

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.

Act 1237 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/21/07

A Bill

SENATE BILL 226

5 By: Joint Budget Committee
6
7

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 FOR
13 THE BIENNIAL PERIOD ENDING JUNE 30, 2009; AND FOR
14 OTHER PURPOSES.

Subtitle

15
16
17 AN ACT FOR THE DEPARTMENT OF EDUCATION
18 - DIVISION OF PUBLIC SCHOOL ACADEMIC
19 FACILITIES AND TRANSPORTATION
20 APPROPRIATION FOR THE 2007-2009
21 BIENNIUM.
22
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
28 the Department of Education - Division of Public School Academic Facilities
29 and Transportation for the 2007-2009 biennium, the following maximum number
30 of regular employees whose salaries shall be governed by the provisions of
31 the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
32 seq.), or its successor, and all laws amendatory thereto. Provided, however,
33 that any position to which a specific maximum annual salary is set out herein
34 in dollars, shall be exempt from the provisions of said Uniform
35 Classification and Compensation Act. All persons occupying positions



1 authorized herein are hereby governed by the provisions of the Regular
 2 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
 3 successor.

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5

			Maximum	Maximum Annual	
			No. of	Salary Rate	
Item	Class		Employees	Fiscal Years	
No.	Code	Title		2007-2008	2008-2009
9	(1) 9481	DIRECTOR, DIV. OF PUB. SCH. ACAD.FA	1	\$112,491	\$114,740
10	(2) 9287	ED ASST DIR ACADEMIC FACILITIES	1	\$92,542	\$94,392
11	(3) 930Z	SENIOR TRANSPORTATION MANAGER	1	GRADE 26	
12	(4) R500	SENIOR PROJECT ADMINISTRATOR	2	GRADE 25	
13	(5) R501	AREA PROJECT MANAGER	11	GRADE 23	
14	(6) N330	LICENSED ARCHITECT	1	GRADE 23	
15	(7) A032	AGENCY FISCAL MANAGER	1	GRADE 22	
16	(8) E140	SCHOOL BUS DRIVER TRAINER	5	GRADE 20	
17	(9) Q005	SCHOOL BUS TRANS. INSPECTOR	5	GRADE 18	
18	(10) R010	ADMINISTRATIVE ASSISTANT II	2	GRADE 17	
19	(11) A108	ACCOUNTING TECHNICIAN II	1	GRADE 15	
20	(12) K153	SECRETARY II	<u>2</u>	GRADE 13	
21	MAX. NO. OF EMPLOYEES		33		

22

23 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the
 24 Department of Education - Division of Public School Academic Facilities and
 25 Transportation for the 2007-2009 biennium, the following maximum number of
 26 part-time or temporary employees, to be known as "Extra Help", payable from
 27 funds appropriated herein for such purposes: five (5) temporary or part-time
 28 employees, when needed, at rates of pay not to exceed those provided in the
 29 Uniform Classification and Compensation Act, or its successor, or this act
 30 for the appropriate classification.

31

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 for the biennial period ending June
 2 30, 2009, the following:

ITEM		FISCAL YEARS	
NO.		2007-2008	2008-2009
6	(01) REGULAR SALARIES	\$ 1,375,294	\$ 1,402,785
7	(02) EXTRA HELP	2,500	2,500
8	(03) PERSONAL SERVICES MATCHING	436,598	442,731
9	(04) MAINT. & GEN. OPERATION		
10	(A) OPER. EXPENSE	295,054	295,054
11	(B) CONF. & TRAVEL	28,650	28,650
12	(C) PROF. FEES	20,973	20,973
13	(D) CAP. OUTLAY	0	0
14	(E) DATA PROC.	2,500	2,500
15	(05) SAFETY TRAINING	<u>250,000</u>	<u>250,000</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,411,569</u>	<u>\$ 2,445,193</u>

