

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.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

SENATE BILL 877

5 By: Senators Broadway, Argue, Bisbee  
6 By: Representatives Mahony, Stovall, Wood, Elliott  
7

## For An Act To Be Entitled

10 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
11 SERVICES AND OPERATING EXPENSES FOR THE  
12 DEPARTMENT OF EDUCATION - DIVISION OF PUBLIC  
13 SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION  
14 WHICH SHALL BE SUPPLEMENTAL AND IN ADDITION TO  
15 THOSE FUNDS APPROPRIATED BY ACT 98 OF THE SECOND  
16 EXTRAORDINARY SESSION OF 2003; AND FOR OTHER  
17 PURPOSES.  
18

## Subtitle

20 AN ACT FOR THE DEPARTMENT OF EDUCATION -  
21 DIVISION OF PUBLIC SCHOOL ACADEMIC  
22 FACILITIES AND TRANSPORTATION  
23 SUPPLEMENTAL APPROPRIATION.  
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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29 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for  
30 the Department of Education - Division of Public School Academic Facilities  
31 and Transportation the following maximum number of regular employees which  
32 shall be supplemental and in addition to those positions authorized in  
33 Section 1 of Act 98 of the Second Extraordinary Session of 2003 and whose  
34 salaries shall be governed by the provisions of the Uniform Classification  
35 and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor,  
36 and all laws amendatory thereto. Provided, however, that any position to



1 which a specific maximum annual salary is set out herein in dollars, shall be  
 2 exempt from the provisions of said Uniform Classification and Compensation  
 3 Act. All persons occupying positions authorized herein are hereby governed  
 4 by the provisions of the Regular Salaries Procedures and Restrictions Act  
 5 (Arkansas Code §21-5-101), or its successor.

| Item No. | Class Code | Title                                | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Years 2004-2005 |
|----------|------------|--------------------------------------|--------------------------|---|
| 11       | (1)        | DIRECTOR, DIV. OF PUB.SCH.ACAD.FAC.T | 1                        | \$107,760   |
| 12       | (2) 9287   | ED ASST DIRECTOR ACADEMIC FACILITIES | 1                        | \$86,308  |
| 13       | (3)        | SENIOR PROJECT ADMINISTRATOR         | 1                        | GRADE 25  |
| 14       | (4)        | AREA PROJECT MANAGER                 | 5                        | GRADE 23  |
| 15       | (5) A032   | AGENCY FISCAL MANAGER                | 1                        | GRADE 22  |
| 16       | (6) 909Z   | PROGRAM SUPPORT MANAGER              | 1                        | GRADE 22  |
| 17       | (7) R010   | ADMINISTRATIVE ASSISTANT II          | 2                        | GRADE 17  |
| 18       | (8) A108   | ACCOUNTING TECHNICIAN II             | 1                        | GRADE 15  |
| 19       | (9) K153   | SECRETARY II                         | <u>2</u>                 | GRADE 13  |
| 20       |            | MAX. NO. OF EMPLOYEES                | 15                       |   |

22 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the  
 23 Department of Education - Division of Public School Academic Facilities and  
 24 Transportation the following maximum number of part-time or temporary  
 25 employees, to be known as "Extra Help", payable from funds appropriated  
 26 herein for such purposes: five (5) temporary or part-time employees, when  
 27 needed, at rates of pay not to exceed those provided in the Uniform  
 28 Classification and Compensation Act, or its successor, or this act for the  
 29 appropriate classification, which such positions shall be supplemental and in  
 30 addition to those positions authorized in Act 98 of the Second Extraordinary  
 31 Session of 2003.

