:

6-82-201. Acts 1977, No. 627, § 1; 1977, No. 659, § 1; A.S.A. 1947, § 80-5001.

6-82-202. Acts 1977, No. 627, § 2; 1977, No. 659, § 2; A.S.A. 1947, § 80-5002.

6-82-203. Acts 1977, No. 627, § 3; 1977, No. 659, § 3; A.S.A. 1947, § 80-5003.

6-82-204. Acts 1977, No. 627, § 7; 1977, No. 659, § 7; 1983 (Ex. Sess.), No. 50, § 2; A.S.A. 1947, § 80-5007.

6-82-205. Acts 1977, No. 627, §§ 4, 5; 1977, No. 659, §§ 4, 5; 1979, No. 682, § 1; 1979, No. 1048, § 1; A.S.A. 1947, §§ 80-5004, 80-5005.

6-82-206. Acts 1977, No. 627, § 6; 1977, No. 659, § 6; A.S.A. 1947, § 80-5006.

6-82-207. Acts 1977, No. 627, § 8; 1977, No. 659, § 8; 1979, No. 682, §§ 2, 3; 1979, No. 1048, §§ 2, 3; A.S.A. 1947, § 80-5008.

6-82-208. Acts 1977, No. 627, § 6; 1977, No. 659, § 6; 1983 (Ex. Sess.), No. 50, § 1; A.S.A. 1947, § 80-5006.

6-82-209. Acts 1977, No. 627, § 5; 1977, No. 659, § 5; A.S.A. 1947, § 80-5005.

6-82-210. Acts 1977, No. 627, § 5; 1977, No. 659, § 5; A.S.A. 1947, § 80-5005.

6-82-211. Acts 1977, No. 627, § 5; 1977, No. 659, § 5; A.S.A. 1947, § 80-5005.

6-82-212. Acts 1977, No. 627, § 5; 1977, No. 659, § 5; A.S.A. 1947, § 80-5005.

6-82-213. Acts 1989, No. 965, § 1.

Subchapter 3

— Arkansas Governor's Scholars Program

- 6-82-301. Legislative determinations.
- 6-82-302. Definitions.
- 6-82-303. Establishment.
- 6-82-304. Administration — Authority of department.
- 6-82-305. Recipients known as Arkansas Governor's Scholars or Arkansas Governor's Distinguished Scholars.
- 6-82-306. Eligibility.
- 6-82-307. Applicant's responsibilities.
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- 6-82-309. Award of scholarship.
- 6-82-310. Use of scholarship.
- 6-82-311. Term, renewal, and allocation of scholarships.
- 6-82-312. Scholarship amounts.
- 6-82-313. Termination of scholarship.
- 6-82-314. Withdrawal from school — Refund.
- 6-82-315, 6-82-316. [Repealed.]

Effective Dates. Acts 1985, No. 176, § 3: Jan. 1, 1985. Emergency clause provided: "It is hereby determined by the General Assembly that there is an urgent need for clarification of the definition "eligible student" in the Governor's Scholars Program. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after January 1, 1985."

Acts 1989, No. 951, § 4: July 1, 1989. Emergency clause provided: "It is hereby determined by the General Assembly that there currently exists a deficiency in both the number and size of the Governor's Scholarships offered as an incentive to promote post-secondary education in Arkansas. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of public peace, health, and safety shall be in full force and effect July 1, 1989."

Acts 1997, No. 1269, § 6: Apr. 9, 1997. Emergency clause provided: "It is found and determined by the General Assembly that there are some students who qualify for a Governor's Scholarship and receive an undergraduate degree in three (3) years or less and that allowing these students to use the Governor's Scholarship for a fourth year in a postgraduate program would provide an incentive to other students to strive toward receiving a bachelors degree in less than four (4) years and that the immediate effectiveness of this act is essential to the efficient administration of the Governor's Scholarship Program. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1999, No. 1562, § 10: Apr. 15, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that in order to award scholarships based on the provisions of this act to students entering college during the 1999-2000 academic year, immediate implementation of this act is necessary. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2001, No. 1761, § 9: Apr. 30, 2001. Emergency clause provided: "It is found and determined

by the General Assembly that the state does not have the funds to support the Arkansas Governor's Scholars Program in its current form; and that applicants graduating after December 31, 2000, will experience uncertainty regarding eligibility for the Arkansas Governor's Scholars Program; and that many applicants may be delayed in beginning their post-secondary education unless changes in the scholarship program become effective in sufficient time to allow scholarship awards to be made to those students needing to make enrollment decisions for the 2001-2002 academic year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on April 30, 2001."

Acts 2005, No. 1241, § 2: Mar. 24, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that new scholarships under the Arkansas Governor's scholarship program need to be awarded to students graduating in May of 2005; that the Department of Higher Education needs sufficient time to solicit and receive scholarship applications; and that this act is immediately necessary to ensure the proper administration of the scholarship program. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2007, No. 1046, § 3: April 4, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that new scholarships under the Arkansas Governor's scholarship program need to be awarded to students graduating in May of 2007; that the Department of Higher Education needs sufficient time to solicit and receive scholarship applications; and that this act is immediately necessary to ensure the proper administration of the scholarship program. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-82-301. Legislative determinations.

The General Assembly recognizes that outstanding students are an essential ingredient for the economic and social benefit of the State of Arkansas. Benefits accrue to the state when a majority of National Merit Scholars, National Achievement Scholars, and superior students attend Arkansas institutions of higher learning and remain in the state.

History. Acts 1983 (Ex. Sess.), No. 59, § 1; A.S.A. 1947, § 80-5901; Acts 2001, No. 1761, § 1.

Amendments. The 2001 amendment inserted "National Achievement Scholars."

6-82-302. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Academic ability" means the intellectual standing of a student. In determining superior academic ability, the Department of Higher Education shall examine the student's high school records, competitive examination scores, and demonstrated leadership capabilities;

(2) "Approved institution" means a public or private college or university:

(A) Which is dedicated to educational purposes, located in Arkansas, or located out of state and educating Arkansas residents in dentistry, optometry, veterinary medicine, podiatry, chiropractic, or osteopathy under agreement with the Board of

Control for Southern Regional Education, accredited by an accrediting agency certified and recognized by the United States Department of Education or the Division of Agency Evaluation and Institutional Accreditation, or a school giving satisfactory assurance that it has the potential for accreditation and is making progress which, if continued, will result in its achieving accreditation;

(B) Which does not discriminate in the admission of students on the basis of race, color, religion, sex, or national origin; and

(C) Which subscribes to the principle of academic freedom;

(3) “Competitive examination” means a standardized examination measuring achievement which is administered annually on a specified date and at a specified location and which is announced publicly;

(4) “Department” means the Department of Higher Education;

(5) “Eligible student” means a resident of the State of Arkansas as defined by the Department of Higher Education who is eligible for admission as a full-time student and who declares an intent to matriculate in an approved institution in Arkansas;

(6) (A) “Extraordinary academic ability” means:

(i) Achievement of a score of 32 or above on the American College Test (ACT) or 1410 or above on the Scholastic Aptitude Test (SAT); and

(ii) (a) For students graduating from high school after December 31, 2001, achievement of a high school grade point average of 3.5 or above on a 4.0 scale; or

(b) Selection as a finalist in either the National Merit Scholarship competition or the National Achievement Scholarship competition conducted by the National Merit Scholarship Corporation.

(B) For students graduating after December 31, 2001, the American College Test scores and Scholastic Aptitude Test scores shall be earned by December 31 prior to the application deadline in order for the scores to be considered by the department for a scholarship award;

(7) “Full-time student” means a resident of Arkansas who is in attendance at an approved private or public institution and who is enrolled in at least twelve (12) credit hours the first semester and fifteen (15) hours thereafter, or other reasonable academic equivalent as defined by the department;

(8) “Scholarship” means an award to an eligible student for matriculation in an approved institution in the State of Arkansas; and

(9) “Undergraduate student” means an individual who is enrolled in a postsecondary educational program which leads to or is directly creditable toward the individual's first baccalaureate degree.

History. Acts 1983 (Ex. Sess.), No. 59, § 3; 1985, No. 176, § 1; A.S.A. 1947, § 80-5903; Acts 1997, No. 489, § 1; 1997, No. 1269, § 2; 2001, No. 1761, § 2.

Amendments. The 2001 amendment redesignated former (1), (2) and (4) as present (2), (4) and (7) respectively substituted “credit hours the first semester and fifteen (15) hours thereafter” for “semester hours” in present (7); redesignated former (4), (6), (7) and (8) as present (9), (8), (3) and (1) respectively; substituted “Department of Higher Education” for “department” in present (1); redesignated former (9) as present (6) and rewrote it; and made minor stylistic changes throughout.”

6-82-303. Establishment.

A scholarship program to promote academic excellence and to encourage the state's most talented graduates to enroll in Arkansas postsecondary educational institutions is created and established which shall be cited as the Arkansas Governor's Scholars Program.

History. Acts 1983 (Ex. Sess.), No. 59, §§ 1, 2; A.S.A. 1947, §§ 80-5901, 80-5902.

6-82-304. Administration — Authority of department.

The Department of Higher Education shall administer the Arkansas Governor's Scholars Program and shall have the following authority and responsibility with respect to the program to:

- (1) Prepare application forms or such other forms as the department shall deem necessary to properly administer and carry out the purposes of this subchapter;
- (2) Establish and consult as necessary with an advisory committee representing the public and private sectors of postsecondary education and secondary schools in determining guidelines and regulations for the administration of this program;
- (3) Select recipients of scholarships awarded pursuant to the provisions of this subchapter;
- (4) Establish the procedures for payment of scholarships to recipients;
- (5) Set a termination date for the acceptance of applications;
- (6) Review and evaluate the operation of the program with regard to eligibility criteria and size of the scholarship award to ensure that the program's operation meets the intent of this legislation; and
- (7) Determine the necessary procedures for the awarding of scholarships should the number of eligible applicants exceed the funds available.

History. Acts 1983 (Ex. Sess.), No. 59, § 6; A.S.A. 1947, § 80-5906; Acts 2001, No. 1761, § 3.

Amendments. The 2001 amendment added (6) and (7) and made related changes.

6-82-305. Recipients known as Arkansas Governor's Scholars or Arkansas Governor's Distinguished Scholars.

- (a) Students receiving scholarships shall be known as Arkansas Governor's Scholars.
- (b) Arkansas Governor's Scholarship recipients who exhibit extraordinary academic ability shall be known as Arkansas Governor's Distinguished Scholars.

History. Acts 1983 (Ex. Sess.), No. 59, § 4; A.S.A. 1947, § 80-5904; Acts 1997, No. 489, § 2; 1999, No. 1562, § 1; 2001, No. 1761, § 4.

Amendments. The 1999 amendment substituted "Students who exhibit" for "Those who exhibit" in (b).

The 2001 amendment substituted "Arkansas Governor's Scholarship recipients" for "Students" in (b).

6-82-306. Eligibility.

- (a) The Arkansas Governor's Scholars Program scholarships are to be awarded to those students who demonstrate the highest capabilities for successful college study.
- (b) A student is eligible for this scholarship if:
 - (1) The individual has met the admission requirements and is accepted for

enrollment as a full-time undergraduate student in an eligible public or private college or university in Arkansas;

(2) The individual is a bona fide resident of the state, as defined by the department. Preference will be given to students who plan to enter college at the beginning of the academic year directly following their last year of high school attendance;

(3) The individual is a citizen of the United States or a permanent resident alien;

(4) (A) The applicant has demonstrated proficiency in the application of knowledge and skills in reading and writing literacy and mathematics by passing the end-of-course examination as may be developed by the Department of Education, and as may be designated by the Department of Higher Education for this purpose.

(B) "End-of-course" examination shall mean those examinations defined in § 6-15-419(9); and

(5) (A) The individual satisfactorily meets the qualifications of superior academic ability as established by the Department of Higher Education with such criteria consisting of value points for academic achievement and leadership, including, but not limited to:

(i) American College Test (ACT) or Scholastic Aptitude Test (SAT) score, National Merit Finalist, or National Achievement Finalist;

(ii) High school grade point average;

(iii) Rank in high school class; and

(iv) Leadership in school, community, and employment.

(B) The Department of Higher Education shall have the authority to alter the weight assigned to the individual criterion to more appropriately meet the needs of the state as determined by the Arkansas Higher Education Coordinating Board.

(c) The scholarship shall be weighed on the factors of achievement, ability, and demonstrated leadership capabilities.

(d) Students who are selected as Arkansas Governor's Scholars who also exhibit extraordinary academic ability as defined in this subchapter shall be designated as Arkansas Governor's Distinguished Scholars.

History. Acts 1983 (Ex. Sess.), No. 59, § 5; 1985, No. 176, § 2; A.S.A. 1947, § 80-5905; Acts 1997, No. 489, § 3; 1999, No. 1562, § 2; 2001, No. 1761, § 5.

Amendments. The 1999 amendment substituted "who exhibit extraordinary academic ability" for "who are selected as Arkansas Governor's Scholars who also exhibit academic ability" in (d). The 2001 amendment added (b)(4) and redesignated the remaining subsections accordingly; added "with such criteria ... not limited to" in (b)(5)(A); added (b)(5)(A)(i)-(iv) and (b)(5)(B); and inserted "are selected as Arkansas Governor's Scholars who also" in (d).

6-82-307. Applicant's responsibilities.

Each applicant shall, in accordance with the provisions of this subchapter and the rules and regulations of the Department of Higher Education:

(1) Complete and file with the department the appropriate application for the Arkansas Governor's Scholars Program and such other information and data as may be requested by the department in determining the eligibility of the student;

(2) Furnish to the department information regarding any change in status of the student or any other information that might have a direct bearing on the eligibility of the

applicant; and

(3) Provide the department with verification that the scholarship was used in accordance with the purposes of this subchapter.

History. Acts 1983 (Ex. Sess.), No. 59, § 7; A.S.A. 1947, § 80-5907.

6-82-308. Number and geographic distribution of scholarships.

(a) If sufficient funds are available, effective for students receiving their initial awards beginning in fall 2007, the number of initial scholarship awards to eligible high achievers shall not exceed three hundred seventy-five (375) each year, to be distributed as follows:

(1) Up to three hundred (300) Arkansas Governor's Distinguished Scholarships;
and

(2) (A) Seventy-five (75) Arkansas Governor's Scholarships at four thousand dollars (\$4,000) per year.

(B) The seventy-five (75) Arkansas Governor's Scholarships shall be awarded to one (1) student in each of the seventy-five (75) counties in Arkansas.

(b) (1) A report that demonstrates, based on economic projections and revenue forecasts, that sufficient funds are available to award scholarships to high achievers relative to the number of Arkansas Academic Challenge Scholarship recipients shall be submitted to the House Interim Committee on Education, the Senate Interim Committee on Education, and the Legislative Council for review prior to obligating the funds.

(2) Should a shortfall of funds be projected, the Department of Higher Education shall promulgate rules for the priority funding of these scholarships and submit these proposed rules to the Arkansas Higher Education Coordinating Board for a public hearing and to the Subcommittee on Administrative Rules and Regulations of the Legislative Council for review before implementing the rules.

History. Acts 1983 (Ex. Sess.), No. 59, § 4; A.S.A. 1947, § 80-5904; Acts 1989, No. 951, § 1; 1997, No. 489, § 4; 2001, No. 1761, § 6; 2005, No. 1241, § 1; 2007, No. 1046, § 1.

A.C.R.C. Notes. Acts 2001, No. 1612, § 21, provided:

“GOVERNOR'S SCHOLARS PROGRAM. Should the funding of Governor's Scholars Program exceed the funding level of the previous fiscal year and the number of scholarships awarded increases to 200 or more, the Department of Higher Education shall make every effort to assure a geographic distribution of the awards without compromising the academic criteria established for such awards.

“The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.”
Acts 2003 (1st Ex. Sess.), No. 25, § 24, provided:

“GOVERNOR'S SCHOLARS PROGRAM. Should the funding of Governor's Scholars Program exceed the funding level of the previous fiscal year and the number of scholarships awarded increases to 200 or more, the Department of Higher Education shall make every effort to assure a geographic distribution of the awards without compromising the academic criteria established for such awards.

“The provisions of this section shall be in effect only from July 1, 2003 through June 30, 2005.”
Acts 2005, No. 2124, § 18, provided:

“GOVERNOR'S SCHOLARS PROGRAM. Should the funding of Governor's Scholars Program exceed the funding level of the previous fiscal year and the number of scholarships awarded increases to 200 or more, the Department of Higher Education shall make every effort to assure a geographic distribution of the awards without compromising the academic criteria established for such awards.

“The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.”

Amendments. The 2001 amendment rewrote this section.

The 2005 amendment, in (a), substituted "2005" for "2001" and "three hundred twenty-five (325)" for "two hundred seventy-five (275)"; redesignated former (a)(2) as present (a)(2)(A); substituted "Seventy-five (75)" for "Twenty-five (25)" in present (a)(2)(A); added (a)(2)(B); substituted "2004" for "2002" in (b)(1); and deleted former (c).

The 2007 amendment, in (a), substituted "2007" for "2005" and "three hundred seventy-five (375)" for "three hundred twenty-five (325)" in the introductory paragraph, and substituted "three hundred (300)" for "two hundred fifty (250)" in (1); and rewrote (b).

Cross References. Legislative findings and declarations of public necessity, § 6-82-1001.

6-82-309. Award of scholarship.

An Arkansas Governor's Scholarship or Arkansas Governor's Distinguished Scholarship will be awarded to a student in a manner to be determined by the Department of Higher Education.

History. Acts 1983 (Ex. Sess.), No. 59, § 4; A.S.A. 1947, § 80-5904.

6-82-310. Use of scholarship.

(a) No student may utilize scholarship funds for educational purposes beyond the baccalaureate degree.

(b) There shall be an exception to the requirement of subsection (a) of this section for any student who receives a baccalaureate degree in three (3) years or less. The student may receive an award of the scholarship for a fourth academic year to be used as a full-time student enrolled in a postgraduate program at an approved institution.

History. Acts 1983 (Ex. Sess.), No. 59, § 4; A.S.A. 1947, § 80-5904; Acts 1997, No. 1269, § 1.

6-82-311. Term, renewal, and allocation of scholarships.

(a) An Arkansas Governor's Scholarship or Arkansas Governor's Distinguished Scholarship may be awarded annually for a period not to exceed an academic year.

(b) (1) A scholarship shall correspond to academic terms, semesters, quarters, or equivalent time periods at the eligible institutions.

(2) In no instance may the entire amount of the grant for an educational year be paid to or on behalf of students in advance.

(c) Provided sufficient funds are available, a scholarship shall be awarded for one (1) academic year and renewed annually for three (3) additional academic years if the following conditions for renewal are met:

(1) The student maintains not less than a 3.0 grade point average on a 4.0 scholastic grading scale;

(2) A student receiving the additional scholarship under § 6-82-312(b) maintains not less than a 3.25 grade point average on a 4.0 scholastic grading scale;

(3) The recipient has completed a total of at least twenty-seven (27) hours during the first full academic year and, if applicable, a total of at least thirty (30) hours per academic year thereafter; and

(4) The recipient has met any other continuing eligibility criteria established by the Department of Higher Education.

