

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

A Bill

HOUSE BILL 1653

4 **By: Representatives Maddox, Allen, Arnold, Baker, Beatty, Bisbee, Blair, Brownlee, Bryant,**
5 **Calhoun, Cash, Choate, Collier, Curran, Davis, Dawson, Easley, Flanagan, Fletcher, George,**
6 **Gibson, Hall, Hawkins, Henry, Hill, Hinshaw, Hogue, Holland, Horn, Jordan, King, Landers,**
7 **McCuiston, McJunkin, McKissack, J. Miller, O. Miller, S. Miller, Molinaro, Mullenix,**
8 **Newman, Northcutt, Owens, Purdom, Riable, Rice, Roric, Sanson, Schexnayder, Sheid,**
9 **Smith, Stalnaker, Steele, Thurman, Townsend, von Grep, Wagner, Wallis, Watts, Whorton,**
10 **Wilkins, Willems, J. Wilson, Wingfield, B. Wood, Wren, Wyrick, and Young**

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For An Act To Be Entitled

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"AN ACT TO PROVIDE THAT STATE BOARD OF EDUCATION

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REGULATIONS WHICH WILL RESULT IN INCREASED COSTS TO LOCAL

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SCHOOL DISTRICTS SHALL NOT BE EFFECTIVE UNLESS THE BOARD

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PROVIDES FUNDS FROM ADDITIONAL NEW SOURCES; TO CREATE AN

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EXCEPTION WHEN REPLACING EXISTING PROGRAMS; TO CREATE AN

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EXCEPTION WHEN CONFORMING TO FEDERAL REQUIREMENTS; TO

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DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

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Subtitle

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"STATE BOARD OF EDUCATION REGULATIONS RESULTING IN

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INCREASED COSTS TO SCHOOL DISTRICTS SHALL NOT BE EFFECTIVE

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WITHOUT STATE FUNDING FROM ADDITIONAL NEW SOURCES; AND

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PROVIDING FOR EXCEPTIONS."

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

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30 *SECTION 1. No regulation promulgated by the State Board of Education or*
31 *the Department of Education that would result in increased costs to any public*
32 *elementary or secondary school in this state shall be effective as to any*
33 *school district unless the State Board of Education provides additional funds*
34 *to the school district for implementation of the regulation; provided,*
35 *however, that the State Board of Education and the Department of Education may*

1 *implement new programs as recommended by the State Board of Education and the*
2 *Department of Education to replace existing programs without additional*
3 *funding. Provided, further, the Department of Education and the State Board*
4 *of Education may recommend and implement regulations to conform to all federal*
5 *mandates, laws and regulations whether or not extra expenses are incurred by*
6 *the public elementary and secondary schools.*

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8 SECTION 2. Every regulation promulgated by any state agency, board, or
9 commission which would result in increased expenditures by any public
10 elementary or secondary school must be filed, along with a fiscal impact
11 statement, with the General Assembly's Joint Interim Committee on Education at
12 least ten (10) days before any public hearing is held on the proposed
13 regulation. If no public hearing is held, the regulation and the fiscal
14 impact statement must be filed within ten (10) days of issuance of the
15 regulation.

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17 SECTION 3. All provisions of this act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 4. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 5. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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30 SECTION 6. *It is hereby found and determined by the General Assembly*
31 *that a number of local school districts in Arkansas are experiencing fiscal*
32 *distress which could require the districts to shut school down before the end*
33 *of the current school year; that State Board of Education regulations have the*
34 *bureaucratic effect of increasing costs of local school districts, and that*
35 *this act should therefore be given effect immediately so that the State*

1 Department of Education regulations can be limited to insure that the schools
2 will remain open for the entire school year. Therefore, an emergency is
3 hereby declared to exist and this act being immediately necessary for the
4 preservation of the public peace, health, and safety shall be in full force
5 and effect from and after its passage and approval.

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10 /s/Ode Maddox, et al

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As Engrossed: 4/7/93

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