

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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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  
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