

1 State of Arkansas
2 93rd General Assembly
3 Third Extraordinary Session, 2022
4

Call Item 2

A Bill

SENATE BILL 2

5 By: Senators Irvin, Hickey, J. English, Bledsoe, Flippo, K. Hammer, J. Hendren, Hill, B. Johnson, D.
6 Sullivan

7 By: Representatives Cozart, Evans, Shepherd, Barker, Beaty Jr., M. Berry, Bragg, Breaux, Brooks,
8 Brown, Cavanaugh, Christiansen, Cloud, Coleman, C. Cooper, Crawford, Dalby, Eaves, Eubanks, D.
9 Ferguson, C. Fite, L. Fite, M. Gray, Haak, Hollowell, Jean, Jett, L. Johnson, Ladyman, Lundstrum,
10 Lynch, Maddox, J. Mayberry, McClure, McGrew, McNair, Milligan, Perry, Pilkington, Ray, Richmond,
11 Rye, Scott, Slape, B. Smith, S. Smith, Speaks, Tosh, Vaught, Wardlaw, Warren, Watson, Wing, Wooten
12

For An Act To Be Entitled

14 AN ACT TO MAKE AN APPROPRIATION FOR SCHOOL SAFETY
15 GRANTS FOR THE DEPARTMENT OF EDUCATION, AND TO
16 TRANSFER SURPLUS FUNDS TO CREATE A HOLDING ACCOUNT
17 FOR THE SCHOOL SAFETY SET-ASIDE OR CONTINGENCY VOTE
18 3/5 SET-ASIDE FOR THE FISCAL YEAR ENDING JUNE 30,
19 2023; AND FOR OTHER PURPOSES.
20
21

Subtitle

23 AN ACT FOR THE DEPARTMENT OF EDUCATION -
24 SCHOOL SAFETY GRANTS APPROPRIATION AND
25 SCHOOL SAFETY SET-ASIDE OR CONTINGENCY
26 VOTE 3/5 SET-ASIDE FOR THE 2022-2023
27 FISCAL YEAR.
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30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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32 SECTION 1. APPROPRIATION - SCHOOL SAFETY GRANTS. There is hereby
33 appropriated, to the Department of Education, to be payable from the Division
34 of Elementary and Secondary Education Fund Account, for School Safety grants
35 by the Department of Education - School Safety grants for the fiscal year
36 ending June 30, 2023, the following:



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| ITEM | FISCAL YEAR |
|---------------------------|---------------------|
| NO. | 2022-2023 |
| (01) SCHOOL SAFETY GRANTS | <u>\$50,000,000</u> |

SECTION 2. DO NOT CODIFY. TEMPORARY LANGUAGE. (a) Immediately upon the effective date of this act, a new sub-fund within the Restricted Reserve Fund shall be established as the “School Safety Set-Aside or Contingency Vote 3/5 Set-Aside”.

(b) (1) The Department of Education shall not begin the process of promulgating rules for the distribution of funds in the School Safety Set-Aside or Contingency Vote 3/5 Set-Aside until authorized by Legislative Council.

(2) The department shall not disburse any funds in the School Safety Set-Aside or Contingency Vote 3/5 Set-Aside until the rules have been approved by Legislative Council.

(c) Notwithstanding other provisions of law, the Chief Fiscal Officer of the State may from time to time transfer on his or her books and those of the Treasurer of State and the Auditor of State funds from the Restricted Reserve Fund School Safety Set-Aside or Contingency Vote 3/5 Set-Aside after receiving prior approval of the greater of three-fifths (3/5) of the quorum present or a majority of the membership of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, for the Department of Education to distribute funds for the School Safety Grant program, as approved in this section as set out in subsection (b) herein, or for the distribution of funds from this set-aside for unanticipated state needs.

(d)(1) The General Assembly finds:

(A) Determining the maximum amount of appropriation and funding for a state agency or institution each fiscal year is the prerogative of the General Assembly;

(B) Determining the maximum amount of appropriation and funding for a state agency or institution is usually accomplished by delineating the maximum amounts in the appropriation acts for the state agency or institution and in the general revenue allocations authorized for each relevant fund and fund account by amendment to the Revenue Stabilization Law, § 19-5-101 et

1 seq.; and

2 (C) The Restricted Reserve Fund has established procedures for the
3 transfer of funds to various funds and fund accounts for the efficient and
4 effective operation of state government.

5 (2)(A) It is necessary and appropriate that the General Assembly
6 maintain oversight by requiring prior approval of the Legislative Council or,
7 if the General Assembly is in session, the Joint Budget Committee, as
8 provided in § 19-5-1263(c).

9 (B) The requirement of approval by the Legislative Council or, if the
10 General Assembly is in session, the Joint Budget Committee, is not a
11 severable part of § 19-5-1263.

12 (C) If the requirement of approval by the Legislative Council or, if
13 the General Assembly is in session, the Joint Budget Committee, is ruled
14 unconstitutional by a court of competent jurisdiction, § 19-5-1263(c)-(e) are
15 void in their entirety.

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17 SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE. FUNDING TRANSFER.
18 Immediately upon the effective date of this act the Chief Fiscal Officer of
19 the State shall transfer on his or her books and those of the State Treasurer
20 and the Auditor of State, a sum of fifty million dollars (\$50,000,000) from
21 the General Revenue Allotment Reserve Fund to the School Safety Set-Aside or
22 Contingency Vote 3/5 Set-Aside sub-fund in the Restricted Reserve Fund.

23 The provisions of this section shall be in effect only from July 1,
24 2022 through June 30, 2023.

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26 SECTION 4. 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 5. 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 6. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly of the State of Arkansas that the safety of students, teachers and
11 the general public in Arkansas schools or other unanticipated state needs is
12 of the utmost importance; that funds designated to improve and enhance school
13 safety or other unanticipated state needs be made available; and that this
14 act is immediately necessary to provide a funding mechanism to immediately
15 address safety in Arkansas schools or other unanticipated state needs.
16 Therefore, an emergency is declared to exist, and this act being immediately
17 necessary for the preservation of the public peace, health, and safety shall
18 become effective on:

19 (1) The date of its approval by the Governor;

20 (2) If the bill is neither approved nor vetoed by the Governor,
21 the expiration of the period of time during which the Governor may veto the
22 bill; or

23 (3) If the bill is vetoed by the Governor and the veto is
24 overridden, the date the last house overrides the veto.

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