

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 194

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF HIGHER EDUCATION FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2009; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF HIGHER
17 EDUCATION APPROPRIATION FOR THE
18 2007-2009 BIENNIUM.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
25 established for the Department of Higher Education for the 2007-2009
26 biennium, the following maximum number of regular employees whose salaries
27 shall be governed by the provisions of the Uniform Classification and
28 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
29 all laws amendatory thereto. Provided, however, that any position to which a
30 specific maximum annual salary is set out herein in dollars, shall be exempt
31 from the provisions of said Uniform Classification and Compensation Act. All
32 persons occupying positions authorized herein are hereby governed by the
33 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
34 Code §21-5-101), or its successor.
35

36 Maximum Annual



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2007-2008	2008-2009
4	(1)	9960	HIGHER ED DIRECTOR	1	\$133,937	\$136,615
5	(2)	7243	HIGHER EDUCATION DEPUTY DIRECTOR	1	\$124,289	\$126,774
6	(3)	9773	HIGHER ED SENIOR ASSOC DIR	1	\$114,080	\$116,361
7	(4)	9358	TANF PROGRAM DIRECTOR	1	\$101,699	\$103,732
8	(5)	9922	DHE ASSOC DIR FOR ACADEMIC AFFAIRS	1	\$99,080	\$101,061
9	(6)	9774	HIGHER ED ASSOC DIR FOR FISCAL AFF	1	\$99,080	\$101,061
10	(7)	9505	DHE GENERAL COUNSEL	1	\$89,760	\$91,555
11	(8)	9978	ASST DIR FOR PLNG & ACCOUNTABILITY	1	\$84,620	\$86,312
12	(9)	9090	HE ASST DIR OF INFO SERVICES	1	\$84,620	\$86,312
13	(10)	9983	HIGHER ED COORDINATOR OF Y.O.U. PGM	1	\$76,145	\$77,667
14	(11)	9966	HIGHER ED STUDENT FIN AID MANAGER	1	\$76,145	\$77,667
15	(12)	9965	HIGHER ED COORD OF ACADEMIC PROGRAM	1	\$76,145	\$77,667
16	(13)	9623	H E COORD OF INSTITUTIONAL FINANCE	1	\$76,145	\$77,667
17	(14)	9288	HIGHER ED COORD. OF RECRUITMENT	1	\$76,145	\$77,667
18	(15)	9242	HE COORD OF FINANCIAL AID	1	\$76,145	\$77,667
19	(16)	9093	HE COORD 2-YR INST FINANCE	1	\$76,145	\$77,667
20	(17)	9092	HE COORD OF GENERAL ADMIN	1	\$76,145	\$77,667
21	(18)	9059	HIGHER ED COORD OF HEALTH EDUCATION	1	\$76,145	\$77,667
22	(19)	9022	HE COORD ACADEMIC CERTIFICATION	1	\$76,145	\$77,667
23	(20)	7091	DHE COORD OF FEDERAL PROGRAMS	2	\$76,145	\$77,667
24	(21)	9716	HE COORDINATOR OF COMMUNICATIONS	1	\$75,629	\$77,141
25	(22)	9361	TANF FINANCE INTERNAL AUDITOR	1	\$64,680	\$65,973
26	(23)	9360	TANF CURRICULUM COORDINATOR	1	\$64,680	\$65,973
27	(24)	9359	TANF DATA RESEARCH ANALYST	1	\$64,680	\$65,973
28	(25)	9362	TANF EMPLOYABILITY CERTIFICATION CO	1	\$54,088	\$55,169
29	(26)	A252	DHE FINANCIAL MANAGER	3	GRADE 24	
30	(27)	D064	SR SYSTEMS PROGRAMMER	1	GRADE 24	
31	(28)	R096	HIGHER ED ASST COORD STUD FIN AID	4	GRADE 24	
32	(29)	A032	AGENCY FISCAL MANAGER	1	GRADE 22	
33	(30)	R088	HIGHER ED FINANCIAL OFFICER	1	GRADE 22	
34	(31)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
35	(32)	R240	DHE DATA COLLECTION ANALYST	2	GRADE 20	
36	(33)	R266	MANAGEMENT PROJECT ANALYST II	1	GRADE 20	

