

**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 2139 of the Regular Session**

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

# A Bill

SENATE BILL 877

5 By: Senators Broadway, Argue, Bisbee  
6 By: Representatives Mahony, Stovall, Wood, Elliott  
7

## For An Act To Be Entitled

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

## Subtitle

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



1 and all laws amendatory thereto. Provided, however, that any position to  
 2 which a specific maximum annual salary is set out herein in dollars, shall be  
 3 exempt from the provisions of said Uniform Classification and Compensation  
 4 Act. All persons occupying positions authorized herein are hereby governed  
 5 by the provisions of the Regular Salaries Procedures and Restrictions Act  
 6 (Arkansas Code §21-5-101), or its successor.

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

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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 the following maximum number of part-time or temporary  
 26 employees, to be known as "Extra Help", payable from funds appropriated  
 27 herein for such purposes: five (5) temporary or part-time employees, when  
 28 needed, at rates of pay not to exceed those provided in the Uniform  
 29 Classification and Compensation Act, or its successor, or this act for the  
 30 appropriate classification, which such positions shall be supplemental and in  
 31 addition to those positions authorized in Act 98 of the Second Extraordinary  
 32 Session of 2003.

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34 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to  
 35 the Department of Education - Division of Public School Academic Facilities  
 36 and Transportation, to be payable from the Division of Public School Academic

1 Facilities and Transportation Fund Account, for personal services and  
 2 operating expenses of the Department of Education - Division of Public School  
 3 Academic Facilities and Transportation which shall be supplemental and in  
 4 addition to those funds appropriated in Section 2 of Act 98 of the Second  
 5 Extraordinary Session of 2003, the following:

6

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

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

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

34

35 SECTION 5. SPECIAL LANGUAGE. Arkansas Code 19-5-304 is amended by adding  
 36 the following new sections:

1 (9)(A) The Educational Facilities Partnership Fund Account shall be used for  
 2 distribution of grants for programs providing academic school facility and  
 3 transportation assistance to the public school districts as may be provided  
 4 by law.

5 (B) The fund account shall consist of:

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

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

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

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

13 (B) The fund shall consist of:

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

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

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

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

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

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

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

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

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

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

1 broad powers under the Transfer Authority provision herein. Therefore, it is  
2 both necessary and appropriate that the General Assembly maintain oversight  
3 by requiring prior approval of the Legislative Council or Joint Budget  
4 Committee as provided by this section. The requirement of approval by the  
5 Legislative Council or Joint Budget Committee is not a severable part of this  
6 section. If the requirement of approval by the Legislative Council or Joint  
7 Budget Committee is ruled unconstitutional by a court of competent  
8 jurisdiction, this entire section is void.

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

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

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

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

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

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

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16 **APPROVED: 4/13/2005**  
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