

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/24/11
A Bill

HOUSE BILL 1290

5 By: Joint Budget Committee
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
9 SERVICES AND OPERATING EXPENSES AND FOR GRANTS
10 AND AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL
11 PROGRAMS FOR THE DEPARTMENT OF CAREER EDUCATION
12 FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR
13 OTHER PURPOSES.
14

15
16 **Subtitle**

17 AN ACT FOR THE DEPARTMENT OF CAREER
18 EDUCATION APPROPRIATION FOR THE 2011-2012
19 FISCAL YEAR.
20

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Department of Career Education for the 2011-2012 fiscal year, the following
26 maximum number of regular employees.
27

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
32	(1) U061U	ACE DIRECTOR	1	\$145,502
33	(2) U077U	ACE DEPUTY DIR CAREER & TECH ED	1	\$105,840
34	(3) U065U	ACE DEPUTY DIRECTOR	1	\$105,839
35	(4) U098U	DIR GOV COMM ON ADULT LITERACY	1	\$72,435
36	(5) G010C	ACE DIVISION MANAGER	4	GRADE C128



1	(6)	A031C	ASSISTANT CONTROLLER	1	GRADE C124
2	(7)	E061C	ACE PROGRAM COORDINATOR	15	GRADE C123
3	(8)	E062C	ACE PROGRAM ADVISOR	33	GRADE C122
4	(9)	R014C	PERSONNEL MANAGER	1	GRADE C121
5	(10)	R019C	BUDGET MANAGER	1	GRADE C120
6	(11)	V007C	PROCUREMENT COORDINATOR	1	GRADE C119
7	(12)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
8	(13)	A074C	FISCAL SUPPORT SUPERVISOR	1	GRADE C118
9	(14)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
10	(15)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
11	(16)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
12	(17)	C056C	ADMINISTRATIVE SPECIALIST III	8	GRADE C112
13	(18)	A098C	FISCAL SUPPORT SPECIALIST	3	GRADE C112
14	(19)	C073C	ADMINISTRATIVE SPECIALIST II	16	GRADE C109
15	(20)	C088C	MAIL SERVICES ASSISTANT	<u>1</u>	GRADE C105
16			MAX. NO. OF EMPLOYEES	93	

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SECTION 2. EXTRA HELP - VOCATIONAL, TECHNICAL AND ADULT EDUCATION.

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 19 There is hereby authorized, for the Department of Career Education -
 20 Vocational, Technical and Adult Education for the 2011-2012 fiscal year, the
 21 following maximum number of part-time or temporary employees, to be known as
 22 "Extra Help", payable from funds appropriated herein for such purposes:
 23 forty-six (46) temporary or part-time employees, when needed, at rates of pay
 24 not to exceed those provided in the Uniform Classification and Compensation
 25 Act, or its successor, or this act for the appropriate classification.

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

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 28 There is hereby appropriated, to the Department of Career Education, to be
 29 payable from the Department of Workforce Education Fund Account, for personal
 30 services and operating expenses of the Department of Career Education -
 31 Vocational, Technical and Adult Education for the fiscal year ending June 30,
 32 2012, the following:

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34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2011-2012</u>
36	(01) REGULAR SALARIES	\$3,057,980

1	(02) EXTRA HELP	3,923
2	(03) PERSONAL SERVICES MATCHING	945,583
3	(04) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	929,297
5	(B) CONF. & TRAVEL	28,751
6	(C) PROF. FEES	0
7	(D) CAP. OUTLAY	0
8	(E) DATA PROC.	0
9	(05) APPRENTICESHIP PROGRAM	1,611,456
10	(06) MOTOR VEHICLE EDUCATION PROGRAM	<u>2,500</u>
11	TOTAL AMOUNT APPROPRIATED	<u>\$6,579,490</u>

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13 SECTION 4. APPROPRIATION - ADULT BASIC EDUCATION. There is hereby
 14 appropriated, to the Department of Career Education, to be payable from the
 15 Department of Workforce Education Fund Account, for personal services and
 16 operating expenses of the Department of Career Education - Adult Basic
 17 Education for the fiscal year ending June 30, 2012, the following:

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19	ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2011-2012</u>
21	(01) REGULAR SALARIES	\$380,220
22	(02) PERSONAL SERVICES MATCHING	112,588
23	(03) MAINT. & GEN. OPERATION	
24	(A) OPER. EXPENSE	25,000
25	(B) CONF. & TRAVEL	0
26	(C) PROF. FEES	0
27	(D) CAP. OUTLAY	0
28	(E) DATA PROC.	<u>0</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$517,808</u>

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31 SECTION 5. APPROPRIATION - HIGH-TECH SCHOLARSHIP AWARD PROGRAM. There
 32 is hereby appropriated, to the Department of Career Education, to be payable
 33 from the Department of Workforce Education Fund Account, for scholarships of
 34 the Department of Career Education - High-Tech Scholarship Award Program for
 35 the fiscal year ending June 30, 2012, the following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</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 2011-2012 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 by the Department of Career Education - Federal Vocational, Technical and Adult Education for the fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) REGULAR SALARIES	\$782,679
(02) EXTRA HELP	5,000
(03) PERSONAL SERVICES MATCHING	255,907
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	2,723,936
(B) CONF. & TRAVEL	46,175
(C) PROF. FEES	748,350
(D) CAP. OUTLAY	0
(05) VOCATIONAL EDUCATION GRANTS	<u>16,922,876</u>
TOTAL AMOUNT APPROPRIATED	<u>\$21,484,923</u>

SECTION 8. APPROPRIATION - FEDERAL ADULT BASIC EDUCATION. There is hereby appropriated, to the Department of Career Education, to be payable

1 from the federal funds as designated by the Chief Fiscal Officer of the
 2 State, for personal services, operating expenses and grants by the Department
 3 of Career Education - Federal Adult Basic Education for the fiscal year
 4 ending June 30, 2012, the following:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2011-2012</u>
8 (01) REGULAR SALARIES	\$174,289
9 (02) PERSONAL SERVICES MATCHING	51,799
10 (03) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	77,467
12 (B) CONF. & TRAVEL	25,200
13 (C) PROF. FEES	9,000
14 (D) CAP. OUTLAY	0
15 (E) DATA PROC.	0
16 (04) ADULT BASIC EDUCATION GRANTS	<u>7,149,060</u>
17 TOTAL AMOUNT APPROPRIATED	<u><u>\$7,486,815</u></u>

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 19 SECTION 9. APPROPRIATION - FEDERAL VETERANS APPROVING AGENCY. There is
 20 hereby appropriated, to the Department of Career Education, to be payable
 21 from the federal funds as designated by the Chief Fiscal Officer of the
 22 State, for personal services and operating expenses of the Department of
 23 Career Education - Federal Veterans Approving Agency for the fiscal year
 24 ending June 30, 2012, the following:

26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2011-2012</u>
28 (01) REGULAR SALARIES	\$171,210
29 (02) PERSONAL SERVICES MATCHING	55,933
30 (03) MAINT. & GEN. OPERATION	
31 (A) OPER. EXPENSE	53,546
32 (B) CONF. & TRAVEL	9,623
33 (C) PROF. FEES	600
34 (D) CAP. OUTLAY	0
35 (E) DATA PROC.	<u>0</u>
36 TOTAL AMOUNT APPROPRIATED	<u><u>\$290,912</u></u>

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SECTION 10. APPROPRIATION - FEDERAL EQUIPMENT AND TRAINING. 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 operating expenses of the Department of Career Education - Federal Equipment and Training for the fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$6,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$6,000</u></u>

SECTION 11. APPROPRIATION - CONSTRUCTION INDUSTRY CRAFT TRAINING PROGRAM. There is hereby appropriated, to the Department of Career Education, to be payable from the Arkansas Construction Industry Craft Training Trust Fund, for personal services, operating expenses and grants by the Department of Career Education - Construction Industry Craft Training Program for the fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) REGULAR SALARIES	\$48,534
(02) PERSONAL SERVICES MATCHING	15,151
(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	

1	TRAINING PROGRAM	<u>800,000</u>
2	TOTAL AMOUNT APPROPRIATED	<u><u>\$883,185</u></u>

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4 SECTION 12. APPROPRIATION - ALTERNATIVE RETIREMENT PROGRAM - CASH.