17
 18 SECTION 4. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL
 19 ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the
 20 Department of Education - Division of Public School Academic Facilities and
 21 Transportation, to be payable from the Educational Facilities Partnership
 22 Fund Account, for grants and aid and special programs providing academic
 23 school facility and transportation assistance to the public school districts
 24 of the Department of Education - Division of Public School Academic
 25 Facilities and Transportation for the biennial period ending June 30, 2009,
 26 the following:

ITEM		FISCAL YEARS	
NO.		2007-2008	2008-2009
30	(01) ACADEMIC FACILITIES CATASTROPHIC	\$ 10,000,000	\$ 0
31	(02) ACADEMIC FACILITIES EXTRAORDINARY		
32	CIRCUMSTANCES PROGRAM	0	0
33	(03) ACADEMIC FACILITIES PARTNERSHIP	455,541,535	75,000,000
34	(04) ACADEMIC EQUIPMENT	15,000,000	0
35	(05) IMMEDIATE REPAIR	20,176,206	0
36	(06) TRANSITIONAL ACADEMIC FACILITIES	<u>30,611,831</u>	<u>0</u>

1 TOTAL AMOUNT APPROPRIATED \$ 531,329,572 \$ 75,000,000

2
3 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
5 AUTHORITY. The Director of the Department of Education – Division of Public
6 School Academic Facilities and Transportation, with the approval of the Chief
7 Fiscal Officer of the State and after approval by the Arkansas Legislative
8 Council or Joint Budget Committee, is hereby authorized to request necessary
9 appropriation transfers and any other budget related adjustments necessary
10 for the appropriations authorized herein. Furthermore, it is the intent of
11 the General Assembly that the Department of Education - Division of Public
12 School Academic Facilities and Transportation be able to make use of
13 additional contractual services as necessary and that transfers between line
14 items and among appropriations are anticipated to accomplish those purposes.

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

33 The provisions of this section shall be in effect only from July 1, ~~2005~~
34 2007 through June 30, ~~2007~~ 2009.

35
36 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
2 FORWARD. The balance of the appropriations as provided in Section 4 of this
3 Act for grants and aid and special programs providing academic school
4 facility and transportation assistance to the public school district for
5 Programs of the Division of Public School Academic Facilities and
6 Transportation which remain on June 30, ~~2006~~ 2008, shall be carried forward
7 and made available for the same purpose for the fiscal year ending June 30,
8 ~~2007~~ 2009.

9 Any carry forward of unexpended balance of appropriation and/or funding as
10 authorized herein, may be carried forward under the following conditions:

11 (1) Prior to June 30, 2008 the Agency shall by written statement set
12 forth its reason(s) for the need to carry forward said appropriation and/or
13 funding to the Department of Finance and Administration Office of Budget;

14 (2) The Department of Finance and Administration Office of Budget shall
15 report to the Arkansas Legislative Council all amounts carried forward from
16 the first fiscal year of the biennium to the second fiscal year of the
17 biennium by the September Arkansas Legislative Council or Joint Budget
18 Committee meeting in the second fiscal year of the biennial period which
19 report shall include the name of the Agency, Board, Commission or Institution
20 and the amount of the appropriation and/or funding carried forward from the
21 first fiscal year to the second fiscal year, the program name or line item,
22 the funding source of that appropriation and a copy of the written request
23 set forth in (1) above;

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

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

36 The provisions of this section shall be in effect only from July 1, ~~2005~~

1 2007 through June 30, ~~2007~~ 2009.

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3 SECTION 7. 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 Procurement 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.

12
13 SECTION 8. 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.

21
22 SECTION 9. 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 July 1, 2007 is essential to the operation of
26 the agency for which the appropriations in this Act are provided, and that in
27 the event of an extension of the Regular Session, the delay in the effective
28 date of this Act beyond July 1, 2007 could work irreparable harm upon the
29 proper administration and provision of essential governmental programs.
30 Therefore, an emergency is hereby declared to exist and this Act being
31 necessary for the immediate preservation of the public peace, health and
32 safety shall be in full force and effect from and after July 1, 2007.

33
34 */s/ Joint Budget Committee*

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36 **APPROVED: 4/5/2007**