

Stricken language would be deleted from and underlined language would be added to present law.
Act 98 of the 2nd Extraordinary Session

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

As Engrossed: H2/6/04
A Bill

Call Item 3

SENATE BILL 91

5 By: Senator Bisbee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR THE
10 DEPARTMENT OF EDUCATION WHICH SHALL BE
11 SUPPLEMENTAL AND IN ADDITION TO THOSE FUNDS
12 APPROPRIATED BY ACT 1608 OF 2003 AND ACT 51 OF
13 THE 1ST EXTRAORDINARY SESSION OF 2003, FOR THE
14 BIENNIAL PERIOD ENDING JUNE 30, 2005; AND FOR
15 OTHER PURPOSES.
16

Subtitle

17 AN ACT FOR THE DEPARTMENT OF EDUCATION -
18 SUPPLEMENTAL APPROPRIATION FOR THE 2003-
19 05 BIENNIUM.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. REGULAR SALARIES. There is hereby established for the
26 Department of Education for the 2003-2005 biennium, which shall be
27 supplemental and in addition to those positions authorized by Section 1 of
28 Act 1608 of 2003, the following maximum number of regular employees whose
29 salaries shall be governed by the provisions of the Uniform Classification
30 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,
31 and all laws amendatory thereto. Provided, however, that any position to
32 which a specific maximum annual salary is set out herein in dollars, shall be
33 exempt from the provisions of said Uniform Classification and Compensation
34 Act. All persons occupying positions authorized herein are hereby governed
35 by the provisions of the Regular Salaries Procedures and Restrictions Act
36 (Arkansas Code §21-5-101), or its successor.



| | | | Maximum Annual | | |
|----|-----------------------|--------------------------------------|----------------|--------------|-----------|
| | | | Maximum | Salary Rate | |
| | | | No. of | Fiscal Years | |
| 5 | No. | Code Title | Employees | 2003-2004 | 2004-2005 |
| 6 | (1) | 9287 ED ASST DIR ACADEMIC FACILITIES | 1 | 84,307 | 86,308 |
| 7 | (2) | R063 EDUCATION CURRICULUM SUPERVISOR | 1 | GRADE 23 | |
| 8 | (3) | E032 ED ACCOUNTABILITY PROGRAM COORD | 1 | GRADE 23 | |
| 9 | (4) | 055Z DATA PROCESSING MANAGER | 1 | GRADE 23 | |
| 10 | (5) | A047 GENERAL FINANCE COORDINATOR | 1 | GRADE 22 | |
| 11 | (6) | R290 PUBLIC SCHOOL PROGRAM ADVISOR | 18 | GRADE 21 | |
| 12 | (7) | E035 ADE FINANCIAL ANALYST | 4 | GRADE 20 | |
| 13 | (8) | R266 MANAGEMENT PROJECT ANALYST | <u>3</u> | GRADE 20 | |
| 14 | MAX. NO. OF EMPLOYEES | | 30 | | |

SECTION 2. APPROPRIATION – STATE OPERATIONS. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Fund Account, for personal services and operating expenses of the Department of Education – State Operations, which shall be supplemental and in addition to those funds appropriated by Section 3 of Act 1608 of 2003, for the biennial period ending June 30, 2005, the following:

| ITEM | FISCAL YEARS | |
|---------------------------|--------------------------|---------------------|
| | 2003-2004 | 2004-2005 |
| NO. | | |
| (01) | REGULAR SALARIES \$ 0 | \$ 1,919,308 |
| (02) | PERSONAL SERV MATCHING 0 | 527,944 |
| (03) | MAINT. & GEN. OPERATION | |
| (A) | OPER. EXPENSE 0 | 1,256,988 |
| (B) | CONF. & TRAVEL 0 | 100,630 |
| (C) | PROF. FEES 0 | 207,000 |
| (D) | CAP. OUTLAY 0 | 15,000 |
| (E) | DATA PROC. <u>0</u> | <u>1,500,000</u> |
| TOTAL AMOUNT APPROPRIATED | <u>\$ 0</u> | <u>\$ 5,526,870</u> |

SECTION 3. APPROPRIATION – FEDERAL ELEMENTARY & SECONDARY EDUCATION. There is hereby appropriated, to the Department of Education, to be payable

