

State of Arkansas *As Engrossed: S2/14/13 S3/28/13 S4/4/13 S4/5/13 S4/8/13*

89th General Assembly

A Bill

Regular Session, 2013

SENATE BILL 122

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE DEPARTMENT OF HIGHER
EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2014;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HIGHER
EDUCATION APPROPRIATION FOR THE 2013-2014
FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES - GENERAL OPERATIONS. There is hereby
established for the Department of Higher Education for the 2013-2014 fiscal
year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2013-2014
(1)	U024U	DHE DIRECTOR	1	\$201,310
(2)	U089U	DHE DEPUTY DIRECTOR	1	\$144,846
(3)	N002N	DHE SENIOR ASSOC DIRECTOR	2	GRADE N913
(4)	N041N	DHE ASSOC DIR FOR ACADEMIC AFFAIRS	1	GRADE N909
(5)	N055N	DHE ASSOCIATE DIRECTOR	2	GRADE N908
(6)	N054N	DHE CAREER PATHWAYS DIRECTOR	1	GRADE N908
(7)	G019C	GENERAL COUNSEL	1	GRADE C127



1	(8)	G043C	DHE FINANCIAL AID MANAGER	1	GRADE C126
2	(9)	G058C	DHE FEDERAL PROGRAM MANAGER	3	GRADE C125
3	(10)	G071C	DHE PROGRAM COORDINATOR	5	GRADE C124
4	(11)	D022C	SYSTEMS SPECIALIST	1	GRADE C124
5	(12)	P005C	DHE COMMUNICATIONS COORDINATOR	1	GRADE C123
6	(13)	D039C	NETWORK SUPPORT SPECIALIST	1	GRADE C123
7	(14)	G102C	DHE PROGRAM SPECIALIST	21	GRADE C122
8	(15)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
9	(16)	D052C	SOFTWARE SUPPORT ANALYST	2	GRADE C121
10	(17)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
11	(18)	A089C	ACCOUNTANT I	1	GRADE C116
12	(19)	C056C	ADMINISTRATIVE SPECIALIST III	5	GRADE C112
13	(20)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
14			MAX. NO. OF EMPLOYEES	53	

15

16 SECTION 2. EXTRA HELP - GENERAL OPERATIONS. There is hereby
 17 authorized, for the Department of Higher Education for the 2013-2014 fiscal
 18 year, the following maximum number of part-time or temporary employees, to be
 19 known as "Extra Help", payable from funds appropriated herein for such
 20 purposes: seventeen (17) temporary or part-time employees, when needed, at
 21 rates of pay not to exceed those provided in the Uniform Classification and
 22 Compensation Act, or its successor, or this act for the appropriate
 23 classification.

24

25 SECTION 3. APPROPRIATION - GENERAL OPERATIONS. There is hereby
 26 appropriated, to the Department of Higher Education, to be payable from the
 27 Department of Higher Education Fund Account, for personal services and
 28 operating expenses of the Department of Higher Education for the fiscal year
 29 ending June 30, 2014, the following:

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2013-2014</u>
33	(01) REGULAR SALARIES	\$2,482,295
34	(02) EXTRA HELP	3,000
35	(03) PERSONAL SERVICES MATCHING	728,211
36	(04) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	840,755
2	(B) CONF. & TRAVEL	20,270
3	(C) PROF. FEES	10,000
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$4,084,531</u></u>

7

8 SECTION 4. APPROPRIATION - STUDENT ASSISTANCE GRANTS AND VARIOUS

9 SCHOLARSHIPS. There is hereby appropriated, to the Department of Higher

10 Education, to be payable from the Higher Education Grants Fund Account, for

11 providing student assistance grants and various scholarships as provided by

12 law, of the Department of Higher Education for the fiscal year ending June

13 30, 2014, the following:

15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2013-2014</u>
17	(01) HIGHER EDUCATION OPPORTUNITIES GRANT	\$8,000,000
18	(02) SREB MINORITY DOCTORAL SCHOLARS	200,000
19	(03) AR ACADEMIC CHALLENGE SCHOLARSHIPS	25,000,000
20	(04) ARKANSAS GOVERNOR'S SCHOLARS	13,200,000
21	(05) STUDENT UNDERGRADUATE RESEARCH	
22	FELLOWSHIP PROGRAM (SURF)	150,000
23	(06) NATIONAL GUARD TUITION INCENTIVE	
24	PROGRAM	1,500,000
25	(07) SINGLE PARENT SCHOLARSHIP PROGRAM	175,000
26	(08) STATE TEACHER EDUCATION PRGM.	4,000,000
27	(09) TEACHER OPPORTUNITY PROGRAM	1,500,000
28	(10) WORKFORCE IMPROVEMENT GRANTS	3,500,000
29	(11) AR GEOGRAPHICAL CRITICAL NEEDS	
30	MINORITY TEACHER SCHOLARSHIPS	150,000
31	(12) DEPENDENTS OF LAW ENFORCEMENT	
32	OFFICERS, ETC. SCHOLARSHIPS	400,000
33	(13) DEPENDENTS OF POWS, MIAS,	
34	KIAS-TUITION WAIVER	
35	SCHOLARSHIPS	<u>450,000</u>
36	TOTAL AMOUNT APPROPRIATED	<u><u>\$58,225,000</u></u>