History. Acts 1983 (Ex. Sess.), No. 59, §§ 4, 6; A.S.A. 1947, §§ 80-5904, 80-5906; Acts 1997, No. 489, § 5; 1999, No. 1562, § 3; 2001, No. 1761, § 7; 2007, No. 274, § 2.

Amendments. The 1999 amendment, in (c)(2), inserted “effective after July 1, 1999” and substituted “3.25 grade point” for “3.5 grade point,” and made stylistic changes.

The 2001 amendment rewrote (c).

The 2007 amendment deleted former (c)(4), redesignated former (c)(5) as present (c)(4) and made a related change.

6-82-312. Scholarship amounts.

(a) An Arkansas Governor's Scholarship or Arkansas Governor's Distinguished Scholarship awarded to a new recipient who enrolls in college as a first-time entering freshmen after July 1, 1995, shall be in the amount of four thousand dollars (\$4,000) per year, provided funds are available.

(b) Provided sufficient funds are available, a student who was a first-time entering freshman after July 1, 1997, but before July 1, 2002, and who exhibited extraordinary academic achievement shall be awarded, in addition to the award in subsection (a) of this section, an amount per year which when combined with the award in subsection (a) of this section equals tuition, room and board, and mandatory fees charged in academic year 2000-2001 for a regular full-time course load by the approved institution in which the recipient is enrolled.

(c) Provided sufficient funds are available, a student who is a first-time entering freshman after July 1, 2002, and who exhibits extraordinary academic achievement shall be awarded, in addition to the award in subsection (a) of this section, an amount per year which when combined with the award in subsection (a) of this section equals the lesser of:

(1) Ten thousand dollars (\$10,000); or

(2) Tuition, room and board, and mandatory fees charged for a regular full-time course load in academic year 2000-2001 by the approved institution in which the recipient is enrolled.

History. Acts 1983 (Ex. Sess.), No. 59, § 4; A.S.A. 1947, § 80-5904; Acts 1989, No. 951, § 2; 1995, No. 189, § 1; 1995, No. 230, § 1; 1997, No. 489, § 6; 1999, No. 1562, § 4; 2001, No. 1761, § 8.

Publisher's Notes. Acts 1989, No. 951, § 2, provided, in part, that its provisions would be effective after June 1, 1989.

Amendments. The 1999 amendment, in (b), substituted “first-time entering freshmen after July 1, 1997, and who exhibit” for “awarded Arkansas Governor's Scholarships and who also exhibit,” deleted “also” following “shall,” inserted “mandatory fees charged for a regular full-time course load,” and made stylistic changes.

The 2001 amendment, in (b), substituted “Provided sufficient funds are available, students who were” for “Students who are,” substituted “but before July 1, 2002, and who exhibited” for “and who exhibit,” and inserted “in academic year 2000-2001”; and added (c).

6-82-313. Termination of scholarship.

The scholarship will be terminated if a student does not complete a baccalaureate degree program within five (5) years from initial college entrance.

History. Acts 1983 (Ex. Sess.), No. 59, § 4; A.S.A. 1947, § 80-5904.

6-82-314. Withdrawal from school — Refund.

If a recipient of an Arkansas Governor's Scholarship or Arkansas Governor's Distinguished Scholarship withdraws from an approved private or public institution and under the policy of that institution the student is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the refund to which the student may be entitled to the Department of Higher Education to the extent of any amount the department has paid to the student for that academic year.

History. Acts 1983 (Ex. Sess.), No. 59, § 6; A.S.A. 1947, § 80-5906.

6-82-315, 6-82-316. [Repealed.]

Publisher's Notes. Former §§ 6-82-315 and 6-82-316, concerning the calculation of amount for the State Board of Higher Education and the Department of Higher Education, were repealed by Acts 1999, No. 1562, §§ 5 and 6 respectively. The sections were derived from the following sources:

6-82-315. Acts 1997, No. 1059, § 13.

6-82-316. Acts 1997, No. 1211, § 24.

Subchapter 4
— Arkansas High Technology Scholarship Program

6-82-401. Definitions.

6-82-402. Creation and establishment.

6-82-403. Administration — Authority of division.

6-82-404. Eligibility and preferences.

6-82-405. Applicant's responsibilities.

6-82-406. Award of scholarship.

6-82-407. Number of scholarships.

6-82-408. Amount of scholarships.

6-82-409. Term, allocation, and renewal.

6-82-410. Withdrawal from school — Refund.

6-82-401. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) “Academic ability” means the intellectual standing of a student. In determining superior academic ability, the Department of Workforce Education shall examine the student's high school records, competitive examination scores, and demonstrated leadership capabilities;

(2) “Approved high technology program” means a course of instruction in a highly technical field offered by any postsecondary educational institution which is approved by the department;

(3) “Approved institution” means all postsecondary educational institutions offering high technology programs which are approved by the department;

(4) “Department” means the Department of Workforce Education;

(5) “Full-time student” means a resident of Arkansas who is in attendance at an approved institution and who is enrolled for at least twelve (12) semester hours or such other reasonable academic equivalent as defined by the department; and

(6) “Scholarship” means an award to an eligible student for enrollment in an

approved institution in the State of Arkansas.

History. Acts 1983 (Ex. Sess.), No. 86, § 2; A.S.A. 1947, § 80-2591.1; Acts 2005, No. 1962, § 16.

Amendments. The 2005 amendment substituted “Department” for “Division” in (4).

6-82-402. Creation and establishment.

There is created and established a program which shall be cited as the “Arkansas High Technology Scholarship Program”.

History. Acts 1983 (Ex. Sess.), No. 86, § 1; A.S.A. 1947, § 80-2591.

6-82-403. Administration — Authority of division.

The Department of Workforce Education shall administer this subchapter and shall have the following authority and responsibility with respect thereto:

- (1) To prepare application forms or such other forms as the department shall deem necessary to properly administer and carry out the purposes of this subchapter;
- (2) To establish and consult as necessary with an advisory committee representing the public and private sectors of postsecondary education and secondary schools in determining guidelines and regulations for the administration of this program;
- (3) To select recipients of scholarships awarded pursuant to the provisions of this subchapter;
- (4) To establish the procedures for payment of scholarships to recipients; and
- (5) To set a termination date for acceptance of applications.

History. Acts 1983 (Ex. Sess.), No. 86, § 5; A.S.A. 1947, § 80-2591.4.

6-82-404. Eligibility and preferences.

- (a) The scholarships shall be awarded to those students who demonstrate the highest capability for successful high technology study.
- (b) A student is eligible for this scholarship if the individual:
 - (1) Has met the admission requirements and is accepted for enrollment as a full-time student in an approved institution;
 - (2) Has been a bona fide resident of the state prior to graduation from high school;
 - (3) Is a citizen of the United States or a permanent resident alien;
 - (4) Satisfactorily meets the qualifications of superior academic ability as established by the Department of Workforce Education.
- (c) The scholarship shall be weighed on the factors of achievement, ability, and demonstrated leadership capabilities.
- (d) Preference will be given to a student who uses his or her award in the same year that graduation from high school occurs.

History. Acts 1983 (Ex. Sess.), No. 86, § 4; A.S.A. 1947, § 80-2591.3.

6-82-405. Applicant's responsibilities.

Each applicant shall, in accordance with the provisions of this subchapter and the rules and regulations of the Department of Workforce Education:

(1) Complete and file with the department the appropriate application for the scholarship and such other information and data as may be requested by the department in determining the eligibility of the student;

(2) Furnish to the department information regarding any change in status of the student or any other information that might have a direct bearing on the eligibility of the applicant; and

(3) Provide the department with verification that the scholarship was used in accordance with the purposes of this subchapter.

History. Acts 1983 (Ex. Sess.), No. 86, § 6; A.S.A. 1947, § 80-2591.5.

6-82-406. Award of scholarship.

A scholarship shall be awarded to the student in a manner to be determined by the Department of Workforce Education.

History. Acts 1983 (Ex. Sess.), No. 86, § 3; A.S.A. 1947, § 80-2591.2.

6-82-407. Number of scholarships.

The number of scholarship awards to eligible students shall be twenty (20).

History. Acts 1983 (Ex. Sess.), No. 86, § 3; A.S.A. 1947, § 80-2591.2.

6-82-408. Amount of scholarships.

A scholarship shall be awarded in the amount of five hundred dollars (\$500).

History. Acts 1983 (Ex. Sess.), No. 86, § 3; A.S.A. 1947, § 80-2591.2.

6-82-409. Term, allocation, and renewal.

(a) A scholarship may be awarded annually for a period not to exceed an academic year.

(b) (1) A scholarship shall correspond to academic terms, semesters, quarters, or equivalent time periods at the eligible institutions.

(2) In no instance may the entire amount of a grant for an educational year be paid to or on behalf of such student in advance.

(c) A scholarship shall be awarded for one (1) academic year and renewed annually for up to three (3) additional academic years if the student maintains not less than a 3.0 grade point average on a 4.0 scholastic grading scale, or an equivalent academic standing, and meets other criteria as established by the Department of Workforce Education.

History. Acts 1983 (Ex. Sess.), No. 86, §§ 3, 5; A.S.A. 1947, §§ 80-2591.2, 80-2591.4.

6-82-410. Withdrawal from school — Refund.

If a recipient of a scholarship withdraws from an approved institution and under the policy of that institution the student is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the refund to which the student may be entitled to the Department of Workforce Education, to the extent of any amount the department has paid to the student for that academic year.

History. Acts 1983 (Ex. Sess.), No. 86, § 5; A.S.A. 1947, § 80-2591.4.

Subchapter 5 — Children of Law Enforcement Officers, Etc.

- 6-82-501. Definitions.
- 6-82-502. Rules and regulations.
- 6-82-503. Entitlement.
- 6-82-504. Awards to children.
- 6-82-505. Limits for scholarship.
- 6-82-506. Written application for benefits.

Effective Dates. Acts 1983 (Ex. Sess.), No. 47, § 2: Nov. 1, 1983. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present administration of the scholarship program for the children of law enforcement officers and firemen who suffer fatal injuries or wounds or become permanently and totally disabled as a result of injuries or wounds which occurred within the scope of employment is unnecessarily complicated for benefit applicants; that the immediate passage of this Act is necessary to clarify this problem and to accord equity and fairness to the children of such law enforcement officers and firemen. Therefore, an emergency is declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 2003, No. 1473, § 74: July 1, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act includes technical corrects to Act 923 of 2003 which establishes the classification and compensation levels of state employees covered by the provisions of the Uniform Classification and Compensation Act; that Act 923 of 2003 will become effective on July 1, 2003; and that to avoid confusion this act must also effective on July 1, 2003. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003."

Acts 2007, No. 172, § 2: Feb. 28, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that confusion exists regarding the law and that people are being denied scholarships under Arkansas Code § 6-82-503 because the public service employee was returning from a location where a hazardous situation existed; that the risks that public service employees take in the scope of going to and returning from hazardous situations are equally high; and that this act is immediately necessary to ensure that public service employees who risk their lives and health are treated equally. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-82-501. Definitions.

As used in this subchapter:

- (1) "Child" or "children" means any natural child, adopted child, or stepchild who is eligible under § 6-82-504;
- (2) "Department of Community Correction employee" means any employee of the Department of Community Correction who suffers fatal injuries or wounds or becomes permanently and totally disabled as a result of injuries or wounds that occurred through contact with parolees, probationers, or center residents;
- (3) "Emergency medical technician" means emergency medical technician as defined in § 20-13-202;
- (4) "Fire fighter" means any fire fighter employed on a full-time or volunteer duty status while actually engaged in the performance of his or her duties;
- (5) "Law enforcement officer" means a:

(A) Constable, which includes all duly elected constables of any beat of any county within the state while actually engaged in the performance of their duties concerning the criminal laws of the county and state;

(B) Game warden, which includes all appointed game wardens employed by the State of Arkansas on a full-time duty status while actually engaged in their duties concerning the game laws of this state;

(C) Municipal and college or university police officer, which includes all law enforcement officers of any municipality, college, or university who are regular duty personnel on full-time status and does not include auxiliary officers or those serving on a temporary or part-time status;

(D) Sheriff or deputy sheriff, which includes all law enforcement officers of full-time status on a regular basis serving the sheriff's department of any county but does not include deputy sheriffs who are engaged in administrative or civil duty or deputy sheriffs serving in a temporary capacity or part-time basis; and

(E) State highway patrolman, which includes any law enforcement officer, regardless of department or bureau, of the Department of Arkansas State Police;

(6) "State correction employee" means any employee of the Department of Correction or the Corrections School System who becomes subject to injury through contact with inmates or parolees of the department;

(7) "State forestry employee" means an employee of the Arkansas Forestry Commission who is actively engaged in his or her duties of fighting forest fires;

(8) "State highway employee" means any employee of the Arkansas State Highway and Transportation Department who actively engages in highway maintenance, construction, or traffic operations on the roadways and bridges of the state highway system while the roadways and bridges are open for use by the traveling public;

(9) "State parks employee" means any employee of the State Parks Division of the Department of Parks and Tourism who is a commissioned law enforcement officer or emergency response employee while actively engaged in the performance of his or her duties; and

(10) "Teacher" means any person employed by a public school for the purpose of giving instruction and whose employment requires state certification.

History. Acts 1973, No. 521, § 2; 1985, No. 420, § 1; A.S.A. 1947, § 80-3360; Acts 1993, No. 153, § 1; 1997, No. 547, § 8; 1999, No. 56, § 1; 1999, No. 1034, § 1; 2001, No. 113, § 1; Acts 2007, No. 806, § 2.

Amendments. The 1999 amendment by No. 56, in (2), substituted "Fireman" for "Municipal fireman" and deleted "municipal" preceding "fireman employed"; and added (6).

The 1999 amendment by No. 1034, in (3), substituted "Fireman" for "Municipal fireman" and deleted "municipal" preceding "fireman employed"; inserted (4) and (5); added (7) and (8); and made stylistic changes throughout this section.

The 2001 amendment inserted present (2) and redesignated the remaining subdivisions accordingly; substituted "fire fighter" for "fireman" throughout present (3); and deleted "State" preceding "Forestry Commission" in present (6).

The 2007 amendment inserted present (3), and redesignated the following subdivisions accordingly.

6-82-502. Rules and regulations.

The Arkansas Higher Education Coordinating Board is directed and empowered to

promulgate rules and regulations as necessary to administer benefits awarded under this subchapter by the Arkansas State Claims Commission.

History. Acts 1973, No. 521, § 4; 1983 (Ex. Sess.), No. 47, § 1; A.S.A. 1947, § 80-3362; Acts 1997, No. 547, § 9.

6-82-503. Entitlement.

(a) If any Arkansas law enforcement officer, full-time or volunteer fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee suffers fatal injuries or wounds or becomes permanently and totally disabled as a result of injuries or wounds that occurred in the performance of a hazardous duty within the scope of his or her employment or that occurred en route to or returning from a location where a hazardous situation existed, his or her children and spouse shall be entitled to a total of eight (8) semesters, or the equivalent thereof, of scholarship awards without cost, exclusive of books, food, school supplies, materials, and dues or fees for extracurricular activities, at any state-supported college, university, or technical institute of his or her choice within this state. Up to four (4) semesters, or the equivalent thereof, may be taken at a technical institute.

(b) Scholarship benefits shall not accrue under this subchapter to any person if the wounds or injuries suffered by any law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee are self-inflicted or if the death is self-induced.

(c) Unless § 6-82-504(e) is applicable, the Arkansas State Claims Commission shall award any scholarship benefit provided by this subchapter at the same time that any death benefit or total and permanent disability benefit is awarded by the commission under the provisions of § 21-5-701 et seq.

History. Acts 1973, No. 521, §§ 1, 2; A.S.A. 1947, §§ 80-3359, 80-3360; Acts 1989, No. 190, § 1; 1993, No. 153, § 2; 1997, No. 547, § 10; 1999, No. 56, § 2; 1999, No. 1034, § 2; 2001, No. 113, § 2; 2001, No. 158, § 1; 2007, No. 172, § 1; No. 806, § 3.

Amendments. The 1999 amendment inserted “state correction employee, state parks employee, teacher, or state forestry employee” in (a) and (b); and made stylistic changes.

The 2001 amendment by No. 113 inserted “Department of Community Correction employee” in (b).

The 2001 amendment by No. 158, in (a), inserted “or her” throughout the subsection, substituted “fire fighter” for “fireman,” inserted “Department of Community Correction employee,” substituted “a total of eight (8) semesters” for “an eight-semester,” substituted “of scholarship awards” for “scholarship,” inserted “or technical institute” following “university” and added the last sentence; and made minor stylistic changes.

The 2007 amendment by No. 172, in (a), inserted “or her” and “or returning from.”

The 2007 amendment by No. 806 inserted “emergency medical technician” in (a) and (b), and made related changes.

6-82-504. Awards to children.

(a) In order for a natural child to be eligible to receive a scholarship benefit:

(1) The child must have been born prior to the date of the death or total and permanent disability of the law enforcement officer, fire fighter, emergency medical

technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee; or

(2) The law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee or the spouse of the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee must have been pregnant with the child at the time of the death or total and permanent disability of the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee.

(b) In order for an adopted child to be eligible to receive a scholarship benefit:

(1) The child must have been adopted prior to the date of the death or total and permanent disability of the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee; or

(2) The child's adoption process must have begun prior to the date of the death or total and permanent disability of the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee.

(c) In order for a stepchild under the age of nineteen (19) to be eligible to receive a scholarship benefit:

(1) The stepchild must have been listed as a dependent on the federal and state income tax returns of the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee in each of the five (5) income years immediately prior to the date of the death or total and permanent disability of the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee; and

(2) The stepchild must have received more than one-half (1/2) of his or her financial support from the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee in each of the five (5) income years immediately prior to the date of the death or total and permanent disability of the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee.

(d) In order for a stepchild nineteen (19) years of age or older to be eligible to receive a scholarship benefit:

(1) The stepchild must have been listed as a dependent on the federal and state income tax returns of the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee in each of five (5) income years during the eight (8) years immediately prior to the date of the death or total and permanent disability of the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, teacher, state parks employee, or state forestry employee; and

(2) The stepchild must have received more than one-half (1/2) of his or her financial support from the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee in each of five (5) income years during the eight (8) years immediately prior to the date of the death or total and permanent disability of the law enforcement officer, fire fighter, emergency medical technician, state highway employee, state correction employee, Department of Community Correction employee, state parks employee, teacher, or state forestry employee.

(e) If the covered public employee or his or her heirs did not file for the available death or disability benefit, but were otherwise eligible to receive, within the time frame provided in § 21-5-703, then the covered public employee's child or children who would have otherwise been eligible to receive the provided educational scholarship benefit under this section may individually file prior to their twenty-first birthdays a claim to receive the provided educational scholarship benefit.