1	(34)	R264	MANAGEMENT PROJECT ANALYST I	2	GRADE 18
2	(35)	R444	BUSINESS CONTROLLER I	1	GRADE 15
3	(36)	K011	ADMINISTRATIVE OFFICE SUPERVISOR	1	GRADE 15
4	(37)	K153	SECRETARY II	<u>4</u>	GRADE 13
5			MAX. NO. OF EMPLOYEES	48	

6

7 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby authorized,
 8 for the Department of Higher Education for the 2007-2009 biennium, the
 9 following maximum number of part-time or temporary employees, to be known as
 10 "Extra Help", payable from funds appropriated herein for such purposes: nine
 11 (9) temporary or part-time employees, when needed, at rates of pay not to
 12 exceed those provided in the Uniform Classification and Compensation Act, or
 13 its successor, or this act for the appropriate classification.

14

15 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 16 appropriated, to the Department of Higher Education, to be payable from the
 17 Department of Higher Education Fund Account, for personal services, operating
 18 expenses and grants of the Department of Higher Education for the biennial
 19 period ending June 30, 2009, the following:

21	ITEM	FISCAL YEARS	
22	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
23	(01) REGULAR SALARIES	\$ 2,184,993	\$ 2,228,693
24	(02) EXTRA HELP	25,000	25,000
25	(03) PERSONAL SERVICES MATCHING	607,411	616,697
26	(04) MAINT. & GEN. OPERATION		
27	(A) OPER. EXPENSE	517,814	522,814
28	(B) CONF. & TRAVEL	30,000	30,000
29	(C) PROF. FEES	15,000	15,000
30	(D) CAP. OUTLAY	20,000	20,000
31	(E) DATA PROC.	0	0
32	(05) YOUTH OPPORTUNITIES UNLIMITED		
33	GRANTS/AIDS	<u>75,000</u>	<u>75,000</u>
34	TOTAL AMOUNT APPROPRIATED	<u>\$ 3,475,218</u>	<u>\$ 3,533,204</u>

35

36 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS

1 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher
 2 Education, to be payable from the Higher Education Grants Fund Account, for
 3 providing student assistance grants and various scholarships as provided by
 4 law by the Department of Higher Education for the biennial period ending June
 5 30, 2009, the following:

7	ITEM	FISCAL YEARS	
8	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
9	(01) NATIONAL GUARD TUITION ASSISTANCE PROG	500,000	\$ 500,000
10	(02) SECOND EFFORT SCHOLARSHIPS	30,000	40,000
11	(03) SREB MINORITY DOCTORAL SCHOLARS	200,000	200,000
12	(04) TUITION ADJUSTMENT	350,000	350,000
13	(05) STATE TEACHER ASSISTANCE RESOURCE		
14	PROGRAM	3,081,717	3,581,717
15	(06) AR ACADEMIC CHALLENGE SCHOLARSHIPS	30,174,734	30,174,734
16	(07) ARKANSAS GOVERNOR'S SCHOLARS	9,500,000	9,500,000
17	(08) STUDENT UNDERGRADUATE RESEARCH		
18	FELLOWSHIP PROGRAM (SURF)	153,987	153,987
19	(09) TEACHER OPPORTUNITY PROGRAM	2,000,000	2,000,000
20	(10) WORKFORCE IMPROVEMENT GRANTS	3,710,345	3,710,345
21	(11) AR GEOGRAPHICAL CRITICAL NEEDS		
22	MINORITY TEACHER SCHOLARSHIPS	200,000	200,000
23	(12) DEPENDENTS OF LAW ENFORCEMENT		
24	OFFICERS, ETC SCHOLARSHIPS	250,000	250,000
25	(13) DEPENDENTS OF POWS, MIAS, KIAS-		
26	TUITION WAIVER SCHOLARSHIPS	250,000	250,000
27	(14) FACULTY/ADMINISTRATOR DEVELOPMENT		
28	FELLOWS MATCHING	30,000	30,000
29	(15) JR/SR MINORITY TEACHER SCHOLARSHIPS	300,000	300,000
30	(16) MINORITY MASTERS FELLOWS	<u>280,000</u>	<u>280,000</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$ 51,010,783</u>	<u>\$ 51,520,783</u>