1

2 SECTION 5. APPROPRIATION - STATE SCHOLARSHIP - FEDERAL. There is
 3 hereby appropriated, to the Department of Higher Education, to be payable
 4 from the federal funds as designated by the Chief Fiscal Officer of the
 5 State, for grants-in-aid of the Department of Higher Education - State
 6 Scholarship - Federal Program for the fiscal year ending June 30, 2014, the
 7 following:

8

9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2013-2014</u>
11 (01) GRANTS IN AID-STATE	
12 SCHOLARSHIPS-FEDERAL	<u>\$750,000</u>

13

14 SECTION 6. APPROPRIATION - TECHNICAL EDUCATION - FEDERAL PROGRAMS.
 15 There is hereby appropriated, to the Department of Higher Education, to be
 16 payable from the federal funds as designated by the Chief Fiscal Officer of
 17 the State, for personal services and operating expenses of the Department of
 18 Higher Education - Technical Education - Federal Programs for the fiscal year
 19 ending June 30, 2014, the following:

20

21 ITEM	FISCAL YEAR
22 <u>NO.</u>	<u>2013-2014</u>
23 (01) REGULAR SALARIES	\$140,477
24 (02) PERSONAL SERVICES MATCHING	40,674
25 (03) MAINT. & GEN. OPERATION	
26 (A) OPER. EXPENSE	120,000
27 (B) CONF. & TRAVEL	20,000
28 (C) PROF. FEES	120,000
29 (D) CAP. OUTLAY	0
30 (E) DATA PROC.	<u>0</u>
31 TOTAL AMOUNT APPROPRIATED	<u>\$441,151</u>

32

33 SECTION 7. APPROPRIATION - IMPROVING TEACHER QUALITY. 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 operating expenses and grants-in-aid of the Department of Higher Education -

1 Improving Teacher Quality Program for the fiscal year ending June 30, 2014,
2 the following:

3	4 ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2013-2014</u>
6	(01) MAINT. & GEN. OPERATION	
7	(A) OPER. EXPENSE	\$26,856
8	(B) CONF. & TRAVEL	13,000
9	(C) PROF. FEES	8,000
10	(D) CAP. OUTLAY	0
11	(E) DATA PROC.	0
12	(02) IMPROVING TEACHER QUALITY GRANTS/AID	<u>1,517,402</u>
13	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,565,258</u></u>

14

15 SECTION 8. APPROPRIATION - RESEARCH DEVELOPMENT PROGRAM. There is
16 hereby appropriated, to the Department of Higher Education, to be payable
17 from the Higher Education Research Development Fund, for providing Arkansas
18 Research Development Program Grants to Institutions of Higher Education by
19 the Department of Higher Education for the fiscal year ending June 30, 2014,
20 the following:

21

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2013-2014</u>
24	(01) RESEARCH AND DEVELOPMENT PROGRAM	
25	GRANTS	<u><u>\$5,000,000</u></u>

26

27 SECTION 9. APPROPRIATION - HEALTH EDUCATION GRANTS AND LOANS. There is
28 hereby appropriated, to the Department of Higher Education, to be payable
29 from the Higher Education Grants Fund Account, for payments of the contracts
30 and loans with participating out-of-state institutions of higher learning in
31 the fields of dentistry, optometry, osteopathy, veterinary medicine,
32 chiropractic, and podiatry for the education of Arkansas citizens, by the
33 Department of Higher Education for the fiscal year ending June 30, 2014, the
34 following:

35

36	ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2013-2014</u>
2	(01) CHIROPRACTIC AID	\$260,000
3	(02) DENTAL AID - GRANTS	2,133,900
4	(03) OPTOMETRY AID - GRANTS	410,000
5	(04) OSTEOPATHY AID	230,000
6	(05) PODIATRY AID	130,400
7	(06) VETERINARY AID	1,100,000
8	(07) DENTAL AID - LOANS	987,370
9	(08) OPTOMETRY AID - LOANS	140,000
10	(09) VETERINARY MED. LOAN FORGIVENESS	
11	PROGRAM	<u>120,000</u>
12	TOTAL AMOUNT APPROPRIATED	<u><u>\$5,511,670</u></u>

13

14 SECTION 10. APPROPRIATION - CASH. There is hereby appropriated, to the
 15 Department of Higher Education, to be payable from the cash fund deposited in
 16 the State Treasury as determined by the Chief Fiscal Officer of the State,
 17 for operating expenses of the Department of Higher Education for the fiscal
 18 year ending June 30, 2014, the following:

19

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2013-2014</u>
22	(01) MAINT. & GEN. OPERATION	
23	(A) OPER. EXPENSE	\$878,070
24	(B) CONF. & TRAVEL	60,620
25	(C) PROF. FEES	551,310
26	(D) CAP. OUTLAY	100,000
27	(E) DATA PROC.	0
28	(02) SCHOLARSHIPS	100,000
29	(03) REFUNDS/REIMBURSEMENTS	<u>5,000</u>
30	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,695,000</u></u>

31

32 SECTION 11. APPROPRIATION - TANF PROGRAM - FEDERAL. There is hereby
 33 appropriated, to the Department of Higher Education, to be payable from the
 34 federal funds as designated by the Chief Fiscal Officer of the State, for
 35 personal services and operating expenses of the Department of Higher
 36 Education - TANF Program - Federal for the fiscal year ending June 30, 2014,

1 the following:

2

3	ITEM	FISCAL YEAR
4	<u>NO.</u>	<u>2013-2014</u>
5	(01) REGULAR SALARIES	\$346,958
6	(02) EXTRA HELP	15,000
7	(03) PERSONAL SERVICES MATCHING	101,915
8	(04) MAINT. & GEN. OPERATION	
9	(A) OPER. EXPENSE	90,000
10	(B) CONF. & TRAVEL	25,000
11	(C) PROF. FEES	30,000
12	(D) CAP. OUTLAY	0
13	(E) DATA PROC.	0
14	(05) SELF SUFFICIENCY/JOB TRAINING GRANTS	<u>10,375,000</u>
15	TOTAL AMOUNT APPROPRIATED	<u>\$10,983,873</u>

16

17 SECTION 12. APPROPRIATION - COLLEGE ACCESS CHALLENGE GRANT. There is
 18 hereby appropriated, to the Department of Higher Education, to be payable
 19 from the federal funds as designated by the Chief Fiscal Officer of the
 20 State, for operating expenses of the Department of Higher Education - College
 21 Access Challenge Grant Program - Federal for the fiscal year ending June 30,
 22 2014, the following:

23

24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2013-2014</u>
26	(01) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	\$1,215,000
28	(B) CONF. & TRAVEL	55,000
29	(C) PROF. FEES	1,700,000
30	(D) CAP. OUTLAY	30,000
31	(E) DATA PROC.	<u>0</u>
32	TOTAL AMOUNT APPROPRIATED	<u>\$3,000,000</u>

33

34 SECTION 13. APPROPRIATION - WEB BASED APPLICATIONS. There is hereby
 35 appropriated, to the Department of Higher Education, to be payable from the
 36 Higher Education Grants Fund Account, for personal services and operating

1 expenses associated with web based applications of the Department of Higher
 2 Education for the fiscal year ending June 30, 2014, the following:

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2013-2014</u>
6 (01) WEB BASED APPLICATIONS PERSONAL	
7 SERVICES AND OPERATING EXPENSES	<u>\$1,300,000</u>

8
 9 SECTION 14. APPROPRIATION - SCHOLARSHIP ADMINISTRATION. There is
 10 hereby appropriated, to the Department of Higher Education, to be payable
 11 from the Higher Education Grants Fund Account, for personal services and
 12 operating expenses of the Department of Higher Education - Scholarship
 13 Administration for the fiscal year ending June 30, 2014, the following:

15 ITEM	FISCAL YEAR
16 <u>NO.</u>	<u>2013-2014</u>
17 (01) REGULAR SALARIES	\$328,864
18 (02) EXTRA HELP	30,000
19 (03) PERSONAL SERVICES MATCHING	108,940
20 (04) MAINT. & GEN. OPERATION	
21 (A) OPER. EXPENSE	165,000
22 (B) CONF. & TRAVEL	0
23 (C) PROF. FEES	400,000
24 (D) CAP. OUTLAY	35,000
25 (E) DATA PROC.	<u>0</u>
26 TOTAL AMOUNT APPROPRIATED	<u>\$1,067,804</u>

27
 28 SECTION 15. APPROPRIATION - COMPLETE COLLEGE AMERICA GRANT PROGRAM.
 29 There is hereby appropriated, to the Department of Higher Education, to be
 30 payable from the cash fund deposited in the State Treasury as determined by
 31 the Chief Fiscal Officer of the State, for operating expenses of the
 32 Department of Higher Education - Complete College America Grant Program for
 33 the fiscal year ending June 30, 2014, the following:

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2013-2014</u>

1	(01) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	\$100,000
3	(B) CONF. & TRAVEL	0
4	(C) PROF. FEES	100,000
5	(D) CAP. OUTLAY	0
6	(E) DATA PROC.	0
7	(02) COMPLETE COLLEGE AMERICA GRANTS	<u>800,000</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,000,000</u></u>

9

10 *SECTION 16. APPROPRIATION – OUTCOME-CENTERED FUNDING AWARDS. There is*
 11 *hereby appropriated, to the Department of Higher Education, to be payable*
 12 *from the Department of Higher Education Fund Account, for distribution of*
 13 *Outcome-Centered Funding Awards to Institutions of Higher Education by the*
 14 *Department of Higher Education for the fiscal year ending June 30, 2014, the*
 15 *following:*

16		
17	<i>ITEM</i>	<i>FISCAL YEAR</i>
18	<u><i>NO.</i></u>	<u><i>2013-2014</i></u>
19	<i>(01) OUTCOME-CENTERED AWARDS – UNIVERSITIES</i>	<i>\$19,697,492</i>
20	<i>(02) OUTCOME-CENTERED AWARDS – COLLEGES</i>	<u><i>\$7,001,770</i></u>
21	<i>TOTAL AMOUNT APPROPRIATED</i>	<u><u><i>\$26,699,262</i></u></u>

22

23 *SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
 24 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EMERGENCY*
 25 *GRANTS & EXTRA HELP POOL. An Institution of higher education that suffers an*
 26 *emergency/disaster event resulting in all or a significant portion of campus*
 27 *operations being interrupted, may request disaster assistance through the*
 28 *Arkansas Department of Higher Education. Upon the declaration of an*
 29 *emergency by the Governor, the institution may request, subject to the*
 30 *recommendation of the Director of the Department of Higher Education and*
 31 *approval of the Governor, a grant from the Disaster Relief Fund to assist in*
 32 *returning that campus to operation and/or to a sister campus providing*
 33 *services to the students from the affected campus. Certified law enforcement*
 34 *officers employed by an institution of higher education may be granted*
 35 *jurisdiction at the sister institution, upon agreement of both institutions.*
 36 *The Department of Higher Education is authorized a pool of 500 extra help*

1 positions for use in such emergency situations. These positions may be
2 assigned to the campus suffering the disaster event or to a sister campus
3 providing services to the students from the affected campus. The Governor
4 may waive the 1,500 hour limit of ACA 6-63-314 on these assigned extra help
5 pool positions.

