

1 State of Arkansas *As Engrossed: S2/14/13 S3/12/13 S3/25/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 233

4

5 By: Joint Budget Committee

6

7

For An Act To Be Entitled

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AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AID TO

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LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE

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DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR ENDING

11

JUNE 30, 2014; AND FOR OTHER PURPOSES.

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Subtitle

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AN ACT FOR THE DEPARTMENT OF EDUCATION -

16

GRANTS AND AID TO LOCAL SCHOOL DISTRICTS

17

APPROPRIATION FOR THE 2013-2014 FISCAL

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YEAR.

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

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SECTION 1. APPROPRIATION. There is hereby appropriated, to the

24

Department of Education, to be payable from the Department of Education

25

Public School Fund Account, for grants and aid to local school districts and

26

special programs of the Department of Education for the fiscal year ending

27

June 30, 2014, the following:

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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

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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)	YOUTH SHELTERS	<u>165,000</u>
26		TOTAL AMOUNT APPROPRIATED	<u>\$2,740,213,319</u>

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28 SECTION 2. REGULAR SALARIES - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.
 29 There is hereby established for the Department of Education - Arkansas Public
 30 School Computer Network for the 2013-2014 fiscal year, the following maximum
 31 number of regular employees.

32

33			Maximum Annual
34		Maximum	Salary Rate
35	Item Class	No. of	Fiscal Year
36	<u>No. Code Title</u>	<u>Employees</u>	<u>2013-2014</u>

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

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15 SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.

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

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22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2013-2014</u>
24	(01) REGULAR SALARIES	\$2,328,377
25	(02) PERSONAL SERVICES MATCHING	791,477
26	(03) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	19,245,839
28	(B) CONF. & TRAVEL	7,250
29	(C) PROF. FEES	0
30	(D) CAP. OUTLAY	200,000
31	(E) DATA PROC.	0
32	(04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$22,872,943</u>

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35 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There
 36 is hereby established for the Department of Education - Office of Education

1 Renewal Zones for the 2013-2014 fiscal year, the following maximum number of
 2 regular employees.

3
4

5	6	7	8	9
	Item Class	Maximum	Maximum Annual	Salary Rate
	No. Code Title	No. of	Fiscal Year	
		Employees	2013-2014	
8	(1) E007C ADE OERZ DIRECTOR	1	GRADE C126	
9	(2) E020C ADE OERZ TECHNICAL ASSIST SPECIALIST	3	GRADE C122	
10	(3) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112	
11	MAX. NO. OF EMPLOYEES	5		

12
13 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is
 14 hereby appropriated, to the Department of Education, to be payable from the
 15 Department of Education Public School Fund Account, for personal services,
 16 operating expenses and grants by the Department of Education - Office of
 17 Education Renewal Zones for the fiscal year ending June 30, 2014, the
 18 following:

19

20	21	22	23	24	25	26	27	28	29	30	31
ITEM	NO.									FISCAL YEAR	
										2013-2014	
	(01)	REGULAR SALARIES								\$259,688	
	(02)	PERSONAL SERVICES MATCHING								86,535	
	(03)	MAINT. & GEN. OPERATION									
	(A)	OPER. EXPENSE								91,800	
	(B)	CONF. & TRAVEL								13,000	
	(C)	PROF. FEES								306,900	
	(D)	CAP. OUTLAY								0	
	(E)	DATA PROC.								0	
	(04)	EDUCATIONAL RENEWAL ZONE GRANTS								<u>717,450</u>	
		TOTAL AMOUNT APPROPRIATED								<u>\$1,475,373</u>	

32
33 SECTION 6. APPROPRIATION - SCHOOL RECOGNITION PROGRAM. There is hereby
 34 appropriated, to the Department of Education, to be payable from the
 35 Department of Education Public School Fund Account, for the payment of
 36 financial awards to public schools through the Arkansas School Recognition

1 Program for the fiscal year ending June 30, 2014, the following:

<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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7 SECTION 7. APPROPRIATION - INTERNATIONAL BACCALAUREATE PROGRAM. There

8 is hereby appropriated, to the Department of Education, to be payable from

9 the Department of Education Public School Fund Account, for grants and aid to

10 local school districts for the International Baccalaureate Program by the

11 Department of Education for the fiscal year ending June 30, 2014, the sum of

12 \$75,000.

