

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

HOUSE BILL 1043

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES AND FOR GRANTS
11 AND AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL
12 PROGRAMS FOR THE DEPARTMENT OF CAREER EDUCATION
13 FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND FOR
14 OTHER PURPOSES.
15
16

Subtitle

17
18 AN ACT FOR THE DEPARTMENT OF CAREER
19 EDUCATION APPROPRIATION FOR THE 2010-
20 2011 FISCAL YEAR.
21
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. REGULAR SALARIES. There is hereby established for the
26 Department of Career Education for the 2010-2011 fiscal year, the following
27 maximum number of regular employees whose salaries shall be governed by the
28 provisions of the Uniform Classification and Compensation Act (Arkansas Code
29 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
30 Provided, however, that any position to which a specific maximum annual
31 salary is set out herein in dollars, shall be exempt from the provisions of
32 said Uniform Classification and Compensation Act. All persons occupying
33 positions authorized herein are hereby governed by the provisions of the
34 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
35 or its successor.
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Item	Class	Title	Maximum Annual	
			Maximum	Salary Rate
			No. of	Fiscal Year
No.	Code		Employees	2010-2011
(1)	U061U	DWE DIRECTOR	1	\$142,846
(2)	U077U	DWE DEP DIR CAREER & TECH EDUC	1	\$103,908
(3)	U065U	DWE DEPUTY DIRECTOR	1	\$103,907
(4)	U098U	DIR GOV COMM ON ADULT LITERACY	1	\$71,113
(5)	G010C	DWE DIVISION MANAGER	4	GRADE C128
(6)	A031C	ASSISTANT CONTROLLER	1	GRADE C124
(7)	E022C	EDUCATION & INSTRUCTION MANAGER	14	GRADE C121
(8)	G109C	GRANTS MANAGER	1	GRADE C121
(9)	R014C	PERSONNEL MANAGER	1	GRADE C121
(10)	R019C	BUDGET MANAGER	1	GRADE C120
(11)	E026C	EDUCATION & INSTRUCTION COORDINATOR	33	GRADE C120
(12)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
(13)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
(14)	A074C	FISCAL SUPPORT SUPERVISOR	1	GRADE C118
(15)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
(16)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
(17)	C056C	ADMINISTRATIVE SPECIALIST III	11	GRADE C112
(18)	A098C	FISCAL SUPPORT SPECIALIST	3	GRADE C112
(19)	V021C	SURPLUS PROPERTY AGENT	1	GRADE C112
(20)	C073C	ADMINISTRATIVE SPECIALIST II	15	GRADE C109
(21)	C088C	MAIL SERVICES ASSISTANT	<u>1</u>	GRADE C105
MAX. NO. OF EMPLOYEES			95	

SECTION 2. EXTRA HELP - VOCATIONAL, TECHNICAL AND ADULT EDUCATION. There is hereby authorized, for the Department of Career Education - Vocational, Technical and Adult Education for the 2010-2011 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: forty-six (46) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - VOCATIONAL, TECHNICAL AND ADULT EDUCATION.

There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Workforce Education Fund Account, for personal services and operating expenses of the Department of Career Education - Vocational, Technical and Adult Education for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01) REGULAR SALARIES	\$ 2,830,980
(02) EXTRA HELP	3,923
(03) PERSONAL SERVICES MATCHING	939,206
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	698,297
(B) CONF. & TRAVEL	28,751
(C) PROF. FEES	35,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(05) APPRENTICESHIP PROGRAM	1,950,000
(06) MOTOR VEHICLE EDUCATION PROGRAM	<u>2,500</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 6,488,657</u>

SECTION 4. APPROPRIATION - ADULT BASIC EDUCATION. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Workforce Education Fund Account, for personal services and operating expenses of the Department of Career Education - Adult Basic Education for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01) REGULAR SALARIES	\$ 510,373
(02) PERSONAL SERVICES MATCHING	171,430
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	25,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0

(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 706,803</u>

SECTION 5. APPROPRIATION - HIGH-TECH SCHOLARSHIP AWARD PROGRAM. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Workforce Education Fund Account, for scholarships of the Department of Career Education - High-Tech Scholarship Award Program for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) SCHOLARSHIPS	<u>\$ 10,000</u>

SECTION 6. EXTRA HELP - FEDERAL VOCATIONAL, TECHNICAL AND ADULT EDUCATION. There is hereby authorized, for the Department of Career Education - Federal Vocational, Technical and Adult Education for the 2010-2011 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: twenty-seven (27) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 7. APPROPRIATION - FEDERAL VOCATIONAL, TECHNICAL AND ADULT EDUCATION. There is hereby appropriated, to the Department of Career Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services, operating expenses and grants of the Department of Career Education - Federal Vocational, Technical and Adult Education for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) REGULAR SALARIES	\$ 821,150
(02) EXTRA HELP	5,000
(03) PERSONAL SERVICES MATCHING	299,969

