

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

As Engrossed: S2/19/07

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



				Maximum	Salary Rate	
	Item	Class		No. of	Fiscal Years	
	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:

ITEM NO.		FISCAL YEARS	
		2007-2008	2008-2009
(01)	NATIONAL GUARD TUITION ASSISTANCE PROG	500,000	\$ 500,000
(02)	SECOND EFFORT SCHOLARSHIPS	30,000	40,000
(03)	SREB MINORITY DOCTORAL SCHOLARS	200,000	200,000
(04)	TUITION ADJUSTMENT	350,000	350,000
(05)	STATE TEACHER ASSISTANCE RESOURCE PROGRAM	3,081,717	3,581,717
(06)	AR ACADEMIC CHALLENGE SCHOLARSHIPS	30,174,734	30,174,734
(07)	ARKANSAS GOVERNOR'S SCHOLARS	9,500,000	9,500,000
(08)	STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP PROGRAM (SURF)	153,987	153,987
(09)	TEACHER OPPORTUNITY PROGRAM	2,000,000	2,000,000
(10)	WORKFORCE IMPROVEMENT GRANTS	3,710,345	3,710,345
(11)	AR GEOGRAPHICAL CRITICAL NEEDS MINORITY TEACHER SCHOLARSHIPS	200,000	200,000
(12)	DEPENDENTS OF LAW ENFORCEMENT OFFICERS, ETC SCHOLARSHIPS	250,000	250,000
(13)	DEPENDENTS OF POWS, MIAS, KIAS- TUITION WAIVER SCHOLARSHIPS	250,000	250,000
(14)	FACULTY/ADMINISTRATOR DEVELOPMENT FELLOWS MATCHING	30,000	30,000
(15)	JR/SR MINORITY TEACHER SCHOLARSHIPS	300,000	300,000
(16)	MINORITY MASTERS FELLOWS	280,000	280,000
(17)	EDUCATION ENHANCEMENT GRANTS	<u>7,200,000</u>	<u>11,200,000</u>
<i>TOTAL AMOUNT APPROPRIATED</i>		<u>\$ 58,210,783</u>	<u>\$ 62,720,783</u>

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

1 grants-in-aid of the Department of Higher Education - State Scholarship -
 2 Federal Program for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) GRANTS AND AID-STATE SCHOLARSHIPS-FEDERAL	\$ 185,000	\$ 185,000

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

ITEM NO.	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

28 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby
 29 appropriated, to the Department of Higher Education, to be payable from the
 30 federal funds as designated by the Chief Fiscal Officer of the State, for
 31 operating expenses and grants-in-aid of the Department of Higher Education -
 32 Improving Teacher Quality Program for the biennial period ending June 30,
 33 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009

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

9

10 SECTION 8. APPROPRIATION - HIGHER EDUCATION BUILDING MAINTENANCE. There is

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

12 from the Higher Education Building Maintenance Fund, for maintenance of

13 various buildings at the Institutions of Higher Education by the Department

14 of Higher Education for the biennial period ending June 30, 2009, the sum of

15\$645,826.

16

17 SECTION 9. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is hereby

18 appropriated, to the Department of Higher Education, to be payable from the

19 Higher Education Research Development Fund, for providing Arkansas Research

20 Development Program Grants to Institutions of Higher Education by the

21 Department of Higher Education for the biennial period ending June 30, 2009,

22 the sum of\$2,000,000.

23

24 SECTION 10. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is

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

26 from the Higher Education Grants Fund Account, for payments of the contracts

27 with participating out-of-state institutions of higher learning in the fields

28 of dentistry, optometry, osteopathy, veterinary medicine, chiropractic and

29 podiatry for the education of Arkansas citizens by of the Department of

30 Higher Education for the biennial period ending June 30, 2009, the following:

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

1	(04)	OSTEOPATHY AID	179,800	179,800
2	(05)	PODIATRY AID	111,800	111,800
3	(06)	VETERINARY AID	913,347	913,347
4	(07)	DENTAL AID - LOANS	<u>360,000</u>	<u>360,000</u>
5		TOTAL AMOUNT APPROPRIATED	<u>\$ 3,776,547</u>	<u>\$ 3,776,547</u>

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

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

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

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

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

1 personal services and operating expenses of the Department of Higher
 2 Education - TANF Program - Federal for the biennial period ending June 30,
 3 2009, the following:

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

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

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

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

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

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

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

34
35 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In

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

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

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

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

34
35 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING

1 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
2 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much
3 as is collected, is to be transferred to the Research Development Fund there
4 to be used as provided by law.

5 The provisions of this section shall be in effect only from July 1, 2005
6 2007 through June 30, ~~2007~~ 2009.

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

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

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

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

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

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

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

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

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

22
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 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
28 GUARD TUITION ASSISTANCE PROGRAM. In addition to any other provisions of law,
29 any student who receives assistance from the appropriation made for the
30 "National Guard Tuition Assistance Program" in this Act shall repay any loans
31 and/or assistance if the student receives a discharge that is a less than
32 Honorable Discharge. Priority for funding shall be given to students already
33 receiving assistance from the National Guard Tuition Assistance Program.

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

36

1 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
3 GOVERNOR'S SCHOLARS PROGRAM. Should the funding of Governor's Scholars
4 Program exceed the funding level of the previous fiscal year and the number
5 of scholarships awarded increases to 200 or more, the Department of Higher
6 Education shall make every effort to assure a geographic distribution of the
7 awards without compromising the academic criteria established for such
8 awards.

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

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 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
36 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued

1 during any fiscal biennium shall not exceed three-hundred million dollars
2 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
3 time have debt service requirements in excess of twenty-four million dollars
4 (\$24,000,000) in any one fiscal year from all state revenue sources.

5 The provisions of this section shall be in effect only from July 1, 2005
6 2007 through June 30, ~~2007~~ 2009.

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

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

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

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

32
33 (3) Each Agency, Board, Commission or Institution shall provide a written
34 report to the Arkansas Legislative Council or Joint Budget Committee
35 containing all information set forth in item (2) above, along with a written
36 statement as to the current status of the project, contract, purpose etc. for

1 which the carry forward was originally requested no later than thirty (30)
2 days prior to the time the Agency, Board, Commission or Institution presents
3 its budget request to the Arkansas Legislative Council/Joint Budget
4 Committee; and

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

10
11 The provisions of this section shall be in effect only from July 1, ~~2005~~
12 2007 through June 30, ~~2007~~ 2009.

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

24 The provisions of this section shall be in effect only from July 1, ~~2005~~
25 2007 through June 30, ~~2007~~ 2009.

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

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

36

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

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

18 The provisions of this section shall be in effect only from July 1, ~~2005~~
19 2007 through June 30, ~~2007~~ 2009.

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

36 The provisions of this section shall be in effect only from July 1, ~~2005~~

1 2007 through June 30, ~~2007~~ 2009.

2

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

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

18

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

28 The provisions of this section shall be in effect only from July 1, ~~2005~~
29 2007 through June 30, ~~2007~~ 2009.

30

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

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

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

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

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

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

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

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

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

1 the Department of Finance and Administration, as authorized by law, shall be
2 strictly complied with in disbursement of said funds.

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

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

24
25 */s/ Joint Budget Committee*
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