13

14 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MANDATORY

16 FUNDING PROVISION. The Department of Education shall expend or have

17 committed for expenditure funds in the Department of Education Public School

18 Fund Account in the amount of seventy-five thousand dollars (\$75,000) to

19 provide funding for grants and aid to local school districts for the

20 International Baccalaureate Program as appropriated herein.

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

22 2013 through June 30, 2014.

23

24 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND

26 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1

27 of this Act may be fully funded. Any funding and appropriation for Isolated

28 Funding that is not utilized shall be transferred to the appropriation for

29 Special Needs Isolated Funding in Section 1 of this Act and shall be used

30 there for fully funding each subsection (c) through (f) of Arkansas Code

31 §6-20-604 on a pro rata basis until the available funds are exhausted. Pro

32 rata basis is defined as providing each district qualifying for additional

33 funding under subsections (c) through (f) a proportionate share based on how

34 each district's additional funding amount bears to the total additional

35 funding amounts for all qualifying districts. If any funding and

36 appropriation remains after funding each subsection (c) through (f) of

1 Arkansas Code §6-20-604 the remaining balance shall be used to fund the
2 provisions of Arkansas Code §6-20-604 (h) on an equal basis until the
3 available funds are exhausted.

4 The provisions of this section shall be in effect only from July 1, ~~2012~~
5 2013 through June 30, ~~2013~~ 2014.

6

7 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
9 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
10 Districts appropriation in Section 1 of this Act, "school district" means a
11 school district which contracts with a school district in an adjoining state
12 for the education of some of the pupils within the Arkansas school district
13 because the portion of the school district wherein such pupils live is
14 completely separated from the remainder of the school district by a reservoir
15 covering at least 12,000 acres at normal water level, and where to attend
16 school in their own district, the pupils of said portion would be required to
17 travel or to be transported a distance (measured by the nearest highway or
18 road route) of more than 35 miles round trip and pass through another school
19 district or districts. The Department of Education shall distribute the
20 monies appropriated for Grants to School Districts in Section 1 of this Act
21 to such school districts as reimbursement for expenses incurred in educating
22 the pupils residing in the separated portion of the school district. The
23 payments are to be limited to the amount of available appropriation. Such
24 school districts shall file a request for reimbursement with the Department
25 of Education and provide the Department of Education with such documentation
26 as is deemed necessary.

27 The provisions of this section shall be in effect only from July 1, ~~2012~~
28 2013 through June 30, ~~2013~~ 2014.

29

30 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
32 EDUCATION SERVICES. The funds appropriated in the line item "Special
33 Education Services" in Section 1 of this Act shall be used to provide
34 extended year summer programs for handicapped students in need of such
35 services, to provide special education services to foster children who are
36 wards of the State, and to provide funds for the payment of salaries of

1 special education supervisors. The Department of Education shall distribute
2 such funds in the manner necessary to carry out the intent of this Section.

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

8 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
9 fiscal year thereafter, the Department of Education shall from time to time
10 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
11 State, the amount of funds disbursed or approved to be disbursed by the
12 Department of Education for desegregation expenses under any "Desegregation
13 Settlement Agreement". Upon the receipt of such certification, the State
14 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
15 202(b)(2)(B), shall also deduct from the net general revenues the amount
16 certified and transfer this amount to the Department of Education Public
17 School Fund Account there to be used exclusively for payment of or
18 reimbursement for expenses incurred from the Department of Education Public
19 School Fund Account under any "Desegregation Settlement Agreement".

20
21 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

23 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation
24 Incentive shall be allocated in accordance with rules and regulations
25 established by the State Board of Education.