6 The provisions of this section shall be in effect only from July 1, ~~2012~~
7 2013 through June 30, ~~2013~~ 2014.

8
9 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

11 REALLOCATION OF RESOURCES FOR INSTITUTIONS OF HIGHER EDUCATION. Upon
12 determination by the president or chancellor of an institution of higher
13 education that a reallocation of resources for purposes of reorganization or
14 consolidation of administrative functions within the institution is necessary
15 for efficient and effective operations of the institution, the president or
16 chancellor, with approval of the institution's board of trustees, may have
17 the authority to transfer positions, appropriations and related funds between
18 campuses, divisions, branches, and other budgetary units of the institution,
19 after receiving prior approval of the Legislative Council or Joint Budget
20 Committee. The transfers of positions, programs, or activities shall be used
21 for those purposes for which the appropriations were approved by the General
22 Assembly. The transfers, consolidations, or reorganizations which involve
23 academic programs shall be reviewed by the Department of Higher Education
24 prior to submission to the Legislative Council or Joint Budget Committee.
25 Provided, however, that the institution shall be limited to submitting no
26 more than two (2) individual transaction transfer requests during any fiscal
27 year and shall be further limited to no more than five percent (5%) of the
28 total General Revenue and Special Revenue appropriation, funding, positions
29 specific to each institution, and no Tobacco Settlement funds or
30 appropriations may be reallocated pursuant to this section.

31 Determining the maximum number of employees and the maximum amount of
32 appropriation and general revenue funding for institutions of higher
33 education each fiscal year is the prerogative of the General Assembly. This
34 is usually accomplished by delineating such maximums in the appropriation
35 act(s) for institutions of higher education and the general revenue
36 allocations authorized for each fund and fund account by amendment to the

1 Revenue Stabilization law. Further, the General Assembly has determined that
2 institutions of higher education may operate more efficiently if some
3 flexibility is provided to institutions of higher education authorizing broad
4 powers under this Section. Therefore, it is both necessary and appropriate
5 that the General Assembly maintain oversight by requiring prior approval of
6 the Legislative Council or Joint Budget Committee as provided by this
7 section. The requirement of approval by the Legislative Council or Joint
8 Budget Committee is not a severable part of this section. If the requirement
9 of approval by the Legislative Council or Joint Budget Committee is ruled
10 unconstitutional by a court of competent jurisdiction, this entire section is
11 void.

12 The provisions of this section shall be in effect only from July 1, ~~2012~~
13 2013 through June 30, ~~2013~~ 2014.

14

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

26 The provisions of this section shall be in effect only from July 1, ~~2012~~
27 2013 through June 30, ~~2013~~ 2014.

28

29 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. WORK
31 FORCE 2000 DEVELOPMENT FUND PROCEDURES. After the amounts to be made
32 available to the various technical colleges have been determined as set out
33 in Arkansas Code 26-51-205(d)(2), such documents as may be necessary shall be
34 processed so that funds may be transferred from the Work Force 2000
35 Development Fund to the State Treasury fund or fund account from which the
36 technical college draws its general revenue support. Such funds as may be

1 transferred shall not exceed 93.691% of the total funds available from the
2 Work Force 2000 Development Fund during the fiscal year.

3 In the event that a technical institute or comprehensive lifelong learning
4 center which receives support from the Work Force 2000 Development Fund as
5 determined by law transfers or merges into the Arkansas Technical College and
6 Community College System for which Work Force 2000 Development Fund monies
7 are determined by law, then the actual amount of support from the Work Force
8 2000 Development Fund in the preceding fiscal year for such educational
9 institution shall be made available irrespective of any other provision of
10 law which sets out maximum levels of support from such fund.

11 The provisions of this section shall be in effect only from July 1, ~~2012~~
12 2013 through June 30, ~~2013~~ 2014.

13
14 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BUILDING
16 MAINTENANCE FUND. After the sum of \$13,200,000 has been deposited into the
17 Higher Education Building Maintenance Fund, ~~the next \$10,000,000 or so much~~
18 ~~as is collected,~~ any additional deposits are ~~is~~ to be transferred to the
19 Research Development Fund there to be used as provided by law.

20 The provisions of this section shall be in effect only from July 1, ~~2012~~
21 2013 through June 30, ~~2013~~ 2014.

22
23 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. REFUND TO
25 EXPENDITURES. Proceeds derived from the repayment of loans, grants, or
26 scholarships funded by the Higher Education Grants Fund Account ~~as authorized~~
27 ~~in Items (02), (03) and (08) of Section 4 of this Act for the JR/SR Minority~~
28 ~~Teacher Scholars, the Minority Masters Fellows and the State Teacher~~
29 ~~Assistance Resource Program~~ shall be deposited into the State Treasury fund
30 from which it originated.

31 The provisions of this section shall be in effect only from July 1, ~~2012~~
32 2013 through June 30, ~~2013~~ 2014.

33
34 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NATIONAL
36 GUARD TUITION INCENTIVE PROGRAM. In addition to any other provisions of law,

1 any student who receives assistance from the appropriation made for the
2 "National Guard Tuition Incentive Program" in this Act shall repay any loans
3 and/or assistance if the student receives a discharge that is a less than
4 Honorable Discharge. Priority for funding shall be given to students already
5 receiving assistance from the National Guard Tuition Incentive Program.