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

1 operating expenses of the Department of Education - Division of Public School  
2 Academic Facilities and Transportation which shall be supplemental and in  
3 addition to those funds appropriated in Section 2 of Act 98 of the Second  
4 Extraordinary Session of 2003, the following:

5

| 6 ITEM                          | FISCAL YEAR       |
|---------------------------------|-------------------|
| 7 <u>NO.</u>                    | <u>2004-2005</u>  |
| 8 (01) REGULAR SALARIES         | \$ 236,501        |
| 9 (02) EXTRA HELP               | 10,000            |
| 10 (03) PERSONAL SERV MATCHING  | 65,273            |
| 11 (04) MAINT. & GEN. OPERATION |                   |
| 12 (A) OPER. EXPENSE            | 30,000            |
| 13 (B) CONF. & TRAVEL           | 3,000             |
| 14 (C) PROF. FEES               | 80,000            |
| 15 (D) CAP. OUTLAY              | 10,000            |
| 16 (E) DATA PROC.               | <u>5,000</u>      |
| 17 TOTAL AMOUNT APPROPRIATED    | <u>\$ 439,774</u> |

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19 SECTION 4. APPROPRIATION - DIVISION OF PUBLIC SCHOOL FACILITIES AND  
20 TRANSPORTATION. There is hereby appropriated, to the Department of Education  
21 - Division of Public School Academic Facilities and Transportation, to be  
22 payable from the Educational Facilities Partnership Fund Account, for  
23 programs of the Department of Education - Division of Public School Academic  
24 Facilities and Transportation which shall be supplemental and in addition to  
25 those funds appropriated in Section 2 of Act 98 of the Second Extraordinary  
26 Session of 2003, the following:

27

| 28 ITEM                                      | FISCAL YEARS         |
|--|----------------------|
| 29 <u>NO.</u>                                | <u>2004-2005</u>     |
| 30 (01) ACADEMIC FACILITIES IMMEDIATE REPAIR | \$ 10,000,000        |
| 31 (02) ACADEMIC FACILITIES CATASTROPHIC     | <u>10,000,000</u>    |
| 32 TOTAL AMOUNT APPROPRIATED                 | <u>\$ 20,000,000</u> |

33

34 SECTION 5. SPECIAL LANGUAGE. Arkansas Code 19-5-304 is amended by adding  
35 the following new sections:

36 (9)(A) The Educational Facilities Partnership Fund Account shall be used for

1 distribution of grants for programs providing academic school facility and  
2 transportation assistance to the public school districts as may be provided  
3 by law.

4 (B) The fund account shall consist of:

5 ( i) Those general revenues as may be provided by law;

6 ( ii) Monies transferred from the General Improvement Fund; and

7 (iii) Any other monies as may be provided by law; and

8 (10)(A) The Division of Public School Academic Facilities and Transportation  
9 Fund Account shall be used for the maintenance, operation and improvement  
10 required by the Department of Education - Division of Public School Academic  
11 Facilities and Transportation as may be provided by law.

12 (B) The fund shall consist of:

13 ( i) Those general revenues as may be provided by law; and

14 (ii) Any other funds made available for the support of the Department of  
15 Education - Division of Public School Academic Facilities and Transportation.

16  
17 SECTION 6. SPECIAL LANGUAGE. Arkansas Code 19-5-1004 (b)(2), concerning  
18 the recovery of various general revenue fund or fund account balances, is  
19 amended to read as follows:

20 (2) The portion not determined to be special revenues by § 19-6-110 of the  
21 year-end fund balances of the funds and fund accounts created in § 19-5-302,  
22 except for subdivision (12)(A), and in §§ 19-5-304(2), (3), (4), (5), (6),  
23 ~~and~~ (7), and (10), 19-5-306, 19-5-307, 19-6-404, and 19-6-411, which fund  
24 balances are to be transferred on or before August 15 of the fiscal year next  
25 following the fiscal year during which balances accrued.