26 The provisions of this section shall be in effect only from July 1, ~~2012~~
27 2013 through June 30, ~~2013~~ 2014.

28
29 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

31 RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for
32 Residential Centers/Juvenile Detention shall be allocated in accordance with
33 rules and regulations established by the State Board of Education.

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

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1 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
3 AUTHORITY. The Commissioner of the Department of Education, with the approval
4 of the Chief Fiscal Officer of the State and after approval by the Arkansas
5 Legislative Council or Joint Budget Committee, is hereby authorized to
6 request necessary appropriation transfers and any other budget related
7 adjustments necessary within the Department of Education. Provided, however,
8 that the Department of Education shall be limited to submitting no more than
9 two transfer requests during any fiscal year.

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

26 The provisions of this section shall be in effect only from July 1, ~~2012~~
27 2013 through June 30, ~~2013~~ 2014.

28
29 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AETN
31 DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds
32 authorized herein to the Department of Education for the Quiz Bowl each
33 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each
34 fiscal year may be made available to the Department of Education -
35 Educational Television Division for its documented costs associated with the
36 Quiz Bowl.

1 The provisions of this section shall be in effect only from July 1, ~~2012~~
2 2013 through June 30, ~~2013~~ 2014.

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4 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

6 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
7 shall make available from the Intervention Block Grants appropriation
8 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
9 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
10 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
11 grants up to \$1,000 each for students and chaperones, thirteen thousand five
12 hundred dollars (\$13,500) each fiscal year for Destination Imagination, one
13 hundred thousand dollars (\$100,000) each fiscal year for the State History
14 Day Competition, and seventy-five thousand dollars (\$75,000) each fiscal year
15 for a grant to the Arkansas Science Fair Association for grants to regional
16 and the state science fairs. The Department of Education shall allocate
17 General Revenue funding totaling no less than three hundred two thousand
18 dollars (\$302,000) each fiscal year from the Department of Education Public
19 School Fund Account to support the annual expenses of the Quiz Bowl, the
20 Creativity in Arkansas, Inc. for grants up to \$1,000 each for students and
21 chaperones, Destination Imagination, the State History Day Competition, and
22 the Arkansas Science Fair Association for grants to regional and state
23 science fairs. The Department shall either expend or have committed for
24 expenditure the monies allocated for the Quiz Bowl, Creativity in Arkansas,
25 Inc., Destination Imagination, the State History Day Competition, and
26 Arkansas Science Fair Association grants as authorized herein in order to
27 fulfill the provisions of this section.

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

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31 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST
33 FUNDING PROVISION. Of the total amount appropriated for Technology Grants
34 each fiscal year, an amount of not less than two million dollars (\$2,000,000)
35 or eighteen percent (18%), whichever is greater each fiscal year, shall be
36 awarded through a grant or professional services contract for EAST

1 infrastructure, personnel, and operating expenses. The EAST infrastructure
2 grant or contract for personal services and operating expenses shall be
3 awarded to an entity that has personnel or experience, or both, in
4 implementing the EAST Initiative.

5 The provisions of this section shall be in effect only from July 1, ~~2012~~
6 2013 through June 30, ~~2013~~ 2014.

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8 SECTION 19 SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTER
10 FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
11 appropriation authorized by this Act for Technology Grants the Department of
12 Education shall make available one hundred eighty-seven thousand five hundred
13 seventy-five dollars (\$187,575) each fiscal year for Center for Quality
14 Teaching and Learning initiatives to teach students computer repair in a
15 hands-on environment. The Department of Education shall allocate General
16 Revenue funding totaling no less than one hundred eighty-seven thousand five
17 hundred seventy-five dollars (\$187,575) each fiscal year from the Department
18 of Education Public School Fund Account to support the Center for Quality
19 Teaching and Learning. The Department shall either expend or have committed
20 for expenditure the monies allocated for the Center for Quality Teaching and
21 Learning in order to fulfill the provisions of this section.

