

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S4/3/23

A Bill

SENATE BILL 36

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF
10 EDUCATION - DIVISION OF PUBLIC SCHOOL ACADEMIC
11 FACILITIES AND TRANSPORTATION FOR THE FISCAL YEAR
12 ENDING JUNE 30, 2024; AND FOR OTHER PURPOSES.
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Subtitle

15 AN ACT FOR THE DEPARTMENT OF EDUCATION -
16 DIVISION OF PUBLIC SCHOOL ACADEMIC
17 FACILITIES AND TRANSPORTATION
18 APPROPRIATION FOR THE 2023-2024 FISCAL
19 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 2023-2024 fiscal year, the following
28 maximum number of regular employees.
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Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2023-2024
34	(1) N015N ADE	DIR PUB SCHOOL FACIL & TRANS	1	GRADE SE01
35	(2) N046N ADE	ASST DIR ACADEMIC FACILITIES	1	GRADE GS14
36	(3) G051C ADE	ACADEMIC FACIL SR PROJECT ADMIN	2	GRADE GS10



1	(3.1) G075C ADE PROGRAM ADMINISTRATOR	1	GRADE GS10
2	(4) E016C PUBLIC SCHOOL PROGRAM COORDINATOR	1	GRADE GS10
3	(5) G090C ADE AREA PROJECT MANAGER	12	GRADE GS09
4	(6) G039C SENIOR TRANSPORTATION MANAGER	1	GRADE GS09
5	(7) C037C ADMINISTRATIVE ANALYST	1	GRADE GS06
6	(8) A074C FISCAL SUPPORT SUPERVISOR	1	GRADE GS06
7	(9) S028C SCHOOL BUS DRIVER TRAINER	3	GRADE GS05
8	(10) X116C SCHOOL BUS TRANS INSPECTOR	6	GRADE GS05
9	(11) C056C ADMINISTRATIVE SPECIALIST III	1	GRADE GS04
10	(12) C073C ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE GS03
11	MAX. NO. OF EMPLOYEES	32	

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13 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 14 the Department of Education - Division of Public School Academic Facilities
 15 and Transportation for the 2023-2024 fiscal year, the following maximum
 16 number of part-time or temporary employees, to be known as "Extra Help",
 17 payable from funds appropriated herein for such purposes: five (5) temporary
 18 or part-time employees, when needed, at rates of pay not to exceed those
 19 provided in the Uniform Classification and Compensation Act, or its
 20 successor, or this act for the appropriate classification.

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22 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 23 to the Department of Education, to be payable from the Division of Public
 24 School Academic Facilities and Transportation Fund Account, for personal
 25 services and operating expenses of the Department of Education - Division of
 26 Public School Academic Facilities and Transportation - Operations for the
 27 fiscal year ending June 30, 2024, the following:

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29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2023-2024</u>
31	(01) REGULAR SALARIES	\$1,800,180
32	(02) EXTRA HELP	2,500
33	(03) PERSONAL SERVICES MATCHING	632,758
34	(04) MAINT. & GEN. OPERATION	
35	(A) OPER. EXPENSE	319,311
36	(B) CONF. & TRAVEL	24,650

1	(C) PROF. FEES	0
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	0
4	(05) SAFETY TRAINING	<u>207,500</u>
5	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,986,899</u></u>

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7 SECTION 4. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL
 8 ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the
 9 Department of Education, to be payable from the Educational Facilities
 10 Partnership Fund Account, for grants and aid and special programs providing
 11 academic school facility and transportation assistance to the public school
 12 districts of the Department of Education - Division of Public School Academic
 13 Facilities and Transportation for the fiscal year ending June 30, 2024, the
 14 following:

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2023-2024</u>
18	(01) ACADEMIC FACILITIES PARTNERSHIP	\$211,828,951
19	(02) ACADEMIC EQUIPMENT	0
20	(03) ACADEMIC FACILITIES CATASTROPHIC	3,511,538
21	(04) ACADEMIC FACILITIES EXTRAORDINARY	
22	CIRCUMSTANCES PROGRAM	0
23	(05) ACADEMIC FACILITIES HIGH GROWTH	<u>0</u>
24	TOTAL AMOUNT APPROPRIATED	<u><u>\$215,340,489</u></u>

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26 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 28 AUTHORITY - OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL FACILITIES LOAN PROGRAM.
 29 The Department of Education - Division of Public School Academic Facilities
 30 and Transportation is authorized to transfer any funds that are made
 31 available for the Open-Enrollment Public Charter School Facilities Loan
 32 Program, including funds from the Development and Enhancement Fund or its
 33 successor fund or fund accounts, to the Open-Enrollment Public Charter School
 34 Facilities Loan Fund.

35 The provisions of this section shall be in effect only from July 1, ~~2022~~
 36 2023 through June 30 ~~2023~~ 2024.

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2 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
4 AUTHORITY. The Director of the Department of Education – Division of Public
5 School Academic Facilities and Transportation, with the approval of the Chief
6 Fiscal Officer of the State and after approval by the Arkansas Legislative
7 Council or Joint Budget Committee, is hereby authorized to request necessary
8 appropriation transfers and any other budget related adjustments necessary
9 only for the appropriations authorized in this Act. Furthermore, it is the
10 intent of the General Assembly that the Department of Education - Division of
11 Public School Academic Facilities and Transportation be able to make use of
12 additional contractual services as necessary and that transfers between line
13 items and among appropriations are anticipated to accomplish those
14 purposes. Provided, however, that the Department of Education - Division of
15 Public School Academic Facilities and Transportation shall be limited to
16 submitting no more than two transfer requests during any fiscal year.

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

35 The provisions of this section shall be in effect only from July 1, ~~2022~~
36 2023 through June 30, ~~2023~~ 2024.

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2 SECTION 7. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
3 authorized by this act shall be limited to the appropriation for such agency
4 and funds made available by law for the support of such appropriations; and
5 the restrictions of the State Procurement Law, the General Accounting and
6 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
7 Procedures and Restrictions Act, or their successors, and other fiscal
8 control laws of this State, where applicable, and regulations promulgated by
9 the Department of Finance and Administration, as authorized by law, shall be
10 strictly complied with in disbursement of said funds.

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

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21 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
22 Assembly, that the Constitution of the State of Arkansas prohibits the
23 appropriation of funds for more than a one (1) year period; that the
24 effectiveness of this Act on July 1, 2023 is essential to the operation of
25 the agency for which the appropriations in this Act are provided, and that in
26 the event of an extension of the legislative session, the delay in the
27 effective date of this Act beyond July 1, 2023 could work irreparable harm
28 upon the proper administration and provision of essential governmental
29 programs. Therefore, an emergency is hereby declared to exist and this Act
30 being necessary for the immediate preservation of the public peace, health
31 and safety shall be in full force and effect from and after July 1, 2023.

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33 /s/Joint Budget Committee

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35 APPROVED: 4/13/23