

State of Arkansas *As Engrossed: S2/14/13 S3/12/13 S3/25/13 S4/1/13 S4/5/13 S4/8/13 S4/11/13*

89th General Assembly

A Bill

Regular Session, 2013

SENATE BILL 233

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AID TO
LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE
DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR ENDING
JUNE 30, 2014; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION -
GRANTS AND AID TO LOCAL SCHOOL DISTRICTS
APPROPRIATION FOR THE 2013-2014 FISCAL
YEAR.

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

SECTION 1. APPROPRIATION. There is hereby appropriated, to the
Department of Education, to be payable from the Department of Education
Public School Fund Account, for grants and aid to local school districts and
special programs of the Department of Education for the fiscal year ending
June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$34,500,000
(02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE	15,000,000
(03) ADVANCED PLACEMENT INCENTIVE	825,000
(04) ALTERNATIVE LEARNING	23,318,012
(05) ARKANSAS EASTER SEALS	193,113



1	(06)	ASSESSMENT/END OF COURSE TESTING	24,223,861
2	(07)	AT RISK	1,688,530
3	(08)	BETTER CHANCE PROGRAM	111,000,000
4	(09)	BONDED DEBT ASSISTANCE	28,455,384
5	(10)	CONSOLIDATION INCENTIVE	3,760,200
6	(11)	CONTENT STANDARDS	161,000
7	(12)	CONTENTS STANDARDS CURRICULUM	
8		FRAMEWORKS	50,000
9	(13)	COOP EDUCATION TECH CENTERS	1,200,000
10	(14)	COORDINATED SCHOOL HEALTH	2,000,000
11	(15)	COURT ORDERED DESEGREGATION	69,814,372
12	(16)	CRIMINAL BACKGROUND CHECKS	25,000
13	(17)	DECLINING ENROLLMENT	13,963,389
14	(18)	DEPT OF CORRECTION	6,220,892
15	(19)	DISTANCE LEARNING	4,760,000
16	(20)	DISTANCE LEARNING OPERATIONS	7,575,000
17	(21)	DISTRESSED SCHOOL DISTRICT SUPPORT	50,000
18	(22)	EARLY CHILDHOOD SPECIAL EDUCATION	16,897,920
19	(23)	ECONOMIC EDUCATION	350,000
20	(24)	EDUCATION SERVICE COOPERATIVES	6,129,270
21	(25)	ENGLISH LANGUAGE LEARNERS	13,075,049
22	(26)	GENERAL FACILITIES FUNDING	8,100,000
23	(27)	GIFTED & TALENTED	1,335,381
24	(28)	GRANTS TO SCHOOL DISTRICTS	67,856
25	(29)	HOME SCHOOL TESTING	250,000
26	(30)	HUMAN DEVELOPMENT CENTER EDUCATION	
27		AID	526,150
28	(31)	INTERVENTION BLOCK GRANTS	302,000
29	(32)	ISOLATED FUNDING	7,896,000
30	(33)	LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
31	(34)	MASTER PRINCIPAL BONUS	200,000
32	(35)	NATIONAL BOARD OF PROF TEACHING	
33		STANDARDS	13,516,160
34	(36)	NATIONAL SCHOOL LUNCH	200,253,906
35	(37)	NON-TRADITIONAL LICENSURE	50,000
36	(38)	PROFESSIONAL DEVELOPMENT FUNDING	24,692,402