22 The provisions of this section shall be in effect only from July 1,
23 ~~2012~~ 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.
27 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item
28 "Distressed School District Support" in Section 1 of this Act may be used for
29 technical assistance offered by the Department of Education to school
30 districts in academic distress that can include, but is not limited to,
31 teacher specialists, principal specialists, and other personnel assigned by
32 the department. These funds may also be used for alternative research-based
33 technical assistance or programs. Criteria for selecting and approving
34 alternative research-based technical assistance or programs are to be
35 promulgated as a rule by the State Board of Education, provided that
36 alternative staffing and/or compensation programs for teachers shall be

1 approved by at least a majority of the teachers in the school, schools, or
2 school district participating in the program.

3 The provisions of this section shall be in effect only from July 1, ~~2012~~
4 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 PROFESSIONAL DEVELOPMENT. Of the total amount appropriated for Professional
9 Development Funding, four million dollars (\$4,000,000) may be authorized by
10 the Commissioner of the Department of Education to be used by the Department
11 of Education to develop and implement statewide professional development
12 support systems for teachers that will benefit student achievement.

13 The provisions of this section shall be in effect only from July 1, ~~2012~~
14 2013 through June 30, ~~2013~~ 2014.

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

18 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
19 Districts shall pay the teacher retirement employer contribution rate for any
20 eligible employee in accordance with rules and regulations established by the
21 Teacher Retirement Board of Directors. The appropriation contained herein for
22 Teacher Retirement Matching each fiscal year shall be used to provide the
23 employer matching for employees of the Cooperative Education Services Areas,
24 Vocational Centers, Arkansas Easter Seals and the school operated by the
25 Department of Correction.

26 The provisions of this section shall be in effect only from July 1, ~~2012~~
27 2013 through June 30, ~~2013~~ 2014.

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29 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OPEN-
31 ENROLLMENT VIRTUAL CHARTER SCHOOL FUNDING RESTRICTIONS.

32 Regardless of any provision of law to the contrary, no school district
33 shall receive state funding for the ~~2012-2013~~ 2013-2014 school year for those
34 students who are included in the district's average daily membership for the
35 previous school year but who are attending any open-enrollment charter school
36 that uses internet, long-distance, or virtual technology as the primary

1 method of teaching.

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

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5 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER
7 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby
8 authorized to expend a maximum of two percent (2%) of available funds for
9 administration of the Better Chance Program. Up to 1.8% of available funds
10 shall be used to administer the program and to monitor program grantees to
11 ensure compliance with programmatic standards. Prior to the utilization of
12 the remaining 0.2% of available funds, the Department of Education shall seek
13 prior review and approval of the Arkansas Legislative Council or Joint Budget
14 Committee by providing a written request to include the following: a) the
15 Department's reason(s) for the use of the funds and b) the amount of funds
16 that will be expended. The Department may contract with the Division of Child
17 Care and Early Childhood Education to administer the program.

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

31 The provisions of this section shall be in effect only from July 1, ~~2012~~
32 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. AVERAGE
36 TEACHER SALARY. The Arkansas Department of Education is requested to

1 calculate Average Teacher Salary in the Department's Annual Statistical
2 Report to not include extra duty funds. Specifically, the Department is
3 requested to calculate the Average Teacher Salary amount using the National
4 Education Association definitions for Average Salary for Classroom Teachers.
5 The Arkansas Department of Education shall submit this data annually to the
6 National Education Association in accordance with that organization's
7 deadlines for submission for their report "Rankings and Estimates" which
8 includes state-by-state teacher salary comparisons.

9
10 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
12 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
13 Chance for School Success Program remaining on June 30, ~~2013~~ 2014, in the
14 Department of Education Public School Fund Account shall be designated and
15 retained for the Arkansas Better Chance for School Success Program.

