

1 State of Arkansas *As Engrossed: H1/20/04 H1/21/04 H1/22/04 H1/28/04* Call Item 3
2 84th General Assembly **A Bill**
3 Second Extraordinary Session, 2003 HOUSE BILL 1128
4

5 By: Representative Mahony
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8 **For An Act To Be Entitled**

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

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



1 (Arkansas Code §21-5-101), or its successor.

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Item	Class	No. Code Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				2003-2004	2004-2005
(1)	9287	ED ASST DIR ACADEMIC FACILITIES	1	84,307	86,308
(2)	R063	EDUCATION CURRICULUM SUPERVISOR	1	GRADE 23	
(3)	E032	ED ACCOUNTABILITY PROGRAM COORD	1	GRADE 23	
(4)	O55Z	DATA PROCESSING MANAGER	1	GRADE 23	
(5)	A047	GENERAL FINANCE COORDINATOR	1	GRADE 22	
(6)	R290	PUBLIC SCHOOL PROGRAM ADVISOR	18	GRADE 21	
(7)	E035	ADE FINANCIAL ANALYST	4	GRADE 20	
(8)	R266	MANAGEMENT PROJECT ANALYST	<u>3</u>	GRADE 20	
		MAX. NO. OF EMPLOYEES	30		

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

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

SECTION 3. APPROPRIATION – FEDERAL ELEMENTARY & SECONDARY EDUCATION. There

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

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

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

Item Class	Maximum Annual	
	Maximum No. of	Salary Rate Fiscal Years

No.	Code	Title	Employees	2003-2004	2004-2005
(1)	E114	STAFF DEVELOPMENT COORDINATOR	<u>2</u>		GRADE 20
		MAX. NO. OF EMPLOYEES	2		

SECTION 5. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK (APSCN). 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 - APSCN, which shall be supplemental and in addition to those funds appropriated by Section 3 of Act 51, 1st Extraordinary Session of 2003, for the biennial period ending June 30, 2005, the following:

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

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

ITEM	FISCAL YEARS
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NO.		2003-2004	2004-2005
(01)	ACADEMIC IMPROVEMENT TRAINING	\$ 0	\$ 500,000
(02)	ASSESSMENT/END OF LEVEL TESTING	0	16,371,000
(03)	CONTENT STANDARDS REVISION	0	161,000
(04)	INTENSIVE SCHOOL SUPPORT	<u>0</u>	<u>320,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 0</u>	<u>\$ 17,352,000</u>

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

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

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

~~The provisions of this section shall be in effect only from July 1, 2001~~

1 ~~July 1, 2003 through June 30, 2003 June 30, 2005.~~

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

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

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

36 If the bill is neither approved nor vetoed by the Governor, it shall become

1 effective on the expiration of the period of time during which the Governor
2 may veto the bill. If the bill is vetoed by the Governor and the veto is
3 overridden, it shall become effective on the date the last house overrides
4 the veto.

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/s/ Mahony