6 The provisions of this section shall be in effect only from July 1, ~~2012~~
7 2013 through June 30, ~~2013~~ 2014.

8
9 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
11 SAVINGS BONDS. The Department of Higher Education shall adopt rules and
12 regulations for the allocation of the funds reappropriated for the
13 development of projects at State Institutions of Higher Education and the
14 payment of project costs and expenses of the issuance of the bonds of the
15 Arkansas College Savings General Obligation Bonds Program to ensure that
16 funds are allocated and expended in a manner consistent with the provisions
17 of the Internal Revenue Code applicable to the Arkansas College Savings
18 General Obligation Bond Program (Program). The funds reappropriated for the
19 development of projects at State Institutions of Higher Education and the
20 payment of project costs and expenses of the issuance of the bonds of the
21 Arkansas College Savings General Obligation Bonds Program shall be allocated
22 and expended pursuant to the provisions of Arkansas Code 6-62-701 et seq. and
23 other laws of this State. The expenditure and allocation of funds shall be
24 exempt from any other provisions of state law which conflicts with any
25 provision of the rules and regulations which rules and regulations are
26 required to ensure the compliance of the Program with the applicable
27 provisions of the Internal Revenue Code.

28 The provisions of this section shall be in effect only from July 1, ~~2012~~
29 2013 through June 30, ~~2013~~ 2014.

30
31 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COLLEGE
33 SAVINGS BONDS LIMITATIONS. The total principal amount of bonds to be issued
34 during any fiscal biennium shall not exceed three-hundred million dollars
35 (\$300,000,000), nor shall the principal amount of bonds outstanding at any
36 time have debt service requirements in excess of twenty-four million dollars

1 (\$24,000,000) in any one fiscal year from all state revenue sources.

2 The provisions of this section shall be in effect only from July 1, ~~2012~~
3 2013 through June 30, ~~2013~~ 2014.

4
5 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
7 EDUCATION GRANTS AND LOANS - PRIORITIES. The Arkansas Higher Education
8 Coordinating Board, after consulting with the recognized associations of each
9 of the applicable medical professions and other interested persons, shall
10 determine the priorities for the applicable programs enumerated in the
11 appropriation made for "Health Education Grants and Loans" in this Act. The
12 Arkansas Department of Higher Education, if necessary, shall re-adjust the
13 number of positions for entering students to be funded for each applicable
14 program based upon the priorities determined by the board.

15 The provisions of this section shall be in effect only from July 1, ~~2012~~
16 2013 through June 30, ~~2013~~ 2014.

17
18 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINANCIAL
20 AID PROGRAMS REPORTING. The Arkansas Department of Higher Education shall
21 report by May 30 to the House and Senate Interim Committees on Education the
22 budgeted allocation for each financial aid program funded through the Higher
23 Education Grants Fund Account for the upcoming fiscal year and projections
24 for the following year.

25 The provisions of this section shall be in effect only from July 1, ~~2012~~
26 2013 through June 30, ~~2013~~ 2014.

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

35 The provisions of this section shall be in effect only from July 1, ~~2012~~
36 2013 through June 30, ~~2013~~ 2014.

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

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

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

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DHE PROGRAM COORDINATOR FUNDING. The Chief Fiscal Officer of the State shall transfer sufficient funding for the fiscal year from the Higher Education Grants Fund Account to the Department of Higher Education Fund Account in order to finance the personal services costs of a DHE Program Coordinator.

The provisions of this section shall be in effect only from July 1, ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
2 PROVISION. Upon certification by the Director of the Department of Higher
3 Education that transfers are needed to make maximum utilization of funds and
4 appropriations provided for financial aid programs, and with the approval of
5 the Chief Fiscal Officer of the State and a review by the Arkansas
6 Legislative Council, funds and appropriations may be transferred between
7 financial aid programs to more adequately align the appropriation with the
8 number of eligible students. ~~, except that funds and appropriations may not~~
9 ~~be transferred for such purposes from either the Governor's Scholars Program~~
10 ~~or the Academic Challenge Scholarships Program in excess of \$1,000,000 in the~~
11 ~~aggregate in a fiscal year. Any transfer restrictions contained in~~
12 ~~appropriation acts for the Department of Higher Education relating to~~
13 ~~appropriation transfers from Governor's Scholars Program and Academic~~
14 ~~Challenge Scholarships shall not be applicable to transfers between~~
15 ~~Governor's Scholars and Academic Challenge Scholarship appropriations.~~

16 The provisions of this section shall be in effect only from July 1, ~~2012~~
17 2013 through June 30, ~~2013~~ 2014.

18
19 SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
21 OF HIGHER EDUCATION GRANTS FUND APPROPRIATIONS - HEALTH EDUCATION GRANTS AND
22 LOANS. Upon certification to and with the approval of the Chief Fiscal
23 Officer of the State, surplus funds and appropriations may be transferred
24 between the appropriations provided for "Health Education Grants and Loans"
25 by this Act by the General Assembly for Dental Aid Grants and Loans,
26 Optometry Aid, Veterinary Aid, Podiatry Aid, Chiropractic Aid and Osteopathy
27 Aid.