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

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

21 (2) The Department of Finance and Administration Office of Budget shall
22 report to the Arkansas Legislative Council all amounts carried forward by the
23 September Arkansas Legislative Council or Joint Budget Committee meeting
24 which report shall include the name of the Agency, Board, Commission or
25 Institution and the amount of the funding carried forward, the program name
26 or line item, the funding source of that appropriation and a copy of the
27 written request set forth in (1) above;

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

36 (4) Thereupon, the Department of Finance and Administration shall include

1 all information obtained in item (3) above in the budget manuals and/or a
2 statement of non-compliance by the Agency, Board, Commission or Institution.

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 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
8 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
9 Department of Finance and Administration may use up to eleven dollars and
10 twenty cents (\$11.20) from each contribution made under Arkansas Code
11 §6-17-1117 (a) to offset the cost of health insurance premiums to eligible
12 members electing to participate in the public school employees' health
13 insurance program as a retiree.

14

15 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
17 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State
18 shall transfer on his books and those of the State Treasurer and the State
19 Auditor, the sum of two hundred thousand dollars (\$200,000) during each
20 fiscal year from the Department of Education Public School Fund Account to
21 the University of Arkansas at Little Rock Fund, specifically to provide
22 funding for the Arkansas/STRIVE Program. The total amount of funds
23 transferred each fiscal year pursuant to this section shall not be subject to
24 any indirect costs by the University of Arkansas at Little Rock.

25 The provisions of this section shall be in effect only from July 1, ~~2012~~
26 2013 through June 30, ~~2013~~ 2014.

27

28 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
30 INSURANCE. The appropriation contained herein for Public School Employee
31 Insurance each fiscal year shall be used to provide the state contribution
32 for insurance premiums for employees of the Cooperative Education Services
33 Areas, Vocational Centers, and the school operated by the Department of
34 Correction who participate in the Arkansas Public School Life and Health
35 Insurance Program.

36 The provisions of this section shall be in effect only from July 1, ~~2012~~

1 2013 through June 30, ~~2013~~ 2014.

2

3 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

5 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
6 funding for Alternative Learning Environment Programs in excess of the
7 regulatory limitation of six (6) hours per day for those programs that
8 operate more than twelve hours per day, in a proportionate manner and upon
9 special request to the Department of Education.

10 The provisions of this section shall be in effect only from July 1, ~~2012~~
11 2013 through June 30, ~~2013~~ 2014.

12

13 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
15 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
16 public schools, or for abortion services. Funds shall be expended in
17 accordance with Arkansas Code Annotated §6-18-703.

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

23 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.

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

36 The Department of Education shall make the contributions by transferring

1 funds to the division in quarterly installments. Funds provided by the
 2 Department of Education to the division under this section shall be
 3 administered by the board for the benefit of the employee participants of the
 4 public school employees' health insurance program.

5 The provisions of this section shall be in effect only from July 1, ~~2012~~
 6 2013 through June 30, ~~2013~~ 2014.

7
 8 *SECTION 33. Section 1 of Uncodified Act 269 of 2012, is amended to read*
 9 *as follows:*

10
 11 *SECTION 1. APPROPRIATION. There is hereby appropriated, to the*
 12 *Department of Education, to be payable from the Department of Education*
 13 *Public School Fund Account, for grants and aid to local school districts and*
 14 *special programs of the Department of Education for the fiscal year ending*
 15 *June 30, 2013, the following:*