1	(39)	PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
2	(40)	RESIDENTIAL CENTERS/JUVENILE	
3		DETENTION	16,345,087
4	(41)	SCHOOL FACILITY JOINT USE SUPPORT	500,000
5	(42)	SCHOOL FOOD SERVICES	1,650,000
6	(43)	SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
7	(44)	SCHOOL FUNDING CONTINGENCY	25,000,000
8	(45)	SCHOOL WORKER DEFENSE	390,000
9	(46)	SERIOUS OFFENDER	1,716,859
10	(47)	SMART START/SMART STEP	10,666,303
11	(48)	SPECIAL EDUCATION SERVICES	2,802,527
12	(49)	SPECIAL EDUCATION-CATASTROPHIC	12,900,000
13	(50)	SPECIAL NEEDS ISOLATED FUNDING	3,000,000
14	(51)	STATE FOUNDATION FUNDING	1,923,089,661
15	(52)	STUDENT GROWTH	28,500,000
16	(53)	SUPPLEMENTAL MILLAGE	10,000,000
17	(54)	SURPLUS COMMODITIES	1,349,810
18	(55)	TEACHER LICENSING/MENTORING	5,008,758
19	(56)	TEACHER OF THE YEAR	100,000
20	(57)	TEACHER RECRUITMENT	2,100,000
21	(58)	TEACHER RETIREMENT MATCHING	10,102,189
22	(59)	TECHNOLOGY GRANTS	3,602,678
23	(60)	TECHNOLOGY IMPROVEMENTS	500,000
24	(61)	WORKER'S COMPENSATION	450,000
25	(62)	<i>YOUTH SHELTERS</i>	<i>165,000</i>
26	(63)	<i>SCHOOL, CAMPUS AND CHILD SAFETY AND</i>	
27		<i>ACTIVE SHOOTER/SAFE SCHOOLS INITIATIVES</i>	<i>691,500</i>
28	(64)	<i>REG. COMMUNITY ALTERNATIVE LEARNING</i>	
29		<i>ENVIRONMENT CENTER-TRANSPORTATION</i>	<i>70,000</i>
30	(65)	<i>REG. COMMUNITY ALTERNATIVE LEARNING</i>	
31		<i>ENVIRONMENT CENTER-TRUANCY OFFICERS</i>	<u><i>275,000</i></u>
32		<i>TOTAL AMOUNT APPROPRIATED</i>	<u><i>\$2,741,249,819</i></u>

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34 SECTION 2. REGULAR SALARIES - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.
 35 There is hereby established for the Department of Education - Arkansas Public
 36 School Computer Network for the 2013-2014 fiscal year, the following maximum

1 number of regular employees.

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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2013-2014
(1)	N047N	ADE APSCN DIRECTOR	1	GRADE N908
(2)	G012C	ADE ASSISTANT TO COMMISSIONER	2	GRADE C129
(3)	G050C	ADE APSCN DIVISION MANAGER	2	GRADE C126
(4)	D037C	ADE APSCN APPLICATIONS MANAGER	5	GRADE C124
(5)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	2	GRADE C123
(6)	D050C	SECURITY ANALYST	1	GRADE C122
(7)	D044C	SYSTEMS ANALYST	1	GRADE C122
(8)	D055C	ADE APSCN FIELD ANALYST	25	GRADE C121
(9)	C020C	STUDENT APPLICATIONS SPECIALIST	5	GRADE C116
(10)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
(11)	D077C	HELP DESK SPECIALIST	2	GRADE C115
(12)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
MAX. NO. OF EMPLOYEES			48	

SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.

There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Public School Fund Account, for personal services and operating expenses of the Department of Education - Arkansas Public School Computer Network for the fiscal year ending June 30, 2014, the following:

ITEM NO.	FISCAL YEAR 2013-2014
(01) REGULAR SALARIES	\$2,328,377
(02) PERSONAL SERVICES MATCHING	791,477
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	19,245,839
(B) CONF. & TRAVEL	7,250
(C) PROF. FEES	0
(D) CAP. OUTLAY	200,000

1	(E) DATA PROC.	0
2	(04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$22,872,943</u>

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5 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There
 6 is hereby established for the Department of Education - Office of Education
 7 Renewal Zones for the 2013-2014 fiscal year, the following maximum number of
 8 regular employees.

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10		Maximum Annual
11		Salary Rate
12	Item Class	Fiscal Year
13	No. Code Title	2013-2014
14	(1) E007C ADE OERZ DIRECTOR	1 GRADE C126
15	(2) E020C ADE OERZ TECHNICAL ASSIST SPECIALIST	3 GRADE C122
16	(3) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u> GRADE C112
17	MAX. NO. OF EMPLOYEES	5

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19 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is
 20 hereby appropriated, to the Department of Education, to be payable from the
 21 Department of Education Public School Fund Account, for personal services,
 22 operating expenses and grants by the Department of Education - Office of
 23 Education Renewal Zones for the fiscal year ending June 30, 2014, the
 24 following:

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26	ITEM	FISCAL YEAR
27	NO.	2013-2014
28	(01) REGULAR SALARIES	\$259,688
29	(02) PERSONAL SERVICES MATCHING	86,535
30	(03) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	91,800
32	(B) CONF. & TRAVEL	13,000
33	(C) PROF. FEES	306,900
34	(D) CAP. OUTLAY	0
35	(E) DATA PROC.	0
36	(04) EDUCATIONAL RENEWAL ZONE GRANTS	<u>717,450</u>

1 TOTAL AMOUNT APPROPRIATED \$1,475,373

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3 SECTION 6. APPROPRIATION - TECHNOLOGY DEVELOPMENT AND RESEARCH GRANTS.