History. Acts 1973, No. 521, § 3; A.S.A. 1947, § 80-3361; Acts 1993, No. 153, § 3; 1997, No. 547, § 11; 1999, No. 56, § 3; 1999, No. 1034, § 3; 2001, No. 113, § 3; 2003, No. 1473, § 14; 2007, No. 806, § 4.

Publisher's Notes. The introductory language of Acts 2003, No. 1473, § 14, provides, in part, that this section is amended to carry out the purposes of Acts 2001, No. 113.

Amendments. The 1999 amendment by No. 56 deleted "municipal" preceding "fireman" and inserted "or state forestry employee" throughout this section.

The 1999 amendment by No. 1034 deleted "municipal" preceding "fireman" and inserted "state correction employee, state parks employee, teacher, or state forestry employee" throughout this section; and made stylistic changes.

The 2001 amendment inserted "Department of Community Correction employee" in (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), (c)(2), (d)(1), and (d)(2); and substituted "fire fighter" for "fireman" throughout this section.

The 2003 amendment substituted "firefighter" for "fire fighter" throughout this section; and inserted "Department of Community Correction employee" following "state correction employee" twice in (a)(2), and once in (c)(1), (c)(2), (d)(1), and (d)(2).

The 2007 amendment inserted "emergency medical technician" throughout the section, and made related changes.

6-82-505. Limits for scholarship.

(a) No child will be entitled to receive benefits under this subchapter during any semester or quarter when the child has reached the age of twenty-three (23) years on or before the first day of the semester or quarter.

(b) No spouse will be eligible for the education benefit if he or she remarries. The

benefit will cease at the end of the semester at which the spouse is currently enrolled at the time of the marriage.

History. Acts 1973, No. 521, § 2; A.S.A. 1947, § 80-3360; Acts 1989, No. 190, § 2.

6-82-506. Written application for benefits.

Any person claiming benefits awarded by the Arkansas State Claims Commission under the provisions of this subchapter shall make written application with the Department of Higher Education on forms provided by the department.

History. Acts 1973, No. 521, § 4; 1983 (Ex. Sess.), No. 47, § 1; A.S.A. 1947, § 80-3362; Acts 1997, No. 547, § 12.

Subchapter 6 — Children of Veterans, Prisoners of War, Etc.

6-82-601. Tuition waiver for dependents of certain veterans.

6-82-602. [Repealed.]

Effective Dates. Acts 1973, No. 188, § 5: Mar. 2, 1973. Emergency clause provided: "The General Assembly hereby finds and declares that a need exists to provide educational benefits to the dependents of certain Arkansas citizens who are prisoners of war or missing in action. It is therefore declared that an emergency exists, and this Act, being necessary for the public peace, safety and welfare, shall take effect and be in force from and after its passage and approval."

6-82-601. Tuition waiver for dependents of certain veterans.

(a) As used in this section:

(1) "Dependent" means a spouse or any child born or conceived by, legally adopted by, or under the legal guardianship of a prisoner of war or person declared to be missing in action or killed in action or killed on ordnance delivery, or disabled veteran. The dependent child or spouse of a prisoner of war, veteran missing in action, or killed in action or killed on ordnance delivery, or disabled veteran must be a current resident of Arkansas. Stepchildren of the veteran are not eligible unless they have been legally adopted by the veteran or the veteran has been appointed as the legal guardian of the stepchild. A dependent child must meet the definition of dependent child as established by the U.S. Federal Department of Education;

(2) "Disabled veteran" means a person who has been awarded special monthly compensation by the federal Department of Veterans Affairs for service-connected, one hundred percent (100%) total and permanent disability;

(3) "Ordnance delivery" means the piloting of or flying in an experimental or test aircraft while determining its fitness or ability to perform its military function or mission; and

(4) "Prisoner of war", "person missing in action", "person killed in action", "person killed on ordnance delivery", and "disabled veteran" means any person who was a resident of the State of Arkansas at the time that person entered the service of the United States armed forces or whose official residence is within the State of Arkansas and who, while serving in the armed forces, has been declared to be a prisoner of war, a person missing in action, or a person killed in action as established by the Secretary of Defense of the United States after January 1, 1960, or a person killed on ordnance

delivery, or has been declared by the federal Department of Veterans Affairs to be one hundred percent (100%) totally and permanently disabled as a result of service-connected injuries or service-connected medical conditions. It is not necessary for the purposes of these definitions that capture or death occur during a declared war or as a result of hostile actions. A death as result of injuries received while serving in the armed forces is only covered by this statute if the death occurred while on active duty.

(b) Each applicant must apply for the Dependents' Educational Assistance Program (DEA) Chapter 35 of Title 38 of the U.S. Code with the federal Department of Veterans' Affairs. The applicant must provide the Arkansas Department of Higher Education with proof of acceptance of DEA or non-eligibility into DEA upon application to this program.

(c) The Arkansas Higher Education Coordinating Board and the State Board of Education are directed, authorized, and empowered to promulgate and adopt such rules and regulations as are necessary to implement the provisions of this section.

(d) (1) Except as provided under subdivision (d)(2) of this section, a dependent of a disabled veteran, a prisoner of war, or a person declared to be missing in action or killed in action, or a person killed on ordnance delivery as defined by the provisions of this section, upon his or her being accepted for enrollment into any state-supported institution of higher education in the State of Arkansas, shall be allowed to obtain a bachelor's degree for so long as he or she is eligible with state assistance for tuition, fees, or other charges as provided under this subsection (d).

(2) (A) The state assistance under this section is limited to the tuition, fees, or other charges that exceed the amount of monetary benefits that the dependent receives from the Dependents' Educational Assistance Program during the months included in each semester in which the dependent is enrolled.

(B) If the dependent is not eligible for monetary benefits from the Dependents' Educational Assistance Program but is eligible for the benefits under this section, the dependent shall be allowed to obtain a bachelor's degree free of tuition, fees, or other charges from the state-supported institution of higher education.

(e) Once a person qualifies as a dependent under the terms and provisions of this section, there shall be no situation such as the return of the parent or the reported death of the parent that will remove the dependent from the provisions or benefits of this section.

(f) An eligible recipient shall receive a scholarship for one (1) academic year, renewable for up to three (3) additional academic years if the recipient meets continuing eligibility criteria established by the Department of Higher Education.

(g) Any person receiving this scholarship as of June 30, 2007, will be grandfathered into the program under the law as stated prior to July 1, 2007.

(h) In compliance with the Arkansas Department of Higher Education's scholarship stacking policy, no student's total financial aid package, which can include multiple scholarships, can exceed the recognized cost of attendance at a higher education institution.

History. Acts 1973, No. 188, §§ 1-3; A.S.A. 1947, §§ 80-3363 — 80-3365; Acts 1987, No. 72, §§ 1, 2; 1989, No. 759, § 1; 2005, No. 2127, § 1; 2007, No. 717, § 1.

Amendments. The 2005 amendment substituted "parent" for "father" throughout (a)(1) and (d); inserted present (a)(2); alphabetized the remaining subdivisions in (a); and, in (c), inserted "disabled veteran" and substituted "professional" for "professional." The 2007 amendment rewrote (a)(1); in (a)(4), inserted "and 'disabled veteran,'" inserted "or has

been . . . connected medical conditions,” and added the last sentence; added (b) and redesignated the remaining subsections accordingly; in (d), substituted “Except as provided under subdivision (d)(2) of this section, a” for “Any,” deleted “or state supported technical or vocational school” following “education,” deleted “or certificate of completion or, if he or she did not receive any undergraduate education in the State of Arkansas, a graduate or professional degree” following “degree,” and added “with state assistance for tuition, fees, or other charges as provided under this subsection (d)”;

added (d)(2); in (d)(2)(B), added “If the dependent . . . a bachelor’s degree,” substituted “the state-supported” for “such” and “of higher education” for “or school”;

added (f) through (h); and made related changes.

6-82-602. [Repealed.]

Publisher’s Notes. This section, concerning children of certain veterans having served between September 16, 1940, and December 31, 1946, was repealed by Acts 2007, No. 717, § 2. The section was derived from Acts 1965, No. 315, §§ 2, 3; 2005, No. 2127, § 2.

Subchapter 7
— Arkansas Literacy Corps

6-82-701 — 6-82-706. [Repealed.]

6-82-701 — 6-82-706. [Repealed.]

Publisher’s Notes. This subchapter, concerning the Arkansas Literacy Corps, was repealed by Acts 2001, No. 1692, § 7. The subchapter was derived from the following sources:

6-82-701. Acts 1989, No. 279, § 1.

6-82-702. Acts 1989, No. 279, § 1.

6-82-703. Acts 1989, No. 279, § 1.

6-82-704. Acts 1989, No. 279, § 1.

6-82-705. Acts 1989, No. 279, § 1.

6-82-706. Acts 1989, No. 279, § 1.

Subchapter 8
— Arkansas National Guard Scholarship Program

6-82-801 — 6-82-819. [Repealed.]

6-82-801 — 6-82-819. [Repealed.]

Publisher’s Notes. This subchapter was repealed by Acts 1999, No. 1139, § 1. The subchapter was derived from the following sources:

6-82-801. Acts 1989, No. 301, § 1.

6-82-802. Acts 1989, No. 301, § 2; 1995, No. 1296, § 37.

6-82-803. Acts 1989, No. 301, § 7.

6-82-804. Acts 1989, No. 301, § 3.

6-82-805. Acts 1989, No. 301, § 4.

6-82-806. Acts 1989, No. 301, § 5.

6-82-807. Acts 1989, No. 301, § 5.

6-82-808. Acts 1989, No. 301, § 5.

6-82-809. Acts 1989, No. 301, § 5.

6-82-810. Acts 1989, No. 301, § 5.

6-82-811. Acts 1989, No. 301, § 5.

6-82-812. Acts 1989, No. 301, § 5.
6-82-813. Acts 1989, No. 301, § 5.
6-82-814. Acts 1989, No. 301, § 6.
6-82-815. Acts 1989, No. 301, § 6.
6-82-816. Acts 1989, No. 301, § 6.
6-82-817. Acts 1989, No. 301, § 6.
6-82-818. Acts 1989, No. 301, § 6.
6-82-819. Acts 1989, No. 301, § 6.

Subchapter 9 **— Arkansas Opportunity Scholarship Act**

6-82-901 — 6-82-906. [Repealed.]

6-82-901 — 6-82-906. [Repealed.]

Publisher's Notes. This subchapter, concerning the Arkansas Opportunity Scholarship Act, was repealed by Acts 2001, No. 1692, § 8. The subchapter was derived from the following sources:

6-82-901. Acts 1989, No. 611, § 1.
6-82-902. Acts 1989, No. 611, § 2.
6-82-903. Acts 1989, No. 611, § 3.
6-82-904. Acts 1989, No. 611, § 4; 1993, No. 198, § 1.
6-82-905. Acts 1989, No. 611, § 6; 1993, No. 198, § 2.
6-82-906. Acts 1989, No. 611, § 6.

Subchapter 10 **— Arkansas Academic Challenge Scholarship Program**

6-82-1001. Legislative findings and declarations of public necessity.
6-82-1002. Definitions.
6-82-1003. Creation.
6-82-1004. Authority of Department of Higher Education.
6-82-1005. Eligibility.
6-82-1006. Duration — Amount.
6-82-1007. Nursing school eligibility.
6-82-1008. Awards not funded.
6-82-1009. Priority for teaching commitment.
6-82-1010. Teaching requirements.
6-82-1011. End-of-course assessment requirements.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-82-1001 — 6-82-1010 may not apply to § 6-82-1011, which was enacted subsequently.

Effective Dates. Acts 1999, No. 858, § 17: Mar. 25, 1999. Emergency clause provided: “It is hereby found and determined by the Eighty-Second General Assembly that in order to provide adequate scholarships and financial assistance to Arkansas high school students graduating in 1999 that it is necessary to amend the eligibility requirements of the academic challenge scholarship program; that a delay in the effective date of this act could work irreparable harm upon the proper administration of the scholarship program and high school students graduating in 1999. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the

bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 2001, No. 1836, § 5: Apr. 30, 2001. Emergency clause provided: “It is found and determined by the General Assembly that the state does not have the funds to support the Academic Challenge Program in its current form and that applicants graduating after December 31, 2000, will experience uncertainty regarding eligibility for the Academic Challenge Scholarship, and many applicants may be delayed in beginning their post-secondary education unless changes in the scholarship program become effective in sufficient time to allow scholarship awards to be made to those students making enrollment decisions for the 2001-2002 academic year.

Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on April 30, 2001.”
Acts 2005, No. 2011, § 5: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the financial eligibility requirements for the Arkansas Academic Challenge Scholarship Program must be clarified; that clarification of the eligibility requirements for financial need will help more Arkansas students enter and complete their post-secondary education; and that this act is immediately necessary to prevent student hardships and provide stability for the 2005-2006 school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2005, No. 2214, § 5: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the financial eligibility requirements for the Arkansas Academic Challenge Scholarship Program must be clarified; that clarification of the eligibility requirements for financial need will help more Arkansas students enter and complete their post-secondary education; and that this act is immediately necessary to prevent student hardships and provide stability for the 2005-2006 school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2007, No. 840, § 2: Apr. 3, 2007. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the financial eligibility requirements for the Arkansas Academic Challenge Scholarship Program must be clarified; that clarification of the eligibility requirements for financial need will help more Arkansas students enter and complete their post-secondary education; and that this act is immediately necessary to prevent student hardships and provide stability for the 2007-2008 school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-82-1001. Legislative findings and declarations of public necessity.

The General Assembly hereby recognizes that taking the proper course work in high school is essential for success in college. Arkansas high school students who complete the recommended precollegiate or technical preparation core curriculum score significantly higher on standardized preadmissions tests and are more likely to be successful in college. Because the State of Arkansas also benefits from the academic success of well-prepared college students, there is hereby established the Arkansas Academic Challenge Scholarship Program, a college scholarship plan to promote

academic achievement and encourage academically prepared Arkansas high school graduates to enroll in the state's colleges and universities and to encourage students to enter the field of teaching for the purpose of teaching in subject matter areas of critical teacher shortage or in geographical areas of critical teacher shortage in the state.

History. Acts 1991, No. 352, § 1; 1991, No. 362, § 1; 1993, No. 1170, § 1; 1997, No. 977, § 4; 1999, No. 858, § 11; 2003, No. 1798, § 1.

Amendments. The 1999 amendment deleted “guaranteed” preceding “college scholarship plan” and made stylistic changes.

The 2003 amendment added “and to encourage students... teacher shortage in the state” at the end.

Cross References. Number and geographic distribution of scholarships, § 6-82-308.

6-82-1002. Definitions.

As used in this subchapter:

(1) “Approved institution” means a publicly supported or private, nonprofit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds or any nursing school with its primary headquarters located in Arkansas that is eligible to participate in Title IV federal student aid programs and has been approved by the Department of Higher Education as eligible to participate in the Arkansas Academic Challenge Scholarship Program;

(2) “Eligible student” means any student who:

(A) Meets the criteria set out by this subchapter; and

(B) Is deemed to be eligible by rules and regulations authorized by this subchapter and promulgated by the Department of Higher Education;

(3) “Financial need” means the family income of program applicants as determined by the Department of Higher Education through evaluation of program applications and supporting documentation;

(4) (A) “Full-time undergraduate student” means a resident of Arkansas who attends an approved institution of higher education and who is enrolled for at least twelve (12) credit hours the first semester and fifteen (15) credit hours thereafter or the equivalent, as defined by the Department of Higher Education, in a program of study that leads to or is creditable toward a baccalaureate degree, an associate degree in nursing, or a nursing school diploma.

(B) A recipient receiving an Arkansas Academic Challenge Scholarship for the eighth semester shall not be required to be enrolled in fifteen (15) hours and shall be considered a “full-time undergraduate student” if the recipient is enrolled in the appropriate number of course credit hours to earn a degree at the end of that semester;

(5) “Recipient” means an applicant awarded a scholarship funded through the program;

(6) “Tuition” means charges levied for attendance at an eligible institution of higher education, including mandatory fees charged to all full-time students by an approved institution; and

(7) “Unemancipated child” or “unemancipated children” means a dependent child or dependent children as defined by the United States Department of Education for student aid purposes.

History. Acts 1991, No. 352, § 3; 1991, No. 362, § 3; 1997, No. 208, § 4; 1999, No. 858,

§§ 1, 2; 2001, No. 1664, § 1; 2001, No. 1836, § 1; 2005, No. 2011, § 1; 2005, No. 2214, § 1.

A.C.R.C. Notes. Acts 1997, No. 208, § 1, codified as § 22-4-408, provided:

“Legislative intent and purpose. The General Assembly hereby acknowledges that many of the laws relating to individuals with disabilities are antiquated, functionally outmoded, derogatory, ambiguous or are inconsistent with more recently enacted provisions of the law. Consequently, it is the intent of the General Assembly and the purpose of this act to clarify the relevant chapters of Titles 1, 6, 9, 13, 14, 16, 17, 20, 22, 23, and 27 of the Arkansas Code Annotated of 1987.”

Publisher's Notes. This section was amended by Acts 2001, Nos. 1664 and 1836. The amendment by Acts 2001, No. 1836 was deemed to have superseded the amendment by Acts 2001, No. 1664.

As amended by Acts 2001, No. 1664, this section was amended to read as follows:

“For purposes of this subchapter, the following terms shall be defined as indicated:

“(1) ‘Approved institution’ means a public or private college, university, or nursing school located in Arkansas that is approved by the Arkansas State Board of Nursing and only under the conditions set forth in § 6-82-1007 or accredited by the Commission on Institutions of Higher Education of the North Central Association or which certifies to the Department of Higher Education that its students are accepted for transfer at institutions accredited by the Commission on Institutions of Higher Education of the North Central Association. Furthermore, the institution shall not discriminate against applicants, students, or employees on the basis of race, color, religion, sex, age, disability, or national origin, consistent with the provisions of applicable state and federal law;

“(2) ‘Eligible student’ means any student who meets the criteria set out by this subchapter and who is deemed to be eligible by rules and regulations authorized by this subchapter and promulgated by the Department of Higher Education;

“(3) ‘Financial need’ means the family income of program applicants as determined by the Department of Higher Education through evaluation of program applications and supporting documentation;

“(4) ‘Full-time undergraduate student’ means a resident of Arkansas who attends an approved institution of higher education and is enrolled for at least twelve (12) credit hours per semester or the equivalent, as defined by the Department of Higher Education, in a program of study which leads to or is creditable toward a baccalaureate degree, an associate degree in nursing, or a nursing school diploma;

“(5) ‘Tuition’ means charges levied for attendance at an eligible institution of higher education. For purposes of this subchapter, tuition charges shall not include any fees charged or used for student activities, including any student athletic fee; and

“(6) ‘Unemancipated child’ or ‘unemancipated children’ means a dependent child or dependent children as defined by the United States Department of Education for student aid purposes.”

Amendments. The 1999 amendment added (6); and made minor punctuation changes.

The 2001 amendment by No. 1664 rewrote (1); realphabetized the subdivisions; and added “an associate degree in nursing, or a nursing school diploma” at the end of (4).