32

33 SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is hereby
 34 appropriated, to the Department of Higher Education, to be payable from the
 35 federal funds as designated by the Chief Fiscal Officer of the State, for
 36 grants-in-aid of the Department of Higher Education - State Scholarship -

1 Federal Program for the biennial period ending June 30, 2009, the following:

2

ITEM	FISCAL YEARS	
	2007-2008	2008-2009
(01) GRANTS AND AID-STATE		
SCHOLARSHIPS-FEDERAL	\$ 185,000	\$ 185,000

7

8 SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS. There
 9 is hereby appropriated, to the Department of Higher Education, to be payable
 10 from the federal funds as designated by the Chief Fiscal Officer of the
 11 State, for personal services and operating expenses of the Department of
 12 Higher Education - Technical Education - Federal Programs for the biennial
 13 period ending June 30, 2009, the following:

14

ITEM	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 127,857	\$ 130,414
(02) PERSONAL SERVICES MATCHING	34,290	34,809
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	85,711	85,711
(B) CONF. & TRAVEL	19,000	19,000
(C) PROF. FEES	73,717	73,717
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
TOTAL AMOUNT APPROPRIATED	\$ 340,575	\$ 343,651

26

27 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby
 28 appropriated, to the Department of Higher Education, to be payable from the
 29 federal funds as designated by the Chief Fiscal Officer of the State, for
 30 operating expenses and grants-in-aid of the Department of Higher Education -
 31 Improving Teacher Quality Program for the biennial period ending June 30,
 32 2009, the following:

33

ITEM	FISCAL YEARS	
	2007-2008	2008-2009
(01) MAINT. & GEN. OPERATION		

36

1	(A) OPER. EXPENSE	\$	26,856	\$	26,856
2	(B) CONF. & TRAVEL		13,000		13,000
3	(C) PROF. FEES		8,000		8,000
4	(D) CAP. OUTLAY		0		0
5	(E) DATA PROC.		0		0
6	(02) IMPROVING TEACHER QUALITY GRANTS/AID		<u>1,517,402</u>		<u>1,517,402</u>
7	TOTAL AMOUNT APPROPRIATED	\$	<u>1,565,258</u>	\$	<u>1,565,258</u>

8

9 SECTION 8. APPROPRIATION - HIGHER EDUCATION BUILDING MAINTENANCE. There is
 10 hereby appropriated, to the Department of Higher Education, to be payable
 11 from the Higher Education Building Maintenance Fund, for maintenance of
 12 various buildings at the Institutions of Higher Education by the Department
 13 of Higher Education for the biennial period ending June 30, 2009, the sum of
 14\$645,826.

15

16 SECTION 9. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is hereby
 17 appropriated, to the Department of Higher Education, to be payable from the
 18 Higher Education Research Development Fund, for providing Arkansas Research
 19 Development Program Grants to Institutions of Higher Education by the
 20 Department of Higher Education for the biennial period ending June 30, 2009,
 21 the sum of\$2,000,000.