4 There is hereby appropriated, to the Department of Education, to be payable
5 from the Department of Education Public School Fund Account, for grants to
6 the Arkansas Science and Technology Authority for technology development and
7 research grants by the Department of Education for the fiscal year ending
8 June 30, 2014, the following:

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<i>ITEM</i>	<i>FISCAL YEAR</i>
<u>NO.</u>	<u>2013-2014</u>
(01) TECHNOLOGY DEVELOPMENT AND RESEARCH GRANTS	<u>\$3,000,000</u>

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14 SECTION 7. APPROPRIATION - SCHOOL RECOGNITION PROGRAM. There is hereby

15 appropriated, to the Department of Education, to be payable from the
16 Department of Education Public School Fund Account, for the payment of
17 financial awards to public schools through the Arkansas School Recognition
18 Program for the fiscal year ending June 30, 2014, the following:

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<i>ITEM</i>	<i>FISCAL YEAR</i>
<u>NO.</u>	<u>2013-2014</u>
(01) ARKANSAS SCHOOL RECOGNITION PROGRAM	<u>\$ 10,000,000</u>

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24 SECTION 8. APPROPRIATION - INTERNATIONAL BACCALAUREATE PROGRAM. There

25 is hereby appropriated, to the Department of Education, to be payable from
26 the Department of Education Public School Fund Account, for grants and aid to
27 local school districts for the International Baccalaureate Program by the
28 Department of Education for the fiscal year ending June 30, 2014, the sum of
29 \$75,000.

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31 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MANDATORY
33 FUNDING PROVISION. The Department of Education shall expend or have
34 committed for expenditure funds in the Department of Education Public School
35 Fund Account in the amount of seventy-five thousand dollars (\$75,000) to
36 provide funding for grants and aid to local school districts for the

1 International Baccalaureate Program as appropriated herein.

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

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5 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
7 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
8 of this Act may be fully funded. Any funding and appropriation for Isolated
9 Funding that is not utilized shall be transferred to the appropriation for
10 Special Needs Isolated Funding in Section 1 of this Act and shall be used
11 there for fully funding each subsection (c) through (f) of Arkansas Code
12 §6-20-604 on a pro rata basis until the available funds are exhausted. Pro
13 rata basis is defined as providing each district qualifying for additional
14 funding under subsections (c) through (f) a proportionate share based on how
15 each district's additional funding amount bears to the total additional
16 funding amounts for all qualifying districts. If any funding and
17 appropriation remains after funding each subsection (c) through (f) of
18 Arkansas Code §6-20-604 the remaining balance shall be used to fund the
19 provisions of Arkansas Code §6-20-604 (h) on an equal basis until the
20 available funds are exhausted.

21 The provisions of this section shall be in effect only from July 1, ~~2012~~
22 2013 through June 30, ~~2013~~ 2014.

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24 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
26 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
27 Districts appropriation in Section 1 of this Act, "school district" means a
28 school district which contracts with a school district in an adjoining state
29 for the education of some of the pupils within the Arkansas school district
30 because the portion of the school district wherein such pupils live is
31 completely separated from the remainder of the school district by a reservoir
32 covering at least 12,000 acres at normal water level, and where to attend
33 school in their own district, the pupils of said portion would be required to
34 travel or to be transported a distance (measured by the nearest highway or
35 road route) of more than 35 miles round trip and pass through another school
36 district or districts. The Department of Education shall distribute the

1 monies appropriated for Grants to School Districts in Section 1 of this Act
2 to such school districts as reimbursement for expenses incurred in educating
3 the pupils residing in the separated portion of the school district. The
4 payments are to be limited to the amount of available appropriation. Such
5 school districts shall file a request for reimbursement with the Department
6 of Education and provide the Department of Education with such documentation
7 as is deemed necessary.

8 The provisions of this section shall be in effect only from July 1, ~~2012~~
9 2013 through June 30, ~~2013~~ 2014.

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11 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
13 EDUCATION SERVICES. The funds appropriated in the line item "Special
14 Education Services" in Section 1 of this Act shall be used to provide
15 extended year summer programs for handicapped students in need of such
16 services, to provide special education services to foster children who are
17 wards of the State, and to provide funds for the payment of salaries of
18 special education supervisors. The Department of Education shall distribute
19 such funds in the manner necessary to carry out the intent of this Section.