The 2001 amendment by No. 1836 added the subdivision designations in (1); realphabetized the subdivisions; rewrote present (4) and (6); inserted present (5); and made minor stylistic changes throughout.

The 2005 amendments by identical acts Nos. 2011 and 2214 rewrote (1); redesignated former (4) as present (4)(A); and added (4)(B) and made a related change.

6-82-1003. Creation.

There is hereby created and established the Arkansas Academic Challenge Scholarship Program.

History. Acts 1991, No. 352, § 2; 1991, No. 362, § 2; 2001, No. 1836, § 2.

Amendments. The 2001 amendment deleted the last sentence.

6-82-1004. Authority of Department of Higher Education.

(a) The Department of Higher Education is authorized by this subchapter to develop and promulgate rules and regulations for the administration of the Arkansas Academic Challenge Scholarship Program, consistent with the purposes and requirements of this subchapter.

(b) The rules and regulations shall include student eligibility criteria based on the provisions of this subchapter, the method for selecting scholarship recipients, rules for determining continuing eligibility, procedures for making payment to recipients, and such other administrative procedures which may be necessary for the implementation and operation of the program.

(c) The Department of Higher Education is authorized to expend each year for data processing and other administrative costs of this program up to one and five-tenths percent (1.5%) of the amount appropriated for the programs.

(d) Applicants must certify that they are drug-free and must pledge in writing on the application form to refrain from the use or abuse of illegal substances in order to maintain eligibility for this program.

(e) (1) The Department of Education and the Department of Higher Education are directed to develop appropriate informational materials on the Arkansas Academic Challenge Scholarship Program and to ensure their distribution to Arkansas students in grades seven through twelve (7-12) each year as part of the packet of materials on precollegiate preparation distributed by the Department of Education as mandated by § 6-61-217.

(2) This shall be accomplished through the use of school counselors or other appropriate school personnel.

(f) The Director of the Department of Higher Education is authorized to review and evaluate the operation of the program with regard to eligibility criteria and size of the scholarship award to ensure that the program's operation meets the intent of this legislation.

(g) The Department of Higher Education is authorized to determine the necessary procedures for the awarding of scholarships should the number of eligible applicants exceed the funds available.

(h) The Department of Higher Education shall report to the General Assembly annually regarding the implementation of the provisions of this subchapter.

History. Acts 1991, No. 352, § 6; 1991, No. 362, § 6; 1992 (1st Ex. Sess.), No. 47, § 4; 1993, No. 1170, § 2; 1999, No. 858, §§ 3, 12; 2007, No. 341, § 4.

A.C.R.C. Notes. Acts 2007, No. 341, § 1, provided:

“PURPOSE AND FINDINGS.

“(a) The purpose of this act is to prevent or minimize the continued early reading failure of Arkansas children and to reduce the long-term effect of inadequate literacy skills on the performance of Arkansas children as a group and on their economic future.

“(b) The General Assembly finds that:

“(1) Available well-trained tutors can help improve literacy skills in young students, create a more favorable atmosphere for learning, provide more time on task, increase opportunities to read, provide immediate, positive and corrective feedback to help the young student stay on track, and help close achievement gaps early; and

“(2) Creating a literacy skills component to the Arkansas Academic Challenge Scholarship Program will help advance academic performance in both the Arkansas Academic Challenge scholar and the younger student who receives tutoring from the scholar.”

Publisher's Notes. Acts 1992 (1st Ex. Sess.), No. 47, § 1, provided:

“The General Assembly hereby recognizes the importance of providing scholarship assistance to the children of middle class Arkansas families, particularly for those who meet the academic requirements of the Arkansas Academic Challenge Scholarship Program, a guaranteed college scholarship plan to promote academic achievement and encourage academically prepared Arkansas high school graduates to enroll in the state's colleges and universities which was created by the 1991 General Assembly.”

Amendments. The 1999 amendment, in (e)(1), substituted “grades seven through twelve (7 - 12)” for “grades kindergarten through twelve (K - 12),” deleted “and technical” preceding “preparation” and substituted “§ 6-61-217” for “§§ 6-61-111, 6-61-217, 6-61-218, and 6-18-101(b)(2)”; added “or other appropriate school personnel” in (e)(2); added (g); and made stylistic changes.

The 2007 amendment added (h).

6-82-1005. Eligibility.

(a) Eligibility for the Arkansas Academic Challenge Scholarship Program shall be based on the criteria set forth in this section as well as program rules and regulations adopted pursuant to this subchapter by the Department of Higher Education.

(b) An applicant shall be eligible for an award from this program if the applicant meets all of these criteria:

(1) The applicant graduated from an Arkansas high school on or after March 5, 1991;

(2) The applicant has been a resident of the State of Arkansas for at least twelve (12) months prior to graduation from an Arkansas high school, and the applicant's parent or parents or guardian or guardians have maintained Arkansas residency for the same period of time;

(3) The applicant is a citizen of the United States or is a permanent resident alien;

(4) The applicant is accepted for admission at an approved institution of higher education as a full-time first-time freshman as defined by the department and enrolls in an approved institution within twelve (12) months of the applicant's high school graduation;

(5) (A) (i) Except as provided in subdivision (b)(5)(B) of this section, the applicant has successfully completed the core curriculum established by the State Board of Education and the Arkansas Higher Education Coordinating Board pursuant to § 6-61-217.

(ii) An applicant who graduates from an Arkansas high school after December 31, 2001, but before December 1, 2009, and who meets the provisions of subdivisions (b)(1)-(4) of this section but who has not completed the core curriculum defined in this subdivision (b)(5)(A) by the end of the senior year of high school due to the unavailability of the courses in the applicant's high school shall have a grace period of twelve (12) months from the date of high school graduation in which to make up any course deficiencies required for program eligibility.

(B) An applicant who graduates from an Arkansas high school after December 31, 2009, shall have:

(i) Successfully completed the Smart Core Curriculum as established by the Department of Education; and

(ii) (a) Demonstrated proficiency in the application of knowledge and skills in reading and writing literacy and mathematics by passing the end-of-course examinations as may be developed by the Department of Education and as may be designated by the Department of Higher Education for this purpose.

(b) "End-of-course" examinations means those examinations defined in § 6-15-419;

(6) (A) The applicant who graduates from an Arkansas high school after December 31, 2001, must have achieved the following:

(i) A grade point average of 3.0 on a 4.0 scale in the set of core curriculum courses if enrolling at an approved four-year institution; or

(ii) A grade point average of 2.75 on a 4.0 scale in the set of core curriculum courses if enrolling at an approved two-year institution; and

(iii) (a) These revised grade point average requirements may be reduced to no lower than a 2.5 on a 4.0 scale by a rules change by the Department of Higher Education if it is determined by the department, based on the most recent evaluation of the program's operation, that the change to a 3.0 or 2.75 grade point average on a 4.0 scale would unduly reduce the number of low-income or disadvantaged students who would otherwise be eligible for the program.

(b) At the Department of Higher Education's discretion, the Department of Higher Education may make such a reduction for admissions to institutions with a high percentage of students receiving full Pell Grants upon petition to the Department of Higher Education by the institution.

(B) The applicant scored nineteen (19) or above on the American College Test composite or the equivalent as defined by the Department of Higher Education.

(C) (i) The Department of Higher Education is authorized to develop selection criteria through program rules and regulations that combine an applicant's American College Test or equivalent score and grade point average in the core curriculum into a selection index.

(ii) Notwithstanding the provisions of subdivisions (b)(6)(A) and (b)(6)(B) of this section, this selection index shall be employed as an alternative selection process for applicants who achieve a grade point average above 2.75 if attending an approved two-year institution or 3.0 if attending a four-year institution on a 4.0 scale in the set of core curriculum courses defined in subdivision (b)(5)(A) of this section or for applicants who have an American College Test composite or equivalent score greater than nineteen (19).

(D) (i) The applicant demonstrates financial need as defined by the department.

(ii) In calculating financial need for applicants who graduate from an Arkansas high school after December 31, 1998, but before January 1, 2001, the following criteria shall be used:

(a) An applicant whose family includes one (1) unemancipated child shall have average family adjusted gross income over the previous two (2) years not exceeding seventy thousand dollars (\$70,000) per year at the time of application to the program;

(b) An applicant whose family includes two (2) unemancipated children shall have average family adjusted gross income over the

previous two (2) years not exceeding seventy-five thousand dollars (\$75,000) per year at the time of application to the program;

(c) An applicant whose family includes three (3) or more unemancipated children shall have average family adjusted gross income over the previous two (2) years not exceeding eighty thousand dollars (\$80,000) per year at the time of application to the program, plus for families with more than three (3) unemancipated children, an additional five thousand dollars (\$5,000) per year for each additional child;

(d) Any applicant whose family includes more than one (1) unemancipated child enrolled full time at an approved institution of higher education shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted gross income for each additional child when the department calculates financial need; and

(e) If the applicant is an adopted child who was at least twelve (12) years of age at the time of adoption and if the applicant's family includes unemancipated adopted children who were at least twelve (12) years of age at the time of adoption, the adoptive family shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted gross income per adopted unemancipated child.

(iii) In calculating financial need for applicants who graduated from an Arkansas high school after December 31, 2000, but before December 31, 2004, the following criteria shall be used:

(a) An applicant whose family includes one (1) unemancipated child shall have average family adjusted gross income over the previous two (2) years not exceeding fifty thousand dollars (\$50,000) per year at the time of application to the program;

(b) An applicant whose family includes two (2) unemancipated children shall have average family adjusted gross income over the previous two (2) years not exceeding fifty-five thousand dollars (\$55,000) per year at the time of application to the program;

(c) An applicant whose family includes three (3) or more unemancipated children shall have average family adjusted gross income over the previous two (2) years not exceeding sixty thousand dollars (\$60,000) per year at the time of application to the program, plus for families with more than three (3) unemancipated children an additional five thousand dollars (\$5,000) per year for each additional child; and

(d) Any applicant whose family includes more than one (1) unemancipated child enrolled full time at an approved institution of higher education shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted gross income for each additional unemancipated child enrolled full time at an approved institution of higher education when the Department of Higher Education calculates financial need.

(iv) In calculating financial need for applicants who graduate from an Arkansas high school after December 31, 2006, a Free Application for Federal Student Aid or a subsequent application required by the United States Department of Education for federal financial aid shall be filed by the applicant or other proof of family income as defined by the Department of Higher Education. The following criteria shall be used:

(a) An applicant whose family includes one (1) unemancipated child shall have an average family adjusted gross income over the

previous two (2) years not exceeding sixty-five thousand dollars (\$65,000) per year at the time of application to the program;

(b) An applicant whose family includes two (2) unemancipated children shall have an average family adjusted gross income over the previous two (2) years not exceeding seventy thousand dollars (\$70,000) per year at the time of application to the program;

(c) An applicant whose family includes three (3) or more unemancipated children shall have an average family adjusted gross income over the previous two (2) years not exceeding seventy-five thousand dollars (\$75,000) per year at the time of application to the program, plus for families with more than three (3) unemancipated children, an additional five thousand dollars (\$5,000) per year for each additional child; and

(d) Any applicant whose family includes more than one (1) unemancipated child enrolled full time at an approved institution of higher education shall be entitled to an additional ten thousand dollars (\$10,000) of adjusted gross income for each additional unemancipated child enrolled full time at an approved institution of higher education when the Department of Higher Education calculates financial need.

(c) (1) The Arkansas Higher Education Coordinating Board shall have the authority to increase these financial need family income limitations if sufficient additional funds become available.

(2) Financial need criteria necessary for the selection of recipients, including those defined as emancipated or independent by federal student aid regulations, shall be established through rules and regulations issued by the department.

(d) Recipients of Arkansas Governor's Distinguished Scholarships are prohibited from receiving Arkansas Academic Challenge Scholarships.

(e) As an additional component to the Arkansas Academic Challenge Scholarship:

(1) Each applicant for the scholarship shall agree that for each year the scholarship is awarded he or she may volunteer to serve as a literacy tutor for a minimum of twenty (20) clock hours each semester in a public school or a faith-based educational institution serving students in prekindergarten through grade six (PreK-6);

(2) A recipient who agrees to volunteer as a literacy tutor:

(A) Shall complete the prerequisite training in literacy and college readiness skills provided under § 6-82-1006(d) before he or she begins tutoring; and

(B) May receive college credit for the tutoring as determined by the institution of higher education awarding the scholarship; and

(3) An enrolled college student who participates in the tutorial program and fails to meet the Arkansas Academic Challenge Scholarship academic eligibility requirement for the fall or spring semester shall be given the probationary opportunity during the subsequent spring or summer term to continue his or her education and improve academic performance prior to losing scholarship funding in the subsequent semester.

History. Acts 1991, No. 352, § 4; 1991, No. 362, § 4; 1991, No. 733, §§ 1, 2; 1992 (1st Ex. Sess.), No. 47, §§ 2, 3; 1993, No. 1170, § 3; 1993, No. 1244, §§ 1, 2; 1995, No. 1296, § 38; 1997, No. 977, § 5; 1999, No. 858, §§ 4-9; 2001, No. 1836, § 3; 2005, No. 2011, §§ 2, 3; 2005, No. 2197, § 3; 2005, No. 2214, §§ 2, 3; 2007, No. 341, § 2; No. 840, § 1.

A.C.R.C. Notes. Pursuant to § 1-2-207 this section is set out above as amended by Acts 1993, No. 1170, § 3 and No. 1244, §§ 1 and 2. Acts 1993, No. 720, § 1 also amended this section, in

part, by adding a subsection (f) which read:

“Students who meet the provisions of subdivisions (b)(1)(A)-(C) and who have completed the technical preparation core curriculum as established by § 6-18-101(c)(2) [now § 6-18-101 (b)(2)], but have not completed courses equivalent to those in the precollegiate core curriculum defined in subdivision (b)(1)(E), shall be eligible to receive scholarship funds for one (1) semester to remove the course deficiencies. Failure by the student to remove these deficiencies by the end of the semester shall result in the student forfeiting any future eligibility for the Academic Challenge Scholarship Program. The provisions of this subsection shall remain in effect until the end of the 1996-97 academic year.”

Acts 2007, No. 341, § 1, provided:

“PURPOSE AND FINDINGS.

“(a) The purpose of this act is to prevent or minimize the continued early reading failure of Arkansas children and to reduce the long-term effect of inadequate literacy skills on the performance of Arkansas children as a group and on their economic future.

“(b) The General Assembly finds that:

“(1) Available well-trained tutors can help improve literacy skills in young students, create a more favorable atmosphere for learning, provide more time on task, increase opportunities to read, provide immediate, positive and corrective feedback to help the young student stay on track, and help close achievement gaps early; and

“(2) Creating a literacy skills component to the Arkansas Academic Challenge Scholarship Program will help advance academic performance in both the Arkansas Academic Challenge scholar and the younger student who receives tutoring from the scholar.”

Publisher's Notes. Acts 1992 (1st Ex. Sess.), No. 47, § 1, provided:

“The General Assembly hereby recognizes the importance of providing scholarship assistance to the children of middle class Arkansas families, particularly for those who meet the academic requirements of the Arkansas Academic Challenge Scholarship Program, a guaranteed college scholarship plan to promote academic achievement and encourage academically prepared Arkansas high school graduates to enroll in the state's colleges and universities which was created by the 1991 General Assembly.”

Amendments. The 1999 amendment substituted “within twelve (12) months” for “within twenty-four (24) months” in (b)(1)(A), (b)(1)(D) and (e); substituted “Arkansas Higher Education Coordinating Board” for “State Board of Higher Education” in (b)(1)(E) and (f); substituted “§ 6-61-217” for “§§ 6-61-111, 6-61-217, and 6-61-218” in (b)(1)(E); rewrote (b)(3); and made stylistic changes.

The 2001 amendment rewrote this section.

The 2005 amendment by identical acts No. 2011 and 2214, in (b)(6)(D)(iii), substituted “graduated” for “graduate” and inserted “but before December 31, 2004”; substituted “unemancipated child enrolled full time at an approved institution of higher education” for “child” in (b)(6)(D)(iii)(d); and added (b)(6)(D)(iv).

The 2005 amendment by No. 2197 inserted “but before December 1, 2009” in (b)(5)(A)(ii); and rewrote (b)(5)(B).

The 2007 amendment by No. 341 added (e).

The 2007 amendment by No. 840, in (b)(6)(D)(iv), substituted “December 31, 2006” for “December 31, 2004” in the introductory paragraph, substituted “sixty-five thousand dollars (\$65,000)” for “sixty thousand dollars (\$60,000)” in (a), substituted “seventy thousand dollars (\$70,000)” for “sixty-five thousand dollars (\$65,000)” in (b), substituted “seventy-five thousand dollars (\$70,000)” for “seventy thousand dollars (\$70,000)” in (c), and made a stylistic change.

6-82-1006. Duration — Amount.

(a) A recipient who graduated from high school before January 1, 2001, shall receive a scholarship for one (1) academic year renewable for up to three (3) additional academic years if the recipient meets continuing eligibility criteria established by the Department of Higher Education and if sufficient funds are available for that purpose.

(b) A recipient who graduated from high school after December 31, 2000, shall receive a

scholarship for one (1) academic year renewable for up to three (3) additional academic years if the recipient meets the following continuing eligibility criteria:

(1) The recipient earns a cumulative grade point average of 2.75 or above on a 4.0 scale at an approved institution;

(2) The recipient has completed a total of at least twenty-seven (27) hours during the first full academic year and a total of at least thirty (30) hours per academic year thereafter; and

(3) The recipient meets any other continuing eligibility criteria established by the department.

(c) (1) For recipients who graduated from high school between January 1, 1995, and December 31, 1996, the amount of the annual scholarship awarded to each recipient shall be the lesser of one thousand five hundred dollars (\$1,500) or the annual tuition charged by the approved institution in which the recipient is enrolled.

(2) For recipients who graduated from high school between January 1, 1997, and December 31, 1998, the amount of the annual scholarship awarded to each recipient shall be the lesser of two thousand five hundred dollars (\$2,500) or the annual tuition charged by the approved institution in which the recipient is enrolled.

(3) For recipients who graduated from high school after December 31, 1998, the amount of the annual scholarship awarded to each recipient shall be two thousand five hundred dollars (\$2,500).

(4) Beginning with awards made for the 2005-2006 academic year for recipients who graduated from high school after December 31, 2001, the amount of the annual scholarship awarded to each recipient shall be graduated as follows:

(A) A recipient in his or her freshman year shall be awarded an amount not to exceed two thousand five hundred dollars (\$2,500);

(B) A recipient in his or her sophomore year shall be awarded an amount not to exceed two thousand seven hundred fifty dollars (\$2,750);

(C) A recipient in his or her junior year shall be awarded an amount not to exceed three thousand dollars (\$3,000); and

(D) A recipient in his or her senior year shall be awarded an amount not to exceed three thousand five hundred dollars (\$3,500).

(d) (1) A recipient who agrees to volunteer as a literacy tutor under § 6-82-1005(e) shall receive the prerequisite training in literacy and college readiness from an accredited Arkansas institution of higher education.

(2) The Department of Education shall develop the training modules for the prerequisite literacy training.