28 The provisions of this section shall be in effect only from July 1, ~~2012~~
29 2013 through June 30, ~~2013~~ 2014.

30
31 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
33 CONTINGENCY APPROPRIATIONS - TRANSFERS AND REPORTS. (a) Upon approval by
34 the Department of Higher Education and the Chief Fiscal Officer of the State,
35 institutions of higher education may transfer appropriation from the cash
36 contingency appropriation to any other appropriation made to the institution

1 from cash funds including the establishment of commitment items, and may
2 transfer appropriation from the contingency appropriation made payable from
3 each institution's State Treasury Fund to the state operations appropriation
4 made payable from each institution's State Treasury Fund including the
5 establishment of commitment items, and may transfer appropriation from the
6 contingency appropriation made payable from the Tobacco Settlement Program
7 Fund Accounts to any other appropriation made to the institution from Tobacco
8 Settlement Program Fund Accounts including the establishment of commitment
9 items.

10 (b) Contingency appropriation transfers shall only establish and
11 supplement commitment items that were recommended by the Higher Education
12 Coordinating Board in the budget manuals presented to the Legislative Council
13 and Joint Budget Committee.

14 (c) The Department of Higher Education shall report contingency
15 appropriation transfers and the establishment of any commitment items
16 authorized by this Section to the Legislative Council or Joint Budget
17 Committee for review during its July meeting. The report shall include, by
18 institution, the establishment of, and the amounts transferred to, each
19 commitment item, the reasons therefor and the source of funds. Institutions
20 shall submit contingency appropriation transfer and commitment item
21 establishment requests authorized by this Section to the Department of Higher
22 Education no later than July 1. Upon the failure of an institution to submit
23 the required information by the July 1 deadline, the Department of Higher
24 Education shall immediately notify by written notification the chairpersons
25 of the Legislative Council or Joint Budget Committee.

26

27 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STUDENT
29 UNDERGRADUATE RESEARCH FELLOWSHIP (SURF) PROGRAM. The focus of the Student
30 Undergraduate Research Fellowship (SURF) Program is the continued development
31 of undergraduate academic research efforts at Arkansas colleges and
32 universities. The Arkansas Department of Higher Education shall adopt rules
33 and regulations necessary for the proper administration of the Student
34 Undergraduate Research Fellowship Program. Administrative functions and
35 responsibilities may include, but not necessarily be limited to, the
36 development of eligibility criteria, collection of applications, coordination

1 of student evaluations, distribution of public notices, and funding of grants
2 for academic research purposes. Staff of the Arkansas Department of Higher
3 Education shall administer this program. The Arkansas Department of Higher
4 Education shall be authorized to expense costs associated with the
5 administration of the program, from funds made payable from the Higher
6 Education Grants Fund Account for the Student Undergraduate Research
7 Fellowship Program as authorized in Section 4 of this Act.

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

11 *COOPERATION AGREEMENTS. Any ~~two-year~~ institution of Higher Education that has
12 its main campus, ~~or a satellite campus~~, or center located within a twenty
13 five mile radius of any ~~four-year~~ other main campus of an institution of
14 higher education shall enter into a written agreement with that ~~four-year~~
15 institution which must address duplication of services between the
16 institutions.*

17 *The provisions of this section shall be in effect only from July 1, ~~2012~~
18 2013 through June 30, ~~2013~~ 2014.*

19
20 *SECTION 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COST
22 ALLOCATION. The Department of Higher Education may refund to the Higher
23 Education Fund Account or the Higher Education Grants Fund Account such
24 amounts determined by the Department to be reimbursements received from the
25 Arkansas Lottery Commission for costs related to the administration of the
26 Arkansas Academic Challenge Scholarship Program.*

27
28 *SECTION 38. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*

30 *APPROPRIATION TRANSFER PROCEDURES - AR GEOGRAPHICAL CRITICAL NEEDS MINORITY
31 TEACHER SCHOLARSHIP PROGRAM. The Director of the Arkansas Department of
32 Higher Education shall determine the amount available, up to \$200,000 per
33 fiscal year, to fund the Arkansas Geographical Critical Needs Minority
34 Teacher Scholarships and shall certify to the Chief Fiscal Officer of the
35 State and the State Treasurer such amount as is required to be transferred
36 from the Higher Education Grants Fund Account. Upon receiving such*

1 certification, the Chief Fiscal Officer of the State and the State Treasurer
2 shall cause to be transferred the necessary funds and appropriation to the
3 fund account of the University of Arkansas at Pine Bluff for implementation
4 of this program. The University of Arkansas at Pine Bluff may use up to
5 twenty percent (20%) of the funds and appropriation for administration of the
6 program.

7 The provisions of this section shall be in effect only from July 1, ~~2012~~
8 2013 through June 30, ~~2013~~ 2014.

9

10 SECTION 39. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HIGHER
12 EDUCATION CENTRAL POOL POSITIONS. a) Universities - (1) The Department of
13 Higher Education shall establish and maintain a central pool of three hundred
14 (300) positions to be used to establish additional positions when an
15 institution does not have sufficient positions available to meet
16 unanticipated enrollment growth, industry training demands, and its mandated
17 responsibilities.

18 (2) Central pool positions are to be used by the institutions if the
19 personnel service needs exceed the number of positions authorized by the
20 General Assembly and that were not anticipated at the time of the passage of
21 the institution's operating appropriation act.

22 (3) No position established under this section may exceed the salary rate of
23 the highest maximum annual salary rate or the highest grade level position
24 authorized by the General Assembly in the requesting institution's operating
25 appropriation act.

26 (4) The institution shall provide justification to the Department of Higher
27 Education for the need to allocate positions from the central pool.