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

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23 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
25 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
26 fiscal year thereafter, the Department of Education shall from time to time
27 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
28 State, the amount of funds disbursed or approved to be disbursed by the
29 Department of Education for desegregation expenses under any "Desegregation
30 Settlement Agreement". Upon the receipt of such certification, the State
31 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
32 202(b)(2)(B), shall also deduct from the net general revenues the amount
33 certified and transfer this amount to the Department of Education Public
34 School Fund Account there to be used exclusively for payment of or
35 reimbursement for expenses incurred from the Department of Education Public
36 School Fund Account under any "Desegregation Settlement Agreement".

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SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation Incentive shall be allocated in accordance with rules and regulations established by the State Board of Education.

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

SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for Residential Centers/Juvenile Detention shall be allocated in accordance with rules and regulations established by the State Board of Education.

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

SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER AUTHORITY. The Commissioner of the Department of Education, with the approval of the Chief Fiscal Officer of the State and after approval by the Arkansas Legislative Council or Joint Budget Committee, is hereby authorized to request necessary appropriation transfers and any other budget related adjustments necessary within the Department of Education. Provided, however, that the Department of Education shall be limited to submitting no more than two transfer requests during any fiscal year.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Department of Education may operate more efficiently if some flexibility is provided to the Commissioner of the Department of Education authorizing broad powers under the Transfer Authority provision herein. Therefore, it is both necessary and appropriate that the General

1 Assembly maintain oversight by requiring prior approval of the Legislative
2 Council or Joint Budget Committee as provided by this section. The
3 requirement of approval by the Legislative Council or Joint Budget Committee
4 is not a severable part of this section. If the requirement of approval by
5 the Legislative Council or Joint Budget Committee is ruled unconstitutional
6 by a court jurisdiction, this entire section is void.

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

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10 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AETN
12 DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds
13 authorized herein to the Department of Education for the Quiz Bowl each
14 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each
15 fiscal year may be made available to the Department of Education -
16 Educational Television Division for its documented costs associated with the
17 Quiz Bowl.

18 The provisions of this section shall be in effect only from July 1, ~~2012~~
19 2013 through June 30, ~~2013~~ 2014.

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21 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
23 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
24 shall make available from the Intervention Block Grants appropriation
25 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
26 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
27 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
28 grants up to \$1,000 each for students and chaperones, thirteen thousand five
29 hundred dollars (\$13,500) each fiscal year for Destination Imagination, one
30 hundred thousand dollars (\$100,000) each fiscal year for the State History
31 Day Competition, and seventy-five thousand dollars (\$75,000) each fiscal year
32 for a grant to the Arkansas Science Fair Association for grants to regional
33 and the state science fairs. The Department of Education shall allocate
34 General Revenue funding totaling no less than three hundred two thousand
35 dollars (\$302,000) each fiscal year from the Department of Education Public
36 School Fund Account to support the annual expenses of the Quiz Bowl, the

1 Creativity in Arkansas, Inc. for grants up to \$1,000 each for students and
2 chaperones, Destination Imagination, the State History Day Competition, and
3 the Arkansas Science Fair Association for grants to regional and state
4 science fairs. The Department shall either expend or have committed for
5 expenditure the monies allocated for the Quiz Bowl, Creativity in Arkansas,
6 Inc., Destination Imagination, the State History Day Competition, and
7 Arkansas Science Fair Association grants as authorized herein in order to
8 fulfill the provisions of this section.

9 The provisions of this section shall be in effect only from July 1, ~~2012~~
10 2013 through June 30, ~~2013~~ 2014.

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12 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST
14 FUNDING PROVISION. Of the total amount appropriated for Technology Grants
15 each fiscal year, an amount of not less than two million dollars (\$2,000,000)
16 or eighteen percent (18%), whichever is greater each fiscal year, shall be
17 awarded through a grant or professional services contract for EAST
18 infrastructure, personnel, and operating expenses. The EAST infrastructure
19 grant or contract for personal services and operating expenses shall be
20 awarded to an entity that has personnel or experience, or both, in
21 implementing the EAST Initiative.