History. Acts 1991, No. 352, § 5; 1991, No. 362, § 5; 1995, No. 188, §§ 1, 2; 1995, No. 228, §§ 1, 2; 1997, No. 488, § 1; 1999, No. 858, §§ 10, 13; 2001, No. 1553, § 16; 2001, No. 1836, § 4; 2003, No. 1798, § 2; 2005, No. 2011, § 4; 2005, No. 2214, § 4; 2007, No. 274, § 3; No. 341, § 3.

A.C.R.C. Notes. As amended by identical Acts 1995, Nos. 188 and 228, subdivision (c)(1) began: "Beginning with new recipients in the 1995-1996 academic year."

Acts 2007, No. 341, § 1, provided:

"PURPOSE AND FINDINGS.

"(a) The purpose of this act is to prevent or minimize the continued early reading failure of Arkansas children and to reduce the long-term effect of inadequate literacy skills on the performance of Arkansas children as a group and on their economic future.

“(b) The General Assembly finds that:

“(1) Available well-trained tutors can help improve literacy skills in young students, create a more favorable atmosphere for learning, provide more time on task, increase opportunities to read, provide immediate, positive and corrective feedback to help the young student stay on track, and help close achievement gaps early; and

“(2) Creating a literacy skills component to the Arkansas Academic Challenge Scholarship Program will help advance academic performance in both the Arkansas Academic Challenge scholar and the younger student who receives tutoring from the scholar.”

Amendments. The 1999 amendment rewrote (b) and (c); deleted the last sentence in (d); and made stylistic changes.

The 2001 amendment by No. 1553 inserted “on a 4.0 scale” in (b)(3)(A)-(C).

The 2001 amendment by No. 1836 rewrote this section.

The 2003 amendment deleted “new” preceding “recipients” in (c)(3); and added (c)(4).

The 2005 amendment by identical acts Nos. 2011 and 2214 inserted “Beginning with awards made for the 2005-2006 academic year” in (c)(4); substituted “two thousand five hundred dollars (\$2,500)” for “two thousand dollars (\$2,000)” in (c)(4)(A); substituted “two thousand seven hundred fifty dollars (\$2,750)” for “two thousand two hundred fifty dollars (\$2,250)” in (c)(4)(B); substituted “three thousand dollars (\$3,000)” for “two thousand five hundred dollars (\$2,500)” in (c)(4)(C); and substituted “three thousand five hundred dollars (\$3,500)” for “three thousand dollars (\$3,000)” in (c)(4)(D).

The 2007 amendment by No. 274 deleted former (b)(3), redesignated former (b)(4) as present (b)(3) and made a related change.

The 2007 amendment by No. 341 added (d).

6-82-1007. Nursing school eligibility.

(a) (1) The General Assembly recognizes that the State of Arkansas is experiencing a critical shortage of nurses; and

(2) It is the intent of this section to allow the Department of Higher Education the opportunity to include associate degree granting and diploma schools of nursing in the Arkansas Academic Challenge Scholarship Program under specific circumstances.

(b) The department shall make awards to applicants attending either an associate degree or diploma school preparing registered nurses that is approved by the Arkansas State Board of Nursing and which would not otherwise be an approved institution of higher education if:

(1) The applicant has qualified for an Arkansas Academic Challenge Scholarship and is simultaneously enrolled in an approved two-year college or a four-year college or university prior to or at the time of entry into the nursing school and the applicant then transfers the scholarship to an approved school of nursing after completing the two-year requirements as set forth by the department's rules and regulations;

(2) The nursing school has been approved by the Arkansas State Board of Nursing and is specifically recognized by the department as a school of nursing eligible to participate in the Arkansas Academic Challenge Scholarship Program; and

(3) The recipient meets continuing eligibility requirements in § 6-82-1006.

(c) The scholarships awarded to recipients under this section shall be subject to § 6-18-1004(g).

(d) The Arkansas Higher Education Coordinating Board and the department shall promulgate regulations necessary for the implementation of this section.

History. Acts 2001, No. 1664, § 2.

6-82-1008. Awards not funded.

(a) (1) Any applicant who graduated after December 31, 2001, who was eligible to receive an academic challenge award but did not receive the award because of insufficient funding in the program may be eligible to receive an award to begin in a year other than the freshman year.

(2) Any student enrolled in an institution of higher education must have achieved at least a 2.0 cumulative grade point average to be eligible for a deferred award.

(b) The Arkansas Higher Education Coordinating Board and the Department of Higher Education shall promulgate regulations necessary for the implementation of this section.

(c) Any award made under this section shall have funding priority as follows:

(1) Awards shall be made first to individuals who made application prior to the original deadline during the individual's senior year in high school, received an award letter from the department but did not receive an award because of insufficient funding, and are now eligible under this section;

(2) Awards shall be made, second, to the current-year high school graduates who are for the first time eligible to receive an Arkansas Academic Challenge Award; and

(3) If sufficient funds are available after funding awards under subdivisions (c)(1) and (c)(2) of this section, awards may be made to individuals who did not apply during their senior year in high school but would have been eligible if the individuals had applied prior to that year's deadline and who are now eligible under this section.

History. Acts 2003, No. 1798, § 3.

6-82-1009. Priority for teaching commitment.

(a) During times of funding shortages under the Arkansas Academic Challenge Scholarship Program, the Department of Higher Education shall give a priority to awards to applicants meeting all eligibility requirements under the program who agree to accept a forgivable loan, as set forth in this section in lieu of a scholarship, and who agree to:

(1) Teach, as required under § 6-82-1010, in a subject matter area designated by the Department of Education as having a critical shortage of teachers; or

(2) Teach, as required under § 6-82-1010, in a geographical area of the state designated by the Department of Education as having a critical shortage of teachers.

(b) The Department of Higher Education shall make awards under this subchapter as follows:

(1) First, to applicants who agree to the provisions of § 6-82-1009; and

(2) Second, to applicants eligible under § 6-82-1005(b).

(c) Forgivable loans awarded under this section shall be paid from appropriations to the program.

History. Acts 2003, No. 1798, § 4.

6-82-1010. Teaching requirements.

(a) (1) At the beginning of the first school year in which a recipient of a forgivable loan under § 6-82-1009 is eligible for employment as a licensed teacher, that recipient shall begin to render service as a licensed teacher in a public school district in the state:

(A) In a subject matter area designated by the Department of Education as having a critical shortage of teachers if the recipient's award was made under § 6-82-1009(a)(1); or

(B) In a geographical area of the state designated by the Department of

Education as having a critical shortage of teachers if the recipient's award was made under § 6-82-1009(a)(2).

(2) (A) Any recipient receiving a forgivable loan under § 6-82-1009 who received four (4) annual awards, or the equivalent of four (4) annual awards, shall render four (4) years' service as a licensed teacher.

(B) Any person who received a forgivable loan under § 6-82-1009 in an amount less than four (4) annual awards, or the equivalent of four (4) annual awards, shall render one (1) year's service as a licensed teacher for each year that the person received a full-time student forgivable loan or for the number of academic hours equivalent to one (1) school year, as determined by the Department of Higher Education, for which a part-time student received a forgivable loan.

(b) Any person receiving a forgivable loan shall execute a note made payable to the Department of Higher Education for an amount equal to the scholarship award each semester that shall bear interest at a rate to be determined by the Department of Higher Education and set forth in the note after completion of the program or immediately after termination of the forgivable loan, whichever is earlier.

(c) Any person failing to complete a program of study which will enable the person to become a licensed teacher shall begin repaying the note according to the terms of the note for the sum of all forgivable loan awards made to that person less the corresponding amount of any awards for which service has been rendered.

(d) (1) (A) Except as provided in subdivision (d)(1)(B) of this section, any person failing to complete the teaching obligation as required by this subchapter shall become immediately liable to the Department of Higher Education for the sum of all forgivable loan awards made to that person less the corresponding amount of any awards for which service has been rendered according to the note's terms.

(B) The Department of Higher Education may defer payment on the note if an employment position is not immediately available upon a teacher's completion of licensure requirements or for other just cause as determined by the Department of Education.

(C) After the period of deferral, the person shall begin or resume teaching duties as required under this section or shall become liable to the Department of Higher Education under this section.

(e) If a claim for payment under this section is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(f) The obligations made by the recipient of a forgivable loan under § 6-82-1009 and this section shall not be voidable by reason of the age of the student at the time of receiving the forgivable loan award.

History. Acts 2003, No. 1798, § 5.

6-82-1011. End-of-course assessment requirements.

The Department of Higher Education may recognize a sub-score of nineteen (19) or higher in the applicable subject area on the American College Test as meeting the requirements for passing end-of-course examinations under the Arkansas Academic Challenge Scholarship Program and the Arkansas Governor's Scholars Program for a student who:

- (1) Has not had an opportunity to take an end-of-course examination;
- (2) Has not passed the end-of-course examination; or
- (3) Is attending a private school or home school.

History. Acts 2005, No. 2197, § 4.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-82-1001 — 6-82-1010 may not apply to this section, which was enacted subsequently.

Subchapter 11 **— Second Effort Scholarship Program**

6-82-1101. Creation — Purpose.

6-82-1102. Definitions.

6-82-1103. Eligibility — Number of scholarships.

6-82-1104. Amount and duration of scholarship — Funding.

6-82-1105. Rules and regulations — Review — Certified list.

Publisher's Notes. Acts 1991, No. 705, § 6, provided:

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

A.C.R.C. Notes. References to “this chapter” in subchapters 1-6 and 16 may not apply to this subchapter which was enacted subsequently.

6-82-1101. Creation — Purpose.

The General Assembly hereby recognizes the importance to Arkansas of the General Educational Development Program for Arkansans desiring to complete the high school degree and go on to postsecondary education. Arkansas students who complete the General Educational Development Program and pass the General Educational Development Test are commended for their initiative and persistence. Those who succeed in this endeavor should also be encouraged to enroll in a postsecondary education program. To that end, there is hereby established the Second Effort Scholarship Program to reward the top ten (10) scorers each year on the General Educational Development Test with a scholarship to an Arkansas postsecondary school or college.

History. Acts 1991, No. 705, § 1; 1991, No. 717, § 1.

6-82-1102. Definitions.

For purposes of this subchapter, the following terms shall be defined as indicated:

(1) “Approved institution” means any public or private school or college or any public postsecondary vocational and technical school located in Arkansas which awards postsecondary certificates, degrees, or diplomas. Further, such institution shall not discriminate against applicants, students, or employees on the basis of race, color, religion, sex, age, disability, or national origin, consistent with the provisions of applicable state and federal law;

(2) “Undergraduate student” means a resident of Arkansas who attends a postsecondary school or college and is enrolled for at least three (3) credit hours per semester or the equivalent, as defined by the Department of Higher Education, in a program of study which leads to a postsecondary certificate, degree, or diploma;

(3) “Eligible student” means any student who meets the criteria set out in this subchapter and is deemed to be eligible by rules and regulations authorized by this subchapter and promulgated by the Department of Higher Education;

(4) (A) “Tuition” means charges levied for attendance at an eligible institution.

(B) For purposes of this subchapter, tuition charges shall not include any fees charged or used for student activities, including any student athletic fee.

History. Acts 1991, No. 705, § 2; 1991, No. 717, § 2; 1995, No. 259, § 1; 1995, No. 262, § 1; 1997, No. 208, § 5.

A.C.R.C. Notes. Acts 1997, No. 208, § 1, codified as § 22-4-408, provided:

“Legislative intent and purpose. The General Assembly hereby acknowledges that many of the laws relating to individuals with disabilities are antiquated, functionally outmoded, derogatory, ambiguous or are inconsistent with more recently enacted provisions of the law. Consequently, it is the intent of the General Assembly and the purpose of this act to clarify the relevant chapters of Titles 1, 6, 9, 13, 14, 16, 17, 20, 22, 23, and 27 of the Arkansas Code Annotated of 1987.”

6-82-1103. Eligibility — Number of scholarships.

(a) Eligibility for the Second Effort Scholarship Program shall be based on the criteria set forth in this section as well as program rules and regulations adopted pursuant to this subchapter by the Department of Higher Education.

(b) A student shall be eligible for an award from this program if he or she meets all of these criteria:

(1) The recipient shall be at least eighteen (18) years of age or a former member of a high school class which has graduated;

(2) The recipient shall have been a resident of the State of Arkansas for at least twelve (12) months prior to successful completion of the General Educational Development Test;

(3) The recipient must be a citizen of the United States or be a permanent resident alien;

(4) The recipient must be accepted for admission at an approved postsecondary school or college as a freshman, as defined by the Department of Higher Education, and must enroll in an approved institution within eighteen (18) months following passage of the General Educational Development Test;

(5) The recipient must have passed the General Educational Development Test in the calendar year prior to application for the scholarship; and

(6) (A) The recipient must have scored in the top ten (10) of all Arkansans who took the General Educational Development Test in the calendar year prior to application for the scholarship, beginning with test-takers in 1991, as certified to the Department of Higher Education by the Adult Education Section of the Department of Workforce Education.

(B) Provided, however, that the Department of Higher Education is authorized to award a General Educational Development scholarship to an otherwise eligible student who scored in the top twenty-five (25) on the previous calendar year's

General Educational Development Test if all test-takers scoring above the applicant on the General Educational Development Test:

- (i) Have either received a scholarship;
- (ii) Have not applied by the application deadline; or
- (iii) Are otherwise ineligible to receive a scholarship.

(c) In no case, however, shall the Department of Higher Education award more than ten (10) scholarships per year.

History. Acts 1991, No. 705, § 3; 1991, No. 717, § 3; 1995, No. 259, § 2; 1995, No. 262, § 2; 1999, No. 1323, § 45.

Amendments. The 1999 amendment substituted "Adult Education Section of the Department of Workforce Education" for "Office of Adult Education" in (b)(6)(A).

6-82-1104. Amount and duration of scholarship — Funding.

(a) Each recipient shall receive a scholarship for one (1) academic year or its equivalent for part-time students, as defined by the Department of Higher Education. The scholarship shall be renewable for up to three (3) academic years, or their equivalent for part-time students, if the recipient meets continuing eligibility criteria established by the department.

(b) (1) The amount of the annual scholarship shall be the lesser of one thousand dollars (\$1,000) or the annual tuition charged by the approved institution in which the recipient is enrolled.

(2) For part-time students who are recipients, the amount of the annual scholarship shall be prorated on the basis of the number of credit hours enrolled each term such that the recipient receives the maximum equivalent of two hundred fifty dollars (\$250) per three (3) credit hours each term up to a maximum of one thousand dollars (\$1,000).

(3) Tuition shall mean the charges defined in § 6-82-1102(4).

(c) Scholarships shall be awarded to eligible recipients contingent on the appropriation of funds for this purpose to the department.

History. Acts 1991, No. 705, § 4; 1991, No. 717, § 4; 1995, No. 259, § 3; 1995, No. 262, § 3.

6-82-1105. Rules and regulations — Review — Certified list.

(a) The Department of Higher Education is authorized by this subchapter to develop and promulgate rules and regulations for the administration of this program, consistent with the purposes and requirements of this subchapter.

(b) The rules and regulations shall include:

- (1) Student eligibility criteria based on the provisions of this subchapter;
- (2) The method for selecting scholarship recipients;
- (3) Rules for determining continuing eligibility;
- (4) Procedures for making payment to recipients; and
- (5) Such other administrative procedures which may be necessary for the

implementation and operation of the program.

(c) The Director of the Department of Higher Education is authorized to review and evaluate the operation of the program to ensure that the program's operation meets the

intent of this legislation.

(d) Beginning in 1992, the Adult Education Section of the Department of Workforce Education is directed to provide to the Department of Higher Education by February 1 each year a certified list of the twenty-five (25) top scorers on the General Educational Development Test administered in the previous calendar year.

History. Acts 1991, No. 705, § 5; 1991, No. 717, § 5; 1999, No. 1323, § 46.

Amendments. The 1999 amendment substituted “Adult Education Section of the Department of Workforce Education” for “Office of Adult Education” in (d); and made minor punctuation changes.

Subchapter 12

— Law Enforcement Officers

6-82-1201. Purpose.

6-82-1202. Arkansas Police Corps Planning Commission.

6-82-1203. [Repealed.]

6-82-1204. Administration.

6-82-1205. Purpose.

6-82-1206. Administration of the Arkansas Police Corps Program.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-81-1201 to 6-81-1204 may not apply to §§ 6-81-1205 and 6-81-1206, which were enacted subsequently.

References to “this chapter” in subchapters 1-6 and 16 may not apply to this subchapter which was enacted subsequently.

Effective Dates. Acts 1997, No. 1203, § 8: Apr. 8, 1997. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Arkansas Police Corps Program and Police Corps Scholarship Program, which are operated in large part under federal grants, do not conform with federal requirements and that failure to take immediate appropriate action could work irreparable harm upon the proper administration and provision of these programs. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 2003, No. 1296, § 3: Apr. 14, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is necessary to designate a lead agency for purposes of obtaining federally funded scholarships under the Arkansas Police Corps Program; that this act establishes the lead agency; and that this act should go into effect immediately in order to be eligible for the federal funds as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-82-1201. Purpose.

It is the purpose of this subchapter to establish the Arkansas Police Corps Planning Commission for the purpose of undertaking the necessary planning and other actions required to enable Arkansas to participate in the federal police corps program.

History. Acts 1991, No. 875, § 1; 1997, No. 1203, § 1; 2001, No. 1692, § 11.

Amendments. The 2001 amendment deleted (1); substituted “to establish the Arkansas Police Corps Planning Commission” for former (2), which read: “To establish the Arkansas Police Corps Program, including the creation of a commission authorized to promulgate the necessary rules and regulations to implement a police corps program in Arkansas”; deleted (3); redesignated former (4) as part of the introductory language; and substituted “for the purpose of undertaking” for “To undertake” in the introductory language.

6-82-1202. Arkansas Police Corps Planning Commission.

- (a) There is hereby established the Arkansas Police Corps Planning Commission.
- (b) The commission shall be appointed by the Governor and shall have eleven (11) members:
- (1) The Director of the Department of Higher Education;
 - (2) The Director of the Department of Arkansas State Police;
 - (3) The Director of the Arkansas Law Enforcement Training Academy;
 - (4) A representative of the Arkansas Municipal Police Association;
 - (5) A representative of the Arkansas Sheriffs Association;
 - (6) A representative of the Arkansas Police Chiefs Association;
 - (7) Two (2) faculty members or administrators from institutions of higher education with accredited criminal justice programs;
 - (8) Two (2) higher education financial aid administrators; and
 - (9) One (1) active certified law enforcement officer.
- (c) (1) The Director of the Criminal Justice Institute or the director's designee shall serve as an ex officio member and as chair of the commission.
- (2) The commission shall meet at the call of the chair.
- (d) Should the federal government create a national police corps program, the commission shall be the entity designated to administer the state's participation in the federal program.

History. Acts 1991, No. 875, § 2; 1993, No. 315, § 1; 1997, No. 1203, § 2; 1999, No. 1223, § 1; 2001, No. 1692, § 11.

