

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/4/13
A Bill

SENATE BILL 104

5 By: Senator Burnett
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION TO THE DEPARTMENT OF
9 EDUCATION - DIVISION OF PUBLIC SCHOOL ACADEMIC
10 FACILITIES AND TRANSPORTATION FOR THE OPEN ENROLLMENT
11 PUBLIC CHARTER SCHOOL CAPITAL GRANT PROGRAM; AND FOR
12 OTHER PURPOSES.
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15 **Subtitle**

16 AN ACT FOR THE DEPARTMENT OF EDUCATION -
17 DIVISION OF PUBLIC SCHOOL ACADEMIC
18 FACILITIES AND TRANSPORTATION - OPEN
19 ENROLLMENT PUBLIC CHARTER SCHOOL CAPITAL
20 GRANT PROGRAM GENERAL IMPROVEMENT
21 APPROPRIATION.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL
27 CAPITAL GRANT PROGRAM. There is hereby appropriated, to the Department of
28 Education - Division of Public School Academic Facilities and Transportation,
29 to be payable from the General Improvement Fund or its successor fund or fund
30 accounts, the following:

31 (A) for a transfer to the Open Enrollment Public Charter School Capital
32 Grant Program Fund to be used for grants for the repayment of debt incurred
33 by an open enrollment public charter school for academic facilities or
34 equipment, various maintenance, renovation, equipping, new construction,
35 acquisition, improvement, upgrade and repair of real property and facilities
36 and purchase of instructional materials, technology systems, and other



1 academic equipment, in a sum not to exceed.....\$1,000,000.

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3 SECTION 2. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL
4 CAPITAL GRANT PROGRAM. There is hereby appropriated, to the Department of
5 Education - Division of Public School Academic Facilities and Transportation,
6 to be payable from the Open Enrollment Public Charter School Capital Grant
7 Program Fund, for grants for the repayment of debt incurred by an open
8 enrollment public charter school for academic facilities or equipment,
9 various maintenance, renovation, equipping, new construction, acquisition,
10 improvement, upgrade and repair of real property and facilities and purchase
11 of instructional materials, technology systems, and other academic equipment
12 by the Department of Education - Division of Public School Academic
13 Facilities and Transportation for the fiscal year ending June 30, 2014, the
14 sum of.....\$1,000,000.

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16 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT
18 ELIGIBILITY CRITERIA. An open enrollment public charter school is eligible
19 to apply for and receive a grant under this act if the open enrollment public
20 charter school:

21 (1) Has been in existence for five (5) or more years before applying
22 for the grant;

23 (2) Has a student population of which sixty percent (60%) or more are
24 students who are national school lunch students;

25 (3) Provides transportation for its students to and from school; and

26 (4) Has a record of academic success defined by the rules implementing
27 the Open Enrollment Public Charter School Capital Grant Program.

28 The provisions of this section shall be in effect only from July 1,
29 2013 through June 30, 2014.

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31 SECTION 4. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
32 obligations otherwise incurred in relation to the project or projects
33 described herein in excess of the State Treasury funds actually available
34 therefor as provided by law. Provided, however, that institutions and
35 agencies listed herein shall have the authority to accept and use grants and
36 donations including Federal funds, and to use its unobligated cash income or

1 funds, or both available to it, for the purpose of supplementing the State
2 Treasury funds for financing the entire costs of the project or projects
3 enumerated herein. Provided further, that the appropriations and funds
4 otherwise provided by the General Assembly for Maintenance and General
5 Operations of the agency or institutions receiving appropriation herein shall
6 not be used for any of the purposes as appropriated in this act.

7 (B) The restrictions of any applicable provisions of the State Purchasing
8 Law, the General Accounting and Budgetary Procedures Law, the Revenue
9 Stabilization Law and any other applicable fiscal control laws of this State
10 and regulations promulgated by the Department of Finance and Administration,
11 as authorized by law, shall be strictly complied with in disbursement of any
12 funds provided by this act unless specifically provided otherwise by law.

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

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23 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
24 Assembly, that the Constitution of the State of Arkansas prohibits the
25 appropriation of funds for more than a one (1) year period; that the
26 effectiveness of this Act on July 1, 2013 is essential to the operation of
27 the agency for which the appropriations in this Act are provided, and that in
28 the event of an extension of the legislative session, the delay in the
29 effective date of this Act beyond July 1, 2013 could work irreparable harm
30 upon the proper administration and provision of essential governmental
31 programs. Therefore, an emergency is hereby declared to exist and this Act
32 being necessary for the immediate preservation of the public peace, health
33 and safety shall be in full force and effect from and after July 1, 2013.

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35 /s/Burnett

36 APPROVED: 04/16/2013