22 The provisions of this section shall be in effect only from July 1, ~~2012~~
23 2013 through June 30, ~~2013~~ 2014.

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25 SECTION 20 SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTER
27 FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
28 appropriation authorized by this Act for Technology Grants the Department of
29 Education shall make available one hundred eighty-seven thousand five hundred
30 seventy-five dollars (\$187,575) each fiscal year for Center for Quality
31 Teaching and Learning initiatives to teach students computer repair in a
32 hands-on environment. The Department of Education shall allocate General
33 Revenue funding totaling no less than one hundred eighty-seven thousand five
34 hundred seventy-five dollars (\$187,575) each fiscal year from the Department
35 of Education Public School Fund Account to support the Center for Quality
36 Teaching and Learning. The Department shall either expend or have committed

1 for expenditure the monies allocated for the Center for Quality Teaching and
2 Learning in order to fulfill the provisions of this section.

3 The provisions of this section shall be in effect only from July 1,
4 ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

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6 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

8 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item
9 "Distressed School District Support" in Section 1 of this Act may be used for
10 technical assistance offered by the Department of Education to school
11 districts in academic distress that can include, but is not limited to,
12 teacher specialists, principal specialists, and other personnel assigned by
13 the department. These funds may also be used for alternative research-based
14 technical assistance or programs. Criteria for selecting and approving
15 alternative research-based technical assistance or programs are to be
16 promulgated as a rule by the State Board of Education, provided that
17 alternative staffing and/or compensation programs for teachers shall be
18 approved by at least a majority of the teachers in the school, schools, or
19 school district participating in the program.

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

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23 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

25 PROFESSIONAL DEVELOPMENT. Of the total amount appropriated for Professional
26 Development Funding, four million dollars (\$4,000,000) may be authorized by
27 the Commissioner of the Department of Education to be used by the Department
28 of Education to develop and implement statewide professional development
29 support systems for teachers that will benefit student achievement.

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

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33 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

35 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
36 Districts shall pay the teacher retirement employer contribution rate for any

1 eligible employee in accordance with rules and regulations established by the
2 Teacher Retirement Board of Directors. The appropriation contained herein for
3 Teacher Retirement Matching each fiscal year shall be used to provide the
4 employer matching for employees of the Cooperative Education Services Areas,
5 Vocational Centers, Arkansas Easter Seals and the school operated by the
6 Department of Correction.

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

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10 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OPEN-
12 ENROLLMENT VIRTUAL CHARTER SCHOOL PROVISIONS.

13 (a) Regardless of any provision of law to the contrary, no school
14 district shall receive state funding for the ~~2012-2013~~ 2013-2014 school year
15 for those students who are included in the district's average daily
16 membership for the previous school year but who are attending any open-
17 enrollment charter school that uses internet, long-distance, or virtual
18 technology as the primary method of teaching.

19 (b) As of school year 2012-13, the State Board of Education has
20 approved a maximum enrollment of 500 for the open-enrollment public virtual
21 charter school.

22 (c) Beginning in school year 2013-14 and thereafter, for an
23 open-enrollment public charter granted to a virtual school, the school shall
24 be allowed to enroll an eligible student in any grade, kindergarten through
25 grade twelve (12), up to a total school enrollment of three thousand (3,000)
26 students.

27 (d) Students that become enrolled in the two thousand five hundred
28 (2,500) additional slots authorized by subsection (c) of this Section must be
29 enrolled in an Arkansas public school for the first three quarters of the
30 prior school year.

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

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34 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER
36 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby

1 authorized to expend a maximum of two percent (2%) of available funds for
2 administration of the Better Chance Program. Up to 1.8% of available funds
3 shall be used to administer the program and to monitor program grantees to
4 ensure compliance with programmatic standards. Prior to the utilization of
5 the remaining 0.2% of available funds, the Department of Education shall seek
6 prior review and approval of the Arkansas Legislative Council or Joint Budget
7 Committee by providing a written request to include the following: a) the
8 Department's reason(s) for the use of the funds and b) the amount of funds
9 that will be expended. The Department may contract with the Division of Child
10 Care and Early Childhood Education to administer the program.

11 Determining the maximum number of employees and the maximum amount of
12 appropriation and general revenue funding for a state agency each fiscal year
13 is the prerogative of the General Assembly. This is usually accomplished by
14 delineating such maximums in the appropriation act(s) for a state agency and
15 the general revenue allocations authorized for each fund and fund account by
16 amendment to the Revenue Stabilization law. Therefore, it is both necessary
17 and appropriate that the General Assembly maintain oversight by requiring
18 prior approval of the Legislative Council or Joint Budget Committee as
19 provided by this section. The requirement of approval by the Legislative
20 Council or Joint Budget Committee is not a severable part of this section.
21 If the requirement of approval by the Legislative Council or Joint Budget
22 Committee is ruled unconstitutional by a court of competent jurisdiction,
23 this entire section is void.