A.C.R.C. Notes. As enacted, (b) provided that the commission be appointed by the Governor effective July 1, 1991.

As originally amended by Acts 1993, No. 315, § 1, subsection (c) also provided, in part, that the state implementation plan shall be based on results of a survey of Arkansas law enforcement agencies, to be completed by January 1, 1992, regarding projected manpower needs over a five-year period, and that the plan's rules and regulations are to be promulgated by the commission no later than January 1, 1992.”

As originally amended by Acts 1993, No. 315, § 1, this section also provided, in part, that: “Based on available funding, a minimum of fifty (50) Police Corps Scholarships shall be awarded no later than June 30, 1993, for part-time study at an approved Arkansas institution of higher education.”

Amendments. The 1999 amendment inserted “or the director's designee” in (c); added (c)(2); and made stylistic changes.

The 2001 amendment substituted “chair” for “chairman” in (c); and deleted (d)-(f) and redesignated the remaining subsection accordingly.

6-82-1203. [Repealed.]

Publisher's Notes. This section, concerning the awarding of scholarships, was repealed by Acts

2001, No. 1692, § 11. The section was derived from Acts 1991, No. 875, § 3; 1993, No. 315, § 2; 1997, No. 1203, § 3.

6-82-1204. Administration.

(a) The Arkansas Police Corps Planning Commission is hereby designated as the state agency responsible for implementing any federal law enforcement scholarship program which may be established.

(b) The commission shall have authority to promulgate rules and regulations necessary for the administration and operation of any such program in the State of Arkansas.

History. Acts 1991, No. 875, § 4; 2001, No. 1692, § 11.

Publisher's Notes. The provisions of this section may be affected by § 6-82-1206.

Amendments. The 2001 amendment deleted (a) and redesignated the remaining subsections accordingly; and substituted "Arkansas Police Corps Planning Commission" for "commission" in present (a).

6-82-1205. Purpose.

The purpose of this section and § 6-82-1206 is to establish the lead agency and its authority over the Arkansas Police Corps Program, a federally funded scholarship program designed to employ college-educated police officers in local and state law enforcement agencies and to foster the development and growth of community policing efforts throughout Arkansas.

History. Acts 2003, No. 1296, § 1.

A.C.R.C. Notes. References to "this subchapter" in §§ 6-82-1201 — 6-82-1204 may not apply to this section, which was enacted subsequently.

6-82-1206. Administration of the Arkansas Police Corps Program.

(a) The Department of Criminal Justice at the University of Arkansas at Little Rock is designated as the state lead agency responsible for implementing any federal scholarships or training programs that fall under the umbrella of the Police Corps Act, Title XX, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14091-14102.

(b) The department may promulgate rules and regulations necessary for the administration and operation of any such programs in the State of Arkansas, including the creation of the Police Corps Advisory Group, which shall:

(1) Serve as the body to review policies imposed by the federal government and the rules and regulations developed by the department for the Arkansas Police Corps Program;

(2) Serve as the selection committee for program participants;

(3) Serve as the body to establish eligibility requirements for the program, within the parameters set by the federal government;

(4) Serve as the body to establish the participant removal procedures for the program;

(5) Serve as the appeals committee for the program, should a training participant be removed for any reason; and

(6) Perform all other duties as needed.

(c) The chair of the department, who serves as the Director of the Arkansas Police Corps Program, or the director's designee shall serve as an ex officio member and as chair of the advisory group.

(d) Neither the director nor the director's designee shall sit on any appeals panel in cases involving removal of participants from the program.

(e) The advisory group shall meet at the call of the chair.

History. Acts 2003, No. 1296, § 2.

A.C.R.C. Notes. References to “this subchapter” in §§ 6-82-1201 — 6-82-1204 may not apply to this section, which was enacted subsequently.

Subchapter 13 — **Delta Region Scholarship Program**

6-82-1301 — 6-82-1303. [Repealed.]

6-82-1301 — 6-82-1303. [Repealed.]

Publisher's Notes. This subchapter, concerning the Delta Region Scholarship Program, was repealed by Acts 2001, No. 1692, § 9. The subchapter was derived from the following sources:

6-82-1301. Acts 1995, No. 1237, § 1.

6-82-1302. Acts 1995, No. 1237, § 2.

6-82-1303. Acts 1995, No. 1237, § 3.

Subchapter 14 — **Honors College Scholarship Program**

6-82-1401 — 6-82-1403. [Repealed.]

6-82-1401 — 6-82-1403. [Repealed.]

Publisher's Notes. This subchapter, concerning the Honors College Scholarship Program, was repealed by Acts 2001, No. 1692, § 10. The subchapter was derived from the following sources:

6-82-1401. Acts 1995, No. 1238, § 1.

6-82-1402. Acts 1995, No. 1238, § 2.

6-82-1403. Acts 1995, No. 1238, § 3.

Subchapter 15 — **Arkansas Geographical Critical Needs Minority Teacher Scholarship Program**

6-82-1501. Title.

6-82-1502. Program established — Purpose.

6-82-1503. Eligibility for scholarship — Amount.

6-82-1504. Service requirement for scholarship recipients.

6-82-1505. Rules and regulations — Administration — Report.

6-82-1506. Committee.

A.C.R.C. Notes. References to “this chapter” in subchapters 1-6 and 16 may not apply to this

subchapter which was enacted subsequently.

6-82-1501. Title.

This subchapter shall be known and may be cited as the “Arkansas Geographical Critical Needs Minority Teacher Scholarship Program Act of 2001”.

History. Acts 2001, No. 1731, § 1.

6-82-1502. Program established — Purpose.

(a) There is established the Critical Needs Minority Teacher Scholarship Program.

(b) The purpose of the program is to attract qualified minority teachers to the Delta and those geographical areas of the state where there exists a critical shortage of teachers by awarding scholarships to minorities declaring an intention to serve in the teaching field who actually render service to this state while possessing an appropriate teaching license.

History. Acts 2001, No. 1731, § 2; 2003, No. 1746, § 1.

Amendments. The 2003 amendment substituted “the” for “this” following “geographical areas of” and deleted “full” preceding “scholarships” in (b).

6-82-1503. Eligibility for scholarship — Amount.

(a) (1) The term “minority” when used in this subchapter shall refer to Black Americans, Hispanic Americans, Asian Americans, and Native Americans.

(2) The Native American group includes all persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

(b) Any individual who is a minority and who is enrolled in or accepted for enrollment at a baccalaureate degree-granting institution of higher learning whose teacher education program is approved by the State Board of Education or at an accredited state-supported community college in the State of Arkansas who expresses in writing an intention to teach in a geographical area of the state in which there exists a critical shortage of teachers, as designated by the board, shall be eligible for a financial Critical Needs Minority Teacher Scholarship to be applied toward the costs of the individual's college education, if:

(1) The applicant has a grade point average of 2.5 on a 4.0 scale in high school if the applicant graduated within the five (5) preceding years; and

(2) The applicant scored nineteen (19) or above on the American College Test composite or the equivalent as defined by the University of Arkansas at Pine Bluff.

(c) (1) The university is authorized to develop selection criteria through program rules and regulations which combine an applicant's American College Test or equivalent score and grade point average in the core curriculum into a selection index.

(2) Notwithstanding the provisions of subdivisions (b)(1) and (b)(2) of this section, this selection index shall be employed as an alternative selection process for applicants who achieve a grade point average below 2.5 on a 4.0 scale or for applicants who have an American College Test composite or equivalent score greater than nineteen (19).

(d) (1) The annual amount of the scholarship shall be one thousand five hundred dollars (\$1,500) per year.

(2) Awards made to nonresidents of the state shall not include any amount assessed by the college or university for out-of-state tuition.

(e) (1) Awards granted under the program shall be available to both full-time and part-time students.

(2) Students enrolling on a full-time basis may receive a maximum of four (4) annual awards.

(3) The maximum number of awards that may be made to students attending school on a part-time basis and the maximum time period for part-time students to complete the number of academic hours necessary to obtain a baccalaureate degree in education shall be established by rules and regulations jointly promulgated by the university and the Department of Higher Education.

(f) Scholarships shall not be based upon an applicant's eligibility for financial aid.

History. Acts 2001, No. 1731, § 3; 2003, No. 1746, § 2.

Amendments. The 2003 amendment inserted the subdivision designations in (a); deleted former (b)(1) through (b)(3)(B); redesignated former (b)(3)(C) and (b)(4) as present (b)(1) and (b)(2); rewrote present (b)(1); in (c)(2), substituted "(b)(1) and (b)(2)" for "(b)(3)(C)" and "(b)(4)" and "below 2.5 on a 4.0 scale" for "above 2.75 if attending an approved two year institution or 3.0 if attending a four year institution on a 4.0 scale in the set of core curriculum courses defined in subdivision (b)(1) of this section"; and substituted "Department of Higher Education" for "department" at the end of (e)(3).

6-82-1504. Service requirement for scholarship recipients.

(a) Except in those cases where employment positions may not be available upon completion of licensure requirements, at the beginning of the first school year in which a recipient of a Critical Needs Minority Teacher Scholarship is eligible for employment as a licensed teacher, that person shall begin to render service as a licensed teacher in a public school district in a geographical area of the state where there is a critical shortage of teachers or in the Delta, as designated by the Department of Education.

(b) (1) Any person who received four (4) annual awards, or the equivalent of four (4) annual awards, shall render two (2) years' service as a licensed teacher.

(2) Any person who received fewer than four (4) annual awards, or the equivalent of four (4) annual awards, shall render one (1) school semester of service as a licensed teacher for each year that the person received a full-time student scholarship or for the number of academic hours equivalent to one (1) school year, as determined by the university, for which a part-time student received a scholarship.

(c) Students receiving a scholarship shall execute a note made payable to the university for an amount equal to the scholarship award each semester that shall bear interest at a rate to be determined by the Department of Higher Education beginning September 1 after completion of the program or immediately after termination of the scholarship loan, whichever is earlier.

(d) (1) Any person failing to complete a program of study which will enable the person to become a licensed teacher shall begin repaying the note according to the note's terms for the sum of all scholarship awards made to that person less the corresponding amount of any awards for which service has been rendered.

(2) Any person failing to complete his or her teaching obligation, as required under subsection (b) of this section, shall begin repaying the note according to the note's

terms for the sum of all scholarship awards made to that person less the corresponding amount of any awards for which service has been rendered, except in the case of a deferral of debt for cause approved by the State Board of Education if there is no employment position immediately available upon a teacher's completion of licensure requirements.

(3) After the period of the deferral, the person shall begin or resume teaching duties as required under this section or shall become liable on the note under this section.

(4) If a claim for payment under subsection (c) is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(e) The obligations made by the recipient of a scholarship award shall not be voidable by reason of the age of the student at the time of receiving the scholarship.

History. Acts 2001, No. 1731, § 4; 2003, No. 1746, § 3.

Amendments. The 2003 amendment substituted “two (2)” for “four (4)” following “render” in (b)(1); substituted “school semester of” for “year's” in (b)(2); and substituted “a rate to be determined by the Department of Higher Education” for “the rate of ten percent (10%) per year” in (c).

6-82-1505. Rules and regulations — Administration — Report.

(a) The University of Arkansas at Pine Bluff and the Department of Higher Education shall jointly promulgate rules and regulations necessary for the proper administration of the Critical Needs Minority Teacher Scholarship Program.

(b) The university shall be the administering agency of the program.

(c) If sufficient funds are not available to fully fund scholarship awards to all eligible students, the university shall make the awards to first-time students on a first-come, first-served basis. However, priority consideration shall be given to persons previously receiving awards under the program.

(d) All funds received by the university from the repayment of scholarship awards by program participants shall be deposited in the fund that provides funding for the program.

(e) (1) The university shall make an annual report to the General Assembly.

(2) Each report shall contain a complete enumeration of the:

(A) Program's activities;

(B) Scholarships granted;

(C) Names of persons to whom granted;

(D) Institutions attended by those receiving the scholarships; and

(E) Teaching location of applicants who have received their education

and become licensed teachers within this state as a result of the scholarships.

(3) The university shall make a full report and account of receipts and expenditures for salaries and expenses incurred under this section.

(4) Upon its records and any published reports, the university shall distinguish among those recipients who:

(A) Have paid their financial obligations in full;

(B) Have breached their contracts but with the university's permission;

and

(C) Have breached their contracts and remain financially indebted to the

state.

(f) The requirements of this subchapter are contingent on the funding available for the program.

(g) The university is authorized to determine the necessary procedures for the awarding of forgivable loans should the number of eligible applicants and recipients exceed the funds available, so long as the procedures are consistent with subsection (c) of this section.

History. Acts 2001, No. 1731, § 4; 2003, No. 1746, § 4.

Amendments. The 2003 amendment inserted “Higher” preceding “Education” in (a).

6-82-1506. Committee.

(a) There is established a committee to be known as the Critical Needs Minority Teacher Scholarship Program Committee.

(b) The committee shall consist of five (5) members to be appointed by the Chancellor of the University of Arkansas at Pine Bluff.

(c) The appointed committee members shall be:

(1) Individuals who have demonstrated a commitment to education; and

(2) Residents of the State of Arkansas at the time of appointment and throughout their term.

(d) The members shall be appointed for terms of two (2) years.

(e) (1) If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled by appointment of the chancellor.

(2) The new appointee shall serve for the remainder of the unexpired term.

(f) The chancellor shall designate one (1) of the members to serve as chairperson.

(g) (1) The committee shall meet at times and places the chairperson deems necessary, but no meetings shall be held outside of the State of Arkansas.

(2) Three (3) of the members of the committee shall constitute a quorum for the purpose of transacting business.

(3) All action of the committee shall be by approval of a quorum.

(h) The committee shall:

(1) Select the recipients of the Arkansas Teaching Fellows forgivable loans; and

(2) Perform other duties or functions regarding the Critical Needs Minority

Teacher Scholarship Program as may be requested by the chancellor.

(i) (1) The university shall provide staff and office space to the committee.

(2) (A) Members of the committee shall serve without pay.

(B) Members of the committee may receive expense reimbursement in accordance with § 25-16-902, to be paid with funds appropriated for administration of the program to the extent money is available.

History. Acts 2003, No. 1746, § 5.

Subchapter 16

— Arkansas Workforce Improvement Grant Program

6-82-1601. Legislative findings and intent — Purpose of subchapter.

6-82-1602. Definitions.

6-82-1603. Program established.

6-82-1604. Administration — Authority of Department of Higher Education.

- 6-82-1605. Eligibility.
- 6-82-1606. Qualified student entitled to grant.
- 6-82-1607. Duties of applicant for grant.
- 6-82-1608. Amounts of grants.
- 6-82-1609. Award made to student.
- 6-82-1610. Withdrawal and refunds.
- 6-82-1611. [Repealed.]
- 6-82-1612. Arkansas Workforce Improvement Grant Advisory Committee.
- 6-82-1613. Rules and regulations.
- 6-82-1614. Funding.

6-82-1601. Legislative findings and intent — Purpose of subchapter.

(a) (1) The General Assembly, giving due consideration to the historical and continuing interest of the people of Arkansas in encouraging able and deserving students to realize their aspirations for postsecondary education, finds and declares that postsecondary education for residents of this state who desire an education and are properly qualified therefor is important to the welfare and security of this state and nation and consequently is an important public service.

(2) The General Assembly finds and declares that the state can achieve its full economic and social potential only if every individual has the opportunity to contribute to the full extent of his or her capabilities and only when financial barriers to his or her economic, social, and educational goals are removed.

(b) (1) The General Assembly recognizes the importance that Arkansans of all ages continue to pursue educational opportunities.

(2) Arkansans who desire to pursue educational enrichment and to improve present skills but who may be unable to attend postsecondary educational institutions in the traditional manner are commended for their initiative and persistence.

(c) It is the intent of this legislation to provide financial support to adult students who are unlikely to receive meaningful financial aid from traditional state or federal financial aid programs and to enhance the education of the current work force in Arkansas.

History. Acts 2003, No. 1796, § 1.

6-82-1602. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) “Approved institution” means a public-supported or private, non profit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds or any nursing school with its primary headquarters located in Arkansas that is eligible to participate in Title IV federal student aid programs;

(2) “Arkansas Workforce Improvement Grant” means the amount of money paid by the State of Arkansas to a qualified applicant under this subchapter;

(3) “Credit certificate” means certificate programs that are taken for credit;

(4) “Department” means the Department of Higher Education;

(5) “Eligible student” means any student who meets the criteria set out in this subchapter and who is eligible by rules and regulations authorized by this subchapter and promulgated by the Arkansas Higher Education Coordinating Board;

(6) (A) “Financial need” means the difference between the student's financial resources available as determined by the department and the student's total educational expenses, including tuition, mandatory fees, and board and room while attending an approved private or public institution of postsecondary education.

(B) In determining need, the department shall employ a formula of or a formula similar to a nationally recognized comprehensive mechanism for determining need;

(7) “Full-time student” means an individual resident of Arkansas as defined by the department who:

(A) Is a student at an approved private or public institution in a course of study leading to an associate's or bachelor's degree or completion of an occupational training program; and

(B) Is enrolled in at least twelve (12) semester hours or some other reasonable academic equivalent as defined by the department;

(8) “Program” means the Arkansas Workforce Improvement Grant Program;

(9) “Qualified student” means a student who meets eligibility criteria and financial need as determined by the department and who has demonstrated that a Workforce Improvement Grant is warranted; and

(10) “Tuition” means charges levied for attendance at an approved institution, including mandatory fees.

History. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 1.

Amendments. The 2005 amendment rewrote (1); deleted former (2) and (3); redesignated former (4)-(12) as present (2)-(10); substituted “Arkansas Higher Education Coordinating Board” for “State Board of Workforce Education and Career Opportunities” in present (5); and substituted “student who meets eligibility criteria” for “full-time student who meets the criteria of academic ability” in present (9).

6-82-1603. Program established.

There is established the Arkansas Workforce Improvement Grant Program to provide grants to residents of the State of Arkansas who:

(1) Are admitted to and in attendance as students at approved private or public institutions of postsecondary education in this state; and

(2) Establish academic ability and financial need as provided in this subchapter.

History. Acts 2003, No. 1796, § 1.

6-82-1604. Administration — Authority of Department of Higher Education.

The Department of Higher Education shall administer the Arkansas Workforce Improvement Grant Program provided for in this subchapter and in so doing shall have the following authority and responsibility with respect to the program:

(1) To consider all applications for an Arkansas Workforce Improvement Grant;

(2) To prepare application forms and other forms as it shall deem necessary to properly administer and carry out the purposes of this subchapter and to furnish the forms to persons desiring to make application for a grant;

(3) (A) To determine the necessary procedures for the awarding of grants should the number of eligible applicants exceed funds available, giving priority to those students who exhibit financial need and who meet academic eligibility requirements.