1	(04) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	543,936
3	(B) CONF. & TRAVEL	46,175
4	(C) PROF. FEES	748,350
5	(D) CAP. OUTLAY	0
6	(E) DATA PROC.	0
7	(05) VOCATIONAL EDUCATION GRANTS	<u>13,531,376</u>
8	TOTAL AMOUNT APPROPRIATED	<u>\$ 15,995,956</u>

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10 SECTION 8. APPROPRIATION - FEDERAL ADULT BASIC EDUCATION. There is hereby
 11 appropriated, to the Department of Career Education, to be payable from the
 12 federal funds as designated by the Chief Fiscal Officer of the State, for
 13 personal services, operating expenses and grants of the Department of Career
 14 Education - Federal Adult Basic Education for the fiscal year ending June 30,
 15 2011, the following:

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17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2010-2011</u>
19	(01) REGULAR SALARIES	\$ 171,031
20	(02) PERSONAL SERVICES MATCHING	57,188
21	(03) MAINT. & GEN. OPERATION	
22	(A) OPER. EXPENSE	77,467
23	(B) CONF. & TRAVEL	7,700
24	(C) PROF. FEES	9,000
25	(D) CAP. OUTLAY	0
26	(E) DATA PROC.	0
27	(04) ADULT BASIC EDUCATION GRANTS	<u>7,149,060</u>
28	TOTAL AMOUNT APPROPRIATED	<u>\$ 7,471,446</u>

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30 SECTION 9. APPROPRIATION - FEDERAL VETERANS APPROVING AGENCY. There is
 31 hereby appropriated, to the Department of Career Education, to be payable
 32 from the federal funds as designated by the Chief Fiscal Officer of the
 33 State, for personal services and operating expenses of the Department of
 34 Career Education - Federal Veterans Approving Agency for the fiscal year
 35 ending June 30, 2011, the following:

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1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2010-2011</u>
3	(01) REGULAR SALARIES	\$ 153,906
4	(02) PERSONAL SERVICES MATCHING	56,460
5	(03) MAINT. & GEN. OPERATION	
6	(A) OPER. EXPENSE	57,546
7	(B) CONF. & TRAVEL	5,623
8	(C) PROF. FEES	600
9	(D) CAP. OUTLAY	0
10	(E) DATA PROC.	<u>0</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$ 274,135</u>

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13 SECTION 10. APPROPRIATION - FEDERAL EQUIPMENT AND TRAINING. There is
 14 hereby appropriated, to the Department of Career Education, to be payable
 15 from the federal funds as designated by the Chief Fiscal Officer of the
 16 State, for operating expenses of the Department of Career Education - Federal
 17 Equipment and Training for the fiscal year ending June 30, 2011, the
 18 following:

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20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2010-2011</u>
22	(01) MAINT. & GEN. OPERATION	
23	(A) OPER. EXPENSE	\$ 6,000
24	(B) CONF. & TRAVEL	0
25	(C) PROF. FEES	0
26	(D) CAP. OUTLAY	0
27	(E) DATA PROC.	<u>0</u>
28	TOTAL AMOUNT APPROPRIATED	<u>\$ 6,000</u>

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30 SECTION 11. APPROPRIATION - CONSTRUCTION INDUSTRY CRAFT TRAINING PROGRAM.
 31 There is hereby appropriated, to the Department of Career Education, to be
 32 payable from the Arkansas Construction Industry Craft Training Trust Fund,
 33 for personal services, operating expenses and grants of the Department of
 34 Career Education - Construction Industry Craft Training Program for the
 35 fiscal year ending June 30, 2011, the following:

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ITEM	FISCAL YEAR
NO.	2010-2011
(01) REGULAR SALARIES	\$ 47,251
(02) PERSONAL SERVICES MATCHING	16,171
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	12,000
(B) CONF. & TRAVEL	7,500
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) GRANTS TO CONSTRUCTION INDUSTRY CRAFT TRAINING PROGRAM	<u>800,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 882,922</u>

SECTION 12. APPROPRIATION - ALTERNATIVE RETIREMENT PROGRAM - CASH. There is hereby appropriated, to the Department of Career Education, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Career Education, for personal services and operating expenses of the Department of Career Education - Alternative Retirement Program - Cash for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
NO.	2010-2011
(01) PERSONAL SERVICES MATCHING	\$ 110,222
(02) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	12,300
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 122,522</u>