5 There is hereby appropriated, to the Department of Career Education, to be
 6 payable from cash funds as defined by Arkansas Code 19-4-801 of the
 7 Department of Career Education, for personal services and operating expenses
 8 of the Department of Career Education - Alternative Retirement Program - Cash
 9 for the fiscal year ending June 30, 2012, the following:

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11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2011-2012</u>
13	(01) PERSONAL SERVICES MATCHING	\$110,222
14	(02) MAINT. & GEN. OPERATION	
15	(A) OPER. EXPENSE	12,300
16	(B) CONF. & TRAVEL	0
17	(C) PROF. FEES	0
18	(D) CAP. OUTLAY	0
19	(E) DATA PROC.	<u>0</u>
20	TOTAL AMOUNT APPROPRIATED	<u><u>\$122,522</u></u>

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22 SECTION 13. APPROPRIATION - HOUSING CONSTRUCTION PROGRAM. There is
 23 hereby appropriated, to the Department of Career Education, to be payable
 24 from the Building Trades Revolving Fund, for loans to Secondary Area
 25 Technical Centers or other eligible entities, for the purchase of building
 26 materials, supplies, and fixtures to be used in the construction of a single
 27 family dwelling unit or other non-residential building project through the
 28 Housing Construction Program of the Department of Career Education for the
 29 fiscal year ending June 30, 2012, the following:

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31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2011-2012</u>
33	(01) LOANS	<u><u>\$164,807</u></u>

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35 SECTION 14. APPROPRIATION - LAW ENFORCEMENT SAFETY OFFICE - CASH.

36 There is hereby appropriated, to the Department of Career Education, to be

1 payable from the cash fund deposited in the State Treasury as determined by
 2 the Chief Fiscal Officer of the State, for operating expenses of the
 3 Department of Career Education - Law Enforcement Safety Office - Cash for the
 4 fiscal year ending June 30, 2012, the following:

5	6 ITEM	FISCAL YEAR
7	<u>NO.</u>	<u>2011-2012</u>
8	(01) LAW ENFORCEMENT SAFETY PROGRAM	<u>\$15,000</u>

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 10 SECTION 15. APPROPRIATION - GOVERNOR'S COMMISSION ON ADULT LITERACY.

11 There is hereby appropriated, to the Department of Career Education, to be
 12 payable from the Department of Workforce Education Public School Fund
 13 Account, for personal services, operating expenses, and grants by the
 14 Department of Career Education - Governor's Commission on Adult Literacy for
 15 the fiscal year ending June 30, 2012, the following:

16	17 ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2011-2012</u>
19	(01) REGULAR SALARIES	\$29,752
20	(02) PERSONAL SERVICES MATCHING	9,380
21	(03) MAINT. & GEN. OPERATION	
22	(A) OPER. EXPENSE	52,242
23	(B) CONF. & TRAVEL	6,005
24	(C) PROF. FEES	0
25	(D) CAP. OUTLAY	0
26	(E) DATA PROC.	0
27	(04) GRANTS TO LITERACY COUNCILS	<u>675,000</u>
28	TOTAL AMOUNT APPROPRIATED	<u>\$772,379</u>

29
 30 SECTION 16. APPROPRIATION - ADULT BASIC AND GENERAL ADULT EDUCATION.

31 There is hereby appropriated, to the Department of Career Education, to be
 32 payable from the Department of Workforce Education Public School Fund
 33 Account, for Adult Basic and General Adult Education grants and aid by the
 34 Department of Career Education for the fiscal year ending June 30, 2012, the
 35 following:

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1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2011-2012</u>
3	(01) ADULT BASIC & GENERAL ADULT EDUCATION	<u>\$19,860,569</u>

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5 SECTION 17. APPROPRIATION - COORDINATED CAREER EDUCATION SERVICES.

6 There is hereby appropriated, to the Department of Career Education, to be

7 payable from the Department of Workforce Education Public School Fund

8 Account, for Coordinated Career Education Services - Special Needs Students

9 Program grants and aid by the Department of Career Education for the fiscal

10 year ending June 30, 2012, the following:

11		
12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2011-2012</u>
14	(01) COORDINATED CAREER EDUCATION	
15	SERVICES-SPECIAL NEEDS STUDENTS	
16	PROGRAM GRANTS & AID	<u>\$1,119,433</u>

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18 SECTION 18. APPROPRIATION - VOCATIONAL CENTER AID. There is hereby

19 appropriated, to the Department of Career Education, to be payable from the

20 Department of Workforce Education Public School Fund Account, for Vocational

21 Center grants and aid by the Department of Career Education - Vocational

22 Center Aid for the fiscal year ending June 30, 2012, the following:

23		
24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2011-2012</u>
26	(01) VOCATIONAL CENTER GRANTS AND AID	<u>\$20,136,383</u>

