

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 2397

5 By: Representatives Bond, Stovall
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For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF EDUCATION - DIVISION OF PUBLIC
12 SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION
13 WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO
14 THOSE FUNDS APPROPRIATED BY ACT 98 OF THE SECOND
15 EXTRAORDINARY SESSION OF 2003; AND FOR OTHER
16 PURPOSES.
17
18

Subtitle

19 AN ACT FOR THE DEPARTMENT OF EDUCATION -
20 DIVISION OF PUBLIC SCHOOL ACADEMIC
21 FACILITIES AND TRANSPORTATION
22 SUPPLEMENTAL APPROPRIATION.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
29 the Department of Education - Division of Public School Academic Facilities
30 and Transportation the following maximum number of regular employees which
31 shall be supplemental and in addition to those positions authorized in
32 Section 1 of Act 98 of the Second Extraordinary Session of 2003 and whose
33 salaries shall be governed by the provisions of the Uniform Classification
34 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,
35 and all laws amendatory thereto. Provided, however, that any position to
36 which a specific maximum annual salary is set out herein in dollars, shall be



1 exempt from the provisions of said Uniform Classification and Compensation
2 Act. All persons occupying positions authorized herein are hereby governed
3 by the provisions of the Regular Salaries Procedures and Restrictions Act
4 (Arkansas Code §21-5-101), or its successor.

5				6	Maximum Annual
7				Maximum	Salary Rate
8	Item	Class		No. of	Fiscal Years
9	No.	Code	Title	Employees	2004-2005
10	(1)		DIRECTOR, DIV. OF PUB.SCH.ACAD.FAC.T	1	\$107,760
11	(2)	9287	ED ASST DIRECTOR ACADEMIC FACILITIES	1	\$86,308
12	(3)		SENIOR PROJECT ADMINISTRATOR	1	GRADE 25
13	(4)		AREA PROJECT MANAGER	5	GRADE 23
14	(5)	A032	AGENCY FISCAL MANAGER	1	GRADE 22
15	(6)	909Z	PROGRAM SUPPORT MANAGER	1	GRADE 22
16	(7)	R010	ADMINISTRATIVE ASSISTANT II	2	GRADE 17
17	(8)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15
18	(9)	K153	SECRETARY II	<u>2</u>	GRADE 13
19			MAX. NO. OF EMPLOYEES	15	

21 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the
22 Department of Education - Division of Public School Academic Facilities and
23 Transportation the following maximum number of part-time or temporary
24 employees, to be known as "Extra Help", payable from funds appropriated
25 herein for such purposes: five (5) temporary or part-time employees, when
26 needed, at rates of pay not to exceed those provided in the Uniform
27 Classification and Compensation Act, or its successor, or this act for the
28 appropriate classification, which such positions shall be supplemental and in
29 addition to those positions authorized in Act 98 of the Second Extraordinary
30 Session of 2003.

32 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
33 the Department of Education - Division of Public School Academic Facilities
34 and Transportation, to be payable from the Division of Public School Academic
35 Facilities and Transportation Fund Account, for personal services and
36 operating expenses of the Department of Education - Division of Public School

1 Academic Facilities and Transportation which shall be supplemental and in
 2 addition to those funds appropriated in Section 2 of Act 98 of the Second
 3 Extraordinary Session of 2003, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2004-2005</u>
7 (01) REGULAR SALARIES	\$ 236,501
8 (02) EXTRA HELP	10,000
9 (03) PERSONAL SERV MATCHING	65,273
10 (04) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	30,000
12 (B) CONF. & TRAVEL	3,000
13 (C) PROF. FEES	80,000
14 (D) CAP. OUTLAY	10,000
15 (E) DATA PROC.	<u>5,000</u>
16 TOTAL AMOUNT APPROPRIATED	<u>\$ 439,774</u>

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 18 SECTION 4. APPROPRIATION - DIVISION OF PUBLIC SCHOOL FACILITIES AND
 19 TRANSPORTATION. There is hereby appropriated, to the Department of Education
 20 - Division of Public School Academic Facilities and Transportation, to be
 21 payable from the Educational Facilities Partnership Fund Account, for
 22 programs of the Department of Education - Division of Public School Academic
 23 Facilities and Transportation which shall be supplemental and in addition to
 24 those funds appropriated in Section 2 of Act 98 of the Second Extraordinary
 25 Session of 2003, the following:

ITEM	FISCAL YEARS
<u>NO.</u>	<u>2004-2005</u>
29 (01) ACADEMIC FACILITIES IMMEDIATE REPAIR	\$ 10,000,000
30 (02) ACADEMIC FACILITIES CATASTROPHIC	<u>10,000,000</u>
31 TOTAL AMOUNT APPROPRIATED	<u>\$ 20,000,000</u>

32
 33 SECTION 5. SPECIAL LANGUAGE. Arkansas Code 19-5-304 is amended by adding
 34 the following new sections:

35 (9)(A) The Educational Facilities Partnership Fund Account shall be used for
 36 distribution of grants for programs providing academic school facility and

1 transportation assistance to the public school districts as may be provided
 2 by law.

3 (B) The fund account shall consist of:

4 (i) Those general revenues as may be provided by law;

5 (ii) Monies transferred from the General Improvement Fund; and

6 (iii) Any other monies as may be provided by law; and

7 (10)(A) The Division of Public School Academic Facilities and Transportation
 8 Fund Account shall be used for the maintenance, operation and improvement
 9 required by the Department of Education - Division of Public School Academic
 10 Facilities and Transportation as may be provided by law.

