

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.

State of Arkansas

As Engrossed: S3/15/05

85th General Assembly

A Bill

Regular Session, 2005

SENATE BILL 874

By: Senators Broadway, Argue, Bisbee

By: Representatives Mahony, Stovall, Wood, Elliott

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.

Item	Class		Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
No.	Code	Title		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:

ITEM	FISCAL YEARS	
NO.	2005-2006	2006-2007

1	(01) REGULAR SALARIES	\$ 667,026	\$ 685,889
2	(02) EXTRA HELP	30,000	30,000
3	(03) PERSONAL SERV MATCHING	183,211	183,307
4	(04) MAINT. & GEN. OPERATION		
5	(A) OPER. EXPENSE	50,000	50,000
6	(B) CONF. & TRAVEL	5,000	5,000
7	(C) PROF. FEES	100,000	100,000
8	(D) CAP. OUTLAY	20,000	20,000
9	(E) DATA PROC.	<u>5,000</u>	<u>5,000</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,060,237</u>	<u>\$ 1,079,196</u>

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

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

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

1 School Academic Facilities and Transportation be able to make use of
2 additional contractual services as necessary and that transfers between line
3 items and among appropriations are anticipated to accomplish those purposes.

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

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

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

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

1 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PROPERTY
3 TAX RELIEF TRANSFER. (a) Of the balance remaining in the Property Tax Relief
4 Fund on December 31, 2005 and December 31, 2006 as certified pursuant to §
5 26-26-310(b)(2)(C), the Treasurer of State shall transfer twenty million
6 dollars (\$20,000,000) each year from the Property Tax Relief Trust Fund to
7 the Educational Facilities Partnership Fund Account to provide funds for the
8 appropriation provided herein.

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

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

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15 SECTION 8. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
16 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC SCHOOL FACILITIES
17 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal
18 Officer of the State shall transfer on his books and those of the State
19 Treasurer and Auditor of State the sum of one million dollars (\$1,000,000),
20 or so much thereof as is available, from the Public School Facilities Fund to
21 the Educational Facilities Partnership Fund Account to provide funds for the
22 appropriation provided herein.

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24 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
25 by this act shall be limited to the appropriation for such agency and funds
26 made available by law for the support of such appropriations; and the
27 restrictions of the State Procurement Law, the General Accounting and
28 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
29 Procedures and Restrictions Act, or their successors, and other fiscal
30 control laws of this State, where applicable, and regulations promulgated by
31 the Department of Finance and Administration, as authorized by law, shall be
32 strictly complied with in disbursement of said funds.

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34 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General Assembly
35 that any funds disbursed under the authority of the appropriations contained
36 in this act shall be in compliance with the stated reasons for which this act

1 was adopted, as evidenced by the Agency Requests, Executive Recommendations
2 and Legislative Recommendations contained in the budget manuals prepared by
3 the Department of Finance and Administration, letters, or summarized oral
4 testimony in the official minutes of the Arkansas Legislative Council or
5 Joint Budget Committee which relate to its passage and adoption.

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7 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General
8 Assembly, that the Constitution of the State of Arkansas prohibits the
9 appropriation of funds for more than a two (2) year period; that the
10 effectiveness of this Act on July 1, 2005 is essential to the operation of
11 the agency for which the appropriations in this Act are provided, and that in
12 the event of an extension of the Regular Session, the delay in the effective
13 date of this Act beyond July 1, 2005 could work irreparable harm upon the
14 proper administration and provision of essential governmental programs.
15 Therefore, an emergency is hereby declared to exist and this Act being
16 necessary for the immediate preservation of the public peace, health and
17 safety shall be in full force and effect from and after July 1, 2005.

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19 /s/ Broadway
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