(B) To identify those students who exhibit financial need, the department shall utilize the family contribution method or another acceptable approved methodology;

(4) To determine a termination date for the acceptance of applications;

(5) To require applicants to file such additional information with the department as it may deem necessary and appropriate to carry out the purposes of this subchapter and to prevent fraud or misrepresentation or misleading representation by applicants;

(6) To disburse grants to qualified students;

(7) To adopt rules and regulations as the department deems necessary or appropriate to carry out the purposes of this subchapter;

(8) To cooperate with and receive the cooperation of the approved private and public institutions of postsecondary education in the state and their governing bodies in the administration of the program;

(9) To establish and consult as necessary an advisory committee representing the private and public sectors of postsecondary education in determining guidelines and regulations for administration of the program, including, but not limited to, rules determining academic ability, financial need, and residency;

(10) To employ or engage such professional, administrative, clerical, and other employees as may be necessary to assist the department in the performance of its duties and responsibilities; and

(11) To provide fair and equitable treatment to all approved institutions and students.

History. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 2.

Amendments. The 2005 amendment substituted "Workforce Improvement Grant" for "student assistance grant" in the introductory paragraph; substituted "who exhibit" for "with the greatest" in (3)(A); and substituted "who exhibit" for "having the greatest" in (3)(B).

6-82-1605. Eligibility.

A qualified student shall be eligible for an initial or renewed state Arkansas Workforce Improvement Grant only if the student:

(1) Is a citizen of the United States or a permanent resident alien;

(2) Is a resident of the State of Arkansas as determined by the Department of Higher Education for at least six (6) months immediately preceding the date on which the student applies;

(3) Is accepted for admission at an approved institution of postsecondary education of his or her choice to pursue a baccalaureate degree, an associate degree, or a credit certificate;

(4) Is enrolled in no fewer than three (3) credit hours or the equivalent as of the eleventh day of class at an approved institution that the department has determined to be eligible to participate in the Arkansas Workforce Improvement Grant Program;

(5) (A) As an initial first-year student, meets satisfactory academic progress standards required to receive other financial aid at the institution to be attended as determined by the rules and regulations of the department.

(B) After the initial first year, the student meets satisfactory academic progress standards of the institution attended;

(6) Has not earned a baccalaureate degree;

(7) Does not owe a refund on a Pell Grant, Supplemental Educational

Opportunity Grant, or State Student Incentive Grant award or is not in default on a National Defense/Direct Student Loan, Perkins Loan, Stafford Loan, Supplemental Loan for Students, Parent Loan for Undergraduate Students, Income Contingent Loan, William D. Ford Federal Direct Loan, or Consolidated Loans Program;

(8) Has not borrowed, as determined by the institution to be attended, in excess of the annual loan limits under the Federal Family Educational Loan Program Systems, William D. Ford Federal Direct Loan Program, Income Contingent Loan Demonstration Program, Stafford Loan Program, Parent Loan for Undergraduate Students Program, or Supplemental Loan for Students Program in the same academic year for which the student has applied for assistance under the Arkansas Workforce Improvement Grant Program and has not borrowed in excess of the aggregate maximum loan limits under the Arkansas Workforce Improvement Grant Program;

(9) Is twenty-four (24) years of age or older on or before the first day of the semester or summer sessions in which the grant has been awarded; and

(10) (A) Graduated from high school or passed the General Educational Development Test.

(B) Meets the ability-to-benefit criteria as defined by federal regulations in existence on January 1, 2003.

History. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 3.

Amendments. The 2005 amendment deleted the subdivision (a) designation, former (a)(8) and (b); and redesignated former (a)(9)-(12) as present (8)-(10).

6-82-1606. Qualified student entitled to grant.

A qualified student who is enrolled or has been accepted for enrollment at an approved private or public institution and who meets other eligibility criteria shall be entitled to a Workforce Improvement Grant based on academic ability and financial need as determined by the Department of Higher Education.

History. Acts 2003, No. 1796, § 1.

6-82-1607. Duties of applicant for grant.

In accordance with the provisions of this subchapter and the rules and regulations of the Department of Higher Education adopted pursuant to this subchapter, each applicant shall:

(1) Complete and file with the department either directly or through a service recognized by the department the appropriate application for an Arkansas Workforce Improvement Grant and other information and data as may be requested by the department for its use and consideration in determining the eligibility of the applicant; and

(2) Promptly furnish to the department information regarding any other financial aid received, any change in the financial status of the applicant, and any other information that might have a direct bearing on the eligibility of the applicant for assistance under this subchapter.

History. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 4.

Amendments. The 2005 amendment deleted former (3) and made related changes.

6-82-1608. Amounts of grants.

- (a) Each person awarded an Arkansas Workforce Improvement Grant shall receive the grant for one (1) academic year or its equivalent for part-time students as defined by the Department of Higher Education.
- (b) The grant may be renewable for up to three (3) academic years or the equivalent for part-time students if the person applies and meets continuing eligibility criteria established by the department.
- (c) (1) The amount of the annual grant for full-time students shall not exceed the lesser of two thousand dollars (\$2,000) per academic year or the cost of tuition at the institution.
- (2) The amount of the annual grant for part-time students shall be prorated on the basis of the number of credit hours enrolled each term not to exceed the lesser of two thousand dollars (\$2,000) or the cost of tuition at the institution per academic year.
- (3) The maximum total grant shall be eight thousand dollars (\$8,000).
- (4) The amount of any award under subdivisions (c)(1) or (2) of this section shall be reduced by the amount of any Pell Grant received by the student for the academic year.
- (d) The enrollment hours shall be determined on the eleventh class day or the official department counting day.
- (e) The department may promulgate rules and regulations to allow institutions to make emergency grants to students under the Arkansas Workforce Improvement Grant Program.

History. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 5.

Amendments. The 2005 amendment substituted "Department of Higher Education" for "State Board of Workforce Education and Career Opportunities" in (a); substituted "department" for "board" in (b); substituted "two thousand dollars (\$2,000)" for "one thousand eight hundred dollars (\$1,800)" in (c)(1) and (c)(2); and substituted "eight thousand dollars (\$8,000)" for "seven thousand two hundred dollars (\$7,200)" in (c)(3).

6-82-1609. Award made to student.

The Arkansas Workforce Improvement Grant is to be awarded directly to the student by an eligible postsecondary institution in the name of the student and in a manner to be determined by the Department of Higher Education.

History. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 6.

Amendments. The 2005 amendment inserted "by an eligible postsecondary institution."

6-82-1610. Withdrawal and refunds.

If a recipient of a Workforce Improvement Grant at any time withdraws from an approved private or public institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the refund to which the student may be entitled to the Department of Higher Education to the extent of any amount the department has paid to the student for that academic year.

History. Acts 2003, No. 1796, § 1.

6-82-1611. [Repealed.]

Publisher's Notes. This section, concerning transfer to another school, was repealed by Acts 2005, No. 2129, § 7. The section was derived from Acts 2003, No. 1796, § 1.

6-82-1612. Arkansas Workforce Improvement Grant Advisory Committee.

(a) There is created the Arkansas Workforce Improvement Grant Advisory Committee.

(b) The committee shall consist of eight (8) members to be appointed by the Director of the Department of Higher Education as follows:

(1) Three (3) members who are representative of public or private two-year educational institutions;

(2) Three (3) members who are representative of public or private four-year educational institutions;

(3) The Executive Director of the Arkansas Association of Two-Year Colleges or his or her designee; and

(4) The President of the Arkansas Association of Student Financial Aid Administrators.

(c) (1) The committee members shall initially be appointed for staggered terms so that the terms of one (1) member from a two-year institution and one (1) member of a four-year institution expire each year for a period of three (3) years.

(2) Thereafter, each member shall be appointed to serve a term of three (3) years.

(d) Vacancies on the committee shall be filled by appointment of the director to serve out the remainder of the term of the vacated position.

(e) A member of the committee shall not be entitled to compensation for his or her services and shall not receive expense reimbursement except from the institution employing the member.

(f) The Department of Higher Education shall provide necessary staff to assist the committee with the range and diversity of its charge.

(g) (1) The committee shall hold its first meeting within thirty (30) days after its appointment to organize as necessary to carry out its purposes as prescribed by this subchapter.

(2) The director shall designate a person on the committee to call and preside at the first meeting.

(h) Four (4) of the members of the committee shall constitute a quorum for the transaction of business.

(i) The committee shall select by majority vote one (1) of its members to serve as chair and one (1) to serve as vice chair.

(j) (1) The committee shall meet as necessary to carry out the duties of the committee.

(2) Meetings may be called by the chair or as provided by the rules of the committee.

(k) The committee shall provide advice to the department concerning the development of rules and regulations for the operation and administration of the Arkansas Workforce Improvement Grant Program.

History. Acts 2003, No. 1796, § 1.

6-82-1613. Rules and regulations.

(a) (1) The Department of Higher Education shall promulgate rules and regulations for

the administration of the Arkansas Workforce Improvement Grant Program by the institutions of higher education consistent with the purposes and requirements of this subchapter.

(2) The rules and regulations shall be reviewed by the Arkansas Workforce Improvement Grant Advisory Committee and approved by the Arkansas Higher Education Coordinating Board.

(b) The rules and regulations shall include:

(1) Student eligibility criteria based on the provisions of this subchapter;

(2) The method for selecting grant recipients;

(3) Rules for determining continuing eligibility;

(4) Procedures for making payment to recipients;

(5) Satisfactory academic standards; and

(6) Other administrative procedures that may be necessary for the implementation and operation of the program.

(c) The department shall file a report no later than December 1 of each year with the Legislative Council stating the total annual number of recipients in the program and the total annual amount of grants awarded.

History. Acts 2003, No. 1796, § 1; 2005, No. 2129, § 8.

Amendments. The 2005 amendment deleted former (b)(1); redesignated former (b)(2)-(7) as present (b)(1)-(6); and, in (c), substituted “December 1” for “November 1,” “annual number of recipients in” for “yearly number of applicants to” and “annual amount of grants” for “yearly number of grants.”

6-82-1614. Funding.

(a) A Workforce Improvement Grant shall be awarded contingent on the appropriation and availability of funds for the Arkansas Workforce Improvement Grant Program.

(b) (1) The total funds available for the program shall be divided among all approved institutions.

(2) The funds shall be divided pro rata based on each approved institution's percentage of enrollment of undergraduate students over twenty-five (25) years of age earning credit for the previous academic year.

(3) Each institution shall be responsible for administering the program in accordance with rules and regulations as approved by the Arkansas Higher Education Coordinating Board.

History. Acts 2003, No. 1796, § 1.

Subchapter 17 **— Higher Education Opportunities Grant Program**

6-82-1701. Legislative intent.

6-82-1702. Definitions.

6-82-1703. Establishment.

6-82-1704. Eligibility.

6-82-1705. Recipients.

6-82-1706. Rules.

6-82-1707. Administrative costs.

6-82-1708. Informational materials.

6-82-1709. Program evaluation.

Effective Dates. Acts 2007, No. 1030, § 2: Apr. 4, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the financial aid program created in this act will be effective for the 2007-2008 school year; that students who are graduating in May of this year will be impacted by this program and may be eligible for this program; that timing is critical for the dissemination of information to these students to ensure that eligible students know about the program and have the opportunity to apply for the program for the 2007-2008 school year; and that this act is immediately necessary to give the Department of Higher Education adequate time to implement and to publicize the program to potentially eligible students who are graduating in May 2007. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-82-1701. Legislative intent.

(a) The General Assembly finds that tuition assistance to low-income students is a key contributor to college and workforce success.

(b) Tuition assistance will significantly enhance the ability of low income students to obtain college degrees and be productive citizens of Arkansas and correspondingly benefit the State of Arkansas as a whole.

History. Acts 2007, No. 1030, § 1.

6-82-1702. Definitions.

As used in this subchapter:

(1) (A) "Approved institution" means a public or private institution of higher education located in Arkansas that:

(i) Is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools; or

(ii) Certifies to the Department of Higher Education that its students are accepted for transfer at institutions accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools.

(B) "Approved institution" does not include an institution of higher education that discriminates against applicants, students, or employees on the basis of race, color, religion, sex, age, handicap, or national origin consistent with the provisions of applicable state and federal law;

(2) "Eligible student" means a student who meets the criteria set out by this subchapter and is deemed to be eligible by rules authorized by this subchapter and promulgated by the Department of Higher Education;

(3) "Financial need" means the family income of program applicants as determined by the Department of Higher Education through evaluation of program applications and supporting documentation;

(4) "Full-time undergraduate student" means a resident of Arkansas who attends an approved institution of higher education and is enrolled in at least twelve (12) credit hours or the equivalent the first semester and fifteen (15) credit hours or the equivalent

thereafter, as defined by rule of the Department of Higher Education, in a program of study that leads to or is creditable toward an associate degree or a baccalaureate degree;

(5) “High school graduate” means any student who graduates from an Arkansas high school during the twelve-month period immediately preceding the year of application for a grant under this subchapter;

(6) “High school graduate equivalent” means any student between sixteen (16) and eighteen (18) years of age who passes the General Educational Development Test in Arkansas during the twelve-month period immediately preceding the year of application to this program;

(7) “Part-time undergraduate student” means a resident of Arkansas who attends an approved institution of higher education and is enrolled in at least six (6) credit hours per semester or the equivalent but no more than twelve (12) credit hours or the equivalent the first semester and fifteen (15) credit hours or the equivalent thereafter, as defined by rule of the Department of Higher Education, in a program of study that leads to or is creditable towards an associate degree or a baccalaureate degree; and

(8) “Unemancipated child” or “unemancipated children” means a dependent child or dependent children as defined by the United States Department of Education for student aid purposes.

History. Acts 2007, No. 1030, § 1.

6-82-1703. Establishment.

The Higher Education Opportunities Grant Program is established to increase the opportunities of low-income students to pursue higher education opportunities.

History. Acts 2007, No. 1030, § 1.

6-82-1704. Eligibility.

(a) Eligibility for the Higher Education Opportunities Grant Program shall be based on criteria established by rule of the Department of Higher Education.

(b) The criteria established by the department shall include the following:

(1) An applicant shall be a citizen of the United States or a permanent resident alien;

(2) An applicant shall have graduated from an Arkansas high school or passed the General Educational Development Test in Arkansas within twelve (12) months of first enrolling as a full-time or part-time first-time student at an approved institution of higher education;

(3) An applicant shall have been a resident of the State of Arkansas for at least twelve (12) months prior to graduation from an Arkansas high school or the date of notification of completion of the General Educational Development Test, and the applicant and his or her custodial parent or guardian shall have maintained Arkansas residency for the same period of time;

(4) An applicant shall be accepted for admission to an approved institution of higher education as a full-time or part-time first-time student, as defined by the department, and shall enroll in an approved institution within twelve (12) months of high school graduation or notification of successful completion of the General Educational Development Test;

(5) An applicant shall certify that he or she is drug-free and shall pledge in

writing on the application form to refrain from the use or abuse of illegal substances; and

(6) (A) An applicant shall demonstrate financial need as determined by the department.

(B) In determining financial need, the following criteria shall be used:

(i) An applicant whose family includes one (1) unemancipated child shall have an average family adjusted gross income not exceeding twenty-five thousand dollars (\$25,000) per year at the time of application to the program;

(ii) An applicant whose family includes more than one (1) unemancipated child shall add an additional five thousand dollars (\$5,000) per child to the base income of twenty-five thousand dollars (\$25,000); and

(iii) The department shall have the authority to adjust these financial need family income requirements on an annual basis, using the federal Consumer Price Index to make any necessary changes. Other financial need criteria necessary for the selection of recipients, including those defined as emancipated or independent by federal student aid regulations, shall be established through rules issued by the department.

History. Acts 2007, No. 1030, § 1.

6-82-1705. Recipients.

(a) Students who receive grants under this subchapter shall be known as Higher Education Opportunities Grant recipients.

(b) An eligible recipient shall receive a grant for one (1) academic year, renewable for up to a total cumulative award amount of four thousand dollars (\$4,000) if the recipient meets continuing eligibility criteria established by rule of the Department of Higher Education.

(c) The amount of the annual grant awarded to each recipient shall be one thousand dollars (\$1,000) for full-time students and five hundred dollars (\$500) for part-time students.

(d) No student's total financial aid package, including multiple scholarships, shall exceed the recognized cost of attendance at an institution of higher education.

History. Acts 2007, No. 1030, § 1.

6-82-1706. Rules.

(a) The Department of Higher Education shall promulgate rules for the administration of the Higher Education Opportunities Grant Program consistent with the purposes and requirements of this subchapter.

(b) The rules shall include:

(1) Student eligibility criteria incorporating the requirements of this subchapter;

(2) A method for selecting grant recipients;

(3) A method for determining continuing eligibility;

(4) Procedures for making payment to recipients; and

(5) Other administrative procedures necessary for the implementation and operation of the program.

History. Acts 2007, No. 1030, § 1.

6-82-1707. Administrative costs.

The Department of Higher Education is authorized to expend each year up to two percent (2%) of the amount appropriated for the Higher Education Opportunities Grant Program for data processing and other administrative costs of the program.

History. Acts 2007, No. 1030, § 1.

6-82-1708. Informational materials.

The Department of Education and the Department of Higher Education shall develop appropriate informational materials on the Higher Education Opportunities Grant Program for distribution to all Arkansas students in grades seven (7) through twelve (12) each year as part of the packet of materials on precollegiate preparation distributed by the Department of Education.

History. Acts 2007, No. 1030, § 1.

6-82-1709. Program evaluation.

The Director of the Department of Higher Education may review and evaluate the operation of the Higher Education Opportunities Grant Program with regard to eligibility criteria and size of the grant award to ensure that the program's operation meets the intent of this legislation.

History. Acts 2007, No. 1030, § 1.

Chapter 83 **Tax-Deferred Tuition Savings Program**

6-83-101 — 6-83-110. [Repealed.]

6-83-101 — 6-83-110. [Repealed.]

A.C.R.C. Notes. The amendment of § 6-83-107 by Acts 1999, No. 1126 was deemed superseded by the repeal of this subchapter by Acts 1999, No. 996. The amendment deleted “contribution” preceding “distribution or earnings” in the first sentence in (a).

Publisher's Notes. This chapter was repealed by Acts 1999, No. 996, § 15. The chapter was derived from the following sources:

- 6-83-101. Acts 1997, No. 1309, § 1.
- 6-83-102. Acts 1997, No. 1309, § 7.
- 6-83-103. Acts 1997, No. 1309, § 2.
- 6-83-104. Acts 1997, No. 1309, § 3.
- 6-83-105. Acts 1997, No. 1309, § 4.
- 6-83-106. Acts 1997, No. 1309, § 6.
- 6-83-107. Acts 1997, No. 1309, § 5; 1999, No. 1126, § 12.
- 6-83-108. Acts 1997, No. 1309, § 8.
- 6-83-109. Acts 1997, No. 1309, § 9.
- 6-83-110. Acts 1997, No. 1309, § 10.

Chapter 84 **Tax-Deferred Tuition Savings Program**

- 6-84-101. Title.
- 6-84-102. Purpose.
- 6-84-103. Definitions.