22

23 SECTION 10. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is
 24 hereby appropriated, to the Department of Higher Education, to be payable
 25 from the Higher Education Grants Fund Account, for payments of the contracts
 26 with participating out-of-state institutions of higher learning in the fields
 27 of dentistry, optometry, osteopathy, veterinary medicine, chiropractic and
 28 podiatry for the education of Arkansas citizens by of the Department of
 29 Higher Education for the biennial period ending June 30, 2009, the following:

30

31	ITEM		FISCAL YEARS	
32	<u>NO.</u>		<u>2007-2008</u>	<u>2008-2009</u>
33	(01) CHIROPRACTIC AID	\$	260,000	\$ 260,000
34	(02) DENTAL AID - GRANTS		1,610,000	1,610,000
35	(03) OPTOMETRY AID		341,600	341,600
36	(04) OSTEOPATHY AID		179,800	179,800

1	(05) PODIATRY AID	111,800	111,800
2	(06) VETERINARY AID	913,347	913,347
3	(07) DENTAL AID - LOANS	<u>360,000</u>	<u>360,000</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 3,776,547</u>	<u>\$ 3,776,547</u>

5
6 SECTION 11. APPROPRIATION - CASH. There is hereby appropriated, to the
7 Department of Higher Education, to be payable from the cash fund deposited in
8 the State Treasury as determined by the Chief Fiscal Officer of the State,
9 for operating expenses of the Department of Higher Education for the biennial
10 period ending June 30, 2009, the following:

12	ITEM	FISCAL YEARS	
13	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
14	(01) MAINT. & GEN. OPERATION		
15	(A) OPER. EXPENSE	\$ 4,380	\$ 4,380
16	(B) CONF. & TRAVEL	0	0
17	(C) PROF. FEES	0	0
18	(D) CAP. OUTLAY	0	0
19	(E) DATA PROC.	<u>0</u>	<u>0</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 4,380</u>	<u>\$ 4,380</u>

21
22 SECTION 12. APPROPRIATION - ELEMENTARY SCIENCE SPECIALIST PROGRAM. There
23 is hereby appropriated, to the Department of Higher Education, to be payable
24 from the Higher Education Grants Fund Account, for grants for the Elementary
25 Science Specialist Program of the Department of Higher Education - Elementary
26 Science Specialist Program for the biennial period ending June 30, 2009, the
27 following:

29	ITEM	FISCAL YEARS	
30	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
31	(01) INSTITUTIONAL INITIATIVES GRANTS	<u>\$ 570,303</u>	<u>\$ 570,303</u>

32
33 SECTION 13. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby
34 appropriated, to the Department of Higher Education, to be payable from the
35 federal funds as designated by the Chief Fiscal Officer of the State, for
36 personal services and operating expenses of the Department of Higher

1 Education - TANF Program - Federal for the biennial period ending June 30,
 2 2009, the following:

3

4 ITEM	FISCAL YEARS	
5 NO.	2007-2008	2008-2009
6 (01) REGULAR SALARIES	\$ 386,011	\$ 393,727
7 (02) EXTRA HELP	25,000	25,000
8 (03) PERSONAL SERVICES MATCHING	105,294	106,858
9 (04) MAINT. & GEN. OPERATION		
10 (A) OPER. EXPENSE	257,000	257,000
11 (B) CONF. & TRAVEL	20,000	20,000
12 (C) PROF. FEES	65,000	65,000
13 (D) CAP. OUTLAY	10,000	10,000
14 (E) DATA PROC.	0	0
15 (05) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>11,644,793</u>	<u>11,644,793</u>
16 TOTAL AMOUNT APPROPRIATED	<u>\$ 12,513,098</u>	<u>\$ 12,522,378</u>

17

18 SECTION 14. SPECIAL LANGUAGE. Arkansas Code Annotated 6-62-104, concerning
 19 Transfer of appropriation, is repealed.

20

21 ~~Unless otherwise provided by law, each state supported institution of higher
 22 education may transfer appropriations between the various line items within
 23 each appropriation contained in its biennial appropriation act. However, such
 24 transfers shall be made only after the approval of the Department of Higher
 25 Education and the Chief Fiscal Officer of the State, and after seeking the
 26 advice of the Legislative Council.~~

27

28 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 30 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon
 31 determination by the president or chancellor of an institution of higher
 32 education that a reallocation of resources for purposes of reorganization or
 33 consolidation of administrative functions within the institution is necessary
 34 for efficient and effective operations of the institution, the president or
 35 chancellor, with approval of the institution's board of trustees, may have
 36 the authority to transfer positions, appropriations and related funds between

