

2023 - 2025 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

0500 DOE - General Education

ACT#: 216

SECTION#: 24

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds which remain in the Division of Elementary and Secondary Education Fund Account at the end of a fiscal year shall remain in the Division of Elementary and Secondary Education Fund Account and be made available to fund appropriation(s) authorized by law and made payable from the Division of Elementary and Secondary Education Fund Account for the following fiscal year.

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

(1) Prior to June 30, ~~2023~~ 2024 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

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

(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later

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than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

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

The provisions of this section shall be in effect only from July 1, ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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EXECUTIVE RECOMMENDATION

SPECIAL LANGUAGE - CODE AMENDMENT. Arkansas Code § 25-43-503, concerning the Secretary of the Department of Education, is amended to add additional subsections to codify special language in appropriation acts to read as follows:

(g) The appropriation for the salary of the Secretary shall be the sole and exclusive authority for his or her salary.

(h) The secretary shall:

(1) Devote all of his or her working time exclusively to the performance of his or her duties as secretary; and

(2) Not accept any additional salary from any other source, including without limitation state, federal, or a private entity or person, for the performance of his or her duties as secretary; and

(3) Not accept any salary, fees, or compensation from any other source, including without limitation state, federal, or a private entity or person, for any other employment of any kind outside the scope of his or her duties as secretary, including without limitation consulting work for any other public or private entity.

(i) This section does not prohibit the secretary from accepting or receiving expense reimbursements and employee benefits as provided under state law.

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CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~STATE FUND RESTRICTIONS. No state funds shall be used for abortion referral in public schools, or for abortion services. Funds shall be expended in accordance with Arkansas Code Annotated § 6-18-703.~~

~~The provisions of this section shall be in effect only from July 1, 2022 2023 through June 30, 2023-2024.~~

~~**Note: This language is codified in Ark. Code Ann. §6-18-703(e)**~~

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ACT#: 3 of 22, 3rdES

SECTION#: 2

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

AGENCY REQUEST

SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE. (a) ~~Immediately upon the effective date of this act, a new sub-fund within the Restricted Reserve Fund shall be established as the "School Safety Set-Aside or Contingency Vote 3/5 9 Set-Aside".~~

(b) (1) The Department of Education shall not begin the process of promulgating rules for the distribution of funds in the School Safety Set Aside or Contingency Vote 3/5 Set-Aside until authorized by Legislative Council.

(2) The department shall not disburse any funds in the School Safety Set-Aside or Contingency Vote 3/5 Set-Aside until the rules have been approved by Legislative Council.

(c) Notwithstanding other provisions of law, the Chief Fiscal Officer of the State may from time to time transfer on his or her books and those of the Treasurer of State and the Auditor of State funds from the Restricted Reserve Fund School Safety Set-Aside or Contingency Vote 3/5 Set-Aside after receiving prior approval of the greater of three-fifths (3/5) of the quorum present or a majority of the membership of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, for the Department of Education to distribute funds for the School Safety Grant program, as approved in this section as set out in subsection (b) herein, or for the distribution of funds from this set-aside for unanticipated state needs.

(d)(1) The General Assembly finds:

(A) Determining the maximum amount of appropriation and funding for a state agency or institution each fiscal year is the prerogative of the

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General Assembly;

(B) Determining the maximum amount of appropriation and funding for a state agency or institution is usually accomplished by delineating the maximum amounts in the appropriation acts for the state agency or institution and in the general revenue allocations authorized for each relevant fund and fund account by amendment to the Revenue Stabilization Law, § 19-5-101 et seq.; and

(C) The Restricted Reserve Fund has established procedures for the transfer of funds to various funds and fund accounts for the efficient and effective operation of state government.

(2)(A) It is necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, as provided in § 19-5-1263(c).

(B) The requirement of approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, is not a severable part of § 19-5-1263.

(C) If the requirement of approval by the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, is ruled unconstitutional by a court of competent jurisdiction, § 19-5-1263(c)-(e) are void in their entirety.

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SECTION#: 3

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

~~SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE. FUNDING TRANSFER. Immediately upon the effective date of this act the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of State, a sum of fifty million dollars (\$50,000,000) from the General Revenue Allotment Reserve Fund to the School Safety Set Aside or Contingency Vote 3/5 Set Aside sub-fund in the Restricted Reserve Fund.~~

~~The provisions of this section shall be in effect only from July 1, 2022 through June 30, 2023.~~

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