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

26

27 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AVERAGE
29 TEACHER SALARY. The Arkansas Department of Education is requested to
30 calculate Average Teacher Salary in the Department's Annual Statistical
31 Report to not include extra duty funds. Specifically, the Department is
32 requested to calculate the Average Teacher Salary amount using the National
33 Education Association definitions for Average Salary for Classroom Teachers.
34 The Arkansas Department of Education shall submit this data annually to the
35 National Education Association in accordance with that organization's
36 deadlines for submission for their report "Rankings and Estimates" which

1 includes state-by-state teacher salary comparisons.

2
3 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
5 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
6 Chance for School Success Program remaining on June 30, ~~2013~~ 2014, in the
7 Department of Education Public School Fund Account shall be designated and
8 retained for the Arkansas Better Chance for School Success Program.

9 Any carry forward of unexpended balance of funding as authorized herein,
10 may be carried forward under the following conditions:

11 (1) Prior to June 30, ~~2013~~ 2014 the Agency shall by written statement set
12 forth its reason(s) for the need to carry forward said funding to the
13 Department of Finance and Administration Office of Budget;

14 (2) The Department of Finance and Administration Office of Budget shall
15 report to the Arkansas Legislative Council all amounts carried forward by the
16 September Arkansas Legislative Council or Joint Budget Committee meeting
17 which report shall include the name of the Agency, Board, Commission or
18 Institution and the amount of the funding carried forward, the program name
19 or line item, the funding source of that appropriation and a copy of the
20 written request set forth in (1) above;

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

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

32 The provisions of this section shall be in effect only from July 1, ~~2012~~
33 2013 through June 30, ~~2013~~ 2014.

34
35 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC

1 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
2 Department of Finance and Administration may use up to eleven dollars and
3 twenty cents (\$11.20) from each contribution made under Arkansas Code
4 §6-17-1117 (a) to offset the cost of health insurance premiums to eligible
5 members electing to participate in the public school employees' health
6 insurance program as a retiree.

7
8 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

10 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State
11 shall transfer on his books and those of the State Treasurer and the State
12 Auditor, the sum of two hundred thousand dollars (\$200,000) during each
13 fiscal year from the Department of Education Public School Fund Account to
14 the University of Arkansas at Little Rock Fund, specifically to provide
15 funding for the Arkansas/STRIVE Program. The total amount of funds
16 transferred each fiscal year pursuant to this section shall not be subject to
17 any indirect costs by the University of Arkansas at Little Rock.

18 The provisions of this section shall be in effect only from July 1, ~~2012~~
19 2013 through June 30, ~~2013~~ 2014.

20
21 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
23 INSURANCE. The appropriation contained herein for Public School Employee
24 Insurance each fiscal year shall be used to provide the state contribution
25 for insurance premiums for employees of the Cooperative Education Services
26 Areas, Vocational Centers, and the school operated by the Department of
27 Correction who participate in the Arkansas Public School Life and Health
28 Insurance Program.

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

31
32 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

34 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
35 funding for Alternative Learning Environment Programs in excess of the
36 regulatory limitation of six (6) hours per day for those programs that

1 operate more than twelve hours per day, in a proportionate manner and upon
2 special request to the Department of Education.

3 The provisions of this section shall be in effect only from July 1, ~~2012~~
4 2013 through June 30, ~~2013~~ 2014.

5
6 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
8 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
9 public schools, or for abortion services. Funds shall be expended in
10 accordance with Arkansas Code Annotated §6-18-703.

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

16 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.

17 Effective for the plan year beginning October 1, ~~2012~~ 2013, if ninety-eight
18 percent (98%) of the uniform rate of tax used in the calculation of State
19 Foundation Funding Aid for fiscal year ~~2012-2013~~ 2013-2014 exceeds nine
20 hundred twenty million seven hundred thirty-one thousand eight hundred
21 nineteen dollars (\$920,731,819), the Department of Education shall pay up to
22 fifteen million dollars (\$15,000,000) of the total increase over the nine
23 hundred twenty million seven hundred thirty-one thousand eight hundred
24 nineteen dollars (\$920,731,819) to the Employee Benefits Division of the
25 Department of Finance and Administration in additional health insurance
26 contributions for eligible employees electing to participate in the public
27 school employees' health insurance program administered by the State and
28 Public School Life and Health Insurance Board.

