

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 S3/12/07

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



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>	2007-2008	2008-2009
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	280,000	280,000
31 (17) EDUCATION ENHANCEMENT GRANTS	<u>7,200,000</u>	<u>11,200,000</u>
32 TOTAL AMOUNT APPROPRIATED	<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:

3

4 ITEM	5 FISCAL YEARS	
	6 NO.	7
8 (01) GRANTS AND AID-STATE		
9 SCHOLARSHIPS-FEDERAL	\$ 185,000	\$ 185,000

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

16 ITEM	17 FISCAL YEARS	
	18 NO.	19
20 (01) REGULAR SALARIES	\$ 127,857	\$ 130,414
21 (02) PERSONAL SERVICES MATCHING	34,290	34,809
22 (03) MAINT. & GEN. OPERATION		
23 (A) OPER. EXPENSE	85,711	85,711
24 (B) CONF. & TRAVEL	19,000	19,000
25 (C) PROF. FEES	73,717	73,717
26 (D) CAP. OUTLAY	0	0
27 (E) DATA PROC.	0	0
28 TOTAL AMOUNT APPROPRIATED	\$ 340,575	\$ 343,651

29 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. There is hereby
 30 appropriated, to the Department of Higher Education, to be payable from the
 31 federal funds as designated by the Chief Fiscal Officer of the State, for
 32 operating expenses and grants-in-aid of the Department of Higher Education -
 33 Improving Teacher Quality Program for the biennial period ending June 30,
 34 2009, the following:

35 ITEM	36 FISCAL YEARS	
	NO.	
	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:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 386,011	\$ 393,727
(02) EXTRA HELP	25,000	25,000
(03) PERSONAL SERVICES MATCHING	105,294	106,858
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	257,000	257,000
(B) CONF. & TRAVEL	20,000	20,000
(C) PROF. FEES	65,000	65,000
(D) CAP. OUTLAY	10,000	10,000
(E) DATA PROC.	0	0
(05) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>11,644,793</u>	<u>11,644,793</u>
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 CODE NOR*
36 *PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INSTITUTIONS' POSITIONS*

1 ANALYSIS/REPORT. In order to appropriately allocate and maximize efficient use of authorized positions, each
2 institution of higher education shall conduct an analysis of all positions authorized in its respective appropriation
3 acts. This analysis must address the utilization of positions, the ability to competitively recruit and retain
4 employees, and any other personnel related issue that affects the institution's ability to effectively manage its human
5 resources. Prior to the budget preparations for the 2009-2011 Biennium, but not later than August 31, 2007, a
6 report of the analysis shall be made to the Personnel Subcommittee of the Arkansas Legislative Council or the Joint
7 Budget Committee. Included in that report shall be recommendations for reduction or elimination of positions that
8 are not used, are not needed, or are no longer suitable for use. The number of retained positions must be
9 historically accurate and be a programmatically defensible level for each institution. Additionally, the report shall
10 include recommendations for adequate position authorizations which may include new or additional positions,
11 titles, grades, salary ranges, or other personnel related issues that may require legislative action. Any
12 recommendation for salary level adjustment must be based on prevailing wage data published by the Arkansas
13 Department of Labor for the geographical area in which each institution is located or other appropriate market
14 data. The review and analysis shall be coordinated by the Arkansas Department of Higher Education, which will
15 compile, prepare, and submit the final report.
16 The provisions of this section shall be in effect only from July 1, 2007 through June 30, 2009.

17
18 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS. In
20 order to provide timely payments under financial aid appropriations made in
21 this Act, the Chief Fiscal Officer of the State is authorized to provide
22 loans from the Budget Stabilization Trust Fund to make available all funds
23 attributable to the financial aid programs under the then current official
24 revenue estimates. In the event of an unanticipated state revenue shortfall,
25 any such loans remaining at the end of a fiscal year shall be repaid from
26 revenues distributed in the first two months of the next fiscal year. Funds
27 for appropriations made in this Act for purposes other than financial aid
28 shall not be affected by the application of this provision.

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

31
32 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
34 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
35 available to the various technical colleges have been determined as set out
36 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be

1 processed so that funds may be transferred from the Work Force 2000
2 Development Fund to the State Treasury fund or fund account from which the
3 technical college draws its general revenue support. Such funds as may be
4 transferred shall not exceed 93.69% of the total funds available from the
5 Work Force 2000 Development Fund during each fiscal year of the biennial
6 period ending June 30, ~~2007~~ 2009.