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

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

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

33
34 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In
36 order to provide timely payments under financial aid appropriations made in

1 this Act, the Chief Fiscal Officer of the State is authorized to provide
2 loans from the Budget Stabilization Trust Fund to make available all funds
3 attributable to the financial aid programs under the then current official
4 revenue estimates. In the event of an unanticipated state revenue shortfall,
5 any such loans remaining at the end of a fiscal year shall be repaid from
6 revenues distributed in the first two months of the next fiscal year. Funds
7 for appropriations made in this Act for purposes other than financial aid
8 shall not be affected by the application of this provision.

9 The provisions of this section shall be in effect only from July 1, ~~2005~~
10 2007 through June 30, ~~2007~~ 2009.

11
12 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
14 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
15 available to the various technical colleges have been determined as set out
16 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be
17 processed so that funds may be transferred from the Work Force 2000
18 Development Fund to the State Treasury fund or fund account from which the
19 technical college draws its general revenue support. Such funds as may be
20 transferred shall not exceed 93.69% of the total funds available from the
21 Work Force 2000 Development Fund during each fiscal year of the biennial
22 period ending June 30, ~~2007~~ 2009.

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

31 The provisions of this section shall be in effect only from July 1, ~~2005~~
32 2007 through June 30, ~~2007~~ 2009.

33
34 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
36 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the

1 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much
 2 as is collected, is to be transferred to the Research Development Fund there
 3 to be used as provided by law.

4 The provisions of this section shall be in effect only from July 1, 2005
 5 2007 through June 30, ~~2007~~ 2009.

6
 7 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
 9 EXPENDITURES. Proceeds derived from the repayment of loans as authorized in
 10 Items ~~(07), (02), (03) and (08)~~ (15), (16) and (05) of Section 4 of this Act
 11 for ~~the Emergency Secondary Education Loans~~, the JR/SR Minority Teacher
 12 Scholars, the Minority Masters Fellows and the ~~Targeted Teacher Development~~
 13 ~~Program~~ State Teacher Assistance Resource Program shall be deposited into the
 14 State Treasury as "Refunds to Expenditures."

15 The provisions of this section shall be in effect only from July 1, 2005
 16 2007 through June 30, ~~2007~~ 2009.

17
 18 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 20 FORWARD. The balance of the funds and appropriations as provided in Section
 21 4 of this Act for the Governor's Scholars Program and the Academic Challenge
 22 Scholarships Program which remain on June 30, ~~2006~~ 2008, shall be carried
 23 forward and made available for the same purpose for the fiscal year ending
 24 June 30, ~~2007~~ 2009.

25
 26 Any carry forward of unexpended balance of appropriation and/or funding as
 27 authorized herein, may be carried forward under the following conditions:

28
 29 (1) Prior to June 30, 2008 the Agency shall by written statement set forth
 30 its reason(s) for the need to carry forward said appropriation and/or funding
 31 to the Department of Finance and Administration Office of Budget;

32
 33 (2) The Department of Finance and Administration Office of Budget shall
 34 report to the Arkansas Legislative Council all amounts carried forward from
 35 the first fiscal year of the biennium to the second fiscal year of the
 36 biennium by the September Arkansas Legislative Council or Joint Budget

1 Committee meeting in the second fiscal year of the biennial period which
 2 report shall include the name of the Agency, Board, Commission or Institution
 3 and the amount of the appropriation and/or funding carried forward from the
 4 first fiscal year to the second fiscal year, the program name or line item,
 5 the funding source of that appropriation and a copy of the written request
 6 set forth in (1) above;

7
 8 (3) Each Agency, Board, Commission or Institution shall provide a written
 9 report to the Arkansas Legislative Council or Joint Budget Committee
 10 containing all information set forth in item (2) above, along with a written
 11 statement as to the current status of the project, contract, purpose etc. for
 12 which the carry forward was originally requested no later than thirty (30)
 13 days prior to the time the Agency, Board, Commission or Institution presents
 14 its budget request to the Arkansas Legislative Council/Joint Budget
 15 Committee; and

16
 17 (4) Thereupon, the Department of Finance and Administration shall include
 18 all information obtained in item (3) above in the biennial budget manuals
 19 and/or a statement of non-compliance by the Agency, Board, Commission or
 20 Institution.