1 from the federal funds as designated by the Chief Fiscal Officer of the
 2 State, for operating expenses of the Department of Education – Federal
 3 Elementary & Secondary Education, which shall be supplemental and in addition
 4 to those funds appropriated by Section 10 of Act 1608 of 2003, for the
 5 biennial period ending June 30, 2005, the following:

| ITEM NO. | FISCAL YEARS | |
|---------------------------------|----------------------|----------------------|
| | 2003-2004 | 2004-2005 |
| (01) MAINT. & GEN. OPERATION | | |
| (A) OPER. EXPENSE | \$ 0 | \$ 0 |
| (B) CONF. & TRAVEL | 0 | 0 |
| (C) PROF. FEES | 3,000,000 | 3,000,000 |
| (D) CAP. OUTLAY | 0 | 0 |
| (E) DATA PROC. | 0 | 0 |
| (02) ENTITLEMENT GRANT PROGRAMS | <u>75,000,000</u> | <u>75,000,000</u> |
| TOTAL AMOUNT APPROPRIATED | <u>\$ 78,000,000</u> | <u>\$ 78,000,000</u> |

18 SECTION 4. REGULAR SALARIES - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK
 19 (APSCN). There is hereby established for the Department of Education - APSCN
 20 for the 2003-2005 biennium, which shall be supplemental and in addition to
 21 those positions authorized by Section 2 of Act 51, 1st Extraordinary Session
 22 of 2003, the following maximum number of regular employees whose salaries
 23 shall be governed by the provisions of the Uniform Classification and
 24 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
 25 all laws amendatory thereto. Provided, however, that any position to which a
 26 specific maximum annual salary is set out herein in dollars, shall be exempt
 27 from the provisions of said Uniform Classification and Compensation Act. All
 28 persons occupying positions authorized herein are hereby governed by the
 29 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
 30 Code §21-5-101), or its successor.

| Item Class No. Code Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Years | |
|------------------------------|--------------------------------|---|-----------|
| | | 2003-2004 | 2004-2005 |

1 (1) E114 STAFF DEVELOPMENT COORDINATOR 2 GRADE 20
 2 MAX. NO. OF EMPLOYEES 2
 3

4 SECTION 5. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK
 5 (APSCN). There is hereby appropriated, to the Department of Education, to be
 6 payable from the Department of Education Public School Fund Account, for
 7 personal services and operating expenses of the Department of Education -
 8 APSCN, which shall be supplemental and in addition to those funds
 9 appropriated by Section 3 of Act 51, 1st Extraordinary Session of 2003, for
 10 the biennial period ending June 30, 2005, the following:
 11
 12

| ITEM NO. | FISCAL YEARS | |
|---------------------------------|--------------|---------------------|
| | 2003-2004 | 2004-2005 |
| (01) REGULAR SALARIES | \$ 0 | \$ 100,000 |
| (02) PERSONAL SERV MATCHING | 0 | 27,000 |
| (03) MAINT. & GEN. OPERATION | | |
| (A) OPER. EXPENSE | 0 | 28,000 |
| (B) CONF. & TRAVEL | 0 | 2,000 |
| (C) PROF. FEES | 0 | 0 |
| (D) CAP. OUTLAY | 0 | 0 |
| (E) DATA PROC. | 0 | 2,575,000 |
| (04) DATA ACCESS IMPLEMENTATION | <u>0</u> | <u>800,000</u> |
| TOTAL AMOUNT APPROPRIATED | <u>\$ 0</u> | <u>\$ 3,532,000</u> |

25
 26 SECTION 6. APPROPRIATION. GRANTS/AIDS/SPECIAL PROGRAMS. There is
 27 hereby appropriated, to the Department of Education, to be payable from the
 28 Department of Education Public School Fund Account, for grants and aids to
 29 local school districts and special programs of the Department of Education,
 30 which shall be supplemental and in addition to those funds appropriated by
 31 Section 1 of Act 51, 1st Extraordinary Session of 2003, for the biennial
 32 period ending June 30, 2005, the following:
 33
 34

| ITEM NO. | FISCAL YEARS | |
|-------------|--------------|-----------|
| | 2003-2004 | 2004-2005 |

| | | | | | | |
|---|------|-----------------------------------|----|----------|----|-------------------|
| 1 | (01) | ACADEMIC IMPROVEMENT TRAINING | \$ | 0 | \$ | 500,000 |
| 2 | (02) | ASSESSMENT/END OF LEVEL TESTING | | 0 | | 16,371,000 |
| 3 | (03) | CONTENT STANDARDS REVISION | | 0 | | 161,000 |
| 4 | (04) | INTENSIVE SCHOOL SUPPORT | | 0 | | 320,000 |
| 5 | (05) | HIGH PRIORITY DISTRICT TEACHER | | | | |
| 6 | | RECRUITMENT/RENTENTION INCENTIVES | | <u>0</u> | | <u>2,100,000</u> |
| 7 | | TOTAL AMOUNT APPROPRIATED | \$ | <u>0</u> | \$ | <u>19,452,000</u> |

