

## SENATE AMENDMENT 1 TO sb281.

adding new section immediately following SECTION 28 to read as follows:

" SECTION 29. SPECIAL LANGUAGE - REPORTING REQUIREMENTS. The reports of college achievement of high school graduates, as appropriated by the Eighty- First General Assembly, shall be provided to high school and school district administrators and may also be provided to the State Board of Higher Education or its successor, the Governor, the Interim Committees on Education, the Board of Education and the Department of Education.

SECTION 30. SPECIAL LANGUAGE - TRANSFER PROVISION. Upon certification by the Director of the Department of Higher Education or other disbursing officer to which the appropriation for financial assistance is made, that transfers are needed to make maximum utilization of funds and appropriations provided for financial aid programs, and with the approval of the Chief Fiscal Officer of the State and a review by the Arkansas Legislative Council, funds and appropriations may be transferred between financial aid programs.

SECTION 31. SPECIAL LANGUAGE - HIGHER EDUCATION PROMOTIONAL GRANTS. Upon certification by the Chairman of the State Board of Higher Education or by the Chief Executive Officer of the agency to which the appropriation for higher Education Promotional Grants is made, to the Chief Fiscal Officer of the State, funds and appropriation provided to the Department of Higher Education or other appropriate agency for Higher Education Promotional Grants shall be transferred each fiscal year to each institution of higher education which received such funds in Fiscal Year 1995-96, in the proportion of the amount each institution received to the total amount which was distributed in Fiscal Year 1995-96 applied to the total amount of funds available each year, there to be used for the same purposes.

SECTION 32. SPECIAL LANGUAGE - FINANCIAL AID. In order to provide timely payments under financial aid appropriations, the Chief Fiscal Officer of the State is authorized to provide loans from the Budget Stabilization Trust Fund to make available all funds attributable to the financial aid programs under the then current official revenue estimates. In the event of an unanticipated state revenue shortfall, any such loans remaining at the end of a fiscal year shall be repaid from revenues distributed in the first two months of the next fiscal year. Funds for appropriations for purposes other than financial aid shall not be affected by the application of this provision.

SECTION 33. SPECIAL LANGUAGE - WORKFORCE 2000. After the amounts to be made available to the various technical colleges have been determined by the

State Board of Higher Education or other appropriate agency as designated by the Governor or by law, under the provisions of Act 1244 of 1991 and Act 1246 of 1991, and upon the review and approval of the Chief Fiscal Officer of the State, such documents as may be necessary shall be processed so that funds may be transferred from the Work Force 2000 Development Fund to the State Treasury fund or fund account from which the technical college draws its general revenue support. Be it further provided that such funds as may be transferred shall not exceed 74.45% of the total funds available from the Work Force 2000 Development Fund during each fiscal year of the biennial period ending June 30, 1999.

In the event that an educational institution which receives support from the Work Force 2000 Development Fund as determined by law or the State Board of Vocational Education transfers or merges into the Arkansas Technical College and Community College System for which Work Force 2000 Development Fund monies are determined by law or the State Board of Higher Education or other agency as designated by the Governor or by law, or vice versa, then the actual amount of support from the Work Force 2000 Development Fund in the preceding fiscal year for such educational institution shall be made available regardless of any other provision of law which sets out maximum levels of support from such fund.

SECTION 34. SPECIAL LANGUAGE - HIGHER EDUCATION BUILDING MAINTENANCE AND RESEARCH DEVELOPMENT. After the sum of \$13,200,000 has been deposited into the Higher Education Building Maintenance Fund, the next \$10,000,000 or so much as is collected, is to be transferred to the Research Development Fund there to be used as provided by law.

SECTION 35. SPECIAL LANGUAGE. REFUND TO EXPENDITURES. Proceeds derived from the repayment of loans as authorized for the Math/Science Teacher Loan Awards Program shall be deposited into the State Treasury as "Refunds to Expenditures".

SECTION 36. SPECIAL LANGUAGE - CARRY FORWARD. The balance of the funds and appropriations as provided for the Academic Challenge Scholarships Program which remain on June 30, 1998, shall be carried forward and made available for the same purpose for the fiscal year ending June 30, 1999.