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27 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
29 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal  
30 Officer of the State shall transfer on his books and those of the State  
31 Treasurer and Auditor of State the sum of four hundred thirty nine thousand  
32 seven hundred seventy four dollars (\$439,774) from the General Revenue  
33 Allotment Reserve Fund to the Division of Public School Academic Facilities  
34 and Transportation Fund Account to provide funds for the appropriation  
35 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 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
 5 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal  
 6 Officer of the State shall transfer on his books and those of the State  
 7 Treasurer and Auditor of State the sum of twenty million dollars  
 8 (\$20,000,000) from the General Revenue Allotment Reserve Fund to the  
 9 Educational Facilities Partnership Fund Account to provide funds for the  
 10 appropriation provided herein.

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

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 14 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
 16 AUTHORITY. The Director of the Department of Education – Division of Public  
 17 School Academic Facilities and Transportation, with the approval of the Chief  
 18 Fiscal Officer of the State and after approval by the Arkansas Legislative  
 19 Council or Joint Budget Committee, is hereby authorized to request necessary  
 20 appropriation transfers and any other budget related adjustments necessary  
 21 for the appropriations authorized herein. Furthermore, it is the intent of  
 22 the General Assembly that the Department of Education - Division of Public  
 23 School Academic Facilities and Transportation be able to make use of  
 24 additional contractual services as necessary and that transfers between line  
 25 items and among appropriations are anticipated to accomplish those purposes.

26 Determining the maximum number of employees and the maximum amount of  
 27 appropriation and general revenue funding for a state agency each fiscal year  
 28 is the prerogative of the General Assembly. This is usually accomplished by  
 29 delineating such maximums in the appropriation act(s) for a state agency and  
 30 the general revenue allocations authorized for each fund and fund account by  
 31 amendment to the Revenue Stabilization law. Further, the General Assembly  
 32 has determined that the Department of Education – Division of Public School  
 33 Academic Facilities and Transportation may operate more efficiently if some  
 34 flexibility is provided to the Director of the Department of Education –  
 35 Division of Public School Academic Facilities and Transportation authorizing  
 36 broad powers under the Transfer Authority provision herein. Therefore, it is

1 both necessary and appropriate that the General Assembly maintain oversight  
2 by requiring prior approval of the Legislative Council or Joint Budget  
3 Committee as provided by this section. The requirement of approval by the  
4 Legislative Council or Joint Budget Committee is not a severable part of this  
5 section. If the requirement of approval by the Legislative Council or Joint  
6 Budget Committee is ruled unconstitutional by a court of competent  
7 jurisdiction, this entire section is void.

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

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

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21 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly  
22 that any funds disbursed under the authority of the appropriations contained  
23 in this act shall be in compliance with the stated reasons for which this act  
24 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
25 and Legislative Recommendations contained in the budget manuals prepared by  
26 the Department of Finance and Administration, letters, or summarized oral  
27 testimony in the official minutes of the Arkansas Legislative Council or  
28 Joint Budget Committee which relate to its passage and adoption.

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30 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General  
31 Assembly, that funds provided by the General Assembly for the operations of  
32 the Department of Education - Division of Public School Academic Facilities  
33 and Transportation are, due to unforeseen circumstances, insufficient for the  
34 Department of Education - Division of Public School Academic Facilities and  
35 Transportation to continue to provide essential governmental services; that  
36 the provisions of this act will provide the necessary monies for the

1 Department of Education - Division of Public School Academic Facilities and  
2 Transportation to continue such services; and that a delay in the effective  
3 date of this Act could work irreparable harm upon the proper administration  
4 and provision of essential governmental programs. Therefore, an emergency is  
5 hereby declared to exist and this Act being necessary for the immediate  
6 preservation of the public peace, health and safety shall be in full force  
7 and effect from and after the date of its passage and approval.

8 If the bill is neither approved nor vetoed by the Governor, it shall become  
9 effective on the expiration of the period of time during which the Governor  
10 may veto the bill. If the bill is vetoed by the Governor and the veto is  
11 overridden, it shall become effective on the date the last house overrides  
12 the veto.

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