7 In the event that a technical institute or comprehensive lifelong learning
8 center which receives support from the Work Force 2000 Development Fund as
9 determined by law transfers or merges into the Arkansas Technical College and
10 Community College System for which Work Force 2000 Development Fund monies
11 are determined by law, then the actual amount of support from the Work Force
12 2000 Development Fund in the preceding fiscal year for such educational
13 institution shall be made available irrespective of any other provision of
14 law which sets out maximum levels of support from such 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 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
20 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
21 Higher Education Building Maintenance Fund, the next \$10,000,000 or so much
22 as is collected, is to be transferred to the Research Development Fund there
23 to be used as provided by law.

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

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 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
4 FORWARD. The balance of the funds and appropriations as provided in Section
5 4 of this Act for the Governor's Scholars Program and the Academic Challenge
6 Scholarships Program which remain on June 30, ~~2006~~ 2008, shall be carried
7 forward and made available for the same purpose for the fiscal year ending
8 June 30, ~~2007~~ 2009.

9
10 Any carry forward of unexpended balance of appropriation and/or funding as
11 authorized herein, may be carried forward under the following conditions:
12

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

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

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

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

5
6 The provisions of this section shall be in effect only from July 1, 2005
7 2007 through June 30, ~~2007~~ 2009.

8
9 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
11 GUARD TUITION ASSISTANCE PROGRAM. In addition to any other provisions of law,
12 any student who receives assistance from the appropriation made for the
13 "National Guard Tuition Assistance Program" in this Act shall repay any loans
14 and/or assistance if the student receives a discharge that is a less than
15 Honorable Discharge. Priority for funding shall be given to students already
16 receiving assistance from the National Guard Tuition Assistance Program.

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

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 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
33 SAVINGS BONDS. The Department of Higher Education shall adopt rules and
34 regulations for the allocation of the funds reappropriated for the
35 development of projects at State Institutions of Higher Education and the
36 payment of project costs and expenses of the issuance of the bonds of the

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

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

16

17 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
19 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued
20 during any fiscal biennium shall not exceed three-hundred million dollars
21 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
22 time have debt service requirements in excess of twenty-four million dollars
23 (\$24,000,000) in any one fiscal year from all state revenue sources.

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

33

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

36

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

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

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

24
25 (4) Thereupon, the Department of Finance and Administration shall include
26 all information obtained in item (3) above in the biennial budget manuals
27 and/or a statement of non-compliance by the Agency, Board, Commission or
28 Institution.

29
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 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
35 EDUCATION GRANTS - PRIORITIES. The Arkansas Higher Education Coordinating
36 Board, after consulting with the recognized associations of each of the

1 applicable medical professions and other interested persons, shall determine
2 the priorities for the applicable programs enumerated in the appropriation
3 made for "Health Education Grants and Loans" in this Act. The Arkansas
4 Department of Higher Education, if necessary, shall re-adjust the number of
5 positions for entering students to be funded for each applicable program
6 based upon the priorities determined by the board.

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

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 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
22 AUDIT/REVIEW OF STATE SCHOLARSHIP FUNDS. Any post-secondary institution that
23 receives state scholarship funds administered by the Arkansas Department of
24 Higher Education shall be subject to audit/review of such funds by the
25 Division of Legislative Audit, upon approval of the Legislative Joint Audit
26 Committee.

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

1 The provisions of this section shall be in effect only from July 1, 2005
2 2007 through June 30, ~~2007~~ 2009.

3
4 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
6 APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
7 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
8 Higher Education shall determine the amount available, up to \$200,000 per
9 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
10 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
11 State and the State Treasurer such amount as is required to be transferred
12 from the Higher Education Grants Fund Account. Upon receiving such
13 certification, the Chief Fiscal Officer of the State and the State Treasurer
14 shall cause to be transferred the necessary funds and appropriation to the
15 fund account of the University of Arkansas at Pine Bluff for implementation
16 of this program. The University of Arkansas at Pine Bluff may use up to
17 twenty percent (20%) of the funds and appropriation for administration of the
18 program.