29 The Department of Education shall make the contributions by transferring
30 funds to the division in quarterly installments. Funds provided by the
31 Department of Education to the division under this section shall be
32 administered by the board for the benefit of the employee participants of the
33 public school employees' health insurance program.

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

36

1 SECTION 34. Section 1 of Uncodified Act 269 of 2012, is amended to read
2 as follows:

3
4 SECTION 1. APPROPRIATION. There is hereby appropriated, to the
5 Department of Education, to be payable from the Department of Education
6 Public School Fund Account, for grants and aid to local school districts and
7 special programs of the Department of Education for the fiscal year ending
8 June 30, 2013, the following:

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2012-2013</u>
12	(01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$34,500,000
13	(02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE	15,000,000
14	(03) ADVANCED PLACEMENT INCENTIVE	825,000
15	(04) ALTERNATIVE LEARNING	21,775,797
16	(05) ALTERNATIVE PAY	807,907
17	(06) ARKANSAS EASTER SEALS	193,113
18	(07) ASSESSMENT/END OF COURSE TESTING	24,375,349
19	(08) AT RISK	1,688,530
20	(09) BETTER CHANCE PROGRAM	111,000,000
21	(10) BONDED DEBT ASSISTANCE	28,455,384
22	(11) CONSOLIDATION INCENTIVE	9,415,127
23	(12) CONTENT STANDARDS	161,000
24	(13) CONTENTS STANDARDS CURRICULUM FRAMEWORKS	50,000
25	(14) COOP EDUCATION TECH CENTERS	1,200,000
26	(15) COORDINATED SCHOOL HEALTH	2,000,000
27	(16) COURT ORDERED DESEGREGATION	69,814,372
28	(17) CRIMINAL BACKGROUND CHECKS	25,000
29	(18) DECLINING ENROLLMENT	13,963,389
30	(19) DEPARTMENT OF CORRECTION	6,024,799
31	(20) DISTANCE LEARNING	4,760,000
32	(21) DISTANCE LEARNING OPERATIONS	7,575,000
33	(22) DISTRESSED SCHOOL DISTRICT SUPPORT	50,000
34	(23) EARLY CHILDHOOD SPECIAL EDUCATION	16,897,920
35	(24) ECONOMIC EDUCATION	350,000
36	(25) EDUCATION SERVICE COOPERATIVES	6,129,270

1	(26) ENGLISH LANGUAGE LEARNERS	12,162,924
2	(27) GENERAL FACILITIES FUNDING	8,100,000
3	(28) GIFTED & TALENTED	1,335,381
4	(29) GRANTS TO SCHOOL DISTRICTS	67,856
5	(30) HOME SCHOOL TESTING	250,000
6	(31) HUMAN DEVELOPMENT CENTER EDUCATION AID	526,150
7	(32) INTERVENTION BLOCK GRANTS	302,000
8	(33) ISOLATED FUNDING	7,896,000
9	(34) LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
10	(35) MASTER PRINCIPAL BONUS	90,000
11	(36) NATIONAL BOARD OF PROF TEACHING STANDARDS	12,016,160
12	(37) NATIONAL SCHOOL LUNCH	187,235,597
13	(38) NON-TRADITIONAL LICENSURE	50,000
14	(39) PROFESSIONAL DEVELOPMENT FUNDING	24,244,209
15	(40) PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
16	(41) RESIDENTIAL CENTERS/JUVENILE DETENTION	16,345,087
17	(42) SCHOOL FACILITY JOINT USE SUPPORT	500,000
18	(43) SCHOOL FOOD SERVICES	1,650,000
19	(44) SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
20	(45) SCHOOL FUNDING CONTINGENCY	25,000,000
21	(46) SCHOOL WORKER DEFENSE	390,000
22	(47) SERIOUS OFFENDER	1,716,859
23	(48) SMART START/SMART STEP	10,666,303
24	(49) SPECIAL EDUCATION SERVICES	4,145,285
25	(50) SPECIAL EDUCATION-CATASTROPHIC	11,000,000
26	(51) SPECIAL NEEDS ISOLATED FUNDING	3,000,000
27	(52) STATE FOUNDATION FUNDING	1,904,969,759
28	(53) SUPPLEMENTAL TRANSPORTATION	500,000
29	(54) STUDENT GROWTH	28,500,000
30	(55) SUPPLEMENTAL MILLAGE	10,000,000
31	(56) SURPLUS COMMODITIES	780,000
32	(57) TEACHER LICENSING/MENTORING	5,008,758
33	(58) TEACHER OF THE YEAR	100,000
34	(59) TEACHER RECRUITMENT	2,100,000
35	(60) TEACHER RETIREMENT MATCHING	6,655,000
36	(61) TECHNOLOGY GRANTS	3,602,678