<i>ITEM</i>	<i>FISCAL YEAR</i>
<i>NO.</i>	<i>2012-2013</i>
<i>(01) 98% URT ACTUAL COLLECTION ADJUSTMENT</i>	<i>\$34,500,000</i>
<i>(02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE</i>	<i>15,000,000</i>
<i>(03) ADVANCED PLACEMENT INCENTIVE</i>	<i>825,000</i>
<i>(04) ALTERNATIVE LEARNING</i>	<i>21,775,797</i>
<i>(05) ALTERNATIVE PAY</i>	<i>807,907</i>
<i>(06) ARKANSAS EASTER SEALS</i>	<i>193,113</i>
<i>(07) ASSESSMENT/END OF COURSE TESTING</i>	<i>24,375,349</i>
<i>(08) AT RISK</i>	<i>1,688,530</i>
<i>(09) BETTER CHANCE PROGRAM</i>	<i>111,000,000</i>
<i>(10) BONDED DEBT ASSISTANCE</i>	<i>28,455,384</i>
<i>(11) CONSOLIDATION INCENTIVE</i>	<i>9,415,127</i>
<i>(12) CONTENT STANDARDS</i>	<i>161,000</i>
<i>(13) CONTENTS STANDARDS CURRICULUM FRAMEWORKS</i>	<i>50,000</i>
<i>(14) COOP EDUCATION TECH CENTERS</i>	<i>1,200,000</i>
<i>(15) COORDINATED SCHOOL HEALTH</i>	<i>2,000,000</i>
<i>(16) COURT ORDERED DESEGREGATION</i>	<i>69,814,372</i>
<i>(17) CRIMINAL BACKGROUND CHECKS</i>	<i>25,000</i>
<i>(18) DECLINING ENROLLMENT</i>	<i>13,963,389</i>

1	(19) DEPARTMENT OF CORRECTION	6,024,799
2	(20) DISTANCE LEARNING	4,760,000
3	(21) DISTANCE LEARNING OPERATIONS	7,575,000
4	(22) DISTRESSED SCHOOL DISTRICT SUPPORT	50,000
5	(23) EARLY CHILDHOOD SPECIAL EDUCATION	16,897,920
6	(24) ECONOMIC EDUCATION	350,000
7	(25) EDUCATION SERVICE COOPERATIVES	6,129,270
8	(26) ENGLISH LANGUAGE LEARNERS	12,162,924
9	(27) GENERAL FACILITIES FUNDING	8,100,000
10	(28) GIFTED & TALENTED	1,335,381
11	(29) GRANTS TO SCHOOL DISTRICTS	67,856
12	(30) HOME SCHOOL TESTING	250,000
13	(31) HUMAN DEVELOPMENT CENTER EDUCATION AID	526,150
14	(32) INTERVENTION BLOCK GRANTS	302,000
15	(33) ISOLATED FUNDING	7,896,000
16	(34) LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
17	(35) MASTER PRINCIPAL BONUS	90,000
18	(36) NATIONAL BOARD OF PROF TEACHING STANDARDS	12,016,160
19	(37) NATIONAL SCHOOL LUNCH	187,235,597
20	(38) NON-TRADITIONAL LICENSURE	50,000
21	(39) PROFESSIONAL DEVELOPMENT FUNDING	24,244,209
22	(40) PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
23	(41) RESIDENTIAL CENTERS/JUVENILE DETENTION	16,345,087
24	(42) SCHOOL FACILITY JOINT USE SUPPORT	500,000
25	(43) SCHOOL FOOD SERVICES	1,650,000
26	(44) SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
27	(45) SCHOOL FUNDING CONTINGENCY	25,000,000
28	(46) SCHOOL WORKER DEFENSE	390,000
29	(47) SERIOUS OFFENDER	1,716,859
30	(48) SMART START/SMART STEP	10,666,303
31	(49) SPECIAL EDUCATION SERVICES	4,145,285
32	(50) SPECIAL EDUCATION-CATASTROPHIC	11,000,000
33	(51) SPECIAL NEEDS ISOLATED FUNDING	3,000,000
34	(52) STATE FOUNDATION FUNDING	1,904,969,759
35	(53) SUPPLEMENTAL TRANSPORTATION	500,000
36	(54) STUDENT GROWTH	28,500,000