- 6-84-104. Creation of the Arkansas Tax-Deferred Tuition Savings Program Trust.
- 6-84-105. Administration — Authority — Powers.
- 6-84-106. Investment direction.
- 6-84-107. Accounts.
- 6-84-108. Naming of designated beneficiary and transfers of accounts.
- 6-84-109. Account withdrawals.
- 6-84-110. Prohibitions.
- 6-84-111. Funds exempt from tax.
- 6-84-112. Limitation on liability.
- 6-84-113. Liberal construction.
- 6-84-114. Aspiring Scholars Matching Grant Program.

Effective Dates. Acts 2003, No. 515, § 2: effective for tax years beginning on or after January 1, 2003.

Acts 2003, No. 663, § 14: effective for tax years beginning on and after January 1, 2003.

6-84-101. Title.

This chapter shall be known and may be cited as the Arkansas Tax-Deferred Tuition Savings Program Act.

History. Acts 1999, No. 996, § 1; 2003, No. 515, § 1.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment deleted "of 1999" following "Program Act."

6-84-102. Purpose.

It is the intent and purpose of this chapter to create and establish the Arkansas Tax-Deferred Tuition Savings Program pursuant to 26 U.S.C. § 529 as in effect on January 1, 2007, to be administered by the Section 529 Plan Review Committee through the adoption of rules and regulations for the administration of the program.

History. Acts 1999, No. 996, § 2; 2003, No. 515, § 1; 2007, No. 218, § 1.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment substituted "February 1, 2003" for "January 1, 1999" and "Section 529 Plan Review Committee" for "Arkansas Teacher Retirement System."

The 2007 amendment substituted "January 1, 2007" for "February 1, 2003."

6-84-103. Definitions.

For purposes of this chapter:

- (1) "Account" means an account established in accordance with this chapter;
- (2) "Account owner" means the person who, under this chapter or the rules promulgated by the Section 529 Plan Review Committee, is entitled to select or change the designated beneficiary of an account, to designate any person other than the designated beneficiary to whom funds may be paid from the account, or to receive distributions from the account if no other person is designated;
- (3) "Act" means the Arkansas Tax-Deferred Tuition Savings Program Act;

(4) (A) “Arkansas Tax-Deferred Tuition Savings Program Trust” or “trust” means the trust created under § 6-84-104.

(B) Participation in the trust shall be open to Arkansas residents and nonresidents alike;

(5) “Committee” means the Section 529 Plan Review Committee, provided for in § 6-84-105, which shall oversee the administration of the Arkansas Tax-Deferred Tuition Savings Program and ensure that the program complies with the provisions of this chapter and acts in accordance with 26 U.S.C. § 529 as in effect on January 1, 2007;

(6) “Contribution” means:

(A) Any payment directly allocated to an account for the benefit of a designated beneficiary or used to pay administrative fees associated with an account; and

(B) That portion of any rollover amount treated as a contribution under 26 U.S.C. § 529 as in effect on January 1, 2007;

(7) “Contributor” means any person making a contribution to an account;

(8) “Designated beneficiary” means, except as provided in § 6-84-108, the individual designated at the time the account is opened as having the right to receive a qualified withdrawal for the payment of qualified higher education expenses or, if the designated beneficiary is replaced in accordance with § 6-84-108, the replacement;

(9) “Higher education institution” means an eligible education institution as defined in 26 U.S.C. § 135(c)(3) as in effect on January 1, 2007;

(10) “Member of the family” shall have the same meaning as is contained in 26 U.S.C. § 529(e) as in effect on January 1, 2007;

(11) “Nonqualified withdrawal” means a withdrawal from an account that is not:

(A) A qualified withdrawal;

(B) A withdrawal made as the result of the death or disability of the designated beneficiary;

(C) A withdrawal made as the result of a scholarship, or allowance or payment described in 26 U.S.C. § 135(d)(1)(B) or (C) as in effect on January 1, 2007, received by the designated beneficiary but only to the extent of the amount of the scholarship, allowance, or payment; or

(D) A rollover or change in the designated beneficiary;

(12) “Person” means a person as defined in 26 U.S.C. § 529 as in effect on January 1, 2007;

(13) “Program” means the Arkansas Tax-Deferred Tuition Savings Program established by this chapter;

(14) “Qualified higher education expenses” means tuition and other permitted expenses as set forth in 26 U.S.C. § 529(e) as in effect on January 1, 2007, for the enrollment or attendance of a designated beneficiary at a higher education institution;

(15) “Qualified tuition program” means a qualified tuition program as defined in 26 U.S.C. § 529(b) as in effect January 1, 2007;

(16) “Qualified withdrawal” means a withdrawal from an account to pay the qualified higher education expenses of the designated beneficiary but only if the withdrawal is made in accordance with the requirements of the program; and

(17) “Rollover” means a disbursement or transfer from an account that is transferred to or deposited within sixty (60) calendar days of the transfer into an account of the same person for the benefit of the same designated beneficiary or another person as

a designated beneficiary if the transferee account was created under this chapter or under another qualified tuition program maintained in accordance with 26 U.S.C. § 529(c) as in effect on January 1, 2007.

History. Acts 1999, No. 996, § 3; 2003, No. 515, § 1; 2007, No. 218, § 2.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment deleted "individual trust account or savings" preceding "account" in (1); rewrote (2); substituted "Act" for "Act of 1999" in (3); in (5), substituted "Section 529 Plan Review Committee," for "investment committee" and inserted "as in effect on February 1, 2003"; added present (6) and (7); redesignated former (6)-(9) as present (8)-(11); substituted "February 1, 2003" for "January 1, 1999" in present (9), (10), (11)(C) and (14); deleted "described in § 6-84-108" at the end of (11)(D); inserted present (12), (15) and (17), deleted former (13), and redesignated the remaining subdivisions accordingly.

The 2007 amendment substituted "January 1, 2007" for "February 1, 2003" throughout the section.

6-84-104. Creation of the Arkansas Tax-Deferred Tuition Savings Program Trust.

(a) There is created the Arkansas Tax-Deferred Tuition Savings Program Trust.

(b) The co-trustees of the trust shall be the Director of the Department of Higher Education, the Executive Director of the Arkansas Teacher Retirement System, and the Treasurer of State.

History. Acts 1999, No. 996, § 4; 2003, No. 515, § 1.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment rewrote (b).

6-84-105. Administration — Authority — Powers.

(a) This chapter shall be administered by the Section 529 Plan Review Committee, which shall be composed of:

- (1) The Director of the Department of Higher Education;
- (2) The Executive Director of the Arkansas Teacher Retirement System; and
- (3) The Treasurer of State.

(b) The committee shall adopt such rules and regulations as it deems necessary and proper to administer this chapter and to ensure the compliance of the Arkansas Tax-Deferred Tuition Savings Program with 26 U.S.C. § 529 as in effect on January 1, 2007.

(c) The committee shall have the following powers, duties, and functions:

- (1) To establish, develop, implement, and maintain the program in a manner consistent with the provisions of this chapter and 26 U.S.C. § 529 as in effect on January 1, 2007, to obtain the benefits provided by 26 U.S.C. § 529 for the program, account owners, and designated beneficiaries;
- (2) To adopt rules and regulations for the general administration of the program;
- (3) To maintain, invest, and reinvest the funds contributed into the program consistent with the investment restrictions established by the committee and the standard of care described in the prudent investor rule presently codified as § 24-2-610; and
- (4) (A) To make and enter into any and all contracts, agreements, or

arrangements and to retain, employ, and contract for the services of financial institutions, depositories, consultants, broker dealers, investment advisors or managers, third-party plan administrators, and research, technical, and other services necessary or desirable for carrying out the purposes of this chapter.

(B) Contracts entered into by the committee may be for a term of from one (1) to ten (10) years.

History. Acts 1999, No. 996, §§ 5, 6; 2003, No. 515, § 1; 2007, No. 218, § 3.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment rewrote (a); substituted "February 1, 2003" for "January 1, 1999" in (b) and (c)(1); substituted "committee" for "Arkansas Tax-Deferred Tuition Savings Program Investment Committee" in (b) and (c); and substituted "program, account owners, and designated beneficiaries" for "program and its participants" in (c)(1).

The 2007 amendment substituted "January 1, 2007" for "February 1, 2003" in (b) and (c)(1); and substituted "§ 24-2-610" for "§ 24-3-417 [repealed]" in (c)(3).

6-84-106. Investment direction.

Except as permitted in 26 U.S.C. § 529 as in effect on January 1, 2007, no person shall have the right to direct the investment of any contributions to or earnings from the Arkansas Tax-Deferred Tuition Savings Program.

History. Acts 1999, No. 996, § 8; 2003, No. 515, § 1; 2007, No. 218, § 4.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment substituted "February 1, 2003" for "January 1, 1999, and regulations thereunder as in effect on January 1, 1999."

The 2007 amendment substituted "January 1, 2007" for "February 1, 2003."

6-84-107. Accounts.

(a) (1) An account owner or contributor may establish an account by making an initial contribution to the Arkansas Tax-Deferred Tuition Savings Program, signing an application form approved by the Section 529 Plan Review Committee and naming the account owner and the designated beneficiary.

(2) If the contributor is not the account owner, the account owner shall also sign the application form.

(3) Any person may make contributions to an account after the account is opened.

(b) Contributions to an account shall be made only in cash.

(c) Total contributions to all accounts shall not exceed those reasonably necessary to provide for the qualified higher education expenses of the beneficiary, and the committee shall establish maximum contribution limits applicable to program accounts.

(d) Separate records and accounting shall be required by the program for each account, and reports shall be made no less frequently than annually to the account owner.

(e) (1) The program shall be permitted to collect application, account, or administrative fees to defray the costs of the program.

(2) The application, account, or administrative fees must be approved by the committee.

History. Acts 1999, No. 996, § 7; 2003, No. 515, § 1.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment rewrote (a); substituted "Committee" for "Arkansas Tax-Deferred Tuition Savings Program Investment Committee" in (c); and, in (d), deleted "and the designated beneficiary" at the end of the sentence.

6-84-108. Naming of designated beneficiary and transfers of accounts.

(a) An account owner shall have the right to name the designated beneficiary of an account and at any time to change the designated beneficiary of an account to another individual who is a member of the family of the former designated beneficiary.

(b) At the direction of an account owner, all or a portion of an account may be transferred to another account of which the designated beneficiary is a member of the family of the designated beneficiary of the transferee account if the transferee account was created by this chapter or under another qualified tuition program maintained in accordance with 26 U.S.C. § 529 as in effect January 1, 2007.

History. Acts 1999, No. 996, § 10; 2003, No. 515, § 1; 2007, No. 218, § 5.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment inserted "to name the designated beneficiary of an account and" following "shall have the right" in (a); and rewrote (b).

The 2007 amendment substituted "January 1, 2007" for "February 1, 2003" in (b).

6-84-109. Account withdrawals.

(a) Withdrawal from an account may be made on thirty (30) days' written notice by the account owner to the Section 529 Plan Review Committee or on shorter notice as the committee may by regulation provide.

(b) (1) An account withdrawal paid to or for the benefit of any person during any calendar year shall be reported to the person and to the Internal Revenue Service.

(2) The report shall be made at the time required by the rules of the Internal Revenue Service as in effect on January 1, 2007, and contain such information as is required by law.

History. Acts 1999, No. 996, § 11; 2003, No. 515, § 1; 2007, No. 218, § 6.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment rewrote this section.

The 2007 amendment substituted "January 1, 2007" for "February 1, 2003" in (b)(2).

6-84-110. Prohibitions.

(a) Total contributions to all accounts established on behalf of a particular designated beneficiary in excess of those reasonably necessary to meet the designated beneficiary's qualified higher education expenses are prohibited.

(b) (1) No account or any legal or beneficial interest in an account shall be assignable or pledged or otherwise used to secure or obtain a loan or other advancement.

(2) An account or any legal or beneficial interest in an account shall not be

subject to attachment, levy, or execution by any creditor of an account owner or designated beneficiary.

History. Acts 1999, No. 996, § 9; 2003, No. 515, § 1.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment inserted "designated" following "a particular" in (a); inserted the (b)(1) designation and inserted "legal or beneficial"; and added (b)(2).

6-84-111. Funds exempt from tax.

(a) Except as otherwise indicated in this chapter, interest, dividends, and capital gains from funds invested in the Arkansas Tax-Deferred Tuition Savings Program or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529 as in effect on January 1, 2007, shall be exempt from Arkansas income taxes.

(b) (1) For tax years beginning on or after January 1, 2005, contributions to a tuition savings account established under this program may be deducted from the taxpayer's adjusted gross income for the purpose of calculating Arkansas income tax under § 26-51-403(b).

(2) The deductible contributions shall not exceed five thousand dollars (\$5,000) per taxpayer in any tax year.

(3) Contributions to this program that have been deducted from the taxpayer's adjusted gross income for prior tax years shall be subject to recapture if the taxpayer:

(A) Makes a subsequent nonqualified withdrawal from the account; or

(B) Rolls the account over to a tax-deferred tuition savings program

established by another state or institution under 26 U.S.C. § 529 as in effect on January 1, 2007.

(4) The contribution shall be recaptured by adding the amount previously deducted, not to exceed the amount of the nonqualified withdrawal or rollover, to the taxpayer's adjusted gross income for the tax year in which the nonqualified withdrawal or rollover occurred.

(c) (1) Qualified withdrawals from a tuition savings account established under this program or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529 as in effect on January 1, 2007, will be exempt from Arkansas income tax with respect to the designated beneficiary's income.

(2) (A) Nonqualified withdrawals from a tuition savings account established under this program or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529 as in effect on January 1, 2007, will be subject to Arkansas income tax.

(B) The nonqualified withdrawal will be taxable to the party, account owner, or designated beneficiary who actually makes the withdrawal.

(d) Any earnings on the contribution that are included in the refund will be subject to Arkansas income tax if an account owner receives a refund of contributions to a tuition savings account established under this program or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529 as in effect on January 1, 2007, because of either:

(1) The death or disability of the designated beneficiary; or

(2) A scholarship, allowance, or payment described in 26 U.S.C. § 135(d)(1)(B)

or (C) as in effect on January 1, 2007, received by the designated beneficiary.

History. Acts 1999, No. 996, § 13; 2003, No. 515, § 1; 2003, No. 663, § 1; 2005, No. 1973, § 1; 2007, No. 218, § 7.

Publisher's Notes. Acts 2003, No. 663, § 14, provided:

"This act applies to tax years beginning on and after January 1, 2003."

A.C.R.C. Notes. Pursuant to § 1-2-207, this section is set out above as amended by Acts 2003, No. 663, § 1. Section 6-84-111 was also amended by Acts 2003, No. 515, § 1, to read as follows: "6-84-111. Funds exempt from tax.

"(a) Except as otherwise indicated in this chapter, interest, dividends, and capital gains, and other income earned on funds invested in the Arkansas Tax-Deferred Tuition Savings Program or in another qualified tuition program maintained in accordance with 26 U.S.C. § 529 as in effect February 1, 2003, shall be exempt from Arkansas income taxes.

"(b) Contributions to an account established under this program or under another qualified tuition program maintained in accordance with 26 U.S.C. § 529 as in effect February 1, 2003, may not be excluded or deducted from the contributor's income for the purpose of calculating Arkansas income tax.

"(c) (1) Qualified withdrawals from an account established under this program or under another qualified tuition program maintained in accordance with 26 U.S.C. § 529 as in effect February 1, 2003, shall be exempt from Arkansas income tax with respect to the designated beneficiary's income.

"(2) (A) Nonqualified withdrawals from an account established under this program or under another qualified tuition program maintained in accordance with 26 U.S.C. § 529 as in effect February 1, 2003, shall be subject to Arkansas income tax as provided in subdivision (c)(2)(B) of this section.

"(B) Any income earned on the contributions to an account that are included in a nonqualified withdrawal will be taxable to the party, account owner, or designated beneficiary who actually receives the withdrawal.

"(d) If an account owner receives a refund of contributions to an account established under this program or under another qualified tuition program maintained in accordance with 26 U.S.C. § 529 as in effect February 1, 2003, because of either:

"(1) The death or disability of the designated beneficiary; or

"(2) A scholarship, or allowance or payment described in 26 U.S.C. § 135 (d)(1)(B) or (C) as in effect on February 1, 2003, received by the designated beneficiary, then any income earned on the contributions to the account that are included in the refund will be subject to Arkansas income tax."

Amendments. The 2003 amendment by No. 663 inserted "or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529 as in effect on January 1, 2003" throughout this section; and substituted "2003" for "1999" in (d)(2).

The 2005 amendment inserted present (b)(2) through (b)(4); substituted "2005" for "2003" throughout this section; and, in present (b)(1), substituted "For tax years beginning on or after January 1, 2005, contributions" for "Contributions," deleted "or a tax-deferred tuition savings program established by another state under 26 U.S.C. § 529 as in effect on January 1, 2003" following "this program," substituted "may be deducted from the taxpayer's adjusted gross income" for "may not be excluded or deducted from the contributor's income," and added "under § 26-61-403(b)."

The 2007 amendment substituted "January 1, 2007" for "January 1, 2005" throughout the section.

Research References

U. Ark. Little Rock L. Rev.

Survey of Legislation, 2003 Arkansas General Assembly, Education Law, Income Tax Computation, 26 U. Ark. Little Rock L. Rev. 381.

6-84-112. Limitation on liability.

Neither the Arkansas Tax-Deferred Tuition Savings Program, the Section 529 Plan

Review Committee and each of its members, nor the state shall insure any account or guarantee any rate of return or any interest rate on any contribution, nor shall they or any one of them be liable for any loss incurred by any person as a result of participating in the program.

History. Acts 1999, No. 996, § 8; 2003, No. 515, § 1.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendment substituted "Section 529 Plan Review Committee" for "Arkansas Tax-Deferred Tuition Savings Program Investment Committee."

6-84-113. Liberal construction.

This chapter shall be liberally construed to comply with the requirements of 26 U.S.C. § 529 as in effect on January 1, 2007.

History. Acts 1999, No. 996, § 12; 2003, No. 515, § 1; 2007, No. 218, § 8.

Publisher's Notes. Acts 2003, No. 515, § 2, provided:

"This act shall apply to tax years beginning on or after January 1, 2003."

Amendments. The 2003 amendments substituted "February 1, 2003" for "January 1, 1999." The 2007 amendment substituted "January 1, 2007" for "February 1, 2003."

6-84-114. Aspiring Scholars Matching Grant Program.

(a) The Section 529 Plan Review Committee shall develop and implement a pilot program to be known as the "Aspiring Scholars Matching Grant Program" that uses available administrative funds to match a contribution made into an account for a designated beneficiary under this subchapter.

(b) (1) An advisory committee shall advise the Section 529 Plan Review Committee on the development and implementation of the Aspiring Scholars Matching Grant Program.

(2) The advisory committee shall consist of three (3) members as follows:

(A) One (1) member appointed by the Chair of the Senate Committee on Education;

(B) One (1) member appointed by the Chair of the House Committee on Education; and

(C) One (1) member appointed by the Governor.

(c) An Arkansas Tax-Deferred Tuition Savings Program account shall be exempt for purposes of determining eligibility for transitional employment assistance, Medicaid, and food stamps, provided that the federal rules for these programs permit such an exemption.

History. Acts 2007, No. 597, § 1.