1	(62) TECHNOLOGY IMPROVEMENTS	500,000
2	(63) WORKER'S COMPENSATION	450,000
3	(64) YOUTH SHELTERS	165,000
4	(65) STUDENT SUCCESS RESEARCH DATA PILOT PROGRAM	<u>200,000</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$2,706,606,563</u> <u>\$2,707,106,563</u>

6

7 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. Section
9 32 of Uncodified Act 269 of 2012, is hereby amended to read as follows:

10

11 ~~SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS~~
12 ~~CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.~~
13 ~~SUPPLEMENTAL TRANSPORTATION. The Department of Education shall budget,~~
14 ~~allocate and commit for expenditure five hundred thousand dollars (\$500,000)~~
15 ~~for the appropriation made herein for "Supplemental Transportation". The~~
16 ~~Department shall use such funding to address extraordinary transportation~~
17 ~~needs of public school districts. The State Board of Education shall~~
18 ~~promulgate such rules and regulations as may be necessary to implement this~~
19 ~~provision, which shall be reviewed by the House and Senate Interim Committees~~
20 ~~on Education.~~

21

22 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
24 GOVERNOR'S SCHOOL FUNDING. The Department of Education shall allocate, budget
25 and commit for expenditure two hundred fifty thousand dollars (\$250,000), in
26 addition to funds already being provided for the Arkansas Governor's School,
27 to fund the appropriation authorized from general revenue for the Gifted and
28 Talented program as appropriated in Section 1 herein. With this additional
29 funding the duration of the Arkansas Governor's School shall be extended from
30 four (4) weeks to six (6) weeks.

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 37. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ISOLATED
36 FUNDING - SPECIAL PROVISIONS. When the Department of Education uses a new

1 methodology or technology to recalculate square miles to determine student
2 transportation distance, density ratio, total area, or bus route miles for
3 the purpose of determining the amount of isolated funding a school district
4 receives under Ark. Code Ann. § 6-20-601 et seq., the school district shall
5 receive an amount of isolated funding that is not less than the amount of
6 isolated funding the school district would have received based on the school
7 district's square miles calculated in the prior school year; provided that
8 the school district remains eligible for isolated funding under § 6-20-601 et
9 seq.

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

12
13 SECTION 38. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
14 authorized by this act shall be limited to the appropriation for such agency
15 and funds made available by law for the support of such appropriations; and
16 the 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 39. LEGISLATIVE INTENT. It is the intent of the General
24 Assembly that any funds disbursed under the authority of the appropriations
25 contained in this act shall be in compliance with the stated reasons for
26 which this act was adopted, as evidenced by the Agency Requests, Executive
27 Recommendations and Legislative Recommendations contained in the budget
28 manuals prepared by the Department of Finance and Administration, letters, or
29 summarized oral testimony in the official minutes of the Arkansas Legislative
30 Council or Joint Budget Committee which relate to its passage and adoption.

31
32 *SECTION 40. 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 one (1) year period; that the*
35 *effectiveness of this Act on July 1, 2013 is essential to the operation of*
36 *the agency for which the appropriations in this Act are provided; with the*

1 exception that SECTIONS 34, 35 and 37 in this Act shall be in full force and
2 effect from and after the date of its passage and approval, and that in the
3 event of an extension of the legislative session, the delay in the effective
4 date of this Act beyond July 1, 2013 could work irreparable harm upon the
5 proper administration and provision of essential governmental programs, with
6 the exception that SECTIONS 34, 35 and 37 in this Act shall be in full force
7 and effect from and after the date of its passage and approval. Therefore, an
8 emergency is hereby declared to exist and this Act being necessary for the
9 immediate preservation of the public peace, health and safety shall be in
10 full force and effect from and after July 1, 2013; with the exception that
11 SECTIONS 34, 35 and 37 in this Act shall be in full force and effect from and
12 after the date of its passage and approval.

13
14 /s/Joint Budget Committee

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17 **APPROVED: 04/18/2013**
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