28 (5) Titles shall not be assigned to the institution from the central pool
29 until specific positions are requested by the institution, recommended by the
30 Department of Higher Education and approved by the Arkansas Legislative
31 Council or the Joint Budget Committee.

32 (6) If an institution requests any central pool position to be continued
33 during the subsequent fiscal year, the position must be requested as a new
34 position in the institution's subsequent fiscal year budget request.

35 (b) Colleges - (1) The Department of Higher Education shall establish and
36 maintain a central pool of two hundred fifty (250) positions to be used to

1 establish additional positions when an institution does not have sufficient
2 positions available to meet unanticipated enrollment growth, industry
3 training demands, and its mandated responsibilities.

4 (2) Central pool positions are to be used by the institutions if the
5 personnel service needs exceed the number of positions authorized by the
6 General Assembly and that were not anticipated at the time of the passage of
7 the institution's operating appropriation act.

8 (3) No position established under this section may exceed the salary rate of
9 the highest maximum annual salary rate or the highest grade level position
10 authorized by the General Assembly in the requesting institution's operating
11 appropriation act.

12 (4) The institution shall provide justification to the Department of Higher
13 Education for the need to allocate positions from the central pool.

14 (5) Titles shall not be assigned to the institution from the central pool
15 until specific positions are requested by the institution, recommended by the
16 Department of Higher Education and approved by the Arkansas Legislative
17 Council or the Joint Budget Committee.

18 (6) If an institution requests any central pool position to be continued
19 during the subsequent fiscal year, the position must be requested as a new
20 position in the institution's subsequent fiscal year budget request.

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

1 void.

2 The provisions of this section shall be in effect only from July 1, ~~2012~~
3 2013 through June 30, ~~2013~~ 2014.

4

5 SECTION 40. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SREB
7 MINORITY DOCTORAL SCHOLARS PROGRAM REGULATIONS. The Department of Higher
8 Education is authorized to promulgate rules and regulations for the
9 administration of the Southern Regional Education Board (SREB) Minority
10 Doctoral Scholars program.

11

12 SECTION 41. SPECIAL LANGUAGE. Arkansas Code Title 6, Chapter 62,
13 Section 803, concerning limits on funding of athletic programs, is amended to
14 read as follows:

15 6-62-803. Limits on funding.

16 ~~(a) Beginning in fiscal year 1991-1992, the amount of unrestricted~~
17 ~~educational and general funds for intercollegiate athletic programs at state-~~
18 ~~supported institutions of higher education shall be limited to four hundred~~
19 ~~fifty thousand dollars (\$450,000) at four-year institutions and to fifty-one~~
20 ~~dollars (\$51.00) per full-time equivalent student per year at two-year~~
21 ~~branches of four-year institutions and at other two-year institutions of~~
22 ~~higher education.~~

23 ~~(b)(1) Beginning in fiscal year 1997-1998, state-supported four-year~~
24 ~~institutions of higher education may use an additional three hundred thousand~~
25 ~~dollars (\$300,000) per fiscal year of unrestricted educational and general~~
26 ~~funds to provide gender equity in intercollegiate athletic programs.~~

27 ~~(2) Two-year branches of the four-year institutions and other two-year~~
28 ~~institutions of higher education may use an additional amount of unrestricted~~
29 ~~educational and general funds for providing gender equity in intercollegiate~~
30 ~~athletic programs in the amount of thirty-four dollars (\$34.00) per full-~~
31 ~~time equivalent student per year.~~

32 ~~(c)(1) Beginning in fiscal year 2005-2006, the limits on the amount of~~
33 ~~unrestricted educational and general funds for intercollegiate athletic~~
34 ~~programs at state-supported institutions of higher education set forth in~~
35 ~~subsections (a) and (b) of this section shall be adjusted as determined by~~
36 ~~the Department of Higher Education based on the consumer price index.~~

1 - ~~(2)(A) For fiscal year 2005-2006, the adjustments shall take into~~
 2 ~~account the inflation increases since the figures set forth in subsections~~
 3 ~~(a) and (b) of this section were established or last adjusted.~~

4 - ~~(B) In subsequent years, the adjustment shall be for the period~~
 5 ~~from the last adjustment to the beginning of the relevant fiscal year.~~

6 (a) For the certification required under §6-62-805, the amount allowed to be
 7 budgeted of unrestricted educational and general funds for intercollegiate
 8 athletic programs at state-supported institutions of higher education shall
 9 be limited to an amount established by the Department of Higher Education for
 10 the fiscal year 2012-2013 or an amount of not more than two (2%) percent of
 11 the actual total unrestricted educational and general revenues of the
 12 previous fiscal year at institutions of higher education.

13 (b) The Department of Higher Education shall annually adjust the allowable
 14 transfer based upon the consumer price index.

15
 16 *SECTION 42. SPECIAL LANGUAGE. Arkansas Code Title 6, Chapter 62,*
 17 *Subchapter 3 is amended to read as follows:*

18
 19 *6-62-314. Construction Project Exemption.*

20 *The following state-supported institutions of higher education shall be*
 21 *exempt as allowed by §19-4-1415(b)(5) for construction projects exceeding*
 22 *five million dollars (\$5,000,000) if they have adopted policies and*
 23 *procedures in compliance with state law involving the awarding and oversight*
 24 *of the contracts for design and construction services:*

25
 26 *(1) Henderson State University;*

27
 28 *(2) Southern Arkansas University – Magnolia;*

29
 30 *(3) University of Central Arkansas;*

31
 32 *(4) Mid-South Community College;*

33
 34 *(5) National Park Community College; and*

35
 36 *(6) Northwest Arkansas Community College; and*

1
2 (7) Rich Mountain Community College.