21
 22 The provisions of this section shall be in effect only from July 1, 2005
 23 2007 through June 30, ~~2007~~ 2009.

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

33 The provisions of this section shall be in effect only from July 1, 2005
 34 2007 through June 30, ~~2007~~ 2009.

35
 36 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
2 GOVERNOR'S SCHOLARS PROGRAM. Should the funding of Governor's Scholars
3 Program exceed the funding level of the previous fiscal year and the number
4 of scholarships awarded increases to 200 or more, the Department of Higher
5 Education shall make every effort to assure a geographic distribution of the
6 awards without compromising the academic criteria established for such
7 awards.

8 The provisions of this section shall be in effect only from July 1, 2005
9 2007 through June 30, ~~2007~~ 2009.

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

30 The provisions of this section shall be in effect only from July 1, 2005
31 2007 through June 30, ~~2007~~ 2009.

32
33 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
35 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued
36 during any fiscal biennium shall not exceed three-hundred million dollars

1 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
 2 time have debt service requirements in excess of twenty-four million dollars
 3 (\$24,000,000) in any one fiscal year from all state revenue sources.

4 The provisions of this section shall be in effect only from July 1, 2005
 5 2007 through June 30, ~~2007~~ 2009.

6
 7 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 9 FORWARD - HEALTH EDUCATION GRANTS. The balance of the funds and
 10 appropriations as provided for "Health Education Grants" in this Act which
 11 remain on June 30, ~~2006~~ 2008, shall be carried forward and made available for
 12 the same purposes for the fiscal year ending June 30, ~~2007~~ 2009.

13
 14 Any carry forward of unexpended balance of appropriation and/or funding as
 15 authorized herein, may be carried forward under the following conditions:

16
 17 (1) Prior to June 30, 2008 the Agency shall by written statement set forth
 18 its reason(s) for the need to carry forward said appropriation and/or funding
 19 to the Department of Finance and Administration Office of Budget;

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

31
 32 (3) Each Agency, Board, Commission or Institution shall provide a written
 33 report to the Arkansas Legislative Council or Joint Budget Committee
 34 containing all information set forth in item (2) above, along with a written
 35 statement as to the current status of the project, contract, purpose etc. for
 36 which the carry forward was originally requested no later than thirty (30)

1 days prior to the time the Agency, Board, Commission or Institution presents
2 its budget request to the Arkansas Legislative Council/Joint Budget
3 Committee; and

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

9
10 The provisions of this section shall be in effect only from July 1, 2005
11 2007 through June 30, ~~2007~~ 2009.

12
13 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
15 EDUCATION GRANTS - PRIORITIES. The Arkansas Higher Education Coordinating
16 Board, after consulting with the recognized associations of each of the
17 applicable medical professions and other interested persons, shall determine
18 the priorities for the applicable programs enumerated in the appropriation
19 made for "Health Education Grants and Loans" in this Act. The Arkansas
20 Department of Higher Education, if necessary, shall re-adjust the number of
21 positions for entering students to be funded for each applicable program
22 based upon the priorities determined by the board.

23 The provisions of this section shall be in effect only from July 1, 2005
24 2007 through June 30, ~~2007~~ 2009.

25
26 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL
28 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall
29 report by May 30 to the House and Senate Interim Committees on Education the
30 budgeted allocation for each financial aid program funded through the Higher
31 Education Grants Fund Account for the upcoming fiscal year and projections
32 for the following year.

33 The provisions of this section shall be in effect only from July 1, 2005
34 2007 through June 30, ~~2007~~ 2009.

35
36 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
2 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
3 receives state scholarship funds administered by the Arkansas Department of
4 Higher Education shall be subject to audit/review of such funds by the
5 Division of Legislative Audit, upon approval of the Legislative Joint Audit
6 Committee.