SECTION 13. APPROPRIATION - HOUSING CONSTRUCTION PROGRAM. There is hereby appropriated, to the Department of Career Education, to be payable from the Building Trades Revolving Fund, for loans to Secondary Area Technical Centers or other eligible entities, for the purchase of building materials, supplies,

and fixtures to be used in the construction of a single family dwelling unit or other non-residential building project through the Housing Construction Program of the Department of Career Education for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) LOANS	\$ <u>164,807</u>

SECTION 14. APPROPRIATION - GOVERNOR'S COMMISSION ON ADULT LITERACY. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Workforce Education Public School Fund Account, for personal services, operating expenses and grants of the Department of Career Education - Governor's Commission on Adult Literacy for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) REGULAR SALARIES	\$ 28,658
(02) PERSONAL SERVICES MATCHING	9,998
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	52,242
(B) CONF. & TRAVEL	6,005
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) GRANTS TO LITERACY COUNCILS	<u>675,000</u>
TOTAL AMOUNT APPROPRIATED	\$ <u>771,903</u>

SECTION 15. APPROPRIATION - ADULT BASIC AND GENERAL ADULT EDUCATION. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Workforce Education Public School Fund Account, for Adult Basic and General Adult Education grants and aid by the Department of Career Education for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
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NO. 2010-2011

(01) ADULT BASIC &
GENERAL ADULT EDUCATION \$ 25,271,953

SECTION 16. APPROPRIATION - COORDINATED CAREER EDUCATION SERVICES. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Workforce Education Public School Fund Account, for Coordinated Career Education Services - Special Needs Students Program grants and aid by the Department of Career Education for the fiscal year ending June 30, 2011, the following:

ITEM FISCAL YEAR
NO. 2010-2011

(01) COORDINATED CAREER EDUCATION
SERVICES-SPECIAL NEEDS STUDENTS
PROGRAM GRANTS & AID \$ 1,119,433

SECTION 17. APPROPRIATION - VOCATIONAL CENTER AID. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Workforce Education Public School Fund Account, for Vocational Center grants and aid by the Department of Career Education - Vocational Center Aid for the fiscal year ending June 30, 2011, the following:

ITEM FISCAL YEAR
NO. 2010-2011

(01) VOCATIONAL CENTER GRANTS AND AID \$ 20,136,383

SECTION 18. APPROPRIATION - VOCATIONAL START-UP GRANTS AND AID. There is hereby appropriated, to the Department of Career Education, to be payable from the Department of Workforce Education Public School Fund Account, for Vocational Start-Up grants and aid by the Department of Career Education for the fiscal year ending June 30, 2011, the following:

ITEM FISCAL YEAR
NO. 2010-2011

(01) VOCATIONAL START-UP GRANTS & AID \$ 2,370,000

SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FEDERAL MATCHING. The funds appropriated in Sections for Adult Basic and General Adult Education, Coordinated Career Education Services, Vocational Center Aid and Vocational Start-up Grants and Aid of this Act may also be used to match any available federal funds from any agency in order to provide the maximum amount of money possible for the purposes enumerated in such section.

The provisions of this section shall be in effect only from July 1, 2007 2010 through June 30, ~~2009~~ 2011.

SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. VOCATIONAL START-UP. The funds and appropriations contained herein for Vocational Start-Up shall be allocated in accordance with rules and regulations established by the State Board of ~~Workforce~~ Career Education and ~~Career Opportunities~~, after the rules and regulations have undergone a prior review by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council or Joint Budget Committee.

The provisions of this section shall be in effect only from July 1, 2007 2010 through June 30, ~~2009~~ 2011.

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EDUCATIONAL TRAINING/RETRAINING. Of the funds and appropriation authorized by Item (01) in the section of this Act for Adult Basic and General Adult Education, a sum of \$300,000 each fiscal year shall be made available to eligible entities approved by the State Board of ~~Workforce~~ Career Education and ~~Career Opportunities~~, in order to expand the vocational education and training opportunities available to area citizens in need of adult educational training or retraining due to changing technology.

Further, if the appropriation is not fully funded due to a decrease in the official revenue forecast or the available carryover balance of the Department of Workforce Education Public School Fund Account, the Department of ~~Workforce~~ Career Education may reduce proportionally the amount made available to eligible entities approved by the State Board of ~~Workforce~~

~~Career Education and Career Opportunities~~ in order to expand the vocational education and training opportunities to area citizens in need of adult educational training or retraining due to changing technology.