1	(55) SUPPLEMENTAL MILLAGE		10,000,000
2	(56) SURPLUS COMMODITIES		780,000
3	(57) TEACHER LICENSING/MENTORING		5,008,758
4	(58) TEACHER OF THE YEAR		100,000
5	(59) TEACHER RECRUITMENT		2,100,000
6	(60) TEACHER RETIREMENT MATCHING		6,655,000
7	(61) TECHNOLOGY GRANTS		3,602,678
8	(62) TECHNOLOGY IMPROVEMENTS		500,000
9	(63) WORKER'S COMPENSATION		450,000
10	(64) YOUTH SHELTERS		165,000
11	(65) STUDENT SUCCESS RESEARCH DATA PILOT PROGRAM		<u>200,000</u>
12	TOTAL AMOUNT APPROPRIATED	<u>\$2,706,606,563</u>	<u>\$2,707,106,563</u>
13			

14 SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. Section
 16 32 of Uncodified Act 269 of 2012, is hereby amended to read as follows:

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

28
 29 SECTION 35. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 31 GOVERNOR'S SCHOOL FUNDING. The Department of Education shall allocate, budget
 32 and commit for expenditure two hundred fifty thousand dollars (\$250,000), in
 33 addition to funds already being provided for the Arkansas Governor's School,
 34 to fund the appropriation authorized from general revenue for the Gifted and
 35 Talented program as appropriated in Section 1 herein. With this additional
 36 funding the duration of the Arkansas Governor's School shall be extended from

1 four (4) weeks to six (6) weeks.

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

4
5 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ISOLATED
7 FUNDING - SPECIAL PROVISIONS. When the Department of Education uses a new
8 methodology or technology to recalculate square miles to determine student
9 transportation distance, density ratio, total area, or bus route miles for
10 the purpose of determining the amount of isolated funding a school district
11 receives under Ark. Code Ann. § 6-20-601 et seq., the school district shall
12 receive an amount of isolated funding that is not less than the amount of
13 isolated funding the school district would have received based on the school
14 district's square miles calculated in the prior school year; provided that
15 the school district remains eligible for isolated funding under § 6-20-601 et
16 seq.

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

19
20 SECTION 37. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
21 authorized by this act shall be limited to the appropriation for such agency
22 and funds made available by law for the support of such appropriations; and
23 the restrictions of the State Procurement Law, the General Accounting and
24 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
25 Procedures and Restrictions Act, or their successors, and other fiscal
26 control laws of this State, where applicable, and regulations promulgated by
27 the Department of Finance and Administration, as authorized by law, shall be
28 strictly complied with in disbursement of said funds.

29
30 SECTION 38. LEGISLATIVE INTENT. It is the intent of the General
31 Assembly that any funds disbursed under the authority of the appropriations
32 contained in this act shall be in compliance with the stated reasons for
33 which this act was adopted, as evidenced by the Agency Requests, Executive
34 Recommendations and Legislative Recommendations contained in the budget
35 manuals prepared by the Department of Finance and Administration, letters, or
36 summarized oral testimony in the official minutes of the Arkansas Legislative

1 Council or Joint Budget Committee which relate to its passage and adoption.

2
3 SECTION 39. EMERGENCY CLAUSE. It is found and determined by the General
4 Assembly, that the Constitution of the State of Arkansas prohibits the
5 appropriation of funds for more than a one (1) year period; that the
6 effectiveness of this Act on July 1, 2013 is essential to the operation of
7 the agency for which the appropriations in this Act are provided; with the
8 exception that SECTIONS 33, 34 and 36 in this Act shall be in full force and
9 effect from and after the date of its passage and approval, and that in the
10 event of an extension of the legislative session, the delay in the effective
11 date of this Act beyond July 1, 2013 could work irreparable harm upon the
12 proper administration and provision of essential governmental programs, with
13 the exception that SECTIONS 33, 34 and 36 in this Act shall be in full force
14 and effect from and after the date of its passage and approval. Therefore, an
15 emergency is hereby declared to exist and this Act being necessary for the
16 immediate preservation of the public peace, health and safety shall be in
17 full force and effect from and after July 1, 2013; with the exception that
18 SECTIONS 33, 34 and 36 in this Act shall be in full force and effect from and
19 after the date of its passage and approval.

20
21 /s/Joint Budget Committee
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