27

28 SECTION 19. APPROPRIATION - VOCATIONAL START-UP GRANTS AND AID. There

29 is hereby appropriated, to the Department of Career Education, to be payable

30 from the Department of Workforce Education Public School Fund Account, for

31 Vocational Start-Up grants and aid by the Department of Career Education for

32 the fiscal year ending June 30, 2012, the following:

33		
34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2011-2012</u>
36	(01) VOCATIONAL START-UP GRANTS AND AID	<u>\$2,370,000</u>

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SECTION 20. 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, ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

SECTION 21. 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 Career Education, 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, ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

SECTION 22. 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 Career Education, 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 Career Education may reduce proportionally the amount made available to eligible entities approved by the State Board of Career Education in order to

1 expand the vocational education and training opportunities to area citizens
2 in need of adult educational training or retraining due to changing
3 technology.

4 The provisions of this section shall be in effect only from July 1,
5 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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7 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADULT
9 EDUCATION DISTRIBUTION. All funds that become available for Adult Education
10 shall ~~first~~ be distributed to those administrative units determined to be
11 operating efficient and effective adult education programs, under criteria
12 established by the State Board of Career Education. The criteria shall
13 include the relative efficiency of administration of the program in the
14 counties served and achievement of federal performance indicators. The State
15 Board of Career Education shall promulgate rules and regulations for the
16 distribution of funds in accordance with criteria to be determined by the
17 Board. In the distribution of funds to local units the Board shall consider
18 ~~the literacy rate in each county and~~ performance in meeting state and federal
19 performance indicators. ~~For the purposes of this Section, the term "literacy~~
20 ~~rate" shall be determined by the number of adults completing less than the~~
21 ~~twelfth grade as reported by the most recent decennial federal census.~~
22 Unallocated funds will be redistributed based upon need as determined by the
23 State Board of Career Education.

24 The provisions of this section shall be in effect only from July 1,
25 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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27 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
29 OF FUNDS – PROMOTIONAL ITEMS. The Chief Fiscal Officer of the State shall
30 establish, upon request from the Department of Career Education, a special
31 appropriation line item to be used in the acquisition of promotional items.
32 When the Department of Career Education wishes to transfer monies from its
33 operating expenses appropriation to the Promotional Items line, the State
34 Board of Career Education shall approve the request and forward it after
35 receiving prior review and approval by the Arkansas Legislative Council or
36 Joint Budget Committee, to the Chief Fiscal Officer of the State for

1 processing.

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

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19 SECTION 25. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
20 authorized by this act shall be limited to the appropriation for such agency
21 and funds made available by law for the support of such appropriations; and
22 the restrictions of the State Procurement Law, the General Accounting and
23 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
24 Procedures and Restrictions Act, or their successors, and other fiscal
25 control laws of this State, where applicable, and regulations promulgated by
26 the Department of Finance and Administration, as authorized by law, shall be
27 strictly complied with in disbursement of said funds.

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29 SECTION 26. LEGISLATIVE INTENT. It is the intent of the General
30 Assembly that any funds disbursed under the authority of the appropriations
31 contained in this act shall be in compliance with the stated reasons for
32 which this act was adopted, as evidenced by the Agency Requests, Executive
33 Recommendations and Legislative Recommendations contained in the budget
34 manuals prepared by the Department of Finance and Administration, letters, or
35 summarized oral testimony in the official minutes of the Arkansas Legislative
36 Council or Joint Budget Committee which relate to its passage and adoption.

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2 SECTION 27. EMERGENCY CLAUSE. It is found and determined by the
3 General Assembly, that the Constitution of the State of Arkansas prohibits
4 the appropriation of funds for more than a one (1) year period; that the
5 effectiveness of this Act on July 1, 2011 is essential to the operation of
6 the agency for which the appropriations in this Act are provided, and that in
7 the event of an extension of the legislative session, the delay in the
8 effective date of this Act beyond July 1, 2011 could work irreparable harm
9 upon the proper administration and provision of essential governmental
10 programs. Therefore, an emergency is hereby declared to exist and this Act
11 being necessary for the immediate preservation of the public peace, health
12 and safety shall be in full force and effect from and after July 1, 2011.

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14 */s/Joint Budget Committee*
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