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADULT EDUCATION DISTRIBUTION. All funds that become available for Adult Education shall first be distributed to those administrative units determined to be operating efficient and effective adult education programs, under criteria established by the State Board of ~~Workforce Career Education and Career Opportunities~~. The criteria shall include the relative efficiency of administration of the program in the counties served and achievement of federal performance indicators. The State Board of ~~Workforce Career Education and Career Opportunities~~ shall promulgate rules and regulations for the distribution of funds in accordance with criteria to be determined by the Board. In the distribution of funds to local units the Board shall consider the literacy rate in each county and performance in meeting state and federal performance indicators. For the purposes of this Section, the term "literacy rate" shall be determined by the number of adults completing less than the twelfth grade as reported by the most recent decennial federal census. Unallocated funds will be redistributed based upon need as determined by the State Board of ~~Workforce Career Education and Career Opportunities~~.

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER OF FUNDS – PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall establish, upon request from the Department of ~~Workforce Career Education~~, a special appropriation line item to be used in the acquisition of promotional items. When the Department of ~~Workforce Career Education~~ wishes to transfer monies from its operating expenses appropriation to the Promotional Items line, the State Board of ~~Workforce Career Education and Career Opportunities~~ shall approve the request and forward it after receiving prior review and

1 approval by the Arkansas Legislative Council or Joint Budget Committee, to
2 the Chief Fiscal Officer of the State for processing.

3 Determining the maximum number of employees and the maximum amount of
4 appropriation and general revenue funding for a state agency each fiscal year
5 is the prerogative of the General Assembly. This is usually accomplished by
6 delineating such maximums in the appropriation act(s) for a state agency and
7 the general revenue allocations authorized for each fund and fund account by
8 amendment to the Revenue Stabilization law. Further, the General Assembly
9 has determined that the Department of ~~Workforce~~ Career Education may operate
10 more efficiently if some flexibility is provided to the Department of
11 ~~Workforce~~ Career Education authorizing broad powers under this Section.
12 Therefore, it is both necessary and appropriate that the General Assembly
13 maintain oversight by requiring prior approval of the Legislative Council or
14 Joint Budget Committee as provided by this section. The requirement of
15 approval by the Legislative Council or Joint Budget Committee is not a
16 severable part of this section. If the requirement of approval by the
17 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
18 court of competent jurisdiction, this entire section is void.

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20 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
22 ALLOCATION PROVISION - ADULT EDUCATION. Notwithstanding any other provision
23 of law to the contrary, any general revenue allocated under Arkansas Code
24 §19-5-401 et seq., Arkansas Revenue Stabilization Law, that is received by
25 and distributed from the Department of Workforce Education Public School Fund
26 Account in excess of thirty-two million four hundred forty-three thousand two
27 hundred thirty-three dollars (\$32,443,233) shall be allocated, budgeted,
28 committed and distributed equally among all Arkansas Adult Education
29 Programs.

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31 SECTION 25. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
32 by this act shall be limited to the appropriation for such agency and funds
33 made available by law for the support of such appropriations; and the
34 restrictions of the State Procurement Law, the General Accounting and
35 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
36 Procedures and Restrictions Act, or their successors, and other fiscal

1 control laws of this State, where applicable, and regulations promulgated by
2 the Department of Finance and Administration, as authorized by law, shall be
3 strictly complied with in disbursement of said funds.
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5 SECTION 26. LEGISLATIVE INTENT. It is the intent of the General Assembly
6 that any funds disbursed under the authority of the appropriations contained
7 in this act shall be in compliance with the stated reasons for which this act
8 was adopted, as evidenced by the Agency Requests, Executive Recommendations
9 and Legislative Recommendations contained in the budget manuals prepared by
10 the Department of Finance and Administration, letters, or summarized oral
11 testimony in the official minutes of the Arkansas Legislative Council or
12 Joint Budget Committee which relate to its passage and adoption.
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14 SECTION 27. EMERGENCY CLAUSE. It is found and determined by the General
15 Assembly, that the Constitution of the State of Arkansas prohibits the
16 appropriation of funds for more than a one (1) year period; that the
17 effectiveness of this Act on July 1, 2010 is essential to the operation of
18 the agency for which the appropriations in this Act are provided, and that in
19 the event of an extension of the legislative session, the delay in the
20 effective date of this Act beyond July 1, 2010 could work irreparable harm
21 upon the proper administration and provision of essential governmental
22 programs. Therefore, an emergency is hereby declared to exist and this Act
23 being necessary for the immediate preservation of the public peace, health
24 and safety shall be in full force and effect from and after July 1, 2010.
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