8

9 SECTION 7. Section 9 of Act 51 of the First Extraordinary Session of
 10 2003 is amended to read as follows:

11

12 SECTION 9. SPECIAL LANGUAGE. PULASKI COUNTY DESEGREGATION. ~~(A)~~ For
 13 the fiscal year ending June 30, 2004 and for each fiscal year thereafter, the
 14 Department of Education shall from time to time as needed, certify to the
 15 State Treasurer and the Chief Fiscal Officer of the State, the amount of
 16 funds disbursed or approved to be disbursed by the Department of Education
 17 for desegregation expenses under the "Pulaski County School Desegregation
 18 Settlement Agreement." Upon the receipt of such certification, the State
 19 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
 20 202(b)(2)(B), shall also deduct ~~up to, but not to exceed in total for fiscal~~
 21 ~~year 2001-2002-2003-04~~ the sum of \$32,800,000 from the net general revenues
 22 the amount certified and transfer this amount to the Department of Education
 23 Public School Fund Account there to be used exclusively for payment of or
 24 reimbursement for expenses incurred from the Department of Education Public
 25 School Fund Account under the "Pulaski County School Desegregation Settlement
 26 Agreement."

27 ~~(B) For the fiscal year ending June 30, 2003- June 30, 2005, the Department of~~
 28 ~~Education shall from time to time as needed, certify to the State Treasurer~~
 29 ~~and the Chief Fiscal Officer of the State, the amount of funds disbursed for~~
 30 ~~desegregation expenses under the "Pulaski County School Desegregation~~
 31 ~~Settlement Agreement." Upon the receipt of such certification, the State~~
 32 ~~Treasurer, after making those deductions as set out in Arkansas Code 19-5-~~
 33 ~~202(b)(2)(B), shall also deduct up to, but not to exceed in total for fiscal~~
 34 ~~year 2002-2003-2004-05~~ the sum of \$32,800,000 from the net general revenues
 35 and transfer this amount to the Department of Education Public School Fund
 36 Account.

1 ~~The provisions of this section shall be in effect only from July 1,~~
2 ~~2001 July 1, 2003 through June 30, 2003 June 30, 2005.~~

3
4 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
5 authorized by this act shall be limited to the appropriation for such agency
6 and funds made available by law for the support of such appropriations; and
7 the restrictions of the State Purchasing Law, the General Accounting and
8 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
9 Procedures and Restrictions Act, or their successors, and other fiscal
10 control laws of this State, where applicable, and regulations promulgated by
11 the Department of Finance and Administration, as authorized by law, shall be
12 strictly complied with in disbursement of said funds.

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

22
23 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the
24 General Assembly, that the Constitution of the State of Arkansas prohibits
25 the appropriation of funds for more than a two (2) year period; that the
26 effectiveness of this Act on the date of its passage and approval is
27 essential to the operation of the agency for which the appropriations in this
28 Act are provided due to the November 2002 Arkansas Supreme Court decision
29 regarding the Arkansas system of public schools, and that in the event of an
30 extension of the Second Extraordinary Session, the delay in the effective
31 date of this Act beyond the date of its passage and approval could work
32 irreparable harm upon the proper administration and provision of essential
33 governmental programs. Therefore, an emergency is hereby declared to exist
34 and this Act being necessary for the immediate preservation of the public
35 peace, health and safety shall be in full force and effect from and after the
36 date of its passage and approval.

1 If the bill is neither approved nor vetoed by the Governor, it shall become
2 effective on the expiration of the period of time during which the Governor
3 may veto the bill. If the bill is vetoed by the Governor and the veto is
4 overridden, it shall become effective on the date the last house overrides
5 the veto.

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/s/ Bisbee

APPROVED: 2/10/2004