3
4 SECTION 43. SPECIAL LANGUAGE. Arkansas Code Title 6, Chapter 61,
5 regarding the Arkansas Higher Education Coordinating Board, is amended by
6 adding a new section:

7
8 6-61-233. Funding formula implementation – Department of Higher Education.
9 The implementation of the funding component of the outcome-centered formula
10 defined in §6-61-224, §6-61-228, and §6-61-229 shall not progress beyond the
11 2014-2015 school year until such time as the Arkansas Department of Higher
12 Education determines that all institutions are funded at the minimum standard
13 of equity defined as seventy-five percent (75%) of needed state funding, as
14 determined by the needs-based component of the funding formula models. In any
15 fiscal year that the aggregate general revenue funding forecasted to be
16 available for higher education institutions is less than the amount in the
17 2012-13 fiscal year, the Arkansas Department of Higher Education will not
18 further implement the funding component until such time as the aggregate
19 general revenue for higher institutions is restored to the 2012-13 fiscal
20 year level. The Arkansas Department of Higher Education shall continue to
21 execute and publish the results of the outcome-centered component to measure
22 the progress of institutions in reaching the broad goals of satisfactory
23 progression and graduation of all students enrolled in state-supported
24 institutions of higher education.

25
26 SECTION 44. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OUTCOME-
28 CENTERED FUNDING AWARDS. Upon certification of the Director of the
29 Department of Higher Education, the Chief Fiscal Officer of the State shall
30 transfer to the Department of Higher Education Fund Account certified amounts
31 based upon the outcome-centered funding policy of the Arkansas Higher
32 Education Coordinating Board from the State Treasury funds of the
33 Institutions of Higher Education. The Department of Higher Education will
34 distribute funds from the Outcome-Centered Funding Awards Appropriation based
35 upon the outcome-centered funding policy of the Arkansas Higher Education
36 Coordinating Board.

1 The provisions of this section shall be in effect only from July 1,
2 2013 through June 30, 2014.

3
4 SECTION 45. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

6 ADMINISTRATIVE FEES. The Department of Higher Education is authorized to
7 recover non-refundable administrative fees related to the institutional
8 certification and exemption process for out-of-state, non-public, and for-
9 profit colleges and universities. These fees include a notification fee, an
10 application processing fee, and travel expenses for the certification review
11 teams.

12 The provisions of this section shall be in effect only from July 1,
13 2013 through June 30, 2014.

14
15 SECTION 46. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OPTOMETRY
17 AID GRANTS AND LOANS EXPENDITURES. The Department of Higher Education shall
18 be required to allocate, budget, and expend no less than four hundred
19 nineteen thousand six hundred dollars (\$419,600) each fiscal year from the
20 Optometry Aid Grants and Loans appropriations and an additional amount, not
21 to exceed seventy five thousand dollars (\$75,000), of the previous fiscal
22 year's Higher Education Grants Fund Account ending balance over eight million
23 seven hundred fifty thousand dollars (\$8,750,000) to maintain the same 2012-
24 2013 fiscal year level of Southern Regional Education Board Optometry
25 contractual slots support. The budgeted amount and expenditures may be
26 reduced to a lesser amount if the Department determines that there is a
27 reduction in the number of needed or eligible applicants for the Optometry
28 contractual slots. The budgeted amount and expenditures may also be reduced
29 proportionally for a reduction in allocated General Revenue due to a
30 reduction in the Official General Revenue Forecast.

31 The provisions of this section shall be in effect only from July 1,
32 2013 through June 30, 2014.

33
34 SECTION 47. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
35 authorized by this act shall be limited to the appropriation for such agency
36 and funds made available by law for the support of such appropriations; and

1 the restrictions of the State Procurement Law, the General Accounting and
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
3 Procedures and Restrictions Act, or their successors, and other fiscal
4 control laws of this State, where applicable, and regulations promulgated by
5 the Department of Finance and Administration, as authorized by law, shall be
6 strictly complied with in disbursement of said funds.

7
8 SECTION 48. LEGISLATIVE INTENT. It is the intent of the General
9 Assembly that any funds disbursed under the authority of the appropriations
10 contained in this act shall be in compliance with the stated reasons for
11 which this act was adopted, as evidenced by the Agency Requests, Executive
12 Recommendations and Legislative Recommendations contained in the budget
13 manuals prepared by the Department of Finance and Administration, letters, or
14 summarized oral testimony in the official minutes of the Arkansas Legislative
15 Council or Joint Budget Committee which relate to its passage and adoption.

16
17 SECTION 49. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly, that the Constitution of the State of Arkansas prohibits
19 the appropriation of funds for more than a one (1) year period; that the
20 effectiveness of this Act on July 1, 2013 is essential to the operation of
21 the agency for which the appropriations in this Act are provided, and that in
22 the event of an extension of the legislative session, the delay in the
23 effective date of this Act beyond July 1, 2013 could work irreparable harm
24 upon the proper administration and provision of essential governmental
25 programs. Therefore, an emergency is hereby declared to exist and this Act
26 being necessary for the immediate preservation of the public peace, health
27 and safety shall be in full force and effect from and after July 1, 2013.

28
29 */s/Joint Budget Committee*
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