SECTION 37. SPECIAL LANGUAGE - ACADEMIC CHALLENGE SCHOLARSHIPS. Upon certification by the State Board of Higher Education or the Chief Executive

Officer to which the appropriation for Academic Challenge Scholarships is made, the Chief Fiscal Officer of the State is hereby authorized to transfer from the balances remaining in appropriation and funds authorized for the Academic Challenge Scholarships's line item, in such amounts as deemed appropriate by the State Board of Higher Education or the Chief Executive Officer to which the appropriation for Academic Challenge Scholarships is made, in meeting the educational needs of the State through a financial assistance program of grants and forgivable loans, designed to meet State needs, based on comments and advice sought by the State Board of Higher Education or another appropriate board as designated by the Governor or as set out by law, to determine areas of critical and strategic needs for graduates in specific courses of study and for racial and gender diversity.

SECTION 38. SPECIAL LANGUAGE - SPECIAL PROVISIONS. (1) Effective July 1, 1993, those students who currently receive or who have been accepted to receive financial assistance from the appropriations providing for payments of the contracts with schools of higher learning for the education of Arkansas citizens at out-of-state institutions of higher learning in the fields of dental medicine, optometry, osteopathy, veterinary medicine, chiropractic education and podiatry education shall continue to receive such financial assistance;

(2) Effective July 1, 1993, the State Board of Higher Education or another appropriate board as designated by the Governor or as set out by law, shall determine the priorities for the applicable programs enumerated in item (1) above and the disbursing officer for the appropriations shall re-adjust the number of positions funded for new freshman positions for the applicable programs according to the need of the State for each profession, based upon the priorities determined by the board after hearing testimony from the recognized associations of each of the applicable medical professionals; and

(3) The State Board of Higher Education or other appropriate board as designated by the Governor or as set out by law shall conduct a study during the 1997-99 biennium as to the need for health care providers in Arkansas and report its findings to the General Assembly on or before October 1, 1998.

SECTION 39. SPECIAL LANGUAGE. (a) HIGHER EDUCATION TUITION ADJUSTMENT FUND. The Higher Education Tuition Adjustment Fund is hereby created upon the books of the State Treasurer, State Auditor, and Chief Fiscal Officer of the State. The fund shall consist of such revenues as are allocated to it by law.  
(b) PURPOSE OF THE FUND. It is the intent of the Arkansas General Assembly that this fund ensures that bona fide Arkansas income taxpayers and their

dependents who are residents of a bordering state in a contiguous county to the Arkansas State line which is contiguous to a county where an institution of higher education is located receive the same higher education opportunities as all other said taxpayers. In establishing this policy, it is the intent of the General Assembly that taxpayers should have affordable access to the state's higher education institutions.

Further, the Arkansas Department of Higher Education or another appropriate board or agency as designated by the Governor or by law ("agency") will require each institution to track and report the number of qualifying students each year. A list of students who benefit from the out-of-state tuition waiver including their social security number or their Arkansas taxpaying parents' or guardians' names and social security numbers will be furnished by the "agency" to the Department of Finance and Administration for confirmation that they or their parents are employed in Arkansas at a wage in excess of five thousand five hundred dollars (\$5,500) per annum. Documentation should be either an official W-2 form from an Arkansas employer reflecting wages of at least five thousand five hundred dollars (\$5,500) in the tax year prior to enrollment in college; or official employer verification of a current year salary minimum of at least five thousand five hundred dollars (\$5,500) which the college will keep on file for enrollment audit purposes.

(c) APPROPRIATION TRANSFER PROCEDURES. The "agency" shall determine the difference between the amount of tuition revenue which would have been generated by charging the approved out-of-state tuition rate to said students as compared to approved in-state or out-of-district rate. Upon such determination, the "agency" shall certify to the Chief Fiscal Officer of the State and the State Treasurer such amounts as are required to be transferred from the Higher Education Tuition Adjustment Fund. Upon receiving such certification, the Chief Fiscal Officer of the State and the State Treasurer shall cause to be transferred the necessary funds and appropriation to the fund account of the institution receiving such certification from the "agency". In order to provide funding for the appropriation set out as Tuition Adjustment, the Chief Fiscal Officer of the State shall transfer to the Higher Education Tuition Adjustment Fund from the Higher Education Grants Fund Account \$250,000 for each year of the biennium. The remaining amounts required to finance the amount appropriated for Tuition Adjustment shall be transferred from the Higher Education Grants Fund Account after meeting the costs of scholarship and grant programs administered by the "agency".

is amended by inserting an additional subsection at the end thereof to read as follows:

"(e) Notwithstanding Arkansas Code 19-4-522 or any other law to the contrary state-supported colleges and universities may utilize maintenance and operation appropriations for the payment of moving expenses of employees, including new hires."

