

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 201

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE  
10 DEPARTMENT OF EDUCATION - DIVISION OF PUBLIC  
11 SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION FOR  
12 THE FISCAL YEAR ENDING JUNE 30, 2012; AND FOR  
13 OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE DEPARTMENT OF EDUCATION -  
17 DIVISION OF PUBLIC SCHOOL ACADEMIC  
18 FACILITIES AND TRANSPORTATION APPROPRIATION  
19 FOR THE 2011-2012 FISCAL YEAR.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established  
26 for the Department of Education - Division of Public School Academic  
27 Facilities and Transportation for the 2011-2012 fiscal year, the following  
28 maximum number of regular employees.  
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				Maximum Annual
			Maximum	Salary Rate
	Item	Class	No. of	Fiscal Year
	No.	Code	Employees	2011-2012
30	(1)	N015N	ADE DIR PUBLIC SCHOOL FAC & TRANS	1 GRADE N911
31	(2)	N046N	ADE ASST DIR ACADEMIC FACILITIES	1 GRADE N908
32	(3)	G051C	ADE ACADEMIC FAC SR PROJECT ADMIN	2 GRADE C126



1	(4)	G039C	SENIOR TRANSPORTATION MANAGER	1	GRADE C126
2	(5)	G090C	ADE AREA PROJECT MANAGER	12	GRADE C123
3	(6)	A074C	FISCAL SUPPORT SUPERVISOR	1	GRADE C118
4	(7)	S028C	SCHOOL BUS DRIVER TRAINER	5	GRADE C116
5	(8)	X116C	SCHOOL BUS TRANS INSPECTOR	5	GRADE C116
6	(9)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
7	(10)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
8	(11)	C073C	ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE C109
9			MAX. NO. OF EMPLOYEES	33	

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11 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for  
 12 the Department of Education - Division of Public School Academic Facilities  
 13 and Transportation for the 2011-2012 fiscal year, the following maximum  
 14 number of part-time or temporary employees, to be known as "Extra Help",  
 15 payable from funds appropriated herein for such purposes: five (5) temporary  
 16 or part-time employees, when needed, at rates of pay not to exceed those  
 17 provided in the Uniform Classification and Compensation Act, or its  
 18 successor, or this act for the appropriate classification.

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20 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,  
 21 to the Department of Education - Division of Public School Academic  
 22 Facilities and Transportation, to be payable from the Division of Public  
 23 School Academic Facilities and Transportation Fund Account, for personal  
 24 services and operating expenses of the Department of Education - Division of  
 25 Public School Academic Facilities and Transportation - Operations for the  
 26 fiscal year ending June 30, 2012, the following:

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28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2011-2012</u>
30	(01) REGULAR SALARIES	\$1,550,336
31	(02) EXTRA HELP	2,500
32	(03) PERSONAL SERVICES MATCHING	496,523
33	(04) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	323,321
35	(B) CONF. & TRAVEL	13,650
36	(C) PROF. FEES	0

1	(D) CAP. OUTLAY	0
2	(E) DATA PROC.	0
3	(05) SAFETY TRAINING	<u>207,500</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,593,830</u></u>

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6 SECTION 4. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL  
 7 ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the  
 8 Department of Education - Division of Public School Academic Facilities and  
 9 Transportation, to be payable from the Educational Facilities Partnership  
 10 Fund Account, for grants and aid and special programs providing academic  
 11 school facility and transportation assistance to the public school districts  
 12 by the Department of Education - Division of Public School Academic  
 13 Facilities and Transportation for the fiscal year ending June 30, 2012, the  
 14 following:

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2011-2012</u>
18	(01) ACADEMIC EQUIPMENT	\$0
19	(02) ACADEMIC FACILITIES EXTRAORDINARY	
20	CIRCUMSTANCES PROGRAM	0
21	(03) ACADEMIC FACILITIES PARTNERSHIP	150,000,000
22	(04) ACADEMIC FACILITIES CATASTROPHIC	3,511,538
23	(05) ACADEMIC FACILITIES HIGH GROWTH	<u>0</u>
24	TOTAL AMOUNT APPROPRIATED	<u><u>\$153,511,538</u></u>

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26 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE  
 27 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 28 TRANSFER AUTHORITY. The Director of the Department of Education – Division of  
 29 Public School Academic Facilities and Transportation, with the approval of  
 30 the Chief Fiscal Officer of the State and after approval by the Arkansas  
 31 Legislative Council or Joint Budget Committee, is hereby authorized to  
 32 request necessary appropriation transfers and any other budget related  
 33 adjustments necessary only for the appropriations authorized ~~herein~~ in this  
 34 Act. Furthermore, it is the intent of the General Assembly that the  
 35 Department of Education - Division of Public School Academic Facilities and  
 36 Transportation be able to make use of additional contractual services as

1 necessary and that transfers between line items and among appropriations are  
2 anticipated to accomplish those purposes. Provided, however, that the  
3 Department of Education - Division of Public School Academic Facilities and  
4 Transportation shall be limited to submitting no more than two transfer  
5 requests during any fiscal year.

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

24 The provisions of this section shall be in effect only from July 1,  
25 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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27 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
28 authorized by this act shall be limited to the appropriation for such agency  
29 and funds made available by law for the support of such appropriations; and  
30 the restrictions of the State Procurement Law, the General Accounting and  
31 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
32 Procedures and Restrictions Act, or their successors, and other fiscal  
33 control laws of this State, where applicable, and regulations promulgated by  
34 the Department of Finance and Administration, as authorized by law, shall be  
35 strictly complied with in disbursement of said funds.

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1 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General  
2 Assembly that any funds disbursed under the authority of the appropriations  
3 contained in this act shall be in compliance with the stated reasons for  
4 which this act was adopted, as evidenced by the Agency Requests, Executive  
5 Recommendations and Legislative Recommendations contained in the budget  
6 manuals prepared by the Department of Finance and Administration, letters, or  
7 summarized oral testimony in the official minutes of the Arkansas Legislative  
8 Council or Joint Budget Committee which relate to its passage and adoption.

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10 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
11 Assembly, that the Constitution of the State of Arkansas prohibits the  
12 appropriation of funds for more than a one (1) year period; that the  
13 effectiveness of this Act on July 1, 2011 is essential to the operation of  
14 the agency for which the appropriations in this Act are provided, and that in  
15 the event of an extension of the legislative session, the delay in the  
16 effective date of this Act beyond July 1, 2011 could work irreparable harm  
17 upon the proper administration and provision of essential governmental  
18 programs. Therefore, an emergency is hereby declared to exist and this Act  
19 being necessary for the immediate preservation of the public peace, health  
20 and safety shall be in full force and effect from and after July 1, 2011.

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23 APPROVED: 04/01/2011  
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