7 The provisions of this section shall be in effect only from July 1, ~~2005~~
8 2007 through June 30, ~~2007~~ 2009.

9

10 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AUDIT
12 DATA. All post-secondary institutions shall provide to the Arkansas
13 Department of Higher Education a copy of the Integrated Post-Secondary
14 Education Data System (IPEDS) within three weeks following the IPEDS due
15 date, which shall be subject to audit by the Arkansas Department of Higher
16 Education.

17 The provisions of this section shall be in effect only from July 1, ~~2005~~
18 2007 through June 30, ~~2007~~ 2009.

19

20 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
22 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
23 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
24 Higher Education shall determine the amount available, up to \$200,000 per
25 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
26 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
27 State and the State Treasurer such amount as is required to be transferred
28 from the Higher Education Grants Fund Account. Upon receiving such
29 certification, the Chief Fiscal Officer of the State and the State Treasurer
30 shall cause to be transferred the necessary funds and appropriation to the
31 fund account of the University of Arkansas at Pine Bluff for implementation
32 of this program. The University of Arkansas at Pine Bluff may use up to
33 twenty percent (20%) of the funds and appropriation for administration of the
34 program.

35 The provisions of this section shall be in effect only from July 1, ~~2005~~
36 2007 through June 30, ~~2007~~ 2009.

1
2 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
4 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
5 determined by the Arkansas Department of Higher Education to have been for
6 salary increases for each year of the ~~2005-2007~~ 2007-2009 Biennium for
7 Institutions of Higher Education shall be used exclusively for salary
8 increases. New funding actually received for salary increases shall be spent
9 exclusively for salary increases based upon the state general revenue portion
10 of total unrestricted educational and general revenue. Funding received under
11 this provision shall be used for no purpose other than to provide such salary
12 increases. Any designated funds not used for salary increases shall be
13 recouped at the end of each fiscal year and transferred to the General
14 Revenue Allotment Reserve Fund.

15 The provisions of this section shall be in effect only from July 1, ~~2005~~
16 2007 through June 30, ~~2007~~ 2009.

17
18 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER
20 EDUCATION COORDINATOR OF RECRUITMENT FUNDING: The Chief Fiscal Officer of the
21 State shall transfer the sums of ninety thousand, four hundred seventy-four
22 dollars (\$90,474) for fiscal year ending June 30, ~~2006~~ 2008 and ninety-two
23 thousand, seven hundred seventy-six dollars (\$92,776) for fiscal year ending
24 June 30, ~~2007~~ 2009 from the Higher Education Grants Fund Account to the
25 Department of Higher Education Fund Account in order to finance the personal
26 services costs of the Higher Education Coordinator of Recruitment.

27 The provisions of this section shall be in effect only from July 1, ~~2005~~
28 2007 through June 30, ~~2007~~ 2009.

29
30 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
32 PROVISION. Upon certification by the Director of the Department of Higher
33 Education that transfers are needed to make maximum utilization of funds and
34 appropriations provided for financial aid programs, and with the approval of
35 the Chief Fiscal Officer of the State and a review by the Arkansas
36 Legislative Council, funds and appropriations may be transferred between

1 financial aid programs, except that funds and appropriations may not be
2 transferred for such purposes from either the Governor's Scholars Program or
3 the Academic Challenge Scholarships Program in excess of \$1,000,000 in the
4 aggregate in either fiscal year. Any transfer restrictions contained in
5 appropriation acts for the Department of Higher Education relating to
6 appropriation transfers from Governor's Scholars Program and Academic
7 Challenge Scholarships shall not be applicable to transfers between
8 Governor's Scholars and Academic Challenge Scholarship appropriations.

