

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

A Bill

SENATE BILL 107

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, 2013; AND FOR OTHER PURPOSES.
13
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Subtitle

15 AN ACT FOR THE DEPARTMENT OF EDUCATION -
16 DIVISION OF PUBLIC SCHOOL ACADEMIC
17 FACILITIES AND TRANSPORTATION APPROPRIATION
18 FOR THE 2012-2013 FISCAL YEAR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
25 for the Department of Education - Division of Public School Academic
26 Facilities and Transportation for the 2012-2013 fiscal year, the following
27 maximum number of regular employees.
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Item	Class	Title	Maximum No. of Employees	Maximum Annual	
				Salary Rate Fiscal Year	
No.	Code			2012-2013	
33	(1)	N015N	ADE DIR PUBLIC SCHOOL FAC & TRANS	1	GRADE N911
34	(2)	N046N	ADE ASST DIR ACADEMIC FACILITIES	1	GRADE N908
35	(3)	G051C	ADE ACADEMIC FAC SR PROJECT ADMIN	2	GRADE C126
36	(4)	G039C	SENIOR TRANSPORTATION MANAGER	1	GRADE C126



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

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10 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for
 11 the Department of Education - Division of Public School Academic Facilities
 12 and Transportation for the 2012-2013 fiscal year, the following maximum
 13 number of part-time or temporary employees, to be known as "Extra Help",
 14 payable from funds appropriated herein for such purposes: five (5) temporary
 15 or part-time employees, when needed, at rates of pay not to exceed those
 16 provided in the Uniform Classification and Compensation Act, or its
 17 successor, or this act for the appropriate classification.

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19 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 20 to the Department of Education - Division of Public School Academic
 21 Facilities and Transportation, to be payable from the Division of Public
 22 School Academic Facilities and Transportation Fund Account, for personal
 23 services and operating expenses of the Department of Education - Division of
 24 Public School Academic Facilities and Transportation - Operations for the
 25 fiscal year ending June 30, 2013, the following:

26

27	ITEM	FISCAL YEAR
28	<u>NO.</u>	<u>2012-2013</u>
29	(01) REGULAR SALARIES	\$1,581,603
30	(02) EXTRA HELP	2,500
31	(03) PERSONAL SERVICES MATCHING	503,458
32	(04) MAINT. & GEN. OPERATION	
33	(A) OPER. EXPENSE	323,321
34	(B) CONF. & TRAVEL	13,650
35	(C) PROF. FEES	0
36	(D) CAP. OUTLAY	0

1	(E) DATA PROC.	0
2	(05) SAFETY TRAINING	<u>207,500</u>
3	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,632,032</u></u>

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5 SECTION 4. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL
6 ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the
7 Department of Education - Division of Public School Academic Facilities and
8 Transportation, to be payable from the Educational Facilities Partnership
9 Fund Account, for grants and aid and special programs providing academic
10 school facility and transportation assistance to the public school districts
11 by the Department of Education - Division of Public School Academic
12 Facilities and Transportation for the fiscal year ending June 30, 2013, the
13 following:

15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2012-2013</u>
17	(01) ACADEMIC EQUIPMENT	\$0
18	(02) ACADEMIC FACILITIES EXTRAORDINARY	
19	CIRCUMSTANCES PROGRAM	0
20	(03) ACADEMIC FACILITIES PARTNERSHIP	150,000,000
21	(04) ACADEMIC FACILITIES CATASTROPHIC	3,511,538
22	(05) ACADEMIC FACILITIES HIGH GROWTH	<u>0</u>
23	TOTAL AMOUNT APPROPRIATED	<u><u>\$153,511,538</u></u>

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

1 accomplish those purposes. Provided, however, that the Department of
2 Education - Division of Public School Academic Facilities and Transportation
3 shall be limited to submitting no more than two transfer requests during any
4 fiscal year.

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

23 The provisions of this section shall be in effect only from July 1,
24 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

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36 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General

1 Assembly that any funds disbursed under the authority of the appropriations
2 contained in this act shall be in compliance with the stated reasons for
3 which this act was adopted, as evidenced by the Agency Requests, Executive
4 Recommendations and Legislative Recommendations contained in the budget
5 manuals prepared by the Department of Finance and Administration, letters, or
6 summarized oral testimony in the official minutes of the Arkansas Legislative
7 Council or Joint Budget Committee which relate to its passage and adoption.
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9 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that the Constitution of the State of Arkansas prohibits the
11 appropriation of funds for more than a one (1) year period; that the
12 effectiveness of this Act on July 1, 2012 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the legislative session, the delay in the
15 effective date of this Act beyond July 1, 2012 could work irreparable harm
16 upon the proper administration and provision of essential governmental
17 programs. Therefore, an emergency is hereby declared to exist and this Act
18 being necessary for the immediate preservation of the public peace, health
19 and safety shall be in full force and effect from and after July 1, 2012.
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22 **APPROVED: 02/24/2012**
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