

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 S3/31/05

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	Maximum Annual
No.	Code	Title	No. of Employees	Salary Rate Fiscal Years
				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)		SCHOOL BUS DRIVER TRAINER	5	GRADE 20
(8)		SCHOOL BUS TRANS. INSP.	5	GRADE 18
(9)	R010	ADMINISTRATIVE ASSISTANT II	2	GRADE 17
(10)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15
(11)	K153	SECRETARY II	<u>2</u>	GRADE 13
		MAX. NO. OF EMPLOYEES	25	

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 NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 667,026	\$ 685,889
(02) EXTRA HELP	30,000	30,000
(03) PERSONAL SERV MATCHING	183,211	183,307
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	50,000	50,000
(B) CONF. & TRAVEL	5,000	5,000
(C) PROF. FEES	100,000	100,000
(D) CAP. OUTLAY	20,000	20,000
(E) DATA PROC.	<u>5,000</u>	<u>5,000</u>
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 NO.	FISCAL YEARS	
	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	<u>0</u>	<u>50,000,000</u>
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

1 for the appropriations authorized herein. Furthermore, it is the intent of
2 the General Assembly that the Department of Education - Division of Public
3 School Academic Facilities and Transportation be able to make use of
4 additional contractual services as necessary and that transfers between line
5 items and among appropriations are anticipated to accomplish those purposes.

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

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

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

36 The provisions of this section shall be in effect only from July 1, 2005

1 through June 30, 2007.

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

11 (b) The funds attributable to sales and use taxes levied prior to July 1,
12 2005 shall not be transferred from the Property Tax Relief Fund to the
13 Educational Facilities Partnership Fund Account.

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

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

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26 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
27 by this act shall be limited to the appropriation for such agency and funds
28 made available by law for the support of such appropriations; and the
29 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 10. LEGISLATIVE INTENT. It is the intent of the General Assembly

1 that any funds disbursed under the authority of the appropriations contained
2 in this act shall be in compliance with the stated reasons for which this act
3 was adopted, as evidenced by the Agency Requests, Executive Recommendations
4 and Legislative Recommendations contained in the budget manuals prepared by
5 the Department of Finance and Administration, letters, or summarized oral
6 testimony in the official minutes of the Arkansas Legislative Council or
7 Joint Budget Committee which relate to its passage and adoption.

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

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21 /s/ Broadway
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