11 (B) The fund shall consist of:

12 (i) Those general revenues as may be provided by law; and

13 (ii) Any other funds made available for the support of the Department of
 14 Education - Division of Public School Academic Facilities and Transportation.

15
 16 SECTION 6. SPECIAL LANGUAGE. Arkansas Code 19-5-1004 (b)(2), concerning
 17 the recovery of various general revenue fund or fund account balances, is
 18 amended to read as follows:

19 (2) The portion not determined to be special revenues by § 19-6-110 of the
 20 year-end fund balances of the funds and fund accounts created in § 19-5-302,
 21 except for subdivision (12)(A), and in §§ 19-5-304(2), (3), (4), (5), (6),
 22 ~~and~~ (7), and (10), 19-5-306, 19-5-307, 19-6-404, and 19-6-411, which fund
 23 balances are to be transferred on or before August 15 of the fiscal year next
 24 following the fiscal year during which balances accrued.

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 26 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
 28 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal
 29 Officer of the State shall transfer on his books and those of the State
 30 Treasurer and Auditor of State the sum of four hundred thirty nine thousand
 31 seven hundred seventy four dollars (\$439,774) from the General Revenue
 32 Allotment Reserve Fund to the Division of Public School Academic Facilities
 33 and Transportation Fund Account to provide funds for the appropriation
 34 provided herein.

35 The provisions of this section shall be in effect only from July 1, 2005
 36 through June 30, 2007.

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 2 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
 4 TRANSFER AUTHORITY. Immediately upon the effective date of this act, the
 5 Chief Fiscal Officer of the State shall transfer on his books and those of
 6 the State Treasurer and Auditor of State the sum of twenty million dollars
 7 (\$20,000,000) from the General Revenue Allotment Reserve Fund to the
 8 Educational Facilities Partnership Fund Account to provide funds for the
 9 appropriation provided herein.

10 The provisions of this section shall be in effect only from July 1, 2005
 11 through June 30, 2007.

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 13 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 15 TRANSFERS. The Director of the Department of Education – Division of Public
 16 School Academic Facilities and Transportation, with the approval of the Chief
 17 Fiscal Officer of the State and after approval by the Arkansas Legislative
 18 Council or Joint Budget Committee, is hereby authorized to request necessary
 19 appropriation transfers and any other budget related adjustments necessary
 20 for the appropriations authorized herein. Furthermore, it is the intent of
 21 the General Assembly that the Department of Education - Division of Public
 22 School Academic Facilities and Transportation be able to make use of
 23 additional contractual services as necessary and that transfers between line
 24 items and among appropriations are anticipated to accomplish those purposes.

25 Determining the maximum number of employees and the maximum amount of
 26 appropriation and general revenue funding for a state agency each fiscal year
 27 is the prerogative of the General Assembly. This is usually accomplished by
 28 delineating such maximums in the appropriation act(s) for a state agency and
 29 the general revenue allocations authorized for each fund and fund account by
 30 amendment to the Revenue Stabilization law. Further, the General Assembly
 31 has determined that the Department of Education – Division of Public School
 32 Academic Facilities and Transportation may operate more efficiently if some
 33 flexibility is provided to the Director of the Department of Education –
 34 Division of Public School Academic Facilities and Transportation authorizing
 35 broad powers under the Transfer Authority provision herein. Therefore, it is
 36 both necessary and appropriate that the General Assembly maintain oversight

1 by requiring prior approval of the Legislative Council or Joint Budget
2 Committee as provided by this section. The requirement of approval by the
3 Legislative Council or Joint Budget Committee is not a severable part of this
4 section. If the requirement of approval by the Legislative Council or Joint
5 Budget Committee is ruled unconstitutional by a court of competent
6 jurisdiction, this entire section is void.

7 The provisions of this section shall be in effect only from July 1, 2005
8 through June 30, 2007.

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

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20 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly
21 that any funds disbursed under the authority of the appropriations contained
22 in this act shall be in compliance with the stated reasons for which this act
23 was adopted, as evidenced by the Agency Requests, Executive Recommendations
24 and Legislative Recommendations contained in the budget manuals prepared by
25 the Department of Finance and Administration, letters, or summarized oral
26 testimony in the official minutes of the Arkansas Legislative Council or
27 Joint Budget Committee which relate to its passage and adoption.

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29 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General
30 Assembly, that funds provided by the General Assembly for the operations of
31 the Department of Education - Division of Public School Academic Facilities
32 and Transportation are, due to unforeseen circumstances, insufficient for the
33 Department of Education - Division of Public School Academic Facilities and
34 Transportation to continue to provide essential governmental services; that
35 the provisions of this act will provide the necessary monies for the
36 Department of Education - Division of Public School Academic Facilities and

1 Transportation to continue such services; and that a delay in the effective
2 date of this Act could work irreparable harm upon the proper administration
3 and provision of essential governmental programs. Therefore, an emergency is
4 hereby declared to exist and this Act being necessary for the immediate
5 preservation of the public peace, health and safety shall be in full force
6 and effect from and after the date of its passage and approval.

7 If the bill is neither approved nor vetoed by the Governor, it shall become
8 effective on the expiration of the period of time during which the Governor
9 may veto the bill. If the bill is vetoed by the Governor and the veto is
10 overridden, it shall become effective on the date the last house overrides
11 the veto.

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