

State of Arkansas  
85th General Assembly  
Regular Session, 2005

# A Bill

HOUSE BILL 2398

By: Representatives Bond, Stovall

## For An Act To Be Entitled

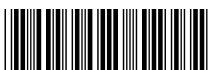
AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF EDUCATION - DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

## Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION - DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION APPROPRIATION FOR THE 2005-2007 BIENNIUM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the Department of Education - Division of Public School Academic Facilities and Transportation for the 2005-2007 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular



Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

|      |       |                                      | Maximum Annual |              |           |
|------|-------|--------------------------------------|----------------|--------------|-----------|
|      |       |                                      | Maximum        | Salary Rate  |           |
|      |       |                                      | No. of         | Fiscal Years |           |
| Item | Class |                                      |                |              |           |
| No.  | Code  | Title                                | Employees      | 2005-2006    | 2006-2007 |
| (1)  |       | DIRECTOR, DIV. OF PUB.SCH.ACAD.FAC.T | 1              | \$107,760    | \$110,286 |
| (2)  | 9287  | ED ASST DIRECTOR ACADEMIC FACILITIES | 1              | \$88,497     | \$90,728  |
| (3)  |       | SENIOR PROJECT ADMINISTRATOR         | 1              | GRADE        | 25        |
| (4)  |       | AREA PROJECT MANAGER                 | 5              | GRADE        | 23        |
| (5)  | A032  | AGENCY FISCAL MANAGER                | 1              | GRADE        | 22        |
| (6)  | 909Z  | PROGRAM SUPPORT MANAGER              | 1              | GRADE        | 22        |
| (7)  | R010  | ADMINISTRATIVE ASSISTANT II          | 2              | GRADE        | 17        |
| (8)  | A108  | ACCOUNTING TECHNICIAN II             | 1              | GRADE        | 15        |
| (9)  | K153  | SECRETARY II                         | <u>2</u>       | GRADE        | 13        |
|      |       | MAX. NO. OF EMPLOYEES                | 15             |              |           |

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Education - Division of Public School Academic Facilities and Transportation for the 2005-2007 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: five (5) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Education, to be payable from the Division of Public School Academic Facilities and Transportation Fund Account, for personal services and operating expenses of the Department of Education - Division of Public School Academic Facilities and Transportation for the biennial period ending June 30, 2007, the following:

|      |                  | FISCAL YEARS |            |
|------|------------------|--------------|------------|
| ITEM |                  |              |            |
| NO.  |                  | 2005-2006    | 2006-2007  |
| (01) | REGULAR SALARIES | \$ 667,026   | \$ 685,889 |

|   |                              |                     |                     |
|---|------------------------------|---------------------|---------------------|
| 1 | (02) EXTRA HELP              | 30,000              | 30,000              |
| 2 | (03) PERSONAL SERV MATCHING  | 183,211             | 183,307             |
| 3 | (04) MAINT. & GEN. OPERATION |                     |                     |
| 4 | (A) OPER. EXPENSE            | 50,000              | 50,000              |
| 5 | (B) CONF. & TRAVEL           | 5,000               | 5,000               |
| 6 | (C) PROF. FEES               | 100,000             | 100,000             |
| 7 | (D) CAP. OUTLAY              | 20,000              | 20,000              |
| 8 | (E) DATA PROC.               | 5,000               | 5,000               |
| 9 | TOTAL AMOUNT APPROPRIATED    | <u>\$ 1,060,237</u> | <u>\$ 1,079,196</u> |

SECTION 4. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the Department of Education - Division of Public School Academic Facilities and Transportation, to be payable from the Educational Facilities Partnership Fund Account, for grants and aids and special programs providing academic school facility and transportation assistance to the public school districts of the Department of Education - Division of Public School Academic Facilities and Transportation for the biennial period ending June 30, 2007, the following:

| ITEM                                      | FISCAL YEARS         |                      |
|---|----------------------|----------------------|
| NO.                                       | 2005-2006            | 2006-2007            |
| (01) ACADEMIC FACILITIES IMMEDIATE REPAIR | \$ 10,000,000        | \$ 10,000,000        |
| (02) TRANSITIONAL ACADEMIC FACILITIES     | 30,000,000           | 30,000,000           |
| (03) ACADEMIC FACILITIES PARTNERSHIP      | 0                    | 50,000,000           |
| TOTAL AMOUNT APPROPRIATED                 | <u>\$ 40,000,000</u> | <u>\$ 90,000,000</u> |

SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER AUTHORITY. The Director of the Department of Education - Division of Public School Academic Facilities and Transportation, with the approval of the Chief Fiscal Officer of the State and after approval by the Arkansas Legislative Council or Joint Budget Committee, is hereby authorized to request necessary appropriation transfers and any other budget related adjustments necessary for the appropriations authorized herein. Furthermore, it is the intent of the General Assembly that the Department of Education - Division of Public School Academic Facilities and Transportation be able to make use of

1 additional contractual services as necessary and that transfers between line  
2 items and among appropriations are anticipated to accomplish those purposes.

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

21 The provisions of this section shall be in effect only from July 1, 2005  
22 through June 30, 2007.

23  
24 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER.  
26 Immediately upon the effective date of this act, the Chief Fiscal Officer of  
27 the State shall transfer on his books and those of the State Treasurer and  
28 Auditor of State the sum of forty million dollars (\$40,000,000) from the 85<sup>th</sup>  
29 Session Projects Account of the General Improvement Fund, or so much thereof  
30 as is available from time to time until the total of \$40,000,000 has been  
31 transferred, to the Educational Facilities Partnership Fund Account to  
32 provide funds for the appropriation provided herein.

33 The provisions of this section shall be in effect only from July 1, 2005  
34 through June 30, 2007.

35  
36 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PROPERTY  
2 TAX RELIEF TRANSFER. (a) Of the balance remaining in the Property Tax Relief  
3 Fund on December 31, 2005 and December 31, 2006 as certified pursuant to §  
4 26-26-310(b)(2)(C), the Treasurer of State shall transfer twenty million  
5 dollars (\$20,000,000) each year from the Property Tax Relief Trust Fund to  
6 the Educational Facilities Partnership Fund Account to provide funds for the  
7 appropriation provided herein.

8 (b) The funds attributable to sales and use taxes levied prior to July 1,  
9 2005 shall not be transferred from the Property Tax Relief Fund to the  
10 Educational Facilities Partnership Fund Account.

11 The provisions of this section shall be in effect only from July 1, 2005  
12 through June 30, 2007.

13  
14 SECTION 8. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
15 by this act shall be limited to the appropriation for such agency and funds  
16 made available by law for the support of such appropriations; and the  
17 restrictions of the State Procurement Law, the General Accounting and  
18 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
19 Procedures and Restrictions Act, or their successors, and other fiscal  
20 control laws of this State, where applicable, and regulations promulgated by  
21 the Department of Finance and Administration, as authorized by law, shall be  
22 strictly complied with in disbursement of said funds.

23  
24 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General Assembly  
25 that any funds disbursed under the authority of the appropriations contained  
26 in this act shall be in compliance with the stated reasons for which this act  
27 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
28 and Legislative Recommendations contained in the budget manuals prepared by  
29 the Department of Finance and Administration, letters, or summarized oral  
30 testimony in the official minutes of the Arkansas Legislative Council or  
31 Joint Budget Committee which relate to its passage and adoption.

32  
33 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General  
34 Assembly, that the Constitution of the State of Arkansas prohibits the  
35 appropriation of funds for more than a two (2) year period; that the  
36 effectiveness of this Act on July 1, 2005 is essential to the operation of

the agency for which the appropriations in this Act are provided, and that in  
the event of an extension of the Regular Session, the delay in the effective  
date of this Act beyond July 1, 2005 could work irreparable harm upon the  
proper administration and provision of essential governmental programs.  
Therefore, an emergency is hereby declared to exist and this Act being  
necessary for the immediate preservation of the public peace, health and  
safety shall be in full force and effect from and after July 1, 2005.