9 The provisions of this section shall be in effect only from July 1, 2005
10 2007 through June 30, ~~2007~~ 2009.

11
12 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
14 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS.
15 Upon certification to and with the approval of the Chief Fiscal Officer of
16 the State, surplus funds and appropriations may be transferred between the
17 appropriations provided for "Health Education Grants" by this Act by the
18 ~~Eighty-Fifth~~ Eighty-Sixth General Assembly for Dental Aid, Optometry Aid,
19 Veterinary Aid, Podiatry Aid, Chiropractic Aid and Osteopathic Aid.

20 The provisions of this section shall be in effect only from July 1, 2005
21 2007 through June 30, ~~2007~~ 2009.

22
23 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
25 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
26 the Department of Higher Education and the Chief Fiscal Officer of the State,
27 institutions of higher education may transfer appropriation from the cash
28 contingency appropriation to any other appropriation made to the institution
29 from cash funds and institutions may transfer appropriation from the
30 contingency appropriation made payable from each institution's State Treasury
31 Fund to the state operations appropriation made payable from each
32 institution's State Treasury Fund.

33 (b) The department shall report monthly to the Legislative Council these
34 appropriation transfers, and the report shall include, by institution, the
35 amounts transferred, the reasons therefor and the source of the funds.

36

1 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
3 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
4 Undergraduate Research Fellowship (SURF) Program is the continued development
5 of undergraduate academic research efforts at Arkansas colleges and
6 universities. The Arkansas Department of Higher Education shall adopt rules
7 and regulations necessary for the proper administration of the Student
8 Undergraduate Research Fellowship Program. Administrative functions and
9 responsibilities may include, but not necessarily be limited to, the
10 development of eligibility criteria, collection of applications, coordination
11 of student evaluations, distribution of public notices, and funding of grants
12 for academic research purposes. Staff of the Arkansas Department of Higher
13 Education shall administer this program. The Arkansas Department of Higher
14 Education shall be authorized to expense costs associated with the
15 administration of the program, from funds made payable from the Higher
16 Education Grants Fund Account for the Student Undergraduate Research
17 Fellowship Program as authorized in Section 4 of this Act.

18
19 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
21 COOPERATION AGREEMENTS. Any two-year institution of Higher Education that has
22 its main or a satellite campus located within a twenty five mile radius of
23 any four-year institution of higher education shall enter into a written
24 agreement with that four-year institution which must address duplication of
25 services between the institutions.

26 The provisions of this section shall be in effect only from July 1, ~~2005~~
27 2007 through June 30, ~~2007~~ 2009.

28
29 SECTION 38. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
30 by this act shall be limited to the appropriation for such agency and funds
31 made available by law for the support of such appropriations; and the
32 restrictions of the State Procurement Law, the General Accounting and
33 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
34 Procedures and Restrictions Act, or their successors, and other fiscal
35 control laws of this State, where applicable, and regulations promulgated by
36 the Department of Finance and Administration, as authorized by law, shall be

1 strictly complied with in disbursement of said funds.

2
3 SECTION 39. LEGISLATIVE INTENT. It is the intent of the General Assembly
4 that any funds disbursed under the authority of the appropriations contained
5 in this act shall be in compliance with the stated reasons for which this act
6 was adopted, as evidenced by the Agency Requests, Executive Recommendations
7 and Legislative Recommendations contained in the budget manuals prepared by
8 the Department of Finance and Administration, letters, or summarized oral
9 testimony in the official minutes of the Arkansas Legislative Council or
10 Joint Budget Committee which relate to its passage and adoption.

11
12 SECTION 40. EMERGENCY CLAUSE. It is found and determined by the General
13 Assembly, that the Constitution of the State of Arkansas prohibits the
14 appropriation of funds for more than a two (2) year period; that the
15 effectiveness of this Act on July 1, 2007 is essential to the operation of
16 the agency for which the appropriations in this Act are provided, and that in
17 the event of an extension of the Regular Session, the delay in the effective
18 date of this Act beyond July 1, 2007 could work irreparable harm upon the
19 proper administration and provision of essential governmental programs.
20 Therefore, an emergency is hereby declared to exist and this Act being
21 necessary for the immediate preservation of the public peace, health and
22 safety shall be in full force and effect from and after July 1, 2007.