SECTION 41. SPECIAL LANGUAGE - SCHOLARSHIPS. The Board of Trustees of any institution of higher education may waive the out-of-state portion of any full tuition scholarship for any full-time student which is provided by unrestricted funds of the institution. Such part as is waived shall not be considered as an expenditure by any regulation of the Board of Higher Education.

SECTION 42. SPECIAL LANGUAGE - COLLEGE SAVINGS BONDS. The Department of Higher Education or other agency to which the appropriation for College Savings Bonds is provided shall adopt rules and regulations for the allocation of the funds reappropriated for the development of projects at State Institutions of Higher Education and the payment of project costs and expenses of the issuance of the bonds of the Arkansas College Savings General Obligation Bonds Program by the Eighty-First General Assembly to ensure that funds are allocated and expended in a manner consistent with the provisions of the Internal Revenue Code applicable to the Arkansas College Savings General Obligation Bond Program (Program). The funds reappropriated for the development of projects at State Institutions of Higher Education and the payment of project costs and expenses of the issuance of the bonds of the Arkansas College Savings General Obligation Bonds Program by the Eighty-First General Assembly shall be allocated and expended pursuant to the provisions of Arkansas Code 6-62-701 et. seq. and other laws of this State. The expenditure and allocation of funds shall be exempt from any other provisions of state law which conflicts with any provision of the rules and regulations which rules and regulations are required to ensure the compliance of the Program with the applicable provisions of the Internal Revenue Code.

SECTION 43. SPECIAL LANGUAGE - COLLEGE SAVINGS BONDS LIMITS. Arkansas Code §6-62-708 is amended to read as follows: "The total principal amount of bonds to be issued during any fiscal biennium shall not exceed three-hundred million dollars (\$300,000,000), nor shall the principal amount of bonds outstanding at any time have debt service requirements in excess of twenty-four million dollars (\$24,000,000) in any one fiscal year from all sources."

SECTION 44. SPECIAL LANGUAGE. UNALLOCATED COLLEGE SAVINGS BOND  
 APPROPRIATION. The amount of appropriation for College Savings Bonds projects allocated for Other Strategic Needs of the State as authorized by Act 1167 of 1995 shall be distributed by the State Board of Higher Education to the two year institutions of higher education as follows:

<u>COLLEGES &amp; SCHOOLS</u>	<u>DISTRIBUTION</u>
<u>ASU-BEEBE</u> -	<u>\$ 750,000</u>
<u>ASU-BEEBE/NEWPORT</u>	<u>449,862</u>
<u>EAST ARKANSAS COMM. COLL.</u>	
<u>750,000</u>	
<u>GARLAND COUNTY COMM. COLL.</u>	
<u>750,000</u>	
<u>MID-SOUTH COMM. COLL.</u>	<u>585,306</u>
<u>MISSISSIPPI CO. COMM. COLL.</u>	
<u>750,000</u>	
<u>NORTH ARK COMM/TECH COLL.</u>	
<u>750,000</u>	
<u>NORTHWEST ARK. COMM. COLL.</u>	
<u>750,000</u>	
<u>PHILLIPS COMM. COLL. OF UA</u>	
<u>750,000</u>	
<u>RICH MOUNTAIN COMM. COLL.</u>	
<u>483,272</u>	
<u>SAU-TECH</u>	<u>622,327</u>
<u>SOUTH ARK. COMM. COLL.</u>	
<u>746,935</u>	
<u>UA COMM. COLL. AT HOPE</u>	
<u>750,000</u>	
<u>WESTARK COMM. COLL.</u>	<u>750,000</u>
<u>BLACK RIVER TECH. COLL.</u>	
<u>750,000</u>	
<u>COSSATOT TECH. COLL.</u>	<u>541,964</u>
<u>GATEWAY TECH. COLL.</u>	<u>478,757</u>
<u>OUACHITA TECH. COLL.</u>	<u>504,040</u>
<u>OZARKA TECH. COLL.</u>	<u>469,727</u>
<u>PETIT JEAN TECH. COLL.</u>	
<u>617,812</u>	

PULASKI TECH. COLL.

750,000

SOUTHEAST ARK. TECH. COLL.

750,000

TOTAL

\$ 14,500,000

SECTION 45. SPECIAL LANGUAGE - SAU-TECH. The amount of College Savings Bond Appropriation which is allocated in this act for SAU-TECH may also be utilized for the Fire Training Academy and the Environmental Control Academy."

and,

by renumbering subsequent sections accordingly.