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

21
22 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
24 FOR SALARY INCREASES. New funding through the Revenue Stabilization Act
25 determined by the Arkansas Department of Higher Education to have been for
26 salary increases for each year of the ~~2005-2007~~ 2007-2009 Biennium for
27 Institutions of Higher Education shall be used exclusively for salary
28 increases. New funding actually received for salary increases shall be spent
29 exclusively for salary increases based upon the state general revenue portion
30 of total unrestricted educational and general revenue. Funding received under
31 this provision shall be used for no purpose other than to provide such salary
32 increases. Any designated funds not used for salary increases shall be
33 recouped at the end of each fiscal year and transferred to the General
34 Revenue Allotment Reserve Fund.

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

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

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

31
32 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
34 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS.
35 Upon certification to and with the approval of the Chief Fiscal Officer of
36 the State, surplus funds and appropriations may be transferred between the

1 appropriations provided for "Health Education Grants" by this Act by the
2 ~~Eighty-Fifth~~ Eighty-Sixth General Assembly for Dental Aid, Optometry Aid,
3 Veterinary Aid, Podiatry Aid, Chiropractic Aid and Osteopathic Aid.

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 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

9 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
10 the Department of Higher Education and the Chief Fiscal Officer of the State,
11 institutions of higher education may transfer appropriation from the cash
12 contingency appropriation to any other appropriation made to the institution
13 from cash funds and institutions may transfer appropriation from the
14 contingency appropriation made payable from each institution's State Treasury
15 Fund to the state operations appropriation made payable from each
16 institution's State Treasury Fund.

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

20
21 SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
23 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
24 Undergraduate Research Fellowship (SURF) Program is the continued development
25 of undergraduate academic research efforts at Arkansas colleges and
26 universities. The Arkansas Department of Higher Education shall adopt rules
27 and regulations necessary for the proper administration of the Student
28 Undergraduate Research Fellowship Program. Administrative functions and
29 responsibilities may include, but not necessarily be limited to, the
30 development of eligibility criteria, collection of applications, coordination
31 of student evaluations, distribution of public notices, and funding of grants
32 for academic research purposes. Staff of the Arkansas Department of Higher
33 Education shall administer this program. The Arkansas Department of Higher
34 Education shall be authorized to expense costs associated with the
35 administration of the program, from funds made payable from the Higher
36 Education Grants Fund Account for the Student Undergraduate Research

1 Fellowship Program as authorized in Section 4 of this Act.

2
3 SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

5 COOPERATION AGREEMENTS. Any two-year institution of Higher Education that has
6 its main or a satellite campus located within a twenty five mile radius of
7 any four-year institution of higher education shall enter into a written
8 agreement with that four-year institution which must address duplication of
9 services between the institutions.

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 39. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
14 by this act shall be limited to the appropriation for such agency and funds
15 made available by law for the support of such appropriations; and the
16 restrictions of the State Procurement Law, the General Accounting and
17 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
18 Procedures and Restrictions Act, or their successors, and other fiscal
19 control laws of this State, where applicable, and regulations promulgated by
20 the Department of Finance and Administration, as authorized by law, shall be
21 strictly complied with in disbursement of said funds.

22
23 SECTION 40. LEGISLATIVE INTENT. It is the intent of the General Assembly
24 that any funds disbursed under the authority of the appropriations contained
25 in this act shall be in compliance with the stated reasons for which this act
26 was adopted, as evidenced by the Agency Requests, Executive Recommendations
27 and Legislative Recommendations contained in the budget manuals prepared by
28 the Department of Finance and Administration, letters, or summarized oral
29 testimony in the official minutes of the Arkansas Legislative Council or
30 Joint Budget Committee which relate to its passage and adoption.

31
32 SECTION 41. EMERGENCY CLAUSE. It is found and determined by the General
33 Assembly, that the Constitution of the State of Arkansas prohibits the
34 appropriation of funds for more than a two (2) year period; that the
35 effectiveness of this Act on July 1, 2007 is essential to the operation of
36 the agency for which the appropriations in this Act are provided, and that in

1 the event of an extension of the Regular Session, the delay in the effective
2 date of this Act beyond July 1, 2007 could work irreparable harm upon the
3 proper administration and provision of essential governmental programs.
4 Therefore, an emergency is hereby declared to exist and this Act being
5 necessary for the immediate preservation of the public peace, health and
6 safety shall be in full force and effect from and after July 1, 2007.

7
8 */s/ Joint Budget Committee*
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