

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 1423 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/23/09 S3/30/09

A Bill

SENATE BILL 298

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF EDUCATION - DIVISION OF PUBLIC
12 SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION FOR
13 THE FISCAL YEAR ENDING JUNE 30, 2010; AND FOR
14 OTHER PURPOSES.
15

Subtitle

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17
18 AN ACT FOR THE DEPARTMENT OF EDUCATION
19 - DIVISION OF PUBLIC SCHOOL ACADEMIC
20 FACILITIES AND TRANSPORTATION
21 APPROPRIATION FOR THE 2009-2010 FISCAL
22 YEAR.
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for
28 the Department of Education - Division of Public School Academic Facilities
29 and Transportation for the 2009-2010 fiscal year, the following maximum
30 number of regular employees whose salaries shall be governed by the
31 provisions of the Uniform Classification and Compensation Act (Arkansas Code
32 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
33 Provided, however, that any position to which a specific maximum annual
34 salary is set out herein in dollars, shall be exempt from the provisions of
35 said Uniform Classification and Compensation Act. All persons occupying



1 positions authorized herein are hereby governed by the provisions of the
 2 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
 3 or its successor.

4	5	6	7	8	9	10
Item	Class		No. of	Maximum Annual		
No.	Code	Title	Employees	Salary Rate	Fiscal Year	
					2009-2010	
9	(1)	N015N ADE DIR PUB SCHL FACILITIES & TRANS	1	GRADE N911		
10	(2)	N046N ADE ASST DIR ACADEMIC FACILITIES	1	GRADE N908		
11	(3)	G051C ADE ACADEMIC FACILITIES SR PROJECT ADMR	2	GRADE C126		
12	(4)	G039C SENIOR TRANSPORTATION MANAGER	1	GRADE C126		
13	(5)	B021C LICENSED ARCHITECT	1	GRADE C124		
14	(6)	G090C ADE AREA PROJECT MANAGER	11	GRADE C123		
15	(7)	A074C FISCAL SUPPORT SUPERVISOR	1	GRADE C118		
16	(8)	S028C SCHOOL BUS DRIVER TRAINER	5	GRADE C116		
17	(9)	X116C SCHOOL BUS TRANS INSPECTOR	5	GRADE C116		
18	(10)	C056C ADMINISTRATIVE SPECIALIST III	2	GRADE C112		
19	(11)	A098C FISCAL SUPPORT SPECIALIST	1	GRADE C112		
20	(12)	C073C ADMINISTRATIVE SPECIALIST II	<u>2</u>	GRADE C109		
21		MAX. NO. OF EMPLOYEES	33			

22

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 for the 2009-2010 fiscal year, the following maximum number of
 26 part-time or temporary employees, to be known as "Extra Help", payable from
 27 funds appropriated herein for such purposes: five (5) temporary or part-time
 28 employees, when needed, at rates of pay not to exceed those provided in the
 29 Uniform Classification and Compensation Act, or its successor, or this act
 30 for the appropriate classification.

31

32 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 33 the Department of Education - Division of Public School Academic Facilities
 34 and Transportation, to be payable from the Division of Public School Academic
 35 Facilities and Transportation Fund Account, for personal services and
 36 operating expenses of the Department of Education - Division of Public School

1 Academic Facilities and Transportation for the fiscal year ending June 30,
2 2010, the following:

3	4 ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2009-2010</u>
6	(01) REGULAR SALARIES	\$ 1,461,717
7	(02) EXTRA HELP	2,500
8	(03) PERSONAL SERVICES MATCHING	484,967
9	(04) MAINT. & GEN. OPERATION	
10	(A) OPER. EXPENSE	337,171
11	(B) CONF. & TRAVEL	28,650
12	(C) PROF. FEES	20,973
13	(D) CAP. OUTLAY	0
14	(E) DATA PROC.	0
15	(05) SAFETY TRAINING	<u>250,000</u>
16	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,585,978</u>

17
18 SECTION 4. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL
19 ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the
20 Department of Education - Division of Public School Academic Facilities and
21 Transportation, to be payable from the Educational Facilities Partnership
22 Fund Account, for grants and aid and special programs providing academic
23 school facility and transportation assistance to the public school districts
24 by the Department of Education - Division of Public School Academic
25 Facilities and Transportation for the fiscal year ending June 30, 2010, the
26 following:

27	28 ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2009-2010</u>
30	(01) ACADEMIC FACILITIES EXTRAORDINARY	
31	CIRCUMSTANCES PROGRAM	\$ 2,200,000
32	(02) ACADEMIC FACILITIES PARTNERSHIP	470,073,567
33	(03) ACADEMIC EQUIPMENT	7,500,000
34	(04) ACADEMIC FACILITIES CATASTROPHIC	7,682,337
35	(05) ACADEMIC FACILITIES HIGH GROWTH	5,000,000
36	(06) IMMEDIATE REPAIR	0

1	(07) TRANSITIONAL ACADEMIC FACILITIES	0
2	TOTAL AMOUNT APPROPRIATED	\$ 492,455,904

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4 SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

6 AUTHORITY. The Director of the Department of Education – Division of Public

7 School Academic Facilities and Transportation, with the approval of the Chief

8 Fiscal Officer of the State and after approval by the Arkansas Legislative

9 Council or Joint Budget Committee, is hereby authorized to request necessary

10 appropriation transfers and any other budget related adjustments necessary

11 for the appropriations authorized herein. Furthermore, it is the intent of

12 the General Assembly that the Department of Education - Division of Public

13 School Academic Facilities and Transportation be able to make use of

14 additional contractual services as necessary and that transfers between line

15 items and among appropriations are anticipated to accomplish those purposes.

16 Provided, however, that the Department of Education - Division of Public

17 School Academic Facilities and Transportation shall be limited to submitting

18 no more than two transfer requests during any fiscal year.

19 Determining the maximum number of employees and the maximum amount of

20 appropriation and general revenue funding for a state agency each fiscal year

21 is the prerogative of the General Assembly. This is usually accomplished by

22 delineating such maximums in the appropriation act(s) for a state agency and

23 the general revenue allocations authorized for each fund and fund account by

24 amendment to the Revenue Stabilization law. Further, the General Assembly

25 has determined that the Department of Education – Division of Public School

26 Academic Facilities and Transportation may operate more efficiently if some

27 flexibility is provided to the Director of the Department of Education –

28 Division of Public School Academic Facilities and Transportation authorizing

29 broad powers under the Transfer Authority provision herein. Therefore, it is

30 both necessary and appropriate that the General Assembly maintain oversight

31 by requiring prior approval of the Legislative Council or Joint Budget

32 Committee as provided by this section. The requirement of approval by the

33 Legislative Council or Joint Budget Committee is not a severable part of this

34 section. If the requirement of approval by the Legislative Council or Joint

35 Budget Committee is ruled unconstitutional by a court of competent

36 jurisdiction, this entire section is void.

1 The provisions of this section shall be in effect only from July 1, 2007
2 2009 through June 30, ~~2009~~ 2010.

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4 SECTION 6. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
5 by this act shall be limited to the appropriation for such agency and funds
6 made available by law for the support of such appropriations; and the
7 restrictions of the State Procurement Law, the General Accounting and
8 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
9 Procedures and Restrictions Act, or their successors, and other fiscal
10 control laws of this State, where applicable, and regulations promulgated by
11 the Department of Finance and Administration, as authorized by law, shall be
12 strictly complied with in disbursement of said funds.

13
14 SECTION 7. LEGISLATIVE INTENT. It is the intent of the General Assembly
15 that any funds disbursed under the authority of the appropriations contained
16 in this act shall be in compliance with the stated reasons for which this act
17 was adopted, as evidenced by the Agency Requests, Executive Recommendations
18 and Legislative Recommendations contained in the budget manuals prepared by
19 the Department of Finance and Administration, letters, or summarized oral
20 testimony in the official minutes of the Arkansas Legislative Council or
21 Joint Budget Committee which relate to its passage and adoption.

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23 SECTION 8. 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, 2009 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 Regular Session, the delay in the effective
29 date of this Act beyond July 1, 2009 could work irreparable harm upon the
30 proper administration and provision of essential governmental programs.
31 Therefore, an emergency is hereby declared to exist and this Act being
32 necessary for the immediate preservation of the public peace, health and
33 safety shall be in full force and effect from and after July 1, 2009.

34
35 */s/ Joint Budget Committee*

36 **APPROVED: 4/9/2009**